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**STAFF REPORT**

Date: January 18, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Lily Lake Trail, United States Forest Service Lake Tahoe Basin Management Unit Lands (580-000-00), El Dorado County, California, TRPA File Number EIPC2021-0011, Environmental Improvement Program # 03.02.02.0082

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Summary and Staff Recommendation:

Staff recommends the Governing Board approve the Lily Lake Trail Permit.

Required Motions:

In order to approve the project, the Board must make the following motion(s), based on the staff report and evidence in the record:

- 1) A motion to approve the required findings including a finding of no significant effect as shown in Attachment A.
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B.

In order for motion(s) to pass, an affirmative vote of 5-9 (5 California and 9 total) of the Board is required.

Project Description/Background:

In 2013, the U.S Forest Service Lake Tahoe Basin Management Unit (LTBMU) prepared the Fallen Leaf Lake Trail Access and Travel Management Environmental Assessment (EA) to take a strategic approach to trail planning and environmental improvements in the Fallen Leaf Lake area. The desired condition of the Fallen Leaf trail system is a planned network of multi-use-use, interconnected, environmentally sustainable trails for non-motorized recreational and transportation use. The plan identified a suite of actions that were analyzed in the EA) including construction of new trails, decommissioning unauthorized user-created trails, and environmental improvements to reduce erosion and runoff.

The Lily Lake Trail (trail) was identified in this plan as a new trail and was analyzed as part of the EA. The trail is a multi-use, single track unpaved trail that extends 1.8 miles through the general forest on U.S Forest Service land. The trail provides a connection between the Angora Lakes parking area and the Glen Alpine trailhead parking area near Lily Lake. The multi-use trail allows for hiking, mountain biking, and equestrian pack and saddle.

The trail was constructed in 2021 through a partnership between the LTBMU and the Tahoe Area Mountain Bike Association (TAMBA). TAMBA is a non-profit organization that consists largely of volunteers who work together with public land agencies to construct and maintain multi-use trails throughout the Tahoe Basin. LTBMU was the project lead and TAMBA constructed the trail with LTBMU oversight.

Building and maintaining interconnected trail networks is identified as a priority in the Lake Tahoe Basin Environmental Improvement Program (EIP) to improve public access, reduce the reliance on the private automobile, and provide dispersed recreation opportunities to the public. The trail is an EIP project (No. 03.02.02.0082) that builds and enhances the trail network in the Tahoe Basin. As the basin's economy has shifted from gaming-dominated to more outdoor recreation-oriented, trail work has been important to Regional Plan implementation over the last decade and supports TRPA's multi-modal goals for the Region.

Issues and Concerns:

TRPA and LTBMU have a cooperative relationship and an MOU that exempts certain projects from TRPA permitting. The MOU exempts the construction of new trails from TRPA review with the limitation that the trail length does not exceed 1,000 linear feet in low land capability district (LCD 1-3). The Lily Lake trail exceeds 1,000 linear feet in low land capability and therefore requires a TRPA permit. LTBMU was not aware that implementation of the trail was not covered under the MOU and constructed the trail without a permit. When TRPA and LTBMU recognized the trail required a TRPA permit, the agencies agreed to collaborate on the appropriate solution and to pursue a permit.

The TRPA Code of Ordinances requires Governing Board approval for new recreation trails exceeding one mile in length, or shorter trails that cross through sensitive habitat. The Lily Lake trail is 1.8 miles, and crosses through Land Capability 1c which are lands greater than 30% slope. The trail does traverse steep land but is sustainably designed and constructed to prevent erosion and protect water quality. The trail design, construction, and final layout are consistent with the TRPA Code or Ordinances and a permit for this EIP project is appropriate.

Chapter 50.9 of the TRPA Code of Ordinances discusses the requirements and findings necessary for additional recreation facilities. Riding and hiking trails are considered dispersed recreation. Dispersed recreation is not considered additional recreation facilities and does not require persons at one time (PAOT) allocations.

The EA completed for the project analyzed the proposed actions impacts on air quality. The EA found that the proposed action will reduce overall vehicle use by improving informational signage and encouraging non-motorized recreation and travel, and therefore would not have an effect on air quality. The 2-mile trail makes a connection between existing multi-use trails making the trail segment accessible from multiple trailheads and allows recreational users to ride a network of trails as a loop requiring fewer automobile trips to access the area. The project does not include supporting facilities such as new parking or restrooms so there is no increase in capacity. The trail will reroute existing cut throughs to redistribute existing demand. The analysis completed for this trail segment shows that the project will not increase vehicle miles traveled (VMT) and will not require VMT mitigation.

Environmental Review:

The LTBMU prepared the Fallen Leaf Lake Trail Access and Travel Management Project EA in 2013. The EA analyzed a suite of proposed actions on Forest Service land including adopting/upgrading existing trails, decommissioning unauthorized trails, reconstruction of trails, and new construction. The Lily Lake Trail is considered new construction in the EA. The LTBMU Forest Supervisor signed the decision notice in September 2013 with a Finding of No Significant Impact (FONSI).

The LTBMU submitted an EIP application and TRPA Initial Environmental Checklist (IEC). TRPA staff completed the V(g) findings as well. A Finding of No Significant Effect (FONSE) is appropriate for the project and is included as part of the draft permit (Attachment B).

Public Comment:

The LTBMU participated in a public review process when developing the above referenced EA. Adjustments to the proposed action were made based on the public comments received. All comments and response to comments are available as part of the EA project record.

When the trail was constructed, a constituency of the Fallen Leaf Lake community reached out to TRPA to express concerns regarding the trail. Their primary concern was that the trail is not suitable for mountain biking because of the steep terrain. TRPA staff completed a site visit during the construction phase to review the trail implementation and design standards. Staff found the trail construction was in compliance with the TRPA Code of Ordinances and met the design standards for multi-use trails. The EA analyzed the trail as a multi-use trail and its design is consistent with similar trails in the basin. The trail meets the design requirements in the EA and the TRPA Code of Ordinances and is consistent with the EA and the EIP program. The Tunnel Creek Alternative Trail is a similar multi-use trail that traverses land capabilities 1b and 1c and was approved by the Governing Board in November 2021.

Regional Plan Compliance:

The project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings. The TRPA Goals and Policies Recreation element states that recreation opportunities should keep pace with public demand, that recreation facilities should remain high on the development priority list, and that the quality of the recreation experience be maintained. The trail system shall be expanded where appropriate to accommodate projected demands and provide a link with major regional and interstate trails. This trail achieves these recreation goals.

Contact Information:

For questions regarding this agenda item, please contact Shannon Friedman, Senior Planner, at (775) 589-5205 or [sfriedman@trpa.gov](mailto:sfriedman@trpa.gov).

Attachments:

- A. Required Findings
- B. Draft Permit
- C. Trail Map

Attachment A

Required Findings

Attachment A  
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4.1 – Required Findings:

- A. 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.

The Lily Lake Trail Project (Project) is located in the Lily Lake/Angora Lake Plan Area Statement (PAS), PAS number 144B. The land use classification is recreation, and the area should be managed for a variety of recreation experiences compatible with sensitive lands. Riding and hiking trails are allowed uses in the PAS. The project, as conditioned in the draft permit, is consistent with the Regional Plan and the Lake Tahoe Environmental Improvement Program (EIP). The project is a priority EIP project that will build and enhance the trail network in the Tahoe Basin as identified on the 5-year EIP list (EIP # 03.02.02.0082). The project is consistent with and implements several of the recreation goals and policies including policy R04.1, Expansion of recreation facilities and opportunities in response to demand.

- B. The project will not cause the environmental threshold carrying capacities to be exceeded.

The United States Forest Service Lake Tahoe Basin Management Unit (LTBMU) prepared the Fallen Leaf Lake Trail Access and Travel Management Project Environmental Assessment (EA) in 2013. The EA analyzed the effects of several projects in the Fallen Leaf Lake area, including the Lily Lake Trail. LTBMU prepared a TRPA Initial Environmental Checklist (IEC) in accordance with Chapter 3 of the TRPA Code of Ordinances. TRPA staff completed the V(g) checklist. There are no significant impacts to the proposed project and the environmental threshold carrying capacities will not be exceeded. The project builds and enhances the trail network in the Tahoe Basin, helping to achieve the recreation threshold. The EA, IEC, and V(g) checklist are part of the project record and available upon request.

- C. Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(g) of the Tahoe Regional Planning Compact.

All potential effects were temporary and mitigated through permanent and temporary construction site Best Management Practices. LTBMU will meet or exceed all federal, state, or water quality standards. The V(g) checklist was complete by TRPA staff.

Attachment B

Draft Permit



**DRAFT PERMIT**

PROJECT DESCRIPTION: Lily Lake Trail (EIP # 03.02.02.0082)

ASSESSOR PARCEL NUMBER(S): 580-000-00

TRPA FILE #: EIPC2021-0011

PERMITTEE(S): USDA Forest Service Lake Tahoe Basin Management Unit COUNTY/LOCATION: El Dorado County, California

Having made the findings required by Agency ordinances and rules, TRPA approved the project on January 25, 2023, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit. This permit shall expire on January 25, 2024, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

*Shannon Friedman*

January 25, 2023

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I understand that it is my sole responsibility to obtain all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_

Date \_\_\_\_\_





7. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

**END OF PERMIT**

**FINDING OF NO SIGNIFICANT EFFECT**

PROJECT DESCRIPTION: Lily Lake Trail (EIP # 03.02.02.0082)

ASSESSOR PARCEL NUMBER(S): 580-000-00

TRPA FILE #: EIPC2021-0011

PERMITTEE(S): USDA Forest Service Lake Tahoe Basin Management Unit COUNTY/LOCATION: El Dorado County, California

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

*Sharon Friedman*

January 25, 2023

\_\_\_\_\_  
TRPA Chairman or Executive Director

\_\_\_\_\_  
Date

Attachment C

Trail Map

Attachment C  
Lily Lake Trail Alignment

