(DRAFT)

DECISION NOTICE

and

FINDING OF NO SIGNIFICANT IMPACT

TAYLOR AND TALLAC RESTORATION PROJECT

U.S. FOREST SERVICE

LAKE TAHOE BASIN MANAGEMENT UNIT (LTBMU)

EL DORADO COUNTY, CALIFORNIA

BACKGROUND

The purpose of the Taylor and Tallac Restoration project is to begin restoring ecological processes and functions in the Taylor and Tallac Creeks and marsh area (Appendix A) while also maintaining or enhancing existing recreational facilities and infrastructure. To accomplish this purpose the following project needs were identified:

- Remove or control existing aquatic invasive species to enhance habitat for native species.
- Restore and enhance creek, lagoon, wetland, and swale hydrologic condition to enhance plant and wildlife habitat for native aquatic and riparian dependent species, and increase resilience to a changing climate.
- Enhance existing recreational facilities and infrastructure to provide quality recreation experience while protecting sensitive habitat and species.
- Improve the visual quality of the landscape features, including existing fencing and interpretive signage.
- Enhance public access for non-motorized use to high-use recreation sites.

The Taylor and Tallac Restoration project area (~2600 acres) is characterized by a variety of sensitive habitats (e.g., barrier beaches, wetlands, meadows, stream channels) and important natural processes (e.g., hydrological) that have been adversely affected by previous land management practices such as grazing, infrastructure construction, and introduction of aquatic invasive species. The project area contains approximately 11 miles of perennial stream and 470 acres of Stream Environment Zone which is a combination of wetland, meadow, and riparian habitat that supports a suite of native, non-native, and

aquatic invasive species. The project area includes a heavily used recreation site (Taylor Creek Visitor Center) and one of the most popular beach destinations in the Lake Tahoe basin (Baldwin Beach, Appendix A). Impacts on natural processes and sensitive habitats have not only degraded the ecological conditions of the area but also indirectly affected the recreation experience with effects to both visual characteristics and water quality conditions.

Historically, Taylor and Tallac Creeks in the project area north of Highway 89 were connected through a series of lake-influenced swales that formed a large wetland or marsh complex. The connectivity of water in the swales and the overall level of water in the wetland complex depended on the water level of Lake Tahoe and the amount of spring flows in the creeks. These swales are now hydrologically disconnected from Tallac Creek flows due to channel incision creating a new dominant flow path out to Lake Tahoe, directing Tallac Creek flows past the swales. The current flow path has been in existence since at least 1940 (Appendix A); however, historic maps from 1895, 1914, and 1925 show Tallac creek flowing down swale one until connecting with the mouth of Taylor Creek and out to Lake Tahoe (Appendix A).

The current flow path has been influenced by a variety of impacts associated with a historic dairy, cattle grazing, road construction, and water diversions. Channel incision in response to fluctuating lake levels has continued to occur, exposing the top of the South Tahoe Public Utility District sewer line that crosses Tallac Creek. The sewer line was installed in 1972. When flows enter the swales from high lake levels, swale flow circulation is also affected by undersized culverts, which were installed in the 1950's and 1960's. Additionally the Lake Tahoe Dam, which was completed in 1913 and controls lake levels, has altered wetland and stream characteristics. The presence of the Lake Tahoe Dam prevents the opportunity to restore the project area (that is influenced by lake level) to historic conditions; however, the historic information can be used as a guide to create conditions more resilient to a changing climate.

The degraded hydrologic condition has promoted the introduction of aquatic invasive species to the creeks and threatens the native species throughout the project area. The presence of aquatic invasive species in the swale and creek habitats is a primary driver of the project. Control or eradication of aquatic invasive species is critical to successfully restoring this habitat. The project area is home to virtually every aquatic invasive species known to occur in the Lake Tahoe Basin (excluding Asian clam). The project area supports one of the largest populations of American bullfrogs in the Lake Tahoe Basin. Native to the eastern United States, bullfrogs predate upon native fish and amphibians, carry pathogens like chytrid fungus that cause mortality in native amphibians, and compromise water clarity. Warm water fish have been detected in Taylor Creek up to Fallen Leaf Lake Dam and, to a lesser extent, Tallac Creek. These species predate and out-compete native aquatic species. Eurasian water milfoil and curly leaf pond weed, prolific aquatic invasive weeds, are present in large numbers (especially milfoil) in the project area, specifically the mouth of Taylor Creek. The presence of these aquatic weeds increases habitat for both bullfrogs and warm water fish and degrades water quality and the recreational experience.

Much of the Baldwin beach recreation site receives heavy visitor use. Many of the facilities in the recreation site have a high level of deferred maintenance and have not been updated to meet Forest Service universal accessibility standards such as the Architectural Barriers Act requirements and the Forest Service Outdoor Recreation Accessibility Guidelines. The rainbow trail is a challenge to maintain because it becomes flooded by Taylor Creek, preventing access and resulting in the creation of user-created trails as visitors attempt to get past the flooded areas. Throughout the project area, recreation facilities and access pathways do not adequately manage the heavy use the area receives, resulting in trampling of vegetation.

DECISION

I have reviewed the Taylor and Tallac Project Environmental Assessment (EA), the Project Record, and the Response to Comments (DN/FONSI, Appendix B).

I have decided to implement Alternative 2, the proposed action (including Best Management Practices, project design features, and US Fish and Wildlife Service Terms and Conditions as described in their Biological Opinion), as described below and in the EA. In summary, the selected alternative will begin restoring ecological processes and functions in Taylor and Tallac Creeks and the greater wetland/marsh area by eradicating or controlling aquatic invasive species, improving hydrologic connectivity of the swales and creeks, and upgrading infrastructure to guide public use and protect natural resources. The project will also enhance existing recreational facilities and infrastructure, and enhance opportunities for universally accessible, non-motorized access.

DECISION RATIONALE

In making my decision, I was particularly interested in the comments we received from an adjacent land owner, local residents and business owners and was glad to see so much local interest and experience. As a result of the comments, we made several enhancements to the EA (See Response to Comments, Appendix B). Specifically, we clarified and expanded the description of our intent to apply a phased approach to specific components of the project. The EA now defines the criteria that must be met before the next phase can be implemented (EA, 2.2 Alternative 2 (Proposed Action)). Additionally, based on the comments and a review of available information, I realized that project activities related to Lucky Baldwin Dam and Taylor Creek flow regime manipulation were complex enough to warrant evaluation as a separate, future project. Therefore, we removed any work on the Fallen Leaf Dam and old Lucky Baldwin Dam from this project (*see* Alternatives Considered and Future Related Efforts).

