

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)  
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, July 28, 2010**, commencing at **9:30 a.m. at the North Tahoe Event Center, Kings Beach, CA**, and **Thursday, July 29, 2010 at 9:00 a.m. at the TRPA Offices**, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, July 28, 2010**, commencing at **8:30 a.m.**, at **the North Tahoe Event Center**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Resolution of Enforcement Action, Joe Pehanick, Unauthorized Addition of Coverage to a Historic Resource, 682 Lakeview Blvd., Zephyr Cove, NV, Douglas County, Assessor's Parcel Number 1318-10-310-015; (Page 17) 3) Closed Session with Counsel to Discuss Existing and Potential Litigation; 4) Member Comments; (Committee: Chair – Aldean, Vice Chair – Bresnick, Biaggi, Santiago, Miller, Sher)**

NOTICE IS FURTHER GIVEN that on **Wednesday, July 28, 2010**, commencing at **8:00 a.m.**, at **the North Tahoe Event Center**, the **TRPA Operations Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Amendment of the TRPA Rules of Procedure, Articles V and X, Including Clean-up Amendments and the Addition of a Provision Regarding Administrative Records ; ( Page 141) 3) Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) funds (\$265,459) and FY 2010-2011 Local Transportation Funds (LTF) (\$444,343) to the City of South Lake Tahoe for Operating Expenses of the BlueGO Transit System; (Page 21) 4) Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) funds (\$149,166) to Placer County for Operating Expenses of the Tahoe Area Regional Transit (TART) System; (Page 27) 5) Resolution Adopting the FY 2010 Federal Transit Administration 5311 Program of Project for California;(Page 31) 6) Agency Leave Policy Discussion; 7) FY2010 Financial Statement Audit Update; 8) Investment Report; 9) Filing Fee Report; 10) Mooring Fee Report; 11) Member Comments; (Committee: Chair – Ruthe, Vice Chair – Breternitz, Cashman, Merrill, McDermid)**

NOTICE IS FURTHER GIVEN that on **Thursday, July 28, 2010**, commencing at **8:15 a.m.**, at the **TRPA Offices**, the **TRPA Public Outreach/ Environmental Education Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Communications Update and Public Education Overview; 3) Member Comments (Committee: Chair – Santiago, Vice Chair – Reid, Aldean, Beyler, Miller, Merrill)**

July 21, 2010



Joanne S. Marchetta, Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Stateline, Nevada and Tahoe Valley, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village IVGID office and the North Tahoe Chamber of Commerce.

|                                |               |
|--------------------------------|---------------|
| TAHOE REGIONAL PLANNING AGENCY |               |
| GOVERNING BOARD                |               |
| North Tahoe Event Center       | July 28, 2010 |
| Kings Beach, CA                | 9:30 a.m.     |
| TRPA                           | July 29, 2010 |
| Stateline, NV                  | 9:00 a.m.     |

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments (3 minutes for individuals and 5 minutes for group representatives). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting.

**“Teleconference locations are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”**

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Judy Nikkel at (775) 589-5243 if you would like to attend the meeting and are in need of assistance.

## AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair.

Any member of the public wishing to address the Governing Board on any item not listed on the agenda may do so at this time. However, public comment on Project Review, Public Hearing, and Appeal items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

Adjourn as the TRPA and convene as the TMPO

VII. TMPO CONSENT CALENDAR (see Consent Calendar agenda below for specific items)

Adjourn as the TMPO and reconvene as the TRPA

VIII. PLANNING MATTERS

A. Regional Plan Update Milestone Discussion and Direction to Staff [Page 49](#)  
**(time certain Wednesday, 9:30 a.m.)**

1) Conservation: Wildlife and Fisheries, Vegetation, Soil Conservation, Monitoring & Evaluation, and Shorezone

B. FactSheet FollowUp #3 – Land Use [Page 125](#)

C. FactSheet FollowUp #4 – Transportation [Page 133](#)

D. Discussion and Possible Direction to Staff on the RPU Milestone Process

IX. ADMINISTRATIVE MATTERS

A. Amendment of the TRPA Rules of Procedure, Articles V and X, [Page 141](#)  
Regarding Administrative Records

B. Strategic Plan Discussion and Endorsement [Page 149](#)

C. Closed Session- Discussion of Pending or Potential Litigation

X. REPORTS

A. Executive Director Status Report [Page 153](#)

1. Agency Work Program Priorities for July
  - a. Regional Plan Update
  - b. Forest Fuels Management Update

- c. Aquatic Invasive Species
- d. EIP Implementation
- e. Shorezone Implementation
- f. CEP Update

B. Agency Counsel Status Report

XI. GOVERNING BOARD MEMBER REPORTS

XII. COMMITTEE REPORTS

- A. Legal Committee
- B. Operations Committee
- C. Public Outreach & Environmental Education Committee
- D. Catastrophic Wildfire Committee
- E. Local Government Committee

XIII. ADJOURNMENT

TRPA CONSENT CALENDAR

| <u>Item</u>  | <u>Recommendation</u> |                         |
|--|-----------------------|-------------------------|
| 1. North Tahoe Public Utilities District, Construction of a Water Storage Tank, Booster Pump Station, Access Road, and Tank Pipeline, APN 111-010-014, ERSP2010-0665   | Approval              | <a href="#">Page 1</a>  |
| 2. Resolution of Enforcement Action, Joe Pehanick Unauthorized Addition of Coverage to a Historic Resource, 682 Lakeview Blvd., Zephyr Cove, NV, Douglas County, Assessor's Parcel Number 1318-10-310-015                                  | Approval              | <a href="#">Page 17</a> |
| 3. Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) funds (\$265,459) and FY 2010-2011 Local Transportation Funds (LTF) (\$444,343) to the City of South Lake Tahoe for Operating Expenses of the BlueGO Transit System | Approval              | <a href="#">Page 21</a> |
| 4. Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) funds (\$149,166) to Placer County for Operating Expenses of the Tahoe Area Regional Transit (TART) System  | Approval              | <a href="#">Page 27</a> |
| 5. Resolution Adopting the FY 2010 Federal Transit Administration 5311 Program of Projects for California  | Approval              | <a href="#">Page 31</a> |

TMPO CONSENT CALENDAR

| <u>Item</u>  | <u>Recommendation</u> | <a href="#">Page 43</a> |
|--|-----------------------|-------------------------|
| 1. TMPO Public Participation Plan (PPP) Amendment #1 | Approval              |                         |

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Allen Biaggi, Director of Nevada Dept. of Conservation & Natural Resources; Vice-Chair, Norma Santiago, El Dorado County Supervisor; Mara Bresnick, California Assembly Speaker's Appointee; Shelly Aldean, Carson City Supervisor; John Breternitz, Washoe County Commissioner; Jennifer Montgomery, Placer County Supervisor; Nancy McDermid, Douglas County Commissioner; Steven Merrill, California Governor's Appointee; Casey Beyer, California Governor's Appointee; Ross Miller, Nevada Secretary of State; Donna Ruthe, Nevada Governor's Appointee; Timothy Cashman, Nevada At-Large Member; Byron Sher, California Senate Rules Committee Appointee; Hal Cole, City of South Lake Tahoe Council; Josh Reid, Presidential Appointee.

**TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD**

Chateau  
Incline Village, NV

May 26, 2010

North Tahoe Event Center  
Kings Beach, CA

May 27, 2010

**REGULAR MEETING MINUTES**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Mr. Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Mr. Breternitz, Mr. Beyer, Ms. Bresnick, Mr. Cashman,  
Mr. Cole, Mr. Merrill, Mr. Miller, Ms. McDermid, Ms. Montgomery, Ms. Ruthe, Ms.  
Santiago, Mr. Sher

Members Absent: Mr. Reid

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

John Shuff stated there is a Waterborne Transit Project (Water Bug) being developed in Tahoe. He reviewed the project's history and encouraged the Board to support the project.

John Falk, Tahoe Sierra Board of Realtors, thanked the TRPA staff, specifically the Erosion Control team, for their time and effort with BMP issues.

Pat Davidson, Contractors Association of Truckee/Tahoe, presented the new Directory entitled: "Building and Remodeling Guide." She noted there is a paragraph regarding the need for BMPs in the Tahoe Basin on page 50-51.

Ina Phelp noted the need for better public transportation. She commented on pollution in the lake caused by invasive species and sewer systems and the need to address these issues.

John Sell expressed opposition to TRPA's new direction to improve the economy of the area through increased density, when the original mission of TRPA is to protect the area's natural pristine environment.

Ellie Waller stated she was in support of the "Water Bug." She suggested staff request a copy of the proposal to review the environmental benefits and for the Board to show their support of this project.

George Koster stated he wanted to also support the "Water Bug" project.

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval.  
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Ruthe moved approval.  
Ms. Bresnick and Mr. Miller abstained.  
Motion carried.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

TRPA CONSENT CALENDAR

1. Acceptance of April 2010 Monthly Financial Statement
2. Release of \$50,000 in Water Quality Mitigation Funds  
Interest to Washoe County for the Development of a GIS  
Tool Associated with the Inventory of Stormwater BMPs Project

Ms. Ruthe stated the Operations Committee recommended approval of Items 1 and 2.

Mr. Breternitz moved approval.  
Motion carried unanimously.

Ms. Bresnick moved to adjourn as the TRPA and convene as the TMPO.

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

A. TMPO Consent Calendar (see Consent Calendar agenda below for specific items)

1. 2008 Federal Transportation Improvement Program  
Amendment (FTIP) #17
2. TMPO Lake Tahoe Transportation Overall Work Program (OWP) for FY 2011

Ms. Santiago moved approval.  
Motion carried unanimously.

Ms. Aldean moved to adjourn as the TMPO and reconvene as the TRPA.

VIII. PLANNING MATTERS

A. Regional Plan Update Milestone and Direction to Staff



1) Land Use and Air Quality

Ms. Marchetta introduced the process and policy for the Land Use and Air Quality Milestone.

Staff Member Harmon Zuckerman and Staff Member John Hitchcock presented the milestone for Land Use and Air Quality.

Ms. Bresnick requested that staff provide direction on what background information should be read along with the fact sheets in preparation for these milestones.

**Land Use Issue #1: Should the TRPA develop additional measures to facilitate land bank programs?**

Advisory Planning Commission Clarifying Questions:

Mr. Upton asked how many of the nine watersheds were impaired versus non-impaired.

Mr. Zuckerman stated that question was answered in the footnote in the FactSheet and that policy direction was being requested at this time.

Mr. Upton asked if there could be a transfer of non-impaired sub-watershed into another non-impaired sub-watershed.

Mr. Zuckerman replied yes.

Mr. Smith requested clarification on how large projects are defined. He suggested policy language state that sub-watersheds would not become more over covered.

Mr. Zuckerman responded that the language of non-transfer of watersheds, once it is determined to be impaired or over covered, is already written in the measure. In terms of a definition for large projects, that is provided through direction from the Governing Board.

Governing Board Clarifying Questions:

Mr. Sher expressed concern with allowing in-lieu fees for large amounts of excess coverage with the elimination of the limit on in-lieu fees for only small amounts of excess coverage. He asked why the limit on in-lieu fees only for small amounts of excess coverage was eliminated.

Mr. Zuckerman stated the proposed language was to allow for large projects to use the in-lieu fee program that cannot remove coverage on or offsite, if it can show coverage cannot be removed.

Ms. Montgomery asked if consideration was given to allow jurisdictions to continue using the in-lieu fee program for EIP Projects and bike trails.

Mr. Hitchcock stated that would still be allowed. The proposed language would focus efforts on getting coverage reduction on large redevelopment projects when there is an opportunity.

Ms. McDermid commented that having flexibility for local jurisdictions would be helpful in getting other benefits from EIP projects.

Mr. Cole asked for if what's being proposed is to have Transects take precedence in Community Plans and Plan Area Statements.

Mr. Zuckerman clarified that the proposal is to replace the current system of zoning within Community Plans and Plan Areas with Transects.

Ms. Aldean asked why coverage reduction is being requested when, by paying an in-lieu fee, coverage removal can be facilitated in watershed areas and low capability lands.

Mr. Zuckerman replied coverage reduction on high capability lands is sometimes preferable to coverage reduction on low capability lands to infiltrate stormwater more effectively.

Ms. Aldean commented that it was not intuitive that there would be greater benefit by removing coverage on high capability lands. She requested that issue be further examined.

Ms. Santiago asked for clarification that the definition of large projects will be part of the implementation discussion and strategies.

Mr. Zuckerman stated that is would be.

Ms. Santiago stated she did not hear the answer to Mr. Smith's question regarding language about sub-watershed protecting sub-watersheds.

Mr. Zuckerman clarified that this proposal would not allow coverage to be transferred into an impaired watershed.

Ms. Santiago asked Mr. Smith to ask his question again because there may be an issue that needs to be addressed.

Mr. Smith stated he would like to see something that says the intent isn't to continue to exacerbate any over coverage situation on a watershed or sub-watershed basis.

Mr. Zuckerman asked Scott Frazier, TRPA Soil Conservation Program Manager, to address this issue.

Mr. Frazier stated they were not at that level of build out, but the intent is neither to transfer the impairment from an impaired watershed to a non-impaired watershed or to exacerbate an existing problem by allowing additional coverage to a watershed or sub-watershed that is already over covered.

Ms. Santiago stated this is an issue that should be addressed during the

implementation process.

Ms. Bresnick asked if a non-impaired watershed could potentially have impaired watersheds, but that the total watershed is not considered impaired. She asked at what point a watershed becomes impaired based on what's occurring in sub-watersheds.

Mr. Frazier stated the current TRPA policy does not have a mechanism to address coverage issues on a watershed scale, but to address it on a hydrologically related area scale, which is a collection of watersheds.

Mr. Cole commented on the two different kinds of low capability lands. He asked if the new Regional Plan Update would provide language regarding the separation of these different low capability lands.

Mr. Zuckerman acknowledged there were different factors that determine land capability. He asked John Hitchcock to provide a better explanation.

Mr. Cole asked if it was the time to consider different factors on which to base low capability lands.

Mr. Hitchcock stated that could be addressed when the transfer matrix was being developed and when transfer rules are being updated.

Mr. Cole asked if local jurisdictions would be restricted on other requirements for the transfer of hard coverage outside of their jurisdictions or would this be Basin-wide.

Mr. Hitchcock stated that aspect of the coverage rules was not being changed. Currently, transfer of coverage does not require local jurisdiction approval, but they were proposing to allow coverage to be transferred across boundaries. He noted the focus on the use of in-lieu fees is to remove coverage from sensitive lands. He stated Mr. Cole's concerns should be taken into consideration when developing the implementation matrix.

Mr. Cole commented that development might be more difficult to control and direct with the transfer of hard coverage.

Mr. Hitchcock stated, in sub-issue 1B, they were proposing changes that would allow soft coverage to be used only for residential uses, but not for commercial and tourist accommodation uses. They were proposing in the Regional Plan to allow soft coverage to be used for commercial and tourist-type uses as long as the coverage is located within Community Plans and is transferred from sensitive lands.

Ms. Bresnick asked for an update on the development of the matrix.

Mr. Hitchcock stated stakeholders requested transfer rules be reconsidered and to create additional incentives to get development moved out of sensitive lands, so a transfer matrix is being considered that would incentivize the transfer out of sensitive lands and provide greater benefit for the developer or applicant. They

have been partnering with CTC who has offered to help hire a contractor that would look at transfer provisions to see if they make sense from an economic and scientific standpoint. The contract for environmental incentives should begin shortly.

**Land Use Issue #2: What is the relationship between Community Plans and the RPU?**

Advisory Planning Commission Clarifying Questions:

Mr. Greene pointed out this is a new concept that he likes and that the additional information provided during today's presentation was helpful. He suggested each map be posted in the communities to be seen by individuals. He asked who created the Transects and if they can be alternated and, if so, how. He explained the difficulties that will be faced when determining who the majority of community members will be to help achieve the goals being set.

Ms. Merchant stated that in the staff report under Placer County, they were concerned about the interim period between when the Regional Plan is completed and when the Community Plans are completed, because the current proposal would not have an allocation of commodities for commercial floor areas during that time. Also regarding the Baseline Condition Analysis, she asked how it would be funded, who would do the analysis, and how long it would take.

Mr. Zuckerman stated the vision for the environmental benchmarking is a mapping and data collecting exercise. They were looking for funding sources to pay for that and that they would provide the funding if received. He did not believe the exercise would take a long time because it would be collecting data that already exists. If the exercise succeeds, it would give them the ability to achieve environmental performance and Community Plans with better monitoring.

Ms. Merchant commented that there is no air quality/emissions budget currently Basin-wide therefore; communities may have to be monitored as it may need to be developed on a community basis.

Mr. Zuckerman stated he did not have the answer to that, but that it could be determined through the benchmarking project by using existing data.

Ms. Merchant asked about the different results from a transit level of service from an auto level of service considering the same road system is used.

Mr. Zuckerman stated auto level of service regards vehicle delay and transit level of service takes into consideration bus time factors.

Ms. Merchant asked if TRPA was planning on doing a capacity analysis by jurisdiction to review transfer of development rights and if they work within Community Plans or outside of Community Plans. She stated her concern is that there may not be capacity everywhere to transfer rights and this may affect incentives in different areas.

Mr. Hitchcock stated some of that would have to be analyzed in the EIS, but they can talk with CTC about completing an analysis.

Governing Board Clarifying Questions:

Ms. Bresnick asked if, with respect to the Community Plans and RPU, the environmental improvements would be better defined and that would this be the basis for allowing transfers.

Mr. Zuckerman replied that this process will be streamlined. Also, the concept is to incentivize development through that bolstered transfer matrix, if the Board supports the process. The checklist would contain definition of environmental performance. Then the project proponents would state what environmental gains they are adding to their project application. This, along with the CPU idea of environmental benchmarking, will provide clarity as to what factors TRPA is looking at

Ms. Bresnick requested clarification of the statements: "Staff is looking for ways to promote and assist in the updating of Community Plans concurrently with the RPU", and "Therefore, the place-based zoning process cannot begin before adoption of the new RP." She commented that this seems to be inconsistent.

Mr. Zuckerman stated that there is an extended RPU team within TRPA. Per legal advice, these two concurrent processes can take place since the CP process involves only mapping and data collection.

Ms. Santiago asked about the guidelines for the jurisdictions during this interim period, since jurisdictions will need to come up with sustainable Community Plans or strategies. How are the thresholds going to be met based upon the legislation now in place? She stated that the work needs to begin now to take advantage of the current funding opportunities.

Mr. Zuckerman replied that the Sustainable Community Strategies required under SB375 in California are already being addressed. Some funding is already in place and more is being sought.

Ms. Santiago stated that there needs to be some policy statement in the Regional Plan Update regarding sustainable communities and what is trying to be achieved.

Mr. Zuckerman replied that the TMPO meets the requirement of the Sustainable Communities Strategies, and that work will be incorporated into the Regional Plan. Sustainability is also imbedded throughout the Regional Plan.

Ms. Aldean commented that she wasn't sure Ms. Merchant's previous questions regarding whether this proposed revision would affect anything other than Commercial Floor Area was answered. Also, how would developmental parcels outside of Community Plans impact the availability of Commercial Floor Area in those areas?

Mr. Hitchcock stated that the incentives would not be available until that

Community Plan is updated. Regarding development outside of Community Plans, mechanisms are already in place in the Code that allows local jurisdictions to use their Commercial Floor Area allocations, if they have allocation mechanisms in place. No change to this process is being proposed in the Regional Plan Update.

Ms. Aldean asked for confirmation that this would apply if they have Commercial Floor Area to transfer, and they would not be receiving any additional Commercial Floor Area to accommodate these areas.

Mr. Hitchcock replied that this is correct. They would not receive additional Commercial Floor Area until the Community Plan is updated or TRPA allocates its first five year allocations of Commercial Floor Area, which wouldn't happen in this proposal for five years. The proposal does contain a provision for allocation of Commercial Floor Area for transfer purposes.

Mr. Zuckerman stated that this means that the Commercial Floor Area that would be allowed within the first five years of the Regional Plan Update would be allocated to individual projects and not to jurisdictions.

Mr. Cole asked if incentives are going to be provided to encourage development from outside the Community Plans to move into the Community Plans. If not, could an additional provision be considered that would do this?

Mr. Zuckerman agreed and noted that the concept is to create a transfer matrix that would determine how much benefit would be achieved depending on where you come from and where you end up.

Mr. Cole asked if language could be added regarding the relocation of development from outside of the Community Plans into the Community Plans.

Mr. Zuckerman stated that if this is something that the group would like done, that would be satisfactory.

Mr. Cole commented that currently there is a procedure to allow a Tourist Accommodation Units to become Commercial Floor Area. He requested that this convertibility of uses be intensified if they are coming into a Community Plan. He asked if this is intended in the proposal.

Mr. Hitchcock stated that this is something that staff should look at in the build out of the matrix. He noted that in the development of the matrix, the goal is to look at all aspects of transfers that will get environmental redevelopment and gain.

Mr. Cole commented that his community would like to see this type of transfer take place, so the old motels could be torn down and the space used in another way. Further discussion of this aspect needs to take place.

Mr. Zuckerman stated that the real question is: Do we want to have a matrix that provides for projects that give environmental benefit? He provided examples of issues that the matrix could address.

Mr. Cole stated that he would like assurance that an environmental benefit would include moving development from outside the Community Plans into one.

Mr. Zukerman responded that this is guaranteed.

Mr. Cashman noted that on Page 13, 2<sup>nd</sup> paragraph there is a statement that is pretty strong, and asked for an explanation. He read the excerpt: "In the new model, there would be a limited amount of increased height and density available in appropriate transects to promote compact, walkable town centers. This density and height would be tied to environmental performance standards and only available if coupled with the transfer of development from sensitive lands." He asked if this would be spelled out specifically in the matrix and/or stated in the Code.

Mr. Zuckerman replied that the concept is that the transfer matrix would become part of Code, and the Code is the zoning.

Mr. Cashman asked for confirmation that the transfer matrix would follow this specific statement, because it goes to the core of a lot of the community concerns being heard.

Mr. Zuckerman responded that this is correct, but pointed out that the verbiage "only if coupled with the transfer of development from sensitive lands" is inconsistent with previous discussions. He stated that there might be some availability of extra allocations for environmentally beneficial projects that might not conform to that exact concept. He suggested that this sentence be deleted.

Mr. Cashman commented that the sentence could be modified to have the sentence end with the word "standards", and the remaining portion of the sentence deleted.

Mr. Zuckerman agreed that this modification would be better.

Mr. Cashman commented that he would be interested in how this is addressed in the matrix because it is core to protecting the communities involved. Secondly, on Page 13, 4<sup>th</sup> paragraph, language is written regarding collaborating with CTC to analyze existing transfer and development rights' programs in the matrix. He asked when that analysis would be done.

Mr. Hitchcock replied that CTC has hired a consultant for the project. Discussions are still taking place regarding the schedule to ensure that the recommendations coming from the analysis can be incorporated into the Regional Plan Update.

Mr. Cashman commented that he was curious because this is another important part.

Mr. Hitchcock stated this is correct and the idea is to try to get the two processes to track hand-in-hand.

Mr. Cashman asked how, in the Community Plan process does community members get the opportunity to give input in the place-based portion of this.

Mr. Zuckerman responded that there is a good model for this in past planning processes utilized by TRPA. He commented that recommendations for the update of each Community Plan would be brought to the Board for approval.

Ms. Marchetta commented that the present system was designed to streamline the Community Plan Update process. This will ensure that the process will go smoother and be of shorter duration than it has been in the past. Also, the process has been refined at the TRPA level so that as projects are brought forth, environmental considerations will be much easier to assess.

Mr. Merrill stated that although the Community Plan Update process has been streamlined, the details of how it works and the implementation are something that the Board needs to be very careful about. He noted that the cost, the lack of consensus and legitimate concerns that were not incorporated in past updates point out the need to tighten the process, but still leave opportunities for meaningful community input.

Mr. Zuckerman agreed, and commented that this is the concept behind the establishment of character areas.

Mr. Merrill asked if there is a need to review the boundaries of Community Plans during the Regional Plan Update.

Mr. Zuckerman replied that it would be appropriate to conduct this review as part of the Regional Plan Update. If the decision is to go forward with this new Community Plan Update concept, then this could be discussed as part of that process.

Ms. Marchetta commented that this process would give the template to the local jurisdictions, so that they can determine their own Community Plans rather than it coming from the TRPA.

Mr. Zuckerman stated that another issue currently under discussion is the need for Environmental Impact Reports in California Community Plans. These plans need to do their own Environmental Impact Reports pursuant to SEQA. TRPA is not a SEQA agency and only requires an Environmental Impact Statement, which doesn't meet Environmental Impact Reports requirements for the Regional Plan. Staff and their consultants will endeavor to address the required questions found in the Environmental Impact Reports during the Environmental Impact Statement process to assist these jurisdictions.

Ms. Montgomery asked when the environmental benchmark set will be completed.

Mr. Zuckerman replied that talented consultant firms could complete this in four to six months. The question is how long it will take to acquire the funding for this since multiple firms will need to be concurrently performing this work. He noted that with twenty two Community Plans around the Basin, even if some



consolidate, it is still a lot of Community Plans.

Ms. Marchetta stated that funding is currently being sought.

Ms. Montgomery stated that her concern is that these benchmarks need to be established in order to finish the Regional Plan Update and in order to get to the Community Plan process.

Mr. Zuckerman pointed out that the Regional Plan Update can be completed prior to the individual Community Plans being environmentally benchmarked.

Ms. Montgomery asked, in terms of the transect zoning as part of the Community Plan Update process, is the Board the entity that would approve the character areas that are proposed by a community?

Mr. Hitchcock responded that this is correct. The Community Plan is a joint document of the local jurisdiction and TRPA. The Board would have to adopt it in order for the allocations and incentives to be available in that particular location.

Ms. Montgomery asked for clarification of how the process would work, and if the Board would have the ultimate approval authority.

Mr. Hitchcock commented that staff would be working with the community during the process and making recommendations to the Board, but the Board would need to adopt the Community Plan with whatever standards it contained.

Ms. Marchetta pointed out that the intent of this is that TRPA has designed a process whereby the local jurisdiction would self-determine standards within that boundary.

Ms. Montgomery stated that her concern is that the process is followed. She doesn't want to wind up with something totally different than what the community asked for and the ramifications of that occurrence. She commented that even with the streamlining, she believes that this will be a lengthy process. She asked how this would affect redevelopment projects versus individual projects.

Mr. Zuckerman responded that the proposal is that individual projects that provide environmental benefit would be able to come directly to TRPA for bonus commercial floor area, whether the local jurisdiction has that floor area or not.

Ms. McDermid asked if something that is adopted by the Regional Plan generates a lawsuit, how would this affect the Community Plan process that must dovetail on an adopted Regional Plan.

Ms. Marchetta replied that is not known. All that can be done is to develop a process that is legally defensible.

Ms. McDermid asked if the Community Plan Updates could be done if there is a lawsuit on the Regional Plan.

Ms. Rinke responded that this would largely depend on what the claims are in the

lawsuit.

Ms. McDermid commented that she was part of a group that did some work in the past in the lower Kingsbury area. She asked if the items on the checklist for environmental performance were going to be reasonable, achievable and measurable. Also, a concern is that many of the properties have absentee owners and getting them involved will be a difficult process.

Ms. Marchetta stated that they would be willing to start the discussion now with local jurisdictions regarding how they can get their second homeowner population involved in the dialogue.

Ms. McDermid suggested that things that can be started now with local jurisdictions be done.

Mr. Zuckerman commented that the work that was done in the lower Kingsbury area was incorporated into the preliminary transect maps for the Tahoe Basin. He noted that similar work has also been done for other areas.

Mr. Sher asked if the governmental entity or a local jurisdiction is going to be determining what goes into the Community Plan.

Ms. Marchetta replied that TRPA will create a template which local jurisdictions can then tailor.

Mr. Sher asked what Ms. Marchetta means when she says local jurisdictions. He noted that communities, such as Kings Beach or Crystal Bay, don't have a governmental body or elected officials.

Ms. Marchetta stated that they exist within government jurisdictional boundaries. These local governments will have to engage with their local public constituencies to develop the Community Plan.

Mr. Sher asked where you would go to ascertain this for a place like Kings Beach. Would you go to Placer County, or is there an identifiable body located in Kings Beach?

Ms. Marchetta replied that it would start with the government jurisdiction within which the sub-communities exist.

Mr. Sher asked if Ms. Marchetta means a governmental entity such as the County or City.

Ms. Marchetta responded that this is correct.

Mr. Sher asked if this means that the County would determine what the "character" of a community will be.

Ms. Marchetta replied that this would be the public input process, and work will be done with the affected counties to design a process to update each Community's Plan process within their governmental jurisdiction.

Mr. Sher asked if it was accurate to state that communities will need to accept environmental developments in order for them to achieve the required environmental thresholds.

Ms. Marchetta responded that accelerating environmental threshold attainment is the basis for the entire Regional Plan, and the greatest gains can be seen in the Community Plan areas. Therefore, they are one area of focus.

Mr. Sher stated that the concern is that a community might not want a particular development and it would be forced to except it in order to meet the environmental gains that are described in their Community Plans.

Ms. Marchetta commented that all local jurisdictions are going to have to meet the new TMDL requirements. That regulatory overlay is being used to adopt a land use pattern that is consistent with the local jurisdictions getting the credit that each of them needs to be in compliance with its new TMDL permit.

Mr. Breternitz commented that he, as well as other elected officials, have concerns about this new process. He requested that TRPA sponsor a joint meeting with the various entities involved.

Mr. Zuckerman commented this is a good suggestion if and when the Governing Board endorses this concept.

**Land Use Issue #3: Is transect zoning a better system than the Plan Area Statements we have today?**

Advisory Planning Commission Clarifying Questions:

None

Governing Board Clarifying Questions:

Mr. Sher commented that it is difficult for him to understand how TRPA's transect zoning system works with the local jurisdictions.

Mr. Hitchcock replied that TRPA has been working with the local jurisdictions to make sure that there is consistency. He noted that some local jurisdictions defer to TRPA's system. If an inconsistency is identified, the most restrictive standard applies. The goal is that local jurisdictions will amend their standards to be consistent with TRPA.

Mr. Sher asked if each of the five transect zones will be consistent between counties.

Mr. Zuckerman responded that there are five transects; within each transect there are districts; and, within each district there are character areas. The zoning of any location around Lake Tahoe would be determined by the character area rather than transects.

Ms. McDermid asked how much flexibility is built into Community Plans for changes in the use of land in transect zoning.

Mr. Hitchcock replied that the goal is to develop predictability with transect zoning. Once a character area is designated, then everyone knows what is expected. He noted that there are mechanisms in place that allow for amendments to the Regional Plan and Community Plan, if they are needed.

Ms. McDermid commented that the Lake Tahoe Prosperity Plan is looking at seven different economic clusters around the watershed. If any of these were implemented, it could change a particular character area. How would this be addressed without going through a complex process?

Mr. Zuckerman provided an example of how this would be addressed.

Ms. Montgomery commented that she encourages lots of communication so that people will understand what their role will be in transect zoning system and the importance of their input.

Mr. Zuckerman agreed that more effective communication to communities will be beneficial.

Mr. Merrill stated that he supports this concept, but he agrees that more community education needs to be done along with providing more clarity on hot button issues.

Mr. Cole commented that it was his belief that this concept would allow communities to have more flexibility. He stated that if he understands the previous discussion correctly, they would still need to come back to TRPA for an amendment if there was a character area change.

Mr. Hitchcock replied that this is correct. Unfortunately, it is not possible to predict all of the uses that might be wanted in the future. He commented that he isn't sure how this can be solved, but more research of the issue could be done.

Mr. Cole commented that this would be good.

Mr. Zuckerman noted that he believes that some of these issues would deal with character changes rather than environmental changes. He would prefer that these be kept as local as possible.

Ms. Marchetta agreed that this should be reviewed.

Ms. Aldean requested clarification regarding how transects intersect with Plan Area Statements, with respect to allowable and special uses.

Mr. Hitchcock stated that each of transect is incorporated into the plan area, and plan areas and Plan Area Statements are still in use. He noted that plan areas establish geographical locations. For each transect, a permissible use matrix for each one would need to be developed, which would specify if the use was allowed or special.

Ms. Aldean stated that if what is an allowed use and what is a special use is being redefined, then the Plan Area Statement is being replaced.

Mr. Zuckerman stated that the Plan Area Statement as it currently exists, is a large package of information about a plan area, which is a geographical area. He pointed out that one of the good things about transect planning is that it allows a lot of information to be incorporated on the map which lessens the size of the package.

Ms. Aldean asked if the permissible uses may be different than the current allowable uses within an existing plan area based on transect zoning.

Mr. Zuckerman replied that he does not believe that this is necessarily the case. He provided an example.

Ms. Aldean commented that this would address her concern regarding allegations that there would be down-zoning if the existing uses that are contained in the Plan Area Statements will be consistent with the allowable uses in the transect zoning. Ms. Aldean asked if in this transect zoning there are any large pieces of property in the Tahoe Basin that may end up with split zoning.

Mr. Hitchcock stated that there were some areas that had the split zoning and an attempt has been made to fix that situation.

Ms. Santiago commended staff on their explanation of transects. She stated that she believes that this is a better system. She asked what the relationship was between PTOD and transect zoning as it relates to the two-step subdivision provisions.

Mr. Zuckerman replied that although it has been stated that land use issues are connected, this question really ties several issues together.

Ms. Santiago commented that she agreed, but believed that this question might speed up the process.

Mr. Zuckerman explained that there is no appetite in the Tahoe Basin to allow mixed use in the T3 Zoning District which is single family neighborhoods. PTOD is defined as being the walkable centers that allow mixed use and multi-family and it only exists in T4 and T5 transect zoning. Because TRPA Code requires two-step subdivisions that require both single family and multi-family residential use available within that zoning district, you have them available in the PTOD zoning districts. You can be assured that the only two-step subdivisions that will be allowed in transects will also be PTOD developments.

Mr. Biaggi proposed that discussion continue on the issues, and hopefully fairly quickly it can get to a point where the APC can begin their deliberations. The APC can then give the Governing Board their recommendations. The Governing Board will then finish their discussions and public comment, adjourn and reconvene tomorrow.

Mr. Upton requested clarification that the Governing Board would postpone voting on the questions currently under consideration until the end of the day.

Mr. Biaggi replied that the voting would take place at the end of the day tomorrow since there are some weighty planning issues to deal with tomorrow as well.

Ms. Bresnick stated that the intent today was to finish Board clarifying questions, go to Public Comment.

Mr. Biaggi commented that the agenda item regarding Land Use Issue #7 having to do with TAUs could be a lengthy discussion in itself. He asked, per previous comment by Mr. Zuckerman, if this item should be referred back to staff to conduct a working group to study this very controversial issue. He asked if there were any objections to this from the Governing Board or the APC.

Mr. Upton commented that as a citizen, he would like to see faster conversion of existing old motel TAUs into some new vehicle. If that is the goal, then he would be interested in making some suggestions along those lines.

Mr. Biaggi suggested to Mr. Zuckerman that Mr. Upton be included in the working group. He noted that public comment will also be taken regarding the TAU issue at the appropriate time.

Ms. Montgomery requested clarification regarding ideas that the Governing Board has on the issue. Should they be given to Mr. Zuckerman?

Mr. Biaggi stated yes. This issue will again be presented to the Governing Board as a policy discussion item and public comment will be taken once it's better defined.

#### **Land Use Issue #4: Will PTOD really work in Tahoe?**

##### Advisory Planning Commission Clarifying Questions:

None

##### Governing Board Clarifying Questions:

Ms. Bresnick requested clarification of the information contained in the Table on Pg. 20 titled "How Much Land Could Be Up-Zoned in The Proposed Transect Planning System."

Mr. Zuckerman provided clarification.

Ms. Bresnick asked for further instructions on how to read the table.

Mr. Zuckerman provided this information.

Ms. McDermid asked why PTOD was only included in Alternative Two.

Mr. Zuckerman responded that transects are only available in Alternative Two.

Ms. McDermid noted that there are other examples from communities similar to Tahoe where PTOD works well. She asked if that doesn't indicate that it has the ability to work here.

Mr. Zuckerman responded that staff believes that this is correct. The reason the issue is being brought up is because there are people in the area who don't believe that it will work.

Ms. McDermid stated that she believes that it depends on where that concept is going to be put into practice.

Mr. Sher commented that in spite of the fact that it's worked elsewhere, he would need further information. He noted that some people would like to see in the Regional Plan Update, an alternative where the goal is to accelerate threshold achievement without these increases in height and density and he supports this desire.

Mr. Biaggi noted that the discussion seems to be leaning toward deliberation.

Ms. Marchetta stated that she believes it is important to answer this because we do have alternatives.

Mr. Zuckerman pointed out that Alternative 4 does provide for a way of creating environmental gain without necessarily height and density or concentrating on PTOD and accelerating development in the very center commercial core areas. He noted that the diagram in Alternative 2 addresses the question of where the density comes from.

Mr. Tolhurst commented that the Boulder Bay example is not parallel or comparable. Also, the statement at the beginning of Paragraph 4 on Page 21 concerning Boulder Bay's "intense economic growth" makes their situation not comparable to that of Tahoe. He commented that a compacted PTOD here would need to have open space surrounding it. He did not believe that this is something that would be well received locally.

Mr. Biaggi clarified that public comment on TAUs can be given to staff, but this issue will be brought back to a future Board meeting where public comment on the issue will be taken. Also, a public sign-up sheet is available if anyone would like to give public comment at this meeting.

**Land Use Issue #5: Should TRPA amend the "two-step" subdivision provisions?**

Advisory Planning Commission Clarifying Questions:

Mr. Upton stated that he supports staff's recommendation on this issue, but requested that the terminology of "subdivision" be changed to something that more accurately describes the activity and does not have a negative connotation. He suggested "structural parcelization", or "two-step multi-family ownership process" be considered.

Ms. Merchant asked if members were allowed to comment, or were they only permitted to ask clarifying questions.

Mr. Hitchcock replied that only clarifying questions from the APC members were being sought at this time.

Ms. Merchant asked if staff has considered the difficulty of the California Building Code that requires different things from multi-family residences versus single family owned residences. She asked how this would be resolved in the proposal not to change this.

Mr. Hitchcock replied that this hasn't been resolved because it is a Building Department issue. He commented that it should be the applicant's responsibility to let the local jurisdiction know up front that they are proposing a subdivision, so that the local jurisdiction can review it appropriately.

Ms. Merchant commented that there is a different application process between a multi-family residential project and a subdivision.

Mr. Zuckerman replied that is correct, and in those cases applications for both of those steps are accepted and processed as one project. The Governing Board would take two different actions, one approving the multi-family project and then immediately afterwards, one approving the subdivision.

Ms. Merchant stated that she would like to discuss this further during the comment section.

A question was asked regarding whether or not Placer County is having difficulties with creating multi-family projects and then turning them into single family ownership because of an issue that is caused by TRPA Code.

Ms. Merchant stated that she doesn't know if other locations are encountering issues, but in Placer County when the Building Code changed in 2008, there was a project that had applied as a multi-family residential project per requirements. They then wanted to change it to a subdivided two-step, but because of Code requirements they couldn't get approval from the Placer County Building Department, because they had applied for multi-family residential and built it. It was a lengthy dispute. She suggested that this could be addressed in the application process.

Ms. Marchetta stated that staff is aware of this issue, and it tends to be a communication issue. If staff is aware of the end use of the project, it can be built in as a dual application. Further discussion could be held regarding how to best notify applicants during the application process.

Ms. Merchant agreed that this would be good.

