

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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February 9, 2022

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ferry called the meeting to order at 9:30 a.m.

Members present: Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew, Mr. Guevin, Mr. Ferry, Ms. Ferris, Mr. Hill, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Teshara, Mr. Young

Members absent: Mr. Alling, Ms. Stahler, Ms. Simon, Mr. Smokey

II. APPROVAL OF AGENDA

Chair Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

January 18, 2022 APC Minutes will be posted in the March APC Packet.

V. PLANNING MATTERS

- A. Discussion and possible action on the Forest Health Code Language regarding Mechanical Ground-based Equipment on 30-50% Slopes, Chapter 61 Vegetation Forest Health – Sections 61.1.6.B through 61.1.6.D

[Agenda Item No. V.A. Forest Code Change](#)

TRPA Forest Health Program Manager, Dr. Kat McIntyre presented the item. Dr. McIntyre began by providing an overview of the background, history and need for these amendments. She explained that the amendments being presented today, are part of a larger suite of Forest Health Code Amendments, that she has been working on for the last two years. She reminded

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APC members that she had presented to them several times in 2020 on code amendments focused on clarification, standardization, and bringing the Forest Health Code regarding forest health and vegetation, up to speed with modern practices.

The code amendment package being presented today, was presented to the the Forest Health and Wildfire Committee in November 2021, and to the Regional Plan Implementation Committee in January 2022. Both Committees reviewed the amendments, and recommended them for TRPA Governing Board approval.

The Angora Fire struck in South Lake Tahoe in 2007, and burned approximately 3,100 acres, and over 250 structures. The 'Emergency California-Nevada Tahoe Basin Fire Commission Report was produced as a result of that fire. This was a collaborative, bi-state effort to consider and recommend a variety of recommendations on policy, implementation, and education, regarding vulnerability to fire and forest resilience, within the basin.

Over the years, staff have been chipping away at the recommendations, and one of the final recommendations is Recommendation 17 – Simplifying Regulations, Subpart J:

“The Commission recommends the Tahoe Regional Planning Agency, The Lahontan Regional Water Quality Control Board, USDA Forest Service, and other affected agencies amend their planet ordinances to allow equipment use on slopes greater than 30% based on current and future technology and current forest practices to ensure research resource protection.”

In September 2021, Chris Anthony from Cal Fire gave a Caldor Fire briefing to the TRPA Governing Board, during which he highlighted that this last recommendation is critical in terms of reducing fire risk, and overall forest resilience within the basin. Dr. McIntyre added that outside of the basin, other agencies and implementers, are allowed to use ground-based mechanical equipment on slopes above 30%. Currently, both the California Forest Practice Act, and Nevada Division of Forestry Regulations, allow the practice.

Referring to slide 6, Dr. McIntyre described photographs that illustrate Fire Treatment Effectiveness for the Angora Fire. The quote from Safford et al., 2009, states, *“Our results show that fuel treatments generally performed as designed and substantially changed fire behavior and subsequent fire effects to forest vegetation. Exceptions included two treatment units where slope steepness led to lower levels of fuels removal due to local standards for erosion prevention. Hand-piled fuels in one of these two units had also not yet been burned.”* Dr. McIntyre said this statement highlighted the reason for the proposed amendments.

Dr. McIntyre also described photographs (slide 6) from the Emerald Fire, where the photograph on the left side, shows an untreated area where all the trees were scorched and burned. As the fire moved into treated areas (right photo), the fire dropped to the ground with the result that there was much less tree mortality and scorched earth. This highlights how the ability to access and treat areas, with ground based equipment is critical, not only for forest resilience, but also for reducing fire severity.

Dr. McIntyre said that within the Lake Tahoe Basin, approximately 6,100 acres, or 27% of total land, falls on slopes of 30 to 50%. It is important to remember that not all of those are forested areas. Of those acres 25,300 acres, or 41%, fall within Wildland Urban Interface (WUI) defense

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and WUI threat zones. As highlighted by the Caldor Fire, those are the areas around communities and neighborhoods, where treatment is critical, in order to protect those communities, and to allow firefighters to get in and perform their work when managing a wildfire. Finally, the majority of acres are on federal lands - 47,000 acres or 77% fall on federal lands.

