
State Water Resources Control Board

REVISED
NOTICE OF OPPORTUNITY TO COMMENT

**STATE WATER BOARD CERTIFICATION OF THE CLEAN WATER ACT SECTION 208
LAKE TAHOE WATER QUALITY MANAGEMENT PLAN AND NOTICE OF STATE WATER
BOARD'S USE OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE
TAHOE REGIONAL PLANNING AGENCY**

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed certification of the Clean Water Act Section 208 Lake Tahoe Water Quality Management Plan (208 Plan).

The 208 Plan is a framework that refers to, and describes, components of the water quality management system in the Lake Tahoe region. The Tahoe Regional Planning Agency (TRPA), a bi-state regional planning and regulatory agency responsible for water quality management and land-use planning in the Lake Tahoe region, approved the amended 208 Plan on December 12, 2012. The states of Nevada and California must certify the plan and the U.S. EPA must approve it. Under Section 208 of the Clean Water Act, the State Water Board has the role of certifying the amended 208 Plan for California and is the lead agency under California Environmental Quality Act (CEQA) for amended 208 Plan certification.

The existing 208 Plan (adopted in 1989) is inconsistent with adopted Lake Tahoe Total Maximum Daily Load (TMDL) and updated TRPA Regional Plan policies. The amended 208 Plan addresses inconsistencies and streamlines the 208 Plan by incorporating relevant planning documents. TRPA's updated Regional Plan, Code of Ordinances, and the Lake Tahoe TMDL are three of the major regulatory structures that regulate activities and set requirements to protect water quality in the Lake Tahoe Basin. The amended 208 Plan incorporates these and a number of other programs by reference, providing a broad structure for water quality oversight in the Lake Tahoe region.

On December 19, 2012 the TRPA submitted the amended 208 Plan to the state of California and Nevada for certification. The State of Nevada certified the plan on January 9, 2013. At its February 14, 2013 meeting, the Lahontan Water Board adopted a resolution recommending the State Water Board certify the amended 208 Plan. The resolution is available on the Lahontan Water Board website:

http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/2013/docs/r6t_2013_0010.pdf

CEQA REQUIREMENTS. CEQA Section 21083.5 directs that when an Environmental Impact Statement (EIS) has been prepared for a project pursuant to the requirements of the Tahoe Regional Planning Compact and implementing regulations, all or part of that EIS may be submitted in lieu of all or any part of an Environmental Impact Report (EIR) required by CEQA, provided the statement complies with the requirements of CEQA and CEQA Guidelines. (See also CEQA Guidelines Section 15221.)

According to the process outlined in CEQA Guidelines Section 15225, where the EIS was circulated for public review as broadly as state or local law may require and gave notice meeting the standards in CEQA Guidelines Section 15087(a), the lead agency may use the EIS in place of an EIR without recirculating the EIS for public review. Prior to using the EIS in place of an EIR, however, the lead agency must give notice that it will use the EIS in the place of an EIR and that it believes that the EIS meets the requirements of CEQA.

To support its action to approve the amended 208 Plan and other updated Regional Plan documents, the TRPA prepared an EIS pursuant to the requirements of the Tahoe Regional Planning Compact (Section 66801 of the Government Code) and implementing regulations. Lahontan Water Board staff has concluded that the Regional Plan Update EIS prepared by the TRPA complies with the requirements and provisions of the CEQA and its Guidelines, including a robust alternatives analysis, detailed mitigation measures, greenhouse gas emission analysis, and assessments of growth inducing and cumulative impacts. In compliance with CEQA, the State Water Board is publishing this notice that it will use the Regional Plan Update EIS prepared by the TRPA to support its determination on whether to certify the amended 208 Plan.

Lahontan Water Board staff has also concluded the TRPA circulated the Regional Plan Update EIS for public review as broadly as state law required and gave notice meeting the standards in section 15087(a). The TRPA provided public notice of the availability of the draft Regional Plan Update EIS in the Tahoe Bonanza on April 5, 2012 and in the Tahoe Tribune on April 4, 2012, at the same time it provided a notice of the availability of the Draft EIS and 60-day comment period to the State Clearinghouse (SCH # 2007092027).

Because the EIS was circulated as broadly as state law required and notice met the standards of section 15087(a), pursuant to section 15225 of the CEQA Guidelines, the State Water Board will use the Regional Plan Update EIS without recirculating the EIS for public review. Lahontan Water Board staff will provide notice in the Tahoe Bonanza, Tahoe Tribune, and via its email list service regarding the State Water Board's intent to use the Regional Plan Update EIS in place of an EIR.

REQUEST NOTICE OF STATE BOARD MEETINGS. The State Water Board will separately publish an agenda for the meeting at which it will consider adopting a resolution certifying the 208 Plan. Oral comments at the State Water Board meeting generally will be limited to a summary of the written comments submitted during the written comment period. Persons interested (including those who submit oral or written comments to the Lahontan Water Board and State Water Board) in receiving notice of the meeting at which the State Water Board will consider approving the Basin Plan amendment **must subscribe** to: http://www.waterboards.ca.gov/resources/email_subscriptions/req2_subscribe.shtml. The State Water Board encourages use of its electronic mailing list.

SUBMISSION OF WRITTEN COMMENTS. Persons interested in the proposed 208 Plan certification are encouraged to submit comments electronically. Comment letters **must be received by 12:00 noon on Thursday April 11, 2013.** Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise. Send comments to Jeanine Townsend, Clerk to the State Water Board, by email to commentletters@waterboards.ca.gov (**must be no more than 15 megabytes**); fax to (916) 341-5620; or mail or hand delivery to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

Please also indicate in the subject line: **“Comment Letter—Lake Tahoe 208 Plan.”**

REQUIREMENTS FOR SUBMITTING COMMENTS (23 Cal. Code Regs., § 3779, subd. (f)). The State Water Board may refuse to accept any comments that do not satisfy all of the following requirements:

1. Comments must specifically address the State Water Board’s proposed action to certify the amended Clean Water Act Section 208 Lake Tahoe Water Quality Management Plan.
2. If the Lahontan Water Board previously responded to a similar or identical comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the Lahontan Water Board to each comment was inadequate or incorrect.
3. The commenter also must include either a statement that each of the comments was timely raised before the Lahontan Water Board, or an explanation of why the commenter was unable to raise the specific comment before the Lahontan Water Board.

AVAILABLE DOCUMENTS. Copies of the final EIS and amended Clean Water Act Section 208 Lake Tahoe Water Quality Management Plan are available for review at the following locations:

California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

The documents are also available on the TRPA website:

http://trpa.org/documents/rp_update/deis/Regional_Plan_EIS.pdf

http://www.trpa.org/documents/rp_update/Final_Draft/208/Final_Draft_Lake_Tahoe_208_WQMP_02-13-2013.pdf

Please direct any questions about this notice to Robert Larsen, Staff Environmental Scientist at the Lahontan Water Board, at (530) 542-5439 or RLarsen@waterboards.ca.gov.

March 13, 2013

Date



Jeanine Townsend
Clerk to the Board