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Phillip E. and Beverly Fleming
39600 Mallard Rd.
Bass Lake, CA 93604

RESPONSE TO COMMENTS, MITIGATED NEGATIVE DECLARATION, OLD DUCEY'S COVE CHANNEL ARMORING, SCH # 2009101025, MADERA COUNTY

Thank you for your comments regarding the Notice of Intent to approve a Mitigated Negative Declaration for the Bass Lake Boat Owners Dock Association (Association), Old Ducey's Cove Channel Armoring Project. Your comments are paraphrased below, with responses following in italics.

You comment that the project drawing inaccurately depicts the width of the termination point of the creek and the depth of the channel at the project area.

Our review indicates the drawing depicts the channel widening beyond the project area. The location of the termination point (i.e. mouth of the creek), fluctuates depending on the level of the lake. Based on staff site visits, the 3-foot channel depth and the width of the channel at the project location on the drawing appear to be accurate approximations.

You comment that armoring only the south side of the channel may cause erosion on the north side, and maintenance of the north side of the channel would not be covered by the Pacific Gas and Electric (PG&E) Rip Rap Agreement.

PG&E indicates the agreement includes any remedial maintenance work necessary to prevent erosion on the north side of the channel that may result from the project. Additionally, we will include conditions in the 401 Water Quality Certification for monitoring of and, if necessary, maintenance of the channel.

You comment that the Association should be required to remove a quantity of material from the lake that is equal to the amount it will be importing.

PG&E is not requiring removal of material from the lake to compensate for the rip-rap material being added. We see no environmental benefit associated with the additional disturbance that would result from requiring the removal of the material.

You comment that an ordinance prohibits vehicles in the lake bed.

Madera County Code 10.28.051, B. states:

California Environmental Protection Agency

1. *Except as otherwise provided herein, no person shall drive a motor vehicle, including, but not limited to, motorcycles, motor-driven cycles, or off-road vehicles, as defined in this code and in the California Vehicle Code, or bicycle on the bed of Bass Lake.*
2. *Nothing in this section prohibits the operation of a motor vehicle or bicycle on the bed of Bass Lake in connection with:*
 - a. *The launching of watercraft in appropriately designated areas;*
 - b. *Construction and maintenance projects which have been approved by Pacific Gas and Electric Company and have obtained all of the required local, state and federal permits;*
 - c. *Ingress and egress by Pacific Gas and Electric Company, or its duly authorized contractors, required for the operation and maintenance of the Crane Valley Hydroelectric Project;*
 - d. *Ingress and egress required in response to emergency medical situations.*

Use of vehicles and equipment in the lake bed is allowed for projects which have been approved by PG&E. According to PG&E, the prohibition in item #9 in the rip-rap agreement applies to vehicles other than those required for the construction/maintenance projects.

You comment that there is an inconsistency between the project length given in the project description and on the project drawing, and you are concerned about the Association doing work beyond the project boundaries.

We agree that there is a discrepancy between the description and the drawing. The project will cover approximately 50 linear feet of channel as shown in the drawing attached to the Initial Environmental Study and Mitigated Negative Declaration. The project is limited to the scope indicated on the drawing and we will include this as a condition in the 401 Water Quality Certification to ensure that work does not extend beyond project boundaries..

Again, thank you for your comments. If you have further questions, please contact Debra Bates by phone at (559)445-6281, or by email at dbates@waterboards.ca.gov.

Original signed by:

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cc: State Clearinghouse, Sacramento
Jerry Wong, Pacific Gas and Electric, Fresno
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