



Lahontan Regional Water Quality Control Board

March 27, 2013

Daniel Wilkins
Public Works Director
Town of Truckee
10183 Truckee Airport Road
Truckee, CA 96161

ORDER NO. R6T-2013-0021, CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND 100-YEAR FLOODPLAIN WASTE DISCHARGE PROHIBITION EXEMPTION FOR THE BROCKWAY ROAD TRAIL PROJECT, TOWN OF TRUCKEE, NEVADA COUNTY, WDID 6A291108002

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application, information to support granting an exemption from a waste discharge prohibition in the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan) and application filing fee for the Brockway Road Trail Project (Project) in Nevada County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A291108002. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the 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_or will be provided upon request.

PROJECT DESCRIPTION

Table of Project Information:

| WDID Number | 6A291108002 | | | | |
|-------------|--|--|--|--|--|
| Applicant | Daniel Wilkins | | | | |
| | Public Works Director, Town of Truckee | | | | |
| | 10183 Truckee Airport Road | | | | |
| | Truckee, CA 96161 | | | | |

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

Table of Project Information Continued:

| Table of Project | | | | | | | | |
|---|--|---|----------------|----------------|--------------------|----------------|---------------------------------------|--|
| Agent | | Kang, JBR Environmental Consultants | | | | | | |
| | 595 Double Eagle Court, Suite 2000 | | | | | | | |
| | Reno, NV 895 | 521 | | | | | | |
| Project Name | Brockway Road Trail Project | | | | | | | |
| Project Purpose | The Applicant proposes to construct a 2,640 linear section of class 1 multi- | | | | | | | |
| and Description | use trail for pedestrians, bicyclists, and other non-motorized users that will | | | | | | | |
| | be approximately 8 to 10 feet wide. The trail would cross 0.035 acres | | | | | | | |
| wet meadow wetlands. The trail would also cross a wetland ditch/swa | | | | | | | | |
| | but would minimize permanent impacts by using a bottomless arch | | | | | | | |
| | to span the ditch/swale. On-site mitigation for the loss of 0.035 acres of | | | | | | | |
| | wetlands is proposed by means of re-establishing 0.064 acre of wetland | | | | | | | |
| | through (a) removing material historically dredged from the ditch/swale and | | | | | | | |
| | placed on the seasonal wetland, and (b) removing the existing culvert | | | | | | | |
| | crossing the wetland ditch and replacing it with the arch culvert, which | | | | | | | |
| | involve reshap | oing (flatte | ning) the c | litch/swale | banks. | | | |
| Project County Nevada | | | | | | | | |
| Project Type | Multi-Use Trail Project | | | | | | | |
| Project Address or | North of Brockway Road between Estates Drive and The Rock | | | | | | | |
| other Locating development within the Town of Truckee | | | | | | | | |
| Information | | | | | | | | |
| Location | Latitude: 39.323888 Longitude: 120.167723 | | | | | | | |
| Latitude/Longitude | | | | | | | | |
| Hydrologic Unit(s) | Truckee River Hydrologic Unit, 635.00 | | | | | | | |
| Project Area | 2.2 acres (see Enclosure 1) | | | | | | | |
| Receiving | Wetlands and drainage ditch/swale tributary to the Truckee River | | | | | | | |
| Water(s) Name | | | | | | | | |
| Water Body | Swale and seasonal wetland | | | | | | | |
| Type(s) | | | | | | | | |
| Designated | MUN, AGR, GWR, FRSH, REC-1, REC-2, COMM, COLD, WILD, BIOL, | | | | | | | |
| Beneficial Uses | RARE, MIGR, SPWN, WQE, FLD | | | | | | | |
| Potential Water | Discharge of materials to ditch/swale from Project construction.t | | | | | | | |
| Quality Impacts | | | | | | | | |
| Area of Water(s) | 1.35 acres of wetland meadow and wetland ditch/swale | | | | | | | |
| of the U.S. | | | | | | | | |
| (WOUS) within | | | | | | | | |
| the Project area | Matarhadir Darmanant Tananana | | | | | | | |
| Project Impacts | | Waterbody Permanent Temporary Type Acres / Linear Cubic Acres / Linear Cubic | | | | | | |
| (Fill) to Waters of | Туре | Acres / Sq. Ft. | Linear Feet | Cubic Yards | Acres / Sq. Ft. | Linear Feet | Yards | |
| the State, including WOUS. | Lake | 3q. i t. | 1 661 | Talus | 3q. i t. | 1 661 | Tarus | |
| including WOOS. | Riparian | | | | | | | |
| | Stream | | | | 0.008 | | | |
| | Siream | | 40' | | ac | 40' | | |
| | Wetland | 0.035 | 4001 | | | | | |
| | | ac | 120' | | | | | |
| Federal Permit(s) | The Applicant has applied for U.S. Army Corps of Engineers (USACOE) | | | | | | SACOE) | |
| . , | authorization t | authorization to proceed under a Nationwide Permit No. 14 (transportation | | | | | | |
| structures including bike trails), pursuant to Clean \ | | | | | | er Act sec | tion 404. | |
| | | | | | | | · · · · · · · · · · · · · · · · · · · | |

