CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO.R5-2009-0120

APPROVING THE INITIAL ENVIRONMENTAL STUDY AND
MITIGATED NEGATIVE DECLARATION
FOR
BASS LAKE BOAT OWNERS DOCK ASSOCIATION
OLD DUCEY’S COVE STREAM CHANNEL ARMORING PROJECT
MADERA COUNTY

WHEREAS, Bass Lake Boat Owners Dock Association (hereafter Discharger) submitted a complete application for Section 401 Water Quality Certification on 10 May 2007 to the California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) requesting Certification for the discharge of fill material to waters of the U.S. from activities associated with the Old Ducey’s Cove Stream Channel Armoring Project (Project), and the Project will occur in the lakebed of Bass Lake, a water of the U.S., in Madera County; and

WHEREAS, the Central Valley Water Board has assumed the lead agency role for this project under CEQA and has conducted an Initial Environmental Study in accordance with Title 14, California Code of Regulations, Section 15063, Guidelines for the Implementation of the California Environmental Act; and

WHEREAS, copies of the Initial Study and proposed Mitigated Negative Declaration were transmitted to all agencies and persons known to be interested in this matter, and the Regional Board received comments and addressed the issues raised by those comments; and

WHEREAS, the Central Valley Water Board has determined that any potentially significant environmental impacts from the proposed Project will be mitigated by appropriate mitigation measures in the Mitigated Negative Declaration to less than significant levels; and

WHEREAS, the Central Valley Water Board considered all testimony and evidence at a public hearing held on 10 December 2009, in Rancho Cordova, California, and good cause was found to approve the Initial Environmental Study and Mitigated Negative Declaration: Therefore be it

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region, hereby approves the Initial Environmental Study and Mitigated Negative Declaration for the discharge of fill material associated with the Old Ducey’s Cove Stream Channel Armoring Project.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 10 December 2009.

Original signed by:

PAMELA C. CREEDON, Executive Officer
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SECTION 1
PROJECT DESCRIPTION

1. **Project Title:** Old Ducey’s Cove Stream Channel Armoring Project

2. **Lead Agency Name and Address:**
   California Regional Water Quality Control Board - Central Valley Region
   1685 E Street,
   Fresno, CA 93706

3. **Contact Person and Phone Number:**
   Debra Bates, (559) 445-6281

4. **Project Location:**
   Old Ducey’s Cove, Bass Lake.

   Section 16, T7S, R22E, MDB&M

5. **Project Sponsor’s Name and Address:**
   Bass Lake Boat Owners Dock Association
   P.O. Box 488
   Bass Lake, California 93604
   Attn:  Jay Duhn

   Consultant: John Wilson
   1400 Easton Drive #132
   Bakersfield, California 93309

6. **Description of Project:**

   The Bass Lake Boat Owners Dock Association (hereinafter Discharger) owns a 31-slip dock in Old Ducey’s Cove on Bass Lake. The dock has been in its present location since 1995. Since 2001, during periods when the lake is drawn down for the winter, Dogwood Creek has been eroding the creek channel under a portion of the dock causing damage. The Discharger proposes to backfill and armor with 35 cubic yards of rock riprap, approximately 50 linear feet of stream channel bank that has eroded from beneath the dock to provide support and prevent further damage. Soil excavated from the lakebed downstream from the project site will be used to backfill the channel bank.

   The original application submitted by the Discharger in 2001 to the U.S. Army Corps of Engineers proposed to relocate the stream channel by moving approximately 550 cubic yards of fill and placing 470 cubic yards of riprap. The Discharger scaled back the project, as localized channel bank armoring placed
during a 2003 project, upstream from the project site, has adequately prevented further erosion beneath the dock in the upstream area and has not had observable adverse effects on water quality.

