



State Water Resources Control Board

Public Notice of General Water Quality Certification of the U.S. Army Corps of Engineers Regional General Permit for Energy Emergency Activities

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

Date Posted: February 19, 2026

Comment Period: February 19, 2026 – April 6, 2026, at 5:00 PM

Affected Counties: All of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba counties; eastern portions of Alameda, Contra Costa, and Solano counties; north-western portion of Kern County and northern portion of Mono County.

The State Water Resources Control Board (State Water Board) is proposing to issue a general certification pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. The General Certification would certify certain Energy Emergency activities authorized under the U.S. Army Corps of Engineers Sacramento District's (Corps) Regional General Permit (RGP), while denying certification for remaining activities. The General Certification would provide conditions to protect water quality and could be used to authorize eligible projects within the affected counties.

To inform this action, the State Water Board will consider all comments submitted in writing and received during a 45-day comment period that begins on February 19, 2026 and ends on April 6, 2026, at 5:00 p.m.

Electronic submittals are strongly encouraged. Please submit comment letters electronically via e-mail to: dwq-sb-401application@waterboards.ca.gov. **Indicate in the subject line: "Comment Letter – Water Quality Certification for the Corps' Energy Emergency RGP."**

If unable to submit comments electronically, please mail comments to:

Shawn Agarwal
State Water Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Please contact Shawn Agarwal with questions on this notice at the email listed above or by phone at (916) 323-0886.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Background: On November 21, 2025, the State Water Board received a certification request for the Corps' proposed Energy Emergency RGP, which proposes to authorize activities that involve a discharge of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States for energy and critical minerals production, transportation, refining and generation activities, as described in Executive Order 14156, *Declaring a National Energy Emergency*. The proposed Corps' Energy Emergency RGP can be found on their [website](#) at:

https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2025/07/S-PK-2025-00011-Public-Notice.pdf.

Covered activities would include, but not be limited to, the construction, expansion, modification, maintenance, and repair of:

- Mining and drilling facilities
- Electric, oil, and natural gas facilities
- Production, enrichment, and refining facilities
- Hydropower generation facilities
- Transmission pipelines
- Aerial transmission lines and poles
- Energy storage facilities, such as batteries and tanks
- Docks, piers, and terminals
- Access roads, rail lines, and canals
- Temporary construction, access, staging, and stockpile areas
- Temporary dewatering structures and fills
- Temporary return water from upland contained disposal areas

Definitions for listed activities are available in the Corps' [draft permit](#) (https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2025/07/S-PK-2025-00011-Public-Notice.pdf).

This information is provided in satisfaction of the public notice requirement of Section 3861, Title 23 of the California Code of Regulations.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the SUBSCRIBE button on the [401 Program Webpage](#) (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

By enrolling in this list, you will receive notices for all current CWA 401 applications, including the Project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in this subscription list, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time.