Letter AO8

Tahoe Area Sierra Club Group

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

April 6, 2013

Re: Upper Truckee River and Marsh Restoration Project Draft EIR/EIS/EIS

The Sierra Club is pleased to comment on the restoration project for the UTR and Marsh area. The restoration alternative that is of most interest to the Tahoe Area Sierra Club is Alternative 3 which provides the greatest amount of biological restoration in an area sadly deprived of enough water and loss of habitat due to projects such as Tahoe Keys, expansion of the marina, CalTrans fateful bridge widening on Hwy 50, commercial development in the 100-year flood plain, the ever-expanding TKPOA corporation yard, and the interminal incremental fill into the meadow from property owners, governments, and developers. AO8-1

Alternative 3 offers the opportunity for nature to help heal the marsh with the least amount of man-made interference of any of the alternatives. While not perfect, Alternative 3 provides for connecting the river to its floodplain, and capturing the biological and physical processes of the former marsh, with its diverse natural swales, holes, shallow areas, diverse vegetation, high and low lying lands, and, in general, restoring an effectively functioning tapestry of river, meadow and marsh ecosystem.

However, the document itself is not nearly equal to the task of presenting the project and its beneficial and adverse environmental impacts as one would expect for such an exciting project. Our detailed comments begin on the next page. The EIR/EIS/EIS will be referred to throughout these comments as "the document" for ease of writing and reading.

While the importance of the project cannot be completely undermined by a flawed document, the failures are many and it is important to note that, under CEQA Section 15088.5 a document that does not disclose pertinent data, does not accurately reveal the details of the project that have environmental impacts, and uses an amalgam of conflicting maps, contradictory sections, and outdated facts must be re-circulated with all corrections prior to submitting a Final EIR/S/S to the public. Our comments follow.

We look forward to a revised and re-circulated document based on current information.

Very truly yours,

Laurel Ames
Lwames@hotmail.com

SPECIFIC COMMENTS ON THE UPPER TRUCEKE RIVER AND MARSH RESTORATION PROJECT

1 Environmentally Superior Alternative. The document selects Alternative 2 as that alternative. Yet NEPA requires the alternative that causes the least damage to the biological and physical environement, and as the document notes, the alternative that "best protects, preserves, and enhances ……..natural resources."

The selection of Alternative 2 does not meet that criteria, because as the document notes, it was selected due to providing the least amount of recreation facilities. While the document selects "recreation" and its facilities for various alternatives, the title of the document gives no hint that this significant restoration project will include compromises to the restoration on behalf of recreation amenities, those amenities reduce the value of the restoration. Such a trade-off, tucked into a project objective, is a devious way to provide unnecessary amenities in an area that has already been subject to almost every insult imaginable to its ecosystem, and this restoration is limited by many of those insults. Adding more amenities in this study area is particularly galling to then be used as the criteria for selecting the environmentally preferred alternative. AO8-2

The alternative that clearly provides the best bang for the buck in terms of restoration of the marsh, is, in fact, the alternative with the greatest marsh restoration values - - alternative #3. It is to be hoped that the agency will scale back the amount of new amenities it is laying on top of this alternative restoration and focus on the core objective – the greatest amount of natural restoration possible. It is folly to confuse project objectives in an EIR/S/S by adding in compromises that are not necessary to the restoration project.

We urge you to adopt a clean restoration project that will be the most effective.

2. Cumulative Impacts. The document reveals that there are a number of Significant and Unavoidable Impacts, but in reviewing the document there are impacts that have not been found by the preparers, using outdated data, to be Siignificant. Using up-to-date data, not four year old data – these impacts would be Significant but avoidable by a simple policy decision that does not change the restoration project. Issues such as using neighborhoods for construction equipment storage and operations are clearly policy decisions that impact air quality in neighborhoods as well as public health impacts from TAC from diesel engines operating next door to residences for many months at a time. Selection of areas within 6 feet of residences is merely a policy decision that was made with no thought to the environmental impacts, public health impacts and their cumulative effects over the course of five months for four years. Table ES-1 identifies long term impacts from criteria air pollutants and for CO – also a criteria air pollutant – but no mitigation of that impact is proposed. That is not only a serious error, but also one of agency willfulness. AO8-3

A second, and Significant bu Unavoidable Impact is the construction of the maximum recreational facilities in a restoration project on the habitat of an endangered plant, the Tahoe Yellow Cress. While seemingly bizarre to even suggest, in a restoration project, AO8-4

that an endangerd species would be put at risk by substantial amenity construction of bridges and boardwaslk on the habitat, the fact is that it is a simple policy decision to not build in an endangered plant's habitat. "NO feasible mitigation if available" the document says. But that is just ridiculous. Of course there is a feasible mitigation provided to the agency decision-makers - - don't build an unneeded amenity. AO8-4 cont.

