Policy 4 under Goal #1 of the Conservation Element of the Regional Plan states: "TRPA shall develop specific policies to limit land disturbance and reduce soil and water quality impacts of disturbed areas."

Alternative 2 proposes construction of the expanded golf course on land that has been previously restored and revegetated (old quarries) in Washoe Meadows State Park. At one time fill was removed from the quarries prior to State Parks ownership. The lower West Side restoration project adjacent to the Tahoe Keys brought fill back to Washoe Meadows SP in around 2002 to restore the quarries. The expanded golf course proposes new disturbance for golf course construction partially within the area where the quarries were restored and revegetated. Some of the quarries have been restored to a near natural state.

AOB8-6 cont.

Was the restoration of the quarry sites a Washoe Meadows State Park mitigation for the impacts of the West Side restoration project?

What has been spent to date to revegetate and restore the quarries? Were public funds used in the revegetation and restoration of the quarries?

The EIR/EIS/EIS states that disturbance exists in Washoe Meadows Park in the location of the expanded golf course however, some of the areas identified as disturbed are simply stockpiles of fill which have been created since 1972 by the State. Simply moving the fill or dirt would eliminate the disturbance.

**F. Alternative 2 Develops Expanded Golf Course Within Stream Environment Zone.**

The Conservation Element of the Regional Plan acknowledges the importance of Stream Environment Zones ("SEZ") which provide surface water conveyance from upland areas into Lake Tahoe.

> Protection of Stream Environment Zones are essential for improving and maintaining the environmental amenities of the Lake Tahoe Basin and for achieving environmental thresholds for water quality, vegetation preservation and soil conservation.

AOB8-7

A relevant policy involving SEZ in the Conservation Element of the Regional Plan states: "golf courses in stream environment zones shall be encouraged to retrofit course design in combination with fertilizer application standards to prevent release of nutrients to adjoining ground and surface waters."

The expanded golf course parallels the Upper Truckee River for over 1500 feet. Grading for golf fairways and greens and water features will remove native vegetation and over 1600 trees. The EIR/EIS/EIS admits that the golf course layout is only conceptual, but claims that the final design will avoid sensitive resources, springs, and drainages in order to provide an adequate buffer from the river. Yet, as discussed above, the conceptually depicted layout in the

environmental documents exhibits show that some of the course will be within and immediately adjacent to the 100-year floodplain.

Please provide topographic exhibits that demonstrate how the golf course will drain and how the SEZ will be protected from the operation of the golf course and what areas will be restored as a result of the construction of the expanded golf course.

AOB8-7 cont.

Another relevant policy involving SEZ in the Conservation Element of the Regional Plan states: "SEZ Lands shall be protected and managed for their natural values.... Because SEZ's provide many beneficial functions (especially pertaining to water quality) only forest management practices, stream improvement programs and habitat restoration projects are permissible uses."

Since the construction for the expanded golf course and portions of the expanded golf course will occur on SEZ mapped-areas (see Exhibits 2-1 and 2-5) how can Alternative 2 satisfy this policy?

**G. Alternative 2 Develops Expanded Golf Course Within Open Space.**

The Regional Plan has the following goal for Open Space Goal: "Manage areas of open space to promote conservation of vegetation and protection of watershed." The Regional Plan recognizes that "managing open space for its natural qualities and potential will generate numerous benefits related to such valuable resources as water, vegetation, wildlife, soil and air."

AOB8-8

How does expanding a golf course into existing open space areas at Washoe Meadows State Park comply with the Regional Plan's goal and policies for existing open space?

**H. Alternative 2 Develops Expanded Golf Course Within An Area Rich with Cultural Resources.**

The Regional Plan acknowledges that the Tahoe Basin's landmarks are valuable examples of its past and should be appropriately preserved. It is the Regional Plan's goal for cultural resources to "identify and preserve sites of historical, cultural and architectural significance within the region."

AOB8-9

Indian cultural sites exist throughout Washoe Meadows State Park. The proposed golf course expansion is located within close proximity to Indian grinding rocks and other cultural resources. 14 sites were identified in the EIR/EIS. We question the adequacy of protection of these valuable resources and if more resources exist than were described in the EIR/EIS or if there are adequate buffers to insure that golfers won't impact these sites? What preservation measures will be taken to prevent vandalism of these sites? What buffers are proposed?

**I. Alternative 2 Has Stormwater Water Quality Impacts Based on the Expansion of the Golf Course on the West Side of the River.**

AOB8-10

The EIR/EIS/EIS acknowledges the severe water quality problems within the Tahoe Basin:

> Since the 1960s, Lake Tahoe has been losing its clarity at a rate of nearly 9 inches per year and has failed to meet transparency and clarity standards (Lahontan RWQCB and NDEP 2007). Lake Tahoe is included in the 2006 CWA 303(d) listing of impaired water bodies for nitrogen, phosphorus, and sedimentation/siltation. Development of the TMDL is under way to identify the pollutant sources, quantify the amount of pollutants that the lake can accept, determine options for reducing pollutants, and provide an implementation plan and monitoring plan (Lahontan RWQCB and NDEP 2007). TMDL research has established that Lake Tahoe is impaired by excess inputs of nutrients (nitrogen and phosphorus) and fine sediment. Nitrogen and phosphorus stimulate algae growth, which in turn absorbs light and reduces light penetration through the water (Reuter and Miller 2000). Fine sediments decrease clarity by scattering light as the particles slowly settle through the water (Lahontan RWQCB and NDEP 2007). Fine mineral particles (i.e., particles less than 20 microns in diameter) have been shown to strongly affect clarity and may be responsible for 60 percent or more of the transparency loss (because of their effect on light scattering). (citation omitted.)
>
> There are several potential pathways for nutrients, fine sediment, and other pollutants to enter waters of the study area and be released downstream to the lake. Several potential sources, sinks, and transformations of these constituents may occur in the study area. Sources include streamflow (from and upstream of the study area, Angora Creek, and the unnamed creek), golf course and urban stormwater runoff (from turf, ponds, ditches, and roadways), groundwater, and direct atmospheric deposition.

AOB8-10 cont.

(EIR/EIS/EIS, pp. 3.4-21-22.)

The Water Quality Subelement of the Regional Plan's Land Use Element states that "[t]he purity of Lake Tahoe and its tributary streams helps make the Tahoe Basin unique." Regarding the development and operation of a golf course the Water Quality Subelement has a specific policy addressing the use of fertilizers in the Tahoe Basin.

> The use of fertilizer within the Tahoe Region shall be restricted to uses, areas, and practices identified in the Handbook of Best Management Practices. Lake Tahoe's primary water quality problem is an imbalance in the Lake's nutrient budget, control of artificial fertilizers (which add nutrients to the Basin) is an essential component of TRPA's water policy.

Expansion of a golf course into the undeveloped west side of the Upper Truckee River in Washoe Meadows State Park has unknown impacts regarding the leaching of sediments and fertilizers, pesticides and herbicides through drainage channels, groundwater and underground springs. The golf course expansion parallels the Upper Truckee River for approximately 1500 additional linear feet in close proximity to the river. What certainty is there that these nutrients won't travel laterally thru the groundwater and leach directly into the River?

Although the EIR/EIS/EIS claims that drainage from the golf course can be mitigated to a less than a significant effect, the impact analysis describes what is not known about the design of the golf course's drainage system and acknowledges the risks to water quality.

> Alternative 2 would involve expanding the overall footprint of the golf course, including areas of upland that have not previously been developed for this type of land use. Some of this upland area was previously disturbed by a former quarry, logging, roads, and trails but it also has sensitive areas of surface and groundwater interaction. The footprint area would be increased due to larger areas of minimally managed and natural landscapes included, but the intensively managed/turf areas would be reduced compared to existing conditions. The relocated golf course areas west of the river would include new storm water features that either need to avoid and/or incorporate natural drainages to the Upper Truckee River that are presently outside of any developed storm drainage system. At the conceptual level of design, it is uncertain whether the specific storm water system features would include adequate protections to: 1) isolate upslope (unaltered) run on from storm water or irrigation drainage off of managed golf course surfaces; 2) prevent infiltration and percolation of golf course runoff that may include contaminants into shallow groundwater via natural seeps and springs and/or the planned pond; and; 3) adequately detain and pre-treat storm water that may be released or overflow to the Upper Truckee River. It is expected that the major reconfiguration of the golf course under Alternative 2 would prompt the Lahontan RWQCB to revisit the facility's waste discharge permit, likely updating monitoring locations and strengthening monitoring and reporting requirements, but the details of these requirements are not yet known.

AOB8-10 cont.

Even if we accept the adequacy of mitigation measures to be incorporated into a yet-to-be-designed final stormwater system design, in comparing the risks to water quality among Alternative 2, 3 & 5, Alternative 2 exposes the Upper Truckee River to increased risks of sediment and nutrient transport due to the expansion of the golf course into areas of upland that have not previously been developed for this type of land use.

**III. Summary of Washoe Meadows Community comments.**

Accompanying this letter (sent via email and overnight delivery) is a separate letter prepared by members of our client the Washoe Meadows Community. The Community's letter addresses the following deficiencies in the EIR/EIS/EIS.

A. Alternative 2 or State Parks' "project" fails to conform to applicable policies, regulations, and statutes, and the EIR/EIS/EIS does not analyze the environmental consequences of the project's inconsistencies with the following:

AOB8-11

- the Litigation Settlement Agreement,
- California Statute,

- the Parks Classification Decision,
- the California Public Resources Code,
- Washoe Meadows State Park Purpose Statement,
- State Parks Policies,
- the State Parks Planning Handbook, and
- Federal funding processes.

AOB8-11 cont.

The CEQA Guidelines require lead agencies to evaluate the project's "[c]onflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project. Clearly State Parks has jurisdiction over this project.

B. Selection and Evaluation of Alternatives. The evaluation of Alternative Locations for the golf course is inadequate because: siting criteria development was flawed, and the application of the siting criteria was inconsistent. AOB8-12

C. The EIR/EIS/EIS does not adequately address the substantial change in existing land use and baseline environmental conditions to accommodate the relocation of the golf course on the west side of the river, as proposed by Alternative 2. AOB8-13

D. Alternative 2 requires a new bridge and restroom with sewer connection. This would involve modifications where shallow groundwater occurs and where tree removal would be extensive. It would impact areas mischaracterized as dry meadow, and grading would occur on slopes greater than 20% and directly above and around a sensitive wetland area (holes 9, 10, 11, and 12). The environmental consequences of this construction were not adequately evaluated in the EIR/EIS/EIS, because the baseline conditions were inaccurately described. AOB8-14

E. The EIR/EIS/EIS minimizes Alternative 2's significant impact on scenic/aesthetic issues, rather than evaluating the true impacts of the substantial grading to modify the terrain for the golf holes, substantial removal of existing trees, and construction of golf facilities in the existing forest. AOB8-15

F. Due to the many inaccuracies in the description of the baseline environmental conditions that will be affected by the relocated golf course holes under Alternative 2, the analysis of the impacts of Alternative 2 on the existing sensitive and protected biological resources is inadequate. AOB8-16

G. The EIR/EIS/EIS should have evaluated an alternative that would have carried out the less intensive recreation and restoration goals for Washoe Meadows State Park while restoring the Upper Truckee River. AOB8-17

H. The scope of the economic analysis report, the assumptions, methods, and logic are too limited and incorrect to provide an informed decision on the feasibility of the proposed alternatives. AOB8-18

I. Additional golf course development (with a larger footprint, including a location the Upper Truckee River, wet meadows, sensitive spring complexes and fens) will increase use of pesticides and fertilizers that will adversely affect water quality. Lake Tahoe requires additional protections from potential contamination from golf course turf management practices. AOB8-19

J. The EIR/EIS/EIS fails to adequately evaluate the environmental consequences of Alternative 2 on wildlife (mule deer as an example) and habitat. AOB8-20

**IV. Letter of Dr. Rick Hopkins' of Live Oak Associates, Inc**

Also, accompanying our letter, is a letter prepared by Dr. Rick Hopkins of Live Oak Associates, Inc. As he points out in his letter and attached résumé, Dr. Hopkins is a professional ecological consultant. He is very familiar with the Washoe Meadows State Park and in his review of the EIR/EIS/EIS he found the following inadequacies in the document: 1) mischaracterization of the project description for some components of alternatives (i.e., particularly Alternative 2); 2) serious mapping errors in characterizing the available habitats within the study area from which all beneficial and adverse effects for each alternative was assessed; 3) fully describing the fen resources located in Washoe Meadows State Park (WMSP) and inadequately evaluating the substantial impacts of relocating a portion of the golf course to the west side of the Upper Truckee River as proposed in Alternative 2; and, 4) failing to fully assess adverse impacts to wildlife movements in Washoe Meadows State Park of the golf course development proposed in Alternative 2. AOB8-21

On behalf of our client we appreciate the opportunity and the additional time that was provided to review the EIR/EIS/EIS. Our client favors Alternative 3 among the five alternatives evaluated or another newly defined, feasible alternative that meets the primary project objective of restoring the river while saving Washoe Meadows State Park. Since Alternative 2 is clearly State Park's proposed project, the Washoe Meadows Community believes this alternative should have been compared and evaluated against an alternative that carries out the less intensive recreational and resource protective goals that were envisioned when this property was acquired by the State of California and turned over to State Parks. Attached with this letter is the statute authorizing the acquisition of the property (Cal. Stats., ch. 1470) and the litigation settlement agreement. AOB8-22

Sincerely,

Bill Yeates

Attachments: Cal.States, Ch. 1470 and *Lake Country Estates v TRPA* Litigation Settlement Agreement. AOB8-23

cc: Members, Washoe Meadows Community

An act making an appropriation for land acquisition, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1984. Filed with Secretary of State September 26, 1984.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of two hundred ninety-five thousand dollars ($295,000) is hereby appropriated from the General Fund to the Department of Water Resources for payment of costs of land acquisition, in settlement of a judgment in eminent domain in case No. 70981 of the Superior Court in and for the County of Butte, for the Feather River Enhancement Project authorized pursuant to Chapter 1 (commencing with Section 12250) of Part 4.7 of Division 6 of the Water Code.

SEC. 2. (a) The sum of five million six hundred ninety-seven thousand dollars ($5,697,000) is hereby appropriated from the moneys available for allocation pursuant to Section 6217 of the Public Resources Code, after the obligations provided for in subdivisions (a), (b), (c), and (d), of Section 6217 have been met and prior to any other allocations provided for in Section 6217, to be allocated as follows:

(1) Five million ten thousand dollars ($5,010,000) to the Wildlife Conservation Board for the acquisition of the real property which is the subject of litigation entitled Lake Country Estates, Inc., et al, v. Tahoe Regional Planning Agency, et al. (United States District Court for the Eastern District of California, No. CV-F-81-127-REC) and Lake Country Estates, Inc., et al. v. California Tahoe Regional Planning Agency, et al. (United States District Court for the Eastern District of California, No. CV-F-81-132-REC).

(2) Six hundred eighty-seven thousand dollars ($687,000) to the Department of Parks and Recreation, six hundred sixty-seven thousand dollars ($667,000) of which shall be for restoration of that property and twenty thousand dollars ($20,000) of which shall be for maintenance of that property.

(b) The appropriation in subdivision (a) is subject to all of the following:

(1) The property shall be acquired pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and is exempt from relocation assistance requirements, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

(2) The Wildlife Conservation Board, upon acquisition, shall transfer control and possession of the property to the Department of Parks and Recreation.

(3) The property shall be operated and maintained by the Department of Parks and Recreation in a manner which promotes its environmental and recreational values. The Department of Parks and Recreation may enter into appropriate agreements as may be necessary to carry out the provisions of this subdivision.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to acquire lands necessary for recreation along the Feather River at the earliest possible time, and to avoid excessive interest costs on judgments rendered in eminent domain proceedings, and, in order to acquire as state lands an environmentally sensitive parcel of approximately 777 acres of land comprising wetlands, meadow, and wildlife habitat for the purpose of protecting a unique and irreplaceable watershed through which the Upper Truckee River supplies approximately 40 percent of the water flowing into Lake Tahoe, and to settle and dismiss, with prejudice, the litigation regarding that property, it is necessary that this act take effect immediately.

LAKE COUNTRY ESTATES, INC., et al.,

Plaintiffs,

vs.

TAHOE REGIONAL PLANNING AGENCY, et al.,

Defendants.

No. CV-F-81-127-REC

LAKE COUNTRY ESTATES, INC., et al.,

Plaintiffs,

vs.

CALIFORNIA TAHOE REGIONAL PLANNING AGENCY, et al.,

Defendants.

No. CV-F-81-132-REC

LITIGATION SETTLEMENT AGREEMENT

This Litigation Settlement Agreement, entered into this 12th day of June, 1984, by and between LAKE COUNTRY ESTATES, INC., COUNTRY CLUB ESTATES, BOULDIN DEVELOPMENT CORPORATION, TAHOE REGIONAL PLANNING AGENCY, JOHN MEDER, JAY ALLEN BRAY, THOMAS STEWART, LESTER S. NAGY, CHARLES C. MENELEY, WALTER E. MACKENZIE, RAYMOND L. KNISLEY, NORMAN B. LIVERMORE, ELMO J. DeRICCO, JAMES HENRY, WILLIAM F. BRINER,

1.

RICHARD M. HEIKKA, and the Secretary of the Resources Agency of California, as successor to the CALIFORNIA TAHOE REGIONAL PLANNING AGENCY, parties to the above-entitled action, by and through their respective attorneys, and the STATE OF CALIFORNIA ("State"):

W I T N E S S E T H:

WHEREAS, LAKE COUNTRY ESTATES, INC., COUNTRY CLUB ESTATES and BOULDIN DEVELOPMENT CORPORATION (hereinafter referred to collectively as "plaintiffs"), TAHOE REGIONAL PLANNING AGENCY, CALIFORNIA TAHOE REGIONAL PLANNING AGENCY, and JOHN MEDER, JAY ALLEN BRAY, THOMAS STEWART, LESTER S. NAGY, CHARLES C. MENELEY, WALTER E. MACKENZIE, RAYMOND L. KNISLEY, NORMAN B. LIVERMORE, ELMO J. DeRICCO, JAMES HENRY, WILLIAM F. BRINER, and RICHARD M. HEIKKA (hereinafter collectively referred to as "defendants") are parties to consolidated actions pending in the United States District Court for the Eastern District of California, entitled Lake Country Estates, Inc., et al. v. Tahoe Regional Planning Agency, et al., No. CV-F-81-127-REC and Lake Country Estates, Inc., et al. v. California Tahoe Regional Planning Agency, et al., No. CV-F-81-132-REC (the "Consolidated Litigation").

WHEREAS, the STATE OF CALIFORNIA (hereinafter referred to as "State") is a sovereign state of the United States of America with an ongoing interest in the protection of Lake Tahoe and the environmentally sensitive lands within the Lake Tahoe Basin,

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WHEREAS, Lake Tahoe and its surroundings have been acclaimed as unique and spectacular State and National resources offering a myriad of recreational opportunities,

WHEREAS, the property which is the subject of this litigation, (hereinafter referred to as "subject property") is situated within the Lake Tahoe Basin, approximately 5 miles from Lake Tahoe, and is the largest contiguous private landholding within the Lake Tahoe Basin with development potential,

WHEREAS, the unique characteristics and location of the subject property have been described by biologists, hydrologists, limnologists, plant physiologists and summarized as follows:

> The subject property contains unique and irreplaceable resources in the Lake Tahoe Basin, and is extremely valuable to the maintenance of the water quality of Lake Tahoe itself.
>
> A primary feature of the property is that the Upper Truckee River bisects the property. The Upper Truckee River is the largest watershed in the Lake Tahoe Basin and supplies approximately 40% of the water which flows into Lake Tahoe, therefore, any human disturbance (as by development) within the reaches of the stream environment zone of the Upper Truckee River could have long-lasting adverse effects on the quality of water flowing into Lake Tahoe.
>
> In addition, the land itself performs an important water quality maintenance function. The property is characterized by many acres of low-lying ground with a high water table. Property with these characteristics plays a significant role in water quality maintenance by uptaking the nutrients and trapping sediments which would otherwise flow into Lake Tahoe. By preventing the flow of nutrients and sediments into Lake Tahoe, the Lake's remarkable clarity is preserved -- a clarity which has been observed in only one other location in the world, resulting in the Congressional recognition of Lake Tahoe as a national treasure.
>
> The Upper Truckee River, Angora Creek and the low lying wetlands on the property provide riparian habitat--the single most important habitat in the Lake Tahoe Basin.

Eighty percent (80%) of the 300 wildlife species present in the Basin are supported by riparian habitat, and the maintenance of that habitat is vital to the maintenance of these species. The presence of the Upper Truckee River and Angora Creek on the property result in a merger of two natural wildlife movement corridors. Waterfowl such as Canada geese and mallard ducks have been observed on the property with regularity, suggesting that this land is valuable habitat for birds along the Pacific Flyway. The diversity of plant communities, the presence of small pond areas and the two creeks all create exceptional conditions for wildlife on the property.

The vegetation present in this unusual setting consists of an attractive mosaic of lodgepole pine, Jeffrey pine and sedge and grass meadows with an understory of white fir. The meadows which interfinger with the forest canopy create an "edge effect." This forest-meadow edge is recognized as most valuable to wildlife because it provides meadow areas for feeding and grazing by day, and forest protection by night.

Also peculiar to this property is the presence of the carniverous plant, the round-leafed sundew (Drocera rotundifolia) which is rare in the Northern Sierra. In addition, plants of the Heath family (Ericaceae) (which generally occur at higher elevations) are found.

The most unusual feature of this property, however, is the presence of a fish habitat which has never before been observed in the Tahoe Basin. The western portion of the property is characterized by a series of wetland and bog plant communities recognized as unique in the High Sierra. These bogs and wetlands contain streams which flow through the forest areas and into holes of 2' to 3' depth. These holes are connected by subsurface stream flows and within these holes, resident Eastern Brook Trout have been observed. The trout are able to live year round in these deep holes because the water is below the freezing level and is supplied by the subsurface flows. Such a phenomenon is of great scientific interest. The Upper Truckee River is noted for the best trout fishing in the Lake Tahoe Basin and the segment of the river which bisects the property provides the best trout habitat along the river. It is a spawning area for Rainbow, Eastern Brook and Brown trout.