Pacific Gas & Electric, owner of the lake, has approved the current project and the Discharger has entered into a Riprap Agreement (Agreement) (Attachment 1) with PG & E, to place and maintain the riprap around the dock and in the channel. Under the Agreement, the Discharger must submit a work plan that incorporates PG & E requirements and describes in detail the project’s schedule, nature, scope, location and purpose. According to the terms of the agreement, the Discharger must obtain written permission from PG & E prior to commencing riprap placement or maintenance.

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), is considering issuing a federal Clean Water Act Section 401 water quality certification for the proposed fill. However, prior to issuance, the Central Valley Water Board must satisfy the requirements of the California Environmental Quality Act.

The fill is being permitted under a U.S. Department of the Army Corps of Engineers (Corps) individual 404 Permit. In 2001, the Discharger submitted an initial Application for Nationwide Permit No.13: Bank Stabilization, Section 404 of the Clean Water Act that provides information on the original proposed fill. On 5 May 2009, the Discharger supplied the Corps additional information amending the project to include only the localized armoring described above.

Department of Fish and Game issued a determination on Stream Alteration Notification No. R4-2001-0122, (Attachment 2) that no existing fish or wildlife resources would be substantially adversely affected by the previously proposed, more expansive project. The Discharger re-notified the Department of Fish and Game of its modification to the project, and will not proceed with the project until it receives an updated determination.

7. **Surrounding Land Uses and Setting: (Briefly describe the project’s surroundings):**

The project is confined to the lakebed in a portion of Old Ducey’s Cove. The cove is an outlet of Dogwood Creek. For most of the year, the cove is filled by Bass Lake and the project site is underwater. Numerous private docks are anchored in the cove and residences surround the shoreline.
8. **Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement.):**

   Department of the Army- Individual 404 permit
   
   Department of Fish and Game- Lake or Streambed Alteration Notification
   
   Pacific Gas & Electric- Riprap Agreement
   
   Undetermined permits may be required in the future.
SECTION 2  
ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages.

- **Aesthetics**
- **Biological Resources**
- **Hazards & Hazardous Materials**
- **Mineral Resources**
- **Public Services**
- **Utilities/Service Systems**
- **Agriculture Resources**
- **Cultural Resources**
- **Hydrology/Water Quality**
- **Noise**
- **Recreation**
- **Mandatory Findings of Significance**
- **Air Quality**
- **Geology/Soils**
- **Land Use/Planning**
- **Population/Housing**
- **Transportation/Traffic**
- **Utilities/Service Systems**

### I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

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II. AGRICULTURE RESOURCES: In determining
whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ □

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? □ □ □ □

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? □ □ □ □

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? □ □ □ □

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? □ □ □ □

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? □ □ □ □

d) Expose sensitive receptors to substantial pollutant concentrations? □ □ □ □
Section 2 - ENVIRONMENTAL CHECKLIST (Continued)

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<td>e) Create objectionable odors affecting a substantial number of people?</td>
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ |

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |
V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction
Section 2 - ENVIRONMENTAL CHECKLIST (Continued)

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<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people | [ ]                           | [ ]                                                   | [ ]                          | [ ]       |
residing or working in the project area?

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<th>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</th>
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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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<th>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</th>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

<table>
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<th>a) Violate any water quality standards or waste discharge requirements?</th>
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<th>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</th>
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<th>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</th>
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<th>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</th>
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<th>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</th>
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Section 2 - ENVIRONMENTAL CHECKLIST (Continued)

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<th>f) Otherwise substantially degrade water quality?</th>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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IX. LAND USE AND PLANNING - Would the project:

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<th>a) Physically divide an established community?</th>
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<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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X. MINERAL RESOURCES -- Would the project:

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<th>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</th>
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<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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XI. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people,
necessitating the construction of replacement housing elsewhere?