Table of Project Information Continued:

| Non- Compensatory Mitigation | A detailed Water Diversion and Sampling Plan is required for diverting flows in the wetland ditch/swale. The Project will comply with the State-wide Construction Storm Water Permit. Best Management Practices (BMPs) will be employed on the site at all times, and throughout construction, including BMPs for stormwater treatment, source control and post-construction. | | | |
|------------------------------------|---|--|--|--|
| Compensatory Mitigation | The Wetland Mitigation and Monitoring Plan dated December 18, 2012 proposes mitigation for the loss of 0.035 acre wetlands by (a) establishing 0.056 acre wetland within the wet meadow that was previously degraded by placement of fill from the nearby drainage channel, (b) re-establishing 0.008 acre of wetland in the drainage ditch/swale by removing an existing culvert, and (c) protecting about 0.5 acre seasonal wetland by removing culvert in (b) and preventing parking in the wetland area. Total mitigation ratio of wetland created to wetland impacted is 1.83:1. | | | |
| Applicable Fees | \$1,841 (\$944 application fee plus \$755 for 80 linear feet of permanent and temporary channel impacts at \$9.44 per linear feet of impact plus \$142 for 0.035 acre of permanent impacts to wetlands at \$4,059 per acre of impact) | | | |
| Fees Received \$640 | | | | |

CEQA COMPLIANCE

The Town of Truckee certified a Mitigated Negative Declaration (State Clearinghouse No. 2009112093) on February 10, 2010, for the Project, pursuant to the California Environmental Quality Act, (CEQA Public Resources Code 21000, et seq.).

The Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations, Title 14, section 15096, has considered the Mitigated Negative Declaration (MND) for the Project and mitigation measures incorporated into the MND to reduce potentially significant water quality impacts to less than significant with mitigation. As a result of the analysis, the Water Board finds, with the conditions required herein, the mitigation measures in the MND are adequate to reduce potentially significant water quality impacts to less than significant. This Order includes mitigation monitoring requirements for impacts to waters of the state, including WOUS.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

The Water Board has adopted a Basin Plan, which specifies the following discharge prohibition:

"4.(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

The proposed Project would violate the prohibition as it involves disturbance within the 100-year floodplain of the Truckee River. The Water Board may grant an exception to the above-cited prohibition under certain conditions.

PROHIBITION EXEMPTION

The Basin Plan allows exemptions to the above-cited discharge prohibition for projects that meet the following exemption criteria:

1. The Project purpose is included in one or more of the five categories listed in Section 4.1 of the Basin Plan: "(1) projects solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value to previously disturbed floodplain areas; (2) bridge abutment, approaches, or other essential transportation facilities identified in an approved county general plan; (3) projects necessary to protect public health or safety or to provide essential public services; (4) projects necessary for public recreation; and (5) projects that will provide outdoor public recreation within portions of the 100-year floodplain that have been substantially altered by grading and/or filling activities which occurred prior to June 26, 1975."

The Project, which is to construct a paved multi-use trail for pedestrians, bicyclists, and other non-motorized uses, is necessary for public recreation. The Project involves construction of 2,640 feet long (0.5 mile) by 8 to 10 feet wide trail north of Brockway Road and south of the Ponderosa Golf Course. The section of trail is part of the Truckee Trails and Bikeway Master Plan as adopted by the Town Council in April of 2002 and amended in 2007. The western end of the proposed trail will connect to the existing trail that currently ends at Estates Drive at the Truckee River Regional Park. The eastern end of the proposed trail will connect to the existing trail that terminates at "The Rock" development. The Project is necessary to connect the trail system that parallels Brockway Road and continue to provide public recreation.

