

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

Subject: Comments on Upper Truckee River and Marsh Restoration Project (Project)

Note: Withhold my home address from public disclosure to the extent allowed by law

I am a resident and/or property owner in the Tahoe Island Park 4 subdivision. I believe the Project planning and its environmental impact report (Report) do not adequately address the following possible real impacts to me and my neighborhood:

1. Construction noise in Tahoe Island Park 4 subdivision: this is a quiet residential neighborhood. Use of California Avenue as a haul route, and CTC neighborhood lots for the California Avenue Staging site, will generate abnormal and unacceptable local noise preventing my reasonable use and enjoyment of my home and property. The Report implies this noise could occur at any time, or continuously, from 8 AM to 6:30 PM, daily, for four years. Nevertheless, the Report assesses the short-term noise impact, for all project alternatives, as Less Than Significant, No Mitigation Needed. This finding defies common sense for significant residential impact, and the locations cited in Appendix J of the Report that were analyzed for noise impact do not include any streets in the vicinity of California Avenue or its proposed staging site. I strongly disagree with this finding for this neighborhood and consider the noise impact analysis for this neighborhood inadequate since it does not include any nearby locations.
2. Traffic in Tahoe Island Park 4 subdivision: California Avenue, designated as the only haul route in this subdivision, is one of its narrowest streets. California Avenue is heavily used by residents, people walking their children and pets, pedestrians, and bicyclists. The street is too narrow for large vehicles to pass each other or turn around, or even for normal vehicles to navigate without evasive maneuvers. When cars are parked along it, it is effectively single lane. Yet the Report assesses the short-term potential for conflict between construction traffic, local traffic, pedestrians, and bicycles as Less Than Significant, No Mitigation Needed. For this neighborhood, I strongly disagree with this finding and consider the analysis it is based on to be inadequate. The finding defies common sense, does not seem to address the residential nature of the neighborhood, and the traffic impact assessment discussions in the Report cite only the Al Tahoe, Hidden Woods, and Tahoe Keys Neighborhoods, but not this neighborhood.
3. Disruption of established neighborhood values in Tahoe Island Park 4 subdivision: the proposed California Ave Staging site makes use of small undeveloped residential lots acquired by the CTC because of, and to prevent damage to, their environmental sensitivity. The neighborhood had a reasonable expectation that they would never be used by the CTC as a construction site for staging heavy equipment and fill materials. The aesthetic fundamental nature of the neighborhood would be devastated for four years by this use. This impact is not recognized or assessed in the Report. I strongly object to use of the subject CTC lots by the Project for this or other construction purposes.

146-1

4. Neighborhood safety in Tahoe Island Park 4 subdivision: construction activity on the subject CTC lots in conjunction with neighborhood children playing near their homes creates a safety hazard that does not appear to be identified or analyzed in the Report. I strongly object to unnecessary multi-year heavy construction in the neighborhood and feel that the Report has not adequately assessed the impact to the safety of neighborhood children. *Will a four year old neighborhood child not be able to play catch outside his or her home in the summer until he or she is 8?*
5. Increased Flood Risk in Tahoe Island Park 4 subdivision: The models cited in the Report predict no increased residential flood risk as a result of the Project. If the models prove incorrect, no assessment has been included of how expensive the damages to property owners would be or whether the lead Agencies would be responsible, and have the funds, to financially compensate the property owners
6. Neighborhood notification in Tahoe Island Park 4 subdivision: even though my neighborhood is potentially highly impacted by Project construction, I was not directly notified of the Report or public comment period. Even if agency outreach and notification satisfied the letter of the law, it certainly did not satisfy the spirit of notifying impacted parties so they could comment. Few of my neighbors are aware of the possible impacts even now, and there has been little public response to the few recent outreach meetings. I feel the notification process has been inadequate and ineffective, at least near the potential California Ave Staging site.

146-1
cont.

I believe these and other potential impacts to my neighborhood are excessive, unnecessary, and unacceptable. Therefore, I respectfully request that the preferred alternative and final plans, include the features below. If this isn't done, I respectfully request that additional impact analyses and public comment be undertaken to address the inadequacies cited above from these features.

1. No use of the CTC lots designated as California Ave Staging for any Project construction activities. It is not necessary for either environmental or practical reasons. The CTC has other alternatives that do not require disrupting this, or other, residential neighborhoods.
2. No use of California Ave as a haul route for Project construction activities.
3. No use of any streets or parcels in the Tahoe Island Park 4 subdivision as Project haul routes or staging sites.
4. Locating internal haul routes for river work on the east side of the river to the maximum extent possible to minimize impact to close-by residential neighborhoods which are primarily on the west side of the river.
5. Posting a bond or securing insurance to compensate property owners for damages and loss of property value, if the Project increases residential flood risk and the FEMA 100-year floodplain.

Respectfully submitted,

Name:

Ellen Palazzo
Gene Palazzo

Date:

4/7/13

Address:

Letter
I46
Response

Gene & Ellen Palazzo
April 7, 2013

I46-1 The commenters have concerns about construction activities resulting in increased noise, traffic, disruption of established neighborhood values, neighborhood safety, and increased flood risk in the Tahoe Island Park 4 subdivision. The commenters state that individual residents in the Tahoe Island Park 4 subdivision were not directly notified of public outreach.

See response to Comment Letter I8 for a discussion regarding these concerns.

From: Mark Anton [antonsingers@yahoo.com]
Sent: Monday, April 08, 2013 10:21 AM
To: Carroll, Scott@Tahoe
Subject: Upper Truckee River and Marsh Restoration Project

I live in the Tahoe Keys and one of my favorite trails for hiking and running is located in Cove East.

It would be great to have that trail run all around the perimeter of the marsh, with bridges across the Upper Truckee and Trout Creek, ending close to the Lake in the Al Tahoe neighborhood. This trail would connect the Keys, Highland Woods and Al Tahoe for hikers and runner, without having to be close to Highway 50. It would give people the opportunity to enjoy the beauty and the wildlife in the marsh with little disturbance.

147-1

I would prefer to see the river returned to a more natural state if the financial resources can be found. I think a trail like I am suggesting would be a relatively low cost improvement. It would be of great benefit to many people, as well as the City of Tahoe, in providing a vast segment of connected trails right in town.

Mark A. Pevarnic
439 Ala Wai Blvd. no. 158
South Lake Tahoe, CA 96150

Mark Anton Singers' Studio
founded 1981
Mark Anton, Owner and Artistic Director
Locations in Burbank, California and Olympia, Washington
818-955-9535 or 360-870-7575

Letter
I47
Response

Mark A. Pevarnic
April 8, 2013

I47-1 The commenter's support for a trail around the perimeter of the marsh and restoration of the Upper Truckee River is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh's east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

From: Greg Poseley [g.poseley@gmail.com]
 Sent: Friday, April 26, 2013 5:33 PM
 To: Carroll, Scott@Tahoe
 Cc: Greg Poseley
 Subject: Upper Truckee Marsh Restoration Project-Public Comment

Dear Mr. Carroll:

Thank you for your comprehensive and compelling document related to the proposed project in the Upper Truckee River floodplain. My wife and I are property owners adjacent to the east side of the Truckee Marsh and are therefore keenly interested in the potential impact the Project will have in the area. Please accept the following comments related to the proposed project. I realize that I am submitting this far beyond your deadline, however I do hope there may be some useful food for thought here.

OBJECTIVES:

The Draft EIR/EIS/EIS document clearly states that the particular issue related to the proposed Project is the sediment and nutrient load imparted into Lake Tahoe due to channelization and other human disturbances to the Upper Truckee River primarily throughout the current city limits of the City of South Lake Tahoe. Additional needs include habitat restoration and preservation and recreational opportunities.

148-1

It is hoped that in this less-than-one square mile unique environment that ecological priorities will out-weigh recreational pursuits variously proposed. Indeed, at least one preliminary study by the United States Forest Service Lake Tahoe Basin Management Unit does not mention recreation at all in its document describing needs, goals and objectives of the project.
 (Please see: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5143256.pdf)

FUNDING

I do not see this fundamental project element addressed in the Draft EIR/EIS/EIS. The public should be made aware of the scope of costs related to the various proposed Alternatives in order to gain a more balanced and realistic appraisal of the Project and its funding priorities within each. If no funding source has been identified, then this statement should be made evident early on. A discussion of possible, and more suitably, likely funding sources, amounts and continued maintenance budget should be presented.

