CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

APR 05 2017

Mr. Willie Whittlesey
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740

Dear Mr. Whittlesey:

TEMPORARY AMENDMENT TO THE LOG CABIN AND OUR HOUSE DIVERSION DAMS SEDIMENT PASSAGE PROJECT WATER QUALITY CERTIFICATION; UNITED STATES ARMY CORPS OF ENGINEERS PROJECT NO. SPK-2014-01187; YUBA COUNTY

On March 29, 2017, Yuba County Water Agency (YCWA) requested a temporary amendment to the Log Cabin and Our House Diversion Dams Sediment Passage Project (Project) water quality certification (certification), which the State Water Resources Control Board (State Water Board) issued on February 10, 2016. The Project is associated with United States Army Corps of Engineers (USACE) permit no. SPK-2014-01187. The amendment allows a temporary variance to the Project certification to allow for the discharge of sediment from Our House Diversion Dam outside of the window outlined in the Project certification (November 1 through March 15). The purpose of the amendment to the Project certification is to allow YCWA to remove and discharge sediment clogging the fish release valve and the low level outlet valve at the Our House Diversion Dam.

In order to prevent an emergency, a shortened public notice period was provided prior to acting on the request. (Cal. Code Regs., tit. 23, § 3858(a).) The State Water Board provided public notice of the temporary amendment request on the Division of Water Rights' website on April 4, 2017. Notification was provided to interested parties on April 4, 2017, through the Division of Water Rights' automated email notification system.

PROJECT BACKGROUND

During the January and February 2017 storm events, the Our House Diversion Dam fish release and low level outlet valves became clogged by sediments moving downstream with the high flows, which peaked at over 22,000 cubic feet per second (cfs). In February 2017, the fish release valve, which was fully open, appeared to be passing less flow than expected. Additionally, when the low level outlet was opened for a sediment passage event in February 2017, the low level outlet appeared to be passing very little flow.

YCWA anticipated that sediment passage events during high flows would flush out the outlets. Unfortunately, the outlets remain clogged after these flushing attempts. In response to this condition, on March 24, 2017, YCWA initiated conversations regarding emergency sediment removal with the Federal Energy Regulatory Commission, United States Forest Service, United States Fish and Wildlife Service, USACE, California Department of Fish and Wildlife, and State Water Board.

Sediment clogging the outlet valves is a serious condition that could impact the structural integrity of the dam and requires urgent remediation. Dam safety is of paramount importance, especially at this time in California with record precipitation and high flows. If the outlet valves at the Our House Diversion Dam are not unclogged, the valves will not be able to operate properly to: regulate discharges during high flows, potentially endangering the dam structure; or provide minimum instream flows during low flows.

PROJECT DESCRIPTION

The clearing of the fish release and low flow outlet valves will be conducted by two divers using suction dredge with a 6-inch diameter hose to clear enough of an area around the upstream face of the valves to ensure they are functioning properly. YCWA anticipates that no more than 250 cubic yards of sediment will be removed as part of the suction dredge operation. Once started, YCWA anticipates the work will take about 7 to 14 days to complete, with actual dredging occurring from 1 to 5 days. Dredging work will be conditioned by the Central Valley Regional Water Quality Control Board's September 17, 2014, certification covering dredging activities for USACE permit no. SPK-2014-01187. During the work, inflows to the Lohman Ridge Tunnel (diversion located 200 feet upstream of the dam) will be regulated to achieve a spill of between 100 and 300 cfs over the Our House Diversion Dam crest, respecting diver safety as the priority, in an effort to disperse the displaced sediments.

The dredged sediment will be pumped to a diesel-powered trash pump set-up at the parking area adjacent to the right dam abutment and then discharged via a 6-inch diameter pipe to the Yuba River channel downstream of the dam and weir, mimicking the way it would pass through the low level outlet during a sediment passage event. The pumped sediment and water mixture will be conveyed and released at a rate no greater than 3,400 gallons per minute. No vegetation will be removed and no ground-disturbing activities are required.

