

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 92-98

APPROVAL OF A NEGATIVE DECLARATION AND CERTIFICATION
OF AN AMENDMENT TO THE WATER QUALITY MANAGEMENT PLAN
FOR THE LAKE TAHOE BASIN (208 PLAN) SUBMITTED BY
THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS:

1. The Tahoe Regional Planning Agency (TRPA) adopted a bistate Water Quality Management Plan for the Lake Tahoe Basin (208 Plan) in 1988 which was certified by the State of Nevada and the U.S. Environmental Protection Agency and conditionally certified by the California State Water Resources Control Board (State Water Board) in 1989; and
2. The 208 Plan recognizes TRPA's Individual Parcel Evaluation System (IPES), which regulates development of residential parcels in the Lake Tahoe Basin by assigning a numerical score to each vacant parcel based on its environmental sensitivity, and establishing a score which defines the line (the "IPES line") between those parcels that may and may not be developed; and
3. The IPES line may be moved if certain conditions are met, one of which is that a monitoring program as defined in the 208 Plan (Volume I, Section I, page 119) be in place; and
4. In 1991, TRPA adopted and requested state and federal certification for amendments to the 208 Plan related to the IPES monitoring program, which have been certified by the State of Nevada; and
5. The California Regional Water Quality Control Board, Lahontan Region, has recommended that the State Water Board certify the amendments as submitted by TRPA; and
6. The Tahoe Regional Planning Agency, pursuant Article VII of the Tahoe Regional Planning Compact (California Government Code, Section 66800), adopted a Finding of No Significant Impact (FONSI) resulting from the proposed amendments; and
7. The State Water Board reviewed the FONSI submitted by TRPA and determined that no significant impact would result from adopting the proposed amendments; and
8. The State Water Board, pursuant to requirements of the California Environmental Quality Act, circulated the FONSI as a Negative Declaration and received public comments at a November 4, 1992 workshop and the November 19, 1992 meeting; and

9. The State Water Board reviewed TRPA's proposed amendments to the 208 Plan and has determined that the amendments will clarify and improve the 208 Plan; will permit the IPES system to be applied as intended in the 208 Plan, and will not have adverse impacts on water quality.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Finding of no Significant Impact submitted by TRPA as a Negative Declaration under the requirements of CEQA.
2. Certifies the 208 Plan amendments as submitted by the Tahoe Regional Planning Agency.
3. Directs its Executive Director to transmit copies of this resolution to the U.S. Environmental Protection Agency, the Nevada Division of Environmental Protection, and TRPA.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 1992.


Maureen Marché
Administrative Assistant to the Board

TAHOE REGIONAL PLANNING AGENCY

ENVIRONMENTAL CHECK LIST FOR
THE INITIAL DETERMINATION OF ENVIRONMENTAL IMPACTI PROJECT NAME OR IDENTIFICATION 208 PLAN AMENDMENT:P. 1A - MONITORING FINDING FOR MOVING IPES LINE

II ENVIRONMENTAL IMPACTS - The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "yes" and "no, with mitigation" answers will require further written comments. See Section III of this questionnaire.

1. <u>Land.</u> Will the proposal result in:	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
a. Compaction or covering of the soil beyond the limits prescribed in the land capability system?	_____	<u>X</u>	_____	_____
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	_____	<u>X</u>	_____	_____
c. Unstable earth conditions during or after completion of the proposal?	_____	<u>X</u>	_____	_____
d. Changes in the soil or geologic substructures?	_____	<u>X</u>	_____	_____
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	_____	<u>X</u>	_____	_____
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of a lake?	_____	<u>X</u>	_____	_____
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	<u>X</u>	_____	_____

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
2. <u>Air.</u> Will the proposal result in:				
a. Substantial air emissions or deterioration of ambient air quality?	_____	<u>X</u>	_____	_____
b. The creation of objectionable odors?	_____	<u>X</u>	_____	_____
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	_____	<u>X</u>	_____	_____
3. <u>Water.</u> Will the proposal result in:				
a. Changes in currents, or the course or direction of water movements?	_____	<u>X</u>	_____	_____
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 2 yr. 6 hr. storm runoff cannot be contained on the site?	_____	<u>X</u>	_____	_____
c. Alterations to the course or flow of 100 year flood waters?	_____	<u>X</u>	_____	_____
d. Change in the amount of surface water in any water body?	_____	<u>X</u>	_____	_____
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	<u>X</u>	_____	_____
f. Alteration of the direction or rate of flow of ground waters?	_____	<u>X</u>	_____	_____
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	<u>X</u>	_____	_____
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	<u>X</u>	_____	_____