Ms. Aldean commented that there is also an issue because California requires that a subdivision map be recorded at the beginning, but TRPA doesn't want the subdivision map recorded until the units are built. This contradiction should also



be addressed.

Governing Board Clarifying Questions:

Ms. Bresnick requested that further discussions be held with the California Attorney General's office to assure that they are in agreement with this proposal.

Mr. Cole commented that this may be a difficult task, but the purpose is worthwhile. If the process could be streamlined, that would be beneficial.

**Land Use Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

Advisory Planning Commission Clarifying Questions:

None

Governing Board Clarifying Questions:

Mr. Cole asked if there are commercial development areas outside of the Community Plans that are being encouraged.

Mr. Hitchcock replied that there are a few, some in Placer County.

Ms. Montgomery commented that there are also some on the West Shore.

Mr. Cole stated that it is his understanding that the West Shore doesn't want a lot of commercial development. He commented that he wants to make sure that there is a tie-in between the transfer of development match and the Community Plans to incentivize this type of development to take place in the T4 and T5 zones.

Mr. Zuckerman commented that the concept here is to evenly distribute the bonus Commercial Floor Area that would be available between the transfers of development match that would be distributed directly from TRPA to projects, whether or not they are in Community Plans, and to Community Plans, which really means distribution to local jurisdictions.

Mr. Cole commented that he just wants to assure that the transfer of development match doesn't preclude most of the Commercial Floor Area going to the Community Plans.

Mr. Zuckerman stated that he believes that most of it is going to end up in the Community Plans anyway.

Mr. Cole commented that he can have further discussion with Mr. Zuckerman regarding how a TAU can go to Commercial Floor Area as long as it is in the Community Plan.

Ms. Aldean commented that having conveniently located neighborhood commercial developments is a good thing, as it promotes walking to them.

Therefore, there needs to be some flexibility in how Commercial Floor Area is distributed, because there may be opportunities to reduce VMT by awarding that Commercial Floor Area to projects outside of Community Plans.

Mr. Sher requested clarification regarding if the question before the Board is, if there is additional commercial floor allocations, should it be linked to environmental performance/

Mr. Zuckerman responded that the idea of creating a pool of Commercial Floor Area for TRPA to distribute, based on environmental performance doesn't mean that CFA has to be distributed. It's based on environmental performance being achieved.

Mr. Sher asked if the Board voted positive on this, would they be barred at a later time, voting that they would rather have Alternative 1.

Ms. Rinke replied that as a technical matter, the Board could vote one way now and vote differently later, because this is a straw vote to give direction to staff on policy issues. As part of this process, she believes that staff is hoping for clear guidance and an indication of which direction the Board would like to go.

Ms. Montgomery referred to Page 25, the last three paragraphs, and asked why the different approaches to Commercial Floor Area. She also asked what does holding off on the new Commercial Floor Area until after five years do to potential redevelopment projects brought forward by jurisdictions.

Mr. Zuckerman replied that the reason for the bifurcation is that if an individual project comes forward with an excellent project that required a CFA match, it is desirable to have that match as soon as the Regional Plan Up-date is adopted. He noted that TRPA is not sitting on Commercial Floor Area. It's been distributed to the local jurisdictions and to special projects. On the other hand, the Community Plans are now sitting on 160,000 sf of Commercial Floor Area that currently no one is seeking. Also, he reviewed the plan to provide meaningful incentives for local jurisdictions to meet their TMDL targets. If a local jurisdiction were to come forward with a redevelopment project and needed more CFA than they already had banked, provided they were the project applicant, they could come to TRPA and request additional Commercial Floor Area from the transfer and development match pool

Ms. Montgomery requested confirmation that if the local jurisdiction is the project proponent, they could request additional Commercial Floor Area directly from TRPA.

Mr. Zuckerman responded that is correct. He pointed out that a theme running through the Regional Plan Update is public/private partnerships.

Ms. McDermid asked why square footage would be held by TRPA versus just giving it to local jurisdictions to hold.

Mr. Zuckerman replied that it is believed that currently there is adequate Commercial Floor Area available, and it is important to have some Commercial

Floor Area available for projects that don't take place in Community Plans.

Ms. Marchetta commented that TRPA does have an interest in trying to direct where the environmental gain comes from in that public/private partnership. She provided examples of how TRPA could direct their environmental target of a particular project using the Commercial Floor Area award. She noted that TRPA is part of a public/private partnership, because of their obligation to meet their threshold standards.

Ms. McDermid stated that unless a project applicant is in a Community Plan, they would have to go to TRPA instead of the local jurisdiction if they want additional Commercial Floor Area, and that is her concern.

Ms. Marchetta responded that she believes that the local jurisdictions may be holding Commercial Floor Area, so the local jurisdictions would have the option of taking it from their pool, rather than from TRPA's pool.

Mr. Hitchcock replied that Commercial Floor Area for projects outside of a Community Plan can be earned from by local jurisdiction provided that there are certain types of allocation mechanisms in place. Also, transfers can be made by buying someone else's Commercial Floor Area.

Mr. Merrill asked where the allocation of Commercial Floor Area comes from when the 200,000 sf of new Commercial Floor Area is put in place per the Regional Plan. Is this based on the assumption that the Tahoe Basin will need this additional Commercial Floor Area plus what is currently in the Basin and what is banked by local jurisdictions?

Mr. Zuckerman replied that the original 1987 Regional Plan allocated 800,000 sf of Commercial Floor Area, and about one-half of that allocation has been used to date. The recommendation in the Regional Plan Update is to allocate 400,000 sf for Commercial Floor Area, which is the one-half left from that original amount. He noted that it is not known whether this much is needed, but the goal is to have the Commercial Floor Area available to incentivize the transfer of development to desirable areas rather than undesirable ones.

Mr. Merrill asked how a current business could be incentivized to move from an undesirable area, since there is so much Commercial Floor Area currently available.

Mr. Zuckerman replied that the goal was to have Commercial Floor Area available in the Regional Plan Update, but it may not all be used.

Mr. Beyer commented that the verbiage should be such that an environmental gain is attained. Any development should be the right development in the right location at the right time, and this needs to be kept in mind when the Commercial Floor Area allocation is done.

**Land Use Issue #7: Should TRPA limit the size of TAUs that are redeveloped?**

***Staff will bring back additional information to the Governing Board and Advisory Planning Commission on this issue.***

**Air Quality Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?**

Advisory Planning Commission Clarifying Questions:

Ms. Merchant asked if the highest priority will be looked at based on a Basin-wide priority list; or would it be by jurisdiction since funds are currently collected by project by jurisdiction.

Mr. Zuckerman responded that an example is given on Page 34, which states that the mitigation funds are distributed in the jurisdiction where they were collected. He noted that in the implementation phase, there may be discussion of how certain programs would be best handled on a Basin-wide basis.

Governing Board Clarifying Questions:

Mr. Cole commented that he believes how the funds are used should be changed. He gave an example of an issue in his area. He asked if the funds should be used to maintain and improve existing projects aimed at improving air quality, or should they be used just for new projects.

Mr. Zuckerman responded that he believes that the process has already been started to revise the mitigation structure to allow the use of funds for existing projects.

Mr. Cole commented that he supported the use of the funds for the maintenance and improvement of existing projects.

Ms. Montgomery asked how the highest ranked projects would be defined.

Mr. Zuckerman replied that staff has ideas on how to prioritize by cost effectiveness, such as grams of pollutant per dollar spent. He noted that exactly how this would be done has not been fully developed.

Ms. Montgomery stated that she is aware that TRPA staff has been working with Placer County staff, and she is glad to see this happening as Placer County already has some very good guidelines in place. She commented that she does have a concern regarding Basin-wide efforts, since there are two different air districts in the Basin. She noted that this would be discussed later in the meeting under another agenda item.

Mr. Merrill commented that funds should be used for maintenance and monitoring of projects, as well.

Ms. Rinke commented that there are some legal constraints that will need to be considered in the monitoring of projects versus the implementation of monitoring, instead of mitigation.

**Air Quality Issue #2: Why is TRPA proposing changes to the existing wood stove program?**

Advisory Planning Commission Clarifying Questions:

Mr. Tolhurst asked what the definition of what a woodstove is.

Mr. Zuckerman replied that it is called a wood heater and is defined in TRPA Code. It was noted that it does state that coal will not be used as a fuel source.

Mr. Tolhurst commented that this was his point.

Mr. Zuckerman pointed out that a wood heater started out as a fifty-five gallon drum with a pipe where wood chips were used.

Mr. Tolhurst noted that a wood heater is something that you use to heat the house, and he asked what that is.

Mr. Hitchcock stated that this is a fireplace.

Mr. Tolhurst asked if that means there is no restriction on fireplaces.

Mr. Hitchcock responded that the proposal is that there will be no changes to the rules, as they apply to a fireplace.

Mr. Tolhurst asked if a person has a wood stove insert in their fireplace, could they take the insert out and burn wood in the fireplace and still be in compliance.

Mr. Zuckerman replied yes and read the definition of a wood heater from the TRPA Code.

Mr. Tolhurst stated that this is a definition of a wood heater, and the material he has says woodstove. His concern is, if the goal is to have all fireplaces removed within ten years, this could be a major remodel for the homeowner. Or, is the goal that all fireplaces need to have an insert in them.

Mr. Zuckerman replied that woodstove and wood heater have different definitions. He stated that he would be willing to take this issue back for further review.

Mr. Tolhurst commented that he believes that a fireplace is different than a wood stove, but was reading that in this language that it means anything that burns wood in the house. He requested that further discussion be held on the issue.

Ms. Merchant asked if TRPA has, or proposes to create, an Air Quality Attainment Plan with the Regional Plan Update.

Mr. Zuckerman responded that staff is proposing something along those lines.

Ms. Marchetta commented that there is an old, outdated plan currently in place.

Ms. Merchant asked how implementation measures could be recommended if the Attainment Plan is outdated.

Mr. Zuckerman read an excerpt from page 39 regarding Issue 3 and pointed out that throughout the document, it is stated that air quality mitigation measures won't be required when the basis is not present to do so.

Mr. Merchant asked for clarification that the plan would be developed first and then the mitigation measure after the fact, or is the proposal that the mitigation measures be done first.

Mr. Zuckerman commented that some mitigation measures will require background on some scientific basis prior to requesting them. He provided examples of items that would and would not require this type of baseline information.

Ms. Marchetta commented that it is her understanding that the implementation strategies in the current plan is what is out of date, rather than the overriding standards that are trying to be met.

Ms. Merchant thanked Ms. Marchetta and commented that clarification at a later date would be good, regarding what measures are the most cost beneficial.

Mr. Jepson requested clarification that the definition of a woodstove is different than a wood heater. He asked if the goal is to eliminate fireplaces. He commented that previous discussion with the committee determined that if a fireplace that was not used frequently, but rather was for aesthetic purposes, would be exempt.

Mr. Zuckerman stated that it was not the intent of TRPA to have people remove their fireplaces. He noted that a wood heater includes fireplaces, and what is listed in the FactSheet relates to woodstoves. Further discussion is needed with staff to clarify the issue, but the intent was not to require the removal of fireplaces.

#### Governing Board Clarifying Questions:

Ms. Aldean requested clarification of the language in 2C that the buyer or seller must replace any non-conforming units with one that meets certification requirements, prior to the close of escrow on a property. She noted that a buyer doesn't have the authority to make changes to the property prior to the close of escrow.

Mr. Zuckerman replied that this will need to be further discussed and clarified.

Mr. Cole commented that if someone remodels or rebuilds a home that has a built-in fireplace, they have the right to put in another one. He suggested that this be reviewed to see if language requiring an alternative could be required at that time.

Mr. Zuckerman agreed. He commented that a possible solution is to create new

definitions for a wood heater and a woodstove.

Mr. Cashman asked if these recommendations should be evaluated under the current definition of a woodstove, or should the new definitions be done and then the issue be reconsidered.

Mr. Biaggi commented that he believes that when the Board gets to deliberations, one of the items can be directing staff to develop consistent definitions.

Mr. Cashman requested confirmation that the implementation measures referenced are part of the Regional Plan Update and not current existing Code.

Mr. Zuckerman stated that is correct.

Mr. Cashman referred to IMP 15, Sub-issue B; the original recommendation in the Regional Plan Update was "ban woodstoves in all new residential construction."

Mr. Zuckerman stated that is correct.

Mr. Cashman asked for clarification that this is a recommendation for a change from the current Regional Plan as part of the Regional Plan Update.

Mr. Zuckerman stated that is correct.

Mr. Merrill commented that earlier it was stated that 20% of the fine particulate matter from burning in the Basin comes from woodstoves. He asked what other factors contributed to this pollution.

Mr. Zuckerman responded that he wasn't sure that anyone knows the amount of the fine particulate matter contributed by forest fuel reduction projects. It is more important to have best smoke management practices used when this is being done, so the smoke does not settle in the Basin.

Mr. Emmett stated that there are other contributing factors to fine particulate matter in the air including roads, aircraft, watercraft and off-road vehicles.

Ms. Marchetta commented that when this issue was discussed by staff, the burning of excess fuels needed to be considered as a policy matter. Alternatives to burning them are to leave the material on the ground or bio-mass utilization.

Mr. Biaggi commented that the bio-mass plant in Carson City is being shut down due to cost issues.

Ms. Montgomery referred to Sub-issue 2C, and asked if there was language regarding the requirement for the destruction of any old non-compliant wood stoves and proof of this being done.

Mr. Zuckerman replied that currently there is no requirement that the stove be destroyed.

Ms. Montgomery suggested that language regarding the requirement that it be destroyed be added.

**Air Quality Issue #3: Should TRPA require a reduction in pile burning?**

Advisory Planning Commission Clarifying Questions:

Mr. Goldberg asked if this would be done through the Tahoe Fire and Fuels Team or through another permitting process.

Mr. Zuckerman asked if Mr. Goldberg was referring to the delivery of the Smoke Management Plans to TRPA.

Mr. Goldberg replied yes.

Mr. Zuckerman responded that it would be an informal process rather than a permitting process.

Governing Board Clarifying Questions:

Ms. Aldean requested clarification of the authority of TRPA with respect to pile burning by the US Forest Service. She commented that the Forest Service has not burned in a responsible manner in some instances.

Ms. Marchetta replied that TRPA is not a hazard fuel reduction implementing agency, but rather relies on the implementers to apply best practices.

Ms. Aldean commented that there is a burn permitting process for the State of Nevada and it is her understanding that the Forest Service does not always secure the needed permit for their burns. She asked why TRPA couldn't similarly require permits for this.

Mr. Biaggi stated that each state has their own permitting requirements. He noted that he sits on the Bi-State Fire Commission, and it was their position that each state implements its own smoke management and permitting process. He commented that he believes that it would be a step backwards for TRPA to become involved in this aspect of the issue.

Ms. Aldean commented that further discussion can be held on the agenda regarding whether or not the area should be treated as one air basin.

Ms. Montgomery commented that the agenda topic is a little different than the proposed language, which deals with fire agencies providing Smoke Management Plans and collaboration with TRPA on the best methods for reducing forest fuels with the least impact to air quality. She asked for clarification on what best methods would be, or would this be further reviewed when implementation is discussed.

Mr. Zuckerman replied that best methods are defined in the footnote on Page 38. He noted that the agenda topic is worded the way it is, because the original



implementation measure would have required a 40% reduction. When meeting with stakeholders, it was pointed out by them that they was already that much reduction. It was determined that TRPA shouldn't require the reduction, but rather be at the table to work with them on how they already accomplish this.

Ms. Montgomery stated that she would like to see wording included pointing out that pile burning is a tool that will need to remain an option.

Mr. Zuckerman responded that he believes that it will remain as a fuels reduction policy.

**Air Quality Issue #4: Should TRPA require Basin-wide air quality standards?**

Advisory Planning Commission Clarifying Questions:

Mr. Goldberg asked if the difference between AQ IMP27 versus 30 is because of the different regulations in California and Nevada.

Mr. Zuckerman replied that IMP 27 would allow the different states to adopt their own Air Quality Standards, and 30 would require the single most stringent standard be applied Basin-wide.

Mr. Goldberg asked when "region" is being referred to in IMP 27 and 30, is that referring to El Dorado and Placer County on the California side.

Mr. Zuckerman responded that "region" would be the political boundary of TRPA, so it would be the Tahoe Basin.

Mr. Lefevre asked the difference between the current situation and Alternative 2.

Mr. Zuckerman replied that there is very little difference now. The difference is that Alternative 2 required adoption of standards by TRPA, whereas in Alternative 3, TRPA is currently silent on the issue.

Governing Board Clarifying Questions:

Mr. Sher commented that the staff recommendation is inconsistent with what is said under the first Air Quality Issue that states "... It may be more cost effective to reduce air pollutants through Basin-wide efforts." He noted that there is one basin here, and having two different standards is not the best way to go.

Mr. Zuckerman replied that the argument that it's one basin and needs one set of standards was what staff believed for a long time, but after looking at the effect of having two sets of standards, it changed our minds. It is believed that having just one set of standards will not benefit air quality in the Tahoe Basin at all.

Mr. Sher commented that he did not believe that TRPA should get into incentives for the purchase of hybrid vehicles.

Ms. Montgomery asked if baseline data is currently available that shows where

the emission sources are, their types, the Basin's carrying capacity to absorb them, etc. so that if these standards are adopted, the improvement can be measured.

Mr. Emmett replied that an inventory of what is believed to be the sources are in place. The carrying capacity, which can be thought of as a TMDL, will be a three to four year, multi-million dollar, process.

Ms. Montgomery asked if an analysis of emission trends over time is available.

Mr. Emmett responded that some data is available regarding sources, but it depends on what pollutant you are researching. This information has been incorporated into the information provided to the Board.

Ms. Montgomery commented that it sounds like an Air Quality TMDL will be developed.

Mr. Hitchcock stated that the answer is yes.

Ms. Montgomery asked if TRPA will identify the source of funding to make this happen, or will the local jurisdictions need to do this.

Mr. Hitchcock replied that this will need to be a collaborative process.

Ms. Santiago requested clarification of Alternative 2 regarding: "adopt and implement Air Quality Standards whichever are strictest in the respective portions of the region for which the Standards are applicable." She asked if the requirements for whatever jurisdiction is being discussed would be applied. Also, are there new SEQA requirements regarding air quality and how does this fit into the Alternatives?

Mr. Zuckerman replied that the proposed implementation measure is taken straight from the compact.

Ms. Rinke commented that she believes the question is whether El Dorado rules will apply in El Dorado, Placer rules will apply in Placer, etc.

Mr. Zuckerman commented that the important thing to remember is that these are really not rules. Rather, these are caps that get tripped, that let TRPA know that they are out of attainment. The question is whether or not TRPA wants to force Nevada to raise their standards in the Tahoe Basin, so they are at the level of California standards. This will not be necessary because TRPA will know when the Basin is out of attainment, based on the trigger in California getting tripped.

Ms. Rinke noted that when it is stated "...the Standards of the region", this is not referring to the procedural requirements of SEQA, etc. or the measures that are used to achieve the standard, but rather this is referring to the statewide standard. She commented that the language perhaps needs to be more precise.

Ms. Santiago commented that this language does not reflect this and it would be good for it to be clarified.

Ms. Bresnick agreed that the language needs to be clarified.

Ms. Marchetta stated that the language will be revised to make it clearer.

Mr. Zuckerman commented that his belief is that the whole issue should be removed.

Mr. Beyer stated that we need to keep in mind that whatever requirement is included, there needs to be thought given to how the mitigation of that quality is going to be implemented. His concern is that whatever standard is set, there will still be maintenance of the ability to reach the mitigation that is desired. Lastly, the mitigation factor of any type of environmental enhancement is money.

Ms. Aldean commented that the sovereignty of each state needs to be upheld.

Mr. Biaggi noted that there is enough flexibility within TRPA to allow this to happen.

Public Comment:

Laurel Ames reviewed their concerns with Land Use Issues.

Mr. Zuckerman commented that the verbiage that was of concern to Miss Ames only affects this packet.

Jennifer Merchant, Placer County Executive Office, thanked staff for their patience and perseverance. She reported that the staff concerns regarding the document have been reviewed with the elected officials from Placer County. She outlined their concerns.

Ellie Waller, Friends of Tahoe Vista, commented that she was delighted on the number of questions asked by TRPA which mirrored her concerns, but that the agenda was too aggressive in the amount of information that would be presented in a single meeting day, which diminishes the public's opportunity to comment. She requested more information regarding transect zoning in order to clear up confusion and information that needs more clarification. She asked to be allowed to review the same information that is provided to environmental groups and the list of business stakeholders.

Alvina Patterson expressed concern about the view if four story buildings were allowed and suggested this issue be addressed. She stated she had concerns about higher height limits and more density. She commented that staff was pushing for Lake Tahoe to become more "city-like" in order to increase revenues. She suggested TRPA investigate this issue and inform the public.

Mark Novak, Tahoe Basin Fire Districts, commented that Air Quality Issue #3 would duplicate the air quality regulatory authority above carb and NDEP in both

California and Nevada, which would be in opposition to the Governor's Bi-State Blue Ribbon Committee recommendation, which states that implementation of forest fuels reduction projects should not be impeded by redundant regulation. Regarding Air Quality Issue #4, Mr. Novak noted the Tahoe Basin Fire Agencies have always used best methods for reducing forest fuels which are reviewed for each project by the Tahoe Fire and Fuels Team and the MACK which includes TRPA staff. It was requested that the Governing Board direct staff to meet with fire agency stakeholder groups to further refine Air Quality item #3 and that language for item #3 to be amended as follows: "fire agencies will continue to follow air quality regulations of the respective State regulatory agencies. The Tahoe Fire and Fuels Team will collaborate with fire agencies to refine smoke best management practices." Mr. Novak noted that the Tahoe Basin Fire Chiefs support Air Quality Item #4, if standards remain in relation to their respective States.

Pat Davidson, Contractors Association of Truckee/Tahoe, stated they support staff's recommendations for amended language or the deletion of certain items. She noted a "Minority Report" was included in the Association's comments to present different point of views on some issues that were not discussed today. She added they support residential allocations that are earned by local jurisdictions and for local jurisdictions to be able to hold onto those allocations. Lastly, they support allowing State agencies to take the lead in developing carb regulations.

George Koster provided feedback in support of land use elements of the Regional Plan Update that would generate revenue, provide affordable housing and develop more pedestrian-friendly areas.

Amanda Royal, League to Save Lake Tahoe, thanked staff for their work on the FactSheet and TRPA for questions asked during today's meeting. She stated the League supports responsible redevelopment that achieves environmental restoration, but this was not shown in Land Use Issue #2, which will only allow increased height and density, if coupled with transfer of development from sensitive lands. She suggested further review of the soft coverage issue before making a decision that could create detrimental consequences. There was also a concern with increased traffic with the proposal to allow more development and that it was suggested to limit high density development to the already dense casino corridor on the South Shore and for TRPA to put a cap on allocations.

Margaret Martini reiterated Ms. Waller's concerns regarding the lack of transparency of information being provided to the public regarding these meetings. She noted the public should be considered a stakeholder and that these proposals were only to generate more revenue.

Jennifer Quashnick, Sierra Club, suggested having more monitors for air quality and emissions inventory. She commented on the need to maintain public health by one standard for the entire Basin.

John Sell commented on TRPA's "favoritism" towards developers at the expense of the public.

Ann Nichols commented that staff pulled the transect maps from the website because of “wild” comments sent in. She stated public input was needed and that the public should be included as a stakeholder. She clarified the significant height and density difference in the transect proposal. She commented that transect zoning does not work and provided an example. She suggested Community Plans be done before this proposal is decided upon and that more information be provided to the public.

Susan Gearhart, Friends of the West Shore, commented on the concerns by West Shore residents regarding the proposal and suggested reducing development.

Judy Tornese stated she urged TRPA to look at other alternatives especially Alternative 4 which has fewer units or develop other compromise alternatives to address concerns presented today. She also asked TRPA to include full-time residents from the Lake Tahoe Basin to represent the public, in addition to government officials, to reduce community concerns. Building should not be allowed on raw, vacant or sensitive land. Development should be based on market demand in order to prevent developing “white elephants.” There should be plans to phase in new development based on the number of units and cumulative impact on the environment and traffic.

Justin Brogglio, Tahoe City Downtown Association, stated they were in support of Placer County’s recommendations and concerns and for Community Plans to be allowed to move forward in parallel with the Regional Plan Update.

John Falk, Tahoe Sierra Board of Realtors, expressed support for the transect planning. There was concern with the “benchmarking” listed in Land Issue #2, because those issues should be addressed by the private sector. Regarding Land Use Issue #4, they were in support of increasing incentives both by type and availability. They were also in support of a date certain for installing universally-mandated woodstoves, but there should be no escrow entanglement. There was concern about regulating open masonry fireplaces.

Lea Kaufman expressed concern with the complexity of issues and the lack of additional information. She suggested making the proposal simpler, respect community desires for individuality, offer real incentives to gain environmental improvements, and to codify the criteria in Community Plans.

Steve Teshara commented that they will continue to work with the TRPA on some of the issues that they are concerned about.

Patricia Wallup pointed out staff proposals would prevent the Boulder Bay Project from being developed, because the project does not comply with these proposals.

Mr. Tolhurst, Chairman APC, requested developing Universal Development Rights (UDRs) to prevent the development of matrixes and to allow property owners to determine what is best for their properties.

**Mr. Biaggi opened the Thursday, May 27, 2010 meeting at 9:40 a.m.**

A. Homewood Ski Area Master Plan & CEP Project Briefing

Ms. Marchetta introduced the Homewood Ski Area Master Plan briefing.

Art Chapman, JMA Ventures, presented the proposed project.

Staff member David Landry presented the alternatives that will be analyzed in the draft environmental document.

Board Comments & Questions:

Mr. Sher asked about the matrix for the six alternatives. He asked for confirmation that five of the alternatives would encompass retention of the skiing and that the only alternative that would lead to closing would be the residential estates. Are the five alternatives based on economics?

Ms. Marchetta replied no. TRPA has not analyzed the economics, but designed the environmental alternatives to frame the environmental constraints and trade-offs. The economic question would have to be addressed by the project applicant.

Mr. Sher asked for clarification that the five alternatives would permit skiing, but the residential estates would not.

Ms. Marchetta clarified there is the one alternative that would remove the ski facility from the possibility of operation on the site.

Mr. Sher asked if it was changed because it would not be feasible to build the fourteen estates with a ski facility.

Mr. Wells stated Alternative 4 consists of approximately 16 estate lots that would be placed on the mountain in place of ski facilities.

Mr. Merrill commented that the Environmental Impact State would include snow making which would produce run-off. He asked about the environmental impact with the increase in run-off.

Rob Breuck, Consultant, stated there was existing snow-making at the base areas currently. The proposal was to increase the amount of acreage that can be covered with snow making. The analysis was looking at the increased use of water for making snow and potential noise impacts. They would also look at the increased snow pack and how that might change run-off during spring.

Mr. Merrill commented that the public was also interested in the building phase of the project and asked about the building phase.

Mr. Chapman reported the first phase would be the North Base and the Mid-Mountain Lodge, the public area. Construction would take approximately two years and the absorption and stabilization would take another two years. The

South Base would not be developed, but would remain open during construction of the first phase so the mountain can be opened to the public.

Mr. Merrill asked if the first phase would include all hotel and residential units being considered for the North Base.

Mr. Chapman stated that was correct. The goal was to have all construction complete so it can be stabilized.

Mr. Merrill asked about the types of units that would be available.

Mr. Chapman stated there would be no timeshare units and fractionals would eventually be replaced with whole ownership units.

Mr. Merrill asked how many hotel and residential units there would be.

Mr. Chapman reviewed the amount of hotel and townhouse condominiums that will be developed that would amount to 14-15 units per acre.

Mr. Cashman asked if separate or connected structures were being proposed under Alternative 1.

Mr. Chapman stated it made sense, from a green building principle, to build it in one structure and that they would take into consideration TRPA's concerns regarding height requirements.

Mr. Cashman asked if they would like to see the separate construction that would require a height amendment by TRPA.

Mr. Chapman replied yes, otherwise they would be required to break the buildings up.

Mr. Wells reviewed the connected and separate buildings being proposed.

Mr. Beyer commented that height would have a visual impact and that they were developing a code structure that would allow a height base. He asked if staff took into consideration the visual and environmental impact to the lake with the possible height of this project or another project that may require a height amendment. He also asked staff to explain why Alternatives 3 through 6 were being considered and what happens to the ski resort if there is no alternative.

Rob Breuck, Consultant, stated the project was proposed for the North Base with large structures on the side of a steep hill that would meet TRPA's current height definition. Alternative 3 would have the same visual impact, but would create more land coverage and disturbance because the same number of units would be separated. Alternative 5 would take all uses in a smaller area in the existing parking lots in the North Base, but density would increase. Alternative 6 would look at the environmental impact if the number of units were reduced and separated into lower heights and lower densities. Alternative 4 would include closing the ski resort and selling off the estate lots in order to get an economic return back on the project.

Mr. Beyer commented that there was a balance between doing a development like this and not doing a development and the environmental impact to the Lake.

Ms. Aldean asked if components of the development would be sold off to other builders if the project is approved. Would the areas be pre-sold or pre-leased in order to determine the economic viability of the project or is there a source of private capital or commercial financing to ensure the project will get off the ground.

Mr. Chapman explained there is no capital today for any developments, but once entitlements are obtained a loan commit can be obtained from a bank that may have conditions on pre-selling residential units. Therefore, the earliest the project could begin would be 2012. Residential units on the South Base would be built in phases with pre-selling of each building.

Ms. Aldean asked if Mr. Chapman would be the Master Developer that would oversee the project until its fruition.

Mr. Chapman stated it was his intention to build this project.

Ms. Aldean commented that there were several e issues in the Draft Environmental Impact Statement that are marked with an asterisk. She asked about the distinction between the issues that were marked with an asterisk and the issues that were not.

Mr. Landry stated the asterisks were to identify the issues that may be more emotional than other issues, but all issues would be analyzed equally in the Environmental Impact Statement.

Mr. Biaggi asked about the institutional legal constraints to Alternative 4, in terms of developing the single-family residential lots or if they would require Code amendments.

Mr. Wells stated his understanding was that no Code amendments would be required for residential estates, but permits would be required.

Mr. Biaggi asked about the scenic impacts from the Mid-Mountain Lodge.

Rob Breuck, Consultant, stated they were looking at that issue from the Lake views. Alternative 3 would look at compliance with existing height, which would reduce the structure height of the lodge.

Ms. Santiago asked for clarification that there was a current storm water system that would be removed once the project is underway.

Mr. Chapman clarified that was correct because they were proposing to keep water on the mountain, because the current system treats and puts the water into the Lake.

Ms. Santiago asked if the current asphalt would be removed.



Mr. Chapman stated the entire area would be re-vegetated.

Ms. Santiago asked about the location of the new storm water system.

Mr. Chapman stated it would be underground.

Ms. Santiago stated she was impressed that the project was becoming somewhat of a "lab" for possible technology transfer. She asked if they were considering asking for funding for this type of development.

Mr. Chapman stated not for the project, but the consortium was the recipient of a \$650,000 grant from the Environmental Protection Agency with a local match requirement.

Ms. Santiago asked if environmental impacts were taken into consideration when assessing each of the Alternatives.

Ms. Marchetta stated there is no formalized environmental performance matrix to compare benefits of one alternative to another, but they will make an attempt to do that type of comparison in the Environmental Impact Statement.

Mr. Wells added special findings would be required for Code amendments that will be required with some of the alternatives, and some of the special findings related to environmental improvements. The Community Enhancement Program will also have an overall requirement.

Ms. Bresnick asked about the square footage of the Mid-Mountain Lodge.

Mr. Tillman reported it was 15,000 square feet.

Ms. Bresnick asked how the units would be broken down in Alternative 1 to total the proposed 316 total units.

Rob Breuck, Consultant, stated 40 of the TAUs being proposed would have lock-offs, which would require 60 TAUs.

Ms. Bresnick asked if the total would be 316 plus 13, which is the number used in the EIR/EIS.

Rob Breuck, Consultant stated the number used in the EIR/EIS is the number listed in the table.

Ms. Bresnick requested that information be clarified.

Mr. Wells added the matrix on slide 26 totals the amounts and shows 336, which is exclusive of the 13.

Ms. Bresnick asked if there would be a significant increase in units, but that there would be a decrease of 16 acres to 14 acres in the Compact Project Area Alternative.

Rob Breuck, Consultant, stated that would be residential units and that the alternative would include less tourist accommodation units.

Ms. Bresnick asked why that would be considered a compact project area.

Mr. Wells stated this particular alternative would take the entire North Base development and put it in the existing parking lot, which condenses the area, but drives up building height and density in order to get the same basic unit count.

Ms. Bresnick asked if the total unit count would remain the same.

Mr. Wells stated it would go down about twenty units.

Ms. Bresnick asked what criteria were used to define the Reduced Project Alternative.

Rob Breuck, Consultant, explained how Alternative 6 was developed and how that would reduce the project from 225 to 145 units.

Ms. Bresnick asked if this information would be described and explained in the EIS.

Rob Breuck, Consultant, stated it will be a lengthy chapter.

Ms. Bresnick asked if any of the TAUs would be banked or would all be used with the project.

Rob Breuck, Consultant, reported there were 155 TAUs currently banked that would be used for these alternatives or used somewhere else.

Mr. Severson asked about the timing of the bike trail extension.

Mr. Chapman reported it would be developed during the first phase.

Mr. Breternitz asked if all stormwater would be retained on site or will a portion of it go to the Lake.

Mr. Chapman stated the goal was to retain all stormwater onsite and that would include developing for a 50-year event.

Ms. Ruthe asked if neighborhood residences would be allowed to use Lodge amenities. She asked how neighborhood residences would be determined.

Mr. Chapman stated the intent was not to allow residents on the other side of the Y. Neighborhood residences would be defined as on the south side of the Y down to Meeks Bay.

Public Comment:

Jan Colyer, Executive Director TMA, stated she was in attendance to support the

project. She reviewed the developer's support of the TMA.

Rick Brown expressed his support of the project by providing a history of the area.

Randy Hill expressed his support of the project in order to revitalize the area.

Joe Imbach commented on his support of the project to redevelop the area.

Ron Treabess, North Tahoe Resort Association, commented on the economic revitalization to the area with the development of this project.

Paul Moniot commended the project for its socio and economic benefits to the community.

Rick Van Zee stated he was in support of development of the area, but he was concerned about the size, scope, and the overall footprint of the project. He noted one of his concerns regarded the location of the proposed housing and parking over previous wetland area.

David Powell stated he was in support of the project for its economic viability to the area, but he did have concerns with the proposed increase in traffic. He suggested requesting a financial mitigation for the construction of Y-bypasses.

Tim Reeve, Operating Engineers, expressed concern about the possible loss of the ski area with one of the proposed alternatives.

Dennis Kahrmier stated he was somewhat against new developments, but was for redevelopment due to the economic revitalization.

Steve Karsemeyer stated the project should receive full support because the project would create a significant number of jobs and give workers a chance to learn new skills in the green building industry.

Judi Tornese stated no notice of this meeting was provided to residents surrounding the proposed project site. She requested notice be provided in the future. She stated she was not against redevelopment of the resort, but there was concern regarding the size and the scope of the project and the impact the project would have on surrounding areas.

Michael Garbon commented on the negative impacts of the proposed project.

Susan Gearhart, Friends of the West Shore, stated they were not against the development and that the community would not be against the development, if the project was developed only on already asphalted areas.

Ted Peterson commented that the project would not match the character of the area. He expressed opposition to the parking structure being proposed.

Antje Hhekel stated she was not against developing for economic revitalization, but expressed opposition to the parking structure being proposed and stated

family-oriented development was needed.

Steve Teshara expressed his support of the project.

Mr. Sher left the meeting at 12:40 p.m.

Rob Weston commented that he was in support of the project because it would provide economic benefits year-round.

Marynell Hartnett expressed support for Alternative 1.

Trinkie Watson expressed support of the project for revitalization to the area.

Bill Edick expressed support for the project.

Stewart McMar, North Tahoe Fire, stated he was in attendance to express support of the project on behalf of Chief Whitelaw.

Cindy Gustafson, General Manager Tahoe City Public Utility District, provided information on dealing with infrastructure on the West Shore. She stated she was in support of the bike trails and the water treatment system proposed with the project.

Mike Lafferty commented that he was not contacted regarding the project and that he was concerned with providing TAUs when TAUs have not yet been defined. He stated he was for the project, but concerned that other projects were not being allowed.

Ellie Waller thanked the Board for their in-depth questions. She encouraged local residents be hired to work on the project.

#### B. Discussion and Direction on Potential Buoy Placement Line Adjustments

Staff members Gabby Barrett presented the potential buoy placement line adjustments.

##### Board Comments & Questions:

Ms. Aldean asked for clarification that the Coast Guard navigational buoys are beyond 600 feet in the Tahoe Vista area.

Mr. Barrett replied yes.

Ms. Aldean asked why that would not be criteria for TRPA to consider.

Mr. Barrett stated those are not lit buoys.

Ms. Aldean asked what those buoys denote.

Mr. Barrett stated he was not sure and that they would need to research why the buoys are placed there.

Ms. Aldean asked if they should wait until there was an accurate count of legal and illegal buoys.

Mr. Barrett stated there was a timing issue that was imposed by the Board to present this information in May.

Ms. Aldean asked if there were resources to do the analysis in the two geographical areas where there may be some constraints.

Mr. Barrett replied yes.

Mr. Merrill stated it was his understanding that the Coast Guard navigation buoys were placed based on water levels, therefore which should not be criteria in the buoyline consideration. He asked for clarification that buoys in the five or six areas that will not have anything done to them will still be allowed ten feet of water underneath them.

Mr. Barrett replied no. There are no current provisions for buoys to go past the 600 foot line.

Ms. Bresnick commented that there may be other areas that will request the buoyline be moved.

Mr. Barrett stated that was correct.

Ms. Bresnick asked how many miles of shoreline would be dealt with.

Mr. Barrett stated he tried to convert it to the number of buoys. He noted there would still be approximately 125 buoys that may have to be moved.

Ms. Bresnick asked for clarification that current conditions in the Code cannot address safety concerns for eighteen buoys, with the remaining addressed with exceptions to 600 feet, meaning they can be moved out to the 600 feet.

Mr. Barrett stated that was correct.

Mr. Breternitz commented that he thought the Governing Board warmed up to the idea of exceptions for people that truly were faced with conditions that were dangerous to their boats, no matter the distance from shore. He asked if there were means for boaters to demonstrate that they were in a dangerous situation at 600 feet and can therefore have an exception.

Mr. Barrett stated there was no exception granted except joining a buoy field, which would be marked or in locations where commercial buoys exist.

Mr. Beyer asked about exceptions that could be made within the guidelines.

Ms. Marchetta stated they have attempted to create a buoyline that had some integrity to the location standard.

Mr. Sevison commented that, in his opinion, the easiest fix would be to allow individuals to receive a temporary permit to move their boats out a certain amount of feet rather than move the buoy to another location.

Ms. Rinke clarified they were not suggesting moving buoys to another location, but suggested mooring in a buoy field or renting a slip, etc. She noted TRPA already approved a 600-foot buoyline with no exceptions in order for consistent enforcement.

Mr. Sevison commented that other buoy fields or other buoy locations would not be available, because there would be less buoys when TRPA concludes its Buoy Registration Program.

Ms. Rinke stated there were current buoy fields with capacity and that TRPA was not here to ensure that every private property owner has a buoy, but to ensure safety of the Lake as a whole.

Mr. Breternitz stated it was his understanding that TRPA requested another presentation of this issue to address exceptions to the buoyline. He asked for clarification that an approved buoy could not be moved to another permanent location and that it would have to be registered.

