

## STAFF REPORT

Date: February 19, 2020

To: TRPA Governing Board

From: TRPA Staff

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

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### Summary and Staff Recommendation:

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

### Required Motions:

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

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

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

### Background:

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

During the Forest Health and Wildfire Committee's September and November 2019 meetings, the Committee approved proposed direction to update Section 61.1. Tree Removal and Section 61.2. Prescribed Burning. These amendments are recommended by the Forest Health and Wildfire Committee

(November 2019), the Regional Plan Implementation Committee (January 2020), and the Advisory Planning Commission (February 2020). These edits focused primarily on developing a user-friendly code.

Amendments to Section 61.1. Tree Removal focus on:

1. Moving sections that reference protections to 61.3. Vegetation Protection and Management.
2. Modifying code language to reflect recommendations from partner land management and regulatory agencies that focus on current practices and increased pace and scale of forest restoration.
  - a. Relying on partner Memorandums of Understanding (MOU) with TRPA when feasible and appropriate.
  - b. Relying on the judgement of a qualified forester when feasible and appropriate.
  - c. Including both revegetation and soil stabilization plans.
  - d. Consideration of plans developed under California Forest Practice Rules or other California Environmental Quality Act documents in place of a Harvest or Tree Removal Plan.
3. Reorganizing and renumbering subsections within Section 61.1. Tree Removal to a facilitate a logical flow.

Amendments to Section 61.2. Prescribed Burning included:

1. Relying on partner agency MOU's with the TRPA.
2. Deleting line 61.2.5.B.7. regarding additional information TRPA may require.
3. Deleting Section 61.2.3.B.1-5. Limitations regarding the limited use of prescribed burning for activities such as seral stage management, fuels management, wildlife habitat management, silviculture, or pest control.

Code Amendment:

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

Environmental Review:

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

Regional Plan Compliance:

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

Contact Information:

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

Attachments:

- A. Adopting Ordinance
  - Exhibit 1: Code Amendments
  - Exhibit 2: Code Amendments and Rationale

Exhibit 3: Clean Version of Updated Code Language

- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)
- D. Examples of TRPA and Partner Agency Memorandums of Understanding

Attachment A  
Adopting Ordinance

## Attachment A

### TAHOE REGIONAL PLANNING AGENCY ORDINANCE 2020-

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

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

#### Section 1.00 Findings

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

#### Section 2.00 TRPA Code of Ordinances Amendments

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

Section 3.00    Interpretation and Severability

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

Section 4.00    Effective Date

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

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

Ayes:

Nays:

Abstentions:

Absent:

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William Yeates, Chair  
Tahoe Regional Planning Agency,  
Governing Board

Attachment A – Exhibit 1  
Code Amendments

## EXHIBIT 1: CODE AMENDMENTS

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

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

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

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

**A. Hazardous Tree Removal**

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

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

**B. Ecosystem Management Goals and EIP Projects**



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

## 61.1. TREE REMOVAL

### 61.1.4. Reasons for Tree Removal

#### B. Ecosystem Management Goals and EIP Projects

#### ~~61.1.6. — Reasons for Tree Removal~~

##### ~~A.1. Management Objectives~~

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

- ~~a~~1. Restoration and expansion of stream environment zones and riparian vegetation;
- ~~b~~2. Improvement of the structural diversity of all forests based on judgement of qualified forester, ~~including the protection and establishment of younger aged trees;~~
- ~~c~~3. Enhancement of native wildlife species and/or native wildlife habitat diversity;
- ~~d~~4. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;
- ~~e~~5. Protection of sensitive lands;
- ~~f~~6. Minimization of construction of new roads;
- ~~g~~7. Revegetation of existing temporary roads;
- ~~h~~8. Avoidance of disturbance of stream environment zones, unless to enhance the health of stream environment zones through projects intended to thin trees or prescribe burn ~~remove trees~~ within SEZ in accordance with subparagraph ~~61.3.10 61.1.6.C;~~
- ~~i~~9. Utilization of existing openings or disturbed areas as landings where appropriate;
- ~~10.~~ ~~Provisions for revegetation;~~
- ~~j~~11. The promotion of a diversity of seral stages, species diversity, and age class ~~late seral or old growth characteristics;~~
- ~~12.~~ ~~Early successional stage vegetation management; and~~
- ~~k~~13. Fuels management for fire hazard reduction; and
- l. Forest health and resilience to drought, insects, disease, and climate change.

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

## 61.1. TREE REMOVAL

### 61.1.4. Reasons for Tree Removal

#### B. Ecosystem Management Goals and EIP Projects

##### **2C. Dead, Dying, or Diseased Tree Removal**

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

##### **3E. Tree Removal for Early Successional Stage Vegetation Management**

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

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

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

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

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

## 61.1. TREE REMOVAL

### 61.1.4. Reasons for Tree Removal

#### D. Public Utility Rights-of-Way

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

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

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

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

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

## 61.1. TREE REMOVAL

### 61.1.5. General Tree Removal Standards

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

#### A. **Additional Code Standards**

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

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

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

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

**B. Findings**

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

**C. Harvest or Tree Removal Plan**

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

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

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

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

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

## 61.1. TREE REMOVAL

### 61.1.6. Minimum Standards for Tree Removal

#### AB. Cutting Practices

The following cutting practice standards apply:

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

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

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

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

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

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

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

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

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

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

## 61.1. TREE REMOVAL

### 61.1.8. Substantial Tree Removal

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

#### A. Private Parcels

The review process for private parcels shall include the following:

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

#### B. Public Parcels

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

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

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

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

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

**Section 22.** Delete Subparagraph 61.2.5.B.7.



Attachment A – Exhibit 2  
Code Amendments and Rationale

## AMENDMENTS AND RATIONALE

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

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

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

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

### SECTIONS BEING AMENDED

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

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

**PROPOSED AMENDMENTS**

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

**61.1. TREE REMOVAL**

~~61.1.4. Old Growth Enhancement and Protection~~

**61.3. VEGETATION PROTECTION AND MANAGEMENT**

61.3.7. Old Growth Enhancement and Protection

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

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

**61.1. TREE REMOVAL**

~~61.1.74. Reasons for Tree Removal~~

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

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

**A. Hazardous Tree Removal**

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

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4. Within Subsection 61.1.4, renumber Subparagraphs B, *Emergency Tree Removal*; D, *Fire Hazard Tree Removal*; and J, *Tree Removal During Emergency Fire Suppression Activities* as Subparagraphs A.2, A.1, and A.3 respectively.
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<i>Description</i>	Section 61.1.7.D. Fire Hazard Tree Removal, Section 61.1.7.B. Emergency Tree Removal, and Section 61.1.7.J. Tree Removal During Emergency Fire Suppression Activities moved under new 61.1.4.A. Hazard Tree Removal Section.
<i>Purpose</i>	To ensure clarity and organization throughout the tree removal section.
<i>Result</i>	Information will be consolidated under the Hazard Tree Removal heading.

