Michael Gross
Squaw Valley Resort, LLC
P.O. Box 2007
Olympic Valley, CA 96146
mgross@squaw.com

BOARD ORDER NO. R6T-2015-XXXX, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND BASIN PLAN PROHIBITION EXEMPTION FOR SQUAW VALLEY RESORT'S SHIRLEY LAKE MAINTENANCE ROAD PROJECT, PLACER COUNTY, WDID NO. 6A311208001

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 from Squaw Valley Resort (Applicant) for the Shirley Lake Maintenance Road Project (Project) in Placer County. The Applicant also provided 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). The complete application was received on June 10, 2015. This Order for WQC and waste discharge prohibition exemption hereby assigns this Project the following reference number: Waste Discharge Identification (WDID) No. 6A311208001. 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	6A311208001
Applicant	Michael Gross Squaw Valley Resort, LLC P.O. Box 2007 Olympic Valley, CA 96146 mgross@squaw.com

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Table of Project Information Continued:

Agent	Katrina D. Smolen Hydro Restoration P.O. Box 3196 Olympic Valley, CA 96146 hydrorestoration@yahoo.com
Project Name	Shirley Lake Maintenance Road
Project Purpose and Description	The purpose of the Project is to benefit water quality by reducing erosion and gullying, as required by the Squaw Valley Water Quality Improvement Plan. Road enhancements to improve sheet flow drainage and to reduce erosion and gullying include grading and outsloping the maintenance road, repairing and maintaining water bars, and rock armoring a sediment trap. Remediation of erosion scarp includes grading and revegetation of the hillslope to contour. Three culverts will be upsized to handle runoff flows from 100-year storm events. Existing drainage ditches will be reshaped with rip rap where necessary to prevent/reduce erosion. The Project is responsive to a prior Water Board staff request to implement a control plan for this area following an intense rain event that resulted in severe erosion in the area. Specific work includes: 1. At Culvert Location No. 3, replace the existing 15-inch culvert with an 18-inch culvert with a minimum of 18-inches of cover over the culvert. Estimated capacity will be 11 cubic feet per second (11 cfs). 2. At Culvert Location No. 4, replace the existing 6-inch culvert with a 36-inch culvert with a minimum of 18-inches of cover over the culvert. Estimated capacity will be 48 cfs. A trash rack will be installed at the culvert inlet to help prevent clogging of the culvert. A 180-square foot area (12-feet by 15 feet) at the culvert outlet will be rip-rapped to help prevent erosion. 3. At Culvert Location No. 6, replace the existing 17-inch culvert with a 36-inch culvert with a minimum of 18-inches of cover over the culvert. Estimated capacity will be 48 cfs. 4. Downstream of Culvert Locations Nos. 6 and 7, deposited earthen material from prior storm events will be removed and the channel will be lined with large rip rap (where necessary) to maintain the existing drainage.
Project Type	Fill
Project County	Placer

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Table of Project Information Continued:

<table>
<tr><td>Project Address or other Locating Information</td><td>Squaw Valley Resort
1960 Chamnonix
Olympic Valley, CA</td></tr>
<tr><td>Location Latitude/Longitude</td><td>Latitude: 39.19288 N, Longitude: 120.23993 W</td></tr>
<tr><td>Hydrologic Unit</td><td>Truckee River Hydrologic Area 635.20</td></tr>
<tr><td>Overall Project Area</td><td>400 linear feet, 0.124 acres</td></tr>
<tr><td>Receiving Water(s) Name</td><td>Un-named tributary drainage to Shirley Lake</td></tr>
<tr><td>Water Body Type(s)</td><td>Surface Water</td></tr>
<tr><td>Designated Beneficial Uses</td><td>MUN, AGR, GWR, REC-1, REC-2, COMM, COLD, WILD, RARE, MIGR, & SPWN</td></tr>
<tr><td>Potential Water Quality Impacts</td><td>Discharge of sediments and suspended solids during fill activities related to the up-sizing of culverts.</td></tr>
<tr><td>Area of Water(s) within the Overall Project Area</td><td>400 linear feet, 0.124 acres</td></tr>
<tr><td>Impacts of Fill to Waters of the State, including Waters of the U.S. (WOUS)</td><td>
<table>
<tr><th colspan="3">Total Ecological Restoration and Enhancement Quantity for Temporary Impacts (CIWQS mitigation/restoration table side B)</th></tr>
<tr><th>Aquatic Resource Type</th><th>Unit</th><th>Rehabilitation</th></tr>
<tr><td rowspan="2">Stream Channel</td><td>Acres</td><td>0.124</td></tr>
<tr><td>Linear Feet</td><td>400</td></tr>
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</td></tr>
<tr><td>Federal Permit(s)</td><td>The applicant has applied for U.S. Army Corps of Engineers (USACE) authorization to proceed under a Nationwide Permit 14 and 41, pursuant to Clean Water Act section 404. Verification to proceed was issued on May 26, 2015.</td></tr>
<tr><td>Non-Compensatory Mitigation</td><td>Implementation of sediment and erosion control best management practices.</td></tr>
<tr><td>Compensatory Mitigation</td><td>None. The Project includes compensatory site improvements to reduce existing hydraulic restrictions and eliminate existing sources of erosion.</td></tr>
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Table of Project Information Continued:

Application Fee	$200
Estimated Annual Active Discharge Fee[1]	$200 (An annual active discharge fee of $200 will be assessed each fiscal year beginning July 1st until Applicant receives a Notice of Completion of Discharges Letter from the Water Board.)
Estimated Post-Discharge Monitoring Fee[1]	$100 (An annual fee of $100 will be assessed each fiscal year beginning July 1st during the Post-Discharge Monitoring Period until the Water Board issues a Notice of Project Complete Letter to the discharger.)
Fees Received	$944

[1]The actual Annual Active Discharge Fee and Post-Discharge Monitoring Fee will be calculated using the fee schedule in effect at the time the annual fee is assessed per California Code of Regulations, title 23, section 2200(a)(3).

CEQA COMPLIANCE

Water Board staff has determined that this Project is exempt from the California Environmental Quality Act (Public Resources Code sections 21000 et seq.). In accordance with section 15304, the basis for CEQA exemption is "Minor Alterations to Land." A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

BASIN PLAN DISCHARGE PROHIBITIONS

In 2014, the Water Board amended the Basin Plan for the purpose of clarification. The following discharge prohibitions and exemption criteria for the Truckee River and Little Truckee River Hydrologic Units (Chapter 4 of the Basin Plan) apply to this Project due to discharges within the active channel and associated 100-year flood plain of the un-named tributary to Shirley Lake (tributary to Squaw Creek and to the Truckee River).

Prohibition No. 1 states:

"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 it 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.*

   The Project will benefit water quality by reducing road and stream erosion created by undersized culverts. The Project involves replacing existing undersized culverts with culverts of sufficient size to convey expected 100-year flows. The Project also includes stabilizing specific channel areas with rip rap where necessary to prevent further erosion. The Project is intended to have a net gain in beneficial uses by reducing sediment loads within the

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un-named tributary that can be discharged downstream into Squaw Creek and the Truckee River. Therefore, the Project will not individually or collectively, directly or indirectly, adversely affect beneficial uses.

b) *There is no reasonable alternative to the waste discharge.*

The purpose of the Project is to repair previous flood damage and erosion from storm events, appropriately up-size existing culverts to adequately convey anticipated flows from 100-year storm events, and prevent future erosion from occurring within the tributary channel. There is no alternative to placing these materials in the un-named tributary that would accomplish the Project's erosion control and enhancement goals.

c) *All applicable and practicable control and mitigation measures have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.*

The Project incorporates appropriate best management practices to ensure that any erosion and surface runoff problems are mitigated to levels of insignificance.

<u>Prohibition No. 2 states</u>:

"The discharge or threatened discharge, attributable to human activities, of waste to lands within the 100-year floodplain of the Truckee River, Little Truckee River and their tributaries is prohibited."

Replacing existing culverts and stabilizing erosion-prone channel areas with rip rap as a part of the Project may discharge or threaten to discharge earthen materials to the 100-year flood plain of the un-named tributary to Shirley Lake. The Water Board may grant exemptions to the above-cited prohibition for the certain categories of new Projects within the 100-year flood plain, including:

Projects intended to reduce or mitigate existing sources of erosion or water pollution, or to restore or improve the floodplain function.

The sole purpose of the Project is to repair previous flood damage and erosion from storm events, appropriately up-size existing culverts to adequately convey anticipated flows from 100-year storm events, and prevent future erosion from occurring within the tributary channel. The Project is being implemented in an effort to maintain compliance with Squaw Valley Resort's Water Quality Improvement Plan. The Project meets the above-referenced Project type, as it is intended to reduce and mitigate existing sources of erosion.

An exemption to Prohibition No. 2, above, may be allowed for specific new Projects only when the Water Board makes all of the following findings:

a) *There is no reasonable alternative that avoids or reduces the extent of encroachment by the Project within the 100-year floodplain.*

The purpose of the Project is to repair previous flood damage and erosion from storm events, appropriately up-size existing culverts to adequately convey anticipated flows from 100-year storm events, and prevent future erosion from occurring within the tributary channel by reshaping existing tributary areas and restoring riparian habitat. The design has

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minimized the amount of disturbance within the prohibition area to that required to meet Project objectives. There is no alternative to placing these materials in the un-named tributary that would accomplish the Project's erosion control and prevention goals.

b) *All applicable and practicable control and mitigation measures have been incorporated such that potential adverse impacts to water quality are the minimum necessary to complete the Project and beneficial uses are protected.*

