CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF JULY 23 AND 24, 2008
Truckee

ITEM: 12

SUBJECT: California Department of Transportation, District 3, State Highway 267 Flood Protection Berm, Placer County – Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Placer County

CHRONOLOGY: This is a new issue before the Water Board.

ISSUES: Does the project satisfy the criteria for a floodplain disturbance exemption? Particularly, does the Board find that there are no reasonable alternatives to locating the project in the 100-year floodplain?

DISCUSSION: The proposed project involves building a low levee in the highway right of way to prevent flooding on the highway. The levee, or berm, would be approximately 320 feet long, vary between zero and eight feet wide, and be up to two feet high depending on the surrounding ground elevation.

The project would be constructed using emergency funding from the Federal Highway Administration that will expire if the project is not delivered before October 1, 2008. The Department evaluated various corrective alternatives, including constructing a bridge, re-aligning the roadway, and building a retaining wall. Considering timing and cost, these alternatives were determined to be infeasible because of potential archeological sites and utilities present in the project area. Projects of this nature would involve significant excavation or grading that would trigger additional studies and mitigation measures. These alternatives would exceed the available funding and require significantly more time to complete, prolonging the public safety hazard. Therefore, the proposed project was designed to avoid significant land disturbance and impacts to archeological resources or utilities.

Additionally, the proposed project design accounts for the potential for Native American artifacts to be present in the project area. Staff have confirmed with the Washoe Tribe of Nevada and California that the proposed project is acceptable to the tribe.

Public notice was placed in the *Sierra Sun* newspaper in April 2008, soliciting comments on the project. No comments were received.

RECOMMENDATION Adoption of the Resolution as proposed.

Enclosure: 1. Proposed Resolution

ENCLOSURE 1

12-0003

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2008-PROPOSED

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 3 STATE HIGHWAY 267 FLOOD PROTECTION BERM - EXEMPTION TO A WASTE DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

Placer County

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

1. The California Department of Transportation, District 3 (Department) submitted information to the Water Board to complete a project description for the Highway 267 Flood Protection Berm (hereinafter referred to as the "Project"). The purpose of the Project is to prevent water from Martis Creek from flowing onto the highway and creating a public safety hazard during periods of high creek flows.

2. The Project site is located on state Highway 267, between post miles 2.7 and 2.8, approximately four miles southeast of Truckee, California in Placer County. The middle fork of Martis Creek flows adjacent to the highway in a northwesterly direction and is tributary to the Truckee River. The Project vicinity map is shown in Attachment "A," which is made a part of this Resolution.

3. At the Project location, the middle fork of Martis Creek runs parallel to, and in close proximity with, the roadway. The channel of Martis Creek has meandered within the meadow creating multiple flow paths, in a natural pattern of channel evolution. During recent years, the creek has overtopped the roadbed and flooded a segment of the roadway causing unsafe traveling conditions. Additionally, flood waters tend to flow along the road edge and erode shoulder backing and roadway sub-grade.

   Based on field surveys and consultation with the Washoe Tribe of Nevada and California, Native American artifacts are known to be present in the general project vicinity; therefore, construction in the area is constrained by the potential to disturb such artifacts. There is also an underground fiber optic line that runs parallel to the highway, within approximately ten feet of the edge of pavement. Based on these constraints, the Department proposes to construct a berm parallel to the highway to prevent water from flowing onto the road surface, without causing new soil disturbance.

4. The length of the proposed berm is approximately 320 feet. It would be constructed by filling sacks with colored concrete and placing them by hand to create a wall up to four sacks high. The number of stacked concrete sacks will vary along the length of the wall depending on the grade of the surrounding area. The total amount of concrete fill is estimated at 24 cubic yards. Due to concerns that the additional weight of the concrete sacks could impact potential cultural resources in the shallow subsurface, the Department proposes to set the concrete sacks along the alignment of the fiber optic line, where soils have been previously disturbed. The exact alignment of the fiber optic line will be located prior to start of construction.

   On the roadway side of the wall, imported soil will be placed and graded at a 2:1 slope to create a berm that will vary in width from zero to eight feet depending on the height of the concrete wall, the surrounding grade, and the specific location of the fiber optic line. Example cross sections of the berm construction are presented in Attachment "B." Compost will be incorporated into the soil, which will be revegetated with native seed mix. Erosion control netting will be placed over the soil and keyed into the soil at the top and toe of the berm. All work will be conducted from the paved roadway.

5. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic and earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River.

6. The Water Board may grant exemptions for the above-cited prohibition for new projects necessary to protect public health or safety or to provide essential public services where all of the following findings can be made:

   "The project is necessary to protect public health or safety or to provide essential public services."

   The Department has identified the flooding conditions as a public safety hazard and proposed the project as necessary to mitigate the hazard.

