# PUBLIC NOTICE

## PROPOSAL TO ESTABLISH A **REGIONAL GENERAL PERMIT** FOR MAINTENANCE OF EXISTING HYDROELECTRIC GENERATION FACILITIES IN INYO AND MONO COUNTIES, CALIFORNIA

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** SPL-2009-00171-BAH
**Project:** SCE Bishop Hydroelectric Facilities Maintenance Regional General Permit
**Comment Period:** 24 June 2013 through 23 July 2013
**Project Manager:** Bruce Henderson; 805-585-2145; Bruce.A.Henderson@usace.army.mil

**Applicant**
Southern California Edison Company
Hydro Generation Division
300 N. Lone Hill Avenue
San Dimas, California 91773

**Contact**
Dan Golden
Southern California Edison Company
Eastern Hydro Division
4000 Bishop Creek Road
Bishop Plant 4
Bishop, California 93514

**Location**
At various facilities in Inyo and Mono counties, California as described below.

**Activity**
Southern California Edison (SCE) operates four hydroelectric power projects (Bishop Creek, Rush Creek, Lee Vining Creek, and Lundy) within the eastern Sierra Nevada Mountains in Inyo and Mono counties, California. Each of these projects includes numerous associated facilities such as dams, diversions, pipelines and penstocks. The U.S. Army Corps of Engineers Regulatory Division is considering establishing a Regional General Permit (RGP) to facilitate ongoing operations and maintenance activities at these four SCE projects to ensure the safe operation of these facilities over a 5-year period. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activities described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the public record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

Bruce Henderson
U.S. Army Corps of Engineers
Ventura Regulatory Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: Bruce.A.Henderson@usace.army.mil

**Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Preliminary Review of Selected Factors**

**EIS Determination** – A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality** – Section 404 of the Clean Water Act requires the applicant provide proof of water quality certification from either the State Water Resources Control Board (SWRCB) or the relevant Regional Water Quality Control Board (RWQCB) prior to permit issuance. The SWRCB issued its conditional Section 401 water quality certification on June 17, 2010 for maintenance of the four SCE Eastern Sierra hydroelectric projects as described below.

**Coastal Zone Management** – These projects are located outside the coastal zone.

**Cultural Resources** – As part of the FERC licensing process, each project is required to prepare and submit a cultural resources inventory and Cultural Resource Management Plan, which SCE maintains as part of each project's administrative record. The projects, most of which have been determined to be Historic Districts eligible for listing on the National Register of Historic Places, were constructed in the early twentieth century and have been maintained to provide hydroelectric power to SCE customers. The activities for which this RGP is proposed are ongoing routine operations and maintenance efforts necessary to ensure the continued integrity of the facilities associated with each project, which may require a discharge of fill material in jurisdictional waterbodies. New construction or structural modifications are not anticipated in association with these activities. Should new construction, installation of new equipment, or other modifications to existing structures be

contemplated in association with operations and maintenance efforts covered by the RGP, the Corps will initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act, as appropriate.

**Endangered Species** – The four projects are located in the eastern Sierra Nevada mountain range on lands owned by SCE and others, and on federal land administered by the U.S. Forest Service and the Bureau of Land Management. The California Natural Diversity Data Base and the U.S. Fish and Wildlife Service list of endangered and threatened species for Inyo and Mono Counties were consulted to determine the list of potentially occurring special status species. Previous reports prepared for these hydroelectric projects were referenced to further refine the list of sensitive species. It was determined that four federally endangered, threatened, or candidate wildlife species have the potential to be present within the permit area: Yosemite toad (*Bufo canorus*), mountain yellow-legged frog (*Rana muscosa*), fisher (*Martes pennanti*), and Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*). Surveys were then conducted for these listed endangered and threatened species in association with various activities at each of the facilities. No federally endangered or threatened plant species were observed within the permit areas at each project site. Past surveys also indicated that operations and maintenance efforts anticipated to be covered by the General Permit would not affect these listed species or their designated critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing** – Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

**Proposed Activity for Which a Permit is Required**

**Basic Project Purpose** – The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is to maintain various facilities associated with generation of hydropower. Because these project activities necessarily occur within aquatic areas associated with various existing SCE facilities, they are water dependent.

