

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification For
THE SOUTHERN CALIFORNIA EDISON COMPANY
BIG CREEK NO. 4 HYDROELECTRIC PROJECT

FEDERAL ENERGY REGULATORY COMMISSION (FERC) PROJECT NO. 2017

SOURCE: San Joaquin River

COUNTY: Fresno

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

The **SOUTHERN CALIFORNIA EDISON COMPANY** (SCE) has applied to the Federal Energy Regulatory Commission (FERC) for a new license for the Big Creek No. 4 Hydroelectric Project (Big Creek No. 4). Big Creek No. 4 is located on the San Joaquin River above Friant Dam and Lake Millerton, and is immediately upstream of Kerckhoff Lake. Big Creek No. 4 is the lowermost project in the "Big Creek System" operated by SCE.

1. The Federal Clean Water Act (33 U.S.C. §§ 1251 - 1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 101(g) of the Clean Water Act (33 U.S.C. § 1251(g)) requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."
2. Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of State law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project.

3. The State Water Resources Control Board (SWRCB) is the agency in California that is responsible for water quality certification of any potential discharge from an activity that requires a FERC license or amendment. (Wat. Code, § 13160; Cal. Code Regs., tit. 23, § 3855, subd. (b).) The SWRCB has delegated this function to the Executive Director by regulation. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)
4. The California Regional Water Quality Control Boards have adopted, and the SWRCB has approved, water quality control plans (basin plans) for each watershed basin in the State. The basin plans designate the beneficial uses of waters within each watershed basin, and water quality objectives designed to protect those uses. Section 303 of the Clean Water Act requires the states to develop and adopt water quality standards. (33 U.S.C. § 1313.) The beneficial uses together with the water quality objectives that are contained in the basin plans constitute State water quality standards under section 303.
5. The Regional Water Quality Control Board, Central Valley Region's (RWQCB) Basin Plan for the Central Valley Region, Sacramento River and San Joaquin River Basins (Basin Plan) identifies the beneficial uses of the San Joaquin River from Redinger Lake to Kerckhoff Lake as municipal and domestic supply, irrigation, stock watering, hydropower generation, contact and non-contact recreation, canoeing and rafting, cold freshwater habitat, warm freshwater habitat and wildlife habitat.
6. Protection of the instream beneficial uses identified in the Basin Plan requires maintenance of adequate stream flows as well as limitations on the discharge of waste.
7. The SWRCB has reviewed SCE's final FERC License Application; comments on the final FERC License Application of agencies and interested parties; SCE responses to additional information requests from FERC; the draft final Native Aquatic Species Management Plan prepared for SCE; the U.S. Forest Service, Sierra National Forest's (USFS) Revised Environmental Assessment (EA) and Final 4(e) Conditions; and the FERC Final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act for the Big Creek No. 4 Hydroelectric Project. Further, the SWRCB has considered the Basin Plan, the existing water quality conditions and project related controllable factors.
8. In accordance with section 15225 of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15225), the SWRCB has considered the Finding of No Significant Impact (FONSI) prepared for this project by the USFS, together with the comments received during the public review process for that document, in place of an environment impact report or negative declaration. The FONSI reflects the SWRCB's independent judgment and analysis, and based on the whole record, the SWRCB finds that the project will not have a significant effect on the environment. The SWRCB hereby adopts the FONSI. The SWRCB will file a Notice of Determination in accordance with the California Code of Regulations, title 14, section 15094. A copy of the FONSI is contained in the SWRCB's files, which are maintained by the Division of Water Rights, 1001 I Street, Sacramento, CA 95814.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE PROJECT, THE SWRCB CERTIFIES THAT THE OPERATION OF THE BIG CREEK NO. 4 HYDROELECTRIC PROJECT BY SOUTHERN CALIFORNIA EDISON COMPANY (LICENSEE) UNDER A NEW LICENSE ISSUED ON LICENSEE'S PENDING APPLICATION WITH FERC will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided Licensee complies with the following terms and conditions.