I have decided to implement Alternative 2 (Proposed Action) because the project incorporates:

1. Restoration actions that will enhance habitat for native species by removing or controlling aquatic invasive species and restoring and enhancing creek, lagoon, wetland, and swale hydrologic condition. These actions willultimately increase habitat resiliency to changing climate conditions.
2. Site upgrades and natural resource protection barriers that will enhance existing recreational facilities and infrastructure to provide quality recreation experience while protecting sensitive habitat and species. Actions will also improve the visual quality of the landscape features, including existing fencing and interpretive signage. The project will enhance public access for non-motorized use to high-use recreation sites.
3. Performance standards that apply both during and beyond the implementation phase of the project which provide the flexibility to use new technologies for project implementation and ensure that the desired outcome of each activity is achieved and maintained.
4. A phased approach for specific project elements where implementation must meet identified criteria before the next phase is executed. This sequential process improves implementation efficiency to meet performance standards.

ALTERNATIVES CONSIDERED AND FUTURE RELATED EFFORTS

In addition to the selected alternative (Alternative 2), I also considered the no-action alternative in detail (EA Chapter 2). Under this alternative, no activities would occur to restore the ecological processes, improve habitat for native species, control the ever-expanding populations of aquatic invasive species, and improve the recreation experience for many public visitors.

Alternative 2, as originally written, included actions to reduce stream temperatures in Taylor Creek and maintain a flow regime consistent with the needs of native aquatic species. After weighing the tradeoffs, I have decided to remove these actions from this particular project. I originally proposed to manipulate water flow releases from Fallen Leaf Lake to Taylor Creek to mimic a natural hydrologic regime, remove portions of the Lucky Baldwin dam, and renovate the fish ladder at Fallen Leaf Lake Dam. These actions were intended to support our growing populations of native species and the important ecological processes supported by natural and cold flow regimes. However, it is clear to me after listening to members of the public and reviewing available information, that the complexities of this system are beyond the scope of this project. I intend to pursue restoration actions in the Glen Alpine drainage, including Fallen Leaf Lake and Taylor Creek system, as its own project. I feel an obligation to evaluate this entire drainage to move towards a holistic management strategy. This would entail a collaborative approach between federal, state, and private parties to address species management, water management and methods to manage the watershed in the face of a changing climate. I

also understand the importance of partner involvement in this type of action and would like to use my resources to discuss shared goals and areas of possible disagreement with affected partners and team with other management agencies.

PUBLIC INVOLVEMENT

The Forest Service first listed the Taylor and Tallac Restoration Project in the January 2014 Lake Tahoe Basin Management Unit Schedule of Proposed Actions (http://www.fs.fed.us/sopa/forest-level.php?110519).

The NEPA scoping (request for comments) period began on October 17, 2014 and ran until December 5, 2014. Public scoping included notification to local media outlets, scoping letters mailed or emailed to interested parties, and posting information on the Forest Service website. During the scoping period the Forest Service met with Water Board, TRPA, South Tahoe Public Utility District (STPUD), Tahoe Resource Conservation District (Tahoe RCD), Washoe Tribe (Darrel Cruz), California Department of Fish and Wildlife (CDFW), and U.S. Fish and Wildlife Service (USFWS) to discuss the initial proposed action and receive their comments. The Forest Service received a total of seventeen comments from interested parties.

On December 16, 2014 the Forest Service met with STPUD to discuss the proposed action and the STPUD sewer line that crosses Tallac Creek. On January 5, 2016, the Water Board and Forest Service met with STPUD again to discuss progress on the draft proposed action as it relates to the sewer line that crosses Tallac Creek.

From October 23, 2015 to November 25, 2015, the Water Board (lead CEQA agency) requested early consultation and comment from interested parties on the proposed action. The request for early consultation was circulated through the State of California Office of Planning and Research's State Clearinghouse. A total of four comment letter were submitted to the Water Board. One comment letter repeated comments submitted to the Forest Service during the NEPA scoping period.

The NEPA and CEQA comment periods ran concurrently from June 17, 2016 until midnight on July 18, 2016. Notice of the NEPA comment period was announced in the Tahoe Daily Tribune and other local media outlets, posted on the Forest Service website, and in letters mailed or emailed to potentially interested parties. The CEQA comment period request for comments was posted on the Water Board website and circulated through the State of California Office of Planning and Research's State Clearinghouse. Seven comments were received, some of which consisted of in-person meetings with the interested party.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an

environmental impact statement will not be prepared. I incorporate, by reference, the EA and project record, in making my determination. I base my finding on the following:

1. **Beneficial and adverse impacts –** My finding of no significant environmental effects is not biased by the beneficial effects of the action (EA, Chapter 3). Project Design Features (Appendix C of this document) and BMPs (EA Appendix C) implemented will mitigate effects to less than significant levels. Biological Evaluations, Biological Assessments, and specialist reports prepared for this project are available in the project record, and unless otherwise noted are available upon request.
2. **The degree to which the proposed action affects public health or safety –** There will be no significant effects on public health and safety. Implementing recreation design features (EA pg. 24) ensures that public health and safety objectives are met.
3. **Unique characteristics of the geographic area –** The proposed action will have long term beneficial effects on stream, wetland, meadow, and barrier beach habitat as summarized on pg. 42, 53, and 58 of the EA. Project design features (EA pg. 17-25) ensure impacts from construction are reduced or eliminated.
4. **The degree of controversy over environmental effects –** The proposed action is consistent with all laws, regulations and policy including the Forest Plan as amended. In addition, the public raised no issues indicating that the degree to which this project may affect the human environment is likely to be highly controversial. Comments received during the public comment period were addressed and summarized (Appendix B).
5. **The degree to which the possible effects on the human environment are highly uncertain or involves unique or unknown risks –** The LTBMU has considerable experience and success with the types of activities to be implemented. The effects analysis in the EA shows that overall effects are not uncertain, and do not involve unique or unknown risk (EA, Chapter 3). Elements of this project are ordered by a very specific phased approach that requires each sequential phase to meet certain criteria before the next step is taken. This approach further reduces the risk of possible effects.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The action will not establish a precedent for future actions with significant effects. No significant effects are identified (EA, Chapter 3), nor does this action influence a decision in principle about any future considerations.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts –** The cumulative effects are not significant (EA, Chapter 3).
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources** – The project area has been surveyed for cultural resources. The risk of damage to cultural resources is considered to be sufficiently mitigated by the project design features prepared for the project.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973** – The information provided for this project specific analysis on Sierra Nevada Yellow Legged Frog and Lahontan Cutthroat Trout is discussed in detail in the project's draft Biological Assessment and the associated project effects description in the EA are an accurate portrayal for these species at this time with the information obtained to date.
10. **Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment** – The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, Chapter 1).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision to implement the proposed action (Alternative 2) is consistent with the long term goals and objectives Forest Plan published in 1988 as amended by the Sierra Nevada Forest Plan Amendment published in 2004. The Forest Plan Direction that applies to this project includes management area direction for Fallen Leaf Management Area (Plan p. IV-85 – IV-92) and forest wide standards and guidelines for Riparian Conservation Objective #2 (SNFPA p. 63-64). The action is consistent with the following laws and regulations:

- National Forest Management Act
- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act (Public Law 92–500)
- California Environmental Quality Act [CEQA] (Public Resources Code, § 21080)
- Environmental Justice (Executive Order 12898)
- Invasive Species Management, FSM 2900
- Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)
- Tahoe Regional Planning Agency Compact

ADMINISTRATIVE REVIEW AND IMPLEMENTATION DATE

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of a legal notice in the Tahoe Daily Tribune. The date of the legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Randy Moore, Regional Forester, USDA Forest Service; Attn: Burke Creek Project - LTBMU; 1323 Club Drive, Vallejo, CA 94592. Phone (707) 562-8737. Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00am to 4:00pm). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: Burke Creek Project - LTBMU. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Incorporate documents by reference only as provided for at 36 CFR 218.8(b).

CONTACT

For additional information concerning this project, contact:

Sarah Muskopf or Stephanie Coppeto, Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150
Phone (530)543-2600, Fax (530)543-2693

_____ _____

JEFF MARSOLAIS — Date
Forest Supervisor
Lake Tahoe Basin Management Unit

Appendices:

Appendix A – Project Area Maps

Appendix B – Response to Comments

APPENDIX A: PROJECT AREA MAPS

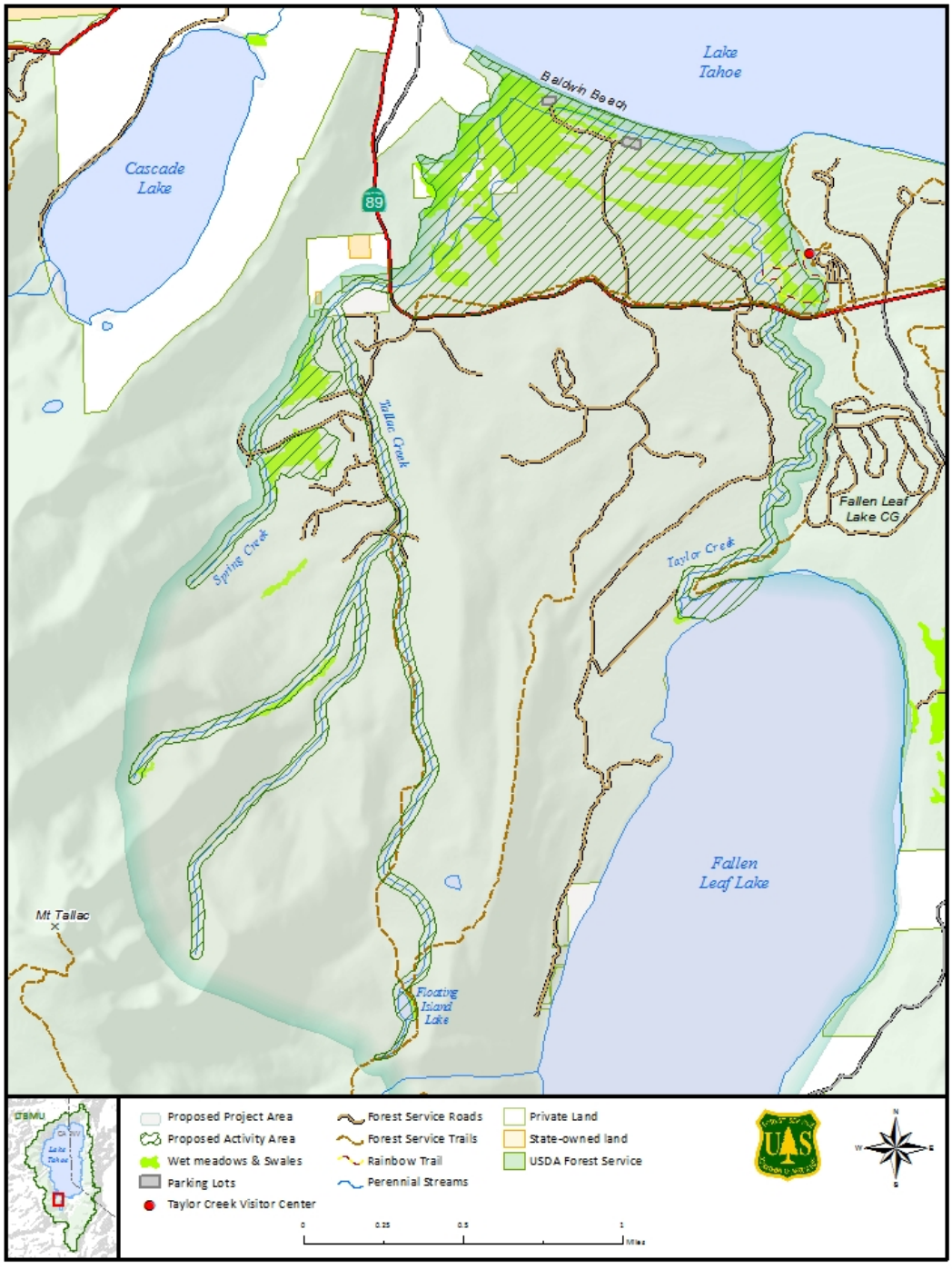

Figure 1: Project Area

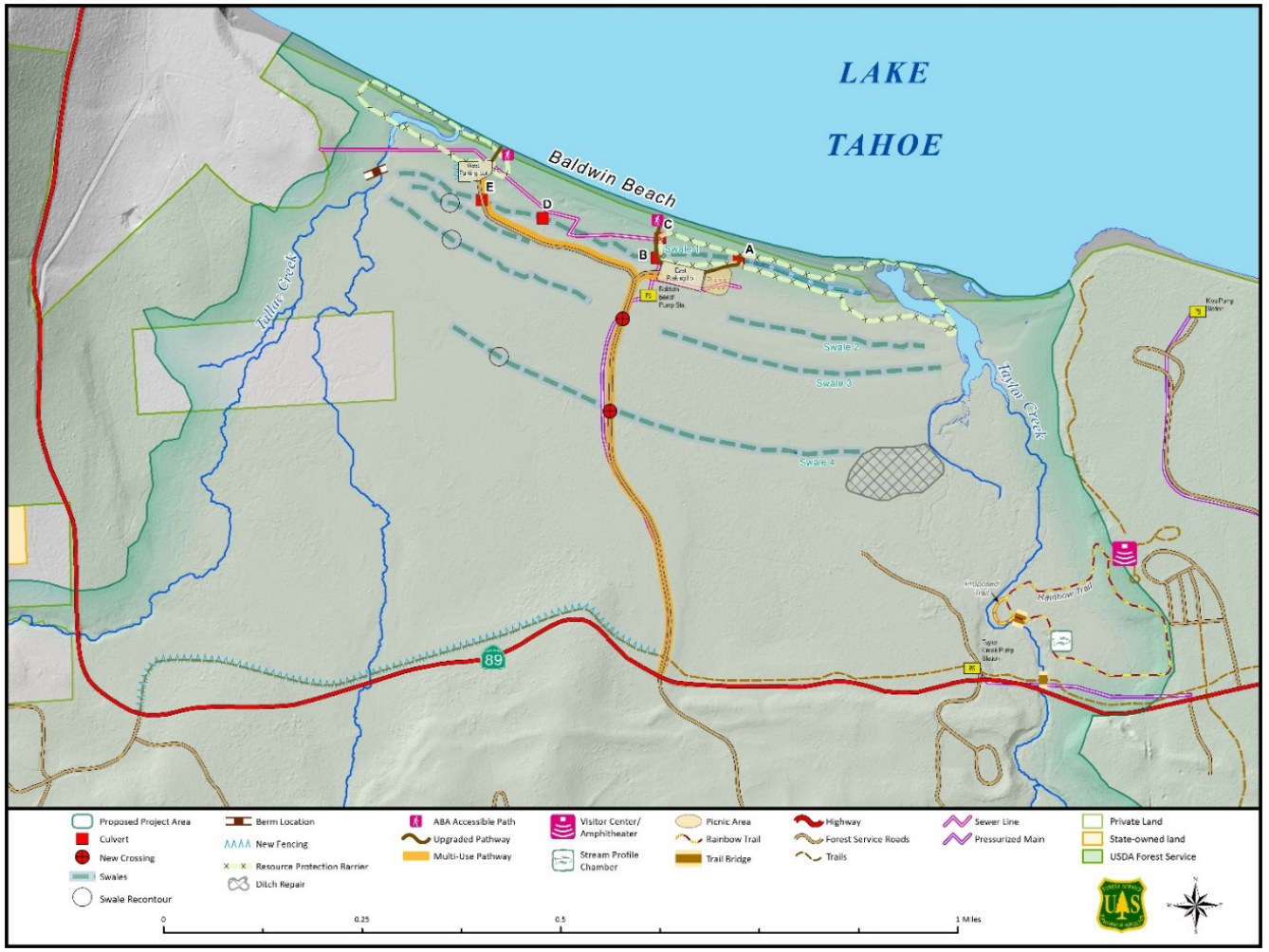

Figure 2: Project Area North of Hwy 89

Figure 3: July 13, 1940 Aerial photo of Tallac and Taylor marsh and creeks. Tallac Creek is in its existing dominant flow path where it exits into Lake Tahoe at its current location; however, still hydrologically connected to swale 1.

