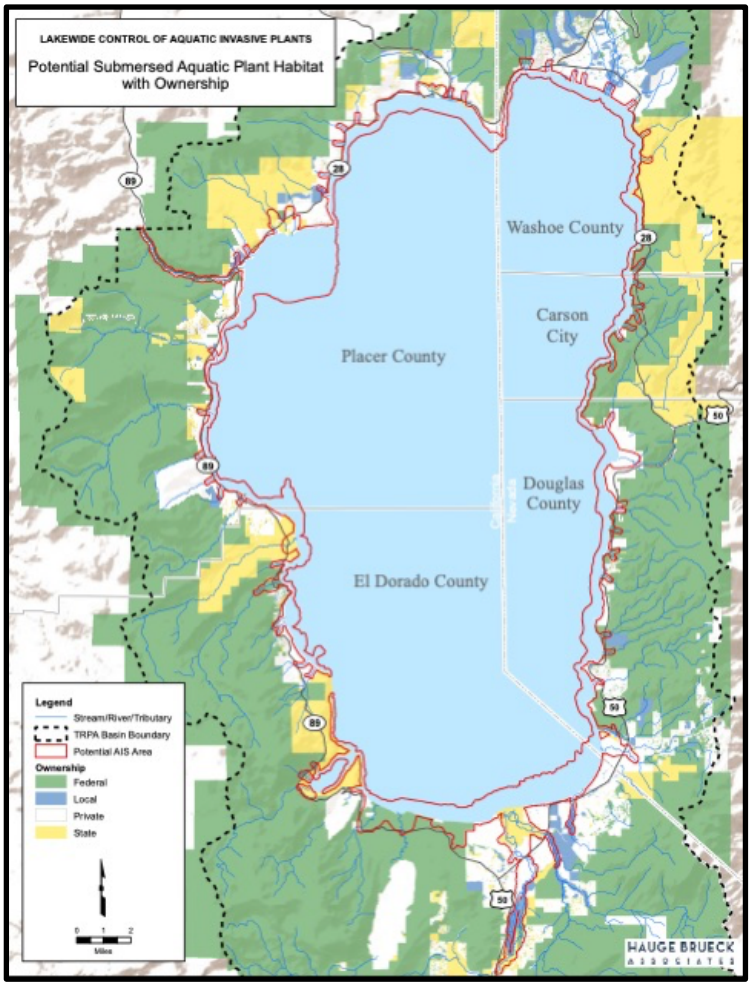
LAKE-WIDE CONTROL OF AQUATIC INVASIVE PLANTS PROJECT
LAKE TAHOE, CALIFORNIA AND NEVADA

CEQA Final Initial Study / Mitigated Negative Declaration

TRPA Final Initial Environmental Checklist / Mitigated Finding of No Significant Effect



Prepared for:
Tahoe Resource Conservation District
Tahoe Regional Planning Agency
USDA Forest Service -
Lake Tahoe Basin Management Unit

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FINAL ENVIRONMENTAL DOCUMENT

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1.0 SUMMARY AND FINDINGS

Project: Lake-Wide Control of Aquatic Invasive Plants Project (SCH# 2020080218)

Lead Agencies: CEQA: Tahoe Resource Conservation District
Tahoe Regional Planning Compact: Tahoe Regional Planning Agency
NEPA: USDA Forest Service Lake Tahoe Basin Management Unit

Project Description:

An Initial Study/Initial Environmental Checklist/Environmental Assessment (IS/IEC/EA) was prepared to address the potential environmental effects of the Lake-Wide Control of Aquatic Invasive Plants Project. Tahoe Resource Conservation District (Tahoe RCD), ~~on behalf of the Tahoe Aquatic Invasive Species Coordination Committee (AISCC), and~~ in coordination with the Tahoe Regional Planning Agency (TRPA) and USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU), is proposing to conduct aquatic plant control and management throughout suitable habitat areas in Lake Tahoe, tributaries, and marshes in California and Nevada, the Upper Truckee River, and the Truckee River between the dam at Lake Tahoe to River Ranch at Alpine Meadows Road. An Initial Study is a preliminary environmental analysis that is used by the California Environmental Quality Act (CEQA) lead agency as a basis for determining whether an EIR, a Mitigated Negative Declaration, or a Negative Declaration is required for a project under CEQA guidelines. An Initial Environmental Checklist is a preliminary environmental analysis that is used for determining whether an EIS, a Mitigated Finding of No Significant Effect, or a Finding of No Significant Effect is required for a project under TRPA Rules of Procedure. An Environmental Assessment and Finding of No Significant Impact (FONSI) are prepared for federal actions when it is expected there are no significant effects and the project does not fit into a Categorical Exclusion. A separately prepared Decision Notice/FONSI will be issued by the LTBMU to document their decision on the Project and supporting rationale.

The Proposed Project is intended to continue aquatic invasive plant control efforts in locations where previous efforts have been successful, expand control efforts to include known infestation areas, expand available methods/techniques, and to allow for rapid response to detections of new aquatic plant infestations. Control methods implemented in the past include hand pulling, diver-assisted suction removal, benthic barriers, and indirectly through marina maintenance dredging. These methods would continue to be used, along with newer methods such as UV-C light treatment and laminar flow aeration devices. The Project also proposes the use of suction and mechanical dredging specifically for AIP control outside of marina-proposed maintenance dredging; however, dredging proposed for AIP control would be limited to areas in which maintenance dredging has previously occurred and to the extent and depth of previously authorized dredging to avoid expansion or disturbance of new areas.

While most of the lake is free of aquatic invasive plant (AIP) infestations, they have dramatically increased in Lake Tahoe in the past 15 years. Without maintaining control efforts, it is likely that infestations will continue to spread in Lake Tahoe and throughout the Truckee River and tributaries to Lake Tahoe, with potentially devastating results. Early detection, prevention, and constant maintenance are the best defense and offer the best hope for control, eradication, and successful management of any invasive plant infestation. Once widespread establishment has occurred, aquatic invasive plants are difficult and costly to control.

Findings:

Based on the IS/IEC/EA, it has been determined that the proposed project would not have significant effects on the natural environment after implementation of mitigation measures. This conclusion is supported by the following findings:

1. The proposed project would have no effects, no impact, or less-than-significant impacts related to aesthetics (scenic resources), agricultural and forest resources, mineral and natural resources, energy, greenhouse gas emissions, geology and soils, wildfire, land use and planning, noise, population and housing, public services, recreation, traffic and circulation and service systems/energy resources.

2. Mitigation is required to avoid or reduce potentially significant impacts related to air quality, biological resources, cultural/archaeological/historical resources, tribal resources, hazards/ hazardous materials/risk of upset/human health, hydrology and water quality, recreation, transportation, utilities (water systems), and mandatory findings of significance.

The following mitigation measures have been incorporated in the Project by the Tahoe RCD, TRPA and LTBMU to avoid or minimize environmental impacts. Each of these measures are included in the Mitigation Monitoring and Reporting Program (Public Review Draft IS/IEC/EA Section 4), as revised in Section 5 of this Final Environmental Document.

AQ-1 Idling Restrictions

The dredging contractors shall minimize idling time of heavy dredging equipment by:

1. Shutting equipment off when not in use or reducing the time of idling to 5 minutes, as required by Title 13, Sections 2449(d) and 2485 of the California Code of Regulations;

2. Prohibiting idling within 1,000 feet of sensitive receptors, such as schools, care centers, and residences; and

3. Educating workers of the idling restrictions discussed above.

AQ-2 Dust Control Measures

1. Minimize creation of fugitive dust where dredging equipment or disposal bins are located on land by applying water to exposed soils.

2. Vehicles accessing control areas over unpaved surfaces shall limit their speed to 5 miles per hour.

3. Paved staging areas shall be swept clean following implementation of control actions using staging areas for material or equipment storage.

