

Lake Tahoe Roads Workshop

June 2013

Lahontan Regional Water Board



Outline

- Overview of the Lahontan Region
- Mission of the Water Boards
- Water Board policies to address roads in the Tahoe Basin

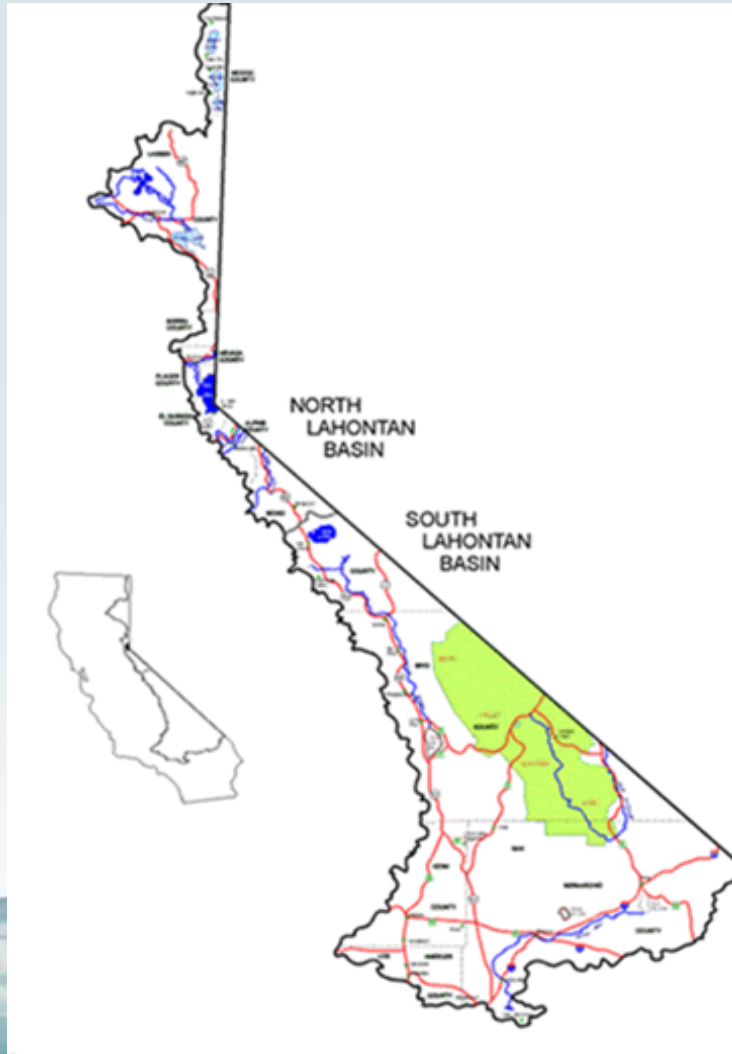


Lahontan Region



- **600 miles long**
- **33,131 square miles**
- **larger than the State of Maine**

Lahontan Region



**About 24% of the
landmass of CA**

< 2% of population

**Primarily surface
water in north
basin and
groundwater in
south basin**

Lahontan Region



Mt. Whitney 14,494 ft.

Death Valley – 282 ft.



Water Resources



- **700+ lakes**
- **3,000+ miles of streams**
- **1,500+ sq miles of groundwater basins**
- **2 ONRWs**
 - **Mono Lake and Lake Tahoe**
- **15 major watersheds**

Mission of State and Regional Water Boards

“... preserve, enhance and restore the quality of California’s water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.”



Water Board Policies to Address Roads in the Lake Tahoe Basin

- I. Porter Cologne/CWA
- II. Basin Plan
- III. NPDES Permit
- IV. Timber Waiver
- V. CWA Section 404/401
- VI. CEQA

Water Board Authority

- Porter Cologne/Basin Plan
- Federal Clean Water Act



Basin Plans

- Beneficial Uses – describes the uses of the water that must be protected
- Water Quality Objectives – describes numeric and narrative objectives necessary to protect beneficial uses
- Non-degradation objective
- Implementation Plans
 - Chapter 5 – Lake Tahoe – Outstanding National Resource Water

Porter-Cologne Water Quality Act

- Basin Plan Requirements
 - Beneficial Uses
 - Water Quality Objectives
 - Implementation Plans
 - Chapter 5 – Lake Tahoe
- Waste Discharge Requirements/Waivers
- Other Orders
- State Board Plans and Policies

