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CERTIFICATION DEVIATION APPROVAL FOR SECTION 401 WATER QUALITY CERTIFICATION FOR THE LOWER AMERICAN RIVER ANADROMOUS FISH HABITAT RESTORATION PROJECT (WDID#5A34CR00696), SACRAMENTO COUNTY

On 8 March 2021, Central Valley Water Board staff received a formal request for a Certification Deviation for the 401 Water Quality Certification issued to the United States Bureau of Reclamation (Permittee) on 8 November 2017 for the Lower American River Anadromous Fish Habitat Restoration Project (Project) (WDID#5A34CR00696). The purpose of this letter is to formally approve the Certification Deviation request for the Section 401 Water Quality Certification for the Lower American River Anadromous Fish Habitat Restoration Project (WDID#5A34CR00696). The original Certification was issued on 8 November 2017. An amendment was issued on 13 September 2018 (WDID#5A34CR00696A1) and a subsequent second amendment was issued on 7 August 2020 (WDID#5A34CR00696A2).

Certification Deviation Request
Based on a recent design review, the Permittee, in collaboration with the Water Forum, have provided design updates and clarification for Project activities proposed at the Ancil Hoffman Park Restoration Site during Summer and Fall 2021.

Project Description
In previous Project designs, it was assumed that woody habitat features would be anchored using timber piles. However, use of this method was re-evaluated during final design, due to potentially challenging subsurface conditions at the Project site and additional analysis of large woody material (LWM) installation plans, specifically, concerns with constructability of timber piles in shallow bedrock along the Lower American River. To accommodate this uncertainty, boulder ballast has been incorporated into the design to ensure constructability and stability of LWM features.

Due to minor additional excavation necessary to accommodate the inclusion of boulder ballast for anchoring LWM habitat features and accommodate the subsurface portions of the LWM structures, the quantity of cut and fill occurring below the ordinary high water mark (OHWM) will change by approximately 85 cubic yards. The project will maintain a net zero cut and fill material quantity.

The total disturbance area of the proposed project will not change due to this design refinement. Enclosures for Tables 1 and 2 detail the requested changes.

Your request for a Certification Deviation was hereby approved as of 8 March 2021. If you have additional questions regarding this approval, please contact Peter Minkel at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov, or me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

Original Signed By:

Stephanie Tadlock
Senior Environmental Scientist
401 Water Quality Certification and Dredging Unit

cc: Distribution List, page 2

Enclosures: Table 1 – Discharge and Disturbance Summary for Proposed Work
Table 2 – Updates to Attachment B, page 3, Table 2 (Individual Direct Impact Information)

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Table 1: Discharge and Disturbance Summary for Proposed Work

Discharge Summary

Project Activity	Cut (cy)	Fill (cy)	Net Quantity (cy)[1]		Explanation of Work
			Below OHWM	***Above OHWM***	
Restoration Activities					
Grading Existing Gravel Bar to Create Rearing Habitat	34,736 ~~34,651~~	363	-34,373 ~~-34,288~~	0	Excess cut from bar grading (34,373 cy) to be sorted onsite and used for placement as spawning gravel (includes minor additional excavation to accommodate LWM and ballast boulder placement design change).
In-channel Grading and Gravel Placement to Create Spawning Riffle	2,453	18,274	15,821	0	A portion of excess cut material (15,821 cy) from bar grading will be used to provide fill for spawning gravel riffle.
Dispose Excess Gravel Derived from Gravel Bar Grading.	0	18,552 ~~18,467~~	18,533 ~~18,448~~	19	Remaining excess gravel (18,552 cy) from bar grading to be disposed of on floodplain (includes minor additional excavation to accommodate LWM and ballast boulder placement).
Total Cut/Fill	37,189 ~~37,104~~	37,189 ~~37,104~~	37,170 ~~37,085~~	19	
Create Boat Notch	Included in cut/fill quantities above.				Boat notch included at request of County Parks.
Temporary Crossing					
Temporary Crossing for Site Access	0	11.2	11.2	0	Temporary crossing for site access. Fill to be removed at project conclusion.

