
MEMORANDUM

Date: December 5, 2012

To: TRPA Governing Board & Advisory Planning Commission

From: TRPA Staff

Subject: Completion of 2012 Regional Plan Update

Requested Action: Finalize all documents associated with the “Regional Plan Update” in accordance with the recommended actions in Exhibit A.

Recommended ordinances/resolutions and findings for each action are provided in separate Exhibits to this Staff Summary, as follows:

- Action 1: Issuance of 2011 Threshold Evaluation (Exhibit B);
- Action 2: Certification of Regional Plan Update Final Environmental Impact Statement (Exhibit C);
- Action 3: Amendment of Environmental Threshold Carrying Capacities (Exhibit D);
- Action 4: Adoption of Regional Plan Update and Code of Ordinances (Exhibit E);
- Action 5: Certification of the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement (Exhibit F);
- Action 6: Adoption of Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy (Exhibit G); and
- Action 7: Submit 208 Plan to California and Nevada Agencies for Approval and Certification (Exhibit H).

Background: Following a nine-year Regional Plan update process, a Final Draft Regional Plan and associated documents were distributed on October 24, 2012.

Comments were provided by public agencies, non-governmental organizations, businesses and individuals. Suggested modifications were considered at Regional Plan Update Committee and joint Advisory Planning Commission / Governing Board hearings on November 14 and 15, 2012.

Endorsed modifications to the October 24, 2012 Final Draft Regional Plan and Code are specified in Exhibit I. Endorsed modifications are also reflected in the Final Drafts of the Regional Plan and Code, dated December 12, 2012.

Summary: This Staff Summary complements the October 24, 2012 and November 14, 2012 Staff Summaries, which are incorporated by reference but not repeated in this Staff Summary. Material is being added setting forth and outlining the Findings and Actions needed to finalize each document.

The October 24, 2012 Staff Summary provides a detailed description of threshold attainment strategies, Regional Plan and Code provisions, the planning process, public comments, and modifications to the April 2012 Draft Documents that were made in response to public comments and stakeholder and Governing Board input. The October 24, 2012 Staff Summary was produced and distributed publicly at the October 2012 joint Advisory Planning Commission/Governing Board meeting and reproduced in the November 2012 joint APC/GB packet.

The November 14, 2012 Staff Summary and Addendum address various Plan and Code modifications that were suggested by Governing Board members and certain stakeholders following publication of the Final Draft Documents. Comments that continue to be received are addressed in Exhibit J of this Staff Summary.

The amended Lake Tahoe Water Quality Management Plan (“208 Plan”) is the final step needed to implement certain Regional Plan amendments. Section 208 of the Clean Water Act establishes the planning mechanism administered by the two states and the conformed 208 Plan does not contain any independent water quality provisions that were not already included in and analyzed under the Regional Plan update or previously approved under other authorities. The States of California and Nevada have jointly developed and endorsed the form, content, and implementing provisions of the Final Draft 208 Plan distributed on November 15, 2012 and are recommending that the TRPA Board submit the updated 208 Plan to the water agency in each state for approval and subsequent certification by the US Environmental Protection Agency.

Public Input: Public involvement in the Regional Plan update process continues to be robust. Since the Final Draft Documents were published on October 24, 2012, approximately 120 organizations and individuals provided written and/or oral comments to TRPA. Comments that were received generally reflected the major themes of comments that have been received throughout the planning process.

Approximately 96 commenters (80%) testified in favor of the plan adoption on December 12 without further changes. Many of the commenters emphasized the inclusive planning process, the reasonableness of compromises that had been reached on controversial topics, and the negative environmental and socio-economic consequences that would result from continued implementation of the 1987 Plan.

A central theme of supportive comments involved the importance of environmentally-beneficial redevelopment in order to attain the Region’s adopted Threshold Standards for water quality and other resource categories. Many people referenced TMDL studies indicating

that existing urban areas are a major source category for Lake Tahoe's water pollution and testified that the existing Regional Plan has created unsustainable socioeconomic conditions and has made redevelopment financially infeasible for many property owners in the Region. Commenters suggested that effective environmental restoration requires increased private investment and accelerated implementation of the environmentally sensitive modern development standards. A number of commenters also addressed new recommendations that had been proposed by other stakeholders, raising concerns about the implications of certain suggested changes.

Approximately 24 commenters (20%) testified in opposition to some or all of the Final Draft Documents. Many of these commenters supported a more regulatory focus for the Plan update with stricter policies, reduced redevelopment incentives, increased enforcement and/or expanded environmental monitoring. Several commenters expressed confusion about certain Plan provisions, while others urged delaying adoption and conducting additional environmental review.

In addition to these commenters, 7 organizations and individuals provided testimony without directly supporting or opposing the updated Regional Plan.

Input from public agencies was provided through Governing Board and Advisory Planning Commission members. Public agency input was overwhelmingly supportive, although two Governing Board members and one Advisory Planning Commission member expressed concerns.

Document Revisions: On November 14 and 15, 2012, the Regional Plan Update Committee, Advisory Planning Commission and Governing Board considered recommendations to modify various Plan provisions. Proposed modifications were identified in the Staff Summary and Staff Summary Addendum for the November 14, 2012 joint meeting. Following considerable discussion, several modifications to the October 24, 2012 Final Draft Regional Plan and Code were endorsed.

Endorsed modifications are identified in Exhibit I of this Staff Summary. Endorsed modifications are also reflected in the Final Drafts of the Regional Plan and Code, dated December 12, 2012. Updated copies of the Regional Plan and Code are enclosed in digital format and are available at www.TRPA.org.

Modifications that were endorsed by the Governing Board involve the correction, expansion and/or clarification of certain requirements and the identification of additional topics for consideration at a later date. TRPA assessed the potential environmental impacts of these modifications in Exhibit K. As demonstrated in Exhibit K, the changes do not generate new environmental impacts or increase the severity of any adverse impacts associated with the October 24, 2012 Final Draft Documents. As such, the Final EIS remains adequate.

Additionally, minor technical modifications have been made to the 2011 Threshold Evaluation and 208 Plan.

Modifications to the 2011 Threshold Evaluation involve: 1) correcting figures that were corrupted when converting the Final Draft Document to .pdf format, 2) correcting page number references in the Table of Contents, 3) correcting certain reporting icons to match related text, and 4) correcting statistics in Table 12-1b to match corrected statistics for the same information in the Final EIS. These corrections are further identified after the 2011 Threshold Evaluation cover page and do not substantively change the findings or results of the 2011 Threshold Evaluation.

Modifications to the 208 Plan adds clarifying language to the introduction related to future state review and approval of automatic updates and corrects a variety of typographical and grammatical errors. These changes are further identified in the “track change” version of the Plan and do not substantively change 208 Plan provisions.

Approval Actions: In order to approve the coordinated updates to “Regional Plan Documents”, a series of actions must be completed in sequence. Exhibit A lists the recommended motions for each action.

A set of findings/considerations must also be made for each action. The approving ordinances/resolutions and related findings/considerations are provided in separate Exhibits to this Staff Summary, as follows:

- Action 1: Issuance of 2011 Threshold Evaluation (Exhibit B);
- Action 2: Certification of Regional Plan Update Final Environmental Impact Statement (Exhibit C);
- Action 3: Amendment of Environmental Threshold Carrying Capacities (Exhibit D);
- Action 4: Adoption of Regional Plan Update and Code of Ordinances (Exhibit E);
- Action 5: Certification of the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement (Exhibit F);
- Action 6: Adoption of Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy (Exhibit G); and
- Action 7: Submit 208 Plan to California and Nevada Agencies for Approval and Certification (Exhibit H).

Contact Information:

For general questions, please contact Joanne Marchetta, Executive Director at jmarchetta@trpa.org or (775) 598-5226 or John Marshall, General Counsel at jmarshall@trpa.org or (775) 589-5286.

For questions on the Draft Regional Plan, Code of Ordinances or Final EIS, please contact Arlo Stockham, Regional Planning Manager at astockham@trpa.org or (775) 589-5236.

For questions on the 2011 Threshold Evaluation, please contact Shane Romsos, Acting Measurement Manager at sromsos@trpa.org or (775) 589-5201.

For questions on the Draft Regional Transportation Plan or Final EIR/EIS, please contact Nick Haven, Transportation Planning Manager at nhaven@trpa.org or (775) 589-5256.

For questions on the Draft Section 208 Water Quality Management Plan, please contact John Hester, Planning Director at jhester@trpa.org or (775) 589-5219.

Exhibits:

- A. Motions for Recommended Actions
- B. Action 1 - Issuance of 2011 Threshold Evaluation
- C. Action 2 - Certification of Regional Plan Update Final Environmental Impact Statement
- D. Action 3 - Amendment of Environmental Threshold Carrying Capacities
- E. Action 4 - Adoption of Regional Plan Update and Code of Ordinances
- F. Action 5 - Certification of the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement
- G. Action 6 - Adoption of Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy
- H. Action 7 - Submit 208 Plan to California and Nevada Agencies for Approval and Certification
- I. November 15, 2012 Governing Board Action Sheet
- J. Additional public comments and responses regarding the Final Draft Regional Plan Documents
- K. Review of November 15, 2012 Governing Board endorsements

Enclosures (digital):

- A. 2011 Final Draft Threshold Evaluation;
- B. Regional Plan Update Final Environmental Impact Statement (FEIS);
- C. Regional Plan: Goals and Policies
- D. Code of Ordinances;
- E. Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Report/Statement (FEIR/FEIS);
- F. Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy; and
- G. Section 208 Water Quality Management Plan

Documents Incorporated by Reference:

- A. October 24, 2012 TRPA Staff Summary
- B. November 14, 2012 TRPA Staff Summary
- C. November 14, 2012 TRPA Staff Summary Addendum

EXHIBIT A

MOTIONS FOR RECOMMENDED ACTIONS

12-12-12 MOTIONS

TAHOE REGIONAL PLANNING AGENCY

(Actions require affirmative vote of 4 Board members from each state for approval)

1. Issuance of 2011 Threshold Evaluation

- a. Advisory Planning Commission – A motion to recommend that the Governing Board adopt Resolution 2012-17 issuing the 2011 Threshold Evaluation
- b. Governing Board – A motion to make the findings required by the Compact and Code, as shown in Exhibit B
- c. Governing Board – A motion to adopt Resolution 2012-17 issuing the 2011 Threshold Evaluation

2. Certification of Regional Plan Update Final Environmental Impact Statement

- a. Advisory Planning Commission – A finding of technical adequacy and a motion to recommend that the Governing Board certify the Regional Plan Update Final Environmental Impact Statement
- b. Governing Board – A motion to make the findings required by Compact Article VII and Code of Ordinances Chapter 3 for the Regional Plan Update Final Environmental Impact Statement , as shown in Exhibit C
- c. Governing Board – A motion to certify the Regional Plan Update Final Environmental Impact Statement

3. Amendment of Environmental Threshold Carrying Capacities

- a. Advisory Planning Commission – A motion to recommend Governing Board Adoption of Resolution 2012-18 amending Exhibit A of Resolution 82-11, as shown in Attachment D-1
- b. Governing Board – A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit D
- c. Governing Board – A motion to adopt Resolution 2012-18 amending Exhibit A of Resolution 82-11, as shown in Attachment D-1

4. Adoption of Regional Plan Update and Code of Ordinances

- a. Advisory Planning Commission – A motion to recommend Governing Board adoption of Ordinance 2012-04, amending Ordinance 87-9, as previously amended, to amend TRPA's Goals & Policies, Code of Ordinances, and other matters related thereto, as shown in Exhibit E
- b. Governing Board – A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit E

- c. Governing Board – A motion to adopt Ordinance 2012-04, amending Ordinance 87-9, as previously amended, to amend TRPA’s Goals & Policies, Code of Ordinances, and other matters related thereto, as shown in Exhibit E

5. Certification of the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement

- a. Advisory Planning Commission – A finding of technical adequacy and a motion to recommend that the Governing Board certify the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement
- b. Governing Board –A motion to make the findings required by Compact Article VII and Code of Ordinances Chapter 3 for the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement, as shown in Exhibit F
- c. Governing Board – A motion to certify the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement

6. Adoption of Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy

- a. Advisory Planning Commission – A motion to recommend Governing Board adoption of Resolution 2012-19, adopting the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy
- b. Governing Board – A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit G
- c. Governing Board – A motion to adopt Resolution 2012-19, adopting Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy

7. Submit 208 Plan to the States of California and Nevada for Approval and Certification

- a. Advisory Planning Commission – A motion to recommend Governing Board adoption of Resolution 2012-20, submitting the amended Lake Tahoe Water Quality Management Plan to the States of California and Nevada for approval and certification pursuant to Section 208 of the Clean Water Act
- b. Governing Board – A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit H

- c. Governing Board – A motion to adopt Resolution 2012-20, submitting the amended Lake Tahoe Water Quality Management Plan to the States of California and Nevada for approval and certification pursuant to Section 208 of the Clean Water Act

EXHIBIT B - ACTION 1

- **ISSUANCE OF 2011 THRESHOLD EVALUATION**
- **MOTIONS**
- **RESOLUTION 2012-17**
- **FINDINGS FOR GOVERNING BOARD ACCEPTANCE OF THE FINAL 2011 THRESHOLD EVALUATION**

MOTIONS FOR ISSUANCE OF THE 2011 THRESHOLD EVALUATION

- a. Advisory Planning Commission
A motion to recommend that the Governing Board adopt Resolution 2012-17 issuing the 2011 Threshold Evaluation

- b. Governing Board
A motion to make the findings required by the Compact and Code, as shown in Exhibit B

- c. Governing Board
A motion to adopt Resolution 2012-17 issuing the 2011 Threshold Evaluation

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2012-17

RESOLUTION ISSUING THE 2011 THRESHOLD EVALUATION PURSUANT TO CHAPTER 16 OF THE
TRPA CODE OF ORDINANCES

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

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

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

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

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

WHEREAS, TRPA staff, in collaboration with partners from the scientific community and various other public agencies in the Tahoe Region, drafted the 2011 Threshold Evaluation pursuant to Code Chapter 16; and

WHEREAS, the 2011 Threshold Evaluation identifies “indicators” to assist in the measurement of progress towards the attainment and maintenance of threshold standards, “interim targets” and “target dates” for the anticipated attainment and maintenance of threshold standards, recommendation on “supplemental compliance measures” and “compliance measures” to assist the attainment and maintenance of threshold standards, and other related items pursuant to Chapter 16; and

WHEREAS, the Draft 2011 Threshold Evaluation was released by TRPA for public comment in its discretion in April 2012, and public comment was considered, changes were incorporated, and responses to such comments were published in October 2012; and

WHEREAS, the 2011 Threshold Evaluation was peer-reviewed by an independent panel of scientific experts coordinated by the Tahoe Science Consortium; the peer-review panel concluded that the report was *“technically sound and provides a credible basis to support on-going TRPA policy-making;”* and

WHEREAS, the Advisory Planning Commission and Governing Board have conducted publicly noticed meetings on the 2011 Threshold Evaluation at which oral testimony and documentary evidence were received and considered; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tahoe Regional Planning Agency hereby issues the 2011 Threshold Evaluation in satisfaction of and pursuant to Chapter 16 of the TRPA Code of Ordinances.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on December 12, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norma Santiago, Governing Board Chair
Tahoe Regional Planning Agency

FINDINGS FOR GOVERNING BOARD ACCEPTANCE OF THE FINAL 2011 THRESHOLD EVALUATION

The Code of Ordinances (Code) - Chapter 16 sets forth guidelines for TRPAs monitoring program and reporting elements that should be addressed in “periodic progress reports” that, over-time, have become known as “Threshold Evaluations.” TRPA produced and released the Draft 2011 Threshold Evaluation in April 2012. The Draft 2011 Threshold Evaluation was produced over the course of 2011 by technical experts and released for scientific peer review for two months in early 2012. Following the scientific peer review, staff and other report contributors incorporated constructive input provided by the peer review panel into the April 2012 Draft 2011 Threshold Evaluation. The Draft 2011 Threshold Evaluation and a brief presentation of the report’s results and recommendations were presented to Governing Board and the public for further comment and review in April 2012. The peer review findings and recommendations were included as an appendix in the Draft and Final 2011 Threshold Evaluation. Since the April 2012 Governing Board meeting, public comments were received and addressed either in response to comments or through the inclusion of additional data, analysis and/or narrative in the report.

The following findings and rationale related to TRPA Regional Plan – Code of Ordinance, Chapter 16 are provided to aid in the Governing Board’s decision to accept the Final 2011 Threshold Evaluation.

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

Rationale: The timing of the 2011 Threshold Evaluation meets code section 16.9.1 where TRPA is required to produce Threshold Evaluation reports (i.e., progress reports) every 5 years starting in 1987. To date, the TRPA has now produced and publicly released Threshold Evaluation reports representing evaluations ending in 1991, 1996, 2001, 2006, and 2011.
2. Finding: Periodic progress report shall report on the degree (status) and rate of progress (trends) toward attainment of: 1) adopted Threshold Standards, 2) applicable local, state and federal air and water quality standards, and 3) interim targets pursuant to Code Sections 16.4.3 (Identification of Current Status), 16.9 (Reports), 16.9.1.A (Progress in

Threshold Attainment), 16.9.1.D (target dates and interim targets), and 16.10 (local, state and federal standards).

Rationale: The status and trends of Threshold Standard-related indicators are reported in the 'Status' and 'Trend' subsection of each Indicator Summary along with supporting status graphics and trend charts that are based on empirically derived data. Personnel responsible for addressing the status of indicators related to adopted standards were technical experts in the threshold categories or topical area for which they contributed. The *Implementation and Effectiveness* Chapter characterizes the implementation of the Regional Plan and to the extent practical addresses the effectiveness of various Regional Plan elements in achieving Threshold Standards (see also finding 5). Together, reporting elements included in the Final 2011 Threshold Evaluation satisfy Code sections 16.4.3, 16.9, 16.9.1.A, 16.9.1.D and 16.10.

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

Rationale: The *Implementation and Effectiveness* Chapter of the Final 2011 Threshold Evaluation provides a detailed cumulative accounting of *Units of Use, Resource Utilization* and *Value of Threshold Investments* consistent with Code section 16.8.2.A, 16.8.2.B, and 16.8.2.C respectively, and reporting requirements found in Code section 16.9.1.B related to the effectiveness of the Regional Plan in achieving and maintaining Threshold Standards. Trend analysis included in each of the Threshold Category chapters provides additional evidence of the potential response of various Threshold Standard-related indicators to the implementation of the Regional Plan.

4. Finding: Pursuant to Code Section 16.4.5, TRPA shall identify and report on the status of additional factors which may be useful as short-term or

indirect measures of attainment or maintenance of thresholds and standards. Such factors shall not substitute for or override the indicators identified pursuant to 16.4.1 (Identification and Monitoring of Indicators), but may be used to evaluate progress toward threshold attainment or maintenance.

Rationale: Where appropriate, the Final 2011 Threshold Evaluation reports on the status of “*addition factors*” (i.e., alternative ways to measure a resources status/condition) consistent with Code Section 16.4.4 (Reliance on Indicators), 16.4.5 (Additional Factors) and 16.9.1.C (reporting of Additional Factors) in the “*Status*” section of Indicator Summaries prepared for each Threshold Standard or applicable local, state, and/or federal air and water quality standard. Threshold Standard attainment status was not based on “*additional factors*” as detailed in the *Methodology* Chapter of the Final 2011 Threshold Evaluation and in compliance with Code Section 16.4.5.

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

Rationale: The Final 2011 Threshold Evaluation provides a discussion on the contribution of ‘*compliance measures*’ implemented to aid in the achievement and maintenance of each Threshold Standard to the extent practical in the *Implementation and Effectiveness* Chapter and in the *Programs and Actions Implemented to Improve Condition* subsection of each Indicator Summary page pursuant to Code sections 16.9.1.A and 16.6. A detailed list of ‘*compliance measures*’ in place and ‘*supplemental compliance measures*’ is provided in report Appendix IE-1 pursuant to Code section 16.6.1 and 16.7.1. The adequacy of existing ‘*compliance measures*’ is addressed in each Threshold Standard-specific Indicator Summary page under the “*Effectiveness of Programs and Actions*” subsection and further discussed in the “*Implementation and Effectiveness*”, and the “*Conclusions and Recommendation*” Chapters of the 2011 Threshold Evaluation pursuant to Code section 16.6.4. The *Recommendations for Additional Actions* subsection of each Indicator Summary and the “*Conclusions and Recommendation*” Chapter address requirements

associated with *'supplemental compliance measures'* (Code Section 16.7). See also finding 7.

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

Rationale: The *'target attainment date'* and *'interim target'* subsections of each Indicator Summary found in the 2011 Threshold Evaluation includes estimates of *'target dates'* and *'interim targets'* for each threshold related indicator pursuant to Code sections 16.5.1 and 16.5.2, respectively.

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

Rationale: The 2011 Threshold Evaluation provides recommendations in the *"Conclusions and Recommendations"* Chapter on additional actions that can be implemented to facilitate Threshold Standard attainment and maintenance, or otherwise improve the effectiveness of the TRPA Regional Plan pursuant to Code Section 16.9.1.E. In addition, for each Indicator Summary, more specific recommendations are found in the *"Recommendations for Additional Actions"* subsection.

EXHIBIT C - ACTION 2

- **CERTIFICATION OF REGIONAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT STATEMENT**
- **MOTIONS**
- **REGIONAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT STATEMENT CERTIFICATION FINDINGS**

MOTIONS FOR CERTIFICATION OF REGIONAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT STATEMENT

a. Advisory Planning Commission

A finding of technical adequacy and a motion to recommend that the Governing Board certify the Regional Plan Update Final Environmental Impact Statement

b. Governing Board

A motion to make the findings required by Compact Article VII and Code of Ordinances Chapter 3 for the Regional Plan Update Final Environmental Impact Statement , as shown in Exhibit C

c. Governing Board

A motion to certify the Regional Plan Update Final Environmental Impact Statement

REGIONAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT STATEMENT CERTIFICATION FINDINGS

Pursuant to TRPA Rules of Procedure, certification of the Final Environmental Impact Statement (Final EIS) is defined as a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 3 of the Code, and Article 6 of the Rules of Procedure. The following findings, when made affirmatively, certify that the RPU Final EIS is in compliance with the applicable criteria.

(1) Code Section 3.7.1 (see also TRPA Compact VII(a)(1, 3, 4, and 5), and TRPA Compact VII(b)) Preparation of EIS:

When preparing an EIS, TRPA shall:

1. Finding: Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

Rationale: The Final EIS utilizes a systematic interdisciplinary approach which insures the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment. (See Draft EIS Chapter 1, Introduction; Chapter 3, Affected Environment and Environmental Consequences of the Alternatives; and Chapter 4 Cumulative Impacts).

2. Finding: Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

Rationale: The Final EIS developed and analyzed a range of policy alternatives which are described in Chapter 2, Regional Plan Update Alternatives, of the EIS. Pursuant to TRPA requirements for the consideration of alternatives, the Draft EIS evaluates the potential impacts of five different alternatives, which provide a range of policies and approaches to accelerate the attainment and maintenance of threshold standards. The Draft Plan developed by

the Regional Plan Update Committee was reflected in the Draft EIS as “Alternative 3 – Low Development, Highly Incentivized Redevelopment.”

Following the circulation of the Draft EIS, a series of Bi-State Consultations, and significant public input on the proposals, the TRPA Regional Plan Update Committee and Governing Board endorsed revisions to Alternative 3. The purpose of the plan revisions was to incorporate additional procedural and regulatory environmental protections and to include desirable elements of other alternatives. The revised alternative is identified as the Final Draft Plan in the Final EIS. Chapter 2, Revisions to Alternative 3: Final Draft Plan (In Volume 1 of the Final EIS) describes the differences between Alternative 3 and the Final Draft Plan.

The Final EIS also analyzes the continuation of policies from the existing Regional Plan, with only minor amendments to extend the remaining commodities authorized under the 1987 Plan. (Alternative 1 – No Project). The Final EIS includes three other “Action Alternatives” that include a range of policies and varying quantities of development quantities, each of which represents a different approach for accelerating attainment and maintenance of Threshold Standards. The other Action Alternatives, described in detail in Chapter 2 of the Final EIS are:

- Alternative 2 – Low Development, Increased Regulation;
- Alternative 4 – Reduced Development, Incentivized Redevelopment; and
- Alternative 5 – Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan.

(See Draft EIS Chapter 2, Regional Plan Update Alternatives; Draft EIS, Summary, Table S-1, Regional Plan Update Alternatives Comparison; and Final EIS Chapter 2 Revisions to Alternative 3: Final Draft Plan.)

3. Finding: Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate

federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

Rationale: The EIS Consultant and TRPA staff consulted with and obtained comments from representative federal, state and local agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved with the project's location and sphere of influence. The Draft EIS was circulated to California State agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research, and was circulated to Nevada State Agencies through the State of Nevada Clearinghouse. In addition, TRPA staff met with numerous relevant state, federal, and local agencies to provide information on the alternatives, answer questions, and solicit written comments. Copies of written comments on the environmental analysis obtained from the various federal, state and local agencies which are authorized to enforce environmental standards have been made available to the public and were reviewed at the various stages of the environmental review and have been incorporated into the Final EIS.

(See Final EIS, Volume 2 Public Comment on the Draft EIS; and Final EIS Volume 1, Responses to Comments.)

4. Finding: Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

Rationale: TRPA made the Draft EIS available to public agencies, citizen groups, and interested individuals for a 63-day public review period, from April 25 through June 28, 2012. Copies of the Draft EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIS were also available for review on TRPA's website, and were made available for purchase on thumb drives. In addition, TRPA consulted the public in a series of six public hearings and two public workshops during the public comment period on the Draft EIS.

(See Final EIS, Volume 1, Introduction, Section 1.2 – Public Comment and Revision of the Draft Plan; and Final EIS, Volume 2 Public Comment on the Draft EIS).

5. Finding: Make available to States, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region’s environment.

Rationale: The Final EIS makes available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the Region’s environment. Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains discussion of 14 technical topics in Sections 3.2 through 3.15. These sections each contain information relevant to that topic on the regulatory background, affected environment, environmental consequences and feasible mitigation measures that could reduce potentially significant impacts. (See also Draft EIS, Summary, Table S-2, Summary of Resource Topics/Impacts and Mitigation Measures, at pgs. S-25 to S-72, and Chapter 4, Cumulative Impacts).

(2) Code Section 3.7.2 (see also TRPA Compact VII(a)(2))

Contents of EIS: An EIS shall include, at a minimum, the following:

1. Finding: Description of project.

Rationale: The Final EIS includes a description of the Project.

(See Draft EIS Chapter 2, Regional Plan Update Alternatives; FEIS Chapter 2, Revisions to Alternative 3)

2. Finding: The significant environmental impacts of the proposed project.

Rationale: The Final EIS includes the identified significant environmental impacts of the proposed project. The Draft EIS identified a number

of significant and potentially significant environmental effects (or impacts) that each Regional Plan Update alternative would cause or contribute to. These significant effects can be avoided or substantially lessened through the adoption of feasible mitigation measures.

(See Draft EIS Summary, Table S-2 – Summary of Resource Topics/Impacts and Mitigation Measures; Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives; and Draft EIS Chapter 4, Cumulative Impacts.)

3. Finding: Any significant adverse environmental effects which cannot be avoided should the project be implemented.

Rationale: The Final EIS analysis determines that all of the environmental impacts associated with Alternative 3 may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of the following impact:

- 3.5-1, Increase in GHG Emissions

(See Draft EIS, Chapter 3, Section 3.5 at pgs. 3.5-15 through 3.5-25; and Draft EIS Chapter 5, Section 5.2, Significant Environmental Effects that Cannot be Avoided)

Economic, social, technical and other considerations make further mitigation of this impact infeasible as addressed in Attachment E-1 of the RPU Adoption Findings (Exhibit E).

4. Finding: Alternatives to the proposed project.

Rationale: The Final EIS includes an analysis of alternatives to the proposed project. See Certification Findings 1(2) above and findings regarding the infeasibility of alternatives in Attachment E-1 of the RPU Adoption Findings (Exhibit E).

(See Draft EIS Chapter 2, Regional Plan Update Alternatives; Draft EIS Summary, Table S-1, Regional Plan Update Alternatives Comparison; and Final EIS Chapter 2 Revisions to Alternative 3:

Final Draft Plan.)

5. Finding: Mitigation measures which must be implemented to assure meeting standards of the region.

Rationale: The Final EIS includes an analysis of mitigation measures that must be implemented to assure meeting standards of the Region. See Attachment E-1 of the RPU Adoption Findings (Exhibit E) for the mitigation measures that have been proposed for adoption. All required mitigation measures have been incorporated into the Final Draft Code of Ordinances or the Final Draft Goals and Policies. In adopting these findings and the Final Draft Plan, the Governing Board hereby adopts and commits to implement the Mitigation Measures as incorporated into the Final Draft Plan. The measures incorporated into the Final Draft Plan represent binding commitments with which TRPA must comply.

(See Draft EIR Summary, Table S-2 – Summary of Resource Topics/Impacts and Mitigation Measures; see also Draft EIS Chapter 3 Affected Environment and Environmental Consequences of the Alternatives; and Draft EIS Chapter 4, Cumulative Impacts.)

6. Finding: The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

Rationale: The Final EIS includes an analysis of the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

(See Draft EIS, Chapter 5, Section 5.4, Relationship Between Local Short-Term Use of The Environment and Maintenance and Enhancement of Long-Term Productivity, at pgs. 5-3 through 5-5.)

7. Finding: Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.

Rationale: The Final EIS includes an analysis of any significant irreversible and

irretrievable commitments of resources which would be involved in each of the alternatives should they be implemented.

(See Draft EIS, Chapter 5, Section 5.3, Irreversible and Irretrievable Commitment of Resources, at pg. 5-3.)

8. Finding: The growth-inducing impact of the proposed project.

Rationale: The Final EIS includes an analysis of the growth-inducing impact of the alternatives.

(See Draft EIS, Chapter 5, Section 5.5, Growth-Inducing Impacts, at pgs. 5-5 through 5-6.)

(3) Code Section 3.7.3 (see also TRPA Compact VII(c))

Inclusion of Other Data and Information:

1. Finding: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

Rationale: The Final EIS refers to the entirety of information and data which are relevant to the preparation of the document and are a matter of public record or are generally available to the public. Such information or data is briefly described in the EIS and its relationship to the EIS is so indicated.

(See EIS and Appendices, including Draft EIS, Chapter 7,

(4) Rules of Procedure 6.13

Draft EIS:

1. Finding: The draft EIS shall include, at a minimum, the elements listed in subsection 3.7.2 of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

Rationale: The Draft EIS includes the elements listed in subsection 3.7.2 of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

(See Section 2 Findings for Subsection 3.7.2 of the Code above regarding contents of the EIS, Section 1(3) Finding above regarding federal, state, and local agencies consulted, and Final EIS Volume 1, Chapter 3, List of Commenters and Responses to Comments.)

2. Finding: Summary: A draft EIS in excess of 30 pages shall include a summary, preferably less than 10 pages in length, which identifies at a minimum: a brief project description; each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect; and areas of controversy known to TRPA.

Rationale: The Draft EIS includes a Summary which includes a brief description of the Proposed Project and Alternatives, including each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect, and areas of controversy known to TRPA.

(See Draft EIS, Summary, pgs. S-1 through S-72.)

3. Finding: Comment Period: The draft EIS shall be circulated for public comment for a period not less than 60 days. TRPA may hold a public hearing on a draft EIS.

Rationale: TRPA made the Draft EIS available to public agencies, citizen groups, and interested individuals for a 63-day public review period, from April 25 through June 28, 2012. Copies of the Draft EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIS were also available for review on TRPA's website, and were made available for purchase on thumb drives. In addition, the public was consulted with in a series of six public hearings and two public workshops during the public comment period on the Draft EIS.

During the review period, the public was invited to public comment hearings held by the TRPA Governing Board and informal workshops organized by Staff. Eight public meetings were held to solicit comments on the Draft EIS: (1) TRPA Governing Board Meeting on April 25, 2012; (2) TRPA Governing Board Meeting on April 26, 2012; (3) Regional Plan/Regional Transportation Plan Informational Workshop on May 21, 2012; (4) Regional Plan/Regional Transportation Plan Informational Workshop on May 22, 2012; (5) TRPA Governing Board Meeting on May 23, 2012; (6) TRPA Governing Board Meeting on May 24, 2012; (7) TRPA Governing Board Meeting on June 27, 2012; and (8) TRPA Governing Board Meeting on June 28, 2012. The public was asked to provide written or oral comments at the meetings or written comments before closure of the public review period. In response to the call for review and comment, 357 comment letters and presentations of oral testimony were received, including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses, and 99 form letters sponsored by two organizations (Friends of West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters).

(See Final EIS, Volume 1, Introduction, Section 1.2 – Public Comment and Revision of the Draft Plan; and Final EIS, Volume 2 Public Comment on the Draft EIS)

4. Finding: Notice of Comment Period: The comment period shall not commence before the date of publication of a notice in a newspaper whose circulation is general through the region. The

notice shall include a brief description of the project or matter under consideration, the date the comment period commences, the date by which comments must be received, and that copies of the draft EIS may be obtained by contacting TRPA and are available for public review at TRPA's offices. Copies of the draft EIS shall be mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period shall be given to affected property owners pursuant to Article XII of these Rules.

Rationale: The Draft EIS Notice of Comment Period was properly noticed by TRPA on April 4, 2012 in newspapers whose circulation is general throughout the Region. All procedures were followed regarding the availability of the Draft EIS for the public's review, and copies of the Draft EIS were mailed to California and Nevada State Clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Copies of the Draft EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIS were also available for review on TRPA's website. Notice of the comment period was given to the public in accordance with Article XII of TRPA's Rules of Procedure. Pursuant to Subsection 12.14 of the Rules of Procedure, notice to affected property owners was not required.

(See April 4, 2012 Notice of Public Hearings and Notice of Availability and Comment Period)

5. Finding: Request for Comments: TRPA shall request comments on draft EIS's from any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments shall be given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice shall be given no later than the date the comment period commences. Separate notice under this section is not necessary if notice of the draft EIS has been given to the agency pursuant to subsection 6.13.3 above.

Rationale: TRPA provided notice of the Draft EIS pursuant to subsection 6.13.3, as described in the Section 1(4) Finding above.

(See Final EIS, Volume 2 Public Comment on the Draft EIS; and Final EIS Volume 1, Responses to Comments.)

(5) Rules of Procedure 6.14

Final EIS:

1. Finding: At the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period, and may respond to oral or late comments. The response to comments may be in the form of a revision to the draft EIS, or may be a separate section in the final EIS that shall note revisions to the draft EIS, if any. The final EIS shall include, at a minimum: the draft EIS, or a revision; comments received on draft, either verbatim or in summary; the responses to comments; and a list of persons, organizations and agencies commenting in writing on the draft EIS.

The final EIS may incorporate by reference computer data recorded on disk, videotape, slides, models and similar items provided summaries of such items are included in the final EIS. The final EIS may also include oral testimony given at APC or Board hearings.

Rationale: At the conclusion of the comment period, TRPA prepared written responses to all written comments received during the comment period, and responded to all oral comments. The Final EIS includes a section (Volume 1, Chapter 4, Revisions and Corrections to the Draft EIS) that notes revisions to the Draft EIS. Additional revisions to the Draft EIS are incorporated by reference in Final EIS Volume 1, Chapter 3, List of Commenters and Responses to Comments in instances where a comment provides information or there is a correction that does not contribute substantively to the environmental analysis. The Final EIS includes:

- (a) List of Commenters and Responses to Comments. This includes a list of persons, organizations and agencies commenting in writing or through oral testimony on the Draft EIS and responses to these comments (Final EIS Volume 1, Chapter 3);
- (b) Revisions and Corrections to the Draft EIS. This chapter notes revisions to the Draft EIS (Final EIS Volume 1, Chapter 4);

(c) Public Comments on the Draft EIS. This includes all comments received on the Draft EIS, verbatim as to written comments and oral testimony (Final EIS Volume 2).

The Final EIS incorporates by reference computer data recorded on disk, videotape, slides, models and similar items and has provided summaries of such items in the Final EIS (See Draft EIS, Chapter 7, References, and Final EIS, Volume 1, Chapter 5, References).

EXHIBIT D - ACTION 3

- **AMENDMENT OF ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES**
- **MOTIONS**
- **RESOLUTION 2012-18**
- **2012 THRESHOLD AMENDMENTS ADOPTION FINDINGS**

MOTIONS FOR AMENDMENT OF ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES

a. Advisory Planning Commission

A motion to recommend Governing Board Adoption of Resolution 2012-18 amending Exhibit A of Resolution 82-11, as shown in Attachment D-1

b. Governing Board

A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit D

c. Governing Board

A motion to adopt Resolution 2012-18 amending Exhibit A of Resolution 82-11, as shown in Attachment D-1

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2012-18

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO
AMEND EXHIBIT A OF RESOLUTION 82-11, AS AMENDED, TO AMEND ENVIRONMENTAL
THRESHOLD CARRYING CAPACITIES

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

WHEREAS, on August 26th, 1982, pursuant to Compact Article V(c), the TRPA Governing Board adopted Resolution 82-11 which set forth in its Exhibit A the threshold standards for the Tahoe Region; and

WHEREAS, the threshold standards adopted through Resolution 82-11 are to be achieved and maintained through implementation of TRPA’s Regional Plan; and

WHEREAS, Exhibit A of Resolution 82-11 specifies numerical standards, management standards, and policy statements to assist in the achievement and maintenance of such threshold standards; and

WHEREAS, Resolution 82-11 states that the established threshold standards serve as the basis for a long-term program to protect and enhance the significant environmental values of the Tahoe Region and that said “program will be reviewed from time to time to ensure its consistency with the currently available scientific evidence and technical and other information;” and

WHEREAS, Resolution 82-11 requires that TRPA review the established threshold standards at the time of the adoption of the Regional Plan and no less than every 5 years thereafter and that TRPA develop a monitoring program to serve as a basis for such regional plan review and amendment; and

WHEREAS, Resolution 82-11 requires the amendment of the pertinent threshold standard where scientific evidence and technical information indicate: (1) two or more threshold standards are mutually exclusive; (2) substantial evidence to provide a basis for a threshold standard does not exist; (3) a threshold standard cannot be achieved; or (4) a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value; and

WHEREAS, TRPA has determined that the threshold standards to be amended meet the criteria of Resolution 82-11, and, further, TRPA may amend the threshold standards pursuant to its discretion; and

WHEREAS, TRPA prepared and circulated an Environmental Impact Statement analyzing the potential for significant environmental impacts from this amendment in accordance with the substantive and procedural requirements of Article VII of the Compact, Chapter 3 of the Code, Article 6 of the Rules of Procedure, and all other applicable rules and regulations; and

WHEREAS, TRPA has made the necessary attached findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable requirements, rules, and regulations; and

WHEREAS, both TRPA's Advisory Planning Commission and TRPA's Governing Board have conducted noticed public hearings and received public comment on the proposed amendments to Exhibit A of Resolution 82-11.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends Exhibit A of Resolution 82-11 as shown in Attachment D-1 with added language underlined and deleted language stricken.

Passed and adopted by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on December 12, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norma Santiago, Governing Board Chair
Tahoe Regional Planning Agency

ATTACHMENT D-1

AMENDMENTS TO EXHIBIT A OF RESOLUTION 82-11

EXHIBIT A
TO RESOLUTION NO. 82-11
AS AMENDED

RESOLUTION OF THE GOVERNING BODY OF THE TAHOE REGIONAL PLANNING
AGENCY ADOPTING ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES
FOR THE LAKE TAHOE REGION

WATER QUALITY

Deep Water (Pelagic) Lake Tahoe

NUMERICAL STANDARD

Reduce dissolved inorganic nitrogen (N) loading from all sources by 25 percent of the 1973-81 annual average. Achieve the following long-term water quality standards for deep water (pelagic zone) Lake Tahoe:

- The annual average deep water (pelagic) transparency as measured by Secchi disk shall not be decreased below 29.7 meters (97.4 feet), the average levels recorded between 1967 and 1971 by the University of California, Davis.
- Maintain A annual mean phytoplankton primary productivity at or below: 52gmC/m²/yr.
- ~~Winter (December – March) mean Secchi disk transparency: 33.4m.~~

POLICY

This threshold is currently being exceeded and will likely continue to be exceeded until some time after full implementation of the loading reductions prescribed by the thresholds.

MANAGEMENT STANDARD

Reduce the loading of dissolved phosphorus, iron, and other algal nutrients from all sources as required to achieve ambient standards for primary productivity and transparency.

Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of-basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.

Nearshore (Littoral) Lake Tahoe

NUMERICAL STANDARD

Reduce dissolved inorganic nitrogen loading to Lake Tahoe from all sources by 25 percent of the 1973-81 annual average.

MANAGEMENT STANDARD

Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction

necessary to attain environmental standards, even though the Agency has no direct control over out of Basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.

NUMERICAL STANDARD

Decrease sediment load as required to attain turbidity values not to exceed three NTU. In addition, turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges.

Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.

Attached Algae

MANAGEMENT STANDARD

Implement policy and management actions to reduce the areal extent and density of periphyton (attached) algae from Lake Tahoe's nearshore.

Aquatic Invasive Species

MANAGEMENT STANDARD

Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.

Tributaries

NUMERICAL STANDARD

Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.

MANAGEMENT STANDARD

Reduce total annual nutrient and suspended sediment load to achieve loading thresholds for littoral and pelagic Lake Tahoe.

Surface Runoff

NUMERICAL STANDARD

Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/1, for dissolved phosphorus of 0.1 mg/1, and for dissolved iron of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.

Achieve a 90 percentile concentration value for suspended sediment of 250 mg/1.

MANAGEMENT STANDARD

Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.

Groundwater

MANAGEMENT STANDARD

Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.

Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.

Other Lakes

NUMERICAL STANDARD

Attain existing water quality standards.

SOIL CONSERVATION

Impervious Cover

MANAGEMENT STANDARD

Impervious cover shall comply with the Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974.

Stream Environment Zones

NUMERICAL STANDARD

Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.

AIR QUALITY

Carbon Monoxide

NUMERICAL STANDARD

Maintain carbon monoxide concentrations at or below 69 parts per million (7 mg/m³) averaged over 8 hours. ~~provided that each state shall review and certify to TRPA by February 28, 1983, as to what their carbon monoxide standards are as of that date, and this TRPA threshold standard shall be changed effective February 28, 1983, if necessary, to be the applicable state carbon monoxide standard applicable to the respective portions of the region in accordance with Article V (d) of the Compact.~~

MANAGEMENT STANDARD

Reduce traffic volumes on the U.S. 50 Corridor by 7 percent during the winter from the 1981 base year between 4:00 p.m. and 12:00 midnight, provided that those traffic volumes shall be amended as necessary to meet the respective state standards.

Ozone

NUMERICAL STANDARD

Maintain ozone concentrations at or below 0.08 parts per million averaged over 1 hour.

Maintain oxides of nitrogen (NOx) emissions at or below the 1981 level.

Regional Visibility

NUMERICAL STANDARDS[§]

Achieve an extinction coefficient of 25 Mm^{-1} at least 50 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 156 kilometers, 97 miles); and

Achieve an extinction coefficient of 34 Mm^{-1} at least 90 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 115 kilometers, 71 miles).

[§](Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.)

~~Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs.~~

Subregional Visibility

NUMERICAL STANDARD[§]

Achieve an extinction coefficient of 50 Mm^{-1} at least 50 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 78 kilometers, 48 miles); and

Achieve an extinction coefficient of 125 Mm^{-1} at least 90 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 31 kilometers, 19 miles); and

Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.)

Respirable and Fine Particulate Matter

NUMERICAL STANDARD

Particulate Matter₁₀ 24-hour Standard: Maintain Particulate Matter₁₀ at or below 50 μ g/m³ measured over a 24-hour period using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

~~§-Amended 03/22/00~~

~~§-Amended 03/22/00~~

NUMERICAL STANDARD

Particulate Matter₁₀ Annual Arithmetic Average - Maintain Particulate Matter₁₀ at or below annual arithmetic average of 20µg/m³ using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

NUMERICAL STANDARD

Particulate Matter_{2.5} 24-hour Standard - Maintain Particulate Matter_{2.5} at or below 35µg/m³ measured over a 24-hour period using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

NUMERICAL STANDARD

Particulate Matter_{2.5} Annual Arithmetic Average - Maintain Particulate Matter_{2.5} at or below annual arithmetic average of 12µg/m³ using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

~~Reduce suspended soil particles by 30% of the 1981 base values through technology, management practices and educational programs. Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs. Reduce vehicle miles of travel by 10% of the 1981 base values.~~

Nitrate Deposition

MANAGEMENT STANDARD

Reduce the transport of nitrates into the Basin and reduce oxides of nitrogen (NOx) produced in the Basin consistent with the water quality thresholds.

Reduce vehicle miles of travel in the Basin by 10%~~percent~~ of the 1981 base year values.

Odor

POLICY STATEMENT

It is the policy of the TRPA Governing Board in the development of the Regional Plan to reduce fumes from diesel engines to the extent possible.

VEGETATION PRESERVATION

Common Vegetation

MANAGEMENT STANDARD

Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance, and pattern.

- Maintain the existing species richness of the Basin by providing for the perpetuation of the following plant associations:

Yellow Pine Forest: Jeffrey pine, White fir, Incense cedar, Sugar pine.

Red Fir Forest: Red fir, Jeffrey pine, Lodgepole pine, Western white pine, Mountain hemlock, Western juniper.

Subalpine Forest: Whitebark pine, Mountain hemlock, Mountain mahogany.

Shrub Association: Greenleaf and Pinemat manzanita, Tobacco brush, Sierra chinquapin, Huckleberry oak, Mountain whitethorn.

Sagebrush Scrub Vegetation: Basin sagebrush, Bitterbrush, Douglas chaenactis.

Deciduous Riparian: Quaking aspen, Mountain alder, Black cotton-wood, Willow.

Meadow Associations (Wet and Dry Meadow): Mountain squirrel tail, Alpine gentian, Whorled penstemon, Asters, Fescues, Mountain brome, Corn lilies, Mountain bentgrass, Hairgrass, Marsh marigold, Elephant heads, Tinker's penney, Mountain Timothy, Sedges, Rushes, Buttercups.

Wetland Associations (Marsh Vegetation): Pond lilies, Buckbean, Mare's tail, Pondweed, Common bladderwort, Bottle sedge, Common spikerush.

Cushion Plant Association (Alpine Scrub): Alpine phlox, Dwarf ragwort, Draba.

- Relative Abundance - of the total amount of undisturbed vegetation in the Tahoe Basin;
 1. Maintain at least four percent meadow and wetland vegetation.
 2. Maintain at least four percent deciduous riparian vegetation.
 3. Maintain no more than 25 percent dominant shrub association vegetation.
 4. Maintain 15-25 percent of the Yellow Pine Forest in seral stages other than mature.
 5. Maintain 15-25 percent of the Red Fir Forest in seral stages other than mature.
- Pattern - Provide for the proper juxtaposition of vegetation communities and age classes by;
 1. Limiting acreage size of new forest openings to no more than eight acres.
 2. Adjacent openings shall not be of the same relative age class or successional stage to avoid uniformity in stand composition and age.

A nondegradation standard to preserve plant communities shall apply to native deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations to be consistent with the SEZ threshold.

Native vegetation shall be maintained at a maximum level to be consistent with the limits defined in the *Land Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974*, for allowable impervious cover and permanent site disturbance.

POLICY STATEMENT

It shall be a policy of the TRPA Governing Board that a nondegradation standard shall permit appropriate management practices.

Late Seral and Old Growth Forest Ecosystems[§]

NUMERICAL STANDARD

Attain and maintain a minimum percentage of 55%~~percent~~ by area of forested lands within the Tahoe Region in a late seral or old growth condition, and distributed across elevation zones.

[§] ~~Amended 5/23/01~~

To achieve the 55%percent, the elevation zones shall contribute as follows:

- The Subalpine zone (greater than 8,500 feet elevation) will contribute 5%percent (7,600 acres) of the forested lands;
- The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30%percent (45,900 acres) of forested lands;
- The Montane zone (lower than 7,000 feet elevation) will contribute 20%percent (30,600 acres) of forested lands.

Forested lands within TRPA designated urban areas are excluded in the calculation for threshold attainment. Areas of the montane zone within 1,250 feet of urban areas may be included in the calculation for threshold attainment if the area is actively being managed for late seral and old growth conditions and has been mapped by TRPA. A maximum value of 40%percent of the lands within 1,250 feet of urban areas may be included in the calculation.

Because of these restrictions the following percentage of each elevation zone must be attained to achieve this threshold:

- 61%percent of the Subalpine zone must be in a late seral or old growth condition;
- 60%percent of the Upper Montane zone must be in a late seral or old growth condition;
- 48%percent of the Montane zone must be in a late seral or old growth condition;

Uncommon Plant Communities

NUMERICAL STANDARD^{§§}

Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to (1) the deepwater plants of Lake Tahoe, (2) Grass Lake (sphagnum bog), (3) Osgood swamp, (4) the Freel Peak Cushion Plant community, (5) Taylor Creek Marsh, (6) Pope Marsh, (7) Upper Truckee Marsh, and (8) Hell Hole.

Sensitive Plants

NUMERICAL STANDARD

Maintain a minimum number of population sites for each of five sensitive plant species.

<u>Species^{§§}</u>	<u>Number of Population Sites</u>
<u>Lewisia pygmaea longipetala</u>	2
<u>Draba asterophora v. macrocarpa</u>	2
<u>Draba asterophora v. asterophora</u>	5
<u>Rorippa subumbellata</u>	26
<u>Arabis rigidissima v. demote</u>	7

WILDLIFE

Special Interest Species

^{§§} ~~Amended 04/24/02~~

NUMERICAL STANDARD

Provide a minimum number of population sites and disturbance zones for the following species:

<u>Species of interest</u>	<u>Population sites</u>	<u>Disturbance zone (mi.)</u>	<u>Influence zone (mi.)</u>
Goshawk	12	0.50 Most suitable 500 acres surrounding nest site	3.50
Osprey	4	0.25	0.60
Bald Eagle (Winter)	2	Mapped areas	Mapped areas
Bald Eagle (Nesting)	1	0.50	Variable
Golden Eagle	4	0.25	9.0
Peregrine	2	0.25	7.6
Waterfowl	18	Mapped areas	Mapped areas
Deer	-	Mapped areas	Meadows

Habitats of Special Significance

MANAGEMENT STANDARD

A nondegradation standard shall apply to significant wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations.

FISHERIES

Stream Habitat

NUMERICAL STANDARD

Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the [§]Stream Habitat Quality Overlay map, amended May 1997, based upon the re-rated stream scores set forth in Appendix C-1 of the 1996 Evaluation Report.

Instream Flows

MANAGEMENT STANDARD

Until instream flow standards are established in the Regional Plan to protect fishery values, a nondegradation standard shall apply to instream flows.

POLICY STATEMENT

It shall be a policy of the TRPA Governing Board to seek transfers of existing points of water diversion from streams to Lake Tahoe.

Lahontan Cutthroat Trout

POLICY STATEMENT

It shall be the policy of the TRPA Governing Board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout.

Lake Habitat

MANAGEMENT STANDARD

A nondegradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat [§]as indicated by the Prime Fish Habitat Overlay Map

~~§ Amended 5/28/97~~

~~dated 5/19/97~~ as may be amended ~~from time to time~~ [based on best available science](#).

NOISE

Single Noise Events

NUMERICAL STANDARD

The following maximum noise levels are allowed: All values are in decibels)

Source	Threshold = dBA			Monitoring Distances
	Overall	Less Than 35 MPH	Greater Than 35 MPH	
Aircraft	80 ¹	--	--	6,500 m-start of takeoff roll 2,000 m-runway threshold approach
	77.1 ²	--	--	6,500 m-start of takeoff roll 2,000 m-runway threshold approach
Watercraft ^{3§}				
1. Pass-By Test	82 L _{max}	--	--	50 ft.-engine at 3,000 rpm
2. Shoreline Test	75 L _{max}	--	--	Microphone 5 ft. above water, 2 ft., above curve of shore, dock or platform. Watercraft in Lake, no minimum distance.
3. Stationary Test	88 dBA L _{max} for boats manufactured before January 1, 1993;	--	--	Microphone 3.3 feet from exhaust outlet - 5 feet above water.
	90 dBA L _{max} for boats manufactured after January 1, 1993	--	--	
Motor Vehicles Less Than 6,000 GVW	--	76	82	50 ft.
Motor Vehicles Greater Than 6,000 GVW	--	82	86	50 ft.
Motorcycles	--	77	86	50 ft.
Off-Road Vehicles	--	72	86	50 ft.
Snowmobiles	--	82	--	50 ft.
<p>1. ^{§§}The single event noise standard of 80 dBA L_{max} for aircraft departures at Lake Tahoe Airport shall be effective immediately. The single event noise standard of 80 dBA L_{max} for aircraft arrivals at Lake Tahoe Airport is not to be effective until ten years after the adoption of an airport master plan by TRPA. The schedule for phasing in the 80 dBA arrival standard shall be based on a review and consideration of the relevant factors, including best available technology and environmental concerns, and shall maximize the reduction in noise impacts caused by aircraft arrivals while allowing for the continuation of general aviation and commercial service. The beginning arrival standard shall not exceed 84 dBA for general aviation and commuter aircraft, and 86 dBA for transport category aircraft.</p> <p>2. Between the hours of 8 p.m. and 8 a.m.</p>				

[§] Amended 7/23/03

^{§§} Amended 08/26/92

3. Failure to meet any one of these three test standards exceeds the single noise event threshold for watercraft.

Cumulative Noise Events[§]

NUMERICAL STANDARD

Background noise levels shall not exceed the following levels:

Land Use Category	Average Noise Level Or CNEL range (dBA)
High Density Residential Areas	55
Low Density Residential Areas	50
Hotel/Motel Areas	60
Commercial Areas	60
Industrial Areas	65
Urban Outdoor Recreation Areas	55
Rural Outdoor Recreation Areas	50
Wilderness and Roadless Areas	45
Critical Wildlife Habitat Areas	45

POLICY STATEMENT

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors

RECREATION

POLICY STATEMENT

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public.

SCENIC RESOURCES

Roadway and Shoreline Units

NUMERICAL STANDARD

Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.

Maintain the 1982 ratings for all roadway and shoreline units as shown in Tables 13-6 and 13-7 of the Draft Study Report.

[§] ~~Amended 5/28/97~~

Restore scenic quality in roadway units rated 15 or below and shoreline units rated 7 or below.

Other Areas[§]

NUMERICAL STANDARD

Maintain or improve the numerical rating assigned to each identified scenic resource, including individual subcomponent numerical ratings, for views from bike paths and other recreation areas open to the general public as recorded in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

Built Environment

POLICY STATEMENT

It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region.

[§] ~~Amended 09/22/93~~

2012 THRESHOLD AMENDMENTS ADOPTION FINDINGS

The following Threshold Standard amendments, additions, or deletions are proposed as an element of the Regional Plan Update:

Amendments:

- **Water Quality – Deep Water (Pelagic) Lake Tahoe (numerical standard).** The proposed amendment will replace the existing “winter average” transparency standard with the state of California’s “annual average” transparency standard. The amendment will improve the consistency of TRPA’s Threshold Standard for deep water transparency with state of California’s deep water transparency standard and improve consistency with the Lake Tahoe Total Daily Maximum Load objectives adopted by California and Nevada.
- **Air Quality – Carbon Monoxide (numerical standard).** The proposed amendment would make TRPA’s standard for 8-hour Carbon Monoxide equal to the both California and Nevada state standards for 8-hour Carbon Monoxide. The existing TRPA standard for 8-hour Carbon Monoxide is not as protective as the current state’s standards.
- **Wildlife – Northern Goshawk (management standard).** The amendment would more specifically direct the Agency to protect the most suitable habitat surrounding a known nest site, rather than simply delineating a circular protection buffer. Circular protection buffers for Northern Goshawk sometimes include areas that are not suitable habitat, such as urban areas.
- **Fisheries – Lake Habitat (management standard).** The amendment directs the agency to use best available map data to determine the distribution and abundance of fish habitat instead of reliance of on dated information.

Additions:

- **Water Quality - Nearshore Attached Algae (management standard).** The proposed new Threshold Standard will direct regulation, management and policy actions toward a reduction in the abundance and distribution of periphyton algae in Lake Tahoe nearshore.
- **Water Quality - Aquatic Invasive Species (management standard).** The proposed new Threshold Standard will direct regulation, management and policy actions to 1) prevent new introduction of aquatic invasive species and 2) control known occurrences of aquatic invasive species.
- **Air Quality - PM₁₀ 24-hour Standard (numerical standard).** The proposed new Threshold Standard, which is consistent with the applicable state particulate matter standards for PM₁₀ 24-hour, would replace existing TRPA Threshold Standards for wood smoke and suspended soil particles.
- **Air Quality - PM₁₀ Annual Arithmetic Average (numerical standard).** The proposed new Threshold Standard, which is consistent with applicable state particulate matter

standard for PM₁₀ Annual Arithmetic Average, would replace existing TRPA Threshold Standards for wood smoke and suspended soil particles.

- **Air Quality - PM_{2.5} 24-hour Standard (numerical standard).** The proposed new Threshold Standard, which is consistent with the applicable state particulate matter standards, would replace existing TRPA Threshold Standards for wood smoke and suspended soil particles.
- **Air Quality - PM_{2.5} Annual Arithmetic Average (numerical standard).** The proposed new Threshold Standard, which is consistent with the applicable state particulate matter standards, would replace existing TRPA Threshold Standards for wood smoke and suspended soil particles.

Deletions:

- **Air Quality - Wood smoke from Regional Visibility (numerical standard).** The proposed change is to delete this Threshold Standard and replace with applicable state standards for particulate matter (see above, proposed additions).
- **Air Quality - Wood smoke and suspended soil particle from Sub-regional Visibility (numerical standard).** The proposed change is to delete this Threshold Standard and replace with applicable state standards for particulate matter (see above, proposed additions).

SECTION A. COMPACT ARTICLE VII(D) AND CODE CHAPTER 3 ENVIRONMENTAL IMPACT FINDINGS:

TRPA Code Section 3.7 – Findings for Environmental Impact Statement:

The TRPA Regional Planning Compact Article VII(d) requires that TRPA make the following written finding before approving Threshold Standard amendments for which an environmental impact statement was prepared:

1 Finding: Changes or alterations have been required in or incorporated into such Threshold Standard amendments which avoid or reduce the significant adverse environmental effects to a less than significant level;

Rationale: Based on the Regional Plan Update Final EIS, the proposed Threshold Standard amendments will not result in an adverse environmental impact to the Region. As a consequence, no changes or alterations have been required in or incorporated into the proposed Threshold Standard amendments.

SECTION B. AMENDING AND ADOPTING THRESHOLD STANDARDS FINDINGS

The Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan, including the Code and Plan Area Statements, sets forth other findings that must be made. The following specific findings shall be made in writing, pursuant to Planning Compact Article V(c), (g) and VI(b) prior to the approval of any Threshold Standard amendments.

Resolution 82-11 Findings:

In order to amend an adopted environmental Threshold Standard, Resolution 82-11 requires TRPA to address the following finding:

1. Finding: The pertinent environmental threshold standards shall be amended where scientific evidence and technical information indicate either:
 - (a) Two or more threshold standards are mutually exclusive.
 - (b) Substantial evidence to provide a basis for a threshold standard does not exist.
 - (c) A threshold standard cannot be achieved.
 - (d) A threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.

Rationale: The deletion of Threshold Standards related to suspended soil particles and wood smoke, and the proposed replacement with applicable state and federal standards for particulate matter is consistent with criteria “b” and “c” (above). Currently adopted Thresholds Standards for suspended soil particles and wood smoke direct the agency to reduce these pollutants by 30 percent and 15 percent of 1981 levels, respectively. Baseline conditions were never established in 1981 for these pollutants and consequently an attainment status determination for these pollutants is not feasible. These existing standards are proposed to be replaced with applicable state and federal standards for particulate matter. Proposed replacement Threshold Standards for particulate matter functionally measure wood smoke and suspended soil particle concentrations and were set to protect human health and are supported by technical analysis and information provided by the state of California and the federal government.

Several of the proposed Threshold Standard amendments are consistent with criteria “d” (above) (“...existing standards are not sufficient to maintain Regional values”). The adoption of the proposed Threshold Management Standards for attached algae and aquatic invasive species

highlight and support actions to address recently identified issues concerning the condition of Lake Tahoe's nearshore habitats and water quality. The proposed Threshold Management Standard amendment that addresses protective buffers for Northern Goshawk would provide enhanced protection for the species above the currently adopted management standard by ensuring the most suitable habitat is protected rather than simply applying a circular protection buffer which can include suboptimal habitat. The proposed amendment for 8-hour carbon monoxide would improve the consistency of TRPA threshold standard with the more protective state standards. The proposed amendment to deep water transparency would not result in additional (or lesser) water quality protections. These standards, however, will improve the consistency of TRPA standards with state objectives and standards. The amendment to the lake habitat standard acknowledges that new information and technology should be used to delineate and evaluate the status of lake habitat conditions. New remote sensing technologies make it feasible to more accurately interpret and characterize the distribution and abundance of different fish habitats. The change allows the use of best available information to map fish habitats rather than only allowing reference to a map created in 1997.

The Threshold Standards amendments therefore meet the criteria of, and are otherwise consistent with, Resolution 82-11

TRPA Code Chapter 4 Threshold Related Findings:

TRPA Code Section 4.4 – Findings Necessary to Approve Any Project

1. Finding: The Threshold Standard amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
- Rationale: The proposed Threshold Standard amendments will enhance the implementation of the Regional Plan by:
- Improving the consistency of the TRPA deep water transparency Threshold Standard with the goals and objectives of Nevada's and California's Lake Tahoe Total Maximum Daily Load (TMDL) Program and with the state of California's deep water transparency standard;
 - Including a management standard for Lake Tahoe's nearshore to prevent and control aquatic invasive species in the Region which

is consistent with the Regional Plan's Environmental Improvement Program and Code Section 63.4;

- Including a management standard to reduce the extent of attached algae (periphyton algae) consistent with the goals of the Clean Water Act (33 U.S.C. §1251 et seq., 1972), and California's and Nevada's list of beneficial uses for Lake Tahoe;
- Improving the consistency of the TRPA standard for carbon monoxide with more protective California and Nevada 8-hour carbon monoxide standards;
- Clarifying ambiguously defined numerical threshold standards for wood smoke and suspended soil particles by replacing those standards with clear and measurable state standards for particulate matter;
- Clarifying and more appropriately delineating protection buffers for Northern Goshawk; and
- Clarifying the use of best available science to inform lake habitat delineations and evaluations.

As outlined above, these amendments will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

2. Finding: The Threshold Standard amendments will not cause the environmental thresholds to be exceeded.

Rationale: The Threshold Standard amendments are designed to further enhance and protect environmental quality in the Region and, based on the Regional Plan Update Final EIS, will not result in the exceedance of environmental thresholds. The amendments will improve the consistency of environmental thresholds with state standards or otherwise clarify specific Regional objectives related to water quality, air quality, wildlife and fisheries.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the Threshold Standard amendments meet or exceeds such standards.

Rationale: Proposed Threshold Standard amendments related to air and water quality are consistent with state and federal air and water quality standards. The proposed deep water transparency standard is equal to

California's deep water standard for annual average transparency and TMDL objectives for both California and Nevada. The proposed 8-hour carbon monoxide Threshold Standards are the same as Nevada and California standards for this Region. Proposed Threshold Standards for particulate matter are the same as standards applicable to the respective state's jurisdiction and consistent with the Compact Article V(d).

EXHIBIT E - ACTION 4

- **ADOPTION OF REGIONAL PLAN UPDATE AND CODE OF ORDINANCES**
- **MOTIONS**
- **ORDINANCE 2012-04**
- **REGIONAL PLAN UPDATE AMENDMENTS ADOPTION FINDINGS**

MOTIONS FOR ADOPTION OF REGIONAL PLAN UPDATE AND CODE OF ORDINANCES

a. Advisory Planning Commission

A motion to recommend Governing Board adoption of Ordinance 2012-04, amending Ordinance 87-9, as previously amended, to amend TRPA's Goals & Policies, Code of Ordinances, and other matters related thereto, as shown in Exhibit E

b. Governing Board

A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit E

c. Governing Board

A motion to adopt Ordinance 2012-04, amending Ordinance 87-9, as previously amended, to amend TRPA's Goals & Policies, Code of Ordinances, and other matters related thereto, as shown in Exhibit E

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2012-04

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO AMEND TRPA'S GOALS &
POLICIES, CODE OF ORDINANCES, AND OTHER MATTERS RELATED THERETO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section	Findings
1.00	
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
1.10	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.15	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.20	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
1.25	In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.
1.35	It is necessary and desirable to amend the TRPA Code of Ordinances ("Code") to effectuate the amendments to the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

-
- 1.40 TRPA prepared and circulated an Environmental Impact Statement analyzing any potential significant impacts from these amendments in accordance with the substantive and procedural requirements of Article VII of the Compact, Chapter 3 of the Code, Article 6 of the Rules of Procedure, and all other applicable rules and regulations.
- 1.45 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.50 The Advisory Planning Commission (APC) conducted public hearings on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted noticed public hearings on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.55 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of TRPA Goals & Policies

- 2.10 Ordinance 87-9 is hereby amended as shown in Enclosure C of the December 5, 2012, TRPA Staff Summary and fully incorporated herein.

Section 3.00 Amendment of TRPA Code of Ordinances

- 3.10 Ordinance 87-9 is hereby amended as shown in in Enclosure D of the December 5, 2012, TRPA Staff Summary and fully incorporated herein.

Section 4.00 Interpretation and Severability

- 4.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section	Effective Date
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5.00	
5.10	The provisions of this ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 12, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norma Santiago, Governing Board Chair
Tahoe Regional Planning Agency

REGIONAL PLAN UPDATE AMENDMENTS ADOPTION FINDINGS

SECTION A. COMPACT ARTICLE VII(D) AND TRPA CODE CHAPTER 3 ENVIRONMENTAL IMPACT FINDINGS:

The TRPA Regional Planning Compact Article VII(d) requires that TRPA make either of the following written findings before approving a project for which an environmental impact statement was prepared:

- (1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less significant level; or
- (2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

The Compact further requires that a separate written finding be made for each significant effect identified in the environmental impact statement on the project. Chapter 3 of the Code of Ordinances also requires the same written finding be made for each significant effect identified in the environmental impact statement.

TRPA CODE CHAPTER 3 – REQUIRED FINDINGS:

TRPA Code Section 3.7 – Findings for Environmental Impact Statement:

1. Finding: Prior to approving Goals and Policies and Code amendments for which an EIS was prepared, TRPA must make the following findings for each significant adverse effect identified in the EIS:

(1) Changes or alterations have been required in or incorporated into such amendments which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or alternatives discussed in the environmental impact statement on the amendments.

Rationale: See Attachment E-1 hereto.

SECTION B. REGIONAL PLAN AND CODE OF ORDINANCE AMENDMENT FINDINGS:

Article V of the Compact and Code Chapter 4 require that, prior to approval of any amendment to the Regional Plan and Code , certain findings be made in relation to Regional Plan implementation, consistency with TRPA-adopted and other applicable environmental standards, and achievement and maintenance of Thresholds.

TRPA CODE CHAPTER 4 – REQUIRED FINDINGS:

TRPA Code Section 4.4 – Findings to Amend the Regional Plan, Including Goals and Policies:

1. Finding: The Goals and Policies and Code amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Rationale: Based on the analysis in the TRPA RPU Staff Reports, the Regional Plan Update Final EIS (October 2012), the 2011 Threshold Evaluation (October 2012), the Governing Board finds the amendments to the Regional Plan and Code of Ordinances are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs (as amended).

As described in the TRPA RPU Staff Reports, the Final EIS and Attachments E-1 and E-2 hereto, the proposed amendments to the Goals and Policies and Code complement and accelerate implementation of the Regional Plan and its objectives: achievement and maintenance of Thresholds while providing opportunities for reasonable growth. As explained in the Final EIS and Attachments E-1 and 2, Alternative 3, along with the mitigation measures included in the Final EIS, is consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, other TRPA plans and programs and are otherwise consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and supplemental compliance measures and attainment of target dates as identified in the 2011 Threshold Evaluation. For the amendments’ specific mitigation measures, TRPA has identified in the Final EIS an adequate means by which the mitigation measure’s effectiveness will be evaluated.

Based on the foregoing and findings 2, 3 and 4 below, the Governing Board finds that adopting the Regional Plan Update amendments will not adversely affect implementation of the entire Regional Plan,

including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs (as amended).

2. Finding: The Goals and Policies amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: Based on the rationale for the foregoing finding, the analysis in the Final EIS, TRPA RPU Staff Reports, Attachments E-1 and E-2, and the 2011 Threshold Evaluation, the Governing Board finds the Goals and Policies and Code amendments will not cause the environmental threshold carrying capacities to be exceeded.

As discussed in the Final EIS, there are no unmitigated adverse impacts to the Thresholds. The Final EIS evaluated the proposed Goals and Policies and Code amendments' potential impacts on environmental threshold carrying capacities. All applicable environmental threshold carrying capacities are incorporated into the criteria of significance for each applicable resource evaluation in Chapter 3 of the Draft EIS. As explained in findings in Attachment E-1, which are incorporated herein by reference, changes or alterations have been required in or incorporated into the proposed amendments that avoid or reduce any significant adverse environmental effects of the proposed amendments to a less than significant level with the exception of the following impact, Greenhouse Gas Emissions.

The identified significant and unavoidable impact identified on Greenhouse Gas Emissions for the RPU Amendments are not based on environmental threshold carrying capacities and will not cause any environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever stricter federal, state or local air and water quality standards apply for the Region, pursuant to Article V(d) of the TRPA Compact, the Goals and Policies amendments meet or exceed such standards.

Rationale: Based on the rationale for the foregoing findings, the analysis in the Final EIS and findings in Attachments E-1 and E-2, and the 2011 Threshold Evaluation Report, the Governing Board finds the RPU amendments will not cause the applicable federal, state and local air and water quality standards applicable for the Region to be exceeded.

The RPU amendments, themselves, do not affect or change the

Federal, state or local air and water quality standards applicable for the Region. As disclosed in the Draft EIS at Chapters 3.4 and 3.8), these standards were used as criteria of significance where applicable and no unmitigable impacts were found.

4. Finding: The Regional Plan, as amended, and as implemented by the Code of Ordinances, as amended, achieves and maintains the adopted thresholds.

Rationale: See Attachment E-2 hereto.

ATTACHMENT E-1: COMPACT ARTICLE VII (D) AND **CHAPTER 3 FINDINGS**

When acting upon matters that would result in a significant environmental effect, the Compact and Code require that separate written findings are made for each significant effect identified in the environmental impact statement (Compact Article VII[d]). For each significant effect one of two findings must be made:

1. Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or
2. Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

The Regional Plan Update EIS analyzed the environmental effects of five alternatives, each representing different approaches to and/or combinations of a land use planning framework, development potential, and environmental regulations and incentives. With consideration of the comments received on the Draft EIS and consultation meetings attended by representatives from state and local governments, environmental organizations, and development interests a series of compromises were recommended to include within the Final Draft Plan. These adjustments are reflected in revisions to Alternative 3, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS. These revisions implemented additional environmental and procedural safeguards, reduced the scope of policies that were considered by some to be too broad or that may have adverse consequences, and incorporate specific, widely supported features of other alternatives.

In considering recommended revisions to the Draft Plan (i.e., Draft EIS Alternative 3), TRPA has been cognizant of its legal obligation under the Compact to avoid or reduce the significant adverse environmental effects to a less-than-significant level, to the extent feasible. The Board's discretionary action to incorporate these revisions into the Final EIS involved the consideration of whether the proposed suggestion relates to an environmental effect discussed in the Draft EIS, if the proposed language represents a clear improvement, from an environmental standpoint, over the Draft Plan, that the recommendations are feasible from an economic, technical, and legal standpoint, and that the proposed language is consistent with the objectives of the Plan. Chapter 2 of the Final EIS describes the Final Draft Plan, which consists of Alternative 3 from the Draft EIS as revised by the Regional Plan Update Committee (RPUC) and Governing Board. With the adoption of these findings, TRPA is hereby approving the Final Draft Plan as the updated Regional Plan.

The Findings provided below summarize the significant environmental effects presented in the EIS, the extent to which any applicable revisions would affect the environmental analysis, and a discussion of the rationale supporting these findings.

I. LAND USE

SIGNIFICANT EFFECT: LAND USE CLASSIFICATION CHANGE (IMPACT 3.2-2)

The Final Draft Plan would change 315 acres of private land adjacent to the proposed High Density Tourist District from Conservation to the land use classification of Resort Recreation. In addition, the Final Draft Plan

proposes to amend the Code to allow the development of tourist, commercial, and residential uses in the Resort Recreation District by means of an Area Plan or Master Plan. Although the Draft Plan evaluated in the Draft EIS would have resulted in a potentially significant land use impacts related to allow such developments uses in Recreation areas, because the Final Draft Plan’s land use classification change and Code amendment include development restrictions and limitations that adequately protect the environment, development of vacant lands not previously contemplated for resort recreation uses would result in a less-than-significant land use impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less-than-significant level.

B. RATIONALE

TRPA has revised the Draft Plan to effectively reduce the potential for land use impacts by Alternative 3. These provisions are presented as follows.

C. ORIGINAL IMPACTS OF ALTERNATIVE 3 AND MITIGATION

The original proposal for Alternative 3 evaluated in the Draft EIS involved land classification changes from Conservation to the Recreation District that would have allowed additional development beyond what was previously contemplated. Mitigation Measure 3.2-2 in the Draft EIS revised requirements for development in the Recreation District, which sought to ensure that inappropriate or incompatible land uses would not be implemented within Recreation lands and that the Code amendments and land use classification changes would not increase development potential within the Region. This mitigation measure would have reduced impacts from originally proposed land use classification change to a less-than-significant level.

D. FINAL DRAFT PLAN PROVISIONS

Through consideration of public comments and consultation meetings attended by representatives from state and local governments, environmental organizations and development interests, the Final Draft Plan has been revised to include several restrictions, limitations, and requirements that, as compared to the Draft Plan, would substantially reduce the potential for adverse environmental effects, beyond those required in Mitigation Measure 3.2-2. These revisions include limiting the applicability of additional uses to two mapped areas to be designated Resort Recreation; requiring additional planning and regulatory approvals through an Area Plan conformance review prior to any development on land designated Resort Recreation; prohibiting any subdivision of land and limiting subdivision to “air space” condominiums; and requiring new development to be transferred from outside the Resort Recreation area, so as to result in a net reduction in the amount of existing development. Because the Plan revisions are more stringent than Mitigation Measure 3.2-2 and include safeguards necessary to prevent significant impacts, the measure identified in the Draft EIS is incorporated into the Final Draft Plan and would no longer be required as mitigation. The Resort Recreation District is designated and defined in the Final Draft Plan through Policies LU-4.1 and LU-4.12, and Code Sections 11.6.2, 13.5.3, 13.8, and 15.5.3.

As described on page 3.2-69 of the Draft EIS, Alternative 3 would have allowed an Area Plan to propose the development and subdivision of tourist, commercial and multi-residential land uses in Recreation-designated lands. The Draft EIS determined that this impact would be potentially significant because it “would potentially lead to development of vacant land not currently contemplated for commercial, tourist, and multi-residential

development, and such development could result in substantial project-specific environmental effects” (Draft EIS page 3.2-69). To mitigate this potentially significant impact, the Draft EIS prescribed Mitigation Measure 3.2-2, which would have revised the requirements of such development to reduce the potential environmental effects. Mitigation Measure 3.2-2 stated that a new tourist, commercial, or residential use in a Recreation-designated area would only be approved if it “results in a development pattern that is compatible with recreation district uses, does not induce substantial growth in the area (either directly or indirectly), and does not conflict with any environmental policies or regulations” (Draft EIS page 3.2-70). The mitigation measure provided several example measures that could be required to meet the prescribed approval criteria. These example measures include limiting the geographic extent of allowable development and requiring that any new development be the result of transfers of existing development.

Instead of the originally planned approach in Alternative 3 and the imposition of Mitigation Measure 3.2-2 described above, the Final Draft Plan includes several restrictions, limitations, and requirements that, as compared to the Draft Plan, would substantially reduce the potential for adverse environmental effects to a less-than-significant level.

First, the Final Draft Plan would limit the applicability of the new allowances to two specific areas that would be designated “Resort Recreation,” a new land use classification. Rather than applying to all 600+ Recreation-designated parcels in the Region, lands potentially eligible for new commercial, tourist, and multi-family residential development would be limited to a 250-acre site in Douglas County adjacent to the High Density Tourist District (Exhibit 2-1 in the Final EIS) and a 65-acre site that includes the Heavenly California Base Lodge at the southeast terminus of Ski Run Boulevard in the City of South Lake Tahoe (Exhibit 2-2 in the Final EIS).

Second, the Final Draft Plan would prohibit lot or block subdivision within Resort Recreation areas. Subdivision would be allowed only for structures (i.e., individually owned “air space” condominiums); no subdivision of land would be allowed.

Third, any new development would be required to be transferred from outside the Resort Recreation area; no new allocations would be authorized for this land use classification. These transfers would be required to result in the retirement of existing development at the parcels where the transfer originates (Draft Code Section 13.5.3.C.3). The ratio of development retired would have to be greater than the amount of development transferred, resulting in no net increase of potential development in the Region.

