

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

**EL DORADO IRRIGATION DISTRICT'S
CAPLES SPILLWAY CHANNEL STABILIZATION PROJECT**

SOURCE: Caples Lake

COUNTIES: Alpine and El Dorado

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

I. Background and Project Description

The Caples Spillway Channel Stabilization Project (Project), proposed by El Dorado Irrigation District (EID or Applicant), involves stabilizing areas along the Caples Spillway Channel. The Project is required by Condition 5 of the water quality certification¹ (certification) issued for the El Dorado Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 184 and United States Forest Service (USFS) 4(e) Condition 38.4(b).

The Project is located in the upper most reaches of the South Fork American River watershed in El Dorado and Alpine counties. The Project lies north of Highway 88 near the town of Kirkwood at an elevation of 7,700 feet, on federal lands administered by the USFS. Erosion and destabilization of the Caples Spillway Channel was caused by the occasional release of flow from the Caples Lake Auxiliary Dam into the Caples Spillway Channel. The 3,000-foot-long Caples Spillway Channel is a natural channel consisting of an upper cascading segment with an 8.7 percent gradient, comprised of cobbles and boulders, and a lower pool-riffle segment with 0.9 percent gradient. The channel is used from May through July, when inflow to Caples Lake exceeds the capacity of the Caples Lake Dam outlet (i.e., inflow exceeds outlet capacity of 450-480 cubic feet per

¹ The State Water Board issued a certification for the El Dorado Hydroelectric Project on April 4, 2006.

second) or EID flushes a build-up of pollen and debris from the Caples Lake Auxiliary Dam.

The Project implements the Caples Spillway Channel Stabilization Plan, which was developed as a result of the 2008 Sensitive Site Investigation/Geomorphology Plan and prepared in consultation with the USFS, FERC, State Water Board staff, and members of the El Dorado Hydroelectric Project Environmental Resource Committee (ERC). The Caples Spillway Channel Stabilization Plan includes measures to protect the spillway channel streambanks from erosion that could occur during flows of up to 60 cubic feet per second (cfs). The ERC determined stabilizing the spillway for flows up to 60 cfs provided protection for the majority of the projected flows into the spillway. The Deputy Director for the Division of Water Rights (Deputy Director) approved the Caples Spillway Channel Stabilization Plan on February 16, 2018, and FERC approved the plan on July 10, 2018.

The work areas, including access routes and staging areas, are shown in Figure 1. The Project will restore and stabilize two channel areas using rock-and-log stabilization measures and vegetative treatments. Approximately 1,156 linear feet of the streambed will be revegetated and/or stabilized with cobbles (6 cubic yards) and boulders (13.5 cubic yards), coir logs (460 linear feet), and 969 willow stakes. Stabilization activities will be undertaken using hand tools. Materials will either be hand-carried or delivered by helicopter to designated staging and helicopter landing areas. Work that is not dependent on the use of willow cuttings is planned from August through September. Crews would then return in October through November, weather permitting, to plant the dormant willow cuttings and complete the Project.

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 "cooperate 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 certification application (Cal. Code Regs., tit. 23, §3838, subd.(a)).

Water Code section 13383 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 certification under section 401 of the CWA that involve the diversion of water for beneficial use. The State Water Board delegated this authority to the Deputy Director, as provided for in State Water Board Resolution No. 2012-0029. In the memo Redelegation of Authorities Pursuant to Resolution No. 2012-0029, issued by the Deputy Director on October 19, 2017, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights.

Project Water Quality Certification Background

The application for certification was received on February 7, 2019. 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 February 28, 2019. The State Water Board provided notice of receipt of a complete application for the Project to applicable parties pursuant to California Code of Regulations, title 23, section 3835, subdivision (c) on March 5, 2019. No comments were received. On April 8, 2019, the United States Army Corps of Engineers (ACOE) granted the State Water Board an extension, until March 5, 2020, to act on the Project certification application.

State Water Board staff forwarded the draft Project certification and portions of the application that have the potential to cause adverse water quality impacts to the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) on March 5, 2019. (See Cal. Code Regs., tit. 23, § 53855, subd. (b)(2)(B).) On March 11, 2019, the Central Valley Regional Water Board staff responded with no comments.

The ACOE determined that the Project qualifies for authorization under the Department of the Army Nationwide Permit No. 13 for Bank Stabilization, pursuant to Section 404 of the CWA. The ACOE identification number for the Project is SPK-2019-00088. On December 6, 2019, the ACOE authorized the Project contingent on the State Water Board issuing a water quality certification or waiver thereof.

