STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for the

Montague Water Conservation District Alternative Water Supply Project

SOURCE:

Shasta River

COUNTY:

Siskiyou

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

I. Project Description

The Montague Water Conservation District (MWCD) has historically delivered water to the City of Montague (City) for municipal purposes. Water is delivered to the City from either Dwinnell Reservoir or the Little Shasta River via MWCD's canal system. Due to the extreme drought in 2014, MWCD does not believe that it can supply water to the City throughout the summer using the current infrastructure. When not delivering water for irrigation purposes, the use of MWCD's canals to deliver municipal water to the City is inefficient due to significant conveyance losses. Because of the conveyance losses, MWCD estimates that at least 200 acre feet of water must be released into the canals in order to deliver 10 acre feet to the City's storage reservoir. The City has proclaimed a Declaration of Emergency and imposed mandatory water use restrictions with financial penalties in an effort to conserve the limited volume of water that remains in Dwinnell Reservoir. However, MWCD estimates that, under current operations, the volume of water available for municipal use will run out by the end of July 2014, leaving 1,400 residents served by the MWCD without drinking water or operable sewage.

To address this problem, MWCD has proposed the Alternative Water Project (Project) to efficiently deliver water to the City by using the Shasta River as the conduit instead of MWCD's main canal. The Project proposes to release water from Dwinnell Reservoir and/or a groundwater source located at or near the base of Dwinnell Dam to provide water to the City. Released water would remain in the Shasta River for approximately 24.5 miles to the proposed new point of diversion, along which conveyance losses are estimated to be negligible. MWCD plans to deliver water in pulses not to exceed a rate of 1.5 cubic feet per second every 10-14 days, and anticipates that approximately 200 acre feet will be delivered by use of the Project. The water would be diverted from the new point of diversion via a newly installed intake structure including a fish screen approved by the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS). The screened water will be delivered to a pump station via a buried gravity fed pipeline to the pumping station where a 75 horsepower pump would then pump water to the City reservoir via a 15,000 foot long pipeline composed of 10 inch diameter high density polyethylene butt-fusion pressurized pipe.

To construct the new intake, MWCD is proposing to use sheet piling to isolate and dewater the site. Interlocking sheet pile will be pushed into the streambed to isolate the construction area. The isolated section of the stream channel will be along the eastern bank and will be 30 feet in length and extend into the active channel up to 6 feet. The sheet pile will extend into the bank a minimum of 8 feet to prevent subsurface flows from seeping around the sides of the isolated area. The sheet pile will be placed in an arch isolating the site and will be installed no earlier than June 15th. It is anticipated that Coho salmon and other salmonids will not be present after June 15th due to excessive water temperatures that typically occur by then. Excavation will not occur outside of the arch of the sheet pile and excavated disturbance will be considerably less than the isolated area. Turbid water is expected to be minimal and will be discharged to an irrigation ditch located 180 feet north of the construction site where it will not re-enter surface flow.

A buried gravity pipeline will commence at the intake structure and divert the water toward a pumping station. The pipeline will be 12 inch PVC pipe. Excavation depth will begin at approximately 5 feet at the stream and continue, with a slight slope, toward the pumping station approximately 97 feet away. The excavated width of the trench is expected to be 6 feet.

The pumping station will be constructed at an elevation above the floodplain as determined by Siskiyou County. The proposed operating area of the pumping station will be approximately 15 feet by 15 feet.

