

Attachment A

Town Council

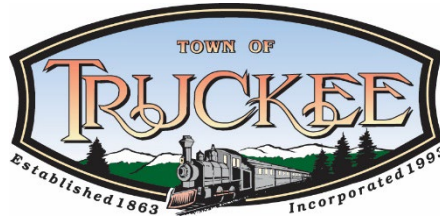
Lindsay Romack, Mayor

David Polivy, Vice Mayor

Anna Klovstad, Council Member

Jan Zabriskie, Council Member

Courtney Henderson, Council Member



Department Heads

Jen Callaway, Town Manager

Andy Morris, Town Attorney

Danny Renfrow, Chief of Police

Daniel Wilkins, Public Works Director/Town Engineer

Denyelle Nishimori, Community Development Director

Nicole Casey, Administrative Services Director

Judy Price, Town Clerk

Hilary Hobbs, Assistant to the Town Manager

September 12, 2023

The Honorable Scott Thomsen
Supervising Judge of the Grand Jury
201 Church Street
Nevada City, California 95959

RE: Town of Truckee response to Donner Lake: A Pearl in Peril

Dear Judge Thomsen,

This letter is the response from the Truckee Town Council to the 2022-2023 Nevada County Grand Jury report, *Donner Lake: A Pearl in Peril*, received by the Town on June 21, 2023. The Town of Truckee was requested to respond to Findings 1-11 of the report as well as recommendations 1-3. We thank you for this opportunity to comment on the Grand Jury Report.

Overview

Donner Lake is an important resource in the community and the Town is committed to protecting and enhancing the long-term health of the lake. There are multiple agencies and private property owners that have the potential to impact the lake. In particular, and as depicted in the attached map, there are over 1,000 property owners in the Donner Lake Watershed that all have various roles and responsibilities related to Donner Lake, including: private property owners, the Union Pacific Railroad, Caltrans, California State Parks, the California State Lands Commission, the Truckee Donner Land Trust, the Tahoe Donner Homeowners Association, the United States Forest Service, and the political jurisdictions of Placer County, Nevada County, and the Town of Truckee. 80 percent of the Donner Lake watershed is outside the Town boundaries and outside of any jurisdictional control of the Town.

The primary focus of the report was on the West Reed Avenue area, which has approximately 80 individual residentially zoned parcels that abut it. The report focus area represents approximately 2% of the entirety of the Donner Lake watershed. The Town of Truckee includes 33 square miles of land and environmental protection, water quality, and safety of our residents is a priority across the entire town. It is therefore necessary for the Town to prioritize resources and be consistent in application of policies related to taking on new obligations.

Town of Truckee Responses to Findings

Finding 1: While there are several sources of significant stormwater runoff into Donner Lake, there is no evidence of a concerted effort by stakeholders to address stormwater runoff in the area of this report's focus.

Response: Disagree Partially with this finding. The area of the report's focus is an approximate 1,500-foot-wide section of hillside that extends from Donner Lake to Donner Ridge on the north side of Donner Lake. Within this focus area, the Town performed a roadway and drainage improvement project in 2009 on Donner Pass Road where gravel shoulder areas that were being used for parking were paved and converted to bike lanes; drainage inlets were replaced with new inlets that are able to trap stormwater sediment; culvert pipes that had become degraded were replaced; and overall drainage patterns were improved. The Town also requires new construction projects that are under the Town's jurisdiction within the area of the report's focus to comply with current stormwater design standards in the Town's development code.

Additionally, Caltrans performed a freeway widening and drainage upgrade project in the early 2000's which to the Town's understanding also improved sediment trapping and stormwater infiltration within the Interstate 80 right-of-way. This represented multiple millions of dollars of investment towards stormwater management in this area.

Finding 2: Agencies, local governments, and organizations interviewed were all willing to contribute to a consortium convened to address the issues on the hillside affecting Donner Lake, area residents and visitors.

