18 January 2013

Nancy H. Sandburg
United States Army Corps of Engineers
1325 J Street, 10th Floor
Sacramento, CA 95814

CERTIFIED MAIL
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CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; UNITED STATES ARMY CORPS OF ENGINEERS, FOLSOM DAM MODIFICATION PROJECT (WDID#5A34CR00573), SACRAMENTO COUNTY

This Order responds to your 20 November 2013 application submittal for the Water Quality Certification of a dam modification project permanently impacting 109.5 acres and temporarily impacting 100.5 acres of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' § 404 (b)(1)Water Quality Evaluation under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (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 § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.

4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently described) is modified, or coverage under § 404 of the Clean Water Act has expired.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."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the United States Army Corps of Engineers shall satisfy the following:

1. The United States Army Corps of Engineers shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.

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 United States Army Corps of Engineers 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 United States Army Corps of Engineers shall perform surface water sampling: 1) when performing any in-water work; 2) in the event that project activities result in any materials reaching surface waters; or 3) when any activities result in the creation of a visible plume in surface waters. The monitoring 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)
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	—
pH	Standard Units	Grab(1)	Every 4 hours during in-water work	(2)
Dissolved Oxygen	mg/L & % saturation	Grab(1)	Every 4 hours during in-water work	(2)

(1) Grab sample 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, 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.

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the United States Army Corps of Engineers 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.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (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, pH, and dissolved oxygen 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 turbidty is greater than 100 NTUs, increases shall not exceed 10 percent.

      Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

   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 pH to be depressed below 6.5 nor raised above 8.5 in surface water.

   D. Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.

6. The United States Army Corps of Engineers shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, pH, dissolved oxygen, or other water quality objectives are exceeded.

7. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. The United States Army Corps of Engineers shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.

8. The United States Army Corps of Engineers shall provide a complete copy of the final, signed and dated Biological Opinion or Letter of Concurrence issued by the United States Fish and Wildlife Service within 14 days of issuance to the Central Valley Water Board Contact indicated in this Certification.

9. The United States Army Corps of Engineers shall comply with all United States Fish and Wildlife Service requirements, including but not limited to those requirements described in the Biological Opinion or Letter of Concurrence.

10. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached map (Figure 1).

11. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

12. All areas disturbed by project activities shall be protected from washout or erosion.

13. In-stream work shall occur during periods of low flow and no precipitation.

14. 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.

15. 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 or 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 United States Army Corps of Engineers 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.

16. The United States Army Corps of Engineers 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. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the project site.

17. If temporary surface water diversions and/or dewatering are anticipated, the United States Army Corps of Engineers shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.

18. 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.

19. 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.

20. 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.

21. Concrete must completely be cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

22. During construction, 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.

23. All materials resulting from the project shall be removed from the site and disposed of properly.

24. If unanticipated discharges to the waters of the United States and/or soil occur, the United States Army Corps of Engineers shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, 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.

25. The United States Army Corps of Engineers shall obtain Waste Discharge Requirements (WDRs) for dredging activities from the Central Valley Water Board.

26. The United States Army Corps of Engineers shall apply for, and obtain National Pollution Discharge Elimination System (NPDES) permit coverage from the Central Valley Water Board as appropriate for dewatering activities that result in discharges into surface water.

27. The United States Army Corps of Engineers shall obtain Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land from the Central Valley Water Board.

28. The United States Army Corps of Engineers shall obtain coverage under the 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, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

29. 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.

30. The Central Valley Water Board received a payment of $944 for the Certification base processing fee on 20 November 2012. The United States Army Corps of Engineers shall provide payment of the outstanding fee balance of $58,056 for 109.5 acres of permanent and 100.5 acres of temporary impacts to waters of the United States. The total $59,000 fee provides for the required fee payment for this Certification and the necessary dredging Waste Discharge Requirements for this project.

    A payment of $58,056 must be made payable to the State Water Resources Control Board and submitted to the Central Valley Water Board Contact indicated in this Certification.

