

## 3 MASTER RESPONSES

The responses presented in this chapter address common environmental issues raised in multiple comments on the August 2013 draft environmental impact report/environmental impact statement/environmental impact statement (Draft EIR/EIS/EIS) for the Upper Truckee River and Marsh Restoration Project. They are referred to as “master responses” and are identified by topic so that reviewers can readily locate all relevant information pertaining to an issue of concern. When issues are addressed in the broader context provided by master responses, the interrelationships among the individual issues raised can be better clarified. It is also possible to provide a single explanation of an issue that is more thorough and comprehensive than separate, narrowly focused responses presented without any context. Because it avoids unnecessary repetition of information, the use of master responses also streamlines this Final environmental impact report/environmental impact statement/environmental impact statement (final EIR/EIS/EIS). Chapter 4 of this document presents all of the comment letters received and responses to specific comments received on the Draft EIR/EIS/EIS.

### 3.1 MASTER RESPONSE CATEGORIES

The master responses are organized by environmental topic area where multiple comments were received and are presented in the following sections of this chapter:

- ▶ Section 3.1.1, “Flooding and Flood Hazards”
- ▶ Section 3.1.2, “Traffic, Access, and Staging”
- ▶ Section 3.1.3, “Construction Noise”
- ▶ Section 3.1.4, “Management”

#### 3.1.1 FLOODING AND FLOOD HAZARDS

This master response addresses comments on the 2013 Draft EIR/EIS/EIS related to concerns about the adequacy of the impact analysis for flooding and flood hazards, particularly related to the residential neighborhoods west of the Upper Truckee River. Although commenters typically recognized that their properties are located in existing flood-prone areas, including Federal Emergency Management Agency (FEMA)–designated flood hazard zones, they were concerned that the proposed project could worsen conditions. Commenters questioned the certainty of the hydraulic modeling presented in the Draft EIR/EIS/EIS flooding analysis (Section 3.8, “Hydrology and Flooding”). This section of this master response addresses all or part of the following comments: AO5-8, AO5-9, AO9-1, AO9-2, I3-2, I8-5, I8-7, I12-1, I14-1, I16-1, I17-1, I19-1, I25-1, I26-1, I27-1, I29-1, I30-1, I32-1, I34-1, I35-1, I36-1, I37-1, I41-1, I42-2, I42-4, I45-8, I46-1, I50-7, I51-5, I50-6, I51-11, I51-12, I56-1, and I60-1. Additional responses to flooding comments, including model accuracy and confidence assessments, can be found in Appendix D (Additional responses to comments received after the comment period).

The proposed project is a restoration project and not a flood hazard project, as the primary purpose is to improve natural resources such as water quality and wildlife habitat. To respond to comments fully, the Conservancy and its consultants completed recent updates to the Preferred Alternative flood modeling, which is documented in a technical memorandum (Appendix B). Conservancy consultants first completed flood modeling in 2005 to assess the potential flood effects from Project Conceptual Alternatives, and the Conservancy used these 2005 modeling results in the Project Draft EIR/EIS/EIS. We have completed another, more detailed and extensive modeling effort to verify the information presented in the Draft EIR/EIS/EIS and ensure the recommended alternative will not result in adverse flood impacts. While the particular methods and models differed, both modeling efforts demonstrate that the Preferred Alternative will not increase flood hazards to adjacent developed areas. The following paragraphs provide additional background and context, along with a summary of the recent flood modeling study with references to specific sections of the technical memorandum.