A pressurized discharge pipe will be constructed to transport water from the pumping station to the City's reservoir. The pressurized pipe has the potential to impact a historic oxbow approximately 200 feet east of the Shasta River. Activities at this site include crossing the wetland feature with the discharge pipe, constructing temporary construction access, and boring an electrical supply under the wetland feature. To avoid impacts to the wetland feature, MWCD proposes to undertake these activities at a location where the wetland feature is narrow (approximately 20 feet across). MWCD will span the feature with a 10-inch diameter, thick walled 3/8-inch thick steel pipe which will span up to 30 feet. A walking bridge will be installed using the same precast footings as the pipe section that spans the channel. Temporary construction access across the channel will be accomplished either by installing a railcar bridge or by laying matting then installing an 18-inch culvert then 25 yards of imported washed gravel with a 6-inch layer of road base capping the crossing. The temporary crossing will be completely removed upon the completion of construction. Finally, MWCD will bore or push the electrical supply under the identified narrow section of the wetland feature at a minimum depth of 48 inches of cover. The pipeline will continue approximately another 15,000 feet after the wetland feature to deliver water to the City's reservoir.

II. 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 Resources Control Board (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).)

On May 29, 2014, the State Water Board provided notice of receipt of a complete application for the Project to the MWCD, United States Environmental Protection Agency, United States Army Corps of Engineers (ACOE), and North Coast Regional Water Quality Control Board. (Cal. Code of Regs., tit. 23, sec 3835.) The State Water Board provided public notice of the application by posting information describing the Project on the State Water Board's website on May 19, 2014, and by sending notification of receipt of the application to a list of parties interested in State Water Board actions on certifications on May 19, 2014. Pursuant to California Code of Regulations, title 23, section 3858, if an emergency requires that certification be issued less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification. No comments were received.

The ACOE has determined a Nationwide Permit No. 12 under section 404 of the CWA is required for the project.

Water Quality Control Plans and Related Authorities

The California Regional Water Quality Control Boards adopt, and the State Water Board approves, 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 pursuant to Section 303 of the CWA. (33 U.S.C. § 1313.) The beneficial uses together with the water quality objectives that are contained in the basin plans and state and federal anti-degradation requirements constitute California's water quality standards.

The North Coast Regional Water Quality Control Board has adopted, and the State Water Board and the U.S. Environmental Protection Agency have approved, the Water Quality Control Plan for the North Coast Region (Basin Plan). The Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses.

The Basin Plan identifies existing beneficial uses for the Shasta River as municipal and domestic supply; agricultural supply; industrial service supply; groundwater recharge;

freshwater replenishment; navigation; water contact recreation; non-contact water recreation; commercial and sport fishing; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and aquaculture. Potential beneficial uses are identified as industrial process supply and hydropower generation.

The State Water Board has listed the Shasta River on the CWA Section 303(d) list. The Shasta River is impaired for Organic Enrichment/Low Dissolved Oxygen and Temperature.

The State Water Board has reviewed and considered the plans and project description provided by MWCD. Further, the State Water Board has considered the Basin Plan, the existing water quality conditions and project-related controllable factors. This water quality certification is separate and unrelated to any obligations of MWCD under the Shasta River Total Maximum Daily Load (TMDL).

Construction General Permit

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, may need to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Quality Order 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ). MWCD should consult with the State Water Board, Division of Water Quality, Stormwater Program to determine whether coverage is necessary for the construction of the project. Construction activity subject to the Construction General Permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

California Environmental Quality Act

By proclamations dated January 17, 2014 and April 25, 2014, the Governor declared a state of emergency in California due to the ongoing extraordinary drought. Each proclamation included a directive that suspended the environmental review required by the CEQA to allow certain directives from the Governor to take place as quickly as possible. The Project is consistent with the following directives from the April 25, 2014 proclamation that are included in the Governor's suspension of the CEQA:

- a. Directive 2. The Department of Water Resources and the State Water Resources Control Board (State Water Board) will immediately and expeditiously process requests to move water to areas of need, which include requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means. If necessary, the Department will request that the State Water Board consider changes to water right permits to enable such voluntary movements of water.
- b. Directive 12. The California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research will assist local

agencies that the Department of Public Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.

