**PUBLIC COMMENT PERIOD FOR
DRAFT WATER QUALITY CERTIFICATION
FOR
YUBA COUNTY WATER AGENCY'S
YUBA RIVER DEVELOPMENT PROJECT
AND
NARROWS HYDROELECTRIC PROJECT
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NOS. 2246 AND 1403**

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

On December 30, 2024, Yuba County Water Agency (YCWA) applied to the State Water Resources Control Board (State Water Board) for water quality certifications associated with Federal Energy Regulatory Commission (FERC) relicensing of the Yuba River Development Project (YRDP) and Narrows Hydroelectric Project (Narrows Project) (collectively Projects) under section 401 of the federal Clean Water Act. While not required, the State Water Board is providing this opportunity for public review and comment on a draft certification for the FERC relicensing of the Projects.

Although YCWA submitted separate certification applications for the Projects, the Projects current and proposed operations occur in a coordinated manner and the timing of the Projects relicensing processes are similar. Therefore, the State Water Board is issuing one draft certification for the Projects.

Background Information on the YRDP and Narrows Project

YCWA owns and operates the Projects, which are located on the Yuba, North Yuba, and Middle Yuba rivers and on Oregon Creek in Nevada, Yuba, and Sierra counties. The Yuba River is a tributary to the Feather River and is part of the Sacramento River Basin, which drains to the San Francisco Bay through the Sacramento-San Joaquin Delta Estuary.

The YRDP has an authorized installed generation capacity of 361.9 megawatts. Main YRDP features include: (1) New Bullards Bar Dam and Reservoir; (2) Our House Diversion Dam; (3) Log Cabin Diversion Dam; (4) Lohman Ridge Diversion Tunnel; (5) Camptonville Diversion Tunnel; (6) New Colgate Powerhouse; (7) Narrows 2 Powerhouse (including bypass facilities); and (8) several roadways and recreational facilities (including a recreation water treatment facility for fire hydrants, toilets, and campsite spigots). As part of YRDP relicensing, YCWA proposes: (1) addition of a tailwater depression system at New Colgate Powerhouse; (2) modification of Our House Diversion Dam fish release outlet; (3) modification of Log Cabin Diversion Dam fish release outlet; (4) modification of Lohman Ridge Diversion Tunnel Intake;

(5) modifications of recreation facilities at New Bullards Bar Reservoir; and
(6) modifications of YRDP roads.

The Narrows Project has an installed capacity of 12 megawatts. Main Narrows Project facilities include: (1) Narrows 1 Powerhouse; (2) Narrows Penstock; (3) Narrows Tunnel; and (4) the Powerhouse Access Tram (mechanism used to transport people and gear to and from the Narrows 1 Powerhouse). The Narrows Project does not include any dams, intakes, switchyards, transmission lines, roads, or recreation facilities. YCWA has not proposed any changes to existing Narrows Project facilities.

Under the existing FERC licenses for the Projects, YCWA releases minimum instream flows from New Bullards Bar Reservoir (North Yuba River), Log Cabin Diversion Impoundment (Oregon Creek), Our House Diversion Impoundment (Middle Yuba River), and Englebright Reservoir (Yuba River). YCWA maintains minimum pool elevations at New Bullards Bar Reservoir and Englebright Reservoir. YCWA coordinates operation of the Projects to provide the required flow releases below Englebright Dam to the lower Yuba River.

Water Quality Certification

In California, the State Water Board is responsible for protecting the State's water quality, including through issuance of certifications under section 401 of the Clean Water Act. Certifications must ensure compliance with water quality standards and other appropriate requirements of state law, such as water quality standards. A certification is required before FERC can issue a license for a project. If a state denies certification, FERC cannot issue a license for the project. If a state issues a certification with conditions, those conditions become conditions of the federal license.

Opportunity for Public Comment

This draft certification does not constitute final action by the State Water Board on YCWA's requests for certification of the Projects. The State Water Board is releasing this draft certification to provide the public with an opportunity to review and comment on draft conditions developed to protect water quality and beneficial uses. The comment period for the draft certification is from the date of this notice until November 26, 2025. **Comments on the draft certification must be received by 5:00 pm on Wednesday, November 26, 2025**, and can be submitted electronically (preferred) or by mail as follows:

Email (preferred):
WR401Program@waterboards.ca.gov

or

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

The draft certification for relicensing of the Projects and additional information regarding the State Water Board's certification process for the Projects are available on the State Water Board's webpages for the Yuba River Development Project[1] and Narrows Project[2]

KEEP INFORMED OF PROJECT MILESTONES

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

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

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

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

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

10/31/25
Date

[1] https://waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/yubariver_ferc2246.html

[2] https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/narrows_hydroelectric_ferc1403.html

[3] http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

YUBA COUNTY WATER AGENCY'S
YUBA RIVER DEVELOPMENT PROJECT
AND
NARROWS HYDROELECTRIC PROJECT

FEDERAL ENERGY REGULATORY COMMISSION
PROJECT NOS. 2246 AND 1403

Sources: Yuba River, North Yuba River, Middle Yuba River, Oregon Creek

Counties: Yuba, Sierra, and Nevada

DRAFT WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

Table of Contents

List of Tables

Attachments

Abbreviations

2024 Review	*2024 Review of State Water Quality Control Plans and State Policies for Water Quality Control*
AF	*acre-feet*
Antidegradation Policy	*Statement of Policy with Respect to Maintaining High Quality Waters in California*
ARC Spillway	Atmospheric River Control Secondary Spillway
Aquatic Weed Control General Permit	*Statewide National Pollutant Discharge Elimination System Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications*
Bacteria Provisions	*Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Standards Policy*
Bay-Delta Plan	*Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary*
BMI	*benthic macroinvertebrate(s)*
BMP	*best management practices*
CDEC	*California Data Exchange Center*
CDFW	*California Department of Fish and Wildlife*
Central Valley Basin Plan	*Water Quality Control Plan for Sacramento River Basin and San Joaquin River Basin*
Central Valley Regional Water Board	*Central Valley Regional Water Quality Control Board*
CEQA	*California Environmental Quality Act*
certification	*water quality certification*
cfs	*cubic feet per second*
Construction General Permit	*General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities*
Deputy Director	*Deputy Director of the Division of Water Rights*
DWR	*California Department of Water Resources*
Dredge or Fill Procedures	*State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*
EIR	*Environmental Impact Report*
ESA	*Endangered Species Act*
Executive Director	*Executive Director of the State Water Resources Control Board*
FERC	*Federal Energy Regulatory Commission*

Final EIS	*Final Environmental Impact Statement for Hydropower License – Yuba-River Development Project – Project No. 2246-065– California*
FLA	*Final License Application*
ft	*foot*
FWPE	*Fish and Wildlife Preservation and Enhancement*
FYLFs	*Foothill yellow-legged frogs*
LWM	*large woody material*
Mercury Provisions	*Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions*
MIFs	*minimum instream flows*
MWs	*megawatts*
Narrows Project	*Narrows Hydroelectric Project*
NMFS	*National Marine Fisheries Service*
NPDES	*National Pollutant Discharge Elimination System*
OEHHA	*Office of Environmental Health Hazard Assessment*
Projects	*Yuba River Development Project and Narrows Hydroelectric Project*
QAPP	*Quality Assurance Project Plan*
Regional Water Boards	*Regional Water Quality Control Boards*
State Water Board	*State Water Resources Control Board*
TAF	*thousand acre-feet*
TMDLs	*total maximum daily loads*
USACE	*United States Army Corps of Engineers*
USEPA	*United States Environmental Protection Agency*
USFWS	*United States Fish and Wildlife Service*
USFS	*United States Department of Agriculture, Forest Service*
USGS	*United States Geological Survey*
Water Boards	*State Water Board and Regional Water Boards, collectively*
WQMP Plan	*Water Quality Monitoring Protection Plan*
YCWA	*Yuba County Water Agency (doing business as Yuba Water Agency)*
YRDP	*Yuba River Development Project*
YRRI	*Yuba River Resilience Initiative*
Yuba Accord	*Lower Yuba River Accord*

1.0 Projects Descriptions

Yuba County Water Agency[1] (YCWA or Licensee) owns and operates the Yuba River Development Project (YRDP) and Narrows Hydroelectric Project (Narrows Project) (collectively Projects). The YRDP and Narrows Project are also referred to as Federal Energy Regulatory Commission (FERC) Project Nos. 2246 and 1403, respectively. The Projects are located on the Yuba, North Yuba, and Middle Yuba rivers and on Oregon Creek in Nevada, Yuba, and Sierra counties. The Yuba River is a tributary to the Feather River and is part of the Sacramento River Basin, which drains to the San Francisco Bay through the Sacramento-San Joaquin Delta Estuary. The nearest cities to the Projects are Camptonville, located approximately three miles east of New Bullards Bar Reservoir, and Smartsville, located approximately six miles southwest of the Narrows 1 and Narrows 2 Powerhouses. The YRDP was initially licensed by the Federal Power Commission, predecessor to FERC, on May 16, 1963, while FERC issued the most recent license for the Narrows Project on February 11, 1993.

Main YRDP features include: (1) New Bullards Bar Dam and Reservoir; (2) Our House Diversion Dam; (3) Log Cabin Diversion Dam; (4) Lohman Ridge Diversion Tunnel; (5) Camptonville Diversion Tunnel; (6) New Colgate Powerhouse; (7) Narrows 2 Powerhouse (including bypass facilities); and (8) several roadways and recreational facilities (including a recreation water treatment facility for fire hydrants, toilets, and campsite spigots). YRDP's generation capacity is 361.9 megawatts (MW). Portions of the YRDP are on federal lands: (1) managed by the United States Department of Agriculture, Forest Service (USFS) that are part of the Plumas and Tahoe national forests; and (2) administered by the United States Army Corps of Engineers (USACE).

Main Narrows Project facilities include: (1) Narrows 1 Powerhouse; (2) Narrows Penstock; (3) Narrows Tunnel; and (4) the Powerhouse Access Tram (mechanism used to transport people and gear to and from the Narrows 1 Powerhouse). The Narrows Project has a generation capacity of 12 MW. The Narrows Project does not include any dams, intakes, switchyards, transmission lines, roads, or recreation facilities. Water in Englebright Reservoir is routed through USACE's Englebright Dam intake and tunnel, which leads directly into YCWA's tunnel for Narrows Project hydroelectric energy generation. USACE's Englebright Dam intake is operated through a storage agreement and an operation and maintenance agreement between YCWA and USACE that allows YCWA to use the USACE intake gate and Englebright storage space between water surface elevations of 450 and 527 feet.

Under the existing YRDP FERC license, YCWA releases minimum instream flows (MIFs) from New Bullards Bar Reservoir, Log Cabin Diversion Impoundment, Our

[1] Doing business as Yuba Water Agency.

House Diversion Impoundment, and Englebright Reservoir.[2] YCWA maintains minimum pool elevations under its existing FERC licenses and agreements[3] for the Projects at New Bullards Bar Reservoir and USACE's Englebright Reservoir. YCWA coordinates operation of the Projects to provide the required flow releases below Englebright Dam to the lower Yuba River.

In addition to its request to continue to operate the YRDP under a new FERC license for 50 years, YCWA proposes: (1) addition of a tailwater depression system at New Colgate Powerhouse; (2) modification of Our House Diversion Dam fish release outlet; (3) modification of Log Cabin Diversion Dam fish release outlet; (4) modification of Lohman Ridge Diversion Tunnel Intake; (5) modifications of recreation facilities at New Bullards Bar Reservoir; and (6) modifications of YRDP roads.

Under a separate pending FERC license amendment process for the current YRDP license, YCWA intends to construct and operate an atmospheric river control spillway on New Bullards Bar Dam that is referred to as the Atmospheric River Control Secondary Spillway (ARC Spillway). The construction of the ARC Spillway is not part of the Projects relicensing and will require a separate amendment to the current YRDP FERC license, as well as a separate water quality certification (certification).[4]

Additional information on the Projects' facilities, current operations, and proposed operations can be found in Attachment A (Overview Maps for the Projects), Attachment B (Descriptions of the Projects) and in YCWA's final license applications (FLAs) for the YRDP and Narrows Project, including amendments thereto.

[2] The existing Narrows Project FERC license requires flows in the lower Yuba River below Englebright Reservoir in an amount necessary to meet YRDP flow requirements when the full flow requirement is not met through YRDP operations.

[3] As stated in YCWA's *Yuba River Development Project & Narrows Joint Final EIR*, Englebright Reservoir's water surface elevation is held above 516 feet due to an agreement with YCWA and the local marina operators. (YCWA 2025c)

[4] On June 10, 2025, YCWA applied for a certification associated with its YRDP license amendment request for construction and operation of the ARC spillway at New Bullards Bar Dam.

2.0 Water Rights

Tables A and B below list the water rights held or claimed by YCWA for the Projects.

Table A. YCWA's Water Rights for the YRDP*

Water Right No.	Priority Date and Face Value (acre-feet [AF]/year)	Source	Purpose of Use	Diversion (cubic feet per second [cfs]) and Storage (AF)
L000435	2/11/1921 511,784.3	North Yuba River	FWPE[5]; Power	700 cfs at North Yuba River 5,000 AF/yr at New Bullards Bar Reservoir
L000436	9/07/1922 10,000	North Yuba River	FWPE; Power	10,000 AF/yr at New Bullards Bar Reservoir
L000777	4/30/1926 15,000	North Yuba River	FWPE; Power	15,000 AF/yr at New Bullards Bar Reservoir
L011565	7/30/1927 3,528,027.8	North Yuba River, Middle Yuba River, Yuba River, and Oregon Creek	FWPE; Power	1,800 cfs at North Yuba River; 240 cfs at Oregon Creek; 810 at Middle Yuba River; 1,800 cfs at Yuba River; 490,000 AF/yr at New Bullards Bar Reservoir
P015026	7/30/1927 1,159,000	North Yuba River and Yuba River	Domestic; Irrigation; FWPE; Recreational; Industrial; Other	43 cfs at North Yuba River; 1,550 cfs at Yuba River; 490,000 AF/yr at New Bullards Bar Reservoir
L003050	3/01/1939 72,397.8	North Yuba River	FWPE; Power	100 cfs at North Yuba River
L005544	9/12/1941 5,335	North Yuba River	FWPE; Power	5,335 AF/yr at New Bullards Bar Reservoir
P015027	2/20/1953 246,000	North Yuba River and Yuba River	Domestic; Irrigation; FWPE; Recreational; Industrial; Other	240,000 AF at New Bullards Bar Reservoir; 6,000 AF/yr at Yuba River

[5] FWPE – Fish and Wildlife Preservation and Enhancement

Water Right No.	Priority Date and Face Value (acre-feet [AF]/year)	Source	Purpose of Use	Diversion (cubic feet per second [cfs]) and Storage (AF)
L011566	2/20/1953 456,895	North Yuba River, Middle Yuba River, and Yuba River	Power	800 cfs at Yuba River; 245 cfs at North Yuba River; 3,900 AF/yr at New Bullards Bar Reservoir**
L011567	10/02/1953 614,206.4	North Yuba River, Middle Yuba River, Yuba River, and Oregon Creek	Power	910 cfs at Yuba River; 177,400 AF/yr at New Bullards Bar Reservoir**
P015030	10/9/1953 514,000	North Yuba River, Middle Yuba River, Yuba River, and Oregon Creek	Domestic; Irrigation; FWPE; Recreational; Industrial; Other	514,000 AF/yr at New Bullards Bar Reservoir**

∗ Information is from the State Water Resources Control Board's (State Water Board) California Water Accounting, Tracking, and Reporting System.
** Includes off-stream storage at Our House Dam and Log Cabin Diversion Dam.

Table B. YCWA's Claims or Water Rights for the Narrows Project*

Water Right No.	Priority Date and Face Value (AF/year)	Source	Purpose of Use	Diversion (cfs) and Storage (AF)
L006388	9/21/1936 551,777	Yuba River	Power	700 cfs at Yuba River 45,000 AF/yr at Englebright Reservoir
S010838	1942**	North Yuba River	Power	740 cfs at Narrows 1 Powerhouse

∗ Information is from the State Water Board's electronic California Water Accounting, Tracking, and Reporting System.
** YCWA claims a riparian water right with this year identified as the first year of use. This certification does not validate YCWA's riparian water right claim(s) or statements of water diversion and use.

State Water Board Revised Decision 1644 and Corrected Order WR 2008-0014

State Water Board Revised Decision 1644, adopted on July 16, 2003, established interim and long-term flow requirements to protect fisheries in the Yuba River between Englebright Dam and the confluence with the Feather River and incorporated those flow requirements as conditions of YCWA's water rights. The Lower Yuba River Accord (Yuba Accord)[6] was developed to modify the instream flow requirements established by Revised Decision 1644 and provide a level of protection for lower Yuba River fishery resources equivalent to or better than Revised Decision 1644. To implement the Yuba Accord, YCWA filed a petition with the State Water Board to modify the flow requirements included in its water rights and a petition for long-term transfer of up to 200,000 AF/year under Permit 15026. State Water Board Corrected Order WR 2008-0014,[7] adopted on May 20, 2008, approved YCWA's petitions and authorized operation of the Yuba Accord Water Transfer Program through December 31, 2025.[8]

3.0 Federal Energy Regulatory Commission Licensing Process

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

On April 28, 2014, YCWA filed a FLA (YCWA 2014) with FERC proposing to relicense the YRDP for a 50-year term. Filings subsequent to the FLA include but are not limited to YCWA's: (1) June 2, 2017 Amended FLA (YCWA 2017a); (2) July 21, 2017 submittal updating information on ramping rates, recreational flows, and recreational facility plans (YCWA 2017b); (3) September 15, 2017 submittal regarding amendments to operation of flood control facilities (YCWA 2017d); (4) November 1, 2017 submittal regarding amendments to hydropower generation estimates and projected costs of environmental measures (YCWA 2017e); (5) April 12, 2018 submittal requesting FERC replace the Amended FLA's existing large woody material (LWM) management plan at three facilities and filing an updated recreation facilities plan (YCWA 2018a); (6) April 27, 2018 submittals requesting FERC replace the Amended FLA's existing proposal for ramping and flow fluctuations below Narrows 2 Powerhouse, as well as

[6] The Yuba Accord includes three separate but related agreements: (1) a Fisheries Agreement, (2) a Water Purchase Agreement, and (3) Conjunctive Use Agreements.

[7] State Water Board Corrected Order WR 2008-0014 amended certain aspects of Revised Decision 1644.

[8] On April 4, 2024, YCWA filed a petition for long-term transfer of up to 200,000 AF/year under Permit 15026, seeking a 25-year extension of the Yuba Accord Water Transfer Program. Additionally, on October 1, 2025, YCWA filed a petition for temporary transfer of up to 200,000 AF/year under Permit 15026, seeking a temporary extension of the Yuba Accord Water Transfer Program through December 31, 2026 while its long-term transfer petition is pending.

updates to the water year types pertaining to Narrows 2 Powerhouse and Narrows 2 Full Bypass (YCWA 2018b); (7) July 27, 2018 submittal requesting FERC replace the Amended FLA's existing sediment management proposal for Our House and Log Cabin dams' sediment management (YCWA 2018c); and (8) September 19, 2018 submittal requesting FERC replace the previous recreation facilities plan with a revised plan (YCWA 2018d).

On January 2, 2019, FERC issued the *Final Environmental Impact Statement for Hydropower License – Yuba-River Development Project – Project No. 2246-065–California* (FERC 2019) (Final EIS) under the National Environmental Policy Act. On March 8, 2021, FERC stated that it intends to supplement its Final EIS for the YRDP, in part to address National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) consultation requirements (FERC 2021).

The Narrows Project was initially licensed on August 1, 1941. FERC issued a 30-year license for the Narrows Project to the Pacific Gas and Electric Company on February 11, 1993, and the current license expires on January 31, 2026. On May 2, 2019, FERC approved the transfer of the Narrows Project license from the Pacific Gas and Electric Company to YCWA. An application to relicense the Narrows Project was submitted by YCWA to FERC on November 14, 2023 (YCWA 2023). On May 12, 2025, FERC issued a *Notice of Intent to Prepare an Environmental Assessment* for Narrows Hydroelectric Project – Project No. 1403-068 (FERC 2025a). Based on the *Notice of Intent to Prepare an Environmental Assessment*, FERC plans to issue the Environmental Assessment for the Narrows Project in November 2025.

4.0 Regulatory Authority

4.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. § 1251 et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) The Clean Water Act recognizes, preserves, and protects "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources. . . ." (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit to conduct any activity which may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specific provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401

directs the state agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. § 1341(d).) These certification conditions shall become conditions of any federal license or permit for the project (*Ibid.*)

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

Water Code section 13383 provides that the State Water Board may "establish monitoring, inspection, entry, reporting, and recordkeeping requirements" and obtain "other information as may be reasonably required" for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director) in State Water Board Resolution 2012-0029. (State Water Board 2012.) In the *Redelegation of Authorities* memorandum issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights. (State Water Board 2023)

Procedure, Application, and Noticing

On December 30, 2024, YCWA filed certification applications for relicensing of the Projects with the State Water Board under section 401 of the Clean Water Act (YCWA 2024). On January 29, 2025, State Water Board staff provided public notice of the applications, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Projects on the State Water Board's website. No comments have been received to date.

On September 29, 2025, State Water Board staff forwarded the certification applications to the Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board). (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).)

4.2 Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Projects must ensure compliance with applicable water quality standards in the Central Valley Regional Water Board's *Water Quality Control Plan 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)[9] (State Water Board 2018) and any amendments thereto .

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

The nine California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) As noted above, the State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Water Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt water quality control plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. §1313).

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

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

[9] In October 2024, the State Water Board released a draft Bay-Delta Plan for public comment. (State Water Board 2024a). In July 2025, the State Water Board released a revised draft to the Bay-Delta Plan (State Water Board 2025).

consideration of the federally promulgated water quality standards for California (40 C.F.R. §§ 131.36, 131.37, and 131.38) and Clean Water Act section 304(a) recommended criteria.

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

Central Valley Basin Plan
The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Valley Basin Plan. The Central Valley Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Valley Basin Plan identifies existing beneficial uses for surface waters affected by the Projects as follows:

- Yuba River for sources to Englebright Reservoir: municipal and domestic supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat.

- Yuba River from Englebright Dam to the Feather River: irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; warm freshwater habitat; cold freshwater habitat; warm water migration; cold water migration; cold spawning habitat; warm spawning habitat; and wildlife habitat.

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

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

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

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

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

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

4.3 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy)[10] (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

4.4 Clean Water Act Section 303(d) Listing

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

- New Bullards Bar Reservoir is listed for mercury;
- North Yuba River and the Middle Yuba River confluence to Englebright Reservoir are listed for chromium and mercury;
- Englebright Reservoir is listed for mercury;
- Oregon Creek is listed for copper and iron; and
- Yuba River below Englebright Dam is listed for copper and mercury.

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

4.5 Construction General Permit

Coverage under the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with*

[10] State Water Board Resolution 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on October 22, 2025.

Construction and Land Disturbance Activities (Construction General Permit)[11] (State Water Board 2022a) 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 a facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with a NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. parts 122, 123, and 124.)

4.6 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State

The *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)[12] (State Water Board 2019b and 2021) provide California's definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity, quality, or permanence, consistent with Water Code sections 16200-16201.

