

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION NO. R6T-2013-0054

**TRUCKEE RIVER LEGACY TRAIL PHASE 3B PROJECT, TOWN OF TRUCKEE -
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 (Water Board) finds:

1. The Town of Truckee (Applicant) submitted information to the Water Board to complete a Report of Waste Discharge (ROWD) and an Application for Clean Water Act Section 401 Water Quality Certification (WQC) for the Truckee River Legacy Trail Phase 3B Project (Project). The primary purpose of the Project is to construct a continuation of the Truckee River Legacy Trail, identified as a high priority trail in the Truckee Trails and Bikeways Master Plan, adopted by the Town of Truckee Town Council in April, 2002. The Project is an essential transportation facility and recreation Project.
2. The Project site is located at the eastern edge of the Town of Truckee, along the south bank of the Truckee River. The Truckee River and Martis Creek are located at the Project site, within the Truckee River Hydrologic Unit No. 635.00.
3. The Project involves the construction of approximately 11,155 linear feet of paved Class I bike and pedestrian trail. The trail alignment will include a span bridge crossing at Martis Creek, upstream from the confluence with the Truckee River.
4. The Applicant evaluated several alternatives during the planning phase of the Project and chose the current trail alignment. Due to the existing location of a historic site and the desire to avoid impacts to this cultural resource, the alignment of the trail will be within the 100-year floodplain of the Truckee River. The Project as proposed will create permanent and temporary disturbance to wetlands.
5. The Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Chapter 4 specifies the following discharge prohibition:

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 of the Truckee River is prohibited.

6. The proposed Project would violate the above-cited prohibition as it involves land disturbance and discharge of earthen and fill material within 100-year floodplain of the Truckee River. The disturbance includes (a) grading and paving for a new bike path, (b) installation of a span bridge over Martis Creek above the confluence with the Truckee River, and (c) restoring disturbed wetlands. The Project will cause 3,990 square feet (0.092 acre) of temporary impacts and 150 square feet (0.003 acre) of permanent impacts to wetlands within the 100-year floodplain, and 3210 square feet (0.074 acre) of permanent impacts to non-wetland 100-year floodplain for new trail creation.
7. The Project is essential for transportation and public recreation. The trail is in accordance with the Truckee Trails and Bikeways Master Plan, adopted by the Town of Truckee Town Council in April, 2002.
8. The Project exceeds the allocated size limits for recreation projects sited in the 100-year floodplain of the Truckee River as indicated in Resolution No. R6T-2008-0031, which delegates the authority to the Executive Officer to grant exemptions to the 100-year floodplain discharge prohibitions if recreation projects meet these specific conditions: (1) less than 2000 square feet of new ground disturbance, and (2) less than 100 cubic yards of fill or excavation will occur. The Project proposes to permanently disturb 3,360 square feet and add 9.7 cubic yards of fill in the 100-year floodplain of the Truckee River. Since the Project exceeds the area size limit in Resolution No. R6T-2008-0031, the Project must be considered at a public meeting of the Water Board.
9. The Basin Plan allows exemptions to the above-cited discharge prohibition (in number 5 above) for public recreation projects that meet the following exemption criteria:
 - a. *There is no reasonable alternative to locating the Project or portions of the Project within the 100-year floodplain.*

Numerous alternatives were considered in the development of the Project. The preferred trail alignment follows the south bank of the Truckee River, minimizes impacts to the 100-year floodplain, and avoids impacts to significant cultural and historical resources. There is no reasonable alternative location for the Project.

- b. *The Project, by its very nature, must be located within the 100-year floodplain.*

The Truckee River Legacy Trail system was envisioned to parallel the Truckee River. Because alternative alignments that avoid the 100-year floodplain would not achieve the Project vision, and would impact a significant cultural and historical site. The Project by its very nature must be located within the 100-year floodplain of the Truckee River, and Martis Creek, a tributary to the Truckee River.

