



California Regional Water Quality Control Board  
Lahontan Region



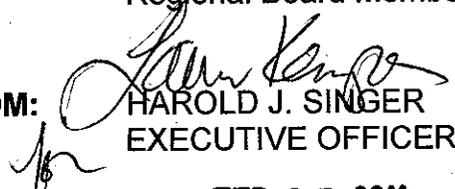
Linda S. Adams  
Secretary for  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger  
Governor

**MEMORANDUM**

TO: Regional Board Members

FROM:   
HAROLD J. SINGER  
EXECUTIVE OFFICER

DATE: FEB 25 2011

SUBJECT: EXEMPTION TO DISCHARGE PROHIBITION CONTAINED IN THE  
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION  
FOR THE SQUAW VALLEY SKI CORPORATION'S CULVERT  
REMOVAL PROJECT, PLACER COUNTY, NEVADA COUNTY - WDID  
NO. 6A311008002

In 10 days, I intend to sign an exemption to the discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan), and also grant 401 Water Quality Certification, for the Squaw Valley Ski Corporation's Culvert Replacement project. The exemption will allow Squaw Valley Ski Corporation (SVSC) to complete mitigation measures required by the Consent Agreement and Stipulation for Entry of Final Judgment that was entered on August 26, 2005. This project consists of removing an existing culvert and associated fill material located within the South Fork of Squaw Creek, replacing it with a span and associated abutments located entirely outside the 100-year flood plain area, and stabilizing/restoring the 0.016 acres (720 square feet) of flood plain and creek bed previously impacted by the culvert.

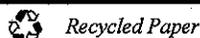
A public notice soliciting comments on the proposed Project will be posted on the Water Board's website for 10 days.

Please contact Eric Taxer at (530) 542-5434, or me at (530) 542-5413, if you have any questions or comments regarding this matter.

Enclosure: Draft Water Quality Certification Order for Squaw Valley Ski Corporation's Culvert Removal Project

EJT/dhT: Squaw Valley Ski Corp., Culvert Removal, MEMO 2010-08-18 EJT  
File Room Under: 6A311008002 (new file)  
Cross File: WDID No. 6A310118070 and 6A31C323289

*California Environmental Protection Agency*





# California Regional Water Quality Control Board

## Lahontan Region



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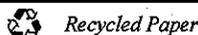
Michael Gross, Director of Planning  
Squaw Valley Ski Corporation  
P.O. Box 2007  
Olympic Valley, California 96146

### **ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND EXEMPTION TO THE 100-YEAR FLOOD PLAIN WASTE DISCHARGE PROHIBITION WITHIN THE TRUCKEE RIVER HYDROLOGIC UNIT, SQUAW VALLEY SKI CORPORATION'S CULVERT REMOVAL PROJECT, OLYMPIC VALLEY, PLACER COUNTY – WDID NO. 6A311008002**

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee for the Culvert Removal Project (Project) in Olympic Valley, Placer County. The Lahontan Water Board also received information to support granting an exemption from a waste discharge prohibition in the Lahontan Water Board's Water Quality Control Plan for the Lahontan Region (Basin Plan). Based upon the information provided in the application and subsequent correspondence, it is our determination that the project is also in accordance with the required conditions of Lahontan Water Board Order No. 6-93-25 (Updated Waste Discharge Requirements for Squaw Valley Ski Area, WDID No. 6A310118070), all of the requirements of which are applicable to this Project. This Order for WQC hereby assigns this Project Waste Discharge Identification (WDID) No. 6A311008002. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*California Environmental Protection Agency*



**PROJECT DESCRIPTION****Table of Project Information:**

WDID Number	6A311008002
Applicant	Michael Gross Squaw Valley Ski Corporation PO Box 2007 Olympic Valley, CA 96146
Project Name	Culvert Replacement Project
Project Purpose and Description	Remove an existing 4-ft x 6-ft culvert and associated fill material located within the South Fork of Squaw Creek, replace it with a 30-ft span and associated abutments located entirely outside the 100-year flood plain area, and stabilize/restore the 0.003 acres of flood plain and creek bed previously impacted by the culvert.
Location (closest City & County)	Olympic Valley, Placer County
Location Latitude / Longitude	Latitude: 39.1896° N Longitude: -120.2460° W
Hydrologic Unit(s)	Truckee River Hydrologic Unit 635.00; Truckee River Hydrologic Area 635.20
Project Area	0.016 acres (720 square feet)
Receiving Water(s) Name	South Fork Squaw Creek
Water Body Type(s)	Intermittent Stream
Wetlands within the Project area	None (wetland areas will be restored by removal of culvert and fill materials)

