PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
SCE Eastern Sierra Hydroelectric Power Projects

Public Notice/Application No.: SPL-2009-00171-GLH
Project: SCE Eastern Sierra Hydroelectric Power Projects Regional General Permit
Comment Period: August 27, 2020 through September 27, 2020
Project Manager: Jerry Hidalgo; (805) 585-2145; Gerardo.L.Hidalgo@usace.army.mil

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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 re-issuing Regional General Permit (RGP) 97 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.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to:

Gerardo.L.Hidalgo@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Jerry Hidalgo directly at (805) 585-2145.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 Part 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 an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

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 water bodies. 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 reviewed to determine the list of potentially occurring special status species. Previous reports prepared for these hydroelectric projects 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 have been conducted for these listed endangered and threatened species in association with various activities at each of the facilities during the last five years. No federally endangered or threatened plant or animal species were observed within the permit areas at each project site. Past use of this RGP also indicate that operations and maintenance efforts to be covered by the RGP 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 (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

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.

Additional Project Information

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 reauthorization of RGP 97 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. The general limits of Corps jurisdictional boundaries are based on identification of the ordinary high water mark.

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 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 the California Department of Fish and Wildlife (CDFW) and USACE as part of SCE's annual reporting for their existing streambed alteration agreement with CDFW and RGP with USACE.

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 USACE, CDFW, and other resource agencies, as appropriate.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: During the preparation of the yearly work plan for operations and maintenance activities, SCE would consult with its biologist during the planning of operations and maintenance activities for the next year. If it is determined that the proposed activity would likely impact sensitive biological resources, SCE would have the biologist survey the area and prepare a biological determination that would include recommendations for avoidance or minimization.

Minimization: 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. 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 stream and lakes, and monitoring, and reporting to USACE and, resource agencies, as appropriate.

Compensation: Compensatory mitigation is not proposed for maintenance of existing hydropower facilities. However, compensatory mitigation may be required on a project-specific basis depending on the level of impacts identified in the yearly work plan. 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 ensure minimal impacts to the environment.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

1. The permittee shall ensure a project's staging area and equipment/material storage area are located outside of the stream's ordinary high water mark and associated riparian area. The number of access routes and total area of the work site activity shall be limited to the minimum necessary to complete the maintenance action.

2. The applicant shall complete an annual report that documents the proposed facilities repair and maintenance activities for the following year. The report shall also document compliance with all the special conditions. The above report shall be submitted to the Corps of Engineers, in coordination with the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency, by June 1 of each year.

3. The permittee shall notify the Corps on an as-needed basis of the year's projects which shall involve heavy equipment and shall not begin the activity until after receiving a written Notice to Proceed (NTP), or until 60 days have passed since receipt by the Corps of complete project information. The NTP shall include site-specific special conditions to avoid and minimize adverse impacts to waters of the United States. The notification must include the following information:

    a. The name, address and telephone number of the project point of contact;
    b. The location of the proposed project in sufficient detail to locate the project in the field, including the identification of the waterbody (this could include a copy of a U.S.G.S. topographic map, Thomas Guide map, or hand-drawn location map with suitable landmarks);
    c. Color photographs of the site;
    d. A description of the current site conditions, including factors in the watershed that may be contributing to the degradation problem and existing habitat;
    e. A description of the proposed methods and materials of construction, and a brief discussion regarding how the proposed work would address the situation;
    f. Detailed drawings (plan view and cross-section, as appropriate) of the proposed structures or work, including, as appropriate;
    g. If a water diversion is proposed, the notification must include a dewatering plan; and
    h. If a temporary access path is proposed, the submitted project plans must illustrate the location and dimensions of the path.

    If the Corps has not issued its written NTP within 60 days of receipt of a complete project

notification package and the Corps has not indicated or identified any issues by any written or verbal means, the permittee may presume authorization under RGP 97 is granted.

For additional information please call Jerry Hidalgo of my staff at (805) 585-2145 or via e-mail at Gerardo.L.Hidalgo@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.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

U.S. Army Corp of Engineers Regional General Permit

Lundy Lake Hydroelectric Project (FERC No. 1390)

Lundy Powerhouse

Lundy Lake Dam

Saddlebag Lake Dam

Lee Vining Substation

Tioga Lake Dam

Poole Powerhouse

Rhinedollar Dam

Lee Vining Creek Hydroelectric Project (FERC No. 1388)

Gem Lake Dam

Rush Creek Powerhouse

Agnew Lake Dam

Rush Meadows Dam (Waugh Lake)

Rush Creek Hydroelectric Project (FERC No. 1389)

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

Mono Lake

NEVADA

Mono County

Inyo National Forest

Yosemite National Park

Mariposa County

Madera County

Sierra National Forest

Fresno County

BLM Land

Inyo County

Bishop

Kings Canyon National Park

120

395

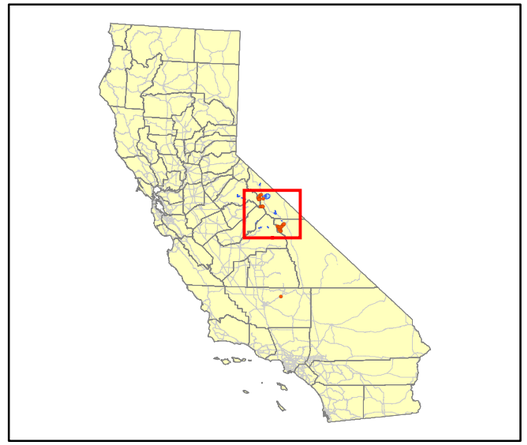
158

41

6

168

0 2 4 8 12 16 Miles



Regional Location

Legend

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

Regional Map

PSOMAS

Figure 1.1-1

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