



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Water Board Members

FROM:  HAROLD J. SINGER
EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: AUG 06 2008

SUBJECT: EXCEPTION TO DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION AND ACCEPTANCE OF BIG MEADOW TRAIL MAINTENANCE AND REPAIR PROJECT PROPOSAL FOR TAHOE RIM TRAIL UPGRADES IN BIG MEADOW, EL DORADO COUNTY

Please see the enclosed draft letter granting an exception to the discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* for the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) for upgrades to maintain the existing Tahoe Rim Trail segment that crosses Big Meadow in El Dorado County. The exception will allow the project proponent (LTBMU) to upgrade a trail segment that is currently resulting in meadow degradation. The proposed activities include applying surface rock to raise the elevation of the existing 18 inch wide trail by 6 inches so that the crowned trail will be above the level of the meadow vegetation and will not channel surface water. The LTBMU further proposes to construct a 3 feet wide by 1 foot deep causeway across a 75-foot portion of Big Meadow. Surface level cross drains will be incorporated into the final trail and causeway design to maintain water flow across the meadow. Big Meadow is a Stream Environment Zone within the Lake Tahoe Basin.

The project will be conducted under U.S. Army Corps of Engineers Nationwide General Permit No. 16, subject to Clean Water Act section 401 certification (application pending).

The project meets requirements for an exception to the discharge prohibition. A public notice soliciting comments on the proposed prohibition exception will be posted on the Water Board's website for 10 days. I intend to grant the exception after this time if no adverse comments are received.

California Environmental Protection Agency

If you have any questions or comments regarding this matter, please contact Douglas Cushman at (530) 542-5417.

Enclosure: Draft Prohibition Exception Letter

cc: Laurel Ames
Michael Donohoe
League to Save Lake Tahoe

DC/clhT: Big Meadow Trail Exception memo
[File: USFS LTBMU-Big Meadow Trail]



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Garrett Villeneveau
USDA Forest Service
Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150

EXCEPTION TO DISCHARGE PROHIBITIONS CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION, BIG MEADOW TRAIL MAINTENANCE AND REPAIR PROJECT, EL DORADO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff has reviewed the project description and monitoring plan you provided for the above mentioned project, and have determined that it meets the eligibility criteria for an exception to the discharge prohibitions contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan).

PROJECT DESCRIPTION

Table of Project Information:

Applicant	Garrett Villeneveau USDA Forest Service Lake Tahoe Basin Management Unit 35 College Drive South Lake Tahoe, CA 96150
Project Name	Tahoe Rim Trail Big Meadows Project (Project)
Project Purpose and Description	Conduct trail upgrade activities on approximately 875 feet of existing trail. Propose activities are to construct a 3 foot wide by 1 foot high causeway along 74 feet of trail, and create 800 feet of 1.5 foot wide by 0.5 foot high crowned trail.
Location (closest City & County)	The project site is located in Big Meadow in El Dorado County. Freel Peak USGS Quadrangle Map T 11N R 18E Section 21

Hydrologic Unit(s)	South Tahoe Hydrologic Area 634.10	
Project Area	0.03 acres (1200 square feet)	
Receiving Water(s) Name	Big Meadow Creek, tributary to Upper Truckee River	
Water Body Type(s)	Perennial Streams, wetland	
Area of New Disturbance	<i>Area (sq. ft.)</i>	<i>Project section description</i>
	111	Construction of a causeway with cross drains where trail is currently lower than meadow elevation and channels water.
Linear feet of Permanent Fill	873 linear feet of fill to raise trail elevation slightly above meadow elevation.	
Volume of Fill	30 cubic yards of fill	
Borrow Source	Borrow material will be taken from areas north and south of the meadow outside of the Stream Environment Zone (SEZ). Borrow areas will be re-contoured and re-vegetated	
Federal Permit(s)	The applicant has sought authorization to proceed under a U.S. Army Corps of Engineers (USACOE) General Permit No.16.	
Project Timing	Activities will occur in late summer when the meadow is dry.	

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

To protect beneficial uses and achieve water quality objectives for the waters of Lake Tahoe and its tributaries, the Basin Plan specifies the following 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.

The proposed Project is located within SEZ. The project by its very nature will involve waste discharges and disturbance that will impact SEZ areas.

Prohibition Exemption

The Basin Plan sets forth criteria for granting exceptions to the above-cited prohibition.

The primary purpose of the Project is to improve meadow function and to improve water quality by preventing trail widening that results from users bypassing areas of wet trail. The Project includes (1) elevating the trail to prevent flow diversion and erosion, (2) constructing cross drains to allow surface water access to both sides of the trail, and (3) narrowing the width of the trail from 3 feet to 1.5 feet across the meadow.

The Basin Plan allows exceptions to the above-cited discharge prohibition for Stream Environment Zone restoration projects where all of the following findings can be made:

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

The Project involves maintaining an existing trail that is currently below the elevation of the meadow. During spring runoff this portion of the trail is saturated and users have created new trails around ponded areas. These generate mud that has the potential deliver sediment to Big Meadow Creek and ultimately into Lake Tahoe. The project is necessary for environmental protection.

- b. *There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the Stream Environment Zone.*

The Project is to upgrade an existing historic trail which is located within the SEZ. The LTBMU conducted an alternatives analysis to assess the viability of re-routing the trail to the east or west of Big Meadow. Both routes involved the need for fill material within the SEZ to allow for proper meadow hydrologic function. To re-route the trail to the west would require approximately 42 cubic yards of additional fill in the SEZ. To re-route the trail to the east would require approximately 39 cubic yards of additional fill in the SEZ. Even if the trail were re-routed, LTBMU recreation specialists predict that the trail across the meadow would still be used for social use and short-cutting. Wildlife surveys also identified a goshawk nest on the eastern side of the meadow which would present management issues if the trail is relocated into the forest surrounding the meadow. Improving the existing trail is the alternative that will best reduce impacts to the meadow from trail use. There is no reasonable alternative which avoids or reduces the encroachment in the SEZ.

- c. *Impacts are fully mitigated.*

Temporary impacts during construction will be controlled by Best Management Practices. The project will be conducted using hand crews and wheel barrows. The borrow areas for fill material are outside of the SEZ and will be re-contoured and re-vegetated post-project. The project will be implemented during late

summer when the meadow is dry. No compensatory mitigation is otherwise required because this project is needed for environmental protection. Impacts are fully mitigated. The LTBMU has submitted a monitoring proposal that involves visual monitoring of the trail during the most saturated time (during spring snow melt) to ensure that surface water flow across the meadow is not impeded by the trail. Botanical surveys will also be conducted to verify that meadow vegetation is not significantly different on either side of the trail. Annual monitoring results will be submitted to the Water Board by December 1 for five years after project implementation.

Based on the submitted information the proposed discharges from the project meet the above-listed criteria. Under the authority that the Water Board delegated to me in adopting RESOLUTION NO. R6T-2008-0031, I hereby grant an exemption to the Basin Plan prohibition cited above for the Tahoe Rim Trail Big Meadow Project.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Douglas Cushman, Water Resources Control Engineer, at (530) 542-5417.

HAROLD SINGER
EXECUTIVE OFFICER

cc: Laurel Ames
Michael Donohoe
League to Save Lake Tahoe

DC/clht: Big Meadow Trail Draft Prohibition letter.doc
[File: USFS LTBMU-Big Meadow Trail]