

## STAFF REPORT

Date: August 19, 2020

To: Regional Plan Implementation Committee

From: TRPA Staff

Subject: Update of TRPA Code of Ordinances Chapter 61 (Vegetation Management and Forest Health)

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### Summary and Staff Recommendation:

Chapter 61 of the TRPA Code of Ordinances addresses vegetation management and forest health. Staff will present a short overview of the Forest Health and Wildfire Committee's recommended revisions to 61.3. Vegetation Protection and Management from May 2020 and recommendations from the Advisory Planning Commission from August 2020. Staff will then present proposed code language for Section 61.3. Vegetation Protection and Management for final recommendation by the Regional Plan Implementation Committee.

### Motion:

To recommend adoption of the ordinance amendments, RPIC 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.

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

### Background:

During the Forest Health and Wildfire Committee's May 2020 meeting, the Committee discussed and approved proposed direction to update Section 61.3. concerning Vegetation Protection and Management. In July 2020, staff brought back proposed code language to the FHWC incorporating potential amendments to Section 61.3. In August 2020, staff brought proposed code language to the APC for recommendation, and language was approved to move forward to RPIC and the Governing Board. Original amendments included language that deferred to state water board regulations where applicable. APC felt this amendment was limiting and should include any state regulatory agency or entity exemptions where possible. Staff considered this recommendation, but felt there was more work to be done before inclusion in this round of amendments, and because of this, the original amendment

and APC-recommended amendment have been removed from consideration. Approved amendments for consideration included:

1. Updating and standardizing references throughout Section 61.3.
2. Allowing vehicles to operate over “frozen ground” as well as snow in SEZs.
3. Adding language that allows all partners to use innovative technologies once one entity proves its technology is environmentally safe.
4. Consolidating all references to SEZ protection in one section.

Proposed Code Amendments: The proposed code edits (Attachment A: Exhibit 2) focus on developing a user-friendly code, standardizing with other agencies within the Basin, and maintaining environmental protections for the areas described above. Edits include moving sections regarding SEZ protection into a consolidated sub-section, allowing mechanical treatment in SEZs over frozen ground with hard frozen soils with environmental protections, and allowing partner agencies to use innovative technology in SEZs once an entity proves the technology is environmentally safe.

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](mailto:kmcintyre@trpa.org).

Attachments:

- A. Adopting Ordinance
  - Exhibit 1: Current Code Language
  - Exhibit 2: Code Amendments
  - 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 VEGETATION PROTECTION AND MANAGEMENT.

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 \_\_\_\_.

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

Ayes:

Nays:

Abstentions:

Absent:

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William Yeates, Chair  
Tahoe Regional Planning Agency,  
Governing Board

Attachment A: Exhibit 1

Current Code Language

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61.3 Vegetation Protection and Management

61.3.1 Purpose

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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.

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#### 61.3.4 Remedial Vegetation Management

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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

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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.

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- 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

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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:

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- (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. Historic Resource Protection**

- A. 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.
- B. 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.

**61.3.9. Wildlife, Habitat, and Sensitive Plants**

- A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.
- B. Snags shall be retained in accordance with subsection 62.3.4.
- C. 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.

**61.3.10. 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:

- 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.

**61.4. 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*.

Attachment A: Exhibit 2

Code Amendments



## **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 2.3.7.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible space guidelines approved by TRPA.

#### **C. 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, maintenance of utility rights-of-way, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below. [Reference Sections 61.3.7.A.1. through Section 61.3.7.A.10. for TRPA-approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types within an SEZ.]

### **1. Vehicle Restrictions**

All vehicles shall be restricted to areas outside of the SEZ or to existing roads within SEZs, except for tree removal over-snow or frozen ground with hard frozen soil conditions or use of low impact technology where permanent disturbance does not occur.

- a. The following criteria shall apply: TRPA may permit the use of vehicles in/on frozen ground with hard frozen soil conditions or over-snow tree removal operations. A qualified forester will ensure that conditions are suitable to prevent visible or permanent soil disturbance and/or significant vegetation damage.

b. Winter ground-based equipment operations would take place on portions of the treatment unit where adequate snow or frozen ground with hard frozen soil conditions are present. The following criteria will be applied in determining equipment operations:

1. Frozen soil operations are permitted where operated vehicles, tractors and equipment can travel without sinking into soil, road, and/or landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.

2. For over-snow operations, maintain approximately 12 inches of compacted snow/ice on undisturbed ground, and 6 inches of compacted snow/ice on existing disturbed surfaces. For over-the-snow and frozen soil operations in SEZs, exclude ground-based equipment from the 25-foot buffer around watercourse channels.

- c. 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 watercourses

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 function or beneficial 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 reporting; a narrative for implementing corrective actions when monitoring determines such corrective action is necessary; and, a monitoring and reporting schedule.

**(ix)** Once an innovative technology has been deemed acceptable by TRPA, all partners or permittees may utilize that technology.

## **2. 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 frozen ground with hard frozen soil conditions or over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage.

### **3. Trees and Debris Kept from Streams**

Felled trees and harvest debris shall be kept out of all watercourses. If deposited in the stream, the material shall be promptly 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.

### **4. 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*.

### **5. 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.

#### **61.3.4. 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 including soil stabilization may be required where vegetative groundcover 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**

Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be felled, treated, or removed, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be felled, treated, or removed, 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 felled, treated, or removed 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 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 poses an unacceptable risk to occupied or substantial structures, **overhead utility lines and conductors**, critical public or private infrastructure, 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 project-level basis ~~within 30 working days of written notification by the land manager.~~

## **4. 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 felled, treated, or removed if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies and to increase forest health and resilience. ~~such as aspen stand regeneration or achieving desired species composition.~~ The project and prescription must be developed and reviewed by a qualified forester 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 a qualified forester.

#### **5. 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.

#### **6. 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.

#### **7. 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.

#### **8. 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.

#### **9. 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.

#### **10. Private Landowners**

Private landowners may fell, treat, or remove 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 61.3.7.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 61.3.7.A, a private landowner may follow one of the following planning processes to achieve or maintain



the late seral/old growth threshold, goals, and polices.

**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.. Historic and Cultural Resource Protection**

A. Operations and any ground disturbing activities shall be in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided, except in accordance with a TRPA-approved resource recovery plan. Flagging shall be removed at the time of completion of operations.

**61.3.9.. Wildlife, Habitat, and Sensitive Plants**

A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.

B. Snags shall be retained in accordance with subsection 62.3.4.

C. 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.

Attachment A: Exhibit 3

Clean Version of Updated Code Language

## 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 2.3.7.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible space guidelines approved by TRPA.

### **C. 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, maintenance of utility rights-of-way, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below. [Reference Sections 61.3.7.A.1. through Section 61.3.7.A.10. for TRPA-approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types within an SEZ.]

#### **1. Vehicle Restrictions**

All vehicles shall be restricted to areas outside of the SEZ or to existing roads within SEZs, except for tree removal over-snow or frozen ground with hard frozen soil conditions (Definitions can be found XXXX) or use of low impact technology where permanent disturbance does not occur or where appropriate state agency or entity has granted an exemption to the prohibitions on discharges within SEZs.

The following criteria shall apply:

- a. TRPA may permit the use of vehicles in/on frozen ground with hard frozen soil conditions or over-snow tree removal operations. A qualified forester will ensure that conditions are suitable to prevent visible or permanent soil disturbance and/or significant vegetation damage.
- b. Winter ground-based equipment operations would take place on portions of the treatment unit where adequate snow or frozen ground with hard frozen soil conditions are present. The following criteria will be applied in determining equipment operations:
  1. Frozen soil operations are permitted where operated vehicles, tractors and equipment can travel without sinking into soil, road, and/or landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.
  2. For over-snow operations, maintain approximately 12 inches of compacted snow/ice on undisturbed ground, and 6 inches of compacted snow/ice on existing disturbed surfaces. For over-the-snow and frozen soil operations in SEZs, exclude ground-based equipment from the 25-foot buffer around watercourse channels.
- c. 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 watercourses 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 function or beneficial 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 reporting; a narrative for implementing corrective actions when monitoring determines such corrective action is necessary; and, a monitoring and reporting schedule.

(ix) Once an innovative technology has been deemed acceptable by TRPA, all partners or permittees may utilize that technology. TRPA acceptability does not preclude requirements and prohibitions deemed necessary by other state agencies with regulatory or management authority.

## **2. 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 frozen ground with hard frozen soil conditions or over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage.

## **3. Trees and Debris Kept from Streams**

Felled trees and harvest debris shall be kept out of all watercourses. If deposited in the stream, the material shall be promptly 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.

## **4. 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*.

## **5. 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.

### **61.3.4. 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 including soil stabilization may be required where vegetative groundcover 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**

Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be felled, treated, or removed, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be felled, treated, or removed, 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 felled, treated, or removed 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 poses an unacceptable risk to occupied or substantial structures, overhead utility lines and conductors, critical public or private infrastructure, 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 project-level basis, within 30 working days of written notification by the land manager.

#### **4. 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 felled, treated, or removed if a

management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies and to increase forest health and resilience. The project and prescription must be developed and reviewed-by a qualified forester 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 a qualified forester.

#### **5. 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.

#### **6. 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.

#### **7. 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.

#### **8. 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.

#### **9. 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.

#### **10. Private Landowners**

Private landowners may fell, treat, or remove 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 61.3.7.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 61.3.7.A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

### **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. Historic and Cultural Resource Protection**

A. Operations and any ground disturbing activities shall be in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided, except in accordance with a TRPA-approved resource recovery plan. Flagging shall be removed at the time of completion of operations.

**61.3.9.. Wildlife, Habitat, and Sensitive Plants**

- A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.
- B. Snags shall be retained in accordance with subsection 62.3.4.
- C. 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.

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



**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

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ATTACHMENT C

***INITIAL DETERMINATION OF  
ENVIRONMENTAL IMPACT CHECKLIST***

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**Project Name:**

Chapter 61 Code Amendments: Section 61.3. Vegetation Protection and Management – August 2020

**Project Description:**

The project would involve amending the Chapter 61 Sections 61.3. Vegetation Protection and Management of the TRPA Code of Ordinances as shown in Exhibit 2 to Attachment A. The proposed amendments include:

**A. Section 61.3. Vegetation Protection and Management**

Amendments to Section 61.3. Vegetation Protection and Management include reorganizing sub-sections to facilitate a logical flow within the sub-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. One area of amendment would allow for tree removal within Stream Environment Zones (SEZs) over frozen ground with frozen soil conditions. Another amendment would allow all permittees and partner agencies to use TRPA-approved, piloted innovative technology for tree removal within SEZs once proven environmentally protective by the TRPA.

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-year flood 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?

- Yes             No
- No, With Mitigation     Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes             No
- No, With Mitigation     Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes             No
- No, With Mitigation     Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes             No
- No, With Mitigation     Data Insufficient

#### 4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes             No
- No, With Mitigation     Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes             No
- No, With Mitigation     Data Insufficient

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes                       No
- No, With Mitigation               Data Insufficient

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes                       No
- No, With Mitigation               Data Insufficient

e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes                       No
- No, With Mitigation               Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes                       No
- No, With Mitigation               Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes                       No
- No, With Mitigation               Data Insufficient

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

- Yes                       No
- No, With Mitigation               Data Insufficient

## 5. Wildlife

Will the proposal result in:

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

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?

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?

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

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

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

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

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

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

## 9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

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

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

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

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

e. Alterations to waterborne, rail or air traffic?

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

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

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

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

b. Police protection?

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

c. Schools?

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

d. Parks or other recreational facilities?

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

e. Maintenance of public facilities, including roads?

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

f. Other governmental services?

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

## 15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

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

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

- 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

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?)

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

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

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

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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