- c. Directive 13. The Department of Water Resources and the State Water Board, in coordination with other state agencies, will provide appropriate assistance to public agencies or private water companies in establishing temporary water supply connections to mitigate effects of the drought.
- d. Directive 14. For the protection of health, safety, and the environment, CAL FIRE, the Office of Emergency Services, the Department of Water Resources, and the Department of Public Health, where appropriate, may enter into contracts and arrangements for the procurement of materials, goods, and services necessary to quickly mitigate the effects of the drought.

The Project is exempt from the CEQA because it is an emergency project that is being carried out consistent with a "state of emergency" as proclaimed by the Governor on January 17, 2014, and expanded upon in an April 25, 2014 proclamation. An emergency is a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare. (Gov. Code, § 11342.545.)

The Project is also consistent with the statutory exemption criteria for an emergency project. (Public Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, § 15269, subd. (a) & (c).) The basis for claiming the exemption is that the City's water situation is dire, and that water stored in Dwinnell Reservoir, which is the only reasonable source of water for drought protection, is being depleted and must be conserved to mitigate the effects of the drought emergency declared by the Governor and to prevent worse effects.

A Notice of Exemption has been prepared. The State Water Board will file the Notice of Exemption within five days of issuance of this approval.

III. Discussion

The construction activities associated with this Project have the potential to increase sediment and result in the discharge of foreign matter in to the Shasta River leading to water quality degradation. Additionally, instream construction has the potential to negatively impact spawning gravels and fishery habitat. Consequently, construction activities could negatively impact the beneficial uses and/or cause exceedences of the water quality objectives of the Shasta River as set forth in the Basin Plan.

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

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER BOARD CERTIFIES THAT THE ALTERNATIVE WATER SUPPLY PROJECT will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if MWCD complies with the following terms and conditions during the project activities certified herein.

- 1. MWCD shall comply with Water Right Permit No. 2452 and the associated Temporary Urgency Change Petition.
- 2. Turbidity increases associated with Project activities shall not exceed the water quality objectives for turbidity in the Shasta River basin, as documented in the Basin Plan. Turbidity levels are defined in nephelometric turbidity units (NTUs). The current threshold for turbidity levels in the Shasta River are listed in the Basin Plan. According to the Basin Plan, turbidity levels shall not be increased by more than 20 percent above naturally occurring background levels.

MWCD shall monitor turbidity levels 50 feet upstream of Project activities (i.e., natural background) and 500 feet downstream of the new intake construction activities. Turbidity monitoring shall occur at least hourly during Project construction in the Shasta River or the river banks. If the grab sample results indicate that turbidity levels exceed threshold levels, remedial actions will be implemented to reduce and maintain turbidity at or below threshold levels 500 feet downstream of construction activities. Potential remedial actions include halting or slowing construction activities and implementation of additional Best Management Practices (BMPs) until turbidity levels are at or below threshold levels. The Deputy Director for Water Rights (Deputy Director) and the North Coast Regional Water Board Executive Officer (Executive Officer) shall be notified promptly and no later than 24 hours after the monitoring results indicate an unauthorized increase in turbidity.

Turbidity monitoring results shall be reported to the Deputy Director within two weeks of initiation of monitoring and every two weeks thereafter for the remainder of the monitoring period.

- 3. All construction activities shall begin after June 1st and be completed by July 31st of 2014. Construction activities associated with the new intake on Shasta River shall begin after June 15th.
- 4. Prior to a rain event or when there is greater than 50 percent possibility of rain forecasted by the National Weather Service during the next 24 hours, weed-free mulch, tarps, or geotextile fabrics shall be applied to all exposed areas upon completion of the day's activities.
- 5. Suitable BMPs, such as silt fences or straw wattles, shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. These BMPs shall be installed prior to any clearing or grading activities associated with construction activities at the edge of surface water features.

