

DEPARTMENT OF THE ARMY PERMIT

Permittee: Southern California Edison (SCE); Hazem Gabr

Project Name: SCE Dam Maintenance Regional General Permit

Permit Number: SPL-2009-00171-GLH

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This RGP authorizes SCE to discharge dredged or fill material in waters of the U.S. in association with routine maintenance work to be done at four existing reservoir projects located at Bishop Creek, Rush Creek, Lee Vining Creek, and Lundy Lake.

Pursuant to Section 404 of the Clean Water Act SCE is authorized to discharge dredged or fill material for ongoing operations and maintenance activities necessary to ensure safe operation of these projects. SCE is mandated by the Department of Safety of Dams (DSOD) to perform routine, regularly scheduled gate maintenance operations for all projects, including full stroke operation of intake drain gates, sand traps, and chamber drain gates. These operations do not require draining of reservoirs. However, penstock inspections required by DSOD and FERC do require lowering of the reservoir to expose the entry point to the penstock. The proposed maintenance activities would result in temporary impacts to waters of the United States and would be limited to areas in the immediate vicinity of the existing facilities.

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/ material removal, vegetation control, and facilities repair.

Stream Deposit Management/Material Removal: The natural process of sediment transport in rivers and streams results in accumulation in areas where the energy is insufficient to suspend and mobilize 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. 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 sufficient to maintain downstream users' requirements (Chandler Decree, 27 January 1922) and are small enough to

allow all flows to pass through the open drain valves, typically for a period of 24 to 48 hours, cutting a channel through the stream deposit and gravels that have accumulated in the intake and carrying them into the stream below the dams. SCE would perform 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 would utilize heavy equipment. Barring extreme weather 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 by selective thinning, removal or mowing when it interferes with the flow of water or with measurement of flow through gauging stations.

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 for 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; 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 complete the work.

Project Location: SCE operates four hydroelectric power projects (Bishop Creek Hydroelectric Project (FERC No. 1394); Rush Creek Hydroelectric Project (FERC No. 1389); Lee Vining Creek Hydroelectric Project (FERC No. 1388); and Lundy Hydroelectric Project (FERC No. 1390)) within the eastern Sierra Nevada Mountains in Inyo and Mono Counties, California. The projects are located as far south as Bishop Creek approximately two miles west of the City of Bishop on State Highway 168 and as far north as Mill Creek approximately 6.5 miles northwest of the Town of Lee Vining on State Highway 395. The projects include facilities such as dams, diversions, pipelines and penstocks that require periodic maintenance, including removal of accumulated sediment or encroaching vegetation, and repair or replacement of equipment or facilities. See enclosed figure of FERC licensing boundaries.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on October 15, 2025. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

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. No maintenance activity authorized under this RGP shall be implemented until the permittee receives written notification from the Corps (in the form of a Notice to Proceed (NTP)) verifying compliance with the terms and conditions of the RGP. The Corps may at its discretion include additional project-specific special conditions in the NTP to ensure impacts are minimal. The NTP will also indicate whether any specific maintenance activity or activities do not comply with the RGP. The permittee may elect to modify such activities to meet the terms and conditions of the RGP or to apply for separate authorization under an alternative permit process (i.e. nationwide permit, standard individual permit, or other RGP). If the Corps has not issued its written NTP within 60 days of receipt of a complete project notification package, per special condition 3, 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.

3. The permittee shall notify the Corps on an as-needed basis of the year's projects authorized under this RGP and shall not begin the activity until after receiving a written 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. List of proposed maintenance activities to be implemented during the upcoming maintenance year including the name of each facility where maintenance is proposed and the need for each maintenance activity;
- b. Maps and detailed drawings (plan view and cross-section, as appropriate) clearly depicting location, proposed work limits and impacts of each maintenance activity prepared in accordance with the Corps Los Angeles District Map and Drawing Standards;
- c. Environmental BMPs to be implemented at each maintenance activity;
- d. Color photographs of the site;
- e. A description of the current site conditions, including factors in the watershed that may be contributing to the degradation problem and existing habitat;
- f. A description of the proposed methods and materials of construction, and a brief discussion regarding how the proposed work would address the situation;
- h. If a water diversion is proposed, the notification must include a dewatering plan;
- i. If a temporary access path is proposed, the submitted project plans must illustrate the location and dimensions of the path;
- j. Total area of temporary impacts to waters of the United States and associated habitat types at each maintenance activity;
- k. Total area of permanent impact to waters of the United States and associated habitat types at each maintenance activity;
- l. Approximate dates and duration of each maintenance activity;
- m. Proposed compensatory mitigation (if required);
- n. Extent of any suitable habitat for federally listed threatened and endangered species in the project vicinity including but not limited to designated critical habitat; and
- p. Disposal sites for any sediment/debris excavated from a facility in excess of 25 cubic yards.