Response: Disagree partially with this finding. The Town does not have knowledge of willingness, or lack thereof, of other agencies, organizations, or local governments desire to contribute to a consortium focused on this section of hillside. The Donner Lake Interagency Partnership for Stewardship (DIPS) is a previously formed consortium that seeks to protect and enhance the Donner Lake drainage basin as a whole. There are other agencies that were referenced in the grand jury report who were invited to join the DIPS consortium who elected not to join, so it is not clear to the Town that those agencies would want to join a different consortium with a more limited geographic area of focus.

Finding 3: For successful strategies to be implemented, Caltrans and Lahontan must be part of the consortium and solution.

Response: Disagree partially with this finding. As mentioned, the Donner Lake area is comprised of multiple different land owners and various regulatory authorities. Caltrans responsibility is limited to the I-80 corridor, and Lahontan's responsibility is for enforcement of water quality regulations and permitting of proposed modifications to jurisdictional waters. There are no known violations of water quality regulations occurring within the focus area of this report. Should there be future project activity that requires permitting from Lahontan, that would occur through Lahontan's standard permitting process.

Finding 4: There are no entities that regularly test and report on the water quality of Donner Lake.

Response: Disagree partially with finding. The Donner Lake Interagency Partnership for Stewardship has been regularly testing water quality of Donner Lake since 2021 and reporting findings since 2022. Previously, there was testing by various entities for varying purposes.

Finding 5: The Town of Truckee is taking a leadership role in shepherding town projects with an eye towards sustainability and minimizing negative effects on the environment.

Response: Agree with this finding.

Finding 6: Town of Truckee's strategic interest in water quality, stormwater management and environmental sustainability is key to long term planning.

Response: Agree with this finding but will note that there are other strategic interests of the Town that are also equally important to long term planning.

Finding 7: The pollution of this ecosystem and the health and safety risks for the residents of Truckee and its visitors will continue, if not increase, unless remediate action is taken. Atmospheric rivers that plagued northern California in 2022/23 will result in significant stormwater runoff, further damaging the hillside.

Response: Disagree partially with finding. It is not entirely clear that the focus area of this report would be considered an ecosystem as that term would typically include a more comprehensive geographic area such as the entirety of the Donner Lake Drainage basin. Setting that issue aside, some of the health and safety risks identified in the Grand Jury report related to the focus area of this report (ie. topography, soil type, hydraulics) are not feasible to remediate. The report also does not factually substantiate that there are undue ongoing health and safety risks nor undue ongoing pollution levels from this section of hillside. There is visual evidence of erosion that has occurred in the past on this section of hillside, but it is not clear that historic levels of erosion are continuing given that many of the drainage courses are currently bounded by bedrock and large cobbles. Short of eliminating the homesites within the focus area of this report, it is not feasible to unequivocally insure that stormwater runoff from upgradient areas will not affect downgradient homesites.

Finding 8: Fixing the hillside will improve the water quality of Donner Lake.

Response: Disagree partially with finding. If it is assumed that the term "fixing the hillside" means to reduce the degree to which human activities are increasing sediment or pollutant transport to Donner Lake, it is not known to what degree that is occurring as the current rates of erosion and sediment transport as compared to the degree of erosion and sediment transport that would be occurring in a natural state is unknown. It is also not clear that major infrastructure investments on the hillside would lead to measurable changes to the overall water quality of Donner Lake given the relatively small area that the focus of this report represents as compared to the total drainage area of Donner Lake.

Finding 9: Inadequate infrastructure, insufficient maintenance, and neglected repairs could lead to disruption to utilities installed in Reed Avenue West and the hillside. This could result in significant health and safety issues to thousands of Truckee residents and visitors.

Response: Disagree partially with finding. It is not known what infrastructure and maintenance is referred to as being inadequate. The Town is aware that West Reed Avenue is not constructed to a current standard and that the historical lack of an organized road maintenance entity has resulted in the road and drainage maintenance being lacking. To the Town's knowledge, all other infrastructure (ie, sewer, water, electric, natural gas,

telephone, cable TV) is constructed to current standards as determined by each of the infrastructure providers, and the responsibility for the upkeep and maintenance of that infrastructure similarly lies with each of the respective infrastructure providers. There is always a possibility that infrastructure services could be interrupted, but that is a possibility throughout the community, and it is a possibility that the infrastructure providers are continually working to minimize.

