



California Department of Parks and Recreation  
Sierra District  
Cyndie Walck, CEQA Coordinator  
PO Box 266  
Tahoma, CA 96142

July 30, 2018

Subject: River-Golf Course PAAEA

Dear Ms. Walck,

Founded in 2006, Washoe Meadows Community is a grass roots non-profit organization of volunteer activists and supporters from across California as well as in other states. Over 500 individuals and a dozen conservation groups have demonstrated their support for protecting Washoe Meadows. Together we are working to permanently protect the wildlands of Washoe Meadows State Park including forests, trails, wetlands, meadows, and rare plants and wildlife. Our mission is to preserve the park and protect it from the proposed golf course development, promote an alternative that is more environmentally sustainable and prevent implementation of a precedent-setting downgrade of protections for California State park land.

We appreciate the opportunity to comment on the proposed project. Even though Washoe Meadows Community should have been noticed as described in the PAAEA, Washoe Meadows Community was made aware of the reissuance of the EIR through community members who were noticed.

We were disappointed to find that the new EIR did not address many of the comments previously made by the Washoe Meadows Community and other members of the public. Our comments are attached and some of the items are summarized as follows.

- The proposed project displays disregard for State Parks own regulations as well as State Law
- The EIR and the public process misrepresents information to the Public and Commissioners
- The EIR contains inadequate environmental analysis and impact assessments on alternative 2B
- The EIR includes 6 to 7-year-old documents in Volumes I-V based in some cases on decades old information that have not been updated to reflect substantial changes, new information, and cumulative effects on the project
- There is a lack of a reasonable set of alternatives to allow adequate public review per CEQA requirements in spite of numerous suggestions and comments during the 2010 draft EIR process and subsequent years
- Failure to update or correct assumptions and data in the economic analysis resulted in exclusion of other viable alternatives from consideration.

Lake Valley State Recreation Area income continues to drop in its ranking compared to income levels of other State Park units per State Parks' annual statistical reports. Reliance on golf as a revenue source rather than having diverse revenue sources is a short-sighted plan.

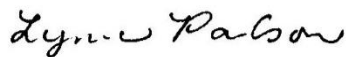
Washoe Meadows continues to oppose alternative 2B for many reasons including the points above. Of the alternatives considered in the EIR, Alternative 3, the river restoration with Reduced-Play Golf course, would accomplish important public trust responsibilities and environmental protection goals while still feasibly accomplishing the Project's basic objectives (CEQA Guidelines, 15126.6 subd. (a).) According to State Parks' own description, Alternative 3 could involve either a 9 hole or 18 hole golf course.

We also would support a new alternative that addresses the issues noted above.

- In addition to comments on the EIR, we have presented the fundamental objectives for a new alternative in our comment section.
- Several other options that were not adequately examined by the EIR are mentioned.

We would be happy to discuss these issues with you.

Sincerely,



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on behalf of Washoe Meadows Community

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### **1. Disparity with State Parks' own Planning Guidance**

To date State Parks has deflected arguments that a General Plan is needed for the Park before development that would constitute a permanent commitment of natural resources by trading off such resources in a land adjustments with the State Recreation Area (SRA) pursuant to PRC section 5002.2 (a)(1) "*Following classification or reclassification of a unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the department shall prepare a general plan or revise any existing plan for the unit.*"

California Resource Code 5019.53 states the following.

California Public Resource Code S019.53

*5019.53. State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values. indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath—Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.*

*Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.*

*Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picknicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.*

Relocating part of a golf course into a state park violates these conditions. The fact that land would be transferred from the recreation area to the park is irrelevant.

We recognize that State Parks inherited a golf course as an existing facility, but these regulations clearly preclude development of any new golf holes in the area as proposed in Alternate 2B.

Given the above, creating new golf holes in the Park flies in the face of State Parks mission and Public Resource Code policy.

**REQUESTED REMEDY:** Follow State Parks policy that applies to both Parks and the SRA and discontinue plans that relate to creation of new improvements to provide for urban recreation, in this case, golf course reconfiguration.

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## **2. Misrepresentation of information to the Public and Commissioners**

### **a. EIR Volume VI, Appendix A**

Appendix A will be the basis for presentation of the reclassification issue to the California Park and Recreation Commission as they deliberate on approval of the downgrade of portions of Washoe Meadows State Park. A staff member of State Parks indicated this approval would be sought at the October 2018 Commission meeting which has been listed on the Commission's website for October 18-19.

Appendix A presents the information in a biased manner and does not fairly present the description, basis or impacts of the decision before the Commission to the public, the Commission, or other agencies

- Appendices about changing the classification (EIR Volume V, Appendix K and EIR Volume VI Appendix A) use euphemisms for downgrade instead of being clear about what the "Classification adjustment" represents. The terminology is misleading and the wording does not explain that this proposal directly changes the classification of the unit to a classification that has fewer protections. It makes it sound like a simple moving of a boundary line when it is actually a complicated boundary change.
- The Appendix does not explain that this was the first such downgraded protection in park land that was approved and which was reversed and which it is now attempting to approve again. A precedent-setting decision such as this should be highlighted in the Appendix.
- The Appendix lists the purpose of the Lake Valley SRA but does not list the purpose of Washoe Meadows State Park, which deflects attention from what is being lost or traded as well as the resulting environmental cost / benefit
- The Appendix does not directly present before the Commission the fact that they would be approving a significant change in the primary purpose for which the land in Washoe Meadows State Park was preserved as a state park unit. The Appendix instead is focused on the Golf Course. It lists the purpose of Lake Valley State Recreation Area but not the purpose of Washoe Meadows State Park.
- The proposed change is not explained in the context of the guidelines in the Public Resources Code for classification of park units. (PRC 5019.50-5019.80)
- The wording in the Appendix glosses over the importance of the resources in Washoe Meadows State Park. It does not indicate the real reason for the original designation of the land as State Park. The reasons for protecting the land were described in the 1984 Statute by which the state purchased the property and in the 1964 Litigation Settlement Agreement. (Note that these documents were submitted in the letter from Kenyon Yeates to State Parks, et al on November 15, 2010, and as shown in EIR Volume IV p 4-71 to 4-102). The description of the land in these documents indicate the importance of land conservation for this unit. Instead the Appendix states that the original boundary decision made the golf course State Recreation Area and the "remainder of the state land was placed in Washoe Meadows SP." (EIR Volume VI, Appendix A, page A-4). Also, in fact, originally in 1984 State Parks thought the land was too environmentally

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sensitive for use as a park. In May 1984 the Chief of the Planning Division of California Department of Parks & Recreation recommended in a letter to the Parks Chief Deputy Director that the Lake Country Estates property be acquired by the Wildlife Conservation Board for the Department of Fish and Game because the property contained “significant open space and wildlife habitat values” (Letter from Ross T. Henry to Les McCargo, regarding Lake County Estates, dated May 30, 1984.) The letter explained that “Because of their environmental sensitivity and extremely limited potential for large scale public recreation use, we do not recommend acquisition of the subject lands for State Park System purposes.” In 1984 the land was acquired through legislative appropriation to the Wildlife Conservation Law of 1947 (Stats. 1984, ch. 1470, § 2(a)(1)). The State later transferred the land to the California Department of Parks & Recreation. In March 1987, the California Park and Recreation Commission recommended that the land west of the Upper Truckee River be a State Park due to its wetlands, meadows, and wildlife habitat.” (Minutes from California State Park and Recreation Commission March 13, 1987 meeting, page 8). All of these references, along with comments from scientists from 1972 to the present, confirm the value of the land in Washoe Meadows State Park

- Appendix A contains a table summarizing the proposed “exchange” of land between Lake Valley State Recreation Area and Washoe Meadows State Park followed by a brief discussion (EIR Volume VI, Appendix A, pages A-4 to A-5.) It fails to explain that the exchange of land would result in an oddly shaped configuration that would disrupt what is presently a contiguous area of open space, i.e. Washoe Meadows State Park. When land is fragmented as planned in Alternative 2B, it has a deeper impact on ecosystems than is represented by the defined acreage. The land in Washoe Meadows State Park to be “taken” by the golf course will result in a golf course sharing a large periphery with the park, rather than the park being next to a river. This expanded “sphere of influence” of the golf course will affect many more acres in the park than those directly taken by the golf course. This would fragment the park and deepen the impact on the natural resources and ecosystems in the park.
- Appendix A also fails to explain that in some aspects the exchange of land between the park and the State Recreation Area would be an exchange of land of unequal value. Per the Lake Valley State Recreation Area General Plan, January 1988, page 47 there is a discussion about the “Interpretive Element”, “Interpretive Consideration” and “Environmental Influences”. In a section entitled “Natural resources of the unit and its environs”, it says:

“Washoe Meadows State Park, immediately adjacent to Lake Valley, has excellent potential for recreational and interpretive use, particularly with respect to natural values.”

It also says: “The relatively greater suitability of Washoe Meadows for natural interpretation, nature study, hiking, and similar uses, as well as its relative distance from the golf course and highway, are considered in planning for Lake Valley State Recreation Area.”

Ignoring their own documents, State Parks has proposed to give Washoe Meadows State Park some land near Highway 50 and Sawmill Road in exchange for allowing the golf course to be moved into the park.

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The reference documents establish the values for which the property was to be brought into the public trust and preserved. During State Parks' ownership of the land since 1984, what has changed so that these values don't apply to the land now?

This appendix should be revised to clearly state the actual decisions being pushed forward.

### **b. Public Recreation Planning Workshops in 2007**

Another example of directing comments / providing misleading information is related to the workshops held in 2007. It should be noted that no public meetings or workshops were held for the 2018 EIR, even though members of the public requested the State Parks project manager to hold such a meeting.

The Draft EIR/EIS/EIS (EIR Volume 1, Section 1.2, Page 1-6) mentions "two public recreation planning workshops in 2007" as part of its demonstration of the effort to prepare the range of alternatives. Many members of WMC participated in these events. The workshops were held on February 8 and 9, 2007. In each workshop, there was an overall meeting facilitator from State Parks' consultant EDAW and additional facilitators from EDAW and other organizations for the break out session, entitled: "Group Planning Activities (Small Break-Out Groups)." The stated goal was: "To gather information about existing public access and use patterns in Washoe Meadow SP and Lake Valley Recreation Area and provide an opportunity for the public to help identify public access and resource protection features of this project."

During the meeting and break-out groups it was clear that there was a bias for Alternative 2. The Vice President of EDAW said during her summary, "It was our (the facilitators) job to get ideas on Alternative 2." In order to meet the stated goal, she should have said: "It was our job to get ideas on options for alternatives." The other alternatives weren't even mentioned. It was clear that the organization that hired by State Parks to produce an EIR/EIS/EIS for the golf course relocation would and could not be objective in the presentation of the results of this public meeting.

The meeting and breakout facilitators were not neutral. They pushed participants to support Alternative 2 and repeatedly requested input for this alternative. In one case, the facilitator mentioned they were told to obtain comments on how Alternative 2 could be modified to be acceptable. In another case, the facilitator could not get anyone at the table to propose or agree to comments on Alternative 2 because the participants felt that Alternative 2, with its invasive golf course footprint in Washoe Meadows State Park, was not acceptable. The facilitator then wrote comments on the map of Alternative 2 where comments were to be recorded. One WMC member wrote on this chart that the facilitator, not the meeting participants, wrote the comments. We later asked for copies of these charts through a Public Records Act Request after the meeting, but we were initially denied access to them. They were finally delivered to us in 2013, well after the contested decision to approve the EIR in 2012. This same "input," which the public, commissioners or other decision makers did not have access to, was used to create the misrepresentation that the public was in favor of Alternative 2.