BIO-1: Sensitive Plant Protection

1. For work to be performed in tributaries, marshes, the near shores of Lake Tahoe, as well as access and staging areas (up to a 50 foot buffer), review of past records and/or pre-implementation surveys shall be performed to determine the presence of sensitive (TEPCS) plant species prior to commencement of AIP control actions. AIP treatment areas, including staging and access locations that include potential habitat, shall be surveyed by a qualified biologist for sensitive plant species

during a time when their morphological characteristics are visible. Surveys for AIP treatment sites shall be considered valid for five (5) years from the date of the survey for upland species. If TEPCS plant species are present, the LTBMU, California Department of Fish and Wildlife, Nevada Department of Conservation and Natural Resources and/or TRPA biological staff, as necessary, shall be contacted to specify which resource protection measure shall be implemented, which may include avoidance, exclusion, or time of year limitations to be implemented to eliminate impacts to individuals or occupied habitat. Protection measures may entail installation of protection fencing to allow for establishment of avoidance areas and buffers to protect individuals and habitat. Implementation of the Proposed Action shall not commence without the agreed upon protection measures in place to protect sensitive species.

2. Tahoe yellow cress (TYC) shall be avoided. If treatment work is planned for mid-May or after, TYC surveys shall occur prior to, but in the same growing season as AIP treatment implementation. If treatment work is planned in April or early May, TYC surveys shall be conducted at the end of the prior year growing season. Known occupied sites (established or new detections) of Tahoe yellow cress shall be avoided and protected using fencing so as to not disturb individuals (submerged or terrestrial) and/or surrounding habitat up to 50 feet from project activities. Dredging shall not be performed adjacent to or within known or located TYC sites so as to prevent impacts to individuals. Diver assisted suction removal shall also be limited to areas outside TYC sites to limit impacts to submerged rootstock. Hand pulling is the preferred method for AIP treatments within TYC sites.

3. Disturbance at access and staging areas shall be minimized by using or accessing only the area needed to access the treatment site or store materials used for AIP removal. While areas with TEPCS plants shall be avoided when establishing access routes and staging areas, as discussed in measures 1 and 2 above, the access and staging areas shall be confined to existing disturbed areas, as feasible, where TEPCS plants are not located, such as parking lots, piers, or other paved or previously disturbed areas. Fencing shall be placed around stored materials in the staging areas to contain the materials and access to the materials. In areas where paved areas, piers, or disturbed trails are not present, staging and access shall be limited to areas of the least disturbance where no TEPCS species are present and outside of TEPCS buffer areas. These areas shall be limited to the minimum staging necessary for the equipment and materials used in AIP removal and access shall be limited and marked to the minimum width and length necessary based on the control method.

4. Specific pre-implementation and post-implementation monitoring evaluations of disturbed areas and success of revegetation in staging areas shall be conducted, if necessary.

BIO-2: Terrestrial Wildlife Species Surveys and Limited Operating Periods

1. Limited Operating Periods (LOP) for FSS and TRPA Special Interest Species shall be maintained when it is determined that AIP control actions would occur within nest buffer zones or winter management zones and disturb individuals. The current list of LOPs is in Appendix C of the Wildlife BE. LOPs may be updated prior to implementation if species lists change or if LOPs for an individual species change independent of this.

2. If project activities are located within a northern goshawk Protected Activity Center (PAC), prior to commencement of project activities, it shall be determined if the PAC is active and/or if nesting is occurring. If the PAC is active (with known current or recent history of nesting activity), a **permitting agency approved** biologist shall determine based on the nature of the specific project activity if a limited operating period shall be required. If the PAC is not considered active the proposed activity shall be allowed to proceed.

3. In suitable habitat and habitat with historic detections of willow flycatchers **(as defined by the permitting agency approved biologist)**, conduct surveys for the species the season before or the same season as (but before) proposed project activities. If willow flycatchers are detected during surveys, implement the LOP to protect nesting individuals (see Wildlife BE Appendix C).

4. Nesting bird surveys shall be conducted no more than 30 days prior to project activities if work would occur near nesting features or within suitable habitat **(as defined by the permitting agency approved biologist)** during the breeding season (generally April to August). If a nest is detected and it is determined that the nesting individual would be disturbed by project activities, develop species-specific measures to prevent disturbance. Measures would generally involve a 50-foot disturbance buffer around a nest, which may vary based on the nesting species, or a delay in project activities. Areas within the buffer could be accessed after the birds fledge, typically after August 15.

BIO-3: Sierra Nevada Yellow-Legged Frog Surveys and Protection

1. In areas with potential habitat, specifically Lake Tahoe marshes and tributaries as depicted in Figure 3.5-1, one (1) to three (3) protocol surveys for SNYLF shall be conducted at previously un-surveyed AIP control sites prior to the start of AIP control actions. Three surveys will be conducted if previously un-surveyed habitat is determined to be suitable. One survey may be conducted if previously un-surveyed habitat is determined to be unsuitable during the first survey. As stated in the USFS Programmatic Biological Opinion (FF08ESMF00-2014-F-0557) the surveys will be within the last 10 years, can be staggered during one season from 14 calendar days after the date snowmelt begins through September 15 (early, mid, late season) or conducted over three seasons during separate consecutive years. At least one of the surveys will be conducted during a calendar year where snowpack is 80 percent or greater than normal. Surveys shall begin eight (8) weeks prior to work and finish with a pre-treatment survey within a week of the start of AIP control actions. If SNYLF are detected, Forest Service and USFWS biologist shall be notified and together shall identify the appropriate resource protection measure that shall be implemented to avoid disturbance to SNYLF before starting the treatment, such as biological monitoring during treatment work, spatial adjustment of treatments, adjustments to treatment timing, adjustments to equipment or treatment protocols, and change of treatment method or approach.

2. Personnel conducting AIP control actions shall be trained to identify and be aware of the potential presence of SNYLF and to minimize impacts to the species. If SNYLF are detected, AIP control actions shall temporarily cease and USFS and USFWS biologists shall be notified. Prevention of project impacts through implementation of resource protection measures, such as biological monitoring during treatment work, spatial adjustment of treatments, adjustments to treatment timing, adjustments to equipment or treatment protocols, and change of treatment method or approach, shall be addressed before resuming the treatment.

BIO-4: Lahontan Cutthroat Trout, Lahontan Lake Tui Chub, and Native Fish Protection

During implementation of AIP control actions, project scientists, technicians, divers, and equipment operators shall avoid disturbance and harm to LCT, Lahontan lake tui chub, and other spawning native fish by following these guidelines:

1. Prior to implementing control methods, control sites shall be monitored to identify presence of fish species to avoid aggregations of breeding native fish. Native fish primarily spawn from April – July in tributaries and areas identified as TRPA designated Prime Fish Habitat (TRPA 2015), and some

native fish may spawn on or near aquatic vegetation. Therefore, if pre-implementation monitoring identifies presence of native fish, the area shall be avoided between April and July.

2. **For tributaries with no aggregation of native fish,** avoid blockage of tributary mouths and confluences for multi-day periods during the April-July breeding season. Benthic barriers **and** silt curtains~~, and LFA equipment~~ have the greatest potential to form barriers to migrating fish and their use shall be limited to maintain passage between April to July within tributary mouths and confluences.

3. Minimize fish harassment and exercise caution when conducting treatments near LCT re-introduction sites. Fish harassment can be minimized by monitoring the area for fish activity, avoiding areas with fish presence and moving to another area within the control site, temporarily stopping activity until fish have moved out of the area, and reducing the intensity of removal activity in the area. Divers shall be trained to avoid interaction with fish, shall not pursue or antagonize fish to leave the area, and shall not collect, trap, or harm fish while conducting AIP removal activities.

