
Central Valley Regional Water Quality Control Board

7 April 2022

Mark Morberg
U.S. Bureau of Reclamation
2800 Cottage Way.
Sacramento, CA 95825

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; U.S. BUREAU OF RECLAMATION, B.F. SISK DAM SAFETY OF DAMS MODIFICATION PROJECT (WDID NO. 5B24CR00087A1), MERCED COUNTY

This Order responds to the 2 February 2022 request for an amendment of the B.F. Sisk Dam Safety of Dams Modification Project (Project) Section 401 Water Quality Certification (WDID No. 5B24CR00087). The original Water Quality Certification (Certification) was issued on 25 August 2020. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

This amendment is not valid until and unless an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE) or it is otherwise determined by USACE that an amendment of the 404 Permit is unnecessary.

AMENDMENT:

The U.S. Bureau of Reclamation (hereinafter Permittee) has made final design decisions and construction plans that result in less impacts to aquatic resources than permitted under the original certification. The Permittee is requesting an amendment to the Section 401 Water Quality Certification and Order to revise the amount of temporary and permanent impacts to wetland and stream channel habitat; and to revise the amount of compensatory mitigation required as a result in the reduction of impacts to wetland and stream channel habitat. Specifically, the reduction in permanent impacts from 9.44 acres to 3.84 acres which shall be mitigated by purchasing an additional 7.71 credits through the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program. The permittee has already provided proof of purchase for 5.4 aquatic resources credits from the Grasslands Mitigation Bank. Therefore, Section VII, Tables 1 and 2; Section XIV.K Attachment A; Attachment B, Tables 2 through 3 are amended in underline format below. Table 5 of Section XIV.K and Tables 4 through 7 of Attachment B are additions to the original certification.

VII. Description of Direct Impacts to Waters of the State

Table 1: Total Project Fill/Excavation Quantity for Temporary Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards
Stream Channel	<u>0.52</u>	
Wetland	<u>0.91</u>	

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres
Stream Channel	<u>0.56</u>
Wetland	<u>3.28</u>

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

1. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of impacts to waters of the state.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

2. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation at a minimum 1:1 ratio for the authorized impact to 3.84 acre of stream channel and wetland habitat by purchasing 7.71 Aquatic Resource Credits in the San Joaquin River Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.
- b. The Permittee is required to provide compensatory mitigation at a minimum 1:1 ratio for the authorized impact to 3.84 acre of stream channel and wetland habitat by purchasing 5.40 Aquatic Resource Credits from an Army Corps of Engineers Sacramento District approved mitigation bank within the watershed service area of the project location.

c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: Total Project Compensatory Mitigation for Permanent Impacts

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	In-Lieu Fee Credits	Acres						<u>7.71</u>
Stream Channel	Mitigation Bank Credits	Acres	<u>5.40</u>					

