
Lahontan Regional Water Quality Control Board

April 9, 2021

WDID 6A292009002

Beth Christman
Truckee River Watershed Council
P.O. Box 8568
Truckee, CA 96162
bchristman@truckeeriverwc.org

Board Order R6T-2021-0016 Granting Clean Water Act Section 401 Water Quality Certification and Basin Plan Prohibition Exemption, and Adoption of Mitigated Negative Declaration, Lacey Meadows Restoration Project, Sierra and Nevada Counties

Lahontan Regional Water Quality Control Board (Water Board) staff has received a complete Clean Water Act (CWA) section 401 Water Quality Certification (WQC) application and application filing fee from Truckee River Watershed Council (Applicant) for the Lacey Meadows Restoration Project (Project) in Sierra and Nevada Counties. The application was received on February 18, 2021 and deemed complete on February 23, 2021. This WQC hereby assigns this Project Waste Discharge Identification (WDID) No. 6A292009002. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to reconsider this WQC in accordance with Water Code section 13320 and California Code of Regulations (CCR), title 23, sections 2050 and 3867. The State Water Board must receive the petition within thirty (30) days after the date of this WQC, by 5:00 p.m. on the thirtieth day except if the thirtieth day following the date of this WQC falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at the [Water Quality Petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/) page: (http://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

PROJECT INFORMATION

Project details are listed in the following tables.

General Project Information

Category	Data
Applicant	Beth Christman Truckee River Watershed Council P.O. Box 8568 Truckee, CA 96162 bchristman@truckeeriverwc.org 530-550-8760 x1#
Agent	Not applicable
Project Name	Lacey Meadow Restoration Project.
Project Purpose and Description	<p>The purpose of the Project is to restore impacts to Upper Lacey Meadow and Lower Lacey Meadow caused by historic uses. Upper Lacey Meadow has been reduced from approximately 99 acres to 72 acres due to impacts including channel modification and diversions. Lacey Creek is incised through Lower Lacey Meadow due to knickpoint erosion and headcut migration associated with rapid and large anthropogenic fluctuations in Webber Lake water levels.</p> <p>The Project will mitigate these impacts by re-establishing natural meadow processes and function by correcting incision and re-engaging natural channels. Project construction will include installation of instream features including debris jams, log and boulder structures, and engineered riffles, installation of buried log grade control structures, placement of channel fill , removal of historic levees and push-up dams, and drainage improvements to Webber Lake Road.</p> <p>Temporary impacts associated with the Project construction will include designated access routes through the meadow, diversion and dewatering systems to facilitate in-stream work, and creek crossings. Temporary impacts will be restored to pre-Project conditions.</p> <p>Enclosure 1 is a site location map; Enclosures 2 and 3 show activities proposed in Upper Lacey Meadow and Lower Lacey Meadow, respectively.</p>
Project Type	Ecological Aquatic / Stream / Habitat Restoration
Project Address or other Locating Information	Webber Lake Road, Sierraville. From Interstate 80 in Truckee, CA travel north on Highway 89 approximately 14 miles; turn left (west) on Jackson Meadows Road (FS 07) and go approximately 8.5 miles; turn left (south) at the sign for Webber Lake; veer right at the first fork and follow signs to Lacey Meadows. From the Lacey Valley Trailhead, Lower Lacey Meadow is about 0.25 miles and Upper Lacey Meadow is about 1.5 miles.

Category	Data
Project Location Latitude/Longitude	39.4654 N, 120.42653W
Hydrologic Unit(s)	Little Truckee River Hydrologic Unit (636)
Total Project Size	17.38 acres
Receiving Water(s) Name	Lacey Creek, Upper Lacey Meadow, Lower Lacey Meadow
Water Body Type(s)	Stream, meadow
Beneficial Uses	<p>The Lahontan Basin Plan does not list specific beneficial uses for Lacey Creek or Lacey Meadows. The beneficial uses for “minor surface waters” of the Little Truckee River Hydrologic Unit are: Municipal and Domestic Supply (MUN), Agriculture (AGR), Ground Water Recharge (GWR), Freshwater replenishment (FRSH), Water Contact Recreation (REC-1), Noncontact Water Recreation (REC-2), Commercial and Sportfishing (COMM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), and Rare, Threatened, or Endangered Species (RARE),</p> <p>The beneficial uses for “minor wetlands” of the Little Truckee River Hydrologic Unit include those listed above along with Preservation of Biological Habitats of Special Significance (BIOL), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and Development (SPWN), Water Quality Enhancement (WQE) and Flood Peak Attenuation / Flood Water Storage (FLD).</p>
Potential Water Quality Impacts	Project construction could result in discharges of sediment to Lacey Creek or its tributaries, or Lacey meadows. Additionally, accidental releases of fuels and lubricants could result in exceedances of the toxicity water quality objective.
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACE) authorization to proceed under Nationwide Permit 27 pursuant to CWA section 404.

Category	Data
Non-Compensatory Mitigation	<p>The primary Project-related potential water quality impact is discharge of suspended sediment to Lacey Creek and its tributaries during construction. The Applicant proposes Project construction for late summer and fall to take advantage of seasonal low flows in Lacey Creek and dry weather. The Applicant expects to complete each Project phase in one field season. The Project design includes engineered construction entrances, identified access routes, equipment limitation zones, and areas of hand work to protect vegetation and minimize clearing and off-road disturbance.</p> <p>This WQC requires that the Applicant develop and submit two Project plans that describe controls to avoid or reduce direct or indirect impacts to water quality during Project construction. The plans consist of a Stormwater Pollution Prevention Plan (SWPPP), and a Diversion and Dewatering Plan (DDP). A SWPPP addresses pollutants and their sources associated with construction activities. The Project SWPPP will establish best management practices (BMPs) to reduce or eliminate pollutants in stormwater discharges. The SWPPP will describe appropriate construction BMPs for work areas, access routes, staging areas, and fueling and maintenance areas. The SWPPP will include a construction monitoring program to assess SWPPP compliance, and a Rain Event Action Plan (REAP) to describe actions before, during, and after significant precipitation events.</p> <p>The Project DDP will describe how in-stream work areas will be dewatered and how the diverted water will be conveyed around the work areas. The diversion and dewatering of Lacey Creek will allow the Applicant to construct in-stream features in a relatively dry setting to help protect water quality during construction.</p> <p>The Application specifies that construction of new channel and new in-stream features be conducted prior to abandoning the old channel and introducing water to the new channel, so that these elements can be built in a relatively dry setting.</p> <p>This WQC requires the Applicant to develop and submit a water quality monitoring plan to assess potential water quality impacts associated with dewatering and diversion and certain in-stream construction activities.</p> <p>The Applicant submitted a draft restoration plan for construction-related temporary impacts. The Applicant submitted a draft assessment plan to evaluate restoration progress. This WQC requires the Applicant to submit final restoration and restoration assessment plans for Lahontan Water Board staff review.</p>

