
Central Valley Regional Water Quality Control Board

23 April 2016

Jon Bertolino
Sacramento Municipal Utility District
P.O. Box 1500
Pollock Pines, CA 95726

CERTIFIED MAIL
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CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY PROGRAMMATIC CERTIFICATION; SACRAMENTO MUNICIPAL UTILITY DISTRICT, UPPER AMERICAN RIVER PROJECT (FERC NO. 2101) (WDID#5A09CR00136), EL DORADO AND SACRAMENTO COUNTIES

This Order responds to the 5 August 2014 application submitted by the Sacramento Municipal Utility District (Applicant) for the Programmatic Water Quality Certification (Certification) of the maintenance activities related to the Upper American River Project (FERC No. 2101) (Project). This Certification provides coverage for permanent impacts to 2 acres/2,000 linear feet and temporary impacts to 3 acres/4,000 linear feet of waters of the United States.

This Certification provides regulatory coverage for routine maintenance projects within the Upper American River related to the Project. The Applicant proposes to conduct routine maintenance activities on land owned and/or managed by United States Forest Service. Coverage under this Certification is for routine maintenance conducted on waterways within El Dorado and Sacramento Counties, which include: Rubicon River, South Fork Rubicon River, Silver Creek, South Fork Silver Creek, South Fork American River, Rubicon Reservoir, Buck Island Reservoir, Loon Lake, Gerle Creek, Robbs Peak Reservoir, Ice House Reservoir, Union Valley Reservoir, Junction Reservoir, Camino Reservoir, Brush Creek Reservoir, Slab Creek Reservoir, and associated tributaries as identified in the project description.

This Order serves as certification of the United States Army Corps of Engineers' Regional General Permit (SPK-2013-01098) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Certification action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.

2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

PROGRAMMATIC CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant must submit a Notice of Intent, which serves as an Annual Notification of Proposed Maintenance Projects, by 1 February of each year.

The Annual Notification of Proposed Maintenance Projects shall include the following:

- (a) A Notice of Intent (NOI) form (Attachment A) to enroll in and comply with the conditions of this Certification at least 90 days prior to initiating work or construction;
 - (b) A description of all maintenance activities, dewatering activities, use of wet concrete or dewatering, and other authorized activities planned for the following construction season. When applicable, include the United States Army Corps of Engineer's Regional General Permit (SPK-2013-01098) that will have authorized each maintenance activity;
 - (c) Individual project locations, scope, and purpose;
 - (d) The amount of impacts to waters of the United States for each individual maintenance activity, in acreage and/or linear feet, as appropriate;
 - (e) A description of all on-site and off-site mitigation for the proposed maintenance activities;
 - (f) A final Notice of Exemption under California Environmental Quality Act (CEQA) for each construction activity identified as Other Minor Construction that is not described in the Environmental Impact Report or defined in the Project Information Sheet; and
 - (g) Detailed map identifying the locations of all proposed maintenance activities.
2. The Applicant shall obtain a separate Water Quality Certification for any additional routine maintenance activities not identified in the Project Information Sheet of this Certification or covered by the § 401 Water Quality Certification for the Upper American River Project issued by the State Water Resources Control Board on 4 October 2013.
 3. The Central Valley Water Board staff will review the NOI and evaluate whether it meets the Project description in this Certification. If the NOI meets the requirements, Central Valley Water Board staff will issue a Notice of Applicability (NOA) within 90 days to provide coverage under this General Order. The Applicant must receive an NOA prior to in-water work. The Central Valley Water Board reserves the authority to request additional information or exclude any activities from coverage if it cannot determine that the work is related to routine maintenance activities identified in the Project Information Sheet of this Certification, or is not sufficiently protective of water quality standards or beneficial uses. In such cases, the Central Valley Water Board Executive Officer will issue a Notice of Exclusion (NOE) within 90 days stating that the activity is not authorized or enrolled in this Certification.
 4. The Applicant shall submit Annual Post-Maintenance Reports for completed maintenance activities from the previous calendar year to the Central Valley Water Board by 31 December of each year.

