

# **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

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

(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

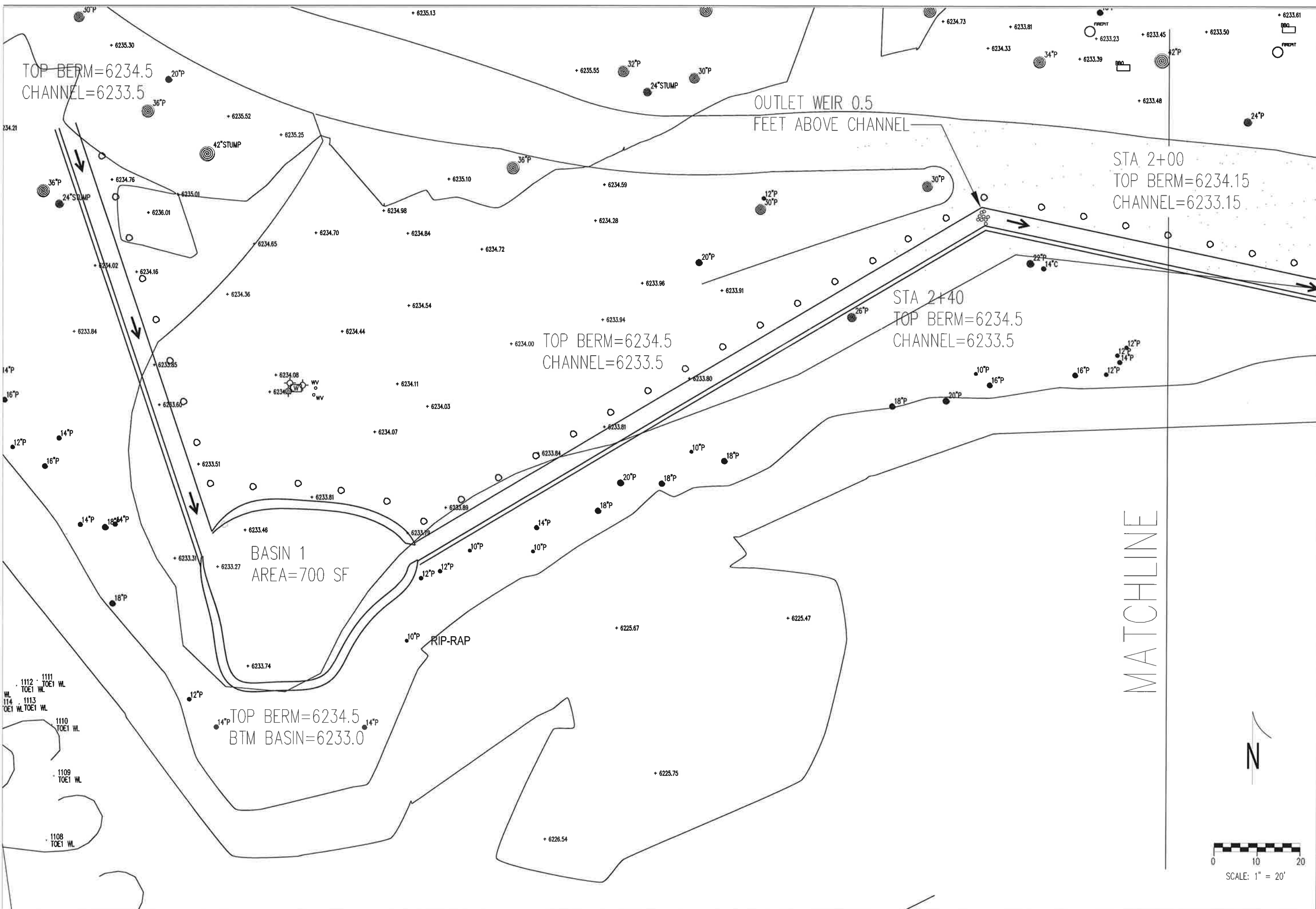
Doug Smith, Lahontan Water Board

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





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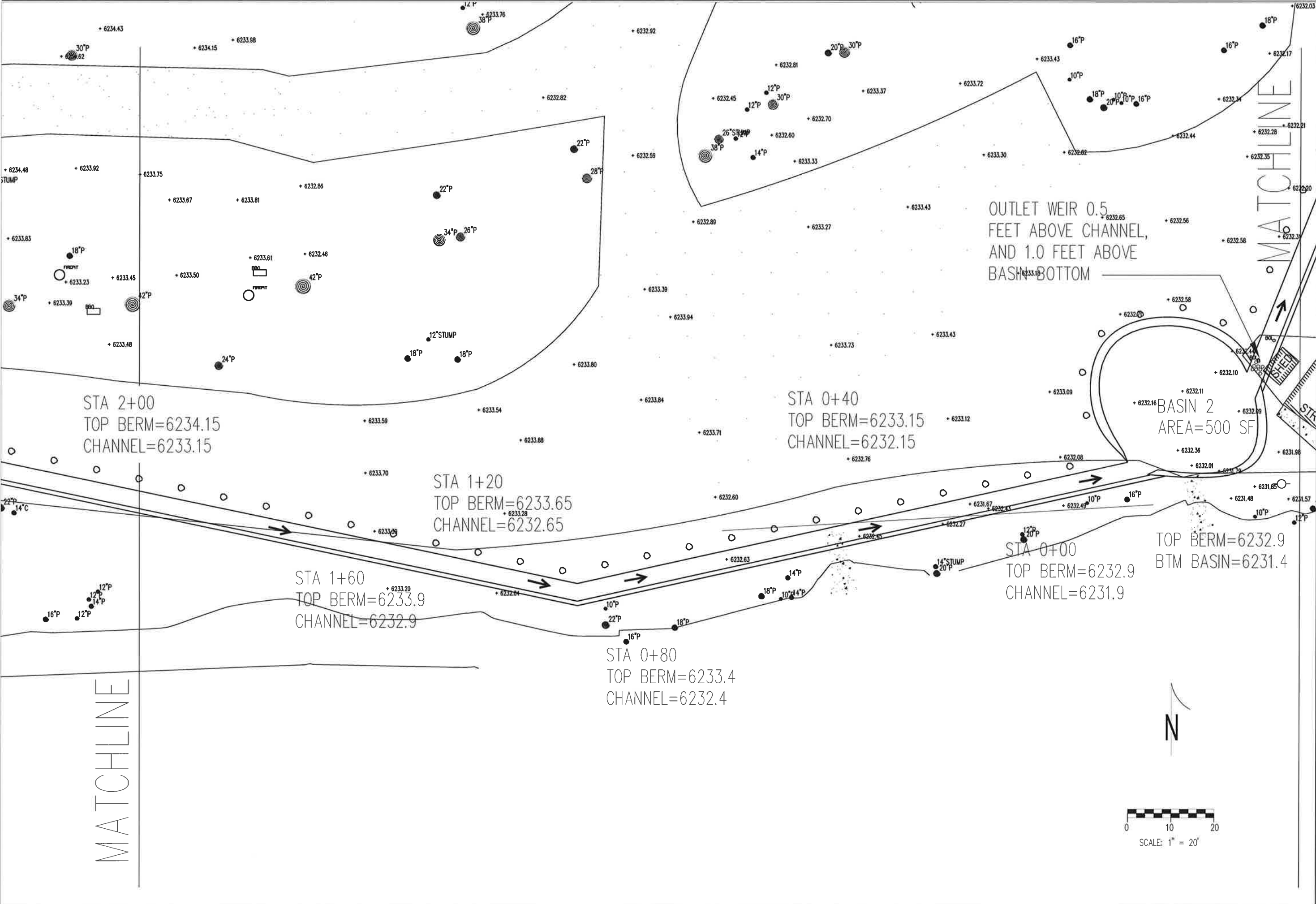
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PLAN

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

SHEET NUMBER  
 C1  
 1 OF 4 SHEETS

PROJECT NO.  
 3-77



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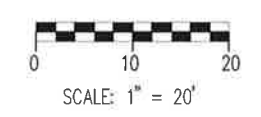
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MECKS BAY RESORT
DAY USE PARKING BMP UPGRADES