The two meetings were attended by many members of the public. However, the workshop was obviously designed to encourage people to show where and how they would locate golf in Washoe Meadows State Park, thereby obtaining what was later used as misleading "public input." Many participants objected to the exercise on the grounds that it went against what they believed in. There are many creative ways to design an 18-hole golf course without

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using park land, but the facilitator and the State Parks meeting leaders were uninterested in exploring them in these workshops.

These workshops were controlled in a way that did not allow full public input to modify or develop additional project alternatives in public meetings.

WMC's comments to the Notice of Preparation requested "an open public process, led by a professional facilitator, to seek consensus outcomes that can achieve timely restoration." The 2007 workshops were a poor example of such an open public process. The bias is so notable that the Lake Tahoe News mentioned it in an article at the time.<sup>1</sup>

At the same meeting, State Parks personnel said that she had spoken with the Director of State Parks who indicated that if there are too many obstacles, the project would revert to the do-nothing alternative. This same conclusion has been expressed by other agencies and organizations, so this message has obviously been delivered in discussions to other agencies and the public. The State Parks intent to limit the outcome to alternative 1 or 2B, however, was not disclosed in the draft EIR/EIS/EIS, which, under CEQA, requires full disclosure. The request in the revised Notice of Availability (NOA) that comments to the EIR should be focused on Vol VI is another attempt to limit the outcome to their predefined choice.

WMC's comments to the September 2006 Notice of Preparation requested "an open public process, led by a professional facilitator, to seek consensus outcomes that can achieve timely restoration." The 2007 workshops were a poor example of such an open public process.

The 2018 EIR had no such process. The State Parks representative on the tour of the area said that the tour was the public meeting. No notes or actions items were relayed back to tour members that we were made aware of.

The EIR/EIS/EIS fails to adequately address these issues with the process for public input.

### **3. Environmental Documentation Procedural Concerns**

- a. In spite of the fact that the PAAEA states that all people who commented on the last EIR would be noticed. Washoe Meadows Community and its legal council were never noticed. We became aware of the release of this document via a park user who noticed a small sign in the park, and by community members who were sent appropriate notice. There were likely other people who were not noticed as well. Please provide all people who were not noticed with the time necessary to review this draft EIR prior to finalizing the EIR.
- b. The notice of Completion (NOC) dated 6/13/18 filed with the State Clearinghouse is confusing. It indicates that this document is an "*other type*." See NOC for SCH Project Number 2006082150. The document type is not specifically identified. Without any CEQA citation indicating the type of document it is that uses CEQA-appropriate terminology, the reader cannot refer to specific sections of the CEQA Guidelines to assess whether State Parks' "PAAEA" document is compliant with law, since there is no CEQA citation indicating the type of document it is in CEQA-appropriate terminology. Is it a revised EIR recirculated for comment pursuant to section 15088.5 of the CEQA guidelines? Is it a CEQA supplement? PAAEA appears to be a made-up term not found

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<sup>1</sup> <http://www.laketahoenews.net/2010/10/trpa-gets-earful-on-river-project-at-golf-course-state-park/>



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in the CEQA Guidelines. Although volumes of the previous EIR were reissued without change from 7 years ago, wording in the subject EIR states that comments should be focused on Volume VI only drawing attention away from alternatives which should be evaluated.

- c. The NOA repeatedly refers to the “draft PAAEA” (CEQA/NEPA/TRPA) without discussion of the applicability of NEPA (Bureau of Reclamation as lead agency) and TRPA (as lead agency under its own Rules of Procedure) requirements. Is this PAAEA and its recirculation/comment period also applicable to NEPA and TRPA regulations? If so, under what specific sections of their regulations? Why is there no Federal Register Notice filed by Reclamation for this action? Similarly, there is no new TRPA legal noticing for the recirculation. Yet, the NOA indicates that in addition to its CEQA role, the PAAEA is intended to serve as “*the ‘proposed action’ under NEPA and the ‘proposed project’ under...the TRPA Code of Ordinances.*” Please clarify the PAAEA’s applicability to NEPA and TRPA regulations, citing the applicable regulatory sections.
- d. The NOA and its associated State Clearinghouse CEQAnet summary neglect to mention the changes in land classification between the Park unit and the SRA. The notices simply message that golf course relocation will occur on the west side of the Upper Truckee River (UTR). Indeed, the PAAEA itself deemphasizes this environmental trade-off, acting as though it’s simply an inconsequential by-product of the proposed activity and relegating it to a comment deep in the document and an Appendix. Without this element, the NOA’s Project Description is incomplete and inconsistent with the prescribed content of a NOA as required by PRC section 21092.
- e. The PAAEA states that because the appellate court held that the environmental document did not designate a stable project, “*all other issues raised on appeal were rendered moot and thus not addressed.*” While State Parks appears to interpret this statement as “so everything else about the failed environmental document is okay,” our interpretation of the court’s decision is that “there was such an enormous failure with a principle portion of the document that State Parks must go back to issuing a new EIR and the court won’t waste their time ruling on the other items.” State Parks has ignored this by simply reusing the first 5 volumes of the litigated EIS without updating the evaluations relative to the other alternatives. This lack of evaluation of all alternatives is counter to the purpose of an EIR. Since issuing of the first NOP in 2006, State Parks has always been biased in consideration of only the alternative with golf holes in Washoe Meadows State Park. In fact, at a tour on 7/17/2018, the Park’s project manager stated that she was “given” the acreage to use in the park and that could not change. The lack of an evaluation considering other alternatives, is a direct violation of a CEQA documents purpose.
- f. Someone new to this Project’s environmental review process must have a side by side review of the 2011 EIR/EIS/EIS – which originally had a more than 60-day comment period – in order to make heads or tails out of the proposal. The bungled May 2018 start of this PAAEA review process, which was initially distributed singularly, then re-strategized to recirculated with the entire 2010 / 2011 document was a decidedly unfriendly way to include the public in the environmental review process. It is hard to understand how State Parks believes that decisionmakers and the public will be able to “rapidly understand the document” that has been circulated for comment, as required by

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CEQA Guidelines section 15140. The EIR process is supposed to protect “*not only the environment but also informed self-government*” (47 Cal.3d 376, 392 [1988]), giving members of the public a “privileged position” in the CEQA process (42 Cal.3d 929, 936 [1986]). Shouldn’t members of the public be able to become informed with less complexity?

**GIVEN THE ABOVE**, this EIR impairs the public's ability to meaningfully participate in the environmental review process for this Project. State Parks has intended the public to focus on two alternatives versus all 5 in the complete document. To have to flip and dig through multiple documents to fully comprehend what State Parks is proposing and what was analyzed and the environmental effects thereof, the lack of citations regarding the regulations under which the document was prepared, incomplete project descriptions in the noticing, and incomplete noticing, presents an undue burden on members of the public wishing to participate in the CEQA process and an obstacle to informed public participation.

**REQUESTED REMEDY:** Rewrite a coherent and compliant CEQA EIR (NEPA EIS/TRPA EIS) and recirculate it for public comment

### **4. Substantial Changes/New Information, Cumulative Effects**

In the seven and eight years since volumes I through V of the EIR document were originally created, substantial changes have occurred with respect to the circumstances under which the project is being undertaken. New information, which was not known at the time the EIR was certified as complete, has become available. This new information has not been addressed in the 2018 six volume EIR presented for this proposed project.

#### **a. Changed circumstances**

The last two winters have had torrential rain and/or rain on snow events that should necessitate revalidation or reconsideration, as appropriate, of the proposed UTR restoration methodology and design. In fact, the Sunset Reach (Reach 5) UTR restoration downstream experienced devastating consequences during the winter of 2016/17 once the new channel was reopened. Yet, the EIR neglects to mention these significant changed circumstances or any lessons learned related to backfilled channels from the storm-induced failure at Sunset Reach. Since 2011, the number of nonmotorized boaters (including users of stand-up paddleboards) using this reach of the UTR has increased dramatically. Yet, the PAAEA neglects to mention this changed circumstance or consider environmental effects (installation of bridges, woody debris) to this use.

#### **b. New information:**

There have been significant changes to the Project’s environmental setting since 2011, none of which are addressed. The high-water tables have peat growing throughout the Park in locations where new fens are forming. Evidence (holes) and sightings of pileated woodpeckers and well-documented (by 2017 “Tahoe Big Year” participants) productive nests of great horned owls have been located in the lodgepole pine-dominated forests proposed for conversion to a golf course since 2011.

State Parks’ own 2013 Bat Survey prepared by West Ecosystems Analysis, Inc. documents the lack of productivity of the golf course as bat habitat: “*No bats were detected over the*

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*golf course, either when surveyed directionally with the EM3 detector from along the river or during the walking transects along the fairways.”* (Washoe Meadows State Park 2013 Bat Survey and Ecological Status Assessment, August 1, 2013). Conversely, the lodgepole pine habitat that the PAAEA dismiss for lack of habitat value supported numerous bat species, including the western red bat (LABL), a California-listed species of special concern. State Parks’ own report (Washoe Meadows State Park Bat Survey and Ecological Status Assessment August 1, 2013) indicates that the Park *“provides key habitat for maintaining a rich diversity of bats within the Lake Tahoe Basin.”* Further, the report states that *“changes in forest structure and vegetation affect important trophic linkages, species diversity, and habitat use patterns in bat communities.”* There seems to be substantial, credible evidence that supports a fair argument that the project’s conversion of forest to golf course may have a significant, unaddressed impact on the environment, as this example related to bats indicates

State Parks’ own publication, The California Park Planner (October 2008 edition) contains an article on recreation trends that acknowledges that the number of U.S. golfers is down since 2000. The article notes that some facilities are being remarketed for family events and weddings.

State Parks issued several reports in 2009 reporting the results of surveys on outdoor recreation in California. (Summary Findings and Complete Findings– Survey on Public Opinions and Attitudes on Outdoor recreation in California 2009). Golf was not even mentioned in the Summary Findings, but note was made of the need to address climate change in the parks decisions. The EIR did not take into account the results of this survey even though it was available even before volumes I – V were written.

The Outdoor Foundation issued a report in 2012 indicating comparatively little interest in golf as an outdoor activity (Outdoor Recreation Participation Report 2012) and shows a decline in percent participation in golf over the years 2006 – 2011.

Yet, none of this new information is included in the EIR. None of the pre-2011 wildlife surveys are indicated as having been updated in the environmental document. Frankly, the information in the environmental decision-making document is stale and not inclusive of important new information, affecting the ability to make an informed decision.

### **c. Cumulative Effects:**

The EIR neglects to consider changes to the environmental setting related to new projects that are being planned or which are already decided since the 2011 EIR/EIS/EIS was prepared. Specifically:

- Meyers SEZ/Erosion Control Project (El Dorado County lead agency), which restores Meyers Creek upstream from the Project. Meyers Creek is referred to as “unnamed creek” in the PAAEA.
- Country Club Heights Erosion Control Project (El Dorado County lead agency), located just downstream from the SRA along the UTR.
- Upper Truckee River and Marsh Project, approved by the Tahoe Conservancy in December 2015, which will fill in the straightened river channel and reestablish the braided network of waterways throughout the marsh, spreading water over the meadow to naturally filter pollutants and sediments.

