



## Attachment 9



### State Water Resources Control Board

January 5, 2023

Ms. Laura Hazlett, Chief Operating Officer  
Klamath River Renewal Corporation  
**Sent via Email: [lhazlett@klamathrenewal.org](mailto:lhazlett@klamathrenewal.org)**

**Lower Klamath Project License Surrender  
Federal Energy Regulatory Commission Project No. 14803  
Siskiyou County  
Klamath River and associated tributaries**

#### **APPROVAL OF CALIFORNIA EROSION AND SEDIMENT CONTROL PLAN FOR LOWER KLAMATH PROJECT LICENSE SURRENDER**

Dear Ms. Hazlett:

On December 7, 2022, the Klamath River Renewal Corporation (KRRC) submitted a request to the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director), to review and approve its California Erosion and Sediment Control Plan (California Erosion Plan). The California Erosion Plan was developed to satisfy a requirement of Condition 10 of the amended water quality certification (certification) issued for the Lower Klamath Project License Surrender (Project)<sup>1</sup>. On December 13, 2022, State Water Board staff provided comments to the KRRC regarding missing elements of the California Erosion Plan (e.g., best management practices and consultation requirements). On December 22, 2022, the KRRC submitted a revised California Erosion Plan for Deputy Director review and approval.

The purpose of the California Erosion Plan is to identify measures the KRRC will implement to minimize upland erosion and sediment runoff to protect water quality in the portion of the Project in California, beyond those measures required under Condition 10 of the water quality certification. Condition 10 requires the measures identified in the Construction General Permit<sup>2</sup> and identifies sources of additional best management

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<sup>1</sup> The Executive Director for the State Water Board issued the Project certification on April 7, 2020, and the amended certification on November 3, 2022.

<sup>2</sup> State Water Board's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land

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practices (BMPs) in the November 2020 Definite Decommissioning Plan, *Water Quality Management for Forest System Lands in California – Best Management Practices* (USFS 2012), and California Department of Transportation's May 2017 *Construction Site Best Management Practices (BMP) Manual* (Caltrans BMP Manual) (Caltrans 2017). The California Erosion Plan indicates that it will implement the BMPs in the Construction General Permit, Waste Disposal and Hazardous Materials Management Plan, Reservoir Area Management Plan, 100% Design Drawings submitted to FERC in June 2022, and Construction Management Plan. The Historic Properties Management Plan includes a subset of these BMPs in its Erosion Control section and was developed in consultation with the Klamath Tribes, Shasta Indian Nation, Modoc Nation, Karuk Tribe, Yurok Tribe, Shasta Nation, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Confederated Tribes of Siletz Indians of Oregon, Resighini Rancheria, Cher-Ae Heights Indian Community of Trinidad Rancheria, and the Hoopa Valley Tribe<sup>3</sup>. The Reservoir Area Management Plan additionally requires adherence to the procedures identified in the Historic Properties Management Plan related to discoveries of cultural resources on the historical pre-dam ground surface. California Erosion Plan's summary of these measures was developed in consultation with the State Water Board, North Coast Regional Water Quality Control Board, Hoopa Valley Tribe, Yurok Tribe, and Karuk Tribe.

The California Erosion Plan does not identify additional BMPs beyond those referenced above. Please note that approval of the California Erosion Plan does not cover approval of individual Water Quality Monitoring and Protection Plans that are required by Condition 10 and which the KRRC notes in the California Erosion Plan will be provided to the State Water Board for approval prior to implementation. These Water Quality Monitoring and Protection Plans may identify additional BMPs.

In summarizing the KRRC's erosion control responsibilities in California in one document and formally providing clarification as to where the State Water Resource Control Board's Construction General Permit applies, the California Erosion Plan submitted on December 22, 2022, complies with the requirement of Condition 10 of the amended Project certification and is hereby approved. The KRRC shall implement the California Erosion Plan upon receiving all necessary approvals. The KRRC shall file this approval with the Federal Energy Regulatory Commission (FERC). Any

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Disturbance Activities (State Water Board Order 2009-0009-DWQ, as amended by State Water Board Orders 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057- DWQ, as applicable), and ongoing amendments during the life of the Project

<sup>3</sup> As referenced in Section 1.2 of the Historic Properties Management Plan, consultation included teleconferences, in-person meetings, written correspondence, and emails that discussed various components of the Section 106 compliance process, including an invitation to consult, identification of an Area of Potential Effects, methods to identify historic properties, evaluation of cultural resources, and assessment of the Project's potential for effects to historic properties.

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modifications to the California Erosion Plan shall be approved by the Deputy Director and filed with FERC prior to implementation.

If you have questions regarding this letter, please contact Oscar Biondi, by email at: Oscar.Biondi@waterboards.ca.gov. Written correspondence should be directed to:

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

Sincerely,



Erik Ekdahl  
Deputy Director

ec: Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
**Via e-filing to FERC Docket P-14803-001**

Ms. Lisa DeRose, Camas LLC  
**Email: [lisa@camasllc.com](mailto:lisa@camasllc.com)**

Mr. Richard Roos-Collins, Water and Power Law Group PC  
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Ms. Diane Barr, Camas LLC  
**Email: [diane@camasllc.com](mailto:diane@camasllc.com)**

Certificate of Service

I hereby certify that I have this day filed electronically with the Federal Energy Regulatory Commission and served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Sacramento, California this 5<sup>th</sup> day of January 2023.



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Oscar Biondi  
Senior Water Resource Control Engineer  
State Water Resources Control Board  
Oscar.Biondi@waterboards.ca.gov

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