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ENVIRONMENTAL PROTECTION

State Water Resources Control Board

MAY 03 2017

Ms. Amanda Beck
Sacramento Municipal Utility District
P.O. Box 15830
Sacramento, CA 95852-0830

Dear Ms. Beck:

WATER QUALITY CERTIFICATION AMENDMENT FOR THE NEW SLAB CREEK POWERHOUSE AND BOATING FLOW RELEASE VALVE PROJECT (ALSO REFERRED TO AS SOUTH FORK POWERHOUSE AND BOATING FLOW RELEASE FACILITY PROJECT), FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2101, EL DORADO COUNTY

On November 4, 2016, the State Water Resources Control Board (State Water Board) received a request from the Sacramento Municipal Utility District (SMUD or Applicant) requesting an amendment to Condition 12 of the water quality certification (certification) for the New Slab Creek Powerhouse and Boating Flow Release Valve Project[1] (Project).

Background

Condition 12 of the certification requires a temporary cofferdam be installed to isolate the in-stream portion of the Project construction area and states:

> *A temporary cofferdam shall be installed along the southern shoreline of the South Fork American River. The temporary cofferdam will be comprised of rubber water-filled bladders to isolate the construction area associated with the new powerhouse and boating flow release valve. The temporary cofferdam will be constructed to allow the South Fork American River to flow around the Project area while avoiding erosion of newly constructed embankments. The temporary cofferdam shall be installed during the summer low flow period and shall be removed prior to winter storms. Installation and removal of the temporary cofferdam must meet Basin Plan [Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin] water quality objectives, including the turbidity water quality objectives (Condition 9). The temporary cofferdam shall be removed in a manner that prevents elevated turbidity due to re-inundation of the construction site and temporary cofferdam location.*

[1] The State Water Board issued the certification for this Project on July 11, 2016. Since the certification was issued, SMUD has changed the name of the Project to the "South Fork Powerhouse and Boating Flow Release Facility Project."

Discussion

SMUD asserts that the proposed changes will protect water quality objectives more effectively than the cofferdam construction and deployment scenario originally outlined in Condition 12.

SMUD proposes to use fiber sacks filled with washed sand and gravel in lieu of the rubber water-filled bladders referenced in Condition 12. The use of fiber sacks will help ensure that the cofferdam is stable enough to withstand high flows, including recreation boating flows of up to 1,500 cubic feet per second (cfs) that are required per Condition 4 of SMUD's Upper American River Hydroelectric Project (UARP)[2] certification. The Dewatering and Water Management Plan drafted by SMUD for the Project notes the cofferdam constructed of fiber sacks is designed to withstand flows of up to 2,000 cfs. By contrast, a cofferdam constructed of rubber water-filled bladders would have a lower profile that could be inundated and subject to failure at flows lower than 2,000 cfs.

Additionally, SMUD proposes to leave the cofferdam in place within the South Fork American River for approximately 15 months during the major excavation and construction period. Retention of the cofferdam through the winter will help avoid the inundation of newly excavated foundation areas and the transport of disturbed soils into the South Fork American River. Through implementation of best management practices outlined in the Project Stormwater Pollution Prevention Plan, SMUD proposes to provide continuous capture and control of runoff that enters the enclosure. Runoff captured within the confines of the cofferdam would be pumped to a settling tank to remove suspended solids prior to release back to the South Fork American River.

In follow up conversations with SMUD staff, SMUD has clarified that a major storm or snow melt event could release flows high enough to exceed the proposed cofferdam design standard of 2,000 cfs. In Appendix B of the request submittal (California Environmental Quality Act [CEQA] Determination), SMUD states:

> *"In the unlikely event of cofferdam failure during a severe winter storm with runoff that must be spilled over Slab Creek Dam, the natural sand and gravel [contained in the Super Sacks] would be deposited into a reach already slated for gravel augmentation, while [the] inert fiber bags and cofferdam lining would need to be physically removed from the river."*

Cofferdam failure resulting in transport of sand and gravel into the South Fork American River is not covered under the existing Project certification. While a gravel augmentation plan exists for the South Fork American River below Slab Creek Dam (Condition 4 of the UARP certification), unintentional release of cofferdam material is not an appropriate method of gravel augmentation and collection of the fiber sacks and cofferdam lining cannot be assured. Condition 2 of this certification amendment has been added to prevent cofferdam materials from being discharged into the river.

California Environmental Quality Act

Issuance of a certification and amendment thereof is a discretionary action that requires the State Water Board to comply with the CEQA. For this certification amendment, and for the purpose of CEQA compliance, the State Water Board is a responsible agency. Impacts due to

[2] The UARP 401 certification was issued October 4, 2013.

the proposed changes to Condition 12 of the Project certification were assessed in the CEQA document developed by SMUD during relicensing as described in SMUD's amendment request letter and associated attachments, and communications between State Water Board staff and SMUD. The State Water Board will file a Notice of Determination within five days of issuance of this certification amendment.

