

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

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In the Matter of Water Quality Certification for the

**YUBA COUNTY WATER AGENCY  
LOG CABIN AND OUR HOUSE DIVERSION DAMS  
SEDIMENT PASSAGE PROJECT**

SOURCES: Oregon Creek and Middle Yuba River

COUNTIES: Yuba, Sierra, and Nevada

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

BY THE EXECUTIVE DIRECTOR:

**I. Project Description and Background**

Yuba County Water Agency (YCWA or Applicant) filed a water quality certification application with the State Water Resources Control Board (State Water Board) on December 3, 2014, for the Log Cabin and Our House Diversion Dams Sediment Passage Project (Sediment Passage Project). The Sediment Passage Project will pass sediment through the low level outlets at the Log Cabin and Our House Diversion Dams.

Log Cabin Diversion Dam is located in Yuba County on Oregon Creek, approximately 4.3 miles upstream of the confluence with the Middle Yuba River. Access to Log Cabin Diversion Dam is provided via Log Cabin Dam Road, which branches off of State Route 49. Our House Diversion Dam straddles the border between Sierra County and Nevada County on the Middle Yuba River, 12.6 miles upstream of its confluence with the North Yuba River. Access to Our House Diversion Dam is provided via Our House Dam Road, which branches off of Ridge Road from State Route 49 (Attachment A).

The Sediment Passage Project was developed as part of a comprehensive sediment management plan for YCWA's Yuba River Development Project, Federal Energy Regulatory Commission (FERC) Project Number 2246. The Yuba River Development Project is undergoing relicensing by FERC. The earliest a new FERC license is anticipated for the Yuba River Development Project is 2017. Sediment accumulation behind the Project diversion dams is a current and ongoing issue. Therefore, YCWA has applied for a section 401 water quality certification (33 U.S.C. §1341) for this limited activity, so that sediment management activities can be implemented in the near term rather than waiting for the relicensing process to be completed.<sup>1</sup> The Sediment Passage Project proactively manages sediment accumulation, and provides an opportunity to evaluate the efficiency of sediment passage through the low level outlets of the diversion dams as a potential long term sediment management strategy.

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<sup>1</sup> Any future water quality protection requirements regarding sediment management at these two facilities that are adopted in the water quality certification for FERC's long-term operations permit for the Yuba River Development Project as part of the FERC relicensing process shall supersede this certification, to the extent that a conflict arises.

The Central Valley Regional Water Quality Control Board (Central Valley Regional Board) issued YCWA a water quality certification for mechanical sediment dredging activities at both the Log Cabin and Our House Diversion Dams on September 17, 2014. The September 2014 Central Valley Regional Board certification allows for mechanical dredging, as needed.

Under the provisions of the September 2014 water quality certification, sediment was mechanically removed from the Log Cabin Diversion Dam in November 2014 due to the danger the high quantities of sediment behind the dam posed to the intake structures. Prior to this, Log Cabin Diversion Dam was mechanically dredged in 1978, 1988 and 1997. Our House Diversion Dam was mechanically dredged in 1986, 1992, 1997, and 2006. While mechanically dredging provides the benefits of clearing accumulated sediment from the reservoir to allow for continued operation of the diversion dams and associated facilities (i.e., valves and outlets), it does not provide the benefit of passing sediment downstream where it can enhance aquatic species habitat that is normally deprived of new sediment because of the presence of the diversion dams. The sediment added to the stream reaches below the diversion dams as a result of sediment passage during high flow events under the provisions of this water quality certification will provide spawning gravel and improve riparian habitat by adding smaller sediment to sediment starved portions of the streams below the diversion dams and scouring invasive riparian vegetation.

This Sediment Passage Project implements the sediment passage components of the YCWA *Log Cabin and Our House Diversion Dams Sediment Management Plan* (Sediment Management Plan, as submitted to FERC on May 19, 2014). YCWA has identified the following objectives for sediment passage at the Our House and Log Cabin Diversion Dams: 1) to provide for dam safety and proper functioning of diversion dam facilities, specifically the fish release and low level outlet valves; and 2) to maintain the health of the aquatic environment downstream of the diversion dams by allowing for the passage of sediment that accumulates behind the dams.

