

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

GoToWebinar

December 15, 2021

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 11:16 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mr. Wlaschin (for Mrs. Cegavske), Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

II. PLEDGE OF ALLEGIANCE

Ms. Hangeland led the pledge.

III. APPROVAL OF AGENDA

Mr. Bruce deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean provided her minor clerical edits to Ms. Ambler. Ms. Gustafson moved approval of the November 17, 2021 minutes as amended.

**Motion carried.**

V. TRPA CONSENT CALENDAR

1. November Financials
2. Governing Board Committee Membership Appointments
3. Incline Village Community Hospital Area Addition Project, 880 Alder Avenue, Washoe County, Nevada Assessor's Parcel Number 132-011-07, TRPA File Number ERPS2021-0954
4. Annual Local Government Coordination Report and Action on Recertification of City of South Lake Tahoe's, El Dorado County's, and Placer County's Permit Delegation Memorandum of Understanding and adopted Area Plans
5. Resolution affirming TRPA Application Filing Fee Schedule

Ms. Aldean said the Operations and Governance Committee recommended approval of item number one.

Items two through five were not reviewed by any committee.

Board Comments & Questions

None.

Public Comments

None.

Mr. Yeates moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

**Motion carried.**

Ms. Aldean moved to adjourn as the TRPA and convene as the TMPO.

**Motion carried.**

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Title VI Program Plan and Limited English Proficiency Plan

Ms. Aldean said the Operations and Governance Committee recommended approval of item number one. This plan is required to be updated every three years and there were no complaints filed pursuant to Title VI. There were minor changes to the proposed plan presented today.

Board Comments & Questions

None.

Public Comments

None.

Ms. Novasel moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

**Motion carried.**

Mr. Yeates moved to adjourn as the TMPO and reconvene as the TRPA.

**Motion carried.**

## VII. PLANNING MATTERS

### A. Tahoe Keys Lagoons Aquatic Weed Control Methods Test Project Update

Ms. Marchetta introduced today's agenda item. This informational presentation is on the important number one aquatic invasive species threat to Lake Tahoe. The briefing today will be used to bring the newest Governing Board members, as well as the public onto a base of common information and will serve as a refresher of an important context ahead of next month's decision hearing. It's important to understand what got them here, all that they've been through, and how many times they've been setback or stalled in seeking solutions.

They're facing an ever more urgent problem, because they've not been able to move this set of collective interests to any agreed approach, as of yet, and they face a growing risk of overall system failure in an entirely different, more systemic, lake wide problem. She'll start at the 60,000 foot level today and then subsequent presenters will drill down into the objectives.

The Tahoe partnership agrees on an important shared interest, invasive weeds introduced decades ago, in the Tahoe Keys lagoons are the number one aquatic invasive species control threat to the Keys and more importantly to Lake Tahoe itself. TRPA has been leading the work to combat aquatic invasive species in the Tahoe region since 2007 just after they discovered the invasive Quagga mussels at Lake Mead. The 40 plus partner organizations agreed that the number one threat in AIS control is at ground zero in the Tahoe Keys lagoons where the infestation is growing and is of increased concern to public health and a threat of spread to other locations in the lake proper. The Tahoe Keys lagoons hold by far the largest infestation within the Tahoe region at 172 acres and it's greater in size than all other Tahoe Marinas combined. The weeds have now escaped the lagoons to spread to nearby areas of Lake Tahoe, and the new lake infestations are now compounding many of the more satellite invasive weed populations at sites all around the lake.

The Tahoe Keys Property Owners Association (TKPOA) has been working on the aquatic weeds infestation for about 50 years. In spite of all that effort, there has never been an agreed upon, a fully successful, or a clear path forward for the lake. The private owners have tried and tested with no full solutions. The size and the complexity of the problem continues to grow and now the Tahoe Keys Property Owners Association are under a state of California regulatory order to find a solution. They need to act, they want to act, and is fair to say that their frustration runs deep as they struggle to move to implementation and move through what may seem like government obstacles. The problem is not coming to the board as a typical land use planning or natural resource planning process. Instead it has this long history and it arises in this highly complex regulatory scheme under the Clean Water Act that can be very confusing to the public, and even, to those of them who are familiar.

It's where a large and diverse group of private property owners are now being required by the Lahontan Regional Water Quality Control Board to control a pollutant of concern on their private property in the lagoons, and that is the aquatic invasive weeds in the Keys lagoons. There's approximately 1,500 private homeowners within the TKPOA who own the lake bed and are needing to do treatment for those weeds. In response to the Lahontan regulatory order the TKPOA is the applicant for a permit and they are now required to propose an acceptable and legally sufficient plan to control invasive weeds in those Tahoe Keys lagoons.

In 2017, TKPOA faced early opposition to its first comprehensive control proposal, because that would have included the broadcast treatment using approved aquatic herbicides. The project stalled at that point, as it has so many times before, and the applicant struggled to provide all of the information required and satisfy all the public fears and the concerns about what remedy to

implement here in Tahoe. It was at that point five years ago they realized they couldn't get to a final remedy without the information that the public urged and the information that was required by the regulatory process. The proposal coming next month is not going to be a final remedy but rather a proposal to perform a carefully controlled test of different treatment options on a small but representative scale to help close information gaps and address public fears about the effects of all these different kinds of treatments. The homeowners and the stakeholders collaboratively chose this route so that they could begin to find a shared approach, if possible, to what has become complex and often confusing regulatory scheme.

When they churn with indecision and uncertainty on these important and contentious environmental issues, no one wins and nothing improves.

What they know from decades of experience is that to solve some of the lakes toughest, most insoluble problems, it often takes a much more collaborative approach to reach a solution. It was about five years ago that they started to see the problem in its bigger context as a lake wide. It wasn't merely a problem for a group of private property owners, but it had become more of a systemic problem, it was the entire lakes problem. That shift in mindset allowed them to begin to stand together in common interests to protect the Tahoe Keys, the lake, and it's ecosystem.

By 2018, they began working with the Tahoe Keys property owners and other key stakeholders, to define a different path. They convened a stakeholder committee and broader steering committee with a more collaborative approach where they engaged the private property owners, agencies, key stakeholders, and the public. They set out to secure funding to help seek a more supported solution. Over the last four years, they've partnered with the property owners and have contributed over \$2 million. They've shared with the property owners association in the cost of a facilitator mediator to help them work with stakeholders and the public. They've funded some of the technical studies, the environmental impact statement, and are sharing in the costs of some of these different interim treatment methods to gather valuable data. They went that route of shared problem solving because their experience proves progress in Tahoe happens only at the speed of trust. After 50 years of failed attempts and time passes that they don't have the clear solution at hand, this problem is now finding more favorable conditions due to the changing climate. Now, that the infestation has spread and taken hold just outside the Tahoe Keys there is the real possibility that without focused and effective action the problem may get away from them and there'll be an even more dire, far broader, and more systemic problem.

To move ahead it was clear they had to lessen the unknowns and the fears of broad scale treatment before moving to a full remedy. They agreed to study proposals to test different weed control methods. What they needed to know was what control methods, if taken independently or in combination, could lead to a potentially effective result in knocking back the population and then maintaining it, and what methods would have negative effects on the environment. TKPOA and agency stakeholders designed this combination of tests that could help us answer those information gaps. Now, by proposing a scientifically valid test of each of the known treatment methods, both separately and in combination in this variable environment of the Tahoe Keys, they're going to now be able to fill data gaps and gaps in the knowledge about performance of these different methods that plagued that first proposed plan by TKPOA back in 2017. This is necessary information that can help them later to design and decide when they get to the harder decision of what should be the comprehensive solution.

They've provided this board and the public with the final stakeholder committee report that summarizes the past several years of work and concludes that the test design was developed in

an open, transparent, responsive design process, and that EIS evaluation of the proposed test is both scientifically complete, valid, and robust.

Today, they're going to be looking only at the proposed test of these different methods, and not the effects of some larger solution. That will come later after the tests gives them good information about the possible environmental effects of each of these methods and the likely efficacy of those methods, singularly, and in combination in the environment of the Tahoe Keys.

TRPA staff Mr. Zabaglo, Mr. Lind, Sierra Ecosystem Associates and the Tahoe Keys Property Owners Association Water Quality Committee, Dr. Anderson, Tahoe Keys Property Owners Association Consultant, and Mr. Good, Environmental Science Associates provided the presentation.

Mr. Zabaglo said this story starts with the boat inspection program success with keeping new invasive species from entering Lake Tahoe that gave them the confidence to tackle the existing species they had prior to the boat inspection program. Looking at those two species of Curly leaf pondweed and the Eurasian watermilfoil that have a big threat to Lake Tahoe and that \$5 billion recreation based economy. Curly leaf pondweed has a greater ability to live in Lake Tahoe proper. Control started with small scale projects around the lake, building on lessons learned, achieving localized eradication in many locations around the lake and now focusing on some of the bigger infestations and addressing the number one priority of the Tahoe Keys.

The Tahoe Keys is over 170 acres and 30 times larger than any treatment project they've completed to date and has difficult conditions to operate within. It's large dense populations are almost 100 percent infested throughout those waterway's. It also has murky water, poor visibility, and a loose organic muck layer at the bottom that makes treatment within the Tahoe Keys difficult. Finding solutions demands a hard look at all of the available options that include controversial methods as well. The Tahoe Keys is the primary source of spread for the rest of the lake. The infestation directly outside the Tahoe Keys known as the Tahoe Keys complex is over 100 acres. Now is the time to move forward with finding solutions in a test and then understand the long term strategy of treatment. The ability to achieve the lake wide goals in aquatic invasive weed reduction hinges on the ability to be successful the Tahoe Keys.

The Tahoe Keys Property Owners Association submitted an application to both TRPA and Lahontan to address the infestation of aquatic weeds within the waterways which included a proposal to use herbicides. This started the collaborative stakeholder committee process similar to the shoreline program. That stakeholder committee consists of TRPA, the Lahontan Regional Water Quality Control Board as lead agencies, and the Tahoe Keys Property Owners Association as the project proponent. Other stakeholders included the Tahoe Water Suppliers Association, the League to Save Lake Tahoe, and the Tahoe Resource Conservation District. That stakeholder committee provides transparency and diverse perspectives.

The initial outcome of that stakeholder committee was that this is different and they needed to know more information which starts with the test of multiple methods of control to find what will provide that long-term solution. The test is an opportunity to balance that fine line of the urgency, but also making sure they get it right.

With the input from the stakeholder committee and the TKPOA the test project looks at those multiple methods of control and initial knock back in standalone and combination approaches that provide initial knock back of weeds in the first year of a test. Group A methods include Ultraviolet light (UV or UVC Light), targeted aquatic herbicides, and laminar flow aeration which is another innovative approach that provides oxygen from the top to the bottom that helps reduce that muck layer making it less suitable for weeds to grow. They're looking at those

independently and in combination to get that knocked back and then in years two and beyond using other methods that are able to maintain the infestation at a manageable level with Group B methods. In addition, incorporating those traditional methods of bottom barriers, and diver hand pulling. The goal of the test is to achieve a 75 percent reduction in biomass and find out what combination of approaches can reduce 75 percent biomass, and that could be upscaled in a phase two after the test is completed and efficacy is understood.

An example of how a combination approach might work is using ultraviolet light in the middle of a channel or fingers of the Tahoe Keys in deeper areas of the lake that the boat could move through easily. Then potentially the use of herbicides along the edges around the docks and other impediments that might prevent an ultraviolet light boat from gaining access. This past summer, they used ultraviolet light within the Tahoe Keys and other small scale areas around the lake but never in the conditions of the Tahoe Keys. The Tahoe Keys trials expanded by 400 percent over other areas of the lake. Low water levels in the Tahoe Keys was concern this year and they're looking at ways to ensure they can maximize the use to implement that technique effectively in a test program.

Once that proposed test project was developed with a combination of approaches an independent technical team was brought in with expertise in aquatic systems to do the environmental impact analysis and to develop the documents for the two lead agencies and start the scoping period. In 2019, the scoping period was open that allowed the public the opportunity to weigh in on the test project and what alternatives should be considered in this environmental review process. That public scoping resulted in two additional action alternatives. In addition to the proposed test project that looked at an alternative that did not include all of the tools, so that would remove the use of herbicides only looking at non-herbicidal methods in a test along with a dredging alternatives. They received a lot of feedback from the public that a physical manipulation should be considered and dredging alternatives would potentially remove some of that substrate of the weeds and roots. All of those were analyzed, in addition to a no project alternative which is a required element of any environmental analysis process.

That's unique here in the sense that a no project alternative does not have the in depth review that other projects might have. A no project alternative means that no testing is done, nothing is learned, and that allows weeds to continue to grow and spread.

The draft analysis was completed in the summer of 2020. It consists of a comprehensive and scientific analysis of the different treatment methods identifying potential impacts that may result of those methodologies and reflects the complexity and strict environmental standards. The public review period was extended beyond the normal requirement to include a 60 day public comment period. Because of the complexity and the need to have all of that input, they took every opportunity to allow the public to have additional engagement more so than a normal process.

There were multiple public workshops, seminars, webinars, field tours, in addition to the public hearings and website that that provided for input and information. That public engagement process resulted in about 3,000 comments. The two agencies have been responding to those comments and preparing the final environmental analysis that will be available at the end of the month. There was also engagement with the science community. The Tahoe Science Advisory Council provided input that the test approach was a logical course to address this complicated problem and that the analysis was thorough and comprehensive.

A lot of data was collected to help understand the dynamics within the Tahoe Keys. Providing the start of those information gaps and what drives weeds and nutrients within the Tahoe Keys is the weeds themselves. When the weeds die, they release those nutrients back into the water

in the sediment that is then available for them to use as they grow year after year. The best way to remove the nutrients and break that cycle is to treat the weeds themselves. One of the major outcomes of that analysis is that with proper mitigations and resource protective measures, tests can be implemented safely. The no project alternative analysis that has never been done at this level is the only alternative that resulted in significant unavoidable impacts due to the to the rapid growth and spread that would occur if nothing were done.

The regulatory framework and considerations for the two agencies; TRPA and Lahontan would require a permit for both proposed projects if approved. Lahontan would issue a National Pollutant Discharge Elimination system (NPDES) permit and TRPA would issue an Environmental Improvement Program permit for the test program. A consideration for Lahontan is does the project comply with the Basin Plan considering the special status that Tahoe is as an outstanding natural resource water. Can a test project meet those anti degradation report? The project must also be consistent with the Regional Plan.

Mr. Lind, Tahoe Keys Association Water Quality Committee and President of Sierra Ecosystem Associates.

Since about 2013, he and Dr. Anderson have been supporting the Tahoe Keys Association with identifying and evaluating the full range of options that might be successful in trying to bring the aquatic invasive species under control. He'll provide a brief history of the aquatic weed management efforts and regulatory basis that is driving the evaluations and permit and provide a summary of the past decade of data collection and studies.

The Tahoe Keys Weeds Management efforts have been going on for a very long time starting back in the 1970s when the Tahoe keys built a water circulation and treatment system that targeted the reduction of nutrients in the water. At the time and still today, they believe are contributing to the expansion of the aquatic invasive plant growth. Since that time, there have been a number of intermittent efforts, both mechanical and otherwise to try to evaluate ways which at that time the Eurasian watermilfoil could possibly be brought under control.

It's been more recently that Curly leaf pondweed first appeared in the Tahoe Keys Lagoons. Since that time over the past two decades, Curly leaf pond weed has become the number one aquatic invasive plant in the lagoons overtaking Eurasian watermilfoil.

The last decade of efforts by the Tahoe Keys has been driven by regulatory trigger that was issued by Lahontan in 2014. At that time, they issued a waste discharge requirements permit which required the Tahoe keys to develop an integrated management Plan to look at both the waterside and land side of activities that might be contributing to the aquatic weed problem. Associated with that have been annual requirements for surveys of weeds in the lagoons, monitoring stormwater runoff, and looking at alternative methods that could bring the weeds under control.

One of the primary requirements of the waste discharge permit was the preparation of an integrated management plan which has specific objectives identified. First, the Integrated Management Plan (IMP) is being developed to minimize the spread of aquatic invasive weeds out of the lagoons. It's also targeting the enhancement of native habitats within the lagoons, looking for ways to improve those habitats, while simultaneously reducing non-native habitat for example, invasive fish. Lastly, restoring recreational uses, as well as the institutional and commercial uses of the Marina Lagoon.

This effort started in 2011 initiated the collaborative effort between the Tahoe keys, TRPA, and the Tahoe Resource Conservation District. In 2011 TRPA funded an extensive worldwide literature search to look for alternative methods that could be considered for bringing the weeds under control. Since that time they have annually been collecting a wide variety of water quality, plant infestation, and other contributing factors such as atmospheric emissions, looking at the context within which these weeds might be brought under control.

In addition to the extensive data collection efforts, that Tahoe Keys also convened in 2014 an expert panel of individuals that are recognized throughout US as top experts in aquatic invasive weed management. Those included local experts, as well as experts from back East where the problem has been ongoing even longer than the West. One of the outcomes was a report by the expert panel which was presented to the public in 2015 which then triggered a series of meetings that led to the first Tahoe Keys application to perform the control methods test that was applied for in 2017.

In addition to the data collection and the expert panel, the Tahoe Keys Association has also instituted a number of cultural practices, as well as changes in the methods and the approaches. They're managing fragments and the weeds within the lagoons. That includes working with the League to Save Lake Tahoe on implementing a boat backup station, as well as installing bubble curtains at the West channel to try to minimize movement of fragments out of the lagoons into the lake proper. In addition, the Tahoe Keys Association has extended considerable funds on new technology boats, such as the Omni Cat skimmer, which travels throughout the lagoons on a non-stop basis during the weed growing season collecting fragments of the surface of the lagoons.

One of the most concerning findings of the annual surveys required by the waste discharge requirements permit, has been the documented increase in growth of the Curly leaf pondweed. Back in 2014/15, Curly leaf pondweed represented only a small fraction of the invasive plants in the lagoons. Today, it is now the dominant plant, overtaking Eurasian watermilfoil which had been around since the 1970s.

In the past two years, the Tahoe Resource Conservation District has documented the spread of dense infestations of Curly leaf pondweed along with Eurasian watermilfoil into the lake proper.

That led them to the proposed control methods test which they believe is urgent. Because of the growth and the exponential rate at which the plant in particular, Curly leaf pondweed has shown its pattern, they feel that the time is right to go out and test side-by-side all potential methods that may be successful in bringing the aquatic invasive plants under control. If approved in January, the Tahoe Keys Association along with the collaborators would be implementing the control methods test in May of 2022 for three year period.

Dr. Anderson said he's been working with Tahoe Keys organization for the last 10 to 15 years. He's retired from a 40 year career with the US Department of Agriculture running a lab at the University of California, Davis campus that was focused on the biology and management of aquatic plants such as the ones in Lake Tahoe.

He'll cover some of the strategy and the contexts for the proposed methods that they want to use, discuss the specific treatments and about the monitoring component of the controlled methods test, and the close with the timeline.

Most important thing to consider is that it's a three year program. In the first year the strategy is to knock down the biomass in spring and keep the growth from continuing. The Curly leaf



pondweed produces turions and if they can stop those from being formed, they can slow down the spread of that plant into Lake Tahoe and the spread into the Tahoe Keys.

The first year of the program is the only year in which the aquatic herbicides are proposed to be used. It would be used alone or in combination with other treatments such as UVC light treatment, Laminar Flow Aeration, herbicide, and in herbicide combinations. In subsequent years, 2 and 3, only non-herbicide methods or grouping that is going to be used and those include diver removal, continued use of UVC operations and exposure, and bottom barriers where possible. The third year would be about the same. The idea of this approach is to knock down the plants in the first year, sustain control in the second and third year as well. The environmental monitoring continues from the beginning of the program to three years which includes looking at herbicide levels, water quality, and non-target organisms impacts, as well.

(Slide 33) The area outlined in yellow represents the total area of all the other Marinas in Lake Tahoe. This is a complex system, much larger, and more impacted by the other plants at the other sites. It's also more complex because it has different conditions within it. The substrate or the bottom conditions are different, flows are different within the system, and there's a whole complex of the plants and native plants. That's important because part of the control methods test to look at the effects of their treatment types on a desirable native plant in the system. Typically in the spring, water is coming from the Lake Tahoe itself and fills the lagoon. This stabilizes water in the lagoons and tends to prevent things from moving out into the lake in the early spring to mid-summer.

Goals are to reduce the plant population to protect the lake. They want to look at methods that are feasible and environmentally safe. They want to establish the conditions in the Tahoe Keys and habitats that are favorable to native plants and fish. Also, support navigation, recreation, and aesthetic uses in that system. They want to have methods that prevent reinfestation after they do the work to reduce the population. The data that they gather from this study will help inform them and decide what kind of approaches could be effective later on. The goal is to get that information and data together in a way that they can use to help develop a method in the future.

The goal is to reduce the biomass or bulk of the plant by 75 percent. The rationale for this is that is typically is the level of which you can maintain populations that are there but also reduce the impacts of those plants. In this case, it also includes the impacts of moving those plants from the Tahoe Keys into Lake Tahoe by various modes. Sometimes the boats do this, but it can also be waterfowl, or a storm events that can move those fragments of plants out there. They want to ensure that there are methods that will help increase the desirability of the native plants and their current within the Tahoe Keys. Most of the native plants are less than 5 to 10 percent of total plants that are in the Tahoe Key. The invasive plants are currently outcompeting those native plants.

(Slide 36) In April 2018, the blue area means that there are almost no plants in there. This was done with the hydra acoustic scan that allows them to look at the plant cover and how much are there.

(Slide 37) In July 2018, it's almost 100 percent covered in all the coves. The only reason there's some blue areas south of the West channel is because those waters are about 20 to 25 feet deep.

(Slide 38) Curly leaf pondweed has the capacity to spread and become a nuisance plant. Although, it makes seeds, the seeds typically don't sprout for years. Mostly during the spring and mid-summer every shoot on the plant produces dozens of turions. Each turion is capable of

producing a new plant in spring. They will start sprouting in the late summer to fall in some cases.

(Slide 39) In the Spring the plants are small and begin to take nutrients from sediments and allocate them to their shoots and leaves. The nitrogen and phosphorus ends up in plant tissues, and even during the summer, they're leaking out nitrogen and phosphorus. But when they start to break down in the fall the nutrients go back in the water column and back into the sediment and the plants decay on the bottom.

For the past 40 years, the primary mechanism for controlling the plants have been harvesting. Mechanically cutting the plants does two things by removing a lot of biomass in the upper surface of the water but also produces thousands and thousands of fragments. TKPOA staff does a lot of work to control those fragments including the use of the bubble curtain and skimmer boats. You can't collect them all and is overwhelming at times. The plants are so prolific and grow fast that it stimulates their growth the way they're cut through with mechanical harvesting. The strategy is to develop a program that reduces the need for harvesting.

(Slide 41) Summary of Proposed Actions to Implement Control Methods Test: Group A methods, year one is specific sites, combination and standalone treatments. Those will be evaluated for the effectiveness of each treatment, and the results of those will help with future decisions. The second and third years show that the Group B method being used to sustain that control and do not include any herbicide method. All the other methods that they've identified as potential of keeping plants under control once they're reduced in the first year.

(Slide 42) Summary of Testing Methods and Sites in Key Main Lagoon: First, there's replicated treatments so the scientific integrity of this project is high. There needs to be triplicate sites in order to do this statistics needed to show the differences. Circled in blue are the UVC-Herbicide combinations. The UV light would go down the middle on the herbicide would be applied along the outside. The total acreage required for herbicide there is less than half because it would only be treating that zone. They also have control sites where they don't do any treatment except the standard harvesting that's been going on for years. It's important that this project take place in a single year because conditions change from year to year. There's a total of 16.9 acres out of 172 acres for the use of herbicides.

The monitoring will continue from the start to finish. Some of this has already started because there's standard water quality measurements that the TKPOA has been doing for many years.

This includes looking at the effectiveness on the target plants and the effectiveness or impacts on non-target plants and organisms as well. Specifically looking at herbicide levels and the degradations within the water column on a very regular basis from the date they're introduced until the degradation occurs and no longer detectable. TKPOA has been looking cyanobacteria for many years, but they're interested to see if there's any influence of the cyanobacteria from these treatments. The Benthic Macroinvertebrates are important to determine if there's any impact on organisms that live in the bottom. RWT Dye (real-time indication of Herbicide movement) is an interesting approach because they can apply that dye at the same time that they apply herbicides there and on a real-time basis determine where that dye moves, it mimics or is a surrogate for the movement of the herbicides. It will tell right away if they are in the right place and what their movement might be. All these components of the monitoring and data collection are done with quality assurance for a high integrity of results at the end of the three year.

One of the key mitigation measures within the control methods test is the installation of six double curtain barriers at the sites shown with white arrows on (slide 44). Those will be installed

before herbicides are applied and separate the herbicide areas toward the south from the rest of the main lagoon and Lake Tahoe. Those herbicides will be left in place for about 21 days and they'll be monitoring water quality and levels of herbicide within the treatment areas, just outside the treatment area, and the area outside the bubble curtain. If there's any detection in those areas, they'll move to another set of contingency sampling sites shown on (Slide 45).

The strategy is to knock down the plants in the Spring in the first year and the only year in which herbicides are proposed to be used. In years 2 and 3, they sustain this control with our non-herbicide methods. At the same time they'll look at these monitoring approaches to see what the impacts are of the methods they're testing both in terms of the efficacy and effectiveness on the target plant, but also on the non-target desirable organism within the Tahoe Keys.

(Slide 47) If the permit is issued the first proposed part of treatments for the control methods test would be early May.

Mr. Good, Environmental Science Associates and independent consultant team will review potential environmental issues of the project. Their job was to think about what could go wrong with this testing of weed control methods. Identify potential issues, look at the resource protection measures that were incorporated in the way TKPOA proposed to implement the testing and what additional mitigation measures might be necessary to ensure that environmental impacts are less significant. This process over four years ago, with an environmental study and checklist. They reviewed information that had already been collected by TKPOA and other researchers, and they identified potential issues and determined that an Environmental Impact Statement and Environmental Impact Report would be necessary for a project like this to go forward. They identified data gaps or uncertainties where they didn't have enough information to determine if environmental effects might be significant. That led to a 2019 baseline study where they collected a lot of in-depth information on the function of the Tahoe keys lagoons. They are a complex ecosystem that has interactions between physical, chemical, and biological components. They had an in-depth study that collected over 1.5 million data points that went through the six month growing season of 2019.

There was a team of five PHD specialists that were evaluating the aquatic impacts that included environmental toxicologists, a limnologist, an aquatic plant specialist, fisheries biologist, and a hydrologist. One of the concerns was what could happen with the nutrient cycling. They developed a conceptual model of the nutrient loading and nutrient cycling to understand the magnitude of the different sources and how the phosphorus and nitrogen moved through the system. In the Environmental Impact Statement and Environmental Impact Report there were 43 issues that were identified and evaluated. Most of these issues were in the lagoons where the activities of the weed control testing is proposed to take place. They identified environmental health issues for people and aquatic life, issues with hydrology, and a number of potential issues with water quality and aquatic ecology. In addition, the Tahoe Resource Conservation District evaluated some of the other resources like air quality, recreation, traffic and transportation, etc. What was found except for the no project alternative, the impacts can be mitigated to be less than significant for each of these 43 issues.

For the control methods test, the proposed project had resource protection measures built into the way those tests would be conducted that addressed many of the issues. But they identified the ten issues where there could be potentially significant effects without mitigation. First, was exposure and health risks to the workers that were applying herbicides. The potential for detectable concentrations of herbicide chemicals to persist in the lagoon water; there are high levels of aluminum in the sediments that have been there for a long time. There's a potential for

short-term increases of aluminum in the water, which can be harmful to fish and other aquatic life.

They're concerned about the potential to increase harmful algal blooms. The cyanobacteria and potential for them to produce toxins is a problem that's been present in the lagoons without this project. They need to be sure that that problem is not going to get worse during the course of testing weed control methods. There's several water quality issues that could occur with the die back and the decay of aquatic plants. Oxygen depletion, the release of phosphorus and nitrogen into the lagoon water where it can stimulate the algal blooms. Also, ecological effects and the impacts to non-target aquatic plants, including sensitive species and subsequent changes to aquatic plant communities. These were the ten issues where a control methods test, additional mitigation would be needed to reduce the impacts to being less than significant. They were able to develop mitigation measures where they're confident that it would be less than insignificant.

Mitigation methods for herbicides requires a lot of training and licensing for the workers applying the chemicals. The proposed application rates would be a lot lower than the approved label rates for these chemical products. With the chemical breakdown, and other resource protection measures there's less than a significant risk that any of those detectable chemicals would persist longer than one to three weeks.

There would be spill prevention and response plan requirements, to ensure that the weren't excess concentrations of herbicides that found their way into the lagoons. Aeration could be used, if needed, to accelerate the aerobic degradation of herbicides. If the monitoring of the herbicides after application are not breaking down plants as quickly as expected, aeration is something that could accelerate the aerobic degradation. The best management practices that are common to minimize sediment disturbance would also be effective in mitigating this potential for aluminum to leave the sediments and enter the water. Phosphorus and nitrogen and the potential for harmful algal blooms, the timing and the limited size of treatments, minimize the amount of plant tissue that's decomposing in the lagoon. Lanthanum modified Clay is a product that could be used if needed to remove phosphorous from the lagoon water. It essentially strips this essential nutrient out of the water and starves the algae. If aeration were needed, that would make conditions less favorable for the harmful algal blooms. With respect to dissolved oxygen, again, the timing and limited size of treatments minimizes the amount of decomposing plant tissue and aeration. It could be used if the real-time monitoring of dissolved oxygen indicates that it's needed. Part of the design of the test is to have Spring macrophytes surveys to adjust the test site boundaries. This would be sure that they're concentrating on the target species and avoiding impacts, to non-target plants and effects on the overall aquatic plant community composition.

Alternative one is where all of the tests would go forward except herbicides would not be used as a Group A method. Most of the potentially significant issues and mitigation are the same as what's been covered for the proposed project, but the issue of worker exposure and persistence of herbicide chemicals in the water would go away.

Alternative two significant impacts of mitigations are different from the other alternatives. This is the alternative where the only Group A methods being tested would be the hydraulic dredging and replacement of substrate. There would be a much greater risk from aluminum in the sediments and that drives the need for more mitigation. It'll be important to have spill prevention during the transport and handling of the dredge spoils. There's a lot of water that gets entrained with the hydraulic dredging systems and dewatering will be a big challenge. All the water it comes from the dewatering process would have to be treated and tested before it could be discharged. At this site that would be handling the dewatering process, leak prevention, spill control, and containment plans would all be important. At the actual test sites,

turbidity curtain barriers would be used to contain the turbid water that's generated during dredging. They looked at the potential for the discharge of dewatering effluent to increase the potential for flooding, but if either the discharge was to the sanitary sewer system or the discharge to Lake Tallac occurred in the summer or fall when the water levels are low, it would not contribute to a risk of flooding. The turbidity controls would be important for dredging and substrate replacement processes, as well as the dewatering process. The timing and the limited size of treatments, the potential use of aeration would all help with the possible problem with dissolved oxygen depletion.

Increases in phosphorus and nitrogen: The effluent treatment of the dewatering would require phosphorus and nitrogen removal, and those turbidity controls would also limit the amount of nutrients coming into the water from the sediment. Same as the other alternatives, they'd have the spring macrophyte surveys to adjust test site boundaries and focus on the target plants. With respect to how might Lake Tallac and Pope Marsh be affected if they were discharging treated water, they'd need to do that when the water levels are low so the effects on non-target riparian and wetland habitats would be minimal.

No Project Alternative is where they found the greatest concern for significant impacts. Water quality impacts that are happening would not be reduced any including this short term risk of aluminum increases during disturbance of sediments in the lagoons. The ongoing potential risks from harmful algal blooms and there's a lot of long term concerns about water quality if that aquatic invasive weed problem doesn't get controlled. These include increased water temperatures and turbidity which is reducing water clarity, more floating weed fragments, greater changes in PH, lower dissolved oxygen, and increased phosphorus and nitrogen cycling from the sediments into the water that contributes to those harmful algal blooms. The long term impacts to aquatic ecology include the displacement of the native plant species with invasive species, shifting those aquatic plant communities, the reduced health of the benthic invertebrate community and the entire food web. In addition, increased risks to special status of fish species, and the native and recreationally important fish species and increased spread of other aquatic invasive species. Other risks with not getting the weed problem under control include reduced quality of recreational boating in Lake Tahoe, long term impacts of meeting TRPA's recreation thresholds, and potentially long term impacts to water supplies at Lake Tahoe.

Mr. Zabaglo said moving forward with a test to help them understand what that long term solution might look like. The final environmental analysis will be released at the end of the month with a Lahontan Regional Water Quality Control Board decision on the certification of the Environmental Impact Report and a decision on the tentative National Pollutant Discharge Elimination system (NPDES) permit mid-January. On January 18, they'll request a recommendation for certification of the EIS from the Advisory Planning Commission and approval of that certification from the Governing Board on January 26. If approved, implementation would commence in the Spring of 2022.

Presentation can be found at:

[Agenda-Item-No.-VII.A-Tahoe-Keys-Weed-Control-Test-Update.pdf](#)

#### Board Comments & Questions

Mr. Friedrich commented on the Group A method test and the knock back of weeds. The goal is a 75 percent reduction in biomass, is that the level deemed sufficient to stop the spread of aquatic invasive species from the Tahoe Keys lagoons boats or to limit it?

Mr. Zabaglo said the 75 percent is more or less a general standard of plant biomass reduction that would allow continuous Group B methodologies to be able to maintain a manageable infestation over the long term.

Mr. Friedrich asked how it related to spread by boats. Also, during the test, how will that level of knock back assuming it's achieved and maintained be assessed for limiting boat spread? If that level is achieved, will there be monitoring to see if boats traveling through those test areas are not conveying aquatic invasive species?

Mr. Zabaglo said 75 percent knock back would be inclusive of any activities within the Tahoe Keys after the test is complete, regardless of boats, natural spread, and fragmentation of those plants.

Mr. Friedrich said to the extent beyond natural spread that boats are conveying AIS throughout the lake, how in this test will the effectiveness of that knock back be evaluated in terms of solving are limiting boat spread through those test areas?

Mr. Zabaglo said assuming a 75 percent reduction is achieved, that would help prevent additional spread because there is reduced biomass, therefore, less plants that boats could aid in that spread. Also, the best management practices that are currently in place with bubble curtains and the boat backup station to prevent any continual spread from the Tahoe Keys to the lake.

Mr. Friedrich asked if there would be some evaluation of the extent to which it's helping to stop or eliminate boat spread. That's an important part of this because that's the assumption of effectiveness.

Mr. Zabaglo said the monitoring would include multiple aspects with hydro acoustic scanning, the use of divers, and video footage of the treated areas to show or to demonstrate what type of the knock back or reduction of biomass has been achieved.

Mr. Marshall said they also do extensive monitoring around the lake which will also provide information as to whether or not spread outside of the Tahoe Keys has been affected by the treatment's within the Tahoe Keys.

Mr. Friedrich said based on the proposed three year test schedule, it wouldn't be until 2025 that the full Tahoe Keys lagoon wide application of the selected Group A method(s) would be applied. What is the plan to stop boat spread from the Tahoe Keys lagoon in the meantime? There's the backup station, but it's not a mandatory. Given the extent of this problem, is there any consideration given to stop spread before the full method is applied, presumably, after the test?

Mr. Zabaglo said the test is likely to take at least three years, up to five years with two to four years of follow up Group B maintenance methods. The boat backup station and bubble curtains are in place. The reporting from the TKPOA shows that they're achieving increased compliance year after year, with this last summer a 90 percent compliance of use of those backup stations with the bubble curtain's in place as well. Another aspect is not just boats, but the natural dynamics of the hydrology within the Tahoe Keys itself, water flows as it gets later into the season, low water levels, just the natural flow also contributes to fragment spreading out into lake, not just the recreational watercraft.

Mr. Friedrich asked if it were correct that there's not a specific plan for mitigating boat spread during the three to five year test. What is in place now, is being continued and not an amplification of those or a requirement that every boat must go through the boat backup.

Mr. Zabaglo said with the 90 percent compliance rate, additional monitoring Mr. Marshall mentioned around the lake, and the continuance of rapid response regardless of the source they're able to address satellite populations if necessary.

Mr. Friedrich asked if the cost of Group A and B methods, and the Long term Maintenance Plan B, is being borne by TKPOA versus other funds. Will cost be a consideration in which ultimate method is applied over time?

Mr. Zabaglo said the test itself will help identify what the costs will be for the long term and is one of the reasons to test. TKPOA has property owner fees and they've also implemented a special assessment for this particular issue. They'll have significant funds that will be contributing to the test and whatever the long term treatment is.

Ms. Aldean referred to slide 28 with the Tahoe Resource Conservation District map. There's a fairly substantial area of open water that apparently has no infestation. What are the characteristics of that and can they be duplicated?

Mr. Zabaglo said this area is referred to as the Tahoe Keys complex.

Ms. Aldean referred to the open area between 2, 3, and 4. What are characteristics of that area that would make it inhospitable to infestation.

Mr. Zabaglo said he's unsure whether it's truly inhospitable. A lot of this is due to boat traffic, areas 1, 2, 5, and 6 are where the boats are leaving the Tahoe Keys. The areas adjacent to that follows some boats as they leave the channel. In general that area has a sandy bottom, similar to other areas of the lake.

Ms. Aldean said it seems to be kind of an anomaly.

Mr. Zabaglo said the divers could investigate that further to see if there's any other differences that might help us understand.

Ms. Aldean said given the 90 percent level of compliance for the boat backup station, she's assuming that the heavily infested areas are an accumulation that's occurred over an extended period of time. It doesn't accurately reflect the current measures that are in place and that if they had been instituted earlier might have prevented this high density infestation.

Mr. Zabaglo said that's a fair assumption. In addition to the bubble curtain and backup station that was put into place a couple of years ago on the west channel. A bubble curtain was also put in place on the east channel this past season.

Ms. Aldean assumes there's a correlation in the deeper depths of the Tahoe Keys where there is less of an infestation. Is that due to the absence of light penetration to support the growth of the weeds? If that's the case, after the biomass is substantially eliminated or reduced, would dredging be an affective maintenance option in the future.

Mr. Zabaglo said the deepest areas of Tahoe Keys is that main lagoon right inside the west channel. It's 25 feet plus in regular water years. The use of dredging was evaluated but it's never been done anywhere before from an aquatic invasive species control standpoint. That would have to be analyzed further to show what capability that would have from a follow-up method.

They would still run into those same concerns with aluminum toxicity, turbidity, dewatering, and how the spoils get disposed?

Mr. Lawrence had a question on the monitoring. This morning the Environmental Improvement, Transportation, & Public Outreach committee had a good discussion on the importance of monitoring when pilot projects are being done. Following up on Mr. Friedrich's questions on how well does this take care of spreading weeds out at the lake? He saw comments regarding concern that application of herbicides isn't typically a one and done deal which gets to monitoring as well. His understanding is that the Tahoe Science Advisory Council which has independent researchers from various institutions and expertise did a peer review. He asked what the comments were from the Science Advisory Council regarding the adequacy of the monitoring and did they have comments that were incorporated.

Mr. Zabaglo said the Tahoe Science Advisory Council weighed in on two different aspects. One, with the test project and the design itself, and then also the adequacy and comprehensiveness of the analysis. Then separately through the Lahontan process, their permit procedures require a mitigation monitoring and reporting program. That is something the Tahoe Keys developed with some scientific assistance with the consultants. A portion of that mitigation monitoring reporting program was then peer reviewed by the Tahoe Science Advisory Council. Which provided positive feedback.

Mr. Lawrence asked if there was any recommendations from the Tahoe Science Advisory Council that was made to improve the project or point out deficiencies. Were there any recommendations that were not incorporated into this final proposal?

Mr. Zabaglo said as he recalled there was nothing that they recommended that they didn't either consider or incorporate.

Ms. Conrad-Saydah said given the timeline for this pilot and the limited acreage of the application, she's concerned about that spread continuing to occur outside of the pilot area. If in year one, the pilot application is going well, is there's opportunity to expand the acreage of the pilot to try and control this? Her second question is in regard to the bubble curtains. Will they be able to say that the changes are completely attributable to the treatment, meaning no weeds be able to reestablish themselves in those areas, independent of the treatment? So, they may not see that 75 percent reduction. She's thinking about these unintended consequences that could delay expansion of the pilot.

Mr. Zabaglo said regarding the question about the ability to expand acreage within the test. That is not part of the proposal, the Lahontan permit is specific regarding how test treatments are applied. Also, what they understand from previous experience in other projects is that it's not a one and done. A one year of a test is not necessarily indicative of the long term success. These treatment programs elsewhere in the lake are multiple years and they need to take that time to evaluate the longer term of a one-year test, or a one-year portion of the test to understand the efficacy. In regard to the turbidity curtains and other aspects. They are looking at areas somewhat isolated and trying to maximize their ability to track efficacy of those treatment programs.

Dr. Anderson said one thing that's important about the design of the curtains is that most are separated from the actual treatment site while still protecting the rest of the lagoon. The reason for that is that they don't want the curtains to affect the treatment conditions that occur. The way it's designed, the treatment effects on the target and non-target plants and species are going to be indicative of the typical site like that and won't be impacted by the curtains for 21 days.



Ms. Conrad-Saydah asked if this is going well, when would there be plans to apply for additional permits to expand treatments across the lake.

Mr. Zabaglo said if approved, data collection is going to be ongoing with that monitoring, water quality sampling along with the efficacy monitoring each season. They anticipate that they would be able to start another environmental review process in the middle of the test project to maximize the urgency.

Ms. Marchetta asked if they're answering her question because there are already treatment's going on in these satellite populations all around the lake.

Ms. Conrad-Saydah said yes, she's interested in this one and potential expansion of this approach.

Mr. Rice said the Round Hill General Improvement District has been very concerned about the proposed use of herbicides ever since they were first discussed. There's concern because they take their water out of the lake at Round Hill Pines. What happens if the herbicide is detected coming out into the lake? Is there any mitigation once that gets into the lake proper?

Mr. Zabaglo said the test is designed and the analysis reflects that it is not a likely outcome. As Dr. Anderson discussed that continual monitoring would happen outside of those turbidity curtains. Also, treating early when the Tahoe Keys is still filling up with water to prevent that spread from happening. It's a very unlikely event that any potential herbicides would spread into the lake or then even make it that far to the nearest drinking water intake.

Ms. Williamson said the study has looked at herbicide use in other lakes. Sharing a personal anecdote, she grew up in Wisconsin near a lake that had herbicides added to it. She swam and fished in this lake and now her kids do the same. They were supportive of the use of herbicides for some of the same weeds we are experiencing here. They couldn't use the lake because some of the weeds were so invasive in this lake that you couldn't swim in it anymore. This happened within a span of 10 years.

### Public Comments & Questions

Caelan McGee, Zephyr Collaboration, Facilitator working with the stakeholder committee for almost three years now. The Committee consists of the Tahoe Keys Property Owners Association Tahoe, Tahoe Resource Conservation District, the Tahoe Water Suppliers Association, and the League to Save Lake Tahoe. Lead agencies participated in these discussions but are not authors of the products in the reports. Due to the hard work of this group over three years they've accomplished many things. They and other partners and members of the public have helped shape the goals and approach of the development of this test and its environmental review.

Early in the process after considerable work this group forged an agreement that made it clear that a test is needed in order to inform a long term design. Therefore, the applicant changed the design. Also, during this period, they learned a lot about the Tahoe Keys baseline conditions, sources of nutrients and its cycling, status of emergent tech, and how it might fit in the Tahoe Keys environments. This group reviewed closely, the development of the test design, development of the monitoring plan, the environmental review, and the development of draft permits. Also, this group participated in the design and engagement of different members of the public and partners. One way they demonstrated influence was the inclusion of a very robust, no action alternative, or an evaluation of what happens, if you continue with the status quo, and then the environmental report this turns out to be the riskiest, potentially most damaging option of all. Information can be found on the project website: <http://Tahoekeysweeds.org>. A

report can be found that includes the activities of the stakeholder committee and other public engagement. It includes some shared perspectives of the stakeholder committee members. It also includes some individual statements and was packaged this way intentionally so that you can get a feel for the context, nuance, and some important details of its important project consideration of this test. The shared perspectives are that the problem is getting worse and that a test is needed to inform long-term management plan and that the environmental review and test design was rigorous and co-operative.

Jesse Patterson, League to Save Lake Tahoe said the League is the largest and oldest organization focused on protection of water quality and clarity of Lake Tahoe and they've had 65 years of experience and success in achieving this mission. The Tahoe Keys has been a top priority for the League for almost a decade as it poses one of the largest threats to Lake Tahoe's unique and delicate ecology. It left unsolved could damage the lake forever. The League strongly supports the proposed control methods test.

In the last decade, they've committed thousands of staff hours, time, and expertise, as well as over \$200,000 in direct funding to support innovative pilot projects to address this challenge. He's participated in several iterations of the Tahoe Keys related stakeholder committees over the last nine years, including the most recent effort that has led to the control methods test proposal. Outside of the control methods test process, in 2018, they helped the Tahoe Keys Property Owners Association, design, implement, and fund the first ever bubble curtain used to help contain the spread of aquatic invasive weeds. Each year they've helped improve and expand the curtain which is now being used in other parts of Lake Tahoe, including the Elk Point Marina, and the east side channel of the Tahoe Keys. They're also going to continue to improve and monitor these curtains. They've funded additional monitoring in Lake Tahoe in 2018/19 to inform and support the current control work on the Tahoe Keys Complex which is ten times larger than any other infestation in the lake proper and they also provided funding for the control work that was conducted there in 2020/21. They've also funded the implementation of laminar flow aeration in the Tahoe Keys Lagoons to reduce sediment nutrient sources for the weeds. The 5.9 acre project has been operating since April of 2019 helped to inform the current control methods test while also being included in the project for further testing.

While all of these efforts have been helpful and do show promise towards helping the control of the aquatic weed infestation, it's become clear that they're not enough alone, nor a long term solution without additional tools in the toolbox. The League supports the control methods test and encouraged this board to approve the project as proposed with all proposed control methods. Current methods are not enough to address the problem, and some are making it worse. The design of the test is scientifically based, poses no significant threat to Lake Tahoe, even while considering the limited use of targeted herbicides which was an important consideration for them. Environmental analysis showed that the no action alternative poses the greatest significant impact to the lake. The public process and environmental analysis of the project were above and beyond anything ever undertaken for a test project. The extensive monitoring and mitigation plan for the project will ensure that they learn as much as possible about what tools may work, while also informing how to apply those methods in a way that ensures protection of the lake. All proposed methods need to be tested at the same time in order to compare them in isolation and combination.

David Blau, homeowner on the west shore for 33 years and on the Board for the League to Save Lake Tahoe, and program chair. He has 38 years' experience directing and preparing National Environmental Policy Act and California Environmental Quality Act documents. They cannot protect the water quality and clarity of the water without cleaning up the Tahoe Keys. For those with concerns, they have to understand that lakes health and the health of the Tahoe Keys are inseparable. There's devastating effects on the lake because they haven't solved the Tahoe Keys

problem. He's read the entire Environmental Impact Report/Environmental Impact Statement. It's extremely thorough, comprehensive, and legally defensible. They appreciated the way that no action alternative was treated. He's never seen a no action being taken through every technical topic of concern. The conclusion was that the no action is the most adverse and will do the greatest harm to the lake. They support the proposed project namely the three tools that are in Category A; UV light, Laminar Flow Aeration, and the testing in year 1 of 2, EPA approved herbicides separately and in combination with each other. The herbicide test would only occur in the Spring of the first year when the water is flowing from the lake into the Tahoe Keys.

There will be double turbidity curtains, rigorous monitoring, lower dosage than EPA allows and it's only being done in seventeen out of one hundred seventy two acres. The bottom line conclusion is no significant impact was found to environmental health, water quality, or aquatic biology. All tools need to be tested which is what the three year control methods test is all about and they can't waste three years without testing all the tools in the toolbox.

There's been misconceptions and misinformation that's been floating around for three to four years. For example, herbicides would be required every year. That's not true, they do not know if herbicide is done once and it knocks back the biomass by 75 percent, they might be able to maintain these channels with other tools. Second, it would open the floodgates for using herbicides all over the lake. That's not true. Every single application would require an exemption from Lahontan and would have to go through the same rigorous analysis along with a California Environmental Quality Act analysis. Third, All methods haven't been exhaustively tested. There's 12 to 15 years of study, five years of preparing the environmental documents, millions of dollars spent, and thousands of staff hours, and science, expert scientists, and peer review happening. That is pretty exhaustive work that's been done. They can't ignore cleaning up the Tahoe Keys at the continued expense of the lake. What is the harm being done each year to the ecology of the lake. It's not just a Tahoe Keys problem, it's a lake wide problem.

Mike Plaziak, Executive Officer, Lahontan Regional Water Quality Control Board said he appreciated the collaborative efforts between TRPA and Lahontan staff. As a result, it's a solid permitting package including the Environmental Impact Report, National Pollutant Discharge Elimination system (NPDES), and basic plan exemptions will go to their board on January 12. That's a testament to the work that's been done and appreciated the leadership that Ms. Marchetta and her team have provided.

William Evers, Chair, League to Save Lake Tahoe said he echoed Mr. Blau and Mr. Patterson's comments. Regarding the question by Ms. Aldean and the area on the map that's not colored is because he believes that's where they vacuumed. His father was one of the co-founders of the League in the late 1950s. The impetus for him working with Assemblyman Pete McCloskey was that they wanted to put a four lane highway down the West Shore and a bridge over Emerald Bay which his father thought wasn't a good idea. The Tahoe Keys is that bridge over Emerald Bay moment that we all need to recognize as something that's really a cancer on the lake that needs to be addressed with some urgency. If it's not passed in January, it's another year before they could get started. The rationale and methodology is pretty unassailable and hopes this moves forward.

John Moore said the presentation stated that the Tahoe Science Advisory Council endorsed the entire control methods test. Only an endorsement of the monitoring program is on the Lahontan Regional Water Quality Control Board website. The report of the endorsement did not contain any justification of the assertions that the monitoring was adequate. It appears to be very limited in terms of number of monitoring locations both inside and outside the sites in terms of the water quality parameters that are monitored and frequency of monitoring.

Tobi Tyler, Tahoe Area Sierra Club echoed Mr. Moore's comments. What was not mentioned during the presentation by Mr. Good was the fact that draft environmental documents stated numerous times that the environmentally superior alternative was the non-chemical methods alternative. Also, herbicides do nothing about the nutrients in the sediment which will continue to nourish the weeds. In addition, no one here is addressing the real problem, which is the structure of the Tahoe Keys lagoons themselves, the stagnant warm waters which along with the nutrients and sediments they'll continue to grow weeds. Lahontan's Basin Plan Amendment that allowed an exemption for herbicide discharge requires the testing of all non-chemical methods be demonstrated to be ineffective. That clearly has not been done despite what was heard earlier. Particularly, with regard to the newer methods of Ultra Violet light and Laminar Flow Aeration. She's searched everywhere and hasn't seen that demonstration.

Clearly this is headed toward herbicide treatment's throughout greater Lake Tahoe, as was commented on earlier by several of the board members. Lake Tahoe is a tier three outstanding national resource water and should be treated better than this. We need to look at solutions. She's said this numerous times in many comment letters and hasn't received any response as to what's the next plan, because this is ongoing treatment of herbicides. These toxic chemical band-aid solutions are not solutions at all. She submitted 66 pages of comments for the environmental document that she's awaiting response on.

Judith Simon said she understands that some 3,000 comments have been filed with the Lahontan Regional Water Quality Control Board and is wondering if they will be providing any kind of analysis and if those comments are available. Lake Tahoe may not be at risk from this limited test, but it is at risk if herbicides are successful. She's curious about the pumps, pipes and sewage disposal in the Tahoe Keys and the integrity of those systems as well as the propensity for residents to establish and maintain lawns with the runoff risk inherent in that. Many Lakeshore residents, including herself drink water from the lake with only minimal processing and rely on the Tahoe Water Suppliers Association to maintain that integrity of the water supply. She understands the Association continues to raise concerns about herbicide use.

If herbicides are approved, TRPA will set a dangerous precedent. What if one application is not enough? She finds it difficult to believe that one application in this test will not be repeated, especially since it's been shown in other waterways, that repeated stronger applications have been needed as weeds become resistant to chemical treatments. Other methods to deal with plants and animal life in the lake have had unintended consequences. For example, the introduction of the Mysis shrimp as a potential food supply for fish seems to have resulted in contributing to the diminution of lake clarity. She understands that TRPA in conjunction with the US Forest Service has begun a large invasive plant removal projects in Taylor and Tallac Creek that do not include the use of herbicides. She urged everyone to keep studying the issue and push for ongoing stormwater and fertilizer improvements such as removing grass from the edges of water, landscaping, and adding storm drain inlet filters. Closing off the Tahoe Keys or installing a boat lock system but achieve a lake wide goal of limiting the spread of invasive weeds from boating activity. Boating being a known vector for spreading invasive plant and animal life.

Mr. Zabaglo said regarding Mr. Moore's comment about the Tahoe Science Advisory Council peer review of the mitigation monitoring reporting program. During the draft analysis release both agencies received public comment from the Tahoe Science Advisory Council and is not put on a website but is included in the public comment and responses to comments that will be available with the final release which hopefully addresses Ms. Tyler's comment regarding responses to comment. They will all be included in that release of the final environmental analysis.

## Board Comments & Questions

None.

### B. Update on Aquatic Invasive Species Prevention Program 2022 Budget

TRPA staff Mr. Boos provided the presentation.

Mr. Boos said the prevention program requires all motorized watercraft to be inspected and purchase a sticker before they enter the lake. There are three stations around the lake; Alpine Meadows, Spooner Summit, and Meyers where inspections are conducted to prevent the introduction of any aquatic invasive species. The inspectors look for any mud plants, animal, or water on these vessels. If they do find some of those things then a decontamination is required and then another inspection to ensure that it's clean, drain, and dry. Boaters are then provided a sticker and a wire seal that is secured to the boat and trailer. If that seal is broken and that boat launches elsewhere, it would need to be reinspected to launch in Lake Tahoe.

The program has been incredibly successful, they're considered the gold standard in the West, if not the nation. There's no new invasives that have been introduced into the lake since the program began 13 years ago. A lot of this is due to the contract that they have with the Tahoe Resource Conservation District who have been implementing the program since its inception and their knowledge is invaluable to this success of the program. The rising costs over the last few years have put them into shortfalls.

One of the biggest things they've been able to do is secure funding. They applied for grants through the California Department of Boating and Waterways. Each of these grants received were for two years in the amount of \$400,000. This helped to boost the program solvency. In addition, there was a convenience fee that was associated with the boat inspections appointment system that brought in \$51,000. Then there's the Aquatic Invasive Species Task Force which brings in \$92,000 each year and then an as needed fund with the Lake Tahoe Restoration Act of up to \$300,000 annually. These secured funding sources have bolstered the program.

Some of the biggest cost saving measures that were implemented last year and will continue this year is that they are operating three inspection stations instead of four. In 2019 there were four stations. Covid impacts last year forced them into three because it was hard to hire staff and the savings from that is around \$119,000 annually. The program staff is going to continue to make adjustments as needed to address any unexpected shortfalls. They'll continue to investigate program improvements, cost saving measures, and other revenue sources to ensure program sustainability, and apply for grants annually.

The program has stable funding for the next three calendar years with an operating budget of approximately \$2 million.

The goal is to maintain the highest level of protections to the lake while providing excellent customer service to the boaters who want to recreate on Lake Tahoe. Competitive wages need to be dedicated to get well trained staff. Being able to get good staff that stays for multiple years pay dividends in the long term for the program from a stability standpoint including customer service and basic efficiencies. They've addressed the short and long term funding challenges but will continue to work on that long term program solvency three years and beyond as the program evolves to the rapidly changing landscape that we are continually facing.

Presentation can be found at:

[Agenda-Item-No.-VII.B-2022-AIS-Program-Budget.pdf](#)

### Board Comments & Questions

Mr. Friedrich said the inspection program has done a good job of dealing with external threats but there are the home-grown ones that are in the lake that are moving through aquatic invasive species inspected areas, like the Tahoe Keys lagoons and going into the Lake. Has there been any exploration of possibilities of doing inspections of boats already here that are moving through AIS areas. It would be tricky with divers or boatlifts. They've talked about the backup stations, and the bubble curtains which are been funded by the League to Save Lake Tahoe. Given that this seems to be the dominant threat as they've heard to the Lake from boats not coming from the outside but from within. Are any thoughts or programmatic developments underway to address this threat or how to deliver an inspection program for boats that are already on the lake in AIS areas?

Mr. Boos said they've talked about this in relation to comments that they received from some of their partners at the launch facilities. It's going to be challenging to implement something like that given the current situation. It makes sense to continue on with this control testing and see how that works out and then look at the aspect of it. It's beyond the scope of the prevention program and would need to be married together.

Mr. Zabaglo said the marina staff that they partner with at all the launch facilities provide that level of protection. Those staff are trained on an annual basis and look at their own boats even if they've already been inspected if they're coming into the region from elsewhere. The local boats are verified to ensure that they don't have any plants hanging from their boats, the plugs have to be pulled prior to arriving or as they leave so it's not spreading any of those existing species in ballast waters. As part of the shoreline program some of those fees include one that's associated with the boat inspection sticker that allows for getting an approximate \$12 addition to the sticker price that allows for continual lake wide monitoring and rapid response to address existing species.

Mr. Friedrich asked if there's anything in place or contemplated because again in the Tahoe Keys lagoons scenario, the boat goes through the Curly pondweed infected area and then 90 percent go through the backup stations and presumably the weeds fall off. Could it be feasible for a test program to inspect the boat to see if it's actually containing AIS before it continues on its journey? He's not sure if that would require boatlift or a diver, just a program to look at the boats that are traveling through weed infected areas and then bringing them to the lake.

Mr. Zabaglo said they have a video of the boat backup station demonstrating how it throws off the weeds and then the boat proceeding through the bubble curtain to the lake proper.

Mr. Hoenigman asked what the compliance rate is on inspections. What other kind of backstops are put in place to make sure those boats don't get into the water?

Mr. Boos said in a water body this large, it's not going to be 100 percent but will say it's 99.99 percent. Motorized watercraft need to be inspected. All ramps have seal inspectors present as directed by the Code of Ordinances. Gates are locked when no one is present. Non-motorized watercraft are subject to inspection but they could launch from someone's front yard. But one of the biggest tools they have is word of mouth and people who will report illegal launching. There's a couple every year for whatever reason.

Mr. Zabaglo said they've had no new invasions since the program began which is a testament to the efficacy in compliance with the program. It's in the best interest of their partners and the marina as they have a stake in the lake. That's part of the training that is done on an annual basis. They also do a rigorous quality control assurance program. They have an independent third party come in and do a secret shopper evaluations of the boat inspection stations and ramps. To date, that has not shown any infractions.

### Public Comments & Questions

John Moore asked if the reports of the aquatic invasive species program give information about the frequency with which aquatic invasive plants are detected by the inspection program.

Mr. Zabaglo said yes, all environmental improvement program projects have a tracking mechanism for metrics through the EIP project tracker that's part of Lake Tahoe Info where all of the partners upload metrics from each season. They track the number of boats that are intercepted with some form of aquatic invasive and also the number of boats that are arriving, clean, drain, and dry.

## VIII. PUBLIC HEARINGS

### A. 2022 Watercraft Inspection Fee Structure

TRPA staff Mr. Boos provided the presentation.

Mr. Boos said the inspection stickers changed this year as it doesn't have the image of the lake behind the year. They wanted to reflect the regional aspect of the program. This covers the lakes that are that have motorized access in the basin and have included Fallen Leaf Lake and Echo Lake.

The inspection fee categories are based on boat size. They require fees for both inspection and decontamination with three types of stickers. Tahoe only which is for those boats that typically do not leave Lake Tahoe. When they exit the water, a seal is put on and when they launch again, the seal is checked to ensure it's not been broken. The Tahoe In and Out is essentially an annual inspection sticker so, the boater can launch as much they want throughout the year for inspection. Lastly, is the single inspection pass.

The 2021 season was another interesting year. They operated three stations and part of that was the challenge in hiring and also wanted to simplify the program from a staffing standpoint and save some costs. They saved \$119,000 by operating in three stations. It was another unprecedented year with overcoming challenge after challenge. It started with the Covid 19 impacts which they addressed just like they did in 2020 with social distancing, wearing mask, sanitation, and asking boaters to stay in their cars when possible. The big item was the smoke and evacuation impacts. Another thing that they did was listen to the boaters. The appointment system was successful, the boaters wanted and enjoyed this certainty and convenience that they offered this year. They took a chance by operating three stations in a kind of normal year but they met the demands with the three stations and the staff that they had.

In reaction to Covid in 2020, they started an appointment system where every boat that came to the lake had to have an appointment. They needed that controlled setting and to be able to manage the demand. The idea of the appointment system was to spread the flow of boaters between the stations and minimize that weekend demand. Typically, 41 percent of the boats come on Friday and Saturday and without a doubt, the appointment system spread that out. By maximizing the number of boats at each station each day of the week they maximized the

capacity of the staff. They're gaining experience quickly, and it's a more controlled environment where they're able to perform their jobs more effectively and provide better customer service. They now accept both appointments and walk ins. Along with the appointment they charged a \$15 convenience fee which brought in \$51,000 in extra revenue.

Some of the lessons learned with the controlled setting to address Covid was highly successful. It helped to keep that morale high at the beginning of the season, knowing that they were doing those practices, again to ensure safety and confidence in the staff. But staffing gaps greatly impact the program efficiency and effectiveness. They contract the Tahoe Resource Conservation District who were hiring up until the evacuation. That constant looking for people detracts from them doing their program duties to make the program more efficient and more effective. Another lesson learned is that the risk continues to grow. The high demand they experienced in 2020 with Covid continued and was just as high, if not higher this year. There's an increased inter-state travel, part of that is boaters coming to Tahoe because they're not traveling as far. There's also a boating shortage and the West Coast and people are purchasing boats from the East Coast and having them transported here which increases that risk of coming from potentially infested water bodies. This year they had 28 mussel infested boats this year. There were 20 in 2020, and 11 or 12 in 2019. With the appointment system they've also had better opportunity to engage with that boater and explain what it means to arrive, clean, drain, and, dry to simplify their process and speed things up the next time. Because of the smoke, they developed a policy for the air quality index and were forced to close down because of those impacts and the evacuation.

Long term program challenges are going to continue; program costs are increasing, again, they need to maintain competitive wages for staff and the annual operational costs. The inspections and decontamination work are the most important work that they do to prevent aquatic invasive species getting into Lake Tahoe. They budgeted for a significant increase to the inspector wages and hoping that will make a difference for in 2022. In addition, the smoke impacts are probably going to be facing the program for years to come. The traffic on the website is tenfold and is where people can stay up to date on all the daily information, including social media which has been a huge help in communicating with the public.

Adaptations from the lessons learned is that they need to continue invest in staff. The program staff needs to interact with the site supervisors to provide better guidance to them on how to supervise their staff because it's a tough job. There's issues that come up, and they need to get in front of that as best they can to ensure that these people enjoy their job and are providing that high level of customer service.

Staff is not proposing any fee changes for 2022. However, they are proposing a fee increase for the decontaminations. In 2021, there were three categories; a simple decontamination which is a single system decon such as an engine. Complex decontaminations are multiple systems. If a boat has attached mussels, they would charge \$250 to do the decontamination. What they've learned is that ballast boat's create a much more time consuming process at the stations. A simple decontamination fee of \$20 is being proposed to raise to \$25 to compensate for the number of boats that are single systems. Drying that boat is something the boater can do and they're trying to encourage more people to arrive clean, drain, and dry. The ballast boats are about 17 percent of the boats that they see and take the most time to decontaminate. There's always water left in ballast tanks and is why they have to decontaminate every ballast boat. The simple and complex decontaminations are for all boats, then a subset of those boats with ballast tanks, are in addition to the simple and complex. If a boat is clean, drain, and dry but the ballast tanks have some residual water in the bottom that needs to be treated would \$25. If a boat has a wet engine and undrained ballasts, it would be \$75. The maximum on a ballast boat decontamination would be \$100. The projected revenue increase from this is around \$46,000.



There's been an increase of inter-state travel and more and more they're getting large transport boats come into Lake Tahoe. For several years, they've had a \$200 fee for those transport boats for them to mobilize to the launch ramp where the boat arrives. They are proposing is another \$50 per hour, per staff to compensate the time. It's usually the program staff doing these because all the inspectors are at their inspection stations. In the past, they had one or two and have had three or four in the last couple of years. As this inter-state travel continues to increase, it's going to go up.

Presentation can be found at:

[Agenda-Item-No.-VIII.A-2022-Watercraft-Fees.pdf](#)

#### Board Comments & Questions

Ms. Aldean said it was a little confusing on the sticker fee schedule with respect to whether or not these fees are cumulative. She suggested that they expand by defining those more clearly so people know what they're potentially facing for a charge. Initially when she read it, she thought you get charged \$25 if a boat has a drained ballast and then if a simple decontamination is needed, then the boater would be charged another \$50. She felt staff could clarify that by defining those categories on the fee schedule itself.

Mr. Boos said this information is explained in more detail on the website and staff will work on that to be more clear.

Ms. Aldean asked when a motion is made regarding the amended fee schedule, do they need to include the \$50 per hour per staff person charge to conduct the inspection of those large transport boats and is that a new fee?

Mr. Boos said yes, that is correct.

Ms. Aldean asked if it were correct that the \$200 is an existing fee for decontamination and onsite inspection.

Mr. Boos said yes, that is correct.

Mr. Marshall asked when the motion is made to use the errata that was sent out yesterday.

#### Public Comments & Questions

None.

#### Board Comments & Questions

Ms. Aldean made a motion to adopt the proposed Resolution as contained in Attachment A, Exhibit 1, approving the 2022 Watercraft Inspection Fee schedule and proposed watercraft inspection operations including the information found in the errata.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos, Ms. Novasel

**Motion carried.**

B. Amendments to Chapter 65 of the Code of Ordinances and Section 10.8.5 of the Rules of Procedure for the Mobility Mitigation Fee Update

TRPA staff Ms. Sloan provided the presentation.

Ms. Sloan said in April, this board adopted a new transportation and sustainable communities thresholds standard for the region that used vehicle miles traveled (VMT). It also adopted the 2020 Regional Transportation Plan, and approved code changes for an updated Project Impact Assessment process to implement that new threshold standard at the project level. It does so by evaluating developments and impacts to transportation using VMT. What remains is to update the mobility mitigation fee.

The Project Impact Assessment process and also the Mobility Mitigation Fee is about implementing the new threshold standard at the project level. The Mitigation fee also advances implementation of the Regional Transportation Plan by providing matching funds for jurisdictions to implement projects from the Regional Transportation Plan. That's typically done by using the mitigation funds as matching for larger monies such as state and federal grants. Over the past 10 years, that's been about \$50,000 to \$100,000 in mitigation fees collected and while in transportation implementation that's a small amount those funds are actually mighty because they can leverage much larger dollars and is how they see projects implemented in the region.

This board provided direction to update the Mitigation Fee, but to keep it similar in purpose to the prior air quality mitigation fee. The update and the recommendation proposed today does that by sticking to the fact that the mitigation fee is about mitigating transportation impacts, development projects, it's not to generate revenue. The recommendation keeps to that but does make some changes. First, is the Mobility Mitigation Fee is a name change for the Air Quality Mitigation Fee. Secondly, the projects eligible to use the Mobility Mitigation funds are different. They must be projects that reduce VMT. The fee calculation also is changing; First, the fee rate recommendation being proposed uses the 2020 Regional Transportation Plan Project list as the basis for calculating that fee rate. Then development is charged a fee based on the net increase in VMT than it generates.

The mobility mitigation fee is about reflecting the costs and mitigating increased VMT from added development. A three step calculation process was used to do this and those steps ensure that those fees uphold that purpose, mitigating transportation impacts on a project, and it's not to generate revenue. These steps also ensure that the fee represents developments share of future VMT. The first step is to calculate added developments share of the VMT mitigating project costs which is a about 6.8 percent and results in new developments shared project costs \$37 million. Then they divide that amount by the proportion of VMT from added development and then do refinements to make sure the recommended fee rate reflects the updated project impact assessment process, as well as the historic approach to fee calculations that are continued through this update. When it comes to the refinements, it's things like recognizing location of projected development matters to the VMT it will generate, as well as, assuming full occupancy for the most common development types in the region, like residences and tourist accommodation units. Then that historic and continued apportioning of fees is based on whether the developments land use generates or attracts trips and its associated VMT. As a result, the recommended fee rate is \$218 per VMT.

First, it follows that simplicity developed through the Project Impact Assessment process and the predictability provided by the online project Impact Assessment tool that can be used at any time in the development process to understand the potential impact of VMT of a project as well

as the potential fees that would be charged. It also further aligns with the updated Project Impact Assessment process by incentivizing development and low VMT areas like town and regional centers and does so because it recognizes lower average daily VMT in those areas and therefore lower fees. Lastly, it further incentivizes development in the town and regional centers because that's where they see most of the redevelopment occurring. The fee is only charged on the net increase in VMT, that is the change in VMT from the prior development to the proposed development. Also, by charging a net increase in VMT it recognizes when a project incorporates things like VMT reducing strategies, or when there are jurisdiction VMT credit programs applied.