Ms. Rinke stated there would be some limited options within the parameters of the property area because there were projection lines and standards about the width.

Mr. Breternitz asked if there could be exceptions made.

Ms. Marchetta stated she was not sure that TRPA can write that exception.

Ms. Aldean commented that, prior to the amendment, one of the reasons the Board elected to extend the buoyline was because the Board did not want to rule by exception and that individuals can relocate during low water within the parameters of their projection lines and maintain a 50-foot separation between buoys, but not beyond 600-feet.

Ms. Rinke stated they made an exception in Tahoe City because of the existing structures or peers that create a navigational impediment.

Public Comment:

Jan Brisco, Tahoe Lakefront Owner's Association, asked that the Board request staff to bring back additional exception zones or discussion for placement of buoys for safe navigation and safe mooring.

Bill Lahl commented that the Tahoe Vista area known as the Tahoe Vista National Avenue area should be considered for exception, because of its shallow area.

Gary Midkiff provided examples of areas in the Logan Scholl's area that should be considered for exception.

Board Comments & Questions:

Ms. Santiago asked if the areas identified in the preliminary analysis were more susceptible to shifts that change the depths of the Lake.

Mr. Barrett stated yes.

Ms. Santiago stated she was talking from a historical perspective because of the evolution of the Lake which changes the shoreline therefore exceptions are made on a case-by-case basis per year, but at some point, a line will need to be drawn where there can be no further exceptions.

Mr. Cole asked for clarification that the no-wake zone for California and Nevada is 600 feet.

Mr. Zabaglo clarified both States enforce a 200-foot no wake zone.

Ms. Rinke clarified both States support the 600-foot buoyline.

Mr. Cole stated he was having a problem with making an exception to the 600-foot buoyline.

Ms. Aldean asked how boats are tracked that are swamped and sink. She stated her concern was the environmental impact.

Mr. Barrett stated the Coast Guard has a database that tracks that information, but the problem is that not every boat that sinks is reported.

Ms. Aldean suggested getting that information from barges that go out to salvage these sunken boats.

Mr. Barrett stated they could look into that.

Ms. Marchetta stated that database was clearly a Coast Guard function.

Ms. Aldean suggested the Coast Guard receive this information from barge operators.

Ms. Marchetta replied we would suggest that.

Ms. Rinke stated property owners that were not satisfied with the water depth of their buoys could create a buoy field, which could go beyond 600-feet.

Mr. Merrill moved to approve the staff recommendation.

Mr. Biaggi stated that Mr. Merrill should move to direct staff to bring forward an amendment extending the adopted buoyline in the north end of Glenbrook Bay and the Logan Scholls area.

A Role Call Vote was taken.

Motion carried.

Mr. Beyer, Ms. Bresnick, Mr. Cole and Ms. Santiago voted no.

Ms. Marchetta requested Board members that opposed the motion provide direction to staff on the basis for their objection.

Ms. Santiago stated it was because a line had to be drawn somewhere not making exceptions, because the Lake constantly changes.

Mr. Cole stated the 600-foot buoyline for individual buoys was based on good rationale and boating safety.

Ms. Aldean questioned who would be in charge of a buoy field if property owners in a particular area got together and created a buoy field.

Mr. Sevison asked if there needed to be a specific organization to be in charge of a buoy field formed by property owners.

Mr. Cole asked about the minimum to create a buoy field.

Mr. Barrett clarified four moored buoys is the current definition of a buoy field.

Mr. Beyer stated there may be more areas that can be considered exceptions and that his argument is that there is not a clear definition of what is legal and what is not legal on the Lake currently and that, until there is a clear definition, exceptions to the rule should not be made.

Ms. Rinke stated part of the reason the Board requested this issue be presented again was because of the one year condition in the permits to come into compliance with the buoyline.

Mr. Beyer commented that there may be exceptions to these exceptions in the future.

Ms. Marchetta noted that this issue does partly determine what is legal and illegal on the lake.

Ms. Bresnick expressed concern that this may be a never ending issue.

## IX. PUBLIC HEARINGS

### A. Amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe

Staff member Dennis Zabaglo presented the proposed amendments to TRPA Code Chapter 51 and Related Chapters, Prohibiting the Unauthorized Mooring of Vessels in Lake Tahoe.

#### Board Comments & Questions:

Ms. Aldean asked about the reason for defining the use as “camping.”



Mr. Zabaglo stated they did not want individuals to anchor their boats without any crew aboard. The “camping” provision would be for individual camping on their vessels.

Ms. Aldean asked if a houseboat that is somehow commercial is prohibited from launching on Lake Tahoe, even if they are attached to a legal mooring.

Mr. Zabaglo stated that was existing language, but they were attempting to better clarify the language.

Ms. Aldean asked if houseboats are precluded.

Mr. Zabaglo stated above 700 feet.

Ms. Aldean asked if they were precluded from launching.

Mr. Zabaglo stated yes, unless they can rebut that presumption.

Ms. Aldean asked who was scrutinizing the launching of houseboats.

Mr. Zabaglo stated inspectors may not be aware of this rule, but the watercraft team would be the first line of defense.

Ms. Bresnick asked if TRPA had the ability to enforce when individuals might be illegally moored under current regulations.

Ms. Rinke stated under the current regulations on overnight mooring, particularly for residential purposes, is clearly prohibited. We were trying to make it more clear and what the parameters were around that. If the proposed amendments failed, she stated, for the record, we do have the authority currently to enforce.

Ms. Bresnick asked if the 72-hour limit was based on when boating and recreational activities occur.

Mr. Zabaglo stated that was correct and that it was similar to Nevada State law.

Ms. Bresnick asked if individuals from California State Lands were approached about the letter they sent and if there was any follow-up information.

Mr. Barrett stated the letter addresses the Code amendment and the buoyline. He stated he was in contact with them and they were in support of the Code amendment clarifying the anchoring and mooring requirements.

Public Comment:

Jan Brisco, Tahoe Lakefront Owners' Association, stated they were in support of preventing overnight anchoring or long-term anchoring, but there were concerns about the more immediate effects on personal watercraft.

Gary Midkiff stated he was in agreement with Ms. Brisco's comments and that he

was also concerned about TRPA over reaching into personal property activity.

Board Comments & Questions:

Ms. Bresnick asked if the proposed amendments would prohibit kayaks and canoes from being stored.

Ms. Rinke stated areas where these items were normally stored were taken out of the amendment, because that was not the intention of this rule.

Ms. Bresnick asked if individuals can currently anchor boats off someone's property for a few days.

Ms. Rinke stated the current rule prohibits that, but it's not clearly stated.

Ms. McDermid asked how it would be determined that a boat was being used for sleeping purposes.

Ms. Marchetta stated we would not be on the Lake monitoring if boats were being anchored for three or four days, but this proposal was to prevent individuals from storing boats long-term on anchors without an authorized buoy location.

Ms. Aldean asked why the following language cannot be used to address the issue: "water craft moored overnight on the waters of the Lakes within the region."

Ms. Rinke stated she did not object to changing the language.

Ms. Santiago moved to recommend approval of the required findings.  
Motion carried unanimously.

Ms. Santiago moved to recommend approval of the proposed Code Amendments with changes by General Counsel.

Motion carried unanimously.

Mr. Biaggi read the Ordinance into the record.

X. REPORTS

A. Executive Director Status Report

1. Agency Work Program Priorities for May
  - a. Regional Plan Update
  - b. Forest Fuels Management Update
  - c. Aquatic Invasive Species
  - d. EIP Implementation
  - e. Shorezone Implementation
  - f. CEP Update

Ms. Marchetta gave the Executive Director's report.

B. General Counsel Status Report

Ms. Rinke gave the General Counsel's report.

XI. GOVERNING BOARD MEMBER REPORTS

Ms. Santiago asked for clarification of next month's agenda and if the transportation milestone would be included.

Ms. Marchetta replied yes. The tentative plan is to bring back the deliberations on land use and a presentation on the transportation milestone.

Ms. Santiago asked if the deliberation by the APC would occur at the APC meeting.

Ms. Marchetta stated that is correct and would be presented to the Board at the June Governing Board meeting.

Ms. Santiago stated she received a memorandum that HUD was funding areas where there is more urban sprawl.

Mr. Cole asked if the Land Use Issue #7 regarding TAUs would be the only issue on land use discussed next month.

Ms. Marchetta clarified all land use issues would be brought back except Land Use Issue #7, and that staff would take direction provided and work with stakeholders to develop a proposal that would be presented to the Board at a future meeting.

Mr. Cole asked for clarification that Board members can provide their input to Harmon Zuckerman via e-mail.

Ms. Marchetta replied yes.

Mr. Sevison reported that the California Tahoe Conservancy was in support of the banking system. They would also be the lead agency in bike trails and there was no SEZ coverage available anywhere. He encouraged TRPA to accommodate them with this coverage.

Ms. Bresnick suggested a reconnection to the public on the Regional Plan Update. She also asked for background information on FactSheets and to continue addressing the TAU issue.

XII. COMMITTEE REPORTS

A. Legal Committee – no report

B. Operations Committee – no report

C. Public Outreach & Environmental Education Committee – Ms. Santiago stated activity has begun on launching several outreach campaigns.

- D. Catastrophic Wildfire Committee – Ms. McDermid stated a meeting was held today and that there will be a Wildfire Awareness Week strictly for the Tahoe Basin in July. She reviewed inspections for defensible space, but there was concern about the future because funding was depleting.
- E. Local Government Committee – no report

XIII. ADJOURNMENT

Governing Board Chair Mr. Biaggi adjourned the meeting at 4:30 p.m. on Thursday, May 27, 2010.

Respectfully submitted,



Judy Nikkel  
Clerk to the Board

*The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.*

**TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD**

TRPA  
Stateline, NV

June 23 & 24, 2010

**REGULAR MEETING MINUTES**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Vice-Chair Ms. Santiago called the meeting to order at 9:40 a.m.

Members Present:

Ms. Aldean, Mr. Breternitz, Mr. Beyer, Ms. Bresnick, Mr. Cashman, Ms. Lovell for Mr. Cole, Mr. Merrill, Ms. DuPre for Mr. Miller, Ms. Moss for Ms. McDermid, Ms. Montgomery, Ms. Ruthe, Ms. Santiago, Mr. Sher

Members Absent: Mr. Biaggi, Mr. Reid

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

Brenda Hunt expressed her enjoyment working at TRPA. She commended former Board member Jerry Waldie's service on the Board and in the community. She suggested that Jerry's spirit remain with the present Board and his picture be prominently displayed.

Ellie Waller requested clarification regarding the project sign-up sheets. She thanked Brenda Hunt for providing information to the public during her service on staff.

Dave McClure commented on the separation between policy and implementation and provided an example.

Amanda Royal, League to Save Lake Tahoe, expressed her objection to denying the public the opportunity to comment on the land use portion of the Regional Plan Update at the last APC meeting and at today's meeting. She requested the Board allow public comment on this issue and read excerpts from the Nevada Open Meeting Law regarding public comment.

Ms. Santiago asked for clarification that public comment will be heard during the land use portion of today's meeting.

Ms. Rinke replied yes. She explained the Regional Plan Update will be addressed in different portions and that Ms. Royal was commenting on having further public comment on the first portion of the Regional Plan Update which has already been discussed.

Jeff Sparksworthy commented on and made available information regarding his idea for a high-speed, detachable gondola system for the area.

IV. APPROVAL OF AGENDA

Ms. Montgomery moved approval.  
Motion carried unanimously.

V. APPROVAL OF MINUTES

This item was continued.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

TRPA CONSENT CALENDAR

1. Acceptance of May 2010 Monthly Financial Statement
2. FY2010-2011 Budget & Work Program
3. Update of Air Quality and Water Quality Mitigation Fund Release Policy Guidelines
4. Release of \$16,500 in Water Quality Mitigation Fund Interest to Douglas County for the Hydrologic Modeling Project
5. Release of \$205,000 in Water Quality Mitigation Funds and \$159,200 in Air Quality Mitigation Funds to El Dorado County for Various Projects and transfer of Unused Previously Released Mitigation Funds
6. Resolution of Enforcement Action, Joe Pehanick and Mark Wyman, Unauthorized Addition of Coverage to a Historic Resource, 682 Lakeview Blvd, Zephyr Cove, NV Douglas County, Assessor's Parcel Number 1318-10-310-015;
7. Resolution of Enforcement Action, Shenzhen Sihai Pingfu, Unauthorized Grading and Disposal of Soil, 377 Merryanne Drive, Douglas County, NV, Assessor's Parcel Number Z 1319-18-312-005

Ms. Ruthe stated that the Operations Committee recommended approval of Items 1-5.

Ms. Aldean stated that the Legal Committee recommended approval of Items 6 and that Item # 7 was continued.

Ms. Ruthe moved approval.  
Motion carried unanimously.

Ms. Ruthe moved to adjourn as the TRPA and convene as the TMPO.

Ms. Marceron, Tahoe Basin Management Unit, joined the Governing Board.

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

- A. TMPO Consent Calendar (see Consent Calendar agenda below for specific items)

- 1. Adoption of TMPO FY 2010 Overall Work Program (OWP) Amendment #2

Ms. Aldean moved approval.  
Motion carried unanimously.

Ms. Ruthe moved to adjourn as the TMPO and reconvene as the TRPA.

Ms. Marceron, Tahoe Basin Management Unit, left the Governing Board.

## VIII. RESOLUTIONS

- A. Resolution In Support of the Lake Tahoe Basin Wildfire Awareness Week  
July 3-11, 2010

Vice Chair Ms. Santiago presented the Resolution in Support of the Lake Tahoe Basin Wildfire Awareness Week and gave a background on the Angora Fire that happened 3 years ago.

No Public Comment.

Ms. Lovell moved approval.  
Motion carried unanimously.

Ms. Lovell asked that the Fire and Fuels Team introduce themselves.

Mary Huggins, Ray Zacho, Tom Pickett, Kyle Jacobson introduced themselves.

## IX. PLANNING MATTERS

- A. Regional Plan Update Milestone Discussion and Direction to Staff

- 1) Transportation, Noise, and Energy and Climate Change

Ms. Marchetta introduced the Transportation, Noise, and Energy and Climate Change milestone.

Staff Member Harmon Zuckerman introduced the milestone for Transportation, Noise, and Energy and Climate Change milestone and introduced Carl Hasty, Tahoe Transportation District.

Carl Hasty, Tahoe Transportation District, spoke from the districts perspective on the transportation milestone and what items are currently in the planning stages

### Governing Board Questions and Comments:

Ms. Bresnick asked for Mr. Hasty to explain the relationships of the different entities that have a role in transportation.

Mr. Hasty explained the Metropolitan Planning Organization (MPO) provides transportation construction funding. The RTPA has statutory authorities in California. The Tahoe Transportation District is a Compact agency therefore their authority is the jurisdictional boundary of TRPA. They can also go outside the boundary to provide connections to other transportation systems in the Basin. The District is also an advisory body to the TRPA as the MPO.

Ms. Bresnick asked if the Mobility 2030 Plan was the overall plan and that the Tahoe Metropolitan Planning Organization (TMPO) Work Plan implements the Mobility 2030 Plan on a regular basis.

Mr. Hasty stated that is correct and explained how that plan would be implemented.

Mr. Sher asked about the projects that are being planned to address the “choke points” of the peak time being projected.

Mr. Hasty stated one way would be to move the intersection and open it up to pedestrian traffic. He provided an example.

Mr. Sher asked how traffic congestion at the Y would be solved.

Mr. Hasty stated a new bridge would have to be built in the North Y area with the road to be widened for traffic or an area would have to be dedicated to more pedestrian/bike traffic with the intersection moved so vehicle traffic will be separate.

Mr. Sher asked if these solutions were being requested for projects in the Regional Plan Update.

Mr. Hasty stated the solutions were already in the current plan.

Mr. Sher commented that pedestrian/bicycle traffic was being promoted, but more projects were being proposed that would generate more vehicle traffic with unrealistic suggestions about reducing vehicle traffic.

Mr. Hasty stated it is the transportation system that needs to be built because each individual project will not solve the problem.

Mr. Sher asked if the Board should be approving projects that add to the problem until projects are in place.

Mr. Hasty stated the emphasis should be on building the system and that this can be accomplished with the development of both public and private projects.

Mr. Sher asked about the system that is going to solve the transportation problem on the North Shore.



Ms. Santiago suggested these issues can be better discussed between Mr. Sher and Mr. Hasty outside of the meeting venue.

Mr. Hasty commented that there are going to be both pros and cons when deciding whether the transportation system infrastructure should be spread out or concentrated, because there will be some efficiencies that exist with one, but not with the other.

Mr. Zuckerman explained the process including the stakeholder process, the FactSheet and the FactBook and what to expect going forward.

***TRANS Issue #1: Should bicycle lanes be constructed along all major travel routes?***

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked about the definition of “where-feasible.”

Mr. Zuckerman stated language was not being developed today. This item was to address the issue of Trans Issue #1. He noted they would work with the Transportation Agency on definitions when proposed language was being developed.

Lyn Barnett added that TRPA Code currently has a definition of “feasible” and read it into the record as follows: “capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social and technical factors.”

Governing Board Questions and Comments:

Ms. Montgomery asked for clarification on the definition of “major travel routes”- what they are and how they are defined.

Mr. Zuckerman stated TRPA does not have a definition of “major travel routes” therefore, it would need to be defined during this process.

Karen Fink added the definition section of the Code of Ordinances has a definition for “major arterials”, which is a more technical term and which is the definition that will be used for “major travel routes.” It includes all highways and major connectors around the Basin.

Mr. Merrill asked for clarification on how the plan and policies would affect the issue of the Cal Trans policy and other transportation agency policies for that present problems building bike lanes in conjunction with roadways. He also asked how acquisition of rights-of-way would be accomplished without imposing eminent domain.

Ms. Marchetta commented that the fundamental reluctance on Cal Trans’ part to implement multi-purpose projects relates to money. The solution is to develop a partnership approach with other agencies to show Cal Trans that multi-purpose solutions would assist them in achieving the targets of

their TMDL permit requirements.

Mr. Merrill asked if the new lever will be what is required of Cal Trans under the TMDL.

Ms. Marchetta stated that was right. She also noted new state-wide legislative policies are requiring the integration of land use policy with transportation policy.

Lori Kemper, Lahontan Water Board, added there are opportunities with water quality improvements to develop class-two bike lanes with the design for storm water systems. She also cautioned the Board about developing language to create safe bicycle passages even though it may not meet current standards.

Ms. Santiago asked for clarification that this segment of the meeting was to ask clarifying questions on the information presented and that the Board will have the opportunity to review language under deliberation.

Mr. Zuckerman replied yes. He stated Ms. Kemper's comments could be made to the APC as part of their advice before Board deliberation.

Mr. Merrill reiterated his question of how right-of-ways would be realistically acquired.

Ms. Rinke stated she was still researching that issue.

Ms. Santiago asked if questions regarding rights-of-way should be addressed under deliberation.

Ms. Rinke stated that was correct, but that the actual discussion of how these properties could be acquired could be addressed during the implementation portion of the process.

Ms. Bresnick asked why they were discussing policy issues on bike lanes that are already proposed in the Mobility 2030 Plan and other documents.

Mr. Zuckerman stated this discussion was about conforming the Regional Plan to other documents that have been adopted. He noted language in the policy was already in the implementation measure.

Ms. Bresnick stated that it seemed to her a "no-brainer" to encourage bike lanes in major travel routes. She commented that it may be helpful to cross-reference these issues because they may have already been studied in other documents.

Mr. Zuckerman stated there were footnotes in the FactSheet and that they were trying to cross-reference other documents. He noted the ASHTO standards were referenced from the TMPO's Bike and Pedestrian Master Plan.

Mr. Beyer commented that he was on a Board to bring biking to a large area of Southern California where there is major traffic congestion on both major roadways and streets and corridors. He asked if staff has addressed the issue of “Sharrows.” He also asked for a description of what a “Sharrow” is.

Ms. Fink explained a Sharrow is a stenciled bicyclist lane that goes through a neighborhood roadway and not off to the side like a regular bicycle lane. She stated Sharrows would be proposed in the updated Bicycle and Pedestrian Plan for the City of South Lake Tahoe.

Mr. Beyer stated he would forward a poster of route Sharrows.

***TRANS Issue #2: How should TRPA facilitate maintenance of bicycle paths and sidewalks?***

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked for clarification of the meaning of “over time.”

Mr. Zuckerman stated it was policy language. It’s trying to get across the concept that bicycle lanes should be maintained over their useful life span or for a reasonable amount of time.

Mr. Angelocci asked for clarification regarding the “25% of air quality mitigation funds set aside for operation and maintenance”, as listed in the language in Implementation Measure #18.

Mr. Zuckerman stated that was discussed when the Implementation Measure was written.

Jerry Wells stated the Board adopted this policy this morning during adoption of the Consent Calendar. He clarified it is 25% of the amount received and that even existing accounts could be converted to that.

Ms. Merchant asked for clarification how 25% of air quality mitigation funds would be set aside and maintained. At the last APC meeting it was decided to pool all air quality mitigation funds rather than break up funding by jurisdiction.

Mr. Wells stated the policy adopted this morning was an interim policy until the Regional Plan was adopted so Code changes were not addressed. It would be 25% for each jurisdiction and would not be aggregated and put into a single project.

Ms. Merchant asked if it was being suggested through Implementation Measure #18 that funding was to be pooled or distributed by individual jurisdictions.

Mr. Zuckerman stated the Implementation Measure does not address where the funding gets spent, but only to reserve up to 25% of funding.

Ms. Merchant stated she did not understand if the 25% would be determined for every jurisdiction or from a pool of the funding.

Ms. Rinke explained it would be a funding pool of 25% for operation and maintenance.

Ms. Merchant stated that it seems problematic to develop a process or system that makes jurisdictions compete with each other for operation and maintenance funding from the same funding pool.

Mr. Zuckerman stated distribution of funding has only been talked about up to this point and could be developed at a later time. Implementation Measure #18 was allowing jurisdictions to use up to 25% of air quality mitigation funds for operation and maintenance.

Ms. Merchant commented on the difficulty trying to understand policy without discussing implementation.

Ms. Santiago asked for clarification that, as of today, it is up to 25% of air quality mitigation funds that have been received for a jurisdiction.

Mr. Wells stated that was correct and that it is also true of water quality funds.

Governing Board Questions and Comments:

Ms. Montgomery suggested striking the verbiage “over time” because of its redundancy. She asked if costs were being considered for snow removal and if specific bike paths were being considered. She commented that snow removal should be reviewed more closely. She also asked if there was a definition for transportation routes with high use year round and what the scientific basis would be to establish that when there is no history related to year round use.

Mr. Zuckerman stated there was no scientific backup for the use of bike paths. There is an intertwined plan that takes into account the pedestrian and transit-oriented development and keeping pedestrian and bicycle facilities open year round.

Ms. Marchetta stated they have also tried to maintain the flexibility for maintenance for the local jurisdictions. She explained the intent was to get the policy in place for implementation.

Ms. Montgomery suggested the policy relate to bike facilities and not sidewalks and that language for all other paths other than bike paths should include winter use. She suggested establishing cross-country ski trails. She stated they should consider how to utilize the seasons and weather to achieve the policy goal, but not to define it as snow removal.

Mr. Barnett added that seasonal winter trails were discussed at

stakeholder meetings. The idea was to look at and decide which trails would be open during the winter for cross-country ski use and which trails would be open during the winter for bike and pedestrian use.

Mr. Zuckerman stated he would like to talk more about changing the language in the policy during the second half of the meeting to address these concerns.

Ms. Aldean asked how long- and short-term funding mentioned in the implementation language for the maintenance plan would be dedicated, when in most jurisdictions funding is based on annual appropriations.

Mr. Zuckerman stated Code would be written to support and clarify this, but that the concept behind the use of the word “dedicated” is to indicate that funding would be dedicated to the project.

Ms. Aldean asked if that means that local jurisdictions would have to set aside funding in a special account as opposed to appropriating it on an annual basis as part of an overall budgeting process.

Mr. Zuckerman replied maybe not, because it was not yet known whether local jurisdictions would be the actual project proponents.

Ms. Bresnick commented that she agreed with Ms. Merchant’s and Ms. Aldean’s comments that there will need to be some parameters on implementation in order to support an overall policy. She asked if the Maintenance Plan would begin with maintenance on already existing facilities and if there was a priority list of these facilities.

Ms. Marchetta stated she did not believe TRPA intends to dictate a Maintenance Plan to local jurisdictions. The concept of the Maintenance Plan was to allow local jurisdictions, in partnership with TRPA, to prioritize bike and pedestrian trails for operation and maintenance in their respective area.

Ms. Rinke stated they may have a current inventory of existing facilities in the Bike Plan.

Mr. Zuckerman noted there was also discussion about updating the 1992 Air Quality Plan which would include prioritizing projects for air quality benefits.

Mr. Cashman asked about the specific meaning of the verbiage “over time” and why it was being used.

Mr. Zuckerman stated the use of that verbiage was to ensure there would be a long-term Maintenance Plan in place.

Mr. Cashman commented that the use of the verbiage “over time” could also be interpreted that a Maintenance Plan would be developed at some point in the future as opposed to having a long-term Maintenance Plan in

place.

***TRANS Issue #3: Should TRPA encourage waterborne transportation systems as an alternative to automobile travel in the region?***

Advisory Planning Commission Questions and Comments:

None

Governing Board Questions and Comments:

Mr. Merrill asked why north-south waterborne connections were being emphasized, when it was not known if it was more viable than other areas.

Mr. Zuckerman stated it has to be studied as part of the Environmental Impact Statement. There is also language that includes connections between communities at Lake Tahoe therefore the emphasis was on the north-south because that was the major connection across the lake.

Mr. Merrill objected to the mentioning of any specific language because it may make the Board bias.

Ms. Santiago asked for clarification that the EIS was just evaluating this particular connection.

Ms. Marchetta replied yes. The EIS will evaluate the affect on the transportation system of having an alternative north-south connector that is not roadway linked.

Ms. Santiago asked if it would be better to look at waterborne connections as a general concept in the EIS evaluation, rather than as a specific north-south waterborne connection.

Mr. Zuckerman stated the implementation language was amended to include connections between communities at Lake Tahoe. Staff was asking if waterborne transit system should be encouraged as an alternative to automobile travel and be further studied.

Ms. Bresnick asked when the Tahoe Transportation District Study would be completed.

Mr. Hasty stated this would be completed toward the end of 2010. We are currently underway with FTA (Federal Transit Administration) process for their Small Starts Program, which includes a rigorous evaluation of the operation and feasibility including a 25-year operation perspective. After that evaluation, the EIS would be completed.

Ms. Bresnick asked for clarification that the TTD would be completing the EIS.

Mr. Hasty stated they would be working closely with the TRPA and the Regional Plan on completing the EIS.

Ms. Marchetta added this was included because there was an interest by the congressional delegation, therefore we are trying to create consistency between the various agencies and entities of the Basin that have an interest in studying this concept.

Ms. Rinke commented that the Board's environmental plan will tier off of the TTD's environmental plan. She stated that TTD's review would be narrower with regards to how this option fits in with the rest of the options as an alternative.

Ms. Bresnick commented that the "meat" of this issue is what TDD is doing and the congressional request and how that would be integrated into TRPA's EIS. She stated this information would help influence TRPA's decision on this policy.

Ms. Marchetta stated we made an attempt to introduce those ideas in the FactSheet.

Ms. Bresnick asked how the TTD study would relate to TRPA's EIS and why are we being asked to support something in the Regional Plan Update that is being studied by TTD.

Ms. Marchetta stated they were trying to keep the FactSheet balanced by truncating several related documents and concepts.

Ms. Lovell asked for clarification that the TTD study would study other waterborne transit systems that do not go north to south.

Mr. Zuckerman said that was correct and the last full paragraph on page 12 of the FactSheet addresses that issue.

Ms. Marchetta said the TTD study and the assumptions made in the EIS would also review other potential connections.

Mr. Merrill stated he did not understand and asked why the north-south waterborne connection was the only transportation alternative that was being studied.

Mr. Hasty explained they were examining how to upgrade a system that is connected and what the options are for creating such a system.

Ms. Rinke reminded Mr. Merrill that other modes and other routes were being considered.

Ms. Montgomery commented that it sounded like no one was concerned about the policy. She asked if omitting the "north-south waterborne connections" verbiage and leaving only the verbiage: "provide

connections between communities at Lake Tahoe” would cover all routes and connections.

Ms. Santiago stated this question should be discussed during deliberation.

Ms. Rinke commented that clarifying questions should only be asked at this point because of the time needed by the APC later in the meeting.

***TRANS Issue #4: What parking management policies are needed to dovetail with environmental improvement and PTOD goals?***

Advisory Planning Commission Questions and Comments:

Mr. Thompson asked if parking strategies apply only to commercial properties or residential properties outside Community Plan Areas.

Mr. Zuckerman stated the concepts in the Regional Plan Update do not clearly delineate between commercial and residential areas in Community Plans, but the creation of mixed-use centers. In language for the Implementation Measure, strategies would apply to Community Plan updates.

Mr. Thompson asked if the intent was to allow the local jurisdictions to ultimately approve the parking standards including the maximum parking requirements.

Mr. Zuckerman stated maximum and minimum parking requirements would be determined by the Community Plan Update process, which was envisioned to be a collaborative process between community members, local planners and TRPA planners.

Mr. Thompson asked if there would be a parking strategy to remove excess parking.

Mr. Zuckerman stated that was an Alternative 4 issue and that it would be part of the area-wide solution in Alternative 2.

Ms. Merchant asked why Goal #4 listed under Alternative 2 is not listed in the FactSheet under #4.

Ms. Fink stated it is included under “Market Rate Parking Charges” in the list of strategies that local jurisdictions can consider.

Governing Board Questions and Comments:

Mr. Sher asked why the language to offer incentives to visitors who arrive without a car was removed.

Mr. Zuckerman stated the kind of incentives that were being considered would not have been part of TRPA’s domain, such as hotels charging



more for visitors who do arrive in vehicles.

Mr. Sher asked if policy questions being proposed are from stakeholder meetings. He asked if there was an opportunity to offer other policy direction.

Mr. Zuckerman stated they were bringing forth the issues that were discussed at stakeholder meetings. He noted there was also a section in the appendix on stakeholder comments and agency responses in order for the Board and the APC to further address any of those issues.

Mr. Sher asked when these issues could be addressed.

Mr. Zuckerman stated he is available to address any further issues.

Ms. Marchetta stated that one of the reasons that Fact Sheets are issued early is so that Board members can review related documents. She commented on the different opportunities Board members have to address issues with staff.

Mr. Zuckerman stated there were also procedural issues that could be addressed by legal counsel.

Ms. Rinke commented that policy issues that are not raised in advance of the meeting can be addressed during deliberation. Straw votes are also open for direction on policies being presented, which would be added.

Mr. Sher asked if straw votes would be ruled out of order because it's not listed on the meeting agenda.

Ms. Rinke stated agenda items were broad enough to allow straw votes.

Mr. Sher asked if direction to go forward could be given in the form of a motion, even though it's not one of the specific questions being asked.

Mr. Zuckerman stated items elevated out of the appendix and into the main discussion of a meeting has already been done at other meetings.

Ms. DuPre asked if staff has contemplated the "trigger" that would encourage parking strategies.

Mr. Zuckerman stated staff would be open to suggestions on that issue.

Ms. Marchetta added the triggers have not been specified, but they were open to suggestions.

Ms. Bresnick asked why handicap and disabled parking was considered a parking strategy.

Ms. Fink stated it could be removed from the list of parking strategies, but that it was included to determine the location of handicap and disabled

parking.

Ms. Bresnick found it interesting that handicap and disabled parking was listed as a parking strategy when other items on the list would be considered more of a parking strategy for achieving pedestrian/transit-oriented development.

Mr. Zuckerman said that keeping handicap and disabled parking in the front of buildings may be considered a strategy that needs to be discussed.

Ms. Bresnick asked if there were formulas and existing models already in place for the parking management solutions being proposed.

Mr. Zuckerman commented that Ms. Fink can provide more information regarding existing formulas and models. He said the bulleted list was provided in order to give more background on how parking management would be implemented.

Ms. Fink said that many of the strategies listed are already included in the standards and guidelines of Community Plans as exceptions to the current parking minimums, so that would be used as the starting point. There were also groups that have developed formulas or guidelines for parking management.

Ms. Bresnick said she would provide a copy of her written comments.

PUBLIC COMMENT:

Susan Gearhart said that land use and transportation will not work together in some places and cited an example on the west shore where transportation and bicycling can only occur six months out of the year due to weather conditions.

Lori Gualco commends staff on their consideration and working through the sea plane issue.

Jennifer Quashnick, Sierra Club, said that there was opposition to the use of operations and maintenance funding for alternative transportation. They are requesting that one of the alternatives in the Regional Plan Update EIS consider using emissions per person per mile as a way to evaluate the impacts of projects. They are also requesting TRPA regulate noise limitations on aircraft permitted in the area. Regarding sea planes, they questioned how evasive species inspections would be conducted on sea planes if TRPA is considering a sea plane as watercraft. They also encouraged TRPA to continue limitations on construction noise exemptions. Ms. Quashnick said they were also in support of efforts to reduce greenhouse gases, but air quality mitigation funds should continue to be used to attain TRPA's aquatic thresholds.

Ellie Waller said that the intelligent transportation system needs to be

better defined. There may be issues on minimum parking standards and used Tonopolo as an example of not having enough parking for the facility. More focus should be on creating sidewalks. She questioned if there was economic viability for the jurisdictions to pay for the proposed noise standards that are expected to be enforced. Jurisdictions should not be compared to each other in order to determine incentives for greenhouse gas reduction.

Peter Kraatz, Placer County Public Works Department, said that staff needs to continue to recognize plans already in place. Per the Placer County comments regarding milestone #4 in their June 1, 2010 letter. He commented that 20-minute headways being proposed should be done more incrementally as funding becomes available. There should be serious consideration about funding operation and maintenance for projects being proposed. He also stated a plan should be developed that would move projects along more concurrently.

Nicole Gergans, League to Save Lake Tahoe, said that changes proposed in the Fact Sheet will weaken the transportation plan by eliminating many of the strong components originally proposed by staff. The plan should require jurisdictions to clear and maintain sidewalks and bike paths during winter months. The use of air quality mitigation funds for this purpose is inappropriate because funding would be used for a temporary purpose instead of providing funding for permanent impacts. There is no connection between snow removal and air quality. Relying on air quality mitigation funds is also not sustainable, because it will constantly require new projects with negative air quality impacts to be approved in order to provide more funding. A better system would be to find a more suitable stream of funding for maintenance. The League supports transportation policy that achieves the thresholds, but waterborne transit is a more polluting form of transportation overall given the amount of emissions that will be created with waterborne transportation versus the automobile.

APC Technical Advice:

Trans 1 – Delete “along major travel routes” from the Policy. In the Implementation Measure, replace “along major travel routes: with “and consistent with the TRPA “bike and pedestrian” plan.

Trans 2 – Modify proposed Policy T-.28 as follows: ~~All jurisdictions must~~ Where Feasible, maintain the year-round use and condition of all identified sidewalks and bike facilities ~~over time, including snow removal for facilities in urbanized areas or along transportation routes with high use year-round.~~

T.IMP-17: TRPA will require a maintenance plan before issuing a permit or funding for any bicycle and pedestrian facility. Maintenance plans shall specify dedicated a strategy for long- and short-term funding for the life of the project.

Trans 3 – In Policy T-5.8, change the first word, “Encourage,” to “Consider.”

~~T.IMP-8: Provide North-South waterborne connections and connections between communities at Lake Tahoe.~~ Coordinate waterborne services with and provide access to other public and private transportation systems.

Trans 4 – APC supports staff proposal.

Public Comment:

None

Governing Board Recommendations:

Ms. Santiago pointed out that a common thread among comments was with regards to language and related documents. She suggested a policy statement be developed that would list related documents that were involved in the development of the transportation issue.

Mr. Zuckerman said there were several parts of a plan document that do not exist in the TRPA Regional Plan, but one part of the Regional Plan will provide a list of documents that show how agencies within the Basin interact with each other.

Ms. Santiago suggested listing documents that relate to particular elements in transportation.

Ms. Marchetta stated the Regional Plan information will be listed within the “coffee table” book.

Ms. Montgomery asked if TRPA will continue to work with local jurisdictions to ensure that efforts regarding energy and climate change are in compliance with State and Federal regulations.

Ms. Marchetta yes.

Ms. Montgomery asked if the 1,000-foot distance prohibition for noise was changed to a decibel measurement.

Mr. Barnett stated the proposal is to keep the 1,000-foot buffer with local jurisdictions enforcing it through their noise ordinances, but an exception would be made for access to snowmobile areas.

Ms. Montgomery asked for clarification that 1,000-feet was the required distance despite the noise from the equipment.

Mr. Barnett clarified that the 1,000-foot buffer would still exist.

Ms. Montgomery asked for clarification that it was based on distance.

Mr. Barnett clarified it was based on distance from residential uses.

Mr. Zuckerman stated this issue was similar to the seaplane distance issue, but that the 1,000-foot distance issue was never addressed.

Ms. Montgomery commented that, in her opinion, this was a noise issue and not a distance issue.

Mr. Zuckerman stated it also involved developing implementation measures that are not redundant and unnecessary, because there were already systems in place for this regulation.

Ms. Montgomery suggested the Board consider a decibel measurement because a distance measurement seems arbitrary. She asked if low-noise pavement was still a proposal within the Regional Plan Update, because she had concerns about the definition of "all major transportation routes" and with the durability of low-noise pavement.

Mr. Zuckerman stated that was addressed in stakeholder comments and that it was agreed to use low-noise pavement, because noise violations that create issues with threshold attainment for noise were in the major roadway corridors.

Ms. Montgomery stated her concern was the durability of low-noise pavement and having to continuously re-pave roads with low-noise pavement and cited the roadway on I-80 as an example. She suggested the Board provide direction to not use low-noise pavement.

Ms. Marchetta stated staff would also need direction to find an alternative.

Ms. Montgomery suggested continuing to use asphalt.

Mr. Zuckerman clarified staff needed more direction in finding an alternative that would also address attainment of the noise threshold in the major roadway corridors.

Ms. Santiago asked for clarification that low-noise pavement was being considered for use on major roadway corridors in the Regional Plan Update.

Mr. Barnett clarified that the current proposal is to use low-noise pavement or other mitigation in transportation corridors and roadways that are out of attainment. They were allowing other mitigation because the use of low-noise pavement was a fairly new concept being used and because there also may be a cost issue involved.

Ms. Santiago asked if other mitigation measures have been identified.

Mr. Zuckerman replied no. He noted stakeholder comments were in

support of the use of low-noise pavement, but not of noise mitigation funding.

Ms. Santiago asked if the use of other mitigation which has yet to be identified satisfied Ms. Montgomery's concerns about the use of low-noise pavement.

Ms. Montgomery stated it did, but the onus is to identify the other mitigation which, if not identified, would leave no other alternative but to use low-noise pavement.

Mr. Barnett said that there were other physical mitigation techniques that can be used, but that are not identified in the Regional Plan Update. Low-noise pavement was identified because it seemed the better alternative.

Ms. Montgomery suggested the use of "where feasible" language with regards to this issue.

Ms. Rinke said there is less flexibility in the noise issue to use the language "where feasible" therefore another alternative needs to be identified or the noise threshold could be changed.

Ms. Montgomery stated she was not interested in changing the noise threshold. She commented on the budget concerns regarding the re-application of low-noise pavement, if used.

Ms. Rinke suggested having an alternative that considers the other options.

Ms. Montgomery said that she would be more comfortable if other mitigation alternatives were identified for consideration.

