



**Lahontan Regional Water Quality Control Board**

March 27, 2014

Brendan Ferry  
El Dorado County Department of Transportation  
924 B Emerald Bay Road  
South Lake Tahoe, CA 96150

**BOARD ORDER NO. R6T-2014-0025, FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE SAWMILL 2B BIKE PATH AND EROSION CONTROL PROJECT, EL DORADO COUNTY, WDID 6A091401001**

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 and applicable fee for the Sawmill 2B Bike Path and Erosion Control Project (Project) from the El Dorado County Department of Transportation (Applicant). The Water Board also received 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). This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A091401001. Please use this reference number in all future communications 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 (CCR), 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.

**PROJECT DESCRIPTION**

**Table of Project Information:**

WDID Number	6A091401001
Applicant	Brendan Ferry El Dorado County Department of Transportation 924 B Emerald Bay Road South Lake Tahoe, CA 96150
Project Name	Sawmill 2B Bike Path and Erosion Control Project

**Table of Project Information continued:**

Project Purpose and Description	The Applicant would install a Class 1 bike path consisting of an eight-foot wide paved bike path with a two-foot wide unpaved shoulder on each side of the path along the south side of Sawmill Road from Echo View Estates to Highway 50. Associated drainage, water quality and erosion control features will be installed including replacing existing culverts and installing sediment traps, rock bowls, rock lined channels, rock slope protection, shallow detention features and vegetation.						
Project Type	Bike Path and Erosion Control Project						
Project County	El Dorado						
Project Address or other Locating Information	Between Echo View Road and Highway 50 in South Lake Tahoe, El Dorado County						
Location Latitude/Longitude	Latitude: 38.8888; Longitude: 120.0269						
Hydrologic Unit(s)	South Tahoe Hydrologic Area 634.10, in the Lake Tahoe Hydrologic Unit 634.00						
Overall Project Area	11 acres						
Receiving Water(s) Name	Seasonal wetlands, ephemeral streams and swales, and Stream Environment Zones (SEZs) draining to Angora Creek, a tributary to the Upper Truckee River. Angora Creek parallels the Project area but will not be directly impacted by the Project.						
Water Body Type(s)	Seasonal wetlands and ephemeral streams and swales.						
Designated Beneficial Uses	MUN, AGR, GWR, NAV, REC-1, REC-2, COMM, COLD, WILD, BIO, MIGR, SPWN						
Potential Water Quality Impacts	Discharge of materials to Waters of the U.S. (WOUS)						
Area of Water(s) within the Overall Project Area	150 square feet of seasonal wetland 13,686 square feet of ephemeral stream						
Project Impacts (Fill) to waters of the state, including WOUS	<b>Waterbody Type</b>	<b>Permanent</b>			<b>Temporary</b>		
		Square Feet	Linear Feet	Cubic Yards	Square Feet	Linear Feet	Cubic Yard
	<i>Lake</i>						
	<i>Riparian</i>	23,487	6,179	982	9,148		
	<i>Stream</i>						
	<i>Wetland</i>	131		52		784	
Project Impacts (Dredge/Excavation) to waters of the state, including WOUS	<b>Waterbody Type</b>	<b>Permanent</b>			<b>Temporary</b>		
		Sq. Ft.	Linear Feet	Cubic Yards	Acres / Sq. Ft.	Linear Feet	Cubic Yard
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>						
	<i>Wetland</i>						
	<b>Total</b>						
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit, pursuant to CWA section 404.						
Non-Compensatory Mitigation	Site-specific Best Management Practices (BMPs) will be used through Project completion to control erosion.						

