



Central Valley Regional Water Quality Control Board

22 April 2021

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CERTIFICATION DEVIATION APPROVAL FOR SECTION 401 WATER QUALITY CERTIFICATION FOR THE LOWER AMERICAN RIVER ANADROMOUS FISH HABITAT RESTORATION PROJECT (WDID#5A34CR00696), SACRAMENTO COUNTY

On 8 March 2021, Central Valley Water Board staff received a formal request for a Certification Deviation for the 401 Water Quality Certification issued to the United States Bureau of Reclamation (Permittee) on 8 November 2017 for the Lower American River Anadromous Fish Habitat Restoration Project (Project) (WDID#5A34CR00696). The purpose of this letter is to formally approve the Certification Deviation request for the Section 401 Water Quality Certification for the Lower American River Anadromous Fish Habitat Restoration Project (WDID#5A34CR00696). The original Certification was issued on 8 November 2017. An amendment was issued on 13 September 2018 (WDID#5A34CR00696A1) and a subsequent second amendment was issued on 7 August 2020 (WDID#5A34CR00696A2).

Certification Deviation Request

Based on a recent design review, the Permittee, in collaboration with the Water Forum, have provided design updates and clarification for Project activities proposed at the Ancil Hoffman Park Restoration Site during Summer and Fall 2021.

Project Description

In previous Project designs, it was assumed that woody habitat features would be anchored using timber piles. However, use of this method was re-evaluated during final design, due to potentially challenging subsurface conditions at the Project site and additional analysis of large woody material (LWM) installation plans, specifically, concerns with constructability of timber piles in shallow bedrock along the Lower American River. To accommodate this uncertainty, boulder ballast has been incorporated into the design to ensure constructability and stability of LWM features.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Due to minor additional excavation necessary to accommodate the inclusion of boulder ballast for anchoring LWM habitat features and accommodate the subsurface portions of the LWM structures, the quantity of cut and fill occurring below the ordinary high water mark (OHWM) will change by approximately 85 cubic yards. The project will maintain a net zero cut and fill material quantity.

The total disturbance area of the proposed project will not change due to this design refinement. Enclosures for Tables 1 and 2 detail the requested changes.

Your request for a Certification Deviation was hereby approved as of 8 March 2021. If you have additional questions regarding this approval, please contact Peter Minkel at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov, or me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

Stephanie Tadlock
Senior Environmental Scientist
401 Water Quality Certification and Dredging Unit

cc: Distribution List, page 2

Enclosures: Table 1 – Discharge and Disturbance Summary for Proposed Work
Table 2 – Updates to Attachment B, page 3, Table 2 (Individual Direct Impact Information)

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Table 1: Discharge and Disturbance Summary for Proposed Work

Discharge Summary

Project Activity	Cut (cy)	Fill (cy)	Net Quantity (cy) ¹		Explanation of Work
			Below OHWM	Above OHWM	

Restoration Activities

Grading Existing Gravel Bar to Create Rearing Habitat	34,736 34,654	363	-34,373 -34,288	0	Excess cut from bar grading (34,373 cy) to be sorted onsite and used for placement as spawning gravel (includes minor additional excavation to accommodate LWM and ballast boulder placement design change).
In-channel Grading and Gravel Placement to Create Spawning Riffle	2,453	18,274	15,821	0	A portion of excess cut material (15,821 cy) from bar grading will be used to provide fill for spawning gravel riffle.
Dispose Excess Gravel Derived from Gravel Bar Grading.	0	18,552 18,467	18,533 18,448	19	Remaining excess gravel (18,552 cy) from bar grading to be disposed of on floodplain (includes minor additional excavation to accommodate LWM and ballast boulder placement).
Total Cut/Fill	37,189 37,104	37,189 37,104	37,170 37,085	19	
Create Boat Notch	Included in cut/fill quantities above.				Boat notch included at request of County Parks.

Temporary Crossing

Temporary Crossing for Site Access	0	11.2	11.2	0	Temporary crossing for site access. Fill to be removed at project conclusion.
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¹Quantities are based on final design and associated modeling and are the maximum expected under the proposed project.

