

## APPENDIX K

### Public Comment on Draft EA and Responses

#### COMMENT #1

**John Mosley**

**Environmental Director**

**Pyramid Lake Paiute Tribe**

I would like to make comment on the EA for the proposed Spill Way Fish Barrier Project.

I would like to know what the long term plan is for the fish population that would be preserved by this project. Preserving metapopulations of fish is an important endeavor that would maintain the genetic integrity of those populations, however, disconnecting the metapopulation(s) may have an adverse affect to the other populations by decreasing the availability of the genetic variability in those populations. In a long term, creating reproductive isolating barriers may cause speciation. Long term plans and cumulative effects are not discussed and not very well represented in this EA. This project seems like it would be a short term project, until non-native fish are removed and no longer a threat to resident natives in the lake, but again, this is not discussed. Having a long term plan and explaining the intentions of LCT management for the lake, and the river would be an important aspect to add to the EA to know what the intentions are with a barrier to fish migration.

#### RESPONSE TO COMMENT #1

Mr. Mosley makes a good point related to LCT conservation at Independence Lake. USGS, TNC and other partners have discussed constructing a barrier that could be removed in the future or that could easily retrofitted with a ladder so that once non-native salmonids are removed from the system they could move the barrier downstream, for example to the mouth of lower Independence Creek. To do that all of the non-natives in lower Independence Creek and its tributaries would have to be removed before the dam were removed or ladder retro-fit. Difficulties with this include (1) there are private land holdings along lower Independence Creek, and (2) California Department of Fish and Game has worked out an agreement with Truckee River Water Authority to release water from Independence Lake in the fall for brown trout spawning and the kokanee run out of Stampede Reservoir. However, the long range goal is to reestablish a population of outlet spawning cutthroat.

The full long-term goal is to restore a self-sustaining population of LCT to Independence Lake. The partners are working together to accomplish that over time. The fish barrier is a necessary step to prevent upstream migration of brown, rainbow and brook trout to the lake at this time. The goal of having a longer section of upper Independence Creek as habitat for the native LCT is a worthy goal and a long-term proposition. It is possible that the fish barrier proposed for

construction now could be removed if all the right things are in place for an Independence Creek population. It is projected that might could happen in 10-20 years; for now given the constraints, the fish barrier provides short-term insurance by building it immediately below the lake.

## **COMMENT #2**

**Tom Young**

**Long-time recreational user at Independence Lake**

To Whom It May Concern:

Let me begin by saying that it is disappointing that out of the 49 names on your mailing list, that only three appear to be private citizens. The rest appear to be connected to government in some way. Why?

My initial concern with this project is to ask why you would even consider giving a project of this nature to The Nature Conservancy? What qualifies them to be involved with something as delicate as the Endangered Cutthroat Fish? Why not the Federal or State Fish and Wildlife, who's job this would seem to be anyway?

With the sad state of affairs at Independence Lake that presently exist between The Nature Conservancy and the general public (not the TNC's small special interest groups), I think you should be very concerned that the status of the Endangered Cutthroat Species in Independence Lake might become even more endangered, being handle by such untrained and uneducated personnel.

Seriously concerned Citizen,

Tom Young

## **RESPONSE TO COMMENT #2**

Thank you for your interest in the Independence Lake Spillway Fish Barrier Draft Environmental Assessment (EA).

One of your comments discussed the small number of private citizens on the mailing list. Reclamation makes every effort to solicit public input and reach interested parties; the mailing list constituted the names of those we are aware are interested in the project. We also posted the Draft EA on our Reclamation NEPA website, and sent news releases to many newspapers, including locally known papers in the Sierraville and Truckee areas.

In your email comment you questioned and expressed concern about the qualifications of The Nature Conservancy (TNC) to carry out the fish barrier project. Over the past decade, TNC has

been working closely with federal and state agencies in California and Nevada on LCT conservation in the Truckee River basin. These partner agencies include the U.S. Geological Service, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the U.S. Forest Service. These agencies actively support and participate in TNC's conservation measures and projects for LCT protection at Independence Lake. TNC regularly consults with agency scientists and follows their recommendations. TNC also uses the expertise of TNC scientists and technical contractors.

TNC is a world-wide non-profit organization with widely recognized experience and expertise in the conservation of rare species and habitats. Congress specifically appropriated funds so that TNC could carry out the critical task of protecting LCT at Independence Lake.

As explained in the "Authority" section of the EA, the funds were appropriated by the Congress of the United States through Public Law 110-161, Title II, 208(a) (2) for the acquisition of lands surrounding Independence Lake and to fund projects that protect the native fishery of Independence Lake. The specific authorizing language for projects other than the land acquisition states: "*protection of the native fishery and water quality of Independence Lake as determined by the nonprofit conservation organization.*" Congress appropriated funds through the Secretary of the Interior and the Bureau of Reclamation so that the non-profit organization (TNC) could acquire the lands surrounding Independence Lake and manage those lands for their unique conservation value. The protection of Lahontan cutthroat trout (LCT) was the primary reason for the land acquisition and TNC's conservation measures and projects.