



mountain area preservation  
ESTABLISHED IN 1987

July 30, 2018

Patty Z. Kouyoumdjian  
Executive Officer  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
Attn. Jeff Brooks

**RE: Tahoe Donner Association (TDA) Equestrian Facility 15275 Alder Creek Road, Truckee, CAO Rescission of Cleanup and Abatement Order No. R6T-2007-0015.**

Dear Mr. Jeff Brooks:

Mountain Area Preservation (MAP) appreciates the opportunity to comment on the proposed Rescission of the Tahoe Donner Association's Cleanup and Abatement Order (CAO). Our organization has provided comments on the Equestrian Facility in the past and would like to submit the following comments for the record. We commend the Lahontan Water Board and staff for the progress made so far with regard to the remedies sought to protect the Alder Creek watershed and wetlands from unauthorized discharges from the Tahoe Donner Association's (TDA) commercial equestrian facility, a confined animal operation in a sensitive alpine environment. We believe TDA has yet to achieve full compliance.

TDA has not complied with the required CAO set back of 25 feet from sensitive wetland areas. Vehicles, horse trailers and heavy equipment are routinely parked off pavement next to these sensitive areas causing discharge of solvents, fuel, oil and compaction of the soils. **(See Figures 1-3)**

Also, contrary to the CAO, which required any construction or relocation of the equestrian facilities to comply with the Lahontan Basin Plan and the prohibition against disturbance in the 100 year flood plain, TDA has constructed a trail, stream crossing, signage, and a garbage bin in the wetland area to the east of the "dude pen." The CAO also required compliance with existing federal Clean Water Act provisions and permits, the California Fish and Wildlife streambed alteration permit requirements and presumably the existing 86-12 WDR conditions that prohibited any disturbance in the 100 year flood plain and no construction within 50 feet of the stream and drainage. No permits could be located for the trenching,

discharging of fill and concrete and construction of the streamside crossing through this wetland area (**See Figure 4**). Further, the CAO required protective measures such as fencing to limit horse traffic, compaction and disturbance. No protective fencing has been installed to protect the east side of this wetlands area adjacent to Alder Creek Road where this horse, hiking and biking trail and signage has been constructed.

Finally, to the west where the equestrian confined animal facility was relocated, the CAO also required setbacks and protective measures to protect these wetland areas and compliance with existing laws and regulations.<sup>1</sup> The Town of Truckee called for additional mitigation measures for this wetlands area located to the west of the former equestrian center (demolished) and equestrian operations. This included fencing of wetlands located to the west of the newly constructed Cross Country Ski lodge, including fencing to protect the wetlands located in the Nevada County jurisdiction. The fencing and required setbacks are absent where vehicles and trailers are now parked. The Mitigated Negative Declaration and staff report for the project (Staff Report, Appl. #13-024/DP-UP AMND-MUP-SP see Page 23-24) stated:

"Wetlands located within Nevada County are subject to a 100 foot setback. All fencing installed within Nevada County shall be located at the edge of the 100 foot setback. The Nevada County Planning Director may modify this requirement subject to approval of a Wetland Management Plan. In approving disturbance within the setback area, Nevada County requires that all fencing be installed 'with the oversight of a biologist either during construction or through a report on how the fence or barrier should be placed."

Until protective fencing is installed to protect all of the surrounding wetlands area and disturbance in the 100 year flood plain removed, no rescission should be granted. These mitigation measures need to be upheld in order to be in compliance.

Thank you for the opportunity to provide comments.

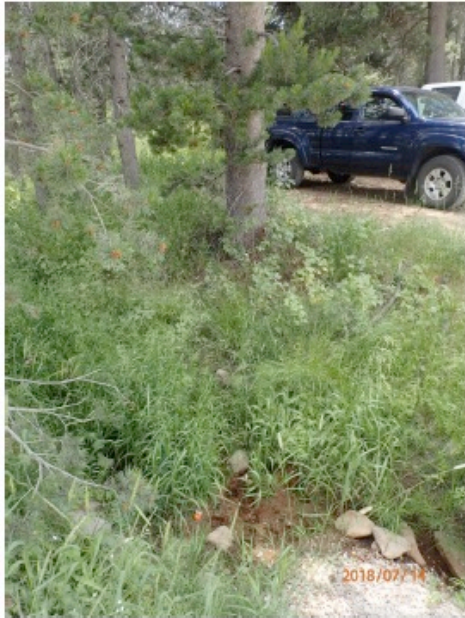
Alexis Ollar  
MAP Executive Director

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<sup>1</sup> See July 2014 Email from Scott Ferguson to Forrest Huisman (TDA)  
*Please be aware that Water Board staff intends to fully enforce the 25-foot buffer compliance measure that is part of Tahoe Donner Association's Compliance Plan. The Association developed and submitted the Compliance Plan as required by Cleanup and Abatement Order No. R6T-2007-0015. The Cleanup and Abatement Order also requires the Association to fully implement the Compliance Plan, as accepted by the Water Board. The buffer area compliance measure is one of the remaining Compliance Plan elements that the Association has yet to fully implement. See Measures to isolate wet areas (e.g., fencing). CAO R6T -2007-0015 Tahoe Donner Association pg 5 See 2(c)*



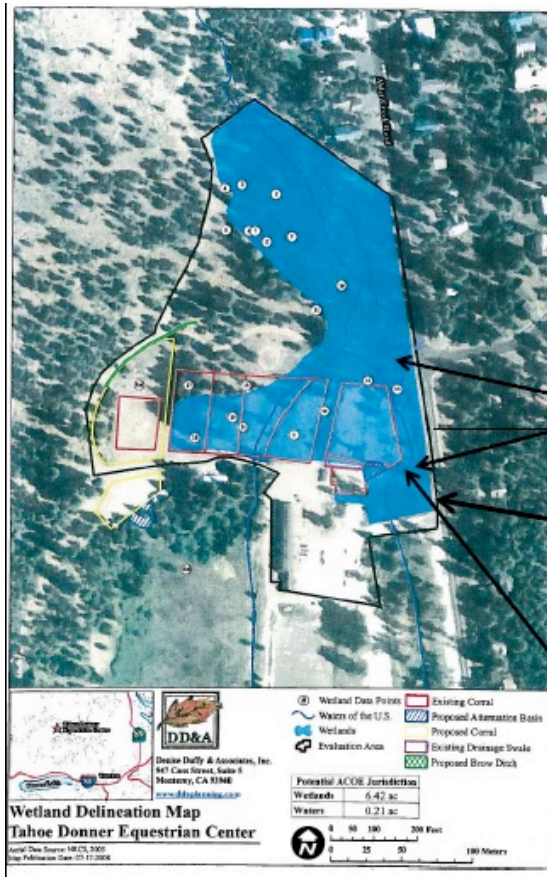
**Figure 1: Horse Trailers and Vehicles Parked Off-Pavement Next to Wetlands in Violation of CAO 25 foot setback and Nevada County 100 ft Setback Requirements. No protective fencing.**



**Figure 2: Vehicles & Heavy Equipment Parked within 25 feet of Wetlands and Waterways—Solvent & Oil Discharges Likely—Violates CAO Setback Requirements**



**Figure 3: Heavy Equipment and Vehicles Result in Apparent Discharge of Oil and Compaction of Soils—Violates the CAO 25 foot setback requirement**



**Figure 4: TDA 2014 Wetland & 100 Yr Flood Plain Trail Construction, Trenching, Excavating & Sign Installation. No protective fencing.**



Wetland Trail Construction & Stream side Crossing 2014 & 2015

2014 Sign & Garbage Bin Construction & Trenching

