

---

State Water Resources Control Board

**PUBLIC COMMENT PERIOD FOR  
DRAFT WATER QUALITY CERTIFICATION FOR  
YUBA COUNTY WATER AGENCY'S NEW BULLARDS BAR DAM  
ATMOSPHERIC RIVER CONTROL SPILLWAY PROJECT**

To: Interested Parties, including Federal Energy Regulatory Commission Interested Parties Mailing List for Yuba River Development Project

On June 10, 2025, Yuba County Water Agency (YCWA) applied to the State Water Resources Control Board (State Water Board) for a water quality certification (certification) for the New Bullards Bar Dam Atmospheric River Control Spillway Project (Project). While not required, the State Water Board is providing this opportunity for public review and comment on a draft certification for the Project.

Background Information

New Bullards Bar Dam is located on the North Yuba River and impounds water to form New Bullards Bar Reservoir. The Project would be located at the upper left abutment of the New Bullards Bar Dam and consists of: (1) a 500-foot-long approach channel; (2) a control structure; (3) a spillway chute designed for discharges up to 64,000 cubic feet per second; (4) a discharge channel; and (5) a gate control building. YCWA is proposing to construct, operate, and maintain the Project to reduce flood risk in the Yuba-Feather River system by enhancing reservoir releases during high-flow events, and provide redundant spillway capacity at New Bullards Bar Reservoir and Dam.

On January 31, 2025, YCWA requested a Federal Energy Regulatory Commission (FERC) license amendment of its existing Yuba River Development Project (FERC Project No. 2246) license for the Project. YCWA has also applied to the United States Army Corps of Engineers for permits for the Project.

Water Quality Certification

In California, the State Water Board is responsible for protecting the State's water quality, including through issuance of certifications under section 401 of the Clean Water Act. Certifications must ensure compliance with water quality standards and other appropriate requirements of state law. If the State issues a certification with conditions, those conditions become conditions of the federal permit or license. In this instance, the certification will provide conditions for the United States Army Corps of Engineers Clean Water Act section 404 permits for the Project and FERC's amendment of the Yuba River Development Project license.

Opportunity for Public Comment

This draft certification does not constitute final action by the State Water Board on YCWA's request for certification for the Project. The State Water Board is releasing this draft certification to provide the public with an opportunity to review and comment on draft conditions developed to protect water quality and beneficial uses. The comment

period for the draft certification is from the date of this notice until May 28, 2026.  
**Comments on the draft certification must be received by 5:00 pm on Thursday, May 28, 2026**, and can be submitted electronically (preferred) or by mail as follows:

**Email (preferred):**

[WR401Program@waterboards.ca.gov](mailto:WR401Program@waterboards.ca.gov)

or

**Mail:**

State Water Resources Control Board  
Division of Water Rights – Water Quality Certification Program  
Attn. James Noss  
P.O. Box 2000  
Sacramento, CA 95812-2000

The draft certification for the Project and additional information regarding the State Water Board’s certification process for the Project are available on the State Water Board’s webpage for the [Yuba River Development Project](#).<sup>1</sup>

**KEEP INFORMED OF PROJECT MILESTONES**

To receive emails related to the Project, interested persons should enroll in the “Water Rights Water Quality Certification” e-mail notification service. Instructions on how to sign up for the State Water Board’s Email Subscription List are outlined below:

1. Visit the [State Water Board’s Email Subscription webpage](#).<sup>2</sup>
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, under “State Water Resources Control Board” select “Water Rights,” then “Water Rights Water Quality Certification.”
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices for the Project’s certification process and other current projects in the Division of Water Rights’ Water Quality Certification Program. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Mr. James Noss by phone at: (916) 327-3117 to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

If you have questions related to this notice, the best means of contact is by email to: [WR401Program@waterboards.ca.gov](mailto:WR401Program@waterboards.ca.gov).

Parker Thaler  
Parker Thaler  
Water Quality Certification Program Manager  
Division of Water Rights

5/14/26  
Date

<sup>1</sup> [https://waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/yubariver\\_ferc2246.html](https://waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/yubariver_ferc2246.html)

<sup>2</sup> [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

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

---

**In the Matter of Water Quality Certification for  
YUBA COUNTY WATER AGENCY'S  
NEW BULLARDS BAR DAM  
ATMOSPHERIC RIVER CONTROL SPILLWAY PROJECT**

**Sources: New Bullards Bar Reservoir and North Yuba River**

**County: Yuba**

---

**DRAFT WATER QUALITY CERTIFICATION FOR  
FEDERAL PERMIT OR LICENSE**

**Table of Contents**

1.0 Project Description..... 1  
3.0 Federal Energy Regulatory Commission and United States Army Corp of Engineers Processes..... 2  
4.0 Regulatory Authority ..... 2  
5.0 California Environmental Quality Act ..... 8  
6.0 Rationale for Water Quality Certification Conditions..... 10  
6.1 Rationale for Condition 1 – Project Activities and Flows..... 13  
6.2 Rationale for Condition 2 – Dewatering and Diversion ..... 13  
6.3 Rationale for Condition 3 – Construction Water Quality Monitoring..... 14  
6.4 Rationale for Condition 4 – Aquatic Biological Resource Protection..... 14  
6.5 Rationale for Condition 5 – Erosion and Sediment Control..... 15  
6.6 Rationale for Condition 6 – Hazardous Materials ..... 15  
6.7 Rationale for Condition 7 – Construction Reporting..... 16  
6.8 Rationales for Conditions 8 through 28..... 17  
7.0 Conclusion ..... 20  
8.0 Water Quality Certification Conditions ..... 21  
CONDITION 1. Project Activities and Flows ..... 21  
CONDITION 2. Dewatering and Diversion..... 21  
CONDITION 3. Construction Water Quality Monitoring ..... 22  
CONDITION 4. Aquatic Biological Resource Protection ..... 24  
CONDITION 5. Erosion and Sediment Control ..... 25  
CONDITION 6. Hazardous Materials..... 28  
CONDITION 7. Construction Reporting ..... 29  
CONDITION 8. CONDITIONS 8 – 28 ..... 30  
9.0 References ..... 35

**List of Tables**

Table A. EIR Mitigation Measures and Corresponding Certification Conditions.....9

**Attachment**

Attachment A: Overview Maps for the Project

Abbreviations

<i>2024 Review</i>	<i>2024 Review of State Water Quality Control Plans and State Policies for Water Quality Control</i>
<i>AF</i>	<i>acre-feet</i>
<i>Antidegradation Policy</i>	<i>Statement of Policy with Respect to Maintaining High Quality Waters in California</i>
<i>ARC Spillway</i>	<i>Atmospheric River Control Spillway</i>
<i>Aquatic Weed Control General Permit</i>	<i>Statewide National Pollutant Discharge Elimination System Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications</i>
<i>Bay-Delta</i>	<i>San Francisco Bay-Sacramento/San Joaquin Delta Estuary</i>
<i>Bay-Delta Plan</i>	<i>Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary</i>
<i>BIO</i>	<i>Terrestrial Biological Resources</i>
<i>BMP</i>	<i>best management practices</i>
<i>CDFW</i>	<i>California Department of Fish and Wildlife</i>
<i>Central Valley Basin Plan</i>	<i>Water Quality Control Plan for Sacramento River Basin and 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>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>EIR</i>	<i>Environmental Impact Report</i>
<i>ESA</i>	<i>Endangered Species Act</i>
<i>Executive Director</i>	<i>Executive Director of the State Water Resources Control Board</i>
<i>FERC</i>	<i>Federal Energy Regulatory Commission</i>
<i>FLA</i>	<i>Final License Application</i>
<i>FWPE</i>	<i>Fish and Wildlife Preservation and Enhancement</i>
<i>HAZ</i>	<i>Hazards and Hazardous Materials</i>
<i>HWQ</i>	<i>Hydrology and Water Quality</i>
<i>NMFS</i>	<i>National Marine Fisheries Service</i>

<i>NPDES Project</i>	<i>National Pollutant Discharge Elimination System Atmospheric River Control Spillway Project</i>
<i>Regional Water Boards</i>	<i>Regional Water Quality Control Boards</i>
<i>State Water Board</i>	<i>State Water Resources Control Board</i>
<i>TMDLs</i>	<i>total maximum daily loads</i>
<i>USEPA</i>	<i>United States Environmental Protection Agency</i>
<i>USFWS</i>	<i>United States Fish and Wildlife Service</i>
<i>USFS</i>	<i>United States Department of Agriculture, Forest Service</i>
<i>Water Boards</i>	<i>State Water Board and Regional Water Boards, collectively</i>
<i>WQMP Plan</i>	<i>Water Quality Monitoring and Protection Plan</i>
<i>YCWA</i>	<i>Yuba County Water Agency (doing business as Yuba Water Agency)</i>
<i>YRDP</i>	<i>Yuba River Development Project</i>

## 1.0 Project Description

Yuba County Water Agency<sup>1</sup> (YCWA or Licensee) has applied to the Federal Energy Regulatory Commission (FERC) for a non-capacity license amendment to the existing FERC license for the Yuba River Development Project (YRDP; FERC Project No. 2246) to add an Atmospheric River Control (ARC) Spillway at New Bullards Bar Dam. The project is referred to as the New Bullards Bar Dam Atmospheric River Control Spillway Project (Project). YCWA has also applied to the United States Army Corps of Engineers for permits for the Project. This water quality certification (certification) pertains to YCWA's requests for a federal license amendment and federal permits to construct, operate, and maintain the Project and is separate and independent of the certification issued on December 26, 2025 for the FERC relicensing of the YRDP.<sup>2</sup>

YCWA owns and operates the YRDP, which is located on the Yuba, North Yuba, and Middle Yuba rivers and on Oregon Creek in Nevada, Yuba, and Sierra counties (Attachment A: Overview Maps and Schematics). Main YRDP features include: (1) New Bullards Bar Dam and Reservoir; (2) Our House Diversion Dam; (3) Log Cabin Diversion Dam; (4) Lohman Ridge Diversion Tunnel; (5) Camptonville Diversion Tunnel; (6) New Colgate Powerhouse; (7) Narrows 2 Powerhouse (including bypass facilities); and (8) several roadways and recreational facilities (including a recreation water treatment facility for fire hydrants, toilets, and campsite spigots).

