

California Tahoe Conservancy
Agenda Item 8
September 18, 2014

AQUATIC INVASIVE SPECIES PROJECT IMPLEMENTATION

Summary: Staff recommends authorization to expend up to \$300,000 for implementation of Aquatic Invasive Species Projects.

Location: Throughout the near-shore areas of Lake Tahoe

Fiscal Summary: \$150,000 from the Lake Tahoe Science and Lake Improvement Account and \$150,000 from Proposition 40 funds

Recommended Action: Adopt Resolution 14-09-02 (Attachment 1).

Background

In fall 2013, the legislature and Governor approved Senate Bill 630 (SB630) establishing the Lake Tahoe Science and Lake Improvement Account (Account) and defining the purpose of the expenditure of these funds. The funds deposited into the Account come from rental income collected by the State Lands Commission for surface uses on Lake Tahoe. These funds are to be expended for establishing a bi-state science-based advisory council, for near-shore aquatic invasive species projects or public access projects, and for near-shore water quality monitoring. The legislation requires matching funds for the projects and monitoring components. It also requires the Conservancy to coordinate the selection of projects to be funded through a collaborative process that involves agencies, nonprofit organizations, and private landowners who pay the rental income. Conservancy staff expects that funds will be made available through the Budget Act on an annual basis.

The 2014/15 Budget Act authorized \$300,000 from the Account to the Conservancy; \$150,000 is for establishing the bi-state science council and the remainder is for the near-shore projects. Conservancy staff recommends awarding funding for the near-shore projects component at this time.

On August 1, 2014, the Aquatic Nuisance Species Task Force, a group of federal agencies charged with implementing the Non-indigenous Aquatic Nuisance Prevention

and Control Act, approved the recently updated Lake Tahoe Region Aquatic Invasive Species (AIS) Management Plan. The initial management plan was developed by the Lake Tahoe AIS Coordinating Committee (LTAISCC) in 2008 to provide localized guidance to prevent new introductions of AIS to the Lake Tahoe Region (Region), limit the spread of existing AIS populations in the Region, and abate harmful ecological, economic, social and public health impacts resulting from AIS. The LTAISCC includes representatives from federal and state agencies, researchers, and other groups responsible for management, regulatory, or cultural heritage activities in the Region. Its mission is to protect the Region from AIS by education, research, prevention, early detection, rapid response and control. The LTAISCC has worked collaboratively since 2008 to seek funding, prioritize efforts, and implement the management plan.

Tahoe Resource Conservation District (TRCD) is an active member of the LTAISCC as well as the lead in the implementation of several control projects, particularly in the focus area of aquatic invasive plant control. TRCD partners with the University of Nevada, Reno (UNR) to implement other portions of the management plan such as warm water fish control, and with the Tahoe Regional Planning Agency (TRPA) to implement prevention efforts through the Lake Tahoe Watercraft Inspection Program. The Conservancy and TRCD regularly work together through a Joint Powers Agreement (JPA) that was authorized by both agencies in 2010.

Project Description

Conservancy staff recommends amending the current JPA contract with TRCD, by augmenting it with \$300,000, to provide funds for TRCD to implement several AIS activities, including plant control projects, warm water fish data collection, and development of a comprehensive implementation plan. TRCD has also received funds from the State of Nevada for plant control projects in Nevada.

The plant control projects are the continuation of a multi-year lake-wide strategy to remove invasive plants from the near-shore. Projects are conducted in areas infested with submerged aquatic invasive plants, and areas of suitable habitat encompass more than 11,300 acres around the Lake. The 2012 Lake Tahoe Aquatic Plant Survey Project provides guidance to prioritize treatment sites. These projects will control or locally eradicate invasive plant populations by using proven methods, such as bottom barriers and diver assisted hand and suction removal. TRCD anticipates using these funds to implement the next phase of control efforts located in the southern part of the Lake. Successful, comprehensive treatment in Emerald Bay indicates that focused, consistent, and phased treatment provides the most effective control.

Working with the California Department of Fish and Wildlife, the Nevada Department of Wildlife, and UNR, TRCD will implement a non-native warm water fish data collection project. This project builds upon the efforts begun under a pilot project in 2011 to collect these non-native species, analyze the fish to learn more about their life stages, analyze strategies for controlling these species, and analyze the effect of their removal on near-shore algae growth and the return of native fish populations. This effort will result in recommendations for longer-term approaches to control non-native fish species and inform future removal projects. While most of the fish data collection is expected to occur in and around the Tahoe Keys, monitoring and collection will occur in other suitable and occupied near-shore areas.