31. The United States Army Corps of Engineers shall implement each of the mitigation measures specified in the approved 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 CEQA Guidelines, § 15097 of the California Code of Regulations.

32. 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 United States Army Corps of Engineers 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 United States Army Corps of Engineers 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 United States Army Corps of Engineers shall allow the staff(s) 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.

33. The United States Army Corps of Engineers 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's description in the Certification and in any amendments approved. 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.

34. The United States Army Corps of Engineers shall provide evidence of all off-site compensatory mitigation requirements, including, but not limited to, the purchase of mitigation credits and the creation of habitat at least 30 days prior to commencing construction to the Central Valley Water Board.

    Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

    Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: (a) be on the compensatory mitigation bank's or in-lieu fee recipient's letterhead; (b) be signed by an authorized representative of the compensatory mitigation bank; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the project name and location; and (e) detail the type of compensatory mitigation credits purchased for the project's impacts.

CENTRAL VALLEY WATER BOARD CONTACT:

Trevor Cleak, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-8114
tcleak@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Flood Protection Board is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Folsom Dam Modification Project pursuant to § 21000 et seq. of the Public Resources Code. The Central Valley Flood Protection Board certified a Final Supplemental Environmental Impact Statement/Environmental Impact Report on 20 July 2012 (State Clearinghouse Number 2012072039).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Final Supplemental Environmental Impact Statement/Environmental Impact Report is in accordance with the requirements of the California Environmental Quality Act and is valid pursuant § 21167.3(b) of the Public Resources Code.

The Central Valley Water Board has reviewed and evaluated the significant impacts to water quality identified in the Final Supplemental Environmental Impact Statement/Environmental Impact Report. The mitigation measures discussed in the Final Supplemental Environmental Impact Statement/Environmental Impact Report to reduce and minimize project impacts are required by this Certification.

With regard to the remaining significant impacts identified in the (Mitigated Negative Declaration, Environmental Impact Report, (and if applicable) Subsequent/Addendum to the Mitigated Negative Declaration, Supplemental/Subsequent/Addendum to the Environmental Impact Report), 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 United States Army Corps of Engineers', Folsom Dam Modification Project (WDID#5A34CR00573) 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. This 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 United States Army Corps of Engineers' 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 October 2011.

for Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 15

PROJECT INFORMATION SHEET

Application Date: 20 November 2012

Applicant: Nancy H. Sandburg
United States Army Corps of Engineers
1325 J Street, 10th Floor
Sacramento, CA 95814

Project Name: Folsom Dam Modification Project

Application Number: WDID#5A34CR00573

Type of Project: Dam modification project

Timeframe of Project Implementation: 1 May through 31 October

Project Location: Section 19, 29, 30 Township T10 North, Range 7, 8 East, MDB&M. Latitude: 38°42'06.67"N and Longitude: 121°8'45.82" W

County: Sacramento

Receiving Water(s) (hydrologic unit): Folsom Lake, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #514.21, Green Valley HSA

Water Body Type: Wetland, Lake

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (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: Folsom Lake is the receiving water for the Folsom Dam Modification Project. Folsom Lake is listed on the 303(d) list for mercury. This project does not impact an already impaired water body. The most recent list of approved water quality limited segments can be found at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The Folsom Dam Modification Project will construct a new support spillway on the Folsom Dam. The new spillway consists of a control structure, an auxiliary spillway, a chute basin, and stilling basin. The control structure, auxiliary spillway, chute basin, and stilling basin are currently in construction. The project also involves the construction of the approach channel which includes: (1) removing an existing rock dam; (2) constructing a cutoff wall; (3) constructing an access road; (4) constructing a spur dike; (5) constructing a temporary transload facility; and (6) disposing of the excavated material in the Lake. The project is located off Folsom Lake Crossing, 1.4 miles east of the intersection of Folsom Lake Crossing and Folsom-Auburn Road in Folsom.