148-2

LONG TERM STABILITY OF STRUCTURES CREATED BY ALTERNATIVES 1- 4

While there is discussion of the effectiveness of the new infrastructure created through the engineering efforts proposed in the Draft EIR's Alternatives 1 through 4, stability and long term effectiveness of these elements must also be considered. The vagaries and extremes of the Tahoe Basin's seasonal and annual weather patterns, particularly the susceptibility to high level, unregulated storm or snowmelt runoff, may well physically undermine the Projects efforts in a relatively short time. Despite the extensive treatise on flooding developed in Section 3.8 Hydrology and Flooding, I am not convinced the physical structures proposed could withstand above-moderate to severe storm runoff.

148-3

TROUT CREEK IMPACT

while the Upper Truckee River has undergone substantial human induced disturbance, the course of Trout Creek along the eastern edge of the Marsh currently supports a wide variety of ecosystems and habitats much revered by local property owners. There should be more discussion of the impact the Project will have on the relatively undisturbed Trout Creek. There is a serious potential for negative impact on the current idyllic condition of the creek by further engineering operations in the Marsh and the construction of recreationally related boardwalks, bike paths, pedestrian bridges, observation sites, interpretive centers and vehicle parking lots. Indeed, the mere construction of these latter entities in the Trout Creek area will create environmental impacts that will take years to erase. The impact of the proposed recreational components of the Project on long-established neighborhoods and the positive aesthetic appeal of the area in its current minimalist recreational condition needs additional discussion.

148-4

RECREATION, MONITORING and ENFORCEMENT

Despite whatever efforts have been previously made to educate users of this area as to the sensitivity of the wildlife, there is continued abuse. Dogs regularly run unleashed throughout the Marsh, dog waste and litter is common, and evidence of homeless camps and illegal fire rings are occasionally seen. Four of the Project alternatives identify the creation of recreational infrastructure, yet there is no discussion of on-going maintenance, monitoring and law enforcement in this area. The proposed Project should address on-going monitoring and enforcement within the area to ensure neighborhood security, safety and long term habitat and wildlife preservation efforts.

148-5

Again I apologize for the tardiness of this feedback, yet I thank you for the opportunity to comment on the proposed Project.

Yours Truly,

Gregory Poseley
g.poseley@gmail.com

Greg Poseley
April 26, 2013

- I48-1 The commenter's support of making restoration a priority over recreation is noted.
- As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh's east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.
- I48-2 The commenter's request for additional information on the cost of the alternatives is noted.
- See response to Comment AO8-7.
- I48-3 The commenter's concern regarding the long-term stability of proposed restoration features required under any of the action alternatives is noted.
- High flows have the potential to damage or erode restoration features or recreation infrastructure required in channels or on floodplains. As noted by the commenter and discussed in Section 3.8, "Hydrology and Flooding," of the 2013 Draft EIR/EIS/EIS, high unregulated flows periodically occur through the project area, particularly associated with rain-on-snow events and localized high-intensity summer thunderstorm events. The restoration elements included in all the alternatives would emulate natural riverine processes and functions, including allowing for some channel erosion and movement that is typical for sinuous channels through meadows. It is possible that extreme events may cause erosion of channel banks and shifts in channel position, as would be expected under natural conditions. The commenter is correct in noting that some engineered features and/or structures necessary to relocate or redirect flows, support certain stream bed or bank locations, and/or protect vital infrastructure must be designed to remain stable and static. The concept-level Preferred Alternative presented in this Final EIR/EIS/EIS (see schematic diagrams in Appendix A) would be further refined through the final design process. Any constructed features would meet specific parameters for stability under the design flows, including the 100-year event for permanent structures that must remain in place to support the restored channel position and/or protect infrastructure.
- I48-4 The commenter's concern regarding potential impacts of recreation components of the project along the east side of the marsh on Trout Creek is noted.
- As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative does not propose additional recreation infrastructure on the east side of the marsh. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.
- I48-5 The commenter's concern about off-leash dogs and public safety in the study area is noted. See Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for a discussion of police protection and other public services in the study area. Furthermore, as discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing

moderate infrastructure on the west side of the marsh and no additional recreation access on the marsh's east side.

Letter I49

Regarding River Project Plans and any usage of California Ave

From Jim and Barbara Randolph
2333 California Ave
So Lake Tahoe, Ca 96150

I am opposed to having our street as possible access for the project. I recommend you sit down and re-evaluate other options. This is a residential street with full time residences with children that walk and play in these streets. *It would be highly dangerous to use this street*

I49-1

We are all aware of the flood plain and that we live here and fear that by using our street for access and I believe that this project in an already land sensitive area will make it even worse.

I49-2

Please consider this opposition notice from us a legal notice. I truly fear some accident and/or damage would happen directly by the disregard of our concerns at this time.

I49-3

Also, I don't believe each resident was properly notified of this plan.

I49-4

Letter
I49
Response

Jim & Barbara Randolph
April 8, 2013

I49-1 The commenters' concern about access points on California Avenue is noted. As shown in Exhibit 2-2 in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative does not propose access points on or in the vicinity of California Avenue.

I49-2 The commenters acknowledge that they are located in a floodplain and are concerned that accessing the site through their street will make flooding worse.

Temporary use of a street or native ground surface for construction access would not result in any permanent modifications to the topography and/or flooding. Additionally, as discussed in response to Comment I49-1, adjustments to the access points and routes that eliminate California Avenue have been made for the Preferred Alternative.

I49-3 The commenters' request to consider the comment letter as a legal notice is noted.

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

I49-4 The commenters' concern about noticing is noted.

The Project mailing list was developed by obtaining the most recent County Assessor's information as well as contact information provided through outreach over the life of the project. The commenter's address was incorrect with the County and has been updated. For privacy purposes the address has been withheld in this Final EIR/EIS/EIS. See responses to Comments AO2-4 and I8-6 for a discussion of the project's history, planning context, and public outreach.

April 6, 2013

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

RECEIVED
CALIFORNIA TAHOE CONSERVANCY

COMMENTS to the Upper Truckee River and Marsh Restoration Project

Like the CTC, I don't have a preferred alternative, but I do tend to have a laissez-fair or don't worry twice attitude. I have serious doubts that the CTC, much less the City of South Lake Tahoe, will have funding come the CTC planned start-up of the Upper Truckee River and Marsh Restoration project in 2015. I'll be fine if the CTC doesn't get the funding and thus can only do restoration activity at the mouth of the Upper Truckee as it leads into the lake which is where the most human damage (besides by the Hwy 50 bridge) has been done; I agree we need some restoration. I'm happily signing a separate letter written by my husband embracing Alternative 3 for its most bang for the buck and the light recreational additions. We would like to see the most benefit with the least destruction.

I50-1

Recreation

The DEIR/DEIS/DEIS makes note that there is currently plenty of recreation available for residents and visitors. I see no benefit to providing footpaths, bicycle paths, wheelchair paths, signs or boardwalks to further denigrate the pristine nature of our meadows. Building more facilities for human interaction will result in the waste of natural resources including oil and gasoline, steel, and lumber (as you note in the Report) as well as further human encroachment. I don't personally see the need for many more recreational "tools".

I50-2

City of South Lake Tahoe

These recreational facilities will require upkeep (by means not outlined in the DEIR/DEIS/DEIS). Not only the City, but the County will need ongoing funding to maintain infrastructure changes suggested in the Recreational Alternatives. The CTC tasks the City of South Lake Tahoe (CSLT) for various causes. **City of South Lake Tahoe:** The study area is located entirely within CSLT's jurisdictional limits. Chapter 8, "Building Regulations," of

I50-3

the CSLT Ordinance requires that projects prepare a grading plan for review and grading-permit approval by the CSLT building official.purpose of the review is for CSLT to safeguard adjoining properties and public streets and ways from damage by unnatural flows of surface waters, and to prevent construction of homes and other buildings in areas likely to become flooded. CSLT is the floodplain administrator for FEMA in the project area, responsible for implementing the federal policies and regulations for floodplain management." Does the City of South Lake Tahoe have ongoing funding for the construction and the upkeep of the proposals in the Alternatives?

150-3
cont.

Wildlife

It is my understanding that a current survey of migratory birds has not been completed. There are no doubt other such surveys incomplete – and again, the Report is 30%. We've noticed far fewer frogs over the last few years. A great blue heron has enjoyed voles from our lawn in springs past, as well as a snowstorm or two. Is he in your count?



150-4

You say "Compliance with the MBTA is being addressed through compliance with the ESA and CEQA and through an additional measure. As discussed in Section 3.4, "Biological Resources: Vegetation and Wildlife," adverse impacts on special-status migratory birds would be avoided and effects on other migratory species reduced by conducting preconstruction surveys and establishing exclusion zones and/or limiting construction activities to the period outside the breeding season. In addition to these measures, to comply with the MBTA, a preconstruction survey for migratory bird nests would be conducted to locate and avoid or minimize the loss of active nests during construction. For construction activities during the nesting season (approximately April 1 to August 15) and within suitable nesting habitat, a preconstruction survey for active nest sites of migratory birds would be conducted within 30 days before construction. The survey would be limited to areas where the loss of active nests could occur as a result of vegetation removal or other ground disturbance. If a migratory bird nest or likely nest site is located, a buffer around the nest would be avoided until the nest is no longer active." Please don't forget it.