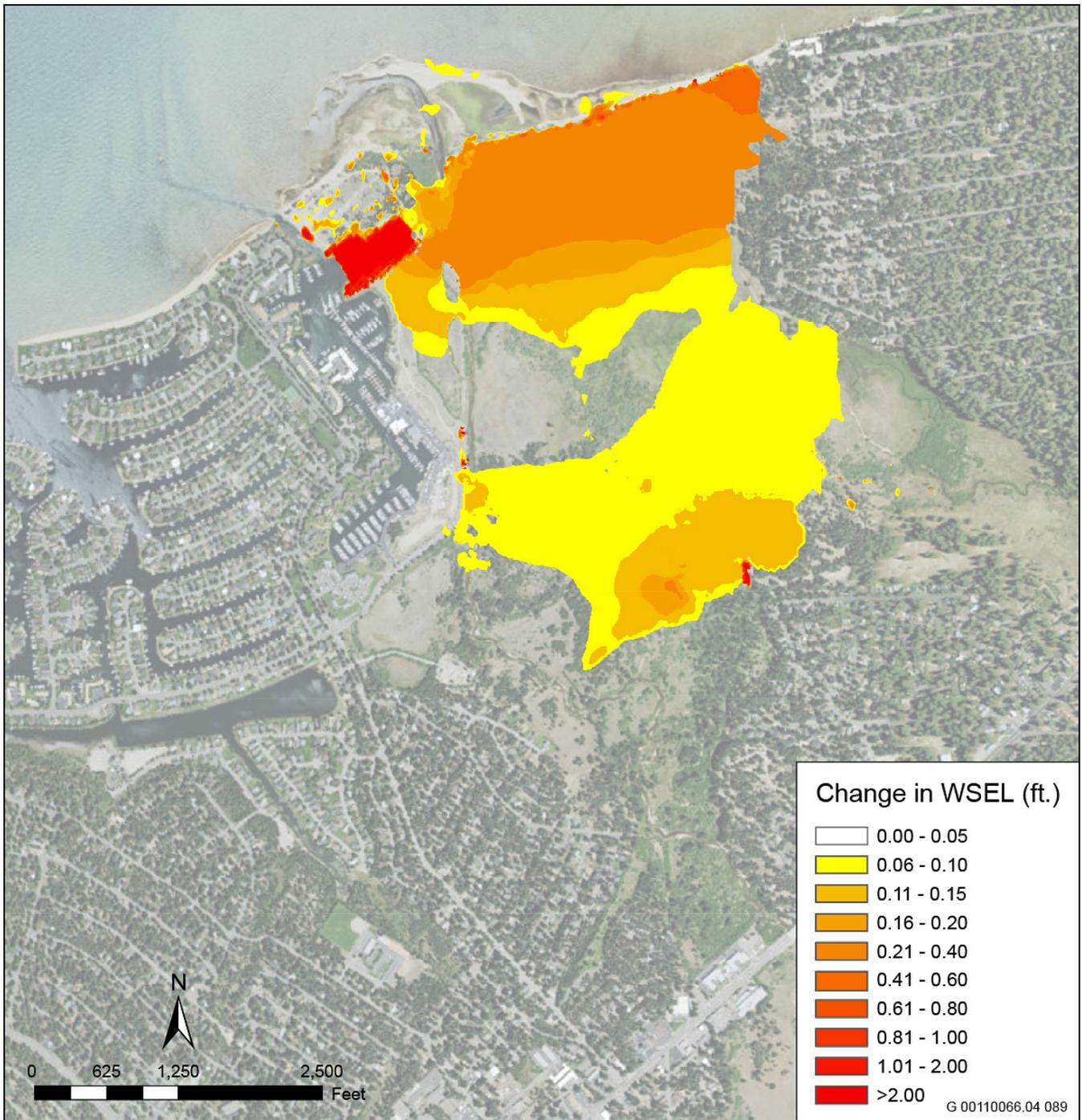
Flooding of areas adjacent to river channels is a natural process, and large winter precipitation flood events have historically inundated the Marsh and several adjacent developed areas. The Federal Emergency Management Agency (FEMA) and CSLT designated floodplain extends across the study area and into some areas of the adjacent residential neighborhoods. In January 1997 a multi-day rain-on-snow event resulted in very high flow rates on the Upper Truckee River. While flow estimates for that flood varied due to damage incurred at the United States Geological Survey gage, the estimated range of the 1997 peak flow is comparable to the statistical 100-year event analyzed by FEMA in their subsequent floodplain mapping studies. Conservancy staff visited the Tahoe Island and Sky Meadows neighborhoods during the 1997 flood and documented the conditions through various photos, some of which are included in the attached memo. Conservancy consultants visited several of these same areas in 2000 and surveyed the elevation of 1997 flood indicators at representative locations. These data points have been useful for later calibration of the flood models.

The Conservancy contracted for technical assistance from Cardno Inc. (Cardno) to perform the updated flood modeling. Cardno developed two-dimensional hydraulic models for the existing and proposed conditions, using the FEMA approved XP Solution's Stormwater & Wastewater Management Model (XPSWMM model). The Conservancy and Cardno selected this model because it uses detailed topographic and site information, and also because it successfully represents the complex flow patterns in the shared floodplain of the Upper Truckee River and Trout Creek, and surrounding urban areas. As detailed in the attached technical memorandum, the Cardno modeling effort includes numerous conservative approaches and assumptions to replicate the "worst case" flooding scenario. The Conservancy requested this approach to reduce uncertainties while providing the highest level of technical assurance that the Preferred Alternative will not adversely impact nearby private properties.

Cardno prepared the technical memorandum, which documents the details of the model, including the model inputs, outputs and processing, along with the model results for the existing and proposed conditions. Cardno modeled the 10 and 100-year events, based on parameters and guidance from a recent 2012 FEMA modeling effort. For additional information, specifics, and results of this updated modeling effort please refer to Appendix B.

The modeled 100-year flood extent under the existing condition scenario aligns very closely to the mapped FEMA regulatory 100-year floodplain, and the surveyed flood indicators from the 1997 flood event. The Preferred Alternative does not impact the 100-year flood extent and elevations on the private properties surrounding the Marsh. Pages 4-7 and 6-6 of the technical document display the 100-year model results under the existing and proposed conditions (Exhibits 3.1-1 and 3.1-2) show the net change in flood depths in the proposed condition. Some areas in the center of the Marsh and near the barrier beach demonstrate increased flood depths, which is consistent with the project objectives to improve wetness and habitat in these areas. The model results on these figures show that the developed private and residential properties adjacent to the Marsh do not experience increased floodwaters as a result of the Preferred Alternative.