BIO-5: Great Basin Rams-Horn Snail Protection

Since Great Basin ramshorn snail is a Forest Service sensitive species, but not state or otherwise federally listed, full avoidance of the species in all areas is not required; however, protection measures are proposed on National Forest System lands. While hand-pulling and diver-assisted suction removal would not injure species individuals, divers conducting treatments or operating equipment in benthic sediments on National Forest System lands shall familiarize themselves with the identification of Great Basin ramshorn snail. If species are detected during implementation activities, specifically diver assisted suction removal, divers will avoid incidental injury or mortality to the species where feasible. This may include inspecting plants prior to removal to ensure the species is not on the AIP to be removed, and where feasible removing the species from AIP prior to suctioning. Divers will record the presence of Great Basin ramshorn snails when encountered during treatment work and report to U.S. Forest Service biologists. If further AIP removal within areas of known presence is needed, the records shall be reviewed with the U.S. Forest Service to identify appropriate protection measures before work is continued based on the location, extent, and methods to be used

CULT-1: Unanticipated Discovery

1. In the event of an unanticipated discovery of previously-undocumented cultural resources during project activities, work will be suspended in the area until the Lake Tahoe Basin Management Unit (LTBMU) Heritage Program Manager (HPM) or US Army Corps of Engineers (USACE) Cultural Resources Specialist (CRS), or TRPA/applicable State Historic Preservation Officer (SHPO) can assess the find and develop and implement appropriate avoidance, preservation, or recovery measures. If archaeological or paleontological features are discovered during project implementation, all submerged artifacts and/or features will be marked, left in place, and reported to the appropriate HPM, CRS, or SHPO. Pursuant to TRPA Code of Ordinances Sections 67.3 and 67.4, upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, all operations shall stop until a qualified archaeologist has evaluated the potential significance of the resource, and TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable SHPO, and with the Washoe Tribe if it is a Washoe site. If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Section 67.6 and 67.5 of the TRPA Code of Ordinances and a resource protection plan developed pursuant to Section 67.3 of the TRPA Code of Ordinances.

2. In the event that human remains are discovered during project activity, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate personnel. Any human remains and/or funerary objects will be left in place. Existing law requires that project managers contact the County Coroner. If the County Coroner determines the remains are of Native American origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified (Health & Safety Code, § 7050.5; Pub. Res., Public Resources Code, §§ §5097.97 and 5097.98).

3. Tahoe RCD staff will work closely with the U.S. Army Corps of Engineers and the LTBMU or designated CRS to ensure that its response to such a discovery is also compliant with federal requirements including the Native American Graves Protection and Repatriation Act. Work will not resume in the area of the find until proper disposition is complete (Pub. Res. Code, PRC §5097.98).

4. No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination. If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office and review by the NAHC/Tribal Cultural representatives will occur as necessary to define additional avoidance, preservation, or recovery measures, or further future restrictions.

5. If treatment involves disturbance of the lake bottom in culturally sensitive areas, an underwater archaeological survey will be conducted by a qualified SOI archaeologist underwater specialist in the project Area of Potential Effect (APE) to determine if previously recorded or newly identified cultural resources exist in the area. Results of the survey will be documented in an archaeological survey report and submitted to land agencies and the appropriate Information Center.

CULT-2: Class 1 Avoidance

1. Proposed activities shall avoid historic properties. Avoidance means that no activities associated with undertakings that may affect historic properties, unless specifically identified in this Measure as approved Class 2 On-Site Management Measures, shall occur within historic property boundaries, including any defined buffer zones. Portions of AIP activities may need to be modified, redesigned, or eliminated to properly avoid historic properties. All activities performed under Class 1 Avoidance must be documented.

2. To the extent possible, historic properties within the APE shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties.

3. Buffer zones may be established to ensure added protection. The use of buffer zones to avoid historic properties may be applicable where setting contributes to property eligibility under 36 CFR 60.4, or where setting may be an important attribute of a historic properties or where heavy equipment is used in proximity to historic properties.

CULT-3: Class 2 On-site Historic Property Management Measures

1. Written approval for a proposed ground disturbing activity within or adjacent to the boundaries of a historic property will be based the LTBMU HPM or USACE CRS or other delegated qualified Cultural Resource Specialist, who is a Secretary of Interior qualified archaeologist, professional judgement and will be made on such activities that will not have an adverse effect on historic properties, or under carefully controlled conditions such as those specified below. All activities

performed as Class 2 On-Site Historic Property Management Measures must be documented. Additional on-site archaeological monitoring may be required to test the effectiveness of management measures.

2. Management Measures:

   a. All concentrated work areas (e.g., staging areas, turnarounds, and equipment sites) shall be located outside historic property boundaries.

   b. Placement of foreign, non-archaeological material (e.g., padding or filter cloth) within transportation corridors (e.g., designated roads or trails, staging areas, equipment sites, boat ramps, etc.) over archaeological deposits or historic features to prevent surface and subsurface impacts caused by vehicles or equipment. Such foreign material may be utilized on historic properties under the following conditions:

      - Design the foreign material depth to acceptable professional standards;
      - Design the foreign material use to assure that there will be no surface or subsurface impacts to archaeological deposits or historic features;
      - The foreign material must be easily distinguished from underlying archaeological deposits or historic features;
      - The remainder of the archaeological site or historic feature is to be avoided, and traffic is to be clearly routed across the foreign fill material; and
      - The foreign material must be removable should research or other heritage need require access to the archaeological deposit or historic feature at a later date.

   c. No skidding nor tracked equipment shall be allowed within historic property boundaries.

   d. Placement of barriers within or adjacent to site boundaries to prevent access to or disturbance of deposits or historic features, or for protection of other sensitive resources on-site, when such barriers do not disturb subsurface deposits or lead to other effects to the site.

   e. A CRS shall approve the use of tracked equipment to remove vegetation from within specifically identified areas of site boundaries under prescribed measures designed to prevent or minimize effects.

   f. A CRS shall determine whether mechanical equipment treatments within site boundaries shall be monitored, and how such monitoring shall occur.

   g. If standard management measures cannot provide appropriate protection, undertakings shall be subject to the provisions of 36 CFR part 800.

HAZMAT-1: Spill Prevention and Response

1. Prior to the start of project activities, equipment and vehicles shall be clean and serviced. Routine vehicle and equipment checks will be conducted during the project to ensure proper operating conditions and to avoid any leaks.

2. Contaminated residue or other hazardous compounds shall be contained and disposed of outside of the boundaries of the site at a lawfully permitted or authorized site.

3. Boats and barges used in project activities shall have an Emergency Spill Response Plan and clean up kit. **Spill response training shall be required for all personnel operating equipment with the potential to spill. Included in the Emergency Spill Response Plan and clean up kit should be enough absorbent material to encircle the largest vessel used for AIP control operations.**

HAZMAT-2:Airport Safety Plan and Coordination

1. Prior to the start of project activities within the airport property and runway safety zones, coordination with the Lake Tahoe Airport shall occur to determine schedule, disclose activities planned for the portions of the Upper Truckee River within airport property, identify if a right of entry agreement is required, and implement any conditions or measures required by the airport.

2. If implementation of control methods is necessary, obtain a right of entry agreement and associated appropriate insurance as required by the airport prior to treatment implementation.

3. Monitoring and treatment personnel shall notify the airport when they arrive, depart, or are working in the area.

4. Inspections shall be completed on foot and personnel shall not drive around the airport to each monitoring point. Personnel shall schedule vehicle access, if needed, by airport staff.

5. While on the airport property, personnel shall stay off active pavement, wear a reflective vest, and coordinate with airport staff to open gates to gain access to the western side of the Upper Truckee River.

6. In coordination with airport personnel, safety protocol shall be implemented and adhered to at all times when working on airport property.

