STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

PLACER COUNTY WATER AGENCY FRENCH MEADOWS CAMPGROUND REHABILITATION PROJECT

Sources: Two unnamed intermittent streams and one unnamed ephemeral

stream that are tributaries to French Meadows Reservoir

County: Placer

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Abbreviations

Antidegradation Policy Statement of Policy with Respect to Maintaining High

Quality Waters in California

APM Avoidance and Protection Measure

Bay-Delta Plan Water Quality Control Plan for the San Francisco

Bay/Sacramento-San Joaquin Delta Estuary

Best Management Practice BMP

CDFW California Department of Fish and Wildlife

Central Valley Basin Plan Water Quality Control Plan for the Sacramento River

Basin and the San Joaquin River Basin

Central Valley Regional

Water Board

CEQA California Environmental Quality Act

certification water quality certification

Construction General Permit National Pollutant Discharge Elimination System

(NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance

Central Valley Regional Water Quality Control Board

Activities

Deputy Director Deputy Director of the Division of Water Rights

Dredge or Fill Procedures State Wetland Definition and Procedures for

Discharges of Dredged or Fill Material to Waters of

the State

EIS Environmental Impact Statement

ESA Endangered Species Act

Board

FERC Federal Energy Regulatory Commission

Forest Service United States Forest Service

Hydroelectric Project Middle Fork American River Hydroelectric Project

Applicant Placer County Water Agency
NOD Notice of Determination

NPDES National Pollutant Discharge Elimination System

NWP Nationwide Permit

PCWA Placer County Water Agency

Project French Meadows Campground Rehabilitation Project

Regional Water Boards
State Water Board
USACE
Regional Water Quality Control Board
State Water Resources Control Board
United States Army Corps of Engineers

USEPA United States Environmental Protection Agency

Water Boards State Water Board and Regional Water

Boards, collectively

1.0 Project Description

Placer County Water Agency (PCWA or Applicant) owns and operates the French Meadows Campground as part of its Middle Fork American River Hydroelectric Project (Hydroelectric Project), which is also referred to as Federal Energy Regulatory Commission (FERC) Project No. 2079. The French Meadows Campground Rehabilitation Project (Project) is required by the Hydroelectric Project's FERC license, issued on June 8, 2020 (FERC 2020). The Project involves modifying the French Meadows Campground to meet United States Forest Service (Forest Service) accessibility standards. The Project includes: (1) reducing the number of existing campsites from 75 to 65; (2) replacing eight drainage culverts; (3) installing one new drainage culvert; (4) removing two small footbridges; and (5) additional improvements to campground roads, parking areas, amenities, and water and septic systems.

The French Meadows Campground is located along Forest Service Road 96 (Mosquito Ridge Road) on the southeast shore of French Meadows Reservoir, approximately 38 miles northeast of the community of Forest Hill in Placer County, California. Campsites are located along two loops between Mosquito Ridge Road and French Meadows Reservoir. Aquatic resources in the campground area include two intermittent unnamed streams that drain into French Meadows Reservoir, an ephemeral stream that drains into one of the intermittent streams, and three emergent wetlands along the intermittent streams and their branches (PCWA 2024a, Appendix F). Project maps can be found in Attachment A: Project Overview Maps.

Six culvert replacements and installation of the one new culvert will occur on the intermittent streams and associated branches. The remaining two culvert replacements¹ will not occur in waterbodies. In general, culvert construction will include the following: (1) sawcut and remove asphalt concrete or aggregate base (where required) within approximately 10 feet on both sides of the culverts to be replaced; (2) excavate around existing culverts—up to one foot on either side of the culvert pipes and to a depth sufficient to allow for one foot of cover over the new culverts; (3) remove existing culverts; (4) install new corrugated metal pipe circular or elliptical culverts; (5) improve downstream drainage and outlet from culverts as necessary²; (6) backfill excavated areas using native soil or cement slurry to provide approximately one foot of cover over new culverts; (7) restore road surfaces (asphalt concrete or aggregate base) where necessary; and (8) line the ditches with rock upstream and downstream of the new culverts to stabilize the banks. Construction activities will involve the use of heavy equipment, vehicles, and machinery, including five types of tractors, a crane, two types of compaction equipment, an asphalt paver, and six types of trucks.

¹ Culverts 3 and 6 channel sheet flow from snowmelt and rainfall events underneath the road. The flow is channeled in depressions that dry quickly following snowmelt, and water in the culverts is not conveyed into any streams or waterbodies (PCWA 2024b).

Improvements to downstream drainage and culvert outlets will include debris removal from culverts and rock drainage paths, and contouring prior to placement of rocklined drainage ditches to achieve more efficient channeling of flow (PCWA 2024b).