We urge you to adopt a clean restoration project that will be the most effective in restoring the marsh, the river, the meadows, and the 100-yr flood plain.

3. Conflicting Information Provided in Document The issue of conflicting information is found throughout the document. Parts that are based on scoping in 2006 appear in some places, while it appears that section 3 in volume I and 2 (Affected Environment and Environmental Consequences)was written in approximately 2008, while the second section – Project Alternatives - - was written in the recent past.

AO8-5

For example, the maps aren't consistent. Exhibits 2-6 to 2-9 on pages 2- 3 to 2-7 provide different details as to construction elements, placement of bank stabilization, etc, which is different from the maps on pages 2-45 to 2-50 which have Exhibits 2-5 to 2-8.

And, in line with that inconsistency, there is a difference between the descriptions in Section 2 and in Section 3.

4. Environmental Commitments. The commitments are generally just repeats of TRPA and local codes, and often have nothing to do with commitments to specifically reducing adverse impacts on the resources that are being "managed", or the impacts on the nearest neighborhoods. In fact, one neighborhood, with the greatest number of houses closest to the construction work is not even mentioned in Section 3.

For example, EC 6 provides comfort that the project will conform with "all permits required by applicable federal, state, regional, and local statutes and regulations." While expected, its not clear what or why that statement is needed as an environmental commitment in the Tahoe basin. But thanks for letting us know – one less thing to worry about.

AO8-6

The commitments that the public and especially the neighborhoods bordering the project want are those that protect the residents from unnecessary truck traffic, noise, pollutants, vibrations, and dangers to their children and dogs.

Further, the air quality section seems to be written to excuse the use of large pollutant-emitting equipment in residential neighborhoods. Pages and pages apply to annual averages, attaiinment in place of the actual transitional status for ozone, and more. At no time does an environmental commitment offer to use less polluting equipment, smaller pieces of equipment, haul routes on major thoroughfares such as Keys Blvd and East Venice vs, narrow neighborhood streets in the surrounding neighborhoods. The fact that the document selects Cailfornia Ave, a nearly half-mile narrow street fronted by more

than 35 houses in its short stretch, vs Eloise, on which the agency owns an acre parcel suitable for storage and equipment, with an immediate connection at the edge of the commercial area into the southern part of the meadow is not discussed.

5. Key Environmental Impacts (ES.4). This bullet is the only actual admission in the document that there is a "potential for noise and scenic impacts to nearby residences" but even here the document fails miserably to mention the significant impacts on residences immediately adjacent to haul routes and surrounded by equipment and material storage sites. AO8-6 cont.

The stance of the agency as to the local residents seems to be captured by the sentence "All of the reseindtial subdivisions have access points leading into the study area. Some of these access points and traails are established and recognized by the Conservancy while others are user created". Yes, and they were created long before Dillingham started digging up the marsh, and decades before the Conservancy arrived. Such a blindingly obtuse statement is wildly inappropriate and quite insensitive to the residents.

6. Initial Cost Analysis. In these days of limited budgets, the fact that the analysis highlights the low cost of Alternative 3 at $5.9 million, vs the highest cost for Alternative 4, must be given great weight by the agency's board. The fact that the least destructive, and most beneficial project for restoring the marsh, the river and the meadow is the least expensive is a definite plus for Alternative 3. The biggest ban for the buck. This cost analysis should also be performed in today's dollars and all alternatives should be costed out at restoration costs, with the amenity costs shown separately. AO8-7

Thank you for the opportunity to comment. The Tahoe Area Sierra Club would be glad to meet with you and discuss our comments. We look forward to a robust and science-based response in the Response to comments. However, our advice to you to reconsider and re-circulate a document that is re-done in terms of updated information as of 2012 as compared to 2006, is needed for proper public disclosure. AO8-8

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Jennifer Quashnick
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AO8-1 The commenter states their support for Alternative 3; however, the commenter also states that the environmental document is inadequate and contradictory.

