

# Chapter 71

## TREE REMOVAL

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71.0 The purpose of this chapter is to regulate the management of forest resources to achieve and maintain the environmental threshold standards for species and structural diversity, to promote the long term health of the natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels, by land managers and fire protection districts, in order to decrease the likelihood of catastrophic wildfire events.<sup>§§</sup>

71.1 Applicability: All projects and activities affecting the forest resources and components of the forest community, such as snags and fallen logs, understory, shrubs, and forbs and grasses, in addition to trees of all ages from seedlings to overmature, shall be subject to the provisions of this chapter. Refer also to Vegetation Protection During Construction (Chapter 65), Open Space Protection (Chapter 75), Landscaping (Chapter 30), Snag and Coarse Woody Debris Retention Standards (Chapter 78),<sup>§§</sup> and Revegetation Requirements (Chapter 77). (Except as exempted in Chapter 4, tree removal requires the review and approval of TRPA.)

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

71.2 Late Seral/Old Growth Enhancement and Protection: In addition to other code sections the following standards will govern forest management activities and projects.

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<sup>§</sup> Amended 5/23/01

<sup>§§</sup> Amended 1/28/04

71.2.A Standards for Conservation and Recreation Lands: Within lands classified by TRPA as conservation or recreation land use or Stream Environment Zones, any live, dead or dying tree greater than or equal to 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree greater than or equal to 24 inches diameter at breast height in eastside forest types shall not be cut. Except as follows:

- (1) Trees and snags larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees 30 inches dbh or larger in the westside forest types and 24 inches dbh or larger in eastside forest types trees shall be fully considered. Urban interface areas are defined as: all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.
- (2) A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated or removed if TRPA and the land manager determine the tree pose an unacceptable risk to occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. . Where a land manager determines that a tree constitutes a physical emergency (e.g. imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation to TRPA within two working days.
- (3) Where immediate treatment and removal is warranted to help control an outbreak, severely insect-infested or diseased trees may be removed. Trees to be felled, treated or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.
- (4) Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated or removed. This determination must be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.
- (5) In limited cases, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates, that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process,

and cut only the large trees necessary to achieve ecosystem objectives at a specific site. Each tree greater than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved by TRPA. The marking of these trees shall be done by TRPA.

- (6) In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA-approved master plan, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.
- (7) In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if the removal is consistent with 78.2.D.
- (8) Large trees may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.
- (9) 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.
- (10) Private landowners may cut trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes articulated in 71.2.C.

71.2.B Standards for Non-SEZ Urban Lands: Within non-SEZ urban areas: Individual trees larger than 30 inches dbh that are healthy and sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking areas or modification of the original design, or 2) paragraphs 71.2.A (1), 71.2.A (2), 71.2.A (3), 71.2.A (7), 71.2.A (8), or 71.2.A (9) can be applied.

71.2.C Alternative Private Landowner Process: A private landowner may follow the regulations within Subsections 71.2.A or a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

- (1) A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 16 of TRPA Code of Ordinances except as follows:
  - (a) In relation to Subsection 16.7.A.(1) only the private landowner may initiate the private forest management planning process.

- (b) In relation to Subsection 16.7.A.(2) the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and in consultation with the appropriate public land management agencies if the private land is adjacent to public land.
  - (c) In relation to Section 16.8, the content of a forest master plan is described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 16.9<sup>§</sup>; shall provide guidelines for salvage harvest, insect control and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 16.9<sup>§</sup> can be submitted provided it is developed with approval of the steering committee.
  - (d) The harvest practices shall comply with local and state regulations.
  - (e) A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
  - (f) Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.
- (2) Private landowners may prepare a limited forest plan when there is limited proposed impact to large trees.
- (a) A limited forest plan may be prepared if 10% or less of the trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
  - (b) The content of a limited forest plan shall include:
    - (i) The relative state permit application, if available;
    - (ii) Description of harvest activities;
    - (iii) Description of management activities;
    - (iv) Explanation of how thresholds, goals and policies will be attained under the forest plan;
    - (v) The expiration date of the plan. A minimum lifespan of 10 years and a maximum lifespan of 50 years will be accepted.

