

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

**In the Matter of Water Quality Certification for
PLACER COUNTY WATER AGENCY
NORTH FORK LONG CANYON DIVERSION IMPROVEMENT PROJECT
AND
SOUTH FORK LONG CANYON DIVERSION IMPROVEMENT PROJECT**

Sources: North Fork Long Canyon Creek, South Fork Long Canyon Creek

County: Placer

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Abbreviations

<i>2020-2022 California Integrated Report</i>	<i>2020-2022 California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report)</i>
<i>Antidegradation Policy</i>	<i>Statement of Policy with Respect to Maintaining High Quality Waters in California</i>
<i>Applicant</i>	<i>Placer County Water Agency</i>
<i>Bay-Delta Plan</i>	<i>Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary</i>
<i>BMPs</i>	<i>best management practices</i>
<i>Central Valley Basin Plan</i>	<i>Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin</i>
<i>Central Valley Regional Water Board</i>	<i>Central Valley Regional Water Quality Control Board</i>
<i>CEQA</i>	<i>California Environmental Quality Act</i>
<i>certification</i>	<i>water quality certification</i>
<i>cfs</i>	<i>cubic feet per second</i>
<i>Construction General Permit</i>	<i>National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities</i>
<i>Deputy Director</i>	<i>Deputy Director of the Division of Water Rights</i>
<i>Dredge or Fill Procedures</i>	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
<i>EIS</i>	<i>Environmental Impact Statement</i>
<i>ESA</i>	<i>Endangered Species Act</i>
<i>Executive Officer</i>	<i>Executive Officer of Central Valley Regional Water Quality Control Board</i>
<i>FERC</i>	<i>Federal Energy Regulatory Commission</i>
<i>Hydroelectric Project</i>	<i>Middle Fork American River Hydroelectric Project</i>
<i>NEPA</i>	<i>National Environmental Policy Act</i>
<i>NOD</i>	<i>Notice of Determination</i>
<i>North Fork Project</i>	<i>North Fork Long Canyon Diversion Improvement Project</i>
<i>NPDES</i>	<i>National Pollutant Discharge Elimination System</i>
<i>NTU</i>	<i>Nephelometric Turbidity Unit</i>
<i>PCWA</i>	<i>Placer County Water Agency</i>
<i>Projects</i>	<i>North Fork and South Fork Long Canyon Diversion Improvement Projects</i>
<i>Regional Water Boards</i>	<i>California Regional Water Quality Control Boards</i>
<i>South Fork Project</i>	<i>South Fork Long Canyon Diversion Improvement Project</i>
<i>State Water Board</i>	<i>State Water Resources Control Board</i>
<i>USACE</i>	<i>United States Army Corps of Engineers</i>

North Fork Long Canyon Diversion Improvement Project
South Fork Long Canyon Diversion Improvement Project
Water Quality Certification

December 2024

USEPA
USFS
Water Boards

United States Environmental Protection Agency
United States Forest Service
State Water Board and Regional Water
Boards, collectively

1.0 Project Description

Placer County Water Agency (PCWA or Applicant) owns and operates the North Fork and South Fork Long Canyon Diversion Dams as part of its Middle Fork American River Hydroelectric Project (Hydroelectric Project; Federal Energy Regulatory Commission (FERC) Project No. 2079). The Hydroelectric Project, including North Fork and South Fork Long Canyon Diversion Dams, is located in Placer County approximately 45 miles northeast of Georgetown, California on approximately 3,268 acres of federal lands managed by the United States Forest Service (USFS) in the Tahoe and El Dorado National Forests.

On June 8, 2020, FERC issued a new license for the Hydroelectric Project, which includes new flow requirements at multiple locations including below North Fork and South Fork Long Canyon Diversion Dams. The North Fork Long Canyon Diversion Dam Improvement Project (North Fork Project) and South Fork Long Canyon Diversion Dam Improvement Project (South Fork Project) (collectively, Projects) are intended to allow PCWA to comply with these new FERC license requirements¹.

North Fork Long Canyon Diversion Dam is a 10-foot-high, 120-foot-long concrete dam with three outlets: (1) a 12-inch-diameter outlet pipe that discharges up to 2 cubic feet per second (cfs) for instream flows to North Fork Long Canyon Creek; (2) a 36-inch-diameter low-level outlet pipe that is used for maintenance and discharges up to 60 cfs to North Fork Long Canyon Creek; and (3) a 36-inch-diameter outlet pipe that diverts up to 100 cfs to the Hell Hole-Middle Fork Tunnel to be used for hydropower generation at the Middle Fork Powerhouse. Additionally, the width of the dam crest forms a spillway designed for a maximum discharge capacity of 3,000 cfs discharge capacity.

South Fork Long Canyon Diversion Dam is a 27-foot-high, 145-foot-long concrete dam with three outlets: (1) a 12-inch-diameter outlet pipe that discharges up to 5 cfs for instream flows to South Fork Long Canyon Creek; (2) a 36-inch-diameter low-level outlet pipe that is used for maintenance and discharges up to 140 cfs to South Fork Long Canyon Creek; and (3) a 36-inch-diameter outlet pipe that diverts up to 200 cfs to the Hell Hole-Middle Fork Tunnel to be used for hydropower generation at the Middle Fork Powerhouse. Additionally, a 60-foot-long portion of the dam serves as a spillway designed for a maximum discharge capacity of 4,000 cfs discharge capacity. Water diverted to Hell Hole-Middle Fork Tunnel is transported approximately five miles west to the Middle Fork Interbay, which is part of the Hydroelectric Project, on the Middle Fork American River.

¹ Specifically, the USFS conditions established under Section 4(e) of the Federal Power Act require PCWA to implement increased minimum instream flows, pulse flows, and ramping rates at both diversion dams: USFS Condition No. 22 (Minimum Streamflows), USFS Condition 23 (Pulse Flows), and USFS Condition 24 (Ramping Rates).

The North Fork Project includes:

- Preparing work areas around North Fork Long Canyon Diversion Dam, including constructing access ramps and upland staging areas;
- Installing a cofferdam upstream of North Fork Long Canyon Diversion Dam's impoundment to facilitate diverting North Fork Long Canyon Creek into a temporary diversion pipe. The temporary diversion pipe will discharge flows into North Fork Long Canyon Creek below a second cofferdam placed approximately 20 feet downstream of the North Fork Long Canyon Diversion Dam;
- Dewatering the impoundment behind North Fork Long Canyon Diversion Dam using the instream flow and maintenance low-level outlets into North Fork Long Canyon Creek and pumps into the Hell Hole-Middle Fork Tunnel;
- Replacing approximately 400 feet of the 36-inch diversion pipe with a reinforced concrete box culvert to connect the existing diversion to the new diversion chamber (discussed further below);
- Constructing immediately downstream of North Fork Long Canyon Diversion Dam a headpond, instream flow channel, weir gate, plunge trough, diversion chamber equipped with a fish screen, and plunge pool to facilitate increased flow releases into North Fork Long Canyon Creek consistent with the Hydroelectric Project's new FERC license;
- Removing the existing rock groyne upstream of the North Fork Long Canyon Diversion Dam and replacing it with an engineered logjam; and
- Restoring the original contours of the streambed and impoundment after completion of construction.

The South Fork Project includes:

- Preparing work areas around the South Fork Long Canyon Dam, including constructing access ramps and upland staging areas;
- Installing a cofferdam upstream of the South Fork Long Canyon Diversion Dam impoundment to temporarily divert South Fork Long Canyon Creek into a temporary diversion pipe. The temporary diversion pipe will discharge flows into South Fork Canyon Creek below a second cofferdam placed approximately 20 feet downstream of the South Fork Long Canyon Diversion Dam;
- Dewatering the impoundment behind South Fork Long Canyon Dam using the low-level outlet into South Fork Long Canyon Creek and pumps into the Hell Hole-Middle Fork Tunnel;
- Constructing immediately downstream of South Fork Long Canyon Diversion Dam a headpond, instream flow channel, weir gate, plunge trough, diversion chamber equipped with a fish screen, and plunge pool to facilitate increased flow releases into South Fork Long Canyon Creek consistent with the Hydroelectric Project's new FERC license; and
- Restoring the original contours of the streambed and impoundment after completion of construction.

Construction is planned for June 2025 through November 2026 (PCWA 2024a). Construction, temporary water diversion, and dewatering will occur during the dry season, typically June through November of each year.

Implementation of the Projects requires permits from the United States Army Corps of Engineers (USACE) pursuant to section 404 of the Clean Water Act. PCWA requested letters of permission for the Projects from USACE on December 18, 2023. Clean Water Act section 401 requires PCWA to obtain water quality certifications (certifications) from the State Water Resources Control Board (State Water Board) for the Projects. USACE has assigned designation number SPK-2012-01031 to the North Fork Project and SPK-2006-00411 to the South Fork Project.