More specific reasonings associated with this comment are presented in responses to Comments AO8-3 through AO8- 8.

AO8-2 The commenter believes that the Environmentally Superior Alternative is Alternative 3, that recreation-access objectives should not be considered along with restoration objectives when making this finding, and that compromises were made by considering both.

As described in Section 4.5, "Environmentally Superior Alternative/Environmentally Preferred Alternative," of the 2013 Draft EIR/EIS/EIS, the National Environmental Policy Act (NEPA) requires identification of the alternative that is considered environmentally preferable. "Environmentally preferable" is used to describe the alternative that would best promote the national environmental policy as expressed in Section 101 of NEPA—that is, it would cause the least damage to the biological and physical environment. In addition, the "environmentally preferable" alternative best protects, preserves, and enhances historic, cultural, and natural resources. Although Council on Environmental Quality regulations require identification of the environmentally preferred alternative, they do not require adoption of this alternative.

The State CEQA Guidelines (Sections 15126.6[a] and 15126.6[e][2]) require that an environmental impact report's (EIR's) analysis of alternatives identify the "environmentally superior" alternative among all of those considered. In addition, if the No-Project Alternative is identified as the environmentally superior alternative, then the EIR also must identify the environmentally superior alternative among the other alternatives. Under CEQA, the goal of identifying the environmentally superior alternative is to assist decision makers in considering project approval. CEQA does not require an agency to select the environmentally superior alternative (State CEQA Guidelines Sections 15042–15043).

The TRPA Compact and Code of Ordinances do not specifically call for identifying an environmentally superior or preferred alternative; however, they rely on other State and federal regulations and when evaluating alternatives, TRPA identifies the alternative that would best maintain and/or achieve environmental thresholds (discussed in Section 4.5, "Consequences for Environmental Threshold Carrying Capacities," of the 2013 Draft EIR/EIS/EIS). The TRPA Compact and Code of Ordinances allow for the consideration of social, technical, or economic impacts when an alternative is selected.

Although the recreation and restoration components were combined in the alternatives presented for analysis in the Draft EIR/EIS/EIS, it sufficiently addresses the potential environmental effects of implementing these recreational and restoration components, regardless of the ultimate combination. The alternatives evaluated encompass the reasonable range of potential environmental effects. Based on the analysis of impacts, the action alternatives present tradeoffs related to overall environmental advantages. These alternatives were developed by looking at a broad range of restoration approaches and levels of recreation infrastructure consistent with the project's goals and objectives. This range of reasonable alternatives complies with the requirements of Title 14, Section 15126.6 of the California Code of Regulations (14 CCR 15126.6), also referred to as the State CEQA Guidelines; Title 40, Section 1502 of the Code of Federal Regulations (i.e., 40 CFR 1502); Article VII(a)(3) of the TRPA Compact; and Section

5.8.B of the TRPA Code of Ordinances. Each of these alternatives is feasible, based on relevant economic, environmental, social, technological, and legal factors, although they provide different advantages and disadvantages related to environmental impacts and achievement of the project's purpose, need, and project objectives.

AO8-3 The commenter suggests that a number of significant and unavoidable short-term construction-related air quality impacts have not been identified.

Air quality impacts were addressed in Section 3.2, "Air Quality and Climate Change," of the 2013 Draft EIR/EIS/EIS. As described in Section 3.2, almost all increased pollutant emissions associated with the improvements in the study area would be generated by construction activities. The method of analysis for short-term construction, long-term operational (regional), local mobile-source, and toxic air contaminant emissions is consistent with the recommendations of El Dorado County Air Quality Management District (EDCAQMD) and TRPA. The analysis described fugitive dust emissions of respirable particulate matter (PM_{10}), reactive organic gas (ROG) emissions, and emissions of oxides of nitrogen (NO_X).

Short-term construction-related emissions of ROG, NO_X, and PM_{10} were modeled using the California Air Resources Board–approved URBEMIS 2007 (Version 9.2.4) computer program and EMFAC 2007 emission factors as recommended by EDCAQMD and TRPA. URBEMIS is designed to model construction emissions for land use development projects and allows the user to input project-specific information. Input parameters were based on default model settings and information provided in Chapter 2, "Project Alternatives," of the 2013 Draft EIR/EIS/EIS. Modeling assumed an annual construction period of May 1–October 15 (120 work days) over 4 years and used the corresponding emission factors.