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<sup>§</sup> Amended 1/28/04

- (3) TRPA shall review proposed cutting of trees 30 inches dbh in the westside forest types and 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.<sup>§</sup>

71.3 §General Standards The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees, shall comply with this chapter. The removal of trees 14 inches d.b.h. or less is exempt from TRPA approval under subsection 4.2.A(13) and requirements of this chapter, except as provided herein. Removal of trees greater than fourteen inches d.b.h. shall require approval by TRPA except as provided in subsections 71.5.B, and 71.5.J. Permits shall be granted or denied in conformity with the provisions of this chapter. Such tree-related projects and activities also shall conform to the other provisions of the Code.

- (1) If vegetative screening is required by an existing permit for any property, the vegetative screening cannot be removed without prior approval from TRPA except for defensible space purposes pursuant to Code Section 75.3.
- (2) If vegetation removal of trees 6 inches d.b.h and greater is required on lakefront properties pursuant to Code Section 75.3 where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe, a permit must be obtained from TRPA prior to vegetation removal.
- (3) If vegetation removal is required pursuant to Code Section 75.3 on any non-lakefront properties where an existing permit requires retention of vegetation, alternative scenic mitigation must be proposed to TRPA within 30 days of vegetation removal and is subject to review and approval by TRPA notwithstanding the permit exemption in Section 4.2.A(13).

71.3.A 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.<sup>§§§§</sup>

71.3.B Harvest Or Tree Removal Plan: In cases of substantial tree removal, as set forth in subsection 71.4.I, 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.

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<sup>§</sup> Amended 5/23/01

<sup>§</sup> Amended 11/18/2009

<sup>§§§§</sup> Amended 7/28/04

71.4 Minimum Standards For Tree Removal: The minimum standards for tree removal are:

71.4.A Management Techniques: Management techniques shall be employed which are consistent with the following objectives, where applicable: §

- (1) Restoration and expansion of stream environment zones and riparian vegetation;
- (2) Improvement of the structural diversity of all forests including the protection and establishment of younger-aged trees;
- (3) Enhancement of native wildlife species and/or native wildlife habitat diversity; §
- (4) Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper; §
- (5) Protection of sensitive lands;
- (6) Minimization of construction of new roads;
- (7) Revegetation of existing temporary roads;
- (8) Avoidance of disturbance of stream environment zones, unless such project is to remove trees within SEZ in accordance with Subsection 71.4.C<sup>§</sup>;
- (9) Utilization of existing openings or disturbed areas as landings; or
- (10) Provisions for revegetation.
- (11) The promotion of late seral or old growth characteristics.<sup>§§</sup>
- (12) Early successional stage vegetation management; or<sup>§</sup>
- (13) Fuels management for fire hazard reduction. §

71.4.B 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, except where patch cutting is necessary for regeneration harvest or early successional stage management.
- (2) 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

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§ Amended 1/28/04

§§ Amended 5/23/01

forestry agency, and desired species composition is maintained:

- (3) Patch cuts shall be limited to use for achieving management objectives as approved by TRPA. Patch cuts shall be limited in size to less than five acres. (See subsection 71.4.I.)
- (4) 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.
- (5) Damage to unmarked trees and residual vegetation shall be avoided.
- (6) All trees shall be felled in line with the skidding direction wherever possible.
- (7) All trees shall be limbed on all sides where feasible and topped prior to skidding except where tree length skidding is less disruptive to the forest resources.
- (8) Stumps shall be 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.
- (9) Removal of more than two stumps per parcel, except as permitted for projects or grading, shall require TRPA approval.

71.4.C 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 forest health and diversity,<sup>§</sup> and fish and wildlife habitat improvement projects, in accordance with the following standards:

- (1)<sup>§</sup> 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:
  - a. 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.
  - b. TRPA will 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 Section 2.2 for definitions of

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<sup>§</sup> Amended 1/28/04

“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.
- vii. Operations shall incorporate measures to protect historic resources in accordance with Chapter 29 Historic Resource Protection.
- viii. Projects must 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 must 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.