Lastly, TRCD proposes to work with UNR and LTAISCC to develop an implementation plan that articulates a Region-wide strategy to control or abate the harmful effects of AIS. This implementation plan is identified in the management plan and will address invasive species, such as plants, clams, fish, and bullfrogs. This implementation plan will recommend best management practices for controlling AIS, prioritize treatment areas and needs, identify gaps in knowledge, and will be peer-reviewed. This plan will inform the public of AIS efforts and assist LTAISCC and AIS managers in guiding future funding needs and priorities.

Project Budget

The budget for the contract amendment is as follows:

Project Management, Coordination, and Administration	\$43,000
Plant Control Project	40,000
Warm Water Fish Data Collection Project	113,000
Implementation Plan	<u>104,000</u>
Total	\$300,000

Please note that costs for individual budget items may vary from those shown above, but total expenditures will not exceed \$300,000.

Project Implementation

Conservancy staff will enter into a contract amendment with TRCD to implement the activities. TRCD anticipates completing the plant control and warm water fish projects by fall 2015. They anticipate completing the implementation plan by December 2015.

Project Evaluation

The activities are consistent with the SB630 focus area of near-shore aquatic invasive species projects. As required by SB630, Conservancy staff convened a group of public agencies, private landowners and nonprofit organizations on August 26, 2014 to garner their support for these projects. This group will continue to meet throughout the winter to establish criteria for future funding.

Given TRCD's role on the LTAISCC and their historical involvement with AIS control projects and efforts, staff believes they are best suited to implement the projects in a timely fashion.

Consistency with the Conservancy's Enabling Legislation

The recommended funding is consistent with the Conservancy's enabling legislation. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with local public agencies, State agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships. Under Government Code section 66906.8 the Conservancy may select and hire private consultants or contractors to provide services necessary to achieve the purposes of Title 7.42 (Government Code Section 66905 et. seq.) Under Government Code Section 66907.10 the Conservancy may improve land for the purposes of protecting the natural environment or otherwise meeting the objectives of Title 7.42.

Compliance with the California Environmental Quality Act (CEQA)

As explained previously in this recommendation, three distinct efforts are included in the total budget proposed in this recommendation. This requires the Board to consider each of these efforts for their compliance with CEQA. The plant control project involves a CEQA document which the Board must consider, while the fish project and implementation plan are categorically exempt under CEQA as described below.

TRCD, acting as the lead agency, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Lake-Wide Aquatic Invasive Plant Control Project (Project) to comply with CEQA. TRCD adopted the MND on July 23, 2014, and a Notice of Determination (NOD) was filed on July 24, 2014.

A copy of the IS and MND have been provided to the Board on an attached CD and are available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150 (Attachment 2).

As a responsible agency, the Conservancy must consider the MND prepared by TRCD and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the MND and believes that the Project has been adequately analyzed in this document. Staff has determined that the Project, as mitigated, would not cause a significant effect on the environment. The mitigation measures for the Project can be found on pages 10 and 14-20 of the MND.

Staff recommends the Board review and consider the MND prepared and adopted by TRCD as lead agency, together with any comments received during the public review process; certify that it has independently considered and reached its own conclusions regarding the potential environmental effects of the Project; make the findings as set forth in the attached resolution; and authorize the funding. If the Board considers and concurs with the MND and authorizes the funding, staff will file a NOD with the State Clearinghouse pursuant to CEQA Guidelines, section 15096. Attachment 3 contains the Conservancy's proposed NOD.

Pursuant to State CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary for Natural Resources to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific, the provisions of CEQA. Cal. Code Regs., title 14, § 12100 et seq. Staff has evaluated the warm water fish data collection project and the implementation plan project, and has found them to be exempt under CEQA. Each of these projects qualifies for a categorical exemption under State CEQA Guidelines, section 15306 (information collection), and the Conservancy's CEQA regulations, section 12102.6. A Notice of Exemption (NOE) has been drafted for the projects (Attachment 4). If the Board approves the funding, staff will file a Notice of Exemption (NOE) with the State Clearinghouse pursuant to State CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1 – Resolution 14-09-02

Attachment 2 – Initial Study, Mitigated Negative Declaration (on attached CD)

