

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2004-0007

TOWN OF TRUCKEE
TRUCKEE RIVER LEGACY TRAIL PHASE 2 -
EXEMPTION TO WASTE DISCHARGE PROHIBITION CONTAINED IN THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION

Nevada County_____

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

1. On November 6, 2003, the Town of Truckee (Town) submitted a complete Report of Waste Discharge to the Regional Water Quality Control Board, Lahontan Region (Regional Board) for the Truckee River Legacy Trail-Phase 2 Project (hereinafter referred to as the "Project"). The purpose of the Project is to construct and maintain a new multi-use trail (pedestrian, bicycle, equestrian, etc.). The Project is the second phase of a multi-phase project that will eventually result in a multi-use trail that connects Donner Lake on the western end to the Glenshire/Devonshire subdivision on the eastern end. The Project is also a component of the Town's *Trails and Bikeways Master Plan*, which was adopted in April 2002.
2. The Project site is located adjacent to the Truckee River and will run on the south side of the river from the Truckee Sanitary District pedestrian bridge on East River Street (western end) to the eastern end of the Tahoe Truckee Sanitation Agency (TTSA) ponds. There will also be a southerly trail spur that connects the main trail to the Riverview Sports Park. The Project is located within the Town limits within portions of the SE ¼ of Section 11, the SW ¼ of Section 12, and the NW ¼ of Section 13, T17N, R16E, MDBM in Nevada County. The Project area is shown in Attachment "A", which is made a part of this Resolution.
3. The proposed Project involves constructing approximately 5,900 feet of trail. The trail will be built in stages with Stage 1 involving grading and surfacing (aggregate base) the 14-foot wide main trail. Subsequent stages will involve paving the main trail and constructing a 2-foot wide single-track trail for equestrian and mountain bike users that do not want to use the paved surface. The paving would consist of placing asphalt or concrete to a maximum width of 10 feet, leaving 2-foot wide aggregate base shoulders on both sides of the pavement. The Project also involves slope stabilization measures, drainage features, and storm water runoff treatment/disposal features. Storm water treatment/disposal features will consist of a bio-swale that is sized to retain runoff from the trail

surface generated by the 20-year, one-hour storm. Within 100-year flood plain areas, the trail will be flush with the existing terrain and drain into the bio-swale to be located on the riverside of the trail. Outside 100-year flood plain areas, the trail will be raised and will drain into the bio-swale to be located on the uphill side of the trail. The total width of disturbance will range between 21 feet and 55 feet, depending upon the terrain, selected stabilization measures, and selected storm water treatment/disposal features.

The trail alignment will intercept two surface water drainages that flow perpendicular to the trail alignment. These drainages convey surface flows between the TTSA ponds and are tributary to the Truckee River. The western-most drainage currently has a grouted channel and the trail will cross this drainage using a metal pipe culvert. The second drainage, which has been identified as a water of the United States, will be spanned using a wooden deck bridge on concrete supports.

The Project will also impact the 100-year flood plain of the Truckee River within an area that was previously disturbed prior to June 26, 1975. An approximately 800-foot section of trail will be located within the uppermost portion of the Truckee River's 100-year flood plain. Approximately 17,000 square feet of 100-year flood plain will be disturbed by Project activities. Due to the trail design and location, there will be no loss of flood flow attenuation or ground water treatment capacity, and surface flow treatment capacity impacts will be minimal given the trail's close proximity to the toe of the TTSA ponds, which form the southerly flood plain boundary.

4. The Regional Board has adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Basin Plan specifies the following discharge prohibition:

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

5. The Basin Plan contains provisions for the Regional Board to grant an exemption to prohibition 4(c) for specific types of projects where the Regional Board can make the following findings. The Regional Board has determined that:
 - a. *The Project will provide outdoor public recreation within portions of the 100-year flood plain that have been substantially altered by grading and/or filling which occurred prior to June 26, 1975.*

The Project is a multi-use trail that is available to the public at large, and constitutes outdoor public recreation. Based upon aerial photos and personal conversation with Truckee Sanitary District staff (Oz Butterfield,

General Manager), the 100-year flood plain to be impacted by the Project was substantially altered due to grading and filling activities associated with constructing the TTSA ponds (formerly the Truckee Sanitary District wastewater treatment ponds). Construction of the TTSA ponds took place over several years and was completed in 1971. An area extending between 10 and 20 feet beyond the toe of the northern pond berms was either graded and/or filled during construction activities. Additionally, obvious fill material was placed between the ponds and the river as a result of pond construction activities in the area that is approximately between trail stations 24+00 and 29+00 (approximately 500 feet), located just west of the Hwy 267 Bypass Bridge). The trail section that impacts 100-year flood plain areas will be located completely within the areas that were substantially altered by grading and/or filling associated with wastewater treatment pond construction activities that occurred prior to June 26, 1975.

