

**U.S. Department of the Interior  
Bureau of Land Management  
Carson City District Office  
EA-NV-030-08-013**

**U.S. Department of the Interior  
Bureau of Reclamation  
Lahontan Basin Area Office  
LO-08-01**

**FINDING OF NO SIGNIFICANT IMPACT**

**Lower Truckee River Restoration Project at  
Lockwood, Mustang Ranch, and 102 Ranch  
Environmental Assessment**

**Washoe County and Storey County, Nevada  
June 2008**

**INTRODUCTION**

The U.S. Bureau of Land Management (BLM) Carson City District Office and the U.S. Bureau of Reclamation (Reclamation) Lahontan Basin Area Office, as joint lead agencies under the National Environmental Policy Act (NEPA), have evaluated the potential environmental consequences of constructing and implementing proposed river and ecological restoration projects at three sites along the lower Truckee River. The sites are identified as Lockwood, Mustang Ranch, and 102 Ranch. The project proponent is The Nature Conservancy (TNC), in partnership with BLM, Reclamation, City of Reno, City of Sparks, and Washoe County.

Pursuant to NEPA, the joint lead agencies have prepared an Environmental Assessment (EA) for these restoration projects entitled *Environmental Assessment – Lower Truckee River Restoration Projects at Lockwood, Mustang Ranch, and 102 Ranch*. The EA considered two alternatives: the Proposed Action and the No-Action Alternative. The EA (BLM EA-NV-030-08-013 and Reclamation LO-08-01) is incorporated by reference in this Finding of No Significant Impact (FONSI).

Specialists from BLM and Reclamation Carson City offices were involved in the preparation and review of the EA. The environmental review process has involved compliance with the consultation requirements under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). Opportunities were provided for public comment on the scope of the EA. Officials from Storey County and Washoe County were apprised of the Proposed Action on several occasions. The joint lead agencies and TNC coordinated with the Pyramid Lake Paiute Tribe (PLPT), Washoe Tribe of Nevada and California (Washoe Tribe), and the Reno-Sparks Indian Colony (Colony) regarding the proposed restoration projects and associated potential effects; these tribal groups, the federal

agencies, and TNC have developed an agreement for specific, future uses by traditional Native practitioners of the restored sites. Opportunities were provided for public review of the EA and proposed FONSI. BLM and Reclamation reviewed and considered all comments received and prepared a comment-response document as a record of the lead agencies' responses to substantive comments.

## **PROPOSED ACTION**

The Proposed Action involves construction activities (as described in the EA) to restore the physical river channel and riverbed; improve habitat for native vegetation, fish, and wildlife; improve water quality; aid flood management; remove and manage weed species; and provide recreation opportunities. Reclamation is funding a portion of the restoration projects. The activities at the Mustang and 102 Ranch sites are proposed to occur on federal land administered and managed by BLM. (The Lockwood site is owned and managed by Washoe County.) The terms of authorization for the restoration activities on BLM-managed lands are documented in a Cooperative Management Agreement (CMA) between BLM and TNC, the approval of which is part of the Proposed Action. Under the CMA, BLM will, among other provisions, apply for and hold specified permits or authorizations, including the necessary Flowage Easements between BLM and the Nevada Division of State Lands; ensure compliance with federal laws, including those protective of the environment; perform wildland fire suppression, and other provisions.

The Proposed Action also includes a permanent transfer of 250 acre-feet of water rights annually from the Cities of Reno and Sparks to Pyramid Lake for these projects and another restoration project located on the lower Truckee River below Derby Dam. In addition, other terms of mutual agreement have been identified through consultations and meetings involving the agencies, TNC, PLPT, Washoe Tribe, and the Colony, resulting in a Memorandum of Agreement (MOA), the approval of which is also part of this proposed action.

## **PLAN CONFORMANCE AND CONSISTENCY**

The Proposed Action has been reviewed for conformance with the BLM Carson City Field Office Consolidated Resource Management Plan (2001) and the Southern Washoe County Urban Interface Plan Amendment (2001). The Proposed Action is in conformance with the BLM land use plans and is found to be consistent with other BLM plans, policies, and programs.

