NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on _____March 14, 1984____ at
______9:30____ a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: _____March 2, 1984____

By: [Signature]
Gordon W. Barrett
Principal Planner
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

March 14, 1984
9:30 a.m.

NOTE: If time permits, upon adjournment of the APC meeting, the Resource Management Subcommittee will meet to discuss grading, water quality, and resource management.

PRELIMINARY AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM
II. APPROVAL OF AGENDA
III. DISPOSITION OF MINUTES
IV. PLANNING MATTERS
   A. Summary and Discussion of Final Goals and Policies Plan
   B. Subcommittee Reports on Ordinance Review
      1. Transportation/Air Quality
      2. Resource Management
   C. Plan Area Statements Update
   D. Design Review Guidelines Update
   E. Land Capability Mapping Update
   F. Subcommittee Meeting Schedule
   G. Transportation Planning (Section 8) Status Report
   H. Monitoring and Evaluation Program Status Report
   I. Other

V. ADMINISTRATIVE MATTERS

VI. REPORTS
   A. Staff Reports
      1. Status of Proposed Lake Fishery Study
   B. Legal Reports
   C. Public Interest Comments
D. APC Members

1. Redevelopment Financial Feasibility Study Report

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
MEMORANDUM

March 7, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: February 8, 1984 APC Regular Meeting Minutes

Due to the work load every attempt will be made to mail the APC minutes for February 8, 1984 to you prior to the March APC meeting.

/md

APC Agenda Item III
CHAPTER 8

8.00.00.0 TRANSPORTATION/AIR QUALITY PROVISIONS
  8.00.01.0 General Explanation
  8.00.02.0 Coordination
  8.00.03.0 Documents

8.01.00.0 INSPECTION AND MAINTENANCE
  8.01.01.0 General

8.02.00.0 WATER HEATERS
  8.02.01.0 Program Requirements
  8.02.02.0 Certification
  8.02.03.0 Enforcement
  8.02.04.0 Exemptions

8.03.00.0 SPACE HEATERS
  8.03.01.0 Program Requirements
  8.03.02.0 Certification
  8.03.03.0 Enforcement
  8.03.04.0 Exemptions

8.04.00.0 RESIDENTIAL WOOD HEATERS
  8.04.01.0 Program Requirements
  8.04.02.0 Certification
  8.04.03.0 Enforcement

8.05.00.0 OPEN BURNING
  8.05.01.0 Program Requirements
  8.05.02.0 Enforcement/Permitting Authority

8.06.00.0 AIR QUALITY/TRAFFIC MITIGATION PROGRAM
  8.06.01.0 Program Requirements

8.07.00.0 STATIONARY SOURCE REVIEW
  8.07.01.0 Program Requirements

APC AGENDA ITEM IV B. 1.
8.00.00.0 TRANSPORTATION/AIR QUALITY PROVISIONS

8.00.01.0 General Explanation: The purpose of this chapter is to establish standards and guidelines for the improvement and protection of air quality within the Basin. Such standards and guidelines shall apply to the review of all projects and to existing development and uses where specified.

8.00.02.0 Coordination:

a. The Agency will coordinate with the following parties to implement and enforce the provisions of this Section:

(1) Nevada Division of Environmental Protection
(2) California Air Resources Board
(3) U.S. Environmental Protection Agency
(4) City of South Lake Tahoe
(5) Douglas, Washoe, Placer, and El Dorado Counties
(6) U.S. Forest Service
(7) Local Fire Districts
(8) Local Building Departments
(9) Placer County Air Pollution Control District
(10) El Dorado County Air Pollution Control District
(11) Lake Tahoe Air Basin Pollution Control Council
(12) Tahoe Transportation District
(13) California Department of Transportation
(14) Nevada Department of Transportation
(15) California Department of Motor Vehicles
(16) Nevada Department of Motor Vehicles
(17) California Department of Consumer Affairs: Bureau of Automotive Repair

b. Certain responsibilities may be delegated to the parties identified in (a). In the event of delegation, the Agency will establish a memorandum of understanding that identifies responsibilities.

8.00.03.0 Documents: All references cited in this Chapter are available at the TRPA office for review and reproduction.

8.01.00.0 INSPECTION AND MAINTENANCE: The Tahoe Regional Planning Agency is granted authority to establish this program through Public Law 96-551 entitled the Tahoe Regional Planning Compact.

8.01.01.0 General: The purpose of this Section is to implement an inspection and maintenance (I/M) program. The I/M program is designed to reduce emissions of nitrogen oxides, carbon monoxide, and hydrocarbons from motor vehicles of local residents. The program for carbon monoxide and hydrocarbons
will be implemented in each state under the provisions prescribed by current state law. A program for nitrogen oxides emissions testing will be implemented as soon as practicable in each state, or by the TRPA if either state fails to act. An underhood inspection for nitrogen oxides control equipment will be implemented as part of the initial testing program in each state.

If either state fails to implement an inspection and maintenance program for carbon monoxide, hydrocarbons and NO
underhood inspections by October 1, 1985 then TRPA shall proceed to implement a program according to the following provisions:

a. Inspection stations will be established within the Tahoe Basin to test automobiles.
b. The test at the stations shall include:
   
   (1) A determination that the emission control devices and systems required by state and federal law are installed and functioning correctly. This determination shall include an underhood inspection.
   
   (2) A test of the vehicle's exhaust emissions of hydrocarbons and carbon monoxide in the idle mode.
   
   (3) A determination as to whether the vehicle complies with the vehicle emissions standard for that vehicle's class and model-year.

c. Repair stations on both the north and south shore shall be identified.
d. Automobiles requiring repairs shall be re-inspected after the necessary repairs have been made.
e. The program shall cover all motor vehicles powered by internal combustion engines with the exception of motorcycles, heavy-duty vehicles, diesel-powered vehicles, vehicles over twenty years old, propane vehicles and fire engines.
f. A public education program will be established by TRPA before the program is implemented and will continue to function during the implementation of the program.

8.02.00.0 WATER HEATERS: This rule limits emissions of nitrogen oxides from natural gas and propane fired water heaters.

8.02.01.0 Program Requirements:

a. After January 1, 1985, a person shall not install within the Tahoe Basin:

   (1) Gas and propane fired stationary home water heaters that emit nitrogen oxides in excess of 40 nanograms of nitrogen oxide (calculated as nitrogen dioxide) per joule of heat output (70 pounds per billion BTU) at sea level.
(2) Gas-fired stationary home water heaters that are not certified in accordance with Subsection 8.02.02.0.
(3) Gas and propane fired stationary home water heaters not adjusted for the elevation of Tahoe.

8.02.02.0 Certification:

a. The manufacturer shall test each water heater model in accordance with the following:

(1) Each water heater model shall be operated in accordance with Section 4.2.35, Code of Federal Regulations, Title 10, Part 430, Subpart B, Appendix N at normal test pressure, input rates, and with a five-foot exhaust stack installed during the nitrogen oxides emission tests.

(2) The measurement of nitrogen oxides emissions shall be conducted in accordance with EPA test methods or other test methods approved by the Agency.

b. The following calculation shall be used to determine the nanograms of nitrogen oxides per joule of heat output:

\[ N = \frac{4.566 \times 10^4}{\text{H}} \times \frac{\text{P}}{(\text{C})(\text{E})} \]

Where

\( N \) = nanograms of nitrogen oxide emitted per joule of heat output

\( P \) = parts per million (volume) nitrogen oxides in flue gas

\( U \) = volume percentage of carbon dioxide in water-free flue gas for stoichiometric combustion

\( C \) = volume percentage of carbon dioxide in water-free flue gas

\( H \) = gross heating value of gas, BTU/foot (60°F, 30" hg)

\( E \) = recovery efficiency, percentage
c. The manufacturer shall submit the following to the Agency:

(1) A statement that the model is in compliance with Subsection 8.02.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.
(2) Name and address of the manufacturer.
(3) Brand name.
(4) Model number, as it appears on the water heater rating plate.
(5) Description of each model being certified.

8.02.03.0 Enforcement:

a. The Agency may require that the emission test results be provided when deemed necessary to verify compliance.

b. The Agency shall maintain and distribute a list of models that meet the requirements of this rule and every January and July notify retailers in locations deemed appropriate by the Executive Director. (See 8.04.03.0)

c. It shall be illegal to offer for sale for installation in the Tahoe Region any uncertified units.

d. The Agency shall require certified units to be installed in new projects as a condition of project approval.

e. The Agency shall seek modifications to local building codes to require local permits for one-to-one replacement.

8.02.04.0 Exemptions:

a. The provisions of this rule shall not apply to:

(1) Water heaters with a rated heat input of 75,000 BTU per hour or greater.
(2) Water heaters used in recreational vehicles.

8.03.00.0 SPACE HEATERS: This rule limits emissions of nitrogen oxides from natural gas and propane fired fan type central furnaces.

8.03.01.0 Program Requirements:

a. After January 1, 1985, a person shall not install within the Tahoe Basin:

(1) Gas and propane fired stationary fan type central furnaces that emit nitrogen oxides in excess of 40 nanograms of nitrogen oxides (calculated as nitrogen dioxide) per joule of useful heat (70 pounds per billion BTU) delivered to the heated space at sea level.
(2) Gas and propane fired stationary fan type central furnaces that are not certified in accordance with Subsection 8.03.02.0.

(3) Gas and propane fired stationary fan type central furnaces not adjusted for the elevation of the Tahoe Region.

8.03.02.0 Certification:

a. The manufacturer shall test each gas-fired stationary fan type central furnace model in accordance with the following:

(1) Each tested furnace heater shall be operated in accordance with the procedures specified in American National Standards Z21.47-1978, Section 2.7.1., normal test pressure, input rate, supply voltage and equipped with a five-foot exhaust stack.