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

4.7 Aquatic Weed Control General Permit

The *Statewide National Pollutant Discharge Elimination System Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications* (Aquatic Weed Control General Permit)[13] (State Water Board 2022b) applies to projects that require aquatic weed management activities. The Aquatic Weed Control General Permit sets forth detailed management practices to

[11] State Water Board Order WQ2022-0057-DWQ and National Pollutant Discharge Elimination System No. CAS000002, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html. Accessed October 22, 2025.

[12] The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on October 22, 2025.

[13] State Water Board Order WQ 2013-0002-DWQ and NPDES No. CAG990005, as amended by Order WQ 2014-0078-DWQ, Order WQ 2015-0029-DWQ, Order WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-056-EXEC, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/docs/weedcontrol/2022-0056-EXEC.pdf. Accessed on: October 22, 2025.

protect water quality from pesticide and herbicide use associated with aquatic weed control.

YCWA must comply with the Aquatic Weed Control General Permit when conducting aquatic weed management activities covered by the permit.

4.8 Statewide Mercury Provisions

Part 2 of the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (Mercury Provisions) (State Water Board 2017)[14] provides a consistent regulatory approach throughout the state by setting mercury limits to protect the beneficial uses associated with the consumption of fish by both people and wildlife. The Mercury Provisions also established definitions for three new beneficial uses (tribal tradition and culture, tribal subsistence fishing, and subsistence fishing) for use by the Water Boards. In adopting the Mercury Provisions, the State Water Board also approved one narrative and four numeric mercury objectives to apply to inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use definitions: commercial and sport fishing, tribal traditional culture, tribal subsistence fishing, wildlife habitat, marine habitat, preservation of rare and endangered species, warm freshwater habitat, cold freshwater habitat, estuarine habitat, or inland saline water habitat, with the exception of waterbodies or waterbody segments with site-specific mercury objectives. These provisions are implemented through NPDES permits, certifications, waste discharge requirements, and waivers of waste discharge requirements.

4.9 Statewide Bacteria Provisions

Part 3 of the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Standards Policy* (Bacteria Provisions) (State Water Board 2019a)[15] protects waters designated with the water contact beneficial use (REC-1) by establishing statewide numeric water quality objectives for bacteria, based on the USEPA 2012 Recreational Criteria. The objectives correspond with the risk protection level of 32 illnesses per 1,000 recreators and use *E. coli* as the indicator of pathogens in freshwaters and enterococci as the indicator of pathogens in estuarine and ocean waters. The Bacteria Provisions' bacteria water quality objectives supersede any numeric water quality objective, but not any narrative water quality objective, for bacteria for REC-1 beneficial uses contained in a water quality control plan before the effective date of the Bacteria Provisions. Numeric site-specific objectives for bacteria established before or after the

[14] Available online at: https://www.waterboards.ca.gov/water_issues/programs/mercury/ Accessed on: October 22, 2025.

[15] Available online at: https://www.waterboards.ca.gov/bacterialobjectives/docs/bacteria.pdf. Accessed on: October 28, 2025.

effective date of the Bacteria Provisions remain in effect. These provisions will be implemented through NPDES permits, certifications, waste discharge requirements, and waivers of waste discharge requirements.

4.10 Comprehensive Plan

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

5.0 California Environmental Quality Act

YCWA is the lead agency for the purposes of California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) compliance for relicensing of the Projects. On October 28, 2024, YCWA stated in its Notice of Preparation that it intends to issue an Environmental Impact Report for CEQA compliance for the Projects. On August 1, 2025, YCWA released for public review and comment a draft Environmental Impact Report (EIR) for the FERC relicensing of the Projects (YCWA 2025a). The State Water Board provided comments on the draft EIR on September 22, 2025. On October 10, 2025, YCWA provided written responses to the State Water Board's comments on the draft EIR (YCWA 2025c). On October 21, 2025, YCWA certified a final EIR for relicensing of the Projects (YCWA 2025d).

6.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 8.0 are necessary to ensure that the Projects will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 4.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 8.0.

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

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements.

California Code of Regulations, title 23, section 3830 et seq., set forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions.

As noted in Section 4.1, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. § 1341(d).) Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 13165 authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for the Projects' activities that may impact waters of the state.

Fish and Game Code section 5937 requires the owner[16] of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or monitor flow or other water quality characteristics as required to meet section 5937 are appropriate conditions of state law necessary to protect fishery beneficial uses.

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

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 4.0 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in

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

applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 8.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and ensure compliance with state and federal water quality requirements and other applicable requirements of state law. When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- YCWA's certification applications for the Projects (YCWA 2024);
- YCWA's Amended FLA and associated updates thereto (YCWA 2017a, 2017b, 2017c, 2017d, 2017e, 2018a, 2018b, 2018c, 2018d);
- FERC's Final EIS (FERC 2019);
- California Department of Fish and Wildlife's (CDFW) Federal Power Act Section 10(j)(1) Recommendations (CDFW 2017);
- United States Department of the Interior Comments, Recommendations, Terms and Conditions, and Prescriptions, covering information provided for United States Fish and Wildlife Service (USFWS), Bureau of Land Management, and National Park Service (United States Department of the Interior 2017)
- USFS's Final Section 4(e) Conditions (USFS 2018);
- FERC's Additional Information Requests (FERC 2021, FERC 2022) including YCWA's "Offer of Settlement"[17] response on October 31, 2022. (YCWA 2022);
- United States Department of the Interior Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions on the Federal Energy Regulatory Commission Ready for Environmental Analysis for the Narrows Hydroelectric Project, No. P-1403-068 (United States Department of the Interior 2025);
- National Marine Fisheries Service Notice of Intervention, Preliminary Federal Power Act Fishway Prescriptions for the Narrows Hydroelectric Project (NFMS 2025a);
- CDFW Comments and Recommendations for the Narrows Hydroelectric Project (CDFW 2025b);
- Foothills Water Network Comments and Recommendations Ready for Environmental Analysis for the Narrows Project (Foothills Water Network 2025);
- YCWA's draft and final EIR for the relicensing of the Projects (YCWA 2025a and 2025d);

[17] YCWA's "Offer of Settlement" is detailed in an October 31, 2022 letter and technical memorandum in response to Item 3 of FERC's March 8, 2021 and May 17, 2022 Additional Information Requests. The "Offer of Settlement" provides YCWA's unilateral proposal for an "equitable allocation of water that is needed in the Yuba River basin to protect ESA-listed fish species and their designated critical habitat", between the licensees of the hydropower projects in the Yuba River basin (Pacific Gas and Electric Company, Nevada Irrigation District, and YCWA), as requested by FERC.

- Any comments associated with the aforementioned documents;
- April 3, 2025 Yuba River Resilience Initiative (YRRI) Agreement and corresponding communications, including a letter from CDFW and an email and letter from NMFS (YCWA 2025b, CDFW 2025c, NMFS 2025b, 2025c);
- CDFW's email correspondence related to foothill yellow-legged frogs (FYLF) (*Rana boylii*) (CDFW 2025a);
- Existing and potential beneficial uses, associated water quality objectives, and implementation measures and programs described in the Central Valley Basin Plan (Central Valley Regional Water Board 2019), Bay-Delta Plan (State Water Board 2018), and recent draft updates thereto (State Water Board 2024a, State Water Board 2025);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Construction General Permit, Clean Water Act Section 303(d) List/305(b) Report, Dredge or Fill Procedures, etc.);
- Projects-related controllable water quality factors (e.g., discharges from Projects' facilities, controllable flow releases, etc.);
- Proceedings of the Yuba Salmon Forum;
- Information provided during the petition for reconsideration process on the 2020 YRDP certification, including the September 17, 2021 workshop; and
- Other information in the record.

This certification is issued pursuant to the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed.Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but also complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed.Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023 should it reemerge as a result of litigation or any other reason. To the extent FERC 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." (88 Fed.Reg. 65591-66606 [Scope of Certification].) Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license "may result in any discharge into the navigable waters," the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any "limitations" and "monitoring requirements" necessary to assure that the "applicant" will comply with water quality standards, other provisions of the Clean Water Act, and "with any other appropriate requirement of State law." (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point source discharges to waters of the United States. (*PUD No. 1*, *supra*, 511 U.S. at pp. 711-712.) USEPA replaced the 2020 Rule because, among other faults, it "may prevent state and tribal authorities from adequately protecting their water quality," "may result in a state or tribe's certification or conditions being permanently waived as a result of non-

substantive and easily fixed procedural concerns," and "may limit the flexibility of certifications and permits to adapt to changing circumstances." (86 Fed.Reg. 29543-29544 (June 2, 2021).) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

6.1 Rationale for Condition 1 – Flows

Instream flows provide habitat for fish and wildlife, contribute to scenic and aesthetic qualities of natural settings, and help support beneficial uses and water quality objectives for surface waters as established in the Central Valley Basin Plan (Central Valley Regional Water Board 2019). The approach for developing flow requirements, including ramping rates and spill reductions (Conditions 1, 3, and 6), for Projects-affected stream reaches included consideration of the aquatic-dependent biota (primarily fish, amphibians, and riparian vegetation) that are currently and/or potentially present, hydroelectric energy generation, and water supply, as well as an evaluation of ecosystem conditions under existing and unimpaired streamflow using the operations model[18] and technical information developed during YRDP relicensing (including study results from relicensing studies). Additionally, ongoing and proposed YCWA actions (e.g., implementation of the YRRI Agreement and ongoing floodplain and habitat restoration in the lower Yuba River) occurring as part of and separate from the Projects relicensing were considered during development of flow requirements.

State Water Board staff participated in relicensing discussions regarding Projects-related MIFs. During YRDP relicensing meetings, YCWA and most relicensing participants reached agreement on MIFs for the Middle Yuba River below Our House Diversion Dam (Table 3) and Oregon Creek below Log Cabin Diversion Dam (Table 2). Condition 1 requires MIFs for the Middle Yuba River and Oregon Creek that are designed to protect and enhance environmental and public resources and are consistent with those proposed by YCWA and agreed to by most YRDP relicensing participants.

However, during relicensing discussions on the Projects, YCWA and relicensing participants did not reach agreement on MIFs for the North Yuba River below New Bullards Bar Reservoir and the lower Yuba River below Englebright Dam. Relicensing

[18] The operations model was developed by YCWA using Microsoft Excel. The model uses the USACE's Hydrologic Engineering Center Data Storage System as a platform for input and output timeseries storage and management. The model has the capability of simulating various time periods (e.g., years to a single day) using 41 years of hydrology (i.e., Water Years 1970 through 2017).

participants such as USFWS, NMFS and Foothills Water Network[19] had differing views on MIFs needed to protect and enhance environmental resources (e.g., Chinook salmon populations in the Yuba River), water supply, and hydroelectric energy generation.

The current flow regime in the lower Yuba River is governed by the Yuba Accord, a set of agreements designed to address the interests of environmental groups, agriculture, water agencies, and hydroelectric operators relying on water from the Yuba River. The Yuba Accord flows were designed to allow for freshwater flows to support summer holding habitat for spring-run Chinook salmon while also providing water for hydropower, water transfers, and irrigation. The Yuba Accord flows took effect in 2008 after two years as a pilot project, and were contemplated to remain in effect until issuance of a new YRDP FERC license. At YCWA's request, State Water Board Corrected Order WR 2008-0014 amended YCWA's water rights to require the Yuba Accord flows.

During YRDP relicensing, YCWA proposed continued implementation of the Yuba Accord flows with minor alterations, such as changes to ramping rates and water year type determinations in Schedule 5, Schedule 6, and Conference Years, as identified in the Yuba Accord. The FERC staff alternative evaluated in FERC's Final EIS modified YCWA's proposal to provide additional flow in the lower Yuba River from June 1 through August 31 in Schedule 6 years, and additional flow in the North Yuba River from June 1 through September 30 in all water years.

On April 3, 2025, YCWA, NMFS, and CDFW entered into the YRRI Agreement. The YRRI Agreement establishes a Restoration Plan that includes: (a) construction of a Nature-Like Fishway around Daguerre Point Dam; and (b) a spring-run Chinook salmon reintroduction program in the North Yuba River upstream of New Bullards Bar Reservoir. Per the YRRI Agreement, YCWA is obligated to construct and operate a Nature-Like Fishway at Daguerre Point Dam, the goal of which is to improve salmonid passage around the dam and to open an additional approximately12.6 river miles to green sturgeon, white sturgeon, and lamprey. Additionally, per the YRRI Agreement, YCWA is responsible, in part, for financially supporting spring-run Chinook salmon reintroduction to the North Yuba River upstream of New Bullards Bar Reservoir.

Exhibit 4 of the YRRI Agreement includes proposed conditions that the YRRI Agreement parties request the State Water Board adopt without material modification as part of its certification action for the YRDP. YRRI Agreement-proposed MIFs on the North Yuba River below New Bullards Bar Dam and on the lower Yuba River below Englebright Dam are the same as the FERC staff alternative for MIFs in FERC's Final

[19] Foothills Water Network coordinates the activities of organizations and individuals who have interests in the Yuba, Bear, and American watersheds including American Rivers, American Whitewater, California Outdoors, California Sportfishing Protection Alliance, Friends of the River, Gold Country Fly Fishers, Northern California Council of Fly Fishers International, South Yuba River Citizens League, and Trout Unlimited.

EIS. On May 5, 2025, CDFW and NMFS both communicated their agencies' respective support of the YRRI Agreement-proposed conditions.[20]

The State Water Board is not a signatory to the YRRI Agreement and maintains its independent authority to require conditions through its certification issuance for the Projects to ensure protection of water quality and beneficial uses. State Water Board staff considered the MIFs identified in the YRRI Agreement and find that the YRRI Agreement-proposed MIFs and FERC Final EIS staff alternative MIFs, when coupled with other requirements of this certification, including Condition 13 (Lower Yuba River Habitat Restoration) and Condition 20 (Reintroduction and Fish Passage), will be protective of water quality objectives and beneficial uses in the Yuba River, North Yuba River, Middle Yuba River, and Oregon Creek. Condition 1 requires MIFs consistent with the YRRI Agreement and consistent with the Final EIS FERC staff alternative. Condition 1 also includes a process for variances of certification requirements related to MIFs, ramping rates, spills, and tunnel closures due to planned maintenance activities and unplanned emergency actions.

This certification does not amend State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modify the requirements of YCWA's water rights. Absent an order amending State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modifying YCWA's water rights, the requirements of YCWA's water rights set forth in State Wate Board Revised Decision 1644 and Corrected Order WR 2008-0014 remain in effect. The MIFs and other flows required by this certification may differ from those required under YCWA's water rights. Additionally, the water year type classifications in this certification include YCWA's proposed changes to water year types; these revised water year type classifications differ from the water year type classifications defined in YCWA's water rights by State Water Board Revised Decision 1644 and Corrected Order WR 2008-0014. When the flows required by this certification differ from the flows required under YCWA's water rights, YCWA must implement the greater of the flow requirements in order to comply with both requirements.

Beneficial uses in the Bay-Delta estuary that could be adversely affected by the Projects' flow releases include: municipal and domestic supply, industrial service supply, industrial process supply, irrigation, navigation, stock watering, contact recreation, other noncontact recreation, cold freshwater habitat, warm migration habitat, cold migration habitat, warm spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP flow releases include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the

[20] CDFW did not take a position on the modification provisions of YRRI Agreement-proposed Conditions 1(D), 12, and 24.

Projects' operations include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.2 Rationale for Condition 2 – Bay-Delta Plan Implementation

The Projects are located on the Yuba River and its tributaries. The Yuba River is a tributary to the Feather River, and part of the Sacramento River Basin that drains to the San Francisco Bay through the Sacramento-San Joaquin Delta Estuary. Through the Projects' operations, YCWA manages a large portion of the water in the Yuba River watershed. Implementation of the Bay-Delta Plan and amendments thereto may require additional flows in and from the Yuba River watershed. Additional Bay-Delta Plan required flows may require changes to the operation of the Projects.

As discussed in Section 4.2 of this certification, the State Water Board is in the process of making updates to the Bay-Delta Plan that focus on the Sacramento River and its tributaries (including the Yuba River). YCWA's Projects' operations, as well as other projects and water diversions, affect the amount of flow in the Yuba River available to contribute to meet Bay-Delta water quality standards. Condition 2 requires YCWA to implement the Bay-Delta Plan and any amendments thereto. If YCWA's responsibilities and timeline for implementation of the Bay-Delta Plan are not explicitly defined in a newly adopted Bay-Delta Plan, Condition 2 requires YCWA to develop a plan for review and approval by the State Water Board's Executive Director that describes: (1) how YCWA will ensure the Projects comply with applicable provisions of the Bay-Delta Plan; (2) a timeline for compliance; and (3) identification of any necessary facility changes for compliance with the Bay-Delta Plan. Condition 2 explains that in the event of an inconsistency with the Bay-Delta Plan and any amendments thereto, conditions of the certification remain in effect unless otherwise amended.

Requirements of Condition 2 are consistent with Clean Water Act requirements to ensure protection of water quality. Specifically, the Bay-Delta Plan establishes water quality objectives for the protection of the Bay-Delta watershed's beneficial uses that require control of salinity (caused by saltwater intrusion, municipal discharges, and agricultural drainage), instream flows and Delta outflows, and water project operations (limits on diversions and associated operations and management). The Bay-Delta Plan is complementary to and does not supersede flow requirements derived from other water quality control plans and policies for water quality control adopted by the State Water Board. The Sacramento/Delta Update to the Bay-Delta Plan program of implementation, including any approvals of voluntary agreements, describes actions necessary to achieve the water quality objectives in the Bay-Delta Plan and does not preclude the State Water Board from identifying or requiring other actions to achieve the objectives. The State Water Board retains its authority to carry out its responsibilities

under the Water Code, article X, section 2 of the California Constitution, the public trust doctrine, or other legal obligations, through other water right or water quality proceedings, including through regulation, water quality certifications, adjudicative water right proceedings, or other actions.

Beneficial uses in the Bay-Delta estuary that could be adversely affected by the Projects' flow releases include: municipal and domestic supply, industrial service supply, industrial process supply, irrigation, navigation, stock watering, contact recreation, other noncontact recreation, cold freshwater habitat, warm migration habitat, cold migration habitat, warm spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.3 Rationale for Condition 3 – Ramping Rates

Ramping rates are necessary to protect aquatic species and their habitat, such as salmonid fry, spring-run Chinook salmon and steelhead redds, and riparian vegetation recruitment, which are sensitive to sudden water elevation changes associated with the Projects' operations. During relicensing YCWA and most relicensing participants agreed to implement ramping rates in accordance with the following schedule: salmonid fry and juvenile stranding prevention ramping rate (year round); spring-run Chinook salmon redd dewatering prevention ramping rate (September 1 – December 31); steelhead redd dewatering prevention ramping rate (January 1 – May 31); and riparian seedling recruitment ramping rate (April 1 – July 15).

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by rapid fluctuations in YRDP flow releases include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.4 Rationale for Condition 4 – Water Year Types

Condition 4 requires implementation of YCWA's proposed water year type classifications, which were developed during the YRDP relicensing process: (1) for reaches above Englebright Reservoir; and (2) for reaches below the Narrows 2 Powerhouse. Due to the different management approaches used for the two reaches, two water year classifications are suitable.

YCWA's proposed water year types include minor changes from the water year type classifications currently used to determine flow requirements under YCWA's water rights, as described in State Water Board Revised Decision 1644 and Corrected Order WR 2008-0014. This certification does not amend State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modify YCWA's water rights. Absent an order amending State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modifying YCWA's water rights, the requirements set forth in State Wate Board Revised Decision 1644 and Corrected Order WR 2008-0014 remain in effect. Additionally, this certification does not bind or influence future related State Wate Board actions. When flow requirements differ between YCWA's water rights and this certification, YCWA shall implement the greater of the flow requirements, in order to comply with both flow requirements.

Water year types play a critical role in establishing flows and other requirements of this certification. This certification includes flexibility to update the water year type classifications during the term of the new FERC license(s) as future climate, and water availability may result in a need to update water year type classifications to more accurately reflect a changed environment.

Beneficial uses for the Yuba River, sources to Englebright Reservoir, that may be adversely affected by the Projects' water year type classifications include: contact recreation, canoeing and rafting, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' water year type classifications include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Beneficial uses in the Bay-Delta estuary that could be adversely affected by the Projects' water year type classifications include: municipal and domestic supply, industrial service supply, industrial process supply, irrigation, navigation, stock watering, contact recreation, other noncontact recreation, cold freshwater habitat, warm migration habitat, cold migration habitat, warm spawning habitat, and wildlife habitat.

Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Water year type classifications are needed to ensure the protection of beneficial uses and are used to ensure monitoring and compliance with certification conditions in accordance with Clean Water Act section 401, Water Code sections 1051, 13165, 13267 and 13383, and other applicable laws.

6.5 Rationale for Condition 5 – Monitoring and Adaptive Management

Monitoring and the implementation of monitoring plans are necessary to collect and evaluate information regarding water quality and biological resources in the Projects' areas in response to changes in Projects' licenses conditions (e.g., instream flows,

ramping rates, tunnel closures). The methods and frequency of monitoring are designed to measure the response of resources to adjustments in streamflow and other conditions and to determine whether resource objectives are being met. This condition also allows the Deputy Director, based on reporting and other information, the flexibility to require adaptive management actions and/or alter the monitoring program (e.g., methodologies or frequencies of data collection) if appropriate.

Condition 5 requires the implementation of YCWA-proposed monitoring plans for water quality, salmonids, resident fish, benthic macroinvertebrates (BMI), foothill yellow-legged frogs (FYLF), western pond turtles, sediment, channel morphology, riparian vegetation, LWM, bald eagles, and compliance with flows and reservoir levels with limited changes to assess for and adaptively manage Projects-related impacts. These monitoring plans are necessary to ensure the protection of water quality and beneficial uses, compliance with the certification, and provide for adaptive management throughout the term of the new license(s) for the Projects.

Water quality (Condition 5(A)) and water temperature (Condition 5(B)) monitoring are necessary for assessing compliance with state and federal water quality standards, including assessment of long-term trends in water quality and temperature related to the Projects and/or changes in streamflow resulting from the Projects' operation over the term of the new Projects' license(s). Water quality and temperature monitoring will allow for adaptive management, if needed, to ensure protection of beneficial uses.

Upper Yuba River Aquatic Monitoring (Condition 5(C)) provides for aquatic resource monitoring for all YRDP-affected stream reaches and impoundments upstream of Englebright Reservoir, including New Bullards Bar Reservoir, the North Yuba River below New Bullards Bar Dam, Our House Diversion Dam Impoundment, Middle Yuba River below Our House Diversion Dam, Log Cabin Diversion Dam Impoundment, Oregon Creek below Log Cabin Diversion Dam, and the Yuba River between the North Yuba River/Middle Yuba River confluence. Monitoring for fish, BMI, FYLFs, western pond turtles, sediment, stream channel morphology, riparian vegetation, and LWM, will provide for the assessment of aquatic resources under the new YRDP license requirements and inform any needed adaptive management throughout the new YRDP license term. The monitoring will also provide for incidental observations of federal and state ESA-listed salmonids and other ESA-listed species.