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- Tahoe Keys Property Owners Association (TKPOA) Corporation Yard Relocation Project (Tahoe Conservancy lead agency). The project involves the removal of the existing TKPOA corporation yard from a 2.21-acre site within the Upper Truckee Marsh to enable the UTR/marsh restoration project to restore the impacted area. Public comment period closed July 13, 2018.
- Acquisition of Johnson Meadow by the Tahoe Resource Conservation District (2018). Tahoe RCD recently purchased 206-acre property for over \$8 million in order to provide continuous public ownership of the lower nine miles of the UTR. This nine-mile reach of the UTR is centered downstream of property owned by the City of South Lake Tahoe and State Parks (Washoe Meadows State Park/Lake Valley SRA) and upstream of the Upper Truckee Marsh, owned by the Tahoe Conservancy. Previously, Johnson Meadow was the largest privately-owned meadow in the Lake Tahoe Basin.
- Tahoe Pines Campground Restoration and Public Access Project (CA Tahoe Conservancy lead agency), proposed to restore the UTR upstream from the Project and the Highway 50 bridge.
- Class 1 Bike Path: East San Bernardino – West San Bernardino (El Dorado County lead agency), which proposes a bicycle and pedestrian bridge across the UTR just upstream from the bike bridge proposed by State Parks, linking neighborhoods and providing Park access from populated areas. With the two bridges proposed by the Project, this makes three pedestrian/bicycle or golf course UTR bridges proposed in the section of river located between the Caltrans Highway 50 bridge on the north side of Echo Summit and the Elks Club Highway 50 Bridge.
- Tahoe Paradise Park Fuels Reduction Project Tahoe Paradise Resort Recreation District lead agency), which is currently conducting vegetation treatments at the Parks' boundary just upstream and along the UTR and in the vicinity of Lake Baron.
- The City of South Lake Tahoe's proposal to update the Airport Land Use Compatibility Plan for Lake Tahoe Airport (2018) which includes new studies and assessments, including the Wildlife Hazard Assessment (May 2018). The update refers to the Federal Aviation Administration's (FAA's) Advisory Circular 150/5200-33CB on "Hazardous Wildlife Attractants on or near Airports" (2007 and update in Draft, [https://www.faa.gov/documentlibrary/media/advisory\\_circular/draft\\_150\\_5200\\_33c.pdf](https://www.faa.gov/documentlibrary/media/advisory_circular/draft_150_5200_33c.pdf)) and contains direction related to both wetlands and golf courses. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 of the referenced Advisory Circular; the environmental document does not discuss the relationship of the Project to the direction in the circular. Specifically, the FAA "encourages landowners or communities supporting the restoration or enhancement of wetlands to do so only after critically analyzing how those activities would affect aviation safety." Has consultation with the airport sponsor, FAA, and/or the United States Department of Agriculture/ Animal and Plant Health Inspection Service/ Wildlife Services occurred for this project? Is the post-project monitoring described in the Advisory Circular for the restored or enhanced site going to occur to verify that restoration efforts have not "worsened or created hazardous wildlife attraction or activity?" Since this is a partial goal of the State Parks' Project, what are the proposed actions to be taken to "reduce the hazard to aviation" should the project successfully enhance wildlife habitat for the species listed in the circular, which include ducks, owls and geese? Is the wildlife that are attracted to the area safe from

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harm post-project? What is the affect to planes using the airport? The direction in the Advisory Circular is even more disturbing for golf courses:

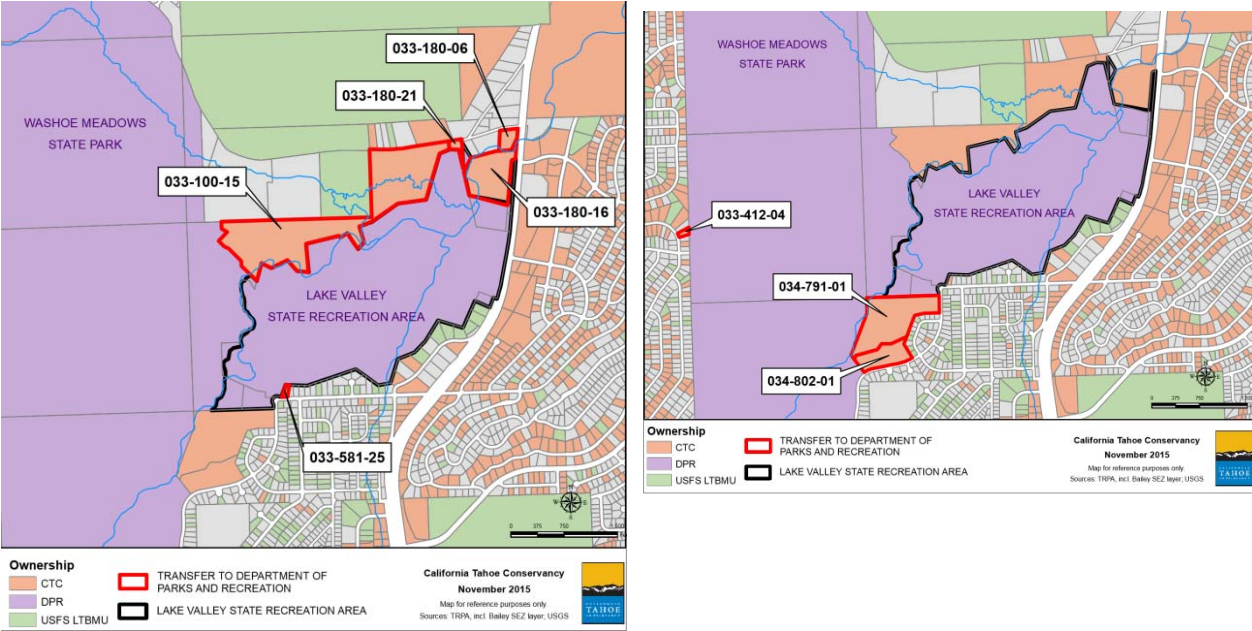
“2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.  
a. Golf courses. The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.”

Is the Lake Tahoe Golf Course within the separations identified in Sections 1-2 through 1-4 for the Lake Tahoe Golf Course? What “corrective actions” per the circular might be implemented at Lake Tahoe Golf Course? Might such policies adversely affect the Audubon Sanctuary status? Probably not, since Audubon International is not affiliated with the venerable, bird-friendly National Audubon Society. It is something else entirely – a third-party certification organization funded by the entities it certifies: golf courses. And when the grassy golf courses attract wildlife the golf courses don’t want, like Canada geese, Audubon International doesn’t require them to have a plan. In fact, asking about nuisance wildlife management isn’t part of the certification or recertification process. If ponds are put in and green open space created, birds will be attracted. Will they then be killed? Please clarify whether, in addition to this threat from the airport, whether Lake Tahoe Golf Course has ever taken out a depredation permit pursuant to the Migratory Bird Treaty Act or if they ever kill/hire others to kill other “nuisance” wildlife.

- Disappointingly, State Parks even neglects to discuss the cumulative effects of two of its own projects since 2011 proposed or implemented in the Park and/or the SRA:
  - The Initial Study/Mitigated Negative Declaration for the North Fork Angora Creek Restoration and Bridge Replacement Project (State Clearinghouse No. 2013052018, June 2013). Interestingly, this IS/MND indicates that the “*sand lily (Leucocrinum montanum)* is not recognized as a sensitive species, but the population found in the park is outside the known range of the species and it will be protected by State Parks.” Yet this Project places the golf course’s expanded footprint on known sand lily habitat and populations. Although the FAQ found on the Project’s website, <http://restoreuppertruckee.net/faq/>, indicates that “*surveys have also been conducted for the Sand Lily: it is present in the dry meadow by the old barn, but not in the Project area.*” This is false, as Sand Lilies have been seen as recently as this spring in the area of the proposed bridge located north of proposed Hole 10 in Alternative 2b. Note that Washoe Meadows State Park is the only location in the Tahoe basin and in Eldorado Co. where this plant has been recorded.
  - State Parks issued its own News Release on 12/04/2015 related to an upcoming land transfer of nine CA Tahoe Conservancy parcels to State Parks, consistent with the 2012-13 State Budget Act. These 79 acres are not discussed in the proposed SRA General Plan Amendment and Land Classification Adjustment and not indicated in the environmental discussions related to the acreage of the State Park and SRA

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units. In fact, Assessor’s Parcel Number 033-180-21 is indicated in the PAAEA as possibly necessary for access for restoration activities (page 2-43), yet there is no discussion that it is intended for transfer to State Parks. Furthermore, these parcels were never even considered for their restoration or golf course relocation potential. The PAAEA is simply silent, whereas the land transfer is obviously a connected action that could provide important opportunities to address environmental concerns raised by the public.



- The EIR has failed to properly characterize the cumulative effects of Alternative 2B on Biological Resources including effects on special status plants and sensitive habitats as well as tree removal and forest land conversion.

The layout of the golf course appears to conflict with habitat for rare species found only in this location in El Dorado County and the Tahoe Basin (sand lily). Lack of protections during logging projects in recent years have resulted in damage to sand lily habitat. Therefore, there are likely significant adverse impacts both with the taking of the habitat and damage to the habitat during project implementation. The cumulative effect of harm to this habitat as well as habitat for other unusual and listed species in the park is significant since the plants are rare.

The 2007 Angora fire burned 3100 acres of forest and residences. The footprint of the burned area overlapped with Washoe Meadows State Park. With the close proximity of so much damaged forest, and the decades required for its recovery, the EIR has not properly recognized the cumulative effect of removal of additional acres of forest in the immediate area. The damage in nearby areas caused by logging and fire would combine with the damage to habitat from the logging, construction and non-native habitat creation required for Alternative 2B. The effects of the reduction of habitat in near-by area due to the Angora fire have not been addressed in the 2018 EIR. The EIR fails to properly

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consider the Project in light of such past incidents and projects, as well as other present and future projects.

### **5. Inadequate Environmental Analysis:**

In addition to the comments above, the following comments are specific to the contents of EIR Volume VI (PAAEA).

- Table 1-2. Proposal for construction fencing of areas adjacent to the fen, wetlands, and vernal pools will be protected by construction fencing during construction: This is all well and good, but what about during the ongoing activities when Park users trying to avoid the golf course are forced into adjacent areas? Horses won't be walking on the path through the golf course. Why are only these three alternatives compared if all alternatives in the EIR/EIS/EIS are applicable pursuant to the June 13, 2018 NOA and the entire 2011 document is available for comment? This point should be considered applicable to all areas of the PAAEA that ignore other project alternatives identified in the 2011 document.
- While Alternative 2B might be better than the other Alternative 2 proposals, how could Alternative 2B be ecologically preferred as compared to the other alternatives in the EIR/EIS/EIS that shrink the golf course footprint, reduce project risk through less aggressive restoration techniques, and don't create multiple bridges over the UTR?
- Page 2-3 indicates that the "overall plan is preliminary and the final design may be modified." Without knowing the modifications, how can the document assert that "these modifications would not substantially increase the intensity or severity of an impact or create a new significant impact?"
- The number of trees proposed for removal by all alternatives should be listed in Table 2-1. In fact, this table does not include analysis of the alternatives in the earlier volumes of the EIR. Perhaps this was just an oversight when the complete EIR document was reissued after the aborted May 2018 initial issue of a partial document. This section is inherently wrong since Alternative 2B is listed as the most ecologically preferred alternative, since no other alternative from the original EIR was included. This is misleading to the people that have not originally been part of the review of the 2010 EIR. This combined with the statement in para 1.3 suggesting that the readers focus on volume VI is a direct attempt to bias the review without consideration of all the alternatives. Resolution: Redo the analysis for the other alternatives and add pertinent information as part of this table.
- Page 2-10. Three options are given as to how to protect existing sewer lines, including relocation of the sewer line. That is a major endeavor which does not have its environmental effects disclosed in this document. If South Tahoe Public Utility District (STPUD) proposed a sewer line relocation, they'd be subject to a specific CEQA analysis, not just an honorable mention in a disconnected environmental document. Please include a description of this project and its environmental effects if it is included as an option.
- Page 2-14. Creation of woody debris jams "could" be constructed in the forested reach of the UTR, according to the document. No description of risks to nonmotorized boaters and recreationists on Stand-Up Paddle (SUP) boards is disclosed and the vagueness of the project description doesn't enable the reviewer to ascertain whether the adverse

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effect would actually occur. (See section of these comments entitled Substantial Changes/New Information, Cumulative Effects). Boating in this section of the UTR is increasing in popularity every year. In fact, there was a fatality on the UTR in 2011 when a SUP struck an obstacle.