The unique subject property is scientifically valuable, environmentally sensitive, vital to the maintenance of riparian habitat and to the maintenance of water quality in Lake Tahoe, and is, therefore, highly suitable for

public acquisition in order to preserve and maintain these natural resource values.

WHEREAS, the Congress of the United States has found that maintenance of the social and economic health of the Lake Tahoe region depends upon the maintenance of significant scenic, recreational, educational, scientific, natural and public health values provided in that area. The acquisition of the subject property by the State of California would preserve the region's environmental and recreational values and would help restore and insure an equilibrium between the region's natural endowment and its man-made environment, goals deemed imperative by Congress in the Lake Tahoe Basin;

WHEREAS, the plaintiffs' proposed residential development of this property would, if approved, represent a 28% increase in the number of homes in the Upper Truckee River watershed and would be contrary to the efforts of the Tahoe Regional Planning Agency to preserve Lake Tahoe's natural resources;

WHEREAS, it is acknowledged by all parties, the State and the Federal government that this property is uniquely suited for public acquisition to protect the natural resource values thereon;

WHEREAS, the parties to the Consolidated Litigation have legal and factual contentions to be litigated relative to the subject property which are summarized as follows:

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Background

In 1972 plaintiffs sought approval from the defendant Tahoe Regional Planning Agency (hereinafter referred to as "TRPA") of a Master Plan to develop approximately 2800 dwelling units and certain commercial facilities on the subject property. Plaintiffs had previously obtained approval of the proposed Master Plan from the County of El Dorado and the TRPA Advisory Planning Commission. TRPA denied plaintiffs' Master Plan application in October 1972, and at the same time rezoned the subject property from a "General Forest and Conservation Reserve" zoning designation to entirely "Conservation Reserve" zoning designation. Plaintiffs filed suit against TRPA in April 1973 on the grounds set forth below.

In 1975 the defendant California Tahoe Regional Planning Agency (hereinafter referred to as "CTRPA") adopted a Regional Plan and Land Use Ordinance. One provision of the CTRPA Land Use Ordinance precluded new subdivisions on the California side of the Lake Tahoe Basin until 85% of the existing 21,000 subdivided lots had been built out. In 1977, plaintiffs sued CTRPA on the grounds set forth below.

Plaintiffs' Contentions

Plaintiffs principally contend that the defendants specifically targeted the Lake County property as early as 1971 for public acquisition as a wildlife habitat, that restrictions imposed by the defendants on use and subdivision of the property have effectively prevented any economically viable use of the property, and that defendants denied plaintiffs' application for approval of their Master Plan for development and imposed those restrictions on the property for the purpose of preventing use or development of the property and depressing the value of the property pending public acquisition. Plaintiffs allege that defendants unlawfully took the property without due process in violation of the Fifth and Fourteenth Amendments, and the Federal Civil Rights Act, 42 U.S.C. Section 1983. Plaintiffs seek monetary damages totalling over $27 million dollars and an injunction enjoining defendants, and other public agencies acting in concert with them from, among other things, prohibiting development of the property.

Defendants' Contentions

Defendants principally contend that defendants' respective regional plans and ordinances, as applicable

to this litigation, are valid exercises of the police power, implemented through comprehensive, regional land use plans, permitting reasonable, beneficial uses of plaintiffs' property in view of all the circumstances within the Lake Tahoe region. Defendants contend, moreover, that, as a result of the respective exercises of the police power by said agencies, plaintiffs have no cause of action for the taking of property in violation of the Fifth or Fourteenth Amendments to the United States Constitution or in violation of the Civil Rights Act, 42 U.S.C. Section 1983. Defendants have maintained the foregoing contentions both generally and specifically with respect to TRPA's "Conservation Reserve" zoning of plaintiffs property and CTRPA's "85% Rule".

Defendants further contend that plaintiffs have no vested rights to any development; have failed to exhaust administrative remedies and to present the Court with a concrete controversy as a result of their failure to present to defendants a plan for development or use of plaintiffs' property pursuant to TRPA's and CTRPA's plans and ordinances applicable to said property; that the individual defendants are immune from suit and acted in good faith; that any discussions or documentation relating to acquisition of plaintiffs' property by defendants, or representatives thereof, were in pursuit of legitimate, comprehensive planning activities, which were compelled to at least recognize the existence of present and potential acquisition programs within the Lake Tahoe region.

Litigation Status

A Motion to dismiss filed by the TRPA defendants was granted by the district court in 1975. However, on appeal, the Ninth Circuit affirmed in part and reversed in part, holding, among other things, that plaintiffs' complaint states a claim for relief under the due process clause of the Fifth Amendment and that plaintiffs have stated a claim for a violation of their civil rights under Title 42 U.S.C. section 1983. The Ninth Circuit held that TRPA was immune from liability under the Eleventh Amendment and that the individual defendants, although immune from liability to the extent they were acting as legislators, have only a qualified immunity if they were acting in an executive capacity.

Plaintiffs petitioned the United States Supreme Court for writ of certiorari. The United States Supreme Court reversed in part in Lake Country Estates, Inc. v. Tahoe Regional Planning Agency, 440 U.S. 391 (1979). The Supreme Court held that plaintiffs' claim arises under

the Federal Civil Rights Act, 42 U.S.C. Section 1983, and that TRPA is not immune from suit. The Supreme Court affirmed the ruling of the Ninth Circuit with respect to the potential liability and immunity of the individual defendants. The Supreme Court remanded the case to the trial court for trial.

In October 1981, the district court consolidated the action against TRPA defendants with the action against CTRPA. CTRPA renewed a motion to dismiss and/or abstain in July 1981, which motion was denied by the district court on all grounds in February 1982.

In August 1983, the CTRPA and TRPA each moved for summary judgment. Both motions were denied by the district court in December 1983 and January 1984. After reviewing the factual records presented by all parties in connection with these motions, the court ruled that this case presents genuine issues of material fact.

The court set the consolidated actions for trial to commence June 12, 1984.

WHEREAS, it is the purpose of this Agreement to preserve the subject property for the general public and to permanently protect the unique natural resources thereon, to assist in meeting the Congressionally-mandated goals of protecting, preserving and enhancing environmental quality in the Lake Tahoe Basin, and to settle more than ten years of litigation and controversy concerning the future use of said property;

WHEREAS, compromise agreements set forth herein between parties to the Consolidated Litigation and the State have been reached which will provide for public acquisition of the subject property for public uses compatible with the property's natural resources and environmentally sensitive features; will allow the State a designated time within which to seek appropriation of funds for said acquisition, and, when consummated as set forth

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herein, will terminate the pending consolidated litigation relating to the subject property,

NOW, THEREFORE, for and in consideration of the foregoing and the mutual covenants and agreements herein contained or provided for, the parties hereto agree as follows:

1. Payment Of Money By State To Plaintiffs.

Within the time period hereinafter set forth, and upon the terms and conditions hereinafter specified, the State of California shall pay to plaintiffs from any funds which may be appropriated by the California Legislature (hereinafter referred to as "Legislature") and approved by the Governor, the total amount of five million dollars ($5,000,000) (hereinafter referred to as "purchase price") for the subject property. Nothing herein shall preclude the State from obtaining and applying funds from any source toward the payment of said total amount. Upon the passage of a Legislative appropriation for acquisition of the subject property and approval by the Governor, the State shall deposit the purchase price and the plaintiffs shall deposit the deeds to said property in an escrow account under the terms specified in Paragraph 7.

2. Plaintiffs' Conveyance Of Subject Property To State

Within fifteen days (15) of the Governor's approval of the Legislative appropriation for the purchase price of the subject property, plaintiffs Lake Country Estates, Inc. and Country Club Estates, as holders of record title to the subject property, shall deposit into an escrow account under the terms hereinafter set forth, fully executed grant deeds, conveying to

the State all title and interest to the subject property, as described in the survey to be accomplished pursuant to Paragraph 4e, excepting only those exceptions to said title and interest which are set forth in the May 18, 1984, preliminary title report which have been approved by the State as set forth herein. By the same date, plaintiff Bouldin Development Corporation shall insure that the deed of trust, mentioned as Exception No. 23 on said preliminary title report, of which Bouldin Development Corporation is a partial beneficiary, shall be removed as an exception to said title; and Bouldin Development Corporation shall provide to State its corporate quit claim of all its title and interest in the subject property.

3. Efforts to Obtain Appropriation

The parties hereto agree to use their best efforts to obtain, at the earliest date possible and within the time periods hereinafter set forth, the necessary appropriation for the payment of the purchase price. This appropriation shall provide that the provisions of Fish and Game Code section 1504 and Government Code section 7260 et seq. shall not apply to this acquisition. Failure of the Legislature to appropriate said total amount or any portion thereof, or failure of the Governor to approve said appropriation, shall not constitute a breach of this Agreement nor subject the State or any party hereto to any liability whatsoever. Upon failure of the Legislature to appropriate or the Governor to approve said total amount by September 30, 1984, or such other date as may be agreed upon by the parties, this Agreement shall terminate, the Consolidated

Litigation shall resume, and no portion of this Agreement or the negotiations relating thereto, or any effort by any party hereto or the State to consummate or obtain approval of this Agreement shall be admissible for any purpose at the trial of the Consolidated Litigation or any other litigation of any kind except a proceeding to enforce the terms of this Agreement by the parties hereto;

4. Timing and Substance of Implementing Actions

It is necessary for the parties to this Agreement to undertake certain implementing actions in advance of, and concurrently with, the conducting of the escrow in order to facilitate the successful execution of this agreement (hereinafter referred to as "implementing actions"). The timing and substance of these implementing actions are set forth below:

a. Plaintiffs have delivered to the State a preliminary title report of the property which is the subject of this litigation, prepared by Inter-County Title Company under order number 135,760tc and current as of May 18, 1984;

b. Within twenty (20) days of the date of this Agreement, plaintiffs shall deliver to State a standard MAI written appraisal of the value for the subject property as of 1972 and 1984, based on the following assumptions: (1) that TRPA had in 1972 approved plaintiffs' master plan for development of the property for approximately 2,395 dwelling units and related commercial uses on the subject property; (ii) that as of 1984 the plaintiffs would be entitled to proceed with a comparable

development on the subject property; and (iii) that as of April 1, 1984 the existing regulations affecting the property are valid and enforceable. The above described appraisals will be prepared by William Kimmel, MAI and shall include the following:

(1) an opinion as to the highest and best use of the subject property;

(2) a statement reflecting the existence of any hazardous conditions on the property, if any, which affect his opinion of value;

(3) an opinion of value;

(4) comparable sales data to support an opinion of value.

In addition plaintiffs shall provide a written statement of the professional qualifications of William Kimmel;

c. Plaintiffs shall provide evidence that all taxes on the subject property and taxes on any commercial operations upon said property are paid in full to, up to and including June 20, 1984;

d. Plaintiffs shall use their best efforts to insure that by the time of any Legislative appropriation for purchase of the subject property, but in no event later than September 30, 1984, they have deposited grant deeds from Lake Country Estates, Inc. and Country Club Estates, conveying to the State all title and interest to the subject property, as described in the survey to be accomplished pursuant to paragraph 4e, excepting only those exceptions to said title and interest which are set forth in the May 18, 1984 preliminary title report which have been approved by

the State as set forth herein. By the same date, Bouldin Development Corporation shall have deposited its corporate quitclaim of all its title and interest in the subject property;

e. (1) Plaintiffs, defendant TRPA and the State shall cooperate in obtaining a survey of the subject property to satisfy the conditions of escrow set forth in Paragraph 8b. The property survey will be paid for by the State and completed no later than August 1, 1984, or such other date as may be agreed upon in writing. If said survey results in a reduction or increase of the amount of acreage of the subject property (estimated heretofore by plaintiffs as approximately 777 acres) by an amount greater than two and one-half percent (19.425 acres), then adjustments to the purchase price or modifications to the other terms of this Agreement may be appropriate. Under such circumstances, the parties to this agreement shall confer regarding possible modifications to this Agreement;

(2) The State acknowledges that the legal description of the property may change from what is set forth in the May 18, 1984 preliminary title report and property description, attached hereto as Exhibit 1, as a result of the property boundary survey, and that such change will be recorded. The State shall consent to such change in legal description, provided acceptable modifications if any, pursuant to the procedure referred to in Paragraph 4e(1) are made and provided that the plaintiffs' interest in property so described in the survey is conveyed to the State;

f. Title to the subject property to be conveyed to the State shall be as set forth in Exhibit 1 hereto, as modified, if at all, by the survey to be obtained pursuant to Paragraph 4e hereto, subject to the following exceptions in Exhibit 1, which exceptions are the only exceptions acceptable to the State:

Nos. Four, Six, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Sixteen, Seventeen, Nineteen, Twenty, Twenty-one, Twenty-two and Twenty-four. In addition, exception No. Fifteen is acceptable, except to the extent that it creates any rights in any third party, which rights are beyond the reasonable power of the State to remove. As to such exception (No. 15) all parties shall use due diligence to remove said exception.

Plaintiffs shall exercise due diligence to attempt to eliminate those exceptions to the May 18, 1984 preliminary title report objected to herein by State. If, for reasons beyond the reasonable control of plaintiff, any previously unaccepted exception remains as of October 1, 1984, the State shall have the right either to accept title subject to such exceptions, or to terminate this Agreement, unless the State and plaintiffs agree otherwise in writing on or before October 15, 1984.

g. The parties to this Agreement shall use best efforts to assure that by September 1, 1984 or by such other date that the California Legislature adjourns the 1984 regular session, whichever is later, that the California Legislature passes a bill for the appropriation of the purchase price for the subject property. If such Legislative appropriation is made within this time period, the Parties shall commence

the opening of escrow within the time specified in Paragraph 5. If the Governor, thereafter, approves the Legislative appropriation, the State shall deposit the purchase price into the escrow account as soon thereafter as possible and, in any event, no later than October 30, 1984;

h. Representatives of plaintiffs Country Club Estates and Lake Country Estates Inc., in acting on behalf of such entities in performing the terms of this Agreement, will exercise due diligence in the ordinary course of the administration of the Estate of William C. Vanderhoof, to submit this Agreement to the Probate Court for the primary purpose of requesting the Court to adjust the amount of the existing trustee's bond, and also to secure any approval necessary for the trustees to carry out the terms of this Agreement.

5. Opening of Escrow

An escrow under this agreement shall be opened within seven (7) days of the appropriation by both houses of the California Legislature of the purchase price for the acquisition of subject property. The escrow shall be conducted by Intercounty Title Company of Placerville or by such other title company which may be agreed upon by the parties. The escrow shall be conducted according to the terms set for in this Agreement and in accordance with Escrow Instructions provided by the parties pursuant to Paragraph 6.

6. Escrow Instructions.

The parties shall provide escrow instructions to the Escrow Holder consonant with the terms of this Agreement (subject

to any additions or modifications as agreed upon in writing by the parties), including provisions as to the rights and duties of the Escrow Holder.

7. Deposits into Escrow.

a. Deposits by the State

The State shall deposit into escrow the following:

(1) Within five (5) days of the opening of escrow, the State shall deposit five copies of this Agreement fully and duly executed by the Secretary of the Resources Agency of the State of California, as successor to CTRPA, and by the Attorney General of the State of California, or his designee, for the State of California;

(2) As soon as possible after appropriations are approved and in any event no later than October 31, 1984, the State shall deposit its warrant in the amount of $5,000,000.00;

(3) Releases on behalf of the defendants in No. CV-F-81-132 REC of each plaintiff in a form acceptable to counsel for plaintiffs;

(4) Such other instruments or instructions as the Escrow Holder or the plaintiffs (Lake Country Estates, Inc., Country Club Estates and Bouldin Development Corporation) may reasonably request in order to consummate this transaction.

b. Deposits by Plaintiffs

The plaintiffs shall deposit into escrow the following:

(1) Within five (5) days of the opening of escrow, the plaintiffs shall deposit five (5) copies of this Agreement fully and duly executed by plaintiffs Bouldin

Development Corporation, Lake Country Estates, Inc. and Country Club Estates by their attorneys of record;

(2) Within fifteen (15) days of the Governor's approval of the Legislative appropriation for the purchase price of the subject property, the deeds to the subject property duly executed by all required signatories;

(3) A Request for Dismissal with prejudice of the Consolidated Litigation in its entirety as against all defendants and releases of each and every defendant in a form acceptable to counsel;

(4) Such other instruments or instructions as Escrow Holder or the defendants or the State may reasonably request in order to consummate this transaction.

c. Deposits by TRPA Defendants

The defendants Tahoe Regional Planning Agency and the aforementioned individual defendants shall deposit within five (5) days of the opening of escrow five (5) copies of this Agreement fully and duly executed by each defendant by his attorney of record and releases of each plaintiff in a form satisfactory to counsel.

d. Notarization

All signatures on the documents deposited into escrow which are to be recorded shall be duly acknowledged, or attested, as appropriate.

8. Conditions Precedent to Close of Escrow

The close of escrow is conditioned upon:

a. The approval of this Agreement by the State

Director of General Services and the Wildlife Conservation Board, which the parties to this Agreement shall use due diligence to obtain as soon as possible;

b. The completion of the boundary survey as described in Paragraph 4e and the resolution of any property or boundary disputes arising out of that survey;

c. The removal of all personal property, equipment or fixtures (except in and including dwellings, golf course buildings, water distribution systems and well pump on the golf course) which are situated on the subject property;

d. Delivery of possession and quiet enjoyment by plaintiffs;

e. Plaintiffs' ability to convey to the State at the close of escrow, all title and interest to the subject property, as described in the survey pursuant to Paragraph 4e, free and clear of all liens and encumbrances, except as approved by the State pursuant to Paragraph 4f. This condition shall be fully satisfied by the issuance of a standard owner's CLTA policy of title insurance, insuring the State with a liablity equal to the purchase price referred to in this Agreement, which policy shall, in addition to the standard printed exceptions, contain only those exceptions to Exhibit 1 hereto which the State has approved in Paragraph 4f of this Agreement;

f. The deposit of the purchase price by the State and all required documents as provided in Paragraph 7;

g. The proration of current real property taxes as of the close of escrow and payment by plaintiffs of their pro rata

share thereof;

h. The plaintiffs shall make the subject property available for security fencing by a designated state agency after November 1, 1984, provided that (i) the security fencing becomes the property of plaintiffs in the event escrow does not close and (ii) that plaintiffs shall have the right to approve the specific placement of such fencing (iii) such fencing will not be placed on the golf course area;

i. Waiver by plaintiffs of any benefits to which they or any of them might otherwise be entitled from this transaction pursuant to Government Code section 7260 et seq.

9. Allocation of Costs and Expenses

a. The expenses and fees of the Escrow Holder including but not limited to those involved in the recordation of various documents required to be recorded pursuant to the terms of this Agreement, if any, shall be borne equally by the State and the plaintiffs.

b. The premiums and cost of the policy of title insurance shall be paid by the State;

c. All expenses and charges incurred with the discharge of delinquent taxes, or any liens, exceptions or encumbrances to be removed from title pursuant to this Agreement, shall be charged to the plaintiffs;

d. Preparation and recording charges for the grant deed to be delivered to the State shall be paid for by the State;

e. The cost of the appraisal referred to in Paragraph

19.

4b shall be paid by plaintiffs;

f. The costs of the property boundary survey shall be paid for by the State;

g. Each party hereto shall individually bear the respective fees, costs and expenses of any attorney, engineer or other person retained or employed by it in connection with the subject transaction, except as provided in Paragraph 14(1).

h. The current real property taxes shall be prorated, as of the close of escrow between plaintiffs and the State.

10. Close of Escrow

When the conditions precedent in Paragraph 8 have been satisfied, when all required documents have been deposited with the Escrow Holder and when all other instructions pursuant to this Agreement have been complied with, the Escrow Holder shall set a date for the close of escrow for as early a date as possible, but in no event later than November 30, 1984, unless otherwise agreed to in writing by the parties. The Escrow Holder shall perform the following acts on such close date in the order set forth below:

a. The Escrow Holder shall record the deeds deposited in escrow;

b. The Escrow Holder shall release the cash payable to plaintiffs the amount of $5,000,000.00, less any sums necessary to pay any obligations to be paid by plaintiffs as defined by this Agreement in paragraphs 9a and allocable portions of 9h;

c. The Escrow Holder shall deliver to defendants the requests for dismissal, with prejudice, of those entire actions,

Nos. CVF-81-127-REC and CVF-81-132-REC, which are the subject of this Agreement;

d. The Escrow Holder shall deliver the releases to all parties called for by this Agreement to counsel for the released parties;

e. The Escrow Holder may record and shall deliver any additional instruments delivered through the escrow, if necessary or proper in connection with the issuance of the policy of title insurance called for or otherwise in accordance with this Agreement and Escrow Instructions.

11. Termination of Escrow

The escrow provided for hereby shall automatically terminate upon either of the following events:

a. If the Agreement terminates due to the failure of the conditions set forth in Paragraph 3;

b. If the Escrow Agent is unable to close the escrow as provided in Section 8 and 10 hereto prior to November 30, 1984, or such other date as the parties may agree.

12. Effect of Termination of Escrow

a. In the event the escrow is terminated for any reason as provided in Paragraph 11 hereof, the Escrow Holder shall forthwith return all documents to the party depositing the same; provided, however, that the Request for Dismissal shall first be marked "VOID" in large, noticeable letters on the face thereof;

b. If the escrow is terminated and if any party has failed to perform its respective duties hereunder, each

party shall have such rights and remedies as provided by law and in equity for the failure of such other party to perform.

13. Duties of Escrow Holder

a. Prior to the close of escrow or termination thereof in accordance with the terms of this Agreement no party shall have the right to withdraw instruments or documents deposited by it with Escrow Holder;

b. All funds received by the Escrow Holder pursuant to the provisions of this Agreement shall be deposited with other escrow funds in a general interest bearing escrow account, or accounts, with any state or national bank doing business in the State of California, and may be transferred to any other such general escrow account or accounts. All disbursements shall be made by check of Escrow Holder. All interest on said account on or prior to close or termination of escrow shall be paid to the State; interest after the close of escrow shall be paid to the plaintiffs;

c. When the Escrow Holder has filed all documents for recording pursuant to the provisions of this Agreement, it shall proceed to distribute all documents remaining in its custody to the appropriate parties and deliver the policies of title insurance provided for in this Agreement to the State. Upon completion thereof, the Escrow Holder shall give notice to the parties that it has completed its duties and responsibilities arising out of this Agreement and, absent an objection from any party within said ten days thereafter, shall be discharged of any further duties and responsibilities hereunder. During said

ten day period, any party may object to the Escrow Holder being discharged if any duties or responsibilities remain for the Escrow Holder to accomplish. Said objection shall be given in writing and in the manner for giving notices herein. The effect of such objection shall be to prevent the discharge of the Escrow Holder until said objection is withdrawn, another notice of completion has been given, and a ten day period without objection from any party has run.

