

FINAL
Environmental Impact Report/
Environmental Impact Statement/
Environmental Impact Statement
Volume IV

Upper Truckee River and Marsh Restoration Project



SCH# 2007032099

Lead Agencies:



California Department of
General Services



California
Tahoe Conservancy



Tahoe Regional
Planning Agency
Lake Tahoe Environmental
Improvement Program



U.S. Department of Interior
Bureau of Reclamation

December 2015

Upper Truckee River and Marsh Restoration Project



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1 INTRODUCTION AND STATEMENT OF PURPOSE AND NEED

This document is a joint final environmental impact report/environmental impact statement/environmental impact statement (Final EIR/EIS/EIS) prepared for the Upper Truckee River and Marsh Restoration Project (hereinafter referred to as “the project”). This Final EIR/EIS/EIS has been prepared in compliance with the California Environmental Quality Act (CEQA), the National Environmental Policy Act of 1969 (NEPA), and the Tahoe Regional Planning Agency (TRPA) Compact and Code of Ordinances. The project also serves as the “proposed action” under NEPA and the “proposed project” under CEQA and the TRPA Code of Ordinances.

This Final EIR/EIS/EIS has been prepared by the California Tahoe Conservancy (Conservancy) as lead agency under CEQA, with assistance from the California Department of General Services, Real Estate Services Division; the U.S. Department of the Interior Bureau of Reclamation (Reclamation), as federal lead agency under NEPA; and TRPA as lead agency in accordance with the TRPA Compact and Code of Ordinances.

The relevant statutes, regulations, and ordinances guiding the preparation of this Final EIR/EIS/EIS are:

- ▶ CEQA (California Public Resources Code [PRC] Section 21000 et seq.);
- ▶ the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Division 6, Chapter 3), including Section 15222, “Preparation of Joint Documents”);
- ▶ NEPA, as amended (Public Law [PL] 91-190, 42 United States Code 4321–4347, January 1, 1970, as amended by PL 94-52 [July 3, 1975], PL 94-83 [August 9, 1975], and PL 97-258, Section 4[b] [September 13, 1982]);
- ▶ Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA—Code of Federal Regulations (CFR) Title 40, Section 1500 et seq., including Sections 1502.25, 1506.2, and 1506.4 (authority for combining federal and state environmental documents);
- ▶ the Bureau of Reclamation NEPA Handbook. Available: [http://www.usbr.gov/nepa/](http://www.usbr.gov/nepa;); (Reclamation 2012);
- ▶ Article VII of the TRPA Compact (Public Law 96-551, as revised in 1980);
- ▶ Chapters 3 and 4 of the TRPA Code of Ordinances; and
- ▶ Article 6 of the TRPA Rules of Procedure.

CEQA, NEPA, and the TRPA Compact require a lead agency that has completed a respective draft environmental impact report/environmental impact statement/environmental impact statement (Draft EIR/EIS/EIS) to consult with and obtain comments from public agencies (cooperating, responsible, and trustee agencies) that have legal jurisdiction over the project. The lead agency also must give the general public opportunities to comment on the Draft EIR/EIS/EIS.

In February 2013, the Conservancy, Reclamation, and TRPA released the Draft EIR/EIS/EIS for a 60-day public review and comment period. Public hearings were held at the TRPA Advisory Planning Commission meeting on March 13, 2013, and at the Governing Board meeting on March 27, 2013, to present the project alternatives and to receive public comments. The public hearings were recorded and public comments transcribed. Written comments were received from federal, state, regional, and local agencies and from businesses, organizations, and individuals. This Final EIR/EIS/EIS has been prepared to respond to comments received on the 2013 Draft EIR/EIS/EIS for the project and to present the Preferred Alternative.

1.1 AGENCY ROLES AND RESPONSIBILITIES

1.1.1 LEAD AGENCIES

CALIFORNIA TAHOE CONSERVANCY

The Conservancy is the lead agency under CEQA and the proponent of the project. An independent agency within the State of California's Natural Resources Agency, the Conservancy was established in its present form by state law in 1984 (Chapter 1239, Statutes of 1984). This agency was established to develop and implement programs through acquisitions, grants, and site improvements. The Conservancy's mission is to preserve, protect, restore, enhance, and sustain the unique and significant natural resources and recreational opportunities of the Tahoe Basin. Its primary objectives are to:

- (1) protect the natural environment of the basin, with priority placed on preserving the exceptional clarity and quality of the waters of Lake Tahoe;
- (2) preserve and enhance the broad diversity of wildlife habitat in the Tahoe Basin; and
- (3) increase public access and recreation opportunities for visitors to the lake and other natural areas.

TAHOE REGIONAL PLANNING AGENCY

TRPA is the primary permitting agency and the lead agency under the TRPA Compact.. TRPA is a bistate regional planning agency created in 1969 by federal law to oversee development on both the California and Nevada sides of Lake Tahoe. TRPA's mission is to lead the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region now and in the future. To receive construction permits, the project would be required to comply with TRPA's Regional Plan and Code of Ordinances. Permitting requirements include the Environmental Improvement Program (EIP) Permit, Land Capability and Coverage Verifications, and Historic Determination.