HYDRO-1: Water Quality Compliance and Monitoring

1) Measures Applicable to All Methods:

a) The monitoring and protection measures in Sections 2.4.3 and 2.4.4 in the project description shall be implemented.

b) An HACCP Plan shall be implemented to ensure water quality.

i) THP samples will be taken for any spill or visible oil sheen. All analysis will be performed by certified laboratory or an approved method of testing, as define by State Statutes, with appropriate reporting limits specific to Tahoe area.

ii) The permittee shall ensure appropriate best management practices are in place to ensure the removed material is appropriately transported out of the Tahoe Basin. Any potential hazardous material associated with vehicles, boats, motors or diver's supplies, or general removal operations from other potential contaminating material shall be contained and removal, and a spill contingency plan is prepared with appropriate emergency contacts, including nearby water suppliers, are included onsite.

c) A copy of the applicable permits for the control method used and the HACCPP shall be kept onsite during implementation. Implementing staff and contractors shall be trained on the content and requirements of those documents and shall refer to the requirements throughout implementation. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization relating to water quality.

d) Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan); may cause a condition or threatened condition of pollution or nuisance; or cause any other violation of the California Water Code (CWC).

e) This project is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval may result in permit revocation and civil or criminal liability.

f) Shall comply with the Project Conditions of TRPA Permit EIPC2009-0002, as amended or superseded for the control action, and specifically the following:

   i) Monitoring: Water quality monitoring will be required to determine the effects of the removal operations and identify possible mitigation measures. Monitoring is for both environmental thresholds (turbidity and clarity) and to protect public drinking water sources. Water quality monitoring for turbidity is also included as a project measure (See Section 2.4.3.2 above). Rather than imposing a specific turbidity level to be maintained directly around the removal operations, the monitoring will be in zones from the work area: Zone 1: This zone closest to the dive operations allows for elevated turbidity within a 25 foot radius of the suction equipment and for levels up to 50 NTU. At levels over 50 operations will cease for 15 minutes OR until levels drop below 25. Zone 2: Turbidity monitoring will also occur at the midpoint between the 25 foot zone and any intake within 0.25 mile from the control site. Any elevation over 10 NTU at this location operation will cease for 15 minutes OR until levels drop below 5. Zone 3: This area within 100 foot of the intake shall not exceed 1 NTU or operations will cease with emergency notification of the closest intake operator followed by NDEP and other operators, and other emergency contacts. Operations will be reviewed and evaluated prior to resumption of work.

   ii) Bacteria are also a concern for the intakes and while this operation should not increase background levels, sampling will be made within any visible plume.

   iii) Turbidity readings shall be recorded regularly during work hours or at a minimum before, during and after suction removal operations. The reading shall be taken at the 25-foot buffer surrounding operations and at the midpoint between the removal and intake lines within 0.25 mile of the control site. Water intakes monitoring will be at the surface and at depth near the withdrawal point.

   iv) Disturbance shall be kept to the minimum necessary for operations.

   v) All equipment, including boats shall be clean prior to entry into Lake Tahoe. This could be waived for any boat if the operator can show proof of decontamination or use, exclusive to Lake Tahoe.

vi) Drinking water intakes shall be identified and mapped according to the TRPA Code Chapter 60, and comments solicited from the intake operator for proposed actions. The actual location of the drinking water withdrawal is not to be released to any public or private entity due to Homeland Security restrictions.

vii) Removed plant material shall be covered with a tarp or placed in an appropriate device to ensure no plant materials fall into the waterway while transporting plant remnants to the staging area for disposal. Removed plant material shall be appropriately placed in the refuse bins. Any plant material spilled during the transfer from the boat, to the boat camp dock, to the refuse bins shall be raked/picked up and disposed of within the bins provided at the close of each workday.

viii) Following implementation, documentation shall include final maps and project data results and photos of operation, evaluation of any impacts experienced during the removal, and documentation that the plant remnants were removed to a TRPA approved disposal site.

vix) Project materials shall be properly stored to avoid spillage into waterways, hazardous materials shall be contained, and debris shall be disposed offsite. No litter or debris shall be dumped into waterways and shall be removed daily and dispose of at an appropriate disposal site.

g) Control methods shall implement the permit conditions established in the permits applicable to that control method as shown in Figure 2-2:

i) Diver Assisted Suction Removal: TRPA Permit, Section 10, CDWF LSAA (CA), and either CA State Lands Lease or NV State Lands Management License.

ii) Benthic Barriers: TRPA Permit, Section 404/NWP 27, Section 401 (Lahontan – CA or NDEP – NV), CDWF LSAA (CA) or NDEP Working in Waterways (NV), and either CA State Lands Lease or NV State Lands Management License.

iii) UVC Light: TRPA Permit and Section 10.

iv) LFA: TRPA Permit, Section 404/NWP 5, Section 401 (Lahontan – CA or NDEP – NV), Secti0n 402/NPDES, and CDWF LSAA (CA).

v) Dredging: TRPA Permit, Section 404/NWP 27, TRPA/Lahontan MOU, Section 401 (Lahontan – CA or NDEP – NV), CDWF LSAA (CA) or NDEP Working in Waterways (NV), and either CA State Lands Lease or NV State Lands Management License.

2) AIP Control Methods that Employ Motorized Boats and Equipment

a) All boats and equipment shall be cleaned and appropriately inspected prior to entering any waterway.

i) Equipment must be clean and free from oil, grease and loose metal material and must be removed from service, if necessary, to protect water quality.

ii) Petroleum products must be stored in watertight containers with appropriate secondary containment to prevent any spillage or leakage and protected from precipitation and surface run-off.

iii) Vessels and equipment must be monitored for leaks, and proper BMPs must be implemented should leaks be detected, or the vessel/equipment must be removed from service, if necessary, to protect water quality.

iv) The Applicant must immediately notify permitting agencies by telephone whenever an adverse condition occurs as a result of discharge. Such a condition includes, but is not limited to, a violation of the permit conditions, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions completed or necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions, if not already accomplished.

v) An emergency spill kit must always be at the Project site during the Project.

b) Storage of equipment shall occur in designated areas to ensure materials used to operate the equipment is not washed into the waterway and debris is appropriately removed.

c) Permit agency staff will be allowed access onsite to review the permit and inspect equipment and methodology upon presentation of credentials.

d) During periods of small craft wind advisory, or other hazardous weather advisory, the operation may be curtailed, cancelled, or rescheduled.

3) AIP Control Methods Requiring Agreement for Work within State Public Right of Way

a) For California project locations, requiring a CASLC Lease Agreement, the Applicant shall comply with the following conditions specific to protection of water quality:

i) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc. If none, please identify the nearest pump-out facility, by name, location, and operating hours.

ii) Identify whatever provisions are proposed for recycling and/or litter/garbage disposal, including frequency of pick-up.

iii) Identify any proposed fueling facility and fully describe spill prevention and control features. Are fueling stations such that they are accessible by boat without entering or passing through the main berthing area, in order to avoid collisions? Provide a spill contingency plan and list equipment and training needed to implement the plan.

iv) Identify the location of any engine and hull washing activities, expected numbers of washings and the types of detergents proposed for use. Only phosphate-free and biodegradable detergents should be used for boat washing.

v) Describe any proposed pollution control measures for vessel maintenance and haul-out facilities. Examples include:

- Use of tarps and vacuums to collect solid wastes produced by cleaning and repair of boats. Such wastes should be prevented from entering adjacent water.

- Vacuum or sweep up and catch debris, sawdust, sandings, and trash from boat maintenance areas on a regular basis so that runoff will not carry it into the water.

- An oil/water separator should be used on outside drains and be maintained to ensure performance.

- Tarps should be used to catch spills of paints, solvents, or other liquid materials used in the repair or maintenance of boats.

- Used antifreeze should be stored in a barrel labeled "Waste Antifreeze Only" and should be recycled.

vi) Describe any special measures proposed to control the quality and quantity of urban and other runoff from surrounding areas.

vii) Identification and estimate of amounts and persistence of contaminants which may be released from the sediments during dredging, and during construction and operation and maintenance of the proposed project.

viii) The method and location of disposal of dredged materials.

ix) During dredging operations, indicate how turbidity can be minimized (e.g., through the proper placement of silt screens or turbidity curtains).

x) Statement of the proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.

b) For Nevada project locations, requiring a NVDSL State-Owned Submerged Lands Certification, the Applicant shall comply with the following conditions specific to protection of water quality:

i) BMPs shall be applied and precautions shall be taken: to prevent and control releases of debris, sediment, any transport of sediments, and to prevent and control turbidity in the Lake during the project activities.

ii) Disturbance to the lakebed shall be kept to a minimum.

iii) There shall be no discharge of substances that would cause a violation of water quality standards of Lake Tahoe or the State of Nevada.

iv) Any heavy equipment (barge, crane, etc.) to be used in the lake and shorezone areas must be steam cleaned at least once before working in Lake Tahoe or adjacent areas. All equipment shall be cleaned to ensure no contamination of invasive species (i.e. quagga mussels). All equipment shall be inspected for leaks daily prior to use. All leaks shall be repaired immediately. All equipment fueling and storage of fuels shall be conducted offsite and at least 200 feet away from the Lake.