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

   The Department has determined that the flooding issue is a significant safety hazard that needs to be corrected before the next winter season. It is receiving emergency funding from the Federal Highway Administration that will expire if the project is not delivered before October 1, 2008. The Department evaluated various corrective alternatives, including constructing a bridge, re-aligning the roadway, and building a retaining wall. Due to cost, timing, environmental

considerations, and constraints associated with utilities and the archeological site, these alternatives were not considered feasible.

The more intrusive alternatives would require extensive and costly studies to clear the site of archeological issues and potentially require relocation of existing utilities. The Department does not have the funding available at this time to complete these studies and has determined that these alternatives would prolong the exposure of the public to potentially hazardous driving conditions. Alternatives that delay the project would also allow further erosion and deposition of roadway material into Martis Creek. Therefore, there are no reasonable alternatives to locating the project within the 100-year floodplain. The Department determined that the proposed alternative will minimize the footprint of the project in the 100-year floodplain, and avoid impacting potential archeological sites to the extent feasible.

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

The project is a flood control berm, a type of levee. Since the flood-affected area is within the 100-year floodplain, the control berm must also be located in the 100-year floodplain to be effective. The project, by its very nature, must be located in the 100-year floodplain.

"The project incorporates measures which will insure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance".

The project will protect water quality by maintaining creek flows within the natural terrain and off of the paved roadway. This will minimize erosion currently ongoing at the edge of the paved surface. The design incorporates stabilization measures to minimize potential erosion and control surface runoff within the roadway drainage system. Additionally, work will be conducted under the Department's permit requirements and a site specific Water Quality Pollution Control Plan that includes Best Management Practices to ensure temporary construction impacts will be insignificant.

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

Based on the information provided, the project will not individually or cumulatively degrade water quality or impair beneficial uses.

"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... This finding will not be required for : (1) essential public health or safety projects..."

The project is for essential public health and safety; therefore, this finding is not required.

7. Water Board staff have determined that the project meets the criteria for a Class 1 Categorical Exemption (Title 14. California Code of Regulations, Chapter 3, Article 19, Section 15301), which includes the repair or minor alteration of existing public facilities, including existing highways and streets, with no expansion of an existing use. The project has also been designed such that it will not cause a substantial adverse effect on historical resources that may be present in the project area, and confirmed that the proposed design is acceptable to the Washoe Tribe of Nevada and California. The Water Board has prepared and will file a Notice of Exemption with the State Clearinghouse for the project.

8. A public notice regarding the prohibition exemption was published in the *Sierra* Sun newspaper and no comments were received.

9. The Water Board heard and considered all public comments on this matter at a public meeting and determined the project meets the exception criteria stated above.

THEREFORE BE IT RESOLVED THAT:

1. Based on Finding No. 6, above, the Project meets the criteria for an exemption to the Basin Plan discharge prohibition stated in Finding No. 5, above.

2. The Water Board hereby grants an exemption to the Basin Plan discharge prohibition stated in Finding No. 5, above, for the State Highway 267 Flood Protection Berm Project.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 23, 2008.

_____
HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A: Vicinity Map
Attachment B: Example Cross Sections

ATTACHMENT A

12-0008

Attachment "A"

INDEX OF PLANS

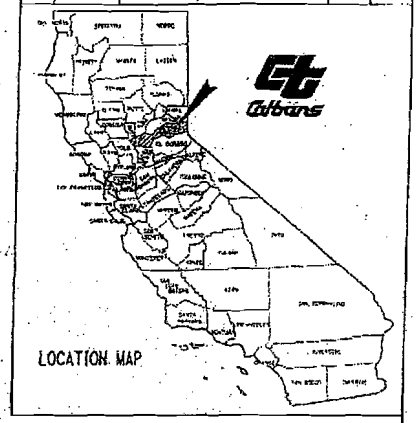
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR CONSTRUCTION ON STATE HIGHWAY

IN PLACER COUNTY SOUTH OF TRUCKEE
0.6 MILE SOUTH OF MARTIS CREEK BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
03	Pla	267	2.7		

