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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

OCT 21 2016

Mr. Michael Carrier, President  
Klamath River Renewal Corporation  
423 Washington Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94111

Dear Mr. Carrier:

### REQUEST FOR WATER QUALITY CERTIFICATION FOR THE KLAMATH RIVER RENEWAL CORPORATION'S LOWER KLAMATH PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 14803, SISKIYOU COUNTY

Thank you for your application requesting water quality certification (certification) pursuant to section 401(a)(1) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1341 et seq.) for the Lower Klamath Project's (Project) Federal Energy Regulatory Commission (FERC Project No. 14803) license surrender process. The application, received September 23, 2016, serves as a formal request for certification of the Project. Certification is required prior to issuance of a FERC license surrender order for the Project. The Klamath River Renewal Corporation's application initiates a one-year deadline from the date it was received for the State Water Resources Control Board (State Water Board) to act on the request for certification. The certification is subject to completion of the environmental review process described below. The Klamath River Renewal Corporation will be subject to annual fees as specified in California Code of Regulations, title 23, section 3833(b)(1). The deadline for certification action is September 23, 2017.

#### Clean Water Act Section 401 Certification

Section 401 of the CWA requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain certification from the State that the discharge will comply with the applicable water quality standards. Under section 303 of the CWA and under the Porter-Cologne Water Quality Control Act, the North Coast Regional Water Quality Control Board adopted, and the State Water Board and United States Environmental Protection Agency approved, the *Water Quality Control Plan for the North Coast Region (Basin Plan)*. The Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses for the Klamath River. If the Project does not comply with one or more of the water quality objectives or criteria, the Klamath River Renewal Corporation must describe the actions that it will take to bring its Project into compliance with the applicable water quality limits in order to fully protect and maintain the beneficial uses.

The application for certification, together with the FERC license surrender application, supplemental submittals, and other documents from the FERC files that are incorporated as attachments in the certification application, meet the application filing requirements specified in California Code of Regulations, title 23, section 3856. The State Water Board may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the Basin Plan. (Cal. Code Regs., tit. 23, § 3836.)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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A certification is issued when the State Water Board determines that an application for certification is complete and there is reasonable assurance that Project activities will comply with water quality standards and other appropriate requirements. The State Water Board must analyze potential Project-related environmental effects to the Klamath River drainage prior to making a determination that Project activities will be protective of the designated beneficial uses of the watershed.

California Environmental Quality Act

Issuance of a certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). In this case, the State Water Board is the lead agency for the purpose of compliance with the requirements of CEQA. Particularly, in light of the Klamath River Renewal Corporation's desired timeline for Project implementation in 2020, State Water Board staff intends to begin the CEQA process promptly. State Water Board staff will be contacting you soon to develop and execute a memorandum of understanding between the Klamath River Renewal Corporation, State Water Board, and a selected CEQA consultant.

State Water Board staff appreciates the continued cooperation of the Klamath River Renewal Corporation and looks forward to working with you on this Project. Should you have questions regarding this matter, please contact me at (916) 341-5321 or by email at [parker.thaler@waterboards.ca.gov](mailto:parker.thaler@waterboards.ca.gov). Written correspondence should be addressed as follows:

State Water Resources Control Board  
Division of Water Rights – Water Quality Certification Program  
Attn: Parker Thaler  
P.O. Box 2000  
Sacramento, CA 95812-2000

Sincerely,



Parker Thaler, Sr Environmental Scientist (Specialist)  
Water Quality Certification Program  
Division of Water Rights

cc on next page

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cc: Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Mr. Tomas Torras, Director  
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U.S. EPA, Region 9  
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Mr. John Hamilton  
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