The Project involves constructing, operating, and maintaining a new additional spillway and associated facilities on the left abutment of New Bullards Bar Dam. New Project facilities include: (1) a 500-foot-long approach channel excavated adjacent to the existing spillway to connect the spillway control structure and chute to New Bullards Bar Reservoir; (2) a gated control structure located directly downstream of the approach channel; (3) a concrete-lined spillway chute located downstream of the control structure equipped with a flip bucket directing flows toward the North Yuba River canyon; (4) a 690-foot-long excavated discharge channel that discharges to the North Yuba River; and (5) an operations platform and gate control building, electrical systems for gate operation and monitoring, and new permanent access features (e.g., roads, operations platform, overlook site access, and maintenance benches). The spillway chute will be an open channel designed with a freeboard capable of discharging 64,000 cubic feet of water per second (cfs) from New Bullards Bar Reservoir for flood control. The ARC

---

<sup>1</sup> Doing business as Yuba Water Agency.

<sup>2</sup> The certification issued by the State Water Resources Control Board on December 26, 2025 also addressed FERC relicensing of YCWA's Narrows Hydroelectric Project (FERC Project No. 1403). This certification is available [online](https://waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/narrows2/yrdp-narrow-wqc-12262025.pdf) at: [https://waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/narrows2/yrdp-narrow-wqc-12262025.pdf](https://waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/narrows2/yrdp-narrow-wqc-12262025.pdf)

Spillway will mainly operate to reduce flood risk in the Yuba-Feather River system.<sup>3</sup>

The Project also requires relocation of an existing overlook site at New Bullards Bar Dam's left abutment, relocation of a short segment of Marysville Road over the new spillway, and establishment of a permanent disposal area for excess excavated soil and rock associated with the Project's construction. Construction is anticipated to occur over approximately four years.

### **3.0 Federal Energy Regulatory Commission and United States Army Corp of Engineers Processes**

The Federal Power Commission issued a 50-year license for the YRDP on May 16, 1963, which expired on April 30, 2016. Since its license expiration, the YRDP has been operated under annual licenses issued by FERC (i.e., license conditions established in the original May 16, 1963, license and subsequent license amendments).

On January 31, 2025, YCWA filed with FERC a final Non-Capacity License Amendment application for construction, operation, and maintenance of the Project (YCWA 2025a). YCWA has a separate application pending before FERC to relicense the YRDP.

On June 10, 2025, YCWA submitted a certification application to the State Water Board for the Project's FERC and United States Army Corp of Engineers federal licenses and permits (YCWA 2025b). YCWA notes that the Project will be covered by United States Army Corp of Engineers' Nationwide Permit 13 (Bank Stabilization) and Regional General Permit 2 (Reservoir Maintenance Activities) (YCWA 2025b).

## **4.0 Regulatory Authority**

### **4.1 Water Quality Certification and Related Authorities**

The federal Clean Water Act (33 U.S.C. § 1251 et seq.) 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 recognizes, preserves, and protects "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources. . . ." (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act 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.

---

<sup>3</sup> The ARC Spillway is designed to allow for flow releases from New Bullards Bar Dam at a lower water level elevation than is currently possible with the existing spillway and would be used to release water from New Bullards Bar Reservoir in anticipation of storm events. Such releases would reduce the peak flow releases at New Bullards Bar Dam, resulting in a reduced peak outflow from the Yuba River and allow for better management of flood control operations at Lake Oroville.

§ 1251(g.)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit to conduct any activity which may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specific 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 state agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) These certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Resource Control Board (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 (Executive Director). (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 provides that the State Water Board may “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) in State Water Board Resolution 2012-0029. (State Water Board 2012.) In the *Redelegation of Authorities* memorandum 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 2023)

Procedure, Application, and Noticing

On June 10, 2025, YCWA filed a certification application for the Project with the State Water Board under section 401 of the Clean Water Act (YCWA 2025b). On July 10, 2025, State Water Board staff provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board's website. No comments have been received.

On March 3, 2026, State Water Board staff forwarded the certification application to Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board). (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) No comments were received.

## 4.2 Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Project must ensure compliance with applicable water quality standards in the Central Valley Regional Water Board's *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 the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan)<sup>4</sup> (State Water Board 2018) and any amendments thereto.

Water quality control plans designate the beneficial uses of water that are to be protected (such as municipal and domestic supply, industrial, agricultural, fish and wildlife), 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 water quality 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 nine 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. (Water Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt water quality control plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

*Periodic Review.* The State Water Board has commenced the 2024 Review of State Water Quality Control Plans and State Policies for Water Quality Control (2024 Review). State water quality control plans and policies for water quality control (state plans and policies) contain water quality standards and other provisions established by the State Water Board to preserve and enhance California's waters to safeguard human health, support aquatic ecosystems, improve the quality of water resources, and protect beneficial uses of waters.

Triennial reviews are conducted pursuant to the federal Clean Water Act (33 U.S.C.

---

<sup>4</sup> In October 2024, the State Water Board released a draft Bay-Delta Plan for public comment (State Water Board 2024a). In July 2025, the State Water Board released a revised draft to the Bay-Delta Plan (State Water Board 2025a); in December 2025, the State Water Board released a second revised draft (State Water Board 2025b).

§ 1251 et seq.) and its implementing regulations, and periodic reviews are conducted pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). (See 33 U.S.C. § 1313(c)(1); 40 C.F.R. § 131.20(a); Wat. Code, §§ 13143, 13170, 13170.2, subd. (b), 13240.) For the 2024 review cycle, the State Water Board will be conducting triennial review and periodic review in a single combined proceeding. In addition to reviewing state plans and policies, the 2024 Review will include consideration of the federally promulgated water quality standards for California (40 C.F.R. §§ 131.36, 131.37, and 131.38) and Clean Water Act section 304(a) recommended criteria.

The 2024 Review will engage the public and interested persons to identify potential changes or additions that will help to guide the State Water Board's priorities for future amendments to the state plans and policies, including new or revised water quality standards that are enforceable for the waterbodies for which they are established.

### 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 identifies existing beneficial uses for surface waters affected by the Project as follows:

- Yuba River for sources to Englebright Reservoir: 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.

### Bay-Delta Plan

The Bay-Delta Plan establishes water quality objectives to protect beneficial uses of water in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) and tributary watersheds, including drinking water supply, irrigation supply, and fish and wildlife. The State Water Board adopts the Bay-Delta Plan pursuant to its authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

The State Water Board has historically developed the water quality control plan for the Bay-Delta for several reasons. The Bay-Delta is a critically important natural resource that is both the hub of California's water supply system and the most valuable estuary and wetlands system on the West Coast. As diversions of water within and upstream of the Bay-Delta Estuary are a driver of water quality in the Bay-Delta watershed, much of the implementation of the Bay-Delta Plan relies on the combined water quality and water rights authorities of the State Water Board. In addition, the Bay-Delta falls within the boundaries of two Regional Water Boards. Having the State Water Board develop and adopt a water quality control plan that crosses Regional Water Board boundaries ensures a coordinated approach.

Beneficial uses identified in the Bay-Delta Plan are: municipal and domestic supply; industrial service supply; industrial process supply; agricultural supply; groundwater recharge; navigation; water contact recreation; non-contact water recreation; shellfish harvesting; commercial and sport fishing; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; estuarine habitat; wildlife habitat; and rare, threatened, or endangered species. In addition, the State Water Board is proposing to incorporate tribal beneficial uses in recognition of the numerous California Native American Tribes that rely upon Bay-Delta waterways, the surrounding lands, and the native fish and fauna for subsistence, cultural, ceremonial, and spiritual purposes.

The State Water Board is in the process of updating the Bay-Delta Plan focused on the Sacramento River and its tributaries (including the Yuba River), Delta eastside tributaries, Delta outflows, and interior Delta flows. This effort is referred to as the Sacramento/Delta Update to the Bay-Delta Plan.