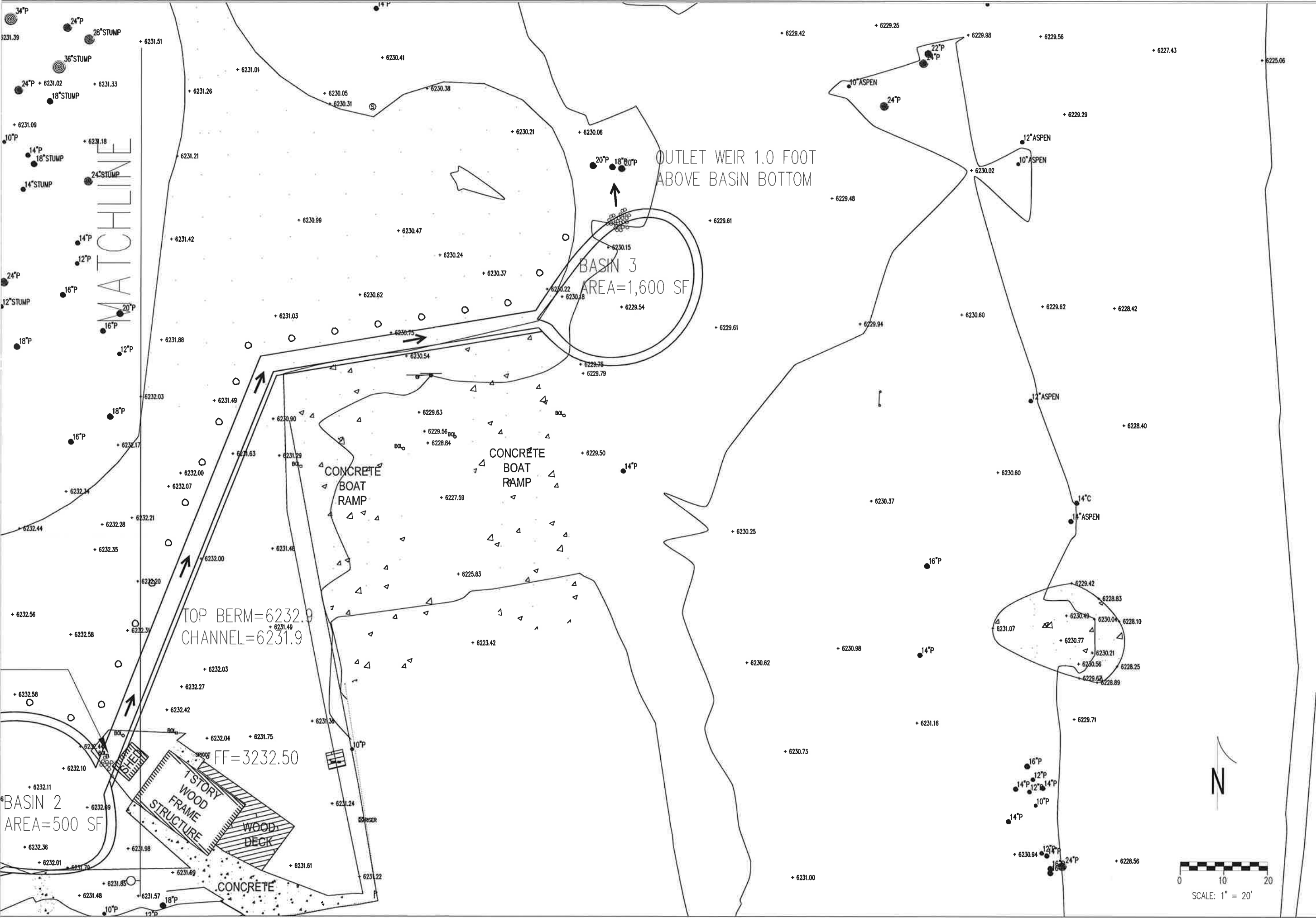
  

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C2
2 OF 4 SHEETS

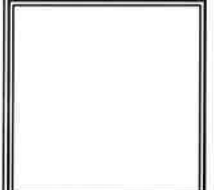
