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## STAFF REPORT

Date: June 16, 2021  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Final 2019 Threshold Evaluation Issuance

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### Summary & Staff Recommendation:

Staff recommends that the Governing Board adopt the attached resolution and issue the Final 2019 Threshold Evaluation Report.

### APC Recommendation:

At the June 9, 2021 meeting, the Advisory Planning Commission recommended adoption of the resolution and that the Governing Board should issue the Final 2019 Threshold Evaluation Report.

### Required Motion:

In order to adopt the Final 2019 Threshold Evaluation Report, the Board must make the following motion, based on the staff report:

- 1) A motion to adopt Resolution 2021-\_\_\_ issuing the Final 2019 Threshold Evaluation Report.

In order for the motion to pass an affirmative vote of any eight Governing Board members is required.

### Background:

The 1980 TRPA Compact (PL-96-551, 1980) directed TRPA to adopt environmental threshold carrying capacities (threshold standards). They are *“environmental standard(s) necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region”* (TRPA Compact, Art. II(i)). In 1982, the TRPA Governing Board adopted more than 100 threshold standards in nine categories: water quality, air quality, noise, vegetation preservation, wildlife, scenic resources, soil conservation, fisheries, and recreation. In addition to the adoption of threshold standards, the TRPA Governing Board also directed the agency to track and report on progress towards attainment of the threshold standards.

Chapter 16 of the TRPA Code of Ordinances provides implementation guidance to the Agency on reporting requirements associated with threshold evaluations. The purpose of the threshold evaluation is to assess the status of environmental conditions relative to the adopted threshold standards and to summarize progress on the implementation of the Regional Plan.

The Draft 2019 Threshold Evaluation and the report’s results and recommendations were presented to the Governing Board in March 2021 and to the Advisory Planning Commission in May 2021. Since these presentations, TRPA has received very few comments from stakeholders. TRPA made no changes to

threshold attainment calls or trend determinations between the draft and final 2019 Threshold Evaluation. Minor changes to the report have been made to add or clarify content on indicator pages, including providing more links to Environmental Improvement Program projects and additional content in the *Delivering and Measuring Success* sections of indicator pages. A summary presentation of the key results and findings of the final evaluation has also been added to the Threshold Dashboard at <https://thresholds.laketahoeinfo.org/ThresholdEvaluation/2019Summary>.

Pending direction from the Governing Board, the Final 2019 Threshold Evaluation Report will be published on the Threshold Dashboard at <https://thresholds.laketahoeinfo.org> on June 24, 2021. After the 2019 Threshold Evaluation is published in final form, it will be locked from further editing and the draft evaluation will be maintained in its current form. Consistent with our commitment to adaptive management and greater transparency and data sharing, TRPA may update individual indicators with new information as it becomes available between now and the 2023 Threshold Evaluation. Those updates will not be reflected in nor impact the status and trend determinations of the Final 2019 Threshold Evaluation.

Contact Information:

For questions regarding this agenda item please contact Ken Kasman, Research and Analysis Division Manager, at [kkasman@trpa.gov](mailto:kkasman@trpa.gov) or (775) 589-5253.

Attachments:

- A. Resolution
- B. Required Findings

Attachment A  
Resolution

TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2021–

RESOLUTION ISSUING THE 2019 THRESHOLD EVALUATION PURSUANT TO CHAPTER 16 OF THE TRPA  
CODE OF ORDINANCES

WHEREAS, Article V of the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat.3233, 1980) requires that the Tahoe Regional Planning Agency (TRPA) establish environmental threshold carrying capacities (“threshold standards”) and develop a Regional Plan that achieves and maintains such threshold standards; and

WHEREAS, Chapter 16 of the TRPA Code of Ordinances (“Code”) was enacted as an element of the Regional Plan pursuant to the requirement in Article V(c) of the Tahoe Regional Planning Compact that the planning commission and governing body (i.e., TRPA) continuously review and maintain the Regional Plan; and

WHEREAS, Chapter 16 is designed to implement and coordinate the monitoring provisions of the Regional Plan and to provide guidance to the Governing Board during the ongoing planning process and maintenance of the Regional Plan; and

WHEREAS, Chapter 16 requires the preparation of “periodic progress reports” every four years to monitor progress towards attainment and maintenance of threshold standards, including, but not limited to, recommendations on supplemental compliance measures and control measures; and

WHEREAS, TRPA’s Governing Board has previously issued the 1991, 1996, 2001, 2006, 2011, and 2015 Threshold Evaluation Reports pursuant to Code Chapter 16; and

WHEREAS, TRPA staff, in collaboration with partners from the scientific community and various other public agencies in the Tahoe Region, drafted the 2019 Threshold Evaluation pursuant to Code Chapter 16; and

