

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

**MEETING OF JUNE 19 AND 20, 2013
Lee Vining**

ITEM: 16

SUBJECT: **UNITED STATES FOREST SERVICE-LAKE TAHOE BASIN MANAGEMENT UNIT, ANGORA FIRE TRAILS AND STREAM ENVIRONMENT ZONE RESTORATION PROJECT – ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND EXEMPTION TO A WASTE DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN)**

CHRONOLOGY: This is a new item.

ISSUE: Should the Water Board adopt a Mitigated Negative Declaration for the Angora Fire Trails and Stream Environment Zone Restoration Project (Project)? Does the Lake Tahoe Basin Management Unit's (LTBMU) Project meet the criteria for Basin Plan prohibition exemptions to allow disturbance within Stream Environment Zones (SEZ) of the Lake Tahoe Basin?

DISCUSSION: The LTBMU has undertaken a multi-phase effort to restore the area burned by the Angora Fire in 2007. In 2010 the LTBMU prepared an Environmental Assessment (Angora EA), and Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Angora Fire Restoration Project. The LTBMU has requested permitting and an exemption to a waste discharge prohibition contained in the Basin Plan for a subset of the Project analyzed in the Mitigated Negative Declaration, including trail system re-design and Gardner Mountain Meadow restoration. The total area of disturbance proposed within SEZs is approximately one acre. This sum includes approximately 0.5 acre of disturbance for the Gardner Mountain Meadow restoration, 0.4 acres of trail restoration in SEZ, and 0.1 acre of permanent trail in SEZ.

Staff has provided information in the proposed resolution to meet the required criteria in the Basin Plan for exemptions to this prohibition. Remaining components of the LTBMU's project require discretionary approvals from the Water Board.

The Water Board considered the Angora EA and DN/FONSI and determined that additional information was needed to satisfy the requirements of the California Environmental Quality Act (CEQA). The Water Board prepared a draft CEQA Environmental Checklist and Mitigated Negative Declaration for the Project to inform the public and interested agencies of the Project and describe additional mitigation measures identified as necessary.

The draft Mitigated Negative Declaration was circulated for a 30-day public comment period from April 10, 2013 to May 13, 2013. Three letters requesting information were received and responded to by staff. The letters and response are included as enclosure 2. The Water Board received three letters commenting on the project, included as enclosure 3. Staff responses to comments are included as Enclosure 4.

Comments were submitted by the California Tahoe Conservancy (CTC) raising concerns that the Angora Creek restoration design plans, part of the Mitigated Negative Declaration, showed overlap with a restoration project installed by the CTC and El Dorado County. In response, Water Board staff initiated discussions with LTBMU, CTC, and EDC staff regarding the proposed design. Agency representatives met on May 16, 2013 at the Angora Creek project site and agreed upon a proposed location to join the two restoration efforts to minimize disturbance of the previous project. The LTBMU Forest Supervisor has submitted a letter, see Enclosure 5, to EDC directing LTBMU staff to work with EDC and CTC staff to update the design plans and minimize impacts to the CTC/EDC project.

Prior to construction, the LTBMU must obtain coverage under the Order R6T-2001-0019, General Waste Discharge Requirements and NPDES General Permit No. CAG616002 for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit. A Storm Water Pollution Prevention Plan required by Order R6T-2001-0019 will specify required monitoring and mitigation measures.

**RECOMMEN-
DATION:**

Adoption of the Resolution as proposed.

ENCLOSURE	ITEM	Bates Number
1	Proposed Resolution R6T-2013-(Proposed)	16-5
2	Public request for information and staff response	16-15
3	Public comment letters	16-29
4	Water Board staff response to comments	16-35
5	Letter from LTBMU regarding Angora Creek Design Plans	16-39

ENCLOSURE 1

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

RESOLUTION R6T-2013-(PROPOSED)

**UNITED STATES FOREST SERVICE–LAKE TAHOE BASIN MANAGEMENT UNIT,
ANGORA FIRE TRAILS AND STREAM ENVIRONMENT ZONE RESTORATION
PROJECT – ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND
EXEMPTIONS TO WASTE DISCHARGE PROHIBITIONS CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION**

_____ El Dorado County _____

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

1. In February 2013, the United States Forest Service-Lake Tahoe Basin Management Unit (LTBMU) submitted the following information to the Water Board to obtain permits for improving recreational-use trails and performing stream environment zone restoration in the Angora Fire burn area:
 - a. The Final Environmental Assessment for the Angora Fire Restoration Project (Angora EA) dated July 2010, prepared by the LTBMU.
 - b. The National Environmental Protection Act (NEPA) Decision Notice and Finding of No Significant Impact for the Angora Fire Restoration Project (DN/FONSI) signed by the LTBMU Forest Supervisor on July 9, 2010.
 - c. Design Plans for the Angora Creek Channel-Meadow restoration component.
 - d. A draft Storm Water Pollution Prevention Plan (SWPPP) for Angora Trails Restoration to comply with Board Order No. R6T-2011-0019, General Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit No. CAG616002 for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit (Construction Storm Water Permit).
 - e. A request for exemptions to prohibitions contained in the Water Quality Control Plan for the Lahontan Basin (Basin Plan).
2. The Project is located on National Forest lands in El Dorado County near the City of South Lake Tahoe, CA. The Project area includes approximately 2700 acres burned by the 2007 Angora Fire.
3. The LTBMU began emergency rehabilitation and restoration activities immediately following the 2007 Angora Fire. Then in 2010 the LTBMU prepared the Angora EA and DN/FONSI in compliance with NEPA to address remaining restoration of the burn area. The Angora EA analyzes impacts from the final stage of long-term restoration and includes: silviculture activities, road and trail system redesign, aquatic habitat and stream restoration, and noxious weed removal.

4. The LTBMU completed silviculture and road activities in 2012. The Water Board permitted these activities under Board Order No. R6T-2009-0029, the Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting From Timber Harvest and Vegetation Management Activities in the Lahontan Region.
5. Implementation of the recreational-use trail improvements and aquatic habitat and stream restoration components, as described in the Angora EA, require discretionary approvals from the Water Board. The Angora Fire Trails and Stream Environment Zone Restoration Project (hereafter referred to as the "Project"), a subset of the larger federal project, includes:
 - (a) Aquatic habitat and stream environment zone (SEZ) restoration:
 - i. Restore approximately 1200 feet of Angora Creek channel by excavating a new channel to reflect historic channel pattern of greater sinuosity and shallower depth.
 - ii. Restore the man-made 0.5-acre Seneca Pond to a wetland complex.
 - iii. Place large woody debris in two miles of Angora Creek and its tributaries to promote riparian habitat diversity.
 - iv. Stabilize head-cuts and approximately 2000 linear feet of gullies in the Gardner Mountain Meadow.
 - (b) Trails:
 - i. Restore and decommission 16.7 miles of trail through recontouring, decompacting, and camouflaging. This includes removal of 15,130 square feet of trail from SEZs.
 - ii. Construct 8.9 miles of new trail. Includes the installation of several rock fords at drainage crossings and 3500 square feet of permanent trail in SEZ.
 - iii. Install a footbridge over Angora Creek.
6. The Project is subject to the requirements of both the federal NEPA and the California Environmental Quality Act (CEQA). The LTBMU is the NEPA Lead Agency and the Water Board is the CEQA Lead Agency.
7. The LTBMU Forest Supervisor signed a DN/FONSI for the Angora Fire Restoration Project in accordance with NEPA on July 9, 2010.
8. The Water Board considered the Angora EA and DN/FONSI and determined that additional information was needed to satisfy the requirements of CEQA. The Water Board prepared a CEQA Environmental Checklist and Mitigated Negative Declaration to inform the public and interested agencies of the Project and describe additional mitigation measures identified as necessary to reduce impacts to less than significant.
9. On April 11, 2013 the Water Board provided notice of intent to adopt a Mitigated Negative Declaration for the Project (State Clearing House number 2013042027). The Mitigated Negative Declaration reflects the Water Board's independent judgment and analysis. After considering the document and comments received

during the public review process, the Water Board hereby determines that the Project with mitigation measures will not have a significant effect on the environment. The Mitigated Negative Declaration is hereby adopted. The documents and other material, which constitute the record, are located at the Water Board office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA. The Water Board will file a Notice of Determination.

10. The LTBMU submitted the documents described in Finding 1, above, to request permitting to implement the trails work described in Finding 5(b), above, and Gardner Mountain Meadow restoration described in Finding 5(a)iv, above. Other components described in Finding 5(a) are planned for future implementation as funding is received.
11. The LTBMU has requested an exemption to a waste discharge prohibition contained in the Basin Plan for activities that will be occurring within SEZs during trail construction and Gardner Mountain Meadow restoration. The total area of disturbance proposed within SEZs is approximately one acre. This sum includes approximately 0.5 acre of temporary disturbance for the Gardner Mountain Meadow restoration, 0.4 acres of trail restoration in SEZ, and 0.1 acre of permanent trail in SEZ. Project activities located within SEZs include the following:
 - a. Constructing approximately 3500 square feet of permanent raised causeway trail using small sized mechanical equipment and hand labor.
 - b. Ripping, de-compacting, and camouflaging 15,350 square feet of existing trails using small sized mechanical equipment and hand labor.
 - c. Installing rock fords where trails cross watercourse drainages using small sized mechanical equipment and hand labor.
 - d. Installing a wooden trail bridge over Angora Creek, including placing rock abutments within the 100-year floodplain.
 - e. Placing approximately 20 wood or rock check dams in Gardner Mountain Meadow gullies using hand labor, including placing approximately 20 cubic yards of rock and wood materials in the meadow.
 - f. Hand placement of willow cuttings and sod plugs to revegetate restored areas of the Gardner Mountain Meadow.
12. The Basin Plan specifies the following discharge prohibitions:

Lake Tahoe Basin:

The discharge or threatened discharge, attributable to new development or permanent disturbance in Stream Environment Zones, of solid or liquid waste, including soil, silt, clay, rock, metal, plastic, or other organic mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2-4)
13. The activities listed in Finding 11 will result in the temporary and permanent disturbance to SEZs, including the placement and excavation rock, soil, and vegetation. Therefore, these activities require an exemption to the prohibitions

stated in Finding 12 above. Exemptions can be granted for both restoration projects and public outdoor recreation projects, however different findings must be made.

14. The Basin Plan contains a provision that the prohibition stated in Finding 12 above shall not apply to any activity the Water Board approves as reasonably necessary for erosion control projects, habitat restoration projects, wetland rehabilitation projects, SEZ restoration projects, and similar projects, if all of the following findings can be made:

(a) The project, program, or facility is necessary for environmental protection.

Anthropogenic activities in the watershed, including legacy roads and user created trails, have resulted in degraded meadow conditions within the Gardner Mountain Meadow area. These conditions include approximately 2000 linear feet of gullies and numerous head-cuts that are propagating through the meadow. The restoration will arrest the expansion of the gullies and head-cuts, and will properly decommission the legacy roads and trails. The Project is expected to result in decreased erosion and improved water retention and groundwater levels within the meadow.

