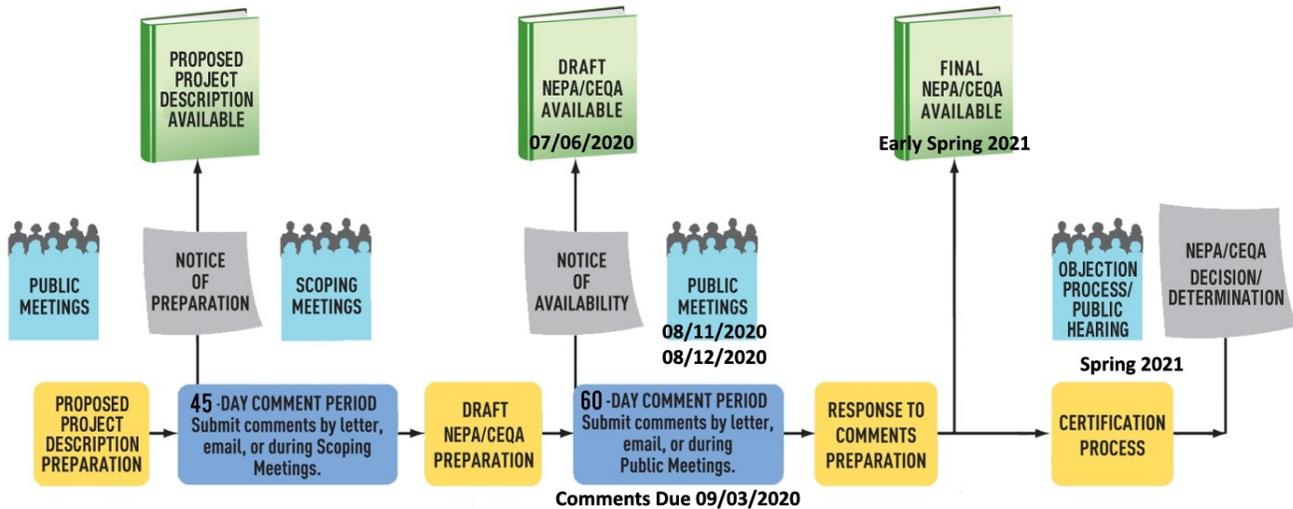


Tahoe Water Suppliers Association Staff Summary



Tahoe Keys Lagoons Aquatic Weed Control Methods Test (CMT) Draft Environmental Impact Report/ Environmental Impact Statement (DEIR/EIS)

Lead Agencies: Lahontan RWQCB & TRPA

Notice of Availability: June 17, 2019

Comment Period: July 6, 2020-September 3, 2020

Public Meetings: Aug. 11, 2020 & Aug. 12, 2020

Full Document: https://tahoekeysweeds.org/environmental_analysis/

Executive Summary

The Tahoe Keys Property Owners Association (TKPOA) is seeking approval for an exemption to the Basin Plan Amendment on the prohibition of herbicide use in Lake Tahoe, as represented in the 2018 Aquatic Pesticide Application Plan (APAP). The goal of the project is to reduce aquatic weed biomass by 75% to improve water quality and recreation for beneficial use. The Lead Agency (Lahontan) is requiring full environmental review (CEQA) of the proposed project, due to the proposed discharge of aquatic herbicides into receiving waters of the Tahoe Keys Lagoons, a Tier III Outstanding National Resource Water (ONRW Tier III) for ecological and recreational value. After designation of the Tahoe Keys Lagoons as the greatest threat to the environmental health of Lake Tahoe, the TRPA has secured federal funding through the Lake Tahoe Restoration Act (\$3M) to facilitate a solution to the aquatic weed problem at the Tahoe Keys Lagoons. As part of the California Environmental Quality Act (CEQA) process, the TKPOA has worked with regulators and stakeholders to produce a proposed project for herbicide use, and after an initial public scoping process, three additional project alternatives. The proposed project, and three alternatives underwent review by an independent third party consultants chosen by the lead agencies, and produced the DEIR/EIS. As required by the (CEQA) Process, the DEIR/EIS is not recommending a project action to the lead agencies; it is providing the necessary information for informed decision making, with the required designation of an Environmentally Superior Alternative. The DEIR/EIS has chosen a project alternative as the **Environmentally Superior Alternative, Action Alternative 1 (Testing of Non-Herbicide Methods Only)**. The Proposed Project, Action Alternative 2 (Tahoe Keys Dredge and Replace Substrate), and the No-Action Alternative would have unavoidable impacts on recreational boating that would not occur under Action Alternative 1 (Testing of Non-Herbicide Methods Only). Additionally, the permitting process for the proposed project requires an Antidegradation Analysis, to be released in the fall of 2020, as part of the Draft National Pollutant Discharge Elimination System (NPDES) permit.