WHEREAS, the 2019 Threshold Evaluation identifies “indicators” to assist in the measurement of progress towards the attainment and maintenance of threshold standards, “interim targets” and “target dates” for the anticipated attainment and maintenance of threshold standards, recommendation on “supplemental compliance measures” and “compliance measures” to assist the attainment and maintenance of threshold standards, and other related items pursuant to Chapter 16; and

WHEREAS, the Draft 2019 Threshold Evaluation was released by TRPA for public review in its discretion in March 2021 and public comment was considered and changes were incorporated; and

WHEREAS the Advisory Planning Commission and Governing Board have conducted publicly noticed meetings on the 2019 Threshold Evaluation at which oral testimony and documentary evidence were received and considered; and

WHEREAS TRPA has made the necessary attached findings pursuant to the Compact and Code of Ordinances, and such findings are supported by substantial evidence in the record.

NOW, THEREFORE BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby issues the 2019 Threshold Evaluation Report in satisfaction of and pursuant to Chapter 16 of the TRPA Code of Ordinances.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 23<sup>rd</sup> day of June, 2021, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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Mark Bruce, Chair  
Tahoe Regional Planning Agency  
Governing Board

Attachment B  
Required Findings

## FINDINGS FOR GOVERNING BOARD ISSUANCE OF THE FINAL 2019 THRESHOLD EVALUATION REPORT

The Code of Ordinances (Code) – Chapter 16 sets forth guidelines for TRPA’s monitoring program and reporting elements that should be addressed in “periodic progress reports” that, over-time, have become known as “threshold evaluations.” TRPA produced and released the Draft 2019 Threshold Evaluation in March 2021. The Draft 2019 Threshold Evaluation was produced as an interactive online dashboard on <https://thresholds.laketahoeinfo.org>, which was updated and released in March 2021. The Draft 2019 Threshold Evaluation and a brief presentation of the report’s results were presented to the Governing Board and the public for further comment and review in March 2021. A presentation of the Draft Evaluation was also made to the Advisory Planning Commission in May 2021. Since the March 2021 Governing Board meeting, public comments were received and addressed either in response to comments or through the inclusion of additional data, analysis and/or narrative in the evaluation.

The following findings and rationale related to TRPA Regional Plan – Code of Ordinances, Chapter 16 are provided to aid in the Governing Board’s decision to issue the Final 2019 Threshold Evaluation.

- Finding:** Section 16.9.1 states that no later than four years from the effective date of the Regional Plan, and every four years thereafter, and more frequently if necessary to ensure adequate monitoring of progress toward attainment and maintenance of thresholds and standards, TRPA shall issue a progress report.

**Rationale:** The timing of the 2019 Threshold Evaluation meets Code Section 16.9.1 where TRPA is required to produce threshold evaluation reports (i.e., progress reports) every four years starting in 1987. Note that this Code Section was amended in 2012 to change this from every five years to four years. To date, TRPA has now produced and publicly released threshold evaluation reports representing evaluations ending in 1991, 1996, 2001, 2006, 2011, 2015, and now 2019.

- Finding:** Periodic progress reports shall report on the degree (status) and rate of progress (trends) toward attainment of 1) adopted threshold standards, 2) applicable local, state, and federal air and water quality standards, and 3) interim targets pursuant to Code Sections 16.4.3 (Identification of Current Status), 16.9 (Reports), 16.9.1.A (Progress in Threshold Attainment), 16.9.1.D (Target Dates and Interim Targets), and 16.10 (Local, State and Federal Standards).

**Rationale:** The status and trends of threshold standard-related indicators are reported in the “*Status*” and “*Trend*” subsections of each indicator summary dashboard page along with supporting status graphics and trend charts that are based on empirically derived data. The *Delivering and Measuring Success* subsections of each indicator summary page in the Final 2019 Threshold Evaluation Report characterizes the implementation of the Regional Plan and to the extent practical addresses the effectiveness of various Regional Plan elements in achieving threshold standards (see also finding 6).

Together, reporting elements included in the Final 2019 Threshold Evaluation satisfy Code Sections 16.4.3, 16.9, 16.9.1.A, 16.9.1.D, and 16.10.

3. Finding: Section 16.9.1.B directs the agency to report on the current cumulative impacts on each threshold of projects approved by TRPA from the effective date of the Regional Plan and from the date of the previous periodic report, including but not limited to 1) Units of Use: residential, commercial, tourist, and recreation allocations (Code Section 16.8.2.A), 2) Resource Utilization: additional vehicle miles traveled, vehicle trip ends, impervious coverage, water demand, sewage disposal capacity, area of SEZ disturbance (Code Section 16.8.2.B), and 3) Threshold Attainment and Maintenance: value of investments in water quality, air quality, transportation and coverage mitigation programs; area of SEZ restoration (Code Section 16.8.2.C).

Rationale: The *Cumulative Accounting Dashboard* of the Final 2019 Threshold Evaluation (<https://www.laketahoeinfo.org/CumulativeAccounting/Index>) provides a detailed cumulative accounting of units of use, resources utilization, and value of threshold investments consistent with Code Sections 16.8.2.A, 16.8.2.B, and 16.8.2.C respectively, and reporting requirements found in Code Section 16.9.1.B related to the effectiveness of the Regional Plan in achieving and maintaining threshold standards. Trend analysis included in each of the threshold category chapters provides additional evidence of the potential response of various threshold standard-related indicators to the implementation of the Regional Plan.

4. Finding: Pursuant to Code Section 16.4.5, TRPA shall identify and report on the status of additional factors which may be useful as short-term or indirect measures of attainment or maintenance of thresholds and standards. Such factors shall not substitute for or override the indicators identified pursuant to 16.4.1 (Identification and Monitoring of Indicators) but may be used to evaluate progress toward threshold attainment or maintenance.

Rationale: Where appropriate, the Final 2019 Threshold Evaluation reports on the status of “*additional factors*” (i.e., alternative ways to measure a resources status/condition) consistent with Code Section 16.4.4 (Reliance on Indicators), 16.4.5 (Additional Factors) and 16.9.1.C (Reporting of Additional Factors) in the “*Key Points*” subsection of indicator summaries prepared for each threshold standard or applicable local, state, and/or federal air and water quality standard. Threshold standard attainment status was not based on “*additional factors,*” in compliance with Code Section 16.4.5.

5. Finding: TRPA shall address Code Section 16.6 (*‘Compliance Measures’* – measures currently implemented through the Regional Plan that contribute to threshold attainment and maintenance) and 16.7 (*‘Supplemental Compliance Measures’* – measures that could be implemented through the Regional Plan to aid in threshold attainment and maintenance) as part of periodic progress reporting (Code Section 16.9.1.A).

Rationale: The Final 2019 Threshold Evaluation provides a discussion on the contribution of compliance measures implemented to aid in the achievement and maintenance of each threshold standard to the extent practical in the *Delivering and Measuring Success* subsection of each indicator summary page pursuant to Code Sections 16.9.1.A and 16.6. A detailed list of compliance measures in place and supplemental compliance measures is provided as part of the evaluation, at <https://thresholds.laketahoeinfo.org/About/ComplianceMeasures>, pursuant to Code Sections 16.6.1. and 16.7.1.

6. Finding: Pursuant to Code Sections 16.9.1.D, 16.5.1, and 16.5.2, TRPA shall establish and maintain an updated list of 'Target Dates' and 'Interim Targets', and report on the status of indicators relative to established dates.

Rationale: The 2019 Threshold Evaluation includes a discussion of the attainment status and the long-term trend for each threshold standard, where appropriate, pursuant to Code Section 16.9.1.D. For standards not in attainment, the Lake Tahoe Environmental Improvement Program, the primary partnership working to achieve and maintain the environmental threshold goals of the Region, has established interim targets, focus areas, and action priorities to accelerate threshold attainment.

7. Finding: According to Code Section 16.9.1.E, TRPA shall include recommendations in periodic progress reports.

Rationale: The 2015 Threshold Evaluation Report provided recommendations in the *Conclusions and Recommendations* chapter on additional actions that can be implemented to facilitate threshold standard attainment and maintenance, or otherwise improve the effectiveness of the TRPA Regional Plan pursuant to Code Section 16.9.1.E. These recommendations provided the basis for the current, ongoing Threshold Update process. In January 2018, the Governing Board directed focused review and update in four priority categories; 1) Air Quality: Vehicle Miles Traveled 2) Soil Conservation: Stream Environment Zones, 3) Recreation, and 4) Vegetation Preservation. In addition, the Board directed staff to work with the Tahoe Science Advisory Council (Science Council) on the updates, specifically to address overlap in the system, and to reassess the structure of the system more broadly. In May 2018, the Governing Board unanimously voted to adopt a system reorganization, modifications that were the result of over a year of work with the Science Council and other partners. Then, in April 2019, the Governing Board adopted further recommendations of the Science Council for a structured system of review and amendment of threshold standards and for evaluating adaptive management. The new system requires threshold standards to be specific, measurable, and outcome based. An early set of threshold standard amendments cleaned up ambiguous threshold standards. As a result, today there are currently 146 standards evaluated in the Draft 2019 Threshold Evaluation, down from 173 in 2015, with no

change in environmental protection. Extensive work has been underway to update the air and water quality categories.

As a result of the Threshold Update actions, no additional recommendations for implementing supplemental compliance measures were included in the 2019 Threshold Evaluation.