## **CONSIDERATION OF SIGNIFICANCE OF ENVIRONMENTAL EFFECTS**

NEPA and the Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR 1500 et seq.) require that federal agencies prepare an environmental impact statement (EIS) for major federal actions "significantly" affecting the quality of the human (and natural) environment. Significance under NEPA is defined in terms of "context" and "intensity" (40 CFR 1508.27). For the purposes of this FONSI, the concepts of context and intensity are applied below to the Proposed Action and its potential consequences.

### **Context**

The proposal is a site-specific action involving the proposed use of approximately 378 acres of BLM-administered land (250 acres at Mustang Ranch and 128 acres at 102 Ranch), located in and immediately adjacent to the lower Truckee River, east of the cities of Reno and Sparks, south of Interstate 80, in Washoe County and Storey County, Nevada. The lower Truckee River is an important resource in terms of the region's ecology, economy, urban environment, cultural heritage, and quality of life. The physical and ecological environment associated with the lower Truckee River has been degraded over the past century as a result of many human-caused changes, including river channelization. Overall, the consequences of the Proposed Action would be beneficial for the human and natural environment, particularly in the long term.

### **Intensity**

*(1) Impacts that may be both beneficial and adverse.* Short-term, temporary effects in terms of air quality, water quality, terrestrial and aquatic habitat changes, and noise are foreseeable during construction. These effects would not be significant. The site restoration designs contain elements that would avoid potentially significant effects to sensitive resources, including biological resources and cultural resources. Long-term beneficial effects would accrue in terms of flood attenuation, water quality, fish and wildlife habitat, and public recreation opportunities.

*(2) The degree to which the selected alternative will affect public health or safety.* The Proposed Action would not adversely affect public health and safety. No permanent structures for human occupancy would be developed in the floodplain; the restoration work in the river is balanced by engineering design to result in no substantial changes in flood flow elevations. Moderate beneficial effects would occur in terms of controlled public access for low-intensity recreation uses. The Proposed Action would involve moderate improvements for flood management and riverbank protection, including riverbank armoring with riprap at the Lockwood site that would help to protect an existing roadway and nearby structures and improvements.

*(3) Unique characteristics of the geographic area.* The river itself is a regionally unique resource, and implementation of restoration activities at the three sites would generally be beneficial to that resource and its functions. Restoration activities would occur in proximity to cultural resources, wetlands, and riparian habitat; however adverse effects are avoided or substantially reduced through avoidance, project-specific design elements, and mitigation measures. Biological resources including fish and wildlife resources in the area include species and habitats found throughout the lower Truckee River region, including special-status species. Cultural resources at the three restoration sites have been inventoried, and consultation has been completed with the State Historic Preservation Officer (SHPO) under the NHPA.

*(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.* The joint lead agencies, TNC, and project partners have actively sought public involvement throughout the project planning and environmental review processes. No aspect of the Proposed Action has been identified as highly controversial.

(5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* Restoration activities and techniques similar to the Proposed Action have been successfully demonstrated through earlier river restoration projects on the Truckee River and are not considered to be unique or unusual. There are no major predicted effects on the human or natural environment that are considered highly uncertain or that would involve unique or unknown risks.

(6) *The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about a future consideration.* The use of federal land for activities to restore and enhance ecological processes and fish and wildlife habitat is an established management approach for resources in the public trust, and authorization of the activities described in the EA would not set a precedent in this regard. Successful restoration of aquatic and terrestrial habitat at these three sites would add to a body of knowledge supporting restoration of river ecosystems in general and along the lower Truckee River in particular.

(7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* Restoration of the ecological processes associated with the lower Truckee River is of active, ongoing interest to a number of federal, state, regional, and local agencies; tribal groups; and other organizations and individuals. In the long term, the Proposed Action would contribute to beneficial cumulative effects in terms of flood attenuation, water quality, fish and wildlife habitat, and public recreation opportunities.