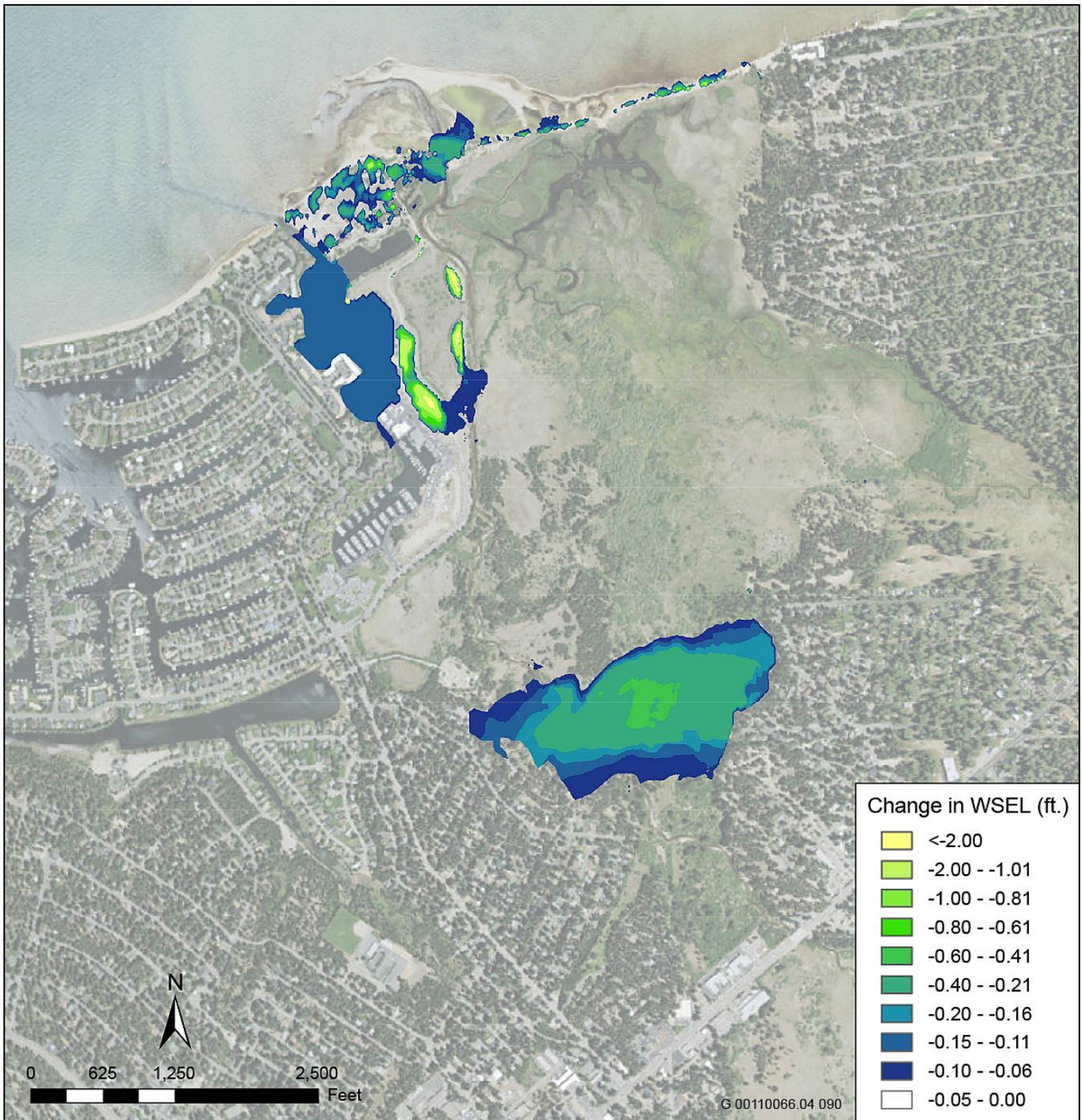
The hydraulic modeling of both the existing conditions (see Appendix B for more detail) and the proposed conditions under the Preferred Alternative presented in the technical memorandum are at the same level of detail; utilize the most detailed and up-to-date topographic and bathymetric data; calculate results using consistent grid scales; have the same hydrologic inputs, and make the same 2D model simulation assumptions. The modifications for the Preferred Alternative model runs considered the pilot-channel excavation; removal of the reserve fill along the river at the Lower West Side (LWS) Restoration area; partial backfilling of the existing channel; the reconnection of the Sailing Lagoon to the river; and the associated vegetation and roughness changes for these areas. To ensure that worst-case flooding impacts were simulated, some of the potentially beneficial changes to the floodplain were not simulated, because they involve actions that would require permissions or agreements that are not yet certain. These potential features of the Preferred Alternative include lowering of existing high-terrace sections to create active floodplain areas with more uniform meadow vegetation; removal of the TKPOA Corporation Yard fill; removal of all reserve fill at LWS; and removal of fill near the east end of Barton Beach. This facilitates a rigorous comparison of the proposed 'with Project' versus existing conditions as a reliable and quantitative basis for concluding that the Preferred Alternative is flood-neutral.



