

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

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In the Matter of Water Quality Certification for the

**PACIFICORP ENERGY  
IRON GATE DAM LOW LEVEL OUTLET SLIDE GATE TEST PROJECT**

SOURCE: Klamath River

COUNTY: Siskiyou

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**WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE**

BY THE EXECUTIVE DIRECTOR:

**I. Project Background**

On December 29, 2017, PacifiCorp Energy (PacifiCorp or Applicant) filed a water quality certification application with the State Water Resources Control Board (State Water Board) for the Iron Gate Dam Low Level Outlet Slide Gate Test Project (Project). Iron Gate Dam is part of PacifiCorp's Lower Klamath Project<sup>1</sup>, which is undergoing relicensing with the Federal Energy Regulatory Commission (FERC). The Project is located at Iron Gate Reservoir, approximately 25 miles north of Yreka on the Klamath River (Figure 1). The Project consists of testing the functionality of Iron Gate Dam's low level outlet slide gate as required by FERC and the California Department of Water Resources' Division of Safety of Dams (DSOD).

Iron Gate Dam is a 189 feet tall earthen dam with two outlets and a spillway. Iron Gate Dam's low level outlet is comprised of a five-foot-tall slide gate connected to a 16-foot diameter tunnel that extends 20 feet before intersecting a flange gate. The low level outlet tunnel continues past the flange gate for an additional 575 feet and discharges into the Klamath River (Figure 2).

**II. Project Description**

PacifiCorp will conduct the low level outlet test to determine if the slide gate can be fully opened. The discharge tunnel associated with the low level outlet allows water to flow through the slide gate (when in the open position) and then through another hinged flange gate before exiting the tunnel. To reduce the amount of sediment which may be entrained during the slide gate test, PacifiCorp will open the slide gate and fill the discharge tunnel with the hinged flange gate locked in the closed position. After the tunnel cavity between the two gates (slide gate and

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<sup>1</sup> On March 15, 2018, FERC approved separation of the Klamath Hydroelectric Project into two licenses, creating a new license for the Lower Klamath Project (FERC Project No. 14803). The Lower Klamath Project now primarily consists of four dams and associated facilities: J.C. Boyle; Copco No. 1; Copco No. 2; and Iron Gate. The Klamath Hydroelectric Project primarily consists of four facilities: East Side; West Side; Keno; and Fall Creek.

flange gate) is filled, the slide gate will be closed. When the test is complete, the water held in the tunnel cavity between the two gates will be slowly emptied through an 18-inch diameter pipe that extends from inside the tunnel cavity to the bypass tunnel exit. Conducting the test in this manner will allow a controlled flow discharge while minimizing the amount of sediment entrained. The estimated volume of water that will be held in the tunnel cavity and discharged as part of the slide gate test is estimated to be 4,500 cubic feet. PacifiCorp will use fiber rolls to minimize sediment transfer while draining the tunnel cavity between the flange gate and slide gate. Additionally, a turbidity curtain will be placed in the tail water area outside the low level outlet discharge tunnel.

Prior to beginning Project activities PacifiCorp will verify that Iron Gate Reservoir is spilling enough water to meet downstream flow requirements, and will continue to meet downstream flow requirements for the duration of Project activities. Additionally, during Project activities PacifiCorp will also supply the Iron Gate Hatchery, as needed, with cold water from Iron Gate Reservoir via the lower Fish Hatchery Intake.

#### Slide Gate Test Procedure

A contractor hired by PacifiCorp will temporarily dewater the area immediately downstream of the tunnel entrance to provide safe access to the work area. Since the bypass tunnel slopes down from the low level slide gate cavity and flange gate toward the tunnel exit, a full dewatering will not be required. If needed, PacifiCorp, in cooperation with the California Department of Fish and Wildlife, will conduct a fish salvage operation during the dewatering process.

The contractor will seal the flange gate downstream of the low level outlet slide gate by bolting the flange closed. Sealing the flange gate will reduce the flow from exiting the low level outlet during Project activities.