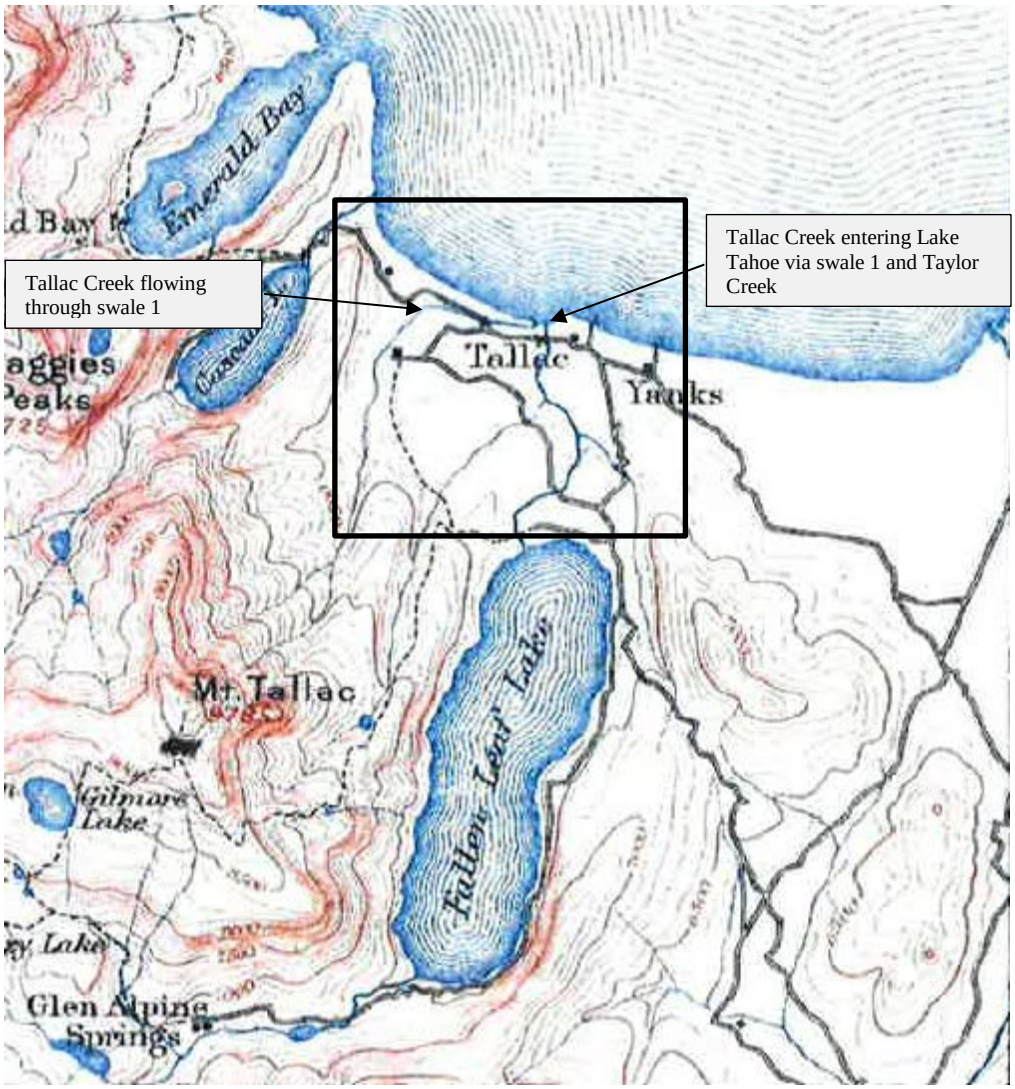

Figure 4: Historic map of Tallac marsh and surrounding area in 1895 where Tallac Creek flows through swale 1 and into Taylor Creek before entering Lake Tahoe.

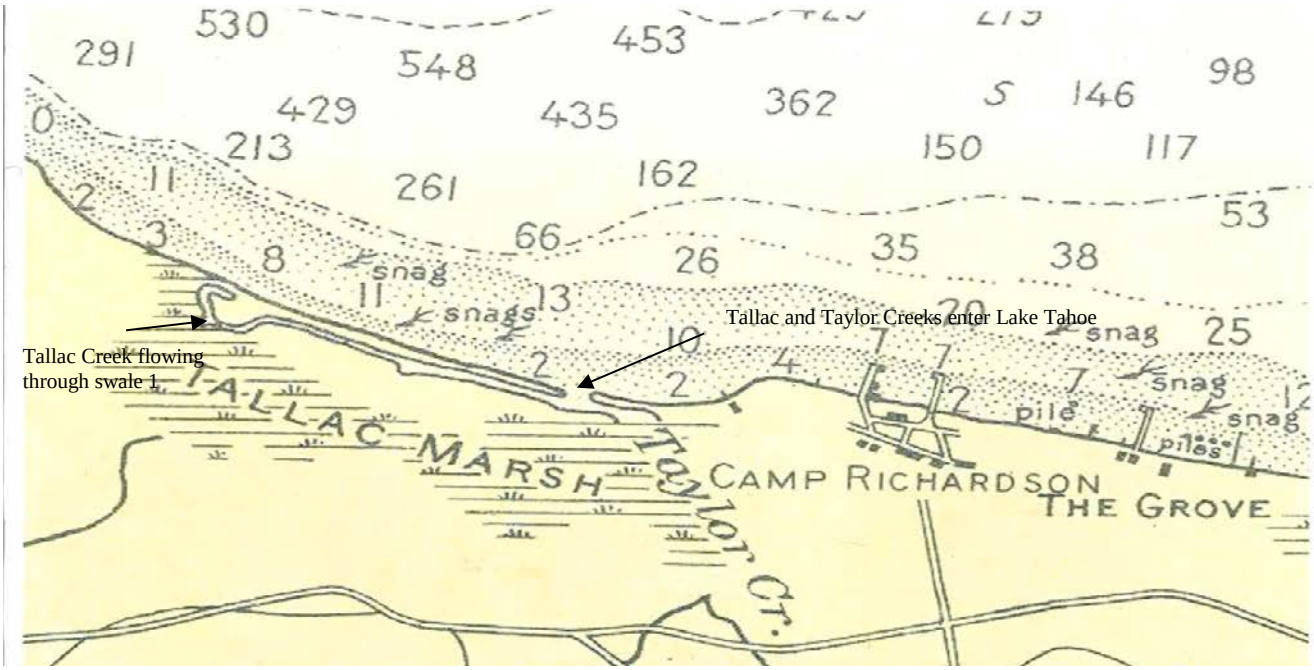

Figure 5: Historic map of Tallac marsh in 1914 where Tallac Creek flows through swale 1 into Taylor Creek before entering Lake Tahoe.

