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## Central Valley Regional Water Quality Control Board

18 July 2023

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. 5B24CR00087A2), MERCED COUNTY**

This Order responds to the 29 March 2023 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. An Amendment (WDID No. 5B24CR00087A1) to the Certification was issued on 7 April 2022. 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 additional impacts to aquatic resources than permitted under the original Certification and Amendment. The Permittee is requesting an amendment to the Section 401 Water Quality Certification and Order to revise the amount permanent impacts to wetland habitat; and to revise the amount of compensatory mitigation required as a result in the increase of impacts to wetland habitat. Specifically, the addition of 0.57 acre of permanent impacts to wetland shall be mitigated by purchasing an additional 1.71 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 and 7.71 aquatic resource credits from the Sacramento District California In-Lieu Fee Program. Therefore, Section VII, Section XIV.K, Attachment A, and Attachment B are amended in underline format below.

## VII. Description of Direct Impacts to Waters of the State

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

<b>Aquatic Resources Type</b>	<b>Acres</b>
Stream Channel	0.56
Wetland	<u>4.41</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 4.41 acre of stream channel and wetland habitat by purchasing 9.42 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**

<b>Aquatic Resource Type</b>	<b>Mitigation Type</b>	<b>Units</b>	<b>Est.</b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unknown</b>
Stream Channel	In-Lieu Fee Credits	Acres						<u>9.42</u>
Stream Channel	Mitigation Bank Credits	Acres	5.40					



