April 15, 2024

Electronically Submitted Via E-Mail
Eric.Oppenheimer@Waterboards.ca.gov

Mr. Eric Oppenheimer, Executive Director
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, California 95814

Subject: Merced River Hydroelectric Project, FERC Project No. 2179
Request for Water Quality Certification

Dear Ms. Sobeck:

Pursuant to Title 18, Section (§) 5.23(b)(1) of the Code of Federal Regulations (C.F.R.) and a December 18, 2023, letter from the Federal Energy Regulatory Commission (FERC or Commission), by this letter the Merced Irrigation District (Merced ID) submits to the State Water Resources Control Board (State Water Board) an application for water quality certification (WQC) under Section 401 of the Federal Water Pollution Control Act, or simply the Clean Water Act, as amended in 1972, for Merced ID's Merced River Hydroelectric Project, FERC Project Number (No.) 2179 (Project). This request is made in support of the Merced ID's application before the Commission for a new license for the Project. This WQC application is also made pursuant to Title 23, §§ 3855 and 3856 of the California Code of Regulations (C.C.R.) and is consistent with the requirements of 40 C.F.R. Part 121, as published in the Federal Register on July 13, 2020. No other licenses or permits are required for FERC's issuance of a new license.

As required by 40 C.F.R. § 121.4, in an e-mail to the State Water Board dated August 11, 2023 (attached), Merced ID requested a pre-filing meeting, which was held on August 31, 2023.

Merced ID's physical addresses and mailing addresses are:

Physical Address:
Merced Irrigation District
744 West 20th Street
Merced, CA 95340
Tel: (209) 722-5761

Mailing Address:
Merced Irrigation District
P.O. Box 2288
Merced, CA 95344

The name, physical addresses, mailing addresses, telephone numbers, and e-mail addresses of the person authorized to act as Merced ID's point of contact for this request for WQC is:

Bryan Kelly, P.E.
Deputy General Manager, Water Resources
Merced Irrigation District
744 W. 20th Street
Merced, CA 95340
Tel: 209-722-5761, Ext. 2810
bkelly@mercedid.org

The 101.25 megawatt Project, which is located on the main stem of the Merced River in Mariposa County about 23 miles northeast of the city of Merced includes two developments, New Exchequer and McSwain, which range in elevation from approximately 880 feet to 320 feet. The New Exchequer Development is the upstream development and consists of: 1) New Exchequer Dam, a rock structure with a reinforced concrete upstream face, 490 feet high and 1,220 feet long that impounds Lake McClure, which has a surface area of 7,110 acres and a gross storage capacity of 1,024,600 acre-feet; 2) an ogee-type, concrete spillway with a 1,080-foot-long, ungated section and a 240-foot-long, gated section with six radial gates that are 40 feet wide and 30 feet high and is designed to pass a maximum of 375,000 cubic feet per second (cfs) that releases directly into McSwain Reservoir when spilling; 3) an earth-and-rock dike that is 62 feet high and 1,500 feet long; 4) an intake structure located upstream of the dam in Lake McClure; 5) a concrete-lined power tunnel that is 383 feet long and 18 feet in diameter and has a capacity of 3,200 cfs; 6) a concrete-encased, steel penstock that is 982 feet long and 16 feet in diameter; 7) an above-ground concrete powerhouse that is 75 feet by 91 feet and discharges up to 3,200 cfs directly to McSwain Reservoir; 8) a low-level outlet, consisting of a 945.5-foot long, 108-inch-diameter powerhouse bypass that runs from the New Exchequer power tunnel and discharges up to 9,000 cfs via a 108-inch-diameter Howell-Bunger valve directly into McSwain Reservoir; 9) an interconnection to the grid at the step-up transformer in the powerhouse switchyard; 10) recreation facilities on Lake McClure; and 11) appurtenant structures and equipment.

The McSwain Development consists of: 1) McSwain Dam, an embankment structure with a central impervious core of rolled fill between shoulders of cobbles or crushed rock, which is 80 feet high and 1,620 feet long and impounds McSwain Reservoir, which has a surface area of 310 acres and a gross storage capacity of 9,730 acre-feet; 2) an ungated concrete overflow spillway that is 802 feet long and is designed to pass 250,000 cfs and releases directly into Merced Falls Reservoir when spilling; 3) an intake structure that is integral with the dam; 4) a concrete-lined power tunnel that is 160 feet long and 15 feet in diameter and has a capacity of 3,000 cfs; 5) a steel penstock that is 160 feet long and 15 feet in diameter; 6) an above-ground, concrete powerhouse that is 72 feet by 72 feet and discharges up to 2,700 cfs directly into Merced Falls Reservoir; 7) a low-level outlet, consisting of a 360-foot-long, 9-foot diameter powerhouse bypass pipe that runs from the McSwain power tunnel and discharges via an 8-foot-diameter Howell-Bunger valve directly into Merced Falls Reservoir; 8) an interconnection to the grid at the step-up transformer in the powerhouse switchyard; 9) recreation facilities on McSwain Reservoir; and 10) appurtenant structures and equipment. The Project occupies 3,154.9 acres of

federal lands administered by the United States Department of the Interior, Bureau of Land Management.