(2) The measurement of nitrogen oxides emissions shall be conducted in accordance with EPA test methods or other test methods approved by the Agency.

b. Either of the following calculations shall be used to determine the nanograms of nitrogen oxides per joule of heat output:

\[
N = \frac{(4.566 \times 10^4)(P)(U)}{(H)(C)(E)} \quad N = \frac{(3.655)(10^{10})(P)}{(20.9 - Y)(Z)(E)}
\]

Where

- \( N \) = nanograms of nitrogen oxide emitted per joule of useful heat
- \( P \) = parts per million (volume) nitrogen oxide in flue gas
- \( U \) = volume percentage of carbon dioxide in water-free flue gas for stoichiometric combustion
- \( C \) = Volume percentage of carbon dioxide in water free flue gas assuming complete combustion and no carbon monoxide present
- \( H \) = gross heating value of gas, BTU/Cu. foot (60°F, 30" hg)
- \( E \) = Seasonal efficiency, percentage
- \( Y \) = Volume percent oxygen in flue gas
- \( Z \) = Heating value of gas, joules/cu. meter (0.0 C 1 ATM)
c. The manufacturer shall submit to the Agency the following:

(1) A statement that the model is in compliance with Subsection 8.03.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.
(2) Name and address of the manufacturer.
(3) Brand name.
(4) Model number, as it appears on the water heater rating plate.
(5) Description of each model being certified.

8.03.03.0 Enforcement:

a. The Agency may require that the emission test results be provided when deemed necessary to verify compliance.

b. The Agency shall maintain and distribute a list of models that meet the requirements of this rule and every January and July notify retailers in locations deemed appropriate by the Executive Director. (See 8.04.03.0)

c. It shall be illegal to offer for sale for installation in the Tahoe Region any noncertified units.

d. The Agency shall require certified units to be installed in new projects as a condition of project approval.

e. The Agency shall seek modifications to local building codes to require local permits for one-to-one replacement.

8.03.04.0 Exemptions:

a. The provisions of this rule shall not apply to:

(1) Gas-fired stationary home fan type central furnaces with a rated heat input of 75,000 BTU per hour or greater.

(2) Gas-fired stationary home fan type central furnaces used in recreational vehicles.

8.04.00.0 RESIDENTIAL WOOD HEATERS: This rule limits emissions of particulate matter from residential wood heaters.

8.04.01.0 Program Requirements:

a. After January 1, 1985, a person shall not install the following within the Tahoe Region:

(1) Residential wood heaters that emit particulate matter in excess of $0.330 \times 10^{-6}$ gm/joule of heat output, averaged over at least six tests, or not more than $0.65 \times 10^{-6}$ gm/joule of useful heat output for any single test.
(2) Residential wood heaters that are not certified in accordance with Subsection 8.04.02.0.

b. One residential wood heater is allowed for each residential unit. A hotel, motel, inn, or lodge may have one fireplace or residential wood heater per lobby. Residential wood heaters in individual guest rooms are prohibited.

c. A restaurant or bar may have either one fireplace or residential wood heater.

d. Any commercial facilities not covered by Subsections b and c shall be allowed one residential wood heater per facility.

e. Coal shall not be used as a fuel in the Tahoe Basin.

8.04.02.0 Certification:

a. The manufacturer shall test each residential wood heater model at an independent testing laboratory approved by the Executive Director. (See attachment A.)

b. The manufacturer shall submit to the Agency the following:

(1) A statement that the model is in compliance with Subsection 8.04.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.

(2) Name and address of the manufacturer.

(3) Brand name.

(4) Model number, as it appears on the heating device.

(5) Description of each model being certified.

(6) Test results from the independent laboratory.

8.04.03.0 Enforcement:

a. The Agency may require that the emission test results be provided when deemed necessary to verify compliance.

b. The Agency shall maintain and distribute a list of models that meet the requirements of this rule and every January and July notify retailers in locations deemed appropriate by the Executive Director. (See 8.04.03.0)

c. It shall be illegal to offer for sale for installation in the Tahoe Region any noncertified units.

d. The Agency shall require certified units to be installed in new projects as a condition of project approval.

e. The Agency shall seek modifications to local building codes to require local permits for one-to-one replacement.
8.05.00.0 **OPEN BURNING:** This ordinance regulates open burning of material within the Tahoe Basin to improve air quality. The open burning of any combustible refuse, waste, garbage, oil or any other material is prohibited within the Tahoe Region. Except as provided below, the provisions of this ordinance shall not apply to recreational fires, ceremonial fires, and cooking fires. The provisions of applicable fire laws shall apply to these fires.

8.05.01.0 **Program Requirements:**

a. The burning of unutilized wood waste associated with, but not limited to, forest management, right-of-way clearing, (clearing) for new construction, and fire hazard reduction shall be treated in accordance with the remaining provision of this ordinance and applicable fire laws.

b. No person shall knowingly burn any material until they have received a written air quality permit from an agency authorized in subsection 8.05.02.0.

The following information shall be provided before an air quality permit will be issued:

1. Name and address of the permittee
2. Location of the burn
3. Amount and type of material to be burned
4. Distance to nearest residential area
5. Other information required by the permitting agency

c. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "This permit is valid only for those days on which the state air resources board or the APFD does not prohibit agricultural burning pursuant to Section 41855 of the HSC.

d. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

e. The burn permit shall be available for inspection at the burn site during the burn.

f. Any material greater than six inches in diameter shall be dried for eight or more weeks. Any material less than six inches in diameter shall be dried for four weeks or more.

[g. All burning will begin after 10:00 a.m. and no additional material will be added to the fire after 3:00 p.m. Exceptions will be approved through the burning plan approved by the Agency.

h. Material to be burned will be the result of tree removal activities authorized in Section 6.01.00.0 or prescribed burning activities authorized in Section 6.02.00.0]
i. Open burning shall be prohibited between June 15 and October 15 for all areas within the basin. Exceptions will be approved through a burning plan approved by the Agency.

j. Burning will occur only on permissive burn days designated by the California Air Resources Board. The U.S. Forest Service will provide information on the designation.

k. Open burning shall be prohibited when deemed necessary by public fire control agencies for fire control or prevention.

8.05.02.0 Agency Review of Prescribed Burns: The TRPA shall review and approve all burn prescriptions within the Tahoe Region, including smoke management plans.

8.05.03.0 Enforcement/Permitting Authority:

a. The Agency shall designate the appropriate permitting agency by political jurisdiction and maintain such list.

b. The provisions of this ordinance shall be enforced by the Agency and state and county air pollution control agencies.

c. No person shall burn any material unless the day has been designated as a permissive burn day in the Tahoe Basin.

8.06.00.0 AIR QUALITY/TRAFFIC MITIGATION PROGRAM: This rule shall in part provide mitigation of the impacts from new residential and commercial and public projects and changes in use for commercial and public projects that impact air quality and traffic congestion. The rule shall apply only when there will be an increase in the number of vehicle trips associated with the proposed project. Measures included in the Design Review Guidelines shall also be required to be implemented as mitigation in addition to the fee by applicants, if appropriate, to mitigate impacts from projects.

8.06.01.0 Program Requirements:

a. Residential projects that will result in an increase of new vehicle trips shall pay a mitigation fee of $______/vehicle trip for the peak 24-hour period.

b. Commercial and public projects that will result in an increase of new trips that generate less than 1,500 vehicle trips for the peak 24-hour period shall pay a mitigation fee of $______/vehicle trip.

c. Commercial and public projects that will result in an increase of new trips that generate more than 1,500 vehicle trips for the peak 24-hour period shall complete an environmental impact statement.
d. Commercial and public projects that will result in an increase of new trips that generate more than 50 vehicle trips for the peak 24 hour period and locate within 1/4 mile of an area with a level of service "E" for the peak 1 hour period shall complete a traffic report. This report shall be prepared by an independent contractor selected by the Agency in consultation with the applicant. The traffic report shall evaluate alternatives to the project and identify mitigation to reduce the impacts and evaluate any relationships to the phasing of the mitigation measures included in the Regional Plan. The Agency shall identify areas within 1/4 mile of a level of service "E" every April.

e. The applicant may complete a traffic analysis where there is a project that may result in a large number of trips, but a small amount of vehicle miles of travel. Projects that pursue this approach shall pay a mitigation fee of $_____/vehicle mile of travel.

f. A mitigation program may be implemented in lieu of a fee if the Agency determines it is as effective as the fee.

g. The Agency shall collect and administer mitigation fees and such fees shall be known collectively as the Air Quality Mitigation Fund. The mitigation fees shall be deposited into commercial bank accounts, liquid asset funds, or purchase of certificates of deposit. [Language reserved on the distribution of mitigation funds.]

h. Air Quality Mitigation Funds shall be disbursed to the counties or city upon request for expenditure on air quality control projects with the jurisdiction of origin of such funds as set forth in the Regional Plan and with the approval of the Agency.

8.07.00.0 STATIONARY SOURCE REVIEW: The purpose of this rule is to limit the emission level of stationary sources of air pollution that can locate within the Tahoe Basin to insure that the environmental thresholds will be attained.

8.07.01.0 Program Requirements:

a. Emissions from modified and new stationary sources of air pollution shall be calculated using emissions factors contained in AP-42 Compilation of Air Pollutant Emission Factors or any other method approved by the Agency.

b. Modified and new stationary sources of air pollution that emit an increase of more than any one of the following over the peak 24-hour period shall be required to complete an environmental impact statement according to Subsection.
c. Modified and new stationary sources of air pollution that emit an increase of more than any one of the following over the peak 24-hour period shall be prohibited:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td></td>
</tr>
<tr>
<td>Fine particulate matter</td>
<td></td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td></td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td></td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td></td>
</tr>
</tbody>
</table>
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 96731

MEMORANDUM

DATE: March 6, 1984

TO: Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Resource Management Subcommittee

The Resource Management Subcommittee has completed its review of the Grading and Resource Management chapters of the codified ordinance. Drafts of these 2 chapters are now ready for full APC review.

