UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

APR 29 2013

Myrnie Mayville
Bureau of Reclamation
P.O. Box 4310
Stateline, NV 98449
Attn: Upper Truckee River DEIS

Subject: Draft Environmental Impact Statement for the Upper Truckee River and Marsh Restoration Project, El Dorado County, California (CEQ#20130049)

Dear Ms. Mayville:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the above project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Draft EIS clearly demonstrates the need to restore the hydrologic functionality of the Upper Truckee River by reconnecting the floodplain, meadow, and riparian areas with surface and groundwater. Lake Tahoe water quality studies have identified the Upper Truckee River as the largest source of fine sediment from stream bank erosion (p. 3.9-13). The proposed restoration would substantially reduce the volume of fine sediment and nutrients entering Lake Tahoe, thereby supporting key water quality goals of the Tahoe Regional Planning Agency, Lahontan Regional Water Quality Control Board, and Lake Tahoe Environmental Improvement Program. EPA supports restoration of the Upper Truckee River.

Alternatives 1, 2, 3 and 4 would decrease channel capacity and reestablish the channel's connection to an active floodplain. Reactivation of the floodplain and return of the river to more natural river processes would significantly reduce peak flows, increase the frequency of overbank flooding and floodplain storage, and enhance riparian and meadow ecosystems. We note that a preferred alternative has not been identified, but Alternative 2, New Channel West Meadow has been recognized as the environmentally superior alternative under CEQA.

We urge the action agencies to consider implementation of the alternative that maximizes ecosystem benefits. Based on our review of the Draft EIS, we have rated the project and document as *Lack of Objections* (LO). Please see the enclosed "Summary of EPA Rating Definitions." The enclosed detailed comments provide recommendations for additional documentation that should be included in the Final EIS regarding Section 404 Clean Water Act compliance, mitigation and monitoring, and cumulative impact analysis.

We appreciate the opportunity to review this Draft EIS. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Stephanie Skophammer, the lead reviewer for the project. Stephanie can be reached at (415) 972-3098 or skophammer.stephanie@epa.gov.

Sincerely,

Cornell Dennis

FOR Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
EPA Detailed Comments

cc: Scott Carroll, California Tahoe Conservancy
Kristine Hansen, US Army Corps of Engineers
Adam Lewandowski, Tahoe Regional Planning Agency
Robert Larsen, Lahontan Regional Water Quality Control Board
Cyndie Walchk, California State Parks
Theresa Cody, Forest Service Lake Tahoe Basin Management Unit

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR UPPER TRUCKEE RIVER RESTORATION AND MARSH RESTORATION PROJECT, EL DORADO COUNTY, CA, APRIL 29, 2013

Clean Water Act Section 404

The Draft EIS states that formal wetland delineations have not been completed for the study but that much of the study area falls in the floodplain and would likely be classified as wetlands (p. 3.4-38). The Conservancy is expected to coordinate with the US Army Corps of Engineers (Corps) to obtain appropriate permits before construction would begin (p. 5-3).

> ***Recommendations:***
> We recommend the Final EIS include additional information regarding the 404 permitting process for this project. The current status of the wetlands delineation and the ongoing consultation should be described and documented. We urge California State Parks, TRPA, and Bureau of Reclamation to work with the Sacramento Office of the Corps, as soon as possible, to ensure Section 404 compliance for this project.

Mitigation and Monitoring

To address potential local construction erosion effects, the action alternatives include mitigation measures requiring bed and bank stabilization measures at and immediately upstream and downstream of bridge removal sites and downstream of treated reaches (p. 3.8- 2). Best Management Practices (BMPs) are included in Table 2-6 Environmental Commitments.

> ***Recommendation:***
> The Final EIS should include additional information on the ability of proposed mitigation measures to provide long-term avoidance and reduction of local erosion effects of the proposed action. We recommend including a chart describing mitigation performance standards, monitoring and reporting requirements, responsible parties, implementation schedule, and maintenance requirements for these measures.

Alternative 3 will include design features where portions of the channel would be directly modified with the expectation that natural river processes would return and achieve channel equilibrium over time (p. 2-11). Mitigation measures and monitoring are proposed to minimize short-term effects of construction (p. 3.9-61). However, it is not clear whether monitoring is included to verify the design assumption that natural processes of erosion and deposition would establish appropriate channel dimensions over time in areas where the stream is not fully reconstructed.

> ***Recommendation:***
> We recommend the proposed action include validation monitoring to verify whether the restored river channel is adapting as predicted to the actively reconfigured channel.

Cumulative Impact Analysis

EPA appreciates the cumulative impact discussion beginning on page 3.18-1 of the document. Given the dozens of projects underway and being proposed in the Upper Truckee and Trout Creek watershed, it is especially important that all agencies (Forest Service, the Conservancy, Reclamation, CA State Parks, and others) are coordinating their efforts as much as possible. EPA is aware of the Upper Truckee River Restoration Strategy Draft Report which summarizes these efforts and on-going studies.

Recommendation:
Table 2 of the Strategy document refers to a comprehensive list of Upper Truckee river projects with corresponding acreages of floodplain and river restoration. We recommend such a table, as well as a map, be included in the Final EIS to inform the cumulative impact analysis regarding specific acreages and approximate length of channel restored.