

Appendix B

State 401 Water Quality Certification Application

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**SECTION 401 WATER QUALITY CERTIFICATION
APPLICATION FORM**

A minimum of \$500.00 processing fee is required; however, additional fees in accordance with Title 23 CCR § 2200 (a)(2) may also be required. Please use the fee calculator at <http://www.waterboards.ca.gov/cwa401/docs/dredgefillfeecalculator.xls> to determine the total fee. Please include a check payable to the **State Water Resources Control Board**. Attach additional sheets as necessary. Submit the complete form to the appropriate Regional Board office.

1. APPLICANT INFORMATION

2. AGENT INFORMATION*

Applicant: US Army Corps of Engineers	Agent*
Contact Name: Mitch Stewart	Contact Name:
Address: 1325 J Street	Address:
Sacramento, CA 95814	
Phone No: 916-557-6734	Phone No:
Fax No: 916-557-7856	Fax No:

*Complete only if applicable

3. PROJECT DESCRIPTION

<p>a) Project Title: Lower Yuba River Pilot Gravel Injection Project, Yuba and Nevada Counties, CA.</p>
<p>b) Project Location: The project area is located on the lower Yuba River starting at Englebright Dam (Yuba River mile 23.9) downstream to Daguerre Point Dam (Yuba River mile 11.4). The proposed gravel injection site is less than 1 acre and confined to the river channel approximately 25 feet downstream of the Narrows II hydroelectric power facility located in the steep Narrows canyon off Highway 20, about 23 miles east of Marysville, California (Plate 1).</p> <p>County: Yuba and Nevada Counties Section: 14 Township: 16N Range: 6E</p> <p>Latitude: 039° 14' 20.72"N Longitude: 121° 16' 10.44"W</p>
<p>c) Project Description: The U.S. Army Corps of Engineers (Corps) is proposing to implement a pilot gravel injection project with the placement of approximately 500 tons of a heterogeneous mix of gravel and cobble (0.25 – 5.0 inches in diameter) injected directly into the lower Yuba River channel. This project is being conducted in cooperation with the Watershed Hydrology and Geomorphology lab at University of California, Davis (UCD), and with the Anadromous Fish Restoration Program Core Group under authority of the Central Valley Project Improvement Act. No ground-breaking activities are associated with this project. No mechanized equipment would be entering the channel or operating within the 100-year floodplain.</p> <p>The proposed action would satisfy the Terms and Conditions of the incidental take statement included in the April 27, 2007, Biological Opinion (BO) prepared by National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended. Knowledge gained from the study of this pilot gravel injection would allow the Corps to develop and implement a long-term gravel augmentation program. The long-term program would serve to improve the overall function of the habitat by providing spawning gravel to key areas on the lower Yuba River.</p>

d) Proposed Schedule: (*start-up, duration, and completion dates*): The gravel injection must be completed no later than September 30, 2007. Estimated 1 to 2 days to complete the work.

e) Total Project size: (*clearing, grading, other construction activities*)

Project area: 66,000 linear feet. Gravel injection site: < 1 acre.

4. IMPACTED WATER BODIES

a) Name(s) of Receiving Water Body(ies): Lower Yuba River.

b) Anticipated potential stream flow during project activity: Between 500 cfs and 700 cfs at summer to fall flows.

c) Describe potential impacts to water quality: The placement of this gravel within the channel would increase the amount of suspended sediment and thus turbidity in the immediate vicinity of the injection site and for an unknown distance downstream. The proposed injection site is located within a hydraulically efficient stretch of the lower Yuba River. Therefore, the source of any increased turbidity would be attributed to the introduction of sediment particles adhering to the injected gravel and not from sediments disturbed and suspended from the channel bottom and sides. Turbidity associated with the proposed project activities would not exceed the CRWQCB objectives for turbidity in the Sacramento River Basin. Turbidity would not increase more than 20 percent above naturally occurring background levels.

d) Indicate in ACRES and LINEAR FEET (*where appropriate*) the proposed **waters of the United States** to be impacted by any discharge other than dredging, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent Impacts		Temporary Impacts	
	(acres)	(linear feet)	(acres)	(linear feet)
Jurisdictional Wetland	N/A	N/A		
Riparian	N/A	N/A		
Streambed unvegetated	N/A	N/A	<1	66,000
Lake/Reservoir	N/A	N/A		

e) Indicate the volume of the dredged material (cubic yards) to be discharged to waters of the United States: Approximately 500 tons (360 cubic yards) of a heterogeneous mix of gravel and cobble (0.25 to 5.0 inches in diameter) would be injected directly into the lower Yuba River channel at the proposed injection site (less than 1 acre) over a maximum period of 2 days.