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100 year storm occurrence or seiches?	_____	<u>X</u>	_____	_____
4. <u>Plant Life.</u> Will the proposal result in:				
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability system?	_____	<u>X</u>	_____	_____
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat?	_____	<u>X</u>	_____	_____
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	_____	<u>X</u>	_____	_____
d. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	_____	<u>X</u>	_____	_____
e. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	<u>X</u>	_____	_____
5. <u>Animal Life.</u> Will the proposal result in:				
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	_____	<u>X</u>	_____	_____
b. Reduction of the number of any unique, rare or endangered species of animals?	_____	<u>X</u>	_____	_____
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	<u>X</u>	_____	_____

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
d. Deterioration to existing fish or wildlife habitat?	_____	<u>X</u>	_____	_____
6. <u>Noise</u> . Will the proposal result in:				
a. Increases in existing noise levels?	_____	<u>X</u>	_____	_____
b. Exposure of people to severe noise levels?	_____	<u>X</u>	_____	_____
7. <u>Light and Glare</u> . Will the proposal produce new light or glare inconsistent with the surrounding area?	_____	<u>X</u>	_____	_____
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	<u>X</u>	_____	_____
9. <u>Natural Resources</u> . Will the proposal result in:				
a. Increase in the rate of use of any natural resources?	_____	<u>X</u>	_____	_____
b. Substantial depletion of any non-renewable natural resource?	_____	<u>X</u>	_____	_____
10. <u>Risk of Upset</u> . Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	<u>X</u>	_____	_____
11. <u>Population</u> . Will the proposal alter the location, distribution, density, or growth rate of the human population planned for the Region?	_____	<u>X</u>	_____	_____
12. <u>Housing</u> . Will the proposal affect existing housing, or create a demand for additional housing?	_____	<u>X</u>	_____	_____
13. <u>Transportation/Circulation</u> . Will the proposal result in:				

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
a. Generation of 100 or more vehicle trips or in excess of 1% of the remaining road capacity?	_____	<u>X</u>	_____	_____
b. Effects on existing parking facilities, or demand for new parking?	_____	<u>X</u>	_____	_____
c. Substantial impact upon existing transportation systems?	_____	<u>X</u>	_____	_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	<u>X</u>	_____	_____
e. Alterations to waterborne, rail or air traffic?	_____	<u>X</u>	_____	_____
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	<u>X</u>	_____	_____
14. <u>Public Services.</u> Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas:				
a. Fire protection?	_____	<u>X</u>	_____	_____
b. Police protection?	_____	<u>X</u>	_____	_____
c. Schools?	_____	<u>X</u>	_____	_____
d. Parks or other recreational facilities?	_____	<u>X</u>	_____	_____
e. Maintenance of public facilities, including roads?	_____	<u>X</u>	_____	_____
f. Other governmental services?	_____	<u>X</u>	_____	_____
15. <u>Energy.</u> Will the proposal result in:				
a. Use of substantial amounts of fuel or energy?	_____	<u>X</u>	_____	_____

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	_____	<u>X</u>	_____	_____
16. <u>Utilities</u> . Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
a. Power or natural gas?	_____	<u>X</u>	_____	_____
b. Communications systems?	_____	<u>X</u>	_____	_____
c. Water?	_____	<u>X</u>	_____	_____
d. Sewer or septic tanks?	_____	<u>X</u>	_____	_____
e. Storm water drainage?	_____	<u>X</u>	_____	_____
f. Solid waste and disposal?	_____	<u>X</u>	_____	_____
17. <u>Human Health</u> . Will the proposal result in:				
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	<u>X</u>	_____	_____
b. Exposure of people to potential health hazards?	_____	<u>X</u>	_____	_____
18. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to the public view?	_____	<u>X</u>	_____	_____
19. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	<u>X</u>	_____	_____
20. <u>Archeological/Historical</u> . Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?	_____	<u>X</u>	_____	_____

	<u>Yes</u>	<u>No</u>	<u>No, With Mitigation</u>	<u>Data Insufficient</u>
21. <u>Mandatory Findings of Significance.</u>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	_____	<u>X</u>	_____	_____
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	_____	<u>X</u>	_____	_____
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant.)	_____	<u>X</u>	_____	_____
d. Does the project have environmental effects which will cause substantial adverse effects on human being, either directly or indirectly?	_____	<u>X</u>	_____	_____

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

All impacts identified with "yes" answers under Section II should be described below and evaluated as to their significance. All "no, with mitigation" responses require a description of the identified impact and the mitigation measure(s) proposed to mitigate the impact so that there is no significant impact.