For the purposes of this agenda item, staff would like the full APC to take the following actions:

1. Discussion and vote on the revised Grading Chapter of the ordinance; and

2. Discussion and vote on the revised Resource Management Chapter of the ordinance.
CHAPTER 5

5.00.00.0 GRADING PROVISIONS

5.00.01.0 General Explanation

5.01.00.0 SPECIAL INFORMATION REPORT REQUIREMENTS

5.01.01.0 Required Investigations, Reports, and Plans

5.01.01.1 General Requirements of Subsurface Investigations
5.01.01.2 Specific Requirements of Subsurface Investigations
5.01.01.3 Revegetation and Slope Stabilization
5.01.01.4 Additional Investigations and Reports

5.02.00.0 INSPECTIONS

5.02.01.0 Work Subject to Inspection

5.02.02.0 Required Inspections

5.03.00.0 CONSTRUCTION/INSPECTION SCHEDULE

5.04.00.0 WINTERIZATION

5.05.00.0 STANDARDS OF GRADING, FILLING AND CLEARING

5.05.01.0 Seasonal Limitations

5.05.01.1 Grading Seasons
5.05.01.2 Grading Extensions
5.05.01.3 Prohibition of Grading During Inclement Weather

5.05.02.0 Criteria for Grading, Filling and Clearing Operations

5.05.03.0 Discharge Prohibitions

5.05.03.1 Direct Discharge
5.05.03.2 Indirect Discharge
5.05.03.3 Discharge Control Devices

5.05.04.0 Dust Control

5.05.05.0 Disposal of Earthen Materials

5.05.06.0 Cuts, fills, Setbacks

5.06.00.0 VEGETATION PROTECTION

5.07.00.0 OBJECTS OF ANTIQUITY
CHAPTER 5

5.00.00.0 GRADING PROVISIONS:

5.00.01.0 General Explanation: Soil within the Lake Tahoe Basin is an integral part of the structure and function of the natural ecosystem. The disturbance of soil allows the possibility of erosion and the degradation of water quality in the region. Proper techniques and constraints can minimize the impacts of grading. Grading activities, except as set forth under Subsection 5.01.01.2, shall require an Agency permit and be reviewed against the following criteria:

5.01.00.0 SPECIAL INFORMATION REPORT REQUIREMENTS: Applicants for grading permits shall submit a complete application to the Agency pursuant to the Rules and Regulations of Practice and Procedure.

5.01.01.0 Required Investigations, Reports, and Plans:

5.01.01.1 General Requirements of Subsurface Investigations: If a subsurface soil and geological report is required pursuant to Subset 5.01.01.2, subsurface investigations shall be performed, by a qualified expert, throughout the area to sufficiently describe the existing conditions.

5.01.01.2 Specific Requirements of Subsurface Investigations: Subsurface investigations shall be conducted, and a subsurface soil and geological report prepared, where stability may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations:

a. Fault zones;
b. Contact zones between two or more geologic formations;
c. Zones of trapped water or high water table;
d. Where bodies of intrusive materials (rocks, boulders, etc.) are prevalent;
e. Historic landslides or where the topography is indicative of prehistoric landslides;
f. Adversely sloped bedding planes, short-range folding areas, overturned folds, fractures and other geologic formations of similar importance;
g. Where a fill slope is to be placed above a cut slope;
h. Proposed or existing cuts exceeding twenty (20) feet in height, unless in competent rock;
i. Proposed or existing fills exceeding twenty (20) feet in height;

j. Where fills are to be placed on existing slopes steeper than sixteen percent (16%);

k. Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability;

l. In areas showing characteristics of seeped soils or within areas of water influence; or

m. Where grading is proposed in the vicinity of historic sites (refer to Section 5.07.00.0) as identified by Agency maps or in other locations where objects of antiquity could be located.

5.01.01.3 Revegetation and Slope Stabilization:

a. Plan Required: The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, erosion control, percentage of compaction, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife.

b. Submittal of Plan: The revegetation and slope stabilization plan in a, above, shall be submitted with the other required information reports unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

5.01.01.4 Additional Investigations and Reports: When requested by the Agency, the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of this ordinance.

5.02.00.0 INSPECTIONS

5.02.01.0 Work Subject to Inspection: All construction or work for which a permit or other Agency review is required shall be subject to inspections at any time by the Agency.
5.02.02.0 Required Inspections:

a. Prior to any grading activity commencing, a pregrading inspection by Agency staff shall be required at which time all temporary erosion control and vegetation protection and construction site boundary fencing shall be in place.

b. An inspection by Agency staff shall be required to assure that installation of permanent mechanical erosion control devices, drainage improvements and revegetation be accomplished as soon as feasible after the start of construction.

c. Upon completion of all construction activities and prior to release of securities, a final site inspection by Agency staff shall be required at which time all improvements and revegetation shown on the final construction drawings approved by the Agency shall be properly installed and all conditions of approval satisfied.

5.03.00.0 CONSTRUCTION/INSPECTION SCHEDULE: The construction/inspection schedule that may be required for any project pursuant to Section 5.05.01.0 shall require information for purposes of establishing an appropriate sequence for installation of permanent mechanical erosion control, drainage improvements and revegetation consistent with the final construction drawings approved by the Agency. Said schedule is also for the purpose of assuring compliance with the seasonal and weather limitations on grading activities set forth in Subsection 5.05.01.0. In no instance shall a construction/inspection schedule be approved which would allow a construction site to be inactive more than seven months or beyond October 15 of the year following that which construction commenced without completion of permanent erosion control and drainage improvements and revegetation as necessary to stabilize the site pursuant to BMP’s. The following are those information items that may be required pursuant to this Section:

a. When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;

b. When construction will start;

c. When all disturbed areas will be stabilized;

d. When initial grading will be completed;

e. When all construction slash and debris will be removed;

f. When driveways, parking areas and other paved surfaces will be paved;

h. When installation of permanent mechanical erosion control devices will occur;

i. When installation of permanent drainage improvements will occur;

j. When revegetation will occur;

k. When construction will be completed;

l. When the site will be winterized, if appropriate; and

m. Other information deemed necessary by Agency staff to assure compliance with the purpose of this Section as stated above.
5.04.00.0 WINTERIZATION: All construction sites shall be winterized by October 15, in the following manner:

a. Sites that will remain inactive between October 15 and May 1 shall contain erosion and drainage improvements necessary to prevent discharge from the construction site, including but not limited to:

1. Installation of temporary erosion controls;
2. Installation of temporary vegetation protection fencing;
3. Stabilization of all disturbed areas;
4. Clean-up and removal of all on-site construction slash and debris;
5. Installation of mechanical stabilization and drainage improvements where feasible; and
6. Removal of all spoil piles from the site.

b. Sites that will remain active between October 15 and May 1 shall, in addition to the requirements of Section 5.04.00.0(a), include:

1. Installation of all permanent mechanical erosion control devices including paving of all driveway and parking areas;
2. Installation of all permanent drainage improvements; and
3. All parking of vehicles and storage of building materials shall be restricted to paved areas on site.

5.05.00.0 STANDARDS OF GRADING, FILLING AND CLEARING:

5.05.01.0 Seasonal Limitations:

5.05.01.1 Grading Seasons: Grading, filling, clearing of vegetation or other disturbance of the soil may not occur between October 15 and May 1 unless an extension has been granted by the Agency pursuant to Subset 5.05.01.2. Prior to the period of October 15 to May 1, all construction sites shall be winterized per Section 5.04.00.0.

5.05.01.2 Grading Extensions: A permit may be granted by the Agency to allow grading after October 15 when the Agency finds that it is in the best interests of the public health and safety, is for erosion control purposes or otherwise for improvement of water quality. The applicant must show that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation. Grading may be permitted to facilitate the construction of nearshore/foreshore structures during periods of low water.
5.05.01.3 Prohibition of Grading During Inclement Weather: Grading, filling, clearing of vegetation (which disturbs soil) or other disturbance of the soil are prohibited during inclement weather and for the resulting period of time when the site is covered with snow or is in a saturated, muddy or unstable condition. This prohibition extends to snow removal on unpaved construction sites.

5.05.02.0 Criteria for Grading, Filling and Clearing Operations: All grading, filling and clearing activities, including the construction and/or maintenance of unsurfaced roads whether or not requiring a permit under this ordinance, shall be designed to the maximum extent feasible to be consistent with the Grading and Drainage Guidelines of the Agency and with the standards of vegetation protection set forth in Chapter 6.

Discharge Prohibitions:

5.05.03.1 Direct Discharge: New point source discharges of solid or liquid waste materials including soil, silt, clay, sand or other organic or earthen materials are prohibited within the Tahoe Basin unless written approval is obtained from this Agency.

5.05.03.2 Indirect Discharge: Any materials susceptible to erosion shall be controlled with discharge devices.

5.05.03.3 Discharge Control Devices: Approved erosion and siltation control devices and measures shall be required for all grading, filling, and clearing operations. Control devices and measures which may be required include, but are not limited to, approved temporary and permanent erosion and sedimentation control devices and facilities and measures as depicted in the Handbook of Best Management Practices.

5.05.04.0 Dust Control: Dust control methods shall be required for any activity creating substantial quantities of dust.

5.05.05.0 Disposal of Earthen Materials: Earthen material excavated during operations hereunder shall be disposed of in a manner approved by the Agency. These may include:

a. Stockpiling all or some of the top soil on the site for use on areas to be revegetated.

b. Disposal of the material at a location approved by the Agency.
5.05.06.0 Cuts, Fills, Setbacks: The Agency's Design Review Guidelines shall include provisions for:

a. Maximum cut slope;
b. Stability of slope material;
c. Maximum fill slope;
d. Appropriate type of fill material;
e. Borrowing of fill material;
f. Fill compaction requirements;
g. Appropriate moisture content of compacted fill; and
h. Appropriate property line setbacks from cutslopes.

5.06.00.0 VEGETATION PROTECTION:

a. Restriction of Vehicles to Graded Areas: There shall be no excavation on the site before the Agency has approved the location of the stake-out of the drives, parking sites, building sites and other areas to be graded or filled. Construction equipment shall be limited to the area specified in the final plans to be graded according to the approved plans. No vehicles of any kind shall pass over areas outside of the construction site boundary.

b. Tree Buffer Zone: No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree or off the property. This does not apply to trees which have been approved for removal by the Agency.

c. Protective Barriers: During construction the permittee shall install and maintain appropriate barriers around all native vegetation proposed for retention pursuant to Section 6.04.00.0.