Monitoring BMI assemblages, which are sensitive to changes in and serve as indicators of aquatic habitat health, will provide an indication of changes in stream health conditions in response to the Projects' operations and provide an estimate of available food resources for fish populations and other aquatic resources. The objective of BMI monitoring is to evaluate the effect of and potential need for adaptive management measures related to potential Projects-related impacts to aquatic resources. Monitoring for FYLFs will assess the frogs' response to flow-related changes (e.g., minimum flows, ramping rates, spill cessation, water temperatures, and aquatic habitat suitability), and changes in relation to Project operations and environmental conditions (e.g., climate change), in order to evaluate the potential need for adaptive management measures

during the term of the new license(s) for the Projects. Channel morphology and riparian vegetation monitoring is designed to provide information on whether new license conditions have an effect on channel shape and sediment that negatively impacts beneficial uses, and how riparian communities in Projects-affected stream reaches are impacted by new flow requirements and environmental conditions during the term of the new license(s) for the Projects. This information will be used to inform whether additional monitoring or restoration is needed.

Lower Yuba River Aquatic Monitoring (Condition 5(D)) is designed to evaluate and ensure the water quality and aquatic resource-related beneficial uses of the lower Yuba River are protected with implementation of the new Projects license(s). The monitoring described in the plan will measure the response of resources to adjustments in streamflow and other conditions associated with Projects' during the term(s) of the new FERC license(s). This information will help inform the need for adaptive management to ensure the protection of water quality and beneficial uses as necessary.

The Bald Eagle and American Peregrine Falcon Management Plan (Condition 5(E)), proposed by YCWA, is designed to ensure that the Projects' operations and maintenance activities, as well as Projects-related recreation activities do not result in "take" of bald eagles, their eggs, or nests. Condition 5(E) ensures YCWA will implement measures to protect bald eagles, and their eggs and nests, consistent with federal and state laws and regulations.

Streamflow gages are needed to measure compliance with MIFs and other flow-related conditions of this certification (e.g., ramping rates, spill reduction, etc.). Streamflow and reservoir level gages must be in place and functioning to document compliance with the Projects certification and license conditions. Implementation of the *Streamflow and Reservoir Level Compliance Monitoring Plan* identified in Condition 5(F) will provide accurate flow, reservoir level, and water stage monitoring to assess compliance with certification conditions (e.g., flows and ramping rates) and the impact of water stage on fish and frog populations (e.g., egg-scouring, stranding).

The Projects' operations may impact flow and water quality in the Bay-Delta as the flow releases associated with the Projects contribute to Bay-Delta inflow and outflow. Condition 5 requires that the Licensee comply with monitoring and adaptive management components associated with implementation of the Bay-Delta Plan that relate to the Projects' operations, including any associated regulations, decisions, or orders implementing the Bay-Delta Plan and any approved voluntary agreement(s) or local cooperative solution(s). Beneficial uses in the Bay-Delta estuary that could be adversely affected by the Projects' operations include: municipal and domestic supply, industrial service supply, industrial process supply, irrigation, navigation, stock watering, contact recreation, other noncontact recreation, cold freshwater habitat, warm migration habitat, cold migration habitat, warm spawning habitat, and wildlife habitat.

The Projects' operations and associated flow releases directly impact water quality and associated beneficial uses. Beneficial uses of the Yuba River, sources to Englebright

Reservoir, that could be adversely affected by YRDP operations include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

Monitoring required by Condition 5 will help ensure the Projects comply with Central Valley Basin Plan and statewide water quality objectives, including those for dissolved oxygen, pH, temperature, mercury, and turbidity, and other appropriate requirements of state law. The required monitoring is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Clean Water Act section 401 and Water Code sections 1051, 13165, 13267, and 13383.

6.6 Rationale for Condition 6 – Spill Reduction

Sudden changes in flows following spring snow-melt runoff or other major spill events can adversely affect aquatic organisms through stranding as water levels rapidly decrease causing exposure of previously inundated habitat, or through scouring as water levels rapidly increase. During YRDP relicensing, YCWA and most relicensing participants reached agreement on spill reductions at: New Bullards Bar Dam; Log Cabin Diversion Dam; and Our House Diversion Dam. Condition 6 requires implementation of spill reduction measures as proposed by YCWA and agreed to by most relicensing participants to ensure protection of aquatic resources from potential YRDP-controlled flow related stranding and scour events.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by rapid flow fluctuations caused by YRDP operations include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat.

Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Maintaining adequate flows below Projects' dams, in part through implementation of spill cessation, ensures protection of water quality and associated beneficial uses.

6.7 Rationale for Condition 7 – Closures at Lohman Ridge Diversion Tunnel

Condition 7 requires YCWA to periodically close the Lohman Ridge Diversion Tunnel and allow flows to continue downstream during specific times of the year. Closure of the Lohman Ridge Diversion Tunnel helps minimize YRDP-related flow fluctuations that are uncharacteristic of the natural hydrograph and help protect biota. CDFW has determined that under certain conditions, entrainment of aquatic organisms[21] into Lohman Ridge Diversion Tunnel occurs at a substantial rate. This entrainment results in a net loss of aquatic resources from the stream reaches of the Middle Yuba River, upstream and downstream of Our House Diversion Dam (CDFW 2017). Entrainment of fish and other aquatic species into the Lohman Ridge Diversion Tunnel reduces population recruitment and limits or fragments the aquatic genetic diversity in the Yuba River watershed (CDFW 2017). Fish that would normally pass downstream of this facility and re-populate fish populations are lost due to YRDP-related entrainment. Requiring closure of the Lohman Ridge Diversion Tunnel during peak entrainment timeframes (i.e., fall and spring) will help to reduce entrainment.

In March 2020, the Northeast/Northern Sierra clade of FYLF were listed as “threatened” under the California ESA. In 2017, CDFW expressed concern that closing the Lohman Ridge Diversion Tunnel and opening the Log Cabin Dam outlets as late as mid-April could create a significant stage change that would scour FYLF egg masses present before April 15 (CDFW 2017). However, based on more recent FYLF breeding data, CDFW has determined that Lohman Ridge Diversion Tunnel closures and Log Cabin Dam low-level outlet and fish valve opening can occur through April 15[22] without causing adverse impacts to FYLF populations.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operation of the Lohman Ridge Diversion Tunnel include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.8 Rationale for Condition 8 – Operation of New Colgate Powerhouse Intakes

The Projects’ release flows into the Middle Fork and Yuba River downstream of New Bullards Bar and Englebright reservoirs, respectively. The Projects’ flow releases are the predominant flow releases in the North Yuba River downstream of New Bullards Bar Reservoir and the Yuba River downstream of Englebright Reservoir and have the

[21] Rainbow trout and potentially other fish and frog species.

[22] On January 16, 2025, CDFW sent updated FYLF information to the State Water Board related to FYLF impacts associated with operation of the Lohman Ridge Diversion Tunnel.

potential to impact water quality and associated beneficial uses of the Yuba River as identified in the Central Valley Basin Plan. Condition 8 helps preserve the cold-water pool in New Bullards Bar Reservoir for later in the year (i.e., fall) by requiring use of the upper New Bullards Bar Dam intake in the spring. Using the upper intake will release warmer water from New Bullards Bar Reservoir from a higher reservoir elevation, thereby preserving the reservoir's cold-water pool deeper in the reservoir. When the upper intake is closed in late spring, the lower intake will be used to begin releasing water from the cold-water pool. This condition will help reduce water temperatures in the Middle and lower Yuba River in summer and fall and allow for greater growth and reproduction of both resident and anadromous salmonids. Given the potential for changes in hydrologic conditions and temperatures over the term of the new FERC license(s) for the Projects, the condition includes provisions to provide for changes in the timing of when the intakes are used to optimize temperature benefits associated with their use if appropriate.

Operation of the intakes at New Colgate Powerhouse directly impact water quality and associated beneficial uses. Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations include but are not limited to: contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations include but are not limited to: contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.9 Rationale for Condition 9 – Large Woody Material at Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir

Accumulation of LWM behind the Log Cabin Diversion Dam and Our House Diversion Dam and in their respective impoundments occurs as a result of the dams, which prevent natural passage of coarse material downstream. Condition 9 requires passage of LWM downstream of Our House and Log Cabin Diversion Dams on the Middle Yuba and Oregon Creek as proposed by YCWA in *GS3: Implement Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan* (GS3). New Bullards Bar Dam, Our House Diversion Dam, and Log Cabin Diversion Dam inhibit natural movement and recruitment of LWM into the North Yuba, Middle Yuba, and Oregon Creek. Condition 9 also requires YCWA to update GS3 to include measures to address potential water quality impacts associated with proposed burning of LWM on a barge in New Bullards Bar Reservoir. The purpose of Condition 9 is to define the methods and protective measures that will be implemented for LWM transport and disposal activities.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP dams impoundment of LWM include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat.

6.10 Rationale for Condition 10 – Sediment Management

Sediment accumulation behind the Log Cabin Diversion Dam and Our House Diversion Dam is a long-standing and ongoing issue. In 2016 and 2020, the State Water Board issued certifications for sediment management actions (i.e., sluicing and dredging) at Log Cabin Division Dam and Our House Diversion Dam. Condition 10 provides for sediment management actions that allow for removal of accumulated sediment behind these two diversion dams. The purpose of the Log Cabin and Our House Diversion Dams Sediment Management Plan is to prescribe procedures and guidelines for the management of sediment behind Log Cabin Diversion Dam and Our House Diversion Dam throughout the term of the new YRDP FERC license. Sediment is critical to the function of river ecosystems, as it provides habitat for fish spawning, BMI production, and frog reproduction. Sediment deposition during gradual flow reductions can form side channel bars that provide channel margin habitat, which is necessary for fish, amphibians, and BMI.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP sediment management include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat.

6.11 Rationale for Condition 11 – Prevention of Narrows Reach Fish Stranding Events

Condition 11 requires YCWA to develop and implement a plan to reduce fish stranding between the Narrows 1 and Narrows 2 Powerhouses throughout the term of the new FERC license(s) for the Projects. This plan focuses on protection of Chinook salmon and steelhead trout by including permanent or long-term measures, and will also include measures to protect additional anadromous species (e.g., green sturgeon and Pacific lamprey) that may occur upstream of Daguerre Point Dam, if a fishway is constructed around the dam. Stranding of fish species, including spring-run Chinook salmon (a state- and federally-listed threatened species) and fall-run Chinook salmon (a California species of special concern and NMFS species of concern), has historically occurred in the lower Yuba River between the Narrows 2 Powerhouse (YRDP) and the Narrows 1 Powerhouse (Narrows Project) (CDFW 2017). Prior operation methods caused lethal and sub-lethal effects to salmonids due to false attraction/delay, stranding, and redd dewatering (NMFS 2017). In 2015, the State Water Board issued a certification for the Narrows 2 Isolation Pool Restoration Project that specifically addressed potential

salmonid stranding associated with a gravel bar and flow fluctuations between the Narrows 2 and Narrows 1 Powerhouses, associated with YRDP operations.

Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations of Narrows 2 and Narrows 1 Powerhouses related to potential fish stranding include: power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.12 Rationale for Condition 12 – Aquatic Invasive Species Management

Aquatic invasive species cause harm to the diversity and abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to habitats. The impacts of aquatic invasive species can affect the overall function of aquatic ecosystems. Condition 12 requires YCWA to implement the Aquatic Invasive Species Management Plan which YCWA developed with USFS, USFWS, and CDFW, and filed with FERC on November 8, 2019 (YCWA 2019). Implementation of the Aquatic Invasive Species Management Plan is needed to minimize and prevent the introduction and establishment of aquatic invasive species, reduce the spread of existing aquatic invasive species, and monitor for aquatic invasive species in Projects-affected reservoirs and stream reaches. Use of the Aquatic Weed Control General Permit will protect water quality from pesticide and herbicide use associated with aquatic weed control. The plan is also designed to increase awareness and educate the public on aquatic invasive species impacts, prevention measures, and management approaches. In addition, Condition 12 requires YCWA to implement the decontamination protocol referenced in the plan for any activities that require moving equipment from one waterbody to another waterbody to help prevent the spread of aquatic invasive species.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations related to aquatic invasive species management include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations related to aquatic invasive species management include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

6.13 Rationale for Condition 13 – Lower Yuba River Habitat Restoration

Riparian vegetation constitutes an important resource that can provide cover for juvenile salmonids and support invertebrate prey for salmonids (Allan et al. 2003). Regulated rivers often lack riparian floodplain and riparian overstory due to regulated conditions that limit riparian regeneration and diminish or constrain available area for tree establishment (Poff and Zimmerman, 2010). The Projects make use of dams that block fish passage making upstream habitat unavailable, and the Projects' flows have resulted in reduced floodplain and riparian corridor inundation and connectivity (CDFW 2017, United States Department of the Interior 2017), which decreases the availability of rearing habitat in the bank and floodplain zones and suppresses the establishment of the riparian community. For example, willow and cottonwood seedlings cannot establish where flow recession exceeds 2.5 centimeters per day (Mahoney and Rood 1998, Stillwater Sciences 2006). Condition 13(A) requires the Licensee to develop and implement a Riparian Planting Restoration Plan on the lower Yuba River to restore 100 acres of riparian habitat through riparian plantings that has the potential to help improve the quantity, quality, and complexity of salmonid rearing habitat in the lower Yuba River.

Central Valley spring-run Chinook salmon are listed as threatened under the federal ESA and the California ESA and steelhead trout are listed as threatened under the federal ESA. Low return numbers and failure to support or restore fish populations are the result of many factors, including but not limited to low-quality juvenile rearing habitat, lack of LWM and instream cover, lack of riparian overstory, reduced invertebrate food sources, and lack of access to floodplain habitat.

On April 25, 2025, YCWA, CDFW, and NFMS signed the YRRI Agreement to collaboratively develop and implement restoration actions intended to increase anadromous salmonids access to habitat in the Yuba River watershed, primarily through two actions: (1) construction and operation of a Nature-Like Fishway around Daguerre Point Dam; and (2) reintroduction of spring-run Chinook salmon to the North Yuba River above New Bullards Bar Reservoir.

Condition 13(B) requires that if the YRRI Agreement terminates or YCWA unilaterally alters its funding obligations related to Chinook salmon reintroduction efforts in the North Yuba River, then YCWA will be responsible for providing continued funding for reintroduction efforts or implementation of restoration activities with the funding that would have been provided under the YRRI Agreement. YCWA's continued financial support for reintroduction efforts or habitat restoration will help ensure continued protection of beneficial uses in the Yuba River watershed.

Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' flow releases and associated aquatic habitat include: contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

6.14 Rationale for Condition 14 – New Bullards Bar Reservoir Fishery

Angling is a popular activity at YRDP's New Bullards Bar Reservoir. Stocking fish in New Bullards Bar ensures that the recreational fishery will be maintained for the term of the new YRDP FERC license. Because of the high level of recreational angling that occurs in New Bullards Bar Reservoir, Condition 14 requires YCWA to implement its proposed Condition AR6: *Implement New Bullards Bar Reservoir Fish Stocking Plan* (AR6).

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations and could impact fisheries include: contact recreation, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat.

6.15 Rationale for Condition 15 – Recreation Facilities

YCWA proposes to implement a Recreation Facilities Plan that includes expansion of existing recreation facilities and development of new facilities to increase and improve recreation opportunities. Condition 15 requires the Recreation Facilities Plan include appropriate protection, mitigation, and enhancement measures to the construction, operation, and maintenance of recreation facilities, which includes implementation of measures to protect of water quality. Water quality monitoring required by Condition 15 is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267 and 13383.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations, including potential discharges associated with recreation facilities, include: municipal and domestic supply, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations, including potential discharges associated with recreation facilities, include: contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

6.16 Rationale for Condition 16 – Whitewater Boating Flows

Condition 16 requires implementation of YCWA's proposed whitewater boating flows and sharing of recreational flow information. Whitewater boating opportunities are available downstream of the Projects' facilities and these opportunities generally occur during spring and early summer months, when river flows can vary greatly as a result of rainfall and snowmelt. The major constraint for boaters' use is a lack of predictable flows in the Middle Yuba River upstream of Our House Diversion Dam (YCWA 2017a). As a

result, YCWA proposes to provide predictable flows below Our House Diversion Dam on weekend days.

Projects' operations that provide whitewater boating flows support the canoeing and rafting beneficial use of the Yuba River.

6.17 Rationale for Condition 17 – Drought Management

Implementing YCWA's proposed Drought Management Plan (Condition 17) is necessary for management of water resources to protect all beneficial uses in California's extremely variable climate, including during extended drought. Multiple, successive dry years present difficult choices between releasing reservoir water to meet immediate demands (e.g., deliveries and instream flow requirements) or storing reservoir water for a future year to address the risk of additional dry year(s). The Drought Management Plan will identify strategies for managing water during times of extreme shortage.

Implementation of this condition helps avoid unreasonable impacts to water quality and beneficial uses during drought periods, including beneficial uses of the Yuba River, sources to Englebright Reservoir (e.g., municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, cold freshwater habitat, cold spawning habitat, and wildlife habitat), and beneficial uses of the Yuba River from Englebright Dam to Feather River (e.g., irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat).

Beneficial uses in the Bay-Delta estuary that could be adversely affected by the Projects' flow releases during a drought include: municipal and domestic supply, industrial service supply, industrial process supply, irrigation, navigation, stock watering, contact recreation, other noncontact recreation, cold freshwater habitat, warm migration habitat, cold migration habitat, warm spawning habitat, and wildlife habitat. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.18 Rationale for Condition 18 – Hazardous Materials

Implementation of a Hazardous Materials Management Plan (Condition 18) is essential to ensuring hazardous materials are properly stored, used, transported, and managed in the Projects' areas to avoid and minimize the release of hazardous materials to water, and associated impacts to beneficial uses, including impacts to sensitive species and their habitats. Condition 18 requires YCWA to implement its proposed Hazardous Materials Management Plan to address the storage, use, and transportation of hazardous materials. Implementation of a Hazardous Materials Management Plan will ensure the Projects comply with: (1) Central Valley Basin Plan water quality objectives,

including those for floating material, oil and grease, tastes and odors, and toxicity; (2) Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification; and (3) California Code of Regulations, title 27, section 20320, which specifies containment criteria for hazardous materials.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations, including the discharge of hazardous materials, include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations, including the discharge of hazardous materials, include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

6.19 Rationale for Condition 19 – Construction and Maintenance

Erosion and sedimentation can contribute to degradation of the waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Condition 19 includes provisions for the protection of water quality and beneficial uses associated with erosion and sediment control related to various activities including construction and maintenance activities. Protection of the instream beneficial uses identified in the Central Valley Basin Plan requires effluent limitations and other limitations on discharges of pollutants from point and nonpoint sources to the Yuba River and its tributaries. Erosion from Projects-related construction and maintenance activities has the potential to result in discharges that violate water quality standards. Condition 19 requires YCWA to comply with the Construction General Permit, as applicable, or to develop and implement Water Quality Monitoring and Protection Plans (WQMP Plans) to protect water quality and beneficial uses. WQMP Plans will be developed for construction and maintenance activities with the potential to cause erosion, stream sedimentation, release of hazardous materials, or otherwise impair water quality that are not otherwise covered by another condition of the certification, including several specific activities proposed by the YCWA (e.g., addition of a tailwater depression system at New Colgate Powerhouse, modification of Our House Diversion Dam fish release outlet, modification of Log Cabin Diversion Dam fish release outlet, etc.). Additionally, Condition 19 requires YCWA to comply with the Dredge or Fill Procedures.

As part of relicensing, YCWA proposed implementation of an Erosion and Sediment Control Plan to minimize YRDP-related erosion and sedimentation. The plan covers ground-disturbing activities associated with routine YRDP-related operations, maintenance, and new construction that could produce sediment near streams or reservoirs. The plan includes best management practices (BMPs) to control site-specific erosion and sedimentation as well as emergency erosion control measures and

protocols to control sediment during or after severe storm events. This plan has been integrated into this condition.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by Projects-related erosion and sedimentation include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by Projects-related erosion and sedimentation include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat.

6.20 Rationale for Condition 20 – Reintroduction and Fish Passage

The Projects make use of dams that block fish passage, making upstream habitat unavailable to salmonids that previously relied on habitat upstream of the dams. Englebright Dam is the upper limit of anadromy for salmonids in the Yuba River watershed. Though Englebright Dam is owned by USACE, YCWA's Projects' operations rely on Englebright Dam and Reservoir to support peaking hydroelectric energy production at New Colgate Powerhouse, and to support baseflow operations at Narrows 1 and Narrows 2 Powerhouses. The Projects cannot operate as proposed without use of Englebright Dam. Additionally, Projects' operations directly alter flow from Englebright Dam by reducing the duration and magnitude of spills from Englebright Dam and by controlling flows in the lower Yuba River. Downstream of Englebright Dam, anadromous fish are subject to the Projects' operations which affect flows and available salmonid habitat in the lower Yuba River. The Projects' operations and the dams which they depend on directly impact listed salmonids and will continue to do so under proposed future Projects operations. Central Valley spring-run Chinook salmon are listed as threatened under the federal ESA and the California ESA and steelhead trout are listed as threatened under the federal ESA. Low return numbers and failure to support or restore fish populations are the result of many factors, including but not limited to, reduced habitat.

On April 25, 2025, YCWA, CDFW, and NFMS signed the YRRI Agreement to collaboratively develop and implement restoration actions intended to increase anadromous salmonids access to habitat in the Yuba River watershed, primarily through two actions: (1) construction and operation of a Nature-Like Fishway around Daguerre Point Dam; and (2) reintroduction of spring-run Chinook salmon to the North Yuba River above New Bullards Bar Reservoir. These actions will help address existing habitat limitations associated with the dams and Projects operations. Condition 20(A) ensures that funding for fish reintroduction (non-volitional fish passage) and/or habitat restoration will continue in the event the YRRI Agreement terminates or YCWA unilaterally alters its funding obligations under the agreement. Per Condition 20(A), YCWA will continue

providing financial support for salmon reintroduction and/or restoration, which are protective of beneficial uses in the Yuba River watershed.

In a letter dated June 20, 2025, NMFS modified its previous reservation of authority under Federal Power Act section 18 and requested FERC add an article to the YRDP license that states:

> Authority is reserved for the National Marine Fisheries Service to prescribe the construction, operation, and maintenance of fishways at the project, including measures to determine, ensure or improve the effectiveness of such prescribed fishways, pursuant to Section 18 of the Federal Power Act, as amended, during the term of the New License. As provided in the Yuba River Resilience Initiative Agreement (Agreement), NMFS may exercise its reserved authority if the Agreement terminates, and NMFS will not exercise its reserved authority as long as this Agreement is in effect.

Condition 20(B) is designed to facilitate consultation between YCWA and the resource agencies that have jurisdiction over fish passage. It is expected that ongoing consultation and funding would better protect beneficial uses associated with anadromous fish (e.g., cold spawning habitat, cold freshwater habitat). Fish passage shall be designed in consultation with NMFS, USFWS, and CDFW, to determine appropriate measures to minimize potential adverse impacts and protect water quality and beneficial uses. Condition 20(B) will not go into effect unless NMFS or USFWS exercises its reserved authority pursuant to Section 18 of the Federal Power Act.

Beneficial uses of the Yuba River, sources to Englebright Reservoir, that could be adversely affected by YRDP operations and facilities include: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold spawning habitat, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by the Projects' operations include: irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, warm freshwater migration, cold freshwater migration, warm spawning habitat, cold spawning habitat, and wildlife habitat. Additionally, the Projects' operations may impact flow and water quality of the Bay-Delta as the Projects' discharges contribute to Bay-Delta inflow and outflow. Further, Fish and Game Code section 5937 requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

6.21 Rationale for Condition 21 – Mercury Management

The Yuba River watershed has been affected by historic gold mining activities including the use of mercury and hydrologic gold mining. Mercury deposits associated with historic gold mining activities remain in the Yuba River system and may be affected by

the Projects' operations and activities in a manner that impacts water quality and/or human health. Water quality and related human health impacts may result from an increased amount or mobilization of methylmercury in the watershed. Additionally, the Projects' reservoirs can increase the rate of mercury methylation allowing mercury to bioaccumulate in fish tissue and increase human health risk.

