

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

RESOLUTION R6T-2014-0029

**UNITED STATES FOREST SERVICE–LAKE TAHOE BASIN MANAGEMENT UNIT,
WILLIAM KENT CAMPGROUND REDEVELOPMENT 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 December 2013, the United States Forest Service-Lake Tahoe Basin Management Unit (LTBMU) submitted the following information to the Water Board to obtain permits to implement facility upgrades and water quality improvements at the William Kent Campground facility:
 - a. The Final Environmental Assessment for the William Kent BMP Retrofit and Administrative Site Redevelopment Project (William Kent EA) dated February 2013, prepared by the LTBMU
 - b. The National Environmental Protection Act (NEPA) Decision Notice and Finding of No Significant Impact for the William Kent BMP Retrofit and Administrative Site Redevelopment Project (DN/FONSI) signed by the LTBMU Forest Supervisor on February 4, 2014
 - c. A draft Storm Water Pollution Prevention Plan (SWPPP) for William Kent BMP Retrofit Project 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).
 - d. A request for exemptions to prohibitions contained in the Water Quality Control Plan for the Lahontan Basin (Basin Plan).
2. The William Kent Campground is located on National Forest lands in Placer County approximately two miles south of Tahoe City, CA. The project area includes approximately 25 acres including a campground facility, administrative site and day-use beach area.
3. The William Kent Campground was first developed in 1924 and the current infrastructure dates to 1963. The campground has 95 campsite spurs, a paved road system, six flush toilet restroom facilities, a sewer dump station, and small check-in kiosk near the facility entrance. A Stream Environment Zone begins near the north-west corner of the property and stretches toward the southern boundary before terminating near the north-east corner of the property. Storm water from the

- surrounding neighborhood flows into the campground and is carried through the SEZ in a shallow man-made channel. A portion of the southern-most campground road and campsites are located within the SEZ.
4. The LTBMU released the William Kent EA on April 25, 2012, for a 30-day public comment period, and issued the final document in February 2013. The project analyzed in the William Kent EA includes: redevelopment of campground roads and facilities, beach area water quality improvements, SEZ restoration, construction of an administrative facility and wild-land firefighting station, and removal of the existing Meeks Bay fire station. The project for which the LTBMU is seeking permitting and prohibition exemptions does not include redevelopment of the campground bathrooms, removal of the Meeks Bay fire station, or development of an administrative facility and new fire station.
 5. Implementation of the proposed work requires discretionary approvals from the Water Board. The William Kent Redevelopment Project (hereafter referred to as the "Project"), a subset of the larger federal project, includes:
 - a. Redesign and upgrade of campground facilities:
 - i. Construct new and redesigned camping spurs to relocate campsites out of the SEZ
 - ii. Upgrade the waste dump station facility
 - iii. Upgrade potable water dispensers
 - iv. Relocate camp host sites
 - v. Redevelop the entrance road and information kiosk area
 - vi. Construct a new road and culvert across the SEZ
 - b. Day-use beach site water quality improvements to improve approximately 80-feet of storm water conveyance at the Lake Tahoe shorezone by excavating existing buried pipes and creating an open channel
 - c. Campground SEZ restoration and water quality improvements:
 - i. Construct micro-basins and swales for storm water retention and infiltration
 - ii. Remove approximately 1060 linear feet of paved road, multiple small culverts, and 12 campsites from the SEZ
 - iii. Reshape the storm water channel within the SEZ
 6. The Project is subject to the requirements of both 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 Water Board considered the William Kent EA and determined that additional information was needed to satisfy the requirements of CEQA. The Water Board prepared a Mitigated Negative Declaration, including a CEQA Environmental Checklist, 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.