The two small footbridges³ that cross the intermittent streams and that will be removed as part of the Project are located as follows: the western footbridge is near existing campsites 56; and the eastern footbridge is near existing campsite 1. Removal of the western footbridge will include: (1) removal of railings and decking using hand tools; and (2) removal of small concrete blocks under the decking of bridge by hand or use of a small excavator, if necessary. The eastern footbridge, which consists of a small wooden plank placed across the banks of an unnamed stream, would be removed by a two-man crew lifting the planks by hand and disposal of the material offsite. PCWA plans to complete all work during the dry season and complete the Project by the end of 2025 (PCWA 2024a, 2025b).

Campground rehabilitation includes removal of 10 existing campsites, with six existing single sites converted to double sites and two existing campsites converted to host sites, all within the footprint of the existing campground. Additional improvements to French Meadows campground include reconstructing and slurry sealing campground roads; reconstructing and paving parking spurs; constructing three-feet-wide trails to connect spurs to campsites; replacing bear-resistant lockers and non-accessible tables and fire rings; constructing trash bin pads and a new amphitheater; installing new signage, a swing-arm gate, barrier rocks (to discourage entrance into sensitive areas), new waterline (within footprint of existing campground road), new faucets, and five new prefab vault toilets; and replacing a septic system.

Project implementation requires a permit from the United States Army Corps of Engineers (USACE) pursuant to section 404 of the Clean Water Act. PCWA applied for Nationwide Permit (NWP) 3 - Maintenance and NWP 13 - Bank Stabilization, and USACE has assigned designation number SPK-2024-00450 to the Project. Pursuant to section 401 of the Clean Water Act, a USACE permit requires PCWA to obtain a water quality certification (certification) from the State Water Resources Control Board (State Water Board). PCWA's certification application notes it will obtain coverage under the State Water Board's Construction General Permit⁴, which will include development and implementation of a Stormwater Pollution Prevention Plan to ensure compliance with best management practices (BMPs) (PCWA 2024b).

2.0 Regulatory Authority

2.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

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³ The two small footbridges are no longer needed because the two campsites that were near the footbridges will be moved to more accessible locations. Furthermore, removal of footbridges is intended to protect intermittent streams and wetlands in the area by reducing pedestrian traffic in these areas.

⁴ National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (State Water Board 2022).

(33 U.S.C. § 1251(a).) The Clean Water Act relies significantly on state participation and support in light of "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution" and "plan the development and use" of water resources. (33 U.S.C. § 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. § 1251(g)) requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. § 1251(g).)

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

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

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

2.1.1 Procedure, Application, and Noticing

On June 5, 2024, PCWA filed a certification application with the State Water Board under section 401 of the Clean Water Act. On July 3, 2024, 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. One comment was received requesting the construction drawings. State Water Board staff provided the commenter with the requested information, and no additional comments were received.

On April 30, 2025, State Water Board staff requested comments from the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) on a draft certification for the Project. (See Cal. Code Regs., tit 23, § 3855, subd. (b)(2)(B)). No comments were received.

2.2 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 (Basin Plan)* for the Sacramento River Basin and the San Joaquin River Basin (Central Valley Basin Plan) (Central Valley Regional Water Board 2019) and the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan) (State Water Board 2018⁵).

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

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

2.2.1 Central Valley Basin Plan

The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Valley Basin Plan. The Central Valley Basin Plan designates beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Valley Basin Plan specifies that the beneficial uses of any specifically identified waterbody generally apply to its tributary streams. The Central Valley Basin Plan identifies existing beneficial uses for the Middle Fork American River, source to Folsom Lake (including French Meadows Reservoir and its unnamed intermittent and ephemeral tributaries) as: municipal and domestic supply,

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

irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold freshwater spawning, and wildlife habitat. A potential beneficial use for the Middle Fork American River is warm freshwater habitat.

2.2.2 Antidegradation Policy

The State Water Board's <u>Statement of Policy with Respect to Maintaining High Quality Waters in California</u> (Antidegradation Policy)⁶ (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. § 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (*Id.*, § 131.12(a)(1).)

2.3 Construction General Permit

Coverage under the State Water Board's National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit)⁷ (State Water Board 2022) is required for activities that disturb one or more acres of soil, or that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.) PCWA identified enrollment under the Construction General Permit as part of its Project.

State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs 68 016.pdf. Accessed on January 6, 2025.

State Water Board Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/gen eral permit reissuance.html. Accessed on January 6, 2025.