v) If a visible sediment plume or hydrocarbon sheen results from project activities, the work shall cease and NDSL shall be notified as soon as practicable of any release. All hydrocarbon sheens or releases shall be reported to the NDEP Spill Reporting Hotline within 24 hours of occurrence at 1-888-331-6337.

c) For Nevada project locations, requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project including information on the location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

4) UV-C Light Treatment

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 10. Sufficient justification shall be provided to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

b) For Nevada project locations requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

c) To ensure control work does not create harmful algal blooms that could pose a risk to humans and animals, visual monitoring for evidence of HABs shall take place following treatment. If site indicators (discolored water, floating algae mats, surface scum, spilled paint appearance on water surface) indicate the potential presence of a HAB, the project proponent should initiate a sampling plan to collect and analyze water samples to determine the presence of harmful algae (cyanobacteria) and any associated cyanotoxins within the treatment area. A tiered analysis approach can be used to determine if cyanotoxins (microcystin, anatoxin-a, and cylindrospermopsin) are present at levels that may pose health risks to humans and animals. If sampling results indicate that levels of cyanotoxins are present above trigger levels established for the protection of human and animal health, appropriate signage shall be posted to advise recreators of the potential health risks.

d) To ensure control work does not harm benthic macroinvertebrates, the Water Board may require a BMI survey pre- and post-treatment to ensure there is no long-term adverse impact to the BMI community in the event that UV-C Light treatment is deployed later in the growing season when there is a greater plant biomass being treated.

e) To ensure control work does not increase water temperatures, the Water Board may request temperature monitoring with field probes to ensure there are no long-term adverse changes to ambient water temperature that may impact beneficial uses, depending on the size and extent of the UV-C Light treatment.

5) Laminar Flow/Aeration

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 5 authorization under CWA Section 404 (SPK-2019-00340, as amended or superseded for the control action).

b) For California project locations, shall comply with CWA Section 401 WQC Standard Conditions, and Additional Conditions (Pursuant to CCR Title 23, Section 3859(a)) of Lahontan Water Board Order No. R6T-2020-0032, as amended or superseded.

c) For Nevada project locations, shall submit for CWA Section 401 WQC with NDEP and shall identify implementation of BMPs for avoidance and minimization of impacts to waters of the State, including sediment and erosion control measures, habitat preservation, project scheduling, flow diversions, dewatering, and hazardous materials management. For Nevada project locations, requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project including information on the location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

6) Hand Suction Removal

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 10. Sufficient justification shall be provided to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

b) For California project locations, shall comply with CWA Section 401 WQC Standard Conditions, and Additional Conditions (Pursuant to CCR Title 23, Section 3859(a)) of Lahontan Water Board Order No. R6T-2020-0032, as amended or superseded (California) for the control action.

c) For Nevada project locations, shall submit for CWA Section 401 WQC with NDEP and shall identify implementation of BMPs for avoidance and minimization of impacts to waters of the State, including sediment and erosion control measures, habitat preservation, project scheduling, flow diversions, dewatering, and hazardous materials management. For Nevada project locations, requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

d) Shall implement water quality protection measures required by CDFW LSA/SAA Agreement for Routine Maintenance (1600-2014-0082-R2, as amended or superseded). If conditions arise, or change in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until approved corrective measures are taken.

e) Shall comply with the Project Conditions of TRPA Permit EIPC2009-0002, as amended or superseded (See 1# above for additional specific requirements). The collected plant material is conveyed to an approved staging area. Hand pulled fragments escaping the vacuum-assisted collection method will be removed by hand/vacuum suction as reasonably practicable before the close of each day.

7) Benthic Barriers

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 404 (SPK-2019-00340, as amended). Sufficient justification shall be provided to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

b) For California project locations, shall comply with CWA Section 401 WQC Standard Conditions, and Additional Conditions (Pursuant to CCR Title 23, Section 3859(a)) of Lahontan Water Board Order No. R6T-2020-0032, as amended or superseded (California) for the control action.

c) For Nevada project locations, shall submit for CWA Section 401 WQC with NDEP and shall identify implementation of BMPs for avoidance and minimization of impacts to waters of the State, including sediment and erosion control measures, habitat preservation, project scheduling, flow diversions, dewatering, and hazardous materials management. For Nevada project locations, requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project including information on the location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

d) Shall implement water quality protection measures required by CDFW LSA/SAA Agreement for Routine Maintenance (1600-2014-0082-R2, as amended or superseded), Permittee shall take precautions to minimize turbidity/siltation during installation and removal of the benthic barriers and during all removal activities. Precautions shall include, but are not limited to: pre-project planning to identify site specific turbidity and siltation minimization measures; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a lake or stream.

e) Shall comply with the Project Conditions of TRPA Permit EIPC2009-0002, as amended or superseded.

8) Hydraulic and Mechanical Dredging

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 404 (SPK-2019-00340, as amended), specifically the following conditions:

i) For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps: (1) The proposed methods for dewatering; (2) The equipment that would be used to conduct the dewatering; (3) The length of time the area is proposed to be dewatered; (4) The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill; (5) The method for removal of the structures and/or fill; and (6) The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

ii) Sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

iii) Unless determined to be not practicable by the Corps, no dredged and/or fill material shall be discharged within standing or flowing waters. For ephemeral or intermittent drainages (e.g. natural or relocated streams, creeks, rivers), this may be accomplished through construction during the dry season. In perennial drainages, this may be accomplished through dewatering of the work area. All dewatering shall be conducted to allow fish and wildlife passage during construction. All dewatering structures and/or fills shall be

removed within 30 days following completion of construction activities in waters of the U.S.

b) For California project locations, shall comply with CWA Section 401 WQC Standard Conditions, and Additional Conditions (Pursuant to CCR Title 23, Section 3859(a)) of Lahontan Water Board Order No. R6T-2020-0032, as amended or superseded (California).

c) For Nevada project locations, shall submit for CWA Section 401 WQC with NDEP and shall identify implementation of BMPs for avoidance and minimization of impacts to waters of the State, including sediment and erosion control measures, habitat preservation, project scheduling, flow diversions, dewatering, and hazardous materials management. For Nevada project locations, requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

d) Shall implement water quality protection measures required by CDFW LSA/SAA Agreement for Routine Maintenance (1600-2014-0082-R2, as amended or superseded).

e) Additional project conditions and monitoring and reporting for AIP control by Hydraulic and Mechanical Dredging shall include:

i) Monitoring and Reporting shall be conducted in compliance with the Marina General Permit, where applicable.

ii) Water Board staff must be notified a minimum of forty-eight hours prior to commencing dredging.

iii) Turbidity curtains shall be used during implementation to effectively contain and isolate wastes from dredging and prevent turbidity from lakebed sediments outside the containment area.

iv) In marinas where the Marina General Permit is applicable, the Applicant shall provide to the Water Board a report prior to project initiation, acceptable to the Executive Officer, which includes pre-dredging monitoring results, AIP survey results, and a utility avoidance plan.

v) If a sediment plume is visible at any time outside of the turbidity curtain, the Applicant shall immediately cease dredging operations, measure the turbidity within the plume area, and implement measures to eliminate the discharge. The Applicant shall also delineate the size of the area by visually documenting the extent of the plume with photographs. Turbidity measurements may be taken with a hand-held field meter. The sample location and sample results shall be recorded in a logbook and emailed to the Water Board at Lahontan@waterboards.ca.gov within 12 hours of taking the turbidity measurement.

vi) Dredging operations shall immediately cease if inclement weather or wave and/or wind action threatens to cause suspended sediment discharges to spread turbidity beyond the curtained dredging area. The Applicant shall take immediate action to ensure that turbidity outside the curtained containment area is kept to a minimum at all times, even in adverse conditions, such as high winds, wave action or currents.

vii) The turbidity curtain shall not be removed until Water Board staff verifies monitoring results demonstrating that the turbidity within the Project area do not exceed 3 NTU or the background turbidity levels, whichever is higher.

viii) Excavators, if used, shall be steam cleaned prior to use.

ix) Construction and mechanical equipment shall be monitored for leaks, and removed from service, if necessary, to protect water quality. Mechanical equipment that must be submersed in Lake Tahoe during the dredging operation shall be steam-cleaned and inspected for leaks prior to use.

x) The use of chitosan or any flocculent to reduce turbidity in the lake is prohibited.