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? □ □ □ □
- Police protection? □ □ □ □
- Schools? □ □ □ □
- Parks? □ □ □ □
- Other public facilities? □ □ □ □

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? □ □ □ □

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? □ □ □ □

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in □ □ □ □
either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the

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Section 2 - ENVIRONMENTAL CHECKLIST (Continued)

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<th>Project from existing entitlements and resources, or are new or expanded entitlements needed?</th>
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<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
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<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</th>
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<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (<em>Cumulatively considerable</em> means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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DETERMINATION.
On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Original Signed by: ___________________________  17 December 2009
Signature
Lonnie M. Wass
Printed Name
The following discussions are grouped according to each of the major areas of the Environmental Checklist and cover the Potentially Significant Impact Unless Mitigation Measures Incorporated, Less Than Significant Impact, and No Impact categories. No Potentially Significant Impacts were identified; therefore this category is not discussed herein.

I. Aesthetics.

A primary use of Bass Lake is recreation with an emphasis on boating. The primary recreation season is from the end of May (Memorial Day Weekend) through the first weekend in September (Labor Day Weekend). During this period, the proposed project will be underwater and will have no demonstrable negative impact on aesthetics. During the winter when the lake is drawn down, the project area will be exposed and the project may have demonstrable adverse impacts on aesthetics. These impacts will be mitigated to less than significant levels by incorporation of the following mitigation measures.

Mitigation Measures

The area to be riprapped has been minimized by amendments to the original project.

The riprap will conform to PG & E requirements and will be similar to other shore erosion riprap projects constructed around the lake. Riprap material is to consist of rocks only and shall not contain any dirt or spoils.

The Discharger will be required to maintain the riprap areas in a “good and safe condition,” pursuant to the Discharger’s agreement with PG & E.

II. Agriculture Resources.

The proposed project will not result in significant changes to aesthetics. Therefore, no impacts to aesthetics have been identified and no mitigation measures are required.

III. Air Quality.

The proposed project will be conducted in the lake bed under conditions not conducive to dust generation. According to the San Joaquin Valley Air Pollution Control District Rules, activities conducted at an elevation of 3,000 feet or higher above sea level, or that are disturbing under an acre in size are exempt from dust control rules. Emissions generated by this project will be shot-term in nature. No mitigation measures are required.
IV. Biological Resources.

The Department of Fish and Game is concerned that noise disturbances resulting from use of construction equipment in implementation of the project may negatively impact reproductive success of bald eagles and other raptor, migratory birds or other protected bird species in the area. The bald eagle is a State endangered and fully protected species known to nest at multiple locations in the vicinity of the project.

Mitigation Measures

To prevent negative impact to reproductive success of bald eagles and other protected bird species, the project proponent has agreed to limit construction activities to the non-breeding season. The Water Quality Certification for the project will prohibited construction during the bird breeding season, defined as February 1 through September 15.

V. Cultural Resources.

The proposed project will not result in significant changes to cultural resources. Therefore, no impacts to cultural resources have been identified and no mitigation measures are required.

VI. Geologic Problems

The proposed project may result in any minor changes to geologic resources. Future erosion of the channel may result as a result of the proposed project. These impacts will be mitigated to less than significant levels by incorporation of the following mitigation measures.

Mitigation Measures

To reduce the potential for erosion in the lake, the project will be conducted when the lake level is well below the project area. Fill soil will be compacted and covered with rock riprap to limit the impact.

The Discharger must install and maintain the riprap according to the terms and conditions in the attached PG&E riprap agreement.

VII. Hazards.

The proposed project will not result in new hazards. Therefore, no hazard impacts have been identified and no mitigation measures are required.
VIII. Water (c)

The proposed project may result in minor temporary alterations to surface water quality. Turbidity in the lake water may be increased for a short period of time in the area where the soil will be disturbed. Future erosion in other portions of the channel may result as a result of the proposed project. These impacts will be mitigated to less than significant levels by incorporation of the following mitigation measures.

Mitigation Measures

To reduce the potential for increases for turbidity in the lake, the project will be conducted when the lake level is well below the project area. Fill soil will be compacted and covered with rock riprap to limit the impact.