The low level outlet slide gate leaks approximately nine cubic feet per second. Leakage from the slide gate will fill the 20-foot-long section of the tunnel between the slide gate and flange gate with approximately 4,500 cubic feet of water in approximately 40 minutes.

Filling the tunnel with water will provide equal pressure on each side of the slide gate, which will reduce the potential to mobilize sediments from Iron Gate Reservoir during the Project. The filling of the tunnel will be monitored through observation of gaseous bubbles that will escape during pressure equalization.

When the tunnel is flooded, the slide gate will be fully opened to test its ability to operate. The slide gate will then be returned to a fully closed and seated position.

When the slide gate is in the closed position, the 20-foot section of the outlet tunnel will be drained through an 18-inch diameter pipe that extends from the flange gate approximately 15 feet into the bypass tunnel. The 18-inch diameter pipe exit is located approximately 500 feet from the outlet to the bypass tunnel. The 20-foot section will be drained slowly to reduce the potential transport of sediment from the reservoir. To reduce the potential to transport sediments into the Klamath River, fiber rolls will be used to contain sediments that escape the cavity between the flange gate and slide gate, and a turbidity curtain will be installed to capture sediment outside the low level outlet discharge tunnel.

Finally, the flange gate will be unbolted and returned to the open position.

The Project will be implemented in June 2018 and is anticipated to take approximately seven days to complete.

### III. **Regulatory Authority**

#### Water Quality Certification and Related Authorities

The Federal Clean Water Act (CWA) (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 of the CWA (33 U.S.C. § 1251 (g)) requires federal agencies to "co-operate with the State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."

Section 401 of the CWA (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 CWA, including water quality standards and implementation plans promulgated pursuant to section 303 of the CWA (33 U.S.C. § 1313). CWA section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the CWA 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. The State Water Board is designated as the state water pollution control agency for all purposes stated in the CWA and any other federal act. (Wat. Code, § 13160.) The State Water Board's Executive Director has been delegated the authority to issue a decision on a water quality certification application. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13. 383 provides the State Water Board with the authority to "establish monitoring, inspection, entry, reporting and recordkeeping requirements... and [require] other information as may reasonably be required" for activities subject to water quality certification under section 401 of the Clean Water Act that involve the diversion of water for beneficial use. The State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029. In the *Redelegation of Authorities Pursuant to Resolution No. 2012-0029* memo issued by the Deputy Director on October 19, 2017, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights.

The State Water Board received PacifiCorp's application for certification on December 29, 2017. On January 26, 2018, the State Water Board provided notice of receipt of a complete application for the Project to the applicable parties pursuant to California Code of Regulations, title 23, section 3835(c). The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the State Water Board's website on January 25, 2018. No comments were received.

The State Water Board forwarded the portions of the application that have the potential to cause adverse water quality impacts other than specific impacts resulting from alterations to instream flows to the North Coast Regional Water Quality Control Board (North Coast Regional Board) on

January 29, 2018. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B)). North Coast Regional Board staff responded with no comments on March 2, 2018.

The Project will require United States Army Corps of Engineers Nationwide Permits No. 18 and 33 under section 404 of the CWA to conduct the proposed activities.

### Water Quality Control Plans and Related Authorities

The California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to the State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) The State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.). For a specified area, the water quality control plans designate the beneficial uses of water to be protected, the water quality objectives established for the reasonable protection of those beneficial uses or the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050 subd. (h), and 13050 subd. U.) The beneficial uses together with the water quality objectives that are contained in the water quality control plans, in addition to state and federal anti-degradation requirements, constitute California's water quality standards.

The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The *Water Quality Control Plan for the North Coast Region* (North Coast Basin Plan) implements, and incorporates by reference, both the State and federal antidegradation policies.

