

TAHOE REGIONAL PLANNING AGENCY  
REGIONAL PLAN IMPLEMENTATION COMMITTEE

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January 26, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 9:15 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Mr. Lawrence, Mr. Yeates

II. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean made a motion to approve the December 15, 2021 minutes as presented.

**Motion carried.**

V. Discussion and possible action/recommendation of the Forest Health Code Language Regarding Mechanical Ground-based Equipment on 30-50% Slopes, Chapter 61 Vegetation and Forest Health-Sections 61.1.6.B. through 61.1.6.D

Mr. Yeates said the Forest Health and Wildfire Committee addressed the substantive issues and the Regional Plan Implementation Committee's role is to ensure that what's in the Code of Ordinances matches what should be done. There was a comment letter received that had concerns with the substance of what is being proposed to the Governing Board.

TRPA staff Ms. McIntyre provided the presentation.

Ms. McIntyre said today's presentation will include the history, background, need for this code amendment, and then review the code amendments and their substance.

The Angora Fire in Lake Tahoe occurred in 2007 which burned approximately 3,100 acres, and over 250 structures were destroyed. From that, they had the Emergency California Nevada Tahoe Basin Fire Commission that was a joint bi-state effort that produced a report of recommendations on policy, implementation, and education regarding vulnerability to fire and forest resilience within the Tahoe basin.

Since that report came out, the Tahoe Fire and Fuels Team and agencies around the Basin have been working to implement those recommendations. One of the final recommendations yet to be implemented is this one around simplifying regulations. The commission recommended that TRPA, the Lahontan Regional Water Quality Control Board, the USDA Forest Service, and other affected

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agencies amend their plan and ordinances to allow equipment use on slopes greater than 30 percent based on current and future technology and current forest practices to ensure resource protection.

Chris Anthony from Cal Fire spoke specifically to this recommendation at the September 2021 Governing Board briefing on the Caldor Fire. It is critical for forest resilience and reducing fire risk within the basin. The California Forest Practice Act currently allows for treatment with ground based mechanical equipment above 30 percent and around the country implementers are going above 30 percent with ground based mechanical equipment.

(Slide 5) 2007: Angora Fire Treatment Effectiveness. On the left are areas that were treated that burned, and on the right are areas that were untreated. The Safford et al., produced a paper in 2009 that shows fuel treatments generally performed as designed substantially changed fire behavior and subsequent fire effects to forest vegetation. Exceptions include two treatment units where slope steepness led to lower levels of fuel removal due to local standards for erosion prevention. This shows that treated areas fared much better under the Angora Fire, the areas that weren't specifically on steep slopes due to regulation, did not fare as well.

(Slide 6) 2016: Emerald Fire Treatment Effectiveness. On the left are areas where there was no treatment and then where there was treatment the fire falls to the ground. The area on the right was an area that had been treated before the Emerald Fire. There's still standing live vegetation on the right and on the left the ground is scorched and the trees are gone.

On slopes that are 30 to 50 percent within the basin approximately 61,000 acres or 20 percent of total land fall on slopes 30 to 50 percent. While those could be subject to this code amendment, that does not necessarily mean that all of those slopes will be treated. Many of those slopes are bare open, granite areas, or shrub land and are not going to be treated with ground based mechanical equipment. These acres of 25,300 or 41 percent fall within Wildland Urban Interface (WUI) Defense and WUI zones. Those are the areas that they need to be focusing on in terms of fire risk and forest resilience and ensuring communities are safe. The majority of acres that are 30 to 50 percent slopes fall on federal lands, 47,000 acres or 77 percent.

There is an ecological and economic need. The current Code of Ordinances allows for hand treatment on slopes greater than 30 percent. This is resource intensive and then often more costly. With limited budgets, this means that the dollars that come into the basin for fuel treatment cannot go as far as they might if they were allowed to do ground based mechanical equipment treatment on those slopes. Pile burning is often less ecologically beneficial than those broadcasts slow and low burns where it's going through under the canopy of the trees. Ground based mechanical equipment would allow them to do those kind of low and slow burns. That's not to say that pile burning won't still exist within the basin, but a code amendment would ultimately reduce the number of piles that are on the landscape. This all has implications for the pace and scale of restoration. After the Caldor Fire they now know more than ever that pace and scale restoration and increasing the forest treatments is critical to getting ahead of mega fires coming into the basin.

They engaged with science partners through the Pacific South West Research Station, University of Idaho to assess erosion effects of a variety of restoration treatments on hillslopes and soil types within the Lake Tahoe West landscape and across the entire Lake Tahoe basin. In July 2021, those scientists presented to the Forest Health and wildfire Committee on their initial findings.

Watershed Erosion Prediction Project (WEPP) Report Key Findings: Sediment and phosphorous yield from moderate or high severity fire were significantly more than all thinning scenarios that they modeled within the basin. Additionally, managers would need to apply thinning treatments more

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than 50 times within 60 years to generate erosion that would eliminate any benefits of reducing wildfire severity from moderate to low. That would mean they would need to be treating almost every year for 60 years which is not feasible.

Most sediment yield on slopes between 30 and 50 percent comes from areas covered by shrubs and grasses and not from forested areas. Forested areas are what is being targeted under this code amendment and not shrubs and grasses. Shrubs and grasses would not be treated with ground based mechanical equipment, if anything, they would be broadcast burned. On hillslopes between 30 and 50 percent thinning will increase the risk of erosion, but when thinned hillslopes erode, the sediment yield is no different when compared to an untreated hillslope.

The WEPP report was used to work with Tahoe Fire and Fuels Team members to collaboratively review and craft code language that maintains the environmental protection while allowing for the increased use of ground based mechanical equipment on steeper slopes. She worked with the Nevada Division of Forestry, the Tahoe Resource Conservation District, the USDA Forest Service, and the California Tahoe Conservancy, all key members of the Tahoe Fire and Fuels Team.

There are two main purposes for these proposed Code Amendments: One is clarification and standardization, and the other piece is the expanded treatment opportunities, which is the real meat of these code amendments.

First is the inclusion of over frozen ground tree removal. In previous code amendment iterations, they've included over frozen ground. They wanted to standardize with those previous code updates to include that the removal of trees can occur over snow and frozen ground.

They also wanted to refine equipment definitions. This was to reflect this suite of machinery and technology that's currently available for tree removal. They removed the "All in one process at stump harvesters" because machines are often not all in one. There'll be one machine to harvest and one to remove those materials. It was important to reflect what's actually occurring on the landscape today versus these historical code languages.

Proposed Code Amendments for Expanded Treatment: They refined tables 61.1.6-1 with two refinements. They took out "Tractor roads." Implementers felt that calling it a road was not accurate, they are actually more of a trail. It's just the path that the machine is taking to get up and is not what they think of as a typical road and is not built to road standards. For maximum grade, there still will need to be skidding above 30 percent. That's moving the tree along the ground. It can be fully on the ground or it can be partially suspended on the ground. They need to allow for those skid trails or secondary skid trails, again for where they are dragging the tree are partially dragging the tree. They need that to go up to the 50 percent because it would be doing that type of activity on 30 to 50 percent slopes.

Refinement of Table 61.1.6-4: This replaced TRPA's water break spacing requirements with the California Forest Practice Act water breaks spacing requirements. The California Forest Practice Act allows treatment above 50 percent with ground based mechanical equipment. They used their water break spacing requirements to replace TRPA's. In TRPA's Code of Ordinances there's land capability district and the implementers felt comfortable with replacing the old table with this new table because the estimated hazard reading still takes into consideration, erosion, and all of the different soil types that their land capability district requirements do. This is just replacing that table with this new table from the California Forest Practice Act.

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They also refined Table 61.1.6-4 to allow that ground based mechanical equipment on slopes over 30 percent. The 1a, 1c, or 2 land capability, districts are all above 30 percent. They added the 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 TRPA.

This is to allow for skidding on 30 to 50 percent slopes. It states "Ground skidding may be permitted on slopes under 30 percent" which was always allowed. Ground skidding on slopes between 30 to 50 percent 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 for a erodible soil avoidance will be in place to minimize slope erosion.

That language is mimicked for ground based mechanical equipment on 30 to 50 percent slopes. Ground based vehicle systems for removing trees without skidding such as harvester and forest combinations may be used on slopes below 30 percent. On slopes between 30 to 50 percent ground based vehicle systems for tree removal requires TRPA review and approval to ensure that environmental protective measures again, water breaks, vegetative buffers, slope length limitations, etc. will be in place to minimize slope erosion.

Next steps and key points: The Caldor Fire highlighted the critical importance of continuing to get forest treatments and defensible space work done in the basin at a much faster pace and scale. These code amendments came to the Forest Health and Wildfire Committee in November 2021 and are being recommended as is to the Regional Plan Implementation Committee, the Advisory Planning Commission, and the Governing Board. The Tahoe Fire and Fuels Team partners have worked on the Forest Action Plan, which was released in 2019. This plan charts a path forward to collaboratively accelerate landscape restoration and wildfire protection, focusing on three key areas: Technology, capacity and workforce development, and streamlining permitting and planning. The Tahoe Fire and Fuels Team will be meeting in February to discuss how to prioritize funding and the work in the 2022 season. They have an influx of funding for forest treatments and resilience and having these code amendments in place to get that work done will be critical.

These code amendments were analyzed under an expanded checklist and there were findings of no significant impact for all areas. Multiple levels of environmental protection are currently in place for water quality erosion and vegetative management, including our TRPA's Code of Ordinances, the California and Nevada Forestry Regulations, and the Forest Service Lake Tahoe Basin Management Unit Forest Plan Standards and Guidelines, 2016/17.

### Committee Comments & Questions

None.

### Public Comments & Questions

Milan Yeates, Community Forestry Program Supervisor, California Tahoe Conservancy is speaking on behalf of the Tahoe Fire and Fuels Team. He commended Ms. McIntyre for an excellent presentation. The partners are in support of this code change, it will be very beneficial to the work that they have planned out over the next several years. The original Blue Ribbon Bi-State Commission was put together by the Governors, Schwarzenegger and Gibbons. The group made 38 findings and 90 recommendations initially and have been working toward those in the last 14 years. One of the 90 recommendations was the formation of the Tahoe Fire Fuels Team. One of the largest recommendations of that the team is Recommendation 17.J to recommend TRPA, the Lahontan Regional Water Quality Control Board, the USDA Forest Service and other affected agencies amend

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their plan and ordinances to allow equipment use on slopes greater than 30 percent based on current and future technology and current forest practices to ensure resource protection.

Kacey KC, State Forester Fire Warden, Nevada Division of Forestry said she's in support of increasing the slope from 30 to 50 percent for tree removal with mechanized equipment. The Division of Forestry in their last session went through their statutes and did a similar type of modernization for new equipment and technology. The change from 30 to 50 percent slope brings TRPA's rules into alignment with state statute Nevada, NRS 528 which allows for mechanized equipment use on slopes up to 50 percent if proper erosion control is installed.

Laura Patton, Senior Science Policy Analyst speaking on behalf of the League to Save Lake Tahoe said overall, they'd like to offer their support for this basin wide amendment to allow for ground based mechanical equipment on slopes up to 50 percent under the appropriate circumstances. Should erosion be mitigated and water quality be protected as demonstrated in Ms. McIntyre's excellent presentation. The League understands that approximately 20 percent of the project area for Lake Tahoe West, for example, consists of slopes between 30 and 50 percent and would benefit from this type of ground based mechanical thinning. Any environmental analysis will need to consider the effects of using ground based mechanical equipment within those areas and look at the effects of this code amendment for the entire Lake Tahoe Basin. Considering one of the goals of Lake Tahoe agencies and partners is to increase the pace and scale of restoration and implementing this Code amendment is integral and in line with this goal. Science clearly demonstrates that though thinning scenarios narrowly, increased sediment and phosphorus yields a moderate or high severity fire, like the Caldor Fire, would have larger implications on Water quality and Lake Tahoe's renowned clarity. The League recommended moving forward with this code change amendment.

Steve Teshara, Owner and Principal of Sustainable Community Advocates said his company does a lot of work with the Tahoe Fire Fuels Team. He adds to the comments made and is in support of this set of amendments. Governing Board member Mr. Hicks served on the Blue Ribbon Fire Commission and has a great deal of history and background as to why this is important and timely because an update of the Community Wildfire Protection plan for Lake Tahoe is upcoming. There's quite a bit of funding available and is a good time to be able to make this change.

Scott Lindgren, Fire Chief, Tahoe Douglas Fire Department and acting chair of the MAC committee for the Tahoe Fire and Fuels Team said he's in support of the proposed amendments. The one thing he would like to add is there's different machinery that can be used. They are pursuing the purchase of a spider excavator that can do things that normal excavators can't and treads lightly on the environment. It walks up the steep slopes like a spider and not like an excavator. It's the type of equipment that they need to be using in the basin to protect the environment. It is going to be a game changer to work on these slopes, rather than just with hand crews.

### Committee Comments & Questions

Mr. Yeates referring to the written public comment submitted prior to the meeting, pointed out that this item simply proposes some changes to the code. There are other provisions in the code, especially Chapter 62, that deals with protection of wildlife habitats and things like that and whether they need to cross-reference that before the item goes before the Governing Board. He believes that the Environmental Analysis is sound and speaks for itself. He added that he was pleased that Mr. Hicks was willing to chair the Forest Health and Wildfire Committee. The committee used to be more of a forest wildfire committee and is now also focused on forest health and other issues, based on Mr. Hicks experience, and on Dr. McIntyres staff leadership.

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Ms. Aldean said that the written comment received prior to the meeting, spoke to the applicability of the Compact, and whether or not we are operating in sync with that Compact. She added that it might be useful for Mr. Marshall to put something on the record in case it becomes an issue later on.

Mr. Marshall said that the recommendation that the committee are considering - to make the finding for no significant impact with regard to the code amendments, is consistent with the Compact, and it is consistent with using an Initial Environmental Checklist to support that finding. In particular, because it is based on the extensive study that Dr. McIntyre referenced, that demonstrates that implementation of this program will not have a significant effect. Mr. Marshall said he was fully confident that the environmental findings that are before the committee for recommendation, are supported, both legally and by the record.

Mr. Lawrence said he thinks this is a tremendously important issue. Almost two decades ago, he joined the State of Nevada and put together their EIP team and worked with our foresters on the huge swath of state land between the Spooner Summit and Incline Village. It became very clear, that given the topography of the basin, we would not be able to totally achieve forest health conditions and reduce catastrophic fire risk, without an amendment for mechanical treatment on steeper slopes. He thinks this is a critically urgent issue and wanted to take this opportunity to appreciate the work of Mr. Hicks, Dr. McIntyre, and the Tahoe Fire and Fuels Team (TFFT) on this issue. Mr. Lawrence said he represents the State of Nevada, he lives in Reno, and has lived in Carson City. He had always felt that the unforested areas of granite and shrub at the higher elevations, provided a sort of a safe buffer from fire in the Basin, to protect Carson and Reno. The Caldor Fire was a wake up call to the importance of getting the forest into healthy conditions.

Mr. Bruce encouraged everyone to continue to look for new ideas and ways, to stay ahead of these challenges. He thanked the committee and staff for their work on this item. Mr. Yeates added that adaptability is key in light of our global warming issues.

Mr. Hicks said he was pleased to be here today and thanked members for their comments. He said that back when they had the Blue Ribbon Commission, the Angora Fire was a real shock, because it came into Tahoe neighborhoods, destroyed homes, and in the process destroyed lives. Fortunately, no lives were lost, but many people lost their homes and all their belongings. For the commission itself, there was a real awareness of the need to protect the public, to protect property, and to protect lives. Through the commission hearings at that time, they heard from various environmental groups, from the Forest Service, and from Lahontan Water Quality Control Board, to get a full picture of all of the different elements and aspects that have to be addressed to protect the lake, and the environment, but also to protect lives and property.

Mr. Hicks said that the WEPP Study really tells the story. There are 61,000 acres in the basin that fall within this category, and of that 61,000, almost 26,000 are in the Wildland Urban Interface (WUI). If we need any proof as to the safety risk, look at the Caldor Fire, and look at the fact that fuels thinning worked, to preserve homes, schools, and lives throughout that area. The WEPP study also showed that we would have to do this this treatment 50 times in the next 60 years to equate to the erosion that the lake would suffer. Mr. Hicks said you don't have to be a scientist to understand that when these catastrophic fires burn, it is the most destructive thing that can happen to the environment. He added that this amendment is long overdue, and that he really appreciated the work of the Tahoe Fire and Fuels Team, and TRPA staff.

Mr. Friedrich said he echoed Mr. Hicks comments and referred to findings from the League to Save Lake Tahoe, that showed that any incremental impacts from erosion from these prescriptions, are far outweighed by the impacts of catastrophic fire, and the treatments that are required in response to

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catastrophic fire. He said that 60 miles of dozer line were laid down in response to the Caldor Fire, and asked, “ imagine the impact that would be created in a crisis, as opposed to those that can be planned and minimized with proactive treatments using technology that has a much lighter footprint than it was in the past”. He added that the Forest Health and Wildfire Committee had already reached a strong and unanimous conclusion, and he is prepared to support that conclusion.

Mr. Yeates said he had recently driven up US Highway 50, and found it very sobering to witness the damage, between Twin Bridges and Echo Summit, caused by these mega fires. He said it was also remarkable to see how the Caldor Fire skipped over Highway 89, and shot across the Carson Range, with no homes or structures lost in Christmas Valley, because the fuel reduction and home hardening work that had already been done, allowed the fire workers to effectively fight the fire. He added that this is a testimony of what needs to be done, and he believes these changes are appropriate.

Mr. Friedrich 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 summary.

Ayes: Mr. Lawrence, Mr. Hoenigman, Mr. Friedrich, Mr. Bruce, Ms. Aldean, Ms. Gustafson, Mr. Yeates  
**Motion Carried.**

Mr. Friedrich 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.

Ayes: Mr. Lawrence, Mr. Hoenigman, Mr. Friedrich, Mr. Bruce, Ms. Aldean, Ms. Gustafson, Mr. Yeates  
**Motion Carried.**

IV. COMMITTEE MEMBER COMMENTS

None.

V. PUBLIC INTEREST COMMENTS

None.

VI. ADJOURNMENT

Ms. Aldean made a motion to adjourn.

Chair Mr. Yeates adjourned the meeting at 10:04 a.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board