The Annual Post-Maintenance Reports shall include the following:

- (a) A complete description of the work conducted within waters of the United States, including the amount and type (in cubic yards) of material and the area (in acres) of dredge and/or fill material discharged in to waters of the United States, at each location;
 - (b) A vicinity map depicting the location of each activity. The map shall clearly identify the exact location and extent of each activity;
 - (c) A list of all Best Management Practices implemented to the maintenance projects, and the methods of restoring all temporary construction areas;
 - (d) Any changes to the planned maintenance projects, as they were described in the Annual Notification of Proposed Maintenance Projects;
 - (e) Any impacts that have exceed the original impacts and payment for all fill, excavation, and dredging activities not described in the Annual Notification of Proposed Maintenance Activities;
 - (f) The cumulative amount of material (in cubic yards) and area (in acres) of material discharged into waters of the United States for all activities conducted under this Certification; and
 - (g) Evidence of off-site and on-site mitigation that achieves a minimum ratio of 1:1. Evidence of mitigation includes, but is not limited to, purchase of mitigation credits, on-site habitat creation, and/or off-site habitat preservation, or as otherwise required by the United States Army Corps of Engineers.
5. The Applicant shall submit the entire fee with the Annual Notification of Proposed Maintenance Projects as required by §3833(b)(3)(A) and §2200(a)(3) of the California Code of Regulations.

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or

- c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—
Temperature	°F (or as °C)	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
pH	Standard Units	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains

implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity, settleable matter, temperature, and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

Exceptions to the above limits will be considered when a dredging operation can cause an increase in turbidity. In those cases, an allowable zone of dilution within which turbidity in excess of the limits may be tolerated will be defined for the operation and prescribed in a Waste Discharge Requirement for dredging activities.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.
 - c) Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.
 - d) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, temperature, pH, or other water quality objectives are exceeded.
 7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) project activities result in any materials reaching surface waters; or 3) project activities result in the creation of a visible plume in surface waters.
 8. Activities shall not cause visible oil, grease, or foam in the receiving water.

9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.
14. All areas disturbed by project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. Hydroseeding shall be performed with California native seed mix.
17. All materials resulting from the project shall be removed from the site and disposed of properly.
18. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
19. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Dewatering Plan. The Plan must be developed prior to initiation of any water diversions. The Plan shall include the proposed method and duration of diversion activities. The Plan must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.

20. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
21. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
22. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
23. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Regional General Permit, United States Fish and Wildlife Service decision document, or California Department of Fish and Wildlife Lake or Streambed Alteration Agreement.
24. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2014-0190-R2.
25. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion (81420-2008-F-0014-5) dated 28 September 2009.
26. The Applicant shall implement the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.
27. Nothing in this Certification should be construed as a modification of the requirements contained in the § 401 Water Quality Certification for the Upper American River Project issued by the State Water Resources Control Board on 4 October 2013.
28. If the Project will involve land disturbance activities of one or more acres, or where the project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No.

2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

29. The Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water.
30. If dewatering activities result in discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).
31. The Applicant shall work with the Central Valley Water to obtain coverage under WDRs for dredging activities.
32. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
33. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
34. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. 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 this Certification.
 - (a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.

NOTIFICATIONS AND REPORTS:

35. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any approved amendments. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
36. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Stephanie Tadlock, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Sacramento Municipal Utility District is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Upper American River Project (FERC No. 2101) pursuant to § 21000 et seq. of the Public Resources Code. The Sacramento Municipal Utility District certified the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and Statement of Overriding Considerations on 19 July 2012. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to water quality and biological resources. The Sacramento Municipal Utility District filed a Notice of Determination with the State Clearinghouse on 24 July 2012 (SCH No. 2008052009).

The Central Valley Water Board is a responsible agency for the project. Impact analysis was provided at a programmatic level throughout the EIS/EIR. Regular maintenance activities are covered under the EIS/EIR. For proposed construction activities not evaluated under the EIS/EIR, the Central Valley Water Board will evaluate those activities prior to issuance of the Notice of Applicability. The Central Valley Water Board has determined that the EIS/EIR is in accordance with the requirements of the California Environmental Quality Act.

With the exception of significant and unavoidable impacts to water quality and biological resources, the proposed mitigation measures discussed in the EIS/EIR were adopted to avoid

and minimize project impacts. The mitigation measures discussed in the EIS/EIR to minimize project impacts to State waters are required by this Certification.

