

Attachment "B"

MEMORANDUM OF UNDERSTANDING

for

LAKESIDE PARK MUTUAL WATER COMPANY (LPMWC)

**Table of Exempt (E) and Qualified Exempt (QE) Activities**

Note: The activities described in this table expand upon the Exempt (E) and Qualified Exempt (QE) activities for operations of the Lakeside Park Water System otherwise allowed in Subsection 2.3 and Subparagraph 2.3.7 of the TRPA Code of Ordinances (Code), provided the activities are consistent with Part 1 (General Provisions) and Part 2 (Performance Standards) of this Memorandum of Understanding. LPMWC shall retain all QE records for TRPA inspection for no fewer than 10 years.

Line No.	Activity Level	Activity
<b>Roadways, Trails, Paths and Sidewalks</b>		
1	E	<b>Routine non-structural maintenance</b> provided the activities do not modify the shape or location of the facility, create or relocate any land coverage, add new structural appurtenances or modify existing drainage.
2	E	<b>Installation of vehicle barriers</b> (such as bollards, fencing and boulders) along vehicle travel ways provided the barriers conform to applicable state or local standards (as applicable). All boulders shall be placed partially in the ground to prevent rolling and to give the boulder a natural appearance.
3	QE	<b>Structural maintenance, repair and replacement</b> of existing facilities (such as pavement, curb and gutter, compacted shoulders, culverts, pipes, vaults, and similar structures), provided no new land coverage is created, per affected parcel, and any relocation of TRPA-verified land coverage and/or permanent land disturbance is limited to 120 square feet in TRPA-verified low capability land (Classes 1a, 1b, 1c, 2, and 3), and 500 square feet in TRPA-verified high capability land (Classes 4, 5, 6 and 7). Prior to any relocations of land coverage, the LPMWC shall address, in writing, the land coverage relocation findings found in Subsection 30.4.4 of the TRPA Code.
4	QE	<b>Minor modifications</b> to existing facilities to improve public safety and/or environmental protection provided any new or relocated land coverage or permanent land disturbance is limited to 120 square feet in TRPA-verified low capability land (Classes 1a, 1b, 1c, 2, and 3) and 500 square feet in TRPA-verified high capability land (Classes 4, 5, 6 and 7). Prior to any relocations of land coverage, LPA shall address, in writing, the land coverage relocation findings found in Subsection 30.4.4 of the TRPA Code. <i>And pay mitigation fees as applicable.</i>

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<b>Erosion Control &amp; Water Quality Protection Facilities on LPMWC Property</b>		
<b>5</b>	E	<b>Routine non-structural maintenance</b> of existing stormwater treatment facilities (such as dry wells, infiltration trenches, infiltration basins, drop inlets, and vaults), including removal of sediment, vegetative overgrowth and organic material, without limit on material volume or land capability, provided the removed materials are deposited outside of the Tahoe Basin or at a TRPA-approved disposal site. Hand excavation is preferred, however mechanical excavation is allowed when hand removal is infeasible and potential impacts to surface water, soils and vegetation from the excavation equipment are minimized. TRPA acceptable temporary erosion control structures shall be placed downslope of affected areas if maintenance occurs in standing water or if a surface water discharge is possible.
<b>6</b>	QE	<b>Structural maintenance, repair, and in-kind replacement</b> of existing facilities, provided no new land coverage is created and relocated land coverage or permanent land disturbance is limited to 120 square feet in TRPA-verified low capability land (Classes 1a, 1b, 1c, 2, and 3) and 500 square feet in TRPA-verified high capability land (Classes 4, 5, 6 and 7). Prior to any relocations of land coverage, LPMWC shall address, in writing, the land coverage relocation findings found in Subsection 30.4.4 of the TRPA Code and shall document the affected areas with photographs and site drawings indicating the location and type of land coverage (i.e., hard or soft) before and after any relocation.
<b>7</b>	QE	<b>Modifications to existing facilities above the high-water line of Lake Tahoe (elevation 6229.1, Lake Tahoe datum)</b> to improve effectiveness, meet new regulatory standards, or correct system inefficiencies, provided new structures such as rock slope protection and retaining walls are not visible from any TRPA-designated scenic roadway or shorezone travel unit, Class I bicycle paths, or recreation areas designated in the TRPA Scenic Quality Improvement Program (SQIP).
<b>Water Distribution and Treatment Facilities on LPMWC Property and within Public Rights-of-Way</b>		
<b>8</b>	E	<b>Testing, locating, and maintenance</b> of existing facilities (such as mechanical and electrical equipment, piping and plumbing, pumps and similar devices) provided that the cumulative volume of excavation conforms to Subsection 2.3.6.A.6 of the TRPA Code during the grading season (May 1 to October 15). During the non-grading season, the excavation shall conform with Subsection 2.3.2.D of the TRPA Code, except that the total volume of excavation is increased from 3 to 7 cubic yards.
<b>9</b>	QE	<b>Structural maintenance, repair, in-kind replacement of existing facilities</b> , including excavations up to one-half mile of linear distance (2,630 feet) annually within the LPA service area when located within public streets and rights-of-way, provided excavations are limited to areas under existing pavement, road shoulder, or compacted soil, and no new land coverage is created. In addition, excavations are not allowed in saturated soils in high ground water areas. Approvals from the City of South Lake Tahoe and other regulatory agencies may be required. Relocated land coverage or permanent land disturbance is limited to 120 square feet in TRPA-verified low capability land (Classes 1a, 1b, 1c, 2, and 3) and 500 square feet in TRPA-verified high capability land (Classes 4, 5, 6 and 7). Prior to any relocations of land coverage, LPA shall address, in writing, the land coverage relocation findings found in Subsection 30.4.4 of the TRPA Code and shall document the affected areas with photographs and site drawings indicating the location and type of land coverage (i.e., hard or soft) before and after any relocation.

