



State Water Resources Control Board

May 7, 2024

Jeremy Nickel, Senior Land Planner
Pacific Gas and Electric Company
12840 Bill Clark Way
Auburn, CA 95602
Sent via Email: JEN8@pge.com

NOTICE OF APPLICABILITY, CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR PACIFIC GAS AND ELECTRIC COMPANY'S LOWER FEELEY DAM CREST RESTORATION PROJECT, NEVADA COUNTY, CALIFORNIA

Dear Mr. Nickel:

On March 25, 2024, the State Water Resources Control Board (State Water Board) received Pacific Gas and Electric Company's (PG&E) Notice of Intent (NOI) to enroll the Lower Feeley Dam Crest Restoration Project (Project) under the *General Order for Clean Water Act Section 401 Water Quality Certification Action, Order No. WQ-2021-0048-DWQ for State Water Board Certification and Denial of the Corps' Nationwide Permits (General Order WQ-2021-0048-DWQ, General Order)*¹. PG&E's NOI notes that the Project would be covered by United States Army Corps of Engineers' (USACE) Nationwide Permit (NWP) No. 3(a) – Maintenance.

State Water Board staff have reviewed PG&E's NOI and supplemental information and find the Project meets the requirements of the General Order. The Project is hereby enrolled under the General Order and PG&E may proceed with the Project in accordance with the requirements contained in this Notice of Applicability (NOA) and the attached General Order following any additional federal and/or state approvals such as USACE notification of coverage under NWP No. 3(a).

PG&E is responsible for complying with all applicable General Order requirements. Failure to comply with the General Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the General Order.

¹ https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf

PROJECT DESCRIPTION

The Project is a part of PG&E's Upper Drum-Spaulding Hydroelectric Project (Federal Energy Regulatory Commission Project No. 2310) which consists of 24 dams that divert and store water from both the Bear and South Yuba Rivers. The Lower Feeley Dam is located at Lower Feeley Lake on a tributary of Fall Creek, approximately 5.9 miles southeast of Graniteville in Nevada County. Lower Feeley Dam is an earth and rockfill dam that impounds a reservoir with a surface area of 15 acres with usable storage of 150 acre-feet at a maximum water surface elevation of 6,932.7 feet (ft). The dam is 185 ft-long at the crest with a designed elevation of 6,936.0 ft. Based on annual dam inspections of Lower Feeley Dam conducted by PG&E on November 6, 2020, and November 17, 2021, the dam crest was found to be 0.91 ft below the original design elevation. The Project purpose is to restore the dam crest to its original design elevation and associated upstream toe. Project activities are anticipated to take place as early as May 1, 2024, and be completed in October 2024. The Project is within the boundary of the United States Forest Service (Forest Service) Tahoe National Forest and occupies one parcel of land that is managed by PG&E and the Forest Service.

The Project includes three main activities: (1) restoring the dam crest to its original design height of 6,936.0 ft; (2) armoring the upstream slope of the dam by adding rock slope protection; and (3) constructing a new concrete channel underneath the low-level outlet operator and air vent to prevent encroachment of the rock slope protection layer. Lower Feeley Lake's water surface elevation will be drawn down between 6,924 ft and 6,918 ft before the start of construction. Once the desired surface elevation is attained, PG&E will grade and build up the existing trail to allow equipment, including a 6-wheel dump truck and/or tracked dump trucks, access to the construction area. A bladder fill cofferdam and sand/soil bags will be used in the dewatering effort for the work to be carried out at the toe of the dam. To maintain the required instream flow of 0.2 cubic feet per second, two eight-inch diameter water bypass structures will be installed underneath the main cofferdam and above the lower secondary cofferdam. Once the dewatering is complete, the construction crew will restore the dam to its original designed crest height and slopes. This involves adding embankment material that will be stabilized by keying and benching into the side slopes of the existing embankments. Upon completion of the earthwork, a concrete U-channel will be constructed underneath the low-level outlet operator and air vent. Then, rock slope protection will be placed on the upstream face of the dam. Following construction, all disturbed areas will be restored, as reasonably practical, to pre-Project conditions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The certification of projects under NWP No. 3(a) is exempt from the California Environmental Quality Act (CEQA). The proposed Project activities are not expected to have a significant effect on the environment and the State Water Board has determined that the Project is categorically exempt from CEQA under California Code of Regulations, title 14, sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15304 (Minor Alterations to Land). Additionally, the State Water Board finds that no exceptions to these exemptions apply to the Project activities approved by this NOA.

