

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION  
MEETING OF JULY 12-13, 2017  
BISHOP**

**ITEM 3**

**Status of Proposed Cease and Desist Order and Stipulated Agreement with the United States Forest Service, Lake Tahoe Basin Management Unit; Meeks Bay Marina Resort, El Dorado County**

**CHRONOLOGY**

<b>June 6, 1988</b>	Water Board adopted Waste Discharge Requirements (WDRs) for potential pollutant discharges from operation and maintenance of resort accommodations and the marina.
<b>May 10, 2000</b>	Water Board adopted National Pollutant Discharge Elimination System Permit (NPDES) for Storm Water Discharges Associated with Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit (Lake Tahoe Marina NPDES General Permit). Meeks Bay Resort Marina subsequently enrolled for coverage under the Lake Tahoe Marina NPDES General Permit, and submitted plans for paving the dirt parking lot and installing permanent storm water BMPs.
<b>July 14, 2005</b>	Water Board renewed the Lake Tahoe Marina NPDES General Permit. Meeks Bay Resort Marina subsequently enrolled for coverage under the Lake Tahoe Marina NPDES General Permit, and submitted plans for paving the dirt parking lot and installing permanent storm water BMPs.
<b>April 13, 2011</b>	Water Board renewed the Lake Tahoe Marina NPDES General Permit. Meeks Bay Resort Marina subsequently enrolled for coverage under the Lake Tahoe Marina NPDES General Permit, and submitted plans for paving the dirt parking lot and installing permanent storm water BMPs.
<b>June 12, 2012</b>	Meeks Bay Resort Marina submitted Storm Water Pollution Prevention Plan (SWPPP), as required by the Lake Tahoe Marina NPDES General Permit. SWPPP included proposal to pave parking lot and install storm water best management practice (BMPs).

<b>October 2014 – February 2015</b>	Water Board and United States Forest Service (USFS) staffs met to discuss and develop a plan addressing violations observed during a July 2014 Water Board staff inspection.
<b>February 24, 2015</b>	Water Board staff issued Notice of Violation (NOV) for failing to pave parking lot and install storm water BMPs in violation of the 2011 Marina General Permit and the Basin Plan. NOV included schedule to implement short-term (2015 implementation) and long-term (2017 implementation) corrective actions addressing violations observed during July 2014 inspection.
<b>October 29, 2015</b>	Water Board staff issued second Notice of Violation for failing to maintain temporary BMPs installed pursuant to February 2015 NOV, storm water effluent limitation violations, and basin plan violations.
<b>June 8, 2016</b>	Water Board updated and re-issued 2016 Marina General Permit with an effective date of November 1, 2016.
<b>October 31, 2016</b>	Coverage for the Meeks Bay Marina expired. Neither the USFS nor the Washoe Tribe submitted a Notice of Intent to Comply with the 2016 Marina Permit.
<b>November 2015 – March 2017</b>	Water Board Prosecution Team and USFS staffs negotiated a Stipulated Agreement that ensures interim storm water and erosion control measures are maintained, and establishes a schedule for developing and implementing a proposed project for future use of the marina, that includes water quality protection BMPs.
<b>March 24, 2017</b>	Water Board Prosecution Team and USFS staffs signed Stipulated Agreement (Agreement).
<b>May 11, 2017</b>	Water Board conducted a public hearing about the proposed Agreement; Water Board members provided comments for the parties to consider. The Water Board postponed final disposition on the proposed Agreement to a later Board meeting.

## **BACKGROUND**

At the Water Board's May 11, 2017 meeting, the Water Board's Prosecution Team presented a proposed Agreement with the USFS concerning correcting violations at the Meeks Bay Resort, and asked the Water Board to consider acceptance of the Agreement. The Water Board postponed final disposition of the matter because the Water Board members provided comments to the parties and asked the parties to consider changes to the Agreement.

The Water Board Advisory Team requested a meeting (see Enclosure 1) and met on May 30, 2017, with the parties and provided the parties with the suggested changes (Enclosure 2).

**ISSUES**

Do the parties agree with the suggested changes, or do the parties recommend a different path forward?

**DISCUSSION**

The parties will present a status update to the Water Board on the parties' consideration of the suggested revisions to the Agreement that was originally presented to the Water Board at the May 11, 2017 meeting. Enclosure 3 is a complete copy of the agenda item from the May 11, 2017 meeting.

**PUBLIC OUTREACH/INPUT**

The Stipulated Agreement was sent out to an extensive list of interested parties and posted on the Water Board's website for a 30-day public comment period. Public comments were due May 1, 2017.

No public comments were received on the original proposed Agreement.

**PRESENTERS**

Lauri Kemper, Assistant Executive Officer, and Water Board Prosecution Team

**RECOMMENDATION**

This is an informational item only and the Water Board will not be asked to take any action, though the Water Board members may provide comment during the item discussion.

ENCLOSURE	ITEM	BATES NUMBER
1	Water Board's Advisory Team sent a request on May 22, 2017, to the parties to meet and discuss suggested changes to the Agreement	3- 7
2	Suggested changes from the Water Board's Advisory Team to the Agreement in track changes.	3- 11
3	Complete material on the proposed Agreement as presented to the Water Board during its May 11, 2017 meeting, including late revisions.	3- 23

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# **ENCLOSURE 1**

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## Lahontan Regional Water Quality Control Board

May 22, 2017

Lauri Kemper, Assistant Executive Officer  
Lahontan Regional Water Quality Board  
2501 Lake Boulevard  
South Lake Tahoe, CA 96150

Jeff Marsolais, Forest Supervisor  
USDA Forest Service  
Lake Tahoe Basin Management Unit  
35 College Drive  
South Lake Tahoe, CA 96150

**CONSIDERATION OF A STIPULATED AGREEMENT (STIPULATED AGREEMENT) WITH THE UNITED STATE FOREST SERVICE (USFS), LAKE TAHOE BASIN UNIT TO COMPLY WITH THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION; MEEKS BAY MARINA, EL DORADO COUNTY, WDID 6A090050000; CEASE AND DESIST ORDER NO. R6T-2017-0013**

I would like to hold a pre-hearing conference regarding the proposed stipulated agreement on May 30, at 2:00 p.m. with the Lahontan Regional Water Quality Control Board (Water Board) Advisory Team, Prosecution Team and the USFS. In addition to myself, the Advisory Team includes Elizabeth Beryt, Counsel for the Water Board and Douglas F. Smith, PG, Supervising Engineering Geologist. I am requesting attendance by representatives of all designated parties to the Water Board proceedings on this matter.

A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code Section 11511.5 including exploration of settlement possibilities. The pre-hearing conference will not discuss the merits of the specific issues raised in the Stipulated Agreement. Confidential settlement discussions or confidential information should not be disclosed during this meeting. Such disclosure will not provide a basis for recusal of any member of the Water Board or the Advisory Team in future proceedings related to the Settlement Agreement. The Prosecution Team and USFS may, at their discretion, engage in private settlement discussions and may include any other persons in those discussions. The goal of the pre-hearing conference is to ensure that the Water Board's consideration of the Settlement Agreement proceeds in an orderly and expeditious manner and to discuss the Water Board's proposed amendments to the Settlement Agreement. As several Water Board members stated at

Laurie Kemper, Assistant Executive Officer  
Lahontan Regional Water Quality Board,  
Jeff Marsolais, Forest Supervisor  
USDA Forest Service

- 2 -

May 22, 2017

the hearing, the Water Board is supportive of the Settlement Agreement. We are scheduling the pre-hearing conference meeting in an effort to resolve all issues before the next Water Board meeting on July 12-13, 2017 in Bishop, California.

For those who cannot join the meeting in person at 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 you can join by conference line at dialing Toll Free: 877-625-9243, Participant Passcode: 69701

If you have any questions please contact Elizabeth Beryt, at [elizabeth.beryt@waterboards.ca.gov](mailto:elizabeth.beryt@waterboards.ca.gov).



Patty Z. Kouyoumdjian  
Executive Officer

Enclosures: USFS Meeks Resort Settlement Advisory Team Amendments 5\_18\_17

cc (via email): Doug Smith, Lahontan Regional Water Quality Control Board  
Elizabeth Beryt, State Water Resource Control Board  
Scott Ferguson, Lahontan Regional Water Quality Control Board  
Eric Taxer, Lahontan Regional Water Quality Control Board  
Nick Knight, State Water Resource Control Board  
Teresa McClung, USDA Forest Service  
Joshua Rider, USDA  
Heather Noel, USDA Forest Service



# **ENCLOSURE 2**

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**STIPULATED AGREEMENT  
WITH THE UNITED STATES FOREST SERVICE, LAKE TAHOE BASIN  
MANAGEMENT UNIT  
TO MAINTAIN TEMPORARY BEST MANAGEMENT PRACTICES (BMPS) TO  
INFILTRATE STORMWATER RUNOFF AT MEEKS BAY RESORT MARINA AND  
DEVELOP AND IMPLEMENT PLANS TO COMPLY WITH THE  
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION;  
MEEKS BAY MARINA,  
WDID NO. 6A090050000  
CEASE AND DESIST ORDER NO. R6T-2017-0013  
El Dorado County**

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The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. The United States Department of Agriculture's United States Forest Service Lake Tahoe Basin Management Unit (USFS) oversees the Meeks Bay Resort and Marina property on the west shore of Lake Tahoe, El Dorado County Assessor Parcel No. **016-041-10-100** on behalf of the United States, which holds title to the property. The Washoe Tribe of California and Nevada (Washoe Tribe) holds a special use permit from the USFS to manage and operate the Meeks Bay Resort and Marina property for the purposes of constructing, operating, and maintaining a resort/marina. The Washoe Development Enterprise manages the Meeks Bay Resort and Marina pursuant to the special use permit to the Washoe Tribe. The Washoe Development Enterprise entered into an agreement with Action Motorsports of Tahoe, Inc. (aka Action Water Sports), to operate the Meeks Bay Marina and to undertake certain projects to maintain, recondition, and improve the Meeks Bay Resort and Marina. The USFS and the Washoe Tribe have amended the special use permit issued to the Washoe Tribe removing the operation of a marina at the Meeks Bay Resort. In addition, the Washoe Tribe has terminated its contract with Action Motorsports, Inc. and Action Motorsports, Inc. no longer operates the Meeks Bay Marina. Thus there is no longer an active marina operating at Meeks Bay, and no such activities can resume without regulatory action by the USFS.

For the purposes of this Agreement, the USFS, as land manager, National Environmental Policy Act (NEPA) Lead Agency, and responsible party for future decision-making, is the sole signatory representing the Meeks Bay Resort Marina area. The Water Board is the agency responsible for ensuring state and federal water pollution laws are followed and will serve as Lead Agency under the California Environmental Quality Act (CEQA) for any discretionary actions proposed under this Agreement.

2. The Water Board adopted the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Basin Plan contains waste discharge prohibitions established for the Lake Tahoe Hydrologic Unit (HU) in Chapter 5.2 including the following specific prohibitions:
  - a. The discharge attributable to human activities of any waste or deleterious material to surface waters of the Lake Tahoe HU is prohibited.
  - b. The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited. (This Requirement is also contained in Section IV.J.6 of Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit)).
3. The Water Board and the Nevada Division of Environmental Protection (NDEP) developed the bi-state Lake Tahoe Total Maximum Daily Load (TMDL) to identify the pollutants responsible for deep water transparency decline, quantify the major pollutant sources, assess the lake's assimilative capacity, and develop a plan to reduce pollutant loads and restore Lake Tahoe's deep water transparency to meet the established standard.

The Water Board evaluated load reduction opportunities for all pollutant sources as part of the Pollutant Reduction Opportunity Report (Lahontan and NDEP 2008a) and found that the most cost effective and efficient load reduction options for the forested upland, stream channel erosion, and atmospheric deposition sources are consistent with existing programs. The Pollutant Reduction Opportunity Report concluded that continued implementation of measures to address disturbances in undeveloped areas, control eroding stream banks, and reduce atmospheric deposition are critical to meeting required load reductions. Therefore, a regulatory policy that maintains the current implementation approaches for these source categories is appropriate to meet TMDL load allocations.

The most significant and currently quantifiable load reduction opportunities are within the urban uplands source. The Meeks Bay Marina unpaved parking lot is an example of such an urban upland source. Because urbanized areas discharge the overwhelming bulk of the average annual fine sediment particle load reaching Lake Tahoe, much of the load reductions must be accomplished from this source.

4. On April 13, 2011, the Water Board adopted Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit). The Marina General Permit was recently updated and re-issued in June, 2016 (2016 Marina General Permit).

Coverage for the Meeks Bay Marina expired on October 31, 2016 because neither the USFS nor the Washoe Tribe submitted a Notice of Intent to Comply with the 2016 Marina General Permit.

5. On June 16, 2011, a Notice of Intent to comply with the terms of the 2011 Marina General Permit was submitted for the operations of the Meeks Bay Marina located at 7901 Highway 89, Meeks Bay, California (see attached location map). The Notice of Intent identifies the USFS as the property owner and Bob Hassett (Action Motorsports, Inc.) as the developer/contractor for the Meeks Bay Marina.
6. Section VII.C.3 of the 2011 Marina General Permit requires Dischargers to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Section 9 of the Meeks Bay Marina SWPPP (prepared by Bob Hassett of Action Water Sports, dated June 21, 2012) states the marina parking lot, "...requires retro-fitting with storm water BMPs [Best Management Practices] to comply with the provision of the [Marina] General Permit and other regulations." SWPPP Section 7 states the retro-fit plan, "...will include paving the parking area and installing the necessary storm water treatment BMPs to meet Lahontan requirements."

The February, 1997 "Prospectus: Operations and Maintenance of Meeks Bay Resort and Marina" was prepared by the USFS as a part of the invitation for proposals to operate the Meeks Bay Resort and Marina. The Prospectus identifies erosion problems throughout the resort and, in particular, at the Meeks Bay Marina. The Prospectus requires a plan and implementation schedule for installing BMPs from the selected operator/permittee. While many BMP's and upgrades were completed, problems remained, particularly as addressed by this Agreement.

7. Water Board staff inspected the Meeks Bay Marina on July 16, 2014 to evaluate compliance with the 2011 Marina General Permit. The inspection report identifies the dirt parking lot as a potential sediment source into Lake Tahoe due to the failure to install adequate erosion and sediment control BMPs. Drainage improvements had not been installed within the dirt parking lot as required by the SWPPP. The dirt parking lot area slopes towards the marina waters (Lake Tahoe). The gangways to the marina slips are located on low-lying areas along the edge of the dirt parking lot, which create areas for rills and gullies to erode the adjacent slope during storm events. The construction of the area at the time of the inspections created a situation that threatened to discharge sediments from the dirt parking lot into Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
8. Water Board and USFS staff met from October 29, 2014 through February 5, 2015 to discuss the violations at the Meeks Bay Marina and to evaluate potential corrective action options in a manner that respects the long-term planning goals for the entire Meeks Bay Resort area. The short- and long-term corrective action elements were memorialized in a Notice of Violation (NOV), dated February 24, 2015 (attached). The USFS implemented BMPs to address the short-term

corrective action elements identified in the NOV. Long-term corrective actions are the subject of this Agreement.

9. Water Board staff inspected the Meeks Bay Marina on July 23, 2015 to evaluate additional temporary BMPs that had been installed as a requirement of the February 24, 2015 NOV and to evaluate compliance with the Marina General Permit. The inspection report identifies deficiencies in implementing the SWPPP due to incorrectly installed and inadequately maintained BMPs. The observed deficiencies resulted in discharges of sediments into waters of Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
10. Water Board staff issued a second NOV on October 29, 2015 for the violations documented in the July 23, 2015 inspection report. The USFS revised its short-term corrective actions in response to the second NOV.
11. Water Board staff, USFS staff, along with the Washoe Tribe and Action Water Sports of Tahoe, Inc., as interested parties, met extensively to discuss the best way to address the Meeks Bay Marina and nearby unpaved parking lot area. The USFS and Washoe Tribe, as the land manager and lessor going forward, agreed that they would not continue the operation of the Marina in its current form. The Washoe Tribe discontinued its agreement with Action Water Sports of Tahoe, Inc. for operation of a Marina, so there are no current marina operations.
12. The USFS has committed to beginning the process of determining the future use of the Meeks Bay Marina site. This process will involve the public and comply with the National Environmental Policy Act (NEPA) and any other relevant federal regulations. Actions associated with future use will be conducted in a manner that is also in compliance with state of California water quality regulations, including the Lahontan Water Board Basin Plan. The process for determining the appropriate actions associated with future use of the Meeks Bay Marina site and implementing the identified actions consistent with achieving appropriate environmental benefits is hereinafter referred to as the "Project."
13. Water Board and USFS staff met at the Meeks Bay Marina site on August 4, 2016 to discuss the necessary actions to be completed to stabilize the entire marina site while the USFS pursues a long-term plan for future use of the site. It was agreed that the boundary of the entire marina site encompasses the entire day-use dirt area. This area extends from where the detention pond was constructed last November west of the boat ramp to the dirt area along Meeks Creek located northwest of the old bridge abutment. The area also extends north from the marina to the wood posts delineating the dirt parking/road area from the campground. This area is the entire day-use area accessible and used by marina users, as evidenced by boat trailers still parked at the far western edge.

It was also agreed that the USFS would develop and implement a BMP Plan for the entire Marina site (including the entire parking area), and the Water Board would in

turn revoke coverage under the 2011 Marina General Permit once the BMP Plan was implemented. The BMP Plan has been developed and is currently being implemented, and coverage under the 2011 Marina General Permit has been terminated as noted in Finding No. 4, above. This Stipulated Agreement/Order details the additional actions to be taken by the USFS and the Water Board to implement the Project.

14. Water Code section 13301 states, in part,

“When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”

15. The Water Board is issuing this Stipulated Agreement/Order to the USFS to ensure that interim control measures approved by the Water Board and installed by the USFS are maintained to prevent the discharges and threatened discharges of sediments in stormwater runoff from the Meeks Bay Marina site into Meeks Creek and Lake Tahoe until the Project can be implemented and completed. This Stipulated Agreement/Order will also ensure that the Project will provide enhanced environmental benefits for the health of Lake Tahoe and the surrounding area by measuring project success against a set of criteria developed for assessing multiple benefits including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The Project will be developed and constructed consistent with all relevant Water Code sections.

