

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION NO. R6T-2008- 0030

**TAMARACK FUELS REDUCTION PROJECT – EXEMPTION TO A PROHIBITION
CONTAINED IN THE WATER QUALITY CONTROL PLAN
FOR THE LAHONTAN REGION**

_____ El Dorado County _____

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. John Pickett of the Tahoe Fire and Fuels Team on behalf of several landowners has submitted information to the Water Board pertaining to the proposed Tamarack Fuel Reduction Project (Project) on 100 acres within the Rubicon and Gold Coast communities. These landowners (project proponents) are:
 - David C. Bradford & Rosemary B. Hewlett Trust
 - David J. Teece
 - Hancock Rubicon Partners
 - Burton W. Hancock
 - Diane E. Masciana
 - Linda Catron
 - Susan H. Hillstrom
 - Brembil, LLC
 - Julie Gay Lane
 - Robert A. Swanson Trust
 - Warren E. Spieker Jr. Trust
 - Frank Hinman Jr. Trust
 - Richard H. Johnson Trust
 - Roy Wickland
 - John Brockway Metcalf
 - James P. Lennane
 - Tamarack Mutual Water Company
 - William R. Green Trust
 - Samuel Livermore
2. The 100-acre project area is located at Paradise Flat, on the southwest shore of Lake Tahoe immediately north of D.L. Bliss State Park and east of Highway 89, in El Dorado County. The approximate latitude/longitude of the Project site is 39° 00' 21" N and 120° 06' 11" W. The Project area is shown in Attachment A, which is made a part of this Resolution.
3. The purpose of the Project is to modify forest fuels such that a high-intensity crown fire is less likely to impact the Gold Coast and Rubicon residential communities.
4. As part of the Project, the Project proponents propose to enter approximately 60 acres of Stream Environment Zone (SEZ) with low-ground-pressure tree harvest equipment. The low-ground-pressure tree harvest equipment will not exceed 13 pounds per square inch (PSI).
5. SEZs proposed for mechanical treatment are characteristic of many impaired and fuel loaded SEZs within the Lake Tahoe Basin. The SEZ is densely populated with conifers that have encroached into these meadow and riparian areas because the natural fire regime has been limited by fire suppression. SEZ hydrology has been

modified by evapotranspiration associated with the dense conifer stands at the project site. The thick conifer canopy competes with riparian vegetation for sunlight. The natural hydrology of this area has also been significantly modified in the last century with the construction of stream diversions and channels associated with the management of a grazing pasture. These constructed channels have contributed to early seasonal dewatering of the meadow and riparian areas, further allowing for the encroachment of non-riparian plant species, and subsequent loading of drier fuels.

6. Section 5.13, Forest Management Activities, of the Water Quality Control Plan for the Lahontan Region (Basin Plan) states:

All vehicles shall be restricted to areas outside the SEZ or to existing roads within SEZs, except for over-snow tree removal [The Regional Board will review proposals for use of "innovative technology" vehicles within high erosion hazard lands (i.e., SEZs, steep slopes, etc.) under other circumstances. If it can be demonstrated, preferably through the use of such vehicles in similar environments of the Sierra Nevada outside of the Lake Tahoe Basin, that such vehicles cause no greater soil or vegetation disturbance than over-snow tree removal, the Regional Board will consider allowing their use and recommending that TRPA amend the 208 Plan to permit their use]...

7. The intent of the above restriction is to limit disturbance of soils in SEZs, which may result in the discharge or threatened discharge of waste earthen materials to waters of the State within the Lake Tahoe Hydrologic Unit.
8. Section 5.2, Waste Discharge Prohibitions, of the Basin Plan specifies the following prohibition:

The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, material or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited.

9. The Basin Plan contains a provision that the Water Board may grant exemptions to the prohibitions against discharges or threatened discharges attributable to new development or permanent disturbance in SEZs for a project the Water Board finds necessary for public health or safety (Section 5.8 of the Basin Plan). Projects determined by the Water Board to be necessary to protect public health and safety shall include projects needed to protect the health and safety of occupants of existing structures, including private dwellings (Section 5.8 of the Basin Plan).
10. The Basin Plan allows for granting a prohibition exemption for public health and safety projects if the following findings can be made:

- a. "The project is necessary for public health, safety, or environmental protection."