(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ.

The Project by its very nature must be located in the SEZ, and the purpose is to restore SEZ within the Gardner Mountain Meadow area. There is no reasonable alternative that would completely avoid encroachment in the SEZ. The extent of encroachment is minimized by using existing roads and trails to access the meadow area, preventing the need for temporary road construction. Although decommissioning of roads and trails in the meadow area will occur with heavy equipment, when used off existing roads the equipment will operate on mats to limit disturbance and compaction of the soil. Placement of check dams within the meadow will be conducted by hand crews, further limiting construction impacts.

(c) Impacts are fully mitigated.

The LTBMU will implement design features and construction Best Management Practices (BMPs), as described within the SWPPP and Mitigated Negative Declaration. These BMPs are required to prevent construction activities from discharging sediment and other pollutants into the SEZ and preventing unauthorized disturbance. Specific BMPs include, but are not limited to: scheduling the implementation when surface flows have ceased and the meadow is dry; installing rock and wood structures that are immediately stable; preservation of existing vegetation; and implementing stockpile and site management practices. This Project is designed to result in overall SEZ improvement. Implementation of the SWPPP and the Water Board's Construction Storm Water Permit requirements will ensure that the impacts are fully mitigated.

15. The Basin Plan contains a provision that the Water Board shall grant exemptions to the prohibition in Finding 12 above for outdoor public recreation facilities if all of the following findings can be made:

(a) The project by its very nature must be sited in a SEZ.

The entire transportation system within the Angora burn area was extensively analyzed in the Angora EA. Each trail alignment was located on the most capable lands possible to maintain the connectivity of the trail system. Currently there are approximately 18,630 square feet of unclassified user created trails located within SEZs. The proposed trail restoration work will relocate and eliminate approximately 15,130 square feet of those trails within SEZs. Only the necessary alignments, totaling 3500 square feet, were kept within SEZs to connect the entire transportation network, including the trail bridge over Angora Creek. Attempting to avoid all impacts to SEZ over the 2700 acre Project area would not allow for an effective trail transportation system and would lead to re-establishment of user created SEZ impacts. The trail alignments within SEZ areas are required to prevent user created disturbances which would produce greater SEZ impacts over time.

(b) There is no feasible alternative which would reduce the extent of SEZ encroachment.

Alternatives were analyzed within the Angora EA. All trail work was examined, and was determined to minimize SEZ coverage by decommissioning unneeded routes and locating needed routes in areas of high capability lands wherever feasible. New alignments were generally chosen on existing disturbance to provide the greatest resource protection feasible. The majority of trail alignments in the Project area will be located away from SEZs to minimize impacts.

The location and design of the bridge over Angora Creek was chosen to have the least impact to the SEZ. The creek in this location is narrow and unbraided, unlike most nearby upstream and downstream areas, and minimal work will be required on the approaches. A short span wooden bridge, less than 20 feet in length, has been selected for the crossing. This relatively short span is an economical solution for a small crossing. Although the rock abutments will not span the 100-year floodplain, its small size and simple construction will minimize disturbance and meet recreational needs. Attempting to install a larger bridge that would span all SEZ disturbance would result in far more disturbance to the area overall, requiring a larger area of excavation, imported fill and rip-rap armoring, larger equipment for installation, and larger approaches, resulting in more fill and impervious area. A small bridge was chosen over a ford as Angora Creek can carry high flows and a ford would present a public safety hazard in these conditions.

(c) Impacts are fully mitigated.

The LTBMU will implement design features and construction BMPs, as described within the SWPPP and Mitigated Negative Declaration. These temporary and permanent BMPs are required to prevent construction activities from discharging sediment and other pollutants into the SEZs and creeks. Permanent BMPs are described in Appendix C of the SWPPP and include rolling dips, check dams, causeways, rock retaining walls, and trail out-sloping. When trail alignments must be located in an SEZ a causeway will be constructed. The causeway design includes placing four inches of clean base rock placed on the alignment with native material compacted on top and log or rock retainers along the alignment border to contain the material. Temporary BMPs include: scheduling work so that fords and bridge installation will occur later in the summer when areas are driest, stabilizing new trail alignments as they are built, using erosion and sediment control features, limiting the size of staging areas, and managing waste and stockpiles.

(d) SEZs are restored in an amount 1.5 times the area of SEZ disturbed or developed for the project.

A total of 3500 square feet of trail will be permanently located in SEZ for the outdoor recreation component of this Project. Most of this area is on existing user-created routes. For the Project, this Finding requires a minimum of 5250 square feet of SEZ restoration. The Project will restore and decommission 15,130 square feet of existing trail disturbance in SEZ and restore gullies and head cuts in the Gardner Mountain Meadow area.

The LTBMU will conduct visual monitoring of at least 5250 square feet of restored SEZ in the three years following project construction to ensure the restoration is successful. The goal of the restoration is to remove user-created trails from the SEZs, so success of restoration will be based primarily upon a future lack of user created trails returning to the restoration area.

The LTBMU will select multiple locations throughout the Project area, totaling a minimum of 5250 square feet of restored trail. The exact locations will be determined in the field, mapped, and photographed to show pre-project conditions. Photos will be taken from multiple angles to show each area. Each year, for three years following construction, the LTBMU will return to these locations to document the success of the restoration. The LTBMU will conduct a visual assessment, take photos, and provide a brief written description of the condition of the area, noting whether or not vegetation establishment is occurring and whether or not user created trails are being established.