The North Coast Regional Board has adopted, and the State Water Board and the USEPA have approved, the North Coast Basin Plan. The North Coast Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The North Coast Basin Plan identifies existing beneficial uses for the Klamath River Iron Gate Hydrologic Subarea as: freshwater replenishment; navigation; hydroelectric generation; water contact recreation; non-contact recreation; commercial and sport fishing; warm freshwater habitat; cold freshwater habitat; wildlife habitat; migration of aquatic organisms; shellfish harvesting; aquaculture; spawning, reproduction, and/or early development; and rare, threatened, and endangered species. The North Coast Basin Plan also identifies potential beneficial uses for the Klamath River Iron Gate Hydrologic Subarea as: municipal and domestic supply; agricultural supply; industrial service supply; and industrial process supply.

Iron Gate Reservoir and the Iron Gate Hydrologic Subarea (excluding Iron Gate Reservoir) are listed on the State Water Board's CWA Section 303(d) list. Iron Gate Reservoir is listed for microcystin. The Iron Gate Hydrologic Subarea is listed for temperature, nutrients, and dissolved oxygen. The Project will transport water from Iron Gate Reservoir's low level outlet into the Klamath River. The Project could mobilize and transport Iron Gate Reservoir sediments, which may contain nutrients, into the Klamath River. To reduce the potential to transport sediments and associated nutrients from Iron Gate Reservoir, the Project includes steps to: 1) equalize

pressure on each side of the slide gate prior to testing its ability to operate; 2) slowly release water from the low level outlet to allow sediments to settle in the outlet tunnel; and 3) install sediment control measures in the outlet tunnel to reduce the potential to transport sediment into the Klamath River. The Project will release approximately 4,500 cubic feet of water, providing only a small fraction of flow<sup>2</sup> when compared to the required flow releases that will be made through the Iron Gate Dam spillway (anticipated to be minimum of 1,025 cubic feet per second to comply with flow requirements).

Since December 2010, the North Coast Regional Board has been implementing the *Action Plan for the Klamath River Total Maximum Daily Loads Addressing Temperature, Dissolved Oxygen, Nutrient, and Microcystin Impairments in the Klamath River in California and Lost River Implementation Plan* (Klamath River TMDL). The Klamath River TMDL includes: (1) site-specific dissolved oxygen objectives; (2) an Action Plan for the Klamath River TMDL addressing temperature, dissolved oxygen, nutrient, and microcystin impairments; and (3) an Implementation Plan for the Klamath and Lost River Basins. The Klamath River TMDL Implementation Plan and dissolved oxygen objectives are in effect. The Project will comply with the Klamath River TMDL.

Pursuant to North Coast Regional Board Resolution R1-2004-0087, *Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region*, the North Coast Regional Board Executive Officer (Executive Officer) is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."

The *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) sets forth additional temperature requirements in interstate waters like the Klamath River, and prevents elevated temperature waste discharges. This certification is consistent with the Thermal Plan in that it does not authorize discharge of water with elevated temperatures.

### California Environmental Quality Act

The State Water Board is the lead agency for the purpose of California Environmental Quality Act (CEQA) compliance. The State Water Board has reviewed the proposed Project and conditions incorporated into the Project to protect the environment and beneficial uses designated for the Klamath River. The State Water Board has determined that this Project involves the operation of existing structures involving no expansion of use and consists of inspection activities to ensure safety of the existing dam, in accordance with Class 1 and Class 9 categorical exemptions of the CEQA Guidelines. The State Water Board finds that there is no substantial evidence in the record that the Project will have a significant effect on the environment. The State Water Board will issue a Notice of Exemption (NOE) for Categorical Exemption under section 15301 (Class1) and section 15309 (Class 9) of the CEQA Guidelines

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<sup>2</sup> Flow requirements below Iron Gate Dam are dictated by the Bureau of Reclamation's (BOR) Klamath Irrigation Project (KIP) 2013 Biological Opinion (BO). PacifiCorp makes releases at Iron Gate Dam based on Bureau of Reclamation's direction. The Project's release is anticipated to contribute approximately 5 cubic feet per second or less to the Klamath River flow.

(Cal. Code Regs., tit. 14, § 15000 et seq.) within five days of issuance of this certification. The NOE reflects the State Water Board's independent judgment and analysis.