[1] Quantities are based on final design and associated modeling and are the maximum expected under the proposed project.

Disturbance Summary

Project Activity	**Quantity (as noted below)**		**Explanation of Work**
	Below OHWM	***Above OHWM***	
Total Restoration Activities Disturbance Area	15.797 acres	0.003 acre[2]	See Figure 2, previously submitted.
Total Restoration Activities Disturbance Length	2,785 linear feet	N/A[2]	
Total Area of Disturbance from Temporary Crossing	0.01 acre	0.00 acre	See Figure 2, previously submitted.
Total Length of Disturbance from Temporary Crossing	25 linear feet	N/A[2]	
Project Activity	**Quantity (as noted below)**		**Explanation of Work**
Woody Habitat Structures	15 total pieces		See Figure 2, previously submitted.
Riparian Plantings	1.1 acres		See Figure 2, previously submitted.

[2] Area of impacts due to fill above the OHWM associated with the gravel disposal area is only 0.003 acre. This area is below the reporting threshold for impacts to Water of the U.S. as required under CFR 33 U.S. Code § 1344. Although CFR 33 U.S. Code §1344 requires disclosure of impacts measured only to the hundredth of an acre, this information is included in the table, beyond this threshold requirement, to ensure clarity for the reviewer because a small portion of the disposal area is above OHWM. 2 Length of disturbance above OHWM is enclosed by the area of disturbance at/below OHWM, so there is no change in total disturbance length due to the small portion of fill above OHWM.

Table 2: Updates to *Certification Attachment B, page 3: Table 2 - Individual Direct Impact Information*
Table updated as shown below in red underline/strike-out text:

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Nimbus Basin	38°38'3.91" N	121°13'49.77" W		x	Temporary		2,308		3.5	3,759	400
					Permanent						
Upper Sailor Bar	38°38'3.45" N	121°13'48.46" W		x	Temporary		11,261 ~~18,000~~		~~6~~ ~~8.1~~	14,000	600
					Permanent						
Lower Sailor Bar	38°38'11.02" N	121°14'52.34" W		x	Temporary		~~25,000~~		6.5	18,342 ~~12,000~~	2,000
					Permanent						
Sunrise	38°38'05.07" N	121°16'00.00" W		x	Temporary		10,000		4 ~~3.0~~	13,412 ~~7,000~~	300
					Permanent						
Lower Sunrise	38°37'43.94" N	121°16'34.11" W		x	Temporary		3,000		2.5	3,000	600
					Permanent						
Sacramento Bar	38°37'17.58" N	121°17'07.44" W		x	Temporary		21,414		13	5,656	900
					Permanent						
El Manto	38°37'37.25" N	121°17'25.18" W			Temporary		17,172 ~~35,000~~		7.5 ~~8.8~~	13,494 ~~10,000~~	700
					Permanent						
Ancil Hoffman	38°36'55.952" N	121°18'19.97" W			Temporary		37,189 ~~33,935~~ ~~30,000~~		15.8 ~~6.7~~	37,189 ~~11,031~~ ~~9,000~~	2,810 ~~700~~
					Permanent						

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Upper River Bend	38°36'10.89" N	121°19'08.52" W			Temporary		35,000		14 ~~9.0~~	23,832 ~~10,000~~	4,000
					Permanent						
River Bend	38°35'16.92" N	121°19'46.50" W		x	Temporary		7,344		4.5	4,291	250
					Permanent						

Note: In general, many sites result in a net zero dredge/fill due to construction methods for the project. Where material of the appropriate size is available within existing onsite gravel bars, side channel excavation areas, or areas graded for floodplain rearing habitat, this onsite material is used for spawning gravel placement, in the adjacent channel. Where onsite gravel is not of appropriate size, gravel from the offsite borrow site(s) may be used, as discussed in the NEPA/CEQA documentation for the project.