As with the Draft Plan, the Final Draft Plan would require that lands to which the new allowances would apply (limited to the two Resort Recreation areas in the Final Draft Plan) be included in an Area Plan that is found to be in conformance with the Regional Plan prior to any consideration of new commercial, tourist, or multi-family uses in these areas. The Area Plan development and approval process would provide the opportunity for more detailed, site-specific planning, which would be subject to a conformance review and environmental review. The Area Plan review requirements would ensure that, based on the additional site-specific planning, all proposals are consistent with the Regional Plan and potentially significant environmental impacts are identified, assessed, and mitigated. In addition, any *project* that proposes new commercial, tourist, or multi-family uses in Resort Recreation lands would be subject to TRPA’s project review process, including project-specific environmental review and permitting. This more detailed level of environmental review would assess environmental implications to ensure that environmental impacts at the site-specific level are thoroughly assessed and adequately mitigated, and that all project components conform to existing regulations, such as scenic standards, height limits, and coverage limitations.

As described above, the Final Draft Plan would limit the geographic scope of lands affected by new allowable uses to two Resort Recreation District sites that adjoin two of the Region’s largest and busiest activity centers.

With incorporation of the revisions described above, the Final Draft Plan would safeguard against inappropriate or incompatible land uses in areas where allowances apply, would adequately protect the environment, and would prevent any increase in development potential within the Region. Therefore, approval of the land use classification changes and Code amendment related to the Resort Recreation District would result in less-than-significant environmental effects.

II. TRANSPORTATION

SIGNIFICANT EFFECT: ROADWAY SEGMENT OPERATIONS (IMPACT 3.3-1)

Because implementation of the Final Draft Plan would cause at least one roadway segment to degrade from an acceptable to an unacceptable level of service (LOS), which is a measure of traffic congestion, and/or substantially degrade the LOS of a roadway segment that is already operating at unacceptable levels, it would result in significant adverse impacts on roadway operations.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.3-1 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. The measure described below would be able to maintain LOS of roadway segments at acceptable levels through the monitoring and phased release of land use allocations, in conjunction with multi-modal corridor improvements. The provisions of traffic monitoring and commodities release in Mitigation Measure 3.3-1 are implemented in the Final Draft Plan through Policy DP-2.2 and Code sections 50.4.2 and 50.4.3.

In addition, policy clarifications incorporated into the Final Draft Plan modified Alternative 3 to include: not releasing any additional commercial floor area (CFA) until the existing supply is exhausted; only allowing new bonus units to be used in community centers (where average trip lengths are lower); and, providing language that clarifies that vehicle LOS standards may only be exceeded when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. These modifications to Alternative 3 would place more stringent requirements on the Final Draft Plan than proposed in the Draft EIS, which would further improve roadway operations.

C. ADOPTED MITIGATION MEASURE

TRPA has adopted the following feasible mitigation measure to reduce Impact 3.3-1 to a less-than-significant level. Implementation of the measure is the responsibility of TRPA. TRPA has the authority to phase the release of land use allocations. Transit and non-auto mode improvements to be implemented through the Regional Plan Update are intended to maintain LOS of roadway segments within TRPA standards. However, as an additional contingency, if needed, limiting land use allocations, particularly outside of community centers, would reduce total vehicle trip generation contributing to congestion of roadway segments. By monitoring level of service of the subject roadway segments in response to transit and non-auto mode improvements and managing the

release of land use allocations to limit vehicle trip generation, if needed, roadway LOS will be maintained at a less-than-significant level. Mitigation Measure 3.3-1 is presented below.

1. MITIGATION MEASURE 3.3-1: PHASED RELEASE OF ALLOCATIONS / LOS MONITORING / TRAVEL DEMAND MANAGEMENT.

The level of service standard under evaluation for Impact 3.3-1 is oriented toward alleviating congestion during the peak hour of peak travel times in the Region. The Compact directs TRPA to focus transportation improvements on transit investments and enhancements to non-auto modes, rather than new roadway capacity. Therefore, the mitigation measures below seek first to provide additional travel capacity in the form of bicycle, pedestrian, and transit improvements, with an ongoing monitoring program. New roadway improvements beyond those already listed in the RTP/SCS, are proposed if other measures are not able to meet community needs during peak travel times.

TRPA will develop and implement a program for the phased release of land use allocations in four-year cycles in conjunction with future updates of the Regional Plan and RTP. Two years after each release, monitoring of existing and near-term LOS will occur at intersections and roadways to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS goals and policies will not be met, actions will be undertaken through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments to maintain compliance. Actions may include, but are not limited to the following:

- TRPA will prioritize, and cause to be implemented, if feasible, enhanced non-motorized and public transportation projects and services to accommodate the additional travel demand.
- TRPA will modify the land use allocation releases to reduce travel demand.

To the extent that roadway capacity expansions do not result in significant, unavoidable environmental impacts, TRPA will investigate and cause to be implemented, if feasible, additional multi-modal corridor improvements (beyond those listed in the RTP project list). The following is an example list of potential candidate improvements based on the identified significant impacts of the RTP/SCS alternatives:

- US 50 between the South Y and South Stateline – modify US 50 to consist of enhanced access control (e.g., raised median with channelized turn lanes at selected locations, driveway consolidation to limit turning locations on the highway, etc.), to the extent that planned traffic signal coordination does not provide sufficient capacity increases.
- US 50 between SR 89 and Pioneer Trail – modify US 50 to consist of enhanced access control (e.g., raised median with channelized turn lanes, driveway consolidation, etc.) to increase the capacity of the highway.

D. FINAL DRAFT PLAN PROVISIONS

TRPA has revised the Draft Plan to effectively reduce the scope of Alternative 3. These provisions are provided as follows.

Limits on Commodities

Alternative 3 includes 2,600 new residential allocations, 200,000 square feet of new CFA, 600 new residential bonus units, and no new tourist accommodation units (TAUs) (Draft EIS page S-13 and page 2-42). The Final

Draft Plan does not change the number of new commodities, but it does place additional limitations on the use of some new commodities. First, the Final Draft Plan phases the release of development commodities in four year increments tied to LOS and VMT performance criteria. Second, the Final Draft Plan would prohibit the release of the 200,000 square feet of new CFA until the existing 383,579 square feet of CFA remaining from the 1987 Regional Plan is exhausted. The Final Draft Plan would also restrict the use of the 600 new residential bonus units to within community centers (Table 50.4.1-1 in Draft Code Section 50.4.1).

Restricting the release of new CFA until the existing CFA remaining from the 1987 Regional Plan is exhausted would likely delay the development of new commercial facilities in some areas and would delay the traffic impacts associated with that development. Restricting the location of new residential bonus units to community centers would ensure their availability as development transfer incentives and promote concentration of residential uses in community centers, which results in a reduction of motor vehicle trips because of the mix of land uses and improved, non-motor vehicle mobility (i.e., transit service, bicycle and pedestrian facilities). This restriction would increase the likelihood that the beneficial land use changes proposed in Alternative 3 would be realized and limit the generation of motor vehicle traffic contributing to the affected roadway segments.

The additional limits on CFA and residential bonus units would likely delay traffic impacts associated with additional CFA and promote transfers of development as analyzed in Alternative 3. Because these changes would extend the period of time over which build-out of allowable CFA would occur and restrict the location of residential bonus units, but not increase development potential, these changes would not generate new traffic impacts nor increase the severity of any adverse traffic impacts identified in the Draft EIS for Alternative 3.

Level of Service Standard Clarification

Alternative 3 includes a new transportation policy that would allow a project to exceed LOS standards when it includes multi-modal amenities (such as transit, bicycle, and pedestrian facilities) adequate to provide mobility for users (Draft EIS page 2-46). The Final Draft Plan has been revised to clarify that a project may only exceed vehicle LOS standards when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways (Final Draft Goals and Policies page III-6).

This policy clarification specifies that multi-modal amenities must be sufficient to address any increase in project-generated traffic, consistent with the original intent of the policy. The clarified standard would not affect any of the analysis or assumptions for Alternative 3 in the Draft EIS. Thus, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

SIGNIFICANT EFFECT: VEHICLE MILES TRAVELED THRESHOLD STANDARD (IMPACT 3.3-3)

Implementation of the Final Draft Plan would generate additional VMT. Because the VMT generated by planned future development would exceed the Visibility: Vehicle Miles Traveled Threshold Standard, the impact of increased VMT would be significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less-than-significant level.

B. RATIONALE

Mitigation Measure 3.3-3 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, TRPA will consider release of commodities in a four-year cycle in conjunction with future updates of the Regional Plan and Regional Transportation Plan (RTP). TRPA will monitor and update VMT projections two years after each release of commodities to assess achievement of performance criteria prior to the next Regional Plan and RTP update, when other transportation actions or levels of commodity releases can be pursued, if needed. The provisions of traffic monitoring and commodities release in Mitigation Measure 3.3-3 are implemented in the Final Draft Plan through Policy DP-2.2 and Code sections 50.4.2 and 50.4.3.

In addition, policy clarifications incorporated into the Final Draft Plan include: not releasing any additional CFA until the existing supply is exhausted, only allowing new bonus units to be used in community centers (where average trip lengths are lower), and providing language that clarifies that a project may only exceed vehicle LOS standards when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. These modifications to Alternative 3 would place more stringent requirements on the Final Draft Plan than proposed in the Draft EIS, which would further slow any increases in future VMT.

C. ADOPTED MITIGATION MEASURE

TRPA has adopted the following feasible mitigation measure to reduce Impact 3.3-3 to a less-than-significant level. Implementation of the measure is the responsibility of TRPA. By developing and implementing a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT, the VMT Threshold Standard will be met and the impact would be less than significant.

1. MITIGATION MEASURE 3.3-3: IMPLEMENT ADDITIONAL VMT REDUCTION.

Additional mitigation will be required for all alternatives to further reduce VMT to achieve the VMT Threshold Standard. The following percent reductions would be necessary for each alternative:

- Alternative 1: 3.4 percent reduction
- Alternative 2: 1.3 percent reduction
- Alternative 3: 3.0 percent reduction
- Alternative 4: 7.9 percent reduction
- Alternative 5: 10.9 percent reduction

To ensure that the VMT Threshold Standard is achieved, TRPA will develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. New CFA, TAUs, and residential allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan. Approval of the release of allocations will be contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period.

D. FINAL DRAFT PLAN PROVISIONS

TRPA has revised the Draft Plan to effectively reduce the scope of Alternative 3. These provisions are provided as follows.

Limits on Commodities

Alternative 3 included 2,600 new residential allocations, 200,000 square feet of new commercial floor area (CFA), 600 new residential bonus units, and no new tourist accommodation units (TAUs) (Draft EIS page S-13 and page 2-42). The Final Draft Plan does not change the number of new commodities, but it does place additional limitations on the use of some new commodities. First, the Final Draft Plan phases the release of development commodities in four year increments tied to LOS and VMT performance criteria. Second, the Final Draft Plan would prohibit the release of the 200,000 square feet of new CFA until the 383,579 square feet of CFA remaining from the 1987 Regional Plan is exhausted. The Final Draft Plan would also restrict the use of the 600 new residential bonus units to within community centers (Table 50.4.1-1 in Draft Code Section 50.4.1).

Restricting the release of new CFA until the CFA remaining from the 1987 Regional Plan is exhausted would likely delay the development of new commercial facilities in some areas and would delay the VMT impacts associated with that development. Restricting the location of new residential bonus units to community centers would ensure their availability as development transfer incentives and promote concentration of residential uses in community centers, which helps to reduce VMT. This restriction would increase the likelihood that the beneficial land use changes proposed in Alternative 3, and attendant VMT benefits, would be realized.

The additional limits on CFA and residential bonus units would likely delay VMT impacts associated with additional CFA and promote transfers of development as analyzed in Alternative 3. Because these changes would extend the period of time over which build-out of allowable CFA would occur and restrict the location of residential bonus units, but not increase development potential, these changes would not generate new VMT impacts or increase the severity of any adverse impacts associated with Alternative 3.

Level of Service Standard Clarification

Alternative 3 included a new transportation policy that would allow a project to exceed vehicle level of service (LOS) standards when it includes multi-modal amenities (such as transit, bicycling, and walking facilities) adequate to provide mobility for users (Draft EIS page 2-46). The Final Draft Plan has been revised to clarify that a project may only exceed vehicle LOS standards when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways (Final Draft Goals and Policies page III-6).

This policy clarification specifies that multi-modal amenities must be sufficient to address any increase in project-generated traffic, consistent with the original intent of the policy. Supporting multi-modal amenities would also lead to VMT reduction benefits. The clarified standard would not affect any of the analysis or assumptions for Alternative 3 in the Draft EIS. Thus, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

III. AIR QUALITY

SIGNIFICANT EFFECT: SHORT-TERM CONSTRUCTION EMISSIONS OF ROG, NO_x, PM₁₀, AND PM_{2.5} (IMPACT 3.4-2)

Construction emissions are described as “short-term” or temporary in duration and have the potential to represent a significant impact with respect to air quality. ROG and NO_x emissions are primarily associated with gas and diesel equipment exhaust and the application of architectural coatings. Fugitive dust emissions (PM₁₀ and PM_{2.5}) are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and VMT by construction vehicles on- and off-site.

Implementation of projects would involve construction that would result in the temporary generation of ROG and NO_x (ozone precursors), PM₁₀ and PM_{2.5} emissions from site preparation (e.g., excavation, grading, and clearing); off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous activities. Typical construction equipment associated with development and redevelopment projects includes dozers, graders, excavators, loaders, and trucks. Construction emissions of these pollutants associated with the Draft Final Plan have the potential to be substantial, and would result in potentially significant impact to air quality.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.4-2 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, best construction practices for construction emissions policies would reduce construction-generated emissions. Mitigation Measure 3.4-2 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5. Mitigation Measure 3.4-2 is also presented below.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.4-2: DEVELOP AND IMPLEMENT A BEST CONSTRUCTION PRACTICES POLICY FOR CONSTRUCTION EMISSIONS.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of Best Construction Practices for Construction Emissions through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments that require, as a condition of project approval, implementation of feasible measures and Best Management Practices to reduce construction-generated emissions to the extent feasible. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. Where local ordinances, rules, or regulations already require Best Construction Practices for construction emissions, no further action is necessary. Where local government ordinances, rules, or regulations do not adequately address Best Construction

Practices, those practices will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

- Construction contractors shall prepare and submit an inventory of heavy-duty equipment over 50 horsepower and used an aggregate of 40 or more hours during construction. The equipment inventory shall demonstrate that the project-wide fleet average will achieve a minimum 20 percent NO_x and 45 percent particulate matter emissions reduction compared to the most recent statewide average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
- Fugitive dust shall not exceed 40 percent opacity and not go beyond the property boundary at any time during project construction.
- No open burning of removed vegetation shall occur during infrastructure improvements.
- Minimize idling time to five minutes for all diesel-power equipment.
- Apply water to control dust as needed to prevent dust impacts offsite. Operational water truck(s) shall be onsite, as required, to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- Apply approved chemical soil stabilizers, vegetative mats, or other appropriate Best Management Practices to manufacturer's specifications, to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Spread soil binders on unpaved roads and employee/equipment parking areas and wet broom or wash streets if silt is carried over to adjacent public thoroughfares.
- Utilize existing power sources (e.g., power poles) or clean-fuel generators rather than temporary diesel power generators, wherever feasible.

SIGNIFICANT EFFECT: SHORT-TERM EXPOSURE TO TOXIC AIR CONTAMINANT (TAC) EMISSIONS (IMPACT 3.4-5)

The Final Draft Plan would not involve the siting of sensitive receptors near any major roadways or near any major stationary sources of TAC emissions, nor would they result in the siting of any new stationary sources of TAC emissions. Implementation of the Final Draft Plan would not result in exposure of sensitive receptors to substantial TAC concentrations. In addition, mobile-source diesel PM would be expected to decline over the plan implementation period compared to existing conditions. However, as with implementation of any site-specific project, construction emissions may occur in proximity to sensitive receptors and may result in exposure of receptors to substantial TAC concentrations. This impact would be potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.4-5 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, diesel equipment exhaust emissions and construction-generated emissions of TACs would be reduced. Mitigation Measure 3.4-5 is listed in Attachment 4

in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5. Mitigation Measure 3.4-5 is also presented below.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.4-5: DEVELOP AND IMPLEMENT A BEST CONSTRUCTION PRACTICES POLICY FOR TAC EMISSIONS DURING CONSTRUCTION.

Within twelve months of adoption of an updated Regional Plan, TRPA will coordinate implementation of Best Construction Practices for Construction Emissions through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments that requires, as a condition of project approval, implementation of feasible measures to reduce exposure of sensitive receptors to construction-related TAC emissions. Until that time, TRPA will continue the existing practice to require measures developed on a project-specific basis. Where local ordinances, rules, or regulations already require Best Construction Practices for construction emissions, no further action is necessary. Where local government ordinances, rules, or regulations do not adequately address Best Construction Practices, those practices will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

- Limit idling time to five minutes maximum.
- Equip heavy-duty construction equipment with diesel particulate traps.
- Locate construction staging areas as far away as possible on the project site from off-site receptors.
- As a condition of approval, individual project environmental review shall demonstrate that current district-recommended BMPs are implemented to ensure sensitive receptors are not exposed to substantial TAC concentrations.

SIGNIFICANT EFFECT: EXTENSION OF TIME FOR AIR QUALITY MITIGATION FEE BASIS (IMPACT 3.4-9)

The Final Draft Plan proposes to extend the time for which an applicant could use a prior existing use as the basis for a new trip calculation from 90 days within the last two years to 90 days within the last five years. Air quality mitigation fees are used by local jurisdictions to fund air quality improvement projects. The potential result of this policy change would be an unknown reduction in the amount of air quality mitigation fees collected from project applicants. A decrease in fees would reduce the funds available to pay for air quality improvement projects. As a result, anticipated air quality enhancement projects may not be implemented. This impact was considered to be potentially significant under Alternative 4, as described in the Draft EIS. However, due to project features associated with the Final Draft Plan, and in consideration of the relatively small anticipated decrease in collected funds, this impact would be less than significant under the Final Draft Plan.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

1. ORIGINAL IMPACTS OF ALTERNATIVE 4 AND MITIGATION

The original proposal for Alternative 4 amended Code Section 65.2.4.F to permit new businesses to include trips generated from a prior business for purposes of calculating air quality mitigation fees, if that prior use had been active for at least 90 days within the last five years. The potential extent of the decrease in funds was somewhat speculative because it was unknown how many projects that would otherwise pay fees would not be required to do so under the proposed Code amendment. Conversely, it may be that the closed business had already paid an air quality mitigation fee prior to closing, thereby mitigating for increased trips that would not have occurred. However, because the rationale for the proposal is to encourage business development, and a substantial number of businesses have closed due to the recent economic downturn, it is reasonable to assume that fewer resources would be available to fund air quality mitigation projects and thus, fewer would be implemented. Therefore, due to a conceivable reduction in the anticipated air quality funds and implementation of associated projects, the Draft Plan was considered to result in potentially significant impacts associated with an extension in air quality mitigation fee basis.

To reduce the potentially significant impact associated with the proposed extension of time for air quality mitigation fee basis, Mitigation Measure 3.4-9 was identified. This mitigation measure proposed adjustments to the air quality mitigation fee program, in such a way to ensure no decrease in the level of air quality improvement. The following examples of possible adjustments were presented in the Draft EIS:

- Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change.
- Implement regulatory changes that would ensure the same level of air quality improvements could occur with reduced fees.
- Develop an additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.

Implementation of Mitigation Measure 3.4-9 would have eliminated any reduction in the amount of air quality mitigation improvements, because it would require new fee mechanisms to ensure that adequate funding for air quality enhancement projects remains available. This would ensure that this impact would be mitigated to a less-than-significant level with mitigation incorporated.

2. FINAL DRAFT PLAN PROVISIONS

Consideration of public comments and consultation meetings attended by representatives from state and local governments, environmental organizations and development interests resulted in inclusion of the air quality mitigation fee basis into the Final Draft Plan. As described above, this impact was considered to be potentially significant in the Draft EIS, because the revenue from air quality mitigation fees, which are used to implement air quality enhancement projects, would be reduced (page. 3.4-47 in the Draft EIS). However, when included in the Final Draft Plan, revenue loss associated with this provision is not expected to result in a significant air quality impact for the following reasons (see pages 2-14 – 2-16 of the Final EIS):

- The Final Draft Plan proposes 800 fewer residential allocations (including bonus units), 200,000 fewer square feet of CFA, and 200 fewer TAUs than Alternative 4 and would, therefore, also generate lower associated emissions than Alternative 4.

- The Final Draft Plan is estimated to generate fewer vehicle miles traveled (VMT) per day than Alternative 4, attributable to further concentrating population in Town Centers and the transportation strategies included in the Final Draft Plan. Regional air pollutant emissions from mobile and area sources would be lower under the Final Draft Plan than under Alternative 4.
- Regional emissions of ozone precursors and carbon monoxide (CO) are anticipated to decrease substantially under all Plan alternatives due to more stringent vehicle emissions standards (in both California and Nevada) over the Plan implementation period. A net reduction in Basin-wide emissions of ozone precursors and CO would occur between 2010 and 2035, even despite the additional population and commodities and associated emissions proposed under the Plan alternatives. Mobile-source emissions of particulate matter would also be reduced compared to existing conditions.
- Coverage exemptions for non-motorized trails proposed under the Final Draft Plan would dramatically reduce the costs of bike trail construction, with cost savings of up to \$1,200,000 per mile, allowing air quality mitigation fee revenue to be used for other trip reduction projects (i.e., more miles of non-motorized trail or additional pedestrian and transit infrastructure) than under existing conditions.
- The Final Draft Plan includes a proposed provision to allow use of air quality mitigation fees across jurisdictional boundaries to support projects of Regional priority that are specifically identified in a Regional capital improvement program developed in cooperation with local jurisdictions, such as the Five-Year Environmental Improvement Program (EIP) Priority Project List. This would allow flexibility in the program and, potentially, more effective emissions reductions.
- The fees currently collected from businesses that re-open under the current basis are very small (less than \$20,000 over eight years, as compared to over \$3.5 million total air quality mitigation fees collected over the same period, or 0.6 percent). Extending the prior use basis from two to five years could reduce this proportion of the air quality mitigation fee budget, but even with the very conservative and unlikely assumption of total loss of revenue, this amount of revenue reduction over a multi-year period would not hinder TRPA's ability to implement air quality mitigation projects in the Region, particularly when coupled with the aforementioned features of Alternative 3. A small potential loss of revenue would be more than recovered by the proposed coverage exemption for non-motorized trails. As one example, CTC estimates that the coverage exemption alone will save approximately \$800,000 in costs for one 0.6-mile section of the South Tahoe Greenway Shared Use Trail project. These cost savings would be available to construct additional phases of the project or to plan or construct other similar projects, which would result in additional air quality improvements.

Because of these factors, the Final Draft Plan would result in less-than-significant air quality impacts associated with revision of the air quality mitigation fee basis. No mitigation would be necessary.

IV. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

SIGNIFICANT AND UNAVOIDABLE EFFECT: INCREASE IN GHG EMISSIONS (IMPACT 3.5-1)

Implementation of any of the Regional Plan Update alternatives would result in some level of development and population growth anticipated during the plan horizon. Although many of the sustainability- and conservation-oriented land use and transportation policies and strategies of the five plan alternatives would reduce the rate of VMT growth, increase transit and non-motor vehicle mode shares of travel, and allow or encourage redevelopment that would improve energy efficiency, the combined influence of development and population growth during the planning horizon of the Regional Plan Update would increase overall GHG emissions,

compared to current levels. The increase in overall GHG emissions would make a considerable contribution to cumulative environmental effect of global climate change. (Notably, however, the rate of GHG emissions per capita would decrease, because of enhancements in non-motor vehicle mobility and trip reductions from more compact land uses.)

As discussed in the Draft EIS, Alternative 3 (like other alternatives) would result in an increase in overall GHG emissions. After implementation of Mitigation Measure 3.5-1, Alternative 3 provides the most GHG-efficient combination of land use and transportation strategies, and its adoption would provide the maximum feasible reduction in the rate of GHG emissions per capita for the Region's transportation sector. Nonetheless, avoidance of an overall increase in GHG emissions is not feasible; therefore, Alternative 3 would result in a significant and unavoidable impact. The overall GHG impact of the Final Draft Plan is comparable to Alternative 3.

A. FINDING

Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

B. RATIONALE

The Final Draft Plan will generate GHG emissions, either directly or indirectly, that may, on a cumulative basis, have a significant impact on the environment. TRPA has adopted, and is required to implement, Mitigation Measure 3.5-1. Mitigation Measure 3.5-1 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

The Council on Environmental Quality provides guidance that "if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of CO₂ equivalent GHG emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public" (CEQ 2010:1-2). The Regional Plan EIS and RTP/SCS EIR/EIS use this total emissions rate as the basis for determining significance, and therefore, as a performance criterion applicable to Mitigation Measure 3.5-1. Mitigation Measure 3.5-1 is presented below.

TRPA and TMPO have considered and committed to implement all feasible mitigation measures for GHG emissions reduction and, despite these actions, the total increase in GHG emissions in the Region from all alternatives may be greater than 25,000 tons per year (see the discussion for Impact 3.5-1). Therefore, Impact 3.5-1 is recognized as significant and unavoidable. Because additional measures to further mitigate this impact do not have identified funding sources (for example additional transportation projects) or would require the implementation of regulations requiring use among the general population of technology not yet developed or very expensive technologies (such as new energy-efficient vehicles or appliances), the Governing Board finds that legal, economic, social, and technical considerations make further mitigation of this impact infeasible.

The Governing Board further finds that specific considerations make infeasible, any reasonable alternatives that would both meet the objectives of the Regional Plan Update and reduce the significant and unavoidable impact of increased overall GHG emissions. To meet TRPA requirements for the consideration of alternatives, the Draft EIS evaluated the potential impacts of five Plan alternatives including the no project alternative (Alternative 1). No feasible alternatives, in addition to those proposed in the Draft EIS, have been identified that would attain the objectives of the Regional Plan Update and reduce the significant and unavoidable impact of increased overall GHG emissions. The Final Draft Plan reduces the rate of GHG emissions per capita more than any other alternative. The Final Draft Plan represents the most GHG-efficient combination of land use and transportation

strategies, resulting in greater efficiency than the no project alternative. Thus, the Governing Board finds that all reasonable alternatives were reviewed, analyzed, and discussed in the EIS review process.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.5-1: IMPLEMENT SUSTAINABILITY MEASURES WITH PERFORMANCE STANDARD.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of a GHG Emission Reduction Policy through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments addressing Best Construction Practices and ongoing operational efficiency. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. The policy will require implementation of measures for the reduction of GHG emissions generated by demolition and construction activity in the Region and by ongoing building and property operations. Where local ordinances already require GHG Emission Reductions consistent with the Policy, no further action is necessary. Where local government ordinances do not adequately address GHG reduction practices, those practices will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

a) Minimize Construction-Related GHG Emissions

- Limit equipment idling time to a maximum of five minutes.
- Recycle or reuse construction waste and demolition material to the maximum extent feasible.
- Use electrified or alternative-fueled construction equipment to the maximum extent feasible.
- Use local and sustainable building materials to the extent possible.

b) Minimize Operation-Related GHG Emissions

- Use on-site renewable energy, such as photovoltaic systems.
- Exceed building code standards for energy efficiency.
- Install energy efficient appliances and equipment in new buildings.
- Retrofit existing buildings to exceed energy efficiency building code standards.
- Construct new development to allow for electric lawn maintenance and snow removal equipment compatibility.
- Require minimum passive solar design standards in new buildings.
- Expand recycling opportunities and increase recycling infrastructure, including food waste diversion into a composting process.
- Implement water conservation standards in new development.

TRPA will require through TRPA-approved plans, project-permitting, or projects/programs developed in coordination with local or other governments that GHG emissions from project-specific construction and operational activities permitted pursuant to and in accordance with the Regional Plan are reduced to the maximum extent feasible. As described in the RTP/SCS EIR/EIS, all feasible mitigation measures pertaining to mobile-source GHG emissions have been considered within the range of transportation strategies already included in the three RTP/SCS Transportation Strategy Packages. Through the grant awarded to the Lake Tahoe Region from the California Strategic Growth Council, a partnership of agencies and organizations are working on a Region-wide Sustainability Plan, which will address other primary sources of GHG emissions

(i.e., energy use and efficiency, water supply and conservation, and solid waste). At such time a Sustainability Plan is completed for the Tahoe Region, TRPA will coordinate implementation measures through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments recommended in that plan along with other appropriate measures, as feasible.

V. NOISE

SIGNIFICANT EFFECT: LONG-TERM TRAFFIC NOISE LEVELS (IMPACT 3.6-1)

Traffic modeling conducted for the combination of development level, distribution, and transportation improvements of the Final Draft Plan generated projected average daily traffic (ADT) for road segments in the Region, which were used as inputs to the traffic noise model. Long-term traffic noise levels could exceed threshold standards established by TRPA for different land use categories and highway corridors; create a perceptible long-term increase to the ambient noise level (i.e., 3 dBA CNEL or greater) in an area where the applicable TRPA threshold standard is not exceeded; and/or result in a long-term noise level increase, of any magnitude, in an area where the applicable TRPA threshold standard is already exceeded. This would be a significant impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.6-1 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, development of a Region-wide traffic noise reduction program would implement measures for reducing attaining and maintaining traffic noise levels to below applicable CNEL standards. Mitigation Measure 3.6-1 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-1: ESTABLISH AND IMPLEMENT A REGION-WIDE TRAFFIC NOISE MITIGATION PROGRAM.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of a Region-wide traffic noise reduction program through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments that will implement measures for reducing attaining and maintaining traffic noise levels to below applicable CNEL standards. Until that time, TRPA will continue its existing practice of requiring measures to be developed on a project-specific basis. Measures may include those required as conditions of approval for development projects and those to be implemented by TRPA to address cumulative, regional noise levels. Traffic noise mitigation measures will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

- Construction of barriers, berms, and/or acoustical shielding—Any barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that is compatible with the color and character of the general area, and not become the dominant visual element of the community. Relocation of existing vegetation and/or landscaping may also be necessary to achieve an aesthetically pleasing appearance.
- Replacement of driveways that provide access from highways to individual buildings with a common access way that routes ingress and egress traffic to nearby intersections in order to reduce the number of gaps in barriers and berms.
- Planting of dense vegetation in key locations where noise absorption is needed.
- Use of noise-reducing pavement, including repaving existing roadways with noise-reducing pavement — All pavement must be suitable for the climate of the Tahoe Region, snow removal needs, and particulate matter standards.
- Reduction of speed limits and/or implementation of traffic-calming measures that slow travel speeds, if feasible and practical.
- Establishment of setback requirements for new development in specific areas exposed to highway noise.
- Realignment of segments of the highway, if feasible, to reduce noise-sensitive areas to exposure of traffic noise from that highway segment.
- Acquisition of additional right-of-way adjacent to specific roadway segments to remove existing noise-sensitive receptors, including existing residences.
- Establishment of programs to pay for noise reduction such as low-cost loans to owners of noise-affected property or establishment of developer fees.
- Noise-reducing acoustical treatment of existing buildings.
- Additional measures that would, based on substantial evidence, reduce the number of vehicle trips associated with project operations, such as an employee carpool or van pool program, shuttle bus service for residents or tourists, parking fees, and bicycle amenities.

Prior to adoption of the traffic noise reduction program, TRPA will continue to evaluate individual projects at the project level and enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in Chapter 68 of the Code.

For projects that do not require environmental documentation beyond a checklist, TRPA may apply general noise reduction measures in the twelve months preceding adoption of the Region-wide traffic noise reduction plan.

SIGNIFICANT EFFECT: SHORT-TERM PROJECT-RELATED CONSTRUCTION NOISE LEVELS (IMPACT 3.6-2)

Projects proposed under the Final Draft Plan may include development, redevelopment, commercial and tourist uses, transit and transportation, recreation, public/quasi-public facilities, and natural resources restoration. Construction activities to implement such projects could potentially expose noise-sensitive receptors to levels that exceed TRPA threshold standards and/or expose noise-sensitive receptors to excessive noise levels. This would be a significant impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.6-2 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, TRPA will develop and implement a Best Construction Practice to minimize exposure to construction-generated noise and ground vibration. Mitigation Measure 3.6-2 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-2: DEVELOP AND IMPLEMENT A BEST CONSTRUCTION PRACTICES POLICY FOR THE MINIMIZATION OF EXPOSURE TO CONSTRUCTION-GENERATED NOISE AND GROUND VIBRATION.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of a Best Construction Practices Policy for Minimization of Construction-Generated Noise and Ground Vibration through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. The policy will require implementation of measures for the reduction of noise generated by demolition and construction activity in the Region. Where local ordinances already require Best Construction Practices for construction noise, no further action is necessary. Where local government ordinances do not adequately address Best Construction Practices, those practices will be implemented through local government and/or TRPA permitting activities. Measures for minimizing exposure to construction-generated noise may include, but are not limited to, the following:

- All construction equipment shall be equipped with properly operating mufflers and engine shrouds, in accordance with manufacturers' specifications.
- Equipment engine doors shall be kept closed during equipment operation.
- Inactive construction equipment shall not be left idling for prolonged periods of time (i.e., more than five minutes).
- Stationary equipment (e.g., power generators) and staging areas for other equipment shall be located at the maximum distance feasible from nearby noise-sensitive receptors.
- Trucks hauling materials and goods to and from the construction site shall only do so during active construction periods.
- Temporary sound barriers shall be installed along the boundaries of the construction site or surrounding stationary sources of noise (e.g. pumps or generators) to protect nearby noise-sensitive receptors, where feasible and applicable.

All construction and demolition activity using heavy-duty, off-road equipment shall be performed between 8:00 a.m. and 6:30 p.m. Construction-generated noise is exempt from TRPA noise standards during these hours by TRPA Code Section 68.9. Noise-generating construction activity may occur during other times of the day if the

resultant noise levels would not exceed TRPA noise standards. TRPA will require all project applications to include a construction noise reduction plan, specific to the proposed project that fully complies with those applicable measures identified in the Region-wide Best Construction Practices Policy.

SIGNIFICANT EFFECT: GROUND VIBRATION (IMPACT 3.6-3)

Projects proposed under the Regional Plan may include development, redevelopment, commercial and tourist uses, transit and transportation, recreation, public/quasi-public facilities, and natural resources restoration. Ground vibration generated during construction of these projects could result in damage to nearby buildings and structures and/or result in a negative human response to vibration-sensitive land uses. This would be a significant impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.6-3 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, TRPA will develop and implement a Best Construction Practices Policy to minimize construction-generated noise and ground vibration. Mitigation Measure 3.6-3 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-3: DEVELOP AND IMPLEMENT A BEST CONSTRUCTION PRACTICES POLICY FOR THE MINIMIZATION OF CONSTRUCTION-GENERATED NOISE AND GROUND VIBRATION.

The Best Construction Practices Policy for the Minimization of Construction Noise and Ground Vibration, which is required by Mitigation Measure 3.6-2, will also include measures to address vibration generated during construction and demolition activity. Measures required by the policy to reduce ground vibration may include, but are not limited to, the following:

- Sonic pile driving shall be performed instead of impact pile driving, where feasible.
- To further reduce pile-driving ground vibration impacts, holes shall be predrilled to the maximum feasible depth to reduce the number of blows required to seat the pile.
- All construction equipment on construction sites shall be operated as far away from vibration-sensitive sites as reasonably possible.
- No construction or demolition activity shall be performed that would expose an existing structure to levels of ground vibration that exceeds 0.20 in/sec PPV. The vibration control program shall include minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving, blasting) for the purpose of preventing damage to nearby structures. Established setback requirements may be waived with a project-specific analysis conducted by a qualified specialist that indicates that no structural damage would occur at nearby buildings or structures.

- No construction or demolition activity shall be performed that would expose human activity in an existing building to levels of ground vibration that exceed FTA's 80 VdB standard. The vibration control program shall also include minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving, blasting) for the purpose of preventing negative human response. Established setback requirements may be waived with a project-specific analysis by a qualified specialist that indicates that the buildings would not be exposed to ground vibration levels in excess of 80 VdB, confirmed by monitoring.

TRPA will only approve projects, plans, or programs that would comply with the requirements of the Best Construction Practices Policy.

SIGNIFICANT EFFECT: LAND USE COMPATIBILITY (IMPACT 3.6-4)

The development of new residential and tourist accommodation uses under the Final Draft Plan could place new, more noise-sensitive land uses in locations where ambient noise levels are incompatible. This would be a significant impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.6-4 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, TRPA will develop and implement an exterior noise policy for mixed-use development. Mitigation Measure 3.6-4 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-4: DEVELOP AND IMPLEMENT AN EXTERIOR NOISE POLICY FOR MIXED-USE DEVELOPMENT.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments of an exterior noise standard, and related policies, for outdoor activity areas of mixed-use development. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. Traffic noise mitigation measures will be implemented through local government and/or TRPA permitting activities. Development of the exterior noise standard will be based on health criteria for noise exposure and will take into account the following:

- Pertinent guidance provided by the California Governor's Office of Research and Planning (OPR 2003: p.253-254).
- Noise exposure standards established by local jurisdictions in the Region, including Douglas County Code 20.690.030, the Placer County General Plan (Placer County 1994: p. 139, 141), and the El Dorado County General Plan (El Dorado County 2004: p.116-117).

- The health-related effects of noise exposure.
- Any unique characteristics of the noise environment in the Region.
- Proximity and access to quiet outdoor areas from community centers in the Region (e.g., undeveloped areas, areas zoned by TRPA for urban outdoor recreation, rural outdoor recreation, or wilderness and roadless).

TRPA will not approve any proposed land use development project, plan, or program that would expose outdoor activity areas of residential and tourist accommodation uses to exterior noise levels that exceed the identified standard.

VI. HYDROLOGY AND WATER QUALITY

SIGNIFICANT EFFECT: STORMWATER RUNOFF AND POLLUTANTS LOADS (IMPACT 3.8-4)

The Final Draft Plan would: (1) result in additional development and associated impervious coverage, the level of which is dependent upon the number of new authorized allocations; (2) permit higher levels of allowable impervious coverage (either 50 percent or 70 percent, or a combination thereof) on high capability land within certain community centers, than on lands outside those areas; (3) allow coverage transfers within the Region under different proposed rules and transfer ratios; and (4) continue or modify requirements for BMP retrofit of existing development. Additionally, the Final Draft Plan proposes new policies that would allow for specific coverage exemptions.

The Final Draft Plan proposes substantial incentives to transfer coverage, existing development, and development rights out of SEZ and other sensitive lands into community centers (see Section 2,6.3), which would result in beneficial effects associated with coverage removal, restoration, and environmentally-beneficial redevelopment. The Final Draft Plan also proposes exemptions of specific uses from coverage requirements, however, which have the potential to result in adverse water quality impacts. When policies across the Final Draft Plan are considered in aggregate, they present a potentially significant impact to stormwater runoff and pollutant loading given that proposed coverage exemptions could allow aggregate coverage in excess of currently allowable coverage limits as defined by the Bailey land capability system, which are considered necessary in the Region to protect water quality.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

Mitigation Measure 3.8-4 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, eligibility for coverage exemptions will be linked to BMP requirements, design guidelines, and the Bailey land capability system. The provisions of coverage exemption requirements in Mitigation Measure 3.8-4 is implemented in the Final Draft Plan through Policy LU-2.11 and Code section 30.4.6.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.8-4: COVERAGE EXEMPTION REQUIREMENTS.

TRPA will, through Code amendments, TRPA-approved plans, project-permitting, or projects/programs developed in coordination with local or other governments:

a) Temporary Coverage

- Specify that the temporary coverage exemption does not apply to structures or facilities used for motorized vehicle access, parking, or storage.
- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the temporary coverage exemption. As part of this provision, the exempted temporary coverage must also have BMPs installed and maintained to meet TRPA requirements.
- Limit the temporary coverage exemption to two percent of the total amount of high capability land on a parcel or 120 square feet, whichever is less, provided that the temporary coverage meets BMP requirements and is located on high capability land (LCDs 4-7).

b) Pervious Decks

- Specify that only residential parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the pervious deck exemption.
- Include design characteristics that qualify a pervious deck for exemption that can be easily interpreted by both TRPA staff and homeowners in the Region. For example: “a pervious deck shall have gaps that allow water to pass freely and in a distributed fashion to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.”
- Limit the pervious deck exemption to five percent of the total amount of high capability land on a parcel or 750 square feet, whichever is less, provided that the pervious deck meets BMP requirements and is located on high capability land (LCDs 4-7).

c) Pervious Coverage Exemption

- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the pervious coverage exemption.
- Restrict the coverage credit of pervious coverage to locations with low sediment loads (e.g., locations that don't receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place.

d) Aggregate of Coverage Exemptions and Credits on Developed Parcels

- Restrict the total exemption for temporary coverage and pervious decks; and the pervious coverage credit to be in aggregate no more than 10 percent of total amount of high capability land on a parcel.

e) Non-Motorized Trail Exemption

- Develop and require design guidelines for non-motorized trails that address sensitivity of conditions in LCDs 1a, 1b, 1c, 2, and 3.

- Limit the maximum amount of allowable exempted coverage under this policy for high capability lands to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.

f) ADA Exemption

- Explicitly clarify in the policy that exempted coverage may not be associated with vehicle use (e.g., parking spaces).
- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the ADA Exemption.

VII. SCENIC RESOURCES

SIGNIFICANT EFFECT: SCENIC QUALITY (IMPACT 3.9-1)

The Draft Plan would establish mixed use as a new land classification within 10 Town Centers, a Regional Center, and a High Density Tourist District and would include redevelopment incentives aimed at concentrating higher intensity uses in these target areas and reducing coverage and development in sensitive lands and lands distant from the community centers. These areas targeted for redevelopment generally correspond to travel units that need additional scenic improvements. Greater redevelopment incentives are likely to result in a greater pace and degree of redevelopment activity, resulting in beneficial scenic impacts. The Draft Plan would also modify height standards such that taller buildings could be permitted in the Town Centers, Regional Center, and High Density Tourist District. Because taller buildings could substantially increase visual mass and magnitude and potentially result in impacts to scenic resource views, this impact of the Draft Plan would be potentially significant. The Draft Plan would also modify how maximum allowable height is measured on slopes greater than 10 percent to encourage stair-stepping of structures. The resulting increased visual mass and magnitude may result in impacts to scenic resource views. This scenic impact of the Draft Plan would be potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TRPA adopted the following mitigation measure that would reduce scenic quality impacts to a less-than-significant level. Implementation of the measure is the responsibility of TRPA.

Mitigation Measure 3.9-1a, b, and c are adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. With the measure described below, buildings with additional height in the Town Centers and Regional Centers will be constructed so as to minimize visibility, visual magnitude, and interference of view; existing buildings in the High Density Tourist District would be redeveloped to improve scenic quality and not increase the visual prominence over baseline conditions; and, buildings on slopes of greater than 10 percent are required to cap the maximum height of the lowest portion of a building to 28 feet. These provisions are implemented in the Final Draft Plan through Policy CD-2.1 and Code sections 37.4 and 37.7.

1. MITIGATION MEASURE 3.9-1A: COMPLY WITH SPECIFIC FINDINGS AND PERFORMANCE STANDARDS FOR ADDITIONAL BUILDING HEIGHT.

To mitigate for potentially significant scenic impacts resulting from three- or four-story buildings in the 10 Town Centers (Alternative 3) and 12 PTODs (Alternative 4), and from three- to six-story buildings in the Regional Center (Alternative 3), TRPA will apply the applicable TRPA Code of Ordinances, Chapter 37, Height Standards; Section 37.7, Findings for Additional building Height; or equivalent findings established in an Area Plan.

2. MITIGATION MEASURE 3.9-1B: PERMIT REDEVELOPMENT OF THE HIGH DENSITY TOURIST DISTRICT/SOUTH STATELINE CASINO CORE TOURIST DISTRICT OF EXISTING BUILDINGS WITHIN EXISTING VISUAL PROMINENCE.

To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District (Alternative 3) and redevelopment of the existing high-rise buildings in the South Stateline Casino Core Tourist District (Alternative 4), TRPA will require that any proposed development in the High Density Tourist District (Alternative 3) or the South Stateline Casino Core Tourist District (Alternative 4) achieve the following performance standard:

- The height and visual mass of any redeveloped existing high-rise structures projecting above the forest canopy shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints, including, but not limited to, views from the Van Sickle Bi-State Park, scenic roadway units, scenic shoreline units, and public recreation areas. When considering visual prominence, the following factors will be considered: building mass, contrast, location, articulation, color, materials and architectural style; and the quality of landscape features and views that are blocked or revealed.

3. MITIGATION MEASURE 3.9-1C: REDUCE GROUND FLOOR HEIGHT FOR STEPPED BUILDINGS ON SLOPES

For the purposes of measuring the height of proposed stepped buildings on sloping sites with a cross slope of 10 percent or greater, TRPA will amend the Code of Ordinances, Chapter 37, Height Standards, to require that the maximum height of the ground floor segment not exceed 28 feet.

C. FINAL DRAFT PLAN PROVISIONS

Through consideration of public comments and consultation meetings attended by representatives from state and local governments, environmental organizations and development interests the Final Draft Plan has been revised to include several restrictions, limitations, and requirements that, as compared to the Draft Plan, would substantially reduce the potential for adverse environmental effects. These modifications would place more stringent requirements on the Plan than proposed in the Draft EIS, further decreasing the magnitude of impacts to scenic quality beyond those required in Mitigation Measures 3.9-1a, 1b, and 1c. These modifications include additional scenic protections, which provide an improved level of scenic quality protection compared to those measures evaluated in the Draft EIS. The modifications consist of the following:

- The Final Draft Plan includes additional limitations on any proposed increase in maximum allowable height within the High Density Tourist District. Potential increases in maximum allowable height would

be limited to replacement structures, provided the structures to be demolished and replaced are existing casino hotel towers that stand at least eight stories or 85 feet in height (Table 13.5.3-1 in Draft Code Section 13.5.3). The effect of this provision would be to limit such height allowances to redevelopment of the five structures in the High Density Tourist District that meet these criteria.

- The Final Draft Plan has been revised to include specific criteria limiting areas eligible to be included within community centers through a future plan revision (Draft Code Section 13.5.3.E). These limitations are intended to ensure that any future revisions to boundaries would include predominantly developed areas that support multi-modal transportation and reduced trip lengths, consistent with the intent of the designation of the community centers. Any proposed boundary revision would still be subject to environmental review, findings, and TRPA Governing Board voting requirements necessary to approve a plan revision, as described above.
- The Final Draft Plan includes additional site design standards for development within community centers. The additional standards include requirements to promote pedestrian activity, transit, and multiple transportation modes; protect viewsheds; encourage variations in height and density that incorporate areas of smaller buildings and reduced density; and preserve sensitive areas, open space, and corridors of undisturbed lands (Draft Code Section 13.5.3.D.1.b).
- The Final Draft Plan removes the Alternative 3 provision that an Area Plan is permitted to propose locations for higher residential density adjacent to designated Centers, and clarifies provisions that restrict increased height and density standards to community Centers. These include provisions within Town Centers and the Regional Center for varying building height and density to create visual interest; implementing enhanced design features along public roadways, such as increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways to promote pedestrian activity; and providing for strategies to protect sensitive lands and create visually accessible opens space corridors (Draft Code Section 13.5.3).

The Final Draft Plan maintains the intent of the Draft Plan to create capacity for transfers of development from sensitive and outlying areas into existing community centers, promote multi-modal transportation options, and reduce trip lengths. The Final Draft Plan proposes further restrictions to: height limits in the High Density Tourist District, future expansion of community centers, and additional Area Plan limitations to ensure community compatibility and protection of Lake views. The inclusion of these restrictions and implementation of Mitigation Measures 3.9-1a, 1b, and 1c would reduce impacts to scenic quality to a less-than-significant level.

VIII. INFEASIBILITY OF ADDITIONAL MITIGATION MEASURES

A. FINDING

Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project

B. RATIONALE

Some comments on the Draft EIS propose new mitigation measures, or modifications of existing mitigation measures, for impacts already found to be less than significant. The Final EIS reflects TRPA's response to all such proposals. The Governing Board hereby adopts the responses set forth in the Final EIS. The Governing Board

notes further that, because these impacts have already been determined to be less than significant, the TRPA need not adopt new or additional mitigation measures with respect to such impacts.

Implementation of any of the RPU alternatives would occur in conjunction with land use development and population growth anticipated during the Plan horizon. Because of the nature of the RPU process, feasible operational mitigation measures have been considered within the context of the range of land use and transportation strategies already included in one or more of the RPU alternatives. No additional feasible mitigation is available.

II. CONSIDERATION OF ALTERNATIVES

As noted above, all of the adverse environmental effects associated with the Final Draft Plan may be avoided or reduced to a less-than-significant level with the adoption of the mitigation measures set forth in these findings, with the exception of the following impact: Impact 3.5-1, Greenhouse Gas Emissions.

The EIS evaluated several alternatives in order to present a reasonable range of options. To meet TRPA requirements for the consideration of alternatives, five packages of Regional Plan amendments make up the RPU alternatives evaluated in the Draft EIS.

The purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact, to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will achieve and maintain the environmental Threshold Standards. The Regional Plan Update is focused on priorities established by the TRPA Governing Board, which include:

- Retain the established regional growth control system with targeted recharged allocations.
- Encourage property owners to transfer existing development and development rights from sensitive or outlying areas to existing community centers with the goal of restoring these lands.
- Eliminate the regulatory barriers that have slowed the pace of environmental redevelopment of outdated or poorly maintained structures.
- Simplify burdensome regulations for homeowners while achieving environmental threshold gains.
- Integrate with the Regional Transportation Plan to address congestion and support transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety.
- Continue implementation of projects under the Environmental Improvement Program that improve water quality, restore forests and wetlands, enhance scenic quality and recreation experiences, and improve air quality through transit and trail connections.

The Alternatives, described in detail below, are:

- Alternative 1 – No Project
- Alternative 2 – Low Development, Increased Regulation
- Final Draft Plan, (Alternative 3 as modified by the Governing Board) – Low Development, Highly Incentivized Redevelopment
- Alternative 4 – Reduced Development, Incentivized Redevelopment

- Alternative 5 – Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan

The Governing Board finds that that a good faith effort was made to evaluate a range of feasible alternatives in the EIS that are reasonable alternatives to the Final Draft Plan, even when the alternatives might not fully achieve the Regional Plan Update objectives or might be more costly. As a result, the scope of alternatives analyzed in the EIS is not unduly limited or narrow.

The EIS analyzed Alternatives 1, 2, 3, 4, and 5, including modifications to Alternative 3 that were made by the Governing Board in response to public input, and which reflect the Final Draft Plan proposed for adoption. The EIS contains a detailed analysis of the impacts of each of these alternatives including detailed responses to all public comments on the adequacy or completeness of the environmental review. The Governing Board hereby incorporates by reference the analysis contained in the EIS. Table S-2 in the Draft EIS summarizes the EIS conclusions concerning the impacts of, and mitigation measures applicable to, each alternative. Based on this analysis, the Governing Board adopts the following findings with respect to each alternative.

Alternative 1 – No Project

Alternative 1 retains the existing Goals and Policies, land use classifications, land use maps, PASs, and Community Plans. Alternative 1 includes only development rights remaining from the 1987 Regional Plan and retains existing regulations pertaining to coverage and transfer of development rights. Alternative 1 would implement Transportation Strategy Package A. Transportation Strategy Package A includes operation and maintenance of the existing transportation system and the construction of projects on the financially constrained project list that are already substantially in progress.

Alternative 1 would result in 49 beneficial or less-than-significant impacts, 10 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. Alternative 1 has advantages and disadvantages, compared to other alternatives. With respect to some air quality emissions and construction-related impacts, Alternative 1 has less severe impacts than other alternatives, due to the low levels of construction and new allocations proposed. However, Alternative 1 also does not realize many of the benefits of other alternatives, because it does not have new policies that reduce nutrient and sediment loading, accelerate the rate of coverage reduction in sensitive lands, significantly reduce the rate of per capita vehicle miles traveled or greenhouse gas emissions, or that implement bicycle, pedestrian, and transit improvements that would provide safety and other benefits. Alternative 1 would not attain and maintain Threshold Standards as quickly as other Alternatives, and Alternative 1 would not comply with applicable California legislation adopted for the purpose of reducing greenhouse gas (GHG) emissions. Alternative 1 also would not meet the priorities established by the TRPA Governing Board for the Regional Plan Update. For these reasons the Governing Board rejects Alternative 1.

Alternative 2 Low Development, Increased Regulation

Alternative 2 substantially reduces the development rate compared to the 1987 Regional Plan and introduces the concept of Development Transfer Zones (DTZs), which are three areas that contain existing infrastructure to support mass transit facilities and with limited exceptions, would be the only areas where development may be transferred. Alternative 2 includes an additional 200,000 square feet of new CFA with new restrictions on its release; and 2,600 new residential allocations. Alternative 2 would implement Transportation Strategy Package B, which represents a scenario that assumes additional revenue for transportation projects in the future.

Alternative 2 would result in 51 beneficial or less-than-significant impacts, nine significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and two significant and unavoidable impacts. With respect to some air quality emissions and overall VMT, Alternative 2 has either the lowest or second lowest overall impact of all the alternatives, due to the relatively low level of new development, moderate level of concentration of development in centers, and intensive level of transportation strategies that encourage a shift to non-auto modes of transportation. Compared to the other alternatives, Alternative 2 has lower levels of construction-related impacts related to new development than Alternatives 4, 5, and the Final Draft Plan, but greater levels than Alternative 1. However, Alternative 2 has the highest level of construction-related impacts related to transportation projects, because it has the greatest number of transportation projects of all the alternatives. Alternative 2 realizes the lowest total VMT of all the alternatives and also provides significant recreation opportunities through new bicycle and pedestrian facilities, but does not achieve other threshold-related benefits as well as some other alternatives, such as protecting and restoring sensitive lands, improving scenic quality, and improving water quality through incentives to transfer coverage and development out of SEZs and increasing BMP effectiveness. Alternative 2 would comply with applicable California legislation adopted for the purpose of reducing greenhouse gas (GHG) emissions, and it would meet some of the priorities established by the TRPA Governing Board for the Regional Plan Update. Because Alternative 2 does not meet all of the priorities established by the TRPA Governing Board for the Regional Plan Update; because reasonably foreseeable funding is not available to fund many of the transportation improvements listed in Alternative 2; and because Alternative 2 is less effective than other alternatives at improving water quality, reducing coverage in sensitive lands, and benefiting other thresholds, the Governing Board rejects Alternative 2.

Final Draft Plan, (Alternative 3 as modified by the Governing Board) – Low Development, Highly Incentivized Redevelopment

Alternative 3 combines low development potential with strong incentives for environmentally beneficial redevelopment. Alternative 3 encourages transfer of new and existing development into identified urban areas: Town Centers, Regional Center, and High Density Tourist District. It also introduces the concept of Area Plans, wherein public agencies could prepare plans consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers with associated increases in open space outside of community centers. Alternative 3 would include an additional 200,000 square feet of new CFA, 600 new residential bonus units, and 2,600 new residential allocations. Alternative 3 would implement Transportation Strategy Package C, which includes projects for which reasonably foreseeable revenues are available.

In August 2012, the TRPA Governing Board Regional Plan Update Committee (RPUC) held meetings to consider recommendations from consultation meetings attended by representatives from state and local governments, environmental organizations and development interests. The RPUC endorsed these bi-state recommendations, along with additional plan amendments that responded to public comments and concerns. The TRPA Governing Board voted to incorporate the revisions recommended by the RPUC into the Final Draft Plan for evaluation in the Final EIS. The Final Draft Plan represents Alternative 3 from the Draft EIS as revised by the RPUC and Governing Board.

The Final Draft Plan is very similar to Alternative 3, incorporating changes to the Final Draft Regional Plan as described in Chapter 2 of the Regional Plan Final EIS. These changes have the effect of placing additional environmental protections into the Plan, and therefore do not result in different or greater impacts than in Alternative 3.

The Final Draft Plan would result in 50 beneficial or less-than-significant impacts, 11 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. The Final Draft Plan has advantages and disadvantages compared to the other alternatives. The Final Draft Plan has the second lowest total VMT of all the alternatives, and the lowest per-capita VMT and GHG emissions. The Final Draft Plan has lower levels of construction-related impacts related to new development than Alternatives 4 and 5, greater levels than Alternatives 1 and 2. With respect to construction-related impacts related to transportation projects, the Final Draft Plan has a similar level of impacts to Alternative 4, lower impacts than Alternative 2, and greater impacts than Alternatives 1 and 5 because the number of transportation projects in the Final Draft Plan represents the medium number of projects. The Final Draft Plan attains and maintains many Threshold Standards quicker and to a greater extent than the other alternatives, particularly in the areas of water quality, land coverage and scenic quality. The Final Draft Plan provides the greatest level of incentives for protecting and restoring sensitive lands through removal and transfer of development and coverage, and also provides for increased BMP effectiveness. Because of the strong linkage between land-use policies that incentivize concentrated development, and transportation projects and policies to encourage more bicycling, walking, and transit use, the Final Draft Plan has the lowest VMT and GHG per capita of all the alternatives and is best able to comply with applicable California legislation adopted for the purpose of reducing greenhouse gas (GHG) emissions. The Final Draft Plan meets all of the priorities established by the TRPA Governing Board for the Regional Plan Update. This alternative reflects the changes made by the Governing Board, based on public input, and would attain and maintain many Threshold Standards quicker and to a greater extent than the other alternatives.

Alternative 4: Reduced Development, Incentivized Redevelopment

Alternative 4 combines higher development, including 400,000 square feet of new CFA, 200 new TAUs, and 4,000 new residential allocations, with moderate incentives for environmentally beneficial redevelopment. Alternative 4 also introduces the concept of transect zoning, with defined pedestrian- and transit-oriented development (PTOD) areas. Alternative 4 includes the group of projects listed under Transportation Strategy Package C, which includes projects for which reasonably foreseeable revenues are available.

Alternative 4 would result in 49 beneficial or less-than-significant impacts, 12 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. Alternative 4 has advantages and disadvantages, compared to other alternatives. Alternative 4 provides some of the threshold benefits that the Final Draft Plan provides, such as water quality improvements due to increased BMP compliance and effectiveness. Alternative 4 would also provide benefits due to increased coverage removal from sensitive lands and improved scenic quality, but to a lesser extent than the Final Draft Plan. With respect to some air quality emissions and construction-related impacts, Alternative 4 has a relatively high level of impact compared to the other alternatives, due to greater levels of development than Alternatives 1, 2, and the Final Draft Plan, and greater numbers of transportation projects than Alternatives 1 and 5. Alternative 4 does not reduce VMT compared to the no-project alternative, nor does it reduce VMT per capita, or meet per capita GHG reduction targets in order to comply with applicable California legislation. While Alternative 4 would help to achieve and maintain Threshold Standards, it would not do so as quick or to as great an extent as the Final Draft Plan. Alternative 4 would meet some, but not all of the priorities established by the TRPA Governing Board for the Regional Plan Update, and not as many as the Final Draft Plan. Because of these reasons, the Governing Board rejects Alternative 4.

Alternative 5: Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan

Alternative 5 combines the highest levels of development, including 600,000 square feet of new CFA, 400 new TAUs, and 5,200 new residential allocations, with the same land use, zoning, and regulatory structure as the existing Regional Plan, and includes the group of projects listed under Transportation Strategy Package A, including operation and maintenance of the existing transportation system and the construction of projects on the financially constrained project list that are already substantially in progress.

Alternative 5 would result in 52 beneficial or less-than-significant impacts, 10 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. Alternative 5 has advantages and disadvantages, compared to other alternatives. With respect to some air quality emissions and construction-related impacts, Alternative 5 has relatively greater impacts than the other alternatives, because it has the highest level of new development. Alternative 5, like Alternative 1, would have relatively low construction-related impacts associated with construction of transportation projects, because Alternative 1 and Alternative 5 have the lowest number of transportation projects of all the alternatives. Alternative 5 does not realize many of the benefits of other alternatives, because it does not have new policies that reduce nutrient and sediment loading; that accelerate the restoration and protection of sensitive lands; that reduce the rate of per capita vehicle miles traveled or greenhouse gas emissions; or that implement bicycle, pedestrian, and transit improvements that would provide safety and other benefits. Alternative 5 would not help the Region achieve and maintain Threshold Standards as quickly or as well as other Alternatives, and Alternative 5 would not comply with applicable California legislation adopted for the purpose of reducing greenhouse gas (GHG) emissions. Alternative 5 also would not meet the priorities established by the TRPA Governing Board for the Regional Plan Update. For these reasons the Governing Board rejects Alternative 5.

Based on the above, the Final EIR/EIS for the RTP/SCS Plan is in compliance, procedurally and substantively, with the Compact, the Code, and the Rules of Procedure.

ATTACHMENT E-2: ARTICLE V(G) AND CODE OF ORDINANCES

SECTION 4.5 AND 4.6 THRESHOLD FINDINGS

I. INTRODUCTION

The Regional Plan Update amends both the Regional Plan Goals and Policies and Code of Ordinances to accelerate threshold achievement and maintenance. Article V(g) of the Compact and Chapter 4 of the Code of Ordinances requires TRPA to find whenever it amends the Goals and Policies and Code that “the Regional Plan [as implemented by the Code], as amended, achieves and maintains the thresholds.” (see Code Sections 4.5, 4.6). This document addresses the basis for the TRPA Governing Board to find that the Regional Plan and Code of Ordinances as amended will “achieve and maintain” the adopted Threshold Standards.

II. CONTEXT OF THE “ACHIEVE AND MAINTAIN” FINDING

The Threshold Standards for the Lake Tahoe Region, along with state and federal air and water quality standards, establish desired environmental condition criteria (targets) and in some cases define the capacity of the Region to accommodate additional activities. In the current Regional Plan, TRPA uses indicators to measure the environmental health of the Region. In initially adopting the Regional Plan and the Code of Ordinances, TRPA found that the Plan as a whole would achieve and maintain the thresholds (Adopting Resolution No. 87-9). Since adoption of the Regional Plan in 1987, TRPA has reviewed the Plan every five years to assess progress toward achieving and maintaining thresholds and to recommend additional or modified compliance measures, as necessary, to promote further efficacy of the planning strategies and regulations, to accelerate Threshold Standard attainment, and to estimate interim threshold indicator targets and Threshold Standard attainment dates.

The Regional Plan taken as a whole is a foundation of the Region’s strategies to achieve and maintain thresholds, but the complete system of regional strategies to achieve and maintain regional Threshold Standards are considerably broader than TRPA’s Regional Plan and implementing Code alone. These findings therefore place the Regional Plan Update within the larger system and full array of regulatory and programmatic strategies to achieve and maintain the adopted Threshold Standards. For example, the two state water quality agencies’ Lake Tahoe Total Maximum Daily Load (“TMDL”) programs, as approved by the US Environmental Protection Agency, are a centerpiece to achieving regulatory pollutant load reduction targets needed to meet water quality standards that the Regional Plan helps to implement and enhance but does not directly mandate. These required state administered regulatory programs are in turn part of the basis for achieving TRPA’s adopted regional water quality Threshold Standards. Similarly, the Environmental Improvement Program (EIP), a multi-sector, multi-agency partnership for implementing capital investments in environmental restoration programs, is also a critical component of the Regional Plan and the basis for achieving and maintaining Threshold Standards over time. TRPA, along with approximately 50 public and private organizations, joined together to create the EIP to protect Tahoe’s unique and valued resources and to make additional progress toward achieving environmental thresholds. The EIP is an environmental capital improvement program designed to correct the environmental harms of the past. The EIP was last comprehensively updated in 2008, and since the inception of the program in the mid-1990s

approximately \$1.6 billion has been invested by the federal government, the states of California and Nevada, local governments, and the private sector to implement the EIP. This multi-sector partnership is important for leveraging scarce economic resources and delivering greater returns on funds invested in Lake Tahoe's conservation. The EIP includes environmental restoration programs ranging across all threshold categories from air quality and water quality to recreation, scenic resources, vegetation, wildlife and fisheries, and identifies over 700 projects, updated annually as a running five-year list, needed to meet and maintain the environmental thresholds. The EIP also identifies the many agencies and organizations at the federal, state and local levels responsible for coordinating, administering, funding, and implementing EIP projects and programs. All 50 partners are collaborating successfully to administer and implement the array of restoration programs.

In addition, these threshold findings recognize that some thresholds have already been achieved, will likely be achieved in the near term, or may not be achieved for decades. Moreover, certain thresholds are, in and of themselves, not environmental conditions directly to be achieved but rather are mechanisms that need to be implemented in order to preserve and protect other environmental criteria or significant regional values. For example, standards associated with soil conservation for land coverage may take generations to achieve as in the Class 1b condition target. Because of the difficulty in removing existing development from environmentally sensitive areas, meeting Threshold Standards in this area is challenging. However, the underlying water quality, vegetation and other objectives may be attained in less time because of Lake Tahoe TMDL implementation and other TRPA plans and programs. In other words, TRPA possesses the discretion to focus on achieving certain Threshold Standards in shorter time frames as long as implementation of the Regional Plan as a whole and other efforts can be expected to continue to achieve and maintain other Threshold Standards.

III. THE REGIONAL PLAN UPDATE

The 2012 Regional Plan Update ("RPU") is a strategic modernization of TRPA's planning and regulatory documents. In combination, the Policies, Ordinances and Implementation Measures will achieve and maintain TRPA's adopted Threshold Standards, while providing opportunities for orderly development consistent with the TRPA Compact and adopted Threshold Standard.

The existing Regional Plan was adopted 25 years ago in the late 1980s to address circumstances in the Tahoe Region that differ from today's most pressing needs. By the 1980s, the Region had experienced decades of rapid development. The economy was thriving, but the environment was suffering. More than half of the Region's marshes and wetlands had been developed and the Region had not fully coalesced around the fact that the 1960's plans for a population of 750,000 people (more than ten times the current population) would never be realized. Lake Tahoe's water clarity was declining by about one foot per year. In response, the 1980 TRPA Compact was adopted to address looming environmental threats, requiring that development be managed in accordance with updated environmental standards while allowing orderly development consistent with those new standards. A top priority for the initial Regional Plan in the 1980s was therefore both limiting and controlling the rate of new development that would be allowed at Lake Tahoe. In response, strict growth control limits and environmental regulatory constraints were adopted and have been and are still being implemented.

In 2012, the Region faces different challenges. TRPA's strict growth control system has been in place for 25 years and approximately \$1.6 Billion has been invested in environmental restoration projects. Overall, these efforts appear to be working. Unconstrained growth is no longer a threat, Lake Tahoe's water clarity has stabilized and many environmental indicators are showing improvement. The responsible programs and regulatory constraints are maintained in the updated Regional Plan.

While environmental conditions have stabilized, socioeconomic conditions have deteriorated, which in turn negatively affect the environment. Troubling socioeconomic trends include well above-average unemployment rates, unaffordable housing, high poverty levels, reduced housing occupancy, population and workforce declines and public school closings. These trends impact the environment – largely by making the system unsustainable for people to invest in environmental improvements or to live, work and enjoy recreation and tourism in the Region. As workers and residents abandon the Region, as land use policies continue to favor the separation of uses, and as visitors continue to lack transportation choices that could reduce auto use, negative environmental impacts result.

The most recent 2011 Threshold Evaluation reports on Region-specific environmental conditions and the status of threshold attainment. The 2011 Threshold Evaluation indicates that significant progress has been made toward many environmental goals and that trends are stable or improving. Existing programs that protect undeveloped land, restore natural systems, and retrofit the built environment have benefitted the Region's environment. The 2011 Threshold Evaluation also indicates the threshold areas of primary concern – Water Quality, Stream Environment Zone (SEZ) restoration, Transportation (Air Quality and Noise) and Scenic Quality in developed areas. Challenges in these categories involve addressing the continuing impact on threshold attainment of pre-TRPA development activities.

The focus of the RPU is therefore to adopt updated strategies needed to achieve TRPA's Threshold Standards by further reducing existing sources of pollution and encouraging beneficial changes in the historic land use patterns and pre-existing legacy development that are contributing to continuing environmental detriments – and to do so in a way that supports a healthy economy and social fabric. Adding to the challenge, governments and public agencies at all levels are facing budget shortfalls and the rate of public funding for environmental investment and restoration faces serious declines. The RPU continues to include a variety of both public and private strategies to improve environmental conditions - but with increased emphasis on privately funded efforts and public-private partnerships. These additional and updated strategies focus on redevelopment incentives to convert the most environmentally impactful legacy development into modern, environmentally beneficial, visually attractive, walkable and bikeable communities.

A variety of updated strategies in the Final Draft Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, and scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards.

- **Water Quality:** Science associated with the Lake Tahoe TMDL identifies the pollutants that are primarily responsible for water quality losses – fine sediment particles, nitrogen, and phosphorus – as well as the major sources of those pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition. RPU amendments focus on accelerating water quality improvements by incentivizing restoration and redevelopment activities, and by reducing air pollution.

- **Sensitive land restoration:** In conjunction with the broader goal of achieving water quality thresholds, TRPA maintains Threshold Standards for land coverage. Data indicate that existing coverage on Class 1b lands (primarily SEZs) needs to be reduced significantly. Plan amendments focus on relocating more of this impactful pre-existing development and accelerating the restoration and natural function of SEZs and other sensitive lands.
- **Air quality and Noise:** Automobile use strongly influences threshold attainment in air quality and noise categories. Currently both residents and visitors rely heavily on autos and light trucks for transportation. In much of the Region, transit service is infrequent and the fragmented bicycle and pedestrian network lacks continuity. Vehicular noise and air pollutant emissions have exceeded some Threshold Standards and negatively impacted others. RPU amendments focus on improving air quality and reducing noise by transitioning to a more walkable development pattern and improving pedestrian, bicycle, and transit facilities. Targeted amendments to air quality regulations are also made to improve consistency with more protective state criteria.
- **Scenic quality:** Scenic quality overall is improving, but scenic quality is not meeting standards in several areas where development remains largely unchanged from the pre-1980 Regional Plan era. Plan amendments that focus on increasing the rate of redevelopment are expected to enhance scenic quality and facilitate scenic quality Threshold Standard attainment, along with other environmental Threshold Standards (e.g., increase the area of functional stream environment zone).

To address each and all of these threshold category needs, the following outlines some of the key Plan amendment strategies included in the Regional Plan Update.

For completeness, the summary of the Final Plan and all of the attachments as distributed at the October 25, 2012 joint Advisory Planning Commission/Governing Board meeting, re-published in the November joint APC/GB meeting packet, and modified by the Governing Board's endorsed changes summarized in the December joint APC/GB packet, along with the complete administrative record is incorporated herein by reference. As set forth below in summary, the enhanced measures of the RPU, coupled with existing measures of the Regional Plan and Code and other Basin regulatory and programmatic efforts, will result in the required achievement and maintenance of the Threshold Standards.

- A. **Transfers and Restoration of Sensitive and Remote Lands** – The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, air quality, noise and stream environment zone (SEZ) thresholds:

The RPU establishes new opportunities for development transfers from sensitive lands to designated Centers – i.e., Town Centers, the Regional Center and the High Density Tourist District. This improved and modernized program authorizes transfer ratios that vary based on the land sensitivity and location of the sending parcel. The provisions provide incentives to restore the most sensitive lands and to relocate development from auto-dependent outlying areas to walkable Town Centers that can readily be serviced by transit thus changing incrementally and over time the historic land use patterns that are slowing progress of SEZ, scenic, and water quality threshold attainment; and creating patterns that promote continued maintenance of air quality standards.

Many SEZs and other sensitive areas were heavily developed prior to adoption of the 1987 Plan and most of that development remains in place. Some sensitive land development can be acquired with public financing, but funding levels are declining and major new funding sources would be needed in order to meet the Region’s restoration targets. Relocation of impactful private development through development transfers would restore sensitive lands without need for or with less demand on public funding.

The extent of existing development in the Region’s sensitive lands is summarized in the table below.

EXISTING DEVELOPMENT ON SENSITIVE LANDS			
	Stream Environment Zone (District 1b)	Other Sensitive Lands (Districts 1a, 1c, 2 & 3)	Total Development on Sensitive Land
Residential (ERU)	8,823 units	8,577 units	17,400 units
Tourist (TAU)	3,210 units	1,007 units	4,217 units
Commercial (CFA)	1,817,861 sf	804,782 sf	2,622,643 sf

Since its inception, the Regional Plan has included measures to prevent development in Stream Environment Zones (SEZs) and to relocate existing SEZ development. Progress has been slower than desired and only a small percentage of existing SEZ development has been relocated. Updates to the development transfer program accelerate SEZ restoration and aid in achieving and maintaining Threshold Standards for SEZ and water quality.

Significant differences between the current and new transfer programs that address threshold progress include:

- Because the new program applies only to transfers into defined Centers, it favors and accelerates achieving the goals of reducing automobile dependency, promoting environmental redevelopment, and restoring sensitive lands. Existing transfer provisions would continue to be available for transfers outside defined Centers.
- The most environmentally beneficial transfers are eligible for new transfer ratios that significantly exceed the existing 1:1 ratio to incentivize restoration and better reflect the greater environmental benefits of different development transfers. The existing transfer program does not meaningfully incentivize development transfers that contribute to a more concentrated land use pattern with reduced environmental impacts. In contrast, the modified program directly incentivizes transfers that reduce urban sprawl and therefore benefit the environment.
- The new program applies to all use types to incentivize the restoration of sensitive lands that are not eligible for incentives in the current program, such as existing commercial businesses in stream environment zones.
- The new program provides increased incentives based on environmental sensitivity of the sending parcel and its distance from services, thereby providing the greatest incentive for transfers with the greatest environmental benefit.
- As a further incentive, through the Area Planning process, alternative transfer ratios can be established to more aggressively encourage transfers of development from two high priority

development transfer zones designated “Stream Restoration Plan Areas” as long as the alternative ratios are shown to be environmentally beneficial.

- Because the existing program has been under-utilized over the past 25 years, the new program is much less complex and has fewer restrictions to encourage its use and accelerate threshold attainment.

Modifying standards to allow more concentrated development in Centers also supports a more effective development transfer program. Without capacity increases in Centers or elsewhere, it will be difficult to accelerate transfers of development off of sensitive parcels because eligible receiving sites do not have adequate capacity to accommodate much of the development that is currently located on sensitive lands. The lack of receiving areas with capacity for relocated development has been cited by many property owners as a major impediment to environmentally beneficial development transfers. The RPU identifies the Region’s developed Centers as the most appropriate receiving areas for relocated development and provides new and stronger methods to achieve these transfers.

B. Redevelopment Incentives & Strategies -- The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, scenic, air quality and soil conservation threshold attainment:

Although declines in the water clarity threshold appear to have stabilized, additional improvements in water quality are needed to achieve associated Threshold Standards and state water quality goals. Lake Tahoe TMDL studies have shown that the existing developed area (urban upland) contributes 72 percent of the fine sediment particles that are impairing Lake Tahoe’s water quality. The urban upland area is also responsible for other major pollution types, including 38 percent of phosphorus and 16 percent of nitrogen. The roadway component of the urban upland is currently being retrofitted for water quality treatment, primarily with public funding, through the EIP. In contrast, redevelopment of private lands (especially non-residential property in Centers) and associated environmental improvements are occurring very slowly, in part because of the existing regulatory barriers. The RPU directly addresses major regulatory barriers that have limited redevelopment activities, while maintaining an appropriate scale and character of development in the Region’s communities.

The RPU modifies building height, density and coverage standards in designated Centers to provide a more uniform framework that supports development transfers and encourages environmental redevelopment at a scale and character that is compatible with each area. Increases in building height and density standards can only occur through Conforming Area Plans that address threshold findings and other approval standards. Changes in total allowable land coverage within Centers reverse existing allowances that allow greater coverage for new development than for redevelopment, and thereby encourage development on vacant land. Total allowable land coverage for new and redevelopment in Centers is reduced within 300 feet of Lake Tahoe and increased further from Lake Tahoe, thereby providing another incentive for less impactful development activities.

The strategies to encourage environmentally beneficial redevelopment are coupled with targeted amendments that support the findings and water quality improvement programs of the Lake Tahoe TMDL. Amendments would expand the current focus on parcel-level regulations to reflect the Lake Tahoe TMDL strategy of comprehensive catchment-based load reduction plans for fine sediments, phosphorus and nitrogen. Parcel owners must still contribute to Best Management Practices (BMP)

solutions but the prescription may differ under more flexible area-wide solutions that could be developed to achieve Lake Tahoe TMDL load reductions for each catchment. Not only are these improved water quality strategies more consistent with the newly adopted Lake Tahoe TMDL, but they are expected to improve the prioritization and accelerate the rate of implementation of BMPs from what has been achieved so far focusing only at the parcel scale under the existing Plan. Local jurisdictions would have flexibility in designing the water quality treatment system that applies to each sub-watershed and under the Lake Tahoe TMDL program there are incentives to focus first on the highest pollutant loading areas.

Other significant amendments include:

- Modifying land use and transportation policies to encourage environmental redevelopment that would concurrently require water quality upgrades and other environmental improvements consistent with Threshold Standards, accelerate transfers of development along with the restoration of SEZs, and reduce automobile dependency;
- Updating language throughout the Regional Plan to support the Lake Tahoe TMDL, require ongoing coordination between TRPA and Lake Tahoe TMDL programs, and align older TRPA reporting requirements with newer Lake Tahoe TMDL reporting requirements;
- Authorizing the implementation of Area-Wide Best Management Practices (BMPs) and coverage treatments to which individual parcel owners would contribute in different ways;
- Reforming the land coverage management system to better reflect environmental benefits and impacts of different forms of land coverage and to incentivize BMP installation; and
- Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.

In combination, modifications to height, density and land coverage within Centers – and the numerous other amendments that promote redevelopment – will remediate existing pollution sources within Centers, will support development transfers that remediate existing pollution sources outside Centers and will further remediate existing pollution sources regionally by increasing revenues collected through the excess land coverage, water quality and air quality mitigation programs.