The Discharger must install and maintain the riprap according to the terms and conditions in the attached PG&E riprap agreement. The Agreement specifically requires the Discharger to:

1. Consult with PG & E prior to commencing any installation and maintenance activity.
2. Submit a detailed work plan to PG & E which describes in detail the project’s schedule, nature, scope, location and purpose.
3. Not commence the installation of riprap until the lake is substantially below the project level.
4. Remove any excavated material from the lakebed.

The Clean Water Act Section 401 water quality certification issued by the Central Valley Water Board, for the proposed project, will include the following technical conditions which must be complied with by the Discharger:

1. Activities shall not cause oils, greases or other materials to form a visible film or coating on the water surface or on objects in the receiving waters.
2. Activities shall not cause oils, greases, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.
3. Activities shall not cause petroleum products or hazardous materials to be placed or stored in any surface waters, or anywhere they may discharge to surface waters.
4. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, soil, silt, or other organic or earthen materials shall not be placed where such materials could pass into surface waters or surface water drainage courses, and adversely affect beneficial uses.

5. Activities shall not cause changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:
   
   a. Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
   
   b. Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
   
   c. Where natural turbidity is equal to or between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
   
   d. Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

6. Activities shall not cause the normal ambient pH to fall below 6.5, exceed 8.3, or change by more than 0.3 units.

7. Diverted stream flow energy must be dissipated, to the extent necessary, such that no erosion of the streambed results. Other BMPs must be employed as necessary to prevent downstream sedimentation.

8. All areas disturbed by project activities shall be protected from washout or erosion.

9. The Discharger shall notify the Central Valley Water Board immediately if any of the above conditions are violated, along with a description of measures it is taking to remedy the violation.

The implementation of the proposed mitigation measures will reduce less than significant impacts to no impact.

IX. Land Use Planning

The proposed fill will not result in planning impacts. Therefore no impacts have been identified and no mitigation measures are necessary.

X. Mineral Resources.
The proposed project will not result in significant changes to mineral resources. Therefore, no impacts to mineral resources have been identified and no mitigation measures are required.

**XI. Noise.**

The proposed project may result in a temporary increase in noise during the duration of the project.

**Mitigation Measures**

Madera County allows construction noise only during the period from half an hour prior to sunrise to half an hour after sunset. Project activity will be restricted to this time period.

The implementation of the proposed mitigation measures will reduce less than significant impacts to no impact.

**XII. Population and Housing**

There will be no population or housing impacts associated with this project. There will be no displacement or demand for additional housing as a result of this project. Therefore, no impacts to population or housing have been identified and no mitigation measures are required.

**XII. Public Services.**

The proposed project will not result in changes to public services. Therefore, no impacts to public services have been identified and no mitigation measures are required.

**XIV. Recreational Activities.**

The proposed project will not result in changes to recreational activities. Therefore, no impacts to recreational activities have been identified and no mitigation measures are required.

**XV. Transportation/Circulation.**

The proposed project will not result in significant changes to transportation and/or circulation. Therefore, no impacts to transportation/circulation have been identified and no mitigation measures are required.
XVI. Utilities and Service Systems.

The proposed project will not result in significant changes to existing utilities and service systems. Therefore, no impacts to utilities and service systems have been identified and no mitigation measures are required.

XVII. Mandatory Findings of Significance.

The project will not result in any of the impacts listed under mandatory findings of significance.
SECTION 4
PROPOSED MITIGATED NEGATIVE DECLARATION
PURSUANT TO THE TITLE 14, CALIFORNIA CODE OF REGULATIONS
SECTION 15000, et seq.

