

Regional Plan Update FactSheet #5: Conservation

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 is 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 goes into a binder called the **FactBook**. The FactBook serves 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 (PD)**, which summarizes (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 was meant for general reference and can be kept with the FactBook. For the most recently updated versions of the PD and Matrix, go to <http://www.trpa.org> and click on "Regional Plan."

This is the fifth and last in this first series of FactSheets. It focuses on **Conservation** policy issues including the Wildlife & Fisheries, Vegetation, Soil Conservation, Monitoring & Evaluation, and the Shorezone Subelements in the TRPA Goals and Policies.

Of the above Subelements of the Goals and Policies, Vegetation, Wildlife & Fisheries, and Soils are directly associated with Environmental Threshold Carrying Capacities, or "Thresholds," which are environmental quality standards for the Tahoe Region. For your information, nine Threshold categories were created pursuant to the Bi-State Compact that gave birth to TRPA. They are:

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

PURPOSE OF THIS FACTSHEET

This FactSheet outlines why TRPA plans and regulates for Wildlife & Fisheries, Vegetation, Soil Conservation, Monitoring & Evaluation, and Shorezone. It discusses the staff-proposed alternative as a better future for Lake Tahoe than the current Plan and the other action alternatives to be analyzed with the EIS. Again, the alternatives can be reviewed on the Internet or on the CD, as indicated on the previous page.

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 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 also includes:

- **“Stakeholder Comments and TRPA Responses”** (these are based on the most salient issues brought up at the stakeholder meetings)
- stakeholder written comments and letters
- a list of Stakeholder meetings, meeting dates, and participants

When reading the notes from the stakeholder meetings (see the Appendix), pay careful attention to the “TRPA Responses” that are in *italics*. These represent changes to the alternatives that staff is proposing based on stakeholder comments and concerns. All of the comments that elicited a proposed change to the plan alternatives are grouped at the top of each stakeholder meeting notes to simplify the reader's task of reviewing.

These notes, lists, and documents will memorialize the stakeholder process and provide evidence of the background materials that influenced staff's proposals.

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Wildlife & Fisheries

WHY DOES TRPA PLAN AND REGULATE FOR WILDLIFE AND FISHERY RESOURCES?

TRPA plans and regulates for wildlife and fishery resources to ensure adequate habitat exists to support these resources and preserve their value to the environment. The Tahoe Regional Planning Compact states: “The region exhibits unique environmental and ecological values that are irreplaceable” and “Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.”¹

Wildlife and fishery resources are ecological values. They also contribute to the recreational, aesthetic, and economic values of the Basin. TRPA’s Thresholds state that “Wildlife adds to [residents’ and] visitors’ enjoyment of Lake Tahoe and is an indicator of the natural health of the area.”²

WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?

Staff believes the Goals, Policies, and Implementation Measures in Alternative 2 would protect wildlife and fishery resources in Lake Tahoe better than the current plan or the other alternatives. Alternative 2 emphasizes the use of current terminology and management practices to provide consistency with partner agencies at the policy level. It is intended to strike a balance between the interests of various stakeholders.

Alternative 2 also applies the best scientific information available. For example, the two proposed Threshold amendments in Alternative 2 are based on new and best available science. One would result in the adoption of a more accurate fish habitat map developed through recent surveys. The other would take a new approach to delineating Northern Goshawk disturbance zones based on knowledge gained about their behavior since adoption of the 1987 Regional Plan.

The proposed Wildlife Goals would clarify the need to maintain habitats for all native species and to preserve, enhance, and expand habitats essential for threatened, endangered, rare, or sensitive species. Corresponding Policies would ensure that proposed activities consider impacts on wildlife, protect riparian and other habitats for wildlife needs, and seek to control non-native wildlife and exotic species.

¹ *Tahoe Regional Planning Compact* (PL 96-551, December 1980), Article I, Sections (a) 3 and 5

² TRPA, *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities*, May 1982

The proposed fisheries Goals emphasize improvement of affected fish habitat considered essential for the growth, reproduction, and perpetuation of existing and threatened fish resources in the Tahoe Basin. Fishery policies establish the need to evaluate impacts from development and other activities on the fishery, encourage removal of man-made barriers to fish movement, control instream flows, and support the reintroduction of Lahontan cutthroat trout.

Invasive species pose a serious and growing threat to the region's waters and can have a disastrous impact to the ecology, recreation, and the economy. Policies to address invasive species are proposed to promote the actions needed to prevent introductions of new aquatic and terrestrial invasive species and aid in the control or eradication of those that currently exist here. These Policies conform to existing implementation efforts and Code provisions adopted by the Governing Board in May, 2008.³

Proposed Alternative 2 Implementation Measures address the protection of wildlife habitats, including stream environment zones (SEZ), migration corridors, and habitat elements (such as snags and logs). They also address the protection of lake and stream habitat and prohibit the introduction of aquatic invasive species. Endangered, threatened, rare, and special-interest species are protected through the application of buffers between sensitive habitat and conflicting land uses.

W&F Issue #1: Special Status Species

Alternative 2 proposes to require project analysis to consider impacts to wildlife species' "within the Basin"⁴ populations. This requirement would codify a long-standing TRPA interpretation and support staff's implementation of existing Code language. Since 1987, TRPA has reviewed projects' impacts to wildlife populations at the project and the Tahoe Basin scale – rather than on a broader, macro-regional scale. TRPA's jurisdiction is, of course, only within the Basin.

According to representatives of the U.S. Forest Service, their wildlife management practice is to consider populations on a larger scale than the Tahoe Basin. Requiring that impacts to populations at the Basin level be considered during project review is inconsistent with that practice.

A hypothetical example of how TRPA and Forest Service practice could come into conflict involves the Mountain Beaver. The Mountain Beaver is listed as "Critically Imperiled" by the Nevada Division of Wildlife and is present as a small population within the Basin. It is not, however, on any federal list as threatened or endangered. While it is part of TRPA's mission to protect this small population, the Forest Service may not

³ TRPA Code of Ordinances, Section 79.3, "Aquatic Invasive Species"

⁴ Implementation Measure WF.IMP-5

consider impacts to this species' population in the Basin to be significant, as Mountain Beaver populations are present in other parts of the Sierra Nevada.

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

Proposed Wildlife & Fisheries Policy WF-2.1 states:

PROJECT REVIEW EVALUATION: Evaluate and disclose potential beneficial and negative impacts to special status wildlife and fish species populations and their habitats during project review.

The Implementation Measure that supports this Policy is WF.IMP-5, which states:

Modify Code language so that protections for "species populations" are specifically described for populations "in the Tahoe Basin." This more narrow definition of "population" would increase species protection by decreasing the area for which an impact is being considered in the environmental analysis, thus avoiding dilution of the impact in a larger population.

To implement the proposed policy direction in *italics* above, staff would retain Policy WF-2.1 and Implementation Measure WF.IMP-5.

Here's why:

TRPA Code⁵ requires that

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

Staff has a long history of interpreting this provision to mean that projects may not adversely affect wildlife habitat or cause the displacement or extirpation of populations within the Basin. The proposal is to make it clear – through amended Code language – that the populations being protected are Basin populations. This would be consistent with staff's long-standing interpretation and memorialize and ratify the way that project impacts have traditionally been evaluated.

Staff agrees with the Forest Service that a project or activity that impacts a Tahoe basin wildlife or fisheries population could have minimal or no impact on a species' biological population when evaluated across its entire range. For instance, a species could occupy 200 locations throughout the Sierra Nevada but only two locations within the Basin. The proposal is to protect the species and its habitat at those two locations, regardless of population status outside the Basin.

⁵ TRPA Code of Ordinances, 78.3.B, "Adverse Impacts"

The Compact's assertion that Tahoe has "unique environmental and ecological values that are irreplaceable" suggests that TRPA should protect these values. Among these values are the fish and wildlife species of the Tahoe Basin. The presence of these species not only preserves unique ecosystem qualities, it enhances the recreational experience of residents and visitors and bolsters the regional economy. One of the reasons people come to Tahoe is to see the native wildlife.

The Code and the Thresholds point out seven "special interest species:" Goshawk, Osprey, Bald Eagle, Golden Eagle, Peregrine Falcon, water fowl, and deer. All the Threshold Standards for these species are for their populations within the Basin. In addition to these special interest species, the Code also provides protection for threatened, endangered, or rare species as designated on state lists and under the federal Endangered Species Act.⁶ To make for clear policy, species that are named in the Thresholds or designated on federal or state lists would be "special status species" (i.e., species with unique value to Tahoe). These species deserve special protection.

TRPA is not proposing to develop a comprehensive list of special status species within the Tahoe Basin, rather than throughout a broader habitat range. However, staff is proposing to ensure that potential impacts on species of value in the Basin are evaluated within the context of Tahoe's watershed boundary before a project is allowed.

Pros of TRPA Staff Position

Creating a uniform approach to managing impacts to fish and wildlife species would achieve efficiency in regulation. Making it plain – in Code language – that impact evaluations must consider species populations in the Basin (and not populations' health in the larger Sierra Nevada region) would implement the Compact's mandate to preserve Tahoe's values. Projects, activities, or uses that could cause habitat loss such that a species can no longer exist in the Lake Tahoe Basin would be prohibited.

Cons of TRPA Staff Position

Partner agencies operate on different regional scales. Requiring wildlife population impact analyses to consider Basin-only populations may result in additional limitations on operations for forest fuels management projects and development of public facilities outside of urban areas (e.g., bike trails).

⁶ TRPA Code of Ordinances, 78.3

Wildlife & Fisheries: YOUR THOUGHTS

W&F Issue #1: Special Status Species

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

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Vegetation

WHY DOES TRPA PLAN AND REGULATE VEGETATION RESOURCES?

The vegetation of the Tahoe region is diverse and ranges from plant communities at the Lake's edge to high-elevation subalpine plant communities. These plant communities provide a variety of ecosystem functions including wildlife habitat, scenic quality, water quality, air quality, erosion control, and noise attenuation. Lake Tahoe's vegetation also provides a scenic backdrop for outdoor activities. TRPA plans and regulates for vegetation in the Tahoe Basin to protect and maintain the irreplaceable environmental and ecological values cited in the Compact and named in the Thresholds.

WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?

Alternative 2 makes refinements to the current plan, reflecting stakeholder input and incorporating the best available science. It emphasizes the use of current terminology and management practices to provide consistency with partner agencies at the policy level. It is intended to strike a balance between the interests of various stakeholders.

Alternative 2 would apply the best scientific information available. For example, under a proposed Goal related to healthy forests and vegetation, Policies are proposed to promote diverse vegetation development stages and types based on natural disturbance regimes and ecological processes. Another Policy would address the introduction and spread of non-native invasive weed species. The proposed Policies resulted from the scientific knowledge gained since adoption of the 1987 Regional Plan.

Also under Alternative 2, some terms would be changed. "Sensitive Plants" and "Uncommon Plant Communities" would be changed to "Special Status Plant Species" and "Plant Communities of Concern," respectively. These name changes would merely ensure that terminology in the Regional Plan is consistent with current, accepted scientific nomenclature; the concepts are the same.

The goals proposed in Alternative 2 represent the five Pathway Desired Conditions for the Vegetation Threshold. They emphasize the need to:

- maintain all native plant communities
- preserve and enhance plant communities uncommon to the region
- provide protection for threatened, endangered, rare, or sensitive plant species
- address noxious weeds
- recognize the need for fuels reduction and defensible space activities

The new goal promoting hazardous fuel reduction and defensible space activities came into the spotlight after the Blue Ribbon Fire Commission released its report.⁷ It and its associated policies directly respond to the recommendations in the report signed by the Governors of California and Nevada.

⁷ *The Emergency California-Nevada Tahoe Basin Fire Commission Report*, May 2008

Soil Conservation

WHY DOES TRPA PLAN AND REGULATE FOR SOIL CONSERVATION?

After the Compact was adopted in 1980, the Governing Board approved Resolution 82-11, establishing Thresholds to protect Tahoe's unique values from further degradation and restore and improve them where possible. Resolution 82-11 included two Thresholds for soil conservation: Impervious Coverage and SEZ.

The Soil Conservation and Water Quality Threshold Standards provide the basis for TRPA's Soil Conservation Program, which strives to conserve soil resources and improve water quality through regulation of soil disturbance and impervious land coverage. Soil disturbance and impervious land coverage contribute directly to the loss of soil quality and critical soil functions (e.g., infiltration). Water quality is compromised through increased runoff and pollutant loading to lake and tributaries. This ultimately degrades Lake Tahoe's clarity.

WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?

Alternative 2 represents use of the latest science and best practices for conservation of soil resources. The proposed Goals and Policies reflect "lessons learned" from the application of existing regulations over twenty years and are intended to represent a more effective and efficient approach toward achieving the Soil Conservation Threshold.

Alternative 2 is also based on the concerns and ideas expressed during the Pathway and stakeholder processes. "Restoration of Natural Places and Communities" is a planning concept in the Regional Vision; "Restoration of Forest Plants and Soils" is a key restoration strategy to achieve the Vision.

The main programmatic strategies for soil conservation in Alternative 2 focus on minimizing soil disturbance, limiting coverage to the Bailey Coefficients, and restoring excess coverage. The proposed Goals and Policies are intended to improve the Soil Conservation Program's effectiveness by:

- improving understanding of land capability at regional and project scales by adopting a new, planning-level land capability map and implementing more rigorous land capability verification procedures at the project level
- improving effectiveness of existing measures intended to prevent soil disturbance by developing criteria for sensitive land, wet season grading, and other activities

- developing and implementing performance standards for land capability restoration to accelerate Threshold attainment.
- implementing new regulations that allow TRPA and land banks to more effectively mitigate excess coverage on a larger, watershed scale

Soils Issue #1: New Land Capability Mapping

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

During stakeholder meetings, the implications of using new scientific data to determine land capability districts were questioned. The concern was that the use of new data may result in reduction in the amount of mapped SEZ area. Since the SEZ Threshold⁸ is based on restoration of a percentage of the disturbed SEZ in the Basin, reducing total SEZ acreage would reduce the required restoration amount. This could be considered a “weakening” of the Threshold. Some stakeholders also worried that the new data may indicate a greater amount of high capability land potentially eligible for development.

Staff proposes to make it TRPA’s policy to use the best, most up-to-date, most complete scientific and technical information to update the 1974 land capability map.

Proposed Soil Conservation Policy S-2.1 states:

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

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

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

Here’s why:

The effect of the Policy would be to continue Bailey’s land capability district classification methodology and district based coverage limitations. The effect of the Implementation Measure would be to allow for the newest data to be fed into the

⁸ Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided to attain a five (5) percent increase in the area of naturally functioning SEZ lands.

system. Reliance on the most up-to-date science is a goal of the Regional Plan Update and a major priority for TRPA. In staff's judgment, whether potential land coverage increases or decreases should be less important than whether we have the most accurate information available.

In fact, proposed Monitoring & Evaluation Policy ME-1.7 states that "TRPA will use the results of implementation, effectiveness, and status and trend monitoring and evaluation efforts and best available science to adjust Regional Plan and program-specific strategies." Staff's proposal to update the land capability map is consistent with this Monitoring & Evaluation Policy.

Before the new map could be implemented as a tool for project review and land use planning, the Board would have to adopt it. To assist the Board in making its decision, staff would present a complete comparison between the current (1974) map and the proposed map, including analysis of the implications of the changeover (such as whether there will be more or less allowable coverage).

The following provides more background information on this issue:

TRPA uses the land capability system to limit land coverage for the purpose of retaining soils' health, capacity to infiltrate surface water, and ability to support vegetation. In the Tahoe Basin, allowable land coverage is determined based on a parcel's "land capability."

In 1974, the land capability map was developed based on soil map unit descriptions contained in the "Rogers Survey"⁹ and the methodology set forth in the "Bailey Study."¹⁰ The district based coverage limitations mentioned in the Policy are the coefficients found in Bailey: districts 1a, 1b, 1c, and 2 are allowed 1% land coverage, district 3 is allowed 5%, district 4 is allowed 20%, district 5 is allowed 25%, and districts 6 and 7 are allowed 30% coverage.

This map, in coordination with the map of geomorphic hazards of the Tahoe Basin, established the intensity of land disturbance allowed though limits on impervious surface. Moreover, actual determinations on the amount of allowable coverage were made and will continue to be made mostly through field verification, not from the office by looking at a map.