Ms. Santiago asked if this alternative could be discussed in Alternative 2 or for all alternatives.

Mr. Zuckerman noted any issue that is put across all alternatives would be the only issue that is studied.

Ms. Rinke suggested including different mitigation approaches in different alternatives, if the goal was to see how different mitigation measures would work.

Ms. Montgomery said Ms. Rinke's suggestion should be included in Alternative 2 for further study.

Ms. Rinke stated a straw vote would be needed for that direction to staff.

Mr. Breternitz said that the real alternative is a reduction in traffic and that he had concern, about an alternative that was technologically unproven.

Ms. Lovell said that she agreed with both Ms. Bresnick's and Mr.

Breternitz's comments and concerns regarding the unproven technology of low-noise pavement and the lack of economic feasibility by local jurisdictions to re-paving roads with low-noise pavement.

Mr. Zuckerman said that the language includes having other alternatives other than the use of low-noise pavement.

Ms. Santiago stated Board member comments were suggesting evaluating and identifying specific alternative mitigation measures.

Mr. Breternitz said that there were other perspectives to take into consideration when considering the use of low-noise pavement.

Ms. Marchetta stated identifying other alternatives is not needed today, but to give staff direction to review and study other alternatives.

Mr. Merrill said he agreed that specific technology should not be included in a 20-year plan because of changing technologies. He said that any alternative would involve some form of low-noise pavement to a degree therefore the language was open-ended enough to study this issue further.

Ms. Montgomery noted that the language on page 68 states the use of low-noise pavement is required on all major transportation routes.

Mr. Zuckerman directed Board members on how to reach proposed noise mitigation language from the TRPA website home page.

Mr. Cashman agreed that the use of low-noise pavement might be too specific. He suggested changing the language from "use of low-noise pavement" to: "best available pavement technology."

Ms. Montgomery moved to change language in Implementation 21 from "low-noise pavement" to "Mitigation..." in order to remove the specification of the use of low-noise pavement.

Ms. Aldean suggested changing the language to "appropriate mitigation" to better define it.

Ms. Rinke recommended that public comment be taken on this issue before a motion is voted on.

Ms. Santiago said that she agreed with Mr. Cashman's suggested language.

Ms. Marchetta explained the Board provides direction to review alternative mitigations which will then be reviewed and studied by the environmental review process.

Ms. Santiago opened up the discussion to public comment on the motion.

Public Comment:

Jennifer Quashnick, Sierra Club, suggested the EIS review other alternatives that do not include low-noise pavement.

Mr. Angelocci asked for the motion to be repeated for clarification.

Ms. Montgomery repeated the motion which was to change the language as follows: "...appropriate mitigation shall be used on transportation corridors and roadways that are out of attainment with noise standards or that contribute to noise issues in the surrounding community or neighborhoods."

Ms. Marchetta stated the proposed language change would constrain consideration within the corridor. She stated more generic language is needed because mitigation may be outside the roadway corridor, as well.

Mr. Angelocci said his concern was relying on refurbishing or resurfacing a roadway to achieve road noise attainment when some road noise is due to the mechanics of a vehicle. The proposed language change may prevent some roads from being refurbished or resurfaced because they would not be able to achieve road noise attainment.

Ellie Waller said that Highway 267 is being re-done with CalTrans funds. She asked if CalTrans was a part of the stakeholder team and if they understand these same requirements would be imposed upon them.

Mr. Barnett said CalTrans was a stakeholder and that this issue was addressed with them. He reported CalTrans brought up the issue of cost and that low-noise pavement was a new technology.

Governing Board Questions and Comments:

Ms. Aldean suggested the following language change in the second sentence to address staff concerns: "appropriate mitigation shall be used to address noise issues in transportation and roadway corridors."

Ms. Bresnick suggested staff review this issue again as a whole, rather than having the Board piece-meal the language. There may be other implementations that may be affected if language is changed.

Ms. Marchetta said the Board could provide that direction to staff.

Ms. Montgomery said she wanted to withdraw her initial motion and suggested Ms. Marchetta's suggested language be used.

Ms. Marchetta said her language was to provide direction to staff to go back and revise the implementation measure, to make sure that the environmental review document takes into account a full and adequate range of mitigation measures for roadway corridor noise.



Ms. Montgomery would like some kind of language reflecting comments from the Board concerning the requirement that roads be brought into attainment since this might preclude some road way projects.

Ms. Rinke noted a straw vote was needed. She said when the issue was brought back to the Board, it would be during the implementation stage.

Motion carried unanimously.

Mr. Cashman suggested deliberating and voting on each transportation issue one-by-one.

**Trans 1:**

Ms. Bresnick asked if the TRPA's "Bike and Ped" Plan should be the only plan referenced.

Mr. Zuckerman said the proposed bicycle routes for Class Two Bicycle Trails were in the "Bike and Ped" Plan.

Mr. Cashman moved approval.  
Motion carried unanimously.

**Trans 2:**

Mr. Merrill said that he was still concerned about the inclusion of the verbiage: "snow removal."

It was noted that the language would be deleted.

Ms. Montgomery moved approval.  
Motion carried unanimously.

**Trans 3:**

Ms. Bresnick said that the language change from "encourage to consider" was an important change.

Ms. Moss moved approval.  
Motion carried unanimously.

**Trans 4:**

Ms. Bresnick said that she had concerns about the language that ties this issue to Pedestrian Transit Oriented Development, because the process is not completed and PTOD may not be used in all areas around the Basin. She also stated she was concerned that it may be perceived that TRPA wanted to attract large chain merchandisers to the area with the use of the following language: "area-wide parking solutions may run contrary to some corporate parking requirements for large chain merchandisers." She said she would not be voting yes on this issue for

these reasons.

Ms. Santiago suggested defining Community Plans because there may be areas that do not have a formalized Community Plan, but may be good candidates for a PTOD.

Mr. Barnett said Chapter 13 of the Code defines what a Community Plan is.

Ms. Santiago asked if it will be the same.

Mr. Zuckerman said the land use milestone discussion would address the new vision for Community Plans, which would be more responsive and more tailored to community needs through standards that can be calibrated to individual Community Plans. One of the standards would be parking standards and to allow those standards to be different within the different Community Plans.

Ms. Aldean asked for clarification that a Community Plan Area would be encouraged to have parking management strategies consistent with the achievement of PTOD. What would be expected of areas that are outside of a Community Plan Area?

Mr. Zuckerman said parking minimums would still remain in place for areas outside of a Community Plan Area, because those areas are usually residential, recreational, or wilderness areas.

Ms. Santiago noted Community Plan Areas related to commercial core areas.

Ms. DuPre asked how significant parking management strategies would be in a PTOD. She did not see the emphasis on encouragement of parking management strategy development.

Mr. Zuckerman explained the intent behind parking management strategies was to review parking needs in communities and to develop a better solution that would provide enough parking year-round rather than only on maximum days.

Ms. Marchetta explained there would be key opportunities during the Community Plan Update process that would review parking management strategies.

Mr. Barnett said the business community was no longer in favor of strict parking formulas and that local jurisdictions wanted each community to be able to develop its own parking strategies on a neighborhood basis. This was designed to provide flexibility to both of those concerns.

Ms. Moss moved approval of amended language.

Motion carried

Ms. Bresnick abstained.

Ms. Aldean suggested amending the language in Policy T-8.4 as follows: “encourage rentals of vehicles that are low or zero emission within the Tahoe Region” because Implementation 19 encourages this activity because it was being proposed that those vehicles would be exempt from the payment of rental car mitigation fees.

Mr. Merrill commented that the traffic issue of reducing vehicle miles traveled needs to be divided into two different categories: air/water quality issues and delay time.

Ms. Marchetta said key projects around the Basin were presented to address traffic flow issues.

Mr. Merrill asked about the measurements in the review evaluation that were being used to see if it was working. He commented that vehicle miles traveled was not an adequate measurement to use because delay time was the issue.

Ms. Fink said they were trying to develop a way of evaluating how many vehicle accesses there were in the area for individuals. Also delay time for vehicles can be measured during Phase 2.

Mr. Merrill commented on the difficulty with developing projects around the Fanny Bridge area without addressing delay times.

Ms. Marchetta said the only solution to address that issue is by building the project and addressing it at that time.

Ms. Aldean asked if we should take a vote on her proposed language.

Ms. Rinke stated a vote could be taken and that public comment should be allowed on the motion.

Ms. Santiago opened up discussion to public comment on the motion to amend the policy as follows: “encourage rentals of vehicles that are low or zero emissions within the Tahoe Region.”

PUBLIC COMMENT:

None

Board Action:

Ms. Aldean moved approval of the proposed language. Staff should be mindful of using positive language.

Motion carried unanimously.

Governing Board Question and Comments:

Ms. Santiago asked if there were any additional issues that need to be discussed regarding the transportation element.

Ms. Bresnick asked about the study of emissions per person per mile traveled, as requested by the Sierra Club.

Mr. Zuckerman explained the study of emissions per person per mile traveled was a good way of determining if a transportation system was working, but they did not want to study the effectiveness and efficiency of transportation systems at this stage. They suggested that this should be studied by the EIS contractor.

Ms. Bresnick said she was just curious about the study and how it would play a role.

Mr. Zuckerman stated it could be looked at as a measurement.

Ms. Santiago asked if it could be a measurement for air quality.

Mr. Zuckerman said it could be used as a measurement for both transportation and air quality.

Ms. Santiago asked how the measurement could be incorporated into the document.

Mr. Zuckerman said it would not be incorporated into the document, but that it may be a measurement of the efficiency of a transportation system.

Ms. Santiago asked if there needs to be more information to determine if this would be the best method to measure the efficiency of a transportation system.

Mr. Barnett noted it was stakeholder comment #35 and that it related to the conformity process being proposed for air quality.

Ms. Santiago asked for clarification that A.B. 32 and S.B. 375 would be included in the Regional Plan and where in the Regional Plan they would be addressed.

Mr. Zuckerman said S. B. 375 requirements would be the "checklist" in the Energy and Climate Change sub-element.

Ms. Santiago asked if this would be presented during the implementation process.

Mr. Zuckerman said it would be used more as a cross-reference.

Ms. Santiago asked if there was a need to memorialize it within the document.

Mr. Zuckerman replied no, because there were already California Legislative requirements.

Ms. Marchetta reminded the Board that public comment still needed to be heard on the land use issue.

Ms. Santiago said she was allowing the Board to address any additional issues they felt needed to be addressed regarding transportation and noise.

Ms. Montgomery moved to give direction to staff to eliminate the 1,000-foot distance and substitute it with a decibel reading.

Ms. Moss noted that local jurisdictions may have already adopted some form of decibel level which may not be the same, therefore she would suggest keeping the distance level.

Mr. Merrill asked if there was already a state-wide or TRPA decibel level requirement for watercraft.

Ms. Rinke stated there were already decibel level requirements.

Mr. Merrill asked for clarification that Ms. Montgomery's motion was in regards to seaplanes.

Ms. Montgomery said the motion regarded off-highway vehicles.

Mr. Barnett stated Chapter 23. has TRPA decibel standards already in place for snow vehicles.

Ms. Rinke clarified the motion was proposing an additional measure.

Mr. Barnett stated the 1,000 foot buffer is a practical measure and that stakeholder comments were in favor of having a buffer in place away from residences.

Ms. Montgomery asked if there was staff to monitor the buffer.

Ms. Rinke replied no, but that most enforcement was complaint-driven.

Ms. Marchetta said the 1,000-foot buffer can be advertised on signage or maps.

Mr. Barnett noted snowmobile maps would be developed that would have buffer zone markings.

Mr. Zuckerman reminded the Board that staff would speak to the Forest Service about creating their snow mobile map with this buffer zone marking, but that there would have to be an exception to the 1,000-foot buffer for access to snowmobile areas.

Ms. Aldean asked if there would be a better definition of the 1,000-foot buffer if designated to snow mobile areas.

Mr. Barnett said that the discussion in February was that the 1,000-foot buffer was not going to be enforced for access to snow mobile areas.

Ms. Aldean asked if that was clarified in the documents.

Mr. Barnett stated it was in one of the recreation sub-elements.

Ms. Lovell commented that measurement would be easier in distance than in decibels.

Mr. Zuckerman said he put up on the screen some proposed language to consider that might solve this issue.

Ms. Santiago asked for any further discussion on this issue. Hearing none, Ms. Santiago stated she would open up discussion to public comment on the motion to direct staff to eliminate the 1,000-foot standard and rely on decibel level standards with the following additional language on the implementation: "except where OHVs are being used to accessed dispersed recreation areas."

Mr. Zuckerman said there were two trains of thought expressed by Board members: to keep the 1,000-foot distance and to change from a distance to decibel standard. He recommended the current language that was noted by Mr. Barnett remain.

Ms. Marchetta stated the decibel level motion is inconsistent with Implementation #3.

Ms. Santiago opened up discussion to public comment. She noted the two issues to discuss were changing the 1,000-foot distance to a decibel standard and to make an exception to the rule for access to snow mobile areas.

PUBLIC COMMENT:

Mike Lefevre, US Forest Service, pointed out that OHVs for summer use are limited to designated routes only and that they were working with TRPA staff on the 1,000-foot distance for the winter time. This is because of the difference in the terrain during the winter.

Ms. Aldean suggested changing OHV to over-the-snow vehicle.

Mr. Zuckerman said that he make the same suggestion, because of the different standards for the winter time.

Paul Thompson, Placer County Planning Department, asked if local governments would be expected to enforce this restriction. There have been comments from the Placer County Sheriff's Department about

having light vehicles to enforce this, which they do not have the funding for at this time.

Ms. Marchetta pointed out this issue has been an implementation issue and that they are not sure that all implementation issues discussed can be addressed.

Ellie Waller said that Mr. Zuckerman already addressed this issue with the APC. She asked where the line was drawn with rehashing these issues from policy to implementation.

Jennifer Merchant, Placer County, said it has already been stated that implementation measures should not be discussed at this point and time, therefore only policy issues should be addressed.

Garry Bowen pointed out the standard was a contradiction because 82 decibels cannot be registered 1,000-feet away making the standard unenforceable either way.

Mr. Zuckerman said they were working with the US Forest Service regarding enforcement of this regulation by their snowmobile maps.

Ms. Bresnick suggested this issue be tabled for further review.

Ms. Montgomery stated she would withdraw her motion if the issue was tabled.

2) FactSheet#3 – Land Use

a) Technical Advice from the Advisory Planning Commission

Jennifer Merchant presented the APC's technical advice on the Land Use Milestone.

Mr. Zuckerman said all hand-written notes from the APC meeting were displayed on the screen for review.

Ms. Merchant asked if more detail about the APC discussion was needed or if questions were going to be asked later.

Ms. Santiago asked if the Board wanted to review each item separately or as a whole.

Ms. Rinke noted that public comment would have to be heard after each item if each item was addressed separately, which may hinder the efficiency of the meeting.

Governing Board Questions & Comments:

Mr. Cashman asked what the local incentives would be for

communities to update their Community Plans.

Ms. Merchant stated incentives would be development incentives such as commercial floor area.

Mr. Cashman said that incentives would not be incentives specific to local jurisdictions, but for redevelopment.

Ms. Merchant explained incentives would be made available after Community Plans were completed.

Ms. Santiago asked if the APC discussed the two-step sub-division roles in Issue #5 being more restrictive than existing.

Ms. Merchant stated the APC did not discuss that and she was not aware of that.

Mr. Zuckerman said Gary Midkiff wrote the memo. Mr. Zuckerman said Mr. Midkiff wanted to speak with staff because there were issues that he thought may not be as damaging as originally thought.

Ms. Santiago said she wanted to make sure that the Board would not be voting on this issue today that it would be reopened at a later time.

Ms. Marchetta said Mr. Zuckerman discussed the issue with Gary Midkiff today and he now feels comfortable not raising the issue.

Ms. Aldean asked if there was a reason why there was not much discussion regarding what constitutes a large project for purposes of sub-issue 1A.

Ms. Merchant stated she did not recall why the issue was deferred.

Ms. Aldean asked if there was anything in Code that defines large versus small projects.

Ms. Merchant said she was not sure if it was defined in TRPA Code.

Mr. Zuckerman said the eventual resolution of the APC was that the definition of large and small projects would be defined as part of the process.

Ms. DuPre asked about the incentives for communities to update their Community Plans.

Ms. Merchant reiterated incentives would be development incentives.

Ms. DuPre asked if there would be new ideas offered as incentives.

Ms. Merchant stated they had no new ideas to offer at this time.



Ms. Santiago opened up discussion to public comment. She clarified public comment would be heard both on the land use issue and the air quality issue.

PUBLIC COMMENT – Land Use:

Brian Helm, Project Manager for Boulder Bay, commented on the North Stateline Community Plan as it relates to today's discussion.

Jennifer Quashnick, Sierra Club, commented she thought we would have comments on land use and air quality at the same time, so the Sierra Club would defer comments the League to Save Lake Tahoe will make on behalf of land use. Ms. Quashnick stated she was only prepared to talk about Air Quality.

Ellie Waller said there were process breakdowns during today's meeting. She stated the land use issue should have been addressed first because most people in attendance for that issue have left. She stated it was made clear at the June 9<sup>th</sup> APC meeting that the discussion items were implementation issues, so clarification is needed on what is considered policy and what is considered implementation. There is general confusion on transect zoning and that it would be helpful if this issue is clarified before implementation measures are discussed. She also encouraged everyone to listen to the APC meeting because a lot of information was provided during that meeting regarding land use and air quality.

Susan Gearhart expressed her appreciation that Community Plans would be taken into consideration before development was considered after the Regional Plan Update was completed and development incentives were in place. She said that the scenic threshold is not in attainment and that the definition of community character should be identified for attainment.

John Falk, Tahoe Sierra Board of Realtors, asked that the Board reconsider that only small projects can pursue an in-lieu fee and bonus units; to separate policy discussions from project-level debates; and to include in the narrative that environmental benefits are linked to redevelopment activities. He also stated that the resident-occupancy program is ill-conceived; therefore this issue should remain with the local jurisdictions.

Garry Bowen said that land use and transportation are not separate issues.

Ms. Santiago stated that issue had been discussed earlier in the meeting and that there were policies and federal legislation that support that land use does drive transportation. She said there was a misunderstanding because she stated they were the same.

Garry Bowen said he apologized for his misunderstanding and that his

misunderstanding came from her last comment that they were two separate issues. He said they need to be more intertwined for the public to accept them on transect planning element.

Paul Thompson, Placer County Planning Department, said Placer County Board of Supervisors provided comments reflecting Placer County's positions on the TRPA's Regional Plan Update on June 22, 2010. He stated the Board was in support of maintaining consistency with existing Placer County-approved Community Plans, i.e., the Tahoe City Gateway Plan Area. They supported Pedestrian Transit-Oriented Development and the policy to increase height, density, and allowing mixed-use development in town centers. They wanted to ensure the availability of development commodities during the interim period after the Regional Plan was updated, but prior to Community Plans being updated. They supported creating an affordable housing unit banking policy and streamlining the two-step subdivision process.

Nicole Gergans, League to Save Lake Tahoe, said the League never requested two sets of public comment today. She stated the League contacted TRPA to confirm that public comment would not be limited to APC technical advice, but had been told multiple times by staff that public comment would be limited only to APC technical advice therefore her comments were on the APC technical advice only. She stated the League does not support APC technical advice to allow in-lieu fee options, because those options have proven to be inadequate at mitigating access coverage. The League opposes APC-support for any loosening of soft coverage transfers, which can create a net effect of more pavements in the area. The League does not support APC advice and opposes allowing coverage transfer across hydrologically-related areas specified in Land Use #1C, which could allow development transfer from more appropriate areas to less appropriate areas. The League supports a reasonable increase in height and density in limited circumstances. Ms. Gergans stated increasing walkability, environmental quality, and economic vitality while reducing blight does not need to occur at the expense of urbanizing Tahoe and impacting threshold standards, therefore the League was not in support of Land Use Issues #2, 3, and 4.

Ms. Rinke clarified for the record the League and the public were given the opportunity to comment on Land Use at the last meeting. She noted the Board always had the discretion to offer more public comment on issues.

Governing Board Deliberation & Action:

Ms. Santiago suggested the Board deliberate first on Land Use Issues #1, sub-issue 1A, 3, and 4 that were supported by the APC.

Ms. Bresnick said she was going to abstain on the Land Use-related direction because she needed more time to review information. She said she would provide her comments on all issues after Board deliberation.

**LU Issue #1, Sub-Issue 1A**

**LU Issue#3**

**LU Issue#4**

Mr. Merrill stated he was in support of allowing the use of mitigation funds to buy property outside the same hydrological areas. He asked if excess mitigation funds would be used to buy developed land.

Mr. Merrill said he believes excess mitigation funds should be used to acquire developed property as well as undeveloped property to try to remove some of the existing developed projects in the area. He asked if the restriction on this was a TRPA policy issue.

Mr. Hitchcock said there is a current restriction on using in-lieu fees across hydrologic boundaries, but there was no policy that would prohibit the California Tahoe Conservancy from using excess coverage to buy potential coverage, funds which excess coverage mitigation fees were not meant to be used for.

Mr. Merrill said he was asking if CTC funds from the excess coverage mitigation fund could be used to buy existing built properties.

Mr. Zuckerman said they would love to do that, but they cannot afford it. Funding being received can only be used to buy vacant land.

Mr. Merrill said there was approximately \$10 million in funding and that it may have more of an impact if it was used to purchase already developed land.

Mr. Zuckerman said there is no policy issue.

Mr. Beyer asked why "impaired watershed" was defined in Issue #1, sub-issue 1A, but not in 1C. He also asked if there have been any transfers currently from the language stated in 1C.

Mr. Zuckerman asked for clarification on what transfers Mr. Beyer was referring to.

Mr. Beyer said he was asking if there were transfers from watershed to watershed.

Mr. Zuckerman said that was prohibited under current rules.

Mr. Beyer said they were being defined, but there is not a clarifying comment as in 1A. He stated he was lost in terms of the description for 1C in relation to 1A.

Mr. Hitchcock said 1A and 1C are somewhat related, but were completely different issues. 1A involves excess coverage mitigation fees, which are used to mitigate impact by removing hard coverage or potential coverage. 1A was proposing to allow those fees to cross hydraulic boundaries in sensitive areas. 1C involves general coverage transfers. Currently, coverage can only be transferred within sub-watersheds within existing hydrologic boundaries. 1C is proposing to allow that coverage to be transferred across hydrologic boundaries, as long as they go into non-impaired watersheds.

Mr. Beyer stated he was confused because impaired watershed was not defined. He stated 1C was providing a remedy and asked why that was not included in 1A if that was the intent in 1C.

Mr. Zuckerman said the land in question in 1A involves sensitive lands, which is defined by TRPA Code. 1C relates to impaired watersheds and the restriction of transferring more coverage into an area that already has too much coverage. The problem is that "impaired" has not yet been defined.

Mr. Merrill moved approval.

Motion carried.

Ms. Bresnick and Mr. Beyer abstained.

#### **LU Issue #1, Sub-Issue 1B**

Ms. Santiago asked about the staff recommendation.

Mr. Zuckerman said staff was recommending restrictions on soft coverage transfers, because it would only restore SEZs and de-value coverage in Community Plans.

Ms. Aldean asked if the APC amendment was approved by unanimous decision.

Mr. Zuckerman said that notes on the APC's deliberation was a consensus of the majority of the APC members.

Ms. Marchetta reiterated that the APC recommendation does not achieve the policy purpose but was trying to make development easier. It would restore SEZ thresholds, but would allow huge amounts of coverage in the Basin to go into Community Plans.

Ms. Merchant stated APC decisions were not by unanimous consensus. She stated the purpose of the recommendation was to allow greater flexibility so that transfers of coverage was not determined by how sensitive the land was.

Ms. Aldean asked if the APC amendments could still be analyzed by staff

if TRPA supported staff's recommendation without APC's amendments.

Mr. Zuckerman said it could be listed as an alternative, but there was no support on the amendment by TRPA staff.

Ms. DuPre asked if the amendment would encourage a project proponent to go to an SEZ first, rather than one of the other options that are already available.

Mr. Zuckerman explained the idea was to create a transfer matrix where transferring coverage from a Stream Environment Zone (SEZ) to a community plan would provide more incentive than transferring from a high-capability parcel into a Community Plan. He noted current code allows soft coverage to be transferred out of an SEZ and to be made into hard coverage in a Community Plan, but only to support residential uses. Staff's recommendation was to allow soft coverage to be transferred in for all uses in Community Plans.

Ms. DuPre asked if staff knew how close Community Plan Areas are to being at maximum coverage.

Mr. Hitchcock said that would be addressed during the EIS analysis, but most areas are already over-covered.

Ms. Montgomery stated this issue is what is valued more: SEZs or different land capabilities. She stated she valued SEZs more because the different land capabilities can be addressed once the SEZs are restored.

Ms. Moss moved approval of staff recommendation.  
Motion carried.

Ms. Bresnick and Mr. Beyer abstained.

Ms. Lovell voted no.

### **LU Issue #1, Sub-Issue 1C**

Mr. Merrill said he did not understand this issue and asked staff to elaborate.

Mr. Zuckerman reiterated the concept was to determine whether areas have too much coverage and if they do, more coverage would not be allowed in the area, but "impaired watershed" has not yet been defined.

Ms. Santiago asked when there would be a definition of "impaired watershed."

Mr. Zuckerman said they would work with the Lahontan Water Board, CTC, and NDEP on a definition. He noted implementation measures as written today will not read exactly like the Code they will create, but will still reflect Board direction.

Ms. Aldean asked if local jurisdictions would also be given the opportunity

in defining “impaired watershed.”

Mr. Zuckerman said everyone on the master stakeholder list will be given the opportunity to assist in defining “impaired watershed.”

Ms. Montgomery asked if there was discussion of permitting transfers out of an impaired watershed to unimpaired areas, but that were not crossing the watershed boundary and, if that was not discussed, why was it not discussed.

Mr. Zuckerman said that was reflected in the discussion regarding sub-watersheds.

Ms. Marchetta stated they would address a definition of “impaired watershed” with the Lahontan Water Board first, because it would be the TMDL science that will drive what the meaning is.

Ms. Montgomery asked for clarification that was being proposed was an expansion across watersheds.

Mr. Zuckerman said yes and for good reason.

Ms. Aldean moved approval.

Motion carried.

Ms. Bresnick, Ms. Montgomery and Mr. Beyer abstained.

### **LU Issue#2**

Ms. Montgomery echoed comments that were made earlier to ensure availability of commodities in the interim prior to the Regional Plan and Community Plan Updates.

Mr. Cashman moved approval.

Motion carried.

Ms. Bresnick abstained.

### **LU Issue#3**

Ms. Montgomery asked for clarification that the Board was not giving direction as to specific transect zone, but that staff was requesting direction on evaluating transect zoning.

Mr. Zuckerman replied yes. He said that staff was trying to get the concept of transect zoning out to the community in a way that would be understood.

Ms. Montgomery asked for clarification that this issue has nothing to do with allowable coverage for mixed use and commercial percentages.

Mr. Zuckerman stated that was correct.

Ms. Aldean suggested providing an example in order for individuals to better understand this issue.

Mr. Zuckerman noted that Gary Midkiff's fears were allayed by an example.

Mr. Merrill said he would make the same comment as Ms. Aldean's, but with the focus on the community itself, rather than the development community.

Ms. Moss moved approval.  
Motion carried.  
Ms. Bresnick abstained.

#### **LU Issue#4**

There were no clarifying questions.

Ms. Moss moved approval.  
Motion carried.  
Ms. Bresnick abstained.

#### **LU Issue#5**

Ms. DuPre asked for clarification that the local permitting agencies already provide this disclaimer.

Ms. Merchant replied no because the two-step process doesn't exist. She stated, for the record, Placer County did not agree with that.

Ms. Marchetta said this disclaimer would be revealed to an applicant when the multi-family project application was submitted.

Ms. Moss moved approval.  
Motion carried.  
Ms. Bresnick, Mr. Beyer, Ms. Montgomery abstained.

#### **LU Issue#6**

Ms. Santiago asked if the EIS would analyze existing CFA to determine there was enough to promote environmental redevelopment.

Mr. Zuckerman stated yes.

Ms. Aldean moved approval.  
Motion carried.  
Ms. Bresnick abstained.

**LU Issue#7** - This item has been continued.

Ms. Marchetta asked about the basis for the abstentions that were made during voting on the Land Use Issues.

Ms. Bresnick explained her abstentions were based on the fact that too little definitions were provided and that she would not approve of the Land Use issues until the implementation and integration was presented to the Board. She reviewed her concerns with the Land Use issues.

Ms. Santiago asked if there were other Board members who wished to express the basis for their abstentions on Land Use issues.

Ms. Montgomery and Mr. Beyer stated they would provide their concerns to staff at a later time.

**AIR QUALITY:**

Jennifer Merchant presented the APC's technical advice on the Air Quality Milestone.

Ms. DuPre left the meeting at 6:00 p.m.

**PUBLIC COMMENT:**

Paul Thompson, Placer County Planning Department, said that the Board of Supervisors supported withholding implementation measure requirements until appropriate monitoring systems are located and Placer County and the Air Quality Attainment Plan is updated to include data and cost benefit analysis. They also support creating a policy for pollutants of localized concerns.

Jennifer Quashnick, Sierra Club, reiterated air quality mitigation funds should be separate from transportation mitigation funds. They support the concept of prioritizing projects by regional benefits. They support incentivizing programs that would phase out older wood stoves for newer ones, but requested the programs emphasize removal of the dirtiest, oldest stoves first. They support APC's recommendation for Air Quality Issue 2C. Ms. Quashnick also noted there was no conclusion drawn at the APC meeting for support of Air Quality Issue #4. She commented that they were one Basin and should have one set of uniformed standards. She also asked what would happen with Air Quality Issue #4 since the APC did not deliberate on technical advice for this issue.

Mark Novac, Tahoe Basin Fire Chiefs, asked if the APC recommendation for Air Quality Issue #3 was to include the letter from the Tahoe Basin Fire Chiefs.

Mr. Zuckerman noted the underlined wording was the verbiage provided in the letter.



Mr. Novac stated the underlined wording was not 100% correct on what they provided in the letter. He read the following language submitted from the Tahoe Basin Fire Chiefs into the record: “fire agencies will continue to follow air quality regulations of respected state regulatory agencies. The Tahoe Fire and Fuels Teams will collaborate with fire agencies to refine smoke management best practices.”

Mr. Zuckerman clarified that this was the language that was presented to the APC.

Mr. Novac stated part of the confusion was that the language was not reflected in the Governing Board packet on the website. He stated they were in support of Air Quality Issue #4, Alternative 2, which is retaining the most stringent standards of both States and not for the entire Basin.

John Falk, Tahoe Sierra Board of Realtors, commented on Air Quality Sub-Issue #2C, Alternative 2. He stated they strongly encouraged the Board to support point of sale retrofit mandates versus point of sale disclosure mandates for Alternative 2.

Mr. Zuckerman noted the correct language from the Tahoe Basin Fire Chiefs was included on the one-page sheet for the Board, but not in the slide material presented, so this will be corrected by tomorrow’s meeting.

**Ms. Santiago opened the Thursday, June 24, 2010 meeting at 9:35 a.m.**

**AIR QUALITY:** (Continued)

**AQ Issue#1**

Ms. Aldean commented that her understanding in the original discussion was that “cost effectiveness” was included because it meant cost benefit of projects. She suggested changing the wording to “cost benefit.”

Ms. Montgomery agreed with Ms. Aldean’s comments. She stated that she and Placer County were proponents of having locally raised mitigation funds stay within their respected jurisdictions and that this language should be added.

Ms. Santiago asked for clarification that the policy statement already defines mitigation funds.

Mr. Zuckerman said yesterday’s discussion was regarding 25% of mitigation funds, but that was only for operation and maintenance.

Ms. Santiago said she wanted to make sure added language would not conflict with current policy.

Ms. Bresnick said she would like for the cost benefit analysis to be a part of the prioritization. She asked what would be the effect of keeping local

mitigation funds within the respected jurisdictions.

Mr. Zuckerman said the APC had discussed keeping local mitigation funds within the local jurisdictions because Placer County representatives at the meeting had pointed out they also had to meet California State air quality requirements. Mr. Zuckerman said they get funding from the State of California to meet California-mandated air quality requirements. TRPA collects air quality mitigation funds to achieve threshold benefits region-wide, therefore staff was suggesting setting aside some funding for regional projects.

Ms. Montgomery said she would support a defined allocation of that funding, because air quality is different in each jurisdiction. She suggested added language that 25% of air quality mitigation funding would be used for regional projects with 75% of the funding remaining within their respective jurisdictions.

Ms. Marchetta said staff cannot determine air quality standards in each jurisdiction, but the “trigger” in one jurisdiction may set off action that is then taken Basin-wide.

Ms. Rinke said they were allowing States to use their own standards on each side, but TRPA requirements are the same on both sides.

Mr. Breternitz said he supported the idea of reserving some portion of air quality mitigation funding for Basin-wide projects. He asked how that is done, specifically and where that language should be included.

Mr. Zuckerman said the language would need to be in a new implementation measure.

Mr. Breternitz said that, in his opinion, this was a policy and not an implementation measure.

Mr. Zuckerman said no specificity regarding the amount that should be reserved would need to be included in the language, if included in the policy.

Mr. Breternitz asked when would it be decided what percentage of funding should be reserved.

Mr. Zuckerman said it could be decided when a request for more air quality mitigation funding for projects was presented to the Board.

Ms. Marchetta said another approach was to decide upon a reserved amount when the EIP Project List was analyzed annually.

Ms. Santiago suggested language be added that would state air quality mitigation funds would be shared and for the reserved amount to be determined during the annual EIP Project List analysis. This language would be included in a new implementation measure because, regarding

yesterday's comments about the separation of policy and implementation measures, policy involved sharing and implementation measures should address the specifics of that sharing.

Ms. Lovell said she was in support of reserving some air quality mitigation funding for the standards regarding wood stoves.

Mr. Merrill asked if air quality mitigation funding within local jurisdictions was spent within the entire Basin.

Ms. Marchetta said it was spent within the Basin, but allocated by the jurisdictions.

Mr. Merrill asked if there had been a problem with some counties having to borrow air quality mitigation funds from other jurisdictions.

Mr. Zuckerman said he did not know the breakdown of funds county by county, but there is still approximately \$2 million in air quality mitigation funds that has not been spent.

Mr. Wells stated part of the problem is the total amount of funding is segregated into different areas.

Mr. Merrill commented that approximately \$2 million of that funding was the water quality portion and that the more restraints put on how the funding is being spent the more restriction there is on how mitigations happen. He stated there should be fewer restrictions on how the funding is spent.

Mr. Beyer said he would be concerned about the cities and counties that could not meet California Air Quality Control Board standards. He stated he agreed cost benefit should be for the Basin. Therefore, there should be fewer restrictions, as Mr. Merrill suggested.

Mr. Merrill said TRPA should not be funding California-imposed air quality standards.

Ms. Aldean moved approval of Air Quality Issue #1 with removal of "by cost-effectiveness" and to include the following language: "the projects would be prioritized in providing air quality improvements. EIP projects requesting air quality mitigation funds would be dispersed to the highest ranked projects first based in part on cost benefit. A portion of these funds will be allocated to Basin-wide projects."

Ms. Rinke suggested including "may be" in the last sentence because there may be a year when no funds will be dedicated.

Ms. Lovell asked if funds would be decided at a staff or Board level.

Ms. Rinke stated the Board currently approves disbursement of these funds.

Ms. Aldean moved approval of Air Quality Issue #1 with the following amendments to the language proposed by the APC: "Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized in providing air quality improvements. EIP projects requesting air quality mitigation funds would be dispersed to the highest ranked projects first based in part on cost benefit. A portion of these funds may be allocated to Basin-wide projects."

Motion carried unanimously.

### **AQ Issue#2, Sub 2A**

Mr. Merrill asked how to define an item that is for decorative purposes and if this kind of detail should be included in the Regional Plan. He asked how much of a contributor to fines in air quality is wood stoves in the Basin.

Mr. Zuckerman said that wood stoves had been overlooked and that it was not known what percentage of emissions is coming from heating units, but it is known that 20% of particulate matter in the Basin is coming from chimneys.

Mr. Merrill commented that is a significant contributor, but the problem is that the sources have not been identified.

Mr. Zuckerman said the science has not been provided to break that information down without having to do a door-to-door survey of wood stoves.

Mr. Merrill said this should not be regulated in the 20-year plan when the source has yet to be identified. He stated he would defer this issue and direct staff to collect this data.

Ms. Bresnick asked if this implementation measure would still have validity in collecting the data needed.

Mr. Zuckerman replied yes and no because the definition of wood stoves encompass all wood heating appliances.

Ms. Bresnick asked if these standards would apply to a fireplace.

Mr. Zuckerman said the problem with the way the language was written was that it did not take into account if it would also apply to fireplaces.

Ms. Bresnick asked if staff's recommendation was to defer this issue.

Mr. Zuckerman said staff's recommendation was to clearly define what a wood stove is and then continue to restrict wood stove emissions.

Ms. Bresnick asked about staff's recommendation for segmenting this in order to address the problems that have been raised.

Mr. Zuckerman said it was to define wood stoves and fireplaces and to amend the definition of wood heaters because, currently, it encompasses all wood heating appliances. There should also be stricter standards.

Ms. Bresnick asked if there is a particular recommendation regarding the action needed by the Board.

Mr. Zuckerman said the Board could direct staff to define the terms and develop an implementation that makes sense.

Mr. Cashman asked if the EPA standards are achieved by catalyst.

Mr. Zuckerman said there were two standards: the 4.5 grams per hour of particulate matter for a non-catalyst equipped stove and 2.5 for a catalyst-equipped stove. He noted it was determined that there were over 300 non-catalyst stoves that meet the 4.5 standard and approximately 100 non-catalyst stoves that meet the 2.5 standard.

Mr. Cashman asked if there was information regarding what a fireplace emits.

Mr. Zuckerman said he was not sure because he was not an air quality expert.

Mr. Cashman asked to what extent have we looked at banning wood-burning fireplaces from new construction and mandating gas.

Mr. Zuckerman said the original implementation measure proposed by staff would have banned all wood-burning appliances in new construction.

Mr. Cashman said he was asking if there was a catalyst developed or a way to manage the emissions in a fireplace.

Mr. Zuckerman said he was not sure how emissions could be managed in a fireplace versus a woodstove.

Mr. Cashman stated a catalyst could be put in a chimney, but he was not sure of its effectiveness, so this should be studied.

Ms. Santiago asked if the standards listed were the new EPA standards.

Mr. Zuckerman said they were in line with the Washington State standards, which are better than EPA standards.

Ms. Santiago commented that this discussion is regarding implementation and that it was her understanding that discussion of the milestones was strictly for policy. She asked what policy the Board has that relates to this implementation measure and if there is something in the policy that the

Board needs to review and defer discussion for this implementation measure and what staff direction was needed.

Ms. Marchetta said the Board could propose a new policy about achieving the best available technology and standards in the retrofit of wood stoves and then direct staff to research this technology and develop the implementation standard.

Ms. Lovell asked for clarification that this discussion was in regards to new construction only, because the language is regarding existing wood-stoves and adjustments for the future.

Ms. Marchetta said that could be a policy choice of the Board to separate the issue to both existing and new construction.

Ms. Lovell said she was fine with the new construction portion, but she was concerned about requiring retrofit for existing wood burning appliances, because these appliances are needed when there is no natural gas for the area and she provided an example. She stated she would like the two issues to be separate because there was consensus with stakeholders.