14. Miscellaneous Provisions

a. This Agreement shall be effective upon the accomplishment of all of the following:

The execution of this Agreement by the plaintiffs, the defendants and the State. If this Agreement is not executed and approved as set forth in this paragraph by June 30, 1984, it shall become null and void and of no effect whatsoever.

b. The agreements of the plaintiffs, defendants and the State contained herein are, in part, a compromise and settlement of the disputes with regard to the subject property which are the subject of this litigation. In the event this Agreement does not become effective, or that the appropriation and approval by the Legislature and/or the Governor do not occur, or that the close of escrow does not occur, nothing herein shall be an admission of any party hereto with respect to said matters, and shall not be used by any party hereto in any proceeding, other than a proceeding to enforce the terms of this Agreement, whether judicial or otherwise to evidence the location, character, condition or legal status of any property or interest

therein that is the subject of this Agreement, or the belief, statement, knowledge or intent of any party hereto with respect to said property or interest.

c. So long as authorized by applicable laws to do so, each of the parties hereto will do such further acts and execute, acknowledge and deliver all further conveyances and other instruments as may be necessary to more fully assure to each other party hereto, all of the respective properties, rights, titles, interests, estates, remedies powers, and privileges to be conveyed or provided for herein.

d. The parties agree that all provisions of this Agreement which remain to be performed after the close of escrow shall survive such close and shall continued in full force and effect. Upon the close of escrow, all such provisions of this Agreement shall be severable, separate and distinct from the other provisions of this Agreement. Should any party fail to comply with any or all of such provisions after the close of escrow, such failure shall in no way affect the consideration supporting this Agreement or the validity or binding nature thereof. Nothing herein, however, shall affect or diminish the rights of any party hereto at law or in equity, or both, to enforce the provisions of this Agreement against any other party hereto.

e. As used herein, whenever the context so requires, the neuter gender includes the masculine and the feminine, and the singular includes the plural and vice versa. Defined terms are to have their defined meaning regardless of the grammatical

form, number or tense of such terms.

f. The table of contents contained in this Agreement and the title headings of the respective articles and sections of this Agreement are inserted for convenience only, and shall not be deemed to be part of this Agreement or considered in construing this Agreement.

g. All notices required or permitted to be given to a party hereto or to the Escrow Holder by the provisions of this Agreement shall be deemed to have been given forty-eight (48) hours after such notice is deposited in the United States mail as registered or certified mail, with postage thereon fully prepaid, addressed to such party at its address set forth under or opposite its signature to this Agreement, or when such notice is filed as a telegram with Western Union Telegraph Company, or any successor in interest of said telegraph company, addressed as above provided, with all charges thereon fully prepaid. Any notice given in any other fashion shall be deemed to have been given when actually received by the addressee. Any party hereto may change its address by giving written notice to all other parties hereto and the Escrow Holder. A copy of all notices given by a party to another party hereto also shall be given to the Escrow Holder and said notice shall not be effective until deemed given to both the party to receive it and the Escrow Holder pursuant to the provisions of this paragraph.

The addresses of the parties hereto are as follows:

/ / /

/ / /

(1) Plaintiffs: Bouldin Development Corporation by and through its attorneys of record herein:

Gary Moore,
Jane Cosgriff Sullwold,
McCUTCHEN, DOYLE, BROWN & ENERSEN,
Three Embarcadero Center,
San Francisco, California 94111.

Lake Country Estates and Country Club Estates by and through their attorneys of record herein:

John Bartko,
Robert H. Bunzel,
BARTKO, WELSH & TARRANT
One Maritime Plaze, Suite 1440
San Francisco, California 94111

(2) Defendants: Tahoe Regional Planning Agency and the individual defendants John Meder, Jay Allen Bray, Thomas Stewart, Lester S.Nagy, Charles Meneley, Walter E. MacKenzie, Raymond L. Knisley, Norman B. Livermore, Elmo J. DeRicco, James Henry, William E. Briner, Richard M. Heikka by and through their attorneys of record herein:

Gary A. Owen,
Louis R. Doescher
SHAW, HEATON, DOESCHER & OWEN, Ltd.
304 S. Minnesota
Carson City, Nevada 89702
P. O. Box 605
Carson City, Nevada 89702

California Tahoe Regional Planning Agency by and through its attorney of record:

Richard M. Skinner,
Deputy Attorney General
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, California 95814

/ / /

/ / /

(3) State of California (Same as California Tahoe Planning Agency.)

h. Time is of the essence in this Agreement.

i. All amendments and supplements to this Agreement of purchase and escrow instructions must be in writing and executed by each party to this action by its attorney of record. However, such execution may be in counterparts and, when so executed, shall be deemed to constitute one document.

j. This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument and as if all of the parties to the aggregate counterparts had signed the same instrument.

k. The rights and obligations of the parties to this agreement may not be assigned by either party without the consent of the other party. If such consent is given, the consent shall not be deemed to relieve the assigning party of the primary liability under this agreement.

l. In case of litigation between plaintiffs, defendants or the State relating to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees.

m. Each person signing this Agreement on behalf of plaintiffs, defendants Tahoe Regional Planning Agency, California Tahoe Regional Planning Agency and the State warrants that he or she is authorized by the respective party to execute and deliver this Agreement and that this Agreement will become binding on that party.

n. The title to the property to be conveyed hereunder shall be evidenced by, and any title conditions herein contained shall be satisfied by, issuance at closing to the State of the policy of title insurance described in Paragraph 8e hereto. The State will inspect the property within ten days to ascertain its current condition and forthwith shall provide plaintiffs with a reasonable list of personal property to be removed, the removal of which shall fully satisfy the state as to the property's condition. The property shall be substantially in the same condition at the close of escrow as of the date of said inspection.

o. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California.

p. This Agreement is entered into solely for the benefit of the parties hereto and shall be for the benefit of, and be binding upon, the parties hereto, their successors, transferees, and assigns. Other than the parties hereto and their successors, transferees, and assigns, no third person shall be entitled, directly or indirectly, to base any claim or have any right arising from or related to this Agreement.

q. This Agreement contains the entire agreement and understanding concerning the subject matter between the parties to this Agreement and supersedes and replaces all prior negotiations and proposed agreements, written and oral. Each of the parties hereto acknowledges that no other party, nor the agents, nor attorneys of any other party, has made any promise, representation, or warranty whatsoever, express or implied, not

contained herein to induce the execution of this Agreement and acknowledges that this Agreement has not been executed in reliance upon any promise, representation, or warrant whatsoever, express or implied, not contained herein to induce the execution of this Agreement. This Agreement may only be amended in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first set forth hereinabove.

Bouldin Development Corporation
by and through its attorneys of
record herein:

Gary Moore,
Jane Cosgriff Sullwold,
Antonio Rossmann
McCUTCHEN, DOYLE, BROWN & ENERSEN,
Three Embarcadero Center
San Francisco, California 94111.

DATED: 6/11/84 By: [signature]

Lake Country Estates and Country
Club Estates by and through their
attorneys of record herein:

John Bartko,
Robert H. Bunzel,
BARTKO, WELSH & TARRANT
One Maritime Plaza, Suite 1440
San Francisco, California 94111

DATED: 6/11/84 By: [signature]

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Tahoe Regional Planning Agency and the individual defendants John Meder, Jay Allen Bray, Thomas Stewart, Lester S. Hagy, Charles Moneley, Walter E. MacKenzie, Raymond L. Knisley, Norman B. Livermore, Elmo J. DeRicco, James Henry, William E. Briner, Richard H. Heikka by and through their attorneys of record herein:

Gary A. Owen,
Louis R. Doescher
SHAW, HEATON, DOESCHER & OWEN, Ltd.
304 S. Minnesota
Carson City, Nevada 89702
P. O. Box 605
Carson City, Nevada 89702

DATED: June 12, 1984 By: [signature]

California Tahoe Regional Planning Agency by and through its attorneys of record:

JOHN VAN DE KAMP, Attorney General
N. Gregory Taylor, Assistant Attorney General
Richard M. Skinner, Deputy Attorney General
Nancy S. Wainwright, Deputy Attorney General
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, California 95814

DATED: June 12, 1984 By: [signature]

State of California by and through the Attorney General of the State of California:

JOHN VAN DE KAMP, Attorney General
M. Gregory Taylor, Assistant Attorney General
Richard M. Skinner, Deputy Attorney General
Nancy S. Wainwright, Deputy Attorney General
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, California 95814

DATED: June 12, 1984 By: M. Gregory Taylor

State of California

The Resources Agency of California

# Memorandum

Date : August 6, 1985

To : David B. Schaub, Supervisor
Natural Heritage Section

From : Department of Parks and Recreation

Subject: Upper Truckee Meadows, aka
Lake Country Estates, Project

The Department has acquired control of this 777 acre project near Meyers. A copy of the authorization is attached.

We have been asked to have a General Plan ready for the Commission in July of 1988. The preparation of the General Plan itself may be assigned to others. The classification will be done by Department staff, with the lead by this Division.

Please get this action under way. The property has an existing recreation facility (golf course) and one can infer the bill authorizes its continuance. I want us to explore a variety of alternatives such as:

Proposing the transfer of the golf course to others with restrictive controls and a separate classification for the remainder.

Adding the entire parcel to Tahoe State Recreation Area.

State Recreation Area status for the whole parcel.

Any other.

Please work with Region, District and Lee Warren.

James M. Doyle, Assistant Chief
Resource Protection Division

cc: G. Tanner
L. McCargo
J. Anderson
R. Henry
Inland Region
Sierra District

State of California — The Resources Agency
DEPARTMENT OF PARKS OF RECREATION

WB APR 13 1987
cc: Betty
North Sector
4/13 JK
DTV

# ORGANIZATIONAL NAME/NUMBER CHANGES

I. PLEASE ☑ ESTABLISH ☑ CHANGE ☐ DELETE THE FOLLOWING:

| FROM NO. | FROM NAME | TO NO. | TO NAME |
|---|---|---|---|
| 382 | Lake Country Estates | 382 | Lake Valley SRA |
| | Establish → | 390 | Washoe Meadows SP |

EXPLANATION: The Prk. & Rec. Comm. 3/23/87 meeting classified & name 2 units and added them to the State Park System. Both units will be managed by Sierra Dist. These parks shall carry a designation of "UNIT" status.

REQUESTED BY
Eugene Erba (Signature) — Program Analyst (Title) — 3/24/87 (Date)

APPROVED BY
Not Required (Director) — (Date)

---

II. FORWARD TO PROGRAM ANALYSIS UNIT

DATE RECEIVED 3/24/87 (Program Analysis Unit) — ROUTED FOR PROCESSING To Computer Services 3/24/87 (Date)

---

III. PROCESSED

BUDGETS SECTION Not Required (Signature) — (Date) — (Effective Date)

ACCOUNTING SECTION Not Required (Signature) — (Date)

PERSONNEL SECTION Not Required (Signature) — (Date)

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IV. RETURN COMPLETED FORM TO PROGRAM ANALYSIS UNIT

DATE RECEIVED (Program Analysis Unit) — COPIES SENT TO: ____ COMPUTER SERVICES UNIT ____ BUSINESS SERVICES UNIT ____ DARC

(more)

State of California

# Memorandum

The Resources Agency of California

MAY 30 1985

Date : April 22, 1985

#11

11 pgs.

To : Wm. S. Briner
Director

From : **Department of Parks and Recreation** - Inland Region

Subject: Lake Country Estates General Plan

Recently our Department, at the request of the Department of Finance and Legislative Analyst, omitted the General Plan for Lake Country Estates being completed out of the enabling legislation funding. The Legislative Analyst and Department of Finance stipulated that the entire $667,000 provided in the legislation fund the restoration of the property, and could not be used for the completion of the General Plan.

Within the next two weeks we will award the concession contract for the operation of the golf course. The contract was for three years only, our plan being to complete the General Plan during this three year window. It is critical that the General Plan be completed during this time frame to allow us to go to bid for a long-term basis prior to May 1988.

We are requesting that the Lake Country Estates property be given high priority consideration to allow the completion of the General Plan prior to the summer of 1988. It was our plan to complete the General Plan on a "contract basis." We estimated the cost to be about $120,000.

Your favorable review of this request is appreciated.

William J. Monaghan
Regional Director

cc: TO MACOMBER

CONCUR:

Garth R. Tanner
Chief Deputy Director
for Operations

4/24/85
Date

cc: Les McCargo
Jeff Anderson

State of California

The Resources Agency of California

# Memorandum

Date : July 1, 1985

To : Inez Cook
Inland Region

From : **Department of Parks and Recreation**
Sierra District Headquarters

Subject: Major Capital Outlay Expenditure

The enabling legislation for Lake Country Estates appropriates $667,000 for restoration of the property. The Public Works Board approved $656,800 - see attached cost estimate.

We are requesting that the money is established in the following manner:

(1) $140,600 - Contract with C.C.C. to conduct restoration work.

(2) $ 81,900 - In the 700 account for equipment.

(3) $424,000 - In the 650 account for fencing, Rip Rap, Paving.

(4) $ 5,000 - In travel account for District, Regional and Sacramento staff travel.

(5) $ 5,000 - In the 550 account for rental of heavy equipment.

(6) $ 300 - In the 122 account for expendable items.

Total Planned Expenditure $656,800.

These are our best projections at this time. We will need the flexibility to T.B.A. funds at a later date. In addition, can we purchase equipment up to the $81,900 limit without going to the Public Works Board for approval? Right now it looks like we will expend only $68,000 for equipment. The remaining $13,900 could be well spent on needed equipment for The Lake Country Estates Project.

Your help is appreciated in setting up the money. The budget section should be made aware that we plan on expending this money over the next three years.

Bob —

Robert G. Macomber
District Superintendent

Blazer 11,170
Ranger 11,520

13,760

RGM:cf

cc: William Monaghan - with attached
Bill Heilbronn - with attached

COST ESTIMATE
DEPARTMENT OF PARKS AND RECREATION
DEVELOPMENT DIVISION

Sheet 1 of 1

Park SIERRA DISTRICT PMS No.

Project LAKE COUNTRY ESTATES Date MARCH 18, 1985

Funding By JENSEN

BOTTOM LINE INCLUDING MARKUP, CONTINGENCY AND A&E ON EROSION - WATER QUALITY PORTION. GENERAL PLAN EXCLUDED.

| QUAN. | UNIT | ITEM | UNIT PRICE | AMOUNT |
|---|---|---|---|---|
| | | SITE CLEARING | | |
| | | CCC CREW TIME (A) | | 140 616 |
| | | EQUIPMENT PURCHASE (B) | | 81 900 |
| | | MISC. EXPENDITURES (F) | | 10 459 |
| | | | | $ 232 975 |
| | | FENCING (C) | | $ 95 040 |
| | | EROSION - WATER QUALITY (D) | | |
| | | ITEMS #1 THRU #6 | | 218 985 |
| 104,000 | SF | ADD FOR CURBS, STRIPING, BUMPERS ETC. | ¢5 | 26 000 |
| | | | | 244 985 |
| | | CONTRACTOR'S MARKUP | 10% | 24 500 |
| | | | | 269 485 |
| | | CONTINGENCY ± | 7% | 18 850 |
| | | ARCH, ENGR, FEES, PERMITS, ETC | 15% | 40 450 |
| | | | | $ 328 785 |
| | | COMPLETION OF GENERAL PLAN (E) | | OMIT |

| | |
|---|---|
| Subtotal | |
| Contingencies | |
| A & E Services | |
| Total | $ 656 800 |

☒ Preliminary Estimate

☐ Final Estimate

DPR 630 (4/78)

LAKE COUNTRY ESTATES RESTORATION

TIME FRAME PROJECTIONS

The following is our estimate when the restoration work will be completed at the Lake Country Estates project.

Environmental clearances, weather, and legal constraints may require modification of these projections.

A. California Conservation Corp.

Restoration work includes: stump grinding, quarry reforestation, fence line clearing, garbage and debris removal, stream clearance, tree slash removal.

Ongoing project for summers of 1985, 86, 87. Estimated $140,000.

B. Equipment

The equipment will be used on the project in coordination with the California Conservation Corp and the State Park staff. The work would be ongoing for the summers of 1985, 86, 87. Estimated $81,900.

C. Fencing

The fencing consists of replacing about 6 miles of existing barb wire fence in very poor condition, with a new smooth wire boundary fence. The project should begin in late summer of 1985 and be completed by October 15, 1985. In addition, in high visibility areas a split rail fence would be installed. Estimated total cost $95,000.

D. Erosion Water Quality

The parking lot paving, on-site drainage, cart path paving will be completed in one contract between July 15 and October 15, 1985. The revegetation work will be ongoing during the summers of 1985 and 1986. The riprapping along the upper Truckee River will be completed in the fall (September 15 to October 15) of 1986. $338,985 is allocated for this work.

E. Miscellaneous Expenditures

$10,500 is required for miscellaneous expenditures for equipment rental, travel, gas-oil-repairs, small tools, fees and expenses.

Lake Country Estates - Time Frame Projections

Expenditure Estimate Summary

| | | |
|---|---|---|
| A. | $140,600 | CCC |
| B. | $ 81,900 | Equipment |
| C. | $ 95,000 | Fencing |
| D. | $339,000 | Erosion/Water Quality |
| E. | $ 10,500 | MIscellaneous Expenditures |
| | $667,000 | TOTAL |

F

State of California — The Resources Agency of California

# Memorandum

Date : March 1, 1985

To : Jeffrey Anderson, Chief
Development Division

Attn: Diann Gee

From : Department of Parks and Recreation
Sierra District

Subject: Lake Country Estates

Today I talked to Robin Baker concerning the Lake Country Estates property. Her main concern is the provision for $120,000 to complete the General Plan. She felt the Legislation stipulated that the $667,000 was to be used only for restoration and dosen't allow for funding of the General Plan.

Enclosed you will find a draft of the Bill which shows $200,000 for restoration of the property. It is my understanding that the Directors staff notified the author of the Bill along with Greg Taylor from the Attorney Generals office, that the $200,000 was inadequate to accomplish what is required to plan and restore the property. It was agreed to fund $667,000 to complete a General Plan, fence the property, address water quality concerns, to complete restoration/reforestation work, secure required equipment, and the provision for funding miscellaneous small expenditures.

The enclosed expenditure plan addresses the key elements which should be funded in order for the Department of Parks and Recreation to properly assume management responsibility of the property.

Your memo requests supplemental information on the proposed Expenditure Plan. The California Conservation Corp would be used to: Help with the clean up of garbage and debris on the property, grinding tree stumps, clearing along boundary fence line, reforestation of quarry area, revegetation of the sand drag area. Why do we need to buy equipment and tools: This is the most cost effective method of securing the equipment, this is supported by the DPR 504's. The equipment is needed if we are to rehabilitate the property. Why is the boundary fencing necessary: Lake Country Estates is surrounded on all sides by residential areas. The area without proper fencing would be subject to encroachments, wood thefts, and off highway vehicle use.

A great deal of time and effort was spent informulating the expenditure plan. The augmentation in the appropriation from $200,000 to $667,000 was at the request of the Department of Parks and Recreation, and the increase was authorized to fund the concerns we expressed. It is critical that the plan is completed. The recently approved concession contract for the Golf Course is for only three years. This time frame was adopted so the General Plan could be completed during this three year period.

C

Jeffrey Anderson, Chief
Development Division

Attn: Diann Gee

If we can provide any additional information, please give us a call. Your help in forwarding this information to Robin is appreciated.

RGMacomber

Robert G. Macomber
District Superintendent

cc: Bill Monaghan
Garth Tanner

Section 1. There is hereby appropriated from the 1984-85 fiscal year state tideland oil reserve, to be payable prior to all obligations specified in Public Resources Code Section 6217, five million ten thousand dollars ($5,010,000) to the Wildlife Conservation Board for the acquisition and two hundred and twenty thousand dollars ($220,000) to the Department of Parks and Recreation for restoration and maintenance of the real property which is the subject of litigation entitled Lake Country Estates, Inc., et al, v. Tahoe Regional Planning Agency, et al. (United States District Court for the Eastern District of California, No. CV-F-81-127-REC) an Lake Country Estates, Inc., et al. v. California, Tahoe Regional Planning Agency, et al. (United States District Court for the Eastern District of California, No. CV-F-81-132-REC).

Schedule:

Land Acquisition - $5,010,000

Restoration - $200,000

Maintenance (1st year)- $20,000

Provisions:

1. The Department of Fish and Game, Wildlife Conservation Board, upon acquisition, shall transfer control and possession of the property to the Department of Parks and Recreation.

2. The property is to be operated and maintained by the Department of Parks and Recreation in a manner which promotes its environmental and recreational values.

Section 2. The acquisition of this property in accordance with this act shall be carried out pursuant to the provisions of the Wildlife Conservation Law of 1947, Fish and Game Code Sections 1300 et seq.

Section 3. The acquisition of this property in accordance with this act shall be exempt from relocation assistance requirements, if any, which would otherwise exist pursuant to Government Code Sections 7160, et seq.

Section 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to acquire as state lands an environmentally sensitive parcel of approximately 777 acres of land comprising wetlands, meadow and wildlife habitat for the purpose of protecting a unique and irreplaceable watershed through which the Upper Truckee River supplies approximately 40% of the water flowing into Lake Tahoe, and to settle and dismiss with prejudice that litigation entitled Lake Country Estates, Inc., et al. v. Tahoe Regional Planning Agency, et al. (United States District Court for the

Eastern District of California, No. CV-F-81-127-REC) and Lake Countr: Estates, Inc., et al v. California Tahoe Regional Planning Agency, et al. (United States District Court for the Eastern District of California, No. CV-F-81-132-REC), it is necessary that this act take effect immediately.