On May 20, 2019, the California Department of Fish and Wildlife (CDFW) notified EID that a Lake or Streambed Alteration Agreement is not required for the Project. The CDFW notification number for the Project is 1600-2019-0021-R2. The United States Fish and Wildlife Service provided an informal consultation dated October 18, 2019, concluding the Project "*may affect, but is not likely to adversely affect* the Yosemite toad, Sierra Nevada yellow-legged frog, or critical habitat for the Sierra Nevada yellow-legged frog."

Water Quality Control Plans and Related Authorities

The 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 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, §3170.) 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 subds. (h), and (j).) 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 Central Valley Regional Water Board adopted, and the State Water Board and the USEPA approved, the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan). The Basin Plan identifies existing beneficial uses for the American River - South Fork - Source to Placerville as: municipal and domestic supply; power; contact recreation; canoeing and rafting; noncontact recreation; cold freshwater habitat; cold spawning habitat; and wildlife habitat. Warm freshwater habitat is identified as a potential beneficial use.

Construction General Permit

The State Water Board has adopted a Construction General Permit,² which is required for activities that disturb one or more acres of soil or projects that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground such as stockpiling or excavation. It is not expected that a Construction General Permit will be required for this Project.

California Environmental Quality Act

EID is the public agency with primary responsibility for carrying out the Project for purposes of California Environmental Quality Act (CEQA) compliance (Pub. Resources Code, §1000 et seq.). EID determined that the Project is categorically exempt from CEQA requirements under section 15333 (Small Habitat Restoration Projects — Class 33) of the CEQA Guidelines (Cal. Code Regs., tit. 14, §5000 et seq.). EID filed a Notice of Exemption with the County Clerk for the County of El Dorado, on February 1, 2019.

The State Water Board has reviewed the proposed Project and concurs that the Project qualifies for the Class 33 categorical exemption. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five days of issuance of this certification.

All documents and other information that constitute the public record for this Project are maintained and available for public review at the State Water Board, Division of Water Rights, 1001 I Street, Sacramento, California 95814.

² Water Quality Order 2009-0009-DWQ and National Pollutant Discharge Elimination System No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto.

III. Findings and Conclusion

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

In order to ensure that the Project meets water quality standards as anticipated, to ensure compliance with other relevant state and federal laws, and to ensure that the Project will continue to meet state water quality standards and other appropriate requirements of state law throughout 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 certifications, which are included in this certification. The State Water Board finds that, with the conditions and limitations imposed by this certification, the proposed Project will be protective of water quality and consistent with other appropriate requirements of state law.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES THAT THE CAPLES SPILLWAY CHANNEL STABILIZATION PROJECT (PROJECT) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of state law, if El Dorado Irrigation District complies with the following terms and conditions during the Project activities certified herein.

CONDITION 1. Application Information as Part of Certification

All proposed environmental measures described in the application for water quality certification (certification) and supplemental application information are conditions of this certification. Notwithstanding any more specific conditions in this certification, El Dorado Irrigation District (Applicant) shall comply with all proposed environmental measures, including avoidance and minimization measures and best management practices, described in the certification application and supplemental application information.

CONDITION 2. Construction Monitoring and Restoration

The Applicant shall inspect, photograph, and document the condition of the Project area, including stabilization locations, prior to and after Project implementation. Upon completion of Project construction, all access routes, disturbed areas, and any degradation related to Project activities shall be restored to their pre-construction conditions. All disturbed areas shall be seeded with the appropriate native seed mix.

CONDITION 3. Project Completion Report

Within 30 days of Project completion, the Applicant shall submit a Project Completion Report to the Deputy Director. The Project Completion Report shall include:

- a. Project area documentation and monitoring data;
- b. Daily Project work summaries;
- c. Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements; and
- d. If applicable, details of Project-related adverse impacts to beneficial uses.

The Applicant shall provide any additional information or clarification requested by the Deputy Director related to the Project Completion Report. Upon request from State Water Board staff, the Applicant shall meet to discuss the Project Completion Report.

CONDITION 4. Construction Timing

Unless otherwise approved in writing by the Deputy Director: (a) disturbance within the bed and bank of Caples Spillway Channel associated with the Project shall be limited to August 1 through September 30; (b) riparian harvesting of the willow stakes and planting associated with Project activities shall be limited to August 1 through November 30; and (c) construction of the Project shall be completed by November 30, 2020.