C. **Transportation Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining air quality, noise, and water quality Threshold Standards:

In some important aspects, the existing Regional Plan prioritized the free flow of automobiles ahead of vehicle trip reduction, multimodal access, and associated environmental and air quality benefits. Stakeholders identified specific Code provisions that create significant obstacles to the construction of connected bicycle and pedestrian travel ways. The RPU includes amendments to encourage bicycling, walking, and transit use, and to allow the transportation system to evolve in a way that supports compact redevelopment and reduces reliance on the private automobile. The RPU is further supported by transportation initiatives and projects identified in the Final Draft Regional Transportation Plan.

Key policy and Code changes include:

- Land Use Policies: Many land use amendments in the RPU focus on reducing automobile dependency and promote walking, biking and transit use. Important transportation-related policy modifications include provisions to accelerate development transfers, provisions to increase allowable development intensity in Centers and provisions requiring transit and pedestrian oriented designs for development projects.
- Bicycle Path Land Coverage Exemption: To accelerate and make the creation of a continuous system of non-motorized public trails more financially feasible, non-motorized trails would be exempt from the calculation of land coverage, subject to certain siting and design requirements that minimize disturbance of sensitive lands and vegetation. Currently, land coverage must be acquired, at market rates, in order to build pedestrian and bicycle facilities. This requirement has significantly increased the cost of trail construction, thereby reducing the amount of trail improvements that could otherwise have been built with available funding.
- Accommodation of Bicycle and Pedestrian Facilities in Projects: Applicants for significant commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including major construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan would be required to grant an easement for the bicycle and pedestrian facilities.
- Bicycle and Pedestrian Facility Maintenance Plan: Entities responsible for the construction and maintenance of bicycle and pedestrian facilities proposed as part of a project would be required to provide a maintenance plan, including a funding strategy for the life of the bike and pedestrian facility.
- Vehicle Level of Service (LOS): Existing vehicle Level of Service (LOS) requirements for new projects could be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. The Final Draft Plan also calls for a more comprehensive assessment of LOS standards as a post-update work program.
- Transportation Projects: The Final Draft Regional Transportation Plan prioritizes funding for pedestrian, bicycle and transit improvements over projects that focus on expanded roadway capacity. Transportation project funding is intended to complement land use policies and regulations that promote pedestrian, bicycle and transit use. Specific transportation projects are identified in the Regional Transportation Plan.

Under the existing Regional Plan, new or transferred development or changes in operation that result in increased vehicle trips must mitigate the regional and cumulative impacts of those increased trips. With limited exceptions, increased vehicle trips must be mitigated through the payment of an air quality mitigation fee or through direct implementation of air quality improvement measures. The air quality mitigation fees are disbursed for air quality improvement projects, such as transit services or bicycle facilities, within the jurisdiction where they were collected to mitigate localized impacts. However, restricting the use of mitigation fees to the jurisdiction where they were collected does not

allow fees to be pooled and directed towards the highest priority and most cost-effective projects in the Region.

The RPU allows a portion of the air quality mitigation fees to be used anywhere in the Region, regardless of where the fee was collected (Code Section 65.2.6). This change would allow a portion of the fees to be directed towards the highest priority or most cost-effective projects to benefit air quality within the Region.

The Final Draft Regional Plan addresses noise control with targeted amendments to reduce automobile reliance and promote alternative forms of transportation. Roadways are a significant source of noise pollution in the Region. The RPU retains other existing provisions related to noise, with language clarifications, and calls for an ongoing analysis of airport noise and an update to the City of South Lake Tahoe's Airport Master Plan.

D. **Miscellaneous Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality Threshold Standards:

While the RPU retains the established land capability system, several targeted amendments accelerate attainment of the soils, water quality and other thresholds by encouraging the use of less impactful types of land coverage, incentivizing the installation of water quality BMPs, promoting land coverage reductions and relocation of land coverage to less sensitive lands, and facilitating environmentally beneficial redevelopment. For example, the RPU would allow direct land coverage removal by a project applicant and expenditure of excess coverage mitigation fees to occur anywhere in the Region. This change is expected to increase the number of projects including direct land coverage removal, and improve the efficiency and effectiveness of the regional land bank coverage removal programs. The RPU also allows excess coverage to be removed in exchange for additional units of use, but only after excess coverage is mitigated. This incentive would promote land coverage removal in addition to that required under the excess coverage mitigation provisions. Also, under the existing Code, land coverage transfers for commercial or tourist accommodation uses must be from existing hard land coverage. Transfers for other uses can also include soft land coverage or potential (i.e. base allowable) land coverage. The RPU allows soft land coverage to be transferred from SEZs for use in any project within Centers, providing a greater incentive to remove soft land coverage from the most sensitive lands. To further incentivize land coverage reductions and promote greater project design flexibility, the RPU would allow Area Plans to delineate specific geographic areas where land coverage would be managed comprehensively rather than at the parcel scale. In order to qualify for area-wide land coverage management, the Area Plan would have to demonstrate that compared to parcel-by-parcel land coverage management, the area-wide land coverage management system would not increase land coverage overall, in the most sensitive lands (districts 1 and 2), or within 300 feet of Lake Tahoe.

Phosphorus is a significant pollutant of concern identified by the Lake Tahoe TMDL, with fertilizer application being a significant source. The RPU includes new policy language to phase-out the use of chemical fertilizer containing phosphorus for lawns by 2017 through education and outreach. The phase-out provision complements but does not replace existing restrictions on the use of fertilizer in SEZs and shorezone areas.

IV. ACHIEVE AND MAINTAIN FINDINGS

A. WATER QUALITY

1. STATUS AND TREND

Water quality shows signs of improvement since the trend for winter average Secchi depth shows that the indicator is no longer declining and the Region is meeting interim targets established in 2006. The rate of Lake clarity decline has slowed since 2001, but the annual average Secchi depth indicator is still considerably short of recently adopted Lake Tahoe TMDL standards. Summer Lake Tahoe clarity is showing negative trends and ongoing research findings are needed to understand why winter and summer readings are moving in seemingly opposite directions.

The long-term trend in the phytoplankton primary productivity indicator continues to show a decline in conditions relative to the adopted Threshold Standards. Research is underway, as noted in the 2011 Threshold Evaluation Fisheries chapter, to assess possible relationships of phytoplankton to other nearshore conditions. Long-term measurements of tributary water quality indicate that the Region is not meeting state pollutant concentration standards for all monitored streams, although improvements in sediment and phosphorus concentration are documented. Long-term data on stream pollutant loading indicate there was little or no change in the amount of nitrogen, sediment, and phosphorus being delivered to Lake Tahoe annually via tributaries when adjusted for variation in stream flow. More detailed information on the status and trend of the Water Quality threshold can be found in the Water Quality chapter of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies:
 - EPA Outstanding National Resource Water (ONRW) Designation
 - Clean Water Act Section 401, 402, 404
 - Porter-Cologne Act
 - Lake Tahoe TMDL
 - 208 Water Quality Management Plan
 - Lahontan Basin Plan
 - U.S. Forest Service Forest Plan

The Lake Tahoe TMDL represents a centerpiece of the joint effort to achieve and maintain water quality standards applicable in the Region. A 10-year, \$10 million effort, the two states' Lake Tahoe TMDL provides the planning and regulatory blueprint to implement the pollutant load reductions over several decades to produce the improvements in water quality required to achieve California and Nevada standards within 65 years. A Total Maximum Daily Load is a requirement of the federal Clean Water Act Section 303(d) which requires states to establish TMDLs for impaired water bodies that do not meet water quality standards. Every TMDL (there are over 44,000 nationwide) focuses on particular "pollutants of concern."

Through five steps, the pollution sources and loads are determined for the specific water body at issue, their overall effect on the water body is assessed, pollutant loads are allocated for each source so that the water body will attain the applicable water quality standards, and implementation plans are developed that describe the approach and activities required to ensure that the allocations are met.

California has identified Lake Tahoe's lack of transparency as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. To comply with California's Lake Tahoe transparency standard, a 25-centimeter (10-inch) white Secchi disk would need to be visible 29.7 meters (97.4 feet) below the surface of Lake Tahoe on an average annual basis.

Nevada has identified Lake Tahoe's lack of clarity as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. Clarity is defined as a quantitative measure of the vertical extinction of light (VEC) per meter of depth. A lower VEC reading indicates more clarity to the water. To comply with Nevada's Lake Tahoe clarity standard, a VEC of 0.08 per meter is necessary.

The Lake Tahoe TMDL effort represents a common and consistent plan between the States of Nevada and California to address the transparency and clarity decline within Lake Tahoe. Each state submitted and approved distinct reports to clarify regulatory and implementation differences between the two states.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is responsible for the California portion of the Lake Tahoe Basin, among other areas, and the Lake Tahoe TMDL was incorporated into the Lahontan Region Water Quality Control Plan (Basin Plan) on November 16, 2010 under Resolution No R6T-2010-0058 to establish: (1) the Lake Tahoe Maximum Daily Load for fine sediment particles, nitrogen, and phosphorus; and (2) a Lake Tahoe TMDL implementation plan and associated changes to urban stormwater regulations in the Lake Tahoe Basin. The State Water Resources Control Board (State Water Board) adopted this amendment on April 19, 2011 and the US EPA approved the amendment on August 16, 2011. The Water Board has issued permits to each local government on the California side of the Tahoe Basin as well as the state transportation agency, Caltrans, to implement the requirements of the state's adopted TMDL for Lake Tahoe.

The Nevada Division of Environmental Protection is responsible for the Nevada portion of the Lake Tahoe basin and the Lake Tahoe TMDL for Nevada was approved by the U.S. EPA on August 16, 2011. The Nevada Lake Tahoe TMDL clarifies Nevada's regulatory structure and approach to implementation and emphasize that the proposed implementation timelines may need to be adjusted for a variety of reasons, but particularly the availability of future funding. To implement the TMDL the Nevada Division of Environmental Protection is utilizing Memoranda of Understanding with the Nevada Department of Transportation and local governments in the Nevada portion of the Tahoe Region. Both the Water Board and NDEP will provide TRPA with data on load reduction plans, clarity crediting programs and progress towards meeting load reduction targets on an annual basis.

The goal of the Lake Tahoe TMDL is to restore Lake Tahoe's historic deep water transparency to an annual average Secchi depth of 29.7 meters (97.4 feet), which was the average annual Secchi depth measured between 1967 and 1971. The Lake Tahoe TMDL research suggests the proposed Annual Average Standard Secchi depth (29.7 meters) can be reached if a variety of load reductions in fine particulates (65 percent reduction), nitrogen (10 percent reduction), and phosphorus (35 percent reduction) can be met, especially in the urban areas around Lake Tahoe.

The Lake Tahoe TMDL identified options for reducing pollutant inputs of fine sediment particles and nitrogen and phosphorus to Lake Tahoe from the four largest pollutant sources: urban upland runoff, atmospheric deposition, forested upland runoff, and stream channel erosion. The Lake Tahoe TMDL identifies the amount of each pollutant entering the lake from these sources, the reductions needed, the reduction opportunities that are available, and the implementation plan to achieve these reductions. The Lake Tahoe TMDL modeling data recognizes opportunities to achieve water quality gain in four pollutant source categories – urban upland (72 percent), atmosphere (16 percent), forest upland (9 percent), and stream channel (3 percent) – with the greatest gain available through improvements in the urban upland source category. The Lake Tahoe TMDL concludes that by reducing fine sediment, nitrogen, and phosphorus loads in these four categories, it will take approximately 65 years to meet the deep water transparency standard (annual average Secchi depth of 29.7 meters).

The states of California and Nevada have the authority pursuant to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (i.e. prohibitions). The Implementation Plan for the Lake Tahoe TMDL requires compliance with the prohibition of discharges in violation of water quality objectives. The two states will oversee Lake Tahoe TMDL implementation primarily through administration of urban stormwater runoff pursuant to each state's adopted and US EPA-approved Lake Tahoe TMDL, and rural lands pollutant source control measures associated with permits issued by federal agencies such as the USDA Forest Service and the US Fish and Wildlife Service.

Lake Tahoe TMDL Recommended Strategy and Implementation Plan

The Lake Tahoe TMDL Implementation Plan provides representative actions that the various local, state, and federal governments and associated resource management agencies must take in the four pollutant source categories – urban upland, atmosphere, forest upland, and stream channel – to reduce fine sediment particle, phosphorus, and nitrogen loads to Lake Tahoe and meet established load reduction milestones, including the deep water transparency standard. It emphasizes ongoing implementation of known technologies while encouraging more advanced and innovative operations, maintenance, and capital improvement efforts to address urban stormwater pollution. Ongoing land management practices and policies are expected to achieve necessary fine sediment particle, nitrogen, and phosphorus load reductions from forested areas. Stream restoration projects will address stream channel bank and bed erosion sources. Measures to reduce dust from paved and unpaved roadways, parking areas, construction sites, and other disturbed lands will reduce fine sediment particle and phosphorus loading from the atmosphere. The Lake Tahoe TMDL's Recommended Water Quality Management Strategy ("Recommended Strategy") (Lake Tahoe TMDL Chapter 9) provides the

framework for the magnitude of expected load reductions from the four major pollutant sources and describes reasonably foreseeable load reduction activities that responsible parties may choose to undertake.

Urban Uplands

Urban runoff produces the majority of fine sediment and phosphorus loading and provides the greatest estimated potential for pollutant control. Therefore, responsible parties (local municipalities and state highway departments) are expected to prioritize advanced operations and maintenance practices and innovative technologies that will reduce fine sediment particle and associated nutrient loads from the urban runoff source category. Implementing the Lake Tahoe TMDL's Recommended Water Quality Management Strategy is expected to reduce the total Basin-wide fine sediment particle load by approximately 24 percent in the first 15 years of Lake Tahoe TMDL implementation. To achieve the clarity standard, the fine sediment particle load carried by urban stormwater runoff must be reduced by roughly 70 percent. Thus, after the first fifteen years, ongoing implementation measures and additional load reduction actions will be needed to further reduce fine sediment particle and nutrient loads to meet the clarity standard.

The two states' adopted Lake Tahoe TMDL assumes that pollutant controls will be applied differently based on configuration of impervious land coverage and slope. Areas of concentrated impervious land coverage, such as commercial land uses with extensive streets, parking areas, and rooftops, may need intensive application of advanced pollutant control measures, while land uses with dispersed impervious land coverage will likely need less advanced treatments. Enhanced operations and maintenance of roadways and associated pollutant controls are important elements in the implementation strategies to reduce pollutants from urban runoff discharges. A representative list of practices and treatment options that responsible parties might use to achieve the Lake Tahoe TMDL in 65 years includes:

- Stabilize and re-vegetate road shoulders
- Vacuum-sweep streets (in heavily sanded areas)
- Upgrade/enhance fertilizer / turf management practices to reduce nutrient application
- Remove impervious land coverage (increase infiltration)
- Redirect runoff for additional treatment
- Install and maintain infiltration trenches
- Install and maintain prefabricated infiltration systems
- Install and maintain detention basins
- Install and maintain sand filters
- Apply advanced deicing strategies (to reduce or eliminate abrasive application)
- Upgrade/increase/enhance infrastructure operation and maintenance
- Control retail fertilizer sales within the Basin
- Recommend landscaping practices that reduce nutrient mobilization
- Install and maintain wet basins / infiltration basins
- Install and maintain constructed wetlands
- Install and maintain media filters in stormwater vaults
- Pump stormwater to more suitable treatment locations

Forest Uplands

The forest upland load reductions will be accomplished through continued implementation of forest management programs, policies, restoration activities, and vegetation management approaches. The United States Forest Service Lake Tahoe Basin Management Unit (LTBMU), agencies of the Nevada Tahoe Resource Team (Nevada TRT - Divisions of State Parks, State Lands and Forestry), California Department of Parks and Recreation, and the California Tahoe Conservancy (CTC) are the primary public land management agencies administering the maintenance and expansion of existing land management activities as needed to reduce pollutant loads from forested lands to meet the Clarity Challenge and other load reduction goals.

The Water Board and NDEP have worked with the LTBMU to include references to applicable Lake Tahoe implementation elements in the updated Land and Resource Management Plan ("Forest Plan"). The Water Board and NDEP expect the revised Forest Plan to address ongoing maintenance of LTBMU unpaved roadways and trails; regular inspections and maintenance of trailhead and parking lot best management practices; continued efforts to identify and restore landscape disturbances; and responsible implementation of vegetation management actions with appropriate BMPs. Similarly, the California Department of Parks and Recreation, the CTC, and the Nevada TRT agencies have programs and policies in place to implement projects and activities to reduce pollutant loads. The Water Board and NDEP will track forest implementation partner activities to determine whether expected load reduction actions are being taken and are remaining consistent with the Recommended Strategy and the Lake Tahoe TMDL Implementation Plan. If forest management agencies continue to complete projects and activities consistent with the Pollutant Reduction Opportunity Analysis, the Recommended Strategy and the Lake Tahoe TMDL, then the Water Board and NDEP expect forest upland load reduction requirements will be met. If the LTBMU, CTC, and the California Department of Parks and Recreation fail to continue to implement needed load reductions, the Water Board maintains the authority to issue Waste Discharge Requirements or Time Schedule Orders, as needed, to be certain appropriate programs, policies, and activities continue as anticipated to reduce pollutant loading to Lake Tahoe. The NDEP has the authority to enter into Memoranda of Agreement with forest management partners on the Nevada side of the Lake Tahoe Basin to explicitly define Lake Tahoe TMDL expectations on undeveloped lands in Nevada to meet Lake Tahoe TMDL pollutant load reductions should those agencies fail to implement expected load reduction actions.

Atmospheric Deposition

Since the majority of the atmospheric fine sediment particle load is generated by urban roadways, much of the required atmospheric load reductions and interim load allocations will be met by implementing measures to control the sources of stormwater pollutants from urban roadways under the urban upland source category. Similarly, Lake Tahoe TMDL implementation actions taken to control runoff issues from unpaved roadways (see the Forest Uplands section above) will also reduce dust from these areas.

Stream Channel Erosion

The Water Board and NDEP expect needed load reductions and interim load allocations for the stream channel erosion source will be met when all the restoration projects and activities are completed for the three major tributaries. These restoration projects are anticipated to be completed within 15 years from the adoption of the Lake Tahoe TMDL.

b. Existing Regional Plan:

As described in the Water Quality Subelement of Chapter II (Land Use) of the Goals and Policies, multiple public and private entities and varied regulatory and implementation programs contribute to the long-term regional effort to attain and maintain TRPA's water quality Threshold Standards. For each pollutant source, TRPA maps out a matrix of the regulatory, restoration, programmatic, and monitoring elements necessary to achieve and maintain the water quality Threshold Standards over time. (Goals and Policies at pp. II-30 to II-33.)

- The growth management system limits new development allowed in the Region;
- The land capability and land coverage management system limit the amount of impervious land coverage allowed in the Region;
- Concentration-based discharge standards and infiltration requirements for stormwater treatment control water quality impacts associated with new development;
- Regulations requiring the retrofitting of developed properties with Best Management Practices (BMPs) and the installation of BMPs with all new development reduce erosion and stormwater runoff;
- Regulatory preservation and restoration of SEZs protect and enhance their water quality values;
- Prohibiting the discharge of wastewater, toxic waste, and solid waste into Lake Tahoe, its tributaries, and groundwater resources; and
- Managing the use of fertilizer in SEZs.

c. Existing TRPA Code:

- Chapters 50 through 53 outline the growth management system, including development allocations, development transfers, bonus units and the IPES (Individual Parcel Evaluation System) program;
- Chapter 30 sets forth regulations concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage;
- Section 32.5 of the Code contains wastewater service requirements for projects proposing construction of a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy. Section 32.5 specifically directs that such projects that would generate wastewater shall be served by facilities for the treatment and export of wastewater from the Lake Tahoe Region. To be considered served, a service connection is required to transport wastewater from the parcel to a treatment plant;
- Chapter 33 outlines standards for grading and excavation, including grading standards, requirements for special reports and plans to protect the environment against significant

adverse effects from grading projects, requirements for grading and construction schedules and vegetation protection requirements;

- Chapter 35 sets forth regulations pertaining to recognition of natural hazards, including floodplains, prevention of damage to property, and protection of public health relating to such natural hazards;
- Chapter 60 outlines water quality protection standards, including discharge standards, mitigation requirements, source water protection standards and BMP requirements;
- Chapter 61 outlines vegetation protection and enhancement requirements;
- Chapter 62 protects wildlife habitat, including but not limited to SEZs;
- Chapter 63 protects fish habitat and addresses aquatic invasive species;
- Chapter 64 restricts livestock grazing;
- Chapter 65 outlines air quality protection and mitigation requirements, which also addresses atmospheric sources of water pollution; and
- Chapters 80 through 86 outline detailed environmental protection requirements for Lake Tahoe's shorezone.

d. Regional Plan Update Amendments

(1) Reduce Pollutant Loads

The following Regional Plan amendments reduce pollutant loads, which would positively affect most of the water quality Threshold Standards: Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes.

- Expedite redevelopment of non-conforming properties and accelerate transfers of development out of sensitive areas. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes)
- Tighten land coverage limitations within 300 feet of Lake Tahoe. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Reform the land coverage program to accelerate land coverage reduction and land coverage transfers from sensitive lands.
- Award residential bonus units for removing and retiring excess land coverage in centers. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Designate two stream restoration plan areas in the Upper Truckee River watershed (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Other Transportation Goals and Policies: walkable mixed-use Centers, enhanced pedestrian and bicycle network, and transit enhancements to reduce dependency on the automobile, which in turn reduces atmospheric deposition of nitrogen and entrained road dust.

- Area-wide water quality treatment facilities and funding mechanisms may be implemented in lieu of certain site specific BMPs (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).
- Phase out the sale and use of chemical phosphorus fertilizer for lawns by 2017 (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).

(2) Implement Lake Tahoe TMDL

The Regional Plan supports pollutant load reductions from each Lake Tahoe TMDL source category (atmospheric deposition, forested uplands, stream channel erosion, urban uplands)

3. THRESHOLD DETERMINATION

a. Pelagic Lake Tahoe (Phytoplankton Primary Productivity/Winter Average Secchi Depth/Annual Average Secchi Depth)

This threshold category focuses on Lake clarity. Broadly speaking Lake clarity is primarily (75 percent) a function of fine suspended sediment causing light absorption and scattering. Algal presence in the water column also reduces clarity but accounts for approximately 25 percent of transparency loss. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies, strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients and attainment of clarity goals in approximately 60 years. The specific Phytoplankton Primary Productivity (“PPr”) threshold indicator may take longer to achieve as no deflection in its trajectory has been observed to date (in contrast to Winter and Annual Average Secchi Depth indicators). However, accelerated sediment load reductions and concomitant nutrient input reductions over the next decades should lead to eventual attainment of the PPr indicator. Moreover, Lake Tahoe remains ultra-oligotrophic, is not expected to lose that rating despite the relative rise in PPr, and is projected to achieve the over-arching clarity threshold. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the threshold standards for Pelagic Lake Tahoe and to maintain compliance.

b. Tributary Water Quality (Suspended Sediment, Total Phosphorus, Total Nitrogen, Combined Tributary Suspended Sediment Load, Combined Tributary Total Phosphorus Load, Combined Tributary Total Nitrogen Load, Stormwater)

The Tributary Water Quality Indicators relate to the tributary, surface runoff (stormwater) and groundwater numeric and management thresholds. These indicators monitor the concentration and loading of suspended sediment and nutrients to Lake Tahoe in order to achieve the clarity objectives. Currently, tributary water quality meets some numeric standards for certain streams but not others and particularly for the California-side streams that contribute the majority of inflow to Lake Tahoe. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies,

strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients in tributary water quality needed to achieve and maintain clarity goals. It is therefore determined that policies, strategies, programs, and measures are in place to achieve increases in tributary water quality and the load reductions necessary to achieve the lake clarity thresholds over the next decades and to maintain compliance.

c. Littoral Lake Tahoe (Nearshore Turbidity, Nearshore Attached Algae)

In the 2006 Threshold Evaluation, it was determined that the Region was in attainment with littoral turbidity threshold standards. Due to insufficient data collected and summarized between 2007 and 2010, the agency was not able to make a determination in the 2011 Threshold Evaluation on the current status and associated trends in littoral turbidity levels. However, unpublished data summaries produced as part of an ongoing nearshore research project and yet to be released (Alan Heyvaert et al., Desert Research Institute, in-prep.) and other surrogate information suggests that the Region is continuing to meet TRPA littoral turbidity standards. Heyvaert et al. (in-prep.) have summarized turbidity data collected throughout Lake Tahoe's nearshore by research institutions between 2000 and 2012 and have found that the whole lake mean was 0.12 NTU (range in means 0.014 to 0.8 NTU), which suggests the Region is well-within the most stringently prescribed turbidity levels for Lake Tahoe's nearshore. Other data and actions support that the Region is still in attainment with littoral turbidity standards. For example, the EIP has completed stormwater treatment on over 500 miles of roads in the Region and tributary pollutant loads have either remained stable or have reduced over time. Pelagic Lake Tahoe measurements of transparency suggest that clarity of the Lake is stable (annual average) or improving (winter average). Together, this information supports that the Region is currently achieving Lake Tahoe littoral turbidity standards and the policies, strategies, programs, and measures listed above and considered collectively will enable those standards to be maintained.

TRPA is amending its Threshold Standards to add a new standard addressing nearshore attached algae. The Management Standard states: "Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe." The Regional Plan, including actions executed through the EIP, together with required strategies of the Lake Tahoe TMDL implements the proposed new Threshold Management Standard for attached algae. For example, the Code of Ordinances includes several regulations designed to avoid, reduce or eliminate nutrient loading to Lake Tahoe. Excessive nutrient loading and runoff from upland sources is known to cause excessive growth of free floating and attached algae in Lake Tahoe. Chapter 60 of the Code of Ordinances implements the attached algae standard by restricting the discharges of nutrients (and other pollutants) from a wide variety of sources and includes requirements for the installation of BMPs for stormwater on residential and commercial properties. Several land use regulations in Code of Ordinances Chapter 30 and 53 limit the development potential of lands, resulting in less impervious land coverage in the Region; impervious land coverage prevents precipitation and stormwater from naturally percolating into the soil. These regulations also prohibit the development of sensitive

wetlands and riparian zones – these lands naturally filter nutrients and sediments and reduce or eliminate loads to surface waters. The EIP program promotes the implementation of BMPs and stormwater treatment facilities to reduce or eliminate nutrient loads to Lake Tahoe (and other lakes, surface waters and ground water). The EIP also promotes the restoration of wetlands and riparian areas known to be natural mechanisms to uptake nutrients before they reach surface waters. The Lake Tahoe TMDL also indicates that its implementation measures will contribute to reductions in algal forming nutrients. It is therefore determined that the new nearshore attached algae management standard has been achieved and policies, strategies, programs, and measures are in place to achieve the management standard for nearshore attached algae and continue to maintain compliance.

d. Aquatic Invasive Species

TRPA is amending its Threshold Standards to add a new standard addressing management of Aquatic Invasive Species. The Management Standard states: “Prevent the introduction of new aquatic invasive species into the region’s waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.”

The Threshold Management Standard for aquatic invasive species is implemented (and thus attained) through the combined efforts of varied agencies, non-profit organizations, private businesses and academic institutions that are part of the Lake Tahoe Aquatic Invasive Species (AIS) Program. The strategic plan for the comprehensive management of the Tahoe AIS Program for prevention, control, early detection and rapid response is the federally approved Lake Tahoe Region AIS Management Plan, the goals of which mirror the Threshold Management Standard. TRPA is the co-lead agency together with the US Fish and Wildlife Service for oversight and administration of the Management Plan. To prevent the introduction of new aquatic invasive species into the Region’s waters, TRPA has previously adopted Code that provides for the implementation of a rigorous watercraft inspection program that addresses the threat of introduction by motorized and non-motorized watercraft.

The control of known AIS, through reduction in abundance and distribution as well as abating harmful impacts, is also addressed by the Tahoe AIS Program. Efforts have been and continue to be underway to control a wide variety of AIS including weeds, warm water fishes and invertebrates. Control strategies have reduced the abundance and distribution of AIS in ecologically and economically important areas of the Region like Emerald Bay, marinas and other recreational areas. In addition to the current and ongoing policies, strategies, programs, and measures of TRPA and AIS Management Program partners, new polices in the RPU address the prevention of new aquatic invasive species and the control of those species already existing in the Region. It is therefore determined that the Aquatic Invasive Species Threshold Management Standard has been achieved and policies, strategies, programs, and measures are in place to achieve the AIS Management Standard and continue to maintain compliance.

e. Other Lakes

Fallen Leaf Lake represents the only other lake in the Tahoe Region for which there are specific state standards (TRPA has no independent standards for other lakes in the Region). Past data indicates that Fallen Leaf Lake does not meet its clarity standard (Secchi depth). TRPA's regulatory structure and the Lake Tahoe TMDL (Fallen Leaf Lake is a tributary to Lake Tahoe) will result in improvements to lake inputs that over time will address and improve Fallen Leaf Lake's clarity. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standard for Other Lakes and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted water quality Threshold Standards.

B. AIR QUALITY

1. STATUS AND TREND

The majority of air quality indicators are in attainment with adopted standards. Trends primarily indicate that air quality indicators are either stable or improving. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The US Environmental Protection Agency and state agencies, such as the California Air Resources Board, have established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and developed the Bike and Pedestrian Master Plan. TRPA also requires woodstoves to be compliant with US EPA standards when properties are bought and sold. The Tahoe Transportation District operates a low-emission mass transit system and the EIP facilitates the construction of bike paths. Redevelopment projects can also benefit air quality; the Heavenly Gondola Project likely contributed to reductions in private automobile use in an area of the Region that receives the greatest annual volume of winter visitors. More detailed information on the status and trend of the Air Quality Threshold Standards can be found in Chapter 3 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Supplemental Plans, Programs, Regulatory Measures & Strategies

Air quality within the Lake Tahoe Air Basin is regulated by TRPA, the US Environmental Protection Agency (EPA), California Air Resources Board, Nevada Division of Environmental Protection Bureau of Air Pollution Control and Bureau of Air Quality Planning, Placer County

Air Pollution Control District, El Dorado County Air Quality Management District (EDCAQMD) and the Washoe County Health District (WCHD). Each of these agencies develops rules, regulations, policies, and/or goals to comply with applicable legislation. Although EPA regulations may not be superseded, state and local regulations may be more stringent. Details of federal, state, and local regulations are described in the RPU Draft EIS on pages 3.4-6 to 3.4-15.

b. Existing Regional Plan and TRPA Code

The existing Regional Plan and Code together with the EIP includes numerous programs that benefit Air Quality, including an improving “Air Quality and Transportation Program.” The program implements projects that improve air quality through reduced woodsmoke and dust, and improve transit and trail connections.

- The Transportation Element and the RTP include numerous provisions to reduce reliance on the private automobile and increase use of transit and non-motorized transportation.
- TRPA establishes emission standards for combustion appliances including wood heaters, central furnaces, and water heaters.
- TRPA prohibits new stationary sources of air pollution that exceed emission limits outlines in Code Sec 65.1.6.
- TRPA implements a traffic and air quality mitigation program to offset impacts from indirect sources of air pollution.

c. Regional Plan Update Amendments

- Land Use policies that incentivize the concentration of development reduce VMT and associated emissions (CO, Ozone, Nitrate Deposition, Visibility).
- Provisions that exempt non-motorized trail land coverage and require the dedication of easements for non-motorized trails (CO, Ozone, Nitrate Deposition, Visibility).
- Policies that incentivize redevelopment increase the removal of non-compliant emission sources and the replacement with sources that meet current standards (CO, Ozone, Nitrate Deposition, Visibility, Odor).
- Attachment 4 of the Goals and Policies requires the development and implementation of a construction best practices policy for emissions (CO, Ozone, Nitrate Deposition, Visibility, Odor).
- Attachment 4 of the Goals and Policies requires development of standards to reduce construction and operational GHG emissions, which will also reduce other emissions through increases in building efficiency (CO, Ozone).
- Phased release of allocations is tied to VMT monitoring that ensures VMT will not exceed the threshold standard (CO, Ozone, Nitrate Deposition, Visibility).
- A portion of air quality mitigation fees can be used for the highest priority projects in the Region (CO, Ozone, Nitrate Deposition, Visibility).
- All Area Plans are required to enhance pedestrian, bicycling, and transit opportunities (CO, Ozone, Nitrate Deposition, Visibility).

- Numerous water quality and transportation policies specifically target reductions in NOx, Ozone precursors, and entrained dust (Ozone, Nitrate Deposition, Visibility).

3. THRESHOLD DETERMINATION

a. Carbon Monoxide (1-Hour CO, 8-Hour CO, Winter Traffic Volumes)

The Lake Tahoe Basin is in attainment with Carbon Monoxide threshold standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of CO in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for CO and to continue to maintain compliance.

b. Ozone (Highest 1-Hour Average, Highest 8-Hour Average, 3-Year Average of 4th Highest, Oxides of Nitrogen Emissions)

The Lake Tahoe Region is in attainment with the ozone Threshold Standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of ozone and ozone precursors in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for ozone and to continue to maintain compliance.

c. Visibility (PM10, PM2.5, VMT, Regional and Subregional Visibility)

Overall, the Lake Tahoe Basin is in attainment with the Visibility threshold (with one exception) and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further improve Visibility in the Region. Currently, the Highest 24-Hour Average PM10 Concentration indicator barely exceeds the applicable standard on the California side of the Basin but its improving trend indicates that this indicator should be achieved within the decade if not a few years. TRPA lacks up-to-date data on some sub-regional Visibility indicators. However, data from the 2006 Threshold Evaluation indicates these standards to be in attainment and other air quality data (e.g., PM 2.5, PM 10) indicate that visibility trends have only improved. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for Visibility and to continue to maintain compliance.

d. Nitrate Deposition and Odor

As demonstrated by the measures listed above and identified in the 2011 Threshold Evaluation, TRPA has implemented the Threshold Management Standards for Nitrate Deposition and Odor. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Management Standard for nitrate deposition and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and

Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted air quality Threshold Standards.

C. SOIL CONSERVATION

1. STATUS AND TREND

The Region overall is approximately 3.6 percent hard land coverage and only one of nine land capability classes currently shows hard land coverage in excess of the Bailey system percentages, according to preliminary “LIDAR” and multi-spectral data and the 2007 soil survey maps from the Natural Resources Conservation Service. Relative to Bailey coverage threshold standards, only land capability Class 1b (and perhaps Class 2 --i.e., because of the degree of uncertainty in the LIDAR measuring method for soft land coverage, the Class 2 coverage estimate is too close to the target to definitively conclude one way or another whether Class 2 land is in or out of attainment with the applicable Bailey coverage limit) shows excess land coverage. Legacy development created impervious land coverage on sensitive Class 1b lands prior to the adoption of the 1987 Regional Plan, and this continues to hamper achieving management targets set for impervious land cover. New development has applied land cover limitations prescribed by the Impervious Coverage Threshold Standards—where all parcels are limited to certain land-type cover limitations. Policies adopted by TRPA in 1987 to incentivize the transfer of excess impervious land cover out of sensitive lands have not resulted in significant progress to this end (<40 acres of developed land coverage has been transferred out of sensitive lands since the adoption of the 1987 Plan). Achievement of the impervious cover target will require the removal of an estimated 650 acres of developed impervious land cover—a scale of land coverage transfer that may not be achieved for many generations given private property rights issues and cost. Progress is being made to preserve and restore the natural hydrology of stream environment zone lands as prescribed by the Stream Environment Zone Threshold Standard. More detailed information on the status and trend of the Soil Conservation threshold can be found in Chapter 5 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies
 - Land coverage or other placement of fill in sensitive lands is regulated by the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.
- b. Existing Regional Plan and TRPA Code
 - The EIP includes numerous programs that benefit the soil conservation thresholds, including the Watershed Management Program, which implements coverage removal and sensitive land restoration, acquisition of sensitive land, and habitat restoration focused on riparian areas.

- TRPA establishes maximum allowable land coverage limitations, which are enforced through project approvals.
 - TRPA prohibits the placement of new land coverage in sensitive lands with limited exceptions.
 - TRPA requires SEZ restoration at a ratio of 1.5 to 1 to compensate for the placement of any new land coverage in an SEZ.
 - TRPA implements an excess coverage mitigation program to reduce land coverage in excess of the maximum allowable.
 - TRPA allows transfers of land coverage subject to conditions and transfer ratios that reduce land coverage overall and on sensitive lands.
- c. Regional Plan Update Amendments
- Transfer Development Rights program incentivizes transfers of development from sensitive land (Impervious Cover and SEZ).
 - Coverage transfer ratio amendments further incentivize coverage removal from sensitive lands (Impervious Cover and SEZ).
 - Incentivizing redevelopment accelerates mitigation of excess coverage and transfers of coverage from more sensitive to less sensitive lands (Impervious Cover and SEZ).
 - New provisions for soft coverage transfers from SEZ further incentivize coverage reduction in SEZ (Impervious Cover and SEZ).
 - Allowing transfers of non-conforming coverage from sensitive lands relocates existing coverage out of sensitive lands (Impervious Cover and SEZ).
 - Revisions to the excess coverage mitigation program accelerate the removal of coverage and focuses it on the highest priority coverage removal opportunities (Impervious Cover and SEZ).
 - Creation of Stream Restoration Plan Areas promotes additional coverage removal in the highest priority areas (Impervious Cover and SEZ).
 - Incentives for concentrated development reduce coverage per unit of development and locate a greater portion of new coverage on high capability lands (Impervious Cover).

3. THRESHOLD DETERMINATION

a. Impervious Cover

The Lake Tahoe Region is in attainment for 7 of the 9 Land Capability Classes for the Impervious Cover threshold (Class 1a, 1c, 3, 4, 5, 6 and 7). It is anticipated that implementation of the programs and policies listed above will reduce overall coverage in the sensitive land categories (1a, 1b, 1c, 2, and 3) and development of the commodities authorized by the Regional Plan will not result in the addition of coverage beyond the coverage limits for Classes 4, 5, 6 and 7. It is therefore determined that policies, strategies, programs, and measures are in place to continue to achieve and maintain the Impervious Cover Threshold Standards for those land capability classes in attainment with applicable coverage limitations.

Impervious cover in Class 1b (SEZ), as noted above, is significantly out of attainment as a result of existing legacy residential and commercial development in SEZs pre-dating TRPA or the 1987 Regional Plan. Removal of over 650 acres of existing legacy development (which occurs primarily in urbanized areas) is needed in order to meet the one percent coverage limitation. Retirement of Class 1b coverage has been occurring as part of SEZ restoration projects (see below discussion of the SEZ Restoration standard) and, as described above, the Regional Plan includes additional and improved incentives and opportunities specifically designed to remove existing development and retire coverage from SEZs. Specifically, accelerated incremental progress will be made in reducing Class 1b coverage through, among other mechanisms, incentivized transfers and acquisitions using excess coverage mitigation fees (i.e., voluntary programs). Progress will be slow and will likely take longer than the six-decade effort necessary to achieve the water clarity standards – i.e., the principal purpose of the Impervious Coverage threshold. If sufficient incremental progress to achieve this threshold over a reasonable term is not evident in future assessments of threshold progress, TRPA may further adjust incentives. Short of otherwise infeasible compelled acquisitions (i.e., condemnations), TRPA sees no practical mechanism of short-term achievement of the Class 1b standard.

At this time, a conservative interpretation suggests Class 2 land may be over-covered by approximately 43 acres. Recent additional soft coverage analysis, which shows additional impervious coverage in Class 2 is however preliminary and requires further refinement and verification. Therefore, while TRPA conservatively identified Class 2 as out of attainment based on the best currently available information, the analysis may shift again to show Class 2 is in attainment with the Impervious Cover Threshold Standard. Regardless, implementation of the programs and policies listed above will gradually reduce coverage in Class 2 so that it should be in attainment within several decades. As with Class 1b, TRPA will monitor and make adjustments if necessary to increase the anticipated rate of coverage reductions in Class 2. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the impervious cover Threshold Standard for land capability Classes 1b and 2.

b. SEZ Restoration

As set forth in Chapter 5 of the 2011 Threshold Evaluation, restoration of an additional 554 acres of disturbed SEZ is needed to achieve the SEZ Restoration standard. The most significant progress in SEZ restoration occurs through the EIP Watershed Management Program and is primarily a function of the rate of available funding for EIP project implementation. Significant progress has been made over the last decades accounting for a positive threshold progress trend. With new RPU amendments, the Regional Plan now includes additional incentives for SEZ restoration including specific Stream Restoration Plan Areas and permitting transfers of soft land coverage out of SEZs. With these new incentives, the trend of positive progress toward achieving the SEZ restoration targets will continue and will likely accelerate. TRPA estimates that with the existing and new policies, programs, strategies and measures, the SEZ Restoration Threshold Standard will be achieved by 2043. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the SEZ Restoration Threshold Standard.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted soil conservation Threshold Standards.

D. SCENIC RESOURCES

1. STATUS AND TREND

The Tahoe Region attracts visitors because of its stunning scenic resources. Under TRPA's scenic quality program, the Agency measures and monitors a total of 860 scenic units and assesses Threshold Standards in 5 separate roadway, shoreline, and recreation site categories. The Tahoe Region has made scenic gains or held steady on all scenic measures over the last five years with no negative trends documented in any indicator categories. Overall, 93 percent (802 of 860) of the evaluated scenic resource units met minimum Threshold Standards. Developed areas along roadways and scenic resources along the Lake's shoreline continue to be areas of concern where additional scenic improvements are needed. A summary of the various scenic resources follows:

- 61 percent or 33 of the 54 Scenic *Highway* Corridors were determined to meet unit-specific Threshold Standards.
- Approximately 64 percent of *Shoreline* Scenic Corridors were determined to meet the Threshold Standard.
- Nearly all of the *Roadway* Scenic Resources—99 percent—met Threshold Standards, and 92 percent met *Shoreline* Scenic Resources Threshold Standards.
- Nearly all—96 percent—of *Recreation and Bike Trail* scenic resources met minimum Threshold Standards.

Trend data collected from 2006 through 2011 suggest that programs such as the EIP and management actions implemented such as adoption of the scenic shoreland ordinances along with building design standards in new construction and redevelopment have improved scenic conditions and community character Region-wide. More detailed information on the status and trend of the Scenic threshold can be found in Chapter 9 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan & TRPA Code

Existing Elements include a series of policies to preserve identified public and private views.

- All proposed development must examine impacts to the views from roadways, bike paths, public recreation areas, and Lake Tahoe.
- Code Chapter 66 Scenic Quality Findings requires that no project shall decrease the numerical rating of identified resources.
- Shoreland Review System requires scenic improvements as a condition of project approval in shoreland scenic units.

- The Scenic Quality Improvement Program (SQIP) and EIP identify units designated for scenic restoration and enhancement and provide implementation strategies to meet and maintain thresholds.
- Design Standards and Guidelines ensure that development is consistent with community design, character and scenic thresholds.
- Community Design Element policies are designed to enhance the built environment.
- Region-wide maximum height standards are specified in Code Section 37.4.1
- Maximum density standards for different use types are specified in Code Section 31.3.2.

b. Regional Plan Update Amendments

- Incentives for redevelopment are targeted to Centers where existing built environment is contributing most significantly to non-attainment status.
- Incentives for development transfers will remove older development and restore natural landscapes in sending areas.
- Creation of newly designated high priority Stream Environment Zone Restoration Plan Areas, with provisions for added incentives for redevelopment, including scenic improvements.
- Additional scenic findings required in Regional and Town Centers.
- Additional visual prominence findings required in HDTD
- Area Plan requirements added to improve community design and scenic quality.

3. THRESHOLD DETERMINATION

The vast majority of scenic units and resources are in attainment with scenic threshold standards (93% or 802 of 860 units), and the trend is positive for the remaining non-attainment units. The programs and policies noted above when taken together prohibit scenic degradation, and therefore, at a minimum, will continue to achieve and maintain the scenic quality of units in attainment. The 21 roadway segments not yet in attainment correspond closely with areas where development remains largely unchanged from the pre-1980 Regional Plan era, and accelerating the positive trend toward attainment for these units is the focus of Regional Plan Update amendments.

a. Roadway Travel Units

The significant number of roadway travel units out of attainment correspond with commercial development centers that have not been extensively redeveloped. Where redevelopment has occurred, scenic quality has improved and unit scores move upward, often enough to achieve the assigned threshold value. The updated Regional Plan focuses incentives and improved planning and implementation strategies in these centers specifically to promote redevelopment and associated scenic improvements needed to achieve scenic Threshold Standards. These roadway units will be redeveloped over time and result in an increase in scenic unit scores necessary to achieve scenic threshold targets. The few roadway travel units not in attainment and outside of commercial centers are targeted by the SQIP and EIP projects for scenic enhancement. Implementation of these programs and associated projects will lead to the attainment of scenic threshold values for these units. It is therefore determined that

policies, strategies, programs, and measures are in place to achieve the Threshold Standards for roadway travel units not in attainment and to continue to maintain compliance once achieved.

b. Shoreline Travel Units

As with roadway units, those shoreline travel units out of attainment score low because of the presence of built structures or needed scenic quality upgrades. In response to shoreline travel unit non-attainment, TRPA adopted the Shoreland Ordinances in 2002 in order to reverse the negative threshold trend for shoreline travel units and achieve shoreline travel unit threshold ratings. The regulatory program passed judicial challenge (see *Committee for Reasonable Regulation of Lake Tahoe v. TRPA*, 311 F.Supp.2d 972 (D. Nev. 2004), and has resulted in the continuing documented increase in shoreline unit scores. TRPA also implemented additional shorezone scenic protection programs under the 2008 Shorezone Ordinance Amendments and Program. Although a reviewing court invalidated the updated 2008 Shorezone Program on other grounds, the litigation affirmed the scenic portion of the 2008 regulations. TRPA has therefore incorporated the 2008 shorezone scenic protection elements into its project review system; and with the redevelopment of shoreline structures, scores will improve in these units. Therefore, a sufficient regulatory program is in place to gradually attain and maintain the shoreline travel unit threshold indicators. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the scenic Threshold Standards for shoreline travel units and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted scenic resources Threshold Standards.

E. NOISE

1. STATUS AND TREND

Noise, by definition, is “unwanted sound,” and is therefore a subjective reaction to acoustical energy or sound levels. Due to the rural nature of the communities and the pristine natural areas in the Lake Tahoe Basin, sound levels that would go unnoticed in a highly urban or industrial environment outside the Tahoe Region may be considered noise, and have the potential to negatively impact human health, community ambiance, recreational experience, and wildlife behavior.

Based on data from previous research, primary drivers of noise levels in the Region have been attributed to anthropogenic activities and actions; however, sound from natural sources has the potential to trigger exceedences of noise threshold standard limits. Noise levels from transportation corridors and the airport have been identified as the main sources of noise exceeding threshold standards. These Noise Threshold Standards are characterized as numerical standards for either single or cumulative noise events.

Single and Cumulative Noise Events indicators appear to be somewhat worse than threshold targets, although data gaps and questions raised in the peer review make these conclusions uncertain. Independent scientific peer review called into question the zero exceedance standard for determining whether a noise threshold has been achieved in view of high activity levels with very low exceedance rates. Trends for each noise indicator ranged from “moderate decline” to “rapid improvement,” but overall the 2011 Threshold Evaluation determined that “little or no change” has occurred in cumulative noise levels. More detailed information on the status and trend of the Noise threshold can be found in Chapter 10 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan and TRPA Code

- Single event noise standards apply to aircraft, boats, motor vehicles, off-road vehicles, and snowmobiles.
- Community Noise Equivalent Levels (CNEL) are evaluated and enforced on a project-by-project basis as permit conditions and include assessment of both the noise generated by the project as well as ambient noise.
- Performance Standards for project review include design criteria to reduce noise transmission.
- Compliance, inspection, and monitoring procedures are established to ensure noise thresholds are attained and maintained.

b. Regional Plan Update Amendments

- Concentrated land use patterns and non-motorized transportation facilities are projected to reduce VMT compared to the no-action alternative and minimize roadway noise.
- Mitigation measures are added to prevent exceeding existing noise Threshold Standards.
- Develop and implement a Region-wide traffic noise reduction program.
- Develop and implement a Region-wide policy on construction noise.
- Existing or updated Airport Master Plan governs Airport noise.
- Develop and implement an exterior noise standard for Mixed-Use development.

3. THRESHOLD DETERMINATION

a. Single Noise Event Level (“SNEL”)

TRPA maintains 14 different standards for single event noise events for aircraft (arrivals and departures), watercraft (shoreline, pass-by, and stationary), motor vehicles (2 weight categories and 2 speed levels), motorcycles (2 speed categories), off-road vehicles (2 speed categories) and snowmobiles. In general, the SNEL standards for motor vehicles, motorcycles, off-road vehicles, and snowmobiles are those adopted by state and local jurisdictions, and the manufactures’ muffling equipment is generally relied upon to meet applicable regulatory requirements. Monitoring reported in the 2006 Threshold Evaluation indicated that 94 to 99

percent of motor vehicles met SNEL threshold standards and TRPA is aware of no evidence of changed conditions.

For watercraft, extensive monitoring over the last several years suggests that nearly all (as much as 99.99 percent) of boat trips do not exceed shoreline noise standards. Occasional watercraft-caused noise exceedances occur during the boating season at certain locations (an average of 1 exceedance per week for 2009-2011). Continuation of enforcement of the existing rules for watercraft (e.g., the 600 foot no wake zone, prohibition of exhaust by-pass devices, etc.) will maintain the high level of watercraft noise threshold attainment and inform enforcement strategies to target any problem areas to achieve and maintain current exceedingly high or even higher compliance rates.

The Aircraft SNEL was developed with reference to the South Lake Tahoe Airport. For the last decade, the airport has operated for general aviation only without regional commercial jet service. Monitoring from 2008 to 2010 indicates an occasional aircraft noise exceedance (averaging 1 every 12.8 days). During the same time, ongoing monitoring of incoming and outgoing aircraft flights (helicopter and fixed-wing totaling approximately 60 per day) occurring at the airport shows approximately 99 percent of monitored flights complying with TRPA's aircraft SNEL. The relatively small number of exceedances (an average of 1 out of every 154.1 flights) occurred primarily around two annual events: the Edgewood celebrity golf tournament and the special event air show. Both special events are of limited duration and contribute significantly to other community goals and plans. TRPA regularly coordinates with the City of South Lake Tahoe to address SNEL reduction strategies in an effort to address the very small remaining percentage (1 percent) of SNEL noise exceedance. It is therefore determined that policies, strategies, programs, and measures are in place to achieve and maintain the SNEL Threshold Standards.

b. Cumulative Noise Event Level ("CNEL")

The adopted CNEL thresholds relate to nine land use classifications with standards ranging from 45 to 65 dBA (average noise level). The Hotel/Motel, Commercial, Industrial and Wilderness and Roadless categories are in attainment with applicable CNEL threshold standards. The programs and policies listed above will maintain and improve those conditions. The requirement that no project may exceed these CNEL standards is assessed and applied at the time of project review through permit conditions and further measures have been added through the Regional Plan Update with the addition of the Traffic Noise Reduction program as a required mitigation measure. Low and High Density Residential categories have fluctuated at, above, and very near attainment of the 50 dBA CNEL noise threshold standard over the last several decades. The annual mean noise level for High Density Residential and Urban Outdoor Recreation has been under and therefore in attainment with the 55 dBA standard for every reporting period (HDR = 52 dBA in 2011; UOR = 50 dBA in 2011). Some individual data points have exceeded the standard as reported in the 2011 Threshold Evaluation and TRPA has conservatively identified these indicators as out of attainment. Trends in CNEL noise attainment have remained stable over time because new projects are prohibited from triggering CNEL increases. Continued improvement and achievement of CNEL standards in all

categories is expected based on TRPA design criteria to reduce noise transmission and implementation of the Traffic Noise Reduction program.

The CNEL for Critical Wildlife Habitat (i.e., habitat for sensitive wildlife species) is 45 dBA. The 2011 Threshold Evaluation reported results from monitoring two bird nesting sites on the west shore of Lake Tahoe (a bald eagle site at the mouth of Emerald Bay and an Osprey site at Rubicon Point). Because these sites reported CNEL measured above 45 dBA standard at each site, causing TRPA to report the Critical Wildlife Habitat CNEL as out of attainment. The reported result is conservative and “worst-case” for Critical Wildlife Habitat as the proliferation of other wildlife habitat occurs in wilderness areas that are in attainment with the 45 dBA standard. Despite the conservative conclusion of non-attainment, the adverse effect on the resource value at these sites is not apparent as both have been historically occupied and both species are in attainment with the related wildlife threshold indicators (i.e., the primary reason for the wildlife CNEL indicator). TRPA is coordinating enforcement of existing regulations with responsible jurisdictions (including targeted “no-wake zone” enforcement around these two sites) to reduce CNEL measures to within adopted standards. TRPA will monitor the two sites, assuming adequate resources, and will propose additional compliance measures if necessary. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Critical Wildlife Habitat CNEL standard and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted noise Threshold Standards.

F. WILDLIFE

1. STATUS AND TREND

The Region is currently meeting most of the adopted Threshold Standards for wildlife. Several of the Wildlife Category Threshold Standards are imprecisely stated making them difficult to interpret. This fact, more than any human activity, accounts for conclusions that the standards have not been met. TRPA and partner agencies have set aside 50 percent of the Tahoe Basin landscape for protection of listed special status species. Trends in special interest species indicators are either stable or increasing. Current regulations cover all activities that have the potential to impact listed special interest species as well as riparian habitats known to support the greatest diversity of wildlife species in the Region. The EIP is making substantial progress in restoring and enhancing stream habitats, including reinvigorating relatively uncommon aspen habitat. More detailed information on the status and trend of Wildlife threshold can be found in Chapter 8 of the 2011 Threshold Evaluation. Several species listed by TRPA are also protected under federal law. For example, bald and golden eagles are protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and the Lacey Act.

2. PLANNING RESPONSE

- Revisions to the Goshawk disturbance free zone will provide increased protection for nests (Goshawk).
- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of riparian areas and other sensitive areas that serve as wildlife habitat (Wildlife Habitats of Special Significance).
- Area Plan standards for Centers require strategies for protection undisturbed sensitive lands and, where feasible, establish park and open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside Centers.
- Regional Plan, Code of Ordinances, Chapter 61 provisions for the protection and enhancement of riparian vegetation and the appropriate management of common vegetation provide protection for a wide variety of wildlife populations.
- Regional Plan, Code of Ordinances, Chapter 62 provisions for the protection and enhancement of special status species and habitats for common wildlife species.

3. THRESHOLD DETERMINATION

- a. Osprey, Nesting Bald Eagle, Peregrine Falcon, Disturbance (Free) Zones, Habitats of Special Significance

Indicators for Osprey, Nesting Bald Eagle Habitat, Peregrine Falcon, Disturbance (Free) Zones Management Standard, and Habitats of Special Significance are all in attainment with their respective Threshold numerical standards with trends either improving or stable. For Wintering Bald Eagle, the standard is listed to maintain two mapped population sites. These sites have been maintained as suitable habitat for the wintering bald eagle population and bald eagle surveys conducted in January each year indicate that the wintering population is stable in the Region. The historic survey record for wintering bald eagle indicates a slight increasing relative abundance trend. Because existing protections in the Regional Plan and Code will continue to protect these species and habitats, TRPA anticipates that their present status will be maintained or improved.

- b. Golden Eagle

Limited Golden Eagle surveys reveal the presence of one nest over the last several years, short of the standard of four population sites. As a result of the restricted geographical surveys for the species, TRPA lacks a sufficient confidence to determine the current attainment status, although the historic record indicates consistently low Golden Eagle numbers and national trends indicate decreasing species numbers. Nevertheless, TRPA has mapped and maintains habitat for four Golden Eagle territories, consistent with the adopted standard to provide this species the opportunity to establish in the Region.

- c. Water Fowl Populations

TRPA has mapped and designated 18 specific sites as “threshold” population sites for Waterfowl of the more than 300 small lakes and waterbodies in the Tahoe Basin that also serve as suitable waterfowl habitat and are protected by existing land use regulations that prohibit or significantly restrict disruptive land use activities in riparian and wetland areas commonly used by waterfowl. Of these 18 designated threshold sites, 13 sites have scores indicating relatively undisturbed conditions, with a further five sites demonstrating higher levels of human-caused disturbance that may reduce the value of these sites for supporting different waterfowl species and life history stages – such as nesting. One of these later sites, Edgewood Golf Course will be undergoing a major restoration project in the near future. The presence of the remaining impaired sites indicate that the threshold is not currently in attainment but the recent Blackwood Creek restoration project, restoration along the Upper Truckee River and planned at the river’s mouth, the Edgewood Golf Course project and all other stream and meadow restoration efforts completed and planned through the EIP provide an indication that habitat suitability for waterfowl is improving in the Region. Finally, in addition to the 18 mapped sites, multiple other sites in the Tahoe Basin provide quality habitat and sustain waterfowl populations, including Lake Tahoe, Frog Pond, Lily Lake, Rabe Meadow Pond, Marlette Lake, Cascade Lake, Round Lake, Hell Hole and the numerous other ponds and oxbow channels that adjoin regional streams.

d. Deer Populations

For Deer populations, no numeric threshold standard has been adopted as Resolution 82-11 Exhibit A states only that “mapped areas” is the disturbance (free) zone and identifies “meadows” as “influence zones.” These areas are protected by the Regional Plan from degradation from development. TRPA has been using deer counts as an indicator to evaluate population status for the Region. Over the last 10 years deer populations have steadily rebounded from earlier declines. TRPA anticipates that this trend will continue, in part as a result of TRPA’s regulatory protections. It is therefore determined that TRPA’s Regional Plan will likely result in the achievement and maintenance of the Deer indicator.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted wildlife Threshold Standards.

G. FISHERIES

1. STATUS AND TREND

The Region is meeting most of the Threshold Standards for fisheries. Measuring other indicators would better characterize fish habitat conditions for streams and lakes. Researchers at UC Davis, University of Nevada, and Desert Research Institute are nearing completion of a first phase of synthesis research needed to update monitoring procedures and better measure the condition of nearshore lake habitats. This research is anticipated to result in the integration of chemical, biological and physical indicators for the nearshore such that conditions of water quality, fisheries

and aesthetic qualities can be more comprehensively reported. TRPA, in partnership with California and Nevada agencies, has already begun to make stream habitat monitoring program improvements by implementing state-endorsed stream bioassessment throughout the Tahoe Region. The US Forest Service, in partnership with the California Department of Fish and Game, has successfully established a self-sustaining population of Lahontan cutthroat trout in the Upper Truckee Watershed. The US Fish and Wildlife Service, through the EIP, has been stocking Lahontan cutthroat trout into Fallen Leaf Lake for the past five years to test the feasibility of re-establishing populations back into regional lakes. More detailed information on the status and trend of Fisheries threshold can be found in Chapter 7 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act: The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) are charged with oversight of species designated as threatened or endangered under the federal Endangered Species Act of 1973
- Executive Order 11990, Protection of Wetlands
- Executive Order 13112, National Invasive Species Management Plan
- Clean Water Act Section 401 and 404
- Porter-Cologne Water Quality Control Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- Nevada Natural Heritage Program
- Nevada Revised Statutes, Title 45

b. Existing Regional Plan Goals and Policies

- Improve aquatic habitat essential for the growth, reproduction and perpetuation of existing and threatened fish resources in the Lake Tahoe Basin.
- Development proposals affecting streams, lakes, and adjacent lands will evaluate impacts on the fishery.
- Unnatural blockages and other impediments to fish movement will be prohibited and removed wherever appropriate.
- Habitat improvement projects in streams and lakes will be encouraged.
- Instream flows will be maintained or enhanced.
- State and federal efforts to reintroduce Lahontan cutthroat trout will be supported.

The EIP outlines a number of priority SEZ restoration projects and includes, but is not limited to, the following:

- Upper Truckee River Marsh
- Upper Truckee River Airport Reach
- Upper Truckee River Meadow Reach
- Upper Truckee River Sunset Reach
- Upper Truckee River Golf Course Reach

- Blackwood Creek
- Ward Creek
- Meeks Creek
- SEZs within Taylor, Tallac and Spring Creek watersheds
- Burke Creek
- Edgewood Creek
- Incline Creek
- North Canyon Creek
- Third Creek

c. Existing Code

- Chapter 63, Fish Resources, of the Code includes provisions for the protection of fish habitat, enhancement of degraded habitat, and prevention of the introduction and spread of aquatic invasive species. For instream habitats, protection provisions include prohibiting stream channel alterations, facilitating fish movement at stream crossings, removing barriers to fish movement, mitigating impacts on fish habitat from development, maintaining instream flows, preventing sediment entry into the stream system, and encouraging native vegetative cover.
- Code Section 63.4, Aquatic Invasive Species, states that Aquatic Invasive Species pose a serious threat to the waters of the Lake Tahoe Region and can have a disastrous impact to the ecology and economy of the Tahoe Region.

d. Regional Plan Update

- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones that serve as fish habitat.

3. THRESHOLD DETERMINATION

a. Lake Habitat

The threshold indicators for Lake Habitat are in attainment with both the non-degradation management standard and numerical standards. TRPA's nondegradation and enhancement regulatory requirements will maintain the attainment status of in-lake fishery habitat.

b. Stream Habitat

The threshold standards for Stream Habitat consist of the number of "excellent, good and poor" miles of fish stream habitat. The adopted Threshold Standard for the stream habitat is to achieve 'good to excellent' conditions on at least 82.5 percent (or 180 miles of 218 stream miles) of stream miles in the Basin. In order to replace the old methodology used to establish this ranking (which no longer exists), TRPA created a scientifically repeatable assessment of benthic macroinvertebrates as a measure of habitat quality. TRPA then conducted a basinwide

assessment of stream conditions. Preliminary analysis conducted by Humboldt State University from stream bioassessment data collected in 2009 and 2010 indicate that greater than 80 percent of sites sampled exhibited a biological condition of 'good' or 'excellent', or 97.5 percent of the threshold standard. Through implementation of programs, policies and projects identified above, TRPA anticipates that the existing good and excellent habitat will be maintained and at least an additional 4.5 miles (the remaining 2.5 percent) of poor or degraded instream habitat will be elevated to good or excellent condition as a result of ongoing and planned streamzone restoration and enhancement projects.

c. Instream Flows

The threshold management standard and policy statements for Instream Flows (nondegradation of flows and a policy statement regarding moving points of diversion downstream to Lake Tahoe) are implemented and in attainment as TRPA has adopted the necessary policies and regulations for their implementation.

d. Lahontan Cutthroat Trout (LCT)

The LCT policy statement has been implemented (adopted policy supporting where appropriate LCT reintroduction) and determined to be in attainment. Moreover, TRPA has supported efforts to reestablish additional LCT populations in the Upper Truckee River, Lake Tahoe and Fallen Leaf Lake.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted fisheries Threshold Standards.

H. VEGETATION

1. STATUS AND TREND

The Region is currently meeting most of the adopted standards from uncommon plant communities (e.g., Upper Truckee River, Taylor Creek, and Pope Marsh; Grass Lake and Hell Hole sphagnum fen) and sensitive plants (e.g., Tahoe yellow cress, Tahoe and Cup Lake Draba). However, the Region is short of attaining some standards for common vegetation (e.g., riparian vegetation) and younger age class forests (e.g., seral stage Red and Yellow Fir). Not meeting standards for Old Growth and Common Vegetation is primarily attributed to legacy land uses. Comstock era logging and the subsequent fire suppression policies have resulted in a forest that is overstocked with similarly aged conifer trees and has promoted the encroachment of conifer vegetation into riparian areas. Recent funding has facilitated the treatment of more than 45,000 acres of overly stocked conifer forests and over time is expected to result in a more resilient and healthy forest consistent with the goals of the Vegetation Preservation Threshold Standards. The implementation of the Tahoe Yellow Cress Conservation Strategy has proven to be successful in stabilizing the population of this endemic and threatened species. One area of concern includes

preliminary results from research on the deep water plant communities. This research indicated the abundance of the community has substantially declined since last surveyed in the early 1960s; however, more research is needed to fully understand deep-water plants. More detailed information on the status and trend of the Vegetation threshold can be found in Chapter 6 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- U.S. Forest Service, Lake Tahoe Basin Management Unit Forest Plan
- California Native Plant Protection Act
- Nevada Natural Heritage Program
- Nevada Administrative Code 527.010 and Nevada Revised Statutes 527.260, NRS 527.270, and NRS 527.300

b. Existing Regional Plan

- Provide for a wide mix and increased diversity of plant communities;
- Provide for maintenance and restoration of such unique ecosystems as wetlands, meadows, and other riparian vegetation;
- Conserve threatened, endangered, and sensitive plant species and uncommon plant communities;
- Provide for and increase the amount of late seral/old-growth stands; and
- Retain appropriate stocking level and distribution of snags and coarse woody debris in the region's forests to provide habitat for organisms that depend on such features and to perpetuate natural ecological processes.
- Protection of native shorezone vegetation.

c. Existing Code

- TRPA regulates the management of forest resources in the Tahoe Basin to achieve and maintain the threshold standards for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitats for diverse wildlife species. Tree removal is subject to review and approval by TRPA (TRPA 2012). Provisions for tree removal are provided in the following chapters and sections of the Code: Chapter 61, Vegetation and Forest Health, Section 61.1, Tree Removal, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, and Section 61.4, Revegetation; Chapter 36, Design Standards; and Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
- With limited exceptions, Code Section 61.1.4, Old Growth Enhancement and Protection, prohibits the removal of trees greater than 24 and 30 inches dbh.

- Trees and vegetation not scheduled to be removed must be protected during construction in accordance with Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
- If a project would result in substantial tree removal (as defined by Code Section 61.1.8), a tree removal or harvest plan must be prepared by a qualified forester. The required elements of this plan, and TRPA's review process for tree removal plans, are described in Chapter 61, Section 61.1.5 of the Code.
- Code Chapter 62 also provides quantitative requirements for retention and protection of snags and coarse woody debris by forest type, in terms of size, density, and decay class.
- Code Chapter 61, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, establishes standards for preserving and managing sensitive plants and uncommon plant communities.
- The Code requires the protection and maintenance of all native vegetation types. Chapter 61, Vegetation and Forest Health, Section 61.3, Vegetation Protection and Management, provides for the protection of SEZ vegetation, other common vegetation, uncommon vegetation, and sensitive plants in SEZs.
- Chapter 61, Section 61.4, Revegetation, specifies minimum criteria for revegetation programs.

d. Regional Plan Update

- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones and other sensitive areas with potential to support additional native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).
- Policy changes that reduce risk of catastrophic wildfire will further protect native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).

3. THRESHOLD DETERMINATION

a. Common Vegetation

Indicators for Vegetation Community Richness, Relative Abundance of Shrubs Vegetation Type, Juxtaposition of Vegetation Community and Age Type, and Consistency with Bailey Land Capability System are in attainment and the policies and programs described above will maintain the status of these Common Vegetation indicators. The Relative Abundance of Meadows and Wetlands Vegetation indicator is measured in raw acres of these vegetation types (at least 4 percent of the landscape) and is 93 percent achieved (7,385 existing acres of 7,956 acre target) leaving 570 acres left to be in full attainment. Since 1987, approximately 28 acres of meadows and wetlands have been reclaimed (as opposed to restored). Such incremental progress can be expected to continue and the increased SEZ transfer RPU policies are expected to accelerate this rate. In order to truly expedite attainment of this indicator, however, substantial existing development must be removed. The same conclusion is reached

for the Relative Abundance of Deciduous Riparian Vegetation Type. While the nondegradation management standard has been implemented, the 4 percent landscape goal requires the presence of 7,956 acres of this vegetation type. As of 2011, only 1.4 percent (2,808 acres) of this vegetation type exists or approximately 35 percent of indicator target. TRPA anticipates protection of existing communities and incremental additions of SEZ restoration acres over but the creation of 5,000 acres of additional riparian vegetation is not achievable absent removal of substantial existing development. The indicators for Yellow Pine and Red Fir require that 15 to 25 percent of these forest types be maintained in seral stages other than "mature" in order to promote successional growth patterns. Current forest conditions indicate that immature Yellow Pine constitutes 3.6 percent of seral types and immature Red Fir comprise 10.9 percent of its seral stages. Because the primary driver for creation of small diameter immature trees is natural disturbances (such as wildfire, avalanche or wind throw) Regional Plan policies have little ability to substantially affect the rate or eventual attainment of this threshold indicator. These threshold indicators will be achieved over time as a result of these natural processes as long as forest managers maintain and enhance policies that promote the creation of tree stands containing the appropriate mix of Yellow Pine and Red Fir seral stages.

b. Late Seral and Old Growth Forest Ecosystems

This threshold category is divided into three indicators: Montaine (<7,000 feet), Upper Montaine (7,000 to 8,500 feet) and Subalpine Zones (>8,500 feet) and for each zone a percentage of forested lands therein should be old growth forest. The Tahoe Basin is presently 78 to 83 percent below the targeted indicator acreages. While TRPA has adopted policies and ordinances designed to promote and protect old growth forests, it is anticipated that attainment of these indicators will take at approximately 75 years based upon growth characteristics of confers in the Lake Tahoe Basin. Concerns exist that the Subalpine Zone indicator may not be achievable because natural conditions would not support the amount of old growth trees as measured by diameter at breast height.

c. Uncommon Plant Communities

This threshold category consists of non-degradation standards for site-specific uncommon plant communities. The Taylor Creek Marsh, Hell Hole, Grass Lake, and Freel Peak communities are in attainment with their respective standards and Regional Plan and other applicable regulations listed above will maintain their status. The Upper Truckee Marsh community has been determined to be out of attainment given historic degradation and urban setting. However, CTC's current management of the Marsh (e.g., leashing of dogs) and its planned restoration of 500 acres indicates that this community will achieve the qualities necessary to be considered in attainment in the foreseeable future. The Pope Marsh Community (on LTBMU property) has been slightly degraded as a result of recreational uses, invasive species and nearby groundwater pumping. TRPA lacks the authority to directly control these factors thus the Regional Plan has little influence on promoting attainment of the non-degradation standard for this site. The 2011 Threshold Evaluation concludes that the Osgood Swamp community has likely declined (i.e., not in attainment) because of beaver activity affecting the site natural hydrology (anthropogenic impacts are adequately controlled

by existing regulations). Ongoing monitoring efforts will likely confirm the impact of beaver activity and guide future USFS management actions to insure protection of the swamp.

d. Sensitive Plants

Indicators for Tahoe Yellow Cress, Tahoe Draba, Long-petaled Lewisia, and Cup Lake Draba are in attainment with the assigned number of population sites (numerical standards) and current regulations protect and will maintain them. The Galena Rockcress poses taxonomic problems with its closely related (perhaps indistinguishable) and more common Pioneer rockcress. Monitoring confirms populations at five sites with nine sites unknown of the identified 14 sites. Additional monitoring and plant identification will be necessary to determine the exact status of this species, both as an identifiable species and potential population sites.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted vegetation Threshold Standards.

I. RECREATION

1. STATUS AND TREND

Both adopted Recreation Policy Statements have been implemented as elements of the Regional Plan and are in attainment. User surveys completed during the most recent evaluation period confirmed that the Region continues to provide for a high-quality recreation experience. Public agency land acquisition programs and the EIP have contributed to visitors' and residents' satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing and created new recreation facilities, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Recreation capacity within the Region continues to be fairly distributed with 1,440 Person's At One Time (PAOTs) allocations assigned by TRPA during this evaluation period. More detailed information on the status and trend of Recreation threshold can be found in Chapter 11 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan

Existing Elements include a series of policies that encourage recreation opportunities and protection of natural resources. TRPA partners have made substantial progress in upgrading recreational facilities through the Environmental Improvement Program resulting in multiple threshold improvements scenic and community design.

- Recreation areas are appropriately regulated to prevent unacceptable disturbance of habitat and wildlife.

- Encourage expansion of trail systems and linkage with major regional or interstate trails.
- Promote relocation of existing trails outside of environmentally sensitive areas.
- Limit off-road vehicle use to designated areas where impacts can be mitigated.
- Management of undeveloped forest for dispersed recreation.
- Recognize conflicts between different recreation types and encourage separate use areas.
- Limit shorezone structure location to minimize impacts to boating and fishing.
- Requirement to additional developed outdoor recreation with growth to be managed using persons at one time (PAOT) system.
- Promote bike trail expansion connection to transit systems.
- Encourage public boat launch locations where appropriate.
- Recognize land capability in determination of suitable recreation areas.
- Encourage day-use facilities near established urban areas.
- Allow for ski area expansions.

b. Regional Plan Update Elements

- Coverage exemptions for trails on Map 5.
- Expands Recreation District to include Van Sickle State Park.
- Easement dedication for Bicycle and Pedestrian Facilities
- Promotes water born transit
- Intermodal transportation
- Transit more efficient
- Require plans for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers.

3. THRESHOLD DETERMINATION

As noted above, both the Quality of Recreation Experience and Access to Recreational Opportunities threshold policy statement have been achieved. The programs, policies and projects listed above will not only maintain the recreational experience and opportunities for the public but the new policies contained in the RPU will increase and enhance the public's enjoyment of undeveloped shorezone and other natural areas.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted recreation Threshold Standards.

V. CONCLUSION

Based on the foregoing, the Regional Plan, as amended, and as implemented by the Code of Ordinances, as amended, achieves and maintains the adopted thresholds.

EXHIBIT F - ACTION 5

- **CERTIFICATION OF THE MOBILITY 2035: REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY FINAL ENVIRONMENTAL IMPACT STATEMENT**
- **MOTIONS**
- **RTP/SCS FINAL ENVIRONMENTAL IMPACT STATEMENT CERTIFICATION FINDINGS**

**MOTIONS FOR CERTIFICATION OF THE MOBILITY 2035:
REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE
COMMUNITIES STRATEGY FINAL ENVIRONMENTAL IMPACT
STATEMENT**

a. Advisory Planning Commission

A finding of technical adequacy and a motion to recommend that the Governing Board certify the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement

b. Governing Board

A motion to make the findings required by Compact Article VII and Code of Ordinances Chapter 3 for the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement, as shown in Exhibit F

c. Governing Board

A motion to certify the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy Final Environmental Impact Statement

RTP/SCS FINAL ENVIRONMENTAL IMPACT STATEMENT

CERTIFICATION FINDINGS

The following findings are necessary to certify the Final Environmental Impact Statement (FEIS) for *Mobility 2035: Lake Tahoe Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS). Pursuant to TRPA Rules of Procedure, certification is defined as a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 3 of the Code, and Article 6 of the Rules of Procedure.

Code Section 3.7.1 (see also TRPA Compact VII(a)(1, 3, and 4), and TRPA Compact VII(b)) **Preparation of EIS:**

When preparing an EIS, TRPA shall:

1. Finding: Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

Rationale: The Final EIR/EIS utilizes a systematic interdisciplinary approach which insures the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment. (See Draft EIR/EIS Chapter 1, Introduction; Chapter 3, Affected Environment and Environmental Consequences; and Chapter 4, Cumulative Impacts).

2. Finding: Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

Rationale: The Final EIR/EIS developed and analyzed a range of transportation project packages and land use policy alternatives which are described in Chapter 2, RTP/SCS Alternatives, of the EIR/EIS. Pursuant to TRPA requirements for the consideration of alternatives, the Draft EIR/EIS evaluates the potential impacts of five different alternatives, which provide a range of transportation strategy packages paired with land use policies to accelerate the attainment and maintenance of Threshold Standards.

The five alternatives analyzed in the Draft EIR/EIS include:

Alternative 1 – No Project. This alternative analyzes the continuation of land use policies from the existing Regional Plan, with minor amendments to extend the remaining commodities authorized under the 1987 Plan; operation and maintenance of the existing transportation system; and the construction of projects on the financially constrained project list of the RTP/SCS that are already substantially in progress.

Alternative 2 – Low Development, Increased Regulation. This alternative analyzes land use policies which provide a substantially reduced rate of development from the 1987 Plan, and implementation of transportation projects listed in the financially constrained and unconstrained project lists of the RTP/SCS, with the exception of the Lake Tahoe Waterborne Transit and the City of South Lake Tahoe Aviation Capital projects.

Alternative 3 – Low Development, Highly Incentivized Redevelopment. This is the alternative that most closely reflects preliminary recommendations of the TRPA Governing Board's Regional Plan Update Committee. Alternative 3 provides a substantially reduced rate of development from the 1987 Plan, and focuses on environmental redevelopment of the existing built environment as a means to achieve accelerated attainment of Threshold Standards. Alternative 3 includes implementation of the transportation projects listed in the financially constrained project list of the RTP/SCS.

Alternative 4 – Reduced Development, Incentivized Redevelopment. This alternative would provide a slightly reduced rate of development compared to the 1987 Plan, and implementation of the transportation projects listed in the financially constrained project list of the RTP/SCS.

Alternative 5 – Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan. This alternative would continue the rate of development that occurred with implementation of the 1987 Regional Plan; operation and maintenance of the existing transportation system; and the construction of projects on the financially constrained project list of the RTP/SCS that are already substantially in progress.

Following the circulation of the Draft EIR/EIS, a series of Bi-State Consultations, and significant public input on the proposals, the TRPA Regional Plan Update Committee and Governing Board endorsed revisions to the Regional Plan Update Alternative 3. The purpose of the plan revisions was to incorporate additional procedural and regulatory environmental protections and to include desirable elements of other alternatives. Where applicable, these changes were also carried over to the RTP/SCS. The revised alternative is identified as the Final Draft RTP/SCS in the Final EIR/EIS. Chapter 2, Revisions to the Regional Transportation Plan (in Volume 1 of the Final EIR/EIS) describes the differences between Alternative 3 and the Final Draft RTP/SCS.

(See Draft EIR/EIS Chapter 2, RTP/SCS Alternatives; Draft EIR/EIS Summary, Section S.4, Summary of Alternatives Considered (at pgs. S-3 to S-6); and Final EIR/EIS Chapter 2, Revisions to the Regional Transportation Plan.)

