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

NOTICE IS HEREBY GIVEN that on _______ April 8, 1981 _______ at
_________ 10:00 _______ 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 31, 1981 _______

By: _______ Philip A. Overeynder _______
   Executive Director
   Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

April 8, 1981
10:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

INTRO - LOIS SHEEHAMMER

- NEW APC MEMBER TO BE APPT TO
  REPRESENT TRANSPORTATION DIST.

III DISPOSITION OF MINUTES

IV PLANNING MATTERS

A. Review of Plan of Study for Development of
   Environmental Threshold Carrying Capacities

   Proposed Amendments to the Lake Tahoe Basin Water Quality
   Management Plan

C. California Department of Transportation List of Specific Activities
   Exempt from Agency Review and Approval

V REPORTS

A. Public Interest Comments

B. APC Members

VI RESOLUTIONS

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue South Lake Tahoe, California

February 11, 1981 10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order by TRPA Executive Director Phil Overeynder at 10:05 a.m. It was noted that the meeting had been properly noticed as required by State Law. The new and returning citizen members of the APC were welcomed.

Members Present: Ms. Fran Kiernan (representing Washoe County), Mr. John Hoole, Mr. Glenn Smith, Mr. Roy Hampson, Mr. Lew Dodgion, Mr. Stan Randolph, Mr. John Meder, Mr. Dennis Schlumpf, Mr. Germaine McMorris, Mr. Dick Pyle, Mr. Stan Hansen, Mr. Maury Bidart, Mr. John Renz

Members Absent: Mr. Ken Milam, Mr. Bill Combs, Ms. Ann Bogush

II APPROVAL OF AGENDA

Phil advised that even though election of APC officers had not appeared on the agenda, the Agency’s legal counsel had advised that action could be taken on these matters at this meeting.

MOTION by Mr. Meder with a second by Mr. Bidart to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Randolph with a second by Mr. Bidart to approve the APC meeting minutes from January 14, 1981 as presented. The motion carried unanimously.

Phil suggested that he serve as the chairman for the day’s meeting in order that the other APC members could get to know each other prior to election of officers. The chairman and vice chairman under the Tahoe Regional Planning Compact are to serve two year terms and are to be elected from the APC’s membership. Roy Hampson suggested that the chairman be someone who has a good working relationship with Governing Body Chairman Roland Westergard so that there is close coordination between the two bodies.

MOTION by Mr. Meder with a second by Mr. Smith to take up election of officers at the end of the meeting. The motion carried unanimously.

IV PLANNING MATTERS

A. Lake Tahoe Basin Water Quality Management Plan

1. Status of Proposed Amendments
APC REGULAR MEETING MINUTES FEBRUARY 11, 1981

Phil Overeynder advised the APC that its recommended modifications to 208 Plan amendments had been incorporated into a new draft submitted to the Governing Body at a January 28 public hearing, at which time the Board directed that the staff prepare an EIS pursuant to the Compact requirements. Even though the EIS must be circulated for comment before adoption of final amendments, the Board did indicate its intent which in most cases followed the APC's recommendations. The Board's recommendations with regard to each management alternative were highlighted by Phil.

Larry Hoffman, attorney representing the Tahoe Sierra Preservation Council, asked APC member Roy Hampson, Lahontan Executive Officer, if the State of California intended to retain its own 208 Plan or to work solely with TRPA's 208 Plan should it be certified by EPA. Mr. Hampson advised that the California Regional Water Quality Control Board was pleased with the direction TRPA had taken on amending its 208 Plan and will hold a public hearing on the amendments on May 18 with certification hopefully to occur on the 21st. It is hoped that one plan can be certified for the Tahoe Basin. Andy Sawyer, project manager for the California Water Resources Control Board (CWRCB), cautioned that even if California certifies TRPA's 208 Plan there are some items, such as waste discharge requirements, which are not addressed in TRPA's plan but which must be addressed by the State. If TRPA's plan is adopted as currently proposed, it will be certified to EPA and will become the plan for Tahoe with the Lahontan plan being "put on the back shelf". TRPA would be the enforcing agency but the CWRCB plan would still be in effect. As far as Nevada is concerned, Lew Dodgion, APC member and Director of the Nevada Division of Environmental Protection, advised that sewage treatment regulation and disposal and issuance of NPDES permits would be retained by his division. That authority cannot be delegated.