In fact, TRPA is already using the best available scientific and technical data and information to determine land capability: TRPA currently uses field verification, the results of Land Capability Challenges, SEZ maps produced in the mid-1990s, and the recently-completed NRCS soil survey of the Tahoe Basin.¹¹

⁹ *Soil Survey of the Tahoe Basin Area*, J. Rogers, 1974

¹⁰ *Land Capability Classification of the Lake Tahoe Basin, California and Nevada*, R. Bailey, 1974

¹¹ U.S. Department of Agriculture Natural Resources Conservation Service, 2007

FactSheet #5: Conservation

By now, there have been over 40 years of field work done to determine land capability at Tahoe. Back in 1974, when the TRPA soil survey was completed, there had only been three years (the field work was done between 1967 and 1970). Today, we also have better landscape imagery and improved computer technology. The NRCS soil survey has twice as many delineations, double the number of map units, 50 more soil types, and 1,000 more map notes than the 1974 survey. All of this has resulted in increased mapping accuracy of the Basin's soil resources.

Pros of TRPA Staff Position

The current land capability system, which protects Tahoe from excess land disturbance and runoff that reduces lake clarity, would be retained. Land use decisions would be based on best available data and information concerning suitability of the land for development and/or resource management activities. TRPA would have a better understanding of the SEZ restoration Threshold needs. Having more complete and accurate soils information will streamline the permitting process; Land Capability Challenges to establish parcels' allowable coverage would become less frequent. Before any new land capability map could be made the official TRPA map, the Governing Board would have to adopt it.

Cons of TRPA Staff Position

Some stakeholders may not support the use of a new land capability map if it shows less SEZ and lead to a perceived increase in development potential. The additional complexity of the new soils mapping may create additional complexity in the approval process.

Soil Conservation: YOUR THOUGHTS

Soils Issue #1: New Land Capability Mapping

Staff proposes to make it TRPA's policy to use the best, most up-to-date, most complete scientific and technical information to update the 1974 land capability map.

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Monitoring & Evaluation

WHY DOES TRPA HAVE GOALS AND POLICIES FOR MONITORING & EVALUATION ?

The Compact was enacted to “encourage the wise use and conservation of the water of Lake Tahoe and of the resources of the area around the said lake;”¹² it directed TRPA to adopt Thresholds as a means to achieve this mandate. Thresholds are defined as “environmental standards necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.”¹³ Although the Compact directed TRPA to establish Thresholds as the basis for the Regional Plan, it did not explicitly set forth requirements to regularly monitor and assess Threshold achievement.

TRPA Resolution 82-11 was the mechanism by which TRPA formally adopted Thresholds and refined the Compact’s direction with respect to Regional Plan maintenance, the use of science, and the establishment of a regional monitoring program. Thus, it is Resolution 82-11 that directs the Agency to adopt Goals and Policies for monitoring and evaluation.

The Code, as well as Resolution 82-11,¹⁴ requires that Threshold attainment be assessed “every five years.”¹⁵ Existing¹⁶ and proposed Goals and Policies guide TRPA towards regularly reviewing scientific and technical information as a means to justify revisions and amendments to Threshold Standards and Regional Plan strategies. Monitoring information and scientific discovery are valuable for informing decision makers on how to best conserve Lake Tahoe’s natural endowment.

WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?

During the Pathway process, improvements to regional monitoring and reporting were recommended.¹⁷ In response, changes are proposed for the Monitoring & Evaluation Subelement by staff under Alternative 2. Most of the principles that characterize the

¹² Compact, p. 1

¹³ Compact, Article II – Definitions, Section (i)

¹⁴ TRPA Resolution 82-11, p. 4

¹⁵ *TRPA Code of Ordinances*, 32.8.A

¹⁶ *TRPA – Goals and Policies*, Monitoring & Evaluation Subelement, Goal #3

¹⁷ Praul, C.; Sokulsky, J.; Buckley, M.; Mouat, D.; *Pathway Indicator Monitoring and Reporting Strategy: Technical Report*, prepared by Environmental Incentives, LLC for the Tahoe Regional Planning Agency, Stateline, NV, 2007

Subelement's Goals and Policies would be retained, including maintenance of a monitoring program, support for research efforts, and regular reporting on Threshold attainment status.

Additional policy language and a reorganization of the Subelement are being proposed to address the Pathway recommendations. New language has been proposed to more clearly communicate and guide the types of monitoring and research that TRPA will pursue in order to effectively inform regional decision making.

One proposed Policy encourages use of the Lake Tahoe Management System¹⁸ to guide the continual improvement and implementation of TRPA's Threshold indicator monitoring program (which is known as the Regional Status and Trend Monitoring & Evaluation Program). This management system is a formal program management process that requires explicit documentation of program elements, governance structure, roles and responsibilities, costs, and implementation schedules. It is based on the principle of adaptive management, otherwise known as the "Plan, Do, Check, Adjust" cycle.

A major revision would be the removal of several Policies that are, in effect, a specific list of scientific research needs. These policies would be replaced with one policy statement recognizing the need to conduct research as uncertainties are revealed. This recognizes that research needs are not static and must be updated as issues, concerns, or policy questions arise.

Alternative 2 also includes a new Policy that would direct TRPA to work toward replacing certain existing qualitative – or ambiguously expressed – Threshold Standards. These ambiguous Standards are often framed as "Policy Statements;" they cannot be measured in a repeatable, meaningful way. They would be replaced with numeric standards for environmental conditions that can be consistently and objectively evaluated.

Updated Policies recognize the value of new technologies (e.g., web-based reporting platforms) in order to better manage data and improve access to scientific information through regular reporting of monitoring and scientific results and recommendations. Alternative 2 would encourage continued collaboration with other agencies and the scientific community. By pooling resources and cooperating with other Basin partners, TRPA would help to leverage expertise and provide a more comprehensive characterization of environmental, social, and economic conditions at Tahoe.

¹⁸ Sokulsky, J. and Beierle, T., *Management System Design*, a Technical Report prepared by Environmental Incentives, LLC for the Tahoe Regional Planning Agency, Stateline, NV, 2007

Shorezone

WHY DOES TRPA HAVE SHOREZONE GOALS AND POLICIES?

The shorezone of Lake Tahoe is of both local and national significance and is where the lake's water meets the land. It is a dynamic place – physically, biologically, and socially – and it is sensitive to both human and environmental pressure.

Regionally, it is also crucial for the survival of osprey, bald eagles, waterfowl, and Tahoe Yellow Cress (a sensitive plant that grows nowhere else except the shores of Lake Tahoe). The shorezone is where the greatest majority of in-lake fish spawning occurs. Although the lake is a very large body of water, the appropriate substrate for most fish is only found in a narrow band within less than one-third of the shorezone area.

The shorezone is the focus of the majority of summer recreational activities in the Tahoe Region. Public beaches, whether developed or not, provide beach recreationists with a variety of experiences. Facilities such as marinas, boat ramps, and piers provide boat access to the water.

Given the complexity and importance of shorezone functions, the Shorezone Subelement of the Regional Plan Update must provide guidance for managing this unique resource. Critical issues and impacts associated with development and use of the shorezone are addressed so that adequate measures are implemented to protect the Lake.

WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?

In October 2008, the TRPA Governing Board adopted significant changes to the Shorezone Ordinances. Because these ordinances were so recently adopted and represent TRPA's best measures to protect shorezone resources, there are no changes proposed in the plan alternatives. Furthermore, there are no differences between the "no action" and the "action" alternatives.

Appendix

- A. Stakeholder Comments and TRPA Responses on Wildlife & Fisheries issues.
- B. Stakeholder Comments and TRPA Responses on Vegetation issues
- C. Stakeholder Comments and TRPA Responses on Soil Conservation issues
- D. Stakeholder Comments and TRPA Responses on Monitoring & Evaluation issues
- E. Stakeholder Comments and TRPA Responses on Shorezone issues
- F. Written Stakeholder Comment Letter from California Tahoe Conservancy
- G. Written Stakeholder Comment Letter from League to Save Lake Tahoe and Tahoe Area Sierra Club
- H. List of Conservation, Wildlife & Fisheries, Vegetation, Soil Conservation, Monitoring & Evaluation, and Shorezone Stakeholder Meetings, Meeting Dates, and Participants

Appendix A

Summary of Stakeholder Comments and TRPA Responses from the Wildlife & Fisheries Stakeholder Meetings

Local Jurisdictions

1. **Stakeholder Comment:** TRPA should address partnerships in aquatic invasive species (AIS) policy by either amending proposed policy or adding new policy.

TRPA Response: TRPA recognizes the importance of partnerships and currently works with many partners to successfully leverage funding and implement AIS management actions. *Therefore, staff proposes to amend Policy WF-3.7 to state:*

Invasive and exotic species: *In cooperation with public and private entities, f*orbid and take measures to prevent the release of invasive, exotic or undesirable non-native aquatic species into the region. Control or eradicate existing populations of these species and take measures to prevent the accidental or intentional release of such species into the region.

Staff may develop policy narratives that explain the importance of partnerships in the implementation of AIS policy.

2. **Stakeholder Comment:** How was 500 acres selected for the proposed Northern Goshawk non-disturbance zone designation?

TRPA Response: 500 acres is approximately equivalent to the area of a circle with a 0.5-mile radius ($\pi (0.5 \text{ mi})^2 = 0.785 \text{ sq. mi.}$, and $0.785 \text{ sq. mi.} = 502 \text{ acres}$). However, the actual ground surface area associated with a circle is highly variable in the region due to topography and slope. In land use applications, a polygon is typically more accurate and meaningful than a circle.

Private Sector

3. **Stakeholder Comment:** Has TRPA considered granting credit for successful mitigation of significant wildlife habitat in excess of required ratios?

TRPA Response: The intent of proposed policy is to establish a consistent and predictable mitigation requirement for projects with impacts to wildlife habitat. The intent is not to establish a mitigation crediting system, which would require well-defined evaluation and success determination criteria and increase monitoring costs to applicants.

4. **Stakeholder Comment:** How was the proposed 2:1 to 4:1 variable ratio for wildlife mitigation developed?

TRPA Response: Current ratios required for wildlife mitigation in surrounding regions range from 2:1 to greater than 10:1. The proposed range was selected based on the wildlife species that occur in the Lake Tahoe region. Staff will develop criteria for selecting ratios during the implementation phase of the RPU Milestones.

5. **Stakeholder Comment:** Please explain the science behind the definitions of direct and indirect effects and buffer-area distances (WF.IMP-2).

TRPA Response: Potential direct effects, indirect effects, and appropriate buffer distances are determined through evaluation of accepted industry standards, best scientific information available, and site-specific assessment.

6. **Stakeholder Comment:** Will the definitions of indirect effects and the proposed extension of the northern goshawk non-disturbance zones into urban areas, as proposed in Alternative 4, affect private land use practices?

TRPA Response: The revisions proposed under Alternative 4 will be analyzed in the EIS, which will determine if revisions would have a significant effect. Staff recognizes that extending northern goshawk non-disturbance zone protections into urban areas may create unnecessary restrictions on private land use, as these areas are of little value to northern goshawk habitat management efforts.

Fire Officials

7. **Stakeholder Comment:** Are TRPA restrictions on snags and logs in conflict with defensible space management? Do we want to exempt forest fuels projects from prohibitions in sensitive wildlife habitat?

TRPA Response: Fire protection and management goals within the wildland urban interface (WUI) are consistent with wildfire protection and wildlife habitat management goals in open space, because both efforts recognize the WUI to be a critical control point in fire defense. In fact, Code already allows for exemptions to retention standards “to reduce fire risk,” and no change is proposed. Snag and log management can be conducted on a per-acre scale such that wildlife habitat needs can be met without inhibiting human health or safety.

8. **Stakeholder Comment:** Will TRPA create Limited Operating Period (LOP) protections?

TRPA Response: Staff is proposing to identify specific LOPs as part of the implementation phase of the Regional Plan Update. Proposed protections will be consistent with existing LOPs as defined by U.S. Forest Service.

League to Save Lake Tahoe and Tahoe Area Sierra Club

9. **Stakeholder Comment:** What is the rationale for deletion of existing policy, Fisheries 9, regarding the water level of Lake Tahoe?

TRPA Response: The water level in Lake Tahoe is determined by the Truckee River Operating Agreement, not TRPA.

10. **Stakeholder Comment:** We support the concept of identifying and protecting the best available 500 acres of habitat around nests.

TRPA Response: Comment noted.

11. **Stakeholder Comment:** It is unclear whether or not the proposed LOP will apply to the 500 acre polygon and/or the half-mile radius around the nests. Based on discussion with staff, it appears the LOP will apply to the polygons.

TRPA Response: In Alternative 2, the proposed LOPs for northern goshawk would apply to the 500-acre polygon. In Alternative 4, they would apply to both the polygon and a half-mile radius for additional protection.

12. **Stakeholder Comment:** There will be times of the year which some activities will be allowed in the polygons. What activities will be allowed, and what evidence does TRPA have to ensure that activities will not harm success of the species using the PACs?

TRPA Response: Currently, "certain forest practices and other temporary disturbances are acceptable [in the disturbance zone] if they occur during the non-nesting season and if they have no adverse impacts to cover, food, and water requirements of [northern goshawk]."¹⁹ Projects and activities permitted within non-disturbance zones must be for habitat improvement, such as healthy forest practices. Operating periods provide general guidance for specific project activities and do not preclude additional project review.

13. **Stakeholder Comment:** Concern was expressed with the adequacy of the 500-acre non-disturbance polygon if narrow zones occur in the PAC. The suggestion was made that a "buffer" should be added around the nest itself, to provide additional protection beyond the area identified as suitable habitat.

TRPA Response: Staff agrees that a non-disturbance zone should provide sufficient "buffer" space around a nest to protect from disturbance. TRPA implements a minimum 250-foot buffer area around each known northern goshawk nest.

14. **Stakeholder Comment:** In Alternative 2, part of the proposed protection zone excludes potentially high quality habitat on raw land zoned as "urban." Implementation Measure WF.IMP-7 states, "a 500 acre Post-fledging Family Area would be established outside of the urban boundary." Protection zones should not exclude raw land simply because it has been zoned "urban."

¹⁹ TRPA, *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities*, May, 1982

TRPA Response: Currently, non-disturbance zone protections do not apply to the Urban Area PAS. Alternative 4 includes a proposal to extend the protection to open lands within urban areas as suggested by the commenter.

15. **Stakeholder Comment:** WF. IMP-8 refers to the guidelines from the Sierra Nevada Forest Plan Amendment, USDA 2004 (SNFPA) to determine how the PACs will be delineated and protected. Will the SNFPA guidelines also apply to the delineation of the additional 300 acres TRPA will add to the polygon?

TRPA Response: TRPA will use “Management Recommendations for the Northern Goshawk in the Southwestern United States” (Reynolds et al, 1992) to develop guidelines on how the non-disturbance zones will be delineated. TRPA guidelines will be consistent with regional practices, including SNFPA guidelines. Specifically, TRPA non-disturbance zones will include Forest Service PACs and the methods used in PAC development.

16. **Stakeholder Comment:** Policies that support the proposed Pathway Desired Condition would have to address all activities that can affect a habitat, including aircraft. Where aircraft take off and land at airports/areas outside of the Basin (meaning TRPA can not regulate or restrict their activities when they fly into the Basin), TRPA can include a Policy to promote coordination with such entities to reduce impacts from aircraft on protected areas.

TRPA Response: Activities that can affect environmental conditions and processes important to wildlife species, including operation of aircraft, are subject to TRPA evaluation.

17. **Stakeholder Comment:** Proposed Policy WF-1.1 is a positive step to better protecting wildlife when reviewing projects, as it would require the “evaluation and disclosure” of potential beneficial and negative impacts to the biological integrity of terrestrial systems, whereas the current policy only refers to wildlife (and not the entire biological system which is needed to support wildlife). However, the Policy should also promote the selection of the project alternative that is most beneficial to the biological systems affected by the project.

TRPA Response: A policy promoting selection of a project alternative based only on potential impacts or benefits to biological resources would take away discretionary authority of the TRPA Executive Director and Governing Board, who must consider the entire suite of potential impacts in the decision making process.

18. **Stakeholder Comment:** It is not clear what is meant by Proposed Policy WF-1.9, which states: “WATERSHED CONSERVATION PLANS: Support the development and application of hierarchical and watershed scale conservation plans for natural resource management to guide specific management strategies at regional and local levels.”

TRPA Response: Agency partners such as the Natural Resources Conservation Service are taking the lead in developing watershed-scale planning.