The North Fork Project and South Fork Project entail comparable levels of effort and timelines, are geographically close, and involve similar types of construction work within the single FERC project boundary for the Hydroelectric Project. The State Water Board is issuing this certification for both Projects. Projects maps can be found in Attachment A: Project Overview Maps.

2.0 Water Rights

Table A lists PCWA’s water right permits associated with the Projects.

Table A. PCWA’s Water Rights Related to the Projects*

Application No.	Water Right Type	Priority Date	Face Amount (acre-feet)	Sources/Locations	Purpose of Use
A018086	Appropriative	04/08/1958	804,457.1	Duncan Creek, Middle Fork American River, North Fork Long Canyon, Rubicon River, South Fork Long Canyon	Power, Recreation
A018084	Appropriative	04/07/1958	3,101,471.4	Duncan Canyon, Middle Fork American River, North Fork Long Canyon, Rubicon River, South Fork Long Canyon	Power, Recreation
A018087	Appropriative	04/08/1958	451,592.4	Middle Fork American River, North Fork Long Canyon, Rubicon River, South Fork Long Canyon	Power, Irrigation, Industrial, Municipal, Recreation

* Information is from the State Water Board’s electronic Water Rights Information Management System.

3.0 Regulatory Authority

3.1. Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) was enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” (33 U.S.C. § 1251(a).) The Clean Water Act relies significantly on state participation and support in light of “the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution” and “plan the development and use” of water resources. (33 U.S.C. § 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. § 1251(g)) requires federal agencies to “co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.” (33 U.S.C. § 1251(g))

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit that may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 authorizes the State Water Board to “establish monitoring, inspection, entry, reporting, and recordkeeping requirements” and obtain “other information as may be reasonably required” for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029 (State Water Board 2012). In the *Redelegation of Authorities* memo issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights (State Water Board 2023a).

3.1.1. Procedure, Application, and Noticing

On December 18, 2023, PCWA filed separate certification applications with the State Water Board under section 401 of the Clean Water Act for each of the Projects. On January 12, 2024, State Water Board staff provided public notice of the applications, pursuant to California Code of Regulations, title 23, section 3858, by posting information

describing the Projects on the State Water Board's website. No comments were received in response to these notices.

On November 20, 2024, State Water Board staff requested comments from the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) on a draft certification for the Projects. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) On November 22, 2024, Central Valley Regional Water Board staff responded, stating that they had no comments.

3.2. Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Projects must ensure compliance with applicable water quality standards in the Central Valley Regional Water Board's *Water Quality Control Plan (Basin Plan) for the Sacramento River Basin and the San Joaquin River Basin* (Central Valley Basin Plan) (Central Valley Regional Water Board 2019) and the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan) (State Water Board 2018)².

Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industry, agriculture, and fish and wildlife habitat), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans and applicable state and federal anti-degradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, §§ 13240 et seq.) As noted above, the State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt the plans pursuant to their authorities under the

² Based on the Projects' limited scope, duration, and distance from the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, impacts to water quality objectives listed for waterbodies in the Bay-Delta Plan are not anticipated to occur from the Projects.

Porter-Cologne Water Quality Control Act (Wat. Code, §§ 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

3.2.1. Central Valley Basin Plan

The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Valley Basin Plan. The Central Valley Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Valley Basin Plan specifies that the beneficial uses of any specifically identified waterbody generally apply to its tributary streams. The Central Valley Basin Plan identifies existing beneficial uses for the Middle Fork American River from source to Folsom Lake, including North Fork and South Fork Long Canyon Creeks as: municipal and domestic supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat. Warm freshwater habitat is identified as a potential beneficial use.

3.2.2. Antidegradation Policy

The State Water Board's [Statement of Policy with Respect to Maintaining High Quality Waters in California](#) (Antidegradation Policy)³ (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. § 131.12), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (*Id.*, § 131.12(a)(1))

3.3. Construction General Permit

Coverage under the State Water Board's [National Pollutant Discharge Elimination System \(NPDES\) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities](#) (Construction General Permit)⁴ (State Water Board 2022a) is required for activities that disturb one or more acres of soil, or

³ State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on November 27, 2024.

⁴ State Water Board Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed on December 10, 2024.

that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.). The Projects will be required to comply with the Construction General Permit.

3.4. Clean Water Act Section 303(d) Listing

On February 6, 2024, the State Water Board adopted the [2020-2022 California Integrated Report \(Clean Water Act Section 303\(d\) List/305\(b\) Report\)](#) (California Integrated Report; State Water Board 2022b) and it was approved by USEPA on May 11, 2022. North Fork Long Canyon Creek and South Fork Long Canyon Creek are not identified as impaired waterbodies.

3.5. State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Water of the State

The [State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State](#) (Dredge or Fill Procedures)⁵ (State Water Board 2019 and 2021)⁶ provide California's definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity, quality, or permanence, consistent with the California Water Code, Division 7, Chapter 28, Water Code sections 16200-16201. PCWA must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

4.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, §§ 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. For the Projects, PCWA is the lead agency for the purpose of compliance with

⁵ The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on November 27, 2024.

⁶ Resolution No. 2021-0012 is available online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/rs2021_0012.pdf. Accessed on November 27, 2024.

CEQA and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The State Water Board is a responsible agency under CEQA.

On July 23, 2012, FERC issued a Draft Environmental Impact Statement (EIS) for the relicensing of the Hydroelectric Project under the National Environmental Policy Act (NEPA). FERC's Draft EIS for the Hydroelectric Project included the Projects (FERC 2012). On December 6, 2012, PCWA released a Draft CEQA Supplement to the Draft EIS. The Draft CEQA Supplement augmented sections of FERC's Draft EIS that were insufficient to satisfy CEQA.

On February 22, 2013, FERC released the Final EIS for the Hydroelectric Project, which included the Projects (FERC 2013). On April 26, 2013, PCWA issued the Final CEQA Supplement to the Hydroelectric Project Final EIS (PCWA 2013b). PCWA approved the Final CEQA Supplement for the Hydroelectric Project which included the Projects and filed a Notice of Determination (NOD) with the State Clearinghouse and the Placer County Clerk and El Dorado County Clerk offices on May 7, 2013. The NOD states that the Hydroelectric Project, including the Projects, will not have a significant impact on the environment.

The Projects are included in both the Final EIS and CEQA Supplement for the Hydroelectric Project. In PCWA's December 18, 2023 certification application, PCWA stated that the Final EIS and Final CEQA Supplement cover impacts of the Projects' activities (PCWA 2021a, b).

The State Water Board will file a NOD with the State Clearinghouse within five working days of issuing this certification.

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Projects' activities will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Central Valley Basin Plan, as described in Section 3.0, Regulatory Authority.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements. California Code of Regulations, title 23, section 3830 et seq., set forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions.

Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for the Projects' activities that may impact waters of the state.

Fish and Game Code section 5937 requires any owner of a dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or monitor flow or other water quality characteristics as required to meet section 5937 are appropriate conditions of state law necessary to protect fishery beneficial uses.

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 3.0 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- PCWA's December 18, 2023 North Fork Project certification application (PCWA 2023a) including its attachments (Attachments 1-12);
- PCWA's December 18, 2023 South Fork Project certification application (PCWA 2023b) including its attachments (Attachments 1-12);
- PCWA's July 30, 2024 email with updated construction start dates for the Projects' (PCWA 2024a);
- PCWA's August 7, 2024 100 percent design plans for both Projects (PCWA 2024b);
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Central Valley Basin Plan (Central Valley Regional Water Board 2019);
- FERC's EIS for the Hydroelectric Project (FERC 2013);
- PCWA's Final CEQA Supplement to the Final EIS for the Hydroelectric Project (PCWA 2013b);
- PCWA's application for a USACE Minor Impact Letter of Permission (PCWA 2023a, b);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Dredge or Fill Procedures, Construction General Permit, etc.);

- Project-related controllable factors; and
- Other information in the record.