16. Water code section 13267, subdivision (b) states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharge, discharges, or is suspected of having discharged or discharging or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring these reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

17. The technical reports submitted under this Agreement are necessary to ensure and verify progress and ongoing compliance. The burden, including costs, of the reports required by this Agreement bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
18. The Water Board notified interested persons of its intent to consider adoption of this Agreement and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.
19. Issuance of this Agreement is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321, subdivision (a)(2), title 14, California Code of Regulations.
20. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

THEREFORE, IT IS HEREBY AGREED **AND ORDERED** to that, pursuant to Water Code sections 13267 and 13301, the USFS shall cease and desist from discharging waste or threatening to discharge waste, in violation of the Basin Plan and the 2011 Marina General Permit, and IT IS HEREBY STIPULATED that the USFS ~~and the Water Board~~ agree to comply with the other provisions of this Agreement:

1. The USFS shall maintain the interim BMPs in place until permanent BMPs replace the interim BMPs as a stormwater management tool. The USFS must perform all reasonable repairs or maintenance of the BMPs until permanent BMPs are complete or replace the interim BMPs as a stormwater management tool.

For any land disturbance activities required to meet this Agreement, even if temporary, submit to this office 30 days in advance of planned implementation, designs and plans including runoff calculations to show containment or treatment of the 20-year, 1-hour storm (1 inch) with a time schedule for implementation.



2. The USFS completed the interim BMPs in response to the August 2016 inspection, and submitted as-built plans to the Water Board. Water Board staff reviewed the as-built plans and inspected and accepted the interim BMPs as of December 2016. The as-built plans will become part of this Order for the long-term maintenance of the interim BMPs.
3. The USFS shall inspect the BMPs present at the site twice a year minimum, with one inspection prior to the site closure for winter, and another inspection prior to opening the Resort for the summer.
4. By **November 15 of each year**, submit to the Water Board a report including the results of at least two inspections (per #34 above) describing the conditions of the Meeks Bay Marina site and certify that the site is in compliance with requirements to infiltrate the 10-year, 24-hour storm (equivalent to at least 1 inch of precipitation) from the parking areas and roadways and adjacent disturbed lands. The Report will also discuss the status of disturbed lands (area disturbed) and measures taken to control dust and limit new disturbance. The Report shall describe any steps taken in the previous year to reduce disturbed lands, and ensure runoff and sediment from the site is prevented from entering Meeks Creek or Lake Tahoe.
5. By **July 1, 2017**, USFS ~~agrees intends~~ to prepare and issue a joint Notice of Intent/Notice of Preparation (NEPA/CEQA/TRPA) pursuant to section 1508.22 of the Code of Federal Regulations (CFR) and CEQA guidelines section 21000 describing a proposed Project that includes permanent BMPs, ~~provided the Water Board (CEQA agency) and Tahoe Regional Planning Agency (TRPA) agree with the Project~~. The USFS will conduct scoping in compliance with NEPA and USFS policy.
- 5-6. By August 1, 2017, USFS agrees to submit an inspection and monitoring program for Water Board approval that describes the actions the USFS will take to ensure all temporary BMPs remain in place and fully functional-until permanent BMPs are installed.
- 6-7. By November 1, 2017, submit to the Water Board for ~~Executive Officer approval its acceptance~~ the results of a first phase assessment for the Project. The assessment will evaluate expected environmental benefits from the Project given existing site constraints. The assessment will also provide multi-benefit success criteria for the Project including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The assessment will also identify a five-year monitoring program for the Project with expected measurable targets. The monitoring program will include an adaptive management program to outline steps to be implemented should success criteria not be achieved within any given year.

- ~~7.8.~~ By **July 1, 2018**, the USFS ~~agrees~~intends to prepare a draft EIS/EIS/EIR (NEPA, TRPA, CEQA) document for public comment, provided support from the Water Board and TRPA is available in a timely manner. ~~and the draft EIS/EIS/EIR is approved by the Water Board and TRPA.~~
- ~~8.9.~~ By **July 1, 2019**, the USFS ~~agrees~~intends to make available a final EIS/EIS/EIR and a draft Record of Decision to commenters with status for the required Objection Period in compliance with NEPA, provided support from the Water Board and TRPA is available in a timely manner.
- ~~9.10.~~ By **December 31, 2019**, the USFS ~~agrees~~intends to issue a final record of decision for the Project for the future of the Meeks Bay Marina site and request funding for design and construction
- ~~10.11.~~ By **December 31, 2021**, the USFS ~~agrees~~intends to complete at least 50-percent design plans for the Project.
- 12.** By **December 31, 2022**, the USFS ~~agrees~~intends to submit final design plans and permit applications to TRPA and the Water Board for construction of the project anticipated for construction beginning summer 2023 and completion by November 1, 2025.
- ~~11.14.~~ **13.** By **December 21, 2025**, the USFS agrees to install permanent BMPs and replace the interim BMPs as a stormwater management tool.
- ~~12.15.~~ Each year commencing **March 15, 2018**, and annually thereafter, the USFS shall submit a report describing the progress of the Project. The report shall include a detailed implementation schedule including timelines to complete environmental documentation (CEQA and NEPA), funding, design review, permitting and construction, and all the remaining requirements to complete the Project. Based on the information in the annual report, the Forest Service may request or the Water Board may consider amending this Agreement to alter, add, or clarify implementation due dates.
- ~~13.16.~~ Upon conclusion of the Project and installation of permanent BMPs, the USFS will submit a final report describing the completion of the Project and permanent BMPs. Upon approval by the Water Board, this Agreement will be concluded in response to the completion of the Project and installation of permanent BMPs.

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Lauri Kemper  
Assistant Executive Officer  
Lahontan Water Board

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Jeff Marsolais  
Supervisor, Lake Tahoe Basin Management Unit, USFS

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Agreement accepted by the California Regional Water Quality Control Board, Lahontan Region on March 16, 2017.

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PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Attachment A: Location Map

EJT/gg/T: USFS Meeks Resort Settlement  
File Under: ECM

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# **ENCLOSURE 3**

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION  
MEETING OF MAY 10-11, 2017  
SOUTH LAKE TAHOE**

<b>ITEM 3</b>
<b>Public Hearing - Consideration of a Stipulated Agreement with the United States Forest Service (USFS), Lake Tahoe Basin Management Unit to Comply with the Water Quality Control Plan for the Lahontan Region; Meeks Bay Marina, El Dorado County, WDID 6A090050000; Cease and Desist Order No. R6T-2017-0013</b>

<b>CHRONOLOGY</b>	
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<b>March 24, 2017</b>	Water Board and USFS staffs signed Stipulated Agreement (Agreement).

## **BACKGROUND**

The Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains waste discharge prohibitions against the discharge attributable to human activities of waste or deleterious materials to surface waters within the Lake Tahoe Hydrologic Unit (HU), to lands below the highwater rim of Lake Tahoe, and within the 100-year floodplain of any tributary to Lake Tahoe. These prohibitions have been incorporated into the Lake Tahoe Marina NPDES General Permit adopted in 2000, and subsequently renewed in 2005, 2011, and 2016. The owners/operators of the Meeks Bay Resort Marina (Marina) have been enrolled under and subject to regulation by the Lake Tahoe Marina General Permit between 2000 and 2016.

The Lake Tahoe Marina NPDES General Permit, in part, requires development, submittal, and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The purpose of the SWPPP is to identify storm water and non-storm water pollutants



and the control measures that will prevent their discharge to surface waters. The Meeks Bay Resort Marina SWPPP (Marina SWPPP) has identified such pollutants and control measures, including paving the Marina's dirt parking lot, and installing storm water and erosion control BMPs for the parking lot and other resort areas that discharge storm water runoff to Meeks Creek and/or Lake Tahoe. These control measures have been identified in the Marina's original SWPPP and carried forward in subsequent revisions with each Lake Tahoe Marina NPDES General Permit renewal. However, the control measures were not implemented, as documented in multiple Water Board staff inspection reports and correspondence with the USFS and marina operators over the past 15-plus years. Neither the USFS nor marina operators have stated the reasons why the control measures were not implemented for more than 15 years. The Water Board staff inspections have documented rills and gullies in the dirt parking lot, indicating waste discharges to Lake Tahoe from actions attributable to human activities.

Following a July 2014 inspection, Water Board staff initiated a concerted effort to address the continuing failure to implement the control measures identified in the Marina SWPPP, and resulting discharges of sediment and other pollutants into Meeks Creek and Lake Tahoe. This effort has been similar in nature to other staff efforts that have successfully addressed similar conditions at other Lake Tahoe marinas, also subject to regulation under the Lake Tahoe Marina NPDES General Permit. To date, staff's efforts have resulted in developing a collaborative relationship with USFS staff and the successful implementation of effective temporary BMPs at the Marina; and the Stipulated Agreement ensures maintenance of those temporary BMPs, and establishes a schedule for developing, publicly vetting, and implementing a long-term facility use plan for the Meeks Bay Resort Marina.

**ISSUES**

Should the Water Board accept the Stipulated Agreement/Cease and Desist Order, reject the Stipulated Agreement/Cease and Desist Order, request Water Board and USFS staffs to revise the Stipulated Agreement/Cease and Desist Order, or direct Water Board staff to take a different approach (e.g. prepare a CAO, revised CDO, or take other regulatory action) to ensure water quality protection and restoration at the site?

**DISCUSSION**

The Stipulated Agreement includes the following requirements for the USFS:

- Maintain interim BMPs, currently in place, until permanent BMPs replace the interim BMPs.
- Issue a joint Notice of Intent/Notice of Preparation (NEPA/CEQA/TRPA) describing a proposed Project agreeable to the Water Board and TRPA that includes permanent BMPs - July 2017 (targeted).
- Submit a first phase assessment for the Project identifying expected environmental benefits, multi-benefit success criteria, and a five-year monitoring plan for Water Board review - November 2017.
- Prepare a draft EIS/EIR for public comment, provided the draft EIS/EIR is acceptable to the Water Board and TRPA - July 2018 (targeted).

- Release a Final EIS/EIR and draft Record of Decision - July 2019 (targeted).
- Issue Final Record of Decision and request funding for design and construction - December 2019 (targeted).
- Complete 50-percent design plans - December 2021 (targeted).
- Submit final design plans and permit applications for construction of the Project to begin in summer 2023 - December 2022 (targeted).
- Complete project construction - 2025 (targeted).
- Submit annual technical/status reports on the progress of the Project, beginning March 2018.

Full implementation of permanent control measures at the site is one, among many, BMP retrofit projects by the USFS to reduce discharge of fine sediment and nutrients into Lake Tahoe. These BMP retrofits are essential for reducing the pollutant load from the developed areas to comply with the Lake Tahoe TMDL requirements. The Stipulated Agreement requires ongoing maintenance of temporary measures such as stormwater basins and berms to infiltrate stormwater and prevent sediment discharges to Lake Tahoe from the former Meeks Bay Marina parking areas. The Agreement also lays out a schedule for developing and implementing an environmental improvement plan for the entire site, in addition to requiring progress reports and continued collaboration of the parties.

#### **PUBLIC OUTREACH/INPUT**

The Stipulated Agreement was sent out to an extensive list of interested parties and posted on the Water Board's website for a 30-day public comment period. Public comments were due May 1, 2017.

Any public comments received will be provided to the Water Board as a late addition, and will be addressed by Water Board staff during its presentation at the meeting.

The Water Board Advisory Team requested the Parties submit answers to a list of questions by May 1, 2017 (see Enclosure 2), before making a recommendation to the Water Board. Enclosure 3 contains the answers received from the Parties.

#### **PRESENTERS**

Cathe Pool, Senior Water Resources Engineer, Water Board  
Jeff Marsolais, Forest Supervisor, USFS

#### **RECOMMENDATION**

The Water Board's Advisory Team will make a recommendation regarding the Stipulated Agreement at the meeting.

ENCLOSURE	ITEM	BATES NUMBER
1	Stipulated Agreement with the USFS, Lake Tahoe Basin Management Unit to Maintain Temporary Best Management Practices (BMPs) to Infiltrate Stormwater Runoff at Meeks Bay Resort Marina and Develop and Implement Plans to Comply with the Water Quality Control Plan for the Lahontan Region, Meeks Bay Marina	3-9
2	Advisory Team questions sent on April 13, 2017	3-63
3	Answers to Advisory Team questions of April 13, 2017	<b>Submitted Under Separate Cover</b>
4	Staff Presentation-Meeks Bay Resort Marina Stipulated Agreement	<b>Submitted Under Separate Cover</b>
5	Public Comments (if received)	<b>Submitted Under Separate Cover</b>



# **ENCLOSURE 1**



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## Lahontan Regional Water Quality Control Board

March 30, 2017

WDID NO.6A090050000

### INTERESTED PARTIES

## **Settlement Agreement and Stipulated Order No. R6T-2017-0013 Between the United States Forest Service-Lake Tahoe Basin Management Unit and the Lahontan Regional Water Quality Control Board Regarding the Meeks Bay Resort Marina, El Dorado County**

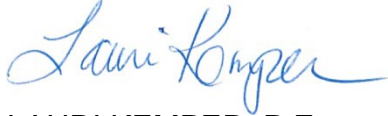
Enclosed please find the Settlement Agreement and Stipulated Order (Agreement) issued pursuant to California Water Code sections 13301 and 13267. The Agreement, if accepted, will resolve and correct ongoing storm water management issues associated with two Notices of Violation dated February 24, 2015 and October 29, 2015, for the Meeks Bay Resort Marina Facility in El Dorado County. Specifically, the Notices of Violation allege that waste discharge prohibitions specified by the Lahontan Regional Water Quality Control Board's (Water Board) *Water Quality Control Plan for the Lahontan Region* and requirements prescribed by Water Board Order No. R6T-2011-0024 (Marina General Permit) were violated. These past violations of storm water effluent limitations have been resolved through a separate settlement (including a monetary penalty) with the marina operator.

This Agreement represents the product of negotiations between the United States Forest Service-Lake Tahoe Basin Management Unit (Forest Service) and the Water Board. The Forest Service, as the land owner, is the party charged with satisfying the directives in this Agreement.

The Agreement represents a cooperative effort to address one element of a long-standing struggle to return Lake Tahoe to its former clarity. Once the parties began their discussion, it was clear that everyone involved was interested and focused on doing the best they could for the environmental health of Lake Tahoe. The Agreement is the first step in possibly restoring the mouth of Meeks Creek, controlling sediment and infiltrating storm water from past and current parking areas and other land practices adjacent to the lake. The Agreement requires ongoing maintenance of temporary measures such as storm water basins and berms to infiltrate storm water and prevent sediment discharges to Lake Tahoe from the former Meeks Bay Marina parking areas. The Agreement also lays out a schedule for developing and implementing an environmental improvement plan for the Meeks Bay Marina and the mouth of Meeks Creek, in addition to requiring progress reports and continued collaboration of the parties.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

The Water Board will consider accepting the Agreement at its May 10-11, 2017, Board Meeting in South Lake Tahoe following a public hearing and public comment period. If you have any comments, questions, or wish to offer support, please submit correspondence to: [RB6enfproceed@waterboards.ca.gov](mailto:RB6enfproceed@waterboards.ca.gov) **no later than 5:00 p.m., May 1, 2017**. Written comments should include "Meeks Bay, Proposed Settlement" in the subject line. If you have any questions regarding this matter, please contact Eric J. Taxer at (530) 542-5434, or Cathe Pool at (530) 542-5460.



LAURI KEMPER, P.E.  
ASSISTANT EXECUTIVE OFFICER

Enclosure: Stipulated Agreement

cc (w/enclosure): Meeks Bay Resort Marina Mailing List

CP/gg/T: Meeks Bay Marina Settlement Agreement Notice  
File Under: ECM /WDID 6A090050000



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**STIPULATED AGREEMENT  
WITH THE UNITED STATES FOREST SERVICE, LAKE TAHOE BASIN  
MANAGEMENT UNIT  
TO MAINTAIN TEMPORARY BEST MANAGEMENT PRACTICES (BMPS) TO  
INFILTRATE STORMWATER RUNOFF AT MEEKS BAY RESORT MARINA AND  
DEVELOP AND IMPLEMENT PLANS TO COMPLY WITH THE  
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION;  
MEEKS BAY MARINA,  
WDID NO. 6A090050000  
ORDER NO. R6T-2017-0013  
El Dorado County**

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The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. The United States Department of Agriculture's United States Forest Service Lake Tahoe Basin Management Unit (USFS) oversees the Meeks Bay Resort and Marina property on the west shore of Lake Tahoe, El Dorado County Assessor Parcel No. **016-041-10-100** on behalf of the United States, which holds title to the property. The Washoe Tribe of California and Nevada (Washoe Tribe) holds a special use permit from the USFS to manage and operate the Meeks Bay Resort and Marina property for the purposes of constructing, operating, and maintaining a resort/marina. The Washoe Development Enterprise manages the Meeks Bay Resort and Marina pursuant to the special use permit to the Washoe Tribe. The Washoe Development Enterprise entered into an agreement with Action Motorsports of Tahoe, Inc. (aka Action Water Sports), to operate the Meeks Bay Marina and to undertake certain projects to maintain, recondition, and improve the Meeks Bay Resort and Marina. The USFS and the Washoe Tribe have amended the special use permit issued to the Washoe Tribe removing the operation of a marina at the Meeks Bay Resort. In addition, the Washoe Tribe has terminated its contract with Action Motorsports, Inc. and Action Motorsports, Inc. no longer operates the Meeks Bay Marina. Thus there is no longer an active marina operating at Meeks Bay, and no such activities can resume without regulatory action by the USFS.

For the purposes of this Agreement, the USFS, as land manager, National Environmental Policy Act (NEPA) Lead Agency, and responsible party for future decision-making, is the sole signatory representing the Meeks Bay Resort Marina area. The Water Board is the agency responsible for ensuring state and federal water pollution laws are followed and will serve as Lead Agency under the California Environmental Quality Act (CEQA) for any discretionary actions proposed under this Agreement.

2. The Water Board adopted the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Basin Plan contains waste discharge prohibitions established for the Lake Tahoe Hydrologic Unit (HU) in Chapter 5.2 including the following specific prohibitions:
  - a. The discharge attributable to human activities of any waste or deleterious material to surface waters of the Lake Tahoe HU is prohibited.
  - b. The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited. (This Requirement is also contained in Section IV.J.6 of Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit)).
3. The Water Board and the Nevada Division of Environmental Protection (NDEP) developed the bi-state Lake Tahoe Total Maximum Daily Load (TMDL) to identify the pollutants responsible for deep water transparency decline, quantify the major pollutant sources, assess the lake's assimilative capacity, and develop a plan to reduce pollutant loads and restore Lake Tahoe's deep water transparency to meet the established standard.