## 61.1. TREE REMOVAL

### 61.1.4. Reasons for Tree Removal

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

#### A. Hazardous Tree Removal

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

#### B1. Fire Hazard Tree Removal

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

#### D2. Emergency Tree Removal

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

#### J3. Tree Removal During Emergency Fire Suppression Activities

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

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

**B. Ecosystem Management Goals and EIP Projects**

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

**B. Ecosystem Management Goals and EIP Projects**

61.1.6. Reasons for Tree Removal

**A.1. Management Objectives**

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

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

**B. Ecosystem Management Goals and EIP Projects**

**2C. Dead, Dying, or Diseased Tree Removal**

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

**3E. Tree Removal for Early Successional Stage Vegetation Management**

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

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

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

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

**TABLE 1: REVISED SUBPARAGRAPH NUMBERS – SUBSECTION 61.1.4**

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

---

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

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

**61.1. TREE REMOVAL**

**61.1.4. Reasons for Tree Removal**

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

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

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

**E. Public Utility Rights-of-Way**

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

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

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

**61.1. TREE REMOVAL**

**61.1.5. General Tree Removal Standards**

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

**A. Additional Code Standards**

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

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

**B. Findings**

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

**C. Harvest or Tree Removal Plan**

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

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

~~H. Restocking~~

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

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

~~J. Historic Resource Protection~~

**61.3. VEGETATION PROTECTION AND MANAGEMENT**

61.3.8. Historic Resource Protection

~~A1. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: Historic Resource Protection. All historic resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.~~

~~B2. If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.~~

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

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

**61.3. VEGETATION PROTECTION AND MANAGEMENT**

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

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

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

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

## 61.1. TREE REMOVAL

### 61.1.6. Minimum Standards for Tree Removal

#### AB. Cutting Practices

The following cutting practice standards apply:

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

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15. Renumber Subparagraphs 61.1.6.C, *Tree Cutting within Stream Environment Zones* and its subparagraphs C.1 through C.5 as Subsection 61.3.10 and Subparagraphs 61.3.10.A through E, respectively, with no change in language.
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<i>Description</i>	61.1.6.C.1-5. Tree Cutting Within Stream Environment Zones moved to Section 61.3. Vegetation Protection and Management and assigned a new subsection 61.3.10.1.A-E.
<i>Purpose</i>	To provide a more logical and organized flow to Chapter 61 by moving all references to protections into the Vegetation Protection and Management section.
<i>Result</i>	Details regarding Tree Cutting within Stream Environment Zones will now be found within Section 61.3. Vegetation Protection and Management under 61.3.10.

## 61.1. TREE REMOVAL

### 61.1.6. Minimum Standards for Tree Removal

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

## 61.3. VEGETATION PROTECTION AND MANAGEMENT

### 61.3.10. Tree Cutting within Stream Environment Zones

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

#### A. Vehicle Restrictions

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

1. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage; and
2. TRPA shall review site-specific proposals for and may permit the use of "innovative technology" vehicles and/or "innovative techniques" for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: Definitions, for definitions of "innovative technology" vehicles and "innovative techniques.") Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

- (i) Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;
- (ii) Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;
- (iii) Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;
- (iv) Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;
- (v) To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;
- (vi) Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: Wildlife Resources;
- (vii) Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: Historic Resource Protection; and
- (viii) Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

#### B. Soil Conditions

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

#### C. Trees and Debris Kept from Streams

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



pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

**D. Stream Crossings**

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

**E. Special Conditions**

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

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

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**TABLE 2: REVISED SUBPARAGRAPH NUMBERS – SUBSECTION 61.1.6**

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

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

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

	Section 61.1.6.G. Slash Disposal will become 61.1.6.E. Slash Disposal through reorganization of entire section.
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**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

**EG. Slash Disposal**

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

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

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

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

**61.1. TREE REMOVAL**

**61.1.6. Minimum Standards for Tree Removal**

**FI. Erosion Control**

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

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:
  - a. Temporary erosion controls and vegetation protection measures.
  - b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.
2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.
3. Projects must have design criteria to avoid tracking soil off the project site. ~~Soil shall not be tracked off the project site.~~ Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.
4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

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

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

## 61.1. TREE REMOVAL

### 61.1.79. Commercial Tree Removal

#### A. General Standard

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

#### B. Cutting and Cultivation of Christmas Trees

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

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 20. Modify Subparagraph 61.1.8.B.
 

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

## 61.1. TREE REMOVAL

### 61.1.8. Substantial Tree Removal

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

#### A. Private Parcels

The review process for private parcels shall include the following:

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

#### B. Public Parcels

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

- ~~d. Submittal of tree removal or harvest plan;~~
- ~~e. Approval of project by TRPA; and~~
- ~~f. TRPA monitoring and evaluation.~~
- ~~2. For other public parcels the process shall be the same as for private parcels in 1 above.~~

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

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

**61.2. PRESCRIBED BURNING**

**61.2.3. Prescribed Burning**

~~B. Limitations~~

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

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

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22. Delete Subparagraph 61.2.5.B.7.

