

ITEM: 18

SUBJECT: Bass Lake Boat Owners Dock Association, Old Ducey's Cove Stream Channel Armoring Project

ACTION: Consideration of Resolution Approving an Initial Environmental Study and Mitigated Negative Declaration for the Proposed Project

REPORT: The Bass Lake Boat Owners Dock Association (hereinafter Association) proposes to backfill approximately 50 linear feet of eroded channel bank within the lakebed of Bass Lake, and then armor the filled bank with rock rip-rap to support an existing, undermined community dock and to prevent future erosion. The lakebed is owned by Pacific Gas and Electric Company (PG&E) which has issued a Rip Rap Agreement for the construction and maintenance of the project.

The fill will also be permitted under a U.S. Department of the Army Corps of Engineers (Corps) individual permit. The Corps permit requires a Clean Water Act 401 certification from the Board.

All work will be completed during the period when the lake level is below the project. Work will be done between the hours of 8:00 a.m. and 5:00 p.m. to minimize any noise from the project operation.

The Initial Environmental Study (IS) describes the potential environmental impacts, their significance, and mitigation measures. The conclusion of the study and Mitigated Negative Declaration (MND) is that the project will not have a significant impact on the environment because any potentially significant impacts will be mitigated by measures incorporated into the project and compliance with conditions set forth by the regulatory agencies.

ISSUES: The California Department of Fish and Game commented that construction noise may negatively impact the reproductive success of area bald eagles and other local avian species. The Association has agreed to limit project activity to the non-breeding season. The Water Quality Certification for the project will prohibit construction during the bird breeding season.

Summaries of a Cove neighbor's written comments and staff's written responses follow:

- The neighbor suggests the project engineering drawing attached to the IS and MND inaccurately depicts the lakebed configuration in the project area. Based on observations obtained during site inspections, staff believes the drawing provides a reasonable approximation of the proposed project.
- The neighbor expresses concern that that armoring only the south side of the channel may cause erosion on the north side. The neighbor does not believe maintenance of the north side of the channel is covered by the (PG&E) Rip Rap Agreement for the project. PG&E has assured staff that the Agreement does require maintenance of the north side of the channel and staff will include conditions in the 401 Water Quality Certification that require the Association to monitor and, if necessary, maintain both sides of the channel.
- The neighbor comments that the Association should be required to remove a quantity of material from the lake that is equal to the amount of imported rip-rap. PG&E usually requires projects that result in the discharge of fill to the lake to remove an equal amount of material to maintain pool storage. PG&E is not requiring removal of material from the lake in this case to compensate for the rip-rap. Staff sees no environmental benefit associated with the disturbance that would result from requiring the removal of additional material.
- The neighbor comments that an ordinance prohibits construction vehicles in the lake bed.
- Both Madera County ordinance and PG&E permits allow vehicles and equipment in the lake bed for maintenance and construction activities.
- The neighbor points out an inconsistency between the project length given in the project description (30 feet) and on the engineering drawing (approximately 50 feet) and is concerned about the Association working beyond project boundaries.
- Staff agrees there is a discrepancy between the description and the drawing. The project will cover approximately 50 linear feet of channel as shown in the engineering drawing. The project is limited to the scope indicated on the drawing and staff will include this as a condition in the 401 Water Quality Certification to ensure that work does not extend beyond project boundaries.

RECOMMENDATION: Adopt the proposed Resolution