Phil advised that a January 29, 1981 letter had been received from the U.S. Department of Interior, Fish and Wildlife Service, asking for reconsideration of the original recommendation that prohibition on pier construction in prime fish habitats was not really a water quality measure and did not properly belong in a 208 Plan. Current proposals for project review of these types of pier applications require in any case a finding to be made that there will be no significant impact. While the current TRPA 208 Plan does not address prohibition on pier construction, the California plan has a prohibition on piers in prime fish and aquatic areas. Roy Hampson suggested retaining the prohibition so that people are not mistakenly led to believe that a pier permit would be granted in these areas. Andy Sawyer pointed out that California's prohibition relates to significant spawning habitats and was made in response to comments from the Fish and Wildlife Service. There are about 15 miles of such habitats which should be protected around the lake, and a study is being done to analyze the cumulative effect of piers in these areas. Lew Dodgion commented that the issue appeared to be outside of a water quality plan and, while there should possibly be a prohibition on piers in such areas, it should be addressed elsewhere.

Larry Hoffman pointed out the importance of having all plans agree so that the Agency will not be required to enforce a plan which is in direct conflict with another. California should be requested to remove this prohibition from its plan.
APC REGULAR MEETING MINUTES FEBRUARY 11, 1981

2. Proposed Work Program to Implement Amendments

Phil explained that the work program as proposed includes an additional element proposed by the CWRCB to be carried out by Lahontan to complete an urban runoff control study to determine the effectiveness of control strategies. The California 208 Plan is more advanced than the TRPA 208 Plan and is implemented in California to the point where permanent controls are already in place. Nevada has commented that there is not proper emphasis on elements relating to the environmental and threshold carrying capacity study and to development of funding and institutional mechanisms to get the remedial control program off the ground. Recognizing that both states' support is needed in order to obtain EPA funding, EPA has suggested the work program be submitted with the understanding that resources will be allocated at a later date. Lew Dugdion commented that he had met with Roy Hampson and agreed that if the work program is approved it would be on the basis of negotiating the distribution of resources for the work elements to everyone's satisfaction. Staff recommends that the work plan be transmitted on to the Governing Body with the understanding that the funding allocations are preliminary and are subject to change as a result of further negotiations between TRPA, CWRCB and NDEP. Both Lew Dugdion and Roy Hampson asked that a meeting be scheduled on the matter before presentation to the Governing Body.

MOTION by Mr. Meder with a second by Mr. Bidart to transmit the 208 proposed work program to the Governing Body with the understanding that resource allocation negotiations will take place at a later date. The motion carried unanimously.

B. Project Review and EIS Process

1. Activities Exempt from TRPA Review (Definition of a Project)

2. Projects Exempt from EIS Requirements

Gordon Barrett, Senior Planner, explained that the material in the APC packet was prepared to implement the project review requirements of the new Compact and to aid the staff in preparing an ordinance exempting certain activities from TRPA review and certain activities exempt from EIS requirements. The currently proposed three levels of review are: 1) activities for which no TRPA permit is required and which do not violate TRPA standards (exempt from EIS); 2) projects for which TRPA permit is issued by TRPA staff (finding of no significant impact); and 3) major projects for which a TRPA permit is issued by the Governing Body (EIS or a finding of no significant impact). The APC members reviewed and made suggestions on the 2/4/81 draft of Level I activities (activities exempt from TRPA review and approval).

The meeting recessed for a lunch break from 12:15 to 1:125 p.m.

3. Documentation of Environmental Impacts of Proposed Exemptions

Staff commented that the environmental checklist for the determination of environmental impact had basically been taken from CEQA guidelines but is being modified to apply to the Tahoe Basin specifically and to the required threshold limits. If it is found that a particular activity will have an impact (a check in the "yes" column), it is automatically flagged for a further look.

