



September 11, 2023

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

RE: DIPS response to Donner Lake: A Pearl in Peril

Dear Judge Thomsen,

This letter is the response from the Donner Lake Interagency Partnership for Stewardship (DIPS) to the 2022-2023 Nevada County Grand Jury report, *Donner Lake: A Pearl in Peril*, received on June 21, 2023. DIPS is not required to respond to the report but was invited by the Nevada County Grand Jury to respond to Findings 4 and 7 and Recommendations 1, 2 and 4. We thank you for this opportunity to comment on the Grand Jury Report.

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 a regional public/private partnership of local governments, special districts, community organizations, and businesses. Participation is voluntary and the group does not have any jurisdictional authority. Rather our data collection and stewardship plans serve as guides for management decisions of our individual organizations or collective partnership, and as a blueprint for long term stewardship for all stakeholders and those interested in the health of the lake. Please see the attached DIPS charter for further details on our purpose and goals, membership and governance, and protocols. With this purpose and structure in mind, we provide the following responses.

Grand Jury Findings

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

Response: Disagree partially with finding. DIPS has been regularly testing water quality of Donner Lake since 2021 and reporting findings since 2022. With adequate funding, DIPS anticipates continuing testing and reporting for the foreseeable future. Previously, there was very inconsistent testing by varying entities for varying purposes.

Find 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. The current scale of data and analysis available to DIPS does not support or deny Finding 7. The *2021 State of Donner Lake* documents that

nearshore habitat is degrading, climate change will influence nearshore water quality, and offshore water quality has improved since data collection in the 1970s and 1980s. We did not specifically look at the hillside in question.

Grand Jury 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: Recommendation will not be implemented because it is not reasonable. As a voluntary organization with no jurisdictional authority, DIPS cannot convene new consortiums on behalf of our individual organizations or other organizations such as Caltrans and the Lahontan Regional Water Quality Control Board. DIPS is already a partnership of many of these organizations with a broader purpose of protecting and enhancing the long-term health of Donner Lake. If the Town of Truckee and Nevada County initiate a partnership per this Recommendation, the individual organizations listed can participate in their own capacity if interested, and DIPS is willing to share data and feedback.

- 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: Recommendation will not be implemented because it is not reasonable. As a voluntary organization with no jurisdictional authority, DIPS cannot establish a mission and

charter for a new consortium on behalf of our individual organizations or other organizations such as Caltrans and the Lahontan Regional Water Quality Control Board.

- REC 4 DIPS and the Truckee River Watershed Council should work with Lahontan Regional Water Quality Board to establish a comprehensive, regular testing and monitoring program focused on water quality of Donner Lake.

Response: Recommendation requires further analysis. Robust water quality monitoring is a priority for DIPS. If funds are available, DIPS will continue sampling, explore expanding existing water quality monitoring, and making the information available to the public.

Thank you for recognizing the efforts of DIPS in protecting and enhancing the long-term health of Donner Lake, and for the opportunity to comment on the Grand Jury Report. Please contact us if you have any questions or if you require additional information.

Sincerely,



Michele Prestowitz,
on behalf of the DIPS Core Team
(Donner Lake Interagency Partnership for Stewardship)

Attachment 1. Donner Lake Interagency Partnership for Stewardship Charter

Attachment 1

Charter

Donner Lake Interagency Partnership for Stewardship



Purpose and Establishment

The signatories who have endorsed this Charter hereby establish the Donner Lake Interagency Partnership for Stewardship (DIPS). DIPS 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. We are committed to the long term monitoring, management and stewardship of Donner Lake and its environs through programs, actions, and recommendations by the signatories or by voluntary collaborations between signatories.

Donner Lake Context

Donner Lake is a freshwater mountain lake located just east of the Sierra Nevada crest within the Town of Truckee, California. It is bordered on the north by Interstate 80 and unincorporated Nevada County, on the south by the Union Pacific Railroad and unincorporated Placer County, on the east by the Town of Truckee, and on the west by Donner Summit. The lake is at an elevation of approximately 6,000 feet and has a depth of 328 feet at its deepest point formed through a mix of glacial action and faulting. It is approximately 3 miles long, $\frac{3}{4}$ mile wide and 7 miles around.

The lake and its basin are home to significant natural and cultural resources, include a vibrant population and economic center, serve as a major transportation corridor through the Sierra Nevada, and serve as an important water supply reservoir for northern Nevada. Donner Lake provides many recreational opportunities ranging from hiking and fishing to boating of all types, picnicking, swimming, and active recreation. The lands surrounding the lake are also home to thriving commercial businesses and residential neighborhoods.

Over the past 150 years, Donner Lake and Basin have experienced a number of physical and ecological impacts associated with natural resource use, development of major infrastructure, and land development. Transportation arteries and utility corridors that disrupt water courses, unsustainable timber harvesting that alters forest structure, reservoir management that alters hydrology, and community development that alters habitat and habitat connectivity have impacted the health of the watershed. More recently, pressures have intensified the strain on Donner Lake, including climate change, population growth, increased recreation, and development. Despite these threats, much of the watershed's area is managed as permanent

open space and there are extensive management and restoration opportunities to improve the health of the system.

Donner Lake is managed and stewarded by many agencies, organizations and jurisdictions including the signatories of this Charter. These include agencies and organizations that own and manage lands, water rights, and/or facilities around the lake, as well as other stakeholders such as homeowners' associations, private businesses and regulatory agencies.

Stewardship Plan and State of Donner Lake

DIPS has developed the State of Donner Lake data set and the Stewardship Plan for continued management of Donner Lake. These are meant to be dynamic tools to be updated periodically and used by DIPS and others to understand and make stewardship decisions for the lake and the surrounding area.

The purpose of the State of Donner Lake is to understand Donner Lake's complexity, establish a baseline of environmental, cultural and socio-economic health indicators, identify information gaps, and provide the scientific basis for stewardship planning. The data base encompasses a broad range of data collection and monitoring ranging from water quality to fisheries to community indicators such as recreational use of the lake and facilities. The State of Donner Lake data should be updated annually to track trends and understand long term impacts. The State of Donner Lake is meant to inform and support the Stewardship Plan for the lake.

The Stewardship Plan establishes the purpose, goals, indicators and a series of programs, actions, and recommendations to ensure long term health of the lake. It serves as a guide for management decisions of the Core Team, either individually or collectively, and also a blueprint for long term stewardship for all stakeholders and those interested in the health of the lake.

Stewardship Plan Goals

The Core Team have agreed to the following goals as part of the Donner Lake Stewardship Plan to guide future programs, actions, and recommendations.

- Goal 1. Collaborative, Multi-Agency Structure: Plan, fund and implement a multi-agency stewardship plan that encourages a commitment to common goals, balances competing and evolving interests and increases coordination between organizations.
- Goal 2. Water Quality: Protect water quality in and around Donner Lake for ecological, recreational, and water supply purposes.

- Goal 3. Ecological Health: Improve ecological health and resiliency to benefit nature and humanity by protecting, improving, and restoring aquatic, riparian and upland areas.
- Goal 4. Cultural and Historic Resources: Protect and preserve cultural and historic resources that represent and foster an appreciation for Donner Lake’s rich history and diverse populations through cooperation, monitoring, education, research, and public awareness.
- Goal 5. Recreational Use and Capacity: Provide a range of high-quality outdoor recreational opportunities that are socially, economically, and ecologically sustainable for present and future generations through coordinated planning, facility improvements, conservation, and maintenance.
- Goal 6. Transportation, Safety and Parking: Provide access to safe, affordable, accessible, and sustainable transportation systems, improving road safety, and expanding public transportation options without impacts to lake resources.
- Goal 7. Economy and Development: Support planned development and redevelopment of residential and commercial uses that are compatible with neighborhoods, environment, culture, and people.

Membership and Governance

Signatories

The founding signatories of this Charter are:

- California Department of Parks and Recreation
- Tahoe Donner Association
- Town of Truckee
- Truckee Donner Land Trust
- Truckee Donner Public Utility District
- Truckee Donner Recreation and Parks District
- Truckee Meadows Water Authority
- Truckee River Watershed Council
- Truckee Sanitary District

Core Team

Each signatory assigns 1-2 representatives to a Core Team that meet regularly to advance the goals of the stewardship plan. Core Team representatives are expected to disseminate DIPS information to their signatory’s executive and staff. If a Core Team representative leaves, it is the responsibility of each signatory to decide upon a suitable replacement, one of appropriate expertise and decision-making authority for the signatory. The Core Team may be expanded as

interest and need arises. Core Team members may also elect to leave DIPS at will by providing written notice to the Core Team.

The Core Team acts as the governing body of DIPS with responsibility to provide overall strategic direction, to participate in resource mobilization efforts, to consider and develop programs and projects, to serve as a public education and engagement body, to amend this Charter by consensus, and approve inclusion of new Core Team members.

The Truckee River Watershed Council shall serve as the facilitator and secretary of DIPS. In this capacity, TRWC shall schedule meetings, generate agendas, and manage work planning. The facilitator and secretary may change at the request of the Core Team.

Stakeholders

DIPS is designed to engage with additional stakeholders. The Core Team will work to inform stakeholders about the stewardship work, seek input and advice, and seek collaborative partnerships to further DIPS goals. Additional stakeholders include but are not limited to agencies, businesses and individuals with interests and/or responsibilities for aspects of Donner Lake, such as the California Department of Transportation, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, Nevada County Sheriff, Union Pacific Railroad, the Washoe Tribe of Nevada and California and local businesses and homeowners' associations. Stakeholders are welcome at all DIPS meetings, encouraged to provide input on the stewardship plan and share data and information about Donner Lake. To sign the Charter and join the Core Team, interested stakeholders shall petition the Core Team in writing and then the Core Team shall decide upon membership via the modified consensus process.

Voluntary and non-binding participation

Signatories and other stakeholders are not bound to any specific action as a result of this Charter. By signing the Charter, participants recognize that each is first bound to their jurisdiction, agency, or entity, and operates within their respective entity's constraints and opportunities. Signatories do not assume liability for other member's actions, obligations or liabilities, or any third-party claims that arise out of this initiative.

Protocols

DIPS shall strive to meet on a regular basis approximately once per quarter, although this may vary depending on needs, circumstances, and budget. Meetings are intended to provide a forum for communication amongst participants, development and refinement of the Stewardship Plan, continued data collection and monitoring for the State of Donner Lake, and to seek advice and/or to plan and implement any programs, actions and recommendations by

DIPS as a whole, sub-sets of the Core Team, or an individual Core Team member in furtherance of DIPS Purpose and Goals.

Meetings will be scheduled and managed by the Facilitator and can be in person or remote (or a hybrid). Core Team representatives are expected to attend meetings on a regular basis or send a qualified representative in their stead. Meetings notes will be brief focusing on actions and work products.

Core Team members will make decisions through a “modified consensus model.” The intent of “modified consensus” is to ensure that actions represent an overwhelming support from the group but allowing for decisions to move forward expeditiously as long as no more than one Core Team member does not agree. The definition of “modified consensus” means that, in all decisions, participants will discuss all aspects of a decision (such as an edit to the Stewardship Plan) and make every accommodation to find common ground. If debate persists, then Core Team members will express support or opposition as 1) I support, 2) I can live with it, 3) I cannot support, and 4) I abstain. DIPS will not take any action that has received two or more “I cannot support” statements. Those declaring, “I cannot support” are encouraged to express their rationale for objection in writing, and this information will be included in communications about the decision. If a decision proceeds and a Core Team member does not support the decision, DIPS will note that the Core Team Member did not support the decision.

DIPS communication will be primarily conducted over email. Core members are expected to reply to DIPS correspondence in a timely manner, generally five (5) working days. It is also expected core members will be given sufficient time for meaningful review of any DIPS document that will be circulated publicly, a minimum fifteen (15) days.

Funding and Financing

Nothing in the Charter shall require any signatories to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various signatories to this Charter will require execution of separate agreements and be contingent upon the availability of funds. Such activities must be independently authorized by the appropriate authority.

Signatories may make voluntary or in-kind contributions to DIPS to sustain its on-going operations, such as data gathering and monitoring, meeting organization and facilitation, and member communication. Signatories shall, to the best of their ability, participate in funding and financing efforts to support the operation of DIPS, including but not limited to participating in the development of grant or funding requests, participating in community outreach and education efforts, and participating in private philanthropic efforts.

Nothing in this Charter restricts signatories from directly receiving funds for specific projects as a part of their jurisdictional, agency, or organizational mission. Signatories are encouraged to seek out grants, loans, agency or organizational allocations and other funding mechanisms to carry out stewardship activities that further the purpose and goals as established in the Charter. Signatories are encouraged to communicate plans and projects to the Core Team and seek input, advice and assistance from other members as appropriate to their jurisdictional, agency, or organizational mission.

Ratification/Endorsement

Signatories may endorse this Charter through board resolution, executive approval or signature of businesses and individuals, and conveying that action to the Facilitator.

The following signatories agree to the terms of this Charter:

Organization: California Department of Parks and Recreation

Name, Title: Dan Canfield, District Superintendent, Sierra District

Signature: Dan Canfield **Date:** 12/27/2022

Organization: Tahoe Donner Association

Name, Title: David Mickaelian, General Manager

Signature: David Mickaelian **Date:** 12/19/2022

Organization: Town of Truckee

Name, Title: Jen Callaway, Town Manager

Signature: Jen Callaway **Date:** 12/19/2022

Organization: Truckee Donner Land Trust

Name, Title: John Svahn, Executive Director

Signature: John Svahn **Date:** 12/19/2022

Organization: Truckee Donner Public Utility District

Name, Title: Brian Wright, General Manager

Signature: Brian Wright **Date:** 12/16/2022

Organization: Truckee Donner Recreation and Parks District

Name, Title: Steve Randall, General Manager

Signature: Steve Randall **Date:** 12/24/2022

Organization: Truckee Meadows Water Authority

Name, Title: John Enloe, Director of Natural Resources

Signature: John Enloe **Date:** 12/16/2022

Organization: Truckee River Watershed Council

Name, Title: Lisa Wallace, Executive Director

Signature: Lisa Wallace **Date:** 12/16/2022

Organization: Truckee Sanitary District

Name, Title: Blake Tresan, General Manager

Signature: Blake Tresan **Date:** 1/20/2023