Protection of the Bay-Delta ecosystem and its native aquatic species requires an integrated approach to effectively connect upstream suitable cold water nursery habitat, floodplains, tidal marshland, and turbid open water habitats in the Delta and Bay – and to connect those environments to the ocean. Accordingly, the Sacramento/Delta Update to the Bay-Delta Plan is intended to provide a flow regime that supports a connected and functioning ecosystem linking and integrating inflow, cold water habitat, Delta outflow, and interior Delta flow measures with complementary physical habitat restoration and other nonflow measures. Changes are proposed to the water quality objectives, and the program of implementation for those objectives, as well as changes to monitoring, reporting, and assessment requirements. All water users on Sacramento/Delta tributaries would bear responsibility for achieving the objectives and for contributing to the Delta outflow objectives, including diverters upstream and in the Delta. A voluntary agreement pathway is being considered for certain tributaries for a set term. Measures to implement the plan will consist of actions by water right holders, regulatory measures to protect water quality and flow (e.g., State Water Board regulations, decisions, or orders), and recommendations to other entities. The program of implementation, including any approvals of voluntary agreements, describes actions necessary to achieve the water quality objectives of the Bay-Delta Plan and does not preclude the State Water Board from identifying or requiring other actions to achieve Bay-Delta Plan objectives.

The State Water Board retains its authority to carry out its responsibilities under the Water Code, article X, section 2 of the California Constitution, the public trust doctrine, or other legal obligations, through other water right or quality proceedings, including through regulation, water quality certifications, adjudicative water right proceedings, or other actions.

Nothing in this certification precludes YCWA from participating in any State Water Board process concerning, related to, or based on the Bay-Delta Plan or challenging, administratively and/or in court, any action the State Water Board takes as a result of that process.

### 4.3 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* ([Antidegradation Policy](#))<sup>5</sup> (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, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

### 4.4 Clean Water Act Section 303(d) Listing

The State Water Board listed as impaired portions of the Project-affected waterbodies in *California's 2024 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)* as follows:

- New Bullards Bar Reservoir is listed for mercury; and
- North Yuba River and the Middle Yuba River confluence to Englebright Reservoir are listed for chromium and mercury.

Section 303(d) of the Clean Water Act requires total maximum daily loads (TMDLs) to be developed for impaired waterbodies. TMDLs are written plans that define the maximum amount of a pollutant that a waterbody can receive without exceeding water quality standards and establish load allocations for point and nonpoint sources of pollution.

### 4.5 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](#))<sup>6</sup> (State Water Board 2022a) is required for activities that disturb one or more acres of soil or

---

<sup>5</sup> State Water Board Resolution 68-16 and any amendments thereto. Available at: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/1968/rs\\_68\\_016.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs_68_016.pdf). Accessed on April 23, 2026.

<sup>6</sup> State Water Board Order WQ 2022-0057-DWQ and National Pollutant Discharge Elimination System No. CAS000002, and any amendments thereto. Available online at: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html). Accessed April 23, 2026.

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 a 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. parts 122, 123, and 124.) YCWA must comply with the Construction General Permit in implementing the Project.

#### **4.6 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters 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)*<sup>7</sup> (State Water Board 2019b and 2021) 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 Water Code sections 16200-16201.

YCWA must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

#### **4.7 Comprehensive Plan**

Section 10(a)(2)(A) of the Federal Power Act requires FERC to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. In March 2019, the State Water Board submitted to FERC the plans and policies included in California's comprehensive plan for orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state. On August 5, 2024, the State Water Board filed a comprehensive plan supplement to its March 2019 filing that included updated plans and policies for water quality protection. These submissions included the Central Valley Basin Plan, the Bay-Delta Plan, the Antidegradation Policy, and other applicable plans and policies for water quality control. FERC included these updates in its List of Comprehensive Plans in May 2025. (FERC 2025b.)

#### **5.0 California Environmental Quality Act**

YCWA is the lead agency for the Project for the purpose of compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.)

---

<sup>7</sup> The Dredge or Fill Procedures and any amendments thereto. Available at: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/wrapp.html](https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html). Accessed on April 23, 2026.

and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). (Cal. Code Regs., tit. 14, § 15367.) The State Water Board is a responsible agency under CEQA (*Id.*, § 15381.).

On June 23, 2023, YCWA released for public review and comment a draft Environmental Impact Report (EIR) for the construction, operation, and maintenance of the Project (YCWA 2023). The State Water Board provided comments on the draft EIR on August 21, 2023. On December 17, 2024, YCWA’s Board of Directors certified a final EIR for the Project (YCWA 2024). On December 18, 2024, YCWA filed a Notice of Determination with the County Clerk for Yuba County.

The State Water Board has reviewed and considered the final EIR prepared by YCWA during the development of this certification. As a responsible agency under CEQA for the Project, the State Water Board must make findings that address significant effects identified in the EIR to those resource areas over which the State Water Board has statutory authority. YCWA’s final EIR did not identify any significant and unavoidable impacts to water resources. The State Water Board will file a Notice of Determination within five working days of issuing the Project certification.

Table A lists mitigation measures presented in the final EIR for the Project which address resource areas within the State Water Board’s purview and associated certification conditions with water quality protection, monitoring, or reporting requirements.

**Table A. EIR Mitigation Measures and Corresponding Certification Conditions**

<b>Final EIR Mitigation Measure</b>	<b>Corresponding Certification Condition(s)</b>
Hydrology and Water Quality (HWQ)-1: Prepare and Implement a Stormwater Pollution Prevention Plan and Best Management Practices to Reduce Erosion	Condition 5 (Erosion and Sediment Control)
HWQ-2: Obtain Coverage and Comply with Requirements of the General Order for Limited Threat Discharges to Surface Water	Condition 3 (Water Quality Monitoring); Condition 5 (Erosion and Sediment Control)
HWQ-3: Implement Erosion Control Measures, Conduct Periodic Inspections, and Revise Measures as Needed	Condition 5 (Erosion and Sediment Control)
HWQ-4: Regularly Inspect the ARC Spillway Discharge Channel for Erosion	Condition 5 (Erosion and Sediment Control)
HWQ-5: Conduct Turbidity Monitoring in the North Yuba River after Using the ARC Spillway	Condition 5 (Erosion and Sediment Control)
Terrestrial Biological Resources (BIO)-2: Implement California Red-legged Frog Measures	Condition 4 (Aquatic Biological Resource Protection)

Final EIR Mitigation Measure	Corresponding Certification Condition(s)
BIO-3: Implement Foothill Yellow-legged Frog Measures	Condition 4 (Aquatic Biological Resource Protection)
BIO-5: Minimize Potential for Destruction of Northwestern Pond Turtle Nests and Death of Individuals during Construction Activities	Condition 4 (Aquatic Biological Resource Protection)
BIO-6: Implement Bald Eagle Protection Measures During Construction	Condition 4 (Aquatic Biological Resource Protection)
Hazards and Hazardous Materials (HAZ)-1: Implement a Spill Prevention Control and Countermeasures Plan and Other BMPs for Storage, Use, and Transport of Hazardous Materials during Construction Activities	Condition 6 (Hazardous Materials)

## 6.0 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 8.0 are necessary to ensure that the Project 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 4.0 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 8.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Central Valley Basin Plan and other applicable plans and policies adopted by the Water Boards, as described in Section 4.0, 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.

As noted in Section 4.1, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) 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 13165

authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, 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. 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 Project activities that may impact waters of the state.

Fish and Game Code section 5937 requires the owner<sup>8</sup> of any 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.

The State Water Board has broad authority to prevent waste and unreasonable use pursuant to article X, section 2 of the California Constitution and Water Code sections 100 and 275. In addition, the State Water Board has both the authority and the duty to protect public trust uses whenever feasible under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 446.) Under California's public trust doctrine, public trust uses include, but are not limited to, navigation, fishing, recreation, environmental values, and fish and wildlife habitat. (*Id.* at pp. 434-435.)

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 4.0 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 8.0 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 ensure compliance with state and federal water quality requirements and other applicable requirements of state law. When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- YCWA's certification application for the Project (YCWA 2025b);
- YCWA's draft and final EIR for New Bullards Bar Atmospheric River Control Spillway (YCWA 2023 and 2024);
- YCWA's February 12, 2026 ARC Spillway National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) Consultation Process Update and Technical Memorandum (YCWA 2026a);

---

<sup>8</sup> The Fish and Game Code defines "owner" to include "the United States . . . , the State, a person, political subdivision, or district (other than fish and game district) owning, controlling, or operating a dam or pipe." (Fish & G. Code, § 5900, subd. (c).)

- YCWA’s March 24, 2026 Request for Concurrence and Biological Assessment for New Bullards Bar Dam ARC Spillway Project (YCWA 2026b);
- Existing and potential beneficial uses, associated water quality objectives, and implementation measures and programs described in the Central Valley Basin Plan (Central Valley Regional Water Board 2019), Bay-Delta Plan (State Water Board 2018), and recent draft updates thereto (State Water Board 2024a, State Water Board 2025a, and State Water Board 2025b);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Construction General Permit, Clean Water Act Section 303(d) List/305(b) Report, Dredge or Fill Procedures, etc.);
- Project-related controllable water quality factors (e.g., discharges associated with Project construction, operation and maintenance, etc.); and
- Other information in the record.