Area of Permanent Fill/Excavation of Water(s) of the U.S.	None
Permanent Impacts to Water(s) of the U.S. Linear Feet	None
Volume of Impacts to Water(s) of the U.S.	20 cubic yards (to be removed to restore channel)
Temporary Impacts to Water(s) of the U.S.	0.003 acres (131 square feet)
Federal Permit(s)	The Applicant has received U.S. Army Corps of Engineers (ACOE) authorization to proceed under an ACOE Nationwide Permit No. 27, Aquatic Habitat Restoration, ID No. SPK-2010-00911
Non-Compensatory Mitigation	During construction of the Project, the Applicant will follow Best Management Practices designed to minimize the short-term degradation of water quality.
Compensatory Mitigation	None Required
Applicable Fees	\$648.00
Fees Received	\$648.00
Fees Due	0

**CEQA COMPLIANCE**

Placer County determined that the Project is Categorically Exempt on June 29, 2010, pursuant to the California Environmental Quality Act (CEQA Public Resources Code 21000, et seq.).

The Lahontan Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations, Title 14, section 15096, has considered Placer County's exemption verification for the Project. Lahontan Water Board staff has determined that the Project is categorically exempt from the California Environmental Quality Act,

pursuant to title 14, chapter 3, article 19, sections 15301 (Class 1 – Existing Facilities), 15302 (Class 2 - Replacement or Reconstruction), and 15304 (Class 4 – Minor Alterations to Land).

### **EXEMPTION TO THE 100-YEAR FLOOD PLAIN PROHIBITION**

The Lahontan Water Board has delegated authority to the Executive Officer to grant exemptions to the 100-year flood plain discharge waste prohibition in the Truckee River Hydrologic Unit for specific discharges when certain conditions are met. The Project and associated mitigation plan meet the following conditions:

1. Less than 1000 square feet of new impervious coverage or less than 2000 square feet of new ground disturbance or less than 100 cubic yards of fill or excavation within the flood plain will occur:

*Total flood plain disturbance associated with the project is 131 square feet, all of which is existing disturbed area associated with the existing culvert.*

2. The Project's primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution:

*The primary purpose of the Project is to complete mitigation measures required by the Consent Agreement. The flood plain impacts that will result from the Project are solely related to restoring a section of stream to its natural condition by replacing a 4-ft x 6-ft culvert section with a 30-ft span that crosses the drainage in its entirety, enhances riparian habitat by removing 20 cubic yards of fill material, and allows for storm flows to pass.*

3. Project meets the exemption criteria set forth in the Basin Plan:

- a. *The project is solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value to previously disturbed floodplain areas.*

The Project has been developed solely to complete mitigation measures required by the Consent Agreement. The mitigation measures were developed to restore the functional value of previously-disturbed flood plain by allowing the natural passage of storm flows.

- b. *There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.*

The Project consists of 100-year flood plain restoration and must be located within the flood plain. The Project will only impact previously disturbed areas.

- c. *The project, by its very nature, must be located within the 100-year flood plain. The determination of whether a project, by its very nature, must be located in the 100-year flood plain shall be based on the kind of project proposed, not the particular site proposed.*

The purpose of the Project is to remove a 4-ft x 6-ft culvert from the surface water, replace it with a 30-ft span located entirely outside the flood plain area, and to restore the previously-impacted creek section and its flood plain and riparian areas. Such stream and flood plain restoration activities by their very nature must be located within the prohibition area.

- d. *The project incorporates measures which will ensure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance.*

The Project incorporates appropriate best management practices to ensure that any erosion and surface runoff problems are mitigated to levels of insignificance. Procedures will be implemented to prevent the discharge of waste earthen materials within the drainage. The project will be conducted during a period when flows will not be expected to occur within the drainage (this is an ephemeral creek).