This certification is issued pursuant to the final 2023 Clean Water Act Section 401 Water Quality Certification Rule (Fed. Reg. 66558-66666 (September 27, 2023) [amending 40 C.F.R. Parts 121, 122, 124]) that went into effect on November 27, 2023 (2023 Rule), but also complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42,210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023 should it reemerge as a result of litigation or any other reason. To the extent FERC or the USACE considers any certification condition to include requirements outside the substantive scope of the 2020 Rule—including but not limited to 40 C.F.R. §§ 121.1(f) and (n), 121.3, 121.7(d)(1), and 121.9(b)—the 2020 Rule is inconsistent with federal law and controlling case law. The 2023 Rule restores the scope of certification “that is consistent with not only the statutory language and congressional intent but also longstanding [USEPA] guidance and decades of Supreme Court case law.” (Fed. Reg. 65591-66606 [Scope of Certification].) Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license “may result in any discharge into the navigable waters,” the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any “limitations” and “monitoring requirements” necessary to assure that the “applicant” will comply with water quality standards and “any other appropriate requirement of State law.” (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point-source discharges to waters of the United States. (*PUD No. 1*, supra, 511 U.S. at pp. 711-712.) USEPA replaced the 2020 Rule because, among other faults, it “may prevent state and tribal authorities from adequately protecting their water quality,” “may result in a state or tribe’s certification or conditions being permanently waived as a result of non-substantive and easily fixed procedural concerns,” and “may limit the flexibility of certifications and permits to adapt to changing circumstances.” (86 Fed. Reg. 29,543-29,544 (June 2, 2021).) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

5.1 Rationale for Condition 1: Project Activities and Flows

As described in Section 5.0, this certification is granted based on the applications and supporting information submitted, in accordance with the State Water Board’s regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires PCWA to implement the Projects as described in its December 18, 2023 certification applications (PCWA 2023 a, b) and as modified by conditions of this certification. Condition 1 will help ensure that the Projects are implemented in a manner that protects water quality and avoids unreasonable impacts to beneficial uses. Any changes to the Projects’ descriptions that are inconsistent with the Projects’ applications and supplemental information provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and

conditions of the certification and may necessitate the filing of a new certification application(s) as well as trigger additional environmental review.

Additionally, Condition 1 requires PCWA to maintain flow requirements of the Hydroelectric Project's FERC license. Reduced flows could potentially impact water quality and associated beneficial uses of the Middle Fork American River from sources to Folsom Lake, as identified in the Central Valley Basin Plan. Beneficial uses that may be impacted by reduced flow include but are not limited to: municipal and domestic water supply; power; contact recreation; canoeing and rafting; other non-contact recreation; warm freshwater habitat; cold freshwater habitat; warm freshwater migration; warm freshwater spawning; cold freshwater spawning; and wildlife habitat. Further, Fish and Game Code section 5937 requires any owner of a dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

5.2 Rationale for Condition 2: Diversions and Dewatering

The Projects involve dewatering and water diversions that may directly impact the beneficial uses of North Fork Long Canyon Creek, South Fork Long Canyon Creek, and the Middle Fork American River. Specific Projects' activities that may impact water quality through dewatering and water diversions include but are not limited to: (1) installation and removal of temporary cofferdams; (2) installation and removal of temporary water bypass systems; (3) discharges from temporary water diversions; (4) drawdown of the impoundment behind North Fork and South Fork Long Canyon Diversion Dams; (5) concrete installation and demolition as part of modifying North Fork and South Fork Long Canyon Diversion Dams; (6) rock groyne removal and log jam installation at North Fork Long Canyon Diversion Dam; and (7) stream channel and impoundment re-watering.

Condition 2 requires PCWA to develop and submit for Deputy Director approval Diversion and Dewatering Plans to provide additional information regarding the Projects' dewatering and diversion actions and ensure the protection of water quality and beneficial uses throughout implementation of the Projects. Implementation of approved Diversion and Dewatering Plans will ensure dewatering and water diversion will not substantially impact surface waters. This requirement is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Condition 2 provides for PCWA to create one Diversion and Dewatering Plan for the Projects, if desired.

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by Projects-related dewatering and water diversion activities include: municipal and domestic supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat.

5.3 Rationale for Condition 3: Water Quality Monitoring

Construction of new Projects' features (e.g., headponds, diversion chambers, and weir gates), installation and removal of cofferdams, dewatering of work areas, and temporary water diversions may adversely impact water quality in South Fork Long Canyon Creek, North Fork Long Canyon Creek, and the Middle Fork American River. Water quality parameters that may be impacted by activities related to the Projects include temperature, turbidity, pH, dissolved oxygen, and visual pollutants (e.g., oils, grease, fuels, turbidity plumes). Water quality objectives prescribed in Condition 3 are established by the Central Valley Basin Plan. Monitoring requirements in Condition 3 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267, and 13383. These monitoring requirements are necessary to ensure that the Projects do not substantially impact water quality.

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by activities related to the Projects include: municipal and domestic supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat.

5.4 Rationale for Condition 4: Erosion and Sediment Control

Erosion and sedimentation can contribute to degradation of the waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Projects' activities that have the potential to cause erosion and associated increased turbidity in North Fork Long Canyon Creek and South Fork Long Canyon Creek include but are not limited to: installation and operation of temporary diversions on North Fork and South Fork Long Canyon Creeks to bypass water around the work areas; drawdown of North Fork and South Fork Long Canyon Diversion Dam impoundments; and construction activities related to the Projects. Increases in erosion and sedimentation can violate water quality objectives (e.g., turbidity) and adversely impact beneficial uses. Condition 4 requires PCWA to implement the Construction General Permit and other measures to protect water quality associated with activities related to the Projects with the potential to cause erosion or result in sediment discharges. Condition 4 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by erosion or sediment discharges associated with the Projects include: municipal and domestic supply; irrigation; stock watering; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat.

5.5 Rationale for Condition 5: Hazardous Materials Management

Hazardous materials management is essential to ensure hazardous materials are properly stored, transported, and managed throughout implementation of the Projects to avoid discharges of hazardous materials to surface waters. Such discharges could result in impacts to water quality and aquatic resources and their habitats. Condition 5 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Projects involve installation and demolition of concrete by using heavy equipment that will require refueling and servicing. Hazardous materials management requires implementation of best management practices to prevent, minimize, and/or clean up construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to surface water in violation of water quality standards, including the toxicity and floating material water quality objectives. Condition 5 requires implementation of hazardous materials management measures for the Projects to prevent hazardous material spills into waterways, including containment pursuant to California Code of Regulations, title 27, section 20320. Secondary containment around hazardous materials storage sites helps ensure that any leaks or spills of hazardous materials do not result in a discharge to waters.

The Central Valley Basin Plan includes narrative water quality objectives for oil, grease, and other hazardous materials. Waters must be free of hazardous materials in concentrations that cause nuisance, “detrimental physiological responses in human, plant, animal, or aquatic life,” or “result in a visible film or coating on the surface of the water or on objects in the water” (Central Valley Regional Water Board 2019).

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by hazardous materials include: municipal and domestic supply, irrigation, stock watering, contact recreation, canoeing and rafting; other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat.

5.6 Rationale for Condition 6: Biological Resource Protections

Dewatering and construction activities associated with the Projects have the potential to adversely impact aquatic and riparian habitats and to interfere with species that depend on aquatic food or live in riparian or wetland habitats (PCWA 2023a, b). The Projects include ground disturbing activities within and adjacent to North Fork Long Canyon Creek and South Fork Long Canyon Creek that involve water diversions/dewatering, concrete work, and construction activities. Projects’ activities have the potential to impact fish species present during Projects implementation.

Implementation of biological resources protection measures as required by Condition 6 will help avoid unreasonable impacts to water quality and the beneficial uses related to biological resources and their habitat and support the related requirement under Fish and Game Code section 5937 that fish be maintained in good condition below a dam.

Condition 6 requires measures to avoid, minimize, or compensate for impacts to waters of the state. Condition 6 includes provisions for compliance with the Dredge or Fill Procedures, California Water Code Division 7, Chapter 28, sections 16200-16201, and California Wetlands Conservation Policy (Governor's Executive Order W59-93, (August 23, 1993)), and other avoidance and minimization measures to account for impacts to waters of the state. Further, Condition 6 requires compensation for impacts to waters of the state. This is necessary to ensure compliance with state and federal antidegradation policies and is consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].)

Additionally, Condition 6 specifies that if a Lake and Streambed Alteration Agreement is issued for either of the Projects by the California Department of Fish and Wildlife and it contains fish rescue and relocation measures, PCWA is required to comply with the more stringent requirements between this condition and those of the Lake and Streambed Alteration Agreement(s).

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by Projects-related activities, such as dewatering and water diversion, include: municipal and domestic supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat.

5.7 Rationale for Condition 7: Reporting

Condition 7 requires PCWA to notify the Central Valley Regional Water Board and State Water Board staff prior to implementing Projects' activities, provide regular updates during Projects implementation, and submit a Completion Report following completion of the Projects to document compliance with the certification requirements. The Progress Reports will inform the Deputy Director of compliance with water quality objectives and protection of beneficial uses during implementation of the Projects. Reporting requirements of Condition 7 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. The reporting requirements of Condition 7 are necessary to ensure the Projects do not impact water quality and associated beneficial uses.