5.07.00.0 OBJECTS OF ANTIQUITY:

a. Prohibition of Grading: No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading except in accordance with an approved recovery plan. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect these areas.

b. Discovery of Antiquities: Whenever during excavation any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan are uncovered or become apparent, all work in the immediate area shall cease until the Agency, in cooperation with other local units of government, determines that appropriate precautions have been taken to preserve the historic artifacts. The Historical Sites Map will be amended as often as necessary to reflect the discovery of any new historical sites.
CHAPTER 6

6.00.00.0 RESOURCE MANAGEMENT PROVISIONS

6.00.01.0 General Explanation

6.01.00.0 TREE REMOVAL

6.01.01.0 General Performance Standards
6.01.02.0 Minimum Standards for Tree Removal

6.01.02.1 Management Practices
6.01.02.2 Cutting Practices
6.01.02.3 Harvests within Stream Environment Zones
6.01.02.4 Skidding
6.01.02.5 Removal Methods
6.01.02.6 Logging Roads and Skid Trails
6.01.02.7 Slash Disposal
6.01.02.8 Restocking
6.01.02.9 Substantial Tree Removal

6.01.03.0 Acceptable Cause for Tree Removal

6.01.03.1 Tree Removal for Solar Access
6.01.03.2 Dead, Dying, or Diseased Tree Removal
6.01.03.3 Hazardous Tree Removal
6.01.03.4 Tree Removal for Enhancement of Forest Health and Diversity
6.01.03.5 Ski Area and Right-of-Way Tree Removal
6.01.03.6 Cutting and Cultivation of Christmas Trees
6.01.03.7 Tree Removal for Development
6.01.03.8 Tree Removal During Emergency Fire Suppression Activities
6.01.03.9 Tree Removal to Enhance Scenic Viewpoints from Public Roadways

6.02.00.0 PRESCRIBED BURNING PROGRAMS

6.02.01.0 Information Report
6.02.02.0 Lands Suitable for Prescribed Burning
6.02.03.0 Purpose of Prescribed Burn
6.02.04.0 Scope and Timing

6.03.00.0 LIVESTOCK GRAZING

6.04.00.0 REMEDIAL VEGETATION MANAGEMENT

6.04.01.0 Problem Identification
6.04.02.0 Preparation of Management Plans

6.04.02.1 Plan Content
6.04.03.0 Compliance
   6.04.03.1 Voluntary Compliance
   6.04.03.2 Procedural Compliance

6.05.00.0 VEGETATION PROTECTION
   6.05.01.0 Project Design
   6.05.02.0 During Construction
      6.05.02.1 General Provisions for the Protection of Vegetation
      6.05.02.2 Minimum Standards for Vegetation Protection
   6.05.03.0 Open Space Protection
   6.05.04.0 Sensitive Plants/Uncommon Plant Communities
      6.05.04.1 Sensitive Plants
      6.05.04.2 Uncommon Plant Communities
   6.05.05.0 Vegetation Removal to Prevent the Spread of Wildfire

6.06.00.0 LANDSCAPING
   6.06.01.0 Approved Species
   6.06.02.0 Fertilizer Management
   6.06.03.0 Turf/Lawns

6.07.00.0 REVEGETATION
   6.07.01.0 Approved Species
   6.07.02.0 Soil Stabilization

6.08.00.0 WILDLIFE RESOURCES
   6.08.01.0 Wildlife Habitat
      6.08.01.1 Riparian Vegetation
      6.08.01.2 Movement/Migration Corridors
      6.08.01.3 Critical Habitat
      6.08.01.4 Snags
   6.08.02.0 Special Interest Species
   6.08.03.0 Non-Native Species
      6.08.03.1 Domestic Animals
      6.08.03.2 Beaver
6.09.00.0 FISH RESOURCES

6.09.01.0 Lake Habitat
6.09.02.0 Stream Habitat
6.09.03.0 Wetland Habitat
CHAPTER 6

6.00.00.0 RESOURCE MANAGEMENT PROVISIONS:

6.00.01.0 General Explanation: The purpose of this chapter is to set forth standards and guidelines for the management and protection of vegetation, wildlife, and fisheries. Such standards shall apply to the review of all projects and to existing development and uses when remedial actions are determined to be necessary.

6.01.00.0 TREE REMOVAL: Proper management of the Basin's forest resources will improve forest health in the region while discouraging insect outbreaks and tree diseases. A lack of species and structural diversity exists at this time and this situation exaggerates the chance of devastating insect and disease outbreaks and is not favorable for supporting abundant and diverse populations of wildlife.

In order to provide for the diversity of the forest and to manage for the long term health of forest vegetation, small trees should also be protected; therefore trees 18 inches tall or taller should not be removed or damaged without prior approval from the Agency. All actions involving the removal of trees shall take place within the framework of this chapter to protect against indiscriminate loss of trees and to provide for the long term health and maintenance of the forest vegetation.

Applicants for any permit required pursuant to the terms of this ordinance shall provide information and reports as required by the Agency Rules and Regulations of Practice and Procedure and Agency staff.

6.01.01.0 General Performance Standards:

a. 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 be in compliance with the terms of this Section, and permits shall be granted or denied in conformity with the provisions of this Section. All such tree cutting shall also conform to the provisions of all other applicable sections of the Agency ordinance.

b. Existing trees and vegetation not approved for removal shall be preserved and protected during tree removal activity.

c. Tree removal within stream environment zones shall be limited to cutting diseased or hazardous trees or to thinning needed to protect the health and vigor of remaining trees or to improve fish or wildlife habitat except as permitted under Subset 6.01.03.7.
d. Trees damaged during removal operations in urban areas or developed sites shall be treated as necessary to prevent future damage from insects or disease.

e. All tree removal sites shall be stabilized prior to, during, and after operations so as to prevent erosion from the site.

f. A qualified forester must determine that timber removal proposals are in substantial compliance with the practices permitted under Subsection 6.01.03.0 prior to any agency tree-removal permits being issued on private, state, federal, or local government property. All trees proposed for removal must be appropriately marked.

6.01.02.0 Minimum Standards for Tree Removal:

6.01.02.1 Management Practices: Techniques shall be encouraged that accomplish the following objectives:

a. Restoration/expansion of stream environment zones and riparian vegetation,

b. Improvement to the structural diversity of yellow pine and red fir forests;

c. Enhancement of species diversity;

d. Provision for the enhancement/protection of such minor tree species as incense cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;

e. Protection of sensitive lands;

f. Minimization of construction of new roads;

g. Revegetation of existing temporary roads;

h. Minimization of disturbance of stream environment zones;

i. Utilization of existing openings or disturbed areas as landings;

j. Provision for revegetation; and/or

k. Limited use of patch cuts to be consistent with adopted thresholds.

6.01.02.2 Cutting Practices:

a. Sufficient trees shall be reserved and left uncut and undamaged to meet the standards described herein under definition of minimum acceptable stocking except where patch cutting is necessary for regeneration harvest or early successional stage management.
Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of dense thickets.

b. All timber to be cut to be marked onbole and stump with paint prior to the issuance of a permit. Agency approval.

c. Damage to unmarked trees and residual vegetation shall be avoided and all trees shall be felled in line with the skidding direction wherever possible.

d. All trees shall be limbed on three (3) sides and topped prior to skidding.

e. Stumps shall be kept to a height of six (6) inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical.

6.01.02.3 Harvests within Stream Environment Zones: Harvest within stream environment zones is permitted to allow for early successional stage vegetation management, sanitation cuts, and fish and wildlife habitat improvement projects when adverse impacts can be minimized or avoided. At a minimum the following standards shall apply:

a. All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones except for vehicles used in over snow tree removal.

b. Work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable or when snow depth is adequate enough for over snow removal without causing damage to soil or vegetation. (Refer to Subset 6.01.02.6.)

c. Felled trees and harvest debris shall be kept out of all perennial and intermittent streams and if deposited shall be removed immediately.

d. The traversing 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 associated with the crossing must 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 crossings except where such methods will reduce the water quality impacts of an existing stream crossing and the Governing Body finds that the requirements of Goal #1, Policy #7, of the Stream Environment Zone.
Subelement of the Regional Plan are met. Other temporary measures may be permitted for dry stream crossings provided that impacts can be adequately mitigated.

e. Special permit conditions shall apply to all timber harvests within stream environment zones and within the transition or edge zone adjoining stream environment zones as necessary to protect instream values and habitat diversity.

6.01.02.4 Skidding:

a. Ground skidding shall be limited to land capability districts 4, 5, 6, and 7. Special limitations shall apply to land capability 3 lands. Ground skidding is prohibited in land capability districts 1a, 1b, 1c and 2 except as allowed by Subset 6.01.02.5.

b. No logging arches other than integral arch equipment is permissible.

c. Best Management Practices shall be installed, as required by this section and the Handbook of Best Management Practices prior to seasonal shutdown for all skid trails, landings, and other roads.

(1) Cross drains shall be spaced as follows:

<table>
<thead>
<tr>
<th>Gradient</th>
<th>5-7</th>
<th>3-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10%</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>10 - 20%</td>
<td>150</td>
<td>90</td>
</tr>
<tr>
<td>21 - 30%</td>
<td>90</td>
<td>50</td>
</tr>
</tbody>
</table>

(2) Cross drains shall be placed at such lesser intervals as may be necessary to prevent soil erosion caused by fire-breaks, trails, or landings.

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

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

(5) Logs shall only be skidded endwise.
6.01.02.5 Removal Methods: The following timber removal methods shall be the only methods that may be used on lands located within the land capability districts shown on the official Land Capability Maps of the Agency.

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Removal Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a, 1c, 2</td>
<td>Aerial removal, hand carry and use of existing roads in conformance with Subset 6.01.02.6. Over-the-snow removal may be permitted on occasions when suitable snow conditions exist.</td>
</tr>
<tr>
<td>1b</td>
<td>As permitted in District 1a and cable skidding over snow. End lining may be acceptable when site conditions are suitable so as to avoid adverse impacts to the soil and vegetation.</td>
</tr>
<tr>
<td>3</td>
<td>As permitted in District 1a and ground skidding as well as other acceptable methods for removing felled timber.</td>
</tr>
</tbody>
</table>

6.01.02.6 Logging Roads and Skid Trails: No road or skid trail shall be constructed or otherwise created or maintained other than in accordance with the requirements of this section and the Handbook of Best Management Practices. The construction of new roads is discouraged and should only be considered after all other alternatives have been explored. Existing roads shall be used to the greatest extent possible. Notwithstanding Subset 5.05.01.1, existing roads and landings may be accessed in the winter to help prepare for over-the-snow timber removal. Such preparation shall
be limited to packing of snow over the roadways as necessary to obtain a firm snow base to allow movement of logs and equipment without disturbance of the soil.

a. Standards: The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width, and maintenance, by road type as determined by the Agency shall be as follows:

<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>DESIGN</th>
<th>MAXIMUM GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Plans and Specifications</td>
<td>10%</td>
</tr>
<tr>
<td>Limited Use*</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>Limited Use*</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>Roads closed after logging</td>
<td>Flag line</td>
<td>20%</td>
</tr>
<tr>
<td>Temporary Road</td>
<td>Flag line</td>
<td>30%</td>
</tr>
<tr>
<td>Tractor Roads and Main Skid Trails</td>
<td>Flag line</td>
<td>30%</td>
</tr>
<tr>
<td>Secondary Skid Trail</td>
<td>None</td>
<td>30%</td>
</tr>
</tbody>
</table>

*Roads, cuts, and fills shall be stabilized in a manner approved by the Agency
<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>RIGHT OF WAY TREE FELLING</th>
<th>MINIMUM SLASH CLEANUP</th>
<th>MAXIMUM WIDTH</th>
<th>MAINTENANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>30 feet*</td>
<td>As determined by Agency</td>
</tr>
<tr>
<td>Limited Use Roads Remaining Open</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>15 feet* w/turnouts</td>
<td>Annual maintenance required</td>
</tr>
<tr>
<td>Limited Use Roads Closed After logging</td>
<td>Prefall</td>
<td>Lop and scatter w/turnouts</td>
<td>15 feet*</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Temporary Roads</td>
<td>Prefall</td>
<td>Lop and scatter</td>
<td>15 feet*</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Tractor Roads and Main Skid Trails</td>
<td>Concurrent</td>
<td>Lop and Scatter</td>
<td>15 feet</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Secondary Skid Trails</td>
<td>Concurrent</td>
<td>Lop and scatter</td>
<td>15 feet</td>
<td>Close to vehicle use and revegetate</td>
</tr>
</tbody>
</table>

* Unless the Agency determines that greater width is necessary for feasible use or safety.

