
Lahontan Regional Water Quality Control Board

MEMORANDUM

TO: Water Board Members

FROM:  for PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: September 4, 2015

SUBJECT: EXEMPTION TO DISCHARGE PROHIBITION CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION –
MARTIS VALLEY TRAIL SEGMENT 1 PROJECT, PLACER COUNTY

In ten days, I intend to sign the enclosed draft Notice of Applicability granting an exemption to the discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* for the Martis Valley Trail Segment 1 Project (Project) in Placer County. The exemption will allow a boardwalk to be built over a wetland adjacent to Highway 267.

The Project meets requirements for a waste discharge prohibition exemption in the Basin Plan, as adverse impacts to water quality and beneficial uses have been minimized, there is no reasonable alternative to the discharge, and beneficial uses will not be adversely affected by the Project.

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

If you have any questions or comments regarding this matter, please contact Tobi Tyler at (530) 542-5435 or tobi.tyler@waterboards.ca.gov.

Enclosure: Draft Notice of Applicability of Waste Discharge Requirements and Basin Plan Prohibition Exemption

cc: Mike Staudenmayer, Northstar CSD
Markus Lang, DUDEK

Lahontan Regional Water Quality Control Board

Mike Staudenmayer, General Manager
Northstar Community Services District
908 Northstar Drive
Northstar, CA 96161

BOARD ORDER NO. R6T-2003-0004-260, NOTICE OF APPLICABILITY OF GENERAL WASTE DISCHARGE REQUIREMENTS AND BASIN PLAN PROHIBITION EXEMPTION FOR THE MARTIS VALLEY TRAIL SEGMENT 1 PROJECT, PLACER COUNTY, WDID NO. 6A311406004

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee for the Martis Valley Trail Segment 1 Project (Project) in Placer County from Northstar Community Services District (Applicant). The U.S. Army Corps of Engineers (USACE) has determined that the Project is not subject to Clean Water Act section 404. Water Board staff has subsequently determined that the proposed Project is not subject to CWA section 401 water quality certification, but is subject to regulation under General Waste Discharge Requirements prescribed in Board Order No. R6T-2003-0004. You are hereby assigned Board Order No. **R6T-2003-0004-260** for discharges associated with dredging and disturbance in waters of the state associated with the above-referenced Project. This Notice of Applicability (Notice) hereby assigns this Project the following reference number: Waste Discharge Identification (WDID) No. **6A311406004**. Please use these reference numbers in all future correspondence regarding this Project.

By this Notice, the Water Board Executive Officer is authorizing the dredge-related discharges to waters of the state associated with the Project, subject to compliance with the *General Waste Discharge Requirements for Small Construction Projects, including Utility, Public Works, Dredge and Fill and Minor Streambed/Lakebed Alteration Projects in the Lahontan Region*. All requirements contained in Board Order No. R6T-2003-0004 are applicable to the Project. A copy of Board Order No. R6T-2003-0004 is enclosed.

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 Notice, except that if the thirtieth day following the date of this Notice 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	6A311406004
Board Order Number	Board Order No. R6T-2003-0004-260
Applicant	Mike Staudenmayer, General Manager Northstar Community Services District 908 Northstar Drive Northstar, CA 96161
Agent	Markus Lang Dudek 853 Lincoln Way, Suite 208 Auburn, CA 95603
Project Name	Martis Valley Trail Segment 1
Project Purpose and Description	<p>The Applicant proposes to construct an Americans with Disabilities Act (ADA) accessible multi-use trail from the southern limits of the Town of Truckee to the Wildlife Viewing Area within the Project area. The trail will accommodate pedestrians, bicyclists, and other non-motorized transportation and will meander adjacent and roughly parallel to State Route 267, but separated from the highway corridor to maintain adequate safety and to screen the trail from highway noise and aesthetics.</p> <p>The proposed trail will cross an unavoidable wetland swale in one location. Crossing the wetland will be accomplished using a boardwalk approximately 60 feet in length and supported by helical piles. No changes in wetland slope are anticipated. Helical piles will result in minimal disturbance to the wetland. No equipment will be stored in or near the wetland and the area around the crossing will be revegetated and restored upon completion of the boardwalk. No dewatering will be necessary, as the work is proposed to be done during the dry season when there is no water in the wetland. Total permanent impacts to the wetland will be up to 5.7 square feet (0.00013 acre). Temporary impacts will be avoided by using construction mats and construction methods that require no disturbance to the portions of the wetland outside of the permanent impact areas.</p> <p>The Applicant proposes onsite mitigation for the loss of wetlands by restoring currently degraded wetlands that are part of the wetland being crossed. The proposed compensatory mitigation and monitoring plan (Dudek, 2015) would restore and enhance approximately 733 square feet (0.017 acre) of wetland by stabilizing, regrading, and revegetating eroded areas of the existing wetland swale and expanding the wetland slightly in the vicinity of the trail crossing.</p>
Project County	Placer
Project Type	Multi-Use Trail Project
Project Address or other Locating Information	South of Autumn Way from the Placer County/Town of Truckee boundary to the Wildlife Viewing Area in the Project area.
Latitude and Longitude	Latitude: 39.18407 Longitude: -120.08365 (approximate center of project)

Table of Project Information continued:

Hydrologic Unit(s)	Truckee River Hydrologic Unit, 635.00 (Basin Plan)
Project Area	0.3 acres
Receiving Water(s) Name	Wetland swale and wet meadow tributary to Martis Creek, which is tributary to the Truckee River
Water Body Type(s)	Stream, Wetlands
Designated Beneficial Uses	MUN, AGR, GWR, REC-1, REC-2, COMM, COLD, RARE, MIGR, SPWN
Potential Water Quality Impacts	Potential for discharge of sediment into the creek and wetland due to project implementation.

Area of Water(s) within the Overall Project Area	0.15 acres, 6,675 square feet, 445 linear feet
--	--

Impacts of Fill and Excavation to Waters of the State, including Waters of the U.S.	Water-body Type	Temporary			Permanent					
					Physical Loss of Area			Degradation of Ecological Condition		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Lake</i>									
	<i>Riparian Stream</i>									
<i>Wetland</i>				0.00013						

Federal Permit(s)	The Applicant has applied for USACE authorization to proceed under Nationwide Permit No. 12, pursuant to CWA section 404.
-------------------	---

Non-compensatory Mitigation (for Dredge and Fill Discharge to Waters of the State)	Best Management Practices (BMPs) will be employed on the site at all times and throughout construction. The temporarily impacted sites will be restored and returned to pre-project conditions within one year of project implementation.
--	---

Compensatory Mitigation	Total Ecological Restoration and Enhancement Quantity for Temporary Impacts (CIWQS mitigation/restoration table side B)			
	Aquatic Resource Type	Unit	Enhanced	Restored
	Wetland	Acres		0.017

Application Fee	\$1097
Fees Received	\$1097

CEQA COMPLIANCE

The Applicant certified an Environmental Impact Report (EIR) (State Clearinghouse No. 2010122057) on February 21, 2013, 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 EIR for the Project and mitigation measures incorporated into the EIR 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 EIR are adequate to reduce potentially significant water quality impacts to less than significant.

EXEMPTION TO DISCHARGE PROHIBITION

The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains the following waste discharge prohibition and exemption criteria:

The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the Truckee River HU or Little Truckee River HU is prohibited.

The Water Board may grant an exemption to this prohibition when the Water Board finds that all of the following criteria are met:

- a. The discharge of waste will not, individually or collectively, directly or indirectly, adversely affect beneficial uses, *and*
- b. There is no reasonable alternative to the waste discharge, *and*
- c. All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.

The discharge in this case is of wastes associated with structural fill materials deleterious to wetlands, which are by definition surface waters. The Water Board finds the discharge will not adversely affect the beneficial uses of the wetland. The Applicant has reduced permanent impacts to the extent that is reasonable by proposing a boardwalk trail, versus slab-on-grade trail, that will maintain existing hydrologic functions. A crossing of the wetlands is needed and there is no reasonable alternative that would avoid a discharge. The Applicant has incorporated the control measures described in their application and discussed in the Table of Project information, above, including temporary BMPs, revegetating all disturbed areas, and onsite mitigation. These are the applicable control and mitigation measures necessary to minimize potential adverse impacts to water quality and beneficial uses.

The Water Board adopted Resolution No. R6T-2015-0038 delegating authority to issue exemptions to discharge prohibitions to the Executive Officer. The discharge meets the criteria in the Basin Plan and an exemption is hereby granted to the above-cited discharge prohibition.

GENERAL INFORMATION

1. The Project must be constructed and operated in accordance with the project description in the information provided to the Water Board. Deviation from the project description constitutes a violation of the conditions upon which this Notice was granted.
2. 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.
3. Any discharge to the wetland swale within the project area must be in accordance with the requirements contained in Board Order No. R6T-2003-0004. Failure to abide by the conditions of the Board Order No. R6T-2003-0004 may result in enforcement action as authorized by the provisions of the California Water Code.

REVOCAION PROCEDURES

As stated in Board Order No. R6T-2003-0004, coverage shall continue until revoked in writing by Water Board staff. The Applicant is responsible for notifying the Water Board in writing that the Project is complete, certifying that the required conditions are met, and requesting revocation of coverage. Coverage for the specific project will be revoked provided the following conditions are met:

1. The construction project is complete and soil stabilization measures are in place and functioning.
2. Permanent BMPs have been installed and are functional.
3. Information required in section B of the Monitoring and Reporting Program for Board Order No. R6T-2003-0004 has been submitted.
4. Water Board staff has inspected the site, if deemed necessary.

If you have any questions or comments regarding this permit, please contact Tobi Tyler, Water Resources Control Engineer, at tobi.tyler@waterboards.ca.gov (530-542-5435) or Alan Miller, Chief, North Basin Regulatory Unit, at alan.miller@waterboards.ca.gov (530-542-5430).

Electronic document submittal is required. Please send your comments or documents to the Water Board's email address at Lahontan@waterboards.ca.gov and include your WDID No. and Facility Name in the Subject Line.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: Board Order No. R6T-2003-0004

cc (by email): Markus Lang, DUDEK
Jason Brush, US EPA Region 9
Bill Orme, SWRCB, Division of Water Quality