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

**61.2. PRESCRIBED BURNING****61.2.5. Compliance Program****B. Burn Prescription**

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

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

Attachment A – Exhibit 3  
Updated Code Language

## CHAPTER 61: VEGETATION AND FOREST HEALTH

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### 61.1. TREE REMOVAL

#### 61.1.1. Purpose

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

#### 61.1.2. Applicability

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

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



**61.1.3. Delegation of Project Review and Permit Determination**

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

**61.1.4. Reasons for Tree Removal**

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

**A. Hazardous Tree Removal**

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

**1. Fire Hazard Tree Removal**

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

**2. Emergency Tree Removal**

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

**3. Tree Removal During Emergency Fire Suppression Activities**

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

**B. Ecosystem Management Goals and EIP Projects**

**1. Management Objectives**

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

## CHAPTER 61: VEGETATION AND FOREST HEALTH

### 61.1 Tree Removal

#### 61.1.4 Reasons for Tree Removal

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

#### **2. Dead, Dying, or Diseased Tree Removal**

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

#### **3. Tree Removal for Early Successional Stage Vegetation Management**

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

#### **4. Tree Removal for Enhancement of Forest Health and Diversity**

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

- a. A management plan that demonstrates the need for the project and the means of accomplishing the objectives listed below shall be prepared by a qualified forester.
    - (i) Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.
    - (ii) If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve structural diversity objectives.
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CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1 Tree Removal

61.1.4 Reasons for Tree Removal

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

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

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

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

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

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

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

**61.1.5. General Tree Removal Standards**

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

**A. Additional Code Standards**

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

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

**B. Findings**

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

**C. Harvest or Tree Removal Plan**

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

**61.1.6. Minimum Standards for Tree Removal**

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

**A. Cutting Practices**

The following cutting practice standards apply:

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1 Tree Removal

61.1.6 Minimum Standards for Tree Removal

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

**B. Logging Roads, Skid Trails, and Landings**

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

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

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1 Tree Removal

61.1.6 Minimum Standards for Tree Removal

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

Road Type	Design	Maximum Grade
Permanent administrative roads	Plans and specifications	10%
Limited use roads remaining open	Plans and specifications	10% with occasional 15%
Limited use roads closed after logging	Plans and specifications	10% with occasional 15%
Temporary roads	Flag line	20%
Tractor roads and main skid trails	Flag line	30%
Secondary skid trail	None	30%

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

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

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

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

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

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

Gradient	5-7	3-4

**CHAPTER 61: VEGETATION AND FOREST HEALTH**

61.1 Tree Removal

61.1.6 Minimum Standards for Tree Removal

Less Than 10%	200	200
10 - 20%	150	90
21 - 30%	90	50

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

**C. Removal Methods**

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

TABLE 61.1.5-4: TREE REMOVAL METHODS	
Land Capability District	Removal Method
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with subsection 61.1.6. Over-snow removal may be approved pursuant to subparagraph 61.1.6.F.1.
1b (Stream Environment Zone)	As permitted in Land Capability District 1a, end lining may be approved when site conditions are dry and stable, or when winter conditions are adequate for end lining operations so as to avoid adverse impacts to the soil and vegetation. The use of "innovative technology" vehicles and/or "innovative techniques" for removing trees from SEZs may be considered pursuant to subparagraph 61.1.6.C.1.b.
3	As permitted in Land Capability District 1b, Ground skidding pursuant to subparagraph 61.1.6.F.2 may be approved.
4 - 7, Inclusive	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for removing trees without skidding may be approved pursuant to subparagraph 61.1.6.F.5.

**D. Skidding and Ground Based Vehicle Systems**

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

- 1. Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.
- 2. Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1 Tree Removal

61.1.6 Minimum Standards for Tree Removal

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3. Logs shall only be skidded endwise.
4. No logging arches, other than integral arch equipment, shall be permitted.
5. Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of "innovative technology" vehicles and/or "innovative techniques" for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to subparagraph 61.1.6.C.1 and subparagraph 61.1.6.E.

**E. Slash Disposal**

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

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

**F. Erosion Control**

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

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



**61.1.7. Commercial Tree Removal**

**A. General Standard**

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

**B. Cutting and Cultivation of Christmas Trees**

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

**61.1.8. Substantial Tree Removal**

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

**A. Private Parcels**

The review process for private parcels shall include the following:

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

**B. Public Parcels**

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

**61.2. PRESCRIBED BURNING**

**61.2.1. Purpose**

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

**61.2.2. Applicability**

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

**61.2.3. Prescribed Burning**

**A. Prescribed Burning Allowed**

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

**61.2.4. Performance Standards**

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

**A. Location of Prescribed Burning**

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

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

**B. Extent of Prescribed Burning**

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

**C. Timing of Prescribed Burning**

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

**D. Responsible Persons**

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

**E. Standards of Other Government Agencies**

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

**61.2.5. Compliance Program**

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

**A. Consistency with Primary Use**

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

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

**B. Burn Prescription**

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

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

## **61.3. VEGETATION PROTECTION AND MANAGEMENT**

### **61.3.1. Purpose**

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

### **61.3.2. Applicability**

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

### **61.3.3. Protection of Stream Environment Zones**

**A. General Requirement**

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

## CHAPTER 61: VEGETATION AND FOREST HEALTH

### 61.3 Vegetation Protection and Management

#### 61.3.4 Remedial Vegetation Management

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

#### B. Exceptions

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

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

#### 61.3.4. Remedial Vegetation Management

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

#### 61.3.5. Preparation of Remedial Vegetation Management Plans

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

#### A. Plan Content

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

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

**B. Plan Approval**

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

**61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction**

**A. Purpose**

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

**B. Applicability**

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

**C. Sensitive Plants and Uncommon Plant Communities**

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

**1. Sensitive Plants**

**a. List of Sensitive Plants**

The sensitive plants are:

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

**b. Standards for Sensitive Plants**

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

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

**CHAPTER 61: VEGETATION AND FOREST HEALTH**

61.3 Vegetation Protection and Management

61.3.7 Old Growth Enhancement and Protection

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

(v) Restoration of disturbed habitat.

**2. Uncommon Plant Communities**

**a. List of Uncommon Plant Communities**

The uncommon plant communities are:

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

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

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

(iv) The Freel Peak cushion plant community.