- Page 2-16. “*The bridge removal sites would be evaluated to determine the degree or type of bed and bank stabilization and revegetation required.*” Isn’t that the job of the environmental analysis to disclose? Or, at minimum, to set the performance standards required should this occur. A vague promise of an evaluation is wholly inadequate for CEQA purposes.
- Page 2-16. States that the proposed golf cart bridge was evaluated in Alternative 4, “*however the location may be modified within 50 feet upstream or downstream during final design.*” Again, too much flexibility being taken without performance standards or criteria to indicate the appropriate characteristics for bridge siting, which is again wholly inadequate as required by CEQA, NEPA, and TRPA. That it would be “100-140 feet in length” is again, too vague to be adequate. In fact, on p 2-31, the bridge length is listed as 135- 200 feet. One cannot even determine mitigation requirements with that level of variability.
- Page 2-16. The document says that the new bridges would be of materials “*similar to existing golf course bridges at holes 6 and 7,*” but the document includes no descriptions or pictures of those bridges and their materials. In addition to flipping between the PAAEA and the old EIR/EIS/EIS, reviewers also have to go out to the golf course to view the bridges? We would certainly think that more modern best practice designs should be used for new bridge construction.
- Page 2-18. Revegetation treatment options are listed “in order of decreasing intensity.” What is decreasing intensity supposed to inform the reader about the likelihood of their application on the various sites?
- Page 2-20. has a confusing description of bridge proposals. A clear table comparing alternatives as related to bridge features proposed (new, retained, relocated) should be added? They are virtually impossible to see on the current exhibits; a clear bridge exhibit would be helpful.
- Page 2-25 mentions a new pond and restroom facilities. If, for example, State Parks sought to construct a new pond or a new bathroom at Emerald Bay State Park, would the environmental document simply say “*a 1.6-acre pond is proposed for irrigation and stormwater treatment*” and a “*new approximately 650-foot restroom facility would be constructed...(and) a connection to the existing power and sewer lines located at Chilicothe street would be installed.*” Impossible! These kinds of facilities, if proposed independently, would be rigorously analyzed, described, designed and engineered. Here, they are barely mentioned. This is inadequate pursuant to CEQA, NEPA, and TRPA requirements. In fact, should TRPA propose to issue a permit from this document, much more information would be needed. Chilicothe Street isn’t even displayed on any of the State Parks map exhibits in Volume VI. It is in Volume II p 3.10-19 -20. It is located outside of the Project Area. Apparently, this part of the Project has not even been subject of survey and analysis! And to get to Chilicothe Street, the lines must go through the Park, even in the event the State Park unit boundaries are adjusted. What are the environmental effects? Would they constitute a permanent commitment of natural resources in the Park unit that has no General Plan? Are overhead power lines proposed – none of which currently exist in the Park?



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- Page 2-26. “Grading of landforms west of the river would require an estimated 210,000 cubic yards, including topsoil salvage.” Estimated cubic yards of soil to be pushed around on the west side of the river? A typical dump truck hold 18 cubic yards of material. If this grading creates 210,000 cubic yards, that is enough to fill 11,666 dump trucks! Is that really minimizing grading? When was the last time State Parks proposed that amount of grading for any activity? And on the east side of the UTR, the course would be “improved” through grading another 100,000 cubic yards of material – enough to fill another 7,692 trucks were it to be hauled. Not to mention 32 new acres of irrigated, nonnative sod. This is shocking considering the sod buyback program that the Tahoe community can participate in through STPUD that will purchase bits and pieces from homeowners. If a typical homeowner sold 1,000 square feet to the program and State Parks proposes installation of 1,393,920 new square feet of sod, it would take nearly 1,400 homeowners to participate in the buy-back program in order to offset the new sod proposed. This Project appears to uniquely use the term “restoration...” There seems to be no correlation to the amount of grading defined in this paragraph and the totals of cut and fill in table 2-6 and the number of truck trips described in Table 3.10-9. Please explain the correlation
- Page 2-26 It is not clear how the 310,000 cubic yards of grading relates to the cut and fill table 2-6 The mitigation for the 134,510 cubic yards of loose sediment created from the 310,000 cubic yard total that is not used for fill is not described.
- Page 2-26. We do not feel the signs telling golfers not enter sensitive areas to retrieve their balls with shots played across the river will be effective. Does this truly mitigate any potential adverse effect?
- Page 2-17 - Page 2-28. Page 2-17 indicates that an irrigation pipe attached under the golf cart bridge would convey water from the well and ponds on the east side of the river to irrigate the west side. Yet Page 2-28 describes a new irrigation system on the west side that includes a 1.6-acre pond next to hole 7 and describes the piped water from the east as an alternative if power can’t be brought in. This type of inconsistent information is frustrating to the reviewer and doesn’t meet the criteria for a well-thought-out “stable project description”.
- Page 2-28. There is no discussion of the environmental effects of having fertilizer applied to both sides of the river. Since the proposed project area in Alternative 2B is upslope from the river, and contains “bridges” for seasonal flows, the environmental effects must be evaluated.
- Page 2-32. States that “No trails have been officially established or designated” on the west side of the river. What about State Parks’ own 2013 trail project that was funded in part by the Tahoe Fund and established permanent boardwalks and bridges within Washoe Meadows near Angora Creek? The State Parks Project Manager was the same for that project and the current proposed project projects.
- Page 2-33. There is no design offered for the boardwalk. If this was a boardwalk project, alone, it would include significantly more detailed information, as was done in the 2013 document prepared by State Parks for the trails described in the previous bullet.
- Page 2-34. The construction hours proposed violate the TRPA Code of Ordinances. Please refer to TRPA Code Chapter 68 which limits hours of construction for permitted activities to 8:00am -6:30 pm. Describe the effect this has on the estimated project duration

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- Exhibit 2-5, Page 2-39. This exhibit shows staging areas outside of the proposed SRA boundary and within the Park. How is this appropriate? Have the environmental effects been analyzed? It also seems to display haul routes through the Park, next to the Fen, and on neighborhood streets already literally crumbling from age and harsh winters. Are logging trucks proposed on these streets? Chip vans? Gravel and fill trucks? It is not likely that logs and chip generated from 800 trees would be able to be used on the project to any significant degree, contrary to what is indicated on page 2-41.
- Page 2-41. *A variety of specific techniques and equipment may be employed to dry work areas and isolate disturbed areas.* These techniques and equipment were not described, which is inadequate pursuant to CEQA, NEPA, and TRPA Code requirements. The document should also indicate where in the Project these techniques might be employed.
- Page 2-44. States that a pile driver is required for bridge installation. Where is the description of noise and vibration impact, including effects to wildlife? How deep will the piles be driven? Where is the aquifer?

This PAAEA volume VI updates only slivers of the 2011 document, which is otherwise too old to serve as an adequate environmental document for the purpose of making an informed decision. Further, this document does not reflect the interests and missions of the joint lead agencies and in fact puts the Bureau of Reclamation (BOR) in a poor position for decision-making. Specifically, the Council on Environmental Quality's "NEPA's Forty Most Asked Questions" document specifies that any EIS more than 5 years old should be carefully examined to determine if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. If so, a supplemental EIS must be prepared so that the agency has the best possible new information to make any substantive changes in its decisions regarding the proposal (NEPA section 1502.9(c)). For the reasons previously described, this was not done and thus this document is deficient.

**REQUESTED REMEDY:** Rewrite a coherent and compliant CEQA EIR (NEPA EIS/TRPA EIS) that considers changed circumstances, new information, and cumulative effects (including for State Parks' own projects within the Park and SRA), and recirculate it for public comment to enable truth, transparency, and integrity in government.

### **6. Lack of reasonable Range of Alternatives**

The EIR has still not provided a reasonable range of alternatives for the public and public decision makers to review and consider as required by CEQA. The guidance in the Notice of Availability (NOA) directs the public away from review of other alternatives in the EIR, which did not have a reasonable range even in in 2010. Expansion of the golf course into Washoe Meadows has been viewed as a *fait accompli* since 2004 when State Parks met with American Golf and other agencies to narrow choices down to a preferred alternative in advance of any draft EIR or even the Notice of Preparation. (Swanson Report, Upper Truckee River Upper Reach Environmental Assessment March 23, 2004)

The five alternatives are:

1. Alternative 1 No-Project/No-Action: Existing River and 18-Hole Regulation Golf Course;

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2. Alternative 2B River Ecosystem Restoration with Reconfigured 18-Hole Regulation Golf Course;
3. Alternative 3 River Ecosystem Restoration with Reduced-Play Golf Course;
4. Alternative 4 River Stabilization with Existing 18-Hole Regulation Golf Course; and,
5. Alternative 5 River Ecosystem Restoration with Decommissioned Golf Course.

The current PAAEA (volume VI) only includes information about two alternatives which are Alternatives 1 and 2B (with comments about previous iterations of Alternative 2). Based on communication from news media sources, State Parks has clearly only been discussing and promoting these two alternatives as the only choices to the exclusion of any other identified alternatives.

We do not believe the EIR/EIS/EIS has provided a reasonable range of alternatives for the public and public decision-makers to review and consider. State Parks has stated that Alternatives 3, 4, and 5 would not be feasible, because they either would not meet State Parks' economic objectives or would not receive Bureau of Reclamation (BOR) funding. This leaves the Alternative 1, the no project alternative, and State Park's proposed project -- Alternative 2B, river restoration with an expanded golf course on the west side of the Upper Truckee River within Washoe Meadows State Park.

If State Park's economic interests trump the proposed project's primary purpose then the range of alternatives presented in the EIR do not satisfy CEQA's requirements. If, however, Alternatives 3 through 5 are feasible, and are simply not the preferred choice of State Parks, the other two lead agencies and, in particular TRPA, must compare among the five alternatives, which alternative will fulfill the proposed project's "primary purpose" -- the restoration of the natural geomorphic and ecological processes along a reach of the Upper Truckee River and to reduce the river's suspended sediment discharge to Lake Tahoe.

Previously, we described that comments were made by other involved agencies that *"that State Parks will not restore the river unless the golf course is expanded into Washoe Meadow State Park."* " In the site tour hosted by State Parks on July 17, 2018, the project lead said that she was "given" these acres in the park and that could not change. As noted previously, *"CEQA requires full disclosure of the developer's intentions and this has not been provided, violating the transparency and due process of the EIR/EIS/EIS"*. The EIR must contain the name of the organization or individual and the developers' intention as related to the inability to accept other alternatives as viable.

CEQA requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project. (CEQA Guidelines, § 15126.6, subd. (a).) Here the state lead agency has stated that Alternatives 3 through 5 will not feasibly attain the basic objectives of the project leaving the public and public decision makers with the limited choice of doing nothing or doing what the state lead agency wants to do in comparing the options available. This limited scope of feasible alternatives will not foster informed decision making and public participation in the consideration of the project's primary purpose – the restoration of the natural geomorphic and ecological processes along a reach of the Upper Truckee River and to reduce the river's suspended sediment discharge to Lake Tahoe.

