

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

**MEETING OF MARCH 9-10, 2022
VIDEO/TELECONFERENCE**

ITEM 2
MINUTES

DISCUSSION
The Water Board will consider adopting the minutes of the Regular Meeting of January 12-13, 2022.

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ENCLOSURE 1

Lahontan Regional Water Quality Control Board

MINUTES

January 12-13, 2022

The Lahontan Regional Water Quality Control Board (Water Board)
conducted this meeting using
Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by Government Code Section 11133)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant	Kimberly Cox, Helendale
Amy Horne, Ph.D., Truckee	Essra Mostafavi, Bishop
Keith Dyas, Rosamond	

State Water Board

Elizabeth Beryt, Office of Chief Counsel Nichole Morgan, State Water Board Liaison

Water Board Staff

Mike Plaziak, Executive Officer	Scott Ferguson, Supervising WRC Engineer
Ben Letton, Assistant Executive Officer	Patrice Copeland, Supervising Engineering Geologist
Robert Tucker, Sr. WRC Engineer	Andrew Jensen, Environmental Program Mgr.
Doug Cushman, Sr. WRC Engineer	Russell Norman, WRC Engineer
Tiffany Ratz, WRC Engineer	Mary Fiore-Wagner, Sr. Environmental Scientist
Katrina Fleshman, Executive Assistant	Laurie Scribe, Sr. Environmental Scientist

[View the full Agenda and listen to the audio of this meeting](#)

REGULAR MEETING: Wednesday, January 12, 2022, @ 10:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 10:03 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey gave direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

No Public Forum

4. REPORTS BY WATER BOARD (Report by Water Board Liaison given before item #2 presentation)

Water Board Liaison, Nicole Morgan, gave an update to the Water Board.

- Drought conditions - stating water storage is still below normal. January 2022 an emergency order was issued to continue to conserve water.
- State Board Workshops - Gave update on the January 4th State Board workshop and upcoming workshops,
- 303D list for the 2020 through 2022 California integrated report - The proposed staff report summary, comments and responses. The state will hold a meeting to consider adoption of the California clean water act, section 303D list portion of the 2020 through 2022 integrated report on January 19th.
- Budget – On January 10th, Governor announced his proposed budget. Combating climate changes, including fighting wildfires.

2. TAHOE KEYS PROPERTY OWNERS ASSOCIATION, TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST, SOUTH LAKE TAHOE.

a. Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board Staff, Rob Tucker, Sr. WRC Engineer, recommended the Water Board adopt a resolution certifying a Final Environmental Impact Report. The Final Environmental Impact Report is required in order for the Water Board to consider granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region.

Jim Good, Principal Associate, Environmental Science Associates, gave presentation on the environmental impacts analysis and mitigation measures for the California Environmental Quality Act (CEQA) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) Alternatives identified in the Final EIR/EIS for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test (CMT).

Water Board Staff, Mr. Tucker, gave presentation on the Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

Attorney, Elizabeth Beryt, provided a “Change Sheet 1” to 2a, and read the change to the Water Board as follows:

The following section on Page 2 of the Proposed Resolution would be removed:

“THEREFORE, BE IT RESOLVED THAT

1. The Lahontan Water Board finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the attached Final EIR/EIS reflects the Lahontan Water Board’s independent judgment and analysis.

2. The Lahontan Water Board hereby certifies the Final EIR/EIS for the Project.”

The following language would be added to Page 2 of the Proposed Resolution:

“THEREFORE, BE IT RESOLVED THAT:

- 1. The Lahontan Water Board finds on the basis of the whole record before it, that there is substantial evidence that the project with implementation of the mitigation measures described in the Final EIR would not result in any significant effects on the environment.*
- 2. The Lahontan Water Board hereby certifies the Final EIR has been completed in compliance with CEQA.*
- 3. The Lahontan Water Board hereby certifies that it has reviewed and considered the information in the Final EIR.*
- 4. The Lahontan Water Board hereby certifies that the Final EIR reflects the independent judgment and analysis of the Lahontan Water Board.”*

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

b. Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board Staff, Rob Tucker, Sr. WRC Engineer, recommended the Water Board adopt a resolution granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region.

Water Board Staff, Mr. Tucker, gave presentation on the Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

c. Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board held a public hearing to receive testimony and public comment and to consider adopting an individual NPDES permit for residual aquatic herbicides, rhodamine dye, and lanthanum-modified clay to surface waters within the Tahoe Keys Lagoons and Lake Tallac.