In addition, in accordance with the TRPA Code of Ordinances, if implementing a project would result in an exceedance of an identified threshold, mitigation must be imposed to reduce the impact and maintain the threshold. Under Chapter 4 of the Code of Ordinances, written findings must be made regarding all significant environmental impacts and their associated mitigation measures, with substantial evidence provided in the record of review before final project approval. To approve a project, TRPA must make all of the following specific findings:

- (A) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs.
- (B) The project will not cause the environmental threshold carrying capacities to be exceeded.
- (C) Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

The project meets or exceeds all of the standards referred to above in finding (C).

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

Reclamation is the lead agency under NEPA. The federal agency was created in 1902 to provide water for 17 western states. Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

The project has received federal funding for planning purposes and may receive funding from Reclamation for construction; the project therefore requires the preparation of an EIS. It also requires the preparation of an EIS because its development would require federal permits or concurrence for one or more of the following activities: discharges of fill material into waters of the United States, which is an activity regulated under Section 404 of the Clean Water Act, activities affecting plant or animal species protected by the Federal Endangered Species Act (ESA) (16 USC 1531 et seq.), and for impacts on cultural resources pursuant to Section 106 of the National Historic Preservation Act.

1.1.2 TRUSTEE, RESPONSIBLE, AND COOPERATING AGENCIES

Other federal, state, and local agencies are involved in the review and approval of the project, including trustee and responsible agencies under CEQA and cooperating agencies under NEPA. Under CEQA, a trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California. A responsible agency is an agency other than the lead agency that has legal responsibility for carrying out or approving a project or elements of a project (PRC Section 21069). The CEQA lead agency consults with trustee and responsible agencies to gain their input and enable the agencies to review and comment on the draft document. Responsible agencies use the CEQA document in their decision making.

Under NEPA, a cooperating agency can be any federal agency other than the federal lead agency that has legal jurisdiction or special expertise with respect to any environmental impact involved in an action. Cooperating agencies are designated by agreement between the NEPA lead agency and the cooperating agency. They are encouraged to actively participate in the lead agency's NEPA process, review and comment on the NEPA document, and use the document when making decisions on the project.

Several agencies other than the Conservancy, Reclamation, and TRPA have jurisdiction over the implementation of the elements of the project, as identified below.

FEDERAL COOPERATING AGENCIES

- ▶ None

STATE RESPONSIBLE AGENCIES

- ▶ California Air Resources Board
- ▶ California Department of Fish and Wildlife
- ▶ California Department of Transportation
- ▶ Lahontan Regional Water Quality Control Board
- ▶ State Historic Preservation Officer
- ▶ California State Lands Commission

STATE TRUSTEE AGENCIES

- ▶ California Department of Fish and Wildlife
- ▶ California State Lands Commission

OTHER INTERESTED AGENCIES

- ▶ U.S. Army Corps of Engineers
- ▶ U.S. Environmental Protection Agency
- ▶ U.S. Fish and Wildlife Service
- ▶ U.S. Department of Transportation, Federal Aviation Administration

1.1.3 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS

The following list identifies permits and other approval actions for which this EIR/EIS/EIS may be used during agency decision-making processes or represent permits or approvals or both that will be needed for the proposed project. The following actions may be under the purview of regulatory agencies other than the lead agencies.

FEDERAL ACTIONS/PERMITS

- ▶ **Reclamation:** The Record of Decision (ROD) will state the federal action to be implemented and will discuss all factors leading to the decision to potentially approve funding for construction.
- ▶ **State Historic Preservation Office:** Consultation for impacts on cultural resources pursuant to Section 106 of the National Historic Preservation Act (NHPA).
- ▶ **U.S. Army Corps of Engineers:** Department of the Army permit under Section 404 of the Clean Water Act (CWA) for discharges of dredged or fill material into waters of the United States.
- ▶ **U.S. Environmental Protection Agency:** Review of the EIS, and filing and noticing; concurrence with the Section 401 CWA permit.
- ▶ **U.S. Fish and Wildlife Service:** Consultation under the federal Endangered Species Act and issuance of incidental-take authorization for the take of federally listed endangered and threatened species, if take of a species is anticipated.

STATE ACTIONS/PERMITS

- ▶ **California Department of Fish and Wildlife:** Potential consultation under the California Endangered Species Act and issuance of take authorization, streambed alteration agreement, and protection of raptors (California Fish and Game Code Sections 2081, 1602, and 3503.5, respectively).
- ▶ **California Department of Transportation:** Possible encroachment permits for work involving the U.S. Highway 50 right-of-way.
- ▶ **Lahontan Regional Water Quality Control Board (Region 6):** National Pollutant Discharge Elimination System construction stormwater permit (notice of intent to proceed under general construction permit) for disturbance of more than 1 acre, discharge permit for stormwater, general order for dewatering, and Section 401 CWA certification or waste discharge requirements.

REGIONAL ACTIONS/PERMITS

- ▶ **TRPA:** Construction permits, including the Environmental Improvement Program (EIP) Permit, Land Capability and Coverage Verifications, and Historic Determination.

LOCAL ACTIONS/PERMITS

- ▶ **El Dorado County Air Pollution Control District:** Oversees Rule 223 for fugitive dust to reduce the amount of particulate matter entrained in the ambient air by anthropogenic (human-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions.
- ▶ **City of South Lake Tahoe:** Regulates grading on both public and private property within the South Lake Tahoe city limits to safeguard life, limb, health, property, and public welfare and avoid pollution of watercourses caused by surface runoff, or by aerial deposition of pollutants generated from the permit area on or across the permit area.