With implementation of Environmental Commitment 1, "Reduce the Generation of Construction-Related Emissions of ROG, NO_X, and PM_{10}," described in Table 2-6 of the 2013 Draft EIR/EIS/EIS, construction-related emissions of PM_{10} would not violate or contribute substantially to an existing or projected air quality violation. EDCAQMD considers projects that implement sufficient mitigation measures (or environmental commitments) that would prevent visible PM_{10} dust beyond the project property lines to generate less-than-significant PM_{10} emissions. Therefore, with the inclusion of Environmental Commitment 1, the impact related to construction-related PM_{10} emissions would be considered less than significant for all alternatives.

As described in the significance criteria presented in Section 3.2, projects that would not generate emissions of other criteria air pollutants that exceed a national or State ambient air quality standard would be considered less than significant. Therefore, implementation of Environmental Commitment 1 would ensure that emissions of the other major construction-related pollutants (e.g., PM_{10}) would not exceed an applicable ambient air quality standard. Furthermore, as determined by the Sacramento Metropolitan Air Quality Management District (SMAQMD), implementing Environmental Commitment 1 (i.e., implementing the SMAQMD Enhanced Fugitive PM Dust Control Practices) would reduce construction-related fugitive PM_{10} dust emissions by a minimum of approximately 75 percent and would prevent the fugitive PM_{10} dust from dispersing beyond the property boundary (SMAQMD 2009:Chapter 3). Implementation of this environmental commitment would also reduce exhaust emissions of NO_X, and PM_{10} from diesel equipment by 20 and 45 percent, respectively (SMAQMD 2009:Chapter 3).

AO8-4 The commenter expresses concerns associated with significant unavoidable cumulative impacts on Tahoe yellow cress if Alternative 1 ("Maximum Recreation") bridge and boardwalk infrastructure were to be constructed.

The Preferred Alternative does not include bridge and boardwalk infrastructure as proposed under Alternative 1. As described in Section 3.16, "Cumulative Impacts," of the 2013 Draft EIR/EIS/EIS, Tahoe yellow cress could be adversely affected by construction and recreation activities resulting from reasonably foreseeable projects (e.g., Edgewood Lodge and Golf Course Improvement Project) under Alternative 1. Also, as discussed in Impact 3.18-C30 (Alts. 1–5), "Cumulative Geomorphology and Water Quality—Long-Term Modifications in Upper Truckee River Coarse Sediment Transport and Delivery Downstream," depending on the alternatives implemented by upstream restoration projects and on the effects of climate change, the delivery of sands and gravel to Tahoe yellow cress habitat at the study area's beaches could be affected. Potential effects could combine with the effects of other actions on transport and delivery of coarse sediment. The incremental or combined effects on beach erosion are not predictable, however, because climate-change influences are highly uncertain. Conditions could range from worse than the existing degraded condition to a possible improvement, regardless of changes in coarse-sediment delivery. After thorough investigation, the cumulative effect on delivery of coarse sediment to the study area's beaches remains speculative.

AO8-5 The commenter states that there is conflicting information throughout the document, then refers to exhibit numbers that are inconsistent with those presented in the Draft EIR/EIS/EIS. The commenter also states that there are inconsistencies between descriptions in Section 2 and Section 3, with no further information provided.

The commenter offers no specific information or evidence that the analysis presented in the Draft EIR/EIS/EIS is inadequate; therefore, no further response can be provided.

AO8-6 The commenter states their indifference to proposed environmental commitments and further discusses traffic, scenic, noise, and air quality impacts on adjacent property owners, especially along California Avenue.

See responses to Comment Letter I-8.

AO8-7 The commenter suggests an additional cost analysis and suggests that Alternative 3 has the best cost benefit.

A cost analysis of the action alternatives was presented in Appendix E, "Alternatives Cost Estimate," of the 2013 Draft EIR/EIS/EIS. The analysis is consistent with the commentor's note that Alternative 3 has the highest cost benefit. The Preferred Alternative includes the restoration approach proposed under Alternative 3, with moderate recreation infrastructure on the west and no additional infrastructure on the east side of the marsh. Therefore, the overall cost of the Preferred Alternative is expected to be less than that of the action alternatives initially proposed, albeit in today's dollars. AO8-8 The commenter suggests updating and recirculating the EIR/EIS/EIS.