19. **Stakeholder Comment:** Proposed Policy WF-1.4 states, “Effects of Domestic Animals and Livestock: Take measures to reduce or eliminate the effects of domestic animals,

livestock and pets on native wildlife and vegetation communities.” This section should include the addition of protection of soils and watersheds from domestic animals and livestock.

TRPA Response: Livestock is addressed in Code Chapter 73: “Livestock Grazing.” Staff recognizes that soil and watershed-level protections are integral elements of successful wildlife and fisheries habitat management; however, specific protections for soils and watersheds are described in Code.

20. **Stakeholder Comment:** We support the “shift” from Goals and Policies that identify specific species or habitats to instead protecting the biological integrity and function of areas that support the species protected by the Thresholds.

TRPA Response: Comment noted.

Placer County

21. **Stakeholder Comment:** Will programs that support installation of bear-proof garbage containers conflict with land coverage regulations? Will there be an exemption?

TRPA Response: In 2003, in response to local jurisdictions adoption of bear ordinances, TRPA issued a guidance letter. This letter included recommendations for installation of bear-proof garbage containers in ways that do not require additional land coverage. Since 2003, Basin property owners have been able to install these containers without the use of additional land coverage.

State and Federal Agencies

22. **Stakeholder Comment:** The term “public interest” should not be used to determine whether a species requires special protection (see Code of Ordinances, Section 78.3).

TRPA Response: Staff recognizes that wildlife status determinations should be determined by the scientific community based on the best available information. Staff also recognizes that private parties, recreational tourism, and the environmental community at large represent a significant public interest group in the region.

23. **Stakeholder Comment:** Is the fish habitat map, which is proposed for adoption as a Threshold amendment, currently in use?

TRPA Response: The proposed revision will replace the lake habitat map currently available to the public through the TRPA website and front desk. The TRPA Threshold map determines compliance with Code of Ordinances and Threshold attainment. However, staff uses the best scientific information available to determine potential effects to special status species and sensitive habitat. The results of lake habitat

mapping efforts based on remote data sensing²⁰ are currently used for project review and will be used to develop the proposed Threshold amendment.

24. **Stakeholder Comment:** Alternatives 2 and 4 include many worthwhile updates that clarify existing Goals and Policies, updating them based on current scientific understanding, filling gaps in protections under the current Regional Plan, and taking a more comprehensive ecosystem approach to managing terrestrial and aquatic species. These proposed changes are consistent with the California Tahoe Conservancy's (CTC) approach to ecosystem management.

TRPA Response: Comment noted.

25. **Stakeholder Comment:** We support adding protections for unique or special habitat types. Habitat types should be described as comprehensively as possible to avoid the appearance of arbitrary or subjective designations of unique or special habitat types. The criteria for characterizing habitat quality needs to be described in as much detail as possible to allow the policy to be applied uniformly.

TRPA Response: Staff agrees with the suggestion to develop comprehensive descriptions for special habitat types. Methods for determining the proposed variable mitigation ratio will be developed during the implementation phase.

26. **Stakeholder Comment:** We support the identification of non-disturbance zones and limited operating periods based on suitable habitat rather than a uniform buffer surrounding a nest. However, the protocol for changing non-disturbance zones (maintaining disturbance zones regardless of occupancy status and adding new disturbance zones when surveys indicate a new nesting location) could lead to some non-disturbance zones that do not contain nest sites and offer little additional protection to the species. Criteria should be included to allow disturbance zones to be removed prior to a stand replacing event (e.g., if surveys indicate the disturbance zone was not occupied for at least X years, and a new disturbance zone has been added within X miles of the original since the original was last occupied).

TRPA Response: The intended purpose of the non-disturbance zone policy is to limit permanent disturbance or impact to both occupied and available habitat in order to facilitate attainment of Thresholds. There are other situations in which a non-disturbance zone would not be applied. For instance, Osprey nest trees or snags regularly fall down in the winter and a suitable tree is selected by the nesting pair the following spring; in this case, the non-disturbance zone would only be applied to the site with a suitable nest tree. However, in the example of Northern Goshawk, staff is not aware of an appropriate number of years of inactivity that would determine a historic nesting site to be unsuitable habitat.

27. **Stakeholder Comment:** If non-disturbance zones may contain habitat in urban areas, then the determination of habitat suitability should take into consideration factors other

²⁰ Herold, M.; Metz, J.; and Romsos, J.S., "Inferring littoral substrate, fish habitats, and fish dynamics in Lake Tahoe using IKONOS data," *Canadian Journal of Remote Sensing*, 33:5, pp. 445-456, November 9, 2007

than vegetative structure (e.g., dog presence or level of human use) to ensure that the protected habitat is actually suitable habitat.

TRPA Response: Staff agrees that human disturbances represent limiting factors in northern goshawk habitat suitability. The proposal to include urban areas in non-disturbance zones is included in Alternative 4 to address comments and recommendations received from stakeholders.

Advisory Planning Commission

28. **Stakeholder Comment:** Is there a proposal to control non-native and introduced fish stocking practices?

TRPA Response: Management of non-native sport fisheries is not within the jurisdiction of TRPA. Staff coordinates with state and federal agencies (CDFG, NDOW, and USFWS) to promote stocking practices consistent with TRPA Goals, Policies, and Thresholds. Through partnership and program support, TRPA supports non-native fish control and stocking practices that are consistent with the Goals and Policies.

29. **Stakeholder Comment:** APC supports policy change to restrict wildlife access to human food-sources through promoting or requiring bear-proof containers because the region is primarily considered “bear country.”

TRPA Response: Comment noted.

Appendix B

Summary of Stakeholder Comments and TRPA Responses from the Vegetation Stakeholder Meetings

Local Jurisdictions

1. **Stakeholder Comment:** The vegetation component of projects is often given less detailed attention than other aspects of project planning and design. Has TRPA considered how this affects projects, particularly with respect to evaluation of project success criteria?

TRPA Response: More detailed revegetation plans will be required as part of the Regional Plan Update and will be part of the BMP Handbook of Best Management Practices update. For examples, Implementation Measure VG.IMP-4 requires the use of local seed stock and propagates whenever possible, and measure VG.IMP-5 requires the salvage and reuse of topsoil to increase the likelihood of revegetation success.

2. **Stakeholder Comment:** An additional Policy related to TRPA working with local plant suppliers to obtain and sell native species would help achieve the urban vegetation goal.

TRPA Response: Comment noted. Staff believes that proposed Policy 5.4 provides direction to work with local plant suppliers to promote the use and sale of native species.

3. **Stakeholder Comment:** Terrestrial invasive species are an increasing problem at Tahoe. How TRPA addresses these in the Implementation Measures will be a key factor in decreasing invasions, occurrences, and spread of these species.

TRPA Response: TRPA agrees with this comment; Policy VG-1.9 as currently proposed in Vegetation Alternative 2 reads: "NON-NATIVE INVASIVE WEED MANAGEMENT: Eradicate where feasible, prevent spread of existing infestations, and work to prevent new infestations of non-native invasive species." The associated measures (VG.IMP-3 and -4) support decreasing invasions, occurrences, and spread of these species.

Placer County

4. **Stakeholder Comment:** Is there a conflict between retaining snags and coarse woody debris and potential fire hazard?

TRPA Response: There is not an inherent conflict. The Code allows for the number of snags to be averaged over multiple acres; this allows for project-level flexibility when determining the appropriate treatment. Code also allows for exemptions for snag and coarse woody debris retention standards for: 1) reduction of fire risk, 2) wildlife and fisheries habitat objectives, 3) forest ecosystem function, or 4) if the stand simply isn't capable of supporting the standard levels. In addition, it is beneficial to wildlife to allow

for effective defensible space around structures and communities; this prevents structure fires from spreading from urban areas into wildlife habitats.

State and Federal Agencies

5. **Stakeholder Comment:** Proposed Policy VG-1.7 states, “Retain large trees as a principal component of stands in later stages of stand development, including old growth.” Code Subsection 71.2.A outlines ten exceptions to the large tree cutting prohibitions for Conservation, Recreation, and SEZ lands. A narrow exception is needed for limited circumstances for certain public recreation and transportation projects.

TRPA Response: Staff concurs with the proposed suggestion. Several large EIP projects have experienced permitting delays and cost increases due to the inability to remove large trees in the project area to achieve the purpose and need of the project.

Staff proposes to add the following Implementation Measure to proposed Policy VG-1.7: “Amend Code Subparagraph 71.2.A to allow for the removal of large trees for Environmental Improvement Program projects when no feasible alternative exists to retain the tree(s).”

6. **Stakeholder Comment:** What is meant by the use of “acceptable strategies” in Policy VG-4.1: “Promote hazardous fuels reduction and the prevention of fire using approved forest management practices consistent with acceptable strategies?” TRPA needs to make sure that new technologies can be used as they become available, and that adaptive management will be allowed to test new technologies.

TRPA Response: Under this Policy, practices including timber harvesting and prescribed burning are acceptable strategies for restoring and maintaining the biological health of the forest ecosystem and for reducing the risk of wildfire. TRPA is not proposing any changes to Code provisions that allow the use of innovative technology or innovative techniques for tree removal (see Subsection 71.4.E).

However, to provide clarity regarding the intent of this policy and based on this comment and another from the Conservation Community staff proposes the following change to proposed policy 4.1:

VG-4.1 HAZARDOUS FUELS REDUCTION PRACTICES: Promote hazardous fuels reduction and the *reduction and* prevention of *catastrophic wildfire*, using *appropriate approved* forest management practices *for the Lake Tahoe region, consistent with acceptable strategies.*

7. **Stakeholder Comment:** The Alternative 3 measure that requires property owners to “eliminate” noxious weeds is too strong. Once the weed is established, eliminating it can be very difficult – many have tried and failed. Controlling or preventing spread may be all that’s feasible, depending on the species. What if the invasive weed originated from the right-of-way: is it the responsibility of the homeowner to eradicate it?

TRPA Response: *Staff proposes to amend VG.IMP-10 as follows: “Require property owners to eliminate, where feasible, or control noxious weeds identified on the Lake*

Tahoe Basin Weeds Coordinating Group (LTBWCG) Priority Weeds List from their property.”

Requiring property owners to control noxious weeds on their property is not uncommon. For example, the control of state-listed noxious weeds is the responsibility of every landowner or occupant in Nevada (see Chapter 55, Control of Insects, Pests and Noxious weeds of the Nevada Revised Statutes). In California, the Department of Food and Agriculture is required to play an active role in the abatement of noxious weeds. Local agriculture commissions work with land owners to treat priority weed species, and the Department of Food and Agriculture treats private property and seeks reimbursement from land owners.

This requirement would pertain to a specific list of species that would be determined by the Lake Tahoe Basin Weed Coordinating Group. The group also provides recommendations for the most effective treatment of weed species in the region.

8. **Stakeholder Comment:** In Alternative 3, VG.IMP-12 states: “Establish a maximum area for lawns as a percentage of the non-covered area of a parcel.” Perhaps this should be a homeowner standard only, recognizing that public park projects may benefit from usable green area? Does TRPA have the resources to apply this standard Basin-wide? Is the problem large enough to warrant the effort?

TRPA Response: This measure is inconsistent with the character and intent of Alternative 3. *Staff proposes to delete VG.IMP-12 from Alternative 3 and relocate it to Alternative 4.*

9. **Stakeholder Comment:** Alternative 4, VG.IMP-15 states: “Restrict use of pesticides, herbicides, and fertilizers by homeowners.” Please elaborate on how this will be accomplished effectively. Why just single out homeowners? What about commercial property owners, schools, parks, and golf courses? How do you propose to eliminate weeds if you restrict the use of herbicides to homeowners?

TRPA Response: Code Section 81.6 in the Water Quality Control Chapter already restricts the use of “insecticides, fungicides, and herbicides.” Therefore, *staff proposes to delete VG.IMP-15.*

10. **Stakeholder Comment:** Alternative 2 Policy VG-3.1 states: “Identify, restore where practicable, and preserve populations and habitat of all special status plant species in the Region.” The proposed Policy removes the term “critical habitat.”²¹ By definition, this term is typically a subset of the habitat for a special interest species. By requiring preservation of “populations and habitat,” the definition becomes more expansive.

The trade-offs and lack of exceptions for this expansion of terminology is concerning. For example, sandy beaches are Tahoe Yellow Cress habitat. Habitat preservation does not distinguish that some beaches are not managed in a way that preserves their habitat value, as developed recreation takes precedence there. A rigid interpretation of

²¹ The term is defined in Code Section 78.2.C as “any element of the overall habitat for any species of concern, which, if diminished, could reduce the existing population or impair the stability or viability of the population...”

the Policy would not allow for reasonableness in its implementation. Can qualifying language be added? There are several federal endangered plant species that have designated critical habitat.

TRPA Response: The provided Code definition of “critical habitat” is for wildlife species – not plant species. The definition, which has legal connotations within Federal Endangered Species Act, is proposed to be amended to avoid confusion. The stakeholder’s concern would be addressed through a new definition of critical habitat, or the equivalent, for TRPA special status plant species.

11. **Stakeholder Comment:** The five new Vegetation Goals are a substantial improvement over the existing Goals; they are much more ecologically based. In addition, explicit recognition of the need to address hazardous fuels, and integration of this recognition into the Goals and Policies, is very helpful. Nevertheless, better information to document problems that require the proposed changes would be beneficial to support the case for the proposed changes.

TRPA Response: Comment noted. Please see Pathway reports for more background information on proposed changes. These reports are for discussion purposes only and should not be cited. They are on the Pathway 2007 website at: <http://www.pathway2007.org/> under “Meeting Materials/Documents” at the following specific links:

Draft Evaluation Report for Vegetation April, 2007

<http://tiims.org/Data-Repository/Documents/Lake-Tahoe-Basin/Science-and-Reporting/Data-Synthesis,-Reporting,-and-Management/Management/Pathway/Evaluation-Report/Pathway-Evaluation-Report-Ch-10-%C2%A0Vegetation-4-05-2.aspx>

Pathway 2007 Evaluation Technical Report - Vegetation 10/2005

<http://tiims.org/Data-Repository/Documents/Lake-Tahoe-Basin/Science-and-Reporting/Data-Synthesis,-Reporting,-and-Management/Management/Pathway/Evaluation-Report/Technical/Pathway-2007-Evaluation-Technical-Report---Vegetat.aspx>

12. **Stakeholder Comment:** Concerning Alternative 2, VG.IMP-5, please clarify the connection between the salvage and reuse of native topsoil with the need to evaluate the cumulative impacts to vegetation.

TRPA Response: This measure is intended to help preserve soil productivity and stability which will lessen the cumulative effects to vegetation.

13. **Stakeholder Comment:** Concern was expressed about the application and definition of “critical root zone.”

TRPA Response: Staff is working and will continue to work with experts and stakeholders to develop criteria for determining the limits of the critical root zone. The protection of this zone is necessary to limit tree mortality during the development of projects.

14. **Stakeholder Comment:** How will Alternative 3, VG.IMP-11 be implemented?

TRPA Response: VG.IMP-11, which was proposed by the Vegetation Technical Working Group during Pathway, states: “Use BMP evaluations and certifications to determine whether all four approved vegetation criteria have been met (i.e., low water use, low fertilizer use, native, and fire resistant).” Staff will continue to work with stakeholders to develop the implementation strategy for VG.IMP-11.

15. **Stakeholder Comment:** Alternative 4, VG.IMP-14 states: “Establish a numerical level below which a parcel’s vegetation is considered out of compliance and is required to be restored to acceptable levels.” Would such restoration be triggered as part of a project review? A BMP evaluation? Or could someone be randomly found to be out of compliance and required to restore their land?

TRPA Response: VG.IMP-14 was proposed by the Vegetation Technical Working Group during Pathway. Staff will continue to work with stakeholders to develop the implementation strategy for this measure.

16. **Stakeholder Comment:** Alternative 4, VG.IMP-16 states: “Require landscapers, public agencies, developers, and plant vendors to use or sell only locally-sourced native vegetation and plants appropriate for each site.” Considering the proximity of so many out-of-Basin plant suppliers (and because so many people do their own landscaping), might community education (such as demonstration garden displays and workshops on invasive plants) be the most effective tool in achieving this goal? Are local sales of invasive plants the primary concern? How will sellers know whether plants are appropriate to the site where they will be planted? This will likely drive up project costs, lead to less diversity in plant species for revegetation projects, and cause supply issues.