Work may continue during precipitation events of less than 0.25 inches within a rolling 24-hour period. Work shall stop when 0.25 inches of rain occurs within a rolling 24-hour period. Work shall not resume until at least 24 hours has passed with no precipitation and the Applicant has determined site conditions are appropriate to resume construction activities.

CONDITION 5. Riparian Habitat Protection

The Applicant shall take all necessary measures in preconstruction planning to minimize Project impacts on riparian habitat. Prior to construction, the Applicant shall install construction fencing along the outer edges of the construction zone, where necessary, to minimize disturbance and prevent accidental entry of personnel into riparian habitat. Construction fencing shall be maintained in good condition for the duration of Project work and removed within 30 days of completion of construction.

CONDITION 6. Biological Monitoring

Prior to Project construction activities, a qualified biologist shall conduct training for employees working at the Project site. The training shall include but not be limited to: a description of endangered or special status species³ with potential to be present in the Project area; actions to be taken to prevent or reduce impacts to the species; and protocols to follow if species are encountered.

Within one week prior to the start of Project construction activities, the biologist shall conduct a pre-Project work area survey for special status species, with a focus on Sierra Nevada yellow-legged frog (*Rana sierrae*) and Yosemite toad (*Anaxyrus canorus*). If a Sierra Nevada yellow-legged frog, Yosemite toad, or other special status species is found during Project implementation, Project work shall cease immediately. Project work shall not resume without written approval from the State Water Resources Control Board (State Water Board) Deputy Director for Water Rights (Deputy Director).

CONDITION 7. Turbidity

The Project shall not cause increased turbidity downstream of the Project area greater than allowable levels identified in the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) (shown in Table A), as averaged over a 24-hour period. Project activities shall not cause increases in turbidity that constitute nuisance or that adversely affect beneficial uses.

³ Special status species are species listed as threatened or endangered under the federal Endangered Species Act or California Endangered Species Act.

Table A. Basin Plan Water Quality Objectives for Turbidity

Background Level or Natural Turbidity	Downstream Turbidity (after starting construction)
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 NTU
Greater than 100 NTU	Increases shall not exceed 10 percent

NTU = Nephelometric Turbidity Units

a. Turbidity Monitoring Procedure

The Applicant shall establish two turbidity monitoring locations in the Caples Spillway Channel: (1) a location approximately 50 feet upstream of the upper erosion site to establish natural turbidity levels flowing into the construction area (background level); and (2) a location within 100 feet downstream of the construction area and above the confluence with Caples Creek to calculate potential increases in turbidity due to Project activities (compliance location). A global positioning system (GPS) point and a photograph of each location shall be taken at the time of initial sampling. These monitoring locations shall be marked (e.g., with a pin flag) and used throughout the monitoring period. Turbidity shall be measured at a minimum of hourly intervals at each turbidity-monitoring location while in-water work is being conducted.

If no in-water work occurs (i.e., construction occurs in/along a dry streambed), turbidity monitoring and turbidity monitoring locations are not required. In the channel is dry the Applicant shall take photographs of the construction site at the start and conclusion of construction activities each day to document that the construction site is dry.

b. Monitoring Equipment

Turbidity shall be measured using nephelometry. Unless otherwise approved in writing by the Deputy Director, a hand-held field meter (nephelometer) shall be used to measure turbidity, provided the meter uses a United States Environmental Protection Agency approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. For each nephelometer used, a calibration and maintenance log shall be maintained onsite and provided to State Water Board staff upon request.

c. Turbidity Exceedance

If the average turbidity over a 24-hour period (from 6:00 AM of the current day to 6:00 AM of the following day) exceeds the water quality objectives outlined in the Basin Plan (Table A) (i.e., a turbidity exceedance), the associated Project activities shall cease immediately. In addition, the Applicant shall implement any and all

actions immediately to reduce and maintain turbidity at or below the water quality objective.

The Deputy Director and Executive Officer shall be notified within 24 hours of a turbidity exceedance. Activities associated with a turbidity exceedance may not resume without written approval from the Deputy Director. The Applicant shall provide any documentation requested by the Deputy Director related to implementation of this condition.

CONDITION 8. Erosion Control Measures

Control measures for erosion, excessive sedimentation, and turbidity shall be implemented and in place at the commencement of, during, and after any ground clearing activities, excavation, or any other Project activities that could result in erosion or sediment discharges to surface waters.

All material stockpiles shall be protected, covered, and surrounded with coil rolls, straw wattles, erosion control blankets, liners with berms, or equivalent, to prevent sediment runoff and prevent material from contacting or entering surface waters. Stockpiles shall be located outside of riparian habitat.