REC-1: Public Notice and Staging Safety

1. Where control methods are implemented in public recreation areas, the entity with jurisdiction over the recreation area to be treated shall be notified by Tahoe RCD **or other project proponents implementing AIP control**. On National Forest Service lands, **the implementing project proponent and/or** Tahoe RCD shall coordinate with the Forest Service permittee at the site where the control method is to be implemented. Coordination and scheduling shall occur in advance of the control activity to ensure there are no scheduling conflicts with planned events and to ensure appropriate onsite public safety actions are implemented. This includes coordination with the US Coast Guard during dredging operations. Permit requirements related to access and safety shall be implemented.

2. Where public access is limited during control activities, including in waterways, marinas, parking lots, and trails used to access control sites, signage shall be posted indicating what access limitations are occurring, the duration of the event, and a contact and phone number should the public have questions or need to report an incident.

3. In staging areas, signage and safety barriers shall be erected around materials and equipment to prevent public access and maintain safety.

4. To the extent feasible, AIP control activities that temporarily reduce public recreation access, shall be scheduled for early morning and weekday periods to avoid heavier recreational activity hours.

TRANS-1: Communication Coordination and Securing Barriers and Aeration Systems

1. Bottom barriers and aeration systems shall be checked routinely to inspect and re-secure any treatment materials that move or start to billow or become unsecure. **During project planning, scheduled maintenance visitation of barriers and aerations systems will be determined based on site specific characteristics (e.g., inspected at least monthly or more frequently based on site specific characteristics that affect equipment stability such as water depth, wave action, wind exposure, and amount of recreational access).**

2. Prior to work within affected marinas, Tahoe RCD shall coordinate with the marina to secure access, coordinate and schedule activity that would be occurring in the area, and implement appropriate safety protocol required by the marina.

TRIBAL-1: Tribal Cultural Resources Consultation

Prior to beginning AIP control methods that necessitate ground (i.e., bed substrate) disturbing activities within a culturally sensitive area, **the project proponent and/or** Tahoe RCD shall consult with the Washoe Tribe of Nevada and California Tribal Historic Preservation Officer and the USACE Cultural Resources Specialist or Forest Service Heritage Program Director, as dictated by control site location, to review recorded submerged resources and specific flagging distances necessary for avoidance and protection of Tribal cultural resources and Washoe heritage sites. If tribal cultural resources are discovered within the treatment area, **the project proponent and/or** Tahoe RCD will further consult with the Washoe Tribe of Nevada and California to protect and further avoid those resources.

UTILITY-1: Service Provider Notification

Prior to implementation of control methods within one-quarter mile of a water intake, excluding hand removal and surveillance monitoring, **the project proponent and/or** Tahoe RCD shall notify the Tahoe Water Suppliers Association and the affected water provider that owns the intake of the proposed control activity, duration, and daily timing. Intake protection, notification, or other measures and conditions required by the service provider to maintain their infrastructure and service levels shall be implemented. No control activities within one-quarter mile of an intake shall occur until coordination is conducted and intake protection measures, if needed, are in place

Lead Agency Contact:

Questions or comments regarding this Draft MND/FONSE may be addressed to:

Mollie Hurt, Director of Programs
Tahoe RCD
870 Emerald Bay Road, #108
South Lake Tahoe, CA 96150
(530) 543-1501
mhurt@tahoercd.org

2.0 APPROVAL OF THE IS/MND

Certification by Those Responsible for Preparation of this Document. The Tahoe RCD has been responsible for the preparation of this mitigated negative declaration and the incorporated initial study. I believe this document meets the requirements of the California Environmental Quality Act, is an accurate description of the proposed project, and that the lead agency has the means and commitment to implement the regulatory compliance measures/mitigation measures that will assure the project does not have any significant, adverse effects on the environment. I recommend approval of this document.

Mollie Hurt, Director of Programs Date
Tahoe RCD

Approval of the Project by the Lead Agency. Pursuant to Section 21082.1 of the California Environmental Quality Act, the Tahoe RCD Board of Directors has independently reviewed and analyzed the initial study and mitigated negative declaration for the proposed project and finds that the initial study and mitigated negative declaration for the proposed project reflect the independent judgment of the Tahoe RCD. The lead agency finds that the project regulatory compliance measures/mitigation measures will be implemented as stated in the mitigated negative declaration.

I hereby approve this project.

Name: Date
Tahoe RCD

3.0 APPROVAL OF THE IEC/FONSE

TRPA CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Name: Paul Nielsen
Tahoe Regional Planning Agency

Date

Approval of the Project by the Lead Agency. Pursuant to Tahoe Regional Planning Compact, as amended and Article 6 of the TRPA Rules of Procedures, the Tahoe Regional Planning Agency Hearings Officer has independently reviewed and analyzed the initial environmental checklist and finding of no significant effect for the proposed project and finds that the initial environmental checklist and finding of no significant effect for the proposed project reflect the independent judgment of the Tahoe Regional Planning Agency. The lead agency finds that the project regulatory compliance measures/mitigation measures will be implemented as stated in the finding of no significant effect.

I hereby approve this project.

Name:
Tahoe Regional Planning Agency

Date

4.0 RESPONSE TO COMMENTS

The Draft IS/IEC/EA was circulated for public review and comment between August 17, 2020 and September 16, 2020. A Notice of Intent to adopt a Mitigated Negative Declaration was sent to reviewing agencies and persons and organizations expressing interest in the project. Copies of the Draft IS/IEC/EA were available online on the lead agency websites (Tahoe RCD, TRPA, and LTBMU).

Comments in the form of letters were received from two agencies on the Draft IS/IEC/EA. The following pages provide a formal response to the comments contained within each letter. A list of those who offered comments is provided below:

Comments Received By Date:

1. Madonna Dunbar, Executive Director, Tahoe Water Suppliers Association – 8/27/20
2. Laura Korman, Environmental Scientist, CA Regional Water Quality Control Board, Lahontan Region – 9/16/20

Comments and Responses

Each unique comment is copied below, followed by a response to the full comment. Each individual comment is identified by commenter and assigned a numerical number corresponding to the order the comment was made.

1. Tahoe Water Suppliers Association (TWSA), 8/27/20

Comment Summary:

1-1: TWSA continues to support the use of non-chemical methods in the lake-wide aquatic invasive species control strategy. The expanded scope of mechanical methods in this lake-wide permit will support developing larger scale-work in AIS control operations at Lake Tahoe.

1-2: The document has provided analysis of drinking water purveyor concerns related to non-chemical control methods. Details have been provided on mitigation and monitoring protocols, including water provider pre-project consultation for activity within 1⁄4 mile of the intakes, and a detailed plan of operation for turbidity monitoring and associated project controls. We understand that individual projects will be presented for additional regulatory board review prior to implementation of work.

1-3: TWSA supports adoption of this environmental document.

Response:

1-1: Comment noted. Tahoe RCD appreciates the support of the TWSA for AIP control efforts.

1-2: Comment noted. Mitigation measures and resource protection measures (e.g., UTILITY-1 and HYDRO-1) are proposed to reduce potentially significant impacts to water purveyors.

1-3: Comment noted.

2. CA Regional Water Quality Control Board, Lahontan Region, 9/16/20

Comment Summary:

2-1: General Project Activities: All control measure applications should include pre- and post-treatment field meter water quality sampling (water temperature, dissolved oxygen concentrations, pH, specific conductivity, total dissolved solids, or turbidity) to ensure compliance with numeric water quality objectives. The frequency of field meter sampling can be determined by the complexity of the proposed control treatment method. Implementation of the Hazards Analysis and Critical Control Point (HACCP) Plan will prevent the spread of unwanted species during treatment. The Project would have no significant effect on the environment with the mitigation measures included as a condition of the approval of the Project. Specifically, implementation of MITIGATION MEASURES HYDRO-1 and HAZMAT-2 would reduce potential impacts to water quality and beneficial uses to a level of less than significant.