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 un-named tributary. All in-stream work areas will be isolated, and turbid water will not be allowed to be discharged downstream. The Project will not result in any long-term water quality impacts. The Project will be conducted during periods when flows will be at low levels.

c) *The Project will not reduce or adversely affect the existing floodplain function. This shall be ensured by restoration of previously-disturbed floodplain within the Project site, or by improvement of floodplain function within or as close as practical to the Project site. The restored or improved 100-year floodplain function must more than offset the floodplain function lost by construction of the Project.*

The Project will allow the un-named tributary to convey expected flows from 100-year storm events that currently overtop the tributary and erode the adjacent service road. The area will be revegetated and stabilized following construction, resulting in restoration of the 100-year flood plain area. Therefore, the Project will not reduce or adversely affect the existing flood plain function.

DELEGATION AUTHORITY FOR GRANTING AN EXEMPTION

The Water Board has delegated authority to the Water Board's Executive Officer to grant exemptions to the 100-year flood plain 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 general waste discharge requirements or a general National Pollutant Discharge Elimination System permit (NPDES). The Project will be regulated under the terms and conditions of its existing Waste Discharge Requirements, Board Order No. 6-93-25, previously adopted by the Water Board.

The other criteria that the Project must satisfy for delegation authority to be granted to the Water Board's Executive Officer are as follows:

1. *The Project is within the following size limitations:*

   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; ***or***

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

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

The Project's primary purpose is to reduce, control, and mitigate existing sources of erosion and water pollution, and meets the exemption criteria set forth in the Basin Plan.

EXEMPTION GRANTED

Water Board staff has notified the Applicant and interested parties of its intent to adopt this prohibition exemption by posting a notice of the Project on its website and sending notices through its email notification system (lyris list). Water Board staff has determined that the Project satisfies the exemption criteria listed above. Therefore, an exemption to the Basin Plan prohibitions cited above is hereby granted.

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 USACE authorization to proceed under Nationwide Permit Nos. 14 and 41 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:

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.

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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 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 (Fish and Wildlife Code sections 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. Construction equipment must be clean and free from oil, grease and loose metal material and must be removed from service if necessary to protect water quality.

2. An emergency spill kit must be at the Project site at all times.

3. Water Board staff must be notified 48 hours prior to commencement of ground disturbance.

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4. Water Board staff must be permitted to enter the Project site and sample any discharge.

5. No debris, cement, concrete (or wash water therefrom), oil or petroleum products are allowed to 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 any areas adjacent to the work area where such material may be transported into waters of the state.

6. Wetland areas near the Project area and staging area that, according to the application, will be avoided must be protected by colored construction fencing or equivalent barriers.

7. The Applicant must immediately 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. Pursuant to Water Code section 13267(b), 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.

8. The Applicant must prevent the introduction or spread of noxious/invasive organisms within the Project and staging area. The control measures may include activities such as cleaning all equipment and gear that has been in an infested site, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.

9. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water in accordance with the Application for Clean Water Act section 401 Water Quality Certification.

10. Soil disturbing activities shall not occur during periods of heavy rain or wet soils.

11. The Project must comply with the terms and conditions specified in Waste Discharge Requirements prescribed by Water Board Order No. 6-93-25.

12. By **November 15, 2015**, submit to this office documentation that demonstrates the Project has been constructed pursuant to the plans reviewed by this office. This report must also:
    a. Provide baseline vegetative monitoring data of all revegetated and wetland restoration areas.
    b. Identify vegetative monitoring data that will be used to evaluate revegetation and habitat restoration areas.
    c. Identify transects, photo points, or other methods that will be used to evaluate revegetation and river channel habitat restoration success efforts.

13. By **November 1, 2016**, submit to this office the results of the Year 1 revegetation and restoration monitoring.

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14. By **November 1, 2017**, submit to this office the results of the Year 2 revegetation and restoration monitoring.

15. By **November 1, 2018**, submit to this office the results of the Year 3 revegetation and restoration monitoring.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall 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 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 shall 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.

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION GRANTED

I hereby issue this 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 WQC.

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 WQC order and (b) compliance with all applicable requirements of the Basin Plan. The Water Board will consider requests to cease required annual reporting once all revegetated and restored sites satisfy the success criteria for at least one year.

If you have any questions or comments regarding this permit, please contact Eric J. Taxer, Water Resources Control Engineer, at eric.taxer@waterboards.ca.gov (530-542-5435) or Cathe Pool, Chief, Enforcement and Special Projects Unit, at catherine.pool@waterboards.ca.gov (530-542-5460).

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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

cc: Katrina Smolen, Hydro Restoration
Stacy Wydra, Placer County Planning Department
Leah Fisher, U.S. Army Corps of Engineers, Sacramento District
Jennifer Garcia, California Dept. of Fish and Game, Region 2
Bill Orme, State Water Resources Control Board, Division of Water Quality
Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9

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File Under: WDID 6A311208001