1.2 PROJECT ANALYZED IN THE DRAFT EIR/EIS/EIS

The Conservancy, Reclamation, and TRPA are pursuing a restoration project along the most downstream reach of the Upper Truckee River, next to Lake Tahoe (Exhibit 1-1). The study area for the project is generally bounded by U.S. Highway 50 and the Highland Woods neighborhood on the south, the Al Tahoe neighborhood on the east, the Tahoe Island/Sky Meadows and Tahoe Keys neighborhoods and the TKPOA Corporation Area on the west, and Lake Tahoe to the north (Exhibit 1-2).

The study area for the project is approximately 592 acres and includes parcels owned by the Conservancy, other public agencies, and private landowners (Exhibit 1-2). It includes the downstream reaches of Trout Creek and the Upper Truckee River; adjacent wetland (Upper Truckee Marsh) and upland habitats; and the project site for the Lower West Side Wetlands Restoration Project (LWS Project), which is located in the northwest portion of the study area, just east of the Tahoe Keys Marina. The primary purpose of the Upper Truckee River and Marsh Restoration Project is to restore natural geomorphic processes and ecological functions along this reach of river.

The Upper Truckee River and Marsh Restoration Project is identified in TRPA's EIP as a project that is necessary to restore and maintain environmental thresholds for the Tahoe Basin. EIP projects are designed to achieve and maintain environmental threshold carrying capacities that protect the Tahoe Basin's unique and valued resources. As described in Chapter 2, "Project Description," an extensive evaluation and restoration planning process has been conducted to identify potentially feasible approaches for recreation access and restoration of the river and marsh.

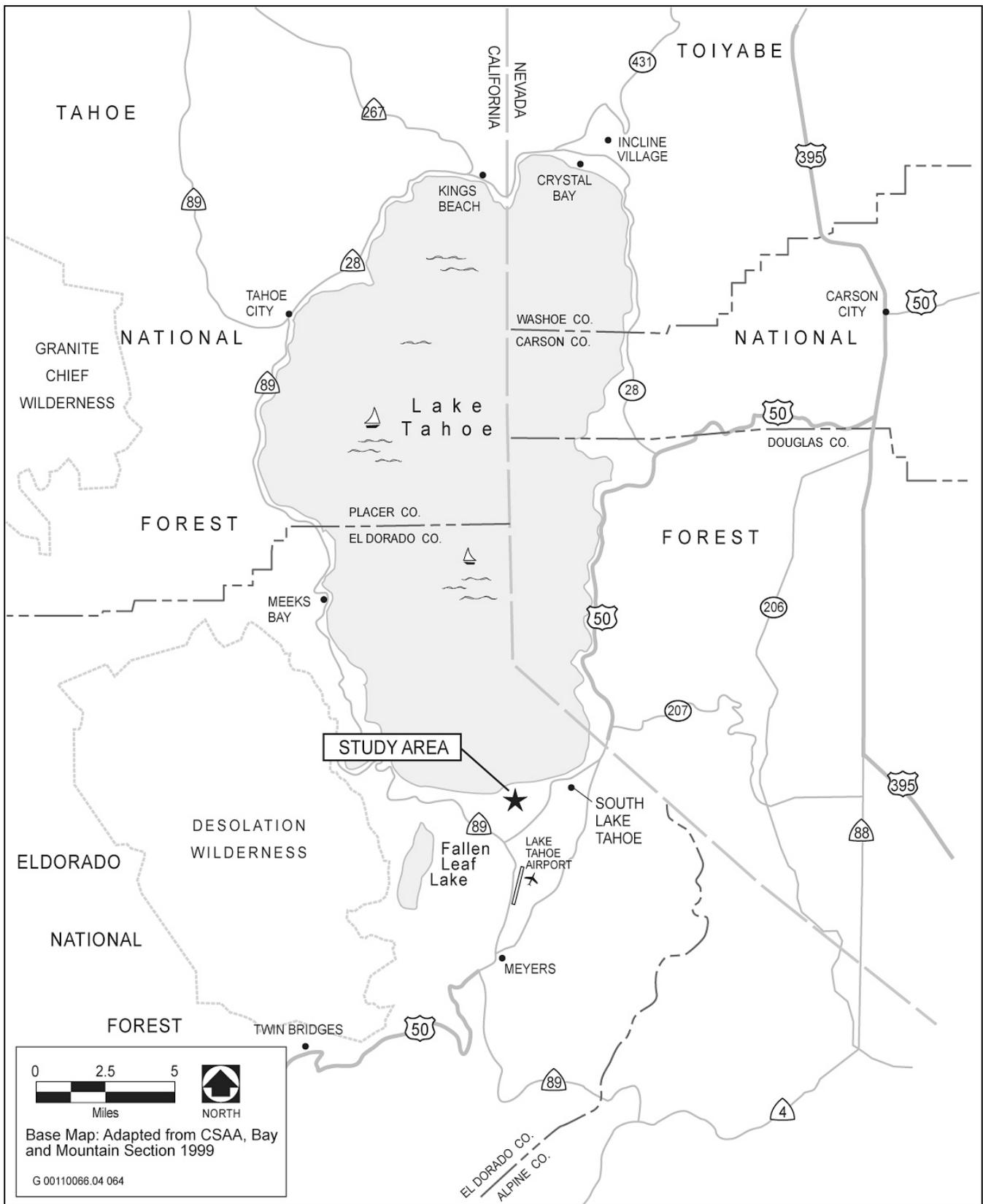
1.3 PROJECT HISTORY AND PLANNING CONTEXT