(8) *The degree to which the action may adversely affect districts, sites, structures, or other 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.* As described in the EA, the project would not adversely affect sites or other objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause loss or destruction of significant scientific, cultural, or historical resources. Restoration construction activities have been designed to avoid identified resources. Mitigation measures in the EA, which will be included in construction documents, and provisions in the PA provide procedures to be followed in the event of unexpected, inadvertent discoveries.

(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.* The EA assesses the potential effects to non-special-status wildlife, special-status species, and species listed under the ESA. Within the project vicinity, four species listed under the ESA were identified by the USFWS in 2006: the endangered cui-ui sucker (*Casmistes cujus*), the threatened Lahontan cutthroat trout (LCT) (*Oncorhynchus clarki henshawi*), the candidate yellow-billed cuckoo (*Coccyzus americanus*), and the threatened bald eagle (*Haliaeetus leucocephalus*). Of these four species, two species – the bald eagle and the yellow-billed cuckoo – were found to not require detailed analysis. The bald eagle was removed from the endangered species list (delisted) in 2007. Suitable habitat for yellow-billed cuckoos (large blocks of dense riparian habitat) is very limited in Nevada and is not found along the lower Truckee River in the project area. Potential effects to the two federally listed fish species, the LCT and the cui-ui, have been considered in detail.

As discussed in the EA, two types of LCT are recognized – the lacustrine (i.e., lake) form and the fluvial (i.e., river) form. The lacustrine form of LCT does not occur in the reaches of the river affected by the Proposed Action and would not be *directly* affected. The likelihood of *indirectly* affecting the lacustrine form of LCT is remote because of separation distance, expected mixing and settling of mobilized sediment, and best management practices (BMPs) incorporated in the construction plans. Habitat for fluvial LCT does occur in the affected reach of the river; however, the habitat is limited, seasonally unsuitable, and currently degraded. LCT are not known to spawn in this area, and numbers of individual fish in the affected reaches are assumed to be limited. Therefore, while some potential exists that the project-related, in-river construction could result in direct injury, stranding, or mortality of individual fish, the Proposed Action would not significantly diminish the species’ population, reproduction, or distribution, and the effects are determined to be not significant.

Cui-ui suckers do not occur in the reaches of the river affected by the Proposed Action and would not be directly affected. Construction activities could result in indirect, temporary alteration of downstream aquatic habitat adversely affecting cui-ui. These potential effects are considered unlikely because of separation distance (approximately 3.6 miles downstream of 102 Ranch) and the likelihood that suspended materials mobilized by project-related activities would dissipate before reaching chronic or acute thresholds downstream.

Implementation of the Proposed Action would have beneficial effects on fluvial LCT by creating habitat and improving water quality. The limited and localized temporary impacts on rearing habitat are expected to be offset in the long term by beneficial changes. A number of BMPs and mitigation measures are incorporated into the proposed restoration construction activities to further reduce adverse effects to the listed species. Accordingly, this FONSI concludes that the potential for substantial adverse effects to either of these listed species is low; and that the intensity of the adverse effects has been reduced by BMPs and mitigation measures to levels that are not significant.

*(10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.* As discussed further in the EA, the Proposed Action would not threaten to violate any federal, state, or local law, regulation, or requirement imposed for protection of the environment. Consultation has been conducted as required under the NHPA and the ESA. Under the Cooperative Management Agreement, TNC and BLM would be responsible for obtaining and holding necessary permits and authorizations.

## **FINDING OF NO SIGNIFICANT IMPACT DETERMINATION**

Based on the EA prepared for this Proposed Action, I find that no significant adverse impacts on the human or natural environment would result as a consequence of the Proposed Action. The proposed Lower Truckee Restoration Project would not result in any significant adverse effects on the environment, and no environmental effects have been identified that meet the definition of significance under NEPA. Therefore, an EIS is not required and will not be prepared.

