

Response to Comments – September 30, 2011

Basin Plan Amendment - Pesticide Prohibition & Exemption Criteria

*(Comment deadline 5 p.m., May 13, 2011)*

**Tahoe Keys Property Owners Association – Letter 2**

[http://www.waterboards.ca.gov/laontan/water\\_issues/programs/basin\\_plan/comments051311/tk2.pdf](http://www.waterboards.ca.gov/laontan/water_issues/programs/basin_plan/comments051311/tk2.pdf)

Comments

Response



PROPERTY OWNERS ASSOCIATION



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Lahontan Basin Plan Amendment – Aquatic Invasive Species

Comments from the Tahoe Keys Property Owners Association May 2011

The Tahoe Keys Property Owners Association (Association) is comprised of 1529 owner/members. The Tahoe Keys is a master planned community located at the western edge of the City of South Lake Tahoe, about 1 mile north of the junction of state highways 50 and 89. The association or its members privately own all lots and canals.

The Association membership is very involved in, and concerned about the issue of Aquatic Invasive Species (AIS) at Lake Tahoe. About 30 years ago the first non-native weeds were spotted in Lake Tahoe. No one knows for sure where they came from, but it's safe to say that more than one introduction of these weed species has been made to Lake Tahoe, and probably in numerous locations. At least two invasive weed species (Eurasian Milfoil and Curly leaf pondweed) and two invasive fish species (Black Bass & Bluegill) now thrive in many of the harbors and marinas around the lake.

The Association has an annual weed control program that involves cutting and disposing of the weeds that encroach upon the navigation corridors. These techniques do not kill or eliminate these invasive weeds. The history of Milfoil and Curly leaf in North America shows a steady spread from the east to west coasts. The weeds spread from one fresh water body to another in numerous ways. Thousands of lakes and streams are affected.

Aquatic invasive weeds are spreading from the harbors and marinas to near-shore areas throughout Lake Tahoe. It is important that all agencies and organizations combine efforts to control, and where possible, eradicate AIS. Everyone must be vigilant to prevent re-introduction of AIS after infestations are destroyed, including guarding against introduction of AIS like Quagga and Zebra mussels.

The Association endeavors to be a good neighbor and is a partner-member of the Lake Tahoe Aquatic Invasive Species Working Group (WG). The WG is made up of representatives from many agencies, including researchers from UC Davis, University of Nevada-Reno, the Tahoe Regional Planning Agency, the Lahontan Region Water Quality Control Board, US Fish & Wildlife Service, US Forest Service, the Tahoe Resource Conservation District and many other state and local agencies.

The Association and the WG are cooperating in a multi-year study of AIS in the Tahoe Keys waterways. This includes a temperature/turbidity study, removal of non-native fish, and a dye study to track patterns of water movement throughout the canals. Other cooperative work being considered includes a 2-year test of non-chemical weed control techniques such as jute mats and permeable bottom barriers.

The Association commends the efforts by the Lahontan Board to amend the Basin Management Plan to include permitted exemptions that allow carefully planned and monitored use of aquatic herbicides. This is vital to the overall strategy of locating and destroying infestations of invasive weeds.

TKPOA 2 R1: While not requiring a response, we are responding to this to affirm that the data gathered in these projects is the type of information needed to inform an environmental document analyzing alternatives for control of aquatic invasive species in the Tahoe Keys.

Comments	Response
<p>○ The Association rejects the notion spread by some organizations that established infestations of AIS cannot be controlled or eliminated. We are not ready to abandon this effort to destroy invasive weeds. Every reasonable alternative and solution must be tried and the best alternatives implemented.</p> <p>The Association Board believes that the ultimate strategy to control and eradicate infestations of AIS must provide a wide variety of tools, and include use of aquatic herbicides that have been proven to be effective and safe throughout the United States.</p> <p>The Association supports inclusion of control techniques that are both safe AND economically feasible. Those who say that aquatic herbicides cannot ever be used at Lake Tahoe under any circumstances would doom this natural gem to the impacts AIS have on native fish and plants. If the techniques are limited to non-chemical methods that may be highly expensive, few if any private or public organizations will be able to afford to employ their use. Banning any use of aquatic herbicides also prevents adopting future advances in herbicide design and technology.</p> <p>Aquatic herbicides must be one of the tools that are authorized. Special safe-guard techniques can be employed now and in the future that assure that aquatic herbicides do not have impacts upon open-lake environments here at Lake Tahoe.</p> <p>The Lahontan Basin plan amendment will require strict standards be met by any project proponents, assuring that the herbicides used will not adversely affect the Lake Tahoe environment.</p> <p>○ Approval of use of herbicides requires that these substances dissipate to an inert undetectable state within specific timeframes. Domestic water supplies will not be affected.</p> <p>The Tahoe Keys, due to its geographic location, physical characteristics and isolation make it possible to use herbicides, in a carefully designed and controlled manner, without affecting the open-lake areas of Lake Tahoe.</p> <p><i>J. J. Wolff</i>  <b>JOEY WOLFF</b>  President, Tahoe Keys Property Owners Association</p>	<p><b>TKPOA 2 R2:</b> If pesticides should be implemented, the proposed language in Chapter 4 of the Basin Plan under the section titled “Exemption Criteria for Aquatic Pesticide Use” requires that proponents have adequately researched if there are methods other than pesticides that may be effective, and if using pesticides would be worse than continued existence of the infestation.</p> <p><b>TKPOA 2 R3:</b> Any description of economic feasibility or infeasibility should be included in answering criterion no.1 in Chapter 4, in the section titled “Exemption Criteria for Controlling Aquatic Invasive Species (AIS) and Other Harmful Species.” To satisfy said criterion no. 1, the project proponent must justify why non-chemical methods are not feasible. Please see the change in criterion no. 1 in Chapter 4 of the Basin Plan under the section titled “Exemption Criteria for Controlling Aquatic Invasive Species (AIS) and Other Harmful Species,” which now references the CEQA code section 15364, the definition of "feasible." Note that an herbicide project will require a (possibly extensive) environmental document, the cost of which should be factored into the cost comparison of control methods, as should the costs of conducting a monitoring and mitigation plan. The Water Board, at the May Board meeting directed that the Amendment not preclude the use of aquatic pesticides in Lake Tahoe, rather that discretion to approve such projects remain with the Board. Advances in herbicide design and technology, originated outside of Lake Tahoe, will not be prevented by the Amendment.</p>