**Table of Project Information Continued:**

Compensatory Mitigation	The Applicant successfully restored stream and wetland habitat with the Angora Creek and SEZ Restoration Project, completed in 2010. The permanent impacts associated with the Sawmill 2B Project will be mitigated at a 1.5:1 ratio by permanently dedicating 0.48 acre of credited area from the Angora Restoration Project site as advance impact offset for the permanent impacts of this Project.
Applicable Fees	\$1,216.55 (\$1097.00 base fee + \$14.00 discharge fee for 0.003 acre (131 square feet) of impacts to Federal Jurisdictional Waters at \$4,717.00 per acre + \$105.55 ambient surcharge at 9.5% of the total of base fee + discharge fee)
Fees Received	\$2854.00 received- \$1,216.55 recalculated fees = \$1,637.45 will be refunded

**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 or which is not in accordance with land capability, 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 the SEZ and wetland areas of tributary streams to Lake Tahoe and will impact SEZ areas with proposed new permanent disturbance.

**EXEMPTION GRANTED**

The Water Board has determined the Project meets the conditions and criteria for an exemption to the above waste discharge prohibition. On March 12, 2014, the Water Board adopted Resolution No. R6T-2014-0022, with the necessary findings and conditions granting an exemption to the above-cited waste discharge prohibition (enclosed).

**CEQA COMPLIANCE**

El Dorado County adopted a Mitigated Negative Declaration (State Clearinghouse No. 2009102016) on December 8, 2010, and filed a Notice of Determination on December 10, 2009 for the Sawmill 2 Bike Path and Erosion Control 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 CCR, title 14, section 15096, has considered El Dorado County's 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.

## **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 application filing fee required for WQC under section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under General Permit No. 16 pursuant to CWA section 404.

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:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to 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 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 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 CWA, 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 CWA.
8. This certification does not authorize any act that results in the taking of a threatened or endangered species or any act that 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. All temporary BMPs must be inspected (a) daily during Project construction and (b) weekly during the October 15 to May 1 period(s), when not snow-covered, to ensure they are functioning properly. The Applicant must maintain and keep daily inspection logs onsite during Project construction and provide a copy of inspection logs and records of any corrective actions to Water Board staff. The Applicant must provide an annual report of the construction season inspections and corrective actions implemented to the Water Board by **October 15** of each year in which construction occurs.

2. The Applicant must stabilize from erosion all areas of temporary impacts to waters of the state and all other areas of temporary upland disturbance that could result in a discharge or a threatened discharge to waters of the state for the Project to be considered complete.
3. The Applicant must temporarily stabilize the site from erosion (winterize) prior to October 15 in a manner that will remain effective until May 1 of the following year.
4. Wetland and or SEZ areas that will be avoided near the Project site and/or staging areas must be protected by colored construction fencing or equivalent barriers.
5. Prior to initiating construction of the Project, the Applicant must document whether there are any subsurface utilities in the area of construction. This can be accomplished by: (1) contacting all utilities (both public and private) that provide service in the area, documenting these contacts; (2) contacting Underground Service Alert, documenting this contact; or, (3) some other equivalent affirmative action to determine whether or not there are any subsurface utilities in the area of construction. The area of construction is defined as any area within the Project boundaries where there will be excavation, construction of borings or driving of piles. If subsurface utilities are located in the construction area, the Applicant must also prepare a utility avoidance plan that will be followed during construction.
6. A copy of this WQC Order, a copy of the complete WQC application submitted to the Water Board, and the utility avoidance plan (if required by additional condition above) must be available at the Project site during construction of the Project.
7. The Applicant must prevent the introduction or spread of noxious/invasive weeds within the Project and staging areas. Control measures may include removing existing invasive vegetation, cleaning all equipment and gear prior to use on the site, using weed-free erosion control materials (including straw), and using weed-free seeds and plant material for revegetation of disturbed areas.
8. Water Board staff must be notified 48 hours prior to commencement of ground disturbance.
9. The Applicant must allow 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 record 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.

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 Project. 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 two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.
12. The Applicant is responsible for informing any contractors of the specific conditions contained in this WQC Order and maintaining compliance with the conditions of this Order.
13. A copy of this Order must be maintained at the Project site so as to be available at all reasonable times to site operating personnel and Water Board staff.
14. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.
15. An emergency spill kit must be at the Project site at all times.

### **Enforcement**

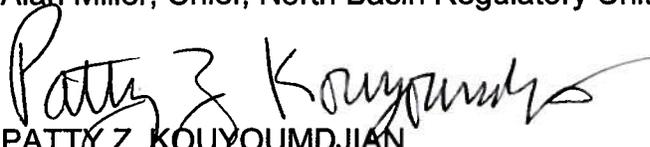
1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of CWA section 401(d), the applicability of any state 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.
3. 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 CWA 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 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 Dale Payne, Environmental Scientist, at (530) 542-5464 or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430.

  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Enclosure: Resolution No. R6T-2014-0022

cc: Brian Judge / Tahoe Regional Planning Agency  
Patrick Moeszinger / California Department of Fish and Wildlife, Rancho Cordova  
Dave Smith / Wetlands Regulatory Office (WTR-8), US EPA, Region 9  
(via email at [R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
Kristine Hansen / U.S. Army Corps of Engineers, Reno Office  
Bill Orme / State Water Resources Control Board, Division of Water Quality  
(via email at [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))

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

**RESOLUTION R6T-2014-0022**

**SAWMILL 2B BIKE PATH AND EROSION CONTROL PROJECT, EL DORADO  
COUNTY DEPARTMENT OF TRANSPORTATION - EXEMPTION TO A WASTE  
DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY CONTROL  
PLAN FOR THE LAHONTAN REGION**

\_\_\_\_\_ El Dorado County \_\_\_\_\_

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

1. El Dorado County Department of Transportation (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 (Water Quality Certification) for the Sawmill 2B Bike Path and Erosion Control Project (hereinafter referred to as the "Project"). The primary purpose of the Project is to construct a Class 1 bike path aligned next to Sawmill Road between Echo View Drive and Highway 50. The Applicant has also proposed erosion control and treatment Best Management Practices (BMPs) for storm water runoff from Sawmill Road as part of this Project.
2. The Project site is located south of Lake Tahoe Boulevard along Sawmill Road between Echo View Drive and Highway 50 (Sections 18, 19, and 20 within Township 12 North, Range 18 East).
3. The Project involves constructing a Class 1 bicycle path along the southwest side of Sawmill Road. The eight-foot wide asphalt trail will have shoulders two feet wide on each side and will cross through California Tahoe Conservancy property, Washoe Meadows State Park property, USDA Forest Service property, and private property. Another component of the Project will be to install drainage improvements and erosion control features to improve water quality draining from the Project area. The Applicant has proposed to capture, convey and treat storm water runoff from Sawmill Road by installing approximately 5,632 square feet of erosion control features, including rock-lined channels, sediment traps, rock bowls, and grass-lined channels to reduce sediment loads to Angora Creek, which is the closest receiving water in proximity to the Project.
4. The bike path will cross several ephemeral drainages classified as Stream Environment Zones (SEZs) due to the alignment of Sawmill Road between the hillside on the northeast and Angora Creek on the southwest. The Project will require 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 increase coverage in land capability district 1b

(SEZ) by 9,932 square feet. The bike trail alignment was chosen to minimize disturbance and impacts; it is sited as close to the existing roadway as possible in areas where SEZ occurs or where drainages cross under Sawmill Road. Culverts will convey stormwater flows beneath the bike path in the SEZ and drainage areas, and rock will be installed at the end of culverts to slow flow velocity and promote infiltration of runoff.

5. The Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Chapter 5 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.*

6. The proposed Project would violate the above-cited prohibition as it involves land disturbance and discharge of earthen and fill material within SEZs in the Lake Tahoe Basin. The Project will disturb a total of 23,618 square feet of SEZs due to temporary and permanent disturbance. Construction of the bike path will temporarily disturb by grading or permanently disturb by hard coverage 19,218 square feet of SEZ. The disturbance includes (a) grading and paving for a new bike path and (b) removing, replacing and extending existing culverts for Sawmill Road to pass beneath the bike path. Construction of the erosion control improvements will temporarily and/or permanently disturb 4400 square feet of SEZ for dredge and fill impacts from grading improvements constructed in wetland and SEZ.
7. The primary purpose of the bike trail element of the Project is public recreation. The secondary purpose of the Project is to provide improved erosion and drainage control for the portion of Sawmill Road from Echo View Drive to Highway 50. These elements are evaluated separately below.
8. The Basin Plan allows exemptions to the above-cited discharge prohibition for public recreation projects that meet the following exemption criteria:

- (a) The project by its nature must be sited in a Stream Environment Zone.

The bike trail Project element is a linear recreation/transportation project that parallels an existing County-maintained road that crosses several minor stream channels. Because SEZ areas are adjacent to Sawmill Road and because small stream channels cross perpendicular to Sawmill Road, the bike path must cross SEZ areas to accomplish the overall Sawmill 2 Project goal of connecting Highway 50 to Lake Tahoe Boulevard with a Class 1 bike path that is located off of the roadway. The proposed bike path is part of the Tahoe Regional Planning Agency's (TRPA) adopted Bicycle and Pedestrian Master Plan and is a key link in El Dorado County's planned and existing 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 bike path has been designed to minimize SEZ encroachment by placing the bike path as close to the road as possible in SEZ areas. The bike path has also been designed to cover existing previously disturbed SEZ areas wherever possible. Where SEZ areas are perpendicular to the bike path, the SEZ encroachment has been minimized in the most sensitive SEZ boundaries by using appropriately sized culverts under the bike trail so as not to adversely alter hydrologic function of the ephemeral channels.

- (c) Impacts are fully mitigated.

Temporary impacts to water quality will be mitigated by using erosion and sediment control BMPs, such as seeding, mulching and tackifying on moderately steep slopes, and rock slope protection on steeper slopes; revegetation of areas where clearing of vegetation or excavation is required; and use of filter fences, fiber rolls, and gravel-bags. Permanent impacts to SEZs in the Project area will be mitigated with credit through an off-site restoration project that the Applicant completed in 2010. The mitigation site is the Angora Creek and SEZ Restoration Project near View Circle in El Dorado County. The Angora Creek and SEZ Restoration Project restored or enhanced 6.85 acres (298,392 square feet) of SEZ and/or wetland within and adjacent to Angora Creek. A portion of this restoration is sufficient to mitigate for the impacts of the proposed new bike path. Wetlands in the Lake Tahoe Hydrologic Unit are also SEZs. The Sawmill 2A project used 10,061 square feet of credit from the Angora Creek project to mitigate impacts; 288,331 square feet remains as available credit toward the Sawmill 2B Project, as discussed below.

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

The bike trail Project elements involve restoring disturbed areas where feasible, but will increase hard coverage and reduce soft coverage such that, with other permanent disturbance, a total of 19,218 square feet of permanent development or disturbance will occur that requires offsetting mitigation. To comply with the mitigation requirement of 1.5 times the area permanently disturbed or developed, the Project will utilize a total of 28,827 square feet (0.66 acre) of wetland and SEZ restoration credit from the Angora Creek and SEZ Restoration Project site (298,392 square feet of SEZ was restored in 2010; 10,061 square feet was used with the Sawmill 2A Project in 2011. A total of 288,331 square feet is available as restoration credit).

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

- (a) The project, program, or facility is necessary for environmental protection.

The Project will capture, convey and treat storm water runoff from County administered rights of way by installing approximately 5,632 square feet of rock-line channels, sediment traps, rock bowls, and grass-lined channels to reduce sediment load. The erosion control elements of the Project are necessary for environmental protection and water quality improvements.

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

The erosion control and water quality Best Management Practices (BMPs) are designed for areas where problems with erosion and water quality exist, which typically are the areas with culverts and drainage areas next to the road. In most cases, SEZ areas are sited where culverts exist, which is where the water quality improvements must be installed. Various alternatives were considered during the design process and the county's environmental review process under the California Environmental Quality Act (CEQA). There is no reasonable alternative to avoid or further reduce the extent of encroachment into the SEZ.

- (c) Impacts are fully mitigated.

The impacts from the Project will be fully mitigated by the incorporation of temporary BMPs during construction and permanent (post-construction) BMPs to prevent soil erosion and water quality degradation downstream of the Project area. Temporary impacts will be mitigated by restoring vegetation in disturbed areas and stabilizing the areas from erosion with vegetation and soil cover treatments. Permanent BMPs include sediment traps, rock bowls, grass-lined swales and rock-lined channels, which will trap sediment discharges from roadways.

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. 2009102016) on December 8, 2009, and filed a Notice of Determination on December 10, 2009 for the Sawmill 2 Bike Path and Erosion Control 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 Sawmill 2 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 Water Quality Certification (WQC) Order from the Water Board to implement the Project. The Water Board filed a Notice of Determination for the above-referenced MND with the

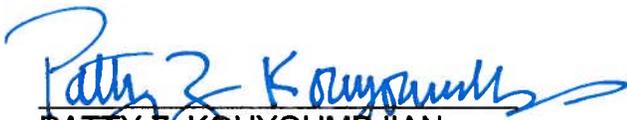
State Clearinghouse on July 18, 2011 with the WQC for the Sawmill 2B Project that includes conditions and monitoring requirements to verify the implementation of the water quality-related aspects of the Applicant's CEQA Mitigated Negative Declaration.

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

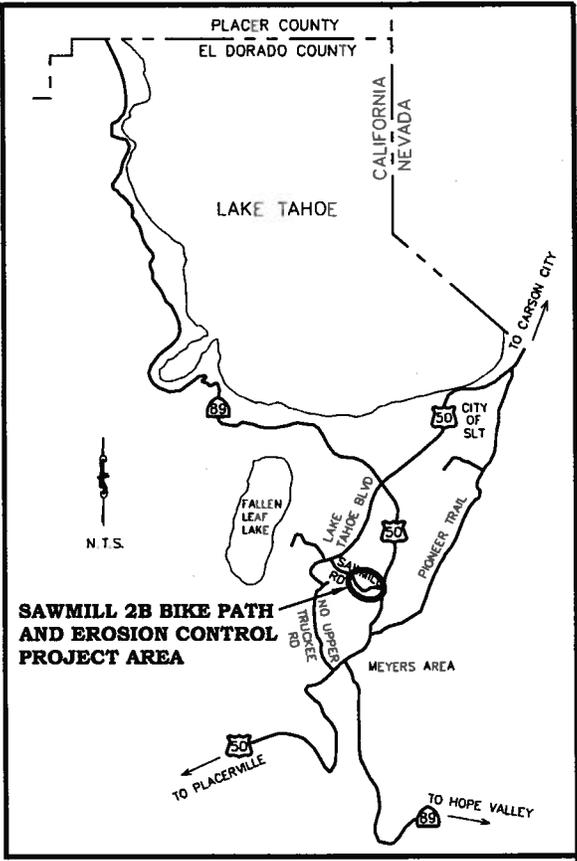
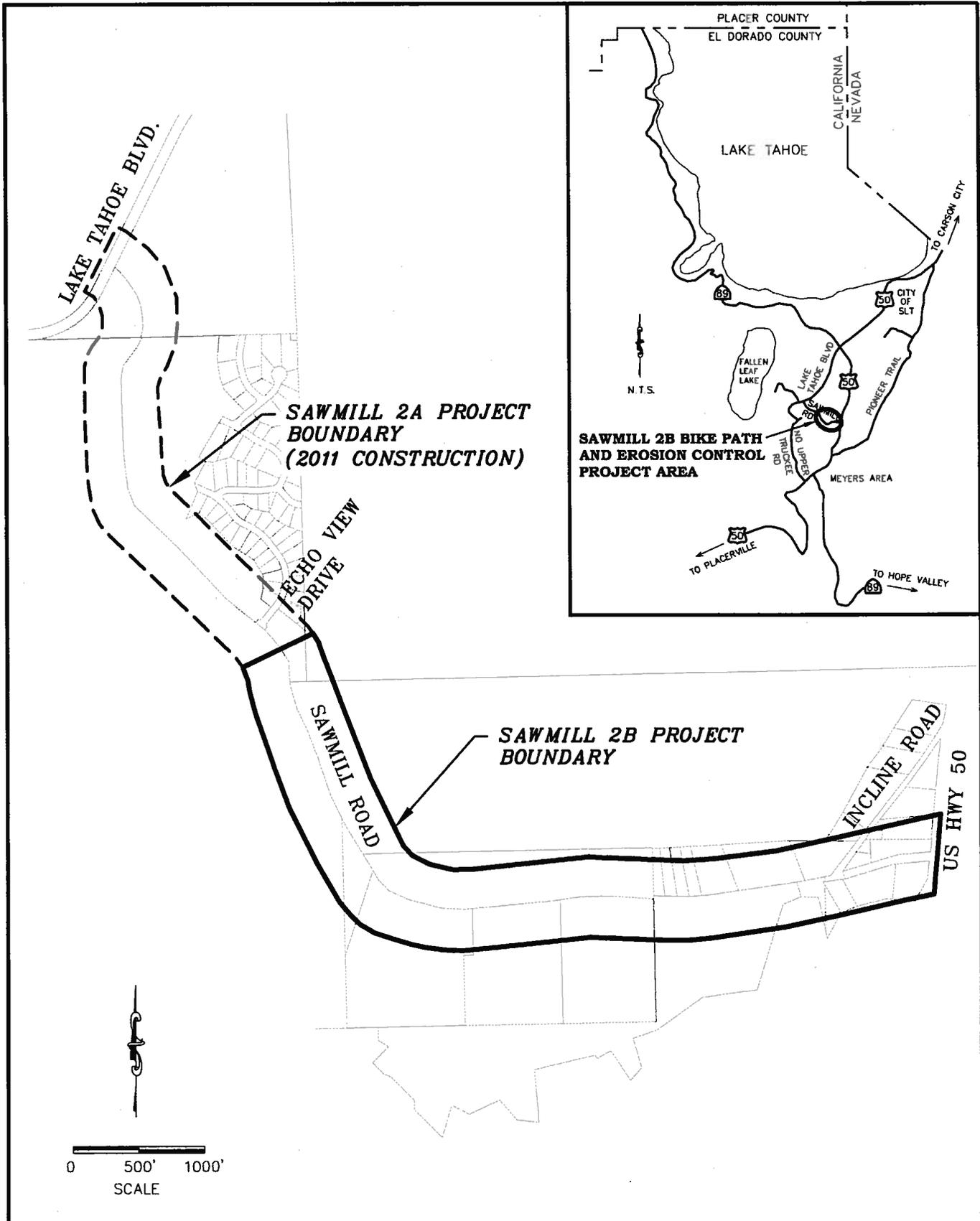
**THEREFORE, BE IT RESOLVED THAT:**

1. Pursuant to Finding Nos. 8 and 9, above, the criteria established for exemption to the Basin Plan prohibition stated in Finding No. 5 is satisfied for the Sawmill 2B Bike Path and Erosion Control Project.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 5 for the Sawmill 2B Bike Path and Erosion Control Project.
3. Prior to initiating any construction activity or disturbance in surface waters, including wetlands, the Applicant must obtain for the Project a WQC Order from the Water Board.
4. Based on the credit available for SEZ restoration at the Angora Creek and SEZ Restoration Project site (298,392 square feet), a total of 28,827 square feet is hereby deducted as compensatory mitigation for the Sawmill 2B Bike Path and Erosion Control Project.

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 **March 12, 2014**.

  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Attachment: A. Project Vicinity and Site Map



COUNTY OF EL DORADO  
 TRANSPORTATION DIVISION  
 SOUTH LAKE TAHOE OFFICE

SAWMILL 2B BIKE PATH  
 AND EROSION CONTROL PROJECT  
 LOCATION MAP

FIGURE  
**A**

DATE: 11 / 2013	PROJECT NO.: 95192	BY: ALD
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