The Water Board evaluated load reduction opportunities for all pollutant sources as part of the Pollutant Reduction Opportunity Report (Lahontan and NDEP 2008a) and found that the most cost effective and efficient load reduction options for the forested upland, stream channel erosion, and atmospheric deposition sources are consistent with existing programs. The Pollutant Reduction Opportunity Report concluded that continued implementation of measures to address disturbances in undeveloped areas, control eroding stream banks, and reduce atmospheric deposition are critical to meeting required load reductions. Therefore, a regulatory policy that maintains the current implementation approaches for these source categories is appropriate to meet TMDL load allocations.

The most significant and currently quantifiable load reduction opportunities are within the urban uplands source. The Meeks Bay Marina unpaved parking lot is an example of such an urban upland source. Because urbanized areas discharge the overwhelming bulk of the average annual fine sediment particle load reaching Lake Tahoe, much of the load reductions must be accomplished from this source.

4. On April 13, 2011, the Water Board adopted Order No. R6T-2011-0024, NPDES No. CAG616003 - Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Storm Water Runoff Associated with Marina Operations and Discharges from Maintenance Dredging in the Lake Tahoe Hydrologic Unit (2011 Marina General Permit). The Marina General Permit was recently updated and re-issued in June, 2016 (2016 Marina General Permit).

Coverage for the Meeks Bay Marina expired on October 31, 2016 because neither the USFS nor the Washoe Tribe submitted a Notice of Intent to Comply with the 2016 Marina General Permit.

5. On June 16, 2011, a Notice of Intent to comply with the terms of the 2011 Marina General Permit was submitted for the operations of the Meeks Bay Marina located at 7901 Highway 89, Meeks Bay, California (see attached location map). The Notice of Intent identifies the USFS as the property owner and Bob Hassett (Action Motorsports, Inc.) as the developer/contractor for the Meeks Bay Marina.
6. Section VII.C.3 of the 2011 Marina General Permit requires Dischargers to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Section 9 of the Meeks Bay Marina SWPPP (prepared by Bob Hassett of Action Water Sports, dated June 21, 2012) states the marina parking lot, "...requires retro-fitting with storm water BMPs [Best Management Practices] to comply with the provision of the [Marina] General Permit and other regulations." SWPPP Section 7 states the retro-fit plan, "...will include paving the parking area and installing the necessary storm water treatment BMPs to meet Lahontan requirements."

The February, 1997 "Prospectus: Operations and Maintenance of Meeks Bay Resort and Marina" was prepared by the USFS as a part of the invitation for proposals to operate the Meeks Bay Resort and Marina. The Prospectus identifies erosion problems throughout the resort and, in particular, at the Meeks Bay Marina. The Prospectus requires a plan and implementation schedule for installing BMPs from the selected operator/permittee. While many BMP's and upgrades were completed, problems remained, particularly as addressed by this Agreement.

7. Water Board staff inspected the Meeks Bay Marina on July 16, 2014 to evaluate compliance with the 2011 Marina General Permit. The inspection report identifies the dirt parking lot as a potential sediment source into Lake Tahoe due to the failure to install adequate erosion and sediment control BMPs. Drainage improvements had not been installed within the dirt parking lot as required by the SWPPP. The dirt parking lot area slopes towards the marina waters (Lake Tahoe). The gangways to the marina slips are located on low-lying areas along the edge of the dirt parking lot, which create areas for rills and gullies to erode the adjacent slope during storm events. The construction of the area at the time of the inspections created a situation that threatened to discharge sediments from the dirt parking lot into Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
8. Water Board and USFS staff met from October 29, 2014 through February 5, 2015 to discuss the violations at the Meeks Bay Marina and to evaluate potential corrective action options in a manner that respects the long-term planning goals for the entire Meeks Bay Resort area. The short- and long-term corrective action elements were memorialized in a Notice of Violation (NOV), dated February 24, 2015 (attached). The USFS implemented BMPs to address the short-term

corrective action elements identified in the NOV. Long-term corrective actions are the subject of this Agreement.

9. Water Board staff inspected the Meeks Bay Marina on July 23, 2015 to evaluate additional temporary BMPs that had been installed as a requirement of the February 24, 2015 NOV and to evaluate compliance with the Marina General Permit. The inspection report identifies deficiencies in implementing the SWPPP due to incorrectly installed and inadequately maintained BMPs. The observed deficiencies resulted in discharges of sediments into waters of Lake Tahoe, in violation of section IV.J.6 of the Marina General Permit.
10. Water Board staff issued a second NOV on October 29, 2015 for the violations documented in the July 23, 2015 inspection report. The USFS revised its short-term corrective actions in response to the second NOV.
11. Water Board staff, USFS staff, along with the Washoe Tribe and Action Water Sports of Tahoe, Inc., as interested parties, met extensively to discuss the best way to address the Meeks Bay Marina and nearby unpaved parking lot area. The USFS and Washoe Tribe, as the land manager and lessor going forward, agreed that they would not continue the operation of the Marina in its current form. The Washoe Tribe discontinued its agreement with Action Water Sports of Tahoe, Inc. for operation of a Marina, so there are no current marina operations.
12. The USFS has committed to beginning the process of determining the future use of the Meeks Bay Marina site. This process will involve the public and comply with the National Environmental Policy Act (NEPA) and any other relevant federal regulations. Actions associated with future use will be conducted in a manner that is also in compliance with state of California water quality regulations, including the Lahontan Water Board Basin Plan. The process for determining the appropriate actions associated with future use of the Meeks Bay Marina site and implementing the identified actions consistent with achieving appropriate environmental benefits is hereinafter referred to as the "Project."
13. Water Board and USFS staff met at the Meeks Bay Marina site on August 4, 2016 to discuss the necessary actions to be completed to stabilize the entire marina site while the USFS pursues a long-term plan for future use of the site. It was agreed that the boundary of the entire marina site encompasses the entire day-use dirt area. This area extends from where the detention pond was constructed last November west of the boat ramp to the dirt area along Meeks Creek located northwest of the old bridge abutment. The area also extends north from the marina to the wood posts delineating the dirt parking/road area from the campground. This area is the entire day-use area accessible and used by marina users, as evidenced by boat trailers still parked at the far western edge.

It was also agreed that the USFS would develop and implement a BMP Plan for the entire Marina site (including the entire parking area), and the Water Board would in

turn revoke coverage under the 2011 Marina General Permit once the BMP Plan was implemented. The BMP Plan has been developed and is currently being implemented, and coverage under the 2011 Marina General Permit has been terminated as noted in Finding No. 4, above. This Stipulated Agreement/Order details the additional actions to be taken by the USFS and the Water Board to implement the Project.

14. Water Code section 13301 states, in part,

“When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”

15. The Water Board is issuing this Stipulated Agreement/Order to the USFS to ensure that interim control measures approved by the Water Board and installed by the USFS are maintained to prevent the discharges and threatened discharges of sediments in stormwater runoff from the Meeks Bay Marina site into Meeks Creek and Lake Tahoe until the Project can be implemented and completed. This Stipulated Agreement/Order will also ensure that the Project will provide enhanced environmental benefits for the health of Lake Tahoe and the surrounding area by measuring project success against a set of criteria developed for assessing multiple benefits including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The Project will be developed and constructed consistent with all relevant Water Code sections.

16. Water code section 13267, subdivision (b) states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharge, discharges, or is suspected of having discharged or discharging or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring these reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

17. The technical reports submitted under this Agreement are necessary to ensure and verify progress and ongoing compliance. The burden, including costs, of the reports required by this Agreement bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
18. The Water Board notified interested persons of its intent to consider adoption of this Agreement and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.
19. Issuance of this Agreement is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with section 15321, subdivision (a)(2), title 14, California Code of Regulations.
20. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

THEREFORE, IT IS HEREBY AGREED to that, pursuant to Water Code sections 13267 and 13301, the USFS shall cease and desist from discharging waste or threatening to discharge waste, in violation of the Basin Plan and the 2011 Marina General Permit, and IT IS HEREBY STIPULATED that the USFS and the Water Board agree to comply with the other provisions of this Agreement:

1. The USFS shall maintain the interim BMPs in place until permanent BMPs replace the interim BMPs as a stormwater management tool. The USFS must perform all reasonable repairs or maintenance of the BMPs until permanent BMPs are complete or replace the interim BMPs as a stormwater management tool.

For any land disturbance activities required to meet this Agreement, even if temporary, submit to this office 30 days in advance of planned implementation, designs and plans including runoff calculations to show containment or treatment of the 20-year, 1-hour storm (1 inch) with a time schedule for implementation.

2. The USFS completed the interim BMPs in response to the August 2016 inspection, and submitted as-built plans to the Water Board. Water Board staff reviewed the as-built plans and inspected and accepted the interim BMPs as of December 2016. The as-built plans will become part of this Order for the long-term maintenance of the interim BMPs.
3. The USFS shall inspect the BMPs present at the site twice a year minimum, with one inspection prior to the site closure for winter, and another inspection prior to opening the Resort for the summer.
4. By **November 15 of each year**, submit to the Water Board a report including the results of at least two inspections (per #4 above) describing the conditions of the Meeks Bay Marina site and certify that the site is in compliance with requirements to infiltrate the 10-year, 24-hour storm (equivalent to at least 1 inch of precipitation) from the parking areas and roadways and adjacent disturbed lands. The Report will also discuss the status of disturbed lands (area disturbed) and measures taken to control dust and limit new disturbance. The Report shall describe any steps taken in the previous year to reduce disturbed lands, and ensure runoff and sediment from the site is prevented from entering Meeks Creek or Lake Tahoe.
5. By **July 1, 2017**, USFS intends to prepare and issue a joint Notice of Intent/Notice of Preparation (NEPA/CEQA/TRPA) pursuant to section 1508.22 of the Code of Federal Regulations (CFR) and CEQA guidelines section 21000 describing a proposed Project that includes permanent BMPs, provided the Water Board (CEQA agency) and Tahoe Regional Planning Agency (TRPA) agree with the Project. The USFS will conduct scoping in compliance with NEPA and USFS policy.
6. By **November 1, 2017**, submit to the Water Board for its acceptance the results of a first phase assessment for the Project. The assessment will evaluate expected environmental benefits from the Project given existing site constraints. The assessment will also provide multi-benefit success criteria for the Project including, but not limited to: biodiversity, bank stabilization, riparian vegetation density and diversity, groundwater recharge and elevation, wildlife habitat and diversity, and flood attenuation. The assessment will also identify a five-year monitoring program for the Project with expected measurable targets. The monitoring program will include an adaptive management program to outline steps to be implemented should success criteria not be achieved within any given year.
7. By **July 1, 2018**, the USFS intends to prepare a draft EIS/EIS/EIR (NEPA, TRPA, CEQA) document for public comment, provided support from the Water Board and TRPA is available in a timely manner and the draft EIS/EIS/EIR is approved by the Water Board and TRPA.

8. By **July 1, 2019**, the USFS intends to make available a final EIS/EIS/EIR and a draft Record of Decision to commenters with status for the required Objection Period in compliance with NEPA, provided support from the Water Board and TRPA is available in a timely manner.
9. By **December 31, 2019**, the USFS intends to issue a final record of decision for the Project for the future of the Meeks Bay Marina site and request funding for design and construction
10. By **December 31, 2021**, the USFS intends to complete at least 50-percent design plans for the Project.
11. By **December 31, 2022**, the USFS intends to submit final design plans and permit applications to TRPA and the Water Board for construction of the project anticipated for construction beginning summer 2023 and completion by November 1, 2025.
12. Each year commencing **March 15, 2018**, and annually thereafter, the USFS shall submit a report describing the progress of the Project. The report shall include a detailed implementation schedule including timelines to complete environmental documentation (CEQA and NEPA), funding, design review, permitting and construction, and all the remaining requirements to complete the Project. Based on the information in the annual report, the Forest Service may request or the Water Board may consider amending this Agreement to alter, add, or clarify implementation due dates.
13. Upon conclusion of the Project, the USFS will submit a final report describing the completion of the Project. Upon approval by the Water Board, this Agreement will be concluded in response to the completion of the Project.



Lauri Kemper  
Assistant Executive Officer  
Lahontan Water Board

3/24/17



Jeff Marsolais  
Supervisor, Lake Tahoe Basin Management Unit, USFS

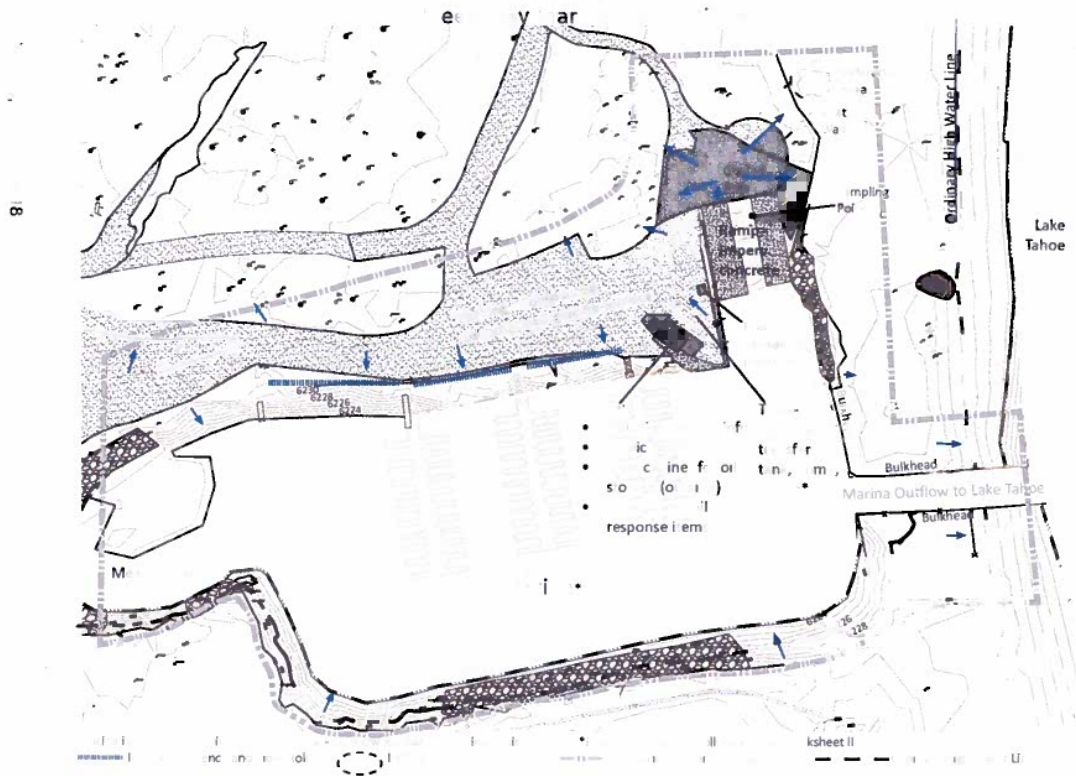
I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Agreement accepted by the California Regional Water Quality Control Board, Lahontan Region on March 16, 2017.

PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER



Attachment A: Location Map

EJT/gg/T: USFS Meeks Resort  
Settlement File Under: ECM





## Lahontan Regional Water Quality Control Board

February 24, 2015

CERTIFIED MAIL NO. 7009 0820 0001 6638 8253

Jennifer Johnson, Interim Director  
Washoe Environmental Protections Department  
Washoe Tribe of California and Nevada  
919 US Highway 395 South  
Gardnerville, NV 89410

**NOTICE OF VIOLATION OF NPDES GENERAL PERMIT REQUIREMENTS FOR LAKE TAHOE MARINAS, NOTICE OF VIOLATION OF *THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*, AND REQUEST FOR WORKPLAN AND IMPLEMENTATION SCHEDULE - MEEKS BAY MARINA, EL DORADO COUNTY, WDID NO. 6A090050000**

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff inspected the Meeks Bay Marina on July 16, 2014. A copy of the inspection report is enclosed. The inspection was performed as part of the Water Board's routine inspection program to verify compliance with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit*, Board Order No. R6T-2011-0024 (Marina General Permit).

The inspection report identifies the dirt parking lot as a potential sediment source into Lake Tahoe due to the failure to install adequate erosion and sediment control best management practices. No drainage improvements have been installed within the dirt parking lot, and the dirt parking lot area slopes towards the marina waters. The gangways to the marina slips are located on low lying areas along the edge of the dirt parking lot, which create areas where rills and gullies can erode the adjacent slope during a storm event.

Subsequently, Water Board Executive Officer Patty Kouyoumdjian, Lake Tahoe Basin Management Unit Supervisor Nancy Gibson, and respective staff met on October 29, 2014 to discuss the violations at the Meeks Bay Marina. The violations (see following discussion) were acknowledged by all parties at the meeting. It was agreed that Water Board and Forest Service staffs will evaluate potential corrective action options in a manner that respects the long-term planning goals for the entire Meeks Bay Resort area. The identified corrective action elements would then be memorialized in a Notice of Violation.

Water Board and US Forest Service (Forest Service) technical staffs met again on February 5, 2015 to discuss the results of project scoping associated with the long-term

KIMBERLY COX, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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improvements for the Meeks Bay Resort area. The short-term implementation plan provides for installing drainage dips/infiltration trenches and fiber rolls between the unpaved areas and the marina/ramp areas. The long-term plan provides for stabilizing all unpaved areas and the installing storm water retention basins. The long-term plan is scheduled to be fully developed by July 2016, with construction to be completed in 2017. The elements that will address the violations associated with the Meeks Bay Marina are incorporated into this Notice of Violation.

## **PERMIT VIOLATIONS**

Section VII.C.3 of the Marina General Permit requires you to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Section 9 of your SWPPP states the marina parking lot, "...requires retro-fitting with storm water BMPs [Best Management Practices] to comply with the provision of the General Permit and other regulations." Section 7 of your SWPPP (dated June 21, 2012) states the retro-fit plan, "...will include paving the parking area and installing the necessary storm water treatment BMPs to meet Lahontan requirements." The inspection report documents your failure to comply with the SWPPP by not paving the parking lot and by not installing the necessary storm water treatment BMPs.

The SWPPP for the Meeks Bay Marina facility is dated June 21, 2012, and the inspection was conducted July 16, 2014. At a minimum, you have therefore been in violation of your current SWPPP and the existing Marina General Permit for over a year. Our file history suggests that this violation has been ongoing for many more years. The February, 1997 "Prospectus: Operations and Maintenance of Meeks Bay Resort and Marina" was prepared by the Forest Service, Lake Tahoe Basin Management Unit as a part of the invitation for proposals to operate the facility. The Prospectus identifies erosion problems throughout the resort and, in particular, at the marina, and it requires a plan and implementation schedule for installing BMPs from the selected operator/permittee. Additionally, prior versions of the SWPPP contained the requirement to pave the parking lot and install appropriate storm water BMPs. This requirement was contained in SWPPPs dated November 15, 2000; March 17, 2006; and April 15, 2008. Therefore, permit violations for failing to install the necessary BMPs potentially date back to November, 2000 – almost fourteen years ago.