Figure 3. Impact Area

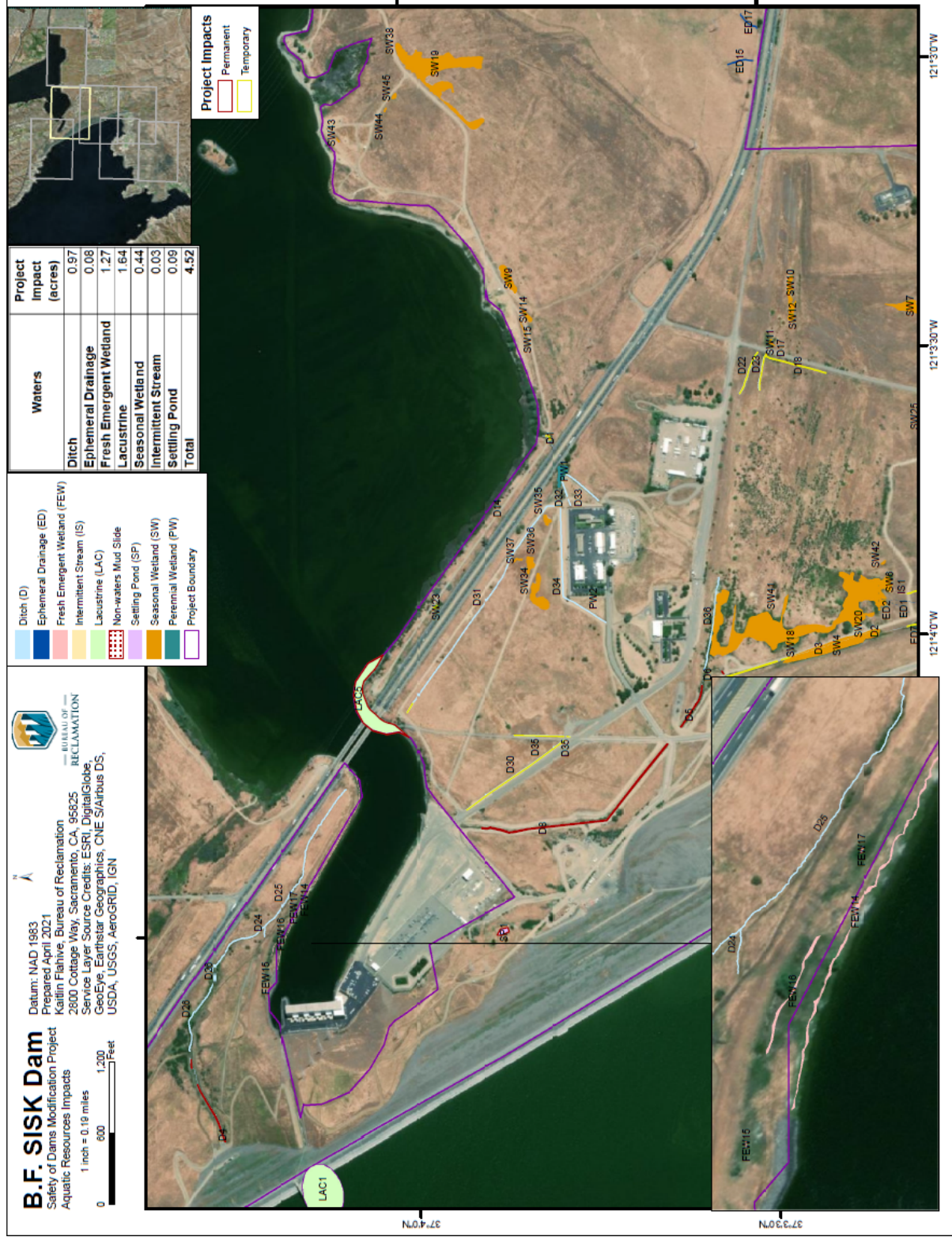


Figure 4. Impact Area

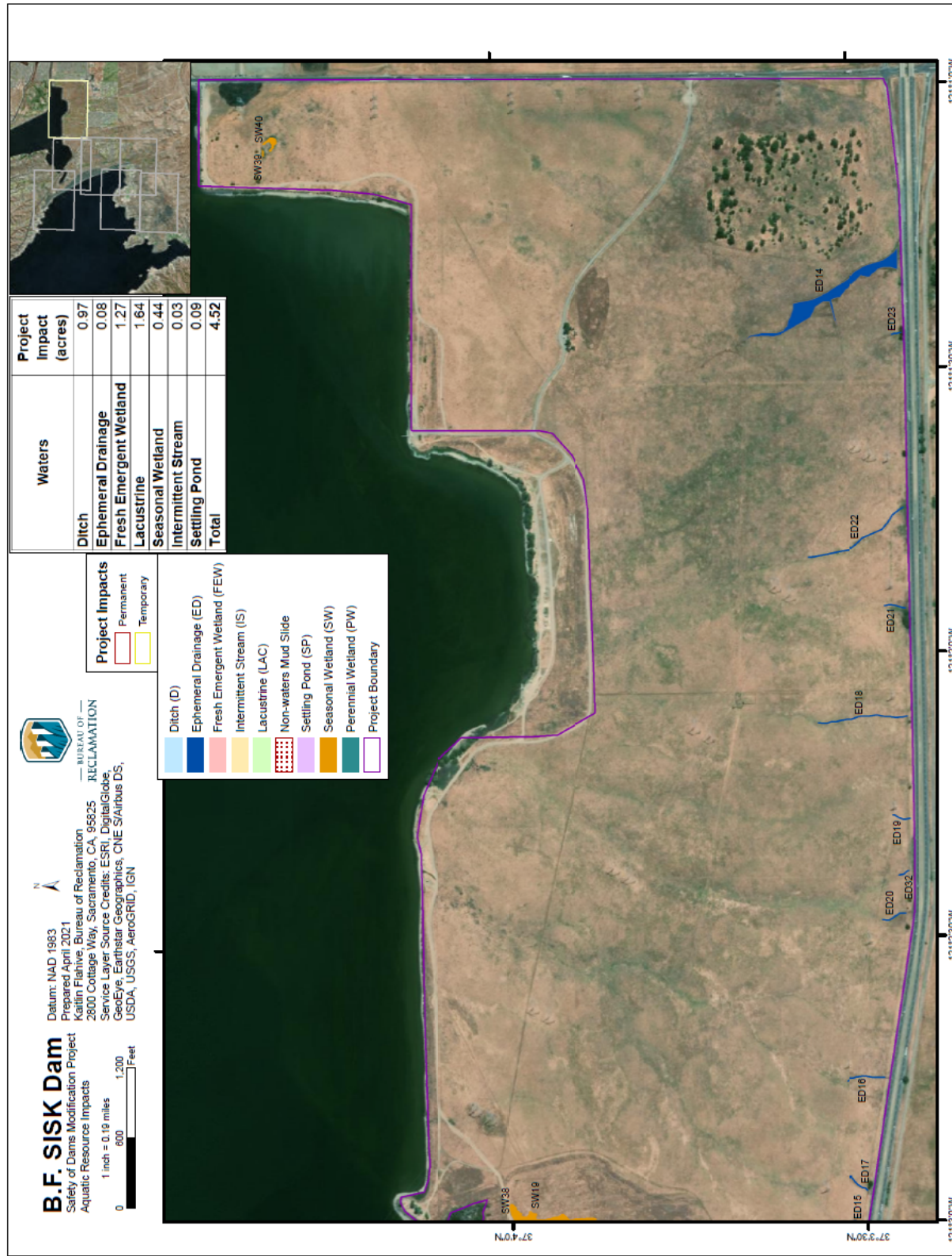


Figure 5. Impact Area

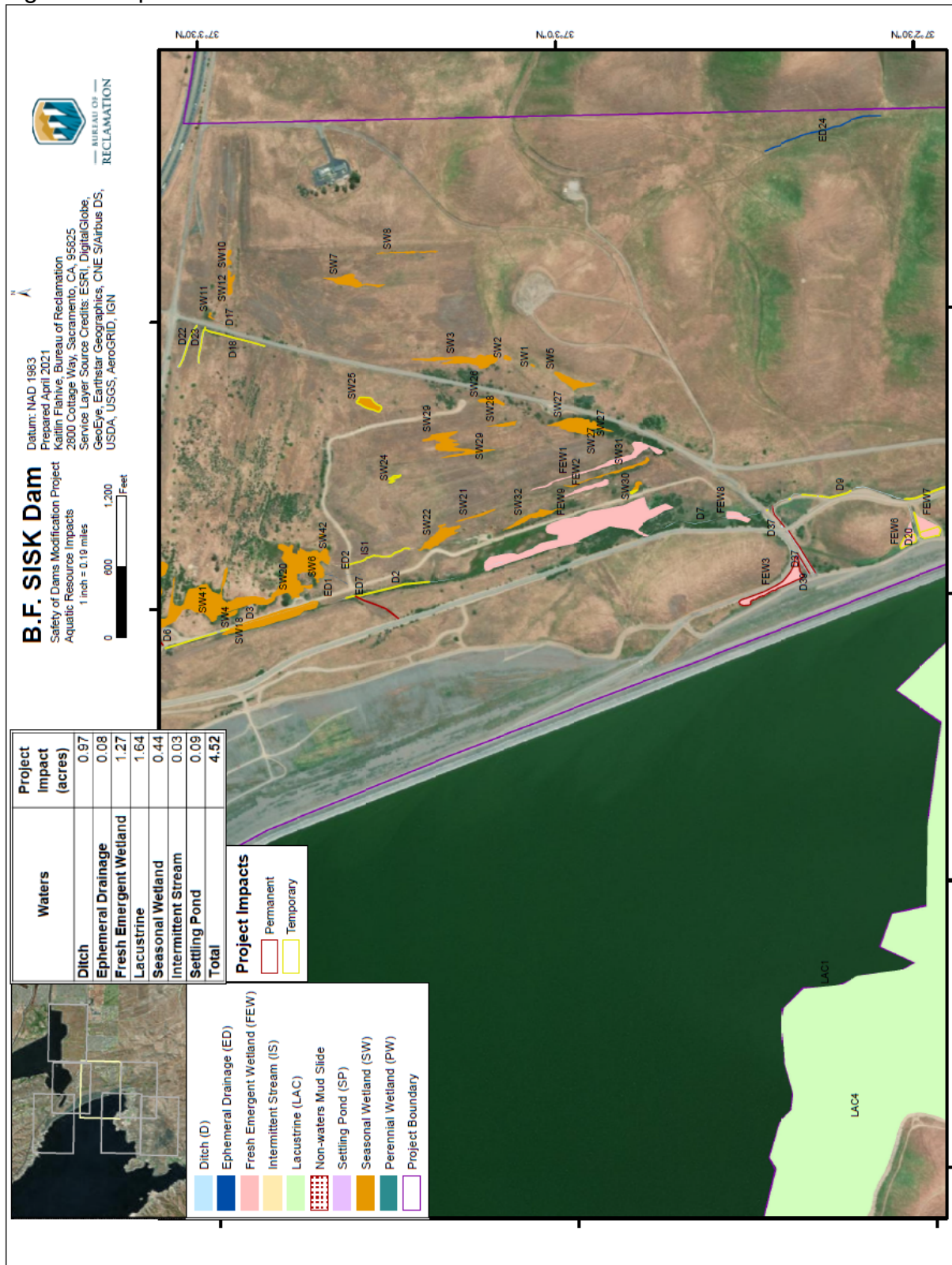


Figure 6. Impact Area

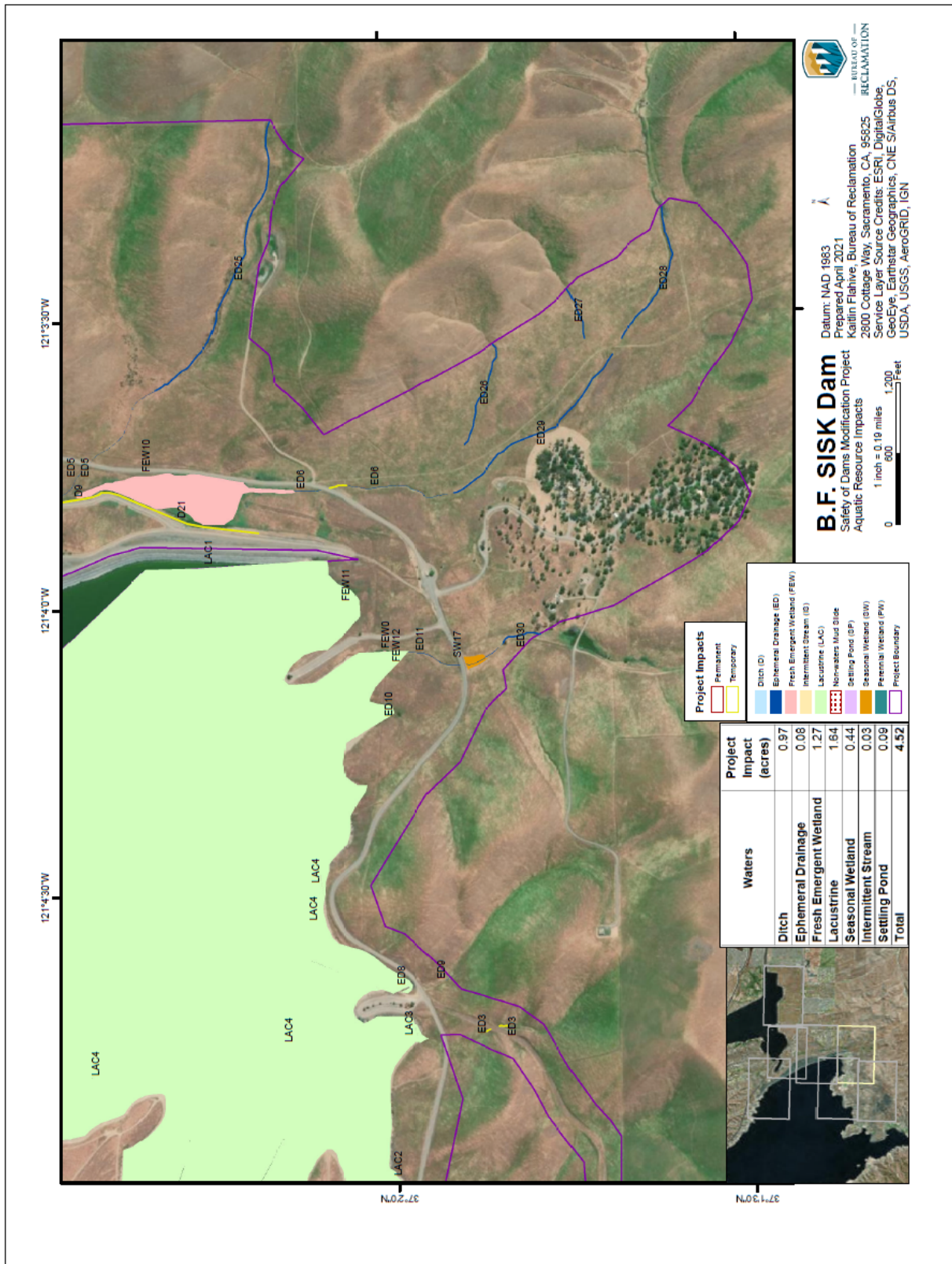




Figure 7. Impact Area

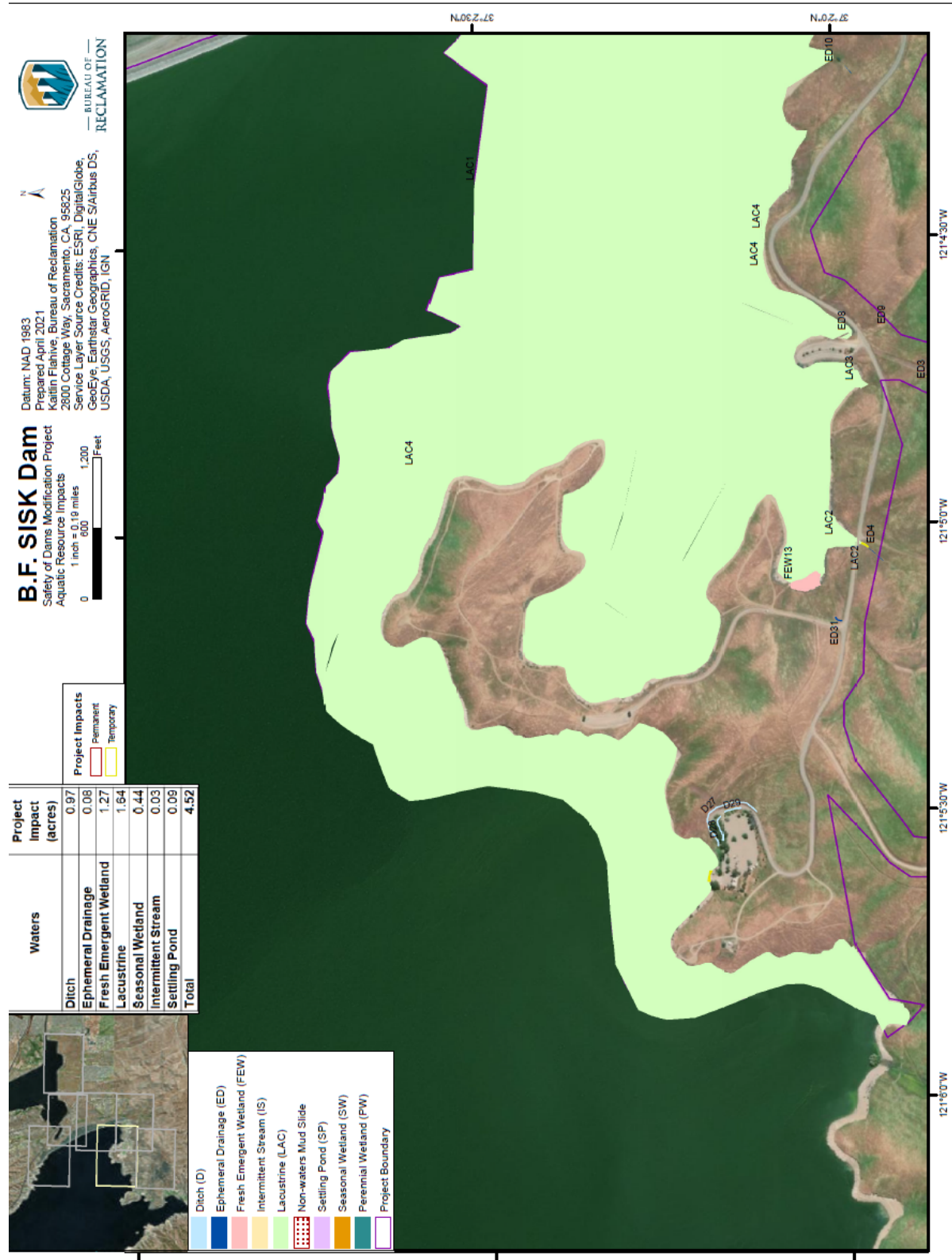


Figure 8. Impact Area

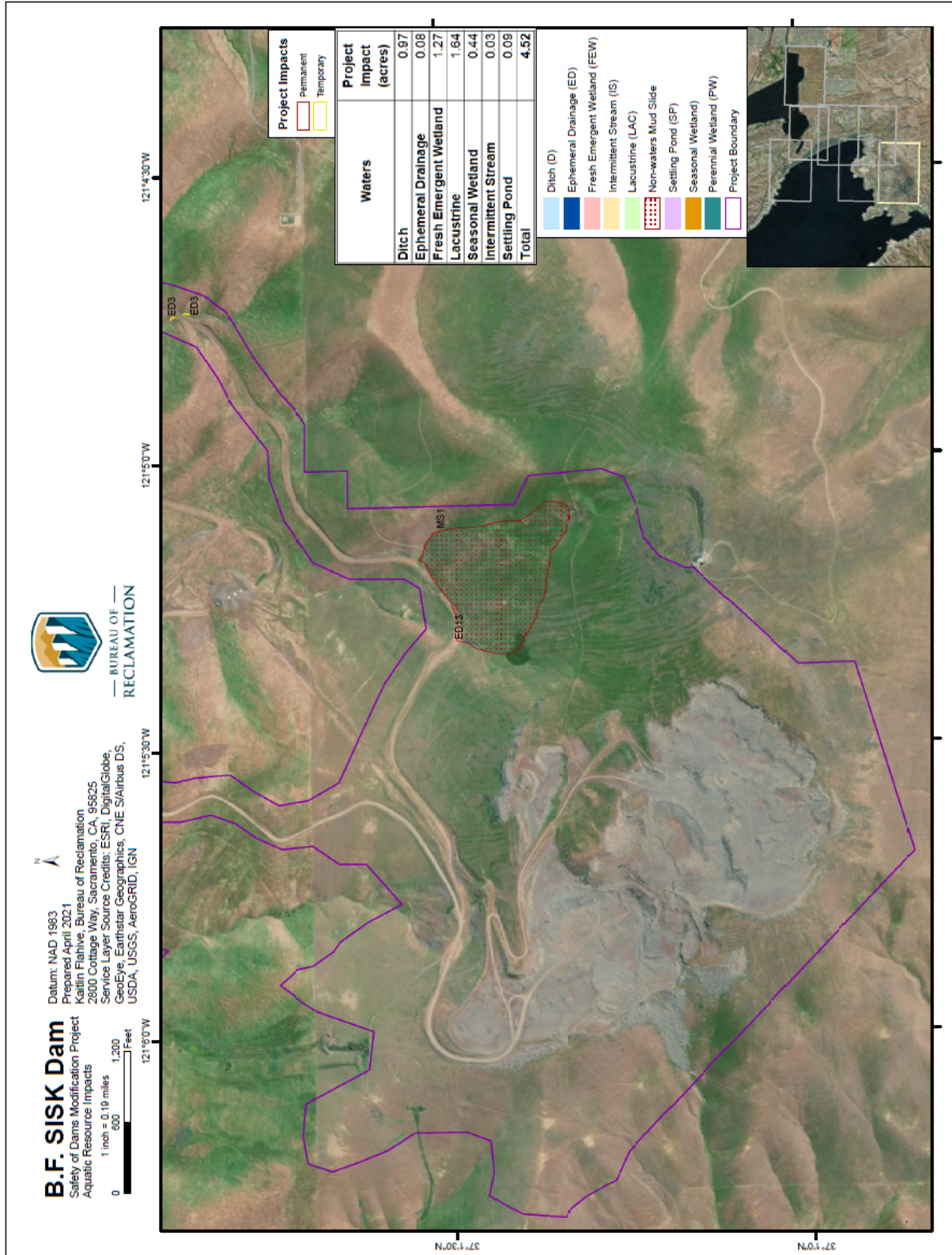


Figure 9. Impact Area

### B.F. Sisk Dam Safety of Dams Modification Project

San Luis Creek Day Use Activity Areas and Impact