YCWA's application for water quality certification included the following operational actions and associated environmental triggers to maximize sediment movement through the low level outlets and into the stream reaches below the Sediment Passage Project dams while minimizing environmental impacts:

1. **Timing** – Sediment passage events will take place between November 1 and March 15, at least once during each year that the weather and flow condition triggers outlined below are met.
2. **Weather and Flow Triggers** – Sediment passage events will occur when wet conditions (i.e., storm events) are forecast to last at least 48 hours, and:
  - a. **Log Cabin Diversion Dam:** instantaneous instream flows immediately downstream of the dam, as measured at the United States Geological Survey (USGS) Gage No. 11409400, is equal to or greater than 540 cubic feet per second (cfs) in Oregon Creek, with an expected peak of at least 750 cfs during the event; and/or
  - b. **Our House Diversion Dam:** instantaneous instream flows immediately downstream of the dam, as measured at the USGS Gage No. 11408880 is equal to or greater than 600 cfs in the Middle Fork Yuba River, with an expected peak of at least 1,500 cfs during the event.

3. **Duration** – The low level outlets will be opened fully for 96 hours (4 days) for each sediment passage event. YCWA will inspect the low level outlet of the diversion dam(s) at least daily during business hours when sediment passage events are active. The low level outlets may be closed before the 96 hour period has elapsed if instream flows drop below 540 cfs for Log Cabin Diversion Dam and 600 cfs for Our House Diversion Dam.

## **II. Regulatory Authority and Permits**

### 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 water quality certification that a 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 water quality 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 is authorized to issue a decision on a water quality certification application. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

The application for certification was received on December 3, 2014. 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 Sediment Passage Project on the State Water Board’s website on December 5, 2015. No comments were received. The application for certification was withdrawn and simultaneously resubmitted to the State Water Board on December 3, 2015 for procedural reasons; no changes were made to the Sediment Passage Project application for certification.

YCWA applied to the United States Army Corp of Engineers (USACE) for a permit under section 404 of the CWA. The USACE issued public notice on January 30, 2015 that a permit under section 404 of the CWA is required for the Sediment Passage Project. The USACE identification number for the Sediment Passage Project is SPK-2014-01187. The 404 permit from the USACE has not been issued as of the time of this certification.

The California Department of Fish and Wildlife issued streambed alteration agreement permit no. 1600-2014-0163-R2 for the Sediment Passage Project on September 8, 2014.

### 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 (basin plans) for their respective regions. The basin plans are subject to approval by the State Water Board and United States Environmental Protection Agency (USEPA), as appropriate. (Wat. Code, § 13240 et seq.) The State Water Board may also adopt water quality control plans, which supersede regional water quality control plans for the same waters to the extent of any conflict. (*Id.*, § 13170.) For a specified area, the water quality control plans designate the beneficial uses of waters to be protected, 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. (*Id.*, §§ 13241, 13050, subd. (h), (j).) The beneficial uses together with the water quality objectives that are contained in the water quality control plans, and state and federal anti-degradation requirements constitute California water quality standards.

The Central Valley Regional Board adopted, and the State Water Board and the USEPA approved, the *Water Quality Control Plan for the Central Valley-Sacramento and San Joaquin River Region* (Basin Plan). The Basin Plan identifies existing beneficial uses for the Yuba River and its tributaries above Englebright Reservoir (including Oregon Creek) as: municipal and domestic supply; irrigation; stock watering; hydropower; cold freshwater habitat; cold spawning habitat; wildlife habitat; contact recreation; non-contact recreation; and canoeing and rafting. Central Valley Regional Board staff was consulted during development of the certification. Central Valley Regional Board staff submitted comments on December 1, 2015, which were incorporated into the certification.

### Construction General Permit

The State Water Board has adopted a Construction General Permit, which is required for activities that disturb one or more acres of soil (Construction General Permit; Water Quality Order 2009-0009-DWQ and National Pollutant Discharge Elimination System No. CAS000002, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ). Construction activities subject to the Construction General Permit include 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 a facility. It is not expected that a Construction General Permit will be required for this Sediment Passage Project.