Source: Cardno 2015

**Exhibit 3.1-1.**

**100-Year Flood WSEL Increases with Preferred Alternative**



Source: Cardno 2015

**Exhibit 3.1-2.**

**100-Year Flood WSEL Decreases with Preferred Alternative**

The following two comparative figures (Exhibits 3.1-1 and 3.1-2) depict 2D model output that has been analyzed in GIS software to identify the ‘difference’ in 100 year water surface elevations for the Preferred Alternative versus existing condition. A ‘positive’ value represents a higher water surface elevations (WSEL) under the Preferred Alternative (Exhibit 3.1-1) and a ‘negative’ value indicates a lower WSEL for the Preferred Alternative (Exhibit 3.1-2).

The positive residuals for the 100-year event (Exhibit 3.1-1) assist with screening for adverse flood hazard impacts. There are WSEL increases in the reconnected Sailing Lagoon (2 to 5 feet), at and upstream of the reconfigured mouth (+0.1 to 0.4 feet), and throughout the back-beach lagoon across the Marsh (+0.1 to 0.8 feet). Another area of increase is in the middle of the Marsh where the pilot channel reconnects to remnant channels (+0.2 to 0.4 feet). All of these increased 100-year WSELs are desired and expected outcomes that occur without producing adverse flooding changes on surrounding developed lands.

The negative residuals for the 100-year event (Exhibit 3.1-2) assist with screening for possible improvements in hazardous flood levels. A broad area at the downstream end of the valley reach along the Upper Truckee River, including the area modified for the pilot channel, is simulated to have lowered 100-year WSELs (-0.1 to -0.4 feet). A zone of lowered WSELs (-0.06 to -0.2 feet) is simulated on the southwest margin of the 100-year floodplain, along residential areas. The largest decreases are along the LWS (-1 to -5 feet), where fill is being removed and water is allowed to spread across the restored floodplain. WSELs are also lowered downstream of the reconfigured mouth (-.05 to 2 feet).

The changes to the site associated with implementing the Preferred Alternative would; therefore, increase the 100-year WSEL relative to existing conditions at locations and in a manner that are desired and may benefit the ecosystem services of the Marsh, without expanding the floodplain or increasing flood hazards to adjacent developed lands. The results of the detailed 2D hydraulic modeling of the 100-year flood hazards, including rigorous and quantitative comparison of proposed and existing conditions, (described above and in Appendix B) indicate that the conclusion of Impact 3.8-3 (Alt. 3) “Modified 100-Year Flood Flow Directions or Floodplain Boundaries” in the Draft EIR/EIS/EIS remains applicable to the Preferred Alternative. Changes to the 100-year floodplain associated with the Preferred Alternative would not expand the extent of flooding, increase the depth of flooding, or cause inundation of any existing structures during the 100-year event. Therefore, this impact would be less than significant.

Section 15088.5 of the CEQA guidelines (State CEQA Guidelines) states that the lead agency is required to recirculate an environmental impact report (EIR) when significant new information is added after public notice is given of the availability of the Draft EIR for public review under Section 15087, 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 a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project’s proponents have declined to implement. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

NEPA regulations require agencies to recirculate an EIS if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. If the question turns on issues of fact that implicate an agency’s expertise—i.e., whether new information undermines conclusions contained in a prior EIS—courts will defer to the “informed discretion” of the agency so long as the decision is not arbitrary or capricious. An agency need not prepare a new EIS to address a proposed action as long as it has already taken a “hard look” at the action’s potential environmental consequences.

TRPA Compact and Code of Ordinances do not specifically state when recirculation is required; however, they rely on other State and federal regulations and when evaluating recirculation.

In the instance above, the more refined details and modeling results are provided to support the conclusion presented in the Draft EIR/EIS/EIS that the proposed project is flood-neutral. The project does not include any increase in the severity of the environmental impacts or any new impacts not previously analyzed, nor are the conclusions changed as presented for this analysis section in the Draft EIR/EIS/EIS. Rather, the refined details and updated modeling support the initial conclusion presented in the Draft EIR/EIS/EIS.

### **3.1.2 TRAFFIC, ACCESS, AND STAGING**

This master response addresses general comments made on the adequacy, accuracy, and completeness of the traffic impact analysis, mitigation measures, and findings used for significance conclusions in the Draft EIR/EIS/EIS. In addition, the master response addresses comments associated with use of California Avenue, Michael Avenue, Washington Avenue, or Colorado Avenue for haul routes and for staging and access on Conservancy parcels and responds to all or part of the following comments: AO2-2, AO2-6, I3-6, I8-2, I8-4, I8-7, I12-1, I14-1, I16-1, I17-1, I19-1, I25-1, I26-1, I27-1, I29-1, I32-1, I34-1, I35-3, I36-1, I37-1, I40-4, I41-1, I42-1, I45-10, I46-1, I50-5, I51-2, I51-3, I51-6, I51-8, I51-9, I51-10, I52-3, I56-1, and I60-1.