## EXPENDITURE PLAN-LAKE COUNTRY ESTATES

### $667,000 APPROPRIATED

(A) C.C.C. Crew Time - two year expenditure on clean up

| | | |
|---|---|---|
| Summer '85 - 18 weeks 15 person crew - | | $ 70,308.00 |
| Summer '86 - 18 weeks 15 person crew - | | 70,308.00 |
| | TOTAL: | $140,616.00 |

(B) EQUIPMENT PURCHASE

| | | |
|---|---|---|
| Post Hole Auger - | | $ 1,400.00 |
| Tractor, Backhoe - Loader | | 69,000.00 |
| Stump Grinder - | | 11,500.00 |
| | TOTAL: | $ 81,900.00 |

(C) FENCING OF PROPERTY

| | | |
|---|---|---|
| 31,680 Feet @ $3.00 per feet - | TOTAL: | $ 95,040.00 |

(D) EROSION-WATER QUALITY (LAHONTAN R.W.Q.C.B. REQUIREMENTS)

| | | |
|---|---|---|
| 1. | Pave existing dirt parking lot 104,000 sq. ft. @$1.5/sq. ft. | $ 156,000.00 |
| 2. | Onsite drainage facilities | 3,600.00 |
| 3. | Cart path paving - wet areas 12,800 sq. ft. @ $1.5/sq. ft. | 19,200.00 |
| 4. | Revegetation of existing disturbed golf course area | 485.00 |
| 5. | Riprapping along portions of upper Truckee River Bank 150 yds. @ $250/cu. yd. | 37,500.00 |
| 6. | Revegetation, scarifying and seeding - | 2,200.00 |
| | TOTAL: | $ 218,985.00 |

(E) COMPLETION OF GENERAL PLAN TOTAL: $ 120,000.00

(F) MISCELLANEOUS EXPENDITURES

| | | |
|---|---|---|
| 1. | Heavy Equipment Rental | $ 5,000.00 |
| 2. | Travel | 2,000.00 |
| 3. | Gas-Oil-Repairs | 1,000.00 |
| 4. | Misc. small equipment/tools (i.e., chainsaws) | 1,000.00 |
| 5. | Misc. fees and expenditures | 1,459.00 |
| | TOTAL: | $ 10,459.00 |

GRAND TOTAL: $ 667,000.00

AOB8-1

The commenter believes that a reasonable range of alternatives were not evaluated in the draft EIR/EIS/EIS because some would not be feasible due to State Parks objective to maintain adequate revenue or funding limitations. As discussed in Chapter 1, "Introduction and Statement of Purpose and Need," and as required by NEPA and TRPA, each alternative (Alternatives 1–5) was considered at an equal level of detail. However, under CEQA, alternatives do not have to be analyzed at the same level of detail as the proposed project. Because the draft EIR/EIS/EIS is a joint document, it has been prepared using the more comprehensive, comparable-detail approach required by NEPA and TRPA. The alternatives analysis has also been used as a planning mechanism to support the development of alternatives and, ultimately, identification of the "proposed Preferred Alternative." In this way, preparation of a CEQA document has been an evolving process in which the project description is modified in response to environmental and socioeconomic characteristics of the study area. In essence, the project description has developed largely in response to the results of the impact analysis. Such an approach can be particularly effective for projects located in or near wetlands, stream environment zone (SEZ) environments, or other sensitive resource areas.

As discussed in Chapter 2, "Project Alternatives," of the draft EIR/EIS/EIS, the project's purpose and need and its goals and objectives were used to develop screening criteria, which in turn were used to select the alternatives to evaluate in the EIR/EIS/EIS. The primary purpose of the project is to restore natural geomorphic and ecological processes along this reach of the Upper Truckee River, and to reduce the river's discharge of suspended sediment to Lake Tahoe while still providing access to recreation opportunities in Washoe Meadows SP and Lake Valley SRA.

The alternatives development process was structured so that potential alternatives were systematically identified, then compared to the screening criteria to ascertain the ability of each alternative to meet the project purpose and need and project objectives. Alternatives that passed this screening review were carried forward into the draft EIR/EIS/EIS for detailed evaluation of potential environmental impacts. These alternatives were developed by State Parks, the U.S. Bureau of Reclamation (Reclamation), TRPA, and their team of technical consultants. The agencies and consultants developed the alternatives after reviewing comments received on the notice of preparation (NOP) and notice of intent (NOI), provided at public scoping meetings, and received at an additional public workshop on recreation planning (See Appendix O for Recreation Workshop Summary Report). As a result of the public scoping comments in the fall of 2006, a fifth alternative, restoration and elimination of the golf course was added, the potential for off-site relocation of the golf course was evaluated, and the lead agencies decided not to select a preferred alternative/proposed project until the public draft document was released and public comments were received and evaluated.

As stated in Section 15084(c) of the State CEQA Guidelines, the lead agency must consider all information and comments received. As indicated in the State CEQA Guidelines, the lead agency has discretion as to whether to include the information or comments in the draft EIR in whole or in part. Consistent with the State CEQA Guidelines, State Parks considered all scoping comments.

A range of reasonable alternatives was presented for public review during circulation of the draft EIR/EIS/EIS. The identification of alternatives is to be governed by the rule of reason. Infeasible alternatives need not be discussed in detail. Section 15126.6(c) of the State CEQA Guidelines provides the following guidance in selecting a range of reasonable alternatives for the project:

> The range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project, and could avoid or substantially lessen one or more of the significant effects. The EIR should also identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

Alternatives for river treatment were considered during conceptual planning and preliminary assessment of the project, before preparation of the draft EIR/EIS/EIS began (SH+G 2004a, 2004b). Also, alternative locations for the golf course have been evaluated in response to public comments. In both cases, early in the planning process, some of the alternatives considered were assessed and found to be infeasible in meeting most of the basic project objectives or in reducing a significant impact of the other alternatives; therefore, they were eliminated from detailed evaluation. The process fulfills requirements for developing alternatives for analysis in this draft EIR/EIS/EIS.

During the planning process, additional studies (e.g., the 2008 economic report) were completed in response to public requests. Data from these reports have assisted State Parks, TRPA, and Reclamation in determining a proposed Preferred Alternative. Data presented in the 2008 economic report (HEC 2008) and in the environmental analysis of the draft EIR/EIS/EIS concluded that Alternative 3 would likely not meet State Parks' objective to maintain adequate revenue and Alternative 4 would not meet State Parks' geomorphic restoration objective. It has not yet been determined if State Parks will receive construction funding for any of the action alternatives; however, State Parks believes it will be easier to obtain funding for a geomorphic restoration approach that meets more of the stated goals than it would be to obtain funding for a stabilization which would meet fewer of these goals. As discussed in Chapter 2, "Project Alternatives" of the draft EIR/EIS/EIS, because Alternative 4 could meet some of the goals, including some water quality and recreation goals, this alternative was considered feasible for evaluation in the EIR/EIS/EIS.

AOB8-2 The commenter's support for Alternative 4 and opposition to Alternatives 2, 3, and 5 because of differences in short-term water quality impacts is noted. The commenter's relative preference of Alternatives 3 and 4 over Alternative 2 in terms of TRPA thresholds and short-term water quality impacts is noted. For clarification, TRPA thresholds are related to long-term impacts and benefits (thresholds are evaluated on a 5-year basis). See Chapter 4, "Other Required Sections," of the draft EIR/EIS/EIS for a discussion of the effects on thresholds.

AOB8-3 The commenter believes that the impact analysis related to fens, wetlands, SEZ, and uncommon plant communities is inadequate and inaccurate. See Master Response Section 3.3, "Biological Resources," and Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality." Also refer to Chapter 5, "Corrections and Revisions to the Draft EIR/EIS/EIS for text revisions related to potential impacts on biological resources.

AOB8-4

The commenter states that the coverage verification is inaccurate and inconsistent with TRPA goals and policies relating to land coverage. The draft EIR/EIS/EIS describes the methods and assumptions for the coverage analysis on pages 3.6-22 and 3.6-23 and presents information about Chapter 20 of the TRPA Code of Ordinances on page 3.6-9. As described on page 3.6-9, Section 20.4 prohibits installing new land coverage in or otherwise permanently disturbing areas assigned to Land Capability District (LCD) 1, 2, or 3. Exceptions to these prohibitions exist for single-family dwellings that are subject to review under the individual parcel evaluation system, qualifying public outdoor recreation facilities, and other qualifying public facilities. (Some examples of other qualifying public facilities are water quality control facilities, including erosion control projects; and habitat restoration, wetland rehabilitation, and SEZ restoration projects.)

Section 20.5 of the TRPA Code of Ordinances discusses the excess land coverage mitigation program. This program applies when the amount of land coverage that exists in the project area before project implementation exceeds the base land coverage for the project area. Section 20.5.C states that existing land coverage may be relocated from one portion of a SEZ to another portion if relocation would result in a net environmental benefit to the SEZ. Net environmental benefit to a SEZ is defined in Section 20.5.C as an improvement in the functioning of the SEZ and includes but is not limited to the following:

(a) relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel;

(b) retirement of land coverage in the affected SEZ in the amount of 1.5:1 of the amount of land coverage being relocated within a SEZ; or

(c) for projects involving the relocation of more than 1,000 square feet (sq. ft.) of land coverage within a SEZ, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the SEZ and will not negatively affect the quality of existing habitats.

Under the latter criterion, land coverage relocation in the affected SEZ can be at a 1:1 ratio (Gustafson, pers. comm., 2010). As discussed in Impact 3.6-3 (Alt. 2), the project would relocate land coverage at a 1:1 ratio. Relocating the coverage farther from the river, which would allow for a geomorphic restoration of the SEZ currently occupied by the golf course, would improve the function of the SEZ and would not negatively affect existing SEZ habitat. Banking of excess coverage is allowed by the TRPA Code of Ordinances and mitigation presented in this is analysis is consistent with TRPA regulations.

The commenter states that the coverage calculations used in the evaluation of alternatives are incorrect and confusing. Based on minor project modifications, changes to coverage numbers are provided in Chapter 5, “Corrections and Revisions to the Draft EIR/EIS/EIS.” The new numbers and all calculations were reviewed for this final EIR/EIS/EIS, and no inaccuracies are expected. However, coverage numbers have been estimated and may be modified based on final design. Such a modification would not affect the finding of a less-than-significant impact because, as shown in the analysis, excess (banked) coverage is available. Coverage changes will be filed with TRPA upon completion of the project.

The coverage calculations are difficult to present because of their complexity. Some information that could have been useful for a complete review of the coverage

calculations was not readily visible in the analysis presented in the draft EIR/EIS/EIS. Examples include the total verified coverage within the study area, and the difference between total allowable coverage and proposed coverage (the excess coverage available after project implementation). These new categories have been added to Tables 3.6-4 through 3.6-15 and should clear up confusion about potential coverage impacts.

The comments about specific inaccuracies in coverage calculations appear to have been based on an erroneous interpretation of the data provided. The revised Tables 3.6-4 through 3.6-15 provide a clear picture and accurate disclosure of the coverage changes that would take place under all possible alternatives.

The commenter also requests that TRPA's documentation of coverage verification be provided as an appendix. No appendix will be added to this final EIR/EIS/EIS; however, TRPA's verification is in the public domain and can be requested from TRPA directly.

AOB8-5 The commenter states that Alternative 2 would develop the golf course on sensitive soils, then quotes Goal 1, Policy 2 of the TRPA Code of Ordinances: "No new land coverage or other permanent disturbance shall be permitted in land capability districts 1–3 except for public outdoor recreation facilities….."

A golf course is a public outdoor recreation facility. Furthermore, the relocated golf course under Alternative 2 would include 356,715 sq. ft. and 60,999 sq. ft. of coverage in LCD 1b and LCD 1c, respectively. This represents a decrease in coverage from existing conditions of 59,637 sq. ft. in LCD 1b and 80,583 sq. ft. in LCD 1c. Alternative 2 would involve removing and relocating coverage associated primarily with golf course land uses and some trails within LCDs 1b and 1c to allow restoration of the floodplain, SEZ, the Upper Truckee River, and lower Angora Creek. As described in response to comment AOB8-4, above, Section 20.5.C of the TRPA Code of Ordinances states that existing land coverage may be relocated from one portion of a SEZ to another portion if relocation would result in a net environmental benefit to the SEZ. The environmental baseline is discussed in Master Response Section 3.3, "Biological Resources." As discussed in response to comment AOB8-4, specific comments on coverage calculations appear to be based on an incorrect interpretation of the data provided; updated and complete coverage calculations are included in Chapter 5 of this final EIR/EIS/EIS.

AOB8-6 The commenter questions golf course relocation on restored quarry sites, asks whether it was intended as mitigation for another project, and requests funding.

As described in Section 3.6, "Earth Resources," of the draft EIR/EIS/EIS, the middle quarry was restored with fill material from the Lower Westside Project, not as mitigation but instead to decrease transportation and disposal costs for that project, which was funded by the California Tahoe Conservancy. Costs are unknown because the Lower Westside Project was another agency's project. However, obtaining this clean fill material also provides a cost savings to the proposed golf course relocation because clean fill would be needed to complete this project.

Furthermore, restoration of the middle quarry has served to protect park users from potential safety concerns related to having an open quarry pit. The quarry pit to the south has not been restored and currently contains previously dumped material including concrete, bricks, and other debris deposited there before State Parks assumed ownership. The quarry to the north will be located only partially within the proposed relocated golf course; the western portion which has formed a wetland-type environment because of groundwater seepage from the cut-slope wall will remain as can be seen today. The soil

stockpile in the north quarry was obtained by State Parks for roads and trails operations from construction of sediment retention basins after the Angora fire and various best management practice (BMP) projects in the Tahoe Basin. This material is used for ongoing management of trails and roads within Washoe Meadows SP. The commenter incorrectly states that "simply removing the fill or dirt would eliminate the disturbance."

AOB8-7

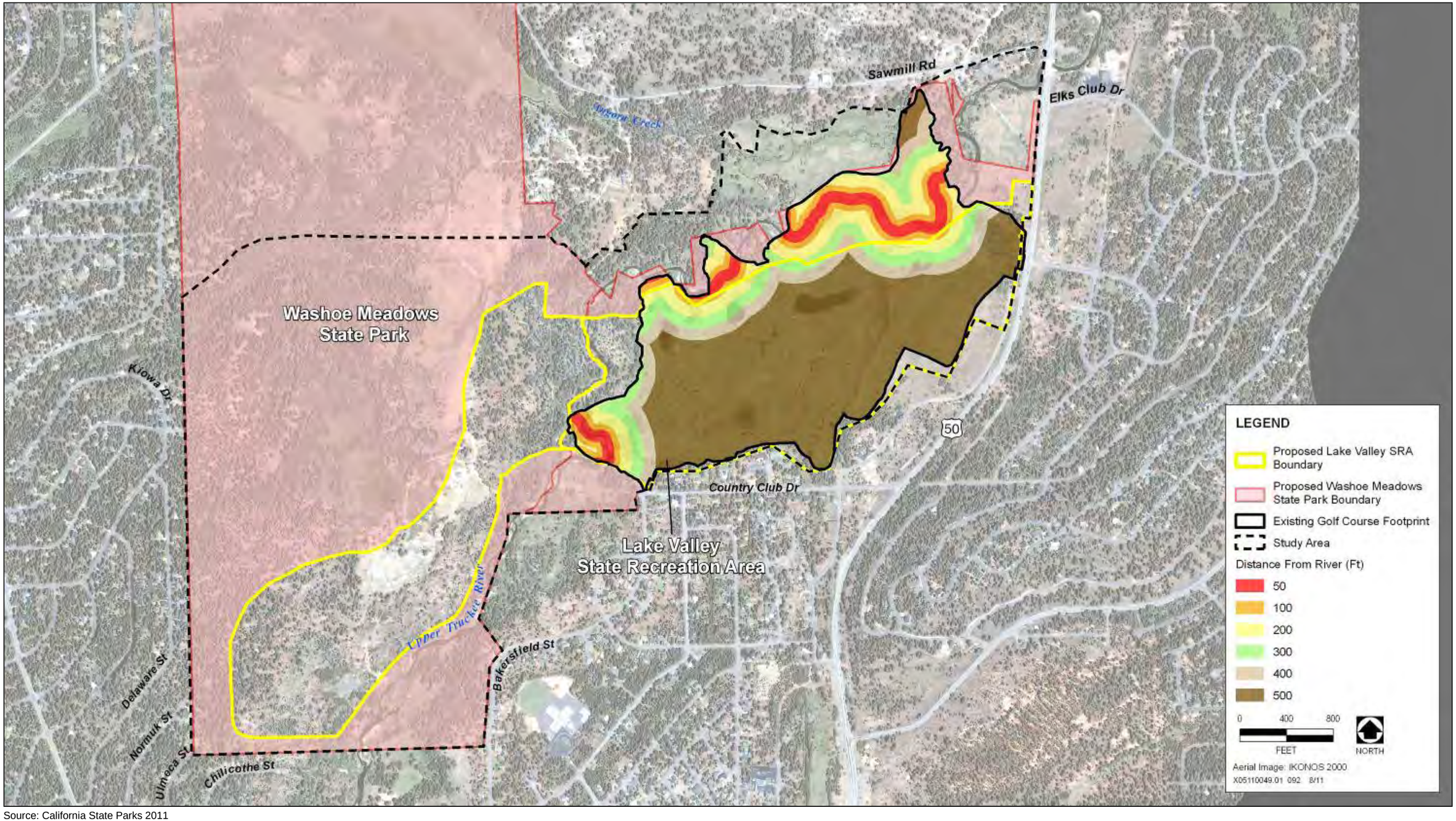
The proposed golf course reconfiguration would move much of the course into lands of higher capability, removing 5,532 linear feet of golf course currently adjacent to the Upper Truckee River (see Exhibits 4-1 and 4-2). West of the river, with the exception of 850 linear feet that would be adjacent to the river for playability and river crossing access, the relocated golf course would have a minimum native-vegetation buffer of approximately 75 feet. Most of the golf course would be at least 100 feet from the river.

Alternative 2 would reduce the amount of the golf course located within SEZ. It would not expand the area of golf course within SEZ. This is consistent with the policy quoted in the comment. Most areas between the river and golf course would be outside of the golf course footprint and Lake Valley SRA boundary and would be managed as part of Washoe Meadows SP. Vegetation would be similar to existing vegetation and would include native grasses, shrubs, and trees.

Although the golf course design is conceptual at this time, which means the precise outline and features of the course may be refined as more detailed design is developed, the location of the golf course footprint will not be modified beyond the Lake Valley SRA boundary shown in Exhibits 2-1 and 2-3 of this final EIR/EIS/EIS. The impact analysis and mitigation measures were developed and evaluated based on potential locations of the golf course within this defined area. Exact locations of holes, tees, and greens may change during final design, but the acreage of the golf course footprint will not exceed the amount evaluated in the final EIR/EIS/EIS, and the proposed golf course location will not extend beyond the Lake Valley SRA boundary shown in Exhibit 2-3. The reconfigured golf course design concept is intended to make the best use of the site, provide recreation values, and maintain a proper relationship to the environment and adjacent land uses. Golf course infrastructure and holes would generally avoid the most sensitive areas adjacent to the river. This would allow the river room to function more naturally and provide a more continuous riparian habitat corridor.

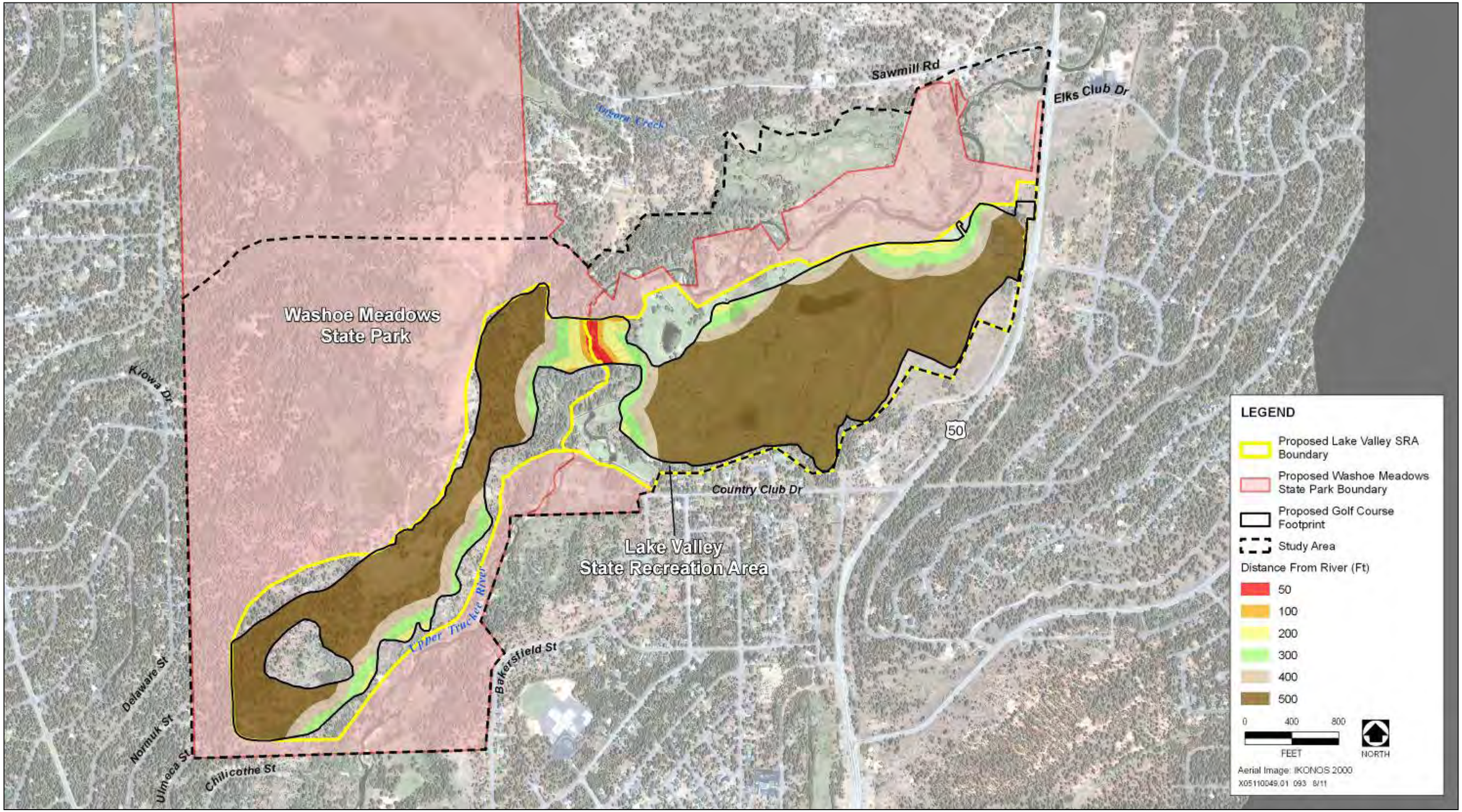
When possible areas for the reconfigured golf course were analyzed, major goals such as the following were considered:

- Minimize connectivity of the golf course and river.
- Minimize or avoid sensitive archaeological sites and sensitive ecological habitat.
- Maximize use of higher capability lands and lands previously disturbed by the golf course.
- Decrease the area of golf course within the floodplain, SEZ and adjacent to the river.