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Donald Hicks

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Date

Field Manager  
Carson City Field Office  
Bureau of Land Management

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Date

# Lower Truckee River Restoration Projects at Lockwood, Mustang Ranch, and 102 Ranch Environmental Assessment

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## *Comment-Response Report*

*Public Input Received  
During the Public Review Period and  
Responses by the Joint Lead Agencies*

**June 16, 2008**

**Lead agencies:**



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# 1 Introduction

This Comment-Response Report provides a record of the responses by the U.S. Bureau of Reclamation (Reclamation) and the U.S. Bureau of Land Management (BLM) to the written comments received during the public review period for the proposed Finding of No Significant Impact (FONSI) and Environmental Assessment (EA) for the Lower Truckee River Restoration Projects at Lockwood, Mustang Ranch, and 102 Ranch.

This report consists of this introduction, which describes the proposed action and purpose of public review, followed by a summary of public involvement activities in the public review of the EA and FONSI. Section 3 provides summaries of the comments, and Section 4 concludes with the responses to comments by the lead agencies. Comment letters are reproduced in Attachment A. Attachment B provides copies of the public notices. Attachment C reproduces the lists of individuals who signed in at the public meeting for the EA.

## 1.1 Proposed Action

The Nature Conservancy (TNC), a worldwide conservation organization with a regional office in Reno, Nevada, in partnership with Reclamation, BLM, City of Reno, City of Sparks, and Washoe County, proposes to implement river restoration projects at three sites along the lower Truckee River. The sites are individually identified as Lockwood, Mustang Ranch, and 102 Ranch; they are collectively identified as the Lower Truckee River Restoration Projects.

Generally, as described in the EA, the three river restoration projects will involve river channel modifications and the creation and enhancement of aquatic and terrestrial habitat, including wetlands and areas of native vegetation, for the purposes of restoring the degraded ecosystem to more natural conditions and functions. Through these restoration projects, benefits are expected to accrue in terms of water quality, native species and habitat, flood management, habitat for native vegetation, fish, and wildlife, recreation, and weed eradication.

## 1.2 Purpose of Public Review

Reclamation and BLM served as joint lead agencies under the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 USC 4321) for the proposed action. The two federal agencies are responsible for complying with NEPA, the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Requirements of NEPA (40 CFR Parts 1500–1508), agency-specific NEPA implementation regulations and guidance, and related executive orders, statutes, and regulations.

The NEPA process encourages public involvement; also, involving stakeholders and the public is an important part of TNC's approach to project development. Accordingly, throughout this project design and environmental review, Reclamation, BLM, and TNC have conducted a number of activities, as described below and in the Scoping Report (April 2007; Appendix A to the EA) for this proposed action. The EA and FONSI issued by the joint lead agencies were made available to the public for review prior to the decisions on the proposed action by the lead agencies.

## **2 Public Involvement Opportunities**

A number of public involvement activities were conducted related to the public review period for the Lower Truckee Restoration EA and FONSI. This section summarizes the activities related to the public review period, including the public announcements, a public meeting, and other public outreach.

### **2.1 Public Announcements**

A public notice was sent by regular mail on April 11, 2008, to approximately 125 members of the public, organizations, stakeholders, tribal groups, and public agencies notifying them of the dates for the public review period and inviting them to attend an upcoming public meeting on the project and the EA.

Public notices were published in the *Reno Gazette-Journal* and the *Sparks Tribune* on April 13, 2008. Public notice in these papers marked the beginning of the formal 30-day public comment period, which initially ran from April 15 to May 15, 2008. To provide additional review time for the tribal governments, the joint lead agencies extended comment period to June 9, 2008. Copies of all the public announcements are provided in Attachment B.

### **2.2 Public Meeting**

Reclamation and BLM, in partnership with TNC, the City of Reno, City of Sparks, and Washoe County, held one public meeting on the EA on Thursday, April 17, 2008, from 4:30 to 8:30 p.m. The meeting was held at the Rainbow Bend Clubhouse, 500 Bleu De Clair, Lockwood, Nevada. The purpose of the meeting was to provide an opportunity for interested parties to discuss the restoration projects, review the proposed FONSI, and submit comments on the EA.