The traffic analysis presented in the Draft EIR/EIS/EIS included existing and forecasted traffic volumes. A maximum-intensity approach was taken that assumed maximum probable concurrent employment in the study area, as well as maximum concurrent truck activity. Staging and access points were originally developed from a very broad perspective to allow flexibility for the contractor's use during construction. Given the level of design detail typically provided in an EIR/EIS/EIS, this broader perspective allowed for flexibility if there were other constraints that developed during the environmental analysis or through regulatory consultation and permitting requirements.

Several comments expressed concern about the use of neighborhood streets surrounding the study area; therefore, a more refined approach has been presented here. The Preferred Alternative would use main arterials to access the study area, such as U.S. Highway 50 (Lake Tahoe Boulevard), Venice Drive, and Tahoe Keys Boulevard. Some activities would require the use of Silver Dollar Avenue, Silverwood Circle, Rubicon Trail, and Springwood Drive, as well as Lakeview Avenue and Lily Avenue to access the eastern lakeshore area. Staging and the majority of hauling would occur within the study area as shown in Exhibit 2-2 in Chapter 2, "Project Description," of this Final EIR/EIS/EIS. The Preferred Alternative does not propose construction staging areas or access points on California Avenue, Michael Avenue, Washington Avenue, or Colorado Avenue, and staging on Conservancy parcels in the neighboring communities has been removed to avoid conflicts of use. Haul routes have been selected to occur immediately adjacent to construction areas and access points, and staging areas have been identified, in part, to minimize construction activities and hauling within sensitive habitats. Construction activities must occur within the floodplain, Stream Environment Zone (SEZ), and some areas of wetland and riparian vegetation to accomplish the restoration efforts and installation of recreation facilities, but disturbance would be limited to areas necessary in the footprint and essential for access.

The Preferred Alternative also limits the number of stream crossings in the study area. To minimize construction activity and hauling impacts on sensitive habitats and water quality, Environmental Commitment 5 has been included as part of the project. Environmental Commitment 5 would require permits and approvals from several entities (e.g., TRPA, the Lahontan Regional Water Quality Control Board, USACE, the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the City of South Lake Tahoe [CSLT]) that would impose conditions and requirements to minimize construction risks of water quality and vegetation degradation. The Conservancy would develop and implement several site management plans before construction, including but not limited to a grading and erosion control plan, a dewatering and channel seasoning plan, a diversion plan, a winterization plan, and a monitoring and construction management plan. Furthermore, Environmental Commitment 8 requires the Conservancy to obtain the services of a licensed geotechnical engineer to prepare a final geotechnical engineering report for the project that would address and make recommendations on the following elements as necessary:

- ▶ Site preparation
- ▶ Appropriate sources and types of fill
- ▶ Potential need for soil amendments
- ▶ Access roads, pavement, and asphalt areas
- ▶ Shallow groundwater table
- ▶ Soil and slope stability

The Conservancy would implement all recommendations contained in the final geotechnical engineering report. Special recommendations contained in the geotechnical engineering report would be noted on the grading plans and implemented as appropriate before construction begins. Design and construction of all phases of the project would occur in accordance with current CSLT code requirements at the time of construction.

To assist with conflicts between construction workers, drivers, and the community, Environmental Commitments 9, 12, and 13 have been included as part of the project. These environmental commitments require developing and implementing a construction management program, a traffic control plan, and a public outreach plan. The construction management program would inform contractors and subcontractors of work hours; modes and locations of transportation and parking for construction workers; locations of overhead and underground utilities; worker health and safety plans; truck routes; stockpiling and staging procedures; public-access routes; and the terms and conditions of all project permits and approvals.

The Conservancy would prepare a public outreach plan to inform the general public and partnering agencies, such as the CSLT, the El Dorado County Vector Control District, and El Dorado County Animal Control, regarding construction-related activities in the study area. Further, in consultation with the construction contractor, every effort would be made to maintain access to and within the study area, including trail access to Lake Tahoe, insofar as the public's health and safety can be assured. There may be periods of time when it would be deemed unsafe for the public to be present in the study area and/or on trails to the lake during certain construction activities. These periods of restricted access would depend on the stage of construction.

The public outreach plan would include strategies to inform the general public and partnering agencies of access restrictions and their anticipated timelines, alternate locations for passive-recreation activities, and site access information. This information may be communicated through signage at access points, messages posted to the Conservancy Web site, and/or public service announcements and news articles in the local newspapers, online and in print.

The traffic control plan would include measures to ensure consistency with CSLT Code Section 26-16 and State safety orders, rules, and regulations of the Division of Industrial Safety. The traffic control plan would be developed before implementation and would follow the California Department of Transportation's Standard Plans, Standard Special Provisions, and Non-Standard Special Provisions for Temporary Traffic Control Systems. The traffic control plan would be signed by a professional engineer, overseen by the Conservancy, and implemented by the contractor.

Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flag person to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses surrounding the study area would be maintained at all times, with detours used as necessary for road closures; however, any road closures required are expected to be minimal. The traffic control plan would be submitted to the CSLT Public Works Department for review and approval before construction of project phases whose implementation may cause encroachment on the rights-of-way of CSLT or California State roads. The traffic control plan would address safety conflicts between construction traffic and local traffic, pedestrians, and bicyclists and would include advance public advisories, construction-period signage, flag personnel, and other special traffic-control actions as necessary. Specific measures contained in the plan include the following:

- ▶ Distribute or mail flyers to residents in the nearby Al Tahoe, Sky Meadows, Highlands Woods, Tahoe Island, and Tahoe Keys subdivisions advising about upcoming project traffic before the start of construction.
- ▶ Place advisory signs along construction routes in advance of construction to alert traffic, pedestrians, and bicyclists about the upcoming construction traffic activity.
- ▶ Install construction-area signage on designated haul routes to inform the public of the presence of trucks.
- ▶ Provide flag personnel when truck activity is heavy (i.e., more than 10 trucks per hour).
- ▶ Provide information to all truck drivers identifying haul routes, speed limits, locations of flaggers, and any other pertinent public-safety information.
- ▶ Monitor truck and traffic conditions to identify traffic congestion as well as safety concerns regarding truck, vehicle, and pedestrian and bicycle conflicts, and adjust management approach as needed.

Concerns about construction traffic, access, and staging are expected to be resolved by the modified staging and access plan, best management practices (BMPs), construction management plan, traffic control plan, and public outreach plan. However, the Preferred Alternative also proposes no additional recreation-access construction on the east side of the marsh and minimal recreation infrastructure on the Marsh's west side, and the restoration approach requires the least amount of excavation and hauling of the proposed action alternatives. Therefore, construction-traffic conflicts associated with the Preferred Alternative are expected to be less than those originally anticipated and therefore would have a less-than-significant impact. In addition, because the Preferred Alternative does not include new recreation infrastructure on the east side, it would not create increased parking pressures within the east side neighborhoods.

The State CEQA Guidelines require that an EIR describe any feasible measures that could minimize significant adverse impacts, and that the measures be fully enforceable through permit conditions, agreements, or other legally binding instruments (State CEQA Guidelines, Section 15126.4[a]). Mitigation measures are not required for impacts that are found to be less than significant. NEPA requires that an EIS identify relevant, reasonable mitigation measures that are not already included in the project alternatives that could avoid, minimize, rectify, reduce, eliminate or compensate for the project's adverse environmental effects (40 Code of Federal Regulations [CFR] 1502.14, 1502.16, 1508.8). The analysis of the proposed project, which includes Environmental Commitments 5, 9, 12, and 13, is consistent with these requirements.

### **3.1.3 CONSTRUCTION NOISE**

This master response addresses general comments made on the adequacy, accuracy, and completeness of noise conditions, mitigation measures, and findings used for significance conclusions in the Draft EIR/EIS/EIS. It also addresses specific concerns associated with traffic noise on California Avenue and Conservancy parcels in neighboring communities and responds to all or part of the following comments: AO2-3, AO2-8, I8-1, I12-1, I14-1, I16-1, I17-1, I19-1, I24-2, I25-1, I26-1, I27-1, I29-1, I32-1, I34-1, I35-3, I36-1, I37-1, I37-2, I41-1, I46-1, I50-5, I51-4, I52-3, I56-1, and I60-1.

Activities related to construction will generate noise discernable to residents in nearby neighborhoods. While this is a change, the role of the environmental impact analysis is to quantify that change and then assess its potential to create significant impacts. The Conservancy has elected to use TRPA and El Dorado County regulatory standards as the measure of significance for noise effects.. Construction noise may be unwelcome, yet the Conservancy's responsibility in the proposed project is to avoid or mitigate significant impacts related to noise generation.

To assess potential noise impacts from construction, stationary sources, and area sources, noise-sensitive receptors and their relative exposure levels were identified. Noise (and vibration) levels of specific equipment

anticipated to be used in project construction or operation were determined and resultant noise levels at sensitive receptors were modeled assuming documented noise (vibration) attenuation rates.

The Federal Highway Administration Traffic Noise Prediction Model was used to model traffic noise levels along affected roadways, based on daily volumes and the distribution thereof from the traffic analysis prepared for this project (which is described in Section 3.16, “Transportation, Parking, and Circulation,” of the Draft EIR/EIS/EIS). The project’s contribution to the existing traffic-source noise levels along area roadways was determined by comparing the modeled noise levels at 50 feet from the roadway edge under no-project and plus-project conditions. The project’s land use compatibility with future (2030) traffic source noise levels was determined by comparing modeled noise levels at proposed noise-sensitive receptors under plus-project conditions.

The construction activities and typical equipment required for construction under all the action alternatives were used to develop maximum combined noise levels in the Draft EIR/EIS/EIS to evaluate the effects on the nearest noise-sensitive receptors. In addition, the analysis stated that project construction would result in a short-term increase in traffic on the local area’s roadway network, but this increase would not be sufficient to substantially increase traffic noise levels under all action alternatives. Typically, traffic must double to create a perceptible increase in overall traffic noise (Caltrans 1998:N-96). Because traffic would not double with implementation of the Preferred Alternative, there would not be a perceptible increase in overall traffic noise, and noise from single events (e.g., a truck driving along a haul route) would not exceed TRPA noise standards for single events.

