

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

and

**Regulatory Approvals for the Blackwood Creek Stream and Floodplain
Restoration Project Phase 3B**

PROJECT DESCRIPTION: The U.S. Forest Service – Lake Tahoe Basin Management Unit (LTBMU) has undertaken a multi-phase restoration effort to restore portions of the Blackwood Creek watershed affected by historic disturbances including in-stream gravel mining in the 1960s and nearly 100 years of grazing and logging.

In previous Blackwood Creek restoration phases, the LTBMU removed a dilapidated fish ladder, replaced an undersized culvert with a bridge span, and restored 2800 linear feet of degraded stream channel. This final phase of the LTBMU's Blackwood Creek restoration effort (Phase 3B) is expected to reduce excessive bank erosion and channel incision, improve floodplain connectivity, enhance wildlife habitat, and restore degraded riparian plant communities.

The LTBMU will accomplish these goals by constructing rock and log structures in the channel and on the floodplain, realigning select channel segments, restoring connectivity to historic channels, grading floodplain surfaces, and revegetating with native riparian species. A bypass channel constructed in the early 1960s will be plugged with coarse river substrate and the stream will be redirected to the historic main stem channel. Floodplain surfaces will be regraded as needed and stabilized with coarse native substrate.

The LTBMU has prepared a Storm Water Pollution Prevention Plan (SWPPP) that describes Best Management Practices (BMPs) that it will implement to control discharges of sediment from the site, identifies staging and access areas, and defines construction and post-project inspection and monitoring plans.

The LTBMU's SWPPP and Environmental Assessment, when considered together, describe measures the LTBMU will use to avoid or substantially lessen adverse environmental impacts associated with the Blackwood Creek Stream and Floodplain Restoration Project Phase 3B.

PROJECT LOCATION: Blackwood Creek, near Forest Service Road 15N38, Placer County

REGULATORY PROCESS: The restoration work will involve the discharge of waste earthen materials to waters of the State in the Project area. Such discharges are subject to regulation pursuant to the California Water Code section 13263.

The Water Board will regulate waste discharges associated with the LTBMU's implementation of the Blackwood Creek Stream and Floodplain Restoration Project Phase 3B 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; and (2) issuing Clean Water Act 401 Water Quality Certification. Therefore, the Water Board is the Lead Agency under CEQA.

PREVIOUS PUBLIC REVIEW: In August 2011 Water Board staff posted a draft Clean Water Act 401 Water Quality Certification and associated Basin Plan prohibition exemptions for the LTBMU's Blackwood Creek Stream and Floodplain Restoration Project Phase 3B on the Water Board's website and notified interested parties of the Executive Officer's intent to grant applicable prohibition exemptions. This action supersedes those previously circulated documents, and this Notice of Intent serves as a new notice of the Executive Officer's intent to grant the Basin Plan prohibition exemptions described in the draft Clean Water Act 401 Water Quality Certification concurrent with the adoption of 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 has developed an Environmental Assessment and Finding of No Significant Impact (EA/FONSI) for the Project, pursuant to NEPA. Water Board staff have reviewed the information contained in the LTBMU's EA/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 in compliance with CEQA guidelines. Supporting documentation, including the draft Clean Water Act 401 Water Quality Certification, the LTBMU's Storm Water Pollution Prevention Plan, and the LTBMU's EA/FONSI are all available on the Water Board's website at:

http://www.waterboards.ca.gov/lahtontan/water_issues/projects/blackwood_creek/

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, and included in the Storm Water Pollution Prevention Plan and draft Clean Water Act 401 Water Quality Certification. It also summarizes the mitigation measures contained in the Environmental Assessment. A discussion of growth inducing impacts and mandatory findings of significance, as required by CEQA, is also included in the CEQA checklist.

The CEQA checklist prepared by Water Board staff is different from that prepared by the LTBMU and included in its EA. The CEQA Checklist prepared by Water Board staff represents the Water Board's own review and analysis of the LTBMU's Blackwood Creek Stream and Floodplain Restoration Project Phase 3B and is the basis for the Mitigated Negative Declaration. The Checklist supports the Water Board's independent judgment that impacts from the Project will be mitigated to levels of insignificance, based on implementation of the mitigation measures summarized in the CEQA Checklist.

PUBLIC REVIEW PERIOD: The public review period for the draft Clean Water Act 401 Water Quality Certification and the CEQA Checklist/Mitigated Negative Declaration will extend from **April 10, 2012 to May 10, 2012**. Written comments or questions on these documents should be directed to the attention of Robert Larsen at the address below or via email to RLarsen@waterboards.ca.gov

Paper copies of these documents may be obtained by calling (530) 542-5400, 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.

Harold J. Singer
EXECUTIVE OFFICER

Date