

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

RESOLUTION NO. R6T-2008-0027

**CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 3 STATE
HIGHWAY 267 FLOOD PROTECTION BERM - EXEMPTION TO A WASTE
DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY CONTROL
PLAN FOR THE LAHONTAN REGION**

_____ Placer County _____

WHEREAS, the California Water Quality Control Board, Lahontan Region (Water Board) finds:

1. The California Department of Transportation, District 3 (Department) submitted information to the Water Board to complete a project description for the Highway 267 Flood Protection Berm (hereinafter referred to as the "Project"). The purpose of the Project is to prevent water from Martis Creek from flowing onto the highway and creating a public safety hazard during periods of high creek flows.
2. The Project site is located on state Highway 267, between post miles 2.7 and 2.8, approximately four miles southeast of Truckee, California in Placer County. The middle fork of Martis Creek flows adjacent to the highway in a northwesterly direction and is tributary to the Truckee River. The Project vicinity map is shown in Attachment "A," which is made a part of this Resolution.
3. At the Project location, the middle fork of Martis Creek runs parallel to, and in close proximity with, the roadway. The channel of Martis Creek has meandered within the meadow creating multiple flow paths, in a natural pattern of channel evolution. During recent years, the creek has overtopped the roadbed and flooded a segment of the roadway causing unsafe traveling conditions. Additionally, flood waters tend to flow along the road edge and erode shoulder backing and roadway sub-grade.

Based on field surveys and consultation with the Washoe Tribe of Nevada and California, Native American artifacts are known to be present in the general project vicinity; therefore, construction in the area is constrained by the potential to disturb such artifacts. There is also an underground fiber optic line that runs parallel to the highway, within approximately ten feet of the edge of pavement. Based on these constraints, the Department proposes to construct a berm parallel to the highway to prevent water from flowing onto the road surface, without causing new soil disturbance.

4. The length of the proposed berm is approximately 320 feet. It would be constructed by filling sacks with colored concrete and placing them by hand to create a wall up to four sacks high. The number of stacked concrete sacks will vary along the length of the wall depending on the grade of the surrounding area. The total amount of concrete fill is estimated at 24 cubic yards. Due to concerns that the additional weight of the concrete sacks could impact potential cultural resources in the shallow subsurface, the Department proposes to set the concrete sacks along the alignment of the fiber optic line, where soils have been previously disturbed. The exact alignment of the fiber optic line will be located prior to start of construction.

On the roadway side of the wall, imported soil will be placed and graded at a 2:1 slope to create a berm that will vary in width from zero to eight feet depending on the height of the concrete wall, the surrounding grade, and the specific location of the fiber optic line. Example cross sections of the berm construction are presented in Attachment "B." Compost will be incorporated into the soil, which will be revegetated with native seed mix. Erosion control netting will be placed over the soil and keyed into the soil at the top and toe of the berm. All work will be conducted from the paved roadway.

5. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) prohibits 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 to the Truckee River.
6. The Water Board may grant exemptions for the above-cited prohibition for new projects necessary to protect public health or safety or to provide essential public services where all of the following findings can be made:

"The project is necessary to protect public health or safety or to provide essential public services."

The Department has identified the flooding conditions as a public safety hazard and proposed the project as necessary to mitigate the hazard.

"There is no reasonable alternative to locating the project or portions of the project within the 100-year floodplain."

The Department has determined that the flooding issue is a significant safety hazard that needs to be corrected before the next winter season. It is receiving emergency funding from the Federal Highway Administration that will expire if the project is not delivered before October 1, 2008. The Department evaluated various corrective alternatives, including constructing a bridge, re-aligning the roadway, and building a retaining wall. Due to cost, timing, environmental

considerations, and constraints associated with utilities and the archeological site, these alternatives were not considered feasible.

The more intrusive alternatives would require extensive and costly studies to clear the site of archeological issues and potentially require relocation of existing utilities. The Department does not have the funding available at this time to complete these studies and has determined that these alternatives would prolong the exposure of the public to potentially hazardous driving conditions. Alternatives that delay the project would also allow further erosion and deposition of roadway material into Martis Creek. Therefore, there are no reasonable alternatives to locating the project within the 100-year floodplain. The Department determined that the proposed alternative will minimize the footprint of the project in the 100-year floodplain, and avoid impacting potential archeological sites to the extent feasible.

"The project, by its very nature, must be located within the 100-year floodplain."

The project is a flood control berm, a type of levee. Since the flood-affected area is within the 100-year floodplain, the control berm must also be located in the 100-year floodplain to be effective. The project, by its very nature, must be located in the 100-year floodplain.

"The project incorporates measures which will insure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance".

The project will protect water quality by maintaining creek flows within the natural terrain and off of the paved roadway. This will minimize erosion currently ongoing at the edge of the paved surface. The design incorporates stabilization measures to minimize potential erosion and control surface runoff within the roadway drainage system. Additionally, work will be conducted under the Department's permit requirements and a site specific Water Quality Pollution Control Plan that includes Best Management Practices to ensure temporary construction impacts will be insignificant.

"The project will not, individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water."