Mr. Zuckerman clarified there was no ban of wood stoves being proposed. The requirement of the removal of dirty wood stoves by 2020 was supported because it allows time to provide incentives for individuals to remove dirty wood stoves.

Ms. Lovell commented on the need to separate the two issues.

Ms. Santiago reiterated that the purpose of milestone meetings is to review policy and not to discuss implementation.

Ms. Montgomery agreed with Ms. Santiago's comments and stated that the focus should be on whether or not TRPA should adopt new emission standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves. Implementation can be discussed at a later time after definitions have been put in place and after it has been determined if existing wood stoves can be retrofitted.

Ms. Montgomery moved for TRPA to adopt new emissions standards for wood stoves after having defined the term and implement a deadline for removal or replacement of all non-compliant stoves.

Motion carried unanimously.

Mr. Zuckerman stated terms will be defined in the policy.

#### **AQ Issue#2, Sub 2B**

Ms. Santiago clarified the proposed amendment was to policy, but the

response was an implementation measure.

Ms. Aldean suggested the following language for the policy statement: "TRPA shall prohibit the installation of wood stoves that do not meet current air quality requirements" and the implementation portion would elaborate on that statement.

Mr. Zuckerman said the proposed language: "adopt new emission standards for wood stoves" would be all that is needed because it would bring new construction into alignment with retrofit and that everybody has to meet the same standard.

Ms. Aldean noted that the previous policy statement adopted includes the verbiage: "removal and replacement of all non-compliant stoves", which implies that the focus is on existing stoves.

Ms. Santiago said the new policy statement would be to adopt new emissions standards for wood stoves.

Ms. Aldean noted language would also include a deadline for removal and replacement of non-compliant stoves. She suggested the language should be: "TRPA shall adopt new emission standards for wood stoves and new construction shall implement a deadline for removal or replacement of all non-compliant stoves in existence."

Mr. Zuckerman said the wording will be: "TRPA will adopt new emission standards for existing wood stoves and stoves installed in new construction and implement a deadline..."

Ms. Rinke pointed out the issue was the prohibition of installing woodstoves in new construction and that this was different than regulating wood stoves.

Ms. Aldean said the general consensus was not to prohibit woodstoves as long as they have been retrofitted or are in compliance with current air quality requirements.

Ms. Santiago asked for clarification that prohibiting non-compliant wood stoves should be included in the policy statement.

Ms. Rinke stated the Board can reject staff direction on the issue, if the Board does not want to prohibit wood stoves, but to apply emissions standards.

Mr. Zuckerman noted the implementation measure already does not prohibit wood stoves in new construction.

Ms. Montgomery reiterated the policy question was: "*Should TRPA prohibit installation of wood stoves in new construction*" and that the focus was not on the implementation.

Ms. Montgomery moved for TRPA to prohibit installation of woodstoves in new construction.

Mr. Cashman stated he would vote in favor of the motion because he believes wood stoves should be prohibited in new construction.

Ms. Santiago asked for clarification that the current implementation measure states that wood stoves are prohibited in all new construction.

Mr. Zuckerman clarified that was the previous proposal.

Ms. Santiago called for the vote. It was determined a roll call vote was needed.

Mr. Merrill commented that this issue should not be discussed until the pollution effect from woodstoves was researched.

Ms. Montgomery said she wanted to point out that staff already knows the pollution that comes out of wood stoves, but what is not known is how many open-burning fireplaces are in the Basin and the only way to determine this is to conduct a door-to-door survey. Therefore the issue is should woodstoves be regulated.

Mr. Merrill said that only policy direction should be discussed and the board should ask staff to gather more data so that staff can make an intelligent recommendation to the Board.

Ms. Rinke clarified the Board directed staff in their last motion to apply air quality standards to all wood stoves and now the question is to prohibit all wood stoves in new construction.

Ms. Ruthe asked for the motion to be clarified.

Ms. Montgomery said the motion was TRPA should prohibit installation of woodstoves in new construction. She noted voting in favor of the motion would prohibit woodstoves in new construction, even if they were in compliance with emission standards and voting against the motion would not prohibit wood stoves in new construction.

Mr. Cashman and Mr. Miller voted yes.

Motion failed.

Ms. Bresnick abstained.

Ms. Bresnick explained she abstained because the previous motion was to adopt a policy that would have standards that would apply to both new construction and existing and this motion was to prohibit all woodstoves even in new construction.

Ms. Montgomery clarified “no” votes would not prohibit woodstoves in new construction.



Ms. Rinke explained how the motions were consistent.

Ms. Bresnick voted yes on the motion.

Mr. Beyer asked if the last discussion on milestones referred to federal or state standards. He reviewed legislation for California and Nevada and questioned if the Board was looking to be a leader in standards or flip-flopping standards.

Ms. Marchetta said staff was looking for early policy direction from the Board and to import that policy direction into the draft EIS for Board review.

Ms. Aldean commented that she understood fuels reduction is the single largest source of particulate matter of pollution in the region, but a lot of time is focused on a small component of that contribution. She said she was concerned that policy was being fashioned after other States who may not have anymore data regarding what percentage wood burning stoves was having on particulate matter and that, in order for the region to be a leader in this issue, information should be based on sound science.

Mr. Zuckerman said staff wanted the planning process to respect the Tahoe Basin and the needs of the Basin. He said what they learned from stakeholders was that they wanted the highest standards for wood stoves, but not the elimination of wood stoves, therefore policy language would reflect Board direction on that issue.

#### **AQ Issue#2, Sub 2C**

Ms. Moss asked why the Board needed to consider this when it was an implementation measure.

Mr. Zuckerman explained the issue was to provide proof that a compliant stove is in place during escrow and that it was a minor point of contention with stakeholders, because a similar requirement is already in TRPA Code.

Ms. Santiago noted that APC supports staff's recommendation on this item.

Ms. Moss asked if implementation of emission standards would not apply to something already in the Code that requires a compliant woodstove be in place during escrow.

Mr. Zuckerman said adopting emission standards for every woodstove would cover this and then implementation of those standards would need to be developed.

Ms. Moss suggested adding escrow language to new construction and retrofit language in AQ Issue #1.

Mr. Merrill asked for clarification of Ms. Moss' suggestion.

Ms. Moss reiterated she suggested adding change of ownership language for the new TRPA emission standards for new construction and retrofit.

Mr. Zuckerman read the following change to the language: "adopt emission standards based on best available technology for woodstoves existing, in new construction, and at change of ownership and implement a deadline for removal or replacement of non-compliant stoves."

Ms. Bresnick commented that further study of this language needs to be conducted because changes can affect other language.

Ms. Aldean stated she did not believe there should be a vote at all on this issue because this was an implementation measure and not a policy statement.

Ms. Ruthe suggested that an exemption be included for titles of ownership that are transferred through a trust.

Ms. Aldean asked if action needs to be taken on this issue since it's an implementation measure.

Ms. Marchetta stated this could be deferred to implementation.

Ms. Santiago asked if action needed to be taken to defer this issue.

Mr. Zuckerman suggested bringing back information to the Board for review which reflects what the Board discussed at today's meeting.

Ms. Marchetta suggested the Board provide direction on whether or not this can be continued as a tool for consideration as an implementation measure.

Ms. Santiago moved to approve APC's recommendation of staff proposal. Motion carried unanimously.

Ms. Aldean asked for clarification that this would be included in Alternative 2 or could it be analyzed under another alternative.

Mr. Zuckerman stated it is currently in Alternative 2 and Alternative 4 goes even further by recommending a woodstove mitigation fund.

Mr. Aldean asked for clarification that the language in Alternative 4 was more restrictive than what's being proposed this alternative.

Mr. Zuckerman stated it was because it had also included a mitigation fee. He clarified Alternatives 2 and 4 both include the proposed language and Alternative 4 also included a woodstove mitigation fee that is being proposed for removal.

Ms. Aldean asked if it would be redundant to have the same policy in both Alternatives. The objective is to have various alternatives analyzed as part of the EIS process.

Mr. Zuckerman said that is the objective, but in some cases where the implementation measure meets the character of two different alternatives, it can reappear.

Ms. Aldean asked if the woodstove mitigation fund program being proposed for removal in AQ Issue #2, Sub 2D could assist some individuals who might not otherwise be able to afford to retrofit their wood stove for resale of their home.

Mr. Zuckerman explained the priority of TRPA was to design programs that help residents meet requirements. The woodstove mitigation program's purpose was to charge people who have wood stoves and to use the money to do air quality projects around the Basin.

Ms. Aldean said she agreed with that. She asked if developing programs that would provide incentives to residents to retrofit their wood stoves could be an implementation measure.

Mr. Zuckerman said yes, that could be an implementation measure

Ms. Santiago asked for clarification that AQ Issue #2, Sub 2C has been resolved.

Ms. Marchetta said she thought it has been voted on and resolved.

#### **AQ Issue#2, Sub 2D**

Ms. Aldean said her sense from staff was that they want to abandon the woodstove mitigation program. She moved to not consider the creation of a wood stove mitigation program.

Mr. Merrill said he agreed that it should not be created at this time, but that it may need to be created in the future if voluntary programs with incentives do not work.

Mr. Zuckerman said consensus of stakeholders was that the deadline of 2020 to have wood stoves in compliance with requirements was more than sufficient.

Mr. Merrill said there should be a mitigation fund that would implement retrofits.

Ms. Marchetta noted air quality mitigation funds can be used towards retrofitting.

Ms. Bresnick made the distinction that this type of program can be

considered in the future, if needed.

Ms. Santiago noted the APC recommendation was to support the staff proposal which was to delete the implementation measure.

Ms. Marchetta clarified that the motion was to accept staff's proposal.

Ms. Aldean said it should include the policy decision, as well.

Motion carried unanimously.

### **AQ Issue#3**

Ms. Bresnick said she was going to abstain on this issue, because she had an issue regarding for one air Basin and policy statements that talk about the different regulations of the State. She would support a general statement that TRPA requires a reduction in pile burning.

Ms. Ruthe said it was not a workable situation, because there were two States with two different feelings.

Mr. Merrill asked what percentage of the air quality particulates come from wood pile burning.

Mr. Zuckerman stated the amount was not known exactly, but pile burning may contribute 50% to particulates. The issue was having proper smoke management which would have no net effect on particulates in the Basin when burning is allowed only on certain days.

Ms. Aldean asked if there is a presumption that wood pile burning was being done on days when it should not be done.

Ms. Marchetta said they do not know the exact percentage because some pile burning needed to be allowed and that the capacity to have an affect on this issue was to use best smoke management practices. Now, it needed to be determined how the public sector can contribute to this issue.

Ms. Aldean said this issue may not be resolvable. She also questioned if the proposed language: "*Should TRPA reduce pile burning*" was an accurate reflection of staff's proposal because it seems flexibility has been built into the implementation measure. She stated she would be inclined not to vote in favor of this issue because it seemed contradictory.

Ms. Bresnick agreed with Ms. Aldean's comments. She stated the policy question should be emission reduction in relation to pile burning, rather than a reduction in pile burning.

Ms. Marchetta commented that the policy could be changed to reducing emissions by using smoke management best practices.

Mr. Breternitz said he agreed with Ms. Bresnick's suggestion.

Ms. Santiago asked if public comment would need to be taken since the Board was discussing a policy statement that needs to be included.

Ms. Marchetta said that was correct.

Ms. Santiago asked if the Board was discussing the policy and language for the implementation measure.

Ms. Marchetta replied yes.

Ms. Santiago asked if policy language should be re-stated for the public.

Mr. Cashman said the Board should vote on the policy language that was presented: "*Should TRPA require a reduction in pile burning.*" The implementation measure was a suggestion that was provided during yesterday's meeting.

Ms. Aldean said that the Board would have to revisit the issue of re-wording the policy statement so it conforms to the proposed implementation measure.

Ms. Bresnick asked if there were proposed implementation measures that go toward reduction in pile burning or for emissions related to pile burning.

Ms. Marchetta said the original proposal was for a mandatory reduction in pile burning, but the amount of pile burning could not be regulated in the Basin. So, staff is proposing to remove that regulation and address this as controlling emissions through best smoke management practices.

Mr. Zuckerman reviewed the current and amended proposal. He suggested the language should be goal language that should read: "reduce emissions from pile burning", which would not require a new policy. The implementation measure would be to allow TRPA input in how to work out the smoke management plans.

Ms. Santiago clarified there was already an adopted policy and that discussion was already heard on this issue. She asked if additional public comment was needed since the policy has already been established.

Ms. Rinke said the adopted policy Ms. Santiago is referring to is the policy that already exists in Code.

Ms. Marchetta said a clear motion was needed in order for the public to offer public comment.

Ms. Aldean said she was fine with the proposed policy for AQ Issue #3 and to substitute the proposed language.

Mr. Zuckerman said when the Board provides staff direction to move forward, it is to move forward on the proposed policies that are in the matrix. He asked if an additional goal should be included that would reduce emissions from pile burning and for pile burning to be conducted on appropriate days to use non-burning methods when possible and for the implementation measure would have TRPA involved in the discussion for the best smoke management practices.

Ms. Aldean said her recommendation would be to vote against the proposed policy statement.

Ms. Bresnick clarified there is already a proposed policy that deals with pile burning. This issue would require a reduction in pile burning. But, the adoption of the proposed policy and working with the Fire Districts on best smoke management practices may produce the same result that this issue is requiring.

Mr. Zuckerman said the confusion is that the Board should be voting on staff's proposal and not the question listed in bold.

Ms. Santiago said she wanted to clarify if public comment was needed when a new policy statement was being determined.

Ms. Rinke said public comment would be required if new items were being proposed, but not for items that have already been presented to the public. She noted new language was being proposed therefore public comment needed to be heard.

Ms. Aldean moved to adopt revised language prepared by staff in connection with air quality implementation measure #14 as follows: "fire agencies will continue to follow the air quality regulations of their respective state regulatory agencies. The Tahoe Fire and Fuels Team will coordinate with fire agencies to refine smoke management best practices."

Ms. Santiago opened up discussion to public comment.

PUBLIC COMMENT:

Mark Novac stated for the record the Basin Fire Chief support the implementation measure, but they would also support the elimination of the question because a reduction in pile burning is not where they want to go.

Mary Huggins, CAL FIRE, stated she supported Mr. Novac's comments and reminded everyone there were regulations already in place that were being used for pile burning.

Motion carried unanimously.

**AQ Issue#4**

Ms. Santiago asked for clarification that there was no APC resolution on this issue, as noted during yesterday's meeting.

Mr. Zuckerman said there was and that it was included in the APC meeting minutes.

Mr. Cashman asked for clarification of the staff's recommendation and the Board direction that is needed.

Mr. Zuckerman explained staff's recommendation was to adopt or implement air quality standards in the respective portions of the region for which the standards are applicable. He noted Ms. Bresnick's suggestion from the previous meeting to change "adopt or implement" to "recognize" would reflect what staff was trying to propose.

Ms. Bresnick commented that the proposed language does not reflect what Mr. Zuckerman stated.

Mr. Zuckerman said he agreed therefore "adopt or implement" would be changed to "recognize."

Ms. Aldean moved to adopt air quality implementation measure #27 which reads as follows: "emission standards and practices recognize and implement air quality standards whichever are strictest in the respected portions of the region for which the standards are applicable."

Mr. Zuckerman said the proposed language should read: "recognize air quality standards in the respected portions of the regions for which the standards are applicable", which would recognize the different state standards, but would have no affect on the way TRPA thresholds are administered.

Ms. Aldean amended her motion to adopt air quality implementation measure #27 to read: "emission standards and practices recognize air quality standards from the respected portions of the region for which the standards are applicable."

Motion carried unanimously.

X. RECONSIDERATION

A. Governing Board Member Allen Biaggi's Request for Reconsideration of Governing Board's Direction to Staff Regarding the Potential Buoy Placement Line Adjustments

Ms. Santiago said she discussed this issue with Ms. Rinke and that it was her feeling the vote taken on this issue at last month's meeting was a correct vote, therefore she wanted to withdraw any reconsideration on this issue.

Ms. Rinke said that Mr. Biaggi had requested reconsideration of this vote because it may have been an incorrect vote. She stated it's not completely clear that it was an incorrect vote, but that, on Mr. Biaggi's behalf, Ms. Santiago would be requesting a withdrawal of this reconsideration.

Ms. Santiago said withdrawal of this reconsideration would also eliminate the need to discuss agenda item XI.A.

Ms. Aldean asked for clarification that staff would then proceed with amendments to buoy lines with the withdrawal of this reconsideration.

Ms. Rinke clarified that was correct and that it may be included in the presentation planned for the August meeting.

Mr. Cashman asked for clarification on what had been proposed on this issue.

Ms. Rinke said the previous vote on the buoy line suggested, that in the future, certain areas could petition the Board to move the buoy line. Eight potential areas were presented to the Board at last month's meeting but only two were directed by the Board to be pursued.

Mr. Cashman asked for clarification that other areas could still be considered in the future.

Ms. Rinke said that is correct.

## XI. ADMINISTRATIVE MATTERS

### A. Direction to Staff on Potential Buoy Placement Line Adjustments

This item was not heard.

### B. Strategic Plan Discussion and Endorsement

Julie Regan stated this item could be deferred to the next meeting when the adoption of the ethics policy would be addressed

Mr. Cashman suggested Board comments be submitted for incorporation in the policy..

### C. Ethics Policy Discussion and Adoption

This item was continued.

## XII. REPORTS

### A. Executive Director Status Report

#### 1. Agency Work Program Priorities for June



- a. Regional Plan Update
- b. Forest Fuels Management Update
- c. Aquatic Invasive Species
- d. EIP Implementation
- e. Shorezone Implementation
- f. CEP Update

Ms. Marchetta said she will send out a mid-month report to the Board and has no additional report today.

B. General Counsel Status Report

Ms. Rinke said that the briefing on shorezone has been completed and oral arguments were scheduled for July 19, 2010.

Ms. Bresnick asked if it was helpful to break up the mid-month report into two portions.

Ms. Marchetta said she would take that into consideration.

XIII. GOVERNING BOARD MEMBER REPORTS

Ms. Bresnick said she would like to encourage the Board to hang a picture of Jerry Waldie in the TRPA Board room.

Mr. Cashman suggested establishing a TRPA Governing Board Hall of Fame.

Mr. Beyer said what he was trying to infer in his discussion of Land Use Sub #2C was to give staff as much flexibility to move forward with their recommendations and the language did not provide that.

Ms. Santiago announced an Environmental Economic Summit will be held the day before the Environmental Summit on August 16, 2010 from 4:00 p.m. to 5:30 p.m. and it was requested that local jurisdictional representatives be the sponsors of the event.

Mr. Breternitz said the Hyatt Hotel would sponsor the event. He asked if the local jurisdictional representatives would be honorary sponsors or financial contributors.

Ms. Santiago said they would be honorary sponsors.

XIV. COMMITTEE REPORTS

- A. Legal Committee – no report
- B. Operations Committee

Mr. Cashman said that the Operations Committee recommended approval of the budget because a budget was needed for this fiscal year, but an augmentation will be presented in the future.

Ms. Ruthe added the Committee will be receiving more information on this issue.

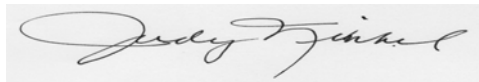
Mr. Breternitz added the Committee also discussed a policy decision proposal to receive the budget before the day that it would be presented.

- C. Public Outreach & Environmental Education Committee - no report
- D. Catastrophic Wildfire Committee - no report
- E. Local Government Committee – no report

XV. ADJOURNMENT

Governing Board Vice-Chair Ms. Santiago adjourned the meeting at 12:38 p.m. on Thursday, June 24, 2010.

Respectfully submitted,



Judy Nikkel  
Clerk to the Board

*The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.*



MEMORANDUM

Date: July 21, 2010

To: TRPA Governing Board

From: TRPA Staff

Subject: North Tahoe Public Utility District Zone 1 Water Storage Tank, 2490 North Shore Blvd, Canterbury Drive, Stewart Way, Placer County, California, Assessors Parcel Number (APN) 111-010-014, TRPA File Number ERSP2010-0665

Requested Action: Governing Board action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motion(s): To approve the proposed project, the Board must make the following motions, based on this staff summary and the evidence in the record:

- 1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (see Attachment B).

In order for the motion(s) to pass, a 5-9 vote (5 affirmative California votes with 9 total affirmative votes) of the Board is required.

Project Description/Background: The proposed project is Phase 2 of a two-stage Water Storage Tank Project. Phase 1 included facilities to connect the existing water system to the proposed Phase 2 water storage tank and consisted of the installation of two waterlines that were constructed in the Caltrans right-of-way on State Route 267. Caltrans asked that North Tahoe Public Utility District (NTPUD) install their waterlines prior to a Caltrans reconstruction project on SR 267 beginning in May 2010. The Hearings Officer approved Phase 1 on April 10, 2010 (ERSP2010-0664).

Phase 2 includes a water storage tank, booster pump station, access road and portions of the waterline to connect to Phase 1. All construction will take place on the NTPUD property located 2490 North Shore Blvd. The property is located at the end of Canterbury Drive along SR 267 and has a project area of 393,803 square feet with allowable land coverage of 84,805 square feet. The proposed land coverage is 12,942 square feet, all on Land Capability Class 5. The 1.3 million-gallon steel, water tank will

be located within NTPUD's Main Water System, which serves approximately 3,100 water service connections and is sized for current demands only. Further increases in demand would require construction of additional storage facilities. The water tank will have a diameter of 87 feet and cover an area of 6,504 square feet. The project includes the installation of a 16" waterline that will run approximately 930 feet from the terminus of the 16" waterline at the Caltrans right-of-way on Stewart Way (where the Phase 1 waterline terminates) to the water tank.

The project also includes a booster pump station that will be located next to the water tank. The booster pump station will provide the ability to pump water into upper pressure zones beyond the ability of the existing system and requires the installation of a 12" waterline that will run approximately 955 feet from the terminus of the 12" waterline at the Caltrans right of way on Stewart Way (where the Phase 1 waterline terminates) to the booster pump station.

The access road for the project will run approximately 215 feet from the entrance of the property at Canterbury Drive to the water tank and around the circumference of the water tank. The access road will be 12 feet wide and will include a gate at the entrance to prevent unauthorized access.

The new booster pump station will feed water from the new Zone 1 Water Tank into NTPUD's Zone 2 which is at a higher elevation. Currently, Zone 2 is fed by a 500,000 gallon tank and booster pump station located in Griff Creek. The proposed Zone 1 Water Tank and booster pump station will allow for the demolition and removal of the Griff Creek facilities. NTPUD intends to remove the Griff Creek facilities and restore the site after the proposed Zone 1 Water Tank Project is completed. However the removal is not a requirement of this project proposal.

Issues/Concerns:

- Vegetation Removal

See Attachment C for a discussion of this issue/concern.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6, 18, 22, 64 and 71 of the TRPA Code of Ordinances (see Attachment A and D for details).

Attachments:

- Required Findings/Rationale (Attachment A)
- Draft Permit, Ordinance or Resolution (Attachment B)
- Issues/Concerns Discussion (Attachment C)
- Regional Plan Compliance Analysis (Attachment D)
- Site Plan/Elevations (Attachment E)

## Attachment A – Required Findings

The following is a list of the required findings as set forth in Chapters 6, 18, 22, 64 and 71 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

### 1. Chapter 6 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Land Use: The proposed project is located entirely within the Martis Peak (019) Plan Area Statement with a small portion of the parcel being located in the Kingswood East (025) Plan Area Statement. Local Public Health and Safety Facilities are a special use in PAS 019. The applicant is proposing a water storage tank, booster station, and access road. All information indicates that the proposed project will not have an adverse effect on land use, implementation or sub-elements of the regional plan. Local Public Health and Safety Facilities is a permissible use and is an appropriate type and location for the proposed use.

Transportation: The project will create less than one daily vehicle trip end to the site and will not result in any significant impacts to transportation in the region.

Conservation: The project area is visible from State Route 267 in Roadway Unit 41. This unit is in attainment and the project will not cause a decrease in the numerical scenic rating of the Roadway Unit. The project will preserve the scenic quality of the area through the use of TRPA approved earthtone colors, design standards and landscaping features. There are no known special interest species, sensitive or uncommon plants, or cultural or historical resources within the project area that would be affected by the project. The applicant will install temporary and permanent water quality improvements within the project area.

Public Service and Facilities: The water storage tank and associated improvements will upgrade the system and bring the area into conformance for reserve fire storage. No additional services or facilities will be added with these improvements.

Recreation: The proposed project does not involve any public recreation facilities or uses and will not have an impact on public recreation in the Lake Tahoe Basin.

Implementation: The proposed project will create 12,042 square feet of new Class 5 land coverage. This coverage is available from the 84,805 allowable square feet of land coverage available on the parcel. No coverage transfer is necessary. In addition, the project requires the removal of 7 trees over 14" diameter at breast height (dbh) with one tree being over 30" dbh.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the checklist will be made available at the Governing Board meeting and at TRPA.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

Refer to paragraph (b) above.

Chapter 18- Special Use:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcels on which, and surrounding area in which, it will be located.

The proposed project is located in Plan Area Statement 019 (Martis Peak). The project is a Local Public Health and Safety Facility and is a special use within PAS 019.

The proposed Zone 1 Water Storage Tank is required to correct NTPUD's current Zone 1 water storage deficiency for maximum day demand and reserve fire storage. The water tank is sized for current demands only. Future increases in demand would require construction of additional storage facilities.

The proposed use will be located within a plan area in which local public health and safety facilities are an appropriate use. The project is of an appropriate scale and intensity to meet the specific fire, public service and safety needs of the area.

- (b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project, to which the use pertains, is designed specifically to not be injurious or disturbing to the health, safety, enjoyment of property, of persons or property in the neighborhood, but rather protect against injury and loss, and to specifically protect the land, and other resources. The project includes all required permanent Best Management Practices (BMPs) and temporary BMPs to mitigate any potential environmental impacts to water quality during construction.

- (c) The project to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning

area statement, community plan and specific or master plans, as the case may be.

The proposed Zone 1 Water Storage Tank is required to correct NTPUD's current Zone 1 water storage deficiency for maximum day demand and reserve fire storage. The proposed project will not change the character of the neighborhood or detrimentally affect or alter the Plan Area Statement.

3. Chapter 22 – Height Findings:

- (a) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The project is located adjacent to State Route (SR) 267 which is designated a Scenic Highway. The section of SR 267 adjacent to the project is Scenic Roadway Unit 41, and is in attainment. The project parcel has a large number of trees throughout the site, particularly between SR 267 and the proposed water tank location. Based on scenic simulations, the water tank will not be visible from SR 267 and the additional height will not cause the tank to extend above the forest canopy or ridgeline.

- (b) When outside a community plan, the additional height is consistent with the surrounding uses.

The project is located in PAS 019 and is outside a community plan. The proposed tank is surrounded to the east and south by residential homes and complexes with heights similar to the tank. The additional height is consistent with the surrounding uses.

- (c) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The proposed height is required due to several factors. The height to width ratio is required to provide the necessary seismic resistance, structural stability and operational efficiency. In order to properly function within the pressure zone, the base elevation and overflow depth must match the two existing tanks in the zone. This results in a maximum operating depth of 29 feet 6 inches. For a capacity of 1.3 million gallons, the resulting diameter is 87 feet. The structure had been designed to minimize interference with existing views to the extent practicable. The additional height is necessary to feasibly implement the project.

4. Chapter 64 – Excavation Findings:

- (a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The proposed water tank requires a maximum excavation depth of 14.5 feet below ground surface (bgs). This depth is necessary to meet tank design requirements. A soils/hydrologic report prepared by a qualified professional has been reviewed by TRPA and the excavation depth has been approved (TRPA File # LCAP2010-0065). The report demonstrates that no interference or interception of ground water is anticipated as a result of the excavation.

- (b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

No damage will occur to mature trees as a result of this project except those that are to be removed pursuant to Subsection 65.2.E. Due to the required height to width ratio of the footprint of the new water tank, the removal of these trees is necessary for this public service project. All other vegetation, including root systems and hydrologic conditions of the soil, will be protected as required with vegetation protection through the installation of temporary BMPs.

- (c) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1);

As a condition of approval any excavated material will be disposed of at a TRPA approved location. The project area's natural topography will be maintained and the disturbance will be the minimum necessary to implement the public health and safety project.

5. Chapter 71-Tree Removal Findings:

(a) Within lands classified by TRPA as conservation lands or recreation lands use or Stream Environment Zones, any live, dead or dying tree greater than or equal to 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree greater than or equal to 24 inches diameter at breast height in eastside forest types shall not be cut except as follows:

- i) Large trees may be removed for large public utility projects if TRPA finds there is no other reasonable alternative.

The proposed water storage tank, access road and waterlines will require the removal of 7 (seven) trees 14 inches or greater diameter at breast height (dbh). Of the 7 trees proposed for removal, one tree has a diameter of 48 inches. This tree is within the Martis Peak (019) Plan Area Statement which has a Land Use Classification of Conservation. The preferred tank location removes the least amount of large trees possible based on many assessed alternatives. As this is the only feasible project site and the preferred tank location removes the least number of large trees, there are no other reasonable alternatives for this public service project.





**APN 111-010-014  
FILE NO. ERSP2010-0665**

Water Quality Mitigation Fee (1): Amount \$22,398.12 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Offsite Coverage Mitigation Fee (2): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Posted (3): Amount \$ \_\_\_\_\_ Type \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (4): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

**Notes:**

- (1) See Special Condition 3. F, below.
- (2) Amount to be determined. See Special Condition 3. I, below.
- (3) Amount to be determined. See Special Condition 3. H, below.
- (4) \$152 if a cash security is posted, or \$135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

***SPECIAL CONDITIONS***

1. This permit specifically authorizes a new Zone 1 water storage tank, a booster pump station, access road and water lines. The allowable coverage for the parcel is 84,805 square feet and proposed coverage is 12,942 feet. Excavation shall not exceed 14.5 feet below ground surface per TRPA File# LCAP-0065-0065.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
  - A. The site plan shall be revised to include:
    - (1) New off-site land coverage being created in the public right-of-way.
    - (2) Identification of construction equipment staging, material storage and employee parking areas. Temporary BMPs shall be installed, including construction limit fencing.

- (3) Details and locations of any exterior lighting or signage.
  - (4) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
  - (5) A note indicating: "Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within in 30 feet of structures."
- B. The Permittee shall submit a final grading plan that includes details of amount of material excavated and disposal plan.
  - C. The Permittee shall submit a construction completion schedule to TRPA.
  - D. The final construction drawings shall have notes indicating conformance with TRPA color standards. Colors shall be within the approved Munsell range of natural colors that blend, rather than contrast, with the existing background of vegetation and soil colors.
  - E. The Permittee shall submit a dewatering plan. Excavation depth is approved to 14.5 feet below ground surface (TRPA File # LCAP2010-0065) and ground water could potentially be encountered. Acceptable dewatering plans include discharging to sanitary sewers or trucking the water out of the basin, consistent with standards in Chapter 64 of the TRPA Code of Ordinances.
  - F. A water quality mitigation fee of \$22,398.12 shall be paid to TRPA. This fee is based on the creation of 12,042 square feet of land coverage at a rate of \$1.86/Sq ft.
  - G. The Permittee shall submit BMP calculations (using the updated spread sheet available at [www.tahoebmp.org](http://www.tahoebmp.org)) and BMP plan which reflect contributing surfaces and drain area demonstrating that the proposed permanent BMPs are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.
  - H. The security required under Standard Condition 1.B of Attachment Q shall be equal to 110 percent of the estimated BMP costs. The security will be determined by the permittee's submittal of required Best Management Practices plan and related cost estimate, or \$5000.00, which ever is more. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
  - I. The permittee shall submit an offsite coverage mitigation fee at the rate of \$8.50 per square foot for the creation of any land coverage in the public right-of-way.

- J. The permittee shall submit a traffic control plan for traffic control during construction approved Placer County.
- K. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
- 4. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.
- 5. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
- 6. Prior to security release, the permittee shall provide photos to TRPA taken during the construction of any subsurface BMPs or of any trenching and backfilling with gravel that demonstrates the correct installation of permanent BMPs.
- 7. All work associated with this permit requiring use of heavy equipment or vehicles shall take place within existing or proposed roadways or along existing compacted dirt shoulders. Any work requiring temporary disturbance to existing vegetation or undisturbed areas shall be kept to the minimum necessary. Existing vegetated areas disturbed by construction activities shall be revegetated upon completion of project activities.
- 8. Soil stockpiles shall not be placed on top of existing vegetation. All excavated material shall be placed uphill of trench locations. All temporary stockpiles shall be contained by temporary erosion control fences or fiber roll logs (12" minimum diameter) and covered with non-permeable material at the end of the work day and /or during periods of precipitation of high winds. *Hay bales are no longer preferred for temporary erosion control and star is no longer a recommended mulch material in the Lake Tahoe Basin.*
- 9. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by temporary erosion control fences or fiber roll logs (minimum 12 inch diameter).
- 10. The establishment of equipment and/or vehicle storage areas outside of previously disturbed road shoulder is prohibited unless specifically authorized by TRPA.
- 11. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently revegetated. Temporary erosion control structures shall be removed once the site has been stabilized or revegetated.
- 12. All temporary erosion control and vegetation protection fencing shall be maintained in a functioning condition during construction staging activities and until the site is revegetated, if applicable.
- 13. Asphalt cuttings and soil tracked onto pavement shall be removed through regular sweeping at the end of each business day.

14. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
15. This site shall be winterized in accordance with the provisions of Attachment Q by October 15<sup>th</sup> of each construction season.

END OF PERMIT

Attachment C – Issues/Concerns

A. Vegetation Removal: There will be a total of 7 trees over 14 inches diameter at breast height (dbh) removed for the construction of the water tank. Of the 7 trees, one tree is a 48 inch cedar tree. The removal of this tree is necessary in order to accommodate the proposed water tank. The location of the tank was selected based on the required base elevation of the tank, the minimum number of trees to be removed, and the proximity to Canterbury Drive to minimize disturbance. Any other tank location would remove a greater number of trees.

Attachment D – Regional Plan Compliance Analysis:

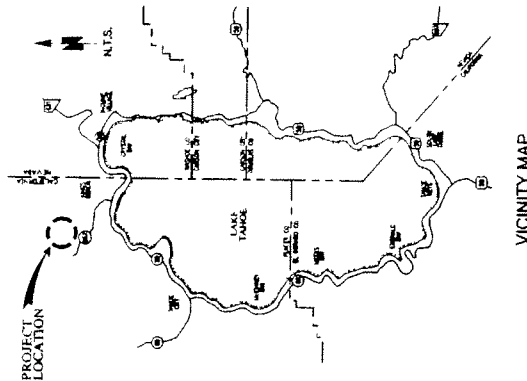
- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential impacts of the project. No significant impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement/Community Plan: The parcel is located within Plan Area Statements Kingswood East 025 and Martis Peak 019, but the proposed project will be entirely within PAS 019. The Land Use Classification for Martis Peak is Conservation with a Management Strategy of Mitigation. Local Public Health and Safety Facilities are a special use. Agency staff has reviewed the subject Plan Area Statement and has determined that the project, as conditioned in the attached permit, is consistent with the applicable planning statement, planning considerations, and special policies and is considered a special use.
- C. Land Coverage:
1. Land Capability District: The verified land capability district for the entire 393,803 square foot parcel is Class 1b, Class 4 and Class 5.
  2. Total Existing Land Coverage: 900 square feet
  3. Total Allowable Land Coverage: The base allowable land coverage for this parcel is 84,805 square feet.
  4. Total Proposed Land Coverage: The proposed land coverage is 12,942 square feet. All proposed land coverage is in Land Capability Class 5.
- D. Transportation: The project will result in less than 1(one) daily vehicle trip end (dvte). As this is an insignificant increase, an air quality mitigation fee is not required. The proposed project will not have a significant impact on area traffic or to regional and sub-regional air quality.

# ZONE 1 WATER STORAGE TANK PLACER COUNTY CALIFORNIA 2010

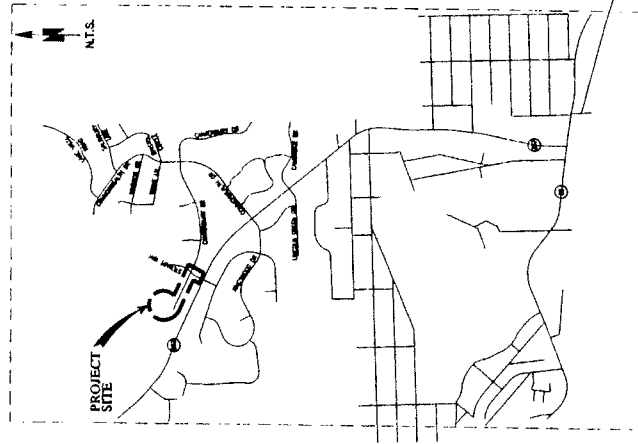
RECEIVED  
APR 26 2010  
TAHOE REGIONAL  
PLANNING AGENCY

OWNER:  
NTRUD  
NORTH TAHOE PUBLIC UTILITY DISTRICT  
1000 S. HOPKINS AVE. SUITE 111  
TAHOE VISTA, CALIFORNIA 96148  
(775) 232-0068 Fax: (775) 232-0066

ENGINEER:  
Nichols Consulting Engineers, Chid.  
Engineering & Environmental Services  
1000 S. HOPKINS AVE. SUITE 111  
TAHOE VISTA, CALIFORNIA 96148  
PH: (775) 232-0068  
FAX: (775) 232-0066



VICINITY MAP



SITE MAP

| DRAWING NO. | TITLE SHEET   | DESCRIPTION |
|-------------|---|-------------|
| C1          | NOISE LEGEND AND ABBREVIATIONS                      |             |
| C2          | BMP PLAN AND TREE REMOVAL                           |             |
| C3          | SEE GRADING PLAN                                    |             |
| C4          | PLAN AND PROFILE SW. 10450 TO 15450                 |             |
| C5          | PLAN AND PROFILE SW. 15450 TO 21450                 |             |
| C6          | RESIDUAL LOT/LEASE SECTION & PARCELS                |             |
| C7          | WALK, DRIVE & BICYCLE PLAN AND SECTIONS             |             |
| C8          | WALK, DRIVE, BICYCLE, FENCE AND DETAILS             |             |
| C9          | WALK & BIKEWAY PLAN AND SECTIONS                    |             |
| C10         | WALK & BIKEWAY PLAN AND SECTIONS                    |             |
| C11         | RESIDUAL APPURTENANCES DETAILS                      |             |
| C12         | RESIDUAL APPURTENANCES DETAILS                      |             |
| C13         | RESIDUAL ROOF APPURTENANCES DETAILS                 |             |
| C14         | WALK DETAILS  |             |
| C15         | PUMP STATION DETAILS                                |             |
| C16         | BMP DETAILS   |             |
| C17         | ELECTRICAL SYMBOLS, ABBREVIATIONS AND GENERAL NOTES |             |
| E11         | ELECTRICAL SITE PLAN                                |             |
| E21         | ELECTRICAL DETAILS 1                                |             |
| E31         | ELECTRICAL DETAILS 1                                |             |
| E42         | ELECTRICAL DETAILS 2                                |             |

### SHEET INDEX

OWNER: NORTH TAHOE PUBLIC UTILITY DISTRICT  
875 NATIONAL AVE.  
TAHOE VISTA, CALIFORNIA 96148

PROJECT NO. \_\_\_\_\_ DATE \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE: 04-19-10

TITLE SHEET

DRAWING: CI

SHEET 1 OF 21

60% SUBMITTAL  
FOR REVIEW ONLY  
NOT FOR CONSTRUCTION  
DATE: 04-19-2010

RECORD DRAWINGS NOTE  
ALL INFORMATION ON THESE PLANS HAS BEEN REVIEWED BY THE ENGINEER AND APPROVED FOR RECORD. THE ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.