The LTBMU will submit a monitoring report by October 15th of each year, beginning the year after completion of construction. The report will include a map of the monitoring locations, the pre-project photos and post-project photos, as well as written descriptions of the condition of each site. The report will also include the estimated square footage of each location.

If user-created trails occur in a restoration area, the LTBMU shall conduct further restoration and place signage and physical barriers to prevent additional use. If the minimum square footage of restoration is not maintained over the three year period and additional restoration activities occur, the LTBMU shall conduct additional years of monitoring of these activities.

16. The Water Board has notified the Project proponent and interested agencies and persons of interest of its intent to adopt this Resolution. A Mitigated Negative Declaration was circulated for a public comment period from April 10th to May 13, 2013. The draft Resolution was circulated for public comment from May 21 to June 10, 2013.
17. Three comment letters were received on the Mitigated Negative Declaration.
18. The Water Board, in a public meeting, heard and considered all relevant comments pertaining to the proposed activities and the proposed exemption to a prohibition in the Basin Plan.

THEREFORE, BE IT RESOLVED THAT:

1. The Project is necessary for public outdoor recreation and SEZ restoration, and meets the eligibility criteria for an exemption to the Basin Plan waste discharge prohibition as outlined in Findings 14 and 15, above.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding 12, above.
3. The LTBMU shall conduct monitoring as described in Finding 15, above.
4. Prior to construction commencing, the LTBMU must obtain coverage under Order R6T-2001-0019, General Waste Discharge Requirements and NPDES General Permit No. CAG616002 for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit.

I, Patty Z. Kouyoumdjian, 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 June 19 and 20, 2013.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

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ENCLOSURE 2

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Scribe, Laurie@Waterboards

From: Scribe, Laurie@Waterboards
Sent: Tuesday, April 16, 2013 10:15 AM
To: Brandow, Clay@CALFIRE
Cc: Cafferata, Pete@CALFIRE; Hall, Dennis@CALFIRE; Zimny, Chris@CALFIRE
Subject: RE: Angora Mitigated Neg Dec
Attachments: 1angoranoicorrected.pdf

Hi,

The link in the Notice of Intent was incorrect, I apologize for the error. A corrected NOI is being distributed and is attached to this email.

The correct link to access the documents is:

http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/index.shtml

Thank you for your interest and support of the Project.

Laurie

Laurie Scribe
Environmental Scientist
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Lscribe@waterboards.ca.gov
(530) 542-5465

From: Brandow, Clay@CALFIRE
Sent: Tuesday, April 16, 2013 10:12 AM
To: Scribe, Laurie@Waterboards
Cc: Cafferata, Pete@CALFIRE; Hall, Dennis@CALFIRE; Zimny, Chris@CALFIRE
Subject: Angora Mitigated Neg Dec

http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/index.shtml

Laurie --

The link to the Angora Mitigated Negative Declaration documents does not appear to be working. I'm getting a 404 File Not Found message. Also, sent a message to your webmaster. Thanks.

Pending review of the documents, CAL FIRE plans to submit a letter of support for adoption of the Neg. Dec. during the comment period.

-Clay

Clay Brandow
Resource Management
Calif. Dept. of Forestry & Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-0719 (Office)
(916) 616-0021 (Cell)
(916) 653-8957 (Fax)
clay.brandow@fire.ca.gov

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

NOTICE OF INTENT TO CERTIFY A MITIGATED NEGATIVE DECLARATION

for the

Angora Fire Trails and Stream Environment Zone Restoration Project

PROJECT DESCRIPTION: The U.S. Forest Service – Lake Tahoe Basin Management Unit (LTBMU) has undertaken a multi-phase restoration effort to restore area burned by the 2007 Angora Fire near South Lake Tahoe, CA. The LTBMU has previously conducted rehabilitation and restoration activities including slope stabilization and erosion control, silviculture activities, reforestation, and road system improvements. Remaining restoration activities that require approvals from the Lahontan Regional Water Quality Control Board (Water Board) include trails system changes and improvements and stream environment zone restoration.

The Angora Fire Trails and Stream Environment Zone Restoration Project (Project) includes the following:

1) **Aquatic habitat and stream channel restoration:** Restore 1,200 feet of Angora Creek channel by excavating a new channel to reflect historic channel pattern of greater sinuosity and shallower depth. Restore the man-made 0.5-acre Seneca Pond to a wetland complex. Place large woody debris on 2 miles of Angora Creek and tributaries to promote riparian habitat diversity. Stabilize a 1,500 foot long gully in the Gardner Mountain Meadow. Work will be completed primarily with heavy equipment.

2) **Trails:** Restore/decommission 16.7 miles of trail by recontouring, subsoiling, and camouflaging. Construct 8.9 miles of new trail. Remove 15,130 square feet of trail from Stream Environment Zones (SEZ). Install a footbridge over Angora Creek. Construction and decommissioning will be completed with hand tools and small mechanized equipment.

The LTBMU has prepared a draft Storm Water Pollution Prevention Plan (SWPPP) and Angora Creek Meadow-Channel Restoration Design Plans (Design Plans). The SWPPP and Design Plans contain erosion and sediment control BMPs, revegetation specifications, project inspection and monitoring, and preliminary diversion and dewatering specifications.

PROJECT LOCATION: Angora Fire area near South Lake Tahoe, El Dorado County

REGULATORY PROCESS: The Water Board will regulate waste discharges associated with the LTBMU's implementation of the Angora Fire Trails and Stream Environment Zone Restoration Project by: (1) the Water Board's General Waste

Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Basin; (2) issuing Clean Water Act 401 Water Quality Certification; and (3) granting exemptions to prohibitions contained in the Water Quality Control Plan for the Lahontan Region. Therefore, the Water Board is the Lead Agency under CEQA.