### California Environmental Quality Act

YCWA is the lead agency for the purpose of California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code, § 21000 et seq.) compliance. The State Water Board is a responsible agency under CEQA. YCWA issued a Mitigated Negative Declaration (MND) for public comment on July 16, 2014. A Notice of Determination (NOD) for the MND was issued by YCWA on September 4, 2014 (State Clearinghouse No. 2014072043).

The MND identified some potentially significant impacts from the Sediment Passage Project that fall within the State Water Board's purview:

- Increased turbidity from sediment passage activities; and

- Adverse effects to sensitive or special-status aquatic species due to sediment passage activities during breeding or rearing periods.

The mitigation measures proposed in the MND that pertain to the protection of resources within the State Water Board’s purview have been incorporated into Conditions 5 and 7 of this water quality certification to meet the requirements of Public Resources Code Section 21081.6(a)(1). Monitoring and reporting requirements addressing these mitigation measures are found in water quality certification Conditions 4, 5, 6, 7, and 11, in accordance with California Code of Regulations, title 14, section 15097. The State Water Board will file a NOD within five days of issuance of this water quality certification.

All documents and other information that constitute the public record for the Sediment Passage 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.

### **III. Discussion**

In order to ensure that the Sediment Passage Project operates to meet water quality standards as anticipated, and to ensure that the Sediment Passage Project will continue to meet state water quality standards and other appropriate requirements of state law over its lifetime, this water quality 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 water quality certification.

The State Water Board reviewed and considered the plans, MND, and Sediment Passage Project application provided by YCWA. Further, State Water Board staff considered the Basin Plan, existing water quality conditions, the comments of the Central Valley Regional Board, and Sediment Passage Project-related controllable factors in the development of this water quality certification.

### **IV. Findings**

The State Water Board has found that, with the conditions and limitations imposed under this water quality certification, the proposed Sediment Passage 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 THE YUBA COUNTY WATER AGENCY LOG CABIN AND OUR HOUSE DIVERSION DAMS SEDIMENT PASSAGE PROJECT** will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if YCWA complies with the following terms and conditions during the Sediment Passage Project activities certified herein.

**CONDITION 1.** All proposed conditions described in the application for water quality certification (see Project Description section) and supplemental information are conditions of this water quality certification. Notwithstanding any more specific conditions in this water quality certification, the Applicant shall comply with all water quality protection measures described in the water quality certification application and its supplements.

**CONDITION 2.** Sediment passage events may occur at Log Cabin Diversion Dam between November 1 and March 15, when wet conditions (i.e., storm events) are forecast to last at least 48 hours, and instantaneous instream flows will be equal or greater than 540 cfs in Oregon Creek, with an expected peak of at least 750 cfs during the event.

**CONDITION 3.** Sediment passage events may occur at Our House Diversion Dam between November 1 and March 15, when wet conditions (i.e., storm events) are forecast to last at least 48 hours, and instantaneous instream flows will be equal or greater than 600 cfs in the Middle Fork Yuba River, with an expected peak of at least 1,500 cfs during the event.

**CONDITION 4.** The low level outlets shall be opened fully for at least 96 hours (4 days) for each sediment passage event. The Applicant shall inspect the low level outlet of the diversion dam(s) at least daily when sediment passage events are active. The low level outlets may be closed before the 96 hour period has elapsed if instream flows drop below the minimum trigger flows of 540 cfs for Log Cabin Diversion Dam and 600 cfs for Our House Diversion Dam. Within 30 days following a sluicing event, the Applicant shall provide the Deputy Director with the forecasted and actual flow conditions, including the instream flows recorded throughout the event, to show compliance with Conditions 2-4.

**CONDITION 5.** Sediment Passage Project activities shall not cause an increase in turbidity downstream of the Sediment Passage Project area greater than those identified in the Basin Plan except as provided for in this condition. Sediment Passage Project activities shall not cause increases in turbidity that constitute nuisance or that adversely affect beneficial uses. Except for sediment passage periods discussed at the end of this condition, increases in turbidity shall not exceed background levels (natural turbidity measured in Nephelometric Turbidity Units [NTU] prior to the start of Sediment Passage Project activities) by more than the thresholds identified below and as outlined in the Basin Plan:

<b>Background Level or Natural Turbidity</b>	<b>Downstream Turbidity (after starting construction)</b>
Less than 1 NTU	Total turbidity shall not exceed 2 NTU
Between 1 and 5 NTU	Increases shall not exceed 1 NTU
Between 5 and 50 NTU	Increases shall not exceed 20 percent
Between 50 and 100 NTU	Increases shall not exceed 10 NTUs
Greater than 100 NTU	Increases shall not exceed 10 percent

A hand-held field meter may be used to measure turbidity, provided the meter uses a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. For each meter used for monitoring, a calibration and maintenance log shall be maintained onsite and provided to State Water Board staff upon request.