The standards for determining when recirculation is required include CEQA Section 21092.1 and State CEQA Guidelines Section 15088.5, based on the case of *Laurel Heights Improvement Assn. v. Regents* (1993), 6 Cal 4th 1112, known as "Laurel Heights II." State CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice has been provided for public review of the Draft EIR, but before the EIR is certified. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project

proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

(1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

(2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

(3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or

(4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

NEPA dictates a process for incorporating new information into an already published environmental impact statement (EIS), called supplementation. A supplemental EIS must be prepared if there are “substantial changes in the proposed action” relevant to environmental concerns or “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts” (40 CFR 1502.9[c][1]). The supplement should focus on the new information (40 CFR 1502.9[c][1]). CEQ has clarified that new alternatives outside the range of alternatives already analyzed would trigger the requirement for a supplemental review. Supplements may be prepared for either Draft or Final EISs. Because there are no substantial changes in the proposed action or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts requiring preparation of a supplemental draft one is not required.

The TRPA Compact and Code of Ordinances do not specifically provide an approach for when recirculation is required; however, they rely on other State and federal regulations when evaluating new information that may substantially increase the severity of an environmental impact.

Letter AO9

SKY MEADOWS HOMEOWNERS ASSOCIATION, INC.

April 2, 2013

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

RE: COMMENTS ON UPPER TRUCKEE RIVER AND MARSH RESTORATION PROJECT (STATE CLEARINGHOUSE #2007032099)

Dear Mr. Carroll:

The Sky Meadows Homeowners Association, Inc. (HOA) represents seventy-nine (79) owners of single family and duplex dwellings at Sky Meadows who may be significantly affected by the above-referenced project. All properties are located on Sky Meadows Court in South Lake Tahoe (96150), bordering the UTR. While we appreciate the CTC's goals of restoring the Upper Truckee River and Marsh, we are concerned that the project may negatively affect our community due to increased noise, traffic, trespass, trash, and flood risk. We have the following specific comments: AO9-1

1. Any and all proposed action(s) should be sited, designed, and constructed—with certainty and a substantial margin of safety—to avoid any increase in flood risk at Sky Meadows. A sizable portion of the Sky Meadows property is already located within existing flood zones, and the meadow immediately adjacent to homes has flooded in past years. Your design team should ensure—under all alternatives—that flood risk is not exacerbated at Sky Meadows. Any increase to flood risk would endanger homes and add to costs for flood insurance coverage already borne by residents. AO9-2

2. Sky Meadows is **private property**, and is posted "No Trespassing." You, your staff, and your contractors should not assume that you may use Sky Meadows for access, staging, parking, or any other purpose, without express permission from the Sky Meadows HOA. Parking is very limited at Sky Meadows, especially during the summer construction season; our property may not be used by you, your partner agencies, or your contractors without advance written permission. AO9-3

3. Any and all recreation elements of the project (such as new trails, trailheads, or other public access points or facilities) must be sited, designed, and constructed to avoid increased trespassing into Sky Meadows property. Currently, there are no public trails along the Truckee River at Sky Meadows. Any addition of public access would significantly increase trespassing, illegal parking, noise, trash, dog feces, and would cause other negative impacts to our private property, such as homeless encampments, risk of fire, etc. AO9-4

In sum, while we support your restoration goals, your project must be carefully planned, designed, and implemented to avoid adverse impacts to our community. AO9-5

Thank you for this opportunity to provide comments. Please contact me should you have any questions regarding this letter.

Sincerely,

John A. Hollstien, President
Sky Meadows Homeowners Association, Inc.
(916) 444-3443
jhollstien@comcast.net

Mailing address: 2611 Marty Way
Sacramento, CA 95818

AO9-1 The commenter states that the proposed project will increase noise, traffic, trespass, trash, and flood risk for the Sky Meadows community.

Individual responses related to noise, traffic, trespass, trash, and flood risk for the Sky Meadows community are presented in responses to Comments AO9-2 through AO9-4.