CONDITION 9. Basin Plan

The Applicant shall comply 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 of water quality objectives, the associated Project activities shall cease immediately, and the Deputy Director and the Central Valley Regional Water Quality Control Board Executive Officer (Executive Officer) shall be notified. Associated activities may not resume without written approval from the Deputy Director.

CONDITION 10. Other Applicable Standards and Plans

Notwithstanding any more specific conditions in this certification, the Project shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to section 303 of the Clean Water Act. The Applicant shall take all reasonable measures to protect the beneficial uses of waters identified in the Basin Plan for the American River— South Fork— Source to Placerville.

CONDITION 11. Endangered Species

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 & G. 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 construction of the portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the state and federal ESAs for the Project authorized under this certification.

CONDITION 12. Violations

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is subject to all 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

CONDITION 13. Provision to Required Reports and Monitoring

In response to a suspected violation of any condition of this certification, the State Water Board and Central Valley 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. (Wat. Code, §§ 1051, 13165, 13267 and 13383.) In response to any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate.

CONDITION 14. Other Approvals

No Project work shall commence until all necessary federal, state, and local approvals have been obtained. The Applicant is responsible for compliance with all applicable federal, state, and local laws and ordinances.

CONDITION 15. Administrative and Judicial Review

This 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 16. Notice and Hearing

The State Water Board will provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 17. Further Review of Project Activities

Activities associated with construction and maintenance of the Project that threaten or potentially threaten water quality may be subject to further review by the Deputy Director and Executive Officer.

CONDITION 18. Review and Approval of Project Changes

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 certification, to the Deputy Director for review and written approval prior to implementation. If the Deputy Director is not notified of a significant change to the Project, it will be considered a violation of this certification.

CONDITION 19. Site Access and Notification

The Applicant shall notify the Deputy Director 30 days prior to commencing construction activities. Upon request, the Applicant shall provide State Water Board staff with a work schedule. The Applicant shall provide State Water Board and Central Valley Regional Water Board staff access to the Project site to document compliance with this certification.

CONDITION 20. Contractors and Subcontractors

A copy of this certification shall be provided to all contractors and subcontractors conducting Project work, and copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractors and subcontractors. The Applicant, including its contractors and subcontractors, shall report any noncompliance with the conditions of this certification to the Deputy Director within 24 hours of the time when the Applicant, its contractors, or subcontractors become aware of noncompliance with the certification.

CONDITION 21. Hazardous Materials

Appropriate spill containment, absorbent spill clean-up materials, and spill kits shall be available on-site. All spills shall be cleaned up immediately and shall not be buried or washed with water. Initial containment shall be with absorbent material or, if necessary, construction of berms. Used clean-up materials, contaminated materials, and recovered spilled materials that are no longer useable shall be stored and disposed of properly. Hazardous and non-hazardous material shall be disposed of in the manner specified by the manufacturer. Contaminated soil shall be excavated, contained, and transported to an approved disposal site.

CONDITION 22. Spill Notification

The Applicant and its contractors shall notify all applicable agencies as soon as feasible, but no later than three business days after an incident, as to the type, date, time, and actions taken in response to all spills within their jurisdiction. In the event of a major spill affecting plant, wildlife, or aquatic resources or creating public health concerns, notification shall be according to all applicable requirements.

CONDITION 23. Equipment Washing

All equipment shall be washed prior to transport to the Project site and be free of sediment, debris, and foreign matter. All wash water generated from pre-washing shall be contained and disposed of off-site in compliance with federal, state, and local laws, ordinances, and regulations.

CONDITION 24. Vehicles and Equipment Use

Use of vehicles, including helicopters, and equipment shall be limited to the designated work areas and access routes as specified in Figure 1.

Any maintenance or refueling of equipment occurring on-site shall be done in a designated area with secondary containment, located away from the riparian area and stream corridor. 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.) 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 and vehicles are used or staged.

CONDITION 25. Imported Rocks

All imported rocks used for construction within or adjacent to any watercourses shall be pre-washed. All wash water generated from pre-washing shall be contained and disposed of off-site in compliance with federal, state, and local laws, ordinances, and regulations.

CONDITION 26. Containment of Construction Materials and Debris

Construction material, such as spoils, soil, silt, sand, bark, slash, sawdust, rubbish, steel, or 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 of construction, all Project-generated debris, building materials, excess material, waste, and trash shall be disposed at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.

CONDITION 27. Containment of Hazardous Chemicals

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.

CONDITION 28. Report Format and Electronic Submittal

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 Water Code section 13167.