**b. Standards for Uncommon Plant Communities**

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

**D. Vegetation Management to Prevent the Spread of Wildfire**

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

**61.3.7. Old Growth Enhancement and Protection**

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

**A. Standards for Conservation and Recreation Lands or SEZs**

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

**1. Unreasonably Contribute to Fire Hazard**

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

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

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



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

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

#### 61.3.8. Tree Cutting Within Stream Environment Zones

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

##### A. Vehicle Restrictions

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

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

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

**B. Soil Conditions**

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

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

**C. Trees and Debris Kept from Streams**

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

**D. Stream Crossings**

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

**E. Special Conditions**

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

**61.3.9. Historic Resource Protection**

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

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

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

## 61.4. REVEGETATION

### 61.4.1. Purpose

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

### 61.4.2. Applicability

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

### 61.4.3. Approved Species

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

- A. **Site Conditions**  
Plant species selected shall be appropriate for site conditions.
- B. **Small Scale Programs**  
Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the *Handbook of Best Management Practices*.
- C. **Large Disturbed Areas**  
Revegetation of disturbed areas larger than 10,000 square feet shall include reseeded with TRPA-approved grass species as well as reestablishment of appropriate shrub and tree species.
- D. **Fertilizer**  
Fertilizer may be permitted to help establish vegetation following planting, but plant species shall be selected that do not require long term fertilization.

### 61.4.4. Soil Stabilization

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

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

#### **61.4.5. Revegetation Plans**

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

##### **A. Contents of Plan**

Revegetation plans shall include at a minimum:

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

##### **B. Plant Materials**

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

##### **C. Soil Materials**

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

##### **D. Security Release**

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

**CHAPTER 61:**  
61.4 Revegetation  
61.4.5 Revegetation Plans

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Attachment B  
Required Findings/Rationale

## ATTACHMENT B

### REQUIRED FINDINGS / RATIONALE

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

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

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

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

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

1. Finding: The amendments to the Code of Ordinances are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

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

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

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



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

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

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

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

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

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

Attachment C  
Initial Environmental Checklist (IEC)



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ATTACHMENT C

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

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**Project Name:**

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

**Project Description:**

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

**A. Section 61.1. Tree Removal**

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

**B. Section 61.2. Prescribed Burning**

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

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes             No  
 No, With Mitigation     Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes             No  
 No, With Mitigation     Data Insufficient

**2. Air Quality**

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes             No  
 No, With Mitigation     Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes             No  
 No, With Mitigation     Data Insufficient

c. The creation of objectionable odors?

- Yes             No  
 No, With Mitigation     Data Insufficient

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

- Yes             No  
 No, With Mitigation     Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

#### 4. Vegetation

Will the proposal result in:

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

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

**5. Wildlife**

Will the proposal result in:

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

- Yes                     No
- No, With Mitigation         Data Insufficient

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

- Yes                     No
- No, With Mitigation         Data Insufficient

- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes                     No
- No, With Mitigation         Data Insufficient

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

- Yes                     No
- No, With Mitigation         Data Insufficient

**6. Noise**

Will the proposal result in:

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

- Yes                     No
- No, With Mitigation         Data Insufficient

- b. Exposure of people to severe noise levels?

- Yes                     No
- No, With Mitigation         Data Insufficient

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

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

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

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

**8. Land Use**

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

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

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

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

**9. Natural Resources**

Will the proposal result in:

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

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

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

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

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes             No  
 No, With Mitigation     Data Insufficient

Number of Existing Dwelling Units: \_\_\_\_\_

Number of Proposed Dwelling Units: \_\_\_\_\_

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes             No  
 No, With Mitigation     Data Insufficient

### 13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes             No  
 No, With Mitigation     Data Insufficient

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

- Yes             No  
 No, With Mitigation     Data Insufficient

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

- Yes             No  
 No, With Mitigation     Data Insufficient



d. Parks or other recreational facilities?

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

e. Maintenance of public facilities, including roads?

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

f. Other governmental services?

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

## 15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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

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

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

## 16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

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

b. Exposure of people to potential health hazards?

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

### 18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

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

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

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

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

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

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

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

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

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

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

- Yes             No
- No, With Mitigation     Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes             No
- No, With Mitigation     Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes             No
- No, With Mitigation     Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes             No
- No, With Mitigation     Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes             No
- No, With Mitigation     Data Insufficient

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Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes       No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes       No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

Yes       No



\_\_\_\_\_  
Signature of Evaluator

Date 2/14/2020

\_\_\_\_\_  
Forest Health Program Manager  
Title of Evaluator

Attachment D  
Examples of TRPA and Partner Agency Memorandums of Understanding

APPENDIX D

MEMORANDUM OF UNDERSTANDING BETWEEN  
TAHOE REGIONAL PLANNING AGENCY AND  
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

This Memorandum of Understanding is entered into this 23<sup>rd</sup> day of May, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (DPR).

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the TRPA Code. It is also understood that all activities undertaken by the California Department of Parks and Recreation (DPR) pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities on DPR land, in addition to those exempt pursuant to Chapter 4 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES

1. Operation of recreation sites and facilities
2. Operation of visitor information and interpretive services.
3. Landscaping and revegetation.

B. SIGNING

1. Installation of signs in compliance with the California Parks and Recreation Sign Handbook, 1973.

C. HISTORIC RESOURCES

1. Inventory, protection, maintenance, and disposition of historic resources.

D. ROADS AND TRAILS

1. Maintenance of existing roads, parking areas, trails, bridges, and related structures provided the activity does not occur in the shoreline.

E. STRUCTURES

1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.

F. FISH AND WILDLIFE

1. Protection of wildlife habitat and fisheries provided there is no modification of streams. Stream modification shall include any alteration of a stream profile, which requires the use of motorized equipment or the placement of any structure within an active stream channel.
2. Establishment of wildlife viewing stations.

G. FIRE PROTECTION

1. Vegetation management for fire prevention purposes.

H. SCIENTIFIC RESEARCH AND MONITORING

1. Installation of instruments for scientific research and monitoring.

I. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as:
  - a. Retaining walls not exceeding 60 feet in length
  - b. Sediment basins not exceeding 150 square feet in size
  - c. Swales
  - d. Rock slope protection
  - e. Rock-lined ditches
  - f. Fences
  - g. Willow wattling
  - h. Barriers
2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

J. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Chapter 7 of the Code, provided that the temporary activity shall not create noise in excess of the noise limitations of Chapter 23 of the Code.
2. Land surveys, corner recovery, remonumentation and land-line capacity.
3. Maintenance of existing dams provided there is no change in holding capacity.
4. Excavation and backfilling for an area not in excess of 10 cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6 & 7 and the excavation site is stabilized and revegetated with 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on DPR land are not subject to review and approval by TRPA, provided DPR certifies on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 30 working days before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Chapter 20 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Chapter 4 of the TRPA Code.