- 6. Spoil sites shall be located such that they do not drain directly into a surface water feature, if possible. If a spoil site drains into a surface water feature, catch basins shall be constructed to intercept sediment before it reaches the feature. Spoil sites shall be graded and vegetated to reduce the potential for erosion.
- 7. No unset cement, concrete, grout, damaged concrete, concrete spoils, or wash water used to clean concrete surfaces shall contact or enter surface waters. No leachate from truck or grout mixer cleaning stations shall percolate into Project area soils. Cleaning of concrete trucks or grout mixers shall be performed in designated washout areas of sufficient size to completely contain all liquid and waste concrete or grout generated during washout procedures. All wash water and hardened concrete or grout shall be disposed of at an authorized landfill or disposal site, in compliance with State and local laws, ordinances and regulations.
- 8. Construction material, debris, spoils, soil, silt, sand, bark, slash, sawdust, rubbish, steel, other inorganic, organic, or earthen material, and any other substances from any Project-related activity shall be prevented from entering surface waters. All construction debris and 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 the Project sites for disposal at an authorized landfill or other disposal site in compliance with State and local laws, ordinances, and regulations.
- 9. All equipment must be washed prior to transport to the Project site and must be free of sediment, debris and foreign matter.
- 10. Fueling of construction equipment shall be done at a fixed fueling station to reduce the area exposed to the potential for fuel spills. Secondary containment, such as a drain pan or drop cloth, shall be used to catch spills or leaks when removing or changing fluids. Spill containment materials shall be kept onsite at all times to contain any accidental spill. Absorbent materials shall be used on small spills rather than hosing down or burying the spill. The absorbent material shall be promptly removed and disposed of properly.
- 11. Onsite vehicles and equipment shall be regularly inspected for leaks and repaired immediately. If vehicle and equipment maintenance must occur onsite, it shall be done in designated areas, located away from drainage courses, to prevent the runon of stormwater and the run-off of spills.
- Onsite containment for storage of chemicals classified as hazardous shall include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.
- 13. All equipment and materials shall be stored at least 50 feet away from surface water features, including the Shasta River.
- 14. MWCD shall submit an on-site re-vegetation plan (Plan) to address on-site mitigation measures for permanent and temporary Project impacts to jurisdictional wetlands and riparian vegetation. At a minimum, the Plan shall include a planting plan, planting palette, implementation schedule, invasive species control plan, and a proposed reporting schedule to the State Water Board. The Plan must incorporate

criteria for the plantings to become established and achieve a minimum of 85% survival rate at the end of five years. MWCD will be responsible for implementation of the approved Plan and monitoring and reporting responsibilities.

- 15. Riparian habitat (trees greater than 6-inches in diameter at breast height) damaged or removed during Project construction shall be replaced. The amount of habitat created/restored shall occur within the area of riparian habitat disturbed by Project construction and shall be at least three times greater than the amount lost due to Project implementation (3:1 ratio for new plantings of large woody riparian trees greater than 6-inches in diameter at breast height that are damaged or removed).
- 16. MWCD shall take all necessary measures in preconstruction planning to minimize construction impacts on riparian habitat. Upon completion of construction activities, any unvegetated and impacted areas, within the riparian corridor shall be reseeded with native species or native grasses.
- 17. A preconstruction survey for western pond turtles shall be conducted by a qualified biologist in the Shasta River portion of the Project area. This survey shall be conducted within the construction boundary no more than two days prior to the start of construction activities. If western pond turtles are detected, the biologist shall relocate them to a suitable location outside of the construction boundary. If construction is to occur during the nesting season for western pond turtles (generally late June through July), a minimum of one survey for pond turtle nests shall be conducted by a qualified biologist at the dewatering site along the Shasta River. If a pond turtle nest is found, the biologist will flag the site and determine whether construction activities can avoid affecting the nest. If the nest cannot be avoided, the nest will be excavated by the biologist and reburied at a suitable location outside of the construction boundary.

