LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

July 30, 2018

CA Department of Parks & Recreation
Sierra District
Cyndie Walck, CEQA Coordinator
P.O. Box 266
Tahoma, CA 96142

Subject: Comments on the Washoe Meadows State Park River-Golf Course PAAEA

Dear Ms. Walck:

I have reviewed the *Preferred Alternative 2B and Additional Environmental Analysis: Upper Truckee River Restoration and Golf Course Reconfiguration Project (SCH No. 2006082150)* regarding an updated evaluation of a new Alternative (2B) (PAAEA).

This additional environmental analysis does not provide a complete analysis of the various potential impacts to biological resources that could arise from implementing the preferred alternative 2B. Instead, the PAAEA takes the position (sans evidence and analysis) that only impacts to Sensitive Habitats (e.g., Jurisdictional Wetlands, Riparian Vegetation, Fens, Springs, and SEZ) (see Impact 3.5-3) matter in this updated analysis of this new alternative (2B).

I have made a number of comments over the years (comment letters from 2010 and 2011), noting serious deficiencies in mapping the study area habitats and a naïve analysis on how the various alternatives might impact the biological resources of the site and region.

While the Final EIR/EIS/EIS did correct a number of egregious errors, for which I am appreciative, the PAAEA, for example, disingenuously characterized the initial mapping errors as relying on "…different approaches…". Statewide land cover maps often rely on low resolution as they are characterizing hundreds of thousands of acres if not millions of acres. So, I am unfamiliar with any credible land cover mapping approach for a study site of a few hundred acres that relies on vastly different resolution scales; while one habitat, Lodgepole pine – mesic type, envelopes several acres of obvious meadow (e.g., Washoe Meadows State Park) and another land cover of several small units identified as "wet meadow". The original mapping approach was simply inappropriate for evaluating the impacts of a project at a scale of a few hundred acres, particularly with the heterogeneity of the land cover of the study area. While a more informed analysis is possible relying on a land cover scheme that matches the scale of the project, the PAAEA misses the opportunity to adequately analyze impacts to important biological resources.

As the PAAEA provides no overall updated analysis on biological resources (both from a site specific and regional analysis), I still believe there are unresolved inadequacies. I identified the following as some of the important inadequacies: 1) the continued mischaracterization of the habitat value of the region of WMSP proposed to be converted to golf; and 2) the inadequate analysis of the affects that Alternative 2B would have on regional movements of wildlife – effects that do not occur with other Alternatives, particularly Alternative 3 and 5 which provide for full restoration of the river. I have included my October 20, 2011 comment letter to the commission which sufficiently defines these inadequacies, which remain for the PAAEA.

This PAAEA confined itself to a single biological issues, Impact 3.5-3, Short-term construction related disturbances or Loss of Sensitive Habitat. This Impact Analysis fails at many levels. First and foremost, it is not possible to assert this impact is **short-term construction related disturbance related**, without first defining what are the impacts (to each sensitive habitat) and are the impacts related to river restoration (e.g., restoration which may qualify as self-mitigating) or as from reconfiguring the golf course (e.g., development impacts as characterized by the regulatory agencies). If any riparian, stream or wetland habitat is impacted by the golf course, then that should be clarified and classified not as a temporary impact, but as a permanent impact, which is standard for development components of a project.

As noted above, this document fails to apportion the impacts to these sensitive habitats to the main two components so the project: stream restoration vs. development impact. The importance and implications are enormous, not just for meeting the CEQA/NEPA standards, but also because of serious and substantial affect this analysis will have on the ability of the project in obtaining all of its necessary permits.

Impacts from river restoration might be considered self-mitigating, depending on the final restoration design, but impacts from a development feature (e.g., golf course or its infrastructure) would be required to mitigate at suitable ratios so as to lessen the impact for CEQA/NEPA purposes to a less-than-significant level and to satisfy the regulatory agencies which often have differing mitigation ratios and regulatory requirements. This vagueness of the PAAEA in the impact and subsequent mitigation renders it impossible to judge whether or not Impact 3.5-3 has provided for adequate and feasible mitigation. In fact, the PAAEA analysis is completely inadequate as it lacks evidence of the magnitude of the impact for each project component (stream restoration vs. golf course) of the various regulated habitats (e.g., riparian, stream, wetland, etc.), whether or not feasible areas exist to even compensate for the mitigation, and how would these areas result in suitable creation of habitat to name a few.