1. This certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, division 3, chapter 28, article 6 of the California Code of Regulations (commencing with § 3867).
2. The SWRCB may add to or modify the conditions of this certification as appropriate to implement any new or revised 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.
3. Notwithstanding any more specific conditions in this certification, the project shall be operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
4. The SWRCB may add to or modify the conditions of this certification as appropriate to coordinate the operations of this project with (1) measures taken to implement water quality objectives adopted to protect the beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Estuary) or (2) water right decisions or orders implementing the objectives. The SWRCB will make such additions or modifications to this certification only when reasonably necessary to achieve the water quality objectives or protect the beneficial uses of water in the Bay-Delta Estuary.
5. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the SWRCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB 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. In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

6. In order to protect the beneficial use designations identified in the Basin Plan, the operation of the project shall not add the following substances to surface waters:
 - Taste or odor-producing substances that impart undesirable tastes to domestic and municipal water supplies or odors to fish flesh or other edible products of aquatic origin or that cause nuisance or adversely affect beneficial uses;
 - Perceptible floating material including, but not limited to, solids, liquids, foams or scums that could result in degradation of water quality;
 - Suspended or settleable material in concentrations that cause a nuisance or adversely affect beneficial uses;
 - Oil, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water;
 - Toxic pollutants present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels that are harmful to human health; and,
 - Coliform organisms attributable to human wastes.
7. This certification is not intended and shall not be construed to apply to issuance of any FERC license or FERC license amendment other than the FERC license specifically identified in Licensee's application for certification.
8. Any change to Big Creek No. 4, including project operation, that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Chief of the Division of Water Rights for prior review and written approval.
9. The SWRCB may add to or modify the conditions of this certification as appropriate to coordinate the operations of this project with other water development projects, including other projects that are part of the Big Creek System or the Central Valley Project, where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water.
10. Licensee shall, within 3 months of issuance of a new project license, establish an Adaptive Management Technical Review Group (TRG) for the purpose of consulting with the Licensee in the design of management and monitoring plans, review and evaluation of data, and in the development of adaptive management or other recommendations, as required by conditions 12, 13 and 14. At a minimum, SWRCB staff, USFS, Department of Fish and Game (DFG), U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS), the Crane Valley Project Licensee, Tribal Governments, and Non-Governmental Organizations (NGO) who have expressed an

interest may participate. The TRG shall be open to all interested parties and the group's meetings will be open to the public. The Licensee shall maintain, and make public, records of consultation, and shall forward those records with any recommendations to the appropriate agencies and the FERC. The TRG shall establish communication protocols to facilitate interaction between group members, that allow for open participation, peer review, and communication between all parties.

11. During operation of the facilities authorized by the new project license, the Licensee shall maintain the San Joaquin River below Dam No. 7 at a continuous, minimum flow of 20 cubic feet per second (cfs) as measured at gage station 11242000 with the following exceptions:

- From October 1 to April 1 of a dry or critical water year for the San Joaquin Basin, as defined in the SWRCB's 1995 Bay-Delta Water Quality Control Plan, with the reduced flow period beginning the following October:

15 cubic feet per second (cfs) as measured at gage 11242000 below Dam No. 7, provided the combined flow of the San Joaquin River and Willow Creek (as measured by gage 11246500) is maintained at 20 cfs. For purposes of this condition, the water year type shall be based on the California Department of Water Resources' (DWR) final May San Joaquin Valley Water Year Hydrologic Classification.