Water Board Staff, Russell Norman, WRC Engineer, recommended the Water Board adopt the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test. Water Board Staff, Mr. Norman, gave presentation on the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

d. Mitigation Monitoring and Reporting Program for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board staff, Anna Garcia, Sr. Engineering Geologist-Specialist, recommended the Water Board adopt a Mitigation Monitoring and Reporting Program. The Mitigation and Monitoring Program is intended to fulfill the California Environmental Quality Act requirement to develop a monitoring and reporting program for ensuring mitigation measures identified in the Final Environmental Impact Report are implemented.

Water Board Staff, Ms. Garcia, gave presentation on the Mitigation Monitoring and Reporting Program for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

WATER BOARD TOOK BREAK FROM 12:25PM TO 1PM

PUBLIC COMMENTS

- Dave Peterson, Tahoe Keys Property Owners Association (TKPOA) Board President, gave presentation and spoke on behalf of TKPOA regarding the Control Methods Test (CMT).
- Rick Lind, President of Sierra Ecosystem Associates, continued the TKPOA presentation on the history of the aquatic weeds management, and TKPOA compliance with 2014 Waste Discharge Requirements (WDR) and urgency for scientific comparison of test methods.
- Dr. Lars Anderson continued the TKPOA presentation on the strategy, scope and key components of the CMT and Monitoring Program.
- Dave Peterson, TKPOA Board President, continued the TKPOA presentation summarizing the basis for approval of the Final EIR/EIS, Basin Plan Exemption, and National Pollutant Discharge Elimination System (NPDES) Permit.
- Joanne Marchetta, Executive Director, from Tahoe Regional Planning Agency (TRPA).
- Elise Fett, from Elise Fett & Associates, Ltd., gave presentation titled "Stopping Tahoe Keys Weeds at the Source".
- Tobi Tyler, representing the Sierra Club, gave presentation on objections to the Draft NPDES Permit for the CMT.
- Jason Flanders, from ATA Law Group, representing the Sierra Club, gave further presentation on objections to the Draft NPDES Permit for the CMT.
- Jesse Patterson, Chief Strategy Officer, representing League to Save Lake Tahoe, gave presentation on their mission "*To protect and restore the environmental health, sustainability and scenic beauty of the Lake Tahoe Basin. We focus on water quality and its clarity for the preservation of a pristine Lake for future generations*".
- David Blau, League to Save Lake Tahoe Board Member, and long-term resident of Tahoe Keys.
- John Moore, resident of Lake Tahoe.

WATER BOARD TOOK BREAK FROM 3:20PM TO 3:25PM

PUBLIC COMMENTS (CONT.)

- William Evers, League to Save Lake Tahoe.
- Anne Harper, League to Save Lake Tahoe.
- Harold Singer, South Lake Tahoe resident.
- Lauri Kemper, South Lake Tahoe resident.
- Bruce Warden, South Lake Tahoe resident.
- Trish Freidman, private citizen.
- Brian Beffort, Staff Director of the Sierra Club.
- David Filler, from Suntex Marinas.
- Judith Simon, private citizen.
- Keiron McCammon, Tahoe Keys homeowner.
- Tom Mertens, Lake Tahoe resident.
- John Paoluccio, Inventive Resources, Inc.
- Susan Chandler, Tahoe Keys resident.
- Steve Teshara, Sustainable Community Advocates.
- Madonna Dunbar, Tahoe Water Suppliers Association.
- Carl Fair, Tahoe Keys resident.
- Carolyn Willette, Lake Tahoe resident.
- Andrew Kopania, Tahoe Keys resident.
- Steven Merrill, Lake Tahoe resident and former TRPA Board member.
- Richard McHenry, California Sportfishing Protection Alliance.
- Mago Biehle, Lake Tahoe resident.
- Joy Norem, Tahoe Keys Homeowner.
- Nakia Fosket, Lakeside Park Association - Mutual Water Co.
- Lisa Tilzey, Volunteer Treasurer and many other duties as assigned.
- Natalie Yanish, resident of Douglas County.
- Allyson Willoughby, Incline Village resident.
- Harry Dotson, Tahoe Keys resident.

ADJOURNMENT

The meeting adjourned at 5:20 p.m. on January 12, 2022. The meeting continued to the second day, January 13, 2022.

REGULAR MEETING: Thursday, January 13, 2022, @ 10:00 a.m.**CALL TO ORDER AND INTRODUCTIONS**

Chair Pumphrey called the meeting to order at 10:00 a.m. and indicated this is a continuance from yesterday's meeting and will pick up with the remaining Public Comments that did not get heard the day before.