We informed the CTC of the sighting of a possible mink, not seen in the Project area in over



"30 years" per CTC wildlife biologist.

If instead it's an **American Marten**, it too is a Federally sensitive species or TRPA special interest/threshold species. While the Report doesn't call these Endangered or Special, the FSS status comes close. We'd really like it if whatever alternative is chosen doesn't have any substantial adverse effect - I remind you - "Under CEQA, an alternative was determined to result in a significant effect related to vegetation and wildlife resources if it would: ► have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFG or USFWS (CEQA 1). I don't think this has been investigated well. PLEASE be sure! Again, it would be nice if whatever work gets done in our neck of the woods it will be light-footed.

150-4

California Avenue

My husband has written a truly cogent letter, expressing our neighborhood horror at the plans to use California Avenue and lots nearby as haul route staging sites. Not much thought was apparently given this by the CTC in that California Avenue is the smallest and most populated of all the streets in the Tahoe Island Park 4 district. The CTC has lots of its own, and main city streets to afford access to the project. The report states that the CTC will "...designate staging areas and haul routes in existing developed or disturbed areas where feasible, and where not feasible, in the **least sensitive** natural areas feasible." The proposed staging sites on California Avenue and Michael Avenue are both lots that were designated "sensitive" and all future use as developable removed.

150-5

Flooding

Also addressed in our mutual letter. Echoed by many others I've spoken with. Do not increase our flood risk. Have a plan in place if increased flooding, particularly during river re-routing while construction is occurring, should occur.

150-6

Invasive Critters

In the same category as flooding, I imagine the homes near the project area will be inundated with fleeing voles and mice. Does or will the CTC address and mediate this effect?

|

150-7

Thank you for the opportunity to comment.

Respectfully,



Catherine (Cass) Rosenberg

*Withhold my home address from public disclosure
to the extent allowed by law*

Catherine Rosenberg
April 6, 2013

I50-1 The commenter's support for the most cost effective restoration alternative (Alternative 3 and "light recreation" additions) is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh's east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

I50-2 The commenter's opposition to additional recreation facilities is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate infrastructure on the west side of the marsh and no additional recreation access on the east side of the marsh. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

I50-3 The commenter's concern regarding funding for long-term maintenance of recreation infrastructure is noted.

The Conservancy would continue to maintain new recreation infrastructure similar to existing conditions. In addition, see Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

I50-4 The commenter's concerns regarding potential impacts on migratory birds are noted.

As discussed in Section 3.4, "Biological Resources," of the 2013 Draft EIR/EIS/EIS, Mitigation Measures 3.4-8A and 3.4-8B address construction-related impacts on wildlife and would be implemented during construction. The mitigation monitoring and reporting program prepared for this Final EIR/EIS/EIS would ensure the enforcement of these mitigation measures. See Appendix C of the Final EIR/EIS/EIS.

I50-5 The commenter's concern about haul routes and staging areas on California Avenue is noted.

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 on or in the vicinity of California Avenue. See Section 3.1.2, "Traffic, Access, and Staging," and Section 3.1.3, "Construction Noise," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion of construction-related noise and traffic.

I50-6 The commenter is concerned about a potential increase in flood risk, including potential flooding during construction.

An updated discussion of existing and potential flood hazards is provided in Section 3.1.1, “Flooding and Flood Hazards,” in Chapter 3, “Master Responses,” of this Final EIR/EIS/EIS. The probability of a large flood event occurring during active construction would be very low because major floods are typically associated with late-fall and winter rain-on-snow events, but the potential for flood peaks during construction is addressed in Section 3.9, “Geomorphology and Water Quality,” because flood peaks could result in water quality impacts. The Conservancy would implement Environmental Commitments 5 and 6, which would include management of the site and construction activities, including staging and storage of materials to avoid flood-prone areas and adjustment of the construction schedule and location in the unlikely event of a construction-season flood event.

I50-7

The commenter’s concern about voles and mice coming into neighborhoods because of flooding is noted.

Voles and mice would be expected to use the marsh as under existing conditions. Conservancy management activities to not include mowing of marsh grasslands that can typically cause rodents to flee an area, and the proposed project would not change flooding. An updated discussion of existing and potential flood hazards is provided in Section 3.1.1, “Flooding and Flood Hazards,” in Chapter 3, “Master Responses,” of this Final EIR/EIS/EIS.

April 8, 2013

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

Subject: Comments on Upper Truckee River and Marsh Restoration Project (Project)

Reference: DRAFT Environmental Impact Report/ Environmental Impact Statement/
 Environmental Impact Statement, "Upper Truckee River and Marsh
 Restoration Project" SCH# 2007032099, February 2013 (Report)

Notes: Terminology introduced in the Report (reference above) will be used here
 without further explanation.

Please withhold my home address from public disclosure to the extent
 allowed by law

Scott and whom it may concern:

My wife and I are full time residents and owners of a home on California Avenue, in the
 Tahoe Island Park 4 subdivision. Our home is on the west side of the Upper Truckee
 River, directly facing the river near RS 1700. Our home is one of the closest residences,
 if not the closest, to the river in the Project Study Area. Its present river setting in every
 way dominates and defines its aesthetic value. This river setting is the primary reason we
 purchased this property more than 26 years ago and live here full time, year round. The
 other reason is the privacy and peacefulness of this parcel, surrounded on all sides by
 undeveloped and presumably undevelopable parcels. The potential Project staging site
 designated in the Report as "California Ave. Access Point and Staging 0.8 Ac" is directly
 adjacent to our property on one or more of those presumably undevelopable parcels.

We are strong supporters of the Project purpose and objectives stated in the Report. We
 are submitting the following comments as constructive suggestions in the hopes of
 assisting you to develop a project that will achieve the stated purpose and objectives with
 minimal undesirable impacts.

We have structured our comments as follows:

- Topic (heading)
- Background
- Specific issues concerning that topic
- Specific suggestion(s), if any, for addressing the issues

If, after the Agencies respond to public comments, a suggestion here is not accepted, or
 an issue here is not otherwise resolved in our estimation, then any such issue will remain
 as a formal specific objection by us to the Report and/or Project.

I51-1

Topic 1: Use of CTC lots on or near California Avenue as a Project staging site and use of California Avenue as a haul route

Background: The Report, Section 2.6 “Construction” and Exhibits 2-5 to 2-8 “Storage and Access Plan” for each Action Alternative (the exhibits are maps), show:

- One or more CTC lots on or near California Avenue as an access point and staging site called “California Ave. Access Point and Staging 0.8 Ac”
- California Avenue as the only “haul route” on public roads to this staging site

The Report allows these uses to occur at any time, or continuously, from 8 AM to 6:30 PM, daily, for four years. We submit that each, or any, of the issues below is sufficient to require the removal of the above two construction options from the final Project.

Issues

1. Disruption of established neighborhood values in Tahoe Island Park 4 subdivision during construction: this is a peaceful small residential neighborhood and has been so for over 50 years. The proposed California Ave Staging site makes use of small, undeveloped residential lots in the neighborhood acquired by the CTC because of, and to prevent infringement on, their environmental sensitivity and natural state. The neighborhood had a reasonable expectation that these lots would always be peaceful natural neighborhood parcels and that they would never be used by the CTC or anyone else as a construction site for staging heavy equipment and fill materials. In fact, in conservation easements that the CTC accepted in lieu of purchase for lots of this type, such use is forever barred to the owner. The fundamental aesthetic nature of the neighborhood would be devastated for four years by use of these lots as construction staging sites for equipment and materials. Furthermore, California Avenue is a small street used by the residents for strolling and as an informal playground and meeting area for chats. The impact of this possible staging site to reasonable established neighborhood lifestyle and quality of life values is not recognized or assessed in the Report. We strongly object to use of the subject CTC lots, and California Avenue, by the Project, for staging, hauling, or similar construction purposes. It should not even be considered further without analysis of the impacts discussed above (and below), mitigations thereof, and subsequent public comment
2. Traffic in Tahoe Island Park 4 subdivision during construction: California Avenue, the only designated haul route in this subdivision, is one of its, and the city’s, narrowest streets. California Avenue is heavily used by residents, people walking with their children and pets, other pedestrians, and bicyclists. The street is too narrow for large vehicles to pass each other or turn around, or even for normal vehicles to navigate without evasive maneuvers. When cars are parked along it, it is effectively single lane. Yet the Report assesses the short-term potential for conflict between construction traffic, local traffic, pedestrians, and bicycles as Less Than Significant, No Mitigation Needed. This traffic impact finding defies common sense. It does not address the residential nature of the neighborhood and the features of this particular street. Traffic impact assessment discussions in the Report cite only the Al Tahoe, Hidden Woods, and Tahoe Keys Neighborhoods, but not the TIP4 neighborhood; there is no evidence traffic

I51-2

I51-3

impact was assessed in this neighborhood. For this neighborhood, we strongly disagree with this finding, and assert that the analysis it is based on is inadequate. We strongly request that California Avenue not be used for hauling and similar construction traffic.