- With the written consent of the Chief of the Division of Water Rights, the flows in this condition may be temporarily modified during and to the extent required for performance of required maintenance of the dam, the outlet facility, and minimum flow release facilities. The Licensee shall notify the Chief of the Division of Water Rights at least five working days prior to any such departure. The Licensee also may modify the minimum flow requirement temporarily in the event of operating emergencies beyond the control of the Licensee or in the interest of public safety, in which case the Licensee shall notify the SWRCB and the USFS as soon as practicable, but at most 10 days, after making such an emergency flow modification.
12. Licensee shall within one year of issuance of a new project license develop an Adaptive Management Plan for river flows (AMP) and submit the plan to the Chief of the Division of Water Rights for approval. The river flow AMP shall be developed in consultation with the TRG. After notice and opportunity for hearing, the Division Chief may modify the AMP as appropriate. Within 45 days of approval, the Licensee shall file the AMP with the FERC and implement the AMP.

The AMP shall include the following elements:

Objective

The objectives of the AMP shall be: (1) to provide flow releases for whitewater boating, through management of spill and by scheduled release, that are consistent with resource objectives (as identified in the Basin Plan, Forest Plan, and License, as amended) within

the bypass reach, and (2) to provide minimum flows that would enhance and/or protect the condition of the native fishery consistent with other resource objectives (as identified in the Basin Plan, Forest Plan, and License, as amended) within the bypass reach.

Monitoring, Evaluation, and Initial Implementation

River flow AMP actions shall be based on an annual cycle of monitoring, evaluation and initial implementation for a five-year period after AMP approval. The monitoring, evaluation and initial implementation actions shall incorporate the following components, which may be further refined in consultation with the TRG:

- **Whitewater flow survey**-The AMP shall provide for a whitewater flow survey. The purpose of the survey shall be to determine the navigability of the first rapid for intermediate boaters. The range of flows to be evaluated shall be 1,000 to 1,500 cfs. The Licensee shall implement the approved survey and report the results to the SWRCB by March 15 of the calendar year following approval of the AMP, unless implementing the survey and reporting the results by that date is not feasible, in which case the Licensee shall implement the survey and report the results by March 15 of the subsequent year. Based on the results of the survey, the SWRCB may set the subsequent whitewater release flows.
- **Monitoring**-The AMP shall provide for a five-year monitoring program. Monitoring shall be designed to evaluate whether the native aquatic species are in good condition, and the effect of flow on species condition. Monitoring shall be consistent with the final Native Aquatic Species Management Plan required by condition 13. The first year of the monitoring program shall consist of an initial evaluation whether aquatic species are in good condition, with an emphasis on hardhead, foothill yellow-legged frog, and western pond turtle populations and habitats, and the impact of project operations, including both minimum flows and recreational flows, on the condition of aquatic species.

Monitoring parameters, which shall be refined by the Licensee in consultation with the TRG, may include but are not limited to:

- o Population abundance
 - o Population age structure
 - o Growth and physical condition
 - o Spawning and population recruitment
 - o Distribution
 - o Key habitats influenced by minimum flow or scheduled releases
 - o Summer water temperature
 - o Cause and effect relationships
 - o Other critical factors developed in consultation with the TRG
- **Adaptive Management Reports**-For each year of the five-year adaptive management period, the Licensee shall review monitoring results and evaluate the

effect of project operations, including minimum flows and recreational flows, on the condition of aquatic species. For the first four years of the adaptive management period, the Licensee shall develop, in consultation with the TRG and any other interested persons, adaptive management proposals for the following year, which may include increased minimum flows, a change in the volume or schedule of recreation flows, or other changes in project operations designed to reduce or enhance the effects of controllable factors. The Licensee shall prepare a report that contains monitoring results, an evaluation of the condition of aquatic species, any adaptive management proposals, and the record of TRG consultation. The report shall be submitted to the Chief of the Division of Water Rights for review and approval. Based on the report, the Division Chief may, after notice and opportunity for hearing, require additions or modifications to Licensee's adaptive management proposals. The Licensee shall file the approved report with the FERC and implement the approved actions.