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

Drainage and live stream crossings are as per Subset 6.01.02.3 and the Handbook of Best Management Practices.
6.01.02.7 Slash Disposal: Slash shall be disposed of by the following methods:

a. Lop and scatter, pile and burn (consistent with air quality subsection of this ordinance), chipping, and haul away. All burns shall be located beyond 50 feet of any stream channel.

b. Cull logs and other material shall be disposed of in a manner consistent with the permit conditions.

c. Disposal operations shall be completed within one year following project completion.

6.01.02.8 Restocking: Trees shall be planted and nurtured elsewhere on the property if deemed appropriate for proper stocking levels. The appropriate size of the replacement trees, species and location for planting shall be determined by a qualified forester.

6.01.02.9 Substantial Tree Removal: Tree removals determined to be substantial (generally five acres or more in size) shall be reviewed in the following manner:

a. All public and private timber harvests shall be initially reviewed by the appropriate state and federal agencies in coordination with the Agency.

b. Review on Private Lands.

   (1) Harvest plan written by registered professional forester or other professional forester;

   (2) Harvest proposal submitted to the Agency;

   (3) Agency Review:

      i. Pre-approval field review;

      ii. Pre-harvest field review; and

      iii. Post-harvest review.

c. Review on Public Lands.

   (1) U. S. Forest Service administered lands:

      i. Coordination with the Agency at the initial planning stages;

      ii. Environmental Assessment; and

      iii. Agency approval with conditions including approval of final marking and layout.
(2) Other Public Lands:

i. Same as applicable to private land review.

6.01.03.0 Acceptable Cause for Tree Removal:


a. The Agency, upon receipt of a written report from an individual competent in the discipline of solar design may issue a permit to allow the removal of healthy trees that unreasonably impede the operation of a solar energy system.

b. The solar energy system shall be properly located so as to minimize the need for tree removal.

c. The number of healthy trees that may be removed shall be the minimum necessary to remove the impediment.

d. The only trees that shall be considered for removal 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.

6.01.03.2 Dead, Dying, or Diseased Tree Removal: To enhance forest health, trees certified by a qualified forester to be dead, dying, or diseased may be removed after the Agency has issued the required permit. (See also Subset 6.08.01.4.) Insect-infested wood must be disposed of or treated as appropriate and specified by a qualified forester.

6.01.03.3 Hazardous Tree Removal: To protect lives and property, trees certified by a qualified forester to be hazardous to property or people may be removed upon the issuance of an Agency permit. Other vegetation must be protected during removal operations to prevent their injury.

6.01.03.4 Tree Removal for Enhancement of Forest Health and Diversity: Tree removal may be permitted under instances when the Agency assesses the species or structural diversity of the area unacceptable. The determination of when and where tree removal to enhance forest health and diversity is appropriate shall be guided by the following criteria:
a. A management plan must be prepared to demonstrate the need for the project and the means of accomplishing specific objectives.

(1) If improvement to forest health is the objective, removal of trees must not exceed minimum stocking levels as determined by a qualified forester.

(2) If improvement to structural diversity is the objective, removal of trees must be linked to a reforestation program that provides for the establishment of younger aged trees.

(3) If improvement to species diversity is the objective, removal of trees must be linked to a reforestation program that provides for the establishment of native species other than the local dominant.

(4) On lots of five acres or less in size, the tree removal permit may suffice as the management plan.

b. The site proposed for tree removal for forest diversity must be within a contiguous area of at least 5 acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

6.01.03.5 Ski Area and Right-of-Way Tree Removal:

a. The following standards apply to ski areas, utility and public right-of-ways.

(1) The expansion of ski areas, including but not limited to, the widening of runs and the addition and/or replacement of lifts shall be in accordance with this Ordinance and other applicable Agency regulations. Only the minimum number of trees shall be removed consistent with the safe operation of the ski area.

(2) The removal of trees within utility and public right-of-ways may be allowed when the Agency determines that said removal is for the public health and safety. When an emergency exists, immediately threats the public health and safety with a tree-related incident, the utility or public agency may remove the
tree or trees, advising the Agency of the action upon the next business day. At that time the Agency may set forth conditions in approving the removal.

6.01.03.6 Cutting and Cultivation of Christmas Trees: To allow for the continuance of existing Christmas tree cultivation operations, such operations, when certified by a qualified forester to be utilizing proper silvicultural methods, may continue upon the issuance of an Agency permit. New Christmas tree farm operations may be permitted when found to be in compliance with other applicable Agency regulations.

6.01.03.7 Tree Removal For Development: Trees may be removed in conjunction with a valid Agency development permit from within the building envelope and from within a distance six feet outside of the foundation edge. All trees to be removed must be depicted on an approved site plan.

6.01.03.8 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 effort.

6.01.03.9 Tree Removal to Enhance Scenic Viewpoints from Public Roadways: Trees may be selectively removed to maintain scenic viewpoints from approved scenic turnouts located on major highway corridors. Such tree removal shall be consistent with the provisions of a long term management program for the turnout facility.

6.01.04.0 Commercial Tree Removal: Trees may be removed as a commercial enterprise pursuant to the timber removal practices of Subsets 6.01.03.2, 6.01.03.3, 6.01.03.4, 6.01.03.5, 6.01.03.6, and/or 6.01.03.7.

6.02.00.0 PRESCRIBED BURNING PROGRAMS:

6.02.01.0 Information Report: All applicants shall file a prescribed burning plan with the Agency. The information to be included in the plan will be specified by Agency staff.

6.02.02.0 Lands Suitable for Prescribed Burning: Prescribed burning activities shall be limited to lands deemed suitable in writing by the responsible public fire protection agency.
6.02.03.0 **Purpose of Prescribed Burn:** Prescribed burning shall be limited to the following practices:

a. Seral stage management;
b. Slash disposal;
c. Fuels management;
d. Wildlife habitat management; or
e. Silviculture.

6.02.04.0 **Scope and Timing:** The scope and timing of prescribed burning shall be consistent with other provisions of this ordinance. (Refer to Section 8.05.00.0.) Prescribed burning shall be conducted utilizing state of the art practices so as to minimize the risk of wildfire, excessive smoke, and to meet the goals of the prescription.

6.03.00.0 **LIVESTOCK GRAZING:** Grazing of livestock in the Lake Tahoe Basin shall be a regulated use and comply with the following standards:

a. Livestock are allowed on the site only when the soil is firm enough to prevent trampling damage to soil and vegetation.
b. The use of the area by wildlife shall be considered when determining whether the property is suitable for grazing.
c. Livestock shall not be allowed in areas where sensitive plant species could be jeopardized.
d. The use of livestock as a seral stage management technique may be encouraged.
e. Range improvements shall not interfere with migration routes of deer and other wildlife.
f. The applicant shall provide sufficient information to determine the proper forage carrying capacity and then shall not exceed that number.
g. Livestock use shall not conflict with the attainment of water quality standards.
h. Livestock confinement facilities shall be in conformance with BMP XII-A.
i. All existing livestock confinement facilities which are not in conformance with BMP VII-A shall be brought into conformance within five years from the date of this Regional Plan.
j. Livestock shall be restricted from the banks of streams in areas where there is an identified erosion or water quality problem.

6.04.00.0 **REMEDIAL VEGETATION MANAGEMENT:** The Agency may require the preparation of remedial vegetation management plans when it is found that there is a need for vegetation management within identified areas to achieve environmental thresholds for vegetation.

6.04.01.0 **Problem Identification:** During phase I of plan implementation, the TRFA and the respective state forestry departments will identify areas where remedial management of vegetation is necessary for the purposes of improving plant diversity or maintaining forest health. The minimum size of an area to be considered for remedial action is 5 acres.
6.04.02.0 Preparation of Management Plans: Upon request by the Agency, management plans will be prepared by the land owners of areas identified for remedial management in cooperation with the Tahoe-Regional Planning Agency and the state forestry departments.

6.04.02.1 Plan Content: Remedial management plans shall contain at a minimum, the following information:

a. Purpose of management plan including list of objectives;

b. Description of existing vegetation including the abundance, distribution, and age class of all major tree species;

c. Remedial measures necessary to achieve stated objectives including details of harvest and revegetation plans; and

d. Implementation schedule including a monitoring program to report progress on reestablishment of vegetation.

6.04.03.0 Compliance:

6.04.03.1 Voluntary Compliance: Individuals, neighborhoods, homeowners associations, and others are encouraged to submit remedial vegetation plans at any time regardless of whether the area of interest has been identified by the Agency for remedial management.

6.04.03.2 Procedural Compliance: Requests by the Agency to cause the preparation of remedial management plans for specified areas shall follow the procedures of compliance set forth in Chapter 1.

6.05.00.0 VEGETATION PROTECTION: The preservation of vegetation is necessary to help maintain the significant scenic, recreational, educational, scientific, and natural values of the region. The standards for the preservation/management of vegetation contained herein are necessary to provide for that purpose.

6.05.01.0 Project Design: The siting and design of a project shall provide for the maximum protection of existing vegetation and require a plan for revegetation of existing disturbed sites within the affected parcel.