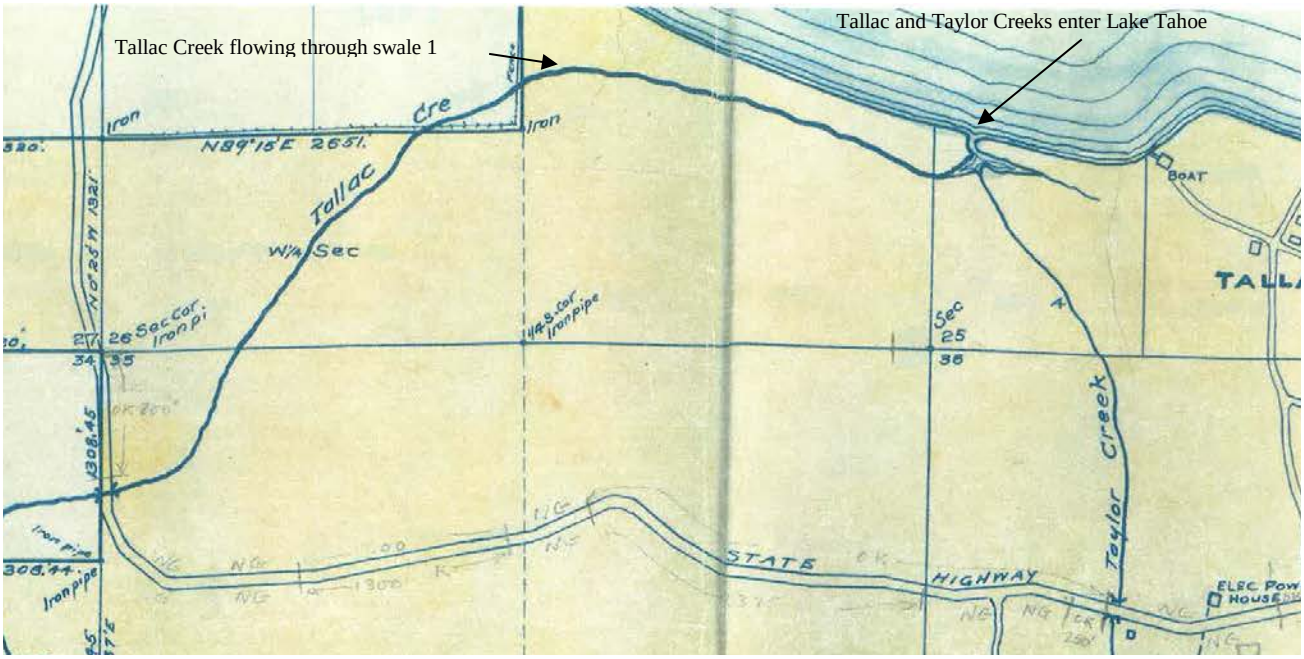

Figure 6: Historic map of Tallac marsh in 1925 where Tallac Creek flows through swale 1 into Taylor Creek before entering Lake Tahoe.

Appendix B
Response to Comments
From 30 Day Comment Period (June 17 – July 18, 2016)
Taylor and Tallac Restoration Project

In response to the legal notice for the 30 day comment period for the Environmental Assessment (EA), seven (7) comments were received, some comments were provided during in-person meetings with the interested party.

All references to Alternative 2 and the EA in this document refer to the final Alternative 2 and EA unless otherwise noted. Comments are organized by six primary topic areas, including: project support, Taylor Creek flow modifications and Lucky Baldwin dam, Taylor Creek, Tallac Creek and aquatic invasive species, recreation amenities/infrastructure, and natural resource concerns. The comments and the Forest Service (FS) responses are as follows:

1. Comments in Support of Alternative 2

I have no concerns and think this is a great project.
Commenter: Jim Bruner

The EA looks really good.
Commenter: Laurel Ames

"I approve of the purposeful well intended nature of this restoration with swale re-connectivity and removal of some non-native grass."
Commenter: John Adamski

After reading through the proposed alternatives for the project I am a proponent of Alternative Two."
Commenter: Kelly Ross (Camp Richardson Corral)

"Our group supports the restoration project, with a few comments…" "We fully support the plan to "upgrade, raise in elevation, or replace with boardwalk portions of the trail."……. Moving and formalizing the user-created trail to the gravel bar on the bend of Taylor Creek below the Stream Display would also help."
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

Response: *Thank you.*

2. Taylor Creek Flow Manipulation and Lucky Baldwin dam

"Mimicking natural creek flow needs much more discussion. In recent years I have observed dramatic changes in creek flow made instantaneously by the turn of a valve at the dam. Often the flow has changed from a trickle to a massive flow either because homeowners at Fallen Leaf request it – or for attempts to entice Kokanee Salmon upstream in October. Regardless of the reasoning – dramatic instantaneous flow changes have an effect on every bird and animal that relies on the creek for foraging and habitat. The Kokanee Salmon seasonal run (man-made phenomenon or not) is a highly anticipated event that many bird and animal species rely on annually. This seasonal event needs to be carefully reviewed before making dramatic flow changes which might prevent resident species from foraging or migratory birds and animals from revisiting…..Carefully review the effects of inconsistent Taylor Creek flow changes and create a flow plan to be strictly adhered to annually."
Commenter: John Adamski

Resume flow and temperature readings again in this system.
Commenter: John Kleppe

Instead of removing the Lucky Baldwin dam right away, first repair the low flow culvert at Fallen Leaf Lake Dam and secondly consider using the fish ladder as a means of passing flow into Taylor Creek. Remove portions of Lucky Baldwin dam only if the first two options do not achieve the desired outcomes in the Fallen Leaf Lake lagoon and Taylor Creek (i.e., water temperatures below 68°F). If the FS removes portions of the Lucky Baldwin dam, repair the log boom.
Commenter: John Kleppe

Will there be trail closures for Lucky Baldwin dam work?
Commenter: Kelly Ross (Camp Richardson Corral)

> **Response:** *We agree that modifying flows requires more in-depth evaluation and coordination. And we agree that options exist to repair current infrastructure at the Fallen Leaf Lake dam before removing portions of the Lucky Baldwin Dam. We have removed actions related to flow modifications and the removal of portions of the Lucky Baldwin dam from Alternative 2 (EA, 2.3 Actions Considered by Eliminated from Detailed Study). Therefore these comments, and concerns regarding trail closures, are no longer applicable to Alternative 2. These topics may be part of a future project. And thank you for recommending data needs; we will evaluate those when we pursue flow manipulation and Lucky Baldwin dam as a separate, future effort.*

3. Taylor Creek

"I would carefully warn against seriously modifying any natural adaptations/structures of the creeks themselves….. All components of both creeks play a key role in habitat and food sources for these incredible animal and bird habitats."
Commenter: John Adamski

Response: *No work is proposed to modify the adaptations or structures of Taylor (or Tallac) Creek. For Taylor Creek, Alternative 2 proposed to strategically place large wood where this would assist in preserving habitat for native species. With the exception of the berm, there are no other modification proposed for Tallac Creek. Flows above bankfull flows will continue to exit the current mouth of Tallac Creek and less than bankfull flows will flow through the historic path (swale 1). And we agree that both creeks are important habitat for many animal species.*

Would the placement of wood in the southern portion of Taylor Creek alter or amend the previous decision (involving horse stream crossings) by the Lake Tahoe Basin Management Unit for the Fallen Leaf ATM?
Commenter: Kelly Ross

Response: *No.*

We "question the need to install large wood in lower Taylor Creek wetlands, since there are numerous beaver dams performing the function of large wood, as well as quite a quantity of existing large wood…"
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