During relicensing, YCWA evaluated methylmercury concentrations in fish tissue samples collected from the Yuba River. Forty-seven edible-sized fish were sampled, of which 43 of the fish (91 percent) exceeded the California Office of Environmental Health Hazard Assessment's Advisory Tissue Levels for safe fish consumption for children and women eating more than three servings a week. Analytical results from New Bullards Bar smallmouth bass tissue samples revealed concentrations of bioaccumulated mercury as high as 0.807 parts per million wet-weight, which is almost twice the 0.44 parts per million wet-weight California Office of Environmental Health Hazard Assessment's Advisory Tissue Level for safe fish consumption by children and women.

Condition 21 requires YCWA to evaluate its Projects' operations in relation to mercury and methylation of mercury and develop plans to address Projects-related impacts to mercury in compliance with the *Tribal Subsistence Beneficial Uses and Mercury Provisions of the Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE) Plan* (State Water Board 2017). Condition 21 will also ensure the Projects comply with the toxicity water quality objective in the Central Valley Basin Plan, which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." (Central Valley Regional Water Board 2019.)

Beneficial uses in the Yuba River, sources to Englebright Reservoir, that may be impacted by Projects-related mercury management include: municipal and domestic supply, contact recreation, and wildlife habitat. Beneficial uses of the Yuba River, Englebright Dam to Feather River, that could be adversely affected by Projects-related mercury management include: contact recreation, and wildlife habitat. Additionally, the Projects' operations may impact flow and water quality of the Bay-Delta as the Projects' discharges contribute to Bay-Delta inflow and outflow.

6.22 Rationale for Condition 22 – Annual Meeting and Ecological Group

The formation of an Ecological Group will facilitate communication and ensure that interested parties have an opportunity to discuss implementation of the Projects license(s). The condition requires that YCWA organize and host Ecological Group meetings, with at least one meeting held each year in April. The Ecological Group meetings will provide an opportunity for communication and coordination between YCWA, resource agencies, nongovernmental organizations, and other interested parties. The Ecological Group meetings will also support 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.

6.23 Rationales for Conditions 23 through 44

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

Condition 23 is necessary to comply with Water Code section 13167 and Conditions 24 through 27 contain important clarifications concerning the scope and legal effect of this certification and other legal requirements that may apply to the Projects.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that a discharge activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 23 requires electronic data submittal in a format compatible with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California ESA (Fish & G. Code, § 2050 et seq.) and federal ESA (16 U.S.C. § 1531 et seq.), Condition 24 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included." To help ensure the integrity of the certification process and its focus on ensuring that Projects-related activities meet water quality standards and other appropriate requirements of state law, Condition 25 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply, including the state and federal ESAs.

Water Code section 13160, subdivision (b)(1) allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the [State Water Board] will comply with applicable requirements" of state and federal law. Because agency organization and authorities change over time, Condition 26 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water right, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 27 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 Projects. 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 28 through 30 are necessary to assure that any discharge authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications.

Condition 28 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the licensee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 28 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 29 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards' certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 31 through 44 are necessary to ensure that the Projects operate to meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Projects, climate change, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Projects-related activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 31, 32, and 33 provide for extensions of time to comply with requirements, prevention or remedy of

violations, and notification of additional actions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, additional actions may be necessary to return the Projects to compliance and prevent violation of water quality standards. Conditions 34, 35, 36, and 37 require the licensee to comply with the Central Valley Basin Plan and Bay-Delta Plan, and amendments thereto; provide for updates to the Projects based on changes in technology and methodology; provide for consideration of the effects of climate change on the Projects' operations and updates to ensure continued compliance with appropriate requirements of state law; and ensure that all reasonable measures are taken to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws.

Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the State. Condition 37 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 39 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

Condition 40 relates to site access requirements and is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the State, including specific site access authorized under Water Code section 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses.

Condition 41 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Projects' sites. This condition is required to ensure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 42 requires the licensee to use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Conditions 43 ensures the Licensee complies with the Dredge or Fill Procedures and the Projects' operation and maintenance activities result in no net loss of wetland quantity, quality, or permanence, consistent with the Water Code sections 16200-16201.

In the event that any provision of this certification is found invalid, Condition 44 ensures that the certification will remain effective, and water quality will still be protected. (Wat. Code, § 13160.)

7.0 Conclusion

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

8.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES THAT OPERATION OF THE YUBA RIVER DEVELOPMENT PROJECT (YRDP) AND NARROWS HYDROELECTRIC PROJECT (NARROWS PROJECT) (COLLECTIVELY PROJECTS) (Federal Energy Regulatory Commission Project Nos. 2246 and 1403, respectively) 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. Flows

1(A) Minimum Instream Flows

The Licensee shall implement the minimum instream flows (MIFs), presented in Tables 1 through 3, no later than three months following issuance of the YRDP license. The Licensee shall implement MIFs as presented in Tables 4 and 5 upon issuance of either the YRDP or Narrows Project licenses, whichever occurs first. Alternative timelines may be approved by the State Water Resources Control Board's (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director) due to the need for facility modifications. In the event that facility modifications are needed to achieve any of the MIFs, the Licensee shall submit, no later than 60 days following issuance of the applicable Projects license, a request for alternative MIF implementation timelines to the Deputy Director for review and consideration of approval. The request shall include specific information on which facility(ies) requires modification, support for the alternative timeline(s), and MIFs the Licensee plans to implement in the interim period between issuance of applicable Projects' license and completion of facility(ies) modifications. The Licensee shall implement the applicable MIFs required by this certification within 30 days of completing any approved modifications to a facility for which an alternative timeline(s) was approved. The Deputy Director may require changes as part of any approval.

The MIF requirements specify the time period and MIFs in cubic feet per second (cfs) by water year type (as defined in Condition 4), as well as the compliance point for the MIFs (i.e., United States Geological Survey [USGS] gage). Flows shall be measured in two ways: (1) as an instantaneous flow; and (2) as the daily (24-hour) average of the flow. The instantaneous flow is the value used to construct the daily flow value and shall be measured in 15-minute or more frequent increments. Each instantaneous flow measurement shall be equal to or greater than 90 percent of the designated minimum flow value. The daily flow is the average of the incremental readings of instantaneous flow from midnight (12:00 AM) of one day to midnight (12:00 AM) of the subsequent day. The Licensee shall record instantaneous flow readings at all gages, consistent with USGS standards, and ensure the gages are calibrated for the full range of flows that are required. The Licensee shall report any deviation from the required MIFs to the Deputy

Director within 24 hours of the deviation along with an explanation of the deviation and any proposed actions to avoid future deviations.

Flows shall be measured at the gage locations referenced in this condition unless otherwise approved by the Deputy Director. The Licensee shall comply with applicable California laws and regulations regarding measuring and monitoring water diversions, including California Code of Regulations, title 23, division 3, chapters 2, 2.7, and 2.8, and amendments thereto. The Licensee shall post all flow and other data to the California Data Exchange Center (CDEC) website or other location approved by the Deputy Director (e.g., USGS webpage) within 24 hours of flow measurement, unless otherwise approved by the Deputy Director. The Licensee shall furnish electronic streamflow records to State Water Board staff upon request. Additionally, any flow data, including whitewater flow data (Condition 16), shall be submitted to the State Water Board in a form consistent with the requirements of Condition 23 or as otherwise directed by the Deputy Director.

Table 1. MIFs at North Yuba River below New Bullards Bar Dam (as measured in cfs at USGS Gage No. 11413520)

Time Period	Wet Water Year	Above Normal Water Year	Below Normal Water Year	Dry Water Year	Critically Dry Water Year
October 1 - 31	13	13	13	13	7
November 1 - 30	13	13	13	13	7
December 1 - 31	13	13	13	13	7
January 1 - 31	13	13	13	13	7
February 1 - 29	13	13	13	13	7
March 1 - 31	11	12	13	13	7
April 1 - 30	5	5	5	5	5
May 1 - 31	5	5	5	5	5
June 1 - 30	60	60	60	60	60
July 1 - 31	40	40	40	40	40
August 1 - 31	40	40	40	40	40
September 1 - 30	30	30	30	30	30

Table 2. MIFs at Oregon Creek below Log Cabin Diversion Dam (as measured in cfs at USGS Gage No. 11409400)

Time Period	Wet Water Year	Above Normal Water Year	Below Normal Water Year	Dry Water Year	Critically Dry Water Year
October 1 - 31	8[1]	8[1]	6[1]	6[1]	6[1]
November 1- 30	17[1]	15[1]	15[1]	10[1]	6[1]
December 1 - 31	17[1]	15[1]	15[1]	10[1]	6[1]
January 1 - 31	17[1]	15[1]	15[1]	10[1]	6[1]
February 1- 29	24[1]	19[1]	18[1]	12[1]	12[1]
March 1 - 31	30[1]	30[1]	18[1]	12[1]	12[1]
April 1 - 30	43[1]	43[1]	27[1]	18[1]	18[1]
May 1 - 31	43[1]	43[1]	27[1]	18[1]	18[1]
June 1 - 30	43[1]	43[1]	27[1]	18[1]	18[1]
July 1 - 31	25[1]	20[1]	15[1]	10[1]	6[1]
August 1 - 31	13[1]	10[1]	8[1]	6[1]	6[1]
September 1- 30	13[1]	10[1]	8[1]	6[1]	6[1]

[1] Or inflow to the impoundment behind Log Cabin Diversion Dam, if inflow is less.

Table 3. MIFs at Middle Yuba River below Our House Diversion Dam (as measured in cfs at USGS Gage No. 11408880)[1]

Time Period	Wet Water Year	Above Normal Water Year	Below Normal Water Year	Dry Water Year	Critically Dry Water Year
October 1 - 31	60[1]	60[1]	55[1]	50[1]	40[1]
November 1 - 30	60[1]	60[1]	55[1]	50[1]	40[1]
December 1 - 31	70[1]	60[1]	55[1]	50[1]	40[1]
January 1 - 31	90[1]	75[1]	70[1]	50[1]	40[1]
February 1 - 29	90[1]	75[1]	70[1]	50[1]	40[1]
March 1 - 31	100[1]	90[1]	80[1]	55[1]	45[1]
April 1 - 30	120[1]	100[1]	90[1]	70[1]	60[1]
May 1 - 31	120[1]	100[1]	90[1]	70[1]	60[1]
June 1 - 30	120[1]	100[1]	90[1]	70[1]	60[1]
July 1 - 31	100[1]	80[1]	70[1]	60[1]	45[1]
August 1 - 31	80[1]	70[1]	60[1]	50[1]	45[1]
September 1 - 30	70[1]	60[1]	55[1]	50[1]	45[1]

[1] Or inflow to the impoundment behind Our House Diversion Dam, if inflow is less.

Table 4. MIFs at Yuba River below Narrows 2 Powerhouse, Narrows 2 Full Bypass, and Narrows 1 Powerhouse (as measured in cfs at Smartsville USGS Gage No. 11418000)

Time Period	Schedule 1[1]	Schedule 2	Schedule 3	Schedule 4	Schedule 5	Schedule 6	Conference Year
October 1 - 31	700	700	700	700	600	600	500
November 1 - 30	700	700	700	700	600	600	500
December 1 - 31	700	700	700	700	550	550	500
January 1 - 31	700	700	700	700	550	550	500
February 1 - 29	700	700	700	700	550	550	500
March 1 - 31	700	700	700	700	550	550	500
April 1 - 15	700	700	700	700	600	600	500
April 16 - 30	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]
May 1 - 31	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]
June 1 - 30	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]
July 1 - 31	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]
August 1 - 31	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]	--[2]
September 1 - 30	700	700	700	700	500	500	500

[1] Schedules are defined in Condition 4.
[2] See flow requirements for Marysville USGS Gage No. 11421000, in Table 5.

Table 5. MIFs Yuba River below Narrows 2 Powerhouse, Narrows 2 Full Bypass, and Narrows 1 Powerhouse (as measured in cfs at Marysville USGS Gage No. 11421000)

Time Period	Schedule 1[1]	Schedule 2	Schedule 3	Schedule 4	Schedule 5	Schedule 6	Conference Year
October 1 - 31	500	500	500	400	400	350	350
November 1 - 30	500	500	500	500	500	350	350
December 1 - 31	500	500	500	500	500	350	350
January 1 - 31	500	500	500	500	500	350	350
February 1 - 29	500	500	500	500	500	350	350
March 1 - 31	700	700	500	500	500	350	350
April 1 - 15	1,000	700	700	600	500	350	300
April 16 - 30	1,000	800	700	900	600	500	245
May 1 - 15	2,000	1,000	900	900	600	500	245
May 16 - 31	2,000	1,000	900	600	400	400	245
June 1 - 15	1,500	800	500	400	400	350	245
June 16 - 30	1,500	500	500	400	400	350	150
July 1 - 31	700	500	500	400	400	350	150
August 1 - 31	600	500	500	400	400	350	150
September 1 - 30	500	500	500	400	400	350	150

[1] Schedules are defined in Condition 4.

1(B) Planned Temporary Changes to Flows, Ramping Rates, Spills, and Tunnel Closures

The Licensee may request temporary variances to requirements associated with MIFs (Condition 1), ramping rates (Condition 3), spills (Condition 6), and tunnel closures (Condition 7) for planned and/or non-emergency facility construction, modification, or maintenance activities. Non-emergency variance requests shall be submitted to the Deputy Director for review and consideration of approval as far in advance as practicable, but no less than four months in advance of the desired effective date. The Licensee shall notify the United States Department of Agriculture, Forest Service (USFS), California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and, if applicable, National Marine Fisheries Service (NMFS) and the United States Department of the Interior, Bureau of Land Management (BLM) of the proposed temporary variance. The request shall include: a description of the proposed construction, modification, or maintenance activities that necessitate the variance, including a schedule for the proposed construction, modification, or maintenance; a description of the proposed variance, including the planned duration and magnitude of the variance; documentation of notification to the USFS, CDFW, USFWS, and, if applicable, NMFS and BLM, and any comments received; proposed measures that will be implemented to protect water quality and beneficial uses. The Deputy Director may deny the request or require changes as part of any approval. Upon Deputy Director approval of the variance, the Licensee shall provide public notice of the planned variance on the Licensee's Project(s) webpage a minimum of 30 days in advance of the planned variance. The Licensee shall file with the Federal Energy Regulatory Commission (FERC) any Deputy Director-approved temporary changes and any Deputy Director-approved amendments thereto.

1(C) Unplanned Temporary Changes to Flows, Ramping Rates, Spills, and Tunnel Closures

MIFs (Condition 1), ramping rates (Condition 3) spills (Condition 6), and tunnel closures (Condition 7) may be temporarily changed if required by equipment malfunction reasonably beyond the control of the Licensee, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include but is not limited to natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Projects works; recreation accidents; or other public safety incidents. Drought is not considered an emergency for purposes of this condition. The Licensee shall make all reasonable efforts to promptly resume flows, ramping rates, spill schedules, or tunnel closures required by this certification.

When possible, the Licensee shall notify the Deputy Director prior to any unplanned temporary modification. In all instances, the Licensee shall notify the Deputy Director within 24 hours of the beginning of any unplanned temporary modification to the MIFs, ramping rates, spills, or tunnel closure requirements. Within 96 hours of the beginning of any unplanned temporary modification, the Licensee shall provide the Deputy Director with an update of the conditions associated with the modification and an estimated timeline for returning to the applicable certification requirement.

Within 30 days of any unplanned temporary modification, the Licensee shall provide the Deputy Director with: (1) a written description of the modification and reason(s) for its necessity; (2) photo documentation of the emergency or reason for the modification to the MIFs, ramping rates, spill, or tunnel closure requirements; (3) a timeline for returning to the applicable requirement or timeline when the unplanned modification ended; (4) a description of corrective actions taken in response to the unplanned temporary modification; and (5) a plan to prevent the need for modifications resulting from a similar emergency or event in the future. The Deputy Director may require changes to the Licensee's plan to prevent future unplanned temporary modifications to the MIFs, ramping rates, spill, or tunnel closure requirements resulting from similar emergencies or events. The Licensee shall implement its plan and any changes required by the Deputy Director.

CONDITION 2. Bay-Delta Plan Implementation

The Licensee shall implement applicable provisions of the *Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary* (Bay-Delta Plan), including the program of implementation,[23] and any amendments thereto. Implementation includes compliance with any associated regulation, decision, or order. Unless the Licensee's responsibilities and timeline for implementation of the Bay-Delta Plan are explicitly defined in a newly adopted Bay-Delta Plan, no later than six months following State Water Board adoption of the Bay-Delta Plan, the Licensee shall provide the Executive Director of the State Water Board (Executive Director) with a plan, for review and consideration of approval, describing how the Licensee will comply with applicable provisions of the Bay-Delta Plan, including any approved voluntary agreement(s) or local cooperative solution(s). The plan shall include the applicable Bay-Delta Plan provisions and a detailed description of how the provisions will be implemented and the timeline associated with implementation. The plan shall also identify (1) any Projects' facility changes necessary to implement and accurately measure Bay-Delta Plan requirements, (2) a timeline for completing Projects' facility changes, and (3) Projects' operations that the Licensee proposes to implement to comply with the Bay-Delta Plan prior to Projects' facility modification. The Executive

[23] Herein "Bay-Delta Plan" refers to any water quality control plan or water quality control policy adopted by the State Water Board that establishes water quality objectives and a program of implementation for the Bay-Delta that include flow contributions or other actions from the Licensee or Projects' related waterbodies.

Director may require changes as part of any approval. The Licensee shall implement the plan upon approval, including any changes required by the Executive Director. The Licensee shall file the Executive Director-approved plan with FERC.

If implementation of flows under the Bay-Delta Plan may result in a negative impact to aquatic resources, the Licensee, a resource agency, or other party may notify the Executive Director of the potential negative impact and provide supporting information. The negative impact can be addressed through adaptive implementation provisions under the Bay-Delta Plan. The Executive Director may approve temporary changes to the flow provisions of the Bay-Delta Plan under the Executive Director's own motion or at the request of another party in limited instances with supporting information. The Licensee shall file any such approval with FERC. As part of approval, the Executive Director may require changes to the extent necessary to ensure reasonable protection of the beneficial uses and compliance with applicable water quality control plans or policies.

Implementation of the Bay-Delta Plan, including any approvals of voluntary agreements, does not preclude the State Water Board from identifying or requiring other actions to achieve the water quality objectives in the Bay-Delta Plan or other plans and policies, and/or exercising its authorities and responsibilities under the Water Code, article X, section 2 of the California Constitution, the public trust doctrine, or other legal obligations, through water quality certifications.

Implementation of Bay-Delta Plan provisions, including any voluntary agreement, shall not change this water quality certification unless such changes are made through an amendment to this certification. If the Bay-Delta Plan requirements and any amendments thereto result in changes being necessary to the Projects' FERC license(s), the Licensee shall file applicable license(s) amendment request(s) with FERC to amend the Projects' FERC license(s).

CONDITION 3. Ramping Rates

The Licensee shall implement the ramping rates, presented in this condition, no later than 30 days following issuance of the YRDP licenses, unless another timeline is approved by the Deputy Director. Ramping rates specified in this condition do not apply: (a) to the respective project's operations during an emergency or other event as defined in Condition 1(C)); (b) to releases required by the United States Army Corps of Engineers (USACE) flood control criteria; (c) to releases required to maintain a flood control buffer or for other flood control purposes; (d) to bypasses of uncontrolled flows into Englebright Reservoir; or (e) during times when Englebright Dam is spilling. Flows shall be continuously measured at Smartsville USGS Gage No. 11418000 and made in accordance with the following ramping rate criteria. The Licensee may request a temporary variance to the ramping rates for planned and/or non-emergency facility construction, modification, or maintenance activities in accordance with Condition 1(B).

3(A) Salmonid Fry and Juvenile Stranding Prevention Ramping Rate (Year-round)

Year-round streamflow downstream of Englebright Dam shall: (1) not exceed a rate increase of more than 500 cfs per hour, nor a rate decrease of more than 200 cfs per hour, as measured at the beginning of each hour; (2) not vary up or down by more than 15 percent of the average daily flow; and (3) not be reduced to a daily average flow of less than 70 percent of the prior day's average daily flow.

3(B) Spring-run Chinook Salmon Redd Dewatering Prevention Ramping Rate (September 1 – December 31)

From September 1 through December 31, the Licensee shall not reduce the flow downstream of Englebright Dam to less than the greater of: (1) the applicable MIF requirement specified in Condition 1 (Table 4 and Table 5); or (2) the flow that would result from applying the appropriate maximum daily flow reduction specified in Table 6.

Table 6. Maximum Daily Flow Reductions in the Yuba River below Narrows 2 Powerhouse and Narrows 2 Full Bypass corresponding to Base Flow from September 1 through December 31

Base Flow[1] Range (cfs)	Maximum Daily Flow Reduction (cfs)
450 – 549	200
550 - 849	250
850 - 1049	300
1,050 – 1,349	350
1,350 – 1,599	400
1,600 – 1,849	450
1,850 – 2,199	500
2,200 – 2,549	550
2,550 – 2,899	600
2,900 – 3,199	650
3,200 – 3,549	700
3,550 – 4,130	750

[1] Base Flow shall be determined using the maximum five-day running average flow that occurs from September 1 – December 31. Between September 2 – 5, the base flow shall be determined using the average daily flow on September 1.

3(C) Steelhead Redd Dewatering Prevention Ramping Rate (January 1 – May 31)

From January 1 through May 31, the Licensee shall not reduce the flow downstream of Englebright Dam to less than the greater of: (1) the applicable MIF requirement specified in Condition 1 (Table 4 and Table 5); or (2) the flow that would result from applying the maximum daily flow reduction amount specified in Table 7. Additionally, for flows below 450 cfs, ramping rates shall be the Salmonid Fry and Juvenile Stranding Prevention Ramping Rate (see section 3(A), above).

Table 7. Maximum Daily Flow Reductions corresponding to Base Flow from January 1 through May 31

Base Flow[1] Range (cfs)	Maximum Daily Flow Reduction (cfs)
450 - 499	200
500 - 549	250
550 - 649	300
650 - 849	350
850 – 1,199	400
1,200 – 1,449	450
1,450 – 1,699	500
1,700 – 1,899	550
1,900 – 2,149	600
2,150 – 2,399	650
2,400 – 2,699	700
2,700 – 2,949	750
2,950 – 3,199	800
3,200 – 3,449	850
3,450 – 3,899	900
3,900 – 4,130	950

[1] Base Flow shall be determined using the maximum five-day running average flow that occurs from January 1 – May 31. Between January 1 – 5, the base flow shall be determined by the average daily flow on December 31.

3(D) Riparian Seedling Recruitment Ramping Rate (April 1 – July 15)

From April 1 through July 15, the Licensee shall not reduce streamflow downstream of Englebright Dam to less than the greater of: (1) the applicable MIF requirement specified in Condition 1 (Table 4 and Table 5); (2) the flow that would result from applying the maximum flow reduction amount specified in Table 7; or (3) the flow that would result from applying 120 percent of the maximum daily flow reduction amount specified in Table 8 for the previous end of day's flow. Flow reductions greater than those listed in Table 8 may be implemented if needed to maintain Englebright Reservoir water surface elevation above 516 feet.