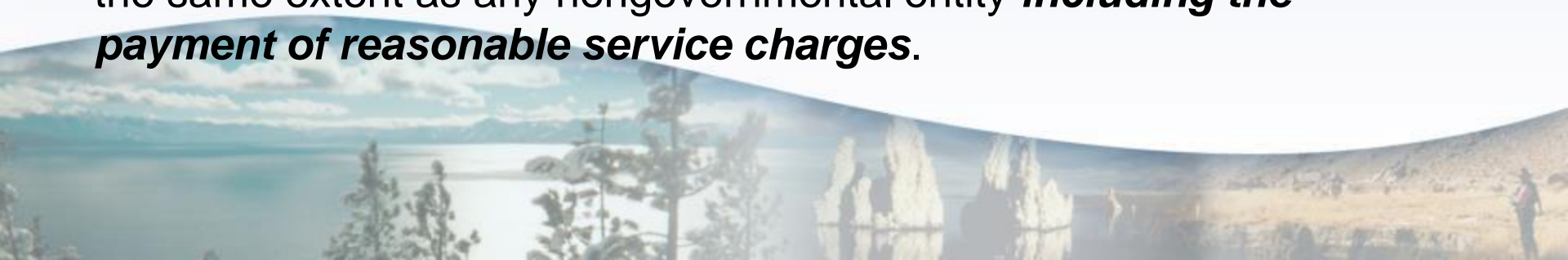
Clean Water Act

- Applies to Waters of the US
- Section 313 – Requires federal departments to comply with federal, state and local requirements for control and abatement of water pollution
- Section 402 – NPDES Program
- Section 404/401 – Dredge and Fill
- Section 303 – Total Maximum Daily Loads for Impaired Water Bodies

CLEAN WATER ACT, SECTION 319

SEC. 319. [33 U.S.C. 1323] FEDERAL FACILITIES POLLUTION CONTROL

(a) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, ***all Federal, State, interstate, and local requirements***, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity ***including the payment of reasonable service charges.***



General NPDES Construction Stormwater Permit for Lake Tahoe

- For disturbance greater than one acre
- Requires application through State Water Board SMARTS system
- Requires preparation of a Stormwater Pollution Prevention Plan (SWPPP)
- SWPPP preparation requires certain certifications
- Includes monitoring requirements
- May require CEQA if project activities require a Basin Plan prohibition exemption.

Timber Waiver

- Conditional
- Includes road construction and maintenance BMPs
- Has implementation and effectiveness monitoring requirements



CWA Section 404/401 Dredge and Fill Permits

- Section 404 – permit from Army Corps of Engineers that allows discharge of dredge or fill into Water of the US
- Section 401 – certification from the Water Board that the discharge allowed under federal permit will comply with requirements, including Basin Plan
 - **Issuance of 401 certification requires CEQA compliance**

SECTION 404 PERMIT EXEMPTIONS

Exempt Activities:

- 1. Farming, silviculture and ranching activities**
- 2. Maintenance activities**
- 3. Construction and maintenance of farm ponds, stock ponds, or irrigation ditches or the maintenance of drainage ditches**
- 4. Construction of temporary sedimentation basins**
- 5. Any activity with respect to which a State has an approved program under section 208(b)(4) of the CWA which meets the requirements of sections 208(b)(4) (B) and (C).**
- 6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment**

<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Section404Exemptions.aspx>



1. Normal Farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, and harvesting.

- includes: plowing, seeding, cultivating, minor drainage and harvesting for the production of food, fiber and **forest products**, or **upland soil and water conservation practices**
- MUST be a part of an established (on-going) farming, **silviculture**, or ranching operation.
- If the activity does not occur within **waters of the U.S.**, or if it does not involve a **discharge of fill material**, the activity does not require a Department of the Army permit, whether or not it is part of an established farming, silviculture, or ranching operation.



6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment (1/3)

- Roads must be constructed and maintained in accordance with *best management practices* to assure that flow and circulation patterns and chemical and biological characteristics of waters of the U.S. are not impaired and that the reach of the waters of the U.S. is not reduced, and that any adverse effect on the aquatic environment are minimized.
- Roads shall be held to the *minimum feasible number*, width, and total length consistent with the purpose of specific farming, silviculture or mining operations, and local topographic and climatic conditions
- Road fill shall be bridged, culverted or designed to prevent the restriction of *expected flood flows*
- The fill shall be properly stabilized and maintained during and following construction to prevent erosion
- Discharges shall be made in a manner that minimizes construction equipment in waters of the U.S. outside of the fill area



6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment (2/3)

- Vegetative disturbance shall be kept to a minimum**
- Construction and maintenance of crossing shall not disrupt the migration or other movement of aquatic life**
- Borrow material shall be taken from upland sources where feasible**
- The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species, or adversely modify or destroy the critical habitat of such species;**
- Discharges into breeding and nesting areas for migratory waterfowl, spawning areas, and wetlands shall be avoided**



6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment (3/3)

- The discharge shall not be located in the proximity of a *public water supply intake*
- The discharge shall not occur in areas of concentrated shellfish production;
- The discharge shall not occur in a component of the *National Wild and Scenic River System*;
- The discharge of material shall consist of suitable material free from *toxic pollutants* in toxic amounts; and
- All temporary fills shall be removed in their entirety and the area restored to its original elevation.



Waters of the State

- WQO-2004-0004-DWQ
- General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction
- Regulates minor discharges of dredged or fill material to waters of the State waters not subject to Clean Water Act Section 404.

Questions/Comments?

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