Monitoring shall occur at least daily during sediment passage events in the stream channel immediately downstream of the associated diversion dam where sluicing is occurring, and at a point below the confluence of the Middle Yuba River and Oregon Creek. If monitoring shows that turbidity has exceeded the specified turbidity levels outlined in this condition, the low level outlet will be closed, sluicing will cease and the violation will be reported immediately to the Deputy Director for Water Rights (Deputy Director) and the Central Valley Regional Board's Executive Officer (Executive Officer). Sluicing may not re-commence without the permission of the Deputy Director.

Standard turbidity limits may be eased during sediment passage events to allow a turbidity increase of up to 15 NTU over the background turbidity as measured in surface waters 300-500 feet downstream from the diversion dam, as determined based on access and safety needs. The eased turbidity limit shall only apply when stream flows are at or greater than the sediment passage flows established in Conditions 2-4.

Background turbidity shall be established by the numerically highest turbidity sample taken 12 hours prior to or within 12 hours of opening the low level outlet. The background turbidity sample may be taken from the following locations upstream of the diversion dams:

- At or within 100 feet of the upstream end of the high water mark of the active reservoir pool;
- Downstream of the Lohman Ridge Tunnel discharge above the reservoir (Log Cabin Diversion Dam only); and
- Within the reservoir pool.

Alternatively, if the reservoir is spilling prior to opening of the low level outlet for the sediment passage event, the Applicant may establish background turbidity by taking a turbidity sample 300-500 feet downstream of the outlet, at the same location where turbidity will be measured during the sediment passage event. Such measurement must be taken within 12 hours prior to opening the low level outlet.

Within 30 days following a sluicing event, the Applicant shall provide the Deputy Director with the turbidity sampling records collected as part of the sediment passage event and a report that summarizes the information. The report shall include information on how background turbidity was established, a map of the locations where background and compliance turbidity samples were collected, information on why these locations were selected, and quality control/assurance documentation for the turbidity measurements/results.

The Applicant may request modifications to Condition 5 of this certification for future turbidity monitoring conducted for sediment passage events covered by this certification. The Applicant shall request any such changes as part of the Applicant's submittal of the turbidity report to the Deputy Director. The Applicant shall provide information that supports the requested modification to Condition 5. The Applicant shall comply with the turbidity requirements outlined in this condition unless otherwise approved by the Deputy Director.

**CONDITION 6.** With the exception of the initial sediment passage event at each diversion dam, prior to beginning any sediment passage event, the Applicant shall collect at least three bulk sediment samples from the diversion dam impoundment area. The bulk sediment samples shall be analyzed by a California-certified laboratory for metals, including but not limited to: antimony, arsenic, barium, beryllium, cadmium, total chromium, cobalt, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc. The bulk samples shall be taken from areas of the impoundments that are expected to be passed during sluicing events. Sampling and handling procedures shall comply with the most current USEPA test methods for both solid and liquid materials. The laboratory results of the sampling shall be provided to the Deputy Director for review and approval prior to the commencement of a sediment passage event. Mercury content results shall be reported in both wet and dry weight measurements. No sediment sampling is required for the initial sediment passage event at each diversion dam as current sediment sampling results were provided by the Applicant as a supplement to the application for water quality certification.

**CONDITION 7.** The Applicant shall have a qualified biologist on site prior to the start of a sediment passage event to act as a Biological Monitor. The Applicant is responsible for ensuring that the Biological Monitor inspects the associated diversion dam area prior to all sluicing related work to identify if the activity will increase the spread of invasive aquatic species into, or out of, the diversion dam area, or if there will be any impacts from the activity to sensitive aquatic species within the diversion dam reservoir area and immediately below the diversion dam. If any significant issues are identified by the Biological Monitor (e.g., identification of sensitive or endangered species within the sluicing area, or evidence of invasive aquatic species entering or leaving the sluicing area), the Applicant shall notify the Deputy Director and any other pertinent state or federal resource agencies as soon as possible to determine what steps shall be taken to protect water quality and the beneficial uses of the water.