- **Long-Term Operating Rules**- Upon completion of the fifth year of monitoring, evaluation, and initial implementation, the Licensee, in consultation with the TRG, shall evaluate and propose, if appropriate, operating rules for release of scheduled whitewater boating flows, or modification of minimum river flow requirements specified in condition 11, that unless further modified would apply for the remaining term of the new project license. The Licensee, in consultation with the TRG, also shall evaluate the need and schedule for long-term monitoring. The Licensee shall prepare a report that contains a summary of the monitoring results from the five-year adaptive management period, an evaluation of the condition of aquatic species, proposed long-term operating rules, and the record of TRG consultation. Licensee shall submit the report to the Chief of the Division of Water Rights for review and approval. Based on the report, the Division Chief may, after notice and opportunity for hearing, require additions or modifications to Licensee's proposed long-term operating rules. Within 45 days of approval, the Licensee shall file the approved report with the FERC and implement the requirements. If results of the first five years of monitoring, evaluation, and initial implementation are inconclusive due to insufficient observations during a range of water year types, the SWRCB may extend the monitoring and evaluation period until sufficient data are collected.
- **Annual Schedule**-The Licensee shall submit the first annual report described above to the Division Chief by March 15 of the calendar year following approval of the AMP, unless submitting the report by that date is not feasible, in which case the Licensee shall submit the report by March 15 of the subsequent year. The SWRCB will attempt to review and approve any proposed changes by April 15. Each subsequent report shall be due by March 15th of the following calendar year.

- **Evaluation of Adaptive Management Proposals** -Adaptive management actions shall be evaluated based on:
 1. whether affected species are in good condition;
 2. whether species are at risk of decline due to proposed recreation flows; or
 3. whether species condition would be enhanced, or be more fully protected, by changes in project operation.

The definition of species in good condition articulated by Dr. Peter Moyle in his testimony in the Putah Creek Water Cases, Putah Creek Council v. Solano Irrigation District et al., Judicial Council Coordination No. 2565, Sacramento County Superior Court No. 515766, and referenced in Moyle et al., Fish Health and Diversity: Justifying Flows for a California Stream, in Fisheries, Vol. 23, No. 7 (July 1998), shall be used to evaluate the status of aquatic species in the project area and the risk to, and potential enhancement of, the population from adaptive management actions.

- **Peer Review**-The Licensee, in consultation with the TRG, shall incorporate peer review into the adaptive management process, as appropriate, to support technical evaluations.
- **Spill Management for Recreation Flows**-The Licensee shall analyze the feasibility of managing spill using existing infrastructure to provide recreational boating opportunities below Dam No. 7 during weekend periods (Friday, Saturday, Sunday), between 11:00 a.m. and 3:00 p.m., and include the results of this analysis in the AMP. If managing spill is feasible, Licensee shall develop and include in the AMP a plan to manage spill that establishes a practical method for managing flow control. The initial target range of flows shall be 1,000 to 1,500 cfs, subject to adjustment based on the required white water flow survey.
- **Ramping Rates**-The Licensee, in consultation with the TRG, shall evaluate ramping rates as part of the feasibility study for managing river flows. A range of ramping rate targets shall be considered, including 150 cfs per hour up, and 100 cfs per hour down. The Licensee, in consultation with the TRG, shall evaluate these ramping rates to determine rates that are adequate to protect public safety and ecological resources. The results of the Licensee's evaluation of ramping rates also shall be included in the AMP.
- **Cap on Release Days**-The Licensee, in consultation with the TRG, shall develop and include in the AMP a proposed initial schedule for boating flow release days. The schedule shall include at least one day, and may include only one day if consistent with other resource objectives. The initial boating flow release days shall be scheduled during the first year of the five-year adaptive management period described above. Days shall be added to or deleted from the initial schedule based on boater use. Adjustments to days shall be made each year, based on the use monitoring results for scheduled boating days the previous year. The use trigger for adding a day shall be 40 boats/day (with a raft counting as 2 boats). The down trigger for deleting a day shall be 20 boats/day. The down trigger shall not apply to the number of days

scheduled for boating flow releases in the first year. Provided that the new project license is for a 30-year term, total annual scheduled boating flow release days shall be capped at 6 days per year for wet years, 3 days per year for above normal years, and 9 days per year for below normal, dry, and critical years, as defined by DWR for the San Joaquin Basin. For purposes of this condition, the water year type shall be based on the DWR final May San Joaquin Valley Water Year Hydrologic Classification.