AO9-2 The commenter states that the project must not exacerbate the flood risks already present within Sky Meadows to avoid any increased danger and/or flood insurance costs to residents.

See Section 3.1.1, "Flooding and Flood Hazards," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS. The analysis of the proposed project is consistent with CEQA, NEPA and TRPA requirements because the project would not change the existing flood hazards of the surrounding properties. See "Flooding and Flood Hazards," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS. Furthermore, financial responsibility for flood damages is not an issue relating to effects on the environment that requires an analysis under CEQA.

AO9-3 The commenter states that Sky Meadows is private property, and that advance written permission will be required for any use of the property during project construction.

The Conservancy would work with private landowners to obtain easements and agreements if private property is needed for access. In cases where an agreement between parties could not be made, the Conservancy would complete activities on State-owned land. See Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for additional information.

AO9-4 The commenter has concerns about recreation improvements near Sky Meadows and increased trespassing, illegal parking, noise, trash, dog feces, and other negative impacts on Sky Meadows, such as homeless encampments and risk of fire.

See Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS.

AO9-5 The commenter closes the letter and states that they support proposed restoration without adverse impacts on the community.

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

Letter AO10

General Manager
Richard H. Solbrig

Directors
Chris Cefalu
James R. Jones
Randy Vogelgesang
Kelly Sheehan
Eric Schafer

South Tahoe
Public Utility District

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April 8, 2013

Scott Carroll,
Associate Environmental Planner
California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Re: CEQA/NEPA Draft EIR/EIS/EIS for the Upper Truckee River and Marsh Restoration Project (SCH #2007032099) – Public Services and Utilities Scoping Comments

Dear Mr. Carroll;

Thank you for providing this opportunity to comment on the subject document. As a public agency established to provide drinking water and sanitary sewer collection, treatment and export services to the greater south shore area, including the City of South Lake Tahoe, the South Tahoe Public Utility District (District) is providing the following existing utilities information to be considered for analysis in the joint EIR/EIS/EIS being prepared for this project. Based on our review of this information, the District believes that there is an urgent need to also consider alternatives to restore Trout Creek to its pre-1968 channel alignment, consistent with the purpose, need and objectives presented in the draft EIR/EIS/EIS.

AO10-1

Based on the information included with the draft EIR/EIS/EIS, the District understands that the project may involve the possible implementation of one of four restoration (action) alternatives being considered to meet the purpose, need and objectives of the project. The project area includes approximately 600 acres roughly centered over the Upper Truckee Marsh, including the downstream reaches of Trout Creek and the Upper Truckee River. The project's primary purpose is to restore natural geomorphic processes and ecological functions along the Upper Truckee River, along the west side of the Upper Truckee Marsh.

Trout Creek is located immediately east of the Upper Truckee River and flows across the east side of the Upper Truckee Marsh. As reported by the USGS, Trout Creek drains the second largest watershed, after the Upper Truckee River, within the Lake Tahoe Hydrographic area; comprising an estimated 13% of the total land area tributary to Lake Tahoe.

Review of historical imagery indicates that, within the southeast portion of the project area, the channel alignment of Trout Creek has been purposely altered to redirect flows north toward the east margin of the Upper Truckee Marsh. This has moved the main channel of Trout Creek more than 600 feet north of its pre-1968 alignment and within 200 feet of District sewer facilities and private parcels situated along the east margin of the marsh. Recent formation of a point bar along this reach of Trout Creek has moved the channel further north toward the east margin of the marsh. Redirection of Trout Creek flows by this point bar has flooded the District's utility easement and private parcels neighboring Trout Creek and poses a significant hazard to District facilities.

The District operates a sewer pump station and maintains a 10-inch sewer force main and 8-inch gravity sewer main which lie within the District's utility easement along the east margin of the marsh. The pump station receives more than 200,000 gallons per day (gpd) of sewage from approximately 640 properties within the Al Tahoe subdivision. This inflow is pumped through the 10-inch force main buried along the margin of the marsh. The 8-inch gravity main receives more than 40,000 gpd of sewage from about 150 properties neighboring Trout Creek and the Upper Truckee Marsh. The District is concerned that current and future flooding will restrict the District's ability to adequately maintain the gravity sewer main, remove potential blockages and control potential surcharges to the Upper Truckee Marsh. The District is also concerned that continued seasonal flooding and future channel erosion could further threaten the structural integrity of its sewer manholes; gravity sewer main and laterals; and sewer force main. Because of these concerns, the District is actively developing contingency plans, specifically for these facilities, in case of failure. AO10-1 cont.