Finding 10: A new rationale exists for the Town to reevaluate its long-term position on Reed Avenue West maintenance and repair.

Response: Disagree with this finding. The circumstances and physical conditions related to West Reed Avenue have not materially changed over the time period that the Town has applied its policy on road acceptance to West Reed Avenue.

Finding 11: Issues related to the proper designation, repair and ongoing maintenance of Reed Avenue West are part of a larger concern.

Response: Disagree with this finding. Issues related to West Reed Avenue have been raised by residents in the immediate vicinity of West Reed Avenue as opposed to being raised by residents in the broader community. Information suggesting that maintenance of West Reed Avenue is a broader community concern related to utility reliability has not been substantiated by the utility providers, and evidence that environmental degradation to Donner Lake as a result of limited road maintenance occurring on West Reed Avenue is anecdotal as opposed to empirical. While the Town agrees that a higher level of maintenance on West Reed Avenue would be beneficial, that benefit would derive primarily to properties that abut West Reed Avenue as opposed to the broader community.

Town of Truckee Responses to Recommendations

REC 1 The Town of Truckee initiate a partnership with the County of Nevada and DIPS, for the purpose of convening a consortium including but not limited to:

- California State Parks
- Tahoe Donner Association
- Truckee Donner Land Trust
- Truckee Donner Public Utility District
- Truckee Donner Recreation and Parks District
- Truckee Meadows Water Authority
- Truckee Sanitary District
- Truckee River Watershed Council, convener/facilitator
- Nevada County Transportation Commission
- Caltrans
- Lahontan Regional Water Quality Control Board

Response: The recommendation was implemented prior to the writing of the grand jury report. The Donner Lake Interagency Partnership for Stewardship is a consortium that already exists that is focused on stewardship and improvement of Donner Lake and the Town of Truckee is an active member. This consortium either includes or has invited the majority of the entities listed above to participate in it.

REC 2 The Town of Truckee, Nevada County and DIPS establish an initial mission and charter for the consortium that should:

- **Address the significant risks to the safety of Truckee residents, their homes, critical utilities, and importantly, the health and sustainability of the ecological and economic engines of Donner Basin.**
- **Seek and secure the funding to engineer and build the infrastructure necessary to manage the excessive runoff from the hillside and interstate down to Donner Lake.**
- **Establish a working relationship with Lahontan and Caltrans. This is critical to the success of the Consortium's mission.**

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. As discussed in the response to recommendation number 1, the Donner Lake Interagency Partnership for Stewardship (DIPS) consortium has already been formed and is a regional public/private partnership of local governments, special districts, community organizations, and businesses. The purpose of DIPS is to develop and implement a coordinated stewardship plan to protect and enhance the long-term ecological and community health of Donner Lake. DIPS is "committed to the long-term monitoring, management and stewardship of Donner Lake and its environs through programs, actions, and recommendations." Goals for the DIPS Stewardship Plan address a collaborative structure; water quality; ecological health; cultural and historic resources; recreational use and capacity; transportation, safety, and parking; and economy and development. While the DIPS charter identifies Nevada County, Lahontan, and Caltrans as stakeholders, none of these agencies are currently core team members, but there is a process to include them in the future should they so desire.

With respect to the specific tasks recommended for the consortium to pursue, the Town has the following comments:

- ***Address the significant risks to the safety of Truckee residents, their homes, critical utilities, and importantly, the health and sustainability of the ecological and economic engines of Donner Basin.*** The Town has collaborated with many agencies to address safety and sustainability, including the development of the Nevada County Local Hazard Mitigation Plan Update (in progress), 2021 Donner Lake State of the Lake Report (and future reports), 2008 Truckee River Water Quality Monitoring Plan; and participation in groups such as the Climate Transformation Alliance, Nevada County's Convene, Champion, and Catalyze group, and the Tahoe-Truckee Destination Stewardship Land Managers group. The Town also routinely collaborates and communicates with all utility providers within the Town
- ***Engineer and build infrastructure to manage runoff:*** As it relates to the Donner Lake Drainage basin, the Town's primary areas of responsibility regarding erosion and runoff are related to maintenance of Town maintained roads and regulation of construction activities on private property that have the potential of discharging sediment. The Town is currently responsible for 17 miles of roads within the Donner Lake watershed. Those roads are designed to transport runoff along and across roadways in a manner that minimizes erosion. In addition, many of the roadways include features designed to capture and subsequently remove sediment prior to that sediment entering Donner Lake. The Town performs routine street maintenance