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10	QE	<b>Modifications and upgrades to facilities on LPMWC property</b> provided the modifications do not result in any increases in water capacity, or are a growth inducing activity, and the activity conforms to the QE requirements found in line 9, above.
<b>Public Service Buildings on LPMWC Property</b>		
11	E	<b>Interior remodeling</b> of existing buildings in accordance with Subparagraph 2.3.2.A of the TRPA Code, up to structural costs of \$80,000.
12	QE	<b>Demolition</b> of structures, improvements or facilities <b>less than 50 years of age</b> in accordance with Subparagraph 2.3.2.G of the TRPA Code, except that the excavation and backfill limits are increased to the grading limits in this MOU. TRPA banking of existing land coverage for demolished structures is encouraged prior to demolition. Land coverage banking requires an application to TRPA.
13	QE	<b>Structural repair</b> to existing structures in accordance with Subparagraph 2.3.6.A.1 of the TRPA Code, except that the structural repair cost in 2.3.7.A.1 is increased from \$21,000 to \$42,000 per year and excavation and backfilling limits in Subparagraph 2.3.6.A.1.a are increased to the grading limits in this MOU.
14	QE	<b>Structural modifications</b> to existing structures in accordance with Subparagraph 2.3.6.A.2 of the TRPA Code, except that the grading limits in 2.3.6.A.2.c (i) are increased to the grading limits of this MOU, and no modifications are visible from Lake Tahoe.
15	QE	<b>Structural remodeling or additions</b> to existing structures in accordance with Subparagraph 2.3.6.A.3 of the TRPA Code, except that the grading limits in 2.3.6.A.3.a (i) are increased to the limits of this MOU, the BMP retrofit plan required in 2.3.7.A.a (b) is consistent with the requirements of this MOU, and no remodeling or additions are visible from Lake Tahoe.
<b>Tree Removal on LPMWC Property</b>		
16	E	<b>Removal of Dead Trees</b> as allowed in Subparagraph 2.3.2.E of the TRPA Code, except that dead trees of any size on Lakeside Beach may be removed for safety reasons.
<b>Grading (Including Grading in Combination with Other Activities) on LPMWC Property or within Public Rights-of-Way</b>		
17	E	<b>All excavations (without limit to volume) which do not intercept ground water under TRPA-verified existing hard land coverage</b> to an amount that can be backfilled, stabilized and swept clean within a 24-hour period. Does not include excavations greater than five feet in depth.
18	E	<b>Excavations otherwise allowed in Subparagraph 2.3.2.D of the TRPA Code</b> , except that the volume limit of the excavation is increased to 7 cubic yards in <b>low</b> land capability districts and a series of excavations are permitted once a former excavation site is backfilled and stabilized. Does not include excavation greater than five feet in depth.