The District concurs with the purpose and objectives of the Upper Truckee River and Marsh Restoration Project as presented in the subject draft EIR/EIS/EIS. The District also believes that there is an urgent need to consider alternatives to restore Trout Creek to its pre-1968 channel alignment, consistent with the purpose, need and objectives presented in the draft EIR/EIS/EIS. We look forward to working with the California Tahoe Conservancy to alleviate the Trout Creek flooding hazard.

Sincerely,

Ivo Bergsohn, P.G., C.Hg.
Hydrogeologist

Paul Sciuto, P.E.
Assistant General Manager

Cc: State Clearinghouse (Re: SCH #2007032099)
Tom Davis, Mayor, City of South Lake Tahoe
Patty Kouyoumdjian, Executive Officer, Lahontan Regional Water Quality Control Board
District Board of Directors
Richard Solbrig, P.E., General Manager
File

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AO10-1 The commenter summarizes the proposed project and the need to include restoring the avulsed northeastern portion of Trout Creek to the pre-1968 channel alignment as part of the project.

The Conservancy has an existing license agreement with South Tahoe Public Utility District (STPUD) and has coordinated with STPUD on its ongoing sewer protection project. In 2014 STPUD implemented Year 1 construction activities associated with an adaptive management plan to protect the sewer infrastructure from flooding and reduce the risk of a sewer spill. The adaptive management plan consists of measures designed to both prevent permanent establishment of Trout Creek over the sewer lines and encourage flows to establish new flow paths to the south, away from STPUD facilities.

In Year 1 (2014), vegetative roughness elements were placed near the easement to prevent establishment of new channels and reestablish flow paths to the south. Some flow paths out of the existing channel that led northward to the easement were blocked to further direct flows southward. The Year 1 plan also included removal of a portion of an abandoned historical roadway that crossed the marsh. The roadway fill constricted flood flows and prevented the creek from freely migrating across the marsh.

The easement is expected to continue to become inundated during flood flows, but the vegetative roughness elements are intended to reduce inundation to the seasonal or episodic character of pre-2011 conditions. They also will provide long-term protection of the sewer facilities by encouraging channel formation and future channel migration in areas away from the easement, along with sediment deposition over the easement. STPUD will continue to implement the adaptive management plan for up to 4 more years.

Letter AO11

From: Rusty Jardine [rusty@tcid.org]
Sent: Monday, March 04, 2013 7:41 AM
To: Carroll, Scott@Tahoe
Cc: 'Ernest C. Schank'
Subject: Draft EIR/EIS Upper Truckee River and Marsh Restoration Project, El Dorado County California

Scott,

Good morning! We see notice of the above-captioned matter in the Federal Register. What is the scope of this project? What, if any, impact may this project have on river flows below Tahoe Dam? AO11-1

Rusty Jardine, Esq.
District Manager, Truckee-Carson Irrigation DIstrict

AO11-1 The commenter requests information about any potential effects on Truckee River flows below the dam.

Neither the action alternatives analyzed in the 2013 Draft EIR/EIS/EIS nor the Preferred Alternative would modify the annual volume of water discharged to Lake Tahoe via surface runoff or groundwater discharge, or modify the stream hydrograph or lake level in a manner or of a magnitude that could affect operations of the Lake Tahoe dam or release of flows below the dam.

Letter AO12

Washoe Tribe of Nevada and California

Cultural Resources Department/Tribal Historic Preservation Office

Protect, Preserve and Promote Washoe Heritage and Culture

RECEIVED

CA TAHOE CONSERVANCY

April 24, 2013

Scott Carroll, Associate Environmental Planner
California Tahoe Conservancy
South Lake Tahoe, CA. 96150

Subject: Draft EIR for the Upper Truckee River and Marsh Restoration Project

Dear Mr. Carroll,

Thank you for consulting with the Washoe Tribe of Nevada and California on the proposed undertaking and Draft EIR for the Upper Truckee River and Marsh Restoration Project.

