

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, February 12, 2020** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

February 5, 2020

A handwritten signature in blue ink, appearing to read "J Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

February 12, 2020
9:30 a.m.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chair reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Advisory Planning Commission. All such comments will be included as part of the public record.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. DISPOSITION OF MINUTES

V.	ADMINISTRATIVE MATTERS		
	A. Election of Chair and Vice Chair	Action	<u>Page 1</u>
VI.	PUBLIC HEARINGS		
	A. Amendment to Chapter 84 of the TRPA Code of Ordinances regarding development standards for Stream Mouth Protection Zones	Recommendation	<u>Page 3</u>
	B. Amendments to Chapter 61: Vegetation Management and Forest Health, Sections 61.1 (Tree Removal) and 61.2 (Prescribed Fire)	Recommendation	<u>Page 35</u>
VII.	PLANNING MATTERS		
	A. State Route 89 Recreation Corridor Management Plan briefing	Informational Only	<u>Page 119</u>
VIII.	REPORTS		
	A. Executive Director	Informational Only	
	1) Upcoming Topics	Informational Only	
	B. General Counsel	Informational Only	
	C. APC Members	Informational Only	
IX.	PUBLIC COMMENT		
X.	ADJOURNMENT		

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

December 11, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Interim Chair Mr. Larsen called the meeting to order at 9:31 a.m.

Members present: Mr. Alling, Mr. Buelna, Ms. Carr, Mr. Drake, Mr. Drew, Mr. Grego, Mr. Larsen, Mr. Plemel, Ms. Roverud, Ms. Stahler, Ms. Wright

Members absent: Mr. Callicrate, Mr. Ferry, Mr. Guevin, Mr. Hill, Washoe Tribe, Mr. Young

II. APPROVAL OF AGENDA

Mr. Grego moved approval.
Mr. Buelna seconded the motion.
Motion carried

III. PUBLIC INTEREST COMMENTS

Andy Huckbody, Chairman, Lakeridge General Improvement District thanked everyone for all the work done on the shoreline plan. They've been waiting for more than 20 years in Lakeridge to do something with their pier and appreciate some movement forward. The pier criteria selection needs further review. There's a downside to the criteria for existing community piers where those multi-applications get a lower priority. It should be the reverse, if there's a community that has more users than the lakefront users, they should get some higher priority, if in fact TRPA is trying to limit the number of piers. If you look at the current criteria, if a community like Dollar Point has a community pier, the multi-applications that were submitted last time, got a lower priority than everyone else. If they have 80 users of a common pier, it should get higher priority in the selection criteria. They would also like to see more than six piers per year get processed through the system.

IV. DISPOSITION OF MINUTES

Mr. Drake moved approval of the October 9, 2019 minutes.
Ms. Stahler seconded the motion.
Motion carried.

V. ADMINISTRATIVE MATTERS

- A. Resolution recognizing Advisory Planning Commission member, Steve Teshara, Tahoe Transportation District Representative

Mr. Larsen read the resolution into the record.

Mr. Teshara said he appreciated and was committed to his service on the Advisory Planning Commission and respected his colleagues on the APC, both current and former members. He also appreciated the APC for the role it has at TRPA. That was one of the commitments made by himself and Mr. Larsen that the APC remained relevant and could contribute in light of all the Governing Board committees. When he extended an invitation to Mr. Larsen to be the vice chair that was a strategic moment in time for the APC. He thanked the leadership team, Mr. Larsen for being a great partner, and the support you all have given.

Ms. Wright moved approval.

Mr. Grego seconded the motion.

Motion carried.

VI. PUBLIC HEARINGS

- A. Amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said today's proposal is an amendment to the Code of Ordinances to help with implementation of the shoreline plan. This amendment deals with the recognition of existing buoys within buoy fields. Buoy permitting is a component of the shoreline plan that was adopted in October 2018. Phase one of the implementation began in March 2019 with issuing TRPA permits for existing buoys. Phase two will begin in 2020 which involves permitting a limited number of new buoys. Before issuing permits for new moorings in phase two, phase one must be completed by determining the status of existing buoys. The shoreline plan involved comprehensive amendments to the Code of Ordinances and as they implement the plan, issues occasionally arise. When this happens, the shoreline committee is consulted for direction. Often resolving the issue involves amendments to the code which is the case for today's proposal.

During phase one of the implementation staff noted that there were no provisions in the Code of Ordinances to allow TRPA to issue permits for existing buoys that are located within a buoy field. The code does include language for permitting buoys outside of a buoy field such as a private littoral parcel. This provision sets a limit of three buoys. Absent the necessary code provisions, TRPA is unable to issue permits for these existing buoys within buoy fields. Throughout the shoreline plan process staff has communicated to the public that legally established buoys will be allowed to remain. The shoreline plan anticipated that these buoys would be allowed to remain and was factored into the environmental analysis. Under the shoreline plan all buoys both existing and new must be covered by a TRPA permit. As a result, TRPA requires that grandfathered buoys not yet covered under a TRPA permit apply for a permit

as part of phase one. To qualify as a grandfathered buoy, a buoy must either have existed prior to 1972 or have received a state or federal permit or lease prior to 2018. That applies to littoral parcels as well. The shoreline steering committee recommends that the same grandfathering criteria that applies on private littoral parcels also apply to buoy fields offshore of a littoral parcel associated with a homeowner's association or a commercial tourist accommodation, marina, or public use. The limit of three buoys would not apply. As part of this proposal, they're adding a new subparagraph E.3 to section 84.3.3 that addresses buoy fields specifically.

The amendment is scheduled to go before the Regional Plan Implementation Committee and Governing Board on December 18th.

Presentation can be found at:

[Agenda-Item-No.-VI.A-Shorezone-Amendments.pdf](#)

Commission Comments & Questions

Mr. Drew referred to the words "similar entity" under section 84.3.3.E.3. It states that TRPA may authorize existing mooring buoys offshore of littoral parcels associated with a homeowner's association or similar entity. He asked why that particular terminology was included, because homeowner's associations are legally well defined. He's concerned that when there's language left in like that, it's open for interpretation.

Mr. Marshall said buoy fields are controlled by a number of different types of organizations. When they refer to homeowner associations, they are referring to them generically. For example, the Lakeside General Improvement District a homeowner's association. One could make a legal argument that it's not. General Improvement Districts and other types of similar organizations have buoy fields that are not necessarily strictly defined as a homeowner's association, but they operate like one for a group of property owners within a distinct area. That's why they added the language or "similar entities" so they wouldn't be stuck with the legal definition of homeowner's associations when they have a variety of different organizations out there that have buoy fields.

Mr. Drew asked if this would encourage an entity that is not a general improvement district or a Homeowner's association now to push to become one to fit under that or a similar entity. Then to be allowed to have a buoy field that would not be held to the same standards as a littoral parcel.

Mr. Marshall said there are no new buoy fields authorized by the Code of Ordinances. This is trying to get at those entities that already have a buoy field offshore of a littoral parcel and what's the best way to define the range of those entities. They don't want to be unduly restrictive on who qualifies that already have a buoy field, often times, a buoy field lease or permit from State Lands.

Mr. Drew said he wanted to ensure that this didn't create a legal issue down the road in terms of people questioning what "similar entity" meant.

Mr. Marshall said because they're limited to existing buoy fields, they're not in that situation. If

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they were doing a new buoy field, similar entities don't have the most exact definition. They're looking at it functionally as to whether or not the entity functions like a homeowner's association. Then they would qualify to have their buoys recognized as one of those entities that are allowed to grandfather existing buoys.

Ms. Stahler referred to item three, sub bullet A. It states that littoral parcel owners provide a valid buoy permit issued by a federal or state entity. She asked why it was federal or state.

Mr. Conger said because there are circumstances where the Army Corps of Engineers could issue an entitlement for a buoy.

Ms. Stahler asked if staff at that time, would also look to see if the state had also issued a permit for that buoy. She wondered why the word "or" was in the statement of federal or state agency with appropriate jurisdiction. She would want to see that there was a state permit issued for buoy fields if there was a federal permit as well.

Mr. Marshall said he's sure that almost all buoy fields have state leases or permits anyway. There is the possibility that buoys have been on the Lake that have been authorized by Army Corps. Like with littoral parcels be able to provide that opportunity to grandfather with that placement. The concept was that if you got another governments authority or authorization to put a buoy into the Lake, and then people acted on that without a TRPA permit that they would recognize that and issue a permit based on those prior authorizations of buoys from a government entity.

Ms. Stahler asked if item three pertains only to homeowner associations and only to buoy fields or is it any existing buoy.

Mr. Marshall said this section is only to buoy fields. They took the same language from individual littoral owners.

Mr. Alling referred to item E.3.a where it states that the littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018. He asked if there are any instances where the homeowner's associations or other similar entity are not the littoral parcel owner and that they could provide that information. It maybe in certain instances the individuals may be littoral property owners but not a homeowner's association or the entity that's in ownership of the buoy field.

Mr. Marshall said this a section that allows littoral homeowner associations with littoral parcels to grandfather. They had some element of control over the littoral parcel that's associated with the buoy field. In a lot of instances, it's a strip parcel or an access parcel that the homeowner's association has control over.

Mr. Alling said in essence the homeowner's association or similar entity all have some littoral property.

Public Comments & Questions

Andy Huckbody, Lakeridge General Improvement District said Lakeridge is a GID that has deed restrictions which makes it more like a homeowners association than a lot of the other GID's such as Zephyr Cove that have buoy fields and may not have any type of covenants, conditions, and restrictions. Everyone is unique when it comes to a GID. They act as a homeowner's association, but the difference is that they don't collect HOA fees because they get funding from the state and the county. They're not opposed to the recommendation but rather the date of September 1, 2018. This date had not been publicly disclosed. He has press releases from TRPA on July 20, 2017 and April 18, 2018 saying that homeowners' associations can get new buoys. On April 8, 2019 and September 20, 2019 still no mention of a September 1st date. This shoreline review document only states that if you have a permit through Nevada State Lands you can register which they've done. There was a question and answer fact sheet with no date, but it was similar language; can homeowners associations that do not currently have a buoy field apply for buoys and the answer is yes. You can't create a new homeowner's association to get it. Their GID was created in 1966. His first meeting with staff was August 2017 to discuss the pier and buoys, no mention of this date at that time. Again, they had another meeting on March 19th with staff and this date was suggested but not confirmed. During all this time from 2017, they moved forward did all the work with having the surveys done, applied to Nevada State Lands, got that permit, and have been paying for buoys waiting for TRPA to do something. They did apply in March of 2019 and the application is pending. He feels that a lot of it has to do with where this recommendation goes and the board's decision next week. They don't feel September 1st is a valid date. They didn't initiate the new shoreline plan until October 2018. They didn't make the public aware so they could do something. At the same time, Nevada State Lands agency also needs time to review and approve. Even though their application was before that, the approval came after that date. When they spoke to Nevada State Lands in September and October, they asked Lakeridge what the rush was because you can't put buoys in the Lake now anyhow. Every agency takes some time. They've never been able to find TRPA's definition of a buoy field. They're not opposed other than the date, they feel that the date probably should be September 30, 2019 which was the deadline to register buoys. Anything other than that, he's unsure where the date comes from, September 1, 2018 looks like an arbitrary date. He understands that this is a work in progress, but they've spent a lot of money getting prepared for this and have waited more than 20 years.

Mr. Larsen said his understanding is that there isn't anything in this proposal and language that doesn't prohibit new buoys, it's just acknowledging existing buoy fields. He asked staff to provide some clarity on the date.

Mr. Conger said the September 1, 2018 date is for recognition of existing buoys that had existed prior to the shoreline plan. There is a separate provision in the Code of Ordinances for new buoys within a buoy field. It involves some level of capacity analysis so there are setback requirements and a limitation on boundaries of the buoy field. They would be subject to the limitations on new buoys that include metering out a certain amount each year. This is focusing on phase one, whereas phase two are the new buoys.

Mr. Marshall said they copied over the grandfathering from the individual littoral parcels to also be available for buoy fields. That date was selected because what they didn't want to have

happen while they were moving through the approval process was to have a on slot of people filing for permits with California and Nevada State Lands for leases and permits while the effort to get the shoreline plan package through. That only applies to existing buoys and that you had to have a permit from a state or federal entity by that date in order to be eligible to grandfather or be pre 1972. Those were the two criteria that were debated and discussed about that date in terms of when it was adopted. It's not a date to apply for new buoys or be eligible for new buoys, but he's unsure whether or not Lakeridge General Improvement District has existing buoys offshore. In trying to implement these provisions, particularly the prohibition on new buoy fields and working with homeowner's associations and similar entities. If they have something that TRPA can recognize as a buoy field offshore of either their private littorals that often have their own buoys and sometimes have homeowner's association buoys as well as offshore of homeowners' associations to try and squeeze them into the existing buoy field. If they don't have an existing buoy field, then they're not eligible for new buoys. If they have an existing buoy field, then they are eligible for new buoys. That is a separate process that will commence next year to allocate out those new buoys.

Ms. Good said Lakeridge General Improvement District applied to TRPA for 17 moorings and their Nevada State Lands lease was applied for before the September 1, 2018 date. If their lease is prior to September 1, 2018, should this code amendment go through then staff would be able to move forward with review and potential approval of those moorings. Not Lakeridge specific, but absent that lease from a state lands entity or a TRPA permit, staff would look to see if they could grandfather the buoys and if they existed prior to 1972. Not specific to Lakeridge, that would be the next step absent a state lands lease or a TRPA permit.

Commission Comments & Questions

Mr. Grego asked if this amendment is passed, will the Lakeridge application be denied.

Ms. Good said no, it wouldn't mean that it is denied, it means if the amendment is passed, staff will have mechanisms to move forward with review and potential approval of existing buoy fields like Lakeridge General Improvement District.

Mr. Larsen asked if Lakeridge General Improvement District has an existing buoy field. If there's no buoy field there now, it seems disingenuous to try and grandfather something that doesn't exist.

Ms. Good said Lakeridge has existing moorings. If they have a state lands lease, then staff could move forward with TRPA recognition of their buoy fields.

Mr. Larsen said this is phase one about grandfathering existing buoys. The September 1, 2018 is generous and appropriate due to the fact that there was a time where TRPA was not issuing buoy permits but the state was. Acknowledging those state permits is generous. Grandfathering those buoys makes sense and the proposal to grandfather those buoy field buoys makes sense. He shares that overall concern that there's not an interest in creating a rush to get a state lands permit so you can be grandfathered before the permitting process comes into play. There is a process that is established for new buoys and this application is going through that process and all the appropriate mechanisms to review are also in place. Today's proposal is how we should

consider grandfathering existing buoys. It sounds like the buoys in question are not existing.

Ms. Stahler said that's a good explanation. She reviewed this Lakeridge permit on behalf of State Lands. Their process to review and approve applications goes through a review and comment period and there are provisions in their regulations that help them evaluate whether or not to approve a permit. She doesn't remember the date she signed the permit. When they evaluated whether or not to approve it, there was a reservation because they knew that TRPA had just passed shoreline ordinances that would prevent the installation of new buoy fields. However, the application did meet the Nevada Division of State Lands regulations and was the reason that it was signed. The applicant was made aware on multiple occasions that there was a risk that their buoy field might not be approved by TRPA because of the new ordinances. Understanding that risk, they decided to proceed.

Mr. Larsen said the date was appropriate and doesn't feel that there should be consideration given to adjust that date at this time.

Ms. Carr said the state administrative procedures act has very specific guidelines to adopt a new regulation. She asked what TRPA guidelines are to adopt new ordinances. Are there any requirements for workshops or outreach that has or should have happened if there was a misstep or is this the public process?

Mr. Marshall said the Compact and TRPA rules have a series of notices. There are no required workshops prior to getting here. They are required to notice generally three weeks beforehand in the newspapers that we're amending a particular chapter of the Code of Ordinances. Then there's the seven day notice with the packet for the Advisory Planning Commission. There isn't a requirement before that process do an advanced workshop. Mr. Huckbody referred to multiple workshops held for people interested in the shoreline. What they're trying to do here is correct a situation that was discovered as they were moving through the process. Right now, they can't authorize existing buoys. This was to get a mechanism to authorize existing buoys within existing buoy fields. There was always a notice that if you weren't eligible for a new buoy field if you didn't have a buoy field already. There was not a provision prior to this that would allow grandfathering of an existing buoy field. They have to add this in order to get to that point. There's a fundamental policy rational underlying the allocation of the additional capacity for buoys. That's the underlying substantive issue. Who gets the buoy capacity that was allocated by the addition to the shoreline chapter and the shoreline plan. The policy decision that underlies this is that if you have a buoy in the water or had a buoy application granted by that particular date then it's grandfathered. If you didn't and you're like a homeowner's association or want a buoy field, then you're out of luck. That capacity is going to other buoy fields, other littoral parcels, and marinas, the existing structure on the Lake. That was the basic judgment that there were not going to be any new buoy fields and the added capacity be distributed around littoral parcels and existing buoy fields. That leaves entities like Lakeridge General Improvement District if they can't qualify under this provision and other homeowners' associations, and other people who want a buoy field are in effect not eligible or able to start putting out buoys. That was the basic policy judgement that was made. If it was another date, then it would be a different date for private littoral owners than they would be for buoy fields in terms of when the grandfathering date is.

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Ms. Carr feels that date makes sense as well. She hadn't presumed that TRPA hadn't made any procedural errors, she just wanted to ensure that the public process had been followed. She thanked staff for including in the staff packet and mentioning this morning that from the environmental assessment perspective, these grandfathering of existing buoys were originally included in the environmental checklist that was done before. It made it easier to review the packet knowing that it had already been addressed and this was correcting a missing piece of language in the drafting process.

Mr. Larsen said without this provision there is no ability to grandfather existing buoy fields. He believes it was the intent of TRPA to have that grandfathering process and this is correcting a misstep.

Mr. Drew said if it existed pre 1972 or went through the process and issued a permit by the state or federal government prior to September 1, 2018, those are buoys that were in place will be considered grandfathered. During that time, TRPA was working on the shoreline plan. In essence, there were applications that were being provided by the state or federal government that may not been approved by TRPA during that time.

Mr. Marshall said the circumstances that were addressed in the shoreline plan was the issue of existing buoys without a TRPA permit. People placed buoys in the Lake without TRPA authorization even though it was required. They wanted to divide things into people who didn't have any permits from any entity and those were not going to be grandfathered unless they were pre 1972 before there was a requirement to get a permit. If someone had a state lands permit or an Army Corps authorization then TRPA would grandfather it, even though it didn't have a TRPA permit. TRPA was prevented from issuing permits because of spawning habitat and the injunction of the prior litigation. They wanted to get those existing buoys under TRPA permit. They were informed by the both state lands entities that people were going to them in anticipation of the adoption of these rules. People wanted to get a state lands permit while these rules were pending in order to qualify for grandfathering. They needed a date to keep people from gaming the system by trying to get a state lands permit while these rules are being put in place. If there was an application to state lands before that date and the permit wasn't issued until after that date, then that doesn't comply with the choice of dates, notwithstanding getting a permit.

Mr. Drew said if someone had buoys post February 10, 1972 and pre September 1, 2018 and they never received a permit for them, those are not eligible moving forward. The only new buoys that will be allowed moving forward are those that are allowed under the state and TRPA under the new rules of the shoreline plan.

Mr. Marshall said yes, that is correct. New are ones not on the Lake or under permit from an appropriate entity prior to September 1, 2018. Then there's a separate pool for new buoys on the Lake.

Mr. Drew said this conversation muddied the water. The bottom line is that it was made clear to everyone through the public process that if you had a post February 10, 1972 and pre September 1, 2018 buoy that was never permitted by anyone, it was in jeopardy. Because if it was permitted by a state or federal agency prior to September 1, 2018, then it's eligible to be

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grandfathered. If there wasn't a permit from any state, federal, or TRPA entity between those dates, but had a buoy, those wouldn't be eligible for grandfathering later. He wanted to ensure that is made clear for the record.

Mr. Marshall said yes, that is correct. There's no provision to the code for that but it was discussed in the staff report and environmental document. They tried to calculate the number of unpermitted buoys going through this. That will be the enforcement burden going forward. If they don't qualify for a new buoy, then they need to come off the Lake.

Mr. Grego asked how many applications are being affected from the deadline of September 1, 2018 date and now.

Mr. Marshall asked Mr. Grego if he's asking about buoy fields and individual buoys or just entities applying for a buoy field.

Mr. Grego asked how many applications will be affected from September 1, 2018 and now if this amendment is passed.

Mr. Marshall said this only applies to buoy fields. There's the Lakeridge General Improvement District buoy field. He's unsure if there's been enough work done on the other buoy applications from homeowner's associations and other like entities as to when they got their state lands permit that they're relying on for grandfathering. Anyone in the same situation as Lakeridge would be treated the same as them. If they didn't get their permits before September 1, 2018, then those buoys won't be recognized unless they can be recognized as pre 1972 or another category.

Mr. Grego asked how many applications are going to be affected.

Ms. Good said there are just over 100 buoy fields on the Lake. It encompasses about 2,700 buoys. Nearly half of the fields and about 1,700 buoys have been permitted by TRPA at some point. Nearly all of the moorings that are within buoy fields have a state lands lease or permit coming up to that September 1, 2018 date. There is a about nine buoy fields and even less than 100 buoys that they believe based on preliminary analysis that were placed after 1972 and never had a TRPA, state, or federal lease. Should this code amendment pass, most of the applications would be acted on and permitted.

Mr. Larsen appreciated Mr. Marshall's comment that there was an acknowledgment of trying to avoid allowing people to game the system to get state lands permit to avoid the restriction that wouldn't allow a new buoy field. TRPA made a good faith effort to avoid that gaming of the system but acknowledging that there are some buoys that are legal.

Mr. Plemel made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary

Mr. Alling seconded the motion.

Motion carried.

Mr. Plemel made a motion to recommend adoption of Ordinance 2019-___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

Ms. Stahler seconded the motion.

Motion carried.

VII. PLANNING MATTERS

A. Briefing on Forest Health Implementation Planning:

TRPA team member Ms. McIntyre provided the presentation.

1) Forest Health Action Plan

Ms. McIntyre said this action plan was created by the California Tahoe Conservancy and the Tahoe Fire and the Tahoe Fire and Fuels Team that lays out a plan for how we're going to increase pace and scale over the next ten years of treatments in the wildland urban interface and accomplishing large landscape restoration projects. It has three overarching strategies: One is to scale up the size of the treatments being done, the second is the increase capacity, and three is leveraging technology. Also included is a funding strategy that projects in order to accomplish this work that \$23 million will be needed for the first five years and then \$9 million annually for the last five years.

2) Lake Tahoe West Landscape Restoration Strategy

Ms. McIntyre said the Lake Tahoe West Restoration partnership was formed in 2016 with multiple agencies and stakeholders. TRPA has been an integral piece of this since the beginning. This is to increase ecosystem resilience on about 60,000 acres of the west shore of Lake Tahoe. This area is at high risk of high severity fire and tree mortality from disease and beetle outbreak and are looking to increase the pace and scale of restoration in a timely fashion to catch those things before they happen. The Lake Tahoe West landscape area goes from Dollar Point to Emerald Bay, the land ownership is predominately federal but the way that the planning is occurring and the way they've been considering the landscape, they're looking at how to get the cross boundary multi-jurisdictional benefits in terms of restoration.

The partners took a phased approach to developing Lake Tahoe West: the first phase was the landscape resilience assessment. They worked to identify landscape attributes and then assessed those current levels of resilience for disturbance for each one of those attributes. They looked at the forest and the watersheds and found that they weren't resilient to fire, drought, or climate change to the future. There's high tree density, fuel loading, high levels of ladder fuels, and the majority of meadows cannot provide refuge in terms of a changing climate. Animals will not be able to use those spaces as the climate continues to warm and change. About 80 percent of streams have barriers to any kind of fish passage. Almost the entire landscape has too many trees per acre as defined under the landscape resilience assessment.

They also participated in modeling and analysis looking at different climate scenarios and treatment options. One was looking at suppression if they were to suppress all fires that come

through, the other is thinning in just the wildland urban interface focusing on those areas around communities. Scenario three and four is where they start to see the treatment in the general forest. Thinning in wildland urban interface general forest and wilderness, then four is different because it adds prescribe fire into the mix. Scenario three showed to be the best in terms of increasing resilience across all the different modeling options.

The second phase was taking all this data that the science team and the partners created in the resilience assessment and spinning it into a restoration strategy. It was informed by the model and results and combines aspects of scenarios three and four. It continues to focus on reducing risk near communities and expand forest and watershed restoration into the general forest and increase forest thinning and applications of prescribed fire onto the landscape.

There are several kinds of bundles of recommendations that come from the landscape restoration strategy: One is focusing on forest treatments. Substantially increasing that forest thinning and prescribed fire, protecting communities from high severity wildfire, minimizing smoke impacts, including better smoke forecasting, and actively managing forest habitat in protected activity centers.

The second bundle focuses on water quality and clarity. The partners recognized that water quality and clarity are critical to the Basin and shared values. One is to restore the meadow riparian aquatic, and aspen ecosystems to support native biodiversity, increase habitat connectivity, and provide refugia for species as the climate changes, restore streams and streamside habitat to increase resilience to flooding and protect water quality, restore streams to reduce erosion and transport of sediments and nutrients to Lake Tahoe, including sediments potentially released from wildfires or restoration treatments, and prioritize early detection and rapid response programs to manage and reduce invasive species.

The last bundle of recommendations from the Landscape Restoration Strategy is to continue to collaborate on how they facilitate cross jurisdictional restoration. Enhancing their engagement with the Washoe Tribe and supporting and build resilience into the local economy and recreation industry. Whether that's utilizing biomass, figuring out how to bring different groups in.

They're in the third phase right now focusing on planning. Multiple projects in this area and in the landscape are being planned and slated to be implemented in the future. They're working on how to reduce the 60,000 acres into site specific projects that will then go through environmental review and analysis. That's been occurring this fall and will have a scoping package out for a triple document with an environmental assessment, environmental impact statement, and environmental impact report sometime in February and implementation occurring in 2022.

There is a funding strategy that is very broad bare bones right now and they are also working on developing a monitoring and adaptive management plan that will go hand in hand with this during implementation.

In order to increase the pace and scale they need to start moving into some of these areas that have steeper slopes. There's new technology that have become more readily available on the

market in the past ten to 20 years. They need to think about if the policies and regulations match what's available today. There are a lot of dense forests in this landscape that are on slopes of 30 to 50 percent. Under current policy, in order to treat those, they need to be hand or done by aerial yarding. Approximately 20 percent of the landscape falls on slopes of 30 to 50 percent. Currently, the Code of Ordinances doesn't allow mechanical thinning or treatments of slopes over 30 percent. The options now to treat land over 30 percent in the Lake Tahoe West Landscape is to do hand thinning or aerial yarding both of which can be expensive and inefficient. The current Code of Ordinances was created based on the Bailey land capability land classification. It was to address concern about erosion or sediment delivery to waterways. Other agencies in the basin and outside of the basin allow for treatments on slopes from 30 to 50 percent. Outside of the basin, the Forest Service is already operating on these types of slopes. Within the basin, the Lahontan Regional Water Quality Board does allow for mechanical thinning on slopes over 30 percent, under the 2019 Timber Waiver, if there was appropriate best management practices and monitoring guidelines in place. The timber waiver document that streamlines permitting was trying to allow increase pace and scale but also recognizing that as actions might increase in risk, they also need to increase the monitoring and best management practices.

There are new innovative technology and harvest methods for mechanical thinning on steep slopes. They have low pressure systems that reduce soil impacts and allow the steeper slopes to be treated. There are basin wide benefits to a potential code change allowing mechanical thinning on slopes over 30 percent.

Just outside the Lake Tahoe West landscape there are 43,000 acres that fall on slopes between 30 to 50 percent. About 30 percent of the total basin, not including those Lake Tahoe West acres are on those slopes. Mechanical treatment would help reduce acres treated by hand which reduce the number of burn piles on the landscape. There are generally less smoke emissions when the material is removed. It would increase ecosystem resilience and decrease that fire risk across the basin. In order to increase that pace and scale of restoration, mechanical treatments are often less costly than hand an aerial thinning. With that kind of cost savings, more acres can be treated and accomplish more work. Slopes, soil types, and cover are all critical pieces that will need further analysis and refinement. They'll look at this in the Lake Tahoe West environmental review with the Pacific Southwest Research Station to identify the data gaps and the needs to ensure that a basin wide approach looks at all potential impacts and gathers the right data so when new code is written there are no detrimental effects. Initial findings indicate that erosion from a catastrophic wildfire is significantly larger than erosion from treatments.

The Emerald Fire in 2016 burned 173 acres fueled by high winds followed by rain. That fire burned on a landscape that was 30 to 50 percent slopes. Some areas had fuel reduction done and the areas that were not treated had 80 percent tree mortality, they burned at the highest intensity, and there was significant erosion off of those slopes. In the areas that had been treated, the fire dropped down and burned as a surface fire and had significantly less erosion.

Modeling indicates erosion from high severity fire is significantly greater than that of treatments. What they see is that treatments ultimately produce significantly less erosion than leaving trees on the landscape and potential for a high severity fire.

The Landscape Restoration Strategy was released on December 6, 2019. They'll be going through scoping in February 2020 and will review the water quality slopes and soils analysis that should be completed by the fall of 2020.

Presentation can be found at:

[Agenda-Item-No.-VII.A.2-Lake-Tahoe-West-Landscape-Restoration-Strategy.pdf](#)

Commission Comments & Questions

Mr. Drew asked if a report had been prepared on the analysis of the Emerald Fire.

Ms. McIntyre said she's not aware of one. Jonathan Long and Bill Elliot from the Pacific Southwest Research Station did analysis looking at the erosion that came off the slopes in the area of the Emerald Fire.

Mr. Drew said having the data to support some of findings being reported on today would be valuable. The visual is telling but would like to see the data behind that because it would be informing especially for this commission if they're going to be asked to make decisions moving forward about changes to the Code of Ordinances.

Mr. Larsen said the photos are striking but having a good understanding of what amount of erosion could be prevented and the trade off analysis would be helpful.

Ms. Carr asked how they plan to remove the trees once they've been downed by this low impact equipment. While the erosion impact from that equipment might be low, what's the next step and how is that factored into this.

Ms. McIntyre said the Lake Tahoe West would like to utilize as many of the existing roads including upgrading them and putting best management practices in place to ensure that they are not increasing any sediment or erosion. Tentatively, there will be some temporary roads put on the landscape to access some of these treatments. All of that is still in the planning stages.

Mr. Marshall said these devices get rid of the need to cable yard, so that eliminates the need to drag these trees across the steep slopes.

Mr. Drake said in a prior career he worked on erosion issues in Lake Tahoe, particularly erosion on steep slopes, and treatments in stream environment zones. One of his last projects was a 319 grant funded guidebook called the Forest Management Guidebook completed by Lahontan Regional Water Quality Control Board, the Tahoe Fire and Fuels Team, the California Tahoe Conservancy, and Nevada State Lands. The focus of that was on moving away from a blanket regulatory requirement for slopes greater than 30 percent or in stream environment zones to look at what tools were needed to do these treatments and then simple low to moderate cost treatments that could allow some of these impacts to occur. He likes the direction of this to have more flexibility and more focus on the project implementor to take responsibility for the outcomes of the project.

Mr. Grego asked after mechanically thinning an area, how long does that last.

Ms. McIntyre said usually mechanical treatments are good for ten to 20 years. The opportunity where the Lake Tahoe West is trying to get ahead of the curve is following those treatments through with prescribed fire. Those types of mechanical treatments can be maintained with prescribed fire into perpetuity. If you can get the prescribed fire in there every five to ten years that's where you see the return on investment for mechanical thinning.

Mr. Grego suggested that it would be a good solution to put the utility wires underground. Even if you clear the trees around these wires there's still the pine needles on the ground. There needs to be an ordinance basin wide to put the wires underground. It seems that a high percentage of all the fires in California are caused by these wires.

Mr. Alling said the Lake Tahoe West process has been successful. He asked if there are any other areas within the basin that are planned to take the same approach with a different phased process.

Ms. McIntyre said the idea is that Lake Tahoe West will one day take the model and move it around the Lake. There is a similar planning approaches occurring in the Upper Truckee area. The Tahoe Central Sierra Initiative is also doing something similar. The Tahoe National Forest outside the basin is seeking out a collaborative forest restoration program project in the next round of funding. There's hope that this model will be used elsewhere.

Mr. Alling said in the presentation it was stated that one third of the acreage for the remainder of the basin outside of the current area is 30 to 50 percent. He asked if that's all the areas that need to be restored or does it still need to be analyzed.

Ms. McIntyre said no, it has not been analyzed yet.

Mr. Marshall said Mr. Lawrence's position is that the state of Nevada has been doing this type of comprehensive planning and coupling of multi and cross jurisdictional projects for a while.

Ms. Stahler said the idea of multiple benefits landscape scale restoration is appealing. The focus tends to be on the thinning and reducing the risk of catastrophic wildfire but there's also the opportunity for stream restoration, working on the meadows, and sensitive species. She asked what kind of modeling efforts have been undertaken in that respect. Are there maps that identify where the sensitive species are?

Ms. McIntyre said she can't speak to the modeling, but it has all occurred. She assumes a large portion of that is in the Landscape Resilience Assessment but then there are also a series of science papers that will be coming out from the Pacific Southwest Research Station within the next two months. In terms of the planning and how they're working towards reducing that landscape, they're always looking at where the protected activity centers are. The packs become their own special thing, there are the pack buffers, meadows, aspens, aspens with conifer encroachments. They're looking where they can go in and treat. They're also looking at culvert replacement, and stream barriers. The Forest Service wildlife biologist is on the Inter Agency Design Team with TRPA.

Mr. Larsen said Lake Tahoe West has given the opportunity from a total maximum daily load

perspective. They looked at the TMDL opportunities for the reduction and water quality improvement existing in the landscape beyond the urban interface and urbanize areas. The TMDL found that those opportunities are extremely costly to go into the forest and address the historic roadbed or some of these other issues that were not cost effective in terms of achieving the TMDL goals. When they go into these areas to do some of the habitat restoration and some of vegetation management it's a good time to address some of those historic disturbances on the landscape. It helps heal the watershed and address some of the hydrologic impacts that are still on the landscape. Increasing some temporary roads and some temporary impacts are necessary but overall these types of comprehensive approaches are necessary to getting to where we need to go.

Public Comments & Questions

None

3) Chapter 61 Vegetation and Forest Health Code Update

Ms. McIntyre said Mr. Hicks, chair of the Forest Health and Wildfire Committee was a part of the Blue Ribbon commission after the Angora Fire. The Forest Health and Wildfire Committee have met frequently since September to discuss updates to this code chapter. They've reviewed and approved work on the prescribed fire and tree removal sections. Through this winter and spring, the committee will continue to work on all the other sections of the chapter.

In order to have a healthy forest, they need to increase the pace and scale of prescribed fire. Some keys items that need to happen to the code structure for the Chapter is reorganization. For example, sections for protection are scattered throughout the sections of Chapter 61. There's also the need to eliminate the redundancy. The reasons for tree removal are currently found in two separate sections. All the stages of the code updates are tracked on a spreadsheet.

The proposed changes to the chapter will facilitate and promote and increased pace and scale for forest restoration. Streamlining that permitting and overview process so the action agencies and partner agencies who are the major land management groups can focus on getting more work done without extra green tape.

The Blue Ribbon Commission and the Lake Tahoe Basin multi jurisdiction fuel reduction and wildfire prevention strategy identified prescribed burning as a key component to moving forward within the basin. There are a variety of known benefits that come from prescribed fire. One is the ecological process for multiple decades have been suppressed and pushed out. They know that is reduces fuels and wildfire risks. Prescribed fire has less smoke impacts than a wildfire. In 2018, 715 acres of prescribed fire occurred within the Lake Tahoe Basin. The five year average is about 1,700 acres. A lot of those are pile burns. This isn't the broadcast burning, that low level landscape burning that they see where there a lot of ecological benefits. Prescribed burning in piles are good as well but it doesn't have all those great impacts in terms of restoration.

Currently, agencies and partners within the basin must comply with strict state regulations to conduct prescribed burning. The regulations set forth by California and Nevada are as stringent

or more stringent than TRPA for prescribed burning. Any burning has to go through the state and the Air Quality Control Boards, or the Nevada Division of Environmental Protection to get an air quality permit. There are multiple layers of permitting above and beyond what TRPA might require.

The recommendations by the Forest Health and Wildfire Committee were to delete sections 61.2.5.b.7 and 61.2.3.b.1 through 61.2.3.b.5.

The first one would be deleting “all other information that TRPA may require.” By removing, it doesn’t preclude TRPA from requesting additional information if needed. The next change would be deleting “limitations.” This sentence under prescribed burning is allowed. “To maintain forest health and diversity and reduce the risk of wildfire.” All of those limitations are encompassed within that sentence and is redundant. Most of the partner agencies have memorandums of understanding at different levels. Some of the partners are exempt from going through the TRPA permitting process and some of them are qualified exempt. In the spring, they’ll be looking at opening up those MOU’s and standardizing them. What they would hope to see for prescribed burning is someone would be exempt if they met two main criteria. One is that there is a MOU in place with TRPA and two, they participated in a pre-project consultation.

Tree Removal updates: These documents, Lake Tahoe Watershed Assessment, 2000; Taylor, 2007; General Technical Report 220, 2009; and Stephens et al., 2015 all show that we have far less trees of varying structural heights and heterogeneity in the past than we do now. Forest on the west shore are overly dense. This poses a fire risk, disease and beetle outbreaks, and decrease landscape resilience. Tree removal can help combat those things. It increases diverse habitat, decreases the tree density, and increases the structural heterogeneity on the landscape. All of this will allow for prescribed fire to be brought back in post treatment. It also allows for protection of homes, infrastructure, and fire fighters.

The tree removal code recommendations by the Forest Health and Wildfire Committee were moving sections to more logical places in the chapter. Move 61.1.4, Old Growth Enhancement and Protection; 61.1.6.C, Tree Cutting Within Stream Environment Zones; 61.1.6.J, Historic Resource Protection; and 61.1.6.K, Wildlife, Habitat, and Sensitive plants to 61.3 Vegetation Protection and Management. Then they’ll move sections within 61.1 for a logical flow within the chapter.

Another recommendation is to refine the code language. They’ve worked with the partner agencies to come up with recommendations on how to update the language to reflect more current practices. Those recommendations for tree removal fall into four groups: To reference partner memorandums of understanding wherever possible and build consistency with partner requirements. Incorporate contemporary forest health issues and technologies to update that language to how people speak today. Increasing the focus on soil stabilization versus revegetation. Often times, we’re not revegetating. The goal is to make sure soil isn’t leaving the landscape. Increasing reliance on qualified forester’s judgment wherever possible. The sections within the tree removal section that dealt with skidding, trails, landings, and logging all focus on that 30 percent slope. Those have been held in a parking lot until the analysis is done and will come at a later date.

They'll be bringing approved code language to the Advisory Planning Commission in January, the Regional Plan Implementation Committee in January, and the Governing Board in February. They'll also continue to work with the Forest Health and Wildfire Committee in January on new sections.

Presentation can be found at:

[Agenda-Item-No.-VII.A.3-Forest-Health-Chapter-61- Updates.pdf](#)

Commission Comments & Questions

Ms. Carr said she participated on the Threshold Update Initiative Stakeholder Working Group and saw some of this for a brief period of time and then it was pulled back to the Lake Tahoe West project. She asked where this will intersect with amendments to the thresholds and will the commission see some of that in January.

Ms. McIntyre said that is a different effort that is being led by Mr. Segan. She will be coordinating with him on that effort.

Mr. Marshall said the changes that are being proposed in particular the steep slopes do not need to be addressed at a threshold level. They can get those done without any significant threshold update.

Mr. Larsen asked if there is a timeline for the analysis and update for the 30 percent slope consideration.

Ms. McIntyre said the analysis that they need to make the findings will need to go through the Pacific Southwest Research Station. They have the funding and should be transferred to them soon and they should be starting to do their piece of the analysis of looking at different hill slopes, erosions, sediments, soils, and treatments in January. She anticipates that they'll have that done by fall and then TRPA will need to review for potential code change. It will probably be about one year.

Public Comments & Questions

None

VIII. REPORTS

A. Executive Director

Mr. Hester said the California Secretary of Natural Resources, Wade Crowfoot has started an initiative called cutting the green tape to help with environmental projects to move faster. Ms. Marchetta and Ms. Caringer are participating in that process.

1) Quarterly Report: July – September 2019

No further report.

2) Upcoming Topics

Mr. Hester said the senior management team and the interim chair for the Advisory Planning Commission will be putting together a slate of officers for the commission's consideration in January. If you're interested, please contact Mr. Hester.

B. General Counsel

Mr. Marshall said the oral argument for the Dr. Garmong litigation on the cell tower will be heard by the Ninth Circuit Court in the last week of March.

C. APC Members

Ms. Roverud shared a lesson learned from the Advisory Planning Commission meeting in October. There, they had a robust discussion about short term rentals and the neighborhood compatibility guidelines. The APC made a recommendation to the Governing Board from her motion. The recommendation was to adopt the initial environmental checklist with expanded discussion to address some of the concerns heard at the APC meeting. Also, a recommendation to adopt or integrate the short term rental neighborhood compatibility criteria into the code of ordinances and adopt the guidelines that were with it. However, the recommendation also included moving the 2.5 points in the guidelines for water quality to occupancy. The APC's motion was not unanimous, and several members gave valid reasons as to why they didn't vote in favor of that motion. She made the assumption that things would proceed as usual and staff would relay the APC action onto the Regional Plan Implementation Committee and Governing Board. At that point, she didn't pay much attention until she started receiving phone calls from people that were in the audience during the meeting. They asked her if she was upset with the staff report. They relayed to her that the staff report had a recommendation that was contrary to the APC's recommendation and also made the comment that the staff report portrayed the APC and Ms. Roverud and the City of South Lake Tahoe as not believing that water quality is important in the basin. She supported that and appreciated that the staff did that. TRPA's staff expertise is just as valuable to the decision making process as any of them. However, the explanation that was provided for the recommendation at the APC meeting as part of the motion was not included in the staff report. None of the justification for the APC's action was included in the staff report. In the APC minutes from the October meeting, there was about one half page of explanation made prior to the motion and none of that was included. The minutes were not available at that time so none of that information was being carried onto the Governing Board. The staff recommendation was valid, and they made good justification in the staff report and they should do that when they feel it's necessary. Her concern was how the Governing Board was going to receive the APC's recommendation. The first question from the Regional Plan Implementation Committee was why the APC would make this recommendation when water quality is so important in the Tahoe Basin. She provided an explanation at the meeting and the members saw that there was some logical fact behind the APC's action. They did disagree and choose to include the water quality points in the guidelines. Had she not been at that meeting, the members may have been left with an incorrect impression on why the APC made the recommendation that they made. They wouldn't have had any idea that there was some rational thought and that it wasn't that water quality wasn't important. It was specific to the 2.5 points and how that is related to occupancy when it comes to short term rental issues. As a commission they rely on the staff to convey their recommendations to the Governing Board. Lessons learned were that when the APC makes motions, she recommended

that the justifications for those motions are made clear and put in the record. Pay attention and work with the staff to ensure that the information is accurately passed on to the Governing Board. She asked that staff include any explanations in the recommendations that are passed on to the board. It's important for the board to understand the context behind the motion. The opinions and recommendations of anyone else carries just as much weight as the APC. In addition, the City of South Lake Tahoe is hosting a climate action plan kick off meeting tonight at 6:00 p.m. at the Airport to gain public input on initiating the process for developing a climate action plan for the City. The California Tahoe Conservancy is hosting a community meeting tonight at the Student Union at the South Tahoe High School beginning at 6:30 p.m. It's to gain public input on potential housing development of state owned lands in the Tahoe Valley Y area.

Mr. Larsen said he attended the Regional Plan Implementation Committee and Governing Board meetings. He also expressed some concern about the way that the APC's decisions were put forward. It's a good lesson learned for all of us. This was the first time there was a motion at the APC that wasn't a unanimous. It was a late meeting and there were several members that needed to leave potentially jeopardizing the quorum, so it was somewhat of a hectic meeting that he wished he had managed more clearly and provided clear direction regarding that motion.

Mr. Hester said staff takes APC recommendations very seriously and will do what they can to better explain those. The context that the APC should know about is that there was another committee of the Governing Board who made a different recommendation. Staff wrestled with putting together a recommendation based on both of those. Typically, local governments when a planning commission makes a recommendation, that's what the staff carries to the Governing Board. In this case, there was two different recommendations. They apologize for missing some of the APC's discussion in the process.

Mr. Drew said they recently finished helping the Lake Valley Fire Protection District put their local hazard mitigation plan together. These have been overlooked for quite some time throughout the Sierras and here in Lake Tahoe. They're important because after flood and fire, that is the means in which the community has access to FEMA funding. There are some broader efforts going on to get those in place throughout the basin and encouraged TRPA's engagement. Another item is that there's been a lot of discussion in the past two years about funding for infrastructure and environmental improvement. There's been a trend over the past year with self-help. We often talk about that from a perspective of roads and other infrastructure in terms of self help in communities where you pass dedicated local revenue to support what you need to do which makes you more competitive for federal and state funds. They've seen a trend in the past year with their involvement in about a half of dozen different flood control drainage, water quality, clean ocean related initiatives in California. The latest one was in the City of Alameda who moved forward with a water quality program fee initiative that the balloting completed on November 25, 2019 and was successful with 58 percent of the vote. It was a property related fee that is going to raise several million dollars per year to help them address sea level rise. This is something we need to be thinking about in Tahoe because the reality is that federal and state funding for infrastructure across the board is not what it was five or ten years ago. Those communities that find ways to garner some time of local revenue are going to be more competitive for the funding that's available for items such as roads, bridges, trails, water quality, forest health, etc. With the economy good right now, it helps. They've also helped with this in Berkeley and Cupertino that were successful.

ADVISORY PLANNING COMMISSION

December 11, 2019

Ms. Stahler said the 2019, \$3.8 million bond sale for the environmental improvement program went through for funding and will support projects such as the construction of the visitor's center and amphitheater at Spooner Front Country. In addition, water quality projects and ongoing work to do sensitive species surveys, and other EIP related efforts.

Ms. Carr said that the total maximum daily load program draft documents are available for stakeholder review through December 20, 2019. It's the annual findings and recommendations program on the function of the TMDL program as well as the annual strategy for the upcoming year of 2020. The documents can be found at LT info.

Mr. Grego said he shared Ms. Roverud's comments. He also expressed concern when he saw the staff report for the Governing Board. He did leave a message for the City's mayor about what wasn't expressed. In addition, he's concerned with the progress that's being proposed regarding the modifications for fire issues in the basin. Some of these items should be completed by next summer rather than waiting until next fall, whether we do an emergency or temporary ordinance. Homeowners are being affected by fire insurance increases and a lot of people are waiting for solutions. Moving along in a thoughtful and analysis type of approach might be appropriate in most instances but the fire risk is high here and need to get our arms around it before next fall.

Mr. Marshall said staff is working to help reconcile the new state laws regarding the accessory dwelling units that are coming into effect on January 1, 2020. TRPA has some rules that are inconsistent with some of those mandates and staff is actively trying to figure out ways to reconcile those accessory dwelling unit ordinances and laws that need to be implemented by the California local jurisdictions. They're working on strategies for both the short and long term.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Interim Chair Mr. Larsen adjourned the meeting at 11:46 a.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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



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STAFF REPORT

Date: February 5, 2020
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: 2020-2021 Election of Officers

Summary and Staff Recommendation:

The APC needs to elect new officers to serve for calendar years 2020 and 2021.

Required Motions:

In order to elect the Chair and Vice Chair, the Commission must make the following motions based on the staff summary:

- 1) A motion to elect APC Chair for calendar years 2020-2021; and
- 2) A motion to elect APC Vice Chair for calendar years 2020-2021.

For the motions to pass, an affirmative vote of a majority of the quorum present is required.

Contact Information:

For questions regarding this agenda item, please contact John Hester, (775) 589-5219 or jhester@trpa.org.

STAFF REPORT

Date: February 5, 2020

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendment to Chapter 84 of the TRPA Code of Ordinances regarding utility infrastructure within a Stream-Mouth Protection Zone

Summary and Staff Recommendation:

Staff recommends that the Advisory Planning Commission recommend Governing Board approval of the proposed amendments to the Code of Ordinances. These amendments address implementation of the Shoreline Plan relating to utility infrastructure within a Stream-Mouth Protection Zone.

Required Motions:

In order to recommend adoption of the proposed ordinance amendments, the Advisory Planning Commission must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2020-_____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

In order for the motions to pass, an affirmative vote of a majority of the quorum in attendance is required.

Regional Plan Implementation Committee (RPIC) Recommendation/Discussion:

The RPIC considered the proposed amendment at its January 22, 2020 meeting and recommended approval with no changes.

Background:

In October 2018, the Governing Board adopted the Shoreline Plan, a comprehensive program for regulating uses and structural development in the shorezone and lakezone. As part of that plan, TRPA designated Stream-Mouth Protection Zones (SMPZs) around the lake to protect important fish habitat. SMPZs generally represent the historical meander pattern of creeks and rivers tributary to Lake Tahoe that support, or could support if restored, migrating fish populations.

Within a designated SMPZ, no new structures are allowed. Maintenance and repair of existing structures are allowed; reconstruction, expansion, and modification, however, are prohibited. Though TRPA developed these restrictions with a focus on piers, buoys, and other moorings, the code language presently applies to all structures within the shorezone.

Structures within the shorezone include water-intake and sewer lines and public and quasi-public utility lines and appurtenant facilities (e.g. pumps) submerged in Lake Tahoe. Some of these lines are located within designated SMPZs. Submerged utility lines require periodic maintenance or modification in order to continue serving their customers. In some cases, older utility lines may no longer be serviceable and would require complete replacement rather than repair. As technology changes, service providers may also need to modify or reconfigure submerged infrastructure.

Under current code provisions, such reconstruction or modification to utility lines in SMPZs would not be allowable. Strict adherence to this provision could result in disruption of essential services to developed parcels if there are no feasible alternatives to replace a degraded utility line. In the most serious of cases, a wastewater line that has degraded beyond repair could discharge untreated sewage into the lake.

The Shorezone Steering Committee reviewed the proposed amendment and generally supported it. The League to Save Lake Tahoe supports the exemption within SMPZs as long as the reconstruction, modification, or expansion does not increase the service capacity of the utility provider. In response, TRPA staff notes that service capacity is regulated independently by TRPA's growth control mechanisms (i.e., development rights). The Tahoe Lakefront Owners Association generally supports allowing reconstructions, modifications for all structures including piers.

Amendment Description:

This proposal amends Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would modify Subparagraph A.1.b, *Stream-mouth Protection Zones*, of Subsection 84.4.3, *Piers*. The amendment would specify that water-intake lines, wastewater lines, and other essential services may be repaired, replaced, upgraded, reconstructed, or expanded, as long as there is no increase in service capacity.

Environmental Review:

The Code amendment has been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC, which tiers from the Shoreline Plan Environmental Impact Statement (EIS), finds that the proposed amendments would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent with the Shorezone and Fisheries Subelements, which are components of the Regional Plan's Conservation Element.

Contact Information:

For questions regarding this item, please contact Michael Conger, AICP, Senior Planner, at (775) 589-5221 or mconger@trpa.org.

Attachments:

- A. Adopting Ordinance
 - Exhibit 1: Code Amendments
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A
Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2020-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 84 REGARDING UTILITY LINES WITHIN STREAM-MOUTH PROTECTION ZONES AND OTHER MATTERS PROPERLY RELATED THERETO

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9 by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby 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.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending the TRPA Code of Ordinances, as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on_____

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on _____, 2020, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment A – Exhibit 1

Code Amendment

EXHIBIT 1

CODE AMENDMENT

Text to be deleted shown in ~~red with strikeout~~.

Text to be added shown in blue with underline.

Modify Subparagraph A.1.b of Subsection 84.4.3 to read as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.3. PIERS

84.4.3. Development Standards

In addition to the general standards in subsection 84.3.2, mooring buoys are subject to the following standards:

A. General Standards

1. Stream-mouth Protection Zones.

- a. Designation Criteria: Stream-mouth Protection Zones shall generally represent the historical meander pattern of creek and rivers tributary to Lake Tahoe that support or could with restoration support migrating populations of fish. The designated area shall include all portions of the shorezone, including areas lakeward, if the designation is a linear distance from the stream-mouth.
- b. Development Restrictions: No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed; ~~R~~reconstructions, expansions and modifications of existing structures shall be prohibited, except for private water-intake lines and public and quasi-public utilities, such as water, wastewater, power, gas, and communications services. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.
- c. Adjustment in Zones: TRPA may adjust a Stream-mouth Protection Zone if an applicant can demonstrate that the location for a proposed project is outside of the historical meander pattern for the applicable stream or river. In order to make the necessary demonstration, the applicant shall select from a list of TRPA-approved experts to conduct an applicant-funded historical meander study.
- d. The placement of a pier shall be prohibited within Stream-mouth Protection Zones of the following creeks and rivers:
 - (i) Third Creek;
 - (ii) Incline Creek;
 - (iii) Wood Creek;
 - (iv) Slaughterhouse Creek;

- (v) Upper Truckee River;
- (vi) Taylor Creek;
- (vii) Tallac Creek;
- (viii) Cascade Creek;
- (ix) Eagle Creek;
- (x) Lake Tahoe Tributary at Mouth of Paradise Flat;
- (xi) Lonely Gulch Creek;
- (xii) Meeks Creek;
- (xiii) General Creek;
- (xiv) McKinney Creek;
- (xv) Quail Creek;
- (xvi) Madden Creek;
- (xvii) Blackwood Creek;
- (xviii) Ward Creek;
- (xix) Truckee River;
- (xx) Dollar Creek;
- (xxi) Watson Creek;
- (xxii) Griff Creek;
- (xxiii) Baldy Creek; and
- (xxiv) Snow Creek.

Attachment B

Required Findings / Rationale

ATTACHMENT B

REQUIRED FINDINGS / RATIONALE

TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendments will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendment is consistent with and will implement the Shoreline Plan. The amendment is minor in nature and are not anticipated to result in environmental effects. The proposed amendment is consistent with the assumptions and analysis supporting the [Shoreline Plan Environmental Impact Study \(EIS\)](#). As demonstrated in the EIS and accompanying findings, implementation of the Shoreline Plan will not result in an unmitigated significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendments to the Code of Ordinances) 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 amendments are substantially consistent with the Shoreline Plan's project description, environmental baseline, and associated policies. The code changes are minor in nature and will not result in environmental effects. The code amendments are consistent with Regional Plan policies that call for establishment of adequate services and protection of liquid and solid wastes from entering Lake Tahoe. As such, the amendment will support the achievement and maintenance of thresholds. The amendments are consistent with all applicable goals and policies and implementing elements of the Regional Plan.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the [EIS](#) and [findings](#) for adoption for the Shoreline Plan, implementation of the Shoreline Plan will not

cause the environmental threshold carrying capacities to be exceeded. The proposed amendments to the Code of Ordinances are intended to more effectively facilitate Shoreline Plan implementation.

3. Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendment would not adversely affect any state, federal, or local standards. The amendment is intended to add an unintentionally omitted Code provisions, which will maintain consistency with the Shoreline Plan.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: As demonstrated in the Chapter 4 [findings](#) for adoption of the Shoreline Plan (see Attachment C of the October 24, 2018 Governing Board packet), implementation of the Shoreline Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will improve implementation of the threshold attainment strategies by providing a means to proactively replace and upgrade utility lines before deterioration causes impacts to the lake.

Therefore, the Code of Ordinances, as amended by the proposed amendments, and in combination with other regulatory programs, will attain and maintain thresholds.

Attachment C

Initial Environmental Checklist



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Shoreline Code Amendment – Utilities in Stream-Mouth Protection Zones

Code Amendment Description:

This proposal amends Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would modify Subparagraph A.1.b, *Stream-mouth Protection Zones*, of Subsection 84.4.3, *Piers*. The proposed modifications would specify that water-intake lines, wastewater lines, and other essential services may be repaired, replaced, upgraded, reconstructed, or expanded, as long as there is no increase in service capacity.

The project constitutes a minor amendment to Code of Ordinances provisions implementing the Shoreline Plan. The Shoreline Plan was adopted in October 2018 pursuant to an Environmental Impact Statement (EIS).

The Shoreline Plan EIS considered the potential for repair, replacement, modification, and expansion of shorezone structures throughout Lake Tahoe subject to certain provisions. These provisions include the prohibition of certain shorezone structures within designated Stream-Mouth Protection Zones (SMPZs): piers, boat ramps, buoys, floating platforms, general multiple-use facilities, and other moorings. Though the EIS never considered restricting modification of utility lines in an SMPZ, the adopting ordinance language specified that the restriction applies to all shorezone structures.

Under the proposal, the code of ordinances would be amended to allow for modification, replacement, and expansion of utility lines in SMPZs. Such activities are within the scope of Alternative 1, as it was considered in the Shoreline Plan EIS.

Because the amendment focuses on a minor amendment to code language, and the resulting policy remains within the parameters of Alternative 1, this amendment is not anticipated to result in any further impacts than what was already analyzed in the Shoreline Plan EIS. This IEC tiers from the Shoreline Plan EIS and considers only the potential for impacts of the amendment that were not otherwise addressed in the Shoreline Plan EIS.

The Shoreline Plan EIS, which is included by reference, is available at this link under the “Shoreline Plan” heading: <http://www.trpa.org/document/projects-plans/>

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.

I. 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)?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

- c. Unstable soil conditions during or after completion of the proposal?

- Yes No
- No, With Mitigation Data Insufficient

- d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- 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?

- 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?

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. The creation of objectionable odors?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Increased use of diesel fuel?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Alterations to the course or flow of 100-yearflood waters?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Change in the amount of surface water in any water body?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Alteration of the direction or rate of flow of ground water?

- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|------------------------------|--|

- | | | |
|---|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

Discussion (Item 3.a, 3.e): Pursuant to the Shoreline Plan EIS, shoreline development under the parameters of Alternative 1 will not result in a significant water quality impact. This proposal is consistent with the description of Alternative 1.

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?
- Yes No

- | | | |
|---|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. Reduction of the numbers of any unique, rare or endangered species of plants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

- No, With Mitigation Data Insufficient
- Yes No
- No, With Mitigation Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

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)?

- Yes No
- No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
- No, With Mitigation Data Insufficient

Discussion (Item 5.a, 5.b, 5.d): Pursuant to the Shoreline Plan, any utility project within a Stream Mouth Protection Zone would be required to comply with mitigation provisions in Section 84.11, *Mitigation* of the TRPA Code of Ordinances. This includes in-kind habitat replacement of 1.5:1. With incorporation of this provision, the Shoreline Plan EIS concludes that impacts would be less-than-significant.

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
- No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes No
- No, With Mitigation Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes No
- No, With Mitigation Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes No
- No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

- a. Include new or modified sources of exterior lighting?

Yes No
 No, With Mitigation Data Insufficient

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

Yes No
 No, With Mitigation Data Insufficient

- c. Cause light from exterior sources to be cast off -site or onto public lands?

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?

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?

Yes No
 No, With Mitigation Data Insufficient

- b. Expand or intensify an existing non-conforming use?

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?

Yes No

No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

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?

Yes No

No, With Mitigation Data Insufficient

b. Involve possible interference 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?

Yes No

No, With Mitigation Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

- 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?

- 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?

- 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?

- 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)?

- Yes No

No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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?

Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
- No, With Mitigation Data Insufficient

c. Schools?

- Yes No
- No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- 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?

- 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?

Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

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?

Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

Yes No

No, With Mitigation Data Insufficient

Discussion (Items 16.a, 16.b, 16.e, 16.f): The proposal is anticipated to result in beneficial utility impacts, as it will provide a means of replacing and upgrading old submerged utility lines.

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

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?

Yes No
 No, With Mitigation Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

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?

Yes No
 No, With Mitigation Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes
 No
- No, With Mitigation
 Data Insufficient
- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes
 No
- No, With Mitigation
 Data Insufficient

19. Recreation

Does the proposal:

- a. Create additional demand for recreation facilities?

- Yes
 No
- No, With Mitigation
 Data Insufficient

- b. Create additional recreation capacity?

- Yes
 No
- No, With Mitigation
 Data Insufficient

- c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
 No
- No, With Mitigation
 Data Insufficient

- d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- 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?

- 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?

Yes No

No, With Mitigation Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

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?

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?

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?

Yes No

No, With Mitigation Data Insufficient

Discussion (Item 21.a): Pursuant to the Shoreline Plan, any utility project within a Stream Mouth Protection Zone would be required to comply with mitigation provisions in Section 84.11, *Mitigation* of the TRPA Code of Ordinances.

This includes in-kind habitat replacement of 1.5:1. With incorporation of this provision, the Shoreline Plan EIS concludes that impacts would be less-than-significant.

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.)

- 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?)

- 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?

- Yes No
- No, With Mitigation Data Insufficient

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 January 13, 2020

Michael T. Conger, AICP, Senior Planner

Title of Evaluator

STAFF REPORT

Date: February 5, 2020

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendments to Chapter 61 of the TRPA Code of Ordinances regarding Tree Removal and Prescribed Burning

Summary and Staff Recommendation:

Chapter 61 of the TRPA Code of Ordinances addresses vegetation management and forest health. Staff recommends that the Advisory Planning Commission (APC) recommend the proposed amendments to the Code of Ordinances. The proposed amendments listed below are related to Section 61.1. (Tree Removal) and Section 61.2. (Prescribed Burning).

Required Motions:

In order to recommend adoption of the ordinance amendments, the APC must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and,
- 2) A motion to recommend adoption of the Ordinance 2020 - ____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

In order for the motions to pass, an affirmative vote of a majority of the quorum present is required.

Background:

Most forests within the Lake Tahoe Basin are overly dense from decades of fire suppression and historic patterns of timber harvest. Dense, even aged forests are at greater risk from insects and disease, drought, and potential catastrophic wildfire. Thinning and tree removal within dense forests can increase structural heterogeneity and complexity, increase habitat diversity, and make forests more resilient to disturbance. Additionally, tree removal allows for critical protection of homes, infrastructure, and fire fighter safety, while allowing for the potential reintroduction of prescribed fire post-treatment.

During the Forest Health and Wildfire Committee's September and November 2019 meetings, the Committee approved proposed direction to update Section 61.1. Tree Removal and Section 61.2. Prescribed Burning. These edits focused primarily on developing a user-friendly code.

Approved revisions to Section 61.1. Tree Removal focus on:

1. Moving sections that reference protections to a more logical section of Chapter 61.
2. Refining code language to reflect recommendations from partner land management and regulatory agencies that focus on current practices and increased pace and scale of forest restoration.
3. Reorganizing Section 61.1. Tree Removal to a facilitate a logical flow.

Approved Section 61.2. Prescribed Burning recommendations included:

1. Relying on partner agency MOU's with the TRPA
2. Deleting line 61.2.5.B.7.
3. Deleting Section 61.2.3.B.1-5. Limitations

Code Amendment:

Chapter 61 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A would have several amendments to Sections 61.1. Tree Removal and 61.2. Prescribed Burning.

Environmental Review:

The Code amendments have been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: Environmental Documentation of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC finds that the proposed amendments would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent with the Vegetation Sub-element, a component of the Regional Plan's Conservation Element.

Contact Information:

For questions regarding this agenda item, please contact Kathleen McIntyre, at (775) 589-5268 or kmcintyre@trpa.org.

Attachments:

- A. Adopting Ordinance
 - Exhibit 1: Code Amendments
 - Exhibit 2: Code Amendments and Rationale
 - Exhibit 3: Clean Version of Updated Code Language
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A
Adopting Ordinance

Attachment A

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2020-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 61 REGARDING PRESCRIBED BURNING AND TREE REMOVAL.

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby 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.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending the TRPA

Code of Ordinances, as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on (Insert Month) XX, 2020.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on (Insert Month) XX, 2020, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment A – Exhibit 1

Code Amendments

EXHIBIT 1: CODE AMENDMENTS

Language to be added is shown in blue with an underline. Language to be removed is ~~shown in red with a strikeout~~. Relocated language is indicated in green with double underline.

Section 1. Renumber Subsection 61.1.4, *Old Growth Enhancement and Protection* as Subsection 61.3.7, with no changes to the language.

Section 2. Renumber Subsection 61.1.7, *Reasons for Tree Removal* and its subparagraphs as Subsection 61.1.4, with no changes to the language.

Section 3. Modify Subsection 61.1.4, Subparagraph A, Hazardous Tree Removal to read as follows:

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection 61.3.7 ~~61.1.4~~, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subsection paragraph 61.3.10 ~~61.1.6.C~~. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA unless otherwise exempt through a Memorandum of Understanding. Other vegetation shall be protected during removal operations to prevent their damage. ~~injury~~.

Section 4. Within Subsection 61.1.4, renumber Subparagraphs B, *Emergency Tree Removal*; D, *Fire Hazard Tree Removal*; and J, *Tree Removal During Emergency Fire Suppression Activities* as Subparagraphs A.2, A.1, and A.3 respectively.

Section 5. Add a new Subparagraph B, *Ecosystem Management Goals and EIP Projects* to Subsection 61.1.4 to read as follows:

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

Section 6. Renumber Subparagraph 61.1.6.A, *Management Objectives* as Subparagraph 61.1.4.B.1 and modify the language.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

~~61.1.6. —~~ Reasons for Tree Removal

A.1. Management Objectives

~~Management techniques shall be employed that are consistent with the following objectives, where applicable: —~~ Trees may be removed to meet ecosystem management goals:

~~a1.~~ a1. Restoration and expansion of stream environment zones and riparian vegetation;

~~b2.~~ b2. Improvement of the structural diversity of all forests based on judgement of qualified forester, ~~including the protection and establishment of younger aged trees;~~

~~c3.~~ c3. Enhancement of native wildlife species and/or native wildlife habitat diversity;

~~d4.~~ d4. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;

~~e5.~~ e5. Protection of sensitive lands;

~~f6.~~ f6. Minimization of construction of new roads;

~~g7.~~ g7. Revegetation of existing temporary roads;

~~h8.~~ h8. Avoidance of disturbance of stream environment zones, unless to enhance the health of stream environment zones through projects intended to thin trees or prescribe burn ~~remove trees~~ within SEZ in accordance with subparagraph ~~61.3.10~~ 61.1.6.C;

~~i9.~~ i9. Utilization of existing openings or disturbed areas as landings where appropriate;

~~10.~~ 10. ~~Provisions for revegetation;~~

~~j11.~~ j11. The promotion of a diversity of seral stages, species diversity, and age class ~~late seral or old growth characteristics;~~

~~k12.~~ k12. ~~Early successional stage vegetation management; and~~

~~k13.~~ k13. ~~Fuels management for fire hazard reduction; and~~

l. Forest health and resilience to drought, insects, disease, and climate change.

Section 7. Within Subsection 61.1.4, renumber Subparagraphs C, *Dead, Dying, or Diseased Tree Removal*; E, *Early Successional Stage Vegetation Management*; and F, *Tree Removal for Enhancement of Forest Health* as Subparagraphs B.2, B.3, and B.4, respectively and modify the language to read as follows:

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

2C. Dead, Dying, or Diseased Tree Removal

To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA. Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

3E. Tree Removal for Early Successional Stage Vegetation Management

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of "early successional stage vegetation management.") Where ~~revegetation~~ soil stabilization is required ~~to stabilize soils~~ and/or the replacement of removed vegetation, the applicant shall provide a revegetation or soil stabilization plan in accordance with subsection 61.4.5.

4K. Tree Removal to Enhance Scenic View Points from Public Roadways

Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

Section 8. Within Subsection 61.1.4, renumber Subparagraphs G, *Tree Removal for Solar Access*; H, *Tree Removal for Ski Areas and Rights-of-Way*; I, *Tree Removal for Development*; and K, *Tree Removal to Enhance Scenic View Points from Public Roadways* as Subparagraphs C, E, F, and G, respectively, with no changes to the language.

Section 9. Within Subsection 61.1.4, move a portion of Subparagraph E into a new Subparagraph D, *Public Utility Rights-of-Way*, to read as follows:

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

D. Public Utility Rights-of-Way

The removal of trees within utility and public rights-of-way may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

E. **Tree Removal for Ski Areas and Rights-of-Way**

~~The tree removal standards below apply to ski areas and utility and public rights-of-way.~~

- ~~1. For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.~~
- ~~2. The removal of trees within utility and public rights-of-way may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.~~

Section 10. Modify Subsection 61.1.5, *General Tree Removal Standards* to read as follows:

61.1. TREE REMOVAL

61.1.5. General Tree Removal Standards

The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. The removal of trees 14 inches dbh or less shall be exempt from TRPA approval under subparagraph 2.3.2.M and requirements of this chapter, except as provided herein. Removal of trees greater than 14 inches dbh shall require approval by TRPA except as provided in subparagraphs [61.1.4.A.2](#) ~~61.1.7.B~~ and [61.1.4.A.3](#) ~~61.1.7.J~~. Removal of trees greater than six inches dbh on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe requires TRPA approval, except as provided in subsections [61.1.4.A.2](#) ~~7.B~~ and [3.J](#). Permits shall be granted or denied in conformity with the provisions of this chapter.

A. **Additional Code Standards**

Such tree-related projects and activities also shall conform to the provisions of the Code as provided below.

1. If vegetative screening is required by an existing permit for any property, the vegetative screening shall not be removed without

prior approval from TRPA except for defensible space purposes pursuant to subparagraph 61.3.6.D.

2. If tree and/or vegetation removal to occur on any property where existing permit conditions require retention of vegetation, including tree and/or vegetation removal for defensible space purposes pursuant to subparagraph 61.3.6.D, alternative scenic mitigation shall be proposed to TRPA within 30 days of vegetation removal and shall be subject to review and approval by TRPA notwithstanding the permit exemption in subparagraph 2.3.2.M.

B. Findings

Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval. [TRPA may consider plans developed pursuant to the California Forest Practice Rules or other CEQA documents completed by a qualified forester to meet the intention of this section provided all the required elements are addressed.](#)

Section 11. Delete Subparagraph H, *Restocking* from Subsection 61.1.6.

Section 12. Renumber Subparagraphs J, *Historic Resource Protection*, J.1, and J.2 of Subsection 61.1.6 as Subsection 61.3.8 and Subparagraphs 61.3.8.A and 61.3.8.B, respectively, with no change to the language.

Section 13. Renumber Subparagraphs K, *Wildlife, Habitat, and Sensitive Plants* and K.1 through K.3 of Subsection 61.1.6 as Subsection 61.3.9 and Subparagraphs 61.3.9.A through 61.3.9.C, respectively, with no change to the language.

Section 14. Within Subsection 61.1.6, renumber Subparagraph B, *Cutting Practices* as Subparagraph A and modify the language to read as follows:

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

AB. Cutting Practices

The following cutting practice standards apply:

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;
2. Group selections shall be limited to use for achieving management objectives based on the judgement of a qualified forester; ~~as approved by TRPA~~. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);
3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;
4. Damage to unmarked trees and residual vegetation shall be avoided to the extent feasible;
- ~~5. All trees shall be felled in line with the skidding direction wherever possible;~~
- ~~6. All trees shall be limbed on all sides where feasible and topped prior to skidding except where whole tree skidding is less disruptive to the forest resources;~~
57. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment; ~~kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical~~;
68. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;
79. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
810. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

Section 15. Renumber Subparagraphs 61.1.6.C, *Tree Cutting within Stream Environment Zones* and its subparagraphs C.1 through C.5 as Subsection 61.3.10 and Subparagraphs 61.3.10.A through E, respectively, with no change in language.

Section 16. Within Subsection 61.1.6, renumber Subparagraphs D through F as Subparagraphs B through D, respectively, with no change in language.

Section 17. Within Subsection 61.1.6, renumber Subparagraph G, Slash Disposal as Subparagraph E and modify the language to read as follows:

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

E.G. Slash Disposal
Slash shall be disposed of according to an approved slash disposal plan.
~~within two years of project completion by the methods below.~~

1. Lop and scatter, pile and burn or broadcast burn (consistent with Sections 61.2 and 65.1), chip, or haul away. All burns shall be located beyond approved buffers at least 50 feet from any stream channel, unless it can be demonstrated, using best available science, that slash burning within the approved buffer 50 feet of a channel will not cause adverse environmental impacts.
2. Cull logs and other material shall be disposed of as required by the permit.

Section 18. Within Subsection 61.1.6, renumber Subparagraph I, *Erosion Control*, as Subparagraph F and modify the language to read as follows:

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

F.I. Erosion Control
The adequacy of all required BMPs shall be confirmed at the time of the TRPA pre-operations inspection. Any modifications to the required BMPs as determined by TRPA shall be incorporated into the project permit at that time or as determined to be necessary throughout forest management operations. The following erosion control standards apply:

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:
 - a. Temporary erosion controls and vegetation protection measures.
 - b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.
2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.

3. [Projects must have design criteria to avoid tracking soil off the project site.](#) ~~Soil shall not be tracked off the project site.~~ Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.
4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

Section 19. Renumber Subsection 61.1.9, *Commercial Tree Removal* as Subsection 61.1.7, with no change to the language.

Section 20. Modify Subparagraph 61.1.8.B to read as follows:

61.1. TREE REMOVAL

61.1.8. Substantial Tree Removal

Substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger, or proposing tree removal that as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff does not meet the minimum acceptable stocking standards set forth in subparagraph 61.1.6.H. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA as required below.

A. Private Parcels

The review process for private parcels shall include the following:

1. Harvest plan shall be written by a qualified forester;
2. Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;
3. Preparation of environmental impact statement if necessary;
4. Pre-approval field review;
5. Approval of project by TRPA;
6. Pre-harvest field review; and
7. Post-harvest review.

B. Public Parcels

1. [The review process for substantial tree removal for public parcels administered by public land management agencies may be](#)

determined according a to Memorandum of Understanding (MOU) between the partner agency and the TRPA. For agencies without an MOU with the TRPA, the process shall be the same as for private parcels listed above. ~~public parcels administered by the U.S. Forest Service shall include the following:~~

- ~~a.—Coordination with TRPA at the initial planning stages;~~
- ~~b.—Preparation of environmental assessment;~~
- ~~c.—Preparation of environmental impact statement (if necessary);~~
- ~~d.—Submittal of tree removal or harvest plan;~~
- ~~e.—Approval of project by TRPA; and~~
- ~~f.—TRPA monitoring and evaluation.~~

- ~~2. —For other public parcels the process shall be the same as for private parcels in 1 above.~~

Section 21. Delete Subparagraph 61.2.3.B, Limitations.

Section 22. Delete Subparagraph 61.2.5.B.7.

Attachment A – Exhibit 2

Code Amendments and Rationale

AMENDMENTS AND RATIONALE

The proposal would entail amending Chapter 61, *Vegetation and Forest Health* of the TRPA Code of Ordinances. The proposal involves modifications to Sections 61.1, *Tree Removal* and 61.2, *Prescribed Burning*. It would also involve relocating certain standards from these sections into Section 61.3, *Vegetation Protection and Management*. The amendments are broken down into 22 individual components, which are listed in the table below.

Text to be added is shown in blue with an underline.

Text to be deleted is shown in ~~red with strikeout~~.

Text to be relocated is shown in green with double underline.

SECTIONS BEING AMENDED

ID #	Current Numbering	Title	Proposal	New Numbering	Page
1	61.1.4	Old Growth Enhancement and Protection	Renumber	61.3.7	2
2	61.1.7	Reasons for Tree Removal	Renumber	61.1.4	3
3	61.1.7.A	Hazardous Tree Removal	Modify	61.1.4.A	3
4	61.1.7.B	Emergency Tree Removal	Renumber	61.1.4.A.2	4
	61.1.7.D	Fire Hazard Tree Removal	Renumber	61.1.4.A.1	
	61.1.7.J	Tree Removal During Emergency Fire Suppression Activities	Renumber	61.1.4.A.3	
5	---	Ecosystem Management Goals and EIP Projects	Add new subparagraph	61.1.4.B	5
6	61.1.6.A	Management Objectives	Renumber and modify	61.1.4.B.1	5
7	61.1.7.C	Dead, Dying, or Diseased Tree Removal	Renumber	61.1.4.B.2	6
	61.1.7.E	Tree Removal for Early Successional Stage Vegetation Management	Renumber and modify	61.1.4.B.3	
	61.1.7.F	Tree Removal for Enhancement of Forest Health and Diversity	Renumber	61.1.4.B.4	
8	61.1.7.G	Tree Removal for Solar Access	Renumber	61.1.4.C	7
	61.1.7.H	Tree Removal for Ski Areas and Rights-of-Way	Renumber	61.1.4.D.	
	61.1.7.I	Tree Removal for Development	Renumber	61.1.4.F	

	61.1.7.K	Tree Removal to Enhance Scenic View Points from Public Roadways	Renumber	61.1.4.G	
9	---	Public Utility Right-of-Ways	Add a new subparagraph	61.1.4.E	8
10	61.1.5	General Tree Removal Standards	Modify	61.1.5	9
11	61.1.6.H	Restocking	Delete	---	10
12	61.1.6.J	Historic Resource Protection	Renumber	61.3.8	11
13	61.1.6.K	Wildlife, Habitat, and Sensitive Plants	Renumber	61.3.9	11
14	61.1.6.B	Cutting Practices	Renumber and modify	61.1.6.A	12
15	61.1.6.C				13
16	61.1.6.D	Logging Roads, Skid Trails, and Landings	Renumber	61.1.6.C	16
	61.1.6.E	Removal Methods	Renumber	61.1.6.D	
	61.1.6.F	Skidding and Ground Based Vehicle Systems	Renumber	61.1.6.E	
17	61.1.6.G	Slash Disposal	Renumber and modify	61.1.6.F	16
18	61.1.6.I	Tree Cutting within Stream Environment Zones	Renumber and modify	61.1.6.G	17
19	61.1.9	Commercial Tree Removal	Renumber	61.1.7	18
20	61.1.8.B	Public Parcels	Modify	61.1.8.B	18
21	61.2.3.B	Limitations	Delete	---	19
22	61.2.5.B.7	Other Information	Delete	---	20

PROPOSED AMENDMENTS

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1. Renumber Subsection 61.1.4, *Old Growth Enhancement and Protection* as Subsection 61.3.7, with no changes to the language.
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<i>Description</i>	Section 61.1.4.A-C. Old Growth Enhancement and Protection is moved to Section 61.3.Vegetation Protection and Management and assigned a new subsection 61.3.7.A-C.
<i>Purpose</i>	To ensure sections regarding protections are all under one subsection of Chapter 61
<i>Result</i>	Standards regarding Old Growth Enhancement and Protection will now be found under Vegetation Protection and Management.

61.1. TREE REMOVAL

~~61.1.4. Old Growth Enhancement and Protection~~

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.7. Old Growth Enhancement and Protection

-
2. Renumber Subsection 61.1.7, *Reasons for Tree Removal* and its subparagraphs as Subsection 61.1.4, with no changes to the language.
-

<i>Description</i>	Section 61.1.7. Reasons for Tree Removal moved to the beginning of the Tree Removal Section.
<i>Purpose</i>	To ensure a logical flow of the Section 61.1.
<i>Result</i>	Section 61.1. on Tree Removal will now begin with Reasons for Tree Removal

61.1. TREE REMOVAL

~~61.1.74. Reasons for Tree Removal~~

-
3. *Modify Subsection 61.1.4, Subparagraph A, Hazardous Tree Removal*
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<i>Description</i>	Section 61.1.4.A. is modified to state “unless otherwise exempt through a Memorandum of Understanding with the TRPA”. Replaced “injury” with “damage”.
<i>Purpose</i>	To add clarity for partner agencies with MOUs.
<i>Result</i>	Partner agencies with MOUs will not need to seek approval for Hazardous Tree Removal if activities are outlined within their MOU.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection ~~61.3.7~~ ~~61.1.4~~, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to ~~sub~~~~section~~~~paragraph~~ ~~61.3.10~~ ~~61.1.6.C~~. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA unless otherwise exempt through a Memorandum of Understanding. Other vegetation shall be protected during removal operations to prevent their ~~damage.~~ ~~injury.~~

4. Within Subsection 61.1.4, renumber Subparagraphs B, *Emergency Tree Removal*; D, *Fire Hazard Tree Removal*; and J, *Tree Removal During Emergency Fire Suppression Activities* as Subparagraphs A.2, A.1, and A.3 respectively.

<i>Description</i>	Section 61.1.7.D. Fire Hazard Tree Removal, Section 61.1.7.B. Emergency Tree Removal, and Section 61.1.7.J. Tree Removal During Emergency Fire Suppression Activities moved under new 61.1.4.A. Hazard Tree Removal Section.
<i>Purpose</i>	To ensure clarity and organization throughout the tree removal section.
<i>Result</i>	Information will be consolidated under the Hazard Tree Removal heading.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection 61.1.4, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subparagraph 61.1.6.C. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA unless otherwise exempt through a Memorandum of Understanding. Other vegetation shall be protected during removal operations to prevent their damage.

B1. Fire Hazard Tree Removal

Trees identified and marked by a qualified forester as a fire hazard may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Trees identified and marked by a defensible space assessor for defensible space purposes associated with a building or structure may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Fuel reduction projects shall consider multiple threshold objectives. As an alternative to tree removal, the defensible space assessor may approve the limbing of trees that are determined to be a fire hazard, consistent with defensible space requirement of the applicable fire agency. (See Chapter 90 for definition of "fuels management.")

D2. Emergency Tree Removal

When a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures or people), the tree may be removed, but the land owner or manager shall provide photographic documentation and all applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

J3. Tree Removal During Emergency Fire Suppression Activities

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

5. Add a new Subparagraph B, *Ecosystem Management Goals and EIP Projects* to Subsection 61.1.4

<i>Description</i>	Add new subparagraph under reasons for tree removal as 61.1.4.B. Ecosystem Management Goals and EIP Projects
<i>Purpose</i>	To ensure clarity and organization throughout the tree removal section. Encapsulate tree removal efforts that meet EIP project goals.
<i>Result</i>	61.1.4.B. Ecosystem Management Goals and EIP Projects encompasses reasons for tree removal directly related to ecosystem management goals in one place.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

6. Renumber Subparagraph 61.1.6.A, *Management Objectives* as Subparagraph 61.1.4.B.1 and modify the language.

<i>Description</i>	Moved 61.1.6.A. Management Objectives moved under 61.1.4.B. Ecosystem Management Goals and EIP Projects. Modified 61.1.6.A. Management Objectives.
<i>Purpose</i>	To ensure clarity and organization throughout the tree removal section. The Management Objectives refer to ecosystem management goals and are more appropriately located in this section of the code. Modifications within the Management Objectives increase clarity and modern forestry issues.
<i>Result</i>	Management Objectives related to ecosystem management goals can now be found in subsection 61.1.4.B. Modifications to Management Objectives now reflect modern forestry issues with the Basin.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

61.1.6. Reasons for Tree Removal

A.1. Management Objectives

~~Management techniques shall be employed that are consistent with the following objectives, where applicable:~~ Trees may be removed to meet ecosystem management goals:

- a1. Restoration and expansion of stream environment zones and riparian vegetation;
- b2. Improvement of the structural diversity of all forests based on judgement of qualified forester, ~~including the protection and establishment of younger aged trees;~~
- c3. Enhancement of native wildlife species and/or native wildlife habitat diversity;
- d4. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;
- e5. Protection of sensitive lands;
- f6. Minimization of construction of new roads;
- g7. Revegetation of existing temporary roads;
- h8. Avoidance of disturbance of stream environment zones, unless such project is to thin trees or prescribe burn ~~remove trees~~ within SEZ in accordance with subparagraph 61.3.10 ~~61.1.6.C;~~
- i9. Utilization of existing openings or disturbed areas as landings where appropriate;
- ~~10. Provisions for revegetation;~~
- j11. The promotion of a diversity of seral stages, species diversity, and age class ~~late seral or old growth characteristics;~~
- ~~12. Early successional stage vegetation management; and~~
- k13. Fuels management for fire hazard reduction; and
- l. Forest health and resilience to drought, insects, disease, and climate change.

-
7. Within Subsection 61.1.4, renumber Subparagraphs C, *Dead, Dying, or Diseased Tree Removal*; E, *Early Successional Stage Vegetation Management*; and F, *Tree Removal for Enhancement of Forest Health* as Subparagraphs B.2, B.3, and B.4, respectively and modify the language.
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<i>Description</i>	Moved 61.1.7.C. Dead, Dying, or Diseased Tree Removal, 61.1.7.E. Tree Removal for Early Successional Stage Vegetation Management, and 61.1.7.F. Tree Removal for Enhancement of Forest Health and Diversity under 61.1.4.B. Ecosystem Management Goals and EIP Projects. Modified 61.1.7.E. Tree Removal for Early Successional Stage Vegetation Management language to reference soil stabilization.
<i>Purpose</i>	To ensure clarity and organization throughout the reasons for tree removal section. Replacing language regarding revegetation allows managers to focus on soil stabilization and erosion avoidance rather than just revegetation

<i>Result</i>	These topics can now be found under Ecosystem Management Goals and EIP Projects.
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61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

B. Ecosystem Management Goals and EIP Projects

2C. Dead, Dying, or Diseased Tree Removal

To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA. Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

3E. Tree Removal for Early Successional Stage Vegetation Management

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of “early successional stage vegetation management.”) Where ~~revegetation~~ soil stabilization is required ~~to stabilize soils~~ and/or ~~the replacement of~~ removed vegetation, the applicant shall provide a ~~revegetation~~ soil stabilization plan in accordance with subsection 61.4.5.

4K. Tree Removal to Enhance Scenic View Points from Public Roadways

Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

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8. Within Subsection 61.1.4, renumber Subparagraphs G, *Tree Removal for Solar Access*; H, *Tree Removal for Ski Areas and Right-of-Ways*; I, *Tree Removal for Development*; and K, *Tree Removal to Enhance Scenic View Points from Public Roadways* as Subparagraphs C, E, F, and G, respectively, with no changes to the language.
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<i>Description</i>	Tree Removal for Solar Access moved up under Reasons for Tree Removal and Assigned a new subsection number 61.1.4.C. Tree Removal for Development moved up under Reasons for Tree Removal and Assigned a new subsection number 61.1.4.F. Tree Removal for to Enhance Science View Points from Public Roadways moved up under Reasons for Tree Removal and Assigned a new subsection number 61.1.4.G.
<i>Purpose</i>	To ensure clarity and organization throughout the Reasons for Tree Removal section.
<i>Result</i>	Subparagraphs will be numbered in sequence.

TABLE 1: REVISED SUBPARAGRAPH NUMBERS – SUBSECTION 61.1.4

Current Subparagraph Number	Title	Revised Subparagraph Number
G	Tree Removal for Solar Access	C
H	Tree Removal for Ski Areas and Right-of-Ways	D&E
I	Tree Removal for Development	F
K	Tree Removal to Enhance Scenic View Points from Public Roadways	G

9. Within Subsection 61.1.4, move a portion of Subparagraph D into a new Subparagraph E, *Public Utility Right-of-Ways*.

<i>Description</i>	Tree Removal for Ski Areas moved up under Reasons for Tree Removal and Assigned a new subsection number 61.1.4.D. Public Utility Right-of-Ways assigned separate subsection number 61.1.4.E.
<i>Purpose</i>	To ensure clarity and organization throughout the Reasons for Tree Removal section.
<i>Result</i>	Tree Removal for Ski Areas can now be located at 61.1.4.D. instead of 61.1.7.H. and Tree Removal for Public Utility Right-of-Ways can now be located at 61.1.4.E. instead of 61.1.7.H.

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

D. Tree Removal for Ski Areas ~~and Right-of-Ways~~

~~The tree removal standards below apply to ski areas and utility and public rights-of-way.~~

- ~~1. For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.~~
- ~~2. The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.~~

E. Public Utility Right-of-Ways

The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise

TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

10. Modify Subsection 61.1.5, *General Tree Removal Standards*.

<i>Description</i>	Update references within the General Tree Removal Standards to reflect reorganized code. Add language to 61.1.5.C. that reflects CEQA and California forest Practice Rules documents completed by a qualified forester.
<i>Purpose</i>	To ensure clarity, organization, and correct reference subsections within Chapter 61. To allow for alternative documentation that meets forestry standards within the basin.
<i>Result</i>	Within 61.1.5., reference to 61.1.7.B. Emergency Tree Removal is changed to 61.1.4.A.2. Emergency Tree Removal. Within 61.1.5., reference to 61.1.7.J. Tree Removal During Emergency Fire Suppression Activities is changed to 61.1.4.A.3. Tree Removal During Emergency Fire Suppression Activities. 61.1.5.C. Allows TRPA to consider plans developed pursuant to California Forest Practice Rules or CEQA documents that meet the intent of a Harvest or Tree Removal Plan.

61.1. TREE REMOVAL

61.1.5. General Tree Removal Standards

The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. The removal of trees 14 inches dbh or less shall be exempt from TRPA approval under subparagraph 2.3.2.M and requirements of this chapter, except as provided herein. Removal of trees greater than 14 inches dbh shall require approval by TRPA except as provided in subparagraphs [61.1.4.A.2](#) ~~61.1.7.B~~ and [61.1.4.A.3](#) ~~61.1.7.J~~. Removal of trees greater than six inches dbh on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe requires TRPA approval, except as provided in subsections [61.1.4.A.2](#) ~~7.B~~ and [3](#) ~~J~~. Permits shall be granted or denied in conformity with the provisions of this chapter.

A. Additional Code Standards

Such tree-related projects and activities also shall conform to the provisions of the Code as provided below.

1. If vegetative screening is required by an existing permit for any property, the vegetative screening shall not be removed without prior approval from TRPA except for defensible space purposes pursuant to subparagraph 61.3.6.D.
2. If tree and/or vegetation removal to occur on any property where existing permit conditions require retention of vegetation, including tree and/or vegetation removal for defensible space purposes pursuant to subparagraph 61.3.6.D, alternative scenic mitigation shall be proposed to TRPA within 30 days of vegetation removal and shall be subject to review and approval by TRPA notwithstanding the permit exemption in subparagraph 2.3.2.M.

B. Findings

Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval. [TRPA may consider plans developed pursuant to the California Forest Practice Rules or other CEQA documents completed by a qualified forester to meet the intention of this section provided all the required elements are addressed.](#)

11. Delete Subparagraph H, *Restocking* from Subsection 61.1.6.

<i>Description</i>	61.1.6.H. Restocked removed
<i>Purpose</i>	To streamline Chapter 61. This section does not regulate or set standards for projects to meet. Additionally, restocking limits projects that are designed to create gaps within the forest.
<i>Result</i>	Reference to Restocking is now deleted.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

~~H. Restocking~~

~~A stand of timber shall be considered to be adequately stocked or to have minimum acceptable stocking when it has thrifty trees well distributed over the growing area (rocky areas, brush fields, meadows, and bodies of water excepted) in which the residual stocking meets the requirements of the appropriate state or federal forestry agency, and desired species composition is maintained.~~

12. Renumber Subparagraphs J, *Historic Resource Protection*, J.1, and J.2 of Subsection 61.1.6 as Subsection 61.3.8 and Subparagraphs 61.3.8.A and 61.3.8.B, respectively, with no change to the language.

<i>Description</i>	61.1.6.J. Historic Resource Protection moved to Section 61.3. Vegetation Protection and Management and assigned a new subsection 61.3.8.
<i>Purpose</i>	To provide a more logical and organized flow to Chapter 61 by moving all references to protections into the Vegetation Protection and Management section.
<i>Result</i>	Details regarding Historic Resource Protection will not be found within Section 61.3. Vegetation Protection and Management under 61.3.8.A-B.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

J. ~~Historic Resource Protection~~

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.8. Historic Resource Protection

- A1.** Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: Historic Resource Protection. All historic resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.
- B2.** If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.

13. Renumber Subparagraphs K, *Wildlife, Habitat, and Sensitive Plants* and K.1 through K.3 of Subsection 61.1.6 as Subsection 61.3.9 and Subparagraphs 61.3.9.A through 61.3.9.C, respectively, with no change to the language.

<i>Description</i>	61.1.6.K. Wildlife, Habitat, and Sensitive Plants moved to Section 61.3. Vegetation Protection and Management and assigned a new subsection 61.3.9.A-C.
<i>Purpose</i>	To provide a more logical and organized flow to Chapter 61 by moving all references to protections into the Vegetation Protection and Management section.
<i>Result</i>	Details regarding Wildlife, Habitat, and Sensitive Plants will not be found within Section 61.3. Vegetation Protection and Management under 61.3.9.A-C.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

~~K.~~ **Wildlife, Habitat, and Sensitive Plants**

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.9. Wildlife, Habitat, and Sensitive Plants

- A1.** Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: Wildlife Resources.
- B2.** Snags shall be retained in accordance with subsection 62.3.4.
- C3.** Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

14. Within Subsection 61.1.6, renumber Subparagraph B, *Cutting Practices* as Subparagraph A and modify the language.

<i>Description</i>	Modified language within Section 61.1.6.A. Cutting Practices.
<i>Purpose</i>	<p>Relying on qualified forester judgement allows for more site specificity.</p> <p>Avoiding damage to the extent possible recognizes that some residual vegetation in forest management practices will be affected by management actions.</p> <p>Deletion of 5 and 6 recognizes newer, less impactful management options that reduce impacts.</p>
<i>Result</i>	Cutting Practices reflects more modern language and management techniques.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

AB. Cutting Practices

The following cutting practice standards apply:

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;

2. Group selections shall be limited to use for achieving management objectives based on the judgement of a qualified forester; ~~as approved by TRPA~~. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);
3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;
4. Damage to unmarked trees and residual vegetation shall be avoided to the extent feasible;
- ~~5. All trees shall be felled in line with the skidding direction wherever possible;~~
- ~~6. All trees shall be limbed on all sides where feasible and topped prior to skidding except where whole tree skidding is less disruptive to the forest resources;~~
57. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment; ~~kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical~~;
68. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;
79. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
810. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

15. Renumber Subparagraphs 61.1.6.C, *Tree Cutting within Stream Environment Zones* and its subparagraphs C.1 through C.5 as Subsection 61.3.10 and Subparagraphs 61.3.10.A through E, respectively, with no change in language.

<i>Description</i>	61.1.6.C.1-5. Tree Cutting Within Stream Environment Zones moved to Section 61.3. Vegetation Protection and Management and assigned a new subsection 61.3.10.1.A-E.
<i>Purpose</i>	To provide a more logical and organized flow to Chapter 61 by moving all references to protections into the Vegetation Protection and Management section.
<i>Result</i>	Details regarding Tree Cutting within Stream Environment Zones will now be found within Section 61.3. Vegetation Protection and Management under 61.3.10.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

~~C. Tree Cutting within Stream Environment Zones~~

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.10. Tree Cutting within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below.

A. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. The following exceptions shall apply:

1. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage; and
2. TRPA shall review site-specific proposals for and may permit the use of "innovative technology" vehicles and/or "innovative techniques" for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: Definitions, for definitions of "innovative technology" vehicles and "innovative techniques.") Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:
 - (i) Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;
 - (ii) Operations using "innovative technology" vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;
 - (iii) Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;

- (iv) Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;
- (v) To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;
- (vi) Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: Wildlife Resources;
- (vii) Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: Historic Resource Protection; and
- (viii) Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

B. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage (See subparagraph 61.1.6.F).

C. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. If deposited in the stream, the material shall be removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: Wildlife Resources, and Chapter 63: Fish Resources. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

D. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the Handbook of Best Management Practices.

E. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

16. Within Subsection 61.1.6, renumber Subparagraphs D through F as Subparagraphs B through D, respectively, with no change in language.

TABLE 2: REVISED SUBPARAGRAPH NUMBERS – SUBSECTION 61.1.6

Current Subparagraph Number	Title	Revised Subparagraph Number
D	Logging Roads, Skid Trails, and Landings	B
E	Removal Methods	C
F	Skidding and Ground Based Vehicle Systems	D

17. Within Subsection 61.1.6, renumber Subparagraph G, *Slash Disposal* as Subparagraph E and modify the language.

<i>Description</i>	Modified language within 61.1.6.G. Slash Disposal to reference slash disposal plans and removed specific buffer distances. Section 61.1.6.G. Slash Disposal will become 61.1.6.E. Slash Disposal through reorganization of entire section.
<i>Purpose</i>	Builds consistency with partner agency requirements for buffers.
<i>Result</i>	Language within 61.1.6.G. Slash Disposal now references slash disposal plans and approved buffers instead of specific buffer amounts that are inconsistent with partner agency requirements. Section 61.1.6.G. Slash Disposal will become 61.1.6.E. Slash Disposal through reorganization of entire section.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

EG. Slash Disposal

Slash shall be disposed of according to an approved slash disposal plan. within two years of project completion by the methods below.

1. Lop and scatter, pile and burn or broadcast burn (consistent with Sections 61.2 and 65.1), chip, or haul away. All burns shall be located beyond approved buffers at least 50 feet from any stream channel, unless it can be demonstrated, using best available science, that slash burning

within the approved buffer ~~50 feet~~ of a channel will not cause adverse environmental impacts.

2. Cull logs and other material shall be disposed of as required by the permit.

18. Within Subsection 61.1.6, renumber Subparagraph I, *Erosion Control*, as Subparagraph F and modify the language.

<i>Description</i>	Modified language within 61.1.6.I. Erosion Control that includes language regarding design criteria to avoid tracking soil off site. Erosion Control will be 61.1.6.F. Erosion Control through reorganization of entire section.
<i>Purpose</i>	Provides clarity throughout the Erosion Control section regarding soil leaving the project site.
<i>Result</i>	Ensures projects have design criteria in place to void tracking soil off site instead of simply saying soil cannot leave the site. Section 61.1.6.I. Erosion Control will become 61.1.6.F. Erosion Control through reorganization of entire section.

61.1. TREE REMOVAL

61.1.6. Minimum Standards for Tree Removal

F. Erosion Control

The adequacy of all required BMPs shall be confirmed at the time of the TRPA pre-operations inspection. Any modifications to the required BMPs as determined by TRPA shall be incorporated into the project permit at that time or as determined to be necessary throughout forest management operations. The following erosion control standards apply:

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:
 - a. Temporary erosion controls and vegetation protection measures.
 - b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.
2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.
3. Projects must have design criteria to avoid tracking soil off the project site. ~~Soil shall not be tracked off the project site.~~ Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.

4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

19. Renumber Subsection 61.1.9, *Commercial Tree Removal* as Subsection 61.1.7, with no change to the language.

<i>Description</i>	61.1.9.A-B. Commercial Tree Removal assigned an updated code section 61.1.7.A-B.
<i>Purpose</i>	To provide a more logical and organized flow to Chapter 61.
<i>Result</i>	61.1.9.A-B. Commercial Tree Removal can now be found at code section 61.1.7.A-B.

61.1. TREE REMOVAL

61.1.79. Commercial Tree Removal

A. General Standard

Trees may be removed as a commercial enterprise pursuant to the tree removal practices of subsection 61.1.6.

B. Cutting and Cultivation of Christmas Trees

Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

20. Modify Subparagraph 61.1.8.B.

<i>Description</i>	61.1.8.B. Public Parcels modified to include language referencing Memorandums of Understanding between partner agencies and the TRPA.
<i>Purpose</i>	To provide a clarity and simplicity for partner agencies regarding substantial tree removal.
<i>Result</i>	Details regarding the review process for public parcels have been removed and replaced with a reference to partner MOU's when applicable.

61.1. TREE REMOVAL

61.1.8. Substantial Tree Removal

Substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger, or proposing tree removal that as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff does not meet the minimum acceptable stocking standards set forth in subparagraph 61.1.6.H. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA as required below.

A. Private Parcels

The review process for private parcels shall include the following:

1. Harvest plan shall be written by a qualified forester;
2. Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;
3. Preparation of environmental impact statement if necessary;
4. Pre-approval field review;
5. Approval of project by TRPA;
6. Pre-harvest field review; and
7. Post-harvest review.

B. Public Parcels

1. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to Memorandums of Understanding between the partner agency and the TRPA. For agencies without an MOU with the TRPA, the process shall be the same as for private parcels listed above. ~~public parcels administered by the U.S. Forest Service shall include the following:~~
 - ~~a. Coordination with TRPA at the initial planning stages;~~
 - ~~b. Preparation of environmental assessment;~~
 - ~~c. Preparation of environmental impact statement (if necessary);~~
 - ~~d. Submittal of tree removal or harvest plan;~~
 - ~~e. Approval of project by TRPA; and~~
 - ~~f. TRPA monitoring and evaluation.~~
- ~~2. For other public parcels the process shall be the same as for private parcels in 1 above.~~

21. Delete Subparagraph 61.2.3.B, *Limitations*.

<i>Description</i>	61.2.3.B.1-5. Limitations removed.
<i>Purpose</i>	To streamline Section 61.2. Prescribed Burning. Limitations are duplicative of the sentence in 61.2.3.A. "To maintain forest health and diversity and to reduce the risk of fire".
<i>Result</i>	Section 61.2.3.B.1-5. Limitations are removed.

61.2. PRESCRIBED BURNING

61.2.3. Prescribed Burning

~~B. Limitations~~

~~Prescribed burning shall be limited to the following activities:~~

- ~~1. Seral stage management;~~
- ~~2. Fuels management;~~
- ~~3. Wildlife habitat management;~~
- ~~4. Silviculture; or~~
- ~~5. Pest control.~~

22. Delete Subparagraph 61.2.5.B.7.

<i>Description</i>	61.2.5.B.7. is removed.
<i>Purpose</i>	To streamline Section 61.2. Prescribed Burning. 61.2.5.B.7. Other information that TRPA may require removed because it does not provide any detail and does not preclude the TRPA from requesting additional materials.
<i>Result</i>	Section 61.2.5.B.7. is removed.

61.2. PRESCRIBED BURNING

61.2.5. Compliance Program

B. Burn Prescription

All applications to conduct prescribed burning shall be accompanied by a burn prescription. A burn prescription shall include the following items:

- ~~7. Other information that TRPA may require.~~

Attachment A – Exhibit 3

Updated Code Language

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1. TREE REMOVAL

61.1.1. Purpose

The purpose of this section is to regulate the management of forest resources to achieve and maintain the environmental threshold standards for species and structural diversity, to promote the long-term health of natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels in order to decrease the likelihood of catastrophic wildfire events.

61.1.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment. The use, protection, and maintenance of vegetation are also addressed in the following chapters of the Code of Ordinances:

- A. 2: *Applicability of the Code of Ordinances;*
- B. 30: *Land Coverage;*
- C. 33: *Grading and Construction;*
- D. 36: *Design Standards;*
- E. 53: *Individual Parcel Evaluation System;*
- F. 60: *Water Quality;*
- G. 61: *Vegetation and Forest Health;*
- H. 62: *Wildlife Resources;*
- I. 63: *Fish Resources;*
- J. 64: *Livestock Grazing;*
- K. 80: *Review of Projects in the Shorezone and Lakezone;*
- L. 84: *Development Standards Lakeward of High Water;* and
- M. 90: *Definitions.*

61.1.3. Delegation of Project Review and Permit Determination

Qualified agencies, or third party designees, may be delegated authority for permit determinations set forth in this chapter. Stream environment zone areas (SEZ's) may be excluded from the delegation. TRPA may, on a case-by-case basis, designate the review of SEZ's if the agency or third party has demonstrated expertise in hydrology, ecology, botany, restoration, soil science, or similar scientific disciplines and are qualified to evaluate and prevent negative impacts to SEZ's and water quality. If TRPA delegates these review and permitting functions, these agencies will also be responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances.

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection 61.1.4, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subparagraph 61.1.6.C. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA unless exempt through a Memorandum of Understanding with the TRPA. Other vegetation shall be protected during removal operations to prevent their injury.

1. Fire Hazard Tree Removal

Trees identified and marked by a qualified forester as a fire hazard may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Trees identified and marked by a defensible space assessor for defensible space purposes associated with a building or structure may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Fuel reduction projects shall consider multiple threshold objectives. As an alternative to tree removal, the defensible space assessor may approve the limbing of trees that are determined to be a fire hazard, consistent with defensible space requirement of the applicable fire agency. (See Chapter 90 for definition of "fuels management.")

2. Emergency Tree Removal

When a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures or people), the tree may be removed, but the land owner or manager shall provide photographic documentation and all applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Tree Removal During Emergency Fire Suppression Activities

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

B. Ecosystem Management Goals and EIP Projects

1. Management Objectives

Trees may be removed to meet ecosystem management goals such as:

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- a. Restoration and expansion of stream environment zones and riparian vegetation;
- b. Improvement of the structural diversity of all forests based on the judgement of a qualified forester;
- c. Enhancement of native wildlife species and/or native wildlife habitat diversity;
- d. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;
- e. Protection of sensitive lands;
- f. Minimization of construction of new roads;
- g. Revegetation of existing temporary roads;
- h. Avoidance of disturbance of stream environment zones, unless to enhance the health of stream environment zones through projects intended to thin trees or prescribed burns within SEZ in accordance with subparagraph 61.3.10.;
- i. Utilization of existing openings or disturbed areas as landings where appropriate;
- j. The promotion of a diversity of seral stages, species diversity, and age class;
- k. Fuels management for fire hazard reduction; and,
- l. Forest health and resilience to droughts, insects, disease, and climate change.

2. Dead, Dying, or Diseased Tree Removal

To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA. Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

3. Tree Removal for Early Successional Stage Vegetation Management

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of "early successional stage vegetation management.") Where soil stabilization is required and/or the replacement of removed vegetation, the applicant shall provide a revegetation or soil stabilization plan in accordance with subsection 61.4.5.

4. Tree Removal for Enhancement of Forest Health and Diversity

Tree removal may be permitted where the species or structural diversity of an area is not in accordance with management objectives. TRPA shall apply the criteria below in reviewing tree removal to enhance forest health and diversity.

- a. A management plan that demonstrates the need for the project and the means of accomplishing the objectives listed below shall be prepared by a qualified forester.
 - (i) Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.
 - (ii) If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve structural diversity objectives.
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61.1 Tree Removal

61.1.4 Reasons for Tree Removal

- (iii) If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve species diversity objectives.
 - (iv) On parcels of three acres or less, the tree removal permit may serve as the management plan.
 - b. The site proposed for tree removal for forest diversity shall be within a contiguous area of at least three acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.
- C. **Tree Removal for Solar Access**

Removal of healthy trees to maximize efficiency of solar energy systems may be permitted according to the standards below.

 - 1. TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.
 - 2. The number of healthy trees that may be removed for the system's operation shall be the minimum necessary.
 - 3. The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar collector and are in the sun's path between an 18° vertical angle measured from the base of the solar collector and a 70° vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.
- D. **Tree Removal for Rights-Of-Way**

The removal of trees within utility and public rights-of-way may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.
- E. **Tree Removal for Ski Areas**

For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.
- F. **Tree Removal for Development**

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Section 33.6.
- G. **Tree Removal to Enhance Scenic View Points from Public Roadways**

Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public rights-of-way and other public lands immediately adjacent to highway corridors.

61.1.5. General Tree Removal Standards

The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. The removal of trees 14 inches dbh or less shall be exempt from TRPA approval under subparagraph 2.3.2.M and requirements of this chapter, except as provided herein. Removal of trees greater than 14 inches dbh shall require approval by TRPA except as provided in subparagraphs 61.1.4.A.2. and 61.1.4.A.3. Removal of trees greater than six inches dbh on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe requires TRPA approval, except as provided in subsections 61.1.4.A.2. and 3. Permits shall be granted or denied in conformity with the provisions of this chapter.

A. Additional Code Standards

Such tree-related projects and activities also shall conform to the provisions of the Code as provided below.

1. If vegetative screening is required by an existing permit for any property, the vegetative screening shall not be removed without prior approval from TRPA except for defensible space purposes pursuant to subparagraph 61.3.6.D.
2. If tree and/or vegetation removal to occur on any property where existing permit conditions require retention of vegetation, including tree and/or vegetation removal for defensible space purposes pursuant to subparagraph 61.3.6.D, alternative scenic mitigation shall be proposed to TRPA within 30 days of vegetation removal and shall be subject to review and approval by TRPA notwithstanding the permit exemption in subparagraph 2.3.2.M.

B. Findings

Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval. TRPA may consider plans developed pursuant to the California Forest Practice Rules or other CEQA documents completed by a qualified forester to meet the intention of this section provided all the required elements are addressed.

61.1.6. Minimum Standards for Tree Removal

The minimum standards for tree removal shall be as provided below.

A. Cutting Practices

The following cutting practice standards apply:

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61.1.6 Minimum Standards for Tree Removal

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;
2. Group selections shall be limited to use for achieving management objectives based on the judgement of a qualified forester. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);
3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;
4. Damage to unmarked trees and residual vegetation shall be avoided to the extent feasible;
5. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment;
6. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;
7. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
8. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

B. Logging Roads, Skid Trails, and Landings

All logging roads, skid trails, and landings shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the *Handbook of Best Management Practices*. Existing roads, skid trails, and landings shall be used whenever possible. New roads shall be approved only if TRPA finds that all alternatives have been explored and determines that the construction of new roads, skid trails, or landings would be the preferred alternative. In accordance with subparagraph 60.1.3.B, existing roads and landings may be accessed in the winter to help prepare for over-snow tree removal. Such preparation shall be limited to packing snow over the roadways to obtain a firm snow base and allow movement of logs and equipment without disturbance of the soil. The standards provided below also shall apply.

1. The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width, and maintenance, by road type as determined by TRPA, shall be as shown in Tables 61.1.5-1 and 61.1.5-2.

TABLE 61.1.5-1: LOGGING ROADS AND SKID TRAILS: DESIGN AND GRADE

Road Type	Design	Maximum Grade
Permanent administrative roads	Plans and specifications	10%
Limited use roads remaining open	Plans and specifications	10% with occasional 15%
Limited use roads closed after logging	Plans and specifications	10% with occasional 15%

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61.1.6 Minimum Standards for Tree Removal

TABLE 61.1.5-1: LOGGING ROADS AND SKID TRAILS: DESIGN AND GRADE

Road Type	Design	Maximum Grade
Temporary roads	Flag line	20%
Tractor roads and main skid trails	Flag line	30%
Secondary skid trail	None	30%

TABLE 61.1.5-2: LOGGING ROADS AND SKID TRAILS: OTHER STANDARDS

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
Permanent administrative roads	Prefall	Removal within 50 feet of road	30 feet*	As determined by TRPA
Limited use roads remaining open	Prefall	Removal within 50 feet of road	15 feet 2/turnouts*	Annual maintenance required**
Limited use roads closed after logging	Prefall	Lop and scatter	15 feet 2/turnouts*	Close to vehicle use and revegetate
Temporary roads	Prefall	Lop and scatter	15 feet*	Close to vehicle use and revegetate
Tractor roads and main skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate
Secondary skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate

* Unless TRPA finds that greater width is necessary for feasible use or safety.

** "Annual Maintenance" includes activities such as restoring drainage features and making other road repairs as necessary.

2. Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density. Main skid trails shall be flagged in advance of felling operations and shall require approval by TRPA.
3. Best Management Practices shall be installed on all skid trails, landings, and roads, no later than 15 days following completion of operations within a particular treatment unit, or at the time of seasonal shutdown, whichever is sooner.
4. Water breaks shall be spaced as provided below.
 - a. The maximum slope distance in feet by land capability district shall be according to Table 61.1.5-3.

TABLE 61.1.5-3: MAXIMUM SLOPE DISTANCE IN FEET BY LAND CAPABILITY DISTRICT

Gradient	5-7	3-4
Less Than 10%	200	200
10 - 20%	150	90
21 - 30%	90	50

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61.1.6 Minimum Standards for Tree Removal

- b. Water breaks shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.
- c. Construction of water breaks shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work, including the design and interval of water breaks, shall require TRPA approval.
- d. Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

C. Removal Methods

Only the tree removal methods shown in Table 61.1.5-4 shall be used on lands located within the land capability districts shown.

Land Capability District	Removal Method
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with subsection 61.1.6. Over-snow removal may be approved pursuant to subparagraph 61.1.6.F.1.
1b (Stream Environment Zone)	As permitted in Land Capability District 1a, end lining may be approved when site conditions are dry and stable, or when winter conditions are adequate for end lining operations so as to avoid adverse impacts to the soil and vegetation. The use of "innovative technology" vehicles and/or "innovative techniques" for removing trees from SEZs may be considered pursuant to subparagraph 61.1.6.C.1.b.
3	As permitted in Land Capability District 1b, Ground skidding pursuant to subparagraph 61.1.6.F.2 may be approved.
4 - 7, Inclusive	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for removing trees without skidding may be approved pursuant to subparagraph 61.1.6.F.5.

D. Skidding and Ground Based Vehicle Systems

Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground. Ground based vehicle systems are all-in-one "process at the stump" harvesters that cut, process and remove trees without any ground skidding.

- 1. Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.
- 2. Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.
- 3. Logs shall only be skidded endwise.
- 4. No logging arches, other than integral arch equipment, shall be permitted.

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61.1 Tree Removal

61.1.7 Commercial Tree Removal

5. Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to subparagraph 61.1.6.C.1 and subparagraph 61.1.6.E.

E. Slash Disposal

Slash shall be disposed of according to an approved slash disposal plan.

1. Lop and scatter, pile and burn or broadcast burn (consistent with Sections 61.2 and 65.1), chip, or haul away. All burns shall be located beyond approved buffers from any stream channel, unless it can be demonstrated, using best available science, that slash burning within the approved buffer of a channel will not cause adverse environmental impacts.
2. Cull logs and other material shall be disposed of as required by the permit.

F. Erosion Control

The adequacy of all required BMPs shall be confirmed at the time of the TRPA pre-operations inspection. Any modifications to the required BMPs as determined by TRPA shall be incorporated into the project permit at that time or as determined to be necessary throughout forest management operations. The following erosion control standards apply:

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:
 - a. Temporary erosion controls and vegetation protection measures.
 - b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.
2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.
3. Projects must have design criteria to avoid tracking soil off of the project site. Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.
4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

61.1.7. Commercial Tree Removal

A. General Standard

Trees may be removed as a commercial enterprise pursuant to the tree removal practices of subsection 61.1.6.

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B. Cutting and Cultivation of Christmas Trees

Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

61.1.8. Substantial Tree Removal

Substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger, or proposing tree removal that as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff does not meet the minimum acceptable stocking standards set forth in subparagraph 61.1.6.H. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA as required below.

A. Private Parcels

The review process for private parcels shall include the following:

1. Harvest plan shall be written by a qualified forester;
2. Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;
3. Preparation of environmental impact statement if necessary;
4. Pre-approval field review;
5. Approval of project by TRPA;
6. Pre-harvest field review; and
7. Post-harvest review.

B. Public Parcels

1. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to a Memorandum of Understanding (MOU) between the partner agency and the TRPA. For agencies without an MOU with the TRPA, the process shall be the same as for private parcels listed above.

61.2. PRESCRIBED BURNING

61.2.1. Purpose

This section sets forth standards and regulations pertaining to the use of fire in controlled circumstances for vegetation management.

61.2.2. Applicability

The standards and regulations in this section apply to all intentional burning for the purpose of vegetation management, unless otherwise exempt from TRPA review under the provisions of Chapter 2: *Applicability of the Code of Ordinances*.

61.2.3. Prescribed Burning

A. Prescribed Burning Allowed

Persons who own or manage forests or range lands may use prescribed burning, consistent with the standards and regulations set forth in this section, to maintain forest health and diversity and to reduce the risk of wildfire.

61.2.4. Performance Standards

The use of prescribed burning for vegetation management shall comply with the standards provided below.

A. Location of Prescribed Burning

The use of prescribed burning shall be limited to those areas where the plan area statements designate as a permissible use one or more of the following uses:

1. Nonstructural wildlife habitat management;
2. Range improvement;
3. Fuels management; or
4. Prescribed fire management.

B. Extent of Prescribed Burning

Each prescribed burn shall be limited to the minimum area necessary to achieve the purpose of the prescription.

C. Timing of Prescribed Burning

Prescribed burning shall be limited to time periods for which TRPA finds that atmospheric conditions normally will allow complete dispersion of the smoke from the prescribed burn during each day of the burn.

D. Responsible Persons

A qualified expert, experienced in the use of fire for vegetation management, shall prepare a burning prescription for review and, if appropriate, approval by TRPA. The expert shall certify that the prescription meets the standards of this section. The expert shall oversee the conduct of the burn.

E. Standards of Other Government Agencies

All prescribed burning shall comply with applicable standards of other government agencies with appropriate jurisdiction, including but not limited to the following agencies: the El Dorado County Air Pollution Control District; the Placer County Air Pollution Control District; the California Air Resources Board; the California State Water Resources Control Board; the California Regional Water Quality Control Board; the Nevada Division of Environmental Protection; the California and Nevada Departments of Forestry; and the United States Forest Service. Where TRPA standards conflict with another agency's standards, the most stringent standard shall control.

61.2.5. Compliance Program

To achieve compliance with the standards in subsection 61.2.4, TRPA shall apply the following provisions:

A. Consistency with Primary Use

TRPA shall review and, if appropriate, approve applications to conduct prescribed burns consistent with the provisions of Chapter 21: *Permissible Uses*,

regarding allowed and special uses for those uses listed in subparagraph 61.2.4.A.

B. Burn Prescription

All applications to conduct prescribed burning shall be accompanied by a burn prescription. A burn prescription shall include the following items:

1. Detailed statement of the purpose of the prescribed burn;
2. Description, including a map at an appropriate scale of the location and a real extent of the prescribed burn. Such description shall allow TRPA to determine whether the proposed burn complies with subparagraphs 61.2.4.A and 61.2.4.B;
3. Description of the timing of the prescribed burn, and meteorological information that demonstrates that the timing of the prescribed burn will normally allow complete dispersion of the smoke from the burn during each day of the burn;
4. A list of the applicable standards of TRPA and other government agencies with jurisdiction over the burn, and a discussion of how the proposed prescription complies with those standards;
5. A detailed description of the proposed burning operation, including a description of all safety procedures that will be used to prevent wildfire;
6. A certification by a qualified expert experienced in the use of fire for vegetation management that the burn prescription complies with this section; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed; and

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action

including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.
2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.
3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.6.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible-space guidelines approved by TRPA.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and
4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. List of Sensitive Plants

The sensitive plants are:

- (i) *Rorippa subumbellata* (Tahoe yellow cress);
- (ii) *Arabis rigidissima* var. *demote* (Galena Creek rock cress);
- (iii) *Lewisia longipetala* (long-petaled lewisia);
- (iv) *Draba asterophora* v. *macrocarpa* (Cup Lake draba); and
- (v) *Draba asterophora* v. *asterophora* (Tahoe draba).

b. Standards for Sensitive Plants

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat. All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

- (i) Fencing to enclose individual populations or habitat;
- (ii) Restrictions on access or intensity of use;
- (iii) Modifications to project design as necessary to avoid adverse impacts;

(iv) Dedication of open space to include entire areas of suitable habitat;
or

(v) Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. List of Uncommon Plant Communities

The uncommon plant communities are:

(i) The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);

(ii) Osgood Swamp, Hell Hole (sphagnum fen);

(iii) Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and

(iv) The Freel Peak cushion plant community.

b. Standards for Uncommon Plant Communities

Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control may be required where vegetative ground cover has been eliminated or where erosion problems may occur.

61.3.7. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands or SEZs

Within lands classified by TRPA as conservation or recreation land use or SEZs, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be cut, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

- 2. Unacceptable Risk to Structures or Areas of High Use**
A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree pose an unacceptable risk to occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.
- 3. Diseased or Infested Trees**
Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.
- 4. Adverse Impacts to Stream or River**
Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated, or removed. This determination shall be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.
- 5. Ecosystem Management Goals**
In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process, and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by TRPA.
- 6. Ski Areas Master Plans**
In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA – approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. **EIP Projects**
Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.
 8. **Extreme Fuel Loading**
In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.
 9. **Large Public Utilities Projects**
Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.
 10. **Emergency Fire Suppression**
Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.
 11. **Private Landowners**
Private landowners may cut trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph 61.1.4.C.
- B. Standards for Non-SEZ Urban Lands**
Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.
- C. Alternative Private Landowner Process**
As an alternative to complying with the standards in subparagraph 61.1.4.A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and policies.
1. **Alternative Forest Management Plan**
A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.
 - a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.
 - b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.
 - c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of

Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.

- d. The harvest practices shall comply with local and state regulations.
 - e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
 - f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.
2. **Limited Forest Plan**
Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.
- a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
 - b. The limited forest plan shall include:
 - (i) The relative state permit application, if available;
 - (ii) Description of harvest activities;
 - (iii) Description of management activities;
 - (iv) Explanation of how thresholds, goals and policies shall be attained under the forest plan; and
 - (v) The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.
3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.3.8. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below.

A. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. The following exceptions shall apply:

1. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure

- that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage; and
2. TRPA shall review site-specific proposals for and may permit the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:
- a. Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;
 - b. Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;
 - c. Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;
 - d. Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;
 - e. To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;
 - f. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;
 - g. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and
 - h. Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

B. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for over-snow

tree removal operations without causing significant soil disturbance and/or significant vegetation damage (See subparagraph 61.1.6.F).

C. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. If deposited in the stream, the material shall be removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

D. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

E. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

61.3.9. Historic Resource Protection

1. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.
2. If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.

61.3.10. Wildlife, Habitat, and Sensitive Plants

1. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.
2. Snags shall be retained in accordance with subsection 62.3.4.
3. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

61.4. REVEGETATION**61.4.1. Purpose**

This section provides standards for revegetation for such purposes as soil stabilization and improvement of the vegetative cover mix.

61.4.2. Applicability

This section shall apply wherever revegetation is required as a condition of project approval or where revegetation is necessary to comply with other provisions of the Code. Landscaping provisions are set forth in Chapter 36: *Design Standards*.

61.4.3. Approved Species

Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the *Handbook of Best Management Practices* and shall be updated from time to time based on the criteria that listed plants should be adapted to the climate of the Tahoe region, should require little water and fertilizer after establishment, and should be non-invasive. Specifications of plant materials shall be in accordance with the following requirements:

A. Site Conditions

Plant species selected shall be appropriate for site conditions.

B. Small Scale Programs

Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the *Handbook of Best Management Practices*.

C. Large Disturbed Areas

Revegetation of disturbed areas larger than 10,000 square feet shall include reseeding with TRPA-approved grass species as well as reestablishment of appropriate shrub and tree species.

D. Fertilizer

Fertilizer may be permitted to help establish vegetation following planting, but plant species shall be selected that do not require long term fertilization.

61.4.4. Soil Stabilization

Site preparation for revegetation shall include measures necessary to stabilize the soil until the vegetation is reestablished. Revegetation and stabilization programs for disturbed sites shall minimize the use of extensive grading whenever practical. Situations where extensive grading and recontouring may be necessary include the following:

- A. Oversteepened cut slopes;
- B. Quarry sites;
- C. Abandoned landfills;
- D. Reclamation of already developed sites; or
- E. Abandoned roads.

61.4.5. Revegetation Plans

Where revegetation is required to stabilize soils, replace removed vegetation, or for rehabilitation of areas where runoff or soil erosion needs to be controlled, the applicant shall provide a revegetation plan.

A. Contents of Plan

Revegetation plans shall include at a minimum:

1. A description of the site, including the soil type, if applicable, the stream environment zone or backshore type, and existing vegetation;
2. A list of appropriate plant species to be used at the site and a plan showing where they will be planted;
3. The number and size of shrubs and trees to be used, if any;
4. A description of the extent and methods of irrigation, if any;
5. Specifications for site preparation and installation of plant materials;
6. Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the *Handbook of Best Management Practices*, if necessary;
7. Specifications for long term plant care and protection, including the amount and method of application of fertilizers, if necessary; and
8. A description of mulches or tackifiers to be used.

B. Plant Materials

Plant materials to be used in a stream environment zone or the backshore shall be from the list shall be derived from stock possessing genetic characteristics of native plants or, if used outside of these areas, plant materials shall originate from a similar elevation and climate as the revegetation site if stock is available. If such stock is not available, stock with demonstrated success in the region may be approved.

C. Soil Materials

Revegetation plans may include provisions that allow for the importation of soil in limited situations involving reclamation of extensively disturbed sites, such as those in subsection 61.4.4. Soil material may be permitted to be imported from outside the region if an acceptable source in the region cannot be located. Acceptable sources of soil material in the region include by-products of approved dredging or grading activities and compost.

D. Security Release

The portion of a security related to revegetation shall be released when TRPA determines that the required vegetation is established. Establishment of vegetation generally takes one or two growing seasons.

Attachment B

Required Findings/Rationale

ATTACHMENT B

REQUIRED FINDINGS / RATIONALE

TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendments will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendments are consistent with and will implement Chapter 61 Vegetation and Forest Health. The amendments are minor in nature and are not anticipated to result in environmental effects. As demonstrated in the accompanying findings, amendments to Chapter 61 Vegetation and Forest Health will not result in an unmitigated significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The amendments to the 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;

Rationale: The proposed amendments to the Code correct and clarify existing language in the Code of Ordinances. The amendments are consistent with Chapter 61 Vegetation and Forest Health. The changes are minor in nature and will not result in environmental effects. The Code amendments will improve understanding of the Code and increase the efficiency of Code administration and compliance. Additionally, they will support the achievement and maintenance of the thresholds. The Code amendments are consistent with the Regional Plan policies and goals and all implementing elements of the Regional Plan.

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

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the findings , these amendments will not cause the environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. The amendments are intended to correct and clarify existing Code provisions, which will maintain adopted standards.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: The proposed amendments to the Code of Ordinances will improve implementation of forest health projects by improving the efficiency of administering the Code and reducing the staff and public resources being expended as a result of redundancy and disorganization in the currently adopted Code.

Therefore, the Code of Ordinances, as amended by the proposed amendments, and in combination with other regulatory programs, will attain and maintain thresholds.

Attachment C – Initial Environmental Checklist (IEC)



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ATTACHMENT C

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Chapter 61 Code Amendments: Section 61.1. Tree Removal and Section 61.2. Prescribed Burning – January 2020

Project Description:

The project would involve amending the Chapter 61 Sections 61.1. Tree Removal and 61.2 Prescribed Burning of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendments fall into two categories:

A. Section 61.1. Tree Removal

Amendments to Section 61.1. Tree Removal include reorganizing sub-sections to facilitate a logical flow within the tree removal section and increase clarity. Amendments also include updating code language to reflect modern forestry practices, standardizing with partner agency requirements, and where possible, relying on qualified forester judgement.

B. Section 61.2. Prescribed Burning

Amendments to Section 61.2. Prescribed Burning are minor and include deleting areas of redundancy within the section.

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.

I. 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)?

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- 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?

- 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?

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. The creation of objectionable odors?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Increased use of diesel fuel?

- 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?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
- No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No

- | | | |
|---|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | | |

- | | | |
|---|--|--|
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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)? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. Reduction of the numbers of any unique, rare or endangered species of plants? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. A change in the natural functioning of an old growth ecosystem? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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)?

Yes No

 No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

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?

Yes No

 No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

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 Area Plan, Plan Area Statement, Community Plan or Master Plan?

Yes No

 No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- | | | |
|--|--|--|
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Exposure of existing structures to levels of ground vibration that could result in structural damage? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

7. Light and Glare

Will the proposal:

- | | | |
|--|--|--|
| a. Include new or modified sources of exterior lighting? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

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?

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?

Yes No

No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

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?

Yes No

No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

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?

Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference 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?

Yes No
 No, With Mitigation Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

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?

- 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?

- 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?

- 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)?

- Yes No
- No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
- No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No

No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

Yes No

No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

Yes No

No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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?

Yes No

No, With Mitigation Data Insufficient

b. Police protection?

Yes No

No, With Mitigation Data Insufficient

c. Schools?

Yes No

No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- 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?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
- No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
- No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- 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)?

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Be visible from any public recreation area or TRPA designated bicycle trail?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
- No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
- No, With Mitigation Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes No
- No, With Mitigation Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- 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?

- 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?

- Yes No
- No, With Mitigation Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- 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?

- 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?

- 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?

- 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.)

- 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?)

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

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 _____

Title of Evaluator

STAFF REPORT

Date: February 5, 2020
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: State Route 89 Recreation Corridor Management Plan briefing

Summary and Staff Recommendation:

Staff will provide an informational update on the State Route 89 Recreation Corridor Management Plan.

Project Description/Background:

State Route (SR) 89, a two-lane mountain roadway, is the only access route to many of Lake Tahoe's west-side recreation areas and residential neighborhoods. Emerald Bay, one of California's 36 National Natural Landmark sites, is one of Lake Tahoe's most popular and photographed locations. Almost 12 miles of undeveloped shoreline offer beach access to sites such as Meeks Bay, Sugar Pine Point State Park, Baldwin Beach, Camp Richardson, and Pope Beach. Seven trailheads provide day hike access to waterfalls and alpine lakes as well as backcountry and wilderness access for overnight recreation opportunities.

The SR 89 Recreation Corridor Management Plan boundaries are from West Way just outside the City of South Lake Tahoe and extend to the county line at Tahoma. However, neighboring areas of influence will also be investigated for potential improvements that may assist in improving traffic flow, multi-modal access, and visitor experience.

Plan goals include improved safety, expanded travel choices, enhanced visitor experience, improved use of technology, protection of the environment, and promotion of economic vitality. The strategies, projects, and management changes recommended in the Corridor Plan will help to achieve these goals.

The SR 89 Recreation Corridor Management Plan kicked-off in March 2018. Project Team member organizations include: California Highway Patrol, California Lands Management, California State Parks, Camp Richardson Resort, Caltrans, Cal Fire, El Dorado County, El Dorado County Sherriff's Office, Lake Valley Fire Protection District, Fallen Leaf Fire Protection District, Meeks Bay Fire Protection District, Tahoe Fund, Washoe Tribe, Federal Highway Administration California Division, TRPA, TTD, and USFS.

The Project Team reviews existing plans and projects, determines data needs and reviews consultant analysis, brainstorms projects and program solutions to identify needs, undertakes agreements for implementation, operations, and maintenance, poses issues for higher-level issue assistance, and reviews final planning documents.

Travel Options Analysis:

To create project and plan recommendations, the project team is developing a travel options analysis. This analysis looks at four alternatives for the project and target mode share splits for each one. Alternatives range from current conditions to a car free future. The analysis for each alternative calculates the number of people that would need to be moved by transit, bike, and auto along with capital and operational costs. The results of this analysis will be used to develop a final alternative with a list of recommended projects and management strategies to achieve the desired mode shift goals.

Contact Information:

For questions regarding this agenda item, please contact Devin Middlebrook, at (775) 589-5230 or dmiddlebrook@trpa.org.

Attachments:

Attachment A: SR-89 Transit Summary

Attachment B: Draft Opportunities by Corridor Segment