PREVIOUS PUBLIC REVIEW: In 2010, the LTBMU prepared an Environmental Assessment for the Angora Fire Restoration Project (Angora EA) and a Decision Notice/Finding of No Significant Impact (FONSI) in compliance with the National Environmental Policy Act (NEPA). During 2008 and 2009 the LTBMU conducted public outreach and scoping for the Angora EA, as well as consultations with local and county agencies. In March 2010 the Angora EA was widely circulated for a 30-day comment period. The Forest Supervisor signed the FONSI in July 2010. The current Project is a subset of the larger federal Angora Fire Restoration Project as analyzed in the Angora EA. This Notice of Intent serves as a notice of the Water Board's intent to certify the Mitigated Negative Declaration.

INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION: The Project is subject to the requirements of both the federal National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The LTBMU developed the Angora EA and FONSI for the larger Angora Fire Restoration Project, pursuant to NEPA. Water Board staff have reviewed the information contained in the LTBMU's Angora EA and FONSI for compliance with CEQA, and determined that additional mitigation measures and information are needed to comply with CEQA requirements.

Therefore, the Water Board is circulating a Mitigated Negative Declaration and associated CEQA checklist along with supporting documents in compliance with CEQA guidelines. Supporting documentation including the Angora EA, FONSI, draft SWPPP, and Design Plans are all available on the Water Board's website at: http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/index.shtml

The CEQA checklist was developed by Water Board staff to inform the public and interested agencies of the additional mitigation measures identified as necessary by the Water Board. It also summarizes the design features contained in the Angora EA that will be implemented to reduce potential negative impacts to less than significant. The CEQA checklist supports the Water Board's independent analysis that impacts from the Project will be mitigated to less than significant based on implementation of the design features and mitigation measures summarized in the CEQA Checklist.

The Water Board will consider certifying the Mitigated Negative Declaration during a public meeting held on:

DATE: June 19-20, 2013

TIME: During the Water Board's regular meeting. Meetings generally begin at 4:00PM; however this is subject to change. The exact time will be posted on the Water Board's web page at:
<http://www.waterboards.ca.gov/lahontan/index.shtml>

PLACE: Lee Vining, CA. The exact location information will be available on the Water Board's web page at
<http://www.waterboards.ca.gov/lahontan/index.shtml> no less than 10 days before the meeting.

PUBLIC REVIEW PERIOD: The public review period for the Mitigated Negative Declaration is from **April 12, 2013 to May 13, 2013**. Written comments or questions on these documents should be directed to the attention of Laurie Scribe at the address below or via email to LScribe@waterboards.ca.gov

Paper or electronic copies of these documents may be obtained by emailing Laurie Scribe at the above email address or calling (530) 542-5465; or may be examined and photocopied on weekdays between 8:30 a.m. and 4:30 p.m. at the Lahontan Water Board's office, 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150.

Scribe, Laurie@Waterboards

From: Russell Wigart <russell.wigart@edcgov.us>
Sent: Monday, April 15, 2013 11:15 AM
To: Scribe, Laurie@Waterboards
Subject: Re: Angora Fire Trails and Stream Environment Zone Restoration Project

Thanks Laurie!

On Mon, Apr 15, 2013 at 11:09 AM, Scribe, Laurie@Waterboards <laurie.scribe@waterboards.ca.gov> wrote:

Here is the link to the Angora Fire Trails and Stream Environment Zone Restoration Project:

http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/index.shtml

I will work on correcting this problem. Thanks for bringing it to our attention.

Laurie

Laurie Scribe

Environmental Scientist

Lahontan Regional Water Quality Control Board

2501 Lake Tahoe Blvd.

South Lake Tahoe, CA 96150

Lscribe@waterboards.ca.gov

(530) 542-5465

From: Russell Wigart [<mailto:russell.wigart@edcgov.us>]
Sent: Monday, April 15, 2013 10:26 AM
To: Scribe, Laurie@Waterboards
Subject: Re: Angora Fire Trails and Stream Environment Zone Restoration Project

Please send me a copy of the link at your earliest convenience. I cant get it to work...

Thanks,

On Mon, Apr 15, 2013 at 9:56 AM, Scribe, Laurie@Waterboards <laurie.scribe@waterboards.ca.gov> wrote:

Hi Russ,

Sorry there was a little delay in getting all the documents posted to our website. The link works now. The Draft SWPPP is not yet on the web page as it was too large to email to our web support office in Sacramento, it should be up by the end of the week. The link labeled Draft SWPPP on the web page is actually the FONSI, this is also being corrected today. I can make of copy of the draft SWPPP available to you at our office, or put one on disk for you to pick up if you would like to view it this week. Just let me know what you prefer. Thank you.

Laurie

Laurie Scribe

Environmental Scientist

Lahontan Regional Water Quality Control Board

2501 Lake Tahoe Blvd.

South Lake Tahoe, CA 96150

Lscribe@waterboards.ca.gov

(530) 542-5465

From: Russell Wigart [<mailto:russell.wigart@edcgov.us>]

Sent: Friday, April 12, 2013 9:02 AM

To: Scribe, Laurie@Waterboards

Subject: Angora Fire Trails and Stream Environment Zone Restoration Project

Hi Laurie,

The NOI to certify the MND for the project above is not accessible .. Please send a corrected link so I can view the Angora EA, FONSI, draft SWPPP, and Design Plans.