I51-3
cont.

3. Noise in Tahoe Island Park 4 subdivision during construction: this is a quiet residential neighborhood with full time residents a mixture of retirees, young families, and assorted others. Use of California Avenue as a haul route, and CTC neighborhood lots for the California Avenue Staging site, will generate abnormal and unacceptable local noise preventing my, and my neighbors', reasonable use and enjoyment of our homes and property. The Report states this noise could occur at any time, or continuously, from 8 AM to 6:30 PM, daily, for four years. Nevertheless, the Report assesses the short-term noise impact, for all project alternatives, as Less Than Significant, No Mitigation Needed. This finding defies common sense for significant residential impact here. The locations and streets cited in Appendix J of the Report as having been analyzed for noise impact do not include any streets or locations in the vicinity of California Avenue or its proposed staging site. We strongly disagree with this finding for this neighborhood and consider the noise impact analysis for this neighborhood **inadequate** since it does not include any nearby locations. We strongly request that California Avenue not be used for hauling and similar construction traffic because of the unacceptable noise impact to residents and the neighborhood.

I51-4

4. Neighborhood safety in Tahoe Island Park 4 subdivision during construction: construction activity on the subject CTC lots in conjunction with neighborhood children playing near their homes creates a safety hazard that does not appear to be identified or analyzed in the Report. We strongly object to unnecessary multi-year heavy construction activities, traffic, and equipment in the neighborhood and feel that the Report has not adequately assessed the impact of this proposed use to the safety of neighborhood children. *Will a four year old neighborhood child not be able to play catch outside his or her home in the summer until he or she is 8?*

I51-5

5. Unclear and Infeasible specification of California Avenue staging site and haul route in Report: The Report, Exhibit 1-2, shows several parcels near the intersection of California Avenue and Michael as CTC property. One of these parcels actually is located on California Avenue. The others are located on Michael. The construction maps and discussion in the Report, particularly Exhibits 2-5 to 2-8, refer to a "California Ave. Access Point and Staging 0.8 Ac". The arrows on these maps designating this site point to the CTC parcel on California Avenue. However, this parcel is not even close to 0.8 Ac in size. The Report may intend that all the CTC lots in this area comprise the "California Ave. Access Point and Staging 0.8 Ac" since together they might total 0.8 Ac. In that case, however, the only haul route designated in the Report, California Avenue, would not access most of the potential staging site (none of the parcels on Michael are contiguous with the California Avenue CTC parcel). No other public street in Tahoe Island Park 4, particularly Michael, could be used as a haul route to access these lots, since this is not described or assessed in the Report. Consequently the Michael Street CTC parcels could not be used for staging. And then the subject staging site in the Report is not 0.8 Ac. Consequently, the Report,

I51-6

as now written, inadequately and ambiguously describes the “California Ave. Access Point and Staging 0.8 Ac”. This ambiguity prevents reasonable comment on this use. We oppose further consideration of the various CTC lots in question as potential staging sites until the ambiguity, including haul routes and specific lots, is clarified. There are numerous issues with using either the California Avenue CTC parcel or the Michael CTC parcels, but specific comments require knowledge of which lots are being proposed in the Report. We strongly oppose the use of any of the subject lots for staging, and assert that the present Report is inadequate to permit approving this use because it is too ambiguous and inaccurate to allow the public to assess and comment on the use.

I51-6
cont.

6. Failure to directly notify California Avenue residents and property owners the street in front of their home was being considered as a haul route: even though our California Avenue neighbors are potentially highly impacted by Project construction and located directly on a haul route, they were not directly notified of the Report or public comment period. Most of them were not even aware of this proposed use until we informed them of it in the last two days. Even if agency outreach and notification for the Project satisfied the letter of the law, and we don’t know that it did, it certainly did not satisfy the spirit of notifying impacted parties so they could comment. We assert that the notification process has been inadequate and ineffective, near the potential California Ave Staging site, and consequently the use of this site for staging and California Avenue for hauling should not be approved until proper notification and comment period are provided.

I51-7

7. California Avenue CTC parcel is inadequate and inappropriate for a staging site: the California parcel has occupied homes a few feet away on either side. Choice of this site, as opposed to virtually all other possible staging sites available to the Project for this purpose, maximizes the residential and aesthetic impact of staging. This parcel also has private land behind it, preventing access from it to the river without impacting other private property and securing additional permissions, increasing the impact on the public of the choice. The lot is so small that construction vehicles could not physically maneuver on it, particularly if material or other equipment is stockpiled on it as described in the Report. Construction vehicle access to it from California Avenue, the designated haul route, would require an enormously wide driveway to be constructed to accommodate the large turning radii of such vehicles and would disrupt traffic on both California and Michael. Approaching traffic, particularly on Michael, would have difficulty in seeing construction vehicles entering and exiting the parcel, due to existing trees not on CTC property. We strongly oppose the use of this parcel for staging or similar heavy construction use because of its highly excessive and unnecessary impacts on local residents and traffic

I51-8

8. The internal haul road shown from the California Avenue CTC parcel to the river maximizes the impact to our home and renders it virtually unusable: We are particularly concerned about the internal haul route shown from this parcel to the river. It goes directly in front of, and within a few feet of, our house. It is directly in front of the picture windows lining the back walls of our living room and dining room. It is even closer to our deck that we use for meals and entertaining.

I51-9

When it is in use our view of the river would be blocked; dust would be generated and dispersed on our deck, house, and windows; and the noise would make our backyard unusable and require us to keep our windows closed. When not in use, the present beautiful, undisturbed, vegetated terrain would be a desecrated eyesore. The Project would attempt to “restore” the parcel and this internal access route from it to the river on Project conclusion, but it is unlikely that either would ever be what they are now. This impact would render our house virtually uninhabitable and unusable to us for four summers and impaired for years after.

151-9
cont.

Suggestions:

1. Do not use the Tahoe Island Park 4 neighborhood, and particularly California Avenue and the CTC lots in the vicinity of California Avenue and Michael, for Project staging and hauling or other heavy construction activity. This eliminates every issue stated above. The CTC has other alternatives for siting and hauling that not only avoid all the issues and impacts cited here, but are practical and of comparable or less environmental impact. One of these that seems particularly attractive is use of CTC land on East Venice near Cove East for primary access and staging, and moving material and equipment from there to active work areas on internal haul routes such as those already planned. This eliminates the need for an internal haul route from California Avenue to the river, an environmental benefit. In addition, use of internal haul routes on the east side of the river whenever possible would minimize residential impact since most nearby occupied neighborhoods are on the west side. Internal haul route restoration after Project completion is already in the plan. Using indicated access points in the report just for personnel, and limited associated transportation vehicle parking, would not be an unusual or objectionable impact to us.
2. Alternatively, if the Project decides to retain the “California Ave. Access Point and Staging 0.8 Ac” and California Avenue as the only “haul route” to it, issue an updated and corrected environmental impact report addressing the above issues.

151-10

Topic 2: Flood Risk

Background: A primary project objective is more frequent (e.g., annual) river over-banking (flooding) from the bridge to the lake. Since much of TIP4 is in or near the FEMA 100-year floodplain, and already flood-prone, changes to present flooding patterns here are of concern to TIP4 residents. The models cited in the Report predict no increased residential flood risk from any Action Alternative as a result of the Project.

Issues:

1. Model uncertainty and reliability is not provided in the Report: for the public, or anyone else, to assess the quality of the finding that residential flood risk will not be increased by the project for any Action Alternative, first the uncertainty in the calculated results should be provided. What is uncertainty, in both calculated floodplain area and mean flood height, calculated by that model given data uncertainties and assumption uncertainties? Then, what is the reliability or confidence level placed in that model – has it been fully validated for this site and application? (Best efforts and state-of-the-art do not mean accurate and reliable.)

151-11

2. Has the potential damage and financial risk been estimated, in case the models prove incorrect? If the Project accepts the model results and proceeds, has it calculated the potential damages and costs that could result if the models underestimate flood extents by various amounts?
3. Would the lead Agencies be responsible, and have the funds, to financially compensate the property owners if the models are wrong?

151-12

Solution:

1. Estimate a conservative modeling error value and the corresponding financial risk and secure adequate insurance, or the equivalent, for that amount.

