

### **III. COMMENTS AND RESPONSES**

Written responses to each comment letter received on the Draft EIR are provided in this chapter. Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters and comments are grouped by the affiliation of the commenting entity as follows: State, local and regional agencies and commissions (A); individuals and organizations (B); and public hearing comments (C).

## A. STATE, LOCAL AND REGIONAL AGENCIES AND COMMISSIONS

Letter  
A1



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

RECEIVED  
DEC 31 2008

December 24, 2008

Denyelle Nishimori  
City of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161

Subject: Truckee Railyard Master Plan  
SCH#: 2007122092

Dear Denyelle Nishimori:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 22, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2007122092  
**Project Title** Truckee Railyard Master Plan  
**Lead Agency** Truckee, City of

**Type** EIR Draft EIR  
**Description** The Truckee Railyard Draft Master Plan provides for development of an eclectic mix of building types and uses within an attractive, pedestrian-oriented neighborhood. The Draft Master Plan anticipates that development will extend easterly from the Downtown Core. The pattern of development would include the highest development intensity occurring immediately adjacent to the Downtown Core and then decrease as development extends to the north and east.

**Lead Agency Contact**

**Name** Denyelle Nishimori  
**Agency** City of Truckee  
**Phone** (530) 582-2934 **Fax**  
**email**  
**Address** 10183 Truckee Airport Road  
**City** Truckee **State** CA **Zip** 96161

**Project Location**

**County** Placer  
**City** Truckee  
**Region**  
**Lat / Long** 39° 19' 48" N / 120° 10' 43" W  
**Cross Streets** Donner Pass Road and Bridge Street, Church Street, Trout Creek Road  
**Parcel No.** multiple  
**Township** 17N **Range** 16E **Section** multi **Base** MDB&M

**Proximity to:**

**Highways** 80, 89, 267  
**Airports** Truckee, Tahoe  
**Railways** UPRR, Truckee Amtrak  
**Waterways** Truckee River, Trout Creek  
**Schools** Alder Creek Middle  
**Land Use** Site generally flat and, though predominantly vacant land, contains a variety of elements, both natural and built.  
Portions of the site designated as Public and a small portion of the western edge designated as High Density Residential

**Project Issues** Population/Housing Balance; Traffic/Circulation; Air Quality; Noise; Soil Erosion/Compaction/Grading; Water Quality; Biological Resources; Archaeologic-Historic; Toxic/Hazardous; Aesthetic/Visual; Public Services

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 11/06/2008 **Start of Review** 11/06/2008 **End of Review** 12/22/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

LETTER A1

**Governor's Office of Planning and Research, State Clearing House**  
**Terry Roberts, Director**  
**December 24, 2008**

Response A1-1:        This comment letter acknowledges that the Town has complied with the State Clearinghouse review requirements.



**Truckee Fire Protection District  
of Nevada County**

**Fire Chief**  
*Bryce E. Keller*

**Deputy Chief**  
*Robert W. Bena*

**Board of Directors**  
*B. Malone  
Ronald E. Perea  
Robert E. Snyder  
Joseph E. Straub, Jr.  
Gary W. Waters*

December 15, 2008

Ms, Denyelle Nishimori  
Associate Planner  
Town of Truckee, Community Development  
10183 Truckee Airport Road  
Truckee, Ca. 96161

Re: Truckee Railyard Draft Masterplan EIR

Dear Denyelle,

The Truckee Fire Protection District has reviewed the November 2008 Truckee Railyard Draft Master Plan EIR prepared for the Town and offer the following as it relates to TFPD.

Since my last written correspondence dated 2-13-08 on this project that was based on minimal information the Fire District has conducted several analyses and has determined that there are negative impacts that existing incremental offsets do not fully mitigate. There are also some errors in the EIR report and corrections / changes that need to be made based on how the Fire District staffs fire stations and responds to incidents today.

There are negative impacts that are created by this project that can be mitigated. TFPD has recently gone on the record in that regard. TFPD is currently unable to approve or serve the project adequately or support the EIR as presented without all satisfactory offsets and conditions. Thus I provide the following clarification and respectfully request the EIR reflect the current findings of the District and that the Town imposes the following requirements and this letter becomes part of the Town's project file. I have outlined my comments and the requirements below.

- 1) Item EIR Volume 1, IV, L Public Services, 1a. Fire Services needs further clarification and further refinement. Station 92 is equipped with a type one engine and other resources. The ground ladders under ideal situations may be able to access 3<sup>rd</sup> floor windows yet are often inadequate to reach other critical portions, ie roof areas of the building as the report infers. The scope and magnitude of this project as presented will require additional ground resources with enhanced capabilities.

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Ms. Denyelle Nishimori  
Railyard  
December 4, 2008  
Page 2