5.8 Rationale for Conditions 8 through 26

This certification imposes additional conditions regarding approvals, monitoring, enforcement, and potential future revisions related to the Projects. This section explains why a condition is necessary to assure that the authorized activities will comply with water quality requirements, and cites to federal, state, or tribal law that authorizes the

condition. (40 C.F.R. § 121.7(d)(1).) The statements in this section correspond with the conditions set forth in Conditions 8 through 26. In addition, the code citations, plans, and policies that support issuance of this certification are described in Section 3.0 and are not duplicated in this section but are incorporated herein. Conditions 8 through 26 are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

Condition 8 is necessary to comply with Water Code section 13167 and Conditions 9 through 12 contain important clarifications concerning the scope and legal effect of this certification, as well as other legal requirements that may apply to the Projects.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 8 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California Endangered Species Act (Fish & G. Code, §§ 2050 et seq.) and federal Endangered Species Act (16 U.S.C. §§ 1531 et seq.), Condition 9 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.”.

Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is “reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements” of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 10 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply. Because agency organization and authorities change over time, Condition 11 provides direction for

continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 12 explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute, or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 13 and 15 are necessary to assure that any Projects' activities authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications. Condition 13 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 14 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (b). This condition clarifies the scope of the certification's application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Condition 15 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 16 through 26 are necessary to ensure that the Projects operate to meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Projects, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Projects' activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 16, 17,

and 18 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Projects to compliance and prevent violation of water quality standards. Conditions 19 and 20 require the applicant to comply with the Central Valley Basin Plan and to take all reasonable measures to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws. Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 21 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 22, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code sections 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses. Condition 23 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Projects site. This condition is required to assure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 24 requires that PCWA use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 25 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

In the event that any provision of this certification is found invalid, Condition 26 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed by this certification, the Projects will be protective of state and federal water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that implementation of the North Fork Long Canyon Diversion Improvement Project (North Fork Project) and South Fork Long Canyon Diversion Improvement Project (South Fork Project, jointly Projects) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, under the following terms and conditions.

CONDITION 1: Project Activities and Flows

Unless otherwise modified by conditions of this water quality certification (certification), or approved by the Deputy Director of the Division of Water Rights (Deputy Director), Placer County Water Agency (PCWA or Applicant) shall implement the Projects as described in PCWA's December 18, 2023 certification applications (including avoidance and protection measures and best management practices (BMPs) as listed in Attachments 10) (PCWA 2023a, PCWA 2023b), and supplemental submissions updating the Projects' activities (PCWA 2024a,b).

Additionally, unless otherwise approved by the Federal Energy Regulatory Commission (FERC) and the Deputy Director, the Applicant shall comply with all flow requirements below North Fork Long Canyon Diversion Dam and South Fork Long Canyon Diversion Dam as required by the FERC license for the Middle Fork American River Hydroelectric Project (FERC Project No. 2079) throughout implementation of the Projects.

CONDITION 2: Diversions and Dewatering

The Applicant shall develop and submit individual or a combined Diversion and Dewatering Plan for the Projects to the Deputy Director for review and consideration for approval. The Diversion and Dewatering Plan(s) shall be submitted to the Deputy Director a minimum of 90 days prior to the commencement of activities associated with the applicable South Fork Project or North Fork Project unless another timeline is approved by the Deputy Director.

Unless otherwise approved by the Deputy Director, the Diversion and Dewatering Plan(s) shall include:

- Site plan map(s), drawings, and/or photo(s) showing the location and length of the dewatered stream segments and discharge locations.
- Description of work related to dewatering and temporary water diversion activities, including:
 - Equipment and methods used for dewatering and temporary water diversion, including descriptions of installation, operation, maintenance, removal, and rewatering (e.g., inspection and follow-up actions, if applicable).
 - Type of barriers that will be installed to isolate work areas from surface waters.
 - List of materials that will be used in or adjacent to the watercourse(s).

- Schedule for each stage of dewatering and water diversion activities (i.e., equipment installation, dewatering, barrier installation, temporary creek diversion, equipment removal, and rewatering).
- If applicable, measures to address seepage water and/or groundwater intrusion.
- Measures to avoid potential water quality and beneficial use impacts during dewatering, water diversion, and rewatering activities (e.g., energy-dissipating features at discharge locations to prevent erosion, or reference to applicable certification conditions).

Any changes to the approved Dewatering Plan(s) shall be submitted to the Deputy Director prior to implementation. The Applicant shall not commence dewatering or diversion activities without receipt of Deputy Director approval of the applicable Dewatering Plan(s). The Applicant shall implement the Dewatering Plan(s) upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 3: Water Quality Monitoring

Water quality monitoring shall be performed for the Projects as described in this condition unless otherwise approved by the Deputy Director. The Applicant shall monitor water quality during in-water and water adjacent work with the potential to result in a discharge to surface waters. At a minimum water quality monitoring shall be performed during installation and removal of cofferdams and temporary bypass water systems, drawdown/dewatering of impoundments behind North Fork and South Fork Long Canyon Diversion, concrete installation and stream channel rewatering, and any other activities within or adjacent to North Fork and South Fork Long Canyon Creeks and the Middle Fork American River with the potential to impact water quality.

3(A) Water Quality Parameters

At a minimum, the Applicant shall monitor for turbidity, pH, temperature, dissolved oxygen, and construction-related visible pollutants (e.g., oils, greases, fuels, turbidity plumes).

3(B) Monitoring Frequencies

Monitoring for turbidity, pH, temperature, and dissolved oxygen shall be conducted in 15-minute or more frequent intervals using an automated sensor system. Visual monitoring for visible pollutants shall be conducted continuously throughout active work areas of the Projects with the potential to result in a discharge to waters of the state.

3(C) Monitoring Locations

The Applicant shall monitor turbidity, pH, dissolved oxygen, and temperature at the following locations:

- North Fork Long Canyon Creek, upstream of the temporary cofferdam, outside the influence of the North Fork Project's potential water quality impacts at a location representative of inflow water quality.
- South Fork Long Canyon Creek, upstream of the temporary cofferdam, outside the influence of South Fork Project's potential water quality impacts at a location representative of inflow water quality.
- North Fork Long Canyon Creek, no more than 300 feet downstream of the temporary water diversion's discharge and any dewatering discharges.
- South Fork Long Canyon Creek, no more than 300 feet downstream of the temporary water diversion's discharge and any dewatering discharges.
- Middle Fork American River, no more than 300 feet upstream of the Hell-Hole Middle Fork Tunnel.
- Middle Fork American River, no more than 300 feet downstream of the Middle Fork-Hellhole Tunnel's discharge into the Middle Fork Interbay/Middle Fork American River.

The Applicant shall take a global positioning system point and photograph for each proposed water quality monitoring location and provide them to the Central Valley Regional Water Quality Control Board (Central Valley Regional Board) and State Water Resources Control Board (State Water Board) staff at least two weeks prior to starting water quality monitoring. The Deputy Director may require the Applicant to use other or additional locations if the submitted locations are inadequate.

The Applicant shall conduct visual pollutant monitoring through the entire length of Projects' activities with the potential to result in Projects'-related discharges to waters of the state.

3(D) Water Quality Objectives

The Applicant shall ensure that Projects activities comply with the *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (Central Valley Basin Plan) (Central Valley Regional Water Board 2019 and any amendments thereto) water quality objectives. The current water quality objectives for turbidity, pH, temperature, dissolved oxygen, and visible pollutants are provided below for reference and apply unless incorrectly referenced or updated by an amendment to the Central Valley Basin Plan:

Turbidity. The Applicant shall not increase turbidity to levels that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- Where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed 2 NTUs.
- Where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU.

- Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
- Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
- Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Unless otherwise approved by the Deputy Director, in determining compliance with the above limits, an appropriate averaging period, not to exceed 24 hours, may be applied, provided that beneficial uses will be fully protected.

pH. The Applicant shall maintain pH between 6.5 and 8.5.

Temperature. The Applicant shall not allow temperature to rise more than 5° Fahrenheit above natural receiving water temperature.

Dissolved Oxygen. The Applicant shall not allow dissolved oxygen to fall below 7.0 milligrams per liter.

Visible Pollutants. Waters shall not contain oils, greases, waxes, suspended sediment material, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

3(E) Water Quality Monitoring Reporting

As part of Progress Reports (Condition 7(B)), the Applicant shall submit water quality monitoring results and related information. Monitoring results and related information shall include: (1) monitoring results including raw data; (2) a description of monitoring methods, including equipment, frequency of data collection, quality assurance/quality control protocols; and (3) description of any water quality exceedances or information necessary to understand the results. If determined necessary by the Deputy Director, the Applicant shall consult with State Water Board staff regarding the need for additional site-specific measures to protect water quality and implement any measures determined necessary by the Deputy Director.

