

Tree Removal and Prescribed Burning Code Amendments

Regional Plan Implementation Committee

January 2020

Agenda

- Overall need for Chapter 61 update
- Review Section 61.1. Tree Removal Recommended Updates
- Review Section 61.2. Prescribed Fire Recommended Updates

Context

What the public sees and perceives as healthy versus what was historically present and is ecologically needed



Current Code Structure

- Reorganization
 - Sections for protections are scattered throughout in varying sections
- Elimination of redundancy
 - Reasons for Tree Removal are currently found in two separate sections
- Facilitate increased pace and scale of restoration within the Basin



Chapter 61.1. Tree Removal Updates

Historical Context

- Lake Tahoe Watershed Assessment, 2000
- Taylor, 2007
- General Technical Report 220, 2009
- Stephens et al., 2015

Early explorers described the forests of the Tahoe basin as “dominated by giant pine trees with so much room on the forest floor that riders could travel at full gallop without losing their hats” (*San Francisco Chronicle*, August 21, 1995). Second growth stands are currently 10 times denser with trees that are considerably smaller in diameter (Taylor 1997).



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Emerald Bay - 1890s



Emerald Bay - 1990s

Tree Removal/Thinning

- Tree removal can:
 - Increase diverse habitat
 - Decrease tree density
 - Increase structural heterogeneity
 - Allow for reintroduction of Rx Fire post treatment
 - Protect homes, infrastructure, and fire fighters



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Proposed Amendments to 61.1.

- Modifying language for clarity
- Renumbering and reorganization
- Minor deletions

Modified Language within Sections

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Section Number	Summary of Change
61.1.4.B.1. Management Objectives	Rely on qualified forester judgement, add consideration for forest health, insects and disease, drought and climate change.
61.1.4.B.3. Tree Removal for Early Successional Stage Vegetation Management	Reference soil stabilization instead of revegetation.
61.1.6.A. Cutting Practices	Rely on qualified forester judgement, revised or deleted sections that are redundant with current practices.
61.1.6.E. Slash Disposal	Revise language to reflect “approved buffer distance”.
61.1.6.F. Erosion Control	Revise language to require design criteria that avoids soil leaving project area.
61.1.4.A. Hazard Tree Removal	Add language relying on partner Memorandums of Understanding.
61.1.5. General Tree Removal Standards	Add language allowing TRPA to consider plans created in compliance with CEQA and the California Forest Practice Rules.
61.1.8.B. Public Parcels	The review process for substantial tree removal for partner agencies will rely on Memorandums of Understanding when in place.

61.1.4.A. Hazard Tree Removal

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~~.

61.1.5. General Tree Removal Standards

C. Harvest or Tree Removal Plan

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

61.1.8.B. Public Parcels

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.~~

Renumbered Sections

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Old Number	New Number
61.1.4, Old Growth Enhancement and Protection	61.3.7
61.1.6.J Historic Resource Protection, J.1, and J.2	Subsection 61.3.8, 61.3.8.A, and 61.3.8.B.
61.1.6.K. Wildlife, Habitat, and Sensitive Plants and K.1 through K.3	Subsection 61.3.9, 61.3.9.A through 61.3.9.C
61.1.6.C, Tree Cutting within Stream Environment Zones and its subparagraphs C.1 through C.5	Subsection 61.3.10 and Subparagraphs 61.3.10.A through E.
Subsection 61.1.7, <i>Reasons for Tree Removal</i> and its subparagraphs	61.1.4
61.1.4.B. Emergency Tree Removal; 61.1.4.D. Fire Hazard Tree Removal 61.1.4.J. Tree Removal During Emergency Fire Suppression Activities	61.1.4.A.1. Emergency Tree Removal 61.1.4.A.2. Fire Hazard Tree Removal 61.1.4.A.3. Tree Removal During Emergency Fire Suppression Activities
61.1.4.G. Tree Removal for Solar Access 61.1.4.H. Tree Removal for Ski Areas and Right-of-Ways 61.1.4.I. Tree Removal for Development 61.1.4.K Tree Removal to Enhance Scenic View Points from Public Roadways	61.1.4.C. Tree Removal for Solar Access 61.1.4.E. Tree Removal for Ski Areas and Right-of-Ways 61.1.4.F. Tree Removal for Development 61.1.4.G. Tree Removal to Enhance Scenic View Points from Public Roadways
61.1.6.D through 61.1.6.F.	61.1.6.B. through 61.1.6.D.
61.1.9 Commercial Tree Removal	61.1.7. Commercial Tree Removal
61.1.6.A Management Objectives	61.1.4.B.1. Management Objectives
Subsection 61.1.4.C. Dead, Dying, or Diseased Tree Removal 61.1.4.E. Early Successional Stage Vegetation Management 61.1.4.F. Tree Removal for Enhancement of Forest Health	61.1.4.B.2. Dead, Dying, or Diseased Tree Removal 61.1.4.B.3. Early Successional Stage Vegetation Management 61.1.4.B.4. Tree Removal for Enhancement of Forest Health
61.1.6.B. Cutting Practices	61.1.6.A. Cutting Practices
61.1.6.G. Slash Disposal	61.1.6.E. Slash Disposal
61.1.6.I. Erosion Control	61.1.6.F. Erosion Control

Deleted Section and Added new Sub-section

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Deleted	Added
61.1.6.H. Restocking	61.1.4.B. Ecosystem Management Goals and EIP Projects
	61.1.4.D. Public Utility Right-of-Ways

Questions on 61.1. amendments?