Lynn Smith came into the meeting at 1:30 replacing Roy Hampson.
MOTION by Stan Randolph to accept the environmental checklist.

Staff explained that should the APC approve this checklist it would be transmitted on to the Governing Body with a finding that those activities which are found through use of this checklist to have no significant environmental impacts will be exempt from TRPA review.

Second by Mr. Hoole.

The motion was withdrawn in order to go through the specifics of the level I activities and the definitions as proposed by staff.

Due to the length of the discussion, only the APC's specific motions are included in these minutes. The meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

MOTION by Mr. Meder with a second by Mr. Hansen to delete in the critical area definition the fourth item defining "other critical areas when suitably mapped as follows: high hazard geomorphic areas, historical and archaeological sites, high natural hazard areas, critical habitats, critical public service areas, and visually sensitive areas". The motion failed on the following vote:

Ayes: Mr. Dodgion, Mr. Meder, Mr. Schlumpf, Mr. Pyle, Mr. Hansen, Mr. Bidart
Nays: Mr. Renz, Ms. Kiernan, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Randolph, Ms. McMorris
Abstain: None
Absent: Mr. Milam, Mr. Combs, Ms. Bogush

MOTION by Mr. Randolph with a second by Ms. Kiernan to include a definition for "other critical areas" (item 4 under critical area) but to modify the language to read "other critical areas when suitably mapped and officially adopted on maps approved by the TRPA Governing Body". Subsection a. (high hazard geomorphic areas - group I) is to be deleted. The motion carried unanimously.

MOTION by Mr. Meder with a second by Mr. Renz to approve the level I outline on activities exempt from TRPA requirement of review and approval, the definitions, and the environmental checklist as amended, with a recommendation that these be adopted by the Governing Body. This is with a finding that those activities which meet the criteria outlined in the checklist and which fall under the exempt project outline will have no significant impact on the environment. The motion carried on the following vote:

Ayes: Mr. Renz, Ms. Kiernan, Mr. Hoole, Mr. Smith, Mr. Dodgion, Mr. Randolph, Mr. Meder, Mr. Schlumpf, Ms. McMorris, Mr. Pyle, Mr. Hansen, Mr. Bidart,
Nays: None
Abstain: Ms. Smith
Absent: Mr. Milam, Mr. Combs, Ms. Bogush
C. Draft Ordinance Defining Requirements for General Plan Amendments

Gordon Barrett explained that staff was proposing that General Plan amendments be submitted to TRPA on a semiannual basis for a preliminary screening by the Governing Body to determine the merits of the individual requests. If there is merit to a request, it will be permitted to proceed with environmental documentation. The 180 day time period for review would not commence on a request until the preliminary screening has been done. Staff will be bringing this matter back to the APC.

D. Environmental Threshold Carrying Capacity Study

Glenn Smith advised that the Forest Service did not yet have the APC's copies of the work program prepared for the Tahoe Federal Coordinating Council's environmental threshold carrying capacity study. Staff explained that it was hoped that TRPA would be able to use this work plan for its study. Glenn presented a brief history on the preparation of this work plan indicating that it had been prepared with the cooperation and input of local governments and others pursuant to a September workshop. It is critical that public support be given to this effort in order for it to succeed and this public involvement is called for throughout the process. The categories evaluated in the preliminary meetings were air quality, water quality (including quantity, quality and fisheries); quality of life (noise, vehicles, density, traffic congestion); terrestrial environments; and visual resources. It is anticipated that models will be developed and refined to make them "predictive" so that future situations or thresholds can be determined with greater accuracy using different formulas. Stan Randolph, one of the original participants in the workshop session, commented that the work program as modified was acceptable and did reflect the concerns of those entities who were involved. The work plan should be used as a focus for the Agency. Phil suggested that the work program should be developed showing the maximum funds needed to do the job that is necessary. If adequate funding is not available for the whole program, it can be scoped back. It appears, however, that the work program can be accomplished for less than what has currently been estimated. Glenn advised that the budget shows $1.3 million but that included the Forest Service's overhead. This can be reduced significantly if the work is handled by other agencies or by in-serve grants to TRPA. The Forest Service has committed to $350,000 for this year and $300,000 for next year. Phil advised that this matter would be brought back to the APC as more information becomes available.