Restoration planning for the Upper Truckee Marsh and Restoration Project began in the early 1990s with studies conducted by the University of California, Davis. In 1995, after input from State responsible and other interested agencies, the Conservancy commissioned a restoration planning and design study, which identified a tentatively preferred river restoration concept two years later. The study determined that river restoration would require using the entire Upper Truckee Marsh east of the Tahoe Keys Marina and subdivision. At that time the Marsh's center and east side were privately owned, so the tentatively selected concept could not be pursued.

In 1998, the Conservancy began planning and designing an initial phase of wetland restoration, the LWS Project. The LWS Project was located on a 23-acre portion of a study area on the west side of the Upper Truckee River near Lake Tahoe. In this area, the Marsh had been filled during the construction of the adjacent Tahoe Keys development in the 1960's (Exhibit 1-2). After careful investigations, planning, and design, followed by extensive environmental review and community outreach, the Conservancy approved restoration of 12 acres of wetland on the 23-acre site through fill removal as the LWS Project in 2001. The removed fill was used to restore a former quarry at Washoe Meadows State Park in Meyers, California. Construction began in summer 2001 and was completed in summer 2003.

In 2000, the Conservancy purchased 311 acres of land in the center and east side of the Upper Truckee Marsh from a private party, bringing nearly the entire Marsh into public ownership. Currently, the Conservancy owns most of the study area, including the marsh and meadows surrounding the lower reach of Trout Creek. Restoration concepts encompassing the Marsh and the lower reach of the Upper Truckee River have been developed since the acquisition. As part of this process, the Conservancy has planned for public access facilities and recreation use management for the river, marsh, and beach.

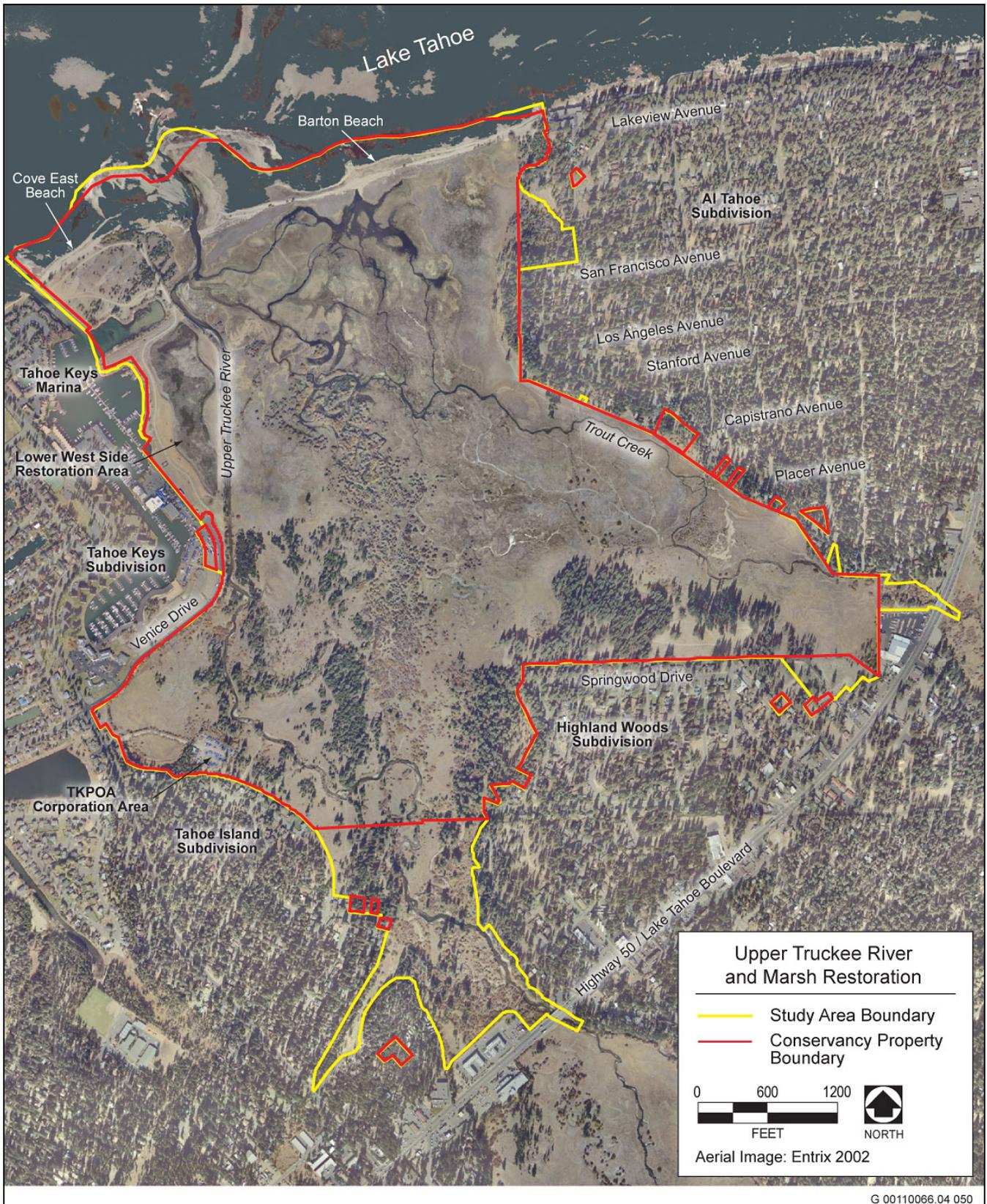
Development of the Upper Truckee River and Marsh Restoration Project has proceeded through several planning stages. Initially, the Conservancy defined project objectives and desired outcomes to direct the restoration planning process. The Conservancy evaluated and documented the study area's existing natural processes and functions to begin the formulation and evaluation of alternative plans. This evaluation made it possible to identify potential restoration opportunities and constraints.