All documents and other information that constitute the public record for this Project shall be maintained by the Division of Water Rights and shall be available for public review at the following address: State Water Resources Control Board, Division of Water Rights, 1001 I Street, Sacramento, CA 95814.

#### **IV. Findings and Conclusion**

When preparing the conditions of this certification, State Water Board staff reviewed and considered a wide range of information, including: (a) PacifiCorp's certification application, including subsequent submissions; (b) the North Coast Basin Plan; (c) existing water quality conditions; (d) Project-related controllable factors; and (e) other information in the record.

This certification imposes conditions regarding monitoring, enforcement, and potential future revisions to ensure that the Project: meets water quality standards as anticipated, and will continue to meet water quality standards and other appropriate requirements of state law over its lifetime.

Additionally, California Code of Regulations, title 23, section 3860 requires imposition of certain mandatory conditions for all water quality certifications, which are included in this certification. The State Water Board has found that, with the conditions and limitations imposed under this certification, the proposed Project will be protective of the state water quality standards and other appropriate requirements of state law.

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**ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES THAT PACIFICORP ENERGY'S IRON GATE DAM LOW LEVEL OUTLET SLIDE GATE TEST PROJECT** will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if PacifiCorp Energy complies with the following terms and conditions during the Project activities certified herein.

1. The Project shall be implemented in June 2018. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required plan in a timely manner. If a time extension is needed to complete the Project, or submit a report or plan for Deputy Director approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Directory no later than two weeks prior to the deadline.
2. During Project activities, the Applicant shall continue to meet downstream flow requirements as directed by the Bureau of Reclamation. Prior to starting Project activities, the Applicant shall verify that Iron Gate Reservoir is spilling enough water to meet downstream flow requirements, and that spill from Iron Gate Reservoir continues to meet downstream flow requirements for the duration of Project activities.

If Project activities have begun and spill from Iron Gate Reservoir is insufficient to meet downstream flow requirements, the Applicant shall cease Project activities and resume normal Iron Gate Dam operations to maintain downstream flow requirements.

3. During Project activities, the Applicant shall supply the Iron Gate Hatchery with cold water from Iron Gate Reservoir, as needed.
4. Turbidity increases associated with Project activities shall not exceed the water quality objectives for turbidity in the Klamath River, as documented in the North Coast Basin Plan. Turbidity levels are defined in nephelometric turbidity units (NTUs). According to the North Coast Basin Plan, turbidity levels shall not be increased by more than 20 percent above naturally occurring background levels.

To establish naturally occurring background turbidity levels, the Applicant shall monitor the turbidity of the water discharged via Iron Gate Dam's spillway. The Applicant may submit a request to the Deputy Director for approval to modify the turbidity background monitoring location. In addition, the Applicant shall monitor turbidity in the Klamath River 500 feet downstream of Project activities to evaluate if Project activities are impacting turbidity in the Klamath River. Turbidity monitoring shall occur at least hourly during Project activities that involve discharges to the Klamath River. If turbidity sample results indicate that turbidity levels exceed the standard threshold, the associated Project activities shall cease immediately and the violation shall be reported to the Deputy Director and Executive Officer promptly and no later than 24 hours after the monitoring results. In addition, the Applicant shall implement actions to reduce and maintain turbidity at or below threshold standards. Potential actions include implementation of additional best management practices (BMPs). Construction activities may not re-start without the permission of the Deputy Director.

Turbidity monitoring results shall be provided to the State Water Board's Project Manager in the Final Compliance Report.