Water Board continued the meeting with Item #2 - TAHOE KEYS PROPERTY OWNERS ASSOCIATION, TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST, SOUTH LAKE TAHOE**PUBLIC COMMENTS**

- Judith Handa, Lakeside Park Association.
- Stephen Alastuey, private citizen.
- Steven Smith, Lake Tahoe resident.
- Lindsay McCannon, Tahoe Keys Property Owner.
- Margaret McKee, private citizen.
- Lisa Foley, Lake Tahoe resident.

Rick Lind, President of Sierra Ecosystem Associates, gave closing arguments on behalf of TKPOA. Mr. Lind addressed some public comments and concerns regarding the CMT and herbicides.

Elizabeth Beryt, Water Board Attorney, indicated proposed revisions in "Change Sheet #2" were sent to TKPOA and discussed feasibility of alternatives. Change Sheet #2 provides proposed updates to the "Exemption to the Aquatic Pesticide Discharge Prohibition for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test Staff Report." This change sheet also provides proposed updates to Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test and Conforming Changes to Summary of Comments and Responses on the Proposed Resolutions and Orders that was released on December 29, 2021.

Rob Tucker, Sr. WRC Engineer, discussed Basin Plan criteria and project goals.

Ms. Beryt explained the updates to the "Exemption to the Aquatic Pesticide Discharge Prohibition for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test Staff Report." , and updates to the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test and Conforming Changes to Summary of Comments and Responses on the Proposed Resolutions and Orders that was released on December 29, 2021.

Ms. Beryt presented the Water Board members with the Water Board staff recommendations. Ms. Beryt indicated that staff recommends the Water Board adopt the following Resolutions and Orders:

- a. Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Change Sheet #1)**

Motion: Moved by Member Dr. Cox, seconded by Member Dr. Horne to adopting a resolution certifying a Final Environmental Impact Report with a change to the Resolution, page 2 (change sheet #1). Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- b. Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Revisions to the Staff Report in Change Sheet #2)**

Motion: Moved by Member Dr. Horne, seconded by Member Dyas to adopting a resolution granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region with changes to the Staff Report (Change Sheet #2) as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- c. Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Change Sheet #2)**

Motion: Moved by Member Dr. Horne, seconded by Member Mostafavi to consider adopting an individual NPDES permit for residual aquatic herbicides, rhodamine dye, and lanthanum-modified clay to surface waters within the Tahoe Keys Lagoons and Lake Tallac with changes identified in Change Sheet #2. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- d. Mitigation Monitoring and Reporting Program for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

Motion: Moved by Member Dr. Cox, seconded by Member Dr. Horne to adopting a Mitigation Monitoring and Reporting Program as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

DIRECTIONS BY THE WATER BOARD

Chair Pumphrey stated that the Water Board should get the results of this permit out to the public as soon as they are available. Chair Pumphrey thanked everyone for their hard work on this item and urged everyone to stay involved.

3. MINUTES

Motion: Moved by Member Dyas, seconded by Member Dr. Cox to approve the November 10, 2021, meeting Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

[View the adopted November 10, 2021, Meeting Minutes](#)

4. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Water Board Liaison, Nicole Morgan, gave a report on Water Board updates at prior day’s meeting.

5. EXECUTIVE OFFICER’S REPORT

The Executive Officer, Michael R. Plaziak, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below.

- a. Personnel Report/Update on filling vacancies.
- b. 2022 Board Meeting Schedule and Locations.

Chair Pumphrey asked that we revisit the 2022 Water Board Meeting dates. Specifically, November dates. Member Dr. Horne indicated she likes the fact that Lahontan is consistent with scheduling Board Meetings the 2nd week in the month.

6. ANNUAL ELECTION OF WATER BOARD CHAIRPERSON AND VICE-CHAIRPERSON

Motion: Moved by Member Dyas, seconded by Member Dr. Cox to elected, Peter Pumphrey as Water Board Chairperson. Member Mostafavi moved to elect Peter Pumphrey as Water Board Chairperson, and Member Dr. Horne, as Vice-Chairperson for 2022, seconded by Member Dyas. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Dr. Horne	Aye

Water Board members elected, Peter Pumphrey as Water Board Chairperson and Dr. Amy Horne as Vice-Chairperson for 2022.

7. CLOSED SESSION

The Water Board went into Closed Session at 1p.m. on Thursday, January 13, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:27 a.m. on January 13, 2022.

Prepared by: _____ Adopted: _____
Katrina Fleshman, Water Board Clerk