Source: Data compiled by AECOM in 2013

Exhibit 1-1

Regional Location



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Source: Data compiled by AECOM in 2013

Exhibit 1-2

Study Area Map

With detailed information about the river and Marsh processes and ecological functions, the Conservancy hosted a design charrette (i.e., interactive workshop) for agencies and other stakeholders to identify the spectrum of potentially feasible restoration ideas to be considered during the development of concept plan alternatives. Four alternative concept plans, all developed to be potentially feasible, were created to represent a reasonable range of restoration approaches and levels of public access and recreation facilities. These concepts were refined through hydrologic modeling, review by regulatory agencies, development of schematic designs, and monitoring. The four concepts generated by this extensive planning process became the four action alternatives evaluated with the No-Project/No-Action Alternative in the Draft EIR/EIS/EIS. After input from state responsible and other interested agencies and public comments provided on the Draft EIR/EIS/EIS and through additional outreach efforts, the Conservancy recommended alternative components to be brought forward into the Preferred Alternative. The development process for the selection of the alternatives to be studied in detail is further described in Section 2.12, “Screening Methodology”.

To date, key stages of the Upper Truckee River and Marsh Restoration Project have consisted of:

- ▶ evaluating existing natural processes and functions of the Upper Truckee River and Marsh in 2000 and 2001;
- ▶ establishing project objectives and desired outcomes in 2002 and updating them in 2005;
- ▶ defining restoration opportunities and constraints in 2002 and 2003;
- ▶ conducting a restoration design charrette in 2003 to receive input from stakeholders on project priorities, concerns, and constraints, and design ideas;
- ▶ conducting updated hydraulic modeling studies to support the development and evaluation of alternatives, and the initial development and comparative evaluation of four conceptual restoration alternatives in 2004 and 2005;
- ▶ completing regulatory agency review of alternative concepts for key issues and regulatory requirements in 2005;
- ▶ further refining and evaluating the alternatives and preparing a concept plan report in 2006;
- ▶ developing detailed schematic design drawings in 2007;
- ▶ preparing a comprehensive monitoring plan in 2008 that described a 10-year monitoring period for the project to characterize baseline conditions, track project performance relative to objectives, establish tentative approaches to monitoring for regulatory requirements and construction impacts, and provide information for adaptive management;
- ▶ analyzing environmental impacts of the five alternatives and preparing the Draft EIR/EIS/EIS in 2013;
- ▶ conducting project outreach to receive input from stakeholders on project priorities, concerns, and constraints, and design ideas;
- ▶ developing selection criteria, which was peer reviewed by a Science Review Panel and Technical Advisory Group to assist the Conservancy in recommending the Preferred Alternative presented in this Final EIR/EIS/EIS; and
- ▶ conducting updated hydraulic modeling of the Preferred Alternative in response to comments on the Draft EIR/EIS/EIS.

1.4 PROJECT PURPOSE, NEED, AND OBJECTIVES

NEPA regulations require that an EIS contain a statement of the purpose and need that “briefly specif[ies] the underlying purpose and need to which the agency is responding in proposing the alternatives, including the proposed action” (40 CFR 1502.13). The State CEQA Guidelines require that the project description contain a clear statement of the project objectives, including the underlying purpose of the project (14 CCR Section 15124[b]). In the TRPA Compact and Code of Ordinances, there are no requirements specifically addressing the description of a project’s purpose and need, or a project’s objectives.

