

TWSA Board Public Comment for TRPA 1 26 2022 TKPOA Control Methods Test

To the TRPA Board members, staff and interested parties:

My name is Madonna Dunbar. I am the Resource Conservationist for Incline Village GID and Executive Director of the Tahoe Water Suppliers Association (TWSA) as part of that role. On behalf of the TWSA Board of Directors, I offer the following comments:

1. The TWSA Board acknowledges the significant investment of resources by many, many diverse stakeholders. The project under review has been built from years of ongoing discussion, research and collaborative input. We appreciate being a part of the Stakeholder Working Group and have participated with ideas, resources and full engagement. TWSA has been involved in this process for the past 10 years; with the last 3 being closely involved in the project development facilitated by Zephyr Collaboration. From this process, communications, mitigation and monitoring were developed to protect drinking water sources. Significant analysis shows no threat to drinking water from this particular project. Our communities' outstanding drinking waters, and the Tahoe Tap brand, should not be adversely affected.
2. But we are not in agreement on this herbicide path. The TWSA Board continues to support Action Alternative 1 - identified as the "environmentally superior alternative". Alternative 1 would proceed only with tests of non-herbicide methods of aquatic weed control. US EPA and Californian EPA both recognize Lake Tahoe as an "Outstanding National Resource Water, Tier 3. (ONRW III). For TWSA, this designation, coupled with the need to protect our filtration exemption permits, underscores our position of testing non-chemical methods on a larger scale, first.
3. This will be the first time that aquatic herbicides and associated discharges, are approved for testing in a Tier 3 ONRW. And although it has been clearly stated that 'approval does not set precedent' we need to all be cognizant that a larger scale project will be back at the table in the coming years.
4. On January 18, 2022, the TRPA Advisory Planning Commission (APC) recommended to the Governing Board - for staff to review the significance determination of 'not applicable' for Impact Issue WQ-3: Dispersal of Aquatic Weed Fragments. Staff was directed to investigate investigating this issue and will provide an update on the significance finding to the Governing Board.

5. Fragment control is a critical piece of controlling the spread of the weeds to other parts of the lake. We want to suggest that alongside the activity of the Control Methods Test- the mandatory use of the backup station in the west channel should be implemented; and installation of another required use station in the east channel.

By allowing ongoing, open access to Lake Tahoe, from the Keys and Marina, as the known vector region, without requiring further best practices, such as mandatory use of the boat backup station - we are missing an important tool towards reducing the spread of weeds. Currently, boats can go in and out of the Keys, 24 hours a day with only 'requested' voluntary use of the boat backup station.

The 2020 TKPOA West Channel Control Projects Report states a 90% compliance rate for use of the Key's voluntary boat backup station. However, it is 70% voluntary use – *when someone is watching*. These studies concluded:

- appx. 70% of boaters voluntarily used the backup station WHEN SOMEONE WAS WATCHING
- appx. 20 % of boaters used the backup station WHEN SOMEONE INSTRUCTED THEM
- appx. 10% of boaters SIMPLY REFUSED TO COMPLY .

The report's information is sampled from about 20-30 hours of observation, per year. This is a fraction of the thousands of open access hours available to Keys boaters, who have to pass TRPA's "Clean, Drain & Dry" inspection program, only once a year, when they put their boats in.

Basing compliance on this extremely limited data capture - is not enough protection for the waters of Lake Tahoe. To reduce the spread of weeds, boating activity from the vector region, must be controlled and cleaning/inspection prioritized. We need site specific inspector presence, or remote, camera based observations at these locations. This should be expanded as part of TRPA's boat inspection program, as soon as possible.

6. Although mitigations are offered to protect drinking water, IVGID's legal counsel has suggested that IVGID be added to the indemnity language that is already approved for indemnifying TRPA. Our counsel asked the scientists and planners at TRPA on several occasions if there could be an indemnity given to IVGID in the event the herbicide application ultimately caused IVGID to have to incur expenses to put in new water treatment systems and equipment. Counsel was told that indemnities were not practical as this work could not occur if indemnitees were required. However, legal counsel learned that TRPA's permit includes an indemnity for TRPA. IVGID is asking that IVGID be added to the indemnity language that is already approved for indemnifying TRPA. The language of Special Condition 27 of the Permit includes indemnity for TRPA.
7. Thank you for the opportunity to comment.

Respectfully submitted on behalf of the Tahoe Water Suppliers Association Board,

Handwritten signature of Madonna Dunbar in black ink.

Madonna Dunbar, TWSA Executive Director

Handwritten signature of Suzi Gibbons in blue ink.

Suzi Gibbons, TWSA Board Chair