## **BASIN PLAN VIOLATIONS**

The *Water Quality Control Plan for the Lahontan Region* prohibits, "The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials, to the surface waters of the Lake Tahoe Basin..." Your failure to retrofit the unpaved parking lot has created areas where rills and gullies have formed (see attached inspection report). At a minimum, the rills and gullies provide evidence of past discharges of earthen materials into Lake Tahoe in violation of the Basin Plan.

## WORKPLAN AND IMPLEMENTATION SCHEDULE

All entities (USFS, Lahontan Water Board, Marina operator) recognize the unpaved parking lot as a potential sediment source to Lake Tahoe. Furthermore, all entities recognize the need to stabilize the parking lot and install appropriate stormwater BMPs in order to prevent sediments from discharging into Lake Tahoe. Because this need has been documented as far back as 1997, and potentially further, the Water Board requires implementation of the Meeks Bay Marina SWPPP without further delay to comply with the Marina General Permit. We therefore request that you:

1. By **May 1, 2015**, submit to this office an amendment to the Meeks Bay Marina SWPPP. The amendment will consist of a description and plan for installing temporary BMPs to address existing storm water runoff from un-paved areas. The amendment will also include a revised map of the marina. The revised map shall provide the following information:
  - Locations and descriptions of proposed temporary BMPs
  - Drainage areas and flow directions
  - Collection and conveyance systems and/or structures
  - Catch basins and other existing BMPs
  - Boat washing areas
  - Outfall/discharge locations to land,
  - Outfall/discharge locations to water
  - Location of potential sources of pollutants
  - Impervious areas
  - Monitoring locations for discharges to land and to water
  - Snow storage areas
  - Location of fueling station and any fuel storage areas or any other areas of industrial activity
  - Location of pump-out facility
  - Marina facility boundaries (include associated parking and driveway areas)
  - Topography and elevations
  - Lake shoreline with ordinary high water elevation indicated
2. By **May 22, 2015**, install temporary BMPs in accordance with the amended SWPPP. At no time following May 22, 2015 shall any parking or vehicular activity be allowed on any unpaved surface in violation of the Marina General Permit and associated SWPPP, unless appropriate temporary BMPs are installed.
3. By **May 22, 2015**, submit to this office documentation that all temporary BMPs have been installed in accordance with amended SWPPP. Also, submit to this office a plan with schedule to inspect all temporary BMPs on a weekly basis and immediately correct any observed deficiencies. The plan shall specify the level of

wear on each installed BMP that would classify it as deficient. The plan shall provide for the monthly submittal of all weekly inspection reports to the Lahontan Water Board. The plan shall be an amendment to the SWPPP for the facility.

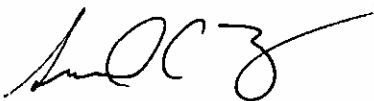
4. By **July 31, 2016**, submit to this office an appropriate retrofit plan for the existing dirt parking area with a time schedule for implementation. The implementation time schedule must provide for completion by October 15, 2017.
5. By **October 15, 2017**, complete the BMP retrofit plan and submit photo-documentation and a narrative description of such to this office.

#### **POTENTIAL ADMINISTRATIVE CIVIL LIABILITY**

This Notice informs you of violations of the Marina General Permit so that you may take immediate actions to comply with requirements. The Water Board is authorized to impose administrative civil liability for such violations on a daily basis for each violation (California Water Code sections 13350 and 13385).

Water Board staff will evaluate your response to this Notice to achieve compliance with the Marina General Permit. Continued non-compliance with the Marina General Permit may result in additional enforcement action, including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to \$10,000 for each day in which each violation of the Marina General Permit occurs pursuant to California Water Code section 13385(c). Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected. The Water Board reserves the right to take any further enforcement action authorized by law.

Please contact Eric J. Taxer at (530) 542-5434 or Tobi Tyler at (530) 542-5435 if you have any questions regarding this Notice.



Scott C. Ferguson, P.E.  
Supervising Water Resource Control Engineer

Enclosure: July 16, 2014 Inspection Report

cc (w/enclosure):

Johnathan Cook-Fisher, Special Use Permit Coordinator, United States Forest Service  
Gina M. Thompson, Forest Recreation, Lands, Special Uses and Heritage Staff Officer, United States Forest Service

Jay Kniep

Ken Kasman, TRPA

Suzanne Garcia, Assistant Legal Counsel, Washoe Tribe of California and Nevada

Jeff Marsolais, Acting Forest Supervisor, Lake Tahoe Basin Management Unit, United States Forest Service

Bob Hassett, Action Water Sports, Meeks Bay Marina

SCF/dk/T: Meeks Bay Marina, NOV for July 2014 Inspections  
File Under: Marinas / Meeks Bay Marina / WDID 6A0900500000





# COMPLIANCE INSPECTION REPORT

ROUTING: SF  
CH

FILE/WDID #: 6A090050000

BOARD ORDER NO: R6T-2011-0024  
NPDES NO: CAG616003

## PRE-INSPECTION REVIEW

DISCHARGER: Action Motorsports of Tahoe  
DISCHARGER CONTACT: Bob Hassett  
DISCHARGER PHONE NUMBER: (530) 542- 6552 [work]  
DISCHARGER ADDRESS: P.O. Box 9653, South Lake Tahoe, Ca 96150

CATEGORY: 3C  
TYPE: IND

FACILITY NAME: Mæeks Bay Resort & Marina  
FACILITY ADDRESS: 3501 Bode Drive, South Lake Tahoe, CA 96150

DATE OF LAST INSPECTION: Unknown  
PROBLEMS NOTED: N/A

DATE LAST SMR SUBMITTED: November 15, 2014

PROBLEMS NOTED: Multiple violations were cited for the annual report. The following items were noted and entered in CIWQS for the 2012-2013 reporting year.

1. The discharger conducted seven out of the required minimum of twelve monthly visual inspections.
2. Two storm water discharge events were sampled per identified location "ramp" but no samples were provided for parking lot run-off.
3. Two of four benchmark sampling events were conducted for the surface water discharge sampling point, "ramp."
4. One out of two required pH sampling results were conducted for marina surface waters.
5. All four storm water inspection logs were missing various sections including: weather reports, photographs, inspector's name, title and signature.
6. The site map did not identify sampling locations as required despite answering "yes" to question #50 in the annual report form. A new site map was requested (and yet to be provided) indicating which effluent limits the sample points are intended to be compared with (discharge to land treatment systems or discharge to surface waters).

## FIELD OBSERVATIONS

INSPECTOR: Kelsi Buts, Scientific Aid  
Eric Taxer, WRCE

DATE: July 16, 2014  
TIME: 12:55 p.m.

DISCHARGER REP: Jay Knlep, QSD  
Chris Gallup, Operations Manager  
Ed Oliver, Site Manager

**REMARKS:**

The weather was hot, sunny, and little to no breeze. There were some clouds moving in. All photos were taken with a Sony Cyber-Shot DSC-5700 by Eric Taxer, WRCE.

I called Jay Knlep, QSD, on July 10, 2014 to inform him we would be inspecting the facility. Eric Taker and I arrived to inspect at 12:30 a.m. Chris Gallup, director of operations and Jay Knlep had yet to arrive. While we waited, we inspected the dirt parking lot. No drainage improvements have been installed and the area slopes towards the marina waters. The gangways to the slips in the inner marina lie on low lying sections that posed an opportunity for rill or gully erosion during a storm event. These are potential sources of sediment as there are no BMPs. Photographs Nos. 1 through 4 document the state of the parking area and areas of erosion concern.



**Picture 1: The parking lot is composed of exposed loose dirt and a small amount of gravel on the edges. The depression in the photo is a gangway to the marina slips below. There is no berm protecting this area from concentrated flow down along the gangway causing erosion.**



**Picture 2: The walkway is downward sloping from the parking lot to the gangways. Potential for rill or gully erosion into the marina surface waters is possible.**



**Picture 3: Gangway number three is also in a low depression of the hillside. These are potential sediment sources as there are no BMPs installed.**



**Picture 4: This is gangway number 1, closest to the lake. Due to the topography of the parking lot, a low spot forms at the top and runs down during significant rain events.**

Jay Kniep and Chris Gallup arrived at 12:55 p.m. and met us in the parking lot. Jay stated that most of the runoff during storms is on the boat ramp and sometimes on the first gangway. He states that the other gangways don't experience the same flow due to natural berms of gravel or dirt that prevent flow. Jay only monitors one point, the boat ramp sheet flow, during storm events, which is very difficult to capture.

The state of the parking lot was discussed. The land is owned by the U.S. Forest Service and the Washoe Tribe leases the land for the Meeks Bay Marina and Resort. Action Motorsports of Tahoe then leases the marina operation from the Washoe Tribe. When concerns about potential sediment sources were brought up, Jay indicated that Bob Hassett, owner of Action Watersports of Tahoe, does not own the land and cannot fix the parking lot himself. A discussion of on-site improvements restrictions commenced. The U.S. Forest Service is ultimately the limiting owner of the site and any improvements would need to be taken up with them. We stated that we will draft a letter addressed to all three owner/operators (U.S.F.S, the Washoe Tribe, and Action Motorsports of Tahoe) requiring a plan and improvement schedule to address the sedimentation spots.

We then moved on to the small main marina area. The marina as a whole contains 120 slips in an Inner marina and no buoys. Most of the slips were empty. A boat rental operation is conducted from a small office onsite. The waste oil and oily rags are kept in a shed within secondary containment. The shed is also a storage area.



**Picture 5: The waste oil is contained in a second container. Oil rags are also double contained up in the right hand corner. The rest of the items are stored floatation devices, etc.**

There is a public boat ramp with newer, smooth concrete. Jay commented that the smooth surface makes it nearly impossible to capture runoff samples. This ramp is the only discharge point of the marina, and it discharges to surface water.

A file inspection was conducted following the site tour. All the files were on-site and current. There are no fueling pumps; all rental boat fueling is conducted from a tank located on the back of the manager's pickup truck. There is no sale of diesel on site.

**CONDITIONS IN VIOLATION:** Lack of appropriate BMPs to prevent sedimentation from the dirt parking lot into the marina surface waters.

**ACTION SUGGESTED:** Issue a Notice of Violation requiring a site improvement plan.

**BY:** Kelsi Buts, Scientific Aid

**DATE:** July 23, 2014

*Kelsi Buts*

*7/23/14*



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**Lahontan Regional Water Quality Control Board**

October 29, 2015

Bob Hassett  
Action Water Sports  
Meeks Bay Marina  
PO Box 9653  
South Lake Tahoe, CA 96158  
[wtrspt@charter.net](mailto:wtrspt@charter.net)

**CERTIFIED MAIL: 7009 0820 0001 6638 8055**  
(Tracking No: 9590940307105196099446)

Jennifer Johnson, Interim Director  
Washoe Environmental Protections Dept.  
Washoe Tribe of California and Nevada  
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Gardnerville, NV 89410  
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(Tracking No: 9590940307105196099439)

Jeff Marsolais, Forest Supervisor  
Lake Tahoe Basin Management Unit  
United States Forest Service  
35 College Drive  
South Lake Tahoe, CA 96150  
[jmarsolais@fs.fed.us](mailto:jmarsolais@fs.fed.us)

**CERTIFIED MAIL: 7009 0820 0001 6630 6103**  
(Tracking No: 9590940307105196099460)

**NOTICE OF VIOLATION OF NPDES GENERAL PERMIT, BOARD ORDER NO. R6T-2011-0024, REQUIREMENTS FOR LAKE TAHOE MARINAS AND VIOLATION OF THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION - MEEKS BAY MARINA, EL DORADO COUNTY, WDID NO. 6A090050000**

This letter serves to notify you of violations of your permit. The violations include failure to maintain best management practices (BMPs) and exceeding effluent limitations in January 2014. This letter also discusses inconsistencies between facility staff's observations documented in self-inspection reports and the Lahontan Regional Water Quality Control Board (Water Board) staff's July 23, 2015, observations documented in the enclosed inspection report.

## INTRODUCTION

Water Board staff inspected the Meeks Bay Marina on July 23, 2015. A copy of the inspection report is enclosed. The inspection was performed to evaluate the additional temporary BMPs that had been installed as a requirement of the Water Board's February 24, 2015, Notice of Violation (NOV). You amended the facility's Storm Water Pollution Prevention Plan (SWPPP) on June 3, 2015, to identify and implement the additional BMPs. Water Board staff also evaluated compliance with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit*, Board Order No. R6T-2011-0024 (Marina General Permit, hereinafter referred to as Permit).

The inspection report identifies deficiencies in implementing the SWPPP, also identified, below. The deficiencies resulted in the discharge of sediments into waters of Lake Tahoe.

1. The existing site gradient prevents stormwater runoff from flowing into the designated infiltration area near the boat ramp.
2. Fiber rolls are not installed in accordance with the SWPPP. Fiber roll ends are not turned up (J-Hooked), are not appropriately overlapped, and are not installed along a level contour.
3. Fiber rolls are not maintained in accordance with the SWPPP. Sections of fiber rolls are flattened or otherwise degraded, resulting in a loss of capacity/effectiveness. Sediments accumulating behind fiber roll sections need to be removed to maintain capacity.

The August 10 and September 9, 2015, submittals of the July and August 2015 weekly self-inspection reports (emails from Bob Hassett to Eric Taxer) state that all BMPs are appropriately installed and that no rills, gullies, or accumulated sediments were observed during all nine weekly inspections conducted in July and August. These reports conflict with the site conditions that were observed and documented by Water Board staff.

Water Board staff also reviewed the results of the facility's annual report, which was submitted on November 14, 2014. The analytical results in the report are associated with samples collected from stormwater runoff entering the marina (waters of Lake Tahoe) from the boat ramp during rainfall events on January 9 and May 20, 2014. The results are summarized in the following table.



**Meeks Bay Marina 2014 Annual Report - Analytical Results from Stormwater Runoff Samples Collected at Meeks Bay Marina Boat Ramp for Rainfall Events on January 9 and May 20, 2014:**

Constituent	Effluent Concentration	Effluent Limit	Serious Violation Limit (Exceeds 40 Percent of Limit)	Serious/Chronic Violation
Total Nitrogen	2.1 mg/L	0.5 mg/L	0.7 mg/L	Serious
Total Phosphorus	0.7 mg/L	0.1 mg/L	0.14 mg/L	Serious
Total Iron	14 mg/L	0.5 mg/L	0.7 mg/L	Serious
Turbidity	160 NTU	20 NTU	Not a Category	Chronic
Total Suspended Solids (TSS)	440 and 2 mg/L Sum = 442 mg/L	100 mg/L	EPA Final Benchmark Value of 100	N/A
Aluminum	13 and 0.14 mg/L Sum = 13.14 mg/L	0.75 mg/L	EPA Final Benchmark Value of 0.75 mg/L	N/A
Total Recoverable Lead	0.029 mg/L and ND Sum = 0.029 mg/L	0.014 mg/L	EPA Final Benchmark Value of 0.014 mg/L	N/A
Total Recoverable Zinc	0.130 and 0.0035 mg/L Sum = 0.1335 mg/L	0.04 mg/L	EPA Final Benchmark Value of 0.04 mg/L	N/A
Total Recoverable Copper	0.011 mg/L and ND Sum = 0.011 mg/L	0.0152 mg/L	EPA Final Benchmark Value of 0.0152 mg/L	N/A

**PERMIT VIOLATIONS**

Permit Order VII.C.3 requires you to develop and implement a SWPPP. The observed implementation deficiencies noted above violate the Permit.

Permit Order IV.J.6 prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina (see attached inspection report) violates the Permit.

Permit Order V.A.1 establishes effluent limits for stormwater runoff entering Lake Tahoe. The 2014 annual report documents exceedances of the effluent limits for Total Nitrogen, Total Phosphorus, Turbidity, and Total Iron on January 9, 2014. These exceedances violate the Permit. Additionally, the effluent violations for Total Nitrogen, Total Phosphorus, Total Iron, and Turbidity are subject to minimum mandatory penalties [Water Code section 13385(h) and (i)].

Permit Order V.D. establishes benchmark limits for TSS, Aluminum, Total Recoverable Lead, Total Recoverable Zinc, and Total Recoverable Copper. The 2014 annual report documents exceedance of these benchmark limits. When the benchmark limits are exceeded, Permit Order V.D. requires you to,

*“... immediately initiate a review of the BMPs at the site, take corrective actions, and repeat the quarterly monitoring. These actions must be repeated until the average concentration from the quarterly sampling is less than the benchmark. Failure to implement corrective actions and monitoring requirements is a violation of this Marina General Permit.”*

You have not appropriately identified and implemented corrective actions to address the benchmark limit exceedances. The February 2015 NOV requires you to amend your SWPPP to include the installation and maintenance of temporary BMPs to address the unpaved parking situation. Those BMPs may, in fact, help to address the benchmark exceedances if they were effectively installed and maintained. However, you have failed to effectively implement and maintain the BMPs required by your SWPPP (and, therefore, required by your Permit). The failure to effectively implement the BMPs will likely result in additional benchmark and effluent limit exceedances. Such future exceedances may be subject to additional minimum mandatory penalties and discretionary liability.

## **BASIN PLAN VIOLATIONS**

Chapter 5.2 of the Basin Plan prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina violates the Basin Plan.

## **WORKPLAN AND IMPLEMENTATION SCHEDULE**

1. By **November 30, 2015**, submit to this office, documentation that all BMPs have been properly installed/implemented and/or maintained in accordance with the June 2015 Amended SWPPP.

2. By **November 30, 2015**, submit to this office, documentation that facility staff responsible for conducting weekly site inspection and preparing site inspection reports, has reviewed this Notice and its enclosed inspection report's findings regarding BMP implementation and maintenance, and SWPPP requirements for proper BMP implementation and maintenance. Additionally, submit a SWPPP amendment that requires all weekly inspection reports to include date-stamped photographs of all inspected BMPs to verify accuracy of report findings.
3. In response to the benchmark limit exceedances, immediately initiate a review of the BMPs related to stormwater runoff at the site, implement the necessary corrective actions, and submit the results of the review and implemented corrective actions to this office by **December 28, 2015**. As stated above, effectively installing and maintaining the temporary BMPs identified in the June 2015 Amended SWPPP may address the conditions leading to the above-referenced benchmark limit exceedances. If you believe this to be the situation, then state in the report described in Requirement No. 1, above, that the actions/activities described in the report also address the conditions responsible for the above-referenced benchmark limit exceedances. Otherwise, identify the additional corrective actions taken in response to the benchmark limit exceedances.

