



Letter AO6



Lahontan Regional Water Quality Control Board

April 26, 2013

California Tahoe Conservancy
Attn: Scott Carroll
1061 Third Street
South Lake Tahoe, CA 96150

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE UPPER TRUCKEE RIVER AND MARSH RESTORATION PROJECT (SCH# 2007032099), EL DORADO COUNTY

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the Upper Truckee River and Marsh Restoration Project (Project). The proposed project is located in South Lake Tahoe along the most downstream reach of the Upper Truckee River. The Draft EIR/EIS evaluates four action alternatives and a no-action alternative to restore natural geomorphic processes and ecological functions along the Upper Truckee River while providing recreation access.

State law assigns responsibility for protection of water quality within the Lahontan watershed basin to the California Regional Water Quality Control Board-Lahontan Region (Water Board). The Water Board implements and enforces the Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) and the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Water Board is a responsible agency under the California Environmental Quality Act (CEQA) for the Project and will need an adequate CEQA document as the basis for issuing Clean Water Act section 401 water quality certification, Basin Plan prohibition exemptions, and/or waste discharge requirements.

During September, 2006, Water Board staff provided comments on the Notice of Preparation of the Draft EIR/EIS, and those comments have been incorporated into this final draft.

Water Board staff has reviewed the information provided in the Draft EIR/EIS in context to the proposed Project's potential impacts to water quality and beneficial uses of waters of the State. Overall, Water Board staff support the effort to restore the Project area. The Draft EIR/EIS generally provides a thorough and adequate analysis of the potential Project impacts; however Water Board staff has the following comments:

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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AO6-1

I. Regulatory requirements

a. Basin Plan Prohibition Exemptions

Although Basin Plan prohibitions are summarized in Tables 3.9-1 and 3.9-3 and discussed in Section 5.2.8, the Draft EIR/EIS does not adequately describe the process for obtaining exemptions. Project-specific findings, as described in the Basin Plan, must be made for each exemption that is requested by a project proponent. In the Draft EIR/EIS Section 5.2.8, the end of the second paragraph implies that the Water Board has granted a blanket exemption to allow for elevated turbidity during all stream restoration projects in the Tahoe Basin. This statement is incorrect and misleading. For a number of stream restoration projects, the Water Board has granted exemptions to the narrative water quality objective for turbidity, with limited magnitude, duration, and extent, for specific activities related to the installation of each individual project. For this project, the Water Board would be required to take a separate discretionary action to grant a prohibition exemption and that can be done as part of the Water Board permitting process.

AO6-2

b. Avoid, Minimize, and Mitigate Impacts

Although extensive mitigation measures are proposed in the Draft EIR/EIS, the Project proponents will need to demonstrate how the preferred alternative avoids and minimizes the Stream Environment Zone (SEZ) impacts. All of the action alternatives have significant construction-related impacts to the SEZs, including installation and removal of access roads, stream crossings, and dewatering and diversion. The Project must show that it has avoided and minimized impacts to the floodplain and SEZ to the extent practical. The criteria to avoid, minimize, and mitigate impacts needs to be considered when planning implementation of the Project, especially with regard to placement and extent of internal access roads and stream crossings. Alternatives 1 and 2 (Exhibits 2-5 to 2-8 Staging and Access Plans) have multiple temporary stream crossings and extensive haul routes within the project area.

AO6-3

c. Monitoring Plan

Section 2.5 describes a monitoring plan that was developed for the Project, but the plan itself does not appear to be part of the Draft EIR/EIS. Developing a thorough monitoring plan will be necessary for obtaining required Water Board permits. The Project proponents may want to consider using the California Rapid Assessment Method (CRAM) as a monitoring tool for the Project. A draft monitoring plan should be included for public review in the Final EIR/EIS.