Category	Data
Compensatory Mitigation	Compensatory mitigation for the temporary impacts associated with Project construction will be the re-establishment of 105 acres of wetland and 8,200 linear feet of stream channel, and the enhancement of another 50 acres of wetland. The Project will improve the COLD, GWR, WILD, RARE, and SPWN, beneficial uses for Upper and Lower Lacey meadows and Lacey Creek. The Project will result in improved hydrology, groundwater storage, vegetation, and habitat diversity. Project-related short-term impacts, such as access routes and staging areas, will be restored to pre-Project conditions in accordance with the Project's restoration plan.
Application Fee and Fee Code	\$551 – Fee Code 85
Fees Received	\$551
Estimated Annual Fee ¹	\$276 (Annual fee assessed each fiscal year or portion of a fiscal year during which discharges occur until the Water Board issues a Notice of Project Completion Letter to the Applicant).
¹ The actual Annual Fee will be calculated using the fee schedule in effect at the time the annual fee is assessed per California Code of Regulations, Title 23, section 2200(a)(3).	

Impacts of Fill and Excavation to Waters of the State

Water-body Type	Temporary Impacts			Permanent Physical Loss of Area			Permanent Degradation of Ecological Conditions			
	Units	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake										
Riparian Zone		1.14	316	1867						
Stream Channel		2.6	4435	5882						
Wetland		1.9	136	4717						

Mitigation for Temporary Impacts

Aquatic Resource Type	Units	Establishment	Re-establishment	Rehabilitation	Enhancement	Preservation
Lake	Acres					
Riparian Zone	Acres					
	Linear Feet					

Stream Channel	Acres		1.88			
	Linear Feet		8200			
Wetland	Acres		105		50	

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITIONS

Implementation of the Project will potentially result in temporary construction impacts and discharges of sediment and earthen materials. The Water Board has adopted a Water Quality Control Plan (Basin Plan), which, in Chapter 4.1, specifies the following waste discharge prohibitions. Quoted text from the Basin Plan is noted in open and closed quotes.

1. “The discharge of waste that causes violation of any narrative or numeric water quality objective contained in this Plan is prohibited.”

The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains the following water quality objective for turbidity in Section 3, page 3-6:

“Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.”

2. “The discharge, attributable to human activities, of any waste or deleterious material to surface waters of the Truckee River HU or Little Truckee River HU is prohibited.”
3. “The discharge or threatened discharge attributable to human activities, of waste to lands within the 100-year floodplain of the Truckee River, Little Truckee River and their tributaries is prohibited.”

BASIN PLAN PROHIBITION EXEMPTION CRITERIA AND FINDINGS

For waste earthen materials discharged because of restoration projects, the Basin Plan specifies that the Water Board’ Executive Officer may grant exemptions to Basin Plan prohibitions, provided the following specific exemption criteria are satisfied. Exemption criteria are noted using open and closed quotes.

- a. “The project will eliminate, reduce or mitigate existing sources of soil erosion, water pollution, and/or impairment of beneficial uses of water, and...”

The Project aims to restore the natural geomorphic processes and ecological function of Lacey Creek and Upper Lacey and Lower Lacey meadows. Currently Lacey Creek in Lower Lacey meadow is incised and actively eroding, and in Upper Lacey Meadow the creek has been modified and disconnected from its historic flow paths through the meadow. This restoration Project will restore stream channel form, hydrologic functions, and increase the total area of wet meadow habitat.

- b. "There is no feasible alternative to the project that would comply with the Basin Plan prohibitions, and..."

The Project's goal is to restore stream channel and wetland features to reestablish a natural, resilient, and self-sustaining system, with primary Project goal of returning Lacey Creek to Lacey meadows. Therefore, the Project requires in- and near-stream work that could potentially result in discharges of earthen materials that would not comply with Basin Plan prohibitions. To accomplish the Project's goals, there is no reasonable alternative that would avoid or reduce the extent of encroachment in the stream channel and meadow. The Applicant will minimize impacts from construction by limiting access and work season, and by implementing erosion control measures.

- c. "All applicable and practicable control and mitigation measures have been incorporated into the project to minimize land disturbance, soil erosion, discharges of turbid water, and other potential adverse impacts to water quality and beneficial uses to the minimum necessary to complete the project."

Project design includes designated and carefully- selected access routes and the use of best management practices to protect sensitive soils along these access routes. As a condition of this WQC, the Applicant will be required to obtain coverage under the State Water Resources Control Board's National Pollutant Discharge Elimination System Construction Stormwater General Permit (CGP). As part of the CGP process, the Applicant will be required to develop and implement a stormwater pollution prevention plan (SWPPP) for the Project. The SWPPP will include temporary water quality protection measures such as silt barriers around access, staging, and stockpile areas; provisions for covering construction materials in the event of storm events; and designated access routes and equipment limitation areas. The SWPPP will also describe spill contingency measures and best management practices required of the construction contractor to minimize potential construction equipment related discharges. The implementation of the SWPPP will minimize discharges of turbid water during construction and protect water quality and beneficial uses.

Also, as a condition of this WQC, the Applicant will be required to develop a diversion and dewatering plan (DDP) to protect water quality in Lacey Creek construction areas where the creek needs to be locally dewatered for in-stream work. The DDP will describe how the stream will be captured and how the captured water will be routed and discharged downstream of work areas. It will also describe diversion removal and re-introduction of the stream to new or restored channels.

All disturbance associated with Project work will be restored and revegetated. Temporary access routes and staging areas will be restored to meet pre-Project conditions. As a condition of this WQC, the Applicant will be required to submit a final Restoration Plan. Measures may include biotechnical streambank stabilization, wetland plantings and revegetation, vegetation maintenance, post-construction monitoring, and adaptive management.

This WQC requires a final Restoration Assessment Plan prior to starting the Project. This plan will describe monitoring and adaptive management strategies to assess post-construction project stability, identify areas of concern, and develop and implement mitigation measures if necessary.