## **POTENTIAL ADMINISTRATIVE CIVIL LIABILITY**

This Notice informs you of violations of the Marina General Permit and the Basin Plan so that you may take immediate actions to comply with requirements. The violations identified, above, are subject to additional enforcement action. The information, below, is being provided to inform you of the serious nature of these violations.

Water Board staff will evaluate your response to this Notice to achieve compliance with the Marina General Permit. Non-compliance with the Marina General Permit may result in additional enforcement action, including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to \$10,000 for each day in which each violation of the Marina General Permit occurs pursuant to California Water Code section 13385(c). Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected. The Water Board reserves the right to take any further enforcement action authorized by law.

Additionally, certain effluent violations are subject to minimum mandatory penalties, pursuant to Water Code sections 13385(h) and 13385(i). The Water Board must assess a minimum of \$3,000 for each serious and chronic effluent violation. The Water Board may elect to assess a higher amount of up to \$10,000 per violation.

Bob Hassett, Meeks Bay Marina  
Jennifer Johnson, Washoe Tribe of CA & NV  
Jeff Marsolias, LTBMU, U.S.F.S.

- 6 -

It is also imperative that necessary corrective actions be completed prior to the onset of the upcoming wet-weather season to avoid further waste discharges from the marina facilities to Lake Tahoe. Keep in mind long-term weather forecasts indicating a greater potential for high-precipitation events during the upcoming wet-weather season when designing, implementing, and maintaining corrective actions/BMPs.

Please contact Eric J. Taxer, Water Resources Control Engineer, at (530) 542-5434, or Tobi Tyler, Water Resources Control Engineer, at (530) 542-5435, if you have any questions regarding this Notice.



Cathe Pool, P.E.  
Senior Water Resource Control Engineer

Enclosure: July 23, 2015, Inspection Report

cc (w/enclosure): Johnathan Cook-Fisher, Special Use Permit Coordinator, U.S.F.S.  
(via email: [jcfisher@fs.fed.us](mailto:jcfisher@fs.fed.us))  
Gina M. Thompson, Forest Recreation, Lands, Special Uses and  
Heritage Staff Officer, U.S.F.S.  
(via email: [gthompson04@fs.fed.us](mailto:gthompson04@fs.fed.us))  
Jay Kniep, (via email: [jaykniep@cs.com](mailto:jaykniep@cs.com))  
Ken Kasman, Tahoe Regional Planning Agency  
(via email: [kkasman@trpa.org](mailto:kkasman@trpa.org))  
Suzanne Garcia, Assistant Legal Counsel, Washoe Tribe of  
California and Nevada

EJT/adw/T: Meeks Bay Marina NOV-2, 2015-09-22 EJT  
File Under: Primary Indexing Number: WDID 6A0900500000

# COMPLIANCE INSPECTION REPORT

ROUTING: SF  
CH

FILE/WDID #: 6A090050000

BOARD ORDER NO: R6T-2011-0024  
NPDES NO: CAG616003

## PRE-INSPECTION REVIEW

DISCHARGER: Action Motorsports of Tahoe  
DISCHARGER CONTACT: Bob Hassett  
DISCHARGER PHONE NUMBER: (530) 542- 6552 [work]  
DISCHARGER ADDRESS: P.O. Box 9653, South Lake Tahoe, CA 96150

CATEGORY: 3C  
TYPE: IND

FACILITY NAME: Meeks Bay Resort & Marina  
FACILITY ADDRESS: 3501 Bode Drive, South Lake Tahoe, CA 96150

DATE OF LAST INSPECTION: July 16, 2014

PROBLEMS NOTED: Lack of appropriate BMPs to prevent sedimentation from the dirt parking lot into the marina surface waters. NOV issued February 24, 2015. Facility SWPPP revised June 3, 2015.

DATE LAST SMR SUBMITTED: November 14, 2014 (Annual Report)

PROBLEMS NOTED: See table, below, of effluent limit violations from January 9, 2014 Sample date. Samples were collected from storm water runoff entering the marina (waters of Lake Tahoe) from the boat ramp during a rainfall event.

Constituent	Effluent Concentration	Effluent Limit	Serious Violation Limit (Exceeds 40% of Limit)	Serious/Chronic Violation?
Total Nitrogen	2.1 mg/l	0.5 mg/l	0.7 mg/l	Serious
Total Phosphorus	0.7 mg/l	0.1 mg/l	0.14 mg/l	Serious
Total Iron	14 mg/l	0.5 mg/l	0.7 mg/l	Serious
Turbidity	160 NTU	20 NTU	Not a Category.	No
Total Suspended Solids (TSS)	440 mg/l	100 mg/l	EPA Benchmark Value of 100	N/A
Aluminum	13 mg/l	0.75 mg/l	EPA Benchmark Value of .75	N/A
Total Recoverable Lead	0.029 mg/l	0.014 mg/l	EPA Benchmark Value of .014	N/A

Total Recoverable Zinc	0.130 mg/l	0.04 mg/l	EPA Benchmark Value of .04	N/A
Total Recoverable Copper	0.011 mg/l	0.0152 mg/l	EPA Benchmark Value of .0152	N/A

NOTE: EPA Benchmark Values are not considered effluent limits, as noted in Permit Order section V.D.

**FIELD OBSERVATIONS**

INSPECTOR: Eric J. Taxer, WRCE  
Will Chen, Scientific Aid

DATE: July 23, 2015  
TIME: 2:30 p.m. – 3:10 p.m.

DISCHARGER REP: Ed Oliver

TITLE: Site Manager

**REMARKS:**

Weather was sunny with a slight breeze, although rain had occurred in the area two days prior. All photographs were taken with a 7.2 Megapixel Sony Cybershot DSC-S700 camera. I took all photos, unless otherwise noted. Will Chen left a voice mail with Bob Hasset the morning of the inspection to inform him that we would be inspecting the facility later in the day.

The purpose of the inspection was to evaluate additional temporary best management practices (BMPs) that had been installed as a condition of the Water Board's February 24, 2015 NOV. The additional BMPs are documented in the facility's Storm Water Pollution Prevention Plan (SWPPP), which was updated on June 3, 2015.

Will Chen and I arrived on site at 2:30 p.m. While walking to the on-site manager's office, I observed a ponded area in the northeast driveway area, immediately north of the ramp. I took three photos, Photograph Nos. 01, 02 and 03. According to the facility SWPPP, the site area is to be graded to direct stormwater runoff from this area to a vegetated depression/infiltration area northwest of the driveway area (see Figure 1). Ponded water in this area indicates that the site is not sufficiently graded to direct runoff to an appropriate infiltration area, and such runoff may potentially flow toward the boat ramp and into the marina (waters of Lake Tahoe).

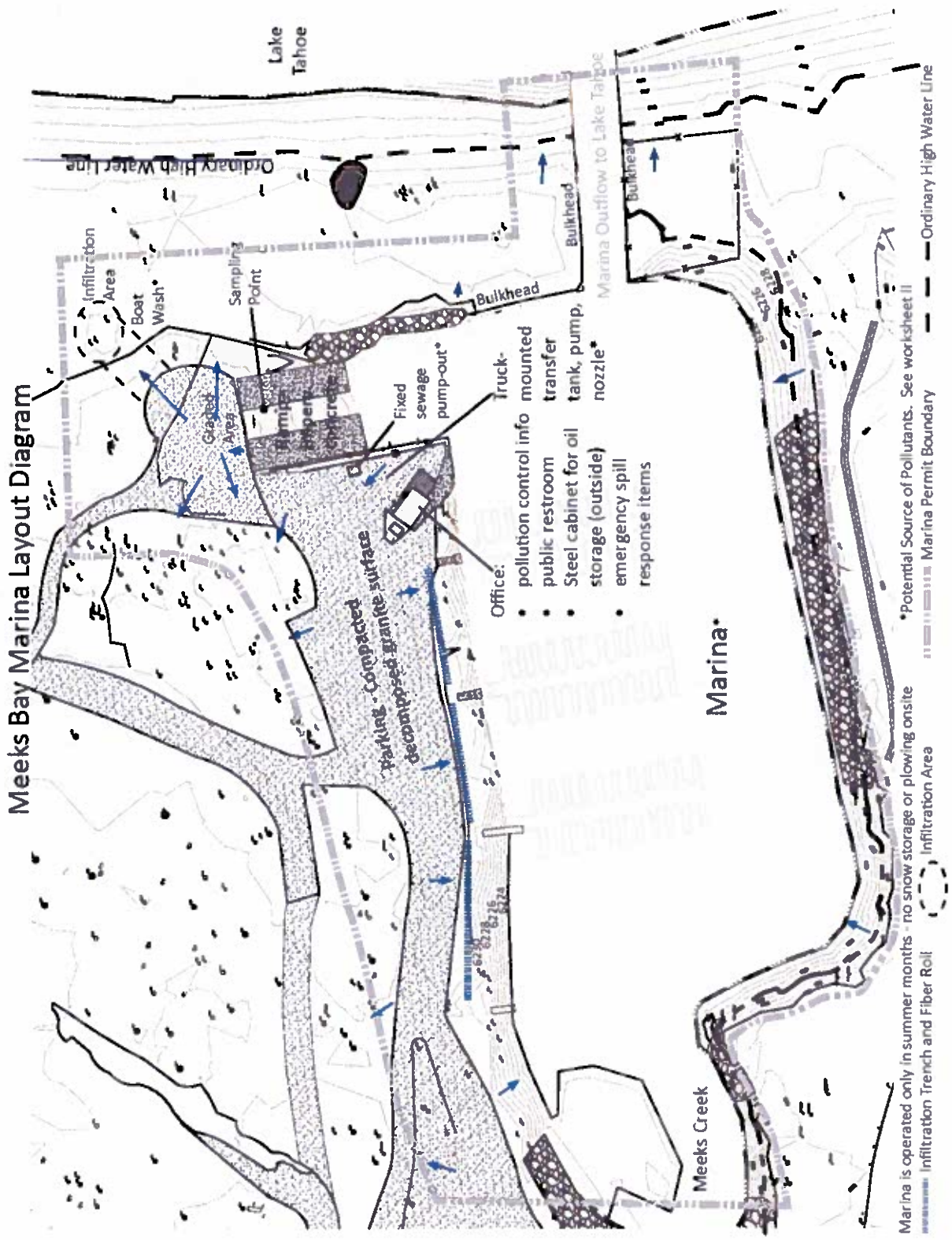


Figure 1. Site Map, From Page 18 of Meeks Bay Marina June 3, 2015 SWPPP



Photograph 01 - Facing West Toward Parking Area, Boat ramp on far left



Photograph 02 - Facing West Toward Parking Area, Panning right of Photo 1, Standing Ponded Water in Lot From Recent Rains





Photograph 03 - At Northeast area, Looking Northeast at Ponded Water In Parking Area. Per the SWPPP, the infiltration area should be located roughly where the willow stand in the center of the photograph is located. This Photograph was taken at the conclusion of the inspection at approximately 3:10 p.m.

We went to the site manager's building, and we identified ourselves to Ed Oliver, the marina site manager. Mr. Oliver permitted us to inspect the marina facility.

We walked the facility from the east toward the west. There is one boat launch ramp located on the east side of the facility. West of the boat ramp and west of the site manager's building, there are four pedestrian ramps into the marina to access boat slips. We observed a pump out station for boats West of the marina office, and we observed an oil storage containment and dumpster south of the marina shop. The oil containment and dumpster appeared clean.

The amended SWPPP identifies the placement of BMPs (fiber rolls, boulders, drainage basins, and site grading) to prevent erosion from stormwater runoff entering the marina waters. The amended SWPPP requires all fiber rolls to be installed and maintained in accordance with the CASQA guidelines. The guidelines require:

- The ends of the fiber roll are to be turned up (J-Hooked) to prevent runoff from going around the fiber roll.
- Install along a level contour (parallel to grade, not perpendicular to the grade).
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.

- Install and maintain fiber rolls to maintain a minimum height of four inches of fiber roll above grade (see entrenchment detail).
- Remove accumulated sediment behind the fiber roll when sediment accumulation reaches one-half the designated sediment storage depth, usually one half the distance between the top of the fiber roll and the adjacent ground surface.

The remaining photographs (nos. 03 through 31) document deficient and degraded fiber rolls which have resulted in eroded sediment discharge into the marina within waters of Lake Tahoe. A



Photograph 04 - Looking East, Northeast at fiber roll. The fiber roll is not J-Hooked at its end which is also installed perpendicular to the grade lower than the rest of the fiber roll, and not parallel to the grade. Any runoff that flows toward the fiber will flow along it toward the downgradient end and, eventually, down the boat ramp and into the marina.



**Photograph 05 - Flattened fiber roll adjacent to marina office, facing southwest. Also, the end of the fiber roll is installed perpendicular to the gradient, which will channelize storm water runoff.**



**Photograph 06 - BMP joint is not J-hooked, and the fiber roll section by the pylons has been flattened. This area is by marina office, facing southeast**



**Photograph 07 - First ramp west of office, facing south. A gap exists between the concrete section of the ramp walkway and the fiber roll to the right (west) of the ramp. Runoff that bypasses the drainage ditch will flow through this area and into the marina.**



**Photograph 08 - Second ramp west of office, facing southeast. Fiber rolls do not prevent runoff from going down ramp and into marina.**



Photograph 09 – Close up of Photograph No. 08. Note that ends of fiber rolls are not J-Hooked.



Photograph 10 – Moving closer to the ramp to get a further close-up of Photograph No. 08. Note that the fiber rolls do not prevent runoff from going down ramp and into marina



Photograph 11 – Moving closer to the second ramp west of office to get a further close up.



Photo 12 - Moving closer to the second ramp west of office to get a further close up within the marina area. Note that the fiber rolls were unable to prevent runoff from going down ramp and into marina, as evidenced by a sediment deposit in marina located on left (east) side of ramp.



Photograph 13 – Close up of sediment deposit noted in Photograph No. 12.



Photo 14 – From same location as Photograph No. 13, but looking on the west side of the second ramp west of office.



**Photograph 15 - About 20 feet west of 2nd ramp west from office, looking south-southeast. The fiber roll has been degraded degraded and flattened.**



**Photograph 16 - Mid-way between 2nd and 3rd ramps west from the office. The fiber rolls have been slightly flattened, and the ends have not been overlapped leaving a gap between the rolls where stormwater runoff can become concentrated.**





**Photograph 17 - 3rd ramp west from office, facing south. A rill has formed beneath the metal plate, creating a threatened discharge of sediments into the marina. No fiber rolls or other BMP exists to prevent runoff from flowing down this area and causing bank erosion.**



**Photograph 18 - Midway between 3rd and 4th ramps west of office. The ends of the fiber rolls are degrading, and they are barely overlapped.**



Photograph 19 - West of photo 18, between 3rd and 4th ramps west of office. In this area, the fiber rolls are adequately overlapped.



Photograph 20 - At 4th walkway ramp west of office. Fiber rolls to left of walkway and above walkway are not J-hooked at their ends. Fiber roll on right and above walkway is inundated with sediment, and evidence of sediment discharge into the marina is apparent.



Photograph 21 – Close up of the sediment-inundated fiber roll shown in Photograph No. 20.



Photograph 22 - Close up of the sediment-inundated fiber roll shown in Photograph No. 20, also showing sediment deposits down along the embankment and into Lake Tahoe.



Photograph 23 - Close up of the sediment-inundated fiber roll shown in Photograph No. 20, facing east. The fiber roll end in the foreground was slightly J-Hooked to capture runoff and sediment, while the end of the fiber roll at the top of the photograph is not J-Hooked and allows runoff to flow down the embankment. Photograph taken by Will Chen.



Photograph 24 - Close-up of the west side of the 4<sup>th</sup> walkway shown in Photograph No. 20. Evidence of erosion can be observed.



Photograph 25 - 10 feet west of the 4<sup>th</sup> walkway west of the office. The fiber roll has degraded.



Photograph 26 - 20 feet west of 4th walkway ramp from office, facing east. No fiber roll has been installed, and a small gully erosion can be observed.



Photograph 27 – Same photo point as Photograph No. 26, panning toward the southeast.



Photograph 28 - Same photo point as Photograph No. 26 and 27, panning toward the south.



**Photograph 29 - Standing at photo point 28, looking southwest. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.**



**Photograph 30 - Standing at photo point 28, panning west from photo point 29, looking southwest-west. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.**



Photograph 31 - Standing at photo point 28, panning west from photo point 30, looking west to boat trailer parking area. Fiber rolls have not been placed to collect potential stormwater runoff from the unpaved parking area.



Photograph 32 - At west end of the marina boundary in the boat trailer parking area looking east. Fiber rolls were not installed at trailer parking area. Note the evidence of ponded water in the middle of the photograph, indicating fiber rolls may not be necessary in this area.





Photograph No. 33 – Close-up of storm water ponding line noted in Photograph No. 32. While there isn't evidence that stormwater runoff discharged over the bank in this area, it is likely that storm water flowed eastward toward the discharge point noted in Photographs No. 26-28.

### **CONDITIONS IN VIOLATION:**

Permit Order VII.C.3 requires the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The following deficiencies in implementing the SWPPP were observed, resulting in violations of the permit.

1. Deficient site gradient which prevents stormwater runoff from flowing into designated infiltration area.
2. Fiber rolls were not installed in accordance with the SWPPP. Fiber roll ends were not turned up (J-Hooked), fiber rolls were not appropriately overlapped, and fiber rolls were not installed along a level contour.
3. Fiber rolls were not maintained in accordance with the SWPPP. Sections of fiber rolls had been flattened or had otherwise degraded, resulting in a loss of capacity. Fiber roll sections had been overwhelmed with sediments resulting in a loss of capacity.

Permit Order IV.J.6 and Chapter 5.2 of the *Water Quality Control Plan for the Lahontan Region*, prohibit the discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials, to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The failure to maintain BMPs and the evidence of sediment discharges into the marina violates these prohibitions.

Permit Order V.A.1 establishes effluent limits for storm water runoff entering Lake Tahoe. The Discharger violated effluent limits for Total Nitrogen, Total Phosphorus, Turbidity, and Total Iron on January 9, 2014. Many of these effluent violations are subject to minimum mandatory penalties, pursuant to water code section 13385(h).