1.4.1 PURPOSE AND NEED

Past actions have created a need to restore river and floodplain ecosystems in the Tahoe Basin to improve the clarity of Lake Tahoe and the ecological functions of riparian, wetland, and floodplain ecosystems, including the provision of wildlife habitat. Lake Tahoe is designated as an Outstanding National Resource Water, renowned worldwide for its clarity and purity (Lahontan RWQCB 1995). However, Lake Tahoe’s clarity has declined by nearly 20 percent since 1968. Studies over the last three decades suggest that the reduction in water clarity of Lake Tahoe is correlated with the delivery of fine sediments from various watersheds in the basin and increased phytoplankton productivity, which in turn has been attributed to an increase in nutrients, especially nitrogen and phosphorus (Goldman 1974; Reuter and Miller 2000; Coats and Goldman 2001; Rowe et al. 2002; Simon et al. 2003; Lahontan RWQCB and Simon 2006; California Water Boards and NDEP 2007). Stringent water quality goals and watershed regulations have been followed and mitigation and restoration measures implemented, particularly since the 1980s. From the late 1960s through 1998, Lake Tahoe lost its water clarity at a rate of nearly 9 inches per year and has failed to meet transparency and clarity standards (Lahontan RWQCB and NDEP 2007:25). Since 2003, annual-average and winter-average lake clarity levels have been improving gradually on a yearly basis. However, 2013 readings represent a 5-foot decrease over the previous year because of weather variability (UCD 2014).

The Upper Truckee River, which drains the largest watershed in the Tahoe Basin, has been substantially altered by land practices during the past 150 years. Throughout its watershed, the river has experienced ecological degradation typical of what has occurred elsewhere in the Tahoe Basin. It has been modified from its original conditions by human activities, such as logging, livestock grazing, roads, gravel mining, fire suppression, golf courses, an airport, and residential, commercial, and industrial developments. In many locations the channel was straightened and enlarged, native vegetation was replaced by turf, and untreated stormwater was directed into the river and its tributaries. The channel has incised and is experiencing accelerated rates of bed and bank erosion. These human influences have reduced the quality of habitats for plant, wildlife, and fish species in the watershed and have increased sediment and nutrient loads discharging into Lake Tahoe from the river, contributing to the lake’s declining clarity.

Past physical changes to the lower reach of the Upper Truckee River have affected the river’s stability, the condition of the wetlands within its floodplain, and the quality of the water that the river carries into Lake Tahoe. Evidence of historical grazing, dredging, log running, and other actions indicate that the first alterations occurred in the 1800s. With the construction of the Tahoe Keys development beginning in 1959, the river was channelized and relocated west of its original course to its current location, and fill was placed in much of the wetland up to 6 feet above the natural grade. Over time, the river became deeply incised, effectively eliminating a large portion of the Upper Truckee River’s floodplain.

These alterations have likely affected water quality by disconnecting the river from its wetlands and floodplains, where sediment and nutrients can be removed from streamflows and runoff. A 2003 study by the National Sedimentation Lab states “The Upper Truckee River is the greatest contributor of suspended and fine-grained sediment in the Lake Tahoe Basin” (Simon et al 2003). Under certain (anaerobic) conditions found in wetlands, nutrients such as nitrogen and phosphorus can be removed by plant uptake and volatilized by denitrification—converted to gaseous or organic forms, fixed into the soil, or simply stored in the soil solution. In addition,

densely vegetated wetlands and floodplains remove sediment and other suspended particles as they allow sediment-laden water to pass through. Thus, the water quality of Lake Tahoe can be protected and improved by restoring the natural functions of wetlands and floodplains in watersheds that drain to the lake.

The preservation and restoration of riparian areas and wetlands of the Upper Truckee Marsh is important for wildlife. In semiarid regions like the Tahoe Basin, the availability of moisture and cool, shaded microclimates gives wetlands and riparian areas an importance for wildlife that is disproportionate to their areal extent. Unfortunately, most wetlands in the Tahoe Basin have been filled and developed, which has adversely affected native vegetation, wildlife, and water quality.

The Upper Truckee Marsh is the largest remaining wetland area in the Tahoe Basin. It is one of five marshes in the basin designated as an Ecologically Sensitive Area; the Marsh's size, uniqueness, and potential for supporting high levels of biodiversity are the factors underlying this designation (Murphy and Knopp 2000). Although still ecologically important, wetland habitats in the study area have been degraded by the channelization and subsequent incision of the Upper Truckee River.

In the study area, there is also the need to provide public access for recreation purposes. The Conservancy acquired the parcels that make up the Upper Truckee Marsh study area to protect the site's existing ecological values and restore the natural processes and functions of the Upper Truckee River, Trout Creek, and associated wetlands while providing public access for recreation purposes. In addition, certain parcels that make up the study area were acquired in a litigation settlement (*People of the State of California vs. Dillingham Development Company and TRPA*, CIV-S-85-0873-EJG [February 25, 1988]). The settlement requires that the Conservancy provide public access to the beach area west of the existing Upper Truckee River mouth.

Thus, the purpose of this project is to restore natural geomorphic processes and ecological functions in this lowest reach of the Upper Truckee River and the surrounding marsh to improve the study area's ecological values and help reduce the river's discharge of nutrients and sediment that diminish Lake Tahoe's clarity, while continuing to provide public access, access to vistas, and environmental education to the public where appropriate. This purpose includes improving habitat values in the study area. Its implementation is an important component of the integrated objectives of the Conservancy, Reclamation, and TRPA to improve environmental quality in the Lake Tahoe region.