4. The permittee shall submit an annual compliance report of all maintenance activities authorized under the RGP during the previous maintenance year no later than June 1 following each maintenance year during which maintenance activities authorized under this RGP are conducted.

The compliance report shall include the following information:

- a. Summary of all authorized maintenance activities completed under the RGP;
- b. Summary of any authorized maintenance activities not completed and their status (postponed, in-progress, etc.);
- c. compliance with BMPs applied to each completed maintenance activity;
- d. results of pre-project biological surveys and biological monitoring during construction;
- e. compliance with RGP special conditions; and
- f. representative photographs of completed maintenance activities

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

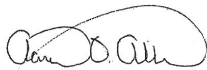
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Hazem Gabr Digitally signed by Hazem Gabr
Date: 2020.12.08 12:12:27
-08'00'

PERMITTEE

DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Aaron O. Allen, Ph.D.
Chief, North Coast Branch

09DEC2020

DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEEEE

DATE

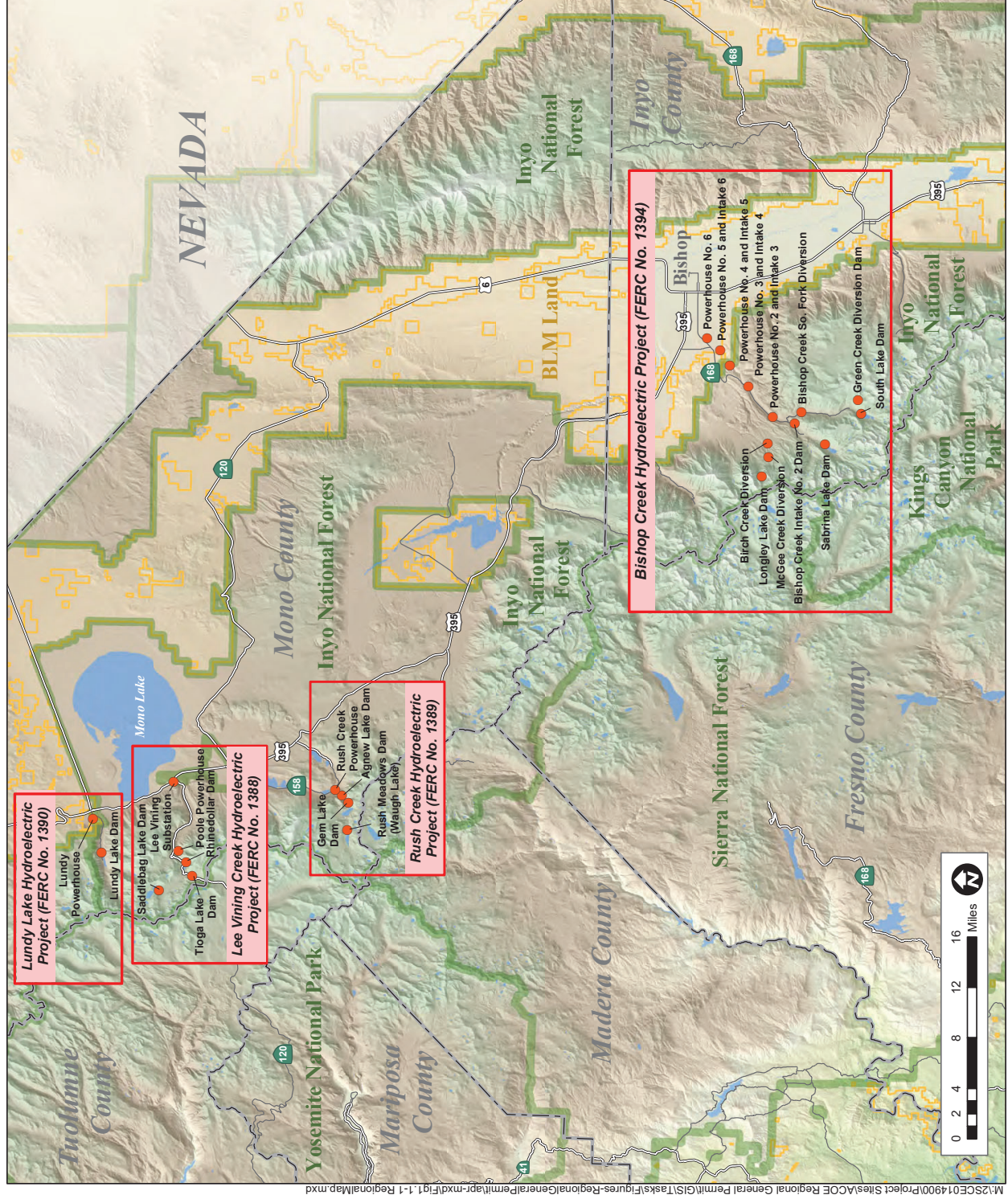


Figure 1.1-1