The Discharger violated benchmark limits established by Permit Order V.D. for TSS, Aluminum, Total Recoverable Lead, Total Recoverable Zinc, and Total Recoverable Copper. Permit Order V.D. requires the Discharger to,

*“... immediately initiate a review of the BMPs at the site, take corrective actions, and repeat the quarterly monitoring. These actions must be repeated until the average concentration from the quarterly sampling is less than the benchmark. Failure to implement corrective actions and monitoring requirements is a violation of this Marina General Permit.”*

The Discharger has not identified nor has the Discharger implemented such corrective actions other than those required by the February, 2015 NOV.

**ACTION SUGGESTED:** Issue second Notice of Violation for all violations noted. Refer to enforcement committee for potential discretionary and minimum mandatory civil liability.

BY: Eric J. Taxer

TITLE: WRCE

DATE: August 10, 2015



**ACTION RECOMMENDED:**

BY:



TITLE:

SURCE

DATE:

8/17/15

# **ENCLOSURE 2**



## Lahontan Regional Water Quality Control Board

April 13, 2017

Lauri Kemper, Assistant Executive Officer  
Lahontan Regional Water Quality Board  
2501 Lake Boulevard  
South Lake Tahoe, CA 96150

Jeff Marsolais, Forest Supervisor  
USDA Forest Service  
Lake Tahoe Basin Management Unit  
35 College Drive  
South Lake Tahoe, CA 96150

### **Request for Information- USFS Meeks Resort Proposed Settlement Agreement**

The Water Board Advisory Team is reviewing the proposed Settlement Agreement that is tentatively being scheduled for consideration before the Water Board meeting on May 10-11, 2017, in South Lake Tahoe. The Advisory Team needs additional information to complete our review and make a recommendation to the Water Board for its consideration. On behalf of the Advisory Team, I would like to request answers to the following questions from the parties:

1. **BMP Inspections:** Stipulation 3, on page 7, states the USFS will inspect the site BMPs a minimum of twice per year. However, two inspections may not be sufficient to ensure water quality is protected throughout an entire year. Temporary BMPs are typically designed to work for short periods, usually a few months during construction. Since temporary BMPs are planned to be in place for more than 6 years, what steps or performance objectives will be followed to ensure the temporary BMPs remain fully functional for many years and that water quality is being protected?
2. **BMP Design Requirements:** Stipulation 4, on page 7, states the site improvements must be designed to infiltrate the 10-year, 24-hour storm. However, the Basin Plan, chapter 5.6-3, sets forth two different options if the site is constrained and cannot infiltrate the 20-year, 1-hour storm volume:

*In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20 year, 1-hour storm, project proponents must either (1) meet the numeric effluent limits in Table 5.6-1, or (2) document*

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

*coordination with the local municipality or state highway department to demonstrate that shared stormwater treatment facilities treating private property discharges and public right-of-way stormwater are sufficient to meet the municipality's average annual fine sediment and nutrient load reduction requirements.*

Will the Agreement be revised to be consistent with the Basin Plan requirements?

3. **Stipulation Wording:** Stipulation 5, on page 7, states “USFS intends to...” The word “intends” is not a requirement for the Parties to take an action, so will the wording be revised to put a requirement on one or more Parties?
4. **Project Description:** Stipulation 6, on page 7, mentions a “Project” and lists some assessment criteria. Stipulation 7-13, pages 7-8, set forth deadlines for a joint environmental document and for design, construction, and monitoring of the “Project.” However, the Agreement contains no other information about a “Project.” What is the “Project” that is being mentioned in the stipulations?
5. **Timing and Need for Pavement BMP:** Installing drainage BMPs and paving a dirt parking lot are normally considered maintenance activities, and the required environmental documentation may be as simple as a Categorical Exclusion, which can be done in less than one week. Why is the paving/BMP retrofit of the dirt parking lot scheduled for construction beginning 2023 and not being done sooner? What are the reasons why these permanent BMPs are being delayed for 6 more years after also not being installed during the past 15 years? What Water Board action is the EIR document expected to support?
6. **Funding Assurances:** What assurances can the USFS give that funding is secure to complete the Project and meet the deadlines in the Stipulated Agreement?
7. **Efficacy of Temporary BMPs:** The Stipulated Agreement states that “Water Board and USFS staff met at the Meeks Bay Marina Site on August 4, 2016 to discuss the necessary action to be completed . . .it was also agreed that the USFS would develop and implement a BMP Plan for the entire site (including the entire parking area), and the Water Board would in turn revoke coverage under the 2011 Marina General Permit once the BMP Plan was implemented. . . .” Was the agreement on August 4, 2016 memorialized and has the Water Board officially revoked coverage under the 2011 Marina General Permit? If the temporary BMPs have been implemented, then how did the BMPs function through the winter?

8. **Project Permitting:** The Project is defined as “the process for determining the appropriate actions associated with future uses of the Meeks Bay Marina site and implementing the identified actions consistent with achieving appropriate environmental benefits.” If the Project involves changing the land-use and development at the site, then the process for obtaining approvals includes submitting a Report of Waste Discharge for permit coverage, and will likely require an EIR. How is the Project different from any of the normal permitting pathways that would be required if the Marina would be used again?
9. **Operation Plans for next 7 years:** What are the plans for Meeks Bay Marina operation from now until the Project completion in 2025?

I ask that you submit your responses to these questions **by no later than 5:00 pm, May 1, 2017**. Written comments should include “Meeks Resort, Proposed Settlement” in the subject line and submit email to [RB6enproceed@waterboards.ca.gov](mailto:RB6enproceed@waterboards.ca.gov). If you have any questions regarding this request, please contact me at (530) 542-5412 ([patty.kouyoumdjian.waterboards@ca.gov](mailto:patty.kouyoumdjian.waterboards@ca.gov)) or one of the Advisory Team members. either Doug Smith at (530) 542-5453 ([doug.smith@waterboards.ca.gov](mailto:doug.smith@waterboards.ca.gov)), or Elizabeth Beryt, Staff Council at (916) 327-7507 ([elizabeth.beryt@waterboards.ca.gov](mailto:elizabeth.beryt@waterboards.ca.gov)), or ([patty.kouyoumdjian@waterboards.ca.gov](mailto:patty.kouyoumdjian@waterboards.ca.gov)).

Sincerely,



PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

PZK/ko/T: Meeks Bay Potential Questions Itr

cc: Regional Board Members  
Nickolaus Knight, Staff Counsel, State Water Resources Control Board, Office of Enforcement, [nickolaus.knight@waterboards.ca.gov](mailto:nickolaus.knight@waterboards.ca.gov)  
Bob Hosea, California Department of Fish and Wildlife, [Bob.Hosea@wildlife.ca.gov](mailto:Bob.Hosea@wildlife.ca.gov)  
Karen Bender, El Dorado County Environmental Management, [Karen.bender@edcgov.us](mailto:Karen.bender@edcgov.us)  
Jason Burke, City of South Lake Tahoe, [jburke@cityofslt.us](mailto:jburke@cityofslt.us)  
Heather Noel, Public Affairs Contact, USFS, LTBMU [Hmnoel@fs.fed.us](mailto:Hmnoel@fs.fed.us)





**ENCLOSURE 3**  
(will be submitted under  
separate cover)



**ENCLOSURE 4**  
(will be submitted under  
separate cover)



**ENCLOSURE 5**  
(will be submitted under  
separate cover)



# **ENCLOSURE 3**





**ITEM 3 - LATE ADDITION**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF MAY 10-11, 2017**

**SOUTH LAKE TAHOE**

**ITEM 3**

**Public Hearing - Consideration of a Stipulated Agreement with the United States Forest Service (USFS), Lake Tahoe Basin Management Unit to Comply with the Water Quality Control Plan for the Lahontan Region; Meeks Bay Marina, El Dorado County, WDID 6A090050000; Cease and Desist Order No. R6T-2017-0013**

Add the attached Enclosure 3 and Enclosure 4 behind Bates page 3-66. Please note there will be no enclosure 5, there were no public comments received.

**ENCLOSURE**

<b>3</b>	Answers to Advisory Team questions of April 13, 2017	<b>3-69</b>
<b>4</b>	Staff Presentation-Meeks Bay Resort Marina Stipulated Agreement	<b>3-97</b>



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**Lahontan Regional Water Quality Control Board**

**TO:** Patty Kouyumdjian  
Executive Officer  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150



**FROM:** Lauri Kemper  
Assistant Executive Officer  
**LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** May 1, 2017

**SUBJECT: RESPONSE TO REQUEST FOR INFORMATION- MEEKS RESORT  
PROPOSED SETTLEMENT AGREEMENT, W DID 6A098901004**

The Water Board Prosecution Team has reviewed the Request for Information dated April 13, 2017 on the proposed Settlement Agreement between Lahontan and USFS on Meeks Marina. The Prosecution Team and the United States Forest Service Lake Tahoe Basin Management Unit (USFS) offer the following response to comments for your consideration.

- 1. BMP Inspections:** Stipulation 3, on page 7, states the USFS will inspect the site BMPs a minimum of twice per year. However, two inspections may not be sufficient to ensure water quality is protected throughout an entire year. Temporary BMPs are typically designed to work for short periods, usually a few months during construction. Since temporary BMPs are planned to be in place for more than 6 years, what steps or performance objectives will be followed to ensure the temporary BMPs remain fully functional for many years and that water quality is being protected?

**Response:**

The Stipulated Agreement does require site inspections twice per year minimum. Since the parking lots near the Marina are not planned for use, the temporary BMP's installed should remain undisturbed and effective. The temporary BMP's have been designed and installed to achieve the same water quality objectives as permanent BMPs with sufficient capacity to handle large volumes of stormwater

(see response to No. 2, below). Two inspections per year provide USFS staff sufficient time to identify the need for any maintenance and repairs, and then implement them before discharges of sediment to Lake Tahoe occur. For additional information see attached USFS Report on the construction and first inspection of the BMPs.

- 2. BMP Design Requirements:** Stipulation 4, on page 7, states the site improvements must be designed to infiltrate the 10-year, 24-hour storm. However, the Basin Plan, chapter 5.6-3, sets forth two different options if the site is constrained and cannot infiltrate the 20-year, 1-hour storm volume:

*In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20 year, 1-hour storm, project proponents must either (1) meet the numeric effluent limits in Table 5.6-1, or (2) document coordination with the local municipality or state highway department to demonstrate that shared stormwater treatment facilities treating private property discharges and public right-of-way stormwater are sufficient to meet the municipality's average annual fine sediment and nutrient load reduction requirements.*

Will the Agreement be revised to be consistent with the Basin Plan requirements?

**Response:**

The 10 year,24-hour storm is a USFS design criteria and is a larger storm volume than the 20 year, 1-hour storm of 1 inch in an hour. The USFS used 2 inches of rainfall across the area to design sufficient capacity to retain this larger volume (twice as large as required by the Water Board's Basin Plan). For additional information on the design and capacity of the BMPs, see the enclosed USFS as-built drawing and first inspection report.

- 3. Stipulation Wording:** Stipulation 5, on page 7, states "USFS intends to..." The word "intends" is not a requirement for the Parties to take an action, so will the wording be revised to put a requirement on one or more Parties?

**Response:**

The USFS has committed to preparing and issuing a Notice of Intent/Notice of Preparation to begin the federal decision making process to evaluate all of the potential uses of the site and move forward on a Project, subject to the outcome of the federal decision making process. The word "intends" could be replaced with "agrees." While the precise contours of the Project await the outcome of the NEPA/CEQA process, all alternatives will include sufficient detail to ensure environmental improvements comply with the Basin Plan.

- 4. Project Description:** Stipulation 6, on page 7, mentions a "Project" and lists some assessment criteria. Stipulation 7-13, pages 7-8, set forth deadlines for a joint

environmental document and for design, construction, and monitoring of the “Project.” However, the Agreement contains no other information about a “Project.” What is the “Project” that is being mentioned in the stipulations?

**Response:**

The “Project” has not yet been defined since the USFS is beginning a scoping process intended to hear ideas and options from the public and all cooperating agencies, and then develop a project description. Regardless of the scale of the Project and level of development identified, the Project will meet the Water Board’s Basin Plan requirements and offer additional/enhanced water quality and habitat improvements. The USFS is prohibited from defining the precise nature of the Project prior to the completion of the federal decision-making process.

- 5. Timing and Need for Pavement BMP:** Installing drainage BMPs and paving a dirt parking lot are normally considered maintenance activities, and the required environmental documentation may be as simple as a Categorical Exclusion, which can be done in less than one week. Why is the paving/BMP retrofit of the dirt parking lot scheduled for construction beginning 2023 and not being done sooner? What are the reasons why these permanent BMPs are being delayed for 6 more years after also not being installed during the past 15 years? What Water Board action is the EIR document expected to support?

**Response:**

The Meeks Bay Marina has been taken out of service and will remain so until the planning process for the future of the site is complete. The parking lots are not in use and may not be needed in the future Project, and the temporary BMP’s are proving effective, so there is no need for paving the parking lot at this time. The Water Board will likely be considering discretionary actions, such as Basin Plan prohibition exceptions and Clean Water Act Section 401 Water Quality Certification, to authorize the future project. The USFS anticipates the future project will include stream and wetland restoration.

- 6. Funding Assurances:** What assurances can the USFS give that funding is secure to complete the Project and meet the deadlines in the Stipulated Agreement?

**Response:**

This project is one of the highest priority projects for the LTBMU. The temporary BMPs at the site are already complete and being inspected, maintained, and effectively addressing pollutant discharges. USFS personnel have been assigned and funds committed through the current fiscal year to advance the Project in accord with the timelines of the Agreement. In future fiscal years the USFS will

commit the personnel and resources necessary from its budget to meet the objectives and to complete the Project in line with the Agreement.

- 7. Efficacy of Temporary BMPs:** The Stipulated Agreement states that “Water Board and USFS staff met at the Meeks Bay Marina Site on August 4, 2016 to discuss the necessary action to be completed . . . it was also agreed that the USFS would develop and implement a BMP Plan for the entire site (including the entire parking area), and the Water Board would in turn revoke coverage under the 2011 Marina General Permit once the BMP Plan was implemented. . . .” Was the agreement on August 4, 2016 memorialized and has the Water Board officially revoked coverage under the 2011 Marina General Permit? If the temporary BMPs have been implemented, then how did the BMPs function through the winter?

**Response:**

The Meeks Bay Marina permit was terminated on August 15, 2016. Lahontan staff approved the BMP design and construction after inspecting the site in August 2016 and reviewing the as-built plans in October 2016. The agreement to implement a BMP plan, revoke the coverage under the 2011 Marina General Permit, and the approval of the BMP plan and implementation were all conducted as part of the settlement process. The BMPs appear to have functioned adequately during the winter according to a recent inspection. For further information on the construction of the BMPs and their performance over the winter, see the enclosed USFS as-built drawing and inspection report.

- 8. Project Permitting:** The Project is defined as “the process for determining the appropriate actions associated with future uses of the Meeks Bay Marina site and implementing the identified actions consistent with achieving appropriate environmental benefits.” If the Project involves changing the land-use and development at the site, then the process for obtaining approvals includes submitting a Report of Waste Discharge for permit coverage, and will likely require an EIR. How is the Project different from any of the normal permitting pathways that would be required if the Marina would be used again?

**Response:**

The Stipulated Agreement outlines the process for a new project that includes not just paving parking lots but holistically reviewing the Meeks Bay Marina site to improve environmental benefits to the Lake through more comprehensive planning. The Agreement sets compliance dates to ensure the process continues to move forward but is not different from other projects other than commitments from the USFS have been made to comply with the dates in the Stipulated Agreement.

- 9. Operation Plans for next 7 years:** What are the plans for Meeks Bay Marina operation from now until the Project completion in 2025?

**Response:**

The plan for the Meeks Bay Marina is for it to remain closed until the completion of the planning process. The USFS has amended the special use permit for the Meeks Bay Resort to exclude the operation of the marina, and there is no further amendment to that permit planned to re-initiate use as a marina. Meeks Bay Resort will remain open for the foreseeable future.