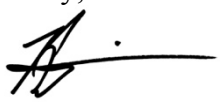
Given the controversial nature of this project and the current Industry Standards (and controversy of the project) for capital improvement projects like this one, I would have expected that the applicant would have either obtained a Jurisdictional Determination from the USACE or at the very least had a Draft Wetland Report prepared which identified areas believed to be under the jurisdiction of the USACE. The key reason for this is that the regulatory agencies (e.g., USACE, RWQCB and CDFW) are adamant that large projects may be substantially modified during the permitting phase, requiring either revisions to EIR/EIS that need to be recirculated, or the preparation of an environmental Addendum. Therefore, the lack of any analysis as to the

project's impacts on sensitive habitats for the various regulatory agencies, renders it impossible to determine if the vague mitigations provided adequately and feasibly mitigated the impact.

It is conceivable (and the PAAEA lacks any information to the contrary to assert otherwise), that impacts specific to the golf course reconfiguration may impact areas under the jurisdiction of the USACE that will require an Individual Permit (e.g., impacts exceeding 300 lineal ft. of any jurisdictional stream or in excess of 0.5 acres of streams, wetlands, etc.). If such a permit is triggered, then the applicant would need to prepare a 404(B)(1) Alternative Analysis, which has to identify Least Environmentally Practicable Alternative (LEDPA) – which the golf course impacts is likely to fail). Also, several RWQCB's in the state rely heavily on the LEDPA analysis to evaluate each individual impact and force the applicant to defend all impacts separately. Thus, impacts from the golf course cannot be co-mingled with anything considered stream restoration.

It is also important to keep in mind, the Alternative Analysis reviewed by the USACE is not allowed to consider how the project might mitigate its impacts – in other words, it is solely an exercise to analyze whether the applicant has reasonably considered alternative designs that reduce impacts to areas under the jurisdiction of the USACE (or in cases of the RWQCB). In addition, the 404(B)(1) analysis is not only published in the Federal Register for public comment, but it will almost certainly need to be inserted into the Final EIS portion of the PAAEA. Thank you for the opportunity to respond to the River-Golf Course PAAEA

Sincerely,



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

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October 20, 2011

Chair Caryl Hart and Members of the
California State Park & Recreation Commission
P.O. Box 942896
Sacramento, CA 94296-0001

RE: General Plan amendment and Adjustment of Classifications of Lake Valley State Recreation Area and Washoe Meadows State Park in furtherance of Upper Truckee River Restoration and Golf Course Reconfiguration Project (Commission Agenda Items 5.B and 5.C, Oct. 21, 2011 Agenda)

Dear Chair Hart and Members of the Commission:

I have reviewed the Final 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.

Based on this review, it is my professional opinion that this Final EIR/EIS/EIS still contains seriously flawed analysis and characterization of the lands to be impacted by Alterative 2. For these reasons I do not believe the commission is able to properly evaluate the range of project alternatives analyzed by this environmental document.

In my original letter on the Draft EIR/EIS/EIS dated November 14, 2010, I focused on four areas that based on my professional opinion prohibited that document to fully disclose the true effects of each of the alternatives. These were 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) failing to fully assess adverse impacts to wildlife movements in Washoe Meadows State Park of the golf course development proposed in Alternative 2.

The Final EIR/EIS/EIS did correct a number of egregious errors, such as the mis-mapping of the habitats in Washoe Meadow State Park. It has also provided a more thorough analysis of the fen/spring complexes, but significant inadequacies still remain on this point. Dr. Jerry Quals, wetland scientist and assistant professor from University of Nevada, Reno, has provided additional comments related to the fens/spring complexes, and the inadequacies of the Final EIR/EIS/EIS in addressing them.