This certification is issued pursuant to the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed.Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but as it pertains to documentation of conditions also generally complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed.Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023. To the extent FERC or the United States Army Corps of Engineers consider 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.” (88 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, other provisions of the Clean Water Act, and “with 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. 29543-29544 (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.

## **6.1 Rationale for Condition 1 – Project Activities and Flows**

Condition 1 requires YCWA to implement the Project as described in its June 10, 2025 certification application (YCWA 2025) and as modified by conditions of this certification. Condition 1 is necessary to ensure that the Project is implemented in a manner that protects water quality and avoids unreasonable impacts to beneficial uses. Any changes to the Project's description that are inconsistent with the Project's certification application 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 as well as trigger additional environmental review.

Additionally, Condition 1 requires YCWA to comply with flow requirements of the YRDP FERC license.<sup>9</sup> Reduced flows could potentially impact water quality and associated beneficial uses of the Yuba River as identified in the Central Valley Basin Plan. Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by Project flow releases 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.

## **6.2 Rationale for Condition 2 – Dewatering and Diversion**

Construction of the ARC Spillway will require dewatering of work areas and temporary water diversions, including the installation and removal of cofferdams, that may adversely impact water quality in North Yuba River and within New Bullards Bar Reservoir. Project construction involves in-water and water-adjacent work within and downstream of New Bullards Bar Reservoir that may impact the beneficial uses of the North Yuba River. Construction activities that may impact water quality through dewatering and water diversion include: (1) excavation of the approach channel within New Bullards Bar Reservoir; (2) installation and removal of a natural rock cofferdam and breaching of the hydraulic barrier to connect the approach channel to New Bullards Bar Reservoir; (3) possible installation and removal of temporary cofferdams to isolate the discharge channel work area; (4) operation of temporary water bypass systems (if needed) to maintain the required minimum instream flow of 5 cfs downstream of New Bullards Bar Dam; (5) dewatering of deep excavations for the control structure, spillway chute, and approach channel using temporary sump pumps and dewatering wells; (6) installation of rock slope protection, shotcrete, and side-slope stabilization; and (7) excavation, foundation preparation, and concrete placement within New Bullards Bar

---

<sup>9</sup> As of the date of this certification, the YRDP operates via requirements of a FERC license issued on May 16, 1963 and subsequently amended. On April 28, 2014, YCWA filed a Final License Application (FLA) for relicensing of the YRDP. Implementation of the Project is expected to occur under the existing FERC license, but upon FERC's issuance of a new license for the YRDP, the new FERC license flow requirements, including flow requirements of the certification issued on December 26, 2025, for the YRDP and Narrows Hydroelectric Project would apply.

Reservoir.

These activities and possible associated discharges have the potential to exceed the Central Valley Basin Plan's water quality objectives. Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by these Project 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.

Condition 2 requires YCWA to develop and implement a Diversion and Dewatering Plan to provide additional information regarding the Project's dewatering and diversion activities and to ensure protection of water quality and beneficial uses throughout Project construction. Condition 2 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

### **6.3 Rationale for Condition 3 – Construction Water Quality Monitoring**

The Project involves construction of a new spillway and related features that involve dewatering, excavation, grading, and spoils disposal. Such activities could result in impacts to water quality and beneficial uses and this certification requires monitoring for the following water quality parameters related to construction activities: 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 construction of the Project does not substantially impact water quality. Beneficial uses of the Yuba River, sources to Englebright Reservoir, that may be impacted by Project construction 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.

### **6.4 Rationale for Condition 4 – Aquatic Biological Resource Protection**

Project discharges associated with construction, operation, and maintenance activities have the potential to cause violations of the Central Valley Basin Plan's water quality objectives as well as negatively impact aquatic habitats and species that may occur in the Project area and downstream. Project construction activities (such as excavation for the approach and discharge channel, and concrete backfill of the approach and discharge channel) have the potential to interfere with native aquatic and terrestrial species. The Project includes ground disturbing activities with the potential to impact special status wildlife. Species listed or proposed to be listed as threatened or endangered under the federal ESA and the California ESA that have the potential to occur in the Project area include: (1) foothill yellow-legged frog (*Rana boylei*), listed as

threatened under the California ESA; (2) California red-legged frog (*Rana draytonii*), listed as threatened under the federal ESA; (3) Northwestern pond turtle (*Actinemys marmorata*), proposed to be listed as threatened under the federal ESA; and (4) bald eagle (*Haliaeetus leucocephalus*), listed as endangered under the California ESA.

Condition 4 requires YCWA to implement aquatic resource protection measures to ensure there are no Project-related impacts to special status species. Condition 4 includes actions consistent with mitigation measures (BIO-2, BIO-3, BIO-5, and BIO-6) from YCWA's final EIR intended to protect biological resources. Beneficial uses for the Yuba River, sources to Englebright Reservoir, that may be adversely affected by Project activities include: cold freshwater habitat, cold spawning habitat, and wildlife habitat.

### **6.5 Rationale for Condition 5 – Erosion and Sediment Control**

Erosion and sedimentation can contribute to degradation of waters of the state; therefore, it is necessary to implement actions to limit or eliminate such discharges to protect water quality and associated beneficial uses. Project construction activities, including excavation and other ground disturbing activities, have the potential to cause erosion within New Bullards Bar Reservoir and the North Yuba River. Specifically, excavation and blasting, construction of the temporary cofferdam, and dewatering could result in erosion and sedimentation that could increase turbidity and have the potential to impact water quality and associated beneficial uses of the Yuba River, sources to Englebright Reservoir. Initial operation of the ARC Spillway is expected to cause significant erosion to the North Yuba River channel immediately below the spillway. Ongoing operation of the ARC Spillway may also cause erosion of a plunge pool in the North Yuba River channel, and of the hillside opposite the spillway as a result of mist and/or spray saturating the hillside, particularly during larger flood events. Increases in erosion and sedimentation associated with Project activities could adversely impact beneficial uses including: 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.

Condition 5 requires YCWA to implement the Construction General Permit and other measures to protect water quality associated with Project activities with the potential to cause erosion or result in sediment discharges. If applicable, Condition 5 requires YCWA to develop and implement Water Quality Monitoring and Protection Plans (WQMP Plans) to protect water quality and beneficial uses that may be impacted by Project activities. Condition 5 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

### **6.6 Rationale for Condition 6 – Hazardous Materials**

Hazardous materials management is essential to ensure hazardous materials are properly stored, transported, and managed throughout Project implementation 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 6 is required pursuant to Water Code section 13264, which prohibits any discharge that is

not specifically authorized in this certification.

The Project involves installation and demolition of concrete 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 oil and grease, toxicity and floating material water quality objectives. Condition 6 requires implementation of hazardous materials management measures for the Project to prevent spills of hazardous materials 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 toxicity, floating material, 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).

Condition 6 also requires YCWA to monitor for and report any discharges that might violate water quality objectives. This 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.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by hazardous materials from Project 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.

## **6.7 Rationale for Condition 7 – Construction Reporting**

Condition 7 requires YCWA to notify Central Valley Regional Water Board and State Water Board staff prior to implementing Project activities, provide annual Progress Reports during Project construction, and submit a Completion Report following completion of Project construction to document compliance with the certification requirements related to Project construction. The Progress Reports will inform the State Water Board of compliance with water quality objectives and protection of beneficial uses during Project construction. 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 Project construction does not impact water quality and associated beneficial uses.

## **6.8 Rationales for Conditions 8 through 28**

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions.

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 and other legal requirements that may apply to the Project.

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 a discharge 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 format compatible 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 ESA (Fish & G. Code, § 2050 et seq.) and federal ESA (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 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.” To help ensure the integrity of the certification process and its focus on ensuring that Project-related activities meet water quality standards and other appropriate requirements of state law, Condition 10 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply, including the state and federal ESAs.

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 Water Board] will comply with applicable requirements” of state and federal law. 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 right, 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)(B).) 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 through 15 are necessary to assure that any discharge 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 licensee 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 28 are necessary to ensure that the Project operates 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 Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Project-related activities will comply with state and federal water quality requirements and other appropriate requirements of state law.

Conditions 16 and 17 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of additional actions to ensure

compliance and prevent violations of water quality standards. In the event of non-compliance, additional actions may be necessary to return the Project to compliance and prevent violation of water quality standards.

Conditions 18, 19, 20, 21, and 22 require the licensee to comply with the Central Valley Basin Plan and Bay-Delta Plan, and amendments thereto; provide for updates to the Project based on changes in technology and methodology; and ensure that all reasonable measures are taken 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 22 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 23 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.

Condition 24 relates to site access requirements and 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 section 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses.

Condition 25 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project's sites. This condition is required to ensure 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 protection of beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 26 requires the licensee to 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 27 ensures the licensee complies with the Dredge or Fill Procedures and the Project's activities result in no net loss of wetland quantity, quality, or permanence, consistent with Water Code sections 16200-16201.