AO6-4

II. General Comments

a. River Mouth Modification

Implementing Upper Truckee River mouth modifications proposed in Alternatives 1, 2, and 3 will be very challenging and will require significant dewatering and diversion installations. The Draft EIR/EIS acknowledges potentially significant and unavoidable impacts related to water quality and attainment of the turbidity water quality objective and Rec-2 (visual) beneficial use. All potentially significant, unavoidable impacts must be accompanied with a Statement of Overriding Considerations and supporting narrative.

AO6-5

b. Recreational Boating Access

The DEIS lacks an adequate assessment of the potential impacts associated with recreational boating access. Draft EIR/EIS page 2-32 notes that river users often use the point near East Venice Drive to access and take out boats. The Draft EIR/EIS should also include a discussion of access and use at the pedestrian bridge near Highway 50. Both sides of the river in the area near the pedestrian bridge are also used seasonally by recreationalists to put in and take out watercraft. In Alternative 3, access at the pedestrian bridge at US 50 is likely to increase significantly and provisions for boater access must be added. If recreation access is not planned for in this area, user created trails and erosion and trampling of bank protection measures are likely to occur. Public use habits are very difficult to change and boaters will likely continue to use the access points at the pedestrian bridge.

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c. Potential Water Quality Benefit

Although all of the action alternatives (Alternatives 1-4) have risks and uncertainties related to short term water quality impacts and long term effectiveness, the no action alternative (Alternative 5) has documented negative impacts to water quality. As described in the Draft EIR/EIS Alternative 3 appears to have the greatest potential to benefit water quality given that it has the largest increase in expected floodplain inundation (156 acres) at the 2 year recurrence interval flow. This alternative comes closest to simulating conditions in the marsh prior to the development of the Tahoe Keys and to restoration of natural marsh function.

AO6-7

III. Comments on Individual Alternatives

a. Alternative 1 – Bridge at Upper Truckee River Mouth

The Draft EIR/EIS does not adequately analyze the potential long term impacts of locating a bridge at the mouth of the river. Impact 3.13-5, Long-Term Operation and Expansion of Recreation Facilities That May Have an Adverse Physical Effect on the Environment, should include a discussion of bridge impacts. The Draft EIR/EIS page 3.9-16 notes that the historic width of the

AO6-8

mouth has ranged from 50 feet to 250 feet wide. Historic changes in the width of the river mouth demonstrate how barrier beaches such as Barton Beach are dynamic systems. Installation of a bridge could hinder natural river mouth processes and have long term detrimental effects on both the beach and river mouth. The analysis should include a discussion of these issues.

AO6-8
cont.

The Water Board has the authority to grant exemptions to certain prohibitions if specific findings are made as detailed in the Basin Plan. Basin Plan Discharge Prohibitions are discussed in Tables 3.9-1 and 3.9-3 and the Draft EIR/EIS acknowledges that exemptions to several prohibitions may be required to implement the Project.

b. Alternative 3

i. Trout Creek Bank Stabilization and Grade Control Features - Design

Several locations in the Draft EIR/EIS discuss conducting bank stabilization and vertical grade control on the lower reaches of Trout Creek (near RS 92+00, per Table 2-3 and between RS 66+00 to 95+00 per page 2-25). The grade control and stabilization for this area is mapped differently than similar features on this and other alternatives (Exhibits 2-1 to 2-4), yet little detail is provided to describe why the mapping is different. The analysis should describe if and how they will differ from what is proposed at other locations. The description needs to include information explaining how the bank stabilization and grade control features will be installed.

AO6-9

ii. Trout Creek Bank Stabilization and Grade Control Features- Access

The location of the proposed vertical grade control structures is one of the wettest parts of the project area with limited access and saturated soils, yet there is no explanation how this area will be accessed to implement the proposed changes. All vertical grade control structures are accessible by proposed haul routes except this area. In addition, Exhibit 2-7 shows no temporary river crossings to access this area.

iii. Proposed Mitigation for Impact 3.9-4

Since the proposed mitigation of adaptive management may be difficult to implement given the limited access to this part of the Project area, please explain the feasibility of implementing the proposed adaptive management.

iv. Alternative 3, Impact 3.9-7

The analysis needs to include a discussion of the potential for the 34,815 cubic yards of material described in Impact 3.9-2 (Alt. 3) to influence beach dynamics/replenishment issues.