In addition to representatives from the lead agencies, TNC, and consultant staff, a total of approximately 19 individuals attended the meeting. Copies of the sign-in sheets from the meeting are provided in Attachment C. At the public meeting, attendees were encouraged to visit the information stations located around the room, which provided information on the project background, project partners, proposed action, summary of findings, NEPA process and public involvement opportunities, and commenting opportunities. Project team representatives were available at the meeting to answer questions and discuss the restoration projects.

Several copies of the EA and FONSI were provided to interested individuals at the meeting. Attendees were informed that the deadline for submitting written comments would be May 15, 2008 (later extended to June 9), and that written comments could be submitted either at the meeting, regular mail to TNC at the address provided on the comment form, or via the internet at “[www.truckeeea.com](http://www.truckeeea.com).”

### **2.3 Public Outreach**

Approximately 20 paper copies and 40 CDs of the EA, FONSI, and related notices were sent by regular mail to interested parties and stakeholders, members of the public, and public agencies, including the Nevada State Clearinghouse and public libraries in Washoe and Storey County. Additional copies of the documents were made available from TNC and the lead agencies. In addition, BLM staff delivered paper copies of the documents to the Pyramid Lake Paiute Tribe, Washoe Tribe of Nevada and California, Reno-Sparks Indian Colony, and Fallon-Paiute Shoshone Tribe.

### 3 Comments and Responses

As a result of the public review period for the EA and FONSI, five written comment submittal letters were received. Copies of the letters are provided in Attachment A. This section summarizes the comment letters by briefly identifying the individual comments followed by responses. Comments are paraphrased to isolate specific issues or are quoted directly (as indicated by quotation marks).

#### 3.1 Reno-Sparks Indian Colony – Letter of May 23, 2008

**Comment RSIC-1.** The commenter stated that the benefits of the restoration projects are consistent with Native American principles and values, and the RSIC has no concerns or objections to the restoration projects.

**Response RSIC-1.** Reclamation and BLM acknowledge the comment.

**Comment RSIC-2.** The RSIC expressed appreciation for equal participation in the Memorandum of Agreement (MOA) process and for the resulting agreement under which the Native American practitioners will have access to the restored sites for use of traditional plant materials; RSIC found this agreement to be a fundamental contribution in preserving Native American cultural traditions and practices. The RSIC was less satisfied with its role as a concurring party in the Programmatic Agreement involving the BLM, Reclamation, TNC, and the State Historic Preservation Officer (SHPO).

**Response RSIC-2.** BLM responded on June 13, 2008, by letter to the RSIC regarding the comments and concerns raised by the RSIC. Regarding the Programmatic Agreement, the BLM Field Office Manager explained, under the National Historical Preservation Act section 106 process, that the Carson City Field Office and the SHPO are identified as “consulting parties” and all other parties, including funding agencies (such as Reclamation), TNC (as proponent), and Washoe County (as a landowner), are all also “concurring parties.” BLM encourages continued participation by RSIC.

**Comment RSIC-3.** The RSIC concurred with the mitigation measure to avoid all significant cultural resources. The RSIC did not fully concur with other mitigation measures, and they expressed a concern that their participation did not seem to be equal to other participants. Native Americans consider the entire length of the Truckee River to be a significant cultural resource. The commenter expressed a concern for unanticipated discoveries of cultural resources, specifically Native American human remains and associated cultural resources. The RSIC believes that it is extremely important that tribal monitors be onsite to monitor for cultural resources.

**Response RSIC-3.** As also stated in BLM’s letter to RSIC, BLM acknowledges the importance of the Truckee River to local Tribes and agreed that a tribal monitor will be on hand during all excavation operations at the three project sites.

#### 3.2 Washoe Tribe of California and Nevada – Letter of May 7, 2008

**Comment WTCN-1.** Questions and comments expressed in this letter were specifically directed toward the Programmatic Agreement (PA) and the Memorandum of Agreement (MOA). Comments indicated that the Washoe Tribe supports the avoidance of significant cultural resources. The Washoe Tribe also asked about the tribal monitor (for monitoring of cultural resources during construction).