Attachment 3 – Notice of Determination – AIS Plant Control Project

Attachment 4a – Notice of Exemption – Warm Water Fish Data Collection

Attachment 4b – Notice of Exemption – AIS Implementation Plan

Conservancy Staff Contact:

Penny Stewart

Phone: (530) 543-6013

Penny.Stewart@tahoe.ca.gov

ATTACHMENT 1

California Tahoe Conservancy
Resolution
14-09-02
Adopted: September 18, 2014

AQUATIC INVASIVE SPECIES PROJECT IMPLEMENTATION

Staff recommends that the Conservancy make the following findings based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The California Tahoe Conservancy, in its role as a responsible agency under the California Environmental Quality Act, has reviewed and considered the Lake-Wide Aquatic Invasive Plant Control Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by the Tahoe Resource Conservation District on July 23, 2014.

The Conservancy finds, on the basis of the whole record before it, that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment. The Conservancy incorporates the mitigation measures described in the MND as a condition for approval of the Project, and hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project.”

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.9, 66906.8 and 66907.10:

“The California Tahoe Conservancy hereby authorizes expenditure of up to \$300,000 for the Tahoe Resource Conservation District to implement Aquatic Invasive Species projects, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 18th day of September 2014.

In WITNESS THEREOF, I have hereunto set my hand this 18th day of September 2014.

Patrick Wright
Executive Director

ATTACHMENT 2

AQUATIC INVASIVE SPECIES PROJECT IMPLEMENTATION

Tahoe Resource Conservation District's
Lake-wide Aquatic Invasive Plant Control Project
Mitigated Negative Declaration
and Notice of Determination

(On attached CD)

ATTACHMENT 3

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA. 96150

Subject:

Filing of Notice of Determination in compliance with Section 21108 of the Public Resource Code.

Project Title:

Lake-Wide Aquatic Invasive Species Plant Control Project

State Clearinghouse Number:

2014042043

Contact Person:

Penny Stewart

Telephone Number:

(530) 543-6013

Project Location:

Various locations in Lake Tahoe

Project Description:

Provide funding to the Tahoe Resource Conservation District and its partners to implement invasive plant control measures in Lake Tahoe shore zone areas that are typically up to 11 meters in depth.

This is to advise that the California Tahoe Conservancy (Conservancy), acting as a responsible agency, has approved the above described project on September 18, 2014 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
 2. The Tahoe Resource Conservation District, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (MND) for the project to comply with CEQA. The Tahoe Resource Conservation District Board adopted the MND on July 23, 2014, and a Notice of Determination (NOD) was filed on July 24, 2014. The NOD, MND, and record of project approval may be examined at the District office, 870 Emerald Bay Road, Suite 108, South Lake Tahoe, CA 96150.
 3. Mitigation Measures were made a condition of the approval of the project by the Tahoe Resource Conservation District and the California Tahoe Conservancy.
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Fish and Wildlife Fees: A California Department of Fish and Wildlife Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this Notice.

Date Received for Filing:

Patrick Wright
Executive Director

ATTACHMENT 4a

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA. 96150

Project Title:

Non-Native Warm Water Fish Data Collection Project

Project Location – Specific:

El Dorado and Placer County portions of Lake Tahoe

Project Location – City:

Unincorporated

Project Location – County:

El Dorado and Placer

Description of Nature, Purpose, and Beneficiaries of Project:

This project will provide TRCD with funding to work with its partners to perform a non-native warm water fish data collection project consistent with the Lake Tahoe AIS Management Plan.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 9/18/2014) (Agenda Item8)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
- Categorical Exemption Class 6, § 15306, “Information Collection” (See also Cal. Code Regs., title 14, § 12102.6)

Reasons Why Project is Exempt:

This project consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Contact Person:

Penny Stewart

Telephone Number:

(530) 543-6013

Date Received for Filing:

Patrick Wright
Executive Director

ATTACHMENT 4b

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA. 96150

Project Title:

Aquatic Invasive Species Implementation Plan

Project Location – Specific:

El Dorado and Placer County portions of Lake Tahoe

Project Location – City:

Unincorporated

Project Location – County:

El Dorado and Placer

Description of Nature, Purpose, and Beneficiaries of Project:

This project will provide TRCD with funding to work with its partners to develop an implementation plan to address aquatic invasive species in Lake Tahoe consistent with the Lake Tahoe AIS Management Plan.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 9/18/2014) (Agenda Item8)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
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Contact Person:

Penny Stewart

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(530) 543-6013

Date Received for Filing:

Patrick Wright
Executive Director