V 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.

March 5, 1991
Date

SUSAN E. SCHOLLEY
(name of person completing this form)

Susan E Scholley
(signature of person completing this form)

DETERMINATION (to be completed by TRPA)

On the basis of this evaluation:

The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

March 5, 1991
Date

Susan E Scholley
Signature of Evaluator

Special Projects Atty
Title

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. 6-91-925

TRANSMITTING RECOMMENDATIONS TO THE STATE WATER RESOURCES CONTROL BOARD
REGARDING PROPOSED AMENDMENTS TO VOLUME I OF THE WATER
QUALITY MANAGEMENT PLAN FOR THE LAKE TAHOE REGION

WHEREAS, THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION, FINDS:

1. The Tahoe Regional Planning Agency (TRPA) adopted a bistate Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") in 1988. This plan was certified by the California State Water Resources Control Board, the state of Nevada, and the U.S. Environmental Protection Agency in 1989, and
2. The 208 Plan recognizes TRPA's Individual Parcel Evaluation System (IPES) for the regulation of new single family home development in the Lake Tahoe Region. The IPES assigns a numerical score to each vacant parcel based on its environmental sensitivity, and establishes a score which defines the line between buildable and unbuildable parcels. This line may be moved downwards if certain conditions are met. One of these conditions is a requirement for a monitoring program to be in place. The 1988 208 Plan (Volume 1, pages 118-119) defines specific requirements for this monitoring program, and
3. In 1991, TRPA adopted and requested state and federal certification for amendments to the 208 Plan language on the IPES monitoring program. The amendments delete language requiring monitoring for one representative water year, and add language describing the intent of the monitoring program. TRPA has not yet approved a final IPES monitoring program to implement these goals, and
4. The Lahontan Regional Board discussed the amendments at its September 12, 1991 meeting.

THEREFORE BE IT RESOLVED:

1. The Regional Board recommends that the State Water Resources Control Board certify the amendments as proposed.
2. The Regional Board staff are directed to continue to work with TRPA staff toward development of a satisfactory IPES monitoring program, and to prepare a report to the Regional Board on the adequacy of the monitoring program once it is finalized.

Division Chief's

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3. Copies of this resolution shall be transmitted to the State Water Resources Control Board, the U.S. Environmental Protection Agency, the Nevada Division of Environmental Protection, and TRPA.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on September 12, 1991.



HAROLD J. SINGER
EXECUTIVE OFFICER

TAHOE REGIONAL PLANNING AGENCY

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and Hill, Zephyr Cove, NV

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MEMORANDUM

May 13, 1991

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Re: Amendments of the Regional Plan and 208 Plan Regarding Findings for Moving the IPES Line

BACKGROUND: In order to lower the initial IPES line, the Board must first make five findings. See Chapter 37 of Code, §37.8.C. The status of those findings was the subject of staff presentations to the Board in January and February of 1991. Although many of the findings could likely be made in one or more jurisdictions, one finding presented a particularly difficult situation. That finding, as set forth in the Goals and Policies and Code, is: "The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring program." The 208 Plan (Volume I, Section I, Program Descriptions, p.119, defines the phrase "in place."

Accordingly, at the February 1991 meeting, the Governing Board directed staff to prepare and notice proposed amendments to the portion of the 1988 TRPA 208 Plan which sets forth the required finding on an "in place" monitoring program which is one of the prerequisites to moving the IPES line. The staff was also directed to report back on the potential for opposition to such amendments.

Staff has been working since that time to prepare a proposed amendment which would be consistent with the intent of the IPES line finding relating to monitoring. Additional time was also needed to meet the notice requirements for 208 plan amendments set forth in the U.S. Code of Federal Regulations.

ISSUES: The current 208 Plan defines "in place" monitoring as being physically located on the selected tributaries and including the collection of samples for at least one "representative" water year (208 Plan excerpt attached as Exhibit A). The requirement that samples be collected for a representative water year cannot be met because the Tahoe Region is currently experiencing drought conditions and the past water years have been subnormal and clearly not "representative."

The expansion of tributary monitoring in the Region was the goal of the monitoring finding in the IPES line movement process. It was the intent of TRPA to encourage local governments to contribute to expanded tributary monitoring.