The Project is operated primarily for flood control, water supply, environmental enhancement, recreation, and power generation. Merced ID operates Lake McClure for storage by capturing winter and spring runoff from rain and snowmelt. The reservoir reaches its peak storage at the end of the spring runoff season, and then is gradually drawn down to its lowest elevation in early to mid-winter. Lake McClure has mandatory reserved flood storage space criteria. McSwain Reservoir is operated as a re-regulating reservoir. The New Exchequer Powerhouse is used for peaking, and the McSwain Powerhouse is operated primarily as a base-load facility.

On April 23, 2014, Merced ID filed with FERC an Amended Final License Application (AFLA) for License for a Major Project - Existing Dam for the Project and made the AFLA available to the State Water Board.[1] FERC issued a joint Final Environmental Impact Statement (FEIS) for the Project together with Merced ID's Merced Falls Hydroelectric Project, FERC Project No. 2467, on December 4, 2015.[2]

This letter requests WQC for the Project. Merced ID's April 23, 2014, AFLA and FERC's December 4, 2015, FEIS contain all information required under 23 C.C.R. § 3856 relative to the contents of a complete application for WQC. Should Merced ID file with FERC an amendment to its AFLA subsequent to this request for WQC, Merced ID will provide to the State Water Board a copy of the amendment, as required under 23 C.C.R. § 3834.

Merced ID understands that the State Water Board does not require a deposit or application fee to be filed with this application for processing the WQC.

Merced ID, as lead agency under the California Environmental Quality Act (CEQA) is in the process of preparing a CEQA document and intends to complete CEQA compliance by the end of 2024.

Merced ID hereby certifies that all information contained in its AFLA and request for WQC is true, accurate, and complete to the best of Merced ID's knowledge and belief, and request that the State Water Board review and act on this WQC request within the applicable reasonable period of time.

If you have any questions regarding this request for WQC, please contact me.

Sincerely,

Bryan Kelly
Deputy General Manager, Water Resources

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[1] Merced ID's AFLA is also available on FERC's ELibrary at Accession Number 20150423-5220.
[2] FERC's FEIS is available on FERC's ELibrary at Accession Number 20151204-3033.

Attach: Merced ID's E-Mail Request to the State Water Board for a Pre-Filing Meeting

cc: Debbie-Anne A. Reese, Acting Secretary, FERC
Oscar Biondi – SWRCB

Palmer, Jacare

From: Biondi, Oscar@Waterboards <oscar.biondi@waterboards.ca.gov>
Sent: Friday, August 11, 2023 2:43 PM
To: Lynch, Jim
Cc: Bryan Kelly
Subject: Re: Merced Relicensings: Request for WQC Pre-Filing Meeting

Hi Jim, I'm acknowledging the request. Let me see which days work best and get back to you. Thanks, Oscar

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From: Lynch, Jim <Jim.Lynch@hdrinc.com>
Sent: Friday, August 11, 2023 1:04 PM
To: Biondi, Oscar@Waterboards <Oscar.Biondi@waterboards.ca.gov>
Cc: Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Bryan Kelly <bkelly@mercedid.org>
Subject: Merced Relicensings: Request for WQC Pre-Filing Meeting

Oscar – I am sending this e-mail on behalf of Merced Irrigation District (Merced ID).

As you know, in a letter dated July 11, 2023, the Federal Energy Regulatory Commission (FERC or Commission) directed Merced ID to file with the Commission by September 11, 2023, a copy of a requests for water quality certification (WQC) under Section 401 of the Clean Water Act, or a copy of valid WQC, or evidence of waiver of WQC for relicensing of Merced ID's Merced River Hydroelectric Project (FERC Project No. 2179) and for Merced Falls Hydroelectric Project (No. 2467). Both projects are located on the mainstem of the Merced River. The Merced River Hydroelectric Project includes two dams and reservoirs (Lake McClure formed by New Exchequer Dam and McSwain Reservoir formed by McSwain Dam), two powerhouses (New Exchequer Powerhouse that discharges into McSwain Reservoir and McSwain Powerhouse that discharges into Merced Falls Reservoir) and recreation facilities. The Merced Falls Hydroelectric Project includes one dam and reservoir (Merced Falls Reservoir formed by Merced Falls Dam), one powerhouse (Merced Falls Powerhouse that discharges into the Merced River) and recreation facilities.

In compliance with Section 121.4 of Title 40 of the Code of Federal Regulations, this e-mail requests a WQC pre-filing meeting with the State Water Resources Control Board for these two projects.

Please contact me or Bryan Kelly at the e-mail address above at your earliest convenience to schedule this meeting.

Thank you and I look forward to talking with you.

James Lynch
Principal Engineer

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