Table 8. Maximum Daily Flow Reductions corresponding to Preceding End of Day Flow for April 1 through July 15

Previous End of Day Flow (cfs)	Maximum Daily Flow Reduction (cfs)
400 - 999	79
1,000 – 1,999	150
2,000 - 4,130	200

CONDITION 4. Water Year Types

The Licensee shall implement the certification in accordance with the water year types defined in this condition, and as soon as reasonably practicable but no later than 90 days following issuance of the YRDP license (for water year types upstream of Englebright Dam) and issuance of both Projects' licenses (for water year types downstream of Englebright Dam).

4(A) Water Year Types Upstream of Englebright Dam

The Licensee shall determine the water year types upstream of Englebright Dam based on the criteria in this Condition 4(A), including Table 9, unless other water year types are established per Condition 4(C). The Licensee shall determine the water year type in the months of February, March, April, May, and October.

Table 9. Water Year Types for Middle Yuba River downstream of Our House Diversion Dam, Oregon Creek downstream of Log Cabin Diversion Dam, and North Yuba River downstream of New Bullards Bar Dam

Water Year Type	DWR Forecast of Total Unimpaired Runoff in Yuba River (at Smartsville USGS Gage No. 11418000) or DWR Full Natural Flow Near Smartsville for the Water Year* (Thousands of Acre-feet)
Wet	Greater than 3,240
Above Normal	2,191 to 3,240
Below Normal	1,461 to 2,190
Dry	901 to 1,460
Critically Dry	616 to 900
Extreme Critically Dry	Equal to or Less than 615

* The California Department of Water Resources (DWR) rounds the Bulletin 120 forecast of total unimpaired runoff in the Yuba River to the nearest thousands of acre-feet (TAF) to establish water year types in February, March, April, and May. DWR rounds its Full Natural Flow calculation to establish water year types in October, to the nearest acre-foot (AF); the Licensee shall round DWR's Full Natural Flow calculation in October to the nearest TAF.

In each of the months of February, March, April, and May, the water year type shall be based on DWR's water year forecast of unimpaired runoff in the Yuba River at the Smartsville Gage No. 11418000 as established in DWR's Bulletin 120[24]. DWR's Bulletin 120 as published in February, March, and April shall apply from the 16th day of that month through the 15th day of the next month. For example, Bulletin 120 published

[24] Bulletin 120 is a publication issued by DWR four times a year, in the second week of February, March, April, and May. Bulletin 120 contains forecasts of the volume of seasonal runoff from California's major watersheds, and summaries of precipitation, snowpack, reservoir storage, and runoff in various regions of California.

in the second week of February shall establish the water year type from February 16 through March 15. Additionally, from May 16 through October 15, the water year type shall be based on the DWR's Bulletin 120 forecast published in May. If DWR has not released the Bulletin 120 for an affected month by the 15th day then the Licensee shall implement the required MIF within 48 hours of the applicable Bulletin 120 forecast being published.

From October 16 through February 15 of the following year, the water year type shall be based on the sum of DWR's monthly (not daily) full natural flow for the full prior water year (October 1 – September 30) at Smartsville USGS Gage No. 11418000. The sum is currently made available by DWR on CDEC in the folder named "FNF Sum".[25]

If DWR does not make the full natural flow data available by October 15, the water year type shall be based on DWR's May Bulletin 120, until the full natural flow for the full prior water year is made available. The Licensee shall implement the requirements of this certification consistent with the required water year type determination through February 15 within three days of the date when DWR makes the full natural flows for the full prior water year available.

4(B) Water Year Types Downstream of Englebright Dam

The Licensee shall determine the water year types downstream of Englebright Dam based on the criteria in Condition 4(B), including Table 10, unless other water year types are established per Condition 4(C). The Licensee shall use Bulletin 120 each year in each of the months of February, March, April, and May and thereafter whenever DWR issues an update to the Bulletin 120, to determine the applicable water year type as described in Table 10, as defined in the North Yuba Index.

Table 10. North Yuba Index

Water Year Type	Thousands of Acre-feet
Schedule 1	Equal to or greater than 1,400
Schedule 2	Equal to or greater than 1,040 and less than 1,400
Schedule 3	Equal to or greater than 920 and less than 1,040
Schedule 4	Equal to or greater than 820 and less than 920
Schedule 5	Equal to or greater than 693 and less than 820
Schedule 6	Equal to or greater than 500 and less than 693
Conference Year	Less than 500

[25] The CDEC FNF Sum is available at: http://cdec.water.ca.gov/cgi-progs/stages/FNFSUM. Accessed on: October 22, 2025.

The North Yuba Index shall be defined as follows:

North Yuba Index = Sa^{NBB} + I^{NBB}, where:

Sa^{NBB} is the actual recorded amount of water in storage in New Bullards Bar Reservoir on September 30 of the previous water year as reported for USGS Gage No. 11413515 minus 234,000 AF;
and
I^{NBB} is calculated as follows:
I^{NBB} = Total Actual Inflow to New Bullards Bar Reservoir from October 1 to the end of $Month^{i-1}$ *($Month^{i-1}$ is the previous month)*
+ Forecasted Inflow from Beginning of $Month^{i}$ (*$Month^{i}$ is the current month)* to September 30,
where
Total Actual Inflow to New Bullards Bar Reservoir from October 1 to the end of $Month^{i-1}$ is the calculated inflow in TAF based on a monthly summation of inflow as follows:
Total Actual Inflow to New Bullards Bar Reservoir from October 1 to the end of $Month^{i-1}$ = Monthly change in stored water + Monthly outflow and where:
Forecasted Inflow from the Beginning of $Month^{i}$ to September 30 is calculated as follows:
Forecasted Inflow to New Bullards Bar^{i} = February New Bullards Bar Inflow + March Inflow + April-July Inflow + August-September Inflow

Forecasted inflow to New Bullards Bar shall be determined for each month using statistically-derived linear coefficients shown in Table 11, applied to the measured inflow to New Bullards Bar Reservoir and DWR's Bulletin 120 for February, March, April, and May, and subsequent updates of forecasts of unimpaired flow of the North Yuba River at Goodyears Bar (USGS Gage No. 11413000) and at the Yuba River at Smartsville (USGS Gage No. 11418000). DWR's forecast published in February, March, and April shall apply from the 16th day of that month through the 15th day of the next month. If DWR has not released the Bulletin 120 for an affected month by the 15th day, then the Licensee shall implement the required MIF within 48 hours of Bulletin 120 being published.

When the current water year type is a Schedule 5, 6, or Conference Year and the total volume of inflow to New Bullards Bar Reservoir from October 1 through January 31 is less than 220,000 AF, the applicable water year type will not be initially evaluated with the February Bulletin 120, but will be initially evaluated with the March Bulletin 120. The North Yuba Index determined by the final Bulletin 120 update for the water year (i.e., the May forecast unless a subsequent forecast is published for the year) shall remain in effect until the February Bulletin 120 update of the following water year, or March Bulletin 120 for a Schedule 5, 6, or Conference Year when the total volume of inflow to New Bullards Bar Reservoir from October 1 through January 31 is less than 220,000 AF.

Table 11. Coefficients for Calculation of Forecasted Inflow from Beginning of Month[i] to September 30

Forecast Month	Forecasted For	Constant (C) (AF)	Total Actual Inflow to New Bullards Bar Reservoir[3] (C1) (no units)	Bulletin 120[2, 4] Forecasted Smartsville (C2) (no units)	Bulletin 120 Forecasted Goodyears Bar (C3) (no units)
February	February	-2,146	0.01424	0.52533	
	March	-3,221	0.02458	0.54787	
	April-July	-30,416	0.01413	0.62473	-0.24081
	August-September	-	0.01593	0.64037	
March	March	-23,495	0.00596	0.55386	
	April-July	-31,134	0.01237	0.62162	-0.23266
	August-September	-	0.01473	0.59396	
April	April-July	-30,665	0.00547	0.61332	-0.19623
	August-September	-	0.01409	0.53241	
May[1, 5]	April-July	-31,652	0.01033	0.61645	-0.22353
	August-September	-	0.01298	0.50071	

[1] For all subsequent forecast updates, the May coefficients shall be used, with the forecasted Goodyears Bar runoff equaling 0.273 times the current forecasted Yuba River unimpaired flow at Smartsville USGS Gage No. 11418000.

[2] The Bulletin 120 forecasted flow for Smartsville and Goodyears Bar shall use the 50 percent exceedance forecasted flow.

[3] Total actual inflow means inflow to date from October 1 of the previous year.

[4] "Forecasted Smartsville" is the DWR forecast for "Yuba River at Smartsville Plus Deer Creek".

[5] The May calculation of Forecasted New Bullards Bar Inflow and subsequent updated calculations shall be reduced by the actual New Bullards Bar inflow between April 1 and the calculation date.

Formula terms are only applicable as shown in Table 11 (e.g., the March forecast does not include a term for forecasted February New Bullards Bar Inflow). The following formula shall be used to calculate the terms of the formula for Forecasted Inflow to New Bullards Bar[i] using the corresponding coefficients from Table 11):

- February New Bullards Bar Inflow = C + C1 x Total Actual Inflow to New Bullards Bar + C2 x Forecasted Smartsville$^{(February)}$
- March New Bullards Bar Inflow = C + C1 x Total Actual Inflow to New Bullards Bar + C2 x Forecasted Smartsville$^{(March)}$
- April New Bullards Bar Inflow – July New Bullards Bar Inflow = C + C1 x Total Actual Inflow to New Bullards Bar + C2 x Forecasted Smartsville$^{(April - July)}$ + C3 x Forecasted Goodyears Bar$^{(April - July)}$
- August New Bullards Bar Inflow – September New Bullards Bar Inflow = C1 x Total Actual Inflow to New Bullards Bar + C2 x Forecasted Smartsville$^{(August - September)}$

Terms are calculated in AF and the result is converted to TAF for use in the calculation of the Forecasted Total Inflow to New Bullards Bar (I^{NBB} (TAF)).

The water year types downstream of Englebright Dam include minor changes from the water year type classifications currently used to determine flow requirements under Yuba County Water Agency's (YCWA's) water rights, as described in State Water Board Revised Decision 1644 and Corrected Order WR 2008-0014. This certification does not amend State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modify YCWA's water rights. Absent an order amending State Water Board Revised Decision 1644 or Corrected Order WR 2008-0014 or otherwise modifying YCWA's water rights, the requirements set forth in State Wate Board Revised Decision 1644 and Corrected Order WR 2008-0014 remain in effect. When flow requirements differ between YCWA's water rights and this certification, YCWA shall implement the greater of the flow requirements, in order to comply with both flow requirements.

4(C) Review and Updates of Water Year Types

No sooner than 10 years following issuance of the new Projects' licenses and throughout the term of the new FERC licenses and any extensions, the Deputy Director may require that the Licensee develop a report that: (a) evaluates the effectiveness of the water year type classifications defined in this condition in matching the timing and volume of actual water supply conditions (unimpaired flow) in the Yuba River watershed; and (b) makes recommendations regarding potential updates to the methodology used to establish water year types for the Projects that more accurately align with the volume and timing of actual water supply conditions. The Deputy Director may request such a report based on information suggesting the existing methodologies produce water supply estimates that are no longer reflective of the timing and volume of actual water supplies (e.g., changes in snowmelt, precipitation, or other factors that impact the assumptions of the methodology). The report and recommendations shall be

developed in consultation with State Water Board and DWR staff. The Licensee shall submit the report and recommendations to the Deputy Director for review and consideration of approval by the deadline identified by the Deputy Director. The Deputy Director may require changes as part of any approval. The Licensee may also request an update to the water year type classifications through an amendment to this certification or this provision.

The Licensee shall file with FERC any Deputy Director-approved updates to the water year types. The Licensee shall implement changes to the water year types upon receipt of Deputy Director and any other required approvals.

CONDITION 5. Monitoring and Adaptive Management

5(A) Water Quality Monitoring

No later than one year following YRDP license issuance, the Licensee shall submit a Water Quality Monitoring Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Water Quality Monitoring Plan shall be developed in consultation with Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) and State Water Board staff. The goal of the Water Quality Monitoring Plan shall be to assess the Projects' impacts to water quality and identify adaptive management actions to reduce the Projects' impacts, as necessary. Unless otherwise approved by the Deputy Director, at a minimum, the Water Quality Monitoring Plan shall include:

- All elements of YCWA's Proposed Condition WR8: *Implement Water Quality Monitoring* (WR8), as submitted to FERC on October 27, 2016 (YCWA 2016a, Encl. 1J) with the following changes:

    - Table 2.2.-1 shall be updated with current methodologies, method detection limits, and reporting limits. If new methodologies, detection limits, or reporting limits are developed following issuance of the Projects' license(s), the new methodologies, detection limits, or reporting limits shall be implemented.

    - In Section 2.3.1.1 and Section 2.3.2.1, "water quality measurements will occur in September or August" shall be replaced with "water quality measurements shall occur in late August, September, or October, targeting the lowest flow of that year."

    - In Section 2.3.1.1, "*In situ* monitoring triggered by the operation of the New Bullards Bar Dam Low Level Outlet and the new New Colgate Powerhouse Tailwater Depression System will occur within a week before operation, immediately following operation, and 10-14 days after operation" shall be replaced with "*In situ* monitoring triggered by the operation of the New Bullards Bar Dam low-level outlet and the New

Colgate Powerhouse Tailwater Depression System shall occur within five days before operation, during the first 24 hours of operation, and 10-14 days after operation."

- In Section 2.3.3.1 "Each monitoring event will include five different days within a 30-day period which spans the Independence Day holiday weekend" shall be replaced with "Each monitoring event shall include weekly samples collected over six weeks during the summer, and include Independence Day holiday weekend. Monitoring shall comply with the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Standards Policy* (Bacterial Provisions) (State Water Board 2019a) and any amendments thereto.

- In Section 2.3.4.1 "Table 2.3-1 lists for each target species, the number of specimens and minimum size of specimens at each monitoring location during up to two sampling events" shall be replaced with "Table 2.3-1 lists for each target species, the number of specimens and minimum size of specimens to be collected at each monitoring location". Additionally, the following sentence which states "If YCWA has not collected the target number for collection after the second sampling event, no additional sampling is required to collect the target number for collection at that location that year, and YCWA will process the samples from the two sampling events." shall be replaced with, "If YCWA has not collected the target number of specimens after the second sampling event, YCWA shall consult with CDFW and State Water Board staff on appropriate actions (e.g., moving monitoring location, changing collection methods, modifying the collection timing)."

- In Section 2.3.4.1, the following sentence shall be deleted: "YCWA is only required to collect crayfish samples every other year that bioaccumulation samples are collected, beginning with the first year that bioaccumulation samples are collected."

- Table 2.3-1 shall be updated to match the requirements of the State Water Board's May 2, 2017 *Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (Mercury Provisions) (State Water Board 2017)[26], and any amendments thereto.

[26] Available online at: https://www.waterboards.ca.gov/water_issues/programs/mercury/ Accessed on: October 22, 2025.

- Table 3.3-1 shall be updated to include:
  - Additional monitoring for all “In Situ” or “In Situ – Profile” sites to align with General Chemistry sampling timing. Year 24 General Chemistry sampling shall be replaced with the following trigger: Monitoring will occur in the second year of the first occurrence of two consecutive Cry/Critically Dry Water Years as defined by the May Water Year type using the above Englebright Water Year types from years 15 through 24. If consecutive Dry/Critically Dry Water Years do not occur from License Year 16 – 24, monitoring shall occur once in Year 25 regardless of water year type.
  - Additional in-situ monitoring at the “Below NBB at weir” monitoring location in License Years 5 and 6 that mirrors the in-situ monitoring at the “Above NBB at HWY 49” monitoring location (i.e., three sampling events outlined in table footnote No. 2).
  - Additional in-situ monitoring at the “Above Colgate” and “Below Colgate” monitoring locations in License Years 5 and 6 that mirrors the in-situ monitoring at the “At Rice Crossing” monitoring location (i.e., three sampling events consistent with the caveat in footnote No. 3 of the table).
  - Table footnote No. 6 shall be updated to clarify that Recreation monitoring shall occur every fifth year throughout the YRDP license term, beginning with License Year 15 and extending through the end of the license term.
  - Table footnote No. 7 shall be updated to clarify that Recreation monitoring shall occur following a dry year monitoring protocol (i.e., monitoring will occur in the second year of two consecutive Dry or Critically Dry water years) during License Years 5-15. If no consecutive Dry or Critically Dry years have occurred in each five-year license term interval, monitoring shall occur in fifth year of each interval.
  - For the “Our House Diversion Dam Impoundment” and “Log Cabin Diversion Dam” Recreation monitoring sites, monitoring shall be required at the same intervals noted for Emerald Cove, Dark Day Cove, and Moran Cove.
  - Table footnotes Nos. 11 and 12 shall be revised to clarify that bioaccumulation monitoring shall be conducted in the second year of two consecutive Dry or Critically Dry water years. If no consecutive Dry or Critically Dry years have occurred within a five-year (for New Bullards Bar Reservoir bioaccumulation monitoring)

or ten-year (Our House Diversion Dam and Log Cabin Diversion Dam bioaccumulation monitoring) interval, bioaccumulation monitoring shall occur regardless in the fifth or tenth year, respectively.

- The Licensee shall add an additional bioaccumulation monitoring site in both Englebright Reservoir and in the lower Yuba River, with locations to be determined in consultation with CDFW. The Licensee may monitor anywhere in Englebright Reservoir using boat electrofishing and/or gill netting. The frequency of "Englebright Reservoir" and "Lower Yuba River" monitoring shall be consistent with the "New Bullards Bar Reservoir" monitoring site, as updated by this condition.

- In Section 4.1.2, the following bullet point shall be deleted: "1) fecal coliform monitoring results greater than a geometric average of 200/100 ml [milliliters] on no less than five samples collected in any 30-day period and/or greater than 400/100 ml on 10 percent or more of all samples taken in a 30-day period; 2) dissolved oxygen monitoring results less than 7 mg/L [milligrams per liter], except in the hypolimnion of reservoirs; 3) pH monitoring results less than 6.5 units or greater than 8.5 units; and 4) if YCWA observed oils, greases, waxes, or other materials that result in a visible film or coating on the surface of the water or on objects in the water." This bullet point shall be replaced with a listing of all instances of potential exceedances of the *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (Central Valley Basin Plan) water quality objectives or applicable statewide water quality objectives.

- In Section 4.1.2, the following sentence shall be deleted: "If Recreation fecal coliform monitoring results are greater than a geometric average of 200/100 ml on no less than five samples collected in any 30-day period and/or greater than 400/100 ml on 10 percent or more of all samples taken in a 30-day period (CVRWQCB 1998), YCWA will notify the State Water Board, Central Valley Regional Water Board and USFS within 24 hours of receiving the lab report from the laboratory." The sentence shall be replaced with the following: "If Recreation coliform monitoring results exceed applicable Central Valley Basin Plan or statewide bacterial objectives, YCWA shall notify the State Water Board, Central Valley Regional Water Board and USFS within 24 hours of receiving the report from the laboratory."

- Section 4.3 shall include a provision requiring that any updates to this plan shall be approved by the Deputy Director prior to implementation.

- The Licensee shall submit an updated Quality Assurance Project Plan (QAPP) for Deputy Director review and approval within 30 days of YRDP license issuance. Once approved, the updated QAPP shall replace Attachment A of WR8. The updated QAPP shall at a minimum include the following updates: by March 15 of each year in which monitoring occurred in the previous year pursuant to the Water Quality Monitoring Plan, the Licensee shall submit a Water Quality Monitoring Report to the Deputy Director. The Report shall include the items listed in Section 4.1 Reporting with the addition of: (1) an analysis of monitoring results for the previous year and any prior years monitoring along with identification of any potential Projects'-related impacts to water quality; and (2) Licensee-proposed adaptive management actions or monitoring plan modifications to address potential Projects' related impacts to water quality.

The Deputy Director may require changes to the Water Quality Monitoring Plan or additional actions to ensure protection of water quality and beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Water Quality Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Water Quality Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Water Quality Monitoring Plan upon receipt of Deputy Director and any other required approvals.

5(B) Water Temperature Monitoring

No later than six months following YRDP license issuance, the Licensee shall implement YCWA's Proposed Condition WR7: *Implement Water Temperature Monitoring* (WR7), as submitted to FERC on October 27, 2016 (YCWA 2016a, Encl. 1I) with the following changes:

- In Section 2.2.4: Retitle section to "Monitoring in New Bullards Bar Reservoir and Englebright Reservoir". Temperature profiles shall be recorded within Englebright Reservoir with the same methods described for New Bullards Bar.

- In Section 2.2.4.1: The sentence that states: "Generally, measurements will be taken at 10-ft [feet] vertical increments where the change in temperature with respect to depth is low" shall be replaced with "Measurements shall be taken at 10-ft vertical increments where the change in temperature with respect to depth is generally less than 1° Celsius per 10 feet."

- In Section 2.2.4.1: The sentence that states "When possible, profiling will occur up to a depth of about 300 ft or the bottom, whichever is less" shall be replaced with "Profiles shall be measured to the bottom of the reservoir."

- In Table 3.3-1: Site T200 shall be located immediately upstream of Daguerre Dam, and the inflow to a new fish passage structure above Daguerre Point Dam (e.g., Nature-Like Fishway[27]), if or when constructed.

- Section 4.0 Reporting, Consultation and Plan Revisions shall be updated to include that by March 15 of each year in which monitoring occurred in the previous year pursuant to the Water Temperature Monitoring Plan, the Licensee shall submit a Water Temperature Monitoring Report to the Deputy Director. The report shall include the items listed in Section 4.1 Reporting and Consultation with the addition of: (1) an analysis of monitoring results for the previous year and any prior years monitoring along with identification of any potential Projects'-related impacts to water temperature; and (2) Licensee-proposed adaptive management actions or monitoring plan modifications to address potential Projects'-related impacts to water temperature.

The Deputy Director may require changes to the Water Temperature Monitoring Plan or additional actions to ensure protection of water quality and beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Water Temperature Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Water Temperature Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Water Temperature Monitoring Plan upon receipt of Deputy Director and any other required approvals.

5(C) Upper Yuba River Aquatic Monitoring

No later than six months following YRDP license issuance, the Licensee shall implement YCWA's Proposed Condition AR7: *Upper Yuba River Aquatic Monitoring Plan* (AR7), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E3, Attachment 1 Implementation Plans) with the following changes:

- Section 2.1: Incidental observations of Chinook salmon (*Oncorhynchus tshawytscha)* shall be recorded by all field crews. The Licensee shall also record observations of other species listed as threatened or endangered under the California or federal Endangered Species Act (ESA) with the potential to occur in the YRDP area.

- Section 4.0 Reporting, Consultation and Plan Revisions shall be updated to include that by March 15 of each year in which monitoring occurred in the previous year pursuant to the Upper Yuba River Aquatic Monitoring Plan, the

[27] Nature-Like Fishway as described in the YRRI Agreement: https://www.yubawater.org/DocumentCenter/View/7826/Final-Yuba-River-Resilience-Initiative-Agreement-PDF; Accessed on: October 22, 2025.

