

Item 3 LATE ADDITION

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF JULY 12-13, 2017
BISHOP**

ITEM 3

Status of Proposed Cease and Desist Order and Stipulated Agreement with the United States Forest Service, Lake Tahoe Basin Management Unit; Meeks Bay Marina Resort, El Dorado County

DISCUSSION

The parties will present a status update to the Water Board on the parties' consideration of the suggested revisions to the Agreement that was originally presented to the Water Board at the May 11, 2017 meeting.

ENCLOSURE	ITEM	BATES NUMBERS
4	Letter from Ms. Teresa McClung, Acting USFS Forest Supervisor, to Ms. Patty Kouyoumdjian, Lahontan Region Executive Officer	3-113 (insert after 3-110)



File Code: 2520

Date: JUL 10 2017

Patty Kouyoumdjian
Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, California 96150

Dear Ms. Kouyoumdjian:

The US Forest Service, Lake Tahoe Basin Management Unit (Basin) would like to take this opportunity to update the Board on the status of the Meeks Bay Marina site, to relay our concerns with some of the Board's recommended edits to the Agreement the Basin reached with the Board's prosecution team, and to reinforce our commitment to continued collaboration with the Lahontan Water Board and Staff to reach a final status for the matter that satisfies the needs of both parties. I apologize that we are not able to send a representative to your July Board meeting to express our position in person.

As the Board is aware, the proposed Stipulated Agreement that was presented to the Board by the Prosecution Team on May 10, 2017 was our attempt to assure the Board that the Forest Service had addressed the identified issues at the Meeks Bay site. The Agreement was also intended to indicate that ultimately a federal planning process would be the appropriate vehicle for deciding on a more comprehensive plan for the future of the site.

Since the May Water Board meeting, the Forest Service has continued to monitor and maintain all the BMPS at the (now closed) Meeks Marina site. We are committed to providing a BMP Management Plan and twice yearly inspection reports to the Board, as described in the May 2017 proposed Settlement Agreement. We also acknowledge that the Water Board maintains its authority to take enforcement action against the Forest Service should our interim BMPs fail and a discharge takes place or threatens to take place. To the extent the Board believes these items in the Agreement are insufficient as written, the Forest Service is willing to provide further detail for the engineering of the BMPs, inspection regime, and plans to deal with any reconstruction.

Further, the Meeks Bay Marina Restoration planning process has continued since the May Water Board meeting. Our interdisciplinary team has been meeting with representatives of the Washoe Tribe to develop a draft Proposed Action for the marina restoration project. Consistent with the May 2017 proposed Settlement Agreement, we are committed to working with Water Board Staff and TRPA Staff to develop a joint Notice of Intent/Notice of Preparation to circulate the Proposed Action to the public for review, per USFS NEPA policy. We anticipate completion of the joint Notice of Intent/Notice of Preparation by September 30, 2017. The USFS/Water Board/TRPA partnership will continue throughout the planning and permitting phases of the marina restoration project.



In short, the Forest Service has and will continue to meet the obligations laid out in the proposed Stipulated Agreement. We are fully committed to the principles of the Agreement, which was the result of long and fruitful discussions with both the Board staff and other parties. The Forest Service is, however, unable to accommodate several of the Board's specific requested changes to the Agreement due to issues with federal law and sovereignty. Among those are the request for the United States to sign a "cease and desist" order and to commit to certain dates and outcomes of the federal planning process, rather than to procedures and processes.

The US Forest Service will move forward with the collaborative intent of the May proposed Stipulated Agreement, absent a Board Order. Stewardship of the Meeks Bay site requires no less of us. We intend to make a public declaration of this commitment. We look forward to the implementation of a marina restoration project that will improve the waters of Lake Tahoe, meeting the intent of our respective Agency Missions.

Sincerely,



TERESA MCCLUNG
Acting Forest Supervisor

cc: Laurie Kemper, Joshua Rider