The DEIR/EIS has found that the proposed project and the alternative actions will have **no significant impact** to Environmental Health, Aquatic Biology, Utilities, and all reviewed objectives, that cannot be avoided with mitigation measures including early treatment, real time monitoring, pretreatment surveys, and containment. The non-action alternative has been found to have **potentially significant unavoidable impact** due to the increase infestation of aquatic weeds from the Tahoe Keys Lagoons throughout greater Lake Tahoe.

Project Details (Proposed Project)

The proposed project is a 2 phase, 3 year Control Methods Test (CMT) with a goal of 75% plant biomass reduction. Year 1 includes the testing of Group A Methods: two herbicides, in standalone test sites plus combination UV-C & Herbicide test sites. Additionally, the proposed project will include testing of UV-C Light, LFA, and no action. Years 2/3 will include testing of mechanical methods (Group B) with no herbicide use.

Year One – 2021

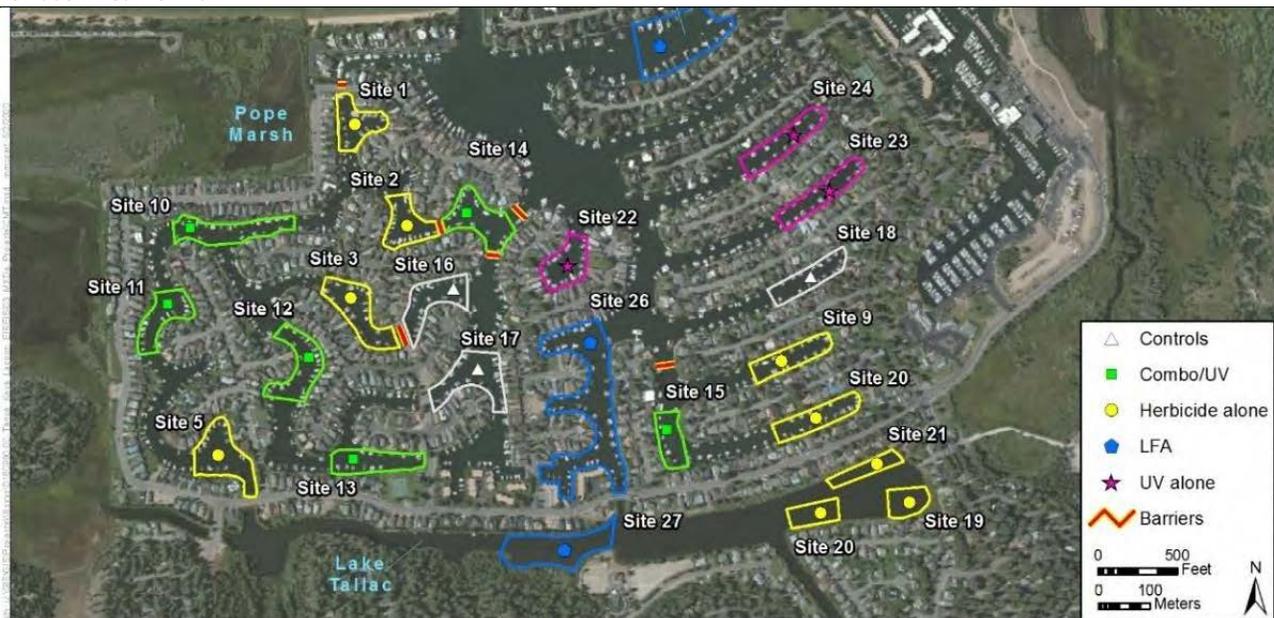
Group A West Lagoon- 21 Test Sites total. Triplicate use of methods (selection condition dependent).