> Licensee shall submit a Upper Yuba River Aquatic Monitoring Report to the Deputy Director. The report shall include the items listed in Section 4.1 Reporting with the addition of: (1) an analysis of the previous year and any prior years monitoring results along with identification of any potential YRDP-related impacts; and (2) Licensee-proposed adaptive management actions or monitoring plan modifications to address potential YRDP-related impacts to salmonids, anadromous fish stranding, substrate and large woody material (LWM), riparian vegetation, foothill yellow-legged frogs, western pond turtles, channel morphology, and benthic macroinvertebrates.

The Deputy Director may require changes to the Upper Yuba River Aquatic Monitoring Plan or additional actions to ensure protection of water quality and beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Upper Yuba River Aquatic Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Upper Yuba River Aquatic Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Upper Yuba River Aquatic Monitoring Plan upon receipt of Deputy Director and any other required approvals.

5(D) Lower Yuba River Aquatic Monitoring

No later than six months following issuance of the latter of the Projects' license(s), the Licensee shall implement YCWA's Proposed Condition AR8: *Implement Lower Yuba River Aquatic Monitoring Plan* (AR8), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.4.8) with the following changes:

- Section 2.1: Incidental observations of Chinook salmon (*Oncorhynchus tshawytscha)* shall be recorded by all field crews. The Licensee shall also record observations of other species listed as threatened or endangered under the California or federal ESAs with the potential to occur in the Projects area downstream of Englebright Reservoir.

- Section 2.2: If one or both fish ladders at Daguerre Point Dam become inoperable, or if there is a change in responsibilities at Daguerre Point Dam that result in fish passage monitoring methods being impracticable as listed in YCWA's Proposed Condition AR8, then the Licensee shall consult with CDFW, NFMS, USFWS, and the State Water Board staff to determine if any change to AR8 is required to accurately monitor fish passage at and around Daguerre Point Dam. Following consultation, the Licensee shall include in its report (per Section 3.1 Reporting) a summary of the agencies' comments and any agency recommendations related to YCWA's proposed changes to AR8.

- Section 3.1 Reporting shall be updated to include that by March 15 of each year in which monitoring or consultation (per Section 2.2 in the above bullet) occurred

in the previous year pursuant to the Lower Yuba River Aquatic Monitoring Plan, the Licensee shall submit a Lower Yuba River Aquatic Monitoring Report to the Deputy Director. The report shall include the items listed in Section 3.1 Reporting with the addition of: (1) an analysis of previous year's and any prior years' monitoring results along with identification of any potential Projects-related impacts; and (2) Licensee-proposed adaptive management actions or monitoring plan modifications to address potential Projects-related impacts to salmonids, anadromous fish stranding, substrate and LWM, riparian vegetation, and benthic macroinvertebrates.

The Deputy Director may require changes to the Lower Yuba River Aquatic Monitoring Plan or additional actions to ensure protection of water quality and beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Lower Yuba River Aquatic Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Lower Yuba River Aquatic Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Lower Yuba River Aquatic Monitoring Plan upon receipt of Deputy Director and any other required approvals.

5(E) Bald Eagles

No later than six months following issuance of the latter of the Projects' license(s), the Licensee shall implement YCWA's Proposed Condition TR2: *Implement Bald Eagle and American Peregrine Falcon Management Plan* (TR2), as submitted to FERC November 8, 2019 (YCWA 2019, Attachment 4) with the following changes:

- The "*California Bald Eagle Nesting Territory Survey Form (CDFG 2010, Attachment D)*" shall be updated with the latest version available and updated throughout the term of the license(s) based on new versions.

- Section 5.2 Reporting shall be updated to include that by December 31 of each year in which monitoring occurred in the previous year pursuant to the Bald Eagle and American Peregrine Falcon Management Plan, the Licensee shall submit a Bald Eagle Monitoring Report to the Deputy Director. The report shall include the items listed in Section 5.2 Reporting with the addition of: (1) an analysis of previous year's and any prior years' monitoring results along with identification of any potential Projects-related impacts; and (2) Licensee-proposed adaptive management actions or monitoring plan modifications to address potential Projects-related impacts to bald eagles, their nests, or their eggs.

The Deputy Director may require changes to the Bald Eagle and American Peregrine Falcon Management Plan or additional actions to ensure protection of beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Bald Eagle and American Peregrine Falcon Management Plan related to Bald Eagles require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Bald Eagle and American Peregrine Falcon Management Plan. The Licensee shall implement any Deputy Director-approved updates to the Bald Eagle and American Peregrine Falcon Management Plan upon receipt of Deputy Director and any other required approvals.

5(F) Streamflow and Reservoir Level Compliance Monitoring

No later than six months following YRDP license issuance, the Licensee shall implement YCWA's Proposed Condition WR4: *Implement Streamflow and Reservoir Level Compliance Monitoring Plan* (WR4), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E3, Attachment 1 Implementation Plans) with the following changes:

- WR4 shall be updated to include Englebright Reservoir as a reservoir level monitoring location. At minimum, Section 3.2 Reservoir and Impoundment Level Gages, shall be amended to add Englebright Reservoir, and include a description of the monitoring location(s), responsible parties, frequency, and data quality.

- Section 6.0 Reporting and Plan Revisions shall be updated to include that by December 31 of each year, the Licensee shall submit a Streamflow and Reservoir Level Compliance Annual Report to the Deputy Director. The report shall include the items listed in Section 6.1 Reporting with the addition of: (1) information on compliance for the year and any corrective measures implemented since the last report; (2) Licensee proposed maintenance, decommissioning, or new equipment and associated proposed measures to protect water quality that will be implemented for the proposed activity that the Licensee plans to request Deputy Director approval for in the coming year under Condition 19 (Construction and Maintenance) or other applicable conditions of the certification; and (3) plan modifications that the Licensee plans to request Deputy Director approval for in the coming year.

The Deputy Director may require changes to the Streamflow and Reservoir Level Compliance Monitoring Plan to ensure protection of beneficial uses based on the information provided in the report or other information in the record.

Any changes to the Streamflow and Reservoir Level Compliance Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Streamflow and Reservoir Level Compliance Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Streamflow and Reservoir Level Compliance Monitoring Plan upon receipt of Deputy Director and any other required approvals.

5(G) Bay-Delta Plan

The Licensee shall comply with any monitoring and adaptive management associated with implementation of the Bay-Delta Plan, including any associated regulation, decision, or order implementing the Bay-Delta Plan and any approved voluntary agreement(s) or local cooperative solution(s). The Executive Director may require additional monitoring than that described in the above monitoring plans to assess for beneficial use protections in association with Projects-related changes associated with compliance with the Bay-Delta Plan, including any associated regulation, decisions, or order implementing the Bay-Delta Plan and any approved voluntary agreement(s) or local cooperative solution(s).

CONDITION 6. Spill Reduction

No later than 30 days following YRDP license issuance, the Licensee shall implement spill reductions at New Bullards Bar Dam, Log Cabin Diversion Dam, and Our House Diversion Dam as described in this condition. The Deputy Director may require the Licensee to evaluate and implement changes to the spill reduction provisions outlined in this condition if through monitoring reports (Condition 5) or other information in the record, it is determined by the Deputy Director that implementation of the spill provisions is impacting water quality or beneficial uses (e.g., adverse impacts to listed species).

6(A) Spill Reduction at New Bullards Bar Dam in the North Yuba River

The Licensee shall implement YCWA's Proposed Condition AR4: *Control Project Spills at New Bullards Bar Dam* (AR4), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.4.4).

Any changes to the AR4 require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to AR4. The Licensee shall implement any Deputy Director-approved updates to AR4 upon receipt of Deputy Director and any other required approvals.

6(B) Spill Reduction at Log Cabin Diversion Dam in Oregon Creek

The Licensee shall implement YCWA's Proposed Condition AR12: *Control Project Spills at Log Cabin Diversion Dam* (AR12), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.4.12).

Any changes to AR12 require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to AR12. The Licensee shall implement any Deputy Director-approved updates to AR12 upon receipt of Deputy Director and any other required approvals.

6(C) Spill Reduction at Our House Diversion Dam in the Middle Yuba River

The Licensee shall implement YCWA's Proposed Condition AR2: *Control Project Spills at Our House Diversion Dam* (AR2), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.4.2).

Any changes to AR2 require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to AR2. The Licensee shall implement any Deputy Director-approved updates to AR2 upon receipt of Deputy Director and any other required approvals.

CONDITION 7. Closures at Lohman Ridge Diversion Tunnel

No later than one year following license issuance, the Licensee shall manage closures of the YRDP Lohman Ridge Diversion Tunnel as described in this condition.

7(A) Spring and Summer Tunnel Closures

If the end-of-March New Bullards Bar Reservoir storage is 775 TAF or greater and the subsequent April is a Wet Water Year (as defined in Condition 4, Water Year Types), the Licensee shall, close the Lohman Ridge Diversion Tunnel within two business days of when the April Bulletin 120 is published by DWR and it shall remain fully closed through September 30 of that calendar year. Concurrent with any Lohman Ridge Diversion Tunnel closure, the Licensee shall open the Log Cabin Diversion Dam low-level outlet and fish release valve. The Licensee may leave the Camptonville Diversion Tunnel fully open. This condition may be temporarily modified for planned activities (e.g., if required for repairs to the dam or associated equipment) in accordance with Condition 1(B) or unplanned events (e.g., equipment malfunction, as directed by law enforcement authorities, or in emergencies) in accordance with Condition 1(C)).

7(B) Fall Tunnel Closures

If May is a Wet, Above Normal, or Below Normal water year (as defined in Condition 4, Water Year Types), and the subsequent end-of-September New Bullards Bar Reservoir storage is 600,000 AF or greater, the Licensee shall fully close the Lohman Ridge Diversion Tunnel from October 1 through December 31 of each year. This condition may be temporarily modified for planned activities (e.g., if required for repairs to the dam or associated equipment) in accordance with Condition 1(B) or unplanned events (e.g., equipment malfunction, as directed by law enforcement authorities, or in emergencies) in accordance with Condition 1(C)).

7(C) Notifications

Fall Tunnel Closures. For fall tunnel closures, the Licensee shall make a good faith effort to notify USFS, CDFW, USFWS, NMFS, FERC, and State Water Board staff at least five business days prior to any anticipated tunnel closure. The Licensee shall

provide notice to the USFS, CDFW, USFWS, NMFS, FERC, and State Water Board staff within two business days of tunnel closure. The notification shall include the date and time the tunnel was closed.

Spring Tunnel Closures. For spring tunnel closures, the Licensee shall make a good faith effort to notify USFS, CDFW, USFWS, NMFS, FERC, and State Water Board staff at least one business day prior (five days prior if tunnel closure appears likely based on the March DWR Bulletin 120 forecast and New Bullards Bar Reservoir elevation) to any anticipated tunnel closure. The Licensee shall provide notice to the USFS, CDFW, USFWS, NMFS, FERC, and State Water Board staff within two business days of tunnel closure. The notification shall include the date and time the tunnel was closed.

Tunnel Opening. The Licensee shall within two business days prior to opening the tunnel following a tunnel closure, provide notice of the date and time of tunnel opening to USFS, CDFW, USFWS, NMFS, FERC, and State Water Board staff. Concurrent with these notifications, the Licensee shall post a notice at the Our House Diversion Dam and New Colgate Powerhouse public river access points, describing potential flow increases, and coordinate with USFS to post the same notice at other recreation facilities and public river access points downstream of Our House Diversion Dam on the Middle Yuba River.

7(D) Permitting

Where facilities must be modified or constructed to allow for compliance with the required tunnel closures, the Licensee shall submit applications for permits to modify or construct the facilities as soon as reasonably practicable but no later than within the first two years following license issuance, and shall complete the work as soon as reasonably practicable but no later than two years after receiving all required permits and approvals for the work.

CONDITION 8. Operation of New Colgate Powerhouse Intakes

Each year following issuance of the new YRDP FERC license, within the first five days of March, the Licensee shall close the lower intake and operate the upper intake of the temperature control structure of the New Colgate Powerhouse. The upper intake shall remain open during the months of March, April, and some portion of May. Unless otherwise agreed to as part of annual consultation or directed by the Deputy Director, the upper intake shall be closed during the last five days of May. Once the upper intake is closed, the lower intake shall remain open until the first five days of the following March.

Annual Consultation on Timing of Upper Intake Closure. Each April, the Licensee shall consult with NMFS and CDFW regarding the specific timing of the upper intake closure, targeting April 1-15 for such consultation. As part of consultation, the Licensee, CDFW, or NMFS may propose to change when the upper intake is closed. If the Licensee, CDFW, and NMFS reach agreement on an alternative closure date in any given year,

the Licensee shall alter the upper intake closure date for that year. If agreement is not reached, the Licensee shall implement the upper intake closure as specified above (i.e., within the last five days of May). The Licensee shall notify the Deputy Director of the outcome of the consultation no later than April 30 of each year.

New Bullards Bar Reservoir Elevation Off-ramp. The Licensee may close the upper intake and begin operation of the lower intake if the water surface elevation of New Bullards Bar Reservoir falls below elevation 1881.0 ft above mean sea level between March and May. The Licensee shall notify CDFW, NMFS, and the Deputy Director immediately if it chooses to close the upper intake due to this provision.

Long-term Changes to Tunnel Intake Closures. If new information in the record suggests that a change to the default five-day closure window for the upper intake (i.e., last five days of May) is warranted to better manage downstream temperature, the Deputy Director may require that the Licensee consult with CDFW, NMFS, and State Water Board staff to change the closure window. Following consultation, the Deputy Director may require that the Licensee implement a new default closure schedule when agreement between the Licensee, CDFW, and NMFS cannot be achieved. The Licensee, CDFW, or NMFS may also request a change to the upper intake closure window. Any such request shall include support for the change. The Licensee shall file any Deputy Director-approved change to the default tunnel intake closure with FERC. The Licensee shall implement any changes to the operations of the New Colgate Powerhouse Tunnel Intakes upon receipt of Deputy Director and any other required approvals.

CONDITION 9. Large Woody Material at Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir

No later than one year following YRDP license issuance, the Licensee shall implement YCWA's Proposed Condition *GS3: Implement Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan* (GS3), as submitted to FERC on April 12, 2018 (YCWA 2018a, Attachment 3), with the changes noted in this condition.

Prior to initiating any burning of LWM on a barge at New Bullards Bar Reservoir, as described in Section 3.3.5 of GS3[28], the Licensee shall submit its proposal for burning of LWM without impacting water quality and beneficial uses to the Deputy Director for review and consideration of approval. The Licensee shall consult with State Water Board and Central Valley Regional Water Board staff in the development of the proposal. The proposal shall describe the procedures that will be used to burn LWM on barges, including any chemicals that will be used, water quality monitoring, proposed

[28] This section states "In years when woody material exceeds the storage capacity of the Primary and Secondary burn sites, the woody material may be burned on the surface of the reservoir in cooperation with the [USFS] and after YCWA has obtained all necessary permits and approvals."

measures that will be implemented to protect water quality, and disposal methods for the remaining ash and associated waste materials.

Any changes to GS3 require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to GS3. The Licensee shall implement any Deputy Director-approved updates to GS3 upon receipt of Deputy Director and any other required approvals.

CONDITION 10. Sediment Management

The Licensee shall implement YCWA's Proposed Condition GS2: *Log Cabin and Our House Diversion Dams Sediment Management Plan* (GS2), as submitted to FERC on July 27, 2018 (YCWA 2018c), and as augmented by conditions in the State Water Board's April 2020 certification for the Log Cabin Diversion Dam and Our House Diversion Dam Sediment Management (collectively sediment management plan). No later than two years following YRDP license issuance, the Licensee shall submit to the Deputy Director, for review and consideration of approval, any proposed changes to the sediment management plan. The proposed changes shall be developed in consultation with CDFW, USFWS, State Water Board, and Central Valley Regional Water Board staff. As part of consultation, the Licensee shall provide feedback on recent sediment management activities implemented under this condition and prior dredging and sluicing activities implemented per the 2020 certification, lessons learned, and any other information pertinent to the proposed changes.

Any changes to the sediment management plan shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved changes to the sediment management plan. The Licensee shall implement any Deputy Director-approved changes to the sediment management plan upon receipt of Deputy Director and any other required approvals.

CONDITION 11. Prevention of Narrows Reach Fish Stranding Events

No later than one year following issuance of the YRDP license or Narrows Project license, whichever comes first, the Licensee shall submit a Fish Stranding Prevention Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Fish Stranding Prevention Plan shall be developed in consultation with CDFW, NMFS, USFWS, and State Water Board staff. The goal of the Fish Stranding Prevention Plan shall be to reduce fish stranding in the lower Yuba River from immediately below Englebright Dam to the Narrows 1 Powerhouse (Narrows Reach). At a minimum, the Fish Stranding Prevention Plan shall include:

- Permanent or long term measures the Licensee will implement to reduce or eliminate fish stranding, especially for anadromous salmonids, during the

range of flows experienced in the Narrows Reach as a result of the Projects' operations. Such measures may include, but are not limited to, changes in Narrows 2 facilities operations and/or coordinated operations with the Narrows 1 Powerhouse, construction of entrainment deterrents, maintenance of gravel bars and streambanks, and filling of intermittent pools. The Licensee shall, in consultation with CDFW and NMFS, revisit these measures following construction of any new fish passage structure around Daguerre Point Dam to assess the measures' ability to reduce or eliminate stranding of any new native anadromous fish species (e.g., white and green sturgeon). Following consultation this plan shall be updated, as necessary, if directed by the Deputy Director.

- Identification of existing locations in the Narrows Reach where stranding has occurred or has the potential to occur, including, but not limited to: the interstitial spaces of boulders and pools of water that form between the large pool below Englebright Dam (Dam Pool) and the pool in front of the Narrows 2 Powerhouse Full Bypass (Full Bypass Pool), the Full Bypass Pool, the north bank and/or gravel bars of the river downstream of the Narrows 2 Powerhouse Partial Bypass[29], the isolation pool on the gravel bar on the south bank of the river downstream of the Full Bypass Pool, and other areas on the south bank and/or gravel bars downstream of the Full Bypass Pool.
- A schedule for implementation, including the measures, monitoring, and reporting.
- Monitoring for stranding events and evaluation of the initial and ongoing effectiveness of the measures with respect to the prevention of fish stranding.
- Proposed actions that the Licensee will implement in the event of stranding.
- Documentation of consultation with CDFW, NMFS, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.
- Format and schedule for reports that document, summarize, and analyze monitoring results. The Licensee shall propose any updates to the plan based on the monitoring results or new information related to conditions that may be impacted by the Projects. Reports shall include identification of any potential concerns, as well as proposed actions to address any Projects-related impacts. Reports shall be submitted to CDFW, NMFS, USFWS, and State Water Board staff.

The Deputy Director may require additional actions based on monitoring and other available information (e.g., reports) related to Projects-related fish stranding in the

[29] The Narrows 2 Powerhouse Partial Bypass includes a pipe off the Narrows 2 Powerhouse turbine scroll case, which can discharge up to 650 cfs of water at full head into the Yuba River through a 36-inch valve located on the downstream face of the powerhouse above the draft tube outlet. The Partial Bypass was built as part of the original design when the Narrows 2 Powerhouse was constructed.

Narrows Reach. Any changes to the Fish Stranding Prevention Plan shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC the Deputy Director-approved Fish Stranding Prevention Plan, any Deputy Director-approved changes thereto, and any additional required action(s). The Licensee shall implement the Fish Stranding Prevention Plan, any Deputy Director-approved changes, and additional actions upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 12. Aquatic Invasive Species Management

No later than one year following license issuance, the Licensee shall implement YCWA's Proposed Condition AR5: *Implement Aquatic Invasive Species Management Plan* (AR5), as submitted to FERC on November 8, 2019 (YCWA 2019, Attachment 1). In addition to AR5, the Licensee shall implement: (1) the FERC staff alternative related to monitoring locations at New Bullards Bar and agency consultation, as noted in FERC's *Final Environmental Impact Statement for Hydropower License – Yuba River Development Project – Project No. 2246-065 – California* (Final EIS) (FERC 2019); and (2) during Projects-related activities that require movement of equipment from one waterbody to another waterbody, the Licensee shall comply with CDFW's aquatic invasive species decontamination protocol identified in Appendix D of the above referenced Aquatic Invasive Species Management Plan and any updates thereto, and the Aquatic Weed Control General Permit[30] as applicable.

Any changes to AR5 require Deputy Director approval prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to AR5. The Licensee shall implement any Deputy Director-approved updates to AR5 upon receipt of Deputy Director and any other required approvals.

CONDITION 13. Lower Yuba River Habitat Restoration

13(A) Riparian Planting Restoration Plan

No later than six months following issuance of the YRDP license, the Licensee shall submit a Riparian Planting Restoration Plan (Restoration Plan) to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Restoration Plan's objective shall be to ensure the establishment of 100 acres of new riparian plantings in floodplain habitat in the lower

[30] State Water Board Order WQ 2013-0002-DWQ and NPDES No. CAG990005, as amended by Order WQ 2014-0078-DWQ, Order WQ 2015-0029-DWQ, Order WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-056-EXEC, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/docs/weedcontrol/2022-0056-EXEC.pdf. Last accessed: May 12, 2025.

Yuba River in a minimum of four separate planting sites. The Licensee may propose to meet the 100 acres with existing or ongoing riparian floodplain planting projects that are either partially or fully implemented and/or funded by the Licensee since April 2014. Any request for credit toward the 100 acres shall include information regarding whether the previously created habitat was constructed or counted towards other habitat obligations such as voluntary agreements or mitigation banks. The Restoration Plan shall be developed in consultation with State Water Board, CDFW, USFWS, and NMFS, and South Yuba River Citizen's League staff. At a minimum, the Restoration Plan shall include:

- Identification of restoration actions that will be implemented by the Licensee in the lower Yuba River to achieve 100 acres of new riparian plantings in floodplain habitat[31] in a minimum of four separate sites. Restoration actions shall include:
    - a list of plant species,
    - a description of planting methods,
    - anticipated maintenance activities, and
    - identification of restoration locations.
- Identification of success criteria for restored areas along with associated monitoring and adaptive management actions that will be implemented, as needed to ensure attainment of success criteria.
- Schedule for restoration planting activities, as applicable.
- Measures and monitoring that will be implemented during plantings to protect water quality and beneficial uses. This may be done through Water Quality Management Plans (Condition 19) or as part of this plan or changes to this plan to the extent details of site-specific restoration activities are available for inclusion in the Restoration Plan.
- Documentation of consultation with CDFW, USFWS, NMFS, South Yuba River Citizens League, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.
- Format and schedule for reports that document, summarize, and analyze restoration activities, monitoring results, and adaptive management actions. The Licensee shall propose and implement any updates to the plan based on the monitoring results or new information related to the success of the restoration activities included in the plan. Reports shall include identification of any potential concerns, as well as proposed actions to address such concerns. Reports shall be submitted to CDFW, NMFS, USFWS, South Yuba River Citizens League, and State Water Board staff.

Any changes to the Restoration Plan require Deputy Director approval prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC the Deputy Director-approved Restoration Plan and any

[31] Floodplain habitat shall be defined during consultation associated with Restoration Plan development.

Deputy Director-approved updates thereto. The Licensee shall implement the Deputy Director-approved Restoration Plan, and any Deputy Director-approved updates thereto, upon receipt of Deputy Director and any other required approvals.

