

Lahontan Regional Water Quality Control Board

## MEMORANDUM

**TO:** Water Board Members

**FROM:**   
Patty Z. Kouyoumdjian  
Executive Officer  
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

**DATE:** June 28, 2012

**SUBJECT: EXEMPTION TO DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION – ANGORA FIRE RESTORATION MECHANICAL THINNING AND DEAD TREE REMOVAL PROJECT, EL DORADO COUNTY**

In ten days, I intend to grant an exemption to the discharge prohibition specified in the Water Quality Control Plan for the Lahontan Region for the above-referenced Project.

The Project is proposed by the United States Forest Service Lake Tahoe Basin Management Unit. The purpose of the proposed Project is to reduce future wildfire risk, restore forest habitat, and improve public safety in the Angora Fire burn area of South Lake Tahoe, California. The Project involves removal of standing and downed dead trees and live tree thinning using mechanical operations on approximately 753 acres. The Project requires improvements to the existing road network, including a stream crossing and work in Stream Environment Zones.

Public Notice regarding granting the prohibition exemption was published on the Water Board's internet site as required.

If you have any questions or comments regarding this matter, please contact me at (530) 542-5412, or Laurie Scribe, at (530) 542-5465.

Attachment: Draft Prohibition Exemption

LS/adw/T: 2012-6 LTBMU Angora SEZ PE Memo  
Filing Name: WDID 6AT60911047/US Forest Service – LTBMU, Angora Fire Restoration /El Dorado County

## Lahontan Regional Water Quality Control Board

Nancy Gibson, Forest Supervisor  
U.S. Forest Service - Lake Tahoe Basin Management Unit  
35 College Dr.  
South Lake Tahoe, CA 96150

### **EXEMPTION TO THE STREAM ENVIRONMENT ZONE WASTE DISCHARGE PROHIBITION WITHIN THE LAKE TAHOE HYDROLOGIC UNIT, ANGORA FIRE RESTORATION MECHANICAL THINNING AND DEAD TREE REMOVAL PROJECT, U.S. FOREST SERVICE LAKE TAHOE BASIN MANAGEMENT UNIT, EL DORADO COUNTY**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete application for coverage under Board Order number R6T-2009-029, Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (2009 Timber Waiver), from the United States Forest Service Lake Tahoe Basin Management Unit (LTBMU) for the Angora Fire Restoration Mechanical Thinning and Dead Tree Removal Project (Project) in El Dorado County. The Water Board also received information to support granting an exemption from a waste discharge prohibition in the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This Project is assigned the following reference number: Waste Discharger Identification (WDID) No. 6AT60911047. Please use this reference number in all future Project related correspondence.

### **PROJECT DESCRIPTION**

The purpose of the proposed Project is to reduce future wildfire risk, restore forest habitat, and improve public safety in the Angora Fire burn area of South Lake Tahoe, California. The Project is a component of a larger ecosystem restoration effort related to impacts from the Angora Fire. The Project involves removal of standing and downed dead trees and live tree thinning using mechanical operations on approximately 753 acres. To dispose of thinned material the LTBMU will use hauling, mastication and prescribed fire, including both pile and broadcast burning. The Project includes approximately 12 acres of road construction and decommissioning treatments needed to facilitate timber operations and forest management. Road treatments include approximately 12,440 square feet of new permanent disturbance and 22,600 square feet of restoration in Lake Tahoe Hydrologic Unit Stream Environment Zones (SEZs). Also included with this project is improvement of a wet ford crossing on an existing road and removal of an existing culvert on a road that will be decommissioned, both along a tributary of Angora Creek.

This project is being regulated under the 2009 Timber Waiver (Board Order No. R6T-2009-0029). This waiver identifies activities in SEZs that are eligible for exemptions to prohibitions included in the Basin Plan. The criteria for exemptions to the prohibition which are the subject of this letter are specific to the wet ford crossing, road work in SEZs, and culvert removal.

### **CEQA COMPLIANCE**

This Project is being regulated under the 2009 Timber Waiver. The Water Board prepared and certified a Mitigated Negative Declaration for the 2009 Timber Waiver in accordance with the California Environmental Quality Act (CEQA) and state CEQA Guidelines. This CEQA document addressed the activities conducted in compliance with the 2009 Timber Waiver.