- e. *The project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.*

The project includes the enhancement of a degraded creek section. Further, the project will stabilize a section of South Fork Squaw Creek. The results of these project elements and the use of temporary and permanent best management practices will reduce erosion and sediment discharges into Squaw Creek and the Truckee River. The project will improve water quality, not degrade it.

Based on the information contained in the application submitted by Squaw Valley Ski Corporation, the Project meets the above-listed criteria. I hereby grant an exemption to Basin Plan prohibition 4(c) as cited in the Basin Plan, for the Project. The Project may be constructed in accordance with the information submitted in the application, the terms of the Water Quality Certification, and in accordance with the terms established under the General Permit.

## **SECTION 401 WATER QUALITY CERTIFICATION**

### **Authority**

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to waters of the United States, shall provide to the permitting

agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. Squaw Valley Ski Corporation has submitted a complete application and an application fee for Water Quality Certification under Section 401 for the Culvert Replacement Project. The Applicant has applied for and obtained ACOE authorization to proceed under a Nationwide Permit No. 27, pursuant to CWA section 404.

California Code of Regulations (CCR) Title 23, Section 3831(e) grants the Lahontan Water Board Executive Officer the authority to grant or deny water quality certification for projects in accordance with Section 401 of the CWA. The Project qualifies for such water quality certification.

### **Standard Conditions**

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code Section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither project construction activities nor operation of the project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The project must be constructed and operated in accordance with the project described in the application for water quality certification that was submitted to the Lahontan Water Board. Deviation from the project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including project operation, must be submitted to the Executive Officer for prior review and written approval.

6. The Lahontan Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act, or as appropriate to coordinate the operations of this project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
7. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the applicant must obtain authorization for the take prior to construction or operation of the project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the project authorized under this certification.

#### **Additional Conditions**

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification

1. The Project must comply with all applicable requirements specified by Water Board Order No. 6-93-25.
2. Equipment must be steam cleaned before starting work within the project boundary and will be continually monitored for leaks.
3. An emergency spill kit must be at the project site at all times.
4. The project must comply with the conditions contained in the *Project Guidelines for Erosion Control in the Lahontan Region* (enclosed).
5. Lahontan Water Board staff must be notified 48 hours prior to commencement of ground disturbance.
6. Lahontan Water Board staff must be permitted to enter the project site and sample any discharge.

7. By **November 1, 2011**, submit to this office documentation that the Project has been constructed pursuant to the plans reviewed by this office or a schedule for completing any remaining project activities. This report must provide photographs identifying pre-project and post-project conditions.
8. By **September 1, 2012**, submit to this office photographs documenting channel and overall project site stability through the first year. If any instability is documented, then submit a corrective action plan for implementing additional stabilization measures prior to October 15, 2012.

### **Enforcement**

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
2. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (State Water Board) or the California Regional Water Quality Control Board (Lahontan Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Lahontan Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Lahontan Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

### **Section 401 Water Quality Certification Requirements Granted**

I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this water quality certification order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have any questions, please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432.

HAROLD J. SINGER  
EXECUTIVE OFFICER

Enclosure: Project Guidelines for Erosion Control in the Lahontan Region

cc (w/enc): Dave Smith / Wetlands Regulatory Office (WTR-8), US EPA, Region 9  
(via email at [smith.david@epa.gov](mailto:smith.david@epa.gov))

Bill Orme / State Water Resources Control Board, Division of Water Quality  
(via email at [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))

Erin Hess / U.S. Army Corps of Engineers, Sacramento Office  
California Dept. of Fish and Game, Region 2 (Rancho Cordova Office)

Nancy Cushing, President/Squaw Valley Ski Corporation

Mike Livak, General Manager/Squaw Valley Ski Corporation

Stacy Wydra/Placer County Planning Department

Marcus Bole/Marcus H. Bole & Associates

Kim Niemeyer/SWRCB, Office of Chief Counsel

Janill L. Richards, Deputy Attorney General/Department of Justice, Office  
of the Attorney General

EJT/0117 Squaw Valley Ski Corp - Culvert Removal, DRAFT, 2010-08-18 EJT.doc  
File: WBD NO. 6A311008002 / Cross file WBD NO. 61310118070 and 6A31C323289