2-2: Benthic Barriers: Section 2.4.1.1 indicates that jute or other material may be used as the benthic barrier. If jute or a plant-based material is used, the Project proponent shall certify that the source of the material is certified AIP free. Section 3.11-1 indicates if gravel bags are used to secure benthic barriers sediment quality testing would be performed in compliance with CWA Section 401 WQC requirements. The Water Board will require sieve analysis or sediment quality testing and possibly nutrient sampling to determine if the fill material is suitable for placement in high quality waters. Fill material should consist of clean washed sand. No material passing through the #200 sieve size when performing a particle size distribution test should be used to fill the sandbags. Another option is to get the fill product, already bagged or not, and provide another wash/rinse cycle in a contained area. Additionally, the bags should be biodegradable if they will not be recovered upon project completion. If sandbags are used, the following additional language should be incorporated: using washed gravels, obtaining clean sand from a compatible near-site location, using biodegradable bags.

2-3: Benthic Barriers: Section 2.4.1.1 indicated the use of motorized watercrafts used for barrier installation may have to potential to violate water standards and waste discharge requirements. HAZMAT-1 and HYDRO-1 indicate the procedures and protocols for spill prevention and response. The mitigation measures detailed in these sections should detail sufficient spill response training for all personnel operating equipment with the potential to spill. Included in the Emergency Spill Response Plan and clean up kit should be enough absorbent material to encircle the largest vessel used for AIP control operations.

2-4: UV-C Light: Section 2.4.1.4 states that plants will begin to decompose after treatment over the next six to eight weeks. Following the Lakeside Pilot Project, visual monitoring indicated potential site-specific indicators of an algal bloom present within the project area. As a result of these findings, the Water Board suggests that mitigation measures for harmful algal blooms (HABs) be incorporated into Mitigation Measure HYDRO-1. This may include visual monitoring for evidence of HABs at the treatment location. If site indicators (discolored water, floating algae mats, surface scum, spilled paint appearance on water surface) indicate the potential presence of a HAB, the project proponent should initiate a sampling plan to collect and analyze water samples to determine the presence of harmful algae (cyanobacteria) and any associated cyanotoxins within the project area. A tiered analysis approach can be used to determine if cyanotoxins (microcystin, anatoxin-a, and cylindrospermopsin) are present at levels that may pose health risks to humans and animals. If sampling results indicate that levels of cyanotoxins are present above trigger levels established for the protection of human and animal health, appropriate signage should be posted to advise recreators of the potential health risks.

2-5: UV-C Light: Section 3.11-1 indicates species inhabiting above the sediment-water interface may be impacted from UV-C Light control, with limited to no impact to flora and fauna that live below the surface, as UV-C light was unable to penetrate the lakebed or sediment. Post-treatment results support the assumption that an increase in organic material will support the recovery of benthic macroinvertebrates (BMI). In the event that UV-C Light treatment is deployed later in the growing season, when there is a greater plant biomass treated, the Water Board may require a BMI survey pre- and post-treatment to ensure there is no impact to the BMI community.

2-6: UV-C Light: Water temperature studies indicate the change in temperature is slight and similar to the level produced by a boat engine. The Basin Plan states, "The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such an alteration in temperature does not adversely affect the water for beneficial uses". Depending on the size and extent of UV-C Light treatment, the Water Board may request temperature monitoring with field probes to ensure there are no significant changes to ambient water temperature that may impact beneficial uses.

2-7: Suction and Mechanical Dredging: For all dredging activities, the Project proponent shall comply with the conditions, monitoring requirements, and reporting requirement specified in any permits issued by the Water Board. Mechanical and suction dredging shall not be proposed or permitted at areas that have not been previously dredged and permitted.

Response:

2-1: IS/IEC/EA Section 2.4.3.2 Water Quality Monitoring shall be revised as follows to specify that control measure applications should include pre- and post-treatment field meter water quality sampling.

2.4.3.2 Water Quality Monitoring

A Water Quality Monitoring Plan will be prepared and presented to the TRPA and Lahontan for approval prior to conducting Project activities. Turbidity monitoring is an integral part of aquatic plant control in Lake Tahoe because turbidity levels that violate water quality standards must be mitigated**, and it takes a substantial amount of sediment disturbance to affect other water quality parameters (e.g., conductivity and total dissolved solids)**. **As such, control measure applications may also include requirements for pre- and post-treatment field meter water quality sampling (e.g., water temperature, dissolved oxygen concentrations, pH) to ensure compliance with numeric water quality objectives. If required because of unique situations, the frequency of field meter sampling would be determined by the complexity of the proposed control treatment method.**

The Water Quality Monitoring Plan template is already established. The template will be revised to reflect site-specific requirements of individual control sites, as appropriate to address permit conditions. Most of the turbidity observed during barrier installation or hand removal results from diver or worker movements that disturb bottom sediments. The disturbance is easily noticed on continuous turbidity readings and returns to background levels quickly once the barriers are placed or the divers retreat, as shown by monitoring results of pilot AIP removal and control projects.

2-2: IS/IEC/EA Section 2.4.1.1 Benthic Barriers shall be revised as follows to clarify sourcing requirements for natural fiber barriers and requirements for material used to secure the barriers.

2.4.1.1 Benthic Barriers

Benthic barriers or "bottom barrier" control consists of placing sections of gas permeable, black landscape cloth, plastic, jute, or other material, over the top of submerged vegetation to exclude light. Figure 2.4.1-1 shows images of benthic barriers in active use. The Lake Tahoe AIP control program and its partners currently own 250 barriers. The barriers can range in size from 10-foot by 10-foot squares to strips of 10-foot by 40-foot or more and can cover up to 300 square feet with overlapping of barriers by 10% to achieve full coverage. The size of the barrier is dependent on the logistics of deploying, retrieving, and maneuvering in and out of the water. Synthetic barriers are held in place with re-bar u-stakes/staples, gravel **or sand** bags, or available natural debris. **Fill material used to secure barriers that is not sourced from Lake Tahoe should consist of clean washed sand or gravel. And no material passing through the #200 sieve size when performing a particle size distribution test should be used to fill the bags. Finally, the bags shall be biodegradable if they will not be recovered. Fill materials collected from Lake Tahoe do not have to be removed and washed, nor subjected to test for particle size.** Re-bar staples are removed when the synthetic barriers are removed. Synthetic barriers remain in place for a minimum of 2 to 4 months and are either removed from the lake or moved to a new location~~, typically immediately adjacent to the site just treated~~. Natural fiber (e.g. jute) barriers are placed over the growing plants and **may be** left in place ~~until~~ **if evidence shows that** the barriers decompose – **otherwise** they are ~~not~~ removed from the lake bottom. **If jute or a plant-based material is used, the Project proponent shall certify that the source of the material is certified AIP free.** If necessary, ballast such as iron rebar is used to hold the natural fiber barriers in place and **are removed once treatment is complete at that project site** ~~left on the lake bottom until the barriers decompose~~. Where there is sufficient natural debris on the lake bottom, the debris can be placed and left on the barriers to hold them in place. The average deployment time for bottom barriers is 20 to 25 barriers/day for a 4 to 6 person dive crew, which is the equivalent of approximately one fifth of an acre per day.

2-3: IS/IEC/EA mitigation measure HAZMAT-1 (Spill Prevention and Response) shall be revised as follows to clarify requirements for watercraft spill prevention and response.

1. Prior to the start of project activities, equipment and vehicles shall be clean and serviced. Routine vehicle and equipment checks will be conducted during the project to ensure proper operating conditions and to avoid any leaks.
2. Contaminated residue or other hazardous compounds shall be contained and disposed of outside of the boundaries of the site at a lawfully permitted or authorized site.
3. Boats and barges used in project activities shall have an Emergency Spill Response Plan and clean up kit. **Spill response training shall be required for all personnel operating equipment with the potential to spill. Included in the Emergency Spill Response Plan and clean up kit should be enough absorbent material to encircle the largest vessel used for AIP control operations.**

2-4: IS/IEC/EA mitigation measure HYDRO-1 (Water Quality Compliance and Monitoring) shall be revised as follows to add requirements for monitoring of potential harmful algal blooms, consider potential monitoring of benthic macroinvertebrates, and consider monitoring of water temperature.

