APPENDIX O

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
NORTH TAHOE PUBLIC UTILITY DISTRICT

October 1991

This Memorandum of Understanding is entered into this 29th day of October, 1991, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the NORTH TAHOE PUBLIC UTILITY DISTRICT (NTPUD), by and through its General Manager.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by the NTPUD pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of NTPUD, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area or compacted road shoulder, and the site is stabilized and/or revegetated within 72 hours to prevent erosion.

A. WATER SUPPLY ACTIVITIES

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in capacity and the replacement facilities are similar in type and function.

2. Install new service connections for TRPA-approved projects.

3. Prune vegetation around water facilities and within easement areas provided no vegetation is removed.
4. Install new valves and fire hydrants along existing water lines within existing roadways and easements provided there is no increase in capacity.

5. Locate existing underground lines and appurtenances.

6. Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.

B. WASTEWATER COLLECTION ACTIVITIES

1. Repair and replace wastewater collection system related equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, pipes, service connections, odor control facilities, pumping stations, meters, and wet wells provided there is no increase in capacity and replacement facilities are similar in type and function.

2. Grouting, sealing and pressure testing of sewer lines, service laterals, and appurtenances.

3. Prune vegetation around existing sewer facilities and within easement areas involving no removal of vegetation.

4. Locate underground lines and manholes.

5. Install new service connections for TRPA-approved projects.

C. RECREATION ACTIVITIES

1. Repair and replace existing accessory structures associated with public recreation facilities such as parks and campgrounds such as picnic tables, playground equipment, barbeques, bicycle trail auto barriers and bollards.

2. Clean existing bicycle trails and related drainage facilities.

3. Repair, restore and maintain existing dirt in-fields.

4. Landscape and revegetate with TRPA-approved species including installation, repair and replacement of irrigation systems.

5. Annual replacement of sand in existing playground areas.

6. Pruning of vegetation to maintain adequate site distance, removal of hazardous limbs, and maintaining two foot shoulder clearance on bike trails.

7. Grooming of crosscountry and snowmobile trails provided there is no soil contact and there is a minimum of 6 inches of compacted snow cover.
D. **SIGNS**

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

E. **STRUCTURES**

1. Demolition of structures provided the structure is not designat-ed, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

F. **EROSION CONTROL AND RESTORATION ACTIVITIES**

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales
   c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class I bike paths, or recreation area.
   d. Rock-lined ditches.
   e. Willow wattling.
   f. Access barriers, i.e., bollards and split-rail fencing.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

G. **BOAT LAUNCHING FACILITIES**

1. Repair and replace existing pier decking, railings and steps provided no increase in height, width or length.

2. Annual boatramp maintenance consisting of concrete crack repairs and removal of obstructions providing no dredging occurs.

H. **MISCELLANEOUS ACTIVITIES**

1. Land surveys, corner recovery, remonumentation and land-line posting.
2. Use of portable instruments for research and monitoring of sewer and water systems, and park visitor use.

3. Replace, patch, seal, overlay and stripe existing paved surfaces.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of NTPUD are not subject to review and approval by TRPA, provided NTPUD certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area or compacted road shoulder, the site is stabilized and/or revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), NTPUD shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity (except when required to meet minimum fire safety standards and/or California Waterworks standards and documentation of the required standards is provided), there is no relocation of main lines outside of existing paved areas, compacted road shoulders, or land capability districts 4-7, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Repair or replace existing water intake lines, vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in capacity (except when required to meet minimum fire safety standards and documentation from the applicable fire district is provided).

3. Install new water lines for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity (except when required to meet minimum fire safety standards and/or California Waterworks standards and documentation of the required standards is provided), the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
B. WASTE WATER COLLECTION ACTIVITIES

1. Replace existing sewer lines and service connections for a distance of not more than 750 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, there is no relocation of main lines outside of paved areas, compacted road shoulders, or land capability districts 4-7, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Install new sewer lines for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

C. RECREATION ACTIVITIES

1. Replacement of existing fences, provided there is no increase in height, and the fence is consistent with the TRPA Design Review Guidelines.

2. Tree removal for public health and safety pursuant to Section 71.4.E(2) of the TRPA Code.

3. Install directional and informational signs in NTPUD-operated recreation areas, provided the signs are consistent with Section 26.6.A(2)(a), (b), and (c) of the TRPA Code, and an inventory of existing signage is completed prior to the installation of any new signs.

4. Install bike path signs in accordance with the Caltrans Highway Design Manual (Bikeway Uniform Signs, Markings and Traffic Control Devices, Section 7-1004), provided the signage is the minimum amount required, and an inventory of existing signage is completed prior to the installation of any new signs.

D. ROADS, TRAILS AND PARKING LOTS

1. Reconstruction, resurfacing or overlaying of existing pavement provided that BMPs are in place, including dust control measures.

2. Replacing existing bridge rails provided there is no increase in height, and there is no deterioration of scenic views.

3. Maintenance or repair of existing bridge structures provided there is no change in width or length of the existing structure.
E. Erosion Control and Restoration Activities

1. Installation of retaining walls not exceeding 200 feet in length and 2 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code, and an inventory of existing retaining walls is completed prior to the installation of any new walls.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.

III. Treatment and Accounting of Coverage

It is understood by the NTPUD and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The NTPUD shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. Loss of Exemption

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. Termination

This MOU may be terminated by either party upon sixty (60) days notice in writing.

Dated: 29 Oct 91

John C. Hassenplug
General Manager/Treasurer

Dated: Oct. 25, 1991

David S. Ziegler
Executive Director