f) Indicate type(s) of material proposed to be discharged to waters of the United States: Uncrushed “natural river rock” from local aggregate producers within the local watershed that meet the gradations as follows:

Gravel Size (inches)	Percent Retained	Target Percent of Total Mix
4 to 5	0 - 5	2.5
2 to 4	15 - 30	20
1 to 2	50 - 60	35
¾ to 1	60 - 75	15
½ to ¾	85 - 90	15
¼ to ½	95 - 100	10
< ¼	100	2.5

5. COMPENSATORY MITIGATION

a) Indicate in ACRES and LINEAR FEET (*where appropriate*) the total quantity of **waters of the United States** proposed to be Created, Restored and/or Enhanced for purposes of providing Compensatory Mitigation: On-site mitigation/restoration

Water Body Type	Created		Restored		Enhanced	
	(acres)	(linear ft)	(acres)	(linear ft)	(acres)	(linear ft)
Jurisdictional Wetland	N/A	N/A	N/A	N/A	N/A	N/A
Riparian	N/A	N/A	N/A	N/A	N/A	N/A
Streambed	N/A	N/A	N/A	N/A	< 1 acre	66,000
Lake/Reservoir	N/A	N/A	N/A	N/A	N/A	N/A

b) If contributing to a Mitigation or Conservation Bank, indicate the agency, dollar amount, acreage, and water body type (*if applicable*):

Conservation Agency _____ N/A _____
 \$ _____ for _____ acres of _____ (*water body type*)
 How many acres of this mitigation area qualify as waters of the United States? _____

c) Other Mitigation (*omit if not applicable*): N/A

How many acres of this mitigation area qualify as waters of the United States? _____

d) Location of Compensatory Mitigation Site(s) (*attach map of suitable quality and detail*): N/A

City of Area _____ County _____
 Longitude/Latitude _____ Township/Range _____

6. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservations of habitats, erosion control measures, project scheduling, flow diversions, etc.: The findings of the Section 404(b)(1) analysis determined compliance with the requirements of the guidelines specified under CFR 40, Part 230, Section 404(b)(1) of the Clean Water Act, with the inclusion of appropriate and practicable discharge conditions to minimize pollution or adverse effects to the affected aquatic ecosystem. Given the limited duration and timing of the activity, as well as minimal area of effects, the appropriate and practicable conditions include the requirement that the gravel arrive screened and pre-washed to the injection site from the commercial aggregate source. Standard pollution prevention measures including erosion and sediment control measures, proper control of non-stormwater discharges, and hazardous spill prevention and response measures would be implemented, as necessary, by the contractor during the gravel injection.

7. OTHER PERMITS/AGREEMENTS/ETC

a) U.S. Army Corps of Engineers Permit

Indicate the type of ACOE permit (*check one*)

Nationwide Permit No(s) _____ Individual Permit No(s): _____ Regional Permit No(s): _____

Have you notified ACOE of project? _____ Corps Project

Have you reviewed the General Conditions for your ACOE permit? Corps Project

Have you attached a copy of the application/notification to ACOE? See Appendix A in EA for 404(b)(1) Evaluation.

b) California Department of Fish and Game Lake or Streambed Alteration Agreement: Not Applicable. Federal Project on Federal lands.

Date of Application: _____

Have you attached a copy of the application?

Has the Agreement been issued? _____ if so, list Agreement number: _____

8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

a) Indicate the type of CEQA Document required for project and Lead Agency:

Categorical Exemption _____ Negative Declaration _____ Environmental Impact Report _____

Has the document been certified/approved, or has a Notice of Exemption been filed? _____

If yes date of approval/filing _____ If no, expected approval/filing date: _____

Lead Agency Federal project by the Corps; thus, NEPA document (Environmental Assessment) is being provided.

Submit final or draft copy if available*

b) Threatened or Endangered Species impacted by this project (*list potential*): The proposed project may affect, but not likely adversely affect, the following Federally listed and candidate species: Central Valley fall/late fall-run chinook salmon, Central Valley spring-run chinook salmon, Central Valley steelhead, and green sturgeon. The propose action will also not adversely affect designated critical habitat of spring-run Chinook salmon and steelhead.

9. PAST/FUTURE PROPOSALS BY THE APPLICANT

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. None.

10. CERTIFICATION

“I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

Print Name: E. Scott Clark Title: Chief, Planning Division, USACE, Sacramento District

Signature: _____ Date: _____