**Response WTCN-1.** Questions and comments expressed in this letter were directed toward the Programmatic Agreement (PA) and the Memorandum of Agreement (MOA). BLM responded on June 13, 2008, by letter to the Washoe Tribe. The response indicated that revisions were made to the PA and MOA that reflect the Tribe's comments. In regard to monitoring, BLM will require that a tribal monitor be on hand during all excavation operations for the three project locations addressed in the EA. The monitor will be compensated by The Nature Conservancy. BLM will continue to consult with the tribes, pursuant to federal legislation and executive orders concerning Native American consultation, including cultural resources and Indian Trust Assets.

### **3.3 Nevada State Clearinghouse – Letter of May 12, 2008**

**Comment SCH-1.** The State of Nevada Department of Administration, in its role as State Clearinghouse, provided a standard letter documenting state review of the project, pursuant to Executive Order 12372, Intergovernmental Review of Federal Programs. The letter noted that State Historic Preservation Office supported the EA as written.

**Response SCH-1.** Comment acknowledged.

### **3.4 Storey County – Letter of March 11, 2008**

**Comment SC-1.** Storey County commenters stated that the County “understands the need for these important projects to go forward” and is in “full support of TNC and its efforts” for the restoration projects. Storey County offered other comments on issues they would like to see addressed (pertaining to the Lockwood site), as itemized below.

**Response SC-1.** Comment acknowledged.

**Comment SC-2.** Residents of Rainbow Bend are concerned about the potential for dust to blow into their residential area during construction activities, and request that a water truck be onsite to control dust.

**Response SC-3.** Prior to commencing construction at the Lockwood site, TNC must obtain a Dust Control Permit from the County District Health Division of Air Quality Management. Construction must be conducted in accordance with the terms and conditions of the permit. Water trucks will be used to control airborne dust from leaving the project site; increased watering frequency would be required when wind speeds exceed 15 miles per hour. The air quality mitigation measures in the EA will also be implemented, including watering of unpaved roadways during periods of high vehicle movement. Mitigation measures are included in the EA Section 7.2.

**Comment SC-3.** Residents have expressed concern regarding the potential removal of large trees during construction and seek reassurance that trees will be replaced.

**Response SC-3.** As part of the restoration activities, non-native vegetation will be removed and replaced with native trees, shrubs, and grasses. As at the other restoration sites, one important restoration objective is to enhance riparian vegetation. At the Lockwood site, removal of non-native vegetation will include the removal of existing, non-native elm trees. Tree species to be replanted at all three sites include cottonwoods and willows. In areas subject to riverbank

armorings, healthy native trees will be protected in place if feasible, with riprap installed around them (EA, Section 4.5.2).

**Comment SC-4.** The County noted that underground septic tank and leach field may need to be removed prior to completion of the project.

**Response SC-4.** As described in the EA (Section 3.1.1, Lockwood subheading), the proposed work includes the removal of the former residential structure and associated inactive onsite utilities. Removal or regulated closure of the underground septic tank and leach field is anticipated and will be included in the proposed site construction activities. As described in the EA the work will be conducted in accordance with the requirements of the Washoe County District Health Department.

**Comment SC-5.** The County noted the large amount of whitetop in the field adjacent to the river. The County would like to see an aggressive abatement campaign to remove noxious weeds. As part of this abatement, the County would like to see the replanting of trees to serve as cover for the deer population.

**Response SC-5.** The proposed action includes an aggressive abatement campaign to remove noxious weeds. At the Lockwood site these weeds include whitetop, salt cedar, and fireweed. The project proponent, TNC, is a leader in the area of weed control and will also have the benefit of expert weed specialists at BLM Carson City office. The weed abatement program will incorporate the mitigation measures and environmental commitments identified in the EA (Section 4.6.3 and Section 7.4), as well as the Revegetation and Weed Control Applied Methods and Best Management Manual (TNC 2005),

**Comment SC-6.** County officials expressed concern regarding herbicides that would be used for weed abatement and sought assurance that contaminants not be released into the river.