- (2) All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when snow conditions are adequate for over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage. (See Subsection 71.4.F.)<sup>§</sup>
- (3) 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 78 (Wildlife Resources) and Chapter 79 (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 79.<sup>§</sup>
- (4) 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.
- (5) 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.<sup>§</sup>

71.4.D Logging Roads And Skid Trails: All logging roads and skid trails shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the Handbook of Best Management Practices. New roads shall be approved only if TRPA finds that all alternatives have been explored. Existing roads shall be used where available. In accordance with subsection 81.2.B, existing roads and landings may be accessed in the winter to help prepare for over-snow tree removal. Such preparation shall be limited to packing snow over the roadways to obtain a firm snow base and allow movement of logs and equipment without disturbance of the soil. The following standards also shall apply:

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

FIGURE 1

Road Type	Design	Maximum Grade
Permanent Administrative Roads	Plans and Specifications	10%
Limited Use	Plans and Specifications	10% with occasional 15%
Limited Use Roads Closed after Logging	Plans and Specifications	10% with occasional 15%
Temporary Roads	Flag Line	20%
Tractor Roads and Main Skid Trails	Flag Line	30%
Secondary Skid Trail	None	30%

FIGURE 2

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
Permanent Administrative Roads	Prefall	Removal within 50 feet of road	30 feet*	As determined by TRPA
Limited Use Roads Remaining Open	Prefall	Removal within 50 feet of road	15 feet 2/turnouts*	Annual maintenance required**
Limited Use Roads Closed After Logging	Prefall	Lop and scatter	15 feet 2/turnouts*	Close to vehicle use and revegetate
Temporary Roads	Prefall	Lop and scatter	15 feet*	Close to vehicle use and revegetate
Tractor Roads and Main Skid Trails	Concurrent	Lop and Scatter	15 feet	Close to vehicle use and revegetate
Secondary Skid Trails	Concurrent	Lop and Scatter	15 feet	Close to vehicle use and revegetate

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

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

- (2) Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density.<sup>§</sup> Main skid trails shall be flagged in advance of felling operations and shall require

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approval by TRPA.

(3) Best Management Practices shall be installed on all skid trails, landings, and roads, prior to seasonal shutdown.

(4) Cross drains shall be spaced as follows:

(a) Maximum Slope Distance in Feet by Land Capability District

Gradient	5-7	3-4
Less Than 10%	200	200
10 - 20%	150	90
21 - 30%	90	50

(b) Cross drains shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.

(c) Construction of cross drains shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work including the design and interval of cross drains, shall require TRPA approval.

(d) Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

71.4.E Removal Methods: Only the following tree removal methods shall be used on lands located within the land capability districts shown:

Land Capability District	Removal Method
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with Subsection 71.4.F. Over-snow removal may be approved pursuant to Subsection 71.4.F(1).
1b (Stream Environment Zone) <sup>§</sup>	As permitted in Land Capability District 1a. End lining may be approved when site conditions are dry enough and suitable so as to avoid adverse impacts to the soil and vegetation. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Subsection 71.4.C(1)b.
3 <sup>§</sup>	As permitted in Land Capability District 1b. Ground skidding pursuant to Subsection 71.4.F(2) may be approved. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Subsection 71.4.C(1)b.
4 - 7, Inclusive <sup>§</sup>	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for

<sup>§</sup> Amended 1/28/04

removing trees without skidding may be approved pursuant to Subsection 71.4.F(5).

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- 71.4.F Skidding and Ground Based Vehicle Systems: Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground. Ground based vehicle systems are all-in-one “process at the stump” harvesters that cut, process and remove trees without any ground skidding.<sup>§</sup>
- (1) Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.
  - (2) Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.
  - (3) Logs shall only be skidded endwise.
  - (4) No logging arches, other than integral arch equipment, shall be permitted.
  - (5) Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to Subsection 71.4.C (1)b and 71.4.E.<sup>§</sup>
- 71.4.G Slash Disposal: Slash shall be disposed of within two years of project completion by the following methods:
- (1) Lop and scatter, pile and burn or broadcast burn (consistent with Chapters 72 and 91), chipping, or hauling away. All burns shall be located at least 50 feet from any stream channel.
  - (2) Cull logs and other material shall be disposed of as required by the permit.
- 71.4.H Restocking: A qualified forester shall recommend a restocking level, species and size of replacement trees, and location for planting.
- 71.4.I Substantial Tree Removal: Substantial tree removal shall be activities on project areas of twenty acres or more and proposing the removal of more than 100 live trees ten inches dbh or larger, or proposing the