Figure 3. Impact Area

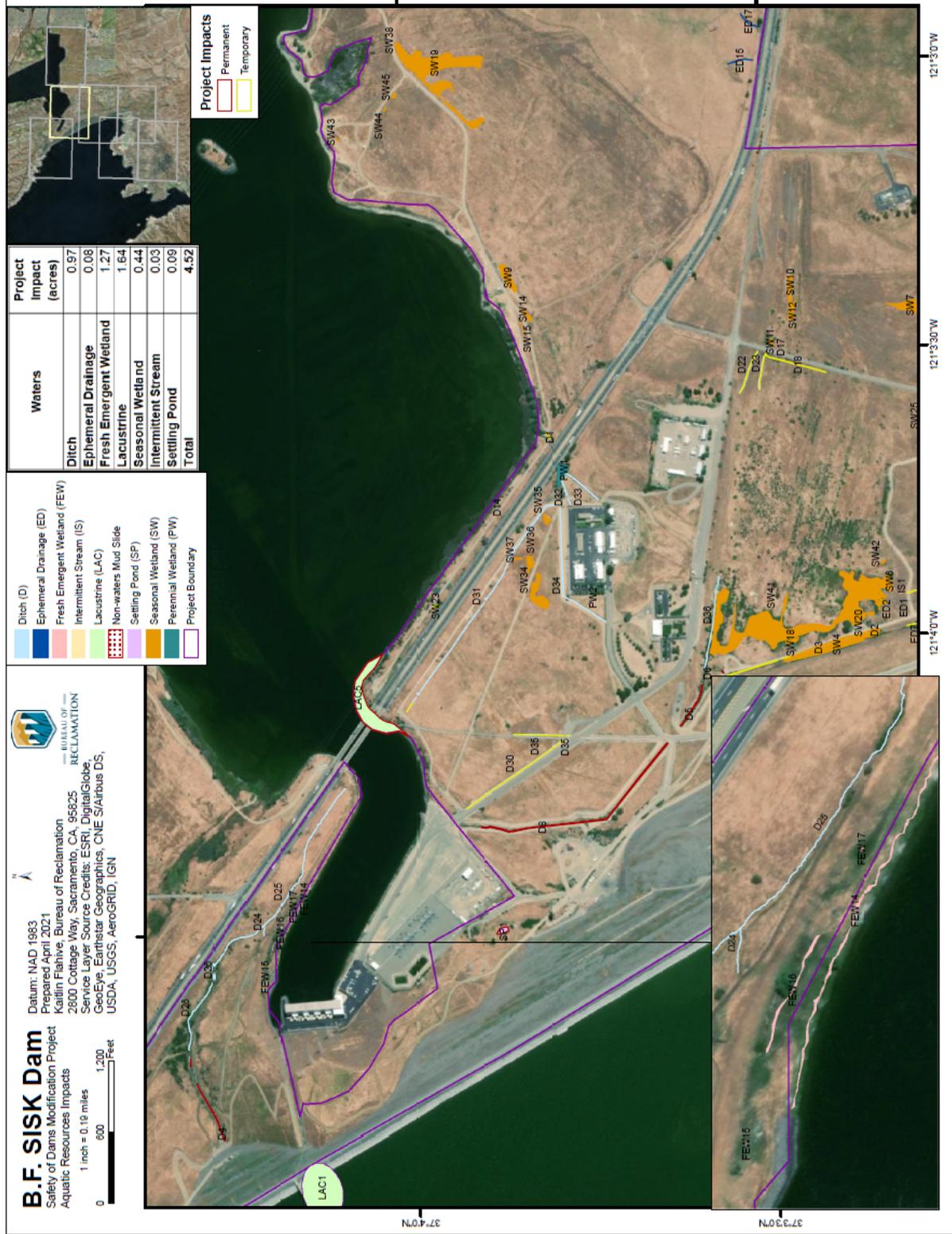


Figure 4. Impact Area

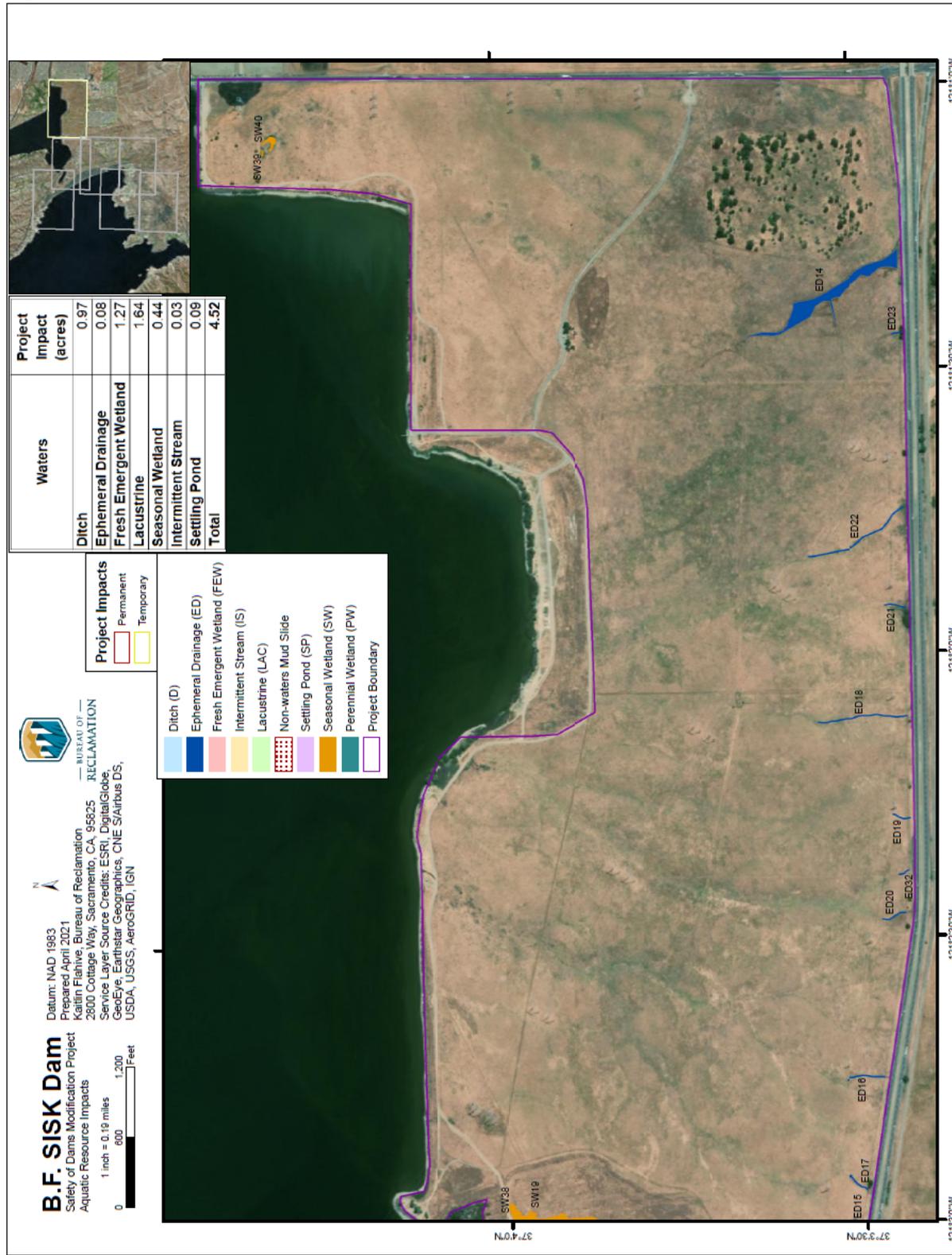


Figure 5. Impact Area

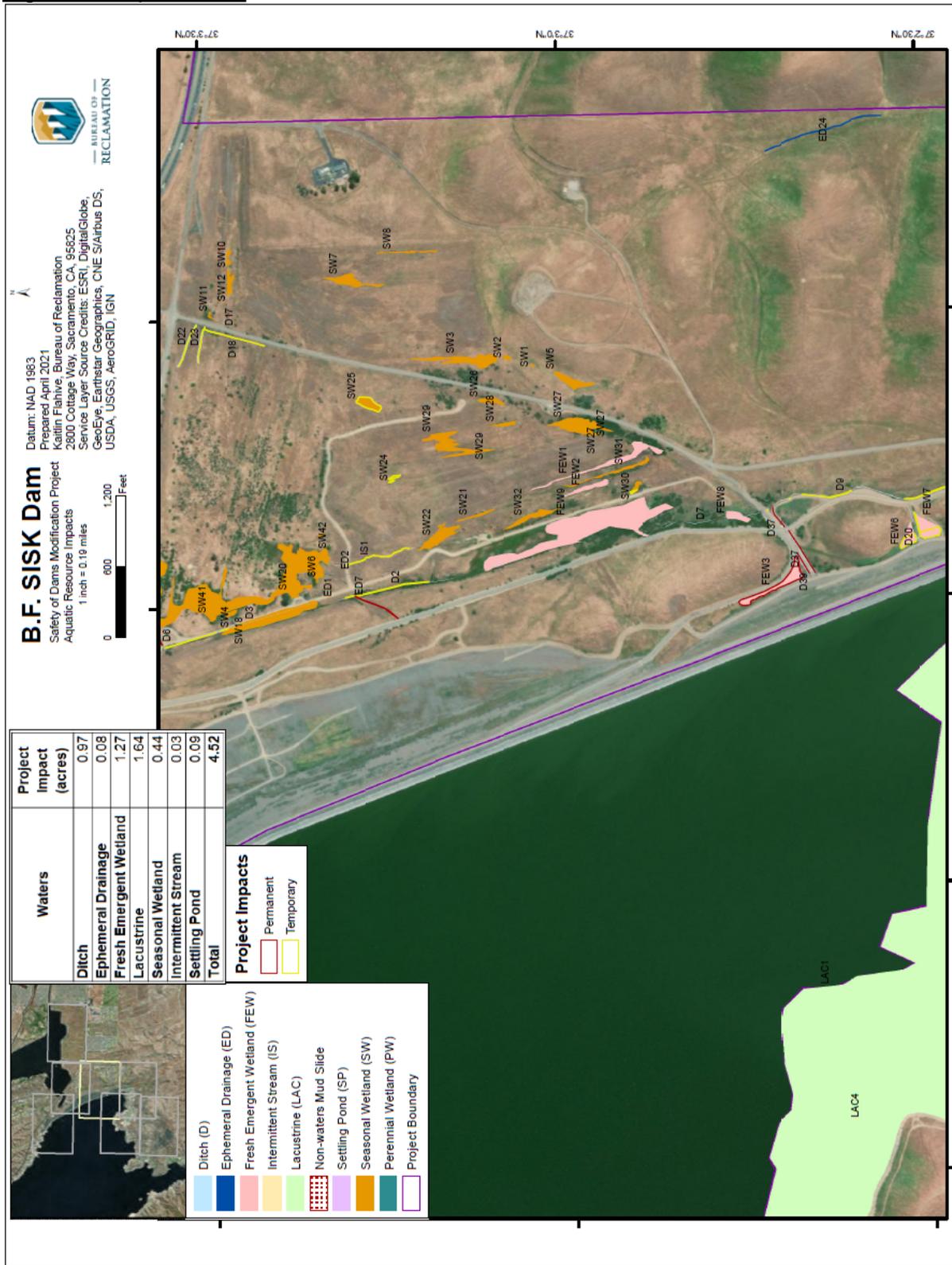


Figure 6. Impact Area

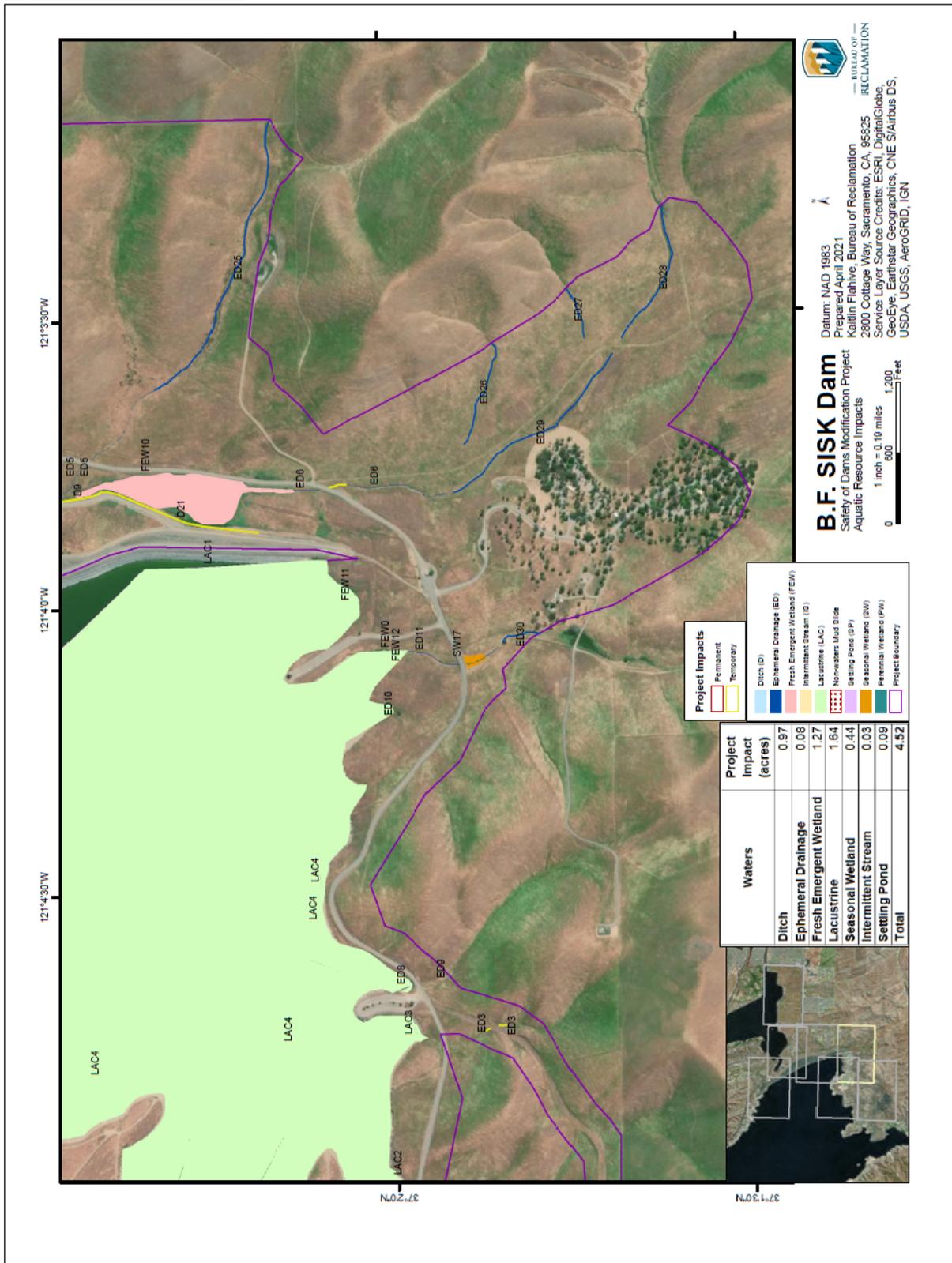


Figure 7. Impact Area

