

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2016-0069

ADOPTING A MITIGATED NEGATIVE DECLARATION
AND
APPROVING AN INITIAL STUDY
FOR
SIERRA FOOTHILL CONSERVANCY
BEAN CREEK MEADOW RESTORATION PROJECT
MARIPOSA COUNTY

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds:

1. The Central Valley Water Board proposes to issue a Clean Water Act § 401 Water Quality Certification (Certification) for the discharge of fill material to waters of the United States by the Sierra Foothill Conservancy from its Bean Creek Meadow Restoration Project (Project).
2. The project is located on the Bean Creek Preserve off of Fiske Road, approximately 1.5 miles northwest of Greeley Hill, CA in Mariposa County., at latitude: 37.7533° and longitude: -120.1425°.
3. Issuing a Certification is a discretionary action that has the potential to cause direct or indirect effects on the physical environment. The Central Valley Water Board has assumed the role of lead agency pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).
4. The Central Valley Water Board conducted an Initial Study in accordance with California Code of Regulations, Title 14, §15063. Based on the results of the Initial Study, the Board prepared a Draft Mitigated Negative Declaration, which concludes that the Project will not have a significant effect on the environment after mitigation measures are incorporated into the Certification.
5. The Central Valley Water Board circulated the Initial Study and Draft Mitigated Negative Declaration for public review and comment using the State Clearinghouse on 1 July 2016. Copies of the Initial Study and Draft Mitigated Negative Declaration also were transmitted to or made available to all agencies and persons known to be interested in these matters.

6. In a public hearing, the Central Valley Water Board considered all public comments received, whether written or oral, regarding the Initial Study and Draft Mitigated Negative Declaration.
7. Based on the whole record before the Central Valley Water Board, there is no evidence the Project will have a significant effect on the environment, due to the incorporation of enforceable mitigation measures in the Certification. Sierra Foothill Conservancy has agreed to the incorporation of these mitigation measures.
8. The Certification requires implementation of a Monitoring and Reporting Program that will ensure that the Project will not create significant effects to the environment and that all of the mitigation measures incorporated into the Certification will be implemented. The Monitoring and Reporting Program will therefore satisfy the requirements of Public Resources Code section 21081.6(a)(1).

THEREFORE BE IT RESOLVED, that:

1. The Mitigated Negative Declaration reflects the independent judgement and analysis of the Central Valley Water Board.
2. The record before the Central Valley Water Board contains no substantial evidence that a fair argument could be made that the Project may have a significant effect on the environment.
3. The Central Valley Water Board hereby approves the Initial Study and adopts a Mitigated Negative Declaration in support of issuing a Certification for the discharge of fill material to waters of the United States by the Sierra Foothill Conservancy from its Bean Creek Meadow Restoration 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 19 August 2016.

Original signed by

PAMELA C. CREEDON, Executive Officer