EXEMPTION GRANTED

As demonstrated above, the Project meets the conditions in the Basin Plan for granting an exemption. The exemption covers the activities required to restore Lacey Creek, and Upper and Lower Lacey meadows as described in the Application. A draft notice of exemption was distributed through an interested-persons mailing list, allowing at least 10 days for comments to be submitted. The comment period ended on March 14, 2021 and no exemption-related comments were received during the comment period.

ALLOWED TURBIDITY INCREASES

This WQC permits short-term increases in turbidity up to 20 NTU above background for installation and decommissioning of in-stream facilities such as coffer dams and dewatering discharge points. This WQC permits short-duration increases in turbidity up to 50 NTU above background for re-wetting of the constructed stream channel.

If turbidity monitoring shows increases in turbidity above allowed levels, the discharger must cease operations or implement corrective actions to reduce Project-related turbidity releases to the levels allowed by this WQC. This WQC requires the Applicant to submit a water quality monitoring plan, prior to each work season to in-part assess compliance with this allowed turbidity increase.

CEQA COMPLIANCE

On January 5, 2021, the Water Board provided notice of intent to adopt the *Lacey Meadows Initial Study/Mitigated Negative Declaration* (MND), State Clearinghouse Number 2021010001. Lahontan Water Board staff received two comments on the IS-MND during a 30-day public comment period. One comment voiced support for the Project. The second comment identified local permitting requirements for certain activities and discussed several issues (e.g. Sierra Historical Society outreach signage suggestions) not applicable to the Project's environmental impact analysis requirements under CEQA. Water Board staff responded to the second comment letter explaining that the WQC requires the Applicant to obtain all necessary permits; and that based on all received comments, further analysis of the Project's environmental impacts is not needed. The Water Board received additional comments outside the CEQA 30-day comment period. The Water Board responded to the additional comments.

Lahontan Water Board staff requested consultation pursuant to AB 52 (Chapter 532, Statutes of 2014) with Native American Tribes. The only tribe registered with the Lahontan Water Board for the Project area is the United Auburn Indian Community of the Auburn Rancheria. On September 16, 2020, Lahontan Water Board sent a letter to the United Auburn Indian Community of the Auburn Rancheria, informing them of the proposed project and inquiring whether the tribe

wished to consult with Lahontan regarding Tribal Cultural Resources. The letter requested a response by October 15, 2020. Lahontan Water Board staff did not receive a response from the United Auburn Indian Community of the Auburn Rancheria.

The MND reflects the Water Board's independent judgement and analysis as Lead Agency pursuant to CEQA. The Water Board's Executive Officer adopts the MND through the issuance of this WQC, determining that the actions analyzed in the MND with mitigation measures will not have a significant effect on the environment. Mitigation monitoring will be required through issuance of this WQC (Enclosure 4, and Additional Condition 2.h). The Water Board will file a Notice of Determination (Enclosure 5) with the State Clearinghouse.

CALIFORNIA ECOATLAS

It has been determined through regional, state, and national studies that tracking of mitigation/restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. In addition, to effectively carry out the State's Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both aquatic habitat losses and mitigation/restoration project success. Therefore, the Applicant is required to provide Project information related to impacts and mitigation/restoration measures (see Additional Conditions of this WQC) to EcoAtlas using the [Project Tracker website](http://ptrack.ecoatlas.org) (<http://ptrack.ecoatlas.org>). Instructions and how to request a username and password can also be found at the Project Tracker website.

More information about the Water Board's [Clean Water Act \(CWA\) Section 401](http://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/index.shtml) requirements can be found at: (http://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/index.shtml). More information about EcoAtlas can be found at: www.ecoatlas.org.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

CWA section 401 (33 U.S.C §1341) requires that any applicant for a federal license or permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to waters of the U.S., must provide the permitting agency a certification from the state that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. The Applicant submitted a complete application and the fees required for WQC under CWA section 401 for the Project. The Applicant has applied for USACE authorization to proceed under Nationwide Permit No. 27 pursuant to CWA section 404. CCR, title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

Standard Conditions

The following standard conditions are requirements of this WQC:

1. This WQC action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and CCR, title 23, section 3867 through section 3869.
2. This WQC action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent WQC application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The WQC is conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the *Water Quality Control Plan for the Lahontan Region* (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code (CWC) .
5. The Project must be constructed and operated in accordance with that described in the WQC application and supporting documentation that was submitted to the Water Board. Deviation from the Project constitutes a violation of the conditions upon which this WQC was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this WQC, including Project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the state of California or any subdivision thereof may result in the revocation of this WQC and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this WQC as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the CWC or section 303 of the CWA, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this WQC, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the CWC or section 303 of the CWA.
8. This WQC does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code sections 2050, et seq.) or the federal Endangered Species Act (16 USC sections 1531, et seq.). If a "take" will result from any act authorized under this WQC, the Applicant

must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this WQC.

Additional Conditions

Pursuant to CCR title 23, the following additional conditions are requirements of this WQC:

1. Within thirty (30) days from the date of issuance of this Order for WQC, the Applicant is required to upload Project information (all information fields required by EcoAtlas), including a Project map (either using upload or draw polygon features) to the following website: <http://ptrack.ecoatlas.org/>. Amendments to and monitoring reports associated with the Project must be updated on EcoAtlas (using the "Files and Links" tab under "Projects" in EcoAtlas) in addition to any other reporting required as part of this WQC.
2. Reporting Requirements
 - a) No later than May 1, 2022 and at least 30 days prior to any construction activities, the Applicant shall provide the following for Water Board staff review and acceptance:
 - i. Final design plans with a written summary of material changes relative to the 65% percent design plans submitted with the complete application for this WQC.
 - ii. Proof of USACE verification of wetland delineation report.
 - b) By November 1, 2021, the Applicant shall submit a Restoration Plan for Water Board staff review and acceptance. The Restoration Plan shall describe the design, implementation, assessment, and maintenance for restoring temporary impacts to pre-Project conditions.
 - c) By November 1, 2021, the Applicant shall submit a Restoration Assessment Plan for Water Board staff review and acceptance. The Restoration Assessment Plan shall describe Project objectives consistent with the Application, performance standards to assess attainment of objectives, protocols for condition assessment, and assessment schedule. Given that environmental restoration objectives may take a decade or longer to be achieved, please recommend interim conditions to support the Project's WQC termination and describe how these conditions will demonstrate long-term protection of water quality and beneficial uses, and be assessed by the monitoring program.
 - d) The Applicant shall submit a water quality monitoring and reporting plan at least two weeks prior to the start of each construction season, for Water Board staff review and acceptance. At a minimum, the work plan shall

describe upstream and downstream turbidity monitoring. The plan can be combined with the DDP (see Additional Condition 2.f).