including street sweeping and drainage cleaning which further reduces potential sediment sources from the lake. The Town has construction regulations ensuring new projects have proper controls in place to reduce sediment from leaving work sites, and to infiltrate stormwater back into the soil to minimize stormwater discharge.

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As it relates to the focus area of this report, in 2000 the Town funded an engineering study that identified improvements that could be made to West Reed Avenue, as well as areas for drainage improvements both upgradient and downgradient of West Reed Avenue. The recommendations and design product from that study remain applicable today should funding to implement those recommendations become available in the future. Given that West Reed Avenue is not a Town maintained roadway, the most likely source of funding to improve that roadway and associated drainage would be from the adjacent property owners on the street,

- *Establish working relationship with Lahontan and Caltrans:* The Town of Truckee has maintained a working relationship with both Lahontan and Caltrans staff for many years and in many areas such as permitting, enforcement, design input, maintenance, and construction coordination.

REC 3 The Town of Truckee, in collaboration with residents of the hillside and adjacent areas, should identify long-term maintenance and repair solutions that can be put in place after the infrastructure issues are resolved.

The Town and the residents should implement solutions that take into consideration:

- 1) Critical utilities embedded in Reed Avenue West**
- 2) Long-recognized pollution to Donner Lake**
- 3) Ongoing maintenance and repair are critical to preserving the effectiveness of upgraded infrastructure**
- 4) Town of Truckee's strategic interest in Water Quality, Stormwater Management, and environmental sustainability has evolved and is key to long term planning**

Response: Portions of this recommendation have been implemented prior to the development of this grand jury report. In the year 2000, the Town commissioned an engineering study that identified a proposed plan for improvement of West Reed Avenue. The Town has also identified roles that it was willing to play in assisting residents on West Reed Avenue to form a road maintenance association. The Town followed through on its offers of technical assistance and a West Reed Avenue HOA has been formed that's mission is to coordinate road maintenance activities on West Reed Avenue. The Town has met with an HOA representative recently to discuss how the Town and HOA can work collaboratively towards the long-term goal of improving maintenance on West Reed Avenue while recognizing that West Reed Avenue is not a Town maintained roadway. The Town intends to continue to work collaboratively with the HOA..