5. A Final Compliance Report shall be submitted to the State Water Board no later than 60 days after ending Project activities. The Final Compliance Report must summarize Project activities and demonstrate compliance with the conditions of this certification.
6. Appropriate sediment control measures (e.g., silt fencing, fiber rolls, gravity bag filter, etc.) shall be implemented and installed prior to Project activities that have the potential to discharge to surface waters. Sediment control measures shall be installed following the California Department of Fish and Wildlife biologist fish survey, and following the fish rescue, if a fish rescue is necessary.
7. All BMPs described in the application for water quality certification and supplemental information are hereby incorporated by reference and are conditions of approval of this water quality certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all measures described in the application for water quality certification and its supplements. All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter.
8. Any maintenance or refueling of vehicles or equipment occurring on-site shall be done in a designated area with secondary containment, located away from drainage courses to prevent the runoff of stormwater and the runoff of chemical spills. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (motors, pumps, generators, etc.) and vehicles not in use shall be positioned over drip pans or other types of containment. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained onsite at all locations where such equipment is used or staged.
9. All trash shall be contained and regularly removed from the work area to the staging area during construction activities. Upon completion, all Project-generated debris, building materials, excess material, waste, and trash shall be removed from all the Project sites for disposal at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.
10. Onsite containment for storage of chemicals classified as hazardous shall be away from watercourses and include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.
11. Any substances which could be hazardous to aquatic life resulting from Project-related activities shall be prevented from entering surface waters.
12. A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site(s). The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.
13. The State Water Board reserves the authority to add to or modify the conditions of this certification: 1) to incorporate changes in technology, sampling, or methodologies; 2) to protect water quality objectives or beneficial uses if monitoring results indicate that the Project could impact them; and 3) 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.

14. The Deputy Director and the Executive Officer shall be notified one week prior to the commencement of ground disturbing activities that may adversely affect water quality. Upon request, a construction schedule shall be provided to State Water Board and North Coast Regional Board staff. The Applicant shall provide State Water Board and North Coast Regional Board staff access to Project sites to document compliance with this certification.
15. This certification is contingent on compliance with all applicable requirements of the North Coast Basin Plan. If at any time an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project has or could soon be in violation of water quality objectives, the associated Project activities shall cease immediately and the Deputy Director and the Executive Officer shall be notified within 24 hours of the unauthorized discharge to surface waters. Associated activities may not resume without approval from the Deputy Director.
16. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.
17. Notwithstanding any more specific conditions in this certification, the Project shall be implemented in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Applicant shall take all reasonable measures to protect the beneficial uses of the Klamath River watershed.
18. 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 Endangered Species Act (ESA) (Fish & Game Code §§ 2050-2097) or the federal ESA (16 U.S.C. §§ 1531 - 1544). If a "take" will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this water quality certification.
19. In the event of any violation or threatened violation of the conditions of this water quality certification, the violation or threatened violation is subject to any remedies, penalties, processes, 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, processes, 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 water quality certification.

20. In response to a suspected violation of any condition of this water quality certification, the State Water Board or the North Coast Regional Board may require the holder of any federal permit or license subject to this water quality 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 (California Water Code sections 1051, 13165, 13267 and 13383).
21. Any requirement in this water quality certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, shall apply equally to the successor agency.
22. The Applicant shall submit any changes to the Project which would have a significant or material effect on the findings, conclusions, or conditions of this water quality certification, to the State Water Board for prior review and written approval. If the State Water Board is not notified of a significant change to the Project, it will be considered a violation of this water quality certification.
23. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this water quality certification.
24. This water quality certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code Section 13330 and California Code of Regulations, Title 23, Division 3, Chapter 28, Article 6 (commencing with Section 3867).
25. This water quality certification is not intended and shall not be construed as replacement of any necessary federal, state, and local approvals prior to starting Project activities. The Applicant 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 Project activities.
26. This water quality 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 certification application was filed pursuant to Subsection 3855(b) of Article 4, Title 23 of the California Code of Regulations and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
27. This water quality certification is solely for the testing of the Iron Gate Dam Low Level Outlet Slide Gate, and shall not be used for or construed to apply, without limitation, to any other aspect of operation, maintenance, or relicensing of the Klamath Hydroelectric Project or Lower Klamath Project under a FERC license or for any permits necessary to implement the Klamath Hydroelectric Settlement Agreement.
28. Nothing in this water quality 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 diversion of water.