- e) The Applicant shall submit a SWPPP that meets the requirements of the State Water Boards' NPDES General Construction Stormwater Permit by May 1 of the first year of construction, for Water Board staff review and acceptance. The SWPPP may be modified for subsequent years operations to only address relevant Project elements and exclude completed Project elements. Modified SWPPPs shall be submitted by May 1 of each construction season for Water Board staff review and acceptance.
- f) The Applicant shall submit a DDP at least two weeks prior to the start of each construction season that includes diversion and dewatering activities, for Water Board staff review and acceptance. The DDP shall include descriptions of the installation and decommissioning sequences of the diversion system components, how accumulated water in the work areas (groundwater seepage, stormwater or leakage through diversion structures) will be accommodated, energy dissipation and sediment control structure at the diversion discharge point, and consideration of potential backwater effects upstream of the diversion and upstream of the discharge point.
- g) The Applicant shall submit a written Project update by September 15 of each construction season verifying that work is on schedule as detailed in that season's work plan schedule. If the Project is not on schedule, a contingency plan should be submitted for Water Board staff review and acceptance. The contingency plan could include a schedule of actions to complete the Project phase or describe how the Project will be stabilized for the winter.
- h) The Applicant shall submit a construction report by January 31 of each year following construction activities for Water Board staff review; the anticipated dues dates are January 31, 2023 for Phase 1 and January 31, 2024 for phase 2. The construction report shall describe the prior season's activities. Please include as-built plans and a summary of any activities that deviated from those described in the work plan for the relevant Project phase. The construction reports shall include results of mitigation monitoring (Enclosure 4) and describe activities and monitoring results from implementation of the accepted Restoration Plan (item 2.b, above) where appropriate.
- i) The Applicant shall submit the results of an effectiveness monitoring survey by August 15 of the year following the start of construction and annually thereafter until Project completion for Water Board staff review. Effectiveness monitoring is a visual assessment of the Project to assess the effectiveness of the Project in preventing sediment discharge and protecting water quality over the winter, and to identify sediment delivery locations that may have developed during the winter. Effectiveness monitoring shall be conducted after peak spring runoff or by July 15. If sediment discharge or water quality concerns are identified, they should be clearly described in the survey results,

and the survey results shall include a plan and timeline to address the discharge or concerns.

- j) The Applicant shall submit an annual monitoring report by January 31 following the first growing season after Project implementation and annually thereafter until Project completion. The report shall include monitoring results consistent with the Water Board staff-accepted Restoration and Restoration Assessment plans (see items 2.b and 2.c above) and describe progress toward meeting desired conditions. This report can be combined with the construction report.
 - k) Within one year of Project implementation being complete and Project monitoring results indicating successful restoration, the Applicant shall submit a Project Completion Report (PCR). The PCR shall summarize the Project objectives and WQC completion goals, construction details, monitoring results, and shall appropriately reference previously submitted reports. The PCR shall certify that pertinent reports have been uploaded to EcoAtlas.org as outlined in Additional Condition 1.
3. This WQC does not authorize emergency repair activities. The Applicant is required to apply for separate authorization to perform emergency repairs should that be necessary.
 4. Construction equipment vehicles and equipment must be monitored for leaks, and proper BMPs must be implemented should leaks be detected, or the vehicles/equipment must be removed from service, if necessary, to protect water quality.
 5. Debris, cement, concrete (or wash water therefrom), oil or other petroleum products (e.g. asphalt grindings) must not be allowed to enter or be placed where they may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from Project work areas and any areas adjacent to the work area where such material may be transported into waters of the state.
 6. The Applicant must immediately notify Water Board staff by email and telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this WQC, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions completed or necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions, if not already accomplished.
 7. An "Annual Fee" will be assessed each year this WQC remains in "Active" status. The actual Annual Fee will be calculated using the fee schedule in

effect at the time the annual fee is assessed per California Code of Regulations, title 23, section 2200(a)(3). The Annual Fee will apply each fiscal year or portion of fiscal year until the Applicant submits a Project Completion Report (see Additional Condition No. X above) and Water Board staff issues a Notice of Project Complete Letter to the Applicant.

8. An emergency spill kit must always be at the Project site during the Project.
9. The Applicant must permit Water Board staff or its authorized representative upon presentation of credentials:
 - i. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - ii. Access to copy any record required to be kept under the terms and conditions of this WQC.
 - iii. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this WQC.
 - iv. Sampling of any discharge or surface water covered by this WQC.
10. The Applicant must prevent the introduction or spread of noxious/invasive organisms within the Project and staging areas. The control measures may include the treatment of onsite infestations, the cleaning of all equipment and gear that has been in an infested site, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.
11. The Applicant must maintain at the Project site a copy of this WQC and a copy of the complete WQC application provided to the Water Board to be available at all times to site operating personnel and agencies.
12. The Applicant is responsible for informing any contractors of the specific conditions contained in this WQC.

Enforcement

In the event of any violation or threatened violation of the conditions of this WQC, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of CWA section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this WQC.

In response to a suspected violation of any condition of this WQC, the State Water Board or the Water Board may require the holder of any permit or license subject to this WQC to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including

costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this WQC, the Water Board may add to or modify the conditions of this WQC as appropriate to ensure compliance.

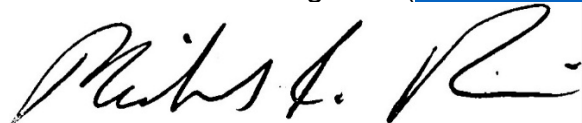
Section 401 Water Quality Certification Requirements Granted

I hereby issue this WQC certifying that any discharge from the referenced Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of state law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this WQC. A copy of State Water Board Order No. 2003-0017-DWQ is enclosed for your reference (Enclosure 6).

Except insofar as may be modified by any preceding conditions, all WQC actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC, and (b) compliance with all applicable requirements of the Basin Plan.

Electronic document submittal is required. Please send all future correspondence regarding this Project to the Water Board's email address at lahontan@waterboards.ca.gov and include your WDID No. and Project/Facility Name in the subject line.

We look forward to working with you in your efforts to protect water quality. If you have any questions regarding this matter, please contact Tom Gavigan, Engineering Geologist, (tom.gavigan@waterboards.ca.gov) or Doug Cushman, Senior Water Resource Control Engineer (douglas.cushman@waterboards.ca.gov).