The link below I cant get to work.

http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/

Thanks,

--

Russell Wigart

Tahoe Engineering Division

924B Emerald Bay Road

South Lake Tahoe, CA 96150

(530) 573-7924

"Water is the most critical resource of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land." - Luna Leopold

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Thank you.

--

Russell Wigart

Tahoe Engineering Division

924B Emerald Bay Road

South Lake Tahoe, CA 96150

(530) 573-7924

"Water is the most critical resource of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land." - Luna Leopold

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Thank you.

--

Russell Wigart

Tahoe Engineering Division

924B Emerald Bay Road

South Lake Tahoe, CA 96150

(530) 573-7924

"Water is the most critical resource of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land." - Luna Leopold

NOTICE: This e-mail and any files transmitted with it may contain confidential information, and are intended solely for the use of the individual or entity to whom they are addressed.

Scribe, Laurie@Waterboards

From: Moeszinger, Patrick@Wildlife <Patrick.Moeszinger@wildlife.ca.gov>
Sent: Monday, May 06, 2013 11:44 AM
To: Scribe, Laurie@Waterboards
Subject: Angora Fire Trails and Stream Environment Zone Restoration Project

Hello Laurie,

I am working through CEQA documents on my desk today and am having trouble reviewing the subject project due to the CD containing all the project files being stapled through and damaged. With the limited project files I have available, I am confused why there is no mention of the Fish and Game Code Section 1602 notification requirement for work within jurisdictional features such as Angora Creek? Is it because this is a federal project on federal land so no Lake or Streambed Alteration Agreement(s) are legally required?

Thanks,

Patrick Moeszinger
Environmental Scientist

CALIFORNIA DEPARTMENT OF
FISH and WILDLIFE 

HABITAT CONSERVATION PROGRAM

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

Office: (916) 358-2850

Fax: (916) 358-2912

****Please note that as of Jan 1, 2013 our new name is the California Department of Fish and Wildlife (CDFW) and new department web and email addresses took effect.****

Scribe, Laurie@Waterboards

From: Scribe, Laurie@Waterboards
Sent: Monday, May 13, 2013 10:39 AM
To: Moeszinger, Patrick@Wildlife
Subject: RE: Angora Fire Trails and Stream Environment Zone Restoration Project

Hi Patrick

I am sorry your CD was destroyed in the mailing, here is a link to all the project documents on the Water Board's website: http://www.waterboards.ca.gov/lahontan/water_issues/projects/angora_fire_restoration/index.shtml
The project is a federal project implemented by the USFS Lake Tahoe Basin Management Unit on federal national forest lands. The Angora Creek work is still at least a year or two out from permitting and implementation. The work planned for implementation this summer is the trails component and Gardner Mountain Meadow restoration.

Our comment period officially ends today, but we could accept comments from CDFW through the end of the week if you need additional time. Please just let me know so I can plan accordingly. I am in the office all day so feel free to call with any questions.

Laurie

Laurie Scribe
Environmental Scientist
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
lscribe@waterboards.ca.gov
(530) 542-5465

From: Moeszinger, Patrick@Wildlife [mailto:Patrick.Moeszinger@wildlife.ca.gov]
Sent: Monday, May 06, 2013 11:44 AM
To: Scribe, Laurie@Waterboards
Subject: Angora Fire Trails and Stream Environment Zone Restoration Project

Hello Laurie,

I am working through CEQA documents on my desk today and am having trouble reviewing the subject project due to the CD containing all the project files being stapled through and damaged. With the limited project files I have available, I am confused why there is no mention of the Fish and Game Code Section 1602 notification requirement for work within jurisdictional features such as Angora Creek? Is it because this is a federal project on federal land so no Lake or Streambed Alteration Agreement(s) are legally required?

Thanks,

Patrick Moeszinger
Environmental Scientist

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****Please note that as of Jan 1, 2013 our new name is the California Department of Fish and Wildlife (CDFW) and new department web and email addresses took effect.****

ENCLOSURE 3

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**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website www.fire.ca.gov



April 29, 2013



Patty Z. Kouyoumdjian
Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

RE: Comments on Notice of Intent to Certify a Mitigated Negative Declaration for the Angora Fire Trails and Stream Environment Zone Project

Dear Ms. Kouyoumdjian:

Thank you for the opportunity to comment on the proposed Mitigated Negative Declaration for the Angora Fire Trails and Stream Environment Zone (SEZ) Project. The California Department of Forestry and Fire Protection (CAL FIRE) supports both the project and the adoption of the proposed Mitigated Negative Declaration by the Lahontan Regional Water Quality Control Board.

Stream and riparian habitat restoration play an increasingly important role in California's conservation efforts on federal, state and private lands. This project has the potential to improve the environment and to serve as a restoration demonstration.

To promote the demonstration value of this project, CAL FIRE and the State Board of Forestry and Fire Protection (BOF) will work with the USDA Forest Service – Lake Tahoe Basin Management Unit (LTBMU) to explore opportunities to organize a BOF Monitoring Study Group (MSG) tour of this stream restoration project, either while in progress or after completion. The MSG observed the Angora Fire post-fire monitoring work in June of 2008 (http://www.bof.fire.ca.gov/board_committees/monitoring_study_group/meeting_minutes/2008_meeting_minutes/msg_minutes_062408.pdf). The MSG is supporting similar stream restoration projects elsewhere and is working on approaches to monitoring these kinds of projects.

