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MEMORANDUM

Date: January 18, 2012

To: TRPA Regional Plan Update (RPU) Committee

From: TRPA Staff

Subject: Regional Plan Update Recommendations for January 24, 26, 31 and February 1 RPU Committee meetings

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**Requested Actions:**

1. Direct staff to include the Regional Plan Amendments (by goal, policy and implementation measure) in the Draft Regional Plan for future review by the TRPA Governing Board; and
2. Direct staff to prepare draft code amendments for implementation items.

**Summary:**

This Staff Summary addresses:

1. RPU Committee Schedule
2. Actions Sheets and Minutes
3. Updated and New Plan Sections
4. RPU Committee Review Topics

**RPU Committee Schedule:**

Staff recommends that the January 24 and 26 meetings focus on outstanding topics in the Introduction, Land Use, Community Design and Transportation sections. Following completion of outstanding topics, the Conservation Element, Noise and Natural Hazards should be covered as time permits.

The January 31 and February 1 meetings should focus on Water Quality and Air Quality. Water Quality agencies from both states are planning to make a presentation on January 31 regarding their respective TMDL programs.

REGIONAL PLAN UPDATE COMMITTEE  
Staff Summary for January 24, 26, 31 and February 1 Meetings

Meetings in February should focus on the Implementation Element and Code updates. Additional meetings may be scheduled in February.

**Action Sheets and Minutes:**

Draft Action Sheets are provided for the January 4 and 10 RPU Committee meetings. Minutes are provided for the January 4 meeting. January 10 minutes are still being prepared. Staff recommends the RPU Committee approve minutes and action sheets.

**Updated and New Plan Sections:**

Staff has updated applicable plan sections to reflect RPU Committee actions and has prepared draft materials for future RPU Committee Review. Please organize plan sections as follows:

**Unchanged Sections – Retain Existing Material**

1. Table of Contents (dated December 22, 2011)
2. Preface (dated November 30, 2011)
3. Introduction (dated December 21, 2011)
4. Recreation Element (dated December 18, 2011)
5. Public Services and Facilities Element (dated December 18, 2011)
6. Land Use Map (dated December 22, 2011)

**Updated and New Sections – Replace Existing Material with New Material dated January 18, 2012**

1. Complete Land Use Element, including 7 Subelements:
  - a. Updated Land Use
  - b. Updated Housing
  - c. Updated Community Design
  - d. New Noise
  - e. New Natural Hazards
  - f. New Air Quality
  - g. New Water Quality
2. Complete updated Transportation Element
3. Complete new Conservation Element, including 10 Subelements:
  - a. Vegetation
  - b. Wildlife
  - c. Fisheries
  - d. Soils
  - e. Shorezone
  - f. Scenic
  - g. Open Space
  - h. Stream Environment Zone

- i. Cultural
- j. Energy

**Sections not yet Distributed**

- 1. Implementation Element
- 2. Maps, Attachments and Graphics
- 3. Code of Ordinance Amendments

**RPU Committee Review Topics:**

This staff summary addresses topics for four (4) RPU Committee meetings – January 24, 26, 31 and February 1.

Because the most consequential materials are contained in the Air Quality and Water Quality sections, staff recommends that review of those Subelements be deferred to the January 31 and February 1 meetings. Staff further recommends that local governments and other stakeholders provide comments to staff on Air Quality and Water Quality by January 27. This will allow staff to discuss comments with stakeholders and distribute any modifications in advance of the January 31 RPU Committee meeting. Additionally, staff members from the Nevada Department of Environmental Protection and the Lahontan Water Quality Control Board are planning to make a presentation on January 31 regarding their respective TMDL programs.

**Topics for review on January 24 and 26 Include:**

- 1. Updated Introduction. The updated introduction was distributed on December 22, 2011 and reflects changes requested by the Committee on December 13. Modifications focus on:
  - a. More directly referencing TMDL findings related to major water pollutants;
  - b. Adding emphasis regarding public acquisitions and other environmental initiatives;
  - c. Addressing State and Federal Master Plans in Figure 2 and text;
  - d. Also addressing the Prosperity Plan in Figure 2; and
  - e. Other minor clarifications and corrections, including a more clear representation of the TRPA planning framework on figure 3.
- 2. Updated Land Use Subelement, including the Land Use Map. Remaining items are unshaded in the new plan materials and include:
  - a. Element and Subelement Introduction (pages II-1 and II-2). This introductory text has not been discussed by the RPU Committee.
  - b. Implementation Measure related to Subdivisions (page II-24). Chair Shute requested this item be deferred to January 24. Proposed text would permit the subdivision of residential and tourist units within mixed use developments. A

memo regarding the 2-step subdivision process was distributed by legal counsel on January 11, 2012. The 2-step process is not proposed to be changed.

