

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

GoToWebinar

January 26, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 10:06 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson (11:05 a.m.), Mr. Yeates

Members absent: Ms. Hill

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 moved approval of the December 15, 2021 minutes as presented.

**Motion carried.**

V. TRPA CONSENT CALENDAR

1. December Financials
2. Resolution in Recognition of National Radon Action Month

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

Item number two was not heard by any committee.

Board Comments & Questions

None.

Public Comments & Questions

None.

Mr. Lawrence made a motion to approve the TRPA Consent Calendar.

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Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Hill, Ms. Williamson

**Motion carried.**

Mrs. Cegavske moved to adjourn as the TRPA and convene as the TMPO .

Motion carried.

### VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment No. 2 of the FY 2021/22 Lake Tahoe Transportation Overall Work Program
2. Amendment No. 4 to the Tahoe Metropolitan Planning Organization 2021 Federal Transportation Improvement Program

Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two.

#### Board Comments & Questions

None.

#### Public Comments & Questions

None.

Ms. Aldean made a motion to approve the TMPO Consent Calendar.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Hill, Ms. Williamson

**Motion carried.**

Mrs. Cegavske moved to adjourn as the TMPO and reconvene as the TRPA.

Motion carried.

### VII. PUBLIC HEARINGS

- A. Tourist Core Area Plan (TCAP) Amendment: Artisan small scale manufacturing and industrial use in the Gateway district

TRPA staff Ms. Self and Mr. Hitchcock, City of South Lake Tahoe provided the presentation.

Ms. Self said procedurally area plans and area plan amendments are first adopted by the local jurisdiction and then by TRPA Governing Board. Upon TRPA approval and adoption of the area plan, the plan will become a component of the Regional Plan. Local governments are required to demonstrate that the local plan is keeping with the Regional Plan. TRPA staff has annual reviews with the local jurisdictions to ensure that the local plan is meeting the goals and policies. Local jurisdictions engage with TRPA early and often throughout the process of potential amendments.

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The City Council adopted these amendments on November 16, 2021. The Regional Plan Implementation Committee unanimously recommended approval on December 15, 2021 and the Advisory Planning Commission also unanimously recommended approval on January 18, 2022. The comments received by APC members have been summarized in today's staff packet.

Mr. Hitchcock said this proposed amendment is applicable to Special Area #1 which is part of the Gateway District of the Tourist Core Area Plan which has been adopted by the City and TRPA and has been the land use guiding document for development in the Ski Run Stateline area.

The land use vision for the Gateway District is to provide an attractive, mixed use, commercial, and tourist accommodation corridor that provides a welcoming gateway to the Tourist Core Area Plan. It also provides for an array of uses, including tourist accommodation, residential, commercial retail, restaurant, and recreation uses in this area. Currently, there's a mix of a variety of uses in this special area which includes tourist accommodations such as the Beach Retreat, commercial retail spaces such as CVS, restaurants, and recreation uses. Connelly Beach is located within the special area that caters to visitors and locals.

The City received a proposal to amend the Tourist Core Area Plan from the Tahoe Wellness Center which is a retail cannabis business in the City of South Lake Tahoe. Tahoe Wellness was originally granted a permit to operate a medical cannabis dispensary business, which was subsequently given approval to operate as an adult retail cannabis use. As part of that permit to operate as retail cannabis use, TWC was allowed to cultivate and manufacture cannabis for on-site use. After the city adopted a new cannabis ordinance Tahoe Wellness was grandfathered in as part of an agreement with the City and the Tahoe Wellness Center. They were required to pursue an amendment to the Tourist Core Area Plan to allow cultivation, manufacturing, and distribution of cannabis which would allow them to operate as a micro business.

Subsequently, TWC approached the city to add these uses of small scale manufacturing, industrial services, and wholesale distribution to Special Area #1. City staff was concerned with adding these uses in particularly the industrial services and wholesale distribution because generally these uses are found in industrial areas within the city limits. After discussions with the applicants, the City and TRPA staff wanted to look at this amendment in a broader term and not specific to cannabis use because these type of uses would be beneficial to other retail uses as a way to enhance the retail experience for visitors, and local residents. Similar to the farm to fork trend, they're seeing a trend in retail businesses, where people are interested in knowing where and how the products are produced. As part of this amendment they decided to propose allowing industrial uses and wholesale distribution as part of retail uses to enhance the user experience. At the same time, also make it a special use to ensure that any proposed retail project coming forward that wants to have manufacturing on-site, distribution, and retail sale would have to make the special use findings.

This amendment would be beneficial to other retail uses. Some of those uses could be confectionary shops, leather goods, metalworking, woodworking, handcrafted goods, chocolatiers, and coffee shops that could roast on site and distribute their products for example.

To ensure that these additional uses would not have a negative impact on a neighborhood, staff has incorporated some checks and balances to mitigate any potential impacts. These industrial uses wholesale and small scale manufacturing will only be allowed in connection with a retail commercial use. The space dedicated to the production and manufacturing would be limited to 30 percent of the primary retail commercial use. The City would also require special use permits which would allow the City to review the project to determine if it's a desirable use in the proposed location, and any potential project impacts would be adequately addressed. There are no changes to design and

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development standards. Also, any retail uses proposed to benefit from adding these industrial uses and manufacturing on-site requires an education and demonstration component. It cannot be manufacturing for sole purpose of manufacturing; they have to demonstrate and have an educational component. That would allow visitors and locals to see how products are produced, manufactured, and sold.

This amendment will help facilitate implementation of the Tourist Core Area Plan objectives. It will encourage tourist related retail, commercial uses, on-site product development of community made goods, and opportunities to enhance the retail experience through demonstration and education opportunities.

Presentation can be found at: [Agenda-Item-No.-VII.A.-Tourist-Core-Area-Plan-Amendment.pdf](#)

### Board Comments & Questions

Ms. Conrad-Saydah asked if there was an increase in cost for the light industrial special use permitting from the permitting costs that these businesses already pay for? Including everything from assembling the necessary documents to going through the permitting process.

Mr. Hitchcock, City of South Lake Tahoe said yes, there is a cost for processing the special use permit. The Tahoe Wellness Center would also have to pursue a cannabis use permit which is an additional costs.

Ms. Conrad-Saydah asked how great of an increase would the permitting cost be to those businesses such as the coffeemakers, chocolatiers, etc.

Mr. Hitchcock, City of South Lake Tahoe said the special use permit cost is just a little over \$2,000.

### Public Comments & Questions

Nick Exline, Exline and Company said he's been representing the applicant of this area plan amendment since the onset. It's been over one year of a collaborative process and they've moved forward with one collective voice. It was a productive process and congratulated everyone that participated in it. His comments are focused on the benefits of this proposed amendment. The cultivation of cannabis on site poses significant environmental benefits, both in terms of greenhouse gas reductions and vehicle miles traveled. Growing it on-site, saves many miles traveled throughout California, and in particular in the Tahoe basin. It's exciting to have the opportunity to provide education to those patrons utilizing the particular use. There's an interest in Tahoe for sustainability in terms of the environment and cultural ethic. He works on environmental causes in many different capacities, and in fairness to this particular applicant, they were willing to go further to include that in their business model and want this to be an opportunity of what can be possible, and what should be required for future projects. This is a benefit and next step in how to look to incorporate environmental stewardship into a project approval processes.

### Board Comments & Questions

Mr. Friedrich appreciated the sustainability education element. It's innovative and would be a benefit to other projects in connecting the dots between local sustainable business practices, economic development, and awareness among local residents and tourists. That's the kind of thing they want to promote and is supportive of this amendment.

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Ms. Faustinos appreciated the efforts to bring in some of these new types of business opportunities. She's sure that this is under consideration by all those that are going to be seeking potential vendors to encourage the participation of our Native tribes and some of the folks that are going to need a leg up in order to be able to take advantage of this. But celebrating the culture of Tahoe is critically important. She encouraged those that are in a position to seek out some of these non-traditional vendors would be helpful for the needs of the local community.

Ms. Aldean asked since marijuana is still not legal at the federal level, are there any legal implications associated with the approval of this item today.

Mr. Marshall said no.

Mr. Marshall said the staff report on page 109 has different attachments identified than what's on the slides. The staff report has the Findings as Attachment E, TRPA Ordinance is Attachment B, and the City's Ordinance is Attachment C.

Corrected motion:

Mr. Friedrich made a motion to approve the required findings, as described an Attachment E, including a finding of no significant effect for adoption of the Tourist Core Area Plan amendment, as described in the staff report.

Ayes: Ms. Aldean, Mr. Bruce, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Nays: Mr. Rice

Abstained: Mrs. Cegavske

Absent: Ms. Hill, Ms. Williamson

**Motion failed.**

Mr. Friedrich asked what the process was for bringing this back for consideration.

Mr. Marshall said pursuant to Rules of Procedure 2.5.2 a board member has seven days to request reconsideration for the next month's board agenda. To grant the motion for reconsideration, takes the vote that the original motion took. If that motion passes, then the item comes back to the board that month for reconsideration.

Mr. Marshall said with two absent, one no vote, and one abstention there's no way for this to receive four affirmative votes from Nevada members.

- B. Certification of the Final Environmental Impact Statement and approval of the Tahoe Keys Lagoons aquatic Weed Control Methods Test Project, TRPA Project File# EIPC2018-0011

Ms. Marchetta said today's decision concerns the very important number one aquatic invasive species control threat to Lake Tahoe which is the growing infestation of aquatic invasive weeds at ground zero in the Tahoe Keys lagoons. They are not considering any final remedy today, only one more essential step and what has been a long odyssey to seek solutions to one of Tahoe's most wicked problems. There are no easy answers and the solutions are anything but clear. Although, they

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presented a long history on this last month, some of this context bears repeating in order to be sure that all understand how today's proposal came about and what they intend to achieve.

Aquatic Invasive Species prevention and control has been the top priority initiative for Lake Tahoe for more than a decade. TRPA oversees and implements with its partners an approved Federal Aquatic Invasive Species Management Plan for the Tahoe Region and TRPA has been leading that work to combat AIS in the Tahoe Region since 2007 just after Zebra mussels were discovered in Lake Mead. They do this in partnership with more than 40 partner agencies and organizations on the Aquatic Invasive Species Coordinating Committee. Together, they plan and implemented a ten year AIS Action Plan for control of invasive species across all of Lake Tahoe. That broad Tahoe Partnership agrees on a widely shared interest here.

Invasive weeds introduced decades ago in the Tahoe Keys lagoons are the number one control threat to the Tahoe Keys and greater Lake Tahoe. At ground zero in the Tahoe Keys lagoons the aquatic weeds infestation is serious, it's growing, and of increased concern to public health because of risks of cyanobacteria outbreaks as well as being an actual threat of spread to other locations. The Tahoe Keys lagoons hold by far the largest aquatic invasive plant infestation within the Tahoe Region at 172 acres. It's greater in size and biomass than all other Lake Tahoe marina's combined.

The proposed test project here does not come to the board as a typical land use or natural resource planning process. Many have been confused over time, as to who is making the proposal, here, and why. The proposal, under consideration today arises out of an application for a test project that was submitted by the Tahoe Keys Property Owners Association (TKPOA). They submitted on behalf of their approximately 1,500 private homeowners. The applicant's proposal to test aquatic invasive plant treatment methods had to make its way through a highly complex regulatory scheme under the Clean Water Act. In this instance, a large and diverse group of private property owners are being required by the Lahontan Regional Water Quality Control Board to control a biological, pollutant of concern on their private property which is the aquatic invasive weeds in the Tahoe Keys lagoons. The roughly 1,500 private homeowners within TKPOA own the lake bed of the lagoons that needs treatment for weeds. In response to that Lahontan regulatory order, TKPOA (applicant) is now required to propose an acceptable and legally sufficient plan to control invasive weeds in the Tahoe Keys.

The Tahoe Keys Property Owners Association has been working on the aquatic weeds infestation for many decades. Many treatment methods have been tried, and not one has successfully kept the weeds from continuing to grow and proliferate in spite of all that effort there has never been an agreed upon, or a fully successful clear path forward. It was five years ago that TKPOA made a try at responding to that Lahontan Waterboard order. The homeowners faced strident opposition to its first response to that Lahontan order and it was a comprehensive control proposal that would have included broadcast herbicide treatment among other methods. But the agencies, stakeholders, and the public said at the time, there was not enough information to go forward. The control project again stalled as it has so many times before, and the applicant here has struggled to provide all of the information required and to satisfy the public fears and concerns about what remedy to implement in Tahoe.

What they know, from decades of experience, is that often, what it takes to solve the lake's toughest problems, like this one, is a collaborative approach to reach a solution. With that more shared problem solving approach in mind, by 2018 they began working with the Tahoe Keys Property Owners and other Tahoe Keys stakeholders. They convened a stakeholder committee and broader stakeholder consultation circle, It was an approach that engaged property owners with agencies, stakeholders, and the public. They started to see the weed growth not just as a problem for the

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Tahoe Keys but as one having implications for the lake. As a partner with the Tahoe Keys Property Owners, they secured funding to help seek a more supported solution. In addition to the millions that TKPOA has spent over the years to control and study the Tahoe Keys weeds problem, over the last four years, partners other than TKPOA have contributed more than \$2 million. They've supported the cost of a facilitator mediator to help work with stakeholders and the public. They've funded the technical studies and the final environmental impact statement being considered today. They're sharing in the costs of different interim treatment methods to gather valuable data. They worked collaboratively to understand what information they had. What information do they still need? What questions are still needed to be understood? It was clear that they had to lessen the unknowns and the fears of broadscale treatment before they would be able to move ahead on any final remedy.

An agreement to study a proposal to test different weed control methods was done. What they most needed to know, was a question of first impression, meaning it had never been considered by others at other water bodies where similar invasive plants had been treated extensively year over year. They wanted to consider a different approach in Tahoe of could they effectively limit herbicide application to a one-time use and only in the unique and controlled environment of the Tahoe Keys lagoons and not in the open waters of Lake Tahoe. The question that they designed the test around was what control methods independently or in combination could effectively knock back 172 acres and then could they maintain that knock back with only non-herbicide methods year over year? They won't know this answer, unless they test all methods together in the varied environment of the Tahoe Keys. No other water body anywhere has ever evaluated, tried, or tested, this approach to herbicide use for aquatic weeds.

Together the stakeholders designed this combination of tests that could help answer the question of the efficacy of minimum use of herbicide, as well as other information gaps about the efficacy of methods in combination. In the design, they ensured that the test protocols were scientifically rigorous, statistically adequate, carefully controlled, and technically sound. The Final Environmental Impact Statement and the project being considered today isn't a final remedy but rather makes a proposal to perform a carefully controlled test of different treatment options, including registered herbicides on a small but representative scale to help close information gaps and address public fears about the effects of all these treatments. It will fill data gaps and gaps in knowledge of performance that plagued the first proposal that TKPOA made in 2017. This is necessary information that can help them later to design and decide a more comprehensive solution throughout the 172 acres.

Homeowners and diverse stakeholders collaboratively chose this route to find a shared, careful safe approach to this complex and often confusing regulatory scheme. Today, there's likely to be comments that if they allow a controlled test of all methods including herbicide that decision decides the long term solution and opens the floodgates to the use of herbicide. That's not correct, in the face of very strong feelings and opinions about a final remedy, which is not proposed, and they are not deciding. The question today is quite a bit more narrow, and that question is several years from now, when the board must decide a more comprehensive remedy, what information do they want to have? Do they want to have tested only some of the available methods or do they want information from a test of all available methods? Do they want to have partial information or the most complete information? Do they want to have to guess at how the very lowest levels of herbicide might perform? And do they want rigorous science to tell how effective, minimal herbicide treatment could be, as well as how every other method might perform in the Tahoe Keys environment. Staff is recommending testing all methods together in environment of the Tahoe Keys. This is not to predispose the later remedy; It is simply so we have scientifically complete and statistically and technically valid information on which the applicant can then later use that knowledge to propose an effective and more comprehensive approach.

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The Final Environmental Impact Statement analysis evaluates the test and alternatives, it's comprehensive and discloses all potential environmental effects. It shows that with carefully designed resource protection measures and multiple layers of fail-safe mitigation, the proposed test poses no threat to the environment of the Tahoe Keys or to greater Lake Tahoe. The no action alternative shows that the weeds themselves are a far greater threat than the proposed test methods. It's on that basis and the whole of the record that they're recommending that the Governing Board certify the Final Environmental Impact Statement and approve the control methods test project under the Compact.

A few years ago, TRPA staff and TKPOA membership couldn't imagine working together as partners, much less solving problems, or creating an agreed upon shared future. Over the last five years, while they have engaged at a collaborative problem solving table, together, they've crawled up a mountain called trust. What it takes to build working relations with people who may be more inclined to hate you than to work with you, is in such short supply. But together, they discovered a ground for progress that listening, empathy, mutual respect, understanding, and finding a shared purpose. And it took willingness to create something together, rather than assume the worst and tear each other down. They've not got to today lightly, or with a heavy hand. It doesn't work to see only one view, to punish, blame, criticize, or insist on only one way. There are many more years of finding shared solutions in the Tahoe Keys for the good of Lake Tahoe. Progress happens only at the speed of trust. Every time they sat to consider a suggestion about how to solve a problem in the Tahoe Keys they make sure to consider whether it builds the relationship or if it tears at its foundation.

Staff thanked the Tahoe Keys homeowners for working with them, opening their project to the input of the whole basin with so many diverse opinions, for accepting so many suggestions and changes, and for trusting in the relationships of mutual respect that they've been building for five years, it wasn't always that way.

Today, they recommend that the Governing Board rest on TRPA's main values of best available science, epic collaboration, and realistic solutions that can be made consistent with the frame of their governing statute of the Compact. If they do that, she's confident they can strengthen the mountain of trust. They're going to continue to build and it will support the hard work of creating a shared future for the good of Lake Tahoe and for the benefit of all.

TRPA staff Mr. Zabaglo and Ms. Caringer, Dr. Anderson, Tahoe Keys Property Owners Association Consultant, and Mr. Good, Environmental Science Associates provided the presentation.

Mr. Zabaglo said today the Governing Board is being asked to make a decision to take the step to solve the most difficult aquatic invasive species challenges and biggest threats to all of Lake Tahoe which is the aquatic weed infestation in the Tahoe Keys. There's been a tremendous amount of hard work, collaboration, and research that's paid off for the development of this control methods test. It's going to provide the information needed to build a long term strategy for control. The team is going to discuss what has been accomplished to solve the weed problem within the Tahoe Keys. He'll describe the testing and how the partnership engagement, and science helped shape it. Mr. Good will provide information on the impacts and mitigations. Dr. Anderson will cover the efficacy monitoring and how that fills information gaps, and Ms. Caringer will conclude with a discussion on the importance of the collaborative process.

Mr. Zabaglo said the milestones have been the completion of the public scoping process in the summer of 2019 and in the summer of 2020, the Draft Environmental Impact Statement was released with a 60 day public comment period, where they received over 3,000 comments from the public. The environmental analysis showed that all potential impacts could be mitigated to less than

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significant. Last month, the Final Environmental Impact Statement was released and the Lahontan Regional Water Quality Control Board unanimously certified the Environmental Impact Report and the proposed project. On January 18, the Advisory Planning Commission recommended to the Governing Board certification of the EIS. The APC did have a question about designation that was noted in the in the Executive Summary table. In consultation with the Lahontan Regional Water Quality Control Board it was determined that no changes were needed and the designation was supported by the contents of the analysis. The required findings demonstrated that the EIS is sound and that there's no impacts to thresholds. To achieve long term goals of reducing AIS lake wide that this test is necessary. If certified today, implementation would start in the spring of this year.

The proposed project is a combination of multiple methods for control. Starting in the first year of implementation is with Group A methods. Those aquatic herbicides, ultraviolet light, and laminar flow aerations that are intended to provide a significant knock back in that first year. Those methods would be tested independently and in combination. Then follow up Group B methods would be done to maintain that knock back over time. Those are some of the more traditional methods used here with bottom barriers, hand pulling, diver assisted suction, and ultraviolet light. The goal of the testing is to understand what methods can achieve a 75 percent reduction in that biomass and can non-herbicide methods control the infestation over time.

(Slide 12) Map of proposed 41 acre test project. There's a combination of test treatment types such as ultraviolet light with herbicides, ultra violet light only, herbicides only, and laminar flow aeration. The test itself had a lot of shaping with public input. In addition to the EIS process they took every opportunity to increase engagement that started with the stakeholder committee, consultation group, detailed project website, multiple meetings, webinars, workshops, virtual events, and field tours.

During scoping, they received a lot of input on the range of alternatives and that resulted in the two action alternatives. The first action alternative is similar to the proposed test, but it does not include the use of herbicides. The other action alternative is a dredging alternative to remove the sediment, weeds, and substrate. Something heard during scoping was taking a deep dive to look at the No Project Alternative and what that meant if no project were to occur. That was the worst outcome and the only alternative to have significant and unavoidable impacts, and the risk of doing nothing is quite high. During the analysis, all the alternatives were investigated, and based on that, staff is recommending the proposed project to move forward because it best meets the goals and objectives of the project, provides the most information that's needed to move forward and can be implemented safely with no with no impacts.

Because the Tahoe Keys is a complex system, they needed a better understand baseline conditions. They collected 1.5 million data points that were collected on the summer of 2019. They learned from that how nutrients cycle within system. That research showed that the weeds themselves are the ultimate driver of nutrients in the Tahoe Keys. The best way to interrupt that cycle is to address the weeds and is what this test aims to do. To bolster the scientific foundation of the testing analysis, the lead agencies also provide expertise. TRPA has led the wildly successful AIS program for over a decade and partners at Lahontan are the water quality experts in the region. The input provided for rigorous analysis to make sure there was a well-developed test including protections and monitoring to ensure the tests obtained information being sought while protecting Lake Tahoe. The Environmental Protection Agency also provided review on Lahontan's permit and the EPA's recommendations for monitoring have been included. The Tahoe Science Advisory Council also reviewed the analysis and the test project. They concluded that the analysis was thorough and comprehensive.

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There's conditions within the permit that are intended to ensure protection of Lake Tahoe and that the project is implemented effectively. It includes mitigations and resource protection measures that were identified in the EIS. The timing of treatments is important not only to ensure that that seasonal flow when snow is melting and the water is shielding the Tahoe Keys itself from the lake but also earlier in the growing season when biomass is low and the plants are smaller releasing less nutrients into the system. While spread of any herbicide use is not expected to leave the test areas, additional protections were put in place with double turbidity curtains to make sure that the herbicides would be contained in those test areas. Those herbicides are EPA approved and species specific, targeted directly at the weeds they're seeking to control. They're shown to be safe to humans and the non-target species and the application rates are proposed at half the allowed amounts.

Other mitigations and resource protection measures that are part of the permit is aeration which can further break down the herbicides, if necessary, but also break down any harmful algal blooms that may occur during the test. Also, incorporated is the use of a tracer dye (Rodemian dye) that mimics the fate and transport the herbicide and can be checked instantaneously for real-time monitoring of the herbicides.

Permitting includes extensive monitoring program included in the TRPA permit but there's also a considerable amount of monitoring for efficacy. It also includes regular monitoring to ensure all the protections are in place, that they are working effectively, and that also for the efficacy monitoring reported to the agencies on a regular basis.

(Slide 16) Project Map. The dots and diamonds represent all of the different monitoring areas for the entirety of the test project. Many sampling points for efficacy and water quality. The yellow/red double bars are the double turbidity curtains that will be in place during all herbicide application treatments.

The AIS program has succeeded by piloting small scale projects and building from lessons learned. It's the same measured approach the proposed project follows: Test, learn, adapt, and build. The program also has a history of innovation. When mussels were found in Lake Mead in 2007 is when they implemented the boat inspection program and are now the national model. They're also the first to use bubble curtains in both backup stations to manage aquatic invasive species and also the first to implement ultraviolet light as a treatment methodology and is now that an integral part of this test. This proposed test has never been done before, one time limited use of herbicides with the ability to use non-herbicide methods pioneered here in Lake Tahoe to maintain that infestation over time. They need all the tools available to address the Tahoe Keys complex infestation. That experience is also supported by a research partner at the University of Nevada, Reno that developed the implementation plan and concluded that if there's a chance to succeed with attacking weeds in the Tahoe Keys that all tools including aquatic herbicides need to be investigated.

Mr. Good, Environmental Science Associates provided an overview of the environmental impact evaluation process and some of the findings and mitigation measures.

This process started in 2017 with an initial study and environmental checklist where they reviewed the existing information, identified potential issues and data gaps, and determined that an EIS and EIR would be required for the project to move forward. In 2019, they conducted an extensive baseline study to collect information on the physical, chemical, biological characteristics, and interactions within the Tahoe Keys lagoons. He led a team of five PHD specialists that evaluated the aquatic impacts. These were experts in environmental toxicology, limnology, aquatic plants, fisheries, and hydrology. Part of what they did was to develop a conceptual model of nutrient loading and nutrient cycling in the lagoons. They used the baseline monitoring data and other information to

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construct this model which showed two important things: One, that the aquatic weeds take the nitrogen and phosphorus from the sediments and when they die back, they release some nutrients to the water column and also return nutrients back to the sediments. Second, there's an inexhaustible supply of nutrients in the sediments so, while controlling nutrients from watershed sources is important for limiting algal blooms, including cyanobacteria, source control alone will not reduce the weed problem.

Through the Environmental Impact Report and Environmental Impact Statement 43 potential issues were identified and evaluated. Most of these were within the lagoon waters where the activities would occur, such as environmental health, both for people and aquatic life, hydrology, water quality issues, and aquatic ecology. They also evaluated a number of other resources, including air quality, recreation, and transportation. For all 43 issues, except under the No Action Alternative they found the impacts can be mitigated to be less than significant.

The proposed project or control methods test had a lot of resource protection measures built into how this project could be performed. For example, the aquatic pesticide application plan describes how minimum quantities of herbicides will be used in the test. Mitigation measures such as the double turbidity curtains would prevent herbicide chemicals from migrating toward Lake Tahoe and reduce the risks of impacts to drinking water to be less than insignificant. There were ten issues that were identified as potentially significant without mitigation and these include increased harmful algal blooms, the potential for impacts to water quality in the lagoons and effects on non-target aquatic plants. They developed mitigation measures, and with mitigation impacts for all these issues, it was determined to be less than insignificant. The mitigation measures that are proposed for the control methods test include: measures for herbicides that would protect the workers applying the pesticides, ensure that there's not excessive concentrations of herbicides getting into the water and using aeration to accelerate the aerobic degradation. Aeration is also helpful in making conditions less favorable for harmful algal blooms by circulating the water. Aeration also introduces more oxygen back into the water to offset the oxygen demand that can happen with the decay of the aquatic weeds. Other mitigation measures for aluminum, minimizing sediment disturbance will minimize how much aluminum leaves the sediment and gets into the water. For phosphorus, one of the key nutrients for harmful algal blooms, a lanthanum modified clay product can be used if monitoring indicates the need with respect to phosphorous limits because this product will bind the phosphorus that's in the water column and it will stay in the sediments where it's unavailable for algal blooms.

The timing and the size of treatments is important for a lot of these effects including the amount of material that's decomposing and causing an oxygen demand. Finally, there will be spring macrophyte surveys to adjust the test site boundaries so that whether it's herbicides or ultraviolet light, these test methods are concentrated on the target species and avoiding impacts to the non-target plants.

Their greatest concerns were for the No Action alternative and environmental impacts would include impacts to water quality from this growing aquatic invasive weed problem. The water quality impacts include increased cycling of phosphorus and nitrogen from the sediments into the water with the increased risk of harmful algal blooms, More turbidity which reduces water clarity and long term, potential impacts to drinking water in Lake Tahoe.

For aquatic ecology, this displacement of native plant species with invasive species causes a lot of problems, reduces the health of the invertebrate community, increased risks to special status fish species, and recreationally important fish, and increases the spread of aquatic invasive species overall with increased spread of invasive animals as well as plants. This can reduce the quality of recreation in Lake Tahoe and make it more difficult to meet the TRPA recreational thresholds.

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Dr. Anderson provided an overview of the monitoring plan which underscores the collaborative nature of the project itself. He'll preface this discussion by the difference between a lot of work they've done in terrestrial environment versus an aquatic environment for managing aquatic plants. The rule of thumb is when work is done in a Quagga environment it takes about three times the resources to do the same kind of management done in a terrestrial environment, it's a complex environment for that reason.

The coordinating group who meet weekly to discuss the monitoring method, methodologies, and the metrics to be used. There's always an ongoing technical review of the methodologies, and making sure they're using the most current one and it's a collaborative approach that when implemented it will also help refine better methods for monitoring as well.

There's a multiplicity of ways of looking at the impacts from the control methods treatment which they are looking at several effects. But in terms of the importance of the efficacy and how they reduce the plant growth they use hydroacoustic scan method which is a highly refined fish finding system. This scan tells them what the biomass and bio volume of the plants are, how much of that bottom cover is occupied by the plants, and also some information about the plant height. This is important because having short plants or a few plants is what they're after to restrict the amount of fragments that can be produced by traffic. They use a physical sampling method to look at the plants at each site to determine what species are there and what their condition is. This is also important because they're concerned about native plants and is the best way to get a handle on what native plants are there and how well they're doing pre and post treatment. In addition, they also use videography as well within the sites to have a record of how these plants look. It will also tell them about the plant height or condition and plant composition.

(Slide 27) Representation of looking underwater at a series of plants. This depicts the methods they're using for determining the efficacy of these treatments. There are lots of sampling points within each site. They hydroacoustic scan approach is simple but very effective because the entire treated area can be scanned in a fairly short time to get an idea of that plant cover, From this data, they're able to create heat maps that tells them where the most intense populations are or are not. The diver assisted transect location is a very physical direct measurement of plants and this will be done on representative sites. When this is done a quadrat or a square is placed over the plant, they're removed and taken back to the laboratory and dried to get a biomass of those plants. It also tells the condition they're in and the percent of composition by species. It's time consuming so it's done in representative sites. They use a range of methods to look at the efficacy of these treatments which needs to be done because there are looking at various components of that control methods test and what the effects are.

He's been working on plants at Lake Tahoe since the mid 1990s. This has been the most rewarding and encouraging collaboration that's been going on for the last five or so years. It's been a confluence of expertise, experience, and dedication in the way of protecting Lake Tahoe from aquatic invasive species and is happy to be a part of it.

Ms. Caringer said working on this project over the past four years or so in earnest partnership with Zephyr Collaboration who has been the independent facilitator during this process. Collaboration was instrumental to every aspect of this project and it's because of this different intentional approach that they have a strong proposed project. They were many layers of collaboration and stakeholder committees. She thanked the core stakeholder committee who have stuck with it over the last few years and put in many hours of time in many meetings engaging in spirited, but always productive conversations. This committee who spent a lot of time together in meetings, field trips, reviewing

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and providing feedback for these technical documents. The committee built a lot of trust over the last few years and built a great rapport. One of the biggest value adds for a project like this and is the ability to learn together and augment the collective knowledge of something over time. In this case, when they started, everyone came to the table with their own knowledge base and understanding, and opinions of the Tahoe Keys and how to solve the AIS problem. Everyone chose to work together around this daunting challenge. Today, they know more about the Tahoe Keys ecosystem than ever before. This was done through joint fact finding and following this analysis and experience together.

At the end of 2021, they completed the final stakeholder committee report which is posted on the project website. It summarizes all of those activities completed and the stakeholder perspectives. The key part of the report which highlights the shared and agreed upon perspectives of the committee: 1) The Tahoe Keys aquatic weeds infestation is accelerating and poses a serious threat to Lake Tahoe if not controlled. 2) The development of the proposed project has been through, scientifically rigorous, and inclusive process. 3) The environmental analysis determined that Lake Tahoe is not at risk from this proposed test of mixed methods.

Presentation can be found at: [Agenda-Item-No.-VII.B.-Tahoe-Keys-Weed-Control-Methods-Test-Project.pdf](#)

### Board Comments & Questions

Mrs. Cegavske lived in Lake Tahoe for 24 years. While serving on the board she and her staff took a field tour of the Tahoe Keys with TRPA staff and agency partners. She hopes that the people who have sent emails about the test project are listening today and have read the documents. She thanked everyone for all the work that has been done. It's sad for all the time that it's taken and the people that have resisted this. .

Ms. Faustinos extended her appreciation for staff, consultant, and everyone who worked on this. It's a phenomenal piece of work. She's constantly impressed by the professionalism and the thoroughness of the staff reports, and the information sharing that takes place. It's hard work and doesn't come easy and appreciated the thoroughness and attention paid to collaboration and partnership.

Ms. Aldean echoed the comments. This has required incredible determination and stamina by all and it's created some unprecedented alliances that hopefully will be duplicated in Lake Tahoe in the future. It would be wonderful to see that sort of co-operation on the national scale and elsewhere in the country. She did have a question having to do with the combination test of Ultraviolet light and herbicides. She assumed that there would be the use of herbicides and then overlaying that with the UV light. But based on the description on page 273, it appears the herbicides will be used in the dock shoreline zone and the Ultraviolet light treatment will be confined to the larger central zones. How does that meet the definition of a combined treatment? She thought that the use of herbicides and then overlaying that with a UV light was the true combination of treatments and this seems to be something different.

Ms. Caringer said the combination test sites are an important part of the test and both of those types of combinations are included. The combination test of ultraviolet light and herbicides would have herbicides put underneath the docks and the UV light in the middle. It would help with being able to determine where the UV light goes and where the herbicides can go to see how it can be most effective in an environment like that. However, there are tests included where there is an overlay as Ms. Aldean described.

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Mr. Zabaglo said that's accurate, Ms. Caringer. That example is just one way a combination could work with a certain type of herbicide that would be applied near the shore and that UV light boat going up the middle. There's also the ability to combine it.

Dr. Anderson, Tahoe Keys Property Owners Association Consultant said that's a good point, Mr. Zabaglo. What they're trying to do is optimize the methodologies that are out there that may work. That's a combination where they're focusing the UVC system on the open water where it works best and the shoreline areas with the herbicide. But the other approach is certainly an option as well.

Mr. Marshall said this mechanism, the combination, is meant to reduce as an analysis of reducing the amount of herbicide applied. The UV light would be ran down the middle to see if that controlled the main. But it's difficult for the UV light boat to get into the nearshore so that's where the herbicide would be used. It's a test of a mechanism to reduce the potential use of herbicide to see if that works. That's the design of that particular combination.

Ms. Aldean said her understanding is that the six sites is where the combination of herbicide and UV light will be used. How many of those sites will have an overlap?

Dr. Anderson, Tahoe Keys Property Owners Association Consultant said they've replicated the treatment by three times so at the end of this when the is monitoring done they'll have good statistical analysis from those treatments. Where all the sites are that they're using that same approach of using the shore line areas of the docks for herbicides and the central area for the UV light system. The primary reason is that they're cutting down on the total area that's required to use herbicide in. It's less than half of the total area that would be used otherwise and that's really the primary goal. There are also some different species that are in the nearshore area that can be more easily controlled this way, in some cases. That's one of the things that they'll be discovering with the monitoring as well.

Ms. Aldean asked if it were correct that they don't have any sites that have a true combination of herbicide and ultraviolet light.

Dr. Anderson, Tahoe Keys Property Owners Association Consultant said not in the sense that they would first apply the herbicide and then follow up on those sites specifically with UV light system. However, in the Group B method in the following years, they're going to be using UV light in across all sites with the Group B methods.

Mr. Friedrich said the heart of the concerns of the long term plans including of perpetual pesticide use, for example, a Sierra Club Letter said, "Like every other invasive weed-infested lake in the US, the Tahoe Keys lagoons would require annual perpetual herbicide treatment." Including, would a successful herbicide test necessarily result in broader application at all?

Is there anything about the test that would necessarily lead to being used as a one-time knock down or used in perpetuity, or would it instead be considered in an overall management response plan and need to be evaluated again?

Ms. Caringer said with the scope of the project today, it is a one-time herbicide use. That decision alone does not set any precedent for future use in Lake Tahoe. Any future herbicide use would have to go through the same environmental review, permitting and board decision. They can't predispose what's going to be recommended out of the test. They'll see over the next three years of what works with these mixed methods and will determine at that time what long-term strategy might look like.

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Mr. Friedrich said on that one, he's concerned about what's happening in the interim period. Some commenters, including the Sierra Club asked about that. What would the timeline be for deploying treatment methods Tahoe Keys wide, together with other management strategies, including an environmental analysis? In other words, there's a four year evaluation period, when might they be ready to go full force with whatever method is agreed upon to attack the problem, Tahoe Keys wide, and could that process of evaluation and proposed plan start as soon as possible?

Ms. Caringer said everyone is eager to learn what's going to come out of this test, and how they get to the next phase of long term. They have a lot of monitoring built into this project where they're going to be learning through the three years of testing. It's three years, because it takes time to see what combination and what methods are going to be effective. Even in year one, when you see that knock back, they have to wait until the next season to see how effective that treatment was and if weeds are growing back. They need to allow the time for the test, to look and investigate all the science and monitoring that they have. That doesn't mean they have to wait until the end of year three to start on the next phase. They'll be learning the entire time to see what's working, how they can continue to adapt and apply those in the future and see what environmental review is going to be needed. They want to start on that as soon as possible as the test goes on.

Mr. Friedrich said it would be unfortunate if they waited four years, and then had another for four years of input and analysis. Whatever they can do to begin that evaluation and adaptive management process right away along with the environmental review as soon as possible to implement an agreed upon solution. Related to that input and evaluation process, when looking at the Tahoe Keys Stakeholder Committee Final Report there was talk of next steps, including looking at an adaptive management strategy, based on scientific data, looking at results, and review monitoring data. There are some that have critiqued this particular control method test like the Sierra Club. In the spirit of considering all diverse views and coming to collaboration, the role that broader committee and the public will have in this next phase to ensure that all possible treatment methods are on the table and that and that various management strategies are considered from different points of view.

Ms. Caringer said through this collaborative process that they've built over the last year, TKPOA isn't going to be on their own. If the project's approved, they'll work together on implementation, monitoring, and learning. She sees a strong role for continuing the collaborative process that they've built through implementation and developing the next phase. If the stakeholder committee is ready and willing, she would like to engage with them further through the testing and that does include that stakeholder consultation circle. That larger circle was over 40 different entities and agencies that have helped shape this test and will continue to do so.

Mr. Friedrich assumes no options are off the table. So, whatever methods can be used to solidify and get this consultation circle's input to the broader committee along the way. They get the responses back from the control method tests and those are looked at alongside other management responses for what can stop conveyance of aquatic weeds into the lake. Whether it's through one of the control method tests or through other types of management strategies that have been proposed. The more input that can be given throughout, the more that they'll get the best ideas and build trust in the final package.

Ms. Novasel said the hearing at last week's Lahontan Regional Water Quality Control Board had great discussions and appreciated all the comments which answered her questions. She's very comfortable with this test project, understanding, it is a test project and they'll see what happens. She commended the TKPOA for taking this on and understanding that this is critical to the health of the

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lake, and it's the first step. Hopefully, they can get to a point where people are comfortable with what can be done.

Mr. Rice said he was an Elected Trustee with the Round Hill General Improvement District for 15 years. The GID are water purveyors with their water coming from the lake. During that time they opposed using herbicides in the Tahoe Keys. He has since changed his mind regarding that because of what he's witnessed going on in the Tahoe Keys. He's still concerned about putting herbicides into the lake but it's apparent that there's enough safeguards in place that they need to go ahead with this control test.

### Public Comments & Questions

Mike Plaziak, Executive Officer, Lahontan Regional Water Quality Control Board said the Lahontan Water Board heard the TKPOA permitting action at its January 12-13 hearing. They had over 50 people from the public present and received hundreds of comments prior to their board meeting. Their board weighed the information presented by staff and TKPOA and unanimously voted in favor to certify the Final Environmental Impact Report. They also adopted the National Pollutant Discharge Elimination System (NPDES) permit, the Basin Plan Prohibition exemption, and the Mitigation Monitoring Reporting program.

He was first introduced to the problem with the AIS in the Tahoe Keys in the fall of 2020, when he became the acting executive officer. Shortly after that, waterboard held a workshop to address the AIS issue. In November 2020, there were three points that came to him; first, was the AIS problem in the Tahoe Keys lagoons and the lake proper is one that requires an informed team approach. No one organization or agency is going to solve this problem unilaterally. He appreciated the leadership and building trust through collaboration from Ms. Marchetta and TRPA staff. Secondly, the competent plan forward requires data to allow the team members and the board to make informed decisions that are in the best interest of the people of the state. Lastly, time is not on their side. The control methods test will provide the information on what method or combination of methods is the most effective to address the AIS problem in the Tahoe Keys. It will ultimately inform them on a better strategy going forward for the Tahoe Keys and the lake. Not implying that the chemical means is going to be the solution in the future, they need data. That's what they're here to discuss and decide on, do they want the data to inform them to have a better course to direction going forward or do they want to spend more time which they don't have. He encouraged the board to adopt the Final EIS.

Dave Peterson, President, Tahoe Keys Property Owners Association said he was raised in the Tahoe Keys during the 1960s and 1970s and spent 40 years as a civil engineer specializing in water resources. Today is a major milestone, it's a go, no-go decision on the control methods test project which is a major investment in the multi decade battle with invasive weeds. AIS is a big problem in the lake, it's in the Tahoe Keys, lake proper, up the tributaries, and in the lower Truckee River running out of the lake. The control methods test is needed to help figure out how to tackle this problem. TKPOA would like to acknowledge the remarkable collaboration effort between the regulatory agencies, environmental groups, and their association. The hard work of TRPA and Lahontan staff in development of the test in preparation for this decision needs to be highlighted. Everyone seems to agree that there's a sense of urgency and the status quo is unacceptable. They must act carefully but deliberately to get ahead of the current unsatisfactorily trajectory of the invasive weeds. They hope that the TRPA Board approves this staff recommendations today, and that today we will begin the healing process.

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Bob Larsen, Program Officer, Tahoe Science Advisory Council said this is an extraordinarily important and complex issue. He thanked TRPA staff and others for all the hard work, summarizing the science, planning, and bringing us to this point today. As mentioned during the presentation, that the Science Council of Representatives, Dr. Chandra and Dr. Forest, reviewed the environmental document as it was being developed. In their review, they found that the environmental assessment was thorough and comprehensive.

Because of the clear and well analyzed threat of invasive species infesting the Tahoe Keys has highlighted the importance of considering new control measures, and much larger spatial scales and previously assessed. The No Action Alternative poses significant threats to water quality and the ecology of Lake Tahoe and there's a great need for innovative control measures to be considered. The Science Council reviewers found the evaluation of the herbicide test to be appropriate and consistent with the state of the knowledge. Specifically, they note that there's ample literature regarding the behavior and impacts of the proposed herbicides, and that that information supports the conclusion that they can be safely tested in Lake Tahoe Keys. The reviewers concluded that the various invasive plant control approaches and their potential impacts have been well researched and presented in a logical way. It found the environmental document to be well written and transparent in its findings and encouraged its approval. These issues are exactly why the council was created, and it's gratifying to be a part of the process.

Jesse Patterson, Chief Strategy Officer, League to Save Lake Tahoe said he's been working on the Tahoe Keys for almost a decade. It's been quite a journey with quite a few turns. It's the collaboration and the perseverance that's gotten them here today. The League is celebrating their 65th year as an organization and their mission has remained unchanged. It's always been a focus on water quality, its clarity for the preservation of the lake. They are in support of the control methods test because it is the path forward to protecting water quality and clarity for now and for future generations.

The hazardous algal blooms have been a regular annual occurrence in the Tahoe Keys since 2017. In addition, there was hazardous algal blooms in Lake Tahoe proper on the South Shore this year. Aquatic invasive plants are part of what's causing the water quality issues that are leading to this toxic water in the Tahoe Keys and Lake Tahoe.

The majority of aquatic invasive plant infestations are on the South Shore, in proximity to the Tahoe Keys. No shoreline is immune to the potential threat of aquatic invasive plants and is why the League has been engaged in bringing in a team of science, communication, and community engagement experts, many with graduate degrees in science and water quality. It's not an inconsequential amount of weeds, even though harvesting has been done for a while now, they've learned that it's not the solution and they need to dig deeper.

The League has participated in many programs including Eyes on the Lake which is a citizen science program to identify aquatic invasive species infestations. The Tahoe Keys Property Owners Association have been a wonderful ally in allowing them to host those trainings. They have had their staff attend those trainings on an annual basis, as well as encouraged homeowners to attend, and is what began their engagement with the Tahoe Keys Property Owners.

The waste discharge requirements that were put down by Lahontan in 2014 started a stakeholder process for both the non-point source plan for nutrients on land as well as an integrated weed management plan. The League participated in those discussions and was a great opportunity to learn from many different partners in the Basin. The Water suppliers and Sierra Club was there along with many other partners where there were great discussions about what does and does not work.

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In 2015, a proposal, from the Tahoe Keys came forward and was reviewed by a science panel with many of the experts who said that the project proposal would be successful at knocking back plants but was a much more aggressive plan as far as the use of herbicides. At that time, the League was not comfortable with that amount of herbicide without additional testing and information on what herbicides could or could not do, and how properly to use them to address the issue and protect the water quality of Lake Tahoe. At the same time, an Implementation Plan came out from the University of Nevada, Reno identifying the Tahoe Keys as ground zero and the number one priority for aquatic invasive plant control.

They started doing their own exploration on aquatic invasive plants. Curly-leaf pondweed had become prevalent. All the conferences he attended everyone was very concerned about the presence of Curly-leaf pondweed at Lake Tahoe and asked if they were considering targeted herbicide use. At the time, they were not, but it opened their eyes to perhaps figure out if there is a role to be played for herbicides in this battle against aquatic invasive plants.

At that time, they decided to invest in piloting projects. They began a partnership with TKPOA to fund non-chemical control methods, containment methods, water quality improvement methods, and additional monitoring to learn about what was happening. UV light was implemented at Lakeside Marina at that time by the Tahoe Resource Conservation District. Both backup stations were put in place, and that's also when the hazardous algal blooms started to show up.

The League also participated in the stakeholder committee process that began in 2018. With the help of the Tahoe Keys Property Owners they installed the first ever bubble curtain to help contain the spread of plants. Along with that was the hydroacoustic scanning that helped identify the Tahoe Keys Complex which is the 100 acre infestation, adjacent to the Tahoe Keys lagoons and Lake Tahoe proper.

They also invested in implementation of laminar flow aeration. There was a project installed at the Ski Run Marina and the fall of 2018 that was roughly one half acre. They helped fund and implement a 5.9 acre laminar flow aeration project and the Tahoe Keys in April of 2019 which helped inform the control methods test .

The goal of this project was not necessarily to control plants, but perhaps to control and reduce their primary source of nutrients, which is the muck and organic matter at the bottom of the lagoon that has built up over decades from decaying plants themselves. In 2020 they started control work on the Tahoe Keys complex.

The evolution of the bubble curtain which now has laminar flow aeration layered on, they're continuing to test and monitor that as they move forward. A double bubble curtain was installed in the East channel, now both channels have bubble curtains to help contain the spread.

They support the control methods test. The status quo is destroying the lake. Non-chemical methods are not enough on their own, there is no silver bullet. The control methods test is the best possible project to make progress as it combines them and allows them to compare apples to apples. The inclusion of herbicides according to the environmental review poses no threat to Lake Tahoe. And the precedent that is truly being set now as another Tahoe first is: is it possible to use herbicides once to knock back the infestation and maintain them for multiple years with non-chemical methods? This is something that has not been done anywhere, and hopefully this test will show them that it can be effective, and perhaps teach the rest of the world that are using herbicides in perpetuity that they don't need to do that to control these plants. The approval of the control methods test does not open the door for additional herbicide use or in perpetuity, it's not being considered which was key

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for their support of this test. The only decision before you today truly protects Lake Tahoe is approval of the full control methods test with limited, targeted use of herbicides and all methods. The No Action Alternative or the status quo causes the most detrimental Lake Tahoe.

Sudeep Chandra, Professor of Biology at the University of Nevada, Reno and directs the University's Global Water Center, and also the co-Lead Scientist on the Tahoe Science Advisory Council. His remarks are based not on the institution but based on the expertise that he's had working in the basin in the last 24 years, focusing on understanding the ecology of Lake Tahoe, including aquatic invasive species impacts and prevention possibilities. Aquatic invasive species poses a major challenge to the Lake's ecology. Not just the near shore and off shore water clarity, but also has threats to the native biodiversity. They've had fantastic programs developed at Lake Tahoe in the last 20 years. Nationally recognized programs on prevention, it's an opportunity now to create a recognized program that will test and utilize multiple methods for controlling invasive species in Lake Tahoe.

Their team in the last 20 years have held two national and international panels, focusing on aquatic invasive species issues at Lake Tahoe. The first panel in 2008, and a second panel into 2015 comprised of national international scientific experts. Both panels emphasize the idea that Lake Tahoe should be able to control its aquatic invasive plant infestations if the proper tools were brought to bear. They pointed out that compared to other large lake ecosystems like the Great Lakes, Lake Baikal, or the ones in Europe, that the aquatic invasive species plant infestations and warm water fishes there are actually in relatively low densities and numbers compared to other ecosystems. They should be able to control them if proper tools were available.

The idea of controlling invasive plants and the keys is one opportunity, but they have to also remember that these invasive plants promote other invasive species such as some of the warm water fishes; largemouth bass, bluegill, and goldfish. Trying to control these invasive plants is one opportunity for controlling plants, but also, controlling other invasive species in the system. About 20 years ago, early in his career, he was not in support of using herbicides in the lake. He's changed his position largely because the infestations related to aquatic invasive species and their movements around the lake have become quite impressive and are producing dire conditions for the near shore part of the ecosystem. Today he supported the idea of using multiple methods in a controlled test environment to see which methods could be optimized or combinations to control invasive species in the Tahoe Keys. No one wants to use herbicides or chemicals when you're trying to tackle invasive species. But the situation in Lake Tahoe, and it's the impacts of these invasive species on the Lake's fragile ecology, has become quite dire. Utilizing this multiple methods test is a good step forward in trying to determine the next steps on how to control invasive species.

Tobi Tyler, Sierra Club's Tahoe Area Group said the main reasons why the Sierra Club is objecting to this project is the Lahontan Basin Plan criterion exempting herbicide use for the control methods test has not been satisfied because feasible alternatives to herbicides are available. The monitoring is inadequate to determine the fate and transport of the herbicides and their degradation. Dumping herbicides in the Tahoe Keys lagoons does not attack the underlying source of the weeds; the warm, shallow, stagnant, nutrient filled waters and sediments.

The Sierra Club also objects to the project because it set a dangerous precedent for lake wide chemical use. Lahontan's Basin Plan criteria to protect Lake Tahoe by prohibiting herbicides unless non-chemical methods have been shown to be ineffective or infeasible by a thorough investigation. The investigation should include quantitative analysis. Two non-chemical methods which have shown good results elsewhere in Lake Tahoe; laminar flow aeration and UV Light have not been thoroughly investigated in the Tahoe Keys. Reports on two years of an ongoing laminar flow aeration experiment

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in the Tahoe Keys show that the experimenters are still determining what density of aerators is needed and learning how to use them effectively. Clearly, the laminar flow aeration has not been thoroughly investigated. Experiments with UV light have been very limited and the results have not been reported. The ineffectiveness and infeasibility of non-chemical methods have not been adequately demonstrated, hence, permitting a control methods test would violate the Basin Plan.

There are some significant defects in the control methods test. Supporters of the control methods test claim that it is a rigorously designed experiment. It is not, an experiment is rigorously designed only if all the treatments are precisely specified. The density of aerators and the laminar flow aeration treatment is not specified. The number of laminar flow aeration units available may not be sufficient for optimum deployment of laminar flow aeration. The number laminar flow aeration units needed following herbicide treatment is also likely inadequate. The description of UV light treatment state that repeated treatments would likely be needed to achieve optimal reduction of weed biomass standards for determining whether and when additional treatments are needed are not specified. The capacity of available UV light boats may not be sufficient. A sub optimal number of UV light treatments may potentially be applied. The applicant obviously has a strong preference for using herbicides, suboptimal non-chemical treatments with biased comparisons between herbicide treatments and non-chemical treatments in favor of herbicide treatments.

Is the control methods test monitoring adequate? The monitoring specified with the National Pollutant Discharge Elimination System (NPDES) permit is not adequate to ensure compliance with water quality objectives and the permit. Not enough samples, too few monitoring locations inside and outside the treatment areas, and no monitoring of important water quality parameters, which influence herbicide performance. Detailed justification of the monitoring has not been provided. Hydrologic conditions quantifying transport of herbicides, degradence, etc. are not adequately monitored. Weekly frequency flow calculations cannot adequately quantify hydrologic flow within the Tahoe Keys in exchange between the Keys and the lake, especially for wind controlled events.

A first time use of herbicides is proposed today because Lake Tahoe's ecosystem is seriously threatened by dense growth of weeds in the Tahoe Keys and numerous infestations around the lake that have been started by transported weed fragments from the Tahoe Keys. These problems have been getting worse for several decades. What has TRPA the land use and shorezone planning agency for the entire basin, done to prevent this alarming deterioration. What regulations to minimize the transport of fragments has TRPA enacted and enforced. Two weeks ago, Lahontan Board Members stated that many plausible remedies is preventing transport are outside their authority. If that authority rests with TRPA then they think the public deserves to know what TRPA has done to prevent this deterioration. Despite all the support from scientists for the for the project, there are serious concerns with tri clip here and it's degradence, or residues of concern like TCP with its half-life of up to six months. Endothall because it's a contact herbicide will not kill the roots so perpetual treatment is required.

The approval of this project is not as much a scientific issue as a legal and moral issue. On the legal issue, the Lahontan board chose to violate their own Basin Plan, despite hearing testimony from prior top management who agreed with the Sierra Club that this test does not satisfy the Basin Plan pesticide exemption criteria. On the moral issue, does the TRPA Board want to be one of the regulators who opened up Pandora's box of poisons and waters connected to Lake Tahoe. Sierra Club members have signed two petitions to the Lahontan Water Board opposing this project. The first petition: Saves Lake Tahoe from Herbicides and Aquatic Weeds was signed by 1,592 members. The second petition: Tell authorities no herbicides and Lake Tahoe was signed by 787 members. Many signers added personal comments. The Sierra Club and beyond pesticides submitted more than 3,000 form letters and individual comments opposing the project during the draft EIS comment period.

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Approving the project today sets a terrible precedent for herbicide use throughout Tahoe Keys and the entire lake. They urged the adoption of Alternative One, the identified environmentally superior alternative or deny the project.

Mitch Dion, General Manager, Kingsbury General Improvement District speaking on behalf of the Kingsbury Board. They are in favor of Alternative one, a non-chemical alternative. There's been a lot of discussion about trust and it's nice to have trust amongst agencies and non-governmental organizations. Quite frankly, what hasn't been addressed is the erosion of public trust. The comments that they received from their customers are that the public trust is in jeopardy. There's nothing more intimate in a relationship of trust than when you hand your child or grandchild a glass of drinking water. Their agency has spent tens of millions of dollars on source control, as well as a treatment plant. Their treatment plant will not take care of the chemicals being released or the weeds themselves. Ultimately, they have a lot invested in trying to find non-chemical alternatives to the problems of Lake Tahoe.

Michelle Pandori, homeowner in the Tahoe Keys and a member of their Finance Committee. They need visionary, balance, collaborative, and informed leadership to battle the aquatic weed problem in Lake Tahoe. They know from these presentations and from other publication that the aquatic weeds are not just a problem in the Tahoe Keys but are present in other areas of the lake, particularly populated marinas. But the growing migration of people to Lake Tahoe in the appeal of boating is only a matter of time before this weed infestation is present along the entire perimeter of the lake.

Lake Tahoe can benefit from the decades of time and money invested in a variety of methods to combat weeds. The Tahoe Keys have invested over \$3.7 million to date, for the purposes of better understanding the challenge, and to determine the best solution. When the most effective means of destruction of the weed has been ascertained the implementation of that method can be immediate.

Please approve the test for the benefit of everyone in Lake Tahoe. These weeds are not in one micro environment of the lake. Lake Tahoe is a treasure and it deserves the best efforts to care for it. This includes the generation of methods that can result in long term solutions with proven efficacy. They all want to fix this problem, not just for the Tahoe Keys but for other areas along the Lake. They don't want to cut off access to the Lake, they want to give access to the lake. She pledges to Lake Tahoe to participate in looking for realistic long term solutions to the problem as part of the collective lake community and being a leader for all communities along the lake.

Janet Lee Carter lived 30 plus years in the Reno Tahoe area when she met her late husband, who lived in the Tahoe Keys and this is a special place to her. Speaking for her husband who would be in opposition to this proposal. She lives by the motto, first, do no harm. She's concerned that the potential harm with the use of herbicides even in the "testing mode" has great potential for harm to the clarity and water quality in Lake Tahoe. Two goals of TRPA are "Be a leader in sustainability" and "Use best science." This proposal does the opposite. The Lahontan Basin Plan requires that non-chemical methods be shown to be ineffective by thorough testing before herbicides are considered for use. Non-chemical methods which have been shown to be effective elsewhere around the lake has not been thoroughly tested in the Tahoe Keys and thus not been determined to be ineffective in this case. Including the use of herbicides in these initial tests would violate basic science and the Basin Plan. She's heard a lot of talk today about collaboration and appreciated your attempts to let different groups present their opinions, but with all due respect, TRPA's job is to regulate, not necessarily to just collaborate. Proper regulation and following good science would include the thorough testing of all other methods, before even considering the use of herbicides.

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This would be consistent with the first alternative that was presented today that she supported. Secondly, this should not be presented as a one-time only test or use of herbicides. Basic science tells us that everywhere else herbicides have been used for similar weed control, it's been determined that their annual use are needed to continue the abatement. They already know that if herbicides are chosen as treatment, it will probably need yearly applications for them to continue to be effective. The annual use of herbicides would permanently pollute Lake Tahoe and create irreparable harm. Long term introduction of poisons into the lake is not sustainable. Her plea today is not to put the desires of a small group of homeowners and boat owners above the rest of them who enjoy the beauty and clarity of Lake Tahoe.

Trish Friedman requested that the board only endorse non-toxic methods for the Tahoe Keys. In addition, encourage them redesign their structure and layout and recreate their marshes so that invasive weeds and cyanobacteria bloom was will no longer be a problem. Give Lake Tahoe a chance to heal from the 60 plus year environmental disaster. Endorsing herbicides for this, pristine tier three water body is a crime. You will forever be forced to continue applications because you refuse to fix what never should have been built in the first place. The bad layout of the Tahoe Keys fosters nothing but invasive weeds and cyanobacteria blooms. Even though decades of time, money, and energy were spent trying to solve the issue, the weeds have prevailed and spread to other parts of the lake, the Truckee River and into Pyramid Lake. No herbicide permit is going to fix that damage.

Overhauling, the bad design of the Tahoe Keys is the only way to save Lake Tahoe. Even though they are here today to discuss the reasons for an herbicide permit, the conversation should have been how to solve this problem, once and for all. During the Tahoe Keys long and destructive environmental history, one would have hoped that a light bulb would have gone off. After many decades, of weed pulling, harvesting, bottom barriers, etc. have failed. Couldn't someone have woken up and said this isn't working, we have to start over and redesign this place because we are destroying the lake. Was it the cost? Was it too difficult? What happened to all the smart problem solving scientists and engineers the Tahoe Keys hired? Let's apply a superficial toxic band aid to Lake Tahoe in the form of an herbicide permit. Does this incredibly beautiful magical place warrant such mistreatment. To solve a deeply complex environmental issue, you pop open a bottle of chemicals and pour over weeds, and then "voila" problem solved. She hoped for some sort of collective brilliance! She thought that the League would have stepped up to protest the permit. It seems that all the agencies were leaning toward herbicides, thus making this entire public engagement process a complete travesty. You've let down the citizens of Lake Tahoe. By granting the herbicide permit to the Tahoe Keys, TRPA, the League, and Lahontan are further destroying the lake. This will be your legacy and forever remembered as endorsing poison for Lake Tahoe, instead of protecting it from myopic homeowners who have no kind and compassionate vision for its future.

Dr. Goldman said his involvement as a member of the League to Save Lake Tahoe he dealt with Lahontan Regional Water Quality Control Board over the years. He also taught the first limnology course at the University of California, Davis and UC system. He visited both governors to promote he creation of the Tahoe Regional Planning Agency and has been studying Tahoe for 64 years. He appreciated Lahontan's concern over the years when herbicides were not so well understood. In Illinois they use to use sodium arsenic to kill plants but things have proceeded a great deal since then.

The Tahoe Keys and lake as a whole is impacted by climate change, the warming of the lake, particularly in the Tahoe Keys is going to promote blue green algal growth in serious fashion. They've already seen the spread of invasive species around the lake. Having launched the progress of UV application knowledge concerning herbicides and rates of deterioration after application, examining the use of bubble curtains to keep the herbicide test contained and out of the lake, he's convinced that this is the best procedure available for us at this time and place. He stressed the urgency of ,

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getting moving on a serious, remedial action. The Tahoe Keys problem is only going to get worse. He photographed the first algal bloom in Tahoe originating from the Tahoe Keys and showed those pictures to Governor Reagan and Paul Laxalt in Nevada to convince them that they had to move to a bi-state agency. He's convinced that the herbicides will be kept out of Tahoe. This is a lagoon operation that's well controlled with double curtains and think it's the appropriate and most urgent procedure to move ahead.

Judith Tornese, President, Friends of the West Shore appreciated the work that's been done on this project to date. However, Friends of the West Shore are in favor of the non-chemical Alternative One. Their main concern is the use of herbicides. Why not try the herbicides in the third year or even extend the program to a fourth year after other treatments have been tried? This would determine if non-chemical methods work first. Herbicides should be the last resort and the last alternative if other solutions are not effective.

John Moore said TRPA is responding to the threat of exotic shellfish by mandating rigorous boat inspections and decontaminations. In sharp contrast the board packet does not mention any TRPA preventive actions against transported weed fragments around the lake by Tahoe Keys boats. This has prioritized boating from backyard docks over the health of the lake and is a policy of benign neglect. Transported fragments have started dozens of infestations during the past 30 plus years. The total past and future cost of removing these infestations is millions of dollars. You could hope for success, but there's a long history of herbicide treatments on other lakes. It strongly suggests that the project would eliminate the need for repeated herbicide application in the Tahoe Keys. Such applications would grossly exceed the permitted degradation of Lake Tahoe, a tier three outstanding national resource.

The Tahoe Keys property owners apparently did not believe the project, can eliminate the need for future herbicide. They have submitted a previous applications for up to 12 years or herbicide use. Applications for herbicide use, elsewhere around the California shore are reasonably foreseeable. The 2015 Implementation Plan recommends herbicides and the 2021/2130 Action Agenda applies uses of herbicides and more degradation to the lake. Herbicides do not attack the underlying source of the weed infestation, the nutrient rich waters and sediments in lagoons fuel the annual growth. Nutrients delivered to the lagoons by stormwater and runoff have accumulated for decades. TRPA whose mission includes planning, claims to be leading the aquatic invasive species control effort. Devising a long term plan to eliminate the Tahoe Keys weed problem as completely as possible is essential. To succeed, the long-term plan, must eliminate both the underlying source of the problem, nutrient rich waters and settlements and the boat transport of fragments into the lake. TRPA which leads aquatic invasive species control efforts should probably begin work on long term plan. Benign neglect as an attitude or policy if ignored a delicate or undesirable situation that one is held to be responsible for dealing with. That characterizes TRPA's non-response to transport of weed fragments around the lake.

Andrew Kopania, Tahoe Keys property owner for over 10 years. He's been very involved in developing solutions to the invasive aquatic weeds issue in the Tahoe Keys. As a past member and chairperson of the Tahoe Keys Water Quality Committee. His comments today are being provided as a private citizen and not a representative of TKPOA. The Tahoe Keys waterways cover over 170 acres. In contrast, all other enclosed marinas around Lake Tahoe combined cover less than 30 acres. The next largest marina at the lake is Tahoe City, which is only six acres, 3.5 percent of the Tahoe Keys lagoons. Eighty percent of all other marinas around Lake Tahoe are smaller than the one acre west channel entrance to the Tahoe Keys lagoons. The average marina size around Lake Tahoe was actually less than less than one half acre. Thus, solutions to the aquatic weeds, issues in the Tahoe Keys must be larger and more comprehensive, and require a larger number of tools, and approaches

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tested, or used anywhere else around the lake to date. This comparison is made with enclosed marinas only because it is the clear intent of this project within the Keys Lagoons to not allow aquatic herbicides to ever reach Lake Tahoe itself.

He agreed with the perspectives regarding collaboration and trust that Ms. Marchetta made during her presentation. TKPOA has collaborated extensively with staff's from the Lahontan Waterboard, TRPA, the Tahoe Resource Conservation District, the League to Save Lake Tahoe, and numerous other stakeholders in this process. For more than 25 years, virtually every technology has been brought to the table has been evaluated by TKPOA and others, and have deemed potentially feasible, those technologies have been tested in the Tahoe Keys lagoons. Based on the number of years that he's personally been involved in this project, he can attest that the application here today is a result of and would not have been possible, without broad support and collaborations. The actions proposed were developed to meet the extensive water quality requirements of the Lahontan Regional Water Quality Control Board as specified in the waste discharge requirements permit that was issued to TKPOA by Lahontan in 2014. To meet those permit requirements TKPOA has already implemented significant non-point source control measures, and developed an integrated management plan, which resulted in the collaborative project proposal.

Madonna Dunbar, Resource Conservationist, Incline Village General Improvement District, and serves as the Executive Director of the Tahoe Water Suppliers Association as part of that role. On behalf of the Tahoe Water Suppliers Association Board of Directors she provided the following comments. The TWC board wants to recognize the significant advancement of resources by many diverse stakeholders. The project under review has been built from years of ongoing discussion, research, and collaborative input. They appreciated being part of the stakeholder working group, and they've participated with ideas, resources, and full engagement.

TWC has been involved in this process, for the past 10 years with the last three, being closely involved in the project development, facilitated by Zephyr Collaboration. From this process, communications, mitigations, and monitoring were developed to protect drinking water sources. Significant analysis shows no threat to drinking water from this particular project. For this project, the community's outstanding drinking waters and the Tahoe Tap brand should not have any adverse effects. Their board is not in agreement on this herbicide path. The TWC board continues to support Alternative One which would proceed only with tests of non-chemical methods of aquatic weed control. US, EPA and California EPA both recognize Lake Tahoe as an outstanding National Resource Water Tier three. This designation coupled with the need to protect their filtration exempt permits, underscores their position of testing non-chemical methods on a larger scale first. On January 18, TRPA's Advisory Planning Commission recommended to the Governing Board for staff to review the significance determination related to this dispersal of aquatic weed fragments which staff reported on that today. Fragment control is a critical piece of controlling the spread of the weeds to the other parts of the lake.

They suggested that alongside the activity of the controlled methods test, if approved, that the mandatory use of a boat backup station in the West channels should be implemented and the installation of another backup station in the East channel. By allowing ongoing open access to Lake Tahoe from the Tahoe Keys and the marina, if they're not requiring further best practices such as the mandatory use of a boat backup station, they're missing a huge tool to reduce the spread of weeds.

Currently, boats can go in and out of the Tahoe Keys 24 hours a day with the requested voluntary use of the boat backup station. The 2020 Tahoe Keys West Channel Control Project Report, stated a 90 percent compliance rate for voluntary use of the station. However, looking at the data, it's really only 70 percent volunteer use and that's when someone is watching. The study concluded that 70 percent

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of the boaters voluntarily used the backup station when someone was watching. About 20 percent of the boaters used the backup station when someone told them to, when they were watching. About 10 percent of the boaters refused to comply. This reports information is sampled from about 20 to 30 hours of observation a year. This is a fraction of the thousands of open access hours available to the Tahoe Keys boaters who have to pass TRPA's clean, drain, and dry inspection program only once a year when they put their boats in. Obviously, if they're in and out, they're getting checked again and getting sealed. The 20 to 30 hours of data capture is not enough data to be saying that the boat backup station is being used properly and is working. To reduce the spread of weeds, they have to control the spread from the vector area. Cleaning and inspection need to be prioritized. She suggested that they put some site specific TRPA boat inspection presence there, or maybe use cameras to see what the boaters are doing and what the bottom of the boats look like as they're going in and out. Justice needs to be part of expansion of TRPA's successful boat inspection program. This will be the first time that aquatic herbicides and an associated discharge are slated to be approved for testing in a tier three outstanding natural resource water with filtration exempt water systems.

Madonna Dunbar speaking on behalf of the Incline Village General Improvement District. Although mitigations are offered to protect drinking water, IVGID's legal counsel has suggested that IVGID and TWC members overall, be added to the indemnity language that is approved to indemnify TRPA. IVGID's legal counsel asked the scientists and planners at TRPA on several occasions, if there could be indemnity given to IVGID in the event, the herbicide application ultimately caused IVGID to incur expenses to put in new treatment systems or equipment. IVGID's counsel was told that indemnities were not practical, as this work could not occur, if indemnities were required. However, IVGID's legal counsel learned that TRPA's permit includes indemnity for TRPA. IVGID is asking to be added to the indemnity language (special condition 27 of the permit )that is approved for indemnifying TRPA.

Judith Simon said she's opposed to the use of herbicides in Lake Tahoe. She understands that there is a problem in the Tahoe Keys. Other solutions, except for the solution of doing nothing, are far more promising without endangering the water supply. She listened to the presentation to TRPA on December 15, 2021, and her remarks appear in those minutes. She's still curious about the pumps, pipes, and sewage disposal on the Tahoe Keys and the integrity of those systems. Additionally, there is still a propensity for residents to establish and maintain lawns with the risk inherent in that. Some experts have suggested that this pollution to the nearshore is a minor problem. As a lay person, she'd like to see a push for ongoing stormwater and fertilizer improvements, such as removing grass from the edge of the water, better landscaping, and adding storm drain, inlet filters, closing off the Tahoe Keys or installing and an enforceable boat lock system could do much to achieve the lake wide goal of limiting the spread of invasive weeds from boating activities. After the merits of herbicides, she believes it's generally known already, that herbicides kill aquatic plants. She appreciated the efforts to find the right mix of poisons, there could still be unintended consequences. As touched upon in the presentation, there were alternatives presented at prior meetings, but most of the discussion centered on the use of herbicides versus doing nothing which many agree would cause the further spread of these plants in Lake Tahoe itself. The viable option is Alternative One that does not include the use of herbicides. The Tahoe Water Suppliers Association favors this alternative.

Their water suppliers have spent considerable effort on creating a brand Drink Tahoe Tap that not only addresses the pure water supply but seeks to curtail the use of plastic water bottles. While Lake Tahoe may not be at risk from this limited test, it is at risk if the herbicide testing is successful as TKPOA expects it will be.

Caelan McGee, said he and Jennifer Mair, managing partners of Zephyr Collaboration have assisted with public and stakeholder engagement for this three year effort. Public engagement efforts

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included several public meetings hosted by TRPA, the Lahontan Water Board, the Tahoe Keys Property Owners Association, as well as opportunities for project staff to go other organizations and parties as they held their meetings. <https://tahoekeysweds.org> is a project website that contains a valuable information for today's decision and going forward. In addition, a group of stakeholder consultation circle comprised of about 30 organizations, agencies, and interested parties met a handful of times throughout the environmental review and baseline information collection to ask questions. Several of those SCC members also participated in field trips through the Tahoe Keys lagoons.

The stakeholder committee; the Tahoe Keys Property Owners Association, the Tahoe Resource Conservation District, the League to Save Lake, the Tahoe Water Suppliers Association, and then the Lahontan Water Board and TRPA listened to the deliberations of the stakeholder committee. All these organizations dedicated a great deal of time over three years. They worked with the same information that was available to everybody. They had detailed discussions on test design, environmental review, and the baseline collection of information. Also, the stakeholder committee members participated in all public events. The influence of overall public process is evident in that just over two years ago, when it was agreed that a test was necessary, that there's not sufficient information, to begin a long term evaluation of a long term test. As such, this changed the application with a lot of work from TKPOA and shaped the approach of environmental review and baseline information collection.

The stakeholder committee was not charged with coming to agreement and didn't agree on all things. However, earlier Ms. Caringer pointed out the three shared statements included in the stakeholder committee report is that the problem is accelerating and is a threat to Tahoe. That the design of the test and the environmental review has been rigorous and inclusive. And that Tahoe's systems and users are not at risk from the test itself.

David Blau, Program chair, League to Save Lake Tahoe is speaking today on behalf of their Board of Directors. He's been a resident of the West Shore for 34 years and spent 38 years with an international environmental planning firm preparing environmental impact reports and environmental impact statements including joint documents for state and federal agencies. The EIS is extremely thorough, science based and legally defensible. It's one of the highest quality environmental documents that he's seen and it's only for a three year test. They appreciated that the No Action Alternative was treated as a distinct alternative throughout the impact analysis. He doesn't think that's ever been done in an EIS. The finding, to no surprise is the no action is the most adverse and would do the greatest harm. They support the project, the control method test, the three tools in Category A, backed up by the Category B tools. The problem with Ultraviolet light and Laminar Flow Aeration is they show promise but it's very doubtful that they could be very effective on this large scale of 170 plus acres of water channels. The two herbicides being proposed have been in use for 50 years and used in many lakes, even ones used for drinking water with no residual effects have been found.

They key finding is no significant impact to environmental health, water quality or aquatic biology. The Lahontan staff concluded that the control methods test satisfied all applicable exemption criteria and the Tahoe Science Advisory Council also endorsed the project.

Some misconceptions on the proposed test project are number one; herbicides will be required every year. If we do this. That is not true. If the test knocks back the biomass by 75 percent and the other tools work, no one has said that they're going to use herbicides every year. Second, this would open the floodgates for use all over the lake. That also is an untrue statement. Lahontan would have to give an exemption and do an EIR on each and every use of herbicides. Three, they haven't

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exhaustively tested all methods. In 12 years of study, five years of environmental analysis, millions of dollars and thousands of hours have gone into this. That is exhaustive. They recommend that they test all tools and find a science based, long term solution.

Ken Silveira, Tahoe Keys property owner and member of their board. He's speaking on behalf of himself. After moving to the Tahoe Keys seven years ago, he was encouraged to get involved in the weed problem from a friend who had been working on this problem for 20 years. Since that time, property owners have been working on the weed problem by raking, installing bottom barriers, helping with skimmer boats, brainstorming ideas, serving on committees, changing landscaping, and pay higher assessments to support the water quality effort. Unfortunately, it has been a losing battle. The scale of the problem simply exceeds the capacity of current methods. After years of effort, a team of experts have developed a comprehensive plan to carefully test several aquatic weed control methods, including the use of herbicides. The plan has been extensively reviewed by stakeholders and key agencies. This has been a monumental effort by everyone to get to this point. This is a time to act. The test offers the best chance to stop this invasion and he and his family support the plan. He hopes the plan becomes a model of how solutions to complex environmental problems can be developed by working together.

Dana Schneider, member of Friends of the West Shore and Tahoe area homeowner. She acknowledged the collaboration involved; the scientific evidence based information. The love for Tahoe is something that they all share in common. She's concerned about the plan to put herbicides into the lake and long term consequences of this intervention on the delicate ecosystem. She supported Alternatives One. She began her research into this when she read the Tahoe Keys fight to put toxic chemicals in the Lake Tahoe by Julie Solis and Elise Fett. That prompted her action to do some research and found a 1963 comprehensive study of protection of water resources of Lake Tahoe basis conducted by the Lake Tahoe Area Council. That was forerunner to TRPA. The 1963 study states that it's being done in order to preserve and present clarity and superb qualities of the lake for future years. This is a really important statement about the caretaker role that they have with respect to Lake Tahoe. She's concerned that this current plan is ignoring that role. The introduction of herbicides into the lake does set a precedent even though there have been many people who say that it doesn't. She suggested trying a different alternative and not allowing this permit. Thank you for all the hard work that everybody has done and hope the board takes into consideration the multiple comments and concerns that have been presented today.

Peggy McKee, Sierra Club asked why there is not a moratorium on boats leaving the Tahoe Keys while they do this test. Everyone is viewing the aquatic weeds as a crisis which it is. But at the same time, the boats are going in and out spreading the weeds throughout the lake. If herbicides are applied, some of those weeds are going to have a little bit of herbicide on them. A very low dose of herbicide will result in early resistance and the lake will be filled with resistance aquatic weeds. She would like a moratorium on boats leaving the Tahoe Keys for the lake until the aquatic weeds are controlled or set up a TKPOA inspection and removal of weeds station and no boats leaves the Tahoe Keys without being inspected and all weeds removed before they go into the lake.

Tom Mertens said he's been coming to town for 65 years and speaking as a homeowner and part time resident of 45 years at Rubicon Bay. His firsthand introduction to clarity issues at the lake came in the 1980s when pulling algae out of the water while fishing. He is staunchly opposed to the introduction of herbicides into the lake. This was his position when he was a member of the Sierra Club and during most of the 30 years on the board of the League to Save Lake Tahoe. He was president and chair of the League 22 years ago when they successfully fought to end the discharge of pollutants such as benzene into Lake Tahoe by banning two stroke engines. He was also a League board member voting to fund the very first boat inspections for AIS 15 years ago. Having closely

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followed the arrival of aquatic invasive species, he's changed his position about herbicide usage. It's shocking how far this infestation has spread outside the Tahoe Keys. A treatment has to be found in conducting tests using Ultraviolet light, Laminar Flow Aeration, and targeted herbicides is the only way that scientists believe that this might find a way to slow or stop the spread of this extremely insidious threat to Lake Tahoe. Please approve the control methods testing.

Julie Soules said a lot of the focus, including this control methods test, is on how to kill the weeds rather than how to prevent the weeds from continuing to grow. The Tahoe Keys is a very habitable place for the weeds because of the stagnant water, it's warmer, and shallower. Until there's a plan that addresses that, she doesn't see how any of the solutions, even the Ultraviolet light boat is going to prevent future growth. She would like the focus on how to stop future growth, rather than on how to kill the weeds. They know that herbicides and other methods kill weeds but is a small piece of the puzzle. Until the focus is on the root and the source of the problem, it will be a continual battle.

Jason Collin, local business owner and former Mayor, and City Council member in South Lake Tahoe, and homeowner on Lake Tallac in the Tahoe Keys. He's excited that they're nearing next steps to mitigating the weed problems in Lake Tallac, the Tahoe Keys lagoons, and ultimately protecting Lake Tahoe. When he moved to Lake Tallac seven years ago, he was able swim in it which is not possible anymore. You can only paddle board early in the season because later in the season the weeds are so high and so thick. We see how fast it's progressing and how bad it's getting. To date, it's been one step forward and two steps back. It's critical that they act now to protect the waterways. Taking no action is the absolute worst thing they can do and not going ahead with the planned project is going to be detrimental. Trying these less drastic measures have let the growth continue and it can't be kept up with. He requested the approval of the proposed project and move forward with the most aggressive measures possible to mitigate the aquatic invasive species in Lake Tallac and the Tahoe Keys lagoons.

Natalie Yanish, Kingsbury General Improvement District Board member for 11 years. She agreed that there's a problem with the invasive species that are coming from the Tahoe Keys but we have differing opinions on how to address that problem. Kingsbury General Improvement District provides water to approximately 6,000 residents. There's also other general improvement districts that are on the Nevada side on the shore, as well as Douglas County, who pull water from the lake for domestic water service. There's quite a few water purveyors who are using that as the service for the population and communities. Right now there's an exemption for the Lake Tahoe Surface Water Treatment Exemption. If they're pulling from a surface water source, they had to put in a plan to be able to ozonate water that comes from the lake, as well as treat it. They were able to avoid the filtration process, which if they are mandated to do that, would be quite expensive, and probably infeasible for most of the water purveyor's that are on pulling water from Lake Tahoe.

They went through a long process for about \$16 million to build a water treatment plant to become in compliance. They're concerned about their water intake. They do monitor the contaminants that are coming into their intake, as do the other water purveyors. The applicant, Tahoe Keys Property Owners Association, is asking to introduce chemicals, which also cause residuals into a system, where they're pulling their domestic water from. She's not heard about any cost of monitoring to the other water intakes, or who would be responsible for that, if it would be the applicant to ensure that those herbicides are not coming into their water intakes. Also, if there is a commitment to whatever that might be to impact the domestic water on the Nevada side because it might not only be expensive but probably unfeasible if they had to put filtration in. The Tahoe Water Supplier Association brought up some good points. This would also affect the Incline Village General Improvement District, Cave Rock, Kingsbury General Improvement District, Round Hill, and a variety of other communities in areas around the lake. The applicant pulls their drinking water from wells and not from the lake and

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perhaps is why they aren't as concerned about that as they are. There was a lot of dissent in the stakeholder process and a lot of the water purveyors are waving red flags saying they would promote Alternative One.

Nakia Foskett, Water Systems Manager, Lakeside Park Association said they manage a surface water treatment plant that's about 3.5 miles downwind from the Tahoe Keys lagoons. They use Lake Tahoe as their source water for drinking water. They're concerned with chemical application in their water body. Their water system provides millions of gallons of drinking water annually to residents and commercial businesses. They have a filter system at their water plant and its current design, they would not be able to remove herbicides from their drinking water if there were any kind of breakthrough. If removal became necessary, they would have to add a more extensive filtration system to their process which is not feasible. This project has a lot of mitigation measures that were built into it and the concern is that the one-time type test does have a potential to set precedence of allowing herbicide applications in the future. For herbicides to be truly effective, they're intended to be performed annually at the onset of the growth period. The one-time application isn't consistent with the effective use of herbicides. Lakeside Park opposed the use of herbicides and support non-chemical methods.

Elise Fett said since both her parents and many neighbors died of Parkinson's caused by environmental toxins in the agricultural valley of Hemet, California where her father served on the Eastern Municipal Water Board, as geophysicist. Since 2016, she's been providing information to TRPA regarding the failures and incredible dangers of mutated aquatic oversites, and how they mutate the weeds and offering win-win options for the sake of everyone including the Tahoe Keys. In 2012, TRPA considered banning phosphorus, fertilizer, but it was decided that would be too harsh, even for the Tahoe Keys. Why isn't supporting aquatic herbicide considered harsh? Evaluation and management of non-point source pollutants.

In 2017, it was written that fertilization of lawns and other shrubbery within the Lake Tahoe Basin is leading to significant growth. In order to prevent further deterioration of Lake Tahoe's eutrophication, related water quality there's immediate need to control use of fertilizers in the watershed. Yes, this source is now considered a minimal part of the Tahoe Keys weeds issue because of the huge biomass that's been allowed to accumulate over 40 years in the Keys. Also, because the Tahoe Keys said they tested the storm drains. A meeting at TRPA on March 4, 2020, the person who did the testing said that the lake water was so high, it was sloshing up in the storm drain where he was trying to do the test. Please deny the permit. It would cause an enormous waste of time in lawsuits in discovery and true data. It's inaccuracy regarding the laminar flow system and bubble curtain operation, the stormwater testing, etc. Instead, ban the phosphorus in the basin and assign a person to do random testing every week of spring and summer. Fine landscape companies, owners, and golf courses then use the money from those fines to pay for the non-chemical methods to be installed in the larger scale needed in combination as appropriate for the strength each method offers.

This should also pay for a dependable team to monitor and maintain the systems, unlike the installation and maintenance done previously in the Tahoe Keys where they fail to keep systems running. The results of the ultraviolet light boat, three year tests have not even been completed. There only needs to be maybe six to eight UV light boats to cover the Tahoe Keys and laminar flow need to be run together at the same time with laminar flow started first. UV light systems need to be hung from every pier in the Tahoe Keys and product is in development. Wetlands, whether they're established as a natural or man-made need to be incorporated at least along all sea walls for filtration, shade, and reduce the heat generated by the sun hitting the dark seawalls. This would eliminate the need for herbicides in the nearshore. This was recommended over two years ago by Dr.

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David to Moscow, who presented at that March 2020 meeting. Please vote no, instead, aggressively fight the weeds with non-chemical methods, and stop the nutrients coming into the lake. Your decision today sets a precedent this Tier three like, and other lakes around the world.

Rick Lind, President of Sierra Ecosystems Associates and a Tahoe Keys homeowner. He's been supporting the Tahoe Keys on its evaluations for the last eight years, along with Dr. Anderson. They've been working with the agencies collaboratively and constructively on the applications, including the one here today. This past decade of studies that has been mentioned has involved every type of review of chemical, cultural, mechanical, and biological means of trying to bring the aquatic weeds under control. Past comments regarding a lack of evaluation, of alternative methods is incorrect.

Through that process over the last eight years there has been a large number of cultural practices. Also, on the water practices for fragment control, fragment, skimming, and collection, including by homeowners, that represents a change in the approach, and the views of the homeowners and the association itself. Some of the comments that have been raised regarding the lack of concern are not true. There's also been an assertion that monitoring for the proposed control methods test will only involve qualitative testing, and that is not true. In fact, as shown in the applications, thousands of quantitative water quality and other data points will be collected over the three years. When you look at the design of the test, and as Dr. Anderson described, this approach that has been designed is unprecedented and represents a new approach to evaluating methods, or use of testing herbicides with other control methods.

When they look at the types of herbicides that are approved for this test that are proposed they represent herbicides that have been used in other similar applications for decades. They are approved by both federal and Cal EPA, and they do not represent a done deal in terms of the future comprehensive plan that may be developed as a result of the outcomes of this test. For these reasons and because of the scientific approach to the test, they encourage the boards support in favor of the control methods test.

Mr. Friedrich asked if there was an alternate way for Mr. Mosur to call in so we don't leave anyone unheard.

Mr. Marshall said Mr. Mosur also submitted written comments to the board and are part of the record.

Peter Wolcott, resident of the Tahoe Keys, and chair of the Water Quality Committee. He's lived in the Sierras for more than two decades but are relative newcomers to South Lake Tahoe. He got involved in the AIS problem early last summer when he joined the water quality effort in the Tahoe Keys. It left him with two very vivid first impressions. First, the collaboration is remarkable, the breadth, the depth, the quality of the collaborative effort, are incredibly impressive. Beyond just the effort expended, the output of this collaborations is this important control methods test that's before you today for approval. It's a well thought out test, it's safe, and logistically viable methods will be developed to help knock back the weeds and control them going forward. He gave a tip of the cap to agency leadership for spawning this collaborative culture that got them to this point. It's occasionally frustrating, and it pushes us all on the art of compromise, but this collaborative approach is the only chance they have to take on the big problems that they face.

Second, that they're not winning the fight, at least not the Tahoe Keys. He's concerned that the trajectory of the current plan is not sufficient to get ahead of the problem. They need to be cautiously, but deliberately picking up the pace. He is not suggesting that they alter the control

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methods test timeline. They don't want to meddle in the scientific process, but rather, they should be starting other planning and control efforts in parallel with this test. Getting to this point is a huge achievement for everybody involved, but they have to recognize the control methods test is only one step towards defining a comprehensive water quality solution for the Keys.

It's generally understood that the Upper Truckee acts as a filtration system that helps keep the lake clear. The control methods test can instruct them on methods, but these tools alone will likely not be sufficient to solve the problem. They'll need to be deployed as part of a bigger plan that can achieve and maintain a much higher standard of water quality inside the Tahoe Keys than they see today.

The TKPOA technical team has drafted an outline of a system that includes investments in circulation, filtration, aeration, and other innovative ideas. They can win this battle, but only if they push forward and continue to work collaboratively.

Steve Teshara, Sustainable Community Advocates said a student of and engaged in regional as well as local planning issues in the Lake Tahoe region since 1982. He's not a scientist, nor a technical expert on AIS. However, he's listened to many hours of presentations on the challenge of AIS and the weed infestation in the Tahoe Keys that now poses a threat to all of Lake Tahoe. We need to act now to move forward before the weed infestation continues to migrate throughout the lake. Alternative One solves nothing, it only perpetuates the growing disaster of invasive weeds. He's listened to the presentations and public comment at the January 12<sup>th</sup> and 13<sup>th</sup> meeting of the Lahontan Water Quality Control board that led to their unanimous vote. He thanked all the agencies, organizations, and individuals involved in getting Lake Tahoe to this pivotal point in the battle against aquatic invasive species. The epic collaboration must continue. He testified in support of the Lahontan board's decision and is asking for the Governing Boards affirmative support on the proposed actions today.

Patrick Ronan, until recently he was head of the Board of the LTVA for 12 years, past president of Lodging Association, has been in Tahoe for 30 years, and has a boat in the Tahoe Keys every year. Without doing anything, it's only going to get worse. He's concerned with it getting into the lake proper. He owns the Tahoe Lakeshore Lodge that has 500 feet of private beach. It would be horrible if the weeds ended up on all of the beaches. He's surprised that no one has commented so far that this lake is all about tourism, and the economic viability if that weed ends up outside the Tahoe Keys and begins growing on our shores is going to be brutal. There's no other way to make money in this town, and it would be an absolute disaster if they don't get on this and quickly. It's incredibly positive that there's several different methods being tested at the same time instead of trying one at a time. He supported this test permit and wants to see this keep moving forward at a reasonable pace.

Mr. Marshall said staff tried numerous times to facilitate Mr. Mosur's participation. He was sent call in information to his email address as an alternative way to sign on to make public comment.

### Board Comments & Questions

Ms. Aldean said they've heard a lot of comments and concern expressed by the water purveyors about the potential impact of the use of herbicides on their systems if the herbicides migrate out of the Tahoe Keys. Since these herbicides are purportedly not injurious to people, and they are registered with Federal and State Agencies would the water purveyors have to install a more sophisticated filtration system if these chemicals were detected in their own water supply.

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Ms. Caringer said the test was designed to protect drinking water with the way it's been designed and with the proper BMPs and mitigations in place. She asked Mr. Good to speak to water quality because it was analyzed in the EIS.

Mr. Good said they took a look at the degradation of the of the herbicide chemicals and the amount of dilution that occurs first within the Tahoe Keys lagoons. They looked at the use of the double turbidity curtains and all those things put together, gave them assurance that it really wasn't reasonably possible, that herbicides would be detected outside the Tahoe Keys lagoons.

Nevertheless, the mitigation monitoring and reporting program includes a lot of monitoring both on the outside of those double turbidity curtains, contingency monitoring that would go on to the West channel, and out into Lake Tahoe. There would be much more degradation of the chemicals and much more dilution that would occur before those chemicals could ever reach drinking water intakes. If the question is, somehow if herbicide chemicals were detected in drinking water supplies would additional treatment systems be required? That's more of a question of treatment technology and he's not an expert but was assured 100 percent that it could not happen with detectable concentrations originating from this test getting into drinking water supplies.

Ms. Aldean said part of the purpose of these environmental documents as to anticipate a worst-case scenario when it comes to proposed mitigations. In the proposed mitigation, on page 315, it indicates that the TKPOA has proposed contingency plans, including monitoring and alert systems to implement if necessary to remove herbicides and other chemicals to treat the potable water before distribution. That could be a very expensive proposition. She assumed that offer was made as a potential mitigation, because of the high level of confidence, that this will not be a problem going forward.

Mr. Good said he would suspect that would be the case but can't speak for TKPOA in offering that particular mitigation measure.

Ms. Caringer said those measures are required as part of Lahontan's National Pollutant Discharge Elimination System (NPDES) permit, and TRPA's part of the permitting process and incorporated into TRPA's by reference. They are there as an abundance of caution.

Ms. Conrad-Saydah said there was a comment about boats taking trace herbicides into the lake. Obviously, boats can bring weeds into the lake. How was that addressed in the proposal or the analysis in terms of during the testing period, ensuring that nothing is being spread into the lake and that they're not exacerbating the problem by allowing weeds to continue to flow into the lake.

Ms. Caringer said that is fully protected in the test. The way that the test is designed is that the timing needs to be when the water is flowing into the lagoons when the test is being implemented. Second, there's the double turbidity curtains that are around any site that has herbicide applied. Those are up with monitoring until those herbicides have degraded. Boats cannot go back behind those turbidity curtains while that test is happening. Having boats spread herbicide isn't possible.

Mr. Friedrich asked if the Tahoe Water Suppliers Association is concerned more about a larger application of herbicide or a chronic application, potentially, impacting water supplies, as opposed to this controlled method test?

Ms. Caringer said the water suppliers have been an important partner in the stakeholder committee. The test is designed specifically to see what methods can knock back the infestation and be controlled with non-chemical methods. It's not to seek the use of perpetual herbicide use. This

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project decision does not predispose that outcome. She's not heard that particular concern from the Tahoe Waters Supplier Association comments that they just made but doesn't want to speak on behalf of them.

Mr. Friedrich said several commentors, including the Water Suppliers Association expressed support for Alternative One to use non-chemical methods first or to delay herbicides to year three. He's assumed that was looked at in the cost benefit analysis and what would be the bottom line assessment of the risk of that strategy in terms of meeting the overall project goals.

Ms. Caringer said yes, that was looked at in the analysis which is why they selected the proposed project as it best meets the project goals and objectives to test all tools and determine which combination of methods can work. If they were to choose Alternative One, it's not going to meet the project goals as best as the proposed project because they would not be testing all tools.

Mr. Friedrich asked if the Water Suppliers Association also expressed support for a mandatory boat backup station in both the east and west channels, is that the kind of management response that could be explored quickly by the stakeholder committee, along with other management responses to control the transport of weeds while these tests are happening in the next four years?

Ms. Caringer said when the project gets implemented, she would like to take the opportunity to continue the work with the stakeholder committee and TKPOA to see how they can continue to bolster the measures in place, like the boat backup station and bubble curtain. They would like to continue to explore that on a parallel track with the project.

Ms. Gustafson said all her questions were answered by her fellow board members. She appreciated all the testimony on this issue, not only today, but leading up to today with the emails and comments. Not one of them who treasures Tahoe wants to be facing this decision today. But she can't possibly second guess the decades of study and research from some of the very best scientists and individuals working on this issue. Thank you for all of their hard work. They understand the magnitude of this issue, the seriousness of which they want to take care of Lake Tahoe and protect it.

She wanted staff and the team who collaborated on this to be very focused on addressing the fears and distrust. They heard so much passion and emotion about this decision today. All of us know that through this pandemic there is a lack of public trust and fear on almost every bit of science in our society today. They as public officials need to understand that and move forward in a manner that tries their best to address those fears. She asked the entire partnership, depending on the outcome today, that they're focus on that public education and try to rebuild some trust. She feels they've done everything they can to establish the credibility of the decision before them and urged them to think about taking that forward in a manner that builds as much faith, and trust in this test, as they can.

Ms. Faustinos said if this process moves forward, there needs to be clear, frequent, transparent communication about all these various steps is going to be very important for building up that trust. She appreciated hearing the concerns of those who are opposed to the herbicides. This is not an easy decision. It's that last resort, because they all see that there is such a greater need that they have to address because decades have brought them to this point. She has to have to have faith as well, in the scientists and in faith that they'll move through this is cautiously as they can and that there's substantive monitoring plan that's going to track progress. She extended her appreciation to everyone, and particularly the public that came out today as it's always beneficial to hear those concerns, so that as they move forward in implementation, they can take that into consideration.

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Mr. Friedrich thanked everyone who called in and submitted the written comments. He read all written comments that were sent in. He took them seriously in all elements of this. He agreed with Dr. Chandra that no one really wants to use herbicides, and at the same time no one wants to see this spread throughout the lake. He looks at this as just a first step and it's part of the scientific process, and they shouldn't be afraid of getting the information. It's all done in a very controlled way and that beyond this, the hard questions will be coming about. Once they have the information and hopefully more groups will look at the results and think of the tradeoffs and then there'll be harder questions. Do we use herbicides broadly, or even one time or deploy stronger management of boating and other transport mechanisms? Hopefully, all those will all be looked at right away and that they can get into reviewing the results, tradeoffs, and different methods, whether from the control method test or different management approaches that have been suggested by all parties. Hopefully nothing is off the table, and everyone can weigh in. He's prepared to support this in an information gathering way and then take that information and have it inform the parties at the table what is the best way forward with all approaches considered. There may be people that want them to do a different approach but this is just step one. Many of the concerns that have been raised can be addressed in the months and years to come by being part of the process.

Ms. Aldean made a motion to make the findings required with the Tahoe Regional Planning Compact, Article VII, Chapter 3 of the TRPA Code of Ordinances, and Article 6 of the Rules of Procedure and Certify the Final EIS for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test Project as set forth in Attachment A.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Absent: Ms. Hill

**Motion carried.**

Ms. Aldean made a motion to make the required Chapter 4, 60 and 80 findings that set forth in Attachment B.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Absent: Ms. Hill

**Motion carried.**

Ms. Aldean made a motion to approve the Tahoe keys Lagoons Aquatic Weed Control Methods Test Project as set forth and attachment C.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Absent: Ms. Hill

**Motion carried.**

VIII. REPORTS

A. Executive Director Status Report

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Ms. Marchetta thanked the Governing Board for the vote on the last item. She assured them that they'll take to heart the comments heard. Today was about the immediate test. They are acutely aware of what they need to do in the interim and will pursue that with all due diligence and will continue to be collaborative and transparent as they make their way through this. This was a very important decision.

Staff has asked her to provide a short overview on an additional corridor plan that they are now activating in the transportation planning realm. On the Highway, 50 Corridor Plan, the Nevada Department of Transportation is currently developing out the US 50 East Shore Corridor Management Plan and a charter agreement is being finalized. They will send out to the governing board that and that newsletter, that kind of summarizes the purpose and the activities and the milestones that are being set out in that corridor management plan. Melanie Sloan will be the project lead for that. It's led by the Nevada Department of Transportation and it has a wide variety of partners, TRPA, The Tahoe Transportation District, Douglas County, the Forest Service, Nevada State Parks, State Lands, and Washoe Tribe. All of those entities have signed onto the charter agreement and this plan is going to address our transportation needs along the US. 50 Corridor on the East Shore from Spooner Summit down to the California Nevada State Line at the casino core. A final plan is expected later in the summer of 2022. If any of you are interested in more of the details of that, please contact staff. It's not at a point where they needed to bring forward of a full-blown presentation on it.

### B. General Counsel Status Report

Mr. Marshall said litigation has been filed against the agency over an rejection of an appeal of a non-littoral buoy owner. In October 2021, staff denied a permit for a non-littoral buoy owner for an offshore buoy around Homewood. He then appealed that decision to the Governing Board and the board affirmed staff's decision. He's just recently filed pro se litigation against the Agency.

## IX. GOVERNING BOARD MEMBER REPORTS

Ms. Novasel said El Dorado County has approved the signing of an agreement with the city of South Lake Tahoe for the 56 acres, a leased property. They're talking about recreation opportunities, and the City has some wonderful plans. It was a great collaboration between county and the city. This is an exciting opportunity to take what they consider Central Park of the South Shore.

Mr. Bruce congratulated Ms. Gustafson on her new Chairmanship for Placer County. She's a tremendous leader and a wonderful collaborator and they're thankful to have her on this board.

Ms. Gustafson said yesterday, the Placer County Board of Supervisors voted unanimously to repeal and replace their short-term rental ordinance and further restrict short-term rentals with a cap at the existing level and strengthen the fines that are involved with that. It's been a longtime coming, a lot of work, a very divisive issue with about three or four hours of public testimony.

Mr. Lawrence said the first meeting of the Nevada Legislative Oversight Committee of the Tahoe Regional Planning Agency and Marlette Lake Water System is set for Tuesday, February 15. It's the first meeting of the Interim Committee who will meet six times over the interim with the last meeting, making recommendations on legislation. The first meeting will be virtual and hoping to do in person in the future.

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Ms. Faustinos said she's been involved with the 30 by 30 process on a statewide basis. This is the goal to preserve 30 percent of America's land and water by 2030 and hopefully, 50 percent by 2050. She asked staff for an update at the next meeting for what they're doing to promote that goal within the Tahoe Basin.

Ms. Marchetta said staff will see what they can bring something forward on that.

Mr. Friedrich added on to Ms. Novasel's comments about an excellent example of recent collaboration between the City and El Dorado County. Also, there's been a couple of South Lake Tahoe Transportation decisions, at their last meeting; they moved forward \$5 million to complete a dedicated bike lane next to Lake Tahoe Boulevard. In addition, the city's participatory budgeting process allocated funds for transportation as one of the top vote getters. And one of the projects that is coming out of that are by extending the Greenway Bike Trail further across town. It's recently been completed across the Bijou Meadow and looking at taking it further toward Stateline.

Mr. Bruce thanked TRPA's wonderful staff. This last 30 days through the holiday season has been intense. They've dealt with significant transportation issues and the Tahoe Keys environmental related issues. Both have been extremely time sensitive and important. They put in a lot of extra time, careful thought and consideration, and extended his sincere appreciation to Ms. Marchetta and the entire team.

### X. COMMITTEE REPORTS

#### A. Local Government & Housing Committee

No report.

#### B. Legal Committee

No report.

#### C. Operations & Governance Committee

Ms. Aldean said the committee was introduced to the new Human Resources Director, Angela Atchley.

#### D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

#### E. Forest Health and Wildfire Committee

Mr. Hicks said the Regional Plan Implementation Committee unanimously recommended approval of the code amendments to Chapter 61 for the use of mechanical equipment on slopes of greater than 30 percent.

#### F. Regional Plan Implementation Committee

Mr. Yeates said the committee unanimously recommended the approval of the code amendments to Chapter 61 for the use of mechanical equipment on slopes of greater than

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30 percent. The committee is expecting to hear the Bijou/Al Tahoe Community Plan Amendments at their meeting next month.

XI. PUBLIC INTEREST COMMENTS

Judith Simon what the disposition was of Agenda Item VI.A Tourist Core Area Plan Amendment.

Ms. Marchetta said staff will contact her offline.

XII. ADJOURNMENT

Mrs. Cegavske moved to adjourn.

Chair Mr. Bruce adjourned the meeting at 3:01 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*