The project area of potential effect is within the ancestral territory of the Washoe Tribe. The tribe has occupied this area since time began as our stories tell us. The marsh and surrounding landscape was a very important place for the Washoe. The lake and associated landscapes are still important to the Washoe.

We are supportive of a project that restores the natural ecosystem balance. This project has many benefits for the flora and fauna and improving water quality and lake clarity. We prefer the alternative which best captures and restores the marsh to a condition before manmade interferences disrupted the natural balance and ecosystem.

After review of the document we have several comments to add, (listed below); AO12-1

3.3.7, Suggest change to this:
Unlike Native Americans in many other regions of California, even into the 20th century, the Washoe were not completely displaced from their traditional lands. In 1917, the Washoe Tribe began reacquiring a small part of their traditional lands (Nevers 1976:90–91). The Washoe remain a tribe recognized by the U.S. government and have maintained an established land base. Its 1,600 tribal members are governed by a tribal council that are elected by tribal members who live in one of the 4 communities (Woodfords, Dresslerville, Stewart, and Carson), as well as by members from nonreservation areas. The contemporary Washoe have developed a comprehensive land use plan (Washoe Tribal Council 1994) that identifies the goals of reestablishing a presence in the Tahoe region and revitalizing Washoe heritage and cultural knowledge, including the harvest and care of traditional plant resources and the protection of traditional properties in the cultural landscape (Rucks 1996:3). AO12-2

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Impact 3.3-1 (Alt 1): If there is any grading in an archeological site, we ask that a Washoe Site Monitor be present during any grading. Of course we prefer no grading in an archeological site.

Impact 3.3-2 (Alt 1): If there is any grading in an archeological site, we ask that a Washoe Site Monitor be present during any grading. Of course we prefer no grading in an archeological site. AO12-3

Impact 3.3-4 (Alt1) we are in concurrence with this measure and assurance

The Washoe Tribe is requesting to consult with during the development of the Cultural Resources Protection Plans (CRSP) for each of the alternatives where a CRSP is proposed. In addition the Washoe Tribe is requesting consultation when any of the prehistoric resources may be affected by the proposed undertaking. AO12-4

There is an archeological site which is not listed in the inventory that may be affected by the proposed project. I would like to discuss this feature with you upon receipt of this letter and at your convenience. AO12-5

Thank you please call me if you have any questions at (775) 546-3421. Please note this is my cell phone number as I in the middle of relocating my office.

Respectfully,

Darrel Cruz, CRD/THPO

AO12-1 The commenter states that the study area is within an important ancestral territory of the Washoe Tribe and that they support the restoration.

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

AO12-2 The commenter suggests text changes to Section 3.3, "Archaeological and Historical Resources," of the Draft EIR/EIS/EIS.

Text changes to Section 3.3 are presented in Chapter 5, "Revisions to the Draft EIR/EIS/EIS."

AO12-3 The commenter refers to the discussions of Impacts 3.3-1 (Alt. 1), 3.3-2 (Alt. 1), and 3.3-4 (Alt. 1), stating that they prefer that no grading occurs at any archaeological sites; however, if necessary, the preference is to use a Washoe site monitor.

As described in Section 3.3 of the 2013 Draft EIR/EIS/EIS, one potentially significant cultural resource (CA-ELD-26/H) has been identified within the study area and could be adversely affected during construction. However, as described in Environmental Commitment 2, "Prepare and Implement a Cultural Resources Protection Plan," the Conservancy would prepare a cultural resources protection plan that would include oversight of grading in areas with the potential for discovery of significant resources in the vicinity of CA-ELD-26/H. Additionally, project construction personnel would be trained on the possibility of encountering potentially significant resources; if such resources were encountered, proper measures would be taken to protect them. Furthermore, final design of the Preferred Alternative project elements would completely avoid the CA-ELD-26/H site

AO12-4 The commenter requests consultation with the Washoe Tribe during development of the cultural resource protection plan.

See response to Comment AO7-1.

AO12-5 The commenter refers to an archaeological site not listed in the inventory that may be affected by the proposed project and requests follow-up discussion.

Upon receiving the comment letter, a Conservancy representative contacted Mr. Cruz to discuss the archaeological site (Hughes, pers. comm., 2013). Based on discussions with Mr. Cruz and after review of the inventory information, it was noted that the site was discussed in the 2013 Draft EIR/EIS/EIS and that the project would not affect it.

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