AO6-10

Scott Carroll
California Tahoe Conservancy

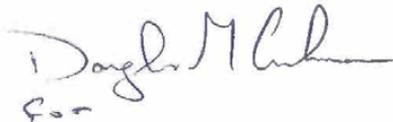
- 5 -

Alternative 4 - Impact 3.9-5

Sections 3.9-5 (Alt. 4) and 3.9-6 (Alt. 4) contain contradictory information. Impact 3.9-5 (Alt. 4) states "Implementing Alternative 4 would not raise the streambed or decrease the channel capacity". However, Impact 3.9-6 (Alt. 4) states "The alternative also proposes modifications to the channel between RS 67+00 and RS 93+00 that would decrease channel capacity. The proposed channel design would increase the frequency of overbanking..." The text should be revised to clarify the impacts of Alternative 4.

AO6-11

Thank you for the opportunity to provide comments on this Project. If you have any questions regarding this letter please contact me at lscribe@waterboards.ca.gov or (530) 542-5465.



Laurie Scribe
Environmental Scientist

LS/adw/T: UTR Marsh CEQA comments
File under: new pending Upper Truckee River Marsh Restoration, El Dorado Co.

- AO6-1 The commenter discusses the role of the Water Board as a responsible agency and states that the 2013 Draft EIR/EIS/EIS generally provides a thorough and adequate analysis of potential project impacts.
- This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.
- AO6-2 The commenter requests additional details and corrections regarding Water Board findings and exemption process discussed in Section 5.2.8.
- The Conservancy would apply for exceptions as part of the Lahontan RWQCB's permitting process. Please see response to Comment A05-1 for the list of current exemptions and supporting information that Conservancy currently identifies as applicable to this project, focused on the exemptions and criteria relevant to the Preferred Alternative.
- See Chapter 5, "Revisions to the Draft EIR/EIS/EIS, Section 5.2.8" for corrections.
- AO6-3 The commenter requests that the final document demonstrate how the Preferred Alternative avoids and minimizes SEZ impacts, including temporary impacts.
- Impacts on SEZs, including jurisdictional wetlands, riparian vegetation, and SEZ, are evaluated in Section 3.4.2 in Section 3.4, "Biological Resources: Vegetation and Wildlife," of the Draft EIR/EIS/EIS. The Preferred Alternative limits the number of stream crossings and haul routes that have been selected to occur immediately adjacent to construction areas. Access points and staging areas have been identified, in part, to minimize construction activities and hauling within sensitive habitats (see Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," and see Exhibit 2-2 of this Final EIR/EIS/EIS). Activities must occur within the floodplain, SEZ, and some areas of wetland and riparian vegetation to accomplish the restoration efforts, but disturbance would be limited to areas necessarily in the footprint and essential for access.
- The Conservancy would implement Environmental Commitments 5 and 6. These environmental commitments include numerous measures to protect and reduce disturbance to floodplain, SEZ, and wetland and riparian vegetation, and a suite of BMPs to reduce potential impacts during construction activities, including limiting construction activities to only areas that are necessary.
- See responses to Comments A05-1 and A05-2 for additional information.
- AO6-4 The commenter refers to Section 2.3, "Monitoring," and states that the plan should be included in the Final EIR/EIS/EIS and that the Conservancy may want to consider using the California Rapid Assessment Method (i.e., CRAM) as a monitoring tool.
- Please see response to Comment AO5-3.
- AO6-5 The commenter discusses significant unavoidable water quality impacts associated with diversion and dewatering proposed at the mouth of the Truckee River under Alternatives 1, 2, and 3 and states that a statement of overriding considerations and supporting narrative must be provided.

The Conservancy would complete a statement of overriding considerations for the Preferred Alternative.