ENDORSEMENTS  
DATE \_\_\_\_\_









**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

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

---

MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Resolution of Enforcement Action, Joe Pehanick, Unauthorized Addition of Coverage to a Historic Resource, 682 Lakeview Blvd., Zephyr Cove, NV, Douglas County, Assessor's Parcel Number 1318-10-310-015.

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Requested Action: Governing Board action on the proposed Settlement Agreement.

Staff Recommendation: Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Joe Pehanick ("Pehanick") agrees to pay \$30,000 to TRPA.

Required Motion: In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

A motion to approve the Settlement Agreement as set forth in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background: Joe Pehanick, the owner of the property located at 682 Lakeview Blvd., Zephyr Cove, NV, Assessor's Parcel Number 1318-10-310-015 ("Pehanick Property"), contracted with Mark Wyman to make improvements to the lakefront historic residence located on the Pehanick Property. In March 2007, TRPA staff issued a single family dwelling construction permit (TRPA File Number 20060878, "Permit") allowing expansion of the home. A year and a half later in October 2008, Pehanick submitted a plan revision for the Pehanick Property (TRPA File Number ERSP 2009-0273, "Plan Revision"), including a new rear deck and some additional changes to the original 2007 Permit.

On March 13, 2009, despite the fact that TRPA had not yet approved the Plan Revision, staff observed that Wyman had begun construction of the rear deck and other improvements to the residence. Wyman and Pehanick both allege that Robert Darney ("Darney"), Pehanick's authorized agent, told them that TRPA had approved the Plan Revision and commencement of the work was authorized by TRPA. Darney, however, disagrees with their characterization and has stated that he believes a miscommunication caused construction to commence prior to approval of the Plan Revision.

In addition to the fact that the Plan Revision had not yet been approved, the work being performed on the residence differed from the Plan Revision as submitted. After further investigation and meeting with Pehanick, Darney, and Wyman, TRPA staff found that a deck, a breezeway enclosure, and new windows and glass doors had been installed on the lakeward side of the residence that were not in accordance with the original Permit or Plan Revision awaiting TRPA approval. Pehanick has taken responsibility for the differences in the Plan Revision and the improvements as constructed and has since submitted an accurate Amended Plan Revision ("Amended Plan Revision"), which TRPA approved on June 14, 2010.

TRPA's Code prohibits the creation of coverage without a TRPA permit (Code Section 4.2). Because the original Permit did not include the constructed deck and the subsequent Plan Revision was not yet approved, Pehanick violated the Code by creating the coverage associated with the deck without TRPA's permission. TRPA's Code also prohibits the creation of coverage in excess of established limitations (Code Section 20.3). When Pehanick constructed the deck, he exceeded the maximum amount of coverage permissible on the Pehanick Property in violation of the Code. Pehanick is in the process of relocating coverage on the Property to come into compliance with TRPA regulations.

Pehanick also violated TRPA's additional regulations governing designated historic structures. Code Section 29.6 prohibits additions to historic resources without a TRPA permit, which Pehanick had not yet received when construction commenced.

Furthermore, because the unpermitted breezeway enclosure, new windows, and glass doors were added on the lakeward side of the residence, these additions and alterations were never considered by TRPA when issuing the previously approved scenic contrast rating score required by Code Section 30.15. The Amended Plan Revision has addressed these additional features visible from the Lake to TRPA's satisfaction.

During the course of the work performed on the Pehanick Property, numerous violations occurred of both TRPA's Code and the approved Permit conditions. Staff recommends that Pehanick makes a settlement payment of \$30,000.

Regional Plan Compliance: The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Supporting evidence for making the determination of a violation includes the violation file and photographs of the site. These documents are in TRPA's possession and may be reviewed at the TRPA Offices.

If you have any questions, please contact Steve Sweet, Senior Environmental Specialist at [ssweet@trpa.org](mailto:ssweet@trpa.org) or 775-589-5250.

Attachments:  
Settlement Agreement (Attachment A)



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

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

## **ATTACHMENT A** **PROPOSED SETTLEMENT AGREEMENT**

This Settlement Agreement is made by and between Joe Pehanick (“Pehanick”), General Partner, High Pockets LP and the Tahoe Regional Planning Agency (“TRPA”).

This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In March 2007, TRPA staff issued a single family dwelling construction permit (TRPA File Number 20060878) to expand the lakefront historic residence at 682 Lakeview Blvd., Zephyr Cove, NV, Assessor’s Parcel Number 1318-10-310-015 (“Pehanick Property”). In October 2008, Rob Darney (“Darney”), Pehanick’s authorized agent, submitted a plan revision to the 2007 Permit (TRPA File Number ERSP 2009-0273), including a new rear deck and additional minor changes to the residence.

On March 13, 2009, despite the fact that TRPA had not yet approved the 2008 plan revision, TRPA staff observed construction of the rear deck and minor additions to the residence. After further investigation and meeting with Pehanick, Darney, and Mark Wyman (“Wyman”), the contractor hired by Pehanick, TRPA staff found that a deck, a breezeway enclosure, and new windows and glass doors had been installed on the lakeward side of the residence. TRPA also discovered that the commenced construction did not conform to the submitted plan revision that was still pending with TRPA. Wyman and Pehanick both claim that Darney directed them to start the work. Darney disagrees with their characterization and has stated that he believes a miscommunication between he, Pehanick, and Wyman caused construction to commence prior to the approval of the plan revision.

By beginning construction prior to receiving an approved plan revision and performing work that did not conform to the plan revision, the project was in violation of the TRPA Code of Ordinances and conditions of the 2007 permit.

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Pehanick shall pay TRPA \$30,000 within 30 days of Governing Board approval of this Settlement Agreement.
2. Pehanick shall restore the Property pursuant to a TRPA-approved plan revision for TRPA Permit No. ERSP 2009-0273.

3. If Pehanick fails to comply with all actions required by this Settlement Agreement, Pehanick confesses to judgment against him and in favor of TRPA in the amount of \$60,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Pehanick also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$60,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Pehanick with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
4. Once Pehanick has fully complied with all of the terms herein, TRPA shall release Pehanick of all claims arising out of his failure to follow TRPA procedures prior to commencement of the project described in this Settlement Agreement.

Pehanick has read this Settlement Agreement and understands all of its terms. Pehanick has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledge that the above-described activities constitute a violation of TRPA regulations. Pehanick agrees to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
Joe Pehanick, General Partner  
High Pockets LP

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joanne S Marchetta, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date

MEMORANDUM

Date: July 21, 2010

To: TRPA Governing Board

From: TRPA Staff

Subject: Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) Funds (\$265,459) and FY 2010-2011 Local Transportation Funds (LTF) (\$444,343) to the City of South Lake Tahoe for Operating Expenses of the BlueGO Transit System

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**Requested Action:** Governing Board adoption of the attached resolutions (Attachment A and B) approving the release of State Transit Assistance (STA) funds (Attachment A) and Local Transportation Funds (LTF) (Attachment B) to the City of South Lake Tahoe to be used for operating assistance for the BlueGO Transit System.

**Staff Recommendation:** Staff recommends the Governing Board adopt the attached resolutions approving the release of the following funding to the City of South Lake Tahoe: FY 2009-2010/2010-2011 STA funds in the amount of \$265,459 (Attachment A); and FY 2010-2011 LTF in the amount of \$444,343 (Attachment B).

**Required Motion:** In order to adopt the proposed resolutions, the Board must make the following motion, based on this staff summary and the evidence in the record:

1. A motion to approve the proposed resolutions (Attachment A and Attachment B).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

**Background:** As the designated Regional Transportation Planning Agency (RTPA) for the California portion of the Tahoe Region, TRPA has the responsibility for administering the funds that are provided by the Transportation Development Act (TDA). TDA provides two sources of funds, which are intended to support and develop transportation services. These funds are the LTF and the STA fund.

LOCAL TRANSPORTATION FUND (LTF) ALLOCATION

TDA legislation (SB325) provides a source of financial support for public transportation by allowing counties to impose a one-quarter percent sales tax. The revenue collected from the tax is returned to the county of origin to be redistributed on a population basis. These funds are deposited in a local transportation fund. RTPAs administer these funds within their areas of jurisdiction. Local transportation funds are allocated by the RTPAs for use in the counties based upon the priorities set by the TDA.

The first priority for the use of LTF monies is to support the RTPA's cost of administering the TDA program. The second priority allows up to three percent (3%) of the TDA funds to be allocated to the RTPAs for transportation planning and programming purposes. Third priority for the use of these funds allows a portion to be set aside for bicycle and pedestrian facilities. After these priorities, claims may be filed by transit operators for operating costs or capital requirements; by cities or counties for transit services provided under contract; or by cities and counties for streets and roads, if no unmet transit needs which are reasonable to meet exist in the claimant's jurisdiction.

As required by the TDA, the El Dorado County and Placer County Auditor/Controller Office has notified TRPA of those LTF monies apportioned for allocation in the El Dorado County and Placer County portion of the Tahoe Basin for transit operations. These monies are available to the City of South Lake Tahoe for BlueGO fixed route and paratransit operations, El Dorado County for BlueGO demand responsive and paratransit operations and Placer County for Tahoe Area Regional Transit (TART) fixed route and paratransit operations.

Following the priorities set by the TDA, TRPA has allocated LTF monies for its costs of administering the TDA programs in the Region. These costs are prorated to the City of South Lake Tahoe, El Dorado County, and Placer County. TRPA has also allocated a portion of the available LTF monies for its transportation planning and administrative functions.

Approximately \$444,343 in FY 2010-2011 LTF is available to the City of South Lake Tahoe. The City has submitted a claim to TRPA for this money, which will be programmed to cover operating costs of the BlueGO transit system.

TRPA will process its claim for LTF, for administrative and planning expenses, at a later date.

#### STATE TRANSIT ASSISTANCE (STA) ALLOCATION

The STA fund program was created under Chapter 161 of the Statutes of 1979 (SB 620). Funds from the program are derived from the statewide sales tax program. The money is appropriated to the Secretary of Business, Transportation and Housing Agency for allocation by formula to each RTPA. As a result of the recent economic situation in the State of California, the State Transit Assistance fund was temporarily eliminated during the past year. Action was recently taken that effectively reinstated STA funding.

TRPA has been notified by the California State Controller's Office that \$508,575 in STA funding is available for programming within the Tahoe Region. Of this amount, \$265,459 is available to the City of South Lake Tahoe. This funding is intended to cover both FY 2009-2010 and FY 2010-2011, although it was not made available until the last week of June 2010. No additional monies will be made available during FY 2010-2011.

TRPA has received a claim from the City for \$265,459 in STA funds. The funds will be used to offset operating expenses of the BlueGO transit system.

Staff has reviewed the claims submitted by the City of South Lake and finds that the claims are consistent with TDA rules and regulations. The services to be provided



through the use of these monies are also consistent with the TRPA/Tahoe Metropolitan Planning Organization (TMPO) Regional Transportation Plan.

Issues/Concerns: The proposed allocation of TDA funding allocation does not have any known issues or concerns.

Regional Plan Compliance: The proposed allocations of funds comply with all requirements of the State of California TDA rules and regulations, and the objectives of the TRPA Regional Plan Goals and Policies.

Contact Information: If there are any questions regarding this agenda item, please contact Bridget Cornell at 775-589-5218 or by email at [bcornell@trpa.org](mailto:bcornell@trpa.org).

Attachments:

- A. Resolution 2010- Allocating FY 2009-2010/2010-2011 STA Funds to the City of South Lake Tahoe
- B. Resolution 2010- Allocating FY 2010-2011 LTF Funds to the City of South Lake Tahoe

TAHOE REGIONAL PLANNING AGENCY. SITTING AS THE  
REGIONAL TRANSPORTATION PLANNING AGENCY  
RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION ALLOCATING FY 2009-2010/ 2010-2011  
STATE TRANSIT ASSISTANCE (STA) (\$265,459)  
TO THE CITY OF SOUTH LAKE TAHOE  
FOR OPERATING EXPENSES OF THE BLUEGO TRANSIT SYTEM

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Lake Tahoe Region, and is responsible for allocating State Transit Assistance (STA) for the Tahoe Region; and

WHEREAS, the STA fund is a discretionary fund and may be allocated at the discretion of the RTPA for public transportation purposes; and

WHEREAS, there are FY 2009-2010/2010-2011 STA funds in the amount of \$508,575 available for eligible claimants in the Tahoe Region; and

WHEREAS, TRPA has received an application for STA funds from the City of South Lake Tahoe to provide operational assistance to the BlueGO transit system that serves the South Shore area of the Lake Tahoe Region; and

WHEREAS, the required findings of Article 5, Section 6754 of the Transportation Development Act Rules and Regulations have been made as follows:

Subsection 6754 (a)

1. The claimant's proposed expenditures are in conformance with the Regional Transportation Plan.
2. Fares charged by the transit claimant are sufficient to meet farebox ratio requirements applicable to the claimant.
3. The claimant is making full use of federal funds available under Urban Mass Transportation Act of 1964, as amended.
4. The sum of the claimant's allocations from LTF and STA funds does not exceed the amount the claimant is eligible to receive.
5. Priority consideration was given to claims to offset reductions in federal operating assistance and unanticipated increased costs for fuel, to enhance existing public transportation services, and to meet high priority regional public transportation needs.

Subsection 6754(b)

1. The operator has made a reasonable effort to implement any recommended productivity improvements.
2. The operator is not precluded from employing part-time drivers or from contracting with common carriers of persons operating under a franchise or license.
3. The claimant has submitted certification that the claimant is in compliance with Section 1808.1 of the Vehicle Code.

NOW THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, authorizes the release of FY 2009-2010/2010-2011 STA funds in the amount of \$264,459 to the City of South Lake Tahoe to provide for operating assistance of the BlueGO transit system.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, at its regular meeting held on July 28, 2010, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Allen Biaggi, Chair  
Tahoe Regional Planning Agency Governing Board

TAHOE REGIONAL PLANNING AGENCY. SITTING AS THE  
REGIONAL TRANSPORTATION PLANNING AGENCY  
TRPA RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION ALLOCATING FY 2010-2011  
LOCAL TRANSPORTATION FUNDS TO THE CITY OF SOUTH LAKE TAHOE

---

WHEREAS, the Tahoe Regional Planning Agency (TRPA) was designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the Tahoe Region; and

WHEREAS, as the RTPA, TRPA has the responsibility for allocating the Local Transportation Funds (LTF) for the Tahoe Region; and

WHEREAS, the amount of Local Transportation Funds available for allocation during FY 2010-2011 to the City of South Lake Tahoe is \$444,343; and

WHEREAS, TRPA has received a claim from the City of South Lake Tahoe for the allocation of these funds; and

WHEREAS, the claim submitted by the City of South Lake Tahoe was reviewed and found to be consistent with the Transportation Development Act Rules and Regulations; and

WHEREAS, the provision of public transportation services by the City of South Lake Tahoe is consistent with TRPA Regional Transportation Plan Goals and Policies.

NOW THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, authorizes the release of FY 2010-2011 LTF funds in the amount of \$444,343 to the City of South Lake Tahoe to provide for operating assistance of the BlueGO transit system.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, at its regular meeting held on July 28, 2010, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Allen Biaggi, Chair  
Tahoe Regional Planning Agency Governing Board

MEMORANDUM

Date: July 21, 2010

To: TRPA Governing Board

From: TRPA Staff

Subject: Allocation of FY 2009-2010/2010-2011 State Transit Assistance (STA) Funds (\$149,166) to Placer County for Operating Expenses of the Tahoe Area Regional Transit (TART) System

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**Requested Action:** Governing Board adoption of the attached resolution (Attachment A) approving the release of FY 2009-2010/2010-2011 State Transit Assistance (STA) funds to Placer County in the amount of \$149,166 to be used for operating assistance for the Tahoe Area Regional Transit (TART) system.

**Staff Recommendation:** Staff recommends the Governing Board adopt the attached resolution (Attachment A) approving the allocation of FY 2009-2010/2010-2011 STA to Placer County.

**Required Motion:** In order to adopt the proposed resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

1. A motion to approve the proposed resolution (Attachment A).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

**Background:** TRPA was designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Lake Tahoe Region. Under this designation, TRPA is responsible for the administration of the Transportation Development Act (TDA) funds that are made available to support public transportation services. There are two sources of funds provided by the TDA: the Local Transportation Fund (LTF), and the State Transit Assistance (STA) fund.

The STA fund program was created under Chapter 161 of the Statutes of 1979 (SB 620). Funds from the program are derived from the statewide sales tax program. The money is appropriated to the Secretary of Business, Transportation and Housing Agency for allocation by formula to each RTPA. As a result of the recent economic situation in the State of California, the State Transit Assistance fund was temporarily eliminated during the past year. Action was recently taken that effectively reinstated STA funding.

TRPA has been notified by the California State Controller's Office that \$508,575 in STA funding is available for programming within the Tahoe Region. Of this amount, \$149,166

is available to Placer County. Staff recommends the allocation of STA funds based on the TDA Rules and Regulations and the objectives of the Regional Transportation Plan for the Lake Tahoe Region.

Placer County has submitted a claim for STA funds in the amount of \$149,166 for operational support of the TART public transit system operated by Placer County in the North Shore area of the Lake Tahoe Region. TRPA staff has reviewed the claim submitted by Placer County. The claim is consistent with the Transportation Development Act Rules and Regulations, and is consistent with the Goals and Policies of the Regional Transportation Plan. The findings of Subsection 6754(a) and (b) have been made as identified in the Resolution.

Issues/Concerns: The proposed allocation of STA funds to Placer County does not have any known issues or concerns.

Regional Plan Compliance: The proposed allocation of funds complies with all requirements of the State of California TDA rules and regulations and will help to further the objectives of the TRPA Regional Plan Goals and Policies.

Contact Information: If there are any questions regarding this agenda item, please contact Bridget Cornell at (775) 589-5218 or bcornell@trpa.org.

Attachment:

- A. Resolution 2010-Allocating FY 2009-2010/2010-2011 STA Funds to Placer County

TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE  
REGIONAL TRANSPORTATION PLANNING AGENCY  
RESOLUTION NO. 2010 -

A RESOLUTION AUTHORIZING THE RELEASE OF  
FY 2009-2010/2010-2011 STATE TRANSIT ASSISTANCE FUNDS (\$149,166)  
TO PLACER COUNTY FOR OPERATING EXPENSES OF THE  
TAHOE AREA REGIONAL TRANSIT (TART) SYSTEM

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Lake Tahoe Region, and is responsible for allocating State Transit Assistance (STA) for the Tahoe Region; and

WHEREAS, the STA fund is a discretionary fund and may be allocated at the discretion of the RTPA for public transportation purposes; and

WHEREAS, there are STA funds in the amount of \$508,575 available for eligible claimants in the Tahoe Region for FY 2009-2010 and 2010-2011; and

WHEREAS, TRPA has received an application for STA funds from Placer County to provide operational assistance to the Tahoe Area Regional Transit (TART) system for service in the Tahoe Region; and

WHEREAS, the required findings of Article 5, Section 6754 of the Transportation Development Act Rules and Regulations have been made as follows:

Subsection 6754 (a)

1. The claimant's proposed expenditures are in conformance with the Regional Transportation Plan.
2. Fares charged by the transit claimant are sufficient to meet farebox ratio requirements applicable to the claimant.
3. The claimant is making full use of federal funds available under Urban Mass Transportation Act of 1964, as amended.
4. The sum of the claimant's allocations from LTF and STA funds does not exceed the amount the claimant is eligible to receive.
5. Priority consideration was given to claims to offset reductions in federal operating assistance and unanticipated increased costs for fuel, to enhance existing public transportation services, and to meet high priority regional public transportation needs.

Subsection 6754(b)

1. The operator has made a reasonable effort to implement any recommended productivity improvements.
2. The operator is not precluded from employing part-time drivers or from contracting with common carriers of persons operating under a franchise or license.
3. The claimant has submitted certification that the claimant is in compliance with Section 1808.1 of the Vehicle Code.

NOW THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, authorizes the release of FY 2009-2010/2010-2011 STA funds in the amount of \$149,166 to Placer County to provide for operating assistance of the TART system.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, at its regular meeting held on July 28, 2010, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Allen Biaggi, Chair  
Tahoe Regional Planning Agency Governing Board





MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Resolution Adopting the FY 2010 Federal Transit Administration 5311 Program of Projects for California

Requested Action: Governing Board adoption of the attached resolution (Attachment A) approving the Fiscal Year 2010 Federal Transit Administration FTA 5311 Program of Projects (POP) for California.

Staff Recommendation: Staff recommends the Governing Board adopt the attached resolution (Attachment A) approving the Fiscal Year 2010 FTA 5311 Program of Projects (POP) allocations. Any change in the final apportionment shall be adjusted according to the following percentages for each service; South Tahoe Area Transit Authority—69% and Placer County—31%.

Required Motion: In order to adopt the proposed resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

1. A motion to approve the proposed resolution (Attachment A).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background: In order for a service within the Regional Transportation Planning Agency (RTPA) to receive a Section 5311 Grant, the project must be included in the Regional Program of Projects, which is submitted by TRPA to Caltrans for approval. This year, the estimated allocation that TRPA has received from Caltrans is \$133,854 of Section 5311 funds. The percentage distribution of 5311 funds was derived by utilizing the Tahoe Transportation District (TTD) approved annual formula based on percentage of Vehicle Service Hours (VSH), percentage of Vehicle Service Miles (VSM), and percentage of Population.

In addition to the apportioned 5311 funding, the FY 2010 POP includes \$400,000 of Congestion Mitigation-Air Quality (CMAQ) funding proposed to be “flexed” to the 5311 program. Flex CMAQ funds allow for the transfer of CMAQ funding to the 5311 program between the Federal Highway Administration and Federal Transit Administration. The \$400,000 will provide operating assistance to STATA’s BlueGO transit service.

Issues/Concerns: There are no known issues or concerns with the document.

Regional Plan Compliance: The proposed resolution complies with all requirements of the TRPA Goals and Policies and Regional Transportation Plan.

Contact Information: If there are any questions regarding this agenda item, please contact Nick Haven at (775) 589-5256 or nhaven@trpa.org.

Attachments:

- A. Resolution 2010-\_\_\_\_\_
- B. Caltrans Program of Projects Application

TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE  
REGIONAL TRANSPORTATION PLANNING AGENCY  
RESOLUTION NO. 2010 -

RESOLUTION ADOPTING THE FY 2010 FEDERAL TRANSIT ADMINISTRATION  
5311 PROGRAM OF PROJECTS FOR CALIFORNIA

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311, and Congestion Mitigation Air Quality Grant Funds available for transit assistance for non-urbanized areas for use to support public transit agencies; and

WHEREAS, the TRPA, as the RTPA has submitted a request for programming of transit operating assistance for South Tahoe Area Transit Authority and Placer County; and

WHEREAS, these funds are essential in providing dependable transit service in the Lake Tahoe Basin; and

WHEREAS, these funds are consistent with the TRPA Regional Transportation Plan for the Lake Tahoe Region; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, that the State of California Federal Transit Administration Fiscal Year 2010 Program of Projects, available to non-urbanized areas, be programmed for use by South Tahoe Area Transit Authority and Placer County to support the local public transit systems.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, at its regular meeting held on July 28, 2010, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Allen Biaggi, Chair  
Tahoe Regional Planning Agency Governing Board

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF MASS TRANSPORTATION  
Rural Transit and Procurement Branch**

**FEDERAL TRANSIT ADMINISTRATION (FTA)  
SECTION 5311 REGIONAL PROGRAM OF PROJECTS (POP)  
FEDERAL FISCAL YEAR 2010**



**All POP's and Applications are due to the District Transit Representative (DTR) by May 15 2010.**

*Regional Program of Projects (POP) receives final approval from Department of Transportation's Division of Mass Transportation (DMT). The DTR will notify the subrecipient of approval of programming in this cycle.*



County/Region: El Dorado-Placer/Tahoe Basin District: 3  
 Original Submission Date: 12/29/2009 Revision No. \_\_\_\_\_ Revision Submission Date: \_\_\_\_\_

**FEDERAL FISCAL YEAR 2010**  
**Section 5311 Program of Projects (POP)**

**(A) Available Funding:**

|  |                |                |
|--|----------------|----------------|
|  | Carryover: (+) | _____          |
| <i>Estimated</i> Apportionment [FFY 2010]: (+) |                | <u>133,854</u> |
| <b>(A) TOTAL FUNDS AVAILABLE:</b> =            |                | <u>133,854</u> |

**(B) Programming (POP): Complete Parts I and II**

|   |  |                      |
|---|--|----------------------|
|   |  | <i>Federal Share</i> |
| Part I. Operating Assistance - Total: (+) |  | <u>133,854</u>       |
| Part II. Capital - Total: (+)             |  | _____                |
| <b>(B) Total [Programmed]: (=)</b>        |  | <u>133,854</u>       |

**(C) Balance**

|                                |  |                      |
|--------------------------------|--|----------------------|
|                                |  | <i>Federal Share</i> |
| (A) Total Funds Available: (+) |  | <u>133,854</u>       |
| (B) Total [Programmed]: (-)    |  | <u>133,854</u>       |
| <b>* Balance: (=)</b>          |  | <u>0</u>             |

**\*BALANCE – Regional Apportionment Funds ONLY:**

- Please Note -
  - funds must be programmed in subsequent year
  - final approval to be determined by the Department
- Request/Letter to carryover funds should include -
  - justification for programming postponement
  - purpose and project plan
  - letter of support from local Transportation Planning Agency

**(D) Flexible Funds: Complete Part III (For reference only).**

|   |  |                      |  |                      |   |  |                |
|---|--|----------------------|--|----------------------|---|--|----------------|
| Request for transfer will be applied for <u>directly</u> through the District - Local Assistance District Engineer, and Headquarters, Division of Local Assistance. Division of Mass Transportation will receive a conformation once the transfer is completed. | <table border="0"> <tr> <td></td> <td></td> <td align="right"><i>Federal Share</i></td> </tr> <tr> <td><b>(D) Part III. Flex Fund - Total:</b></td> <td></td> <td><u>400,000</u></td> </tr> </table> |                      |  | <i>Federal Share</i> | <b>(D) Part III. Flex Fund - Total:</b> |  | <u>400,000</u> |
|   |  | <i>Federal Share</i> |  |                      |   |  |                |
| <b>(D) Part III. Flex Fund - Total:</b>   |  | <u>400,000</u>       |  |                      |   |  |                |

***FUNDING SUMMARY***

|  |            | <i>Federal Share</i>  |
|--|------------|-----------------------|
| (B) Regional Apportioned - Total [Programmed]: | (+)        | <u>133,854</u>        |
| (D) Flex Fund - Total:                         | (+)        | <u>400,000</u>        |
| <b>GRAND TOTAL [Programmed]:</b>               | <b>(=)</b> | <b><u>533,854</u></b> |

Contact Person/Title: Bridget Cornell/Transportation Planner  
Phone Number: 775-589-5218

Date: 7/16/2010

**Statewide Transportation Improvement Program (STIP) –**

All federal funds to be used for transit projects must be included in a federally approved STIP. A Transportation Planning Agency (TPA) must ensure that Section 5311 projects are included in the Department of Transportation’s (Department) Statewide Transportation Federal Improvement Program (FSTIP), which is jointly approved by the Federal Highway Administration (FHWA) and FTA.

A copy of the federally approved STIP Page must be attached for all projects to be programmed through the Section 5311 program. The project description and associated dollar amounts must be consistent with the federally approved STIP information.

**Metropolitan Planning Organizations (MPOs)** are responsible for programming projects within their jurisdiction. Upon receiving the POPs from the Districts, Rural Transit & Procurement staff will submit **Non-MPO / Rural Transportation** organizations projects directly to the Department’s Division of Transportation Programming for inclusion into the FSTIP.

For further guidance see the Department’s Division of Transportation Programming website:  
<http://www.dot.ca.gov/hq/transprog/fedpgm.htm>

**PART I. Regional Apportionment - Operating Assistance**

***For all Operating Projects - a complete application MUST be submitted with this POP.***

| Project Description                  |   |      |                                    |                  |                | STIP Information              |                                 |  |
|--------------------------------------|---|------|------------------------------------|------------------|----------------|-------------------------------|---------------------------------|--|
| SUBRECIPIENT                         |   | FY   | TIME PERIOD                        | NET PROJECT COST | FEDERAL SHARE  | Document No (or) Amendment No | Document Year (or) Amended Year | FHWA/FTA Federally Approved TIP (date) |
| 1.                                   | South Tahoe Area Transit Authority        | 2010 | October 1, 2009-September 30, 2010 | 3,055,607        | 92,992         | MPO ID: TRANS01               | 2008                            | 1/26/08                                |
| 2.                                   | Placer County/Tahoe Area Regional Transit | 2010 | October 1, 2009-September 30, 2010 | 2,613,443        | 40,862         | MPO ID: TRANS01               | 2008                            | 1/26/08                                |
| 3.                                   |   |      |                                    |                  |                |                               |                                 |  |
| 4.                                   |   |      |                                    |                  |                |                               |                                 |  |
| <b>Operating Assistance – TOTAL:</b> |   |      |                                    | <b>5,669,050</b> | <b>133,854</b> |                               |                                 |  |

**PART II. Regional Apportionment – Capital**

***For all Capital Projects - a complete application MUST be submitted with this POP.***

| Project Description     |                     |                           |                  |               | STIP Information – MPOs Only  |                                 |  |
|-------------------------|---------------------|---------------------------|------------------|---------------|-------------------------------|---------------------------------|--|
| SUBRECIPIENT            | PROJECT DESCRIPTION | ESTIMATED COMPLETION DATE | NET PROJECT COST | FEDERAL SHARE | Document No (or) Amendment No | Document Year (or) Amended Year | FHWA/FTA Federally Approved TIP (date) |
| 1.                      |                     |                           |                  |               |                               |                                 |  |
| 2.                      |                     |                           |                  |               |                               |                                 |  |
| 3.                      |                     |                           |                  |               |                               |                                 |  |
| 4.                      |                     |                           |                  |               |                               |                                 |  |
| <b>Capital – TOTAL:</b> |                     |                           |                  |               |                               |                                 |  |



**PART III. FLEX FUNDS (i.e. CMAQ, STP, or Federalized STIP\*) if applicable**

**For Flex Fund Projects - a complete application MUST be submitted with this POP. \*Federalized STIP projects must complete CTC allocation process.**

| Project Description       |                                       |                     |  |                     | STIP Information – MPOs Only |                                  |                                       |   |
|---------------------------|---------------------------------------|---------------------|--|---------------------|------------------------------|----------------------------------|---------------------------------------|---|
| SUBRECIPIENT              |                                       | PROJECT DESCRIPTION | a. Fund Type<br>b. FTIP Page<br>(Attached) | NET PROJECT<br>COST | FEDERAL SHARE                | Document No (or)<br>Amendment No | Document Year<br>(or)<br>Amended Year | FHWA/FTA<br>Federally<br>Approved TIP<br>(date) |
| 1.                        | South Tahoe Area<br>Transit Authority | 2010                | CMAQ                                       | 485,600             | 400,000                      | MPO ID:<br>TRANS01               | 2008                                  | 1/26/08   |
| 2.                        |                                       |                     |  |                     |                              |                                  |                                       |   |
| 3.                        |                                       |                     |  |                     |                              |                                  |                                       |   |
| 4.                        |                                       |                     |  |                     |                              |                                  |                                       |   |
| <b>Flex Fund - TOTAL:</b> |                                       |                     |  | 485,600             | 400,000                      |                                  |                                       |   |

**PART IV. Vehicle Replacement Information**

State Contract     Local Purchase

| Vehicle Description |                      |           |        |        |                 |                     |                  |
|---------------------|----------------------|-----------|--------|--------|-----------------|---------------------|------------------|
| Type                | Number of Passengers | Fuel Type | Length | VIN. # | In Service Date | Current/End Mileage | Disposition Date |
|                     |                      |           |        |        |                 |                     |                  |
|                     |                      |           |        |        |                 |                     |                  |
|                     |                      |           |        |        |                 |                     |                  |
|                     |                      |           |        |        |                 |                     |                  |
|                     |                      |           |        |        |                 |                     |                  |

**INSTRUCTIONS**

**PART I – Operating Assistance**

- Do not list previously approved projects (i.e. projects listed in a prior grant).
- Funding split: 44.67% Local Share and 55.33% Federal Share.
- Third Party Contract Requirement – all third party contracts must contain federal clauses required under FTA Circular 4220.1E and approved by the State.
- May apply for two years, but each year must be listed separately.
- Net project cost does not include ineligible cost (i.e. farebox, other revenues, etc.).

**PART II – Capital**

- **All** vehicles procured with Section 5311 program funds must be ADA accessible regardless of service type (fixed route or demand-response service).
- Capital projects must contain a full description of project: A PRELIMINARY ENVIRONMENTAL SURVEY (PES) is required for Capital projects other than vehicle procurement.(i.e. facility or shelter - include specifics, planning studies, preventative maintenance). The PES does not satisfy the requirements for environmental review and approval.
- Funding split: 11.47% Local Share and 88.53% Federal Share.

- Procurement Contract Requirement – all documents used for procuring capital projects must contain federal clauses required under FTA Circular 4220.1E and approved by the State prior to bid release.

Fiscal Year 2010 project applications **must be submitted to the DTR by no later than: March 15, 2010**. If an application is not received by June 30, 2010, programmed funds will not be available for reprogramming by the region or county.

**PART III. Section 5311 FLEXIBLE FUNDS [i.e. CMAQ, STP, or Federalized STIP\*] if applicable:**

- Request for transfer will be applied for directly through the District - Local Assistance District Engineer, and Headquarters, Division of Local Assistance. Division of Mass Transportation will receive a conformation once the transfer is completed.
- Federalized STIP\* projects must provide California Transportation Commission allocation date of approval. **All CTC allocation activities must be completed for a project to be included in this grant.**
- Funding split: 11.47% Local Share and 88.53% Federal Share. CMAQ may be funded up to 100% at the discretion of the Regional Planning Agency/MPO.
- HQs RTP Liaison will initiate flexible fund transfers.

**PART III. Vehicle Replacement**

- For each vehicle identified as replacement and or expansion of fleet in sections II and/or III the following information is required, type (van, bus, trolley, type 1, 2, 3, 4, etc), vehicle identification number (VIN #), vehicle length (i.e. 35 ft.), passenger capacity, fuel type, in service date, current/end mileage, disposition date; procurement type (i.e. State contract, local procurement).

**FEDERAL FISCAL YEAR 2010: All CAPITAL (regional and flexible) funded projects** - a complete 5311 application is required at the time a POP is submitted. **POP and application should be submitted to the DTR by March 31, 2010**. Part II of the application (Regional Certifications and Assurances) must be complete (i.e. signature, specific project programming information).





MEMORANDUM

Date: July 21, 2010  
To: Tahoe Metropolitan Planning Organization (TMPO) Governing Board  
From: TMPO Staff  
Subject: TMPO Public Participation Plan (PPP) Amendment #1

---

Requested Action: Governing Board approval of the TMPO Public Participation Plan Amendment #1.

Staff Recommendation: Staff recommends the Governing Board approve the TMPO Public Participation Plan Amendment #1.

TTC Recommendation: At the July 9, 2010 Tahoe Transportation Commission (TTC) meeting, the Commission endorsed the PPP Amendment #1 and recommended TMPO Governing Board approval.

Required Motion: In order to approve the proposed Amendment, the Board must make the following motion, based on this staff summary and the evidence in the record:

- 1) A motion to approve the PPP Amendment #1 (Attachment A).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background: It was necessary to formally amend the PPP in order to create a more efficient public involvement process for the Federal Transportation Improvement Program (FTIP) and the Regional Transportation Plan (RTP), and to include California Senate Bill 375 (SB 375) requirements. The changes related to the FTIP, RTP, and SB 375 are summarized below, and the full text of the changes are included in Attachment A.

- **FTIP**  
Currently, there is a minimum 30-day public comment period for relatively small or routine amendments to the FTIP. The current approval process, in some instances, can delay project funding and jeopardize funding approval. Staff has consulted with other MPOs regarding their FTIP amendment processes and developed new language to allow a shorter comment period for amendments that rely on the existing air quality conformity analysis or are exempt from conformity.

- **RTP**  
SAFETEA-LU does not specify a required time period for public comment on amendments on the RTP, and this is not currently specified in the PPP. The new language specifies a time period for amendments consistent with the FTIP language.
- **SB375**  
Senate Bill 375 requires MPOs to adopt a Sustainable Communities Strategy (SCS) as part of the RTP. The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network will reduce greenhouse gas emissions from automobiles and light trucks to achieve greenhouse gas emission reduction targets approved by the California Air Resources Board. The new language in the PPP includes public involvement elements on the development and general outreach associated with the SCS.

Staff held a 45-day public comment period which closed June 28, 2010 to amend the TMPO Public Participation Plan. No comments on the proposed amendment were received.

Issues/Concerns: There are no known issues or concerns with the amendments.

Regional Plan Compliance: The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information: If you have any questions or comments regarding this item, please contact Karen Fink at (775) 589-5204 or Judy Weber at (775) 589-5203.

Attachment:

- A. Amended pages of Public Participation Plan

Recommended modifications: Additions are bolded and italicized, while deletions are stricken.