In the event that a western pond turtle or nest is observed within the Project limits during construction activities, construction activities shall halt immediately and until a qualified biologist has moved the turtle or nest to a safe location within suitable habitat outside of the construction boundary. Any trapped, injured, or killed western pond turtles shall be reported immediately to CDFW.

- 18. MWCD shall report any noncompliance with the certification to the Deputy Director within 24 hours of the time when MWCD, its contractor, or subcontractors become aware of noncompliance with the certification.
- 19. The State Water Board reserves the authority to add to or modify the conditions of this water quality certification to incorporate changes in technology, sampling, or methodologies and/or load allocations developed in a total maximum daily load developed by the State Water Board or a Regional Water Board.
- 20. This certification requires compliance with all applicable requirements of the Basin Plan. If at any time an unauthorized discharge to surface waters (including river or streams) occurs or monitoring indicates that the Project has or could soon be in violation with water quality objectives, the associated Project activities shall cease immediately and the Deputy Director and the Executive Officer shall be notified. Associated activities shall not resume without approval from the Deputy Director.

- 21. This water quality certification is separate and unrelated to any obligations of MWCD under the Shasta River TMDL.
- 22. The State Water Board reserves authority to modify this certification if monitoring results indicate that continued operation of the Project could violate water quality objectives or impair the beneficial uses.
- 23. 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 MWCD, MWCD must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. MWCD is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.
- 24. In the event of any violation or threatened violation of the conditions of this certification, 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.
- 25. In response to a suspected violation of any condition of this certification, the State Water Board or 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 (California Water Code sections 1051, 13165, 13267 and 13383). The State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
- 26. 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.
- 27. Unless otherwise specified in this water quality certification or at the request of the State Water Board, data and/or reports must 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.
- 28. MWCD is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of construction activities.

- 29. A copy of this certification shall be provided to any contractor and all subcontractors conducting the Project-related work, and copies shall remain in their possession at the Project site. MWCD shall be responsible for work conducted by its contractor or subcontractors.
- 30. The Deputy Director and the Executive Officer shall be notified prior to the commencement of ground disturbing activities. Upon request, a construction schedule shall be provided to agency staff. MWCD shall provide State Water Board and Regional Water Boards staff access to the Project sites to document compliance with this certification.
- 31. CDFW will be notified prior to the commencement of dewatering activities. CDFW staff will be granted access to the construction site to provide assistance in the removal of vertebrates, if present. CDFW will determine trapping needs and be present throughout the dewatering process. MWCD shall work with CDFW staff to dewater at a pace that is conducive for rescuing fish and other species that may be present within the dewatered area. MWCD will provide sufficient staff to conduct requested measures during trapping and relocation. Pumps used for dewatering where fish or other species may be present will be screened.
- 32. Water seeping through the ground or sheet pile and entering the dewatered worksite will be pumped to a nearby irrigation ditch where it will be dispersed on agricultural ground. Turbid water shall not be re-introduced to surface waters.
- 33. MWCD shall replace any spawning materials removed during construction. MWCD shall make every effort to return disturbed spawning areas to pre-construction conditions. Any gravel material used on the streambeds, stream banks, and river crossing shall be composed of washed spawning-sized material from a local Shasta River Basin source.
- 34. Prior to the diversion of water, MWCD will install a fish screen on the new intake. The fish screen must be approved by CDFW and NMFS. Proof of approval will be submitted to the Deputy Director before any diversion of water occurs.
- 35. 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, will apply equally to the successor agency.
- 36. MWCD must submit any changes to the Project, including Project operation, which would 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. If the State Water Board is not notified of a significant change to the Project, it will be considered a violation of this certification.
- 37. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add or to modify any of the conditions of this certification.

- 38. This certification is subject to modification or revocation upon administrative or judicial review, including 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).
- 39. This water quality certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent water quality certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 40. Certification is conditioned upon total payment of any fee required under article 4, title 23 of the California Code of Regulations.

Thomas Howard

Executive Director

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