See response to Comment A05-1 for additional information on water quality impacts.

AO6-6 The commenter states potential impacts associated with recreational boating access and boat take-outs proposed under Alternative 3 (and the Preferred Alternative) need to be discussed further.

In the Draft EIR/EIS/EIS, Impact 3.13-6 (Alt. 3), “Long-Term Decrease or Loss of Public Access and Recreation Opportunities within Lakes, Waterways, or Public Lands,” explains that the ability of nonmotorized watercraft to travel into and through the study area would change because of the new distributary channel design. The intent and purpose of Alternative 3 is to take the flows of the Upper Truckee River and spread them over the study area. The dispersed flows would change the timing when boats could access the study area. It is possible that this change would reduce the amount of time that the study area could be accessed compared to existing conditions in some areas; however, access may increase where the project actions lower bank heights. Although the timing of boat access to the study area would change, boating access would not be precluded.

For project-related erosion issues, the Conservancy would implement Environmental Commitments 5, 8, and 11, which include construction and post-construction BMPs and preparation of a geotechnical engineering report with implementation of all applicable recommendations to prevent project-related erosion and address soil and slope stability. The Conservancy would ensure that the final design incorporates effective permanent BMPs for the protection of water quality and would conform with all applicable ordinances and standard conditions established by TRPA and the Lahontan RWQCB.

As part of ongoing management of the study area through a land steward, the Conservancy would continue to adaptively manage any erosion or vegetation trampling associated with new use patterns developed by boaters using the study area. Furthermore, the Conservancy conducts outreach to educate visitors regarding the importance of resource protection and to discourage incompatible uses. The Conservancy also monitors recreational use and compliance with Conservancy use policies and CSLT ordinances and would address erosion and trampling of bank protection measures if needed.

AO6-7 The commenter discusses potential water quality impacts under Alternative 5 (No Action) and states that Alternative 3 (and the Preferred Alternative) restoration approach has the greatest potential to benefit water quality and simulate conditions prior to development of the Tahoe Keys.

This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

AO6-8 The commenter states that Impact 3.13-5, “Long-Term Operation and Expansion of Recreation Facilities That May Have an Adverse Physical Effect on the Environment,” does not adequately analyze the potential long-term impacts of the proposed pedestrian bridge under Alternative 1. The comment also states that several prohibitions may be required.

See response to Comment AO5-6.

AO6-9 The commenter notes that the text, table, and graphics depicting bed and bank stabilization on lower Trout Creek under Alternative 3 are inconsistent; requests more detailed information about

the measures to be installed and the haul routes and/or temporary crossings; and suggests that adaptive management mitigation may be infeasible given limited access to this location.

The text, table, and graphics for the Preferred Alternative have been modified to consistently depict the potential area along lower Trout Creek that could require streambed and streambank stabilization measures. In addition, the staging, storage, and access plan (Exhibit 2-2 of this Final EIR/EIS/EIS) has been updated to reflect the potential need for construction access to this location using the shortest route through sensitive areas. See also response to Comment A05-9. Potential adaptive management needs and measures cannot be readily determined at this time, and although the lower end of Trout Creek is somewhat remote relative to other portions of the site, this is similar to other river and wetland restoration projects that also have long-term adaptive management needs.

AO6-10 The commenter requests additional discussion of the potential effects on beach dynamics/replenishment of the estimated 34,815 cubic yards of material that could be mobilized under Alternative 3.

