



State Water Resources Control Board

NOTICE OF EXTENDED RESPONSE PERIOD: NEW DEADLINE TO SUBMIT RESPONSES IS JULY 30, 2021

NOTICE OF OPPORTUNITY TO RESPOND TO PETITIONS FOR RECONSIDERATION OF WATER QUALITY CERTIFICATION FOR YUBA RIVER DEVELOPMENT PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2246

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) has received timely petitions for reconsideration (Petitions) of its water quality certification (certification) for the Yuba River Development Project (Project), from the following parties (collectively, Petitioners):

1. Yuba County Water Agency (YCWA)¹;
2. California Department of Fish and Wildlife; and
3. California Sportfishing Protection Alliance, Friends of the River, Sierra Club Mother Lode Chapter, Trout Unlimited, and South Yuba River Citizens League.

The Petitions were filed pursuant to California Code of Regulations, title 23, section 3867.

BACKGROUND

The Project, which is owned and operated by YCWA, is undergoing relicensing before the Federal Energy Regulatory Commission (Commission). On July 17, 2020, the State Water Board's Executive Director issued a certification for the Project, pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341), and included a term that delayed reconsideration in light of a Commission order finding that the State Water Board had waived its certification authority. On August 14, 2020, YCWA filed a premature petition for reconsideration of the certification for the Project. On December 15, 2020, the State Water Board amended the certification to allow the reconsideration process to move forward. Within 30 days of the certification amendment, the State Water Board received the above listed Petitions, which include an amended petition from YCWA. The Petitions are available as described in the *Availability of Documents* section below.

¹ Doing business as Yuba Water Agency.

AVAILABILITY OF DOCUMENTS

Copies of the Petitions and associated documents have been uploaded to a [File Transfer Protocol \(FTP\) site](#). Please use the following information to access the documents on the FTP site:

FTP Webpage Address: <https://ftp.waterboards.ca.gov/>

User Name: YRDP-FTP

Password: Hs2Drth9Qfdas

If you have difficulty accessing the documents on the FTP site, please email WR401program@waterboards.ca.gov to arrange for an alternative method to access the documents. Responses received in answer to this notice will also be made available on the FTP site within 10 days of the deadline for responses.

Additional documents related to the Project, including the certification, are available on the [State Water Board's Project webpage](#)².

SUBMISSION OF RESPONSES TO PETITIONS

Any party or person wishing to file a response to the Petitions with the State Water Board shall have 20 days from the date of mailing of this notice to do so. (Cal. Code Regs., tit. 23, § 3867.1.) **Responses to the Petitions must be submitted to the State Water Board by ~~July 12, 2021~~ July 30, 2021, as directed below.** Copies of responses must also be submitted to the Executive Officer of the Central Valley Regional Water Quality Control Board, Petitioners, including YCWA, at the following addresses:

Patrick Pulupa
Executive Officer
Central Valley Regional Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Patrick.Pulupa@waterboards.ca.gov

Kevin Thomas
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
kevin.tomas@wildlife.ca.gov

Briana Seapy
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Briana.seapy@wildlife.ca.gov

Jennifer Garcia
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Jennifer.garcia@wildlife.ca.gov

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https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/yubariver_ferc2246.html

Ryan S. Bezerra
Bartkiewicz, Kronick & Shanahan
1011 Twenty-Second Street
Sacramento, CA 95816
rsb@bkslawfirm.com
(Representing YCWA)

Chris Schutes
California Sportfishing Protection Alliance
1608 Francisco Street
Berkeley, CA 94703
blancapaloma@msn.com

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1418 20th Street, Suite 100
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ashley@friendsoftheriver.org

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Friends of the River
1418 20th Street, Suite 100
Sacramento, CA 95811-5206
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Melinda Booth
South Yuba River Citizens League
313 Railroad Avenue #101
Nevada City, CA 95959
melinda@yubariver.org

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Brian Johnson
California Director
Trout Unlimited
5950 Doyle Street, Suite 2
Emeryville, CA 94608
Brian.Johnson@tu.org

Sean Wirth
Conservation Committee Chair
Sierra Club - Mother Lode Chapter
909 12th Street #202
Sacramento, CA 95814
wirthsoscranes@yahoo.com

Electronic submittal of responses is preferred. The State Water Board copy may be sent electronically to: WR401program@waterboards.ca.gov or hard copies can be mailed to:

Kristen Gangl
State Water Resources Control Board
Division of Water Rights - Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

EX PARTE DISCLOSURE REQUIREMENTS

Reconsideration of the certification is subject to the ex parte communication bar, as described in a [Memo from the State Water Board's Office of the Chief Counsel \(http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf\)](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

Any communications regarding reconsideration of the certification (except for non-controversial procedural matters) must occur at a publicly noticed meeting or workshop, or be submitted in writing and copied to the above-listed parties.

QUESTIONS REGARDING THIS NOTICE

During the current Coronavirus emergency, most State Water Board staff are working from home. Accordingly, if you have questions concerning this notice, the best and most efficient means of contact is by email to Kristen Gangl at Kristen.Gangl@waterboards.ca.gov. You may also reach out by leaving a voicemail at (916) 323-9389.

KEEP INFORMED OF PROJECT MILESTONES

To receive emails related to the Yuba River Development Project and other hydroelectric and water diversion projects subject to water quality certification, 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:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, 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 Division of Water Rights’ Water Quality Certification Program pertaining to the certification process for hydroelectric and other water diversion projects. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Ms. Kristen Gangl by phone at (916) 323-9389 to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

Ann Marie Ore
Water Quality Certification and Public Trust
Section Manager

June 28, 2021
Date