

Suggested Changes in RPU Goals & Policies and/or Code
(for discussion at October Governing Board meeting)¹

- (1) Include a provision incorporating the requirements of the budgeted item for TRPA in the 2012-13 California budget (establish 4 year measurable benchmarks of implementation and programmatic provisions; develop comprehensive monitoring, evaluation and reporting plan).²

¹ This list is not intended to be comprehensive, nor does it limit additional comments and/or proposed amendments by either of the submitting Board members. Some or all of these issues have been raised in comment letters submitted by individuals and/or community and conservation groups, otherwise included in public comment throughout the RPU process, or suggested to one or both of the submitting Board members.

² Budget requirements read as follows:

“Provisions:

1. To ensure state funds appropriated in this item are used properly, the Tahoe Regional Planning Agency shall, by January 1, 2013, do all of the following:
 - (a) In coordination with the Natural Resources Agency and the Nevada Department of Conservation and Natural Resources, establish four-year measurable performance benchmarks for all of the implementation measures and programmatic provisions included in the Tahoe Regional Planning Agency 2012 regional plan update.
 - (b) In coordination with the Tahoe Science Consortium, State Air Resources Board, State Water Resources Control Board, Department of Transportation, Department of Fish and Game, California Tahoe Conservancy, Department of Forestry and Fire Protection, and other state and federal agencies, develop a comprehensive monitoring, evaluation, and reporting plan, including a scope, schedule, and budget for all of the following:
 - (1) Monitoring all environmental threshold standards.
 - (2) Tahoe Science Consortium review of the scientific basis of the threshold standards and indicators.
 - (3) Tahoe Science Consortium development of independent annual reports on the regional plan performance benchmarks and an independent peer-reviewed four-year report on the status of the threshold standards.

- (2) To protect public health and ensure environmental thresholds are achieved and maintained with respect to the long-term impact of emissions of CO, ROG and NOx (ozone precursors), PM10, and PM2.5, include a provision for installation and operation of a continuous, properly operated air quality monitoring network, with prohibition of permitting new construction that will increase air pollution sources until the monitoring network is in place. TRPA would coordinate with air quality researchers and other agencies to study the sources of air pollution in the Basin, using on-the-ground monitoring in concert with adequate collection of emissions inventory data. Based on the findings of this data, and ongoing monitoring as appropriate throughout the Basin, TRPA would work with researchers to assess the emission reductions needed to achieve and maintain air quality standards and to continue monitoring to ensure standards are met. (See also (7) below.)
- (3) Where an area-wide BMP project is proposed, parcel-level BMPs will be required for any redevelopment or new construction until the area-wide BMP project is constructed (with appropriate credit given that property when area-wide project is completed and operational).
- (4) Where 70% coverage is allowed on a parcel, the remaining 30% of the parcel should be required to provide natural infiltration.
- (5) Where Compact language is included in the Goals & Policies, it should not be edited or modified.
- (6) Revisit language regarding appeal process. Comments submitted at August Board meeting still apply to revised language. The goals of the appeal process enunciated in updated policy LU4.12 do not belong in the RPU document. With respect to section 13.9, 13.9.2 and 13.9.4 are

(c) Ensure that the Tahoe Science Consortium performs the activities described in subdivision (b) with the concurrence of the Tahoe Environmental Research Center (TERC) at the University of California, Davis, for all reports relating to Lake Tahoe water clarity, limnology, watershed processes, terrestrial ecology, numerical water quality monitoring, and any other areas for which TERC is conducting research in the Lake Tahoe Basin.”

merely procedural prerequisites for filing an appeal and do not speak to frivolity. 13.9.3 is the determination to be made by the Board in its decision to approve or deny an appeal. The way this section currently is written, a determination of “frivolous” is equivalent to a determination that the appeal is not meritorious. But the section reads “TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal, including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4.” The quoted language implies that in addition to making a recommendation on the merits, the staff will further make a recommendation regarding frivolity. What is the purpose of determining an appeal is frivolous? As stated above, the two procedural prerequisites, 13.9.2 and 13.9.4 are either met or not for purposes of filing an appeal in the first place. Section 13.9.3 is defines the scope of the appeal for purposes of the Board determination. Further, the language regarding the Board’s consideration of the staff recommendation should be deleted. The Board always considers staff recommendations; there is no reason to seemingly add greater weight to a staff recommendation for appeals.

- (7) Wording such as “encourage” and “promote” need to be carefully reviewed and replaced with more mandatory language as appropriate. TRPA should be requiring achievement and maintenance of thresholds, not allowing policies that merely “do not interfere with” the achievement and maintenance of thresholds. (The same is true for use of “should” and “shall”.) For example, following is a draft of a proposed revision for Goals & Policies relating to air quality.

AIR QUALITY

Poor air quality poses a risk to human health and reduces the public’s enjoyment of the natural environment. Air pollution also degrades ecosystem integrity and impairs water quality. Maintaining and improving air quality will protect the quality of life for residents and visitors, maintain the Region’s tourism economy, and attain multiple thresholds.