2.4 Onsite Wastewater Treatment Systems Policy

The Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy⁸; State Water Board Resolution No. 2012-0032, as amended by State Water Board Resolution No. 2018-0019 and State Water Board Resolution No. 2023-0012) (State Water Board 2023c) establishes a statewide, risk-based, tiered approach for the regulation and management of onsite wastewater treatment system installation and replacement, and sets the level of performance and protection expected from onsite wastewater treatment systems. On April 18, 2023, per Resolution No. 2023-0012, the State Water Board adopted an amended OWTS Policy, conditional waiver renewal, and California Environmental Quality Act addendum.

The Project includes replacing the septic system in the French Meadows Campground. The Applicant shall ensure that any septic tanks proposed for removal as part of the Project are removed and disposed of in accordance with the requirements specified in the OWTS Policy and any amendments thereto.

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

The <u>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</u> (Dredge or Fill Procedures)⁹ (State Water Board 2019 and 2021¹⁰) 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 California Water Code, Division 7, Chapter 28, sections 16200-16201. PCWA must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

2.6 Clean Water Act Section 303(d) Listing

On February 6, 2024, the State Water Board adopted the <u>2024 California Integrated</u> <u>Report for Clean Water Act Sections 303(d) and 305(b)</u>¹¹ (State Water Board 2024a),

⁸ OWTS Policy is available at: https://www.waterboards.ca.gov/water_issues/programs/owts/docs/adopted_owts_policy.pdf. Accessed on May 28, 2025.

¹⁰ Resolution No. 2021-0012 is available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/rs2021_0012.pdf. Accessed on January 6, 2025.

The 2024 Integrated Report is available at: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2 024-integrated-report.html. Accessed on January 6, 2025.

The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on January 23, 2025.

and USEPA issued a partial approval on December 13, 2024. French Meadows Reservoir is not identified as an impaired waterbody.

3.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, § 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. For the Project, PCWA is the lead agency for the purpose of compliance with CEQA and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The State Water Board is a responsible agency under CEQA.

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

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

The Project is included in both the Final EIS and CEQA Supplement for the Hydroelectric Project. In PCWA's June 5, 2024, certification application, PCWA stated that the Final EIS and Final CEQA Supplement cover the Project impacts (PCWA 2024a).

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

4.0 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 6.0 are necessary to ensure that the Project activities will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 2.0 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 6.0.

June 2025

As explained in this section, the conditions in this certification are generally required pursuant to the Central Valley Basin Plan, as described in Section 2.0, Regulatory Authority.

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

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

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

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 2.0 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 6.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements and other applicable requirements of state law.

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

- PCWA's June 5, 2024, Project certification application with Avoidance and Protection Measures (APMs) and Forest Service BMPs listed in Table 4 of the certification application and Appendices A-G of the certification application (PCWA 2024a).
- PCWA's supplemental submissions clarifying and updating Project activities, in part providing a revised map and construction plans (PCWA 2024b, PCWA 2024c, PCWA 2025a, PCWA 2025b, and PCWA 2025c).
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Central Valley Basin Plan (Central Valley Regional Water Board 2019).

- FERC's EIS for the Hydroelectric Project (FERC 2013).
- PCWA's Final CEQA Supplement to the Final EIS for the Hydroelectric Project (PCWA 2013b).
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Dredge or Fill Procedures, Construction General Permit, etc.).
- Project-related controllable factors (e.g., timing of construction in the dry season, monitoring weather forecasts for summer rainfall, ability to delay in-stream work until after rainfall).
- Other information in the record.

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

4.1 Rationale for Condition 1: Project Activities

As described in Section 4.0, this certification is granted based on the application and supporting information submitted, in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires PCWA to implement the Project as described in its June 5, 2024, certification application and additional information provided by PCWA and

its consultant on September 11 and December 9, 2024, February 11 and 13, 2025, and April 22, 2025, as modified by conditions of this certification. Condition 1 will help ensure that the Project is implemented in a manner that protects water quality objectives and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the certification application and supplemental information provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of a new certification application as well as trigger additional environmental review.

4.2 Rationale for Condition 2: Wetland, Aquatic Habitat, and Biological Resource Protections

The Project involves the removal and replacement of eight culverts and the installation of a new culvert; removal of two footbridges; reduction in the number of campsites at French Meadows Campground; and additional improvements to campground roads, parking areas, amenities, and the water and septic systems. Project activities have the potential to impact wetland, aquatic habitat and biological resources.

The Project area includes wetlands and aquatic resource habitat and is potential habitat for bald eagles (*Haliaeetus leucocephalus*), which are endangered under the California Endangered Species Act. Condition 2 requires measures to prevent or minimize impacts to biological resources and their habitat. These measures include compensation for impacts to wetland habitat, measures to avoid wetland habitat impacts, worker environmental awareness training, and measures to survey for and avoid nesting bald eagles. Condition 2 includes provisions for compliance with the Dredge or Fill Procedures, and Water Code Division 7, Chapter 28, sections 16200-16201, and other avoidance and minimization measures to limit or avoid impacts to waters of the state.

Beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by wetland and aquatic habitat disturbance associated with the Project include other non-contact recreation, cold freshwater habitat, and wildlife habitat.

4.3 Rationale for Condition 3: Erosion and Sediment Control

Erosion and sedimentation can contribute to degradation of waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Project activities that have the potential to cause erosion and increase turbidity in the intermittent unnamed streams and French Meadows Reservoir include but are not limited to removal and installation of culverts, removal of footbridges, and work associated with improvements to campground roads, parking areas, amenities, and water and septic systems. Condition 4 requires PCWA to implement the Construction General Permit and other measures to protect water quality and beneficial uses pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

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

4.4 Rationale for Condition 4: Hazardous Materials Management

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 species and their habitats. Condition 5 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

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

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

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

4.5 Rationale for Condition 5: Reporting

Condition 6 requires PCWA to: notify the Central Valley Regional Water Board and State Water Board staff prior to implementing Project activities, provide updates during Project implementation, and submit a Completion Report following completion of the Project to document compliance with the certification requirements. Required updates and the Completion Report will inform the Deputy Director of compliance with water quality objectives and protection of beneficial uses during Project implementation.

Reporting requirements of Condition 5 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. The reporting requirements of Condition 5 are necessary to ensure the Project does not impact water quality and associated beneficial uses.

4.6 Rationale for Conditions 6 through 24

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions. This section explains why a condition is necessary to assure that the authorized activities will comply with water quality requirements, and cites to federal, state, or tribal law that authorizes the condition. (40 C.F.R. § 121.7(d)(1).) The statements in this section correspond with the conditions set forth in Conditions 6 through 24. In addition, the code citations, plans, and policies that support issuance of this certification are described in Sections 3.0 and are not duplicated in this section but are incorporated herein. Conditions 6 through 24 are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

Condition 6 is necessary to comply with Water Code section 13167 and Conditions 7 through 10 contain important clarifications concerning the scope and legal effect of this certification, as well as 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 an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 6 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and federal Endangered Species Act (16 U.S.C. § 1531 et seq.), Condition 7 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

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

is available, a list of all remaining agency regulatory approvals being sought shall be included." Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements" of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 8 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply.

Because agency organization and authorities change over time, Condition 9 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency. The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).)

Condition 10 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 11 through 13 are necessary to assure that any Project activities authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications. Condition 11 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 12 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 13 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.

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Conditions 14 through 24 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 activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 14, 15, and 16 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 17 and 18 require the applicant to comply with the Central Valley Basin Plan and to take all reasonable measures to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws. Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 19 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 20, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code sections 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses. Condition 21 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project site. This condition is required to assure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 22 requires that PG&E 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 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.

In the event that any provision of this certification is found invalid, Condition 24 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

5.0 Conclusion

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

6.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that implementation of the French Meadows Campground Rehabilitation Project (Project) by the Placer County Water Agency (PCWA or Applicant) 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

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), the Applicant shall implement the Project as described in: (1) PCWA's June 5, 2024 certification application (PCWA 2024a) with Avoidance and Protection Measures (APMs) and United States Forest Service (Forest Service) best management practices (BMPs) listed in Table 4 of the Project certification application and Appendices A-G of the Project certification application (PCWA 2024a); and (2) PCWA's supplemental submissions clarifying and updating Project activities, in part providing a revised map and construction plans (PCWA 2024b, PCWA 2024c, PCWA 2025a, PCWA 2025b, and PCWA 2025c).

CONDITION 2: Wetland, Aquatic Habitat, and Biological Resource Protections

2(A) Wetland and Aquatic Habitat Protections

The Project will result in temporary and permanent impacts to stream channels. The Project is anticipated to have 0.013 acre of temporary impacts and 0.021 acre of permanent impacts to two unnamed intermittent streams that are tributaries to French Meadows Reservoir. The Applicant shall notify the Deputy Director of any update to the estimated temporary and permanent impacts if they vary from what is noted in this condition. Additionally, permanent impacts shall be compensated for at a minimum of a 1:1 ratio consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019 and 2021) and Water Code, Division 7, Chapter 28, sections 16200-16201, and any amendments thereto. The Applicant shall provide the Deputy Director with documentation of compliance with this mitigation provision as part of the Completion Report (Condition 5).