4) UV-C Light Treatment

a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 10. Sufficient justification shall be provided to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

b) For Nevada project locations requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

c) To ensure control work does not create harmful algal blooms that could pose a risk to humans and animals, visual monitoring for evidence of HABs shall take place following treatment. If site indicators (discolored water, floating algae mats, surface scum, spilled paint appearance on water surface) indicate the potential presence of a HAB, the project proponent should initiate a sampling plan to collect and analyze water samples to determine the presence of harmful algae (cyanobacteria) and any associated cyanotoxins within the treatment area. A tiered analysis approach can be used to determine if cyanotoxins (microcystin, anatoxin-a, and cylindrospermopsin) are present at levels that may pose health risks to humans and animals. If sampling results indicate that levels of cyanotoxins are present above trigger levels established for the protection of human and animal health, appropriate signage shall be posted to advise recreators of the potential health risks.

d) To ensure control work does not harm benthic macroinvertebrates, the Water Board may require a BMI survey pre- and post-treatment to ensure there is no long-term adverse impact to the BMI community in the event that UV-C Light treatment is deployed later in the growing season when there is a greater plant biomass being treated.

e) To ensure control work does not increase water temperatures, the Water Board may request temperature monitoring with field probes to ensure there are no long-term adverse changes to ambient water temperature that may impact beneficial uses, depending on the size and extent of the UV-C Light treatment.

2-5: Please see response to comment 2-4 above.

2-6: Please see response to comment 2-4 above.

2-7: IS/IEC/EA Sections 2.4.1.5 (Suction Dredging) and 2.4.1.6 (Mechanical Dredging) state that dredging may be considered as a control method, but outline that "Dredging would be restricted to the depth and extent previously permitted for maintenance dredging activities and is not proposed in areas not previously dredged".

5.0 TEXT MODIFICATIONS TO THE IS/IEC/EA

The following changes to the IS/IEC dated August 17, 2020 have been made based on agency input and public comment on the IS/IEC. **Bold/Underlined** text is new text that has been added to the IS/IEC. Text that is shown in ~~strikeout~~ has been removed from the IS/IEC.

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2.4.1.1 Benthic Barriers

Benthic barriers or "bottom barrier" control consists of placing sections of gas permeable, black landscape cloth, plastic, jute, or other material, over the top of submerged vegetation to exclude light. Figure 2.4.1-1 shows images of benthic barriers in active use. The Lake Tahoe AIP control program and its partners currently own 250 barriers. The barriers can range in size from 10-foot by 10-foot squares to strips of 10-foot by 40-foot or more and can cover up to 300 square feet with overlapping of barriers by 10% to achieve full coverage. The size of the barrier is dependent on the logistics of deploying, retrieving, and maneuvering in and out of the water. Synthetic barriers are held in place with re-bar u-stakes/staples, gravel **or sand** bags, or available natural debris. **Fill material used to secure barriers that is not sourced from Lake Tahoe should consist of clean washed sand or gravel. And no material passing through the #200 sieve size when performing a particle size distribution test should be used to fill the bags. Finally, the bags shall be biodegradable if they will not be recovered. Fill materials collected from Lake Tahoe do not have to be removed and washed, nor subjected to test for particle size.** Re-bar staples are removed when the synthetic barriers are removed. Synthetic barriers remain in place for a minimum of 2 to 4 months and are either removed from the lake or moved to a new location~~, typically immediately adjacent to the site just treated~~. Natural fiber (e.g. jute) barriers are placed over the growing plants and **may be** left in place ~~until~~ **if evidence shows that** the barriers decompose – **otherwise** they are ~~not~~ removed from the lake bottom. **If jute or a plant-based material is used, the Project proponent shall certify that the source of the material is certified AIP free.** If necessary, ballast such as iron rebar is used to hold the natural fiber barriers in place and **are removed once treatment is complete at that project site** ~~left on the lake bottom until the barriers decompose~~. Where there is sufficient natural debris on the lake bottom, the debris can be placed and left on the barriers to hold them in place. The average deployment time for bottom barriers is 20 to 25 barriers/day for a 4 to 6 person dive crew, which is the equivalent of approximately one fifth of an acre per day.

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2.4.3.2 Water Quality Monitoring

A Water Quality Monitoring Plan will be prepared and presented to the TRPA and Lahontan for approval prior to conducting Project activities. Turbidity monitoring is an integral part of aquatic plant control in Lake Tahoe because turbidity levels that violate water quality standards must be mitigated**, and it takes a substantial amount of sediment disturbance to affect other water quality parameters (e.g., conductivity and total dissolved solids)**. **As such, control measure applications may also include requirements for pre- and post-treatment field meter water quality sampling (e.g., water temperature, dissolved oxygen concentrations, pH) to ensure compliance with numeric water quality objectives. If required because of unique situations, the frequency of field meter sampling would be determined by the complexity of the proposed control treatment method.**

The Water Quality Monitoring Plan template is already established. The template will be revised to reflect site-specific requirements of individual control sites, as appropriate to address permit conditions. Most of the turbidity observed during barrier installation or hand removal results from diver or worker movements that disturb bottom sediments. The disturbance is easily noticed on continuous turbidity readings and returns to background levels quickly once the barriers are placed or the divers retreat, as shown by monitoring results of pilot AIP removal and control projects.

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Mitigation Measure HAZMAT-1: Spill Prevention and Response

1. Prior to the start of project activities, equipment and vehicles shall be clean and serviced. Routine vehicle and equipment checks will be conducted during the project to ensure proper operating conditions and to avoid any leaks.

2. Contaminated residue or other hazardous compounds shall be contained and disposed of outside of the boundaries of the site at a lawfully permitted or authorized site.

3. Boats and barges used in project activities shall have an Emergency Spill Response Plan and clean up kit. **Spill response training shall be required for all personnel operating equipment with the potential to spill. Included in the Emergency Spill Response Plan and clean up kit should be enough absorbent material to encircle the largest vessel used for AIP control operations.**

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Mitigation Measure HYDRO-1: Water Quality Compliance and Monitoring

4) UV-C Light Treatment

   a) Shall comply with the General Conditions and Regional Conditions for Nevada and the Lake Tahoe Basin in California for NWP 27 authorization under CWA Section 10. Sufficient justification shall be provided to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: cycling of nutrients, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

   b) For Nevada project locations requiring NDEP Working in Waters notification, the Applicant shall submit a notice of intent (NOI) describing the project location, purpose and duration of the project, equipment(s) involved and how each will be operated, and BMPs to be implemented.

   c) To ensure control work does not create harmful algal blooms that could pose a risk to humans and animals, visual monitoring for evidence of HABs shall take place following treatment. If site indicators (discolored water, floating algae mats, surface scum, spilled paint appearance on water surface) indicate the potential presence of a HAB, the project proponent should initiate a sampling plan to collect and analyze water samples to determine the presence of harmful algae

(cyanobacteria) and any associated cyanotoxins within the treatment area. A tiered analysis approach can be used to determine if cyanotoxins (microcystin, anatoxin-a, and cylindrospermopsin) are present at levels that may pose health risks to humans and animals. If sampling results indicate that levels of cyanotoxins are present above trigger levels established for the protection of human and animal health, appropriate signage shall be posted to advise recreators of the potential health risks.

d) To ensure control work does not harm benthic macroinvertebrates, the Water Board may require a BMI survey pre- and post-treatment to ensure there is no long-term adverse impact to the BMI community in the event that UV-C Light treatment is deployed later in the growing season when there is a greater plant biomass being treated.

e) To ensure control work does not increase water temperatures, the Water Board may request temperature monitoring with field probes to ensure there are no long-term adverse changes to ambient water temperature that may impact beneficial uses, depending on the size and extent of the UV-C Light treatment.