3(F) Exceedances of Water Quality Objectives

The Deputy Director and the Central Valley Regional Water Quality Control Board Executive Officer (Executive Officer) shall be notified promptly, and in no case more than 24 hours following an exceedance of any water quality objective described in the Central Valley Basin Plan. The notice shall include the cause of the violation, measures taken to correct the violation, and measures the Applicant will implement to prevent future violations. Regardless of when such notification occurs, activities associated with the exceedance shall cease immediately upon detection. Work activities may resume after corrective actions have been implemented, water quality meets the Central Valley Basin Plan water quality objective, and the Deputy Director has provided approval to

proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future.

3(G) Water Quality Monitoring Adaptive Management

Based on monitoring results and environmental conditions, the Applicant may request changes to water quality monitoring requirements in this condition. Changes may be requested by the Applicant following consultation with State Water Board and Central Valley Regional Board staff. The Applicant shall submit the request to the Deputy Director for review and consideration of approval at least two weeks prior to the requested start date to implement the proposed changes. The request shall include the proposed changes and supporting rationale. The Deputy Director may require additional changes as part of any approval. The Applicant shall not implement the changes until approved by the Deputy Director.

CONDITION 4: Erosion and Sediment Control

Unless otherwise approved by the Deputy Director, the Applicant shall implement the following erosion and sediment control measures to reduce potential impacts to surface waters associated with implementation of the Projects:

- The Applicant shall implement applicable measures from the Avoidance and Protection Measures listed in Attachments 10 of PCWA's certification applications (PCWA 2023a, PCWA 2023b) and the United States Forest Service's *National Best Management Practices for Water Quality Management on National Forest System Lands* (United States Forest Service 2012).
- Ground disturbance and vegetation removal shall not exceed the minimum amount necessary to complete work.
- All vehicles and equipment previously used on non-paved surfaces outside of the watershed shall be thoroughly cleaned before entering the Projects area.
- Following construction at each of the Projects, the Applicant shall implement soil stabilization and revegetation, as appropriate, to ensure bare soils are covered and stabilized to at least pre-Projects conditions.
- Applicable portions of North Fork and South Fork Long Canyon Creeks, the Middle Fork American River, any other surface waters, and any other aquatic habitats, wetlands, or riparian habitat, shall be protected with silt fences, fiber rolls, erosion control blankets, and other erosion controls as necessary. Erosion controls shall be installed prior to construction and maintained throughout construction.
- Stockpiles shall be located outside of riparian and wetlands habitats. If more than 0.25 inch of rain or snow is forecasted during construction, all stockpiles shall be covered with plastic and surrounded with sediment control technologies or berms to prevent sediment run-off.
- To the extent feasible, work areas shall be restored to pre-construction conditions upon completion of the Projects.
- All construction materials, spoils, or other debris shall be properly disposed of or removed and/or stored in a manner that will not impact surface waters.

- Barriers, as applicable, shall be installed at all laydown sites to ensure construction equipment, workers, and runoff do not enter surface waters.
- Concrete, solvents, adhesives, fuels, dirt, and gasoline shall not be rinsed or washed into surface waters, drainages, or wetlands.
- The Applicant shall comply with the *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; State Water Board 2022a)⁷ and any amendments thereto. If there is any conflict between the conditions of this certification and applicable conditions in the Construction General Permit, the more stringent shall apply.

CONDITION 5: Hazardous Materials Management

Unless otherwise approved by the Deputy Director, the Applicant shall implement the following hazardous materials control measures to ensure sufficient management of hazardous materials associated with implementation of the Projects:

- Construction personnel, including contractors and subcontractors, shall be trained in proper hazardous material management and shall be able to access safety data sheets for all hazardous substances associated with the Projects. Additionally, all construction staff shall receive training on the appropriate work practices necessary to comply with applicable environmental laws and regulations, including hazardous materials management.
- Nonhazardous materials shall be stored in existing disturbed areas or at least 50 feet away from waterways. All hazardous materials, including petroleum-based materials, shall be contained in appropriate spill-proof containers and/or have secondary containment and be stored in designated areas at least 100 feet away from surface waters, and shall not be stored in or near a floodplain.
- Temporary storage of hazardous materials, equipment staging, and servicing and refueling of equipment shall be conducted at designated locations away from surface waters.
- Vehicle refueling shall be performed by trained personnel and only take place in designated areas equipped with spill containment measures and shall be located at least 100 feet away from any waterbodies. Drip pans and/or absorbent pads shall be used during equipment fueling. Absorbent spill clean-up materials and spill kits shall be available in fueling areas.
- All power equipment and vehicles shall be free of petroleum residue, kept in good working order, and inspected each day for leaks prior to use. Leaks shall be repaired immediately in an area at least 100 feet away from waterbodies.

⁷ State Water Board Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed on December 10, 2024.

- Bulk fuel storage tanks shall be double-walled or placed in secondary containment areas.
- Hazardous materials and waste generated onsite shall be placed in proper containers, labeled appropriately, and transported from the job site to an authorized hazardous waste consolidation site or appropriate landfill for proper disposal in accordance with applicable laws and regulations.
- Appropriate spill containment and clean-up materials shall be available onsite at all times. At a minimum, hazardous materials spill kits shall be clearly marked and maintained onsite adjacent to all work areas, in staging areas, and in vehicles for small spills. These kits shall include oil-absorbent material and tarps to contain and control any minor releases. Any spills shall be cleaned up immediately using absorbent material or, if necessary, by constructing berms, and shall not be buried or washed with water. Contaminated soil shall be excavated, contained, and transported to an approved disposal site. All media affected by a spill shall be cleaned up and disposed of offsite in accordance with applicable laws and regulations.
- Prior to operation, all equipment shall be inspected for fluid leaks and signs of worn or damaged parts that may result in a hazardous material release.
- Equipment shall be staged overnight in areas with secondary containment or with other suitable barriers to prevent accidental leakage of fuel, oils, or other liquid from soaking into the soil or being carried to surface waters.
- If Projects-related hazardous materials are released with the potential to impact surface waters, the Applicant shall immediately cease any activities associated with the North Fork Project or South Fork Project that resulted in the release and implement measures to limit and clean up the releases. The Applicant shall notify the Deputy Director and Executive Officer promptly, and in no case more than 24 hours, following the release. The notice shall include the type and quantity of material released, cause of the release, corrective measures taken, and measures the Applicant will implement to prevent a future release. The Deputy Director may require additional actions to help prevent similar releases in the future. The Applicant may resume work upon Deputy Director approval.
- All containment structures shall comply with California Code of Regulations, title 27, section 20320.

CONDITION 6: Biological Resources Protections

To reduce potential impacts to biological resources associated with Projects' activities, and unless otherwise approved by the Deputy Director, the Applicant shall implement the following biological resource protection measures.

Aquatic Species Rescue and Relocation:

The Applicant shall implement fish rescue and relocation measures for each of the Projects. Specifically, the Applicant shall implement Avoidance and Protection Measures 8 and 9 of Attachments 10 in PCWA's certification applications (PCWA 2023 a,b) as modified by the below:

- If fish rescue and relocation is performed, the Applicant shall submit a Fish Relocation Report(s) to the State Water Board and California Department of Fish and Wildlife within 30 days of completion of the applicable North Fork Project or South Fork Project. The Fish Relocation Report(s) shall at a minimum include:
 - Date of capture and relocation;
 - Method of capture;
 - Fish species, life stage, fork length, and weight of rescued and relocated fish;
 - Location of relocation as depicted on a map that includes the Project area;
 - Total number of fish captured and relocated; and
 - Information on any fish mortalities associated with relocation efforts, including the relevant information above and cause of the mortality if known.
- If a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement(s) is issued for the North Fork Project or South Fork Project and includes provisions for fish rescue and relocation, the more stringent requirements between this condition and those of the Lake and Streambed Alteration Agreement(s) shall apply.

Wetland Protections:

The Projects will result in temporary and permanent impacts to stream channel habitat. The Projects are anticipated to have temporary impacts to approximately 0.322 acres of the stream channel along North Fork Long Canyon Creek and 0.228 acres of the stream channel along South Fork Long Canyon Creek. The North Fork Project and South Fork Project are anticipated to have approximately 0.06 and 0.05 acres of permanent impacts to stream channel habitat, respectively. The Applicant shall notify the Deputy Director of any update to the estimated temporary and permanent impacts if they vary from what is noted in this provision. Additionally, permanent impacts shall be compensated for at a minimum of a 1:1 ratio consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019 and 2021) and any amendments thereto, and California Water Code Division 7, Chapter 28, sections 16200-16201. The Applicant shall provide the Deputy Director with documentation of compliance with this condition as part of the Completion Report (Condition 7(C)).

