



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
2151 ALESSANDRO DRIVE  
VENTURA, CA 93001

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Regulatory Division

## DEPARTMENT OF THE ARMY PERMIT

**SPONSOR AND ISSUING OFFICE:** U.S. Army Corps of Engineers, Los Angeles District

**Permit Number:** SPL-2009-00171-BAH

**Issuing Date:** October 8, 2015

**Permittee:** Southern California Edison Company, Hydro Generation Division

The District Engineer, Los Angeles District, U.S. Army Corps of Engineers hereby issues RGP No. 97.

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.

After you receive written approval that your project complies with the terms and conditions of this RGP from this office, you are authorized to perform work in accordance with the General Conditions of any project-specific conditions and any project specific conditions specified below.

This RGP authorizes Southern California Edison (SCE) to temporarily discharge fill 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.

**Project Description:** Southern California Edison (SCE) requested a RGP pursuant to Section 404 of the Clean Water Act 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; Rush Creek; Lee Vining Creek; and Lundy) 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.

The Bishop Creek Hydroelectric Project (FERC No. 1394; license issued 1994), 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 include Power Plants 2 through 6 (the first is not operational; Plant No. 6 came online in 1913) 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 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 approximately 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 approximately 28 miles from its headwaters to its confluence with the Owens River east of 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 on the south and middle forks of Bishop Creek are the major storage reservoirs in the watershed. McGee and Birch Creeks, with a combined drainage area of approximately 25 square miles, originate on alpine slopes north of Bishop Creek and are diverted to Bishop Creek through the existing hydroelectric facilities.

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 (FERC No. 1389, license issued 1997), in operation since 1917, currently has a total installed capacity of 8.4 MW and is located within the Inyo National Forest. The Rush Creek Substation is located near the south end of Silver Lake approximately 3 miles west of the Village of June Lake and approximately 14 miles upstream from Mono Lake. Rush Creek, with a total drainage area of approximately 141 square miles, is the largest stream in the Mono Basin and conveys 41 percent of the total runoff within the Basin. The watershed is one of relatively steep ridge and valley topography with elevations ranging from approximately 7250 feet above mean sea level (MSL) at the Rush Creek Substation to 12,300 feet MSL at the headwaters on Mount Lyell. 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 (FERC No. 1388, license issued 1997), in operation since 1923, currently has a total installed capacity of 11.25 MW and is located approximately nine miles west of the town of Lee Vining, 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 below Lee Vining Creek Falls. Lee Vining Creek, with a 47-square-mile watershed, is the second largest stream in the Mono Basin and conveys 33 percent of the total discharge to Mono Lake.

The Lundy Hydroelectric Project (FERC No. 1390, license issued 1999), in operation since late 1911, has a total installed capacity of 3.0 MW. It is located 6.5 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. Mill Creek, with an 18-square-mile watershed, is the third largest stream in the Mono Basin and conveys 14 percent of the runoff in the Basin.

**GENERAL CONDITIONS OF THIS RGP:**

1. This RGP shall remain in effect until October 7, 2020. The Corps Regulatory Division retains the discretion to reissue, rescind, or exclude certain activities or areas from this RGP. Requests to reissue the permit should be submitted to this office for consideration at least 6 months before the above date is reached.
2. You must maintain the activities 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 an 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 any of the activities 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. To renew Regional General Permit No. 97, the applicant shall submit a report that documents the existing conditions in the project area at least six months prior to the expiration date of the permit. If the Corps determines there are no changes in the project area that would warrant further in-depth analysis, Regional General Permit No. 97 would be issued for another five-year period with minimal environmental review. If there are substantial changes in the project area, Regional General Permit No. 97 could still be reissued; however, the Corps would be required to complete a more substantive environmental review to address the changes in the project area.
3. 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 above 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.
4. 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:
  - i. The name, address and telephone number of the project point of contact;
  - ii. 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);
  - iii. Color photographs of the site;
  - iv. A description of the current site conditions, including factors in the watershed that may be contributing to the degradation problem and existing habitat;
  - v. A description of the proposed methods and materials of construction, and a brief discussion regarding how the proposed work would address the situation;
  - vi. Detailed drawings (plan view and cross-section, as appropriate) of the proposed structures or work, including, as appropriate;
  - vii. If a water diversion is proposed, the notification must include a dewatering plan; and

viii. 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.

5. The permittee shall obtain an individual Water Quality Certification, or waiver thereof, in accordance with Section 401 of the Clean Water Act for activities regulated under Section 404. Within the State of California, the permittee shall contact their local Regional Water Quality Control Board  
([http://www.swrcb.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.swrcb.ca.gov/water_issues/programs/cwa401/index.shtml))  
or call (916) 341-5455).

**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).
- 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.

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

Wayne Allen  
PERMITTEE

11/23/15  
DATE

Wayne Allen  
Principal Manager  
Ferc Licensing & Compliance

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

Aaron O. Allen  
Aaron O. Allen, Ph.D.

December 3, 2015  
DATE

Chief, North Coast Branch, Regulatory Division

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.

\_\_\_\_\_  
TRANSFEREE

\_\_\_\_\_  
DATE