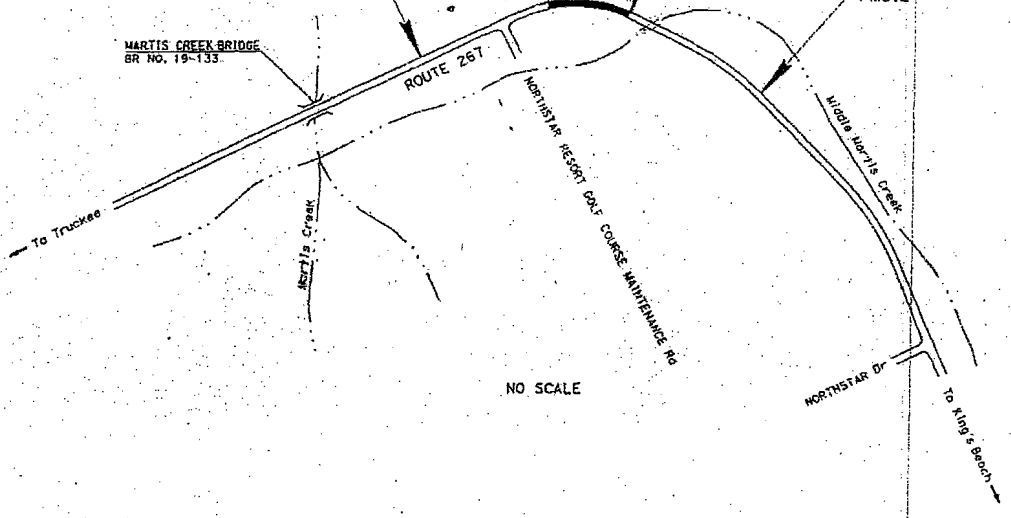


BEGIN CONSTRUCTION
STA "A" 10+00.00
PM 2.7

END CONSTRUCTION
STA "A" 15+12.21
PM 2.8

Begin Work
PM 2.3

End Work
PM3.2



NO SCALE

DESIGN ENGINEER	PROJECT MANAGER
DOUG JONES	DAVE SIMON

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO CONTRACTORS."

PROJECT ENGINEER — REGISTERED CIVIL ENGINEER — DATE

LITTON KING
No. C67615
Exp. 6-30-09
CIVIL
STATE OF CALIFORNIA

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.

CONTRACT No. 03-4E3704

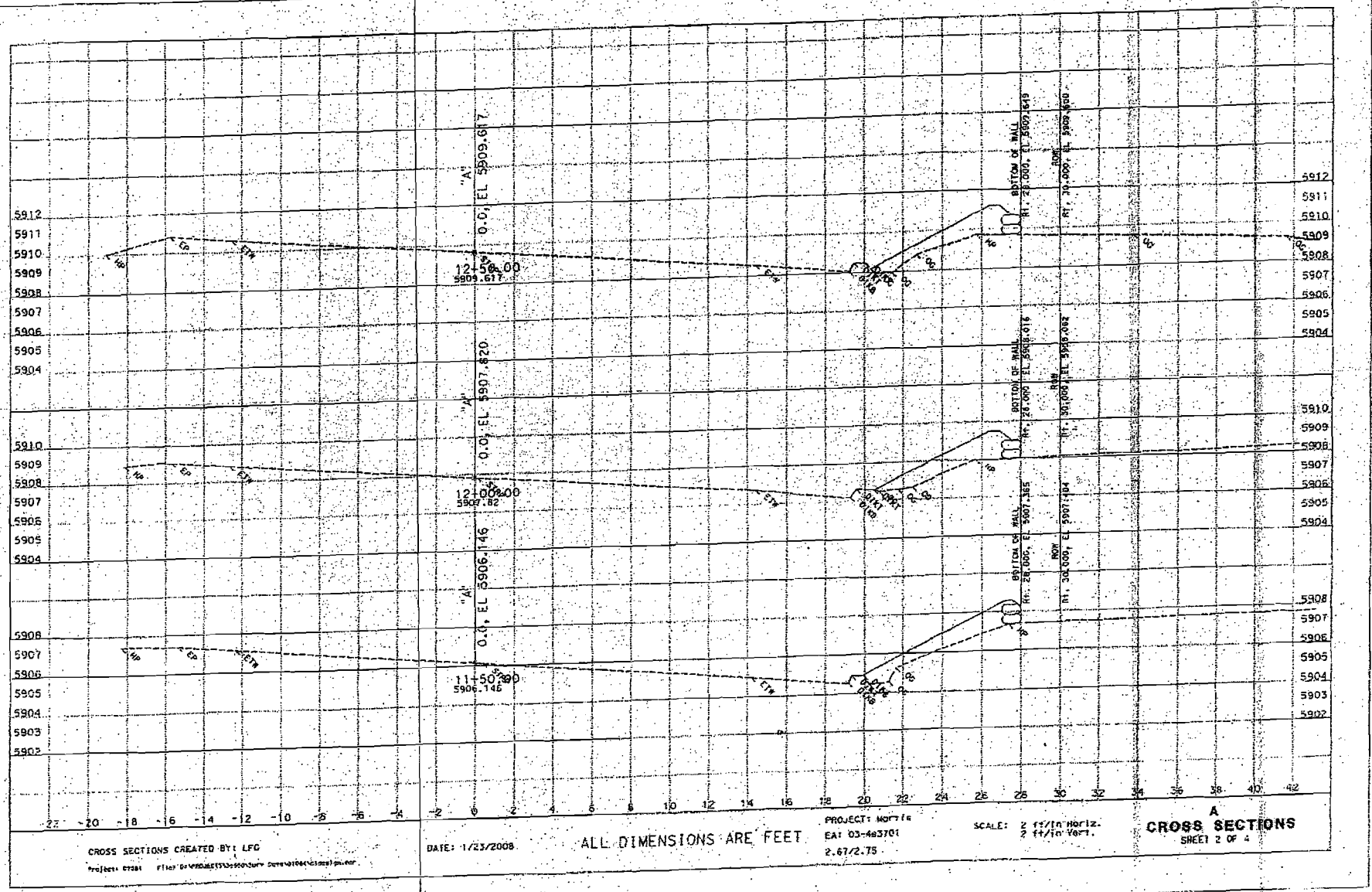
BORDER LAST REVISED 3/1/2007 | CALTRANS WEB SITE IS: HTTP://WWW.DOT.CA.GOV/ | RELATIVE BORDER SCALE IS IN INCHES | USERNAME => s112268 DGN FILE => 3e4370p0001.dgn | CU 03226 | EA 4E3701