In the event that the new project license is for a term longer than 30 years, the Division Chief may, after notice and opportunity for hearing, modify the cap on release days based on recreational demand.

- **Whitewater Use Monitoring**-Licensee shall monitor whitewater recreation use annually from May 1st through August 31st, through on-site boat counts, or video. If video is used, the Licensee shall verify the accuracy of video system initially through on-site boat counts. The Licensee shall monitor using a stratified sampling design, to assure 75% of weekend days, and 50% of weekdays are monitoring during spill periods, and 100% of days during any scheduled releases.
 - **Suspension of Recreational Flow Releases**-Power generation shall take priority over scheduled recreational flow releases during Cal ISO Stage 1 through Stage 3 (or equivalent) power emergencies.
13. Within one year following the issuance of a new project license, the Licensee shall develop a final Native Aquatic Species Management Plan (NASMP) and submit it to the Chief of the Division of Water Rights for approval. The NASMP shall be developed in consultation with the TRG. After notice and opportunity for hearing, the Division Chief may modify the NASMP as appropriate. Upon approval, the Licensee shall file the plan with the FERC and implement any required actions. The purpose of the NASMP shall be to establish a framework for the protection and preservation of an existing refugium for native transition-zone fish, amphibians, and reptiles in and around Redinger Lake and the Horseshoe Bend reach of the San Joaquin River. The NASMP and its objectives as amended shall remain in effect for the life of the new project license.

Specific objectives of the NASMP shall be:

- Describe the significance of the project area as a native aquatic species refugium relative to other west slope Sierra streams. The NASMP shall describe the status of the native aquatic species in the Project area and identify fish, reptile, and amphibian species' populations to be protected and managed. A baseline condition for habitat and populations of native aquatic species shall be established.
- Identify habitat protection measures and enhancement opportunities. In addition, identify potential threats to habitats and native aquatic species' communities, and propose actions to protect against identified threats to habitats and/or native aquatic species' communities.

The NASMP shall include the following elements:

- The NASMP shall provide for monitoring of habitat and target native aquatic species consistent with the AMP described in condition 12, above, to determine if project operations are having a beneficial or detrimental effect. The Licensee shall develop monitoring protocols in consultation with the TRG that must be approved by the Chief of the Division of Water Rights before monitoring is implemented. The Licensee shall review monitoring results annually. If monitoring results indicate that a decline in baseline habitat conditions or aquatic communities has occurred, then Licensee shall evaluate, in consultation with the TRG, whether the decline is related to minimum instream flows, and whether the minimum instream flow requirements specified in condition 11 should be modified. The Licensee shall prepare a report that contains monitoring results, the evaluation described above, and the record of TRG consultation, and submit the report to the Chief of the Division of Water Rights. Based on the report, the Division Chief may modify, after notice and opportunity for hearing, the minimum instream flow requirements specified in condition 11.
 - In addition, the Licensee shall evaluate, in consultation with the TRG, opportunities to protect or enhance habitats within the project area every five years. Licensee shall only be responsible for project-related controllable factors. Licensee shall prepare a report that contains this evaluation and the record of TRG consultation, and submit the report to the Chief of the Division of Water Rights. Based on the report, the Division Chief may, after notice and opportunity for hearing, require reasonable changes in project operations designed to enhance or more fully protect habitat conditions or aquatic communities.
14. Within one year of the date of the issuance of a new project license, the Licensee shall file with the FERC a plan approved by the Chief of the Division of Water Rights for sediment management within the project area. The purpose of the plan shall be to reduce project induced sediment delivery into the Horseshoe Bend reach of the San Joaquin River within the Project area. The Licensee shall develop the plan in consultation with the TRG and other appropriate state and federal resource agencies and shall ensure that the plan meets the goals and objectives defined in the NASMP.