TRPA Response: Under all alternatives, outreach will continue to be the most important means to achieve the following Pathway Desired Condition for Vegetation: “Vegetation in the urban zone is predominantly native, water-efficient, and non-invasive. Urban vegetation contributes to defensible space, water quality protection, and scenic and local community values (VG.DC-5).” TRPA will continue to work with resource conservation districts, cooperative extension, fire protection districts, plant providers and others to improve landscaping practices.

17. **Stakeholder Comment:** There are several policies related to old growth and none related to other stages of stand development. Are these old growth policies necessary, or are they covered, as are the other stages of stand development, under proposed Policy VG-1.1?

TRPA Response: Staff is proposing to retain old growth Policies developed by the Forest Health Consensus Group because these Policies are still relevant, provide a focus on forests in later stages of development, and are supported by many stakeholders.

Private Sector

18. **Stakeholder Comment:** The term “Prohibit lawns” is unnecessarily prohibitive and should be changed to “discourage” (see Policy VG-1.13 and measure VG.IMP-7).

TRPA Response: *Staff proposes to amend Policy VG-1.13 as follows: “Use appropriate vegetation management practices to prevent degrading native vegetation and water quality.”* This added language draws the connection between the use of native vegetation and the protection of water quality.

To protect property owners right to retain existing lawns, staff proposes to amend the Implementation Measure that supports Policy VG 1.13 as follows: “VG.IMP-7: “Prohibit new lawns in the backshore or on natural sandy beaches/dunes located landward of the backshore.”

Alternative 3 also contains VG.IMP-10: “Require property owners to eliminate noxious weeds identified on the Lake Tahoe Basin Weeds Coordinating Group (LTBWCG) Priority Weeds List from their property.” This measure is inconsistent with the character and intent of Alternative 3. *Staff proposes to delete VG.IMP-10 from Alternative 3 and relocate it to Alternative 4.*

Alternative 3 also contains VG.IMP-13: “Require landscapers, public agencies, developers, and plant vendors to use or sell only non-invasive vegetation and plants appropriate for each site.” This measure is inconsistent with the character and intent of Alternative 3. *Staff proposes to delete VG.IMP-13 from Alternative 3 and relocate it to Alternative 4.*

VG.IMP-13 actually captures the intent of Alternative 4’s VG.IMP-16 in a more practical and implementable way. *Therefore, staff proposes to delete VG.IMP-16: “~~Require landscapers, public agencies, developers, and plant vendors to use or sell only locally sourced native vegetation and plants appropriate for each site.~~”*

19. **Stakeholder Comment:** Basin Fire Chiefs should have the authority to “sign-off” on the BMP Manual Update before it goes to the Governing Board.

TRPA Response: Fire Chiefs will be asked to review the updated BMP Manual prior to finalization to ensure consistency with fire defensible space goals.

20. **Stakeholder Comment:** TRPA should consider adopting a maximum allowed vegetation removal percentage (see Policy 5.2).

TRPA Response: The Bailey coefficients govern the maximum amount of land coverage and permanent disturbance allowed, and construction sites are required to be re-vegetated with appropriate species upon project completion. Vegetation and revegetation of a site must also be consistent with defensible space requirements.

21. **Stakeholder Comment:** TRPA should require that findings be made in order to allow vegetation removal.

TRPA Response: Subparagraph 6.3.A(2) of the Code requires the following finding be made in order to approve a project: “The project will not cause the environmental carrying capacities to be exceeded.”

22. **Stakeholder Comment:** The word “require” appears several times in Alternative 2 Implementation Measures. TRPA should change this word to “consider feasibility of...,” since “require” is more conducive to Alternative 4.

TRPA Response: It is correct that the measures in Alternative 2 are more focused on incentivizing Threshold compliance than requiring it. However, to provide a minimum level of Threshold protection, measures must, in many cases, include “requirements.”

23. **Stakeholder Comment:** The definition of “critical root zone” (see VG-Imp-9) needs to be provided.

TRPA Response: See TRPA Response to Stakeholder Comment #13.

24. **Stakeholder Comment:** Consider developing an incentive program to encourage removal of lawns and also for use of synthetic turf.

TRPA Response: TRPA defers to local public utility districts that successfully provide incentives for removal of lawns. Although the Code allows for use of synthetic turf, staff is not proposing incentives for synthetic turf, because turf does not provide the same benefits to Thresholds as natural vegetation.

25. **Stakeholder Comment:** Noxious weed assessments should only be required for larger scale projects (see VG.IMP-2).

TRPA Response: VG.IMP-2 states “Require projects to implement measures, such as noxious-weed risk assessments and weed prevention BMPs, to prevent the spread of noxious and invasive weeds during project activities.” On a preliminary basis, staff agrees with the comment and commits to addressing project scale during the development of any new Code to implement this measure.

26. **Stakeholder Comment:** We support the consideration of forest fuels in vegetation policies.

TRPA Response: Comment noted.

27. **Stakeholder Comment:** What do the terms “where relevant” and “cumulative impacts” mean in Policy VG-1.12?

TRPA Response: All projects should address the direct and indirect cumulative impacts of development. After reconsidering the phrase “where relevant,” staff has determined it inappropriate in the Policy. *Therefore, staff proposes to make the following change to Policy VG-1.12: “PROJECT REVIEW AND EVALUATION: ~~WHERE RELEVANT FOR PROPOSED PROJECTS,~~ Evaluate the cumulative impact of vegetation removal with respect to: departure from desired structure, diversity and abundance; wildlife movement; habitat suitability and connectivity; soil productivity and stability; scenic value; and water quality and quantity.”*

The Regional Plan refers to cumulative impacts as follows: “The piecemeal and incremental removal of vegetation may have significant cumulative impacts on the natural resource values of the Basin.”²²

28. **Stakeholder Comment:** It will be hard (i.e., staff time-intensive) to enforce numerical standards when properties become “out of compliance” (see VG.IMP-14).

TRPA Response: VG.IMP-14, which was proposed by the Vegetation Technical Working Group, states:

Develop a numerical measurement system to evaluate vegetation on a per-parcel basis. The system would need to consider defensible space, watershed protection, privacy screening, deviation from natural vegetation condition, etc. Establish a numerical level below which a parcel's vegetation is considered out of compliance and is required to be restored to acceptable levels.

Staff concurs with the comment above. Because the measure exists in Alternative 4 only, staff is not proposing to develop new Code to implement the measure at this time.

29. **Stakeholder Comment:** Need to consider property owners' costs if VG.IMP-14 were to be implemented.

TRPA Response: Comment noted.

League to Save Lake Tahoe and Tahoe Area Sierra Club

30. **Stakeholder Comment:** Proposed Implementation Measure VG. IMP-1 must be revised to include the importance of broadcast burning after thinning has occurred. At the meeting with TRPA staff, we recommended the following wording changes: “Allow tree removal and understory burning where necessary to mimic natural processes...” Staff stated they agreed with this recommendation.

TRPA Response: *Staff supports the proposed change and proposes to change VG.IMP-1 as follows:*

Allow tree removal, and understory burning where necessary to mimic natural processes, to accelerate development of old growth characteristics to improve structural diversity of forest stands.

31. **Stakeholder Comment:** Forest management is complex and dynamic, and Tahoe requires a higher level of strategy and care to integrate protection of watershed health and watershed restoration, fuels management, vegetation and wildlife habitat. Proposed Policy VG-4.1 should include “acceptable strategies *for the Lake Tahoe Basin*” to reflect Tahoe’s unique attributes that require protection. Using the work “prevention” may inadvertently send the message that fire itself is “bad,” while the prevention of catastrophic wildfire is really the goal.

TRPA Response: Comment noted. *Staff proposes to amend proposed Policy VG-4.1 as follows:*

²² TRPA – Goals and Policies, Vegetation Goal 1, Policy 9, p. IV-5

HAZARDOUS FUELS REDUCTION PRACTICES: Promote hazardous fuels reduction and prevention of ~~fire~~ catastrophic wildfire, using approved forest management practices acceptable for the Lake Tahoe region ~~consistent with acceptable strategies~~.

32. **Stakeholder Comment:** What does “unnecessary alteration of natural vegetation” mean in proposed Policy VG-5.2? This terminology suggests that TRPA currently allows unnecessary alteration of natural vegetation and is confusing. If the alteration is unnecessary, then it should not be allowed. Therefore, it should not be included. TRPA staff has noted this concern and agreed that it does not make much sense as written.

TRPA Response: Removing the word “unnecessary” would not change the intent of the policy and would make it clearer. *Therefore, staff proposes to amend the Policy as follows:*

VG-5.2 ALTERATION OF NATURAL VEGETATION DURING DEVELOPMENT ACTIVITY: Contain permanent disturbance or ~~unnecessary~~ alteration of natural vegetation associated with development activities to the approved disturbance boundaries, or that which is necessary to reduce the risk of fire or erosion.

33. **Stakeholder Comment:** Proposed policy VG-5.3 does not recognize the need for prescribed burning, which removes litter, to maintain fire-adapted plant communities.

TRPA Response: A change to the wording of this policy was also proposed by the Fire Officials. *Staff proposes to amend Policy VG-5.3 as follows:*

Maintain forest litter for its erosion control and nutrient cycling functions in naturally vegetated areas, except to the extent it poses a fire hazard or as necessary to maintain a fire-adapted plant and forest community.

34. **Stakeholder Comment:** Consider changing wording in proposed policy VG-2.3 to restore and expand rather than restore or expand.

TRPA Response: Comment noted. *Staff proposes to amend proposed Policy VG-2.3 as follows:* “Restore ~~or~~ and expand riparian and other wetland plant communities.”

35. **Stakeholder Comment:** Consider adding the specific title of the Tahoe Yellow Cress conservation strategy to the proposed Policy (as it is in the 1987 Plan’s Policy).

TRPA Response: *Staff agreed with the recommendation and therefore proposes to amend Policy VG-3.2 as follows:* “Manage Tahoe Yellow Cress in the Region according to ~~its~~ the Tahoe Yellow Cress Conservation Strategy.”

36. **Stakeholder Comment:** Overall, the Regional Plan must include a comprehensive forest restoration plan that:

- protects the oldest and largest trees
- restores wildlife habitat
- reintroduces native species
- returns fire to the ecosystem through careful prescribed broadcast burns with protection of the delicate forest floor

Implementation Measures must include requirements such as the use of curtain burners instead of open-air pile burning and that burn days be reserved for prescribed broadcast burns instead of pile burning.

TRPA Response: Forest Restoration Plans are management tools created and used by land managers. TRPA Goals and Policies help to guide land managers in the development of these plans. Proposed and existing regulations regarding burning are addressed in the Air Quality Subelement of the Regional Plan and by the respective air quality boards.

37. **Stakeholder Comment:** Would proposed Policy VG-1.10 prohibit new lawns?

TRPA Response: VG-1.10 would not. The Policy states, "NATIVE VEGETATION: Use and maintain native vegetation to the maximum extent practicable throughout the region." This emphasizes native vegetation and recognizes the need to use other types of landscaping.

38. **Stakeholder Comment:** Lawns are technically coverage. Further, and more importantly, not limiting the use of lawns fails to recognize the impact of lawns on the Thresholds, including the impacts of fertilizer on algae growth (a Water Quality Threshold Standard for primary productivity) as well as soil compaction (which can result in additional stormwater runoff). TRPA is required to adopt a plan which attains and maintains Thresholds; ignoring these impacts of lawns conflicts with the Compact's requirement.

TRPA Response: In Alternative 4, there are several Implementation Measures that are designed to limit the use of lawns. These measures will be studied in the EIS. Alternative 2 also contains measure VG.IMP-7, which is proposed to be amended as follows (see TRPA Response to Stakeholder Comment #18): "Prohibit new lawns in the backshore or on natural sandy beaches/dunes located landward of the backshore." The concept behind prohibiting new lawns is to limit further discharge of lawn fertilizer, compaction of soil in the backshore, and the removal of native vegetation where the impacts of these actions are most acutely imposed on the lake.

39. **Stakeholder Comment:** Are we losing anything by deleting current Policy 1.4, which states: "Edge zones between adjacent plant communities will be maximized and treated for their special value relative to plant diversity and wildlife habitat." The updated Regional Plan must protect habitats from fragmentation, but special habitat diversity resulting in areas where two types of plant communities mix should be specifically protected, because this type of plant diversity might not exist in other areas.

TRPA Response: The existing Policy encourages maximizing edge zones. This can lead to habitat fragmentation. Proposed Policies VG-1.1 and VG-1.2 protect and recognize the importance of diverse habitats, including "ecotones" (which were referred to as "edge zones" in the 1987 Plan).

40. **Stakeholder Comment:** Add "using best available technology" to Implementation Measures throughout. Best available technology changes over time so it ought to be recognized.

TRPA Response: Comment noted.

41. **Stakeholder Comment:** Link Goal VG-2 to Thresholds. As stated, it is too vague.

TRPA Response: Comment noted. The proposed Goal is a product of the Pathway Forum.

Fire Officials

42. **Stakeholder Comment:** The promotion of natural fire regimes as a means of achieving healthy forests and vegetation is commendable.

TRPA Response: Comment noted.

43. **Stakeholder Comment:** Does proposed Policy VG-1.2 include restoration of non-forest plant communities?

TRPA Response: Yes, the intent of the Policy is to support restoration efforts where needed to achieve the Pathway Desired Condition. In addition, restoration and expansion of riparian and other wetland plant communities are addressed under proposed Policy VG-2.3.

44. **Stakeholder Comment:** Proposed Policy VG-1.10 is a good policy. Please clarify whether areas such as the “5-30’ lean and green zone,” the non-combustible zone, and the 5’ moat around structures would count as coverage.

TRPA Response: As long as these areas are maintained as BMPs for erosion control and/or fire defensible space purposes, they are not considered land coverage.

45. **Stakeholder Comment:** We are not in favor of Alternatives 3 and 4, because they do not give some property owners sufficient landscaping options to create defensible space. For example, prohibiting lawns or placing limitations on lawn size could remove a valuable option from the defensible space toolbox for some property owners. In addition, the “Home Landscaping Guide”²³ contains native flammable plants species whose use should not be encouraged within defensible space; non-native species could be preferable in these areas.

TRPA Response: Comment noted.

46. **Stakeholder Comment:** In regard to proposed Policy VG-5.3, please change the language to clarify its intent as follows:

Maintain forest litter for its erosion control and nutrient cycling functions in naturally-vegetated areas except to the extent it poses a fire hazard **or as necessary to maintain a fire adapted plant and forest community.**

TRPA Response: See TRPA Response to Stakeholder Comment #33.

²³ University of Nevada Cooperative Extension, *Home Landscaping Guide for the Tahoe Basin*

47. **Stakeholder Comment:** Would prohibiting lawns in the backshore keep property owners from having something non-combustible between their house and required visual screening?

TRPA Response: No, the definition of backshore will provide sufficient room for the zero to 5-foot non-combustible zone and allow for vegetative screening when required.

48. **Stakeholder Comment:** Would removal of existing Policy 4.6 regarding the use of prescribed fire in old-growth stands de-emphasize the importance of using prescribed fire as a management tool?

TRPA Response: Proposed Policy VG-1.1 promotes the restoration of historic fire regimes in all ages of forest types where fire historically occurred, including ground fires that would be replicated through prescribed burning.

49. **Stakeholder Comment:** Would proposed Policy VG-1.7 prevent projects in urban areas?

TRPA Response: No, exceptions to allow large tree removal in the urban area are contained in the existing Code and will be retained.

50. **Stakeholder Comment:** Is there a conflict between keeping a sufficient number and appropriate distribution of snags for wildlife and providing for public health and safety and effective defensible space?

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

Advisory Planning Commission

51. **Stakeholder Comment:** It is great to see reference to the Pathway and Place-based planning processes as the genesis of proposed changes to the Regional Plan. Many people involved may not have believed that their efforts would be incorporated.

TRPA Response: Comment noted.

52. **Stakeholder Comment:** Consider moving Implementation Measures that would result in the establishment of maximum coverage for lawns and restrictions on the use of pesticides, herbicides, and fertilizers under Alternative 2 as they are very important conservation measures that may not be best left to the public's discretion.

TRPA Response: Comment noted. However, staff believes these measures are consistent with the character and intent of Alternative 4.

53. **Stakeholder Comment:** How does TRPA intend to provide assistance to the public in choosing appropriate plants? Will this be a continuation of making the "Home Landscaping Guide" available, or will there be more steps taken?