Iron Gate Dam Low Level Outlet Slide Gate Test Project  
Water Quality Certification

29. This water quality certification is conditioned upon total payment of any fee required under Article 4, Title 23 of the California Code of Regulations.

30. In response to any violation of the conditions of this water quality certification, the State Water Board may add to or modify the conditions of this water quality certification as appropriate to ensure compliance.

ORIGINAL SIGNED BY  
Eileen Sobeck  
Executive Director

5/23/18  
Date

Attachments: Figure 1: Project Area  
Figure 2: Low Level Outlet Discharge into Klamath River at Base of Iron Gate Dam

# Iron Gate Dam Low Level Outlet Slide Gate Test Project Water Quality Certification

Figure 1: Project Area

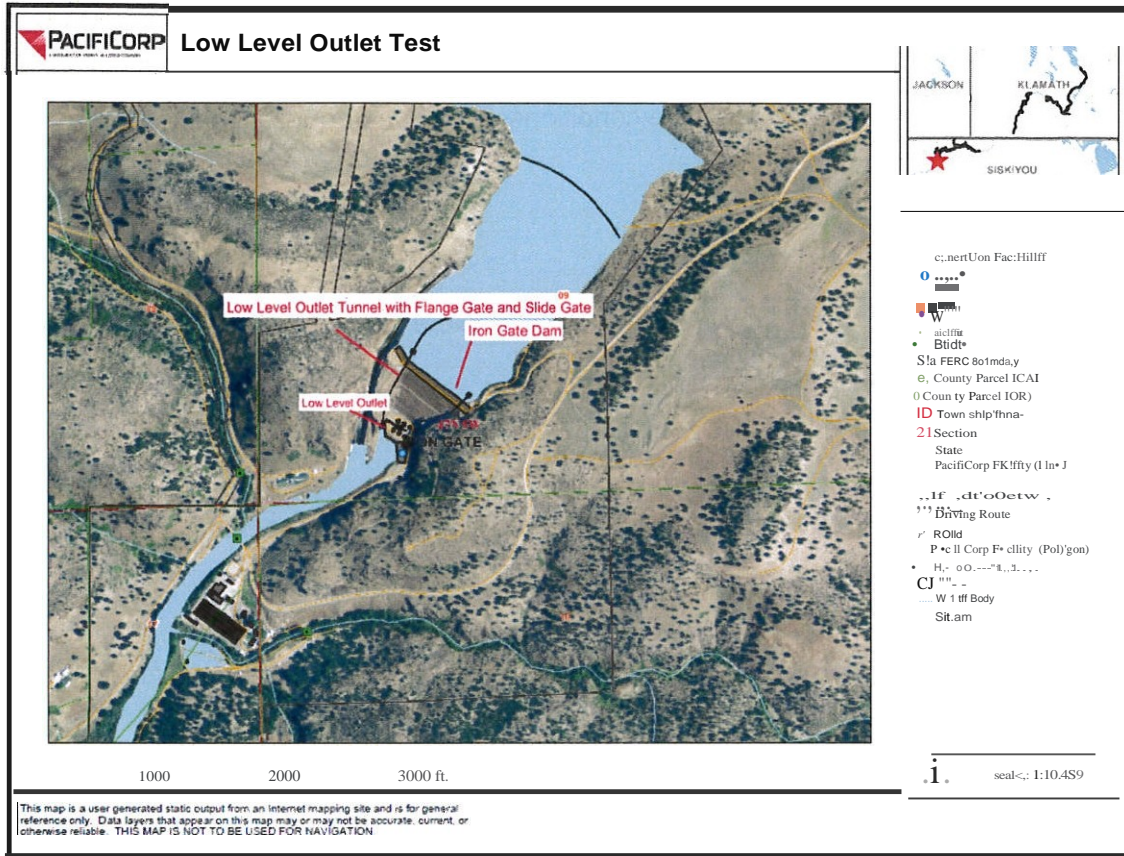


Figure 2: Low Level Outlet Discharge into Klamath River at Base of Iron Gate Dam