6.05.02.0 During Construction: The contractor and the property owner shall be responsible to insure maximum protection of all vegetation on the project site except where disturbance is otherwise allowed by Agency permit.
6.05.02.1 General Provisions for the Protection of Vegetation:

a. Vegetation may not be disturbed, injured, or removed without approval of all necessary Agency permits.
b. All trees, major roots, and other vegetation not specifically designated and approved for removal shall be protected.
c. Construction equipment and associated activity shall be limited to designated areas and approved access ways.
d. Prior to permit issuance, equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to the environment may be specified.
e. No slash, trees cut for the project, uprooted stumps, or other vegetative debris may remain on the site after final foundation inspection except bucked and stacked firewood in designated areas. Any remaining stumps must be cut within 5 inches of the ground on the uphill side of trees.
f. Revegetation in accordance with an approved revegetation plan and other applicable provisions of Agency ordinances shall be required for all disturbed areas outside of the building footprint and approved access.
g. Removal of trees and other materials in conjunction with an approved project shall be accomplished in the fashion least damaging to the environment.

6.05.02.2 Minimum Standards for Vegetation Protection:

a. Construction equipment and materials shall be restricted to designated roads and as otherwise permitted under other applicable provisions of Agency ordinances.
b. Landscaping involving the removal of existing native vegetation shall generally be prohibited except as otherwise permitted under Section 6.06.0000 of this ordinance and for purposes of remedial erosion control.
c. A plan to treat trees found on the parcel may be required in conjunction with other project permit requirements. Initial review of whether a plan may be necessary shall be accomplished as part of permit review. At a minimum, the plan shall include the following:

(1) Identification and treatment provisions for diseased or insect infested trees;
(2) Identification and removal provisions for hazardous trees; and

(3) Provisions for optimum stocking levels of trees, including the planting and establishment of young and

d. Trees may be removed from within 6 feet of foundation footprint as per Subsid 6.01.03.7 and when approved construction activities involving soil compaction, excavation or paving encroach into more than 25% of a tree’s dripline.

e. All vegetation beyond 6 feet of the foundation footprint must be suitably protected from construction damage by installing temporary fencing to prevent encroachment of machinery or construction materials. (See Section 5.06.00.0(a))

f. Large roots (4 inches in diameter and larger) encountered during excavation of utility trenches shall not be severed. If severed,

g. All roots of residual trees 4 inches in diameter or larger severed during excavation of foundations or roadways shall be cut flush and cleaned.

h. All trees designated for removal must be felled and removed in such a manner that damage to residual trees and vegetation will be minimized. Inadvertent injury to the bole of any tree shall be immediately treated in a prudent manner including cleansing of the wound and shaping of the wound to prevent collection of moisture.

i. Tree trunks shall not be used for the purpose of sign posts, telephone wires or temporary power, bracing for forms, or other similar types of uses.

6.05.03.0 Open Space Protection: Encroachments upon open space can cause loss of vegetation, erosion, and other water quality impacts. Restrictions of activities are necessary to allow existing disturbance to heal and to prevent disturbance of new land areas. At a minimum, the following standards shall apply to open space lands:

a. Motorized vehicles shall not be permitted off of improved roads or designated trails except where otherwise allowed by agency permit or an approved off highway vehicle plan or otherwise permitted by the agency.

b. Physical barriers shall be erected and maintained as necessary to prevent vehicular encroachment into areas where disturbance and/or coverage has not been authorized.
c. Barrier materials shall blend to the extent feasible with the natural background. Preferred materials include wooden posts treated with preservatives, boulders, and wooden fence material.

d. Locations and/or situations where barriers may be required are as follows:

(1) Open space islands within parking lots and lands adjoining commercial and industrial parking lots;
(2) Open space areas adjacent to residential and recreational facilities;
(3) Sensitive lands;
(4) Revegetated sites;
(5) Unauthorized roads/trails; and
(6) Other areas as deemed necessary to prevent damage or destruction of vegetation.

6.05.04.0 Sensitive Plants/Uncommon Plant Communities: Distinction of plants for special significance is usually determined based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities for which environmental thresholds apply and to any other plant or plant community later identified for such distinction. The general locations of sensitive plant habitat are depicted on Agency maps.

6.05.04.1 Sensitive Plants: Individual species and the habitat on which they depend shall be preserved. At a minimum, the following standards for protection shall apply:

a. As a condition of project approval, the applicant shall consult with the TRPA staff to determine whether sensitive species and/or habitat for sensitive species are likely to occur on the project site.

b. Activities and/or development proposed or currently existing in the vicinity of sensitive species and associated habitat will be regulated as necessary to preserve the species and its habitat. Any use or activity that is likely to harm, destroy, or otherwise jeopardize the species or its habitat and which can not be fully mitigated shall be prohibited. Acceptable measures to protect the species and/or associated habitat from existing or intended uses may include the following:

(1) Fencing to enclose individual populations or habitat;
(2) Restricted access and permitted intensity of use;
(3) Modifications to project design as necessary to avoid or minimize impacts;
(4) Dedication of open space to include entire area of suitable habitat; and
(5) Restoration of already disturbed habitat.

6.05.04.2 Uncommon Plant Communities: Uncommon plant communities shall be managed and protected as necessary to preserve their unique ecological attributes and other associated values. Activities/uses proposed on or in the vicinity of uncommon plant communities shall require a permit from the Agency. The locations of uncommon plant communities are depicted on Agency maps. At a minimum, the following standards for protection shall apply:

a. No use or activity shall be undertaken that may adversely impact uncommon plant communities such that normal ecological functions or natural qualities of the community are impaired.

b. Management practices that enhance the qualities of the plant community without artificially interfering with natural plant succession are permitted uses when approved by the TRPA.

6.05.05.0 Vegetation Removal to Prevent the Spread of Wildfire: Within areas of significant fire hazard as determined by local fire agencies, flammable or other combustible vegetation may be removed, thinned, or manipulated up to 30 feet from any structure as necessary to prevent the spread of wildfire. Sufficient quantities of residual vegetation should remain in this zone to help stabilize the soil and to prevent erosion. Whenever possible, vegetation in this zone should be thinned, tapered, cutback, or otherwise selectively manipulated as opposed to total removal of vegetation. Revegetation shall be required using approved species on sites where vegetative ground cover has been eliminated or where erosion problems may occur.

6.06.00.0 LANDSCAPING: The use of ornamental vegetation and landscape practices that involve the removal of existing native vegetation shall generally be discouraged according to the following criteria:

a. Landscaping with other than native or approved plant species shall not be permitted except under Section 6.06.03.0 of this ordinance.

b. Revegetation plans shall emphasize the use of native or approved species that require minimal use of water and fertilizer.
6.06.01.0 Approved Species: Only native or other approved plant species shall be used for all landscaping and revegetation programs/projects. The list of acceptable species is found in the Handbook of Best Management Practices. Until the current list is amended (within one year following adoption of this Ordinance), all revegetation and landscaping plans must demonstrate compliance with the intent of this ordinance.

6.06.02.0 Fertilizer Management:

a. A fertilizer management program to be incorporated into the Handbook of Best Management Practices shall guide the use of all fertilizer in the Basin. At a minimum, the program will develop standards for:

1. The appropriate type of fertilizer to avoid rapid release of nutrients;
2. The rate of application to avoid excessive application;
3. The frequency of application to minimize the use of fertilizer;
4. Appropriate watering schedules to avoid excessive leaching and runoff of nutrients;
5. Preferred plant materials to minimize the need of fertilizer;
6. Landscape design that minimizes the use and impacts of fertilizer application;
7. Critical areas where the use of fertilizer shall be avoided;
8. Design and maintenance of drainage control systems including holding ponds where necessary; and
9. Surface and groundwater monitoring programs, where appropriate.

b. Until such time as standards are developed for each component of the fertilizer management program, all new projects that include provisions for landscaping or revegetation must incorporate a fertilizer management program that addresses each of the above considerations.

c. Existing uses that require regular fertilizer maintenance such as golf courses, parks, cemeteries, recreational ball fields, and residential yards shall comply with the fertilizer management program within 1 year following its adoption.

6.06.03.0 Landscaping With Other Than Approved Species:

a. Landscaping shall emphasize the use of approved plant species. The following exceptions may be permitted:

1. Lawns for recreation ballfields and cemeteries;
(2) Lawns for areas of intensive pedestrian traffic adjoining commercial or tourist facilities where other types of landscaping are infeasible due to problems of trampling or constant disturbance;
(3) Lawns for limited areas adjoining community or public pools;
(4) Lawns for limited areas within public or community parks;
(5) Areas landscaped with other than approved species on or before the date of plan adoption; and
(6) Relocation of existing landscaping in sensitive areas (class 1, 2, 3, SEZ and shorezone lands) to less sensitive areas.

b. New lawns and/or turfed areas shall be prohibited within 50 feet of all water bodies and adjacent to or within stream environment zones.

c. The Agency may require removal or relocation of existing lawn/turf located in close proximity to water bodies and stream environment zones or require mitigation of any adverse impacts to water quality, soil stability, or wildlife and fish habitat.

6.07.00.0 Revegetation: Revegetation may be required as a condition of project approval or as necessary to effectuate other provisions of Agency ordinances. In general, the purpose of revegetation is to stabilize soil and to improve the mix of vegetative cover.

6.07.01.0 Approved Species:

a. All revegetation programs shall require the use of approved plant species (refer to Section 6.06.01.0).

b. Selection of plant species shall be appropriate to site conditions and all revegetation plans shall specify whether reestablishment of vegetation will be accomplished with or without irrigation.

c. Small scale revegetation programs will emphasize the use of approved grass species in conjunction with mulching or other temporary soil stabilization treatments as suggested by the Handbook of Best Management Practices.

d. Revegetation of disturbed sites larger than 10,000 square feet will require reseeding with grass species as well as planting with appropriate shrub and tree species.

e. Fertilizer may be permitted as necessary to help establish vegetation immediately following planting but should not be a long term solution to the maintenance of vegetation on disturbed sites.
6.07.02.0 Soil Stabilization:

a. Site preparation for revegetation shall include both permanent and temporary measures as necessary to stabilize the soil until such time as revegetation is successful.

b. Revegetation programs for disturbed sites should minimize the use of extensive grading whenever practical. Situations where extensive grading and/or contour change may be necessary include the following:

(1) Oversteepened cut slopes;
(2) Quarry sites;
(3) Abandoned landfills;
(4) Reclamation of already developed sites; or
(5) Abandoned roads.

c. Revegetation plans may include provisions that allow for the importation of top soil for sites that lack an acceptable growth medium.

