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State Water Resources Control Board

**PUBLIC WORKSHOP RELATED TO PETITIONS FOR  
RECONSIDERATION OF THE WATER QUALITY CERTIFICATION  
FOR THE YUBA RIVER DEVELOPMENT PROJECT  
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2246**

On July 17, 2020, the Executive Director of the State Water Resources Control Board (State Water Board) issued a water quality certification (certification) for the Yuba River Development Project (Project). The State Water Board received petitions for reconsideration (petitions) of the Project certification from the following entities (collectively, Petitioners):

1. Yuba County Water Agency (YCWA);<sup>1</sup>
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.

This notice provides information about a workshop that State Water Board staff will hold to provide Petitioners with an opportunity to present and discuss their thoughts on specific Project certification conditions. Petitioners may defer portions of their comments and presentations to other entities and experts that the Petitioners have selected to represent them. The intent of the workshop is to facilitate the exchange of information and foster greater understanding of Petitioners' concerns and views of specific Project certification conditions.

**WORKSHOP DETAILS**

This workshop will focus on technical items raised in the petitions and will not cover legal arguments associated with the petitions. This is a staff workshop, not a hearing. It is possible that one or more members of the State Water Board will attend the workshop. While a quorum of the State Water Board may be present at the workshop, no State Water Board action will be taken. Details of the workshop are as follows:

**Friday, September 17, 2021**  
**9:00 a.m. – 4:30 p.m. (*targeted end time*)**  
**Remote Participation Only**

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

## **PARTICIPATION INFORMATION**

While the primary focus of this staff workshop is to discuss the issues raised in the petitions with the Petitioners, there will be an opportunity for members of the public to provide comments.

### **PARTICIPANTS THAT DO NOT PLAN TO COMMENT**

If you do not wish to provide comments you can view the webcast at: <https://video.calepa.ca.gov/> (closed captioning available). You can access the live workshop by clicking on the video icon under the corresponding date and event. This option should be used for viewing the workshop UNLESS you intend to provide oral comments during the workshop. Please note that the link to the webcast will be available approximately five minutes before the workshop begins.

### **PARTICIPANTS THAT PLAN TO COMMENT**

**If you wish to make oral comments during the workshop you must fill out a virtual speaker card using the [online form](#) provided for this workshop.** Workshop participants should submit their online forms as soon as possible in advance of the workshop. However, participants that determine they would like to provide oral comments the day of the workshop may submit a form to speak at that time. Staff will respond to your form with the information needed to join the workshop via the Zoom online platform. To accommodate all participants, comments may be limited to 3-5 minutes per speaker. Comments during the workshop should be limited to technical or factual matters related to the petitions. If you have questions regarding the online form or how to participate in the workshop, please send an email to: [WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov).

## **AGENDA**

An agenda will be made available in advance of the workshop on the [Project webpage](#) (please refer to the Additional Information section below). The workshop will be recorded and transcribed. The recording will be available on the Project webpage. The transcript will be available upon request. If you require special accommodations, please contact Kristen Gangl at [WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov) or (916) 323-9389 no later than September 10, 2021.

## **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 for the Project. 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 petition process to move forward. Within 30 days of the certification amendment, the State Water Board received petitions from the above listed Petitioners, including an amended petition from YCWA.

## EX PARTE DISCLOSURE REQUIREMENTS

Reconsideration of the Project 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](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf)).

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

## ADDITIONAL INFORMATION

For more information regarding the Project, please visit the State Water Board's [Project webpage](#)<sup>2</sup>.

## HOW TO RECEIVE UPDATES

If you would like to receive email updates about the Project and other water rights-related water quality certifications, please sign up for the State Water Board's "Water Rights Water Quality Certification" [Email Subscription List](#) under "Water Rights" at: [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

## QUESTIONS

Please email questions regarding this notice to Kristen Gangl at: [WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov).

\_\_\_\_\_  
August 13, 2021  
Date

  
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Jeanine Townsend  
Clerk to the Board

<sup>2</sup> [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/yubariver\\_ferc2246.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/yubariver_ferc2246.html)