Worker Environmental Awareness Training:

Consistent with Attachments 10, Avoidance and Protection Measure 32 of the Projects certification applications (PCWA 2023 a,b), the Applicant shall develop and implement a Worker Environmental Awareness Training Program for each of the Projects that at a minimum includes:

- A review of the California and federal Endangered Species Acts and the consequences of noncompliance.
- A review of the photographs, presence, life history, and habitat requirements of all special-status species, including any threatened or endangered species, that are known to occur or may occur in the Projects areas.

- A review of avoidance and protection measures that shall be implemented to minimize the potential for effects to these species and habitats.
- Reporting procedures if special-status species are found.
- A review of applicable elements of the Projects' certification to ensure personnel implement measures to protect water quality and beneficial uses.

The Worker Environmental Awareness Training shall be conducted prior to construction in each year involving construction activities and shall be provided to any new personnel prior to those personnel conducting on-site work.

CONDITION 7: Reporting

7(A) Initial Report and Updates to Projects Schedule

At least five days prior to starting each of the Projects, the Applicant shall notify the Central Valley Regional Water Board and State Water Board staff that activities are anticipated to begin and provide an anticipated schedule for the applicable project. Throughout implementation the Applicant shall provide staff with updates to any major schedule changes within five days of the schedule change.

7(B) Progress Reports

Separately for each of the Projects, every 60 days following initiation of activities and throughout Projects activities, the Applicant shall submit Progress Reports to the Division of Water Rights Water Quality Certification Program Manager. The Progress Reports shall include:

- A summary of activities performed.
- Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Summary of initial or site preparation activities including any relocated or fenced-off aquatic species or sensitive habitat.
- Details of Projects-related adverse impacts to beneficial uses, if applicable.

The Applicant may request consultation regarding the need for development and implementation of additional BMPs for water quality protection or approval of additional site-specific construction measures as part of a Progress Report or as part of a separate request if more immediate action is needed to protect water quality. Upon request from the Deputy Director or State Water Board staff, the Applicant shall provide additional information or meet with staff to discuss a Progress Report.

The Deputy Director may require the Applicant to implement additional measures or corrective actions or approve additional measures proposed by the Applicant in response to the information provided in a Progress Report, a request for consultation, new information in the record, or approval of additional measures to protect water quality and beneficial uses.

7(C) Completion Report

Separately for each of the Projects, within 60 days of completion of the applicable project, the Applicant shall provide the Deputy Director with a Completion Report that may refer to previously submitted Progress Reports if applicable. The Completion Report shall comprehensively summarize:

- Project activities performed.
- Compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Final inspection information with details regarding cleanup of the applicable project site was satisfactorily completed.
- Details of any environmental protection measure inadequacies found during implementation.
- Details of Projects-related adverse impacts to beneficial uses, if applicable.

Upon request from the Deputy Director or State Water Board staff, the Applicant shall provide additional information or meet with staff to discuss the Completion Report(s).

The Deputy Director may require the Applicant to implement corrective actions in response to the information provided in the Completion Report(s), new information in the record, or as part of approval of additional measures to protect water quality.

CONDITIONS 8 – 26

CONDITION 8. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board’s water quality database systems in compliance with California Water Code section 13167.

CONDITION 9. This certification does not authorize any act which results in the take of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a “take” will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Projects that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESA for the Projects authorized under this certification.

CONDITION 10. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Applicant is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Projects activities.

CONDITION 11. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, will apply equally to the successor agency.

CONDITION 12. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 13. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 14. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 15. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 16. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a plan, proposal, or report prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Director no later than 15 days prior to the deadline. The Applicant shall not implement any plan, proposal, or report until receipt of the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 17. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of

the conditions of this certification, the Applicant shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Applicant will implement to address the violation. The Applicant shall implement the plan upon Deputy Director approval, and the Deputy Director may require changes to the plan as part of any approval.

CONDITION 18. The Applicant shall submit any change to the Projects, including, operations, facilities, technology changes or upgrades, or methodology, which could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Projects, it will be considered a violation of this certification.

CONDITION 19. This certification is contingent on compliance with all applicable requirements of the Central Valley Basin Plan.

CONDITION 20. Unless otherwise specified by conditions in this certification, Projects activities shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Applicant shall take all reasonable measures to protect the beneficial uses of waters of the state, including the North Fork Long Canyon Creek, South Fork Long Canyon Creek, and the Middle Fork American River.

CONDITION 21. In response to a suspected violation of any condition of this certification, the State Water Board or Central Valley Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code, §§ 1051, 13165, 13267, and 13383.)

CONDITION 22. Upon request, a construction schedule shall be provided to State Water Board and Central Valley Regional Water Board staff. The Applicant shall provide State Water Board and Central Valley Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 23 A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting work related to the Projects.

CONDITION 24. The Applicant shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Laboratory Accreditation Program-certified laboratories.

CONDITION 25. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 26. Certification that the Projects will be protective of the state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Projects, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification, the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.



December 16, 2024

Eric Oppenheimer
Executive Director

Date

8.0 References

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North Fork Long Canyon Diversion Improvement Project
South Fork Long Canyon Diversion Improvement Project
Water Quality Certification

December 2024

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ATTACHMENT A:

PROJECT OVERVIEW MAPS

WATER QUALITY CERTIFICATION

FOR

**NORTH FORK AND SOUTH FORK LONG CANYON DIVERSION IMPROVEMENT
PROJECTS**

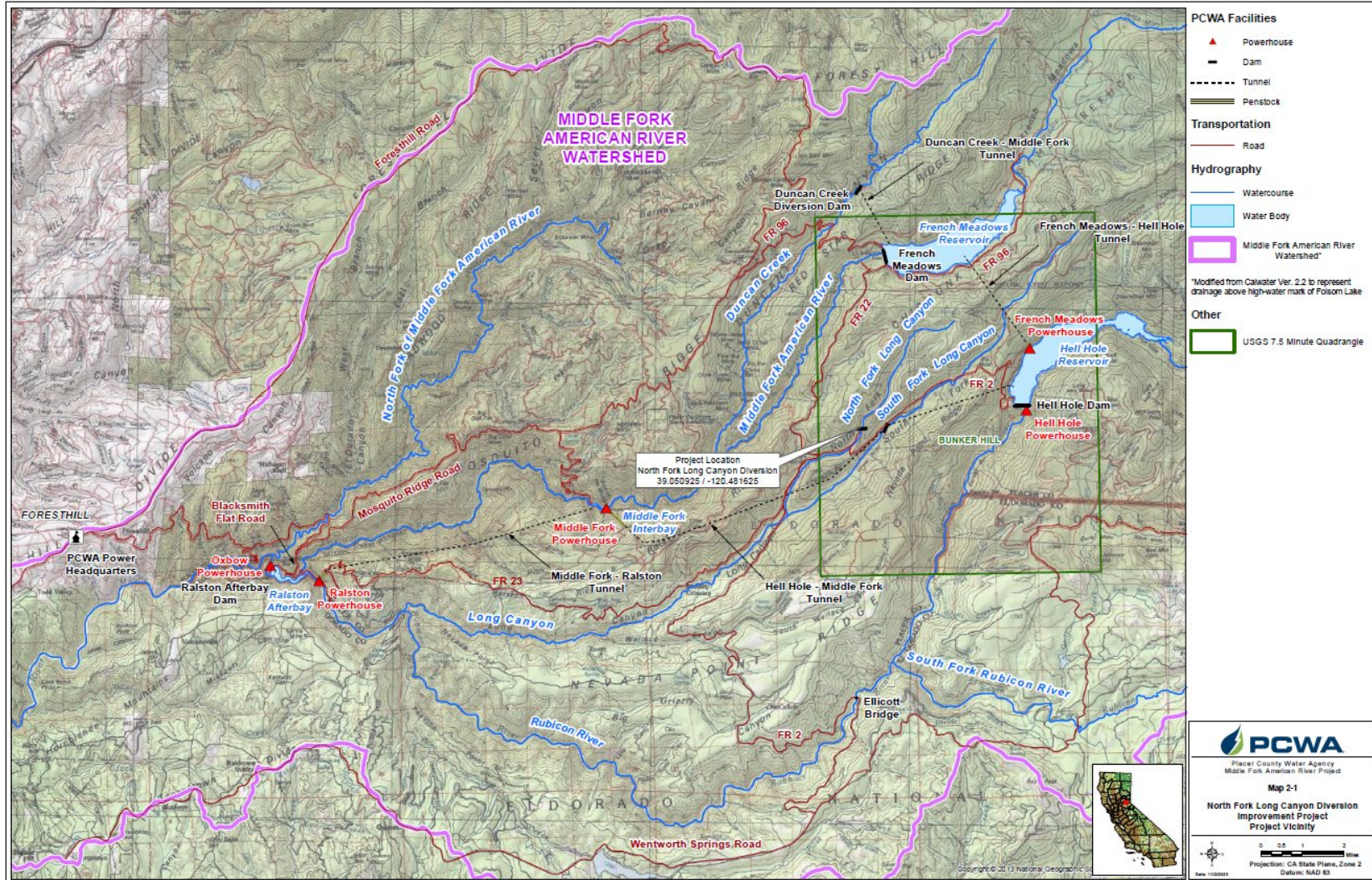


Figure A1. North Fork Long Canyon Diversion Improvement Project Location (PCWA 2023)