Rock Dam

The approximately 1,100-feet long by 1,200-feet wide by 350-feet deep approach channel will extend upstream of a control structure. An existing rock dam, which separates the lake and the proposed excavation areas for the existing control structure and auxiliary spillway, will be removed by ripping and blasting the existing material. As the rock dam is removed, the approximately 5-feet wide concrete slabs of the approach channel will be constructed.

Cutoff Wall

Water will be kept out of the approach channel construction area using a cutoff wall to serve as a temporary dam. The cutoff wall will cross the proposed approach channel. The cutoff wall will consist of a reinforced concrete pile wall with 85-feet long cast-in-place reinforced concrete piles to support the wall. If water enters the approach channel construction area, the project area may be dewatered.

Access Road

A new access road will be constructed east of the rock dam to access to the project area. Approximately 40,000 cubic yards of dredged lake soil will be placed beneath approximately 165,000 cubic yards of fill material to construct the access road. Once the access road and cutoff wall are in place, dry excavation of the approach channel will begin.

Spur Dike

A new spur dike, which allows a free even flow of water to enter the approach channel, will be constructed in the lake. Approximately 600,000 cubic yards of rock will be placed into the lake to construct the elliptical shaped dike. The exterior of the spur dike will be comprised of gravel and rip-rap. Materials excavated during the construction of the approach channel may be used in the construction of the spur dike. A silt curtain, or equivalent method, may be used to control turbidity around the spur dike construction site.

Transload Facility

A new 50-feet wide by 1,500-feet long temporary transload facility will be constructed to move equipment in and out of the water. The facility will consist of a ramp, crane, crane pad, and a fuel station. Between 30,000 and 230,000 cubic yards of fill will be used to construct the ramp. A

silt curtain, or equivalent method, may be used during construction to control turbidity. Additional construction may be required to raise and lower the height of the facility to keep it above the constantly changing elevation of the lake's surface.

In Water Disposal Areas

Excavated materials will be disposed of at five potential on-site locations. The disposal sites include the spur dike, an in-reservoir site around the transload facility, the Mormon Island Auxiliary Dam (MIAD) disposal site, Dike 7, and Dike 8 (see Figure 1). Both on-land and in-water disposal sites will be used for the project. Dike 8 and the spur dike will be permanent disposal sites and the Mormon Island Auxiliary Dam and Dike 7 will be temporary disposal sites.

Other project activities such as the construction of a batch plant will not impact waters of the United States.

The project will permanently impact 109.5 acres and temporarily impact 100.5 acres of waters of the United States.

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

Proposed Mitigation to Address Concerns: The United States Army Corps of Engineers will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The United States Army Corps of Engineers will conduct turbidity, settleable matter, pH, and dissolved oxygen testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: Approximately 260,000 cubic yards of sand and soil and 1,400,000 cubic yards of rock will be placed into 109.5 acres of waters of the United States.

Dredge Volume: Approximately 260,000 cubic yards of sand and soil and 1,400,000 cubic yards of rock will be dredged from 109.5 acres of waters of the United States.

United States Army Corps of Engineers Permit Type: 404(b)(1) Water Quality Evaluation

California Department of Fish and Game Lake or Streambed Alteration Agreement: None.

Possible Listed Species: Valley elderberry longhorn beetle and White-tailed kite.

Status of CEQA Compliance: The Central Valley Flood Protection Board certified the Final Supplemental Environmental Impact Statement/Environmental Impact Report on 20 July 2012 (State Clearinghouse Number 2012072039).

The Central Valley Water Board filed a Notice of Determination with the State Clearinghouse as a responsible agency within 5 days of the date of this Certification.

Compensatory Mitigation: The United States Army Corps of Engineers will purchase mitigation credits for 2.5 acres of wetland habitat and create 10 acres of riparian habitat to mitigate for 2.5 acres of wetland and 10 acres of riparian impacts to waters of the United States.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this permit.

Application Fee Provided: Total fees of $944.00 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. The remaining outstanding fees for permanent impacts of 109.5 acres and temporary impacts of 100.5 acres to waters of the United States; and application fees for a dredging WDR Requirement is $58,056.