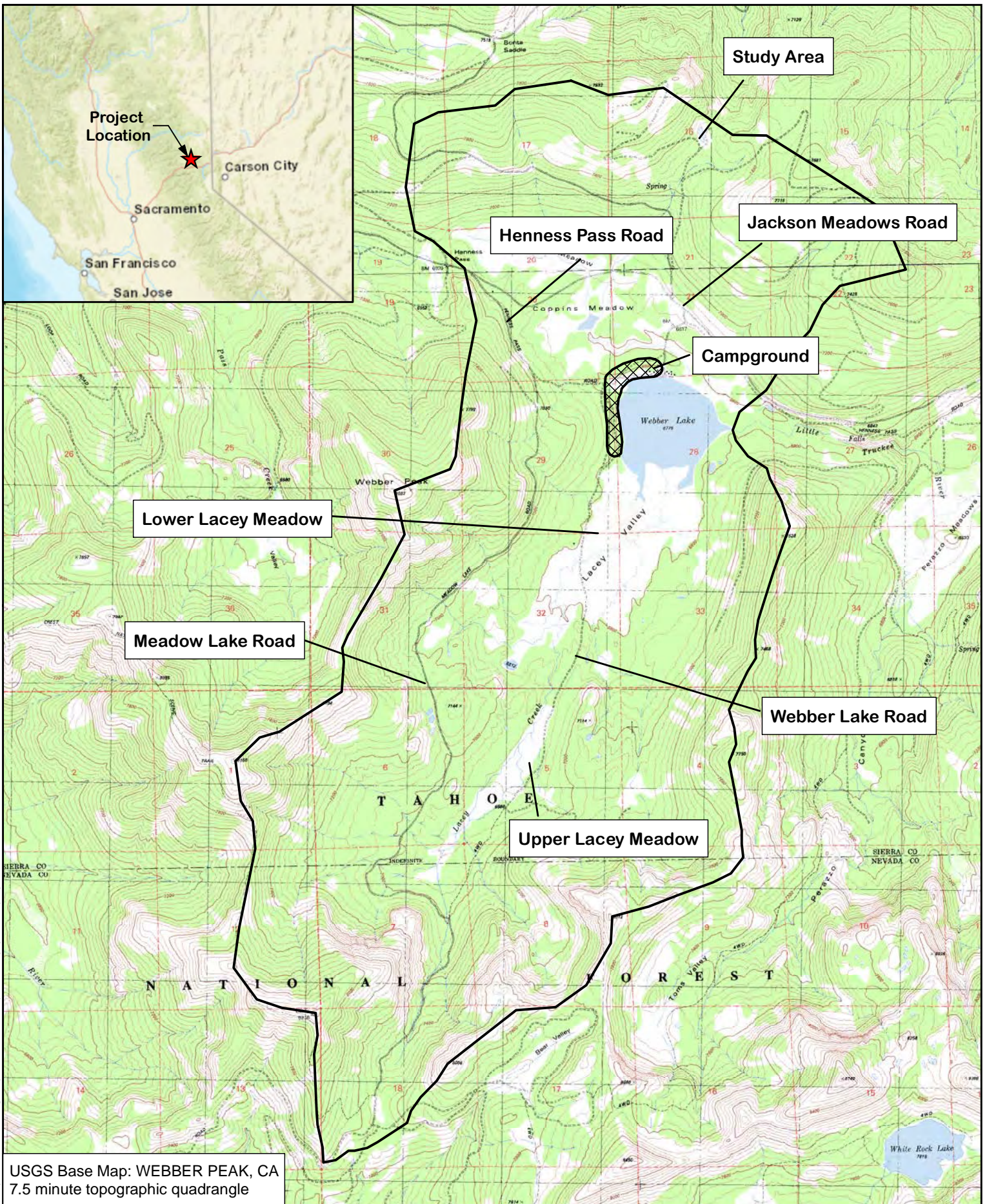


MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER

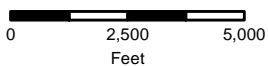
Enclosures: (1) Site Plan
(2) Upper Lacey Meadow Activities Map
(3) Lower Lacey Meadow Activities Map
(4) Mitigation Monitoring and Reporting Program
(5) CEQA Notice of Determination
(6) SWRCB Order No. 2003-0017-DWQ

cc list: See Next Page




cc: Gene Whitehouse, UAIC of the Auburn Rancheria
Sarah West, USACE
Amy Kennedy, CDFW
Joe Morgan, USEPA
Sam Ziegler, USEPA
Jonathan Fisher, Tahoe National Forest
Quentin Youngblood, Tahoe National Forest
John Svahn, Truckee Donner Land Trust
Tim Beals, Sierra County
Brandon Pangman, Sierra County
Darrel Cruz, Washoe Tribe of Nevada and California
Adriana Renteria, State Water Board Tribal Liaison
Moises Moreno-Rivera, State Water Board Assistant Tribal Liaison
Elizabeth Beryt, State Water Board Office of Chief Counsel
Elizabeth Payne, Division of Water Quality
Sierra Valley Resource Conservation District
Doug Cushman, Lahontan Water Board
Tom Gavigan, Lahontan Water Board