E. Implementation of Growth Limitations

Associate Planner Jim Dana summarized various problems being faced by the local jurisdictions as a result of the Compact allocation system. These include questions regarding reserving low and moderate income housing units, a separate allocation for apartment units, and differentiating between new planned unit developments and existing unbuilt subdivided lots. A problem being faced with the commercial square footage allocation is that it is possible for some projects to use an entire year's allocation, thus foreclosing other options. Staff would like APC comments on what extent TRPA should become involved with controlling the types of permits that are issued under the Compact allocation system. The options range from a simple tabulation to insure that the allowed permits are not exceeded, to coordinating with the locals on growth control strategies, to TRPA's adoption of a basinwide growth management strategy to guide the issuance of permits.
Phil commented that the CTRPA in recognition of these problems recently adopted an urgency ordinance which puts on hold any new commercial applications. The strategy is to provide an opportunity for TRPA, CTRPA and local governments to work together to reach agreement on how to handle these types of developments. In California the allocation problems are pretty well tied down but not so in Nevada. The problem is that there are more projects than there are permits. Lew Dodgion suggested that this was a very complex issue since each jurisdiction poses different problems. This would require six different systems if TRPA were to take on growth management. Phil pointed out that regardless of whether or not TRPA takes on these problems they must be addressed by someone; if not, external forces will be making the decisions. John Meder suggested that TRPA was getting into social issues, an area it is not really able to handle.

MOTION by Mr. Randolph with a second by Mr. Meder to approve the second alternative presented by staff which would call for TRPA's coordination with local jurisdictions in maintaining policies for issuance of the permits allowed under the Compact. This is really the only alternative available at this point. The motion carried unanimously.

V Reports

A. Public Interest Comments

B. Election of Officers

Stan Randolph agreed with Roy Hampson's earlier suggestion that the APC Chairman should have a good working relationship with the TRPA Board Chairman and nominated John Meder to serve as chairman.

MOTION by Mr. Hansen with a second by Mr. Dodgion to close the nominations and to elect John Meder to serve as APC Chairman for the next two years. The motion carried on the following vote:

Ayes: Mr. Renz, Ms. Kiernan, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Mr. Randolph, Mr. Schlumpf, Ms. McMorris, Mr. Pyle, Mr. Hansen, Mr. Bidart

Nays: None

Abstain: Mr. Meder

Absent: Mr. Milam, Mr. Combs, Ms. Bogush
APC REGULAR MEETING MINUTES FEBRUARY 11, 1981

Lew Dodgion nominated Stan Randolph to serve as the APC's Vice Chairman.

MOTION by Ms. Smith with a second by Mr. Smith to close the nominations and to elect Stan Randolph as APC Vice Chairman for the next two years. The motion carried on the following vote:

Ayes: Mr. Renz, Ms. Kiernan, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Mr. Meder, Mr. Schlumpf, Ms. McMorris, Mr. Pyle, Mr. Hansen, Mr. Bidart
Nays: None
Abstain: Mr. Randolph
Absent: Mr. Milam, Mr. Combs, Ms. Bogush

C. APC Members

Stan Hansen asked about the status of funding for TRPA. Phil advised that a request to Nevada has received preliminary favorable response; a work program has been submitted to California but needs additional work to meet administrative requirements. TRPA is requesting $100,000 this year from California and $300,000 for next year. No word has been received back yet.

Glenn Smith advised that he had been requested by the Governing Body to put on a workshop for the new Board members and asked for APC comments on possible topics and speakers. He would like to have a presentation on watershed management, air quality, land capability, water quality and other items. He would be contacting APC members for their help.