Patty Z. Kouyoumdjian
April 29, 2013
Page 2

If you have questions, please contact Clay Brandow at (916) 653-0719 or by email clay.brandwo@fire.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "William E. Snyder". The signature is fluid and cursive, with the first name being the most prominent.

William E. Snyder
Deputy Director
Resource Management

cc: Laurie Scribe
Duane Shintaku
Dennis Hall
Bill Holmes
Mary Huggins
Pete Cafferata
Clay Brandow

Scribe, Laurie@Waterboards

From: Leslie Marsh <lhmskm@hotmail.com>
Sent: Sunday, April 14, 2013 11:28 AM
To: Scribe, Laurie@Waterboards
Subject: Angora Fire Restoration Plan

Categories: Follow-up

Dear Ms Scribe,

Thank you for the letter regarding the proposed USFS changes in the Angora fire zone. I respect and agree with the teams direction and appreciate all of the efforts to rehabilitate the forest. My only question is the necessity to take out Seneca Pond itself. The wetlands exist both above and below the pond and the pond itself is only a 200 feet by 100 feet. yet provides substantial habitat for waterfowl and a recreation spot for hikers and families. And it was the only wildland area to survive the devastation of the fire that tore through our neighborhood.

If you could do everything on your list except take out the pond, I think that would be ideal. But I am not a forest expert so I will defer to your teams but wanted to voice the opinion of a close neighbor to Seneca Pond.

Sincerely,

Les Marsh
Tehama Dr

Scribe, Laurie@Waterboards

From: Pepi, Joe@Tahoe
Sent: Thursday, May 09, 2013 1:57 PM
To: 'brendan.ferry@edcgov.us'; Scribe, Laurie@Waterboards; 'sheller@fs.fed.us'; Larsen, Robert@Waterboards; 'coerhli@fs.fed.us'
Cc: Roll, Stuart@Tahoe
Subject: USFS LTBMU Angora Fire Trails and Stream Environment Zone Restoration Project Comments

Categories: Follow-up

The California Tahoe Conservancy respectfully submits the following comments on the proposed Angora Fire Trails and Stream Environment Zone Restoration Project:

The Conservancy is supportive of the USFS LTBMU Angora Fire Trails and Stream Environment Zone Restoration Project, as it will improve, and build upon, several prior environmental improvement efforts. The Conservancy has invested over \$7 million in funding for stream environment zone (SEZ), wildlife habitat restoration, and Angora fire rehabilitation projects in the area and we are pleased that additional efforts are underway to continue the improvement of resource conditions in the watershed.

As currently proposed, the engineering plans for the USFS Angora Stream project would permanently reconstruct approximately 100 linear feet of creek channel that was restored as part of the County's recently completed Angora Creek Fisheries Project. This channel reconstruction would include significant temporary and permanent disturbance to the completed County project, as it would require a construction disturbance footprint in the project area while installing several large grade control structures through the existing restored channel.

The Conservancy has provided \$998,000 in Proposition 117, Wildlife Protection Act of 1990 grant funding to El Dorado County for the Angora Creek Fisheries Project, and the County is required to maintain Conservancy-funded improvements for 20 years following construction. The proposed USFS project activities in the County's project area do not appear to be an efficient use of public funds, and they are not consistent with Conservancy grant-funding requirements. The Conservancy requests that the USFS LTBMU reconsider design alternatives for the subject project to more effectively compliment existing project improvements. Alternative approaches may include targeting areas upstream of the footprint of the County's fisheries project so as to minimize impacts to existing infrastructure.

We look forward to future opportunities for continued coordination and partnership on these important Environmental Improvement Projects.

Joe Pepi
California Tahoe Conservancy
Associate Environmental Planner
Natural Resources and Public Access Program
1061 Third Street
South Lake Tahoe, CA 96156
(530) 543-6066
jpepi@tahoe.ca.gov

ENCLOSURE 4

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Comments	Response
<p>Scribe, Laurie@Waterboards</p> <hr/> <p>From: Leslie Marsh <lhnskml@hotmail.com> Sent: Sunday, April 14, 2013 11:28 AM To: Scribe, Laurie@Waterboards Subject: Angora Fire Restoration Plan</p> <p>Categories: Follow-up</p> <p>Dear Ms Scribe,</p> <p>Thank you for the letter regarding the proposed USFS changes in the Angora fire zone. I respect and agree with the teams direction and appreciate all of the efforts to rehabilitate the forest. My only question is the necessity to take out Seneca Pond itself. The wetlands exist both above and below the pond and the pond itself is only a 200 feet by 100 feet. yet provides substantial habitat for waterfowl and a recreation spot for hikers and families. And it was the only wildland area to survive the devastation of the fire that tore through our neighborhood.</p> <p>If you could do everything on your list except take out the pond, I think that would be ideal. But I am not a forest expert so I will defer to your teams but wanted to voice the opinion of a close neighbor to Seneca Pond.</p> <p>Sincerely,</p> <p>Les Marsh Tehama Dr</p>	<p>Response LM-1: The Water Board agrees with rationale for restoring Seneca Pond provided by the LTBMU in their Decision Notice and Finding of No Significant Impact. Restoring the pond to a wetland complex will reduce habitat for non-native species and improve habitat for native species, as well as provide a larger wetland and riparian area than currently occupied by the man-made pond.</p> <p>Ultimately, the United States Forest Service Lake Tahoe Basin Management Unit (LTBMU) is the land manager of the Seneca Pond area, and thus has responsibility to make resource management decisions. The Water Board does not have land management authority and thus cannot direct the LTBMU not to implement the restoration of Seneca Pond, provided the restoration complies with relevant water quality laws.</p>