A photograph of a prescribed fire burning through a field of dry grass and brush. The fire is bright orange and yellow, with dark smoke rising from the ground. The background shows a line of trees under a hazy sky.

Chapter 61.2. Prescribed Burning

Prescribed Fire

- Variety of Benefits including:
 - Key ecological process
 - Reduce fuels and wildfire risk
 - Reduce smoke impacts
- 2017 accomplishments: 867 acres
- 2018 accomplishments: 732 acres



Current Prescribed Burning Regulations

- Currently agencies within the basin must comply with strict state regulations to conduct prescribed burning.
- As stringent or more stringent than the current TRPA requirements.



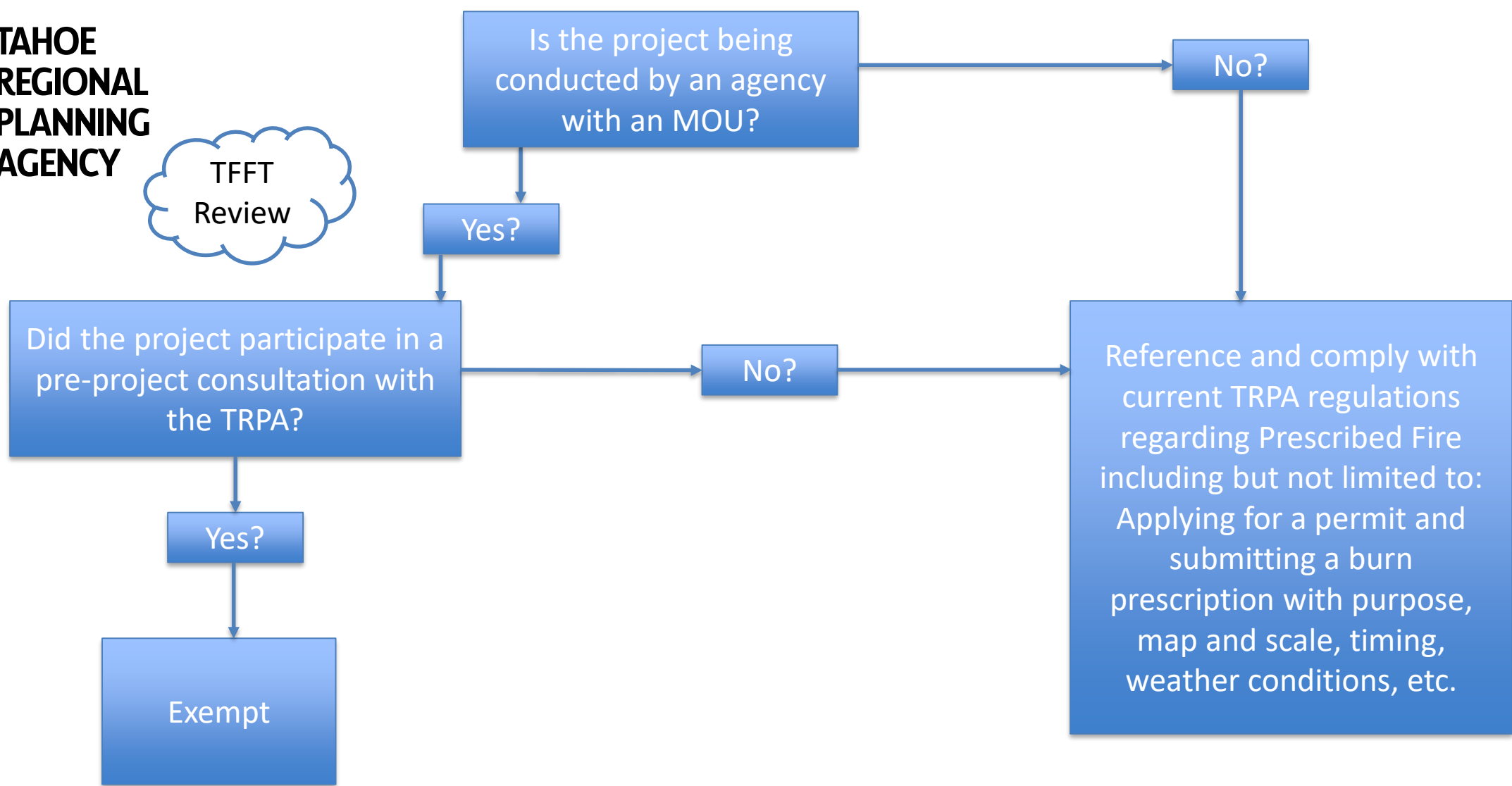
Section 61.2. Amendments

Deletions of Sub-sections

Deleted	Rationale
61.2.3.B. Limitations	Redundant with sentence in above sub-section
61.2.5.B.7.	Does not provide additional information and does not preclude the TRPA from requesting additional materials.

Partner MOUs and Prescribed Burning

- Standardize review process within the MOUs with agencies
- Exempt activity if 2 criteria are met:
 - Action agency has MOU with TRPA
 - Pre-project consultation conducted
 - Plans and permits submitted



Questions on 61.2. amendments?

Recommendation

- Scheduled for review by APC and the Governing Board in February 2020
- Recommend that the Governing Board:
 - Adopt the Findings (Attachment B)
 - Adopt the Ordinance (Attachment A)