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Failure of TRPA or the local jurisdiction to implement an expanded tributary monitoring program would result in the IPES line not moving in that jurisdiction.

The requirement that samples be collected for one "representative" year was based on the notion that a better baseline could be established for tributary water quality conditions. The concept was that subnormal or above normal years would not be useful in establishing a baseline as the abnormal conditions would tend to cause abnormal water quality conditions (e.g., low water years would result in less runoff and lower concentrations of sediments and nutrients).

As part of the inquiry into whether the findings could be made for moving the IPES line, questions were raised as to the wisdom or validity of setting a baseline based on one representative year. Questions were also raised as to a precise definition of "representative" and the difficulties of determining what type of a year would yield baseline conditions.

PROPOSED AMENDMENTS TO 208 PLAN: Based on discussions with the U.S.G.S. and others knowledgeable about monitoring, staff believes that the goal of expanding tributary monitoring prior to moving the IPES line and obtaining baseline data for tributary water quality conditions can be better met by amending the 208 Plan as follows:

" . . . This monitoring program shall be in place in a local jurisdiction, and shall characterize establish-baseline water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p. VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for at-least-one-representative the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards."

If the Governing Board adopts the proposed amendment, it will take effect only after it is certified by the two states (California State Water Resources Control Board and Nevada Department of Conservation and Natural Resources, Division of Environmental Protection) and approved by the U.S. Environmental Protection Agency, Region IX, San Francisco. These state and federal approvals of 208 Plan amendments are required by the Clean Water Act.

DISCUSSION: The above amendments accomplish three important changes. First, they require the expanded tributary monitoring to be a permanent addition to the TRPA monitoring program if the IPES line is to be lowered each year in a given jurisdiction. As the 208 Plan reads now, only one representative year of monitoring is required. Second, the amendments delete the term "representative" and instead rely on an ongoing expanded monitoring program. This amendment recognizes the reality of monitoring and the importance of longterm data acquisition. One representative year is not as good as a long term program which includes a variety of climatic and other conditions. Third, the amendments state clearly the intent of the finding which is to accumulate better tributary water quality data and to use the better data to establish average conditions and improve our understanding of water quality trends.

Although not directly related, regional public interest groups are concerned about the adequacy of the expanded tributary monitoring program. In response to those concerns, staff has re-evaluated its initial proposal and expanded the program even more in 1991. At this time staff feels it has significantly improved on the original tributary monitoring program. The California State Water Resources Control Board and Lahontan staffs have indicated a need for more technical detail on the program, which staff will provide as part of the certification or IPES line movement process, as appropriate. More information on the tributary monitoring program will be provided to the Board as part of the workshop on water quality monitoring.

FINDINGS: Prior to amending the 208 Plan, Chapter 6 of the Code requires certain findings to be made. The findings and brief rationales are as follows:

1. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

Rationale: The 208 Plan amendments achieve the same goal as the current language but in a more functional and realistic manner. By requiring monitoring to be in place the previous year if the IPES line is to be lowered, the amendments better insure the implementation of a continuous tributary monitoring program. The requirement of an ongoing monitoring program is stricter over time than the current monitoring requirement. The amendment does not affect other aspects of the regional plan or ordinances.

2. The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendments achieve the same goal as the current finding and provide equal or better protection to the environment. Completion of the Article V(g) checklist also supports the finding that the amendment will not cause the thresholds to be exceeded.

3. Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The amendments are consistent with the IPES program and will not cause any exceedance of water or air quality standards. See also finding #2 above.

4. The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: By improving the tributary monitoring program and requiring that expanded program to be in place every year before the IPES line is lowered, the monitoring element of the regional plan is improved. Further, by providing a more realistic method of setting average or baseline conditions, the amendments better implement the goals of the IPES line movement process.

ENVIRONMENTAL DOCUMENTATION: Although the 1988 208 Plan was the subject of an environmental impact statement, staff has completed an initial environmental checklist and recommends a finding of no significant environmental effect for the amendment.

APC RECOMMENDATION: The APC reviewed and recommended the deletion of the term "representative" but the draft language they reviewed was not identical to the current proposal. The difference between the two drafts is primarily the addition of the last two sentences.

STAFF RECOMMENDATION: Because the current 208 Plan definition of "in place" monitoring is technically flawed, staff recommends the proposed amendment. To implement the proposed amendments, the Board must take the following actions:

1. Make a finding of finding of no significant environmental effect and the findings required by Chapter 6.
2. Adopt the attached ordinance amending the 1988 TRPA 208 Plan.