6.08.00.0 WILDLIFE RESOURCES: This section of the ordinance establishes minimum standards for the management and protection of the region's fish and wildlife resources. Standards are also presented for the control of non-native species.

6.08.01.0 Wildlife Habitat: Wildlife habitat is a generic term that describes the basic requirements necessary for the survival of wildlife populations. For any particular species, the basic requirements include food, water, cover, and space. Standards for the preservation/management of wildlife habitat include, but are not limited to, the following:

6.08.01.1 Riparian Vegetation:

a. No activity or use shall be undertaken within the boundaries of a riparian plant community except as otherwise permitted for habitat improvement, dispersed recreation, or vegetation management and when demonstrated not to be detrimental to water quality and scenic quality.

b. All development shall be set back from riparian vegetation such that undisturbed vegetation will be maintained as a buffer for use by wildlife and for maximizing plant diversity. The setback from riparian areas adjoining perennial streams and wetlands shall be a minimum of 50 feet. Setbacks from minor riparian plant communities such as isolated seep areas and depressions shall also be required, but in no case shall the required setback be more than 25 feet.
6.08.01.2 Movement/Migration Corridors:

a. Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed so as not to impede the movement of wildlife.

b. Activities and/or proposed uses in the vicinity of deer migration corridors may be required to mitigate or avoid any significant adverse impacts. The location of deer migration corridors shall be verified by respective State Wildlife or Fish and Game agencies.

6.08.01.3 Critical Habitat:

a. Under no circumstance shall any project and/or activity cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.

b. No project and/or activity shall threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.

6.08.01.4 Snags

a. Standing dead trees with diameters (dbh) 11 inches or greater and at least 20 feet tall should not be removed except when otherwise necessary for reasons of public safety or when densities of snags in the immediate area exceed 2 per acre.

b. Provisions for the protection of snags suitable for wildlife habitat shall be incorporated into all timber harvest plans and other conditions of project approval when applicable.

c. Where appropriate, cull logs may be left for wildlife.

6.08.02.0 Special Interest Species: The habitat locations of special interest species are depicted on Agency maps. At a minimum, the following standards shall apply for the protection of special interest species and associated habitat:

a. Perching sites and nesting trees of goshawks, eagles, and osprey shall not be physically disturbed in any manner nor shall the habitat in the disturbance zone be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat.
b. All activities outside existing developed areas shall be regulated within the disturbance zone of special interest species. Any activity/use proposed within this zone must demonstrate that the proposed use will not directly or indirectly adversely affect the habitat or cause the extirpation of the population.

c. Conditions of project approval may be required to mitigate or avoid adverse impacts to recovery species or special-interest species listed by the TRPA or the U.S. Forest Service for the Lake Tahoe Basin.

d. Provisions a through c above, shall not apply to situations where special interest species choose to nest in close proximity to existing developed sites.

6.08.03.0 Non-Native Species: Animal species other than those indigenous to the Basin impact native wildlife and vegetation. At a minimum, the following standards shall apply to non-native animals:

6.08.03.1 Domestic Animals:

a. Local animal control agencies, in association with state wildlife agencies, shall require a permit declaring ownership and liability for possession of any animal species that could (a) pose a threat to the health of the residing household or public in general or (b) could create an imbalance to native wildlife populations should the exotic escape or be freed into the wild.

b. The raising and/or release of domestic waterfowl including ducks, geese, and swans is prohibited. Any such species found in the waters of the Basin shall be removed in the most appropriate and efficient manner.

c. Local jurisdictions shall amend existing animal control ordinances as necessary carry out the following guidelines:

(1) Provisions to require the vaccination of all dogs over 4 months of age for rabies.

(2) Provisions to require the licensing of all dogs as a measure to enforce vaccination requirements.

(3) Provisions that require paying four to five fold the license fee for dogs not spayed or neutered.

(4) Provisions that set forth substantial monetary penalties for dogs picked-up for local ordinance violations. A citation shall be issued to the owner of the dog whenever it is possible to return the dog to its owner prior to
impoundment. Such citation shall allow for a fine reduction should the pet owner choose to pay the fine rather than contest the citation in court. The citation fee shall increase for subsequent violations such that the base citation fee will double for a second citation, triple for a third, and so forth. For impounded dogs, a base fee shall be required plus any costs associated with the care and feeding of the dog and for license fees and rabies shots, if appropriate. Owners refusing to pay the citation or impoundment fees shall be cited for abandonment.

(5) Provisions that prohibit the keeping of more than 2 mature dogs per household without a valid kennel license.

(6) In addition to the provisions of the aforementioned and language of existing animal control ordinances (when consistent with the aforementioned), the intent of the following language shall apply to all animal control ordinances:

It shall be unlawful for any person owning or having charge of any stray dog as defined herein, to cause, permit or allow such dogs, whether licensed or unlicensed to stray, wander or otherwise be at loose or at large upon any public street, alley, park, beach, way or other public property, or upon any private property other than private property of which the owner of the dog has ownership or control, unless such dog is kept securely confined by a leash, rope, cord or chain not over ten feet in length held by some person or securely attached to some stationary object. Nothing contained in this section shall be deemed to prevent a dog from being used without a leash to herd, guard or gather domestic animals in the normal and customary manner of working dogs. Nor shall this section be deemed to prohibit participation in obedience trials or dog shows or licensed hunting activities without a leash so long as the dog is under the charge and control of a person competent to control such dog and the dog does not harm or damage, or threaten to harm or damage, any person or public or private property.
6.08.03.2 Beaver: This animal should be appropriately controlled as necessary to protect the fishery, minimize destruction of riparian vegetation, and prevent downstream degradation of water quality.

6.09.00.0 FISH RESOURCES: The health of the Tahoe fishery depends upon a complex set of ecological relationships linked to both the lake and stream environments. In general, all fishes require sufficient quantities of habitat to satisfy needs for spawning, food, and escape cover. The location and quality of fish habitat in the Lake Tahoe Basin is depicted on Agency maps. In general, new and existing uses within identified habitat areas must provide for the protection and improvement of the habitat as indicated by said maps. The following standards shall apply when reviewing projects proposed in areas of stream and lake habitat.

6.09.01.0 Lake Habitat:

a. Activities and/or uses in the shorezone of the region's lakes may be prohibited, limited, or otherwise regulated in areas designated by this Agency as being especially vulnerable or critical to the needs of fishes.

b. Special conditions of project approval may be required for development proposals in the shorezone as necessary to mitigate or avoid impacts to the habitat and to the normal activities of fishes.

c. Habitat restoration projects may be permitted in the nearshore/foreshore.

d. Development in the nearshore/foreshore shall be prohibited within 200 feet of all stream tributaries.

e. The physical alteration of the substrate in areas of prime fish habitat is prohibited except as otherwise permitted by this ordinance.

f. The placement of nearshore/foreshore structures shall be prohibited in areas of significant spawning habitat pending further research on impacts of development to fishes (see Section 4.03.00.0) and development within other areas of prime fish habitat shall be regulated as necessary to achieve environmental threshold carrying capacities. This limitation on permitted uses in the area of prime fish habitat shall not extend to approved erosion control projects in the nearshore or to habitat improvement projects.

6.09.02.0 Stream Habitat:

a. No modifications to stream channels or other uses that may physically alter the natural characteristics of the stream will be permitted unless such actions avoid negative impacts to the fishery.
b. All stream crossings as otherwise permitted under other provisions of Agency ordinances shall in no way restrict the upstream or downstream movement of fishes.

c. Existing structures within stream environment zones that pose as unnatural barriers to fish migration shall be removed or modified within 5 years as necessary to effectuate attainment of environmental thresholds for the fishery. Areas targeted for remedial action shall be consistent with those identified by Appendix D of the Study Report For The Establishment of Environmental Threshold Carrying Capacities. The process for obtaining compliance with this provision shall include the preparation of action plans as per the process outlined in Chapter 1 for remedial programs.

d. Stream improvement projects should include provisions for the planting and management of trees, when necessary to supplement streamside shade.

e. Development proposed adjacent to tributaries may be required to mitigate any offsite impacts to the fishery.

f. Wildlife habitat improvement projects or other projects requiring the diversion of stream water shall minimize any detrimental impacts to the tributary by:

(1) Ensuring adequate instream flows adjacent and downstream from the project site;

(2) Preventing the introduction of nutrients or sediment-enriched water from reentering the tributary; and

(3) Allowing unobstructed migration of fishes through the main stream channel.

g. Small scale hydroelectric projects may be permitted if the project provides for:

(1) A net improvement to instream flows through improved flow regulation;

(2) Protection of riparian vegetation;

(3) Protection of other relevant instream values such as recreation, aesthetics, and wildlife habitat; and

(4) Enhancement of the fishery pursuant to those remedial measures identified in Appendix D of the Study Report for the Establishment of Environmental Threshold Carrying Capacities.

h. Whenever possible, existing points of water diversion from streams shall be transferred to the Lake when said diversions negatively impact instream beneficial uses.

i. An Instream Beneficial Use Assessment outlined by Title 22, Section 670.6 of the California Administrative Code shall be required for all projects involving the diversion of water from a stream where inflow standards have not been established. Said Assessment may also be

Such as the type established
required on streams where existing diversions are creating identified problems such as non-compliance with environmental threshold carrying capacities. Application fees for proposed stream flow diversions shall include the cost of the Assessment. Prior to permit issuance, standards of stream flow shall be established pursuant to the findings of the Assessment. Project approval will be conditioned on compliance with standards and any other mitigation deemed necessary to achieve or maintain environmental threshold carrying capacities.

6.09.03.0 Wetland Habitat:

a. Wetlands shall be preserved and managed for their ecological significance including their value as nursery habitat to fishes, nesting and resting sites for waterfowl, and as a source of stream recharge.

b. Acceptable projects within wetlands may include the creation of artificial nesting sites for waterfowl.
MEMORANDUM

March 7, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Subcommittee Meeting Schedule

The TRPA Governing Board is scheduled to have first reading of the Regional Goals and Policies Plan on March 8, 1984, which means the APC work load will substantially increase. Agency staff plans to mail the last five chapters of the Code of Ordinances and the Washoe County Plan Area Statements on Friday, March 9 if the Governing Board approves the first reading of the plan.