8. On January 9, 2014 the Water Board provided notice of intent to adopt a Mitigated Negative Declaration for the Project (State Clearing House number 2014012017). The Mitigated Negative Declaration was circulated for a public comment period from January 9, 2014 to February 10, 2014.
9. Seven comment letters were received on the Mitigated Negative Declaration.
10. 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. Mitigation monitoring is described in the SWPPP and will be enforced through the Construction Storm Water Permit. 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.
11. The LTBMU requested an exemption to waste discharge prohibitions contained in the Basin Plan for the following Project activities that will be occurring within SEZs and below the high water rim of Lake Tahoe.
 - a. Campground storm water channel reshaping, requiring approximately 9,100-square feet of temporary SEZ disturbance and excavation of approximately 220-cubic yards
 - b. Paved roadway, culverts and campsite removal and restoration, requiring approximately 15,800-square feet of temporary SEZ disturbance and excavation of approximately 250-cubic yards
 - c. New road segment and culvert installation, requiring approximately 1,400-square feet of new permanent SEZ disturbance and placement of approximately 160-cubic yards of fill
 - d. Beach site storm water culvert removal, requiring approximately 800-square feet of temporary disturbance and placement of approximately 30-cubic yards of fill below the high water rim of Lake Tahoe
 - e. Beach site storm water open channel construction, requiring approximately 1,600-square feet of new permanent disturbance, excavation of approximately 202-cubic yards, and placement of approximately 50-cubic yards of fill below the high water rim of Lake Tahoe
12. The Basin Plan specifies the following discharge prohibitions:
 - a. *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)*

b. The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited. (Chapter 5, Waste Discharge Prohibitions, page 5.2-3)

13. The activities listed in Findings 11.a.-11.c. will result in the temporary and permanent discharges to SEZs and activities in Findings 11.d. and 11.e. will result in discharges to lands below the high water rim of Lake Tahoe; therefore, these activities require an exemption to the prohibitions stated in Finding 12 above.
14. The Project activities within the campground SEZ require an exemption to the prohibition in Finding 12.a. above. The Basin Plan contains a provision that the Water Board may grant exemptions to the prohibition stated in Finding 12.a. for outdoor recreation projects if all of the following findings can be made:

a. The project by its nature must be sited in an SEZ

The Project by its very nature must be located in the SEZ as the purpose is to restore SEZ within the William Kent campground while maintaining a connected road system within the facility. The William Kent Campground is located within a confined site, surrounded by non-Forest Service property on all sides. The SEZ boundary within the campground primarily follows the storm water channel that collects runoff from the surrounding neighborhood. During development of the campground in the 1960s a paved road was constructed through the SEZ within the campground. Because this Project will move a significant portion of the campground away from this SEZ, a minimized portion must remain to connect the road system. The Project will remove the road and campsites within the SEZ in south-eastern portion of the property. A storm water channel is adjacent to the paved road through much of this area. The channel will be reshaped from a V-shaped ditch to a broader swale to improve function, capacity, and more closely mimic natural conditions. To maintain access to the road and campsites in the south-western portion of the campground the LTBMU will construct a new segment of paved road and culvert to cross the SEZ and storm water channel.

b. There is no feasible alternative, which would reduce the extent of SEZ encroachment

There is no feasible alternative that would completely avoid encroachment in the SEZ and still maintain a functional and viable campground. The Project will reduce the number of campsites in the campground. The extent of SEZ encroachment is minimized by limiting the area of disturbance to a maximum of 10-feet on both sides of the road to be removed and along the storm water channel. One of the main goals of this project is to locate infrastructure away from SEZ. The portions of the Project within the SEZ boundary were minimized. The Project will reduce roadway crossings over the storm water channel from nine to four. The new SEZ crossing was located to minimize impacts to the SEZ. This crossing allows for access to the campsites in the south-west portion of the campground and maintains a one-way

loop for vehicle access through the campground. Maintenance of the one-way loop was critical to avoid significant impacts to traffic circulation within the facility.

The Project will reduce the amount of campground SEZ coverage from 23,028 square feet to 7,212 square feet.

c. Impacts are fully mitigated

Impacts in the SEZ will be mitigated through temporary Best Management Practices (BMPs) during construction and permanent BMPs post-construction. The LTBMU will implement design features and BMPs, as described within the SWPPP and Mitigated Negative Declaration. These BMPs will prevent construction activities from discharging sediment and other pollutants into the SEZ and limiting disturbance to within the Project footprint.