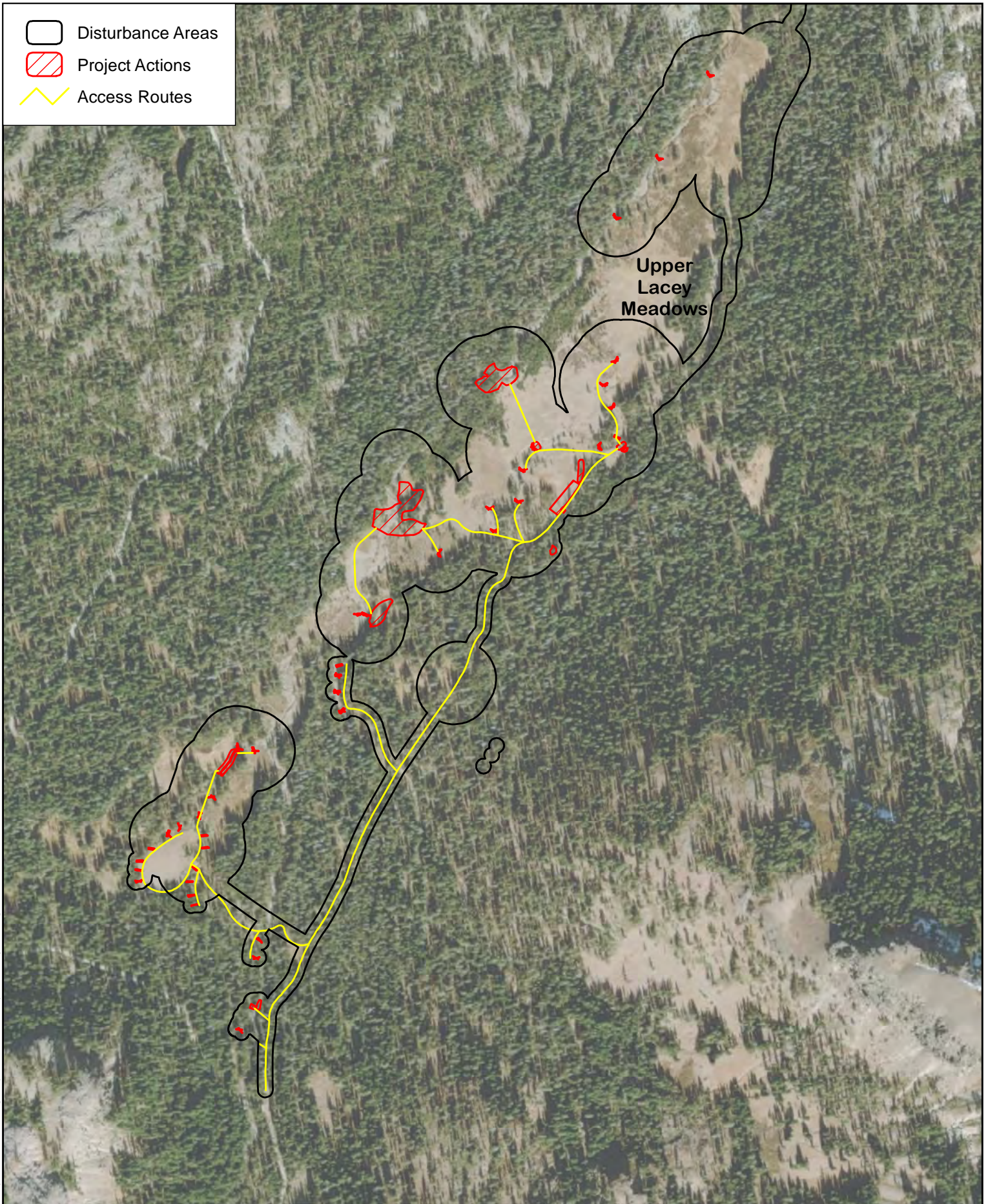


Source Data: USGS (2020)
Map Date: 12/22/2020



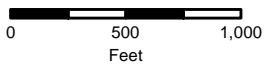
ENCLOSURE 1
Lacey Meadows Restoration Project - Project Vicinity
Sierra & Nevada County, CA

-  Disturbance Areas
-  Project Actions
-  Access Routes






E:\Projects\Stevens Consulting\Lacey Meadows\MXD\Lacey meadows_phase_1_figure_3.mxd

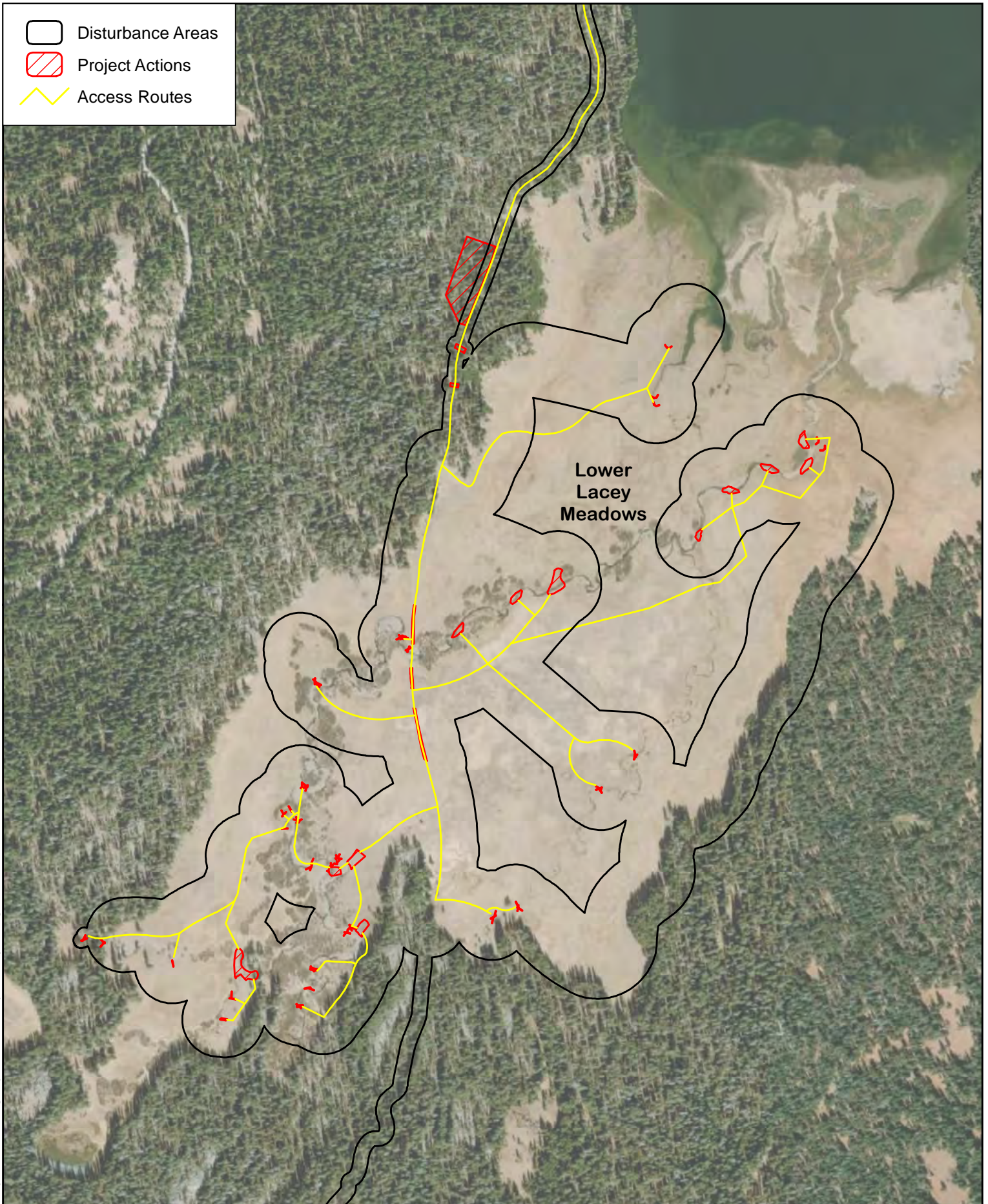
Map Date: 10/29/2020 Aerial
Source Data: ESRI 2019