In the event that any provision of this certification is found invalid, Condition 28 ensures that the certification will remain effective, and water quality will still be protected. (Wat. Code, § 13160.)

## **7.0 Conclusion**

The State Water Board finds that, with the conditions and limitations imposed under this certification, the proposed Project will comply with applicable state water quality standards and other appropriate requirements of state law.

## **8.0 Water Quality Certification Conditions**

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES THAT CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE NEW BULLARDS BAR DAM ATMOSPHERIC RIVER CONTROL SPILLWAY PROJECT (PROJECT) 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 State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director), Yuba County Water Agency (YCWA or Licensee) shall implement the Project as described in YCWA's June 10, 2025, certification application (YCWA 2025b).

Additionally, unless otherwise approved by the Federal Energy Regulatory Commission (FERC) and the Deputy Director, the Licensee shall comply with the flow requirements below New Bullards Bar Dam as mandated by the FERC license for the Yuba River Development Project (YRDP, FERC Project No. 2246) throughout Project implementation. Following issuance of a new FERC license for the YRDP, the Licensee shall comply with the new FERC license flow requirements, including conditions of the certification issued on December 26, 2025 for the YRDP and Narrows Hydroelectric Project.

### **CONDITION 2. Dewatering and Diversion**

No later than 90 days prior to any activities associated with dewatering or diversion related to the Project, the Licensee shall submit a Dewatering and Diversion Plan to the Deputy Director for review and consideration of approval, unless another timeline is approved by the Deputy Director. The Deputy Director may require changes as part of any approval. Unless otherwise approved by the Deputy Director, at a minimum the Dewatering and Diversion Plan shall include the following:

- Description and schedule of all construction activities that involve dewatering, water diversion, and in-water or water-adjacent work.
- Description of work related to dewatering and temporary water diversion activities, including:
  - Equipment and methods that will be used for dewatering and temporary water diversion, including descriptions of procedure that will be used for installation, operation, maintenance, removal, and rewatering (e.g., inspection and follow-up actions, if applicable).
  - Type(s) of barriers that will be installed, as needed, to isolate work areas from surface waters.
  - List of materials that will be used in or adjacent to the watercourse.
- If applicable, measures to address seepage water and/or groundwater intrusion.

- Measures that will be implemented 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).

The Licensee shall not commence dewatering or diversion activities without receipt of Deputy Director approval of the Dewatering and Diversion Plan or proposed changes thereto. Any proposed changes to the Deputy Director-approved Dewatering and Diversion Plan shall be submitted to the Deputy Director prior to implementation for review and consideration of approval. The Licensee shall implement the Dewatering and Diversion Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

### **CONDITION 3. Construction Water Quality Monitoring**

No later than 90 days prior to any ground disturbing activities associated with Project construction, the Licensee shall submit a Water Quality Monitoring Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Water Quality Monitoring Plan shall be developed in consultation with the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board), and State Water Board staff. The Water Quality Monitoring Plan shall include a reporting component, which may be integrated with reporting required per Condition 7 (Construction Reporting). The Water Quality Monitoring Plan shall describe water quality monitoring that will be performed consistent with this condition. Unless otherwise approved by the Deputy Director, at a minimum include Water Quality Monitoring Plan shall include the following:

- Identification of in-water and water-adjacent work associated with the Project that has the potential to result in a discharge to surface waters.
- Water quality monitoring consistent with mitigation measure Hydrology and Water Quality (HWQ)-2 of YCWA's 2024 final Environmental Impact Report for the Project;
- Monitoring for turbidity, pH, temperature, dissolved oxygen, and construction-related pollutants (e.g., oils, greases, fuels):
  - Monitoring for turbidity, pH, temperature, and dissolved oxygen shall be conducted in 15-minute or more frequent intervals using an automated sensor system during implementation of construction activities that have the potential to impact waters of the state.
  - Visual monitoring for visible pollutants shall be conducted continuously throughout active work areas during Project construction and maintenance activities.
- Locations where monitoring will be conducted, including a monitoring site downstream of the Project construction area, downstream of any dewatering discharges (as applicable), and a location(s) that represents background (i.e., existing) water quality conditions. The proposed monitoring locations shall

be identified in the Water Quality Monitoring Plan with a global positioning system point and photograph. The Deputy Director may require other or additional locations if the submitted locations are determined to be inadequate.

- Equipment that will be used for monitoring or sample collection, methods that will be used for analysis (if applicable), and quality assurance and quality control protocols that will be implemented.

The Water Quality Monitoring Plan shall monitor water quality during Project activities to ensure that the Project complies with water quality objectives identified in the Central Valley Regional Water Board's *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. The Water Quality Monitoring Plan shall include the current water quality objectives in the Central Valley Basin Plan for the following constituents and any other appropriate constituents: turbidity, pH, temperature, dissolved oxygen, and visible pollutants.

The Deputy Director and the Central Valley Regional Water 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 exceedance, measures taken to correct the exceedance, and measures the Licensee will implement to prevent future exceedances. 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 if appropriate, water quality meets the Central Valley Basin Plan water quality objective(s), and the Deputy Director has provided approval to proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future.

Water quality objectives<sup>10</sup> specified in the Central Valley Basin Plan relevant to the Project include:

*Turbidity.* Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributed to controllable water quality factors shall not exceed the following limits:

- Where natural turbidity is less than one Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed two NTUs;
- Where natural turbidity is between one and five NTUs, increases shall not exceed one NTU;
- Where natural turbidity is between five and 50 NTUs, increases shall not exceed 20 percent;
- Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed

---

<sup>10</sup> These water quality objectives are provided for reference only. The Licensee is responsible for ensuring compliance with the most current water quality objectives in the Central Valley Basin Plan and any amendments thereto.

10 NTUs; and

- Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above turbidity limits, an appropriate averaging period, not to exceed 24 hours, may be applied, provided that beneficial uses will be fully protected.

Dissolved Oxygen: Dissolved oxygen shall not decrease below 7 milligrams per liter.

Visible construction-related pollutants: Waters shall not contain oils, greases, waxes, 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.

pH: The pH shall not be depressed below 6.5 nor raised above 8.5.

The Licensee shall file with FERC and the United States Army Corps of Engineers the Deputy Director-approved Water Quality Monitoring Plan, and any approved amendments thereto. The Licensee shall implement the Water Quality Monitoring Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein. Any proposed changes to the Deputy Director-approved Water Quality Monitoring Plan shall be submitted to the Deputy Director prior to implementation for review and consideration of approval.

#### **CONDITION 4. Aquatic Biological Resource Protection**

To reduce potential impacts to aquatic biological resources associated with Project activities, and unless otherwise approved by the Deputy Director, the Licensee shall implement mitigation measures Terrestrial Biological Resources (BIO)-2, BIO-3, BIO-5, and BIO-6 from YCWA's 2024 final EIR with the following additions:

- A qualified biologist<sup>11</sup> shall inspect the staging area and fencing (if installed) daily, before Project activities begin.
- At the end of each workday, all steep-sided excavations that are more than two feet deep shall be provided with one or more ramp(s), to allow biological resource egress or be covered to prevent wildlife from becoming stuck in an excavation.
- Worker Environmental Awareness Training: In addition to the training provided prior to construction activities as described in mitigation measures BIO-5 and BIO-6, the Licensee shall provide to all maintenance personnel, as appropriate, to brief them on the location(s) of sensitive biological resources, how to identify species (visual and auditory) most likely to be present, the need to avoid impacts

---

<sup>11</sup> For purposes of this condition, a qualified biologist is a biologist who is knowledgeable of and experienced with foothill yellow-legged frog, California red-legged frog, northwestern pond turtle, and bald eagle and their habitats.

to biological resources, and reporting and potential work stoppage requirements if special-status species are encountered during maintenance activities. Personnel shall receive worker environmental awareness training before conducting maintenance activities. Proof of personnel environmental training shall be kept on file by the Licensee.

- Work crews shall be restricted to designated and clearly defined work areas and access routes. Staging of equipment and material sites shall be restricted to designated areas.
- Impacts to Waters of the State: The Project will result in temporary and permanent impacts to the North Yuba River and New Bullards Bar Reservoir. The Project is anticipated to have temporary impacts to approximately 0.23 acres of the North Yuba River. The Project is anticipated to have permanent impacts to 2.01 acres of New Bullards Bar Reservoir habitat, and 0.02 acres of permanent impacts to the North Yuba River. The Licensee shall notify and receive approval from the Deputy Director for any increase to these estimated temporary and permanent impacts. In accordance with the draft compensatory mitigation provided in YCWA's certification application, 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 2019b and 2021) and any amendments thereto, and Water Code sections 16200-16201. The Licensee shall provide the Deputy Director with documentation of compliance with this condition as part of reporting (Condition 7).
- If a CDFW Lake and Streambed Alteration Agreement is issued for the Project and includes provisions for biological resource protection, the more stringent requirement of this certification or the agreement shall apply.