As discussed in Impact 3.9-5, implementing Alternative 3's restoration element (selected as the basis of the Preferred Alternative) would result in natural geomorphic response after construction of the "pilot" channel. The pilot channel would reactivate remnant channel segments and floodplain swale features in the central portion of the Upper Truckee Marsh under lower magnitude flood events than under existing conditions or the No Action Alternative. Such changes could modify the timing with which sediment or nutrients are released from the site to the river and/or Lake Tahoe, but they would not have significant negative impacts on long-term water quality conditions. Based on existing information and scientific understanding of the marsh's topography, geomorphology, and hydraulics, the remnant channels and swales contain materials dominated by a mixture of fine-textured organics and inorganics, because the accumulations resulted from slow-velocity floodwaters and ponding. Therefore, it is unlikely that many of the materials expected to be present in these locations would be in the coarse sand-size class that is important to beach sediment supply. The volume is just an estimate and the amount of material that would be mobilized is uncertain, but the water quality impact assessment assumed a worst case, dominated by such fines and organics. If the remnant channels and swales actually have more coarse sands than estimated, this would reduce the potential for adverse water quality impacts and increase the possibility that some coarse sediment would be delivered to the nearshore for possible redistribution along the beach system. This would be a potential long-term beneficial result of the floodplain reactivation, but such a result is difficult to predict with certainty. Nonetheless, the possible short-term adverse changes to beach sediment supply are discussed in Impact 3.9-7, so that potential mitigation needs are identified.

AO6-11 The commenter notes potentially contradictory information regarding the effects of Alternative 4 on streambed elevation, capacity, and frequency of overbanking under two separate impacts: Impact 3.9-5 (Alt. 4) and Impact 3.9-6 (Alt. 4).

The discussion in Impact 3.9-5 (Alt. 4) explains that Alternative 4 would not raise the channel bed, increase inundation on the existing terrace surface, or reactivate the remnant channels. However, Impact 3.9-6 (Alt. 4) explains that a low inset floodplain (below the existing terrace) would be excavated that would experience overbanking. These data are not directly contradictory. The first discussion explains that Alternative 4 would not provide better access to the surrounding ground surfaces that extend from the existing top-of-bank areas (i.e., the "terraces"). The second discussion describes how the excavated inset floodplain would create "low banks" and therefore, allow the river to overflow onto the inset floodplain area during small and moderate streamflow peaks.

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L7619 (PWR)

April 26, 2013

Mr. Scott Carroll
Environmental Planner
California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150
scarroll@tahoe.ca.gov

Re: DEC-13\0045 Upper Truckee River and Marsh Restoration Project

Dear Mr. Carroll:

We have reviewed the Draft Environmental Impact Statement (EIS) for the proposed restoration initiative in the Upper Truckee River watershed. We received no responses from any other office or agency. Our comments are as follows:

1. In addition to educating construction personnel about the possible presence of unknown cultural archeological resources and what to do if such discoveries occur, we recommend that a qualified archaeologist be present to monitor ground disturbing project activities that have the potential to damage or destroy archeological resources.
2. It is noted that a representative of the culturally affiliated Washoe tribe was consulted to review previous study findings, field research, and "environmental commitments designed to reduce potential impacts on cultural resources to less-than-significant levels." We recommend that follow-up consultation be completed to bring the consultation process to a close.

AO7-1

For additional information or assistance in addressing these comments in preparing the Final EIS, please contact Mark Rudo, Regional Archeologist, Pacific West Region (415) 263-2361.

Thank you for your consideration.

Sincerely,

/s/ Patricia L. Neubacher
(signed original on file)

Christine S. Lehnertz
Regional Director, Pacific West Region

Cc:
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Mark_Rudo@nps.gov
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AO7-1 The commenter suggests having a qualified archaeologist present to monitor ground-disturbing activities that have the potential to damage or destroy archeological resources and to complete follow-up consultation to bring the consultation process to a close.

The Conservancy has consulted with the Washoe Tribe on multiple occasions, including a field visit with representative tribal member Darrel Cruz just before the release of the Draft EIR/EIS/EIS. As described in Chapter 2, “Project Alternatives,” of the 2013 Draft EIR/EIS/EIS under Environmental Commitment 2, the Conservancy would prepare a cultural resources protection plan that would include archaeological monitoring of grading in areas with the potential for discovery of significant resources. The Conservancy would continue to coordinate with the Washoe Tribe through development of the cultural resource protection plan and construction to ensure that resources within the Marsh are protected.