Enclosures: USFS April 26, 2017 Inspection Report  
USFS As-built drawing

cc: Regional Board Members

Nickolaus Knight, State Water Resources Control Board, Office of Enforcement

Bob Hosea, California Department of Fish and Wildlife

Karen Bender, El Dorado County Environmental Management

Jason Burke, City of South Lake Tahoe

Heather Noel, Public Affairs Contact, USFS, LTBMU

Theresa McClure, Forrest Supervisor, USFS, LTBMU

Doug Smith, Lahontan Water Board

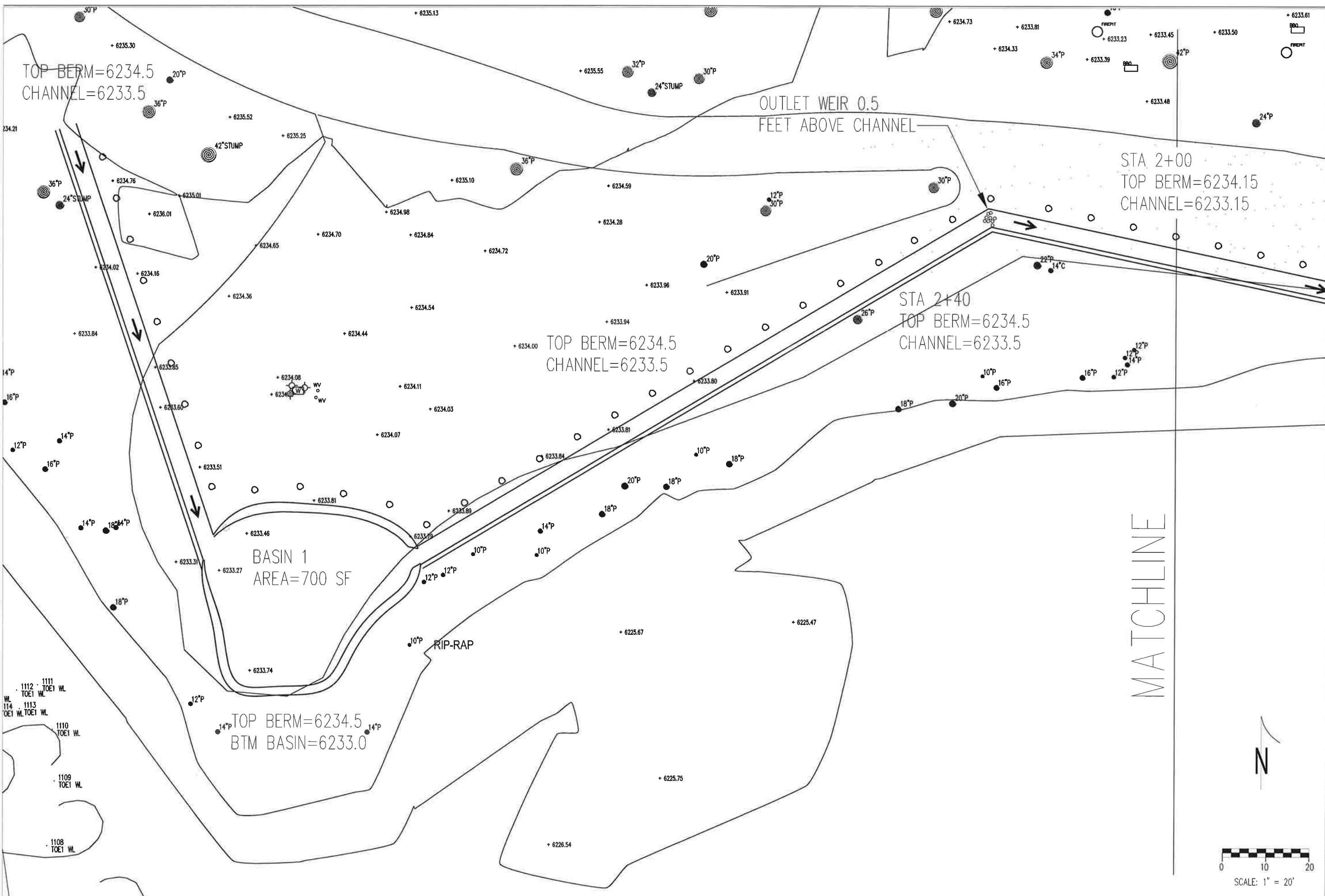
Elizabeth Beryt, State Water Resources Control Board, Office of Chief Counsel

CP/gg/T: Response to Advisory Team - USFS Meeks Bay\_ogcredits

File Under: ECM / WDID 6A098901004







TOP BERM=6234.5  
CHANNEL=6233.5

OUTLET WEIR 0.5  
FEET ABOVE CHANNEL

STA 2+00  
TOP BERM=6234.15  
CHANNEL=6233.15

TOP BERM=6234.5  
CHANNEL=6233.5

STA 2+40  
TOP BERM=6234.5  
CHANNEL=6233.5

BASIN 1  
AREA=700 SF

TOP BERM=6234.5  
BTM BASIN=6233.0

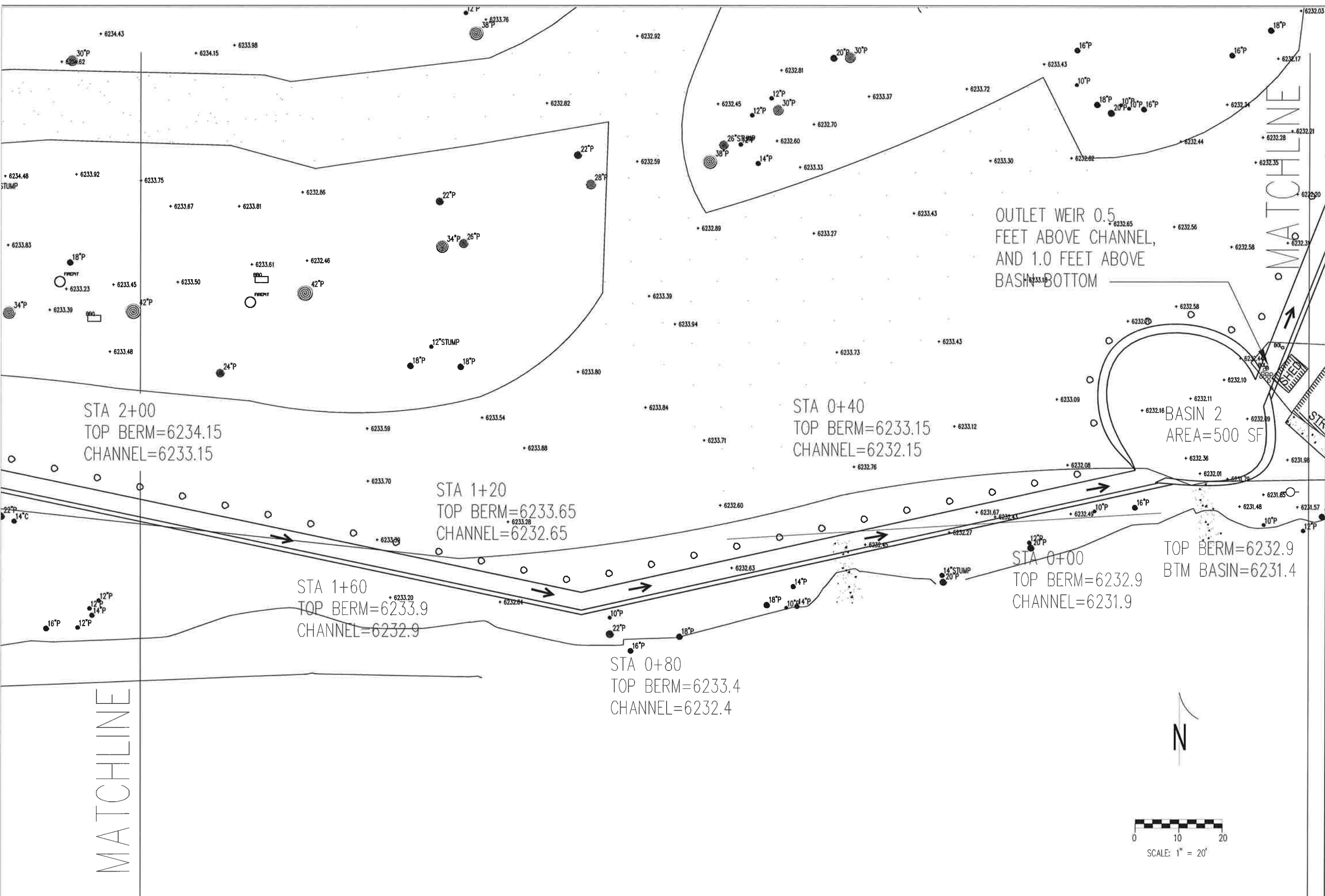
REV.	DATE	DESCRIPTION
0	10/12/16	AS BUILT MTA 16/12/16

DESIGNED BY: MTA	DRAWN BY: MTA	CHECKED BY: -	SCALE: -
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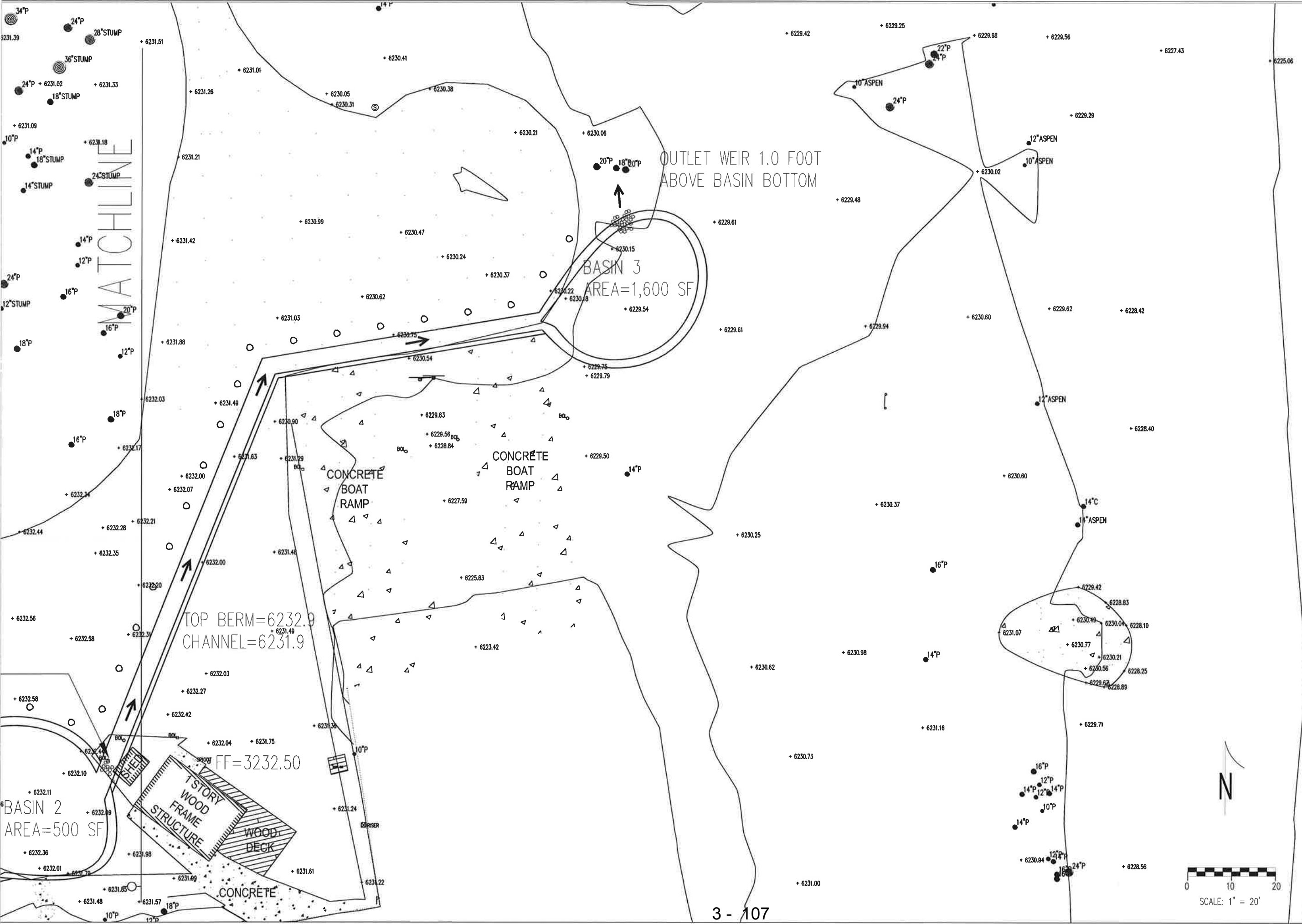
# PLAN

USDA FOREST SERVICE LTBMU  
MEEKS BAY RESORT  
DAY USE PARKING BMP UPGRADES

SHEET NUMBER C1
1 OF 4 SHEETS
PROJECT NO. 3-77



DESCRIPTION	AS BUILT	DATE	REV.
MTA	MTA	0	0
DESIGNED BY:	MTA	DRAWN BY:	MTA
CHECKED BY:		SCALE:	
PLAN			
USDA FOREST SERVICE LTBMU			
MEEKS BAY RESORT			
DAY USE PARKING BMP UPGRADES			
SHEET NUMBER			
C2			
2 OF 4 SHEETS			
PROJECT NO.			
3-78			



MATCHLINE

OUTLET WEIR 1.0 FOOT ABOVE BASIN BOTTOM

BASIN 3  
AREA=1,600 SF

CONCRETE  
BOAT  
RAMP

CONCRETE  
BOAT  
RAMP

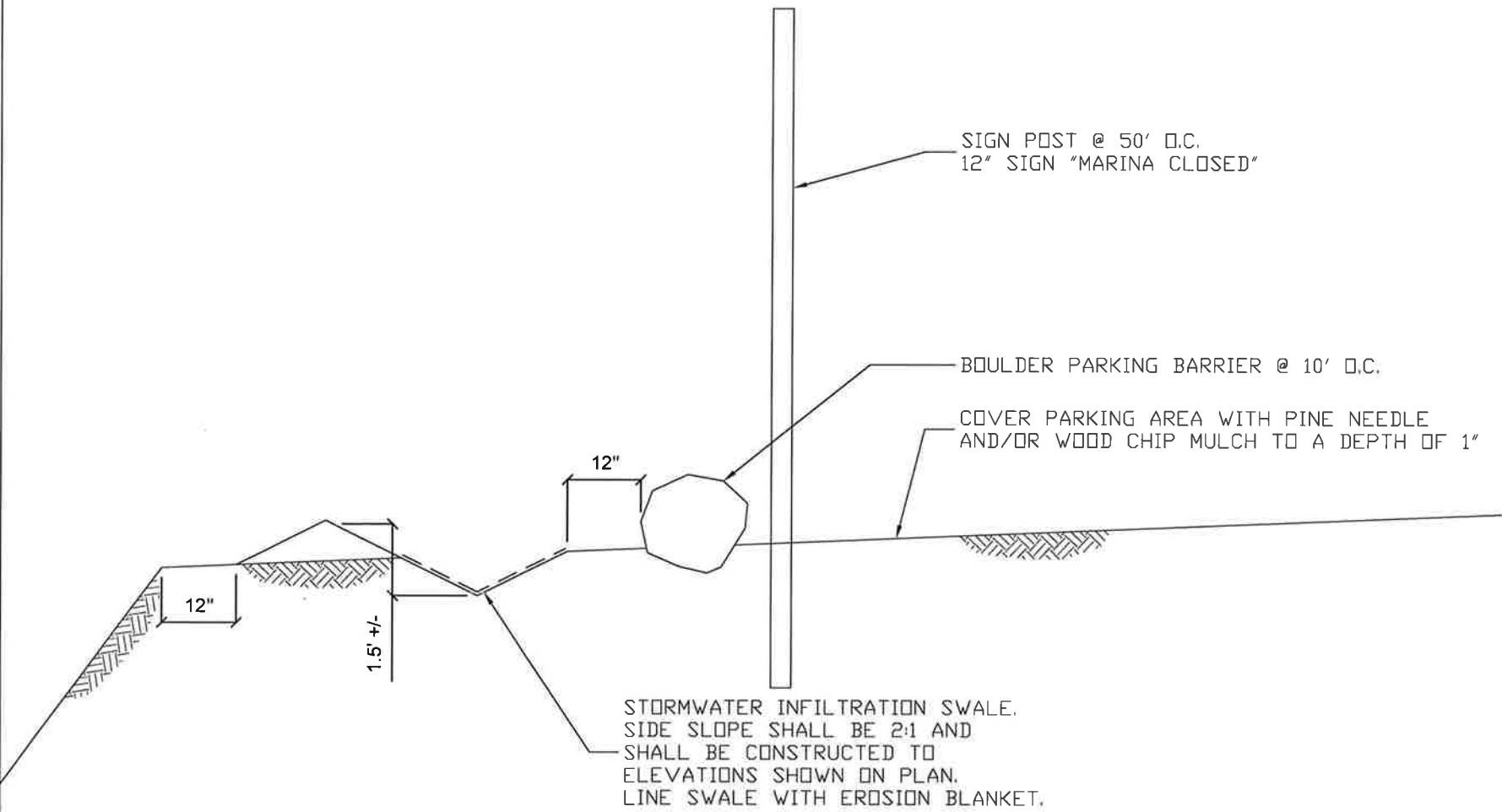
TOP BERM=6232.9  
CHANNEL=6231.9

1 STORY  
WOOD  
FRAME  
STRUCTURE  
WOOD  
DECK  
CONCRETE

BASIN 2  
AREA=500 SF



REVISIONS	DATE	DESCRIPTION	
0	10/12/16	AS BUILT	MTA 10/12/16
DESIGNED BY:	DRAWN BY:	CHECKED BY:	SCALE:
MTA	MTA	-	-
PLAN			
USDA FOREST SERVICE LTBMU MEEKS BAY RESORT DAY USE PARKING BMP UPGRADES			
SHEET NUMBER C3 3 OF 4 SHEETS			
PROJECT NO. 3-79			



STORMWATER INFILTRATION SWALE.  
SIDE SLOPE SHALL BE 2:1 AND  
SHALL BE CONSTRUCTED TO  
ELEVATIONS SHOWN ON PLAN.  
LINE SWALE WITH EROSION BLANKET.

**SWALE DETAIL**

NTS

SIGN POST @ 50' O.C.  
12" SIGN "MARINA CLOSED"

BOULDER PARKING BARRIER @ 10' O.C.

COVER PARKING AREA WITH PINE NEEDLE  
AND/OR WOOD CHIP MULCH TO A DEPTH OF 1"

**NOTES:**

1. THESE BMP PARKING UPGRADES ARE DESIGNED TO STORE AND INFILTRATE STORMWATER RUNOFF FROM THE DAY USE PARKING LOT. THE RUNOFF VOLUME IS BASED ON A PARKING LOT RUNOFF COEFFICIENT OF 0.6 AND A 95% 24 HOUR RAINFALL EVENT EQUAL TO 2 INCHES.
2. THE BASIS OF ELEVATION IS THE FINISH FLOOR OF THE 1 STORY TIMBER FRAMED STRUCTURE.
3. OVERFLOW FROM BASIN 1 SHALL FLOW EASTERLY TOWARDS BASIN 2. THE OVERFLOW FROM BASIN 2 SHALL FLOW EASTERLY TOWARDS BASIN 3. THE COMBINED STORAGE VOLUME OF ALL THREE BASINS SHALL BE EQUAL TO THE DESIGN RUNOFF VOLUME. BASIN STORMWATER STORAGE DEPTH SHALL EQUAL 1 FOOT.
4. APPLY SEED TO DISTURBED AREA AT THE FOLLOWING RATE:  
YARROW 0.1 #/ACRE  
CALIFORNIA BROME 4 #/ACRE  
SQUIRREL TAIL 2 #/ACRE  
SULPHUR BUCKWHEAT 1 #/ACRE  
SILVERY LUPINE 1 #/ACRE
5. BEST MANAGEMENT PRACTICES PLAN SHALL BE FILLED OUT BIANNUALLY ON OR ABOUT OCTOBER 15 AND MAY 1.

**AS-BUILT CALCULATIONS:**

	WATERSHED		
	1	2	3
PARKING LOT AREA (SF)	9,500	12,000	6,500
DESIGN RUNOFF VOLUME (CF)	950	1,200	650
ASBUILT BASIN VOLUME (CF)	700	950	1,600
DESIGN COMBINED RUNOFF VOLUME (CF)	2,150		
ASBUILT COMBINED RUNOFF VOLUME (CF)	2,800		

DESIGNED BY: MTA	DRAWN BY: MTA	CHECKED BY: —	SCALE: AS SHOWN	DESCRIPTION MTA 10/12/16
REV. DATE	0 10/12/16	AS BUILT	MTA	
DETAILS				
USDA FOREST SERVICE LTBMU MEEKS BAY RESORT DAY USE PARKING BMP UPGRADES				
SHEET NUMBER C4 4 OF 4 SHEETS				
PROJECT NO. 3-80				

## BMP INSPECTION REPORT

### Meeks Bay Resort Day Use Parking BMP Inspection Report

Prepared by: Michael Alexander, P.E.