- 6 herbicide-only (3 sites for 2 herbicides)
- 3 UV-C Light only
- 6 combination Herbicide and UV-C Light
- 3 LFA-only
- 3 Control
- 3 (herbicides only) Lake Tallac

Proposed Group A Treatment Site Details.

Table 2-3 Proposed Test Herbicide Application Treatment Site Details. Site Number/Treatments	Application Rate (ppm)	Plot Size (acres)	Actual Herbicide/ Zone Size (acres)
1 Herbicide (Endothall)	5	1.5	1.5
2 Herbicide (ProcellaCOR*)	0.003	1.5	1.5
3 Herbicide (ProcellaCOR*)	0.003	2.1	2.1
5 Herbicide (Endothall)	5	2.2	2.2
8 Herbicide (Endothall)	5	1.6	1.6
9 Herbicide (ProcellaCOR*)	0.003	1.5	1.5
10 Combo Herb/ Ultraviolet (Endothall)	5	2.0	0.7
11 Combo Herb/ Ultraviolet (ProcellaCOR*)	0.003	1.6	0.5
12 Combo Herb/ Ultraviolet (ProcellaCOR*)	0.003	1.9	0.7
13 Combo Herb/ Ultraviolet (Endothall)	5	1.7	0.6
14 Combo Herb/ Ultraviolet (Endothall)	5	2.0	0.7
15 Combo Herb/ Ultraviolet (ProcellaCOR*)	0.003	1.2	0.4
16 Control	N/A	1.8	0.0
17 Control	N/A	2.2	0.0
18 Control	N/A	1.5	0.0
19 Herbicide (Endothall)	2 to 5	1.0	1.0
20 Herbicide (Endothall)	2 to 5	1.0	1.0
21 Herbicide (Endothall)	2 to 5	0.9	0.9

Notes: *Triclopyr at an application rate of 2.5 ppm would be substituted for ProcellaCOR if ProcellaCOR is not approved for use in California.



SOURCE: DigitalGlobe, 2016

Tahoe Keys Lagoons Restoration Program EIR/EIS, D180990

Herbicide Only (10.4 acres in Lagoons, 2.9 acres in Lake Tallac)

The DEIR/EIS reviewed the environmental impacts of three aquatic herbicide. If the proposed project is executed only two herbicides will be used, Endothall and Florpyrauxifen-benzyl or Triclopyr.

Proposed Herbicides, Application Rates, and Application Methods. Herbicide* Active Ingredient (Product Name)	USEPA Reg. No.	Maximum Allowable Rate (ppm)	Application Method (s)	Target Plants per Product Labeling
Endothall (Aquathol K) Contact-type	USEPA Reg. No. 70506-176	5.0	Drop hoses	Eurasian watermilfoil Coontail Curlyleaf pondweed
Triclopyr (Renovate 3 [liquid] or OTF [granular])	USEPA Reg. No. 67690-42	2.5	Drop hoses (liquid) or granular spreader (solid)	Eurasian watermilfoil
Florpyrauxifen-benzyl (ProcellaCOR)	USEPA Reg. No. 67690-80	0.003	Drop hoses	Eurasian watermilfoil Coontail
*No adjuvants (i.e., additives to enhance herbicide activity) would be used. Only products approved for use in California would be used.				

Containment- Double Turbidity Curtains, Applicator Control, Monitoring and Reporting Program described in the 2018 Aquatic Pesticide Application Plan (APAP).

Ultraviolet Light C (UV-C) Stand Alone (4.9 acres)

“The current proposed methodology includes initial ultraviolet light treatments in May and June with the array two to three feet off the lagoon bottom, to stunt growth when the plants are small. A second treatment would occur in July and August, and in the case of curlyleaf pondweed, would target irradiating the crowns of the plants causing mortality before they drop turions. A final round of treatments could occur in September and October, as needed.” (TKPOA CMT, page 2-19)

“The total area proposed for stand-alone tests of ultraviolet light in the CMT is 4.9 acres, which represents less than three percent of the total surface area of the 172-acre lagoon system. Based on the Lakeside Marina and Beach testing and using an average time of 15 minutes for treatment and repositioning of the light array, approximately 640 square feet could be treated per hour and one acre could be treated in 68 hours, using the existing eight-foot by 20-foot array. This information was used to project how long UV light treatment might take for the proposed testing:

- Coverage using the existing ultraviolet light boat would require four to five days of operation at ultraviolet light-only test site. Continuous operations for seven days per week could accomplish a single round of treatment at all three test sites in approximately three weeks using the existing ultraviolet light boat, assuming no down time for cleaning, maintenance, and other activities.
- To complete two rounds of ultraviolet light treatment during the active growing season for target aquatic weeds at all ultraviolet light test sites, including the six ultraviolet light/herbicide test sites described in Section 2.3.5, it is assumed that a mid-sized ultraviolet boat with a 320 square-foot light array would need to be deployed in addition to the existing small ultraviolet boat.
- Working together the two boats could complete one round of treatment in approximately 270 operating hours, or about seven weeks using a normal work schedule.
- Given the plan for two or three rounds of ultraviolet light treatment, it is likely that the two boats could need to work continuously from late May until October if a third round is necessary based on results from the first two rounds.” (TKPOA CMT, Page 2-21)

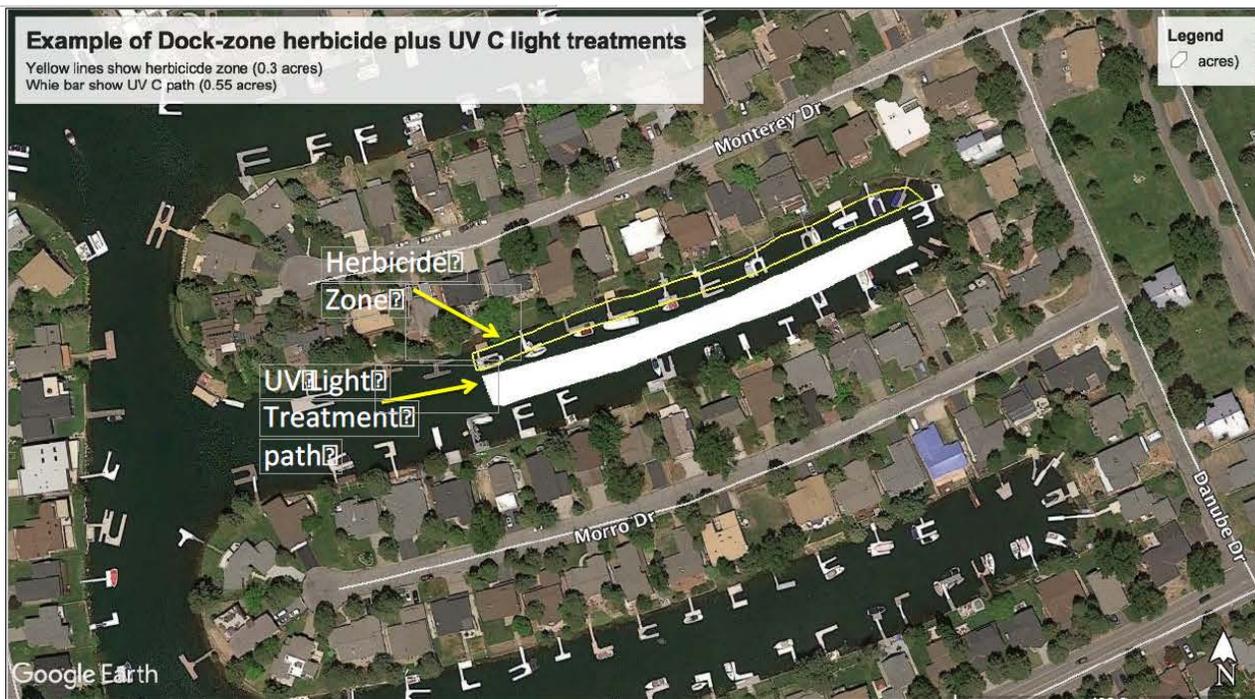
Laminar Flow Aeration (LFA) – Stand Alone (12.8 acres)

“Three test sites would be treated with LFA. LFA treatment would involve the temporary installation of five to 10 ceramic air diffusers on the bottom of the channel at each treatment site, together with weighted airlines. The diffusers and airlines would be connected to a land-based electrically powered air compressor, which would be placed in a sound-reducing cabinet. TKPOA was issued permits by TRPA, the Army Corps of Engineers (USACE) and Lahontan Water Board to install a six-acre LFA project at Site 26 in the south-central part of the West Lagoon (Figure 2-4) in April 2019. Two additional smaller test sites are planned to begin operation in the spring of 2021, for a total of 12.8 acres of LFA operation during the CMT.