Therefore, I will restrict my comments to: 1) the continued mischaracterization of the habitat value of the region of WMSP proposed to be converted to golf; and 2) the inadequate analysis of the affects that Alternative 2 would have on regional movements of wildlife – effects that do not occur with other Alternatives, particularly Alternative 3 and 5 which provide for full restoration of the river.

Characterization of the Conservation Value of WMSP

Francis Bacon, father of modern science, noted over 300 years ago, "the quilt of the senses is of two sorts, either it destitutes us or deceives us." In other words, our biases and perceptions cloud our ability to make fair and robust inferences about natural systems. I raised the concern in my original letter that the Draft EIR/EIS/EIS understated the conservation value of the lands in WMSP that would be converted to golf use under Alternative 2. The response in the Final EIR/EIS/EIS simply sidestepped this comment and simply repeated that the area is degraded. The response simply noted that it was never claimed it the area had no value but the master response did state the area was degraded – implying the conservation value was poor. For example, the master response 3.3.1 states "...the upland habitat in the proposed golf course area is presently degraded and experiences relatively high levels of disturbance from use of volunteer trails by bicycles and pedestrians..." This begs the question compared to what. This is an opinion not based on any standard metrics of habitat quality. In fact, the contrary is most likely true. Given the mosaic of habitats, the structural diversity of the forested areas (primarily second and third growth, but trees of varying sizes, the presence of snags (a very important component), the considerable edge affect along the various habitats, the proximity of important sensitive habitats such as the river and fens, plus various wet meadows components, one can expect a rich and diverse plant and animal species.

The document makes an assertion with no evidence. There are a number of ways to either qualitatively or quantitatively characterize the habitat value of an area in WMSP. The Final EIR/EIS/EIS provides no metrics

I would argue, this biased opinion (see Francis Bacon) is not errantly made or placed in the document. They have made a desperate attempt to characterize this area as degraded and worthy of placement of a golf course. I would argue, an unbiased assessment will find that these similar habitats would score moderate to good quality habitat when compared with similar mix of

habitats (topography, elevation etc.) in the basin. A truly degraded habitat would be classified as poor (qualitatively poor-moderate-good scale) and have relatively low use and likely used by more urban species - this is clearly not the case.

As I noted in my original comments, 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 Final 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.

The 45 acre of forested land that would be logged for the golf course consist of fairly typical stands of Jeffrey pine and lodgepole pine forests in the Basin. That is they 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 Final 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.

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, etc.

Simply put, the document needs to clearly discuss, that moderate to good quality forested habitat will be impacted under Alterative 2 (which it currently does not do as it continues to imply this is a disturbed, degraded area – no basis in fact), an impact that does not exist for Alternative 3 and 5 that allow for full river restoration.

Impacts to Wildlife Movement from Alterative 2

My original comments on this matter are still relevant. This document incorrectly asserts that a restored stream corridor provides the necessary linkage for regional wildlife movement. This is

an extremely naïve understanding of the spatial use patterns of the various species known to inhabit the park. Some species, are very attracted to the riparian corridor, others less so. Species (e.g., squirrels, chipmunks, some bird species) that are associated with the upland forest to be converted to golf by Alterative 2 will be pushed into a narrow band of habitat between the new golf holes and the residential community. This is not an improvement, but a degradation of an area currently used by wildlife.

It is completely erroneous to believe the restoration of the stream corridor solves all problems - it benefits some species by facilitating movement and is a neutral benefit for others. However, the placement of golf now on both sides of the stream corridor as proposed in Alternative 2, substantially lessens the benefit gained by river restoration, and creates a pinch point for those species that usually forage or move within the upland matrix.

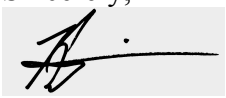
Problems that are not inherent to Alternatives 3 and 5. They provide for complete river restoration while not interjecting additional impacts on the landscape – something Alternative 2 fails to do.

Conclusion

The Final EIR/EIS/EIS continues to perpetuate a misleading comparative evaluation of the various alternatives. 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 Final 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.

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

Sincerely,



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