PROJECT TITLE: Old Ducey’s Cove Stream Channel Armoring Project

LEAD AGENCY: Central Valley Regional Water Quality Control Board

APPLICANT: Bass Lake Boat Owners Dock Association

PROJECT DESCRIPTION:

The Bass Lake Boat Owners Dock Association (hereinafter Discharger) will backfill approximately 50 feet of eroded channel bank within the lakebed and subsequently armor the filled bank with approximately 35 cubic yards of rock riprap to prevent future erosion. Soil excavated from the lakebed downstream from the project area will be used to backfill the channel bank. Pacific Gas & Electric, owner of the lake, approves the current project and is requiring the Discharger to enter into a maintenance agreement to maintain the riprap once the channel has been armored.

PROJECT LOCATION:

The project site is located in the lakebed of Bass Lake, County of Madera, State of California, in the area known as Old Ducey’s Cove.

MITIGATION MEASURES:

This subsection includes the full text of project-specific mitigation measures identified in the Initial Study/Proposed Mitigated Negative Declaration.

Aesthetics

The area to be riprapped has been minimized by amendments to the original project.

The riprap will conform to PG & E requirements and will be similar to other shore erosion riprap projects constructed around the lake. Riprap material is to consist of rocks only and shall not contain any dirt or spoils.

The Discharger will be required to maintain the riprap areas in a “good and safe condition,” pursuant to the Discharger’s agreement with PG & E.
Biological Resources

To prevent negative impact to reproductive success of bald eagles and other protected bird species, the project proponent has agreed to limit construction activities to the non-breeding season. The Water Quality Certification for the project will prohibited construction during the bird breeding season, defined as February 1 through September 15.

Water

To reduce the potential for increases for turbidity in the lake, the project will be conducted when the lake level is well below the project area. Fill soil will be compacted and covered with rock riprap to limit the impact.

The Discharger must install and maintain the riprap according to the terms and conditions in the attached PG&E riprap agreement. The Agreement specifically requires the Discharger to:

1. Consult with PG & E prior to commencing any installation and maintenance activity.

2. Submit a detailed work plan to PG & E which describes in detail the project’s schedule, nature, scope, location and purpose.

3. Not commence the installation of riprap until the lake is substantially below the project level.

4. Remove any excavated material from the lakebed.

The Clean Water Act Section 401 water quality certification issued by the Regional Water Board, for the proposed project, will include the following technical conditions which must be complied with by the Discharger:

1. Activities shall not cause oils, greases or other materials to form a visible film or coating on the water surface or on objects in the receiving waters.

2. Activities shall not cause oils, greases, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.
3. Activities shall not cause petroleum products or hazardous materials to be placed or stored in any surface waters, or anywhere they may discharge to surface waters.

4. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, soil, silt, or other organic or earthen materials shall not be placed where such materials could pass into surface waters or surface water drainage courses, and adversely affect beneficial uses.

5. Activities shall not cause changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:
   a. Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
   b. Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
   c. Where natural turbidity is equal to or between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
   d. Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

6. Activities shall not cause the normal ambient pH to fall below 6.5, exceed 8.3, or change by more than 0.3 units.

7. Diverted stream flow energy must be dissipated, to the extent necessary, such that no erosion of the streambed results. Other BMPs must be employed as necessary to prevent downstream sedimentation.

8. All areas disturbed by project activities shall be protected from washout or erosion.

9. The Discharger shall notify the Regional Water Board immediately if any of the above conditions are violated, along with a description of measures it is taking to remedy the violation.

**Noise**

Madera County allows construction noise only during the period from half an hour prior to sunrise to half an hour after sunset. Project activity will be restricted to this time period.
FINDING:

Based on the Initial Study prepared for the project, the California Regional Water Quality Control Board, Central Valley Region, has determined that potential project impacts on the environment would be mitigated to a less than significant level through incorporation of mitigation measures and therefore, the preparation of an Environmental Impact Report is not required. A copy of the Initial Study is attached.