VI RESOLUTIONS - none

VII CORRESPONDENCE - none

VIII PENDING MATTERS - none

IX ADJOURNMENT - The meeting adjourned at 3:25 p.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

Julie D. Frame
Administrative Assistant
MEMORANDUM

DATE: April 1, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Threshold Carrying Capacity Study

The Plan of Study for Development of Environmental Threshold Carrying Capacities has previously been distributed to the APC members. A brief presentation on the status of the work plan and study will be presented at the APC meeting by Agency staff and Glenn Smith.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: April 1, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: 208 Plan EIS

The Draft EIS for Proposed Amendments to the Lake Tahoe Basin Water Quality Management Plan has previously been distributed to the APC members. At the April APC meeting, staff will be asking for final APC recommendations on the technical accuracy of the EIS pursuant to the Agency's rules and regulations. A final public hearing for certification of the proposed amendments will be conducted by the Governing Body on April 22 and 23, 1981.
MEMORANDUM

DATE: April 1, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: A List for Projects Exempt from Agency Review and EIS Requirements for Caltrans

Ordinance No. 81-1 permits public agencies to submit a list of activities with supporting documentation that would detail which activities are exempt from Agency review and EIS requirements. Bob Skidmore of Caltrans will present a list with documentation for APC consideration at the APC meeting. This list will be based on the attached memo of understanding for Caltrans that the Agency approved in 1980. The criteria by which the activities will be exempt is set forth in the Agency IER (attached) which is currently used by the Agency for determinations of significant effect.

Attachments
MASTER MEMORANDUM OF UNDERSTANDING

(A-95 Review Process)

Related to coordination of the CALIFORNIA DEPARTMENT OF TRANSPORTATION projects and the TAHOE REGIONAL PLANNING AGENCY (TRPA), AREAWIDE CLEARINGHOUSE with the CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE.

This is a MASTER MEMORANDUM OF UNDERSTANDING (MOU) by and between the CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), the TAHOE REGIONAL PLANNING AGENCY, hereinafter called the AREAWIDE CLEARINGHOUSE (ACH), and the CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE (SCH). This MOU is applicable to transportation-related projects for which Federal Aid Transportation Funds will be sought from the FEDERAL HIGHWAY ADMINISTRATION (FHWA), the FEDERAL URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA), the FEDERAL RAILROAD ADMINISTRATION (FRA), and the FEDERAL AVIATION ADMINISTRATION (FAA). This MOU covers ACH and SCH review responsibilities for the area of jurisdiction of the (TRPA) ACH.

This MOU supersedes all previously executed MOUs and supplements thereto, pertaining to the CIRCULAR A-95 review process, between CALTRANS the (TRPA)ACH, and the SCH.

Reference to (TRPA)ACH shall mean (TRPA) ACH acting either on behalf of itself or in behalf of local agencies from within its jurisdiction in submitting transportation-related programs for processing by the Federal agencies.

Reference to CALTRANS shall mean CALTRANS acting either on behalf of itself or on behalf of local agencies, in submitting transportation-related projects for processing by the Federal agencies.
PURPOSE

This MOU sets forth procedures to implement the FEDERAL OFFICE OF MANAGEMENT AND BUDGET, CIRCULAR A-95. The CIRCULAR A-95 process responds to the need for coordination of planning and development activities within and among Federal, State and local governmental agencies.

As there are overlapping laws, regulations and policies at all governmental levels, this MOU addresses the need to reduce duplication without sacrificing service to the public.

To the extent that coordination, cooperation and resolution of differences is achieved among all levels of government, via the CIRCULAR A-95 process, Federally assisted transportation programs are likely to result in more effective use of the public investment.
AUTHORITY

It is the intent of this MOU to establish both an efficient process of intergovernmental coordination and the review of transportation-related projects in compliance with existing governmental policies and procedures. The early warning and continuing coordination provisions of CIRCULAR A-95 are applicable to the (TRPA) ACH, the SCH and to all governmental agencies requesting Federal financial assistance.