Comments	Response
<p>Scribe, Laurie@Waterboards</p> <hr/> <p>From: Pepi, Joe@Tahoe Sent: Thursday, May 09, 2013 1:57 PM To: 'brendan.ferry@edcgov.us'; Scribe, Laurie@Waterboards; 'sheller@fs.fed.us'; Larsen, Robert@Waterboards; 'coerhli@fs.fed.us' Cc: Roll, Stuart@Tahoe Subject: USFS LTBMU Angora Fire Trails and Stream Environment Zone Restoration Project Comments</p> <p>Categories: Follow-up</p> <p><i>The California Tahoe Conservancy respectfully submits the following comments on the proposed Angora Fire Trails and Stream Environment Zone Restoration Project:</i></p> <p><i>The Conservancy is supportive of the USFS LTBMU Angora Fire Trails and Stream Environment Zone Restoration Project, as it will improve, and build upon, several prior environmental improvement efforts. The Conservancy has invested over \$7 million in funding for stream environment zone (SEZ), wildlife habitat restoration, and Angora fire rehabilitation projects in the area and we are pleased that additional efforts are underway to continue the improvement of resource conditions in the watershed.</i></p> <p><i>As currently proposed, the engineering plans for the USFS Angora Stream project would permanently reconstruct approximately 100 linear feet of creek channel that was restored as part of the County's recently completed Angora Creek Fisheries Project. This channel reconstruction would include significant temporary and permanent disturbance to the completed County project, as it would require a construction disturbance footprint in the project area while installing several large grade control structures through the existing restored channel.</i></p> <p><i>The Conservancy has provided \$998,000 in Proposition 117, Wildlife Protection Act of 1990 grant funding to El Dorado County for the Angora Creek Fisheries Project, and the County is required to maintain Conservancy-funded improvements for 20 years following construction. The proposed USFS project activities in the County's project area do not appear to be an efficient use of public funds, and they are not consistent with Conservancy grant-funding requirements. The Conservancy requests that the USFS LTBMU reconsider design alternatives for the subject project to more effectively compliment existing project improvements. Alternative approaches may include targeting areas upstream of the footprint of the County's fisheries project so as to minimize impacts to existing infrastructure.</i></p> <p><i>We look forward to future opportunities for continued coordination and partnership on these important Environmental Improvement Projects.</i></p> <p>Joe Pepi California Tahoe Conservancy Associate Environmental Planner Natural Resources and Public Access Program 1061 Third Street South Lake Tahoe, CA 96156 (530) 543-6066 jpepi@tahoe.ca.gov</p>	<p>Response CTC-1: El Dorado County (EDC) informally raised similar concerns to those expressed by the CTC regarding overlap of the LTBMU's proposed Angora Creek restoration with adjacent restoration work funded by the CTC and implemented by EDC.</p> <p>Water Board staff initiated discussions with LTBMU, CTC, and EDC staff regarding the proposed design. Agency representatives met on May 16, 2013 at the Angora Creek project site and agreed upon a proposed location to join the two restoration efforts to minimize disturbance of the previous project.</p> <p>Response CTC-2: The LTBMU Forest Supervisor has submitted a letter, see Enclosure 5, to EDC directing LTBMU staff to work with EDC and CTC staff to update the design plans and minimize impacts to the CTC/EDC project.</p>

ENCLOSURE 5

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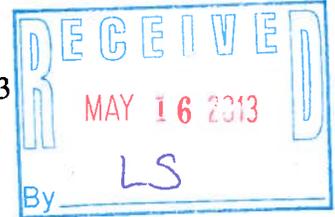
United States
Department of
Agriculture

Forest
Service

Lake Tahoe Basin
Management Unit

35 College Drive
South Lake Tahoe, CA 96150
(530) 543-2600
(530) 543-0956 TTY

File Code: 2510
Date: May 15, 2013



Brendan Ferry
Senior Environmental Planner, CPESC
County of El Dorado, Tahoe Engineering Unit
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

Dear Mr. Ferry:

Thank you for your recent comments on the Angora Creek Meadow-Channel Restoration Plan. We appreciate your review of the restoration plans and understand your concern regarding the Angora Fisheries/Creek Restoration Project. I would like to assure you that it was not our intention to design over a project the County had so recently constructed. Unfortunately, the field surveys done to support our design were completed before the County project was constructed. However, due to our extended timeline on this project we believe there is ample time to correct this situation and amend the restoration plan to produce a project that will marry the two projects with minimal disturbance to the County project. Because of the long time between design (2011) and construction (2015) the plans for this project will need to be revisited and revised to account for any changed conditions before project implementation. These revisions will be to include the stream channel constructed as part of the County project.

Additionally, I would like to address your concerns with construction access off of Angora Creek Stub Rd and Mule Deer Circle. Both of these are shown in the current version of the restoration plan; however an access plan is not yet finalized. The access plan will be reviewed and finalized at the same time we revisit the restoration plan to assure that the access plan reflects current conditions.

To most efficiently accomplish coordination between agencies, I would like to offer that Forest Service staff work collaboratively with the El Dorado County staff and CTC staff to update the plans as needed prior to project implementation. The project manager for the Angora Creek Meadow-Channel Restoration Plan, Craig Oehrli, will coordinate the integration of these concerns into the final version of the restoration plan for Angora Creek. He can be reached at 530-543-2681 or coehrli@fs.fed.us for further information.

Sincerely,

NANCY J. GIBSON
Forest Supervisor

cc: Joe Pepi - CTC, Laurie Scribe - LRWQCB, Craig Oehrli