Unless otherwise approved by the Deputy Director, the Applicant shall implement the following wetland and aquatic habitat protection measures:

- The Applicant shall minimize bank and riparian area excavation during construction and work shall be restricted to previously disturbed/developed areas to the maximum extent possible. (Consistent with Forest Service BMP AqEco-2 from Table 4 in PCWA 2024a.)
- Before construction begins, the Applicant shall identify wetland locations to be protected with fencing or other high visibility materials and shall place stakes to

indicate these locations. These areas shall include at a minimum the wetland habitat adjacent and in the vicinity of Culverts 7 and 9. Fencing shall be installed with a gap between the ground and the bottom of the fence so that small animals do not become trapped inside the fenced area(s). The fencing or other high visibility materials shall be installed before construction activities are initiated, maintained throughout the construction period, and removed when construction is complete.

- With the exception of Culvert 7, the Applicant shall ensure that each culvert work area is sufficiently spaced to accommodate the construction plus an approximate 10-foot buffer between the construction area and any wetland(s).
 - Culvert 7 is to be located directly adjacent to wetland habitat. The Applicant shall install fencing or other high visibility materials to delineate the wetland habitat to inhibit construction equipment and/or personnel from entering the wetland. Additionally, a PCWA Compliance Manager and/or the designated biologist shall be on site during Culvert 7 construction to ensure wetland avoidance. If necessary, on-site adjustments shall be made to the design of the rock-lined ditch to ensure avoidance of the wetland. Photographs shall be included in post-Project reporting (Condition 5) to show the pre- and post- Project conditions of the wetland and surrounding area (PCWA 2024b).
- 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.
- Vehicle access shall be limited to existing roads and designated crossings.
- Laydown and staging areas shall be located in previously developed or disturbed areas.
- Stockpiles, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas and shall be located outside of wetlands, surface waters, and riparian habitat.
- Storage or parking of equipment shall be prohibited within and directly adjacent to waterways and within 100 feet of riparian and wetland habitat.

2(B) Biological Resource Protections

- Environmental Awareness Training: The Applicant shall retain a designated biologist to develop and conduct mandatory worker environmental awareness training about special-status species and other sensitive resources that could be encountered during Project activities (e.g., bald eagle nests, sensitive natural communities). At a minimum, the training shall include the following:
 - Photographs, habitat, and life history information for special-status plant and wildlife species, including bald eagles, that are known to occur or may potentially occur in the Project vicinity.
 - Measures to be implemented to protect special-status plant and animal species and their habitats during Project activities.
 - Reporting procedures for discovery of bald eagle nests in the Project vicinity.

O Photographs and life history information for noxious weeds that are known to occur or may potentially occur in the Project, as well as measures to prevent the spread or introduction of noxious weeds at all locations where ground disturbance may occur as a result of the Project activities or where outside material such as rock, gravel, or fill may be imported.

All personnel shall receive worker environmental awareness training before conducting Project work and new personnel shall receive the training as they are brought onto the Project. Proof of personnel environmental training shall be kept on file by the Applicant.

Bald Eagle Protections:

- Ground disturbing and construction activities shall not be conducted within 500 feet of an active bald eagle nest during the bald eagle breeding season. If ground disturbing and construction activities must occur during the bald eagle breeding season, a pre-construction survey shall be conducted by a designated biologist to determine if there are active nests present. The survey shall be conducted no more than 30 days prior to implementation of the ground disturbing and construction activity.
 - If the designated biologist determines that the area surveyed does not contain any active bald eagle nests, then the ground disturbing and construction activities may be implemented.
 - If active bald eagle nests are found, activities shall not occur within 500 feet of the active nest until the end of the breeding season or until the Applicant receives written authorization from United States Fish and Wildlife Service to proceed.

CONDITION 3: Erosion and Sediment Control

Unless otherwise approved by the Deputy Director, the Applicant shall implement the erosion and sediment control APMs and Forest Service BMPs as described in Table 4 of PCWA's certification application (PCWA 2024a) as modified by this condition and the additional measures listed below. These measures shall be implemented prior to the commencement of, during, and after any ground-disturbing activities or any other Project activities that could result in erosion or sediment discharges to surface waters.

- The Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; State Water Board 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.
- The Applicant shall conduct visible pollutant monitoring (e.g., oils, greases, fuels, and turbidity plumes) in the intermittent unnamed streams throughout all Project activities. If visual monitoring determines that the Project resulted in an exceedance of a water quality objective described in the Central Valley Basin Plan, the Applicant shall notify the Deputy Director and the Central Valley Regional Water Board Executive Officer (Executive Officer) promptly, and in no

case more than 24 hours, following an exceedance. The notice shall include the cause of the violation, measures taken to correct the violation, and measures the Applicant will implement to prevent future violations. Regardless of when such notification occurs, activities associated with the exceedance shall cease immediately upon detection. Work activities may resume after corrective actions have been implemented, water quality meets the Central Valley Basin Plan applicable 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.