This MOU is based on the following laws, regulations, procedures and policies:

. Intergovernmental Cooperation Act of 1968, Public Law No. 90-577;
. National Environmental Policy Act of 1969 (NEPA);
. Council of Environmental Quality Regulations for Implementation of the National Environmental Policy Act, November 29, 1978;
. Office of Management and Budget Circular A-95;
. Title 23, United States Code;
. Title 23, Code of Federal Regulations;
. Federal Highway Administration Federal-Aid Highway Program Manual (FHPM) 4-1-4, and FHPM 6-3-2-2;
. Catalog of Federal Domestic Assistance;
. California Environmental Quality Act of 1970 (CEQA);
. Caltrans Policy and Procedure Memorandum 80-7;
APPLICABILITY

The provisions of this MOU are applicable to the Federal Department of Transportation programs listed in Attachment-D to CIRCULAR A-95 or Appendix-I of the Catalog of Federal Domestic Assistance, whichever bears the later date. At this time, the Federal programs covered are as follows:

- Airport Development Aid Program;
- Airport Planning Grant Program;
- Highway Beautification—Landscaping and Scenic Enhancement—Control of Outdoor Advertising—Control of Junkyards;
- Highway Research, Planning and Construction;
- State and Community Highway Safety;
- Public Lands Highways;
- Forest Highways;
- Grants-in-Aid for Railroad Safety;
- Railroad Rehabilitation and Improvement—Guarantee of Obligations;
- Urban Mass Transportation Capital Improvement Grants (Planning and Construction only);
- Urban Mass Transportation Capital Improvement Loans (Planning and Construction only);
- Urban Mass Transportation Technical Studies Grants (Planning and Construction only);
- Urban Mass Transportation Demonstration Grants—Section 6, UMT Act;
- Urban Mass Transportation Capital and Operating Assistance Formula Grants—Section 5, UMT Act.
EXEMPTIONS

It is agreed that certain classes of highway and public transportation projects are exempt from CIRCULAR A-95 review.

Such exemptions include:

- Projects listed in FHPM 4-1-4;
- Projects which are categorically excluded from the provisions of NEPA;
- Projects which are categorically exempt from the provisions of CEQA.

Examples of exempt projects are included in the appendix.
PROCEDURES

CALTRANS—

For applicable Federally assisted highway and public transportation projects, CALTRANS will submit a STANDARD FEDERAL FORM 424 (SF424) to the ACH and the SCH when undertaking highway or public transportation planning or improvement activities. All SF424 submittals to the ACH or the SCH for review will include Federal-Aid application information as required by CIRCULAR A-95.

SCH—

It is the responsibility of the SCH to assign an SCH number to each SF424 upon receipt and to notify the applicant of the SCH number for future identification. The SCH will circulate the SF424 with attachments among appropriate State agencies and ACHs. The SCH will arrange meetings between CALTRANS and the reviewing agencies to resolve any conflicts.

The SCH will have a period of 30 days in which to circulate, review and respond to the SF424. However, the SCH may elect, with the concurrence of the reviewing agencies, to shorten the 30-day review period when requested to do so by CALTRANS. The SCH also may have an additional 30-day period to complete its review with concurrence of CALTRANS.

The SCH will notify the applicant at the completion of its review of all projects covered by this MOU.

CIRCULAR A-95 provisions require that the SCH be notified of actions taken by the applicable Federal agency concerning each project or program of projects for which an SCH number has been assigned.

In lieu of a completed Section III on the SF424, a copy of the Federal agency's project authorization document attached to the SF424 will be accepted by the SCH as the agency's notification of action.

TRPA—

The State Transportation Improvement Plan (STIP) and Transportation Improvement Plan (TIP) will be subject to an annual review by TRPA to ensure proper prioritization of plans and programs and to ensure the incorporation of elements of adopted air and water quality programs as elements of each proposed project.
TERMINATION/AMENDMENT

This MOU may be terminated by CALTRANS, the ACH, or by the SCH, by written notice from either party. The MOU may be amended by written agreement among the parties in the form of a SUPPLEMENTAL MOU.