A. RECREATION ACTIVITIES

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

B. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.

C. FISH AND WILDLIFE

1. Fish and wildlife habitat enhancement activities provided they are approved by the California Department of Fish and Game, and are included in the Environmental Improvement Program.

D. FIRE PROTECTION

1. Prescribed burning.



E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measures is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class I bike paths, or from a developed recreation site.
2. Restoration of stream environment zones (SEZ).
3. Restoration of disturbed areas of two acres or less provided scarification does not exceed 6" in depth and excavation and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 100 acres, and meet the standards and practices of Chapter 71:
  - a. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal of slash burning, through the issuance of wood permits, chipping, slash burning, and scattering.
  - b. Protection and enhancement of rare, endangered, threatened, sensitive and special interest plant associations.
  - c. Protection and enhancement of wildlife habitat.
  - d. Fuel wood sales and wood permits.
  - e. Commercial timber sales.

F. MISCELLANEOUS ACTIVITIES

1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.
2. Installation of undergrounding of utilities provided the undergrounding does not occur in a SEZ.

3. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length, if the service connection is located entirely on DPR land and is at least 100 feet from privately owned land and is not visible from a TRPA designated Scenic Shoreline or Roadway Travel Route or a recreation area identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, as amended.
4. Installation of water lines, provided the water line is not located in a SEZ.

#### H. STRUCTURES

1. Structural repair or remodeling which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.
2. Structural improvements to facilities/grounds to bring the facility in compliance with Best Management Practices requirements. DPR shall report annually to the TRPA on all BMP activities. Said reports shall include at a minimum the following information:
  - BMP cost by type
  - Watershed Identification
  - Schedule of completion
  - Operation and Maintenance Plans

#### III. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the DPR and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The DPR shall report to the Executive Director of TRPA annually on the status of coverage or disturbed land which has been restored or retired.

#### IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

CALIFORNIA DEPARTMENT OF  
PARKS AND RECREATION

Dated: 5/11/99

  
Robert G. Macomber  
District Superintendent

TAHOE REGIONAL PLANNING AGENCY

Dated: 5-10-99

  
James W. Baetge  
Executive Director

Amended 10/25/89,  
Appendix E

APPENDIX E  
MEMORANDUM OF UNDERSTANDING  
TAHOE REGIONAL PLANNING AGENCY  
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

I. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING (MOU)

The following will direct the USDA Forest Service (FS) and the Tahoe Regional Planning Agency (TRPA) in the review of FS activities. FS activities that are exempt from TRPA review are listed. Activities not exempt are considered projects and are reviewed by the TRPA. Certain of these projects, as listed herein, are required to be reviewed by the TRPA Governing Board.

This MOU is executed pursuant to the TRPA Code of Ordinances (hereinafter referred to as Code). Upon execution, the MOU will become a part of Code Section 4.8.

II. GENERAL PROCEDURES

A. The FS agrees to:

1. Inform the TRPA of activities being considered for implementation on national forest land in the Lake Tahoe Basin. The Lake Tahoe Basin Management Unit (LTBMU) "PROJECT PLANNING REPORT", which is published and distributed quarterly, will be the principal means of disseminating information about activities being analyzed.
2. Conduct all exempt activities in accordance with federal laws and regulations, the applicable provisions of the FS manuals and handbooks, and the management direction of the LTBMU Land and Resource Management Plan when those directions are consistent with the TRPA Regional Plan and Code.
3. Conduct those exempt activities for which there is no applicable direction in the LTBMU Land and Resource Management Plan in accordance with the TRPA Regional Plan and Code.
4. Provide TRPA with complete applications for review of those activities that are not exempt from review by this MOU. Accompanying the application will be environmental documents, maps, drawings, and other information requested by TRPA.
5. Require that applicants seeking a permit to use or occupy the national forest, for an activity not otherwise exempt from TRPA review, also make application to the TRPA.

TRPA AGREES TO:

1. Review projects not exempted by this MOU for conformance with the Regional Plan Package.
2. Affirm that water quality, air quality, and noise management proposals for the area are appropriate.
3. Advise where other goals for the Lake Tahoe Basin can be furthered by the project where appropriate.
4. Make the following findings, if appropriate per Section 6.3 of the Code.
  - 6.3 Threshold-related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g), and VI(b) of the Tahoe Regional Planning Compact in addition to any other findings required by law.
    - 6.3.A Findings Necessary to Approve Any Project: To approve any project, TRPA must find, in accordance with Code Sections 6.1 and 6.2, that:
      - (1) 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.
      - (2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded.
      - (3) Wherever Federal, State, or local air and water quality standards applicable to the region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.
5. Provide timely review of project applications and advise the FS if the review will exceed twenty (20) working days.

### III. EXEMPT ACTIVITIES

The following activities on national forest land, in addition to those exempted by Section 4.2 of the Code, are exempt from review by TRPA.

A. RECREATION (including privately operated public recreation sites and concessions).

The following recreation activities are exempt, provided that there is no increase in vehicle trips in excess of 100 additional trips per day; the use remains recreation (Code Section 18.3); there is no increase in capacity as measured in persons at one time (PAOT) for those categories of use for which PAOT are allocated; and there is no additional land coverage or other permanent disturbance in Land Capability Districts 1, 2, or 3, or Stream Environment Zone (SEZ) or the 100 year flood plain, or the backshore of the shorezone:

1. Operation and maintenance of public sites and facilities that support developed or dispersed recreation. Maintenance of improvements associated with these recreation sites, including, but not limited to, buildings, roads, utilities, fencing, signs, parking, and walkways.
2. Replacement of recreation improvements that have been damaged or destroyed by fire or other calamity, provided that the replacement is in substantial conformance with the original structure in the floor area, height, and land coverage and the improvement is retrofitted with Best Management Practices (BMPs).
3. Reconstruction of recreation improvements provided they remain in substantial conformance with the original structure(s) in the floor area, height, volume, and land coverage, and provided they are retrofitted with BMPs. Relocation of improvements is included in the exemption where the relocation is necessary for health and safety or to avoid SEZ or other environmentally sensitive situations, provided that relocated land coverage does not exceed 2,000 square feet in land capability districts 1, 2, and 3, and SEZ, nor exceeds a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equally or more environmentally sensitive and in the same hydrologically related area.