Specific BMPs include, but are not limited to: scheduling Project implementation when surface flows have ceased and the SEZ is dry; preservation of existing vegetation; waste management; sediment tracking prevention; and implementing stockpile and site management practices. Additionally, permanent BMP micro-basins will be constructed within the campground to capture and infiltrate storm water from impervious surfaces. These micro-basins will be one of the first features built to capture storm water runoff from construction activities. Permanent BMPs for disturbed SEZ areas will include uniform decompaction, recontouring the existing channel to mimic a natural swale condition, and application of wood mulch or hydromulch with native seed.

The LTBMU will monitor the temporary and permanent BMPs as described in the SWPPP. The LTBMU will monitor SEZ restoration areas the year following Project completion to assess stability and revegetation success.

d. SEZs are restored in an amount 1.5 times the area of SEZ disturbed or developed for the Project

The new permanent SEZ disturbance from the Project activities totals approximately 1,400-square feet. Approximately 15,800-square feet of existing SEZ impervious cover will be removed and restored through removal of the paved road and spurs. Recontouring the existing storm water channel to mimic a natural drainage swale will result in temporary SEZ disturbance of approximately 9100-square feet. The LTBMU will decompact and revegetate all areas of temporary SEZ disturbance. The Project is expected to result in expansion of the SEZ and improved water retention.

15. Removal of the existing storm water culverts and construction of the new open channel requires an exemption to the prohibition in Finding 12.b. above. The Basin Plan contains a provision that the Water Board shall grant exemptions to the prohibition in Finding 12.b. for restoration projects if all of the following findings can be made:

a. *The project is necessary for environmental protection.*

The restoration project will enable non-peak storm water flows to reduce velocity and infiltrate before reaching waters of Lake Tahoe. This provides an environmental protection benefit within the constraint of established adjacent land uses which generate the storm water runoff conveyed in the channel restoration project area. Approximately 80 feet of subsurface pipe will be replaced by a 110-foot long open channel.

b. *There is no reasonable alternative which avoids or reduces the extent of encroachment.*

The storm drain pipes at the beach site collect runoff from a portion of Highway 89, the William Kent Campground, and portions of the neighborhood above the campground. There are currently several infiltration basins that capture most surface water before entering the storm drain pipes, but a drainage location must remain to accommodate large storms in which surface water overtops the basins and flows into the lake.

To remove a portion of storm drain pipe and concrete headwall from the shoreline of Lake Tahoe at the day-use site there is no reasonable alternative which avoids or reduces encroachment below the high water of Lake Tahoe. The current pipe outfall and concrete headwall are located at 6227-foot elevation, approximately two feet below the high water elevation. The constructed channel maintains the slope and elevation of the pipe which will be removed. During periods of lake high water (elevation 6,229.1-feet), water will back into the channel as currently occurs within the pipe.

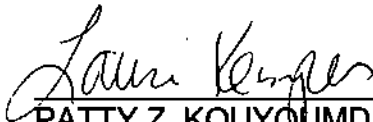
Project design includes stabilization of exposed slopes with boulders ranging in size from approximately three feet to one foot diameter, and grade control structures at the channel bottom and outfall. Fill from the channel excavation area will be placed in the void left by the pipes and the shorezone stabilized with boulders and gravels. There will also be willow stakes planted below this high water mark.

16. The Water Board has notified the Project proponent and interested agencies and persons of interest of its intent to adopt this Resolution. The draft Resolution was circulated for public comment from March 10-31, 2014.
17. The Water Board, in a public meeting, heard and considered all relevant comments pertaining to the proposed activities and the proposed Basin Plan prohibition exemptions.

THEREFORE, BE IT RESOLVED THAT:

1. The Project is necessary for SEZ restoration and for the LTBMU's long range plans for public outdoor recreation, and meets the eligibility criteria for exemptions to the Basin Plan waste discharge prohibitions as outlined in Findings 14 and 15 above.
2. The Water Board hereby grants exemptions to the Basin Plan prohibitions stated in Finding 12 above for the activities described in Finding 11 above.
3. The LTBMU shall conduct BMP implementation and monitoring as described in the Mitigated Negative Declaration and SWPPP.
4. Prior to construction commencing, the LTBMU must obtain 401 Water Quality Certification and coverage under the Construction Storm Water Permit.

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 April 9 and 10, 2014.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