Topic 3: Miscellaneous Issues (Fire, Wildlife, Key Features, RS 1400 diversion point)

Background: the following issues are of concern to us and do not appear to be adequately addressed in the Report.

Issues and Solutions:

1. Increased fire risk due to additional fuel load: all Action Alternatives in the Report include extensive willow planting. Eventually these new willows will generate considerable dead limbs, increasing the fuel load along the river and the potential for this fuel to carry a wildfire into the developed residential neighborhoods. We don't think this impact has been adequately assessed in the Report. We recommend that a regular fuel load and fire risk inspection agreement and management plan be instituted with the cognizant fire fighting authority, analogous to the mosquito management plan now in the report.
2. Impact to non-endangered wildlife species: the wildlife environmental impact assessment in the Report addresses only endangered species. The study area, including the areas directly in front of our property, contain many non-endangered species that we and other members of the public treasure. Some of these are bears, coyotes, beavers, weasels, otters, mink, herons, owls, hawks, eagles, countless other bird species, rodents, and numerous others. The impact of a four year project with habitat destruction and intense human activity on wildlife nesting and breeding, may eliminate or greatly reduce the numbers some of these species, where a shorter project would not. This is particularly true on the private property in the upper reaches of the study area, because these areas are now wooded and secure sanctuaries for some of these species. We believe the Report has not adequately assessed the impact to the non-endangered species in the study area. We recommend that the project scale and duration be reduced where possible to limit the negative impacts to, and possible loss of, these non-endangered species.
3. Key features of value not noted in the Report:
 - a. Near RS1700, directly in front of our house, there is a moderate sized lone lodgepole pine within ~10 feet of the low water channel on the west bank. This tree is a favorite and heavily used perch for many raptors, including hawks, owls, and the occasional eagle. We bring this tree to your attention and strongly recommend that it be protected during construction to preserve its beneficial function to local raptors.

151-13

151-14

151-15

- b. There is a Blue Heron that annually frequents the river near RS1700 and downstream. We have been observing it for years. We bring this to your attention in the hopes that you can avoid harming it or totally preventing its use of this area.
4. RS 1400 is incorrectly shown as the diversion point to a new low water channel in some early maps of Alternatives 1 and 3 in the Report, whereas more recent maps and all detailed discussions in the Report show the point as RS 1700; we have been assured by CTC personnel that the recent maps and RS 1700 are correct. We strongly assert that only RS1700 would be acceptable to us and diverting the present low water channel at RS 1400 would enormously devalue our property.

151-15
cont.

151-16

Topic 4. Personal Project Preference

1. Our Preferred Action Alternative and/or Features: Our mutual preferred alternative is Alternative 3, Middle Marsh Corridor, but with 1) the point of diversion from the present low water channel not at RS1700, but on CTC property downstream of the Dunlap Ranch and 2) the recreation features to include the bike trail segment connecting Hidden Woods to Al Tahoe. With these modifications we feel Alternative 3 would
- prevent all the negative impacts and concerns of private property owners in the upper reaches of the study area such as ourselves, the Dunlap Ranch owners, and out TIP4 neighbors
 - reduce project cost and complications to the CTC and its partner agencies by a large factor, since the project would be smaller and less involved and would not require negotiations with private parties
 - provide a large fraction of the environmental benefits of the version of Alternative 3 in the Report now at considerably reduced cost and reduced negative impact.
 - move minimal amounts of soil to implement
 - establish the most natural wetlands closest in spirit to the original condition of the marsh

151-17

The river already overbanks regularly near RS 1700 (photos available) and onto the Dunlap Ranch, so active floodplains in this reach may already be adequate, and seem larger than indicated in the Report.

Work near the US50 bridge and in the west-side old floodplain just downstream could still be done. Repair and strengthening of problem bank spots between RS 1400 and the new diversion point into the west meadow could also be done, if either is deemed necessary.

It also would be nice to try to reattach the sailing lagoon to the new river channel to provide more marsh, wetlands, floodplain, and settling area, and eliminate the negative aspects of the present sailing lagoon, such as invasive species.

Finally, the bicycle path between Al Tahoe and Hidden Woods would be a wonderful addition to navigate between the neighborhoods and between present

lake access points in Al Tahoe and the Keys, without the need to go up to US50 which is not a pleasant place to ride for adults or children. We would use it a lot. We think this modified version of Alternative 3 is really good and well balanced and would make a highly beneficial project.

151-17
cont.

Respectfully submitted,

John T. Rosenberg (Tom)

Catherine M. Rosenberg (Cass)

Letter
I51
Response

John T. & Catherine M. Rosenberg
April 8, 2013

I51-1 The commenters' support of the project purpose and objectives is noted. The commenters state that the comments are constructive suggestions to help achieve the stated purpose and objectives.

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

I51-2 The commenters' concern about the disruption of established neighborhood values in the Tahoe Island Park 4 subdivision during construction is noted. 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 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.

See Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion.

I51-3 The commenters' concern about construction-related traffic in the Tahoe Island Park 4 subdivision during construction is noted. As stated above, the Preferred Alternative does not include haul routes in the Tahoe Island Park 4 subdivision; therefore, there would be no conflicts related to traffic on California Avenue.

See Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion of construction-related traffic.

I51-4 The commenters' concern about construction-related noise in the Tahoe Island Park 4 subdivision during construction is noted. 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.

The State CEQA Guidelines require that an EIR describe any feasible measures that could minimize significant adverse impacts, and the measures are to 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 CFR 1502.14, 1502.16, 1508.8). The analysis of the proposed project is consistent with these requirements.

See Section 3.1.3, "Construction Noise," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion of construction-related noise.

- I51-5 The commenters' concern about the use of parcels on or near California Avenue as an access point, staging area, and haul routes creating a safety hazard in the Tahoe Island Park 4 subdivision during construction is noted. As stated above, the Preferred Alternative does not include haul routes, staging areas, or access in the Tahoe Island Park 4 subdivision; therefore, there would be no safety hazards associated with construction on California Avenue.
- I51-6 The commenters' concern about haul routes and staging areas on California Avenue is noted.
- See responses to Comments I8-1 and I51-2, as well as Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion.
- I51-7 The commenters' concern that notification was not provided to Tahoe Island Park 4 subdivision residents is noted. The Project mailing list was developed by obtaining the most recent County Assessor's information as well as contact information provided through outreach over the life of the project. The commenter's address on the list developed for noticing. For privacy purposes the address has been withheld in this Final EIR/EIS/EIS.
- See responses to Comments AO2-4 and I8-6 for a discussion of the project's history, planning context, and public outreach.
- I51-8 The commenters' concern about staging sites on California Avenue is noted.
- See responses to Comments I8-3 and I51-2, as well as Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion.
- I51-9 The commenters' concern about the use of California Avenue as a haul road is noted. As stated above, the Preferred Alternative does not include haul routes on California Avenue.
- See responses to Comments I8-3 and I51-2, as well as Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion.
- I51-10 The commenters suggest that no staging or hauling roads be located on or in the vicinity of California Avenue and Michael Avenue. As stated above, the Preferred Alternative does not include haul routes on California Avenue. In addition, Michael Avenue would not be used as a haul route.
- See responses to Comments I8-3 and I51-2, as well as Section 3.1.2, "Traffic, Access, and Staging," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion.
- I51-11 The commenters are concerned about potential increased flood risk to the Tahoe Island Park 4 subdivision, lack of certainty in flood modeling, and lack of assessment of flood damages and financial liability for potential damages.

See Section 3.1.1, “Flooding and Flood Hazards,” in Chapter 3 of this Final EIR/EIS/EIS for further discussion on flooding. 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. 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.

I51-12 The commenters inquire about whether the lead agencies would take financial responsibility for flood damages if the models are incorrect.

See Section 3.1.1, “Flooding and Flood Hazards,” in Chapter 3 of this Final EIR/EIS/EIS for further discussion on flooding. 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.

I51-13 The commenters’ concern about fire risk is noted. See response to Comment AO2-10 for information about fire risks associated with the project.

I51-14 The commenters’ concern about impacts on nonendangered wildlife species is noted. Section 3.4, “Biological Resources,” of the 2013 Draft EIR/EIS/EIS acknowledges that construction activities would affect both common and special-status wildlife species by the same mechanisms: (1) human disturbance (i.e., the sounds and motions of construction workers and machinery) that disrupts foraging, nesting attempts, or other wildlife use of the study area and concurrently causes physiological stress, energetic costs, and increased risk of predation; and (2) damage and removal of vegetation by clearing and grubbing, stockpiling of materials and soil, off-road operation of vehicles and other machinery, and earthwork that destroys nests or roost sites or harms or kills wildlife. However, as stated in chapter 5, Compliance, Coordination, and Consultation the project will comply with the Migratory Bird Treaty Act (MTBA) and complete pre-construction bird surveys in order to avoid direct loss of birds, nests, and eggs. The current list of species protected by the MBTA includes several hundred species, which essentially includes all native birds. Furthermore, construction activities would be temporary, restricted daily from 8:00 a.m. to 6:30 p.m. Monday–Friday, and restricted seasonally to May 1–October 15 (or a more limited period if a limited operation period is necessary to avoid effects to sensitive wildlife).