It will be necessary for the APC members to discuss the work load and future scheduling of committee meetings. Staff has attached the most recent roster of seven APC committees for your convenience. Based on the APC action, Agency staff will make the necessary preparations for the committee meetings.

GWB:md

APC Agenda Item IV F.
I PROCEDURE COMMITTEE  Staff Contact - Greg George

A. Rules and Regulations
   1. Project Review
   2. EIS

B. Chapter I - General Provisions
   1. Definitions
   2. Projects Exempt
   3. Variances
   4. Findings

II LAND USE COMMITTEE  Staff Contact - Greg George, Gabby Barrett

A. Chapter II - Land Use Ordinance
   1. Permitted Uses
   2. Land Coverage
   3. Nonconforming

B. Chapter III - Subdivision Ordinance

C. Design Review Guidelines - Nora Shepard
   1. Site Design
   2. Building Height, Bulk, and Scale
   3. Snow
   4. Scenic Quality
   5. Historic
   6. Individual Criteria for ± 75 Uses
III GROWTH MANAGEMENT COMMITTEE  Staff Contact - Gabby Barrett

A. Chapter IX - Growth Management Ordinance
   1. Allocation
   2. Phasing
   3. Transfer Development Rights (TDR)
   4. Redevelopment
   5. Evaluation System - Special Committee
      Bill Combs
      Andy Sawyer
      Bill Curtis
      Dick Pyle

B. Design Review Guidelines - Nora Shepard
   1. Lighting
   2. Signing

IV TRANSPORTATION/AIR QUALITY COMMITTEE  Staff Contact - Dale Neiman

A. Chapter VIII - Transportation/Air Quality Ordinance
   1. Implementation and Maintenance (I & M)
   2. Woodstoves, Gas Heaters
   3. Indirect Source

B. Design Review Guidelines - Jim Brennan
   1. Parking & Access
   2. Highway and Streets
   3. Energy Efficiency

V RESOURCE MANAGEMENT COMMITTEE  Staff Contact - Dave Greer

A. Chapter IV - Shorezone Ordinance
   Jon Hoefer
   Andy Sawyer
   Leo Poppoff
   Dick Pyle
   Lew Dodgion

B. Chapter V - Grading Ordinance

C. Chapter VI - Resource Management Ordinance
   1. Timber Harvest
   2. Vegetation Management
   3. Wildlife
   4. Fisheries
D. Chapter VII - Water Quality Ordinance

E. Design Review Guidelines - Nora Shepard
   1. Grading and Drainage
   2. Landscaping and Revegetation
   3. Design for Shoreline

VI  PLAN AREA REVIEW COMMITTEE  Staff Contact - Gabby Barrett

Germaine McMorris
Walt Sullivan
Liz Temple
Ann Bogush
Bill Combs
Bill Curtis
Jon Hoefer
MEMORANDUM

Date: March 7, 1984

To: Advisory Planning Commission

From: Agency Staff

Subject: Transportation Planning (Section 8) Status Report

On Wednesday, February 8, 1984, a TTD subcommittee, which included TRPA staff, selected J.H.K. & Associates of San Francisco, California as their contractor to carry out the Section 8 planning grant. This 5 task study includes:

Task 1: Planning for acquisition or transfer of existing systems
Task 2: Operational Plan for Transit Expansion
Task 3: Maintenance and Facility Planning
Task 4: Project Control and Implementation Planning
Task 5: Development of a Five-Year Financing Plan

The Action Plan is scheduled for completion in June, 1984. The staff will provide an oral progress report at the March 14, 1984 regularly scheduled APC meeting.

JB:bl
3-7-84

AGENDA ITEM VI G.
MEMORANDUM

March 8, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Monitoring and Evaluation Program Status Report

The staff has been preparing a draft monitoring and evaluation program to carry out the Goals and Policies, Monitoring and Evaluation Subelement. Working with other affected entities, the staff has assembled draft summaries on each performance standard, cause-effect study, and individual monitoring parameter mentioned in the Plan. The summaries for the standards and individual parameters cover:

-- Purpose

-- Method (frequency, period, location, equipment, procedures, data storage and retrieval)

-- Responsible agency

-- Cost and source of funding

-- Schedule

At the March 14 meeting, the staff will hand out a draft program and make a 20-minute presentation. The USGS will assist with the water quality portion of the presentation.

If you have any questions, contact Dave Ziegler or the appropriate Long Range Planning Division staff member by subject area.

DZ

APC Agenda Item IV H.
MEMORANDUM

Date: March 7, 1984

To: Advisory Planning Commission

From: Agency Staff

Subject: Lake Tahoe Fisheries Study

One of the provisions of the Regional Plan is to undertake a study to evaluate the impacts of shorezone development on the Lake fishery. The study is expected to last 2 years, during which time up to 24 permits to construct facilities in the nearshore/foreshore may be allocated. A substantial mitigation fee will accompany each project approval. It is with this mitigation money that the fishery study and other related mitigation programs will be funded.

Staff was hopeful that the fishery study could begin by March, 1984. This target seemed realistic last fall when it appeared that the plan would be adopted as early as October, 1983. Our timetable depended on early adoption of the plan so that the ordinances to follow could establish the procedures necessary to allocate permits and to collect the mitigation fees. In our efforts to quickly address the study needs, staff sent requests for proposals (see attachment) to fisheries departments of 11 universities in October, 1983. We ultimately received proposals from Oregon State University, University of Washington, and the University of Nevada at Reno.

Our early indication to these universities was that the proposals would be judged in January, 1984 with final selection and contract award made in February, 1984. This time-frame would permit the summer field season to begin by late March. For all practical purposes, it is now too late to initiate a study for this summer season.

Staff has since written the 3 universities explaining the circumstances leading to the delay and has asked that each proposal remain active until the mechanisms are in place to proceed with the award of a contract. This suggestion was well received by the 3 universities with the condition that the selection would allow sufficient time to seek qualified graduate students.

At this time, the staff would like to forge ahead with the selection of a proposal in anticipation of ultimate adoption of the Plan and implementing ordinances. For the purpose of this agenda item, staff would like the APC to offer any suggestions or strategies to help accomplish selection of a study design and award of a study contract.

DMG:bl
2-7-84

AGENDA ITEM VI A. 1.

The 1984 bill (Senate Bill 1277) would continue to regulate the construction of shorezone facilities with the assumption that some uses are likely to impact the fishery until we find out otherwise.
REQUEST FOR PROPOSALS

A study of fishes in Lake Tahoe, California/Nevada is to be commissioned by the Tahoe Regional Planning Agency (TRPA) pursuant to policies of the amended Regional Plan for the Lake Tahoe Basin. The TRPA will grant monies through a university system as necessary to cover project expenses including graduate student assistance. A final study report must be completed and accepted by the TRPA no later than 1 November 1985. All proposals must provide detailed information relative to personnel and equipment needs, methodology, time schedule, and costs.

The objective of the study is to determine the type and extent of impacts to fish habitat and to the normal life cycle activities of fishes from the placement and use of piers, marinas, and buoys, and other shorezone structures in the littoral zone of Lake Tahoe. Both incremental and cumulative impacts need to be identified and quantified. Study methodology should include consideration of the following items:

1. Ecological characterizations of Lake habitat in the littoral zone (to a depth of 30 ft.);
2. Relative importance of the littoral zone to fishes as compared to other zones in the Lake;
3. Reaction distances of fishes relative to various sights, sounds, and activities;
4. Direct impact evaluation methods to estimate scope and magnitude of impacts associated with different categories of habitat-modifications and disturbances;
5. Numerical and descriptive standards that establish permitted pier/buoy construction and use activities that do not individually or collectively diminish the Lake fishery; and
6. Acceptable mitigation strategies (relative to shorezone uses and activities) to avoid or lessen any adverse impacts to fish reproduction and production.

All proposals must be received by the TRPA no later than 1 January 1984. Proposals will be reviewed by a technical committee comprised of TRPA staff and state and federal fishery personnel. Award of the contract will be made prior to 15 February 1984 although the TRPA reserves the right to grant no contract. Please address all inquiries to:

David M. Greer
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0249
RESOLUTION OF THE ADVISORY PLANNING COMMISSION
OF THE TAHOE REGIONAL PLANNING AGENCY
EXPRESSING APPRECIATION TO STAN RANDOLPH

RESOLUTION NO. 84 - 5

WHEREAS Stan Randolph was first appointed to serve on the Advisory Planning Commission of the Tahoe Regional Planning Agency on January 13, 1981 on behalf of the California Air Resources Board under the provisions of the amended Tahoe Regional Planning Compact; and

WHEREAS prior to his joining the Advisory Planning Commission, Stan had already spent several years contributing to the planning for Tahoe's future environmental quality; and

WHEREAS Stan's transportation background and expertise aided in the adoption of the Air Quality Plan for the Lake Tahoe Basin on August 26, 1982; and

WHEREAS Stan helped the Commission fulfill its function of analyzing, clarifying, and transmitting information on all important planning matters to the Agency Governing Board; and

WHEREAS of particular note has been the valuable role played by the Advisory Planning Commission in preparation of Environmental Threshold Carrying Capacities for the Lake Tahoe Basin which were finally adopted in August, 1982; and

WHEREAS Stan's judgment, technical knowledge, input and professionalism are exhibited in the numerous planning and environmental documents prepared by the Agency; and

WHEREAS Stan faithfully commuted many hours to the Tahoe Basin from Sacramento to attend the Advisory Planning Commission and subcommittee meetings; and

WHEREAS Stan is leaving the Air Resources Board and is returning to Caltrans in Stockton, California, thereby considerably reducing his daily commuting time and vehicle miles traveled (VMT); and

WHEREAS Stan has earned the respect of Agency staff and Commission members alike for his dedicated service and many contributions (always given with a smile).

NOW, THEREFORE BE IT RESOLVED that the Advisory Planning Commission of the Tahoe Regional Planning Agency expresses its appreciation to Stan for his service to the Agency in helping to ensure the protection of Tahoe's air quality, and of the many other resources of the Tahoe Region, and wishes him well in his future endeavors.

PASSED AND ADOPTED this fourteenth day of March, nineteen hundred and eighty four by the Advisory Planning Commission of the Tahoe Regional Planning Agency.

Michael Harper, Chairman