- b. *There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.*

The Town and its consultant conducted an alternatives analysis that assess seven trail alignments, including the proposed alignment (Alignment 2A). The alternative alignments involve routes that located the trail on the north side of the river and then crossed near the eastern-most TTSA pond (Alignment 1), on the northern berms of the TTSA ponds (Alignment 3), on the southern side of the TTSA ponds (Alignment 6), a route that runs south and parallel to the Hwy 267 Bypass and eventually crosses at the intersection of Old Brockway Road and the Hwy 267 Bypass (Alignment 5), a route that ran between ponds up to and around the sports field complex (Alignment 4), and an alignment parallel to Alignment 2A, but that was closer to the river and that impacted wetlands (Alignment 2).

Alignments 3, 4, and 6 all included trail sections that would bring the public into very close proximity of the TTSA ponds, which TTSA considers to be attractive nuisances and currently has fenced off. The ponds are periodically flooded with wastewater and are also periodically maintained with heavy construction equipment. TTSA is the current landowner and has in writing, indicated that it would not grant easements for trail alignments that threaten the public's health, safety, and general welfare. Alignment 1 that begins on the north side of the river has a number of flaws that involve bringing the public into close proximity of a very active railroad line, additional 100-year flood plain impacts, a new river crossing, and difficulty obtaining easements from the current landowners. Alignment 5 brings trail users into contact with residential traffic on narrow roads, and adds an additional 3,600 feet of trail to the south in order to cross the Hwy 267 Bypass. This would add significant cost to a project that is being funded with a combination of grant funds,

some public funds, and volunteers. Alignment 2, which parallels the proposed alignment but is closer to the river involves additional 100-year flood plain impacts and also impacts wetlands. The proposed alignment includes a route that minimizes 100-year flood plain impacts and also locates them the maximum distance from the river and immediately adjacent to the toe of the TTSA pond berms. There is no other reasonable alternative to locating the Project or portions of the Project outside the 100-year flood plain.

- c. *The project incorporates measures which will ensure that any erosion and surface water runoff problems caused by the project are mitigated to levels of insignificance.*

Temporary and permanent best management practices (BMPs) will be incorporated into the construction practices and project design. Silt fences and fiber rolls will be used to temporarily control potential storm water pollutant discharges during construction. The Storm Water Pollution Prevention Plan that will be developed for this project will also specify other measures to control pollutants originating from heavy equipment, paving operations, or other activities associated with constructing the trail. Storm water will be directed to bio-swales that will retain and infiltrate the trail runoff generated by the 20-year, one-hour storm. All cut and fill slopes will be revegetated to provide permanent stabilization. The bio-swale will also capture any sediment discharged from the aggregate base trail surface. With these measures, erosion and surface water runoff problems should be mitigated to a level of insignificance.

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

The Project incorporates numerous temporary and permanent BMPs intended to prevent pollutants from adversely water quality and impairing beneficial uses. In addition to the BMPs, the Project also incorporates a number of interpretive features, some of which will emphasize the need to protect the environment that is closely tied to the river. These measures and features should help ensure that water quality will not be degraded nor beneficial uses impaired.

- e. *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.*

The trail surface will be flush with the existing terrain through the affected 100-year flood plain areas, and the trail sub-base will only extend one foot below grade, well above ground water levels. Therefore, there will be no

loss of flood flow attenuation or ground water treatment capacity. The introduction of the additional flood plain volume created by the bio-swale will off set any loss of surface flow treatment capacity by creating an area that will enhance settling of sediments.

6. A Negative Declaration was adopted for the Project by the Town of Truckee Town Council on December 18, 2003 and a Notice of Determination was filed by the Town of Truckee on December 19, 2003, in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
7. The Regional Board has notified the Town and interested agencies and persons of its intent to adopt this Resolution.
8. The Regional 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. The criteria established for exemptions to the Basin Plan prohibition stated in Finding No. 5 above are satisfied for the Truckee River Legacy Trail Phase 2 Project.
2. The Regional Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 4 for the Truckee River Legacy Trail Phase 2 Project.

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 February 10, 2004.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Project Vicinity Map/Site Plan

SCF/cgT: Truckee Legacy Trail 2 Exemption-Resolution
[Pending-Truckee, Town of, Legacy Trail Phase II (Nevada Co.)]