## **CONDITION 5. Erosion and Sediment Control**

### **5(A) Project Construction**

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 construction of the Project:

- The Licensee shall implement mitigation measures HWQ-1, HWQ-2, and HWQ-3 from YCWA's 2024 final EIR, as well as the Avoidance and Minimization Measures included in Section Eight of YCWA's Water Quality Certification Application (YCWA 2025b) and the United States Department of Agriculture, Forest Service's (USFS) *National Best Management Practices for Water Quality Management on National Forest System Lands* (USFS 2012).
- Ground disturbance and vegetation removal shall not exceed the minimum amount necessary to complete Project construction.
- All vehicles and equipment previously used on non-paved surfaces outside of the watershed shall be thoroughly cleaned before entering the Project area.
- Following Project construction, all exposed and/or disturbed areas associated

with construction activities shall be returned to their original contour and grade. Disturbed areas shall be restored using local native seed mix. Areas shall be restored with species appropriate to the area's topographical and hydrological character.

- If more than 0.25-inch of rain is forecast within a 24-hour period of Project construction, all stockpiles shall be covered and surrounded with sediment control measures or berms to prevent sediment run-off.
- To the extent practicable, staging areas shall be limited to already disturbed areas.
- Stockpiles shall be located outside of riparian and wetlands habitats.
- Fill shall be properly compacted to avoid and/or minimize erosion.
- 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.
- Applicable portions of New Bullards Bar Reservoir 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 and consistent with the provisions of Condition 4 (Aquatic Biological Resource Protections) to ensure the protection of biological resources. Erosion controls shall be installed prior to construction and maintained throughout construction.
- Prior to beginning construction activities within 250 feet of aquatic resources (e.g., wetlands, riparian habitat, vernal pools, swales, and surface waters), construction best management practices (BMPs) shall be employed to ensure aquatic resource protections. BMPs shall include the use of appropriate measures to intercept and capture sediment prior to it entering aquatic resources, as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain in place until construction activities are completed and restoration has been implemented. All BMPs shall be maintained until all onsite soils are stabilized.

#### 5(B) Project Operations and Maintenance

In addition to implementation of mitigation measure HWQ-4 from YCWA's 2024 final EIR, which requires the Licensee to inspect the ARC Spillway discharge channel, the Licensee shall also monitor any plunge pool(s) formed by operation of the ARC Spillway, and the hillslope directly opposite the ARC Spillway discharge channel. Within 60 days of each monitoring event, the Licensee shall report results to the Deputy Director. Based on reporting, the Deputy Director may require the Licensee to implement adaptive management actions to ensure water quality protections.

Consistent with mitigation measure HWQ-5, turbidity monitoring shall be conducted

prior to, during, and after the first three large flood events<sup>12</sup> at the ARC Spillway. Monitoring shall be conducted at locations that include a site in the North Yuba River downstream of the expected location of the new plunge pool below the ARC Spillway, and a location that represents background (i.e., natural) water quality conditions. The Deputy Director may require other or additional locations if the selected locations are determined to be inadequate. The Deputy Director 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 exceedance, measures taken to correct the exceedance, and measures the Licensee will implement to prevent future exceedances. The Deputy Director may require additional actions to help prevent similar exceedances in the future.

Long-term operation and maintenance of the Project (i.e., operations following FERC's issuance of a new license for the YRDP) shall comply and be performed consistent with Condition 19 (Construction and Maintenance) of the December 26, 2025 water quality certification issued for YRDP and Narrows Hydroelectric Project relicensing.

#### 5(C) Construction General Permit and Water Quality Monitoring and Protection Plans

##### Construction General Permit

The Licensee shall comply with the Construction General Permit (State Water Board 2022) 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.

##### Water Quality Monitoring and Protection Plans

For construction, operations, maintenance, or other activities with the potential to impact water quality or beneficial uses that are not covered by the Construction General Permit and/or are not covered by another condition of this certification, the Licensee shall submit site-specific Water Quality Monitoring and Protection (WQMP) Plans for Deputy Director review and consideration of approval. The Deputy Director may require changes as part of any approval.

The WQMP Plans must describe the proposed activity and the measures that will be implemented to ensure compliance with water quality objectives in the Central Valley Basin Plan (Central Valley Regional Water Board 2019), as adopted and amended by the Central Valley Regional Water Board and other appropriate requirements of state law. At a minimum, water quality objectives that shall be evaluated for monitoring and discussed in the WQMP Plans include sediment, turbidity, pH, temperature, dissolved oxygen, and oils and greases. The WQMP Plans shall describe why monitoring for certain parameters is not needed or describe the monitoring that will be implemented for

---

<sup>12</sup> The three large flood events shall represent the expected range of flows and duration associated with ARC Spillway use.

a given parameter.

The Licensee shall file with FERC and the United States Army Corps of Engineers the Deputy Director-approved WQMP Plans, and any approved amendments thereto. The Licensee shall implement the WQMP Plans upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein. Any changes to a Deputy Director-approved WQMP Plan shall be submitted to the Deputy Director for approval prior to implementation.

#### **CONDITION 6. Hazardous Materials**

Unless otherwise approved by the Deputy Director, the Licensee shall implement mitigation measure Hazards and Hazardous Materials (HAZ)-1 from YCWA's 2024 final EIR, and the following hazardous materials<sup>13</sup> control measures to ensure sufficient management of hazardous materials associated with construction and maintenance of the Project:

- When not in use, equipment shall be stored in upland areas outside the ordinary high-water mark of waters of the state.
- Construction and maintenance 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 Project. Additionally, all construction and maintenance personnel shall receive training on the appropriate work practices necessary to comply with applicable environmental laws and regulations for hazardous materials management.
- All construction and maintenance equipment shall be inspected for leaks before entering the construction and maintenance area. All equipment shall be well maintained and inspected daily while onsite to prevent leaks of fuels, lubricants, or other fluids into surface waters. Stationary equipment (e.g., generators) within 100 feet of waters of the state shall have secondary containment.
- Service and refueling shall be conducted in designated areas, at least 300 feet from any surface waters. Service and refueling areas shall include secondary containment including drip pans and/or placement of absorbent material.
- Wet concrete or cement shall not be placed into waterbodies or adjacent stream channel habitat. Concrete or cement shall be completely cured before coming into contact with waters of the state. If any surface water comes into contact with wet concrete or cement it must be pumped out and disposed of in accordance with applicable laws and regulations.
- Onsite containment for storage of chemicals classified as hazardous shall be stored away from watercourses and include secondary containment and

---

<sup>13</sup> Hazardous materials include, but are not limited to: petroleum products, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to water quality and beneficial uses.

appropriate management as specified in California Code of Regulations, title 27, section 20320.

- Any water contaminated by hazardous materials shall be disposed of properly off-site in a manner that does not impair water quality.
- Absorbent spill clean-up materials and spill kits shall be maintained onsite adjacent to all work areas, in staging areas, and in vehicles to absorb small spills. All used absorbent materials shall be disposed of properly.
- If hazardous materials are released with the potential to impact surface waters, or pollutants monitored as part of Condition 3 are observed, the Licensee shall immediately cease any activities associated with construction or maintenance that resulted in the release and implement measures to limit and clean up the release. The Licensee shall notify the Deputy Director and the 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 Licensee will implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future. The Licensee may resume work when the Deputy Director has provided approval to proceed.

## **CONDITION 7. Construction Reporting**

### **7(A) Initial Report and Updates to Project Construction Schedule**

At least five days prior to the start of Project construction, the Licensee shall notify Central Valley Regional Water Board and State Water Board staff that activities are anticipated to begin and provide an anticipated schedule for Project construction. Throughout the construction process, the Licensee shall provide Central Valley Regional Water Board and State Water Board staff with updates involving any major schedule changes within five business days of the schedule change.

### **7(B) Progress Reports**

Following initiation of and throughout Project construction, by March 31 of each year, the Applicant shall submit annual Progress Reports to the Division of Water Rights Water Quality Certification Program Manager. The Progress Reports shall include:

- A summary of activities performed in the prior calendar year.
- Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements. This includes monitoring data associated with other conditions of this certification if not submitted separately.
- Summary of initial or site preparation activities including any relocated or fenced-off aquatic species or sensitive habitat.
- Details of Project-related adverse impacts to beneficial uses, if applicable.

The Licensee 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 Licensee shall provide additional information or meet with staff to discuss a Progress Report.

The Deputy Director may require the Licensee to implement additional measures or corrective actions or approve additional measures proposed by the Licensee in response to the information provided in a Progress Report, a request for consultation, or new information in the record.

#### 7(C) Construction Completion Report

Within 60 days of completion of Project construction, the Licensee shall provide the Deputy Director with a Completion Report that may refer to previously submitted Progress Reports. The Completion Report shall comprehensively summarize:

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

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

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

#### **CONDITION 8.      CONDITIONS 8 – 28**

**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 Water Code section 13167.

**CONDITION 9.**      This certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California ESA (Fish & G. Code, §§ 2050–2089.25) 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 Licensee, the Licensee must obtain authorization for the take prior to any construction, operation, or maintenance of the portion of the Project that may result in a

take. The Licensee is responsible for meeting all requirements of the applicable ESAs for the Project 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 Licensee is responsible for compliance with all applicable federal, state, and local laws and ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of activities associated with the Project.