Currently, the Code of Ordinances, allows for hand treatment on slopes of greater than 30%, so does not allow the use of ground based mechanical equipment. This can be problematic for a variety of reasons. Firstly, hand treatments are often more resource intensive, and therefore more costly. When talking about limited funding, and limited budgets it means that the funding cannot go as far.

Dr. McIntyre said that they also know that pile burning is less ecologically beneficial than a broadcast burn. While the proposed code amendment will not completely replace pile burning, we will see a large reduction of piles on the landscape, if we are able to use ground-based mechanical equipment. All of this also has implications for the pace and scale of restoration, and there is wide recognition that we need to increase the pace and scale of our treatments.

Dr. McIntyre said that staff had engaged with science partners, the Pacific Southwest Research Station, to assess the erosion effects of a variety of restoration treatments, on hill slopes and soil types within the Lake Tahoe West Landscape, and then across the entire Lake Tahoe Basin. In July 2021, the science partners presented to the Forest Health Wildfire Committee on the initial results in their WEPP (Water Erosion Prediction Project) Report. The complete report is Attachment D of the Staff Report in the APC Packet.

Dr. McIntyre highlighted a few of the key findings from the report. The WEPP Report found that sediment and phosphorous yields from moderate or high severity fires, were significantly more than all thinning scenarios. So, even the most robust thinning scenario (that would never be considered in the basin), was not producing as much sediment or phosphorus as a moderate or high severity fire. They found that Land Managers would need to apply thinning treatments more than 50 times within 60 years to generate erosion that would eliminate the benefits of reducing wildfire severity from moderate to low. Dr. McIntyre said that scenario is completely unheard of, and would never happen.

The WEPP Report also found that most sediment yield on slopes between 30 to 50%, comes from areas that are covered by shrubs and grasses, and not from forested areas. So, those areas are actually not going to be subject to ground based mechanical equipment.

Finally, on hillslopes between 30% and 50% thinning will increase the risk of erosion, but when thinned hillslopes erode, the sediment yield is no different when compared to an untreated hillslope.

Following the release of the WEPP Report, Dr. McIntyre began work with key Tahoe Fire and Fuels Team members to collaboratively review, and craft code language that maintains environmental protections, while allowing for the increased use of ground based mechanical equipment on steeper slopes.

The proposed code amendments fall into two main categories. The first is 'clarification and

standardization’, and the second is ‘expanded treatment opportunities’.

Dr. McIntyre provided an overview of the code amendments for clarification and standardization. The first piece (slide 16) is around “Inclusion of over frozen ground tree removal”, and just standardized with previous code updates, to include removal of trees over snow, and over frozen ground. The original amendment was based on the fact that going over frozen ground is often less environmentally impactful, than going over snow.

Secondly, for the Refinement of Equipment Definitions (slide 17), staff refined the equipment definitions to reflect the current suite of machinery and technology available for tree removal, and to reflect what is actually occurring out in the field.

The next major section of proposed code amendments is for Expanded Treatment. Slide 19 shows refinements to Table 61.1.6-1, including removing the word ‘roads’ from ‘tractor roads and main skid trails. Implementors felt that we typically think of a road as being engineered to specific standards, when in fact, they are really actually using tractor trails. The other refinements to Table 61.1.6-1 are an increase in the maximum grade for ‘tractor and main skid trails’ and ‘secondary skid trails’, from 30% to 50%.

Slide 20 – Refinement of Table 61.1.1-3, shows the amendment to replace the TRPA water break spacing requirements, with the California Forest Practice Act water break spacing requirements. Dr. McIntyre reminded APC members that while the California Practice Act allows implementers to go up to 65%, the proposed amendment only goes up to 50%, so the revised table is a cropped version of the California Practice Act table, up to 50%. Staff feel this is a good substitute, because it gets way from the Land Capability District piece, while maintaining the hazard rating (which includes slopes, soil type, parent rock) so still encapsulates what goes into the Land Capability Districts. Both California and Nevada representatives were comfortable with this substitution.

Slide 21 - Refinement of Table 61.1.1-4 (areas over 30%) shows additional proposed language to add *“Use of ground based equipment and skidding may be used pursuant to 61.1.6.F.1 through 61.1.6.F.5 with approval by the TRPA”*

Slide 22 shows the proposed language for skidding on 30%-50% slopes. Dr. McIntyre explained that this was the big addition, *“Ground skidding may be permitted on slopes under 30%. Ground skidding on slopes between 30 and 50% requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion.”*

Slide 23 shows the proposed language for ground-based mechanical equipment on 30% to 50% slopes, which says, *“On slopes between 30% to 50%, ground based vehicle systems for tree removal requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion.”*

Dr. McIntyre summarized by saying that the Caldor Fire highlighted the critical importance of forest treatments and defensible space work, and reminded APC members that the proposed

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amendments have received unanimous support from both the TRPA Forest Health and Wildfire Committee, and the Regional Plan Implementation Committee.

Dr. McIntyre said that the Tahoe Fire and Fuels Team produced their Forest Action Plan in 2019, and the plan charts a way to collaboratively accelerate landscape restoration and wildfire protection, focusing on technology capacity, and streamlining permitting and planning. With the plan in place, staff have seen an influx of funding for forest treatments and resilience, and feel that these code amendments will help increase the pace and scale of work to increasing fire resilience and reduce fire risk.

Dr. McIntyre said that the Expanded Checklist and Findings made findings of No Significant Impacts for all elements. She added that multiple levels of environmental protection are in place for water quality, erosion, and vegetative management, including:

- Current TRPA Code of Ordinances
- CA and NV Forestry Regulations
- LTBMU Forest Plant Standards and Guidelines (2016/2017)

Commission Comments and Questions

Mr. Young thanked Dr. McIntyre for the presentation, and said he had a question relating to Washoe County's newly adopted Area Plan. In the plan, Washoe County made a commitment to do an urban forestry plan. While that is not directly related to these amendments, which are easy to support, Mr. Young asked if staff were aware of anything in Washoe County's existing standards or approach, that ought to be changed to keep up. Mr. Young added that the north end of the lake watched what happened at the south end, and recognize the need to move forestry up the priority ladder on the North Shore, particularly in the Incline to Crystal Bay Area. He would appreciate some communication from staff about what needs to be done to keep pace.

Mr. Hill thanked Dr. McIntyre for the presentation, and said it was clear that this has been a very thoughtful process, and shows great work with partner agencies. He said that many of the watersheds are unique in their own way, and more susceptible to erosion than other watersheds. He asked Dr. McIntyre if she had an idea of where the thinning or logging is expected to take place, over the next few years in the Tahoe Basin.

Dr. McIntyre responded that she did not have full details, but there are parts of Lake Tahoe West that would definitely benefit, and she expects those areas to be high on the priority list. Dr. McIntyre added that there are sections of Homewood that are also being considered. Dr. McIntyre said she will follow up with implementers for more specific information, and noted that the WEPP Analysis reviewed and calibrated multiple watersheds within the basin, and analyzed and modelled over 73 different watersheds in the basin. Referring to the map in the WEPP Report, Dr. McIntyre said that almost every watershed was modeled, and illustrates very good parity between what the model was producing, and what they were actually seeing.

Mr. Hill asked if this would totally eliminate the need for hand treatment, or if depending on the project, there might still be a need for hand treatment methods in addition? Dr. McIntyre replied that there will still be a need for hand treatment for areas above 50% slope, areas with access issues, and for small

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pocket areas where hand treatment makes more sense. While there will still be a need to involve hand treatment, efficiency will be gained in combining different techniques.

Mr. Drew thanked Dr. McIntyre for the presentation and asked for an example of where the proposed amendments would be used to get forest health to where we need it. Dr. McIntyre referred to slide 8, which shows that 41% of the 30-50% slope acres (totaling 25,330 acres), in the Lake Tahoe Basin, falls within the WUI defense and WUI threat zones. Those areas are adjacent to communities, and where the current language would be prohibiting mechanical treatment. Slide 6, showing effects from the Angora Fire, illustrates how steeper slopes, where mechanical treatment was prohibited, burned really hot. Dr. McIntyre said this supports the case for this amendment in getting more critical work done.

Mr. Hill said that in reviewing the staff report and background materials, we currently have areas where agencies are constrained to hand thinning only, and given the concentration of stands and vegetation in those areas, hand thinning cannot get the density to where it is needed to meet the goals and objectives for fuels reduction. The current code language is restricting the ability of agencies to treat areas with slopes over 30%, some of which are in the WUI, and based on the analysis, density is left higher than preferred in these areas.

Mr. Hill asked if there had been any discussions about areas that burned as a part of the Caldor Fire – how many of those acres fall over 30%, and were therefore untreated, and contributed to areas that burned extremely intensely. Was there any analysis that shows what would have happened if these amendments had been in effect? Dr. McIntyre responded that analysis had not been performed on that, but it would be a good idea to undertake with the TRPA GIS Team. She added that Chris Anthony (Cal Fire), presented anecdotal evidence to the TRPA Governing Board in November 2021, that it was very clear to see that the Caldor Fire effects were much more significant and aggressive in areas of 30% to 50%.

Mr. Hill said that we have seen firsthand what happens under these new climate scenarios, and we clearly have to respond to the new fire regime we are dealing with. Although some of what we are talking about today may raise some concerns, the reality is that we have to do something different. He does not know that the current proposal is the final solution, but he appreciates the thought that staff and partners have put into a proposal to try and address the changes. He said that we are entering an uncharted area, and we have to recognize that there will be some unknowns.

Ms. Chandler thanked Dr. McIntyre for the presentation. She was unfamiliar with this topic, so spoke with a friend who is a retired forest service staff member, who reviewed the material and said that it was incredibly well thought out, and would really assist with forest management. She said it would help with fuel reduction throughout the basin, and she was impressed with the proposed review safeguards. She said it fulfills the critical need for increasing the scope and scale of fuel reduction, while ensuring sound mitigation, and was very supportive of this amendment.

Ms. Jacobsen echoed Ms. Chandler's comments and said she is supportive of the amendments. Ms. Jacobsen asked if there was mapping to show the areas that have been treated to date, and where the gaps might be. Dr. McIntyre said the Tahoe Fire and Fuels Team (TFFT) have detailed mapping (GIS files) documenting all of the areas that have been treated, and conduct annual reviews to determine what will be treated in the future.

Referring to the study, Vice Chair Ms. Carr said the conclusions spoke to a number of innovative, project planning level mitigation strategies for mitigating any potential environmental impact, that look really

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good. In regard to minimizing potential impacts of treatments on sediment and water quality, the study encourages high patchiness of treatments, staggering treatments in time and space, designating topographically based buffers, planning upland treatments to follow meadow restoration designed to help capture eroded sediments, and using care when re-opening access roads to minimize erosion risk. Ms. Carr said she will send the list to Dr. McIntyre, because it comes from the study, and not from the APC packet documentation. Ms. Carr asked how staff and partners might include some of those mitigation strategies into TRPA materials, so that they are more obvious to project proponents who may not be reading the study. Is the Code the right place, or is there somewhere else that could include those mitigation strategies? Dr. McIntyre explained that the language in the amendment was not an exhaustive list, to encourage implementors to be creative, and use all available tools when minimizing and mitigating potential environmental impacts.

TRPA Counsel Mr. Marshall agreed that Ms. Carr offered great ideas, and confirmed that staff had reviewed the list. The reality is that these 30% - 50% slopes are located almost exclusively on either federal or state lands, so those are the two principal implementors (USFS or Nevada Division of Forestry). Getting this equipment is not an insignificant commitment of resources, and the individual permitting decisions will be coming through TRPA, and through design by the Tahoe Fire and Fuels Team. So, the work that was done by the scientists, was also informed by the implementation of this type of work, both inside and outside the basin. Mr. Marshall added that staff can work on ensuring the best possible project design, because it has to go through both federal, state and TRPA permitting. Ms. Carr agreed that it was good to recognize that any project proponents will be limited, and should be experts in the field.

Referring to the changes in 'frozen ground', Ms. Carr said she noticed deletions such as requirements for packing snow over roadways, or stopping use in an area when dirt shows up on top of the snow (page 45 of the APC Packet: Section 61.1.6-B). She asked if those practices were no longer considered the gold standard? Is that no longer good practice, or are you just assuming that if there is snow, there is frozen ground underneath. Dr. McIntyre responded that was not common practice, and that there already definitions for what can or cannot be done for removal over snow or frozen ground, both in the TRPA Code of Ordinances, and in the Forest Practice Act, and in Nevada Division of Forestry Regulation. So, staff felt that was in excess of standards that are already been met.

Referring to page 46 of the APC Packet, Ms. Carr asked about the language change referring to 'skid trails located to protect residual stands through utilization of natural openings and topographic characteristics'. The following sentence reads: "*the number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less shall be the minimum size needed.*" Ms. Carr asked about the change – can the minimum needed now be more than 15 feet? What is the idea behind the seemingly vaguer language? Dr. McIntyre responded that change is intended to give implementers the latitude and flexibility to get the work done as necessary. The reasoning would be that one good trail of 20 feet, might do the work of two skid at 15 feet or less, lessening the overall impact.

Referencing the same paragraph (Page 46, 2) Ms. Carr note that "and shall require approval by TRPA", was also proposed for deletion. She asked what the process would be for TRPA to evaluate the minimum size needed. Who does the review and approval? Dr. McIntyre responded that approval would still take place at TRPA staff and executive level, as part of the mapping process for any proposed project. Mr. Marshall added that if you look at other places in the Code that require TRPA review and approval for projects of 30-50%, the striking of the language has no effect since those projects already require review and approval.

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Ms. Carr questioned whether there was a typographical error in the code change on Table 61.1.6-4: Tree Removal Methods (page 47 of APC Packet). For Land Capability Districts 1A, 1C, or 2, referring to the use of ground based equipment and skidding, used pursuant to 61.1.6.F.1 through 61.1.6.F.5., she believes that F should say D.

Ms. Carr asked about the Initial Environmental Impact Checklist (IEC). The introductory statement on the first page refers to Mechanical Treatment on Steep Slopes in NRS Chapter 528, requiring a variance procedure from the Nevada Fire Warden. Ms. Carr said she talked with Nevada State Lands about the variance process, and they were not sure. She asked for clarification on the variance process for a Steep Slope Project in Nevada, and recommended that a variance question should be added as part of the checklist.

Ms. Carr asked for clarification on how staff thought through the IEC. Referring to Water Quality section, Part B and Part E (page 75 of the APC Packet, page 9 of the IEC), she noted they checked 'No', and questioned if that should be 'No, with mitigation', because BMPs are needed to mitigate potential impacts of erosion related to tree removal on steep slopes. How do you choose when to check 'No', and how do you choose when to check 'No, with mitigation'?

Mr. Marshall responded that the IEC looks at a project as proposed, to determine whether or not it needs additional mitigation to be able to make the finding. So, you go back to the code, where BMPs are already part of the requirements of the project - we don't need BMPs as mitigation because they are already folded into the project. We are looking at how the project will occur on the landscape. Because the code, together with all the requirements from state law, is a complete package, we don't need additional mitigation.

Referring to Section 18 of the IEC - Scenic Resources/Community Design (page 86 of the APC Packet, page 20 of the IEC), Ms. Carr asked if the boxes were checked as 'No' because the impacts were temporary? Mr. Marshall said that at this point they could not know if any proposed projects would be visible. Dr. McIntyre confirmed that it is not possible to speculate on where, if at all, there might be scenic impacts, or if any impacts might be temporary. Ms. Carr agreed that was supported by the Findings of Significance Section 21.B, that asks if the project had the potential to achieve short-term, to the disadvantage of long term, environmental goals.

Finally, Ms. Carr referred to written comment from Mr. Doug Flaherty regarding the fact that the IEC was not signed. She assumes that does not prevent action today, but that the document would require to be signed and dated prior to becoming part of the record with the TRPA Governing Board.

Mr. Guevin said that the variance through the state is a simple process, and usually has to do with Stream Environments Zones, but can refer to steep slopes. The Tahoe Douglas Fire Protection District has received those variance applications, and it entails contact with the Nevada Division of Forestry Resource Officer, to work with a multi-disciplinary team to review that variance.

Mr. Guevin added that the proposed amendment is required in the basin. The ability to use mechanical tools is really important, and the damage from uncontrolled wildfire far exceeds any damage that we would have with mechanical treatments. The Angora Bi-State Report showed this as a necessary improvement to the Code of Ordinances. Steep slopes about 41% of the WUI and our residential areas, which are an important piece of the Forest Action Plan. Frozen ground is also a key change. This is not the final solution, but it an important tool in the toolbox, and not having it will have significant negative

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impact on the fire danger in our region. This does not represent a 'free for all', there is still oversight, and this is a responsible use of funds, and responsible maintenance of the land.

Mr. Teshara stated that page 1 of the IEC (page 67 of the APC Packet) references the fact that other areas/jurisdictions already have similar rules to the proposed amendments, so TRPA are just catching up. Specifically, Article 4 of the California Forest Practice Act, Nevada, NRS 528, and the LTBMU 2016 Land Management Plan. Mr. Marshall said that all projects are planned within those statutes, so all the conditions that apply to state or federal project rules, also apply to projects within the Tahoe Basin. Mr. Marshall added that the fact that Forest Service projects outside of the basin can already go beyond 50%, is illustrative of the advance in the technology that allows new machinery to work these slopes safely, and without significant environmental impact.

Referring to Mr. Doug Flaherty's written comment on the IEC being distributed without signature, Mr. Teshara noted that Dr. McIntyre would sign off on the IEC as it moves forward.

Finally, in regard to earlier comments regarding scenic impact, Mr. Teshara said we should remember that the forest is over dense. So, while there may be a scenic impact in terms of creating space, it is actually an improvement because the trees are too dense in many areas.

Mr. Drake said that following the Angora Fire he was involved in work that triggered many of these conversations about the need to accelerate mechanical treatment to get this work done. He is wholeheartedly supportive of the change to the code. On a landscape scale, there is no doubt that the erosion impact of a catastrophic hot wildfire moving through the basin would be wildly more than the impact of a smaller scale treatment project, but we still must do our best to get these projects done with minimal impacts, and take responsibility for the impacts that come along, and fix them. Sometimes that is just the difference between having a great operator who is paying attention, versus somebody who might be in hurry and a little careless. So, he is less interested in the landscape scale, basin wide discussion, and much more concerned in the project scale implementation.

Mr. Drake said he had been involved in a few moderate scale projects, using variances, where the impacts were truly mitigated – not just checking boxes. When looking at some antiquated TRPA Code around maintenance and mitigation, he is concerned that the language does not reflect the state of the science. He said they have been talking about this for over a decade, and he would love to see TRPA embrace some of the work that has been done on some of the more site specific tools that are out there. Mr. Drake said that the Code of Ordinances may not be the place for it, but there may be opportunities in the BMP Handbook, or the project mitigation criteria, to give these implementers the flexibility they need to use their expertise on the ground, and to acknowledge that every site is different. Mr. Drake referred to the [2015 Forest Management Guidebook](#), and said he would love to see that being used. WEPP modelling is great for landscape scale NEPA and CEQA assessment, but he does not give it much credibility on a smaller project scale, where we really need eyes on the ground. Often it is about very simple things that can be done to leave a project in good shape, and much of it has to do with compaction and keeping cover on the surface.

Mr. Drake added that he is supportive of this amendment, and thinks it is a real opportunity for TRPA to show how adaptive management can be put into action on a project scale, not just a big, basin wide planning scale.

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Mr. Ferry said that he had asked Mr. Marshall how slope is measured. Was it an overall average? Mr. Marshall had responded that it is not measured as an overall average, and that a 50% slope cannot be exceeded anywhere within a treatment area.

Public Comment

Ms. Laura Patten, Senior Science Policy Analyst with the League to Save Lake Tahoe (the League), said that the League is supportive of the concept of basin wide code amendment to allow ground based mechanical equipment on slopes up to 50% . The League understands that approximately 20% of the project area for Lake Tahoe West for example, consists of slopes between 30% - 50%. That area will benefit from ground based mechanical thinning, and any environmental analysis will need to consider the effects of using ground based mechanical treatments in those areas, and the effects of the code change for the entire Lake Tahoe Basin.

Ms. Patten said that the proposed change is in line with one of the goals of Tahoe agencies and partners, to increase the pace and scale of restoration. The science on thinning scenarios shows a narrow increase in sediment and phosphorus yields, while a moderate or high severity fire like the Caldor Fire, would have larger implications on water quality and Lake Tahoe's renowned clarity. Therefore, the League recommends moving forward with this code change amendment.

Mr. Ferry asked Mr. Marshall to address written comments submitted by Mr. Doug Flaherty. Mr. Marshall said a couple of his questions had been addressed in the prior discussion, so he focused his response on Mr. Flaherty's comments regarding the ability to bring projects forward under a checklist, as opposed to an EIS, and how that also relates to our list of exempt projects, where environmental documentation is not required.

Mr. Marshall said that the world of potential projects can be divided up into categories. First, projects that are so benign we can say, as a matter of a categorical exclusion, they do not need to complete environmental documentation. That is the exempt list. The proposed plan amendment does not fit within that category – it fits within the category of the remainder of the projects, where a stepwise environmental review process is required. Initial Studies, Checklists and IECs, all function to inform what type of environmental review is required to flush out any potential environmental impacts, and make a finding as to whether a project can go forward, without an EIS, because there are no significant environmental impacts. If a checklist finds that there are significant impacts, the process moves on to the next step, with either an environmental assessment or an EIS. Mr. Marshall believes that Mr. Flaherty is suggesting that an EIS is always required, unless a project is exempt. Mr. Marshall said that is not accurate. He pointed out that most projects in the basin, move through an environmental documentation process, based on a document other than an EIS. Mr. Flaherty's overarching comment that we are somehow in violation of the compact, or the rules for using an IEC, is a misunderstanding of the environmental documentation process works.

Mr. Marshall said the Mr. Flaherty's comments include generic statements that this project will have an environmental impact because it covers a large area, or because it is controversial, so the comments are not substantive. The size of an area is not a standard that plan amendments are subject to - they look at whether or not there is going to be an environmental impact, in the knowledge that individual projects will still have to go through TRPA permitting and an additional environmental review process.

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Commission Member Comments

Ms. Carr made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the Staff Report, with the fix to Table 61.1.6-4 Tree Removal Methods (to change 61.1.6.F.1. through 61.1.6.F.5, to 61.1.6.D.1. through 61.1.6.D.5)

Mr. Guevin seconded the motion.

Ayes: Ms. Chandler, Mr. Drake, Ms. Carr, Mr. Drew, Mr. Guevin, Ms. Ferris, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Hill, Mr. Teshara, Mr. Young, Mr. Ferry

Absent: Mr. Smokey, Ms. Simon, Ms. Stahler, Mr. Booth

Motion carried.

Ms. Carr made a motion to recommend adoption of the Ordinance 2022 -____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A, with the fix to Table 61.1.6-4 Tree Removal Methods (to change 61.1.6.F.1. through 61.1.6.F.5, to 61.1.6.D.1. through 61.1.6.D.5)

Ms. Chandler seconded the motion.

Ayes: Ms. Chandler, Mr. Drake, Ms. Carr, Mr. Drew, Mr. Guevin, Ms. Ferris, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Hill, Mr. Teshara, Mr. Young, Mr. Ferry

Absent: Mr. Smokey, Ms. Simon, Ms. Stahler, Mr. Booth

Motion carried.

VI. REPORTS

A. Executive Director/Upcoming Topics

Mr. Hester provided an update on how the TRPA Governing Board had responded to recent recommendations from the APC. Last month the APC made a recommendation on the TCAP Area Plan. The amendment did not pass, and a motion was made to bring the item back for reconsideration at the next Governing Board meeting. The Tahoe Keys Weeds agenda item, that was recommended for approval for by APC, was approved by the TRPA Governing Board.

Upcoming items for the APC will include items on the Bijou Al Tahoe Community Plan Amendment, an Aquatic Invasive Species Update, the Upper Truckee River Golf Course Environmental Documents, and a Thresholds Update.

Tracy Campbell advised APC members that future virtual APC meetings will shift platforms from GoToWebinar to Zoom, effective immediately

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B. General Counsel

No Report

C. APC Members

Ms. Chandler advised that the Tahoe Keys Property Owners Association is moving forward with a plan to implement the Tahoe Keys Control Methods Test Project, beginning in May 2022.

Mr. Guevin advised that the Tahoe Douglas Fire Protection District are working with the Department of Transportation on the Highway 50 Corridor, to look at fuels reduction from the roadway. They are also looking at parking and parking plans along Highway 50, and spurs.

Mr. Guevin added that they have heard that the Tahoe Keys will be raising the rates for launching boats, and are concerned about the impact of potential increased activity at other boat launch facilities. He said that Nevada State Parks are moving forward with a reservation system at Sand Harbor, and that may carry over to the Cave Rock facility. He said they are concerned about the impacts on roadside parking and the environment.

Following the recent storm incident, and total loss of the Tahoe Douglas Fire Protection District Fire Boat, Mr. Guevin advised that they have launched their reserve boat, alongside the Sheriff's Department Search and Rescue boat. They hope to have a new Fire Boat back on the lake by Fall 2022. Tahoe Douglas Fire Protection District are also working with the Forest Service and other agencies to establish a public safety pier at Zephyr Cove.

Finally, Mr. Guevin said that Tahoe Douglas Fire Protection District are also working on their Save the Basin program, which is a helicopter initiative to have a dedicated Fire Rescue Helicopter in the Basin.

Ms. Jacobsen advised that the Placer County Board recently heard a second reading of an updated short-term rental ordinance, which will set a limit on short-term rentals for Eastern Placer at 3,900. The ordinance also includes stricter operational standards for enforcement. Placer staff are developing a program around the ordinance, and forming a working group that will continue to provide guidance on the program as it moves forward.

Ms. Roverud informed that the City of South Lake Tahoe are in the process of completing their General Plan Housing Element Update, which is required by California State Law to be completed by June 2022. A [draft](#) of the new Housing Element is available for public review on the City's website, and virtual and in-person workshops are being held for public participation and input.

Mr. Teshara honored the legacy of former City of South Lake Tahoe Attorney, and former Town of Truckee Attorney, Mr. Dennis Crabb. Mr. Crabb was a great human being who was always happy to help, and lend his expertise on a wide variety of issues. He was a good facilitator who came in to try to mediate between partners, and also served as the District Councilor for the Tahoe Transportation District. Following his retirement, Dennis and his wife Pat, did a lot of traveling around the world, before he sadly passed away just recently in Reno, Nevada.

ADVISORY PLANNING COMMISSION

February 9, 2022

Ms. Carr asked if there was any update on when APC meetings might be able to be held as hybrid or in-person meetings. Mr. Marshall responded that there are some internal technical restrictions that are currently being addressed. TRPA will provide an update shortly.

Mr. Ferry informed that El Dorado County is hoping to begin construction on a San Bernadino Bike Path Project. The project will provide a new pedestrian bridge over the upper Truckee River, connecting Tahoe Paradise Park to the North Upper Truckee Neighborhood.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Mr. Teshara moved to adjourn.

Chair Ferry adjourned the meeting at 11:26 p.m.

Respectfully Submitted,



Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review