

Attachment A  
Summary of TRPA Historic and Cultural Resource Protection Regulations

This attachment summarizes TRPA historic and cultural resource protection policies, regulations, and procedures. These serve as guideposts and compliance directives for TRPA's Permitting and Compliance Department and our partner agencies during the review of proposed projects potentially effecting historic resources within our jurisdiction.

Specific policy or regulatory language can be seen in ***bold italics*** below.

In addition to TRPA regulations, the following policies, legislation, and guidelines may impact projects within the Lake Tahoe region depending on scope, scale, funding source, etc.:

- National Environmental Policy Act (NEPA)
- Section 106, National Historic Preservation Act
- California Environmental Quality Act
- California Native American Historical, Cultural, and Sacred Sites Act
- County General and Master Plans

Bi-State Compact:

The bi-state compact states the regional plan shall include a conservation plan for the ***"preservation, development, utilization, and management"*** of scenic and other natural resources within the basin, including ***"historical facilities"***.

Lake Tahoe Regional Plan – Chapter 4, Conservation Element

Historic resource protection policies and goals are included in Chapter 4: *Conservation Element* of the Regional Plan as directed by the Bi-State Compact.

***"...Tahoe's landmarks are valuable examples of its past and should be appropriately preserved."***

***Goal: Identify and preserve sites of historical, cultural and architectural significance within the region.***

In partnership with the USDA Forest Service, TRPA identified locations of historic and cultural significance in the Tahoe Basin in 1971. In preparation for the Regional Plan, TRPA expanded this inventory in 1977 with APC involvement. At this same time, inclusionary criteria were established in-keeping with state and national standards. In 1984, an official TRPA designated historic resources map was adopted as part of Ordinance 84-1, the same ordinance adopting the Regional Plan.<sup>6</sup> Additions to the map were made in 1987 and 1989. Today, these are the only resources referred to as "designated".

In the 1990s and 2000s, third-party external consultants hired by TRPA completed numerous architectural and cultural surveys on the Nevada side of the Lake Tahoe basin. These surveys were completed with grant funds and intended to be used for TRPA planning purposes. At the time, it was anticipated that surveys would be completed in a phased approach around the basin and result in a comprehensive inventory of historic and cultural resources. However, such activities were not continued following the Nevada survey.

Today, historic resources are identified on a case-by-case basis. When a potential project impacts a structure 50 years of age or older, TRPA or MOU partner with delegated TRPA permitting authority is required to complete a determination of eligibility. Resources identified in the Nevada surveys or on a case-by-case basis are referred to as “determined eligible” or “recognized historic resources”.

***Policy: Historical or culturally significant landmarks in the region shall be identified and protected from indiscriminate damage or alteration...Special review criteria will be established to protect such designated site in cooperation with property owners.***

Although the term “landmarks” is not defined within the Regional Plan, it is assumed to refer to TRPA designated sites. Other than TRPA’s Design Review Guidelines and Code of Ordinance’s (both discussed in a subsequent section), there has not been TRPA-specific review criteria developed for the protection of designated sites. TRPA has standardized mitigation measures for the alteration or demolition of resources and defers to the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

***Policy: Sites and structures designated as historically, culturally, or archaeologically significant shall be given special incentives and exemptions to promote the preservation and restoration of such structures and sites.***

Section 67.8.3 of the TRPA Code of Ordinances outlines specific exemptions available for designated historic resources. These exemptions include some waivers from existing standards – such as water conservation, building design, paving and parking, painting, and shorezone regulations – so long as certain criteria are met. These exemptions are subject to review given a project’s location and scope, as well as consideration of environmental thresholds.

### Rules of Procedure

As part of the project review, the applicant is required to complete and submit an Initial Environmental Checklist (IEC) to determine the potential effect (if any) on a historic resource. Question 20 of the IEC pertains directly to potential effects to historic or cultural resources. An IEC is not required for the determination of a historic resource or certain types of projects such as a single family dwelling.

Based on existing planning guidelines, regulations and precedents, TRPA Permitting and Compliance Department in consultation with legal staff and the TRPA Hearings Officer concluded that demolition of an eligible or designated historic resource is approvable so long as (1) TRPA can make the required findings, and (2) there is no objection from any applicable neighborhood organizations or collection of community members, the local jurisdiction, or the applicable State Historic Preservation Office (SHPO). Should there be objections from any of the entities mentioned above, the Permitting and Compliance Department and Hearings Officer would take the objections under consideration and resolve these on a case-by-case basis.

If, based on the IEC or EA, and other available information, TRPA determines that significant adverse effects can be mitigated by revisions to, or conditions on the project or matter, and the

applicant agrees, in writing or on the record, to such revisions or conditions, then TRPA may find that the project or matter will not have a significant effect on the environment.<sup>5</sup>

So long as Permitting and Compliance Department staff can mitigate a significant adverse effect, then a mitigated finding of “less than significant impact” or finding “no significant impact” can be made. See Code of Ordinances section below for more information on appropriate mitigation.

**6.4.1 The IEC shall, when completed, provide information identifying the environmental effects of the proposed project or matter. The IEC shall include, at a minimum, the following:**

- A. An identification of the environmental effects by use of a checklist, matrix, or other method;**
- B. A discussion of proposed mitigation for significant adverse effects, if any;**
- C. The name of the person who prepared the responses; and**
- D. If applicable, supporting data or evidence to support the responses.**

**6.4.3 When completed, the IEC shall be reviewed by TRPA to determine the adequacy and objectivity of the responses. When appropriate, TRPA shall consult informally with federal, state, or local agencies with jurisdiction over the project or with special expertise [such as SHPO] on applicable environmental impacts.**

**6.7 If, based on the IEC or EA, and other available information, TRPA determines that significant adverse effects can be mitigated by revisions to, or conditions on the project or matter, and the applicant agrees, in writing or on the record, to such revisions or conditions, then TRPA may find that the project or matter will not have a significant effect on the environment. A statement of such finding shall be placed in the project file maintained by TRPA and no further environmental documentation shall be required. See Section 3.6 of the Code.**

**12.14. Project or matter requiring notice to affected property owners: (f) substantial modifications/demolition of historic resources.**

#### Environmental Threshold Monitoring

TRPA currently does not have a threshold or specific standards related to historic or cultural resources or historic resource protection. This may be the only element within the Bi-State Compact and Regional Plan that is not directly linked to a threshold standard.

#### Code of Ordinances: Historic Resource Protection

**2.2.2.A.2.c: Additions, reconstruction, or demolition of eligible or designated historic resources requires review and approval by Hearings Officer.**

Additions, modifications, or demolition to an eligible or designated historic resource shall be reviewed and approved by a Hearings Officer, and is therefore not approvable as a Qualified Exempt activity. Additions include new construction within historic districts.

Chapter 67 of the TRPA Code of Ordinances includes management strategies and compliance for the protection of historic resources in the Tahoe Basin. More specifically, it outlines how historic

resources shall be designated (or recognized) for significance, inclusionary criteria, and standards for projects potentially adversely impacting historic resources.

## **Designation and Determinations of Eligibility**

### ***67.4. DISCOVERY OF ELIGIBLE RESOURCES***

***Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site...***

Today, determinations of eligibility are made for buildings or structures 50 years of age or older if a proposed project could potentially impact the resource. Should a resource (defined as a building, structure, object, site or district) have particularly high historic significance or integrity, it *may* be “designated” by TRPA. (Section 67.5) This designation increases awareness of the resource and must be approved by the Governing Board. Although procedural steps for *designating* a historic resource are still included within the Code, this action has not been pursued since 1989. (As discussed within the *Bi-State Compact* section above.) TRPA would likely only pursue this designation today if the property owner wished to do so. Properties that are determined eligible as historic resources for planning purposes are referred to as “determined eligible” or “recognized as historic resources”.

### ***67.6. CRITERIA FOR ELIGIBILITY AS A HISTORIC RESOURCE***

Section 67.6 outlines inclusionary criteria for a resource to be determined historically or cultural significant. This criteria is compatible with and closely mirrors state and national criteria standards:

1. Resources associated with historically significant events
2. Resources associated with significant persons
3. Resources embodying distinctive architectural characteristics
4. State or federally recognized archaeological or paleontological resources
5. Prehistoric or archeological sites that may contribute to the basic understanding of early cultural or biological development in the region.

## **Standards for Projects to Historic Resources & Mitigation Requirements**

Section 67.7 outlines compliance regulations for additions, repairs, maintenance, reconstruction, and demolition to properties determined eligible or designated historic resources. Whether or not mitigation will be required is determined based on the scope of the project and its potential effect the historic resource.

### ***67.7.4. Construction, Reconstruction, Repair, and Maintenance Standards***

***Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.***

The [U.S. Secretary of Interior's Standards for the Treatment of Historic Properties](#) are general guidelines that can help to preserve the historic character and integrity of a historic resource. If

the guidelines are followed (e.g. a new addition is in-keeping with the overall character of the building and does not detract from its integrity) it may be possible to make a finding of no significant effect and no mitigation would be required. TRPA may suggest specific character defining features, materials, or scale and massing be retained as part of a condition of approval.

If staff cannot make the finding that the project will adhere to the U.S. Secretary of Interior's Standards, then mitigation will be required. This mitigation typically takes the form of a "resource recovery plan" or more commonly known as a historic resource report or inventory. This report serves to document the existing conditions and historic significance of the property before it is altered or lost. This plan or report must be completed by a qualified architectural historian and donated to local historic societies and the State Historic Preservation Office.<sup>1</sup> Mitigation also includes professional photographs of the property.

### **67.7.3. Demolition**

***Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:***

- A. The action will not be detrimental to the historic significance of the resource;***
- B. The action is pursuant to a recovery plan approved by the applicable state historic preservation officer; or***
- C. It is the only feasible alternative to protect the health and safety of the public.***

As stated in the "Rules of Procedure" section above, demolition of historic resources are approvable so long as (1) TRPA can make one or more of the required findings above, and (2) there is no objection from any applicable neighborhood organizations or collection of community members, the local jurisdiction, or the applicable State Historic Preservation Office (SHPO). Should there be objections from any of the entities mentioned above, Permitting and Compliance Department and Hearings Officer would take the objections under consideration and resolve these on a case-by-case basis.

Based on existing planning guidelines, regulations and precedents, finding A above can be made if mitigation is prescribed by TRPA and followed or completed by the applicant. This mitigation typically takes the form of a "resource recovery plan" or more commonly known as a historic structure report or inventory. This report serves to document the existing conditions and historic significance of the property before it is altered or lost. This documentation may include narratives describing the historic context the resource, existing conditions, and statement of significance, as well as photographic documentation. This plan or report must be completed by a qualified architectural historian.<sup>2</sup>

TRPA may require additional mitigation measures given the scope of the proposed project and the resource's level of significance. (e.g. oral history of the resource or property by living descendants, write-up in the local paper, etc.) Mitigation is included within the "prior to acknowledgement" conditions of the permit. The permit shall not be finalized, or "acknowledged", until such conditions are met.

In compliance with section 67.4, TRPA will consult with the Washoe tribe regarding proposed projects that could potentially impact cultural and tribal sites.

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<sup>1</sup> For qualification standards visit: [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm)

## TRPA Design Review Guidelines

### **2.A. Building Design**

***Guideline: (4) "Establish an Architectural Style: Major building forms should express a simplicity and directness responsive to the vernacular traditions of mountain architecture... The goal is for functional design solutions that are compatible with the natural environment and contribute to the character and quality of the built environment."***

The architectural style of a particular planning area is typically guided by the local planning document. (i.e. area plan or community plan)

### **2.D. Historic Buildings**

***"Steeply pitched roofs, deep covered porches, dormers, board and batten siding, window mullions, and rock wainscoating are among design elements which helped create the 'Old Tahoe' building style."***

***Guideline: "Refer to The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."***