The Project has been identified in Community Wildfire Protection Plans for the Lake Tahoe Basin as one of the highest priority projects in the Lake Tahoe Basin. The purpose of the Project is to reduce the risk of wildfire reaching the existing Gold Coast and Rubicon residential communities. The Project is necessary for health and safety of the occupants of existing structures within the Gold Coast and Rubicon residential communities.

- b. "There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment."

Substantial amounts of vegetation (fuel loads), including dead and live lodgepole pine exist within the SEZs of the project area. Therefore vegetation management activities and tree removal must occur in these areas. Vehicles will enter SEZs only for the purpose of removing vegetation from the SEZs, and low-ground-pressure tree harvest equipment will be the only type of vehicle permitted to enter the SEZ. Project activities will be designed and conducted such that mechanized equipment will operate as much as possible from the existing network of legacy forest roads and disturbance within SEZs. Equipment will only be operated within the project area under dry soil conditions. Dry soil conditions means soils within 12 inches of the ground surface are dry and will not form a ball when squeezed together by hand.

Spanning the SEZ is not a reasonable alternative because trees throughout the SEZ must be accessed for removal.

Hand crew tree removal and helicopter tree removal methods were considered alternatives to the proposed mechanical tree removal. Tree removal with hand crews is considered unreasonable due to the size and quantity of wood material to be removed. Additionally, the use of hand crews would extend the implementation time, and would possibly render Project implementation unlikely, resulting in continued threat to the public health and safety of neighboring residential communities. Helicopter tree removal would also extend Project implementation time, and would be cost-prohibitive because the majority of the trees to be removed are non-merchantable.

- c. "The impacts are fully mitigated."

The Project will employ low-ground-pressure tree harvest equipment that will operate only on dry soils preventing significant impacts to water quality or soils. Soil compaction from the operation of harvest equipment within the SEZ is an anticipated impact associated with this Project. Soils within the SEZ will be monitored for impacts associated with the operation of vehicles. This Project will not be approved by the Executive Officer of the Water Board until the landowners submit an acceptable contingency plan detailing mitigation for soils which exhibit

significant levels of compaction persisting beyond one year after Project completion.

Impacts to surface water temperatures within the project area will be avoided by selectively retaining some shade trees along the banks of intermittent and perennial streams within the project area.

Water Board staff anticipate that the selective removal of conifers encroaching on SEZs within this project area will contribute to improving the functions and values of the SEZ. Opening the canopy will slow the rate of evapotranspiration and open the shade canopy. This will encourage the reestablishment of riparian and meadow vegetation within the area by increasing the availability of water and sunlight.

- d. "SEZ lands are restored in an amount 1.5 times the area of SEZ developed or disturbed by the project."

Although 60 acres of SEZ will be treated for vegetative fuel loading with harvest equipment, only a portion of this area will be impacted by the operation of vehicles. The footprint of vehicles within the SEZs will be monitored to assess whether the infiltration rate of the impacted soils have decreased. If such disturbance is detected, the Executive Officer will require the landowners implement corrective measures where necessary to restore compacted or displaced soils. In the project authorization the Executive Officer will require:

- (a) specific monitoring and reporting to document soil impacts where equipment is operated, and
- (b) specific monitoring and reporting to document restored functions and values within the project area.

Water Board staff find this Project will contribute to improved hydrologic and vegetative functions of the SEZs equal to or greater than 1.5 times the area impacted by the project.

11. The Executive Officer will file a Notice of Exemption for this Project following adoption of this Resolution. Water Board staff have determined the Project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance California Code of Regulations, title 14, section 15304 – Minor Alterations to Land.
12. The Water Board has notified the Project proponents and interested agencies and persons of its intent to adopt this Resolution.
13. The Water Board, in a public meeting, heard and considered all comments pertaining to the proposed activities and a proposed exemption to a prohibition in the Basin Plan.

THEREFORE, BE IT RESOLVED THAT:

1. The Tamarack Fuel Reduction Project qualifies as reasonably necessary for public health and safety.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 8.
3. Prior to beginning timber removal and vegetation management activities, the Project Proponents must obtain a Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Lahontan Region, Resolution No. R6T-2007-0008 (Timber Waiver).
4. Before timber removal and vegetation management activities may begin, the Project Proponents must receive approval from the Executive Officer that the monitoring and reporting plan submitted as part of the application for a Timber Waiver is sufficient to monitor for impacts to soils and non-target vegetation within the SEZs where mechanical equipment is operated. Additionally the Executive Officer must also agree to potential restoration actions.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 24, 2008.