TRPA Response: TRPA will continue current efforts at community engagement and build upon these efforts in the future. For example, the Agency recognizes the value of native vegetation, and at the same time recognizes the short supply of native plants available through local and commercial plant purveyors. This issue will be addressed in part through the update of the “Handbook of Best Management Practices.” The Handbook will provide interested parties with information related to propagating native species.

TRPA is working with other parties interested in increasing the use of native species in the region (e.g., resource conservation districts, plant purveyors, project implementers, and the UNR Cooperative Extension). TRPA will also provide regularly updated information to the public regarding use and removal of inappropriate plants.

54. **Stakeholder Comment:** Consider prioritizing some of the enforcement concepts included in Alternative 4.

TRPA Response: Comment noted.

Appendix C

Summary of Stakeholder Comments and TRPA Responses from the **Soil Conservation Stakeholder Meetings**

State and Federal Land Management Agencies

1. **Stakeholder Comment:** CTC representatives oppose the inclusion of the following language in Proposed Goal S-2: “The adverse effects of land coverage are fully mitigated on a watershed or storm water zone basis.” The situation created by this language would be unworkable for the California Land Bank; their land bank could not function in the event this provision is included in the Regional Plan Update.

TRPA Response: Several stakeholders expressed concern about the provision referenced above, citing lack of clarity in the terms used and the restrictions that could be imposed on the Basin’s land banks by a strict application of the Policy. It is the intent of staff to develop modifications to the Excess Land Coverage Mitigation Program (ELCMP) to improve the Program’s effectiveness in collaboration with the land banks.

Though this issue was discussed in detail during the Land Use Milestone, for clarity’s sake *staff proposes to amend Proposed Goal S-2 as follows:*

LAND COVERAGE: Land coverage in the Lake Tahoe Basin does not exceed the capacity of the soil resource to offset the adverse environmental effects of land coverage. The adverse effects of land coverage are fully mitigated. ~~on a watershed or storm water jurisdiction basis.~~

This proposed amendment is consistent with the changes to the ELCMP that were discussed during the Land Use Milestone. Detail concerning those changes can be found in FactSheet #3: **Land Use Sub-Issue 1A** (pg. 7).

2. **Stakeholder Comment:** CTC representatives requested more detail on the methods currently under consideration to establish seasonal limitations for ground disturbing activities to determine the potential effect of these proposals on their forestry program.

TRPA Response: Comment noted.

3. **Stakeholder Comment:** The definition of “impaired watershed” has not yet been finalized.

TRPA Response: This issue was discussed during the Land Use Milestone. A definition will be developed during the implementation phase of that Milestone.

Local Jurisdictions

4. **Stakeholder Comment:** Will properties with previously verified land capability be required to conduct new land capability verifications under the new Regional Plan? Will Community Plan areas have revised planning level maps prepared?

TRPA Response: Proposed Policy S-2.2 states:

FIELD VERIFICATION OF LAND CAPABILITY: Implement rules and procedures that allow for field-based verification and modification or the planning-level land capability classifications and boundary delineations depicted in the updated land capability classification of the Lake Tahoe Basin, California and Nevada, A Guide for Planning (TRPA 2010).

To help implement this Policy, the following Implementation Measure is proposed in Alternative 2:

S.IMP-3: Revise the land capability regulations to require site-specific soil and land capability determinations and discretionary field verification of soil and land capability map units.

The measure has been the subject of substantial debate among stakeholders. The potential impacts to project costs and the increased time to acquire permits are a primary concern. Others believe the measure is needed to ensure that field verification, and not planning level maps, are used to determine land capability at the project level.

TRPA staff will develop criteria, with stakeholder input, to determine when a site-specific field verification of soil and land capability would be required for a project. It is not the intent of this measure to require soil testing for every application, but rather to ensure land capability determinations are based on the best scientific information in a manner that is fair, efficient, and effective.

Staff proposes to amend S.IMP-3 as follows:

Amend Code Section 20.2 ~~Revise the land capability regulations~~ to require site-specific soil and land capability determinations and develop criteria to determine when actual field verification of soil and land capability will be required for a project discretionary field verification of soil and land capability map units.

5. **Stakeholder Comment:** Representatives from Placer County expressed concern about the effects that the proposed site-specific soil and land capability verification measures may have on project schedules and costs.

TRPA Response: Today, TRPA Code could be interpreted to require site-specific field verification of land capability for every project. The impact of the proposed amendment to S.IMP-3 would be to provide TRPA discretion to determine whether a field verification is warranted or not. This could streamline project review.

6. **Stakeholder Comment:** Representatives from Placer County questioned whether there is a sufficient number of professional soil scientists operating in the vicinity of the Tahoe Basin to meet the demand that would be created by the proposed site-specific soil and land capability verification measures.

TRPA Response: See TRPA Response to Stakeholder Comment #5.

7. **Stakeholder Comment:** All local jurisdictions expressed concern that the proposed impaired watershed Policies and Implementation Measures may limit or prohibit new development and redevelopment in watersheds designated as impaired by TRPA.

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

Private Sector

Stakeholder Comment: Delete measure S.IMP-3 from Alternative 2, because requiring site-specific land capability verifications is too regulatory in nature, may increase the cost of development, and could extend permitting timelines. Concern was also expressed that there may not be sufficient expertise in the Basin to fulfill consulting needs. It was suggested that verifications may not be necessary in areas where area-wide treatment is the primary strategy for protection and improvement of water quality.

TRPA Response: See TRPA Responses to Stakeholder Comments #4 and #5.

9. **Stakeholder Comment:** The intent of using the terms “offset,” watershed,” and “storm water zone” in Goal S-2 is unclear and should be explained.

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

League to Save Lake Tahoe and Tahoe Area Sierra Club

10. **Stakeholder Comment:** Consider deleting the word “contiguous” in Proposed Policy 2.4 since its meaning and application is not known and may limit the ability to develop a complete definition of impaired watershed.

TRPA Response: *Staff agrees with the suggestion and proposes to amend Policy 2.4 as follows:*

COVERAGE-IMPAIRED WATERSHEDS: Identify watersheds or other *contiguous* land areas that are impaired by excess land coverage and prioritize these areas for land coverage removal and transfers.

11. **Stakeholder Comment:** What are the implications to the land capability districts if a new soils map is adopted? The new map may result in a reduction in the amount of low land capability areas and, for stream environment zones (SEZ), may reduce the amount of acreage required to be restored by the SEZ Threshold. A crosswalk between the 1974 Bailey map and the new proposed map is needed.

TRPA Response: See the discussion in ***Soils Issue #1.***

12. **Stakeholder Comment:** An analysis is needed of coverage transfer potential based on impaired watershed concept before the idea can be fully evaluated.

TRPA Response: An analysis of coverage potential will be completed as part of the development of the “impaired watershed concept.”

Fire Officials

13. **Stakeholder Comment:** The Project Description should mention that an uncontrolled fire poses a risk to soil resources.

TRPA Response: Comment noted.

14. **Stakeholder Comment:** Proposed Policy S-1.2 should recognize that vegetation management is different than grading and ground disturbing activities.

TRPA Response: *TRPA currently evaluates vegetation management activities on the potential to create adverse impacts separate from grading and other ground disturbing activities. Therefore, staff proposes to amend proposed Policy S-1.2 as follows:*

SEASONAL LIMITATIONS FOR GROUND DISTURBING ACTIVITIES: Implement seasonal limitations for ground disturbing activities and ~~special requirements-limited exceptions~~ for ground disturbing and vegetation management activities conducted during the wet season (October 15 to May 1).

Appendix D

Summary of Stakeholder Comments and TRPA Responses from the Monitoring & Evaluation Stakeholder Meetings

All Stakeholders

1. **Stakeholder Comment:** In general, proposed Goals and Policies make sense and would allow for logical progression of TRPA's Monitoring & Evaluation Subelement.

TRPA Response: Comment noted.

Private Sector

2. **Stakeholder Comment:** TRPA should take management or policy actions when monitoring information indicates that action is warranted.

TRPA Response: TRPA is proposing to use the Lake Tahoe Management System to guide the implementation of the Regional Status and Trend Monitoring & Evaluation Program. The System allows information be presented to decision makers for action on a regular cycle. In fact, proposed Monitoring & Evaluation Policy ME-1.7 states that "TRPA will use the results of implementation, effectiveness, and status and trend monitoring and evaluation efforts and best available science to adjust Regional Plan and program-specific strategies..."

League to Save Lake Tahoe and Tahoe Area Sierra Club

3. **Stakeholder Comment:** TRPA should use resources specifically for Threshold-related monitoring and not attempt to "adjust or revise" regional planning strategies in response to economic indicators.

TRPA Response: TRPA will continue to focus resources on monitoring to inform decision making on Threshold issues. Agency partners, stakeholders, and others with expertise in assessing economic indicators will continue to be included in discussions regarding the economic health of the Tahoe Basin and how it relates to regional planning and Threshold Standard achievement. The Compact states that the health of the environment, the economy, and the society are dependent on each other.²⁴

4. **Stakeholder Comment:** Policy language should be added to clearly distinguish between Threshold-related social indicators and economic indicators.

²⁴ TRPA Compact, Article I (a) (6)

TRPA Response: Within the context of Thresholds, there are no economic indicators. However, these indicators can be helpful in assessing Threshold achievement. The Lake Tahoe Management System will be used to guide the continual improvement and implementation of TRPA's Threshold indicator monitoring program. Part of this improvement will be to clarify definitions for different types of indicators in the Code of Ordinances.²⁵ This embodies the principle of adaptive management, otherwise known as the "Plan, Do, Check, Adjust" cycle.

5. **Stakeholder Comment:** The TRPA indicator monitoring program should be managed in such a way as to allow for peer review, interaction and coordination with the science community, and adequate funding.

TRPA Response: These principles are embodied in two proposed Policies (ME-1.4 and ME-2.3) and one Implementation Measure (ME-IMP.1). Also see TRPA Response to Stakeholder Comment #6 below.

State and Federal Agencies

6. **Stakeholder Comment:** TRPA needs a policy that supports the pooling of funding to achieve programmatic monitoring objectives.

TRPA Response: Staff believes this is a good idea. Policy language should be added to direct TRPA to support other agencies and institutions in leveraging funding to achieve monitoring and evaluation objectives.

Staff proposes to add the following to Alternatives 2 and 4:

- *Proposed new Policy: "Support the coordination and/or pooling of funding for Regional monitoring efforts."*
- *Proposed new Implementation Measure: "To facilitate the pooling of funding, create a pass-through funding service."*

7. **Stakeholder Comment:** Implementation and effectiveness monitoring would be very costly under Alternative 3.

TRPA Response: *Staff proposes to amend Alternative 3 to remove all new implementation monitoring requirements.* This would reflect the character and intent of this alternative. Currently, the implementation monitoring requirements are identical in Alternatives 2, 3, and 4. This proposal would leave Alternative 2 and 4 with the same proposed requirements, while Alternative 3 would represent the existing requirements.

8. **Stakeholder Comment:** The Project Description should provide background on adaptive management and why it is important. Similarly, TRPA should clarify and differentiate the use of "adaptive management" from "continual improvement" terminology.

²⁵ TRPA – Code of Ordinances, Subsection 32.5.A

TRPA Response: Comment noted. Adaptive management is important because it encourages solutions to intractable problems. It is a rigorous scientific endeavor aimed at reducing uncertainty. Continual improvement is a business practice or philosophy. It is the formal process of enhancing program performance over time and the systematic practice of developing plans with performance standards and tracking and reviewing actual performance. Continual improvement can be the result of adaptive management done well.

9. **Stakeholder Comment:** The policy differences between “applied research” and “effectiveness monitoring” should be clarified.

TRPA Response: During the implementation phase of the Conservation Milestone, staff will work with partners and stakeholders to amend Code Chapter 32 to specify the individual elements of applied research and effectiveness monitoring.

10. **Stakeholder Comment:** Strengthen policy language related to collaboration with the science community.

TRPA Response: See TRPA Response to Stakeholder Comment #6. Also, the proposed Policies in the Regional Plan Update would promote significant interaction between TRPA and the science community on issues related to monitoring and applied research. These principles are embodied in two proposed Policies (ME-1.4 and ME-2.3) and one Implementation Measure (ME-IMP.1). For example, Policy ME-1.4 states:

SCIENCE COMMUNITY INTERACTION: TRPA will regularly interact with the science community to periodically review technical assumptions, techniques, and procedures associated with status and trend monitoring and evaluation efforts.

11. **Stakeholder Comment:** Stakeholders support the proposal to encourage regular revisions to TRPA’s research agenda to reflect contemporary research needs as opposed to the current static research agenda policy.

TRPA Response: Comment noted.

Appendix E
Summary of Stakeholder Comments and TRPA Responses from the
Shorezone Stakeholder Meetings

No comments.

Appendix F

Written Stakeholder Comment Letter from California Tahoe Conservancy

**California Tahoe Conservancy staff comments on TRPA Regional Plan Update Alternatives -
 Soils Subelement, Policies and Implementation Strategies**
 May 12, 2010

Topic/Issue	Comments/Questions
Proposed Goal S-1.2- Seasonal limitations for ground disturbing activities	<ul style="list-style-type: none"> We would like additional detail on monitoring protocols and methodologies under consideration to determine potential impact to our forestry program.
Proposed Goal S-2 – Land Coverage	<ul style="list-style-type: none"> We oppose the inclusion of the last sentence within this policy: “The adverse effects of land coverage are fully mitigated on a watershed or storm water jurisdiction basis.” We believe this to be unworkable for the land bank and would not recommend the Conservancy continue as the California Land Bank in the event this provision is included in the updated Regional Plan. This provision is probably untenable to certain storm water jurisdictions (i.e. the City of South Lake Tahoe) where existing land coverage within the jurisdiction greatly exceeds allowable land coverage limitations desired by Bailey. We would appreciate understanding the difference between the current threshold standard and the proposed standard other than using the 2007 Soil Survey.
Soils Policy S-2.4 – Coverage impaired watersheds	<ul style="list-style-type: none"> It appears from this language that in answer to a question raised earlier, coverage impaired watersheds have yet to be identified completely.
Soils Policy S-2.5 – Soil quality performance standards	<ul style="list-style-type: none"> What are the implications for restoration agencies such as the CTC? Any new standards cannot be applied retroactively to restored land coverage already banked by the respective land banks.

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 Page 1 of 1

**California Tahoe Conservancy staff comments on TRPA Regional Plan Update Alternatives -
 Wildlife & Fisheries Goals, Policies and Implementation Strategies**
 May 12, 2010

Topic/Issue	Comments/Questions
<u>General Comments</u>	<ul style="list-style-type: none"> • Alternatives 2 and 4 include many worthwhile updates that clarify existing goals and policies, update goals and policies based on current scientific understanding, fill gaps in protections under the current regional plan, and take a more comprehensive ecosystem approach to managing terrestrial and aquatic species. These proposed changes are consistent with the Conservancy's approach to ecosystem management.
Proposed Policy WF-1.2 (Alts 2 & 4):	<ul style="list-style-type: none"> • We support adding protections for unique or special habitat types, but these habitat types should be described as comprehensively as possible to avoid the appearance of arbitrary or subjective designations of unique or special habitat types. If the ratio of mitigation will vary from 1:2 to 1:4 based on habitat quality, then the criteria for characterizing habitat quality needs to be described in as much detail as possible somewhere. This will allow the policy to be applied uniformly and will reduce challenges from project proponents that may see this as a subjective determination.
Proposed Policy WF-1.4 (Alts 2 & 4):	<ul style="list-style-type: none"> • Is there an implementation measure for the updated policy dealing with domestic animals?
Proposed Policy WF-2.2 (Alts 2 & 4):	<ul style="list-style-type: none"> • We support the identification of non-disturbance zones and limited operating periods based on suitable habitat rather than a uniform buffer surrounding a nest. However, the protocol for changing non-disturbance zones (maintaining disturbance zones regardless of occupancy status and adding new disturbance zones when surveys indicate a new nesting location) could lead to some non-disturbance zones that do not contain nest sites and offer little additional protection to the species. We suggest including some criteria which would allow disturbance zones to be removed prior to a stand replacing event (e.g. If surveys indicate the disturbance zone was not occupied for at least X years, and a new disturbance zone has been added within X miles of the original since the original was last occupied).
Proposed Policy WF-2.2 (Alt 4):	<ul style="list-style-type: none"> • If non-disturbance zones may contain habitat in urban areas, then the determination of habitat suitability should take into consideration factors other than vegetative structure (e.g. dog presence, level of human use, etc.) to ensure that the protected habitat is actually suitable habitat.