- c. Land Use Map and two related policy modifications (map, page II-29 and pages II-30 and II-31). The recommended Land Use Map reflects existing plans with five (5) specific changes addressing map corrections and regionally important changes. Additional map changes should be proposed with Local Plans as part of a comprehensive plan for communities in the Region. This process will allow the Governing Board to consider changes to map designations in conjunction with other policy and ordinance changes.

Staff recommends two (2) changes to committee-endorsed land use policies based on meetings with stakeholders related to the land use map:

- Several Local Governments were concerned that the endorsed language for Policy LU-4.8(3) was not written to properly reflect the anticipation of map changes with Local Plans. Clarified policy language is proposed for subsection 3 (pages II-30 and II-31).
- Staff had initially recommended redesignating several properties within the Upper Truckee River and Trout Creek stream zones “Conservation”. The properties are currently designated “Commercial”, but are among the most important stream restoration areas in the Region. Staff toured the areas and discussed this issue with South Lake Tahoe representatives. Staff now recommends leaving the existing Land Use designations in place (with Commercial changed to Mixed Use) and identifying the areas as “Stream Restoration Plan Areas”. Staff would work with affected property owners and the City of South Lake Tahoe to develop a feasible plan for acquisition and/or restoration of some or all of the areas. Staff anticipates utilizing site-specific restoration/transfer incentives to supplement available public financing. Policy language reflecting this change is noted on page II-29.

3. Updated Community Design Subelement. Remaining items are unshaded in the updated plan materials and include:
  - a. CD-2.1(E) – Signs (page II-39). The RPU Committee requested comments on this subsection from the Local Government Committee on January 26, 2012.
4. Updated Transportation Element. Remaining items are unshaded in the updated plan materials and include:
  - a. T-2 Implementation Measure for sidewalk/trail construction (page III-3). Recommended text reflects RPU recommendations to locate sidewalks and trails within public right of way where feasible, to minimize site impacts, to clarify that the construction of sidewalks/trails would not impact the development potential that would exist without the facilities and to provide relief property owners who may be excessively impacted by the requirement.
  - b. Goal and Policies related to the Airport. Chair Shute requested this item be deferred to January 24. See page III-8.

- c. New Goal and Policies related to coordinated transportation planning (requested by Carl Hasty). See page III-8.
5. New Conservation Element. Changes in the Conservation Element are limited and targeted. Most modifications involve modernizing text and removing duplicative threshold language from the Goal and Policy Plan. Additional changes in each Subelement are summarized below:
- a. Vegetation:
    - Reduce catastrophic wildfire risk during vegetation management activities.
    - Work to eradicate and control invasive species.
  - b. Wildlife: None.
  - c. Fisheries:
    - Policy to control/eradicate aquatic invasive species.
  - d. Soils:
    - Coverage provisions for non-motorized public trails, consistent with previously-endorsed Land Use modifications on the topic.
    - Standardize criteria for wet season ground disturbances.
  - e. Shorezone: None.
  - f. Scenic: None.
  - g. Open Space: None.
  - h. Stream Environment Zone:
    - Coverage provisions for non-motorized public trails, consistent with previously-endorsed Land Use modifications on the topic.
    - New policies encouraging removal of floodplain impediments and public acquisition of SEZ lands. These policies are consistent with existing programs.
  - i. Cultural: None.
  - j. Energy: None.
6. New Noise Subelement. Changes modernize text and remove duplicative threshold language. The Airport Noise Policy is also updated to reflect the pending expiration of the Airport settlement agreement.
7. New Natural Hazard Subelement. Changes recognize Seiches as a significant natural hazard in the region.

Topics for review on January 31 and February 1 Include:

- 1. New Air Quality Subelement:

The existing Air Quality Subelement is drafted to read like a report, not a goal and policy plan. It also contains a lot of outdated text. Because of this, the Subelement is completely redrafted with formatting to match the rest of the Regional Plan.