1.4.2 PROJECT OBJECTIVES

As discussed in the Notice of Preparation (NOP) developed by the Conservancy to initiate the CEQA process, the project has 10 basic objectives:

- ▶ **Objective 1:** Restore natural and self-sustaining river and floodplain processes and functions.
- ▶ **Objective 2:** Protect, enhance, and restore naturally functioning habitats.
- ▶ **Objective 3:** Restore and enhance fish and wildlife habitat quality.
- ▶ **Objective 4:** Improve water quality through enhancement of natural physical and biological processes.
- ▶ **Objective 5:** Protect and, where feasible, expand Tahoe yellow cress populations.
- ▶ **Objective 6:** Provide public access, access to vistas, and environmental education at the Lower West Side and Cove East Beach consistent with other objectives.
- ▶ **Objective 7:** Avoid increasing flood hazards on adjacent private property.
- ▶ **Objective 8:** Design with sensitivity to the site's historical and cultural heritage.

- ▶ **Objective 9:** Design the wetland/urban interface to help provide habitat value and water quality benefits.
- ▶ **Objective 10:** Implement a public health and safety program, including mosquito monitoring and control.

1.5 CEQA, NEPA, AND TRPA CODE REQUIREMENTS FOR RESPONDING TO COMMENTS

The CEQA Guidelines state that written responses to comments received on the Draft EIR must describe the disposition of significant environmental issues. The responses should contain good-faith, reasoned analyses of the environmental issues raised in the comments. In particular, the responses must address the major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments.

NEPA requires that the Final EIS include and respond to all substantive comments received on the Draft EIS (40 CFR 1503.4). The lead agency’s responses may include the need to:

- ▶ modify the proposed action or alternatives;
- ▶ develop and evaluate new alternatives;
- ▶ supplement, improve, or modify the substantive environmental analyses;
- ▶ make factual corrections to the text, tables, or figures contained in the Draft EIS; or
- ▶ explain why no further response is necessary.

Additionally, the Final EIS must discuss any responsible opposing view that was not adequately discussed in the Draft EIS and must indicate the lead agency’s response to the issues raised.

Chapter 5, Section 5.8A of the TRPA Code of Ordinances states that a lead agency of an EIS must consult with and obtain comments from the public and any federal, state, or local agency that has legal jurisdiction or special expertise with respect to any environmental impact involved. Copies of comments of the federal, state, and local agencies that are authorized to develop and enforce environmental standards must be made available to the public and must accompany the project through the review processes.

This Final EIR/EIS/EIS has been prepared to respond to comments received from agencies, organizations, and members of the public on the 2013 Draft EIR/EIS/EIS and to present corrections, revisions, and other clarifications and amplifications to that document.

1.6 REQUIREMENTS FOR DOCUMENT CERTIFICATION AND FUTURE STEPS IN PROJECT APPROVAL

The 2013 Draft EIR/EIS/EIS and this Final EIR/EIS/EIS will be used to support the Conservancy’s and TRPA’s decisions on whether to approve the project and Reclamation’s decision to issue a ROD.

This Final EIR/EIS/EIS will also be used by CEQA responsible agencies, such as the Lahontan Regional Water Quality Control Board and California Department of Fish and Wildlife, to ensure that they have met the requirements of CEQA before deciding whether to issue discretionary permits and approvals for portions of the project over which they have authority. This document also may be used by other state, regional, and local agencies that have an interest in resources that could be affected by the project or would issue permits and/or other regulatory approvals. This Final EIR/EIS/EIS will be used by the U.S. Army Corps of Engineers to make decisions on whether to issue permits pursuant to Section 404 of the CWA.

This document is available for review by the public during normal business hours at the following locations:

State of California
California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

TRPA front desk
128 Market Street
Stateline, NV 89449

Reclamation
Mid-Pacific Regional Library
2800 Cottage Way
Sacramento, CA 95825

South Lake Tahoe Library front desk
1000 Rufus Allen Boulevard
South Lake Tahoe, CA 96150

This document is posted electronically at:

<http://tahoe.ca.gov/upper-truckee-marsh-69.aspx>
www.trpa.org
http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2937

CDs are also available upon request from the Conservancy. Please submit requests via electronic mail to Scott.Carroll@tahoe.ca.gov.

Please refer to notices of the release of this Final EIR/EIS/EIS for the specific dates of public meetings. Notices will be posted electronically at:

<http://tahoe.ca.gov/upper-truckee-marsh-69.aspx>
www.trpa.org
http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2937

The Conservancy Board will decide whether to certify the EIR/EIS/EIS under CEQA and then whether to approve the Preferred Alternative as recommended by staff, or a variation of it within the range of alternatives addressed in the environmental document, as the project action. The Conservancy Board is tentatively scheduled for December 18, 2015 to vote on certification of the EIR and project approval.

Reclamation will complete a ROD on the alternatives at least 30 days after the U.S. Environmental Protection Agency publishes its weekly list of EISs, and following certification by the Conservancy. The ROD will state the federal action to be implemented and will discuss all factors leading to the decision.

The TRPA Governing Board is tentatively scheduled for February 24, 2015 to consider certification of the EIR/EIS/EIS and whether to approve the Preferred Alternative, or a variation of it within the range of alternatives addressed in the environmental document, as the project action.

The dates, times, and locations of all public meetings will be posted at the websites listed above.

Permits and approvals issued by responsible agencies will be considered after further design development of the selected alternative. They will be scheduled according to the procedures of the approving agencies.