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The ranking of the five Alternatives in terms of environmental advantages is well hidden in a discussion in the EIR (EIR Volume II, page 4-5). Removal of the golf course (Alternative 5) is noted as the environmentally superior alternative and the report deflects a clear ranking of the environmental advantages of Alternative 3 over the remaining alternatives (ibid).

### **7. Economic Feasibility Analysis**

The dated economic analysis is over 7 years old with the majority of the analysis 10 or more years old. The assumptions in it were made before Red Hawk and other Indian Casinos have become ubiquitous, reducing traffic to the casinos and making the calculation of economic viability incorrect. It also was not updated to reflect the potential loss of revenue from food and beverage purchases since the Alternative 2B configuration has the 9<sup>th</sup> hole at the furthest possible location from the clubhouse. The 9<sup>th</sup> hole is a typical break point for golfers playing a full round to purchase food and beverage. Since the food concession actual comprises approximately 27% of the revenues (based on Concessionaire's Monthly Reports of Operation for 2017), the calculation for financial viability for the alternatives are further skewed.

Information and analyses prepared by TCW Economics (TCW) concerning economics-related issues regarding EIR Volumes 1-5 were previously submitted to State Parks. In addition, TCW Economics has reviewed these reports in the light of EIR Volume VI and more current information. TCW's updated report is attached. The report notes that: "*the conclusions of the letter reports, including identification of deficiencies in the 2008 HEC report, remain applicable to the June 2018 EIR for Alternative 2B.*"

Among the conclusions in the TCW reports are these items:

- Alternative 2B is not financially feasible when you take into account more recent Lake Tahoe Golf Course (LTGC) golf revenue data and when a more appropriate (less narrowly defined) analytical framework is used.
- Because fee revenue from only the golf course would be insufficient to achieve breakeven operations given the golf course construction costs, the need for evaluating the revenue potential of enhanced recreation opportunities is apparent.
- Estimates of economic effects of the different scenarios (alternatives) presented in the EIR economic feasibility study are questionable since they are based on a number of unsupportable assumptions.
- Recent golf industry trends suggest new concepts in golf courses should accommodate emerging demographics of players with constraints on time through innovative design concepts that make golf courses more playable and enjoyable rather than just larger. There is a new focus also on environmental constraints as well as reducing golf maintenance costs.
- It is likely that the proposed alternative would result in two forms of public subsidy to pay for the golf course move into the park. They are 1) The concessionaire may be allowed to pay reduced rent to the State to recoup their cost (referenced in the Supplemental Report of the 2007 Budget Act for California page 21 and the EIR Volume IV page 3-32). This information was repeated in the 10/21/2011 park and Recreation Commission meeting). 2) The concessionaire may add a surcharge on golf green fees (referenced in the Budget act and the EIR (ibid).

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- The EIR did not respond directly to most of our specific comments. The bottom line is that the State Parks claims about the financial benefits of Lake Tahoe Golf Course are exaggerated. Golf is declining in the US including a decline in the use of Lake Tahoe Golf Course and its revenues. State Parks obtains revenues from many sources including concessions, parking, entrance and camping fees, etc. Lake Tahoe Golf Course was 46<sup>th</sup> highest revenue generator in 2008/9 however it continues to decline in ranking (as verified by data in the latest posted State Parks statistical report for 2014/15). This revenue represented less than a half of a percent of the \$80M annual Parks Department field revenue and is not the solution to the State Parks' budget issues. The claims about additional regional income generated are also exaggerated and depend on assumptions that a high percentage of visitors would only come to South Lake Tahoe to golf at that particular golf course and would not otherwise visit the area. Note that according to the Statistical Report for 2009/2010, available on the State Parks website, the revenue in that fiscal year from the golf course was \$537,800. The 2018 EIR has failed to update the information from this decade old information. We have also made the comments that Alternative 2B has been selected to maximize revenues of the golf concessionaire at the expense of State Parks Revenues. This is counter to the reasoning used to eliminate other alternatives.

Our general comments include:

- The feasibility analysis is based on many incorrect assumptions
- The results are based on faulty methods.
- The impact of the golf course on the Lake Tahoe economy and number of jobs is overestimated.
- The feasibility of a reduced play course on the east side of the river is underestimated.
- The development of a viable alternative using existing SRA land was not considered
- The reduced revenue to pay back the golf concessionaire is not included in the economic analysis. A rough calculation of the reduced revenue noted in section 9- Submittal of new Alternatives shows that the State Parks would receive no revenue for 20 years! Therefore, Alternative 2B cannot be the preferred choice to maintain State Parks revenue.
- We commented that the economic feasibility analysis made conclusions about the viability of an executive course based upon a statistically invalid survey and based on the proximity of Tahoe Paradise Golf Course rather than considering course design and marketing potential. We also commented that there were 170 nine- hole golf courses in the US.

The EIR response was to state that “methods and assumptions” used to prepare the study “are supported by analysis provided in the economic report and are considered accepted methods for the type of economic analysis conducted for the project.”

The response was inadequate because it doesn't address our specific comments.

- We commented that the economic feasibility analysis included the goal of “C. Maintain the revenue level of the golf course to State Parks. This is not consistent with the project goal which is to: Maintain adequate revenue generation from Lake Valley State Recreation Area or Washoe Meadows State Park. Also based on the data provided in

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the EIR, this alternative will result in providing absolutely no revenue for 20 years to State Parks, (see calculations in Alternate Golf Course Layout in Section 9) How does no revenue meet the revenue goal of maintaining “adequate revenue generation”. Failure to include the cost of paying back the golf course concessionaire is a major flaw in the EIR leading to a false conclusion.

The EIR response was to concur that the project goal is to maintain adequate revenue.

The response was inadequate because the EIR now states that the alternatives were screened against criteria that included: “State Revenue Criterion: An alternative, either individually or in combination with features from other alternatives, is developed, constructed, and operated in a financially responsible and cost-effective manner and generates revenue at a level similar to current levels.” This is a new definition of “adequate” revenue. Given that the golf course contributes less than half of a percentage of the annual State Parks field revenue, it should be concluded that the difference in income between Alternatives 2 or 3 would be insignificant when compared to the over field revenue.

- We commented that the economic feasibility analysis did not have adequate scope because it didn’t include evaluation of purchase of private property in the analysis of the economic feasibility of the various alternatives. We also commented that the cost of implementation for various project options should be factored into the overall economic picture.

The EIR response was to include information about estimated costs of implementation of Alternative 2B.

The response was inadequate because the EIR did not provide costs of implementation for other Alternatives such as Alternative 3. It also did not provide costs for purchase of private property for an alternate site for the golf course or factor them in the overall options. It did not include another viable alternative that addressed these economic issues.

- We commented that the economic feasibility analysis stated that a reduced play area course was estimated to be infeasible but adequate justification for this conclusion was not provided. We commented that studies have shown that women and children are more likely to utilize a 9-hole golf course. We mentioned an opportunity for an increase of a different population of players if Alternative 3 was selected. We quoted studies that said the future for golf for kids and families would need to be short course facilities like 9-hole executive courses.

The EIR response was to include information about estimated costs of implementation of Alternative 2B.

The response was inadequate because the EIR did not provide costs of implementation for other Alternatives such as Alternative 3. It also did not provide costs for purchase of private property for an alternate site for the golf course or factor them in the overall options. It did not explain why the opportunities we pointed out for an increase in usage with the move to a reduced play area course were not used in the analysis.

- We commented that the economic feasibility analysis utilized various non-standard actions to arbitrarily inflate the perception of the amount of income from the golf course.

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There was no response specific to this concern.

- We commented that the economic feasibility analysis failed to address the economic impact on a State-funded, improved and expanded golf course would have on the nearby privately-owned golf course. The potential impact on this local business' revenue or employees was not addressed.

There was no response specific to this concern.

- We commented that the economic feasibility analysis stated that it should not be relied upon as sole input for decision-making while State Parks staff and their consultants have stated in meetings that only Alternative 2B is feasible because of the economic feasibility study.

The response was to agree that the report should not be relied on as sole input for decision making.

The response is inadequate because the EIR does not indicate substantial reasons other than financial, why Alternative 2B would be better than Alternative 3.

### **8. Other Analysis Concerns**

#### **a. Water Usage and Golf Course Irrigation**

The EIR indicates the project will continue to have water supply diversions from deep wells and the river itself. There are currently no limits on the amount of water that can be pulled from the aquifer. Climate change issues such as prolonged droughts, and larger storms have not been addressed in this EIR. In fact, the main EIR document has not been updated since 2010 / 2011. The EIR does not fully address the environmental impacts. Adequate mitigation measures have not been presented to address these negative impacts.

The reference document indicates that approximately 105 million gallons or more are utilized during the growing season. The climate has gotten hotter and the amount of water used after ten years of hotter weather and a major drought have likely increased. Without understanding the actual water use, the adverse impact on fisheries, reduced habitat and other impacts cannot be determined. In addition, the impact from the estimated 40% additional water use required to establish 7 new holes while the existing golf course operates has not been evaluated.

The assumption in the EIR that the water usage will remain the same or less is an unsubstantiated assumption since part of the proposed golf course area is on higher sloped land which will likely need a higher water use rate to retain the same soil conditions for healthy growth of grass.

The current Volume IV of the EIR also indicates that the entire existing course will have its irrigation system replaced as part of this project. While that is a good idea, it should be done as a part of normal maintenance, not as part of a restoration project.

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Additional review is needed to ensure that the project will minimize golf course irrigation and taking of water from the Upper Truckee River. This is important for consideration of climate change effects and for fish habitat.

Flows in the Upper Truckee River are typically low in late summer and there is generally little added from precipitation during the summer (River Run report page 10). Yet this is the same time period when additional golf course irrigation may be required including taking water from the river. Alternative 2B is not the optimum choice for taking this concern into account.

The EIR states that the amount of diversions of water from the Upper Truckee River for golf course irrigation at Lake Tahoe Golf Course are legally allowed because the water rights on file list no maximum diversion rate or any instream flow minimum to meet (EIR Vol. IV p 3-25). This is either incorrect or misleading since water rights are always connected with quantity. Recent records indicate that 55 to 60 million gallons of water have been diverted each year from the Upper Truckee River for the golf course. The predictions of climate change call for an increased effort to reduce these volumes, beyond that estimated for Alternative 2B. This riparian surface water diversion should be reduced if not eliminated.

### **b. Biological resources discrepancy**

The EIR identifies potential issues with biological resources. However, the EIR minimizes information about the relative importance of the habitat for several species.

#### Pacific Marten

An example is the EIR characterization of impacts on the pine marten habitat for Alternative 2. The EIR extends the same analysis for Alternative 2 to Alternative 2B by default. The environmental documents minimized consideration of the impacts on pine marten habitat for these alternatives. The EIR does not acknowledge pine marten presence in the park even though our comments included a photo of the pine marten taken in the park by California Department of Fish & Game. (Statement and handout provided by Lynne Paulson at 10/8/10 California Park & Recreation Commission meeting). The responses still maintained that there were no known pine martens in the park and that the impact of removal of pine marten habitat was not important. No mitigation measures were provided for the impact of this removal of habitat. According to the River Run report (page 90) there is habitat suitable for the pine marten in the area of the park proposed for the golf course (Upper Truckee River Restoration Project, California Department of Parks and Recreation Reach, Riparian Ecosystem Restoration Feasibility Report, March 2006).