Recommended Goals and Policies reflect current Air Quality policies and programs with targeted changes. Substantive changes from current policies and programs are summarized below:

- Strengthen wood-stove replacement efforts with a goal of having all stoves meet EPA emission standards by 2020. Meeting the 2020 goal will likely require financial incentives and assistance, which staff recommends be developed.
- Providing an exception to the existing point-of-sale wood stove disclosure requirement for internal property transfers (such as transfers to trusts or LLCs) and for properties that have already replaced old wood stoves in accordance with existing TRPA programs.
- Permit 50% of air quality mitigation funds to be used for regional air quality priorities and not be restricted to the jurisdiction where the funds were generated.

## 2. New Water Quality Subelement.

The Water Quality Subelement is extensively reorganized to have policies located under one of three goals. Currently, water quality goals are not well articulated and policies are not well organized under the applicable goal. The topics of recommended water quality goals are:

1. Implement coordinated government and private efforts to restore and maintain water quality.
2. Reduce or eliminate point sources of pollution.
3. Reduce or eliminate non-point sources of pollution.

It is important to recognize that most of the recommended plan amendments related to water quality improvement are included in other Plan sections. Previously-reviewed changes in the Land Use and Transportation sections provide many water quality benefits. Major water quality improvement strategies include:

- Expedite the redevelopment of non-conforming developments in Town Centers. Older developments are a major source of fine sediments that are negatively impacting water quality. Redevelopment activities significantly reduce water pollution.
- Expedite the restoration of existing sensitive land disturbances that are negatively impacting water quality.
- Continue restoration and infrastructure retrofitting work under the Environmental Improvement Program.
- Increase non-motorized transportation options and transit. This will reduce automobile reliance and air pollution, which is also a significant source of water pollution.

- Improved catastrophic wildfire protection policies. Catastrophic wildfire could result in significant water quality impacts, among other problems. Enhanced fire protection will reduce the risk of these impacts.

Within the Water Quality Subelement, amendments remove duplicative threshold text, clarify and modernize language and address the following significant topics:

1. New Policies to recognize and require coordination with various federal, state, local and private programs to improve Lake Tahoe's water quality, including TRDL programs.
2. Additional wildfire protection provisions.
3. Policy modifications to further minimize contaminants from roadways.
4. Expanded fertilizer management policies that seek to eliminate the use of phosphorous fertilizer for lawns by 2017.
5. Expand allowances for area-wide BMP application where area-wide treatments are more effective than parcel-level applications.
6. Provisions to update mitigation fee programs (after RPU adoption).

Most of the existing water quality policies are proposed to remain substantively unchanged. Noteworthy among topics not proposed to be changed are:

- Regulations related to a range of point and non-point pollutants.
- The overall land restoration policies.
- The BMP implementation program, including the current policy language related to implementation.

The BMP program has been a topic of discussion at several prior RPU Committee meetings. To explain the current implementation program and compliance status, staff prepared a summary of the program, which is attached. Please note that the program is currently being implemented in accordance with the existing Regional Plan Policy language on the matter, which reads:

*In all aspects of this BMP retrofit program, TRPA shall emphasize voluntary compliance with ordinance provisions, the provision of technical assistance through RCDs (Resource Conservation Districts) and an aggressive public information campaign to inform the public about basic BMP requirements and benefits. (see new Policy WQ-3.11 – Old Policy #1-2)*

If you have any questions regarding this staff summary, please contact Arlo Stockham, at (775) 589-5236 or [astockham@trpa.org](mailto:astockham@trpa.org). If you have any questions regarding the Stormwater/BMP Program overview attachment, please contact Jeanne McNamara at (775) 589-5252 or [jmcnamara@trpa.org](mailto:jmcnamara@trpa.org).

## **Stormwater Management/BMP Retrofit Program Overview**

Lake Tahoe is one of the most extraordinary lakes in the world but has experienced substantial degradation over the last 50 years. Though the Lake's waters remain pure compared to other lakes, clarity declined at an average of nearly one foot per year from the late 1960s to 2000. Over the last decade, the decline of clarity loss has slowed and restoration efforts continue to be one of the highest priorities of the Tahoe Regional Planning Agency. The following issue paper outlines the background and current status of TRPA's Stormwater/Best Management Practices Program, which is designed to protect water quality in the Lake Tahoe Region.