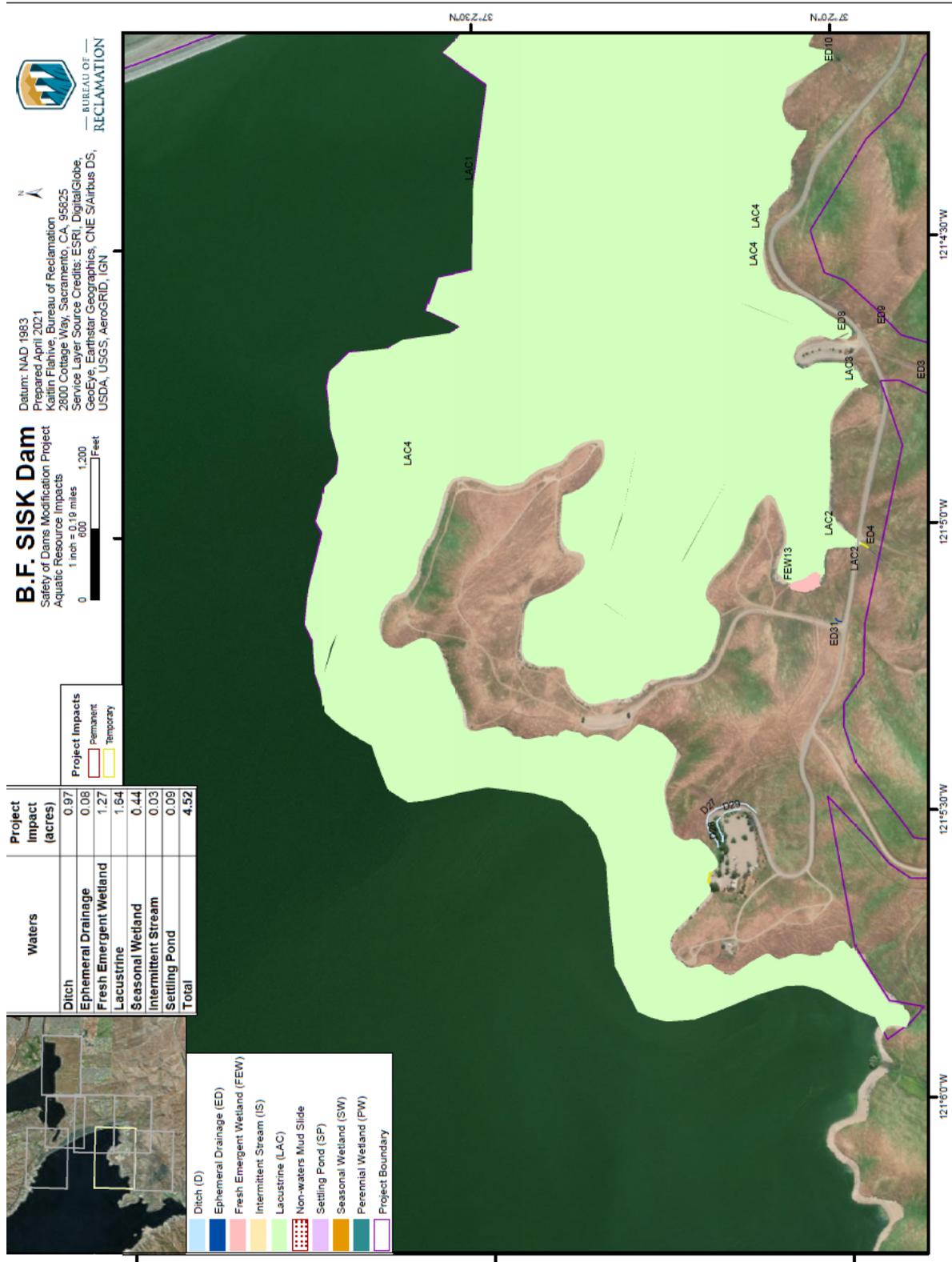


Figure 8. Impact Area

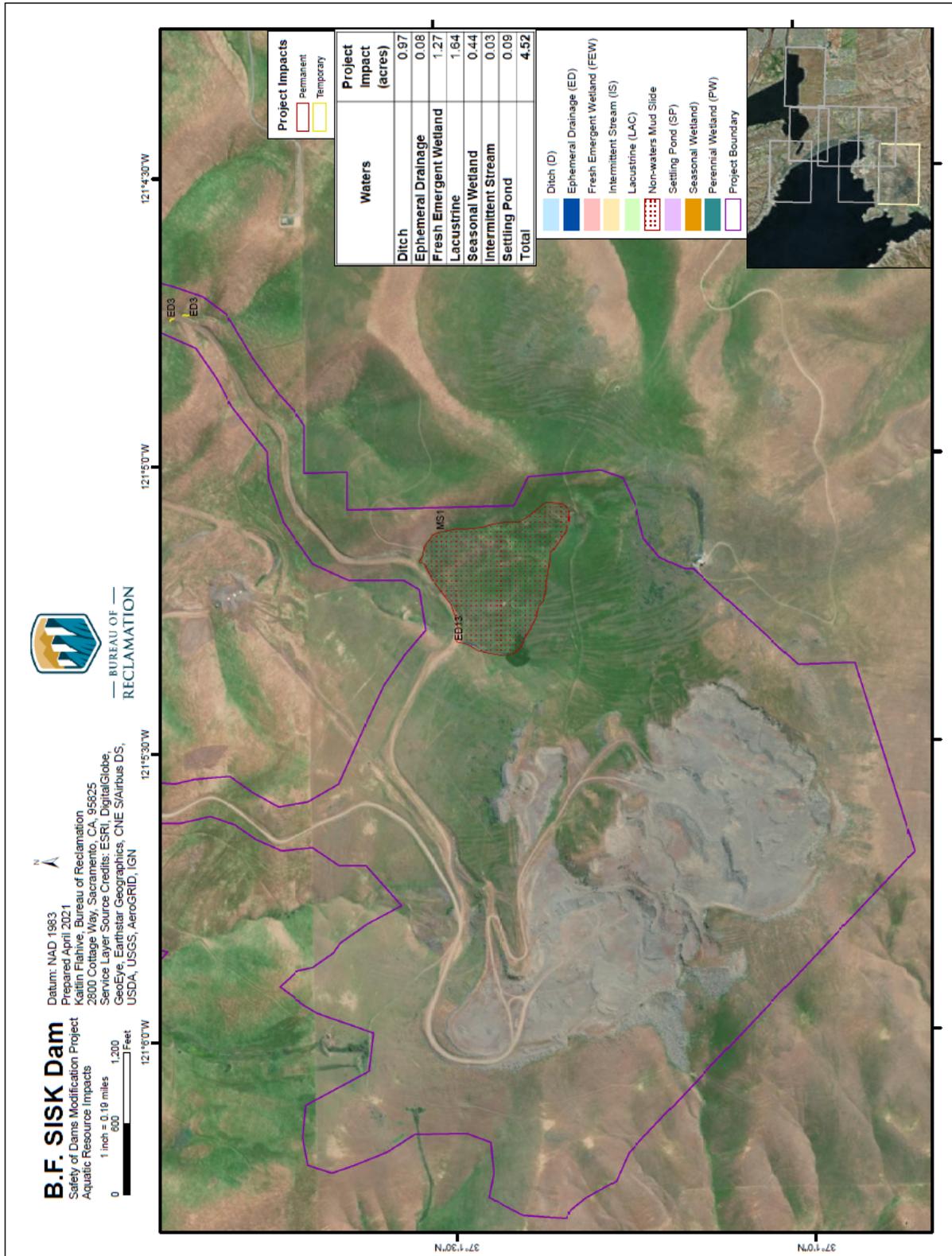


Figure 9. Impact Area

B.F. Sisk Dam Safety of Dams Modification Project

San Luis Creek Day Use Activity Areas and Impact



Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Acres	Latitude	Longitude