Source: California State Parks 2011

**Alternative 1 and 4 River Buffers** **Exhibit 4-1**




Source: California State Parks 2011

**Proposed Preferred Alternative River Buffers** **Exhibit 4-2**

As described above and in the draft EIR/EIS/EIS, restoration of the Upper Truckee River and reconfiguration of the Lake Tahoe Golf Course under Alternative 2 is consistent with policies in the TRPA Regional Plan related to golf course retrofitting within SEZs and protection and management of SEZs for their natural value.

Topographic and aerial exhibits that show subwatersheds within and surrounding the study area are presented in Exhibits 3.3-1 and 3.3-2 of the draft EIR/EIS/EIS. Mitigation Measure 3.3-1 (Alt. 2), "Provide On-Site Storm Drainage Facilities and Accompanying Stormwater Drainage Plan to Prevent Damage from Increased Runoff Discharged to Creek or River Channels," has been incorporated as mitigation planned as part of the proposed Preferred Alternative. The mitigation measure includes the following performance criteria to be included final detailed project design:

- Stormwater facilities shall be installed in the subwatershed of each existing natural drainage (e.g., swales, seeps, creeks) that will experience project-related changes to topographic, soil, and/or vegetation cover.

- Peak runoff discharge from the stormwater system to each of the existing natural drainage swales, creeks, or the Upper Truckee River shall be equal to or less than preproject conditions up to the 10-year event.

- Nuisance perennial discharge of excess irrigation water shall be prevented.

- Where rerouting of drainages or point discharges from the stormwater facilities are necessary, those discharges shall be designed to prevent streambed or streambank erosion in the receiving water body.

Furthermore, Mitigation Measure 3.4-8 (Alt. 2), "Prevent Water Quality Degradation from Golf Course Operations," includes performance criteria within the final stormwater system design to do all of the following:

- Limit opportunities for irrigation water and stormwater that will be in contact with managed golf course landscaping to interact with unaltered run-on from upslope areas within Washoe Meadows SP. This can be accomplished by incorporating buffer strips along downslope sides of intensively managed turf; intercepting and routing flows around landscape areas if needed; allowing natural drainages to continue to convey water from upslope without adding golf course runoff to those drainages, by routing the golf course stormwater to other artificial drainages; or implementing similar measures.

- Prevent irrigation and stormwater that will be in contact with managed golf course landscaping from interacting with shallow groundwater and/or surface water in the vicinity of natural seeps within Washoe Meadows SP. The measures required will be determined by site-specific analysis of the surface/groundwater interactions and could include installing sheet pile and/or other subsurface barriers.

- Minimize potential percolation and/or surface overflow from any new detention and/or storage pond features that will have irrigation or stormwater runoff from the golf course landscaping by including adequate liners and appropriate sizing.

State Parks and its concessionaire will also work with the Lahontan Regional Water Quality Control Board (RWQCB) to update the golf course's chemical application and management plan as needed to update permit requirements for golf course operations.

See Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality," for additional details on proposed fertilizer practices.

AOB8-8 As discussed in Table 3.2-1, TRPA has goals and policies related to various resource areas that are all considered during review of any project. Consistency with goals and policies is considered equally for all resource topics; consistency with one goal or policy (e.g., for open space) is not more highly valued than consistency with any other goal or policy (e.g., for recreation or water quality). See Master Response Section 3.2, "Land Use," for additional discussions of land trade.

AOB8-9 The commenter is concerned about impacts of golf course reconfiguration on cultural resources. See Master Response Section 3.6, "Cultural Resources," for additional discussion of cultural sites and preservation measures.

AOB8-10 The commenter is concerned that expanding the golf course (under Alternative 2) to the west side of the river would have unknown impacts on sediments, fertilizers, pesticides, and herbicides. The commenter states that an additional 1,500 linear feet of the river would be adjacent to the golf course (under Alternative 2) and desires certainty that nutrients would not migrate to the groundwater or river. The commenter acknowledges that the draft EIR/EIS/EIS includes a discussion of the potential impacts and identifies mitigation measures for the final stormwater system design of Alternative 2. The commenter feels that Alternative 2 exposes the river to greater water quality risks than Alternatives 3 and 5.

The commenter's preference for Alternatives 3 and 5 over Alternative 2 is noted; this is consistent with the impact significance conclusion and mitigation requirements for Impact 3.4-8 presented in the draft EIR/EIS/EIS. See Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality," for additional discussion of fertilizer use. As shown in Table 2-1 and Exhibits 4-1 and 4-2, there will be a decrease in golf course adjacent to the river.

AOB8-11 The commenter states that the project would not be consistent with applicable plans, policies, and regulations and refers to comment letter AOB31. See Master Response Section 3.2, "Land Use," for a discussion of consistency with applicable plans, policies, and regulations; see responses to comment letter AOB31 for additional information.

AOB8-12 The commenter states that siting criteria used to evaluate off-site alternatives were flawed and applied inconsistently. See response to comment AOB31-12 for a discussion of siting criteria used in the alternatives analysis.

AOB8-13 The commenter states that the draft EIR/EIS/EIS did not adequately address land use changes and represent baseline conditions. The impacts of a project are evaluated based on the direct and reasonably foreseeable indirect physical changes in the environment that may be caused by implementing the project (on both a project-specific basis and in a cumulative context), and the setting or environmental baseline provides the starting point for that analysis. In Section 3.1, "Land Use," the current "baseline" conditions are a result of historical and existing activities within the project area. The characterization of the existing setting is drawn from literature searches and information obtained from analysis of existing land use and policy information, consultation with agencies, and additional information as appropriate. Here, the current baseline conditions have been described to provide a clear context for understanding and evaluating the potential project-related impacts on land use. Potential impacts on land uses in the study area are specifically discussed in Section 3.2, "Land Use," of the draft EIR/EIS/EIS . Potential impacts on the

physical environment resulting from changes in land use were discussed in each respective resource section. Additional details regarding habitat value and consistency with policies and procedures is presented in Master Response Section, "3.2, "Land Use."

AOB8-14 The commenter is concerned that impacts on shallow groundwater from the bridge and the restroom sewer connection proposed under Alternative 2 were not adequately addressed. The proposed restrooms under Alternative 2 would be located adjacent to existing sewer utilities. The restrooms could be connected to these sewer utilities under typical permit conditions without incurring any long-term effects on groundwater flows, levels, or quality.

The proposed bridge under Alternative 2 would include footings that may interact with shallow groundwater locally. However, footings would have no effect on groundwater and several other bridges in the study area would be removed as a beneficial effect of this alternative. Alternative 2 would also result in benefits from improved river processes and overbank flooding for recharge of the shallow aquifer. The localized adverse effects that could occur during construction of the new bridge would be addressed adequately by Mitigation Measure 3.4-6 (Alt. 2). The net long-term effect on groundwater from bridge footings in the study area would be beneficial under Alternative 2.

AOB8-15 The commenter believes that scenic impacts were minimized and feels that grading should have been addressed. The golf course layout has been designed to minimize grading and provide buffers. See response to comment I6-3.

AOB8-16 The commenter feels that baseline biological conditions are inaccurate. See Master Response Section 3.3, "Biological Resources."

AOB8-17 The commenter states that the draft EIR/EIS/EIS should have evaluated an alternative that would involve less intensive recreation opportunities and restore the river. As discussed in Chapter 2, "Project Alternatives," of the draft EIR/EIS/EIS, Alternative 5 and Alternative 3 had less recreation opportunity and still carried out restoration goals.

AOB8-18 The commenter disagrees with the methods and assumptions used in the economic analysis. See Master Response Section 3.7, "Economics."

AOB8-19 As discussed in Chapter 2, "Project Alternatives," of the draft EIR/EIS/EIS, under Alternative 2, drainage would be designed to collect runoff on the course, then run it through natural biofilter vegetation buffers to ensure that the runoff would not run directly into the river or the unnamed creek. Also, source reduction practices are in place within the management zones around ponds; thus, fertilizer and pesticide use is limited near water bodies. Implementing improved water conservation strategies would be an integral part of this alternative. The irrigation and drainage system around the existing holes would be replaced with new, more efficient computerized technology that would control the rate, amount, and timing of irrigation water application to minimize soil erosion, runoff, and movement of fertilizer and pesticides. See Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality," for additional discussion of fertilizer use.

AOB8-20 The commenter believes that the evaluation of impacts on wildlife is inadequate. See Master Response Section 3.3, "Biological Resources."

AOB8-21 The commenter refers to letter AOB9. See responses to letter AOB9.

AOB8-22 The commenter's support for Alternative 3 or another alternative that meets the primary goal of the project to restore the river and save Washoe Meadows SP is noted. See Master Response Section 3.2, "Land Use," for a discussion of the statute and litigation settlement agreement.

LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

AOB-9

November 12, 2010

Bill Yeates
Kenyon Yeates LLP
2001 N Street, Suite 100
Sacramento, CA 95811

**SUBJECT: Comments on the Draft EIR/EIS/EIS Upper Truckee River Restoration and Golf Course Reconfiguration Project (SCH# 2006082150).**

Dear Mr. Yeates:

At your request I have reviewed the Draft Environmental Impact Report/ Environmental Impact Statement/Environmental Impact Statement (EIR/EIS/EIS) regarding the Upper Truckee River Restoration and Golf Course Reconfiguration Project (SCH# 2006082150). I respond to this EIR/EIS/EIS as an ecological consultant with over 20 years preparing such documents. I am co-founder and Principal of Live Oak Associates, Inc., (LOA) an ecological consulting firm based in California with three offices, Oakhurst, San Jose and Bakersfield. LOA has supervised the preparation of more than 2000 CEQA/NEPA studies in the past fifteen years. As such, our firm specializes in the preparation of endangered species evaluations, wetland analysis, wildlife/human conflicts, permit assistance relating to the Clean Water Act and federal and state endangered species acts and the preparation of environmental documents specific to CEQA and NEPA.

I have reviewed the EIR/EIS/EIS and other relevant material for this region of the Sierra Nevada. Based on this review, it is my professional opinion that this EIR/EIS/EIS is seriously flawed and inadequate for decision makers to properly evaluate the range of project alternatives analyzed by this environmental document.

While there are many inadequacies related to this EIR/EIS/EIS that are being addressed by others, I have chosen to focus on four areas that based on my professional opinion prohibit this document from fully disclosing the true effects of each of the alternatives. These areas include inadequacies related to: 1) mischaracterization of the project description for some components of alternatives (i.e., particularly Alternative 2); 2) serious mapping errors in characterizing the available habitats within the study area from which all beneficial and adverse effects for each alternative was assessed; 3) fully describing the fen resources located in Washoe Meadows State Park (WMSP) and inadequately evaluating the substantial impacts of relocating a portion of the golf course to the west side of the Upper Truckee River as proposed in Alternative 2; and, 4)

AOB9-1

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failing to fully assess adverse impacts to wildlife movements in Washoe Meadows State Park of the golf course development proposed in Alternative 2. AOB9-1 cont.

**1. Mischaracterization of the Golf Course Design Concept for Alternative 2**

The project design for the golf course (page 2-51) has been mischaracterized as a links style course, reminiscent of Scottish golf courses. I have worked for applicants that have envisioned designing and building link-style courses, and in all cases, these courses were being proposed and considered with very minimal grading and removal of the natural landscape (i.e., very limited tree removal or trimming of branches). In the end, given the constraints with designing and operating a true links-style course, these applicants gave up on the notion and ended up designing more traditional courses. Every hole on the west side of the river for Alternative 2, would require substantial logging of 45 acres of naturally occurring conifers (2nd and 3rd growth), totaling over 1500 trees (golf course and access road) with a dbh of 10" or greater.

The EIR/EIS/EIS states (pg 2-51):"While tree removal would be substantial under this alternative the layout was designed to minimize this effect by placement in relatively open and **previously disturbed areas** (emphasis added) that would have the least impact on the ecosystem."

The EIR/EIS/EIS inaccurately describes the baseline environmental conditions that exist within the area of WSMP where the golf course will be developed. Although, as noted by the Sierra Nevada Ecosystem Project (SNEP 1996), about two thirds of the Tahoe Basin forests were logged from 1860 to 1930, WMSP (and most of the forests within the Basin), retain high conservation value as noted by the high species richness and diversity of the terrestrial vertebrates known to use the mosaic of habitats within its boundaries. AOB9-2

The 45-acre forested land that would be logged for the golf course consists of fairly typical stands of Jeffrey pine and lodgepole pine forests in the Basin. This forest consists of good structural diversity supporting trees of various ages and sizes, with many down trees and snags providing important cover and forage for quite a number of regional wildlife species. These forested lands are typical of many of the historically logged forest found in the Basin (see SNEP 1996 report). The EIR/EIS/EIS provides a number of exhibits that clearly show the structural diversity of the forest to be logged. Refer to Exhibits 3.7-1, 3.7-9, 3.7-10, 3.7-11, and 3.7-18 as just some examples supporting the fact that the forested areas proposed to be logged for Alternative 2 have very good conservation value. These exhibits also provide factual evidence that the conservation value of these forested lands is substantially enhanced by the occurrence and inclusions of large meadows, wet-meadow complexes and the fens. When compared with a homogenous land cover type (e.g., a lodgepole pine forest), the heterogeneity of habitats found in WMSP supports an unusually high bio-diversity due to the abundance of the different types of vegetation communities.

Additionally, some areas remain that were disturbed by a gravel mining operation a few decades ago, but the largest gravel pit from this operation was restored by State Parks a number of years ago and this restored area is exhibiting great success – a successful restoration project by State Parks that under Alternative 2 would be converted to a golf course. Exhibit 3.7-18 provides

evidence that State Parks restoration effort has proved to be successful, as this area is continuing to improve in value.

The majority of the remaining disturbed areas within this portion of WMSP are due exclusively to State Park action in recent years. These include but are not limited to a large stockpile of soil (see Exhibit 3.7-19 for the large pile of soil and recent work on the their staging area), a large stockpile of woodchips, the placement of large rocks (i.e., fist-size) on an access road that parallels the river, extensive tree cutting along the edge of the large meadow complex and the river.

Thus, some small areas can be correctly characterized as historically disturbed (e.g., the remaining gravel pit) or more recently disturbed by State Parks (stockpiling of soil and woodchips), but the vast majority of the area proposed for several golf holes support habitats that have good conservation value that are furthered enhanced by the habitat mosaic supported in this region of WMSP (e.g., large wet meadow complex, fens).

AOB9-2 cont.

Therefore, the golf course design should not invoke images of a links-style course, as extensive changes to the existing landscape must occur to build the course on the west side of the river (logging of over 1500 trees). Further, it is misleading to assert that golf course is being placed on lands that were previously disturbed as that characterization could be levied at any forest in the Basin. Finally, the EIR/EIS/EIS misleads the public and decision-makers by stating that these areas are of low conservation value, as quite the opposite is true, based simply on the full complement of wildlife known to inhabit and pass through this area of the WMSP. The list of wildlife species using the Park is quit extensive but just a few of the species observed by Park visitors over the last year include (but not limited to) quail, cedar waxwing, meadowlark, Clark's nutcracker, kingfisher, osprey, black-crowned night heron, dipper, great horned owl, pileated woodpecker, red napped sapsucker, Audubon's warbler, deer mice and other small mammals, chipmunks, golden mantle squirrel, Douglas tree squirrel, mule deer, coyote, black-bear, and bobcat. These represent just a few species that are observed each year by Park visitors.

**2. Mapping Errors**

The habitat map (Exhibit 3.5-1) generated for the EIR/EIS/EIS has incorporated serious errors into it that has eliminated a fair analysis of the substantial physical change Alternative 2 will have on the existing environment. A very casual review of the habitat map will find that a very large wet-meadow complex (20 to 30 acres in size) is depicted as Lodgepole Pine – mesic type; clearly it is not. This meadow greatly exceeds (by ten-fold or more) the size of the minimum mapping unit as noted for various other "mapped" habitat types on this exhibit, so it cannot be concluded that it is too small to accurately map. Exhibits 3.7-9 and 3.7-10 provide clear evidence of the large size of this wet meadow complex.

AOB9-3

In addition, water that drains from this wet meadow drain directly into the Jeffrey Pine/Dry Meadow (which is more meadow than forest) and Lodgepole Pine – dry type, thereby calling into question the entire habitat classification scheme, as significant areas of the upland "dry-type" forest areas are drained by the wet-meadow complex.

The current vegetation classification scheme accepted by the CDFG is Sawyer et al. (2009) and previous to this for several years it was Sawyer and Keeler-Wolf (1995). The first edition of Sawyer and Keeler-Wolf (1995) supplanted previous classification schemes for California such as Holland (1986). As noted by CDFG's "Vegetation Classification and Mapping Program" (Sept 2003 edition found at http://www.dfg.ca.gov/biogeodata/vegcamp/natural_communities.asp). As quoted in this document:

> "The Department of Fish and Game has adopted the National Vegetation Classification System (Grossman et al. 1998), which is expressed in this state by the "Manual of California Vegetation (Sawyer and Keeler-Wolf 1995). This hierarchical system applies quantifiable classification rules to define floristic units known as alliances, and below them, associations."

In order to fully disclose impacts (both beneficial and adverse) from the various alternatives, the habitat maps need to be corrected and updated based on the current habitat classification scheme advocated by the resource agencies. The current habitat map, in particular, completely mischaracterizes and under-represents adverse impacts (both direct and indirect) to various habitats of developing a golf course within WMSP as proposed in Alternative 2. For example, logging the Lodgepole Pine and Jeffrey Pine habitats between the wet meadow (not currently mapped correctly) and the river will likely result in impacts to the hydrologic connection from the meadow to the river, and will also result in indirect impacts to the meadow such as reduced or altered use patterns by regional wildlife. AQB9-3 cont.

Specifically, the golf course relocation of Alternative 2 requires logging areas immediately adjacent to the unmapped wet-meadow complex. In some cases, the habitat map implies that the logged area is a lodgepole pine/dry meadow, yet water is draining from the wet-meadow complex through the lodgepole pine/dry meadow toward the Upper Truckee River. The EIR/EIS/EIS provides no analysis of how logging adjacent to the meadow, placing a golf course with irrigation, maintenance, etc. will effect the ecology of this meadow. In my professional opinion, that at the very least it would substantially affect the hydrology in the meadow, eliminate the hydrologic connections from the wet-meadow through the logged area being converted to golf, and affect the spatial use patterns of the regions wildlife, both within the unmapped wet-meadow and the forested lands to be logged. Impacts I might point out that would not occur under Alternatives 3, 4 and 5.

**3. Fen Resources**

Fen's are considered very sensitive biological resources by local and state resource agencies (e.g. TRPA, CDFG, Regional Water Quality Control Board). For example, fens are covered by Goal #3 of TRPA's Goals and Policies which is designed to "Conserve threatened, endangered, and sensitive plant species and uncommon plant communities of the Lake Tahoe Basin." Policy 1 under this goal states: "Rare examples of Lake Tahoe's natural vegetation should be preserved for their ecological and local significance." This policy goes on to encourage close cooperation between TRPA and other agencies responsible for the protection and management of the Basin's natural resources. The EIR/EIS/EIS confirms the importance of fens by noting (pg 4-11) "The V-2 threshold calls for providing the nondegradation of the natural qualities of any plant AQB9-4

community that is uncommon to the Tahoe Basin or of exceptional scientific, ecological or scenic quality. The spring/fen complexes in the Washoe Meadow SP are examples of plant communities that are uncommon in the Tahoe Basin and are included under this threshold."

CDFG gives all fen complexes in the state an imperiled state ranking (as measured by rarity, trends and threats) of either an S2? or S3?. The "?" denotes an inexact numeric rank but available information best places it within the rank it is given. A vegetation alliance given a S2 (or even an S3) implies that it is considered a high inventory priority by the state, so that these sensitive resources can be monitored and tracked, aiding long-term conservation of them. Other ecologists (see Cooper and Wolf 2006, and Sawyer et al. 2009) describe the ecological importance of fens, their rarity, and their sensitivity to human disturbance.

While the EIR/EIS/EIS correctly characterizes the sensitive nature of fens and their ecological rarity and importance to WMSP, the environmental document provides a wholly inadequate assessment of how the golf course component of Alternative 2 would adversely impact many of the fen complexes within WMSP.

Impact 3.5-3 (pg 3.5-69-71) notes that "...Alternative 2 proposes to avoid direct effects on spring complexes by designing the layout of the golf course holes around or away from these areas and by including a protective buffer. Because the design to the golf course holes is conceptual and not finalized, potential for the final design, construction, and operation of these holes to inadvertently degrade this sensitive biological resource exists without more specific design parameters and measures to avoid direct or indirect effects on the spring complexes."

AOB9-4 cont

Based on this statement in the EIR/EIS/EIS neither the public nor public decision makers will know whether the golf course will avoid impacts to any existing fens until there is a final design of the golf course. The document inappropriately suggests that the future golf course design will accommodate the sensitivity of the fen habitat through design and avoidance measures. Encircling a sensitive resource with human dominated landscape almost never works and at the very least usually degrades them from the baseline condition.

The fens in WMSP are best characterized as slope fens and their hydrology and unique vegetation structure are very sensitive to disturbance, particularly anthropogenic effects. Not well portrayed in the EIR/EIS/EIS is the fact the topography in this region of WMSP slopes noticeably from the river to the residential community to the west. Based on the conceptual layout of the course, four holes will require logging on sloped lands adjacent to and in some cases upslope from the fens. The logging adjacent to the fens will not only increase sediment loads in the Upper Truckee River and possibly the fens (i.e., logging is known to be a major contributor to sedimentation of aquatic features), but it may also substantially alter the hydrology critical to the conservation of these fens. Logging adjacent to fens should be avoided because the short-term and long-term effects are so poorly understood. In addition, golf courses are required to be irrigated and managed, and what effects these activities would have on the fens hydrology and plant life has not been analyzed by this EIR/EIS/EIS. As noted previously, at least one hole is upslope of the fens while the other notes are adjacent. The underlying hydrology of fens is complex, and anthropogenic affects even some distance from fens can adversely affect their function.