2. There is no reasonable alternative to locating the Project or portions of the Project within the 100-year floodplain.

The western end of the existing trail, to which this portion of trail will connect, is located on the northern side of a wetland ditch/swale and must cross the ditch/swale in order to continue to parallel Brockway Road and connect to the eastern portion of the existing trail. The 100-year floodplain of the wetland ditch/swale extends to the top of the ditch/swale bank. Two sections of the ditch/swale will be affected by the proposed Project and 0.035 acre of wetland will be permanently impacted. The required crossing at the western end of the Project entails installing 40 linear feet of precast concrete arch culvert that will span the wetland ditch/swale to minimize wetland impacts. The second area of the wetland ditch/swale that will be affected by the Project is approximately 200 feet to the east where an existing culvert allows vehicle access between a parking lot to the north and the area to the south of the wetland ditch/swale where existing degraded wetlands exist. To mitigate for permanent impacts to 0.035 acre of unavoidable wetland impact for the proposed trail, this culvert will be removed and the 40 linear feet of fill will be removed from ditch/swale, restoring 0.008 acre of wetland. The remaining mitigation will be obtained from restoring a degraded portion of the wetland within the Project right-of-way to the south of the wetland ditch/swale. An additional 0.056 acre of wetland will be created/added to the existing wetland for a total mitigation of 0.064 acre

(1.83:1 mitigation ratio). The trail must cross this wetland ditch/swale and wetland to the south of the ditch/swale in order to connect to the eastern section of the existing trail (see enclosure). Thus, there is no reasonable alternative to locating portions of the Project in the 100-year floodplain.

3. The Project, by its very nature, must be located within the 100-year floodplain.

Due to the location of the existing trail, the Project, by its very nature must be located within the 100-year floodplain of the wetland ditch/swale that is tributary to the Truckee River. As described in 1 above, the trail must cross the wetland ditch/swale and must provide mitigation for permanent wetland impacts, which involves removing 40 feet of culvert in wetland ditch/swale. Therefore, the Project, by its very nature, must be located within the 100-year floodplain.

4. The Project incorporates measures that will ensure any erosion and surface runoff problems caused by the Project are mitigated to levels of insignificance.

The Applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) with Best Management Practices (BMPs) for the Project, including controls for stormwater treatment (gravel shoulders and detention areas), source control (stockpile covers, slope covers, and silt fences) and post-construction BMPs (reseeding and permanent detention areas). The Project incorporates BMPs to ensure that erosion and surface runoff problems caused by the Project will be mitigated to levels of insignificance.

5. The Project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.

The Project will result in minor impacts within the 100-year floodplain. Once the Project is complete, the Applicant will stabilize the portion of the Project site temporarily disturbed during Project implementation and remove excess earthen materials not utilized in construction. The Project will not degrade water quality or impair beneficial uses of water.

The Project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. All 100-year floodplain areas and volumes lost as a result of the Project must be completely mitigated by restoration of previously-disturbed floodplain within or as close as practical to the Project site. The restored, new, or enlarged floodplain shall be sufficient area and volume to more than compensate for the flood flow attenuation capacity, surface flow treatment capacity, and ground water flow treatment capacity which are lost as a result of the Project. This finding will not be required for: (1) essential public health or safety projects, (2) projects to provide essential public services for which the Regional Board finds such mitigation measures to be infeasible because the financial resources of the entity proposing the Project are severely limited, or (3) projects for which the Regional Board finds (based on evidence presented by the proposed discharger) that the Project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. Removing the 40 linear feet of 36-inch diameter culvert from the ditch/swale will increase the floodplain volume and flood attenuation capacity in the ditch/swale. Approximately 35 feet of wetlands would be re-established along the bottom of the ditch/swale, which would slightly increase the flow treatment and groundwater infiltration function of the ditch/swale. Thus, there will be no net fill or reduction in the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. Instead, there will be a slight increase in the above.

<u>DELEGATION AUTHORITY FOR GRANTING AN EXEMPTION</u>

The Water Board has delegated authority to the Water Board Executive Officer pursuant to Resolution No. R6T-2008-0031 to grant exceptions to the 100-year floodplain discharge prohibition in the Truckee River Hydrologic Unit for specific discharges where the proposed Project meets the conditions required for a waiver of waste discharge requirements or for approval under WQC. The Project will be regulated under the terms and conditions of this Clean Water Act Section 401 WQC Order, which includes coverage under general waste discharge requirements of State Water Resources Control Board Order No. 2003-0017-DWQ.

PROHIBITION EXEMPTION GRANTED

The Water Board has notified the Project proponent and interested agencies and persons of its intent to adopt this prohibition exemption through a public notice (internet publication). The Water Board has considered all comments and determined that the Project satisfies the exemption criteria listed above. The Water Board has delegated authority to the Executive Officer to grant exemptions to the prohibition against discharge to lands in the 100-year floodplain for projects whose primary purpose is for public recreation. As described in the previous section above, the Project also meets all of the exemption criteria listed in the Basin Plan. I hereby grant an exemption to the above-stated Basin Plan prohibition 4.c. for the Project.

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 WOUS, must 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. The Applicant submitted a complete application and the fees required for WQC under Section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under a Nationwide Permit No. 14 pursuant to CWA section 404.

California Code of Regulations (CCR) title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

Standard Conditions

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

- 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 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 WQC that was submitted to the 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. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this certification and/or civil or criminal liability.
- 7. The 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.

8. 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 California Fish and Wildlife 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:

- The Applicant must implement the Wetland Habitat Mitigation and Monitoring Plan, Nevada County, California, SPK-2009-00949 dated December 18, 2012 by October 15, 2013. An initial report of construction must be provided by December 31, 2013. The report following initial construction must include an "as built" plan and must describe any problems encountered or variances from the approved design. The report must also include photographs showing the sites before and after construction.
- 2. Mitigation monitoring annual reports must be provided for three years or until success criteria are met beginning on <u>December 31, 2014</u>. The annual reports must include complete monitoring findings and an evaluation of the success in restoring water quality, floodplain function and biological resources relative to the wet meadow creation. A final mitigation report, acceptable to the Executive Officer, must be provided to the Water Board at the end of three years (by <u>December 31, 2016</u>) indicating whether performance standards have been met and the status of compliance with mitigation requirements. Additional requirements may be imposed at that time if success standards have not been met to the satisfaction of the Executive Officer. The final mitigation report must provide evidence that a minimum of 0.064 acre increase in functional wetland has been established.
- 3. A qualified professional with experience in hydrology and wetland restoration must monitor the implementation and compliance monitoring of the mitigation. Any additional work or variation from the described work, which may result in additional or increased impacts to waters of the state (including quantity or quality of water or habitat) or reduce the amount of wetland created, is not authorized unless approved in writing by the Executive Officer prior to implementation.
- 4. Wetland areas near Project area and staging area that, according to the application, will be avoided must be protected by colored construction fencing or equivalent barriers.

- 5. A pre-Project survey for the Sierra Nevada Yellow-legged Frog using appropriate amphibian survey protocol must be performed by a qualified biologist prior to implementation of the Project. If found, the Applicant must immediately contact the US Fish and Wildlife Service, the USACOE, and the Water Board.
- 6. Restoration of temporary disturbances and removal of temporary discharges of fill to waters of the state must be achieved <u>within six months</u> of completing work in the area of the temporary impact. Initial restoration must include implementing measures to fully restore conditions to support all beneficial uses for the waterbody temporarily impacted in the shortest feasible time. Restoration for impacts to waters of the state, including WOUS, must include, but is not limited to, grading to pre-Project contours and revegetation with native species. The Applicant must implement Best Management Practices (BMPs) to control erosion and runoff from areas associated with temporary fills and disturbance.
- 7. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment must not result in a discharge or a threatened discharge to waters of the state. The Applicant must not use any vehicle or equipment which leaks any substance that may impact water quality. Staging, maintenance and storage areas for vehicles and equipment must be located outside of waters of the state. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.
- 8. The introduction or spread of invasive and noxious weeds during implementation of the Project must be minimized by using weed-free products to contain sediments, weed-free seed stocks, and washing vehicles that transit through areas where there are known populations of invasive plants.
- 9. All surface waters must be diverted away or isolated from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. The Applicant must develop and submit a Water Diversion and Sampling Plan to this Water Board. The plan must include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan must be submitted a minimum of 10 days prior to any surface water diversion. If surface water is present at the diversion, then visual and water sampling monitoring for turbidity must be conducted on a daily basis during normal work days until the in-water work is complete. Diversion activities must not result in the degradation of water quality for beneficial uses, or exceedance of water quality objectives for the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
- 10. No debris, cement, concrete (or wash water therefrom), oil or petroleum products must enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area, and from any areas adjacent to the work area where such material may be transported into waters of the state.

- 11. The Applicant must immediately (within two hours) notify Water Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within one week of occurrence. The written notification must identify the adverse condition, describe the actions taken or necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.
- 12. The Applicant must permit Water Board staff or its authorized representative upon presentation of credentials:
 - a) Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b) Access to copy any records required to be kept under the terms and conditions of this Order.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d) Sampling of any discharge or surface water covered by this Order.

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 Board or the 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 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.
- In response to any violation of the conditions of this certification, the 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 Clean Water Act 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), and with other applicable requirements of state law. This discharge is also regulated under State Water Resources Control 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 WQC.

Except insofar as may be modified by any preceding conditions, all WQC 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 WQC 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 questions, please contact Tobi Tyler, Water Resources Control Engineer, at (530) 542-5435, or Alan Miller, P.E., Chief, North Basin Regulatory Unit, at (530) 542-5430.

PATTY Z. KOUYOUMDJIAN EXECUTIVE OFFICER

Enclosure: Brockway Road Trail Project Wetland Impacts and Mitigation Figure 5

cc: Nancy Kang, JBR Environmental Consultant, Inc.

Julie Newman, California Department of Fish and Wildlife, Rancho Cordova

Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9

Krystel Bell, U.S. Army Corps of Engineers, Reno Office

Bill Orme, State Water Resources Control Board, Division of Water Quality

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