### **Program Background**

As one of many of restoration programs implemented through the Lake Tahoe Environmental Improvement Program, the Stormwater Management/Best Management Practices (BMP) Retrofit Program is a unique and innovative strategy that protects Lake Tahoe's water quality from the impacts of stormwater pollution. Stormwater pollution affecting the lake is directly correlated with the extent of urban development in the watershed. Approximately fifteen percent of the Lake Tahoe Region is privately owned and development is largely located in close proximity to the Lake. In these areas, urban pollutants accumulate on impervious surfaces such as driveways, parking lots, and roadways. During storm events and snowmelt conditions, polluted stormwater runoff flows directly to streams or the Lake via roadways and the storm drain system. This nonpoint source pollution significantly contributes fine-particle sediment and nutrients (Tahoe's primary pollutants of concern) to the Lake and is the cause of Lake Tahoe's clarity loss.

Scientists and policymakers believe the downward trend in clarity loss can be reversed and are taking action to return Lake clarity to historic levels. While the cutting-edge research conducted for the Total Maximum Daily Load program is being used to evolve water quality strategies, the fundamentals have been in place for decades. TRPA's 1987 Regional Plan called for the creation of an erosion control program to advance water quality thresholds. In 1992, the Agency codified the BMP Retrofit Program, a rigorous nonpoint source pollution control program (Chapter 60 of the TRPA Code of Ordinances). The BMP Retrofit Program requires all property owners in the Tahoe Region to install erosion control and stormwater infiltration measures on developed properties. BMPs must be designed to stabilize soil and infiltrate the volume of a 20-year, 1-hour storm onsite. By addressing stormwater and nonpoint source pollution generated on developed parcels in the Lake Tahoe Region, there are significant reductions in stormwater volumes and pollutant loads reaching Lake Tahoe.

The BMP Stormwater Management Program, also known as EIP #16, is one of the largest EIP programs both in scope and total cost and also represents the largest portion of the private sector contribution to the Environmental Improvement Program. The Stormwater Management Program facilitates implementation of the BMP Retrofit Program, which is unique because each parcel landowner bears the cost of installation, which may range from \$500 to \$10,000 for an average single-family residential property, and significantly more for multi-family residential and commercial operations. Successful implementation of the BMP Retrofit Program is essential to securing other funding for restoration work in the Region, as EIP #16 provides the private match source for public EIP projects.

Implementation of the BMP Retrofit Program is jointly executed by four agencies and one university extension. A Memorandum of Understanding (MOU) among TRPA's Stormwater Management Program, Nevada Tahoe Conservation District, Tahoe Resource Conservation District and USDA-Natural Resources Conservation Service outlines the agency roles and implementation responsibilities among the partners. The University of Nevada Cooperative Extension assists with education and outreach activities related to the program.



## **Program Evolution**

The task of educating and then moving nearly 44,000 property owners to action was a significant challenge for TRPA as it contemplated the best path forward in the early 1990s. Budget constraints made the task even more daunting. The absence of funding plagued the viability of the Stormwater Management Program throughout the 1990s until the advent of the Environmental Improvement Program and additional grant funds secured by TRPA. The Agency established three priority watersheds around the Tahoe Region with corresponding deadlines for compliance with retrofit requirements with 2008 as the last target date.

TRPA staff worked with the community and partner agencies to promote general understanding of the need for BMP requirements and then executed the parcel-specific evaluation and certificate process. In most locations throughout the United States, requiring erosion control measures on new construction is standard protocol. However, requiring the retrofit of existing properties is unique and presented the Agency with extraordinary challenges such as the preponderance of part-time property owners, local resistance to TRPA policies, and economic constraints on the local community.

The program's focus on public education and outreach over the last decade has been successful in driving awareness, based on public opinion data. In 2005, 63 percent of local residents polled and said they had heard of best management practices or BMPs, and in 2011, that measure increased by a significant 16 percentage points to 79 percent. With awareness being necessary for behavior change, education has been a key strategy for the program. However, as costs are cited as the primary reason property owners do not install BMPs, the pace of BMP implementation has not met expectations over time.

As the final deadline for BMP implementation approached in 2008, partnership agencies developed a strategic plan for the program recognizing the majority of private properties in the Tahoe Region would not be in compliance by the 2008 date, largely because of the costs associated with installing BMPs. More recently, the TRPA Stormwater Management Program has begun to incorporate accelerated implementation tools to increase the rate of BMP compliance.

## **Where the Program Is Today**

To date, **14,714** of **43,470** parcels in the Tahoe Region have achieved a BMP Certificate. This equates to 56 percent compliance in Nevada and 25 percent compliance in California and total Region-wide compliance of 34 percent. Notably, TRPA has issued approximately half all 14,714 certificates over the last four years as a result of an accelerated implementation program. Having erosion control and stormwater infiltration measures implemented on these properties represents a significant benefit to Lake Tahoe with the following pollutant load reductions:

- 232,269 tons per year of total suspended solids (including fine particles)
- 4,906 tons per year in total nitrogen
- 690 tons per year in dissolved phosphorus and 1,334 tons per year in total phosphorus<sup>1</sup>.

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<sup>1</sup> Cumulative pollutant load reductions estimates were determined using the "Load Reduction by Land Use Model" developed by GeoSyntec Consultants. The model output does not estimate load reductions from Source Control Certificates, which reflect properties with sediment source control measures in place but no infiltration BMPs due to site constraints.

BMP Status in Nevada Lake Tahoe (through November 2011)					From 1/1/2007 through 11/30/2011
	Total Parcels*	Completed	Remaining ^	% Complete	
Single Family	6,006	2,671	3,335	44%	1,214
Multi-Family	5,560	3,795	1,765	68%	961
Commercial	426	237	189	56%	149
Total	11,992	6,703	5,289	56%	2,324
* Total parcel count does not include undeveloped parcels					
^ Remaining numbers are based on the number of properties that have not received BMP Certificates of Completion. However, some properties may be under active building permits that will include BMP implementation.					

BMP Status in California Lake Tahoe (through November 2011)					From 1/1/2007 through 11/30/2011
	Total Parcels*	Completed	Remaining ^	% Complete	
Single Family	24,607	5,096	19,511	21%	2,842
Multi-Family	5381	2,673	2,708	50%	1,783
Commercial	1490	242	1,248	16%	163
Total California	31,478	8,011	23,467	25%	4,788
* Total parcel count does not include undeveloped parcels					
^ Remaining numbers are based on the number of properties that have not received BMP Certificates of Completion. However, some properties may be under active building permits that will include BMP implementation.					

The importance of BMP installation was further emphasized by California and Nevada's recent adoption of the Lake Tahoe TMDL, which identifies BMPs as a key strategy to attain pollutant load reduction goals. For a complete look at the timeline for the BMP Retrofit Program, see Attachment A.

### **Accelerated Implementation Enforcement Strategy**

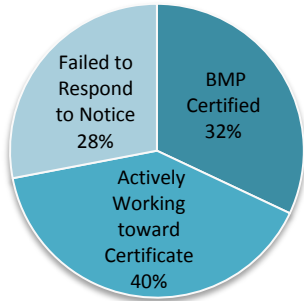
The limited success of Region-wide compliance and conclusion of all BMP installation priority watershed deadlines in October of 2008 necessitated development of a new approach to accelerate targeted BMP installation. TRPA developed an accelerated BMP implementation and enforcement program in 2007. This program directs compliance efforts and accelerates BMP implementation in areas with the greatest water quality benefit. These areas include:

- Catchments with large amounts of impervious area (pavement and other non-porous areas).
- Areas where an EIP water quality improvement project has previously been or is currently being implemented.
- Areas where opportunities for area-wide water quality projects that integrate private and public BMPs may be explored. See Attachment B for more detail on the Targeted Enforcement Strategy.
- Areas in proximity to Lake Tahoe, Stream Environment Zones and other sensitive lands.

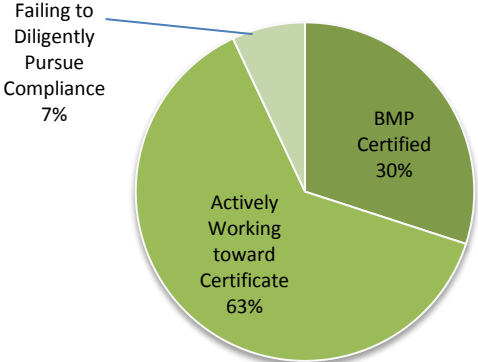
As of December 2011, the TRPA Stormwater Management Program has initiated accelerated implementation for nearly 350 commercial and large multi-family properties and 1,000 single family properties within the Tahoe Region. Overall, this enforcement program has been successful in increasing BMP compliance rates, with

approximately 30 percent of targeted properties achieving BMP compliance, typically within one to three years after receiving an official notice from TRPA. In addition, 40 percent of targeted single family properties and 63 percent of commercial and multi-family parcels are actively working with TRPA and our Conservation District partners to achieve BMP compliance. The high rate of cooperation from commercial and multi-family property owners is attributed to an extensive outreach campaign to educate property owners along with TRPA’s policy to work with property owners to set realistic implementation goals which include project phasing. TRPA staff members have prioritized compliance of commercial properties over residential because of the more significant water quality impacts from commercial sites. When a property owner fails to meet interim project deadlines and/or fails to communicate with Stormwater Management Team staff, they are no longer considered to be diligently pursuing compliance and may be subject to monetary penalties or other enforcement actions pursuant to the TRPA Rules of Procedure. To date, TRPA has issued and collected penalties from four properties, and of those four properties, three have since achieved compliance and the fourth is currently undergoing a change in ownership.

**Single Family Residential  
Accelerated Implementation  
Success**



**Commercial and Large Multi-Family  
Accelerated Implementation  
Success**



**TRPA Works With Site-Constrained Properties On Source Control**

Many Tahoe properties are unable to meet TRPA’s BMP requirements because of site constraints. Presence of high seasonal ground water, shallow bedrock, slow infiltrating soils as well as location of utilities, and other site characteristics, may limit a property’s ability to capture and infiltrate the 20-year, one-hour storm event. TRPA staff members have worked with property owners in this situation to protect water quality recognizing site constraints. Once all sediment source control activities are complete, such properties are eligible to achieve a “Source Control Certificate” with the understanding that future participation in a public/private area-wide treatment project may be needed to achieve greater water quality benefits and a full BMP Certificate of Completion. To date, **540** Tahoe properties have acquired a Source Control Certificate. TRPA’s Stormwater Management Program secured grant funds in 2011 to assess the feasibility of two area-wide treatment pilot projects in Nevada. If feasible, TRPA will work with local general improvement districts to implement in-lieu fee programs for associated installation and maintenance costs in these areas. In California, TRPA continues to work with jurisdiction partners in the City of South Lake Tahoe and Placer County to coordinate private parcel BMPs in constrained areas such as the Bijou Commercial Core and Lake Forest.

## **BMP Maintenance**

Once BMPs are installed, the Lake Tahoe TMDL identifies that BMP maintenance is critical to sustain the reduction of nonpoint source pollution needed to reach the “Clarity Challenge,” which sets a goal of achieving nearly 80 feet in Lake clarity over the next 15 years. Providing information on proper inspection and maintenance practices and following up to ensure owners of BMP Certified properties are maintaining their BMPs are important actions to help jurisdictions meet their pollutant load reductions. TRPA is initiating a BMP Maintenance Program that contacts properties with BMP Certificates more than five years old to remind them of maintenance requirements and will follow up with compliance on a subset of properties annually.

In summary, the TRPA Stormwater Management Program uses a multi-faceted approach to achieve BMP implementation on private parcels. By building on a foundation of education and outreach and following with targeted accelerated implementation using the tools provided by TRPA regulations, the Stormwater program continues to support Lake clarity threshold goals. TRPA will continue working with partner agencies to evolve the program from labor-intensive parcel by parcel implementation to area-wide strategies with accelerated compliance on a larger scale.

## ATTACHMENT A

### BMP Retrofit Timeline

Prior to June 1992

- BMPs are a condition of project approval.

June 1992

- In response to the recommendations of the 1991 Threshold Evaluation TRPA amends the Goals and Policies and the TRPA Code of Ordinances to include a mandatory BMP Retrofit Program.
- Goals and Policies established the relationship between TRPA and the Resource Conservation Districts.
- Program is designed to place a strong emphasis on education and outreach.
- Priority Watershed Compliance dates are set at 1995, 1997, and 1999.
- BMP Retrofit program includes an optional alternate compliance program for Homeowners Associations, and other local Jurisdictions. Deadline for participation in program is 1993, compliance date is 1997.

1995

- TRPA begins direct mail notifications to property owners in Priority 1 Watershed areas.

1997

- Priority Watershed dates moved back to 2000, 2006, 2011.
- TRPA receives grant funding for the BMP Retrofit Program.

1999

- TRPA begins issuing BMP Certificates of Completion.

2002

- Rules of Procedure are revised to include a streamlined BMP Retrofit Enforcement Program.
- TRPA Code is updated to include a disclosure of BMP requirements at the point of sale.
- Compliance date for Priority 3 Watersheds is changed from 2011 to 2008.
- Alternate Residential Program is removed from the code (dates expired).

2002-2007

- TRPA staff and partners actively engage Lake Tahoe property owners about the BMP program.

2007-2009

- TRPA and partners develop and execute accelerated implementation strategy.

Present

- Stormwater program staff continue to apply adaptive management principles while working within the existing code to implement the BMP Retrofit Program. Examples of program improvements include:
  - The establishment of “Source Control Certificates” for properties that cannot infiltrate run-off due to site constraints.
  - Development of Certified Evaluator Program to expedite BMP work in the community

- The modification of pine needle mulching requirements to be consistent with fire Defensible Space guidelines.
- Issuance of paving waivers for seasonal properties.
- Partnering with local jurisdictions and homeowners associations to issue BMP Certificates for parcels participating in regional treatment systems.

## ATTACHMENT B

### **Accelerated BMP Implementation Strategy**

In order to provide the greatest benefit to the clarity of Lake Tahoe, the Stormwater Management Program is utilizing adaptive management to modify the way in which it targets properties for accelerated implementation as well as dedicating additional resources to education and outreach efforts. In the past, accelerated implementation efforts were mainly focused on Priority One commercial properties. Since these deadlines have passed and more precise information regarding pollutant loading has become available, the program now considers the following additional factors when determining which properties to target for accelerated implementation action:

- Properties with obvious discharges.
- Properties within catchments identified in the TMDL as large contributors to fine particles.
- Private and public properties adjacent to upcoming public EIP Erosion Control Projects.
- Properties adjacent to/directly connected to Lake Tahoe, other lakes, tributaries and stream environment zones (SEZs).
- Properties in which TRPA receives a request for assistance from other jurisdictions.
- Properties with existing violations or existing properties with expired, open permits, and retained securities.
- Properties which have been identified as potential participants in a regional treatment system.
- Properties that may have installed BMPs but failed to request a final inspection or failed to properly maintain existing BMPs.

The Stormwater Program accelerated implementation procedure for properties who meet some or all of these criteria consists of a strong emphasis on education followed by the accelerated implementation procedures outlined in TRPA Rules of Procedures. Currently this outreach campaign includes print, web, and television advertisements as well as alternative media and direct mail. TRPA also holds informational public meetings which allow owners of non-compliant properties to speak directly with staff.

In addition to these broad-based outreach efforts, targeted outreach techniques are being employed to ensure that owners of targeted properties as well as key elected officials and jurisdictional partners are aware of impending accelerated implementation actions. By executing the procedure below, stormwater staff has conducted accelerated implementation for nearly 350 commercial/multi-family properties and 1,000 single family residential properties.

- Stormwater staff collaborates with Communication Team staff to send out public press releases as well as communicate with elected officials and jurisdictional employees to discuss strategy, information dissemination, and solutions to potential public dissent.
- Stormwater staff sends an informal informational letter and educational materials to non-compliant property owners and a reminder that formal accelerated implementation may be pending.
- Stormwater staff sends an official accelerated implementation letter and initiates Article IX procedures to owners of properties not in compliance.
- Stormwater staff works cooperatively with property owners to set interim deadlines and realistic implementation schedules, and reserves the imposition of monetary penalties for properties who fail to show diligent pursuit of compliance with BMP regulations.

In addition, staff continues to pursue neighborhood solutions to BMPs. This includes many site-specific solutions ranging in scale from two property owners working together to install BMPs on their adjoining properties to large neighborhood systems owned by the jurisdictions and maintained through annual fees.

By continuing to use an adaptive management approach to targeted accelerated implementation, and working cooperatively with property owners, staff has succeeded in bring an average of 30 percent of targeted properties into compliance and an additional 40 to 60 percent of property owners are actively working towards compliance. Accelerated implementation measures, along with additional incentives such as point of sale disclosure, and permitting requirements will assist the TRPA in reaching BMP compliance goals and preserving Lake clarity.