The plan shall include but shall not be limited to the following components:

- Identification of project induced sediment sources and delineation of opportunities for controlling and stabilizing problem areas within the project area. Both project-related activities and natural events contributing sediment to the Horseshoe Bend reach shall be identified, and evaluation of specific causes of sedimentation from Willow Creek, the toe of Long Ridge, and Backbone Creek shall be included.
- A prescription section shall define management measures and procedures designed to reduce project-induced sediment movement and delivery to the San Joaquin River. Procedures may include: 1) revegetating slopes exposed by past construction, land

management practices or fire; 2) constructing berms or installing culverts to reduce erosion; and 3) stabilizing banks and slopes with manmade or natural materials.

- An implementation section shall identify a schedule for completion of the identified stabilization projects. Effectiveness monitoring shall be conducted for the projects within 3 years of completion, and a project maintenance schedule shall be identified as necessary.

15. At least 30 days prior to conducting any non-emergency project maintenance or repair work involving the river, including desilting of the dam impoundment, impoundment drawdowns to facilitate repair or maintenance work, dredging, and exercising of valves, the Licensee shall submit a proposal to the Chief of the Division of Water Rights for prior review and approval. Any request for approval of a proposal to conduct maintenance or repair work shall include:

- A description of potential impacts to designated beneficial uses from the proposed activity, including any possible changes in chemical or physical water quality parameters.
- A description of proposed monitoring measures. Monitoring may include measurements of turbidity, dissolved oxygen, pH, total and dissolved metals, bio-stimulatory compounds, bacteria, petroleum products, and other relevant physical and chemical water quality parameters. Water quality sampling may also include stream bioassessment sampling and measurement of fish spawning-substrate quality prior to and following any release of sediment from project reservoirs and/or impoundments.
- Proposed or anticipated stream flow schedule during and following the planned maintenance or repair.
- A description of water quality mitigation or enhancement measures necessary to protect the beneficial uses of the river, including a description of emergency procedures to be implemented in the event of accidental or uncontrolled release of flow, sediment, or potentially toxic substances.

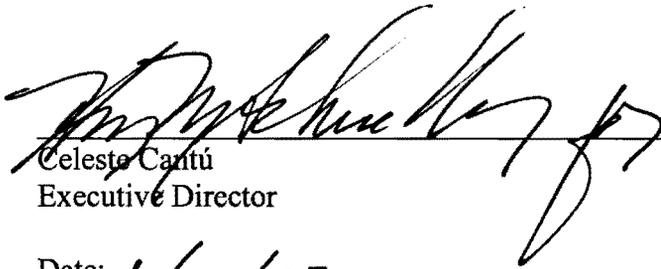
The Licensee may develop a comprehensive plan for standard maintenance and repair activities. Provided the plan is approved by the Chief of the Division of Water Rights, the Licensee may conduct maintenance or repair work consistent with the plan without the need for separate approval of a particular activity covered by the plan.

16. Any recreation plans developed pursuant to the USFS (4e) conditions that may result in erosion or discharge of materials into waters of the state shall be submitted to the Chief of the Division of Water Rights and the RWQCB for review and comment prior to, or concurrent with, the submittal of the plan to the USFS for approval.

17. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the

future, under either the California Endangered Species Act (Fish & G. Code §§ 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. §§1531 to 1544). If a “take” will result from any act authorized under this certification or any water rights held by the Licensee, the Licensee shall obtain authorization for the take prior to any construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this certification.

18. The authorization to operate the project pursuant to this certification is conditioned upon payment of all applicable fees for review and processing the application for water quality certification and administering the State’s water quality certification program, including but not limited to timely payment of any annual fees or similar charges that may be imposed by future statutes or regulations for the State’s reasonable costs of a program to monitor and oversee compliance with conditions of water quality certification.



Celeste Cantú
Executive Director

Date: 6/13/03