D1	<u>0.01</u>	<u>37.063394</u>	<u>-121.060812</u>
D2	<u>0.01</u>	<u>37.053688</u>	<u>-121.066157</u>
D3	<u>0.02</u>	<u>37.057739</u>	<u>-121.067275</u>
D9	<u>0.13</u>	<u>37.042146</u>	<u>-121.063699</u>
D17	<u>0.004</u>	<u>37.057932</u>	<u>-121.058381</u>
D18	<u>0.03</u>	<u>37.057617</u>	<u>-121.058864</u>
D20	<u>0.02</u>	<u>37.041909</u>	<u>-121.064552</u>
D21	<u>0.07</u>	<u>37.037656</u>	<u>-121.064271</u>
D22	<u>0.02</u>	<u>37.058703</u>	<u>-121.05908</u>
D23	<u>0.01</u>	<u>37.058388</u>	<u>-121.059084</u>
D30	<u>0.05</u>	<u>37.06427</u>	<u>-121.070571</u>
D31	<u>0.05</u>	<u>37.064978</u>	<u>-121.065682</u>
D35	<u>0.02</u>	<u>37.063714</u>	<u>-121.06944</u>
ED3	<u>0.03*</u>	<u>37.030958</u>	<u>-121.079058</u>
ED4	<u>0.01</u>	<u>37.032572</u>	<u>-121.084209</u>
ED6	<u>0.01</u>	<u>37.033598</u>	<u>-121.063373</u>
FEW6	<u>0.2</u>	<u>37.041997</u>	<u>-121.06505</u>
FEW7	<u>0.26</u>	<u>37.041571</u>	<u>-121.064796</u>
IS1	<u>0.03</u>	<u>37.054489</u>	<u>-121.065338</u>
LAC2	<u>0.01</u>	<u>-121.0584</u>	<u>-121.0838</u>
LAC4	<u>0.02</u>	<u>37.03873</u>	<u>-121.087086</u>
SW16	<u>0.01*</u>	<u>37.077787</u>	<u>-121.090158</u>
SW22	<u>0.01</u>	<u>37.052908</u>	<u>-121.064763</u>