- The Applicant shall refer to applicable State and local construction and stormwater BMP manuals, guidebooks, and trade publications for effective techniques to: (1) apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion during construction or before the next growing season; (2) maintain the natural drainage pattern of the area wherever practicable; (3) control, collect, detain, treat, and disperse stormwater runoff from the site; (4) divert surface runoff around bare areas with appropriate energy dissipation and sediment filters; and (5) stabilize steep excavated slopes. Erosion control measures shall be implemented to keep soil in place including applying grass seed, erosion blankets, tackifiers, hydro-mulch, paving or rocking of roads, water bars, cross drains, or retaining walls. Natural drainage patterns shall not be changed. As necessary, sediment basins, sediment filters, diversion ditches, and berms shall be established to filter surface runoff and divert surface runoff around bare areas. (Consistent with Forest Service BMP Fac-2 from Table 4 in PCWA 2024a.)
- The Applicant shall schedule construction activities to minimize erosion and sedimentation. The Applicant shall conduct construction activities within the minimal runoff periods (i.e., during the dry season or when rain and runoff are unlikely, typically during the summer or fall). The Applicant shall avoid scheduling instream work during periods that could be interrupted by high flows. (Consistent with Forest Service BMP AqEco-2 from Table 4 in PCWA 2024a)
- The Applicant shall implement suitable drainage measures, including the construction of facilities to control erosion and sedimentation during earthwork. (Consistent with Forest Service BMP AqEco-2 from Table 4 in PCWA 2024a.)
- The Applicant shall implement mechanical treatments on the contour of sloping ground to avoid or minimize water concentration and subsequent accelerated erosion. To reduce gully and sheet erosion and associated sedimentation, mechanical equipment shall be restricted to slopes generally less than 35 percent. Within aquatic, riparian, and meadow habitats, mechanical treatments shall be minimized on moderate slopes (15-30 percent) and restricted to slopes less than 30 percent. (Consistent with Forest Service BMP Veg-2 from Table 4 in PCWA 2024a.)
- If more than 0.25 inch of rain is forecast during Project activities, work in and around the intermittent streams using heavy equipment and any other Project work with the potential to result in a discharge shall cease and the site shall be secured to avoid discharges until the rainfall event is over and any flow or potential for flow dissipates.

- Certified weed-free hay, mulch, straw shall be used for erosion control. (Consistent with PCWA's Vegetation and Integrated Pest Management Plan.)
- The Applicant shall develop and implement site-specific erosion control measures to prevent erosion, stream sedimentation, dust, and soil mass movement during ground disturbance activities.
- To limit the extent of disturbed areas, staging areas shall be limited to the extent practicable and targeted for areas proposed for future recreation improvements. Except for disturbed areas targeted for future recreation improvements, following ground disturbance activities, any disturbed areas shall be restored to natural conditions including, as appropriate, use of native seeding and/or plantings, and sloping, when needed, to prevent future run-off and erosion. Areas targeted for future recreation improvements shall be stabilized in a manner that prevents future run-off and erosion until implementation of recreation improvements and related final stabilization occurs.

CONDITION 4: Hazardous Materials Management

Unless otherwise approved by the Deputy Director, the Applicant shall implement the hazardous materials APMs and Forest Service BMPs as described in Table 4 of PCWA's certification application (PCWA 2024a) as modified by this condition and the additional measures listed below. These measures shall be implemented prior to the commencement of, during, and after any Project activity that involves the store, use or management of hazardous materials.

4(A) Training

 Construction personnel, including contractors and subcontractors, shall be trained in proper hazardous material management and shall be able to access safety data sheets for all hazardous substances used in the Project area. Additionally, all construction staff shall receive training on the appropriate work practices necessary to comply with applicable environmental laws and regulations, including hazardous materials management.

4(B) Vehicles and Equipment

- All equipment shall be thoroughly cleaned of dirt, grease, etc., prior to entering the Project area and shall be inspected to ensure that it is in proper functioning condition. All suspect hoses and hydraulic lines shall be replaced prior to entering the Tahoe National Forest. (Consistent with Forest Service BMP Fac-7—Vehicle and Equipment Wash Water from Table 4 in PCWA 2024a.)
- All power equipment and vehicles shall be free of petroleum residue, kept in good working order, and inspected each day for leaks prior to use. Leaks shall be repaired immediately in an area at least 100 feet away from waterbodies.
- Equipment shall be staged overnight in areas with secondary containment or with other suitable barriers to prevent accidental leakage of fuel, oils, or other liquid from soaking into the soil or being carried to surface waters.
- A designated fueling site, if necessary, shall be established outside of the stream channel, wetland, reservoir, or diversion. Absorbent spill clean-up materials and

spill kits shall be available to absorb small spills. All used absorbent materials shall be properly disposed. (Consistent with Forest Service BMP Road-10— Equipment Refueling and Servicing from Table 4 in PCWA 2024a.) Vehicle refueling shall be located at least 100 feet away from any waterbodies. Drip pans and/or absorbent pads shall be used during equipment fueling.