4. Activities, such as the installation of signs, displays, and bulletin boards, and the conducting of tours, lectures, and movies, that inform visitors or interpret nature, resources, or management actions. Usually these services are within existing recreation, administrative, community, or commercial facilities, or along roads and trails.

B. CULTURAL RESOURCES

Inventories, protection, maintenance, restoration, interpretation, and disposition of cultural resources in accordance with applicable State and Federal laws and procedures. The foregoing exemption applies whether or not there is temporary disturbance in land capability districts 1, 2, 3, or Stream Environment Zones (SEZ).

C. SIGNING

Informational (but not advertising) and/or regulatory sign installation, forest entry signs, and recreation site identity signs designed and installed in conformance with the FS Sign Handbook (7109.11, 7109.11a, and 7109.11b).

D. ROADS AND TRAILS

1. Maintenance of roads, trails, bridges, parking facilities, signs, and other related improvements.
2. Reconstruction of roads, trails, bridges, and parking facilities, provided that the design of the facility is not changed to enlarge its capacity and provided that the facility is retrofitted with Best Management Practices. Relocation is included where the relocation is necessary to improve alignment for safe travel, or to avoid SEZ or other environmentally sensitive situations provided that new land coverage does not exceed 2,000 square feet in land capability districts 1, 2, 3, or SEZ, nor exceed a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equal or more environmentally sensitive and in the same hydrologically related area.
3. Construction of new non-motorized trails, provided that construction in land capability districts 1, 2, 3, does not exceed 1,000 linear feet and provided that construction in SEZ is only for the purpose of crossing a stream.

E. FOREST SERVICE ADMINISTRATIVE FACILITIES

The following activities associated with FS administrative facilities are exempt, provided there is no increase in vehicle trips in excess of 100 additional trips per day; provided the use remains administrative, and provided that there is no additional increase in land coverage or other permanent disturbance.

1. Replacement or removal of administrative facilities damaged or destroyed by fire or other calamity, provided that the replacement is in substantial conformance with the original facility in floor area, height, and land coverage.
2. Reconstruction of existing facilities provided that they remain in substantial conformance with the original structure(s) in floor area, height, volume, and land coverage, and provided they are retrofitted with Best management Practices. Relocation is included in the exemption where the relocation is necessary for health and safety or to avoid SEZ or other environmentally sensitive situations, provided that relocated land coverage does not exceed 2,000 square feet in land capability districts 1, 2, 3 and SEZ, nor exceeds a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equally or more environmentally sensitive and in the same hydrologically related area.
3. Construction of new facilities on Land Capability Districts 4, 5, 6, and 7, provided excavation or backfilling is not in excess of 200 cubic yards and Best Management Practices are installed.
4. Operation and maintenance of existing dams or other water diversion structures with no change in holding capacity.
5. Installation, operation, and maintenance of research and monitoring instruments and/or stations.

F. VEGETATION MANAGEMENT

The following exemptions apply whether or not there is disturbance in Land Capability Districts 1, 2, 3, or SEZ:

1. All tree removal activities, including substantial tree removal involving the use of heavy equipment to harvest the trees, up to 100 acres for each project and not involving the construction of permanent roads.



2. All tree removal activities, including substantial tree removal, on any amount of acreage, which results in a residual stocking of trees that meets the minimum stocking standards described in TRPA Code Subsection 71.3.B and does not involve the use of heavy equipment to harvest the trees or logs or the construction of permanent roads.
3. Reforestation or revegetation of land.
4. Protection, maintenance, or reestablishment of sensitive plants and uncommon plant communities.
5. Creation, maintenance, or replacement of landscaping.

G. FOREST PROTECTION

The following exemptions apply whether or not there is land coverage or disturbance in Land Capability Districts 1, 2, 3, or SEZ:

1. Activities necessary to suppress fires. (This does not include buildings and other improvements to house personnel, equipment and supplies, access roads, and trails, etc.)
2. Fire prevention activities, including vegetation manipulation around structures, to prevent the spread of wildfire.
3. Fuel management through prescribed burning, chipping, lop and scatter, and other techniques.

H. EROSION CONTROL AND WATERSHED RESTORATION

The following exemptions apply whether or not there is land coverage or disturbance in Land Capability Districts 1, 2, 3, or SEZ:

1. Installation and maintenance of soil erosion control and surface water runoff control measures on fifty acres or less.
2. Restoration of disturbed areas of fifty acres or less, including the maintenance of revegetation until established.

I. FISH AND WILDLIFE HABITAT MANAGEMENT

The following exemptions apply provided that land coverage or permanent disturbance does not exceed 10,000 square feet in total or 2,000 square feet in Land Capability Districts 1, 2, 3, or SEZ:

1. All wildlife and fish protection activities.
2. Creation of snags and down wood where necessary to maintain habitat for dependent wildlife.

3. Installation of stream habitat improvement measures such as boulders, stumps, plantings, and bank stabilizing structures.
4. Installation and maintenance of wildlife habitat improvement structures such as nesting or perch platforms and duck boxes.

J. MISCELLANEOUS

1. Activities (including construction of temporary structural improvements), such as outfitter guide services, production of movie or television programs, sporting events, club or group activities, or weddings, when they are temporary and of a short duration (not in excess of one year), provided:
  - a. The use is allowed by TRPA plan area statements and the requirements of Chapter 7 of the Code.
  - b. The activity is entirely upon national forest land, or is upon a combination of national forest land and other land within the jurisdiction of an agency or local government having authority (through an agreement with the TRPA) to approve temporary activities.
  - c. It is determined that there will be no significant impact to the land and water resources;
2. Maintenance of range improvements and livestock confinement facilities. Construction of fences and other range improvements provided that land coverage or permanent disturbance does not exceed 2,000 square feet in land capability districts 1, 2, 3, or SEZ, nor exceed 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equally or more environmentally sensitive and in the same hydrologically related area.

IV. PROJECTS TO BE REVIEWED BY THE GOVERNING BOARD

All those listed in TRPA Code Chapter 4, Appendix A, except those listed below which will be reviewed by TRPA staff.

1. New temporary logging roads when part of a substantial timber removal plan.
2. Substantial timber removal plans on less than 500 acres of land not involving the construction of permanent logging roads.
3. Tree removal on national forest land for scenic views from established vista points along state highways and local roads.