Given the poorly understood hydrology of fens, the lack of analysis in the EIR/EIS/EIS and limited knowledge of how substantial alteration of landscapes (e.g., logging of several hundred trees adjacent to the fens, placing golf turf near and in some cases upslope from them, operations and maintenance of the adjacent golf holes) may adversely effect these fen complexes, it is quite likely that it is not technically feasible to avoid significant adverse impacts to them or mitigate these impacts. The EIR/EIS/EIS has provided no guidelines to evaluate how the golf course might avoid the fen complexes. As noted above, it is quite possible (and some would argue probable) that in the end it is not technically feasible to construct and operate a golf course that does not degrade the adjacent fens – resulting in a significant unavoidable effect to fens, something not contemplated by the EIR/EIS/EIS, and inconsistent with TRPA's Regional Plan. AOB9-4 cont.

**4. Wildlife Movement Associated with Alternative 2.**

The EIR/EIS/EIS concluded that "Golf course relocation would remove approximately 60 acres and fragment upland habitat west of the Upper Truckee River. This area is not expected to function as a significant movement corridor for common or sensitive wildlife species." This conclusion is not supported by the baseline conditions that exist on the ground.

The EIR/EIS/EIS is wrong to suggest that riparian areas are the only place that wildlife movement occurs. Alternative 2 while it restores the river and increases the functioning of the riparian habitat along the river, including facilitating regional movement for some wildlife species, also constrains wildlife movement by expanding significant elements of golf play on both sides of the river, something Alternatives 3, 4, and 5 do not do.

The maintenance of habitats and connective pathways for wildlife species sensitive to human-caused landscape change is one of the most pressing issues in conservation biology. The fate of wide-ranging species depends critically on planning efforts that simultaneously consider the habitat requirements and ecological processes that motivate animal movement over both short and long distances. However, more specific information is usually lacking on the features of wildlife habitat that promote or impede the linkage and maintenance of population core areas on large landscapes, including vegetation, topography, and anthropogenic barriers. To that end, this EIR/EIS/EIS provides no factual basis to evaluate the baseline conditions and compared to the outcome of the various alternatives. For example, the environmental analysis mistakenly concludes that substantial regional wildlife movement is not presently occurring within the mosaic of upland habitats within WMSP. This appears to be due largely to a naïve belief that permeates the EIR/EIS/EIS that regional wildlife movement occurs wholly (or nearly so) along creeks and riparian zones. This is factually incorrect – while riparian zones are important, if not critical for regional movements of some wildlife species and often serve as a focal point for conservation, by themselves they are often not enough. To protect just a riparian corridor, often creates a pinch-point linkage that will not be used by all species. Some species prefer open habitats, swift moving water can impede movement of others (e.g., small mammals) and habitat generalists (e.g., particularly medium to large carnivores) move while foraging and may or may not use a riparian zone for movement. AOB9-5

The space use needs of many species, particularly large mammals, are rarely considered at spatial scales relevant to the species. Often these efforts are based on legal and not bioregional boundaries and, as such, cannot easily accommodate the conservation of wildlife habitats that

extend beyond the legal boundaries of sites or planning efforts. In addition, simplistic attempts to identify "movement corridors," (e.g., it must be the riparian zone) usually focus on delineating "corridors," which can best be defined as "routes that facilitate movement of organisms between habitat fragments" (Hilty et al. 2006:5). Corridor delineation efforts, however, typically invoke simplistic judgment-based exercises describing static habitat patterns, and do not explicitly integrate the ecological *processes* of animal movement (e.g., dispersal). Moreover, corridor studies tend to occur at relatively small spatial scales and emphasize one possible pathway between patches of habitat presumed to be suitable. The challenge is that due to the unrealistic and overly simplistic assumptions inherent in this simple word exercise is that a single "optimal" corridor gets defined for the region, completely inconsistent with how various species known to occur in WMSP (e.g., mule deer, black bear, coyote, bobcat, various small mammals that generally avoid the riparian zones, avian species that are habitat generalist) use the mosaic of habitats (including the fens) that occur within the WMSP. For example, movement patterns for a number of wildlife species are substantially influenced by the presence of the fen complexes. The number of game trails that innervate the fen complexes and the number of species regularly observed at them provides amble evidence of their unique influence on spatial use patterns for this region of the Park. Surrounding the fens with a golf course will obviously degrade their influence on wildlife spatial use patterns in the Park, an impact not disclosed by this EIR/EIS/EIS.

This habitat mosaic on the west side of the river in conjunction with the restored riparian areas provide for a broad area for many species of wildlife to use as a pathway from Angora Ridge and the South Upper Truckee Watershed. While many species are attracted to the riparian corridor, others, like habitat generalists (most medium and large carnivores), will not be attracted to the riparian corridor. Instead, these species will move across a broad front of upland habitats. Some species in fact prefer more open habitats and would be less likely to move through the riparian corridor (e.g., species that prefer grasslands such as meadow larks). For these reasons not discussed in this EIR/EIS/EIS, Alternative 2 limits the regional movement of species when compared with Alternatives 3, 4, and 5. As an expert on habitat connectivity, I find the assertion that Alterative 2 will result in a less than significant effect on "wildlife movement corridor" completely inconsistent with the ecological literature regarding space use by wildlife in regions such as WMSP. AO89-5 cont

Inherent in the design for Alternative 2 is converting the riparian corridor into a regional "pinch-point" (e.g., narrow corridors) by degrading the upland habitats used by the various habitat generalists in WMSP. Often times, conservation biologists are constrained to preserving and enhancing "pinch-points" as frequently that is all they are left with. This is never the preferred approach. Preservation and enhancement of riparian corridors in conjunction with managing the broad mosaic of upland habitats in WMSP is by far, the best conservation approach. This region of the Basin is already impacted and constrained, while Alternative 2 improves the riparian component, it substantially degrades the important upland component of this regional pathway.

We lack the ability to precisely determine just how narrow or how few connections can be maintained and yet retain the important functionality of facilitating regional movement of wildlife. Errors in judgment are catastrophic and irreversible. Therefore, the EIR/EIS/EIS should be modified to recognize that Alternative 2 would result in a significant impact to wildlife

movement corridors, something that Alternatives 3, 4 and 5 will not do. Pathways that maintain regional connections amongst suitable habitat patches are site-specific and are not easily mitigated. The failure to protect the existing broad upland pathway through the habitat mosaic should have been recognized as a significant unavoidable impact in the EIR/EIS/EIS

AOB9-5 cont.

**Conclusion**

The EIR/EIS/EIS provides a misleading comparative evaluation of the various alternatives (see Table 2-3). This document suggests that there is little difference in overall adverse impacts from Alternative 2 when compared with Alternatives 3, 4, and 5. Nothing could be further from the truth and is not supported by the baseline environmental conditions that exist at WMSP. Even though the EIR/EIS/EIS inadequately evaluates many of these impacts, sufficient information exists within the environmental document to clearly demonstrate that Alternative 2 will result in many more significant adverse impacts on the baseline wildlife habitat conditions than Alternatives 3, 4 and 5. Just a few have been noted above and these include significant and likely unavoidable impacts to fens; significant impacts related to logging nearly 45 acres of forested land in WMSP, significant impacts to a gravel mining area restored to meadow habitat; significant impacts to the wet-meadow complex erroneously mapped as Lodgepole Pine mesic type; and significant impacts to wildlife movement corridors.

AOB9-6

If you have any questions regarding my comments, please contact me at your earliest convenience.

Sincerely,

Rick A. Hopkins, Ph.D.,
Principal and Senior Conservation Biologist

**Literature Cited**


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# LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

## COMPANY PROFILE

Founded in 1995, Live Oak Associates, Inc. (LOA), provides professional ecological consulting services to a diverse and expanding clientele throughout California and the western United States. Our clients rely on our innovative team of expert biologists and skilled technical and support staff for accurate data collection, sound scientific analysis, and professional document preparation in order to protect sensitive biotic resources while securing environmental clearances for proceeding with land and water development projects.

In order to meet our clients' diverse needs, LOA has assembled a team of more than 30 scientists representing a comprehensive range of biological disciplines, from general wildlife and plant ecology to specializations including herpetology, entomology, ornithology, and aquatic and wetland ecology. We are experienced in navigating the permitting and other regulatory processes required by city, county, state, and federal agencies with jurisdiction in California and neighboring states. From pre-construction raptor surveys to ESA Section 7 consultations, from wetland mitigation monitoring to development of habitat conservation plans, LOA offers timely expertise and thoughtful solutions regarding biological resource issues. Additionally, our project managers are well-rounded biologists experienced in overseeing any project through all phases of its life cycle (i.e., planning, design, implementation, monitoring, and adaptive management).

Our focus is to rely on sound ecological principles in evaluating the distribution and abundance of sensitive biological resources on or in the region of a project site, clearly evaluate the project's effects both on a site-specific basis and on a regional scale that is relevant to the species or resources (e.g., wetlands) that may be impacted by the project, and then provide for appropriate mitigations to offset these impacts.

More importantly, LOA relies not only on conventional methodologies but we have also developed the use of robust and advanced spatial tools that are theoretically grounded in landscape ecology. The ecological scale for most species often exceeds the size of project sites and land management units by several fold and most conventional approaches that rely on overly simplistic decision rules and tools (e.g., GIS overlays, least-cost pathways, etc.) are not well equipped to inform conservation strategies at relevant spatial scales. The spatial tools that LOA has developed are better suited to inform conservation strategies for a wide variety of species at the relevant spatial scales.

LOA's reputation for providing our clients with the highest level of service, GIS and graphics, and biological reports using state-of-the-art techniques has increased incoming business without diminishing our capacity to consistently meet and exceed our deliverables. Since 1995, Live Oak Associates has worked with over 670 clients on more than 3,000 projects.

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# LIVE OAK ASSOCIATES, INC.

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## RICK A. HOPKINS, PH.D.
## Principal
## Senior Conservation Biologist/Ecologist

### EDUCATION

- Ph.D. Wildlands Resource Science, University of California, Berkeley, CA. 1990.
- Dissertation Title: Ecology of the cougar in the Diablo Range.
- M.A. Biology, San Jose State University, San Jose, CA. 1981.
- B.A. Wildlife Zoology, San Jose State University, San Jose, CA. 1976.

### AREA OF EXPERTISE

Population ecology, mammalogy, predator ecology, survey techniques, wildlife/habitat relationships, conservation biology, threatened and endangered species, and environmental regulations (CEQA, NEPA, FESA, CESA)

### PROFESSIONAL EXPERIENCE

- Live Oak Associates, Inc., (Formerly Hartesveldt Ecological) Oakhurst, CA. Co-Owner, Vice-President, Senior Wildlife Biologist. 1999 to Present
- Consulting Biologist: 1990 to present
- San Jose State University, San Jose, CA. Spring Lecturer. 1991
- University of California at Berkeley, Berkeley, CA. Research Assistant. 1984 to 1989
- San Jose State University, San Jose, CA. Lecturer. 1983 to 1985
- University of California at Berkeley, Berkeley, CA. Teaching Assistant. 1982 to 1983
- San Jose State University, San Jose, CA. Graduate/Teaching Assistant. Biology. 1977 to 1981

### PROFESSIONAL TRAINING

Habitat Evaluation Procedure (HEP). U.S. Fish and Wildlife Service. 6/92

### MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS

Wildlife Society, American Society of Mammalogists, Society for Conservation Biology, Ecological Society of America

### QUALIFICATIONS

Dr. Hopkins is a national recognized wildlife ecologist whose training and research has focused on population ecology and movements of wildlife, particularly mammalian carnivores and threatened and endangered (T&E) wildlife species. His areas of expertise include the following:

- **Special status Species Surveys.** Dr. Hopkins has designed and managed a considerable number of surveys for special status species and/or their habitats during the last 20 years. While Dr. Hopkins is a broadly trained ecologist with experience with several wildlife species, he has dedicated the last 35 years to the study of mammalian carnivores. During the last 20 years he has focused a great deal of attention in studying the distribution of the San Joaquin kit fox within its range. He has continued to search for ways to establish survey techniques that will provide statistical rigor to the methods employed to ascertain the presence or absence of wildlife species on sites, particularly in marginal habitats. He has also assisted his clients with mitigation that reduced impacts to such species, including (but not limited to) listed crustaceans (e.g., vernal pool fairy shrimp), Bay checkerspot butterfly, Mission blue butterfly, San Bruno elfin, Callippe butterfly, Valley elderberry longhorn beetle, California tiger salamander, California red-legged frog, western pond turtle, blunt nosed leopard lizard, Alameda whipsnake, western burrowing owl, Swainson's hawk, golden eagle, bald eagle, Buena Vista Lake shrew, giant kangaroo rat, salt marsh harvest

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mouse, San Joaquin kit fox. He has also contributed to the development of the California Wildlife Habitat Relationships Program and is trained in Habitat Evaluation Procedures.

- **Resource Conflict Resolution:** Rick has provided consultation regarding human/wildlife conflicts (particularly with large carnivores such as the cougar) to City and Counties, state legislatures, and Fish and Game Commissions, in several western states during the last 30 years.
- **Landscape Scale Conservation Planning.** Rick has participated in state-wide efforts to identify the important landscape linkages remaining in the state (i.e., Missing Linkages Conference) and in regional efforts such as the San Francisco Bay Area Upland Goals Workshop and TNC Central Coast Ecoregional Workshop. These efforts have focused Rick's interest in using theoretically grounded spatial tools to inform conservation planning at relevant spatial scales. An integral part of this process is working with applicants and landowners to identify suitable landscapes to conserve and manage to fulfill any required state or federal obligations that the regulated community may have incurred as part of their projects. Presently he is using these approaches in the development of a multi-species HCP for the 47,000 acre Elk Hills Oil Field, a cougar habitat management plan for 35,000 km$^2$ area of Southern California, and developing conservation strategies for large-scale solar projects in central to southern the San Joaquin Valley.
- **Endangered Species Consultations.** Dr. Hopkins has prepared supporting material for both section 7(a) and 10(a) consultations with the U.S. Fish and Wildlife Service. As Principal, he has supervised the collection of data on listed species within project areas, analysis of project impacts, the development of mitigation measures, and has been the primary contact with the resource agencies during the process. Dr. Hopkins has prepared a number of Habitat Conservation Plans for a variety of projects.
- **Preparation of CEQA/NEPA Documents.** Dr. Hopkins has supervised interdisciplinary teams of biologists characterizing the biological setting of project sites and planning areas, determining project impacts, and developing conceptual mitigation plans consistent with the requirements of CEQA and NEPA for over 2000 projects during the last 20 years.

## PUBLICATIONS


Grigione, M.M., P. Beier, R.A. Hopkins, D. Neal, W.D. Padley, C.M. Schonewald and M. L. Johnson. 2002. Ecological and allometric determinants of home-range size for mountain lions (Puma concolor). Animal Conservation 5:317-324.

Hopkins, R. A., M. J. Kutilek, and G. L. Shreve. 1986. The density and home range characteristics of mountain lions in the Diablo Range of California. Pages 223-235 In S. D. Miller and D. Everett eds. Proc. International Cat symposium. Kingsville, Texas, October 1982.

Hopkins, R.A. 1984. Current techniques used in the research of pumas. Pages 216-229 in J. Roberson and F. Lindzey, eds. Second Mountain Lion Workshop. Utah Div. Wildl. Res., Utah.

Hopkins, R.A. 1990. Ecology of the Puma in the Diablo Range. Ph.D. Dissertation University of California at Berkeley, California.

Kutilek, M.J., R.A. Hopkins, E.W. Climite, and T. E. Smith. 1983. Monitoring population trends of large carnivores using track transects. Pages 104-106 in J. F. Bell, and T. Atterbury, eds. Proc. Internat. Conf. Renewable Resource Inventories for Monitoring Changes and Trends. School of Forestry, Oregon State University, Corvallis, Oregon.


## PROFESSIONAL PRESENTATIONS

1979. Annual Meeting of American Society of Mammalogist. Current Techniques in the Capturing of Mountain Lions, Corvallis, Oregon.

1981. Annual Meeting of the Western Section of the Wildlife Society, Home Range Characteristics of the Mountain Lion in the Diablo Range. San Luis Obispo, California.

1983. International Cat Symposium. The Density and Home Range Characteristics of Mountain Lions in the Diablo Range of California, Kingsville, Texas.

1984. Second Mountain Lion Workshop. Progress Report on the Home Range Characteristics of Cougars in the Diablo Range, Zion National Park, Utah.

1989. Third Mountain Lion Workshop. Duke, R. D., R. C. Klinger; R. A. Hopkins, and M. J. Kutilek, Yuma Puma: Population Status Update. Arizona.

1989. Third Mountain Lion Workshop. Hopkins, R.A. The comparison of home range estimators in the analysis of puma movements.

1992. Annual Meeting of the Western Section of the Wildlife Society. Duke, R.D., R.A. Hopkins, H.T. Harvey, and H.S. Shellhammer. The Distribution and Abundance of Salt Marsh Harvest Mice in 3 South Bay Marshes Influenced by Effluent Discharge. San Diego, California.

1997. 5th Mountain Lion Workshop. California Statewide Estimates And Trend Analysis: Lessons From The Diablo Range. San Diego, California.

1997. Annual Meeting of the American Society of Mammologist. Townsend, S.E., R. A. Hopkins, and R.R. Duke. Distribution of the San Joaquin Kit fox in the North part of its Range. Stillwater, Oklahoma.

2000. An Invited Ecological Co-chair for the Central Coast Ecoregion of California for the Missing Linkages Conference: Restoring Connectivity to the California Landscape. The mission of the conference was "to bring together land managers and planners, conservationists, and top scientists from each ecoregion in the state to identify the location of, and threats to the most important movement corridors for California's wildlife."

2000. California Wilderness Conference. Invited Panel Participant for the Wilderness Management Section. Other panel members included Dr. Peter Moyle, Dr. David Chipping, Dr. Robert Stack.

2002. Defenders of Wildlife Carnivore Conference. November 2002. Mystery, Myth and Legend, Challenges for the Management of Cougars. Monterey, California.

2003. 7th Mt. Lion Workshop. May 2003. Mystery, Myth and Legend: The Politics of Cougar Management in the New Millennium. Rick Hopkins. Jackson, Wyoming.

2003. 7th Mt. Lion Workshop. May 2003. Management of cougars (*Puma concolor*) in the western United States. Deanna Dawn, Michael Kutilek, Rick Hopkins, Sulekha Anand, and Steve Torres.

2004. Science and the Endangered Species. June 2004. CLE Endangered Species Conference, Santa Barbara, California. An invited panel member.

2005. The Western Section of the Wildlife Society. A New Paradigm for Cougar Conservation and "Management" in the 21st Century. Rick Hopkins, Chris Papouchis, and Deanna Dawn. Sacramento, California, February 2005.

2005. 8th Mountain Lion Worshop. Conservation strategies for cougars in Riverside County, California: from models to management. Rick A. Hopkins, Brett Dickson and Brad McRae. Leavenworth, Washington. May 2005.

2006. International Association of Landscape Ecologist. Least cost path on steroids: connectivity models from circuit theory. Brad McRae, Brett Dickson, and Rick Hopkins. San Diego, California. March 2006.

2006. Society of Conservation Biology Annual Meeting. Conservation Strategies for Cougars in the Land of Oz, From Models to Management. Rick A. Hopkins, Brett Dickson, and Brad McRae. San Jose, California. June 2006.

2006. Defenders of Wildlife Carnivore Conference. The Failure of Traditional Management Practices in Conserving Large Predators: The Cougar a Case Study. Rick A. Hopkins, Brett Dickson, and Brad McRae. St. Petersburg, Florida November 2006.

2007. Ecological Society of America Annual Meeting. Novel spatial tools for connectivity conservation: A case study using cougars in southern California. Rick A. Hopkins, Brett Dickson and Brad McRae. San Jose, California. August 2007.

2008. 9th Mountain Lion Workshop. Novel spatial tools for connectivity conservation: A case study using cougars in southern California. Rick A. Hopkins, Brett Dickson and Brad McRae. Sun Valley, Idaho. May 2008.

2009. Defenders of Wildlife Carnivore Conference. Invited Participant - Round Table Discussion: Mountain Lions, People and Policy: Improving our Prospects for Effective Conservation of a Keystone Predator. Denver, Colorado. November 2009.

**TESTIMONY AT STATE WILDLIFE COMMISSION MEETINGS OR STATE LEGISLATIVE HEARINGS.**

Dr. Hopkins has provided both written and oral testimony at state wildlife commission hearings and at Legislative Hearings in several western states. These include California, Oregon, Washington, Colorado, Wyoming and South Dakota. The purpose of these testimonies was to provide decision makers the best available scientific information regarding the biology and ecology of the cougar and to evaluate the ramifications of or effectiveness of proposed actions.

## BOARD MEMBER OF NON-PROFIT ORGANIZATION

- Cougar Fund, Jackson, Wyoming. An organization dedicated to the preservation of the cougar in its present and historic range. Other board members include Jane Goodall, Marc Beckoff, Toni Mangelsen (Co-founder), Cara Blessley (Co-founder), Howard Buffett, Corinne E. Rutledge, Webb Blessley.

## SCIENTIFIC ADVISORY BOARDS

- Department of Biological Sciences, San Jose State University.
- Predator Defense; an Oregon organization dedicated to the use of sound science in the management of mammalian predators.

AOB9-1 The commenter's summary of the draft EIR/EIS/EIS and belief that it is flawed and inadequate is noted. This comment summarizes comments addressed below.

AOB9-2 The commenter states that the golf course design has been mischaracterized and inaccurately describes baseline conditions, including forest habitat and quarry areas. See Response to Comment AOB8-6 for a discussion of the quarry area and Master Response Section 3.3, "Biological Resources," for a discussion of forest habitat and baseline conditions. See Master Response Section 3.2, "Land Use," for a discussion of California Wildlife Habitat Relationship analysis.

