

61.1 Tree Removal

61.1.1. Purpose (Stays the same)

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 (Stays the same)

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 (Stays the same)

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 (This has been moved up from original position)

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. **(This paragraph has stayed the same)**

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 with TRPA**. Other vegetation shall be protected during removal operations to prevent their **damage**.

1. Fire Hazard Tree Removal (This was moved under the Hazardous Tree Removal sub-section)

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 (This was moved under the Hazardous Tree Removal Sub-section)

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 (This was moved under the Hazardous Tree Removal Sub-section)

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 (This is a new sub-section)

1. Management Objectives (Management objectives were pulled from lower in the chapter and repurposed here. Original number 10 has been deleted. Original 11 and 12 have been combined.)

Trees maybe removed to meet ecosystem management goals:

- 1. Restoration and expansion of stream environment zones and riparian vegetation;**
- 2. Improvement of the structural diversity of all forests based on judgement of qualified forester;**
- 3. Enhancement of native wildlife species and/or native wildlife habitat diversity;**
- 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;

5. Protection of sensitive lands;
6. Minimization of construction of new roads;
7. Revegetation of existing temporary roads;
8. Avoidance of disturbance of stream environment zones, unless such project is to **thin trees or prescribe** burn within SEZ in accordance with subparagraph **61.1.6.C**;
9. Utilization of existing openings or disturbed areas as landings where appropriate.
10. The promotion of a diversity of seral stages, species diversity, and age class;
11. Fuels management for fire hazard reduction; and
12. Forest health and resilience to drought, insects, disease and climate change.

2. Dead, Dying, or Diseased Tree Removal (This has been moved under the Ecosystem Management Goals and EIP Projects Sub-section)

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.

4. Tree Removal for Early Successional Stage Vegetation Management (This has been moved under the Ecosystem Management Goals and EIP Projects Sub-section)

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 soil stabilization plan in accordance with subsection 61.4.5.**

5. Tree Removal for Enhancement of Forest Health and Diversity (This has been moved under the Ecosystem Management Goals and EIP Projects Sub-section)

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.
 1. Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.
 2. 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.
 3. 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.

4. 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 (Stays the same)

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 Ski Areas (Stays the same, but public utility right of ways was pulled out and made a separate bullet)

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.

E. Public Utility Right-of-Ways (Language stays the same. This was pulled out separately from Tree Removal for Ski Areas)

The removal of trees within utility and public right-of-ways 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.

F. Tree Removal for Development (Stays the same)

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 Viewpoints from Public Roadways (Stays the same)

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.

61.1.5. General Tree Removal Standards (This section moved down in the chapter. Language for the following paragraph stays the same. I broke it into clumps for easy tracking)

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 61.1.7.B and 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 61.1.7.B and J. Permits shall be granted or denied in conformity with the provisions of this chapter.

A. Additional Code Standards (Stays the same)

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 (Stays the same)

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 (Stays the same except for the language in purple below)

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 intent of this section provided all the required elements are addressed.**

61.1.6. Minimum Standards for Tree Removal (Management Objectives were moved above to Reasons for Tree Removal. Additionally, Restocking is deleted, and Historic Resource Protection and Wildlife, Habitat, and Sensitive Plants are moved to Veg Protection)

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

A. Cutting Practices (Original 5 and 6 have been deleted)

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 and openings 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 eight 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 possible;
5. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment.
6. 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;
7. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
8. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

INSERT AT A LATER DATE: B) TREE REMOVAL EQUIPMENT, C) LAND CAPABILITY AND STEEP SLOPES, AND D) LOGGING ROADS, SKID TRAILS, AND LANDINGS

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 materials 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 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 (Removed much of Public Parcels details b/c they are covered under MOUs)

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 (Stays the same)

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 (Changed to rely on partner MOUs)

The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to Memorandums of Understanding 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.