1.7 ORGANIZATION AND FORMAT OF THE FINAL EIR/EIS/EIS

This Final EIR/EIS/EIS is organized into the following chapters so that the reader can easily obtain information about the project and its specific environmental issues:

- ▶ **Chapter 1, “Introduction and Statement of Purpose and Need,”** explains the CEQA, NEPA, and TRPA processes; lists the lead, trustee, responsible, and cooperating agencies that may have discretionary authority or other jurisdiction related to the project; specifies the underlying project purpose, need, and objectives to which the lead agencies are responding in considering the alternatives; outlines the organization of the document; provides information on public distribution and agency approval processes; and identifies standard terminology and abbreviations used in the Final EIR/EIS/EIS.
- ▶ **Chapter 2, “Project Description,”** presents a summary of the five alternatives considered in the Final EIR/EIS/EIS, the selection process for recommending the Preferred Alternative, and a detailed description of the Preferred Alternative.
- ▶ **Chapter 3, “Master Responses,”** presents responses to significant environmental issues raised in multiple comments on the Draft EIR/EIS/EIS. These have been termed “master responses.” They are organized by topic to provide a more comprehensive response than may be possible in responding to individual comments so that reviewers can readily locate all relevant information pertaining to an issue of concern.
- ▶ **Chapter 4, “Comments and Individual Responses,”** contains a list of all agencies and persons who submitted comments on the 2013 Draft EIR/EIS/EIS during the respective public review periods, copies of the comment letters submitted, cross references to relevant master responses, and individual responses to the comments that are not addressed in master responses or need additional detail.
- ▶ **Chapter 5, “Revisions to the Draft EIR/EIS/EIS,”** presents corrections and other revisions to the text of the 2013 Draft EIR/EIS/EIS based on issues raised by comments or ongoing planning refinements. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.
- ▶ **Chapter 6, “List of Preparers,”** lists the individuals who assisted in the preparation of this Final EIR/EIS/EIS.
- ▶ **Chapter 7, “References,”** identifies the documents used to support the comment responses.
- ▶ **Chapter 8, “Final EIR/EIS/EIS Distribution List,”** provides a list of the various elected officials, government departments and agencies, organizations, and individuals who have been sent the Final EIR/EIS/EIS or notification of its availability.

The 2013 Draft EIR/EIS/EIS consisted of three volumes. Volume I contained the EIR/EIS/EIS introduction, statement of purpose and need, alternatives descriptions, and Sections 3.1 through 3.9 of the affected environment and environmental consequences. Volume II contained Sections 3.10 through 3.18 of the affected environment and environmental consequences, as well as the other required sections; the compliance, consultation, and coordination section; the list of preparers and references cited; and index. Finally, Volume III contained the technical appendices. This document is Volume IV of the EIR/EIS/EIS. Together, the four volumes constitute the Final EIR/EIS/EIS.

1.8 ACRONYMS AND OTHER ABBREVIATIONS

Table 1-1 defines the abbreviations used in this Final EIR/EIS/EIS.

**Table 1-1
Acronyms and Other Abbreviations**

1D	One-dimensional
2D	two-dimensional
ADA	Americans with Disabilities Act
Basin Plan	Water Quality Control Plan for the Lahontan Region
BMP	best management practice
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
Concept Plan Report	Upper Truckee River and Wetland Restoration Project Final Concept Plan Report
Conservancy	California Tahoe Conservancy
CRHR	California Register of Historical Resources
CSLC	California State Lands Commission
CSLT	City of South Lake Tahoe
CWA	Clean Water Act
DEM	digital elevation model
DPR	Department of Parks and Recreation
Draft EIR/EIS/EIS	draft environmental impact report/environmental impact statement/environmental impact statement
EDCAQMD	El Dorado County Air Quality Management District
EDCVCD	El Dorado County Vector Control District
EIP	Environmental Improvement Program
EIR	environmental impact report
EIR/EIS/EIS	environmental impact report/environmental impact statement/environmental impact statement
EIS	environmental impact statement
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
Final EIR/EIS/EIS	Final environmental impact report/environmental impact statement/environmental impact statement
GIS	geographic information system
HASP	health and safety plan
LiDAR	Light Detection and Ranging
LO	Lack of Objections
LSAA	Lake and Streambed Alteration Agreement
LWS	Lower West Side
LWS Project	Lower West Side Wetland Restoration Project

**Table 1-1
Acronyms and Other Abbreviations**

MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
NAVD	North American Vertical Datum
NEPA	National Environmental Policy Act of 1969
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NOP	Notice of Preparation
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historical Places
PL	Public Law
PM ₁₀	particulate matter of 2.5 to 10 micrometers (e.g. coarse dust particles)
POP	Public Outreach Plan
PRC	California Public Resources Code
Reclamation	U.S. Department of the Interior Bureau of Reclamation
ROD	record of decision
ROG	reactive organic gas
RS	River Station
RWQCB	Regional Water Quality Control Board
SEZ	Stream Environment Zone
SMAQMD	Sacramento Metropolitan Air Quality Management District
SPP	Spill Prevention Plan
SRA	State Recreation Area
SWPPPs	Storm Water Pollution Prevention Plans
TKPOA	Tahoe Keys Property Owners Association
TRPA	Tahoe Regional Planning Agency
TYC	Tahoe yellow cress
U.S. 50	U.S. Highway 50
USACE	U.S. Army Corps of Engineers
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
WSEL	water surface elevation

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