4. New or expanded livestock grazing pursuant to section 73.1 of the TRPA Code.
5. Off site water quality mitigation in lieu of mitigation fees.
6. Paved road waivers.
7. Additional height for ski lift towers and communication towers or antennas.
8. New public service buildings of less than 3,000 square feet or linear utilities under one mile in length.
9. Transfer of commercial floor area within an existing resort permit site.
10. New facilities within an existing recreation site.
11. Creation of land coverage in backshore.
12. Structures to protect shoreline vegetation.
13. Additional land coverage or permanent disturbance in Land Capability Districts 1, 2, 3, or SEZ for public service or outdoor recreation facilities.

V. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood, pursuant to the Lake Tahoe Basin Management Unit (LTBMU) Land and Resource Management Plan, that land coverage will not exceed the allowances of the Bailey Land Capability System for Lake Tahoe (Bailey), for the Region as a whole, for any activities including those that are exempt. In instances where land coverage, either existing or proposed, may result in exceeding Bailey on an individual project area, the FS will follow the provisions in Chapter 20 of the Code. Relocation of existing land coverage shall be in conformance with Section 20.5. C of the Code.

Before land coverage or permanent land disturbance is added to Stream Environment Zone or to Land Capability Districts 1, 2, or 3, as exempted in Section III B, G, H, I, and J, of this MOU, the FS will make the following findings:

1. The project, program, or facility is necessary for environmental protection; and
2. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1, 2, 3, or SEZ.

3. The impacts of the coverage and disturbance are fully mitigated in the manner described in subsection 20.4.(A)(2)(e) of the Code.

It is recognized by the FS and TRPA that the aforementioned exempt activities may result in the use of land coverage. It is also recognized that activities may result in removal of land coverage and restoration of disturbance. Consequently there is a need to account for the coverage or restored disturbed land. Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20 of the Code. The FS will report to the Executive Director of TRPA annually at the end of each calendar year on all activities resulting in a change in coverage or land coverage transactions consistent with the guidelines and requirements of Chapters 20 and 38 of the Code. TRPA and the FS shall develop the specific worksheet(s) and procedures for accounting for coverage and restoration. In no event shall there be a coverage deficit.

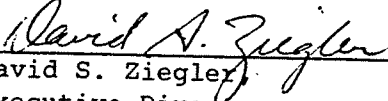
Coverage or restored land credits which are "banked" shall be available for use by the FS consistent with all applicable provisions of the TRPA Code.

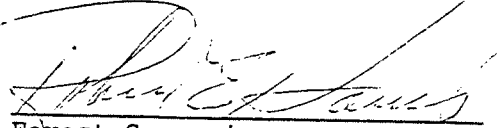
VI. WATER QUALITY MITIGATION

Where mitigation is required on a project because of additional land coverage, that mitigation will be accomplished through the FS watershed restoration program rather than through payment of mitigation fees. The FS will indicate in the project application when a deviation from this policy is appropriate, such as for private improvements planned on national forest land by permit. Off site restoration work as described in Code Section 82.2.A, will be equal to 150% of expected project impacts. Preferably, mitigation work will be within the same watershed or hydrologic related areas as the project requiring the mitigation. The FS will report annually to the TRPA the expenditures and descriptions of projects completed, in a manner similar to that in Section V.

VII. TERMINATION OF AGREEMENT

This MOU becomes effective 60 days after adoption by the TRPA Governing Board and may be terminated by either party by giving sixty (60) days notice in writing to the other.

  
\_\_\_\_\_  
David S. Ziegler  
Executive Director  
Tahoe Regional Planning Agency

  
\_\_\_\_\_  
Forest Supervisor  
USDA, Forest Service

November 1, 1989  
Date

November 10, 1989  
Date

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
TAHOE REGIONAL PLANNING AGENCY  
and  
US FOREST SERVICE  
LAKE TAHOE BASIN MANAGEMENT UNIT  
Regarding  
FUELS REDUCTION AND FOREST HEALTH PROJECTS**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into by and between the Tahoe Regional Planning Agency, hereinafter referred to as TRPA, and the U.S. Department of Agriculture, Forest Service, Lake Tahoe Basin Management Unit, hereinafter referred to as FOREST SERVICE.

**I. PURPOSE:**

1. The purpose of this MOU is to direct and define the framework for cooperation between the Forest Service and TRPA in the review and implementation of fuels reduction and forest health projects on National Forest System lands within the jurisdiction of the Lake Tahoe Basin Management Unit.
2. This MOU supersedes portions of the 1989 MOU between TRPA and the Forest Service that relate to or affect the implementation of fuels reduction and forest health projects.

**II. STATEMENT OF MUTUAL BENEFITS AND INTERESTS:**

The Forest Service protects and manages approximately 166,000 acres of National Forest System lands within the Lake Tahoe Basin as directed by the National Forest Management Act (NFMA) and other federal authorities. A significant goal for managing these lands is the attainment and maintenance of a healthy forest environment. In order to achieve this goal, the Forest Service must be able to undertake projects aimed at reducing the risk of catastrophic wildfire.

The 1989 MOU between TRPA and the Forest Service is out of date with respect to current guidance and management practices related to fuels reduction management and the promotion of a healthy forest environment.

Over the past decade, addressing the threat of catastrophic wildfire in the wildland urban interface has become a top priority. A century of fire exclusion on National Forest System lands has interrupted the natural fire cycle and resulted in higher tree densities and greater fuels accumulations. The Gondola Fire in 2002 and the Angora Fire in 2007 exemplify the potential for disastrous wildfires in the Lake Tahoe Basin and highlight the need for aggressive fuels reduction and forest health projects.

As a consequence of the Angora fire, the Governors of California and Nevada created the California-Nevada Tahoe Basin Fire Commission (Commission). The Commission recommended "that the USDA Forest Service and the TRPA work cooperatively to revise their MOU with focus on exempting fuels reduction projects and associated supporting activities from TRPA review and

permit” in order to remove any unnecessary or unintended barriers to efficient planning and accomplishment of fuels management projects. Other recommendations from the Commission encouraged the Forest Service and the TRPA (along with other regulating and implementing agencies) to streamline permitting processes, and to promote innovative practices shown to be effective and environmentally sound.