Engineer, United States Forest Service Lake Tahoe Basin Management Unit

Report Date: April 26, 2017 MTA

Subject:

As part of the Meeks Bay Resort day use parking BMP settlement agreement between the United States Forest Service (USFS) and the Lahontan Regional Water Quality Control Board (Lahontan), Inspection Reports will be submitted by the USFS to Lahontan each year. These annual reports are due by November 15, however this first inspection report is being submitted midyear to document the construction of the BMPs, due to the newness of the BMPs, and because of the extreme precipitation observed during the winter of 2016/2017. All subsequent inspection reports will be submitted by the USFS to Lahontan by November 15 and will summarize two inspections.

Design Criteria:

The design storm for the BMPs is based on a 95% 24 hour precipitation event which is equal to 2 inches of rainfall (EPA, 2009). This design condition exceeds the Lake Tahoe Basin 20-year 1-hour storm which has generally been accepted as 1 inch of rainfall.

Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act (EPA, 2009)

The volume of runoff has been calculated based on a runoff coefficient of 0.6 from the native surface parking lot. For the sizing of the BMPs, no allowance has been made for infiltration within the swales or basins and are described in the following drawings:

Day Use Parking BMP Upgrades As-Built Drawings (Sheets C1, C2, C3, and C4) 10/12/2016

BMP Construction:

On December 8, 2015 a swale was constructed north of the abandoned boat ramp at the Meeks Bay Resort between STA EAST 1+00 to STA EAST 2+00. In addition, Basin #3 was constructed to the east of the abandoned boat ramp to store and infiltrate runoff from a portion of the day use parking lot. On December 10, 2015, 1.01 inches of precipitation was recorded at the South Tahoe Airport and visual observations confirmed that 100% of runoff from the parking area in the vicinity of the abandoned boat ramp was stored in Basin #3.

On September 13, October 3, and October 12, 2016 swales and berms were constructed between STA EAST 1+00 and STA WEST 5+00. In addition, Basin #1 and #2 were constructed to store and infiltrate runoff from the remainder of the day use parking lot. Also, seed was placed on the berms and wood chip was placed throughout the parking area. On October 14, 15, and 16 daily precipitation at the South Tahoe Airport was recorded to be 1.35, 1.01, and 2.58 inches respectively. Following this 4.94 inches of precipitation the BMPs were inspected on October 14 and again on October 16 and visual observations confirmed that 100% of runoff from the parking area was stored in the basins and swales.

## Meeks Bay Resort Day Use parking BMP Inspection Report

On November 1 inspections confirmed that 100% of runoff was stored in the basins and swales from 1.02 inches of precipitation recorded at the South Tahoe Airport on October 30, 2016. On October 30, 2016 El Dorado County recorded 1.21 inches of precipitation in Tahoma. Based on these observations and comparisons between precipitation and runoff storage in the swales and basins, the USFS established that the performance of the BMPs equal and exceed the requirement to store and infiltrate runoff from 2 inches of precipitation and stored all runoff between October 14 and November 1, 2016. In fact the BMPs stored 100% of the runoff on October 16 which included 2.58 inches in a 24-hour time period. No inspections were made between November 1, 2016 and April 20, 2017 due to the presence of snow within the day use parking lot.

On April 20, 2017 inspections identified a portion of the berm approximately two feet in length at STA 2+40 which was eroded. This segment of berm was repaired at the time of discovery. The remaining swale, berm and basins were found to be substantially functional to retain runoff from future 2 inch design precipitation events. Between November 1, 2016 and April 20, 2017 El Dorado County recorded four rain events in Tahoma which exceeded 2 inches of rain in 24-hours. The largest 24-hour rainstorm was on December 10, 2016 and recorded 3.87 inches of rainfall which possibly resulted in the breach of the berm at STA 2+40. Regardless of the breach and in spite of the extreme rainfall, since runoff is directed towards the east the majority of the swales, berms and basins performed in accordance with the design. Based on these observations twice annual inspections are appropriate but should be supplemented by inspections following extreme rainfall events which exceed the design criteria used to size the BMPs.



December 8, 2015. Swale construction looking east at STA EAST 1+50.

Meeks Bay Resort Day Use parking BMP Inspection Report



December 8, 2015. Swale looking south at STA EAST 1+50 following construction.



December 8, 2015. Swale looking east at STA EAST 1+50 following construction.

Meeks Bay Resort Day Use parking BMP Inspection Report



December 10, 2015. Swale and basin looking east at STA EAST 2+00 following precipitation.



September 13, 2016. Basin and berm construction looking east at STA 0+00.



Meeks Bay Resort Day Use parking BMP Inspection Report



September 13, 2016. Swale and berm construction looking west at STA 0+00.



October 3, 2016. Swale and berm construction looking east at STA EAST 3+40.

Meeks Bay Resort Day Use parking BMP Inspection Report



October 3, 2016. Swale and berm construction looking east at STA EAST 2+40.



October 12, 2016. Day use parking area looking west at STA 0+00 following construction.

Meeks Bay Resort Day Use parking BMP Inspection Report



October 12, 2016. Swale and berm looking south at STA 0+00 following construction.



October 14, 2016. Swale and abandoned boat ramp looking west at STA EAST 1+50 following precipitation.

Meeks Bay Resort Day Use parking BMP Inspection Report



October 14, 2016. Swale and berm looking east at STA WEST 2+40 following precipitation.



October 16, 2016. Basin 1 and berm looking south at STA WEST 4+00 following precipitation.



October 16, 2016. Swale and berm looking south at STA WEST 2+40 following precipitation.



October 16, 2016. Swale and berm looking east at STA WEST 3+00 following precipitation.

Meeks Bay Resort Day Use parking BMP Inspection Report



October 16, 2016. Basin and berm looking east at STA 0+00 following precipitation.



October 16, 2016. Swale and abandoned boat ramp looking east at STA EAST 1+50 following precipitation.

Meeks Bay Resort Day Use parking BMP Inspection Report



November 1, 2016. Swale and berm at STA WEST 2+40 following precipitation.



November 1, 2016. Basin, swale and berm at STA EAST 1+80 following precipitation.



November 1, 2016. Basin and berm at STA WEST 4+00 following precipitation.



April 20, 2017. Eroded berm at STA WEST 2+40 looking east showing signs where water surface elevation in swale exceeded the design water surface elevation causing erosion.





April 20, 2017. Repair of eroded berm at STA WEST 2+40 looking west.



April 20, 2017. Day use parking area looking west at STA WEST 1+60.



April 20, 2017. Day use parking area looking west at STA EAST 1+50.



April 20, 2017. Swale and berm looking east at STA 0+00.

# **ENCLOSURE 4**

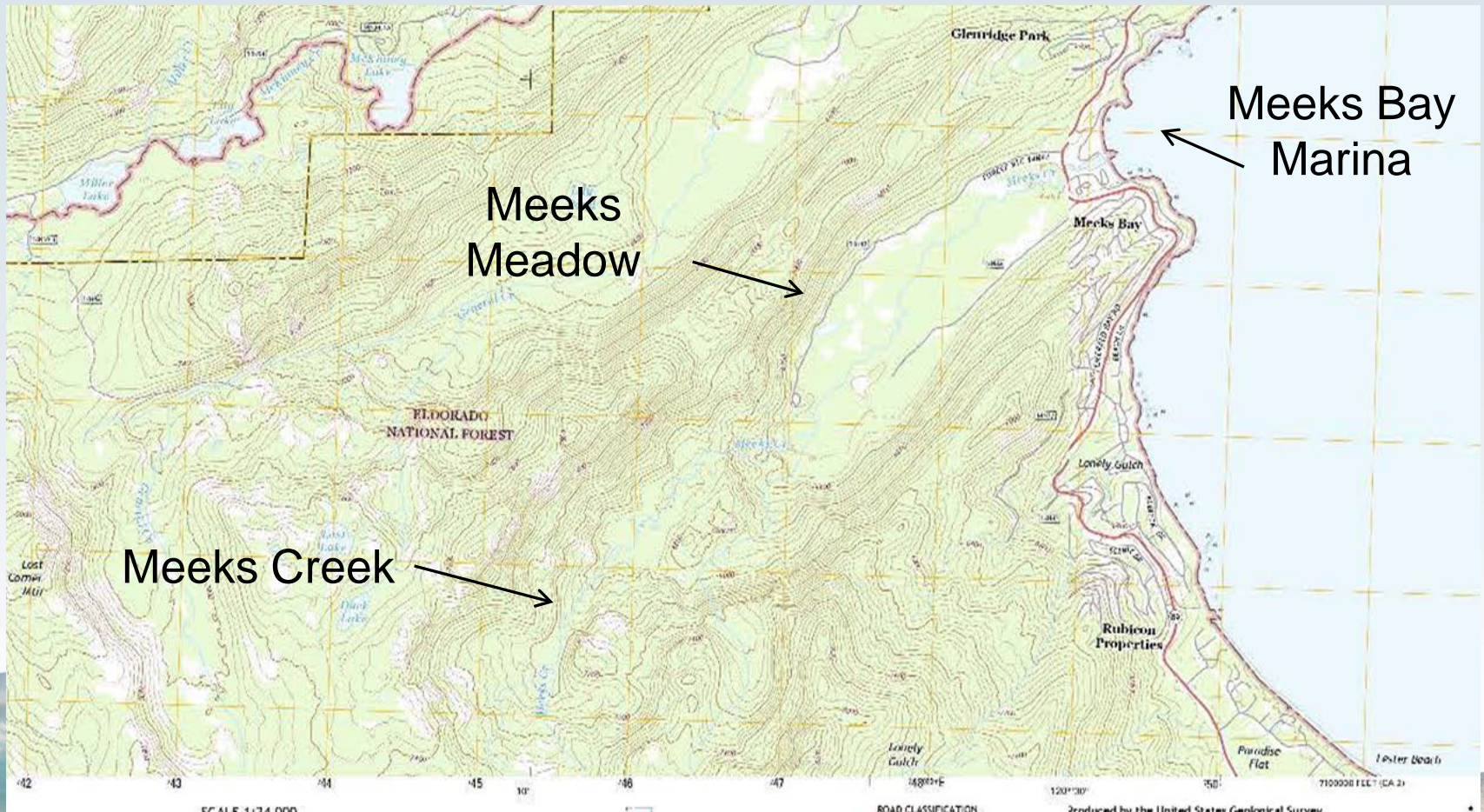


# **MEEKS BAY MARINA PROPOSED STIPULATED AGREEMENT**

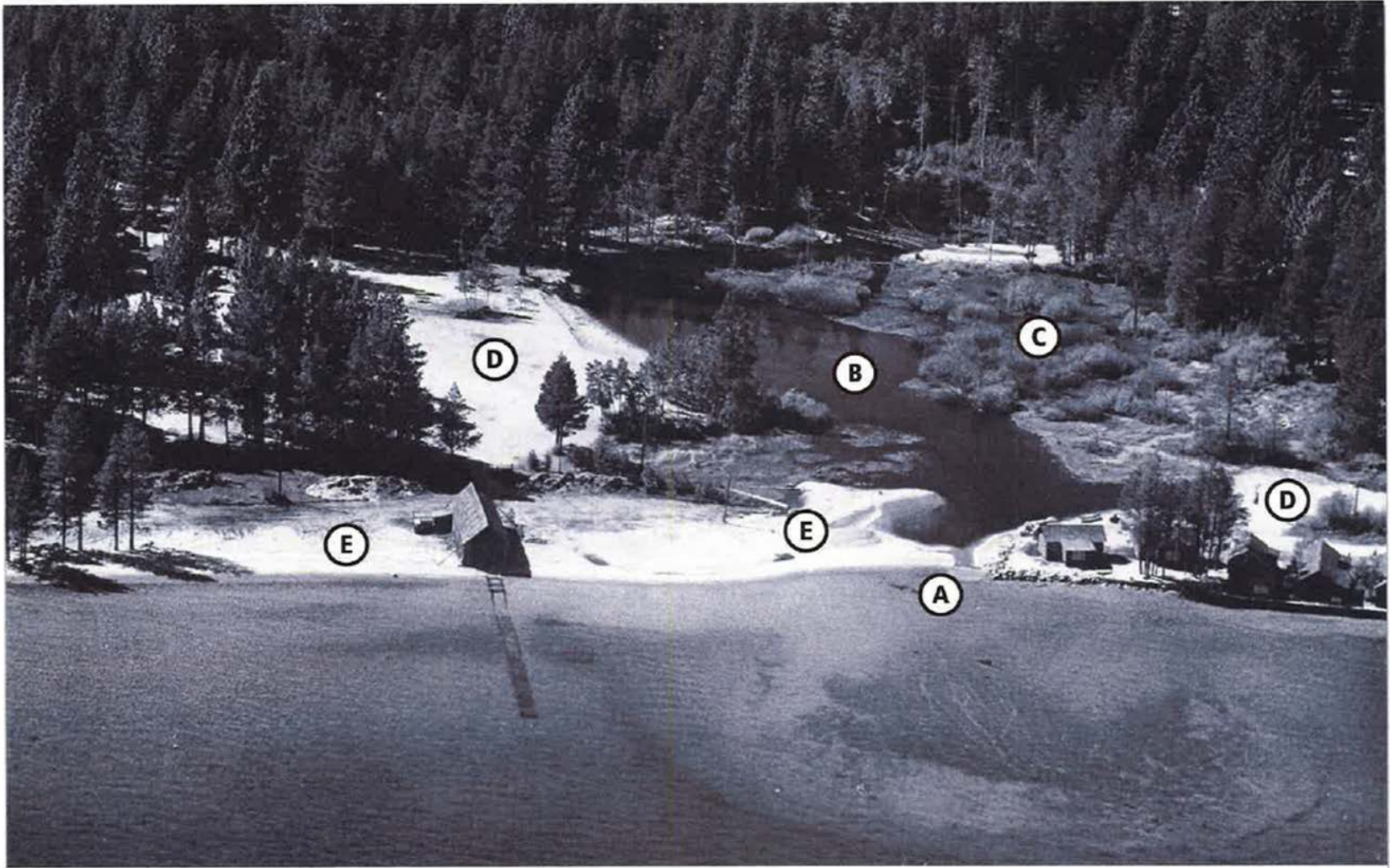
**Catherine Pool, PE  
Senior Water Resource Control Engineer  
May 10-11, 2016  
South Lake Tahoe**



# USGS Topo of Meeks Creek, Meeks Meadow and Meeks Bay



# Meeks Bay Before the Marina - 1960



SWANSON HYDROLOGY + GEOMORPHOLOGY  
500 Seabright Ave, Suite 202 Santa Cruz, CA 95062  
PH 831.427.0288 FX 831.427.0472

**FIGURE 4.22:** Aerial view of the mouth of Meeks Creek about 1960 just prior to dredging and construction of the Marina. (A) shows a closed mouth with water backed up into lagoon (B). (C) shows willow scrub/marsh plant communities. (D) shows areas of fill (old dump site), and (E) shows areas of recent grading activity. (D) shows areas of fill, and E shows areas of recent grading activity.

# History of Meeks Bay Resort and Marina

- 1920**      **Resort opened**
- 1961**      **Meeks Bay Marina constructed**
- 1980**      **Lake Tahoe Basin Plan adopted**
- 1988**      **First WDR's for Meeks issued**
- 1998**      **USFS leased Meeks Resort to Washoe Tribe of CA and NV. Washoe Tribe subcontracted Marina Operations to Action Watersports LLC**





# History of Meeks Bay Resort and Marina

2000, 2005, and 2011

Lake Tahoe Marina General Permits Issued – USFS SWPPP included parking lot paving and storm water infiltration

2014 Lahontan Inspection results in first Notice of Violation

2015 Lahontan Inspection results in second Notice of Violation

2016 Lahontan staff enter into settlement discussions with USFS. Marina closed.

# Meeks Bay Marina, Looking West



# Meeks Bay Marina Aerial



Google

3 - 131

3-103

# BMP's Showing Erosion at Marina 2015



# Supporting Facts

- **USFS needs a permanent solution to the now closed Meeks Marina facility which may or may not include a marina in the future.**
- **In the Stipulated Agreement the USFS agrees to begin the planning process to evaluate alternatives for the site that include watershed improvements in and around Meeks Creek.**
- **Paving or installation of permanent BMPs is not prudent at this stage of planning. This Stipulated Agreement/Order includes Milestones to ensure the USFS will complete an environmental improvement project and involve the public and agencies in final outcome.**

# Stipulated Agreement Requirements

- **Temporary BMP's must be maintained.**
- **Report by November 15 each year describing site conditions.**
- **USFS Joint Notice of Intent/Notice of Preparation (NEPA/CEQA/TRPA) by July 2017 to conduct project scoping.**
- **First Phase Assessment Results for the Project by November 2017 including multi-benefit success criteria for biodiversity, bank stabilization, riparian vegetation density, groundwater recharge, wildlife habitat and flood attenuation.**

# **Stipulated Agreement Requirements (cont.)**

- **Draft EIS/EIS/EIR document for public comment by July 2018.**
- **Final EIS/EIS/EIR and a draft Record of Decision by July 2019.**
- **Final Record of Decision by December 2019.**
- **Final Design Plans by December 2022.**
- **Construction completed by November 2025.**
- **Annual reports describing the progress of the Project beginning March 2018.**

# Addressing Questions from Advisory Team

1. **BMP Inspections are sufficient as laid out in the Agreement**
2. **BMP design criteria of a 10 year 24 hour storm used by the USFS was 2 inches of rain, results in a much larger volume for facilities.**
3. **Stipulation Wording “intends” should be amended to “agrees.”**
4. **The “Project” will be defined in the planning process.**
5. **Lahontan, USFS, TRPA along with the public intend to holistically evaluate future uses and potential for an environmental improvement project at Meeks Bay, Meeks Creek with an emphasis on environmental restoration, not just paving the parking lot.**



# **Addressing Questions from Advisory Team**

- 6. USFS will use their best efforts to ensure Funding availability.**
- 7. Lahontan approved temporary BMP's as-builts, 12/6/2016. The BMPs have functioned adequately over the winter.**
- 8. Project Permitting-How is this different from another project? This agreement ensures USFS will pursue a project and the permitting process is the same as for other projects.**
- 9. Operation Plan for the next 7 years: The Meeks Bay Resort will continue to operate for the foreseeable future. However, the USFS Use Permit has been amended to exclude marina use. Thus, the marina is not expected to re-open, subject to the outcome of the federal decision making process.**

# Conclusion

**Staff recommends the Board authorize the Executive Officer to sign the Agreement**

**Questions ?**