- |   |            |
|---|------------|
| <p>The current staffing for Station 95 is one Captain and 1 firefighter, not 3 personnel as indicated in the EIR.</p>   | 3          |
| <p>The current staffing for Station 96 by TFPD is 1 Captain and 1 firefighter. The station is “multi-agency” as the EIR indicates. However the CALFIRE staffing is seasonal and not available in the winter months or non-fire season period. Thus this statement overstates the resources and personnel available for response.</p>  | 4          |
| <p>2) Item EIR Volume 1, IV, L Public Services, 3, b, (1) Fire Protection The 1<sup>st</sup> paragraph in this section footnoted to my 2/13/08 letter editorializes and states “The additional residential population could affect the response times due to an increase in calls for service, but this increase would not jeopardize the Truckee Fire District’s ability to respond to calls within its response times goals.” This statement is not correct. Additional calls for service driven by this project will adversely impact the District’s ability to meet the District’s response time goals. Just as the EIR identifies the need for additional Police Officers to meet increased service demands, item IV, L Public Services, 3, b, (2) the fire District will need additional resources and people above the incremental increases provided under existing offsets today. The EIR states that the Town plans to fund its additional Police officers via its impact fee program and General Fund. TFPD is unclear / uncertain how the Town can fund personnel through the AB 1600 impact fee program.</p>   | 5          |
| <p>3) Item EIR Volume 1, V, B, 1, l Public Services The “Reduced Development Alternative” acknowledges a lessened impact on public services. However even under this 25% reduction there are still significant impacts to the Fire District’s ability to serve and they certainly are not less than significant. Even under this scenario the fire District will need additional resources above the incremental increases provided under existing offsets today.</p>   | 6          |
| <p>4) Appendix B, Table IV.A1 reference 2025 General Plan Policy P4.3 and table LU-6. <b>Policy and Relationship.</b> The District at this time does not have the resources or personnel and therefore does not have the corresponding service capacity available to adequately serve the project and is working with the project proponent and representatives to put forth a program to be approved by the District. At this time we are unable to approve the project as presented. This section of the EIR does not accurately reflect this and the District so respectfully request that it be modified. The same applies to P4.4, as you are aware the Fire District is recognized as having police powers. Again, the District requests that this section be changed to reflect that the District at this time does not have the resources or personnel and therefore does not have the corresponding service capacity available to adequately serve the project and is working with the project proponent and representatives to put forth a program to be approved by the District. Again, at this time we are unable to approve the project as presented.</p> | 7<br><br>8 |

Ms. Denyelle Nishimori  
Railyard  
December 4, 2008  
Page 3

- 5) Community Facilities District or Other Appropriate Offset. Consistent with TFPD resolution 35-2008 (attached) as a means in which to mitigate the ongoing negative impacts caused by new development on the services provided by the District, the project as presented will be required to either form a Community Facilities District (CFD), annex to an existing CFD or establish a similar financial mechanism that would achieve the same practical fiscal offset.
- 6) All other conditions, codes, laws and fire safe elements as earlier stated and sent in correspondence dated 1/31/08 and 2/13/08 (attached) remain in affect.

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If you have any questions or need additional information please call me at 582-7853.

Sincerely,



Bob Bena, DCFM  
Truckee Fire Protection District



**BEFORE THE BOARD OF DIRECTORS  
OF THE  
TRUCKEE FIRE PROTECTION DISTRICT**

**RESOLUTION NO. 35-2008**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRUCKEE  
FIRE PROTECTION DISTRICT OF NEVADA COUNTY  
ACKNOWLEDGING RESPONSIBILITIES OF PLANNING FOR  
GROWTH ON SERVICES PROVIDED, AND DETERMINING  
PREFERRED OFFSET**

**WHEREAS**, the BOARD OF DIRECTORS of the TRUCKEE FIRE PROTECTION DISTRICT, CALIFORNIA (District) consistent with Health and Safety Code Section 13862 acknowledges it's authority and responsibility to provide a multitude of services including fire protection services, and rescue services, fire prevention activities, hazardous material emergency response services, ambulance services, emergency medical services, including paramedic services, and any other services relating to the protection of lives and property; and,

**WHEREAS**, Development continues in the Town of Truckee, eastern Placer County, and eastern Nevada County within the District service areas; and,

**WHEREAS**, Truckee Fire Protection District has limited capacity and resources to provide services; and,

**WHEREAS**, The service area of the Truckee Fire Protection District has experienced significant growth, and this development has contributed to an increase in calls for service and service potential. This growth is projected to continue in the District for the immediate future and will significantly impact and without appropriate planning reduce the District's ability to maintain the same level of service; and,

**WHEREAS**, Proposition 13, enacted in 1978, amended Article XIII A of the California State Constitution to both limit ad valorem tax revenues to one percent (1%) of each property's total assessed value, and to limit the year to year inflationary rate of the total assessed value to no more than two percent (2%) annually until that property is reappraised due to the property changing ownership, being sold or being newly constructed. Consequently, as with most local agencies, the District's property tax revenue stream has diminished in terms of real dollars over time since its imposition. Compounding the issue, service costs continue to increase annually; and,

**WHEREAS**, Truckee Fire Protection District continues to be faced with growing infrastructure and firefighter personnel needs. These needs exceed property tax increments and other ongoing and re-occurring revenue streams. It is a valid concern that new growth fund the cost of new services that will result from the development of land to a higher intensity of use; and,

Truckee Fire Protection District  
Resolution 35-2008  
October 21, 2008  
Page 2 of 3

**WHEREAS**, Health and Safety Code Section 13910 states in part; whenever the District Board determines that the amount of revenue available to the District or any of its zones is inadequate to meet the costs of providing services pursuant to Section 13862, the District Board may raise revenues pursuant to the chapter or any other provision of law; and,

**WHEREAS**, Health and Safety Code Section 13912 states in part; a District may levy a special tax pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code.

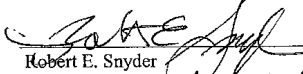
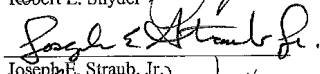
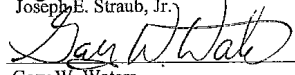

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TRUCKEE FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

1. The above recitals are all true and correct.
2. Truckee Fire Protection District utilizes a proactive approach to continue existing levels of service to meet future public safety needs of the District.
3. Necessity. The District Board has determined that the amount of revenue available to the District generated from new growth is inadequate to meet the costs of providing anticipated services, and thus has also determined that additional revenues are necessary to meet increased demands placed upon the Truckee Fire Protection District as a result of new growth and development.
4. The cost of providing new services as a result of growth from newly developed areas shall be offset.
5. Consistent with "Mello-Roos Community Facilities Act of 1982, a Community Facilities District (CFD) is a financial mechanism used to levy a Special Tax, and the District's preferred method for generating revenue to meet the costs of providing services as stated in Sections 13910 and 13912 of the Health and Safety Code.
6. The District Board has previously adopted Goals and Policies related to the use of the Mello-Roos Act and will allow a development to petition the District Board to form a CFD or annex into an existing CFD as a means to fund the cost of service.
7. The District shall continue to coordinate conditioning planned projects with cooperating allied agencies including but not limited to the Town of Truckee, Placer and Nevada Counties.
8. The District may not approve or issue a will serve letter for qualifying projects until a satisfactory offset is established such as a CFD.

Truckee Fire Protection District  
Resolution 35-2008  
October 21, 2008  
Page 3 of 3

9. The District shall work with each project proponent to establish a satisfactory offset.

**PASSED AND ADOPTED** by the Board of Directors of the Truckee Fire Protection District on the 21st day of October 2008, by the following vote:

**AYES:**  **NOES:** \_\_\_\_\_  
Robert E. Snyder  
 \_\_\_\_\_  
Joseph E. Straub, Jr.  
 **ABSENT:** Ben M. Malone \_\_\_\_\_  
Gary W. Waters  
 \_\_\_\_\_  
Ronald E. Perea  
**ABSTAIN:** \_\_\_\_\_

**ATTESTED BY:**   
Joyce L. Engler, Clerk of the Board

**DATED:** October 21, 2008



**Truckee Fire Protection District  
of Nevada County**

**Fire Chief**  
*Bryce E. Keller*

**Fire Marshal**  
*Robert W. Bena*

**Board of Directors**  
*Ben M. Malone*  
*Ronald E. Perea*  
*Robert E. Snyder*  
*Joseph E. Staub, Jr.*  
*Gary W. Waters*

January 31, 2008

Ms. Denyelle Nishimori, Associate Planner  
Town of Truckee, Community Development  
10183 Truckee Airport Road  
Truckee, Ca. 96161

Re: Truckee Railyard

Dear Denyelle,

The Truckee Fire Protection District has reviewed the submitted information for the above referenced project and the following improvements shall be required.

Hydrants and Fire Flow

1. Hydrants shall be spaced a maximum distance of 500 feet apart in residential areas, so that no point on any road is more than 250 feet from a hydrant.
2. Additional hydrants will be required in the areas with commercial development.
3. All hydrants shall be of the dry barrel type and be identified with an 8' snow stake.
4. If necessary hydrants shall be protected with bollards.
5. Provide a minimum fire flow of 2500 gpm for a 2-duration with 20-psi residual in residential areas.
6. Fire flow in commercial areas is a minimum of 2500 gpm, however may be larger depending on the size of the structures. In addition the demand of the largest fire sprinkler system must be added to the minimum fire flow. These requirements are for a 2 to 4 hour duration (depending on size) with 20 psi residual.
7. Water system shall be installed and serviceable prior to any construction.

Automatic Fire Sprinkler and Alarm Systems

1. The installation of an approved fire sprinkler system is required in all non-residential structures in excess of 3600 square feet, and in any R-1 occupancy in excess of 4 units in the same building.
2. Sprinkler systems shall comply with NFPA 13 requirements and shall be approved by the TFPD prior to installation.
3. Fire alarm systems shall be installed as required.

Ms. Denyelle Nishimori  
Truckee Railyard  
January 31, 2008  
Page 2

Roads and Driveways

1. All roads and driveways shall be a minimum of 24' wide with an all weather surface capable of supporting a 40,000-lb vehicle. Gated access shall require the installation of a Knox box system for fire district access.
2. Roads and driveways shall have a minimum unobstructed height of 13'6".
3. Roads and driveways shall have a minimum 50' radius.
4. All access must be approved prior to construction.

Wildland Fire Protection

1. Remove all flammable vegetation, which could pose a threat within 30' of all structures.
2. A 15-foot fuel modification zone shall be required on both sides of all roads and driveways.

Construction

1. Construction shall comply with all current codes and local ordinances.
2. Project shall comply with all requirements of the State Public Resource Code Section 4290 & 4291.
3. Mitigation fees shall be applied to all building construction at the applicable rate.
4. Full drawings shall be submitted to the TFPD for review and approval prior to construction.
5. No shakes or shingles of any kind will be allowed to be used for roofing materials.

**Please keep in mind that these are general comments based on minimal information and that additional requirements may be necessary as the design moves forward.**

If you have any question or need additional information please contact me at 582-7853.

Sincerely,

Bob Bena, Fire Marshal  
Truckee Fire Protection District



**Truckee Fire Protection District  
of Nevada County**

**Fire Chief**  
*Bryce E. Keller*

**Fire Marshal**  
*Robert W. Bena*

**Board of Directors**  
*Ben M. Malone*  
*Ronald E. Perea*  
*Robert E. Snyder*  
*Joseph E. Staub, Jr.*  
*Gary W. Waters*

February 13, 2008

RRM Design Group  
10 Liberty Ship Way, Ste. 300  
Sausalito, Ca. 94965  
Attn. Charity Wagner

Re: Truckee Railyard Master Plan EIR

Dear Ms. Wagner,

I have had the opportunity to review the questions from your January 18, 2008 letter. I have answered them in the order received as follows.

- Primary response to the Truckee Railyard project would be from Station 92 located at 11473 Donner Pass Road, which is approximately 2 miles from the site. Station 92 is capable of responding a type-1 engine, a truck capable of reaching a 3-story building, and a medic unit.
- Secondary response to the Truckee Railyard project would be from Station 96 located at 10277 Truckee Airport Road, which is approximately 3 miles from the site. Station 96 is capable of responding a type-1 engine and a medic unit.
- Additional response to the Truckee Railyard project would be from Station 95 located at 10900 Manchester Drive, which is approximately 5 miles from the site. Station 95 is capable of responding a type-1 engine or a medic unit.
- Depending on weather conditions primary response times may vary from 6 to 12 minutes however please keep in mind that it is also dependent on what other incidents are being mitigated at the same time.
- The Truckee Fire District currently has 44 full time and 7 part time employees. Of the 44, 36 are line personnel and 8 are staff positions. Of the 36 line positions 33 are paramedics. At this time there are no anticipated increases or decreases in staffing.
- There are no unusual fire hazards that I am aware of at this time however the property lies within a Very High Fire Severity Zone as determined by CalFire.

Ms. Charity Wagner  
Truckee Railyard  
February 13, 2008  
Page 2

- Minimum project requirements based on information provided are outlined in my letter dated January 31, 2008 (enclosed) to Denyelle Nishimori with the Town of Truckee. Please keep in mind these requirements will change as the project evolves.
- At this time no additional personnel or equipment would be anticipated.

If you have any questions or need additional information please contact me at 530-582-7853.

Sincerely,

Bob Bena, Fire Marshal  
Truckee Fire Protection District

LETTER A2

**Truckee Fire Protection District of Nevada County**  
**Bob Bena, Deputy Chief**  
**December 15, 2008**

Response A2-1: Based on further review of the Draft Master Plan and new information available to the Fire District, the District requests changes to the Draft EIR. Response to comments A2-2 through A2-10 address the requested changes and corrections.

Response A2-2: The following text amendment has been made to Section IV.L, Public Services, on page 385 of the Draft EIR:

Fire Station 92, Gateway, is a full-time station located at 11479 Donner Pass Road. Station 92 is the largest station with the most apparatus. Station 92 is equipped with a type-1 engine. The station equipment, under ideal circumstances, provides access to third floor windows. capable of reaching the windows of a 3-story building, and a medic unit. However, because ground ladders may not be able to access heights above the windows of a 3-story building, such as the roof, development in the Master Plan Area may require Station 92 to obtain additional ground resources with enhanced capabilities. Station 92 staffs one Battalion Chief, one Station Captain and two firefighter/paramedics. Station 92 is approximately two miles from the Master Plan Area, and would be the primary response station for the calls within the Plan area.

Response A2-3: The following text amendment has been made to Section IV.L, Public Services, on page 386 of the Draft EIR:

Station 95 is equipped with one engine and one ambulance and is staffed with one captain and one ~~two~~ firefighters. Station 95 is approximately five miles from the Master Plan Area and could serve as additional response for service calls in the Plan area.

Response A2-4: The following text amendment has been made to Section IV.L, Public Services, on page 386 of the Draft EIR:

Fire Station 96, Airport, is a full-time station located at 10277 Truckee Tahoe Airport Road. Station 96 is a multi-agency station that is shared with California Department of Forestry and Tahoe



Truckee Airport. Station 96 is equipped with one engine, two ambulances, one Hazardous Materials response vehicle, and a Careflight A Star helicopter, which is staffed with a pilot and two flight nurses. This station is staffed by ~~three~~ one TFPD captains and ~~seven~~ one TFPD firefighters/paramedics, and CALFIRE provides two additional captains and six additional firefighters during fire season. CALFIRE staffing is not available in the winter months or non-fire season period. Station 96 is approximately 3 miles from the Master Plan Area and would serve as the secondary responder for service calls in the Plan area.

Response A2-5: The following text amendment has been made to Section IV.L, Public Services, on page 392 of the Draft EIR:

**(1) Fire Protection.** Buildout of the Draft Master Plan would create an increased demand for fire services. The additional residential population could affect the response times due to an increase in calls for service, ~~but this increase would not jeopardize the Truckee Fire District's ability to respond to calls within its response time goals~~ possibly requiring additional personnel. The Fire Protection District is exploring funding options for additional personnel to serve new facilities and equipment being funding through mitigation fees for new development. The District is looking at increased property tax revenue from new development and new funding sources and financial mechanisms if property tax revenues are not sufficient. The District currently responds to emergency calls for service in the Master Plan Area within 6 to 12 minutes depending on weather conditions. The Truckee Fire District would continue to serve proposed development within the Master Plan Area from the District's existing fire stations. Station 92 would be the first responder for calls for service and Station 96 as the second responder.

As stated on page 393 of the Draft EIR, the Town adopted a development impact fee program in March 2008 by Council Ordinance 2005-004. The development impact fees are used to pay for government facilities, including police facilities.

Response A2-6: The following text amendment has been made to Chapter V, Alternatives, on page 419 of the Draft EIR:

**I. Public Services.** Due to fewer residential units and less commercial development, the Reduced Development alternative would result a reduction in demand for police, fire protection,

school, recreation and library services as compared with the proposed project. This alternative may still require additional fire protection personnel, but it will not require the construction of new facilities. As with the proposed project, implementation of this alternative would result in less-than-significant impacts.

Response A2-7: The following text amendment has been made to Appendix B, Table B-1, page B-7, Row 1, Column 3 of the Draft EIR:

The Master Plan contains an assessment of all infrastructure facilities for the Master Plan Area and provides recommendations for improvements to meet the needs of the area. It is noted that the Truckee Fire Protection District may not have the service capacity available to adequately serve the Master Plan Area and is exploring funding options and financial mechanisms to provide necessary personnel.

Response A2-8: The Draft EIR analyzes Policy P4.4 in the Land Use Element of the 2025 General Plan under the assumption that “police services” refers to those services provided by the Truckee Police Department. Section IV.L, Public Services, concludes that implementation of the Draft Master Plan would not generate the need for additional police services. The commentator’s concern that the Truckee Fire Protection District would need additional resources and personnel to adequately serve the Plan area is noted and is reflected in Response to Comments A2-1 through A2-7. However, it is noted that this impact is not considered significant under CEQA as it is a fiscal constraint and the personnel/staffing challenge will not require the construction of new facilities.

Response A2-9: The District’s requirement for the project to offset costs of additional personnel required as a result of the proposed project is noted. See Response to Comments A2-5 and A2-7, which include text amendments to the Draft EIR that address this comment.

Response A2-10: Past written correspondence with the TFPD dated January 31, 2008 and February 13, 2008 are noted.

BOARD OF DIRECTORS  
Robert W. Affeldt, DDS  
Jerry Gilmore  
Brian Kent Smart  
Michael F. Sullivan  
Ron Sweet



THOMAS S. SELFRIDGE, P.E.  
General Manager  
Chief Engineer

RECEIVED  
DEC 12 2008

12304 Joerger Dr. • Truckee, California 96161-3312  
Telephone (530) 587-3804 • Fax (530) 587-1340

December 10, 2008

Truckee Community Development Department  
Attention: Denyelle Nishimori  
10183 Truckee Airport Road  
Truckee, CA 96161

SUBJECT: RAILYARDS MASTER PLAN DRAFT EIR

The Truckee Sanitary District has reviewed the above referenced plans and has the following comments:

Page 377 -- Section K.1.b.Wastewater:

- The TSD collection system does not include storm sewers. TSD's collection system only conveys sanitary sewer. The storm sewer system is the responsibility of the Town of Truckee.

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Page 382 -- Section K.3.a.(1).Wastewater:

- The TSD does not endorse the flow estimate of 326,376 gpd. As indicated in the Master Plan (pg. 119), a sewer master plan will be required before TSD will approve any development plans.
- Pipeline to be stubbed across the railroad tracks to the eastern edge of the Master Plan Area for the portion designated Downtown Manufacturing will also have to cross Trout Creek.

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If you have any questions, please contact our office.

Sincerely,

Blake Tresan, P.E.  
District Engineer

LETTER A3

**Truckee Sanitary District**  
**Blake Tresan, District Engineer**  
**December 10, 2008**

Response A3-1: The following text amendment has been made to Section K, Utilities, on page 377 of the Draft EIR:

**b. Wastewater.** Truckee Sanitary District provides wastewater collection and conveyance services to the Town. The collection system includes ~~storm~~ sanitary sewers and related pumping facilities. Untreated sewage is piped to Tahoe Truckee Sanitation Agency's treatment plant using both gravity flow and lift stations. The Town of Truckee is responsible for the storm drainage system.

Response A3-2: The wastewater flow increase of approximately 326,376 gallons per day (gpd) is a conservative estimate based on the Truckee Donner Public Utility District (TDPUD) calculation for the Water Supply Assessment (WSA). According to the project engineer, this estimate is likely higher than the actual gpd, which will be established upon the completion of an Infrastructure Plan. Therefore, a more precise, lower flow estimate number will not change the Draft EIR's conclusion that Tahoe Truckee Sanitary Agency Water Reclamation Plant facility has the capacity to treat the additional wastewater that would be generated by the proposed project. As noted by the commenter, the Draft Master Plan requires completion of an Infrastructure Plan prior to development in the Master Plan Area (see page 119 of the Draft Master Plan for more information on the Infrastructure Plan).

Response A3-3: The need for a sanitary pipeline to be stubbed across the eastern edge of the Master Plan Area is noted. The final design and location of said pipeline is not known, and will be subject to review and consideration as part of the Infrastructure Plan.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



December 22, 2008

RECEIV

DEC 29 2008

Denyelle Nishimori  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161

Re: Notice of Completion, Draft EIR  
Truckee Railyard Draft Master Plan EIR  
SCH# 2007122092

Dear Ms. Nishimori:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

An at-grade crossing on Brockway Road (CPUC # 001A-208.10) is a short distance from the proposed project and there appears to be no mitigation measures proposed for this crossing. The project would generate substantial amounts of traffic and could adversely affect the crossing. The Commission urges your agency to include consideration of potential project-related rail safety impacts, and measures to reduce adverse impacts in the CEQA documentation for the project. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains

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- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

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cont.

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. If the project includes a proposed new crossing, the CPUC will be a responsible party under CEQA and the impacts of the crossing must be discussed in its CEQA documentation.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 713-0092.

