

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

RESOLUTION R6T-2022-0002

CERTIFICATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (hereafter Lahontan Water Board), finds that:

1. The Lahontan Water Board and Tahoe Regional Planning Agency (TRPA) prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) to evaluate the environmental effects of the Tahoe Keys Lagoons Aquatic Weed Control Methods Test (Project), to support the granting of an exemption to a prohibition in the Water Quality Control Plan for the Lahontan Region (Basin Plan), and to identify potentially feasible alternatives and mitigation measures to reduce potentially significant impacts.
2. The Project is a 3-year test of aquatic weed control strategies in the Tahoe Keys Lagoons including the use of herbicide and non-herbicide methods in year 1, followed by additional non-herbicide control strategies in years 2 and 3. TKPOA is proposing the Project to test control methods of three target aquatic weeds: Eurasian watermilfoil, curly-leaf pondweed, and coontail.
3. The Tahoe Keys Property Owners Association submitted an application to the Lahontan Water Board to apply aquatic herbicides in the Tahoe Keys Lagoon and Lake Tallac as part of the Project. The Tahoe Keys Property Owners Association submitted an application for the Project to Tahoe Regional Planning Agency (TRPA).
4. The Lahontan Water Board will consider a resolution granting an exemption to the prohibition on discharges of pesticides to surface waters. The Water Board will also consider whether to issue individual Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for discharges from Tahoe Keys Lagoons Aquatic Weed Control Methods Test (NPDES permit). Issuance of a National Pollutant Discharge Elimination System Permit is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000, et seq.), pursuant to section 13389 of the California Water Code. The CEQA analysis was conducted pursuant to the requirements specified in the Basin Plan for consideration of an exemption to the prohibition on the discharge of pesticides to surface or groundwaters in the Lahontan Region.
5. The Lahontan Water Board is the lead agency under the California Environmental Quality Act (CEQA). TRPA is the lead agency under the Tahoe Regional Planning Compact (Public Law 96-551) and 1980 revision, Code of

Ordinances and Rules of Procedure. The Lahontan Water Board and TRPA have prepared a joint environmental analysis and are co-lead agencies. The EIR/EIS fulfills the Lahontan Water Board's CEQA compliance requirements for granting an exemption to the prohibition in the Basin Plan on the discharge of pesticides to surface or groundwaters in the Lahontan Region.

6. The EIR/EIS was prepared in accordance with CEQA, Public Resources Code, section 21000 et seq., as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 et seq.
7. The EIR/EIS evaluates the potential environmental impacts of the Project and three alternatives: Action Alternative 1 (use of non-chemical methods), Action Alternative 2 (dredging and replacement of substrate), and the No Action Alternative (continuance of existing weed control strategies).
8. In October 2017, Lahontan Water Board sent a formal notification of a decision to undertake a project and notification of consultation opportunity to California Native American tribes pursuant to Public Resources Code section 218080.3.1. United Auburn Indian Community (UAIC) requested consultation on the Project. In December 2018, Lahontan Water Board sent new consultation requests to three additional tribes, none of which requested consultation. UAIC provided recommendations for mitigation measures, which included an unanticipated discovery plan, worker awareness training, and a tribal cultural resources awareness brochure. Lahontan Water Board staff incorporated these measures into the Mitigation Monitoring and Reporting Program (MMRP) and concluded consultation.
9. Lahontan Water Board staff prepared an Initial Study for the Project and TRPA staff prepared an Initial Environmental Checklist; these documents indicated the possibility of potentially significant impacts. Based on this early analysis the co-lead agencies determined that an EIR/EIS should be prepared.
10. The TRPA and Lahontan Water Board, via an independent third party, initiated a stakeholder engagement process to assess stakeholder interests, themes, and questions surrounding aquatic weed control and water quality issues potentially associated with the treatment of aquatic weeds in the Tahoe Keys. This stakeholder process included interviews, public workshops, formation of a stakeholder committee and consultation circle, and development of a project website. Results of this process informed the Project purpose, scope, and alternatives development.
11. On June 17, 2019, the Lahontan Water Board submitted a Notice of Completion and Environmental Document transmittal and a Notice of Preparation (NOP) of a Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) to the California Office of Planning and Research State Clearinghouse (SCH). The SCH distributed the NOP to reviewing agencies. The NOP was circulated to reviewing agencies and the public from June 17, 2019 to

August 2, 2019 for a 45-day comment period. Additional distribution of the NOP included mailing to interested persons, distribution via electronic subscriptions lists (lyris lists), posting to agency and Project webpages, posting with the El Dorado County Clerk, and publishing in local newspapers.