ENCLOSURE 2
Lacey Meadows Restoration Project
Upper Lacey Meadow

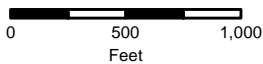
Sierra & Nevada County, CA

-  Disturbance Areas
-  Project Actions
-  Access Routes



E:\Projects\Stevens Consulting\Lacey Meadows\MXD\Lacey_meadows_phase_2_figure_4.mxd

Map Date: 10/29/2020 Aerial
Source Data: ESRI 2019



ENCLOSURE 3
Lacey Meadows Restoration Project
Lower Lacey Meadow

Sierra & Nevada County, CA

ENCLOSURE 4
Lacey Meadows Restoration Project
Mitigation Monitoring and Reporting Program

Mitigation Title	Mitigation Measure Description	Timing	Monitoring and/or Reporting	Documentation	Success Standard	Date Completed
AQ-1	Construction Equipment Must Meet CARB Emission Standards	Prior to construction	Ensure that the proposed project complies with California Air Resources Board (CARB) emissions standards for diesel construction equipment	Contractor submits list of equipment to TRWC	CARB standards met	
AQ-2	Dust and Emissions Control Plan approved by Northern Sierra Air Quality Management District (NSAQMD)	Prior to construction	Dust control plan followed during construction	NSAQMD plan approval (typically via e-mail)	Dust control plan approved, standards met during construction	
BIO-1	Provide worker environmental awareness training – biological resources	Start of construction	Record attendance at training	Sign-in sheet	Training completed prior to construction	
BIO-2	Collect and remove refuse, ensure onsite disposal containers are wildlife/bear proof	During construction	Daily site inspection	Document in SWPPP weekly inspection reports	Refuse is properly disposed of	
BIO-3	Minimize vegetation disturbance	During construction	Monitor construction activities to ensure disturbance is confined to minimum necessary	Photo-documentation of construction limits	Vegetation disturbance is minimized	
BIO-4	Revegetate areas of ground disturbance	Post-construction	Ensure disturbed areas temporarily stabilized and	Photo-documentation	Disturbed areas restored to pre-existing conditions	

			revegetation plan followed for long-term stability	of site stabilization Construction as-builts Annual permit reports to Lahontan	within five years after restoration	
BIO-5	Inspect and clean construction equipment	During construction	Ensure construction equipment is inspected when mobilized to site. Equipment must be cleaned prior to mobilization to the project site to prevent spread of weeds.	Photo-documentation of equipment after mobilization	Equipment mobilized to site is clean	
BIO-6	Observe Special-Status Wildlife work windows (see IS/MND for details)	Prior to construction	Time construction to avoid sensitive periods, if not feasible, then follow BIO-7 and BIO-8	Construction schedule	Document construction timing	
BIO-7	Conduct special-status wildlife pre-construction surveys if construction activities overlap with special-status species sensitive timing (see IS/MND for details)	Prior to construction	Ensure surveys are completed for appropriate species if construction activities overlap with sensitive time periods	Memo report submitted by consultant to TRWC	Document survey results	
BIO-8	Establish and observe special-status wildlife avoidance buffers, if sensitive species are found during surveys. Buffer size is species specific and will be determined by a	Prior to and during construction	If sensitive species are found in the project area, ensure buffers are clearly marked and observed during construction	Confirmation from appropriate agency on buffer size	Document buffer locations	

	qualified biologist in coordination with CDFW, USFWS, and/or USFS.			Photo-documentation of buffers		
BIO-9	Conduct surveys for special status plants	Prior to construction	Ensure special status plant surveys are completed for the disturbance area	Memo report submitted by consultant to TRWC	Document survey results	
BIO-10	Avoid special-status plant species, or develop protection and implementation plan if impacts are unavoidable	Prior to construction	Ensure plants are avoided, if not feasible then ensure protection plan followed	Avoidance or mitigation plan Photo-documentation of mitigation measures	Document avoidance and protection activities successfully completed	
BIO-11	Obtain all required environmental permits	Prior to construction	Obtain permits and keep copies of permits on-site during construction	Issued permits	Meet permit requirements during construction	
BIO-12	Relocate native fishes from areas to be dewatered	Prior to construction	Ensure fish are captured and relocated by a qualified biologist, document number and species of fish moved, and relocation sites	Fish relocation memo report	Fish are relocated without mortality or injury.	
CUL-1	Provide cultural resource sensitivity training	Prior to construction	Record attendance at training	Sign-in sheet	Training completed prior to construction	
CUL-2	Erect fencing around known cultural resource sites	Prior to and during construction	Ensure protective fencing is erected prior to construction and maintained during construction	Photo-documentation of fencing	Impacts to cultural sites are avoided	
CUL-3	Inadvertent discovery of historic or archaeological resources during construction	During construction	Halt work until resource can be evaluated by project archaeologist, and	Memo report submitted by project	Impacts to newly discovered cultural sites are avoided or mitigated	

			mitigation plan developed. Report finding to LRWQCB	archaeologist to TRWC		
CUL-4	Discovery of human remains	During construction	Halt work and reporting finding to county coroner. If remains determined to be Native America, coroner will contact the NAHC	Memo report submitted by project archaeologist to TRWC	Human remains reported to county coroner	
GEO-1	Obtain coverage under and comply with the Construction General Permit and obtain Clean Water Act Section 401 Water Quality Certification	Prior to and during construction	Ensure permit conditions are met during construction, complete annual reporting as required by permits	Issued permits	Avoid impacts to water quality by following permit conditions	
HAZ-1	Prepare and follow spill plans, spill notification, and spill containment procedures	Prior to and during construction	Ensure contractor prepares safety plan for all products and chemicals and submits to TRWC prior to construction, ensure plan is followed during construction	Spill plan submitted by contractor to TRWC	Spills are avoided, or if they occur properly reported and contained to prevent water quality impacts	
HAZ-2	Follow proper procedures for fueling construction equipment	During construction	Ensure fueling takes place off site or in areas away from sensitive habitat. Inspect equipment for leaks.	Weekly SWPPP inspection reports	Water quality impacts from fueling are avoided	
HAZ-3	Proper disposal of chemical waste	During construction	Ensure chemical waste is properly collected and disposed of, following state and federal guidelines	Weekly SWPPP inspection reports	Water quality impacts from chemical waste are avoided	