## TMPO Public Participation Plan, FTIP Section, Page 27 (2008 PPP)

### *Transportation Improvement Program*

#### Public Input Opportunities

- Public input for the development of the TIP will be held through TTC meetings. All interested parties will be provided with a reasonable opportunity to comment on the TIP and the TMPO will provide at least one formal public meeting during the TIP development process to solicit public input. The meetings will be held in central locations that are ADA accessible, during the regularly scheduled Friday morning meetings of the TTD and TTC.
- Public review of Draft TIP. There will be a minimum 30-day public comment period on the draft TIP. Public comment will be accepted at regularly scheduled TTC meetings and through e-mail, written mail, and fax. If the final TIP differs significantly from the draft made available for public comment, an additional 10-day public comment period will be added for review. The Final TIP will be presented to the TMPO Governing Board for formal adoption.
- Approved Administrative Modifications to the FTIP will be available to the public via the TMPO website. Hard copies of the amendment will be available upon request.
- TIP Amendments will be presented at the TTC for review and comments. There will be ***a minimum seven-day*** or ***maximum 30-day*** public review period ***depending on the type of amendment***. All comments will be assessed and documented. Amendments will be presented to the TMPO Governing Board for final adoption. ***Amendments will be noticed and available on the TMPO Website.***

#### ***Amendment Types:***

- ***Amendments requiring a New Air Quality Conformity Analysis: thirty-day public review and comment period***
- ***Amendments that rely on the Existing Air Quality Conformity Analysis: seven-day public review and comment period***
- ***Amendments containing only Exempt projects requiring no additional Air Quality Conformity Determination: seven-day public review and comment period.***

TMPO Public Participation Plan, RTP Section, Page 27 (2008  
PPP)

Public Involvement Procedures Specific to TMPO Documents

***Regional Transportation Plan (including SCS/APS (Alternative Planning Strategy) development)***

Public Input Opportunities

- Public workshops. ***At least one workshop shall be held in each county in the region*** a minimum two public workshops will be held for development of the ***SCS and RTP***, one in the South Shore area of Lake Tahoe, and one in the North Shore. The workshops will be held in central locations that are ADA accessible and accessible by transit and paratransit to the extent feasible. Workshops targeted to the Latino community will be held separately. ***Each workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the sustainable communities strategy.***
- Public review of Draft RTP. There will be a minimum 30-day public comment period on the draft RTP. ***The Draft RTP, including the SCS, shall be circulated not less than 55 days before adoption of a final RTP.*** Public comment will be accepted through e-mail, written mail, and fax. If the final RTP differs significantly from the draft made available for public comment, an additional 10-day public comment period will be added for review. ***There will be a minimum of two public hearings on the draft sustainable communities strategy in the regional transportation plan. To the maximum extent feasible, the hearings shall be in different parts of the region.***
- Amendments and Administrative Modifications. ***RTP amendments that trigger a conformity analysis will require a thirty-day public review period. Amendments or modifications which do not trigger a conformity analysis will require a seven-day public review period.***



## TMPO Public Participation Plan, SB 375 substantive changes

### Page 7, Planning Factors

In addition, ***in accordance with both federal and state regulations***, the MPO planning process shall:

- Include a proactive public involvement process;
- Be consistent with Title VI of the Civil Rights Act of 1964;
- Identify actions necessary to comply with the Americans with Disabilities Act of 1990;
- Provide for the involvement of traffic, ridesharing, parking, transportation safety and enforcement agencies, commuter rail operators, airport and port authorities, appropriate private transportation providers, ***congestion management agencies, other transportation agencies and commissions***, and, where appropriate, city officials;
- Provide for the involvement of local, state and federal environmental, resource and permit agencies as appropriate.
- ***Provide for the involvement of affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations;***

### Page 11, State Requirements for Public Participation

***The State of California is taking a pro-active approach to reducing greenhouse gas emissions. California has its own public participation requirements for MPOs in relation to legislation on greenhouse gas reductions.***

- **Senate Bill 375 (SB-375)**  
***Senate Bill 375 requires MPOs to adopt a Sustainable Communities Strategy (SCS) and/or Alternative Planning Strategy (APS) as part of the regional transportation plan. Senate Bill 575 further clarified the role of the TRPA Regional Plan as the Lake Tahoe Region's SCS. The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, will reduce greenhouse gas emissions from automobiles and light trucks to achieve greenhouse gas emission reduction targets approved by the state board. If greenhouse gas emission targets cannot be reached, then an APS shall be prepared. Each MPO shall adopt a public participation plan for development of the SCS or APS that includes:***
  - ***Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and***

***community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interest, and homeowner associations;***

- ***Consultation with congestion management agencies, transportation agencies, and transportation commissions;***
- ***Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices;***
- ***Preparation and circulation of a draft SCS not less than 55 days before adoption of a final regional transportation plan;***
- ***Public hearings on the draft SCS;***
- ***A process for enabling members of the public to provide a single request to receive notices, information and updates***



## MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Regional Plan Update Milestone Discussion and Direction to Staff on Conservation Milestone Issues

---

Requested Action: Governing Board direction to staff on the attached Milestone issues related to Conservation (see Attachment A below).

Staff Recommendation: Staff recommends that the Governing Board review the attached FactSheet, hold a public hearing on the Milestone issues summarized and identified in Attachment A, and provide direction to staff on how to proceed with each issue.

Requested Motion: The Governing Board is requested to make a motion directing staff on how to proceed with resolving each of the major issues raised in the Conservation FactSheet. The issues are categorized by topic area and summarized and identified in Attachment A.

A majority straw vote of the Governing Board is requested to provide staff with direction.

Background: There is a document called a "FactSheet" that has been provided to the Board as an attachment to this memorandum. It is the fifth in the series of FactSheets that will constitute the FactBook. The FactBook will contain the background material to define the direction of the Regional Plan Update.

The attached FactSheet outlines the major topic areas and issues identified by staff and stakeholders. It provides a framework for the Board in making decisions and giving policy direction. It focuses on the following Subelements of the Regional Plan:

- Wildlife & Fisheries
- Vegetation
- Soil Conservation
- Monitoring & Evaluation
- Shorezone

The stakeholder process for this particular Milestone raised major issues that require Board direction. Staff has proposed a course of action for the resolution of each issue. The staff-proposed course of action is prefaced by the statement “*Staff proposes to...*” and shown in *italics*. To make staff’s proposals stand out, there is no other italicized language in the body of the text.

In addition, the stakeholder process brought to light several minor amendments that staff is now proposing based on the comments received and a desire for accuracy and consistency. The Board should peruse the proposals in the Appendix and advise staff if there are any desired changes in direction.

The proposed minor amendments can be found in the “Stakeholder Comments and Responses” section of the attached FactSheet (see the Appendix). As with the major issues, the staff-proposed course of action is prefaced by the statement “*Staff proposes to...*” and shown in *italics*. To make reviewing easier, the proposed changes that stemmed from each stakeholder meeting are grouped at the top of the Comments and Responses from that meeting.

Please contact Harmon Zuckerman, Director, Regional Plan Update, at (775) 589-5236 or [hzuckerman@trpa.org](mailto:hzuckerman@trpa.org), or Paul Nielsen, Regional Plan Update Team Lead, at (775) 589-5249 or [pnielsen@trpa.org](mailto:pnielsen@trpa.org) if you have any questions.

\*

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## Attachment A

### Summary of Major Issues for Governing Board

#### Direction: Conservation Milestone

##### ***Wildlife & Fisheries 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.*

##### ***Soil Conservation 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.*

# 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.”<sup>1</sup>

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.”<sup>2</sup>

### **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.

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

<sup>2</sup> 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.<sup>3</sup>

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"<sup>4</sup> 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

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<sup>3</sup> TRPA Code of Ordinances, Section 79.3, "Aquatic Invasive Species"

<sup>4</sup> 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 Code<sup>5</sup> 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.

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<sup>5</sup> 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.<sup>6</sup> 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).

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<sup>6</sup> 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.<sup>7</sup> It and its associated policies directly respond to the recommendations in the report signed by the Governors of California and Nevada.

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<sup>7</sup> *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 Threshold<sup>8</sup> 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

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<sup>8</sup> 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"<sup>9</sup> and the methodology set forth in the "Bailey Study."<sup>10</sup> 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.<sup>11</sup>

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<sup>9</sup> *Soil Survey of the Tahoe Basin Area*, J. Rogers, 1974

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

<sup>11</sup> 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;”<sup>12</sup> 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.”<sup>13</sup> 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,<sup>14</sup> requires that Threshold attainment be assessed “every five years.”<sup>15</sup> Existing<sup>16</sup> 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.<sup>17</sup> In response, changes are proposed for the Monitoring & Evaluation Subelement by staff under Alternative 2. Most of the principles that characterize the

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<sup>12</sup> Compact, p. 1

<sup>13</sup> Compact, Article II – Definitions, Section (i)

<sup>14</sup> TRPA Resolution 82-11, p. 4

<sup>15</sup> *TRPA Code of Ordinances*, 32.8.A

<sup>16</sup> *TRPA – Goals and Policies*, Monitoring & Evaluation Subelement, Goal #3

<sup>17</sup> 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 System<sup>18</sup> 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.

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<sup>18</sup> 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].”<sup>19</sup> 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.”

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<sup>19</sup> 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 sensing<sup>20</sup> 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

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<sup>20</sup> 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.”<sup>21</sup> 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

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<sup>21</sup> 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.”<sup>22</sup>

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:*

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<sup>22</sup> 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”<sup>23</sup> 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.

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<sup>23</sup> 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.<sup>24</sup>

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

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<sup>24</sup> 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.<sup>25</sup> 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.

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<sup>25</sup> 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

| <b>Topic/Issue</b>   | <b>Comments/Questions</b>  |
|--|--|
| Proposed Goal S-1.2- Seasonal limitations for ground disturbing activities | <ul style="list-style-type: none"> <li>We would like additional detail on monitoring protocols and methodologies under consideration to determine potential impact to our forestry program.</li> </ul>   |
| Proposed Goal S-2 – Land Coverage  | <ul style="list-style-type: none"> <li><b>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.”</b> 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.</li> <li>We would appreciate understanding the difference between the current threshold standard and the proposed standard other than using the 2007 Soil Survey.</li> </ul> |
| Soils Policy S-2.4 – Coverage impaired watersheds                          | <ul style="list-style-type: none"> <li>It appears from this language that in answer to a question raised earlier, coverage impaired watersheds have yet to be identified completely.</li> </ul>  |
| Soils Policy S-2.5 – Soil quality performance standards                    | <ul style="list-style-type: none"> <li>What are the implications for restoration agencies such as the CTC?</li> <li><b>Any new standards cannot be applied retroactively to restored land coverage already banked by the respective land banks.</b></li> </ul>   |

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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

| <b>Topic/Issue</b>                   | <b>Comments/Questions</b>  |
|--------------------------------------|--|
| <u>General Comments</u>              | <ul style="list-style-type: none"> <li>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.</li> </ul>   |
| Proposed Policy WF-1.2 (Alts 2 & 4): | <ul style="list-style-type: none"> <li>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.</li> </ul>  |
| Proposed Policy WF-1.4 (Alts 2 & 4): | <ul style="list-style-type: none"> <li>Is there an implementation measure for the updated policy dealing with domestic animals?</li> </ul>   |
| Proposed Policy WF-2.2 (Alts 2 & 4): | <ul style="list-style-type: none"> <li>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).</li> </ul> |
| Proposed Policy WF-2.2 (Alt 4):      | <ul style="list-style-type: none"> <li>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.</li> </ul>   |

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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

| <b>Topic/Issue</b>   | <b>Comments/Questions</b>  |
|--|--|
| Overview- Narrative, 3 <sup>rd</sup> paragraph, last sentence                                      | <ul style="list-style-type: none"> <li>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.</li> </ul>  |
| Alternative 2- Narrative; Goals and Policies Section   | <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> |
| Alternative 2, ME-1.1. Proposed Policy "Monitoring Program Implementation/Interagency Cooperation" |  |

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| <b>Topic/Issue</b>  | <b>Comments/Questions</b>  |
|---|--|
| <p>Alternative 2, ME-2 Proposed Goal<br/>                     “TRPA supports applied research and effectiveness monitoring”</p> | <ul style="list-style-type: none"> <li>• 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.</li> </ul>  |
| <p>Alternative 3- Narrative; Implementation Measures</p>  | <ul style="list-style-type: none"> <li>• 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.</li> <li>• As stated, this alternative is the same as Alternative 2.</li> </ul>   |
| <p>Alternative 4 -Narrative</p>   | <ul style="list-style-type: none"> <li>• 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.</li> </ul> |

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

May 12, 2010

| <b>Topic/Issue</b>  | <b>Comments/Questions</b>   |
|---|---|
| <p><b>Section 1.10.1 Vegetation Subelement - General Comments:</b></p> <p>Alternative 2, VG-3.1<br/>                     “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"> <li>• 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.</li> <li>• Nevertheless, better information to document problems that require the proposed changes would be beneficial to support making the case for the proposed changes.</li> <li>• 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?</li> <li>• Be aware there are several federal endangered plant species that have designated critical habitat. Please clarify this statement.</li> </ul> |
| <p>Alternative 2, VG-1.7<br/>                     “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"> <li>• 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.</li> </ul>  |

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| <b>Topic/Issue</b>   | <b>Comments/Questions</b>  |
|--|--|
| <p>Alternative 2, VGIMP-5.</p>   | <ul style="list-style-type: none"> <li>• Please clarify the connection between the salvage and reuse of native topsoil with the need to evaluate the cumulative impacts to vegetation.</li> </ul>  |
| <p>Alternative 2, VG IMP-9 (page V-26)<br/>                     “Extend protection for trees retained in a project footprint from the dripline to the critical root zone.”</p>   | <ul style="list-style-type: none"> <li>• 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 <a href="http://www.treelink.org/docs/critical_root_zone.pdf">http://www.treelink.org/docs/critical_root_zone.pdf</a>, 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?</li> <li>• 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?</li> </ul> |
| <p>Alternative 3, VG IMP-10</p>  | <ul style="list-style-type: none"> <li>• 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?</li> </ul>   |
| <p>Alternative 3, VG IMP-11 (page V-28)<br/>                     “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).</p> | <ul style="list-style-type: none"> <li>• 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?</li> </ul>   |
| <p>Alternative 3, VG IMP-12 (page V-29)<br/>                     “Establish a maximum area for lawns as a percentage of the non-covered area of a parcel.”</p>   | <ul style="list-style-type: none"> <li>• 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?</li> <li>• Is the problem large enough to warrant the effort?</li> </ul>   |

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| <b>Topic/Issue</b>  | <b>Comments/Questions</b>  |
|---|--|
| <p>Alternative 4, VG.IMP-14 (page V-30)<br/>                     “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"> <li>• 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?</li> </ul>  |
| <p>Alternative 4, VG.IMP-15 (page V-30)<br/>                     “Restrict use of pesticides, herbicides, and fertilizers by homeowners.”</p>   | <ul style="list-style-type: none"> <li>• Please elaborate on how this will be accomplished effectively.</li> <li>• Why just single out homeowners? What about commercial property owners, schools, parks, and golf courses?</li> <li>• How do you propose to eliminate weeds if you restrict the use of herbicides to homeowners?</li> </ul>   |
| <p>Alternative 4, VG.IMP-16 (page V-30)<br/>                     “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"> <li>• 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?</li> <li>• This will likely drive up project costs, lead to less diversity in plant species for revegetation projects, and potentially cause supply issues.</li> </ul> |

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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 10<sup>th</sup> 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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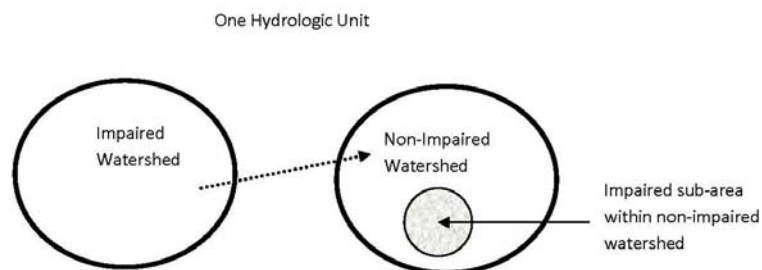


and made clear in the future RPU to assist both applicants and staff and result in more consistent land capability determination processes.

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

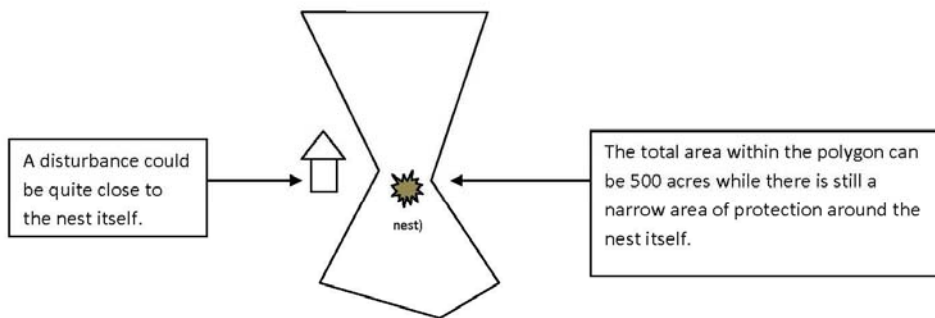
*500 acres of Habitat*

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 ½ 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 ½ 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 10<sup>th</sup> 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,

13 of 14

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

| <b>Regulatory Agencies</b>  | <b>Invitees</b>  | <b>Attended</b> | <b>Meeting Date</b> |
|-----------------------------|--|-----------------|---------------------|
|                             | 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              |                     |
| <b>Environmental Groups</b> | <b>Invitees</b>  | <b>Attended</b> | <b>Meeting Date</b> |
|                             | 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           |
| <b>Private</b>              | <b>Invitees</b>  | <b>Attended</b> | <b>Meeting Date</b> |
|                             | 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              |                     |
| <b>Local Jurisdictions</b> | <b>Invitees</b>                                   | <b>Attended</b> | <b>Meeting Date</b> |
|                            | 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              |                     |
| <b>State and Federal</b> | <b>Invitees</b>                                       | <b>Attended</b> | <b>Meeting Date</b> |
|                          | 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 Hoefer, 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              |                     |
| <b>Fire District</b>     | <b>Invitees</b>                                       | <b>Attended</b> | <b>Meeting Date</b> |
|                          | 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              |                     |
| <b>Science Community</b>   | <b>Invitees</b>                                   | <b>Attended</b> | <b>Meeting Date</b> |
|                            | 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              |                     |
| <b>Noise Professionals</b> | <b>Invitees</b>                                   | <b>Attended</b> | <b>Meeting Date</b> |
|                            | 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           |



**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

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

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MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: “FactSheet FollowUp” for Regional Plan Update Milestone #3: Land Use

Requested Action: Governing Board direction that the attached FactSheet FollowUp #3 (Attachment A) has accurately portrayed the results of the third Milestone in the Regional Plan Update process and should be inserted into the FactBook behind FactSheet #3.

Staff Recommendation: Governing Board members review the attached FactSheet FollowUp #3 to ensure that it has accurately portrayed the results of the third Milestone in the Regional Plan Update process. Staff recommends that if the Board confirms that there are no discrepancies in FactSheet FollowUp #3 and the document has accurately portrayed the results of the Land Use Milestone in the Regional Plan Update process, it should direct staff to insert the document into the FactBook behind FactSheet #3.

Requested Motion: The Board is requested to make a motion directing staff on how to proceed with FactSheet FollowUp #3. A majority straw vote of the Board is requested to provide staff with direction.

Background: This Land Use Milestone was the third in a series of Milestone discussions to be conducted as part of the Regional Plan Update process. It took place at the May 26, 2010 and June 23, 2010, Governing Board meetings. Each of the Milestones deals with a part of the Plan, and each is preceded by a stakeholder process to vet the proposed policy alternatives with Agency partners and constituents.

To support the discussion at the Board meeting, staff presented the Governing Board with FactSheet #3, which served as a summary of the stakeholder process for Land Use. It outlined the major issues identified by staff and stakeholders and provided a framework for the Board in making decisions and providing policy direction to staff. There were eleven major issues called out in FactSheet #3.

Staff prepared a FactSheet FollowUp to Land Use Milestone #3 to recap the direction that the Governing Board gave to staff for each of the eleven issues raised and voted (straw vote) on at the June 23, 2010, meeting. Staff will continue to produce FollowUps for the other FactSheets after every Milestone. The nature of the FollowUp documents is summarize and to memorialize the direction given.

Contact Information: If you have any questions, please contact Harmon Zuckerman, Director, Regional Plan Update, at [hzuckerman@trpa.org](mailto:hzuckerman@trpa.org) or (775) 589-5236, or John Hitchcock, Land Use Team Lead, Regional Plan Update, at [jhitchcock@trpa.org](mailto:jhitchcock@trpa.org) or (775) 589-5220.

## Attachment A

# FactSheet FollowUp<sup>\*</sup>

## Land Use, Milestone #3

### What is a FactSheet FollowUp?

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

### What was the direction given by the Governing Board concerning Land Use policy issues?

**Land Use Issue #1: Should TRPA develop additional measures to facilitate land bank programs?** Through dialogue with stakeholders, staff has become aware of certain Code restrictions that are having negative effects on land restoration efforts. The land banks and TRPA are partners in achieving the Stream Environment Zone (SEZ) Threshold. During the stakeholder process, staff and the land banks developed potential solutions to assist in achieving our mutual goals. These are discussed below as three Sub-Issues: Excess Land Coverage Mitigation Program, soft coverage transfers, and transfer of coverage from sensitive lands.

#### Sub-Issue 1A) Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates?

**Staff Proposal:** TRPA is already proposing to change the ELCMP in the plan alternatives. Based on stakeholder input, *staff proposes to amend the language in the Project Description and add a new Implementation Measure to the Matrix to state “excess land coverage mitigation program regulations would be revised to substantially restrict access to the in-lieu mitigation fee option. Large projects would only be ~~Only projects with relatively small amounts of excess land coverage would be eligible to pay in-lieu fees a fee in lieu of removing excess land coverage on- or off-site after demonstrating that all present opportunities for removing excess land coverage on- or off-site have been exhausted.~~ The use of in-lieu mitigation fees to remove coverage from sensitive lands should be allowed across Hydrologically Related Area boundaries.”*

**Governing Board Direction:** A majority of the Board concurred with the staff proposal with two members abstaining.

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<sup>\*</sup> Milestone Meeting #3 was held on May 26, 2010 at the Chateau in Incline Village, NV and on June 23 and 24, 2010 at TRPA Offices, Stateline, NV.



**Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?**

**Staff Proposal:** In the staff-proposed alternative, Implementation Measure LU.IMP-18 states, “Amend Chapter 20, Coverage, to allow soft coverage to be transferred for commercial, tourist accommodation, and mixed-use facilities located within adopted community plans when transferred from sensitive lands (land capability districts 1-3).” A stakeholder (CTC staff) recommended that this Implementation Measure be expanded to allow soft coverage to be transferred from all land capability districts, not just from sensitive lands; there would be weighting factors to make transfers from sensitive lands worth more than transfers from higher capability lands. However, staff does not propose to expand the proposal to allow soft coverage to be transferred to Community Plans from all land capability districts.

**Governing Board Direction:** A majority of the Board concurred with the staff proposal with two members abstaining and one voting no.

**Sub-Issue 1C) Should TRPA remove Hydrologically Related Area restrictions for coverage transfers?**

**Staff Proposal:** Staff proposes to amend the PD and Matrix (LU.IMP-20) to read: “Amend Chapter 20, Coverage, to allow land coverage from sending parcels located within TRPA-designated impaired watersheds to be transferred across Hydrologically Related Hydrologic Transfer Area boundaries, ~~(i.e., anywhere in the Tahoe Basin)~~ as long as the receiving area is in a TRPA-designated non-impaired watershed.”

**Governing Board Direction:** A majority of the Board expressed concerns that “impaired watershed” was not defined and questioned why a remedy was not included in the Sub-Issue 1C. Staff responded that it would be defined during the implementation phase with input from stakeholders. The Board concurred with the staff proposal with three members abstaining.

**LU Issue #2: What is the relationship between CPs and the RPU?**

**Staff Proposal:** Staff proposes to create a new Community Plan model with the Regional Plan Update. This model would allow mixed-use development, provide incentives for environmental redevelopment, streamline the update process, add a significant environmental component, and implement a transect planning system that can be tailored to local context and need.

**Governing Board Direction:** A majority of the Board concurred with the staff proposal (with one member abstaining) and directed staff to review the availability of allocations in the interim period between adoption of the updated Regional Plan and the update of the Community Plans.

**Land Use Issue #3: Is transect zoning a better system than the Plan Area Statements we have today?**

**Staff Proposal:** Transect planning is very different. It represents an innovative step forward. Staff proposes to implement transect planning as TRPA's new zoning system, as a tool to protect the environment, and as a way to promote place-based planning.

**Governing Board Direction:** A majority of the Board concurred with the staff proposal with one member abstaining.

**Land Use Issue #4: Will PTOD really work in Tahoe?**

**Staff Proposal:** This question is so subjective that there can be no simple answer. However, we know that the participants in Pathway embraced a vision for Tahoe as a region of vibrant, walkable communities surrounded by wild mountains overlooking a pristine, clear lake. Therefore, TRPA staff proposes to retain the policies in Alternative 2 that promote Pedestrian- and Transit-Oriented Development.

**Governing Board Direction:** A majority of the Board concurred with the staff proposal with one member abstaining.

**Land Use Issue #5: Should TRPA amend the "two-step" subdivision provisions?**

**Staff Proposal:** Staff does not propose to amend the "two-step" subdivision process with the new Regional Plan but proposed to the Board that a disclaimer would be included in TRPA's application packet that notified applicants of local jurisdiction's building code requirements for subdivisions of multifamily dwellings.

**Governing Board Direction:** A majority of the Board concurred with the staff proposal with three members abstaining.

**Land Use Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

**Staff Proposal:** Staff believes that using the allocation of Commercial Floor Area as an incentive for local jurisdictions to meet their environmental targets is a sound concept. However, the way that CFA is proposed to be allocated in the plan alternatives ought to be amended. To provide a better approach to implementing this concept, staff proposes to revise the allocation of CFA as follows:

| Allocation to:                       | Alternative 1 (in square feet)       | Alt. 2 (in sf)   | Alt. 3 (in sf)                                 | Alt. 4 (in sf)                            |
|--------------------------------------|--------------------------------------|--|--|---|
| <b>Special Projects</b>              | 187,770 (existing from CEP projects) | 187,770 (existing from CEP projects)+<br><del>160,000 (new allocation)</del>     | 187,770 (existing from CEP projects) + 300,000 | 187,770 (existing from CEP projects)      |
| <b>Community Plans</b>               | 160,000 (existing in CPs)            | 160,000 (existing in CPs) + <del>80,000</del><br><u>200,000</u> (new allocation) | 160,000 (existing in CPs) + 300,000 (new)      | 160,000 (existing in CPs)                 |
| <b>Transfer of Development Match</b> | -0-                                  | <del>160,000</del> <u>200,000</u> (new)  | -0-  | 200,000 (new)                             |
| <b>TOTAL</b>                         | <b>347,770</b>                       | <b>747,770</b>   | <b>947,770</b>                                 | <b>547,770</b>                            |
| <b>Breakdown of TOTAL</b>            | <b>347,770 (existing)</b>            | <b>400,000 (new) + 347,770 (existing)</b>  | <b>600,000 (new) + 347,770 (existing)</b>      | <b>200,000 (new) + 347,770 (existing)</b> |

**Governing Board Direction:** The Governing Board directed staff to incorporate the recommendation by the APC for LU Issue #6 to analyze whether existing CFA is enough to promote environmental redevelopment. A majority of the Board concurred with the modified proposal with one member abstaining.

**Land Use Issue #7: Should TRPA limit the size of Tourist Accommodation Units (TAUs) that are redeveloped?**

**Staff Proposal:** Staff proposes to amend the definition of Tourist Accommodation Unit as follows: “One bedroom, ~~or a group of two or more rooms with a bedroom~~ with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.”

**Governing Board Direction:** The Governing Board directed staff to convene a TAU working group to develop recommended policy and implementation strategies for consideration by the full Board.

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

**AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?**

**Staff Proposal:** Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized by cost-effectiveness in providing air quality improvements. EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first.

**Governing Board Direction:** The Board concurred with the staff proposal but directed staff to amend the proposal to incorporate APC recommendations. The proposed language would read as follows:

“Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized ~~by cost-effectiveness~~ in providing air quality improvements; EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first, based in part on cost-benefit. A portion of these funds may be allocated to Basin-wide projects.”<sup>†</sup>

**AQ Issue #2: Why is TRPA proposing changes to the existing wood stove program?**

**Sub-Issue 2A) Should TRPA adopt new emissions standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves?**

**Staff Proposal:** Staff does not propose to amend Implementation Measure AQ.IMP-16, which states: “Clean Wood Stoves – All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove must be removed by 2020.”

**Governing Board Direction:** The Board directed staff to create a policy for wood smoke emissions and define the appropriate terms and adopt emissions standards based on best available technology for all wood stoves, existing, in new construction, and at change of ownership, and implement a deadline for removal or replacement of all non-compliant stoves.

**Sub-Issue 2B) Should TRPA prohibit installation of wood stoves in new construction?**

**Staff Proposal:** Staff proposes to amend Implementation Measure AQ.IMP-15 as follows: “Wood Stoves in New Construction – Wood stoves in all new construction must be certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove ~~are prohibited in all new construction. Wood stoves are prohibited in all project areas requiring a TRPA permit.~~”

**Governing Board Direction:** With three members voting yes, a motion by the Board to prohibit the installation of wood stoves in new construction failed. A majority of the Board concurred with the staff proposal not to ban woodstoves in new construction but to implement the highest standards applicable.

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<sup>†</sup> New wording proposed by staff is underlined, and deleted wording is ~~struck through~~. New wording approved by the Governing Board is double underlined, and deleted wording is ~~double struck through~~.

**Sub-Issue 2C) Should TRPA require certification in escrow documents that wood stoves are compliant?**

**Staff Proposal:** Staff proposes the following Implementation Measure AQ.IMP-17: “Wood Stove Certification – All properties purchased, sold, transferred title shall ensure the wood stove is compliant with all current regulations. Evidence of such will be included in escrow documents.”

**Governing Board Direction:** The Board unanimously concurred with the staff proposal but directed staff to develop incentives for residents to retrofit their wood stoves and to consider exemptions for titles that are transferred through a trust.

**Sub-Issue 2D) Should TRPA create a Wood Stove Mitigation Program?**

**Staff Proposal:** Staff proposes to delete Implementation Measure AQ.IMP-18, which states: “~~Wood Stove Mitigation Program – All properties containing a wood stove shall pay an air quality mitigation fee per unit.~~”

**Governing Board Direction:** The Board unanimously concurred with the staff proposal to delete Implementation Measure AQ. IMP-18.

**AQ Issue #3: Should TRPA require a reduction in pile burning?**

**Staff Proposal:** Staff proposes to amend AQ.IMP-14 to state “Forest Fuels 40% -- ~~Forest fuels reduction efforts shall reduce PM emissions by 40% compared to open burning emissions levels. Fire agencies will provide smoke management plans and collaborate with TRPA to develop the best methods for reducing forest fuels with the least impact to air quality. Fire agencies will continue to follow the air quality regulations of their respective state regulatory agencies. The Tahoe Fire and Fuels Team will collaborate with fire agencies to refine smoke management best practices.~~”

**Governing Board Direction:** The Board unanimously concurred with staff’s proposal to amend the implementation measure to incorporate recommended language underlined above, which was provided by the Lake Tahoe Basin Fire Chiefs and the APC.

**AQ Issue #4: Should TRPA require Basin-wide air quality standards?**

**Staff Proposal:** Staff proposes to change the Implementation Measures regarding air quality standards as follows in the table below:

| <b>Alternative 1</b> | <b>Alt. 2</b>  | <b>Alt. 3</b>  | <b>Alt. 4</b>   |
|----------------------|--|--|---|
| No change.           | AQ.IMP-27: “ <u>Emissions Standards &amp; Practices – adopt and implement air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.</u> Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.” | No change. AQ.IMP-30: “Emissions Standards & Practices—adopt and implement different air quality standards and implementation practices between the two states.” | AQ.IMP-2730: “Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.” |

**Governing Board Direction:** The board suggested that the current language in Implementation Measures AQ.IMP-27 does not reflect staff’s intent. The Board unanimously directed staff to amend the language to change “adopt or implement” to “recognize.” The proposed language is amended as follows:

| <b>Alternative 1</b> | <b>Alt. 2</b>   | <b>Alt. 3</b>  | <b>Alt. 4</b>   |
|----------------------|---|--|---|
| No change.           | AQ.IMP-27: “ <u>Emissions Standards &amp; Practices – <del>adopt and implement</del> recognize air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.</u> Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.” | No change. AQ.IMP-30: “Emissions Standards & Practices – adopt and implement different air quality standards and implementation practices between the two states.” | AQ.IMP-2730: “Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.” |

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**M E M O R A N D U M**

Date: July 21, 2010

To: TRPA Governing Board

From: TRPA Staff

Subject: "FactSheet FollowUp" for Regional Plan Update Milestone #4:  
Transportation

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**Requested Action:** Governing Board direction that the attached FactSheet FollowUp #4 (Attachment A) has accurately portrayed the results of the second Milestone in the Regional Plan Update process and should be inserted into the FactBook behind FactSheet #4.

**Staff Recommendation:** Governing Board members review the attached FactSheet FollowUp #4 to ensure that it has accurately portrayed the results of the fourth Milestone in the Regional Plan Update process. Staff recommends that if the Board confirms that there are no discrepancies in FactSheet FollowUp #4 and the document has accurately portrayed the results of the first Milestone in the Regional Plan Update process, it direct staff that the document be inserted into the FactBook behind FactSheet #4.

**Requested Motion:** The Board is requested to make a motion directing staff on how to proceed with FactSheet FollowUp #4. A majority straw vote of the Board is requested to provide staff with direction.

**Background:** This Transportation Milestone was the fourth in a series of Milestone discussions to be conducted as part of the Regional Plan Update process. (The Transportation Milestone includes the Transportation Element, and the Noise and Energy & Climate Change Subelements of the Goals and Policies.) It took place at the June 23, 2010, Board meeting. Each of the Milestones deals with a part of the Regional Plan Update, and each is preceded by a stakeholder process to vet the proposed policy alternatives with Agency partners and constituents.

To support the discussion at the Board meeting, staff presented the Board with FactSheet #4, which served as a summary of the stakeholder process for Transportation. It outlined the major issues identified by staff and stakeholders and provided a framework for the Board in making decisions and providing policy direction to staff. There were four major issues called out in FactSheet #4.

Staff prepared a FactSheet FollowUp to Transportation Milestone #4 to recap the direction that the Board gave to staff for each of the issues raised and voted (straw vote) at the June 23, 2010, meeting. Staff will continue to produce FollowUps for the other FactSheets after each Milestone. The nature of the FollowUp documents is to confirm and memorialize the direction given. In preparing FollowUp #4, staff listened to the

audio recording for the Governing Board meeting and accurately transcribed the exact motion made in support of the direction given on each issue.

Contact Information: If you have any questions, please contact Harmon Zuckerman, Director, Regional Plan Update, at [hzuckerman@trpa.org](mailto:hzuckerman@trpa.org) or (775) 589-5236, or Lyn Barnett, Transportation Team Lead, Regional Plan Update, at [lbarnett@trpa.org](mailto:lbarnett@trpa.org) or (775) 589-5239.



## FactSheet FollowUp

### Public Lands, Milestone #4

#### What is a FactSheet FollowUp?

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

#### What was the direction given by the Governing Board concerning Transportation policy issues?<sup>1</sup>

##### TRANS Issue #1: Should bicycle lanes be constructed along all major travel routes?

**Staff Proposal:** In Alternative 2, Policy T-2.2 required bicycle lanes to be constructed along major travel routes. The proposed Policy language, however, drew concern from stakeholders and contained wording that was more appropriate for an Implementation Measure. (Stakeholder concerns are summarized on page 9 of FactSheet #4.) For this reason, staff proposed moving certain language out of Policy T-2.2 and into Implementation Measure T.IMP-7 to clarify direction, as follows:

Policy T-2.2: Construct, upgrade, and maintain pedestrian and bicycle facilities along major travel routes. ~~Provide for the needs of different non-motorized user groups by providing separate facilities where feasible. Where bicycle lanes are not feasible due to environmental or land ownership constraints, provide as much shoulder area as possible.~~

T.IMP-7: Pedestrian and Class II bicycle facilities (bike lanes) meeting AASHTO standards must be constructed, upgraded, and maintained where feasible along major travel routes when the edge of roadway is altered or improved. Where bicycle lanes are not feasible due to environmental or land ownership constraints, provide as much shoulder area as possible for safe bicycle passage.

**Governing Board Direction:** Based on technical recommendations from the Advisory Planning Commission (APC), the Board took a straw vote and unanimously accepted staff's proposed changes to Transportation Policy T-2.2, provided the

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<sup>1</sup> Milestone Meeting #4 was held on June 23, 2010, at the TRPA Offices, Stateline, NV.

words, “along major travel routes,” are replaced with the words, “consistent with the TRPA Bike and Pedestrian Plan.” Therefore, the final version of this Transportation Policy now reads:

Policy T-2.2: Construct, upgrade, and maintain pedestrian and bicycle facilities ~~along major travel routes~~ consistent with the TRPA Bike and Pedestrian Plan. ~~Provide for the needs of different non-motorized user groups by providing separate facilities where feasible. Where bicycle lanes are not feasible due to environmental or land ownership constraints, provide as much shoulder area as possible.~~<sup>2</sup>

The Board also unanimously accepted the changes recommended by staff concerning Transportation Implementation Measure T.IMP-7.<sup>3</sup>

## TRANS Issue #2: How should TRPA facilitate maintenance of bicycle paths and sidewalks?

**Staff Proposal:** Staff recommended that maintenance assurances be in place before projects are permitted. For this reason, staff proposed to modify Transportation Policy T-2.8 as follows:

Policy T-2.8: ~~All jurisdictions must m~~Maintain the use and condition of all sidewalks and bike facilities over time, including snow removal for facilities in urbanized areas or along transportation routes with high use year-round.

Staff also proposed to add the following new Implementation Measures to Alternatives 2 and 4:

T.IMP-17: TRPA will require a maintenance plan before issuing a permit or funding for any bicycle and pedestrian facility. Maintenance plans shall specify dedicated long- and short-term funding for the life of the project.

T.IMP-18: Up to 25 percent of Air Quality Mitigation Funds may be set aside for operations and maintenance of completed or future EIP projects.

**Governing Board Direction:** The Governing Board took a straw vote and unanimously accepted staff’s proposed modifications to Transportation Policy T-2.8, as further modified by technical changes recommended by the APC. The final accepted version, therefore, is as follows:

Policy T-2.8: ~~All jurisdictions must~~ Where feasible, mMaintain the year-round use and condition of all identified sidewalks and bike facilities over time, including snow removal for facilities in urbanized areas or along transportation routes with high use year-round.

<sup>2</sup> Staff modified wording, and wording added by the Board, is shown in *italics*. New wording proposed by staff is underlined, and deleted wording is ~~struck through~~. New wording approved by the Governing Board is double underlined, and deleted wording is ~~double struck through~~.

<sup>3</sup> The APC did not address T-IMP.7 in its clarifying questions and technical advice to the Board.

The Board also unanimously accepted the changes recommended by staff concerning new Transportation Implementation Measures T.IMP-17 and T.IMP-18, with the following technical modifications to T.IMP-17, as recommended by the APC:<sup>4</sup>

T.IMP-17: TRPA will require a maintenance plan before issuing a permit or funding for any bicycle and pedestrian facility. Maintenance plans shall specify ~~dedicated~~ a strategy for long- and short-term funding for the life of the project.

### **TRANS Issue #3: Should TRPA encourage waterborne transportation systems as an alternative to automobile travel in the region?**

**Staff Proposal:** Staff proposed to amend Policy T-5.8 and Implementation Measure T.IMP-8 within Alternative 2 (as shown below) and remove them altogether from Alternatives 3 and 4.

Policy T-5.8: Encourage waterborne transportation systems as an alternative to automobile travel within the region using Best Available Technology to minimize air quality impacts ~~to the maximum extent feasible. Coordinate waterborne services with, and provide access to, other public and private transportation systems.~~

T.IMP-8: Provide North-South waterborne connections and connections between communities at Lake Tahoe. Coordinate waterborne services with and provide access to other public and private transportation systems.

**Governing Board Direction:** The Governing Board took a straw vote and unanimously accepted staff's proposed modifications to Transportation Policy T-5.8 and Implementation Measure T.IMP-8, as further modified by technical changes recommended by the APC. The accepted versions are as follows:

Policy T-5.8: ~~Encourage~~ Consider waterborne transportation systems as an alternative to automobile travel within the region using Best Available Technology to minimize air quality impacts ~~to the maximum extent feasible. Coordinate waterborne services with, and provide access to, other public and private transportation systems.~~

T.IMP-8: ~~Provide North-South waterborne connections and connections between communities at Lake Tahoe. Coordinate waterborne services with and provide access to~~ other public and private transportation systems.

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<sup>4</sup> The APC did not address T-IMP.18 in its clarifying questions and technical advice to the Board.

**TRANS Issue #4: What parking management policies are needed to dovetail with environmental improvement and PTOD goals?**

**Staff Proposal:** While TRPA staff and most stakeholders are in favor of creating innovative, new strategies to meet parking demand, the measures that staff had originally proposed were criticized as being inflexible. Staff, therefore, proposed to amend Policy T-7.2, as follows:

*Policy T-7.2: Encourage parking management strategies that are tailored to the needs of each Community Plan area and consistent with achievement of PTOD that recognizes: minimum and maximum parking standards, payment in lieu strategies, shared parking between uses, on-street parking, parking along major regional travel routes, handicapped-disabled parking, bicycle parking and the implementation of localized parking management programs that focus on transit, bicycle, and pedestrian improvements.*

Staff also proposed to remove Implementation Measure T.IMP-1 from Alternative 2 and retain it in Alternative 4. This Implementation Measure states:

T.IMP-1: Eliminate parking minimums, establish parking maximums region-wide, and set minimum standards for bicycle parking facilities.