DISTRIBUTION LIST

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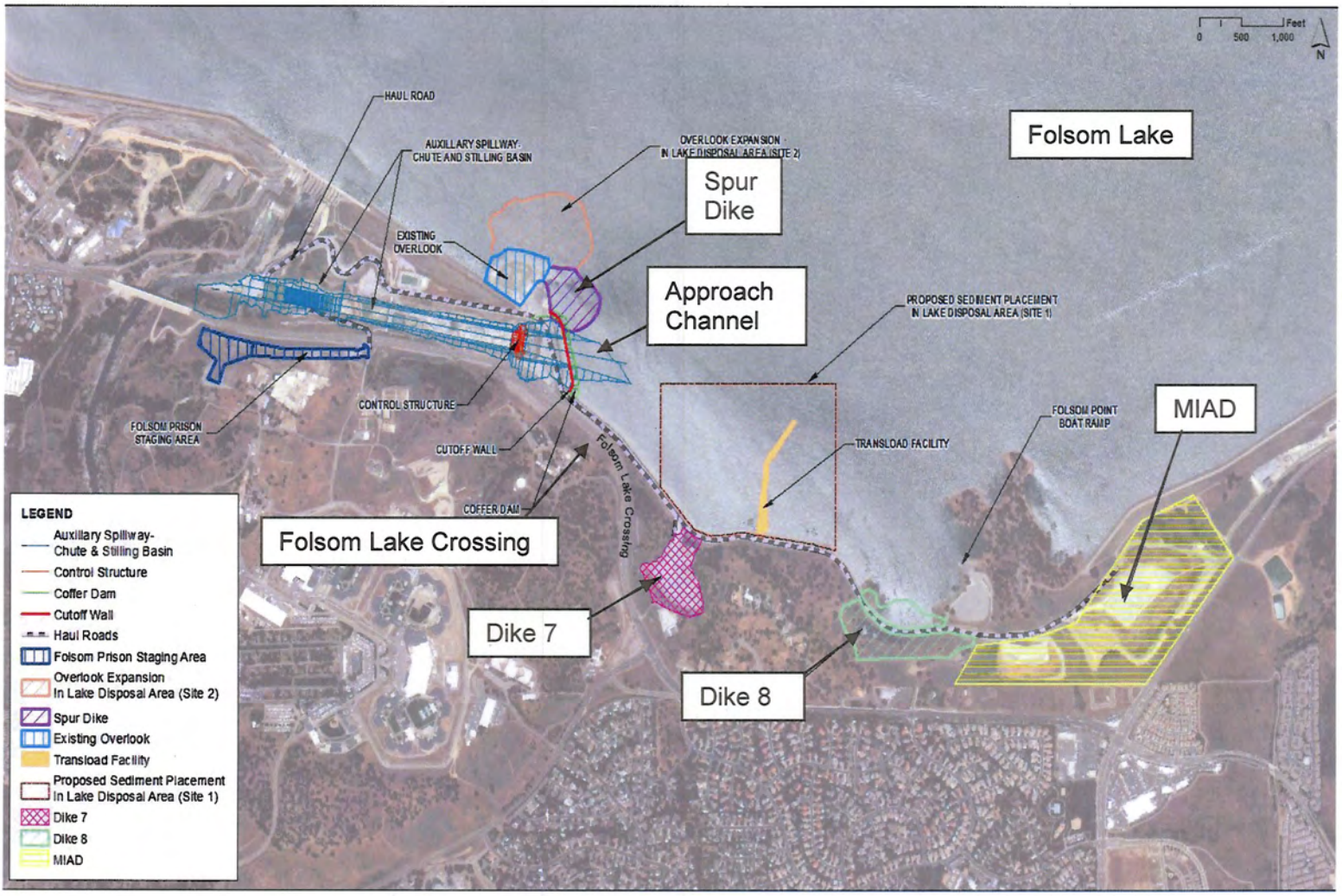

Figure 1 – Project Location Map