With regard to the remaining impacts identified in the EIS/EIR, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Sacramento Municipal Utility District, Upper American River Project (FERC No. 2101) (WDID#5A09CR00136) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, the discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the Sacramento Municipal Utility District's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015.

Original Signed by Adam Laputz for

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachments: Attachment A – Notice of Intent (NOI) Form for Regional General Permit (RGP)
for the Development of the Upper American River Project (FERC No. 2101)

Figure 1 – Project Location Map

cc: Distribution List, page 17

PROJECT INFORMATION SHEET

Application Date: 5 August 2014

Applicant: Joe Bertolino
Sacramento Municipal Utility District
P.O. Box 1500
Pollock Pines, CA 95726

Applicant Representative: Ethan Koenigs
Sacramento Municipal Utility District
P.O. Box 1500
Pollock Pines, CA 95726

Project Name: Upper American River Project – FERC No. 2101

Application Number: WDID#5A09CR00136

Date on Public Notice: 10 January 2014

Date Application Deemed Complete: 29 August 2014

Type of Project: Bank and Channel Modification – Channel Construction and Maintenance

Approved Months of Project Implementation: 15 April 2016 through February 2021

Project Location: Section 19 & 20, Township 11 North, Range 12 East, MDB&M.
Latitude: 38°46'44.21" N and Longitude: 120°40'53.15" W

County: El Dorado and Sacramento Counties

Receiving Water(s) (hydrologic unit): Rubicon River, South Fork Rubicon River, Silver Creek, South Fork Silver Creek, South Fork American River, Rubicon Reservoir, Buck Island Reservoir, Loon Lake, Gerle Creek, Robbs Peak Reservoir, Ice House Reservoir, Union Valley Reservoir, Junction Reservoir, Camino Reservoir, Brush Creek Reservoir, and Slab Creek Reservoir; Sacramento Hydrologic Basin, American River Hydrologic Unit: #514.32 – Coloma HSA, #514.33 – Silver Creek HSA, #514.34 – Union Valley Reservoir HSA, #514.44 – Loon Lake HSA, and #514.45 – Hell Hole HSA.

Water Body Type: Streambed, Lake

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW);

Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Rubicon River, South Fork Rubicon River, Silver Creek, South Fork Silver Creek, South Fork American River, Rubicon Reservoir, Buck Island Reservoir, Loon Lake, Gerle Creek, Robbs Peak Reservoir, Ice House Reservoir, Union Valley Reservoir, Junction Reservoir, Camino Reservoir, Brush Creek Reservoir, and Slab Creek Reservoir are the receiving waters for the Upper American River Project (FERC No. 2101). South Fork American River and Slab Creek Reservoir are on the 303(d) list for mercury. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to South Fork American River and Slab Creek Reservoir. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The Upper American River Project (FERC No. 2101) (Project) is located on the west slope of the Sierra Nevada in the El Dorado National Forest in El Dorado and Sacramento Counties. The Project and some maintenance activities related to the Federal Energy Regulatory Commission (FERC) license are authorized through the State Water Resources Control Board (State Board) Certification issued on 4 October 2013. This Certification covers the remaining maintenance activities not covered under the State Board Certification. Individual Projects will be submitted for approval under this Certification on an annual basis and will involve operation, maintenance, and minor construction activities.

The Project is a 688 MW hydroelectric facility consisting of 11 reservoirs, 8 powerhouses, numerous tunnels, penstocks, and other facilities. The Applicant regularly performs maintenance and operations activities on the facility. The Applicant received a renewed FERC license on 23 July 2014 that requires minor construction and modification that may impact wetlands and waters of the United States.

This Certification provides coverage to the Applicant for the following maintenance activities related to the Project:

Gerle Canal Leaks

Gerle Canal is partially lined with shotcrete and has cracked areas that are showing seepage. To repair the cracked areas, the canal will be dewatered and barrier material used to line the canal.

Gate/Trash Rack Maintenance

Gates and trash racks located at the entrances to tunnels or intake structures accumulate debris and rocks. The reservoirs need to be lowered periodically to remove accumulated debris, sediment, and rocks. All removed material will be disposed of in upland areas outside of the

Project area in a location approved by either El Dorado or Sacramento County, depending on the location of the reservoir.