The State Water Board will file a Notice of Exemption with the Office of Planning and Research within five days of issuance of this NOA. (Cal. Code Regs., tit. 14, § 15062.)

PROJECT FEES

The State Water Board electronically received an application fee of \$1,000 from PG&E on April 3, 2024. The 2023- 2024 Application Fee for Category E: *Low Impact Discharges* is \$2,985. Due to the Project's limited discharge area, additional project fees are not required. (Cal. Code Regs., tit. 23, § 2200, subd. (a)(4).) Additional payment of \$1,985 is required and PG&E will be invoiced for this amount. Annual fees may apply if Project implementation, including any required monitoring, notification, or reporting, exceeds 12 months from this NOA. Annual fees will continue to be charged until a Notice of Project Complete Letter is issued by the Deputy Director for the Division of Water Rights (Deputy Director) (see the Requirements section for more on this topic).

AUTHORIZED IMPACTS

Excavation and fill activities authorized by this NOA are limited to 0.091 acres/ 200 linear feet of temporary impacts² to a streambed.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES

PG&E shall implement the Avoidance and Minimization and Best Management Practices listed in the "Lower Feeley Dam Crest Restoration-Biological Review of Effects on Federally Listed Species" memo included with its March 25, 2024 NOI.

REQUIREMENTS

PG&E shall comply with all applicable conditions of the General Order, including but not limited to the following:

- Pursuant to section VI.D.4 of the General Order, PG&E shall implement the Project in conformance with the information provided in the March 25, 2024 NOI and subsequent amendments thereto. Any proposed changes to the Project design described in the NOI must be submitted to and approved by the Deputy Director prior to implementation.
- Pursuant to section VI.E.3.a of the General Order, PG&E shall submit a Commencement of Construction notification to the Deputy Director at least seven days prior to the start of initial ground disturbance activities.
- Pursuant to section VI.E.3.b of the General Order, PG&E shall submit a Request for Notice of Project Complete letter to the Deputy Director within 30 days following completion of all Project activities. Upon approval of the request, the Deputy Director will issue a Notice of Project Complete Letter to PG&E. Annual fees will be terminated concurrent with the date the Notice of Project Complete Letter is issued by the Deputy Director.

² Temporary disturbances would result from temporary pipeline shoring and water diversion activities. Temporary fill consists of the diversion pipe.

If you have questions about this NOA please contact James Noss, Project Manager, by email to: James.Noss@waterboards.ca.gov or phone call to: (916) 327-3117.

Sincerely,



Eric Oppenheimer
Executive Director

Enclosure: General Order for Clean Water Act Section 401 Water Quality Certification Action, Order No. WQ 2021-0048-DWQ

cc: Ms. Debbie-Ann Reese, Acting Secretary
Federal Regulatory Energy Commission
Via e-file to FERC Docket for P-2310

Taylor Powell, Regulatory Project Manager
United States Army Corps of Engineers
Email: Taylor.M.Powell@usace.army.mil

Martha Guzman, Regional Administrator
U.S. Environmental Protection Agency
Region 9, Water Division
Email: R9cwa401@EPA.gov

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
Email: Patrick.Pulupa@waterboards.ca.gov

Matt Scroggins, Senior WRC Engineer
Central Valley Regional Water Quality Control Board
Email: Matt.Scroggins@waterboards.ca.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Email: Stateboard401@waterboards.ca.gov

Sahrye Cohen, Wetland Section Manager
U.S. EPA, Region 9
Email: R9cwa401@epa.gov