**CONDITION 8.** Copies of this water quality certification shall be provided to all YCWA staff, contractors, and subcontractors conducting Sediment Passage Project-related work, and shall remain in their possession at the Sediment Passage Project site. The Applicant shall be responsible for work conducted by YCWA staff, its contractors, subcontractors, and other persons conducting Sediment Passage Project-related work.

**CONDITION 9.** The Deputy Director and the Executive Officer shall be notified no less than one week prior to the commencement of sluicing activities, except as otherwise noted in this condition, below. Upon request, a sluicing schedule shall be provided to agency staff and the Applicant shall provide State Water Board and Central Valley Regional Board staff access to the Sediment Passage Project site to document compliance with this certification. Due to the reliance of the Sediment Passage Project on uncontrollable factors (storm events), 24 hour notice will be accepted if it is accompanied by evidence that notice was not possible one week prior to commencement of a sediment passage event.

**CONDITION 10.** The Applicant must take all reasonable measures to protect the beneficial uses of waters of the Yuba River and its tributaries. This water quality certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Sediment Passage Project has or could soon be in violation of water quality objectives, the associated Sediment Passage Project activities shall cease immediately and the Deputy



Director and the Executive Officer shall be notified within 24 hours. Associated activities may not resume without approval from the Deputy Director.

**CONDITION 11.** The Applicant shall file a report within 30 days of completion of each sediment passage event certifying compliance with Conditions 1–10 of this water quality certification and detailing any failure to meet these conditions. Unless otherwise specified in this water quality certification or at the request of the Deputy Director, 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.

**CONDITION 12.** This water quality certification covers only those sediment passage events for the Log Cabin and Our House Diversion Dams described in the application. To the extent that water quality certification requirements for the pending long-term FERC operating license conflict with the requirements in this certification regarding sediment management at the Log Cabin and Our House Diversion Dams, the terms in the subsequent water quality certification shall supersede those in this water quality certification.

**CONDITION 13.** Nothing in this water quality certification is meant to alter the instream flow requirements of the Yuba River Development Project (FERC Project No. 2246), and the minimum flow requirements shall be maintained throughout the Sediment Passage Project unless the Applicant receives the necessary approvals for a change in the FERC Yuba River Development Project flows.

**CONDITION 14.** Notwithstanding any more specific conditions in this water quality certification, the Sediment Passage 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 CWA.

**CONDITION 15.** Notwithstanding any more specific conditions in this water quality certification, the Sediment Passage Project shall be operated in a manner consistent with the Construction General Permit, if it is required for completion of the Sediment Passage Project.

**CONDITION 16.** This water quality 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 water quality certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Sediment Passage Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESAs for the Sediment Passage Project authorized under this water quality certification.

**CONDITION 17.** 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 all remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the CWA, 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 water quality certification.

**CONDITION 18.** In response to a suspected violation of any condition of this water quality certification, the Deputy Director or the Executive Officer 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 Deputy Director deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code §§ 1051, 13165, 13267 and 13383). The State Water Board may add to or modify the conditions of this water quality certification as appropriate to ensure compliance.

**CONDITION 19.** No Sediment Passage Project activities shall commence until all necessary federal, state, and local approvals have been obtained.

**CONDITION 20.** 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.

**CONDITION 21.** The Applicant must submit any changes to the Sediment Passage 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 review and written approval prior to implementation. If the State Water Board is not notified of a significant change to the Sediment Passage Project, it will be considered a violation of this water quality certification.

**CONDITION 22.** 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 diversions of water.

**CONDITION 23.** The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to modify any of the conditions of this certification.

**CONDITION 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).

**CONDITION 25.** 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 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.

Log Cabin and Our House Diversion Dams Sediment Passage Project  
Water Quality Certification

**CONDITION 26.** This water quality certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, chapter 28 and owed by the Applicant.