The EIR also mentions that the forest canopy structure ranges from open to dense, which is preferred habitat for the pine marten (EIR Vol. V, p. 5-9). Inexplicably, the report does not indicate that the impact would be significant. This conclusion is highly questionable especially since it did not consider the cumulative effects of past project on pine marten forest habitat in the area. The pine marten requires forests with good ground cover, large snag and downed logs. Access to closed-canopy forests is desired. Removal of 45 acres of forest for the golf course as proposed by Alternative 2 would not be compatible with the need to strive for an approach to increase habitat for this declining species in California forests.



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The EIR references State Parks' 2002 survey which did not find American marten in the park or project area even though:

- Commenters pointed out another government agency's photos of the marten in the park (as mentioned above)
- Biologist commenter expressed concerns on special species (EIR Volume 3, Appendix A)
- Their own reference document indicates a higher level of concern for the species (As mentioned in the River Run Report)

The River Run Report 2006 indicates "The pine marten is a Forest Service sensitive species" "According to the model, the central portion of the project area on the river's west side has intermediate habitat suitability. ... Portions of the delineated habitat encompass the proposed golf course." It further states that "Martens avoid travelling across large openings" --"Some portions of the golf course greens would exceed the maximum size opening martens are known to cross." "Even if martens traversed the golf course, small mammal prey numbers are expected to be reduced since golf courses do not provide high quality habitat compared to a natural environment with its increased cover and structure." Though the report notes that pine marten prefer dense forest habitat it neglects to specifically address the significance of the deforestation effects from removal of hundreds of trees and their effects on the pine marten preferred habitat.

Note that scientists now generally call this the pacific marten rather than the pine marten.

When the Notice of Preparation for the project was issued in 2006, a Washoe Meadows Community member commented at 9/13/06 TRPA meeting about the park's habitat for rare and/or protected species such as the Northern Goshawk, long eared owls and the Sand Lily. Concerns are expressed for wildlife diversity impacts from the proposed project. These comments were not addressed in the EIR.

### California Spotted Owl

The EIR minimizes information about the relative importance of the habitat for the California Spotted Owl. It states that they did not find evidence of the California Spotted Owl in the park, even though their own field notes indicate the owl was seen in the park (14 August 2008, 0930 Forest Mgmt field notes from State Parks scientist).

### Other species

The report, Resource Inventory Washoe Meadows State Park, June 1990 has specific information related to a number of species for which the forest habitat chosen for Alternative 2B would be affected by disturbances, limiting the diversity of wildlife. (Resource Inventory, Washoe Meadows State Park, Animal Life, September 1989). The information in EIR Volume 2 Section 3.5 also describes the habitats but the EIR states that the impacts from the removal of forest habitat have a less than significant impact in the discussion of impacts and mitigation measures (EIR, Volume 1, page ES-15 and EIR Volume 2, page 3.5-86 to 88). Public commenters including scientists have challenged these assumptions. The EIR incorrectly states that the proposed mitigation will result in less than significant impacts. In addition, cumulative impacts are not fully addressed or considered.

It should be noted that the park is in the Pacific Flyway, a major north-south flyway for migratory birds in America (Lake Valley State Recreation Area, General Plan, January 1988, page 24, et al.)

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### **9. Submittal of new alternatives**

In previous letters and comments to State Parks, it has been pointed out that a reasonable range of alternatives has been lacking since the initial NOP preparation in 2006. We feel that a new alternative can produce a mutually acceptable solution that restores the river and allows continued 18-hole golf course play in the existing SRA.

Washoe Meadows Community proposes a new Alternative for consideration as outlined below. This new Alternative would include a river restoration plan which combines appropriate restoration options while keeping the golf course out of the park. The restoration methods would be a blend of several types of methods similar to the type of combinations of methods used for other sections of the Upper Truckee River. The Alternative would expand the use of Lake Valley State Recreation Area (LVSRA) for a broad range of recreational activities and concessions as was originally designated in the LVSRA General Plan. WMC also believes that there could be other innovative project proposals but submits the following as one option.

#### **a. Broad set of recreation opportunities**

A new alternative is needed to better address the project goals. The original vision in the 1988 Lake Valley State Recreation Area General Plan provides a framework for a facility with a broader range of recreational activities with an increased number of concessions for additional revenues. It would include a modified plan for river restoration that provides less risk of long term recovery from construction/geomorphic realignment sediment increases with a better cost / benefit ratio while allowing a better golf course configuration without intrusion into the park.

The EIR references the LVSRA General Plan and says it “provides guidelines for long-term management and development of Lake Valley SRA” (EIR Vol. II, p. 3.2-2), yet nowhere does the document indicate how far the management of the recreation area deviated from that plan.

In the October 21, 2011 Commission meeting, public speaker Bob Anderson referenced the Lake Valley State Recreation Area General Plan. He mentioned that the General Plan was very good and that it called for a reduction of the area occupied by golf course.

We have re-read the LVSRA General Plan since that time and found that it is invaluable to look back at the vision presented in that plan \*(Lake Valley State Recreation Area General Plan, January 1988).

The General Plan mentioned that “it is uncommon that a golf course, an attraction in and of itself, is the primary feature within a unit of the State Park System” (p. 24).

The plan laid out several steps to change that situation at LVSRA.

First, the planned reduction in golf course area (referenced in the General Plan) was consistent with the major focus of resource management for LVSRA which was “restoration, enhancement and long-term protection of the Upper Truckee River.” (p. 35, 72-73).

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Unfortunately, there was an apparent loss of focus on this commitment and it did not get implemented.

Second, it was envisioned that nearby property would be acquired. This would have been as much as 67 acres and its purposes were to provide a buffer between golf and adjacent land uses, an area for day-use activities, and watershed areas for protection of the Upper Truckee River and Angora Creek. The additional land would also allow addition of a family picnic area, a self-guided nature trail, both with interpretive signs and brochures including information about birds of the area (p.5, 9, 16, 53, 54). Nature study was to be facilitated. The interpretive trail was supposed to lead toward the river and the adjacent meadows to encourage a wider appreciation of the unit. (p. 54)

Thirdly, these and other references in the document indicate that there was a broader view than just golf for the recreation area. LVSRA was to be a recreation area that would attract people for a variety of reasons. "Though some passive recreation occurs at present, activities such as boating (canoes and kayaks), photography, painting, birdwatching, and other forms of nature study have the potential to increase significantly as the public becomes more aware of the status of this State Park System unit as a state recreation area. Significant recreational opportunities are or can be available here and at the contiguous Washoe Meadows State Park as interpretive programs and public facilities become established." (p. 32).

This vision has been lost. We should now revisit that vision and look at an Alternative that results in an increase in usage in the recreation area, with additional concession opportunities and visitor services.

In the LVSRA General Plan, activities to be encouraged and supported included:

- Birdwatching with low cost guides for birdwatching (p. 4, 32, 47, 49) with care taken to avoid degradation of sensitive resources
- A self-guided nature trail with a handout (p. 4)
- A family picnic area with 10-15 tables, BBQs, parking spaces, a comfort station and an access road (p. 5, 49)
- Winter recreation activities such as snowmobiling and cross-country skiing (p. 14, 32). It is mentioned that skiers were able to park at the golf course and use the bridge to cross the river into Washoe Meadows State Park and adjacent US Forest Service lands. It was noted that there was a Nordic skiing concession, used by locals and visitors with the local high school and community college using the recreation area for Nordic skiing lessons. Family groups were expected for snowmobiling. It mentions that the winter sports operations included a snowmobile track, ice skating ponds, as well as groomed cross-country ski trails which extend into Washoe Meadows State Park and adjacent US Forest Service lands. Related services included sale and rental of ski equipment, snowmobile rental, Nordic ski tours, Nordic ski lessons, and restaurant and bar service, (p. 60). The Clubhouse was to be the winter sports center. (p.89)
- Trout fishing (p. 32)
- Boating (canoes and kayaks) p. 32
- Photography (p. 32, p.49)
- Art and Painting (p. 32, 49)
- Other forms of nature study (p, 32)
- Golf

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It was estimated that there would be a need for interpretation activities to interest visitors in “learning more about the surrounding scenery, the Upper Truckee River, seasonal changes in vegetation and animal life, the activities for which they came to the unit, and environmental preservation concerns that created the unit and prompted specific management policies.” (p. 49)

The interpretive priority list started with this item first: “Produce a brochure that summarizes the story of how Lake Valley State Recreation Area became a State Park System unit and the reasons why the department has embarked on a management program designed to protect and preserve the Lake Tahoe basin environment” (p. 54). The ADA path as currently proposed for alternative 2B is an excellent start to this. Please consider adding an ADA compliant viewing area that make allow things like fly fishing or trout fishing instruction for those who could not normally get to a river like this.

The General Plan also said “The long-term planning for interpretation should give significant attention to such nonrecreational subjects and aim at meeting the needs of a wider range of visitors.” Considerable descriptions are given of various interpretive themes to be presented in LVSRA. The concessionaire would have displays, brochures, published materials, interpretive trail markers, etc. (p. 53). The golf course clubhouse should be rebranded as a State Park visitor center, which should increase concession revenue.

All of these actions were intended to increase visitation to the site as the recreation area was improved (p. 104).

The LVSRA General Plan discussed the regional recreation profile which showed that the highest demand was for hiking and backpacking, followed by picnicking, snow sports, nature appreciation, fishing, with golf coming in last (p. 15-16). This is consistent with more recent surveys by California Department of Parks and Recreation which indicate that Californians’ top activities include these potential LVSRA activities: walking, hiking, wildlife viewing, bird watching, viewing natural scenery, and photography. (California Outdoor Recreation Plan, 2008 and Complete Findings Survey on Public Opinions and Attitudes on Outdoor Recreation in California, 2009)

The General Plan mentions the natural beauty of the Tahoe Basin and the scenic resources which serve as a “backdrop for visitors using the golf course and winter sports facilities” (p.32). With its proximity to Highway 50, the recreation area has more potential than exists currently when the focus is only golf. The Commission and Department should get back to this vision the Department provided that viewed a plan for a recreation area with a wider appeal.

This isn’t a new idea since it was part of the original plan for the recreation area and was also suggested at the community workshops and through other public comment opportunities. Many suggestions were made by the public for additional revenue-generating activities and documented in the EIR:

- Vol. III Appendix E, p. 53 documented suggestions including: a multi-use recreation/visitor center (with features such a rock climbing wall), an arts center, and educational center (for holding community college course, for example).

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- Vol. V Appendix O, p. 9, 10 documented public input on revenue replacement ideas for supplementing Parks income in case of a reduced area golf course or removal of the golf course. The list is very long and included a clubhouse facility with expanded services and recreational options.

Also, many public comments expressed ideas about additional sources of revenue, for example for Alternative 3 (EIR Vol. V p. 4-748). In this case, the comments are noted but not adequately considered by the Department or incorporated into changes in the proposed alternatives.

### **b. Alternate Golf course layout**

The EIR does present the estimated cost for the golf course relocation as \$7- \$ 8M (EIR Volume 4, 3.7.1). However, it fails to include the costs associated with a longer bridge 135 ft to 200 ft. (EIR Vol VI P 2-31) than the original estimates or contingencies related to unearthed cultural sites or other issues. In fact, the EIR only includes material costs for bridges. Since installation costs are typically 2/3 of the total, the \$8M is likely considerably low. Sufficient information is not included to know whether this amount includes any contingencies.

The EIR further states that whoever wins the RFP for the golf course concession contract will then be paid back by State Parks through reduced revenues for” several” years. Even assuming a middle point of golf course relocation costs at \$ 7.5 M and assuming a 6% interest rate, Alternative 2B is estimated to cost the state a subsidy of nearly 12.9 million including interest, assuming no golf fee surcharge. (see TCW Economics report for detailed cost breakdown). The amount of revenue reduction to State Parks will be about \$ 644.8 K per year. Using data from 2017 where State Parks received a total of \$ 581.59 K it will result in a net \$ 0 fee payment to State Parks for 20 or more Years!