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**California Tahoe Conservancy staff comments on TRPA Regional Plan Update Alternatives -
 Monitoring and Evaluation Subelement, Policies and Implementation Strategies**
 May 12, 2010

Topic/Issue	Comments/Questions
Overview- Narrative, 3 rd paragraph, last sentence	<ul style="list-style-type: none"> This sentence makes reference to an "... informal adaptive management approach to the conservation of the Lake Tahoe basin." We recommend the overview provide some background about what adaptive management is, and why TRPA believes this approach is important and appropriate to the conservation of the Lake Tahoe basin.
Alternative 2- Narrative; Goals and Policies Section	<ul style="list-style-type: none"> Overall, the proposed changes to the goals and policies in Alternative 2 make sense and would allow for logical progression of TRPA's monitoring and evaluation subelement. The last sentence in paragraph one of this section suggests applied research and effectiveness monitoring are treated together in the reorganization of goals. It's not clear why this is the case. The first sentence in paragraph two makes reference to "the Lake Tahoe Management System to guide continual improvement..." However, in the Overview section, the document makes reference to adaptive management. These terms are not interchangeable and TRPA staff should consider adding definitions for these terms. The third paragraph in this section makes it clear that a specific (and likely outdated) list of research needs would be replaced with a more generic statement recognizing the need to conduct research as management or policy questions arise or uncertainties are revealed. This alternative approach to characterizing the need for research is strongly supported. The last sentence in paragraph five mentions that TRPA's policies would be updated to encourage continued collaboration with other agencies and the scientific community. We recommend strengthening the language in these policy updates to make collaboration and integration of all monitoring and research efforts TRPA may pursue a standard operating principle unless there are compelling and substantial reasons to go it alone.
Alternative 2, ME-1.1. Proposed Policy "Monitoring Program Implementation/Interagency Cooperation"	<ul style="list-style-type: none"> We support the concept of Interagency Cooperation. However, some agencies will only be conducting effectiveness monitoring as opposed to status and trends type monitoring. There seems to be no explicit policy to coordinate and use effectiveness monitoring.

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Topic/Issue	Comments/Questions
<p>Alternative 2, ME-2 Proposed Goal “TRPA supports applied research and effectiveness monitoring”</p>	<ul style="list-style-type: none"> Although you make a case that both applied research and effectiveness monitoring improve understanding of ecosystem processes, these are two very different actions. Suggest breaking them up into two separate goals with their own policies. Right now all the policies are aimed at the research as opposed to the effectiveness monitoring.
<p>Alternative 3- Narrative; Implementation Measures</p>	<ul style="list-style-type: none"> The last sentence in the bulleted paragraph states “In addition, individual projects would be reviewed under these amended chapters to ensure compliance with permit conditions and assist with determining whether projects are meeting the stated environmental performance objectives.” This statement seems to merge implementation and effective monitoring at the project level. This approach would be very costly and arduous to implement, and likely resulting in outcomes that will not meet expectations. As stated, this alternative is the same as Alternative 2.
<p>Alternative 4 -Narrative</p>	<ul style="list-style-type: none"> Consider changing Alternative 4 to make it more distinct from alternatives 2 and 3. One variant TRPA should consider is including the bulleted paragraph under Alternative 3, but change the last sentence to read “In addition, individual projects would be reviewed under these amended chapters to ensure compliance with permit conditions. Further, TRPA will to the extent possible support program level effectiveness monitoring through the pooling of funds for project specific monitoring or other appropriate means.” Including this variant with the last sentence suggested above (or something like it) creates an alternative that differs from both alternatives 2 and 3.

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**California Tahoe Conservancy staff comments on TRPA Regional Plan Update Alternatives -
 Vegetation Goals, Policies and Implementation Strategies**

May 12, 2010

Topic/Issue	Comments/Questions
<p>Section 1.10.1 Vegetation Subelement - General Comments:</p>	<ul style="list-style-type: none"> The five new goals are a substantial improvement over the existing goals in that they are much more ecologically based. In addition, explicit recognition of the need to address hazardous fuels, and the integration of this recognition into the goals and policy, is very helpful. Nevertheless, better information to document problems that require the proposed changes would be beneficial to support making the case for the proposed changes.
<p>Alternative 2, VG-3.1 “Identify, restore where practicable, and preserve populations and habitat of all special status plant species in the Region.”</p>	<ul style="list-style-type: none"> The proposed amendment eliminates use of the term “critical habitat,” defined in Section 78.2.C of the Code as “any element of the overall habitat for any species of concern, which, if diminished, could reduce the existing population or impair the stability or viability of the population...” By definition, this term is typically a subset of the habitat for a special interest species. By requiring preservation of “populations and habitat,” the definition becomes more encompassing. The trade-offs and lack of exceptions for this expansion of terminology is concerning. For example, sandy beaches are TYC habitat. Habitat preservation does not distinguish that some beaches are not managed in a way that preserves their habitat value, as developed recreation takes precedence there. A rigid interpretation of the policy would not allow for reasonableness in its implementation. Can qualifying language be added? Be aware there are several federal endangered plant species that have designated critical habitat. Please clarify this statement.
<p>Alternative 2, VG-1.7 “Retain large trees as a principal component of stands in later stages of stand development, including old growth.”</p>	<ul style="list-style-type: none"> This isn’t as much a comment on this section as an opportunity to fit in a comment/concern/request for a Code change. Section 71.2.A outlines ten exceptions to the large tree cutting prohibitions for Conservation and Recreation lands and SEZ. A narrow exception is needed for limited circumstances for certain public recreation and transportation projects. For example, renovation of existing developed recreation facilities, or other EIP projects when the other exceptions don’t fit and when it is impossible to relocate the proposed facility. What’s proposed is not an exception to allow a bad design, but rather an exception that enables taking an occasional tree so that the project, itself, does not die or so that facilities do not essentially kill the tree by creating a hazard through undermining the tree’s stability under the guise of protecting it through retention. In some cases, the project is pushed into the upland to protect the SEZ, compromising individual trees. These limited circumstances are not accounted for in the current list of exceptions.

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Topic/Issue	Comments/Questions
Alternative 2, VGIMP-5.	<ul style="list-style-type: none"> • Please clarify the connection between the salvage and reuse of native topsoil with the need to evaluate the cumulative impacts to vegetation.
Alternative 2, VG IMP-9 (page V-26) “Extend protection for trees retained in a project footprint from the dripline to the critical root zone.”	<ul style="list-style-type: none"> • Is the current dripline standard too small, or has its application been compromised? In the examples of urban development projects where retained trees have become “tree sculpture gardens,” was the dripline standard actually followed? In many cases, it appears that a trunk protection standard, rather than a dripline standard was applied. How is the critical root zone applied and would the application be able to be appropriately translated to designers and architects? Would its application in the field be better than the dripline standard? In http://www.treelink.org/docs/critical_root_zone.pdf, one contributor states: “Knowing that the crown projection is the area under the drip line, we would end up with 1 and a half times the radius of the crown projection as being the area to stay out of (for the critical root zone).” It appears that the critical root zone standard would be more difficult than the dripline standard to apply in the field. Driplines seem to be a better visual marker. Does any local (or other) research support this recommendation? • In an effort to protect trees will this make designers/implementers remove more trees for projects to avoid impacts to the critical root zones of trees?
Alternative 3, VG IMP-10	<ul style="list-style-type: none"> • Requiring property owners to “eliminate” noxious weeds is a pretty strong action. Once the weed is established, this can be very difficult, and many organizations have tried and failed in this endeavor. Controlling or preventing spread may be all that is feasible, depending on the species. What if the invasive weed originated from the ROW is it the responsibility of the homeowner to eradicate it? How do you propose to eliminate weeds if you restrict the use of herbicides to homeowners?
Alternative 3, VG IMP-11 (page V-28) “Use BMP evaluations and certifications to determine whether all four approved vegetation criteria have been met (i.e., low water use, low fertilizer use, native, and fire resistant).”	<ul style="list-style-type: none"> • Will another round of BMP evaluations be required in order to achieve this implementation standard? Will homeowners with certificates be required to be reevaluated? How will this be implemented?
Alternative 3, VG IMP-12 (page V-29) “Establish a maximum area for lawns as a percentage of the non-covered area of a parcel.”	<ul style="list-style-type: none"> • Perhaps this should be a homeowner standard only, recognizing that public park projects may benefit from usable green area? Does TRPA have the resources to apply this standard basinwide? • Is the problem large enough to warrant the effort?

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Topic/Issue	Comments/Questions
<p>Alternative 4, VG.IMP-14 (page V-30) “Establish a numerical level below which a parcel’s vegetation is considered out of compliance and is required to be restored to acceptable levels.”</p>	<ul style="list-style-type: none"> • Would such restoration be triggered as part of a project review? A BMP evaluation? Or could someone be randomly found to be out of compliance and required to restore their land?
<p>Alternative 4, VG.IMP-15 (page V-30) “Restrict use of pesticides, herbicides, and fertilizers by homeowners.”</p>	<ul style="list-style-type: none"> • Please elaborate on how this will be accomplished effectively. • Why just single out homeowners? What about commercial property owners, schools, parks, and golf courses? • How do you propose to eliminate weeds if you restrict the use of herbicides to homeowners?
<p>Alternative 4, VG.IMP-16 (page V-30) “Require landscapers, public agencies, developers and plant vendors to use or sell only locally-sourced native vegetation and plants appropriate for each site.”</p>	<ul style="list-style-type: none"> • Considering the proximity of so many out-of-basin plant suppliers and because so many individuals do their own landscaping, might community education, such as demonstration garden displays and workshops on invasive plants, be the most effective tool in achieving this goal? Are local sales of invasive plants the primary concern? How will sellers know whether plants are appropriate to the site where they will be planted? • This will likely drive up project costs, lead to less diversity in plant species for revegetation projects, and potentially cause supply issues.

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Appendix G
Written Stakeholder Comment Letter from League to Save Lake Tahoe
and Tahoe Area Sierra Club



May 19, 2010

Attn: Paul Nielsen
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Regional Plan Update, Conservation Subelement: Soils, Vegetation, Fisheries and Wildlife and Monitoring and Evaluation

Dear TRPA Staff:

The League to Save Lake Tahoe and the Tahoe Area Sierra Club appreciated the opportunity to discuss and provide comments on Regional Plan Update topics including soils, vegetation, fisheries and wildlife and monitoring and evaluation on May 10, 2010. Important points of clarification came out the discussion. Included here is a summary of comments made by the League and Sierra Club as well as comments that were not provided during the May 10th meeting.

Soils

Soils in the Lake Tahoe Basin must be protected through the removal of coverage, restoration, retirement and deed restriction of sensitive lands, and through the protection of raw lands from further development and disturbance. The Regional Plan must actively lead to the attainment and maintenance of the environmental threshold standards for soil conservation. Some additional clarification in language needs to be made within the Regional Plan documents, as discussed during the stakeholder meeting.

The soil conservation threshold standards require that soils be conserved *by soil type* as referenced in the Bailey report *Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, 1974*. This is a critical detail that is frequently avoided in the proposed Regional Plan document, through use of words such as "district", "watershed", "stormwater zone", and "catchment". While those terms may be useful for certain descriptions, they must not be used to alter the intent of the Bailey coverage classification system. It was noted to TRPA staff that there are a number of words and phrases that need to be defined, such as "accelerated erosion".

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Proposed goal S-2, "Land coverage in the Lake Tahoe Basin does not exceed the capacity of the soil resource to offset the adverse environmental effects of land coverage. The adverse effects of land coverage are fully mitigated on a watershed or storm water jurisdiction basis," does not clearly convey the intent of the goal. TRPA staff explained during the stakeholder meeting that the intention of this goal is to allow TRPA to control coverage and mitigate coverage impacts. This intent must be more clearly stated in this goal. The goal must not rely entirely on mitigation measures that have never been proven, but rather by a rigorous coverage control program. Although mitigation is acceptable in some areas, the first priority must be to reduce coverage to a level that leads to the attainment and maintenance of the soil conservation threshold standards. The last part of the goal mentions mitigating on a "watershed or storm water jurisdiction basis" (page S-4). The words "watershed" and "jurisdiction" must be clearly defined and consistent with guiding documents such as Bailey's *Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, 1974*.

Terms throughout the soil section need to be consistent throughout the document and consistent with the documents they refer to. Proposed Policy S-2.1 states, "Allowable land coverage in the Tahoe Basin shall be set in accordance with the land capability district classification methodology and district-based coverage limitations set forth in the land-capability classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning (Bailey 1974)" (page S-3). During the stakeholder meeting, staff clarified that the words "district" and "class" are to be interchangeable. To be consistent with Bailey's *Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, 1974*, the word, "district" should not be used because "district" is not mentioned nor defined in Bailey and is not an interchangeable word with Bailey' use of the descriptive word "class" (page S-3).

Additionally, the listed "Pathway Desired Condition" for S/SEZ DC-1 (page S-3) states: "Land coverage, on a *watershed* basis, does not exceed the capability of soil resources to offset (attenuate?) the effects of impervious cover. The effects of impervious cover and disturbance are fully mitigated on a *storm water zone* basis." The proposed Goal S-2 for this DC states "...The adverse effects of land coverage are fully mitigated on a watershed or *storm water jurisdiction* basis." As discussed with staff, there are three different terms here that appear to define a boundary that will be used for planning purposes – "watershed," "storm water zone" and "storm water jurisdiction." Staff explained that "watershed" is meant to refer more to a "subwatershed" of the entire Basin, for example, the Upper Truckee River watershed. Staff further explained that "storm water zone" equates to the "catchments" as defined in the TMDL documents. The proposed language must use consistent terms, eliminate redundancy, and 'interchangeable terms', and clearly define what the terms mean.

We also noted to staff that there was not agreement or consensus among the Pathway Soils/SEZ Technical Working Group and Forum regarding proposed DC-1. This must be made clear in the RPU documents so it does not imply a consensus that was never reached. To simplify and assure there is no confusion, the reference to the Pathway process should be removed.

The Soil Conservation section of the Regional Plan must lead to protection and restoration of sensitive lands. Proposed Policy S-2.3 (p. S-4) continues to allow *exceptions* to prohibiting coverage on sensitive lands:

“Coverage on sensitive lands: prohibit new land coverage and other forms of permanent land disturbance in land capability districts 1 through 3, with the exception of public outdoor recreation facilities and public service facilities that meet conditional use requirements specified in the Code of Ordinances, and single family dwellings reviewed and approved pursuant to the individual parcel evaluation system (IPES) described in Chapter 37 of the code of ordinances” (page S-5).

We have several concerns regarding the list of ‘exceptions’:

- Although it is reasonable to allow recreation facilities such as ski resorts on steep slopes, recreation facilities must not be allowed on sensitive land simply because they are “part of a public agency’s long range plans for public outdoor recreation” or are “consistent with the recreation element of the Regional Plan” or “if the impacts are fully mitigated” as stated in the 1987 Regional Plan. These recreation plans are developed for recreation “wish lists”, not on the basis of conserving soil or protecting SEZs. Thus, referencing recreation plans as a justification for allowing recreation facilities and other coverage on sensitive land does not comply with the soil conservation threshold standards.
- Single family dwellings must not be allowed in sensitive lands, including SEZs and floodplains, which must be clearly stated in the Regional Plan. It was noted to TRPA staff that it does not appear that IPES considers flood plains as SEZs and thus allows buildings in flood plains; staff noted that this was currently prohibited and this would be made clear. The proposed policy allows single family homes to be built on land considered sensitive through the Bailey system as long as it is considered non-sensitive in the IPES system. The IPES system is not infallible and new single family dwellings must not be allowed on sensitive land.
- Finally, as discussed at length with staff, concerns remain with the exceptions allowing public facilities in SEZs, primarily given the TMDL-stimulated discussion and desire for “storm water treatment facilities” which the California Tahoe Conservancy has stated potential agreement with locating such facilities in sensitive areas (See TRPA’s Stormwater Facility Plan). Not only does this disturb sensitive areas, but it is also counter-productive since SEZs provide far better stormwater treatment than any facility (i.e. the removal of fine particulates that are of concern in the Basin (0 to 16 microns, however recent experts are concerned the more damaging sizes are 2.5-5 microns or less) and no stormwater facility has yet been proven to effectively remove a majority of these fine particles. Staff responded that due to other requirements, such as the environmental findings that have to be made, and the requirements to consider other alternatives, as well as pressure from our organizations and TRPA’s own staff to do so, have thus far generally prevented public facilities in SEZs and are expected to prevent this in the future. In

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other words, the Regional Plan Code language states this would be allowed but the review process will supposedly prevent it. We appreciate staff's internal interest in preventing this, however, this must be codified. Not only is it a conflict to allow something in the Code but claim it will not be allowed because of the review process, but it also leaves the door open for future loopholes and changes. For example, alternatives may not be given full review, and/or TRPA's staff can and will change over the next 20 years and staff's opinions may change as well.