The increased area and improved ecosystem functions of SEZ, floodplain, and riparian and wetland communities along the Upper Truckee River under the Preferred Alternative would benefit wildlife communities. This long-term effect would be beneficial.

As discussed in Chapter 2, “Project Description,” of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation, similar to existing conditions on the west side of the marsh and no additional recreation access on the marsh’s east side. .

I51-15 The commenters’ request to avoid the lodgepole pine and protect the area near River Station (RS) 1700 is noted.

Environmental Commitment 5, “Prepare and Implement Effective Construction Site Management Plans to Minimize Risks of Water Quality Degradation and Impacts to Vegetation,” includes tree protection measures.

I51-16 The commenters support diverting the present low-water channel at RS 1700.

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

I51-17 The commenters' support for Alternative 3 is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh's east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative.

April 24, 2013

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

Subject: Additional Comments on Upper Truckee River and Marsh Restoration Project (Project) – Addendum to our Comment Letter of April 8, 2013

Reference: DRAFT Environmental Impact Report/ Environmental Impact Statement/ Environmental Impact Statement, “Upper Truckee River and Marsh Restoration Project” SCH# 2007032099, February 2013 (Report)

Notes: Terminology introduced in the Report (reference above) will be used here without further explanation.

Please withhold my home address from public disclosure to the extent allowed by law

Scott and whom it may concern:

As noted in our first comment letter

- My wife and I are full time residents and owners of a home on California Avenue, in the Tahoe Island Park 4 subdivision. Our home is on the west side of the Upper Truckee River, directly facing the river near RS 1700. Our home is one of the closest residences, if not the closest, to the river in the Project Study Area.
- We are strong supporters of the Project purpose and objectives stated in the Report. As with our earlier comments, we are submitting the following additional comments as constructive suggestions in the hopes of assisting you to develop a project that will achieve the stated purpose and objectives of the Project with minimal undesirable impacts.

I52-1

The present letter contains additional comments adding to those provided in our initial joint comment letter dated April 8, 2013. All comments in the initial letter still stand. The topic numbering here continues that used in the initial letter (i.e., does not restart at 1).

We are submitting these additional comments by email on April 26, 2013, pursuant to your email of 4/4/2013 stating that since the NEPA comment period does not end until April 26, 2013, you will honor any comments received until 4/26/2013.

Topic 3: Miscellaneous Issues (Fire, Wildlife, Key Features, RS 1400 diversion point, and following additions)

Background: the following issues are of concern to us and do not appear to be adequately addressed in the Report.

Issues and Solutions:

5. Signage at boat launch and take out locations: if the Project installs boat take outs or launches, it is effectively endorsing and encouraging watercraft use on the river. Consequently, it has an obligation to control the behavior of these parties or at least inform them of the relevant ordinances. At present, there are no restrooms along the river and no signage to that effect, or about respect for nearby residents, at the present informal launch points. As a result many of the rafters are extremely noisy and a considerable number urinate on the river banks, in plain sight of residences. This impact is not adequately identified, analyzed, or mitigated in the Plans in the Report. Please put in restrooms and trash receptacles and/or signage regarding noise, littering, and public urination. 152-2
6. Inadequate accounting for impact to individual city residents: This project is mainly or totally within a developed city, the city of South Lake Tahoe (CSLT). Consequently there may be project or construction impacts to single individuals that are of enormous consequence to the individual whose home is near what is reasonably expected to be a peaceful and protected setting. Examples include, but are not limited to construction noise, dust, and other effects, short and long term changes in character, aesthetic quality, and usefulness of home and yard, similar changes to nearby undeveloped and protected properties and terrain, etc. The Report does not appear to recognize or adequately analyze such impacts to residents. Apparently, on the scale used in the Report, such effects may be classified as LTS (Less Than Significant), either because they are short term (a few years) or because the detrimental effect is to only a few members of a non-endangered species (people, specifically local residents and their homes). Impacts to such directly effected residents should be analyzed and weighted differently than was done in the Report. Impacts to single individuals who have no recourse to avoid the impacts because they reside in the Study Area, and for whom the impacts are highly significant, should be weighted at least as heavily significant impact to individual members of an endangered species. The Report does not adequately recognize or analyze impact to individual residents, and it should, ethically and legally. Many of the effects analyzed as LTS in the Report would be catastrophic to individuals, and should be so identified and should be mitigated. 152-3
7. Effect of Seismically Generated Waves not adequately assessed: The Report primarily or solely addresses the effects of such waves on Project infrastructure improvements and on people and structures in the study area. It does not address the potential effects on existing nearby residences and other personal or public improvements, and it does not distinguish between the alternatives with respect to such effects. The impact analysis should address this issue and distinguish between the alternatives, both short and long term. 152-4
8. Preservation of existing or future “small” paths: Some local residents enjoy their experiences in the study area to be quiet and away from “infrastructure” and other such improvements. The recreation plan does not adequately address or allow for this activity. Please ensure that some unimproved, quiet, small, peaceful paths (footpaths) in some of the more remote parts of the study area are included, or at least tolerated, in the Plan. 152-5

9. Excessive number of “large” paths: Many of the proposed recreation paths and boardwalks in the Cove East and Al Tahoe area are 8’ to 10’ wide. A width of 10 feet will result in a significant amount of coverage in the study area and will feel excessive, unappealing, unnecessary, and out of place to many. Please consider whether the need for public recreational infrastructure can be satisfied with lower width paths in some areas. This would avoid overdeveloping and over covering what is meant to be a relatively natural environment.

152-6

10. The description of alternatives is too vague to allow effective public comment at this time: The five Project alternatives are described in a number of places in the Report, including, but not limited to, the Executive Summary, Chapter 2, and Appendix C. There are notable inconsistencies and contradictions in the various descriptions. This is understandable considering that the Report was generated over a number of years and also is not intended to represent the fully developed and designed features. In addition, the Report states, though not prominently, that features and elements in an alternative may be interchanged among alternatives in selecting the preferred alternative. Taking together the effects of different substantive descriptions of the alternatives in different locations, and the lack of cohesiveness of the alternatives as described, the Project final plan is very vague. There is a possibility, in fact a strong likelihood, that the preferred alternative, when it is selected, will look very different from, and have a very different impact than, any of the alternatives as described and analyzed in the Report. Furthermore, this is probably not well understood by a significant percentage of the public. This lack of clarity in the final alternative makes it very difficult, or impossible, for the public to effectively comment on the Project and Report, since all the alternatives are fluid, details of the alternatives are inconsistent in some places, and impacts depend on well-specified individual features and specific linkages of the features. Please consider another public comment period when a preferred alternative is selected and can be more clearly described.

152-7

Topic 4. Personal Project Preference

2. Our New Preferred Action Alternative and/or Features: In our previous letter we described our personal preference for a preferred alternative. We still like that alternative. However, we now believe that the alternative described below would be even better and is our new mutual most preferred alternative:

Our new top suggestion is Alternative 3, Middle Marsh Corridor, but with three modifications (“Alternative 3, Middle Marsh Corridor – Split Channel”)

152-8

- The present low water channel, starting at RS 1700 to about RS 3100 should be only partially filled, not totally filled, so it could still function as a high water channel, and a new shallow connection channel from RS 3100 should link it to the new pilot channel
- The use of TIP4 California Ave lots as staging sites, and California Avenue as a haul route should be replaced with use of 1) sites at Cove East and near the US50 bridge as main staging sites and equipment

152-9

access points and 2) primarily east side internal haul routes to access work areas from these two main access points.

152-9
cont.

- The recreation features of Alternative 3 should include a small or informal bike trail segment connecting Hidden Woods to Al Tahoe

152-10

With these modifications we feel Alternative 3, which we call Alternative 3 - Split Channel, would provide all the advantages of Alternative 3 described in the Report, and also would

- a. Be technically feasible and comparable in construction cost to the unmodified alternative
- b. Provide additional flood protection to our TIP4 neighborhood, not provided by the present Alternative 3, via the supplemental high water shallow overflow channel starting at RS 1700
- c. Be more compatible with the CSLT storm water management plans for the TIP4 neighborhood, which may require drainage ditches from Washington and Colorado Streets to the river channel
- d. Avoid all the negative impacts and concerns of private property owners in the upper reaches of the study area such as ourselves, the Dunlap Ranch owners, and out TIP4 neighbors
- e. Establish the most natural wetlands closest in spirit to the original condition of the marsh

152-11

We think this modified version of Alternative 3 is well balanced and would make a highly beneficial project. It is our most preferred alternative.