Lastly, staff proposed the following amendments to Implementation Measure T.IMP-2:

*T.IMP-2: Generate revenue from private vehicle use, and/or parking management plans as described in Mobility 2030. While each Community Plan or individual jurisdiction may develop its own set of parking management plans, Work with local jurisdictions and communities to develop area-wide parking strategies that are tailored to the needs of each Community Plan area and consistent with achievement of PTOD.*

*Strategies could include:*

- *reduction or elimination of minimum parking standards*
- *creation of maximum parking standards*
- *shared parking between uses*
- *in-lieu payment to meet parking requirements*
- *on-street parking*
- *parking along major regional travel routes*
- *handicapped-disabled parking*
- *creation of bicycle parking standards*
- *free transit or discount passes*
- *deep discount transit passes for community residents*
- *market-rate parking charges (including parking charges based on congestion levels)*

*shared lots in central areas; incentives to visitors to arrive without a car (such as reduced hotel room rates and/or overnight parking charges, free transit or discount passes, and deep discount transit passes for community residents. Market-rate parking charges, parking charges*

~~based on congestion levels, or in-lieu parking fees in accordance with Urban Land Institute standards would be required.~~

**Governing Board Direction:** The Board, after hearing that the APC recommended that no technical changes to staff's proposal, took a straw vote and accepted the Policy and Implementation Measure changes proposed by staff in Issue #4. The vote passed with one abstention.

## What was the direction given by the Governing Board concerning other Transportation policies and implementation measures?<sup>5</sup>

1. The Board provided direction on Noise Mitigation Measure N.IMP-21.

**Staff Proposal:** Staff proposed to modify N.IMP-21, as follows:

N.IMP-21: Transportation Noise – Non-attainment transportation noise corridors shall be brought into attainment at the earliest practicable date or upon refurbishing, resurfacing, and when any major work within the transportation corridor is conducted. Low noise pavement or other mitigation shall be used on transportation corridors and roadways that are out of attainment with noise standards or that contribute to noise issues in the surrounding community or neighborhoods. ~~Payment into a noise mitigation fund will not be permitted as a substitute for providing low noise pavement on highway paving projects.~~ -

**Governing Board Direction:** The Governing Board took a straw vote and unanimously directed staff to revise N.IMP-21 during the implementation stage of the RPU, and to make sure that the Regional Plan Environmental Impact Statement takes into account a full range of mitigation measures aimed at roadway noise. The Board also directed staff to reexamine the language concerning the requirement that roads be “brought into attainment” so as to not preclude other beneficial road improvements that might bring a roadway closer to attainment of noise standards.

2. The Board provided direction on Transportation Policy T-8.4.

**Staff Proposal:** Staff proposed to modify Policy T-8.4, as follows:

Policy T-8.4: ~~“Discourage Automobile rentals of vehicles that are not low- or zero-emission should be discouraged within the Tahoe region. Traffic mitigation fees shall be assessed on vehicles rented in the region.”~~

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<sup>5</sup> These items were not addressed in the APC recommendations to the Board.

**Governing Board Direction:** The Governing Board took a straw vote and unanimously directed staff to revise Transportation Policy T-8.4 to use positive language rather than negative language. The following changes were directed by the Board:

Policy T-8.4: *~~“EnDiscourage Automobile rentals of vehicles that are not low- or zero-emission should be discouraged within the Tahoe region. –Traffic mitigation fees shall be assessed on vehicles rented in the region.”~~*

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MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Amendment of the TRPA Rules of Procedure, Article V, Section 5.21, clarifying the requirements for project records, as well as the addition of Article X, Section 10.6, providing direction regarding the preparation of administrative records.

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**Requested Action:** Governing Board adoption of the attached Resolution [**Attachment B**] amending Article V, Section 5.21, and adding Article X, Section 10.6 to the Rules of Procedure, as described in Exhibits 1 and 2.

**Staff Recommendation:** Staff recommends that the Governing Board adopt the attached Resolution [Attachment B] approving the proposed amendments in Exhibits 1 and 2.

**Required Motions:** In order to adopt the proposed Resolution [Attachment B] the Board must make the following motions, based on this staff summary:

1. A motion to approve the required findings [**Attachment A**].
2. A motion to adopt the Resolution [Attachment B], amending Articles V and X of the Rules of Procedure.

In order for the motions to pass, an affirmative vote of four Board members from each state (four from Nevada and four from California) is required.

**Discussion/Background:** The TRPA Rules of Procedure (Rules) do not currently contain a provision regarding the preparation of administrative records for the purpose of litigation. Without such a provision, staff lacks direction in the preparation of administrative records. When building an administrative record, staff may refer to Article V, Section 5.21 of the Rules, which describes the documents contained in a project record. However, not all legal actions involve approval of a project. Further, even if a project is in fact being challenged in court, staff often gathers documents in addition to the documents in Section 5.21 in order to produce an administrative record for the purpose of litigation.

Staff proposes the attached amendments to Article V of the Rules to clarify that Section 5.21 enumerates the requirements for *project* records. Staff proposes the attached amendments to Article X to explain that administrative records prepared for the purpose of litigation may contain the documents in Section 5.21, if applicable, as well as

additional items. With the addition of Section 10.6 to the Rules, staff will have more direction regarding preparation of administrative records.

The proposed section 10.6 also requires that plaintiff(s) in a legal action pay for any costs, including staff time, resulting from the production of an administrative record. Under the California Environmental Quality Act (CEQA), plaintiffs are generally required to pay for preparation of administrative records. Although TRPA is not governed by CEQA, TRPA often looks to CEQA to develop and interpret its own environmental review requirements. Requiring plaintiff(s) in a legal action to pay for the production of an administrative record is not only consistent with CEQA, but also with other TRPA regulations. For example, Article XV of the Rules requires that individuals who submit public records requests pay for the cost of assembly, preparation, and reproduction of those records.

Regional Plan Compliance: The proposed amendments comply with the TRPA Regional Plan and Code of Ordinances.

Contact Information: If you have any questions, please contact Austin Quinn-Davidson, Associate Attorney, at aquinn-davidson@trpa.org or (775) 589-5230.

Attachments:

- A. Required Findings/Rationale
- B. Proposed Resolution amending the TRPA Rules of Procedure
  - Exhibit 1: Proposed Amendments to Article V
  - Exhibit 2: Proposed Amendments to Article X



## **Required Findings/Rationale**

### Chapter 6 Findings (TRPA Code of Ordinances)

1. The amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

The proposed amendments to Articles V and X of the Rules of Procedure are merely administrative changes and will not adversely affect the Regional Plan. In fact, the amendments are meant to clarify TRPA procedures, which will assist with implementation of the Regional Plan. The proposed amendments do not affect implementation of the Plan Area Statements and Maps, Code, or other TRPA plans or programs.

2. The amendments will not cause the environmental thresholds to be exceeded.

The amendments are merely administrative and will not cause the environmental thresholds to be exceeded.

3. Wherever federal, state, or local air and water quality standards applicable for the region, whichever are the strictest, must be attained and maintained pursuant to Article V(d) of the Tahoe Regional Planning Compact, the amendments meets or exceeds such standards.

See findings 1 and 2, above.

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

See findings 1 and 2, above.

TAHOE REGIONAL PLANNING AGENCY  
RESOLUTION NO. 2010 - \_\_\_\_\_

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY  
AMENDING ARTICLE V, SECTION 5.21 OF THE RULES OF PROCEDURE TO  
CLARIFY THE REQUIREMENTS FOR PROJECT RECORDS AND ADDING ARTICLE  
X, SECTION 10.6 TO PROVIDE DIRECTION TO STAFF REGARDING THE  
PREPARATION OF ADMINISTRATIVE RECORDS

WHEREAS, TRPA staff wishes to clarify the requirements of project records, and

WHEREAS, TRPA staff wishes to establish a procedure for the production of  
administrative records for litigation;

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe  
Regional Planning Agency that the Tahoe Regional Planning Agency's Rules of  
Procedure be amended to add those amendments to Articles V and X as shown in  
Exhibits 1 and 2.

PASSED and ADOPTED by the Governing Board July 28, 2010.

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Allen Biaggi, Chair  
Tahoe Regional Planning Agency  
Governing Board

For this exhibit, language to be deleted is ~~struck-out~~ in red. New proposed language is underlined in blue.

## Article V

### PROJECT REVIEW

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- 5.21 Administrative Project Record: TRPA shall maintain an adequate record of the project ~~hearing~~, which shall include but not be limited to, the project file, and, in the case of projects reviewed by the Board, the official tape recordings ~~and certified transcripts of the recordings~~ of the any relevant Hearings Officer, Advisory Planning Commission, or Board meetings. The project file shall include, but not be limited to, the following:
- (a) Complete application form.
  - (b) Environmental documentation.
  - (c) Public notice information, if any.
  - (d) Data base information required by Chapter 38, if any.
  - (e) Project plans and specifications.
  - (f) Project reports and supporting data, if any.
  - (g) Permit and conditions of approval, if any.
  - (h) Written findings.
  - (i) Other governmental approvals, if any.

For this exhibit, language to be deleted is ~~struck-out~~ in red. New proposed language is underlined in blue.

## Article X

### MISCELLANEOUS

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- 10.1 Applicability of Statutes: The applicable procedural provisions of the Compact are hereby made a part of these rules and regulations of practice and procedure by reference as fully and to the same extent as if the same were fully set forth.
- 10.2 Liberal Construction: These rules and regulations shall be liberally construed to secure just, speedy and economical determination of all matters before the Governing Body.
- 10.3 Deviation: In special cases, and for good cause not contrary to law, the Governing Body may permit deviation from these rules and regulations to the extent that strict compliance is determined to be impracticable or unnecessary.
- 10.4 Initiation and Defense of Legal Actions: The Governing Body of the Agency and, between its meetings, the chairman of the Agency may request legal counsel to initiate all necessary and proper legal actions and to defend legal actions, as may be required on behalf of the Agency.
- 10.5 Service on the Agency:
- (a) Summons may be served on the Agency by delivering a copy of the summons and complaint to the chairman or the executive officer. No other member, employee, agent, or other person is authorized to accept service on behalf of the Agency, except the chairman or executive officer may authorize legal counsel to accept same in individual cases.
  - (b) Whenever the chairman or the executive officer is served, he shall immediately notify legal counsel of the service. If service is upon the executive officer, he shall also immediately notify the chairman.
- 10.6 Preparation of the Administrative Record: If a legal action is filed against the Agency in relation to an Agency action, judicial review will be based on the administrative record for the Agency action. The administrative record will include all of the documents considered by the Agency in rendering its decision and may consist of some or all of the documents included in the project file, if applicable (see Section 5.21 of these Rules). The administrative record may also include, but is not limited to, the following additional items:
- (a) Correspondence related to the Agency action.

(b) Additional documents or reports relating to the Agency action.

(c) Documents referenced in any relevant environmental documentation.

(d) Tape recordings and/or minutes from all relevant public meetings.

Any Agency cost related to preparation of the administrative record, including but not limited to the use of resources or staff time to gather documents, organize and create an index to the administrative record, conduct a privilege review of the administrative record, and produce the final administrative record, shall be borne by the plaintiff(s) in the legal action.

10.67 Fees for Services:

- (a) Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.
- (b) The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.

10.78 Fees for Reviews:

- (a) Basic Fees – Fee schedules for project review and preparation of environmental documents shall be set by resolution of the Governing Body.
- (b) Consultant Fees – Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section 6.6.
- (c) Exception – Whenever, in the opinion of the chairman or executive officer, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the chairman or executive officer may increase the basic fee or the consultant fee by an amount not exceeding fifty percent (50%) of the amount indicated.
- (d) Project review fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule in which case the actual cost shall be used.



## MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: Joanne Marchetta, Executive Director  
Subject: Agency Strategic Plan

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Requested Action: Governing Board endorsement of the attached Agency Strategic Plan Summary (Attachment A)

Staff Recommendation: Staff recommends the Governing Board endorse the proposed Strategic Plan direction.

Required Motion: In order to adopt the Strategic Plan direction the Board must make the following motion:

- 1.) A motion to endorse the proposed Strategic Plan direction as articulated in the summary document (Attachment A);

In order for the motion to pass, affirmative votes of any eight Board members are required.

Project Description/Background: Working with senior TRPA staff, the Executive Director has engaged in an intensive strategic planning process over the last year to assess the strengths, weaknesses, opportunities, and threats of the Agency. The first phase, or assessment process, was completed in recent months and an internal reorganization is underway to deliver on the emerging vision for the Agency. The four primary strategic thrusts of the plan include achieving threshold gain, improving the Agency's operational effectiveness, streamlining processes, and enhancing community engagement and public service. Governing Board members have provided feedback over the course of several months, which has been incorporated into the Strategic Plan.

This item had been scheduled for discussion and action last month but was moved to July for the Board's consideration.

Contact Information: If you have any questions, please contact Joanne Marchetta at [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org) or (775) 589-5226.

Attachments:

- A. Proposed Strategic Plan Summary



tahoe  
LAKE TAHOE

## vision

Our vision is to have a Lake and environment that is clean, healthy and sustainable for the community and future generations.

As Lake Tahoe's only regional land use planning organization, we will achieve this vision by:

- building partnerships that deliver environmental **threshold** gain on the ground while relying on the best available science
- improving **organizational efficiency** with internal best practices
- **streamlining** processes and being solution-oriented
- providing excellent, professional public service and engaging the **community**.



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# STRATEGIC ACTION PLAN IMPLEMENTATION STEPS

## Realizing Our Hedgehog Vision: Being the Best at Building Partnerships That Implement and Achieve Environmental Gain on the Ground

### THRESHOLD GAIN ON THE GROUND: restoring Lake Tahoe through partnership building and innovative planning

- Every branch/every employee responsible
- New Measurement Branch
- Integrated threshold solutions/eliminating departmental silos
- Regional Plan 4-legged stool:
  - Water quality, transportation, land use, and catastrophic risks of aquatic invasive species and wildfire
- Improved reporting capabilities
- Enhanced partnerships for enforcement
- Increased awareness of EIP goals across departments

### OPERATIONAL EFFICIENCY: enhancing Agency sustainability with internal best practices

- Revenue enhancements through improved cost recovery
- New COO – responsible for monitoring performance metrics and standards
- Audit of IT systems
- Clear lines of accountability, responsibility, and reporting
- Matrix elimination
- Culture of discipline:
  - Accuracy and quality
  - Consistency
  - Timeliness
  - Responsiveness
- Top to bottom analysis of business practices
- Being the go-to organization in the Basin for scientific data synthesis and reporting

### STREAMLINING: improving Agency business practices for enhanced public service

- Long and short-range planning combined; senior planners mentoring staff
- Permit review timeline efficiency for major projects/early and better coordination with local jurisdictions
- EIS review process improvements
- Residential permits delegated to local jurisdictions over time
- Performance standards for teamwork, collaboration, negotiation, solution-finding
- Outside sources of data leveraged rather than in-house monitoring
- Clear identification of priorities for employees and programs
- Performance-based incentive pay program over time
- Agency alignment regarding Plan-Do-Check-Adjust; project management focus
- Clear reporting structure with clear accountability
- Work standards – stress punctuality, manage flex time and vacations for improved performance
- Internal training

### COMMUNITY ENGAGEMENT: building positive relationships in the community and improving customer service

- Customer service responsibility of every employee; new metrics for success
- Community service for every employee
- Front desk operations addressed to manage staffing shortages
- Focus on partnerships, collaboration, coordination, problem solving, solutions
- Customer service training and performance metrics
- Community relationship building
- Ethics policy awareness and education
- More educational workshops for RPU and other issues
- Agency profile enhanced with more outreach resources
- Improved Legislative Program



*imagine. plan. achieve.*



## MEMORANDUM

Date: July 21, 2010  
To: TRPA Governing Board  
From: Joanne S. Marchetta, Executive Director  
Subject: Executive Director Report and Agency Work Program Priorities for July 2010

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The Agency Work Program Priorities are as follows:

- A. Regional Plan Update (RPU)
- B. Forest Fuels Management
- C. Aquatic Invasive Species Eradication Program
- D. EIP Implementation
- E. Shorezone Program Implementation
- F. Community Enhancement Program

Highlights of these programs follow:

### **A. Regional Plan Update**

At the June 23-24, 2010 Governing Board Meeting, the RPU Team presented the FactSheet for the Transportation Milestone and completed the Land Use Milestone.

The Conservation Milestone discussion is scheduled for the July meeting.

#### News in Brief for July 2010:

- On July 8 in Kings Beach, John Hitchcock, Dennis Oliver, and Harmon Zuckerman made a public presentation regarding transect zoning at the North Tahoe Regional Advisory Council. The *Tahoe Daily Tribune* published a positive article regarding the presentation entitled "TRPA's approach to community planning becoming more clear." The article appeared in the July 16 edition. The *Sierra Sun* ran an article recapping the meeting in the July 15 edition.
- The *Tahoe Daily Tribune* ran an article entitled "TRPA Q&A: Clarifying complicated zoning issues" in the July 5 edition.
- The *Sierra Sun* ran an editorial that was supportive of the transect zoning concept in particular and the RPU in general; it was entitled "Sun editorial: Don't disrupt the process" and it appeared in the July 16 edition.
- Prepared a Request for Proposals (RFP) for the second phase of the Code work associated with the RPU. The first "Code cleanup" phase, which is being led by TRPA staff and Clarion Associates, is almost complete. The result of the work will be a set of recommended changes for improving the current format, wording, organization, and structure to create a more streamlined and user-friendly Code.

- Assembled a ten-member TAU Task Force and scheduled the first meeting (July 22). This group will be responsible for developing a set of options to potentially resolve the Tourist Accommodation Units issue and present the options to the Board this fall.
- Continued to participate on the Steering Committee for the Lake Tahoe Basin Prosperity Plan. Attended the June 18 meeting.
- Continued to participate on the Climate Change Project Working Group.
- Continued to participate on the Lake Tahoe Transit Alternatives Analysis Policy Committee.
- Continued to meet with interested stakeholders and members of the community on issues general to the RPU.

## **B. Forest Fuels Management**

With summer finally here, the Tahoe Fire and Fuels Team is beginning to implement 2010 projects. TRPA Forest Management staff have been reviewing, permitting and visiting project sites. Projects are under way in several locations around Lake Tahoe and 2010 promises to be another successful year of protecting communities from catastrophic wildfire through effective fuels reduction projects.

The development of the Tahoe Basin Defensible Space Database continued in July. The real time information in this data base can be used to track where treatments are complete or not, and can become useful during a fire incident to tell firefighters where to focus suppression or control efforts or not. The database is functional and being used by the Lake Tahoe Basin Fire Protection Districts while modifications and improvements are being made.

On July 9 the Lake Tahoe Wildfire Awareness Summit was held at Harvey's Resort and Casino. The day was full of presentations and attended by about 75 people. Though most attendees were from Tahoe Basin agencies, there was a good showing of homeowners for the first annual event.

TRPA continues to work with the U.S. Forest Service on the Angora Fire Restoration Project, Spooner Fuels Reduction Project and Carnelian Bay Fuels Reduction Project.

Don't forget to check out the "Get Defensive" campaign at [www.tahoefiresafe.com](http://www.tahoefiresafe.com)

## **C. Aquatic Invasive Species (AIS) Eradication Program**

The following are highlights of work that has been performed by TRPA staff and agency partners since the last update in June related to aquatic invasive species.

The Fourth of July weekend was busy for the Watercraft Inspection Program. Tahoe Resource Conservation District (TRCD) inspectors, TRPA staff, volunteers and our partners worked hard to keep multiple boat ramps open late on the nights of July 3 and 4 to serve boaters retuning from watching the fireworks. Roadside inspection stations continue to offer inspections and decontaminations at four locations: Alpine Meadows, Northstar Boulevard, Spooner Summit and Meyers.

The expanded Asian clam removal pilot at Marla Bay and Lakeside is under way. Earlier this month the participating members of the Asian Clam Working Group (ACWG), lead by UC Davis

and the Tahoe Resource Conservation District, including TRPA staff, successfully and quickly installed one acre of bottom barrier over the clam beds. Monitoring will continue to determine effectiveness of the new barrier design as well as recolonization rates. The work performed in Marla Bay and Lakeside this year is funded by the US Fish and Wildlife Service and Nevada Division of State Lands. A media day was held on July 9 through the cooperative effort of all the agencies on the ACWG to highlight this project as an example of the collaboration of the research, management and regulatory communities.

#### **D. EIP Project Permit Processing and EIP Update**

Many Environmental Improvement projects are progressing each month and getting closer to implementation. Our Implementation Branch staff is involved reviewing over 40 projects. Many of these projects are being guided by Technical Advisory Committees consisting of staff from implementing, funding and regulatory agencies. Schedules for many EIP projects are changing, partially due to funding changes. A small sample of projects and activities currently underway includes:

- Several major stream channel restoration projects in different stages, from pre-project review to construction nearly finished. The Upper Truckee River (UTR) Restoration and Golf Course Reconfiguration project is currently under EIS environmental review with the Draft EIS expected to be released for public review this summer. Several other UTR restoration projects are under review between Lake Tahoe and the Golf Course reach. Projects on other streams include Angora Creek, Rosewood Creek, Blackwood Creek and Ward Creek.
- Caltrans is moving forward on improving highways in the Tahoe Region, most notably in cooperation with the City of South Lake Tahoe, Highway 50 from Trout Creek to Ski Run Boulevard. The project includes stormwater treatment, sidewalks, street lights, and bicycle improvements. Caltrans is also close to approval for replacement of historic rock walls along Highway 50 between Meyers and Echo Summit, and the highway 89 Water Quality Improvement Project between Tahoma and the Tahoe City "Y."
- The Nevada Department of Transportation (NDOT) is continuing its water quality improvement project on Highway 207 (Kingsbury Grade). Next summer, NDOT plans to begin construction on several eroding cut slopes on Highway 50 along the grade to Spooner Summit.
- The South Tahoe Greenway Shared Use Trail Project from Meyers to Van Sickle State Park is under EIS review. The Draft EIS is expected to be released to the public for review later this summer. The California Tahoe Conservancy is also planning a drainage and stream environment zone restoration project on Ward Creek near Stanford Rock.
- Placer County tentatively scheduled construction of the Brockway Erosion Control Project, the Tahoe Pines Erosion Control Project, the Tahoe City Residential Water Quality Improvement Project, and the Lake Forest Erosion Control Project this summer and next.
- Washoe County is working on the Fairview/Fairway Erosion Control Project in Incline Village.
- Incline General Improvement District (IVGID) is on schedule to replace culverts enhancing fish passage and water quality at Incline and Third Creeks under Incline Way and Lakeshore Drive.
- El Dorado County continues to plan and build environmental improvement projects including the Christmas Valley Erosion Control Project, a new bridge over Angora Creek at Lake Tahoe Boulevard, and the Rubicon V Erosion Control Project.

- Douglas County is scheduled to begin construction on the Lake Village Water Quality Improvement Project this summer.
- The City of South Lake Tahoe is continuing work on the Sierra Tract Erosion Control Project and the Al Tahoe Erosion Control Project. The City is also in the planning phase of the Bijou Erosion Control Project.
- Staff recently permitted the Nevada Beach BMP and Accessibility retrofit project to improve water quality and ADA access for the USDA Forest Service.

#### Erosion Control Team

- The TRPA Erosion Control Team (ECT) and its partners the Nevada Tahoe Conservation District, the Tahoe Resource Conservation District and the Natural Resources Conservation Service continue to work closely with private property owners to implement Best Management Practices (BMPs) on their properties.
- The Erosion Control Team's Draft BMP Handbook is currently under peer and internal review and is scheduled to be released this August.

### E. Shorezone Program Implementation

#### Program Implementation

The staff presented the annual Shorezone Report to the Governing Board in March and staff is proceeding to implement the programs and recommendations. The Shorezone Program is now a special program in the Agency's Implementation Branch. It has special funding accounts in the 2011 Budget that include shorezone permitting, enforcement, Blue Boating, and implementation programs along with the necessary monitoring, all in the context of adaptive management.

#### Permitting Status

Piers: There has been no change in the status of pier applications. Consistent with the September 14, 2009 preliminary injunction hearing, the five selected pier applications for 2009 are still under review and will be processed after the buoy permit process slows down. They will be processed, but will not be allowed to construct until the court case is resolved. TRPA staff sent out notices twice to the applicants about this litigation that may affect their applications and offered to them the option to withdraw and receive a refund. The 2010 submittal of pier allocation applications for the second round of pier permits was postponed until January 15, 2011 by the Governing Board at its December 2009 meeting.

Moorings: Applications for moorings increased in April after TRPA staff sent out letters to the littoral owners informing them that starting April 19, 2010 TRPA staff would be applying the late fee penalties. In June, TRPA sent letters to all buoy permittees that had the one year BMP condition reminding them that they needed to comply.

As of July 12, TRPA has applications for 4397 buoys and we are approaching the 4454 buoy cap, however, 1555 buoys are still under review. Some of these applications may be denied and others may not be considered for action until winter. Staff is estimating that the buoy enforcement program will be targeting approximately 200 buoys for possible removal or other resolution. As of this date, TRPA has received 1163 applications for buoys with 385 applications for registrations for other moorings. The table below gives the break down by mooring type and the processing status.

Table 1 Mooring Application Counts as of July 12, 2010

| Mooring Application Status | Pending Applications | Number Pending | Approved Applications | Number Approved | Total Applications | Total Number |
|----------------------------|----------------------|----------------|-----------------------|-----------------|--------------------|--------------|
| Boat Houses                | 5                    | 5              | 57                    | 69              | 62                 | 74           |
| Boat Lifts                 | 46                   | 57             | 277                   | 327             | 323                | 384          |
| Buoys                      | 251                  | 1555           | 912                   | 2842            | 1163               | 4397         |

There is still a significant work load remaining in buoy field applications as well as the application category for 1-3 buoys. The buoy fields require scenic analysis and a Certificate of Compliance for BMPs before issuance of a permit. There are about 150+ non-littoral applications being investigated. Staff has resolved most of these non-littoral parcels and has begun processing them. The two unresolved areas are Homewood and Secline – Kings Beach. We are hoping to have the majority resolved soon.

Other Shorezone Permits: Since January, TRPA has approved 4 permits for miscellaneous projects such as dredging, pier expansions, modifications, and shorezone protective structures. There are 19 pending applications. TRPA also reviewed 3 shorezone qualified exempt activities.

### **Shorezone Monitoring**

Shorezone field monitoring efforts for water and noise are proceeding as planned. The Blue Boating Program inspection program continues to collect information needed to understand motorized watercrafts' potential impact on air quality. Glenn Miller, UNR professor of chemistry, has been contacted to assist the Blue Boating Program in estimating the amount of pollutants that have been diverted from Lake Tahoe as a result of bilge flushing procedures.

### **Compliance**

The Buoy Enforcement MOU with Nevada is ready to be signed. Staff is scheduling appointments with NV State Lands and NDOW to have the agency directors and counsel sign off on the agreement.

As previously mentioned, BMP conditions associated with buoy permits are coming due; staff has developed an enforcement process for those permittees who have missed their deadline.

Staff is researching new types of buoy tags as the current stickers do not adhere well enough. We are pursuing permanent tags with RFID technology.

**F. Community Enhancement Program**

| <b>Projects Submitted</b>      | <b>Date Submitted</b> | <b>Type of Project</b>   | <b>Status/Deadline</b>   | <b>Lead Planner</b>                      | <b>Lead Consultant</b>  | <b>Environmental Net Gains</b>   |
|--------------------------------|-----------------------|--|--|--|---|--|
| <b><i>Boulder Bay, LLC</i></b> | March 18, 2008        | Mixed Use<br>Tourist<br>Accommodation/<br>Residential/<br>Commercial<br><br>Proposed project requires amendment to Chapter 22 - Height | 7/6/10 Received draft final of response to public comments from HB for final review and ultimate inclusion into the Final EIS. Had discussions with applicant on scheduling and materials needed by TRPA to begin Staff Review of project and crafting of staff summary for public hearing.<br>7/2/10 Internal meeting with Legal and other staff to discuss final review schedule, AG strategies, final public hearing schedule.<br>6/8/10 Had internal meeting to discuss revised traffic analysis, the need to reconcile coverage numbers as they are discussed in settlement agreement, potential alternative development scenarios for Alternative C (the proposed project) as it might relate to the settlement agreement and the content of the all of the Settlement agreements to date and as to the methodology for amending based on currently Boulder Bay development scenarios.<br><br>5/11/10 Wrote public notices and notice of availability for July APC and Governing Board public hearings and FEIS. Started writing Staff Summary for both which will be finished first week of June. Staff is putting together meeting to speak with Cal. AG to inform of the revised Traffic study. | David Landry, Senior Planner, ERS Branch | Hauge Brueck<br><br>A three-party contract has been executed. | Area-wide storm water quality improvements (EIP project), completion of mini-park (EIP project), undergrounding of powerlines along St Rte 28.<br><br>Submitted Energy Consumption Analysis for Staff review.<br><br>Provided methodology for Traffic Analysis for Timeshare units.<br><br>Provide more definitive analysis of Alternatives focusing on non-living |



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|  |  | <p>4/19/10 FEIS is being crafted with revised Traffic Analysis. Final discussion on TAU bonus units and ERU will take place with applicant 4/22/10. Staff reviewing additional clarification of Accessory Spaces furnished by applicant. Staff is reviewing public comment and how HBA addressed in draft final EIS for any legal concerns.</p> <p>Program Managers are currently in the process of reviewing comments for inclusion in the Final EIS.</p> <p>2/4/10 Close of comment period on Draft EIS and to date received 347 various comments.</p> <p>2/1/10 with the assistance of the Consultant and sub traffic consultant, an alternative approach for measuring Baseline Existing Trip Generation Analysis was developed and approach by TRPA Traffic and Project Manager. TRPA will present the alternative approach to Legal Staff and then discuss with Cal. AG Office. Soon after TRPA will move forward a contract amendment to do the added (revised approach) work.</p> <p>1/11/09 Staff continues to receive public comment and comments from public agencies to be addressed in the FEIS which closes on Feb 4, 2010. Staff also is working on reconciling numbers for coverage transfers for Sierra Park parcel.</p> <p>12/4/09 DEIS went to GB for public comment</p> |  |  | space. |
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|  |  |  | <p>and briefing</p> <p>11/18/09 comment period was extended by Executive Director up to 90 days (Feb 4, 2010). Open House was held at Biltmore on Dec 2 to answer public questions. APC Hearing for public comment and briefing 12-9-09; public hearing Dec 16, 2009. TRPA Staff continuing to receive public comment for FEIS</p> <p>11/6/09, CDs sent to Nevada Clearinghouse</p> <p>11/5/09, hard copies of the draft EIS were sent to CA. Clearinghouse</p> <p>Project applications have been deemed Incomplete. The project will remain incomplete until the EIS is certified.</p> <p>TRPA and the applicants are continuing to discuss the additional information requested or received for various amendments to the Code.</p> <p>The sub-consultant is validating findings of the revised traffic study.</p> <p>The consultant is working to address staff's height concerns and continue to refine the proposal.</p> <p>Staff has commented on an Administrative Draft EIS, and the consultant is revising the document.</p> <p>The EIS traffic and transportation chapter has been revised based on comments received on</p> |  |  |  |
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|                                  |                |  | <p>the administrative draft.</p> <p>Staff is finalizing land coverage and commercial floor area verifications.</p> <p>Staff will provide the Governing Board with a briefing on the draft Environmental Document at the November meeting.</p> <p>The DEIS was released for public comment to the TRPA Website and other public venues</p>   |  |   |   |
| <b>Homewood Mountain Resorts</b> | April 16, 2008 | <p>Mixed Use Tourist Accommodation, Residential and Commercial, and Ski Area Master Plan (Previously submitted).</p> <p>Project requires Code amendments for Height and, perhaps Density. Project also requires Plan Area Statement amendments in relation to permissible uses and boundaries. Some will correct inconsistencies</p> | <p>7/13/10 Progress meeting with JMA, HB, Placer C.o. and TRPA to gauge progress on review and discover any impending difficulties with the document.</p> <p>6/21/10 The Administrative Draft was released to TRPA Staff. Staff disseminated chapters to programs managers and reviewers with a due date for internal comment by 7/21/10.</p> <p>6/8/10 Had Bi-weekly meeting and discussed further details of Alternative 6, the timing of the revised height amendment – currently being prepared, the structural cost for the proposed project to calculate the excess coverage mitigation fees, and schedule as to when admin draft is targeted for release (June 11).</p> <p>5/11/10 HBA is putting the final touches on the AEIR/EIS. CWE and TOC issues have been remedied. Applicant’s consulting is putting final touches on proposed height amendment. Applicant’s consultant is preparing final existing and proposed land coverage numbers by</p> | David Landry, Senior Planner, ERS Branch | <p>Hauge Brueck</p> <p>Four Party Contract and Scope of Work executed for joint EIS/EIR. TRPA, Placer County, Homewood Mountain Resort, and Hauge Brueck.</p> | <p>Substantial participation in areawide water quality improvements, enhance pedestrian circulation patterns including linking of bicycle trail, LEED certification above what is required per the CEP.</p> <p>Proposing meeting to discuss alternative to Cumulative Water Effects</p> |

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|  |  | <p>between Placer Counties West Shore Plan and TRPA Plan Area Statements.</p> | <p>alternative.</p> <p>4/19/10 Staff received draft final of CWE without final TOC and therefore will not review until final complete CWE document has been provided. Staff is reviewing draft proposed Ht. Amendment language. Staff is reviewing final Hydrology information and LID technologies for inclusion into AEIS</p> <p>Staff and Consultants are continuing to work on various issues and Alternatives.</p> <p>2/9/10 Project Manager to meet w/ legal staff on the best direction for density calculations.</p> <p>2/1/10 HMR through their consultants submitted revised slope phase analysis information which will enable TRPA Staff and Consultant to review the revised Threshold of Concern for Homewood Cumulative Watershed Effects Analysis. Based on direction from staff HMR crafted new Ht. Amendment and PAS. Based on redirection from Senior Staff, HMR was asked to revise Ht. Amendment to be more simplified.</p> <p>1/5/09 had biweekly meeting with applicant, Placer County (phone), TRPA consultant, and TRPA Staff. Staff has received Admin Draft or working copy chapters for the ADEIS and will launch internally on Tues 1/12/09. Staff has issued direction on how soils hydro investigations should be conducted (one per</p> |  |  | <p>(CWE) analysis.</p> <p>On going discussions related to alternative Master Plan process.</p> |
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|  |  | <p>parcel) and will issue a memo to applicant by end of day 1/11/09.</p> <p>12/4/09 Consultant has provided 9 Chapters to TRPA of the ADEIS for internal review ahead of the whole document to give those who need a head start. Staff and Applicant have come to a final understanding as to how the CWE and TOC will be moved forward. Applicant has provided draft of height amendment. TRPA ERS &amp; BMP folks have communicated to applicant that diversion of ground water is troublesome based on current excavation depth. Soils program manager identified that TROA will play a big part in that older half exercised water rights holders will have priority over new users (Homewood Snow making).</p> <p>Project incomplete items relate to Environmental Document certification. Joint EIS/EIR with Placer County.</p> <p>TRPA Ski Area Master Plan EIS required which will be inclusive of the CEP project.</p> <p>A Land Capability Challenge was approved by the TRPPA Hearings Officer on August 6, 2009.</p> <p>TRPA and the applicants continue to discuss the additional information requested and received for the Code (Height and Density) and PAS amendments.</p> <p>TRPA is finalizing the alternatives that are in the EIS, and added a new alternative (No. 5),</p> |  |  |  |
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|                |                  |   | <p>which is a combination of other alternatives.</p> <p>Major outstanding issues continuing to be discussed include the Master Plan, and cumulative watershed effects process.</p> <p>Draft Master Plan submitted, TRPA comments provided Draft Master Plan being revised.</p> <p>Staff is continuing to discuss cumulative watershed effects (CWE) approach with applicant and consultant.</p> <p>TRPA Consultant has asked applicant to revise the master plan based on finalization of project alternatives.</p> <p>Staff and applicant have discussed chapter and language changes in Code for height amendment.</p> <p>Consultant prepared evaluation criteria for document, staff circulated in house for comment. Consultant compiling info and/or studies for Tree, Traffic counts. Reviewing draft language for Ht Amendment.</p> |  |  |   |
| <b>BB, LLC</b> | December 4, 2008 | <p>Mixed Use, Tourist/Residential/Commercial</p> <p>Proposed project requires amendments to the TRPA Code</p> | <p>6/23/10: Conference call with applicant and consultants to discuss timeline and next steps. Still waiting for the applicants to prepare and provide a range of alternatives.</p> <p>2/8/10: Staff is waiting for the Applicants Consultant to prepare and provide a range of Alternatives.</p>  | Theresa Avance, AICP, Senior Planner, ERS Branch | <p>Bill Kasson, AECOM</p> <p>Nanette Hansel, AECOM</p> | <p>Areawide Water Quality benefits, Scenic improvements, public plaza, enhanced pedestrian circulation,</p> |

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|  |  | <p>for Height and Density. Project also requires Kings Beach Community Plan amendments for Height, Density, and permissible uses.</p> | <p>Held meeting on Jan. 13, 2010. Determined that a 20 day notice is required for the NOP scoping. NOP scoping to APC will not occur before March. Applicants discussing potential project alternatives to include in scoping.</p> <p>“Kick-off” meeting scheduled for beginning of January to resolve outstanding issues and determine when we will be ready to issue the NOP.</p> <p>Formal 30 day review completed December 30, 2008. All applications incomplete pending certification of the EIS.</p> <p>4-party contract signed by all parties and returned to TRPA on December 1, 2009. Next step will be to prepare the NOP and take the proposal to APC for scoping. (After ongoing discussions and adjustments, we need an official project description and plans before we can proceed with the NOP and scoping).</p> <p>RFP issued March 2 closed on March 23, 2009. Consultant interviews completed on April 16, 2009.</p> <p>Applications must be submitted to amend the Regional Plan for Height and Density. Additional amendments to Kings Beach Commercial Community Plan are needed for permissible uses in the affected plan area/community plan.</p> <p>TRPA has selected a consultant to prepare the</p> |  |  | <p>LEED certification.</p> |
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|  |  |  | EIS. Placer County has accepted the consultant and a four-party contract is being prepared. |  |  |  |
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\*30 Day Review- Determines the completeness of the application and the level of environmental review required i.e.: EIS, EA, Environmental Checklist

\*\*TRPA issued a Request for Qualifications in November 2007. Three consultants have met the selection criteria to engage in review of CEP projects that have been determined to require an environmental document. These consultants are Hauge Brueck, EDAW, and Pacific Management Corporation (PMC). TRPA and our local jurisdiction partners are coordinating to determine appropriate consultants, based on experience, for specific CEP projects.

**Other projects:** *Ferrari Family Resort, Pastore Ryan, Former Mikasa Gateway, and South Y Center* were granted one year extensions of the reservation of commodities at the February 2010 Governing Board Meeting. Based on a lack of adequate progress, KB Resorts was not granted an extension of the reservation of commodities and is therefore no longer a CEP project. TRPA is continuing to work with our local jurisdiction partners to ensure that the proposals with reserved commodities are diligently working toward application submittal. Conversations continue in relation to the checklist and application submittal requirements for each project.