#02 Potential Goal – Protect Recharge Areas and Floodplains

Background: The Lahontan Water Board currently provides protection of floodplains through the Federal Clean Water Act, Section 401 Water Quality Certification and Waste Discharge Requirements (WDRs). The Water Board and local entities in the Lake Tahoe and Truckee River watersheds have prohibitions to limit the type and amount of development in 100-year floodplains. The Lahontan Water Board does not regulate recharge areas that are not associated with a water body.

Benefits: Protecting floodplains and recharge areas will enhance water quality and quantity, prevent hydromodification, protect the beneficial uses of surface and groundwater, and help establish watershed resiliency during climatic changes.

Options:

Water Board as Lead:

1. Implement State Board's Statewide Dredge/Fill Procedures (later this year) that will apply to all waters of the State including those outside of federal jurisdictional (non-federal waters). (Achieve within two years.)
2. Revise Lahontan Water Board's Small Construction Permits (Board Order 6-91-31 and R6T-2003-0004) to mirror State Board's 401 Water Quality Certification for applicability to dredge/fill projects for non-federal waters. (Achieve within two years.)
3. Revise permits and WDRs to:
    a. Require implementation of low-impact development (LID).
    b. Prohibit or limit construction in floodplains and recharge areas.
    c. Evaluating impacts to floodplains and recharge areas in anti-degradation analyses of WDRs. (Achieve within five years)
4. Increase permit efficiency and provide design guidance for projects that could impact floodplains and recharge areas. (Achieve within two years.)
5. Expand requirements (e.g., 100-year floodplain prohibitions and associated exemption criteria established by the Water Board for the Lake Tahoe and Truckee River watersheds) throughout the Lahontan Region to protect floodplains, ephemeral washes, and review exemption criteria for consistency with climate change adaption. (Achieve within five years.)

6. Amend Basin Plan to support the following:
    a. Prohibit uses that would impact the functions of floodplains and recharge areas.

    b. Provide protection of waters of the state including those that are not U.S. jurisdictional waters.

    c. Establish basis for protection of recharge areas not associated with surface water bodies. (Achieve within five years.)

7. In addition to commenting on impacts to floodplains include comments on impacts to recharge areas in review of:
    a. Salt and Nutrient Management Plans (SNMP) currently in progress: Indian Wells, Inyo-Mono, Fremont Valley, Lahontan Basin, and Tahoe-Sierra; and future SNMP.
    b. Local Agency Management Policy (LAMP) for Onsite Wastewater Treatment Systems.
    c. Environmental impact reports, i.e., California Environmental Quality Act (CEQA).

    (Achieve within two years.)

8. Inventory existing facilities in or adjacent to critical recharge areas and consider whether additional measures are necessary to protect against degradation of groundwater from these facilities. (Achieve within five years.)

<u>Water Board as Partner</u>:

9. Partner on <u>supplemental environmental projects</u> and memoranda of understanding on projects that improve the function of floodplains and recharge areas. (Achieve within 2 years.)

10. Collaborate with local agencies on the development of groundwater management plans pursuant to the Sustainable Groundwater Management Act (SGMA). Components of the plans include increasing groundwater recharge and delineation of recharge areas. These plans will be required by 2022 in all high and medium priority Lahontan Region basins, i.e., Antelope Valley, Upper and Lower Mojave River Valleys, Indian Wells Valley, Owens Valley, El Mirage Valley, Tahoe South, and Martis Valley. (Achieve by 2022.)

11. Conduct outreach with developers, infrastructure entities, and land use planners to discuss the value of floodplains and recharge areas. (Achieve within two years.)

12. Encourage local and regional entities consider adoptions of restrictions on development on floodplains and recharge areas. (Ongoing.)

#02 Potential Goal – Protect Recharge Areas and Floodplains

Action Lead(s): Lahontan Water Board, local and regional entities, and developers

Affected Parties: Utility districts and other wastewater treatment agencies, developers.

Questions to Consider:

1. Which of the Water Board lead options provide the best protection of these areas?
2. Which of the Water Board options have the highest acceptance among stakeholders?
3. How can the Water Board work with local entities to achieve protection of floodplains and recharge areas?
4. Are there specific basins or areas where actions should focus?

Limitations/Challenges:

1. Lack of staff resources to implement and oversee measures.
2. Currently, the Water Board has no regulatory basis imposing requirements in recharge areas that are not associated with a surface water body.
3. Acceptance of potential restriction of land use.