Figure 10. Additional Impact Area for Amendment Number 2

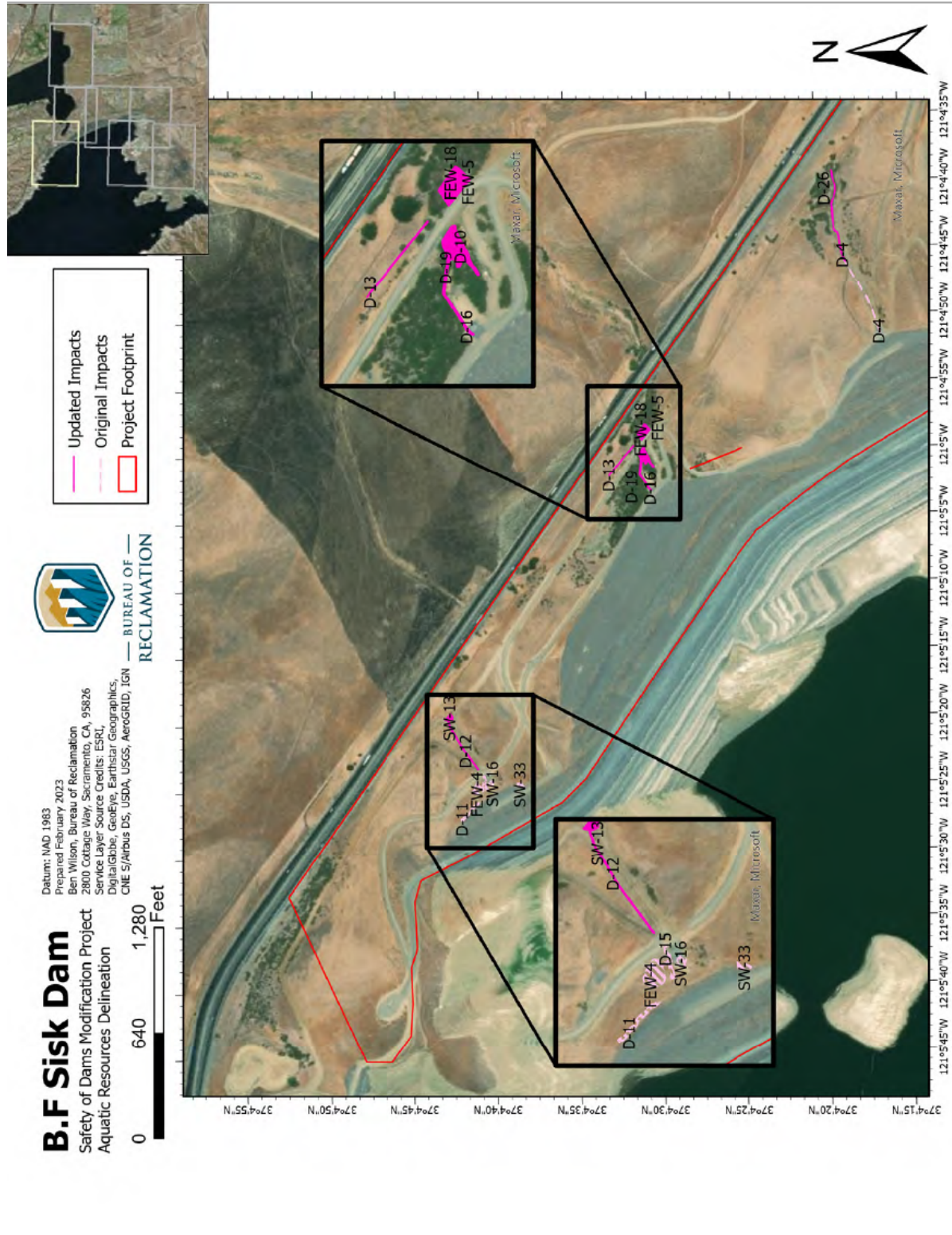


Figure 11. Additional Impact Area for Amendment Number 2







Figure 14. Additional Impact Area for Amendment Number 2

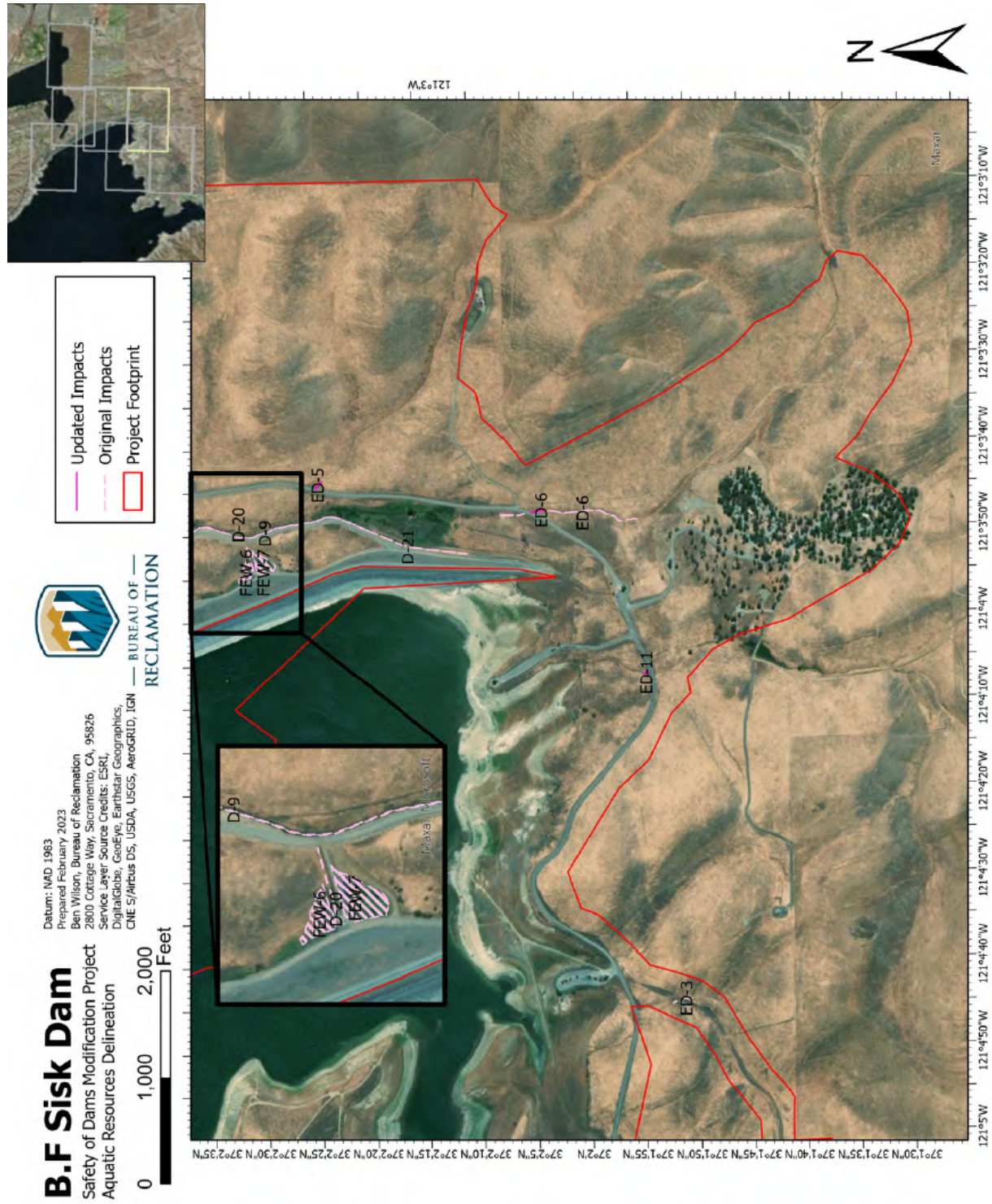




Figure 15. Additional Impact Area for Amendment Number 2



Figure 16. Additional Impact Area for Amendment Number 2



**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Acres	Latitude	Longitude
<u>D1</u>	<u>0.01</u>	<u>37.063292</u>	<u>-121.061001</u>