Vehicle refueling shall be performed by trained personnel.

4(C) Storage of Hazardous Materials

- All hazardous materials, including petroleum-based materials, shall be contained in appropriate spill-proof containers and/or have secondary containment and be stored in designated areas at least 100 feet away from surface waters, and shall not be stored in or near a floodplain.
- Hazardous materials and waste generated onsite, such as grease cartridges and oil absorbents, shall be placed in proper containers, labeled appropriately, and transported from the job site to an authorized hazardous waste consolidation site or appropriate landfill for proper disposal in accordance with applicable laws and regulations. (Consistent with Forest Service BMP Road-10—Equipment Refueling and Servicing from Table 4 in PCWA 2024a.)
- Temporary fuel tanks shall have adequate local containment consisting of berms and plastic sheeting to protect against accidental spills or leaks. (Consistent with Forest Service BMP Road-10—Equipment Refueling and Servicing from Table 4 in PCWA 2024a.)
- Bulk fuel storage tanks shall be double-walled or placed in secondary containment areas.

4(D) Hazardous Waste Release

- The Applicant shall create and implement a chemical spill contingency plan (in accordance with Forest Service Handbook 2109.14, chapter 60) to include actions to be taken to prevent contamination of water resulting from accidental spills of pesticides, fuels, or other toxic materials. The plan shall include notification lists, persons responsible for cleanup, requirements for notification, and guidelines for spill containments. A copy shall be retained onsite and shall be reviewed by all personnel and contractors involved in the Project. (Consistent with Forest Service BMP Chem-5—Chemical Handling and Disposal from Table 4 in PCWA 2024a.)
- Report spills and initiate suitable cleanup action in accordance with applicable state and federal laws, rules, and regulations. If any accidental releases of sediment, fuels, or oil occur, immediate containment and cleanup shall be implemented, and resources agencies shall be notified in accordance with Project permits. (Consistent with Forest Service BMP Road-10—Equipment Refueling and Servicing from Table 4 in PCWA 2024a.)
 - o If Project-related hazardous materials are released with the potential to impact surface waters, the Applicant shall immediately cease any activities associated with the Project that resulted in the release and implement measures to limit and clean up the releases. The Applicant 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 Applicant shall implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future. The Applicant may resume work upon Deputy Director review and consideration of approval.

- A spill response kit shall be maintained at all active work areas. Ensure that
 hazardous spill kits are adequately stocked with necessary supplies and are
 maintained in accessible locations. Spill kits shall be required in all Applicant and
 contractor vehicles on site and at locations where pesticides are stored.
 (Consistent with Forest Service BMP Fac-6—Hazardous Materials from Table 4
 in PCWA 2024a.)
 - At a minimum, hazardous materials spill kits shall be clearly marked and maintained onsite adjacent to all work areas, in staging areas, and in vehicles for small spills. These kits shall include oil-absorbent material and tarps to contain and control any minor releases.
- Any spills shall be cleaned up immediately using absorbent material or, if
 necessary, by constructing berms, and shall not be buried or washed with water.
 Contaminated soil shall be excavated, contained, and transported to an approved
 disposal site. All media affected by a spill shall be cleaned up and disposed of
 offsite in accordance with applicable laws and regulations.
- All containment structures shall comply with the California Code of Regulations, title 27, section 20320.

5(E) Septic Systems

 The Applicant shall ensure that the replacement of any septic tanks proposed as part of the Project are implemented in accordance with the requirements specified in the State Water Boards's Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) (State Water Board 2023c) and any amendments thereto.

CONDITION 5: Reporting

5(A) Initial Report and Updates to Project Schedule

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

5(B) Completion Report

Within 60 days of Project completion, the Applicant shall provide the Deputy Director with a Completion Report that includes:

Project activities performed.

- Information about compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Photographs to document fencing or other high-visibility materials around wetlands near Culverts 9 and 7, respectively.
- Final inspection information with details to ensure that cleanup and restoration of the Project area was satisfactorily completed.
- Details of any environmental protection measure inadequacies found during Project implementation.
- Details of Project-related adverse impacts to beneficial uses, if applicable.

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

The Deputy Director may require the Applicant 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.

CONDITIONS 6 - 24

CONDITION 6. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.

CONDITION 7. This certification does not authorize any act which results in the take of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a "take" will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

CONDITION 8. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Applicant is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 9. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, will apply equally to the successor agency.

CONDITION 10. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take

enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 11. 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 12. 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 13. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 14. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a plan, proposal, or report prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director review and consideration of approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Director no later than 15 days prior to the deadline. The Applicant shall not implement any plan, proposal, or report until after the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 15. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Applicant shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Applicant will implement to address the violation. The Applicant shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require modifications as part of any approval.