The LTBMU prepared the Angora Fire Restoration Environmental Assessment (Angora EA) for this Project pursuant to the National Environmental Policy Act. The LTBMU originally listed the proposed Project on their Schedule of Proposed Actions in April 2008 and conducted pre-scoping from May through June 2008. They then conducted a 30-day public scoping period beginning on February 11, 2009. The Angora EA was published on March 10, 2010 and widely circulated for a 30-day comment period. The decision memo implementing the Project was signed by the Forest Supervisor on July 9, 2010.

### **WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION**

To protect beneficial uses and achieve water quality objectives for the waters of Lake Tahoe and its tributaries, the Basin Plan specifies the following discharge prohibition (Basin Plan Section 5-2; page 5.2-4):

*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, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited.*

### **PROHIBITION EXEMPTION CRITERIA**

Chapter 5, Section 5.8, of the Basin Plan allows exemptions to the above-cited discharge prohibition for public service facilities if all of the following findings can be made:

- a) *The project is necessary for public health, safety, or the environment.*

This fuels reduction and forest restoration project is necessary for public health and safety and to improve the environment after the Angora Fire. Upgrades to the road system are needed to conduct the timber harvest operations efficiently

and with the minimum impact to the environment. The road work will provide necessary access for forest and vegetation management while also lessening the effects of the road network on the ecosystem.

Improvement of the wet ford crossing is needed to facilitate forestry vehicle access and will have a long term water quality benefit. The current wet ford is unarmored, extremely wide in comparison to the surrounding channel geometry, and contributes sediment from eroding and widening banks. The improved ford will result in a stabilized channel of a similar geometry to the surrounding channel with reduced sediment contribution to the stream. The culvert removal on a segment of road to be decommissioned will improve fish passage in the creek.

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

Alternatives were extensively analyzed within the Angora EA. All road work was examined and was determined to minimize SEZ coverage by decommissioning unneeded routes in sensitive areas and locating needed routes in areas of high capability soils. To the extent possible new road alignments were located away from sensitive areas to minimize impacts to stream courses and SEZs. When construction or improvements of roads in wet areas cannot be avoided, proper Best Management Practices (BMPs) have been identified and will be utilized to mitigate impacts.

The improvement of the wet ford crossing and removal of the existing culvert are activities that by their nature must be conducted within SEZs.

- c) *Impacts are fully mitigated.*

Mitigation measures for this Project include Design Features (Angora EA, Section 2.3.2), as well as temporary and permanent BMPs (Angora EA Appendix A). An Erosion Control Plan was also prepared and submitted with the timber waiver application. Permanent BMPs for permanent roads include out sloping roads to shed water, constructing drainage dips, and using sub-base rock and aggregate surfacing in wet areas. Permanent and decommissioned roads will include drainage features to maintain connectivity of water across road ways without any diversion.

The wet ford improvement and culvert removal will have temporary impacts to the SEZ. Mitigation measures include conducting this work when creek flows are low and implementing a dewatering plan if there is any running water in the channel. No construction will take place if the weather forecast calls for a 30% or more chance of precipitation. Water quality monitoring for turbidity will also occur as described in the timber waiver application.

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

The Project will result in 12,840 square feet of new permanent disturbance in SEZs and 22,600 square feet of restoration of SEZs, or approximately 1.8 times restored to disturbed area.

### **ADDITIONAL CONDITIONS**

Project activities must not cause a violation of the Basin Plan, or cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.

### **PROHIBITION EXEMPTION GRANTED**

The Water Board has notified the LTBMU and interested agencies and persons of its intent to grant this prohibition exemption. This Project will be regulated under the 2009 Timber Waiver. The LTBMU has incorporated appropriate Design Features into the Project and will adhere to the conditions in the 2009 Timber Waiver. The Water Board Executive Officer has considered all comments and determined that the Project satisfies all Basin Plan exemption criteria. I hereby grant an exemption.

If you have questions, please contact Laurie Scribe at (530) 542-5465.

PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER