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STAFF REPORT

Date: July 15, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Public Comment on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Summary and Staff Recommendation:

No action is required at this time. Staff requests that the Governing Board (GB) offer comments and solicit public comments on the Tahoe Regional Planning Agency (TRPA) Draft Environmental Impact Statement (EIS), CEQA Draft Environmental Impact Report (EIR) for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test. A presentation on the project and DEIS/DEIR will also be given at the APC meeting on August 12, 2020.

Project Background:

TRPA and its partners have implemented invasive aquatic weed control project for several years, achieving localized eradication in many areas around Lake Tahoe. Aquatic Invasive Species Program partners have also developed strategic plans to guide future work and have ranked the Tahoe Keys as the highest priority location. The Tahoe Keys is a residential development directly connected to the lake through lagoons and channels. The size of the area's infestation and its high recreational use by boaters causes spread of weed fragments to other areas of the lake and can spur new infestations. Despite the concerted efforts by the Tahoe Keys Property Owners Association (TKPOA) to control the infestation, the population of weeds and its risk to Lake Tahoe continue to grow.

The Tahoe Keys weed infestation presents a unique set of challenges to solve. First, the infestation inhabits 172 acres of waterways. The sheer size of this infestation doesn't allow for an expedient or easy solution. Second, the infestation is largely on private property and is a major recreational access point to Lake Tahoe for the boating public. Lastly, solving the weed issue garners major interest from stakeholders regionwide. It is true that this weed infestation is not just a Tahoe Keys problem, it is a lake-wide problem. Because of the considerable challenges and the need to take a comprehensive look at options for how to control weeds in the Tahoe Keys, a stakeholder committee was formed and helped shape the proposed project. The proposal is to conduct a test of a variety of control methods, both herbicidal and non-herbicidal, in the Tahoe Keys. This testing program would allow TKPOA and resource managers to study, analyze, and compare a variety of options prior to developing, evaluating, and implementing a future large-scale aquatic weeds control project in the Tahoe Keys.

The draft document provides the analysis of the potential environmental effects of conducting this test program (as well as two action alternatives and a no action alternative). This document does not provide a project recommendation. The document analyzes the TKPOA proposal and several alternative to it as a

tool to aid the lead agencies in the decision-making process. If a Control Methods Test (CMT) is approved, data from this test will inform the development of a long-term weed control strategy for the Tahoe Keys, and another environmental analysis will be needed to analyze the environmental effects of such a full-scale treatment project.

Proposed Project Description:

The proposed project is a testing program that would compare multiple aquatic weed control methods, both as stand-alone treatments and in combination, over the course of three years. The first year would employ methods that are expected to result in large-scale die back of aquatic weeds which include registered aquatic herbicides, Ultraviolet-C light (UVC) and laminar flow aeration. Years two and three would employ follow-up or spot treatment methods to control regrowth or remnant weeds. These methods include the use of bottom barriers where feasible, diver hand pulling and suction methods. UVC could also be used for spot treatment.

Project Alternatives:

The DEIR/DEIS examines two Action Alternatives and a No Action Alternative. Action Alternative 1 would proceed only with tests of non-herbicide methods of aquatic weed control. Under this alternative, no treatments with herbicides would be conducted, and other control methods of the test program (i.e., ultraviolet light, LFA,) would be as described above for the Proposed Project. Action Alternative 2 responds to comments received during public scoping and would consist of hydraulic dredging (i.e., wet excavation or suction dredging) of the bottom layers of organic material and sediment to remove the roots and turions of aquatic weeds at three test sites in the Tahoe Keys lagoons, followed by placement of a new layer of bottom sediment (e.g., coarse sand or gravel). The No Action Alternative considers the long-term consequences to the Tahoe Keys lagoons and Lake Tahoe of not conducting the test program in the Tahoe Keys lagoons. Under this alternative only currently utilized control methods would be employed by TKPOA and individual property owners (e.g., voluntary use of bottom barriers, the existing LFA project, mechanical harvesting, and weed fragment control). Because herbicide and ultraviolet light applications would not be tested under this alternative, it is assumed that these methods for target aquatic weed control would not be used in the foreseeable future under a No Action Alternative.

Issues and Concerns:

The stakeholder engagement process was instrumental in bringing different viewpoints to inform the project design and environmental analysis. It is without doubt that evaluating the use of aquatic herbicides for the first time in Lake Tahoe will be controversial. Some stakeholders believe using aquatic herbicide is the only way to confront a weed infestation of this magnitude, to avoid suffering further short and long-term environmental consequences. Others strongly oppose the use of any chemical form of treatment in Lake Tahoe. Based on stakeholder feedback, it is anticipated that the following topics may be areas of controversy:

- Potential environmental and health effects of using aquatic herbicides
- The need to act quickly on the environmental threat of the spread of aquatic weeds
- Maintaining beneficial uses of the Tahoe Keys

Environmental Review:

The DEIR/DEIS describes the detail of environmental effects that would result from each alternative. Refer to **Table ES-1, Summary of Impacts and Mitigation Measures** in the Executive Summary for a full description of these effects.

For the Proposed Project and both Action Alternatives, all potential adverse effects or impacts can be reduced to less than significant with the incorporation of resource protection measures and/or mitigations. The narrative in the released draft contains a statement that is inaccurate and has been corrected in the attached errata (Attachment A).

The No Action Alternative could have potentially significant unavoidable effects to all water quality issues (water temperature, turbidity, dispersal of aquatic fragments, changes in pH, dissolved oxygen, total phosphorus, and total nitrogen concentrations) as a result of inaction on aquatic weeds management. The No Action Alternative could also have a significant effect on recreational boating if aquatic weeds continue to proliferate.

Public Comment:

The Draft EIR/EIS is available for public review and comment until September 3, 2020. Interested agencies, organizations, and individuals are encouraged to submit comments on the completeness and technical adequacy of the Draft EIR/EIS and alternatives. Comments are requested to be concise and focused on the specifics of the proposed project and alternatives to ensure that the impacts are adequately determined before the lead agencies make a final decision. The document can be referenced electronically at trpa.org and tahoekeysweeds.org. Project information can also be referenced at tahoekeysweeds.org.

Public Hearings have been scheduled to take place on-line via GoToWebinar and GoToMeeting platforms. Detailed instructions can be found at trpa.org. On-line meetings are scheduled as follows:

- Wednesday, July 22, 2020 TRPA Governing Board Meeting
- Tuesday, August 11, 2020 Public Workshop
- Wednesday August 12, 2020 TRPA Advisory Planning Commission Meeting

In accordance with Article 6.13(b) of the TRPA Rules of Procedure, the comment period for the Draft EIR/EIS commenced on July 6, 2020 and will conclude on September 3, 2020. The purpose of the sixty-day comment period is to gather input from the public regarding the adequacy of the Draft EIR/EIS in terms of identified impacts and proposed mitigation measures that are addressed in the environmental document. After the comment period a Final EIR/EIS will be prepared that will include responses to all written comments received during the comment period and may include responses to oral or late comments per Article 6.14, TRPA Rules of Procedure. TRPA action on the project, including a hearing on certification of the Final EIR/EIS by the Governing Board, will be after publication of the Final EIS.

Contact Information:

For questions regarding this agenda item, please contact Dennis M. Zabaglo, Aquatic Resources Program Manager at (775) 589-5255 or dzabaglo@trpa.org.

Attachments:

Attachment A: Errata

Attachment
Errata

Errata

Section ES.4.2 on page ES-9 should read as follows:

Table ES-1 presents a matrix comparison of the Proposed Project and alternatives, summarizing significant unavoidable effects after mitigation, consequences for TRPA environmental thresholds, effects on the relationship between short-term uses and long-term enhancement of long-term productivity, growth-inducing effects, and irreversible or irretrievable effects. ~~As shown in Table ES-1 and Table 5-1, Action Alternative 1 (Testing Non-Herbicide Methods Only) is the only alternative that entirely avoids potentially significant impacts after mitigation.~~ As discussed in Section 5.7, Action Alternative 1 was identified as the **environmentally superior alternative**.