Impact Site ID	Acres	Latitude	Longitude
<u>SW23</u>	<u>0.01</u>	<u>37.066041</u>	<u>-121.065666</u>
<u>SW24</u>	<u>0.04</u>	<u>37.053954</u>	<u>-121.063047</u>
<u>SW25</u>	<u>0.33</u>	<u>37.054499</u>	<u>-121.060869</u>
<u>SW30</u>	<u>0.01</u>	<u>37.048319</u>	<u>-121.063431</u>
<u>SW33</u>	<u>0.01*</u>	<u>37.0773</u>	<u>-121.090221</u>

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Acres	Latitude	Longitude
<u>D4</u>	<u>0.04</u>	<u>37.071608</u>	<u>-121.07969</u>
<u>D5</u>	<u>0.03</u>	<u>37.060244</u>	<u>-121.068944</u>
<u>D6</u>	<u>0.01</u>	<u>37.059805</u>	<u>-121.067952</u>
<u>D8</u>	<u>0.35</u>	<u>37.062697</u>	<u>-121.071529</u>
<u>D11</u>	<u>0.04</u>	<u>37.078136</u>	<u>-121.090734</u>
<u>D15</u>	<u>0.02</u>	<u>37.077882</u>	<u>-121.090174</u>
<u>D37</u>	<u>0.03</u>	<u>37.04507</u>	<u>-121.064403</u>
<u>D39</u>	<u>0.01</u>	<u>37.044465</u>	<u>-121.065759</u>
<u>ED7</u>	<u>0.03</u>	<u>37.054394</u>	<u>-121.066753</u>
<u>FEW3</u>	<u>0.73</u>	<u>37.045068</u>	<u>121.06634</u>
<u>FEW4</u>	<u>0.08</u>	<u>37.077997</u>	<u>-121.090276</u>
<u>LAC5</u>	<u>1.61</u>	<u>37.067607</u>	<u>-121.06844</u>
<u>LAC6</u>	<u>0.75</u>	<u>37.083660</u>	<u>-121.059330</u>
<u>SP1</u>	<u>0.09</u>	<u>37.064635</u>	<u>-121.075071</u>
<u>SW16</u>	<u>0.01</u>	<u>37.077787</u>	<u>-121.090158</u>
<u>SW33</u>	<u>0.01</u>	<u>37.0773</u>	<u>-121.090221</u>

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations. Mitigation bank requirements are subject to approval from the Army Corps of Engineers Sacramento District.

(a) Mitigation Bank Compensatory Mitigation Site Information

Table 4: Mitigation Bank

Mitigation Bank Name:	Grasslands Mitigation Bank
Website:	https://wesmitigation.com/cabanks/grasslands-mitigation-bank/
Mitigation Bank Contact Name:	Travis Hemmen
Phone:	916-646-3644
Email:	themmen@westervelt.com
Mitigation Location - County:	Merced
Latitude:	TBD
Longitude:	TBD

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel and Wetland	3.84		5.4

(b) In-Lieu Fee Compensatory Mitigation Information

Table 6: In-Lieu Fee Program

In-Lieu Fee Program Name:	National Fish and Wildlife Foundation's Sacramento District California
Watershed Service Area	San Joaquin River
Website:	https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program
In-Lieu Fee Program Contact Name:	TBD
Phone:	TBD
Email:	TBD
In-Lieu Fee Program Location - County:	Merced
Latitude:	TBD
Longitude:	TBD

Table 7: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel and Wetland	3.84		7.71

APPLICATION FEE RECEIVED:

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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(559) 445-6278

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the B.F. Sisk Dam Safety of Dams Modification Project (WDID# 5B24CR000871). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by Scott J. Hatton for:
Patrick Pulupa
Executive Officer

cc: [Via email only]

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