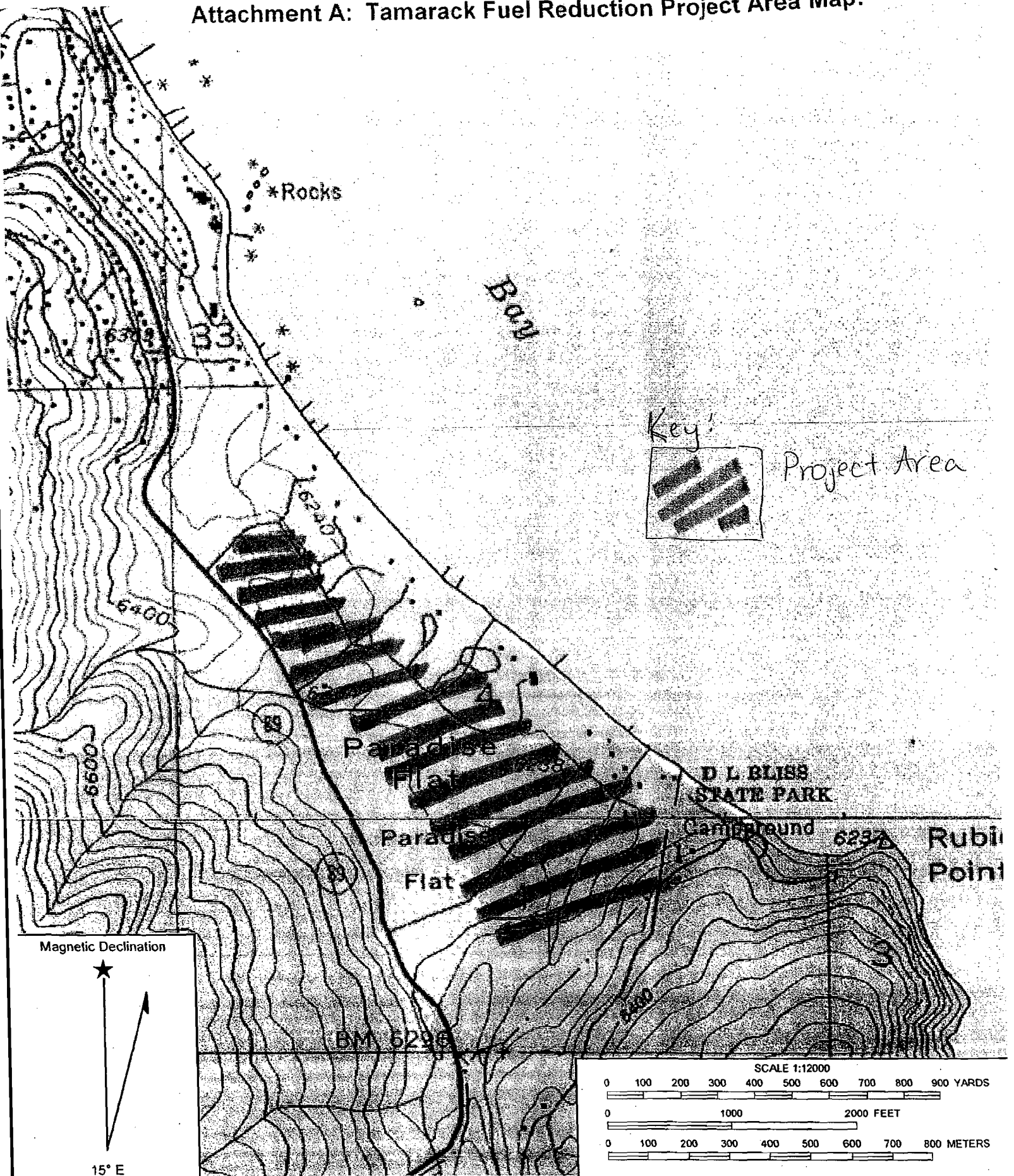


HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Project Area Map

ATTACHMENT A

Attachment A: Tamarack Fuel Reduction Project Area Map:



Name: MEEKS BAY
Date: 7/3/2008
Scale: 1 inch equals 1000 feet

Location: 039° 00' 19.28" N 120° 06' 21.82" W NAD 27
Caption: Tamarack Fuel Reduction Project Area Map