Further, although we realize the extent of environmental and legal review that went into first adopting IPES, the Regional Plan EIS must analyze how effective the system has been at helping attain thresholds standards. Although it may be beneficial to maintain the system due to the legal and environmental history, the basis for how IPES scores are determined and/or interpreted should be re-evaluated. For example, currently IPES scores in a jurisdiction may be raised simply because an EIP project was completed. Completion of an EIP project does not necessarily mean a quantifiable reduction in pollution and impacts to the thresholds standards. Changes in the IPES score should be allowed only after quantifiable, measured benefits are seen from a project or projects in a watershed.

Implementation Measure S-IMP-1, on page S-2, also reflects a lower level of protection for sensitive lands than needed. The implementation measure states, "Develop and implement standardized evaluation criteria for determining the suitability of soil and site conditions for sensitive lands and wet season grading disturbance, and resource management operations . . ." Staff explained the intent is to formalize a list of criteria and/or regulations that specify when grading exceptions are allowed, rather than continue the current case-by-case review that may often be subject to interpretation by staff and applicants. In other words, exceptions will be more clearly defined, thus making the terms more clearly to applicants and TRPA staff, resulting in more consistent decisions by TRPA. We understand the benefits of clearly articulating what is currently somewhat subjective, however caution that exceptions to the preceding goal (S-1.6) and policy (S-1.2) prohibiting wet season grading and sensitive land disturbance must be extremely limited and must be clearly specified within the proposed implementation measure.

The implementation measure listed for Proposed Policy S-2.1 (IMP-3, p. S-3), states "Revise the land capability regulations to require site-specific soil and land capability determinations and discretionary field verification of soil and land capability map units." There is a need for more site-specific determinations, and we understand that staff's intention here is to require site-specific determinations where questions exist, while not requiring them in situations where it is obvious what the capability is based on previous surveys, land history, etc..

While we respect staff's expertise in examining different soil types, the criteria that staff will use to determine when a site-specific determination is required must be outlined for the public's review when the implementation measures are further refined. Additionally, the new RPU needs to clarify what is acceptable regarding the number of soil pits that are dug. For example, digging 5 pits on 5 acres can miss several different soil types, thus more pits should be dug to truly assess the soil types on the 5 acres. How the number and location of pits will be determined must also be outlined for public review,

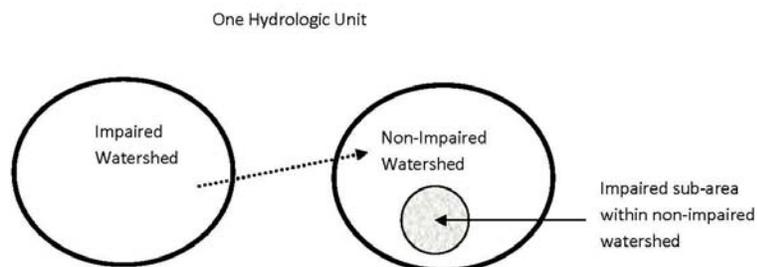
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and made clear in the future RPU to assist both applicants and staff and result in more consistent land capability determination processes.

Regarding Proposed Policy S-2.2 (p. S-4), the updated land capability information would be useful for TRPA for planning purposes as well as for public review of the Soils section of the Regional Plan update. The document, "Land Capability Classification of the Lake Tahoe Basin, California and Nevada, A Guide for Planning (TRPA 2010)" noted in the proposed Policy must be provided to the public for review as soon as it is available.

Wording should be altered to more clearly convey the intent of Proposed Policy S-2.4, which states, "Identify watersheds or other contiguous land areas that are impaired by excess land coverage and prioritize these areas for land coverage removal and transfers" (pages S-5 & S-6). TRPA staff explained that the intent of this proposed policy is to allow the prioritization of more areas that will be eligible for restoration and land-coverage-removal. The proposed document does not clearly reflect this intention.

- The words, "watersheds or other contiguous land areas" are more *exclusive* than the existing policy which plainly uses the word, "areas" instead of "watershed" or "contiguous land areas" (page S-5 & S-6). Instead of prioritizing "lands that are impaired by excess land coverage," disturbed and developed *sensitive* lands, especially SEZ's, must be prioritized for coverage removal, restoration and deed restriction to prevent any future damage to these sensitive lands. Another staff explanation of the inclusion of the word "contiguous" is to allow coverage to be transferred from coverage-impaired areas to non-impaired areas, but at the same time, prevent the transfer of coverage into "sub-areas" that are coverage impaired. We have attempted to capture the drawing which explains what this means as provided by staff at the meeting below:



(The dashed arrow shows the desired transfer while avoiding transferring into the sub-area on the right that is over-covered).

- It is *not* clear how the overall strategy of allowing transfers among different watersheds (e.g. Upper Truckee River to a watershed on north or west shore) would lead to the attainment of thresholds standards, but rather appears to create the potential to transfer problems from one

area to another. At this time it is not clear what, or when, or if regulations will be in place to assure that the “sending” areas be completely restored to their naturally functioning state.

- Transfers from impaired watersheds should not transfer coverage into smaller over-covered areas within a larger “non-impaired” watershed. However, the current wording does not clearly explain that this is the intent. Clear language should specifically prohibit transfers of coverage from any impaired watershed into any other watershed or subwatershed, or catchment that is also coverage-impaired.
- We questioned staff regarding the term “impaired” in the proposed policy. Staff explained this meant “coverage-impaired” (or over-covered). TRPA has stated in other RPU documents that there will be “TRPA designated impaired watersheds.” The definition of this term in the Soils Policy appears to be different than the definition in the SEZ/Water Quality sections. To avoid further confusion, we recommend TRPA staff use terms which are clearly distinct. Why not simply call over-covered watersheds “*over-covered* watersheds?”

On pages S-5 & S-6, proposed policy S-2.3 refers to “...other forms of permanent disturbance...” Staff explained that although there is a current definition for “permanent disturbance” it is not specific enough, and the details still need to be worked out. One example includes the issue of “temporary” vs. “permanent” disturbance as it relates to forestry management projects. Although the Lahontan Water Board has typically judged permanent as “more than one year”, there is a need for a more specific definition.

In terms of soft coverage, a policy needs to be in place that appropriately addresses soft coverage. While we support restoration of SEZ, incentives created for restoring soft coverage must not dilute incentives to restore and transfer hard coverage out of SEZs. Only soft coverage that was verified before February 12, 1972, should be eligible for transfer. The TRPA should evaluate whether it can reach the soil conservation threshold if it enforced current regulations requiring restoration of illegal coverage created after 1972.

Vegetation

Overall, the Regional Plan must include a comprehensive forest restoration plan that:

- protects the oldest and largest trees;
- Restores wildlife habitat;
- Reintroduces native species;
- Returns fire to the ecosystem through careful prescribed broadcast burns with protection of the delicate forest floor.

Implementation measures must include requirements such as the use of burn curtains instead of open-air pile burning and requiring that burn days be reserved for prescribed broadcast burns instead of pile burning.

Fire Fuels & Forest Restoration

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The proposed Implementation Measure on p. V-9, (VG IMP-1), must be revised to include the importance of broadcast burning after thinning has occurred. At the meeting with TRPA staff, we recommended the following wording changes: "Allow tree removal and understory burning where necessary to mimic natural processes..." Staff stated they agreed with this recommendation.

Edge Zones & Plant Diversity

Existing policy VG-1.4 is being proposed to be deleted under alternative 2 (p. V-10 & V-11). The 1987 policy states, "Edge zones between adjacent plant communities will be maximized and treated for their special value relative to plant diversity and wildlife habitat." The 1987 reasoning behind this policy was the following: "The mixing of two plant communities creates a zone of high plant diversity and provides an effective screen between adjacent land uses. Besides the benefit of increased plant diversity, edge zones provide critical habitats to many species of wildlife." During discussion with TRPA staff at the stakeholder meeting, TRPA staff explained that the intention behind deleting the policy was that the term "edge zone" had changed since 1987 and the policy could lead to increased habitat fragmentation. The proposed Regional Plan must protect habitats from fragmentation, but special habitat diversity resulting in areas where two types of plant communities mix, should be specifically protected within the proposed Regional Plan because this *type* of plant diversity might not exist in other areas.

Lawns

Discussion of the policy rationale on page V-12 included concerns regarding the regulations of lawns in the Basin. Lawns per the Bailey coverage standards ARE coverage because they represent compacted, disturbed areas and do not represent native vegetation. Staff explained that although the Code currently requires TRPA to regulate lawns, TRPA has thus far not generally enforced this provision, but rather left such decisions to the local jurisdictions (e.g. counties). TRPA is proposing to reflect their intent to match past practice through the policy – in other words, amend the Goals & Policies to "officially" leave regulation of lawns to the local jurisdictions. However, this appears to simply remove the current requirement that lawns should be regulated and thus counted as coverage and instead Codify status quo, which is in conflict with the Bailey definitions TRPA continues to otherwise rely on. This does not make sense as it creates a conflict within the new Regional Plan. Further, and more importantly, this fails to recognize the impact of lawns on the Thresholds, including the impacts of fertilizer use on algae growth, a water quality threshold standard for primary productivity and compaction which can result in additional stormwater runoff. TRPA is required to adopt a plan which attains and maintains threshold standards; adopting a policy that ignores the impacts of compacted coverage conflicts with the Compacts' requirement. As water districts have determined, lawns are very large users of water. As the TRPA plans for climate change and reduced water supply, it would behoove the planning agency to restrict the amount of coverage devoted to lawns and plan for the restoration of former lawn sites for naturally functioning soils.

Necessary Wording Changes

On page V-13, the proposed policy VG-5.2 includes “...unnecessary alteration of native vegetation...” As worded, this is confusing. If the alteration is unnecessary, then it should not be allowed. Therefore, it is unclear why this is included. In discussions with staff, they noted this concern and agreed that it does not make much sense as written. Staff stated our recommendation to simply remove “unnecessary alteration” from the policy was noted.

At the meeting with TRPA staff, we expressed concern with Proposed Policy VS-5.3, which would amend a policy related to forest litter. Staff explained that based on conversations with other groups, staff was proposing to revise the amended policy to instead state: “...in naturally-vegetated areas *except as necessary to maintain a fire-adapted plan and forest community.* . . .” We support the proposed wording change.

On page V-18, proposed policy “VG-3.2” should replace “...according to its conservation strategy” with the actual name of the TYC conservation document; as proposed, it is unclear what strategy is being referred to, if there is just one, etc. Staff agreed this recommendation made sense.

The proposed policy VG-4.1 (p. V-24) states, “Hazardous fuels reduction practices: promote hazardous fuels reduction and prevention of fire, using approved forest management practices consistent with acceptable strategies.” Forest management is complex and dynamic and Lake Tahoe requires a higher level of strategy and care to integrate protection of watershed health and watershed restoration, fuels management, vegetation and wildlife habitat.

- The proposed policy should include, “acceptable strategies *for the Lake Tahoe Basin*” to reflect Lake Tahoe’s unique and special attributes that require protection.
- As discussed with staff, policies must not inadvertently send the message that fire itself is “bad” (the current wording implies TRPA will “prevent” fires) and should be ‘prevented.’ Rather, we must promote fire where it restores forest health and reduces the potential for *catastrophic* wildfires. Therefore, as suggested to staff, the phrase “...reduction and prevention of fire...” should also be amended to state “...reduction and prevention of *catastrophic* wildfire.” An integrated and comprehensive approach of reintroducing fire in the Basin is needed to help restore forests to their more natural ecological function, restore wildlife habitat and watershed health. This approach will lead to multiple threshold achievements and support the consolidation of funds for whole forest restoration. For example, where there may currently be 3 projects with 3 separate grants/funding sources in a specific forest area – e.g. thinning to reduce fire risk, restore wildlife habitat or PACs and improve water quality – a comprehensive approach could instead result in all three goals being attained with much lower costs when compared to the funding needed for the 3 individual projects.

Fisheries and Wildlife

Proposed changes to Wildlife Threshold

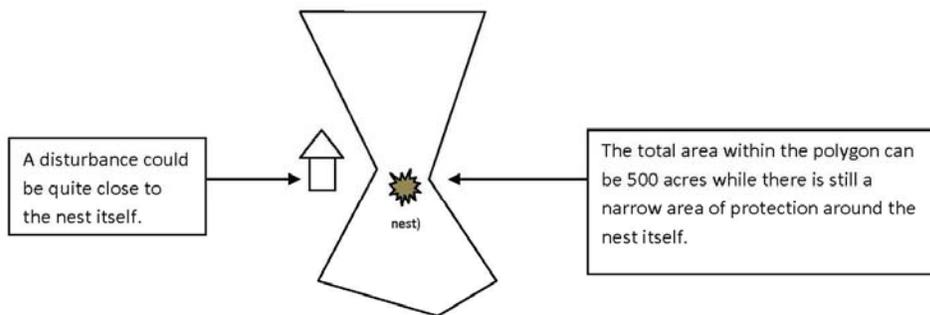
500 acres of Habitat

During stakeholder meetings, TRPA staff explained that instead of a radius-based protection zone, proposed protection zones would consist of 500 acres of protected land based on a polygon that would fit the best available habitat. According to staff, current scientific knowledge does not support the 1/2 mile radius of protection, but rather indicates that the best habitat is not merely based on distance from nest, but rather, habitat quality in the area. The USFS has adopted a 200 acre PAC for such species based on current science. Further, another problem with the current radius-based protection zones has been that the nests are located at the center of the disk, which makes them easy for people to find and disturb (whereas in the polygon-shaped PACs, the exact location of nests are not disclosed for protection purposes). The polygon shape eliminates this problem. Therefore, we support the concept of identifying and protecting the best available 500 acres of habitat around nests.

Limited Operating Period

Staff have also indicated that implementation measures (yet to be developed) will employ a "limited operating period" (LOP) regulation(s) which protect the PACs from disturbances during specific times of the year that are most critical to species success (much like USFS regulations). However, what has been unclear is whether this LOP will apply to the 500 acre polygon and/or the 1/2 mile radius around the nests. Based on discussion with staff, it appears the LOP will apply to the polygons. Assuming this is the case, then this would suggest that there will be times of the year which some activities will be allowed in the polygons. Is this true? If so, what activities and upon what evidence can TRPA ensure such activities will not harm success of the species using the PACs?

Another concern with the 500 acre PACs is how the polygons are delineated around a nest, specifically, if narrow zones occur in the PAC. See diagram, below:



Although the intention to protect the best available habitat instead of un-usable habitat is good, the polygon boundaries must provide a wide enough buffer around the nest itself so that disturbances outside of the protection zone do not cause disturbances that can negatively impact the nesting species that is within the protective PAC boundary line. A "buffer layer" should be added around the nest itself when the polygon is delineated, such that no information is provided that could allow someone to easily locate a nest, to provide additional protection beyond the area identified as suitable habitat. Staff noted that this could be better specified by adding language such as "[polygons will be] based on best available habitat *and minimizing edge effect...*"

PACs and Urban Boundaries

In Alternative 2, part of the proposed protection zone *excludes* potentially high quality habitat on raw land zoned as "urban". The implementation measure states, "a 500 acre Post-fledging Family Area would be established outside of the urban boundary" (page W-9). Protection zones should *not* exclude raw land simply because it has been zoned urban. Further, when TRPA considers a proposed amendment to change the zoning of an area from non-urban to urban, this can not result in the reduced protection of a species using an adjacent PAC. Specifically, PACs identified on undeveloped land must not be changed for any reason other than if scientific findings indicate that the PAC must be amended to better support the success of the protected species. (We note that staff indicated during our meeting that there are only two reasons a delineated PAC would be changed/moved/added is if: 1) the birds chose a new nesting site outside of an existing PAC or 2) due to a stand-replaced event, such as the 2007 Angora Fire. This is detailed in WF IMP-8, p. W-9 & W-10).