CONDITION 16. The Applicant shall submit any change to the Project, including operations, facilities, technology changes or upgrades, or methodology, which could

have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification.

CONDITION 17. This certification is contingent on compliance with all applicable requirements of the Central Valley Basin Plan.

CONDITION 18. Unless otherwise specified by conditions in this certification, Project activities shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Applicant shall take all reasonable measures to protect the beneficial uses of waters of the state, including French Meadows Reservoir and all unnamed streams and wetlands in French Meadows Campground.

CONDITION 19. 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 20. Upon request, a construction schedule shall be provided to State Water Board and Central Valley Regional Water Board staff. The Applicant shall provide State Water Board and Central Valley Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 21. A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 22. The Applicant shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Laboratory Accreditation Program-certified laboratories.

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

CONDITION 24. Certification that the Project will be protective of the state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification,

French Meadows Campground Rehabilitation Project Water Quality Certification

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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.

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	<u>June 2, 2025</u>	
Eric Oppenheimer	Date	
Executive Director		

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FRENCH MEADOWS CAMPGROUND REHABILITATION PROJECT WATER QUALITY CERTIFICATION

ATTACHMENT A: PROJECT OVERVIEW MAPS

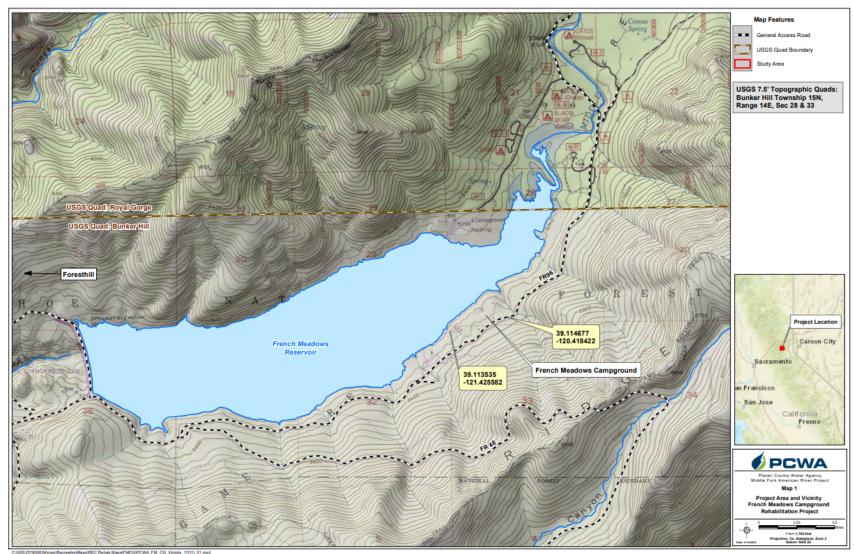


Figure A1. Project Area and Vicinity—French Meadows Campground Rehabilitation Project (PCWA 2024a)



Figure A2. Project Plan View—French Meadows Campground (PCWA 2024a)

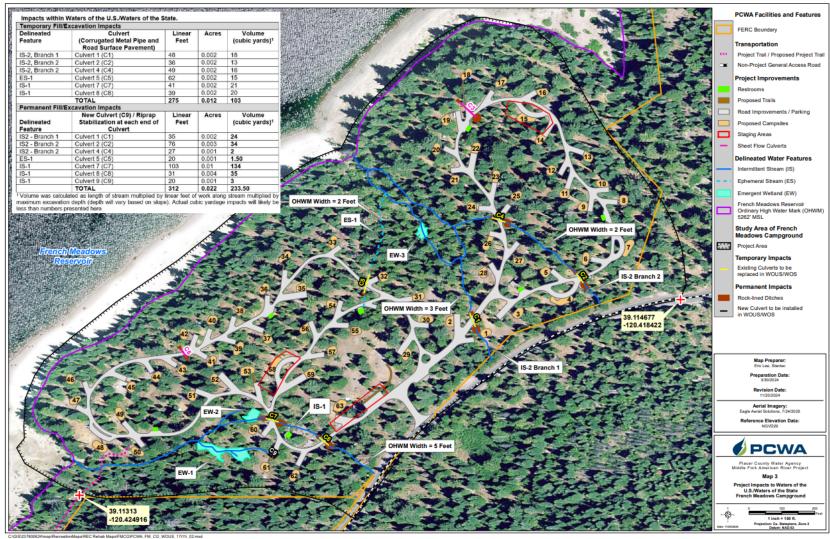


Figure A3. Project Impacts to Waters of the United States/Waters of the State—French Meadows Campground (PCWA 2024b)