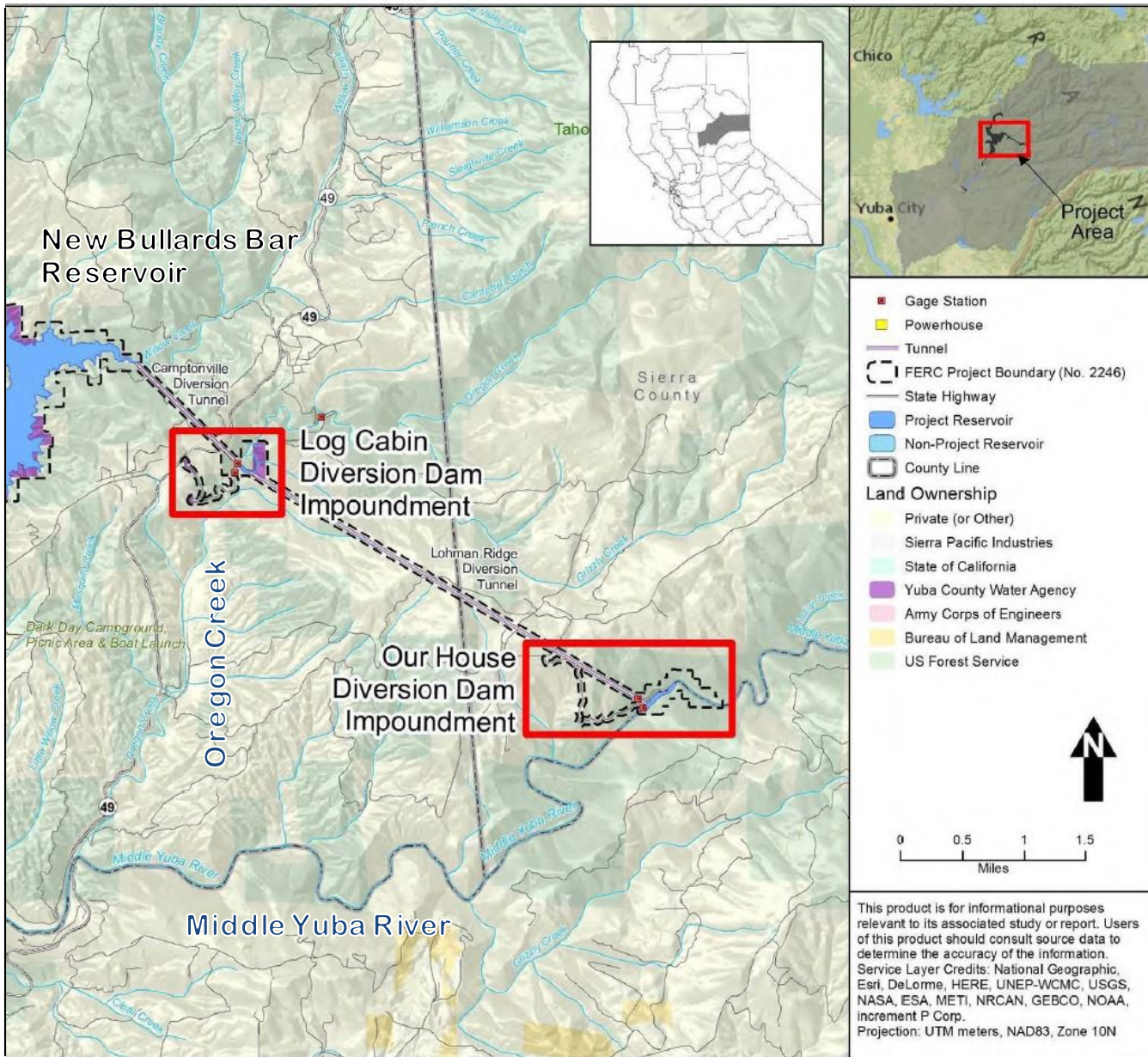
Thomas Howard  
Executive Director

**FEB 10 2016**

Date

Attachment A: Map of Sediment Passage Project Area

Log Cabin and Our House Diversion Dams Sediment Passage Project  
 Water Quality Certification



Attachment A: Map of Sediment Passage Project Area (from YCWA Final Mitigated Negative Declaration, August 2014)