Forebay Dredging

Dredging activities consist of sediment removal from Robbs Forebay to restore capacity to the reservoir. All removed material will be disposed of in upland areas outside of the Project area in a location approved by El Dorado County. If dredge materials are discharged to land, the Applicant will obtain coverage under Waste Discharge Requirement as per Technical Condition No. 30.

Trailrace Repair and Maintenance

Rock and debris needs to be cleared in the area immediately downstream of Robbs Peak Powerhouse to allow the turbines to continue running efficiently. Concrete walls located in the tailrace area need to be maintained to prevent cracking. Dewatering the area downstream of Robbs Peak Powerhouse will allow for clearing debris accumulation and repairing concrete walls. Wet concrete will be poured in the stream bed during dry conditions with no precipitation. Fine materials removed from the tailrace will be stockpiled outside the ordinary high water mark. Materials removed will be moved to areas within the channel or along the bank where natural flow is not disturbed.

Other Minor Construction

Small construction activities within the Project area that the Central Valley Water Board determines qualify for a Categorical Exemption from the California Environmental Quality Act may impact waters of the United States. Regular maintenance activities are discussed in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and if not evaluated under the EIS/EIR, Central Valley Regional Board staff will evaluate proposed regular maintenance activities prior to issuance of a Notice of Applicability (NOA).

Temporary Construction, Access, and Dewatering

Construction activities, access to the maintenance area, and dewatering related to the activities described above will discharge dredge or fill material into waters of the United States. This includes discharges associated with the installation of best management practices, staging areas, and temporary dewatering. Prior to and during dewatering activities, biologists will be on-site to ensure stranded aquatic life is collected and safely introduced to a suitable location outside of the maintenance area. The description of construction activities, temporary maintenance area access, dewatering activities, and any other maintenance activities will be described in the Notice of Intent.

To obtain coverage under this Certification, the Applicant must submit an Notice of Intent (NOI) (Attachment A), at least 90 days prior to initiating construction. Specific dimensions and volumes, impacts to waters of the United States, and the mitigation for those impacts are required to be provided with each NOI. Central Valley Water Board staff will review the NOI and evaluate whether it meets the Project description in this Certification. If the NOI meets the requirements, Central Valley Water Board staff will issue an NOA within 90 days to provide coverage under this Certification. The Applicant cannot start in-water work until an NOA is issued.

The Central Valley Water Board reserves the authority to request additional information or exclude any work from coverage if it cannot determine that the work is not sufficiently protective of water quality standards or beneficial uses. In such cases, the Central Valley Water Board Executive Officer will issue a Notice of Exclusion (NOE) within 90 days stating that the segment is not authorized or enrolled in this Certification.

Valley elderberry longhorn beetle has been identified in the maintenance area. The Applicant shall implement the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.

Dewatering will occur within the maintenance activities area. Wet concrete will be placed into the stream bed after fully dewatering the work area. Maintenance activities will permanently impact 2 acres/2,000 linear feet and temporarily impact 3 acres/4,000 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity, settleable matter, temperature, and pH.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity, settleable matter, temperature, and pH testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: The approximate amount of fill material proposed to be placed into waters of the United States will be submitted with the Notice of Intent. The final amount of fill material placed into waters of the United States will be reported in the Annual Post-Maintenance Reports.

The approximate amount of excavation material proposed to be removed from waters of the United States will be submitted with the Notice of Intent. The final amount of excavated material removed from waters of the United States will be reported in the Annual Post-Maintenance Reports.

Dredge Volume: The approximate amount of dredge material removed from waters of the United States will be submitted with the Notice of Intent. The final amount of dredge material removed from waters of the United States will be reported in the Annual Post-Maintenance Reports.

California Integrated Water Quality System Impact Data: The Project will permanently impact no more than 2 acres/2,000 linear feet of stream bed and lake habitat and temporarily impact no more than 3 acres/4,000 linear feet of stream bed and lake habitat from fill, excavation, and dredge activities.

United States Army Corps of Engineers File Number: SPK-2013-01098

United States Army Corps of Engineers Permit Type: Regional General Permit

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
1600-2014-0190-R2

Possible Listed Species: Valley elderberry longhorn beetle, California red-legged frog, and Sierra Nevada yellow-legged frog.