Disturbance Summary

Project Activity	Quantity (as noted below)		Explanation of Work
	<i>Below OHWM</i>	<i>Above OHWM</i>	
Total Restoration Activities Disturbance Area	15.797 acres	0.003 acre ²	See Figure 2, previously submitted.
Total Restoration Activities Disturbance Length	2,785 linear feet	N/A ²	
Total Area of Disturbance from Temporary Crossing	0.01 acre	0.00 acre	See Figure 2, previously submitted.
Total Length of Disturbance from Temporary Crossing	25 linear feet	N/A ²	
Project Activity	Quantity (as noted below)		Explanation of Work
Woody Habitat Structures	15 total pieces		See Figure 2, previously submitted.
Riparian Plantings	1.1 acres		See Figure 2, previously submitted.

² Area of impacts due to fill above the OHWM associated with the gravel disposal area is only 0.003 acre. This area is below the reporting threshold for impacts to Water of the U.S. as required under CFR 33 U.S. Code § 1344. Although CFR 33 U.S. Code §1344 requires disclosure of impacts measured only to the hundredth of an acre, this information is included in the table, beyond this threshold requirement, to ensure clarity for the reviewer because a small portion of the disposal area is above OHWM. ² Length of disturbance above OHWM is enclosed by the area of disturbance at/below OHWM, so there is no change in total disturbance length due to the small portion of fill above OHWM.

Table 2: Updates to Certification Attachment B, page 3: Table 2 - Individual Direct Impact Information

Table updated as shown below in red underline/strike-out text:

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Nimbus Basin	38°38'3.91" N	121°13'49.77" W		x	Temporary		<u>2,308</u>		<u>3.5</u>	<u>3,759</u>	<u>400</u>
					Permanent						
Upper Sailor Bar	38°38'3.45" N	121°13'48.46" W		x	Temporary		<u>11,261</u> 18,000		<u>6</u> 8.1	<u>14,000</u>	<u>600</u>
					Permanent						
Lower Sailor Bar	38°38'11.02" N	121°14'52.34" W		x	Temporary		25,000		6.5	<u>18,342</u> <u>12,000</u>	<u>2,000</u>
					Permanent						
Sunrise	38°38'05.07" N	121°16'00.00" W		x	Temporary		10,000		<u>4</u> 3.0	<u>13,412</u> <u>7,000</u>	<u>300</u>
					Permanent						
Lower Sunrise	38°37'43.94" N	121°16'34.11" W		x	Temporary		<u>3,000</u>		<u>2.5</u>	<u>3,000</u>	<u>600</u>
					Permanent						
Sacramento Bar	38°37'17.58" N	121°17'07.44" W		x	Temporary		<u>21,414</u>		<u>13</u>	<u>5,656</u>	<u>900</u>
					Permanent						
El Manto	38°37'37.25" N	121°17'25.18" W			Temporary		17,172 35,000		<u>7.5</u> 8.8	<u>13,494</u> <u>10,000</u>	<u>700</u>
					Permanent						
Ancil Hoffman	38°36'55.952" N	121°18'19.97" W			Temporary		<u>37,189</u> 33,935 30,000		<u>15.8</u> 6.7	<u>37,189</u> 11,031 9,000	<u>2,810</u> 700
					Permanent						

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Upper River Bend	38°36'10.89" N	121°19'08.52" W			Temporary		35,000		<u>14</u> 9.0	<u>23,832</u> 10,000	<u>4,000</u>
					Permanent						
River Bend	38°35'16.92" N	121°19'46.50" W		x	Temporary		<u>7,344</u>		<u>4.5</u>	<u>4,291</u>	<u>250</u>
					Permanent						

Note: In general, many sites result in a net zero dredge/fill due to construction methods for the project. Where material of the appropriate size is available within existing onsite gravel bars, side channel excavation areas, or areas graded for floodplain rearing habitat, this onsite material is used for spawning gravel placement, in the adjacent channel. Where onsite gravel is not of appropriate size, gravel from the offsite borrow site(s) may be used, as discussed in the NEPA/CEQA documentation for the project.