Sincerely,



Moses Stites  
Rail Corridor Safety Specialist  
Public Utilities Commission  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

## LETTER A4

**State of California, Public Utilities Commission**  
**Moses Stites, Rail Corridor Safety Specialist**  
**December 22, 2008**

Response A4-1: The proposed project will increase traffic volumes at the Bridge Street rail crossing. Mitigation Measures TRAF-2 and TRAF-4 require the applicant to pay impact fees or to install traffic signals at the two intersections immediately adjacent to the crossing, ensuring that these signals are in place prior to any occupancy of project land uses. These signals will be electronically coordinated with the rail crossing gates, providing green indications for drivers on the crossing to clear the crossing prior to the operation of the gate arms. This will provide a more positive control of traffic than the current condition.

The Town of Truckee has previously assessed the feasibility of a grade separation at this location. Due to the close spacing of the adjacent roadways (Donner Pass Road is approximately 125 feet north of the nearest edge of rail, and West River Street is approximately 135 feet to the south), it would not be feasible to provide a road overpass or underpass that does not eliminate connections to both of these adjacent roadways.

Provision of pull-out lanes or center medians would be constrained by the limited width available between adjacent buildings. The close spacing of adjacent intersections would also limit the design of diverge and merge lanes for the pull-out lanes.

Increasing signage or pedestrian warning devices may be appropriate; however, as both the proposed project and the major other land uses in Truckee are on the same side of the rail line, the increase in pedestrian activity across the rail crossing would be limited and such measures do not appear necessary at this time.

  
**Linda S. Adams**  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
Lahontan Region**

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**Arnold Schwarzenegger**  
Governor

December 22, 2008

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Danyelle Nishimori  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161

**COMMENTS ON TRUCKEE RAILYARD DRAFT MASTER PLAN ENVIRONMENTAL  
IMPACT REPORT, TOWN OF TRUCKEE, NEVADA COUNTY (SCH # 2007122092)**

The staff of the California Regional Water Quality Control Board, Lahontan Region (Water Board) has received the Draft Environmental Impact Report (Draft EIR) for the Truckee Railyard Master Plan (Master Plan) prepared for the Town of Truckee pursuant to the California Environmental Quality Act (CEQA). The Water Board is a responsible agency pursuant to the California Environmental Quality Act (CEQA) for this Draft EIR. We have reviewed all information submitted with regards to water quality and have the following comments.

**PROJECT DESCRIPTION**

The Master Plan provides for development of a mix of building types and land uses east of the downtown Truckee area. The area is generally bounded by Glenshire Drive to the north, industrial uses and undeveloped land to the east, Union Pacific Railroad right-of-way and East River Street to the south, and Donner Pass Road and Bridge Street to the west. The project is located in close proximity to Trout Creek and the Truckee River. The Master Plan area includes approximately 75 acres of land and is comprised of 20 parcels. The Draft EIR evaluates the potential environmental impacts of the development within the Master Plan area based on the Maximum Allowable Development (MAD), which are development thresholds.

In Chapter V, the Draft EIR briefly outlines three alternatives: the No Project/No Build alternative, the Reduced Development alternative, and the Maintain Donner Pass Road Alignment alternative. The Reduced Development alternative would assume a 25% reduction in the MAD and the Maintain Donner Pass Road Alignment alternative would assume that Donner Pass Road would maintain its current alignment, keeping the through movement for vehicles and pedestrians on Donner Pass Road. This alternative would reduce the development area and remove the conceptual park location at the western edge of the plan area.



**GENERAL COMMENTS**

The Trout Creek Restoration Plan, which this Draft EIR describes as a separate project, is central to the development of this Master Plan and must be more fully designed before a full evaluation of impacts from the Master Plan can be assessed. The Draft EIR states in several places that the restoration plan would be coordinated with the Master Plan development because of the interdependency and overlap between the two projects. However, any attempt to evaluate the environmental impacts of the Master Plan development, which is in such close proximity to Trout Creek, prior to development of a restoration plan, is premature and cannot effectively comply with CEQA.

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The Draft EIR uses a flood insurance rate map from 1983 developed by the Federal Emergency Management Agency (FEMA) and states that a minimum 20-foot setback from 100-year flood elevations will be used for the development. Conditions have changed since 1983 and such an out-of-date map is inadequate for such an extensive project, which is positioned in very close proximity to two major channels in the Truckee watershed. The Draft EIR must justify why a 1983 flood insurance rate map is being used for this project when more current 100-year floodplain maps, which show a more extensive floodplain area, have been developed and are being used for the Trout Creek Restoration Plan.<sup>1</sup> Also, in order to fully evaluate the impacts of the proposed development, the Draft EIR must include a Trout Creek hydrology study that includes evaluation of the existing and proposed 100-year floodplain of the Trout Creek.

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**SPECIFIC COMMENTS**

**1. Comments associated with Chapter III, *Project Description***

The Draft EIR states (page 52), under 6.c., *Trout Creek*, the following:

“the Draft Master Plan includes relocation of the balloon track with two points of crossing over Trout Creek. This EIR evaluates the likelihood of any significant impacts that the proposed project may have on the adjacent Trout Creek, including the impact of the two new creek crossings due to the relocation of the balloon track. The Town of Truckee is currently working to restore Trout Creek to a more stable and natural creek channel corridor. Portions of the Town’s restoration project are within the Master Plan Area and the Draft Master Plan would be consistent with and complimentary to the Town’s restoration effort. The Town’s restoration project is not addressed in this EIR, it is a separate Town-sponsored project independent of the Railyard Master Plan and subject to its own environmental review.”

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As stated above, the environmental impacts of the Master Plan cannot be fully evaluated until the Trout Creek Restoration Plan is more fully developed and has the appropriate agency approvals (Water Board, U.S. Army Corps of Engineers, and

<sup>1</sup> Water Board staff, who met with Town staff and their consultants on the Trout Creek restoration project, obtained an aerial map with the 100-year floodplain during the latest meeting for the restoration project. The demarcation for the 100-year floodplain is quite different from the FEMA map presented in the Draft EIR.

California Department of Fish and Game). If the Draft EIR is to remain separate from the evaluation of impacts of the Trout Creek Restoration Plan, then the restoration plan needs to be more fully developed and a hydrology study should be performed (see comment above) before a revised Draft EIR is developed. The specifics on the movement of the balloon track are not detailed in the Draft EIR. For reasons discussed later in this comment letter (Specific Comment 4.c.), the deficiency in details regarding the balloon track relocation is a significant concern to staff at the Water Board.

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**2. Comments associated with Chapter IV.A., *Land Use and Planning Policy***

On page 73, the Draft EIS states, “4.g: Embrace Trout Creek as an urban stream and reinforce this natural asset while creating a place for human enjoyment.” What is meant by “urban stream” and “reinforce this natural asset?” The restoration of Trout Creek, at a minimum, should be designed to the satisfaction of all permitting agencies prior to approving any adjacent development plans that may be counter to restoration of the creek corridor and should include a fully restored, functioning floodplain for Trout Creek. Since this comment letter is limited to the Draft EIR for the Truckee Railyard Master Plan, comments on the Trout Creek restoration in this letter are kept to those that pertain to the relationship between the Draft EIR and the Trout Creek.

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**3. Comments associated with Chapter IV.G., *Hydrology and Storm Drainage***

a. On page 267, the Draft EIR describes the prohibitions in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan), but does not include a description of the Water Board’s discharge prohibition to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River. The Draft EIR should include a discussion of the Water Board’s 100-year floodplain discharge prohibition because of the proximity of this development to the floodplain of Trout Creek and because of the questionable delineation presented in the Draft EIR for the 100-year floodplain of Trout Creek as discussed above. We are concerned that the project may encroach on the 100-year floodplain of Trout Creek, depending on which map is correct.

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b. Mitigation Measure HYD-1, on page 273, under Impact HYD-1, Construction activities could result in degradation of water quality in the receiving waters by reducing the quality of stormwater runoff, discusses the project proponent preparing a Storm Water Pollution Prevention Plan (SWPPP) and detailing specific Best Management Practices (BMPs) in the SWPPP, but this mitigation measure does not discuss winter season snow handling procedures and what types of BMPs would be used during the winter to minimize water quality impacts. For instance, specific BMPs should identify where snow storage sites will be, and what BMPs will be in place to ensure spring runoff from snow storage sites would not significantly impact water quality of nearby Trout Creek or Truckee River.

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c. Mitigation Measure HYD-2, on page 276, states the following:  
“Should even the ‘proper’ application of salt be shown to cause adverse water quality impacts, the Water Board would require that it no longer be used in

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environmentally sensitive areas. Should an alternate deicer be shown to be effective, environmentally safe, and economically feasible, its use shall be encouraged in lieu of salt. The design and implementation of BMPs for the project shall integrate, as feasible, features that will minimize the impact of deicing compounds and sedimentation impacts related to sanding or other ice control methods, including considering impacts related to accumulated pollutants in seasonal snow storage and the relatively sudden release of the accumulated materials during periods of thaw and rain. BMPs shall be sized appropriately and operations and maintenance schedules shall account for these seasonal differences."

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cont.

Reliance on the Water Board to prohibit or specify the type of road deicer that must be used in order to prevent adverse water quality impacts is inappropriate because the Board cannot specify how to comply with applicable requirements. We are concerned with the enforceability of the requirements for mitigation, and unclear how this requirement will be enforced, and who will monitor implementation. The EIR should include specific monitoring to evaluate impacts from the use of deicers.

- d. Impact HYD-4, on pages 278 and 279, discusses the restoration of Trout Creek "to a more stable and naturally-functioning creek channel corridor upstream and within the Master Plan Area" by using "a combination of channel modification and floodplain restoration." As stated earlier, developing a Master Plan for the Truckee Railyard prior to implementing or even creating an acceptable restoration design for the Trout Creek Restoration is premature. How can the Town of Truckee restore the floodplain of Trout Creek if the Master Plan development constraints and opportunities upon the final floodplain map for Trout Creek are not understood? The Town of Truckee should postpone and revise the Draft EIR to address this major issue, as development in violation of discharge prohibitions is a significant effect, and we are not convinced that this matter is adequately addressed in the Draft EIR.

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**4. Comments associated with Chapter IV.H., *Biological Resources***

- a. Under section 3, *Impacts and Mitigation Measures*, there should be an additional bullet under 3.a., *Criteria of Significance*, on pages 297 and 298, that includes any proposed development within the 100-year floodplain of the Truckee River or any tributary to the Truckee River that would violate waste discharge prohibitions in the Basin Plan.
- b. There should be an additional mitigation measure under 3.c., *Potentially Significant Biological Resources Impacts*, incorporating a hydrology study that evaluates current 100-year floodplain area and future 100-year floodplain area expected after the Trout Creek Restoration Plan is implemented. This study should be performed prior to, or concurrently with, any further planning on the Railyard Master Plan.