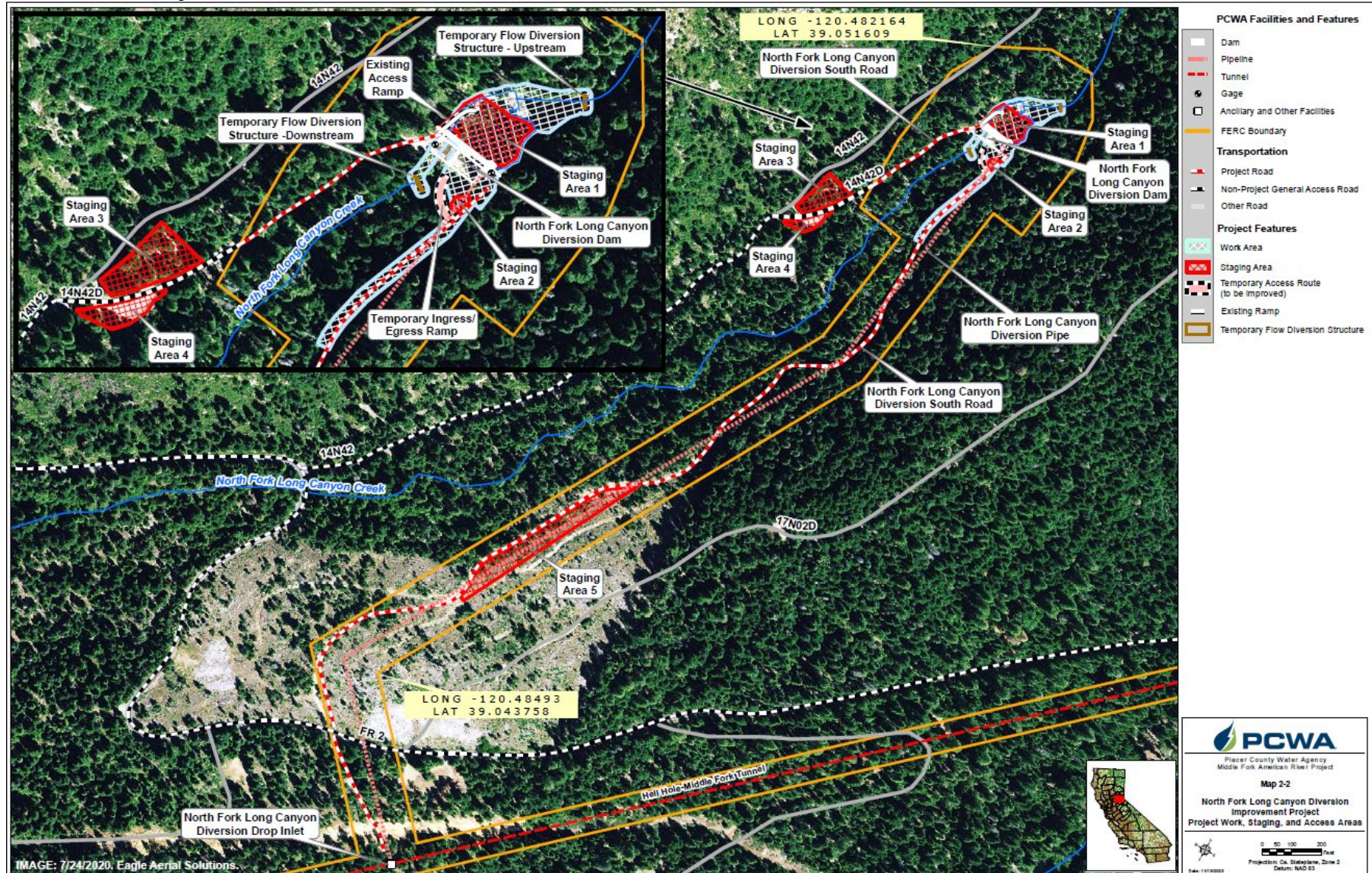


Figure A2. Aerial View of North Fork Long Canyon Diversion Improvement Project Staging Areas (PCWA 2023)

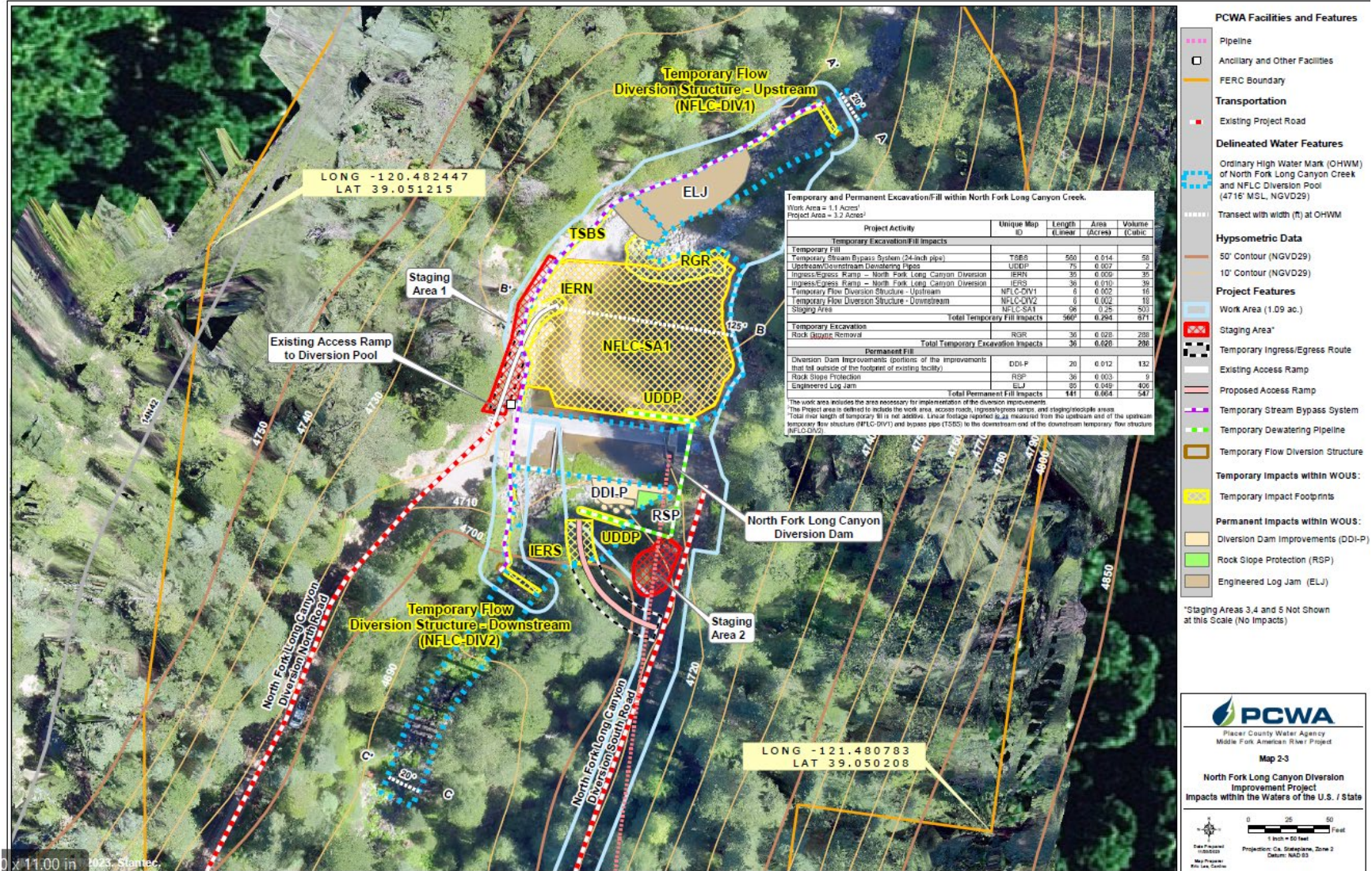


Figure A3. Aerial View of North Fork Long Canyon Diversion Improvement Project Work Area (PCWA 2023)