CONDITION 29. Successor Agencies

Any requirement in this 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 30. Applicability of FERC License

This 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.

CONDITION 31. FERC License

All conditions of the certification for the El Dorado Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 184 remain in full force and effect.

CONDITION 32. Fees

This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28 and owed by the Applicant.

CONDITION 33. Water Rights

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.

ORIGINAL SIGNED BY

Eileen Sobeck
Executive Director

MARCH 04, 2020

Dated

Enclosure:

Figure 1. Map of Caples Spillway Creek Stabilization Project, including Access Routes and Work Areas

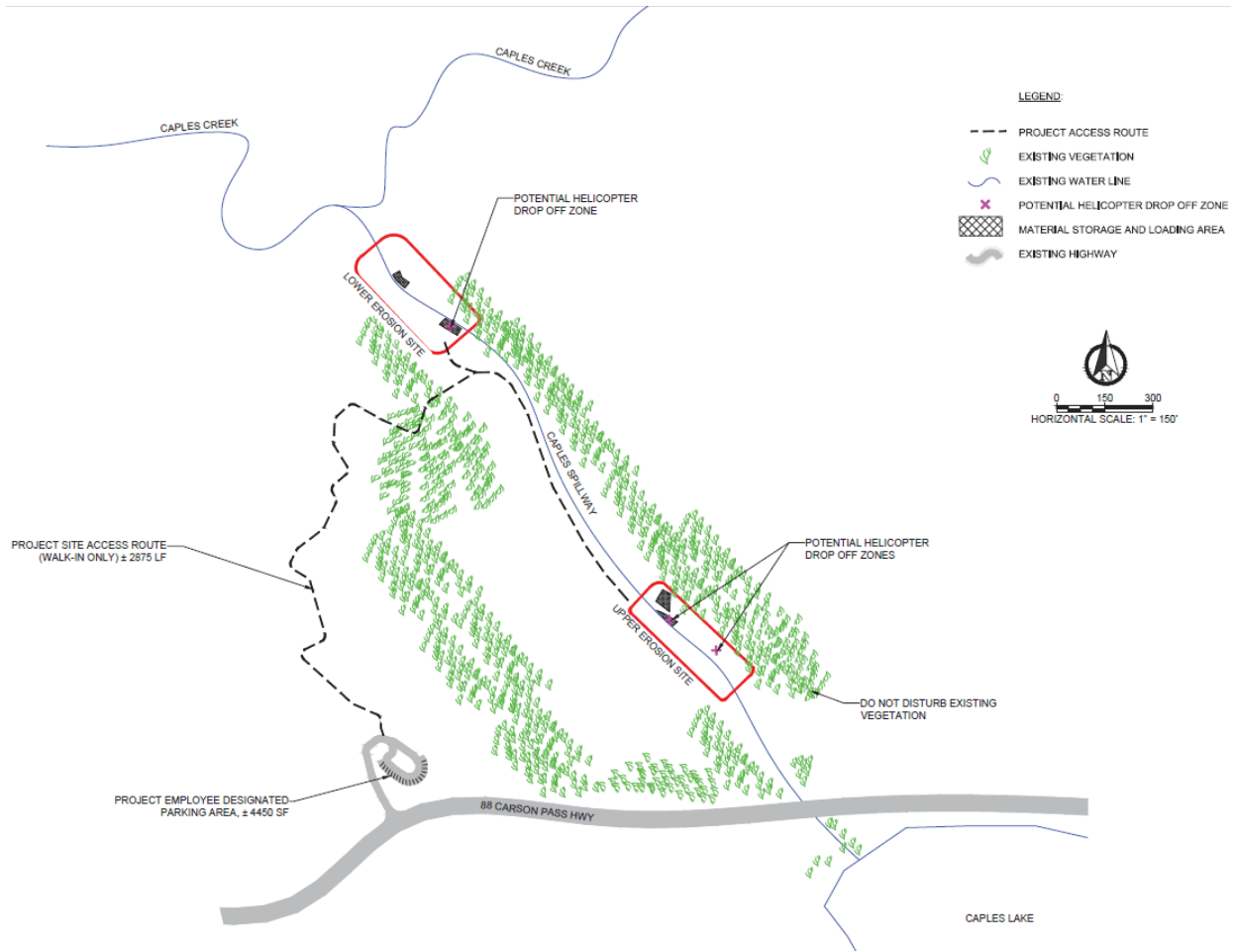


Figure 1. Map of Caples Lake Spillway Creek Stabilization Project, including Access Routes and Work Areas (from Caples Spillway Stabilization Plan, March 2018)