The TRPA Bi-State Compact recognizes air as a natural resource and requires that TRPA establish environmental threshold carrying capacity standards for air quality. The Bi-State Compact directs TRPA to develop a land use plan that considers air resources, as well as a transportation plan that reduces air pollution from motor vehicles. TRPA is also required to attain federal, state, and local air quality standards for the portions of the Region in which they apply. The Air Quality Subelement, along with the Transportation Element, establishes Goals and Policies to achieve and maintain TRPA’s air quality threshold and all applicable federal, state, and local standards for air quality.

GOAL AQ-1

ATTAIN AND MAINTAIN AIR QUALITY IN THE REGION AT LEVELS THAT ARE HEALTHY FOR HUMANS AND THE ECOSYSTEM, ACHIEVE AND MAINTAIN ENVIRONMENTAL THRESHOLDS AND PROTECT RESIDENTS' AND VISITORS' VISUAL EXPERIENCE.

It is intended that implementation of the control measures contained in the Air Quality Subelement and other TRPA programs will lead to attainment of the TRPA threshold standards and will also lead to attainment and maintenance of federal and state air quality standards.

POLICIES

AQ -1.1 COORDINATE WITH OTHER AGENCIES AND JURISDICTIONS TO REDUCE EMISSIONS, EXPOSURES, AND HEALTH AND ENVIRONMENTAL RISKS WHEN DEVELOPING AND IMPLEMENTING PROGRAMS, PLANS, AND PROJECTS.

The Regional Plan will facilitate cooperative efforts that efficiently attain and maintain air quality threshold standards, and federal and state air quality standards.

AQ-1.2 REDUCE SOURCES OF POLLUTANTS THAT DEGRADE VISIBILITY.

Some air pollutants, such as fugitive dust and wood smoke, degrade visibility as well as harm human or ecosystem health. The Regional Plan will control those pollutants to minimize their impact on visibility, as well as their impact on human or ecosystem health.

AQ-1.3A REDUCE EMISSIONS FROM MOTOR VEHICLES AND OTHER MOTORIZED MACHINERY IN THE REGION.

Significant emissions of air pollutants including green house gases (GHG)s are produced by automobiles, motor vehicles and other gas powered machinery in the Region. The Land Use Subelement and the Transportation Element contain Goals and Policies to reduce the amount of air pollution generated from motor vehicles in the Region.

Additionally, TRPA shall pursue other feasible and cost effective opportunities to reduce emissions from motor vehicles and other gas powered machinery in the Region.

AQ-1.3B REDUCE EMISSIONS FROM GAS APPLIANCES.

Additional emissions of air pollutants are produced by building appliances. TRPA shall seek feasible and cost effective opportunities to reduce emissions from gas appliances in the Region.

AQ-1.3C REDUCE EMISSIONS THROUGH BUILDING EFFICIENCY.

Construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings can significantly reduce air pollutant emissions in the Region. TRPA shall seek feasible opportunities to promote energy efficient buildings in the Region.

AQ-1.4 REDUCE EMISSIONS FROM WOOD BURNING STOVES IN THE REGION, AND REQUIRE WOOD STOVES TO COMPLY WITH CURRENT EPA EMISSIONS STANDARDS BY 2020.

Older, less efficient wood burning appliances emit more air pollutants than newer, more efficient appliances. A faster rate of replacement of old inefficient wood burning appliances with newer cleaner burning technology will benefit attainment of the air quality threshold standards.

AQ-1.5 REDUCE AIR QUALITY IMPACTS FROM CONSTRUCTION AND PROPERTY MAINTENANCE ACTIVITIES IN THE REGION.

AQ-1.6 REDUCE THE AIR QUALITY IMPACTS OF PRESCRIBED BURNING, OR NON-BURNING METHODS OF REDUCING HAZARDOUS FOREST FUELS, WHERE PRACTICAL.

GOAL AQ-2

MAINTAIN AN EFFECTIVE AIR QUALITY MITIGATION PROGRAM FOR THE REGION.

Administer a program that effectively mitigates significant air quality impacts resulting from new projects or changes in use. Under the mitigation program, impact fees and mitigation measures are among the strategies to address significant impacts.

POLICIES

AQ-2.1

IN ADDITION TO OTHER POLICIES AND REGULATIONS INTENDED TO MINIMIZE AIR QUALITY IMPACTS OF DEVELOPMENT, COLLECT AND EXPEND AIR QUALITY MITIGATION FEES TO OFFSET LOCAL AND REGIONAL AIR POLLUTION, BASED ON THE POLLUTANT TYPE AND IMPACT

GOAL AQ-3

IMPLEMENT AND CONTINUOUSLY OPERATE A ROBUST AIR QUALITY MONITORING NETWORK

TRPA will monitor air quality and visibility and, based on the monitoring data, will propose amendments to the Regional Plan to assure compliance with TRPA threshold standards and federal, state, and local standards for air quality, water quality, and visibility.