Status of CEQA Compliance: The Sacramento Municipal Utility District certified an Environmental Impact Report and Statement of Overriding Considerations on 19 July 2012. The Sacramento Municipal Utility District filed a Notice of Determination with the State Clearinghouse on 24 July 2012 (SCH No. 2008052009).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: The Applicant shall provide proposals for all on-site and off-site compensatory mitigation to the Central Valley Water Board with the Notice of Intent. Evidence of on-site and off-site mitigation will be submitted with the Annual Post-Maintenance Report. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchase of mitigation credits, on-site habitat creation, and/or off-site habitat preservation, or as otherwise required by the United States Army Corps of Engineers.

Application Fee Provided: Total fees of \$1,201.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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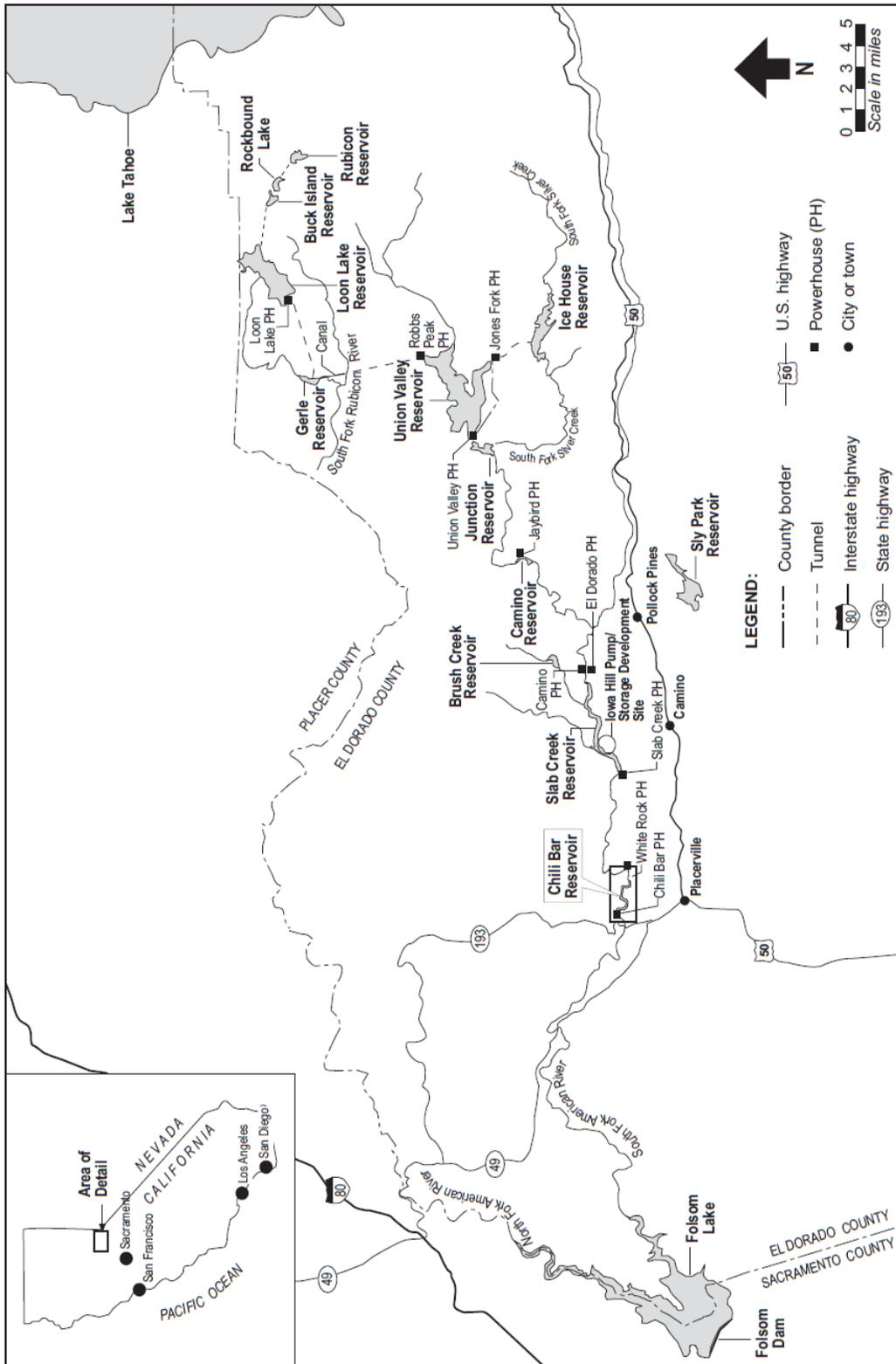


