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MEMORANDUM

Date: September 15, 2010
To: TRPA Governing Board
From: TRPA Staff
Subject: "FactSheet FollowUp" for Regional Plan Update Milestone #5:
Conservation

Requested Action: Governing Board direction that the attached FactSheet FollowUp #5 (Attachment A) has accurately portrayed the results of the fifth Milestone in the Regional Plan Update process and should be inserted into the FactBook behind FactSheet #5.

Staff Recommendation: Governing Board members review the attached FactSheet FollowUp #5 to ensure that it has accurately portrayed the results of the fifth Milestone in the Regional Plan Update process. Staff recommends that if the Board confirms that there are no discrepancies in FactSheet FollowUp #5, and the document accurately portrays the results of the Conservation Milestone in the Regional Plan Update process, it should direct staff to insert the document into the FactBook behind FactSheet #5.

Requested Motion: The Board is requested to make a motion directing staff on how to proceed with FactSheet FollowUp #5. A majority straw vote of the Board is requested to provide staff with direction.

Background: The Conservation Milestone was the fifth in a series of Milestone discussions conducted as part of the Regional Plan Update process. It took place at the July 28, 2010, Governing Board meeting. Each of the Milestones deals with a part of the Plan, and each is preceded by a stakeholder process to vet the proposed policy alternatives with Agency partners and constituents.

To support the discussion at the Board meeting, staff presented the Governing Board with FactSheet #5, which served as a summary of the stakeholder process for Conservation. The FactSheet outlined the major issues identified by staff and stakeholders and provided a framework for the Board in making decisions and providing policy direction. There were two major issues called out in FactSheet #5.

Staff prepared a FactSheet FollowUp for the Conservation Milestone to recap the direction that the Governing Board gave to staff for the two issues raised and voted (straw vote) on at the July 28, 2010, meeting. Staff has produced FollowUps for the other FactSheets after every Milestone. The nature of the FollowUp documents is to summarize and memorialize the direction given.

Contact Information: If you have any questions, please contact Harmon Zuckerman, Director, Regional Plan Update, at hzuckerman@trpa.org or (775) 589-5236, or Paul Nielsen, Conservation Team Lead, Regional Plan Update, at pnielsen@trpa.org or (775) 589-5249.

Attachment A

FactSheet FollowUp

Conservation, Milestone #5

What is a FactSheet FollowUp?

A FactSheet FollowUp is a set of Milestone meeting summary notes that serve as a companion to the FactSheet prepared for each Milestone. It documents each policy issue discussed in the FactSheet, the staff proposal, and direction given by the Governing Board. The FollowUp is not intended to serve as regular minutes of the meetings. These will be prepared for the Board and made available in the usual way.

What was the direction given by the Governing Board concerning Conservation policy issues?*

W&F Issue #1: Special Status Species

Staff Proposal: Alternative 2 proposes to require projects to consider impacts to wildlife species' "within the Basin" populations. This requirement would clarify staff's interpretation and justify staff's implementation of existing Code language. Since 1987, TRPA has reviewed projects' impacts to wildlife populations at the project and Tahoe Basin scale. TRPA's jurisdiction is, of course, only within the Basin.

Staff proposes to clarify that it is TRPA's policy to protect the populations and habitats of special status species in the Tahoe Basin.

Here's why:

TRPA Code[†] requires that

Uses, projects or activities, outside existing urban areas and within the disturbance zone of special interest, threatened, endangered or rare species, shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population.

Staff has always interpreted this provision to mean that projects may not adversely affect wildlife habitat or cause the displacement or extirpation of

* Milestone Meeting #5 was held on July 28, 2010, at the North Tahoe Conference Center, Kings Beach, CA

† TRPA Code of Ordinances, 78.3.B, "Adverse Impacts"

populations within the Basin. The proposal is to make it clear – through amended Code language – that the populations being protected are Basin populations. This would support staff’s interpretation and justify the way that project impacts have traditionally been evaluated.

Governing Board Direction: Based on technical recommendations from the Advisory Planning Commission (APC), the Board took a straw vote and unanimously accepted staff’s proposal to protect the populations and habitats of special status species in the Tahoe Basin, with clarification that special status species refers to the seven listed TRPA Threshold species of interest and state and federal special status species. The Governing Board also asked that TRPA legal staff conduct research to determine if potential impacts to locally important, non-listed species, are required to be evaluated during environmental review.

Soils Issue #1: New Land Capability Mapping

Staff Proposal: Currently, TRPA determines the land capability of a parcel through a combination of actions. Though there is usually field verification, much of the determination is based on mapping and data from 1974.

During stakeholder meetings, a question arose over the implications of using new data to determine land capability districts. The concern was that use of the new data may result in a reduction in the amount of SEZ area on the land capability map. Because the SEZ Threshold is based on restoration of 5% of the total disturbed SEZ (in the urban area), reducing total SEZ acreage would reduce the required restoration amount. This could be considered a “weakening” of the Threshold. Some stakeholders also worried that new data may indicate a greater amount of high capability land potentially eligible for development.

Staff proposes to make it TRPA’s policy to use the best, most up-to-date, most complete information to establish a new land capability map.

Proposed Soils Conservation Policy S-2.1 states:

Allowable land coverage in the Tahoe Basin shall be set in accordance with the land capability district classification methodology and district based coverage limitations set forth in the Land Capability Classification of the Lake Tahoe Basin, California and Nevada, A Guide for Planning (Bailey 1974).

To implement the proposed policy direction in *italics* above, staff would retain Policy S-2.1 and amend Implementation Measure S.IMP-2 as follows:

Adopt an updated, planning-level land capability map of the Lake Tahoe Basin that is based on the best available geology, hydrology, geomorphology, vegetation, and soils data and information. ~~the 2007 soil survey update prepared by the U.S. Department of Agriculture Natural Resources Conservation Service.~~

Here’s why:

FactSheet FollowUp #5

The effect of the Policy would be to continue Bailey's land capability district classification methodology and district based coverage limitations. The effect of the Implementation Measure would be to allow for the newest data to be fed into the system. Reliance on the most up-to-date science is a goal of the Regional Plan Update and a major priority for TRPA. Whether potential land coverage increases or decreases, in staff's judgment, should be less a concern than whether we have the most accurate information available.

Governing Board Direction: Based on technical recommendations from the APC, the Board took a straw vote and unanimously accepted staff's proposal to update the land capability map to use the best, most up-to-date, most complete information available. The Governing Board clarified that determinations concerning how the map will be used and the associated coverage implications associated with the new map would be subject to future Governing Board review and approval.

Was there any additional direction given by the Governing Board concerning other Conservation issues?

No additional direction was given by the Governing Board concerning other Conservation issues.