- 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.*

The Project will incorporate Best Management Practices to stabilize and minimize impacts to water quality. A Storm Water Pollution Prevention Plan, required as a component of the Statewide Stormwater Construction General Permit (DWQ-2009-0009), will provide site specific stormwater BMPs. All work will be restricted to May 1 through October 15 of a given year. All proposed work will avoid disturbance within the ordinary high water mark of Martis Creek and the Truckee River. The Project incorporates measures that mitigate all possible erosion or surface water runoff problems to levels 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 involves construction operations that will require the Town of Truckee to obtain a Statewide Stormwater Construction General Permit (DWQ-2009-0009) that describes stormwater runoff treatment and erosion control measures consistent with the Water Board's guidelines. As a component of this permit, a SWPPP will be prepared and followed to protect surface water quality through the implementation of BMPs and various other means. The Project must also comply with the Town of Truckee's drainage/stormwater runoff regulations as specified in Section 18.30.050 of the Development Code. The Project will not degrade water quality or impair beneficial uses of water.

- e. The Project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the groundwater flow treatment capacity from existing conditions. All 100-year floodplain areas and volumes lost as a result of the Project must be completely mitigated by restoration of previously-disturbed floodplain within or as close as practical to the Project site. The restored, new, or enlarged floodplain shall be sufficient area and volume to more than compensate for the flood flow attenuation capacity, surface flow treatment capacity, and groundwater flow treatment capacity which are lost as a result of the Project.*

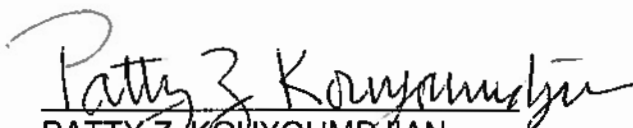
The Project will result in no net loss of the 100-year floodplain volume. The trail will be installed at ground elevation and will not impede or reduce surface flows of water in the event of a flood; therefore, attenuation capacity will be unaffected after completing construction. Temporary fill will be removed and wetlands within the 100-year floodplain will be restored or replaced in kind onsite prior to project completion. To compensate for temporal wetland losses and permanent fill in the floodplain, the Town has provided offsite, in kind mitigation associated with floodplain and wetland creation on a nearby portion of Trout Creek, a tributary to the Truckee River. Work accomplished under Board Order (WDID 6A291104003) on Reach 3 just below Glenshire Drive will provide not less than 5040 square feet (0.116 acre) of floodplain area containing at least 2070 square feet (0.047 acre) of wetlands. The restored, new, or enlarged floodplain is of sufficient area and volume to more than compensate the surface flow treatment capacity, or the groundwater flow capacity which are lost as a result of the Project.

10. Compliance with California Environmental Quality Act (CEQA, Public Resources Code 21000, et seq.) – The Applicant certified a Mitigated Negative Declaration (MND, State Clearinghouse No. 2012111094) on November 30, 2012, and filed a Notice of Determination on December 31, 2012 for the Truckee River Legacy Trail Phase 3B Project, pursuant to the CEQA. The Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations, title 14, section 15096, has considered the Applicant's MND for the Project and mitigation measures incorporated into the MND to reduce potentially significant water quality impacts to less than significant. As a result of the analysis, the Water Board finds the mitigation measures in the MND are adequate to reduce potentially significant water quality impacts to less than significant levels.
11. The Water Board has notified the Applicant and interested agencies and persons of its intent to adopt this Resolution by mail posting to a list server, and posting on the Water Board's internet site.
12. The Water 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:

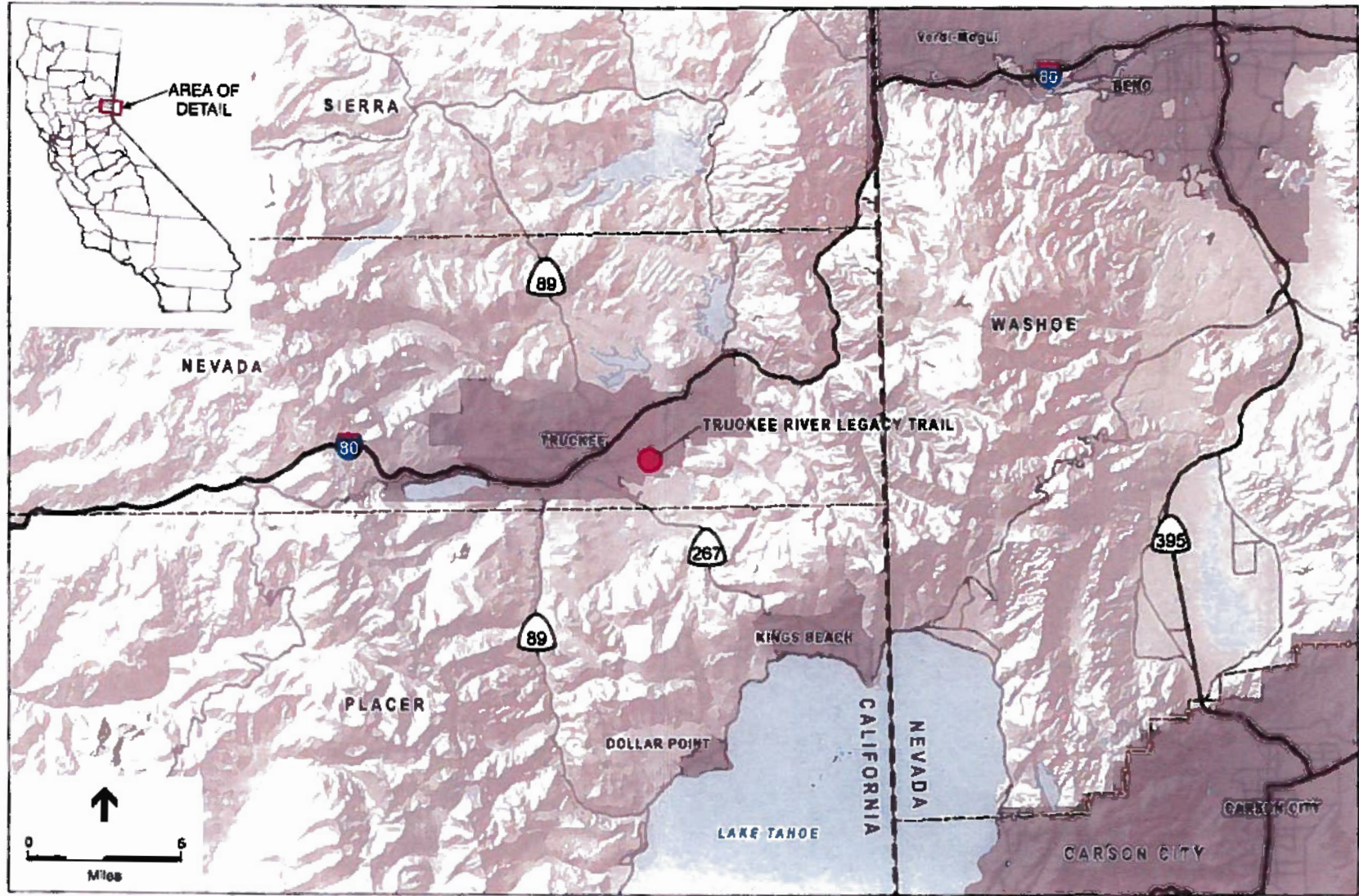
1. Pursuant to Finding Nos. 8 and 9, above, the criteria established for exemption to the Basin Plan prohibition stated in Finding No. 5 is satisfied for the Truckee River Legacy Trail Phase 3B Project.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 5 for the Truckee River Legacy Trail Phase 3B Project, on the condition that:
3. Prior to initiating any construction activity or disturbance in waters of the U.S. (WOUS) or other waters subject to state regulation, the Applicant must obtain for the Project a WQC Order from the Water Board.

I, Patty Z. Kouyoumdjian, 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 **June 19, 2013**.


PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment: A. Project Vicinity Map
 B. Project Site Map

ATTACHMENT A: Project Vicinity Map

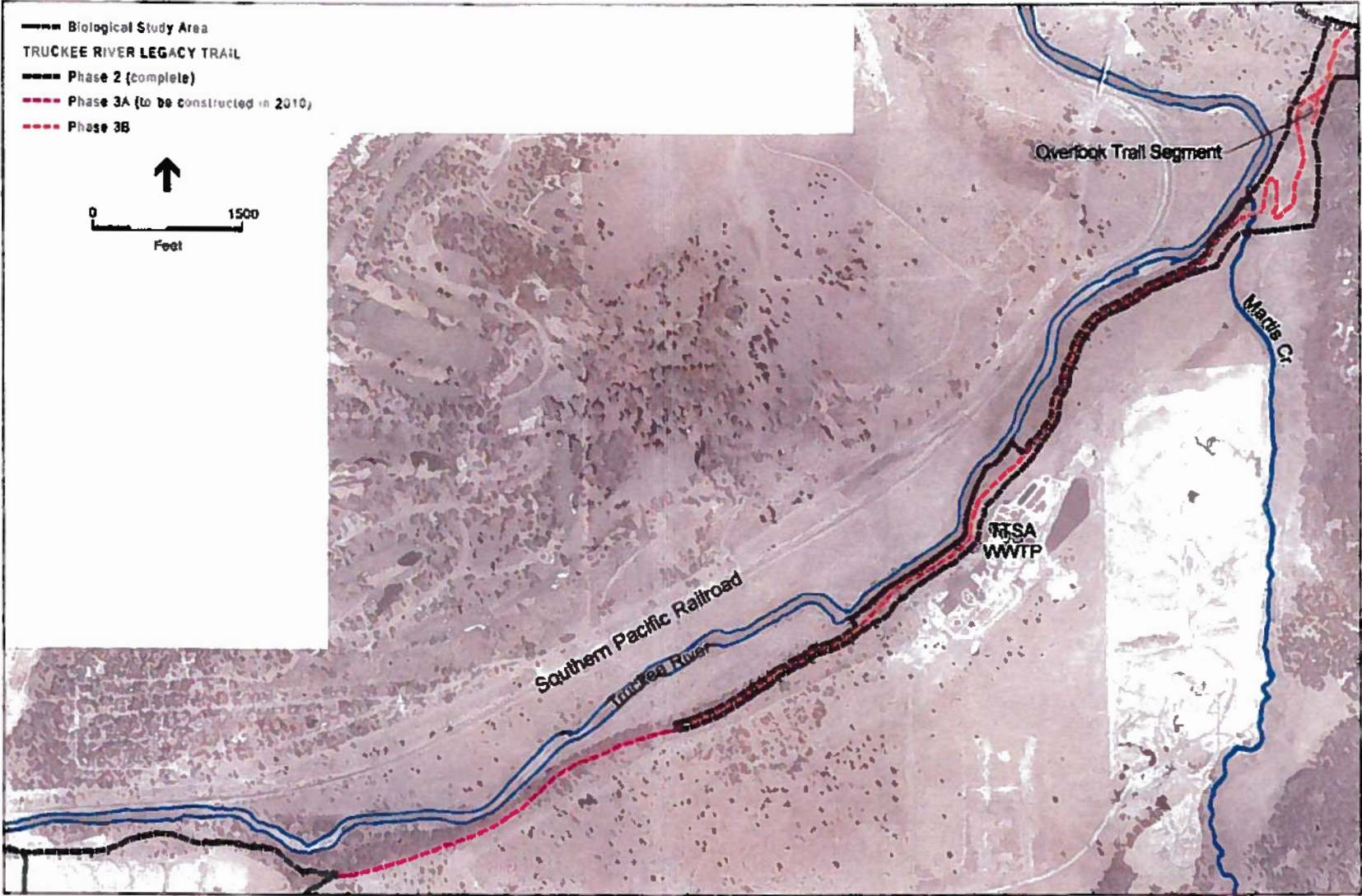


SOURCE: ESRI, 2008, and ESA, 2010

Truckee River Legacy Trail Phase 3B . 209008

Figure 1
Regional Locator

ATTACHMENT B: Project Site Map



SOURCE: Lumos and Associates, 2010, and ESA, 2010

Truckee River Legacy Trail Phase 3B . 209008

Figure 2
Phase 3B Alignment