Response: *Large wood is proposed upstream of Highway 89 (EA, 2.2 Alternative 2 (Proposed Action)).*

It is noted "that "Taylor Creek was the most degraded of 10 sampled creeks in the Tahoe Basin". What criteria were used? There are certainly aquatic invasive species (especially bullfrogs and Eurasian milfoil), but the numerous beaver dams in the wetlands downstream of the Stream Display have filtered out sediment (and other pollutants, as was verified about phosphorus by Sarah Muskopf's 2007 thesis)."
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

Response: *The criteria are based on the February 2007 report titled, "Development and Testing of Biomonitoring Tools for Stream Macroinvertebrates in the Lake Tahoe Basin". (EA, Appendix A – 2 CEQA Response to Comments from Early Consultation).*

"Restrict kayaking and paddle boarding to stay out of the Taylor Creek outlet area by Lake Tahoe."
Commenter: John Adamski

Response: *Recreation activities that occur in Taylor Creek and Lake Tahoe are outside the scope of this decision.*

4. Tallac Creek and Aquatic Invasive Species

The project, particularly berm installation, would benefit from aa plan if we aren't getting the results we had planned for.
Commenter: Buzz Ebright

> **Response**: *We have revised the EA (2.2 Alternative 2 (Proposed Action)) to emphasize the importance of a phased implementation approach (adaptive plan) in which performance standard criteria must be met before implementing the next phase of the project.*

Installing the berm to route Tallac Creek into swale 1 will create warmer ponded water that could cause a spread of aquatic invasive species. The FS must manage aquatic invasive species after the project is completed to ensure that these species don't become re-established.
Commenter: Buzz Ebright

> **Response:** *We agree that the project would create some areas of warm water, depending on flows and Lake Tahoe water levels. We have revised the EA (1.1. Purpose and Need, 2.2 Alternative 2 (Proposed Action)) to emphasize the importance of aquatic invasive species control or removal. We have also revised the EA to emphasize the importance of monitoring and maintenance after project implementation (2.2 Alternative 2 (Proposed Action)). The habitat created by the project, even areas that may be warm, is good habitat for native fish species. There is a risk of the spread and re-establishment of invasive species but we believe our phased approach with strict criteria, and monitoring and maintenance of aquatic invasive species reduces that risk. And connecting the hydrology of the area (i.e., swale 1 between Tallac and Taylor Creek) helps improve habitat for native species.*

"We do wonder why controlling aquatic invasive species was only noted under Tallac Creek, since there are many present in Taylor Creek as well?"
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

> **Response:** *We revised the EA to clarify that aquatic invasive species removal/control would occur in other areas besides just Tallac Creek.*

I disagree with the sentence in the EA (*page 32, Flow Velocity*) that states that water in swale 1 will flow under all water conditions.
Commenter: Buzz Ebright

> **Response:** *We have revised this statement (EA, 3.2.2 Hydrology) to clarify that not all flows in swale 1 would be flowing. The statement has been revised as follows: "After restoration actions, under various lake levels and flow conditions restoration actions result in the creation of 700 - 1,250 (of 3,700 total linear feet of swale) linear feet (Figures 11, 13, 15) of visibly flowing water in swale 1."*

There are flaws in the historic maps that were used to develop the proposed action to re-route Tallac Creek down swale 1. These maps are not a good guide.
Commenter: Buzz Ebright

> **Response**: *Thank you for identifying an error in one of the historic maps used to develop the proposed action. We understand that hand drawn historic maps from the late 1800s and early 1900s may have some errors. Fortunately we have more than one of these early maps that indicate the historic dominant flow path of Tallac Creek was through swale 1. We also have a large number of aerial photographs from 1940 and later that show Tallac Creek in the existing flow path directly to Lake Tahoe. We acknowledge that Tallac Creek has likely used both flow paths depending on lake levels, stream flows, wind, and other environmental variables. This is a dynamic system.*

The Forest Service refers to historic conditions as a reason to re-route Tallac Creek but I don't believe historical conditions are a compelling enough reason; conditions have changed.
Commenter: Buzz Ebright

> **Response:** *We agree. Historic conditions, current environmental conditions, and future changing climate conditions are all primary factors contributing to the design of the project. Because of some changed conditions like the Lake Tahoe dam in Tahoe City, we would never be able to restore this system to historic conditions. We have clarified this in the EA (1.1. Purpose and Need).*

The topography of Tallac Creek indicates that the creek wants to go out the outlet directly to Lake Tahoe. The weather (wind, wave action) all influence the opening and closing of the mouth naturally.
Commenter: Buzz Ebright

> ***Response:*** *We agree this is a dynamic system. There is evidence that Tallac Creek has exited through both the current path and swale 1. After Alternative 2 is implemented the creek will continue to exit directly to Lake Tahoe under various stream flow conditions and lake levels.*

5. Recreation Amenities/Infrastructure

"Locate new bicycle access trail along Baldwin access road on "West" side of Baldwin Beach entrance road to keep Mountain Bike Cyclists, Pedestrians and Dogs from accessing the Bald Eagle Foraging Habitat (USFS Units #40, #54 and #120)."
Commenter: John Adamski

> **Response:** *Thank you for your suggestion, we have not yet selected which side of the access road the bike trail would be constructed on (that will occur during the design phase) but will consider this recommendation. The selection would be based on a number of factors including but not limited to existing infrastructure (e.g., STPUD sewer line, kiosk), safety for bicyclists and vehicle drivers, and the presence of natural resources in the proposed alignment. Fortunately even if the trail were installed on the east side of the*

access road it would still be a substantial distance from the area used by bald eagles. Furthermore, under the existing conditions, where visitors walk along the access road to Baldwin Beach and there are no restrictions/barriers to off-trail movement, we have not observed harmful incursion into bald eagle habitat Under Alternative 2, we have the opportunity to install natural resource protection barriers (EA; 2.2. Alternative 2 (Proposed Action)) along the new bike trail to prevent off-trail access. The units referred to are part of the South Shore Fuels Fuel Reduction and Healthy Forest Restoration Project and are not part of Alternative 2. Alternative 2 has no activities planned in this area. We have concluded that the bike trail would not have an impact on bald eagle (EA; 3.2.5 Wildlife).