**Overall Project Purpose** – The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is maintenance of SCE's existing hydropower generation facilities in the eastern Sierra Nevada Mountains to ensure their continued provision of energy, as well as safety considerations inherent to well-maintained facilities.

**Baseline information** – SCE operates four hydroelectric power projects within the eastern Sierra Nevada Mountains in Mono and Inyo Counties, California. These projects include: Bishop Creek Hydroelectric Project (FERC No. 1394; license issued 1994); Rush Creek Hydroelectric Project (FERC No. 1389, license issued 1997); Lee Vining Creek Hydroelectric Project (FERC No. 1388, license issued 1997); and Lundy Hydroelectric Project (FERC No. 1390, license issued 1999). The projects are located as far north as Mill Creek approximately six miles northwest of the Town of Lee Vining on State Highway 395, to Bishop Creek approximately two miles west of the City of Bishop on State Highway 168. The projects include associated facilities such as dams, diversions, pipelines and

penstocks which require periodic maintenance, including removal of accumulated sediment or encroaching vegetation, and repair or replacement of equipment or facilities.

The Bishop Creek Hydroelectric Project, with a total installed capacity of 26.27 megawatts (MW), is located in the County of Inyo, southwest of the City of Bishop. The Project facilities are sited along Bishop Creek and its tributaries (South Fork Bishop Creek, Middle Fork Bishop Creek), and Green Creek, Birch Creek, and McGee Creek within the Inyo National Forest, the John Muir Wilderness (both of which are managed by the U.S. Forest Service), lands managed by the Bureau of Land Management (BLM), and on private lands. The Project area is one of moderate to steep ridge and valley topography with elevations ranging from about 4,000 feet above mean sea level (MSL) to over 13,000 feet MSL. Bishop Creek is a major stream with a total drainage area of approximately 70 square miles, flowing northeastward about 28 miles from its headwaters to its confluence with the Owens River at the City of Bishop. The North, Middle, and South forks of Bishop Creek originate in nearby glacial basins separated by ridges. South Lake and Lake Sabrina are the major storage reservoirs in the watershed. Water from McGee and Birch Creeks, originating on alpine slopes north of Bishop Creek, is diverted to Bishop Creek through the existing hydroelectric facilities. McGee and Birch Creeks have a combined drainage area of about 25 square miles. McGee Creek flows about 15 miles to its confluence with the Owens River. Birch Creek flows about five miles to the existing diversion and then becomes intermittent.

The other three hydroelectric projects are located in the Mono Lake Basin area of the eastern Sierra Nevada Mountains in Mono County. The Rush Creek Hydroelectric Project, with a total installed capacity of 8.4 MW, is located on Rush Creek within the Inyo National Forest near the southern end of Silver Lake approximately 3 miles west of the Village of June Lake and approximately 14 miles upstream from Mono Lake. A portion of this Project's area, including Rush Meadows Dam (Waugh Lake) and Gem Lake, is located within the Ansel Adams Wilderness Area.

The Lee Vining Creek Hydroelectric Project, with a total installed capacity of 11.25 MW, is located on Lee Vining Creek about nine miles west of the town of Lee Vining, and is located partly within the Inyo National Forest and partly on private lands. Facilities include dams at Saddlebag Lake, Tioga Lake, and Ellery Lake. Water is diverted from Ellery Lake (Rhinedollar Dam) to the Poole Power Plant.

The Lundy Hydroelectric Project, with a total installed capacity of 3.0 MW, is located eight miles north of Lee Vining near Mill Creek, partly within the Inyo National Forest and partly on private lands. Water is diverted from Mill Creek at Lundy Lake to the Lundy Power Plant where it is discharged to Wilson Creek.