Once sediment is cleared from the low level and fish release outlets, YCWA will open the low level outlet to flush the outlet and distribute the material further downstream. YCWA plans to keep the low level outlet open up to April 10 when the outlet would be closed gradually, with the goal of avoiding any sediment build-up at the outlets. Immediately following valve flushing, YCWA will initiate a spill of 500 cfs, or full natural inflow if less than 500 cfs, for a period of 24 hours in an effort to distribute the material further downstream.

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 California Environmental Quality Act (CEQA).

The proposed temporary amendment to the Project certification qualifies, under CEQA, as "specific actions necessary to prevent or mitigate an emergency." (Pub. Res. Code 21080(b)(4).)

A Notice of Exemption has been prepared and will be filed with the Office of Planning and Research within five days of issuance of this amendment. (Cal. Code Regs., tit. 14, § 15062.)

CONDITIONAL APPROVAL

Approval of the amendment to the Project certification is hereby granted with the conditions described below. Failure to comply with the conditions outlined below constitutes grounds for enforcement for violation of the Project certification.

1. To avoid a potential emergency, YCWA may implement a sediment passage event between April 5 through April 30, 2017, provided the wet conditions and instream flow requirements outlined in Condition 3 of the February 10, 2016 Project certification are satisfied.

2. All other conditions of the February 10, 2016 Project certification, and the mandatory conditions described in California Code of Regulations, title 23, section 3860, remain in full force and effect during this one-time variance.

3. Dredging activities to remove the sediment clogging the fish release valve and the low level outlet valve at the Our House Diversion Dam shall comply with the requirements of the Central Valley Regional Water Quality Control Board's September 17, 2014, certification, and any amendments thereof.

4. This certification amendment 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).

5. This certification amendment 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.

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

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

If you have questions regarding this letter, please contact Mr. Oscar Biondi, at (916) 323-9397 or by email at Oscar.Biondi@waterboards.ca.gov. Written correspondence can 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,

Thomas Howard

Thomas Howard
Executive Director

Enclosure: Notice of Exemption

APR 0 5 2017

cc: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E
Washington, D.C. 20426

Mr. Tomas Torres
U.S. Environmental Protection Agency
Region 9, Water Division
75 Hawthorne Street
San Francisco, CA 94105

Mr. Adam Laputz
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Mr. Matthew Roberts
U.S. Army Corps of Engineers
310 Hemsted Drive, Suite 310
Redding, CA 96002

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
1400 Tenth Street
Sacramento, CA 95812-3044

County Clerk
County of Fresno
2221 Kern Street
Fresno, CA 93721

From (Public Agency):
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Project Title: Our House Diversion Dam Emergency Sediment Removal
Project Applicant: Yuba County Water Agency
Project Location - Specific: Our House Diversion Dam, at the border between Sierra and Nevada counties, on the Middle Yuba River, 12.6 miles upstream of its confluence with the North Yuba River.

Project Location - City: Camptonville **Project Location – County:** Sierra and Nevada
Description of Nature, Purpose, and Beneficiaries of Project: Yuba County Water Agency (YCWA) is proposing emergency work to clear sediment clogging the fish release valve and the low level outlet valve at the Our House Diversion Dam to prevent an emergency situation that could compromise the structural integrity of the dam.

Name of Public Agency Approving Project: State Water Resources Control Board
Name of Person or Agency Carrying Out Project: Yuba County Water Agency
Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☒ Emergency Project (Sec. 21080(b)(4); 15269(b), (c));
- ☐ Categorical Exemption. State type and section number:
- ☒ Statutory Exemptions. State code number: Pub. Res. Code 21080(b)(4)

Reasons why project is exempt: Due to high flows and clogged outlets preventing proper operation of the Our House Diversion Dam, the YCWA proposed action is necessary to prevent an emergency situation to the dam's structure.

Contact Person: Oscar Biondi **Area Code/Telephone/Extension:** (916) 323-9397

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Thomas Howard Date: 4/5/17 Title: Executive Director

☒ Signed by State Water Board ☐ Signed by Applicant ☐ Signed by Responsible Agency

Governor's Office of Planning & Research

APR 06 2017

STATE CLEARINGHOUSE

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:_____
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Revised 2011