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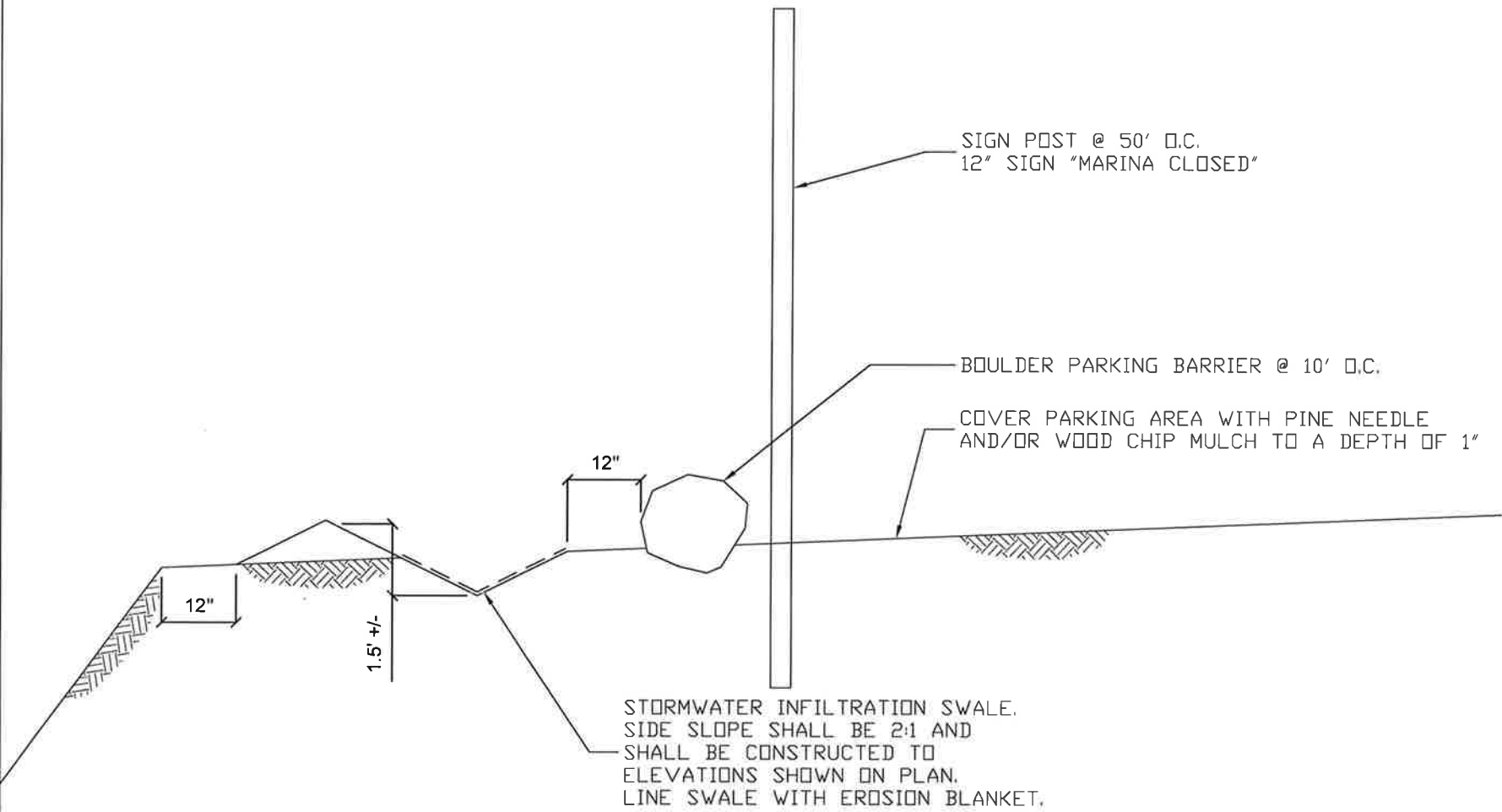
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# PLAN