12. Lahontan Water Board and TRPA staff held three scoping meetings at locations around Lake Tahoe: June 25, 2019 in South Lake Tahoe, CA, June 26, 2019 in Stateline, NV, and July 16 in Kings Beach, CA.
13. A Scoping Report was prepared summarizing the Project purpose and need, specific goals and performance measures for the Project, alternatives to be evaluated, the public engagement and scoping process, and a summary of comments received during scoping. The Lahontan Water Board received comments from 44 commenters during scoping, with approximately 300 comments recorded. The NOP and Scoping Report are included as appendices to the Draft EIR/EIS.
14. On July 6, 2020, the Lahontan Water Board posted to agency and Project webpages a Notice of Availability (NOA) of the Draft EIR/EIS and public comment period from July 6, 2020 through September 3, 2020, for a 60-day public comment period. Additional distribution of the NOA included mailing to interested persons, distribution via electronic subscriptions lists (lyris lists), posting with the El Dorado County Clerk, and publishing in the newspaper.
15. On July 6, 2020, the Lahontan Water Board sent the Draft EIR/EIS to and filed a Notice of Completion and Environmental Document Transmittal with the SCH, initiating a 60-day public review and comment period for the Draft EIR/EIS (SCH No. 2019060152) from July 6, 2020 to September 3, 2020. The SCH provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
16. Two Lahontan Water Board informational workshops on the Project were held on September 19, 2019 and November 19, 2020. TRPA also held several informational meetings.
17. In addition to accepting written comments, the co-lead agencies accepted oral comment on the DEIR/DEIS through two video-conference public meetings hosted by TRPA on July 22, 2020 and August 12, 2020.
18. The Lahontan Water Board considered all timely submitted comments regarding the Draft EIR/EIS. Written responses to all substantive comments are provided in the Final EIR/EIS.
19. On September 15, 2021, the Lahontan Water Board provided public notice of availability of the NPDES permit MMRP, and resolution granting a Basin Plan exemption. These documents were posted on the Lahontan Water Board webpage, the Project webpage, and the notice of availability was distributed via the Project lyris list. The public review period for these documents was from

September 15, 2021 through November 1, 2021, for a 45-day public comment period.

20. Written responses to all substantive comments were posted to the Lahontan Water Board webpage 10 days in advance of the meeting to consider certification of the Final EIR/EIS.
21. The Final EIR/EIS reflects changes made in consideration of the comments received on the Draft EIR/EIS, as well as changes initiated by Lahontan Water Board and TRPA staff. The changes to the Final EIR/EIS also include clarifications and corrections that have been identified since circulation of the Draft EIR/EIS. The changes do not result in any new significant impacts to the environment, nor do the changes result in a substantial increase in the severity of an environmental impact.
22. On the basis of the whole record, the Project as described in the Draft EIR/EIS, with implementation of the mitigation measures described in the Final EIR/EIS, and in the MMRP (see Final EIR/EIS, Appendix B), would not result in any significant effects on the environment.
23. The Final EIR/EIS was presented to the Lahontan Water Board, and the Lahontan Water Board reviewed and considered the information contained in the Final EIR/EIS prior to adopting the Order.
24. The Final EIR/EIS has been completed in compliance with CEQA. The Final EIR/EIS, CEQA Findings (Attachment A), and MMRP, reflect the independent judgment and analysis of the Lahontan Water Board.
25. The Lahontan Water Board considered all testimony and evidence at a public meeting held by videoconference at the January 12-13, 2022 Board meeting and good cause was found to certify the Final EIR/EIS.
26. The Final EIR/EIS and the record of proceedings are available at the Lahontan Water Board's office, or by request.
27. In accordance with Title 14 of the California Code of Regulations, section 15094, the Lahontan Water Board will file a Notice of Determination with the Office of Planning and Research within five working days after deciding to approve the project.

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.”

CERTIFICATION

The Executive Officer hereby does certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the Lahontan Regional Water Quality Control Board held on January 12-13, 2022.

A handwritten signature in black ink, appearing to read "Michael R. Plaziak", written over a horizontal line.

MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER

Attachment A: CEQA Findings