

Lahontan Regional Water Quality Control Board

MEMORANDUM

TO: Water Board Members

FROM:  Patty Z. Kouyoumdjian
Executive Officer
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: June 2, 2015

SUBJECT: EXEMPTION TO THE PROHIBITION WITHIN THE LAKE TAHOE
HYDROLOGIC UNIT FOR THE LEAGUE TO SAVE LAKE TAHOE'S
AQUATIC INVASIVE SPECIES WEED PULLING PROJECT,
EL DORADO COUNTY

I intend to grant an exemption to a discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) for an event that will occur on June 11, 2015. The exemption will allow the project proponent, the League to Save Lake Tahoe (LTSLT) to remove aquatic invasive weeds in wet areas in and around Tallac Creek and/or Taylor Creek near South Lake Tahoe.

The projects meet requirements for exemptions to the discharge prohibitions. A public notice soliciting comments on the proposed Projects will be posted on the Water Board's website. Comments will be due by close of business on June 8, 2015.

Please contact me at lauri.kemper@waterboards.ca.gov (530) 542-5412, or Mary Fiore-Wagner at mary.fiore-wagner@waterboards.ca.gov (530) 542-5425, if you have any questions or comments regarding this matter.

Enclosure: Draft Prohibition Exemption for the League to Save Lake Tahoe's Aquatic Invasive Weed Pulling Projects in Tallac Creek and/or Taylor Creek

MLK/ma/T: LTSLT Weed Pulling Proh Ex Board Notice
File Under: LTSLT AIS Control Projects

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

Lahontan Regional Water Quality Control Board

Jesse Patterson, Deputy Director
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EXEMPTION TO THE WASTE DISCHARGE PROHIBITION WITHIN THE LAKE TAHOE HYDROLOGIC UNIT, TAYLOR OR TALLAC CREEK AQUATIC INVASIVE PLANT SPECIES PULLING PROJECT, EL DORADO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received information from the League to Save Lake Tahoe (LTSLT) to support granting an exemption to a waste discharge prohibition in the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan) for a proposed aquatic invasive plant species removal project at Taylor Creek and Tallac Creek watersheds. This Project involves hand pulling of aquatic invasive plant species.

PROJECT DESCRIPTION

The purpose of the proposed Project is to prevent the spread of aquatic invasive plants in Lake Tahoe waters. One of the LTSLT's campaigns is to protect Lake Tahoe's shore by addressing aquatic invasive species (AIS). As part of the LTSLT's Eyes on the Lake program, volunteers learn how to identify aquatic plants in the classroom and in the field. Once trained, volunteers will be led by agency staff to sites where AIS plants such as Eurasian milfoil and Curlyleaf pondweed are already established and impeding clarity and recreation. Hand pulling will be used to remove AIS plants from 100-year floodplain, the stream environment zone, and possibly the shoreline within the Tallac Creek and Taylor Creek watersheds and shoreline areas between the two creek mouths.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

To protect beneficial uses and achieve water quality objectives for the waters of Lake Tahoe and its tributaries, the Basin Plan specifies the following discharge prohibition (Basin Plan section 5-2; page 5.2-4):

The discharge attributable to human activities of any waste or deleterious material below the hightwater rim of Lake Tahoe, within the 100-year floodplain, and/or within Stream Environment Zones (SEZs) in the Lake Tahoe HU is prohibited.

PROHIBITION EXEMPTION CRITERIA

Chapter 5 of the Basin Plan allows exemptions to the above-cited discharge prohibition for erosion control, habitat restoration, wetland restoration, SEZ restoration, and similar projects, programs, and facilities if all of the following findings can be made:

- a) *There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment below the highwater rim of Lake Tahoe, within the 100-year floodplain, or within the SEZ; and*

The purpose of the Project is to remove AIS plant species that have established in Lake Tahoe's waters. There are no reasonable alternatives that would reduce the extent of encroachment within the 100-year floodplain, or below the highwater rim of Lake Tahoe because the Project, by its very nature, must be located in these wet environments since these are the targeted clean up areas that have become infested. The shorezone and floodplain populations of AIS plants present in these locations are susceptible to spread if left in place.

The LTSLT is implementing the Project to eliminate or minimize the area of an existing AIS infestation and to minimize the potential for the AIS to spread throughout the Lake.

- b) *Impacts are fully mitigated.*

All volunteers used for the Project are required to have completed a three hour training session (Eyes on the Lake) led by the LTSLT that teaches participants to identify, survey, and report on the locations of aquatic invasive plants in the Tahoe Basin. Portions of the training cover the identification of native aquatic plants, how aquatic plants reproduce and spread as well as commonly used removal techniques. The first part of the Project will entail a detailed training on proper removal methodology for "hand pulling" and avoidance of aquatic plant fragment spread. Hand pulling was selected because it causes the least disturbance to the benthic environment and stream system while still proving to be an effective treatment method for aquatic weeds in Lake Tahoe. BMPs to avoid accidental spread of aquatic weeds will be employed and include the use of pool skimmers downstream and other nets as needed. Work will be conducted in small sections to minimize disturbance to benthic macroinvertebrates, unwanted increases in turbidity, and to allow continual assessment of removal methods. Trained volunteers will work in small groups under the direct supervision of LTSLT and/or US Forest Service staff who have experience in aquatic plant identification and removal.

- c) *The project is necessary for public health, safety, or environmental protection.*

The LTSLT is implementing the Project to reduce the area of an existing AIS plant infestation at Taylor and/or Tallac Creek and to minimize the potential for AIS plants

to spread throughout the Lake. An additional benefit to the Project is the training of multiple volunteers for use in any future removal events.

CEQA COMPLIANCE

Water Board staff have determined the Project will not have a significant impact and is exempt from the provisions of the California Environmental Quality Act (CEQA). The applicable exemption is found in the California Code of Regulations, title 14, section 15304 – Minor Alterations to Land.

ADDITIONAL CONDITIONS

Project activities must not cause a violation of the Basin Plan, or cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.

PROHIBITION EXEMPTION GRANTED

The Water Board has notified the LTSLT and interested agencies and persons of its intent to grant this prohibition exemption. The LTSLT has incorporated appropriate control measures into the Project. The Water Board Executive Officer has considered all comments and determined that the Project satisfies all Basin Plan exemption criteria. I hereby grant an exemption.

Please contact Mary Fiore-Wagner at mary.fiore-wagner@waterboards.ca.gov or (530) 542-5425 if you have questions.

PATTY KOUYOUMDJIAN
EXECUTIVE OFFICER

cc: Nicole Cartwright, Tahoe Resource Conservation District (ncartwright@tahoercd.org)
Molly Hurt, Tahoe Resource Conservation District (mhurt@tahoercd.org)
Sarah Muskopf, United States Forest Service (smuskopf@fs.fed.us)