DATE PLOTTED => 17-JAN-2008
TIME PLOTTED => 13:26

12-0009

ATTACHMENT B

Attachment "B"



12-0011

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF JULY 23 AND 24, 2008
Truckee

ITEM: 13

SUBJECT: **HONORING LEO POPPOFF FOR HIS SERVICE AS A MEMBER OF THE BOARD AND HIS DEDICATION TO FURTHERING SCIENTIFIC KNOWLEDGE OF THE LAKE TAHOE BASIN**

BACKGROUND: Leo Poppoff was a former Board member and has been actively involved in understanding and communicating the complexities of Lake Tahoe and the efforts to protect it for over twenty years.

The proposed resolution recognizes his efforts and the outstanding contributions he has made to the Lake Tahoe region.

RECOMMENDATION: Adopt resolution.

ENCLOSURE: 1. Resolution

ENCLOSURE 1

13-0002

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2008-(PROPOSED)

Honoring

Leo Poppoff

for His Service as Member of the Board and His Dedication to furthering Scientific Knowledge of the Lake Tahoe Basin

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WHEREAS, I. G. "Leo" Poppoff passed away on June 9, 2008 in Mountain View, California at the age of 84 and was preceded in death by his beloved wife Betty, and

WHEREAS, Leo was appointed to the Lahontan Water Board in January 1984 by Governor George Deukmejian and served from 1984 to 1995. He served as Chair of the Board in 1985 and 1993 and as Vice Chair in 1992, and

WHEREAS, Leo also served on the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission, the Tahoe Resource Conservation District Board, the Kings Beach Design Review Committee and the North Lake Tahoe Historical Society, and

WHEREAS, For over twenty years, Leo wrote a weekly article called "Basin Watch" for the Tahoe World covering the most current Lake Tahoe scientific information and land use policies, and

WHEREAS, Leo received his bachelor's degree in physics from Whittier College in 1947, and

WHEREAS, Leo directed the Ames Research Center's Earth Science Applications Office from 1971-74, and

WHEREAS, Leo was chief of stratospheric projects for NASA from 1974-77 and chief of climate and atmospheric research for NASA - Ames Research Center at Moffett Field from 1977-79, and

WHEREAS, Leo was a consultant in atmospheric chemistry and physics from 1979-84, and

WHEREAS, Leo's education, his professional career as a practicing scientist and his inquisitive mind were invaluable in dealing with the often highly technical and scientific issues that came before the Lahontan Water Board and the TRPA Advisory Planning Commission, and

WHEREAS, Leo was a champion for research in the Lake Tahoe basin. He was a strident advocate who genuinely understood the strength of a science-based approach for managing environmental resources. He worked tirelessly to ensure that these activities were supported, and

WHEREAS, Leo made sure that the results of scientific studies were considered by decision makers. He spent countless hours talking to agency staff and researchers from all fields to understand how their knowledge could be combined to protect Lake Tahoe and its watershed. While he was a kind and patient supporter of science, he knew how to ask penetrating questions and taught the Tahoe basin science community that the public is a most important partner, and

WHEREAS, Leo was on the cutting edge of education and outreach in the Tahoe basin and a critical point of connection between science and the public. His role in furthering the community's understanding of how science can be used to understand and restore the Tahoe basin environment is legendary and sets the bar for current outreach activities.

Now therefore be it resolved that the members of the Lahontan Water Board do hereby wish to express their sincere condolences to Leo's family and hereby recognize and appreciate Leo's outstanding contributions and dedication to the Lake Tahoe Region.

I, Harold J. Singer, 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 **July 23, 2008**.

HAROLD J. SINGER
EXECUTIVE OFFICER