<u>D2</u>	<u>0.005</u>	<u>37.053688</u>	<u>-121.066157</u>
D4	0.06	37.071608	-121.07969
D5	0.03	37.060244	-121.068944
D6	0.01	37.059805	-121.067952
<u>D7</u>	<u>0.01</u>	<u>37.046793</u>	<u>-121.06448</u>
D8	0.35	37.062697	-121.071529
<u>D9</u>	<u>0.02</u>	<u>37.042146</u>	<u>-121.063699</u>
<u>D10</u>	<u>0.09</u>	<u>37.075138</u>	<u>-121.083462</u>
D11	0.04	37.078136	-121.090734
<u>D12</u>	<u>0.03</u>	<u>37.078339</u>	<u>-121.089187</u>
<u>D13</u>	<u>0.01</u>	<u>37.076233</u>	<u>-121.084661</u>
<u>D14</u>	<u>0.001</u>	<u>37.064553</u>	<u>-121.062877</u>
D15	0.02	37.077882	-121.090174
<u>D16</u>	<u>0.01</u>	<u>37.075136</u>	<u>-121.084006</u>
<u>D19</u>	<u>0.02</u>	<u>37.075192</u>	<u>-121.08361</u>
<u>D26</u>	<u>0.02</u>	<u>37.071884</u>	<u>-121.077909</u>
D37	0.03	37.04507	-121.064403
D39	0.01	37.044465	-121.065759
<u>ED1</u>	<u>0.001</u>	<u>37.055321</u>	<u>-121.065913</u>
<u>ED2</u>	<u>0.001</u>	<u>37.055321</u>	<u>-121.065913</u>