Minimize the Picnic Enhancement Project on the East Parking area and restrict it to the existing footprint where the picnic tables currently area. Install natural barriers on the perimeter of the picnic area to keep people and dogs **out** of the (meadow area to the East of the picnic area to Taylor Creek)."
Commenter: John Adamski

Response: *We agree. We do not propose to expand the picnic area beyond the existing footprint. Also, we have the opportunity to install natural resource protection barriers or other types of barriers around the picnic area to prevent access and trampling outside of the picnic area and designated trails. Locations for natural resource protection barriers are not limited to those shown in the EA (Figure 2).*

Any new Pavilion or Buildings, and or Recreation Enhancement at Baldwin Beach should be done at the West Parking Area to minimize human and dog impact on the sensitive wildlife habitat off the East Parking. (USFS Units #40, #54 and #120).
Commenter: John Adamski

Response: *No new infrastructure is proposed as part of Alternative 2.*

Access
There could be potential closures of Baldwin Beach to vehicle for up to one full summer season and only access from other beaches by paddle, kayak, hiking, bicycle. "This is extremely concerning due to the traffic gridlock and parking congestion throughout this corridor during the summer season, especially holidays. The existing lack of parking to "park and hike/bike" into Baldwin is extremely deficient. The current entrance into Baldwin is extremely dangerous already with having vehicle access available. Would there be additional parking to walk/bike into the beach during construction of the Baldwin bike path and restoration of the access road? The increased parking along highway 89 already poses significant impact to vegetation along the roadway. How would the plan ensure that the degradation that already exists would not worsen during the construction phase?"
Commenter: Kelly Ross (Camp Richardson Corral)

Response: During construction, *site access by traditional means on the Baldwin beach access road would be closed. The site would be closed (temporarily). We would alert the public of this temporary closure in multiple ways and well in advance of project activities*

so no member of the public should be parking anywhere near the site to hike or bike in. See the project design features for Recreation (EA 2.4 Project Design Features) that state that a traffic safety and control plan would be developed and that we would provide advance notice to the public. We added some language about site closures to be clear that we intend to notify the public about site closures.

Dogs at Kiva Beach

"Regarding Kiva Beach area – It is commonly known that this beach is a "free locals party /dog off the leash beach". Beach goers and their dogs are seen urinating and defecating all day long in the areas behind the beach. On any given day there are 20 dogs off the leash at the beach with some of them in packs chasing wildlife behind the beach in Taylor Creek. Many beach goers (me included) have been threatened and charged by angry dogs off the leash. I highly recommend the USFS begin providing Law Enforcement regarding these problems so that others can enjoy the beach as well….Dogs and dogs off the leash need to be strictly enforced by the USFS both in and near the Bald Eagle Foraging Habitat and Taylor/Kiva/Baldwin Beach Areas."

Commenter: John Adamski

Response: *The project does not propose activities anywhere on Kiva Beach and dogs are not permitted on Baldwin Beach.*

6. Natural Resource Concerns

"I recommend the Taylor Cr/Baldwin Restoration and Enhancement in or near meadows and creeks to be done during specific during off seasons so as to not interrupt primate foraging season for Bald Eagles, Ospreys, and Great Blue Herons etc. The Baldwin Beach East Meadow area (behind East Baldwin Beach) is also a very crucial training area for Bald Eagles to train their juveniles how to fish between May and August."

Commenter: John Adamski

Response: *We agree and have incorporated Limited Operating Periods (LOPs) into Alternative 2 (EA; 2.4 Project Design Features and 3.2.5 Wildlife).*

Lahontan Cutthroat Trout were introduced to Fallen Leaf Lake in 2002, not 2005.

Commenter: John Kleppe

Response: *Thank you, you are correct. We fixed the date in the EA (3.2.3 Aquatics).*

You could consider removing some willows.

Commenter: Jim Bruner

Response: *Comment was stated during an in-person meeting and may have had more applicability to the private inholding than National Forest System lands. No actions are proposed on private land. Regardless, part of the project involves enhancing habitat for willow flycatcher (a species strongly associated with willows) and using on site natural vegetation (e.g., willows) as barriers to protect sensitive areas (e.g., swales). Therefore, removal of willows would be contrary to meeting the purpose and need of the project.*

"My prime concern is disturbance of well established animal and bird habitats. The Bald Eagle Foraging / Roosting Habitat is almost year round, and is primarily in USFS Units # 40, #54 and #120, but it actually encompasses the entire area from the lake shore at Valhalla to the west side of Baldwin Beach, and all the way into the tree line behind USFS Unit #120. This Bald Eagle Habitat was established decades ago and is already in danger of being ruined by recreational users, dogs off the leash and foot traffic through the areas. The list is of other species in these same USFS Units is long and very remarkable."
Commenter: John Adamski

> **Response:** *The comment is referring to units that are part of South Shore Fuel Reduction Project and not Alternative 2 of this project. However, project design features and effects to wildlife species from Alternative 2 of this project can be reviewed in the EA (2.4 Project Design Features and 3.2.5 Wildlife).*

"Under "Purpose and Need", we would note that the laudable goals of restoring wetland and meadow functions, thus protecting groundwater, and restoring meadow and riparian habitats for wildlife are already being accomplished by the local beavers, a keystone species well documented as providing these ecosystem services."
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

> **Response:** *We recognize the attributes of existing beaver activity in the project area. However, we propose additional actions to restore/enhance ecological activity, including connecting areas now hydrologically disconnected by culverts.*

Consider effects to native species that are not TESPC. "We are concerned that many native species such as beavers, coyotes, bears, and very numerous birds, which although 'common', all depend very much on the very limited amount of wetlands available in the Tahoe basin, and so need to be considered."
Commenter: Sherry and Ted Guzzi for the Sierra Wildlife Coalition

> **Response:** *We address effects on all mandated species (TECPS). However, habitat (aquatic and terrestrial) as it relates to effects on associated native species are also addressed (3.2.3 Aquatics, 3.2.4 Botany, 3.2.5 Wildlife, 3.2.9 California Species).*

Two trees in the middle of the parking lot don't have enough daylight to provide healthy soils and drainage.
Commenter: Laurel Ames

Response: *In 2005 we cut out asphalt around the base of the tree and removed approximately six parking spaces to try and provide a better environment for the tree. We aren't proposing any additional activities for this tree.*