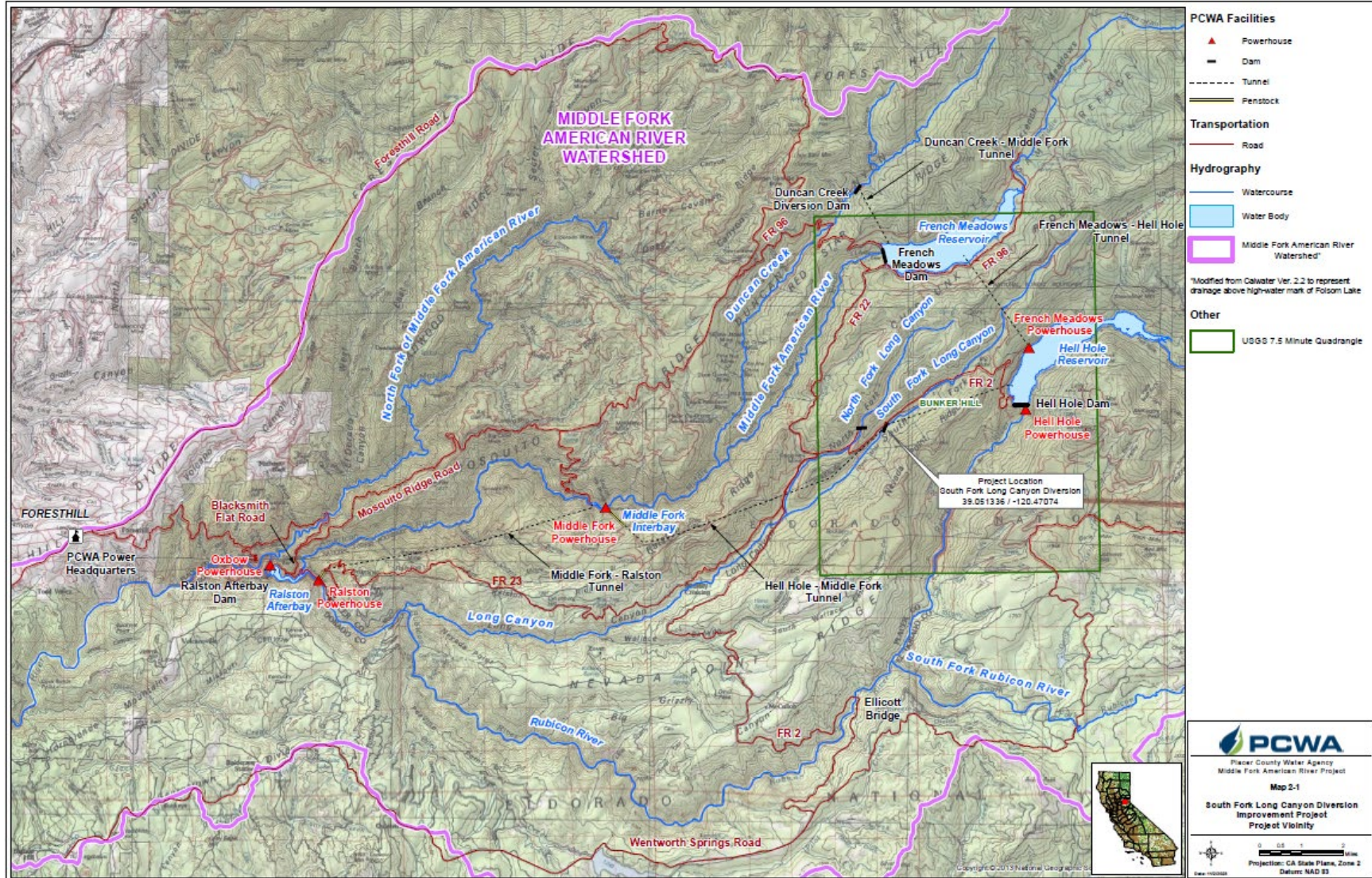


Figure A4. South Fork Long Canyon Diversion Improvement Project Location (PCWA 2023)



Figure A5. Aerial View of South Fork Long Canyon Diversion Improvement Project Staging Areas (PCWA 2023)

North Fork Long Canyon Diversion Improvement Project
 South Fork Long Canyon Diversion Improvement Project
 Water Quality Certification

December 2024

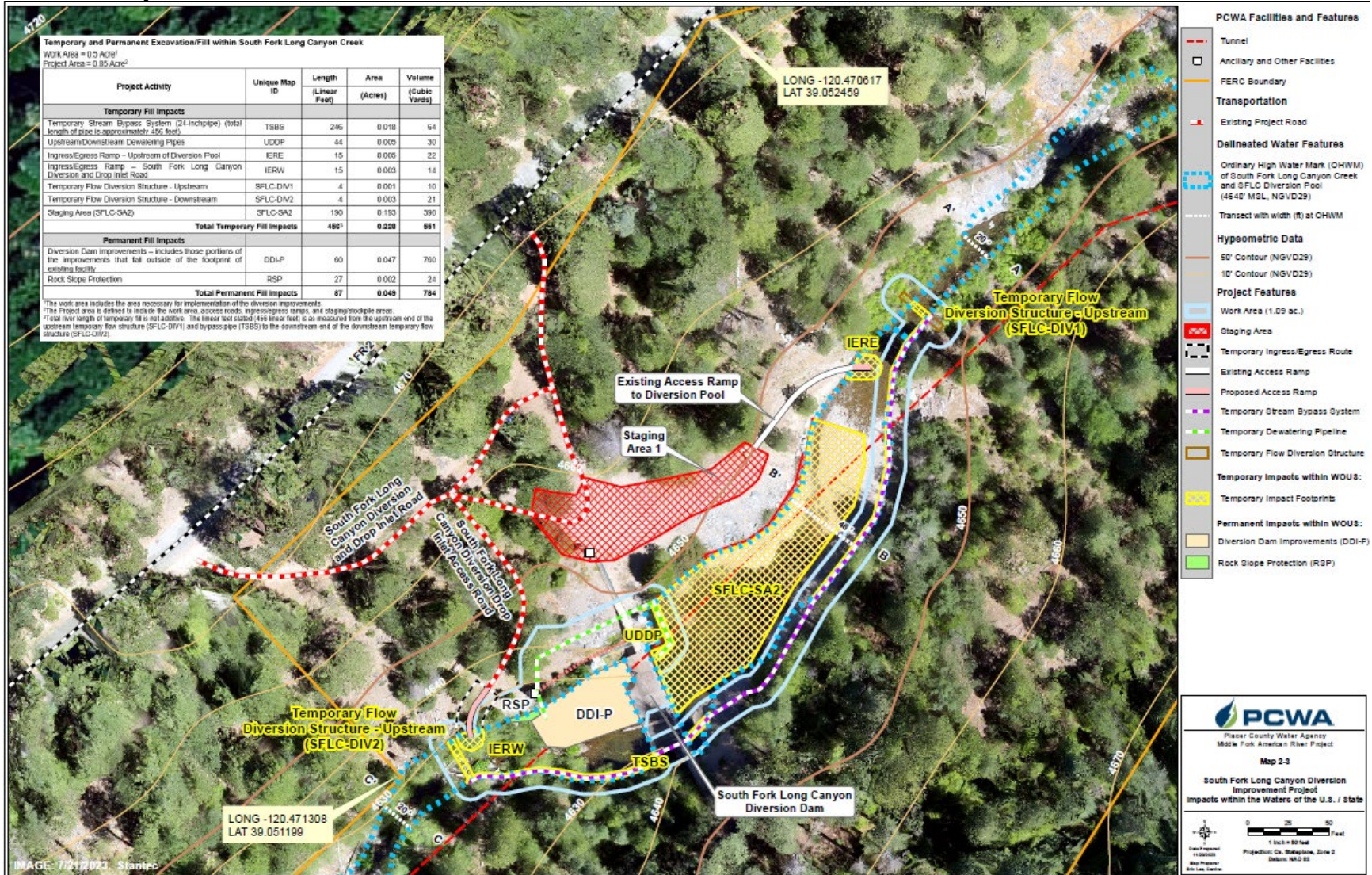


Figure A6. Aerial View of South Fork Long Canyon Diversion Improvement Project Work Area (PCWA 2023)