**Response SC-6.** The lead agencies and the project proponent are well aware of the need to minimize all potentially adverse effects associated with the necessary use of herbicides at the three restoration sites. The EA (Sections 4.5.3 and 7.3) contains mitigation measures and environmental commitments that will be incorporated in project construction documents.

**Comment SC-7.** The County suggested that eddies be installed near the end of the rafting route to provide a place to exit the river.

**Response SC-7.** The proposed action addressed in the EA generally includes low-intensity public access and recreation improvements. At the Lockwood site, recreation improvements will be further advanced by Washoe County and TNC. Construction of an eddy or backwater for small watercraft could be accomplished in final design and construction. Reclamation and BLM commend this suggestion to TNC and Washoe County.

### **3.5 Robert E. Heller – Letter of March 11, 2008**

Commenter specifically directed his comments toward the “Lockwood Reach” of the project and the preliminary drawings, noting his concern that, as a neighbor and landowner, his property and business domain may be potentially affected.

**Comment RH-1.** Commenter requested that dust control be provided during construction activities. Commenter requested that all areas of excavation or fill be watered daily.

**Response RH-1.** Regarding dust control, please see response above to comment SC-2. Mitigation measures are included in the EA Section 7.2.

**Comment RH-2.** Commenter requested that property lines be observed on the south side of Avenue of the Colors and stated that permission must be obtained before trespassing on private property.

**Response RH-2.** Construction activities will observe all requirements concerning property boundaries and access. Use of the land within the bed and banks of the river channel is subject to the jurisdiction of the State of Nevada. As at the other two sites, the activities and use of such lands requires reciprocal authorizations between the public agency owner (Washoe County for Lockwood, and BLM for Mustang Ranch and 102 Ranch) and the State.

**Comment RH-3.** Commenter requested that all brush and dead or diseased trees be removed from the construction site.

**Response RH-3.** Non-native vegetation that is cleared at the site and not used onsite (e.g., for mulch or bioengineering) will be removed for disposal in an approved landfill.

**Comment RH-4.** Commenter requested that changes in the Truckee River channel “will inflict no damage from flooding” to Avenue of the Colors or adjacent commercial properties along the south side of Avenue of the Colors. Commenter stated that the “hydrology calculations for the Truckee Meadows Basin must show a reduced flood waters flow of the Truckee River in the Lockwood Reach.”

**Response RH-4.** TNC and its engineering design contractor have evaluated the hydrologic conditions, including modeling of before and after conditions. The restoration designs are expected to not exacerbate existing flood conditions. As described in the EA (Section 4.5.2), surface water elevations will be raised by just over 1 foot at the upstream end of the Lockwood site, which will provide a low level of flood water attenuation as flows are captured in lower elevation areas outside the channel. On a larger scale, flood control issues are under the authority of the U.S. Army Corps of Engineers through their Truckee Meadows Flood Control Project and the inter-agency Truckee River Flood Project. TNC and its contractors have coordinated with the Army Corps on these three restoration projects.

**Comment RH-5.** Commenter requested that no standing water or other conditions be created that will breed rats, mosquitoes, and other pests, and requested that pest control be maintained.

**Response RH-5.** The various restored habitats proposed by the project will support a variety of wildlife species, including some species that may be considered by humans to be pests. The restored habitats will also support predatory species, such as raptors, that will limit rodent populations. Mosquitoes breed in pools of still water; however, the design at the Lockwood site will provide for water circulation. The restored habitat will also support other insects, birds, fish, and amphibian predators that can be expected to limit mosquito populations (EA Section 4.7.2).

**Comment RH-6.** Commenter expressed a concern that the finished construction job include landscaping along the Avenue of the Colors and that the landscaping be maintained.

**Response RH-6.** Restoration of the three sites, including the Lockwood site, is expected over time to result in revegetation with native trees, shrubs, and grasses within the restored areas. Restoration activities are confined to the project sites and not planned for private property. Landscaping on

private property along the Avenue of the Colors would continue to be the responsibility of the property owners and the Rainbow Bend community.