Based on the information provided, the project will not individually or cumulatively degrade water quality or impair beneficial uses.

"The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions... This finding will not be required for : (1) essential public health or safety projects..."

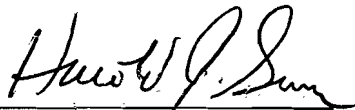
The project is for essential public health and safety; therefore, this finding is not required.

7. The Water Board has determined that the project meets the criteria for a Class 1 Categorical Exemption (Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301), which includes the repair or minor alteration of existing public facilities, including existing highways and streets, with no expansion of an existing use. The project has also been designed such that it will not cause a substantial adverse effect on historical resources that may be present in the project area, and confirmed that the proposed design is acceptable to the Washoe Tribe of Nevada and California. The Water Board has prepared and will file a Notice of Exemption with the State Clearinghouse for the project.
8. A public notice regarding the prohibition exemption was published in the *Sierra Sun* newspaper and no comments were received.
9. The Water Board heard and considered all public comments on this matter at a public meeting and determined the project meets the exception criteria stated above.

THEREFORE BE IT RESOLVED THAT:

1. Based on Finding No. 6, above, the Project meets the criteria for an exemption to the Basin Plan discharge prohibition stated in Finding No. 5, above.
2. The Water Board hereby grants an exemption to the Basin Plan discharge prohibition stated in Finding No. 5, above, for the State Highway 267 Flood Protection Berm Project.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 23, 2008.



HAROLD J. SINGER
EXECUTIVE OFFICER

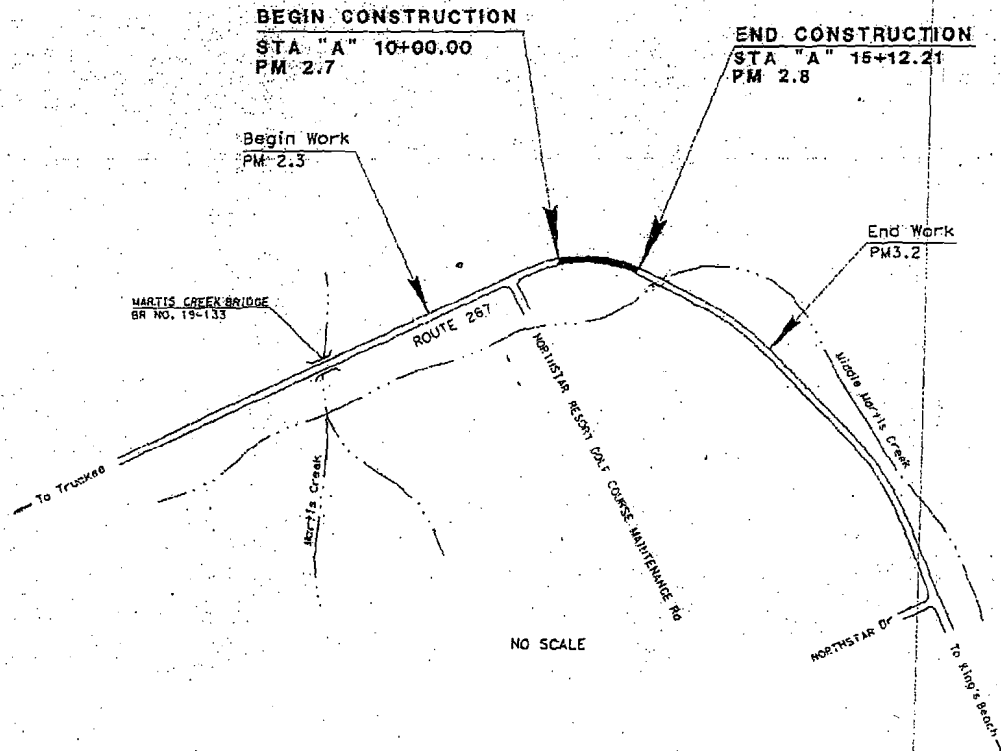
Attachment A: Vicinity Map
Attachment B: Example Cross Sections

Attachment "A"

INDEX OF PLANS

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
**PROJECT PLANS FOR CONSTRUCTION ON
 STATE HIGHWAY**
 IN PLACER COUNTY SOUTH OF TRUCKEE
 0.6 MILE SOUTH OF MARTIS CREEK BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006

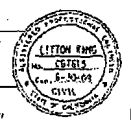


NO SCALE

DESIGN ENGINEER
 DATE: 10/05/06
 PROJECT NUMBER
 DRAWING NUMBER

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO CONTRACTORS."

PROJECT ENGINEER
 REGISTERED CIVIL ENGINEER
 DATE



PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS AND AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF COMPLETE ABSENCE OF ELEMENTS OF THIS PLAN SHEET.

CONTRACT No. **03-4E3704**

CU 03226 EA 4E3701

BORDER LAST REVISED 3/1/2007

CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://www.dot.ca.gov/)

RELATIVE BORDER SCALE
 1" = 100 FEET

USER NAME = 413226
 DGN FILE = 642100001.dgn

DATE PLOTTED = 11/20/06
 TIME PLOTTED = 11:22
 03-04-CR