In addition, construction activities would be temporary and noise-generating construction activities would not occur during the more noise-sensitive hours (i.e., before 8:00 a.m. and after 6:30 p.m. on weekdays, or after 5:00 p.m. on weekends or holidays). Noise from construction activity that occurs between 8:00 a.m. and 6:30 p.m. each day is exempt from the provisions of the applicable TRPA regulations. Noise from construction activity that occurs between 7:00 a.m. and 7:00 p.m. on weekdays (or between 8:00 a.m. and 5:00 p.m. on weekends and federal holidays) is exempt from the provisions of the applicable El Dorado County regulations. Because noise from project construction sources would be exempt, would not exceed the applicable standards, and would not increase overall local traffic-noise levels, impacts associated with construction were considered less than significant under all alternatives.

Under the Preferred Alternative, the closest potential haul routes on the local area’s roadway network relative to the residential neighborhood on California Avenue adjacent to the study area are U.S. Highway 50 and Tahoe Keys Boulevard. The closest staging area is located at the end of Dover Avenue, a little more than 2,000 feet to the north. As described above and in Section 3.11, “Noise,” of the Draft EIR/EIS/EIS, traffic typically must double to create a perceptible increase in overall traffic noise. Project construction would not contribute to a doubling of traffic on U.S. Highway 50 or Tahoe Keys Boulevard, and therefore would not generate a perceptible increase in overall traffic noise levels. General construction activities would generate perceptible increases in noise levels above ambient conditions that would exceed applicable noise thresholds (50 and 55 A-weighted decibels) within 2,500 feet for the Preferred Alternative. However, as described in Section 3.11, noise from construction activity is exempt from the provisions of the applicable TRPA regulations and applicable El Dorado County regulations if conducted within the allowable hours. Therefore, consistent with the action alternatives presented in the Draft EIR/EIS/EIS, the impact under the Preferred Alternative would be less than significant.

### **3.1.4 LAND MANAGEMENT ISSUES**

This master response addresses comments on the Draft EIR/EIS/EIS related to management of the study area and specifically addresses concerns associated with maintaining infrastructure and services provided in the study area. This master response responds to all or part of the following comments: AO9-4, I3-1, I4-4, I4-5, I4-7, I4-8, I5-2, I5-3, I5-7, I5-9, I6-1, I7-1, I9-1, I20-2, I20-6, I21-2, I35-1, I38-1, I40-5, I44-1, I45-3, I45-6, I48-5, I50-3, I52-2, I55-1, I55-3, I57-1, and I59-3.

As described in Chapter 2, “Project Description,” of the Draft EIR/EIS/EIS, the Conservancy follows an adaptive management approach for the Upper Truckee Marsh because natural systems of the Marsh and patterns of use are dynamic in nature. This approach allows adjustments to management needs over time. Generally the management approach for the Upper Truckee Marsh study area follows overall management practices to balance public access and recreation infrastructure with sensitive resource protection measures. Also, the 1988 litigation settlement leading to the acquisition of the Cove East Beach property in the northwest corner of the study area requires that recreational beach access west of the river mouth be maintained (*People of the State of California vs. Dillingham Development Company and TRPA*, CIV-S-85-0873-EJG [February 25, 1988]).

Land management relates to elements of the physical environment important for consideration in the EIR/EIS/EIS in the following ways: human use patterns and their potential for impacts on natural systems, maintenance of facilities to protect or restore natural systems, potential for harm to humans from natural conditions influenced by management activities, and potential for conflicts between user groups. The EIR/EIS/EIS must assess how the alternatives will alter these conditions and the potential for significant impact. The following description provides more detail related to existing land management strategies and programs and how the recommended project will effect or be affected by land management.

The Conservancy’s approach relies on continued management coordination with multiple regulatory and enforcement agencies to reduce hazards of fire, trash, illicit uses, bird-plane collisions, nuisance animals and people, mosquito production, and potentially hazardous conditions (e.g., user-created facilities such as makeshift bridges). Recreational use and compliance with Conservancy use policies and CSLT ordinances require long-term management and maintenance to assure that project features continue to provide recreation benefits and protect natural resources. Through a land steward, the Conservancy conducts outreach to educate visitors regarding the importance of resource protection and to discourage incompatible uses. The Conservancy retains responsibilities as property owner of the study area that extends beyond trail uses. For example, the land management and forest health programs address stewardship responsibilities related to protection of natural and cultural resources.

Trails on the west side of the marsh are managed to protect public investment in construction costs and to provide broad access to users such that facilities meet safety needs of all age groups and abilities. The trail design incorporates features to keep through travelers on the trail surfaces to provide protection of SEZs and other sensitive sites. The design also recognizes the high desire for access to good views, Lake Tahoe and the Upper Truckee River, and other recreational amenities and provides specific, protected ways to accommodate that desire.