Respectfully submitted,

John T. Rosenberg (Tom)

Catherine M. Rosenberg (Cass)

Letter
I52
Response

John T. & Catherine M. Rosenberg
April 24, 2013

I52-1 The commenters state that the letter provides additional comments to the previous letters submitted on April 8, 2013.

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

I52-2 The commenters' concern about boat launches, increases in boaters, and the ability of the Conservancy to enforce ordinances is noted. Given the sensitive nature of the marsh, restrooms were not considered as part of the project. As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh and no additional recreation access on the marsh's east side.

The Preferred Alternative includes 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.

See Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for a discussion of trash pickup, animal control services, and police protection services in the study area.

I52-3 The commenters' concern that the Draft EIR/EIS/EIS does not evaluate impacts on individual residents during construction is noted. See Section 3.1.2, "Traffic, Access, and Staging," and Section 3.1.3, "Construction Noise," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for further discussion of construction-related impacts.

I52-4 The commenters are concerned that the effects of seismically generated waves are not adequately addressed relative to the surrounding residences or other personal or public improvements.

As discussed in Section 3.8.1 in Section 3.8, "Hydrology and Flooding," of the 2013 Draft EIR/EIS/EIS, recent investigations of tectonic and seismic conditions in the Lake Tahoe region indicate the potential for earthquakes from three active normal faults of the magnitude that could produce waves on Lake Tahoe on the order of 10–30 feet. Earthquakes in the Lake Tahoe region shift fault blocks vertically, causing shoreline subsidence and subsequent inundation (Ichinose et al. 2000; Seitz 2014). The likelihood of such an event has been estimated to be between 10 and 12 percent (NESC 2007). None of the action alternatives would change the likelihood of a seismic event occurring or probability of tsunami or seiche waves resulting.

As discussed in Section 3.8, certain action alternatives include recreation infrastructure and/or restoration features that could be damaged by wave action or overrun. The Preferred Alternative does not include vulnerable recreation infrastructure along and parallel to the shoreline as in

Alternative 1. Final design of any structural elements of the Preferred Alternative (e.g., grade control structures, lagoon bulkhead) would meet standard engineering criteria for seismic stability. The recreational infrastructure under the Preferred Alternative would be concentrated in a portion of the study area that already has urban development and similar recreational facilities, including residential housing and a marina, and would not introduce new influences on the potential risk of seismically generated waves or their pathways. The project would not modify the topography of the floodplain or channels in ways that could substantially modify the probability, magnitude, or routing of a seismically generated wave from the lake relative to the neighborhoods surrounding the project boundary.

I52-5 The commenters' opinion that small paths should be preserved is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh and no additional recreation access on the marsh's east side. Public access to the east side of the marsh would continue to be afforded through the current informal user-created trail system.

I52-6 The commenters' opposition to large paths is noted.

See response to Comment I52-5 above.

I52-7 The commenters' statement that the description of the project alternatives is vague is noted. The commenters state that because features and elements in an alternative may be interchanged among alternatives in selecting the preferred alternative, the preferred alternative will have a very different impact than any of the alternatives as described and analyzed in the Draft EIR/EIS/EIS.

The Draft EIR/EIS/EIS adequately describes and analyzes the Project Alternatives, providing the public an informed opportunity to comment on the proposed improvements. By presenting and evaluating all of the possible actions within the environmental documents, we have fully disclosed the impacts that could occur if all actions were taken. There would not be additional adverse effects relative to baseline if some or all of the features on private land did not occur. The nature and severity of the impacts analyzed in the environmental document adequately encompass potential impacts of the recommended alternative. See response to Comment AO8-2 for a discussion of the selection of the Preferred Alternative, and Appendix D of the Final EIR/EIS/EIS for additional responses to this comment.

I52-8 The commenters support a modified Alternative 3. Specifically, the commenters would prefer that the existing low-water channel be partially filled, not entirely filled, and that a new shallow-connection channel be created from RS 3100 that would link to the new pilot channel.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative.

The restoration element of the Preferred Alternative (described in Chapter 2 and illustrated in the schematic plans in Appendix A) is based on Alternative 3; however, modified to place the pilot channel on State-owned lands (near RS 32+00). The partial backfill of the existing oversized channel has been iteratively determined using the 2D hydraulic model to optimize for restoration of a functional floodplain swale surface while preventing any adverse changes to flooding. (See Section 3.1.1, "Flooding and Flood Hazards," in Chapter 3, "Master Responses," for further discussion of the modeling.)

- I52-9 The commenters’ suggestions about relocating haul roads and staging areas is noted. 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 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.
- See Section 3.3.2, “Traffic, Access, and Staging,” in Chapter 3, “Master Responses,” of this Final EIR/EIS/EIS for further discussion of staging areas and access to the study area.
- I52-10 The commenters’ suggestion for a small or informal bike trail segment connecting Hidden Woods to Al Tahoe is noted.
- The Preferred Alternative does not include additional recreation access on the east side of the marsh. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.
- I52-11 The commenter’s support for a modified version of Alternative 3 is noted.
- As discussed in Chapter 2, “Project Description,” of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh’s east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, “Selecting a Preferred Alternative,” of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative.

From: Alia Selke [aliaselke@hotmail.com]
Sent: Sunday, April 07, 2013 11:51 PM
To: Carroll, Scott@Tahoe
Subject: Comments on Draft EIR/EIS for Upper Truckee River/Marsh

April 7, 2013

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

COMMENTS ON DRAFT EIR/EIS FOR UPPER TRUCKEE RIVER AND MARSH

Dear Mr. Carroll,

I am writing to comment on your Draft EIR/EIS for restoring the Upper Truckee Marsh and River. My specific concerns relate to the accessibility of recreation opportunities for persons with disabilities. Disabled persons deserve access (to the extent that it does not compromise your restoration and environmental goals), and the Americans with Disabilities Act mandates accessibility.

My concern is underscored by the fact that—within the past month, at the same time your agency is asking for comments on a new restoration project at the Marsh—somebody (with little or no public notice or opportunity for public comment) removed the only two parking spaces at the end of Venice Drive (i.e., Cove East trailhead) that were designated for disabled persons. The simple facts are as follows: 1) Persons with disabilities do use and enjoy that trail; and 2) the removal of the two parking spaces for disabled persons will make it difficult (or impossible) for many persons with a variety of disabilities to use that trail during the busy months when parking options along Venice Drive become extremely limited.

I53-1

I request that you work to ensure that the disabled parking spaces at the Cove East trailhead are timely replaced, fully restored, and adequately designated. I further request that you plan your new restoration project (and all of its recreation elements) to ensure accessibility for persons with disabilities.

Thank you for considering my views.

Sincerely,

Alia Selke

Alia Selke

cc: Disability Rights California (Sacramento)
Disability Rights Advocates (Berkeley)

Letter
I53
Response

Alia Selke
April 7, 2013

I53-1 The commenter is concerned about accessibility of recreation opportunities for persons with disabilities, particularly regarding disabled parking spaces at the Cove East trailhead.

As discussed in Chapter 2, “Project Description,” of this Final EIR/EIS/EIS, Alternative 3 would provide a pedestrian trail to Cove East Beach that would be ADA-accessible, as would the fishing platform at the restored lagoon. Disabled parking spaces are currently available at the Tahoe Keys Marina.

From: DR. SJOLIN [sjolindds@comcast.net]
Sent: Thursday, March 14, 2013 11:49 AM
To: Carroll, Scott@Tahoe
Subject: UPPER TRUCKEE RIVER AND MARCH RESTORATION PROJECT

Hello Scott,

I am writing in reference to the five alternatives being considered. It is my understanding no one alternative will necessarily be adopted in its entirety.

While I agree the "floodplain" of the Truckee River should be modified to utilize the marsh to the fullest extent possible, I do not agree with proposed walkways, pathways, viewing platforms, etc. Those placed in the Taylor Creek area are incredible. BUT -- these changes to the "natural landscape" are not in residential areas.

Without changes to Trout Creek, which frequently reroutes itself, the proposed paved walkways will be underwater for a good portion of the year. The property owners that back to the meadow, specifically on the Al Tahoe side of the meadow, will most certainly have their privacy and tranquility irreparably transformed.

Increased traffic, parking issues, potential for increased vandalism and property crimes are not consistent with homeowners and home values in the effected residential areas adjacent to the Upper Truckee Marsh (UTM). It is implausible additional resources will not be necessary to maintain these proposed alternatives. I am a resident of the Al Tahoe neighborhood.

