



State of Utah

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Governor

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Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Nathan Green
U.S. Army Corps of Engineers, Sacramento District
Colorado West Regulatory Branch
400 Rood Avenue, Room 224
Grand Junction, Colorado 81501-2563

Re: Approval of 401 Water Quality Certification with Conditions

Water Quality Certification No.: SPK 2008-00117.

USACE 404 Permit No.: SPK 2008-00117.

Applicant: Sacramento District, US Army Corps of Engineers (USACE).

Project: Reissuance of the Regional General Permit 8 (RGP 8).

Purpose: For projects that are beneficial to the recovery of the Colorado River endangered fish species.

Location: RGP 8 would apply to jurisdictional waterways, includes ponds and wetlands within Colorado and Utah which are within the boundaries of the Sacramento District and are currently designated or classified by the U.S. Fish and Wildlife Service (FWS) as designated critical habitat and/or occupied habitat of the Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), humpback chub (*Gila cypha*), or bonytail chub (*Gila elegans*). The RGP 8 may include additional waters of the United States not currently designated or classified as critical and/or occupied habitat, if projects within these waters may have an appreciable beneficial effect on the recovery of any of the endangered fish species.

Watercourses: 1) The Green River from Dinosaur National Monument at the Utah- Colorado state line to the confluence with the Colorado River.

2) The Duchesne River from river mile 15.0 to the confluence of the Green River.

3) The Price River from river mile 37.8 to the confluence with the Green River.

4) The San Rafael River from Utah State Highway 24 bridge to the confluence with the Green River.

5) The Colorado River from Lake Powell to the Utah-Colorado state line.

Public Comment Period: 10/21/2013 – 11/20/2013.

Public Comments Received: None

Dear Mr. Green:

Pursuant to Section 401 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), the Utah Department of Environmental Quality, Division of Water Quality (DWQ) certifies it has reasonable assurances that any discharge associated with the reissuance of Regional General Permit (RGP) 8

projects will not violate surface water quality standards, or cause additional degradation in surface waters not presently meeting water quality standards. In accordance with Section 401(a)(1) of the CWA [33 U.S.C. Sec.

1341(a)(1)], DWQ hereby issues this 401 Water Quality Certification with Conditions provided the conditions outlined below are met and included in the USACE 404 RGP 8.

Background Water Quality Information

The segment of the Green River from Dinosaur National Monument at the Utah- Colorado state line to the confluence with the Colorado River is not impaired, meets all assessed water quality standards, and has the following beneficial use classifications:

- 1C (protected for domestic/drinking water);
- 2A (frequent primary contact recreation);
- 3B (warm water fishery/aquatic life); and
- 4 (protected for agricultural uses including irrigation of crops and stock watering).

The segment of the Duchesne River from river mile 15.0 to the confluence of the Green River is impaired for total dissolved solids, has an approved Total Maximum Daily Load (TMDL), and has the following beneficial use classifications:

- 2B (infrequent primary contact recreation);
- 3B (warm water fishery/aquatic life); and
- 4 (protected for agricultural uses including irrigation of crops and stock watering).

The segment of the Price River from river mile 37.8 to the confluence with the Green River is not impaired, meets all assessed water quality standards, and has the following beneficial use classifications:

- 2B (infrequent primary contact recreation);
- 3C (nongame fishery/aquatic life); and
- 4 (protected for agricultural uses including irrigation of crops and stock watering).

The segment of the San Rafael River from Utah State Highway 24 Bridge to the confluence with the Green River is impaired for poor benthic macro-invertebrate community, requires a TMDL, and has the following beneficial use classifications:

- 2B (infrequent primary contact recreation);
- 3B (warm water fishery/aquatic life); and
- 4 (protected for agricultural uses including irrigation of crops and stock watering).

The segment of the Colorado River from Lake Powell to the Utah-Colorado state line is not impaired, meets all assessed water quality standards, and has the following beneficial use classifications:

- 1C (protected for domestic/drinking water);
- 2A (frequent primary contact recreation);
- 3B (warm water fishery/aquatic life); and
- 4 (protected for agricultural uses including irrigation of crops and stock watering).

Conditions for 401 Water Quality Certification for Regional General Permit 8

As a condition of 401 Water Quality Certification for this project, the DWQ has requested that the USACE include the following conditions in the RGP 8 permit:

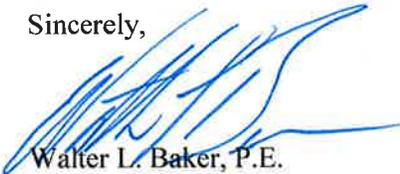
1. The project proponent must ensure implements Best Management Practices (BMPs) during any in-stream or adjacent to activity to ensure State Water Quality Standards as per R317-2-13 and the assigned numeric criteria as per R317-2-14 are not violated. The appropriate BMPs for soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all

exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date. Project proponent is encouraged to perform work within waters of the Utah during periods of low-flow or no-flow.

2. Additionally, the project proponent must notify via e-mail the appropriate DWQ Watershed Coordinators (<http://www.waterquality.utah.gov/watersheds/state.htm>) and the 401 WQ Certification Coordinator (Bill Damery at wdamery@utah.gov) if the activity is to be conducted on a stream segment or tributary that is listed individually as impaired on the most current 303(d) list or if it has a TMDL.
3. The project proponent must maintain existing stream shade on all Class 3A streams. Destruction of any stream shade vegetation within the project area must be replaced at a 1:1 shade ratio at mature life stage with native vegetation along a Class 3A stream. If stream shade vegetation is removed, prior to the commencement of work, the applicant must submit to the State Engineer's office in their restoration plan an estimate of the portion of the water surface area within the project area that is shaded by estimating areas with no shade, poor shade, and shade. Time of the year, time of the day, and weather can affect the observation of shading. Therefore, the relative amount of shade is a best professional judgment estimate. Ideally the applicant would be measuring when the sun is at an angle that provides maximum stream shade and the vegetation is in full leaf-out. The destruction of mature trees is to be avoided to the maximum extent possible and the permittee is responsible for revegetation success.
4. The project proponent must notify the drinking water system administrator prior to the commencement of work if the project is to be conducted up gradient and within two miles of a drinking system stream intake.
5. The applicant shall obtain the following permits from the DWQ prior to the construction phase of the project:
 - Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. A fact sheet describing the permit application procedures are located on our web site at: <https://secure.utah.gov/stormwater/main.html>. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site.
 - Construction activities that disturb one acre or more are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR300000. The permit requires the development of a storm water pollution prevention plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site until final stabilization of the project. A fact sheet describing the permit application procedures are located on our web site at: <https://secure.utah.gov/stormwater/main.html>

Please contact Mr. Bill Damery at (801) 536-4354, wdamery@utah.gov with any questions you may have concerning this 401 Water Quality Certification with Conditions.

Sincerely,



Walter L. Baker, P.E.
Director

WLB:wd
File: SPK 2008-00117
wdamery\wp\RDCC\401 Certs New\RGP 8.
cc: Jason Gipson, USACE