HAZ-4	Proper remediation of contaminated soil	During construction	Ensure that any contaminated soil/groundwater is encountered during or caused by construction, develop remediation plan in conjunction with qualified professional and appropriate agencies	Remediation plan developed by consultant and submitted to TRWC	Contaminated soil/groundwater appropriately treated	
NSE-1	Limit noise impacts from construction by limiting construction hours to 7:00 AM – 7:00 PM on weekdays for Phase II construction (Lower meadow), coordinate with landowner if further restrictions needed to avoid impacts to campground	During construction	Ensure that construction hour limitations are followed	Construction schedule submitted by contractor to TRWC and approved by TDLT	Noise impacts to campground avoided	
WF-1	Fire suppression and control measures implemented to reduce risk of wildfire	Prior to and during construction	Ensure fire prevention plan followed	Fire prevention plan submitted by contractor to TRWC	Wildfire is avoided	

ENCLOSURE 5

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: _____ Street Address: _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: _____
 Address: _____

From:

Public Agency: _____
 Address: _____

 Contact: _____
 Phone: _____

Lead Agency (if different from above): _____
 Address: _____

 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: _____

Project Applicant: _____

Project Location (include county): _____, Sierra and Nevada Counties

Project Description:

This is to advise that the _____ has approved the above
 (Lead Agency or Responsible Agency)

described project on April 9, 2021 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Signature (Public Agency): Michael Plaziak Title: _____

Date: _____ Date Received for filing at OPR: _____

ENCLOSURE 6

STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2003 - 0017 - DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES THAT HAVE RECEIVED STATE WATER QUALITY CERTIFICATION (GENERAL WDRs)

The State Water Resources Control Board (SWRCB) finds that:

1. Discharges eligible for coverage under these General WDRs are discharges of dredged or fill material that have received State Water Quality Certification (Certification) pursuant to federal Clean Water Act (CWA) section 401.
2. Discharges of dredged or fill material are commonly associated with port development, stream channelization, utility crossing land development, transportation water resource, and flood control projects. Other activities, such as land clearing, may also involve discharges of dredged or fill materials (e.g., soil) into waters of the United States.
3. CWA section 404 establishes a permit program under which the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged or fill material into waters of the United States.
4. CWA section 401 requires every applicant for a federal permit or license for an activity that may result in a discharge of pollutants to a water of the United States (including permits under section 404) to obtain Certification that the proposed activity will comply with State water quality standards. In California, Certifications are issued by the Regional Water Quality Control Boards (RWQCB) or for multi-Region discharges, the SWRCB, in accordance with the requirements of California Code of Regulations (CCR) section 3830 et seq. The SWRCB's water quality regulations do not authorize the SWRCB or RWQCBs to waive certification, and therefore, these General WDRs do not apply to any discharge authorized by federal license or permit that was issued based on a determination by the issuing agency that certification has been waived. Certifications are issued by the RWQCB or SWRCB before the ACOE may issue CWA section 404 permits. Any conditions set forth in a Certification become conditions of the federal permit or license if and when it is ultimately issued.
5. Article 4, of Chapter 4 of Division 7 of the California Water Code (CWC), commencing with section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State,¹ file a report of waste discharge (ROWD). Pursuant to Article 4, the RWQCBs are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269. These General WDRs fulfill the requirements of Article 4 for proposed dredge or fill discharges to waters of the United States that are regulated under the State's CWA section 401 authority.

¹ "Waters of the State" as defined in CWC Section 13050(e)

6. These General WDRs require compliance with all conditions of Certification orders to ensure that water quality standards are met.
7. The U.S. Supreme Court decision of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (the SWANCC decision) called into question the extent to which certain “isolated” waters are subject to federal jurisdiction. The SWRCB believes that a Certification is a valid and enforceable order of the SWRCB or RWQCBs irrespective of whether the water body in question is subsequently determined not to be federally jurisdictional. Nonetheless, it is the intent of the SWRCB that all Certification conditions be incorporated into these General WDRs and enforceable hereunder even if the federal permit is subsequently deemed invalid because the water is not deemed subject to federal jurisdiction.
8. The beneficial uses for the waters of the State include, but are not limited to, domestic and municipal supply, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.
9. Projects covered by these General WDRs shall be assessed a fee pursuant to Title 23, CCR section 3833.
10. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because (a) they are not a “project” within the meaning of CEQA, since a “project” results in a direct or indirect physical change in the environment (Title 14, CCR section 15378); and (b) the term “project” does not mean each separate governmental approval (Title 14, CCR section 15378(c)). These WDRs do not authorize any specific project. They recognize that dredge and fill discharges that need a federal license or permit must be regulated under CWA section 401 Certification, pursuant to CWA section 401 and Title 23, CCR section 3855, et seq. Certification and issuance of waste discharge requirements are overlapping regulatory processes, which are both administered by the SWRCB and RWQCBs. Each project subject to Certification requires independent compliance with CEQA and is regulated through the Certification process in the context of its specific characteristics. Any effects on the environment will therefore be as a result of the certification process, not from these General WDRs. (Title 14, CCR section 15061(b)(3)).
11. Potential dischargers and other known interested parties have been notified of the intent to adopt these General WDRs by public hearing notice.
12. All comments pertaining to the proposed discharges have been heard and considered at the November 4, 2003 SWRCB Workshop Session.
13. The RWQCBs retain discretion to impose individual or general WDRs or waivers of WDRs in lieu of these General WDRs whenever they deem it appropriate. Furthermore, these General WDRs are not intended to supersede any existing WDRs or waivers of WDRs issued by a RWQCB.

IT IS HEREBY ORDERED that WDRs are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of CWA section 401 of the federal Clean Water Act (Title 33 United States Code section 1341), and such certification has been issued by the applicable RWQCB or the SWRCB, unless the applicable RWQCB notifies the applicant that its discharge will be regulated through WDRs or waivers of WDRs issued by the RWQCB. In order to meet the provisions contained in Division 7 of CWC and regulations adopted thereunder, dischargers shall comply with the following:

1. Dischargers shall implement all the terms and conditions of the applicable CWA section 401 Certification issued for the discharge. This provision shall apply irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction.
2. Dischargers are prohibited from discharging dredged or fill material to waters of the United States without first obtaining Certification from the applicable RWQCB or SWRCB.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton
Nancy H. Sutley

NO: None.

ABSENT: None.

ABSTAIN: None.


Debbie Irvin
Clerk to the Board