California Regional Water Quality Control Board
Central Valley Region
1685 E Street, Fresno, CA 93726
(559) 445-5116

Original Signed by: LONNIE WASS
Supervising Engineer

Date: 17 December 2009
SECTION 5

MAPS

1. Vicinity Map
2. Site Map

- FILL AREA
- EXISTING CHANNEL

EXHIBIT A
SECTION 6
Notice of Completion

Form A
Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2009101025

Project Title: Old Ducey's Cove Stream Channel Armoring
Lead Agency: Central Valley Regional Water Quality Control Board
Connect Person: Debra Bates
Mailing Address: 1885 E Street
City: Fresno Zip: 93706 County: Fresno

Project Location:
County: Madera City/Nearest Community: Bass Lake Total Acres: <1
Cross Streets: 37°19'24"N 119°34'02"W Zip Code:
Assessor's Parcel No.
Section:
Twp:
Range:
Base:
Within 2 Miles:
State Hwy #:
Waterways:
Bass Lake
Airports:
Railways:
Schools:

Document Type:
- CEQA [ ] NOP [ ] Draft EIR [ ] NEPA [ ] NOI [ ] Other [ ] Joint Document
- Early Cons [ ] Supplement to EIR (Note prior SCH # below) [ ] EA [ ] Final Document
- Neg Dec [ ] Subsequent EIR (Note prior SCH # below) [ ] Draft EIS [ ] Other
- Mit Neg Dec [ ] Other [ ] FONSI

Local Action Type:
- General Plan Update [ ] Specific Plan [ ] Rezone [ ] Amendment
- General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
- General Plan Element [ ] Planned Unit Development [ ] Coastal Permit
- Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other

Development Type:
- Residential [ ] Units: [ ] Acres: [ ] Employees: [ ] Water Facilities: Type: [ ] MGD
- Office [ ] Sq. Ft: [ ] Acres: [ ] Employees: [ ] Transportation: Type:
- Commercial [ ] Sq. Ft: [ ] Acres: [ ] Employees: [ ] Mining: [ ] Mineral
- Industrial [ ] Sq. Ft: [ ] Acres: [ ] Employees: [ ] Power: Type: [ ] MW
- Educational [ ] Boat Dock [ ] Waste Treatment: Type: [ ] MGD
- Recreational [ ] Boat Dock [ ] Hazardous Waste: Type:
- Other:

Project Issues Discussed in Document:
- Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
- Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
- Air Quality [ ] Forest Land/Fire Hazards [ ] Septic Systems [ ] Water Supply/Groundwater
- Archaeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
- Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
- Coastal Zone [ ] Noise [ ] Solid Waste [ ] Land Use
- Drainage/Aborption [ ] Population/Housing Balance [ ] Toxic/Hazardous [ ] Cumulative Effects
- Economic Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other

Present Land Use/Zoning/General Plan Designation:
Limited

Project Description: (please use a separate page if necessary)
The project will backfill and armor with stone, approximately 50 linear feet of eroded channel bank in the Bass Lake lagoon. The channel contains Dogwood Creek during the periods when the lake is drawn down for the winter. The area is flooded when the lake is full.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

September 2005
Reviewing Agencies Checklist

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Local Public Review Period (to be filled in by lead agency)

Starting Date: **10/5/2009**

Ending Date: **11/5/2009**

Lead Agency (Complete if applicable):

Applicant: Bass Lake Boat Owners Dock Association

Address: P.O Box 488

City/State/Zip: Bass Lake, CA 93604

Phone: (559) 342-3991

Signature of Lead Agency Representative: **ORIGINAL SIGNED BY LONNIE M WASS**

Date: **5 OCT 2009**

SECTION 7

COMMENTS/RESPONSES

1. Dept of Fish and Game, 20 October 2009 letter
2. Central Valley Water Board, 28 October 2009 response to 20 October letter
3. Philip and Beverly Fleming, 1 November 2009 letter
4. Central Valley Water Board, 9 November 2009 response to 1 November letter
SECTION 8

ATTACHMENTS

1. 22 January 2002 letter from the California Department of Fish and Game (DFG)
2. 14 February 2009 Riprap Agreement with Pacific Gas and Electric