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<p>c. <u>Impact BIO-4</u>, on page 301, does not detail the impacts to 0.25 acres of non-wetland waters within the Master Plan area. How can the environmental impacts on 0.25 acres of waters of the U.S. and/or State be evaluated without describing the nature of those impacts? We recommend development and inclusion of a map of all waters potentially affected by this project and list them in appropriate tabular format, organized by waterbody type, including riparian areas, and sub-basin. For each waterbody directly affected, identify the acreage and (for drainage features) the number of linear feet directly impacted. Sum the total affected acres and linear feet by waterbody type and as project total. Identify any "isolated" wetlands or other waters not subject to federal jurisdiction. The Draft EIR should also include an approved wetland delineation (with data sheets and accompanying map of data points) and must identify measures to prevent the discharge of pollutants to wetland or other waters of the U.S. or State prior to determining the level of impact that will be created by the proposed project.</p>	13
<p>d. The Draft EIR would be markedly improved by analyses like a Clean Water Act section 404 (b)(1) alternatives analysis that includes a demonstration that the waters of the U.S. and waters of the State have been avoided to the maximum extent practicable. If it is not possible to avoid or minimize impacts to waters of the U.S. and waters of the State, you must provide the reasoning and evidence for that conclusion. The following represents the sequence in which proposals for fill and/or dredge projects must be approached: (1) Avoid – avoid impacts to waters; (2) Minimize – modify project to minimize impacts to waters; (3) Mitigate – Where impacts cannot be avoided, adequate mitigation for the loss of water body acreage and function must be provided. The Final EIR must discuss how all unavoidable wetland impacts (temporary and permanent) will be mitigated on site.</p>	14
<p>e. <u>Mitigation Measure BIO-4d</u> states "Prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall obtain any regulatory permits that are required from the Corps, RWQCB, and /or CDFG." It is inappropriate to rely on any agency's permitting requirement to mitigate potential water quality related impacts, unless such permits for the specific project already exist which prescribe the required mitigation. Regulations, policies, and procedures are all subject to change, which may then impact an agency's depth of regulatory oversight. The mitigation measures should be described adequately in the EIR.</p>	15
<b>5. Comments on Chapter IV.J., Hazards and Public Safety</b>	
<p>a. The EIR must (1) include a discussion of the relationship of the groundwater to the leaking underground storage tanks (USTs) in the Master Plan area, (2) include a map with the proximity of the leaking USTs to the wetlands or other waters clearly shown, and (3) include the relationship with the Trout Creek restoration plan (and the balloon track movement) and the potential for adverse</p>	16
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impacts created by the leaking USTs upon restoration plan efforts and balloon track movement.

- b. Table IV.J-1, *Documented Environmental Releases, Hazardous Materials Usage or Hazardous Waste Generation in Master Plan Area*, on pages 356 to 358 should be changed as follows:

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Site Name	Address	Reason(s) for Regulatory Listing	Notes
Berry-Hinkley Industries Truckee Plant	10250 West River Street	SLIC <u>SCP</u> site <sup>d</sup>	... The extent of the plume(s) is localized and well-defined and ...
Caltrans Equipment Building No. 2	10152 Keiser Avenue	SLIC <u>SCP</u> site (not active)	...reportedly been released in soil only. The extent of the release was not described ...
Former Nevada County Department of Transportation ...	102 West River Street	Leaking UST	... UST. Site soils have been remediated and sSite closure was requested in January 2007.
Dependable Tow	10260 West River Street	SLIC <u>SCP</u> site	(no change)
Holliday Development	4.3-acre Parcel West of Balloon Track	SLIC <u>SCP</u> site	(no change)
Pat and Ollies Too	10145 Donner Pass Road	Leaking UST, <u>Cleanup and Abatement Order</u>	... The extent of the plume(s) is localized and well-defined and is not expected to affect the Master Plan Area.
Pat and Ollies Tee <u>Gateway</u>	10145 Donner Pass Road	<u>UST, Cleanup and Abatement Order</u>	Facility is located approximately ¼ 4-mile west...
Small Mall	10164 Donner Pass Road	Leaking UST	... The extent of the release was not described on the <u>Water Board website is defined and not expected to affect the Master Plan Area.</u>
Unocal 541	10041 Commercial ...	UST (not active site)	(no change)

<sup>d</sup> Site Cleanup Program (SCP) ...

**6. Comments associated with the entire Chapter IV**

- a. In accordance with CEQA requirements, the final environmental document should include an appropriate monitoring program for all proposed water quality related mitigation measures. The monitoring program should be designed to

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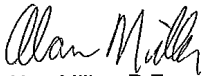
assess the adequacy of any installed mitigation measures over time. Success criteria should be established to determine whether the mitigation measures need additional work or are operating appropriately to prevent further water quality degradation.

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**cont.**

- b. The proposed project will create additional demand upon the existing water supply system. Staff is particularly concerned about the potential for drying out any surrounding wetlands. Pumping ground water provides the majority of water supply within the Truckee area. Staff is concerned that increases in ground water pumping may begin to adversely affect surface water resources and the beneficial resources associated with those resources. Staff would consider it to be a significant impact if ground water withdrawals began to affect the quality of surface water resources. The Draft EIR should provide information that demonstrates that the proposed project, individually and cumulatively with other existing and proposed development will not adversely impact surface water resources. If the information and conclusions provided in the Draft EIR rely upon regional ground water studies, then staff requests that site-specific information is also provided to support any regional-based conclusions that the Draft EIR relies upon.

**21**

Thank you for the opportunity to provide comments on the environmental document. We appreciate your incorporation and consideration of our comments in the Final EIR. Should you have questions please contact me at (530) 542-5430.



Alan Miller, P.E.  
Chief, Enforcement and Special Projects Unit

cc: Water Board Members  
State Clearinghouse

TT/clhT/ Truckee Railroad Draft Master Plan comments DEIR 12-12-08.doc  
[File: Pending / Nevada County / Truckee Railroad Master Plan Project]