Further, the WF IMP-8 refers to the guidelines from the Sierra Nevada Forest Plan Amendment (SNFPA) [2004] in how the PACs will be delineated and protected. Will the SNFPA Guidelines also apply to the delineation of the additional 300 acres TRPA will add to the polygon? Are there any differences? Although it is understood that the implementation measures have not been fully developed, the description provided in the Draft Matrix for Wildlife & Fisheries requires expanded explanation and description of how these protection zones are being drawn when TRPA presents draft Implementation Measures to stakeholders. Additionally, the SNFPA guidelines should be provided along with the proposed implementation measure(s) so the public can immediately see how TRPA will delineate and protect PACs, rather than having to locate this information elsewhere.

Other comments

With regards to the proposed WF DC-1, we explained to staff that concern remains regarding the impacts of aircraft on protected habitats and terrestrial and aquatic species. Policies that support the proposed DC would have to address ALL activities that can affect a habitat, including aircraft. Where aircraft take off and land at airports/areas outside of the Basin (meaning TRPA can not regulate or restrict their activities when they fly into the Basin), TRPA can include a policy to promote coordination with such entities to reduce impacts from aircraft on protected areas.

The Proposed Policy WF-1.1 on page W-2 is a positive step to better protecting wildlife when reviewing projects as it would require the 'evaluation and disclosure' of potential beneficial and negative impacts to the biological integrity of terrestrial systems, whereas the current policy only refers to wildlife (and not the entire biological system which is needed to support wildlife). However, the policy should include language which promotes the selection of the project alternative that is most beneficial to the biological systems affected by the project. Upon further discussion with staff, we understand there may be situations where mitigation for a project is possible, however having a policy to promote a desired alternative would not exclude the approval of a project where impacts can truly be mitigated.

Proposed policy WF-1.4 (p. W-4) states, "effects of domestic animals and livestock: take measures to reduce or eliminate the effects of domestic animals, livestock and pets on native wildlife and vegetation communities" (page W-4). This section should include the addition of protection of *soils and watersheds* from domestic animals and livestock.

In the current document, it is not clear what is meant by Proposed Policy WF-1.9 (p. W-7), which states: "Watershed conservation plans: support the development and application of hierarchical and watershed scale conservation plans for natural resource management to guide specific management strategies at regional and local levels". Additional transparency and understanding could result if additional information is provided within the document in reference to "hierarchical and watershed scale conservation plans." During the stakeholder meeting, TRPA staff clarified that these types of plans guide the overall coordination and overlap of individual restoration projects to create greater efficiency and connectivity. TRPA staff mentioned that an explanation of what these plans are could be included in the Regional Plan Update documents; it is reasonable and preferable that this be done to eliminate confusion on the intent and meaning of this policy.

We would also like to acknowledge we support the 'shift' from goals and policies that identify specific species or habitats to instead protecting the biological integrity and function of areas that support the species protected by the thresholds.

Monitoring and Evaluation

The Proposed Policy ME-1.4 (p. ME-5) appears to suggest that TRPA will rely on other entities to monitor its thresholds, in other words, expect other entities to pick up what TRPA should be doing. Staff explained this was not the case, and that the intent is that TRPA will coordinate with other entities to ensure adequate monitoring in the Basin. The language must be amended to clearly reflect this.

Proposed policy ME-1.8 (p. ME-12 & ME-13) states, "Socioeconomic Condition Monitoring – TRPA will support other agency or entities' efforts to assess the region's socioeconomic conditions as a component of the status and trend monitoring and evaluation program to promote a better understanding of the possible social and economic impacts of implementing the Regional Plan". Staff explained that the intent is to remove the existing requirement that TRPA form a panel that addresses social and economic indicators and impacts of the Regional Plan and instead state that TRPA will leave the collection of economic data to the local jurisdictions, however TRPA will provide a reporting

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platform for this information to be posted (e.g. web page) and that TRPA will rely on this information when it relates to TRPA's planning activities. Further, staff explained that social indicators related to the thresholds will continue to be monitored by TRPA (e.g. recreation, scenic quality, noise, air quality [visibility]), etc.); the intent of this proposed policy is aimed primarily at economic information. During this discussion, we expressed several concerns and comments to staff, including the following.

- Although we understand socioeconomic information must be considered by TRPA on some level because TRPA is the primary *land use* planning agency for the Basin (and because protecting Tahoe's environment is necessary to improve its economy - which as we've heard recently from TRPA's Executive Director [April GB meeting], is shifting from a gaming industry towards geotourism), TRPA must not use resources (e.g. staff time, agency funds, etc.) for monitoring and evaluation that is not directly related to the environmental thresholds. In other words, TRPA must not use threshold monitoring resources to play a role in seeking "understanding of the possible social and economic impacts of implementing the Regional Plan". Further, the "Overview" description for Monitoring and Evaluation also mentions that the Monitoring and Evaluation section of the Regional Plan, "endeavors to understand the economic impacts of the Regional Plan" and "the Subelement establishes the need for TRPA to adjust or revise Regional Plan strategies in response to . . . socioeconomic indicator trends . . ." (page 205). TRPA must not spend precious resources on attempting to evaluate the Regional Plan's impacts on the economy nor attempt to "adjust or revise" Regional Planning strategies in response to socioeconomic indicators. Rather, any adjustments to TRPA's planning must be based on attaining and maintaining environmental threshold standards.
- Additionally, the proposed policy language must be revised to clearly distinguish between threshold-related *social* indicators (as those examples noted above) and economic indicators. The current language appears to lump these two types of indicators together, suggesting TRPA may not intend to monitor the "social" thresholds that were provided as examples (e.g. recreation, scenic, etc.) and/or TRPA intends to monitor economic indicators. We recommend TRPA replace the word "socioeconomic" with language which expresses clearly the differences between the thresholds TRPA will continue to monitor (perhaps "*socio-environmental*" would be appropriate for such indicators) and those which TRPA will instead rely on other jurisdictions to monitor (we recommend simply "economic trends").

There was substantial discussion during the May 10th meeting with staff regarding the monitoring and evaluation of thresholds, TRPA's process for adjusting to new scientific information affecting thresholds, TRPA's need to monitor all thresholds, etc. Staff referred to documents prepared as part of the "Adaptive Management Framework Process" (<http://environmentalincentives.centraldesktop.com/eifilesharing/doc/7764976/?&pgref=>) (or "Lake Tahoe Management System") in response to questions regarding what these processes will look like. We support an established process that will:

- Ensure new, relevant and peer-reviewed science is incorporated into the Regional Plan and thresholds in a timely manner;

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- Ensure TRPA staff maintain ongoing relationships with the scientific community to remain apprised of new science, coordinate existing scientific and research efforts and provide agency support (e.g. verbal/written, political and financial as appropriate) to the scientific community where efforts relate to thresholds and the Regional Plan; and
- Require TRPA to adequately fund and implement a monitoring network which provides scientifically-defensible monitoring data for TRPA's threshold indicators through a combination of TRPA's own monitoring activities and agreements with other entities that are monitoring the same indicators (e.g. where CARB is monitoring particulate matter concentrations).

Although we have not yet had the time to review all available information for the Lake Tahoe Management System (and in some cases, information is not yet available from TRPA, for example, a detailed plan of the threshold-related monitoring TRPA will perform), indications from staff suggest TRPA will significantly improve how it handles threshold monitoring and reporting. We encourage these efforts, as well as efforts which will require TRPA to amend the Regional Plan and thresholds when new science dictates a change. For example, we have known for over 10 years that particulates are affecting lake clarity, yet TRPA has continued to delay amendments to the thresholds and Regional Plan to the now three-year overdue Regional Plan Update. This delay has resulted in the approval of projects acknowledged by APC members to conflict with the thresholds [clarity] although meeting the Code [e.g. Sierra Colina Village]), because the Code had not been updated to address the science.

Finally, we discussed our concerns regarding the current 'gap' between the scientific community and regulatory community with regards to adjusting regulations based on scientific findings. In other words, scientists are not always involved in the regulatory changes that should occur once research finds a need. For example, research project "A" may determine that control measure "1" is not appropriate, but rather a new measure "2" is needed to reduce pollution and attain a threshold standard. Currently, there is a lag time of up to years or decades between the research findings and incorporation of the findings by regulators. There is a need for more interaction between these two communities, where the researchers better relay their findings to regulatory agencies to assist with needed regulatory changes, and regulatory staff better engage researchers in this process. Staff referred to the Lake Tahoe Management System in that it provides better processes for this interaction, but noted that better 'translation' from research to regulatory entities is often needed. Staff suggested ideas such as asking a "Synthesis of Findings" be included in researchers' reports that provided information in a way that regulatory staff could use it to amend planning as needed, while also addressing the need for regulatory staff to stay 'up-to-date' on the scientific communities' activities and findings.

The League to Save Lake Tahoe and the Tahoe Area Sierra Club appreciate the opportunity to contribute written comments during the Regional Plan Update process. Please feel free to contact us if you have any questions about the above comments.

Sincerely,

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League to Save Lake Tahoe

Tahoe Area Sierra Club

Appendix H

List of Transportation, Noise and Energy & Climate Change Stakeholder Meetings,
 Meeting Dates, and Participants

Regulatory Agencies	Invitees	Attended	Meeting Date
	Bob Larson, Lahontan RWQCB	No	
	Jason Kuchnicki, Nevada Dept. Environmental Protection	No	
	Earl Withycombe	No	
	Tom Thompson	No	
	Duane Sikorski	No	
	Adele Malone	No	
	Mike Brady	No	
	Tina Burton	No	
	Jacques Landy	No	
	Timothy Hart, Caltrans District 3	No	
Environmental Groups	Invitees	Attended	Meeting Date
	Carl Young, League to Save Lake Tahoe	No	
	Roger Rosenburger, Tahoe Area Sierra Club	No	
	Jennifer Quashnick, Tahoe Area Sierra Club	Yes	5/10/2010
	Nicole Gergans, League to Save Lake Tahoe	No	
	Laurel Ames, Tahoe Area Sierra Club	Yes	5/10/2010
	Melissa Thaw, League to Save Lake Tahoe	Yes	5/10/2010
Private	Invitees	Attended	Meeting Date
	Lew Feldman, Attorney	No	
	Steve Teshara, Sustainable Community Advocates	No	
	Pat Davison, Contractors Association Truckee Tahoe	Yes	5/4/2010
	Andrew Strain, Heavenly	No	
	B. Gorman, South Shore Chamber of Commerce	No	
	Carol Chaplin, LTVA	No	
	Mike Bradford, Lakeside Inn	No	
	Mark Kimbrough, Tahoe Rim Trail	No	
	John Falk, Realtor	Yes	5/4/2010
	Mark Irving, Urban Housing Communities	No	
	Lenoir DeMonte	Yes	5/4/2010
	Leah Kaufman	Yes	5/4/2010
	Bob McIntyre, McIntyre Enterprises	No	
	Natalia Stavinsky, Realtor	No	
	George Koster, Real Estate Consultant	No	
	Sue Simon, Simon Planning	No	
	Cindy Hannah, Saint Joseph Community Land	No	

FactSheet #5: Conservation

	Trust		
	Jamie Hodgson, Aramark Parks and Destinations	No	
	Bob Hassett, Camp Richardson	No	
	Austin Sass, Aramark	No	
	Jonathan Cook Fisher, USFS	No	
	Jim Phelan, Tahoe City Marina	No	
	Jerome Evans	No	
	Barbara Perlman-Whyman	No	
	Jan Briscoe, Lakefront Property Owners Assoc	Yes	5/4/2010
	Sue Rae Irelan, Kayakers	No	
	Ty Polastri, Lake Tahoe Bicycle Coalition	No	
	John Falk, Realtor	Yes	5/4/2010
	David Kelly	No	
	Tracy Larkin, NDOT	No	
	Cindy Gustafson	No	
	Brendan Ferry, El Dorado County	No	
	Bob Bolton	No	
	Will Garner, Placer County / TTD	No	
	Alfred Knotts, TTD	No	
	Kathy Long	No	
	Sara Ellis, NV Real Estate Association	No	
	Carl Hasty, TTD	No	
Local Jurisdictions	Invitees	Attended	Meeting Date
	Rick Angelocci, City of South Lake Tahoe Planning	No	
	Jennifer Merchant, Placer County	No	
	Paul Thompson, Placer County Planning	No	
	Peter Maurer, El Dorado County Planning	No	
	Brandy McMahon, Douglas County Planning	No	
	Lee Plemel, Carson City Planning	No	
	Eva Krause, Washoe County Planning	No	
	Duane Sikorski	No	
	Gary Moore, CSLT Parks and Recreation	No	
	Scott Morgan, Douglas Co. Parks and Recreation	No	
	John Greenhut	No	
	Bob Slator	No	
	Bob Costa	No	
	Steve Gaytan, Cal Trans	No	
	Rick Helman, Cal Trans	No	
	Cassandra Evenson, Caltrans	No	
	Jeff Foltz, Douglas Co. Public Works	No	
	Dick Minto	No	
	Steven Williams, NDOT	No	
	Madonna Dunbar	No	
	Peter Kraatz, Placer County Public Works	Yes	
	Jon Leroy, TCPUD	Yes	5/4/2010

FactSheet #5: Conservation

	Virginia Huber, El Dorado County	No	
	Bob Bolton, Tahoe City PUD	Yes	5/4/2010
	Hal Pears, IVGID	No	
	Kathy Long, North Tahoe Event Center	No	
	Bill Horn, IVGID	No	
	Rae James, Placer County	No	
	Jim Lobue, Placer County	No	
	Steve Buelna, Placer County –	Yes	5/11/2010
	John Pomroy, IVGID	No	
	John Sarna	No	
State and Federal	Invitees	Attended	Meeting Date
	Bruce Eisner, CA Tahoe Conservancy	Yes	5/13/2010
	Ray Lacey, CA Tahoe Conservancy	No	
	Charlie Donohue, Nevada Division of State Lands	No	
	Eli Ilano, USFS LTBMU	No	
	Marie Barry, Washoe Tribe	No	
	Terry Marceron, USFS	No	
	Dan Siegel, CA Attorney General's Office		
	Tamara Sasaki, CA State Parks	No	
	Anjanette Hoefler, USFS	No	
	Mike LaFevre, USS	Yes	5/13/2010
	Bob King, USFS	No	
	David Catalano, Nevada Department of Wildlife	No	
	Peter Mahollond, Nevada Parks	Yes	5/13/2010
	Steve Chilton, US Dep't of Fish and Wildlife	Yes	5/13/2010
	Kim Tisdale, Nevada Department of Wildlife	No	
	Jody Caicco, US Dep't of Fish and Wildlife	No	
	Lisa Heki, US Dep't Fish and Wildlife	No	
	William Somer, California Department of Fish and Game	No	
	Stafford Lehr, California Department of Fish and Game	No	
	Myrnie Mayville, Bureau of Reclamation	No	
	Jenny Hatch, Cal Trout,	No	
Fire District	Invitees	Attended	Meeting Date
	Peter Mulvihill, North Lake Tahoe Fire Dist	Yes	5/5/2010
	Ray Zachau, CSLT Fire Marshal	No	
	Mike Brown, NLTFPD	No	
	Guy LeFever, Tahoe Douglas FPD	No	
	Jeff Michae, LVFD	No	
	John Pang Meeks, FPD	No	
	Duane Whitelaw, North Tahoe FPD	No	
	Lorenzo Gigliotti, CSLTFD	No	
	Fallen Leaf Lake FD	No	
	Mary Higgins, Cal Fire	No	
	Gareth Harris, LVFD	No	
	Mark Novak, TDFD	Yes	5/5/2010

	Dave Ruben, North Tahoe Fire	No	
Science Community	Invitees	Attended	Meeting Date
	Zach Hymanson, Tahoe Science Consortium	No	
	John Reuter, UC Davis	No	
	Geoffrey Schladow, UC Davis	No	
	Jim Thomas, Desert Research Institute	No	
	Peter Stine, USFS Pacific Southwest	No	
	Pat Manley, USFS Pacific Southwest	No	
	James Karr, UNR	No	
	Sudeep Chandra, UNR	No	
	Michael Collopy, UNR	No	
	Alan Heyvaert, Desert Research Institute	No	
Noise Professionals	Invitees	Attended	Meeting Date
	Sherry Miller, CSLT Airport Director	No	
	Paul Bollard, Bollard Acoustical Consultant, Inc.	No	
	Don Lane, USFS LTBMU	No	
	Jim Buntin, Buntin and Brown Consultants	No	
	Ellen Lapham, Snowlands Network	No	
	Lawrence Anderson, USFS Noise Enforcement	No	
	Advisory Planning Commission (APC)	Yes	5/12/2010