## PROJECT DESCRIPTION

SCE is requesting a RGP pursuant to Section 404 of the Clean Water Act to facilitate the permitting process required for ongoing operations and maintenance activities necessary to ensure the safe operation of these projects. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material in waters of the United States. Those operations and maintenance activities that do not result in a discharge of dredged or fill material are not subject to regulation by the Corps of Engineers. Field surveys were conducted to document the vegetation, habitats, and plant communities associated with each of the projects. Psomas (environmental consulting firm) was accompanied by SCE operation and maintenance staff who provided information on the location of routine operations

and maintenance activities for each project. The general limits of Corps jurisdictional boundaries are based on identification of the ordinary high water mark and riparian associated plant communities.

**Operations and Maintenance** – Gate Maintenance: SCE is mandated by the Department of Safety of Dams (DSOD) to perform routine, regularly scheduled gate maintenance operations for all projects. This includes full stroke operation of intake drain gates, sand traps and chamber drain gates. Doing this on a regular basis will minimize any impact to the stream. This does not require the draining of any ponds or reservoirs. Also, as required by DSOD and FERC, SCE is required to inspect the penstocks at its facilities. Penstock inspections do require the lowering of the reservoir to expose the entry point to the penstock.

In addition to mandatory gate maintenance and penstock inspection, routine operations and maintenance activities for each of the four Projects can be classified as stream deposit management/ removal, vegetation control, and facilities repair.

- *Stream Deposit Management/Material Removal*: Sediment transport in rivers and streams is a natural process. Sediment will accumulate in areas where the energy is insufficient to suspend and mobilize the sediment particles. When necessary, SCE removes or mobilizes accumulated material that obstructs its water diversions and operations of hydroelectric generation. For small project areas, such as a diversion structure, removal of accumulated sediment may be accomplished with an excavator suitable for the project. For intakes at dam facilities, historical practice has been to remove the plant from service in late winter or early spring, and reduce creek flows to levels that are great enough to maintain downstream users' requirements (Chandler Decree) and are small enough to allow all flows to pass through the open drain valves, typically for a period of 24 to 48 hours. This cuts a channel through the stream deposit and gravels that have accumulated in the intake and carries them into the stream below the dams. SCE proposes to perform the necessary material removal in the springtime to augment the natural flows to assist in the removal of sediment and debris and distribute it to the riparian system. If the bypass flows are insufficient to mobilize accumulated sediments from dam intakes, SCE anticipates utilizing heavy equipment. Barring extreme climatic events, it is presumed this procedure would be required every 5 to 10 years after the initial removal.
- *Vegetation Control*: SCE controls vegetation growth at or adjacent to its facilities when it interferes with the flow of water or with measurement of flow through the gauging stations. Methods proposed for vegetation control include selective thinning, selective removal, or mowing.
- *Facilities Repair and Maintenance*: SCE repairs structures and facilities throughout the year as necessary, and conducts general maintenance to retain functional and structural integrity of facilities. Measuring stations and flumes monitor water flow in waterways. Maintenance of these structures includes mowing of vegetation to provide access along channel banks and the removal of accumulated sediments to ensure unobstructed water flow to enable accurate measurement. Intake and diversion structures divert water from a stream, canal, or intermittent man-made waterway to a canal or intermittent man-made waterway. Accumulated stream deposits are removed at these structures as necessary to maintain functional integrity.
- *Stream Entry*: Several sites require stream entry for maintenance purposes. SCE would restrict activity in the channel to an area no further upstream or downstream than necessary to do the work.

**Year-round Protection Measures** – During preparation of the yearly work plan for operations and maintenance activities, SCE would consult with its biologist to determine if the proposed activity would likely impact sensitive biological resources. SCE would then survey the area and prepare a biological determination that would include recommendations for avoidance or minimization if needed. If the proposed activities would impact or remove mature shrub or riparian forest vegetation, the biologist would assess project impacts on dominant plants in the specific project area, including any trees with a diameter at breast height (DBH) greater than 10 inches that would be removed to determine the plant palette to be used in restoration activities. The biologist would report the findings and recommendations to SCE; the report would be provided to CDFW as part of SCE's annual reporting for their existing streambed alteration agreement with CDFW.