Date  Director of CALTRANS

Date  Director of District CALTRANS

Date  Executive Officer of ACH

Date  Executive Officer of SCH

Date  CALTRANS Attorney
CATEGORICAL EXCEPTIONS

Certain classes of categorically exempt projects or programs do not have a significant effect on the environment (see the Public Resources Code, Section 21084). The following classes and typical examples thereof are appropriate to the activities of Caltrans and therefore are exempt from the review provisions of the MEMORANDUM OF UNDERSTANDING between CALTRANS and the CLEARINGHOUSE.

EXISTING FACILITIES

Projects consisting of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- Interior or exterior alterations such as interior partitions, plumbing and electrical conveyances to such structures as office buildings, maintenance and shop buildings, employee housing, State-owned rental units, pump houses, roadside rests, weighing and inspection stations, ferry boats, toll collection facilities;

- Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewage or other public utility services;

- Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including but not limited to: a stand of trees; a rock outcropping; or, a historic building.

Included is work such as:

- Pavement, taxiway or runway reconstruction, resurfacing and placement of seal coats;

- Pavement or runway skid treatment by overlay or grooving;

- Work on bridge structures and appurtenant facilities such as traffic control devices and toll collection facilities;

- Freeway surveillance and ramp metering;
- Maintenance of the highway and appurtenant facilities including repair and replacement of damaged facilities;

- Transportation permits issued pursuant to Section 35780 of the Vehicle Code;

- Removal and/or replacement of distinctive roadway, runway, or taxiway markings such as painted stripes, raised pavement markers, thermoplastic, and tape or raised bars;

- All work in connection with snow and removal operations for all highways (except for deicing chemicals) and all work required for spring opening of roads that are normally allowed to close for the winter;

- Bridge maintenance painting when performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction;

- Modification, upgrading, alteration or relocation or railroad grade crossing protection and the construction of bus and truck stop lanes at railroad grade crossings;

- Abandonment, removal, reconstruction or alteration of railroad grade crossings or grade crossing protection;

- Encroachment permits issued for such items as land surveys, vehicle salvage operations, roadside cleanup, minor road encroachments, longitudinal and transverse utility encroachments, and chain installers.

Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood, and there is an option to relocate. The general work includes facility replacement for the health, welfare and safety of the public, including drainage facilities, runways and taxiways, traffic control systems, roadways, bridges, toll facilities, guard rails, energy attenuators, office and equipment buildings, State-owned rentals, and roadside rest.
Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less; included herein is work on items such as office and equipment buildings, warehouses, roadside rests, weigh and inspection stations, toll facilities, bus shelters and bays, and State-owned rentals.

Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features, including the following:

. Pavement striping;

. Replacement of devices such as glare screen, median barriers, fencing, guardrail, safety barriers, energy attenuators, guide posts, markers, safety cables, ladders, lighting, hoists, signs, and pavement grooving;

. Elimination of hazards within the operating areas or the operating right of way.

New copy of existing on and off premise signs.

Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agriculture Code).

Work on such items as treatment, maintenance and replacement of all vegetative material, native or planted, on State or publicly owned property, including rights of way, airports, building sites and rental units is also included. In addition, such items as watering, fertilizing, weed control by hand or mechanical means, trimming and cutting by hand or mechanical means, tree trimming and tree removal should be required for safety or because of disease infestation or pest control.

Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.
Demolition and removal of individual small structures, except where the structures are of historical, archaeological or architectural significance:

- Single family residences not in conjunction with the demolition of two or more units;
- Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures;
- Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures;
- Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Work performed in regard to a grantor's remaining property for the purpose of mitigating damages. Such work would include rearrangement of agricultural facilities such as pipelines, ditches and fences; moving and alteration of improvements; building of service and access roads; and utility services.

Rentals, leases and sales of State-owned improvements.

Lease of an existing building, or buildings, or space within an existing building for utilization as offices, storage, garage, warehouse, shop, or residence.