Authorized personnel in motorized vehicles, such as maintenance crews, would occasionally require access on trails, including the South Tahoe Public Utility District easement along user-created trails on the east side of the marsh (described further below). In recognition of the safety concerns related to mixing nonmotorized and motorized users on the same trails, these vehicles would operate under heightened safety conditions. This could include temporary trail closures, flashing lights, or warning flags or signs. Emergency medical or police/fire personnel requiring vehicle access, and using emergency lights and/or sirens, would use the protected trail surface as the law allows. No routine or administrative access in vehicles would be allowed. Parking on neighborhood streets provide legal access to the Upper Truckee Marsh where parking is allowed during the nonwinter months on CSLT streets. Because there is no proposed recreation features on the east side of the marsh under the Preferred Alternative that could potentially increase use, and each street crossing represents an access point such that the high number of potential access points reduces the potential for any one access to attract high volumes of use street parking is expected to be sufficient for recreation access.

User-created trails would be managed to protect water quality and are expected to be a neighborhood asset. To preserve neighborhood connections and an existing user-created trail system where resources permit, the design would incorporate BMPs as needed to reduce their impacts. In addition, directional and interpretive signing would be provided, and physical barriers (i.e., fencing) would be placed in critical areas to more emphatically direct users. For example, the design would place short sections of fencing at the entrances from San Francisco and Bellevue Avenues to direct all users to the user-created trails. Should new volunteer trails develop through the

marsh, additional measures such as fence sections or areas of new planting could be used to direct travel. Targeted plantings may also be used to discourage access.

Other actions include (but may not be limited to) posting of signs educating users regarding trail etiquette and trespass issues; increased monitoring to reduce litter, trespass, or other problems associated with trail access parking; and increased use of fencing to better direct users to access points. Also, the Conservancy funds the Tahoe Resource Conservation District to contract with the Clean Tahoe Program for trash removal services, including weekly inspection and maintenance of 12 garbage cans located throughout the property. In addition, the Preferred Alternative would include installation of additional signage in appropriate locations throughout the site and near sensitive habitats to discourage disturbance of those areas by people and pets.

Section 3.12, “Public Services,” of the Draft EIR/EIS/EIS analyzed the potential for the alternatives to increase the demand for public services, including police protection services. Impacts associated with increased demand for police protection services were found to be less than significant for all action alternatives. The analysis looked at service needs associated with minimum, moderate, and maximum recreation levels of use. Because the Preferred Alternative is proposing infrastructure similar to existing conditions (moderate) on the west side of the Marsh and no additional recreation access on the Marsh’s east side (less than all action alternatives), police protection services would remain similar to services under existing conditions.

The Conservancy contracts with the El Dorado County Sheriff’s Office to provide security patrols in the study area and to enforce local ordinances. This usually involves activities with threat of imminent harm such as illegal camping or campfires. This cooperation is critical because Conservancy staff members have no law enforcement authority. It is important to note that El Dorado County law enforcement officials only exercise their authority in relation to the laws of the respective jurisdictions. Law enforcement officials would not enforce Conservancy trail and land management policies described that are not also prohibited by local or State statute. It should also be noted that the El Dorado County Sheriff’s Department has an informal mutual aid agreement with the South Lake Tahoe Police Department for response during critical incidents. Additionally, the study area is within the jurisdiction of El Dorado County Animal Control. The Conservancy closes the area east of the Upper Truckee River to dogs during the waterfowl breeding season (May 1 through July 31). In addition, the Preferred Alternative would include installation of additional signage in appropriate locations throughout the site and near sensitive habitats to discourage disturbance of those areas by people and pets.

To address vector control, Environmental Commitment 10 requires the Conservancy to establish and implement a management agreement with the El Dorado County Vector Control District. As a performance criterion for the management agreement, the terms and conditions of the agreement would be designed to ensure that El Dorado County Vector Control District can maintain mosquito populations at or below preproject levels. The agreement would include but would not be limited to measures that would ensure necessary access for monitoring and control measures, El Dorado County Vector Control District review of project plans to include recommendations for management of mosquito populations, and applicable BMPs from the California Department of Public Health’s Best Management Practices for Mosquito Control on California State Properties.

The Conservancy monitors for the presence of priority invasive species, and to the extent practicable, implements appropriate measures to control and eradicate populations. The Conservancy also coordinates with the Lake Tahoe Basin Weed Coordinating Group and the Aquatic Invasive Species Working Group regarding the control of invasive species.

The Conservancy has prepared and implements a management plan for Tahoe yellow cress in the study area. This management plan includes maintaining an enclosure to protect the Upper Truckee East Tahoe yellow cress population and seasonally evaluating the effectiveness of its design and placement; participating in annual basinwide Tahoe yellow cress monitoring activities; and, implementing the Imminent Extinction Contingency Plan, if necessary.

Under the Preferred Alternative, this management would continue. Additional management actions that would be implemented as part of the project are described in Section 2.5, “Environmental Commitments.”