

## STAFF REPORT

Date: January 15, 2020

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

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

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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 Advisory Planning Commission (APC) recommend the proposed amendments to the Code of Ordinances. The proposed amendments listed below are related to Section 61.2. (Prescribed Burning) and Section 61.1. (Tree Removal).

### Required Motions:

In order to recommend adoption of the ordinance amendments, the RPIC 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 2019 - \_\_\_\_, 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 edits focused primarily on developing a user-friendly code.

Approved revisions to Section 61.1. Tree Removal focus on:

1. Moving sections that reference protections to a more logical section of Chapter 61.
2. Refining 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.
3. Reorganizing Section 61.1. Tree Removal to a facilitate a logical flow.

Approved Section 61.2. Prescribed Burning recommendations included:

1. Relying on partner agency MOU's with the TRPA
2. Deleting line 61.2.5.B.7.
3. Deleting Section 61.2.3.B.1-5. Limitations

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
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

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

Exhibit 1 to Attachment A

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.** Renumeral 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 such project is 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~~ 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 Right-of-Ways*; 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 Right-of-Ways*, to read as follows:

## 61.1. TREE REMOVAL

### 61.1.4. Reasons for Tree Removal

#### D. Public Utility Right-of-Ways

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.

#### E. **Tree Removal for Ski Areas and Right-of-Ways**

~~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 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.~~

**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;~~
57. 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~~;
68. 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;
79. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
810. 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 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. ~~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.

Exhibit 2 to Attachment A  
Code Amendments and Rationale



## EXHIBIT 2: 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 Right-of-Ways	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				14
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

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

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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 ~~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.~~

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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.

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

<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

- 
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 judgement of 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 such project is 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.
- 

<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~~ 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.

- 
8. Within Subsection 61.1.4, renumber Subparagraphs G, *Tree Removal for Solar Access*; H, *Tree Removal for Ski Areas and Right-of-Ways*; 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.
- 

<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 Right-of-Ways	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 Right-of-Ways*.

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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 Right-of-Ways 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 Right-of-Ways 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 Right-of-Ways**

~~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 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.

**E. Public Utility Right-of-Ways**

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.

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

<i>Description</i>	Update references within the General Tree Removal Standards to reflect reorganized code.  Add language to 61.1.5.C. that reflects CEQA and California forest Practice Rules documents completed by a qualified forester.
<i>Purpose</i>	To ensure clarity, organization, and correct reference subsections within Chapter 61.  To allow for alternative documentation that meets forestry standards within the basin.
<i>Result</i>	Within 61.1.5., reference to 61.1.7.B. Emergency Tree Removal is changed to 61.1.4.A.2. Emergency Tree Removal.  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.  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.

**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.27.B and 3J. 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.

	Deletion of 5 and 6 recognizes newer, less impactful management options that reduce impacts.
<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;~~
- ~~57.~~ 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;~~
- ~~68.~~ 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;
- ~~79.~~ Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
- ~~810.~~ Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

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.

<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

#### 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.](#) ~~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.

---

20. Modify Subparagraph 61.1.8.B.

---

<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 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. ~~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.~~

---

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

---

<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.~~

---

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 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)



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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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.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

**I. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

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

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

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

c. Unstable soil conditions during or after completion of the proposal?

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

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

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

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

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

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

e. Increased use of diesel fuel?

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

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

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

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

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

c. Alterations to the course or flow of 100-yearflood waters?

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

d. Change in the amount of surface water in any water body?

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

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

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

f. Alteration of the direction or rate of flow of ground water?

- 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

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

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

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

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

e. Reduction of the numbers of any unique, rare or endangered species of plants?

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

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

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

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

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

h. A change in the natural functioning of an old growth ecosystem?

- 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



- |  |  |  |
|--|--|--|
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| b. Exposure of people to severe noise levels?  | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?   | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?        | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Exposure of existing structures to levels of ground vibration that could result in structural damage?   | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

**7. Light and Glare**

Will the proposal:

- |  |  |  |
|--|--|--|
| a. Include new or modified sources of exterior lighting? | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
|  | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- 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
- Yes                       No
- No, With Mitigation       Data Insufficient

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

**10. Risk of Upset**

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes                       No
- No, With Mitigation       Data Insufficient

**11. Population**

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

- Yes                       No
- No, With Mitigation       Data Insufficient

**12. Housing**

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

- 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?

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

d. Alterations to present patterns of circulation or movement of people and/or goods?

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

e. Alterations to waterborne, rail or air traffic?

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

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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

#### 14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

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

b. Police protection?

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

c. Schools?

- Yes       No
- No, With Mitigation       Data Insufficient

d. Parks or other recreational facilities?

- Yes       No
- No, With Mitigation       Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes       No
- No, With Mitigation       Data Insufficient

f. Other governmental services?

- Yes       No
- No, With Mitigation       Data Insufficient

**15. Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes       No
- No, With Mitigation       Data Insufficient

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

- Yes       No
- No, With Mitigation       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?

- Yes       No
- No, With Mitigation       Data Insufficient

b. Communication systems?

- Yes       No
- No, With Mitigation       Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes       No
- No, With Mitigation       Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No
- No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No
- No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No
- No, With Mitigation       Data Insufficient

**17. Human Health**

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No
- No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No
- No, With Mitigation       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?

- Yes       No
- No, With Mitigation       Data Insufficient

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

- Yes       No
- No, With Mitigation       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?

- Yes       No
- No, With Mitigation       Data Insufficient

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

- Yes       No
- No, With Mitigation       Data Insufficient

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

- Yes       No
- No, With Mitigation       Data Insufficient



**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes             No
- No, With Mitigation     Data Insufficient

b. Create additional recreation capacity?

- Yes             No
- No, With Mitigation     Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes             No
- No, With Mitigation     Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes             No
- No, With Mitigation     Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes             No
- No, With Mitigation     Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes             No
- No, With Mitigation     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

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

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

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

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

---

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 \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator