

# Regional Plan Update FactSheet #2:

## Public Lands, Resource Management, and Recreation

### ***INTRODUCTION***

To update the Tahoe Regional Planning Agency's Regional Plan, staff has prepared a schedule of Milestones. Each **Milestone** deals with a part of the Plan, and each is preceded by a Stakeholder Process to vet the proposed policy alternatives with Agency partners and constituents.

Each Milestone will be accompanied by a FactSheet. A **FactSheet** is a summary of the Stakeholder Process. For policymakers, it provides a decision framework. It outlines the major issues identified by staff and stakeholders; it is how each Milestone's policy discussions will be memorialized.

Each FactSheet will go into a binder called the "FactBook." The **FactBook** will serve as the seminal piece of background material in defining the policy direction of the Plan. FactSheet #1 included a compact disk containing:

- The **Project Description**, which summarize (in narrative form) the four alternatives to be analyzed with the Environmental Impact Statement (EIS) for the Regional Plan Update.
- The "**Matrix**" containing all of the Goals, Policies, and Implementation Measures in the four alternatives.

This CD is meant for general reference and should be kept with the FactBook.

This FactSheet is the second in the series. It focuses on the policy issues surrounding Public Lands, Resource Management, and Recreation. The Subelements of the Regional Plan Update that this FactSheet deals with are, namely, **Natural Hazards, Open Space, Cultural Resources, Dispersed Recreation, Developed Recreation, Urban Recreation, General Recreation, Recreation Education, and Environmental Improvement.**

Recreation is an important Element of the Plan in that it is associated with Environmental Threshold Carrying Capacities. "Thresholds," as they are called, were created pursuant to the Federal Compact that gave birth to TRPA; they are standards of environmental quality to be achieved in the Tahoe Region. TRPA has nine Threshold Program Areas. They are:

- Water Quality
- Air Quality
- Scenic Resources
- Soil Conservation
- Fisheries
- Vegetation Preservation
- Wildlife
- Noise
- Recreation

***PURPOSE OF THIS FACTSHEET***

The purpose of the FactSheet is to outline why TRPA plans and regulates in the areas of Public Lands, Resource Management, and Recreation. In addition, it discusses why the staff-proposed alternative portends a better future for Lake Tahoe than the current Plan and the other action alternatives to be analyzed with the EIS for the Regional Plan Update.

In analyzing the major issues, the FactSheet includes the staff recommendation, stakeholder reaction, the policy pros and cons associated with staff and stakeholder interests, and new ideas and best practices. These are the key areas that need to be understood by policymakers in order to make informed decisions. **Staff's proposed course of action for each major issue, which takes stakeholder interests into account, is denoted by *italicized text*.**

At the end of the analysis section, there is a page or pages on which each major issue is listed along with staff's recommended resolution of the issue. Below the summary are a few blank lines for the reader's own thoughts on the matter. You are invited to use these lines for note-taking and memorializing of your thoughts, thus personalizing your own FactSheet.

Besides providing background and recommendations on all of the major issues, the FactSheet will also include:

1. Notes on other issues that were brought up at the stakeholder meetings (including staff responses to the issues).
2. A list of Stakeholder meetings, meeting dates, and participants.

When reading the notes from the stakeholder meetings, pay careful attention to the sentences that are in *italics*. These represent changes to the Project Description and Matrix that staff would like to make based on Stakeholder Comment. In order to simplify the reader's task of reviewing, all of the stakeholder comments that elicited an italicized response are grouped at the top of each meeting's notes.

These notes, lists, and documents will memorialize the Stakeholder Process and provide evidence of the background materials that influenced the policy recommendations.

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## **Natural Hazards**

### ***WHY DOES TRPA PLAN AND REGULATE FOR NATURAL HAZARDS?***

Natural phenomena such as avalanches, landslides, wildfires, and flooding can cause extensive property damage, impair environmental quality, and jeopardize public health and safety. Although natural hazards are not addressed by a TRPA Threshold program, the Compact recognizes the need to establish standards for the protection of public health and safety and to maintain the social and economic health of the Lake Tahoe Region.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

Staff believes the proposed alternatives portend a better future for Lake Tahoe than does the current plan. Alternatives 2, 3, and 4 are designed to address the key recommendations of the Bi-State Fire Commission regarding development of a multi-agency wildfire prevention plan, implementation of hazardous-fuels reduction treatments, and integration of water quality and defensible space BMPs. Because implementing these recommendations is vital to preserving public health and safety, the changes are uniform across all “action” alternatives.

### ***NEW IDEAS AND BEST PRACTICES THAT CAME TO LIGHT DURING THE STAKEHOLDER PROCESS***

***NH Issue #1: Why should TRPA propose to update the natural hazard maps in all action alternatives?*** The current proposal to update the natural hazard maps embodied in Policy NH-1.1 NATURAL HAZARD MAPPING states “coordinate with universities and local, state, and federal agencies to identify natural hazards and prepare natural hazard maps for use during project planning and review.” The associated Implementation Measure (NH.IMP-1) states “Amend Chapter 12, TRPA Regional Plan Maps, by updating the natural hazard map. This may be done in coordination with universities and government agencies.” The is consistent across all three action alternatives.

During the Stakeholder Process, it was pointed out that this consistent approach does not reflect the nature of the different EIS alternatives. Especially because

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the task of updating the maps is such a potentially large undertaking, there ought to be a set of different options available to TRPA.

Today in the plan alternatives, the policy options are as shown in the table below:

<b>Alternative 1</b>	<b>Alt. 2</b>	<b>Alt. 3</b>	<b>Alt. 4</b>
<b>Policy #1</b> from the 1987 Plan's Goals and Policies: DEVELOPMENT SHALL BE REGULATED IN IDENTIFIED AVALANCHE OR MASS INSTABILITY HAZARD AREAS.	<b>NH-1.1</b> <b>NATURAL HAZARD MAPPING:</b> COORDINATE WITH UNIVERSITIES AND LOCAL, STATE, AND FEDERAL AGENCIES TO IDENTIFY NATURAL HAZARDS AND PREPARE NATURAL HAZARD MAPS FOR USE DURING PROJECT PLANNING AND REVIEW.	Same as Alt. 2	Same as Alt. 2

The rationale for Policy #1 from the current Plan is: "In the areas with identified avalanche or mass instability danger ... the type of uses or activities can be designed or regulated to protect the public during hazard periods. Construction, reconstruction or replacement of structures in identified avalanche or mass instability hazard areas shall be restricted unless precautionary measures can be implemented to insure protection of public health and safety."<sup>1</sup>

The rationale for the policy in proposed Alternatives 2, 3, and 4 is that, though Code makes reference to natural hazard maps (for avalanche, earthquake, and flooding), TRPA currently has no policy for natural hazard identification and preparation of natural hazard maps. TRPA has not completed this set of maps largely due to insufficient staff and funding to complete the needed assessments.

*To reflect the nature of the different EIS alternatives and provide different approaches to achieving the policy purpose, TRPA is proposing to revise its plan alternatives as follows:*

<b>Alternative 1</b>	<b>Alt. 2</b>	<b>Alt. 3</b>	<b>Alt. 4</b>
<b>Policy #1</b> from the 1987 Plan's Goals and Policies: DEVELOPMENT SHALL BE REGULATED IN IDENTIFIED AVALANCHE OR MASS INSTABILITY HAZARD AREAS.	<b>NH-1.1</b> <b>NATURAL HAZARD MAPPING:</b> <u>JOINTLY PREPARE, BASED ON AVAILABLE FUNDING AND IN COORDINATION WITH UNIVERSITIES AND LOCAL, STATE, AND FEDERAL AGENCIES,</u> <u>MAPS TO IDENTIFY NATURAL HAZARDS AND PREPARE NATURAL HAZARD MAPS FOR USE DURING PROJECT PLANNING AND REVIEW.</u>	Same as Alt. 2 <u>1</u>	<b>NEW POLICY:</b> <u>TRPA SHALL PERFORM ALL THE NECESSARY ANALYSIS AND UPDATE ITS NATURAL HAZARD MAPS.</u>

<sup>1</sup> TRPA – Goals and Policies, Natural Hazards Policy #1, p. II-25.

## **Natural Hazards Issues: YOUR THOUGHTS**

### ***NH Issue #1: Why should TRPA propose to update the natural hazard maps in all action alternatives?***

*To reflect the nature of the different EIS alternatives and provide different approaches to achieving the policy purpose, TRPA is proposing to revise its plan alternatives as follows:*

<b>Alternative 1</b>	<b>Alt. 2</b>	<b>Alt. 3</b>	<b>Alt. 4</b>
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## **Open Space**

### ***WHY DOES TRPA PLAN AND REGULATE FOR OPEN SPACE?***

The Open Space Subelement of the Conservation Element guides and regulates the management of land that is undeveloped and maintained in a natural or landscaped condition consistent with Best Management Practices (BMPs). Open space may be found on both public and private lands. These lands are reserved for their natural values and are important for preserving native vegetation and wildlife habitat, maintaining scenic quality, and protecting watersheds.

Although open space is not a Threshold program area, the Compact specifically requires it to be included in “a conservation plan for the preservation, development, utilization and management of scenic and natural resources.”<sup>2</sup> Because of the relationship that open space has with Threshold areas (such as scenic quality, for example), the preservation of open space directly and indirectly aids in the attainment of Threshold standards.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

Staff believes the proposed alternatives portend a better future for Lake Tahoe than does the current plan. The 1987 Regional Plan did not specifically identify strategies to manage the “checkerboard” pattern of ownership that has been created by federal and state conservation buy-out programs. The new policies, which are consistent across the three action alternatives, provide a management directive for these properties.

### ***WHICH MAJOR STAKEHOLDER ISSUES RESULTED IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?***

***OS Issue #1: What is the definition of “open space?”*** In the context of the Goals and Policies document, “open space is not a separate land use district but is a descriptive term that distinguishes land areas void of development and reserved for their natural values.”<sup>3</sup> On the other hand, the Code defines open space as a distinct land use, calling it “Land with no land

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<sup>2</sup> *Tahoe Regional Planning Compact*, Article V (c) (3).

<sup>3</sup> *TRPA – Goals and Policies*, Open Space Subelement, p. IV-23.

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coverage and maintained in a natural condition or landscaped condition consistent with Best Management Practices, such as, deed restricted properties and designated open space areas.” This has created some confusion. The stakeholders requested that staff clarify the differences.

*To alleviate the confusion, staff proposes that the land use definitions in Code Chapter 18 be revised so that “Open Space” appears as “Open Space – Dedicated.”* The use of the term “open space” in the Goals and Policies document would remain unchanged as a descriptor only and not a defined term.

**Pros of TRPA Staff Position:** By changing the Code, there will no longer be confusion regarding the meaning of “open space.” The “open space” of the Goals and Policies is simply a descriptive term. The “Open Space – Dedicated” that would appear in Code denotes a defined land use category.

**Cons of TRPA Staff Position:** None identified.

## **Open Space Issues: YOUR THOUGHTS**

### **OS Issue #1:**

#### ***What is the definition of “open space?”***

*To alleviate the confusion, staff proposes that the land use definitions in Code Chapter 18 be revised so that “Open Space” appears as “Open Space – Dedicated.”*

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## **Cultural Resources**

### ***WHY DOES TRPA PLAN AND REGULATE FOR CULTURAL RESOURCES?***

The Lake Tahoe Basin has a rich cultural and historical background spanning eras from early human use and occupation (around 8000 B.C.) to historical eras categorized as recently as the middle- to late-1900s. The many and varied types of cultural and historic sites range from archaeological sites of Native American camps and trails to historical resources such as way stations, residences, resorts and other significant buildings.

The Compact requires TRPA to plan and regulate for the preservation of historical facilities in the Basin.<sup>4</sup> Lake Tahoe's culture and history is preserved through identification and protection of the Region's cultural and historic resources. Although Cultural Resources is not a Threshold program area, the Cultural Resources Subelement provides direction as to the process by which resources are identified, protected, and preserved.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

Staff believes Alternative 2 and 3 both portend a better future for Lake Tahoe than does the current plan or Alternative 4. Pathway Desired Conditions drove the development of a set of new and amended Goals and Policies that are consistent across the proposed action alternatives. Alternative 2 would improve the performance and effectiveness of the existing Cultural Program strategies through a set of Implementation Measures that is shared with Alternative 3.

These measures would provide for collaboration between TRPA and State Historic Preservation Offices and collaboration between TRPA and the Washoe Tribe. They would promote development of new criteria for streamlining the identification of potentially important buildings and sites, including those that may become important during the life of the Regional Plan Update. The measures would also require the updating of the TRPA Historic Resources Overlay Map.

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<sup>4</sup> *Tahoe Regional Planning Compact*, Article V (c) (3).

## **Recreation**

### ***WHY DOES TRPA PLAN AND REGULATE FOR RECREATION?***

In 1980, the Compact<sup>5</sup> found that Lake Tahoe and other resources of the region provide unique environmental, ecological, and social values that were threatened from resource use and increasing urbanization. It declared that maintenance of the social and economic health of the region depends on maintaining significant scenic, recreational, educational, scientific, natural, and public health values. Recreation was established as one of the Threshold areas when the Governing Board adopted Resolution 82-11<sup>6</sup> in 1982.

The Compact requires development of a recreation plan for the “utilization and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.” The Recreation Element provides Goals and Policies that guide development, use, and management strategies for recreation resources.

The Recreation Program has been guided by policy statements adopted as Thresholds by the TRPA Governing Board. A key difference between the Recreation Threshold and other Thresholds is that it promotes preservation and enhancement of high quality recreational experiences and aims to ensure that a fair share of the Tahoe Basin’s capacity for outdoor recreation is available to the public. Other Thresholds – broadly and generally speaking – focus on limiting the effects of development.

The Lake Tahoe region is one of the Nation’s most popular recreation areas, and as such, the question of how to manage recreation resources is one of the most significant land allocation issues in the region. There are over 201,000 acres of public and private land in the Basin that accommodate residents and more than three million visitors per year.

TRPA manages recreation resources through the implementation of a set of recreation standards. These standards are generally qualitative interpretations of the Threshold policy statements and therefore are not easily quantified. The Regional Plan’s Goals, Policies, and implementing Code are expected to achieve the intent of the Thresholds by ensuring that recreational opportunities keep pace with public demand and that the quality of the outdoor recreational experience is improved and maintained.

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<sup>5</sup> *Tahoe Regional Planning Compact*, Tahoe Regional Planning Agency, December 19, 1980.

<sup>6</sup> *Resolution No. 82-11*, Tahoe Regional Planning Agency, 1982.

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TRPA assesses the success of recreation management with two Threshold standards, namely:

- R1 – measures quality experience and additional access to recreation and natural areas. R1 indicators include:
  - surveys conducted by TRPA and others
  - access by public land acquisition, trails, and trailheads
  - bicycle trails
  - amenities
- R2 – measures “fair share” of the resource capacity. R2 indicators include:
  - cumulative accounting of “persons at one time” (PAOT)<sup>7</sup> allocations
  - facility development that does not require PAOTs
  - land acquisition of new public lands for recreation purposes

The Recreation Threshold is currently in attainment.

## ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

Across the Subelements associated with the Recreation Element, there is a consistent staff-proposed alternative. Staff believes that Alternative 2 portends a better future for Lake Tahoe than the current plan or the other action alternatives analyzed in the Environmental Impact Statement for the RPU.

Alternative 2 is designed to improve the performance and effectiveness of existing Recreation Program strategies by:

1. incorporating character and design elements for non-urban lands into the transect and form-based zoning system;
2. updating and modernizing several definitions related to recreational uses and adding new definitions that recognize trends in the recreation industry;
3. emphasizing mitigation for the loss of recreation facilities to promote continued Threshold attainment;
4. creating provisions and design standards for urban open space and recreation facilities;
5. providing additional protection of public access to Lake Tahoe and recreation facilities; and
6. requiring new or expanded recreation facilities to demonstrate non-motorized connectivity between neighborhoods and other areas.

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<sup>7</sup> PAOT is a capacity allocation system that not only counts new recreation development but acts as a mechanism to reserve water and sewer capacity for future recreation projects. When PAOTs were originally assigned to the Regional Plan, public service capacity was reserved with that allocation for recreation projects.

Desired Conditions that were created during the Pathway process drove the development of new and amended Goals and Policies for the Recreation Element. These Goals and Policies are carried forward with Alternatives 2, 3 and 4 and are organized within the Recreation Element into three Subelements: Dispersed, Developed, and Urban Recreation.

The need for two additional Subelements, General Recreation and Recreation Education, was also identified from Pathway. These two are proposed with Alternatives 2, 3 and 4.

### ***WHICH MAJOR STAKEHOLDER ISSUES RESULTED IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?***

***REC Issue #1: Is TRPA's current Master Plan requirement too narrowly drawn to protect the environment of Lake Tahoe?*** TRPA currently requires ski areas and marinas, when they expand, to have adopted Master Plans with the Agency. The reason for this is that ski areas and marinas can extend over large geographic areas, concentrate visitor capacity, and include multiple uses. Ski areas and marinas, therefore, have the potential to create concentrated or large environmental impacts. Requiring them to master plan their operations ensures that the most expansive and intensive recreation uses must engage in a higher level of planning than other recreation uses in the Basin. Master Plans are often reviewed with EISs or other environmental documents.

Recreation Policy 5.6 in the Developed Recreation Subelement would create a new land use definition for "multi-season resort." These resorts, like ski areas and marinas, are proposed to be subject to a Master Plan requirement.

The concept behind this newly defined category is to recognize that there are resorts in the Basin that were once largely seasonal and are now providing year-round recreation opportunities. Such expansion of use may have impacts on the environment that are significant enough to merit area-wide, advance planning and a Master Plan requirement.

Policy 5.6 is augmented by two Implementation Measures. One would add the "multi-season resort" definition, and the other would require a Master Plan for any multi-season resort prior to its "significant expansion." Large recreation resorts function and are operated as units; planning for their multiple impacts and uses allows for mitigation of adverse environmental effects and would address other potential concerns. The new recreation facility category and the master planning requirement apply only to Alternatives 2 and 4.

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*TRPA is proposing to retain Policy 5.6 but make a change to the first Implementation Measure. Rec.Dev.Imp-4 is proposed to be changed to read: “Amend Chapter 18 to add a ~~new~~ definition for a new category of recreation facility called ‘multi-season resort.’~~This definition would include ski areas, marinas, developed day-use areas, etc.”~~ The reason that the second sentence is struck through is that ski areas and marinas are already required to submit Master Plans, and the inclusion of developed day-use areas was an error (multi-season resorts generally include an overnight component in addition to recreation amenities).*

TRPA’s definition of “multi-season resort” does not exist today. If the Governing Board directs staff to retain Policy 5.6, the definition will be created as part of the Stakeholder Process leading up to the second Recreation Milestone in December of 2010.

**Pros of TRPA Staff Position:** A benefit of adding a new land use to Chapter 18 for multi-season resorts would be to acknowledge a prevailing trend in the recreation resort industry and provide policies and provisions to address this type of use. The master planning requirement would provide TRPA and the recreation provider a planning outline for permitting future projects that could include a broader range of recreation uses than has been recognized.

Today, as resorts add activities in a “piecemeal” fashion, the impacts of these added activities may not be comprehensively or completely considered. This has the potential to create environmental degradation. Environmental improvements would be realized through the benefit of long-range planning to address issues that otherwise might not be identified.

Master Plans are a tool under which projects are permitted in a logical, comprehensive manner. Though they requested to see more detail in the definition of the terms “multi-season resort” and “significant expansion” as well as the Master Plan requirements, recreation resort operators in general support the addition of the Policy.

**Cons of TRPA Staff Position:** Placer County and the USFS disagree with the proposed Policy. Resort operators and partner jurisdictions have raised the issues of cost, time, and additional regulation that would be added by requiring master planning for multi-season resorts. It will take stakeholder and TRPA staff time to create the new definition. Placer County and the City of South Lake Tahoe Parks and Recreation Department voiced concerns that new requirements would be applied to small resort operators, creating expenses that may not be justified by the size and scale of operations.

***REC Issue #2, Part 1: Why is TRPA proposing to designate permissible uses for public lands (the snowmobiling issue)?***

This issue arose in several different ways, most notably in response to two Implementation Measures in the Dispersed Recreation Subelement. One measure has to do with snowmobiling and has resulted in staff proposing a change to the plan alternatives. The other has to do with mapping in general and has not resulted in a proposed change.

The first Implementation Measure mentioned above exists in Alternatives 2 and 4 and proposes to “establish appropriate use areas for snowmobiling within the transect districts and match use areas established by the U. S. Forest Service and State Parks.” The result of this measure would, at minimum, be the adoption of the Forest Service’s Snowmobile Guide Map. There was stakeholder concern that TRPA’s maps would be redundant and liable to be rendered obsolete upon any Forest Service map modification.

Concerning the particular issue of the snowmobile map, TRPA is also proposing to coordinate with partner agencies rather than drafting its own regulations in a vacuum. Today, dispersed recreation activities are limited to non-motorized activities, so snowmobiling is not an allowed use. Snowmobiling is only allowed on designated courses.

This ignores the fact that snowmobiling is permitted as a dispersed recreation use in designated areas on public lands. Therefore, it is proposed in the plan alternatives to correct this oversight and allow this use on designated snowmobile trails and dispersed use areas.

*Staff proposes to amend the existing Implementation Measure to read “Establish appropriate use areas for snowmobiling ~~within the transect districts and match use areas established by the~~, using U. S. Forest Service and State Parks’ maps to inform the development of TRPA use maps” and add an additional measure that states “Amend the definition of Dispersed Outdoor Recreation in Code Chapter 18 to allow snowmobile use in designated dispersed recreation areas.”*

**Pros of TRPA Staff Position:** Today, there is a gap in consistency and application of Code. TRPA has never objected to snowmobile use in areas appropriately designated by other government land managers. However, the way the Code is currently written effectively bans any snowmobile use outside of designated courses (which are regulated as commercial activities under Code).

Since TRPA has no objection to the proper management of this activity as a dispersed use, the ban has hardly been noticed and has never been enforced by the Agency. If TRPA allows snowmobiling as dispersed recreation, there will no longer be a conflict between TRPA’s Code and practice.

**Cons of TRPA Staff Position:** Basing TRPA use maps on USFS maps may lead to inconsistencies and confusion if maps change in the future. Recognition of snowmobiling as a dispersed use may be seen as perpetuating conflicts between motorized and non-motorized backcountry activities.

## **WHICH MAJOR STAKEHOLDER ISSUES DID NOT RESULT IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?**

**REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?** The second Implementation Measure mentioned above exists in Alternative 2 (and, in slightly different form, Alternatives 3 and 4) and deals with TRPA's proposal to designate permissible uses in different zoning districts (namely, the proposed Wilderness, Backcountry, General Forest and Conservation, and Recreation transects). Some public agencies, particularly the U.S. Forest Service, view this use mapping as redundant to the federal Forest Plan.

*TRPA staff is not proposing to make any changes to the Implementation Measures in the Dispersed Recreation Subelement as a result of these stakeholder concerns.* The idea that it is improper or unnecessary to zone federal land is novel. All of the federal land in the Tahoe Basin is currently zoned by TRPA, and all of TRPA's zoning has been adopted by the local jurisdictions. The current system of Plan Area Statements (PAS) is applied Basin-wide and provides permissible use designations for each PAS.

In the case of the Tahoe Basin, TRPA is the *de facto* local jurisdiction; all of the counties and the two cities have used Memoranda of Understanding (as well as their own codes of ordinances) to give TRPA zoning authority and the ability to designate land uses for all of the land in the Basin.

Most federal land is zoned by local jurisdictions. Almost all zoning districts have designated permissible uses. This is common zoning practice across the country. For example, all of the land in the Humboldt-Toiyabe National Forest in Douglas County outside of the Basin is zoned according to the county's zoning system. All of the Bureau of Land Management land in the county that is east of the Humboldt-Toiyabe is also zoned. The zoning district that Douglas County uses is called Forest and Range – it has designated permissible uses.

Beyond the fact that it is the norm for the local jurisdiction that contains federal land to zone the land and to designate permissible uses on it, the TRPA Compact directs the Agency to develop a land use plan for the region. Specifically, it states that “the regional plan shall be a single enforceable plan and includes ... A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water,

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air, space and other natural resources within the region...”<sup>8</sup> There are also policies in both the Recreation Element and Land Use Element that specifically direct TRPA to designate permissible uses.

What is being proposed with the plan alternatives is that TRPA will continue to designate land uses on all land within the Tahoe Basin rather than carving out and leaving unaddressed U.S Forest Service lands. For the staff-proposed alternative in particular, the proposal is to implement a transect zoning system because it is more effective than the current zoning system. In switching over to transects, TRPA is proposing to coordinate with partner agencies during development of the land use maps and regulations to ensure land use designations are appropriately assigned and allow the partner agency to retain flexibility in its own planning mandates.

**Pros of TRPA Staff Position:** TRPA’s proposal to create a land use plan and designate permissible uses on public and private land within the region conforms to the mandate of the Compact. The current zoning system of PASs already provides zoning and use designations on all lands in the Basin. The proposal is simply to update this system to make it simpler (transect-based) and to make it conform better to the uses allowed on public lands by federal land managers. With this system in place, there will be a more predictable, clear, and consistent land use and recreation plan, and TRPA will retain the tools necessary to plan for the region.

**Cons of TRPA Staff Position:** TRPA’s maps, if they match those of other public agencies in the region, may be considered redundant. If they do not match, they may be considered confusing. The USFS is in the process of updating the federal Forest Plan, which may or may not contain the same set of permissible land uses.

***REC Issue #3: Is TRPA proposing additional measures to protect public access to recreation areas and Lake Tahoe?*** A Pathway Desired Condition (PDC) sought to provide additional high-quality access to natural areas and the shorezone. This PDC was incorporated as a new Goal and related Policy into the plan alternatives.

A measure to implement this Goal is proposed in Alternative 2. The measure exists in the General Recreation Subelement as Rec.Gen.Imp-3 and reads “A separate process for rights-of-way and public easement abandonments to require TRPA approval would be added to Chapter 41, Subdivision and Chapter 53, Shorezone Tolerance Districts...” This proposal would recognize and strengthen an existing process in which TRPA permits right-of-way (ROW) or

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<sup>8</sup> *Tahoe Regional Planning Compact*, Article V (c).

easement abandonments to ensure that abandonments do not negatively impact public access in violation of TRPA's Recreation Threshold standards.<sup>9</sup>

Public access is a Recreation Threshold standard. *Therefore, TRPA must protect public access as a mandate of the Compact. Staff is proposing no changes to Implementation Measure Rec.Gen.Imp-3, based on the fact that this measure would ensure that the public interest is preserved whenever ROW abandonments are considered.* The proposed measure would provide TRPA with a tool to assure continued Threshold compliance.

**Pros of TRPA Staff Position:** Currently, TRPA reviews ROW abandonments requests under Code Chapter 51 as lot line adjustments. This practice is not specifically authorized by the current Goals and Policies and it may be advisable to address the source of authority for this approach. Therefore, TRPA has a gap in its ability to maintain Thresholds. The proposed measure would close this gap. The Code amendment associated with this measure would be relatively minor and would provide protection for the Recreation Threshold's public access standard at a regional level.

Douglas County prohibits the removal of access to public lands, but it is not clear if this can be construed to apply to Lake Tahoe (because private property extends to the Lake's low water mark on the Nevada shore). Nonetheless, Douglas and Washoe County stakeholders supported TRPA's involvement in this ROW abandonment context to preserve public access to Lake Tahoe.

**Cons of TRPA Staff Position:** The states and local jurisdictions may not recognize their requirement to submit ROW abandonments to TRPA for review. There may be a "learning curve," during which some abandonment applications may still not be reviewed and considered by TRPA. Submittal to TRPA will require additional time and expense for TRPA staff, other agency staff, and applicants. A Placer County stakeholder stated that the measure places an unnecessary level of TRPA oversight into local affairs.

***REC Issue #4: Should TRPA require mitigation for loss of private and public recreation facilities?*** There is a Policy in the Developed Recreation Subelement (REC-4.4) that is designed to "protect public and privately-provided recreation opportunities and discourage their conversion to non-recreational uses..." The Implementation Measure (Rec.Dev.Imp-6) associated with this Policy would "Require the mitigation of recreation facilities

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<sup>9</sup> In the Shorezone Subelement of the Conservation Element of the *TRPA – Goals and Policies* document, Policy 13 states "Allow public access to the shorezone where lawful and feasible on public lands." In practice today, TRPA requires ROW abandonments to be reviewed as lot line adjustments and determines whether or not losses to public access to public lands and Lake Tahoe will result.

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that are changed to a non-recreation use so as to protect the public's access to developed recreation facilities. Mitigation would be accomplished through a direct offset (replacement) where replacement is feasible, or through an in-lieu mitigation fee."

This policy is based on fair share concept, which is embodied in the second Recreation Threshold (R2). R2 relates to the Threshold policy that states: "It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public." The indicators for the R2 Threshold provide a mechanism for evaluation: cumulative accounts of "persons at one time" (PAOT) allocations, when applicable; facility development for recreation projects that do not require PAOT assignments; and land acquisition of new public lands that support recreation purposes.<sup>10</sup>

Under R2, all recreation facilities are important, and the loss of any developed recreation facility causes degradation of the Threshold. The intent of Policy 4.4 is to protect recreation opportunities by maintaining the existing number of facilities in the Basin.

Placer and El Dorado County stakeholders do not support this proposal, claiming that it adds regulations to private land. Several stakeholders indicated that this Policy places its emphasis on capacity while ignoring facility quality and economic trends. There was concern that public agencies would be required to mitigate the loss of public recreation sites if they were closed due to budget concerns or for restoration projects. The concept of one-to-one replacement was questioned.

*TRPA staff is not proposing to make any changes to Policy 4.4 in the Developed Recreation Subelement or its associated Implementation Measure as a result of these stakeholder concerns.* Recreation Threshold R2 requires that the current level of developed recreation be maintained or augmented. Even so, one-to-one mitigation is not proposed in all of the plan alternatives. In Alternative 2, conversion of recreation facilities would be mitigated by replacement or payment of an in-lieu fee. Concerning closures due to budget constraints or restoration projects, both TRPA Code and the Project Description are silent, and no mitigation has been or is intended to be required.

**Pros of TRPA Staff Position:** The Policy and Implementation Measure strengthen existing policy and protect Recreation Threshold attainment. Alternative 2 is flexible and allows an in-lieu fee to be paid in cases where direct mitigation may be infeasible.

**Cons of TRPA Staff Position:** There would be costs associated with the prescribed mitigation to a property owner or land manager. The Policy and

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<sup>10</sup> TRPA 2006 Threshold Evaluation, September 2007, p. 10-3.

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Implementation Measure do not address the quality of the removed or the replaced recreation site; they only deal with capacity. There is a different standard for public agencies and private owners. (For example, public agencies that close a recreation site due to budget constraints or implementation of restoration projects may not be required to mitigate the loss of the facility. Whereas, a private property owner's plans to redevelop a recreation site would be held in abeyance until mitigation is approved by TRPA. Moreover, if a private recreation facility were to fail and go out of business, the next owner would be obligated to mitigate the loss of the facility.)

***REC Issue #5: Why is TRPA proposing to continue to use PAOTs?*** Stakeholders questioned why TRPA is proposing to continue the PAOT capacity system. During the Pathway process, this system was identified as being "flawed."

Within the Developed Recreation Subelement, the PAOT system is continued in all plan alternatives. Many stakeholders commented that this proposal ignores the suggestions of the Pathway process, in which other capacity systems were discussed. It was stated that TRPA should have looked at analyzing an alternative to PAOTs in the EIS. Some of the other comments, paraphrased, were as follows:

- There are unintended consequences of the PAOT system, such as campground improvements that ultimately require mitigation.
- Elimination or replacement of the system may be beneficial.
- The Forest Service's National Visitor Use Monitoring Survey (NVUM) might be a better approach.
- A quality assessment approach might be a better model.

PAOTs are one of the three indicators in the R2 Recreation Threshold. They are the mechanism now relied upon for reserving capacity for future outdoor recreation for the public. Several of the replacement systems for PAOTs mentioned by stakeholders and proposed during Pathway failed to address the capacity issue.

During the Pathway process, a consensus was never reached on a replacement for the PAOT system. The recent Stakeholder Process provided ample evidence that the PAOT system still does not have widespread acceptance today. However, no acceptable alternative to PAOTs was identified, developed, or agreed upon in advance of EIS document submittal and the Stakeholder Process.

*TRPA staff is not proposing to make any changes to the PAOT policies in the Developed Recreation Subelement or its associated Implementation Measures as a result of these stakeholder concerns. Though a replacement system could*

have been proposed including more accurate metrics, standards, and indicators, no such system has yet to be brought forward.

**Pros of TRPA Staff Position:** The PAOT system is currently in place and functions, to some degree, as a measurement tool to assess Threshold status. There are a sufficient number of PAOT allocations remaining for recreation projects that would be developed under the Regional Plan Update. Developing or selecting a replacement system is a complex process and would need dedicated resources that are outside the current scope of the plan alternatives.

**Cons of TRPA Staff Position:** PAOTs are both a way to reserve recreation capacity and a target for performance. Because there is no way to force recreation providers to request and use new PAOTs, they have been an effective means to expand recreational opportunity and thereby reserve capacity. Moreover, there has been only one case<sup>11</sup> in which a discontinuation of PAOTs resulted in a mitigation requirement; therefore they do not actually reflect Basin-wide performance. Many partner agencies and private recreation providers view the PAOT system as being ineffective and limiting. The system is weak on quality assessment. There was widespread sentiment that, because PAOTs are so readily available, they do not provide any incentive and do not serve any purpose.

## ***NEW IDEAS AND BEST PRACTICES THAT CAME TO LIGHT DURING THE STAKEHOLDER PROCESS***

***REC Issue #6: Should TRPA consider reinventing the Recreation Element and Program?*** During the Stakeholder Process, several stakeholders called the structure and content of the Recreation Element and Program into question. It was pointed out that there should be a direct connection between the Element and Program and the Recreation Threshold.

Many stakeholders questioned the need for five Subelements. Though the Recreation Threshold may not contain what many people consider to be the “big ticket” indicators, such as Secchi depth in the Water Quality Threshold, it is widely acknowledged that recreation planning is an integral and important piece of TRPA’s overall program. No Threshold area is more important than the others. Nonetheless, a common thread in the stakeholder comments was that the staff proposals make the Recreation Subelement more complicated than necessary and do not proactively result in Threshold attainment.

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<sup>11</sup> The closing of the Sandy Beach campground was the only time when the loss of PAOTs resulted in mitigation.

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The fact that there was no consensus on the continuation of the PAOT system calls into question the purpose of using PAOTs as a meaningful recreation capacity measurement and as a tool to reserve public services for recreation. The efficacy of this system was challenged.

The policy of requiring mitigation for conversion of recreation facilities does not consider the quality of the facilities to be lost. Therefore, the conversion of substandard facilities to other uses that may be more beneficial to the public is nonetheless discouraged by requiring mitigation in all circumstances.

With all of these questions in mind, staff did a thorough review of the Threshold Policy Statement that guides the Recreation Program. The Threshold requires that two components of recreation in the Basin be protected: a high-quality experience and a fair share of capacity and access. In addition, the Pathway process pointed to the need for a focus on recreation education.

*If the Governing Board believes that the proposals in Alternative 2 fail to address the major considerations mandated by the Compact, the Recreation Threshold, and the comments of stakeholders, Staff would propose to reconsider the overall structure and content of the Recreation Element and Program. This reconsideration would be accomplished at an accelerated pace with considerable stakeholder and staff involvement during the interim period between this Milestone and the second Recreation Milestone in December 2010.*

If the Board is satisfied that Alternative 2 addresses the major considerations and the stakeholder comments, REC Issue #6 may be disregarded.

Preliminarily, staff is considering the concept of reducing the five proposed Subelements to the following three: "High-Quality Experience," "Capacity and Access," and "Education." The idea is that these three Subelements are directly tied to the Threshold and to the desires of Pathway participants. Staff would focus stakeholder discussions on the Goals, Policies, and Implementation Measures and making sure they reflect the needs of the environment, the economy, and end users. The discussion would be aimed at developing standards and indicators that better reflect those needs. Staff would gauge stakeholder appetite for a Program that would be a clearinghouse of information and a generator of implementation strategies to achieve access to high-quality recreation for the public.

The above paragraph is a hypothetical: ultimately, it is the Stakeholder Process – as led by the Recreation Program Manager and other TRPA staff – that would determine the nature of the changes to the Recreation Program and its Goals and Policies, Code provisions, and Threshold standards and indicators. The actual restructuring of the Program could stretch beyond the completion of the Regional Plan Update, and it would have to be approved by the Board.

## **Recreation Issues: YOUR THOUGHTS**

### ***REC Issue #1: Is TRPA's current Master Plan requirement too narrowly drawn to protect the environment of Lake Tahoe?***

*TRPA is proposing to retain Policy 5.6 but make a change to the first Implementation Measure. Rec.Dev.Imp-4 is proposed to be changed to read: "Amend Chapter 18 to add a ~~new~~ definition for a new category of recreation facility called 'multi-season resort.' ~~This definition would include ski areas, marinas, developed day-use areas, etc.~~"*

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### ***REC Issue #2, Part 1: Why is TRPA proposing to designate permissible uses for public lands (the snowmobiling issue)?***

*Staff proposes to amend the existing Implementation Measure to read "Establish appropriate use areas for snowmobiling ~~within the transect districts and match use areas established by the~~, using U. S. Forest Service and State Parks' maps to inform the development of TRPA use maps" and add an additional measure that states "Amend the definition of Dispersed Outdoor Recreation in Code Chapter 18 to allow snowmobile use in designated dispersed recreation areas."*

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### ***REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?***

*TRPA staff is not proposing to make any changes to the Implementation Measures in the Dispersed Recreation Subelement as a result of these stakeholder concerns.*

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***REC Issue #3: Is TRPA proposing additional measures to protect public access to recreation areas and Lake Tahoe?***

*Public access is a Recreation Threshold standard. Therefore, TRPA must protect public access as a mandate of the Compact. Staff is proposing no changes to Implementation Measure Rec.Gen.Imp-3, based on the fact that this measure would ensure that the public interest is preserved whenever ROW abandonments are considered.*

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***REC Issue #4: Should TRPA require mitigation for loss of private and public recreation facilities?***

*TRPA staff is not proposing to make any changes to Policy 4.4 in the Developed Recreation Subelement or its associated Implementation Measure as a result of these stakeholder concerns.*

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***REC Issue #5: Why is TRPA proposing to continue to use PAOTs?***

*TRPA staff is not proposing to make any changes to the PAOT policies in the Developed Recreation Subelement or its associated Implementation Measures as a result of these stakeholder concerns.*

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***REC Issue #6: Should TRPA consider reinventing the Recreation Element and Program?***

*If the Governing Board believes that the proposals in Alternative 2 fail to address the major considerations mandated by the Compact, the Recreation Threshold, and the comments of stakeholders, Staff would propose to reconsider the overall structure and content of the Recreation Element and Program.*

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## **Environmental Improvement**

### ***WHY IS IT IMPORTANT TO INCLUDE AN ENVIRONMENTAL IMPROVEMENT SUBELEMENT IN THE REGIONAL PLAN?***

The Environmental Improvement Subelement establishes the required content of TRPA's Environmental Improvement Program (EIP). The EIP is a comprehensive, cooperative effort among federal, state, local, and private entities in the Tahoe Basin to preserve, restore, and enhance the unique natural and human environment of the region.

The EIP is an essential implementation strategy for TRPA. It is designed to remedy preexisting environmental degradation and accelerate compliance with the Compact and attainment of Thresholds. By defining restoration needs for attaining and maintaining environmental goals through substantial investment of resources, the EIP increases the pace of Threshold attainment.

The EIP focuses on achieving cross-Threshold benefits through its six program areas:

- Watersheds, Habitat, and Water Quality
- Forest Management
- Air Quality and Transportation
- Recreation and Scenic Resources
- Applied Science
- Program Assistance and Operations

These program areas provide management direction for prioritizing project development and establishing measurable goals. The Program includes ten-year funding needs assessments and guides science efforts. The EIP allows for ongoing revisions to program goals and can incorporate and integrate new information from project implementation monitoring and associated program effectiveness research.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

The Environmental Improvement Program was updated in July 2009. It represents the most contemporary, up-to-date approach to achieving environmental gain through capital project implementation. This approach garnered widespread support and a unanimous endorsement by the Board.

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Due to the recent update, the EIP is treated similarly across all plan alternatives. Alternative 2, however, is being proposed by staff because it provides flexibility to the private and local jurisdictional sectors in funding and implementing environmental improvements. Staff believes that Alternative 2 portends a better future for Lake Tahoe than the current plan or the other action alternatives analyzed in the Environmental Impact Statement for the RPU.

The EIP is a ten-year vision of restoration needs and costs. The Program will be ongoing throughout the life of the Regional Plan. The strategies and priorities of the EIP will be informed by the five-year Threshold evaluations.

The policies in the staff-proposed alternative leverage additional environmental gain through private sector investment. The proposed alternative gives jurisdictions flexibility in developing local sources of revenue, as well. Specifically, the Environmental Improvement Subelement includes policies directing TRPA to assist in the identification and development of funding sources to implement programs and capital improvements, develop a finance plan for the EIP, and carry out financial programs to assist partners in EIP implementation.

## **Appendix**

- A. Stakeholder Comments and TRPA Responses on NH issues
- B. Stakeholder Comments and TRPA Responses on OS issues
- C. Stakeholder Comments and TRPA Responses on CR issues
- D. Stakeholder Comments and TRPA Responses on REC issues
- E. Stakeholder Comments and TRPA Responses on EI issues
- F. Written stakeholder comment letter from the Washoe Tribe of NV and CA
- G. Written stakeholder comment letter from U. S. Forest Service
- H. Written stakeholder comment letter from California Tahoe Conservancy
- I. List of Public Lands, Resource Management, and Recreation Stakeholder meetings, meeting dates, and participants
- J. Project Description document (see CD included with FactSheet #1)
- K. Matrix of Goals, Policies, and Implementation Measures (see CD included with FactSheet #1)

**NOTE** – Meetings were held with the following groups for all topic areas:

- **Local Jurisdictions**: City of South Lake Tahoe, IVGID, TCPUD, and Placer, El Dorado, Douglas, and Washoe Counties
- **State and Federal Land Management Agencies**: U. S. Forest Service, California Tahoe Conservancy, California State Parks, and the Washoe Tribe of NV and CA
- **Private Sector Representatives**: Lew Feldman, Andrew Strain, Mark Kimbrough, John Falk, Jim Phelan, Barbara Perlman-Whyman, Sue Rae Irelan, B. Gorman, Jamie Hodgson, Bob Hassett, and Austin Sass
- **Conservation Community**: League to Save Lake Tahoe and Tahoe Area Sierra Club
- **Fire Officials**: North Lake Tahoe Fire District, South Lake Tahoe Fire Department

## **Appendix A**

### **Summary of Stakeholder Comments and TRPA Responses from the Natural Hazards Subelement Stakeholder Meetings**

#### **Local Jurisdictions**

1. **Stakeholder Comment**: El Dorado County recently updated their natural hazards plan; it does not include avalanche. Placer and Washoe Counties have prepared avalanche maps for some neighborhoods in their jurisdictions.

**TRPA Response**: See the discussion in ***NH Issue #1: Why should TRPA propose to update the natural hazard maps in all action alternatives?***

2. **Stakeholder Comment**: The Natural Hazards Subelement is brief.

**TRPA Response**: Comment noted.

3. **Stakeholder Comment**: What is the connection between the Natural Hazards Subelement and Thresholds?

**TRPA Response**: Natural hazard planning helps the Agency determine the most suitable locations for development in the region as one means to attain Thresholds. Anticipating and avoiding natural disasters is a common planning practice. Natural disasters have the potential to negatively impact infrastructure and development in ways that could hurt Threshold attainment.

4. **Stakeholder Comment**: Douglas County does not map natural hazards in the Tahoe Basin.

**TRPA Response:** Comment Noted.

### **State and Federal Land Management Agencies**

5. **Stakeholder Comment:** The proposed updated Natural Hazards Subelement appears adequate. Several agencies expressed an interest in viewing updated natural hazard maps when they become available.

**TRPA Response:** Comment noted. *TRPA proposes to share updated natural hazards maps as they become available.*

### **Private Sector Representatives**

6. **Stakeholder Comment:** Several private sector representatives recommended that TRPA adopt a goal to add fire hydrants and improve water storage and delivery infrastructure in underserved areas, with recognition that new or improved infrastructure may be costly.

**TRPA Response:** Comment noted. *The Public Services and Facilities Element addresses water infrastructure and delivery. TRPA proposes to seek input from regional water purveyors and fire chiefs in updating that Element.*

7. **Stakeholder Comment:** TRPA should provide incentives to relocate development out of hazard areas and should do more to identify these areas. TRPA could provide disclosure statements on its official maps that the maps are not perfectly accurate.

**TRPA Response:** Staff is developing incentives for relocation of development out of several natural hazard areas, such as floodplains. *These incentives, specifically transfer ratios, will be included in the discussion of the Land Use Element. Having disclosure statements on official TRPA maps is a good idea; staff proposes to add disclosures to future natural hazard maps.*

8. **Stakeholder Comment:** TRPA should coordinate with the Army Corps of Engineers in 100-year floodplain identification. Current mapping is deficient in many locations.

**TRPA Response:** TRPA acknowledges that existing regional floodplain maps produced by the Corps and the Federal Emergency Management Agency (FEMA) are not always specific down to the project scale. However, floodplain mapping techniques have improved in recent years, and TRPA incorporates new floodplain mapping as it becomes available. In addition, TRPA will continue to accept project-specific floodplain maps during the review and permitting process.

9. **Stakeholder Comment:** Poor floodplain mapping can be discouraging to potential developers. There are inconsistencies between Army Corps and FEMA maps, yet TRPA follows both in some areas.

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**TRPA Response:** Only FEMA has authority over floodplain mapping for development. Army Corps mapping is for transportation and navigation. The issue of inconsistency is not unique to the Tahoe Basin, because the different maps serve different purposes. TRPA uses the FEMA maps only to determine the floodplain in reviewing development applications. On a project-by-project basis, TRPA will continue to work with FEMA to address floodplain issues.

There is an administrative appeal process that allows local jurisdictions to challenge the accuracy of FEMA maps. If an appeal is not approved by FEMA, a local jurisdiction may engage in a lawsuit. If the lawsuit is not successful, a jurisdiction may map the floodplain itself and submit a Letter of Map Amendment to FEMA.

10. **Stakeholder Comment:** Current 100-year floodplain regulations prohibit some good projects (like the Greenway Bike Trail) which would result in negligible alteration to the floodplain. TRPA regulations should not be so “black-and-white” when it comes to projects that benefit the public and which help in Threshold attainment. Please develop adequate mitigation for these projects instead of just saying “no.”

**TRPA Response:** The Greenway Bike Trail was initiated by the California Tahoe Conservancy in collaboration with TRPA and local jurisdictions; the project is included in the EIP’s project list. An EIS is being prepared for this project that will determine the environmental impacts of the trail. TRPA Code currently allows beneficial public uses (including transportation facilities and public outdoor recreation facilities) to be located in floodplain areas provided that findings are made.

11. **Stakeholder Comment:** TRPA should recognize the cost of maintaining defensible space and the cost for maintenance of Wildland Urban Interface (WUI) treatments.

**TRPA Response:** Comment noted.

12. **Stakeholder Comment:** TRPA should develop policies to allow neighbors to enter into agreements with public land management agencies for private maintenance of adjacent public and private land for fire safety.

**TRPA Response:** There are no current or proposed TRPA policies that prohibit public-private partnerships in the region. However, TRPA has no authority to grant neighbors a right-of-trespass on adjacent lands, even if adjacent property owners do not maintain their properties in a fire safe condition.

13. **Stakeholder Comment:** Defensible space disclosures at point-of-sale are not appropriate since they do not disclose neighborhood conditions. Some private sector stakeholders support a point-of-sale defensible space disclosure, but only if entire neighborhoods are treated.

**TRPA Response:** Point-of-sale defensible space disclosure is not included in the plan alternatives. Defensible space compliance on private land is the responsibility of the Basin Fire Protection Districts and state fire agencies.

14. **Stakeholder Comment:** TRPA should require federal and state management of urban lots in the same manner required for private land owners.

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**TRPA Response:** TRPA defers to federal, state, and local laws regarding defensible space and urban lot vegetation management for fire safety.

15. **Stakeholder Comment:** The BMP Manual should address natural hazards.

**TRPA Response:** The BMP Manual is designed to be site- or project-specific and is not a planning tool for large events such as earthquakes, seiche, or other natural disasters. Project-specific natural hazard disclosure and avoidance are already considered in the project review process based on known hazard mapping and mitigation measures derived through environmental review.

16. **Stakeholder Comment:** A member of the real estate community voiced concern that natural hazard discovery and identification could lead to government takings. "Please no land grabs."

**TRPA Response:** Comment noted. TRPA is not proposing any policies that would directly lead to future government takings. Since TRPA does not buy and sell land, any government land takings would occur at the local government level in accordance with state and federal law.

### **Conservation Community**

17. **Stakeholder Comment:** To protect the environment, TRPA should anticipate the effects of natural catastrophes in advance of a disaster.

**TRPA Response:** Many agencies and local jurisdictions have disaster recovery plans. TRPA has and will continue to share natural hazard information with its partners to assist them in development of their plans.

### **Fire Officials**

18. **Stakeholder Comment:** Implementation Measure NH.IMP-2 states "Amend Code to create incentives that encourage public and private entities to decommission and/or relocate facilities from known natural hazard areas." This measure should be amended to add the word "retrofit" – buildings that cannot be moved or decommissioned can still be "hardened" for protection from natural hazards.

**TRPA Response:** *Staff proposes to amend NH.IMP-2 so that it states "Amend Code to create incentives that encourage public and private entities to retrofit, decommission, and/or relocate facilities from known natural hazard areas."*

19. **Stakeholder Comment:** The City of South Lake Tahoe has a natural hazard mitigation plan that includes natural hazard maps and was ratified by FEMA in 2005.

**TRPA Response:** Policy NH-1.1 NATURAL HAZARD MAPPING states "Coordinate with universities and local, state, and federal agencies to identify natural hazards and

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prepare natural hazard maps for use during project planning and review.” If this Alternative 2 Policy is supported by the Board, staff will use the City’s plan to inform TRPA map updates.

20. **Stakeholder Comment:** Assurance is needed that Implementation Measure NH.IMP-2 will not be interpreted to prevent development in areas identified on the State of California’s Extreme Fire Hazard Map. “Eighty percent of the City is located within the mapped Extreme Fire Hazard area.”

**TRPA Response:** There is no proposal to limit development due to a parcel’s location within a mapped Extreme Fire Hazard area. Staff acknowledges the Fire Officials’ assertion that they are dealing with fire hazard on a local level and have a flexible set of strategies for dealing with that hazard.

21. **Stakeholder Comment:** Implementation Measure NH.IMP-3 states “Update the Code to ensure consistency with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy, as regularly updated, to guide hazardous fuels reduction efforts.” The Fire Officials “strongly supported” this measure.

**TRPA Response:** Comment noted.

## **Appendix B**

### Summary of Stakeholder Comments and TRPA Responses from the **Open Space** Subelement Stakeholder Meetings

#### **Local Jurisdictions**

1. **Stakeholder Comment:** There is confusion regarding the definition of open space as envisioned in the Goals & Policies and how it is narrowly defined in Chapter 18 of the Code. The recommendation was to clarify the differences.

**TRPA Response:** See the discussion in **OS Issue #1:**  
***What is the definition of “open space?”***

2. **Stakeholder Comment:** Regarding the proposed policy that identifies management of urban intermix parcels, add something that allows trading of urban intermix lots for better land use patterns and consolidation of parcels to create linkages and corridors to support pedestrian recreation and improve wildlife and ecosystem health.

**TRPA Response:** TRPA supports this concept but does not regulate how land managers buy and trade land.

3. **Stakeholder Comment:** Douglas County commented on the proposed policy to encourage purchase of urban intermix parcels for open space purposes, stating that it would encourage flexibility and help facilitate future recreation projects.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2.

#### **State and Federal Land Management Agencies**

4. **Stakeholder Comment:** The stakeholders agreed that there is confusion regarding the differing definitions of “open space” in the Goals and Policies and in Code. They recommended clarifying the differences. CTC stated that the Project Description text is not clear as to whether open space includes high capability vacant and undeveloped land. USFS stated TRPA should consider allowing some land coverage on open space parcels (referring to the Code definition) for bike trails.

**TRPA Response:** See the discussion in **OS Issue #1:**  
***What is the definition of “open space?”***

5. **Stakeholder Comment:** USFS supports TRPA’s proposed policy for management of urban intermix parcels, which is consistent with the draft federal Forest Plan. USFS supported this policy but wanted it clarified that intermix parcels can contain erosion control facilities.

**TRPA Response:** Proposed Open Space Policy OS-1.1 PROTECT RESOURCE

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VALUES states “When consistent with the other goals and policies of this plan, permit management practices in open space that protect natural resource values.” This statement allows intermix parcels to contain erosion control facilities, as these facilities protect natural resource values.

6. **Stakeholder Comment:** USFS stated that adding a requirement for linkages and corridors between intermix parcels, as suggested by the local government stakeholder group, could change the “acquisition equation” and increase costs.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2. TRPA does not propose to create such a requirement. Creating linkages is not required. Rather, it is a goal (Open Space Goal OS-1: Managed open space promotes conservation of vegetation, protection of watersheds, and connectivity of wildlife habitat).

7. **Stakeholder Comment:** The City’s General Plan shows development of USFS land for housing and other projects not consistent with the federal Forest Plan.

**TRPA Response:** Comment noted.

### **Private Sector Representatives**

8. **Stakeholder Comment:** The Realtors’ Association and Heavenly support the Alternative 2 concept of “good management” for inter-mix parcels, particularly for fire management. They also suggest adding new policies to promote opportunities for trading of urban lots between CTC/NV State lands and USFS, and for developing these lots when they have high land capability and when the development is for a public purpose, such as for parks and emergency facilities. TRPA should encourage local government acquisition of some urban lots for public benefit without having to go to Washington for approval.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2.

9. **Stakeholder Comment:** TRPA should differentiate between open space as defined in the Goals and Policies and the Code. For example, if the G&P are interpreted in the same manner as Code, all development on vacant land will cease and bike trails will not be constructed. The definitions should recognize that open space functions differently depending on the community or setting; there are different types of open space, such as vacant, community, urban, and natural open space. Open space needs to allow bike trails.

**TRPA Response:** See the discussion in ***OS Issue #1: What is the definition of “open space?”*** The assertion that all development would cease is incorrect. In fact, TRPA has land use categories that all of the different recreation uses mentioned under different land use definitions.

10. **Stakeholder Comment:** The Tahoe Rim Trail representative commented that reasonable uses and structures such as signs should be allowed in open space.

**TRPA Response:** TRPA Code does not prohibit signs in open space areas.

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11. **Stakeholder Comment** Fire hazards can arise on open space parcels. Private landowners should be able to clean up public land adjacent to their properties.

**TRPA Response:** TRPA has no authority to grant neighbors a right-of-trespass on adjacent lands, even if adjacent property owners do not maintain their properties in a fire safe condition.

12. **Stakeholder Comment:** Washoe County has an open space zoning district and defines open space differently than TRPA. TRPA's lack of zoning for open space may inhibit open space protection.

**TRPA Response:** In fact, all of TRPA's Plan Area Statements (PAS) allow open space as a use per Code Chapter 18. Many PASs permissible use lists disallow development activities that are incompatible with open space. The proposed transect zoning in Alternative 2 effectively has open space zoning districts in the form of its Wilderness, Backcountry, Conservation and Parkland, and in some cases, Recreation designations.

### **Conservation Community**

13. **Stakeholder Comment:** The Conservation Community largely supported the proposals in the plan alternatives for Open Space.

**TRPA Response:** Comment noted.

### **Fire Officials**

NOTE: Fire Officials were either supportive or neutral on the plan alternatives regarding Open Space.

## **Appendix C**

### **Summary of Stakeholder Comments and TRPA Responses from the Cultural Resources Subelement Stakeholder Meetings**

#### **Local Jurisdictions**

1. **Stakeholder Comment:** Placer County suggested that the cultural focus should be a low priority for TRPA.

**TRPA Response:** Cultural Resources is an integral part of the Regional Plan.

2. **Stakeholder Comment:** Placer County suggested better coordination is needed in cultural review between TRPA and local jurisdictions pursuant to California Environmental Quality Act (CEQA).

**TRPA Response:** TRPA consults with California jurisdictions and agencies, including the State Historic Preservation Officer, to coordinate CEQA review of historic and cultural resources. TRPA is not a CEQA agency.

3. **Stakeholder Comment:** Douglas County asked, “Who will enforce the proposal under the Alternative 4 Implementation Measure CUL.IMP-6: ‘Amend Chapter 29 to include maintenance requirements for historically significant buildings within designated historic districts?’”

**TRPA Response:** This measure, which is not included in the staff-proposed alternative, would only have to be developed as Code if it were to be selected as the preferred alternative by the Board. It should be noted that no stakeholder group explicitly supported Alternative 4 over the other alternatives for the Cultural Resources Subelement.

If this measure were to be selected, maintenance requirements would likely be a condition of approval included in a deed restriction. Also, TRPA has the authority to enforce its regulations and typically exercises that authority as needed.

#### **State and Federal Land Management Agencies**

4. **Stakeholder Comment:** Regarding Implementation Measure CUL.IMP-3, the CTC and the USFS stated that the term “tribal trusts” is not applicable, because there are no trust lands in the region. The agencies suggested changing the measure to: “Coordinate and consult with the Washoe Tribe during projects’ environmental review process to identify culturally significant sites and resources on tribal trust resources or sites.”

**TRPA Response:** *Staff proposes to revise the Matrix and the Project Description as suggested above.*

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5. **Stakeholder Comment:** The Washoe Tribe asked TRPA to confirm that “historic resources” includes prehistoric and cultural resources as well as religious sites.

**TRPA Response:** Staff confirmed that this is true and added that Code Chapter 29 also includes paleontological resources.

6. **Stakeholder Comment:** USFS commented that TRPA cultural regulations are redundant with federal regulations under Section 106 of the National Historic Preservation Act (NHPA). The Forest Service noted that projects they review under NHPA are open to TRPA participation; it is redundant that Forest Service special permittees are required to consult with federal agencies under NHPA and then required to submit to TRPA for review, as well.

**TRPA Response:** The redundancy noted in the comment neither exists today nor would exist under the proposed plan alternatives. The MOU between TRPA and USFS gives the Forest Service authorization to inventory, protect, maintain, restore, interpret, and dispose of cultural resources in accordance with applicable state and federal laws and procedures.<sup>12</sup> The authorization is in the form of an exemption – in other words, the Forest Service is exempt from TRPA regulations in dealing with cultural resources in their jurisdiction.

7. **Stakeholder Comment:** USFS and CTC requested clarification the Alternative 4 Implementation Measure requiring interpretive signage for designated historic sites on public land. CTC recommended changing the word “require” to “consider.” USFS stated it may not always be appropriate to sign sensitive sites. Both agencies request more flexibility in this proposed measure.

**TRPA Response:** See TRPA Response to Stakeholder Comment #3.

8. **Stakeholder Comment:** CTC commented that TRPA policies requiring acquisition without funding are meaningless and unsupportable.

**TRPA Response:** Policy CL-2.2 HISTORIC RESOURCES ACQUISITION states “Encourage planning for and acquisition of publicly accessible cultural and historic resource properties associated with historical and cultural features and values.” The commenter has not assessed the issue accurately. There is only one policy, not multiple policies, and it encourages and does not require acquisition.

### **Private Sector Representatives**

9. **Stakeholder Comment:** The Realtors’ Association had issues with designating private property as historically significant without participation of the property owner.

**TRPA Response:** TRPA will consult with property owners before amending the Historic Resources Overlay Map to include any new properties.

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<sup>12</sup> TRPA Code of Ordinances, Chapter 4, Appendix E, Memorandum of Understanding.

### **Conservation Community**

10. **Stakeholder Comment:** There was general support for TRPA maintaining or improving cultural resource protection and regulation. The group also supported TRPA bringing a cultural resource heritage organization with funding to help preserve resources.

**TRPA Response:** Comment noted.

11. **Stakeholder comment:** What are the incentives and exemptions for preservation of historic structures?

**TRPA Response:** TRPA is not proposing any new incentives or exemptions for historic preservation. Any development incentives to be proposed with the Regional Plan Update will exist in the Land Use Element. The stakeholder may wish to propose their ideas during the Stakeholder Process preceding the Land Use Milestone.

### **Fire Officials**

NOTE: Fire Officials were either supportive or neutral on the plan alternatives regarding Cultural Resources.

## Appendix D

### Summary of Stakeholder Comments and TRPA Responses from the Recreation Element Stakeholder Meetings

#### PART I: GENERAL COMMENTS

#### Local Jurisdictions

1. **Stakeholder Comment:** Why are there two new Recreation Subelements: General Recreation and Recreation Education?

**TRPA Response:** The need for the new Subelements was identified during the Pathway process. Recreation Education was specifically identified in a Pathway Desired Condition.

#### State and Federal Land Management Agencies

2. **Stakeholder Comment:** USFS written comments noted “TRPA should tier to other agencies’ policies and regulations where they meet the intent of the Goals and Policies. Creating redundant TRPA regulations may bog down the planning process as various agencies must manage resources to their own established standards. On USFS lands, TRPA should defer to the Lake Tahoe Basin Management Unit’s (LTBMU) Land Management Plan (LMP) for management direction in the following areas: cultural, land use designations, off-highway vehicle and snowmobile uses.”

**TRPA Response:** See the discussion in *REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?*

3. **Stakeholder Comment:** USFS written comments noted that Alternative 2 should represent the preferred, collaboratively developed strategy. Often, elements of a more restrictive regulatory approach are embodied in this alternative. Restrictive regulations were supposed to be characteristic of Alternative 4.

**TRPA Response:** Alternative 2 represents a combined approach that includes a range of environmental regulations, some of which are conventional and restrictive and some of which are based in incentives and collaborative strategies.

4. **Stakeholder Comment:** USFS written comments noted that the General Recreation Subelement should come first, followed by Dispersed, Developed, and Urban Recreation. The Education component should stand on its own. Every Threshold category in Pathway contained a Desired Condition for education. More than just educating about recreation; environmental education, conservation education, visitor information programs interpret all aspects of management.

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**TRPA Response:** The Recreation Education Subelement is applicable to all recreation projects. Having an education component for all Elements of the Plan was not deemed to be necessary. Concerning the order of the Subelements, it is designed to respect the order in the 1987 Plan, with the two newly-proposed Subelements appended.

5. **Stakeholder Comment:** On National Forest Lands, one third of the Basin is characterized as Wildland Urban Interface (WUI). Alternatives 1 and 2 should include a WUI since this is existing management direction.

**TRPA Response:** *TRPA proposes to revise Code Chapter 71 for the urban interface area to be consistent with the federal WUI defense zone standard of 1,320 feet. (The current Code provides for a 1,250-foot “urban interface area.”)*

6. **Stakeholder Comment:** CTC suggested that reference to public demand in the introduction to the Recreation Element should recognize the need for modernization, new technology, and new activities.

**TRPA Response:** *Staff proposes to update the Project Description as suggested.*

### **Private Sector Representatives**

7. **Stakeholder Comment:** Inclusion of the two new Subelements is supported.

**TRPA Response:** Comment noted.

NOTE: Conservation Community representatives and Fire Officials had no “General Comments” regarding Recreation.

## PART II: COMMENTS ON THE DISPERSED RECREATION SUBELEMENT

### **Local Jurisdictions**

8. **Stakeholder Comment:** There was support for TRPA’s proposal to update the definition of “off-road vehicle course” to “off-highway use.”

**TRPA Response:** Comment noted.

9. **Stakeholder Comment:** Douglas County supports TRPA’s Dispersed Recreation concepts, but asked that TRPA not designate dispersed recreation areas as this would be contrary to the concept.

**TRPA Response:** Comment noted.

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10. **Stakeholder Comment:** Douglas County asked for clarification about what happens if TRPA adopts USFS snowmobile maps and then the USFS changes the maps. Do TRPA maps change automatically to match USFS? “Don’t adopt maps so that snowmobilers become ‘unknowing’ law breakers; consider economic impacts from snowmobile regulation.”

**TRPA Response:** See the discussion in *REC Issue #2, Part 1: Why is TRPA proposing to designate permissible uses for public lands (the snowmobiling issue)?*

### **State and Federal Land Management Agencies**

11. **Stakeholder Comment:** The Washoe Tribe asked that the alternatives include guidelines to prevent impacts to wildlife from the development of wildlife viewing areas and protect wildlife in allowable dispersed snowmobile zones.

**TRPA Response:** TRPA does not designate or develop wildlife viewing areas. In addition, snowmobile impacts to wildlife are only considered as part of a project when involving a permitted snowmobile use. Dispersed recreation snowmobile activities are proposed to be controlled by snowmobile maps. In both cases, the Tribe’s comments should be viewed as advice to the responsible agencies.

12. **Stakeholder Comment:** The RPU proposes to designate permissible dispersed recreation and other land uses in wilderness and backcountry areas for Alternatives 2, 3 and 4. USFS commented that this is redundant with USFS policy and that TRPA should not involve itself in USFS matters by designating uses on USFS land.

**TRPA Response:** See the discussion in *REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?*

13. **Stakeholder Comment:** USFS does not support TRPA development of a mountain bike trail map as part of RPU because current USFS regulations do not limit mountain biking to roads and trails.

**TRPA Response:** Staff is not proposing to create a mountain bike map. Staff is proposing to update the Code definition of Riding and Hiking Trails to include mountain biking, which is an activity that was not considered in 1987 when the first Regional Plan was adopted. *Staff proposes to modify the Implementation Measure in question (Rec.Disp.Imp-3) to clarify that including mountain bikes in the Riding and Hiking Trail definition is only to update the definition and will not result in designation of mountain bike trails or in a map similar to the snowmobile map.*

**NOTE: Additional Written Stakeholder Comments were received from USFS, Washoe Tribe, and CTC.** These comment are in the form of letters which can be found in Appendices F, G, and H. The substantive issues in each letter have been addressed individually in the Comments and Responses. The remaining comments (related to editing, consistency, and formatting) are being considered by staff.

### Private Sector Representatives

14. **Stakeholder Comment:** The RPU proposal to designate permissible use areas for snowmobiling by adopting USFS and State Parks snowmobiling maps for Alternative 2 and to further regulate snowmobiling on private land under Alternative 4 received mixed reviews. The Chamber stated it is not a good idea to duplicate USFS snowmobile regulations and that TRPA is on a “slippery slope” trying to “double-regulate” snowmobiles, which are not really a problem in the Basin, unlike in other parts of the country. Heavenly suggested adopting USFS snowmobile maps in Alternative 2 and requested clarification as to how, in Alternative 2, snowmobiling is to be regulated in the transect districts. As a dispersed recreation use, snowmobiling in this context is not a land use, it is an activity. Commercial snowmobile courses are a land use. Realtors oppose the Alternative 4 proposal to regulate snowmobile use on private recreation land.

**TRPA Response:** See the discussion in *REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?* Also, one of the comments helped staff discover an error: an Implementation Measure for Alternative 3 references transects (which are not proposed in Alternative 3). *Staff proposes to revise the Project Description to remove this reference.*

15. **Stakeholder Comment:** The Chamber suggested that TRPA consider new trends like “pedal assist” bicycles in updating the Riding and Hiking Trail definition.

**TRPA Response:** It is TRPA policy in all areas to use Adaptive Management in developing new strategies to deal with new issues. The basis for this is that staff does not know what the future holds regarding new recreation technologies but will keep abreast of trends as they arise.

16. **Stakeholder Comment:** It is appropriate for TRPA to provide guidance on land uses on federal land, especially backcountry and conservation areas. “TRPA not telling USFS what uses are appropriate on national forest lands is a poor strategy. USFS makes mistakes by not purposefully planning with TRPA assisting. USFS frequently fails to fully understand planning and does not have a user-friendly planning or decision-making process.”

**TRPA Response:** Comment noted. Also see the discussion in *REC Issue #2, Part 2: Why is TRPA proposing to designate permissible uses for public lands (the mapping issue)?*

17. **Stakeholder Comment:** TRPA should work with USFS to consider the recreational impacts from prescribed burns. Many visitors are in Tahoe for a short stay and their visit is negatively impacted by smoke. Burn piles along trails are often placed with little or no concern for trail users and are aesthetically displeasing.

**TRPA Response:** Staff is not proposing to regulate the recreational impacts of pile burning. The Air Quality Subelement includes proposals regarding burning.

18. **Stakeholder Comment:** The impact on recreation access is often ignored during implementation of other resource projects, such as SEZ restoration. A goal should

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be added to the RPU to ensure that resources and recreation projects are approached in an integrated manner.

**TRPA Response:** When developed access is removed, it is TRPA practice to require replacement where feasible.

19. **Stakeholder Comment:** TRPA, when approving new recreation access, should consider public transportation. “Don’t just build more parking.”

**TRPA Response:** Comment noted. In Policy REC-5.5, which is in all action alternatives, it is stated that public transit operations should serve “major recreation facilities and attractions.”

### **Conservation Community**

20. **Stakeholder Comment:** Sierra Club: “The Code update should carefully limit parking for dispersed recreation areas. Parking will bring in more people and destroy the dispersed recreational experience.”

**TRPA Response:** Comment noted. TRPA is currently working with the two states’ Departments of Transportation to develop parking management strategies that serve dispersed recreation activities.

21. **Stakeholder Comment:** Sierra Club: “There are noise and other conflicts between snowmobilers and cross-country skiers that TRPA should regulate.”

**TRPA Response:** The Noise Program is responsible for managing noise issues in the Basin. Concerning “other conflicts,” Alternative 4 proposes to “establish appropriate use areas for snowmobile uses within the plan area on private recreation land” in addition to uses established by the USFS and State Parks.

22. **Stakeholder Comment:** There was an expressed interest from several attendees that TRPA should do more to regulate noisy boats and music from boats.

**TRPA Response:** The Noise Program is responsible for managing noise issues.

### **Fire Officials**

23. **Stakeholder Comment:** Recreation Policy REC-3.6 states “Off-highway vehicles are permissible on specified roads, trails, or designated areas where the environmental impacts can be mitigated.” Assurance was requested that this policy does not apply to emergency vehicles in the course of duty.

**TRPA Response:** This policy does not limit emergency vehicle access in responding to emergencies.

## PART III: COMMENTS ON THE GENERAL RECREATION SUBELEMENT

### Local Jurisdictions

24. **Stakeholder Comment:** The proposal to have TRPA included in the County right-of-way abandonment process may be a conflict for Placer County, as this has traditionally been a local government issue. Douglas County has policies that prohibit the blocking of access to public lands, but it is not clear if those policies apply to blocking access to Lake Tahoe. Douglas and Washoe County, in concept, each support TRPA involvement to preserve public access to the Lake.

**TRPA Response:** See the discussion in *REC Issue #3: Is TRPA proposing additional measures to protect public access to recreation areas and Lake Tahoe?*

25. **Stakeholder Comment:** Planning efforts to encourage new opportunities for recreation connections were supported, but it was requested that this measure also be included in the Land Use Policies and Implementation Measures.

**TRPA Response:** Staff believes that this measure is appropriately located.

26. **Stakeholder Comment:** Alternative 4 proposes to consider bike trails as separate from transportation routes. Placer County, after discussing this with Lahontan and others, prefers that bike trails remain classified as transportation facilities. Transportation facilities are eligible for more funding, location, and land coverage “allowances.” The new definition could interfere with this. Most recreational surveys support bike trails as transportation facilities and circulation routes. The proposed change may create unintended consequences.

**TRPA Response:** Comment noted. Alternative 4 contains strategies geared towards the most stringent regulatory approach; the EIS will study this alternative, along with the other alternatives, for their potential impacts.

### State and Federal Land Management Agencies

27. **Stakeholder Comment:** CTC stated that Alternative 4’s proposal to define bike trails as separate from transportation routes will be a problem with the region’s recreation providers and could prevent construction of the bike trail around the Lake.

**TRPA Response:** See TRPA Response to Stakeholder Comment #25.

28. **Stakeholder Comment:** Implementation Measure Rec.Gen.Imp-2 states that “Code Section 20.3.B(7), Coverage Standards, would be updated to add an accessibility requirement for new and existing recreation facilities.” CTC stated that accessibility should be consistent with state and federal law. “How will the policy affect land coverage regarding the ability to provide access to the water’s edge? Land coverage rules should be modified to facilitate compliance with federal accessibility law.”

**TRPA Response:** TRPA Code provides land coverage exceptions for handicapped access. CTC will be part of the implementation phase of the Stakeholder Process.

### **Private Sector Representatives**

29. **Stakeholder Comment:** The General Recreation Subelement should mention Americans with Disabilities Act (ADA) accessibility requirements.

**TRPA Response:** TRPA does not enforce ADA.

30. **Stakeholder Comment:** The plan alternatives assume that visitation will increase. This is unrealistic; statistics show that recreation use may decline at Tahoe for the next fifteen years. Thus the need for a capacity study may not be realistic.

**TRPA Response:** Comment noted. Time will tell if demand increases or not. In the meantime, the EIS will study population trends and projections.

31. **Stakeholder Comment:** The Chamber suggested adding the concept of geo-tourism to the Goals and Policies.

**TRPA Response:** At the June meeting of the Governing Board, there will be a presentation of the Tahoe Plan for Prosperity. Geo-tourism and other trends will be considered as part of this plan and presented to the Board.

32. **Stakeholder Comment:** Some realtors may object to the TRPA proposal to make it harder to abandon lakeside rights-of-way, while understanding the reason TRPA wants access preserved. Some feel that the level of public access to the Lake is acceptable today.

**TRPA Response:** See the discussion in *REC Issue #3: Is TRPA proposing additional measures to protect public access to recreation areas and Lake Tahoe?*

### **Conservation Community**

33. **Stakeholder Comment:** Alternative 4 proposes to define bike trails not as a transportation route but as separate facilities, with the intent to recognize two types of bicycle trails. This might result in a loss of Class II (on-highway) bike trail mileage. The League requested that the EIS look at possible impacts on bike commuters.

**TRPA Response:** See TRPA Response to Stakeholder Comment #25.

34. **Stakeholder Comment:** The Sierra Club believes recreation activity is in decline. "How do we make recreation sustainable? Why do we keep pushing for more

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recreation facilities while ignoring recreational experience and operational and maintenance issues?”

**TRPA Response:** Staff is not proposing new facilities. The Recreation Threshold requires that “a fair share of the total Basin capacity for outdoor recreation is available to the public.” The issue of recreation sustainability will be brought up in the Tahoe Plan for Prosperity (see TRPA Response to Stakeholder Comment #30).

### **Fire Officials**

NOTE: Fire Officials were either supportive or neutral on the plan alternatives regarding General Recreation.

## PART IV: COMMENTS ON THE DEVELOPED RECREATION SUBELEMENT

### **Local Jurisdictions**

35. **Stakeholder Comment:** Implementation Measure Rec.Dev.Imp-3 states “Update definition of ‘developed campground’ to include yurts and cabins as permissible in those facilities.” Douglas County requested that this definition should be inclusive instead of limiting. It should consider tree house-style tents and other camp structures as well as yurts and cabins.

**TRPA Response:** *Staff proposes to modify Rec.Dev.Imp-3 to read “Update definition of ‘developed campground’ to include a variety of camp structures, such as yurts and tent cabins as permissible in those facilities.”*

36. **Stakeholder Comment:** There were mixed reactions to the proposal to create a definition for “multi-season resort” and a Master Plan requirement for this use. Placer County views this as a bad idea that represents unwanted government regulation. The cost of developing a Master Plan may not be economically feasible. Washoe County requested that the Project Description be re-written to clarify that “developed day use areas” are not multi-season resorts. Douglas County supports the concept of multi-season resort planning and asked for the details and definition. The City of South Lake Tahoe is concerned that TRPA will develop a definition for multi-season resort that would apply to golf courses and small operators.

**TRPA Response:** See the discussion in ***REC Issue #1: Is TRPA’s current Master Plan requirement too narrowly drawn to protect the environment of Lake Tahoe?***

37. **Stakeholder Comment:** The proposal to require mitigation for private and public recreation facilities that are converted to a non-recreation use was viewed with skepticism. Placer and El Dorado Counties will not support the proposal; they view

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this as adding extra regulations on private land. Placer County stated that the loss of private campgrounds should be treated differently than the loss of public ones.

**TRPA Response:** See the discussion in **REC Issue #4: Should TRPA require mitigation for loss of private and public recreation facilities?**

38. **Stakeholder Comment:** CSLT asked that PAOTs be defined in a manner that does not make them a vehicle to limit recreation growth.

**TRPA Response:** PAOTs do not limit recreation growth but are used to establish and insure that a fair share of total Basin capacity for outdoor recreation is available to the general public.

### **State and Federal Land Management Agencies**

39. **Stakeholder Comment:** CTC suggested the following correction: in the second bullet in the Project Description under the Overview, insert “public” in front of “beaches,” as PAOT policy only applies to public beaches.

**TRPA Response:** *Staff proposes to revise the Project Description as suggested.*

40. **Stakeholder Comment:** All participants commented that the proposal to continue the “PAOT” capacity system ignores the work done during the Pathway process to develop alternatives to PAOTs and questioned why TRPA is ignoring these new system ideas. TRPA should look at analyzing an alternative to PAOTs. There are unintended consequences of the PAOT system such as campground improvements that ultimately require mitigation. Elimination or replacement of the system may be beneficial. Other systems might be better models.

**TRPA Response:** See discussion in **REC Issue #5: Why is TRPA proposing to continue to use PAOTs?**

41. **Stakeholder Comment:** The Project Description for states that “there would be no additional ... PAOTs under Alternative 2.” CTC was unsure as to what this means.

**TRPA Response:** There are 18,529 PAOTs remaining in the PAOT pool. Alternative 2 does not propose to add additional PAOTs to the pool.

42. **Stakeholder Comment:** The Master Plan requirement associated with the Alternative 2 multi-season resort proposal drew concerns and suggestions from the CTC and USFS. The CTC suggested defining multi-season resort differently to make it clear that Day Use Areas are not included in the proposed definition. USFS would prefer another tool such as a Conceptual Site Plan and stated that master planning is expensive and does not replace project level NEPA analysis. This measure fits more appropriately in Alternative 4 than 2. The term “significant expansion” needs to be defined.

**TRPA Response:** See discussion in *REC Issue #1: Is TRPA's current Master Plan requirement too narrowly drawn to protect the environment of Lake Tahoe?*

43. **Stakeholder Comment:** The proposal to require mitigation for loss of private and public recreation facilities received mixed reviews. A related written comment claimed that one-to-one mitigation "may not make sense." The USFS requests clarification regarding what happens if a facility becomes inoperable due to budget constraints. How can TRPA require mitigation for its loss if there aren't any funds?

**TRPA Response:** One-to-one mitigation is not proposed in all of the Plan alternatives. In the staff-proposed alternative, conversion of recreation facilities to non-recreation use would be mitigated by replacement or payment of an in-lieu fee. Concerning closures due to budget constraints or restoration projects, both TRPA Code and the Project Description are silent, and no mitigation has been or is intended to be required. Therefore, staff does not propose to revise the Project Description.

### **Private Sector Representatives**

44. **Stakeholder Comment:** Resort operators generally support the proposal to include a new land use definition for multi-season resort, but a definition is needed. The Realtors' Association and Heavenly stated it is important to recognize multi-season resorts in the Plan; Heavenly hopes to become an all-season resort. TRPA should recognize the importance that recreation facilities have on the local economy, and that the green economy is based on recreation.

**TRPA Response:** Comments noted.

45. **Stakeholder Comment:** Heavenly, the Realtors' Association, the Tahoe Rim Trail, and other private stakeholders all suggested that there are better ways of measuring recreation than the PAOT system. There was consensus that the PAOT system should be dropped in favor of a better system. Heavenly noted that PAOTs were an honest attempt to use an existing recreation capacity system but it does not work well in Tahoe. It was also acknowledged that the recreation group that met during the Pathway discussions did not make a final recommendation as to an appropriate replacement system for measuring capacity in Tahoe.

**TRPA Response:** See discussion in *REC Issue #5: Why is TRPA proposing to continue to use PAOTs?*

46. **Stakeholder Comment:** Comment from several private stakeholders emphasized that recreation is an important Threshold and that the Recreation Threshold standards and indicators still need discussion and refinement.

**TRPA Response:** See discussion in *REC Issue #6: Should TRPA consider reinventing the Recreation Element and Program?*

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47. **Stakeholder Comment:** Heavenly recommends that ski area base facilities be located in urban boundaries and that urban boundary lines should be adjusted to make this happen, or if not, amend the allowable use list in PAS to allow base facilities.

**TRPA Response:** No alternative contemplates increasing the urban boundary.

48. **Stakeholder Comment:** Heavenly and the Realtors' Association supported the proposal to require mitigation for loss of private and public recreation facilities, including the Alternative 2 proposal to allow an in-lieu fee. They suggested that staff clarify that mitigation for a change to a non-recreation use would not apply to restoration projects, conversion to open space, or loss of private campgrounds when the loss is due to a land conversion for conservation purposes.

**TRPA Response:** See the discussion in *REC Issue #4: Should TRPA require mitigation for loss of private and public recreation facilities?*

49. **Stakeholder Comment:** The Regional Recreation Master Plan suggested by Alternative 4 elicited mixed responses. Heavenly commented that such a plan would be obsolete soon after its adoption and recommended against having one, stating that recreation plans should be responsibility of local recreation providers.

**TRPA Response:** Comment noted.

### **Conservation Community**

50. **Stakeholder Comment:** Sierra Club commented on the proposal to continue the "PAOT" capacity system and stated that the participants in the Pathway process "came-down" on PAOTs. They requested development of an alternative to PAOTs during the RPU process.

**TRPA Response:** See discussion in *REC Issue #5: Why is TRPA proposing to continue to use PAOTs?*

51. **Stakeholder Comment:** Regarding required mitigation for recreation facilities that are changed to a non-recreation use, the League suggested that the proposed Alternative 2 mitigation fees should be enough to cover facility replacement.

**TRPA Response:** Comment noted.

### **Fire Officials**

52. **Stakeholder Comment:** Fire Officials supported the concept of TRPA maintaining recreation capacity in the Basin.

**TRPA Response:** Comment noted.

## PART V: COMMENTS ON THE URBAN RECREATION SUBELEMENT

### Local Jurisdictions

53. **Stakeholder Comment:** Everyone supported creation of urban pocket parks.

**TRPA Response:** Comment noted.

54. **Stakeholder Comment:** CSLT asked why TRPA does not recognize golf as a recreational activity.

**TRPA Response:** Golf courses are permitted activities in several Plan Area Statements, and those will be carried over with the new Regional Plan.

55. **Stakeholder Comment:** The proposed Goal that supports conversion of public parcels to neighborhood parks complements Douglas County zoning and recreation plans. TRPA should pay more attention to developed recreational facilities.

**TRPA Response:** Comment noted.

56. **Stakeholder Comment:** All participants requested that the term “open space” be clearly and distinctly defined in relation to urban recreation. Large projects should provide open space; urban open space be defined to include parks and plazas. TRPA needs to establish a trigger for the open space requirement based on project size and better explain what “support of natural values in urban areas” means. Community and public open space should be tied to the Recreation Threshold.

**TRPA Response:** Comments noted. Additionally, see discussion in ***OS Issue #1: What is the definition of “open space?”***

### State and Federal Land Management Agencies

57. **Stakeholder Comment:** How is urban open space defined, as different from community open space. Does urban open space allow land coverage?

**TRPA Response:** Implementation Measure Rec.Urban.Imp-1 states “Design standards and landscape requirements for urban recreation facilities will be included in the transect-based zoning system. These standards will include: community open space, public access and accessibility, and the support of natural values in urban areas.” The definition of these terms would be developed in the second (implementation focus) phase of the Stakeholder Process.

58. **Stakeholder Comment:** Proposed Goal URBAN REC-7 states “Open space converted to public parks. In urban areas, support the conversion of public parcels with high development potential to neighborhood parks.” Public parcels that were purchased under specific authorities or funding sources may be limited as to their potential uses. TRPA should develop policy to alleviate these limitations.

**TRPA Response:** TRPA does not have the authority to regulate future land use based on public land acquisition funding sources.

### **Private Sector Representatives**

NOTE: Private Sector representatives were either supportive or neutral on the plan alternatives regarding Urban Recreation.

### **Conservation Community**

59. **Stakeholder Comment:** The Sierra Club questioned the need for maintaining an Urban Recreation Subelement. TRPA should not provide coverage and other incentives for development of urban recreational facilities. Make it clear that urban parks are not public service facilities and do not receive the same exemptions.

**TRPA Response:** TRPA is not proposing any new land coverage or design overrides for urban recreation facilities. Recreation development is a separate use category and is not eligible for the same exemptions as public service facilities.

### **Fire Officials**

60. **Stakeholder Comment:** Implementation Measure Rec.Urban.Imp-2 states “Provide incentives for the provision of community open space within new projects in PTOD districts.” Fire Officials supported this measure and expressed a wish to be involved in the development of recreation design standards.

**TRPA Response:** Design standards for recreation facilities will be developed through the Stakeholder Process. During the second (implementation) phase of the process, staff will continue to work with Fire Officials.

## PART VI: COMMENTS ON THE RECREATION EDUCATION SUBELEMENT

### **Local Jurisdictions**

61. **Stakeholder Comment:** All counties except Placer County want to keep Recreation Education as a new Subelement. Placer County suggested it could be incorporated within the other Recreation Subelements or eliminated entirely.

**FactSheet #2: Public Lands, Resource Management, and Recreation**

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**TRPA Response:** The Recreation Education Subelement is being proposed pursuant to a Pathway Desired Condition.

### **State and Federal Land Management Agencies**

NOTE: State and Federal Land Management Agency representatives were either supportive or neutral on the plan alternatives regarding Urban Recreation.

### **Private Sector Representatives**

62. **Stakeholder Comment:** A Goal should be added that seeks to educate all visitors at visitor information points located at each Basin entry point. Information centers can reduce trips because they inform visitors where to go and how to get there.

**TRPA Response:** *Staff proposes to add a Goal to the Recreation Education Subelement that states “VISITOR INFORMATION CENTERS. Information kiosks and visitor centers should be located at major travel route entry points into the region to help visitors locate destinations, reduce unnecessary vehicle trips and miles traveled, and improve the quality of their experience at Lake Tahoe.”*

63. **Stakeholder Comment:** There was support for inclusion of the Recreation Education Subelement in the plan alternatives.

**TRPA Response:** Comment noted.

### **Conservation Community**

64. **Stakeholder Comment:** All Plan Elements should have an Education Subelement. For example, we ought to be interpreting SEZs and SEZ restoration.

**TRPA Response:** See TRPA Response to Stakeholder Comment #4.

### **Fire Officials**

65. **Stakeholder Comment:** Fire Officials stated that they currently provide educational materials (e.g., campfire safety brochures) and interpretive signs (e.g., a trailside explanation of fire's role in forest health). They “would be happy” to continue to do this and also to partner with TRPA, federal, state, and local jurisdictions and agencies, and private recreation providers and citizens in helping to educate the public on recreation issues.

**TRPA Response:** Comment noted.

## **Appendix E**

### **Summary of Stakeholder Comments and TRPA Responses from the Environmental Improvement Subelement Stakeholder Meetings**

#### **Local Jurisdictions**

1. **Stakeholder Comment:** TRPA should consider raising the percentage of mitigation funds that can be used for the operations and maintenance (O & M) of EIP projects.

**TRPA Response:** Alternative 4 contains the following Implementation Measure: "Allow a higher portion of local revenues (e.g. mitigation fees) to be used for O & M activities for EIP projects." Currently, only 10% of mitigation fees can be used for O & M activities. *In response to this comment and similar comments from other stakeholders, staff is proposing to include this implementation measure in all alternatives.*

2. **Stakeholder Comment:** Suggestion was made that the Alternative 3 approach to raising revenue for implementation of local share of the EIP through commercial floor area (CFA) fees include maximum flexibility.

**TRPA Response:** During development of the Alternative 3 Implementation Measures associated with CFA fees, staff will work with local jurisdictions to include flexibility in administering the CFA fee program to maximize its effectiveness in raising revenue for EIP implementation.

3. **Stakeholder Comment:** Concern was expressed that it may be difficult in California to create stormwater management districts due to two-thirds majority voting requirements. California jurisdictions prefer maximum flexibility in raising funds to meet TMDL requirements. Some voters who want to stop development might vote against stormwater districts as a strategy.

**TRPA Response:** Forming stormwater districts is only one method of generating funding for TMDL projects. The Finance Plan identifies a variety of potential funding sources for implementing the EIP. TRPA provides assistance to EIP partners working to secure EIP project funding. It is important to note that TRPA does not require that EIP funding be generated from specific funding sources.

4. **Stakeholder Comment:** The proposed EIP includes performance requirements; however, TRPA has characterized the EIP as a non-regulatory program.

**TRPA Response:** The EIP Project Description refers to regulatory measures associated with allocations of new development to provide the reader with information concerning the generation of local revenue through other parts of the Regional Plan. Distribution criteria for allocations of new development are identified in the Land Use Program.

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5. **Stakeholder Comment:** EIP fees for CFA, in addition to water and air quality mitigation fees, might be viewed as another mitigation fee.

**TRPA Response:** EIP fees are not designed to mitigate project impacts. They are designed to help implement the local share of the EIP.

6. **Stakeholder Comment:** Most stakeholders preferred Alternative 3 over 2.

**TRPA Response:** Comment noted.

### **State and Federal Land Management Agencies**

7. **Stakeholder Comment:** Be clearer; is the CFA fee proposed in Alternative 4 limited to new TRPA allocations, or does it also apply to CTC transfers?

**TRPA Response:** The proposed fee applies only to allocation of new CFA.

### **Private Sector Representatives**

8. **Stakeholder Comment:** Several stakeholders stated that all alternatives should direct more funding to the O & M of EIP projects.

**TRPA Response:** See TRPA Response to Stakeholder Comment #1.

9. **Stakeholder Comment:** Concern was expressed that the EI alternatives have few Implementation Measures.

**TRPA Response:** The EI alternatives have few measures because the EIP is an implementation program itself and not a regulatory program.

10. **Stakeholder Comment:** TRPA shouldn't count heavily on SNPLMA funds in the next 3 to 5 years. "The well is dry."

**TRPA Response:** The Finance Plan identifies a variety of potential funding sources for implementing the EIP. TRPA provides assistance to EIP partners working to secure EIP project funding. It is important to note that TRPA does not require that EIP funding be generated from specific funding sources.

11. **Stakeholder Comment:** Concern was expressed that the EIS and/or pro forma economic analysis might find proposed incentives are not sufficient to generate substantial environmental gain. "If the EIS consultant finds that there is not enough of an economic engine to make EIP happen, will TRPA change its proposals?"

**TRPA Response:** If the EIS or pro forma economic analysis determine that the proposed incentives are not enough to generate substantial environmental gain, then staff will make the necessary changes to the Land Use alternatives.

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12. **Stakeholder Comment:** Transportation is “extremely important” and not well addressed in EIP.

**TRPA Response:** The goal of the EIP transportation program area is to implement projects consistent the Regional Transportation Plan as approved by the Governing Board in 2008. The EIP is only one aspect of the Regional Plan that will result in transportation improvements. TRPA also expects significant improvements to be realized through implementation of the proposed Land Use Plan.

13. **Stakeholder Comment:** Consider tying a requirement to provide PAOTs to the distribution of TAUs. There is a link between TAUs and PAOTs because new TAU development increases pressure on existing recreation facilities.

**TRPA Response:** Staff is not proposing to tie PAOT requirements to TAU distribution. Currently, any project including TAUs is evaluated as to its impacts on recreation facilities. PAOTs will be discussed as part of the Recreation discussion in this Milestone; TAUs will be discussed as part of the Land Use Milestone discussion.

14. **Stakeholder Comment:** The EIP should provide a balance between local and visitor needs. Local citizens should not bear the cost of the EIP alone.

**TRPA Response:** The EIP does not specify proportional amounts and relies on the local jurisdictions to find sources of funding for their share of the EIP.

15. **Stakeholder Comment:** All stakeholders supported the pro forma economic analysis idea.

**TRPA Response:** Comment noted.

16. **Stakeholder Comment:** TRPA should provide incentives instead of penalties in order to achieve environmental gain.

**TRPA Response:** Alternative 2 is intended to rely on incentives to foster environmental improvement.

17. **Stakeholder Comment:** The Alternative 2 Implementation Measure that requires achievement of TMDL pollutant load reductions within five years as a condition for receiving future allocations is too harsh.

**TRPA Response:** This comment actually pertains to an implementation measure in the Land Use chapter. **The rate at which allocations are proposed for release will be discussed as part of the Land Use Milestone.**

18. **Stakeholder Comment:** Overall, the proposed EI strategies should be acceptable to the real estate community.

**TRPA Response:** Comment noted.

### **Conservation Community**

19. **Stakeholder Comment:** An issue with locals is how to maintain environmental improvements. There is concern that local governments are all based “off the hill” and maintenance may be less of a priority for them.

**TRPA Response:** See TRPA Response to Stakeholder Comment #1.

20. **Stakeholder Comment:** What makes TRPA believe that locals will step up to take responsibility for EIP costs?

**TRPA Response:** The RPU is intended to provide incentives to local jurisdictions to help them raise revenues to fund the local share of the EIP.

21. **Stakeholder Comment:** TRPA is out of compliance with Thresholds, growth has exceeded environmental gain, and more growth (as a carrot for developers and local governments to install environmental improvements) must not further violate the Compact. Are there consequences if the EIP Program doesn't deliver?

**TRPA Response:** The RPU proposes to restrict the distribution of new allocations if TMDL load reductions and other EIP targets are not met.

22. **Stakeholder Comment:** Three quarters of the Thresholds remain out of attainment after more than 20 years. TRPA was supposed to allow orderly growth and reach Threshold attainment in the current Regional Plan but failed to accomplish this. Is the new EIP approach yet another “faith-based approach?” TRPA should identify what really needs to be done to attain Thresholds and then work toward that goal. The comment applies across all four alternatives; they are “too weak.”

**TRPA Response:** One quarter of Thresholds is in full attainment. An additional quarter is near attainment. (A Threshold is in attainment if 100% of all indicator components are meeting standards. Near attainment represents 96% compliance.) In addition, most Threshold indicators are now trending toward attainment.<sup>13</sup>

23. **Stakeholder Comment:** EIP funding should be proportional in areas where TRPA is failing to “hit the mark.” The EIP should address human health aspects of water quality, air quality, and other Threshold areas.

**TRPA Response:** The goal of the EIP is to assist in the attainment and maintenance of the Thresholds. Although not a focus of the EIP, improvements to human health resulting from air and water quality improvements are expected.

24. **Stakeholder Comment:** Everyone needs to understand that the Lake Tahoe TMDL was not developed to address human health issues with water quality. TMDL does not measure toxins, for example.

**TRPA Response:** TMDL is a requirement of the federal Clean Water Act. This requirement is triggered by Lake Tahoe's designation as impaired due to declining

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<sup>13</sup> TRPA 2006 Threshold Evaluation, September 2007.

**FactSheet #2: Public Lands, Resource Management, and Recreation**

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clarity. The Lake Tahoe TMDL, by law, is only required to address the three pollutants determined to be responsible for this impairment: fine sediment, nitrogen, and phosphorous.

25. **Stakeholder Comment:** TMDL does not “come up with a functional operating system for 15 years. Its biggest flaw is too much lead time and variability in approaches and funding.”

**TRPA Response:** This comment concerns the estimated time needed to plan, fund, and construct a water quality pump-and-treat facility. This is one approach that could be used to meet TMDL load reductions; however, it is just one approach proposed in policies in the plan alternatives.

26. **Stakeholder Comment:** “The rapid assessment approach for evaluating the effectiveness of EIP water quality projects is dependent on modeling which itself is dependent on modeling and is not very clear for this reason.”

**TRPA Response:** Staff is proposing a monitoring program (as part of the Water Quality Subelement) to evaluate the accuracy of the rapid assessment approach to help calibrate pollutant load reduction models. This approach was endorsed by the Governing Board at the Water Quality Milestone meeting.

27. **Stakeholder Comment:** Incentives in EIP are good, but TRPA must be careful to also provide a program of penalties when bad local policies and practices continue.

**TRPA Response:** See TRPA Responses to Stakeholder Comment #s 16 and 17.

28. **Stakeholder Comment:** What is the source of funds for the implementation of the EIP in Alternative 4?

**TRPA Response:** Funding for the EIP in Alternative 4 would come from all sectors, except fewer allocations of development would be made available to local jurisdictions for use in leveraging environmental improvements. This is because there are fewer allocations available in this alternative.

### **Fire Officials**

NOTE: Fire Officials were either supportive or neutral on the plan alternatives regarding the Environmental Improvement Subelement.

**Appendix F**  
**Written stakeholder comment letter from the**  
**Washoe Tribe of NV and CA**

**Washoe Tribe of Nevada and California**  
Cultural Resources Office/Tribal Historic Preservation Office



January 29, 2010

A. Lyn Barnett, AICP  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV. 89449

Subject: Comments to the RPU Cultural Component

Dear Mr. Barnett,

We appreciate the opportunity to work with the Tahoe Regional Planning Agency (TRPA) on the Regional Plan Update (RPU). The Washoe ancestral lands are within the TRPA planning area.

I have reviewed the RPU document on the Cultural Resources Sub-element. The following are comments to the RPU document. Although we discussed some these questions at the RPU meeting in January, I will incorporate them into the comments as part of my questions and comments.

- The Washoe tribe would like to be involved in activities which may have an effect on cultural resources, including archeological sites, Traditional Cultural Properties, natural and biologic resources which may have cultural significance.
- Page 153, first paragraph, second sentence: The term "Indian" should be replaced with Native American or more preferably "Washoe".
- Second paragraph: The paragraph reads, "Cultural Resources is not a threshold area; Why not? It can be considered a point where physiological or psychological effect begins in relation to the effects of any proposed action or undertaking. Further in the sentence there is no mention of prehistoric or Native American Resources, only the term "historic facilities". What is meant by historic facilities; would that include Native American or prehistoric?
- First Bullet: The map that is referred to in the document, at some point I would like the opportunity to review the map for Washoe heritage resources. It may help to determine who can access this sensitive map.
- Page 154, second paragraph: A need for an updated inventory is good
- Second paragraph: What is meant by "accelerated inventory".
- First bullet: it should also include, cultural landscapes, TCP's as well
- Third bullet: Protection of underwater resources, the Tribe would like to work with TRPA to define some of the underwater resources?

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- Last paragraph: this is a good statement. We have always had a tie to the Lake Tahoe Basin. However it is well known that this area is definitely in Washoe Country and not tribes of the region. In addition the last sentence defines the ancestral territory as tribal trust lands that should include everything within the Washoe Aboriginal Territory. We also have fee status lands with the basin.
- Page 155, first sentence: the fourth goal should also include ARPA language along with any interpretation signage, to add further protection to the archeological resources.
- Page 155, fourth bullet: The term tribal trust resources should be changed to anything with the ancestral homeland of the Washoe Tribe. This statement should be all four alternatives

In addition to the comments for the RPU document I have other comments and questions on the TRPA Chapter 29 Codes. Although the following comments were not on the RPU it is a code revision and the current code doesn't reflect Tribal consultation process in the document and I feel this is a perfect opportunity for the TRPA to include the Washoe Tribe in the planning process.

- How does the code work on all lands within the Tahoe Basin?
- The indigenous people need to be included as part of the document
- CEQA and the federal government allows for tribal input during planning processes
- I have reviewed Chapter 29 Historic resource Protection and the document does not have Tribal consultation written into the document and I have several comments that should be included.
- 29.0 Purpose: Are these the three categories of cultural significance?
- 29.2 Resource Protection: Should include tribal consultation and Traditional Cultural Properties (TCP) as one of the cultural elements.
- 29.2A, Resource Protection Plan: The term data recovery: does that refer to artifact collection?
- 29.2B protection During Construction: Should include tribal consultation
- 29.3 Discovery of Eligible resources: The code should include the Tribe or the Tribal Historic Preservation Office (THPO) along with the other SHPO's
- 29.4A Nominations for Designation: The tribe should be included in the nomination process as all the lands within the Tahoe Basin are former Washoe ancestral territory.
- 29.5 Eligibility as a Historic resource: Include TCP's, cultural landscapes
- 29.5A : Should include the tribe
- 29.5A: This section does not provide for Native American elements: Which should include, age, integrity, significance, events, activities, the potential to yield information to the past or people.
- 29.5E: Should include all of the above listed elements
- 29.7 Exceptions: Should include Tribal consultation if Native American resources are affected by the proposed undertaking

Please call if you have any questions to this letter. You can reach me at (775) 888-0936

Respectfully,



Darrel Cruz, CRO/THPO

Cc: Washoe Cultural Resources Advisory Council

## Appendix G

### Written stakeholder comment letter from U. S. Forest Service

#### Preliminary USFS comments on TRPA Regional Plan Update: Natural Hazards, Open Space, Cultural Resources, Recreation and Environmental Improvements

##### General Comments:

- **Focus on Goals and Outcomes not Strategies** – Stakeholder consensus can be gained by having policies that focus on outcomes rather than on specific strategies. There may be more than one method to achieve the same outcome, leave that up to the discretion of the agencies within their existing authorities. Define implementation strategies through MOUs.
- **Tier to Existing Regulations** – Tier to other agencies policies and regulations where they meet the intent of the goals and policies. Creating redundant TRPA regulations may bog down the planning process as various agencies' must manage resources to their own established standards. On NFS lands defer to the LTBMU LMP for management direction in these areas. Examples include: Sections 106 - National Historic Preservation Act (NHPA). Wilderness Areas, are already being managed to standards mandated by the Wilderness Act. OHV and OSV routes and use areas are currently managed by the Forest Service under their Motor Vehicle Use Map and Snowmobile guides which are both authorized by Forest Orders and subject to NEPA.
- **Consistency to the RPU Alternative Theme** – As an example Alternative 2 should represent the preferred, collaboratively developed strategy. Often, elements of a more restrictive regulatory approach are embodied in this alternative which is more characteristic of alternative 4.
- **Sub-Element General Recreation** - To help the reader, General Recreation should come first, and then the sub-elements dispersed, developed, and urban. The Education component should stand on its own. Every threshold category in pathway contained a desired condition for education. More than just educating about recreation; environmental education, conservation, visitor information programs interpret all aspects of management.
- **WUI**. On National Forest Lands, one third of the basin is characterized as Wildland Urban Intermix. Alternative 1 and 2 should include a WUI since this is existing management direction.

**Natural Hazards:** Forest Service has an updated geologic hazards map.

**Open Space:** Dispersed recreation also occurs in Open Space. Urban Lots have a separate set of management direction.

##### Cultural Resources:

- All projects that will occur on federal land, require a federal permit or are funded with federal funds (on federal, state, or private land) are considered federal undertakings and require compliance with the NHPA. The NHPA review achieves the purpose of this chapter as defined at 29.0, occurs in conjunction with NEPA, and is open to TRPA participation. It would be redundant to have the Forest Service or other federal agencies consult under NHPA and then be subject to TRPA review.

P. 156. - may not be desirable to require interpretive signs for all designated historic sites on public lands.

**Thresholds:**

**Environmental Improvements:**

**Recreation:**

- **Requiring Master Plans for Multi-Season Resorts.** We would prefer another tool such as a Conceptual Site Plan (e.g., Camp Richardson Vision Plan). TRPA Master Planning is very expensive and does not replace the need for project level NEPA analysis and decision making.
- **Use Conflicts** - There are many methods of rectifying incompatibility between uses other than separating uses.
- **Designating Mountain Bike use on Trails-** Current Forest Service regulations do not limit mountain biking to roads and trails. Other than Desolation Wilderness, the Pacific Crest Trail and day restrictions on the Tahoe Rim Trail, mountain biking is allowed on Forest Service managed lands. A Forest Order would have to be created and updated every year to designate mountain bike use on specific Forest Service system road and trails.
- **Change of Use and Flexibility Not Just Expansion.** Concerning the requirement for the mitigation of recreation facilities that are changed to a non-recreation use. As an example agencies may have to close sites due to budget limitations. Paying in lieu fees is restrictive.
- P. 161. – Last sentence - “maintenance of low density rec **experiences** along undeveloped shorelines”...USFS manages for **opportunities** using ROS, it’s up to the user to have an experience as measured by satisfaction vs. importance.
- P. 163. – 1<sup>st</sup> bullet – Need to better define ‘creation of comprehensive trail networks linking public lands’.
- P. 163 4th bullet – OHV prohibitions are already enforced via Code of Federal Regulations (CFR) and specific Forest orders. The same applies to OSV (Over Snow Vehicles)
- P. 163 5<sup>th</sup> bullet – Wilderness Management standards and guidelines already provide for solitude or primitive and unconfined recreation.
- P. 163. Implementation Measures 1<sup>st</sup> bullet - Permissible uses in Wilderness and Backcountry are established by the wilderness act (Congress) and roadless area policy (Secretary of Agriculture) respectively on NFS lands.
- P. 166. Table REC-1 – Please make it clearer to the reader that PAOTs in Table represent those PAOTs allocated above existing.
- P. 168. Goals & Policies – Allowing only in-kind or equal replacement is more restrictive and not flexible.
- P. 169. 1<sup>st</sup>. paragraph – Shouldn’t Regional Recreation and Open Space Master Plan be in all alternatives.
- P. 169. 2<sup>nd</sup> bullet – Is Recreation Master Plan the same as Regional Recreation and Open Space Master Plan mentioned above.
- P. 176. Implementation Measures 1<sup>st</sup> bullet – USFS needs to follow land acquisition and rights-of-way regulations.

- P. 176. 2<sup>nd</sup> bullet – May be difficult or not feasible in some cases.
- P. 176. 3<sup>rd</sup> bullet – Good but already required by existing access laws (UFAS, ADA etc.)
- P. 177 Goals and Policies – Last sentence “alleviate overcrowding at recreation facilities” is more of an operational standard.
- P 178 (4) USFS visitation is essentially flat Please check the 2005 NVUM numbers

**Matrix comments:**

*No matrix for Alternative 2 evaluated (not included in the review package)*

REC.-3.2	Please define “regulate areas selected for nature study and wildlife viewing”? Define unacceptable disturbance of wildlife and its habitat”.....
REC-4.1	Please explain reservations of services.
REC-4.4	What about flexibility to adapt to changing trends as a strategy. Use patterns and trends change over time. One to one mitigation may not make sense. Change of use and flexibility not just expansion. I.e. May have to close sites due to budget limitation. Goals may not be achieved if have to pay for in lieu services
REC-4.3	Does not consider historical realities fiscal constraints may not choose to provide additional PAOTs
REC-5.2	Keep “when appropriate”

**Appendix H**  
**Written stakeholder comment letter from**  
**California Tahoe Conservancy**

California Tahoe Conservancy staff comments on TRPA Regional Plan Update Draft  
 Alternatives 12/10/2009 - Recreation, Open Space, and EIP  
 January 13, 2010

Topic/Issue	Comments/Questions
<b>Conservation Element - Open Space Subelement</b>	
Page 143-144 Open Space Subelement Alternatives 1 and 2	<ul style="list-style-type: none"> <li>Alternatives 1 and 2 both say that they'll continue to use the existing definition of Open Space, but then they define it in different terms. It would be preferable to have the definition in quotations and consistently written.</li> </ul>
Page 145 Open Space Subelement Alternative 4	<ul style="list-style-type: none"> <li>What does "with a greater emphasis on public land acquisitions" mean?</li> </ul>
<b>Conservation Element - Cultural Resources Subelement</b>	
Pg. 154 – Alt. 2 "protection of the character of historic districts designated as significant on historic registers"	<ul style="list-style-type: none"> <li>Whose historic register? (national, state, or in some cases, local)</li> </ul>
Pg. 154 – Alt. 2 "A new policy, suggested by the CA SHPO, to encourage planning for and acquisition of publically-accessible properties with associated cultural and historic resource values would be added under this new goal."	<ul style="list-style-type: none"> <li>While this concept is admirable, its implementation may not be consistent with the legislative authority and funding sources for all acquisition agencies.</li> </ul>
Pg. 155 – Alt. 2 "Coordinate and consult with the Washoe Tribe during project's environmental review process to identify culturally significant sites and resources on tribal trust resources or sites."	<ul style="list-style-type: none"> <li>Presuming "tribal trust resources" are natural resources retained or reserved by tribes through treaties, statutes, judicial decisions and executive orders which are protected by a fiduciary obligation on the part of the U.S., are there any in the LTB? In which case, perhaps the language should be more like consult with the Washoe Tribe to determine whether the project as proposed affects resources valued by the Washoe Tribe. Would this be only for public projects, or also private projects?</li> </ul>

**FactSheet #2: Public Lands, Resource Management, and Recreation**

<b>Topic/Issue</b>	<b>Comments/Questions</b>
Pg. 156 – Alt. 4 “Amend Chapter 26 and Design Standards for signs to require interpretive signage for designated historic sites on public hand.”	<ul style="list-style-type: none"> <li>• What are designated historic sites? Would all sites be designated?</li> <li>• This proposal feels heavy handed through the use of the word “require.” Interpretive signage at remote locations can sometimes be invasive and is often high cost and can be a poor investment. Can the word “consider” be substituted for “require?”</li> </ul>
<b>Recreation Element</b>	
Pg. 161 “...ensuring that recreational opportunities keep pace with public demand...”	<ul style="list-style-type: none"> <li>• This language is really strong; if public demand is for more of a recreation activity that TRPA considers inappropriate, this language could be quoted back at you. There are many valid reasons for expanding recreation (modernization, new technology and activities, market shift, etc.) – supply/demand is only one component.</li> </ul>
<b>Dispersed Recreation Subelement</b>	
Pg. 162 – Alt. 2 (Dispersed Rec) “Locations where certain uses that conflict with dispersed recreation, such as snowmobiling and OHV users, are refined.”	<ul style="list-style-type: none"> <li>• Can the stakeholders review how this is defined/the locations where TRPA has determined a conflict? Is it in the transect districts?</li> </ul>
Pg. 163 – Alt 2. (Dispersed Rec) “Include mountain biking in the Chapter 18 definition of ‘Riding and Hiking Trails’ as a recognized use allowed only on roads and trails designated for that use.”	<ul style="list-style-type: none"> <li>• How does including mountain biking in the cited definition commensurately limit the sport to such trails?</li> <li>• Calling out mountain biking in the way that OHV and snowmobile use is called out, unlike most recreation activities (rock climbing, paragliding, etc.) appears to be a major shift in the regional plan update. Is the mountain biking community aware of the shift? Isn’t this more of a land manager’s call?</li> </ul>
Pg. 164 – Alt. 4 “Establish appropriate snowmobile uses within the Plan Areas on private recreation land, in addition to uses established by the US Forest Service and state parks.”	<ul style="list-style-type: none"> <li>• Is it really the best place for TRPA to expand its authority to snowmobile enforcement in the Tahoe Basin?</li> </ul>

Topic/Issue	Comments/Questions
<b>Developed Recreation Subelement</b>	
Pg. 165 “Summer day-use PAOTs, which are necessary for summer day-use recreation facilities such as <i>beaches</i> or trailhead parking.”	<ul style="list-style-type: none"> <li>The flawed PAOT system that is proposed for retention under the Regional Plan update is confusing, as emphasized by this quotation which neglects to mention that it applies only to Federal and State beaches.</li> </ul>
Pg. 167 – Alt.2 “Amend Chapter 18 to add a new definition for ‘multi-season resort.’ This definition would include ski areas, marinas, developed day-use areas, etc.”	<ul style="list-style-type: none"> <li>The Recreation Partners that met and discussed this policy <u>never</u> discussed its applicability to day-use areas. It was discussed in the context for large concessioned resorts.</li> </ul>
Pg. 167 – Alt. 2 Amend Chapter 16 to require Master Plans for multi-season resorts prior to any significant expansion.	<ul style="list-style-type: none"> <li>The expansion Master Plan triggers should be available for partnership review</li> </ul>
Pg. 167 – Alt. 2 “Require the mitigation of recreation facilities that are changed to non-recreation use so as to protect the public’s access to developed recreation facilities.”	<ul style="list-style-type: none"> <li>For clarification: the recreation partners had concurred that a shift to a non-recreation use (a la Sandy Beach) was the trigger for mitigation, not the loss of developed recreation facilities when recreational use of the property would still be available (such as a public land acquisition where recreation use – developed or dispersed - would still be provided, such as potential campground changes associated with the Lakeview Commons project.)</li> </ul>
<b>Urban Recreation Subelement</b>	
Pg. 171 – Alt 1 Summary paragraph 2 – “There would be no additional allocation of urban recreation capacity in the form of PAOTs or DCPs...”	<ul style="list-style-type: none"> <li>The overview is correct in that PAOTs do not apply to most forms of urban recreation (when provided by a local jurisdiction). Consequently, the comment “no additional allocation” is meaningless. Is this to apply to State or Federally-provided recreation that qualifies as urban recreation? Can we review the definition of urban recreation to best determine whether there would be any such projects? Otherwise, this paragraph feels irrelevant.</li> </ul>

Topic/Issue	Comments/Questions
<p>Pg. 172 – Alt. 2                      "...urban recreation and urban open space would expand..."                      "Additional emphasis is place on urban open space by the addition of a new goal and three policies."                      Also – Page 173 – Alt. 3                      (Contains multiple references to community open space)</p>	<ul style="list-style-type: none"> <li>• How is urban open space defined, as different from Community Open Space?</li> <li>• Does urban open space allow land coverage (unlike community open space)? So much of today's urban open space is hardscape, designed as gathering places – Heritage Plaza, Kings Beach Plaza, Ski Run redevelopment, etc.</li> </ul>
<p>Pg. 172 – Alt. 2                      "A new goal is to support the conversion of public parcels with high development potential to neighborhood parks in urban areas."</p>	<ul style="list-style-type: none"> <li>• Many public parcels were purchased under specific authorities or funding sources that limit their potential uses. <b>A qualifier is needed to the proposed policy so that land management agencies aren't placed in an untenable situation</b></li> </ul>
<p><b>General Recreation Subelement</b></p>	
<p>Pg. 176 – Goals and Policies                      "Expansion of bike trails to provide alternatives for travel."                      Also Pg. 176 – Alt 4                      "Update definition of "bike trail" to be separate from "transportation route."</p>	<ul style="list-style-type: none"> <li>• We recognize that Policy #2 under Goal #2 of the 1987 Plan's Developed Recreation Subelement has always discussed bike trails as a transportation travel alternative. However, it has proven confusing that some people want to identify certain trails as recreational and others as transportation. When someone is on a bike, they are not in a car. <b>Now is the time to reinforce bike trails as transportation elements, as it is with the EIP and the current Code. Lahontan standards also need to provide bike trails the same developmental flexibility as roads.</b></li> </ul>
<p>Pg. 176 – Implementation Measures                      "A new finding would be added to section 33.6, Growth Management that requires new or expanded recreation facilities to demonstrate non-motorized connectivity (walkability) between nearby residential neighborhoods, commercial areas and recreation projects."</p>	<ul style="list-style-type: none"> <li>• <b>When were the partnership discussions related to this topic? We need to understand how and when it would be implemented.</b></li> </ul>
<p>Pg. 176 – Implementation Measures                      "Code Section 20.3.B(7), Coverage standards, would be updated to add an accessibility requirement for new and existing</p>	<ul style="list-style-type: none"> <li>• Can this language be reviewed? Providing accessibility is an admirable goal and should be consistent with State and Federal laws. How it affects land coverage is of keen interest to recreation providers. We have long sought the ability to provide</li> </ul>

**FactSheet #2: Public Lands, Resource Management, and Recreation**

recreation facilities.”	access to the water’s edge and hope that land coverage rules will be modified to facilitate achievement of such goals.
<b>Topic/Issue</b>	<b>Comments/Questions</b>
<b>Recreation Education Subelement</b>	<b>No comments</b>
<b>EIP Subelement</b>	
Pg. 201 Footnotes delineating the Differences between alternatives	<ul style="list-style-type: none"> <li>• Much of the distinction between the EIP alternatives appears to be carrots – and sticks – related to private development funding the local share of the EIP. Alternative 4’s proposal to provide a funding source for O&amp;M for EIP projects is an interesting idea. How are the local jurisdictions responding to the proposals?</li> </ul>

**Appendix I**  
**List of Public Lands, Resource Management, and Recreation**  
**Stakeholder Meetings, Meeting Dates, and Participants**

<b>Regulatory Agencies</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Bob Larson, Lahontan RWQCB	No	1/11/2010
	Timothy Hart, Caltrans District 3	No	1/11/2010
	Jason Kuchnicki, Nevada Dept. Environmental Protection	No	1/11/2010
<b>Environmental Groups</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Carl Young, League to Save Lake Tahoe	Yes	1/29/2010
	Jennifer Quashnick, Tahoe Area Sierra Club	No	1/29/2010
	Nicole Gergans, League to Save Lake Tahoe	Yes	1/29/2010
	Laurel Ames, Tahoe Area Sierra Club	Yes	1/29/2010
	Roger Rosenburger, Tahoe Area Sierra Club	No	1/29/2010
<b>Private</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Kara Theil, Attorney	Yes	1/29/2010
	Steve Teshara, N. Lake Tahoe Resort Association	No	1/19/2009 & 1/29/10
	Pat Davison, Contractors Association Truckee Tahoe	No	1/19/2009 & 1/29/10
	Andrew Strain, Heavenly	Yes	1/21/2010
	B. Gorman, South Shore Chamber of Commerce	Yes	1/29/2010
	Carol Chaplin, LTVTA	No	1/19/2010
	Mike Bradford, Lakeside Inn	No	1/19/2010
	Mark Kimbrough, Tahoe Rim Trail	Yes	1/20/2010
	John Falk- Realtor	Yes	1/21/2010
	Jamie Hodgson, Aramark Parks and Destinations	Yes	2/2/2010
	Bob Hassett, Camp Richardson	Yes	2/4/2010
	Austin Sass, Aramark	Yes	2/2/2010
	Jonathan Cook Fisher, USFS	Yes	2/2/2010
	Jim Phelan, Tahoe City Marina	Yes	1/20/2010
	Jermoe Evans	No	1/20/2010
	Barbara Perlman-Whyman	Yes	1/20/2010
	Sue Rae Irelan Water Trail	Yes	1/20/2010
<b>Local Jurisdictions</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Rick Angelocci, City of South Lake Tahoe Planning	No	1/13/2010 and 1/21/2010
	Jennifer Merchant, Placer County	Yes	1/13/2010
	Paul Thompson, Placer County Planning	Yes	1/13/2010
	Peter Mauer, El Dorado County Planning	Yes	1/13/2010
	Brandy McMahon, Douglas County Planning	Yes	1/13/2010
	Lee Plemel, Carson City Planning	Yes	1/13/2010
	Eva Krause, Washoe County Planning	Yes	1/13/2010
	Chris Hawkins, CSLT	Yes	1/29/2010
	Virginia Huber, El Dorado County	No	1/29/2010
	Bill Horn, IVGID	No	1/29/2010
	John Leroy, TCPUD	Yes	1/29/2010
	Hal Pears, IVGID	Yes	1/29/2010
	Kathy Long, North Tahoe Event Center	No	1/29/2010
	Scott Morgan, Douglas County Parks and Rec	Yes	1/29/2010
<b>State and Federal</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Bruce Eisner, California Tahoe Conservancy	Yes	1/14/2010
	Charlie Donohue, Nevada Division of State Lands	No	1/14/2010
	Eli Ilano USFS LTBMU	Yes	1/14/2010
	Darrel Cruz, Washoe Tribe	Yes	1/29/2010
	Susan Grove, CA State Parks	Yes	1/14/2010
	Mike LeFevre	Yes	1/14/2010
	Bob King, USFS LTBMU	Yes	1/14/2010
	Lisa O'Daly, California Tahoe Conservancy	Yes	1/14/2010
	Robert Becker, USFS	Yes	1/14/2010
<b>Fire Districts</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Peter Mulvihill, North Lake Tahoe Fire Dist	Yes	2/16/2010
	Ray Zachau, CSLT Fire Marshal	Yes	2/16/2010