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removal of more than 100 live trees ten inches dbh or larger within land capability districts 1a, 1b, 1c, 2, or 3 regardless of the project area, 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 Subsection 71.4.B. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA in the following manner:

- (1) Review process for private parcels:
  - (a) Harvest plan shall be written by a qualified forester;
  - (b) Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;
  - (c) Preparation of environmental impact statement if necessary;
  - (d) Pre-approval field review;
  - (e) Approval of project by TRPA;
  - (f) Pre-harvest field review; and
  - (g) Post-harvest review.
- (2) Review process for public parcels:
  - (a) For U.S. Forest Service administered parcels:
    - (i) Coordination with TRPA at the initial planning stages;
    - (ii) Preparation of environmental assessment;
    - (iii) Preparation of environmental impact statement (if necessary);
    - (iv) Submittal of tree removal or harvest plan;
    - (v) Approval of project by TRPA; and
    - (vi) TRPA monitoring and evaluation.
  - (b) For other public parcels the process shall be the same as for private parcels.

71.5<sup>§§</sup> Reasons For Tree Removal: Except for trees identified for retention under section 71.2,<sup>§</sup> tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to Subsection 71.4.C (Tree Cutting Within Stream Environment Zones). Trees may be removed for the following reasons:

71.5.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. Other vegetation shall be protected

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<sup>§§</sup> Amended 1/28/04

<sup>§</sup> Amended 5/23/01

during removal operations to prevent their injury.

- 71.5.B Dead, Dying, Or Diseased Tree Removal: To enhance forest health, trees reported by a qualified forester to be dead, dying or diseased may be removed upon approval by TRPA. (See Subsection 78.2.D.) Dead trees may be removed without TRPA approval. Green stumps shall be treated, and insect-infested wood shall be disposed of, or treated as appropriate, as specified by a qualified forester.
- 71.5.C 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. (See Section 18.4 for definition of fuels management.)<sup>§§</sup>
- 71.5.D 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 Section 18.4 for definition of early successional stage vegetation management.) Where revegetation is required to stabilize soils and/or replace removed vegetation, the applicant shall provide a revegetation plan in accordance with Section 77.4.<sup>§</sup>
- 71.5.E<sup>§</sup> Tree Removal For Enhancement Of Forest Health And Diversity: Tree removal may be permitted where the species or structural diversity of an area is unacceptable. TRPA shall apply the following criteria in reviewing tree removal to enhance forest health and diversity:
- (1) A management plan which demonstrates the need for the project and the means of accomplishing the objectives listed below, shall be prepared by a qualified forester.
    - (a) If improved forest health is the objective, removal of trees shall not exceed minimum stocking levels recommended by a qualified forester.
    - (b) If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees. (c) If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant.
    - (c) On parcels of five acres or less, the tree removal permit may serve as the management plan.
  - (2) The site proposed for tree removal for forest diversity shall be within a contiguous area of at least five acres in which a single

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<sup>§</sup> Amended 1/28/04

<sup>§§</sup> Amended 1/23/08

tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

71.5.F<sup>§</sup> Tree Removal For Solar Access: Removal of healthy trees to maximize efficiency of solar energy systems may be permitted as follows:

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

71.5.G<sup>§</sup> Tree Removal For Ski Areas And Rights-Of-Way: The following tree removal standards apply to ski areas and utility and public right-of-ways:

- (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.

71.5.H<sup>§</sup> 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.

71.5.I<sup>§</sup> Tree Removal For Development: Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Chapter 65.

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<sup>§</sup> Amended 1/28/04

- 71.5.J<sup>§</sup> 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.
- 71.5.K<sup>§</sup> 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.
- 71.6 Commercial Tree Removal: Trees may be removed as a commercial enterprise pursuant to the tree removal practices of Section 71.4.

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<sup>§</sup> Amended 1/28/04

