

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

RESOLUTION NO. R6T-2013-0052

**SNOW CREEK STREAM ENVIRONMENT ZONE RESTORATION AND
RECREATION TRAIL PROJECT, PLACER COUNTY DEPARTMENT OF PUBLIC
WORKS - EXEMPTION TO A WASTE DISCHARGE PROHIBITION CONTAINED IN
THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION**

_____Placer County_____

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Placer County Department of Public Works (Applicant) submitted information to the Water Board to complete a Report of Waste Discharge (ROWD) and an Application for Clean Water Act Section 401 Water Quality Certification (WQC) for the Snow Creek Stream Environment Zone Restoration Project (Project). The Project objectives are to remove hard coverage at the site of a former concrete batch plant, install stormwater treatment facilities, restore a portion of stream channel, and construct a sidewalk and multi-use trail. The Project will result in an overall net reduction in hard coverage in Stream Environment Zone (SEZ) and other land areas.
2. The Project site is located at 450-500 National Avenue, in Tahoe City. Snow Creek is a perennial creek at the Project site, within the Lake Tahoe Hydrologic Unit No. 634.20.
3. The Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Chapter 5 specifies the following waste discharge prohibition:

The discharge or threatened discharge, attributable to new development or permanent disturbance in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe Basin is prohibited.
4. The proposed Project recreation trail would violate the above-cited prohibition as it involves land disturbance and discharge of earthen and fill material attributable to new development within SEZs in the Lake Tahoe Basin. The Project will impact a total of 76,657 square feet of SEZ due to temporary and permanent disturbance; however, this is primarily previously filled and covered wetland and SEZ. The disturbance includes (a) grading and paving for a new multi-use trail, (b) removing concrete and compacted soil fill in the area of the former concrete batch plant, and (c) restoring the creek channel and associated disturbed SEZ areas. Construction of

the multi-use trail will temporarily impact by grading or permanently disturb by hard coverage a total of 135 square feet of SEZ. The Class I trail will be constructed with a ten foot wide asphalt section and an eight foot wide elevated boardwalk section that crosses SEZ and wetland.

5. Due to the existing location of the former concrete batch plant and the alignment of the multi-use trail, both will be located within Stream Environment Zones (SEZs). The Project as proposed will create permanent and temporary disturbance to areas designated as SEZs. The Applicant evaluated several alternatives during the planning phase of the Project and chose the current plan, which will result in 135 square feet of permanent disturbance of previously undisturbed SEZ.
6. The primary purpose of the multi-use trail element of the Project is public recreation. The other purpose of the Project is to protect water quality in the Project area by means of erosion control and restoration. The proposed erosion control and restoration work is included on the TRPA EIP list for Soil Conservation/SEZ Restoration, and the multi-use trail is in accordance with the TRPA Lake Tahoe Regional Bicycle and Pedestrian Master Plan.
7. The Project multi-use trail exceeds the size limits for public recreation projects sited in SEZs that may be authorized by the Executive Officer under Resolution No. R6T-2008-0031, which delegates the authority to the Executive Officer to grant exemptions to the discharge prohibitions if recreation projects meet these specific conditions: (1) less than 2000 square feet of new ground disturbance in SEZ, and (2) less than 100 cubic yards of fill or excavation in SEZ will occur. The Project will disturb 135 square feet and cause 200 cubic yards of fill and 130 cubic yards of excavation in previously undisturbed SEZ. Since the Project exceeds the size limits in Resolution No. R6T-2008-0031, the Project must be considered by the Water Board.
8. The Basin Plan allows exemptions to the above-cited discharge prohibition (in Finding No. 3 above) for public recreation projects that meet the following exemption criteria:

- (a) The project by its nature must be sited in a SEZ.

The multi-use trail Project element is a linear recreation/transportation project that crosses Snow Creek at one location. Because SEZ areas are located between the proposed multi-use trail and the existing trail system, the bike path must cross SEZ areas to accomplish the Project goal of connecting the proposed trail with an existing Class 1 bike path. The proposed multi-use path is part of the Tahoe Regional Planning Agency's (TRPA) adopted Bicycle and Pedestrian Master Plan (National Avenue East Side Trail), and is a key link in Placer county's existing and planned bicycle path network. The Project, by its nature, must be sited in SEZs.

- (b) There is no feasible alternative which would reduce the extent of SEZ encroachment.

The multi-use trail has been designed and sited to minimize SEZ encroachment by reducing the trail footprint to the greatest extent possible in SEZ areas, while providing recreational benefits and water quality improvements. The boardwalk portion of the trail system will be constructed on concrete support structures and will otherwise avoid disturbance within the SEZ. There is no feasible alternative to connect the trails.

- (c) Impacts are fully mitigated.

Temporary impacts to SEZs will be mitigated by using erosion and sediment control BMPs, including seeding and mulching; revegetation of areas where clearing of vegetation or grading is required; and use of filter fences, fiber rolls, and gravel-bags. Permanent impacts to SEZs in the Project area, including boardwalk and bridge footings, will be mitigated through SEZ restoration and wetland creation.

- (d) SEZs are restored in an amount 1.5 times the area of SEZ disturbed or developed for the project.

The Project will incorporate SEZ restoration in excess of 1.5 times the amount of permanent disturbance proposed in these areas. The Project will result in 135 square feet of new SEZ disturbance, and will restore approximately 55,140 square feet (1.2 acres) of previously impacted SEZ at the Project site.

9. Exemptions to the above-cited discharge prohibition for restoration or erosion control projects on previously-developed SEZs are not required but are subject to regulation under provisions of the California Water Code. An exemption to the prohibition is not required for the restoration and erosion control elements of the Project.
10. Compliance with California Environmental Quality Act (CEQA, Public Resources Code 21000, et seq.) – The Applicant certified a Mitigated Negative Declaration (MND, State Clearinghouse No. 2011092035) on November 15, 2011, and filed a Notice of Determination on November 15, 2011 for the Snow Creek SEZ Restoration Project, pursuant to the CEQA. The Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations, title 14, section 15096, has considered the Applicant's MND for the Project and mitigation measures incorporated into the MND to reduce potentially significant water quality impacts to less than significant. As a result of the analysis, the Water Board finds the mitigation measures in the MND are adequate to reduce potentially significant water quality impacts to less than significant levels. The Applicant has applied for and must obtain a Clean Water Act Section 401 WQC Order from the Water Board to implement the Project. The Water Board will file a Notice of Determination for the above-referenced MND with the State Clearinghouse concurrently with the WQC that includes conditions and monitoring requirements to verify the implementation of the water quality-related aspects of the Applicant's CEQA Mitigated Negative Declaration.

11. The Water Board has notified the Applicant and interested agencies and persons of its intent to adopt this Resolution by posting to a list server and on the Water Board's internet website.
12. The Water Board, in a public meeting, heard and considered all comments and determined that the Project satisfies the exemption criteria stated above.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Finding Nos. 7 and 8, above, the criteria established for exemption to the Basin Plan prohibition stated in Finding No. 3 are satisfied for the Snow Creek SEZ Restoration and Recreation Trail Project.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 3 for the Snow Creek SEZ Restoration and Recreation Trail Project, on the condition that:
3. Prior to initiating any construction activity or disturbance in waters of the U.S., SEZ, or other waters subject to State regulation, the Applicant must obtain for the Project a WQC Order from the Water Board.

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, 2013**.


PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment: A. Project Vicinity and Project Site Map

ATTACHMENT A: Project Vicinity and Project Site Map