The LFA test would not disrupt existing recreation uses in the Tahoe Keys since all equipment would be located on the bottom of the channel (except for air compressors that would be located within utility enclosures). No modifications to existing uses or structures are proposed, and no barriers would be used to isolate the LFA treatment areas.” (TKPOA CMT, page 2-22)

Herbicide & UV-C Light combined (10.4 acres)

TKPOA will test three combined Herbicide and UV-C light sites. The combination of the two group A methods “sites would be used to study the efficacy of combining ultraviolet light treatments applied in linear, unobstructed reaches, with herbicide treatments applied in the relatively narrow zone between the dock footprints and the shorelines. The objective of this combination is to optimize ultraviolet light exposure efficiency by combining it with the application of herbicides in generally “obstructed” areas.” (TKPOA CMT, Page 2-22)



Year 2 & 3 (2022-2023)

Group B West Lagoon – methods to be used; Diver-Assisted suction/Hand Pulling, Bottom Barriers (with or without hot water, steam or acetic acid injections), Localized spot treatment with ultraviolet light, localized suction dredging. The Group B method to be used will be dependent on the results of the Group A treatment, the size of the infestation and limitations and constraints to the method type based on lagoon morphology or physical obstructions.

“Group B methods would be implemented following the testing of Group A methods, depending on the target aquatic weeds present, size of infestation, and location of infestation. Where the target plant biovolume reduction does not achieve the 75% reduction goal for Group A methods, that site would be considered a failed test and Group B follow-up maintenance would not be performed. Group B methods are included in the CMT to evaluate their ability to provide sustainable, long-term maintenance options that preclude the need for repeated use of herbicides or other Group A methods. During the Spring of the year following Group A testing at each site, hydroacoustic and macroinvertebrate surveys would be performed to determine the size of the remaining infestation. Group B methods would be implemented during the years following Group A tests.” (TKPOA CMT, page 2- 23/24)

Alternative 1 (Testing of non-herbicide methods only):

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 elements of the test program (i.e., ultraviolet light, LFA, and Group B methods) would be as described above for the Proposed Project. This alternative was identified as the environmentally superior alternative (Section 5.7).

Year One – (2021)

- UV-C Light – Stand Alone Test as described in the proposed project
- LFT – Stand Alone test as described in the proposed project

Year 2 & 3 (2022-2023)

- Group B maintenance as described in the proposed project

Alternative 2 (Tahoe Keys dredge and replace substrate)

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). (TKPOA CMT, Page ES-7)

No Action Alternative

The No Action Alternative considers the long-term consequences to the Tahoe Keys lagoons and Lake Tahoe of undertaking no new weed control activities in the Tahoe Keys lagoons. Under this alternative only current 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. (TKPOA CMT, Page ES-7)

TWSA Staff Draft EIR/EIS Highlights for Purveyors

No Finding of significant impact to all objectives from proposed project, alt. 1, Alt. 2

- **Detectable Concentrations of Herbicides and Degradates in Receiving Waters.** The potential impact of detectable concentrations of herbicides and degradates in receiving waters will be **less than significant** for the Proposed Project, given the timing and limited extent of application. A spill response plan would also be employed, and double turbidity curtains would be used to prevent movement of herbicides toward the West Lagoon connecting channel. LFA or other aeration technology will be used at test sites to accelerate the degradation of herbicide active ingredients and degradates.
- **Protection of Drinking Water Supplies.** This issue would have **less than significant** effects for the Proposed Project, given measures to contain the herbicide applications with double turbidity curtains to prevent movement of active ingredients toward the West Lagoon connecting channel and Lake Tahoe. Dye tracing and well monitoring will document herbicide movement, and existing or mobile carbon filtration systems would be activated to remove herbicide residues if they reach wells.
- **Effects on Water Supply (Utilities).** No impact to this issue would occur under the Proposed Project or any of the alternatives. **No significant unavoidable environmental effects would occur** for this issue under the Proposed Project and Action Alternatives. Though the degree of potential significance is speculative, the No Action Alternative could result in a potentially significant turbidity-related impact if intakes are located in shallow waters where habitat could support uncontrolled growth of aquatic weeds.