13(B) Reintroduction and Restoration as an Alternative to the YRRI Agreement

If the Yuba River Resilience Initiative (YRRI)[32] Agreement terminates[33] or the Licensee[34] modifies, suspends, or terminates its funding of the Reintroduction Program without written approval from CDFW and NMFS, the Licensee shall, as directed by the Deputy Director, provide funding obligated under the YRRI Agreement's Funding Plan [35] towards fish reintroduction and/or habitat restoration efforts as described in this condition for the remainder of the YRDP license term[36] or the remainder of the term of the YRRI Agreement, whichever is longer. The Deputy Director will consult with the Licensee, NMFS, and CDFW prior to directing the Licensee to fund reintroduction and/or habitat restoration efforts in the Yuba River watershed. Once directed by the Deputy Director to fund salmon reintroduction and/or habitat restoration efforts, the Licensee shall implement the following:

- Salmon Reintroduction Efforts. If the Licensee is directed to provide funding for reintroduction efforts, it shall provide proof of payment to the appropriate entity

[32] The Yuba River Resilience Initiative Agreement is publicly available at https://www.yubawater.org/DocumentCenter/View/7826/Final-Yuba-River-Resilience-Initiative-Agreement-PDF. Accessed: June 11, 2025.

[33] For example, if one party to the YRRI Agreement withdraws and the remaining parties decide to terminate the YRRI Agreement, if a court rules that any provision of the YRRI Agreement is invalid, or upon expiration of the new YRDP license and any subsequent annual licenses issued by FERC (i.e., the "New YRDP FERC License" as that term is defined in YRRI Agreement Exhibit 1).

[34] Section 18.17 of the YRRI Agreement provides for the transfer of YCWA's rights and obligations under the YRRI Agreement to a potential new owner of the YRDP or potential new licensee for the YRDP or Narrows Project.

[35] In accordance with section 4(A)(6) of the YRRI Agreement's Funding Plan, the Licensee shall provide $750,000 per year, increasing at a rate of two percent per year unless the Licensee's additional payment for the construction of the Nature-Like Fishway under section 4(A)(4) of the YRRI Agreement's Funding Plan exceeds $20 million, in which case the Licensee shall provide no less than $500,000 per year increasing at a rate of two percent per year. The Licensee's funding obligation under this condition shall commence with the year in which the Licensee provides less than the applicable $750,000 or $500,000 per year, increasing at a rate of two percent per year, and continue through the "New YRDP FERC License" as that term is defined in YRRI Agreement Exhibit 1.

[36] Including any annual licenses issued by FERC after the expiration of a new YRDP license (i.e., the "New YRDP FERC License," as that term is defined in YRRI Agreement Exhibit 1).

for the reintroduction efforts annually or another timeline approved by the Deputy Director. The Licensee may provide advance funding for multiple years of its YRRI Agreement funding obligation at one time, if desired.

- Habitat Restoration Efforts. If the Licensee is directed to provide funding for habitat restoration, it shall submit a plan for Deputy Director review and consideration of approval for use of the YRRI Agreement's Funding Plan obligations for habitat restoration activities. The Deputy Director may require changes as part of any approval. The Licensee shall implement each plan upon Deputy Director approval. The Licensee shall submit new plans for subsequent years' YRRI Agreement Funding Plan obligations and may combine funding for multiple years of its YRRI Agreement Funding Plan obligations in one plan that spans multiple years, if desired. At a minimum, each habitat restoration plan shall include:
    - Identification of restoration and enhancement actions that will be implemented (e.g., lowering of floodplain surfaces, planting of riparian vegetation, installation of large woody material, gravel augmentation).
    - Schedule for restoration and enhancement activities.
    - Locations of restoration and enhancement activities.
    - Monitoring,[37] maintenance, and adaptive management activities that will be implemented to ensure successful restoration and enhancement, including identification of the frequency and type of monitoring and maintenance activities and success criteria.
    - Measures and monitoring that will be implemented to protect water quality and beneficial uses during habitat restoration actions. This may be done through Water Quality Management Plans (Condition 19) or as part of this plan.
    - Description and schedule of reporting on plan implementation.

CONDITION 14. New Bullards Bar Reservoir Fishery

No later than one year following YRDP license issuance, the Licensee shall implement YCWA's Proposed Condition AR6: *Implement New Bullards Bar Reservoir Fish Stocking Plan* (AR6), as submitted to FERC on November 8, 2019 (YCWA 2019, Attachment 2).

Any changes to the fish stocking program (AR6) shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to AR6. The Licensee shall implement any Deputy Director-approved updates to AR6 upon receipt of Deputy Director and any other required approvals.

[37] Monitoring may coincide with other monitoring activities, such as those in Condition 5 (Licensee's Proposed Condition AR8: *Implement Lower Yuba River Aquatic Monitoring Plan).*

CONDITION 15. Recreation Facilities

No later than one year following issuance of the Projects' license(s), the Licensee shall implement YCWA's Proposed Condition RR1: *Recreation Facilities Plan* (RR1), as submitted to FERC on September 19, 2018 (YCWA 2018d, Attachment 1) and as updated on December 2, 2022 (USFS 2022, Enclosure 3), with the following changes.

- The Licensee shall consult annually with CDFW, USFWS, and State Water Board staff regarding potential effects to state- or federally-listed ESA species and/or species of special concern[38] that may be impacted by implementation of RR1. Where applicable, the Licensee shall implement the aquatic invasive species measures outlined in Condition 12 of this certification and update RR1 with actions that will be implemented for the protection of state- or federally-listed ESA species and/or species of special concern if directed by the Deputy Director.
- The Licensee shall comply with the construction and maintenance requirements outlined in Condition 19 of this certification.

Any changes to RR1 shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to RR1. The Licensee shall implement any Deputy Director-approved updates to RR1 upon receipt of Deputy Director and any other required approvals.

CONDITION 16. Whitewater Boating Flows

No later than one year following YRDP license issuance, the Licensee shall implement: (1) YCWA's Proposed Condition RR2: *Provide Recreation Flow Information* (RR2), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.6.2), and (2) YCWA's Proposed Condition RR3: *Provide Whitewater Boating Below Our House Diversion Dam* (RR3), as submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.6.3). No later than one year following the Narrows Project license issuance, the Licensee shall implement RR2.

Any changes to RR2 and/or RR3 require Deputy Director approval prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to RR2 and/or RR3. The Licensee shall implement any Deputy Director-approved updates to RR2 and/or RR3 upon receipt of Deputy Director and any other required approvals.

CONDITION 17. Drought Management

No later than two years following issuance of the Projects' license(s), the Licensee shall submit a Drought Management Plan to the Deputy Director for review and consideration

[38] As defined on CDFW's Species of Special Concern website. Available online at: https://wildlife.ca.gov/Conservation/SSC. Last accessed October 9, 2025.

of approval. The Deputy Director may require changes as part of any approval. The Drought Management Plan shall be developed in consultation with CDFW, USFWS, USFS, NMFS, State Water Board, and if applicable Bureau of Land Management staff. As applicable, the Licensee may refer to the 2017 Amended Final License Application (e.g., Appendix E3 – *Drought Management Plan* (WR9) (YCWA 2017a) for meeting requirements of this condition. At a minimum, the Drought Management Plan shall include:

- Consultation on the Drought Management Plan. Consultation shall include determination of multi-year "drought conditions." Such multi-year drought conditions may include several consecutive years in which the Governor of the State of California declares a drought emergency for Yuba, Sierra, or Nevada counties, or multiple consecutive Dry or Critically Dry water year types.
- Guidance for operations during multi-year drought conditions, including:
    - Identification of management options that may require a variance and/or amendment to certification conditions to address multi-year droughts;
    - Evaluation of different, specific multi-year drought scenarios;
    - Considerations that will be evaluated for different management options, such as an estimate of water to be saved and the alternative beneficial uses for which the water is being conserved; a timeline for the return to regular operations; proposed monitoring for the revised operations, including an estimation of any impacts the revised operations may have on beneficial uses of water; and
    - Proposed water conservation measures that will be implemented.
- Consultation, notification, and regulatory approval procedures that will be implemented during drought conditions, which shall include, at a minimum, CDFW, USFWS, USFS, NMFS, and State Water Board staff.
- Comments received during the consultation process and identification of how the Licensee addressed the comments.

Any changes to the Drought Management Plan shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any such approval. The Licensee shall file with FERC the Deputy Director-approved Drought Management Plan, and any subsequent Deputy Director-approved changes thereto. The Licensee shall implement the Drought Management Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 18. Hazardous Materials

No later than one year following issuance of the YRDP license or the Narrows Project license, whichever occurs first, the Licensee shall implement YCWA's Proposed Condition WR1: *Hazardous Materials Management Plan* (WR1), as submitted to FERC on November 8, 2019 (YCWA 2019, Attachment 5), with the following changes.

- The Narrows Project and its facilities shall be incorporated into WR1 and the Licensee shall implement WR1 for both Projects.

Any changes to WR1 shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to WR1. The Licensee shall implement any Deputy Director-approved updates to WR1 upon receipt of Deputy Director and any other required approvals.

CONDITION 19. Construction and Maintenance

When applicable, the Licensee shall comply with 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)[39] (State Water Board 2022a), *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019b and 2021), and amendments thereto the aforementioned documents. For construction and maintenance activities with the potential to impact water quality or beneficial uses that are not subject to the Construction General Permit and/or that are not covered by another condition of this certification,[40] the Licensee shall prepare and submit site-specific Water Quality Monitoring and Protection Plans (WQMP Plans) for Deputy Director review and consideration of approval. The objective of the WQMP Plans shall be to identify and implement control measures for construction, maintenance, or other activities with the potential to cause erosion, stream sedimentation, fugitive dust, soil mass movement, release of hazardous materials, or other water quality impairment.

Activities that may require development of WQMP Plans, include, but are not limited to: (1) addition of a tailwater depression system at New Colgate Powerhouse; (2) modification of Our House Diversion Dam fish release outlet; (3) modification of Log Cabin Diversion Dam fish release outlet; (4) modification of Lohman Ridge Diversion Tunnel Intake; (5) modifications of recreation facilities at New Bullards Bar Reservoir if not covered by the Recreation Facilities Plan (RR1) (Condition 15); and (6) maintenance or improvement of Projects' roads.

At a minimum, WQMP Plans must demonstrate compliance with sediment and turbidity water quality objectives, as well as other applicable water quality objectives associated with the construction or maintenance activities in the Central Valley Basin Plan (Central Valley Regional Water Board 2019) and the Dredge or Fill Procedures. The WQMP

[39] State Water Board Order WQ 2022-0057-DWQ and National Pollutant Discharge Elimination System No. CAS000002, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed on October 9, 2025.

[40] For example, sediment management activities covered by Condition 9 would not be required to have a separate WQMP Plan.

Plans shall be consistent with the most current USFS *National Best Management Practices for Water Quality Management on National Forest System Lands*[41] (USFS 2012).

The Licensee shall submit WQMP Plans to the Deputy Director for review and consideration for approval at least 120 days prior to the desired start date of the applicable construction or maintenance activity. The Deputy Director may require changes as part of any approval. WQMP Plans shall be based on actual site geologic, soil, and groundwater conditions, and at a minimum shall include:

- The relevant elements of YCWA's Proposed Condition GS1: *Implement Erosion and Sediment Control Plan* (GS1), as submitted to FERC on October 27, 2016 (YCWA 2016a, Encl 1A*).*
- A description of site conditions and the proposed activity.
- Detailed descriptions, design drawings, and specific topographic locations of all control measures in relation to the proposed activity, which may include:
    - Measures to divert runoff away from disturbed land surfaces;
    - Measures to collect and filter runoff from disturbed land surfaces, including sediment ponds at the diversion and powerhouse sites;
    - Measures to dissipate energy and prevent erosion; and
    - Measures that will be implemented to protect water quality and beneficial uses.
- Revegetation measures for disturbed areas, which shall include use of native plants and locally-sourced plants and seeds.
- Description of how the Licensee will comply with the Dredge or Fill Procedures, if appropriate.
- Description of monitoring that will be performed, if appropriate.
- A monitoring, maintenance, and reporting schedule.

The Licensee shall file with FERC the Deputy Director-approved WQMP Plan(s), and any Deputy Director-approved changes thereto. The Licensee shall implement the WQMP Plans upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.

[41] Volume 1: National Core BMP Technical Guide (FS-990a). Issued April 2012. Available online at: https://www.fs.usda.gov/naturalresources/watershed/bmp.shtml. Last accessed October 10, 2025.

CONDITION 20. Reintroduction and Fish Passage

20(A) Reintroduction and Habitat Restoration Requirements

If the Yuba River Resilience Initiative (YRRI)[42] Agreement terminates[43] or the Licensee[44] modifies, suspends, or terminates its funding of the Reintroduction Program without written approval from CDFW and NMFS, the Licensee shall, as directed by the Deputy Director, provide funding obligated under the YRRI Agreement's Funding Plan [45] towards fish reintroduction and/or habitat restoration efforts as described in this condition for the remainder of the YRDP license term[46] or the remainder of the term of the YRRI Agreement, whichever is longer. The Deputy Director will consult with the Licensee, NMFS, and CDFW prior to directing the Licensee to fund reintroduction and/or habitat restoration efforts in the Yuba River watershed. Once directed by the Deputy Director to fund salmon reintroduction and/or habitat restoration efforts, the Licensee shall implement the following:

- Salmon Reintroduction Efforts. If the Licensee is directed to provide funding for reintroduction efforts, it shall provide proof of payment to the appropriate entity for the reintroduction efforts annually or another timeline approved by the Deputy

[42] The Yuba River Resilience Initiative Agreement is publicly available at https://www.yubawater.org/DocumentCenter/View/7826/Final-Yuba-River-Resilience-Initiative-Agreement-PDF. Accessed: June 11, 2025.

[43] For example, if one party to the YRRI Agreement withdraws and the remaining parties decide to terminate the YRRI Agreement, if a court rules that any provision of the YRRI Agreement is invalid, or upon expiration of the new YRDP license and any subsequent annual licenses issued by FERC (i.e., the "New YRDP FERC License" as that term is defined in YRRI Agreement Exhibit 1).

[44] Section 18.17 of the YRRI Agreement provides for the transfer of YCWA's rights and obligations under the YRRI Agreement to a potential new owner of the YRDP or potential new licensee for the YRDP or Narrows Project.

[45] In accordance with section 4(A)(6) of the YRRI Agreement's Funding Plan, the Licensee shall provide $750,000 per year, increasing at a rate of two percent per year unless the Licensee's additional payment for the construction of the Nature-Like Fishway under section 4(A)(4) of the YRRI Agreement's Funding Plan exceeds $20 million, in which case the Licensee shall provide no less than $500,000 per year increasing at a rate of two percent per year. The Licensee's funding obligation under this condition shall commence with the year in which the Licensee provides less than the applicable $750,000 or $500,000 per year, increasing at a rate of two percent per year, and continue through the "New YRDP FERC License" as that term is defined in YRRI Agreement Exhibit 1.

[46] Including any annual licenses issued by FERC after the expiration of a new YRDP license (i.e., the "New YRDP FERC License," as that term is defined in YRRI Agreement Exhibit 1).

Director. The Licensee may provide advance funding for multiple years of its YRRI Agreement funding obligation at one time, if desired.

- Habitat Restoration Efforts. If the Licensee is directed to provide funding for habitat restoration, it shall submit a plan for Deputy Director review and consideration of approval for use of the YRRI Agreement's Funding Plan obligations for habitat restoration activities. The Deputy Director may require changes as part of any approval. The Licensee shall implement each plan upon Deputy Director approval. The Licensee shall submit new plans for subsequent years' YRRI Agreement Funding Plan obligations and may combine funding for multiple years of its YRRI Agreement Funding Plan obligations in one plan that spans multiple years, if desired. At a minimum, each habitat restoration plan shall include:
  - Identification of restoration and enhancement actions that will be implemented (e.g., lowering of floodplain surfaces, planting of riparian vegetation, installation of large woody material, gravel augmentation).
  - Schedule for restoration and enhancement activities.
  - Locations of restoration and enhancement activities.
  - Monitoring,[47] maintenance, and adaptive management activities that will be implemented to ensure successful restoration and enhancement, including identification of the frequency and type of monitoring and maintenance activities and success criteria.
  - Measures and monitoring that will be implemented to protect water quality and beneficial uses during habitat restoration actions. This may be done through WQMP Plans (Condition 19) or as part of this plan.
  - Description and schedule of reporting on plan implementation.

20(B) Fish Passage

NMFS or USFWS may require fish passage or related actions under section 18 of the Federal Power Act during the term of the new license(s) for the Projects. Such a requirement could include reevaluation of: Projects' facilities, flow regimes, fish stocking plans, LWM management, and access to the Projects-affected tributaries.

The Deputy Director may require the Licensee to develop and conduct studies, and provide associated reports, if NMFS or USFWS requires fish passage or related actions under the Projects licenses per section 18 of the Federal Power Act. Any studies and reports shall be reviewed and approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. Such studies shall be designed in consultation with USFWS, NMFS, CDFW, and State Water Board staff

[47] Monitoring may coincide with other monitoring activities, such as those in Condition 5 (Licensee's Proposed Condition AR8: *Implement Lower Yuba River Aquatic Monitoring Plan).*

and may include, but are not limited to the development of fish passage, flows, or other measures.

The Deputy Director may require the Licensee to develop and submit a plan for Deputy Director review and consideration of approval to ensure adequate protection of Central Valley Basin Plan water quality objectives and beneficial uses applicable to fish. The plan shall evaluate the need for changes to the conditions of this certification, including at a minimum, conditions related to flows (Condition 1), ramping rates (Condition 3), water quality and biological monitoring (Conditions 5), spill cessation (Condition 6), operation of New Colgate Powerhouse Intakes (Condition 8), and riparian improvements (Condition 13). The Licensee shall provide the plan to the Deputy Director on the timeline identified in the Deputy Director's request and provide any comments and recommendations received from the agencies as part of consultation along with how such comments and recommendations were considered. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC the Deputy Director-approved studies, reports, and plans, and any approved amendments thereto. The Licensee shall implement the studies and plans, and any amendments thereto, upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 21. Mercury Management

No later than two years following YRDP license issuance, the Licensee shall submit a Mercury Monitoring and Management Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Licensee shall develop the Mercury Monitoring and Management Plan consistent with the State Water Board's May 2, 2017 *Part 2 Of The Water Quality Control Plan For Inland Surface Waters, Enclosed Bays, And Estuaries Of California—Tribal And Subsistence Fishing Beneficial Uses And Mercury Provisions*, and in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), State Water Board, and Central Valley Regional Water Board staff. At a minimum, the Mercury Monitoring and Management Plan shall include:

- A statement of goals and objectives for the plan, which at minimum shall include characterization of the spatial and temporal extent of methylmercury in Projects' waters, and assessment of the extent to which the Projects influence mercury cycling in Projects' waters.
- A description of proposed monitoring protocols, monitoring frequency, and locations (within Projects' reservoirs and Projects-affected stream reaches), which includes consideration of the following parameters: aqueous methylmercury and inorganic mercury, fish tissue mercury, sediment mercury, and other ancillary parameters that affect mercury cycling (e.g., temperature and dissolved oxygen profiles, chlorophyll-a, and dissolved organic carbon). The Licensee shall provide support for any of the listed parameters not proposed for monitoring.
- A detailed reporting schedule.

- Proposed reservoir operations and/or fisheries adaptive management to reduce methylmercury pollution (e.g., bioaccumulation, methylation, and risks to human fish consumers). At a minimum this shall include a comprehensive description of procedures, including coordination with OEHHA, to develop notification procedures that will be implemented to inform the public if hazardous levels of mercury are found in fish tissue.
- A plan for corrective measures and a timetable for implementation, if data indicate that the Projects may be increasing bioavailable mercury concentrations and/or adversely affecting water quality.
- Documentation of consultation with Central Valley Regional Water Board, OEHHA, and State Water Board staff, comments and recommendations made in connection with the Mercury Monitoring and Management Plan, and a description of how the Mercury Monitoring and Management Plan incorporates or addresses the comments and recommendations.

The Deputy Director may require the Licensee update the Mercury Monitoring and Management Plan based on updated guidance issued by OEHHA or updates to the State Water Board's Mercury Provisions during the term of the Projects' FERC license(s).

Any changes to the Mercury Monitoring and Management Plan shall be approved by the Deputy Director prior to implementation. The Licensee shall implement the Mercury Monitoring and Management Plan and any changes thereto upon receipt of Deputy Director and other required approvals, in accordance with the schedule and requirements specified therein. The Licensee shall file with FERC the Deputy Director-approved Mercury Monitoring and Management Plan and any approved changes thereto.

CONDITION 22. Annual Meeting and Ecological Group

No later than one year following issuance of the YRDP license or the Narrow Project license, whichever occurs first, the Licensee shall establish an Ecological Group and host annual meetings regarding implementation of the Projects' licenses. The meetings shall be held in April unless otherwise approved by the Deputy Director. At a minimum, CDFW, USFS, USFWS, BLM, NMFS, USACE, and State Water Board staff shall be members of the Ecological Group and invited to participate in the Ecological Group meetings. The Licensee shall hold the meeting each year unless otherwise agreed to by all members of the Ecological Group. The annual meeting shall provide for remote and in-person participation. The annual meeting shall be noticed at least 30 days in advance on the Licensee's Projects' webpages and be open to the public. The Ecological Group shall establish communication protocols to facilitate interactions between group members that allow for open participation and communication between all parties. The first meeting of the Ecological Group shall be held no later than the first full calendar year of the YRDP or Narrows Project license, whichever occurs first. As applicable, compliance with this condition may be met through the Licensee's implementation of YCWA's Proposed Condition GEN1: *Organize Ecological Group and Host Meetings*, as

submitted to FERC on June 5, 2017 (YCWA 2017a, Volume II: Exhibit E, Appendix E2, Section E2.1.1). At the annual meetings, the Ecological Group shall:

- Review the status of implementing the Projects' FERC license(s) and certification conditions. The Licensee shall report deviations from the Projects' FERC license(s) and certification conditions during the previous calendar year.
- Review monitoring data and reports from monitoring conducted for the Projects during the previous calendar year. The Licensee shall provide a summary of the Licensee's ecological-related FERC filings in the previous calendar year (e.g., reports required by measures or implementation plans).
- Discussion of planned license(s)-required ecological-related monitoring in the current and upcoming calendar years.
- Discussion of any license(s)-required ecological-related consultation between the Licensee and resource agencies for the current calendar year. The Licensee shall describe its plan to initiate consultation, as necessary.
- Review elements of current calendar year and next year's maintenance plans and any non-routine maintenance.
- Discuss foreseeable changes to the Projects' facilities or features. The Licensee shall identify (1) any Licensee-anticipated proposals that have ecological consequences in the current or upcoming calendar year, including anticipated or proposed variances to certification or FERC licenses conditions.
- Discuss the status of salmonid reintroduction action(s).
- Discuss necessary or anticipated revisions to plans required by the certification or changes to plans approved as part of this certification.
- Discuss species listing implications, including:
    - Needed protection measures for species newly listed as threatened, endangered, or sensitive;
    - Changes to existing plans for actions that may no longer be necessary due to delisting of a species; and
    - Changes to existing plans to incorporate new information about species requiring protection.

At least 30 days in advance of the annual meeting, the Licensee shall provide materials to Ecological Group members and other interested parties. These materials shall include a summary of the status of any outstanding action items from the prior meeting required by this condition and a summary of Projects' licenses-required and certification-required reports completed since the last annual meeting and current calendar year.

No later than 30 days following each annual meeting, the Licensee shall submit a report to the State Water Board and FERC that summarizes the annual consultation meeting and includes Licensee action items identified during the meeting.