3. Finding: Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

Rationale: The EIR/EIS Consultant and TRPA/TMPO staff consulted with and obtained comments from representative federal, state and local agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved with the project's location and sphere of influence. The Draft EIR/EIS was circulated to California State agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research, and was circulated to Nevada State Agencies through the State of Nevada Clearinghouse. In addition, TRPA/TMPO staff met with numerous relevant state, federal, and local agencies to provide information on the alternatives, answer questions, and solicit written comments. Copies of written comments on the environmental analysis obtained from the various federal, state and local agencies which are authorized to enforce environmental

standards have been made available to the public and were reviewed at the various stages of the environmental review and have been incorporated into the Final EIR/EIS.

(See Final EIR/EIS, Volume 2 Public Comments on the Draft EIR/EIS; and Final EIR/EIS Volume 1, Responses to Comments.)

4. Finding: Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

Rationale: TRPA made the Draft EIR/EIS available to public agencies, citizen groups, and interested individuals for a 63-day public review period, from April 25 through June 28, 2012. Copies of the Draft EIR/EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIR/EIS were also available for review on the TMPO's website (with links from the TRPA website), and were made available for purchase on thumb drives. In addition, TRPA/TMPO consulted the public in a series of seven public hearings and two public workshops during the public comment period on the Draft EIR/EIS.

(See Final EIR/EIS, Volume 1, Introduction, Section 1.2 – Public Comment and Revision of the Draft RTP; and Final EIR/EIS, Volume 2 Public Comment on the Draft EIR/EIS).

5. Finding: Make available to States, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment.

Rationale: The Final EIR/EIS makes available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the Region's environment. Chapter 3 of the Draft EIR/EIS, Affected Environment and Environmental Consequences, contains discussion of 14 technical topics in Sections 3.2 through 3.15. These sections each contain information relevant to that topic on the regulatory background, affected environment, environmental consequences and feasible mitigation measures that could reduce potentially significant impacts. (See also Draft EIR/EIS, Summary, Table S-1, Summary of Environmental Impacts and Mitigation

Measures for the RTP/SCS Alternatives, at pgs. S-8 to S-62, and Chapter 4, Cumulative Impacts).

6. Finding: Initiate and utilize ecological information in the planning and development of resource-oriented projects.

Rationale: During development of the Regional Transportation Plan, the TRPA/TMPO used a wide variety of scientific and technical resources. Many of these are identified in the footnotes of the Regional Transportation Plan, the 2001 and 2006 Threshold Evaluations, Draft EIR/EIS Chapter 7, References, and Final EIR/EIS Chapter 5, References. TRPA also maintains an extensive spatial database of transportation and resource information which was utilized during development of the RTP/SCS.

(2) Code Section 3.7.2 (see also TRPA Compact VII(a)(2))

Contents of EIS: An EIS shall include, at a minimum, the following:

1. Finding: Description of project.

Rationale: The Final EIR/EIS includes a description of the Project.

(See Draft EIR/EIS Chapter 1, Introduction, Draft EIR/EIS Chapter 2, RTP/SCS Alternatives, Draft EIR/EIS Summary Chapter, Section S.4, Summary of Alternatives Considered, at pgs. S-3 to S-6, and Final EIR/EIS Chapter 2, Revisions to the Regional Transportation Plan.)

2. Finding: The significant environmental impacts of the proposed project.

Rationale: The Final EIR/EIS includes the identified significant environmental impacts of the proposed project. The Draft EIR/EIS identified a number of significant and potentially significant environmental effects (or impacts) that each RTP/SCS alternative would cause or contribute to. These significant effects can be avoided or substantially lessened through the adoption of feasible mitigation measures.

(See Draft EIR/EIS Summary, Table S-1 – Summary of Environmental Impacts and Mitigation Measures for the RTP/SCS Alternatives; Draft EIR/EIS Chapter 3, Affected Environment and Environmental Consequences; and Draft EIR/EIS Chapter 4, Cumulative Impacts.)

3. Finding: Any significant adverse environmental effects which cannot be avoided should the project be implemented.

Rationale: The Final EIR/EIS analysis determines that all of the environmental impacts associated with Alternative 3 may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of the following impact:

- 3.5-1, Increase in GHG Emissions

(See Draft EIR/EIS, Chapter 3, Section 3.5 at pgs. 3.5-15 through 3.5-23; and Draft EIR/EIS Chapter 5, Section 5.2, Significant Environmental Effects that Cannot be Avoided)

Economic, social, technical and other considerations make further mitigation of this impact infeasible as addressed in Exhibit A of the Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy adoption findings.

4. Finding: Alternatives to the proposed project.

Rationale: The Final EIR/EIS includes an analysis of alternatives to the proposed project. See Certification Findings (1) Finding 2 above and findings regarding the consideration of alternatives in Exhibit A of the Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy adoption findings.

(See Draft EIR/EIS Chapter 2, RTP/SCS Alternatives; Draft EIR/EIS Summary, Section S.4, Summary of Alternatives Considered (at pgs. S-3 to S-6); and Final EIR/EIS Chapter 2 Revisions to the Regional Transportation Plan.)

5. Finding: Mitigation measures which must be implemented to assure meeting standards of the region.

Rationale: The Final EIR/EIS includes an analysis of mitigation measures which must be implemented to assure meeting standards of the Region. See Exhibit A of the Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy adoption findings, for the mitigation measures that have been proposed for adoption. All required mitigation measures have been incorporated into the Final Draft Code of Ordinances or the Final Draft Goals and Policies, or into the RTP/SCS

Mitigation Monitoring and Reporting Program (MMRP). In adopting these findings and the Final Draft Regional Plan and Final Draft RTP/SCS, the Governing Board hereby adopts and commits to implement the Mitigation Measures as incorporated into the Final Draft Regional Plan. The measures incorporated into the Final Draft Regional Plan and MMRP represent binding commitments with which TRPA must comply.

(See Draft EIR/EIS Summary, Table S-1 – Summary of Environmental Impacts and Mitigation Measures for the RTP/SCS Alternatives; see also Draft EIR/EIS Chapter 3 Affected Environment and Environmental Consequences; and Draft EIR/EIS Chapter 4, Cumulative Impacts.)

6. Finding: The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

Rationale: The Final EIR/EIS includes an analysis of the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

(See Draft EIR/EIS, Chapter 5, Section 5.4, Relationship between Local Short-Term Use of the Environment and Maintenance and Enhancement of Long-Term Productivity, at pg. 5-3.)

7. Finding: Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.

Rationale: The Final EIR/EIS includes an analysis of any significant irreversible and irretrievable commitments of resources which would be involved in each of the alternatives should they be implemented.

(See Draft EIR/EIS, Chapter 5, Section 5.3, Significant Irreversible Environmental Changes at pgs. 5-2 to 5-3.)

8. Finding: The growth-inducing impact of the proposed project.

Rationale: The Final EIR/EIS includes an analysis of the growth-inducing impact of the alternatives.

(See Draft EIR/EIS, Chapter 5, Section 5.5, Growth-Inducing Impacts, at pgs. 5-3 to 5-4.)

(3) Code Section 3.7.3 (see also TRPA Compact VII(c))

Inclusion of Other Data and Information:

1. Finding: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

Rationale: The Final EIR/EIS refers to the entirety of information and data which are relevant to the preparation of the document and are a matter of public record or are generally available to the public. Such information or data is briefly described in the EIR/EIS and its relationship to the EIR/EIS is so indicated.

(See EIR/EIS and Appendices, including Draft EIR/EIS, Chapter 7, References, and Final EIR/EIS, Volume 1, Chapter 5, References.)

(4) Rules of Procedure 6.13

Draft EIS:

1. Finding: The draft EIS shall include, at a minimum, the elements listed in subsection 3.7.2 of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

Rationale: The Draft EIR/EIS includes the elements listed in subsection 3.7.2 of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

(See Section (2) Findings for Subsection 3.7.2 of the Code above regarding contents of the EIR/EIS, Section (1) Finding 3 above regarding federal, state, and local agencies consulted, and Final EIR/EIS Volume 1, Chapter 3, List of Commenters and Responses to Comments.)

2. Finding: Summary: A draft EIS in excess of 30 pages shall include a summary, preferably less than 10 pages in length, which identifies at a minimum: a brief project description; each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect; and areas of controversy known to TRPA.

Rationale: The Draft EIR/EIS includes a Summary which includes a brief description of the Proposed Project and Alternatives, including each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect, and areas of controversy known to TRPA.

(See Draft EIR/EIS, Summary, pgs. S-1 through S-62.)

3. Finding: Comment Period: The draft EIS shall be circulated for public comment for a period not less than 60 days. TRPA may hold a public hearing on a draft EIS.

Rationale: TRPA made the Draft EIR/EIS available to public agencies, citizen groups, and interested individuals for a 63-day public review period, from April 25 through June 28, 2012. Copies of the Draft EIR/EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIR/EIS were also available for review on the TMPO's website, and were made available for purchase on thumb drives. In addition, the public was consulted with in a series of seven public hearings and two public workshops during the public comment period on the Draft EIR/EIS.

During the review period, the public was invited to public comment hearings held by the TRPA Governing Board and informal workshops organized by Staff. Nine public meetings were held to solicit comments on the Draft EIR/EIS: (1) TRPA Governing Board Meeting on April 25, 2012; (2) TRPA Governing Board Meeting on April 26, 2012 (3) Tahoe Transportation Commission Meeting on May 11, 2012 (4) Regional Plan/Regional Transportation Plan Informational Workshop on May 21, 2012; (5) Regional Plan/Regional Transportation Plan Informational Workshop on May 22, 2012; (6) TRPA Governing Board Meeting on May 23, 2012; (7) TRPA Governing Board Meeting on May 24, 2012; (8) TRPA Governing Board Meeting on June 27, 2012; and (9) TRPA Governing Board Meeting on June 28, 2012. The public was asked to provide

written or oral comments at the meetings or written comments before closure of the public review period. In response to the call for review and comment, 357 comment letters and presentations of oral testimony were received, including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses, and 99 form letters sponsored by two organizations (Friends of West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters).

(See Final EIR/EIS, Volume 1, Introduction, Section 1.2 – Public Comment and Revision of the Draft RTP; and Final EIR/EIS, Volume 2 Public Comments on the Draft EIR/EIS.)

4. Finding: Notice of Comment Period: The comment period shall not commence before the date of publication of a notice in a newspaper whose circulation is general through the region. The notice shall include a brief description of the project or matter under consideration, the date the comment period commences, the date by which comments must be received, and that copies of the draft EIS may be obtained by contacting TRPA and are available for public review at TRPA's offices. Copies of the draft EIS shall be mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period shall be given to affected property owners pursuant to Article XII of these Rules.

Rationale: The Draft EIR/EIS Notice of Comment Period was properly noticed by TRPA on April 4 and April 25 in newspapers whose circulation is general throughout the Region. All procedures were followed regarding the availability of the Draft EIR/EIS for the public's review, and copies of the Draft EIR/EIS were mailed to California and Nevada State Clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Copies of the Draft EIR/EIS were available for public review during normal business hours at TRPA and at four libraries within the Region. Copies of the Draft EIR/EIS were also available for review on TMPO's website. Notice of the comment period was given to the public in accordance with to Article XII of TRPA's Rules of Procedure. Pursuant to Subsection 12.14 of the Rules of Procedure, notice to affected property owners was not required.

(See April 4, 2012, Notice of Public Hearings and Notice of Availability and Comment Period, and April 25, 2012 Notice of Availability and Comment Period)

5. Finding: Request for Comments: TRPA shall request comments on draft EIS's from any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments shall be given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice shall be given no later than the date the comment period commences. Separate notice under this section is not necessary if notice of the draft EIS has been given to the agency pursuant to subsection 6.13.3 above.

Rationale: TRPA/TMPO provided notice of the Draft EIR/EIS pursuant to subsection 6.13.3, as described in Section (4) Finding 4 above.
(See Final EIR/EIS, Volume 2 Public Comments on the Draft EIR/EIS; and Final EIR/EIS Volume 1, Responses to Comments.)

(5) Rules of Procedure 6.14

Final EIS:

1. Finding: At the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period, and may respond to oral or late comments. The response to comments may be in the form of a revision to the draft EIS, or may be a separate section in the final EIS that shall note revisions to the draft EIS, if any. The final EIS shall include, at a minimum: the draft EIS, or a revision; comments received on draft, either verbatim or in summary; the responses to comments; and a list of persons, organizations and agencies commenting in writing on the draft EIS.

The final EIS may incorporate by reference computer data recorded on disk, videotape, slides, models and similar items provided summaries of such items are included in the final EIS. The final EIS may also include oral testimony given at APC or Board hearings.

Rationale: At the conclusion of the comment period, TRPA/TMPO prepared written responses to all written comments received during the comment period, and responded to all oral comments. The Final EIR/EIS includes a section that notes revisions to the Draft EIR/EIS. Additional revisions to

the Draft EIR/EIS are incorporated by reference in Final EIR/EIS Volume 1, Chapter 3, List of Commenters and Responses to Comments in instances where a comment provides information or there is a correction that does not contribute substantively to the environmental analysis. The Final EIR/EIS includes:

- (a) List of Commenters and Responses to Comments. This includes a list of persons, organizations and agencies commenting in writing or through oral testimony on the Draft EIR/EIS and responses to these comments (Final EIR/EIS Volume 1, Chapter 3);
- (b) Revisions and Corrections to the Draft EIR/EIS. This chapter notes revisions to the Draft EIR/EIS (Final EIS Volume 1, Chapter 4);
- (c) Public Comments on the Draft EIR/EIS. This includes all comments received on the Draft EIR/EIS, verbatim as to written comments and oral testimony (Final EIR/EIS Volume 2).

The Final EIR/EIS incorporates by reference computer data recorded on disk, videotape, slides, models and similar items and has provided summaries of such items in the Final EIR/EIS (See Draft EIR/EIS, Chapter 7, References, and Final EIR/EIS, Volume 1, Chapter 5, References).

EXHIBIT G - ACTION 6

- **ADOPTION OF MOBILITY 2035: REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY**
- **MOTIONS**
- **RESOLUTION 2012-19**
- **MOBILITY 2035: REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY (MOBILITY 2035) APPROVAL FINDINGS**

MOTIONS FOR ADOPTION OF MOBILITY 2035: REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY

a. Advisory Planning Commission

A motion to recommend Governing Board adoption of Resolution 2012-19, adopting the Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy

b. Governing Board

A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit G

c. Governing Board

A motion to adopt Resolution 2012-19, adopting Mobility 2035: Regional Transportation Plan and Sustainable Communities Strategy

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2012-19

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO
ADOPT THE MOBILITY 2035: LAKE TAHOE REGIONAL TRANSPORTATION PLAN AND
SUSTAINABLE COMMUNITIES STRATEGY

WHEREAS, Article V of the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) requires that the Tahoe Regional Planning Agency (TRPA) establish a transportation plan for the integrated development of a regional system of transportation as part of the Regional Plan; and

WHEREAS, TRPA prepared and circulated an Environmental Impact Statement analyzing the potential for significant environmental impacts from this action in accordance with the substantive and procedural requirements of Article VII of the Compact, Chapter 3 of the Code, Article 6 of the Rules of Procedure, and all other applicable rules and regulations; and

WHEREAS, TRPA has made the necessary attached findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable requirements, rules, and regulations, and those findings are supported by substantial evidence in the record; and

WHEREAS, Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy was developed in coordination with the updates to the TRPA Regional Plan, and the transportation elements of the Regional Plan have already been adopted pursuant to Ordinance 2012-04; and

WHEREAS, both TRPA's Advisory Planning Commission and TRPA's Governing Board have conducted noticed public hearings and received public comment on the proposed adoption of Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy, and at those hearings, oral and written testimony was received and considered.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby adopts Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy.

Passed and adopted by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on December 12, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norma Santiago, Governing Board Chair
Tahoe Regional Planning Agency

MOBILITY 2035: REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY (*MOBILITY 2035*)

APPROVAL FINDINGS

SECTION A. COMPACT ARTICLE VII(D) AND CHAPTER 3 ENVIRONMENTAL IMPACT FINDINGS:

The TRPA Regional Planning Compact Article VII(d) requires that TRPA make either of the following written findings before approving a project for which an environmental impact statement was prepared:

- (1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less significant level; or
- (2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

The Compact further requires that a separate written finding be made for each significant effect identified in the environmental impact statement on the project. Chapter 3 of the Code of Ordinances also requires the same written finding be made for each significant effect identified in the environmental impact statement.

TRPA CODE CHAPTER 3 – REQUIRED FINDINGS:

TRPA Code Section 3.7 – Findings for Environmental Impact Statement:

1. Finding: Prior to approving a project for which an EIS was prepared, TRPA must make the following findings for each significant adverse effect identified in the EIS:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives

discussed in the environmental impact statement on the project

Rationale: See Attachment G-1 hereto.

SECTION B: TRPA CODE CHAPTER 4/COMPACT ARTICLE V(G) – REQUIRED FINDINGS:

TRPA Code Section 4.4 – Findings to Amend the Regional Plan, Including Goals and Policies, Code of Ordinances or Other Implementing Plans:

1. Finding: The RTP/SCS is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Rationale: Based on the analysis in the TRPA Staff Reports on the Regional Plan Update, the RTP/SCS Final EIR/EIS (October 2012), and the 2011 Threshold Evaluation, October 2012, the Governing Board finds the amendments to the Regional Plan and the Regional Transportation Plan, *Mobility 2035* (RTP) itself are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs (as amended).

As described in the accompanying Staff Report and the Final EIR/EIS, the RTP amendments to TRPA's Transportation Goals and Policies (which are identical to those proposed for adoption in the Regional Plan Update), and the RTP itself complement and accelerate implementation of the Regional Plan and its objectives: achievement and maintenance of Thresholds while planning for reasonable growth. As explained in the approval consistency findings below and in the EIR/EIS, Modified Alternative 3, including the Goals and Policies amendments, is consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs with the mitigation measures included in the project. The approval findings relating to consistency and EIR/EIS consistency analysis are incorporated herein by reference.

The Goals and Policies amendments and the RTP as a whole are otherwise consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and

supplemental compliance measures and attainment of target dates as identified in the 2011 Threshold Evaluation.

For the RTP and the amendments' specific mitigation measures, TRPA has identified in the Final EIR/EIS an adequate means by which the mitigation measure's effectiveness will be evaluated. To the extent that the amendments or the RTP would result in direct or indirect physical environmental effects, the EIR/EIS addressed all such effects. Therefore, no further mitigation is required.

Based on the foregoing and findings 2, 3 and 4 below, the Governing Board finds that adopting the RTP and RTP amendments will not adversely affect implementation of the entire Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs (as amended).

2. Finding: The Goals and Policies amendments and the project itself will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: Based on the rationale for the foregoing finding, the analysis in the Final EIR/EIS, the Staff Report, and TRPA Compact V(g) Findings below, and the 2011 Threshold Evaluation, the Governing Board finds Goals and Policies amendments and the RTP will not cause the environmental threshold carrying capacities to be exceeded.

This conclusion is based on the status review of the Threshold Standards in the 2011 Threshold Evaluation including target dates, interim targets, and compliance measures needed to achieve and maintain thresholds and the Final EIR/EIS.

As discussed in the Final EIR/EIS, there are no unmitigated adverse impacts to the Thresholds. The Final EIS evaluated the proposed Goals and Policies amendments' potential impacts on environmental threshold carrying capacities. All applicable environmental threshold carrying capacities are incorporated into the criteria of significance for each applicable resource evaluation in Chapters 3.2 through 3.15 and Chapter 4 of the Draft EIR/EIS. As explained in the Compact Article VII(d) and Chapter 3 Findings, which are incorporated herein by reference, changes or

alterations have been required in or incorporated into the proposed amendments and project which avoid or reduce any significant adverse environmental effects of proposed amendments to a less than significant level with the exception of the following impact: 3.5-1 (Increase in GHG emissions). This significant and unavoidable impact identified for the RTP is not based on environmental threshold carrying capacities and will not cause any environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever stricter federal, state or local air and water quality standards apply for the Region, pursuant to Article V(d) of the TRPA Compact, the Goals and Policies amendments and the project itself meets or exceed such standards.

Rationale: Based on the rationale for the foregoing findings, the analysis in the Final EIR/EIS and TRPA Compact V(g) Findings below, and the 2011 Threshold Evaluation, the Governing Board finds the Goals and Policies amendments and the RTP will not cause the federal, state and local air and water quality standards applicable for the Region to be exceeded.

Neither the Goals and Policies amendments, nor the RTP, themselves, affect or change the Federal, state or local air and water quality standards applicable for the Region. As disclosed in the Final EIR/EIS (Draft EIR/EIS at Chapters 3.4 (Air Quality) and 3.8 (Hydrology and Water Quality), these standards were used as criteria of significance where applicable and no unmitigable impacts were found.

4. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See Attachment G-1.

ATTACHMENT G-1: PROPOSED RTP/SCS (MODIFIED ALTERNATIVE 3) COMPACT ARTICLE VII(D) AND CHAPTER 3 FINDINGS:

When acting upon matters that would result in a significant environmental effect, the Compact and Code require that separate written findings are made for each significant effect identified in the environmental impact statement (Compact Article VII[d], Chapter 3 of the Code of Ordinances). For each significant effect one of two findings must be made:

1. Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or
2. Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

The EIR/EIS identified a number of significant and potentially significant environmental effects (or impacts) that the Final Draft Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) will cause or contribute to. Most of these significant effects can be avoided or substantially lessened through the adoption of feasible mitigation measures. The Governing Board's findings with respect to the Final Draft RTP/SCS's significant effects and mitigation measures are set forth in the following discussions.

These discussions do not attempt to describe the full analysis of each environmental impact contained in the EIR/EIS. Instead, they provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR/EIS, and state the Governing Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR/EIS and Final EIR/EIS, or elsewhere in the record, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR/EIS's determinations regarding the Final Draft RTP/SCS's impacts and mitigation measures designed to address those impacts. In making these findings, the Governing Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR/EIS, the Final EIR/EIS, or elsewhere in the record, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR/EIS and Final EIR/EIS relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Governing Board has adopted all of the mitigation measures identified in the following discussions. Some of the measures identified are also within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Governing Board finds those agencies should implement those measures within their jurisdiction and control.

I. TRANSPORTATION

SIGNIFICANT EFFECT: ROADWAY SEGMENT OPERATIONS (IMPACT 3.3-1)

Implementation of any of the RTP/SCS alternatives would cause at least one roadway segment to degrade from an acceptable to an unacceptable level, and/or substantially degrade the LOS of a roadway segment that is

already operating at unacceptable levels. The Modified Alternative 3 would result in a significant impact to two study roadways. This impact would be significant for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level

B. RATIONALE

Mitigation Measure 3.3-1 is adopted and will be implemented by TRPA to reduce this significant effect of the Plan to a less-than-significant level. The measure described below would be able to maintain LOS of roadway segments at acceptable levels through the monitoring and phased release of land use allocations, in conjunction with trip reducing and transportation system capacity increases. The provisions of traffic monitoring and commodities release in Mitigation Measure 3.3-1 are implemented in the Final Draft Plan through Policy DP-2.2 and Code sections 50.4.2 and 50.4.3.

In addition, policy clarifications incorporated into the Final Draft Plan include: not releasing any additional CFA until the existing supply is exhausted; only allowing new bonus units to be used in community centers (where average trip lengths are lower); and, providing language that clarifies that vehicle LOS standards may only be exceeded when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. These modifications to Alternative 3 would place more stringent requirements on the Plan than proposed in the Draft EIS, decreasing the magnitude of the impact before implementation of the mitigation.

C. ADOPTED MITIGATION MEASURE

TMPO has adopted the following feasible mitigation measure to reduce Impact 3.3-1 to a less-than-significant level. Implementation of the measure is the responsibility of TRPA. TRPA has the authority to phase the release of land use allocations. Transit and non-auto mode improvements to be implemented through the RTP/SCS are intended to maintain LOS of roadway segments within TRPA standards. However, as an additional contingency, if needed, limiting land use allocations, particularly outside of community centers, would reduce total vehicle trip generation contributing to congestion of roadway segments. By monitoring level of service of the subject roadway segments in response to transit and non-auto mode improvements and managing the release of land use allocations to limit vehicle trip generation, if needed, roadway LOS will be maintained at a less-than-significant level.

1. MITIGATION MEASURE 3.3-1: PHASED RELEASE OF ALLOCATIONS/ LOS MONITORING/TRAVEL DEMAND MANAGEMENT

The level of service standard under evaluation for Impact 3.3-1 is oriented toward alleviating congestion for vehicles during the peak hour of peak travel times in the Region. The Compact directs TRPA to focus transportation improvements on transit investments and enhancements to non-auto modes, rather than new roadway capacity. Therefore, the mitigations below seek first to provide additional travel capacity in the form of bicycle, pedestrian, and transit improvements, with an ongoing monitoring program. New roadway improvements beyond those already listed in the RTP are proposed if other measures are not able to meet community needs during peak travel times.

TRPA will develop and implement a program for the phased release of land use allocations in four-year cycles in conjunction with future updates of the Regional Plan and RTP. Two years after each release, monitoring of existing and near-term LOS will occur at intersections and roadways to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS goals and policies will not be met, actions will be undertaken through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments to maintain compliance. Actions may include, but are not limited to the following:

- a) TRPA will prioritize, and cause to be implemented, if feasible, enhanced non-motorized and public transportation projects and services to accommodate the additional travel demand.
- b) TRPA will modify the land use allocation releases to reduce travel demand.
- c) To the extent that roadway capacity expansions do not result in significant, unavoidable environmental impacts, TRPA will investigate and cause to be implemented, if feasible, additional multi-modal corridor improvements (beyond those listed in the RTP project list). The following is an example list of potential candidate improvements based on the identified significant impacts of the RTP/SCS alternatives:

US 50 between the South Y and South Stateline – modify US 50 to consist of enhanced access control (e.g., raised median with channelized turn lanes at selected locations, driveway consolidation to limit turning locations on the highway, etc.), to the extent that planned traffic signal coordination does not provide sufficient capacity increases.

US 50 between SR 89 and Pioneer Trail – modify US 50 to consist of enhanced access control (e.g., raised median with channelized turn lanes, driveway consolidation, etc.) to increase the capacity of the highway.

Final Draft Plan Provisions

TRPA has revised the Draft Plan to effectively reduce the scope of Alternative 3. These provisions are provided as follows.

Limits on Commodities

Alternative 3 includes 2,600 new residential allocations, 200,000 square feet of new commercial floor area (CFA), 600 new residential bonus units, and no new tourist accommodation units (TAUs) (RPU Draft EIS page S-13 and page 2-42). The Final Draft Plan does not change the number of new commodities, but it does place additional limitations on the use of some new commodities. First, the Final Draft Plan phases the release of development commodities in four year increments tied to LOS and VMT performance criteria. Second, the Final Draft Plan would prohibit the release of the 200,000 square feet of new CFA until the 383,579 square feet of CFA remaining from the 1987 Regional Plan is exhausted. The Final Draft Plan would also restrict the use of the 600 new residential bonus units to within community centers (Table 50.4.1-1 in Draft Code Section 50.4.1).

Restricting the release of new CFA until the CFA remaining from the 1987 Regional Plan is exhausted would likely delay the development of new commercial facilities in some areas and would delay the environmental impacts (both beneficial and adverse) associated with that development. Restricting the location of new residential bonus units to community centers would ensure their availability as development transfer incentives and promote concentration of residential uses in community centers. This restriction would increase the likelihood that the beneficial land use changes proposed in Alternative 3 would be realized.

The additional limits on CFA and residential bonus units would likely delay environmental impacts associated with additional CFA and promote transfers of development as analyzed in Alternative 3. Because these changes would extend the period of time over which build-out of allowable CFA would occur and restrict the location of residential bonus units, but not increase development potential, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

Level of Service Standard Clarification

Alternative 3 includes a new transportation policy that would allow a project to exceed vehicle level of service (LOS) standards when it includes multi-modal amenities (such as transit, bicycling, and walking facilities) adequate to provide mobility for users (Draft EIS page 2-46). The Final Draft Plan has been revised to clarify that a project may only exceed vehicle LOS standards when multi-modal amenities are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways (Final Draft Goals and Policies page III-6).

This policy clarification specifies that multi-modal amenities must be sufficient to address any increase in project-generated traffic, consistent with the original intent of the policy. The clarified standard would not affect any of the analysis or assumptions for Alternative 3 in the Draft EIS. Thus, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

II. AIR QUALITY

SIGNIFICANT EFFECT: SHORT-TERM CONSTRUCTION EMISSIONS OF ROG, NO_x, PM₁₀, AND PM_{2.5} (IMPACT 3.4-2)

Implementation of the transportation projects would involve construction that would result in the temporary generation of ROG, NO_x, PM₁₀ and PM_{2.5} emissions from site preparation (e.g., excavation, grading, and clearing); off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous activities. Typical construction equipment associated with development and redevelopment projects includes dozers, graders, excavators, loaders, and trucks. Construction emissions of these pollutants have the potential to be substantial. This would be a potentially significant impact to air quality for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from short-term construction emissions. Implementation of the measure is the responsibility of TRPA. The mitigation measure would result in the development and implementation of Best Construction Practices for Construction Emissions that would result in Best Management Practices to reduce construction-generated emissions. Mitigation Measure 3.4-2 is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

Mitigation Measure 3.4-2 includes implementation of basic best practices for dust control during construction, as developed by TRPA during the 12 months following adoption of the Regional Plan Update. Implementation of Mitigation Measure 3.4-2 would reduce fugitive PM₁₀ and PM_{2.5} dust emissions a minimum of approximately 50 percent for each project and prevent dispersion of particulates beyond a given property boundary. Implementation of Mitigation Measure 3.4-2 would also reduce diesel equipment exhaust emissions of ROG, NO_x, and PM₁₀ a minimum of five percent, 20 percent, and 45 percent, respectively, as prescribed by the mitigation measure. It is anticipated that these best practices would be effective in substantially reducing construction-generated emissions. This would ensure that impacts from project-specific construction activities would be reduced. Therefore, with implementation of Mitigation Measure 3.4-2, Impact 3.4-2 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.4-2: REDUCE TEMPORARY CONSTRUCTION EMISSIONS OF ROG, NO_x, PM₁₀ AND PM_{2.5}

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate with local governments to develop and effectuate the implementation of Best Construction Practices for Construction Emissions that require, as a condition of project approval, implementation of feasible measures and Best Management Practices to reduce construction-generated emissions to the extent feasible. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. Such measures shall include those listed below to the extent they are not already addressed in local requirements.

In addition to the mitigation measures identified below, construction of the projects located in California will be required to comply with all applicable PCAPCD or EDCAQMD rules, as appropriate, including Rule 202 (PCAPCD and EDCAQMD) regarding visible emissions, Rule 228 (PCAPCD) and 223 (EDCAQMD) regarding fugitive dust, Rule 218 (PCAPCD) and 215 (EDCAQMD) regarding the application of architectural coatings, and Rule 217 (PCAPCD) and 224 (EDCAQMD) regarding cutback and emulsified asphalt paving materials. For projects located in Washoe County, projects will comply with Washoe County Health District Rules Governing Air Quality, including 040.005 Visible Emissions, 040.030 Dust Control, 040.090 Cutback Asphalts, and 040.200 Diesel Engine Idling.

Where local rules and regulations pertaining to construction emissions exist, projects developed pursuant to the Regional Plan shall comply with local requirements. For projects located in California, specifically, TRPA will require the following:

- Project proponents shall submit to the PCAPCD or EDCAQMD, as applicable, and receive approval of, a Construction Emission/Dust Control Plan prior to any groundbreaking or tree removal activities.
- Prime contractors shall submit to the PCAPCD or EDCAQMD, as applicable, a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The project representative shall provide the PCAPCD or EDCAQMD, as applicable, with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The project representative shall provide a plan for approval by the PCAPCD or EDCAQMD, as applicable, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent ARB fleet

average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

- As a condition of approval of California transportation projects, TRPA will require individual project environmental review to confirm and demonstrate that project-generated emissions associated with construction will be within the regulatory limits of PCAPCD or EDCAQMD, as applicable, following implementation of mitigation measures.
- For all projects implementing the RTP/SCS, TRPA will require the following:
 - Fugitive dust shall not exceed 40 percent opacity and not go beyond the property boundary at any time during project construction.
 - No open burning of removed vegetation shall occur during infrastructure improvements.
 - Minimize idling time to 5 minutes for all diesel-power equipment.
 - Apply water to control dust as needed to prevent dust impacts offsite. Operational water truck(s) shall be onsite, as required, to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
 - Apply approved chemical soil stabilizers, vegetative mats, or other appropriate Best Management Practices to manufacturer's specifications, to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Spread soil binders on unpaved roads and employee/equipment parking areas and wet broom or wash streets if silt is carried over to adjacent public thoroughfares.
 - Use existing power sources (e.g., power poles) or clean-fuel generators rather than temporary diesel power generators, wherever feasible.

SIGNIFICANT EFFECT: SHORT-TERM EXPOSURE TO TOXIC AIR CONTAMINANT (TAC) EMISSIONS (IMPACT 3.4-5)

Because the proposed RTP/SCS does not involve siting of sensitive receptors or siting of any new stationary sources of TAC emissions, it would not result in exposure of sensitive receptors to substantial TAC concentrations. In addition, long-term, mobile-source diesel PM would decline over the plan implementation period compared to existing conditions, because of more stringent motor vehicle emissions standards. However, construction emissions may occur in proximity to sensitive receptors and may result in temporary exposure of receptors to substantial TAC concentrations. Long-term exposure of sensitive receptors in the Region to TACs would be less than significant for all alternatives. Short-term TAC exposure would be potentially significant for construction related to projects listed in Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from short-term exposure to TAC emissions by reducing diesel equipment exhaust emissions. Implementation of the measure is the responsibility of TRPA.

Implementation of Mitigation Measure 3.4-5 would reduce diesel equipment exhaust emissions. It is anticipated that these best practices would be effective in substantially reducing construction-generated emissions of TACs. Importantly, projects located within PCAPCD's or EDCAQMD's jurisdiction must demonstrate that emissions would meet district-applicable thresholds for construction emissions as a condition of approval. This would ensure that this impact would be mitigated to a less-than-significant level with mitigation incorporated. Therefore, with implementation of Mitigation Measure 3.4-5, Impact 3.4-5 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.4-5: MINIMIZE EXPOSURE OF SENSITIVE RECEPTORS TO TAC EMISSIONS DURING CONSTRUCTION

To reduce exposure of sensitive receptors to construction-related TAC emissions, TRPA will implement Mitigation Measure 3.4-2 for all alternatives, "Reduce Temporary Construction Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}." This measure includes emissions control strategies for construction equipment that would also reduce diesel PM emissions, including limiting idling time to five minutes maximum and submitting an inventory of construction equipment to PCAPCD or EDCAQMD to demonstrate that emissions from the construction fleet would be better than statewide averages.

In addition, for all alternatives, TRPA will require contractors to implement the following measures for all projects constructed pursuant to the RTP/SCS:

- Equip heavy-duty construction equipment with diesel particulate traps.
- Locate construction staging areas as far away as possible on the project site from off-site receptors.
- As a condition of approval, individual project environmental review shall demonstrate that current district-recommended BMPs are implemented to ensure sensitive receptors are not exposed to substantial TAC concentrations.

Mitigation Measure 3.4-2 includes the opportunity to implement measures developed as part of the Best Construction Practices Policy for Construction Emissions. For projects that are permitted prior to the completion of the Best Construction Practices, TRPA will require the specific strategies listed in Mitigation Measure 3.4-2 for project approval to the extent they are not already addressed in applicable local requirements.

III. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

SIGNIFICANT AND UNAVOIDABLE EFFECT: INCREASE IN GHG EMISSIONS (IMPACT 3.5-1)

Implementation of Modified Alternative 3 would occur in conjunction with land use development and population growth anticipated during the plan horizon. Although the RTP/SCS strategies would improve the efficiency of transportation-related GHG emissions by increasing transit and non-motor vehicle travel, the combined influence of construction of transportation projects, land use development, and population growth occurring during the RTP/SCS plan horizon would result in a

substantial increase in overall GHG emissions (in contrast to GHG per capita) that would make a cumulatively considerable contribution to the significant cumulative impact of global climate change. Increased GHG emissions would be a significant impact for Modified Alternative 3.

A. FINDING

Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

B. RATIONALE

TMPO adopted Mitigation Measure 3.5-1, below, to minimize construction-related GHG emissions. While GHG impacts are tied to the land use development and population growth proposed in the Regional Plan Update, the primary direct impact of RTP/SCS projects on GHG emissions is associated with construction. Therefore, this measure addresses only construction emissions for this impact. Implementation of the measure is the responsibility of TRPA, and is carried out through implementation of Mitigation Measure 3.5-1 identified in the RPU Draft EIS. This mitigation measure is listed in Attachment 4 in the Goals and Policies, which requires implementation by December 31, 2013 under Policy ME-3.5.

Modified Alternative 3 includes transportation projects and land use policies that are intended to accommodate growth in the Region, while encouraging walkable communities, mixed-use centers, reduced parking, and enhanced facilities for pedestrian, bicyclists, and transit users. Because of the nature of the RTP/SCS process, feasible operational mitigation measures have been considered within the context of the range of transportation strategies already included in the strategy package. Modified Alternative 3 includes the most GHG-efficient combination of transportation projects and land use strategies. TRPA and TMPO have considered and committed to implement all feasible mitigation measures for GHG emissions reduction, but cannot show conclusively that GHG emissions will be reduced below levels of significance. Because additional measures to further mitigate this impact do not have identified funding sources (for example additional transportation projects), the Governing Board find that legal, economic, social, and technical considerations make further mitigation of this impact infeasible. Impact 3.5-1 is considered significant and unavoidable.

The Governing Board further finds that specific considerations make infeasible alternatives that would reduce the significant and unavoidable impact from increases in GHG Emissions. To meet TRPA requirements for consideration of alternatives, the EIR/EIS evaluated the potential impacts of five RTP/SCS alternatives including the No Project Alternative (Alternative 1). No feasible alternatives, in addition to those proposed in the Draft EIR/EIS, have been identified that would attain the objectives of the RTP/SCS or reduce the significant and unavoidable greenhouse gas emissions impact to the extent further than under the RTP/SCS. The Final Draft RTP/SCS represents the most GHG-efficient combination of land use and transportation strategies. Thus, the Governing Board finds that all reasonable alternatives were reviewed, analyzed, and discussed in the EIR/EIS review process, and legal, economic, social, and technical considerations make additional alternatives infeasible.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.5-1: MINIMIZE CONSTRUCTION-RELATED GHG EMISSIONS

For all the alternatives, GHG emissions from construction will be reduced to the maximum extent feasible. During construction of transportation infrastructure projects, TRPA will require the following mitigation

measures to reduce GHG emissions. Other measures that are as effective may be substituted depending on the emissions control technology available at the time of project construction.

- Limit equipment idling time to a maximum of five minutes.
- Recycle or reuse construction waste and demolition material to the maximum extent feasible.
- Use electrified or alternative-fueled construction equipment to the maximum extent feasible. Use local and sustainable building materials to the extent possible.

TRPA is considering the implementation of a Best Construction Practices Policy to maintain a range of potential construction-period environmental impacts at less-than-significant levels, including GHG emission impacts. When the Best Construction Practices Policy is completed and adopted, the applicable requirements listed in the adopted policy may be implemented in lieu of the actions listed above.

IV. NOISE

SIGNIFICANT EFFECT: SHORT-TERM CONSTRUCTION NOISE IMPACTS (IMPACT 3.6-1)

Development would involve construction activity that could potentially expose nearby noise-sensitive receptors to noise levels that exceed TRPA's applicable CNEL standards for affected land uses; expose noise-sensitive receptors to noise levels that exceed applicable noise standards established by the general plan or noise ordinance of the local city or county; and/or result in a noticeable increase (i.e., 3 dBA or greater) in ambient noise levels at noise-sensitive land uses during the more noise-sensitive early morning, evening, and nighttime periods of the day that are not exempt by TRPA (i.e., 8:00 a.m. to 6:30 p.m., daily [TRPA Code Section 68.9]) or the local city or county noise ordinance. This would be a significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from short-term construction by implementing basic best practices and restricting construction during the most noise-sensitive times of the day. Implementation of the measure is the responsibility of TRPA.

Mitigation Measure 3.6-1 includes basic best practices for minimizing exposure to construction-generated noise. It is anticipated that these best practices would be effective in substantially reducing exposure of noise-sensitive receptors to construction-generated noise. Moreover, construction noise would not be generated during the more noise-sensitive times of the day (i.e., outside the hours exempt by TRPA and the local jurisdiction) unless a site-specific analysis determines that the resultant noise levels would not exceed applicable standards. Therefore, with implementation of Mitigation Measure 3.6-1, Impact 3.6-1 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-1: REDUCE EXPOSURE TO CONSTRUCTION NOISE

Where local rules and regulations exist, project-related construction activity will comply with local requirements. In addition to local requirements, TRPA will develop and implement a Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration. The policy will require implementation of measures for the reduction of noise generated by demolition and construction activity in the Region. TRPA will require, as conditions of project approval, all applicable control measures identified by the policy. Measures for reducing exposure to construction-related noise may include, but are not limited to, the following:

- All construction equipment shall be equipped with properly operating mufflers and engine shrouds, in accordance with manufacturers' specifications.
- Equipment engine doors shall be kept closed during equipment operation.
- Inactive construction equipment shall not be left idling for prolonged periods of time (i.e., more than five minutes).
- Stationary equipment (e.g., power generators) and staging area for other equipment shall be located at the maximum distance feasible from nearby noise-sensitive receptors.
- Temporary sound walls shall be installed along the boundaries of the construction site to protect nearby noise-sensitive receptors, where feasible and applicable.
- Trucks hauling materials and goods to and from the construction site shall only do so during active construction periods.
- All construction and demolition activity using heavy-duty, off-road equipment shall be performed during the daytime hours between 8:00 a.m. and 6:30 p.m., which is the time period exempt from TRPA noise standards by TRPA Code Section 68.9, and during any daytime hours that are exempt from the noise standards of the local jurisdiction (e.g., Placer County, El Dorado County, Douglas County, City of South Lake Tahoe). Noise-generating construction activity may occur during other times of the day if a site-specific, project-specific, technically adequate noise analysis determines that the resultant noise levels would not exceed TRPA noise standards or any applicable standards established by the local jurisdiction.

For projects that are permitted prior to the completion of the Best Construction Practices Policy for the Minimization of Exposure Construction-Generated Noise and Ground Vibration, TRPA will require the mitigation measures listed above for project approval to the extent they are not already addressed in applicable local requirements.

SIGNIFICANT EFFECT: GROUND VIBRATION (IMPACT 3.6-2)

The proposed RTP/SCS would not include the development of any new major stationary sources of ground vibration. As described above under Impact 3.6-1, implementation of any of the RTP/SCS alternatives could result in construction activities that require the use of on-site construction equipment. New construction could result in ground vibration-generating construction activities that could occur in close proximity to existing structures and buildings, including residential buildings and tourist accommodation units. Construction activities generate varying degrees of temporary ground vibration, depending on the specific construction equipment used and activities involved. Ground

vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. Construction-related ground vibration is normally associated with impact equipment such as pile drivers, jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. Blasting activities also generate relatively high levels of ground vibration. The effects of ground vibration may be imperceptible at the lowest levels, result in low rumbling sounds and detectable vibrations at moderate levels, and high levels of vibration can cause sleep disturbance in places where people normally sleep or annoyance in buildings that are primarily used for daytime functions and sleeping. Implementation of the proposed RTP/SCS alternatives would include construction activities that could expose nearby buildings, structures, and people to excessive levels of ground vibration. This would be a significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from construction-related ground vibration by including basic best practices. Implementation of the measure is the responsibility of TRPA.

With implementation of Mitigation Measure 3.6-2, the potentially significant impact of project-specific construction activities would be reduced because projects would include basic best practices to ensure that construction-generated ground vibration would not result in damage to buildings and structures or in a negative human response. Therefore, with implementation of Mitigation Measure 3.6-2, Impact 3.6-2 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-2: REDUCE EXPOSURE TO CONSTRUCTION-GENERATED GROUND VIBRATION

The Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration, which is required by Mitigation Measure 3.6-2, will also include measures to address vibration generated during construction and demolition activity. TRPA's Best Construction Practices Policy may include required setback distances for various types of construction equipment that generate ground vibration, as well as criteria for conducting site-specific studies where these setback distances cannot be maintained. Measures required by the policy to minimize exposure to ground vibration may include, but are not limited to, the following:

- Where local rules and regulations exist regarding ground vibration, projects will comply with local requirements. In addition to local requirements, TRPA will require proponents of transportation projects to implement the following mitigation measures during construction, to the extent they are not already addressed in applicable local requirements.

- Sonic pile driving shall be performed instead of impact pile driving, wherever feasible.
- To further reduce pile-driving ground vibration impacts, holes shall be predrilled to the maximum feasible depth to reduce the number of blows required to seat the pile.
- All construction equipment on construction sites shall be operated as far away from vibration-sensitive sites as reasonably possible.
- Earthmoving and ground-impacting operations shall be phased so as not to occur simultaneously in areas close to off-site sensitive receptors, to the extent feasible. The total vibration level produced could be significantly less when each vibration source is operated at separate times.
- No construction or demolition activity shall be performed that would expose an existing structure to levels of ground vibration that exceeds 0.20 in/sec PPV. The vibration control program shall include minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving, blasting) for the purpose of preventing damage to nearby structures. Established setback requirements can be breached if a project-specific, site specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures.
- No construction or demolition activity shall be performed that would expose human activity in an existing building to levels of ground vibration that exceed FTA's 80 VdB standard. The vibration control program shall also include minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving, blasting) for the purpose of preventing negative human response. Established setback requirements can be breached only if a project-specific, site-specific, technically adequate ground vibration study indicates that the buildings would not be exposed to ground vibration levels in excess of 80 VdB, and ground vibration measurements performed during the construction activity confirm that the buildings are not being exposed to levels in excess of 80 VdB; or at least two weeks' advanced notice is provided to owners and renters of residential buildings that would be exposed to ground vibration levels within the applicable setback distance; and hotel accommodations are offered to inhabitants of residences within the applicable setback distance at the expense of the project applicant.

TRPA will only approve projects that would comply with the requirements of the Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration. For projects that are permitted prior to the completion of the Best Construction Practices Policy, TRPA will require the mitigation measures listed above for project approval to the extent they are not already addressed in applicable local requirements.

SIGNIFICANT EFFECT: LONG-TERM TRAFFIC NOISE LEVELS ALONG EXISTING ROADWAY ALIGNMENTS (IMPACT 3.6-4)

Modified Alternative 3 would include a particular transportation strategy package and reflects different numbers and types of new allocations for development authorized by TRPA that could be constructed over the planning horizon of the RTP/SCS. Different policies and redevelopment incentives proposed under each of the alternatives would influence the rate and location of new development, the modes of transportation that would serve the Region, and ultimately the increase in new vehicle trips on highways. Traffic modeling was conducted for each alternative that projected ADTs for road segments in the Region, which were used as inputs to the traffic noise model. Long-term traffic noise levels under any of the five SCS/RTP alternatives could exceed Threshold Standards established by TRPA for

different land use categories and highway corridors; and/or result in a long-term noise level increase in an area where the applicable TRPA Threshold Standard is already exceeded. This would be a significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from long-term traffic noise levels along existing roadway alignments by implementing a traffic noise reduction program. Implementation of the measure is the responsibility of TRPA.

Mitigation Measure 3.6-4 includes measures for reducing traffic noise increases and exposure of noise-sensitive receptors to traffic noise increases. This would ensure that impacts from project-specific traffic noise increases would be reduced. Therefore, with implementation of Mitigation Measure 3.6-4, Impact 3.6-4 would be less than significant for Modified Alternatives 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-4: REDUCE HIGHWAY TRAFFIC NOISE LEVELS

TRPA will develop and effectuate the implementation of a traffic noise reduction program in coordination with local governments to attain traffic noise levels along highways in the Region where they currently exceed applicable TRPA standards and to maintain traffic noise levels along highways in the Region where they currently do not exceed TRPA standards. Until that time, TRPA will continue its existing practice of requiring measures to be developed on a project-specific basis. Measures may include those required as conditions of approval for development projects and those to be implemented by TRPA to address cumulative, regional noise levels. Traffic noise mitigation measures will be implemented through local government and/or TRPA permitting activities. When the traffic noise reduction program is adopted and implemented, the applicable requirements listed in the adopted policy may be implemented in lieu of the actions listed below.

Where local rules and regulations exist, projects will comply with local requirements regarding the exposure of pre-existing noise-sensitive receptors to traffic noise levels. Generally, standards established by local jurisdictions in the Region are less stringent (i.e., higher) than TRPA-established noise standards. In addition to local requirements, TRPA will require proponents of land use development projects to implement the following mitigation measures, where feasible, and to the extent they are not already addressed in applicable local requirements, to protect both on- and off-site noise-sensitive receptors:

- Construction/use of barriers, berms, and/or acoustical shielding (reductions of 3 dB to 5 dB)—Any barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the color and rural character of the general area, and not become the dominant visual element of the community. Relocation of existing vegetation and/or landscaping may also be necessary to achieve an aesthetically pleasing appearance.

- Replacing driveways that provide access from highways to individual buildings with a common access way that routes ingress and egress traffic to nearby intersections in order to reduce the number of gaps in barriers and berms (reductions site-specific).
- Planting of dense vegetation in key locations where noise absorption is needed (reductions site-specific).
- Utilizing noise-reducing pavement, including repaving existing roadways with noise-reducing pavement (reductions of 2-5dB)—All pavement must be suitable for the Tahoe climate and snow removal needs.
- Reducing speed limits and/or implementing traffic-calming measures that slow travel speeds, if feasible and practical (reductions of 1-2 dB).
- Realigning segments of the highway to reduce noise-sensitive areas to exposure of traffic noise from that highway segment (reductions site-specific).
- Funding the acquisition of additional right-of-way adjacent to the particular roadway segments to remove existing noise-sensitive receptors, including existing residences (reductions site-specific).
- Funding acoustical treatment of buildings (reductions of 3-5 dB).
- Any measures that would, based on substantial evidence, reduce the number of vehicle trips associated with project operations, such as an employee carpool or vanpool program, shuttle bus service for residents or tourists, parking fees, and bicycle amenities.

Prior to adoption of the traffic noise reduction program, TRPA will continue to evaluate individual projects at the project level and enforce its CNEL standards on a project-by-project basis pursuant to the noise limitations in Chapter 68 of the TRPA Code.

For projects that do not require environmental documentation beyond a checklist, TRPA may apply general noise reduction measures in the twelve months preceding adoption of the Region-wide traffic noise reduction plan.

SIGNIFICANT EFFECT: LONG-TERM TRAFFIC NOISE LEVELS ALONG REALIGNED ROADWAYS (IMPACT 3.6-5)

Implementation of the RTP/SCS could result in the realignment of some existing roadways as part of proposed transportation improvement projects. For instance, the State Route 89/Fanny Bridge Community Revitalization Project (included in all of the alternatives), could involve construction of a new roadway bridge over the Truckee River and repair or replacement of Fanny Bridge. This could increase noise for land areas designated for recreation use. In the Stateline casino corridor area, the US 50 South Shore Community Revitalization Project could realign a segment of US 50 in the Stateline casino corridor area, between a location southwest of Pioneer Trail in California and Lake Parkway in Nevada, to the west along Lake Parkway East and convert the existing US 50 roadway into a two-lane local roadway (one travel lane in each direction) serving the casino core. These proposed changes would affect the segment of US 50 between southwest of Pioneer Trail in California and Lake Parkway in Nevada. Realignment options include placement of US 50 in an alignment that could increase traffic noise for existing residential and conservation areas. Roadway realignment would relocate noise-generating traffic from current highway alignments to new locations that may be closer to existing noise-sensitive receptors (e.g., residences, open/space recreation lands). The addition of a new roadway segment, and thus a new noise source, into existing residential areas could result in increased traffic noise levels that may exceed the CNEL standards established by the local PAS or Community Plan

and/or the noise standards established by the local city or county. This would be a significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from long-term traffic noise levels along realigned roadways because TRPA would only approve projects that can demonstrate compliance with TRPA's Threshold Standard standards or that would not result in noise increases in locations where TRPA standards are already exceeded. Implementation of the measure is the responsibility of TRPA.

It is unknown at this time whether all individual projects included in the alternative would be able to incorporate design and operational measures that would prevent traffic noise levels that exceed applicable TRPA-designated CNEL standards and/or that would fully offset noise increases, of any magnitude, in areas where TRPA-designated CNEL standards are already exceeded. However, because TRPA would only approve projects that can demonstrate compliance with TRPA's Threshold Standards (i.e., CNEL standards), or that would not result in noise increases in locations where TRPA standards are already exceeded, this impact would be less than significant with respect to all TRPA noise standards for all RTP/SCS alternatives. Therefore, with implementation of Mitigation Measure 3.6-5, Impact 3.6-5 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.6-5: REDUCE TRAFFIC NOISE LEVELS ALONG REALIGNED ROADWAYS

TRPA will require the project proponents of roadway realignment projects to perform detailed noise studies for their respective projects, including the State Route 89/Fanny Bridge Community Revitalization Project and/or the US 50 South Shore Community Revitalization Project, if the selected alternative results in the location of the highway alignment closer to noise sensitive land uses. Each study will account for site-specific and project-level details not available at this time (e.g., selection of preferred alternative, precise routing of the new or revised alignment, changes in grade, pavement type, travel speed, roadway dimensions [lane widths, median size], and surrounding land coverage). Each project-specific study will determine whether applicable TRPA noise standards would be exceeded, including the applicable CNEL standards established by the local Community Plan or PASs, and whether noise-sensitive receptors would be exposed to noise levels that exceed local city or county noise standards. Project-level studies and all necessary mitigation for each roadway alignment will be funded by the agency or agencies responsible for the project implementation.

Sufficient measures will be implemented to ensure that CNEL standards established by the applicable Community Plan and PASs would not be exceeded, including in those areas located outside the corridor in which TRPA's highway-specific CNEL standards apply (i.e., 55 CNEL for SR 89 and 65 CNEL for US 50 within 300 feet of the road edge), and also to ensure that traffic noise levels that would expose noise-sensitive receptors to levels that exceed applicable standards of local jurisdictions would be reduced to the extent necessary (levels below the applicable CNEL standard). TRPA will not approve any roadway realignment that

would cause traffic noise levels to exceed a threshold standard designated by TRPA for any land use category, including the CNEL standards designated for different land use types by Community Plans and PASs. In addition, TRPA will not approve any roadway realignment that would result in a long-term noise level increase, of any magnitude, in an area where the applicable TRPA Threshold Standard is already exceeded. Similarly, the local city or county will not approve any roadway realignment project that would expose noise-sensitive receptors to noise levels that exceed its applicable standards after implementation of all feasible mitigation. Such mitigation may include, but will not necessarily be limited to the following:

- Refinement of the roadway realignment design to minimize the area affected by increased noise levels that exceed applicable Community Plan or PAS standards and to minimize traffic noise levels where they expose noise-sensitive receptors to levels that exceed local noise standards.
- Revision to the Community Plan/PAS/community center boundaries to encompass realigned roadways and modify the TRPA-designated CNEL standards within community centers to allow for higher noise levels, consistent with the goal of creating compact, higher intensity land uses in the centers.
- Revision to the applicable Community Plans and PASs so that they specify that the CNEL standards for the realigned highways, which override the Community Plan- and PAS-established land-use based CNEL standards in areas within 300 feet from the roadway edge, also apply to the corridors of all realigned highways inside the respective planning areas.
- Expansion of the highway corridor that is exempt from TRPA-established CNEL standards for nearby land uses.
- Acquisition of additional right-of-way adjacent to the realigned roadways to remove existing noise-sensitive receptors, including existing residences.
- Construction of noise barriers, berms, walls, and/or acoustical shielding to reduce traffic noise levels along the new alignments. Any barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the color and rural character of the general area, and not become the dominant visual element of the community. Relocation of existing vegetation and/or landscaping may also be necessary to achieve an aesthetically pleasing appearance.
- Replacement of driveways that provide access from highways to individual buildings with a common access way that routes ingress and egress traffic to nearby intersections in order to reduce the number of gaps in barriers and berms.
- Planting of dense vegetation in key locations where noise absorption is needed.
- Use of noise-reducing pavement, including repaving existing roadways with noise-reducing pavement— all pavement must be suitable for the Tahoe climate and snow removal needs.
- Reduction of speed limits and/or implementing traffic-calming measures that slow travel speeds, if feasible and practical.
- Implementation of programs to pay for noise mitigation such as low-cost loans to owners of noise-impacted property or establishment of developer fees.
- Acoustical treatment of buildings.
- Additional measures that would, based on substantial evidence, reduce the number of vehicle trips associated with project operations, such as an employee carpool or vanpool program, shuttle bus service for residents or tourists, parking fees, and bicycle amenities.

V. SCENIC RESOURCES

SIGNIFICANT EFFECT: EFFECTS ON EXISTING SCENIC QUALITY OR SCENIC RESOURCES (IMPACT 3.9-1)

Transportation projects included in the RTP/SCS would be designed consistently with TRPA scenic requirements. Many projects would provide the opportunity to enhance scenic quality and community design in urban areas through community revitalization, urban trail corridors, or implementation of complete streets. Nonetheless, new transportation facilities may alter or cause degradation to the existing scenic quality of Roadway or Shoreline Travel Units or damage scenic resources in rural areas as a result of construction activities and the introduction of new or expanded facilities or structures.

TRPA scenic requirements in the Code of Ordinances would avoid and reduce adverse effects and many projects would improve existing scenic quality; however, the potential for development of transportation facilities to degrade scenic quality in rural areas and the shorezone/shoreland cannot be entirely dismissed. Although attaining and maintaining Threshold Standards, including those protecting scenic quality, is an inherent objective of the RTP/SCS, there would be a potential for a significant scenic impact related to implementation of new projects, because considerable discretion needs to be applied to projects to determine how scenic impacts would be avoided, or if needed, what compensatory scenic mitigation may be required. A potentially significant impact on scenic quality and scenic resources is recognized.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on existing scenic quality or scenic resources. Implementation of Mitigation Measure 3.9-1 is the responsibility of the project proponent, as enforced by TRPA.

Compliance with Design Review Guidelines, Shorezone Ordinance requirements, and scenic standards would ensure that the environmental Threshold Standards Travel Route Ratings, Scenic Quality Ratings, Public Recreation Areas and Bike Trails, and Community Design would not be violated. In addition, implementation of Mitigation Measures 3.9-1a and 3.9-1b would reduce this impact by ensuring that project designs are modified if needed and other project-specific measures, such as construction screening, are implemented. Therefore, with implementation of Mitigation Measure 3.9-1, Impact 3.9-1 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.9-1A: REQUIRE CONSTRUCTION SCREENING

As a condition of approval for all construction projects related to all five RTP/SCS alternatives, the project proponent (e.g., Tahoe Transportation District (TTD), local County, Caltrans, NDOT) will ensure that construction-related activity is screened and maintained by installing visual screen fencing, storing building materials and equipment within the proposed construction staging areas or in areas that are as far away or hidden from public view as feasible and removing construction debris promptly.

2. MITIGATION MEASURE 3.9-1B: IMPLEMENT SCENIC IMPACT AVOIDANCE AND/OR MITIGATION THROUGH TRPA DESIGN REVIEW

Considerable discretion is involved in determining how new structures will either avoid adverse scenic impacts or if needed, apply compensatory scenic mitigation. Transportation facilities, including new buildings and structures, will be required to undergo detailed design review and determinations of consistency with TRPA scenic requirements during project planning and environmental review. For the Lake Tahoe Waterborne Transit Project, ferry berthing and maintenance facilities will be limited to existing marina piers and buildings, if feasible. If not, the visible mass of new or expanded piers and buildings will be designed in accordance with TRPA Shorezone and Shoreland scenic requirements, including compensatory scenic mitigation, if needed. All projects will be required to help attain and maintain scenic Threshold Standards.

If projects are found during the project review to be potentially inconsistent with scenic requirements or potentially may not help attain and maintain scenic Threshold Standards, project proponents will work with TRPA to modify project design or identify project-specific scenic mitigation measures to ensure that all required scenic requirements and Threshold Standards are met, specifically: Travel Route Ratings, Scenic Quality Ratings, Public Recreation Areas and Bike Trails Scenic Threshold Standards, and Community Design.

SIGNIFICANT EFFECT: EFFECTS ON SCENIC VISTAS FROM A PUBLIC ROAD OR OTHER PUBLIC AREA (IMPACT 3.9-2)

Proposed new pedestrian and bicycle trails would, in some locations, provide enhanced public access to vistas of the Lake. Waterborne transit offers a new type of high viewer-volume, public, on-lake access to Lake and Basin rim vistas. If new or expanded ferry piers are needed in the shorezone, or if parking, ferry terminal, or ferry maintenance structures and buildings are needed in the shoreland, the potential for blockage or interference with scenic Lake vistas is conceivable; however, shorezone and shoreland scenic requirements are designed to avoid such effects. Nonetheless, the potential for development of ferry facilities that may interfere with Lake vistas cannot be entirely dismissed. Transportation projects that would involve roadway, trail, stormwater, and other public works improvements would not block or interfere with scenic vistas, because they either consist of “horizontal” infrastructure (such as grading, drainageways, or paving) or involve smaller, “vertical” structures that would not be large enough to interfere with scenic vistas (such as transit shelters, low bridge railings, unobstructive trail alignments). Nearly all of the transportation projects in the RTP/SCS would enhance public access to scenic vistas, or would not be of a size or height that would create the

potential for interference with scenic vistas. For alternatives that include the Lake Tahoe Waterborne Transit Project, the potential for shorezone and shoreland structures to adversely affect Lake vistas cannot be entirely dismissed, which would constitute a potentially significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on scenic vistas from a public road or other public area. Implementation of the measure is the responsibility of TRPA.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.9-1B: IMPLEMENT SCENIC IMPACT AVOIDANCE AND/OR MITIGATION THROUGH TRPA DESIGN REVIEW

Alternative 2 does not require mitigation. For Alternatives 1, 3, 4, and 5, TRPA will implement Mitigation Measure 3.9-1b. See above, for a description of the mitigation measure under Impact 3.9-1.

Implementation of Mitigation Measure 3.9-1b would reduce this impact to ensure that the Environmental Threshold Standards Travel Route Ratings, Scenic Quality Ratings, Public Recreation Areas and Bike Trails, and Community Design would not be violated and by ensuring that project designs are modified if needed and other project-specific measures are implemented. Therefore, with implementation of Mitigation Measure 3.9-1b, Impact 3.9-2 would be less than significant for Modified Alternative 3.

VI. BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: SENSITIVE HABITATS (IMPACT 3.10-1)

Sensitive habitats in the Tahoe Basin include a variety of wetland/riparian communities such as wet meadows, riparian zones along streams, marshes, seasonal wetlands, drainages, springs, fens, bogs, and deep water plant communities of Lake Tahoe. Most of these communities are also designated by TRPA as SEZ and habitats of special significance. Implementation of projects under the Modified Alternative 3, depending on their specific locations, could result in removal or disturbance of habitats considered sensitive by USACE and TRPA, including riparian vegetation, SEZ, and potential jurisdictional wetlands. Construction-related disturbances could occasionally occur in or otherwise directly or indirectly affect areas that may support sensitive habitats, including SEZs, outside of existing disturbed areas. This potential habitat loss would be a potentially significant impact to SEZs and other sensitive habitats in the Basin for all alternatives.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on sensitive habitats. Implementation of the measure is the responsibility of TRPA.

Prior to approving any project subject to environmental review requirements, TRPA will, in accordance with Chapter 4, Required Findings, of the Code of Ordinances, make written findings supported by substantial evidence in the record that the project is consistent with, and will not adversely affect implementation of the Regional Plan, Goals and Policies, plan maps, Code, and other plans and programs; and that it will not cause Environmental Threshold Carrying Capacities to be exceeded. Because of the mandatory nature of TRPA environmental review requirements, Code compliance, and permit approvals, it is reasonable to expect that existing procedures, performance standards, and environmental safeguards such as TRPA Threshold Standards, Code compliance requirements, federal/state/local regulations, and permit approvals would be effective in avoiding or mitigating potentially significant project-specific impacts, and/or that projects would be required to be modified so as to achieve such standards prior to approval. Therefore, with implementation of Mitigation Measure 3.10-1, Impact 3.10-1 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.10-1A: IMPLEMENT VEGETATION PROTECTION MEASURES AND REVEGETATE DISTURBED AREAS

Vegetation will not be disturbed, injured or removed, except in accordance with the Code or conditions of Project approval. All trees, major roots, and other vegetation, not specifically designated and approved for removal in connection with a project will be protected according to methods approved by TRPA. All vegetation outside the construction site boundary, as well as other vegetation designated on the approved plans, will be protected by installing temporary fencing pursuant to subsections 33.6.9 and 33.6.10. Areas outside the construction site boundary that sustain vegetation damage during construction will be revegetated according to a revegetation plan in accordance with Section 61.4.

2. MITIGATION MEASURE 3.10-1B: CONDUCT DELINEATION OF WATERS OF THE UNITED STATES AND OBTAIN AUTHORIZATION FOR FILL AND REQUIRED PERMITS

Prior to the start of on-site construction activities, a qualified biologist will survey the project area for sensitive natural communities. Sensitive natural communities or habitats are those of special concern to resource agencies or those that are afforded specific consideration, based on Section 404 of the Clean Water Act (CWA) and other applicable regulations. If sensitive natural communities or habitats that are afforded specific consideration, based on Section 404 of the Clean Water Act (CWA) are determined to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, will be prepared by a qualified biologist through the formal Section 404 wetland delineation process. The delineation will be submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project,

authorization for such fill will be secured from USACE through the Section 404 permitting process. The acreage of riparian habitat (deciduous riparian vegetation) that would be removed or disturbed during project implementation will be quantified and replaced or restored/enhanced in accordance with USACE and TRPA regulations. Habitat restoration, enhancement, and/or replacement will be at a location and by methods agreeable to USACE as determined during the permitting processes for CWA Section 404 and by TRPA during the permitting process for SEZ.

SIGNIFICANT EFFECT: TREE REMOVAL (IMPACT 3.10-2)

Construction of several RTP/SCS projects would likely require the removal of native trees. Provisions for tree removal are provided in the TRPA Code of Ordinances (Chapter 61, and Chapters 33 and 36), and tree removal requires the review and approval of TRPA. For specific projects under Modified Alternative 3, project-level planning and environmental analysis would identify potential tree removal. Tree removal as a result of specific transportation projects would be a potentially significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from tree removal ensuring compliance with existing TRPA regulations and policies regarding tree removal. Implementation of the measure is the responsibility of TRPA.

Implementation of Mitigation Measure 3.10-2 would ensure compliance with existing TRPA regulations and policies to identify potentially significant tree removal, minimize or avoid those impacts through the design and permitting process, and provide mitigation for any significant effects. Therefore, approved tree removal as a result of specific projects under all alternatives would be reduced to a less-than-significant impact. TRPA's Goals and Policies, Code of Ordinances, and Rules of Procedure require protection of large trees and late seral/old growth ecosystems, preparation and approval of tree removal plans, compensatory tree replacement or other project-level mitigation to avoid significant impacts if appropriate and needed, and other protection measures. Therefore, with implementation of Mitigation Measure 3.10-2, Impact 3.10-2 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.10-2: MINIMIZE TREE REMOVAL AND DEVELOP A TREE REMOVAL AND MANAGEMENT PLAN

Where feasible, the project will avoid and minimize the removal of trees, especially those 30 inches in DBH or larger. This avoidance and minimization will be achieved through project design to the greatest extent feasible. Tree removal that cannot be avoided will be mitigated with the following measures. In accordance with Chapter 61, Section 61.1.5.C of the TRPA Code of Ordinances, a tree removal and management plan will be prepared by a qualified forester and will be submitted to a TRPA Registered Professional Forester (RPF) or

other qualified TRPA professional for review and approval. TRPA approval of the plan will be obtained before project approval. Alternatively, if a timber harvesting plan is required to be submitted to California Department of Forestry and Fire Protection and meets the requirements described in this mitigation measure, the timber harvesting plan may be submitted to TRPA for review and approval in lieu of a separate tree removal and management plan.

The tree removal and management plan will adhere to the provisions in Chapter 61 of the TRPA Code of Ordinances, including the preservation of trees larger than 30 inches DBH (Section 61.1.4.A). The plan will include protection measures for snags and coarse woody debris. In accordance with the TRPA criteria Standards for Common Vegetation, the plan will maintain relative species richness, relative abundance, and relative age class, as appropriate and feasible, to contribute to the attainment of the region-wide Threshold Standard.

Permanent disturbance (i.e., disturbance after project construction caused by the proposed project) and temporary disturbance (i.e., disturbance from construction activities) of all trees to be preserved will be minimized. This will include minimizing cuts, fills, grade changes, paving or other coverage, soil compaction, and landscaping effects within the critical root zone of all trees, as determined by a qualified environmental professional. Creation of detailed site plans and construction documents will be coordinated with a qualified environmental professional to minimize permanent and temporary disturbance. The tree removal and management plan will demonstrate how site development design will minimize the permanent disturbance of all trees to be preserved, and how construction planning will minimize temporary disturbance of all trees to be preserved.

To minimize temporary disturbance, the tree removal and management plan will provide for vegetation protection during construction in accordance with Chapters 33 and 36 of the TRPA Code of Ordinances.

All tree protection obligations required in the tree removal and management plan will be incorporated into construction contracts. Tree protection measures will be installed, and will be inspected by staff from TRPA before issuance of a grading permit.

As part of the tree removal and management plan, a tree replacement plan may be prepared by a qualified forester, in accordance with Chapters 36 and 61 of the TRPA Code of Ordinances. Tree replacement needs and specifications will be determined in cooperation with TRPA during development of the tree removal and management plan. Determining whether tree replacement is appropriate, and the amount of project-related tree removal subject to mitigation by tree replacement, should be based on several considerations related to local and Basin-wide vegetation and fuels management goals and opportunities. These considerations include: (1) the condition, stocking level, and encroachment potential of stands where trees would be removed relative to vegetation/fuels management objectives, desired ecological conditions, and relevant TRPA Threshold Standards for those areas (e.g., stands proposed for removal that are presently overstocked, encroaching into other native vegetation types, or otherwise undesirable may not warrant full replacement); (2) whether on- or offsite tree replacement, which could increase tree density and cover at replanting sites, would either contribute to or conflict with fuels/vegetation and forest health goals for those locations or Basin-wide; and (3) how tree replacement may affect attainment of TRPA Threshold Standards for vegetation. If a tree replacement plan is required, it would be submitted to and approved by a TRPA RPF or other qualified TRPA professional before tree removal or the issuance of a grading permit. Tree replacement will only be implemented in a manner that is also consistent with fire fuel management objectives for the replanted properties.

SIGNIFICANT EFFECT: EFFECTS ON FISH AND AQUATIC HABITAT (IMPACT 3.10-3)

Aquatic habitats could be affected by project construction activities associated with new or improved stream crossings, transportation facilities adjacent to aquatic habitats, and stormwater control projects. Construction could temporarily result in increased turbidity and downstream sedimentation, small amounts of fill placed in aquatic habitats, and the release and exposure of construction-related contaminants. Construction-related disturbances to fish and aquatic habitat would be a potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on fish and aquatic habitat. Implementation of the measure is the responsibility of the project proponent, as enforced by TRPA.

TRPA's existing policies and Code provisions address potential impacts to fisheries and aquatic habitats through site specific environmental review and requiring development and implementation of project-specific measures to minimize or avoid those impacts through the design process, and provide compensatory or other mitigation for any significant effects on fish habitat as a condition of project approval. Specifically, provisions of the TRPA Code of Ordinances require protecting prime and other fish habitat, and providing mitigation to avoid significant impacts to fisheries if needed; and TRPA's Rules of Procedure require mitigation for any significant impact as a condition of project approval. Compliance with TRPA's existing policies and Code provisions, along with implementation of Mitigation Measure 3.10-3 would minimize or avoid impacts to fish and aquatic habitat. Therefore, with implementation of Mitigation Measure 3.10-3, Impact 3.10-3 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.10-3: CONDUCT PRECONSTRUCTION SURVEYS AND DEVELOP AND IMPLEMENT NATIVE-FISH CAPTURE AND TRANSLOCATION PLAN

The project proponent shall develop and implement measures to prevent the construction-related loss of native fish occupying habitat within the project-specific area. In accordance with existing regulations, before any construction activities that require dewatering commence, a qualified biologist shall conduct preconstruction surveys and implement native-fish relocation activities within the construction dewatering area. All captured native fish species shall be immediately released to a suitable habitat near the project area. The qualified biologist shall place nets with 1/8-inch mesh at the upstream and downstream extents of the area to be dewatered to keep fish out of the area during fish removal activities. After completion of removal activities, the work area will be cleared for dewatering. Fish rescue and relocation will continue until the area is completely dewatered or until it is determined that no fish remain in the dewatering area.

This fish translocation plan will apply only to native fish species. Nonnative species captured during the pre-dewatering effort will be humanely killed and disposed of. These activities shall take place in consultation with TRPA and the Nevada Department of Wildlife (NDOW) or California Department of Fish and Game.

SIGNIFICANT EFFECT: SPECIAL-STATUS PLANT AND WILDLIFE SPECIES (IMPACT 3.10-4)

Construction of some RTP/SCS projects could affect special-status plant or animal species, depending on the specific locations, presence of suitable habitat and the type, timing, and specific nature of the project actions. During project-level planning and evaluation, species with potential to be affected would be determined based on the species' distribution and known occurrences relative to the project area, the presence of suitable habitat for the species in or near the project area, and preconstruction surveys. If special-status plant or wildlife species are found where RTP/SCS project-specific ground disturbance is planned, then implementing Modified Alternative 3 could result in their removal or disturbance. This impact would be potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on special-status plant and wildlife species. Implementation of the measure is the responsibility of TRPA.

Implementation of Mitigation Measure 3.10-4, together with compliance of TRPA's existing policies and Code provisions that address potential impacts to special-status species through site specific environmental review and requiring development and implementation of project-specific measures to minimize or avoid impacts through the design process, impacts from proposed RTP/SCS projects would be reduced to less than significant. Therefore, with implementation of Mitigation Measure 3.10-4, Impact 3.10-4 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.10-4A: CONDUCT FOLLOW-UP, PRE-CONSTRUCTION SURVEYS AND AVOID, MINIMIZE, OR COMPENSATE FOR IMPACTS ON SPECIAL-STATUS PLANT SPECIES

To avoid, minimize, or compensate for possible adverse effects on special-status plant species resulting from a proposed RTP project, the following management requirements would be implemented in the following order, in accordance with existing regulations:

- A qualified botanist familiar with the vegetation of the Tahoe Basin will conduct preconstruction surveys for special-status plants that could occur in the project area and be affected by the proposed project. Surveys will be conducted during appropriate blooming periods when target species are clearly

identifiable and will follow CDFG's Guidelines for Assessing the Effects of Proposed Development on Rare, Threatened, and Endangered Plants and Plant Communities (CDFG 2000).

- If no special-status plants are found during the survey, the results of the survey will be documented in a letter report to the lead agencies that would become part of the project environmental record, and no further actions will be required.
- If occurrences of special-status plants are documented during the survey, they will be clearly identified in the field and protected from impacts associated with construction activities. Protective measures will include flagging and fencing of known plant locations and avoidance where possible. No construction-related activities will be allowed within areas fenced for avoidance, and construction personnel will be briefed about the presence of the plants and need to avoid effects on the populations.
- If avoidance is not possible, a mitigation plan to reduce impacts on special-status plants to a less-than-significant level will be developed in coordination with the lead agencies, CDFG (for CNPS List 2 species), and USFS (for forest sensitive species), depending on the species affected. The mitigation plan will include provisions for minimizing impacts on special-status plant populations during construction and for relocation and establishment of plants at new protected locations in the study area. The mitigation plan will also include provisions for follow-up monitoring to determine mitigation success, and remedial measures should the initial efforts to mitigate fail. The plan will be adopted and implemented by the project proponent.

2. MITIGATION MEASURE 3.10-4B: CONDUCT PRE-CONSTRUCTION SURVEYS FOR NESTING SPECIAL-STATUS BIRDS, AND IMPLEMENT A LIMITED OPERATING PERIOD IF NECESSARY

In accordance with existing regulations, for construction activities that would occur in suitable habitat during the nesting season (generally April 1–August 31, depending on species and weather), a qualified wildlife biologist will conduct focused surveys for active nest sites of special-status birds. The biologist should be able to identify Sierra Nevada bird species audibly and visually.

If an active special-status bird nest is located during the preconstruction surveys, the biologist will notify TRPA and CDFG. If necessary, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives will be evaluated, and implemented to the extent feasible. If avoidance is not feasible or conflicts with project objectives, appropriate limited operating periods will be established through consultation with TRPA and CDFG and will apply to avoid disturbances during the sensitive nesting season.

3. MITIGATION MEASURE 3.10-4C: CONDUCT PRE-CONSTRUCTION SURVEYS FOR SPECIAL-STATUS BATS, AVOID REMOVAL OF IMPORTANT ROOSTS, AND IMPLEMENT A LIMITED OPERATING PERIOD IF NECESSARY

In accordance with existing regulations, bat surveys will be conducted by a qualified wildlife biologist within 14 days before any tree removal or clearing each construction season. Locations of vegetation and tree removal or excavation will be examined for potential bat roosts. Potential roost sites identified will be monitored on two separate occasions for bat activity, using bat detectors to help identify species. Monitoring will begin 30 minutes before sunset and will last up to 2 hours at any potential roost identified. Removal of any significant roost locations discovered will be avoided to the extent feasible. If avoidance is not feasible, roost sites will not be disturbed by project activities until September 1 or later, when juveniles at maternity roosts would be volant (i.e., able to fly).

SIGNIFICANT EFFECT: INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND AQUATIC INVASIVE SPECIES (IMPACT 3.10-5)

Construction of some RTP/SCS projects would involve ground-disturbing activities in disturbed and native vegetation types. These activities would temporarily create areas of open ground that could be colonized by nonnative, invasive weed species from inside or outside of the project area. Invasive weeds and other species could inadvertently be introduced or spread in the project area during grading and construction activities, if nearby source populations passively colonize disturbed ground, or if construction and personnel equipment is transported to the site from an infested area. Under Modified Alternative 3, construction and operation of the Lake Tahoe Waterborne Transit Project, including the initial deployment of transit boats on Lake Tahoe, could facilitate the spread of aquatic invasive species into Lake Tahoe. Boats or construction equipment could harbor aquatic invasive species that could invade Lake Tahoe, if boats or equipment were exposed to those species in another water body and are not sufficiently cleaned and sanitized. The potential introduction and spread of invasive species as a result of implementing the RTP/SCS would be potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from introduction and spread of invasive weeds and aquatic invasive species. Implementation of the measure is the responsibility of TRPA.

Implementation of Mitigation Measures 3.10-5, together with compliance with the TRPA Code of Ordinances and Goals and Policies that prohibit the release of nonnative species in the Tahoe Basin, would reduce this impact to less than significant. The TRPA Code requires conducting watercraft inspections and decontamination to prevent the introduction and spread of aquatic invasive species in Lake Tahoe from boats entering the Region; this provision would apply to the Lake Tahoe Waterborne Transit Project. Additionally, for each RTP/SCS project, project-level planning and environmental analysis would analyze the risk of terrestrial or aquatic invasive species introductions and spread, based on the type and location of the project; minimize or avoid those impacts through the design process (e.g., including BMPs and other measures to minimize or avoid invasive species introductions); and provide management or compensatory actions for any significant effects as a condition of project approval (e.g., implementing weed and aquatic invasive species management practices during construction). Therefore, with implementation of Mitigation Measure 3.10-5, Impact 3.10-5 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.10-5A: IMPLEMENT WEED MANAGEMENT PRACTICES DURING PROJECT CONSTRUCTION

In consultation with TRPA, the project proponent will implement appropriate weed management practices during project construction. Recommended practices include the following:

- A qualified biologist with experience in the Tahoe Basin will conduct a preconstruction survey to determine whether any populations of invasive/noxious weeds are present within areas proposed for ground-disturbing activities. This could be conducted in coordination with the focused special-status plant survey recommended above under Mitigation Measure 3.10-4a, —Conduct Follow-up, Pre-construction, Focused Surveys and Avoid, Minimize, or Compensate for Impacts on Special-Status Plants. If noxious weed species are documented, they will be removed or their spread otherwise prevented before the start of construction. Control measures may include herbicide application, hand removal, or other means of mechanical control. This would help eliminate the threat of spreading the species throughout the study area and adjacent areas.
- All equipment entering the study area from weed-infested areas or areas of unknown weed status will be cleaned of all attached soil or plant parts before being allowed into the study area.
- To ensure that fill material and seeds imported to the study area are free of invasive/noxious weeds, the project will use on-site sources of fill and seeds whenever available. Fill and seed materials that need to be imported to the study area will be certified weed-free. In addition, only certified weed-free imported materials (or rice straw in upland areas) will be used for erosion control.

After project construction, the study area will be monitored on an annual basis for infestations of invasive weeds until the restored vegetation has become fully established. If new populations of invasive weeds are documented during monitoring, they will be treated and eradicated to prevent further spread.

2. MITIGATION MEASURE 3.10-5B: IMPLEMENT AQUATIC INVASIVE SPECIES MANAGEMENT PRACTICES DURING PROJECT CONSTRUCTION

In consultation with TRPA, the project proponent will implement appropriate aquatic invasive species management practices during project construction. Recommended practices include the following:

- All equipment, including individual equipment such as waders, wading boots, etc., entering the project area that will be used in or around Lake Tahoe will be decontaminated using recommended methods before being allowed into the project area.

VII. POPULATION EMPLOYMENT, AND HOUSING

SIGNIFICANT EFFECT: DISPLACEMENT OF RESIDENCES AND BUSINESSES (IMPACT 3.12-2)

Acquisition of land and buildings necessary for highway realignments and other transportation improvements could displace existing residences and businesses. The number of residences and

businesses that would be displaced as a result of a project is undetermined at this time, because project design and right-of-way planning are needed to determine the extent of necessary displacement. Two projects in the RTP/SCS list have the potential to displace residents and businesses, the US 50 South Shore Community Revitalization Project and the SR 89/Fanny Bridge Community Revitalization Project. This would be a significant impact for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from road deterioration. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by the federal lead agency (FHWA, or, if delegated, Caltrans or NDOT, or the City of South Lake Tahoe, or the appropriate county).

Mitigation Measure 3.12-2 would ensure that potential residential or business displacements from project implementation would result in the preparation of a Relocation Assistance Plan, or equivalent document, to assist and potentially compensate residents and businesses subject to displacement. This would ensure that potential displacement impacts would be reduced to a less-than-significant level with mitigation incorporated. Therefore, with implementation of Mitigation Measure 3.12-2, Impact 3.12-2 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.12-2: PREPARE A RELOCATION ASSISTANCE PLAN, OR EQUIVALENT PLAN

The project proponent will consider project alternatives that avoid displacement of homes or businesses. For projects that would result in the displacement of residences or business, the project proponent will comply with federal and state requirements for the preparation a relocation assistance plan (RAP), or equivalent document. For projects on the highway system or that receive federal transportation funds, preparation of a RAP will follow the requirements of the Federal Highway Administration Relocation Assistance Program in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations (CFR) Part 24. RAP-equivalent documents will comply with applicable regulations that may include the California Relocation Assistance Law (California Government Code Section 7260 et seq.), the California Relocation and Real Property Acquisition Guidelines (California Code of Regulations, Title 25 and Chapter 6, Section 6000 et seq.), and Caltrans' Right of Way Manual, Chapter 10. Relocation plan typically consider:

- Criteria for replacement housing,
- Reimbursement criteria for moving costs and/or different housing costs (including rents); and
- Reimbursement criteria for businesses, including costs associated with searching for a new space, and business lost.

VIII. PUBLIC SERVICES AND UTILITIES

SIGNIFICANT EFFECT: DEMAND FOR WASTEWATER COLLECTION AND TREATMENT (IMPACT 3.13-4)

RTP/SCS projects may include toilets, sinks, and drinking water fountains, which would require wastewater treatment. These facilities would increase demand for wastewater treatment. Based on *Small and Decentralized Wastewater Management Systems*, demand for domestic water for public restrooms is estimated at five gallons of domestic water per person per day (Crites 1998, 171). Because the level of use related to public restrooms constructed to support bicycle paths, recreation projects, and other projects is unknown, the levels could become substantial and this impact would be potentially significant for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from wastewater collection and treatment demand. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by the affected GID or PUD.

Because project proponents would be required to obtain authorization for improvements to, or increased need of wastewater collection and treatment, it can be assured that these needs will be met on a project-specific basis. In addition, it is reasonable to expect that the existing performance standards and environmental safeguards such as TRPA Threshold Standards, Code compliance requirements, federal/state/local regulations, and permit approvals would be effective in avoiding or mitigating potentially significant project-specific impacts, and/or that projects would be required to be modified so as to achieve such standards prior to approval. Impacts will be reduced to a less-than-significant level. Therefore, with implementation of Mitigation Measure 3.13-4, Impact 3.13-4 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.13-4: PREPARE AND SUBMIT PUD- OR GID-SPECIFIC REQUESTS FOR NEW WASTEWATER COLLECTION AND/OR TREATMENT

In accordance with applicable regulations, the project proponent will prepare and submit calculations for wastewater collection and treatment needs to the applicable PUD or GID. Calculations will include, but not be limited to:

- location of the proposed project;
- site design documents providing the location of existing and proposed wastewater facilities;

- the number of potential dwelling units, anticipated recreation users, or other applicable quantification of user type;
- the number of fixture units (e.g., sinks, showers, toilets, washer, etc.); and
- anticipated wastewater collection and treatment demand.

The project proponent will obtain authorization for new wastewater collection and treatment from the applicable PUD or GID before the start of construction activities. Potential impacts resulting from construction of wastewater infrastructure improvements or construction will be addressed. Mitigation measures will be proposed to reduce potentially significant impacts, as feasible, and in accordance with TRPA Code of Ordinances and other state and federal requirements (e.g., CEQA Statutes and Guidelines).

SIGNIFICANT EFFECT: ACCESS FOR EMERGENCY SERVICES (IMPACT 3.13-5)

Construction projects associated with RTP/SCS implementation could affect police services, fire protection, and emergency medical services response time and delivery of emergency services. Depending on the timing, location, and duration of construction activities, several of the projects included in the RTP/SCS, including intersection improvements, roadway and bikeway enhancements, and maintenance activities, could delay emergency vehicle response time or otherwise disrupt delivery of emergency services. By closing off one or more lanes of a roadway, emergency routes could be impaired; causing traffic delays and ultimately preventing access to calls for service. Thus, this impact would be project-specific and would be a potentially significant impact.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from access for emergency services. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by TRPA, the appropriate county, City of South Lake Tahoe, Caltrans, or NDOT.

Because of the mandatory nature of TRPA Threshold Standards, Code compliance requirements, federal/state/local regulations, and permit approvals, it is reasonable to expect that these existing performance standards and environmental safeguards would be effective in avoiding or mitigating potentially significant project-specific impacts, and/or that projects would be required to be modified so as to achieve such standards prior to approval. Implementation of Mitigation Measure 3.13-5 will reduce short-term impacts to police, fire, and medical services to a less-than-significant level because a TCP would be prepared that would require that construction activities are coordinated with affected agencies to ensure service providers' service levels are not substantially deteriorated. Therefore, with implementation of Mitigation Measure 3.13-5, Impact 3.13-5 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.13-5: PREPARE AND IMPLEMENT A TRAFFIC CONTROL PLAN IN COORDINATION WITH AFFECTED AGENCIES

To minimize effects on emergency vehicle and existing public vehicular access, the project proponent for construction projects will, in accordance with applicable regulations, prepare a traffic control plan (TCP) that will address locations that will involve construction in existing roadways and rights-of-ways. The TCP will be prepared in accordance with professional traffic engineering standards and in compliance with the requirements of the affected agency's encroachment permit requirements (e.g., the affected county, Caltrans, NDOT) and will include measures that will provide notification to emergency service providers and adequate circulation around construction sites for emergency vehicle and existing public vehicular access. The TCP may include, but not be limited to, the following elements:

- The specific methods to maintain traffic flows on affected streets.
- The maximum amount of travel lane capacity during non-construction periods.
- Locations of flagger control for sensitive sites to manage traffic control and flows.
- Construction work zones width limits that, at a minimum, maintain alternate one-way traffic flow past the construction zones.
- Alternative routes to ensure that local residents, school buses, or emergency vehicles maintain access.
- Coordinated construction activities (time of year and duration) to minimize traffic disturbances.
- Advanced warning posts of construction activities to allow motorists to select alternative routes in advance.
- Appropriate warning signage and lighting for construction zones.
- Appropriate and safe detour route identification if closure of a roadway is required, and signage that warns of road closures and detour routes.
- The TCP will be submitted to the affected agencies (county, city, NDOT, Caltrans) for review and comment.

IX. HAZARDS AND PUBLIC SAFETY

SIGNIFICANT EFFECT: HAZARDOUS MATERIALS SITES (IMPACT 3.14-2)

Project sites could be located on sites that are included on a list of hazardous materials sites. Therefore, impacts related to exposure of the public or the environment to hazardous materials would be potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level

B. RATIONALE

TMPO adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts from hazardous materials sites. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by the Lahontan Regional Water Quality Control Board (LRWQCB), California Department of Toxic Substances Control (DTSC) or the Nevada Division of Environmental Protection.

Implementation of Mitigation Measure 3.14-1 would ensure that all necessary procedures are taken to identify sites that contain potentially hazardous materials. If sites containing hazardous materials are found to be on or near a proposed project, proper precautions would be taken to avoid contamination to construction workers or the environment. This impact would be reduced to less than significant. Therefore, with implementation of Mitigation Measure 3.14-1, Impact 3.14-1 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.14-1: AVOID KNOWN CONTAMINATED SITES

In accordance with existing regulations, project proponents will require construction contractors to implement the following mitigation measures prior to any construction to prevent potential exposure to workers or the environment from contaminated sites:

- Prior to any construction activities, the project applicant will consult all known databases of contaminated sites. If it is determined that a project is located on or near a contaminated site, the implementing agency will consult with the appropriate regulatory agencies (LRWQCB or DTSC in California or Nevada Division of Environmental Protection in Nevada) to either devise a remediation plan or avoid disturbance of contaminated areas.
- All projects should avoid, to the extent feasible, locating any construction staging areas or new transportation facilities in areas that could have been used previously for industrial/manufacturing uses, or other uses that could have involved use, handling, transport, or storage of hazardous materials (including but not limited to auto maintenance, gas station, equipment yard, dry cleaner, railroad, agriculture, mining, etc.). If such areas cannot be avoided, prior to any construction within such areas, the proponent will hire a qualified professional to conduct a Phase 1 Environmental Site Assessment (Phase I ESA), limited to the area of proposed ground disturbance that will identify the presence of any soil or groundwater contamination at concentrations that could pose health risk to construction workers. If such levels of soil or groundwater contamination are identified, the proponent will follow the recommendations in the Phase 1 ESA, which may include removal of contaminated soil, treatment and proper disposal of contaminated groundwater, or other remediation measures, all of which will be subject to applicable regulatory approvals.

X. CULTURAL RESOURCES

SIGNIFICANT EFFECT: HISTORICAL RESOURCES (IMPACT 3.15-1)

Demolition, alteration, or disturbance of existing features, buildings, and structures could result in changes to or destruction of historical resources. Roadway realignments, bicycle lanes, removal or replacement of bridges, and new or improved facilities (stormwater, parking, and restroom) could result in the disturbance or demolition of

historic resources. Because future projects constructed under all of the alternatives could result in demolition or alteration of historical resources, this impact is potentially significant for Modified Alternative 3.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts on historical resources. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by TRPA.

Implementation of Mitigation 3.15-1 would reduce potentially significant impacts to historic resources because site-specific cultural resources inventory reports and surveys for historic resources would be used in coordination with the appropriate federal, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid destruction of historic resources, this impact would be reduced to a less-than-significant level for all alternatives. Therefore, with implementation of Mitigation Measure 3.15-1, Impact 3.15-1 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.15-1A: PREPARE A SITE-SPECIFIC HISTORIC RESOURCES INVENTORY REPORT

To adequately address the level of potential impacts for a specific project and thereby design appropriate mitigation measures, the project proponent (e.g., Tahoe Transportation District (TTD), local County, Caltrans, NDOT) will survey, inventory, and determine the significance of the historic resources within the defined area of potential effect (APE) of specific projects that include construction of facilities. The following are steps typically taken to assess and mitigate potential impacts to historic resources:

- Define the APE, based on relevant standards (i.e., California, Nevada, TRPA, and federal procedures, as applicable)
- Identify both previously recorded historic resources and those not previously recorded.
- Evaluate the significance of historic resources using California, Nevada, TRPA, and federal (Section 106) guidelines, as applicable.
- Identify the significance of impacts of the proposed project under California, Nevada, TRPA, and federal (Section 106) guidelines, as applicable.
- Develop and implement mitigation measures designed to avoid, minimize, rectify, reduce or eliminate the effects of the project on significant historic resources.

Minimally, an historic resources inventory will consist of an historic resources records search to be conducted at the North Central Information Center of the California Historical Resources Information System

located at California State University, Sacramento or at the Nevada State Historic Preservation Office (depending on the location of the project); review of TRPA's cultural resources database and mapping of eligible sites; consultation with the Native American Heritage Commission (NAHC) and with interested Native Americans identified by the NAHC (i.e., Washoe Tribe in this Region); a field survey (if one has not previously been conducted); recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms (in California); and preparation of an historic resources inventory report describing the project setting, methods used in the investigation, results of the investigation, and recommendations for management of identified resources.

Identified historic resources in California jurisdictions that may be impacted by a project will be evaluated for eligibility on the California Register of Historical Resources (CRHR). Historic resources that are eligible for the CRHR are considered to be significant historic resources. Historic resources that are identified within project areas subject to federal approval, permits, or funding will also be evaluated for eligibility for listing on the National Register of Historic Places (NRHP), in accordance with Section 106 of the National Historic Preservation Act (NHPA). Historic resources determined to be eligible for listing on the NRHP are automatically eligible for listing on the CRHR and are considered to be significant historic resources.

2. MITIGATION MEASURE 3.15-1B: SURVEY FOR HISTORIC RESOURCES

In accordance with existing regulations, for any project that implements the RTP, the project proponent will survey and evaluate the area of potential effect of any development or other ground-disturbing activities that contain structures 50 years old or older for their historic significance prior to TRPA's approval of project plans. The survey will be carried out by a qualified historian or architectural historian who is acceptable to the lead agency and who meets the Secretary of the Interior's Standards for Architectural History. If potentially significant historic resources are encountered during the survey, demolition, substantial alteration, and other adverse effects to such resources will be avoided. If avoidance of identified historic resources is deemed infeasible, with TRPA concurrence, the project proponent will prepare a treatment plan to minimize adverse effect, relocate resources, if appropriate, and photo-document and interpret any adversely affected resource. Any alterations, including relocation, to historic buildings or structures will conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

3. MITIGATION MEASURE 3.15-1C: RECORD HISTORIC BUILDINGS OR STRUCTURES

As noted in Mitigation Measure 3.15-1b, to the extent feasible, proponents of a project that implements the RTP will avoid adverse effects to historic resources. If adverse effects cannot be avoided, the proponent will prepare and implement a treatment plan in accordance with existing regulations. If avoidance or implementation of a treatment plan to protect an historic resource is not feasible, the project proponent will ensure that a qualified architectural historian will be retained to document the impacted historical architectural resource to Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) standards. HABS and HAER documentation packages will be entered into the Library of Congress as well as the North Central California Information Center of the California Historical Resources Information System.

The project proponent will engage a qualified or architectural historian who is acceptable to the lead agency for the project. The historian, in cooperation with the appropriate federal, state, and local agencies, will develop and implement the approach for data recovery and building recordation that is consistent with agency requirements.

SIGNIFICANT EFFECT: ARCHAEOLOGICAL RESOURCES (IMPACT 3.15-2)

Archaeological artifacts and sites have been found throughout the Lake Tahoe Region, because people have inhabited it for approximately 10,000 years. Additional, unknown archaeological resources are likely to exist given that archaeological sites tend to be located in environments that were desirable for human settlement, such as Lake Tahoe. Construction and excavation activities associated with project activities could result in sediment disturbance and removal, which can adversely affect archaeological resources. Because RTP/SCS projects would allow excavation and other ground-disturbing activities, all of the alternatives could result in adverse physical effects to known and unknown archaeological resources. This impact is potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on archaeological resources. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by TRPA.

Implementation of Mitigation 3.15-2 would reduce potentially significant impacts to archaeological resources because mitigation would be developed in coordination with the appropriate federal, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, implementation of Mitigation Measure 3.15-2, would reduce Impact 3.15-2 to a less-than-significant level for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.15-2A: PREPARE A SITE-SPECIFIC ARCHAEOLOGICAL RESOURCES INVENTORY REPORT

To adequately address the level of potential impacts for a specific project and thereby design appropriate mitigation measures, in accordance with existing regulations, the project proponent will survey, inventory, and determine the significance of the archaeological resources within the defined area of potential effect (APE) of specific projects that include construction of facilities. The following are steps typically taken to assess and mitigate potential impacts to archaeological resources:

- Define the APE, based on relevant standards (i.e., California, Nevada, TRPA, and federal procedures, as applicable).
- Identify both previously recorded archaeological resources and those not previously recorded.
- Evaluate the significance of archaeological resources using California, Nevada, TRPA, and federal (Section 106) guidelines, as applicable.

- Identify the significance of impacts of the proposed project under California, Nevada, TRPA, and federal (Section 106) guidelines, as applicable.
- Develop and implement mitigation measures designed to avoid, minimize, rectify, or reduce or eliminate the effects of the project on significant archaeological resources.

Minimally, an archaeological resources inventory will consist of an archaeological resources records search to be conducted at the North Central Information Center of the California Historical Resources Information System located at California State University, Sacramento or at the Nevada State Historic Preservation Office (depending on the location of the project); review of TRPA's cultural resources database and mapping of eligible sites; consultation with the Native American Heritage Commission (NAHC) and with interested Native Americans identified by the NAHC (i.e., Washoe Tribe in this Region); a field survey (if one has not previously been conducted); recordation of all identified archaeological resources on California Department of Parks and Recreation 523 Site Record forms (in California); and preparation of an archaeological resources inventory report describing the project setting, methods used in the investigation, results of the investigation, and recommendations for management of identified resources.

Identified archaeological resources in California jurisdictions that may be impacted by a project will be evaluated for eligibility on the California Register of Historical Resources (CRHR). Archaeological resources that are eligible for the CRHR are considered to be significant archaeological resources. Archaeological resources that are identified within project areas subject to federal approval, permits, or funding will also be evaluated for eligibility for listing on the NRHP, in accordance with Section 106 of the NHPA. Archaeological resources determined to be eligible for listing on the NRHP are automatically eligible for listing on the CRHR and are considered to be significant.

2. MITIGATION MEASURE 3.15-2B: CONDUCT ARCHAEOLOGICAL TESTING AND DATA RECOVERY

If it is infeasible to avoid impacts on significant archaeological sites that have been determined to be eligible for listing by the TRPA or on the CRHR or the NRHP, additional research will be conducted, in accordance with relevant procedures, based on the location of the project and the involved agencies. Archaeological excavation will be conducted (CCR Section 15126.4[b][3][C]). This work will be conducted by a qualified archaeologist and will include preparation of a research design, additional archival and historical research, archaeological excavation, analysis of artifacts, features, and other attributes of the resource, and preparation of a technical report documenting the methods and results of the investigation in accordance with the California Office of Historic Preservation Guidelines for Archaeological Research Design. The purpose of this work is to recover a sufficient quantity of data to compensate for damage to or destruction of the resource. The procedures to be employed in this data recovery program will be determined in consultation with responsible agencies and interested parties, as appropriate, potentially including the development and implementation of an Archaeological Research Design and Testing Plan (ARDTP) or Historic Properties Treatment Plan (HPTP). Where necessary, future project proponents would seek Native American input and consultation.

3. MITIGATION MEASURE 3.15-2C: CONDUCT ARCHAEOLOGICAL MONITORING

In accordance with existing regulations, for ground-disturbing activities that have the potential to impact archaeological remains and that will occur in an area that has been determined by a qualified archaeologist to be an area that is sensitive for the presence of buried archaeological remains, the project proponent (e.g., TTD, local county, Caltrans, NDOT) will require the construction contractor to retain a qualified archaeologist to monitor those activities. Archaeological monitoring will be conducted in areas where there is likelihood

that archaeological remains may be discovered but where those remains are not visible on the surface. Monitoring will not be considered a substitute for efforts to identify and evaluate cultural resources prior to the project initiation. Where necessary, the project proponent will seek Native American input and consultation.

4. MITIGATION MEASURE 3.15-2D: STOP WORK IN THE EVENT OF AN ARCHAEOLOGICAL DISCOVERY

If potentially significant cultural resources are discovered during ground-disturbing activities associated with individual project preparation, construction, or completion, the project proponent will require the construction contractor to stop work in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with TRPA and other appropriate agencies and interested parties. A qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and location information to the California Historical Resources Information Center office (North Central Information Center) for California projects. The consulting archaeologist will also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852). Consultation with the Nevada State Historic Preservation Officer will be undertaken for Nevada projects.

If the archaeologist determines that the find does not meet the TRPA standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the lead agency will be notified and a data recovery plan will be prepared.

SIGNIFICANT EFFECT: ACCIDENTAL DISCOVERY OF HUMAN REMAINS (IMPACT 3.15-3)

The location of grave sites and Native American remains are potentially not known in advance, and can occur outside of identified cemeteries or burial sites. As with archaeological resources, disturbance of human remains are more likely to occur in previously undisturbed and undeveloped areas, where excavation and ground-disturbing activities have not already resulted in discovery. However, human remains may be discovered in developed and disturbed areas, as well, and may also be of recent origin.

Construction and excavation activities associated with development activities result in sediment disturbance and removal, which can unearth human remains if they are present. Because RTP/SCS projects would allow excavation and other ground-disturbing activities, all of the alternatives could result in accidental discovery of human remains. This impact is potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts from accidental discovery of human remains. Implementation of the measure is the responsibility of the

project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by TRPA, Caltrans, NDOT, or the local jurisdiction.

Implementation of Mitigation 3.15-3 would reduce potentially significant impacts to human remains because mitigation would be developed in coordination with the appropriate federal, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a less-than-significant level for all alternatives. Therefore, with implementation of Mitigation Measure 3.15-3, Impact 3.15-3 would be less than significant for Modified Alternative 3.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.15-3: STOP WORK IF HUMAN REMAINS ARE DISCOVERED

In accordance with existing regulations, if any human remains are discovered or recognized in any location on an individual project site, the project proponent will ensure that there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The applicable County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin;
- The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

SIGNIFICANT EFFECT: ETHNIC AND CULTURAL VALUES (IMPACT 3.15-5)

Development in the Tahoe Region could result in physical changes to sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people. These could be permanent changes that alter, remove, or modernize features or temporary changes such as restriction of access from construction.

Because RTP/SCS projects could result in physical changes to historic and prehistoric sites, unique ethnic cultural values could be affected, and historic or prehistoric religious or sacred uses within the region could be restricted. Consultation with the Washoe tribe is required by federal, state and TRPA regulations, however, project activities could still uncover or destroy historic or archaeological resources as identified in Impacts 3.15-1 (historic) and 3.15-2 (archaeological). Additionally, as described in Impact 3.15-3 (human remains), project activities could result in accidental discovery of remains during grading and excavation. Accidentally discovered remains could be of Native American origin. Therefore, this impact is potentially significant.

A. FINDING

Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level.

B. RATIONALE

TMPO adopted the following mitigation measure that would reduce to less-than-significant levels the project's impacts on archaeological resources. Implementation of the measure is the responsibility of the project proponent (TTD, Caltrans, NDOT, and TRPA), as enforced by TRPA.

Mitigation Measures 3.15-1a, 3.15-1b, 3.15-1c, 3.15-2a, 3.15-2b, 3.15-2c, 3.15-2d, and 3.15-3 would reduce this impact to a less-than-significant level because they would require 1) consultation with the Native American Heritage Commission and the Washoe Tribe; 2) require avoidance, preservation in place, excavation, documentation, and/or data recovery of historical and archaeological resources, and 3) require assessment of and adherence to a formal recommendation for any discovered human remains.

C. ADOPTED MITIGATION MEASURE

1. MITIGATION MEASURE 3.15-5. IMPLEMENT OTHER CULTURAL RESOURCES MITIGATION MEASURES

Implement Mitigation Measures 3.15-1a, 3.15-1b, 3.15-1c, 3.15-2a, 3.15-2b, 3.15-2c, 3.15-2d, and 3.15-3.

INFEASIBILITY OF ADDITIONAL MITIGATION MEASURES

A. FINDING

Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

B. RATIONALE

TMPO has prepared a Mitigation Monitoring and Reporting Plan (MMRP) for the Project in accordance with CEQA requirements. A copy of the MMRP is included in the CEQA Findings which are attached to the TMPO Resolution to certify the Final Environmental Impact Report for the RTP/SCS. TMPO, in adopting the CEQA Findings, approves the MMRP. TMPO will use the MMRP to track compliance with proposed project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is approved in conjunction with the adoption of the CEQA Findings. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the findings and the MMRP.

Some comments on the Draft EIR/EIS propose new mitigation measures, or modifications of existing mitigation measures, for impacts already found to be less than significant. The Final EIR/EIS reflects TRPA's response to all such proposals. The Governing Board hereby adopts the responses set forth in the Final EIR/EIS. The Governing Board notes further that, because these impacts have already been determined to be less than significant, the TRPA need not adopt new or additional mitigation measures with respect to such impacts.

Implementation of any of the RTP/SCS alternatives would occur in conjunction with land use development and population growth anticipated during the Plan horizon. Because of the nature of the RTP/SCS process, feasible operational mitigation measures have been considered within the context of the range of transportation strategies already included in one or more of the three strategy packages supporting RTP/SCS alternatives. No additional feasible mitigation is available.

CONSIDERATION OF ALTERNATIVES

As noted above, all of the adverse environmental effects associated with Modified Alternative 3 may be avoided or reduced to a less-than-significant level with the adoption of the mitigation measures set forth in these findings, with the exception of the following impacts: Impact 3.5-1, Greenhouse Gas Emissions.

The EIR/EIS discussed several alternatives to the Project in order to present a reasonable range of options. To meet TRPA requirements for the consideration of alternatives, five land use scenarios and three sets of transportation strategies make up the RTP/SCS alternatives evaluated in the Draft EIR/EIS. Each SCS land use alternative is paired with one of three different packages of transportation strategies. The five SCS land use scenarios are the same as the five alternatives considered in the Regional Plan Update process leading up to the Draft EIR/EIS.

The discussion also includes a summary of each alternative's ability to meet the RTP/SCS objectives. The objectives of the RTP/SCS are to:

- Establish a safe, secure, efficient, and integrated transportation system that reduces reliance on the private automobile by investing in mixed-mode facilities that serve the transportation needs of the citizens and visitors of the Tahoe Region;
- Fulfill the requirements of the Tahoe Regional Planning Compact (Public Law 96-551);
- Attain and maintain the Environmental Threshold Carrying Capacities, and federal, state, and local transportation standards;
- Support reductions in vehicle emissions and stormwater runoff to meet federal, state, and local air quality standards and help meet the requirements of Tahoe's Total Maximum Daily Load (TMDL) program;
- Achieve greenhouse gas emissions reduction targets, in accordance with California Senate Bill 375, by supporting integrated land-use, transportation, and housing policies; and
- Coordinate potential mitigation activities and funding sources with the Environmental Improvement Program (EIP).

As noted previously, Modified Alternative 3 has been developed for the RTP/SCS with the land use scenario from the Regional Plan Update's Draft Final Plan paired with a refined list of transportation and water quality projects in a Final Draft Transportation Strategy. The list of transportation and water quality projects was refined due to changes in financial resources after approval of the federal transportation bill. Please see Chapter 2, Revisions to the Regional Transportation Plan, of the Final EIR/EIS for more details on this change.

The Alternatives, described in detail below, are:

- Alternative 1 – No Project
- Alternative 2 – Low Development, Increased Regulation
- Alternative 3 – Low Development, Highly Incentivized Redevelopment

- Modified Alternative 3 – Regional Plan Update Final Draft Plan and Final Draft Transportation Strategy Package
- Alternative 4 – Reduced Development, Incentivized Redevelopment
- Alternative 5 – Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan

The Governing Board finds that that a good faith effort was made to evaluate a range of feasible alternatives in the EIR/EIS that are reasonable alternatives to the Final Draft RTP/SCS, even when the alternatives might impede the attainment of the Final Draft RTP/SCS objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR/EIS is not unduly limited or narrow.

The EIR/EIS analyzed Alternatives 1, 2, 3, 4, and 5 and Modified Alternative 3. The EIR/EIS contains a detailed analysis of the impacts of each of these alternatives. The analysis appears throughout the Final and Draft EIR/EIS. The Governing Board hereby incorporates by reference this analysis. Table S-1 in the Draft EIR/EIS summarizes the EIR/EIS conclusions concerning the impacts of, and mitigation measures applicable to, each alternative. This table includes Alternative 3, which is very similar to Modified Alternative 3.

Based on this analysis, the Governing Board adopts the following findings with respect to each alternative.

Alternative 1 – No Project

Alternative 1 corresponds to the development pattern under Alternative 1 of the Regional Plan Update and includes the group of projects listed under Transportation Strategy Package A. Transportation Strategy Package A includes operation and maintenance of the existing transportation system and the construction of projects on the financially constrained project list that are already substantially in progress. Transportation Strategy Package A includes the Lake Tahoe Waterborne Transit Project, City of South Lake Tahoe Aviation Capital Project, Kings Beach Commercial Core Improvement Project, SR 89/Fanny Bridge Community Revitalization Project, various bicycle and pedestrian projects, TMDL projects, Transportation System Management and ITS strategies, and operations and maintenance projects for existing facilities. Transportation Strategy Package A has the fewest bicycle and pedestrian projects of the three Transportation Strategy Packages. It also does not include the Sierra Boulevard Complete Streets Project, US 50 South Shore Community Revitalization Project, and several transit operational enhancements contained in other alternatives.

Alternative 1 would result in 38 beneficial or less-than-significant impacts, 21 potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and two significant and unavoidable impacts. Alternative 1 would result in less severe impacts related to potential construction-related impacts, because of the number and scope of proposed projects in Transportation Strategy Package A. The operational roadway segment and intersection impacts under Alternative 1 would be less severe than Alternatives 4 and 5, more severe than Alternative 3, and similar to Alternative 2. Alternative 1 would not comply with applicable California legislation adopted for the purpose of reducing greenhouse gas (GHG) emissions. Potential beneficial operational impacts related to pollutants reaching Lake Tahoe and TMDL attainment would be beneficial under Alternative 1, but less so than Alternatives 2, 3, and 4 and the same as Alternative 5.

Alternative 1 has environmental advantages and disadvantages, compared to other alternatives. It would result in the greatest number of adverse environmental impacts among the alternatives, as well as fewest significant adverse impacts, although two of those significant impacts are unavoidable. Alternative 1 includes a smaller number of construction projects, particularly for pedestrian and bicycle trails, so some of the advantage of fewer impacts is related to the relatively lower amount of construction. Accomplishment of objectives for reducing dependence on private vehicles would be the same as Alternative 5 and less than Alternatives 2, 3, and 4,

because fewer transportation projects would be implemented. Certain important environmental benefits would not be achieved to as great a level with Alternative 1, compared to other alternatives (i.e., GHG and water quality). Alternative 1 would meet most of the project objectives. It would reduce reliance on the private automobile by investing in mixed-mode facilities, but to a lesser degree than Alternatives 2, 3, and 4. It would result in a substantial long-term reduction in mobile-source emissions of ozone precursors and a slight reduction in mobile-source particulate matter. Alternative 1 would not achieve greenhouse gas emissions reduction targets in accordance with California SB 375. Because Alternative 1 would not meet project objectives to as great an extent as other alternatives, the Governing Board rejects Alternative 1 on this basis.

Alternative 2 Low Development, Increased Regulation

Alternative 2 corresponds to the development pattern under Alternative 2 of the Regional Plan Update and includes the group of projects listed under Transportation Strategy Package B. Transportation Strategy Package B represents a scenario that assumes additional revenue in the future. It includes all the projects on the unconstrained list and almost all of the projects on the constrained list, except the Lake Tahoe Waterborne Transit Project and the City of South Lake Tahoe Aviation Capital Project. Transportation Strategy Package B adds the Sierra Boulevard Complete Streets Project from US 50 to Barbara Avenue and US 50 South Shore Community Revitalization Project (Loop Road) to the other roadway projects in Strategy Package A. In addition, as with Alternative 1, Alternative 2 includes Transit Facilities and Strategies (including BlueGO and TART), Kings Beach Commercial Core Improvement Project, and State Route 89/Fanny Bridge Community Revitalization Project, Transportation System Management and ITS strategies, and operations and maintenance projects for existing facilities. Alternative 2 also includes many additional bicycle and pedestrian projects and TMDL projects from the unconstrained project list. Transportation Strategy Package B has the greatest number of bicycle and pedestrian trail projects of the three Transportation Strategy Packages. It does not include the Lake Tahoe Waterborne Transit Project or City of South Lake Tahoe Aviation Capital Project.

Alternative 2 would result in 41 beneficial or less-than-significant impacts, 19 potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. Alternative 2 would result in no impact related to potential effects of the Lake Tahoe Waterborne Transit Project because this project is not included in Alternative 2. Because Alternative 2 includes the greatest amount of projects, the magnitude of potentially significant construction impacts would be greatest under Alternative 2, but also the degree to which the alternative achieves the goals of reducing dependence on private vehicles would be the greatest. The operational roadway segment impact under Alternative 2 would be less severe than Alternatives 1, 4, and 5 and more severe than Alternative 3. Alternative 2 would comply with applicable California legislation adopted for the purpose of reducing per capita GHG emissions. Potential beneficial operational impacts related to pollutants reaching Lake Tahoe and TMDL attainment would be more beneficial under Alternative 2 than Alternatives 1, 3, 4, and 5. Alternative 2 would result in more beneficial impacts related to increased capacity of, and connectivity to, recreation facilities because of the increased number of bicycle and pedestrian improvements. Alternative 2 would result in greater benefits than other alternatives related to mobility, water quality, vehicle miles traveled (VMT) and GHG reduction. Alternative 2 would meet most of the project objectives. It would achieve the greatest reduction in reliance on the private automobile by investing in the greatest amount of projects and mixed-mode facilities. It would result in a substantial long-term reduction in mobile-source emissions of ozone precursors and a slight reduction in mobile-source particulate matter. As with Alternative 3, Alternative 2 would achieve greenhouse gas emissions reduction targets in accordance with California SB 375. However, under Alternative 2 the environmental impacts would be greater in magnitude, because of the increase in the level of construction involved, compared to other alternatives. Because there are not reasonably foreseeable revenues available to implement this alternative, the Governing Board rejects Alternative 2 on this basis.

Alternative 3: Low Development, Highly Incentivized Redevelopment

Alternative 3 would result in 40 beneficial or less-than-significant impacts, 20 potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. Alternative 3 would result in potential construction-related impacts that are greater than Alternatives 1 and 5, less than Alternative 2, and the same as Alternative 4 because of the number and scope of proposed transportation projects. The operational roadway segment impact under Alternative 3 would be less severe than Alternatives 1, 2, 4, and 5. The less-than-significant operational intersection level of service impact would be less severe than Alternatives 1, 2, 4, and 5. Alternative 3 would comply with applicable California legislation adopted for the purpose of reducing GHG emissions. Potential beneficial operational impacts related to pollutants reaching Lake Tahoe and TMDL attainment would be more positive than under Alternatives 1 and 5, less than Alternative 2 and the same as Alternative 4.

Alternative 3 also results in environmental trade-offs, with some environmental advantages and disadvantages, compared to other alternatives. Because its transportation strategy package contains the financially constrained list of projects, it represents a relative balance between the number of adverse impacts resulting from construction and the degree of environmental benefits resulting from the mobility opportunities provided by those projects (i.e., not the highest or lowest among the alternatives in either category). Alternative 3 would meet most of the project objectives. It would reduce reliance on the private automobile by investing in mixed-mode facilities, to a greater degree than Alternatives 1 and 5 but to a lesser degree than Alternative 2. It would result in a substantial long-term reduction in mobile-source emissions of ozone precursors and a slight reduction in mobile-source particulate matter. Alternative 3 has the greatest reductions in VMT/capita of all the alternatives. As with Alternative 2, Alternative 3 would achieve greenhouse gas emissions reduction targets in accordance with California SB 375. While the number of beneficial and potentially significant impacts would be similar to Alternative 2, the magnitude of the impacts under Alternative 3 would be less than the environmental impacts under Alternative 2 because of the level of construction involved. However, Alternative 3 would not include changes to the list of projects that were made for Modified Alternative 3 to reflect changes to the federal transportation bill, which was updated in July of 2012, nor does it include recommended changes incorporated in response to comments received during the public comment process, as described in Modified Alternative 3, below. Therefore, the Governing Board rejects Alternative 3 on this basis.

Modified Alternative 3: Regional Plan Update Draft Final Plan and Draft Final Transportation Strategy Package

Modified Alternative 3 of the Final Draft RTP/SCS is very similar to Alternative 3, incorporating applicable changes to land use and transportation policies to the Final Draft Regional Plan described in Chapter 2 of the Regional Plan Final EIS. In response to public and agency comments, recommendations offered by the administrations of the States of California and Nevada (i.e., the Bi-State Consultations) to address issues of controversy, recommendations offered by the Tahoe Transportation Commission and the full Technical Advisory Committee for the RTP/SCS, and other considerations, the Draft RTP/SCS (as presented in Alternative 3 of the Draft EIR/EIS) was revised to incorporate changes to Chapter 2, Goals and Policies, to reflect changes made to the Transportation Element of the Draft Regional Plan; and to incorporate other minor edits into the chapter text of the Draft RTP/SCS to better describe the demographics of the Lake Tahoe Region and the potential for public-private partnerships to pursue new transportation revenue sources for the Region. In addition to the

changes recommended through the processes above, staff also made changes to the Draft RTP/SCS to reflect changes to the federal transportation bill, which was updated in July of 2012.

Specific changes to the April Draft RTP/SCS Alternative 3 are described in Chapter 2 of the Final EIR/EIS. Modified Alternative 3 also includes a modified group of projects listed under Transportation Strategy C Table 2-1 of Chapter 2. Transportation Strategy C represents the constrained projects list.

The number and magnitude of impacts for Modified Alternative 3 would be the same as those described above under Alternative 3. While the number of beneficial and potentially significant impacts would be similar to Alternative 2, the magnitude of the impacts under Modified Alternative 3 would be less than the environmental impacts under Alternative 2 because of the level of construction involved. This alternative reflects the changes made to the Regional Plan Update and the changes made to the RTP/SCS, as described above, and is described throughout these Findings as Modified Alternative 3.

Alternative 4: Reduced Development, Incentivized Redevelopment

Alternative 4 corresponds to the development pattern under Alternative 4 of the Regional Plan Update and includes the group of projects listed under Transportation Strategy Package C, as described above. Because the transportation strategy package is the same as Alternative 3, its environmental results are also very similar (although not identical, because traffic impacts differ as a result of variations in the land use pattern between the alternatives).

Alternative 4 would result in 38 beneficial or less-than-significant impacts, 21 potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and two significant and unavoidable impacts. Alternative 4 would result in potential construction-related impacts that are more severe than Alternatives 1 and 5, less severe than Alternative 2, and the same as Alternative 3 because of the number and scope of proposed transportation projects. The operational roadway segment impact under Alternative 4 would be more severe than Alternatives 1, 2, and 3 and less severe than Alternative 5. The less-than-significant operational intersection level of service impact would be more severe than Alternatives 1, 2, and 3 and the same as Alternative 5. Alternative 4 would not comply with applicable California legislation adopted for the purpose of reducing GHG emissions. Potential beneficial operational impacts related to pollutants reaching Lake Tahoe and TMDL attainment would be more beneficial than under Alternatives 1 and 5, less beneficial than Alternative 2 and the same as Alternative 3.

Alternative 4 also results in environmental trade-offs, with some environmental advantages and disadvantages, compared to other alternatives, and therefore, it is not clearly the environmentally superior alternative. Because its transportation strategy package contains the financially constrained list of projects, like Alternative 3, but its traffic impacts (from the land use pattern) are somewhat greater than Alternative 3, the overall environmental advantages of Alternative 4 represent a balance between the number of adverse impacts resulting from construction and the degree of environmental benefits resulting from the mobility opportunities provided by those projects, but the overall environmental advantages are slightly less than Alternative 3 (e.g., some additional traffic impacts and not as much reduction in GHG). Alternative 4 would meet most of the project objectives. It would reduce reliance on the private automobile by investing in mixed-mode facilities, to a greater degree than Alternatives 1 and 5 but to a lesser degree than Alternative 2. It would result in a substantial long-term reduction in mobile-source emissions of ozone precursors and a slight reduction in mobile-source particulate matter. Alternative 4 would not achieve greenhouse gas emissions reduction targets in accordance with California SB 375. Because Alternative 4 provides slightly fewer environmental advantages than other alternatives, the Governing Board rejects Alternative 4 on this basis.

Alternative 5: Similar Rate of Development and Regulatory Structure to the 1987 Regional Plan

Alternative 5 corresponds to the development pattern under Alternative 5 of the Regional Plan Update and includes the group of projects listed under Transportation Strategy Package A. Because the transportation strategy package is the same as Alternative 1, its environmental results are also very similar (although not identical, because traffic impacts differ as a result of variations in the land use pattern between the alternatives).

Alternative 5 would result in 38 beneficial or less-than-significant impacts, 21 potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and two significant and unavoidable impacts. As with Alternative 1, Alternative 5 would result in less severe impacts compared to Alternatives 2, 3, and 4 related to potential construction-related impacts because of the number and scope of proposed projects. The operational roadway segment impact under Alternative 5 would be more severe than Alternatives 1, 2, 3, and 4. The operational intersection level of service impact would be the same as Alternative 4 and more severe than Alternatives 1, 2, and 3. Alternative 5 would not comply with applicable California legislation adopted for the purpose of reducing GHG emissions. Potential beneficial operational impacts related to pollutants reaching Lake Tahoe and TMDL attainment would be less beneficial under Alternatives 2, 3, and 4 and the same as Alternative 1.

Alternative 5 would result in environmental trade-offs, as do other alternatives, with some environmental advantages and disadvantages, compared to other alternatives, and therefore, it is not clearly the environmentally superior alternative. Its environmental advantages are mostly related to the reduced degree of construction activities, compared to Alternatives 2, 3, and 4 (and the same as Alternative 1). The disadvantages are mostly related to the relatively fewer number of mobility improvements offered by the alternative, while the land use pattern allows for additional development. Alternative 5 would meet most of the project objectives. It would reduce reliance on the private automobile by investing in mixed-mode facilities, but to a lesser degree than Alternatives 2, 3, and 4. It would result in a substantial long-term reduction in mobile-source emissions of ozone precursors and a slight reduction in mobile-source particulate matter. Alternative 5 would not achieve greenhouse gas emissions reduction targets in accordance with California SB 375. Because Alternative 5 would not meet project objectives to as great an extent as other alternatives, the Governing Board rejects Alternative 5 on this basis.

Based on the above, the Final EIR/EIS for the RTP/SCS Plan is in compliance, procedurally and substantively, with the Compact, the Code, and the Rules of Procedure.

ATTACHMENT G-2: ARTICLE V(G) AND CODE OF ORDINANCES SECTIONS 4.5 AND 4.6 THRESHOLD FINDINGS

I. INTRODUCTION

Mobility 2035: Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) contains Goals and Policies, consistent with amendments proposed through the Regional Plan Update, and proposes a set of financially constrained projects to accelerate threshold achievement and maintenance and to meet regional sustainability goals. Article V(g) of the Compact and Chapter 4 of the Code of Ordinances requires TRPA to find whenever it amends the Goals and Policies that “the Regional Plan [as implemented by the Code], as amended, achieves and maintains the thresholds.” (see Code Sections 4.5, 4.6). This document addresses the basis for the TRPA Governing Board to find that the Regional Plan will “achieve and maintain” the adopted Threshold Standards.

II. CONTEXT OF THE “ACHIEVE AND MAINTAIN” FINDING

The Threshold Standards for the Lake Tahoe Region, along with state and federal air and water quality standards, establish desired environmental condition criteria (targets) and in some cases define the capacity of the Region to accommodate additional activities. In the current Regional Plan, TRPA uses indicators to measure the environmental health of the Region. In initially adopting the Regional Plan and the Code of Ordinances, TRPA found that the Plan as a whole would achieve and maintain the thresholds (Adopting Resolution No. 87-9). Since adoption of the Regional Plan in 1987, TRPA has reviewed the Plan every five years to assess progress toward achieving and maintaining thresholds and to recommend additional or modified compliance measures, as necessary, to promote further efficacy of the planning strategies and regulations, to accelerate Threshold Standard attainment, and to estimate interim threshold indicator targets and Threshold Standard attainment dates.

The Regional Plan taken as a whole is a foundation of the Region’s strategies to achieve and maintain thresholds, but the complete system of regional strategies to achieve and maintain regional Threshold Standards are considerably broader than TRPA’s Regional Plan and implementing Code alone. These findings therefore place the Regional Plan Update within the larger system and full array of regulatory and programmatic strategies to achieve and maintain the adopted Threshold Standards. For example, the two state water quality agencies’ Lake Tahoe Total Maximum Daily Load (“TMDL”) programs, as approved by the US Environmental Protection Agency, are a centerpiece to achieving regulatory pollutant load reduction targets needed to meet water quality standards that the Regional Plan helps to implement and enhance but does not directly mandate. These required state administered regulatory programs are in turn part of the basis for achieving TRPA’s adopted regional water quality Threshold Standards. Similarly, the Environmental Improvement Program (EIP), a multi-sector, multi-agency partnership for implementing capital investments in environmental restoration programs, is also a critical component of the Regional Plan and the basis for achieving and maintaining Threshold Standards over time. TRPA, along with approximately 50 public and private organizations, joined together to create the EIP to protect Tahoe’s unique and valued resources and to make additional progress toward achieving environmental thresholds. The EIP is an environmental capital

improvement program designed to correct the environmental harms of the past. The EIP was last comprehensively updated in 2008, and since the inception of the program in the mid-1990s approximately \$1.6 billion has been invested by the federal government, the states of California and Nevada, local governments, and the private sector to implement the EIP. This multi-sector partnership is important for leveraging scarce economic resources and delivering greater returns on funds invested in Lake Tahoe's conservation. The EIP includes environmental restoration programs ranging across all threshold categories from air quality and water quality to recreation, scenic resources, vegetation, wildlife and fisheries, and identifies over 700 projects, updated annually as a running five-year list, needed to meet and maintain the environmental thresholds. The EIP also identifies the many agencies and organizations at the federal, state and local levels responsible for coordinating, administering, funding, and implementing EIP projects and programs. All 50 partners are collaborating successfully to administer and implement the array of restoration programs.

In addition, these threshold findings recognize that some thresholds have already been achieved, will likely be achieved in the near term, or may not be achieved for decades. Moreover, certain thresholds are, in and of themselves, not environmental conditions directly to be achieved but rather are mechanisms that need to be implemented in order to preserve and protect other environmental criteria or significant regional values. For example, standards associated with soil conservation for land coverage may take generations to achieve as in the Class 1b condition target. Because of the difficulty in removing existing development from environmentally sensitive areas, meeting Threshold Standards in this area is challenging. However, the underlying water quality, vegetation and other objectives may be attained in less time because of Lake Tahoe TMDL implementation and other TRPA plans and programs. In other words, TRPA possesses the discretion to focus on achieving certain Threshold Standards in shorter time frames as long as implementation of the Regional Plan as a whole and other efforts can be expected to continue to achieve and maintain other Threshold Standards.

III. THE REGIONAL PLAN UPDATE

The 2012 Regional Plan Update ("RPU") is a strategic modernization of TRPA's planning and regulatory documents. In combination, the Policies, Ordinances and Implementation Measures will achieve and maintain TRPA's adopted Threshold Standards, while providing opportunities for orderly development consistent with the TRPA Compact and adopted Threshold Standard.

The existing Regional Plan was adopted 25 years ago in the late 1980s to address circumstances in the Tahoe Region that differ from today's most pressing needs. By the 1980s, the Region had experienced decades of rapid development. The economy was thriving, but the environment was suffering. More than half of the Region's marshes and wetlands had been developed and the Region had not fully coalesced around the fact that the 1960's plans for a population of 750,000 people (more than ten times the current population) would never be realized. Lake Tahoe's water clarity was declining by about one foot per year. In response, the 1980 TRPA Compact was adopted to address looming environmental threats, requiring that development be managed in accordance with updated environmental standards while allowing orderly development consistent with those new standards. A top priority for the initial Regional Plan in the 1980s was therefore both limiting and controlling the rate of new development that would be allowed at Lake Tahoe. In response, strict growth control

limits and environmental regulatory constraints were adopted and have been and are still being implemented.

In 2012, the Region faces different challenges. TRPA's strict growth control system has been in place for 25 years and approximately \$1.6 Billion has been invested in environmental restoration projects. Overall, these efforts appear to be working. Unconstrained growth is no longer a threat, Lake Tahoe's water clarity has stabilized and many environmental indicators are showing improvement. The responsible programs and regulatory constraints are maintained in the updated Regional Plan.

While environmental conditions have stabilized, socioeconomic conditions have deteriorated, which in turn negatively affect the environment. Troubling socioeconomic trends include well above-average unemployment rates, unaffordable housing, high poverty levels, reduced housing occupancy, population and workforce declines and public school closings. These trends impact the environment – largely by making the system unsustainable for people to invest in environmental improvements or to live, work and enjoy recreation and tourism in the Region. As workers and residents abandon the Region, as land use policies continue to favor the separation of uses, and as visitors continue to lack transportation choices that could reduce auto use, negative environmental impacts result.

The most recent 2011 Threshold Evaluation reports on Region-specific environmental conditions and the status of threshold attainment. The 2011 Threshold Evaluation indicates that significant progress has been made toward many environmental goals and that trends are stable or improving. Existing programs that protect undeveloped land, restore natural systems, and retrofit the built environment have benefitted the Region's environment. The 2011 Threshold Evaluation also indicates the threshold areas of primary concern – Water Quality, Stream Environment Zone (SEZ) restoration, Transportation (Air Quality and Noise) and Scenic Quality in developed areas. Challenges in these categories involve addressing the continuing impact on threshold attainment of pre-TRPA development activities.

The focus of the RPU is therefore to adopt updated strategies needed to achieve TRPA's Threshold Standards by further reducing existing sources of pollution and encouraging beneficial changes in the historic land use patterns and pre-existing legacy development that are contributing to continuing environmental detriments – and to do so in a way that supports a healthy economy and social fabric. Adding to the challenge, governments and public agencies at all levels are facing budget shortfalls and the rate of public funding for environmental investment and restoration faces serious declines. The RPU continues to include a variety of both public and private strategies to improve environmental conditions - but with increased emphasis on privately funded efforts and public-private partnerships. These additional and updated strategies focus on redevelopment incentives to convert the most environmentally impactful legacy development into modern, environmentally beneficial, visually attractive, walkable and bikeable communities.

A variety of updated strategies in the Final Draft Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, and scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards.

- **Water Quality:** Science associated with the Lake Tahoe TMDL identifies the pollutants that are primarily responsible for water quality losses – fine sediment particles, nitrogen, and

phosphorus – as well as the major sources of those pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition. RPU amendments focus on accelerating water quality improvements by incentivizing restoration and redevelopment activities, and by reducing air pollution.

- **Sensitive land restoration:** In conjunction with the broader goal of achieving water quality thresholds, TRPA maintains Threshold Standards for land coverage. Data indicate that existing coverage on Class 1b lands (primarily SEZs) needs to be reduced significantly. Plan amendments focus on relocating more of this impactful pre-existing development and accelerating the restoration and natural function of SEZs and other sensitive lands.
- **Air quality and Noise:** Automobile use strongly influences threshold attainment in air quality and noise categories. Currently both residents and visitors rely heavily on autos and light trucks for transportation. In much of the Region, transit service is infrequent and the fragmented bicycle and pedestrian network lacks continuity. Vehicular noise and air pollutant emissions have exceeded some Threshold Standards and negatively impacted others. RPU amendments focus on improving air quality and reducing noise by transitioning to a more walkable development pattern and improving pedestrian, bicycle, and transit facilities. Targeted amendments to air quality regulations are also made to improve consistency with more protective state criteria.
- **Scenic quality:** Scenic quality overall is improving, but scenic quality is not meeting standards in several areas where development remains largely unchanged from the pre-1980 Regional Plan era. Plan amendments that focus on increasing the rate of redevelopment are expected to enhance scenic quality and facilitate scenic quality Threshold Standard attainment, along with other environmental Threshold Standards (e.g., increase the area of functional stream environment zone).

To address each and all of these threshold category needs, the following outlines some of the key Plan amendment strategies included in the Regional Plan Update.

For completeness, the summary of the Final Plan and all of the attachments as distributed at the October 25, 2012 joint Advisory Planning Commission/Governing Board meeting, re-published in the November joint APC/GB meeting packet, and modified by the Governing Board's endorsed changes summarized in the December joint APC/GB packet, along with the complete administrative record is incorporated herein by reference. As set forth below in summary, the enhanced measures of the RPU, coupled with existing measures of the Regional Plan and Code and other Basin regulatory and programmatic efforts, will result in the required achievement and maintenance of the Threshold Standards.

- A. **Transfers and Restoration of Sensitive and Remote Lands** – The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, air quality, noise and stream environment zone (SEZ) thresholds:

The RPU establishes new opportunities for development transfers from sensitive lands to designated Centers – i.e., Town Centers, the Regional Center and the High Density Tourist District. This improved and modernized program authorizes transfer ratios that vary based on the land sensitivity and location of the sending parcel. The provisions provide incentives to restore the most sensitive lands and to relocate development from auto-dependent outlying areas to walkable Town Centers that can readily

be serviced by transit thus changing incrementally and over time the historic land use patterns that are slowing progress of SEZ, scenic, and water quality threshold attainment; and creating patterns that promote continued maintenance of air quality standards.

Many SEZs and other sensitive areas were heavily developed prior to adoption of the 1987 Plan and most of that development remains in place. Some sensitive land development can be acquired with public financing, but funding levels are declining and major new funding sources would be needed in order to meet the Region’s restoration targets. Relocation of impactful private development through development transfers would restore sensitive lands without need for or with less demand on public funding.

The extent of existing development in the Region’s sensitive lands is summarized in the table below.

EXISTING DEVELOPMENT ON SENSITIVE LANDS			
	Stream Environment Zone (District 1b)	Other Sensitive Lands (Districts 1a, 1c, 2 & 3)	Total Development on Sensitive Land
Residential (ERU)	8,823 units	8,577 units	17,400 units
Tourist (TAU)	3,210 units	1,007 units	4,217 units
Commercial (CFA)	1,817,861 sf	804,782 sf	2,622,643 sf

Since its inception, the Regional Plan has included measures to prevent development in Stream Environment Zones (SEZs) and to relocate existing SEZ development. Progress has been slower than desired and only a small percentage of existing SEZ development has been relocated. Updates to the development transfer program accelerate SEZ restoration and aid in achieving and maintaining Threshold Standards for SEZ and water quality.

Significant differences between the current and new transfer programs that address threshold progress include:

- Because the new program applies only to transfers into defined Centers, it favors and accelerates achieving the goals of reducing automobile dependency, promoting environmental redevelopment, and restoring sensitive lands. Existing transfer provisions would continue to be available for transfers outside defined Centers.
- The most environmentally beneficial transfers are eligible for new transfer ratios that significantly exceed the existing 1:1 ratio to incentivize restoration and better reflect the greater environmental benefits of different development transfers. The existing transfer program does not meaningfully incentivize development transfers that contribute to a more concentrated land use pattern with reduced environmental impacts. In contrast, the modified program directly incentivizes transfers that reduce urban sprawl and therefore benefit the environment.
- The new program applies to all use types to incentivize the restoration of sensitive lands that are not eligible for incentives in the current program, such as existing commercial businesses in stream environment zones.

- The new program provides increased incentives based on environmental sensitivity of the sending parcel and its distance from services, thereby providing the greatest incentive for transfers with the greatest environmental benefit.
- As a further incentive, through the Area Planning process, alternative transfer ratios can be established to more aggressively encourage transfers of development from two high priority development transfer zones designated “Stream Restoration Plan Areas” as long as the alternative ratios are shown to be environmentally beneficial.
- Because the existing program has been under-utilized over the past 25 years, the new program is much less complex and has fewer restrictions to encourage its use and accelerate threshold attainment.

Modifying standards to allow more concentrated development in Centers also supports a more effective development transfer program. Without capacity increases in Centers or elsewhere, it will be difficult to accelerate transfers of development off of sensitive parcels because eligible receiving sites do not have adequate capacity to accommodate much of the development that is currently located on sensitive lands. The lack of receiving areas with capacity for relocated development has been cited by many property owners as a major impediment to environmentally beneficial development transfers. The RPU identifies the Region’s developed Centers as the most appropriate receiving areas for relocated development and provides new and stronger methods to achieve these transfers.

- B. **Redevelopment Incentives & Strategies** -- The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, scenic, air quality and soil conservation threshold attainment:

Although declines in the water clarity threshold appear to have stabilized, additional improvements in water quality are needed to achieve associated Threshold Standards and state water quality goals. Lake Tahoe TMDL studies have shown that the existing developed area (urban upland) contributes 72 percent of the fine sediment particles that are impairing Lake Tahoe’s water quality. The urban upland area is also responsible for other major pollution types, including 38 percent of phosphorus and 16 percent of nitrogen. The roadway component of the urban upland is currently being retrofitted for water quality treatment, primarily with public funding, through the EIP. In contrast, redevelopment of private lands (especially non-residential property in Centers) and associated environmental improvements are occurring very slowly, in part because of the existing regulatory barriers. The RPU directly addresses major regulatory barriers that have limited redevelopment activities, while maintaining an appropriate scale and character of development in the Region’s communities.

The RPU modifies building height, density and coverage standards in designated Centers to provide a more uniform framework that supports development transfers and encourages environmental redevelopment at a scale and character that is compatible with each area. Increases in building height and density standards can only occur through Conforming Area Plans that address threshold findings and other approval standards. Changes in total allowable land coverage within Centers reverse existing allowances that allow greater coverage for new development than for redevelopment, and thereby encourage development on vacant land. Total allowable land coverage for new and redevelopment in Centers is reduced within 300 feet of Lake Tahoe and increased further from Lake Tahoe, thereby providing another incentive for less impactful development activities.

The strategies to encourage environmentally beneficial redevelopment are coupled with targeted amendments that support the findings and water quality improvement programs of the Lake Tahoe TMDL. Amendments would expand the current focus on parcel-level regulations to reflect the Lake Tahoe TMDL strategy of comprehensive catchment-based load reduction plans for fine sediments, phosphorus and nitrogen. Parcel owners must still contribute to Best Management Practices (BMP) solutions but the prescription may differ under more flexible area-wide solutions that could be developed to achieve Lake Tahoe TMDL load reductions for each catchment. Not only are these improved water quality strategies more consistent with the newly adopted Lake Tahoe TMDL, but they are expected to improve the prioritization and accelerate the rate of implementation of BMPs from what has been achieved so far focusing only at the parcel scale under the existing Plan. Local jurisdictions would have flexibility in designing the water quality treatment system that applies to each sub-watershed and under the Lake Tahoe TMDL program there are incentives to focus first on the highest pollutant loading areas.

Other significant amendments include:

- Modifying land use and transportation policies to encourage environmental redevelopment that would concurrently require water quality upgrades and other environmental improvements consistent with Threshold Standards, accelerate transfers of development along with the restoration of SEZs, and reduce automobile dependency;
- Updating language throughout the Regional Plan to support the Lake Tahoe TMDL, require ongoing coordination between TRPA and Lake Tahoe TMDL programs, and align older TRPA reporting requirements with newer Lake Tahoe TMDL reporting requirements;
- Authorizing the implementation of Area-Wide Best Management Practices (BMPs) and coverage treatments to which individual parcel owners would contribute in different ways;
- Reforming the land coverage management system to better reflect environmental benefits and impacts of different forms of land coverage and to incentivize BMP installation; and
- Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.

In combination, modifications to height, density and land coverage within Centers – and the numerous other amendments that promote redevelopment – will remediate existing pollution sources within Centers, will support development transfers that remediate existing pollution sources outside Centers and will further remediate existing pollution sources regionally by increasing revenues collected through the excess land coverage, water quality and air quality mitigation programs.

- C. **Transportation Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining air quality, noise, and water quality Threshold Standards:

In some important aspects, the existing Regional Plan prioritized the free flow of automobiles ahead of vehicle trip reduction, multimodal access, and associated environmental and air quality benefits. Stakeholders identified specific Code provisions that create significant obstacles to the construction of connected bicycle and pedestrian travel ways. The RPU includes amendments to encourage bicycling, walking, and transit use, and to allow the transportation system to evolve in a way that supports compact redevelopment and reduces reliance on the private automobile. The RPU is further

supported by transportation initiatives and projects identified in the Final Draft Regional Transportation Plan.

Key policy and Code changes include:

- Land Use Policies: Many land use amendments in the RPU focus on reducing automobile dependency and promote walking, biking and transit use. Important transportation-related policy modifications include provisions to accelerate development transfers, provisions to increase allowable development intensity in Centers and provisions requiring transit and pedestrian oriented designs for development projects.
- Bicycle Path Land Coverage Exemption: To accelerate and make the creation of a continuous system of non-motorized public trails more financially feasible, non-motorized trails would be exempt from the calculation of land coverage, subject to certain siting and design requirements that minimize disturbance of sensitive lands and vegetation. Currently, land coverage must be acquired, at market rates, in order to build pedestrian and bicycle facilities. This requirement has significantly increased the cost of trail construction, thereby reducing the amount of trail improvements that could otherwise have been built with available funding.
- Accommodation of Bicycle and Pedestrian Facilities in Projects: Applicants for significant commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including major construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan would be required to grant an easement for the bicycle and pedestrian facilities.
- Bicycle and Pedestrian Facility Maintenance Plan: Entities responsible for the construction and maintenance of bicycle and pedestrian facilities proposed as part of a project would be required to provide a maintenance plan, including a funding strategy for the life of the bike and pedestrian facility.
- Vehicle Level of Service (LOS): Existing vehicle Level of Service (LOS) requirements for new projects could be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. The Final Draft Plan also calls for a more comprehensive assessment of LOS standards as a post-update work program.
- Transportation Projects: The Final Draft Regional Transportation Plan prioritizes funding for pedestrian, bicycle and transit improvements over projects that focus on expanded roadway capacity. Transportation project funding is intended to complement land use policies and regulations that promote pedestrian, bicycle and transit use. Specific transportation projects are identified in the Regional Transportation Plan.

Under the existing Regional Plan, new or transferred development or changes in operation that result in increased vehicle trips must mitigate the regional and cumulative impacts of those increased trips. With limited exceptions, increased vehicle trips must be mitigated through the payment of an air quality mitigation fee or through direct implementation of air quality improvement measures. The air

quality mitigation fees are disbursed for air quality improvement projects, such as transit services or bicycle facilities, within the jurisdiction where they were collected to mitigate localized impacts. However, restricting the use of mitigation fees to the jurisdiction where they were collected does not allow fees to be pooled and directed towards the highest priority and most cost-effective projects in the Region.

The RPU allows a portion of the air quality mitigation fees to be used anywhere in the Region, regardless of where the fee was collected (Code Section 65.2.6). This change would allow a portion of the fees to be directed towards the highest priority or most cost-effective projects to benefit air quality within the Region.

The Final Draft Regional Plan addresses noise control with targeted amendments to reduce automobile reliance and promote alternative forms of transportation. Roadways are a significant source of noise pollution in the Region. The RPU retains other existing provisions related to noise, with language clarifications, and calls for an ongoing analysis of airport noise and an update to the City of South Lake Tahoe's Airport Master Plan.

- D. **Miscellaneous Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality Threshold Standards:

While the RPU retains the established land capability system, several targeted amendments accelerate attainment of the soils, water quality and other thresholds by encouraging the use of less impactful types of land coverage, incentivizing the installation of water quality BMPs, promoting land coverage reductions and relocation of land coverage to less sensitive lands, and facilitating environmentally beneficial redevelopment. For example, the RPU would allow direct land coverage removal by a project applicant and expenditure of excess coverage mitigation fees to occur anywhere in the Region. This change is expected to increase the number of projects including direct land coverage removal, and improve the efficiency and effectiveness of the regional land bank coverage removal programs. The RPU also allows excess coverage to be removed in exchange for additional units of use, but only after excess coverage is mitigated. This incentive would promote land coverage removal in addition to that required under the excess coverage mitigation provisions. Also, under the existing Code, land coverage transfers for commercial or tourist accommodation uses must be from existing hard land coverage. Transfers for other uses can also include soft land coverage or potential (i.e. base allowable) land coverage. The RPU allows soft land coverage to be transferred from SEZs for use in any project within Centers, providing a greater incentive to remove soft land coverage from the most sensitive lands. To further incentivize land coverage reductions and promote greater project design flexibility, the RPU would allow Area Plans to delineate specific geographic areas where land coverage would be managed comprehensively rather than at the parcel scale. In order to qualify for area-wide land coverage management, the Area Plan would have to demonstrate that compared to parcel-by-parcel land coverage management, the area-wide land coverage management system would not increase land coverage overall, in the most sensitive lands (districts 1 and 2), or within 300 feet of Lake Tahoe.

Phosphorus is a significant pollutant of concern identified by the Lake Tahoe TMDL, with fertilizer application being a significant source. The RPU includes new policy language to phase-out the use of chemical fertilizer containing phosphorus for lawns by 2017 through education and outreach. The

phase-out provision complements but does not replace existing restrictions on the use of fertilizer in SEZs and shorezone areas.

IV. ACHIEVE AND MAINTAIN FINDINGS

A. WATER QUALITY

1. STATUS AND TREND

Water quality shows signs of improvement since the trend for winter average Secchi depth shows that the indicator is no longer declining and the Region is meeting interim targets established in 2006. The rate of Lake clarity decline has slowed since 2001, but the annual average Secchi depth indicator is still considerably short of recently adopted Lake Tahoe TMDL standards. Summer Lake Tahoe clarity is showing negative trends and ongoing research findings are needed to understand why winter and summer readings are moving in seemingly opposite directions.

The long-term trend in the phytoplankton primary productivity indicator continues to show a decline in conditions relative to the adopted Threshold Standards. Research is underway, as noted in the 2011 Threshold Evaluation Fisheries chapter, to assess possible relationships of phytoplankton to other nearshore conditions. Long-term measurements of tributary water quality indicate that the Region is not meeting state pollutant concentration standards for all monitored streams, although improvements in sediment and phosphorus concentration are documented. Long-term data on stream pollutant loading indicate there was little or no change in the amount of nitrogen, sediment, and phosphorus being delivered to Lake Tahoe annually via tributaries when adjusted for variation in stream flow. More detailed information on the status and trend of the Water Quality threshold can be found in the Water Quality chapter of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies:
 - EPA Outstanding National Resource Water (ONRW) Designation
 - Clean Water Act Section 401, 402, 404
 - Porter-Cologne Act
 - Lake Tahoe TMDL
 - 208 Water Quality Management Plan
 - Lahontan Basin Plan
 - U.S. Forest Service Forest Plan

The Lake Tahoe TMDL represents a centerpiece of the joint effort to achieve and maintain water quality standards applicable in the Region. A 10-year, \$10 million effort, the two states' Lake Tahoe TMDL provides the planning and regulatory blueprint to implement the pollutant load reductions over several decades to produce the improvements in water quality required to achieve California and Nevada standards within 65 years. A Total Maximum Daily Load is a

requirement of the federal Clean Water Act Section 303(d) which requires states to establish TMDLs for impaired water bodies that do not meet water quality standards. Every TMDL (there are over 44,000 nationwide) focuses on particular “pollutants of concern.”

Through five steps, the pollution sources and loads are determined for the specific water body at issue, their overall effect on the water body is assessed, pollutant loads are allocated for each source so that the water body will attain the applicable water quality standards, and implementation plans are developed that describe the approach and activities required to ensure that the allocations are met.

California has identified Lake Tahoe’s lack of transparency as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. To comply with California’s Lake Tahoe transparency standard, a 25-centimeter (10-inch) white Secchi disk would need to be visible 29.7 meters (97.4 feet) below the surface of Lake Tahoe on an average annual basis.

Nevada has identified Lake Tahoe’s lack of clarity as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. Clarity is defined as a quantitative measure of the vertical extinction of light (VEC) per meter of depth. A lower VEC reading indicates more clarity to the water. To comply with Nevada’s Lake Tahoe clarity standard, a VEC of 0.08 per meter is necessary.

The Lake Tahoe TMDL effort represents a common and consistent plan between the States of Nevada and California to address the transparency and clarity decline within Lake Tahoe. Each state submitted and approved distinct reports to clarify regulatory and implementation differences between the two states.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is responsible for the California portion of the Lake Tahoe Basin, among other areas, and the Lake Tahoe TMDL was incorporated into the Lahontan Region Water Quality Control Plan (Basin Plan) on November 16, 2010 under Resolution No R6T-201 0-0058 to establish: (1) the Lake Tahoe Maximum Daily Load for fine sediment particles, nitrogen, and phosphorus; and (2) a Lake Tahoe TMDL implementation plan and associated changes to urban stormwater regulations in the Lake Tahoe Basin. The State Water Resources Control Board (State Water Board) adopted this amendment on April 19, 2011 and the US EPA approved the amendment on August 16, 2011. The Water Board has issued permits to each local government on the California side of the Tahoe Basin as well as the state transportation agency, Caltrans, to implement the requirements of the state’s adopted TMDL for Lake Tahoe.

The Nevada Division of Environmental Protection is responsible for the Nevada portion of the Lake Tahoe basin and the Lake Tahoe TMDL for Nevada was approved by the U.S. EPA on August 16, 2011. The Nevada Lake Tahoe TMDL clarifies Nevada’s regulatory structure and approach to implementation and emphasize that the proposed implementation timelines may need to be adjusted for a variety of reasons, but particularly the availability of future funding. To implement the TMDL the Nevada Division of Environmental Protection is utilizing Memoranda of Understanding with the Nevada Department of Transportation and local

governments in the Nevada portion of the Tahoe Region. Both the Water Board and NDEP will provide TRPA with data on load reduction plans, clarity crediting programs and progress towards meeting load reduction targets on an annual basis.

The goal of the Lake Tahoe TMDL is to restore Lake Tahoe's historic deep water transparency to an annual average Secchi depth of 29.7 meters (97.4 feet), which was the average annual Secchi depth measured between 1967 and 1971. The Lake Tahoe TMDL research suggests the proposed Annual Average Standard Secchi depth (29.7 meters) can be reached if a variety of load reductions in fine particulates (65 percent reduction), nitrogen (10 percent reduction), and phosphorus (35 percent reduction) can be met, especially in the urban areas around Lake Tahoe.

The Lake Tahoe TMDL identified options for reducing pollutant inputs of fine sediment particles and nitrogen and phosphorus to Lake Tahoe from the four largest pollutant sources: urban upland runoff, atmospheric deposition, forested upland runoff, and stream channel erosion. The Lake Tahoe TMDL identifies the amount of each pollutant entering the lake from these sources, the reductions needed, the reduction opportunities that are available, and the implementation plan to achieve these reductions. The Lake Tahoe TMDL modeling data recognizes opportunities to achieve water quality gain in four pollutant source categories – urban upland (72 percent), atmosphere (16 percent), forest upland (9 percent), and stream channel (3 percent) – with the greatest gain available through improvements in the urban upland source category. The Lake Tahoe TMDL concludes that by reducing fine sediment, nitrogen, and phosphorus loads in these four categories, it will take approximately 65 years to meet the deep water transparency standard (annual average Secchi depth of 29.7 meters).

The states of California and Nevada have the authority pursuant to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (i.e. prohibitions). The Implementation Plan for the Lake Tahoe TMDL requires compliance with the prohibition of discharges in violation of water quality objectives. The two states will oversee Lake Tahoe TMDL implementation primarily through administration of urban stormwater runoff pursuant to each state's adopted and US EPA-approved Lake Tahoe TMDL, and rural lands pollutant source control measures associated with permits issued by federal agencies such as the USDA Forest Service and the US Fish and Wildlife Service.

Lake Tahoe TMDL Recommended Strategy and Implementation Plan

The Lake Tahoe TMDL Implementation Plan provides representative actions that the various local, state, and federal governments and associated resource management agencies must take in the four pollutant source categories – urban upland, atmosphere, forest upland, and stream channel – to reduce fine sediment particle, phosphorus, and nitrogen loads to Lake Tahoe and meet established load reduction milestones, including the deep water transparency standard. It emphasizes ongoing implementation of known technologies while encouraging more advanced and innovative operations, maintenance, and capital improvement efforts to address urban stormwater pollution. Ongoing land management practices and policies are expected to achieve necessary fine sediment particle, nitrogen, and phosphorus load reductions from forested areas. Stream restoration projects will address stream channel bank and bed erosion sources. Measures to reduce dust from paved and unpaved roadways,

parking areas, construction sites, and other disturbed lands will reduce fine sediment particle and phosphorus loading from the atmosphere. The Lake Tahoe TMDL's Recommended Water Quality Management Strategy ("Recommended Strategy") (Lake Tahoe TMDL Chapter 9) provides the framework for the magnitude of expected load reductions from the four major pollutant sources and describes reasonably foreseeable load reduction activities that responsible parties may choose to undertake.

Urban Uplands

Urban runoff produces the majority of fine sediment and phosphorus loading and provides the greatest estimated potential for pollutant control. Therefore, responsible parties (local municipalities and state highway departments) are expected to prioritize advanced operations and maintenance practices and innovative technologies that will reduce fine sediment particle and associated nutrient loads from the urban runoff source category. Implementing the Lake Tahoe TMDL's Recommended Water Quality Management Strategy is expected to reduce the total Basin-wide fine sediment particle load by approximately 24 percent in the first 15 years of Lake Tahoe TMDL implementation. To achieve the clarity standard, the fine sediment particle load carried by urban stormwater runoff must be reduced by roughly 70 percent. Thus, after the first fifteen years, ongoing implementation measures and additional load reduction actions will be needed to further reduce fine sediment particle and nutrient loads to meet the clarity standard.

The two states' adopted Lake Tahoe TMDL assumes that pollutant controls will be applied differently based on configuration of impervious land coverage and slope. Areas of concentrated impervious land coverage, such as commercial land uses with extensive streets, parking areas, and rooftops, may need intensive application of advanced pollutant control measures, while land uses with dispersed impervious land coverage will likely need less advanced treatments. Enhanced operations and maintenance of roadways and associated pollutant controls are important elements in the implementation strategies to reduce pollutants from urban runoff discharges. A representative list of practices and treatment options that responsible parties might use to achieve the Lake Tahoe TMDL in 65 years includes:

- Stabilize and re-vegetate road shoulders
- Vacuum-sweep streets (in heavily sanded areas)
- Upgrade/enhance fertilizer / turf management practices to reduce nutrient application
- Remove impervious land coverage (increase infiltration)
- Redirect runoff for additional treatment
- Install and maintain infiltration trenches
- Install and maintain prefabricated infiltration systems
- Install and maintain detention basins
- Install and maintain sand filters
- Apply advanced deicing strategies (to reduce or eliminate abrasive application)
- Upgrade/increase/enhance infrastructure operation and maintenance
- Control retail fertilizer sales within the Basin
- Recommend landscaping practices that reduce nutrient mobilization
- Install and maintain wet basins / infiltration basins
- Install and maintain constructed wetlands

- Install and maintain media filters in stormwater vaults
- Pump stormwater to more suitable treatment locations

Forest Uplands

The forest upland load reductions will be accomplished through continued implementation of forest management programs, policies, restoration activities, and vegetation management approaches. The United States Forest Service Lake Tahoe Basin Management Unit (LTBMU), agencies of the Nevada Tahoe Resource Team (Nevada TRT - Divisions of State Parks, State Lands and Forestry), California Department of Parks and Recreation, and the California Tahoe Conservancy (CTC) are the primary public land management agencies administering the maintenance and expansion of existing land management activities as needed to reduce pollutant loads from forested lands to meet the Clarity Challenge and other load reduction goals.

The Water Board and NDEP have worked with the LTBMU to include references to applicable Lake Tahoe implementation elements in the updated Land and Resource Management Plan ("Forest Plan"). The Water Board and NDEP expect the revised Forest Plan to address ongoing maintenance of LTBMU unpaved roadways and trails; regular inspections and maintenance of trailhead and parking lot best management practices; continued efforts to identify and restore landscape disturbances; and responsible implementation of vegetation management actions with appropriate BMPs. Similarly, the California Department of Parks and Recreation, the CTC, and the Nevada TRT agencies have programs and policies in place to implement projects and activities to reduce pollutant loads. The Water Board and NDEP will track forest implementation partner activities to determine whether expected load reduction actions are being taken and are remaining consistent with the Recommended Strategy and the Lake Tahoe TMDL Implementation Plan. If forest management agencies continue to complete projects and activities consistent with the Pollutant Reduction Opportunity Analysis, the Recommended Strategy and the Lake Tahoe TMDL, then the Water Board and NDEP expect forest upland load reduction requirements will be met. If the LTBMU, CTC, and the California Department of Parks and Recreation fail to continue to implement needed load reductions, the Water Board maintains the authority to issue Waste Discharge Requirements or Time Schedule Orders, as needed, to be certain appropriate programs, policies, and activities continue as anticipated to reduce pollutant loading to Lake Tahoe. The NDEP has the authority to enter into Memoranda of Agreement with forest management partners on the Nevada side of the Lake Tahoe Basin to explicitly define Lake Tahoe TMDL expectations on undeveloped lands in Nevada to meet Lake Tahoe TMDL pollutant load reductions should those agencies fail to implement expected load reduction actions.

Atmospheric Deposition

Since the majority of the atmospheric fine sediment particle load is generated by urban roadways, much of the required atmospheric load reductions and interim load allocations will be met by implementing measures to control the sources of stormwater pollutants from urban roadways under the urban upland source category. Similarly, Lake Tahoe TMDL implementation actions taken to control runoff issues from unpaved roadways (see the Forest Uplands section above) will also reduce dust from these areas.

Stream Channel Erosion

The Water Board and NDEP expect needed load reductions and interim load allocations for the stream channel erosion source will be met when all the restoration projects and activities are completed for the three major tributaries. These restoration projects are anticipated to be completed within 15 years from the adoption of the Lake Tahoe TMDL.

b. Existing Regional Plan:

As described in the Water Quality Subelement of Chapter II (Land Use) of the Goals and Policies, multiple public and private entities and varied regulatory and implementation programs contribute to the long-term regional effort to attain and maintain TRPA's water quality Threshold Standards. For each pollutant source, TRPA maps out a matrix of the regulatory, restoration, programmatic, and monitoring elements necessary to achieve and maintain the water quality Threshold Standards over time. (Goals and Policies at pp. II-30 to II-33.)

- The growth management system limits new development allowed in the Region;
- The land capability and land coverage management system limit the amount of impervious land coverage allowed in the Region;
- Concentration-based discharge standards and infiltration requirements for stormwater treatment control water quality impacts associated with new development;
- Regulations requiring the retrofitting of developed properties with Best Management Practices (BMPs) and the installation of BMPs with all new development reduce erosion and stormwater runoff;
- Regulatory preservation and restoration of SEZs protect and enhance their water quality values;
- Prohibiting the discharge of wastewater, toxic waste, and solid waste into Lake Tahoe, its tributaries, and groundwater resources; and
- Managing the use of fertilizer in SEZs.

c. Existing TRPA Code:

- Chapters 50 through 53 outline the growth management system, including development allocations, development transfers, bonus units and the IPES (Individual Parcel Evaluation System) program;
- Chapter 30 sets forth regulations concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage;
- Section 32.5 of the Code contains wastewater service requirements for projects proposing construction of a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy. Section 32.5 specifically directs that such projects that would generate wastewater shall be served by facilities for the treatment and export of wastewater from the Lake Tahoe Region. To be considered served, a service connection is required to transport wastewater from the parcel to a treatment plant;
- Chapter 33 outlines standards for grading and excavation, including grading standards, requirements for special reports and plans to protect the environment against significant

adverse effects from grading projects, requirements for grading and construction schedules and vegetation protection requirements;

- Chapter 35 sets forth regulations pertaining to recognition of natural hazards, including floodplains, prevention of damage to property, and protection of public health relating to such natural hazards;
- Chapter 60 outlines water quality protection standards, including discharge standards, mitigation requirements, source water protection standards and BMP requirements;
- Chapter 61 outlines vegetation protection and enhancement requirements;
- Chapter 62 protects wildlife habitat, including but not limited to SEZs;
- Chapter 63 protects fish habitat and addresses aquatic invasive species;
- Chapter 64 restricts livestock grazing;
- Chapter 65 outlines air quality protection and mitigation requirements, which also addresses atmospheric sources of water pollution; and
- Chapters 80 through 86 outline detailed environmental protection requirements for Lake Tahoe's shorezone.

d. Regional Plan Update Amendments

(1) Reduce Pollutant Loads

The following Regional Plan amendments reduce pollutant loads, which would positively affect most of the water quality Threshold Standards: Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes.

- Expedite redevelopment of non-conforming properties and accelerate transfers of development out of sensitive areas. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes)
- Tighten land coverage limitations within 300 feet of Lake Tahoe. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Reform the land coverage program to accelerate land coverage reduction and land coverage transfers from sensitive lands.
- Award residential bonus units for removing and retiring excess land coverage in centers. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Designate two stream restoration plan areas in the Upper Truckee River watershed (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Other Transportation Goals and Policies: walkable mixed-use Centers, enhanced pedestrian and bicycle network, and transit enhancements to reduce dependency on the automobile, which in turn reduces atmospheric deposition of nitrogen and entrained road dust.

- Area-wide water quality treatment facilities and funding mechanisms may be implemented in lieu of certain site specific BMPs (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).
- Phase out the sale and use of chemical phosphorus fertilizer for lawns by 2017 (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).

(2) Implement Lake Tahoe TMDL

The Regional Plan supports pollutant load reductions from each Lake Tahoe TMDL source category (atmospheric deposition, forested uplands, stream channel erosion, urban uplands)

3. THRESHOLD DETERMINATION

a. Pelagic Lake Tahoe (Phytoplankton Primary Productivity/Winter Average Secchi Depth/Annual Average Secchi Depth)

This threshold category focuses on Lake clarity. Broadly speaking Lake clarity is primarily (75 percent) a function of fine suspended sediment causing light absorption and scattering. Algal presence in the water column also reduces clarity but accounts for approximately 25 percent of transparency loss. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies, strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients and attainment of clarity goals in approximately 60 years. The specific Phytoplankton Primary Productivity (“PPr”) threshold indicator may take longer to achieve as no deflection in its trajectory has been observed to date (in contrast to Winter and Annual Average Secchi Depth indicators). However, accelerated sediment load reductions and concomitant nutrient input reductions over the next decades should lead to eventual attainment of the PPr indicator. Moreover, Lake Tahoe remains ultra-oligotrophic, is not expected to lose that rating despite the relative rise in PPr, and is projected to achieve the over-arching clarity threshold. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the threshold standards for Pelagic Lake Tahoe and to maintain compliance.

b. Tributary Water Quality (Suspended Sediment, Total Phosphorus, Total Nitrogen, Combined Tributary Suspended Sediment Load, Combined Tributary Total Phosphorus Load, Combined Tributary Total Nitrogen Load, Stormwater)

The Tributary Water Quality Indicators relate to the tributary, surface runoff (stormwater) and groundwater numeric and management thresholds. These indicators monitor the concentration and loading of suspended sediment and nutrients to Lake Tahoe in order to achieve the clarity objectives. Currently, tributary water quality meets some numeric standards for certain streams but not others and particularly for the California-side streams that contribute the majority of inflow to Lake Tahoe. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies,

strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients in tributary water quality needed to achieve and maintain clarity goals. It is therefore determined that policies, strategies, programs, and measures are in place to achieve increases in tributary water quality and the load reductions necessary to achieve the lake clarity thresholds over the next decades and to maintain compliance.

c. Littoral Lake Tahoe (Nearshore Turbidity, Nearshore Attached Algae)

In the 2006 Threshold Evaluation, it was determined that the Region was in attainment with littoral turbidity threshold standards. Due to insufficient data collected and summarized between 2007 and 2010, the agency was not able to make a determination in the 2011 Threshold Evaluation on the current status and associated trends in littoral turbidity levels. However, unpublished data summaries produced as part of an ongoing nearshore research project and yet to be released (Alan Heyvaert et al., Desert Research Institute, in-prep.) and other surrogate information suggests that the Region is continuing to meet TRPA littoral turbidity standards. Heyvaert et al. (in-prep.) have summarized turbidity data collected throughout Lake Tahoe's nearshore by research institutions between 2000 and 2012 and have found that the whole lake mean was 0.12 NTU (range in means 0.014 to 0.8 NTU), which suggests the Region is well-within the most stringently prescribed turbidity levels for Lake Tahoe's nearshore. Other data and actions support that the Region is still in attainment with littoral turbidity standards. For example, the EIP has completed stormwater treatment on over 500 miles of roads in the Region and tributary pollutant loads have either remained stable or have reduced over time. Pelagic Lake Tahoe measurements of transparency suggest that clarity of the Lake is stable (annual average) or improving (winter average). Together, this information supports that the Region is currently achieving Lake Tahoe littoral turbidity standards and the policies, strategies, programs, and measures listed above and considered collectively will enable those standards to be maintained.

TRPA is amending its Threshold Standards to add a new standard addressing nearshore attached algae. The Management Standard states: "Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe." The Regional Plan, including actions executed through the EIP, together with required strategies of the Lake Tahoe TMDL implements the proposed new Threshold Management Standard for attached algae. For example, the Code of Ordinances includes several regulations designed to avoid, reduce or eliminate nutrient loading to Lake Tahoe. Excessive nutrient loading and runoff from upland sources is known to cause excessive growth of free floating and attached algae in Lake Tahoe. Chapter 60 of the Code of Ordinances implements the attached algae standard by restricting the discharges of nutrients (and other pollutants) from a wide variety of sources and includes requirements for the installation of BMPs for stormwater on residential and commercial properties. Several land use regulations in Code of Ordinances Chapter 30 and 53 limit the development potential of lands, resulting in less impervious land coverage in the Region; impervious land coverage prevents precipitation and stormwater from naturally percolating into the soil. These regulations also prohibit the development of sensitive

wetlands and riparian zones – these lands naturally filter nutrients and sediments and reduce or eliminate loads to surface waters. The EIP program promotes the implementation of BMPs and stormwater treatment facilities to reduce or eliminate nutrient loads to Lake Tahoe (and other lakes, surface waters and ground water). The EIP also promotes the restoration of wetlands and riparian areas known to be natural mechanisms to uptake nutrients before they reach surface waters. The Lake Tahoe TMDL also indicates that its implementation measures will contribute to reductions in algal forming nutrients. It is therefore determined that the new nearshore attached algae management standard has been achieved and policies, strategies, programs, and measures are in place to achieve the management standard for nearshore attached algae and continue to maintain compliance.

d. Aquatic Invasive Species

TRPA is amending its Threshold Standards to add a new standard addressing management of Aquatic Invasive Species. The Management Standard states: “Prevent the introduction of new aquatic invasive species into the region’s waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.”

The Threshold Management Standard for aquatic invasive species is implemented (and thus attained) through the combined efforts of varied agencies, non-profit organizations, private businesses and academic institutions that are part of the Lake Tahoe Aquatic Invasive Species (AIS) Program. The strategic plan for the comprehensive management of the Tahoe AIS Program for prevention, control, early detection and rapid response is the federally approved Lake Tahoe Region AIS Management Plan, the goals of which mirror the Threshold Management Standard. TRPA is the co-lead agency together with the US Fish and Wildlife Service for oversight and administration of the Management Plan. To prevent the introduction of new aquatic invasive species into the Region’s waters, TRPA has previously adopted Code that provides for the implementation of a rigorous watercraft inspection program that addresses the threat of introduction by motorized and non-motorized watercraft.

The control of known AIS, through reduction in abundance and distribution as well as abating harmful impacts, is also addressed by the Tahoe AIS Program. Efforts have been and continue to be underway to control a wide variety of AIS including weeds, warm water fishes and invertebrates. Control strategies have reduced the abundance and distribution of AIS in ecologically and economically important areas of the Region like Emerald Bay, marinas and other recreational areas. In addition to the current and ongoing policies, strategies, programs, and measures of TRPA and AIS Management Program partners, new polices in the RPU address the prevention of new aquatic invasive species and the control of those species already existing in the Region. It is therefore determined that the Aquatic Invasive Species Threshold Management Standard has been achieved and policies, strategies, programs, and measures are in place to achieve the AIS Management Standard and continue to maintain compliance.

e. Other Lakes

Fallen Leaf Lake represents the only other lake in the Tahoe Region for which there are specific state standards (TRPA has no independent standards for other lakes in the Region). Past data indicates that Fallen Leaf Lake does not meet its clarity standard (Secchi depth). TRPA's regulatory structure and the Lake Tahoe TMDL (Fallen Leaf Lake is a tributary to Lake Tahoe) will result in improvements to lake inputs that over time will address and improve Fallen Leaf Lake's clarity. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standard for Other Lakes and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted water quality Threshold Standards.

B. AIR QUALITY

1. STATUS AND TREND

The majority of air quality indicators are in attainment with adopted standards. Trends primarily indicate that air quality indicators are either stable or improving. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The US Environmental Protection Agency and state agencies, such as the California Air Resources Board, have established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and developed the Bike and Pedestrian Master Plan. TRPA also requires woodstoves to be compliant with US EPA standards when properties are bought and sold. The Tahoe Transportation District operates a low-emission mass transit system and the EIP facilitates the construction of bike paths. Redevelopment projects can also benefit air quality; the Heavenly Gondola Project likely contributed to reductions in private automobile use in an area of the Region that receives the greatest annual volume of winter visitors. More detailed information on the status and trend of the Air Quality Threshold Standards can be found in Chapter 3 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Supplemental Plans, Programs, Regulatory Measures & Strategies

Air quality within the Lake Tahoe Air Basin is regulated by TRPA, the US Environmental Protection Agency (EPA), California Air Resources Board, Nevada Division of Environmental Protection Bureau of Air Pollution Control and Bureau of Air Quality Planning, Placer County Air Pollution Control District, El Dorado County Air Quality Management District (EDCAQMD)

and the Washoe County Health District (WCHD). Each of these agencies develops rules, regulations, policies, and/or goals to comply with applicable legislation. Although EPA regulations may not be superseded, state and local regulations may be more stringent. Details of federal, state, and local regulations are described in the RPU Draft EIS on pages 3.4-6 to 3.4-15.

b. Existing Regional Plan and TRPA Code

The existing Regional Plan and Code together with the EIP includes numerous programs that benefit Air Quality, including an improving “Air Quality and Transportation Program.” The program implements projects that improve air quality through reduced woodsmoke and dust, and improve transit and trail connections.

- The Transportation Element and the RTP include numerous provisions to reduce reliance on the private automobile and increase use of transit and non-motorized transportation.
- TRPA establishes emission standards for combustion appliances including wood heaters, central furnaces, and water heaters.
- TRPA prohibits new stationary sources of air pollution that exceed emission limits outlines in Code Sec 65.1.6.
- TRPA implements a traffic and air quality mitigation program to offset impacts from indirect sources of air pollution.

c. Regional Plan Update Amendments

- Land Use policies that incentivize the concentration of development reduce VMT and associated emissions (CO, Ozone, Nitrate Deposition, Visibility).
- Provisions that exempt non-motorized trail land coverage and require the dedication of easements for non-motorized trails (CO, Ozone, Nitrate Deposition, Visibility).
- Policies that incentivize redevelopment increase the removal of non-compliant emission sources and the replacement with sources that meet current standards (CO, Ozone, Nitrate Deposition, Visibility, Odor).
- Attachment 4 of the Goals and Policies requires the development and implementation of a construction best practices policy for emissions (CO, Ozone, Nitrate Deposition, Visibility, Odor).
- Attachment 4 of the Goals and Policies requires development of standards to reduce construction and operational GHG emissions, which will also reduce other emissions through increases in building efficiency (CO, Ozone).
- Phased release of allocations is tied to VMT monitoring that ensures VMT will not exceed the threshold standard (CO, Ozone, Nitrate Deposition, Visibility).
- A portion of air quality mitigation fees can be used for the highest priority projects in the Region (CO, Ozone, Nitrate Deposition, Visibility).
- All Area Plans are required to enhance pedestrian, bicycling, and transit opportunities (CO, Ozone, Nitrate Deposition, Visibility).
- Numerous water quality and transportation policies specifically target reductions in NO_x, Ozone precursors, and entrained dust (Ozone, Nitrate Deposition, Visibility).

3. THRESHOLD DETERMINATION

a. Carbon Monoxide (1-Hour CO, 8-Hour CO, Winter Traffic Volumes)

The Lake Tahoe Basin is in attainment with Carbon Monoxide threshold standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of CO in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for CO and to continue to maintain compliance.

b. Ozone (Highest 1-Hour Average, Highest 8-Hour Average, 3-Year Average of 4th Highest, Oxides of Nitrogen Emissions)

The Lake Tahoe Region is in attainment with the ozone Threshold Standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of ozone and ozone precursors in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for ozone and to continue to maintain compliance.

c. Visibility (PM10, PM2.5, VMT, Regional and Subregional Visibility)

Overall, the Lake Tahoe Basin is in attainment with the Visibility threshold (with one exception) and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further improve Visibility in the Region. Currently, the Highest 24-Hour Average PM10 Concentration indicator barely exceeds the applicable standard on the California side of the Basin but its improving trend indicates that this indicator should be achieved within the decade if not a few years. TRPA lacks up-to-date data on some sub-regional Visibility indicators. However, data from the 2006 Threshold Evaluation indicates these standards to be in attainment and other air quality data (e.g., PM 2.5, PM 10) indicate that visibility trends have only improved. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for Visibility and to continue to maintain compliance.

d. Nitrate Deposition and Odor

As demonstrated by the measures listed above and identified in the 2011 Threshold Evaluation, TRPA has implemented the Threshold Management Standards for Nitrate Deposition and Odor. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Management Standard for nitrate deposition and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record

when taken together and considered collectively achieve and maintain the adopted air quality Threshold Standards.

C. SOIL CONSERVATION

1. STATUS AND TREND

The Region overall is approximately 3.6 percent hard land coverage and only one of nine land capability classes currently shows hard land coverage in excess of the Bailey system percentages, according to preliminary “LIDAR” and multi-spectral data and the 2007 soil survey maps from the Natural Resources Conservation Service. Relative to Bailey coverage threshold standards, only land capability Class 1b (and perhaps Class 2 --i.e., because of the degree of uncertainty in the LIDAR measuring method for soft land coverage, the Class 2 coverage estimate is too close to the target to definitively conclude one way or another whether Class 2 land is in or out of attainment with the applicable Bailey coverage limit) shows excess land coverage. Legacy development created impervious land coverage on sensitive Class 1b lands prior to the adoption of the 1987 Regional Plan, and this continues to hamper achieving management targets set for impervious land cover. New development has applied land cover limitations prescribed by the Impervious Coverage Threshold Standards—where all parcels are limited to certain land-type cover limitations. Policies adopted by TRPA in 1987 to incentivize the transfer of excess impervious land cover out of sensitive lands have not resulted in significant progress to this end (<40 acres of developed land coverage has been transferred out of sensitive lands since the adoption of the 1987 Plan). Achievement of the impervious cover target will require the removal of an estimated 650 acres of developed impervious land cover—a scale of land coverage transfer that may not be achieved for many generations given private property rights issues and cost. Progress is being made to preserve and restore the natural hydrology of stream environment zone lands as prescribed by the Stream Environment Zone Threshold Standard. More detailed information on the status and trend of the Soil Conservation threshold can be found in Chapter 5 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies
 - Land coverage or other placement of fill in sensitive lands is regulated by the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.
- b. Existing Regional Plan and TRPA Code
 - The EIP includes numerous programs that benefit the soil conservation thresholds, including the Watershed Management Program, which implements coverage removal and sensitive land restoration, acquisition of sensitive land, and habitat restoration focused on riparian areas.
 - TRPA establishes maximum allowable land coverage limitations, which are enforced through project approvals.

- TRPA prohibits the placement of new land coverage in sensitive lands with limited exceptions.
 - TRPA requires SEZ restoration at a ratio of 1.5 to 1 to compensate for the placement of any new land coverage in an SEZ.
 - TRPA implements an excess coverage mitigation program to reduce land coverage in excess of the maximum allowable.
 - TRPA allows transfers of land coverage subject to conditions and transfer ratios that reduce land coverage overall and on sensitive lands.
- c. Regional Plan Update Amendments
- Transfer Development Rights program incentivizes transfers of development from sensitive land (Impervious Cover and SEZ).
 - Coverage transfer ratio amendments further incentivize coverage removal from sensitive lands (Impervious Cover and SEZ).
 - Incentivizing redevelopment accelerates mitigation of excess coverage and transfers of coverage from more sensitive to less sensitive lands (Impervious Cover and SEZ).
 - New provisions for soft coverage transfers from SEZ further incentivize coverage reduction in SEZ (Impervious Cover and SEZ).
 - Allowing transfers of non-conforming coverage from sensitive lands relocates existing coverage out of sensitive lands (Impervious Cover and SEZ).
 - Revisions to the excess coverage mitigation program accelerate the removal of coverage and focuses it on the highest priority coverage removal opportunities (Impervious Cover and SEZ).
 - Creation of Stream Restoration Plan Areas promotes additional coverage removal in the highest priority areas (Impervious Cover and SEZ).
 - Incentives for concentrated development reduce coverage per unit of development and locate a greater portion of new coverage on high capability lands (Impervious Cover).

3. THRESHOLD DETERMINATION

a. Impervious Cover

The Lake Tahoe Region is in attainment for 7 of the 9 Land Capability Classes for the Impervious Cover threshold (Class 1a, 1c, 3, 4, 5, 6 and 7). It is anticipated that implementation of the programs and policies listed above will reduce overall coverage in the sensitive land categories (1a, 1b, 1c, 2, and 3) and development of the commodities authorized by the Regional Plan will not result in the addition of coverage beyond the coverage limits for Classes 4, 5, 6 and 7. It is therefore determined that policies, strategies, programs, and measures are in place to continue to achieve and maintain the Impervious Cover Threshold Standards for those land capability classes in attainment with applicable coverage limitations.

Impervious cover in Class 1b (SEZ), as noted above, is significantly out of attainment as a result of existing legacy residential and commercial development in SEZs pre-dating TRPA or the

1987 Regional Plan. Removal of over 650 acres of existing legacy development (which occurs primarily in urbanized areas) is needed in order to meet the one percent coverage limitation. Retirement of Class 1b coverage has been occurring as part of SEZ restoration projects (see below discussion of the SEZ Restoration standard) and, as described above, the Regional Plan includes additional and improved incentives and opportunities specifically designed to remove existing development and retire coverage from SEZs. Specifically, accelerated incremental progress will be made in reducing Class 1b coverage through, among other mechanisms, incentivized transfers and acquisitions using excess coverage mitigation fees (i.e., voluntary programs). Progress will be slow and will likely take longer than the six-decade effort necessary to achieve the water clarity standards – i.e., the principal purpose of the Impervious Coverage threshold. If sufficient incremental progress to achieve this threshold over a reasonable term is not evident in future assessments of threshold progress, TRPA may further adjust incentives. Short of otherwise infeasible compelled acquisitions (i.e., condemnations), TRPA sees no practical mechanism of short-term achievement of the Class 1b standard.

At this time, a conservative interpretation suggests Class 2 land may be over-covered by approximately 43 acres. Recent additional soft coverage analysis, which shows additional impervious coverage in Class 2 is however preliminary and requires further refinement and verification. Therefore, while TRPA conservatively identified Class 2 as out of attainment based on the best currently available information, the analysis may shift again to show Class 2 is in attainment with the Impervious Cover Threshold Standard. Regardless, implementation of the programs and policies listed above will gradually reduce coverage in Class 2 so that it should be in attainment within several decades. As with Class 1b, TRPA will monitor and make adjustments if necessary to increase the anticipated rate of coverage reductions in Class 2. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the impervious cover Threshold Standard for land capability Classes 1b and 2.

b. SEZ Restoration

As set forth in Chapter 5 of the 2011 Threshold Evaluation, restoration of an additional 554 acres of disturbed SEZ is needed to achieve the SEZ Restoration standard. The most significant progress in SEZ restoration occurs through the EIP Watershed Management Program and is primarily a function of the rate of available funding for EIP project implementation. Significant progress has been made over the last decades accounting for a positive threshold progress trend. With new RPU amendments, the Regional Plan now includes additional incentives for SEZ restoration including specific Stream Restoration Plan Areas and permitting transfers of soft land coverage out of SEZs. With these new incentives, the trend of positive progress toward achieving the SEZ restoration targets will continue and will likely accelerate. TRPA estimates that with the existing and new policies, programs, strategies and measures, the SEZ Restoration Threshold Standard will be achieved by 2043. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the SEZ Restoration Threshold Standard.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record

when taken together and considered collectively achieve and maintain the adopted soil conservation Threshold Standards.

D. SCENIC RESOURCES

1. STATUS AND TREND

The Tahoe Region attracts visitors because of its stunning scenic resources. Under TRPA's scenic quality program, the Agency measures and monitors a total of 860 scenic units and assesses Threshold Standards in 5 separate roadway, shoreline, and recreation site categories. The Tahoe Region has made scenic gains or held steady on all scenic measures over the last five years with no negative trends documented in any indicator categories. Overall, 93 percent (802 of 860) of the evaluated scenic resource units met minimum Threshold Standards. Developed areas along roadways and scenic resources along the Lake's shoreline continue to be areas of concern where additional scenic improvements are needed. A summary of the various scenic resources follows:

- 61 percent or 33 of the 54 Scenic *Highway* Corridors were determined to meet unit-specific Threshold Standards.
- Approximately 64 percent of *Shoreline* Scenic Corridors were determined to meet the Threshold Standard.
- Nearly all of the *Roadway* Scenic Resources—99 percent—met Threshold Standards, and 92 percent met *Shoreline* Scenic Resources Threshold Standards.
- Nearly all—96 percent—of *Recreation and Bike Trail* scenic resources met minimum Threshold Standards.

Trend data collected from 2006 through 2011 suggest that programs such as the EIP and management actions implemented such as adoption of the scenic shoreland ordinances along with building design standards in new construction and redevelopment have improved scenic conditions and community character Region-wide. More detailed information on the status and trend of the Scenic threshold can be found in Chapter 9 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan & TRPA Code

Existing Elements include a series of policies to preserve identified public and private views.

- All proposed development must examine impacts to the views from roadways, bike paths, public recreation areas, and Lake Tahoe.
- Code Chapter 66 Scenic Quality Findings requires that no project shall decrease the numerical rating of identified resources.
- Shoreland Review System requires scenic improvements as a condition of project approval in shoreland scenic units.
- The Scenic Quality Improvement Program (SQIP) and EIP identify units designated for scenic restoration and enhancement and provide implementation strategies to meet and maintain thresholds.

- Design Standards and Guidelines ensure that development is consistent with community design, character and scenic thresholds.
- Community Design Element policies are designed to enhance the built environment.
- Region-wide maximum height standards are specified in Code Section 37.4.1
- Maximum density standards for different use types are specified in Code Section 31.3.2.

b. Regional Plan Update Amendments

- Incentives for redevelopment are targeted to Centers where existing built environment is contributing most significantly to non-attainment status.
- Incentives for development transfers will remove older development and restore natural landscapes in sending areas.
- Creation of newly designated high priority Stream Environment Zone Restoration Plan Areas, with provisions for added incentives for redevelopment, including scenic improvements.
- Additional scenic findings required in Regional and Town Centers.
- Additional visual prominence findings required in HDTD
- Area Plan requirements added to improve community design and scenic quality.

3. THRESHOLD DETERMINATION

The vast majority of scenic units and resources are in attainment with scenic threshold standards (93% or 802 of 860 units), and the trend is positive for the remaining non-attainment units. The programs and policies noted above when taken together prohibit scenic degradation, and therefore, at a minimum, will continue to achieve and maintain the scenic quality of units in attainment. The 21 roadway segments not yet in attainment correspond closely with areas where development remains largely unchanged from the pre-1980 Regional Plan era, and accelerating the positive trend toward attainment for these units is the focus of Regional Plan Update amendments.

a. Roadway Travel Units

The significant number of roadway travel units out of attainment correspond with commercial development centers that have not been extensively redeveloped. Where redevelopment has occurred, scenic quality has improved and unit scores move upward, often enough to achieve the assigned threshold value. The updated Regional Plan focuses incentives and improved planning and implementation strategies in these centers specifically to promote redevelopment and associated scenic improvements needed to achieve scenic Threshold Standards. These roadway units will be redeveloped over time and result in an increase in scenic unit scores necessary to achieve scenic threshold targets. The few roadway travel units not in attainment and outside of commercial centers are targeted by the SQIP and EIP projects for scenic enhancement. Implementation of these programs and associated projects will lead to the attainment of scenic threshold values for these units. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for roadway travel units not in attainment and to continue to maintain compliance once achieved.

b. Shoreline Travel Units

As with roadway units, those shoreline travel units out of attainment score low because of the presence of built structures or needed scenic quality upgrades. In response to shoreline travel unit non-attainment, TRPA adopted the Shoreland Ordinances in 2002 in order to reverse the negative threshold trend for shoreline travel units and achieve shoreline travel unit threshold ratings. The regulatory program passed judicial challenge (see *Committee for Reasonable Regulation of Lake Tahoe v. TRPA*, 311 F.Supp.2d 972 (D. Nev. 2004)), and has resulted in the continuing documented increase in shoreline unit scores. TRPA also implemented additional shorezone scenic protection programs under the 2008 Shorezone Ordinance Amendments and Program. Although a reviewing court invalidated the updated 2008 Shorezone Program on other grounds, the litigation affirmed the scenic portion of the 2008 regulations. TRPA has therefore incorporated the 2008 shorezone scenic protection elements into its project review system; and with the redevelopment of shoreline structures, scores will improve in these units. Therefore, a sufficient regulatory program is in place to gradually attain and maintain the shoreline travel unit threshold indicators. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the scenic Threshold Standards for shoreline travel units and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted scenic resources Threshold Standards.

E. NOISE

1. STATUS AND TREND

Noise, by definition, is “unwanted sound,” and is therefore a subjective reaction to acoustical energy or sound levels. Due to the rural nature of the communities and the pristine natural areas in the Lake Tahoe Basin, sound levels that would go unnoticed in a highly urban or industrial environment outside the Tahoe Region may be considered noise, and have the potential to negatively impact human health, community ambiance, recreational experience, and wildlife behavior.

Based on data from previous research, primary drivers of noise levels in the Region have been attributed to anthropogenic activities and actions; however, sound from natural sources has the potential to trigger exceedences of noise threshold standard limits. Noise levels from transportation corridors and the airport have been identified as the main sources of noise exceeding threshold standards. These Noise Threshold Standards are characterized as numerical standards for either single or cumulative noise events.

Single and Cumulative Noise Events indicators appear to be somewhat worse than threshold targets, although data gaps and questions raised in the peer review make these conclusions

uncertain. Independent scientific peer review called into question the zero exceedance standard for determining whether a noise threshold has been achieved in view of high activity levels with very low exceedance rates. Trends for each noise indicator ranged from “moderate decline” to “rapid improvement,” but overall the 2011 Threshold Evaluation determined that “little or no change” has occurred in cumulative noise levels. More detailed information on the status and trend of the Noise threshold can be found in Chapter 10 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan and TRPA Code

- Single event noise standards apply to aircraft, boats, motor vehicles, off-road vehicles, and snowmobiles.
- Community Noise Equivalent Levels (CNEL) are evaluated and enforced on a project-by-project basis as permit conditions and include assessment of both the noise generated by the project as well as ambient noise.
- Performance Standards for project review include design criteria to reduce noise transmission.
- Compliance, inspection, and monitoring procedures are established to ensure noise thresholds are attained and maintained.

b. Regional Plan Update Amendments

- Concentrated land use patterns and non-motorized transportation facilities are projected to reduce VMT compared to the no-action alternative and minimize roadway noise.
- Mitigation measures are added to prevent exceeding existing noise Threshold Standards.
- Develop and implement a Region-wide traffic noise reduction program.
- Develop and implement a Region-wide policy on construction noise.
- Existing or updated Airport Master Plan governs Airport noise.
- Develop and implement an exterior noise standard for Mixed-Use development.

3. THRESHOLD DETERMINATION

a. Single Noise Event Level (“SNEL”)

TRPA maintains 14 different standards for single event noise events for aircraft (arrivals and departures), watercraft (shoreline, pass-by, and stationary), motor vehicles (2 weight categories and 2 speed levels), motorcycles (2 speed categories), off-road vehicles (2 speed categories) and snowmobiles. In general, the SNEL standards for motor vehicles, motorcycles, off-road vehicles, and snowmobiles are those adopted by state and local jurisdictions, and the manufactures’ muffling equipment is generally relied upon to meet applicable regulatory requirements. Monitoring reported in the 2006 Threshold Evaluation indicated that 94 to 99 percent of motor vehicles met SNEL threshold standards and TRPA is aware of no evidence of changed conditions.

For watercraft, extensive monitoring over the last several years suggests that nearly all (as much as 99.99 percent) of boat trips do not exceed shoreline noise standards. Occasional watercraft-caused noise exceedances occur during the boating season at certain locations (an average of 1 exceedance per week for 2009-2011). Continuation of enforcement of the existing rules for watercraft (e.g., the 600 foot no wake zone, prohibition of exhaust by-pass devices, etc.) will maintain the high level of watercraft noise threshold attainment and inform enforcement strategies to target any problem areas to achieve and maintain current exceedingly high or even higher compliance rates.

The Aircraft SNEL was developed with reference to the South Lake Tahoe Airport. For the last decade, the airport has operated for general aviation only without regional commercial jet service. Monitoring from 2008 to 2010 indicates an occasional aircraft noise exceedance (averaging 1 every 12.8 days). During the same time, ongoing monitoring of incoming and outgoing aircraft flights (helicopter and fixed-wing totaling approximately 60 per day) occurring at the airport shows approximately 99 percent of monitored flights complying with TRPA's aircraft SNEL. The relatively small number of exceedances (an average of 1 out of every 154.1 flights) occurred primarily around two annual events: the Edgewood celebrity golf tournament and the special event air show. Both special events are of limited duration and contribute significantly to other community goals and plans. TRPA regularly coordinates with the City of South Lake Tahoe to address SNEL reduction strategies in an effort to address the very small remaining percentage (1 percent) of SNEL noise exceedance. It is therefore determined that policies, strategies, programs, and measures are in place to achieve and maintain the SNEL Threshold Standards.

b. Cumulative Noise Event Level ("CNEL")

The adopted CNEL thresholds relate to nine land use classifications with standards ranging from 45 to 65 dBA (average noise level). The Hotel/Motel, Commercial, Industrial and Wilderness and Roadless categories are in attainment with applicable CNEL threshold standards. The programs and policies listed above will maintain and improve those conditions. The requirement that no project may exceed these CNEL standards is assessed and applied at the time of project review through permit conditions and further measures have been added through the Regional Plan Update with the addition of the Traffic Noise Reduction program as a required mitigation measure. Low and High Density Residential categories have fluctuated at, above, and very near attainment of the 50 dBA CNEL noise threshold standard over the last several decades. The annual mean noise level for High Density Residential and Urban Outdoor Recreation has been under and therefore in attainment with the 55 dBA standard for every reporting period (HDR = 52 dBA in 2011; UOR = 50 dBA in 2011). Some individual data points have exceeded the standard as reported in the 2011 Threshold Evaluation and TRPA has conservatively identified these indicators as out of attainment. Trends in CNEL noise attainment have remained stable over time because new projects are prohibited from triggering CNEL increases. Continued improvement and achievement of CNEL standards in all categories is expected based on TRPA design criteria to reduce noise transmission and implementation of the Traffic Noise Reduction program.

The CNEL for Critical Wildlife Habitat (i.e., habitat for sensitive wildlife species) is 45 dBA. The

2011 Threshold Evaluation reported results from monitoring two bird nesting sites on the west shore of Lake Tahoe (a bald eagle site at the mouth of Emerald Bay and an Osprey site at Rubicon Point). Because these sites reported CNEL measured above 45 dBA standard at each site, causing TRPA to report the Critical Wildlife Habitat CNEL as out of attainment. The reported result is conservative and “worst-case” for Critical Wildlife Habitat as the proliferation of other wildlife habitat occurs in wilderness areas that are in attainment with the 45 dBA standard. Despite the conservative conclusion of non-attainment, the adverse effect on the resource value at these sites is not apparent as both have been historically occupied and both species are in attainment with the related wildlife threshold indicators (i.e., the primary reason for the wildlife CNEL indicator). TRPA is coordinating enforcement of existing regulations with responsible jurisdictions (including targeted “no-wake zone” enforcement around these two sites) to reduce CNEL measures to within adopted standards. TRPA will monitor the two sites, assuming adequate resources, and will propose additional compliance measures if necessary. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Critical Wildlife Habitat CNEL standard and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted noise Threshold Standards.

F. WILDLIFE

1. STATUS AND TREND

The Region is currently meeting most of the adopted Threshold Standards for wildlife. Several of the Wildlife Category Threshold Standards are imprecisely stated making them difficult to interpret. This fact, more than any human activity, accounts for conclusions that the standards have not been met. TRPA and partner agencies have set aside 50 percent of the Tahoe Basin landscape for protection of listed special status species. Trends in special interest species indicators are either stable or increasing. Current regulations cover all activities that have the potential to impact listed special interest species as well as riparian habitats known to support the greatest diversity of wildlife species in the Region. The EIP is making substantial progress in restoring and enhancing stream habitats, including reinvigorating relatively uncommon aspen habitat. More detailed information on the status and trend of Wildlife threshold can be found in Chapter 8 of the 2011 Threshold Evaluation. Several species listed by TRPA are also protected under federal law. For example, bald and golden eagles are protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and the Lacey Act.

2. PLANNING RESPONSE

- Revisions to the Goshawk disturbance free zone will provide increased protection for nests (Goshawk).

- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of riparian areas and other sensitive areas that serve as wildlife habitat (Wildlife Habitats of Special Significance).
- Area Plan standards for Centers require strategies for protection undisturbed sensitive lands and, where feasible, establish park and open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside Centers.
- Regional Plan, Code of Ordinances, Chapter 61 provisions for the protection and enhancement of riparian vegetation and the appropriate management of common vegetation provide protection for a wide variety of wildlife populations.
- Regional Plan, Code of Ordinances, Chapter 62 provisions for the protection and enhancement of special status species and habitats for common wildlife species.

3. THRESHOLD DETERMINATION

- a. Osprey, Nesting Bald Eagle, Peregrine Falcon, Disturbance (Free) Zones, Habitats of Special Significance

Indicators for Osprey, Nesting Bald Eagle Habitat, Peregrine Falcon, Disturbance (Free) Zones Management Standard, and Habitats of Special Significance are all in attainment with their respective Threshold numerical standards with trends either improving or stable. For Wintering Bald Eagle, the standard is listed to maintain two mapped population sites. These sites have been maintained as suitable habitat for the wintering bald eagle population and bald eagle surveys conducted in January each year indicate that the wintering population is stable in the Region. The historic survey record for wintering bald eagle indicates a slight increasing relative abundance trend. Because existing protections in the Regional Plan and Code will continue to protect these species and habitats, TRPA anticipates that their present status will be maintained or improved.

- b. Golden Eagle

Limited Golden Eagle surveys reveal the presence of one nest over the last several years, short of the standard of four population sites. As a result of the restricted geographical surveys for the species, TRPA lacks a sufficient confidence to determine the current attainment status, although the historic record indicates consistently low Golden Eagle numbers and national trends indicate decreasing species numbers. Nevertheless, TRPA has mapped and maintains habitat for four Golden Eagle territories, consistent with the adopted standard to provide this species the opportunity to establish in the Region.

- c. Water Fowl Populations

TRPA has mapped and designated 18 specific sites as “threshold” population sites for Waterfowl of the more than 300 small lakes and waterbodies in the Tahoe Basin that also serve as suitable waterfowl habitat and are protected by existing land use regulations that prohibit or significantly restrict disruptive land use activities in riparian and wetland areas commonly used by waterfowl. Of these 18 designated threshold sites, 13 sites have scores indicating relatively undisturbed conditions, with a further five sites demonstrating higher

levels of human-caused disturbance that may reduce the value of these sites for supporting different waterfowl species and life history stages – such as nesting. One of these later sites, Edgewood Golf Course will be undergoing a major restoration project in the near future. The presence of the remaining impaired sites indicate that the threshold is not currently in attainment but the recent Blackwood Creek restoration project, restoration along the Upper Truckee River and planned at the river’s mouth, the Edgewood Golf Course project and all other stream and meadow restoration efforts completed and planned through the EIP provide an indication that habitat suitability for waterfowl is improving in the Region. Finally, in addition to the 18 mapped sites, multiple other sites in the Tahoe Basin provide quality habitat and sustain waterfowl populations, including Lake Tahoe, Frog Pond, Lily Lake, Rabe Meadow Pond, Marlette Lake, Cascade Lake, Round Lake, Hell Hole and the numerous other ponds and oxbow channels that adjoin regional streams.

d. Deer Populations

For Deer populations, no numeric threshold standard has been adopted as Resolution 82-11 Exhibit A states only that “mapped areas” is the disturbance (free) zone and identifies “meadows” as “influence zones.” These areas are protected by the Regional Plan from degradation from development. TRPA has been using deer counts as an indicator to evaluate population status for the Region. Over the last 10 years deer populations have steadily rebounded from earlier declines. TRPA anticipates that this trend will continue, in part as a result of TRPA’s regulatory protections. It is therefore determined that TRPA’s Regional Plan will likely result in the achievement and maintenance of the Deer indicator.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted wildlife Threshold Standards.

G. FISHERIES

1. STATUS AND TREND

The Region is meeting most of the Threshold Standards for fisheries. Measuring other indicators would better characterize fish habitat conditions for streams and lakes. Researchers at UC Davis, University of Nevada, and Desert Research Institute are nearing completion of a first phase of synthesis research needed to update monitoring procedures and better measure the condition of nearshore lake habitats. This research is anticipated to result in the integration of chemical, biological and physical indicators for the nearshore such that conditions of water quality, fisheries and aesthetic qualities can be more comprehensively reported. TRPA, in partnership with California and Nevada agencies, has already begun to make stream habitat monitoring program improvements by implementing state-endorsed stream bioassessment throughout the Tahoe Region. The US Forest Service, in partnership with the California Department of Fish and Game, has successfully established a self-sustaining population of Lahontan cutthroat trout in the Upper Truckee Watershed. The US Fish and Wildlife Service, through the EIP, has been stocking Lahontan

cutthroat trout into Fallen Leaf Lake for the past five years to test the feasibility of re-establishing populations back into regional lakes. More detailed information on the status and trend of Fisheries threshold can be found in Chapter 7 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act: The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) are charged with oversight of species designated as threatened or endangered under the federal Endangered Species Act of 1973
- Executive Order 11990, Protection of Wetlands
- Executive Order 13112, National Invasive Species Management Plan
- Clean Water Act Section 401 and 404
- Porter-Cologne Water Quality Control Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- Nevada Natural Heritage Program
- Nevada Revised Statutes, Title 45

b. Existing Regional Plan Goals and Policies

- Improve aquatic habitat essential for the growth, reproduction and perpetuation of existing and threatened fish resources in the Lake Tahoe Basin.
- Development proposals affecting streams, lakes, and adjacent lands will evaluate impacts on the fishery.
- Unnatural blockages and other impediments to fish movement will be prohibited and removed wherever appropriate.
- Habitat improvement projects in streams and lakes will be encouraged.
- Instream flows will be maintained or enhanced.
- State and federal efforts to reintroduce Lahontan cutthroat trout will be supported.

The EIP outlines a number of priority SEZ restoration projects and includes, but is not limited to, the following:

- Upper Truckee River Marsh
- Upper Truckee River Airport Reach
- Upper Truckee River Meadow Reach
- Upper Truckee River Sunset Reach
- Upper Truckee River Golf Course Reach
- Blackwood Creek
- Ward Creek
- Meeks Creek
- SEZs within Taylor, Tallac and Spring Creek watersheds
- Burke Creek
- Edgewood Creek

- Incline Creek
 - North Canyon Creek
 - Third Creek
- c. Existing Code
- Chapter 63, Fish Resources, of the Code includes provisions for the protection of fish habitat, enhancement of degraded habitat, and prevention of the introduction and spread of aquatic invasive species. For instream habitats, protection provisions include prohibiting stream channel alterations, facilitating fish movement at stream crossings, removing barriers to fish movement, mitigating impacts on fish habitat from development, maintaining instream flows, preventing sediment entry into the stream system, and encouraging native vegetative cover.
 - Code Section 63.4, Aquatic Invasive Species, states that Aquatic Invasive Species pose a serious threat to the waters of the Lake Tahoe Region and can have a disastrous impact to the ecology and economy of the Tahoe Region.
- d. Regional Plan Update
- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones that serve as fish habitat.

3. THRESHOLD DETERMINATION

a. Lake Habitat

The threshold indicators for Lake Habitat are in attainment with both the non-degradation management standard and numerical standards. TRPA's nondegradation and enhancement regulatory requirements will maintain the attainment status of in-lake fishery habitat.

b. Stream Habitat

The threshold standards for Stream Habitat consist of the number of "excellent, good and poor" miles of fish stream habitat. The adopted Threshold Standard for the stream habitat is to achieve 'good to excellent' conditions on at least 82.5 percent (or 180 miles of 218 stream miles) of stream miles in the Basin. In order to replace the old methodology used to establish this ranking (which no longer exists), TRPA created a scientifically repeatable assessment of benthic macroinvertebrates as a measure of habitat quality. TRPA then conducted a basinwide assessment of stream conditions. Preliminary analysis conducted by Humboldt State University from stream bioassessment data collected in 2009 and 2010 indicate that greater than 80 percent of sites sampled exhibited a biological condition of 'good' or 'excellent', or 97.5 percent of the threshold standard. Through implementation of programs, policies and projects identified above, TRPA anticipates that the existing good and excellent habitat will be maintained and at least an additional 4.5 miles (the remaining 2.5 percent) of poor or

degraded instream habitat will be elevated to good or excellent condition as a result of ongoing and planned streamzone restoration and enhancement projects.

c. Instream Flows

The threshold management standard and policy statements for Instream Flows (nondegradation of flows and a policy statement regarding moving points of diversion downstream to Lake Tahoe) are implemented and in attainment as TRPA has adopted the necessary policies and regulations for their implementation.

d. Lahontan Cutthroat Trout (LCT)

The LCT policy statement has been implemented (adopted policy supporting where appropriate LCT reintroduction) and determined to be in attainment. Moreover, TRPA has supported efforts to reestablish additional LCT populations in the Upper Truckee River, Lake Tahoe and Fallen Leaf Lake.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted fisheries Threshold Standards.

H. VEGETATION

1. STATUS AND TREND

The Region is currently meeting most of the adopted standards from uncommon plant communities (e.g., Upper Truckee River, Taylor Creek, and Pope Marsh; Grass Lake and Hell Hole sphagnum fen) and sensitive plants (e.g., Tahoe yellow cress, Tahoe and Cup Lake Draba). However, the Region is short of attaining some standards for common vegetation (e.g., riparian vegetation) and younger age class forests (e.g., seral stage Red and Yellow Fir). Not meeting standards for Old Growth and Common Vegetation is primarily attributed to legacy land uses. Comstock era logging and the subsequent fire suppression policies have resulted in a forest that is overstocked with similarly aged conifer trees and has promoted the encroachment of conifer vegetation into riparian areas. Recent funding has facilitated the treatment of more than 45,000 acres of overly stocked conifer forests and over time is expected to result in a more resilient and healthy forest consistent with the goals of the Vegetation Preservation Threshold Standards. The implementation of the Tahoe Yellow Cress Conservation Strategy has proven to be successful in stabilizing the population of this endemic and threatened species. One area of concern includes preliminary results from research on the deep water plant communities. This research indicated the abundance of the community has substantially declined since last surveyed in the early 1960s; however, more research is needed to fully understand deep-water plants. More detailed information on the status and trend of the Vegetation threshold can be found in Chapter 6 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- U.S. Forest Service, Lake Tahoe Basin Management Unit Forest Plan
- California Native Plant Protection Act
- Nevada Natural Heritage Program
- Nevada Administrative Code 527.010 and Nevada Revised Statutes 527.260, NRS 527.270, and NRS 527.300

b. Existing Regional Plan

- Provide for a wide mix and increased diversity of plant communities;
- Provide for maintenance and restoration of such unique ecosystems as wetlands, meadows, and other riparian vegetation;
- Conserve threatened, endangered, and sensitive plant species and uncommon plant communities;
- Provide for and increase the amount of late seral/old-growth stands; and
- Retain appropriate stocking level and distribution of snags and coarse woody debris in the region's forests to provide habitat for organisms that depend on such features and to perpetuate natural ecological processes.
- Protection of native shorezone vegetation.

c. Existing Code

- TRPA regulates the management of forest resources in the Tahoe Basin to achieve and maintain the threshold standards for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitats for diverse wildlife species. Tree removal is subject to review and approval by TRPA (TRPA 2012). Provisions for tree removal are provided in the following chapters and sections of the Code: Chapter 61, Vegetation and Forest Health, Section 61.1, Tree Removal, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, and Section 61.4, Revegetation; Chapter 36, Design Standards; and Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
- With limited exceptions, Code Section 61.1.4, Old Growth Enhancement and Protection, prohibits the removal of trees greater than 24 and 30 inches dbh.
- Trees and vegetation not scheduled to be removed must be protected during construction in accordance with Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
- If a project would result in substantial tree removal (as defined by Code Section 61.1.8), a tree removal or harvest plan must be prepared by a qualified forester. The required

elements of this plan, and TRPA's review process for tree removal plans, are described in Chapter 61, Section 61.1.5 of the Code.

- Code Chapter 62 also provides quantitative requirements for retention and protection of snags and coarse woody debris by forest type, in terms of size, density, and decay class.
- Code Chapter 61, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, establishes standards for preserving and managing sensitive plants and uncommon plant communities.
- The Code requires the protection and maintenance of all native vegetation types. Chapter 61, Vegetation and Forest Health, Section 61.3, Vegetation Protection and Management, provides for the protection of SEZ vegetation, other common vegetation, uncommon vegetation, and sensitive plants in SEZs.
- Chapter 61, Section 61.4, Revegetation, specifies minimum criteria for revegetation programs.

d. Regional Plan Update

- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones and other sensitive areas with potential to support additional native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).
- Policy changes that reduce risk of catastrophic wildfire will further protect native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).

3. THRESHOLD DETERMINATION

a. Common Vegetation

Indicators for Vegetation Community Richness, Relative Abundance of Shrubs Vegetation Type, Juxtaposition of Vegetation Community and Age Type, and Consistency with Bailey Land Capability System are in attainment and the policies and programs described above will maintain the status of these Common Vegetation indicators. The Relative Abundance of Meadows and Wetlands Vegetation indicator is measured in raw acres of these vegetation types (at least 4 percent of the landscape) and is 93 percent achieved (7,385 existing acres of 7,956 acre target) leaving 570 acres left to be in full attainment. Since 1987, approximately 28 acres of meadows and wetlands have been reclaimed (as opposed to restored). Such incremental progress can be expected to continue and the increased SEZ transfer RPU policies are expected to accelerate this rate. In order to truly expedite attainment of this indicator, however, substantial existing development must be removed. The same conclusion is reached for the Relative Abundance of Deciduous Riparian Vegetation Type. While the nondegradation management standard has been implemented, the 4 percent landscape goal requires the presence of 7,956 acres of this vegetation type. As of 2011, only 1.4 percent (2,808 acres) of this vegetation type exists or approximately 35 percent of indicator target. TRPA anticipates protection of existing communities and incremental additions of SEZ restoration acres over but the creation of 5,000 acres of additional riparian vegetation is not achievable absent

removal of substantial existing development. The indicators for Yellow Pine and Red Fir require that 15 to 25 percent of these forest types be maintained in seral stages other than “mature” in order to promote successional growth patterns. Current forest conditions indicate that immature Yellow Pine constitutes 3.6 percent of seral types and immature Red Fir comprise 10.9 percent of its seral stages. Because the primary driver for creation of small diameter immature trees is natural disturbances (such as wildfire, avalanche or wind throw) Regional Plan policies have little ability to substantially affect the rate or eventual attainment of this threshold indicator. These threshold indicators will be achieved over time as a result of these natural processes as long as forest managers maintain and enhance policies that promote the creation of tree stands containing the appropriate mix of Yellow Pine and Red Fir seral stages.

b. Late Seral and Old Growth Forest Ecosystems

This threshold category is divided into three indicators: Montaine (<7,000 feet), Upper Montaine (7,000 to 8,500 feet) and Subalpine Zones (>8,500 feet) and for each zone a percentage of forested lands therein should be old growth forest. The Tahoe Basin is presently 78 to 83 percent below the targeted indicator acreages. While TRPA has adopted policies and ordinances designed to promote and protect old growth forests, it is anticipated that attainment of these indicators will take at approximately 75 years based upon growth characteristics of conifers in the Lake Tahoe Basin. Concerns exist that the Subalpine Zone indicator may not be achievable because natural conditions would not support the amount of old growth trees as measured by diameter at breast height.

c. Uncommon Plant Communities

This threshold category consists of non-degradation standards for site-specific uncommon plant communities. The Taylor Creek Marsh, Hell Hole, Grass Lake, and Freel Peak communities are in attainment with their respective standards and Regional Plan and other applicable regulations listed above will maintain their status. The Upper Truckee Marsh community has been determined to be out of attainment given historic degradation and urban setting. However, CTC's current management of the Marsh (e.g., leashing of dogs) and its planned restoration of 500 acres indicates that this community will achieve the qualities necessary to be considered in attainment in the foreseeable future. The Pope Marsh Community (on LTBMU property) has been slightly degraded as a result of recreational uses, invasive species and nearby groundwater pumping. TRPA lacks the authority to directly control these factors thus the Regional Plan has little influence on promoting attainment of the non-degradation standard for this site. The 2011 Threshold Evaluation concludes that the Osgood Swamp community has likely declined (i.e., not in attainment) because of beaver activity affecting the site natural hydrology (anthropogenic impacts are adequately controlled by existing regulations). Ongoing monitoring efforts will likely confirm the impact of beaver activity and guide future USFS management actions to insure protection of the swamp.

d. Sensitive Plants

Indicators for Tahoe Yellow Cress, Tahoe Draba, Long-petaled Lewisia, and Cup Lake Draba are in attainment with the assigned number of population sites (numerical standards) and current regulations protect and will maintain them. The Galena Rockcress poses taxonomic problems with its closely related (perhaps indistinguishable) and more common Pioneer rockcress. Monitoring confirms populations at five sites with nine sites unknown of the identified 14 sites. Additional monitoring and plant identification will be necessary to determine the exact status of this species, both as an identifiable species and potential population sites.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted vegetation Threshold Standards.

I. RECREATION

1. STATUS AND TREND

Both adopted Recreation Policy Statements have been implemented as elements of the Regional Plan and are in attainment. User surveys completed during the most recent evaluation period confirmed that the Region continues to provide for a high-quality recreation experience. Public agency land acquisition programs and the EIP have contributed to visitors' and residents' satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing and created new recreation facilities, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Recreation capacity within the Region continues to be fairly distributed with 1,440 Person's At One Time (PAOTs) allocations assigned by TRPA during this evaluation period. More detailed information on the status and trend of Recreation threshold can be found in Chapter 11 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan

Existing Elements include a series of policies that encourage recreation opportunities and protection of natural resources. TRPA partners have made substantial progress in upgrading recreational facilities through the Environmental Improvement Program resulting in multiple threshold improvements scenic and community design.

- Recreation areas are appropriately regulated to prevent unacceptable disturbance of habitat and wildlife.
- Encourage expansion of trail systems and linkage with major regional or interstate trails.
- Promote relocation of existing trails outside of environmentally sensitive areas.
- Limit off-road vehicle use to designated areas where impacts can be mitigated.
- Management of undeveloped forest for dispersed recreation.
- Recognize conflicts between different recreation types and encourage separate use areas.

- Limit shorezone structure location to minimize impacts to boating and fishing.
- Requirement to additional developed outdoor recreation with growth to be managed using persons at one time (PAOT) system.
- Promote bike trail expansion connection to transit systems.
- Encourage public boat launch locations where appropriate.
- Recognize land capability in determination of suitable recreation areas.
- Encourage day-use facilities near established urban areas.
- Allow for ski area expansions.

b. Regional Plan Update Elements

- Coverage exemptions for trails on Map 5.
- Expands Recreation District to include Van Sickle State Park.
- Easement dedication for Bicycle and Pedestrian Facilities
- Promotes water born transit
- Intermodal transportation
- Transit more efficient
- Require plans for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers.

3. THRESHOLD DETERMINATION

As noted above, both the Quality of Recreation Experience and Access to Recreational Opportunities threshold policy statement have been achieved. The programs, policies and projects listed above will not only maintain the recreational experience and opportunities for the public but the new policies contained in the RPU will increase and enhance the public's enjoyment of undeveloped shorezone and other natural areas.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted recreation Threshold Standards.

V. CONCLUSION

Based on the foregoing, the Regional Plan, as amended, and as implemented by the Code of Ordinances, as amended, achieves and maintains the adopted thresholds.

EXHIBIT H - ACTION 7

- **SUBMIT 208 PLAN TO THE STATES OF CALIFORNIA AND NEVADA FOR APPROVAL AND CERTIFICATION**
- **MOTIONS**
- **RESOLUTION 2012-20**
- **LAKE TAHOE WATER QUALITY MANAGEMENT PLAN (208 PLAN) FINDINGS**
- **INITIAL ENVIRONMENTAL CHECKLIST**

SUBMIT 208 PLAN TO THE STATES OF CALIFORNIA AND NEVADA AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR APPROVAL AND CERTIFICATION

a. Advisory Planning Commission

A motion to recommend Governing Board adoption of Resolution 2012-20, submitting the amended Lake Tahoe Water Quality Management Plan to the States of California and Nevada for approval and certification pursuant to Section 208 of the Clean Water Act

b. Governing Board

A motion to make the required Compact and Code findings, including a Finding of No Significant Effect for all potential impacts, as shown in Exhibit H

c. Governing Board

A motion to adopt Resolution 2012-20, submitting the amended Lake Tahoe Water Quality Management Plan to the States of California and Nevada for approval and certification pursuant to Section 208 of the Clean Water Act

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2012-20

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO
SUBMIT AMENDED 208 PLAN TO THE STATES OF NEVADA AND CALIFORNIA FOR APPROVAL
AND CERTIFICATION

WHEREAS, Section 208 of the 1972 amendments to the Federal Water Pollution Control Act (Clean Water Act) [33 U.S.C. 1288] required the development of areawide waste treatment management plans for the control of point and nonpoint sources of pollution, the establishment of regulatory programs, and the designation by the states of management agencies to implement the areawide plans; and

WHEREAS, the Governors of California and Nevada have previously designated TRPA as the Areawide Waste Management Planning agency for the Tahoe Region; and

WHEREAS, TRPA adopted a bi-state (California and Nevada) Water Quality Management Plan for the Lake Tahoe Region (208 Plan) in 1988, which was certified by the States of Nevada and California and the U.S. Environmental Protection Agency (U.S. EPA) in 1989; and

WHEREAS, as the designated Areawide Waste Management Planning agency, TRPA recommends amendment of the Water Quality Management Plan for the Lake Tahoe Region to incorporate the U.S. EPA adopted Lake Tahoe TMDLs and other revisions arising from the 2012 Regional Plan Update; and

WHEREAS, in order for the amendments to the Water Quality Management Plan to take effect, the State of California and the State of Nevada must certify by letter to the U.S. EPA Regional Administrator that the proposed updated Water Quality Management Plan is approved in accordance with the Federal Water Pollution Control Act (Clean Water Act) requirements; and

WHEREAS, the U.S. EPA must approve the proposed updated Water Quality Management Plan in accordance with the Federal Water Pollution Control Act (Clean Water Act) requirements; and

WHEREAS the updated Water Quality Management Plan has been prepared in close coordination with governing officials of both states and representatives of the administering water quality agency of each state and U.S EPA Region 9, and the two states have jointly agreed to the details of the updated and streamlined Water Quality Management Plan as amended; and

WHEREAS, TRPA prepared an Initial Environmental Checklist (IEC) in accordance with the substantive and procedural requirements of the Compact, Code, and all other applicable rules

and regulations, and determined that no significant environmental impact will result from this action; and

WHEREAS, TRPA has made the necessary attached findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and those findings are supported by substantial evidence in the record.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby submits the amended Water Quality Management Plan for the Lake Tahoe Region to the States of California and Nevada for approval and certification in accordance with the requirements of Section 208 of the Clean Water Act.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on December 12, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norma Santiago, Governing Board Chair
Tahoe Regional Planning Agency

LAKE TAHOE WATER QUALITY MANAGEMENT PLAN (208 PLAN) FINDINGS

SECTION A. TRPA RULES OF PROCEDURE – REQUIRED FINDINGS:

In accordance with Article VII of the Tahoe Regional Planning Compact and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has prepared an Initial Environmental Checklist for the Lake Tahoe Water Quality Management Plan. On the basis of this initial environmental evaluation, implementation of the Lake Tahoe Water Quality Management Plan will not have a significant effect on the environment.

SECTION B. APPROVAL FINDINGS

Code Section 4.6 requires that, prior to approval of a TRPA plan implementing the Regional Plan, certain findings be made in relation to Regional Plan implementation, consistency with TRPA-adopted and other applicable environmental standards, and achievement and maintenance of Thresholds.

TRPA CODE CHAPTER 4 – REQUIRED FINDINGS:

TRPA Code Section 4.4 – Findings to Amend the Regional Plan, Including Goals and Policies, and Code of Ordinances:

1. Finding: The Lake Tahoe Water Quality Management Plan is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Rationale: The Lake Tahoe Water Quality Management Plan implements the Regional Plan by incorporating it by reference. It is therefore, by definition, consistent with and will not adversely affect Regional Plan implementation, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.
2. Finding: The Lake Tahoe Water Quality Management Plan will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As indicated in the Initial Environmental Checklist (IEC), the Lake Tahoe Water Quality Management Plan has no significant adverse effect on any environmental criteria. The Lake Tahoe Water Quality Management Plan will not cause the environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever stricter federal, state or local air and water quality standards apply for the Region, pursuant to Article V(d) of the TRPA Compact, the Lake Tahoe Water Quality Management Plan meets or exceeds such standards.

Rationale: As indicated in the Initial Environmental Checklist (IEC), the Lake Tahoe Water Quality Management Plan has no significant adverse effect on any environmental criteria. Furthermore, the Lake Tahoe Water Quality Management Plan reflects the Lake Tahoe Basin's efforts to meet all applicable water quality standards. The Lake Tahoe Water Quality Management Plan will therefore meet or exceed stricter federal, state or local air and water quality standards that apply in the Region.

4. Finding: The Regional Plan, as amended, and as implemented by the Code of Ordinances and other plans, including the Lake Tahoe Water Quality Management Plan, achieves and maintains the adopted thresholds.

Rationale: See Attachment H-1 hereto for findings for how the Regional Plan, including the Lake Tahoe Water Quality Management Plan, achieves and maintains the adopted thresholds.

ATTACHMENT H-1: ARTICLE V(G) AND CODE OF ORDINANCES SECTION 4.5 AND 4.6 THRESHOLD FINDINGS

I. INTRODUCTION

The Regional Plan Update amends both the Regional Plan Goals and Policies and Code of Ordinances to accelerate threshold achievement and maintenance. Article V(g) of the Compact and Chapter 4 of the Code of Ordinances requires TRPA to find whenever it amends the Goals and Policies and Code that “the Regional Plan [as implemented by the Code], as amended, achieves and maintains the thresholds.” (see Code Sections 4.5, 4.6). This document addresses the basis for the TRPA Governing Board to find that the Regional Plan and Code of Ordinances as amended will “achieve and maintain” the adopted Threshold Standards.

II. CONTEXT OF THE “ACHIEVE AND MAINTAIN” FINDING

The Threshold Standards for the Lake Tahoe Region, along with state and federal air and water quality standards, establish desired environmental condition criteria (targets) and in some cases define the capacity of the Region to accommodate additional activities. In the current Regional Plan, TRPA uses indicators to measure the environmental health of the Region. In initially adopting the Regional Plan and the Code of Ordinances, TRPA found that the Plan as a whole would achieve and maintain the thresholds (Adopting Resolution No. 87-9). Since adoption of the Regional Plan in 1987, TRPA has reviewed the Plan every five years to assess progress toward achieving and maintaining thresholds and to recommend additional or modified compliance measures, as necessary, to promote further efficacy of the planning strategies and regulations, to accelerate Threshold Standard attainment, and to estimate interim threshold indicator targets and Threshold Standard attainment dates.

The Regional Plan taken as a whole is a foundation of the Region’s strategies to achieve and maintain thresholds, but the complete system of regional strategies to achieve and maintain regional Threshold Standards are considerably broader than TRPA’s Regional Plan and implementing Code alone. These findings therefore place the Regional Plan Update within the larger system and full array of regulatory and programmatic strategies to achieve and maintain the adopted Threshold Standards. For example, the two state water quality agencies’ Lake Tahoe Total Maximum Daily Load (“TMDL”) programs, as approved by the US Environmental Protection Agency, are a centerpiece to achieving regulatory pollutant load reduction targets needed to meet water quality standards that the Regional Plan helps to implement and enhance but does not directly mandate. These required state administered regulatory programs are in turn part of the basis for achieving TRPA’s adopted regional water quality Threshold Standards. Similarly, the Environmental Improvement Program (EIP), a multi-sector, multi-agency partnership for implementing capital investments in environmental restoration programs, is also a critical component of the Regional Plan and the basis for achieving and maintaining Threshold Standards over time. TRPA, along with approximately 50 public and private organizations, joined together to create the EIP to protect Tahoe’s unique and valued resources and to make additional progress toward achieving environmental thresholds. The EIP is an environmental capital improvement program designed to correct the environmental harms of the past. The EIP was last comprehensively updated in 2008, and since the inception of the program in the mid-1990s

approximately \$1.6 billion has been invested by the federal government, the states of California and Nevada, local governments, and the private sector to implement the EIP. This multi-sector partnership is important for leveraging scarce economic resources and delivering greater returns on funds invested in Lake Tahoe's conservation. The EIP includes environmental restoration programs ranging across all threshold categories from air quality and water quality to recreation, scenic resources, vegetation, wildlife and fisheries, and identifies over 700 projects, updated annually as a running five-year list, needed to meet and maintain the environmental thresholds. The EIP also identifies the many agencies and organizations at the federal, state and local levels responsible for coordinating, administering, funding, and implementing EIP projects and programs. All 50 partners are collaborating successfully to administer and implement the array of restoration programs.

In addition, these threshold findings recognize that some thresholds have already been achieved, will likely be achieved in the near term, or may not be achieved for decades. Moreover, certain thresholds are, in and of themselves, not environmental conditions directly to be achieved but rather are mechanisms that need to be implemented in order to preserve and protect other environmental criteria or significant regional values. For example, standards associated with soil conservation for land coverage may take generations to achieve as in the Class 1b condition target. Because of the difficulty in removing existing development from environmentally sensitive areas, meeting Threshold Standards in this area is challenging. However, the underlying water quality, vegetation and other objectives may be attained in less time because of Lake Tahoe TMDL implementation and other TRPA plans and programs. In other words, TRPA possesses the discretion to focus on achieving certain Threshold Standards in shorter time frames as long as implementation of the Regional Plan as a whole and other efforts can be expected to continue to achieve and maintain other Threshold Standards.

III. THE REGIONAL PLAN UPDATE

The 2012 Regional Plan Update ("RPU") is a strategic modernization of TRPA's planning and regulatory documents. In combination, the Policies, Ordinances and Implementation Measures will achieve and maintain TRPA's adopted Threshold Standards, while providing opportunities for orderly development consistent with the TRPA Compact and adopted Threshold Standard.

The existing Regional Plan was adopted 25 years ago in the late 1980s to address circumstances in the Tahoe Region that differ from today's most pressing needs. By the 1980s, the Region had experienced decades of rapid development. The economy was thriving, but the environment was suffering. More than half of the Region's marshes and wetlands had been developed and the Region had not fully coalesced around the fact that the 1960's plans for a population of 750,000 people (more than ten times the current population) would never be realized. Lake Tahoe's water clarity was declining by about one foot per year. In response, the 1980 TRPA Compact was adopted to address looming environmental threats, requiring that development be managed in accordance with updated environmental standards while allowing orderly development consistent with those new standards. A top priority for the initial Regional Plan in the 1980s was therefore both limiting and controlling the rate of new development that would be allowed at Lake Tahoe. In response, strict growth control limits and environmental regulatory constraints were adopted and have been and are still being implemented.

In 2012, the Region faces different challenges. TRPA's strict growth control system has been in place for 25 years and approximately \$1.6 Billion has been invested in environmental restoration projects. Overall, these efforts appear to be working. Unconstrained growth is no longer a threat, Lake Tahoe's water clarity has stabilized and many environmental indicators are showing improvement. The responsible programs and regulatory constraints are maintained in the updated Regional Plan.

While environmental conditions have stabilized, socioeconomic conditions have deteriorated, which in turn negatively affect the environment. Troubling socioeconomic trends include well above-average unemployment rates, unaffordable housing, high poverty levels, reduced housing occupancy, population and workforce declines and public school closings. These trends impact the environment – largely by making the system unsustainable for people to invest in environmental improvements or to live, work and enjoy recreation and tourism in the Region. As workers and residents abandon the Region, as land use policies continue to favor the separation of uses, and as visitors continue to lack transportation choices that could reduce auto use, negative environmental impacts result.

The most recent 2011 Threshold Evaluation reports on Region-specific environmental conditions and the status of threshold attainment. The 2011 Threshold Evaluation indicates that significant progress has been made toward many environmental goals and that trends are stable or improving. Existing programs that protect undeveloped land, restore natural systems, and retrofit the built environment have benefitted the Region's environment. The 2011 Threshold Evaluation also indicates the threshold areas of primary concern – Water Quality, Stream Environment Zone (SEZ) restoration, Transportation (Air Quality and Noise) and Scenic Quality in developed areas. Challenges in these categories involve addressing the continuing impact on threshold attainment of pre-TRPA development activities.

The focus of the RPU is therefore to adopt updated strategies needed to achieve TRPA's Threshold Standards by further reducing existing sources of pollution and encouraging beneficial changes in the historic land use patterns and pre-existing legacy development that are contributing to continuing environmental detriments – and to do so in a way that supports a healthy economy and social fabric. Adding to the challenge, governments and public agencies at all levels are facing budget shortfalls and the rate of public funding for environmental investment and restoration faces serious declines. The RPU continues to include a variety of both public and private strategies to improve environmental conditions - but with increased emphasis on privately funded efforts and public-private partnerships. These additional and updated strategies focus on redevelopment incentives to convert the most environmentally impactful legacy development into modern, environmentally beneficial, visually attractive, walkable and bikeable communities.

A variety of updated strategies in the Final Draft Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, and scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards.

- **Water Quality:** Science associated with the Lake Tahoe TMDL identifies the pollutants that are primarily responsible for water quality losses – fine sediment particles, nitrogen, and phosphorus – as well as the major sources of those pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition. RPU

amendments focus on accelerating water quality improvements by incentivizing restoration and redevelopment activities, and by reducing air pollution.

- **Sensitive land restoration:** In conjunction with the broader goal of achieving water quality thresholds, TRPA maintains Threshold Standards for land coverage. Data indicate that existing coverage on Class 1b lands (primarily SEZs) needs to be reduced significantly. Plan amendments focus on relocating more of this impactful pre-existing development and accelerating the restoration and natural function of SEZs and other sensitive lands.
- **Air quality and Noise:** Automobile use strongly influences threshold attainment in air quality and noise categories. Currently both residents and visitors rely heavily on autos and light trucks for transportation. In much of the Region, transit service is infrequent and the fragmented bicycle and pedestrian network lacks continuity. Vehicular noise and air pollutant emissions have exceeded some Threshold Standards and negatively impacted others. RPU amendments focus on improving air quality and reducing noise by transitioning to a more walkable development pattern and improving pedestrian, bicycle, and transit facilities. Targeted amendments to air quality regulations are also made to improve consistency with more protective state criteria.
- **Scenic quality:** Scenic quality overall is improving, but scenic quality is not meeting standards in several areas where development remains largely unchanged from the pre-1980 Regional Plan era. Plan amendments that focus on increasing the rate of redevelopment are expected to enhance scenic quality and facilitate scenic quality Threshold Standard attainment, along with other environmental Threshold Standards (e.g., increase the area of functional stream environment zone).

To address each and all of these threshold category needs, the following outlines some of the key Plan amendment strategies included in the Regional Plan Update.

For completeness, the summary of the Final Plan and all of the attachments as distributed at the October 25, 2012 joint Advisory Planning Commission/Governing Board meeting, re-published in the November joint APC/GB meeting packet, and modified by the Governing Board's endorsed changes summarized in the December joint APC/GB packet, along with the complete administrative record is incorporated herein by reference. As set forth below in summary, the enhanced measures of the RPU, coupled with existing measures of the Regional Plan and Code and other Basin regulatory and programmatic efforts, will result in the required achievement and maintenance of the Threshold Standards.

- A. **Transfers and Restoration of Sensitive and Remote Lands** – The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, air quality, noise and stream environment zone (SEZ) thresholds:

The RPU establishes new opportunities for development transfers from sensitive lands to designated Centers – i.e., Town Centers, the Regional Center and the High Density Tourist District. This improved and modernized program authorizes transfer ratios that vary based on the land sensitivity and location of the sending parcel. The provisions provide incentives to restore the most sensitive lands and to relocate development from auto-dependent outlying areas to walkable Town Centers that can readily be serviced by transit thus changing incrementally and over time the historic land use patterns that

are slowing progress of SEZ, scenic, and water quality threshold attainment; and creating patterns that promote continued maintenance of air quality standards.

Many SEZs and other sensitive areas were heavily developed prior to adoption of the 1987 Plan and most of that development remains in place. Some sensitive land development can be acquired with public financing, but funding levels are declining and major new funding sources would be needed in order to meet the Region's restoration targets. Relocation of impactful private development through development transfers would restore sensitive lands without need for or with less demand on public funding.

The extent of existing development in the Region's sensitive lands is summarized in the table below.

EXISTING DEVELOPMENT ON SENSITIVE LANDS			
	Stream Environment Zone (District 1b)	Other Sensitive Lands (Districts 1a, 1c, 2 & 3)	Total Development on Sensitive Land
Residential (ERU)	8,823 units	8,577 units	17,400 units
Tourist (TAU)	3,210 units	1,007 units	4,217 units
Commercial (CFA)	1,817,861 sf	804,782 sf	2,622,643 sf

Since its inception, the Regional Plan has included measures to prevent development in Stream Environment Zones (SEZs) and to relocate existing SEZ development. Progress has been slower than desired and only a small percentage of existing SEZ development has been relocated. Updates to the development transfer program accelerate SEZ restoration and aid in achieving and maintaining Threshold Standards for SEZ and water quality.

Significant differences between the current and new transfer programs that address threshold progress include:

- Because the new program applies only to transfers into defined Centers, it favors and accelerates achieving the goals of reducing automobile dependency, promoting environmental redevelopment, and restoring sensitive lands. Existing transfer provisions would continue to be available for transfers outside defined Centers.
- The most environmentally beneficial transfers are eligible for new transfer ratios that significantly exceed the existing 1:1 ratio to incentivize restoration and better reflect the greater environmental benefits of different development transfers. The existing transfer program does not meaningfully incentivize development transfers that contribute to a more concentrated land use pattern with reduced environmental impacts. In contrast, the modified program directly incentivizes transfers that reduce urban sprawl and therefore benefit the environment.
- The new program applies to all use types to incentivize the restoration of sensitive lands that are not eligible for incentives in the current program, such as existing commercial businesses in stream environment zones.
- The new program provides increased incentives based on environmental sensitivity of the sending parcel and its distance from services, thereby providing the greatest incentive for transfers with the greatest environmental benefit.
- As a further incentive, through the Area Planning process, alternative transfer ratios can be established to more aggressively encourage transfers of development from two high priority development transfer zones designated “Stream Restoration Plan Areas” as long as the alternative ratios are shown to be environmentally beneficial.
- Because the existing program has been under-utilized over the past 25 years, the new program is much less complex and has fewer restrictions to encourage its use and accelerate threshold attainment.

Modifying standards to allow more concentrated development in Centers also supports a more effective development transfer program. Without capacity increases in Centers or elsewhere, it will be difficult to accelerate transfers of development off of sensitive parcels because eligible receiving sites do not have adequate capacity to accommodate much of the development that is currently located on

sensitive lands. The lack of receiving areas with capacity for relocated development has been cited by many property owners as a major impediment to environmentally beneficial development transfers. The RPU identifies the Region's developed Centers as the most appropriate receiving areas for relocated development and provides new and stronger methods to achieve these transfers.

- B. **Redevelopment Incentives & Strategies** -- The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality, scenic, air quality and soil conservation threshold attainment:

Although declines in the water clarity threshold appear to have stabilized, additional improvements in water quality are needed to achieve associated Threshold Standards and state water quality goals. Lake Tahoe TMDL studies have shown that the existing developed area (urban upland) contributes 72 percent of the fine sediment particles that are impairing Lake Tahoe's water quality. The urban upland area is also responsible for other major pollution types, including 38 percent of phosphorus and 16 percent of nitrogen. The roadway component of the urban upland is currently being retrofitted for water quality treatment, primarily with public funding, through the EIP. In contrast, redevelopment of private lands (especially non-residential property in Centers) and associated environmental improvements are occurring very slowly, in part because of the existing regulatory barriers. The RPU directly addresses major regulatory barriers that have limited redevelopment activities, while maintaining an appropriate scale and character of development in the Region's communities.

The RPU modifies building height, density and coverage standards in designated Centers to provide a more uniform framework that supports development transfers and encourages environmental redevelopment at a scale and character that is compatible with each area. Increases in building height and density standards can only occur through Conforming Area Plans that address threshold findings and other approval standards. Changes in total allowable land coverage within Centers reverse existing allowances that allow greater coverage for new development than for redevelopment, and thereby encourage development on vacant land. Total allowable land coverage for new and redevelopment in Centers is reduced within 300 feet of Lake Tahoe and increased further from Lake Tahoe, thereby providing another incentive for less impactful development activities.

The strategies to encourage environmentally beneficial redevelopment are coupled with targeted amendments that support the findings and water quality improvement programs of the Lake Tahoe TMDL. Amendments would expand the current focus on parcel-level regulations to reflect the Lake Tahoe TMDL strategy of comprehensive catchment-based load reduction plans for fine sediments, phosphorus and nitrogen. Parcel owners must still contribute to Best Management Practices (BMP) solutions but the prescription may differ under more flexible area-wide solutions that could be developed to achieve Lake Tahoe TMDL load reductions for each catchment. Not only are these improved water quality strategies more consistent with the newly adopted Lake Tahoe TMDL, but they are expected to improve the prioritization and accelerate the rate of implementation of BMPs from what has been achieved so far focusing only at the parcel scale under the existing Plan. Local jurisdictions would have flexibility in designing the water quality treatment system that applies to each sub-watershed and under the Lake Tahoe TMDL program there are incentives to focus first on the highest pollutant loading areas.

Other significant amendments include:

- Modifying land use and transportation policies to encourage environmental redevelopment that would concurrently require water quality upgrades and other environmental improvements consistent with Threshold Standards, accelerate transfers of development along with the restoration of SEZs, and reduce automobile dependency;
- Updating language throughout the Regional Plan to support the Lake Tahoe TMDL, require ongoing coordination between TRPA and Lake Tahoe TMDL programs, and align older TRPA reporting requirements with newer Lake Tahoe TMDL reporting requirements;
- Authorizing the implementation of Area-Wide Best Management Practices (BMPs) and coverage treatments to which individual parcel owners would contribute in different ways;
- Reforming the land coverage management system to better reflect environmental benefits and impacts of different forms of land coverage and to incentivize BMP installation; and
- Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.

In combination, modifications to height, density and land coverage within Centers – and the numerous other amendments that promote redevelopment – will remediate existing pollution sources within Centers, will support development transfers that remediate existing pollution sources outside Centers and will further remediate existing pollution sources regionally by increasing revenues collected through the excess land coverage, water quality and air quality mitigation programs.

- C. **Transportation Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining air quality, noise, and water quality Threshold Standards:

In some important aspects, the existing Regional Plan prioritized the free flow of automobiles ahead of vehicle trip reduction, multimodal access, and associated environmental and air quality benefits. Stakeholders identified specific Code provisions that create significant obstacles to the construction of connected bicycle and pedestrian travel ways. The RPU includes amendments to encourage bicycling, walking, and transit use, and to allow the transportation system to evolve in a way that supports compact redevelopment and reduces reliance on the private automobile. The RPU is further supported by transportation initiatives and projects identified in the Final Draft Regional Transportation Plan.

Key policy and Code changes include:

- Land Use Policies: Many land use amendments in the RPU focus on reducing automobile dependency and promote walking, biking and transit use. Important transportation-related policy modifications include provisions to accelerate development transfers, provisions to increase allowable development intensity in Centers and provisions requiring transit and pedestrian oriented designs for development projects.
- Bicycle Path Land Coverage Exemption: To accelerate and make the creation of a continuous system of non-motorized public trails more financially feasible, non-motorized trails would be exempt from the calculation of land coverage, subject to certain siting and design requirements that minimize disturbance of sensitive lands and vegetation. Currently, land

coverage must be acquired, at market rates, in order to build pedestrian and bicycle facilities. This requirement has significantly increased the cost of trail construction, thereby reducing the amount of trail improvements that could otherwise have been built with available funding.

- Accommodation of Bicycle and Pedestrian Facilities in Projects: Applicants for significant commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including major construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan would be required to grant an easement for the bicycle and pedestrian facilities.
- Bicycle and Pedestrian Facility Maintenance Plan: Entities responsible for the construction and maintenance of bicycle and pedestrian facilities proposed as part of a project would be required to provide a maintenance plan, including a funding strategy for the life of the bike and pedestrian facility.
- Vehicle Level of Service (LOS): Existing vehicle Level of Service (LOS) requirements for new projects could be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. The Final Draft Plan also calls for a more comprehensive assessment of LOS standards as a post-update work program.
- Transportation Projects: The Final Draft Regional Transportation Plan prioritizes funding for pedestrian, bicycle and transit improvements over projects that focus on expanded roadway capacity. Transportation project funding is intended to complement land use policies and regulations that promote pedestrian, bicycle and transit use. Specific transportation projects are identified in the Regional Transportation Plan.

Under the existing Regional Plan, new or transferred development or changes in operation that result in increased vehicle trips must mitigate the regional and cumulative impacts of those increased trips. With limited exceptions, increased vehicle trips must be mitigated through the payment of an air quality mitigation fee or through direct implementation of air quality improvement measures. The air quality mitigation fees are disbursed for air quality improvement projects, such as transit services or bicycle facilities, within the jurisdiction where they were collected to mitigate localized impacts. However, restricting the use of mitigation fees to the jurisdiction where they were collected does not allow fees to be pooled and directed towards the highest priority and most cost-effective projects in the Region.

The RPU allows a portion of the air quality mitigation fees to be used anywhere in the Region, regardless of where the fee was collected (Code Section 65.2.6). This change would allow a portion of the fees to be directed towards the highest priority or most cost-effective projects to benefit air quality within the Region.

The Final Draft Regional Plan addresses noise control with targeted amendments to reduce automobile reliance and promote alternative forms of transportation. Roadways are a significant source of noise pollution in the Region. The RPU retains other existing provisions related to noise, with

language clarifications, and calls for an ongoing analysis of airport noise and an update to the City of South Lake Tahoe's Airport Master Plan.

- D. **Miscellaneous Strategies:** The following strategies are designed to achieve multiple threshold benefits but will primarily benefit achieving and maintaining water quality Threshold Standards:

While the RPU retains the established land capability system, several targeted amendments accelerate attainment of the soils, water quality and other thresholds by encouraging the use of less impactful types of land coverage, incentivizing the installation of water quality BMPs, promoting land coverage reductions and relocation of land coverage to less sensitive lands, and facilitating environmentally beneficial redevelopment. For example, the RPU would allow direct land coverage removal by a project applicant and expenditure of excess coverage mitigation fees to occur anywhere in the Region. This change is expected to increase the number of projects including direct land coverage removal, and improve the efficiency and effectiveness of the regional land bank coverage removal programs. The RPU also allows excess coverage to be removed in exchange for additional units of use, but only after excess coverage is mitigated. This incentive would promote land coverage removal in addition to that required under the excess coverage mitigation provisions. Also, under the existing Code, land coverage transfers for commercial or tourist accommodation uses must be from existing hard land coverage. Transfers for other uses can also include soft land coverage or potential (i.e. base allowable) land coverage. The RPU allows soft land coverage to be transferred from SEZs for use in any project within Centers, providing a greater incentive to remove soft land coverage from the most sensitive lands. To further incentivize land coverage reductions and promote greater project design flexibility, the RPU would allow Area Plans to delineate specific geographic areas where land coverage would be managed comprehensively rather than at the parcel scale. In order to qualify for area-wide land coverage management, the Area Plan would have to demonstrate that compared to parcel-by-parcel land coverage management, the area-wide land coverage management system would not increase land coverage overall, in the most sensitive lands (districts 1 and 2), or within 300 feet of Lake Tahoe.

Phosphorus is a significant pollutant of concern identified by the Lake Tahoe TMDL, with fertilizer application being a significant source. The RPU includes new policy language to phase-out the use of chemical fertilizer containing phosphorus for lawns by 2017 through education and outreach. The phase-out provision complements but does not replace existing restrictions on the use of fertilizer in SEZs and shorezone areas.

IV. ACHIEVE AND MAINTAIN FINDINGS

A. WATER QUALITY

1. STATUS AND TREND

Water quality shows signs of improvement since the trend for winter average Secchi depth shows that the indicator is no longer declining and the Region is meeting interim targets established in 2006. The rate of Lake clarity decline has slowed since 2001, but the annual average Secchi depth indicator is still considerably short of recently adopted Lake Tahoe TMDL standards. Summer Lake

Tahoe clarity is showing negative trends and ongoing research findings are needed to understand why winter and summer readings are moving in seemingly opposite directions.

The long-term trend in the phytoplankton primary productivity indicator continues to show a decline in conditions relative to the adopted Threshold Standards. Research is underway, as noted in the 2011 Threshold Evaluation Fisheries chapter, to assess possible relationships of phytoplankton to other nearshore conditions. Long-term measurements of tributary water quality indicate that the Region is not meeting state pollutant concentration standards for all monitored streams, although improvements in sediment and phosphorus concentration are documented. Long-term data on stream pollutant loading indicate there was little or no change in the amount of nitrogen, sediment, and phosphorus being delivered to Lake Tahoe annually via tributaries when adjusted for variation in stream flow. More detailed information on the status and trend of the Water Quality threshold can be found in the Water Quality chapter of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies:
 - EPA Outstanding National Resource Water (ONRW) Designation
 - Clean Water Act Section 401, 402, 404
 - Porter-Cologne Act
 - Lake Tahoe TMDL
 - 208 Water Quality Management Plan
 - Lahontan Basin Plan
 - U.S. Forest Service Forest Plan

The Lake Tahoe TMDL represents a centerpiece of the joint effort to achieve and maintain water quality standards applicable in the Region. A 10-year, \$10 million effort, the two states' Lake Tahoe TMDL provides the planning and regulatory blueprint to implement the pollutant load reductions over several decades to produce the improvements in water quality required to achieve California and Nevada standards within 65 years. A Total Maximum Daily Load is a requirement of the federal Clean Water Act Section 303(d) which requires states to establish TMDLs for impaired water bodies that do not meet water quality standards. Every TMDL (there are over 44,000 nationwide) focuses on particular "pollutants of concern."

Through five steps, the pollution sources and loads are determined for the specific water body at issue, their overall effect on the water body is assessed, pollutant loads are allocated for each source so that the water body will attain the applicable water quality standards, and implementation plans are developed that describe the approach and activities required to ensure that the allocations are met.

California has identified Lake Tahoe's lack of transparency as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. To comply with California's Lake Tahoe transparency standard, a 25-centimeter (10-inch) white Secchi disk

would need to be visible 29.7 meters (97.4 feet) below the surface of Lake Tahoe on an average annual basis.

Nevada has identified Lake Tahoe's lack of clarity as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. Clarity is defined as a quantitative measure of the vertical extinction of light (VEC) per meter of depth. A lower VEC reading indicates more clarity to the water. To comply with Nevada's Lake Tahoe clarity standard, a VEC of 0.08 per meter is necessary.

The Lake Tahoe TMDL effort represents a common and consistent plan between the States of Nevada and California to address the transparency and clarity decline within Lake Tahoe. Each state submitted and approved distinct reports to clarify regulatory and implementation differences between the two states.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is responsible for the California portion of the Lake Tahoe Basin, among other areas, and the Lake Tahoe TMDL was incorporated into the Lahontan Region Water Quality Control Plan (Basin Plan) on November 16, 2010 under Resolution No R6T-201 0-0058 to establish: (1) the Lake Tahoe Maximum Daily Load for fine sediment particles, nitrogen, and phosphorus; and (2) a Lake Tahoe TMDL implementation plan and associated changes to urban stormwater regulations in the Lake Tahoe Basin. The State Water Resources Control Board (State Water Board) adopted this amendment on April 19, 2011 and the US EPA approved the amendment on August 16, 2011. The Water Board has issued permits to each local government on the California side of the Tahoe Basin as well as the state transportation agency, Caltrans, to implement the requirements of the state's adopted TMDL for Lake Tahoe.

The Nevada Division of Environmental Protection is responsible for the Nevada portion of the Lake Tahoe basin and the Lake Tahoe TMDL for Nevada was approved by the U.S. EPA on August 16, 2011. The Nevada Lake Tahoe TMDL clarifies Nevada's regulatory structure and approach to implementation and emphasize that the proposed implementation timelines may need to be adjusted for a variety of reasons, but particularly the availability of future funding. To implement the TMDL the Nevada Division of Environmental Protection is utilizing Memoranda of Understanding with the Nevada Department of Transportation and local governments in the Nevada portion of the Tahoe Region. Both the Water Board and NDEP will provide TRPA with data on load reduction plans, clarity crediting programs and progress towards meeting load reduction targets on an annual basis.

The goal of the Lake Tahoe TMDL is to restore Lake Tahoe's historic deep water transparency to an annual average Secchi depth of 29.7 meters (97.4 feet), which was the average annual Secchi depth measured between 1967 and 1971. The Lake Tahoe TMDL research suggests the proposed Annual Average Standard Secchi depth (29.7 meters) can be reached if a variety of load reductions in fine particulates (65 percent reduction), nitrogen (10 percent reduction), and phosphorus (35 percent reduction) can be met, especially in the urban areas around Lake Tahoe.

The Lake Tahoe TMDL identified options for reducing pollutant inputs of fine sediment particles and nitrogen and phosphorus to Lake Tahoe from the four largest pollutant sources: urban upland runoff, atmospheric deposition, forested upland runoff, and stream channel erosion. The Lake Tahoe TMDL identifies the amount of each pollutant entering the lake from these sources, the reductions needed, the reduction opportunities that are available, and the implementation plan to achieve these reductions. The Lake Tahoe TMDL modeling data recognizes opportunities to achieve water quality gain in four pollutant source categories – urban upland (72 percent), atmosphere (16 percent), forest upland (9 percent), and stream channel (3 percent) – with the greatest gain available through improvements in the urban upland source category. The Lake Tahoe TMDL concludes that by reducing fine sediment, nitrogen, and phosphorus loads in these four categories, it will take approximately 65 years to meet the deep water transparency standard (annual average Secchi depth of 29.7 meters).

The states of California and Nevada have the authority pursuant to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (i.e. prohibitions). The Implementation Plan for the Lake Tahoe TMDL requires compliance with the prohibition of discharges in violation of water quality objectives. The two states will oversee Lake Tahoe TMDL implementation primarily through administration of urban stormwater runoff pursuant to each state’s adopted and US EPA-approved Lake Tahoe TMDL, and rural lands pollutant source control measures associated with permits issued by federal agencies such as the USDA Forest Service and the US Fish and Wildlife Service.

Lake Tahoe TMDL Recommended Strategy and Implementation Plan

The Lake Tahoe TMDL Implementation Plan provides representative actions that the various local, state, and federal governments and associated resource management agencies must take in the four pollutant source categories – urban upland, atmosphere, forest upland, and stream channel – to reduce fine sediment particle, phosphorus, and nitrogen loads to Lake Tahoe and meet established load reduction milestones, including the deep water transparency standard. It emphasizes ongoing implementation of known technologies while encouraging more advanced and innovative operations, maintenance, and capital improvement efforts to address urban stormwater pollution. Ongoing land management practices and policies are expected to achieve necessary fine sediment particle, nitrogen, and phosphorus load reductions from forested areas. Stream restoration projects will address stream channel bank and bed erosion sources. Measures to reduce dust from paved and unpaved roadways, parking areas, construction sites, and other disturbed lands will reduce fine sediment particle and phosphorus loading from the atmosphere. The Lake Tahoe TMDL’s Recommended Water Quality Management Strategy (“Recommended Strategy”) (Lake Tahoe TMDL Chapter 9) provides the framework for the magnitude of expected load reductions from the four major pollutant sources and describes reasonably foreseeable load reduction activities that responsible parties may choose to undertake.

Urban Uplands

Urban runoff produces the majority of fine sediment and phosphorus loading and provides the greatest estimated potential for pollutant control. Therefore, responsible parties (local municipalities and state highway departments) are expected to prioritize advanced operations and maintenance

practices and innovative technologies that will reduce fine sediment particle and associated nutrient loads from the urban runoff source category. Implementing the Lake Tahoe TMDL's Recommended Water Quality Management Strategy is expected to reduce the total Basin-wide fine sediment particle load by approximately 24 percent in the first 15 years of Lake Tahoe TMDL implementation. To achieve the clarity standard, the fine sediment particle load carried by urban stormwater runoff must be reduced by roughly 70 percent. Thus, after the first fifteen years, ongoing implementation measures and additional load reduction actions will be needed to further reduce fine sediment particle and nutrient loads to meet the clarity standard.

The two states' adopted Lake Tahoe TMDL assumes that pollutant controls will be applied differently based on configuration of impervious land coverage and slope. Areas of concentrated impervious land coverage, such as commercial land uses with extensive streets, parking areas, and rooftops, may need intensive application of advanced pollutant control measures, while land uses with dispersed impervious land coverage will likely need less advanced treatments. Enhanced operations and maintenance of roadways and associated pollutant controls are important elements in the implementation strategies to reduce pollutants from urban runoff discharges. A representative list of practices and treatment options that responsible parties might use to achieve the Lake Tahoe TMDL in 65 years includes:

- Stabilize and re-vegetate road shoulders
- Vacuum-sweep streets (in heavily sanded areas)
- Upgrade/enhance fertilizer / turf management practices to reduce nutrient application
- Remove impervious land coverage (increase infiltration)
- Redirect runoff for additional treatment
- Install and maintain infiltration trenches
- Install and maintain prefabricated infiltration systems
- Install and maintain detention basins
- Install and maintain sand filters
- Apply advanced deicing strategies (to reduce or eliminate abrasive application)
- Upgrade/increase/enhance infrastructure operation and maintenance
- Control retail fertilizer sales within the Basin
- Recommend landscaping practices that reduce nutrient mobilization
- Install and maintain wet basins / infiltration basins
- Install and maintain constructed wetlands
- Install and maintain media filters in stormwater vaults
- Pump stormwater to more suitable treatment locations

Forest Uplands

The forest upland load reductions will be accomplished through continued implementation of forest management programs, policies, restoration activities, and vegetation management approaches. The United States Forest Service Lake Tahoe Basin Management Unit (LTBMU), agencies of the Nevada Tahoe Resource Team (Nevada TRT - Divisions of State Parks, State Lands and Forestry), California Department of Parks and Recreation, and the California Tahoe Conservancy (CTC) are the primary public land management agencies administering the maintenance and expansion of existing land

management activities as needed to reduce pollutant loads from forested lands to meet the Clarity Challenge and other load reduction goals.

The Water Board and NDEP have worked with the LTBMU to include references to applicable Lake Tahoe implementation elements in the updated Land and Resource Management Plan (“Forest Plan”). The Water Board and NDEP expect the revised Forest Plan to address ongoing maintenance of LTBMU unpaved roadways and trails; regular inspections and maintenance of trailhead and parking lot best management practices; continued efforts to identify and restore landscape disturbances; and responsible implementation of vegetation management actions with appropriate BMPs. Similarly, the California Department of Parks and Recreation, the CTC, and the Nevada TRT agencies have programs and policies in place to implement projects and activities to reduce pollutant loads. The Water Board and NDEP will track forest implementation partner activities to determine whether expected load reduction actions are being taken and are remaining consistent with the Recommended Strategy and the Lake Tahoe TMDL Implementation Plan. If forest management agencies continue to complete projects and activities consistent with the Pollutant Reduction Opportunity Analysis, the Recommended Strategy and the Lake Tahoe TMDL, then the Water Board and NDEP expect forest upland load reduction requirements will be met. If the LTBMU, CTC, and the California Department of Parks and Recreation fail to continue to implement needed load reductions, the Water Board maintains the authority to issue Waste Discharge Requirements or Time Schedule Orders, as needed, to be certain appropriate programs, policies, and activities continue as anticipated to reduce pollutant loading to Lake Tahoe. The NDEP has the authority to enter into Memoranda of Agreement with forest management partners on the Nevada side of the Lake Tahoe Basin to explicitly define Lake Tahoe TMDL expectations on undeveloped lands in Nevada to meet Lake Tahoe TMDL pollutant load reductions should those agencies fail to implement expected load reduction actions.

Atmospheric Deposition

Since the majority of the atmospheric fine sediment particle load is generated by urban roadways, much of the required atmospheric load reductions and interim load allocations will be met by implementing measures to control the sources of stormwater pollutants from urban roadways under the urban upland source category. Similarly, Lake Tahoe TMDL implementation actions taken to control runoff issues from unpaved roadways (see the Forest Uplands section above) will also reduce dust from these areas.

Stream Channel Erosion

The Water Board and NDEP expect needed load reductions and interim load allocations for the stream channel erosion source will be met when all the restoration projects and activities are completed for the three major tributaries. These restoration projects are anticipated to be completed within 15 years from the adoption of the Lake Tahoe TMDL.

b. Existing Regional Plan:

As described in the Water Quality Subelement of Chapter II (Land Use) of the Goals and Policies, multiple public and private entities and varied regulatory and implementation programs contribute to the long-term regional effort to attain and maintain TRPA’s water

quality Threshold Standards. For each pollutant source, TRPA maps out a matrix of the regulatory, restoration, programmatic, and monitoring elements necessary to achieve and maintain the water quality Threshold Standards over time. (Goals and Policies at pp. II-30 to II-33.)

- The growth management system limits new development allowed in the Region;
- The land capability and land coverage management system limit the amount of impervious land coverage allowed in the Region;
- Concentration-based discharge standards and infiltration requirements for stormwater treatment control water quality impacts associated with new development;
- Regulations requiring the retrofitting of developed properties with Best Management Practices (BMPs) and the installation of BMPs with all new development reduce erosion and stormwater runoff;
- Regulatory preservation and restoration of SEZs protect and enhance their water quality values;
- Prohibiting the discharge of wastewater, toxic waste, and solid waste into Lake Tahoe, its tributaries, and groundwater resources; and
- Managing the use of fertilizer in SEZs.

c. Existing TRPA Code:

- Chapters 50 through 53 outline the growth management system, including development allocations, development transfers, bonus units and the IPES (Individual Parcel Evaluation System) program;
- Chapter 30 sets forth regulations concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage;
- Section 32.5 of the Code contains wastewater service requirements for projects proposing construction of a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy. Section 32.5 specifically directs that such projects that would generate wastewater shall be served by facilities for the treatment and export of wastewater from the Lake Tahoe Region. To be considered served, a service connection is required to transport wastewater from the parcel to a treatment plant;
- Chapter 33 outlines standards for grading and excavation, including grading standards, requirements for special reports and plans to protect the environment against significant adverse effects from grading projects, requirements for grading and construction schedules and vegetation protection requirements;
- Chapter 35 sets forth regulations pertaining to recognition of natural hazards, including floodplains, prevention of damage to property, and protection of public health relating to such natural hazards;
- Chapter 60 outlines water quality protection standards, including discharge standards, mitigation requirements, source water protection standards and BMP requirements;
- Chapter 61 outlines vegetation protection and enhancement requirements;
- Chapter 62 protects wildlife habitat, including but not limited to SEZs;
- Chapter 63 protects fish habitat and addresses aquatic invasive species;

- Chapter 64 restricts livestock grazing;
- Chapter 65 outlines air quality protection and mitigation requirements, which also addresses atmospheric sources of water pollution; and
- Chapters 80 through 86 outline detailed environmental protection requirements for Lake Tahoe's shorezone.

d. Regional Plan Update Amendments

(1) Reduce Pollutant Loads

The following Regional Plan amendments reduce pollutant loads, which would positively affect most of the water quality Threshold Standards: Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes.

- Expedite redevelopment of non-conforming properties and accelerate transfers of development out of sensitive areas. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater, Other Lakes)
- Tighten land coverage limitations within 300 feet of Lake Tahoe. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Reform the land coverage program to accelerate land coverage reduction and land coverage transfers from sensitive lands.
- Award residential bonus units for removing and retiring excess land coverage in centers. (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Designate two stream restoration plan areas in the Upper Truckee River watershed (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater)
- Other Transportation Goals and Policies: walkable mixed-use Centers, enhanced pedestrian and bicycle network, and transit enhancements to reduce dependency on the automobile, which in turn reduces atmospheric deposition of nitrogen and entrained road dust.
- Area-wide water quality treatment facilities and funding mechanisms may be implemented in lieu of certain site specific BMPs (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).
- Phase out the sale and use of chemical phosphorus fertilizer for lawns by 2017 (Deep Water Pelagic, Nearshore Littoral, Attached Algae, Tributaries, Surface Runoff, Groundwater).

(2) Implement Lake Tahoe TMDL

The Regional Plan supports pollutant load reductions from each Lake Tahoe TMDL source category (atmospheric deposition, forested uplands, stream channel erosion, urban uplands)

3. THRESHOLD DETERMINATION

- a. Pelagic Lake Tahoe (Phytoplankton Primary Productivity/Winter Average Secchi Depth/Annual Average Secchi Depth)

This threshold category focuses on Lake clarity. Broadly speaking Lake clarity is primarily (75 percent) a function of fine suspended sediment causing light absorption and scattering. Algal presence in the water column also reduces clarity but accounts for approximately 25 percent of transparency loss. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies, strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients and attainment of clarity goals in approximately 60 years. The specific Phytoplankton Primary Productivity (“PPr”) threshold indicator may take longer to achieve as no deflection in its trajectory has been observed to date (in contrast to Winter and Annual Average Secchi Depth indicators). However, accelerated sediment load reductions and concomitant nutrient input reductions over the next decades should lead to eventual attainment of the PPr indicator. Moreover, Lake Tahoe remains ultra-oligotrophic, is not expected to lose that rating despite the relative rise in PPr, and is projected to achieve the over-arching clarity threshold. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the threshold standards for Pelagic Lake Tahoe and to maintain compliance.

- b. Tributary Water Quality (Suspended Sediment, Total Phosphorus, Total Nitrogen, Combined Tributary Suspended Sediment Load, Combined Tributary Total Phosphorus Load, Combined Tributary Total Nitrogen Load, Stormwater)

The Tributary Water Quality Indicators relate to the tributary, surface runoff (stormwater) and groundwater numeric and management thresholds. These indicators monitor the concentration and loading of suspended sediment and nutrients to Lake Tahoe in order to achieve the clarity objectives. Currently, tributary water quality meets some numeric standards for certain streams but not others and particularly for the California-side streams that contribute the majority of inflow to Lake Tahoe. As described above, it is anticipated that implementation of the Lake Tahoe TMDL and the host of RP/EIP policies, strategies, programs, and measures listed above that address identified drivers will lead to load reductions of both suspended sediments and algal nutrients in tributary water quality needed to achieve and maintain clarity goals. It is therefore determined that policies, strategies, programs, and measures are in place to achieve increases in tributary water quality and the load reductions necessary to achieve the lake clarity thresholds over the next decades and to maintain compliance.

- c. Littoral Lake Tahoe (Nearshore Turbidity, Nearshore Attached Algae)

In the 2006 Threshold Evaluation, it was determined that the Region was in attainment with littoral turbidity threshold standards. Due to insufficient data collected and summarized between 2007 and 2010, the agency was not able to make a determination in the 2011 Threshold Evaluation on the current status and associated trends in littoral

turbidity levels. However, unpublished data summaries produced as part of an ongoing nearshore research project and yet to be released (Alan Heyvaert et al., Desert Research Institute, in-prep.) and other surrogate information suggests that the Region is continuing to meet TRPA littoral turbidity standards. Heyvaert et al. (in-prep.) have summarized turbidity data collected throughout Lake Tahoe's nearshore by research institutions between 2000 and 2012 and have found that the whole lake mean was 0.12 NTU (range in means 0.014 to 0.8 NTU), which suggests the Region is well-within the most stringently prescribed turbidity levels for Lake Tahoe's nearshore. Other data and actions support that the Region is still in attainment with littoral turbidity standards. For example, the EIP has completed stormwater treatment on over 500 miles of roads in the Region and tributary pollutant loads have either remained stable or have reduced over time. Pelagic Lake Tahoe measurements of transparency suggest that clarity of the Lake is stable (annual average) or improving (winter average). Together, this information supports that the Region is currently achieving Lake Tahoe littoral turbidity standards and the policies, strategies, programs, and measures listed above and considered collectively will enable those standards to be maintained.

TRPA is amending its Threshold Standards to add a new standard addressing nearshore attached algae. The Management Standard states: "Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe." The Regional Plan, including actions executed through the EIP, together with required strategies of the Lake Tahoe TMDL implements the proposed new Threshold Management Standard for attached algae. For example, the Code of Ordinances includes several regulations designed to avoid, reduce or eliminate nutrient loading to Lake Tahoe. Excessive nutrient loading and runoff from upland sources is known to cause excessive growth of free floating and attached algae in Lake Tahoe. Chapter 60 of the Code of Ordinances implements the attached algae standard by restricting the discharges of nutrients (and other pollutants) from a wide variety of sources and includes requirements for the installation of BMPs for stormwater on residential and commercial properties. Several land use regulations in Code of Ordinances Chapter 30 and 53 limit the development potential of lands, resulting in less impervious land coverage in the Region; impervious land coverage prevents precipitation and stormwater from naturally percolating into the soil. These regulations also prohibit the development of sensitive wetlands and riparian zones – these lands naturally filter nutrients and sediments and reduce or eliminate loads to surface waters. The EIP program promotes the implementation of BMPs and stormwater treatment facilities to reduce or eliminate nutrient loads to Lake Tahoe (and other lakes, surface waters and ground water). The EIP also promotes the restoration of wetlands and riparian areas known to be natural mechanisms to uptake nutrients before they reach surface waters. The Lake Tahoe TMDL also indicates that its implementation measures will contribute to reductions in algal forming nutrients. It is therefore determined that the new nearshore attached algae management standard has been achieved and policies, strategies, programs, and measures are in place to achieve the management standard for nearshore attached algae and continue to maintain compliance.

d. Aquatic Invasive Species

TRPA is amending its Threshold Standards to add a new standard addressing management of Aquatic Invasive Species. The Management Standard states: “Prevent the introduction of new aquatic invasive species into the region’s waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.”

The Threshold Management Standard for aquatic invasive species is implemented (and thus attained) through the combined efforts of varied agencies, non-profit organizations, private businesses and academic institutions that are part of the Lake Tahoe Aquatic Invasive Species (AIS) Program. The strategic plan for the comprehensive management of the Tahoe AIS Program for prevention, control, early detection and rapid response is the federally approved Lake Tahoe Region AIS Management Plan, the goals of which mirror the Threshold Management Standard. TRPA is the co-lead agency together with the US Fish and Wildlife Service for oversight and administration of the Management Plan. To prevent the introduction of new aquatic invasive species into the Region’s waters, TRPA has previously adopted Code that provides for the implementation of a rigorous watercraft inspection program that addresses the threat of introduction by motorized and non-motorized watercraft.

The control of known AIS, through reduction in abundance and distribution as well as abating harmful impacts, is also addressed by the Tahoe AIS Program. Efforts have been and continue to be underway to control a wide variety of AIS including weeds, warm water fishes and invertebrates. Control strategies have reduced the abundance and distribution of AIS in ecologically and economically important areas of the Region like Emerald Bay, marinas and other recreational areas. In addition to the current and ongoing policies, strategies, programs, and measures of TRPA and AIS Management Program partners, new polices in the RPU address the prevention of new aquatic invasive species and the control of those species already existing in the Region. It is therefore determined that the Aquatic Invasive Species Threshold Management Standard has been achieved and policies, strategies, programs, and measures are in place to achieve the AIS Management Standard and continue to maintain compliance.

e. Other Lakes

Fallen Leaf Lake represents the only other lake in the Tahoe Region for which there are specific state standards (TRPA has no independent standards for other lakes in the Region). Past data indicates that Fallen Leaf Lake does not meet its clarity standard (Secchi depth). TRPA’s regulatory structure and the Lake Tahoe TMDL (Fallen Leaf Lake is a tributary to Lake Tahoe) will result in improvements to lake inputs that over time will address and improve Fallen Leaf Lake’s clarity. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standard for Other Lakes and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals

and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted water quality Threshold Standards.

B. AIR QUALITY

1. STATUS AND TREND

The majority of air quality indicators are in attainment with adopted standards. Trends primarily indicate that air quality indicators are either stable or improving. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The US Environmental Protection Agency and state agencies, such as the California Air Resources Board, have established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and developed the Bike and Pedestrian Master Plan. TRPA also requires woodstoves to be compliant with US EPA standards when properties are bought and sold. The Tahoe Transportation District operates a low-emission mass transit system and the EIP facilitates the construction of bike paths. Redevelopment projects can also benefit air quality; the Heavenly Gondola Project likely contributed to reductions in private automobile use in an area of the Region that receives the greatest annual volume of winter visitors. More detailed information on the status and trend of the Air Quality Threshold Standards can be found in Chapter 3 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Supplemental Plans, Programs, Regulatory Measures & Strategies

Air quality within the Lake Tahoe Air Basin is regulated by TRPA, the US Environmental Protection Agency (EPA), California Air Resources Board, Nevada Division of Environmental Protection Bureau of Air Pollution Control and Bureau of Air Quality Planning, Placer County Air Pollution Control District, El Dorado County Air Quality Management District (EDCAQMD) and the Washoe County Health District (WCHD). Each of these agencies develops rules, regulations, policies, and/or goals to comply with applicable legislation. Although EPA regulations may not be superseded, state and local regulations may be more stringent. Details of federal, state, and local regulations are described in the RPU Draft EIS on pages 3.4-6 to 3.4-15.

b. Existing Regional Plan and TRPA Code

The existing Regional Plan and Code together with the EIP includes numerous programs that benefit Air Quality, including an improving "Air Quality and Transportation Program." The program implements projects that improve air quality through reduced woodsmoke and dust, and improve transit and trail connections.

- The Transportation Element and the RTP include numerous provisions to reduce reliance on the private automobile and increase use of transit and non-motorized transportation.
 - TRPA establishes emission standards for combustion appliances including wood heaters, central furnaces, and water heaters.
 - TRPA prohibits new stationary sources of air pollution that exceed emission limits outlines in Code Sec 65.1.6.
 - TRPA implements a traffic and air quality mitigation program to offset impacts from indirect sources of air pollution.
- c. Regional Plan Update Amendments
- Land Use policies that incentivize the concentration of development reduce VMT and associated emissions (CO, Ozone, Nitrate Deposition, Visibility).
 - Provisions that exempt non-motorized trail land coverage and require the dedication of easements for non-motorized trails (CO, Ozone, Nitrate Deposition, Visibility).
 - Policies that incentivize redevelopment increase the removal of non-compliant emission sources and the replacement with sources that meet current standards (CO, Ozone, Nitrate Deposition, Visibility, Odor).
 - Attachment 4 of the Goals and Policies requires the development and implementation of a construction best practices policy for emissions (CO, Ozone, Nitrate Deposition, Visibility, Odor).
 - Attachment 4 of the Goals and Policies requires development of standards to reduce construction and operational GHG emissions, which will also reduce other emissions through increases in building efficiency (CO, Ozone).
 - Phased release of allocations is tied to VMT monitoring that ensures VMT will not exceed the threshold standard (CO, Ozone, Nitrate Deposition, Visibility).
 - A portion of air quality mitigation fees can be used for the highest priority projects in the Region (CO, Ozone, Nitrate Deposition, Visibility).
 - All Area Plans are required to enhance pedestrian, bicycling, and transit opportunities (CO, Ozone, Nitrate Deposition, Visibility).
 - Numerous water quality and transportation policies specifically target reductions in NOx, Ozone precursors, and entrained dust (Ozone, Nitrate Deposition, Visibility).

3. THRESHOLD DETERMINATION

a. Carbon Monoxide (1-Hour CO, 8-Hour CO, Winter Traffic Volumes)

The Lake Tahoe Basin is in attainment with Carbon Monoxide threshold standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of CO in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for CO and to continue to maintain compliance.

- b. Ozone (Highest 1-Hour Average, Highest 8-Hour Average, 3-Year Average of 4th Highest, Oxides of Nitrogen Emissions)

The Lake Tahoe Region is in attainment with the ozone Threshold Standards and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further reduce the presence of ozone and ozone precursors in the Region. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for ozone and to continue to maintain compliance.

- c. Visibility (PM10, PM2.5, VMT, Regional and Subregional Visibility)

Overall, the Lake Tahoe Basin is in attainment with the Visibility threshold (with one exception) and it is anticipated that implementation of the policies, strategies, programs and measures listed above will further improve Visibility in the Region. Currently, the Highest 24-Hour Average PM10 Concentration indicator barely exceeds the applicable standard on the California side of the Basin but its improving trend indicates that this indicator should be achieved within the decade if not a few years. TRPA lacks up-to-date data on some sub-regional Visibility indicators. However, data from the 2006 Threshold Evaluation indicates these standards to be in attainment and other air quality data (e.g., PM 2.5, PM 10) indicate that visibility trends have only improved. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for Visibility and to continue to maintain compliance.

- d. Nitrate Deposition and Odor

As demonstrated by the measures listed above and identified in the 2011 Threshold Evaluation, TRPA has implemented the Threshold Management Standards for Nitrate Deposition and Odor. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Management Standard for nitrate deposition and to continue to maintain compliance.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted air quality Threshold Standards.

C. SOIL CONSERVATION

1. STATUS AND TREND

The Region overall is approximately 3.6 percent hard land coverage and only one of nine land capability classes currently shows hard land coverage in excess of the Bailey system percentages, according to preliminary "LIDAR" and multi-spectral data and the 2007 soil survey maps from the Natural Resources Conservation Service. Relative to Bailey coverage threshold standards, only land capability Class 1b (and perhaps Class 2 --i.e., because of the degree of uncertainty in the

LIDAR measuring method for soft land coverage, the Class 2 coverage estimate is too close to the target to definitively conclude one way or another whether Class 2 land is in or out of attainment with the applicable Bailey coverage limit) shows excess land coverage. Legacy development created impervious land coverage on sensitive Class 1b lands prior to the adoption of the 1987 Regional Plan, and this continues to hamper achieving management targets set for impervious land cover. New development has applied land cover limitations prescribed by the Impervious Coverage Threshold Standards—where all parcels are limited to certain land-type cover limitations. Policies adopted by TRPA in 1987 to incentivize the transfer of excess impervious land cover out of sensitive lands have not resulted in significant progress to this end (<40 acres of developed land coverage has been transferred out of sensitive lands since the adoption of the 1987 Plan). Achievement of the impervious cover target will require the removal of an estimated 650 acres of developed impervious land cover—a scale of land coverage transfer that may not be achieved for many generations given private property rights issues and cost. Progress is being made to preserve and restore the natural hydrology of stream environment zone lands as prescribed by the Stream Environment Zone Threshold Standard. More detailed information on the status and trend of the Soil Conservation threshold can be found in Chapter 5 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Supplemental Plans, Programs, Regulatory Measures & Strategies
 - Land coverage or other placement of fill in sensitive lands is regulated by the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.
- b. Existing Regional Plan and TRPA Code
 - The EIP includes numerous programs that benefit the soil conservation thresholds, including the Watershed Management Program, which implements coverage removal and sensitive land restoration, acquisition of sensitive land, and habitat restoration focused on riparian areas.
 - TRPA establishes maximum allowable land coverage limitations, which are enforced through project approvals.
 - TRPA prohibits the placement of new land coverage in sensitive lands with limited exceptions.
 - TRPA requires SEZ restoration at a ratio of 1.5 to 1 to compensate for the placement of any new land coverage in an SEZ.
 - TRPA implements an excess coverage mitigation program to reduce land coverage in excess of the maximum allowable.
 - TRPA allows transfers of land coverage subject to conditions and transfer ratios that reduce land coverage overall and on sensitive lands.
- c. Regional Plan Update Amendments
 - Transfer Development Rights program incentivizes transfers of development from sensitive land (Impervious Cover and SEZ).

- Coverage transfer ratio amendments further incentivize coverage removal from sensitive lands (Impervious Cover and SEZ).
- Incentivizing redevelopment accelerates mitigation of excess coverage and transfers of coverage from more sensitive to less sensitive lands (Impervious Cover and SEZ).
- New provisions for soft coverage transfers from SEZ further incentivize coverage reduction in SEZ (Impervious Cover and SEZ).
- Allowing transfers of non-conforming coverage from sensitive lands relocates existing coverage out of sensitive lands (Impervious Cover and SEZ).
- Revisions to the excess coverage mitigation program accelerate the removal of coverage and focuses it on the highest priority coverage removal opportunities (Impervious Cover and SEZ).
- Creation of Stream Restoration Plan Areas promotes additional coverage removal in the highest priority areas (Impervious Cover and SEZ).
- Incentives for concentrated development reduce coverage per unit of development and locate a greater portion of new coverage on high capability lands (Impervious Cover).

3. THRESHOLD DETERMINATION

a. Impervious Cover

The Lake Tahoe Region is in attainment for 7 of the 9 Land Capability Classes for the Impervious Cover threshold (Class 1a, 1c, 3, 4, 5, 6 and 7). It is anticipated that implementation of the programs and policies listed above will reduce overall coverage in the sensitive land categories (1a, 1b, 1c, 2, and 3) and development of the commodities authorized by the Regional Plan will not result in the addition of coverage beyond the coverage limits for Classes 4, 5, 6 and 7. It is therefore determined that policies, strategies, programs, and measures are in place to continue to achieve and maintain the Impervious Cover Threshold Standards for those land capability classes in attainment with applicable coverage limitations.

Impervious cover in Class 1b (SEZ), as noted above, is significantly out of attainment as a result of existing legacy residential and commercial development in SEZs pre-dating TRPA or the 1987 Regional Plan. Removal of over 650 acres of existing legacy development (which occurs primarily in urbanized areas) is needed in order to meet the one percent coverage limitation. Retirement of Class 1b coverage has been occurring as part of SEZ restoration projects (see below discussion of the SEZ Restoration standard) and, as described above, the Regional Plan includes additional and improved incentives and opportunities specifically designed to remove existing development and retire coverage from SEZs. Specifically, accelerated incremental progress will be made in reducing Class 1b coverage through, among other mechanisms, incentivized transfers and acquisitions using excess coverage mitigation fees (i.e., voluntary programs). Progress will be slow and will likely take longer than the six-decade effort necessary to achieve the water clarity standards – i.e., the principal purpose of the Impervious Coverage threshold. If sufficient incremental progress to achieve this threshold over a reasonable term is not evident in future assessments of threshold progress, TRPA may further adjust incentives. Short of otherwise infeasible compelled acquisitions (i.e., condemnations), TRPA sees no practical mechanism of short-term achievement of the Class 1b standard.

At this time, a conservative interpretation suggests Class 2 land may be over-covered by approximately 43 acres. Recent additional soft coverage analysis, which shows additional impervious coverage in Class 2 is however preliminary and requires further refinement and verification. Therefore, while TRPA conservatively identified Class 2 as out of attainment based on the best currently available information, the analysis may shift again to show Class 2 is in attainment with the Impervious Cover Threshold Standard. Regardless, implementation of the programs and policies listed above will gradually reduce coverage in Class 2 so that it should be in attainment within several decades. As with Class 1b, TRPA will monitor and make adjustments if necessary to increase the anticipated rate of coverage reductions in Class 2. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the impervious cover Threshold Standard for land capability Classes 1b and 2.

b. SEZ Restoration

As set forth in Chapter 5 of the 2011 Threshold Evaluation, restoration of an additional 554 acres of disturbed SEZ is needed to achieve the SEZ Restoration standard. The most significant progress in SEZ restoration occurs through the EIP Watershed Management Program and is primarily a function of the rate of available funding for EIP project implementation. Significant progress has been made over the last decades accounting for a positive threshold progress trend. With new RPU amendments, the Regional Plan now includes additional incentives for SEZ restoration including specific Stream Restoration Plan Areas and permitting transfers of soft land coverage out of SEZs. With these new incentives, the trend of positive progress toward achieving the SEZ restoration targets will continue and will likely accelerate. TRPA estimates that with the existing and new policies, programs, strategies and measures, the SEZ Restoration Threshold Standard will be achieved by 2043. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the SEZ Restoration Threshold Standard.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted soil conservation Threshold Standards.

D. SCENIC RESOURCES

1. STATUS AND TREND

The Tahoe Region attracts visitors because of its stunning scenic resources. Under TRPA's scenic quality program, the Agency measures and monitors a total of 860 scenic units and assesses Threshold Standards in 5 separate roadway, shoreline, and recreation site categories. The Tahoe Region has made scenic gains or held steady on all scenic measures over the last five years with no negative trends documented in any indicator categories. Overall, 93 percent (802 of 860) of the evaluated scenic resource units met minimum Threshold Standards. Developed areas along

roadways and scenic resources along the Lake's shoreline continue to be areas of concern where additional scenic improvements are needed. A summary of the various scenic resources follows:

- 61 percent or 33 of the 54 Scenic *Highway* Corridors were determined to meet unit-specific Threshold Standards.
- Approximately 64 percent of *Shoreline* Scenic Corridors were determined to meet the Threshold Standard.
- Nearly all of the *Roadway* Scenic Resources—99 percent—met Threshold Standards, and 92 percent met *Shoreline* Scenic Resources Threshold Standards.
- Nearly all—96 percent—of *Recreation and Bike Trail* scenic resources met minimum Threshold Standards.

Trend data collected from 2006 through 2011 suggest that programs such as the EIP and management actions implemented such as adoption of the scenic shoreland ordinances along with building design standards in new construction and redevelopment have improved scenic conditions and community character Region-wide. More detailed information on the status and trend of the Scenic threshold can be found in Chapter 9 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan & TRPA Code

Existing Elements include a series of policies to preserve identified public and private views.

- All proposed development must examine impacts to the views from roadways, bike paths, public recreation areas, and Lake Tahoe.
- Code Chapter 66 Scenic Quality Findings requires that no project shall decrease the numerical rating of identified resources.
- Shoreland Review System requires scenic improvements as a condition of project approval in shoreland scenic units.
- The Scenic Quality Improvement Program (SQIP) and EIP identify units designated for scenic restoration and enhancement and provide implementation strategies to meet and maintain thresholds.
- Design Standards and Guidelines ensure that development is consistent with community design, character and scenic thresholds.
- Community Design Element policies are designed to enhance the built environment.
- Region-wide maximum height standards are specified in Code Section 37.4.1
- Maximum density standards for different use types are specified in Code Section 31.3.2.

b. Regional Plan Update Amendments

- Incentives for redevelopment are targeted to Centers where existing built environment is contributing most significantly to non-attainment status.
- Incentives for development transfers will remove older development and restore natural landscapes in sending areas.
- Creation of newly designated high priority Stream Environment Zone Restoration Plan Areas, with provisions for added incentives for redevelopment, including scenic improvements.

- Additional scenic findings required in Regional and Town Centers.
- Additional visual prominence findings required in HDTD
- Area Plan requirements added to improve community design and scenic quality.

3. THRESHOLD DETERMINATION

The vast majority of scenic units and resources are in attainment with scenic threshold standards (93% or 802 of 860 units), and the trend is positive for the remaining non-attainment units. The programs and policies noted above when taken together prohibit scenic degradation, and therefore, at a minimum, will continue to achieve and maintain the scenic quality of units in attainment. The 21 roadway segments not yet in attainment correspond closely with areas where development remains largely unchanged from the pre-1980 Regional Plan era, and accelerating the positive trend toward attainment for these units is the focus of Regional Plan Update amendments.

a. Roadway Travel Units

The significant number of roadway travel units out of attainment correspond with commercial development centers that have not been extensively redeveloped. Where redevelopment has occurred, scenic quality has improved and unit scores move upward, often enough to achieve the assigned threshold value. The updated Regional Plan focuses incentives and improved planning and implementation strategies in these centers specifically to promote redevelopment and associated scenic improvements needed to achieve scenic Threshold Standards. These roadway units will be redeveloped over time and result in an increase in scenic unit scores necessary to achieve scenic threshold targets. The few roadway travel units not in attainment and outside of commercial centers are targeted by the SQIP and EIP projects for scenic enhancement. Implementation of these programs and associated projects will lead to the attainment of scenic threshold values for these units. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Threshold Standards for roadway travel units not in attainment and to continue to maintain compliance once achieved.

b. Shoreline Travel Units

As with roadway units, those shoreline travel units out of attainment score low because of the presence of built structures or needed scenic quality upgrades. In response to shoreline travel unit non-attainment, TRPA adopted the Shoreland Ordinances in 2002 in order to reverse the negative threshold trend for shoreline travel units and achieve shoreline travel unit threshold ratings. The regulatory program passed judicial challenge (see *Committee for Reasonable Regulation of Lake Tahoe v. TRPA*, 311 F.Supp.2d 972 (D. Nev. 2004)), and has resulted in the continuing documented increase in shoreline unit scores. TRPA also implemented additional shorezone scenic protection programs under the 2008 Shorezone Ordinance Amendments and Program. Although a reviewing court invalidated the updated 2008 Shorezone Program on other grounds, the litigation affirmed the scenic portion of the 2008 regulations. TRPA has therefore incorporated the 2008 shorezone scenic protection elements into its project review system; and with the redevelopment of shoreline structures, scores will improve in these units.

Therefore, a sufficient regulatory program is in place to gradually attain and maintain the shoreline travel unit threshold indicators. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the scenic Threshold Standards for shoreline travel units and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted scenic resources Threshold Standards.

E. NOISE

1. STATUS AND TREND

Noise, by definition, is “unwanted sound,” and is therefore a subjective reaction to acoustical energy or sound levels. Due to the rural nature of the communities and the pristine natural areas in the Lake Tahoe Basin, sound levels that would go unnoticed in a highly urban or industrial environment outside the Tahoe Region may be considered noise, and have the potential to negatively impact human health, community ambiance, recreational experience, and wildlife behavior.

Based on data from previous research, primary drivers of noise levels in the Region have been attributed to anthropogenic activities and actions; however, sound from natural sources has the potential to trigger exceedences of noise threshold standard limits. Noise levels from transportation corridors and the airport have been identified as the main sources of noise exceeding threshold standards. These Noise Threshold Standards are characterized as numerical standards for either single or cumulative noise events.

Single and Cumulative Noise Events indicators appear to be somewhat worse than threshold targets, although data gaps and questions raised in the peer review make these conclusions uncertain. Independent scientific peer review called into question the zero exceedance standard for determining whether a noise threshold has been achieved in view of high activity levels with very low exceedance rates. Trends for each noise indicator ranged from “moderate decline” to “rapid improvement,” but overall the 2011 Threshold Evaluation determined that “little or no change” has occurred in cumulative noise levels. More detailed information on the status and trend of the Noise threshold can be found in Chapter 10 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

- a. Existing Regional Plan and TRPA Code
 - Single event noise standards apply to aircraft, boats, motor vehicles, off-road vehicles, and snowmobiles.

- Community Noise Equivalent Levels (CNEL) are evaluated and enforced on a project-by-project basis as permit conditions and include assessment of both the noise generated by the project as well as ambient noise.
- Performance Standards for project review include design criteria to reduce noise transmission.
- Compliance, inspection, and monitoring procedures are established to ensure noise thresholds are attained and maintained.

b. Regional Plan Update Amendments

- Concentrated land use patterns and non-motorized transportation facilities are projected to reduce VMT compared to the no-action alternative and minimize roadway noise.
- Mitigation measures are added to prevent exceeding existing noise Threshold Standards.
- Develop and implement a Region-wide traffic noise reduction program.
- Develop and implement a Region-wide policy on construction noise.
- Existing or updated Airport Master Plan governs Airport noise.
- Develop and implement an exterior noise standard for Mixed-Use development.

3. THRESHOLD DETERMINATION

a. Single Noise Event Level (“SNEL”)

TRPA maintains 14 different standards for single event noise events for aircraft (arrivals and departures), watercraft (shoreline, pass-by, and stationary), motor vehicles (2 weight categories and 2 speed levels), motorcycles (2 speed categories), off-road vehicles (2 speed categories) and snowmobiles. In general, the SNEL standards for motor vehicles, motorcycles, off-road vehicles, and snowmobiles are those adopted by state and local jurisdictions, and the manufactures’ muffling equipment is generally relied upon to meet applicable regulatory requirements. Monitoring reported in the 2006 Threshold Evaluation indicated that 94 to 99 percent of motor vehicles met SNEL threshold standards and TRPA is aware of no evidence of changed conditions.

For watercraft, extensive monitoring over the last several years suggests that nearly all (as much as 99.99 percent) of boat trips do not exceed shoreline noise standards. Occasional watercraft-caused noise exceedances occur during the boating season at certain locations (an average of 1 exceedance per week for 2009-2011). Continuation of enforcement of the existing rules for watercraft (e.g., the 600 foot no wake zone, prohibition of exhaust by-pass devices, etc.) will maintain the high level of watercraft noise threshold attainment and inform enforcement strategies to target any problem areas to achieve and maintain current exceedingly high or even higher compliance rates.

The Aircraft SNEL was developed with reference to the South Lake Tahoe Airport. For the last decade, the airport has operated for general aviation only without regional commercial jet service. Monitoring from 2008 to 2010 indicates an occasional aircraft noise exceedance (averaging 1 every 12.8 days). During the same time, ongoing monitoring of incoming and

outgoing aircraft flights (helicopter and fixed-wing totaling approximately 60 per day) occurring at the airport shows approximately 99 percent of monitored flights complying with TRPA's aircraft SNEL. The relatively small number of exceedances (an average of 1 out of every 154.1 flights) occurred primarily around two annual events: the Edgewood celebrity golf tournament and the special event air show. Both special events are of limited duration and contribute significantly to other community goals and plans. TRPA regularly coordinates with the City of South Lake Tahoe to address SNEL reduction strategies in an effort to address the very small remaining percentage (1 percent) of SNEL noise exceedance. It is therefore determined that policies, strategies, programs, and measures are in place to achieve and maintain the SNEL Threshold Standards.

b. Cumulative Noise Event Level ("CNEL")

The adopted CNEL thresholds relate to nine land use classifications with standards ranging from 45 to 65 dBA (average noise level). The Hotel/Motel, Commercial, Industrial and Wilderness and Roadless categories are in attainment with applicable CNEL threshold standards. The programs and policies listed above will maintain and improve those conditions. The requirement that no project may exceed these CNEL standards is assessed and applied at the time of project review through permit conditions and further measures have been added through the Regional Plan Update with the addition of the Traffic Noise Reduction program as a required mitigation measure. Low and High Density Residential categories have fluctuated at, above, and very near attainment of the 50 dBA CNEL noise threshold standard over the last several decades. The annual mean noise level for High Density Residential and Urban Outdoor Recreation has been under and therefore in attainment with the 55 dBA standard for every reporting period (HDR = 52 dBA in 2011; UOR = 50 dBA in 2011). Some individual data points have exceeded the standard as reported in the 2011 Threshold Evaluation and TRPA has conservatively identified these indicators as out of attainment. Trends in CNEL noise attainment have remained stable over time because new projects are prohibited from triggering CNEL increases. Continued improvement and achievement of CNEL standards in all categories is expected based on TRPA design criteria to reduce noise transmission and implementation of the Traffic Noise Reduction program.

The CNEL for Critical Wildlife Habitat (i.e., habitat for sensitive wildlife species) is 45 dBA. The 2011 Threshold Evaluation reported results from monitoring two bird nesting sites on the west shore of Lake Tahoe (a bald eagle site at the mouth of Emerald Bay and an Osprey site at Rubicon Point). Because these sites reported CNEL measured above 45 dBA standard at each site, causing TRPA to report the Critical Wildlife Habitat CNEL as out of attainment. The reported result is conservative and "worst-case" for Critical Wildlife Habitat as the proliferation of other wildlife habitat occurs in wilderness areas that are in attainment with the 45 dBA standard. Despite the conservative conclusion of non-attainment, the adverse effect on the resource value at these sites is not apparent as both have been historically occupied and both species are in attainment with the related wildlife threshold indicators (i.e., the primary reason for the wildlife CNEL indicator). TRPA is coordinating enforcement of existing regulations with responsible jurisdictions (including targeted "no-wake zone" enforcement around these two sites) to reduce CNEL measures to within adopted standards. TRPA will monitor the two sites, assuming adequate resources, and will propose additional

compliance measures if necessary. It is therefore determined that policies, strategies, programs, and measures are in place to achieve the Critical Wildlife Habitat CNEL standard and to maintain compliance once achieved.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted noise Threshold Standards.

F. WILDLIFE

1. STATUS AND TREND

The Region is currently meeting most of the adopted Threshold Standards for wildlife. Several of the Wildlife Category Threshold Standards are imprecisely stated making them difficult to interpret. This fact, more than any human activity, accounts for conclusions that the standards have not been met. TRPA and partner agencies have set aside 50 percent of the Tahoe Basin landscape for protection of listed special status species. Trends in special interest species indicators are either stable or increasing. Current regulations cover all activities that have the potential to impact listed special interest species as well as riparian habitats known to support the greatest diversity of wildlife species in the Region. The EIP is making substantial progress in restoring and enhancing stream habitats, including reinvigorating relatively uncommon aspen habitat. More detailed information on the status and trend of Wildlife threshold can be found in Chapter 8 of the 2011 Threshold Evaluation. Several species listed by TRPA are also protected under federal law. For example, bald and golden eagles are protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and the Lacey Act.

2. PLANNING RESPONSE

- Revisions to the Goshawk disturbance free zone will provide increased protection for nests (Goshawk).
- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of riparian areas and other sensitive areas that serve as wildlife habitat (Wildlife Habitats of Special Significance).
- Area Plan standards for Centers require strategies for protection undisturbed sensitive lands and, where feasible, establish park and open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside Centers.
- Regional Plan, Code of Ordinances, Chapter 61 provisions for the protection and enhancement of riparian vegetation and the appropriate management of common vegetation provide protection for a wide variety of wildlife populations.
- Regional Plan, Code of Ordinances, Chapter 62 provisions for the protection and enhancement of special status species and habitats for common wildlife species.

3. THRESHOLD DETERMINATION

a. Osprey, Nesting Bald Eagle, Peregrine Falcon, Disturbance (Free) Zones, Habitats of Special Significance

Indicators for Osprey, Nesting Bald Eagle Habitat, Peregrine Falcon, Disturbance (Free) Zones Management Standard, and Habitats of Special Significance are all in attainment with their respective Threshold numerical standards with trends either improving or stable. For Wintering Bald Eagle, the standard is listed to maintain two mapped population sites. These sites have been maintained as suitable habitat for the wintering bald eagle population and bald eagle surveys conducted in January each year indicate that the wintering population is stable in the Region. The historic survey record for wintering bald eagle indicates a slight increasing relative abundance trend. Because existing protections in the Regional Plan and Code will continue to protect these species and habitats, TRPA anticipates that their present status will be maintained or improved.

b. Golden Eagle

Limited Golden Eagle surveys reveal the presence of one nest over the last several years, short of the standard of four population sites. As a result of the restricted geographical surveys for the species, TRPA lacks a sufficient confidence to determine the current attainment status, although the historic record indicates consistently low Golden Eagle numbers and national trends indicate decreasing species numbers. Nevertheless, TRPA has mapped and maintains habitat for four Golden Eagle territories, consistent with the adopted standard to provide this species the opportunity to establish in the Region.

c. Water Fowl Populations

TRPA has mapped and designated 18 specific sites as “threshold” population sites for Waterfowl of the more than 300 small lakes and waterbodies in the Tahoe Basin that also serve as suitable waterfowl habitat and are protected by existing land use regulations that prohibit or significantly restrict disruptive land use activities in riparian and wetland areas commonly used by waterfowl. Of these 18 designated threshold sites, 13 sites have scores indicating relatively undisturbed conditions, with a further five sites demonstrating higher levels of human-caused disturbance that may reduce the value of these sites for supporting different waterfowl species and life history stages – such as nesting. One of these later sites, Edgewood Golf Course will be undergoing a major restoration project in the near future. The presence of the remaining impaired sites indicate that the threshold is not currently in attainment but the recent Blackwood Creek restoration project, restoration along the Upper Truckee River and planned at the river’s mouth, the Edgewood Golf Course project and all other stream and meadow restoration efforts completed and planned through the EIP provide an indication that habitat suitability for waterfowl is improving in the Region. Finally, in addition to the 18 mapped sites, multiple other sites in the Tahoe Basin provide quality habitat and sustain waterfowl populations, including Lake Tahoe, Frog Pond, Lily Lake, Rabe Meadow Pond, Marlette Lake, Cascade Lake, Round Lake, Hell Hole and the numerous other ponds and oxbow channels that adjoin regional streams.

d. Deer Populations

For Deer populations, no numeric threshold standard has been adopted as Resolution 82-11 Exhibit A states only that “mapped areas” is the disturbance (free) zone and identifies “meadows” as “influence zones.” These areas are protected by the Regional Plan from degradation from development. TRPA has been using deer counts as an indicator to evaluate population status for the Region. Over the last 10 years deer populations have steadily rebounded from earlier declines. TRPA anticipates that this trend will continue, in part as a result of TRPA’s regulatory protections. It is therefore determined that TRPA’s Regional Plan will likely result in the achievement and maintenance of the Deer indicator.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted wildlife Threshold Standards.

G. FISHERIES

1. STATUS AND TREND

The Region is meeting most of the Threshold Standards for fisheries. Measuring other indicators would better characterize fish habitat conditions for streams and lakes. Researchers at UC Davis, University of Nevada, and Desert Research Institute are nearing completion of a first phase of synthesis research needed to update monitoring procedures and better measure the condition of nearshore lake habitats. This research is anticipated to result in the integration of chemical, biological and physical indicators for the nearshore such that conditions of water quality, fisheries and aesthetic qualities can be more comprehensively reported. TRPA, in partnership with California and Nevada agencies, has already begun to make stream habitat monitoring program improvements by implementing state-endorsed stream bioassessment throughout the Tahoe Region. The US Forest Service, in partnership with the California Department of Fish and Game, has successfully established a self-sustaining population of Lahontan cutthroat trout in the Upper Truckee Watershed. The US Fish and Wildlife Service, through the EIP, has been stocking Lahontan cutthroat trout into Fallen Leaf Lake for the past five years to test the feasibility of re-establishing populations back into regional lakes. More detailed information on the status and trend of Fisheries threshold can be found in Chapter 7 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act: The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) are charged with oversight of species designated as threatened or endangered under the federal Endangered Species Act of 1973
- Executive Order 11990, Protection of Wetlands

- Executive Order 13112, National Invasive Species Management Plan
- Clean Water Act Section 401 and 404
- Porter-Cologne Water Quality Control Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- Nevada Natural Heritage Program
- Nevada Revised Statutes, Title 45

b. Existing Regional Plan Goals and Policies

- Improve aquatic habitat essential for the growth, reproduction and perpetuation of existing and threatened fish resources in the Lake Tahoe Basin.
- Development proposals affecting streams, lakes, and adjacent lands will evaluate impacts on the fishery.
- Unnatural blockages and other impediments to fish movement will be prohibited and removed wherever appropriate.
- Habitat improvement projects in streams and lakes will be encouraged.
- Instream flows will be maintained or enhanced.
- State and federal efforts to reintroduce Lahontan cutthroat trout will be supported.

The EIP outlines a number of priority SEZ restoration projects and includes, but is not limited to, the following:

- Upper Truckee River Marsh
- Upper Truckee River Airport Reach
- Upper Truckee River Meadow Reach
- Upper Truckee River Sunset Reach
- Upper Truckee River Golf Course Reach
- Blackwood Creek
- Ward Creek
- Meeks Creek
- SEZs within Taylor, Tallac and Spring Creek watersheds
- Burke Creek
- Edgewood Creek
- Incline Creek
- North Canyon Creek
- Third Creek

c. Existing Code

- Chapter 63, Fish Resources, of the Code includes provisions for the protection of fish habitat, enhancement of degraded habitat, and prevention of the introduction and spread of aquatic invasive species. For instream habitats, protection provisions include prohibiting stream channel alterations, facilitating fish movement at stream crossings, removing barriers to fish movement, mitigating impacts on fish habitat from development,

maintaining instream flows, preventing sediment entry into the stream system, and encouraging native vegetative cover.

- Code Section 63.4, Aquatic Invasive Species, states that Aquatic Invasive Species pose a serious threat to the waters of the Lake Tahoe Region and can have a disastrous impact to the ecology and economy of the Tahoe Region.
- d. Regional Plan Update
- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones that serve as fish habitat.

3. THRESHOLD DETERMINATION

a. Lake Habitat

The threshold indicators for Lake Habitat are in attainment with both the non-degradation management standard and numerical standards. TRPA's nondegradation and enhancement regulatory requirements will maintain the attainment status of in-lake fishery habitat.

b. Stream Habitat

The threshold standards for Stream Habitat consist of the number of "excellent, good and poor" miles of fish stream habitat. The adopted Threshold Standard for the stream habitat is to achieve 'good to excellent' conditions on at least 82.5 percent (or 180 miles of 218 stream miles) of stream miles in the Basin. In order to replace the old methodology used to establish this ranking (which no longer exists), TRPA created a scientifically repeatable assessment of benthic macroinvertebrates as a measure of habitat quality. TRPA then conducted a basinwide assessment of stream conditions. Preliminary analysis conducted by Humboldt State University from stream bioassessment data collected in 2009 and 2010 indicate that greater than 80 percent of sites sampled exhibited a biological condition of 'good' or 'excellent', or 97.5 percent of the threshold standard. Through implementation of programs, policies and projects identified above, TRPA anticipates that the existing good and excellent habitat will be maintained and at least an additional 4.5 miles (the remaining 2.5 percent) of poor or degraded instream habitat will be elevated to good or excellent condition as a result of ongoing and planned streamzone restoration and enhancement projects.

c. Instream Flows

The threshold management standard and policy statements for Instream Flows (nondegradation of flows and a policy statement regarding moving points of diversion downstream to Lake Tahoe) are implemented and in attainment as TRPA has adopted the necessary policies and regulations for their implementation.

d. Lahontan Cutthroat Trout (LCT)

The LCT policy statement has been implemented (adopted policy supporting where appropriate LCT reintroduction) and determined to be in attainment. Moreover, TRPA has supported efforts to reestablish additional LCT populations in the Upper Truckee River, Lake Tahoe and Fallen Leaf Lake.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted fisheries Threshold Standards.

H. VEGETATION

1. STATUS AND TREND

The Region is currently meeting most of the adopted standards from uncommon plant communities (e.g., Upper Truckee River, Taylor Creek, and Pope Marsh; Grass Lake and Hell Hole sphagnum fen) and sensitive plants (e.g., Tahoe yellow cress, Tahoe and Cup Lake Draba). However, the Region is short of attaining some standards for common vegetation (e.g., riparian vegetation) and younger age class forests (e.g., seral stage Red and Yellow Fir). Not meeting standards for Old Growth and Common Vegetation is primarily attributed to legacy land uses. Comstock era logging and the subsequent fire suppression policies have resulted in a forest that is overstocked with similarly aged conifer trees and has promoted the encroachment of conifer vegetation into riparian areas. Recent funding has facilitated the treatment of more than 45,000 acres of overly stocked conifer forests and over time is expected to result in a more resilient and healthy forest consistent with the goals of the Vegetation Preservation Threshold Standards. The implementation of the Tahoe Yellow Cress Conservation Strategy has proven to be successful in stabilizing the population of this endemic and threatened species. One area of concern includes preliminary results from research on the deep water plant communities. This research indicated the abundance of the community has substantially declined since last surveyed in the early 1960s; however, more research is needed to fully understand deep-water plants. More detailed information on the status and trend of the Vegetation threshold can be found in Chapter 6 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. External Factors

- Federal Endangered Species Act
- California Endangered Species Act
- California Fish and Game Code Section 1602—Streambed Alteration
- U.S. Forest Service, Lake Tahoe Basin Management Unit Forest Plan
- California Native Plant Protection Act
- Nevada Natural Heritage Program

- Nevada Administrative Code 527.010 and Nevada Revised Statutes 527.260, NRS 527.270, and NRS 527.300
- b. Existing Regional Plan
- Provide for a wide mix and increased diversity of plant communities;
 - Provide for maintenance and restoration of such unique ecosystems as wetlands, meadows, and other riparian vegetation;
 - Conserve threatened, endangered, and sensitive plant species and uncommon plant communities;
 - Provide for and increase the amount of late seral/old-growth stands; and
 - Retain appropriate stocking level and distribution of snags and coarse woody debris in the region's forests to provide habitat for organisms that depend on such features and to perpetuate natural ecological processes.
 - Protection of native shorezone vegetation.
- c. Existing Code
- TRPA regulates the management of forest resources in the Tahoe Basin to achieve and maintain the threshold standards for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitats for diverse wildlife species. Tree removal is subject to review and approval by TRPA (TRPA 2012). Provisions for tree removal are provided in the following chapters and sections of the Code: Chapter 61, Vegetation and Forest Health, Section 61.1, Tree Removal, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, and Section 61.4, Revegetation; Chapter 36, Design Standards; and Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
 - With limited exceptions, Code Section 61.1.4, Old Growth Enhancement and Protection, prohibits the removal of trees greater than 24 and 30 inches dbh.
 - Trees and vegetation not scheduled to be removed must be protected during construction in accordance with Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
 - If a project would result in substantial tree removal (as defined by Code Section 61.1.8), a tree removal or harvest plan must be prepared by a qualified forester. The required elements of this plan, and TRPA's review process for tree removal plans, are described in Chapter 61, Section 61.1.5 of the Code.
 - Code Chapter 62 also provides quantitative requirements for retention and protection of snags and coarse woody debris by forest type, in terms of size, density, and decay class.
 - Code Chapter 61, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, establishes standards for preserving and managing sensitive plants and uncommon plant communities.
 - The Code requires the protection and maintenance of all native vegetation types. Chapter 61, Vegetation and Forest Health, Section 61.3, Vegetation Protection and Management, provides for the protection of SEZ vegetation, other common vegetation, uncommon vegetation, and sensitive plants in SEZs.

- Chapter 61, Section 61.4, Revegetation, specifies minimum criteria for revegetation programs.
- d. Regional Plan Update
- Plan responses described under Soil Conservation, including development transfer and redevelopment incentives, will promote accelerated restoration of stream environment zones and other sensitive areas with potential to support additional native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).
 - Policy changes that reduce risk of catastrophic wildfire will further protect native vegetation. (Common Vegetation, Late Seral and Old Growth Forest Ecosystems, Uncommon Plant Communities, Sensitive Plants).

3. THRESHOLD DETERMINATION

a. Common Vegetation

Indicators for Vegetation Community Richness, Relative Abundance of Shrubs Vegetation Type, Juxtaposition of Vegetation Community and Age Type, and Consistency with Bailey Land Capability System are in attainment and the policies and programs described above will maintain the status of these Common Vegetation indicators. The Relative Abundance of Meadows and Wetlands Vegetation indicator is measured in raw acres of these vegetation types (at least 4 percent of the landscape) and is 93 percent achieved (7,385 existing acres of 7,956 acre target) leaving 570 acres left to be in full attainment. Since 1987, approximately 28 acres of meadows and wetlands have been reclaimed (as opposed to restored). Such incremental progress can be expected to continue and the increased SEZ transfer RPU policies are expected to accelerate this rate. In order to truly expedite attainment of this indicator, however, substantial existing development must be removed. The same conclusion is reached for the Relative Abundance of Deciduous Riparian Vegetation Type. While the nondegradation management standard has been implemented, the 4 percent landscape goal requires the presence of 7,956 acres of this vegetation type. As of 2011, only 1.4 percent (2,808 acres) of this vegetation type exists or approximately 35 percent of indicator target. TRPA anticipates protection of existing communities and incremental additions of SEZ restoration acres over but the creation of 5,000 acres of additional riparian vegetation is not achievable absent removal of substantial existing development. The indicators for Yellow Pine and Red Fir require that 15 to 25 percent of these forest types be maintained in seral stages other than “mature” in order to promote successional growth patterns. Current forest conditions indicate that immature Yellow Pine constitutes 3.6 percent of seral types and immature Red Fir comprise 10.9 percent of its seral stages. Because the primary driver for creation of small diameter immature trees is natural disturbances (such as wildfire, avalanche or wind throw) Regional Plan policies have little ability to substantially affect the rate or eventual attainment of this threshold indicator. These threshold indicators will be achieved over time as a result of these natural processes as long as forest managers maintain and enhance policies that promote the creation of tree stands containing the appropriate mix of Yellow Pine and Red Fir seral stages.

b. Late Seral and Old Growth Forest Ecosystems

This threshold category is divided into three indicators: Montaine (<7,000 feet), Upper Montaine (7,000 to 8,500 feet) and Subalpine Zones (>8,500 feet) and for each zone a percentage of forested lands therein should be old growth forest. The Tahoe Basin is presently 78 to 83 percent below the targeted indicator acreages. While TRPA has adopted policies and ordinances designed to promote and protect old growth forests, it is anticipated that attainment of these indicators will take at approximately 75 years based upon growth characteristics of confers in the Lake Tahoe Basin. Concerns exists that the Subalpine Zone indicator may not be achievable because natural conditions would not support the amount of old growth trees as measured by diameter at breast height.

c. Uncommon Plant Communities

This threshold category consist of non-degradation standards for site-specific uncommon plant communities. The Taylor Creek Marsh, Hell Hole, Grass Lake, and Freel Peak communities are in attainment with their respective standards and Regional Plan and other applicable regulations listed above will maintain their status. The Upper Truckee Marsh community has been determined to be out of attainment given historic degradation and urban setting. However, CTC's current management of the Marsh (e.g., leashing of dogs) and its planned restoration of 500 acres indicates that this community will achieve the qualities necessary to be considered in attainment in the foreseeable future. The Pope Marsh Community (on LTBMU property) has been slightly degraded as a result of recreational uses, invasive species and nearby groundwater pumping. TRPA lacks the authority to directly control these factors thus the Regional Plan has little influence on promoting attainment of the non-degradation standard for this site. The 2011 Threshold Evaluation concludes that the Osgood Swamp community has likely declined (i.e., not in attainment) because of beaver activity affecting the site natural hydrology (anthropogenic impacts are adequately controlled by existing regulations). Ongoing monitoring efforts will likely confirm the impact of beaver activity and guide future USFS management actions to insure protection of the swamp.

d. Sensitive Plants

Indicators for Tahoe Yellow Cress, Tahoe Draba, Long-petaled Lewisia, and Cup Lake Draba are in attainment with the assigned number of population sites (numerical standards) and current regulations protect and will maintain them. The Galena Rockcress poses taxonomic problems with its closely related (perhaps indistinguishable) and more common Pioneer rockcress. Monitoring confirms populations at five sites with nine sites unknown of the identified 14 sites. Additional monitoring and plant identification will be necessary to determine the exact status of this species, both as an identifiable species and potential population sites.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record

when taken together and considered collectively achieve and maintain the adopted vegetation Threshold Standards.

I. RECREATION

1. STATUS AND TREND

Both adopted Recreation Policy Statements have been implemented as elements of the Regional Plan and are in attainment. User surveys completed during the most recent evaluation period confirmed that the Region continues to provide for a high-quality recreation experience. Public agency land acquisition programs and the EIP have contributed to visitors' and residents' satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing and created new recreation facilities, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Recreation capacity within the Region continues to be fairly distributed with 1,440 Person's At One Time (PAOTs) allocations assigned by TRPA during this evaluation period. More detailed information on the status and trend of Recreation threshold can be found in Chapter 11 of the 2011 Threshold Evaluation.

2. PLANNING RESPONSE

a. Existing Regional Plan

Existing Elements include a series of policies that encourage recreation opportunities and protection of natural resources. TRPA partners have made substantial progress in upgrading recreational facilities through the Environmental Improvement Program resulting in multiple threshold improvements scenic and community design.

- Recreation areas are appropriately regulated to prevent unacceptable disturbance of habitat and wildlife.
- Encourage expansion of trail systems and linkage with major regional or interstate trails.
- Promote relocation of existing trails outside of environmentally sensitive areas.
- Limit off-road vehicle use to designated areas where impacts can be mitigated.
- Management of undeveloped forest for dispersed recreation.
- Recognize conflicts between different recreation types and encourage separate use areas.
- Limit shorezone structure location to minimize impacts to boating and fishing.
- Requirement to additional developed outdoor recreation with growth to be managed using persons at one time (PAOT) system.
- Promote bike trail expansion connection to transit systems.
- Encourage public boat launch locations where appropriate.
- Recognize land capability in determination of suitable recreation areas.
- Encourage day-use facilities near established urban areas.
- Allow for ski area expansions.

b. Regional Plan Update Elements

- Coverage exemptions for trails on Map 5.
- Expands Recreation District to include Van Sickle State Park.
- Easement dedication for Bicycle and Pedestrian Facilities
- Promotes water born transit
- Intermodal transportation
- Transit more efficient
- Require plans for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers.

3. THRESHOLD DETERMINATION

As noted above, both the Quality of Recreation Experience and Access to Recreational Opportunities threshold policy statement have been achieved. The programs, policies and projects listed above will not only maintain the recreational experience and opportunities for the public but the new policies contained in the RPU will increase and enhance the public's enjoyment of undeveloped shorezone and other natural areas.

All of the supplemental plans, programs, regulatory measures and strategies; provisions of the existing Regional Plan and Code; and amendments in the Regional Plan Update Goals and Policies and Code summarized above and otherwise specified in the administrative record when taken together and considered collectively achieve and maintain the adopted recreation Threshold Standards.

V. CONCLUSION

Based on the foregoing, the Regional Plan, as amended, and as implemented by the Code of Ordinances, as amended, achieves and maintains the adopted thresholds.



Print Form

**INITIAL ENVIRONMENTAL CHECKLIST
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

I. Assessor's Parcel Number (APN)/Project Location N/A

Project Name Lake Tahoe Water Quality Management Plan County/City N/A

Brief Description of Project:

The Lake Tahoe Water Quality Management Plan (also known as the 208 Plan or WQMP) is a framework that refers to, and describes, the components of the water quality management system in the Lake Tahoe Region. In the 1970s, the states of California and Nevada, with approval of the U.S. Environmental Protection Agency, delegated responsibility to TRPA as a bi-state regional planning and regulatory agency to administer water quality management and improvement for the Lake Tahoe Region. Since that delegation more than 30 years ago, water quality administration has grown in complexity and programs have been added to make the system more comprehensive. Water quality is administered, managed, and implemented today in the Tahoe Region by a multitude of agencies at different levels of government under a wide array of statutory and regulatory authorities. All of these components are incorporated into the Water Quality Management Plan by reference. Each of the individual components has been approved and may be amended in accordance with the required processes associated with that component. As such, this initial environmental checklist incorporates the associated environmental documents that accompany any individual components referenced. Primarily, these include the Lake Tahoe Regional Plan Update Draft Environmental Impact Statement, California SCH# 2007092027; Nevada SCH# E2008-124, and the Lake Tahoe TMDL Substitute Environmental Document, California SCH# 2010072064.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

- a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

The 208 Plan does not prescribe any changes as part of the plan to compact or cover soils.

- Yes No
 No, With Mitigation Data Insufficient

- b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

The 208 Plan does not prescribe any changes to topography or ground surface relief features as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Unstable soil conditions during or after completion of the proposal?

The 208 Plan does not prescribe any changes to soil conditions as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

The 208 Plan does not prescribe any changes to undisturbed soil, native geologic substructures or grading in excess of 5 feet as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

The 208 Plan does not prescribe any changes as part of the plan that increase wind or water erosion of soils.

- Yes No
 No, With Mitigation Data Insufficient

- f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

The 208 Plan does not prescribe any changes to beach sand, rivers or streams as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

The 208 Plan does not prescribe any changes as part of the plan that expose people or property to geologic hazards.

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

- a. Substantial air pollutant emissions?

The 208 Plan does not prescribe any changes as part of the plan that result in substantial air pollution emissions.

- Yes No
 No, With Mitigation Data Insufficient

- b. Deterioration of ambient (existing) air quality?

The 208 Plan does not prescribe any changes as part of the plan that deteriorate air quality.

- Yes No
 No, With Mitigation Data Insufficient

- c. The creation of objectionable odors?

The 208 Plan does not prescribe any changes as part of the plan to create an objectionable odor.

- Yes No
 No, With Mitigation Data Insufficient

- d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

The 208 Plan does not prescribe any changes as part of the plan that alter air or climate.

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

The 208 Plan does not prescribe any changes to increase use of diesel fuel as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

The 208 Plan does not prescribe any changes to currents or water movements as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

The 208 Plan does not prescribe any changes as part of the plan that affects the 20 yr. 1 hr. storm runoff infiltration rate.

- Yes No
 No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-year flood waters?

The 208 Plan does not prescribe any changes to alter the 100-year floodwater course or flow as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

The 208 Plan does not prescribe any changes to surface waters as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

The 208 Plan does not prescribe any changes as part of the plan that discharge to or alter surface waters.

- Yes No
 No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

The 208 Plan does not prescribe any changes to groundwater as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

The 208 Plan does not prescribe any changes to to groundwater as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

The 208 Plan does not prescribe any changes to public water supplies as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

The 208 Plan does not prescribe any changes to expose people or property to water related hazards as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

The 208 Plan does not prescribe any changes to groundwater as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

k. Is the project located within 600 feet of a drining water source?

The 208 Plan does not prescribe any changes as part of the plan that locate projects within 600 feet of a drinking water source.

- Yes No
 No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

The 208 Plan does not prescribe any changes to native vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- h. A change in the natural functioning of an old growth ecosystem?

The 208 Plan does not prescribe any changes to vegetation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

The 208 Plan does not prescribe any changes to wildlife as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- b. Reduction of the number of any unique, rare or endangered species of animals?

The 208 Plan does not prescribe any changes to wildlife as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

The 208 Plan does not prescribe any changes to wildlife as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Deterioration of existing fish or wildlife habitat quantity or quality?

The 208 Plan does not prescribe any changes to wildlife as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

- a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

The 208 Plan does not prescribe any changes as part of the plan to increase CNELs.

- Yes No
 No, With Mitigation Data Insufficient

- b. Exposure of people to severe noise levels?

The 208 Plan does not prescribe any changes as part of the plan that expose people to noise.

- Yes No
 No, With Mitigation Data Insufficient

- c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

The 208 Plan does not prescribe any changes as part of the plan that affect noise levels.

- Yes No
 No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

- a. Include new or modified sources of exterior lighting?

The 208 Plan does not prescribe any changes to lighting as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

The 208 Plan does not prescribe any changes to lighting as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Cause light from exterior sources to be cast off -site or onto public lands?

The 208 Plan does not prescribe any changes to lighting as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

The 208 Plan does not prescribe any changes to lighting as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

The 208 Plan does not prescribe any changes to land use as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

The 208 Plan does not prescribe any changes to land use as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

The 208 Plan does not prescribe any changes to natural resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

The 208 Plan does not prescribe any changes to natural resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

The 208 Plan does not prescribe any changes as part of the plan to risk an explosion or release hazardous substances.

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

The 208 Plan does not prescribe any changes as part of the plan that interfere with an emergency evacuation plan.

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

The 208 Plan does not prescribe any changes to population as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

The 208 Plan does not prescribe any changes to population as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

The 208 Plan does not prescribe any changes to housing as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

The 208 Plan does not prescribe any changes to housing as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

The 208 Plan does not prescribe any changes to housing as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

The 208 Plan does not prescribe any changes to transportation/circulation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

The 208 Plan does not prescribe any changes to parking as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

The 208 Plan does not prescribe any changes to transportation/circulation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

The 208 Plan does not prescribe any changes to transportation/circulation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

The 208 Plan does not prescribe any changes to transportation/circulation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

The 208 Plan does not prescribe any changes to transportation/circulation as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

The 208 Plan does not prescribe any changes to public services as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

The 208 Plan does not prescribe any changes to energy resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

The 208 Plan does not prescribe any changes to energy resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

The 208 Plan does not prescribe any changes to utilities as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

The 208 Plan does not prescribe any changes as part of the plan to affect human health.

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

The 208 Plan does not prescribe any changes as part of the plan to affect human health.

- Yes No
 No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The 208 Plan does not prescribe any changes to scenic resources/community design as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

The 208 Plan does not prescribe any changes to scenic resources/community design as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

The 208 Plan does not prescribe any changes to scenic resources/community design as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

The 208 Plan does not prescribe any changes to scenic resources/community design as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

The 208 Plan does not prescribe any changes to scenic resources/community design as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

The 208 Plan does not prescribe any changes to recreation facilities as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

The 208 Plan does not prescribe any changes to recreation facilities as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

The 208 Plan does not prescribe any changes to recreation resources as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

The 208 Plan does not prescribe any changes to public access as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

The 208 Plan does not prescribe any changes to archaeological/historical resources as part of the plan.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

The 208 Plan does not prescribe any changes to cultural/archaeological/historical resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- c. Is the property associated with any historically significant events and/or sites or persons?

The 208 Plan does not prescribe any changes to cultural/archaeological/historical resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

The 208 Plan does not prescribe any changes to cultural/archaeological/historical resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

- e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

The 208 Plan does not prescribe any changes to cultural/archaeological/historical resources as part of the plan.

- Yes No
 No, With Mitigation Data Insufficient

21. Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

The 208 Plan does not prescribe any changes as part of the plan to significantly degrade the environment.

- Yes No
 No, With Mitigation Data Insufficient

- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

The 208 Plan does not prescribe any changes as part of the plan to disadvantage long-term environmental goals.

- Yes No
 No, With Mitigation Data Insufficient

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

The 208 Plan does not prescribe any changes as part of the plan to have a cumulatively significant impact.

- Yes No
 No, With Mitigation Data Insufficient

- d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

The 208 Plan does not prescribe any changes as part of the plan to have significant environmental impacts or substantial adverse effects on humans.

- Yes No
 No, With Mitigation Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: **(Original signature required.)**

_____ At _____ Date: _____
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

[Large empty rectangular box for Applicant Written Comments]

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

_____ Yes No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

_____ Yes No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

_____ Yes No



Signature of Evaluator

Date: 12/04/2012

Shay Navarro, Sr. Planner, Resource Integration Specialist
Title of Evaluator

EXHIBIT I

NOVEMBER 15, 2012 GOVERNING BOARD ACTION SHEET

NOVEMBER 15, 2012 GOVERNING BOARD ACTION SHEET

On November 15, 2012, the TRPA Governing Board endorsed modifications to the October 24, 2012 Final Draft Regional Plan. Endorsed modifications include:

1. By a unanimous (12-0) vote (Sher and McDermid absent), the Governing Board upheld the November 14, 2012 recommendation of the Regional Planning Update Committee to make certain modifications to the October 24, 2012 Final Draft Regional Plan and Code; and
2. By a 10-2 vote (Fortier and Robinson opposed; Sher and McDermid absent), the Governing Board endorsed three additional modifications to the October 24, 2012 Final Draft Regional Plan.

SECTION #1 - UPHELD RECOMMENDATIONS OF THE REGIONAL PLAN UPDATE COMMITTEE:

Modified Code Section 13.5.3.B.3.a

Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits ~~than~~ ~~to~~ certain site-specific BMPs ~~and must infiltrate the 20-year, one-hour storm~~. For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for unregistered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances)).

Modified Code Section 51.5.2.K.2

Provided the conditions in subparagraph 1 above are met, 80 percent of the tourist accommodation units on the receiving site may be up to 1,200 square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units ~~not to that~~ exceed 1,800 square feet, with kitchens.

New Regional Plan Sub-Policy LU-2.2.H

H. Division of land through air space condominiums in two resort recreation designated areas with the approval of a project associated with an approved transfer of development. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location or a greater rate of development than otherwise permitted by this plan. Subdivisions shall be limited to air space condominium divisions with no lot and block subdivisions allowed, development shall be transferred from outside the area designated as resort recreation, and transfers shall result in the retirement of development.

New Code Sub-Section 13.5.3.B.3.g

g. Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements that provide equal or greater water quality benefits than parcel level BMPs.

New Topic in Regional Plan Attachment 5, Preliminary List of Priority Projects

Consider additional financial assurances to fund site remediation if a project commences but is not completed in a specified time period.

New Topic in Regional Plan Attachment 5, Preliminary List of Priority Projects

Consider incentives for the transfer of development to areas outside of Centers that meet certain requirements, such as transit service, pedestrian facilities, and commercial businesses.

New Topic in Regional Plan Attachment 5, Preliminary List of Priority Projects

Consider incentives or other regulatory revisions that would promote redevelopment of areas along the Truckee River, which are outside of the Lake Tahoe Hydrographic Tahoe Basin.

SECTION #2 - ADDITIONAL GOVERNING BOARD ENDORSEMENTS

Modified Regional Plan Chapter II: Land Use Element Introduction (Page II-1)

Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a "land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of maximum population densities and permitted uses."....

Modified Regional Plan Preface – Statement of Principles #3b (Page V-2)

b. *Adopt and enforce a Regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities; and*

Modified Regional Plan Chapter I: Regional Plan Introduction (Page I-1)

The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, will achieve and maintain ~~provides for the achievement and maintenance of~~ the adopted

environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development.

EXHIBIT J

ADDITIONAL PUBLIC COMMENTS AND RESPONSES REGARDING THE FINAL DRAFT REGIONAL PLAN DOCUMENTS

ADDITIONAL PUBLIC COMMENTS AND RESPONSES REGARDING THE FINAL DRAFT REGIONAL PLAN DOCUMENTS

This exhibit summarizes and responds to substantive late comments that were submitted on the Final Draft Regional Plan documents. TRPA is not required to respond to comments submitted after the close of the public comment period on the Draft EIS, and many of the late comments reiterate comments that were submitted earlier and are responded to in more detail in the Final EIS and previous staff reports. For the benefit of the Governing Board and the public, TRPA staff has elected to provide written responses to address any remaining concerns. As described in the attached Staff Report, 120 comments have been received since the release of the Final Draft Regional Plan documents on October 24, 2012. This exhibit does not provide a systematic or detailed response to every comment received, nor does it address any of the 80 percent of the comments that were supportive of the Final Draft Regional Plan. This exhibit provides a summary and brief response to each substantive comment that expresses concern or that otherwise takes issue with the Final Draft Regional Plan documents. All written comments received since the release of the Final Draft Regional Plan documents are available on TRPA's website at: <http://www.trpa.org/default.aspx?tabindex=0&tabid=422>

Comments from Placer County's APC member, Jennifer Merchant submitted on November 14, 2012

- 1) **Comment Summary:** Oral comments made during the November 14, 2012 GB/APC meeting indicated that Ms. Merchant believed the response to comment A32-19 in the Final EIS was inconsistent with the analysis of coverage in Chapter 3.7 of the Draft EIS. Specifically the response to comment A32-19 states that "[t]he Draft EIS does not make any specific predictions about the amount of commercial or tourist accommodation units transferred or redeveloped. No analysis in the Draft EIS relies upon a specific amount of commercial or tourist accommodation units being transferred to offset other adverse impacts", yet Chapter 3.7 does contain analysis of coverage transfers for each alternative.

Response: The response to comment A32-19 in the Final EIS is accurate and consistent with the analysis presented in the Draft EIS. Chapter 3.7 of the Draft EIS quantifies estimated coverage changes from transfers based on coverage transfers needed to accommodate new units. Chapter 3.7 uses land use assumptions based on residential transfers. The EIS takes a conservative approach and does not explicitly model coverage reductions from transfers of CFA or TAU because limited information was available to support quantitative estimates of coverage changes from these transfers.

Comments from Friends of the West Shore (FOWS) submitted October 24, 2012

- 1) **Comment Summary:** The comment states the items on the “to-do” list (the preliminary list of priority projects included as Attachment 5 to the Final Draft Goals and Policies) requires environmental review.

Response: The “to do” list is a colloquial reference to Regional Plan Policy ME-3.6 and is included in the Final Draft Goals and Policies as Attachment 5. As specified in Policy ME-3.6, Attachment 5 identifies topics that should be considered by the Governing Board when setting future work priorities. These topics were identified as priorities by members of the Governing Board during the development of the RPU, but were not within the scope of the current RPU. None of the topics on Attachment 5 include specific proposals, and none are presently required to be addressed and may never be addressed in the future. The attachment is drafted to inform future optional and discretionary priority setting and work program development, but does not require the endorsement or implementation of any specific amendment. Adoption of the RPU would not authorize or require action on any topics on the list, and the Final Draft Plan is not dependent on implementation of items on Attachment 5. Because there is no current or future known proposal for either implementation or specific amendments associated with topics listed on Attachment 5, environmental analysis is not needed or possible. If and when specific proposals are developed, they would be subject to environmental review as required by Code Chapter 3. See also Final EIS response to comments A7-10, A19-4, and A32-1 for more information on this topic.

- 2) **Comment Summary:** The comment also states that the appeal process places an additional burden on the public to file separate lawsuits pursuant to CEQA and TRPA in order to overturn an approved project because the TRPA appeal decision timeline exceeds the 30-day CEQA statute of limitations.

Response: The appeal process timeline was developed through a bi-state consultation process involving numerous stakeholders. The timeframe for TRPA appeals was considered a reasonable amount of time that would allow for exhaustion of all administrative remedies prior to appeal to the TRPA Governing Board. Shortening the timeframe for appeals would not allow administrative remedies to be exhausted prior to an Appeal to the Governing Board, and TRPA lacks the authority to increase the CEQA statute of limitations for local approvals pursuant to state law. Furthermore, the situation described, the phasing of local jurisdiction and TRPA approvals more than 30 days apart, can and does occur now. As such, under the existing Regional Plan, plaintiffs must decide whether to challenge a project approval pursuant to CEQA or TRPA approvals, or to file separate suits against both CEQA and TRPA approvals.

- 3) **Comment Summary:** The comment raises concerns about “the potentially illegal delegation of permitting authority” and requests increased specificity regarding Area Plan findings of conformance.

Response: The Final Draft Plan and Code specify all Area Plan approval requirements and are consistent with applicable laws (see Final Draft Code Chapter 13). Provisions allowing for delegated TRPA permitting have been in place for decades through Memoranda of Understanding with other agencies, and local jurisdictions have years of experience implementing TRPA policies and regulations. Area Plan conformance review requires Board approval through a public process. Approval of an Area Plan is subject to TRPA environmental review and all findings required for a Plan Amendment, including findings that the Plan as amended will attain and maintain Thresholds.

- 4) **Comment Summary:** The comment also questions whether TRPA will disseminate additional guiding principles regarding Area Plan conformance, how TRPA will determine whether an Area Plan furthers attainment of Thresholds, how TRPA will determine whether to rescind delegated permitting authority, and whether TRPA can rescind permits issued by a local jurisdiction under an Area Plan.

Response: The Regional Plan and Code address conformance review requirements and will not be modified or augmented administratively. TRPA is actively working with staff of local jurisdictions to provide assistance in implementing the Area Plan conformance review procedures and requirements, and will continue to provide support in implementing the Code through collaboration and sharing of resources among agencies to implement the area planning process.

Conformance review will be completed in accordance with adopted policies and ordinances, including but not limited to Chapter 3, Environmental Documentation; Chapter 4, Required Findings; and Chapter 13, Area Plans.

Provisions describing the revocation of delegated permitting authority are described in Final Draft Code Section 13.8. Provisions regarding appeal and nullification of delegated project approvals are described in Final Draft Code Section 13.9.

Comments from Tahoe Area Sierra Club (TASC) on October 23, and November 13 and 15, 2012

- 1) **Comment Summary:** Comment letters submitted on 11/13 and 10/23 summarize and provide a list of previous comments submitted by the TASC.

Response: The previous comments submitted by TASC were all considered when they were first submitted and TASC proposed amendments to the Regional Plan have been incorporated into RPU alternatives (primarily Alternative 2). The January 2011 staff report summarizes these comments and how TRPA applied objective criteria to identify comments that could be incorporated into an RPU alternative. In January 2011, the Governing Board also voted to re-scope the RPU alternatives to focus on identified priorities. This re-scope applied objective criteria to all alternatives to include only proposed changes that address priorities identified by the Board.

- 2) **Comment Summary:** The comment letter submitted on 10/23 objects to threshold attainment strategies and suggests that the 2011 Threshold Evaluation should have been completed prior to the plan update process.

Response: The Regional Plan Update alternatives were developed to respond to environmental conditions documented in multiple Threshold Evaluations including the 2001 and 2006 Threshold Evaluations, as well as years of public input. The 2011 Threshold Evaluation was completed during development of the Regional Plan Update and informed the final alternatives. See also the response to comment 9 from TASC, below.

- 3) **Comment Summary:** The comment letter submitted on 10/23 also suggests that topics on Attachment 5 of the Final Draft Goals and Policies require environmental review, and objects to delegating permitting authority to local jurisdictions.

Response: These comments are addressed in response to comments 1 and 3 from FOWS, above.

- 4) **Comment Summary:** The comment letter submitted on 10/23 also objects to the content of the 2011 Threshold Evaluation Report.

Response: Exhibit C of the October 24, 2012 Staff Summary provides detailed responses to these comments.

- 5) **Comment Summary:** The comment letter submitted on 10/23 also recommends increased Threshold monitoring and development regulation.

Response: This comment is addressed in the RPU Committee Staff Report dated November 7, 2012, and was addressed by the Governing Board and RPU Committee on November 14 and 15, 2012.

- 6) **Comment Summary:** The comment letter submitted on 10/23 also objects to the update process for the 208 Water Quality Management Plan.

Response: The update of the 208 Water Quality Management Plan is a step required to make the 208 Plan consistent with the Regional Plan and federal regulations. The update of the 208 Plan does not incorporate any new substantive changes that are not already included in the Final Draft Regional Plan and the Lake Tahoe TMDL, each of which was developed through lengthy public processes and detailed environmental review.

- 7) **Comment Summary:** The comment letter submitted on 11/15 requests recirculation of the RPU EIS. The comment describes the Regional Plan Update as too long and complex for the public to follow and suggests that the process for refining Alternative 3 into a Final Draft Plan was difficult for the public to follow. The comment generally indicates that the review period was not long enough for the public to provide input on the proposed Plan and EIS.

Response: This comment is addressed in Master Response 2, Duration of Public Comment Period in the Final EIS. TRPA has conducted an extraordinary public participation process for the RPU spanning almost 10 years. The TASC has submitted nearly 400 pages of comments since the release of the Draft EIS (all of which have been responded to), TASC representatives have participated in almost every public meeting related to the RPU since the release of the Draft EIS and TASC representatives have spent many hours in meetings with TRPA staff and board members to address their concerns.

The revisions to Alternative 3 were developed in response to stakeholder comments and concerns, and were fully described in a public RPU Committee meeting in August 2012. Many members of the public, including TASC representatives, participated in this meeting. These revisions to Alternative 3 are clearly presented in the Final EIS (see Volume 1, Chapter 2, Revisions to Alternative 3: Final Draft Plan). These revisions were also fully described at the October 24, 2012 Governing Board meeting, which was well attended by members of the public, including TASC representatives. In addition, a few minor revisions to the Final Draft Plan were made at the November 2012 RPU Committee meeting. These changes were primarily made at the request of and in response to comments submitted by TASC and other environmental advocacy groups. At the RPU Committee meeting and a subsequent Governing Board meeting in November, these changes were discussed in detail. Both the November RPU Committee meeting and Governing Board meeting were well attended by members of the public including TASC representatives. The November revisions in response to TASC and associated groups requests were clearly described in the Staff Summary and Staff Summary Addendum for the November 14, 2012 meetings, are identified in Exhibit I of this Staff Summary, and are also reflected in the Final Drafts of the Regional Plan and Code, dated December 12, 2012. In addition, all information related to each step of the development of the Final Draft Plan has consistently been available to the public on TRPA's website, and numerous questions and requests for information from TASC and other environmental advocacy groups have been responded to by TRPA staff, typically within 24 hours of receiving the request. See also the response to comment 1 from the Friends of Tahoe Vista, below.

- 8) **Comment Summary:** The second comment letter submitted on 11/15 summarizes TASC involvement in the process and lists past comments submitted.

Response: Please refer to the response to comment 1 from the TASC, above.

- 9) **Comment Summary:** The second comment letter submitted on 11/15 also summarizes TASCs interpretation of how Threshold Standards should be achieved. The comment includes a list of general principles such as “adhere to the principles of soil science in order to conserve soil”, “protect views of Lake Tahoe...”, and “Adequate number of [air quality monitoring] sites basin-wide”. The comment also includes some specific proposals such as limiting allowable coverage to 50 percent in all cases.

Response: As described in the RPU EIS, the Regional Plan Update “is a suite of proposed new and revised policies intended to address the most critical planning and environmental issues facing the Region today. The policies consider contemporary planning principles, current science, and the latest federal, state, and local standards with which applicable areas of the Region must comply. Most importantly, the policies consider the current status of the Environmental Threshold Carrying Capacities and measures to accelerate their attainment and maintenance.” (see Draft EIS, Introduction, page 1-3.) The general principles for Threshold attainment described in the comment are consistent with the purpose and overall approach of the Regional Plan Update.

The specific proposals listed in the comment generally reflect measures, which were evaluated and considered as part of Alternative 2 (Low Development, Increased Regulation) in the EIS. These provisions were incorporated into Alternative 2 in response to previous comments submitted by the TASC and other environmental advocacy groups. Alternative 2 reflects one of five approaches to attain and maintain Threshold Standards that was evaluated in preparation of a Final Draft Regional Plan Update. Ultimately, the Regional Plan Update Committee endorsed a modified version of Alternative 3 (Low Development, Highly Incentivized Redevelopment) for consideration by the Governing Board.

- 10) **Comment Summary:** The second comment letter submitted on 11/15 also reiterates points related to the RPU review process that were described in the first letter submitted on 11/15.

Response: Please refer to the response to comment 2 from TASC, above.

Comments from Friends of Tahoe Vista (FOTV) on November 14 and 15, 2012

- 1) **Comment Summary:** A comment letter and oral comments submitted on 11/14 suggests that the EIS should be re-circulated because revisions to Alternative 3 were made after the close of the public comment period and because the EIS does not prove that the RPU will achieve and maintain all thresholds.

Response: None of the revisions to Alternative 3 would create new significant impacts or increase the severity of identified impacts. To the contrary, the revisions are generally additional environmental safeguards and narrowing of the applicability and/or scope of some RPU policies. As such, recirculation of the EIS is not required. Under TRPA’s environmental review requirements, outlined in the Compact, Goals and Policies, and Code of Ordinances, TRPA has the flexibility to modify an Alternative after close of the public review period for the EIS without recirculating the EIS. This is consistent with the intent of the public review period because it allows TRPA to incorporate public input into a revised alternative, and it is supported by both NEPA and CEQA case law. In State of California v. Block, 690 F.2d 753, 771 (9th Cir. 1982), the Ninth Circuit found that NEPA doesn't

require an agency "to repeat the public comment process" even if the agency's proposed project is a "slightly modified version of an alternative evaluated in the initial draft EIS." The court explained that "agencies must have some flexibility to modify alternatives canvassed in the draft EIS to reflect public input." As such, TRPA has flexibility to modify any of the alternatives evaluated in the draft EIS, particularly in response to public input, such as that input provided to TRPA by the Bi-State Consultation. Similarly, in County of Inyo v. City of Los Angeles, 71 Cal.App.3d 185, 199 (1977), the court found that under CEQA, an agency's "ultimate proposal" is not required to be frozen in the "precise mold of the initial project." Subsequent CEQA case law has relied on this principle to find that revised project descriptions do not necessarily require recirculation. See, e.g., Western Placer Citizens for an Agric. & Rural Env't v. County of Placer, 144 Cal.App.4th 890 (2006) (revision to a mining project's phasing plan that reduced environmental impacts did not require revision or recirculation of EIR); Dusek v. Anaheim Redevelopment Agency, 173 Cal.App.3d 1029 (lead agency may approve a smaller project than that described in the EIR). The revisions to Alternative 3 are refinements of the proposed project, and in and of themselves, do not require TRPA to recirculate the EIS.

The revisions to Alternative 3 also do not meet the criteria for recirculation under the CEQA Guidelines. The relevant criterion of "significant new information" triggering recirculation is: "A feasible project alternative . . . considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." CEQA Guideline 15088.5(a)(3). The revisions to Alternative 3 do not meet this criteria because the revisions to Alternative 3 reflect minor modifications that provide additional environmental protections and are not "considerably different" from Alternative 3 as described in the Draft EIS. Secondly, the revised version of Alternative 3 represents the RPU alternative the Governing Board is scheduled to consider for adoption. As such, it's not an alternative that the Governing Board has "declined to adopt," in the sense that it constitutes the preferred alternative for adoption. See also the response to comment 2 from the TASC, above.

The purpose of the EIS is described in the Draft EIS on page 1-5, which states in part "The purpose of this EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts." As such, the EIS is consistent with TRPA's environmental review requirements as detailed in Chapter 3 of the Code of Ordinances (see also Exhibit C of this staff summary for a detailed description of how the RPU EIS complies with TRPA's requirements). Chapter 4 of the Code of Ordinances lists required findings that TRPA must make prior to approval of an amendment to the Regional Plan, including findings that the Regional Plan as amended achieves and maintains the Thresholds. These findings are included in Exhibit E of this staff summary, consistent with the requirements of Chapter 4.

- 2) **Comment Summary:** The comment letter and oral comments submitted on 11/14 also describe BMP completion statistics for various land uses within specific areas and suggests that BMP

completion should be addressed prior to updating the Regional Plan and that BMP maintenance must be better enforced.

Response: As described in the Water Quality Sub-element of the Goals and Policies, TRPA's strategy for attaining and maintaining water quality Thresholds focuses on coordinated implementation of federal, state, regional, local, and private water quality management programs (Goal WQ-1), reduction or elimination of point sources of water quality pollution (Goal WQ-2), and reduction or elimination of non-point sources of water quality pollution (Goal WQ-3). Parcel-specific BMP's are one of many tools available to achieve TRPA's water quality goals. The Final Draft Plan includes numerous provisions to accelerate water quality improvements through implementation of site-specific BMPs, such as coverage exemptions that provide an incentive for properties to implement BMPs, and redevelopment incentives that increase BMP compliance, the effects of which are described in more detail in the Final EIS, Master Response 5, Effects of Concentrated Development on Water Quality. As described in the Draft EIS (page 3.8-48), the Final Draft Plan would improve BMP maintenance by promoting area-wide water quality treatments, which allow for more efficient and effective implementation and enforcement of maintenance requirements. A description of existing BMP maintenance provisions is provided in response to comment A15-16 in the Final EIS.

However, the Regional Plan Update represents a fundamental shift to a more sophisticated approach to attaining Water Quality Thresholds based on 25 years of research and monitoring that has occurred since the existing Regional Plan was adopted. This shift aligns TRPA's water quality approach with the Lake Tahoe TMDL adopted by California and Nevada, and recognizes years of science that has shown that pollutant loading varies significantly between parcels based on site-specific characteristics. The existing Regional Plan applies the same BMP standards and requirements to every parcel, which does not account for the vastly different pollutant loadings associated with different parcels or the practical limitations of requiring the same BMP approach on each of approximately 43,000 individual parcels. The Final Draft Plan begins to integrate TRPA's water quality programs with the TMDL. Rather than a one-size-fits-all regulatory requirement, the TMDL enforces a performance standard, and allows individual jurisdictions to use sophisticated monitoring and modeling to prioritize water quality improvements where they will be most effective and efficient. Specific changes proposed in the Final Draft Plan are described in detail in the Final EIS in Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

- 3) **Comment Summary:** A comment letter and oral comments submitted on 11/15 request that the Regional Plan Update incorporate TAU size limits from Alternative 2. The comment also implies that the Final Draft Plan will authorize new TAUs and asks questions about ownership of banked TAUs and fluctuations in the market price of TAUs.

Response: The suggested TAU size limits were considered and evaluated in the EIS as a component of Alternative 2. After significant discussion and public input the RPU Committee endorsed a

different set of TAU size limitations proposed as a result of the consensus seeking bi-state consultation recommendations from California Secretary of Natural Resources John Laird and Nevada Department of Conservation and Natural Resources Director Leo Drozdoff, for inclusion in the Final Draft Plan.

The comments claim that the Final Draft Plan would authorize new TAUs is mistaken. The Final Draft Plan would not authorize any new TAUs beyond those authorized under the 1987 Regional Plan. The number of new commodities authorized by the Final Draft Plan is clearly described throughout the Final Draft Plan and EIS, including in table 3.2-13, New Development Potential under Alternative 3 (Draft EIS page 3.2-47).

The questions related to recent market prices for TAUs do not relate to the effectiveness of the RPU or the environmental effects analyzed in the EIS.

Comments from North Tahoe Preservation Alliance on November 14, 2012

- 1) **Comment Summary:** The comment suggests the EIS is confusing and poorly organized and should be recirculated to provide additional opportunities for public comment.

Response: This comment is addressed in Master Response 2, Duration of Public Comment Period in the Final EIS; in the response to comment 2 from TASC, above; and in response to comment 1 from FOTV, above. In addition, the Advisory Planning Commission (APC) is the technical advisory committee charged with review and providing recommendations on the technical adequacy of the EIS. The APC has reviewed the EIS and at the November APC meeting, the Commission disagreed with the comment.

- 2) **Comment Summary:** The comment claims the EIS did not analyze conversions of use.

Response: The comment focuses on provisions of the existing Regional Plan, which are not proposed for change. These existing provisions allow for conversion of existing development to different types of use if specific criteria are met (see Code Section 50.10). This existing Code provision is very rarely used, because in order to participate the conversion must result in a transfer from and restoration of sensitive land, removal of a non-conforming use or uses that do not meet health and safety requirements, a conversion as part of an EIP project primarily intended to benefit threshold standards, or as a conversion to deed-restricted affordable housing. The conversion provisions only apply to existing development and do not affect the total development potential of the Region. The conversion program is designed to result in environmental improvements and any conversion of use would also be required to undergo TRPA environmental review, which requires the identification and mitigation of any significant environmental impacts. Furthermore, this program is a seldomly used provision of the existing Regional Plan and is not part of the RPU under consideration.

Minor revisions to the conversion provisions are included in the Final Draft Plan, which would provide an additional criterion to allow a limited number of on-site conversions of existing TAUs to residential units. This revision was included in the RPU at the recommendation of California Secretary of Resources John Laird and Nevada Department of Conservation and Natural Resources Director Leo Drozdoff, as a pilot program to promote environmental improvements to some of the dilapidated and polluting motel units in the Region. The revision was evaluated in the EIS and found to have a less than significant impact (see Final EIS section 2.2.20).

- 3) **Comment Summary:** The comment questions whether there is a cap on the amount of excess coverage that can be removed in exchange for a unit pursuant to section 30.6.3 of the Final Draft Code. The comment implies that this provision would increase development potential.

Response: The provision incentivizes the removal of excess coverage beyond what is required by the existing excess coverage mitigation program, by providing bonus units for the removal of existing excess coverage that could otherwise remain. The provision does not limit the amount of coverage that can be removed through this provision, however the bonus units provided as the incentive would come from the finite pool of commodities authorized under the RPU (see table 3.2-13, New Development Potential under Alternative 3, at Draft EIS page 3.2-47). As such, the provision would not affect the development potential of the Region, because all development is limited by the number of commodities authorized. It would, instead, allow authorized commodities to be awarded to a project in exchange for the environmentally beneficial removal of existing excess coverage beyond that required by the excess coverage mitigation program.

- 4) **Comment Summary:** The comment asserts that CTC's banked development rights or potential coverage, sale of asset lands, or transfers of land to other agencies will increase development.

Response: Transfers, sales, or acquisition or sale of development rights by CTC or any other entity would not affect the development potential authorized under the RPU. All new development would be limited by the number of commodities authorized in the RPU. Banked development rights are addressed in the Final EIS, Master Response 9, Consideration of Banked Commodities. Sales or transfers of land may affect the potential uses of a specific parcel, but would not affect the total development potential under the RPU. See the Draft EIS section 2.3.6, Essential Concept: Marketable Rights Transfer Programs, and Draft EIS section 5.5 Growth-Inducing Impacts, which summarize TRPA's growth control system.

- 5) **Comment Summary:** The comment states that the EIS did not analyze commodities remaining from the 1987 Plan, and asserts that there is no limit on the number of commodities.

Response: The comment is incorrect. The EIS analyzed the effect of commodities remaining from the 1987 Plan, as well as new commodities authorized by each RPU alternative for each of the resource areas and cumulative impact sections. For example see the summary of alternatives in the Draft EIS, beginning at page S-7; Table 3.2-13, New Development Potential under Alternative 3, at

Draft EIS page 3.2-47; and Table 3.3-7, Potential New Development by Alternative, at Draft EIS page 3.3-28. New commodities would be limited to the number authorized by the RPU and no future authorizations of commodities are proposed or approved as part of this RPU. The Governing Board retains the authority to amend any portion of the Regional Plan in the future, but any future amendments would be subject to separate discretionary action, environmental review, and required findings.

- 6) **Comment Summary:** The comment implies that the Transfer of Development program will lead to uncontrolled growth and is improperly analyzed in the EIS. The comment suggests that because the incentives offered for transfers do not require an allocation, the resulting development is not accounted for.

Response: The EIS accounts for all development that could occur under the RPU, whether it requires an allocation or a bonus unit. Under the existing Regional Plan and the RPU, there are two types of commodities that allow for residential development, allocations and bonus units. Allocations must be paired with a development right (i.e., tied to a developable parcel) to construct a new residential unit. Bonus units are provided as an incentive for transfers of development under specific conditions. Bonus units can be used to develop a multi-family residential unit (i.e. an apartment or condominium), and do not also require an allocation when they are awarded as part of the transfer of development program. The Final Draft Plan would authorize a finite number of new allocations (2,600) and bonus units (600). Together the number of allocations and bonus units reflect the total number of new residential units that could be developed under the RPU. See the Draft EIS section 2.3.6, Essential Concepts: Marketable Rights Transfer Programs, and Draft EIS section 5.5 Growth-Inducing Impacts, which summarize TRPA's growth control system.

- 7) **Comment Summary:** The comment suggests the EIS did not disclose the new Resort Recreation district, inaccurately described the location of the districts, did not include safeguards or parameters to prevent development in other conservation or recreation lands, and did not disclose the allowance for subdivisions of "air space condos" in the district.

Response: These comments are addressed in the Final EIS in Master Response 10, Development on Recreation-Designated Lands, which describes the Resort Recreation Districts in detail, provides maps and objective descriptions of the districts, and describes the regulatory and procedural safeguards and parameters related to any development in these districts including the restriction that any subdivision be limited to "air space condos".

- 8) **Comment Summary:** The comment suggests the EIS did not disclose and analyze the impacts of proposed density changes.

Response: The EIS discloses the density changes proposed in Alternative 3 under the heading "Density and Height" on page 3.2-48 of the Draft EIS. The effects of the density changes in

combination with other provisions in the plan are considered under each resource section where the density changes could have an effect. For example, the increase in allowable residential densities, along with increased height and transfer incentives, would affect how many residences are located within community centers vs. outlying areas. Pages 3.3-29 to 30 in the Transportation section discuss these factors and in particular Table 3.3-9 shows how the expected distribution of residential units varies between alternatives based on density and other related factors. These assumptions are then incorporated into the impact analysis. The effects of density and related changes on roadway traffic are addressed starting on page 3.3-40, and the effects on vehicle miles traveled are addressed beginning on page 3.3-47. Likewise, the effects of density and related changes to land coverage are addressed beginning on page 3.7-18, effects to development patterns and land use compatibility are addressed beginning on page 3.2-48, and so on.

- 9) **Comment Summary:** The comment suggests the EIS did not disclose Transfer of Development Right transfer ratios and analyze impacts.

Response: The EIS discloses the transfer ratios in numerous places including in Table S-1, Regional Plan Update Alternatives Comparison (Draft EIS page S-15), Table 2-1, Proposed Transfer Ratios for TAUs, CFA, and Residential Units (Draft EIS page 2-42), and Table 3.2-14, Proposed Transfer Ratios for Residential Units, TAUs, and CFA (Draft EIS page 3.2-49). The EIS analyzed the impacts of the transfer ratios throughout 15 resource areas in Chapter 3 of the Draft EIS, the cumulative impacts of which were analyzed in Chapter 4.

- 10) **Comment Summary:** The comment suggests that transfer ratios can be adjusted as needed and that the impacts of higher ratios must be analyzed.

Response: The transfer ratios listed in Chapter 51 of the Final Draft Code and described throughout the EIS are those proposed as part of the RPU. Transfer ratios cannot be adjusted as needed as part of this RPU. The Governing Board retains the authority to amend any portion of the Regional Plan in the future, but any future amendments would be subject to separate discretionary action, environmental review, and required findings.

- 11) **Comment Summary:** The comment suggests that the EIS overestimates potential coverage by including publicly owned lands and that the EIS does not address the possibility of public agencies selling off lands for development.

Response: The EIS accurately estimates potential and existing coverage. This comment is addressed in response to comment 4, above; and in the Final EIS in Master Response 3, Programmatic Coverage Assessment. See also response to comment A15-6 in the Final EIS for more information on this topic.

12) **Comment Summary:** The comment claims that mitigation measures 3.9-1a and 3.9-1b are inadequate and that “replacement” structures in the HDTD could include 197’ structures over existing parking lots. The comment also requests that the FEIS include visual simulations of potential changes in height.

Response: The findings of the Final EIS and related performance standards for the replacement of existing high rise towers in the High Density Tourist District are discussed in detail in Master Response 7. Mitigation measures 3.9-1a and 3.9-1b are adequate in that they establish performance standards for scenic impacts from future development. Any future development would be subject to project-specific environmental review, and be required to be in accordance with a conforming Area Plan, also subject to environmental review.

Although limited increases in height, bulk and mass could occur as a result of redeveloping existing high rise towers, mitigation measure 3.9-1b would require any increased height, bulk and mass projecting above the tree canopy not exceed the existing visual prominence of the structures when viewed and evaluated from key scenic view points. When evaluating visual prominence, the following factors are considered: building mass, visual contrast, location, articulation, color, materials and architectural style and the quality of landscape views that are impacted or improved.

For example, a project may propose to increase height, bulk and mass but relocate the building footprint to reduce the building’s impact on views of identified scenic resources. In conjunction with changes to architectural style, colors and materials that blend with the natural landscape, that project’s visual prominence could be improved over the baseline condition.

Moreover, any proposed project visible from the roadway and shoreline scenic corridor, public recreation areas and bicycle trails would also be required to make specific Scenic Quality Findings that the project would not cause a decrease in the assigned numerical threshold ratings. In addition, any proposed project would be subject to environmental review and required findings as described in Chapters 3 and 4 of the Code. It is not necessary nor would it be feasible to evaluate visual simulations of individual possible future projects in the context of a Regional-scale and policy level environmental review. If appropriate, simulations will be used to determine impacts of individual projects.

13) **Comment Summary:** The comment also questions the feasibility of the TDR program. The comment suggests that because developers are not required to participate in the TDR program in order to redevelop Centers, they will choose not to. The comment suggests that developers would be more likely to purchase commodities from private parties or government entities, receive bonus units, or buy and retire existing development.

Response: As described in the Final EIS (Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program), the best available information indicates that the TDR program, as proposed, is feasible. The feasibility of the program is supported by the documented success of the similar sensitive lot retirement program within the Region, an independent economic review, and a

subsequent evaluation of the market values of the bonus units offered as a transfer incentive and the market value of existing single family residences.

In the event that transfers of development did not occur in the anticipated timeframe because of current economic or other factors, regulatory and procedural protections would ensure that new development would not occur in a manner that would result in significant environmental impacts. A continuation of the existing land use pattern would occur if the TDR program was not utilized. This land use pattern could result in increases in Vehicle Miles Travelled (VMT) and associated impacts. However Implementation of Mitigation Measures 3.3-1 and 3.3-3 (Final Draft Code Section 50.4.3), requires that TRPA monitor actual VMT and roadway Level of Service and limit the release of additional development commodities if monitoring and near-term projections indicate that the new commodities could exceed applicable standards. Therefore, even if transfers of development did not occur as expected, mechanisms are in place to ensure no unintended environmental impacts would occur.

The comment asserts that the TDR program would not be feasible because developers are not required to participate in the TDR program to redevelop in Town Centers. The comment lists three approaches to acquiring commodities that the comment suggests could be used as an alternative to the TDR program: receiving bonus units, purchasing banked commodities, or buying and retiring existing development. However, two of these approaches are components of the TDR program (Buying and retiring existing development and receiving bonus units). Under the TDR program a developer would buy and retire existing development, transfer the associated commodities to a Center and receive bonus units based on the sensitivity of the restored sending site. TRPA expects some project proponents to continue to purchase banked commodities from public or private entities. These banked commodities reflect development that has already been restored, and these inventories are limited and in many cases it would be less financially feasible to purchase individual commodities than to participate in the TDR program (see Final EIS Master Response 8, Feasibility of the proposed Transferable Development Incentive Program, and Master Response 9, Consideration of Banked Commodities, for more information).

- 14) **Comment Summary:** The comment also questions why bonus units are provided for transfers of development rights from the most sensitive lands, which are unbuildable under current regulations.

Response: Many of the most sensitive lands have portions of a parcel that could be developed (i.e., pockets of high capability land), which could impact the sensitive land through associated activities (e.g., landscaping, trampling) even if the building site is not located in the most sensitive land. Some parcels containing the most sensitive lands are completely unbuildable, and transfer of development rights from those lands would still provide environmental benefits by removing development rights that could otherwise be transferred to other sensitive sites, increasing the amount of sensitive land permanently retired and not available for other uses, and increasing the proportion of future development that occurs in a Center as opposed to outlying areas.

15) **Comment Summary:** The comment cites Code section 52.3.1 – Development Allocations and Transfers, and asks “how was the 1400 multi-family residential determined? Do these units require allocations from the 2600+600 residential units? How many will be released annually?”

Response: The comment references an existing Code provision not proposed for change as part of the RPU. The 1400 residential bonus units were authorized with the adoption of the 1987 Regional Plan. Of the 1400 bonus units authorized in 1987, 847 units remain. The Final Draft Plan would authorize an additional 600 bonus units, which would be restricted to designated Centers. Bonus units do also require an allocation unless they are awarded as an incentive for transfers of development or are used for a deed-restricted affordable housing project. They are available on a first-come-first serve basis to qualifying projects.

16) **Comment Summary:** The comment cites Policy DP 2-2 and asks “what actions could be taken to correct LOS problems? Give examples.”

Response: The TRPA and TMPO expect that the projects and programs listed in the Regional Transportation Plan, once implemented, will provide additional benefits to reduce traffic congestion. These specific projects and programs are listed in Chapters 4, 5, and 6 of the Final Draft Regional Transportation Plan. If monitoring and modeling shows that these projects are not as effective as anticipated at meeting LOS standards, or if other future factors come into play that affect the ability to meet standards, additional projects, such as sidewalk improvements, bicycle network connections, increased transit frequency, transit signal priority, and roadway operational improvements that enhance access control through channelized turn lanes, driveway consolidation, and other roadway improvements will be considered and incorporated into the Regional Transportation Plan.

17) **Comment Summary:** The comment cites Code Section 50.5.1.C.2 – Additional Bonus Multi-Residential Units, and states that “in addition to the maximum allocations conflicts with subject to foregoing allocations. Please explain.”

Response: The comment references an existing Code provision not proposed for change as part of the RPU. The referenced Code section explains that the Bonus Multi-Residential Units are subject to the allocation requirements, except in limited situations (e.g., deed restricted affordable housing, or when awarded as part of the proposed transfer of development program).

18) **Comment Summary:** The comment cites Code Section 50.5.1.d and states “Should read retires and restores. Please define sensitive.”

Response: The comment references an existing Code provision not proposed for change as part of the RPU. The Code Section describes the existing sensitive lot retirement program, which incentivizes the permanent retirement of un-built sensitive parcels. Because they are un-built, these

parcels do not require restoration. A sensitive parcel is defined as a parcel in land capability districts 1 – 3, or with an IPES score of 725 or below.

- 19) **Comment Summary:** The comment cites Code Section 50.5.2.E - Performance review committee and asks “How many members and who and how are they selected? Why are only 10% of the permits reviewed?”

Response: The comment references an existing Code provision not proposed for change as part of the RPU. The existing Code provision requires TRPA to conduct a representative audit of not less than 10% of the single family residential permits issued by local jurisdiction through the MOUs. Performance Review Committee includes six members’ one TRPA staff member, and one local jurisdiction representative from Placer, El Dorado, City of SLT, Douglas, and Washoe. The local jurisdictions select their representative, and the TRPA Current Planning manager selects the staff representative.

- 20) **Comment Summary:** The comment cites Code Section 51.5.2.k-1 and asks “Could a house with a pool and management company and housekeeping qualify for TAUs?”

Response: No, a residential use with a pool and management company and housekeeping is not considered a tourist accommodation facility.

- 21) **Comment Summary:** The comment cites Code Section 51.5.2.k-1 and states “Wrong wording...should say “not to exceed 1800 sf”.

Response: The comment identifies a typographical error that was corrected at the November 14, 2012 RPU Committee meeting.

- 22) **Comment Summary:** The comment cites Code Section 13.5.3.8.4 and states “Area plans may determine alternative transfer ratios. Who will evaluate this? How will it be evaluated? Is it open ended?”

Response: Alternative transfer ratios are limited to the two designated Stream Restoration Plan Areas, if the Area Plan can demonstrate that the ratios will result in a net environmental benefit by removing development from the highest priority sites for stream restoration. The TRPA Governing Board makes the final determination of whether alternative transfer ratios proposed for one of the two Stream Restoration Plan Areas provide equal or greater environmental gain than the TRPA transfer ratios. The effects of a stream restoration implementation plan, including the ability of any proposed alternative transfer ratios to provide environmental gain, will be evaluated by the Governing Board when considering approval of a proposed plan. The Governing Board generally uses all available information in the evaluation of a plan, including required environmental documentation and findings.

23) **Comment Summary:** The comment cites Policy CD 2.1.c.1 - Community Character and asks “Where are the visual prominence findings? Additional height beyond 197’ for buildings within area master plans, redevelopment, steep-sites (TAUs were supposed to be eliminated from this).”

Response: This comment is addressed in Code Section 37.7.17.

24) **Comment Summary:** The comment cites Code Section 13.5.3-1 and states that the “Table should be labeled maximum, not minimum.”

Response: The table includes the minimum types of standards (e.g., height, density, coverage, complete streets) that must be included in Area Plans, although the table does specify the maximum allowances for each type of standard. This is an editorial comment that does not affect the content of the Regional Plan. The Code section was reviewed and endorsed by the Regional Plan Update Committee, the Technical Code Working Group, and advanced by the Governing Board.

25) **Comment Summary:** The comment cites Code Section 37.7.17 - Height in HDTD, and asks “What are baseline conditions? Is that as of today’s date?”

Response: Baseline conditions would be established at the time a project is proposed. The finding explicitly prohibits an increase in visual prominence over baseline conditions.

26) **Comment Summary:** The comment cites Policy CD 2.1 and states “Area plans may also add additional or substitute requirements that promote threshold attainment? This is vague and open ended. Does that mean these maximums can be increased by the area plans?”

Response: The alternative development standards and guidelines authorized in Area Plans are described in Final Draft Code Section 13.5.3. The maximum standards described in Chapter 13 cannot be exceeded by a conforming Area Plan.

27) **Comment Summary:** The comment cites Code Section 13.5.3.0.1.6 (ii) and states “area plans should protect views of Lake Tahoe. Too much use of the word “Should”. Should should be replaced with shall.”

Response: The comment reflects a comment that was considered by the RPU Committee and Governing Board on November 14 and 15, 2012. The Board declined to incorporate the suggested edits because the term “should” is appropriate for policy language, the implementation of which is later refined into implementing regulations in the development of an Area Plan.

28) **Comment Summary:** The comment cites Code Section 13.6.5.c and states “What is being referenced by sub paragraph A and B? “not interfere with” is inappropriate language and dismissive of the thresholds.”

Response: The references to subsections 13.6.5.A and 13.6.5.B refer to the General Review Standards for All Area Plans and TRPA Utilization of Load Reduction Plans. The comment also reflects an editorial comment that was considered by the RPU Committee and Governing Board on November 14 and 15, 2012. The Board declined to incorporate the suggested edits.

- 29) **Comment Summary:** The comment cites Code Section 13.5.3.e - Modifications of Town Centers, and asks “Parcel is considered developed if there is 30% of allowed coverage on site. Is that hard or soft coverage?”

Response: In this context 30 percent coverage refers to legally existing coverage, which can be legally existing hard or soft coverage.

- 30) **Comment Summary:** The comment cites Code Section 30.4.3.B.2.b, and asks “What are the standards for soft coverage?”

Response: See Chapter 90 definition of Land Coverage for a description of soft coverage.

- 31) **Comment Summary:** The comment cites Policy T-10.7 - Level of Service, and asks “LOS may be exceeded-how is that determination made? What if they are exceeded, what then? Give examples.”

Response: The explanation of how LOS determinations are made is described in Chapter 3.3 of the RPU Draft EIS on pages 3.3-14 to 3.3-19. The discussion of what will happen if LOS is exceeded is described through Mitigation Measure 3.3-1, on page 3.3-43 of the RPU Draft EIS. Additional discussion on this mitigation measure and how it may affect release of allocations is provided in Master Response 11, Relationship between Phased Allocations and Level of Service Significance Criteria.

- 32) **Comment Summary:** The comment cites Code Section 13.5.3, and asks “If CVR is increased to 70%, how is the rest (30%) handled? Is it open space? Are 20 yrs BMPs adequate? Shouldn't it be whatever is necessary is what is required? D. “strong consideration”, what does that mean?”

Response: If coverage on a specific parcel is increased to 70%, the remaining 30% is not allowed to be coverage. The 20 Year/1 hour storm infiltration standard has been evaluated by independent experts and determined to be adequate to address stormwater runoff conditions in the Region.

- 33) **Comment Summary:** The comment references Site Specific Transfer Ratios and asks “Alternative transfer ratios within SEZs-area plans may establish alternative ratios based on “unique” conditions. What are those? Is there a limit on how high the ratios can go? Are the number of these rights capped?”

Response: This comment is addressed in the response to comment 22 from NTPA, above. The number of rights is capped by the number of commodities authorized by the Regional Plan.

34) **Comment Summary:** The comment references the definition of the Tourist land use classification and asks “Urban area with potential to provide intensive (taus). What does intensive mean? What are the standards? The Edgewood conservation zoned property is considered for TAUs, yet it doesn’t have intensive uses. Is just being next to an intensive use enough to allow development of TAUs?”

Response: The comment refers to is existing language in the 1987 Plan that defines the Tourist land use classification. “Intensive tourist accommodations” is used as a relative comparison of the amount of tourist accommodation uses within a Tourist land use classification, as compared to the level of tourist accommodations in other land uses classifications. Other land use classifications may contain tourist accommodations, but those areas tend to be characterized by other use types such as commercial or recreation. The Edgewood Resort Recreation district is proposed to be zoned as Resort Recreation not Tourist. Detailed information on this site is provided in the Final EIS in Master Response 10, Development on Recreation-Designated Lands.

35) **Comment Summary:** The comment references Code Section 30.6.1.B.3 – Excess Land Coverage Mitigation Fees, and states “ECM can be used in a land bank. Can the Ca. Tahoe Conservancy deal in ECM, buy up motels, convert the restored cvr to units, sell the units to investors, and then the CTC resell the coverage? This is not reducing coverage, but moving it around and adding development units.”

Response: The uses of excess coverage mitigation fees are governed by the referenced Code section and the MOUs with the California and Nevada Land Banks, which require that the fees be used to permanently retire coverage. As such, the CTC cannot sell coverage that was permanently retired through the Excess Coverage Mitigation Program.

In addition, Code section 30.6.3 provides residential bonus units, TAUs, or CFA as an incentive to projects within designated Centers that mitigate excess coverage pursuant to Code Section 30.6 and then remove additional excess coverage beyond that required by the Excess Coverage Mitigation Program. All commodities awarded through this program would come from the pool of authorized commodities, and would not be in addition to the authorized commodities. Any coverage removed through this program must be permanently retired, meaning it cannot be sold or “moved around”. This program only applies to excess coverage within designated Centers associated with a project that has mitigated excess coverage consistent with the Excess Coverage Mitigation Program. The coverage must be in excess of the maximum allowable coverage, and the coverage must be in addition to the coverage that is required to be mitigated through the Excess Coverage Mitigation Program. As such, this program only applies to redevelopment of a limited number of extremely over-covered sites within Centers. Therefore, no entities can simply buy up coverage and convert it to units as the comment suggests.

36) **Comment Summary:** The comment cites Code Section 30.4.3.f, and states “If there is an inadequate supply of coverage, TRPA may authorize an increase in supply. Doesn’t this set a bad precedent? Shouldn’t TRPA promote restoring and retiring coverage? Also, this section would allow transferring cvr across hydrologic boundaries if there is an inadequate supply of cvr.”

Response: The comment refers to an existing Code provision that is not proposed for change in the RPU. To TRPA staff’s knowledge this provision has never been used and any use of this provision would require action by the Governing Board.

37) **Comment Summary:** The comment cites Code Section 30.6.1.B.2, and asks “Reduce cvr offsite using coverage from different hydrologic areas if the land restored is more sensitive that the project area. Could you build on a class 6 if you restore a class 4? How does this benefit threshold attainment?”

Response: Excess coverage in class 6 lands could be mitigated by removing coverage in class 4 lands because class 4 lands are more sensitive than class 6 lands. This benefits Threshold attainment by removing existing coverage and by requiring coverage removal in more sensitive lands.

38) **Comment Summary:** The comment cites Code Section 30.4.6, and states “For pervious coverage on high capability lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements. This is nonsensical and if it doesn’t apply to pervious asphalt or decks, what does it apply to?”

Response: The section applies to other pervious materials, such as pervious pavement or pervious pavers.

39) **Comment Summary:** The comment references Code Section 30.4.6.E, and states “Total amount of coverage of pervious decks and cvr shall not exceed 10% of the total amount of high capability land on a parcel. What if an 40K sf parcel is all class 6, has 30% allowed cvr or 1200 sf and would it then be allowed 43K sf of impervious cvr? What if it is a man-modified class 6 from a class 1b, would it receive this exemption?”

Response: The referenced Code Section States “The total amount of coverage exemptions and credits on parcels or project areas applies only to temporary structures, pervious decks, and pervious coverage and shall not exceed in aggregate ten percent of the total amount of high capability land on a parcel.” As such, a 40,000 square foot parcel consisting entirely of high capability land could not exceed 4,000 square feet of total exempted coverage, although in practice the individual limitations associated with each exemption (e.g., no more than 120 square feet of temporary coverage) would allow far less exempted coverage. Parcels designated as man-modified class 6 are treated no different than other class 6 lands and would be eligible for coverage exemptions if they met the coverage exemption requirements in Code Section 30.4.6.

Comments from Joy Dahlgren dated November 13, 2012

- 1) **Comment Summary:** Comment states there are two issues with Alternative 3 mitigation measures for Levels of Service (LOS) and reducing VMT effects by not releasing land use allocations. The first issue is that no one knows to what extent providing incentives to move development to the community centers and providing additional transit and non-motorized transportation facilities will reduce travel in the basin. The second issue is that monitoring existing and near-term LOS and VMT only after two years after land use allocations does not make any sense because one of the mitigation measures is to limit such allocations so LOS and VMT standards are maintained.

Response: The EIS used state of the art, accepted professional methods of traffic analysis, with modifications tailored to specific circumstances in Tahoe. This includes reasonable modeling assumptions using local data, where available, and best practice case studies. (See Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT). Master Response 11 acknowledges that even with best available information and well-accepted methods of estimation, the longer the forecast in years, the less certain the results. Forecasted travel conditions in 2035 are inherently uncertain, which is why Mitigation Measures 3.3-1 and 3.3-3 have been proposed. Pursuant to Mitigation Measures 3.3-1 and 3.3-3, allocations are released every four years only if near-term modeling shows that those allocations will not cause thresholds or standards to be exceeded. Model forecasting and updated estimates occur before release of allocations, not after, which provides an inherent process protection.

- 2) **Comment Summary:** The comment states the TRPA should conduct a comprehensive study of the extent to which existing transit service and non-motorized projects reduce VMT and trips. The TRPA should assess the findings and determine a cost to identify the most cost-effective improvements and feasibility of funding to implement these projects. The environmental effects, including emissions and fuel consumptions, should be assessed.

Response: The suggested analyses are already completed routinely, primarily through development of the Regional Transportation Plan itself, which is supported by studies and plans such as short-range transit plans, long-range transit plans, and the Bicycle and Pedestrian Plan, to name a few (see South Lake Tahoe/BlueGO 2010 Short Range Transit Plan, TRPA 2010; Tahoe Area Regional Transit System Plan Study, TRPA 2005; Tahoe Interregional/Intraregional Transit Study, TRPA 2006; and the Lake Tahoe Bicycle and Pedestrian Plan, TRPA/TMPO 2010). Projects that are prioritized through these studies are presented in Chapter 6 of the Final Draft Regional Transportation Plan (Figure 6-3, Tier 1 Project List (financially constrained) and 6-5, Tier 2 Project List (financially unconstrained). This chapter also contains an analysis of feasible funding sources. Only projects with reasonably foreseeable revenue sources are proposed in the Final Draft Regional Transportation Plan and analyzed in the EIR/EIS. The environmental analysis that the commenter proposes were conducted in development of these studies and in the EIS for the RPU and the EIR/EIS for the Regional

Transportation Plan (see RPU Draft EIS and RTP Draft EIR/EIS Chapter 3.3, Transportation, Chapter 3.4, Air Quality, and Chapter 3.5, Greenhouse Gas Emissions and Climate Change).

- 3) **Comment Summary:** The comment states the indicator for LOS should not be limited to one location at one time of the year. The comment says that on-going, systematic monitoring of traffic volumes and speeds around the lake will allow for better tracking of congestion patterns, trips, VMT and LOS.

Response: The indicator for LOS is not limited to one location at one time of year, it is based on seven intersections and 24 roadway segments (see pages 3.3-14 to 3.3-19 in RPU Draft EIS). TRPA conducts on-going, systematic monitoring of traffic volumes, congestion, and VMT (see the Final Draft Regional Transportation Plan, Chapter 1, Regional Trends and Performance Measures; Transportation Monitoring Report, TMPO 2010; RPU Draft EIS Impacts 3.3-1 (Roadway Segment Operations), and 3.3-2 (Intersection Operations) (pp. 3.3-40 to 3.3-46), the 2011 Threshold Evaluation Report, and the 2008 Regional Transportation Plan, page 65, Intersection Level-of-Service).

Comments from the North Tahoe Citizens Action Alliance submitted November 20, 2012

- 1) **Comment Summary:** The comment disputes the assertion that walkable communities will reduce auto dependency and therefore vehicle trips and VMT. It states that vehicle trips and VMT will increase proportionately to higher density resulting in significant impacts despite development standards that promote non-motorized pedestrian connectivity, and that any reductions in vehicle use are reductions from the trend, not in net trips. The comment concludes that literature cited in the Final EIS that supports compact development as a tool to improve air quality is based on information gathered in metropolitan areas, not rural areas found in Lake Tahoe. The comment also includes literature citations that conclude intensification may reduce driving region-wide but creates greater congestion impacts at the neighborhood level.

Response: The analysis in the Final EIS related to traffic impacts (Impacts 3.3-1 and 3.3-2) and VMT (Impact 3.3-3), does in fact conclude that total VMT and traffic congestion will increase from the baseyear, as the comment suggests they should be expected to. The reductions in VMT that are discussed in the Final EIS are reductions in per-capita VMT and the total VMT trend, not in total VMT. These findings are consistent with numerous studies, many of which are referenced in the Draft and Final EIS from the professional literature documenting actual per-capita trip reductions that have resulted from concentrating development and providing multi-modal transportation options in a wide variety of settings. As shown in Table 3.3-5 on page 3.3-20 of the RPU Draft EIS, region-wide VMT in 2010 is estimated to be 1,984,600, and in Alternative 3 in 2035, VMT is estimated to be 2,131,000 (Table 3.3-14, RPU EIS page 3.3-47). Because VMT and roadway segment LOS have the potential to exceed TRPA standards by 2035, Mitigation Measures 3.3-1 and 3.3-3 were developed. Additional discussion on these mitigation measures and information on how

walkable centers impact VMT are included in Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.

- 2) **Comment Summary:** The comment states that the Final EIS proposes a loophole from the Level of Service (LOS) standard when sidewalks, bike paths, and bus service are provided in the local area, and suggests that the changes proposed are tied to the TRPA Governing Board's decision on the Kings Beach Commercial Core Project. The comment brings up several points specific to the Kings Beach Commercial Core project, and also repeatedly refers to TRPA's LOS standard as a threshold standard. Lastly, the comment suggests that the policy change is intended to remove development allocation penalties associated when LOS standards are exceeded.

Response: TRPA's level of service standards are policy standards, not threshold standards. The Final Draft Regional Plan continues to require that projects meet LOS standards, however it provides an exception in certain cases. Final Draft Policy 10.7 reads:

Level of service (LOS) criteria for the Region's Highway System and Signalized Intersections during peak periods shall be:

- Level of service "C" on rural recreational/scenic roads.
- Level of service "D" on rural developed area roads.
- Level of service "D" on urban developed area roads.
- Level of service "D" for signalized intersections.
- Level of service "E" may be acceptable during peak periods in urban areas, not to exceed four hours per day.
- These vehicle LOS (level of service) standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways.

The exception to the LOS standard when multi-modal improvements are in place supports the region's goals to promote walkable, sustainable town centers, and to meet the Region-wide VMT threshold. Through the Bi-State consultation process, the final portion of Policy 10.7, which reads "...at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways" was added to provide additional protections. Please see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria for more information on how roadway level of service will be monitored and modeled prior to release of allocations to ensure that LOS standards will be met.

- 3) **Comment Summary:** The comment critiques an economic analysis conducted to test the feasibility of the proposed TDR ratios and provides detailed comments on one research article related to transfer of development programs. The Comment suggests that the transfer ratios proposed in the

Final Draft Plan will not be successful in incentivizing transfers of development from sensitive and outlying lands.

Response: As described in the Final EIS (Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program), the best available information indicates that the TDR program, as proposed, is feasible. The feasibility of the program is supported by documented success of the similar sensitive lot retirement program within the Region, an independent economic review, and a subsequent evaluation of the market values of the bonus units offered as a transfer incentive and the market value of existing single family residences.

In the event that transfers of development did not occur in the anticipated timeframe because of current economic or other factors, regulatory and procedural protections would ensure that new development would not occur in a manner that would result in significant environmental impacts. A continuation of the existing land use pattern would occur if the TDR program was not utilized. This land use pattern could result in increases in Vehicle Miles Travelled (VMT) and associated impacts. However Implementation of Mitigation Measures 3.3-1 and 3.3-3 (Final Draft Code Section 50.4.3), requires that TRPA monitor actual VMT and roadway Level of Service and limit the release of additional development commodities if monitoring and near-term projections indicate that the new commodities could exceed applicable standards. Therefore, even if transfers of development did not occur as expected, mechanisms are in place to ensure no unintended environmental impacts would occur.

The comment suggests that the independent economic review underestimated project costs, underestimated the return on investment that developers would require in Tahoe, and overestimated the sales price of new condominiums. Project costs estimates in the economic review are based on the best available information. The comment is correct in that soft costs, such as impact fees and permitting costs, can vary significantly between regions, but these costs estimates in the economic review are based on actual costs in the Tahoe Region. The assumed return on investment in the economic review is based on industry standards and is included as a percent of costs. There is no rationale or information indicating that a project proponent would require a significantly higher return on investment for a project within the Tahoe Region than for projects elsewhere. The estimated sales prices in the economic analysis are based on MLS listings of comparable newer condominiums in the areas targeted for redevelopment. In summary, the independent economic analysis was prepared by qualified professionals using standard approaches and provided an accurate assessment of the potential feasibility of projects utilizing the TDR program.

The comment also provides detailed comments on one research article referenced in the Draft EIS. As described in the response to this comment in the Final EIS, a point by point analysis of this research article is not necessary as part of the environmental review of the RPU. The comment suggests that the TDR program will not be feasible because the receiving areas are not customized

to each individual community. However, the Final Draft Plan includes a new Area Planning framework (see Final Draft Code Chapter 13) that is specifically created to move away from one size fits all planning and allow local communities to customize planning within the limits set by the Regional Plan. As such, the RPU does promote the customization of receiving areas to meet the unique needs of different communities in the Region.

The comment also suggests the TDR program will not be successful because developers are not required to participate in the program. This comment is addressed in the response to comment 13 from NTPA, above.

- 4) **Comment Summary:** The comment provides a third party analysis of roundabout capacity at the corner of State Route 28 and Coon Street in Kings Beach.

Response: This comment is related to a specific project that was approved several years ago but still opposed by the commenter. The comment is not related to the Final Draft Regional Plan documents.

Comments from the Contractors Association of Truckee Tahoe, submitted on November 30, 2012

- 1) **Comment Summary:** The comment suggests that the proposed clarification of protections for sensitive plant species listed by the U.S. Forest Service, LTBMU, would represent an increase in the existing regulatory framework and should be described as such.

Response: The Draft EIS identifies a clarification to the threshold standard for the Sensitive Plants Numerical Standard as a potential amendment (Draft EIS page 2-17). TRPA did not include this amendment in the Final Draft Threshold Standards. As a result, the existing regulatory regime for Sensitive Plants is unchanged and will continue to be administered in accordance with the Numeric Threshold Standard for Sensitive Plans (Amended Resolution 82-11), Regional Plan Policy VEG-3.1, and Code Section 61.3.6.

Comments from Alexandra Profant, submitted on November 13, 2012

- 1) **Comment Summary:** The comment suggests that TRPA is a Certified Local Government as part of the National Park Service and State Historic Preservation Office's Certified Local Government Program for preservation of historic resources. The comment asserts that TRPA is required to complete a historic resources survey to comply with Section 106 of the National Historic Preservation Act as part of the RPU EIS. The comment also suggests that specific buildings should be considered as historic structures.

Response: TRPA’s responsibilities for cultural resource protection are described beginning on page 3.15-1 of the Draft EIS. TRPA’s role in relation to historic and cultural resources is guided by the Cultural Subelement of the Goals and Policies, which is implemented through the Code of Ordinances, including Chapter 67, Historic Resource Protection, and provisions of Chapter 33, Grading and Construction. As described in Chapter 67 of the Code, TRPA maintains an inventory of historic resources as part of its program to protect historic resources.

To clarify, TRPA is not a participant in the National Park Service’s Certified Local Government Program. A summary of the Certified Local Government Program and a listing of all Certified Local Governments are available at: <http://www.nps.gov/history/hps/clg/index.htm>.

Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies take into account the effect of any proposed federal action on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. TRPA is a regional agency not a federal agency, and as such it is not required to comply with section 106 of the NHPA. TRPA has complied with all TRPA requirements related to environmental review and historic resource protection, which are similar to and consistent with the intent of section 106 of the NHPA. Draft EIS Chapter 3.15, Cultural Resources, evaluates the impacts of each RPU alternative on historic resources, archeological resources, and ethnic and cultural values. The EIS determined that none of the revised goals and policies of RPU alternatives would result in significant impacts to the cultural resources. The approach of the RPU EIS is described in Draft EIS section 1.4, which includes the following explanation:

“The broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. All of TRPA’s existing procedures requiring environmental review of projects to determine their potential for significant impacts, feasible and effective mitigation to address those impacts, findings pertaining to project effects on threshold attainment, and other environmental safeguards are still in place and will continue to ensure that proposed projects are fully evaluated prior to approval and implementation. This EIS, consistent with its policy level purpose, includes a thorough analysis of the environmental implications of the policy directions offered by the alternatives, and the information necessary to select the alternative that would best achieve TRPA’s regional objectives.”

The EIS appropriately evaluates the potential impacts of RPU alternatives on cultural resources. Consistent with the approach described above, the EIS is not required to supplement the existing historic resource inventory with an additional survey of historic resources, nor does it need to evaluate the historic significance of individual structures. These site-specific evaluations would appropriately be made at the time a project is proposed or at the request of a property owner consistent with the Code of Ordinances.

EXHIBIT K

**REVIEW OF NOVEMBER 15, 2012 GOVERNING BOARD
ENDORSEMENTS**

REVIEW OF NOVEMBER 15, 2012 GOVERNING BOARD ENDORSEMENTS

During the November 15, 2012 Governing Board meeting, the Board requested that staff make certain minor technical and other revisions to the October 24, 2012 Draft Regional Plan. As demonstrated below, these revisions only clarify or amplify the text of the Draft Regional Plan. They would not result in any new or substantially more severe environmental impacts. Therefore, these revisions do not constitute significant new information that would require recirculation of the Final EIS for the Draft Regional Plan.

ADDITIONAL REVISIONS TO THE OCTOBER 24, 2012 DRAFT REGIONAL PLAN

1. Consistent Area-Wide BMP Approval Requirements

Section 2.2.16 of the Final EIS addresses revisions to Alternative 3 to use TMDL data in the review of Area Plans. The Final EIS found that no adverse environmental effects would result.

The additional revision would modify one additional code section to also use TMDL data in the review of Area Plans, as follows:

Modified Code Section 13.5.3.B.3.a

Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits ~~than to~~ certain site-specific BMPs ~~and must infiltrate the 20-year, one-hour storm.~~ For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for unregistered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances)).

The modified code section would address an inconsistency with the related changes that are analyzed in the Final EIS. These changes merely resolve this inconsistency in the text and therefore would not generate new environmental impacts or increase the severity of any adverse impacts evaluated in the EIS.

2. Corrected TAU Transfer Provisions

Section 2.2.4 of the Final EIS addresses revisions to Alternative 3 that provide additional safeguards to limit the impact of transferred TAUs. The Final EIS found that no adverse environmental effects would result.

The additional revision would correct a typographical error to maintain consistency with the intended change and the Final EIS analysis, as follows:

Modified Code Section 51.5.2.K.2

Provided the conditions in subparagraph 1 above are met, 80 percent of the tourist accommodation units on the receiving site may be up to 1,200 square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units not to ~~that~~ exceed 1,800 square feet, with kitchens.

The modified Code section would correct a typographical error and maintain consistency with the intended change and the Final EIS analysis. These changes therefore would not generate new environmental impacts or increase the severity of any adverse impacts evaluated in the EIS.

3. Consistent Subdivision Restrictions

Section 2.2.3 of the Final EIS addresses revisions to Alternative 3 that establish the *Resort Recreation* district to limit Alternative 3 allowances for the *Recreation* District. The Final EIS found that no adverse environmental effects would result.

The additional revision would include Regional Plan Sub-Policy LU-2.2.H to maintain consistency with related changes that were analyzed in the Final EIS analysis, as follows:

Regional Plan Sub-Policy LU-2.2.H

H. Division of land through air space condominiums in two resort recreation designated areas with the approval of a project associated with an approved transfer of development. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location or a greater rate of development than otherwise permitted by this plan. Subdivisions shall be limited to air space condominium divisions with no lot and block subdivisions allowed, development shall be transferred from outside the area designated as resort recreation, and transfers shall result in the retirement of development.

This Sub-Policy would address an inconsistency with the related changes that are analyzed in the Final EIS. These changes therefore would not generate new environmental impacts or increase the severity of any adverse impacts evaluated in the EIS.

4. Concurrency Requirement for Area-Wide BMP Programs

Alternative 3 includes allowances for Area-Wide BMP programs to be developed in the future, subject to certain approval standards and all TRPA Environmental Review requirements (Draft EIS page 3.8-48). Because Area-Wide BMP programs would be required to provide the same or greater water quality benefit as individual BMP systems, the Draft EIS found that no adverse environmental effects would result.

The additional revision would clarify the approval requirements for future Area-Wide BMP Programs, as follows:

New Code Sub-Section 13.5.3.B.3.g

g. Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements that provide equal or greater water quality benefits than parcel level BMPs.

This revision clarifies that area-wide BMP Plans must require that BMPs be installed concurrently with development activities. This revision is a minor clarification of the approval requirements for area-wide BMPs, and therefore would not generate new environmental impacts or increase the severity of any adverse impacts evaluated in the EIS.

5. Additional Topics added to Regional Plan Attachment 5, Preliminary List of Priority Projects.

Alternative 3 establishes a priority setting process for TRPA to consider topics that may be analyzed in future planning initiatives. Alternative 3 also identifies a preliminary list of topics that may be prioritized in the future. The priority setting process does not authorize any modifications to the Plan or Code and any future modifications would be subject to separate environmental review.

The additional revision would identify three additional planning initiatives to consider prioritizing in the future, as follows:

New Topics in Regional Plan Attachment 5, Preliminary List of Priority Projects
Consider additional financial assurances to fund site remediation if a project commences but is not completed in a specified time period.

Consider incentives for the transfer of development to areas outside of Centers that meet certain requirements, such as transit service, pedestrian facilities, and commercial businesses.

Consider incentives or other regulatory revisions that would promote redevelopment of areas along the Truckee River, which are outside of the Lake Tahoe Hydrographic Tahoe Basin.

Like other topics on Regional Plan Attachment 5 *Preliminary List of Priority Projects*, no changes would be authorized with the Regional Plan and environmental review would occur in the future. This change therefore would not generate new

environmental impacts or increase the severity of any adverse impacts evaluated in the EIS.

6. Grammatical Modifications to TRPA Compact References in the Regional Plan
Alternative 3 retains references, quotations and summary statements related to the TRPA Compact in various introductory sections of the 1987 Regional Plan. The introductory sections are explanatory in nature and do not effect implementation of the TRPA Compact.

The additional revisions would make three grammatical changes to introductory sections, as follows:

Modified Regional Plan Chapter II: Land Use Element Introduction (Page II-1)

Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a "land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of maximum population densities and permitted uses."....

Modified Regional Plan Preface – Statement of Principles #3b (Page V-2)

- b. *Adopt and enforce a Regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities; and*

Modified Regional Plan Chapter I: Regional Plan Introduction (Page I-1)

The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, will achieve and maintain ~~provides for the achievement and maintenance of~~ the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development.

Because these revisions are only grammatical clarifications in explanatory text, the modified language would not generate new environmental impacts or increase the severity of any adverse environmental impacts evaluated in the EIS.