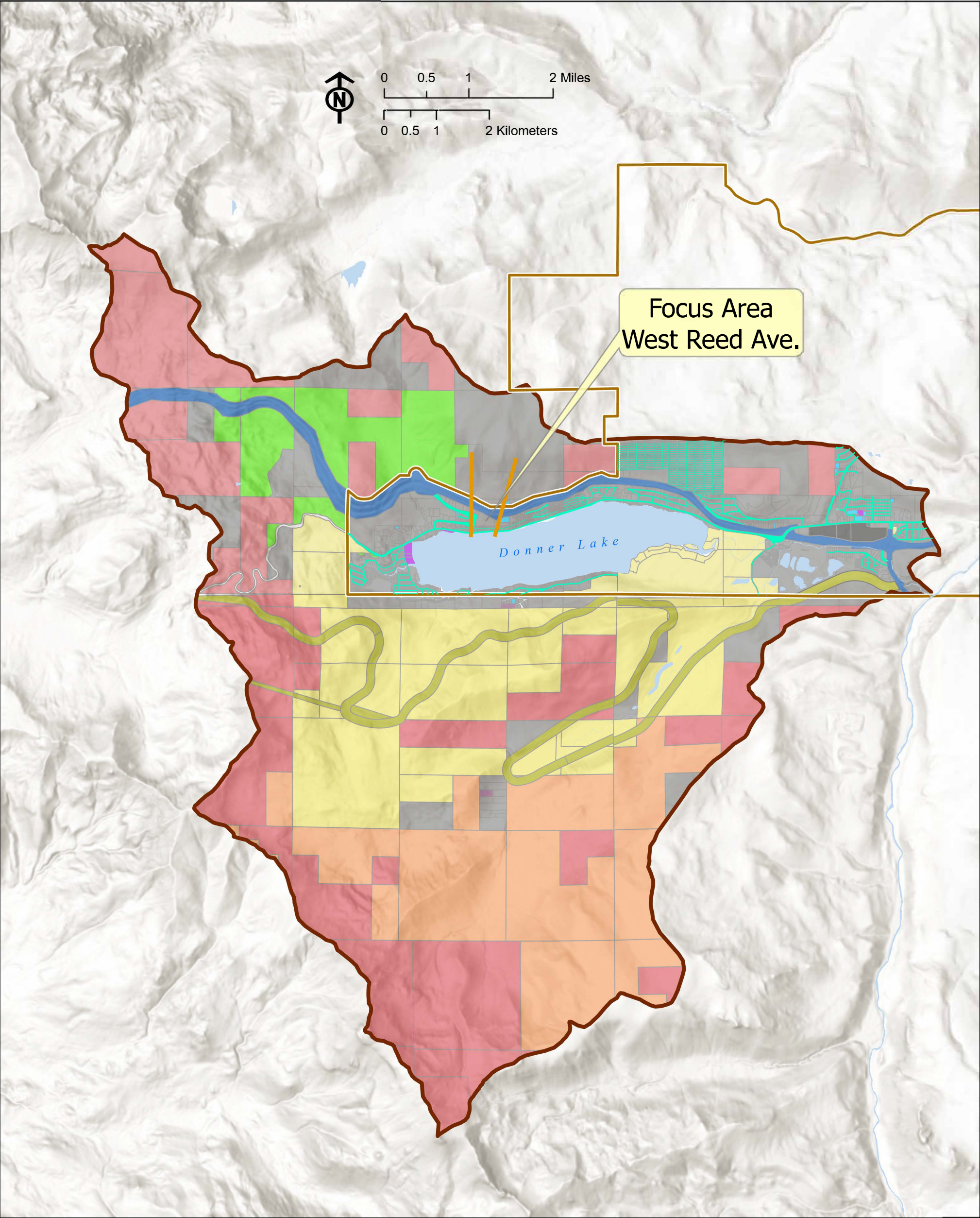
Thank you for the opportunity to comment on this report, and please contact us if you have any questions or if you require additional information.