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		

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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**



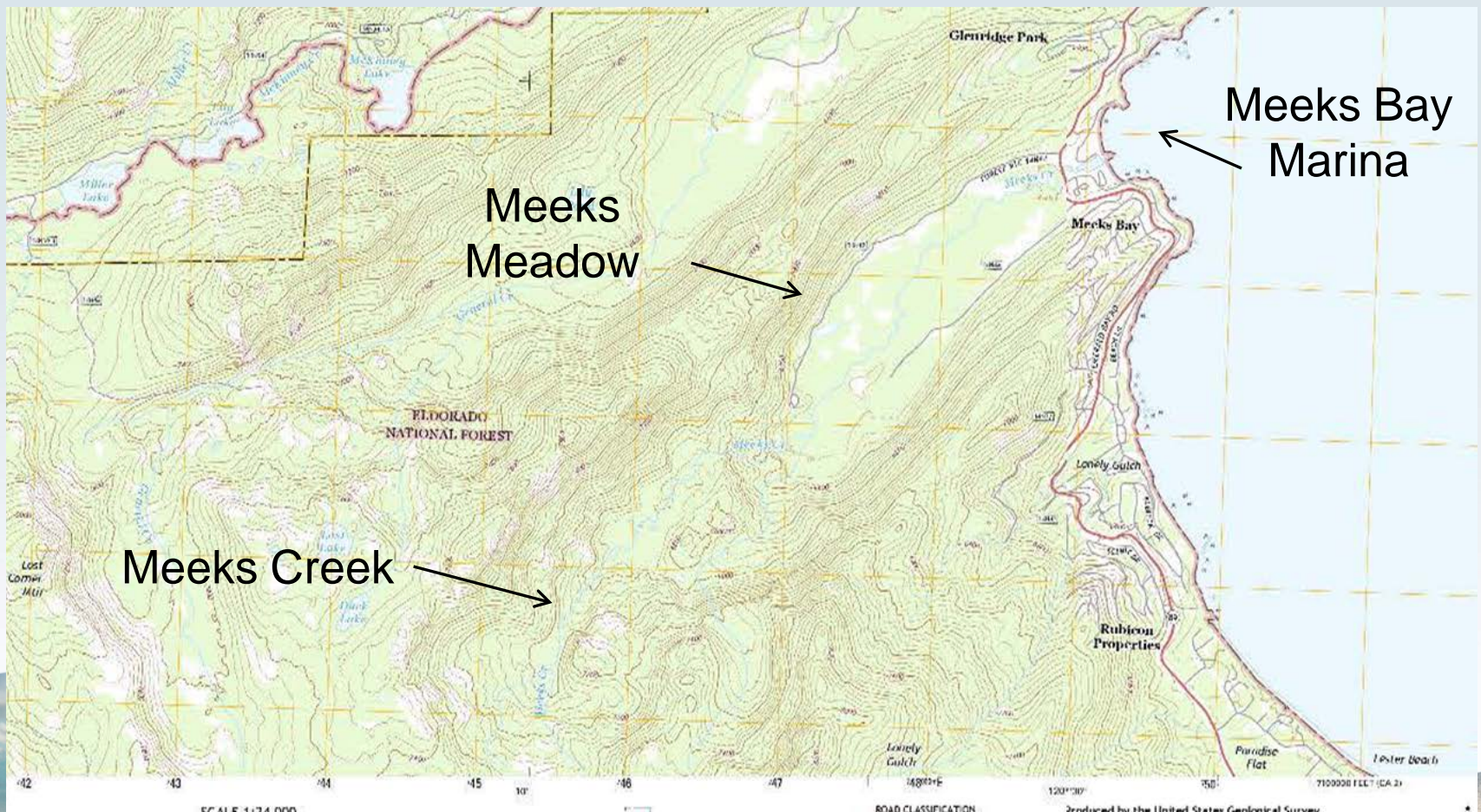
# **MEEKS BAY MARINA PROPOSED STIPULATED AGREEMENT**