South Tahoe Public Utility District (STPUD) access roads are located primarily outside of the proposed golf course footprint but within an area to be exchanged into LVSRA and will continue to be maintained regularly as needed for use by STPUD and for recreation access. As described in Section 3.5, "Biological Resources," of the draft EIR/EIS/EIS under existing conditions, trees were removed along the large meadow as part of the Riparian Hardwood Restoration Project because of meadow encroachment. This is consistent with ongoing State Parks' management practices,

AOB9-3 The commenter states that there are serious mapping errors. See Master Response Section 3.3, "Biological Resources," and Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality."

AOB9-4 The commenter states that impacts on fens and springs are not adequately addressed. See Master Response Section 3.3, "Biological Resources," and Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality."

AOB9-5 The commenter states that impacts on wildlife movement are not adequately addressed. See Master Response Section 3.3, "Biological Resources."

AOB9-6 The commenter's belief that the draft EIR/EIS/EIS provides a misleading comparative evaluation of the alternatives is noted. This comment summarizes comments addressed above.

AOB-10

## Comment on Draft EIS for Upper Truckee River Project

Mike Frye [mike@ltva.org]

**Sent:** Tuesday, October 26, 2010 2:58 PM

**To:** Project, Upper Truckee

October 20, 2010

Ms. Cyndie Walck
CA State Parks and Rec, Sierra District
PO Box 16,
Tahoe City, CA 96145

Dear Ms. Walck:

This e-mail is to comment on the Draft EIS for the Upper Truckee River Project. As a full time resident and homeowner for over thirty years I am very concerned about the choice/decision made and the fate of the Lake Tahoe Golf Course.

There is a great deal at stake:

1) 168 jobs at Lake Tahoe Golf Course
2) $6,000,000 in revenue-a major contributor to the viability of our community
3) $880,000 in tax revenue to the state park system
4) The South Shore's busiest golf course and a source of recreation to residents and visitors alike

AOB10-1

I am not just a business person or a person promoting tourism. I moved here for the out-door life style. This is my home. I met my wife here. My son was born here. I care deeply about the well being of our environment and I am concerned about the clarity of the Lake, but there is a "clean" means of achieving the goal of clarity and of retaining jobs, revenues and recreation. Alternative #2 of the Draft EIS for the Upper Truckee River Project. Please do not be swayed by the narrow, short sighted vision of special interests that do not represent the majority, the mainstream or what is good for our community.

Best regards.

Mike Frye
Sales & Events Manager
Lake Tahoe Visitors Authority
169 Highway 50
P.O. Box 5878
Stateline, NV 89449

P (775) 588-5900 X309
F (775) 588-1941
mike@LTVA.org
www.tahoesouth.com

| | |
|---|---|
| Letter | Lake Tahoe Visitors Authority |
| AOB10 | Mike Frye, Sales and Events Manager |
| Response | October 26, 2010 |

AOB10-1 The commenter's support for Alternative 2 and its economic, recreation, and environmental value is noted. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the draft EIR/EIS/EIS.

**California Regional Water Quality Control Board**
**Lahontan Region**

Linda S. Adams
*Secretary for*
*Environmental Protection*

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold

AOB-11

NOV 15 2010

Cyndie Walck
State of California Department of Parks and Recreation
P.O. Box 16
Tahoe City, CA 96145

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE UPPER TRUCKEE RIVER RESTORATION AND GOLF COURSE RECONFIGURATION PROJECT, EL DORADO COUNTY**

California Water Quality Control Board, Lahontan Region (Water Board) staff have reviewed the subject document. We understand the California Department of Parks and Recreation (CDPR) proposes to restore eroding portions of the Upper Truckee River within the Lake Valley State Recreation Area to accommodate more natural geomorphic processes and floodplain function. Several project alternatives include relocating portions of the existing golf course.

The Water Board is a responsible agency pursuant to the California Environmental Quality Act (CEQA) for this plan. Water Board staff have reviewed the water quality elements of the draft EIR/EIS and have the following comments:

**Lake Tahoe TMDL Implementation**

The Lake Tahoe Total Maximum Daily Load Report identifies the pollutants responsible for Lake Tahoe's transparency decline, describes the relative magnitude of the pollutant sources, and provides a plan to reduce pollutants to restore lost transparency. According to the estimates prepared for the Lake Tahoe TMDL Report, stream bed and bank erosion accounts for approximately four percent of the basin-wide fine sediment particle load reaching Lake Tahoe.

As noted in the EIR/EIS, reducing fine sediment particle and nutrient loading from stream bed and bank erosion is an important part of the Lake Tahoe TMDL implementation plan. The Lake Tahoe TMDL Report notes that stream restoration actions are one of the most cost effective measures to reduce pollutant loading to Lake Tahoe.

AOB11-1

Due to instability caused by historic and ongoing land disturbances, the portion of the Upper Truckee River in the project area has been identified as one of the largest controllable sources of stream bed and bank erosion. As such, Water Board staff supports CDPR's efforts to restore geomorphic function to this portion of the Upper Truckee River. Alternatives 1 and 4 will not achieve the stated project goals of improving geomorphic processes and enhancing riparian habitat and function. Although Alternative 4 attempts to

address stream bank and bed erosion, similar efforts in the past have proven unsuccessful and unsustainable. AOB11-1 cont.

**Adaptive Management**

Alternatives 2, 3 and 5 would all implement process-based techniques to accomplish the CDPR's objective of re-establishing geomorphic function and riparian restoration. Although similar methods have been successfully implemented on other stream restoration projects, the CDPR should describe a monitoring program and an associated adaptive management program to identify specific success criteria, assessment methods, and proposed adaptive management actions to address unexpected changes in project conditions. AOB11-2

**Washoe Meadows Hydrology, Geomorphology, and Water Quality**

The Environmental Setting discussions within section 3.3 Hydrology and Flooding and section 3.4 Geomorphology and Water Quality focuses on the Upper Truckee River, the adjacent riparian area, and the existing golf course. These discussions lack hydrology, geomorphology, and water quality information on the area west of the river where the golf course relocation would occur under Alternative 2. Consequently, the assessment of potential impacts to these hydrologic resources for Alternative 2 is incomplete. AOB11-3

As noted in other portions of the EIR/EIS, there are numerous seeps, springs, and perennial flow paths within Washoe Meadows State Park. Because Alternative 2 could impact these areas, the EIR/EIS must provide a clear assessment of the surface and groundwater resources in Washoe Meadows State Park and evaluate potential hydrologic, geomorphic, and water quality impacts associated with project implementation.

**Golf Course Relocation**

The CDPR should also be aware that operational requirements for any golf course re-alignment may be different than those that apply to the existing Lake Tahoe Golf Course. Consistent with other golf course construction projects in our region, the operator of the relocated course will be required to conduct extensive surface and ground water monitoring and to develop and implement detailed irrigation and fertilizer management programs. AOB11-4

Thank you for the opportunity to comment on the EIR/EIS. If you have any questions or comments regarding this matter please contact me at (530) 542-5436 or Robert Larsen, Environmental Scientist at (530) 542-5439.

Lauri Kemper

Lauri Kemper, P.E.
Assistant Executive Officer

BL/clhT: UTR.golf.EIR-EIS.comments.doc

AOB11-1 The comment expresses the support of Lahontan RWQCB staff for Alternatives 2, 3, and 5 as stream restoration actions similar to those identified by the Lake Tahoe TMDL report as a cost-effective measure to reduce pollutant loading to the lake. The comment expresses staff concerns that Alternatives 1 and 4 would not achieve all project goals and that Alternative 4 may not be successful in controlling streambed and bank erosion.

AOB11-2 This comment was addressed in the following mitigation measures:

- Mitigation Measure 3.4-7B (Alt. 2), "Adaptively Manage Potential Flood Damage in the Interim Period after Construction";
- Mitigation Measure 3.16-10A, "Cumulative Geomorphology and Water Quality—Implement Alternative-Specific Measures to Minimize or Correct Temporary Water Quality Effects Following Construction"; and
- Mitigation Measure 3.16-10B, "Cumulative Geomorphology and Water Quality—Implement an Interim Adaptive Management Plan on the Upper Truckee River."

With implementation of project-level Mitigation Measure 3.4-7B (Alt. 2), State Parks will develop and implement an adaptive management plan for the project reach. This plan will focus on potential short-term degradation of water quality that could result if unexpectedly large flood flows were to occur within the first 5 years after construction. The plan will identify specific data collection and monitoring protocols, and describe decision-making processes and authorities for corrective actions or activities. The focus of the performance criteria for the corrective actions will be to prevent initial flood damage or turbidity effects from becoming a persistent, recurring, or chronic source.

Cumulative Mitigation Measure 3.16-10A varies by project site/reach and alternative selected. Each project lead agency/sponsor will develop and implement these measures separately during detailed design development. The measures are alternative and site specific, and are designed to minimize or correct potential effects on water quality that could occur during a large flood (25-year recurrence or larger) within 5 years of construction. The performance criterion for the mitigation will be to minimize the risk of significant water quality impact(s) during the 5-year period after completion of construction. For example, some of the proposed alternatives will include longer revegetation/stabilization periods before reactivation of channel sections; other alternatives will include preproject removal of accumulated fines and organic matter in reactivated floodplains/channels; and some will involve monitoring and potentially replenishing coarse sediment to downstream reaches.

For cumulative Mitigation Measure 3.16-10B, the project proponents for all the restoration project reaches on the Upper Truckee River (i.e., California Tahoe Conservancy, State Parks, the U.S. Forest Service [USFS], and the City of South Lake Tahoe) currently participate in the Upper Truckee River Watershed Advisory Group (UTRWAG). This advisory group is a forum that facilitates discussion of issues important to the planning, implementation, and monitoring of SEZ and river improvement, enhancement, and restoration projects in the watershed. These agencies

also participate in a subcommittee of the UTRWAG that focuses on coordinated adaptive management (activities necessary for resource management of the various Upper Truckee River improvement projects). The agencies collaborate regarding potential activities or actions to be implemented in response to resource degradation, revisions to objectives, or monitoring in the various Upper Truckee River project areas. Specifically, they share and evaluate monitoring data, determine the degree to which implementation and monitoring is effective, identify potential problems and sources, make suggestions, and provide mutual feedback.

Because of the dynamic nature of river systems, it is not feasible to identify specific measures to address unexpected changes in project conditions. However, the project proponents will continue adaptive management, with a plan to prevent potential short-term water quality degradation that may result if unexpectedly large flood flows occur within the first 5 years after construction of each project.

The project proponent for each project reach will collect and evaluate monitoring data for its reach. The UTRWAG subcommittee will coordinate annual data review and field inspections for each project reach during the period of adjustment and initial flood vulnerability, and will develop recommendations for an adaptive management action. Potential actions could include changing objectives or monitoring; completing minor maintenance (e.g., additional revegetation or spot repairs); or taking corrective action to ameliorate a chronic or worsening trend, followed by continued monitoring to determine whether future action is needed. The adaptive management subcommittee will identify potential problems and determine the levels of monitoring or action needed to prevent the problems from becoming persistent, recurring, or chronic. This effort will make it easier to identify short-term degradation of surface water quality early on, and will foster remedial actions. Adaptive management will be in force for the interim period of channel adjustment and initial flood vulnerability (i.e., at least 5 years but no more than 10 years from the end of construction); this will be a period long enough to allow for expected natural channel adjustments.

AOB11-3

The commenter requests that additional setting information about hydrology, geomorphology, and water quality in the study area west of the existing river be included in Sections 3.3 and 3.4 of the draft EIR/EIS/EIS. The commenter states that the most detailed setting descriptions of the numerous seeps, springs, and perennial flow paths west of the river are contained within other sections of the draft EIR/EIS/EIS. Finally, the commenter concludes that the impact assessments in Sections 3.3 and 3.4 are incomplete relative to assessments for the areas west of the river.

The commenter is correct that some of the hydrologic features west of the river are described within the draft EIR/EIS/EIS chapters that evaluate them as biological resources. In addition, the setting within Section 3.3 includes maps that show the ephemeral drainages on the west side of the river, within Washoe Meadows SP (see Exhibit 3.3-13); the text indicates that there are seeps, springs, and ephemeral drainages. Although the information about these features in the setting is not extensive, data from all setting sections were considered during the impact analysis. Potential impacts on hydrology and flooding west of the river under Alternative 2 are included under several topics, and specific elements of proposed mitigation measures address areas west of the river, including the following:

- Impact 3.3-1 (Alt. 2) indicates that stormwater runoff impacts could occur to drainages within the subwatershed(s) on the west side of the river within Washoe Meadows SP. Mitigation Measure 3.3-1 (Alt. 2) requires that specific performance

standards be met within each subwatershed, within each existing natural drainage. The area where these standards must be met include swales, seeps, and creeks throughout the entire potential project area, not only the areas east of the river or with perennial water courses.

- Impact 3.3-2 (Alt. 2) indicates that increased peak flows could result within some subbasins on the site and considers the potential new stormwater pond on the west side of the river.

- Impact 3.3-4 (Alt. 2) discloses potential increases in flooding area or frequencies west of the river.

- Impact 3.3-5 (Alt. 2) discusses likely changes to groundwater recharge and/or levels west of the river resulting from a combination of modifying surface water features, vegetation, and irrigation and reconfiguring the elevation and location of the channel bed.

The commenter is correct that the setting discussion in Section 3.4 of the draft EIR/EIS/EIS presents little information specifically about geomorphology or water quality west of the river. However, little or no site-specific information is available about existing water quality conditions or channel geomorphology in this area. Despite the lack of quantitative information available about existing conditions, potential impacts on water quality west of the river under Alternative 2 are included under several topics. Specific elements of proposed mitigation measures address areas west of the river, including the following:

- Impact 3.4-1 (Alt. 2) identifies potential impacts on stream channels. The impact discussion focuses on perennial channels of all sizes, ranging from the unnamed stream within the existing golf course to the Upper Truckee River, but does not include specific impacts on stream channels west of the river. The concerns about channel erosion under this impact are appropriately limited to perennial channels. The potential indirect effects of Alternative 2 on erosion along ephemeral channels west of the river are addressed directly in terms of the potential hydrology or stormwater changes under Impact 3.3-1 (Alt. 2). Appropriate mitigation for that impact has been identified to prevent the indirect water quality effects.

- Impact 3.4-4 (Alt. 2) incorporates potential changes to geomorphic processes west of the river caused by overbank flooding as part of the total potential benefits of retaining fine sediment and nutrients.

- Impact 3.4-6 (Alt. 2) considers the potential short-term risks to water quality during construction that could occur west of the river as a component of the total adverse impact. Mitigation Measure 3.4-6 (Alt. 2) specifically includes measures that require consideration of groundwater and surface water flows within areas west of the river.

- Impact 3.4-8 (Alt. 2) specifies that portions of the long-term impact could occur on the west side of the river, within the existing Washoe Meadows SP. Mitigation Measure 3.4-8 (Alt. 2) requires particular features within the final stormwater system to protect natural drainages, surface water runoff, and shallow groundwater west of the river from golf course stormwater and associated pollutants.

The level of detail in the setting sections of Sections 3.3 and 3.4 of the draft EIR/EIS/EIS is general with respect to the surface and groundwater features west of the river;

however, it is not incomplete, merely limited to available information. Additionally, the impact analysis in Sections 3.3 and 3.4 does consider the presence, biologic functions, and potential erosion, sedimentation, flooding, and water quality effects of Alternative 2 on the existing seeps, springs, and drainages west of the river. See Master Response Section 3.3, "Biological Resources," and Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality," for additional information related to the fens and springs. Refer to Chapter 5, "Corrections and Revisions to the Draft EIR/EIS/EIS for text revisions related to these topics.

AOB11-4 The comment states that operational requirements for the relocated golf course imposed by the Lahontan RWQCB would be consistent with requirements for construction and operation of other golf courses that mandate extensive surface and groundwater monitoring, as well as detailed management of irrigation and fertilizer. This is consistent with statements in the draft EIR/EIS/EIS (pages 3.4-57 and 3.4-63) that updates to the waste discharge permit issued by the Lahontan RWQCB may be needed for Alternatives 2 and 3 to strengthen requirements.

AOB-12

KEEP TAHOE BLUE.
League to Save Lake Tahoe

October 6, 2010

California State Parks and Recreation
Sierra District
P.O. Box 16
Tahoe City, 96145

Dear Ms. Cyndie Walck,

The League to Save Lake Tahoe appreciates the opportunity to comment on the Upper Truckee River Restoration and Golf Course Reconfiguration Draft EIR/EIS. The efforts by California State Parks to restore a very important section of the Upper Truckee River are commendable.

The League supports the restoration of stream environment zones as well as the protection of raw undeveloped sensitive lands and forested uplands. These ecosystems provide important water quality benefits, ecological functions, and wildlife habitat. After thoroughly reviewing the different alternatives and their associated impacts, the League is strongly in support of Alternative 3 River Ecosystem Restoration with Reduced-Play Golf Course. Alternative 3 provides the best opportunity to restore the Upper Truckee River, while simultaneously conserving valuable forested and sensitive land.

Furthermore, the League is strongly opposed to Alternative 2 because of the environmental impacts of turning raw undeveloped forested land into a developed golf course. These impacts include effects on water quality, soils, vegetation, recreation, wildlife and cultural resources. Specifically, Alternative 2 will remove acres of forested area with impacts to vegetation and wildlife, build within the vicinity of sensitive lands, reduce access and area for low impact recreation, disturb currently undisturbed soils and have an impact to water quality through the use of fertilizers and irrigation. AOB12-1

Below is a list of primary reasons why the League supports Alternative 3 and opposes Alternative 2.

1) Alternative 3 restores the Upper Truckee River without impacting large areas of additional raw land, whereas in Alternative 2 impacts a significant amount of raw land and increases the golf course footprint from 133 acres to 156 acres.
2) In Alternative 2, 45 acres of Jeffrey and Lodgepole would be converted to golf course. 1395 trees greater than 10 inches DBH will be removed in the golf course relocation. These trees will not be removed in Alternative 3 (p. 3.5-75).
3) In Alternative 3 the floodplain would be more fully restored than in Alternative 2 (p.2-71).

4) No new wells, water storage or drainage ponds will need to be constructed for Alternative 3, whereas in Alternative 2, a 1.6 acre manmade pond will be created for irrigation (p. 2-52).
5) Alternative 3 does not reduce access from the neighboring communities to Washoe Meadows State Park as is the case with Alternative 2 (pg. 3.2-14). In alternative 2 the combination of reduced access along with the decrease in forested land will cause an impact to recreation uses.
6) Golf courses are not allowed in Washoe State Park and are not considered to be consistent with the purpose of the Washoe Meadows State Park designation. In order to put a golf course within the Park, Alternative 2 will require a change in the boundaries so that the land is no longer considered State Park. Alternative 3 does not require a change in State Park designation (p. 3.2-15).
7) Alternative 3, unlike alternative 2, does not propose activity within the vicinity of a fen (Table 3.2-1). In Alternative 2 the building of a golf course adjacent to a large undisturbed fen will create disturbance of this sensitive habitat.
8) Alternative 3 will decrease a higher amount of SEZ coverage compared with Alternative 2.
9) Alternative 3 removes all golf course bridge crossings (p. 3.3-54) and adds not additional bridges compared to alternative 2 which replaces five small bridges with one larger bridge.
10) In Alternative 2, 89 new paved parking spaces would be developed (p. 2-55).
11) Only 10 acres of new sod would be laid in Alternative 3.
12) Alternative 3 uses less water than Alternatives 1 and 2.
13) Alternative 2 impacts cultural resources.

AOB12-1 cont.

In light of the above reasons, the League is fully in support of Alternative 3 which clearly stands out as the preferred environmental alternative by restoring reaches of the Upper Truckee River, conserving raw forested land, and serving to assist in achieving mandated many environmental thresholds. The League strongly opposes Alternative 2 which will disturb significant amounts of raw undisturbed land and impact environmental standards.

If you have any questions or concerns please contact the League at 530-541-5388.

Thank you,

Nicole Gergans
Environmental Program Advocate

AOB12-1 The commenter's support for Alternative 3 and opposition to Alternative 2 is noted. The commenter lists impacts associated with Alternative 2 but does not acknowledge that most of these impacts are also associated with Alternative 3. Most of the impacts have been mitigated under both alternatives, including impacts on water quality, soils, vegetation, recreation, wildlife, and cultural resources. See the following master responses:

- Master Response Section 3.2, "Land Use";
- Master Response Section 3.3, "Biological Resources";
- Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality";
- Master Response Section 3.5, "Recreation"; and
- Master Response Section 3.6, "Cultural Resources."

AOB-13

KEEP TAHOE BLUE
League to Save Lake Tahoe

October 26, 2010

California State Parks and Recreation
Sierra District
P.O. Box 16
Tahoe City, 96145

Dear Ms. Cyndie Walck,

The League to Save Lake Tahoe appreciates the opportunity to comment on the Upper Truckee River Restoration and Golf Course Reconfiguration Draft EIR/EIS. The efforts by California State Parks to restore a very important section of the Upper Truckee River are commendable.

The League supports the restoration of stream environment zones as well as the protection of raw undeveloped sensitive lands and forested uplands. These ecosystems provide important water quality benefits, ecological functions, and wildlife habitat. After thoroughly reviewing the different alternatives and their associated impacts, the League is strongly in support of Alternative 3 River Ecosystem Restoration with Reduced-Play Golf Course. Alternative 3 provides the best opportunity to restore the Upper Truckee River, while simultaneously conserving valuable forested and sensitive land.

Alternative 3 is the environmentally preferred alternative because it avoids the impacts that will be caused by Alternative 2. Specifically, Alternative 2 develops forested land with impacts to vegetation and wildlife, builds within the vicinity of sensitive lands, reduces access area for low impact recreation, disturbs currently undisturbed soils and has an impact to water quality through the use of fertilizers and irrigation. AOB13-1

Below is a summary of primary reasons why the League supports Alternative 3 over Alternative 2.

1) Alternative 3 restores the Upper Truckee River without impacting large areas of additional undeveloped forested land, whereas Alternative 2 impacts a significant amount of undeveloped forested land and increases the golf course footprint from 133 acres to 156 acres.
2) In Alternative 3 the floodplain would be more fully restored than in Alternative 2 (p.2-71) working to help attain the water quality and soils thresholds
3) No new wells, water storage or drainage ponds will need to be constructed for Alternative 3, whereas in Alternative 2, a 1.6 acre manmade pond will be created for irrigation (p. 2-52).