Figure 1 – Project Location Map

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**NOTICE OF INTENT (NOI) FORM
FOR
REGIONAL GENERAL PERMIT (RGP) FOR THE
MAINTENANCE ACTIVITIES OF THE
UPPER AMERICAN RIVER PROJECT (FERC NO. 2101)
(WDID# 5A09CR00136)**

Application Fees: Application fees shall be based on the current fee schedule in accordance with Title 23 CCR § 2200 (a)(3), and is required. To determine the total fee, please use the fee calculator at: http://www.waterboards.ca.gov/water_issues/programs/#wqcert. In order to process the application and issue a Notice of Applicability for the project within 90 days, the full payment must be received with the application. Please include a check payable to the **State Water Resources Control Board**.

Annual Fees: After the certification has become effective, annual fees will be based on the current fee schedule at time of billing.

Instructions for Notice of Intent (Attachment A)

The Applicant must submit the Notice of Intent to the Central Valley Water Board at least ninety (90) days prior to initiating any portion of the maintenance activities. When submitting documents related to this application, please reference the project name and WDID number as shown in the subject line above. The documents must be converted to a searchable portable document in PDF format. Please submit the required documents electronically to centralvalleysacramento@waterboards.ca.gov. Documents that are 50 MB or larger must be transferred to a disk and mailed to: 11020 Sun Center Drive Suite 200, Rancho Cordova, CA 95670.

Attach additional sheets as necessary. If any information is not applicable to the proposed project please indicate that as N/A. An electronic copy of this form is available at: http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml

1. ENROLLEE INFORMATION

2. AGENT INFORMATION*

Applicant:	Agent*
Contact Name:	Contact Name:
Address:	Address:
Phone No:	Phone No:
Fax No:	Fax No:
E-mail Address:	E-mail Address:

*Complete only if applicable

3. PROJECT DESCRIPTION

a) Project Title:
b) Project Location: County: _____ Section: _____ Township: _____ Range: _____ Quadrangle Name: _____ Latitude: _____ Longitude: _____ *Attach site map with "waters" clearly indicated (e.g. USGS 7 1/2 quadrangle map)
c) Project Description (Please provide a detailed explanation of all project activities. Include applicable information such as: avoidance and minimization measures for project impacts; alternatives analysis; project activity impacts to water bodies and/or water quality; and implementation of Low Impact Development (LID) strategies. Attach additional pages as necessary):
d) Proposed Schedule (start date, and completion date):
e) Total Project Size (clearing, grading, other construction activities): _____ acres _____ linear feet (if appropriate)

4. IMPACTED WATER BODIES

a) Name(s) of Receiving Water Body(ies):
b) Anticipated potential stream flow during project activity:
c) Describe potential impacts to water quality:

6. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservations of habitats, erosion control measures, project scheduling, flow diversions, etc.

7. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

a) Indicate the type of CEQA Document required for this project:

Categorical Exemption _____ Environmental Impact Report _____

Has the document been certified/approved, or has a Notice of Exemption been filed? _____

If yes date of approval/filing _____ If no, expected approval/filing date: _____

Lead Agency _____

Have you attached a copy of the draft/final CEQA documentation*? _____

** A final copy of valid CEQA documentation must be provided before a project can be certified*

8. SIGNATORY REQUIREMENTS

All reports, notices, or other documents required by the Water Quality Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.

- a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: by a general partner or the proprietor.
- c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.

9. CERTIFICATION

Any person signing or submitting a document, e.g. an application, a monitoring report, etc., to demonstrate compliance with the Water Quality Certification regulations shall make the following certification, whether written or implied.

“I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

Print Name: _____ Title: _____

Signature: _____ Date: _____

STATEMENT OF AUTHORIZATION (if designating a specific agent)

I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

X _____ DATE _____

APPLICANT'S SIGNATURE (not the authorized agent)

All information on this application becomes part of the public record, and as such is subject to public records requests disclosure. In addition, the application will be posted for public review on the Regional Board's web site in accordance with California Code of Regulations Title 23 Section 3858.