ED5	<u>0.004</u>	<u>37.039727</u>	<u>-121.061836</u>
ED6	<u>0.009</u>	<u>37.033598</u>	<u>-121.063373</u>
ED7	0.03	37.054394	-121.066753
<u>ED11</u>	<u>0.003</u>	<u>37.032291</u>	<u>-121.06832</u>
<u>ED18</u>	<u>0.02</u>	<u>37.058226</u>	<u>-121.035254</u>
FEW3	0.73	37.045068	121.06634
FEW4	0.08	37.077997	-121.090276
<u>FEW5</u>	<u>0.07</u>	<u>37.075147</u>	<u>-121.082952</u>

Impact Site ID	Acres	Latitude	Longitude
<u>FEW8</u>	<u>0.01</u>	<u>37.045973</u>	<u>-121.064354</u>
<u>FEW9</u>	<u>0.04</u>	<u>37.049485</u>	<u>-121.064608</u>
<u>FEW14</u>	<u>0.02</u>	<u>37.068999</u>	<u>-121.07358</u>
<u>FEW17</u>	<u>0.002</u>	<u>37.069481</u>	<u>-121.07426</u>
<u>FEW18</u>	<u>0.01</u>	<u>37.075174</u>	<u>-121.08267</u>
IS1	0.01	37.054489	-121.065338
LAC5	1.61	37.067607	-121.06844
LAC6	0.75	37.083660	-121.059330
SP1	0.09	37.064635	-121.075071
<u>SW13</u>	<u>0.02</u>	<u>37.078538</u>	<u>-121.088615</u>
SW16	0.01	37.077787	-121.090158
<u>SW20</u>	<u>0.02</u>	<u>37.056215</u>	<u>-121.06628</u>
<u>SW23</u>	<u>0.01</u>	<u>37.066041</u>	<u>-121.065666</u>
<u>SW30</u>	<u>0.04</u>	<u>37.048319</u>	<u>-121.063431</u>
<u>SW32</u>	<u>0.03</u>	<u>37.050744</u>	<u>-121.064246</u>
SW33	0.01	37.0773	-121.090221

**Table 7: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel and Wetland	<u>4.41</u>		<u>9.42</u>

**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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**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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