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## Central Valley Regional Water Quality Control Board

20 January 2021

Erik Johnson  
Tuolumne Utilities District  
18885 Nugget Blvd  
Sonora, California 95370

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; TUOLUMNE UTILITIES DISTRICT, PHOENIX LAKE PRESERVATION AND RESTORATION PROJECT (WDID#5B55CR00117A2), TUOLUMNE COUNTY**

This Order responds to the 20 November 2020 request for an amendment of the Phoenix Lake Preservation and Restoration Project (Project) Section 401 Water Quality Certification (WDID#5B55CR00117A1). The original Water Quality Certification (Certification) was issued on 13 July 2018 and amended on 11 June 2020. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

Tuolumne Utilities District is requesting an amendment to incorporate two additional activities that are related to the original Certification. The activities include shotcrete repair and rehabilitation work on Phoenix Dam and additional sediment removal from Chicken Creek. The original Certification authorized temporary impacts to 40.4 acres of lake and 4.33 acre of wetland habitat associated with dredge operations. The additional activities will increase temporary impacts associated with dredging operations to 40.6 acres of lake and 0.15 acre of stream channel habitat.

The Certification is amended as shown below:

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

The Project will temporarily impact 40.6 acres of lake, 0.15 acre of stream channel, and 4.33 acres of wetland habitat associated with the dredge operations. [...]

**Phoenix Dam Shotcrete Rehabilitation:** Following dewatering approximately 430 cubic yards of sediment will be removed from 0.057 acre of lake habitat at the upstream face of the dam spillway. Approximately 30 cubic yards of the existing shotcrete dam spillway surface will be manually stripped and hauled off-site for disposal. Form work will be installed at the spillway and dry mix shotcrete will be reapplied to all surfaces.

**Chicken Creek Sediment Removal:** Prior to implementing the Chicken Creek Pipeline Lowering, approximately 900 cubic yards of accumulated sediment will be removed from 0.15 acre/550 linear feet of stream channel habitat and approximately 1,100 cubic yards of accumulated sediment will be removed from 0.19 acre of lake habitat.

**Table 1: Total Project Dredge Temporary Impact Quantity**

<b>Aquatic Resource Type</b>	<b>Acres</b>	<b>Cubic Yards</b>
Lake	40.6	460,780
Stream Channel	0.15	900
Wetland	4.33	132,550

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$400.00 for the original Certification were received on 26 January 2018. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The Central Valley Water Board has determined that the activities associated with the shotcrete rehabilitation of Phoenix Dam meets the Categorical Exemption under Sections 15301 and 15302 of California Code of Regulations, which exempts existing facilities, restoration of deteriorated dam facility, and reconstruction of existing utility systems involving no expansion. The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days of the date of this Amendment.

Impacts associated with the sediment removal in Chicken Creek between the Chicken Creek Pipeline and the Chicken Creek transition structure were evaluated in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Tuolumne Utilities District. On 14 November 2017, the Tuolumne Utilities District, as lead agency, adopted the IS/MND (State Clearinghouse (SCH) No. 2017072046) for the Project and filed a Notice of Determination (NOD) at the SCH on 15 November 2017. The Central Valley Water Board filed a Notice of Determination with the State Clearinghouse as a responsible agency on 17 July 2018.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Phoenix Lake Preservation and Restoration Project (WDID#5B55CR00117A2). 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.

Patrick Pulupa  
Executive Officer

cc: [Via email only]

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