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



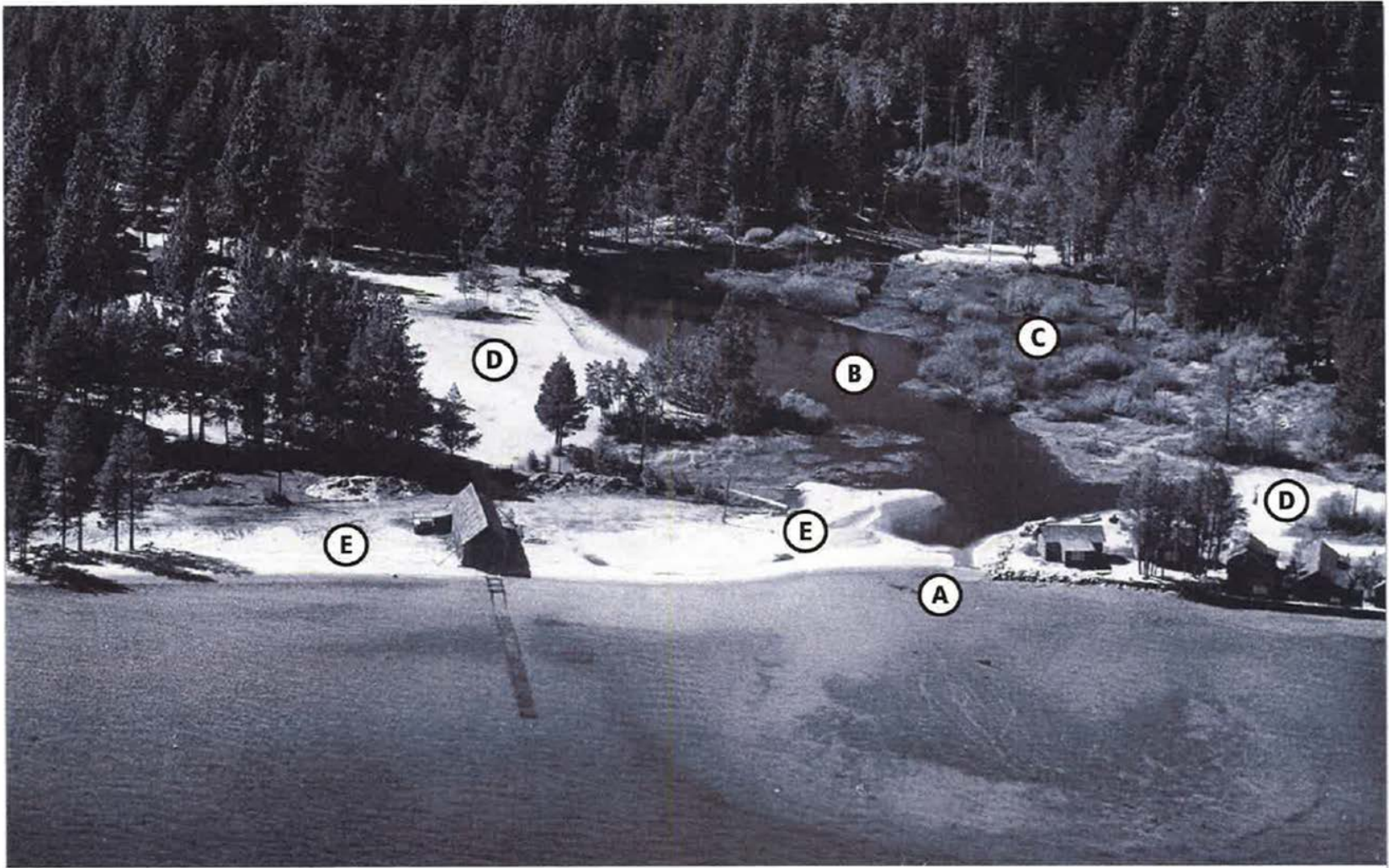


# USGS Topo of Meeks Creek, Meeks Meadow and Meeks Bay





# 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





# 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 ?**