4) Alternative 3 does not reduce access from the neighboring communities to Washoe Meadows State Park as is the case with Alternative 2 (pg. 3.2-14). In alternative 2 the combination of reduced access along with the decrease in forested land will cause an impact to recreation uses and the recreation threshold.
5) Golf courses are not allowed in Washoe State Park and are not considered to be consistent with the purpose of the Washoe Meadows State Park designation. In order to put a golf course within the Park, Alternative 2 will require a change in the boundaries so that the land is no longer considered State Park. Alternative 3 does not require a change in State Park designation (p. 3.2-15).
6) Alternative 3, unlike alternative 2, does not propose activity within the vicinity of a fen (Table 3.2-1). In Alternative 2 the building of a golf course adjacent to a large undisturbed fen will create disturbance of this sensitive habitat and impact the soils threshold.
7) Alternative 3 will decrease a higher amount of SEZ coverage compared with Alternative 2. Thereby, alternative 3 has a greater benefit in working towards the achievement of the soils thresholds.
8) Alternative 3 removes all golf course bridge crossings (p. 3.3-54) and does not add additional bridges compared to alternative 2 which replaces five small bridges with one larger bridge.
9) In Alternative 2, 89 new paved parking spaces would be developed (p. 2-55) which is impacts the soils threshold.
10) Only 10 acres of new sod would be laid in Alternative 3.
11) Alternative 3 uses less water than Alternatives 1 and 2.
12) Alternative 2 impacts cultural resources.

AOB13-1 cont.

In light of the above reasons, the League is fully in support of Alternative 3 which clearly stands out as the preferred environmental alternative by restoring reaches of the Upper Truckee River, conserving undeveloped forested land, and serving to assist in achieving mandated many environmental thresholds.

If you have any questions or concerns please contact the League at 530-541-5388.

Thank you,

Nicole Gergans
Environmental Program Advocate

AOB13-1 The commenter's support for Alternative 3 and opposition to Alternative 2 is noted. The commenter lists impacts associated with Alternative 2 but does not acknowledge that most of these impacts are also associated with Alternative 3. Most of the impacts have been mitigated under both alternatives, including impacts on water quality, soils, vegetation, recreation, wildlife, and cultural resources. See the following master responses:

- Master Response Section 3.2, "Land Use";
- Master Response Section 3.3, "Biological Resources";
- Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality";
- Master Response Section 3.5, "Recreation"; and
- Master Response Section 3.6, "Cultural Resources."

AOB-14

KEEP TAHOE BLUE
League to Save Lake Tahoe

November 15, 2010

California State Parks and Recreation
Sierra District
P.O. Box 16
Tahoe City, 96145

Dear Ms. Cyndie Walck,

The League to Save Lake Tahoe appreciates the opportunity to comment on the Upper Truckee River Restoration and Golf Course Reconfiguration Draft EIR/EIS. The efforts by California State Parks to restore a very important section of the Upper Truckee River are commendable.

The League supports the restoration of stream environment zones as well as the protection of raw undeveloped sensitive lands and forested uplands. These ecosystems provide important water quality benefits, ecological functions, and wildlife habitat. After thoroughly reviewing the different alternatives and their associated impacts, the League is strongly in support of Alternative 3 River Ecosystem Restoration with Reduced-Play Golf Course. Alternative 3 provides the best opportunity to restore the Upper Truckee River, while simultaneously conserving valuable forested and sensitive land.

Alternative 3 is the environmentally preferred alternative because it avoids the impacts that will be caused by Alternative 2. Specifically, Alternative 2 develops forested land with impacts to vegetation and wildlife, builds within the vicinity of sensitive lands, reduces access area for low impact recreation, disturbs currently undisturbed soils and has an impact to water quality through the use of fertilizers and irrigation. AOB14-1

Below is a summary of primary reasons why the League supports Alternative 3 over Alternative 2.

1) Alternative 3 restores the Upper Truckee River without impacting large areas of additional undeveloped forested land, whereas Alternative 2 impacts a significant amount of undeveloped forested land and increases the golf course footprint from 133 acres to 156 acres.
2) In Alternative 3 the floodplain would be more fully restored than in Alternative 2 (p.2-71) working to help attain the water quality and soils thresholds
3) No new wells, water storage or drainage ponds will need to be constructed for Alternative 3, whereas in Alternative 2, a 1.6 acre manmade pond will be created for irrigation (p. 2-52).
4) Alternative 3 does not reduce access from the neighboring communities to Washoe Meadows State Park as is the case with Alternative 2 (pg. 3.2-14). In alternative 2 the combination of

reduced access along with the decrease in forested land will cause an impact to recreation uses and the recreation threshold.

5) Golf courses are not allowed in Washoe State Park and are not considered to be consistent with the purpose of the Washoe Meadows State Park designation. In order to put a golf course within the Park, Alternative 2 will require a change in the boundaries so that the land is no longer considered State Park. Alternative 3 does not require a change in State Park designation (p. 3.2-15).
6) Alternative 3, unlike alternative 2, does not propose activity within the vicinity of a fen (Table 3.2-1). In Alternative 2 the building of a golf course adjacent to a large undisturbed fen will create disturbance of this sensitive habitat and impact the soils threshold.
7) Alternative 3 will decrease a higher amount of SEZ coverage compared with Alternative 2. Thereby, alternative 3 has a greater benefit in working towards the achievement of the soils thresholds.
8) Alternative 3 removes all golf course bridge crossings (p. 3.3-54) and does not add additional bridges compared to alternative 2 which replaces five small bridges with one larger bridge.
9) In Alternative 2, 89 new paved parking spaces would be developed (p. 2-55) which is impacts the soils threshold.
10) Only 10 acres of new sod would be laid in Alternative 3.
11) Alternative 3 uses less water than Alternatives 1 and 2.
12) Alternative 2 impacts cultural resources.

AOB14-1 cont.

In light of the above reasons, the League is fully in support of Alternative 3 which clearly stands out as the preferred environmental alternative by restoring reaches of the Upper Truckee River, conserving undeveloped forested land, and serving to assist in achieving mandated many environmental thresholds.

Furthermore, the League does not support Alternative 1, the No Project Alternative. This alternative will provide no restoration benefit and therefore would not provide progress towards achieving the environmental threshold standards.

If you have any questions or concerns please contact the League at 530-541-5388.

Thank you,

Nicole Gergans
Environmental Program Advocate

AOB14-1 The commenter's support for Alternative 3 and opposition to Alternative 2 is noted. The commenter lists impacts associated with Alternative 2 but does not acknowledge that most of these impacts are also associated with Alternative 3. Most of the impacts have been mitigated under both alternatives, including impacts on water quality, soils, vegetation, recreation, wildlife, and cultural resources. See the following master responses:

- Master Response Section 3.2, "Land Use";
- Master Response Section 3.3, "Biological Resources";
- Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality";
- Master Response Section 3.5, "Recreation"; and
- Master Response Section 3.6, "Cultural Resources."

LAKE TAHOE
VISITORS AUTHORITY

SOUTH SHORE

AOB-15

October 7, 2010

The Board members of the Lake Tahoe Visitor's Authority, after reviewing the draft EIR/EIS/EIS documents on the Upper Truckee River Restoration and Golf Course Reconfiguration Project and the stated goals of the project in the Executive Summary, do hereby state that,

- Whereas Alternative 2 best meets the outlined goals of the restoration project
  - Restoration of the Upper Truckee River to a functional state
  - Restoration of the surrounding streamside and meadow habitat
  - Preservation of a regulation-size golf course for high-quality outdoor public recreation
  - Preservation of the annual $6,000,000 contribution to the local economy as a direct result of Lake Tahoe Golf Course operations
  - Preservation of 198 direct and indirect jobs as a result of Lake Tahoe Golf Course operations
  - Preservation of the annual $880,000 to California State Parks from concessionaire fees as a direct result of Lake Tahoe Golf Course operations
- Whereas Alternative 2 is the best overall solution for the environment, for the economy of South Lake Tahoe, and for high-quality public outdoor recreation

We strongly recommend that Alternative 2 be approved for implementation by the Tahoe Regional Planning Agency and by California State Parks.

AOB15-1

On behalf of the Board,

Patrick Ronan
Chair
Lake Tahoe Visitors Authority

California Location: 3066 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 530-544-5050 phone 530-541-7121 fax
Nevada Location: 169 Highway 50 / P.O. Box 5878 Stateline, NV 89449-5878 775-588-5900 phone 775-588-1941 fax

TahoeSouth.com

AOB15-1 The commenter's support for Alternative 2 and its economic, recreation, and environmental value is noted. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the draft EIR/EIS/EIS.

LAKE TAHOE
VISITORS AUTHORITY
SOUTH SHORE

AOB-16

October 29, 2010

The members of the Lake Tahoe Visitor's Authority Marketing Committee, after reviewing the draft EIR/EIS/EIS documents on the Upper Truckee River Restoration and Golf Course Reconfiguration Project and the stated goals of the project in the Executive Summary, do hereby state that,

Whereas Alternative 2 best meets the outlined goals of the restoration project:

- Restoration of the Upper Truckee River to a functional state
- Restoration of the surrounding streamside and meadow habitat
- Preservation of a regulation-size golf course for high-quality outdoor public recreation
- Preservation of the annual $6,000,000 contribution to the local economy as a direct result of Lake Tahoe Golf Course operations
- Preservation of 198 direct and indirect jobs as a result of Lake Tahoe Golf Course operations
- Preservation of the annual $880,000 to California State Parks from concessionaire fees as a direct result of Lake Tahoe Golf Course operations

AOB16-1

And do hereby support Alternative 2 and recommend that the Tahoe Regional Planning Agency and California State Parks approve Alternative 2 for implementation.

Respectfully,

Mindi Befu
Chair
Lake Tahoe Visitors Authority Marketing Committee

California Location: 3066 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 530-544-5050 phone 530-541-7121 fax
Nevada Location: 169 Highway 50 / P.O. Box 5878 Stateline, NV 89449-5878 775-588-5900 phone 775-588-5941 fax

TahoeSouth.com

AOB16-1 The commenter's support for Alternative 2 and its economic, recreation, and environmental value is noted. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the draft EIR/EIS/EIS.

AOB-17

**Fwd: Upper Truckee River comment**

Sue Novasel [novasel@aol.com]

**Sent:** Wednesday, October 06, 2010 10:32 AM

**To:** Project, Upper Truckee

DATE: 10/06/2010
To: Cyndie Walck, UTR project director
cc: Theresa Avance, TRPA
From: Sue Novasel, Chair of Meyers Community Roundtable Committee
**RE: EIS/EIR/EIR Document, Upper Truckee River**
**Via: Email utproject@parks.gov**

Thank you for accepting our comments on the draft EIS/EIR/EIR for the Upper Truckee River and Golf Course Reconfiguration Project.

My name is Sue Novasel and I have lived in the Meyers area for over 30 years. I am also the Chair of Meyers Community Roundtable Committee. Our Meyers group was presented an overview of the UTR project last month. Afterwards, members of the public were asked to comment on the project. There was no spoken opposition to the project and I believe that the following is a fair and accurate description of how our committee feels about the project.

We believe that Alternative 2, as outlined in the draft EIS document, will bring about the best results for the things we care about: the local community and the local environment.

As far as the benefits of the proposed Alternative 2 to the community, here are some of the reasons we see that it will be **best for the community:**

- Keeps jobs. Many people depend on the golf course to make their living. We read that over 75 jobs come out of the golf course. If we lose the golf course, it would be very challenging for these people to find jobs in this economy.
- Brings in tourist dollars. The Lake Tahoe Golf Course as well as all the other recreational access and amenities in the area (both summer and winter) are also major contributors to our way of life here. Many families earn their livings, in the South Lake/Meyers area from the tourist economy. We read that over $6M is generated each year from visitors who come to our area to use the golf course. We would all feel the hit if this amenity went away. Families would move, school enrollment would go down, our community would suffer. AOB17-1

Here is why we think Alternative 2 is the **best option for the environment:**

- Alternative 2 maximizes the restoration benefits to the river while maintaining the economic engine of the area—the golf course.
- Alternative 2 seems like a better long-term solution to the river erosion issue than Alternative 4 (rip rap) which will only hold for a short time and look really bad.
- Alternative 2 could have a dramatic impact on lowering the run-off of sediment getting into Lake Tahoe by bringing back the natural curves in the river AND repairing the meadows along the bank.
- We also like 2 because it adds a buffer between the river and the golf course.

To us, the obvious win/win alternative is number 2.
Thank you.

Sue Novasel
Chair, Meyers Community Roundtable Committee
3080 Elf Lane
South Lake Tahoe, CA 96150

AOB17-1 The commenter's support for Alternative 2 and its economic, recreation, and environmental value is noted. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the draft EIR/EIS/EIS.

**Truckee River Restoration and Golf Course Reconfiguration Project DEIR/DEIS/DEIS**

AOB-18

Gary Midkiff [gary@midkiffandassoc.com]

**Sent:** Tuesday, October 26, 2010 4:08 PM

**To:** Project, Upper Truckee

I am writing to support alternative #2 of the Draft Environmental Analysis which provides for restoration of the Truckee River through the golf course site and reconstruction of the 9 holes across the river. The Truckee River and the Lake Tahoe Golf Course are both important resources to the South Tahoe area and State of California State Park System. Restoration of the river through the golf course is an important water quality and environmental element, while the golf course is a major recreational resource and income producer to the CA State Parks System.

AOB18-1

TRPA's Recreation Threshold is, according to the TRPA Compact, of equal importance to the future of the Basin. As TRPA, and the Courts, have found in the past, no single threshold can be held above another. Although many people would argue that there are cases where there should be priorities among the adopted Environmental Threshold Carrying Capacities, TRPA has repeatedly found that not to the possible.

I urge the certification of the EIS and approval of Alternative #2.

**Gary D. Midkiff**
**Principal**

**Midkiff & Associates Inc.**
**O: (775) 588-1090**
**F: (775) 588-1091**
**gary@midkiffandassoc.com**

AOB18-1 The commenter's support for Alternative 2 and its economic, recreation, and environmental value is noted. This comment does not raise issues regarding the adequacy, accuracy, or completeness of the draft EIR/EIS/EIS.

AOB-19

STATE OF CALIFORNIA — Arnold Schwarzenegger, Gov

**NATIVE AMERICAN HERITAGE COMMISSION**
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

September 2, 2010

Cyndie Walck
California Department of Parks and Recreation Sierra District
P.O. Box 16
Tahoe City, CA 96145

RE: SCH#2006082150 Upper Truckee River Restoration and Gold Course Reconfiguration Project EIR/EIS; El Dorado County.

Dear Ms. Walck:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
  - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

AOB19-1

AOB19-2

AOB19-3

AOB19-4

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

**Native American Contact List**
El Dorado County
September 1, 2010

Washoe Tribe of Nevada and California
Waldo Walker, Chairperson
919 Highway 395 South Washoe
Gardnerville , NV 89410
waldo.walker@washoetribe.
775-265-4191
775-265-6240 Fax

Washoe Tribe of Nevada and California THPO
Darrel Cruz, Cultural Resources Coordinator
919 Highway 395 South Washoe
Gardnerville , NV 89410
**darrel.cruz@washoetribe.**
(775) 265-4191 ext 1212
(775) 546-3421 - cell
(775) 265-2254 FAX

April Wallace Moore
19630 Placer Hills Road Nisenan - So Maidu
Colfax , CA 95713 Konkow
530-637-4279 Washoe

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2006082150 Upper Truckee River Restoration and Gold Course Reconfiguration Project EIR/EIS: El Dorado County.**

| | |
| --- | --- |
| AOB19-1 | The commenter requests that State Parks contact the appropriate information center for a record search. See Master Response Section 3.6, "Cultural Resources." |
| AOB19-2 | The commenter requests that an archaeological survey report be prepared. See Master Response Section 3.6, "Cultural Resources." |
| AOB19-3 | The commenter requests that the Native American Heritage Commission be contacted. See Master Response Section 3.6, "Cultural Resources." |
| AOB19-4 | The commenter states that lack of surface evidence of archaeological resources does not preclude their subsurface existence. See Master Response Section 3.6, "Cultural Resources." |

STATE OF NEVADA
Jim Gibbons, Governor
Department of Conservation & Natural Resources
Leo M. Drozdoff, P.E., Acting Director
DIVISION OF ENVIRONMENTAL PROTECTION
Colleen Cripps, Ph.D., Acting Administrator

AOB-20

November 4, 2010

Mr. Mike Elam
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449-5310

Dear Mr. Elam,

This letter is to provide comments regarding the Upper Truckee River Restoration and Golf Course Reconfiguration Project Draft Environmental Repot/Environmental Impact Statement/Environmental Impact Statement (Draft EIR/EIS/EIS). As the alternate representative to the Advisory Planning Commission, I was asked to do so.

As you are aware, the Lake Tahoe TMDL indicates the Upper Truckee River as the greatest contributor of fine sediment particle loads within the stream channel erosion source category. Moreover, the Pollutant Reduction Opportunity (PRO) analysis determined that stream restoration/rehabilitation are cost-effective actions capable of achieving significant load reductions relative to the source category loading rates. Therefore, restoration/rehabilitation of the Upper Truckee River is a relatively small, but significant component of the TMDL Recommended Implementation Strategy.

A reasonable range of alternatives for restoration of the river have been included in the Draft EIR/EIS/EIS. However, I would offer the following input with respect to two areas of the technical analysis presented in the report. The first is to recommend inclusion of a discussion of fertilizer practices on the golf course and associated nutrient loading estimates for each alternative. Nutrients are important controls not only on pelagic lake clarity but also nearshore and stream condition. Furthermore, the Final EIR/EIS/EIS should attempt to answer the following questions. Would re-establishment of hydrologic function and re-connection of the channel with floodplain increase or reduce nutrient loads? Will a fertilizer management plan be prepared and implemented on the golf course in order to minimize nutrient loading? AOB20-1

While the issue of climate change was addressed in the report, the analysis was limited to impacts associated with emissions. An analysis with respect to impacts associated with consumptive water use was absent. The high consumptive use of water by golf courses warrants inclusion of this topic in the analysis. This need is furthermore emphasized in light of the TMDL findings associated with potential future climate change impacts. For this investigation, a range of published results from 84 different climate and hydrology model simulations for different emissions and environmental sensitivities were compiled. The central projection of predicted effects on precipitation and temperature through the year 2050 was a AOB20-2

decrease by approximately 10% and increase by 2°C. It is important to discuss the implications of these predictions relative to the various EIR/EIS/EIS alternatives; how will each effect on water quantity in the drier climate that is predicted to occur? Will any of the alternatives exacerbate the problem or are there mitigation measures that should be taken to ensure they do not?

AOB20-2 cont.

Related to both these points above, I would like to highlight a study conducted several years ago at Village Green located in Incline Village, NV (Beck, 2007). Village Green ballfield is a high use turf surface utilized by the local community for recreational sports. A cooperative agreement between researchers and the ballfield managers allowed the implementation and detailed monitoring of a variety of alternative management strategies in an effort to reduce the impacts of the turf surface to downstream water quality. The project included detailed surface water and groundwater instrumentation, maintenance and monitoring over several years to evaluate the water quality benefits of the elimination of phosphorus-containing fertilizer applications on the ballfields. Furthermore, a water reuse system was installed during the summer of 2006 which served as the sole source of fertilizer and/or soil amendments applied to a specific zone of the ballfields. Site observations included: (1) a reduction of nutrient loading to the groundwater and adjacent stream with little effect on the turf management practices or quality of the turf surface; (2) decreased consumptive water use. This lead to the conclusion that implementation of highly sophisticated fertilizer management strategies on turf surfaces can significantly reduce contributions from anthropogenic fertilizer to the annual N& P budgets in Lake Tahoe. Moreover, the preliminary findings suggest that the application of automated reuse systems connected to adjacent wet basins and golf courses could reduce consumptive water use as well as annual fertilization needs. For the alternatives that include realignment of the golf course, NDEP encourages the inclusion of such practices as a mitigation measure for fertilizer and/or consumptive water use impacts identified.

AOB20-3

Thanks you for this opportunity to provide comments. Should you have any questions or need clarification, please contact me at 775.687.9450 or jkuch@ndep.nv.gov.

Sincerely,

Jason Kuchnicki

Cc: Kathy Sertic, NDEP
Allen Biaggi, Chair TRPA Governing Board
Lauri Kemper, Lahontan Water Board

Reference Cited

Beck, Nicole G. 2007. Water Quality Investigations of a Fertilized Turf Surface in the Lake Tahoe Basin (2002-2006). Prepared for Nevada Tahoe Conservation District, May 2007.

901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701 • p: 775.687.4670 • f: 775.687.5858 • ndep.nv.gov

AOB20-1 The commenter requests that the final EIR/EIS/EIS quantify estimates of nutrient loading related to fertilizer use on the golf course and relative changes in nutrient loads under each alternative. The commenter requests clarification about whether a fertilizer management plan would be prepared to minimize nutrient loading. See Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality."

AOB20-2 The commenter requests that climate change implications regarding consumptive water use be incorporated in the final EIR/EIS/EIS. The commenter incorrectly concludes that the mandatory evaluation of emissions was the only analysis of climate change impacts presented in the draft EIR/EIS/EIS. Anticipated region-specific climate change effects on hydrology were proactively included as part of the setting information (pages 3.3-10 to 3.3-13) and considered in the evaluation of alternatives in Section 3.16, "Cumulative Impacts." This consideration included potential direct and indirect effects of potential climate change on hydrology, runoff, and river response.

The commenter is correct that conditions under climate change may increase water demand, reduce the availability of surface water, or both, thus adversely affecting the overall water supply. However, the effects would be consistent under all alternatives, including the baseline. Therefore, the quantification and comparison of water demand under each alternative in the draft EIR/EIS/EIS (and as clarified and expanded in Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality") also represents the comparison of each alternative relative to climate change effects on water supply.

AOB20-3 The commenter recommends a potential method of sophisticated fertilizer management (eliminating fertilizer that contains phosphorous) and a water reuse system as an approach to mitigation for alternatives that involve realigning the golf course (e.g., Alternatives 2 and 3). The referenced water reuse approach could be incorporated by State Parks in its implementation of Mitigation Measure 3.4-8 (Alt. 2), but would not be the only means to achieve the performance goal(s) of the measure or meet potential regulatory requirements to be imposed by the Lahontan RWQCB. See Master Response Section 3.4, "Hydrology, Flooding, Geomorphology, and Water Quality," for additional discussion of water use.