**CONDITION 11.** Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another local, 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 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 specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or modify a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Licensee 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 or Executive Director approval, the Licensee shall submit a written request for the extension, with justification, to the designated approver no later than 60 days prior to the deadline. The Licensee shall file with FERC any Deputy Director or Executive Director-approved time extensions. The Licensee shall not implement any plan, proposal, or report until after receiving 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-related 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 Licensee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Licensee will implement to address the violation. The Licensee shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other applicable requirements of state law.

**CONDITION 18.** The Licensee shall submit any change to the Project, including operations, facilities, technology changes or upgrades, or methodology, which may 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, unless otherwise specified. The State Water Board shall determine significance and may require consultation with state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification. If such a change would also require submission to FERC, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

**CONDITION 19.** This certification is contingent on compliance with all applicable requirements of the Central Valley Regional Water Board's Central Valley Basin Plan (Central Valley Regional Water Board 2019) and any amendments thereto, and the State Water Board's Bay-Delta Plan and any amendments thereto.

**CONDITION 20.** Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of the Project in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Project to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of

water quality and beneficial uses and compliance with other applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

**CONDITION 21.** Unless otherwise specified by conditions in this certification, the Project shall be operated 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.

**CONDITION 22.** 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 23.** The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add or modify the conditions of this certification.

**CONDITION 24.** Upon request, a construction schedule shall be provided to the Deputy Director. The Licensee shall provide State Water Board and Central Valley Regional Water Board staff access to the Project's sites to document compliance with this certification.

**CONDITION 25.** 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's sites. The Licensee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting work related to the Project.

**CONDITION 26.** The Licensee 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 Lab Accreditation Program-certified laboratories.

**CONDITION 27.** The Licensee shall ensure no net loss of wetland or riparian habitat functions and is responsible for compliance with the Dredge or Fill Procedures (State Water Board 2019b and 2021) and any amendments thereto, and Water Code sections 16200-16201.

**CONDITION 28.** Certification that the Project will be protective of water quality and beneficial uses in compliance with 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 Project, 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.

**DRAFT**

\_\_\_\_\_  
Eric Oppenheimer  
Executive Director

\_\_\_\_\_  
Date

Attachment: Attachment A: Overview Maps for the Project.

## 9.0 References

Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board). 2019. *The Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin (Central Valley Basin Plan)*. Fifth Edition. Revised 2019 (with Approved Amendments).

National Marine Fisheries Service (NMFS). 2014. Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salmon And Central Valley Spring-Run Chinook Salmon and the Distinct Population Segment of California Central Valley Steelhead. Retrieved from:

[https://s3.amazonaws.com/media.fisheries.noaa.gov/dam-migration/central\\_valley\\_salmonids\\_recovery\\_plan-accessible.pdf](https://s3.amazonaws.com/media.fisheries.noaa.gov/dam-migration/central_valley_salmonids_recovery_plan-accessible.pdf). Accessed on April 23, 2026.

State Water Resources Control Board (State Water Board). 1968. Statement of Policy with Respect to Maintaining High Quality Waters in California. Resolution 68- 16.

Available at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/1968/rs68\\_016.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf). Accessed on April 23, 2026.

State Water Board. 2012. Delegation of Authority to State Water Resources Control Board Members Individually and to the Deputy Director for Water Rights. Resolution 2012-0029.

State Water Board. 2018. Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). Resolution 2018-0059.

State Water Board. 2019b. State Wetland Definition and Procedures for Discharge of Dredged or Fill Material to Waters of the State (Procedures). Resolution 2019-0015.

State Water Board. 2021. Confirmation That the “State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” (1) Are in Effect as State Policy for Water Quality Control for All Waters of The State and (2) Shall be Applied via the Inland Surface Waters and Enclosed Bays and Estuaries Plan to only Waters of The United States. Resolution 2021- 0012. Available at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2021/rs2021-0012.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021-0012.pdf). Accessed on April 23, 2026.

State Water Board. 2022a. Construction Stormwater General Permit Order 2022-0057-DWQ. Available at: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo\\_2022-0057-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0057-dwq.pdf). Accessed on April 23, 2026.

State Water Board. 2022b. Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States From Algae and Aquatic Weed Control Applications. Order WQ 2013-0002-DWQ and NPDES No. CAG990005, as amended by Order WQ 2014-0078-DWQ,

Order WQ 2015-0029-DWQ, Order WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-0056-EXEC.

State Water Board. 2023. *Redelegation of Authorities Memorandum*. April 20, 2023.

State Water Board. 2024a. *Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed*. October 25, 2024. Available at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2024/drft-sacdelta-bdplan-updates.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2024/drft-sacdelta-bdplan-updates.pdf). Accessed on April 23, 2026.

State Water Board. 2024b. 2024 California Integrated Report for Clean Water Act Sections 303(d) and 305(b). Available at: [https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/2024-integrated-report.html](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html). Accessed on April 23, 2026.

State Water Board. 2025a. *Revised Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed*. July 24, 2025. Available at: [https://waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/bay\\_delta\\_plan/docs/rev-draft-sacdelta-bdplan-updates.pdf](https://waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/docs/rev-draft-sacdelta-bdplan-updates.pdf). Accessed on April 23, 2026.

State Water Board. 2025b. *Revised Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed*. December 12, 2025. Available at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2025/h/dec2025-rev-draft-sacdelta-bdplan.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2025/h/dec2025-rev-draft-sacdelta-bdplan.pdf). Accessed on April 23, 2026.

United States Department of Agriculture Forest Service (USFS). 2012. *National Best Management Practices for Water Quality Management on National Forest System Lands*. Volume 1: National Core BMP Technical Guide (FS-990a). April 2012.

Yuba County Water Agency (YCWA). 2023. *Draft Environmental Impact Report*. New Bullards Bar Dam Atmospheric River Control Spillway. June 23, 2023.

YCWA. 2024. *Final Environmental Impact Report*. New Bullards Bar Dam Atmospheric River Control Spillway. December 6, 2024.

YCWA. 2025a. Yuba River Development Project (FERC Project No. 2246-100) Non-Capacity License Amendment Atmospheric River Control Spillway. January 31, 2025.

YCWA. 2025b. Application for Water Quality Certification for New Bullards Bar Dam Atmospheric River Control Spillway. June 10, 2025.

YCWA. 2026a. Atmospheric River Control Spillway NMFS ESA Consultation Process Update and Technical Memorandum. February 12, 2026.

YCWA. 2026b. Request for Concurrence and Biological Assessment for New Bullards Bar Dam ARC Spillway Project. March 24, 2026.

**ATTACHMENT A:**

**OVERVIEW MAPS FOR THE PROJECT**

**DRAFT WATER QUALITY CERTIFICATION  
FOR  
NEW BULLARDS BAR DAM  
ATMOSPHERIC RIVER CONTROL SPILLWAY PROJECT**

---

---

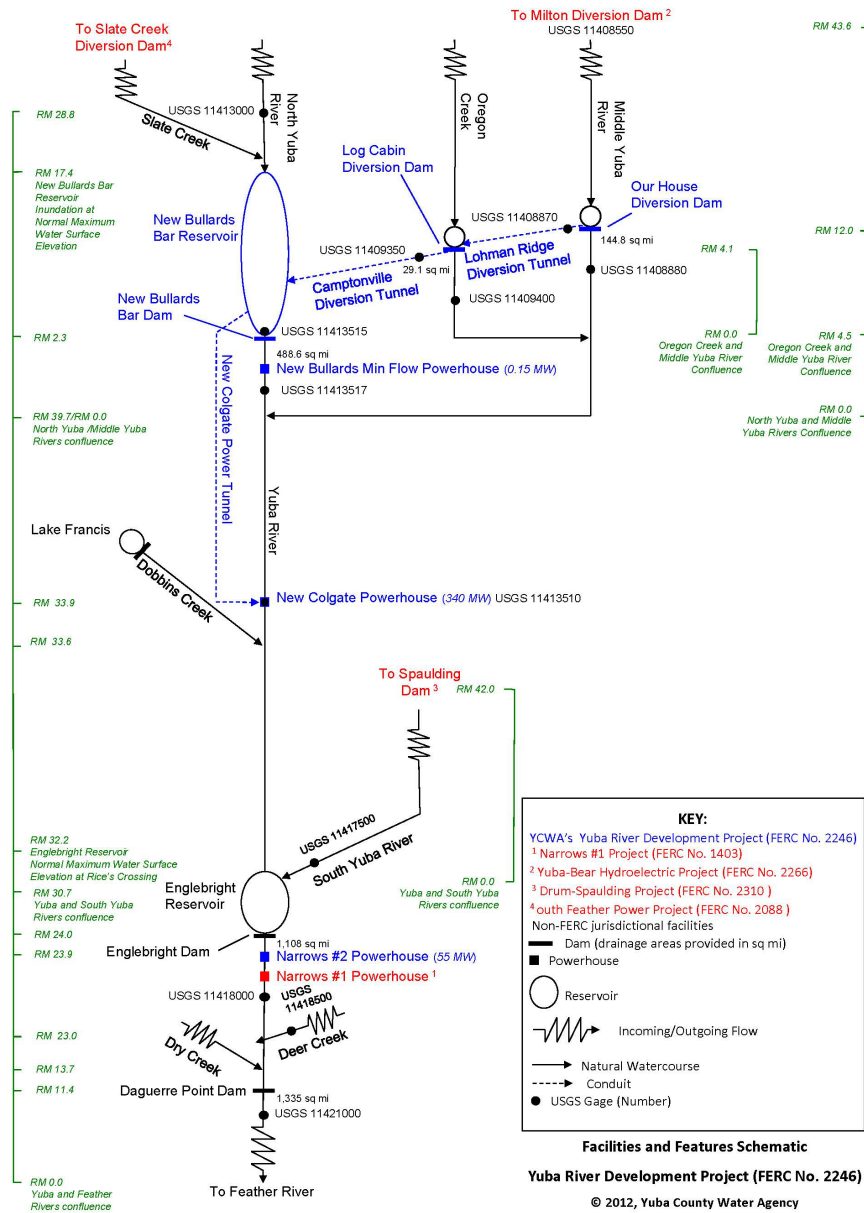


Figure A1. Schematic of the Yuba River Development Project and Narrows Hydroelectric Project Operations (YCWA 2012)

