

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

RESOLUTION R6T-2013-0047

**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.

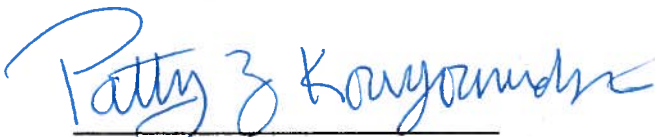
If user-created trails occur in a restoration area, the LTBMU shall conduct further restoration and place signage and physical barriers to prevent additional use. If the minimum square footage of restoration is not maintained over the three year period and additional restoration activities occur, the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