Sincerely,

Lindsay Romack, Mayor
Town of Truckee

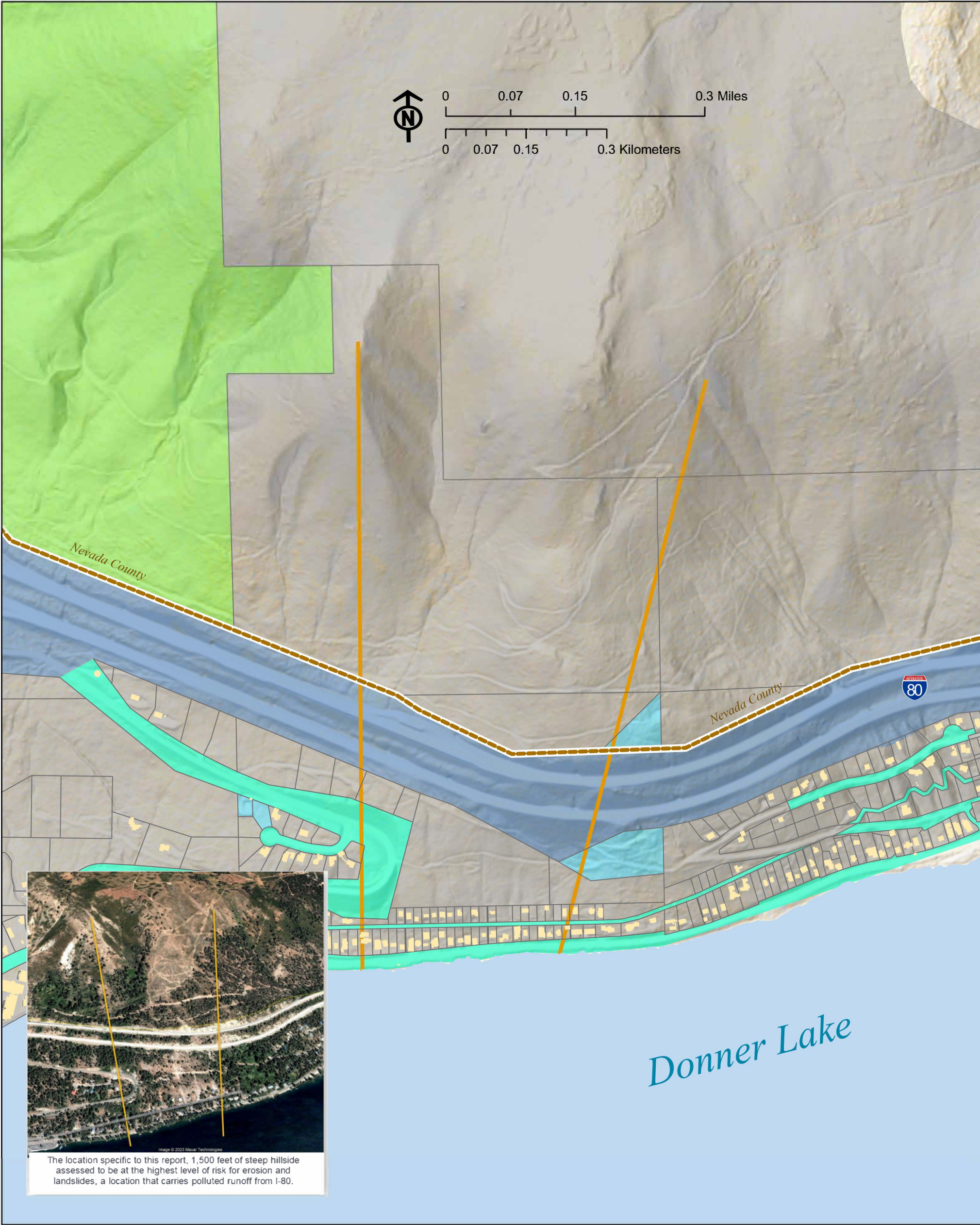
Attachments: Donner Lake Watershed Maps

Donner Creek HUC 160501020201 Property Ownership



- | | | | |
|---------------------------------|---------------------|--|--|
| Town Boundary | STATE OF CALIFORNIA | Nevada County Parcels (3,363) | TRUCKEE-DONNER REC & PARK DIST |
| HUC_12 Donner Creek (18,792 ac) | TPZ PROPERTIES | TOWN OF TRUCKEE | U S A UNPATENTED |
| Placer County Parcels (334) | VALUE TO OTHER APNS | TAHOE TRUCKEE UNIFIED SCHOOL DISTRCT | STATE OF CALIFORNIA |
| ASSESSED BY SBE | WATER & SANITATION | TRUCKEE DONNER LAND TRUST | CALTRANS |
| BUSINESS OWNERSHIP | PRIVATE OWNERSHIP | TRUCKEE DONNER PUBLIC UTILITY DISTRICT | PRIVATE OWNERSHIP (~3304 lots within watershed) |
| EXEMPT PROPERTY-USA | | TRUCKEE FIRE PROTECTION DISTRICT | Location Specific to the Grand Jury Report |
| NOTICE OF POWER TO SELL | | | |

Figure 1B:
Location Specific to the Nevada County Grand Jury Report: "Donner Lake: Pearl in Peril"



Parcel Layer: Nevada County GIS June 2023
Picture Source: <https://www.nevada.courts.ca.gov/system/files/general/helg-donner-lake.pdf>
Caltrans and Town of Truckee ROW is a representation of the ROW area and may not reflect the true locations