

## **Appendix H Project Review Guidelines**

Review of projects in the shorezone on National Forest System lands managed by U.S. Forest Service (USFS) follow the National Environmental Policy Act (NEPA), USFS Manual, and the Land Resource Management Plan for the Lake Tahoe Basin Management Unit (LTBMU) as described in Section 7.3.

On non-federal lands, Tahoe Regional Planning Agency (TRPA) regulations (Section 7.2) and state regulations of either California (Section 7.4) or Nevada (Section 7.5) apply, which includes private lands. In particular, the following process is used by permitting agencies to consider potential impacts to TYC prior to project approvals for shorezone development, and for public education to understand permitting requirements with applicable agencies. Section 7.0 explains further how this process is integrated into the broader regulatory framework for permitting agencies. The first step is to determine if the project site could potentially support TYC (Step 1).

**Step 1.** Determine if the project site could potentially support TYC.

- If a project area is lakeward of the low water mark (elevation 6,223 LTD) and can be conditioned such that construction activity will not occur between the high water mark (elevation 6,229.1 LTD) and low water mark, the TYC issue is considered resolved.
- For project areas located between the high and low water mark elevations of Lake Tahoe, agencies should consider available information (Appendix C survey data, previous TYC surveys for development projects, site photos of shorezone habitat, aerial photos, satellite imagery, staff field knowledge, etc.) to determine if a field survey is required.
- A field survey to confirm presence of TYC is generally required for shorezone projects located between the high and low water mark elevations of Lake Tahoe, except when supported by clear evidence that TYC is not present (i.e., absence of habitat due to existing development, etc.), though TRPA typically performs a survey for all projects between 6229.1 LTD and 6223 LTD.
- If no field survey is required, the TYC issue is resolved.

The next step is to determine if TYC is present in the project area (Step 2) and if potential impacts to TYC stems can be avoided (Step 3)

**Step 2.** Conduct a field survey for TYC from June 15 to September 30 (surveys conducted outside the survey period will not be considered valid). Field survey methods include, but are not limited to the following methods:

- Inspect the shorezone below the high water mark to the edge of Lake Tahoe and along the upland periphery of the high water mark.
- Complete a TYC field survey form as illustrated in Appendix D
- If possible, mark the scaled location of TYC stems on project construction site plans for an accurate location of TYC stems in relation to the location of project construction activities. Permit applications usually require copies of construction site plans drawn to scale with topographic elevations. If necessary, this information can be requested from the permit applicant or project proponent.
- Take photographs of TYC stems if present.
- Take GPS coordinates of TYC stem locations.
- If TYC stems are present, go to Step 3 for preparation of a TYC protection plan.
- If TYC stems are not observed, prepare a letter to the permit applicant indicating that TYC was not observed in the shorezone portion of the project area, and keep a copy of the letter in the permit file or agency records. The TYC issue is considered resolved.

**Step 3.** Prepare a TYC protection plan to ensure protection of TYC during project construction activities.

- Prior to preparation of a TYC protection plan, if TYC stems may be potentially impacted by project construction activities, it may be necessary to work with the permit applicant to modify the proposed project design or construction access to avoid impacts to TYC stems. If impacts can be avoided through changes to the project or if TYC stems are located outside the area of potential construction impact, proceed with preparation of the protection plan.
- Prepare a letter to the permit applicant explaining the results and data gathered during the field survey, and include protection measures to avoid impacts to TYC during construction activities. Protection measures can include, but are not limited to the following:
  - Fencing to enclose individual populations or habitat;
  - Restrictions on access or intensity of use;
  - Modifications to project design or construction access as necessary to avoid adverse impacts;
  - Posting of signs to identify location and avoidance of TYC;
  - Construction monitoring;

- Agency encouragement for private property owners to assist with long-term conservation efforts of naturally occurring TYC plants and participation with the TYC Stewardship Program.
- Prepare the letter and protection plan with sufficient detail and in a manner that can be easily understood by agency field inspectors and staff, construction contractors, and the permittee (property owner) as the primary audience who will work with this information in the field during construction, to ensure avoidance of TYC impacts. Include construction site plan delineations of TYC locations, photographs, TYC field survey form, and other field survey resources as attachments to the letter and protection plan. Include a copy of the letter and protection plan in the permit file or agency records. Include the protection plan as a condition of the permit.
- If impacts to TYC stems cannot be avoided through changes to the project, see Section 7.0 for further detail on agency specific permitting processes for additional environmental impact review to ensure that significant impacts to TYC are avoided.

### **Additional Project Review Guidance**

- If a permit application for shorezone development is submitted outside of the survey season, a field survey for TYC should be conducted during the prior survey season and included with permit applications to the applicable agencies.
- If an independent botanist is proposed to conduct the field survey, check with the applicable agencies prior to submittal of a permit application for agency requirements.
- Following all agency permit approvals for shorezone projects with an approved TYC protection plan, when construction within TYC habitat is not completed by June 14 of the following calendar year after the last TYC survey, a new TYC survey and protection plan is required starting June 15. Construction within TYC habitat may resume after the TYC survey and protection plan has been approved by the applicable agencies.