However, during this same period that the State Parks gets absolutely no revenue in this scenario, the golf course concessionaire would receive over \$ 37 M dollars (assuming the existing level of revenue from the SRA). Since this information was not factored into the economic analysis, it resulted in the exclusion of alternatives that could reconfigure the 18 golf holes on the existing SRA area while continuing operations at less of a total relocation cost. It also excluded a reduced play course that would have far less total relocation costs. These alternatives would result in far less revenue loss to State Parks than alternative 2B and have the benefit of not disturbing sensitive land in Washoe Meadows State Park. If a less invasive project was considered, the smaller loss of revenue through a less invasive alternative should have been included and considered viable.

Furthermore, it states “If the golf course concessionaire cannot cover the costs associated with relocating the golf course holes”, State Parks would consider delaying relocation of golf course holes. This one statement is the only place in the entire EIR where the possibility of a delayed project is mentioned. This would result in stoppage of any river restoration work, since removal of existing golf holes is required to restore the river for Alternative 2B. This would likely result in higher total project costs. The impact on the economic analysis in increased costs if this occurs has not been described. The practical solution is to create an alternative that uses the existing SRA land while allowing golf to continue during the river restoration and golf course realignment. This may result in some

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revenue reduction during construction, but the loss in revenue to State Parks would be much less with a much shorter time window than the preferred alternative 2B.

State Parks must explain the reasoning for choosing an alternative that maximizes the golf course concessionaire revenue at the expense of State Parks revenue while stating that alternative 2B has been selected to retain State Parks revenues. This is very misleading. At a minimum, it needs to include a more viable alternative and re-evaluate its selection of 2B as it preferred alternative by factoring in these subsidies.

Other options already described allow for a 9 hole or 18-hole executive course. New options could include a more creative 18-hole layout in the LVSRA or a non-standard size golf course.

It is uncertain why Alternative 5 was proposed as an option by State Parks without examining a version of the project which made a different land use plan for the unit such as setting it up as a recreational hub for various types of recreation with the resulting varied sources of income. Park units with water features generally bring in the most income to State Parks so the location of Lake Valley State Recreation Area represents an opportunity for investigation of another alternative without golf, that could potentially bring in more revenue for State Parks.

### **c. Social Sustainability**

In order to provide for a project that is sustainable in the long run, the following elements should be considered.

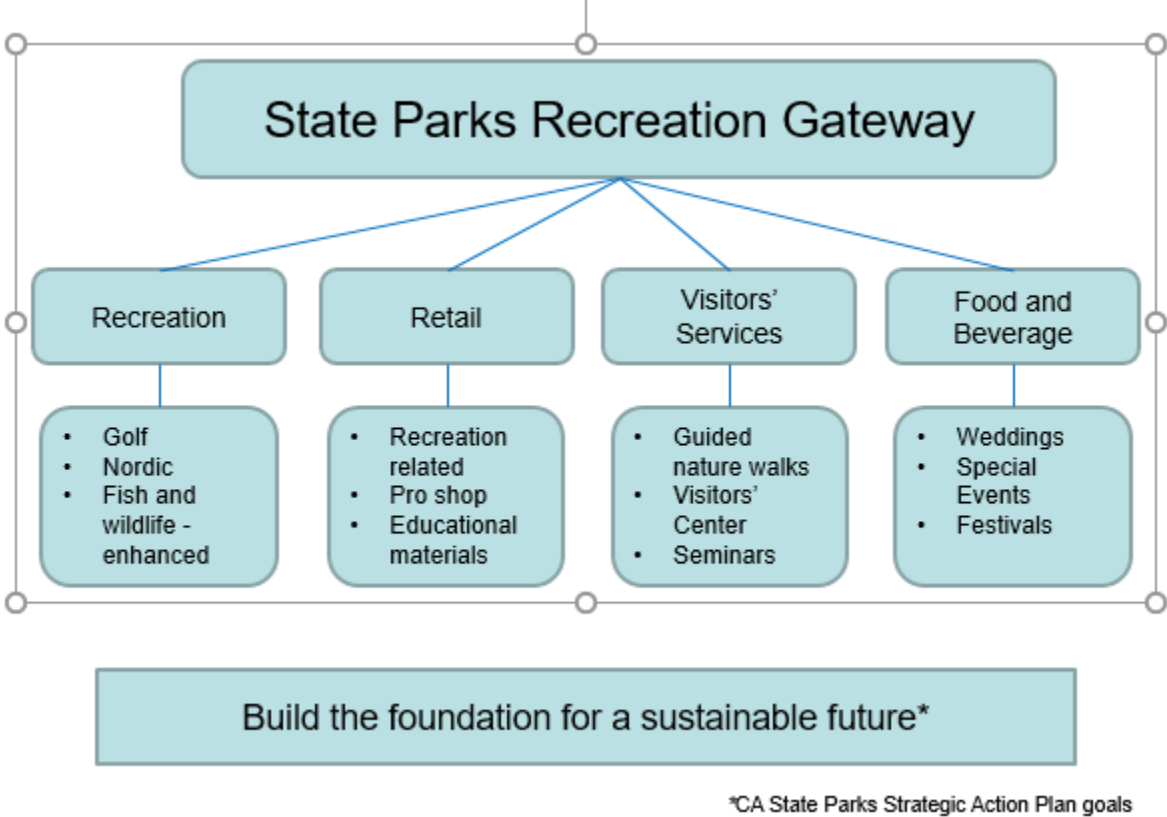
- Jobs
- Economic development
- Restore public trust and accountability\*
- Repair any disturbed areas
- Provide accessible, all season recreation for a diverse population of users... *we believe that cultural diversity is one of California's most valuable resources\**
- Protect and preserve resources and facilities in the existing State Park System\*\*
- Integrate with Meyers Community vision thus *connecting people to California's State Park System\*\**

\* CA State Parks Strategic Action Plan core values

\*\* CA State Parks Strategic Action Plan goals

In order to achieve these objectives, State Parks should be used as a Recreation Gateway. The chart below shows the vision of broad based recreation for a diverse population that would foster this sustainability.

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**d. Summary of Proposed Alternative**

- River restoration with lighter human touch and more reliance on natural processes
- Use lessons learned from independent scientists and the past two restorations from the lower reaches of the Upper Truckee river
- Innovative new golf design which matches current recreational and social trends and appeals to a greater diversity of players
- Reduced environmental issues including SEZ and flooding risks due to climate change
- Position the units as a recreational gateway for both visitors and the local community
- Provide all season varied recreational activities for a diverse population of users
- Preservation of Washoe Meadows State Park
- Estimated increase in revenues.

*This alternative saves the park, maintains golf, lowers risk, increases revenue, and results in a more environmentally sound project.*

**10. Previous comments in to the EIR that were not adequately addressed**

The EIR gives a misleading impression that previous comments received a response. This section includes numerous comments which either did not receive a response, or which received an inadequate response.

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### **a. Inconsistency with applicable plans, policies and regulations**

- Washoe Meadows Community (WMC) comment AOB31-2 Conflict with Litigation Settlement Agreement

Our comments said that the draft EIR/EIS/EIS and its description of Alternative 2 are not in conformance with the language of the settlement agreement which resulted from TRPA rejection of development on the land in 1972. The settlement agreement contained extensive descriptions of the natural resources of the land and the purpose for state purchase of the property. These combined with the TRPA action in 1972 to reject further development on the land provides separate substantiation as to the reason for state purchase of the property.

The EIR Vol. IV, p.3-1 indicates that the original development was to include houses, condominiums and another golf course. For the state to purchase the property and then continue with a plan to put a golf course in place would be contrary to the purpose for which the land was acquired.

The EIR dismisses the information in the Settlement Agreement as containing recitals or recital clauses (EIR Vol. IV, p 3-8). For the EIR to state that the Litigation Settlement Agreement doesn't matter is disingenuous. The EIR needs to address these issues.

- WMC comment AOB31-3 Conflict with 1984 California Statute

The description of the land in the statute, combined with the TRPA actions to protect it, indicate the importance of land conservation for this parcel. The EIR dismisses the statute by implying that it may have "somewhat hyperbolic terminology" (EIR Vol. IV p 3-4). It is not appropriate for the Parks Department to declare a California Legislative Statute to be incorrect.

- WMC comment AOB31-4 Parks Classification Decision

The EIR provides information about the parks classification decision scattered throughout many sections of the document including Vol. IV pages 3-12,

The WMC comments cited a number of parks documents that provided the reasons for the classification of Washoe Meadows land as State Park. The EIR fails to provide any evidence that the cited documents are incorrect. The EIR incorrectly states that the "Lake Valley SRA boundary was not delineated based on any scientific or environmental basis" (EIR vol. IV p 3-2). The documents WMC cited specifically stated that although it was decided to retain the golf course and classify its land as SRA, the rest of the land was purposefully classified as state park for various scientific, historical and environmental reasons.

Therefore, the EIR is not responsive to WMC comments on this point.

- WMC comment AOB31-5 Conflicts with California Public Resources Code

We made many comments on these sections of the CA PRC. One comment was related to the legality of changing the boundaries without a General Plan for the Park. This was also raised by WMC members but the EIR response doesn't have a clear statement about the legality of this action.



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Please clarify the legality and stance of State Parks ignoring their own regulations

Section 5001.9

WMC commented that this section of the PRC stated that no facility may be developed in a unit of the parks system unless it is compatible with the classification of the unit.

The EIR commented that the Commission has the authority to change the classification and will do so. Therefore, there will be no conflict.

The apparent intention of this rule is to protect land from over development. Downgrading of park land classification is rare or non-existent. This precedent setting action would be in conflict with the purpose of this rule.

Section 5002.1

WMC commented that this rule indicates that no new facility may be developed in any unit of the state park system unless it is compatible with the classification of the unit.

The EIR response states that the original inventory of both units which was completed in 1987 is existing and adequate. The response then discusses the size of the land transfer with a misleading comparison of the amount of park being lost. Instead of comparing the acreage in the park which will have the relocated golf course to the total park acreage, it is compared to the total acreage of the recreation area plus the park. This minimizes the numbers related to the impact on the park. It creates a misleading impression of the size of the park land to be converted to golf course. It minimizes the effect of a fragmented park with a long elongated periphery with the golf course footprint planned for the park.

Section 5002.2

WMC commented that this rule specifies the need for a general plan for a park unit that was reclassified by the Commission.

The EIR response utilizes circuitous logic to conclude that since the land transfer will occur, there is no need for a general plan for the park since development will be allowed in the area that is to become State Recreation Area.

This is not an adequate response because it fails to conform to the guidance in PRC 5002.2 b which directs that the resource element of the general plan "shall evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationship..." Adding a portion of the park to Lake Valley State Recreation Area such that the golf is on both sides of the river interferes with the complex hydrological system on the West side of the Upper Truckee River.

Putting acres of golf course in the park interrupts the interconnected ecosystems that include the fens, their water sources and drainage, wildlife travel, etc.

Section 5002.2 (b)

WMC commented that exemptions from the general plan requirement are allowed but only for a limited amount of repair, replacement or rehabilitation of an existing facility, or construction of a temporary facility. The concern was that building a golf course in

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Washoe Meadows State Park represents a permanent commitment of the land, wildlife and dispersed recreation “resources” of the state park unit.

The EIR response references the belief that the exchange of land would “facilitate reconfiguration of the golf course without damage to Washoe Meadows State Park”. WMC strongly disagrees with this belief. Users of park, both human and animal, would have a different experience when the entire length of the river is bordered by golf course. The experience of being in nature would be reduced. See also issues regarding the negative impacts on park resources which are addressed elsewhere in these comments.