Within the recommendation is a waiver for deed restricted, affordable, moderate, and achievable housing when it's developed within areas eligible for residential bonus units. That is consistent with the support expressed by stakeholders as well as members of this board for reducing or waiving the fee. Additionally, the impact of the waiver is going to be evaluated on the threshold review process schedule which is every two to four years and if the findings from that process require adaptation to this waiver, they can be made to the program.

In the proposed packet there are updates to the mitigation fund release policy guidelines. The significant change here for the mobility mitigation fund is to restrict the types of projects that can use those funds. It's projects that reduce vehicle miles traveled. The air quality benefiting projects, if there are air quality mitigation funds, in jurisdictions accounts, they can still apply to use those funds and those projects such as air quality benefiting projects, they might be Vac trucks or street sweepers, for example. They may also qualify for water quality mitigation funds.

The proposed recommendations had a lot of input through multiple conversations with a breadth of interested parties. They also brought the recommendation to the Regional Plan Implementation Committee, the Advisory Planning Commission, and the Operations and Governments Committee. RPIC and the Operations and Governance provided unanimous support for both the fee and the waiver. The APC approved both but expressed concerns mostly around the impact of the fee to redevelopment, especially in town and regional centers, as well as developments with their share being addressed by the projects. Lastly, there are concerns, especially for working with jurisdictions like Placer County, which has a fee as well. They have and will continue to collaborate and work on any of those remaining concerns throughout the implementation process for the fee.

Presentations can be found at:

[Agenda-Item-No.-VIII.B-Mobility-Mitigation-Fee-Update-1.pdf](#)

#### Board Comments & Questions

None.

#### Public Comments & Questions

Lyn Barnett, President of Saint Joseph Community Land Trust said they submitted a letter yesterday asking the Governing Board to consider adding to the list of VMT reducing projects a funding program for affordable housing. If affordable housing is, in fact, a strategy being used to reduce VMT they're hoping that the Governing Board would recognize that partnering is helping affordable housing projects get off the ground. There's currently no local funding sources or affordable housing. At this point, he doesn't have an amount that they would request. If it was tiered somehow to the potential amount of VMT Savings. Think about the workers at Lake Tahoe driving many miles to get affordable housing and keeping them local. They think the VMT savings should incorporate those miles in and out of Basin that are reduced. If today is not the

appropriate day, he asked it to be put it on the radar screen. They would like to see some of these mitigation fees dedicated to help with funding of affordable and moderate income housing projects.

#### Board Comments & Questions

Ms. Aldean made a motion to adopt the findings, including a finding of no significant effect, as set forth in Exhibit 1.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

#### **Motion carried.**

Ms. Aldean made a motion to adopt Ordinance 2021 - \_\_ amending Ordinance 2019-03, as previously amended to amend the Code of Ordinances as set forth in Exhibit 3.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

#### **Motion carried.**

Ms. Aldean made a motion to adopt the Resolution 2021 - \_\_ to amend the Rules of Procedures as set forth in Exhibit 4

Ayes: Ms. Aldean, Mr. Bruce, Mr. Wlaschin, Ms. Conrad-Saydah, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel Mr. Rice, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos

#### **Motion carried.**

### IX. REPORTS

#### A. Executive Director Status Report

Ms. Marchetta said Ms. McMahon will provide a brief overview of the Local government coordination report that was on consent today. It's important to acknowledge the good work of local governments on the delegated implementation of the Regional Plan.

Ms. McMahon said the action taken this morning recertifies all the local government area plans and reveals positive outcomes from permitting that is delegated Tahoe's local jurisdictions to implement the Regional Plan Goals and Policies which serve as a guide for future land use decisions within the Tahoe region. To further these goals and policies, the 2012 Regional Plan encourages local jurisdictions to develop area plans to make progress towards environmental threshold attainment.

With the adoption at the Washoe County Tahoe area plan earlier this year there is six area plans with at least one in each local jurisdiction covering over 70,000 acres or 34 percent of the land

area of the Tahoe region, and 89 percent of town centers which are the areas targeted for environmental redevelopment under the Regional Plan. To streamline the permitting process and facilitate the implementation of environmentally beneficial projects once an area plan is adopted, the Regional Plan encourages local jurisdictions to take on permitting on behalf of the agency. This is achieved by entering into a delegation Memorandum of Understanding (MOU). Once an MOU is approved by the Governing Board, TRPA provides ongoing training to local jurisdictions and then conducts annual permitting audits. All of the California local jurisdictions including the City of South Lake Tahoe, El Dorado County, and Placer County, are currently reviewing projects on behalf of TRPA pursuant to an MOU. All three jurisdictions have designated liaisons that work closely with TRPA to ensure projects are being implemented in accordance with area plans.

At the request of Douglas in Washoe Counties, TRPA is currently reviewing all projects in the Nevada portion of the Tahoe Basin. In 2020, all of the local jurisdictions received scores of 90 percent or greater on their residential project review and compliance audits. The City of South Lake Tahoe is the only jurisdiction that has elected to take on larger commercial tourists and public service projects and was found based on a review of their projects, to be implementing projects in accordance with their area plans. As a result, staff recommended that the Governing Board recertify, the local jurisdiction MOUs.

To ensure that the area plans are in conformance with the Lake Tahoe Total Maximum Daily Load (TMDL) Program, TRPA code also requires the agency use catchment data and all reports to inform the four year area plan recertification. The TMDL program guides efforts to restore Lake Tahoe's clarity to depths nearly 100 feet. To meet this goal, the program aims to reduce the amount of fine sediment particles, nitrogen, and phosphorus entering the lake. It has been four years since the last area plan recertification, the Governing Board was asked to re certify all of the area plans for the next four years, because all local jurisdictions are meeting or exceeding their credit targets. Everyone has had a lot of challenges as a result of the ongoing Covid 19 Pandemic. They've all experienced an increase in workload from people relocating to the Tahoe Basin. There's been issues with retaining and hiring staff due to the housing cost and the recent disruptions caused by the fires. Despite these challenges, the local jurisdictions are continuing to work as great partners in carrying out the goals for the larger Tahoe region and the Regional Plan.

#### Board Comments & Questions

None.

Ms. Regan said last month, they mentioned the passage of what's known as the Infrastructure Bill in the United States Congress. TRPA had the opportunity to participate with California's US Senator Alex Padilla last week in a live Facebook broadcast where herself and Jesse Patterson from the League to Save Lake Tahoe were honored to represent team Tahoe. This was a conversation was about the infrastructure bill, which is now law, and what that means for Tahoe is \$17 million will come to Lake Tahoe in the form of a five year appropriation of about \$3.4 million. This will aid them in that fight with invasive species for both control and prevention side.

They plan to have these conversations with other members of our Senate delegation, and other members of Team Tahoe will be hosting them in the future.

Today, the Forest Service, the Tahoe Fund announced the commencement of the Taylor Tallac invasive weeds program. To date, 17 acres is the largest that's been undertaken. It's a public private partnership. The Tahoe Fund has raised private money to put into that project and TRPA

is pleased to be partnering with the Forest Service and the Lahontan Waterboard in taking a lead on this critical program over at Baldwin Beach. The area is the largest functioning wetland in the basin.

Ms. Marchetta thanked Human Resources Director, Susan Strating who is retiring. They're in the process of hiring her replacement. She extended her deep appreciation for her service here.

B. General Counsel Status Report

Mr. Marshall said they filed for protective purposes, three pieces of enforcement litigation with the help of Mr. Sweet and Ms. Hangeland for an illegal mooring off of Reagan Beach by pontoon boats that are essentially for rental purposes. They'll be seeking civil penalties. Hopefully, they'll be able to negotiate with them and resolve this out of court.

X. GOVERNING BOARD MEMBER REPORTS

Mr. Friedrich said last week the City of South Lake Tahoe Council adopted a resolution that they consider the most ambitious renewable energy resolution of any municipality in the country. This is for 100 percent renewable at all time periods connected to the local grid and to be completely de carbonized grid by 2030.

They're also pursuing dark sky procurement standards for the city lighting with lower color temperature lights and less glare to fit in with that sustainable tourism objective.

XI. COMMITTEE REPORTS

A. Local Government & Housing Committee

None.

B. Legal Committee

None.

C. Operations & Governance Committee

None.

D. Environmental Improvement, Transportation, & Public Outreach Committee

Mr. Lawrence said the committee met this morning. The focus of the meeting was the same as it has been the last few meetings with the focus on finding sustainable revenue for transportation systems and transit. They heard a report from the consultant who's been working with various groups, including the Bi-State Consultation, and there seemed to be a certain amount of momentum, and consensus to do some pilot projects. One being a corridor parking user fee along the Highway 28 Corridor, which is the most congested recreation corridor on the Nevada Side. Second, a similar type of pilot project on Highway 89, the Emerald Bay area in California. There's a lot of questions that would need to be answered. The Committee had a lot of good comments regarding about raising enough money to make sure it's not just for operations and maintenance but also to build that transit system that folks will use. There was also some discussions regarding administration. The committee gave guidance to the consultants to do the deeper dive on those two pilot projects and come back with more flesh on the bones regarding the proposal.

E. Forest Health and Wildfire Committee

Mr. Hicks said in January, they hope to be able to present to the Governing Board, the proposed amendments to the ordinances which will allow the use of mechanical equipment for thinning and clearing purposes on slopes of 30 to 50 percent. Something they've been working on for years and are looking forward to this.

F. Regional Plan Implementation Committee

Mr. Yeates said he looked forward to working with the Forest Health and Wildfire committee on those changes to the code that will be required for them to be able to implement those changes necessary for fuel reduction, especially on the steep slopes.

He's grateful for the fine work that Susan Strating did for the organization.

XII. PUBLIC INTEREST COMMENTS

None.

XIII. ADJOURNMENT

Chair Mr. Bruce adjourned the meeting at 3:09 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler". The ink is dark and the signature is centered on the page.

Marja Ambler  
Clerk to the Board