Included in these protection measures are as needed nesting bird surveys, raptor surveys, other sensitive species surveys, fish protection, restoration for impacts, implementation of Best Management Practices for work in and around streams and lakes, monitoring, and reporting to SCE and CDFW, and other resource agencies, as appropriate.

**Proposed Mitigation** – Approved Best Management Practices to ensure protection of biological resources and water quality would be implemented as part of work efforts anticipated under this RGP. Mitigation is not anticipated to be required for maintenance of existing hydropower facilities. However, this preliminary determination may change if comments received in response to this public notice or the applicant's response to those comments indicate otherwise, or if determined appropriate to comply with the 404(b)(1) Guidelines.

**Proposed Special Conditions** – While no special conditions have been proposed, SCE employs standard Best Management Practices to ensure resource protection when working in areas with sensitive resources, such as the areas where these four projects are located. These BMPs include protection measures for biological resources (nesting birds and raptors, fish, plants and plant communities, and other wildlife species) and water quality protection (flagging of work area limits; restrictions on vehicle movement, parking, fueling, cleaning; vegetation clearing; debris and spoils removal; fill; siltation and erosion; stream diversion; and pollution protection). In association with these BMPs, SCE routinely requires that a biological resource monitor be present when work is occurring in sensitive resource areas, and specific reporting protocols are established to ensure regular reporting to the controlling resource agency occurs.

For additional information please call Bruce Henderson at 805-585-2145 or via e-mail at Bruce.A.Henderson@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

*Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**

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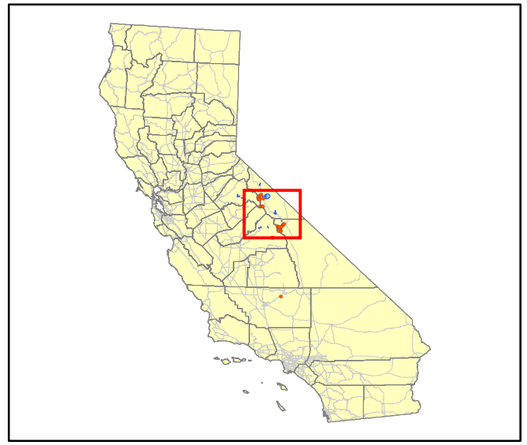
# U.S. Army Corp of Engineers Regional General Permit

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company



**Regional Location**

**Legend**

- Project Facility Site Locations
- County Boundary
- National Forest/National Park Boundary
- Bureau of Land Management (BLM) Boundary

*Lundy Lake Hydroelectric Project (FERC No. 1390)*
Lundy Powerhouse
Lundy Lake Dam

*Lee Vining Creek Hydroelectric Project (FERC No. 1388)*
Saddlebag Lake Dam
Lee Vining Substation
Tioga Lake Dam
Poole Powerhouse
Rhinedollar Dam

*Rush Creek Hydroelectric Project (FERC No. 1389)*
Gem Lake Dam
Rush Creek Powerhouse
Agnew Lake Dam
Rush Meadows Dam (Waugh Lake)

*Bishop Creek Hydroelectric Project (FERC No. 1394)*
Powerhouse No. 6
Powerhouse No. 5 and Intake 6
Powerhouse No. 4 and Intake 5
Powerhouse No. 3 and Intake 4
Powerhouse No. 2 and Intake 3
Bishop Creek So. Fork Diversion
Green Creek Diversion Dam
South Lake Dam
Birch Creek Diversion
Longley Lake Dam
McGee Creek Diversion
Bishop Creek Intake No. 2 Dam
Sabrina Lake Dam

Tuolumne County
Yosemite National Park
Mariposa County
Madera County
Sierra National Forest
Fresno County
Mono County
Inyo National Forest
Mono Lake
NEVADA
BLM Land
Inyo County
Bishop
Kings Canyon National Park

0 2 4 8 12 16 Miles

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## Regional Map

PSOMAS

Figure 1.1-1