### Section 5019.53

WMC expressed many concerns that the exchange of land would not preserve the natural values of the park which were outlined in the legal settlement agreement.

The EIR response is inadequate in that it does not respond directly to the detailed points raised in the WMC comments.

The EIR asserts that most of the area to be transferred from park to recreation area is very common and implies that it is not worth preserving.

- This is not correct because the fens and their complex hydrology in a broad area near the proposed golf course are special wetlands where rare types of plants and animals abound and which take thousands of years to form.
- This is also not correct because the forest habitat is important as referenced in the Live Oak Associates letter (Live Oak Associates letter to CA State Park and Recreation Commission, dated Oct 20, 2011)

The proposed “devaluation “of this parkland is not justified.

### Section 5019.56

Our comments were detailed and they were not responded to adequately.

#### – WMC comment AOB31-6 Conflict with Washoe Meadows State Park Purpose Statement

The EIR fails to reconcile the Washoe Meadows State Park Purpose Statement with the plans for Alternative 2B.

- It fails to address the conflict Alternative 2B has with preservation of the open space and recreational uses of the park which are mentioned in the Purpose Statement in connection to a reference to contiguous public lands with the same values.
- It fails to show how Alternative 2B protects the significant forests, meadows, wetlands, rare plants, wildlife habitat, and historic ranching sites. Instead, many hundreds of trees will be cut, eliminating their carbon sequestration capabilities, golf course will be built in SEZ and flood zones, golf course and its attendance roads, paths and non-native plants will replace native landscape, and golf course will be placed near extremely sensitive wetland (fen) areas.
- It fails to show how Alternative 2B is consistent with the preservation of and access to the many Washoe Indian cultural sites. When Lake Tahoe Golf course was built, many cultural sites were destroyed or buried (as acknowledged in the 1988 Lake Valley State Recreation Area General Plan and confirmed by Washoe oral history). Although some of the cultural sites will be avoided with 2B, further destruction and

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disturbance of cultural sites will likely occur with the construction of the new golf course planned for Alternative 2B. Access to important sites will be limited due to the operation of the golf course and during construction

- The EIR fails to address the management plan outlined in the park's purpose statement which included preserving, protecting, restoring, interpreting and managing "the unit's natural, cultural, and aesthetic resources, features and values, making them available to the public for their educational, inspirational and recreational benefits. Instead of carrying out these actions, the park has been mismanaged and to all practical purposes treated as a hidden dumping ground for department convenience and storage of piles of dirt and wood chips. Instead of carrying out the management plan referenced in the Park's purpose statement, the department is now proposing to bisect the park with a golf course.

### – WMC comment AOB31-9 Conflict with Federal Funding Processes

The work scope of the Bureau of Reclamation grant seemed to indicate that the initial funds were used for part of the golf course layout activities. The title of the project was modified to conceal this. This comment was not addressed specifically in the EIR.

### – WMC comment AOB31-12 Evaluation of Alternative Locations for the Golf Course

WMC listed many specific issues with the analysis of feasibility of alternative locations. Rather than address these items, the EIR dismisses the comments by stating that it would not be feasible for the Parks department to acquire any non-public land as an alternative for siting the golf course.

The EIR is not responsive to the specifics of these comments:

- The criteria development and evaluation of potentially feasible alternative locations for Lake Tahoe Golf Course was flawed and the team involved should have included the use of a real estate professional with expertise in commercial or large parcels.
- Public Ownership was not an appropriate criterion for consideration of alternative parcels for golf course location. Elimination of private property remains an unjustified omission. The EIR cites current state budget circumstances as the reason for this criterion. In comments on the draft EIR, WMC pointed out State Park's continued purchase of land every year with references to specific numbers for 2006/7 and 2005/6. The Park and Recreation Commission Annual Report to the Governor on the California State Park System, 2010 continues to confirm the information WMC provided in comments on the draft EIR. This recent report indicates that in every succeeding year since then, California State Parks has acquired land. It states that "Even in difficult economic times, California State Parks acquires property for preservation as parkland for future generations." If State Parks believes it isn't appropriate for the State of California to spend money to acquire land for the purpose of a golf course development, then it should realize that the taking of Washoe Meadows State Park land is also inappropriate. CA State Parks should reconsider Alternative 3 or add another alternative which makes the best use of the current State Recreation Area land with a balance of environmental and golfing needs.
- The Use Allowance Criterion eliminated consideration of alternative golf locations on state land which was purchased for the purpose of restoration. Washoe Meadows State Park land was purchased for the purpose of preservation and restoration and to prevent

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further development. Accepting Alternative 2B represents a contradiction in the application of this criterion.

- Topography Criterion did not allow relocation of the golf course in areas with slopes greater than 20%. On-site measurements of the proposed golf course area within the park indicate areas of slopes greater than 20% as described in WMC comments on the draft EIR. This criterion was inconsistently applied in order to favor the Park's preference for Alternative 2B
- The recent land exchange with the conservancy on the north side of the existing golf course was not evaluated for use as a golf course. It was however utilized as part of a planned pedestrian path. If this land can be utilized for a path it should also have been evaluated for golf course use and include in alternative 2B.

### **b. Fens**

Live Oak Associates commented that the fen resources located in Washoe Meadows State Park were not fully described. Live Oak Associates also commented that the draft EIR had an inadequate assessment of how the golf course component of Alternative 2B would adversely impact many of the fen complexes in the park.

The response to the comments is inadequate for the following reasons:

- The EIR indicates they have not yet finished mapping the fens. See EIR Vol. V Appendix M first page: *...Therefore, Sikes and Long identified additional locations where fens have the potential to occur—these are shown on the map as “unverified fen.” State Parks staff is currently awaiting the final report from Sikes that will outline the methodology and results of these fens surveys.*
- The University of Reno, NV professor who surveyed the fens in July 2011 states: *The classification of wet area that is not classified as a fen is probably based on the depth of peat. Technically, a “fen” has an accumulation of peat, but there are other very interesting and unique wetlands that do not have enough peat to be technically classified as a “fen”. Also, I think the mentioned requirement of 40 cm peat is too stringent. The 40 cm is just a number used in the USDA soil classification system to classify the soil as a “Histosol”. Most wetland scientists would consider any area with peat down to the bottom of the rooting zone would be functionally a “fen”. Another term is “Histic Epipedon” which is 20-40 cm of peat on the surface of the mineral soil. Even accumulations of peat less than 20 cm can be classified as a “histic horizon” which could control the development of a plant community.*

If the EIR proposed mitigations are not effective or monitored carefully, the consequences could be irreversible. The fens in Washoe Meadows State Park have formed peat layers over thousands of years.

These issues of concern are related to Alternative 2B.

- Sediment loads above natural geologic rates caused by soil erosion during and after human construction activities. Roads and sediment are an issue. Peat accumulation rates in fens are extremely slow (requiring hundreds and thousands of years), and the input of mineral sediment from road, hill slope and other erosion can bury peat bodies, leading to a change in vegetation.
- A diminished water supply. Ground water pumping wells can lower water tables in fens and have a detrimental effect.

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- Logging near fens. Logging should not occur within a distance that is a bare minimum of one tree height from the fen margin, because the addition of wood is a key component of fen organic matter, creates diverse habitat and influences the hydrologic regime of fens by blocking drainages.

### **c. New Screening Criteria**

New screening criteria was added to the EIR which the public did not have an opportunity to initially comment on in the draft 2010 EIR. These are in EIR vol. IV page 2-3. Although the criteria was changed to look at total revenue vs. golf course revenue, none of the economic evaluations were redone. The selected preferred alternative of 2B actually has the most reduction of total State Park revenues over the next 20 years and should have been eliminated from consideration.

The change in screening criteria necessitates a revisit of the evaluations that initially determined the most feasible alternative. This was not done.

### **d. Missing information on trail plans**

The EIR mentions that informal unofficial trails that are in the park will be removed but they do not indicate how many, how long or where the trails are that will be removed. They specifically state that they will not replace the entire length of informal trails that are to be removed. (EIR vol. IV p. 3-28). The Trail plan changes need better definition.

### **e. Inconsistency regarding Justification for Exchange of Land**

Throughout the EIR there are repeated references to disturbed land as justification for taking park land and reclassifying it for golf course purposes. The Department's own document (1987 Resource Summary) indicates that at that time, "Developed and disturbed sites comprise 20% of the project area and include a golf course (150 acres or 19%) and a quarry site (7 acres or 1%). How has it happened that during the time since 1987, so much more area is considered disturbed, especially considering that the quarry was restored through fill from the Tahoe Keys dredging?

This indicates that the Parks Department is the source of any disturbed land after 1987, and therefore this should not be a justification for use of the land for a golf course.

### **f. Concerns Regarding Water Quality and nutrient output into the environment**

During previous attempts to approve of development on the property that is now Washoe Meadows State Park, scientists raised concerns about the potential impacts on the environment. We include as part of our comments the concerns documented in the minutes of the 10/12/72 TRPA Governing Board meeting including the comments of Dr. Charles Goldman since the comments have relevancy and applicability to the proposed Alternative 2B.

### **g. Water Quality Impacts Related to Selection of Alternative 2B**

Alternative 2B results in additional significant adverse water quality impacts that are not present for the other alternatives. These include higher risks for water quality degradation during construction as well as increased likelihood of additional transport of nutrients to the river from upland golf course surfaces near the meadow in the park.

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The additional construction required by Alternative 2B as compared to other alternatives and the plan for an exemption from Water Quality requirements that will be sought, will result in a higher risk of degradation of water quality.

As mentioned in the Oct 21, 2011 Commission meeting, there are risks of degradation of water quality during construction. These risks are higher for Alternative 2B than for other alternatives because of the massive construction required in the park. A goal of the restoration is to “minimize risk in relation to expected benefits” (page 2 of River Run report). The EIR Vol. I, p. ES-2 also states that the basic objectives of the project include: “minimize and mitigate short-term water quality and other environmental impacts during construction.”

Water quality protection during construction is complex and risky. The extensive construction activities involved in Alternative 2B include large amounts of soil movement, tree removal and other actions to construct the numerous golf course acres in the park. There is additional construction involved in the river restoration. Alternative 2B will create significant adverse water quality impacts that could be avoided by choosing another alternative.

The EIR (Vol. IV p. 1-4) indicates that an exemption from Water Quality requirements will be sought during the project construction. Even though measures would be taken to protect water quality during construction, the fact that an exemption is sought confirms that there is concern that water quality degradation would occur. This degradation would be less severe if another alternative such as Alternative 3 were selected because of the reduction in volume of grading, soil disturbance and area of construction activity. Therefore, the selection of an alternative did not result in minimum risk because of the plans for moving the golf course into the park which prioritized golf over other alternatives.

Because the river channel restoration will better connect the channel to the floodplain, there is a higher likelihood of surface water on the restored golf course surfaces than at present (page 55 of River Run report). This is also a particular concern in the new areas of golf course proposed for the park along the meadow and the river. This would lead to additional transport of nutrients to the river. The EIR fails to properly analyze this likely impact.

**h. Comments from US EPA**

In previous comments, Washoe Meadows Community submitted the Letter from the US EPA to the Bureau of Reclamation dated November 28, 2011 (USEPA to Mayville BOR) in which it refers to the inadequacies pointed out in the US EPA’s prior comments on the EIR/EIS. Washoe Meadows Community incorporates all of the US EPA’s prior objections and the letter. This letter is located in Volume IV p 4-40. The responses to this letter are not adequate and deflect attention from many issues legitimately brought up by EPA as well as comments by other scientists.;