All documents and other information that constitute the public record for this certification amendment will be maintained by the Division of Water Rights and are available for public review at the following address: State Water Resources Control Board, Division of Water Rights, 1001 I Street, Sacramento, California, 95814.

Noticing and Comments

The State Water Board posted public notice of the proposed certification amendment on December 9, 2016. Notification was provided to interested parties on December 12, 2016, through the Division of Water Rights' automated email notification system. No comments were received as a result of noticing.

State Water Board staff forwarded portions of the application that have the potential to cause adverse water quality impacts to the Central Valley Regional Water Quality Control Board on February 21, March 27, April 14, and April 21, 2017. (California Code of Regulations (CCR) title 23, section 3855 subdivision (b)(2)(B)). Central Valley Regional Board staff responded with comments, which have been incorporated into this document.

Approval

Based on review of available information, the proposed changes to Condition 12 will not alter SMUD's ability to meet water quality standards and other requirements of state law provided the Applicant meets the conditions of this approval. Amendment to the Project certification is hereby granted with the conditions outlined below.

1. Condition 12 of the Project certification is revised as follows (removed language is in strike-out text and new language is in **bold underline text**):

   CONDITION 12. A temporary cofferdam shall be installed along the southern shoreline of the South Fork American River. The temporary cofferdam will ~~be comprised of rubber water-filled bladders to~~ isolate the construction area associated with the new powerhouse and boating flow release valve. The temporary cofferdam will be constructed to allow the South Fork American River to flow around the Project area while avoiding erosion of newly constructed embankments. The temporary cofferdam shall be installed during the summer low flow period and shall be removed **at the end of construction (not to exceed 15 months without approval by the Deputy Director [for Water Rights])** ~~prior to winter storms~~. Installation and removal of the temporary cofferdam must meet Basin Plan water quality objectives, including the turbidity water quality objectives (Condition 9). The temporary cofferdam shall be removed in a manner that prevents elevated turbidity due to re-inundation of the construction site and temporary cofferdam location.

2. SMUD shall monitor weather forecasts and streamflows in the vicinity of the Project to determine when, in the event of major water flow, it would be appropriate to remove the cofferdam from the river. If monitoring or weather forecasts indicate flows will result in

cofferdam failure, the cofferdam shall be removed from the river to a stable, upslope location. Once flows have abated the cofferdam may be reinstalled in the same location. The Applicant shall notify the Deputy Director of its plans to remove and reinstall the cofferdam as soon as reasonably practical. At the onset of the Project, the Applicant shall inform State Water Board staff of the flow or water level threshold in the South Fork American River at which the Applicant would remove the cofferdam, and the circumstances under which the Applicant would reinstall the cofferdam (e.g., streamflow, water level, weather forecast).

3. No construction shall commence until all necessary federal, state, and local approvals are obtained.

4. The Applicant shall provide final Project plans to the Deputy Director of the Division of Water Rights (Deputy Director) for review and approval. The final Project plans shall be prepared and stamped by a licensed engineer, include the hydraulic analysis of the cofferdam, and detail that the settling tank is of sufficient capacity to manage seepage and precipitation runoff. The Deputy Director may require modifications as part of the approval. Upon receipt of Deputy Director approval the Applicant may implement the plans. Without Deputy Director approval, the cofferdam must be removed prior to winter storms.

5. Water quality sampling shall be conducted during each installation and removal of the cofferdam, and during each discharge release from the settling tank to surface water. Unless otherwise approved in writing by the Deputy Director, water quality sampling shall be performed at sampling site locations no more than 300 feet above and below the applicable cofferdam or settling tank discharge point, at the locations identified in the Project *Storm Water Pollution Prevention Plan, South Fork Powerhouse and Boating Flow Release Facility* (SWPPP), dated December 20, 2016. Water quality monitoring shall follow the guidelines described in the SWPPP.

6. Prior to installation of the cofferdam, the Applicant shall prepare and submit a Contingency Plan to the Deputy Director for review and approval. The Contingency Plan shall include the procedures for removing the cofferdam in the event that cofferdam failure is or may be forecast (per Condition 2 above). The Contingency Plan shall also include provisions for removing all equipment and construction materials from the inundation zone and timely notifications to the Deputy Director of anticipated removal or reinstallation of the cofferdam. The Deputy Director may require modifications as part of the approval.

Further, this certification amendment is subject to the State Water Board's standard conditions provided below per California Code of Regulations, title 23, section 3860.

7. This certification action 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).

8. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (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.

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

If you have questions regarding this amendment please contact Kristen Gangl, Project Manager, at (916) 323-9389 or by email at kristen.gangl@waterboards.ca.gov. Written correspondence should be directed to: State Water Resources Control Board, Division of Water Rights - Water Quality Certification Program, Attention: Kristen Gangl, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Thomas Howard
Executive Director

cc: Ms. Kimberly D. Bose, Secretary
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