REPLACEMENT OR RECONSTRUCTION

Projects consisting of replacement or reconstruction of existing structures and facilities when the new structure will be located on the same site as the structure replaced and where local planning and zoning provisions will not be violated, including:

- Pavement reconstruction.
MINOR ALTERATIONS TO LAND

Projects consisting of minor public or private alterations in the condition of land, water and/or vegetation, which do not involve removal of mature, scenic trees except for forestry and agricultural purposes, including but not limited to:

- Work on such items as additions and revisions to existing landscaping, landscaping of excess lands, landscaping of building sites such as offices, equipment and warehouses, toll collection facilities, and other uses;

- Filling of earth into previously excavated land with material compatible with the natural features of the site;

- Minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

- Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, or construction easements;

- Minor trenching and backfilling provided the surface will be restored.

ALTERATIONS IN LAND USE LIMITATIONS

Projects consisting of minor alterations in land use limitations, except zoning, including but not limited to:

- Minor lot-line adjustments, side yard and setback variances not resulting in the creation of any new parcel nor in any change in land use or density;

- Issuance of minor encroachment permits. Permits include those for items such as longitudinal and transverse utility encroachments, mail boxes, flags, signs, banners, decorations, and other similar encroachments.
UMTA FORMULA OPERATING ASSISTANCE PROJECTS AND DISCRETIONARY AND FORMULA CAPITAL ASSISTANCE PROJECTS

Projects consisting of replacement of capital equipment that do not change the use, scale, or intensity of such facilities or require additional right of way.

Public transportation— and highway — projects of small scale and local impact may be exempted by agreement between CALTRANS and the SCH.

Experimental studies or operational tests of techniques or concepts, such as those in the annual statewide Highway Planning and Research (HPR) Program and those under UMTA Section 6, Demonstration Grants, that are as yet unproven and which require further study or demonstration.

Research in the HPR Program which involves capital construction or which is intended to address problems of the State or a particular area, or locality within the State and that may have an impact only on the local community or area in which the project is conducted.

INFORMATION COLLECTION

Projects consisting of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

INSPECTIONS

Projects consisting of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

ACCESSORY STRUCTURES

Projects consisting of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:
SURPLUS GOVERNMENTAL PROPERTY SALES

Projects consisting of sales of surplus government property, except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Environmental Goals and Policy Report prepared pursuant to Government Code, Sections 65041, et seq. However, if the surplus property to be sold is located in those areas identified in the report, its sale is exempt if:

. The property does not have significant values for wildlife habitat or other environmental purposes; and

. Any one of the following conditions exists:

   — The property is of such size or shape that it is incapable of independent development or use, or

   — The property to be sold would qualify for an exemption under any other class of categorical exemption in this Appendix, or

   — The use of the property and adjacent property has not changed since the time of purchase by the public agency.

ENFORCEMENT ACTIONS BY REGULATORY AGENCIES

Activity consisting of the actions of regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency, including:

. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use of enforcing the general rule, standard, or objective.

Construction activities undertaken by the public agency taking the enforcement or revocation action are not included.

NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS

Activities consisting of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose, include (but are not limited to) race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, amusement parks.

REGULATION OF WORKING CONDITIONS:

Activities consisting of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- Employee wages;
- Hours of work;
- Working conditions where there will be no demonstrable physical changes outside the place of work.

EXCEPTION

LOCATION

The above exemptions are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these otherwise exempt projects are considered to apply in all instances, except where the project may impact on those environmental resources or hazards designated in Environmental Goals and Policy Report issued by the Governor pursuant to Chapter 1434, Statutes 1970; or an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State or local agencies.
CUMULATIVE IMPACT

All exemptions in these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant—for example, annual additions to an existing building.

RELATION TO MINISTERIAL PROJECTS

Section 21080 of the Public Resources Code exempts all ministerial projects and activities of public agencies from application of the CEQA. The matter of what is or is not a ministerial project is up to the determination of CALTRANS, based on an examination of the applicable laws and ordinances. Thus, while the exemptions listed in this Appendix may contain classes or examples of projects which in some cases will be ministerial, the inclusion of them is in no way intended to imply any finding here that, in any particular jurisdiction, they are ministerial or discretionary. The exemptions, naturally, only apply where the project in question is found to be discretionary.