Significant impact of non-action alternative

Environmental Health: As aquatic weed infestations persist and grow in the Tahoe Keys lagoons, conditions may become increasingly favorable for HABs. Past detections of cyanotoxins have reached caution levels at Tahoe Keys, and continuation of the existing programs to monitor and warn people at Tahoe Keys when cyanotoxins are present may continue to be effective in protecting against any additional risks of exposure to cyanotoxins. However, the conditions that cause cyanobacteria to produce cyanotoxins are not well understood, and it is uncertain whether concentrations of these toxins would increase in the future. Given this uncertainty, the impact of HABs may present a **potentially significant unavoidable impact** of the No Action Alternative.

Aquatic Biology: The No Action Alternative is expected to lead to expansion of aquatic weed growth in the lagoons and in other nearshore areas of Lake Tahoe, particularly with continued spread of curlyleaf pondweed infestations. Therefore, **significant and unavoidable** impacts would be expected (1) in aquatic macrophyte community composition, (2) in the expansion of curlyleaf pondweed, (3) to further degrade habitat conditions for the larger aquatic BMI community, similar to that for the Tahoe Keys lagoons, and (4) to further degrade habitat conditions for special status fish species and native or recreationally important game fish species, potentially blocking access to spawning habitat.

Built/Human Environment: Long-term **significant unavoidable impacts** to recreational boating could accumulate for this issue under the No Action Alternative, if the continued harvesting of aquatic weeds as currently practiced by the TKPOA is ineffective in preventing the spread of the weeds to Lake Tahoe.

Mitigation Measures (feasible, measurable and specific)

Mitigation measures for the proposed project are provided in the 2018 Aquatic Pesticide Application Plan (APAP), the draft EIR provides the following mitigation measures:

- Applicator qualifications
- Spill response plan
- Dye tracing
- Well monitoring and contingencies
- West Channel monitoring and contingencies
- Public outreach
- Carbon filtration contingency (wells only)
- Double turbidity curtain barriers
- Best management practices
- Timing and size of treatments
- Aeration

ONRW Tier III Status References

The following federal, state, and local regulatory requirements are listed in the Draft EIR for projects in an ONRW Tier III water.

Federal

- **USEPA Antidegradation Policy:** The Tier III designation of Lake Tahoe (including the West and East lagoons) under the State and federal Antidegradation Policies requires that states may allow some limited activities that result in temporary and short-term changes to water quality, subject to protection of beneficial uses. These changes would not be allowed to adversely affect existing uses or alter the essential character or special uses for which Lake Tahoe was designated as an ONRW. As discussed in Section 1.4.1.1, if detectable concentrations of applied aquatic herbicide active ingredients or select degradation byproducts are present longer than “weeks to months, not years” the discharges would be assessed to cause long-term water quality degradation. The LWB has discretion in determining the allowable time frames for what constitutes long-term and short-term existing water quality degradation within the “weeks to months, not years” guidance from USEPA.

State

- **California’s antidegradation policy** is in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. The requirements for an exemption to the prohibition apply both to proposed aquatic herbicide testing in the West Lagoon, which is part of the Tier Three designation of Lake Tahoe as an ONRW, and to herbicide testing in Lake Tallac, which has Tier Two protection under the antidegradation regulations. If approved for use, detectable concentrations of herbicide active ingredients and degradates above background would be allowed within treatment areas only for a short-term period (i.e., weeks to months, not years). This requirement is described in Section 1.4. In receiving waters outside of treatment areas, short-term detectable concentrations of herbicide active ingredients and degradates are only allowable if beneficial uses are protected and maintained.

Local

- **Obstruction of Direct Access to Lake Tahoe for Recreational Boating.** Lake Tahoe offers an exceptional recreational experience as a unique alpine lake known worldwide for the clarity and purity of its outstanding blue waters. The Lake was designated an Outstanding National Resource Water (ONRW) by the State of California and the USEPA in 1980. The recreational quality of Lake Tahoe was a primary attraction in developing the Tahoe Keys, and in the ongoing use of the Lake. The Keys is a boat-oriented development, and much of the recreation use enjoyed by Tahoe Keys property owners and their guests

is mediated by direct access to Lake Tahoe for boat use. The primary potential impact of the Proposed Project and Action Alternatives on recreation occurs through its effects on boat access and displacement of use to nearby marinas and other facilities.