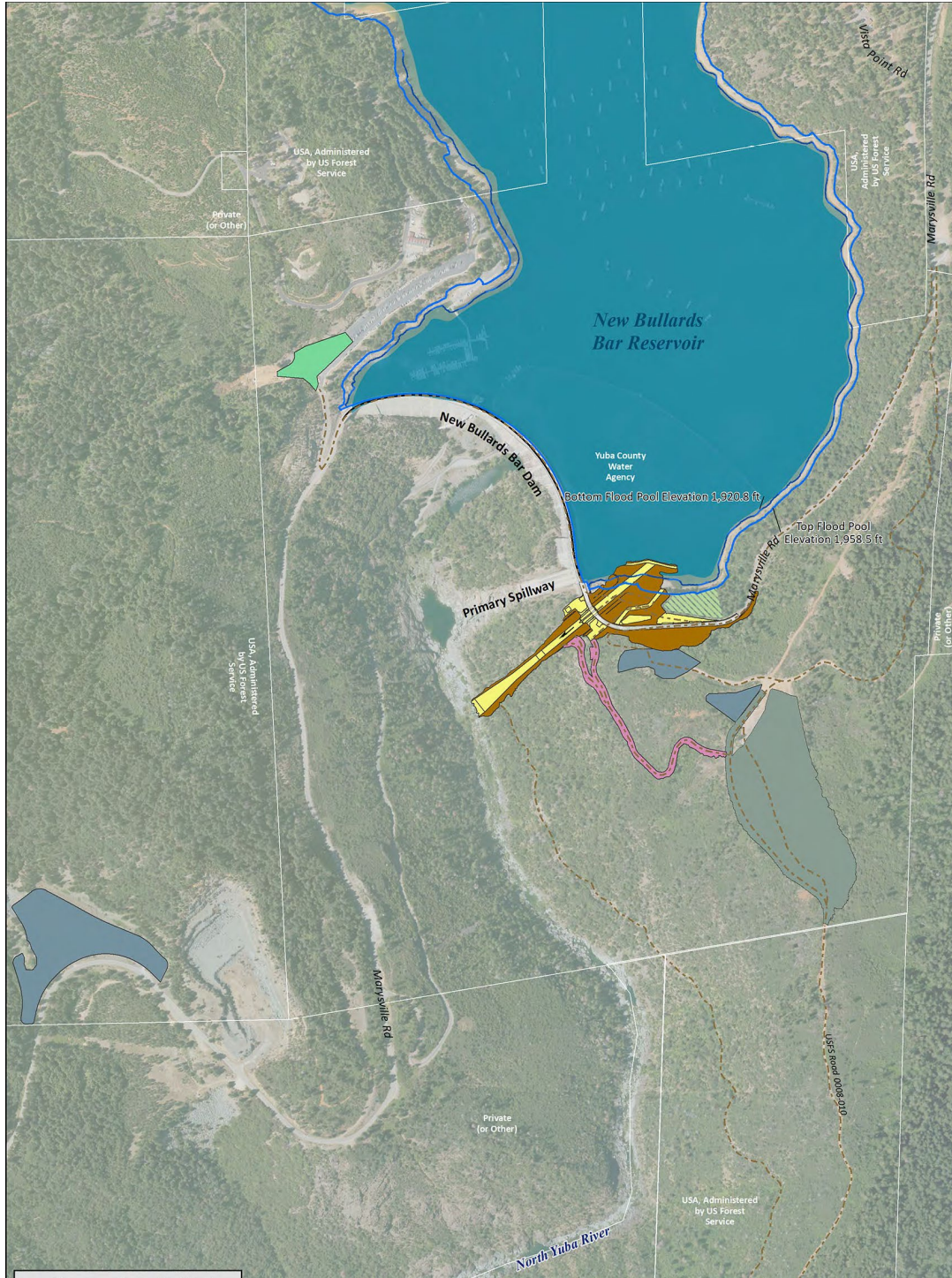
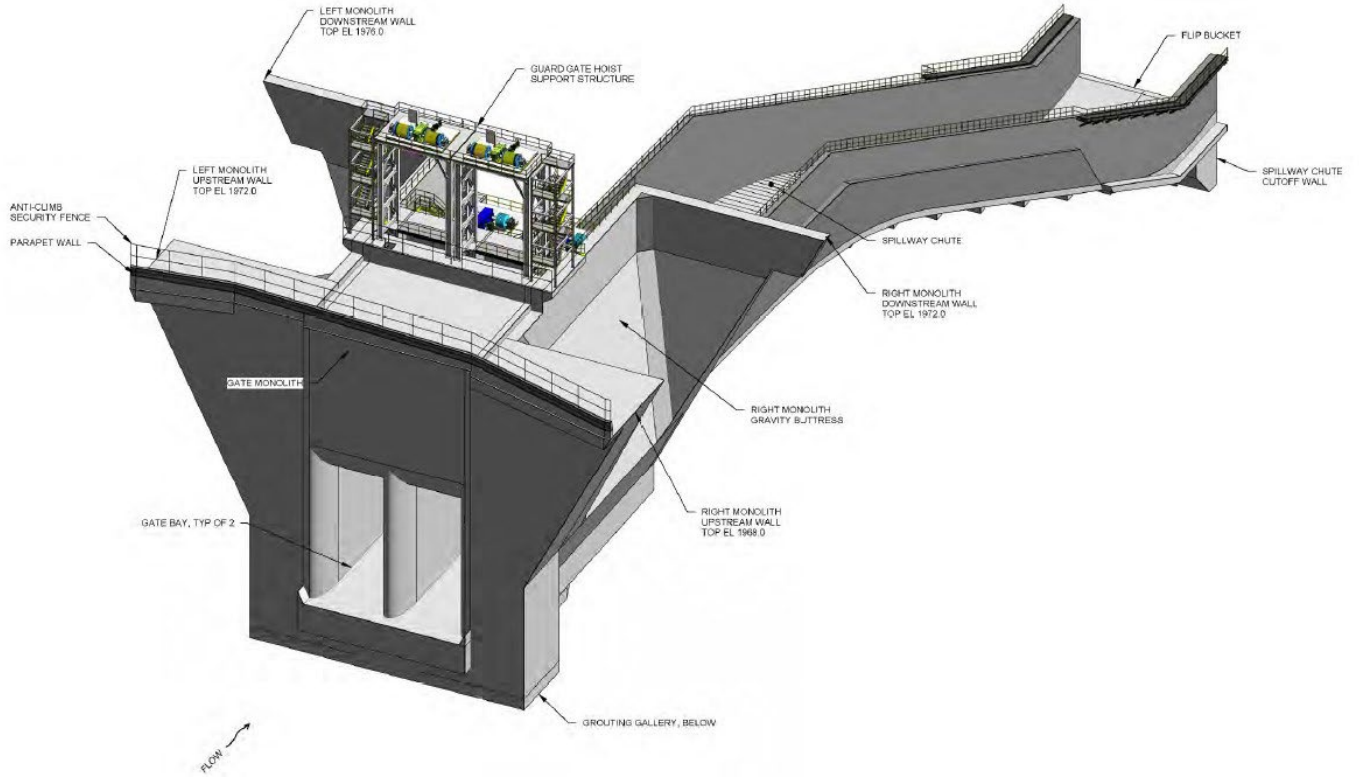


Figure A2. Construction Areas and Access (YCWA 2025)



**Figure A3. Conceptual Design of the Control Structure, Gate Hoist, and Spillway Chute (YCWA 2025)**



Figure Source: GEI Consultants, Inc.2023.

Z:\Projects\2202609\_YWA\_NBB\_ARC\_Spillway\_FY2023\G003\_2202609\_NBBSS\_Disposal.mxd  
24Jan2023 SI

**Figure A4. Permanent Soil and Rock Disposal Area (YCWA)**