I54-1

I believe we should "ALL" have access to all public areas in California ! I do not believe we should impose unnatural mitigation to these potentially effected residential areas by encouraging increased and potential overuse of the UTM.

The UTM should be left accessible to all that seek to utilize it's bounties, yet, it should not be a destination for those that are unaware of the UTM.

And NO, I am not a NIMBY (not in my backyard).

With all due respect, please do not over think these alternatives. Often, LESS IS MORE !!!

Regards,

Jack Sjolín DDS
831 Paloma Ave
209-610-6822

Letter
I54
Response

Jack Sjolín
March 14, 2013

I54-1 The commenter’s concern about new recreation infrastructure creating increased demand for parking, increased vandalism, and trespassing on private property in the vicinity of the Al Tahoe subdivision is noted.

As discussed in Chapter 2, “Project Description,” of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate infrastructure on the west side of the marsh and no additional recreation access on the marsh’s east side. The Conservancy would continue to manage and reduce the impacts of recreational use and new trails on the east side while maintaining and expanding on-site signage.

We feel the primary guiding principles for this project should be to restore, maintain, and preserve this fragile wetlands habitat with as little disruption to the existing wetlands as possible. We cannot comment nor give suggestions regarding the restoration of the river, as we have no knowledge of that science. However, as frequent visitors to Cove East, we can comment on the apparent success that we have observed to date. Now it is possible to walk the dirt trails and witness breeding, resident and migrating birds and several mammal species from a distance as they go about their business of survival. The native plants that were reintroduced seem to have flourished. We can watch Coyote families interacting, Beavers at work, Bald Eagles perched in the lodgepole pines, Peregrine Falcons bathing on the spit, White Pelicans stopping over on their migration to Pyramid Lake, various species of hawks hunting for voles and mice, freshly hatched Sora Rails rushing for cover in the cattails....and on and on. There can be a new discovery every day. Dragonflies, Butterflies, and Insects float over the marsh. Invertebrates in the mud lure Shorebirds and Snipe. Birdsong fills the air in the spring and fish travel up the river and creek in the fall.

We all know that the human impact has created extensive irreversible damage to this wetland habitat. If there was an abundance of wetlands in the Tahoe Basin, it might make sense to take a percentage of the area and put in boardwalks and signage as an educational effort to teach about the importance of conserving wetlands, but Tahoe doesn't have that luxury anymore. The remaining area is too small to welcome more human access and impact. Although there has been substantial progress in curbing the behavior of people who visit this area, there remains an attitude that this area is their "personal" dog park, beach, lake shore. Cove East is a beautiful place for locals and visitors to enjoy. The present paths on the west side out to the lake and back are adequate to give visitors access to the views and nature watching without stressing the wildlife and disturbing the marsh.

Increasing and facilitating access into and around the Upper Truckee Marsh may lead to increasing the stress on this environment and its wild inhabitants. This is not an isolated river and marsh that might survive an occasional visit by someone such as a photographer moving quietly in a canoe; this marsh is located near a large housing project and a busy tourist town full of visitors that are eager to experience adventure in a natural and pleasing setting. Visitors on watercraft, paddle boards and kayaks, folks on bicycles, runners, large groups of bird watchers, fishermen, dog walkers, beach goers...etc, could end up "loving to death" this fragile place.

Therefore, we do not support adding boardwalks, creating circle trails, expanding bicycle trails, building bridges over the lagoon, or putting in a connection along the beach between the two sides. A connecting trail along the beach, as proposed in alternative #1 could spell the end of this habitat for wildlife. A circular walk at Cove East could draw many more people and put them right out at the mouth of the river, a very sensitive area for the wildlife. This is where the hawks and eagles hunt, where the ducks, geese, swans and shorebirds collect. Migrant birds feed in the willows at the edge of the lake. Owls sleep in the lodgepoles during the day and come out to hunt at night.

I55-1

The mouth of the river and beach is where even the best intentioned dog walker can't resist letting their pet off leash to play in the lake. I have observed beach goers walk right through the endangered plant area and fishermen leave their trash and nylon line. *Do we need more people passing through here?* There are many other opportunities for recreation elsewhere in the Tahoe Basin. Can't we leave this one piece of fragile wetlands alone?

155-1
cont.

Placing a boardwalk along the east side of the marsh could also be problematic. Trout Creek passes very close to the edge of the marsh and we have observed and heard several breeding birds close by in this area, for example: Pied-billed Grebes, Sora Rails, Ducks, Marsh Wrens.

Another concern is a fear that if more trails are put in...then the California Tahoe Conservancy might cut down more trees that may seem to pose a hazard to the pedestrians, altering the landscape in a manner that would take years to restore. The trees that edge this marsh are very important to the wildlife. It's counterproductive to take trees down so people can walk more closely to the marsh to observe "nature!"

155-2

We're concerned that increasing human access to Cove East could result in the heavy use we witness at Pope Marsh, along the road that divides the marsh and the beach. The road into Pope Beach is easier to navigate than Cove East is now, with its flat macadam roadway. Bikers, families with carriages, runners and dog walkers enjoy this as a favorite walk. Unfortunately, a good percentage of the dog walkers along the Pope Beach roadway do not pick up after their animals and do not leash them. The marsh is full of breeding birds. The owners let their dogs run in and out of the marsh. The road is covered with dog feces. I fear that if the Conservancy makes Cove East more accessible and more inviting, we may end up with another Pope Beach situation. A Sand Hill Crane alighted at Pope Marsh on March 24, 2013. Someone's big dog could have harassed this rare visitor and sent it away. We want our marshes to be welcoming for returning creatures that may have frequented the marshes in the basin long before the Tahoe Keys were developed.

155-3

I am concerned about more Kayaks, paddle boards, and watercraft entering the river at Cove East. The SUP business has become a very popular tourist activity in Tahoe and the Upper Truckee Marsh is one of the first points of interest for people to explore after renting their SUPs. An increased presence of people moving through the marsh standing upright and talking loudly....certainly has the potential for increasing stress for the wildlife.

155-4

Therefore, I would not support Alternatives #1, 2, and 3. Possibly #4 might be acceptable.

First and foremost, the North Upper Truckee Marsh is a Wetland to be preserved in as natural a state as possible for wildlife. All other issues are secondary. We commend the California Tahoe Conservancy for the work that has been done so far and support the efforts directed at restoring the river's natural flow.

155-5

Sue and Phil Stevenson

2073 Kickapoo St.

South Lake Tahoe, CA 96150

Sue & Phil Stevenson
April 7, 2013

I55-1 The commenter's opposition to additional access to the marsh, including Cove East Beach, and recreation infrastructure and concern about off-leash dogs is noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate infrastructure on the west side of the marsh and no additional recreation access on the marsh's east side. The Preferred Alternative has been selected to meet the project objectives, including the objective to provide public access, access to vistas, and environmental education at the Lower West Side and Cove East Beach consistent with all other objectives. Under the Preferred Alternative, the existing trail providing public access to Cove East Beach would be partially rerouted along the restored wetlands, lagoons, and dunes while still maintaining access to the shore of Lake Tahoe. The rerouted trail would be consistent with Americans with Disabilities Act (ADA) guidelines. No additional trails or bicycle paths would be constructed on the east side of the Upper Truckee River.

See Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for a discussion of trash pickup, police protection, and other public services in the study area.

I55-2 The commenter's concern about the removal of trees for new trails and the affects wildlife is noted.

The impact associated with the removal of trees is discussed in Section 3.4, "Biological Resources," of the 2013 Draft EIR/EIS/EIS. Environmental Commitment 5, "Prepare and Implement Effective Construction Site Management Plans to Minimize Risks of Water Quality Degradation and Impacts to Vegetation," includes tree protection measures. In addition, see response to Comment I38-1 for further discussion of impacts on wildlife.

I55-3 The commenter's concern about the effects of off-leash dogs on the marsh and their effects on wildlife is noted.

See Section 3.1.4, "Management," in Chapter 3, "Master Responses," of this Final EIR/EIS/EIS for a discussion of animal control services.

I55-4 The commenter's opposition to Alternatives 1, 2, and 3 and support of Alternative 4 are noted.

As discussed in Chapter 2, "Project Description," of this Final EIR/EIS/EIS, the Preferred Alternative is proposing moderate recreation on the west side of the marsh, similar to existing conditions, and no additional recreation access on the marsh's east side. Alternative 3 is the recommended restoration approach under the Preferred Alternative. See Section 2.1, "Selecting a Preferred Alternative," of the Final EIR/EIS/EIS for a description of the approach to selecting recreation and restoration components of the Preferred Alternative. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR/EIS/EIS.

I55-5 The commenter supports preservation of the Upper Truckee Marsh for wildlife and supports the Conservancy's current efforts to restore the river's natural flow.

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