Filtration Exemption References

Issue UT-1: Effects on Water Supply. A primary concern raised by water purveyors sourcing Lake Tahoe has been the potential to affect the quality of water taken at their drinking water intakes, such that they would no longer qualify for the filtration exemption. Of the six treatment requirements listed in Table 3.4.2-1, the only one that could be affected by the Proposed Project would be turbidity. The Proposed Project has no potential to influence microbial contamination or trihalomethanes in Lake Tahoe. This analysis of potential impacts also considers the potential for herbicides or degradates to reach water intakes in detectible concentrations, such that drinking water sourced at these intakes would be rendered contaminated or unsuitable for human use.

No mitigation would be required beyond that proposed for water quality (Section 3.3.4) and designed as part of the Proposed Project, as no impacts to utilities would occur. TKPOA has proposed contingency plans, including monitoring and alert systems (TKPOA 2018e; see also the IEC/IS), that would be implemented if necessary, to remove herbicides and other chemicals to treat the potable water before distribution. The negligible potential for impact forestalls the need for other mitigation.

No significant unavoidable impacts to utilities would occur.

Environmentally Superior Alternative (Requirement & How chosen)

CEQA Guidelines 15126.6 address Alternatives to the Proposed Project, stating that *“an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives,”* and further, *“The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.”*

Sections 15126.6(a) and 15126.6e(2)) require that an EIR’s analysis of alternatives identify the “environmentally superior” alternative among all of those considered. In addition, if the No-Project Alternative is identified as the environmentally superior alternative, then the EIR must also identify the environmentally superior alternative among the other alternatives. Under CEQA, the goal of identifying the environmentally superior alternative is to assist decision makers in considering project approval. CEQA does not require an agency to select the environmentally superior alternative (State CEQA Guidelines Section 15042–15043).

In this case, the No Action Alternative is not the environmental superior alternative; in fact, as shown in Table 5-1, it would have the greatest potentially significant unavoidable impacts of the four alternatives considered.

Action Alternative 1 (Testing of Non-Herbicide Methods Only) was selected as an alternative that might reduce the potentially significant effects of the Proposed Project by avoiding the application of herbicides.

Action Alternative 2 (Tahoe Key Dredge and Replace Substrate) was selected after scoping as an alternative suggested by stakeholders that also might reduce impacts by avoiding the application of herbicides.

As shown in Table 5-1, both the Proposed Project and Action Alternative 2 would have potentially significant unavoidable impacts on recreational boating. In addition, although the Proposed Project and both Action Alternatives mitigate all other identified environmental issues to less than significant, both the Proposed Project and Action Alternative 2 entail activities (application of herbicides and the dredging, dewatering and disposal of

sediment) that would not occur under Action Alternative 1. Although mitigated, these additional activities entail some measure of potential risk and reduced impact. For all these reasons, Action Alternative 1 is the environmentally superior alternative.

Benthic Macro Invertebrates

Effects on the Aquatic Benthic Macroinvertebrate Community. Implementation of the Proposed Project or Action Alternatives would not be expected to result in a substantial change or reduction in the diversity or distribution of the aquatic BMI community and this impact would be less than significant. Continued spread of aquatic invasive weeds under the No Action Alternative has the potential to further change the plant community composition in deeper water areas of the lagoons, and also further spread in nearshore areas of Lake Tahoe proper. This would be expected to further degrade conditions for aquatic BMIs, similar to that for the Tahoe Keys lagoons. If the continued spread of aquatic invasive weeds goes unchecked under the No Action Alternative, the resulting changes to the BMI community composition could be significant.

Competiveness & Regrowth of Curlyleaf Pondweed

Competitive Exclusion of Aquatic Macrophytes Due to Increased Growth of Curlyleaf Pondweed. Given the small areas proposed for testing aquatic herbicides under the Proposed Project, and the ability to adjust test site locations to avoid areas dominated by native plant communities, changes or reduction in the diversity or distribution of the non-target macrophyte community or increased growth of curlyleaf pondweed would be less than significant.