The TRPA was created by the states of California and Nevada “to encourage the wise use and conservation of the waters of Lake Tahoe and the resources of the area around said lake.” The Tahoe Regional Planning Compact (Compact) governs the actions of TRPA, and sets forth the authority of TRPA “to establish environmental threshold carrying capacities (thresholds) and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities” for the Tahoe Region.

In consenting to the Compact, Congress authorized the Forest Service to cooperate with TRPA in all respects compatible with carrying out its normal duties.

It is within this context that TRPA and the Forest Service seek to cooperate in facilitating projects that reduce forest fuel loads and improve forest health while maintaining and attaining applicable thresholds.

In consideration of the above premises, each party agrees as follows:

**III. IT IS MUTUALLY UNDERSTOOD BY THE PARTIES:**

1. This MOU sets out the duties of each agency with respect to fuels reduction and forest health projects;
2. ~~Sections III.F.1., III.F.2., III.G.3, IV.1., and IV.2. of the 1989 MOU between the Forest Service and the TRPA as they relate to fuels reduction and forest health projects are hereby superseded by this MOU;~~
3. Each party will continue to work cooperatively to improve forest health and reduce the risk of catastrophic wildfire on National Forest System lands in the Lake Tahoe Basin.
4. Each party will continue to cooperate to address and implement the Findings and Recommendations in the Final California-Nevada Tahoe Basin Fire Commission Report with respect to permit streamlining and project implementation.
5. The Forest Service is in the process of revising the management plan that governs the land and water under its jurisdiction. The TRPA is also in the process of updating its regional plan for the Lake Tahoe Region. Each party recognizes that these revised plans may obviate the need for this MOU or require that the MOU be updated.
6. Each party will communicate to the other all changes, including those in their respective regulations, authorities, and management direction, that may affect the purpose and/or implementation of this MOU.
7. Each party recognizes that the existing regional and local forest plans that guide the management of Forest Service lands in the Lake Tahoe Region provide environmental protections and considerations that are consistent with the environmental protections in the TRPA Regional Plan for fuels reduction and forest health projects.

8. Each party recognizes that the analysis and disclosure required by the National Environmental Policy Act (NEPA) (including the Healthy Forest Restoration Act) for Forest Service fuels reduction and forest health projects are similar to the environmental analysis and documentation requirements of Article VII of the Compact. One distinction is the TRPA requirements to make findings that the project will avoid or reduce environmental effects to less than significant levels and will not cause the Tahoe Region's environmental threshold carrying capacities to be exceeded.

#### **IV. THE FOREST SERVICE AGREES:**

1. To conduct appropriate planning and analysis of all fuels reduction and forest health projects as required by federal law, including the HFRA, NFMA and NEPA. Any such analysis will include information needed to assess the findings regarding thresholds described in paragraph III.8 above.
2. To ensure that the TRPA is notified of projects and all opportunities to review public documents and provide comment on fuels reduction and forest health projects in accordance with the requirements of NEPA and Forest Service regulations and policy for public involvement.
3. To consider TRPA input on a project basis for opportunities where environmental effects may be avoided or reduced and TRPA thresholds may be improved or maintained.

#### **V. THE TRPA AGREES:**

1. To participate in the planning and analysis of fuels reduction and forest health projects in a manner consistent with applicable NEPA requirements and Forest Service and TRPA regulations and policy.
2. To identify environmental effects that may be avoided or reduced and thresholds that may be improved or maintained as part of implementation of Forest Service fuels reduction and forest health projects and to assist the Forest Service in meeting the findings regarding thresholds described in paragraph III.8 above, as evidenced by TRPA's submittal to the Forest Service of written concurrence or approval, as appropriate.

#### **VI. IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED UPON BY AND BETWEEN THE PARTIES**

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service or TRPA under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Forest Service or TRPA from participating in similar activities with other public or private agencies, organizations, and individuals.

3. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signature of both the Forest Service and TRPA and shall remain in effect until amended or terminated. This MOU may be amended upon written request of either the Forest Service or

TRPA and the subsequent written concurrence of the other. Either the Forest Service or TRPA may terminate this MOU with a 60-day written notice to the other.

4. **RESPONSIBILITIES OF PARTIES.** Unless otherwise agreed or provided, the Forest Service and TRPA will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing the objectives of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

5. **PRINCIPAL CONTACTS.** The principal contacts for this instrument are:

<b>Forest Service Contact</b>	<b>TRPA Contact</b>
Mike LeFevre	Lyn Barnett
Planning Staff Officer, LTBMU	Branch Chief, Environmental Review Services, TRPA
35 College Drive	PO Box 5310
South Lake Tahoe, CA 96150	Stateline, NV 89449
Phone: 530-543-2840	Phone: 775-588-4547
FAX: 530-543-2693	FAX: 775-588-4527
E-Mail: mlefevre@fs.fed.us	E-Mail: lbarnett@trpa.org

6. **NON-FUND OBLIGATING DOCUMENT:** Nothing in this MOU shall obligate either the Forest Service or TRPA to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Forest Service and TRPA will require execution of separate agreements and be contingent upon the availability of appropriated or other funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

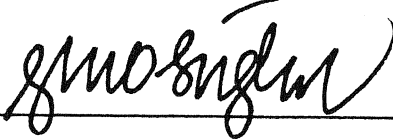
7. **ESTABLISHMENT OF RESPONSIBILITY.** This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States or TRPA, their agencies, agents, officers, or any person.

8. **DISPUTE RESOLUTION.** Any dispute between TRPA and Forest Service staff over the interpretation or implementation of this MOU shall immediately be raised to the Principal Contacts (or their designated representatives) shown in VI.5. The Principle Contacts commit to resolving any such dispute expeditiously. Should resolution not be attainable at this level the issue will be reviewed by the LTBMU Forest Supervisor and the TRPA Executive Director.

9. **AUTHORIZED REPRESENTATIVES.** By signature below, the cooperator certifies that the individuals listed in this document as representatives of the cooperator are authorized to act in their respective areas for matters related to this agreement.



IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the last date written below.

  
\_\_\_\_\_  
JOHN SINGLAUB  
Executive Director  
Tahoe Regional Planning Agency

1-14-09  
Date

  
\_\_\_\_\_  
TERRI MARCERON  
Forest Supervisor  
US Forest Service  
Lake Tahoe Basin Management Unit

1/14/2009  
Date