CONDITIONS 23 – 44

CONDITION 23. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with Water Code section 13167.

CONDITION 24. This certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California ESA (Fish & G. Code, §§ 2050 – 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 Licensee, the Licensee must obtain authorization for the take prior to any construction or operation of the portion of the Projects that may result in a take. The Licensee is responsible for meeting all requirements of the applicable ESAs for the Projects authorized under this certification.

CONDITION 25. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Licensee is responsible for compliance with all applicable federal, state, and local laws and ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of activities associated with the Projects.

CONDITION 26. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another local, state or federal agency, will apply equally to the successor agency.

CONDITION 27. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 28. 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 29. 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 30. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 31. Notwithstanding any specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or modify a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Licensee fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director or Executive Director approval, the Licensee shall submit a written request for the extension, with justification, to the designated approver no later than 60 days prior to the deadline. The Licensee shall file with FERC any Deputy Director or Executive Director-approved time extensions. The Licensee shall not implement any plan, proposal, or report until after receiving the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 32. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Projects-related activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Licensee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Licensee will implement to address the violation. The Licensee shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other applicable requirements of state law.

CONDITION 33. The Licensee shall submit any change to the Projects, including operations, facilities, technology changes or upgrades, or methodology, which may have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval, unless otherwise specified. The State Water Board shall determine significance and may require consultation with state and/or federal agencies. If the State Water Board is not notified of a change to the Projects, it will be considered a violation of this certification. If such a change would also require submission to FERC, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

CONDITION 34. This certification is contingent on compliance with all applicable requirements of the Central Valley Regional Water Board's Central Valley Basin Plan (Central Valley Regional Board 2019) and any amendments thereto, and the State Water Board's Bay-Delta Plan and any amendments thereto.

CONDITION 35. Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of the Projects' operations in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Projects' operations to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with other applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

CONDITION 36. Unless otherwise specified by conditions in this certification, the Projects shall be operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

CONDITION 37. 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 38. Future changes in climate projected to occur during the term of the Projects' FERC license(s) may alter the baseline assumptions used to develop the conditions of this certification and necessitate adaptive management. Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of climate change on the Projects' operations and, as necessary, propose updates to the Projects' operations to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the changed climate

conditions and ensure water quality and beneficial use protections. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

CONDITION 39. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add or modify the condition of this certification.

CONDITION 40. Upon request, a construction schedule shall be provided to the Deputy Director. The Licensee shall provide State Water Board and Central Valley Regional Water Board staff access to the Projects' sites to document compliance with this certification.

CONDITION 41. A copy of this certification shall be provided to any contractor and all subcontractors conducting Projects-related work, and copies shall remain in their possession at the Projects' sites. The Licensee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting work related to the Projects.

CONDITION 42. The Licensee shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Lab Accreditation Program-certified laboratories.

CONDITION 43. The Licensee shall ensure no net loss of wetland or riparian habitat functions and is responsible for compliance with the Dredge or Fill Procedures (State Water Board 2019b and 2021) and any amendments thereto, and Water Code sections 16200-16201.

CONDITION 44. Certification that the Projects will be protective of water quality and beneficial uses in compliance with state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Projects, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification, the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.

DRAFT

Eric Oppenheimer
Executive Director

Date

Enclosure: Attachment A: Overview Maps for the Project.

Attachment B: Descriptions of the Projects

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ATTACHMENT A:

OVERVIEW MAPS FOR THE PROJECTS

DRAFT WATER QUALITY CERTIFICATION
FOR
YUBA RIVER DEVELOPMENT PROJECT AND
NARROWS HYDROELECTRIC PROJECT

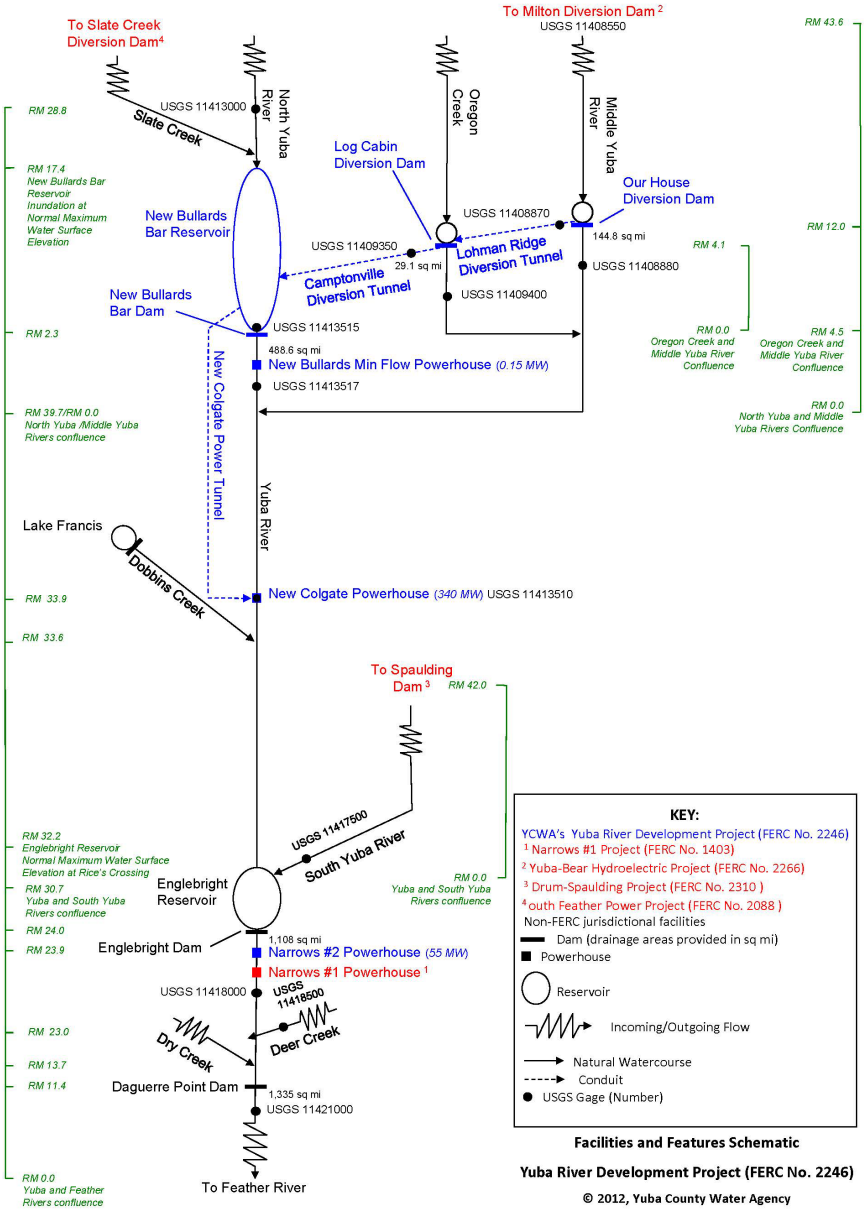

Figure A1. Schematic of the Yuba River Development Project and Narrows Hydroelectric Project Operations (YCWA 2012)

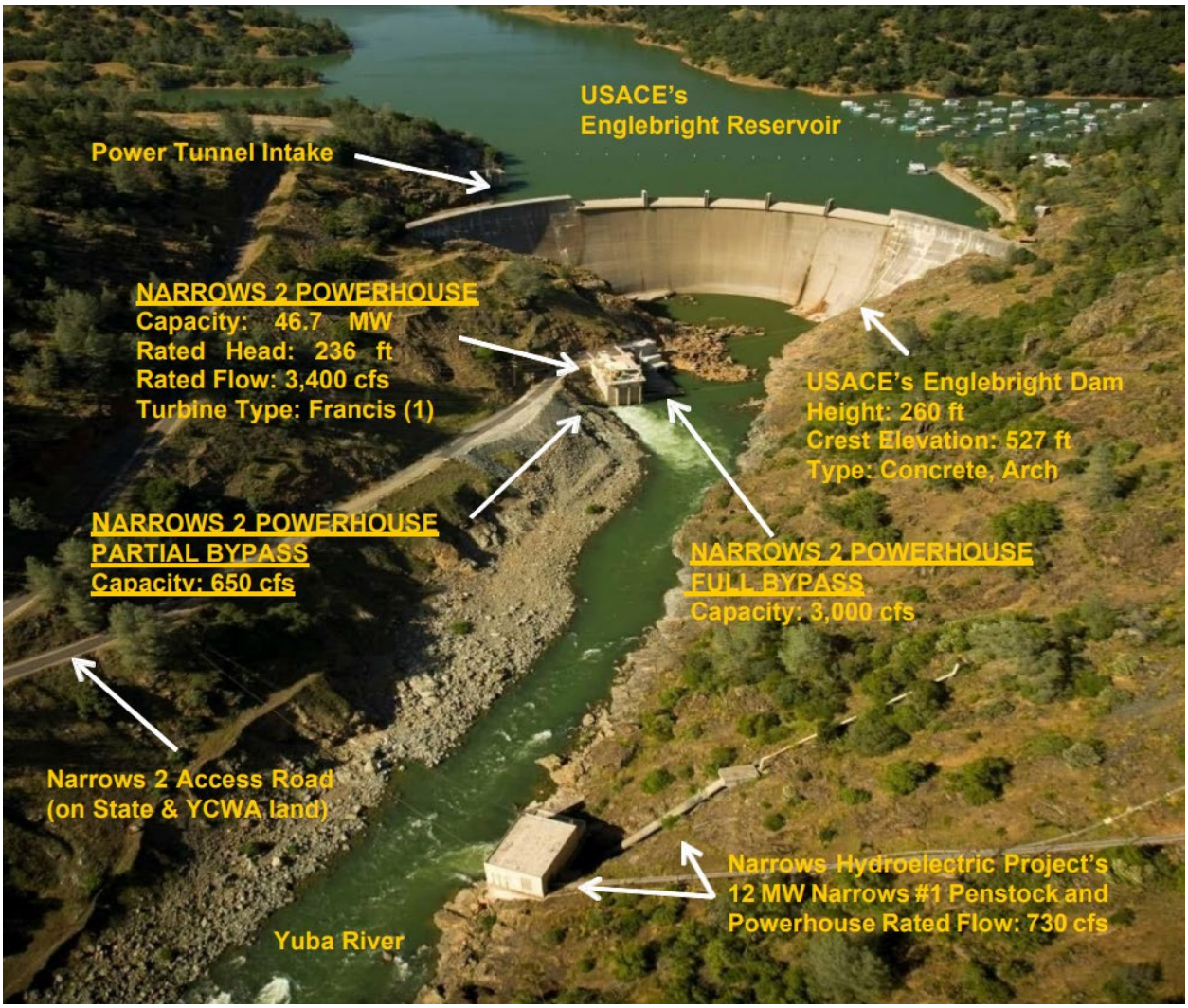

Figure A2. Yuba River Development Project and Narrows Hydroelectric Project – Englebright Reservoir Features (YCWA 2017a)

ATTACHMENT B:

DESCRIPTIONS OF THE PROJECTS

DRAFT WATER QUALITY CERTIFICATION
FOR
YUBA RIVER DEVELOPMENT PROJECT AND
NARROWS HYDROELECTRIC PROJECT

1.0 Introduction

This attachment describes the Yuba River Development Project (YRDP) and Narrows Hydroelectric Project (Narrows Project) (collectively, Projects), Federal Energy Regulatory Commission (FERC) Project Nos. 2246 and 1403, respectively. The Projects are located on the Yuba, North Yuba, and Middle Yuba rivers and on Oregon Creek. The Projects are owned by Yuba County Water Agency (YCWA, doing business as Yuba Water Agency). The YRDP is located in Nevada, Yuba, and Sierra counties and has an authorized installed generation capacity of 361.9 megawatts (MWs). The Narrows Project is located in Nevada County and has an authorized installed generation capacity of 12 MWs. The Projects' facilities are described in further detail below. The descriptions provided in this attachment are for informational purposes only.

2.0 The Yuba River Development Project

The YRDP Project consists of the following five developments: (1) Our House Diversion Dam; (2) Log Cabin Diversion Dam; (3) New Bullards Bar Reservoir; (4) New Colgate Powerhouse; and (5) Narrows 2 Powerhouse.

2.1 YRDP Developments

2.1.1. Our House Diversion Dam Development

Our House Diversion Dam is a 130-foot (ft) radius concrete arch dam located on United States Department of Agriculture, Forest Service (USFS) land in the Tahoe National Forest, on the Middle Yuba River, 12.6 miles upstream from its junction with the North Yuba River. The dam is 70 feet high, has a crest length of 368 ft, and can impound about 280 acre-feet (AF) of water. YCWA operates Our House Diversion Dam primarily to divert water to New Bullards Bar Reservoir, first through the Lohman Ridge Diversion Tunnel and subsequently from the impoundment behind Log Cabin Dam through Camptonville Diversion Tunnel. Our House Diversion Dam includes a fish release outlet valve for minimum instream flow releases, a low-level outlet valve, and a spillway with a spill crest elevation of 2,030 feet and maximum capacity of 60,000 cubic feet per second (cfs). The fish release valve has a capacity of 59 cfs and the low-level valve has a capacity of 463 cfs. The Lohman Ridge Diversion Tunnel is a 19,395-ft-long (90 percent unlined) tunnel that diverts water from the Middle Yuba River at Our House Diversion Dam to Oregon Creek and has a capacity of 860,000 cfs. There is an undeveloped recreation site at Our House Diversion Dam.

2.1.2. Log Cabin Diversion Dam Development

Log Cabin Diversion Dam is a 105-ft radius concrete arch dam on USFS land in the Tahoe National Forest, located in Yuba County on Oregon Creek, 4.3 miles upstream from its confluence with the Middle Yuba River. The Log Cabin Diversion Dam can impound approximately 90 AF of water and is 42.5 feet high with a crest length of 300 feet. YCWA operates Log Cabin Diversion Dam primarily to divert water to New

Bullards Bar Reservoir through the Camptonville Diversion Tunnel. The dam features an uncontrolled spillway, a fish release outlet valve for minimum instream flow releases, and a low-level outlet valve. The spillway has a maximum capacity of 12,000 cfs, the fish release valve has a capacity of 18 cfs, and the low-level outlet has a capacity of 348 cfs. The Camptonville Diversion Tunnel is a 6,712-foot-long (70 percent unlined) tunnel that diverts flow from Oregon Creek at Log Cabin Diversion Dam to New Bullards Bar Reservoir and has a capacity of 1,100 cfs. There is an undeveloped recreation site at Log Cabin Diversion Dam.

2.1.3. New Bullards Bar Dam and Reservoir Development

New Bullards Bar Reservoir is the main storage site for the YRDP, with a total capacity of about 966,000 AF. Under the 1972 United States Army Corps of Engineers (USACE) Water Control Manual for New Bullards Bar Reservoir, from November 1 to March 31, 170,000 AF of reservoir capacity must remain empty for flood control, while full storage is available from June 1 to September 15. Water that is not released through the gated spillway is released via an intake structure with two ports (upper and lower ports) or the low-level outlet. Water from the intakes is routed through either: the New Colgate Power Tunnel and New Colgate Powerhouse or the New Bullards Bar Minimum Flow Powerhouse. The New Bullards Bar Dam Spillway operates mainly during floods and has a crest elevation of 1,902 feet and a maximum capacity of 160,000 cfs. The New Colgate Power Tunnel is 5.2-miles-long, with a maximum flow of 3,400 cfs, and the New Bullards Bar Minimum Flow Powerhouse has a capacity of 5 cfs. The low-level outlet has a capacity of 1,250 cfs. The normal maximum and minimum elevations of the reservoir are 1,956 feet and 1,730 feet, respectively.

On January 31, 2025, YCWA requested a FERC license amendment under its existing YRDP license to add an Atmospheric River Control Secondary Spillway (ARC Spillway) at New Bullards Bar Dam. The proposed ARC Spillway would include: (1) a new excavated approach channel to the intake structure; (2) a new reinforced-concrete intake control structure at the end of the approach channel containing intake gates and wire rope hoists and a new Gate Control Building adjacent to the intake structure; (3) a new spillway chute and discharge canal; (4) a new concrete outlet structure that would consist of a portal headwall to stabilize the excavated face at the tunnel terminal point and a new flip bucket style outlet structure; and (5) new appurtenant facilities and features. YCWA plans to enlarge the YRDP boundary by approximately 13.1 acres to encompass new or improved access roads to the spillway.

The New Bullards Bar Minimum Flow Powerhouse is located at the base of New Bullards Bar Dam and includes: a 70-ft-long steel penstock; a 150-kilowatt Pelton turbine; a transformer located next to the powerhouse; and relevant facilities and features, including access roads. No transmission lines are associated with the New Bullards Bar Minimum Flow Powerhouse.

There are 16 recreation facilities at New Bullards Bar Reservoir, including group and individual campgrounds, picnic areas, boat launch sites, trails, and floating comfort

stations. Most facilities are located on USFS land, except for the Dam Overlook and parts of the Bullards Bar Trail. All developed recreation sites are within the YRDP FERC Project Boundary, aside from segments of the Bullards Bar Trail.

2.1.4. New Colgate Powerhouse Development

The New Colgate Powerhouse Development is located approximately 8.1 river miles downstream of New Bullards Bar Dam on the Yuba River and includes a power tunnel, penstock, and powerhouse, and two streamflow gages for monitoring compliance with existing minimum streamflow requirements. The powerhouse includes two Pelton turbines and has an authorized installed generation capacity of 315 MWs.

2.1.5. Narrows 2 Powerhouse Development

The Narrows 2 Powerhouse Development is located on the main stem of the Yuba River, directly below USACE's Englebright Dam. The Narrows 2 Powerhouse Development consists of a penstock, flow bypass systems, a powerhouse, switchyard, and additional facilities and features (e.g., access roads). The Narrows 2 Penstock is a 349-ft concrete tunnel connected by a 20-ft transition to a 368-ft steel tunnel. The Narrows 2 Powerhouse contains a 46.7-MW turbine and generator and a flow bypass system for turbine shutdowns.

2.2 YRDP Operations

Figure A1: Schematic of the Yuba River Development Project Operations illustrates how water flows though the YRDP. Water generally flows through the YRDP as follows:

- The YRDP diverts water from the Middle Yuba River via Our House Diversion Dam through the Lohman Ridge Diversion Tunnel, which discharges into Oregon Creek immediately above Log Cabin Diversion Dam.
- Discharge from Lohman Ridge Diversion Tunnel and additional flow from Oregon Creek are diverted by Log Cabin Diversion Dam into Camptonville Diversion Tunnel, which discharges into New Bullards Bar Reservoir.
- Water is diverted from New Bullards Bar Dam via the New Bullards Bar Powerhouse Intake and New Colgate Power Tunnel to the New Colgate Powerhouse, which is located on the Yuba River approximately 1.7 river miles above Englebright Reservoir. New Colgate Powerhouse operates as a peaking hydropower facility, meaning its flow releases vary based on energy demand and the powerhouse can quickly increase water releases for hydropower production. Water discharges from New Colgate Powerhouse into the Yuba River, approximately two river miles upstream of Englebright Dam/Reservoir.
- Water is diverted from Englebright Reservoir via an intake tunnel to the Narrows 2 Powerhouse.

- Narrows 2 Powerhouse discharges to the lower Yuba River below Englebright Dam. The lower Yuba River flows into the Feather River.

2.3 Proposed Changes

YCWA proposes several general changes to existing YRDP facilities, including: (1) addition of a tailwater depression system at New Colgate Powerhouse; (2); modification of Our House Diversion Dam fish release outlet; (3) modification of Log Cabin Diversion Dam fish release outlet; (4) modification of Lohman Ridge Diversion Tunnel Intake; (5) modifications of recreation facilities at New Bullards Bar Reservoir; and (6) modifications of YRDP roads.

Additional information on the YRDP facilities, current YRDP operations, and YCWA's proposed YRDP operations can be found in Exhibits A and B of YCWA's June 2, 2017 Amended Final License Application (Amended FLA) (YCWA 2017a), as updated by subsequent filings, including but not limited to: (1) July 21, 2017 submittal updating information on ramping rates, recreational flows, and recreational facility plans (YCWA 2017b); (2) September 15, 2017 submittal regarding amendments to operation of flood control facilities (YCWA 2017d); (3) November 1, 2017 submittal regarding amendments to hydropower generation estimates and projected costs of environmental measures (YCWA 2017e); (4) April 12, 2018 submittal requesting FERC replace the Amended FLA's existing large woody material management plan at three facilities and filing an updated recreation facilities plan (YCWA 2018a); (5) April 27, 2018 submittals requesting FERC replace the Amended FLA's existing proposal for ramping and flow fluctuations below Narrows 2 Powerhouse, as well as updates to the water year types pertaining to Narrows 2 Powerhouse and Narrows 2 Full Bypass (YCWA 2018b); (6) July 27, 2018 submittal requesting FERC replace the Amended FLA's existing sediment management proposal for Our House and Log Cabin dams' sediment management (YCWA 2018c); and (7) September 19, 2018 submittal requesting FERC replace the previous recreation facilities plan with a revised plan (YCWA 2018d).

3.0 Narrows Hydroelectric Project

The Narrows Project includes: (1) Narrows Tunnel; (2) Narrows Penstock; (3) Narrows 1 Powerhouse; and (4) Powerhouse Access Tram. The Narrows Project does not include any intakes, switchyards, or transmission lines, roads, recreation facilities, or spoil areas. Englebright Dam and reservoir are located directly upstream of the Narrows Project and are owned by USACE.

3.1. Narrows Tunnel

The Narrows Tunnel is a 1,077-ft-long tunnel that connects the USACE intake tunnel and Narrows Penstock. The first 1,000 ft is irregularly shaped and gunite-lined, with an average height of 11 feet, 9 inches and an average width of 11 feet, 6 inches. The remaining 77 feet of the tunnel is an 8-ft-diameter circular section. An adit portal on the southeastern Yuba River canyon wall connects to the tunnel. This portal marks the boundary between the USACE-owned intake tunnel and YCWA-owned Narrows Tunnel

section. The USACE Intake Tunnel contains a control gate that can be fully closed or opened and controls Narrows Tunnel flows.

3.2. Narrows Penstock

The penstock is a 266-ft-long steel pipe linking the Narrows Tunnel to the Narrows 1 Powerhouse. It is mostly above ground and inclined at approximately 55° (degrees).

3.3. Narrows 1 Powerhouse

The powerhouse began operating on December 29, 1942, and has an authorized installed capacity of 12 MWs. The Francis turbine in the powerhouse is capable of passing up to 730 cfs.

3.4. Powerhouse Access Tram

A tramcar runs on steel tracks from an elevation of 849 feet to the powerhouse's main generator floor at 332 feet. The tramcar is cable-hoisted by an electric drum at the tramway's top. When idle, the tramcar is stored in a wood-framed structure.

3.5. Proposed Changes

YCWA does not propose any facility modifications or any significant changes to Narrows Project operations. YCWA proposes to delete Article No. 404 (Fish Enhancement Plan) of the existing FERC Narrows Project license. YCWA proposes to continue operations consistent with the terms of existing FERC license, with the following proposed changes: coordinated flow operations with the YRDP, continued fish stocking, maintaining Englebright Reservoir elevation, and plans or protection measures for cultural resources, peregrine falcons, and bats.

Additional information on YCWA's proposed Narrows Project license articles can be found in the Exhibit E of YCWA's November 2023 Final License Application (YCWA 2023b).