

Appendix M

MEMORANDUM OF UNDERSTANDING BETWEEN TAHOE REGIONAL PLANNING AGENCY AND LIBERTY UTILITIES (CALPECO ELECTRIC) LLC

This Memorandum of Understanding is entered into this 13th day of *November*, 2023, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and Liberty Utilities (CalPECO Electric) LLC(Liberty), by and through its State President, Operations.

All activities described in the 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 more than that otherwise exempt pursuant to the TRPA Code. All activities undertaken by Liberty pursuant to the 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 Liberty, in addition to those exempt pursuant to the TRPA Code, are not subject to review and approval by TRPA provided:

- Excavation or backfilling work does not exceed 60 cubic yards (unless modified below),
- Work occurs during the grading season (May 1 to October 15)
 - Grading outside the grading season further requires the following:
 - Work occurs on land capability districts 4-7 or within an existing paved area or compacted road shoulder
 - Excavation volumes do not exceed 15 cubic yards
 - There is no active weather event in the 3-day forecast
 - The site is stabilized and revegetated within 24 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code
 - A grading season exception is granted by TRPA based on a finding that either an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.
- Work occurs in land capabilities districts 4 through 7 or within an existing paved area or compacted road shoulder.
- The site is stabilized and/or revegetated within 72 hours following project completion to prevent erosion.

Written notice of work is provided to TRPA two days before activity commences.

A. UNDERGROUND ACTIVITIES

1. Repair and replacement of existing underground facilities including vaults, boxes and risers, pad-mounted switches and transformers provided there is no increase in size or capacity and the replacement facilities are similar in type and function.
2. Install new service connections for TRPA-approved projects and for existing improved properties.
3. Locate existing underground facilities.
4. Convert from overhead to underground.

B. OVERHEAD POWERLINE ACTIVITIES

1. Repair and replace existing overhead facilities including poles, anchors, pad-mounted equipment, ground rods and risers provided there is no increase in size or capacity and replacement facilities are similar in type and function.
2. Install new service connections for TRPA-approved projects and for exiting improved properties.
3. Installation of temporary generators to alleviate planned and un-planned power outage impacts.

C. VEGETATION MANAGEMENT

1. Removal of trees less than or equal to 30 inches in diameter at breast height (DBH) in westside forest types and less than or equal to 24 inches in diameter in eastside forest types for public health and safety pursuant to Subsection 61.1.7 of the TRPA Code; and reasons for tree removal using the U.S Forest Service Region 5 (SR) guidelines for the determination of a hazard trees.

D. SUBSTATIONS

The repair, modification, or installation of control buildings foundations, equipment slabs, footings, poles, grounding, conduit, vaults, fencing and oil containment facilities at electrical substation sites within the confines of the existing land coverage areas (gravel areas within the fenced perimeter and access roads). Work completed under this exemption shall not result in the creation of additional land coverage and does not include site grading modifications over 60 cubic yards. The amount of excavation shall be the minimum necessary, and all stockpiling of spoil material shall be accomplished in accordance with TRPABMPS.

E. OPERATION CENTERS, (SUBSTATIONS), OTHER FACILITIES, AND MISCELLANEOUS ACTIVITIES

1. Gravel, pave, or repair existing compacted roadways provided that BMPs are in place, including dust control measures, providing roads are legally established.
2. Traffic control and lane closures for installation and maintenance activities proved any lane closures are limited to the minimum amount of time needed to complete that activity and, except for emergencies, do not occur during holidays or weekends.
3. Operation of portable generators, pumps and air compressors.
4. 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.
5. Demolition of structures provided the structure is not designated or pending designation on the TRPA Historic Resource Map, as amended from time to time.
6. Structural repair or remodeling which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor, or an increase in density.
7. Excavate and remove contaminated soil or other materials resulting from petroleum product or chemical spills.
8. Install observation wells and soil borings for groundwater monitoring and soil investigations.

F. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
 - a) Sediment basins not exceeding 300 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
 - g) Installation of temporary erosion control devices

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 50 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

G. FIRE PREVENTION ACTIVITIES

Liberty is required by state law to submit to the California Public Utilities Commission a Wildfire Mitigation Plan that implements a series of fire prevention improvements to the electric utility system in order to prevent catastrophic wildfire. The following fire prevention related activities are considered exempt:

1. *Situational Awareness:* Installation of situational awareness tools such as weather stations and fire monitoring cameras to existing utility poles and infrastructure with no creation of coverage.
2. *Tree Attachments:* Removal of electric infrastructure attached to trees and installing same on a newly installed pole.
3. *System Hardening:* Replacement of non-expulsive fuses, reclosers, lightning arresters, fire mesh pole wrap installation, and other pole-mounted equipment. Pole replacement is exempt if the pole replacement project does not exceed 60 cubic yards in excavation, is in land capability districts 4-7, pole height is not increased by more than 20% and the poles are not visible from a TRPA designated scenic shoreline or roadway corridor
4. *Public Safety Power Shutoff:* Liberty will implement public safety power outages in extreme fire weather conditions. Prior to re-energizing the lines, patrols will inspect the line to ensure that circuits are free of hazards that could cause a potential fire.

H. EMERGENCY WORK

The following emergency response activities can occur without prior notice and in land capability districts 1-7 during any time of the year. Notice will be provided to TRPA within 48 hours of the emergency event.

1. *Active Fire Response:* Liberty protection of utility facilities during active fires, including pole fire wrap, vegetation clearing, and any work deemed necessary to protect facilities from an active fire.
2. *Outage Response:* Liberty response to emergency outage situations, including downed poles with the potential to spill hazardous waste from downed transformers, imminent tree failures, and replacement of downed poles or circuit wire creating a significant public safety concern will be warranted using Liberty's discretion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of Liberty are not subject to review and approval by TRPA, provided Liberty certifies, on a form provided by TRPA, that the activity:

- Does not result in the creation of additional land coverage
- Excavation and backfilling does not exceed 100 cubic yards (unless modified below),
- Occurs during the grading season (May 1 to October 15)
 - Grading season exceptions can commence under the following circumstances:
 - Work occurs on land capability districts 4-7 or within an existing paved area or compacted road shoulder,
 - Excavation volumes do not exceed 25 cubic yards,
 - There is no active weather event in the 3-day forecast,
 - The site is stabilized and revegetated within 24 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code.
 - Notice of work is provided to TRPA 2 days before activity commences. A grading season exception is granted by TRPA based on a finding that either an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.
- Occurs in land capability districts 4-7 or within an existing paved area or compacted road shoulder
- The site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code.

The form shall be filed with TRPA at least 10 days before the activity commences. For those activities involving in excess of 100 cubic yards of excavation (as provided below), Liberty shall submit the form to TRPA at least 30 days before the activity commences. The following activities are in addition to the activities deemed "Qualified Exempt" pursuant to the TRPA code.

A. MISCELLANEOUS ACTIVITIES

1. Convert from overhead to underground or replace and/or repair existing underground facility including pipelines, conduit and conductor for a distance of not more than 5,280 lineal feet, provided all excavation is within an existing road right-of-way, there is no increase in capacity, relocations or conversions of facilities to underground are within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs. For scenic resource areas, photo documentation shall be provided to TRPA before and after the completion of work for purposes of TRPA Threshold analysis.

2. Installation of snow barrier walls to protect pad-mounted equipment, provided walls do not exceed 5 feet in height and 25 feet in length, are not visible from any TRPA-designated scenic roadway or shoreline unit, and are consistent with the TRPA Design Review Guidelines.

B. VEGETATION MANAGEMENT

1. TRPA grants emergency approval to remove Liberty-deemed, imminent hazard trees of any size in cases where TRPA offices are closed, personnel are unavailable, or conditions warrant immediate action. TRPA agrees to not delay such removals that threaten the safe and reliable operation of electric facilities. Notification by email to the TRPA within 24 hours of the removal shall include all the above noted tree data as well as a picture of the tree.

C. EROSION CONTROL AND RESTORATION ACTIVITIES

Installation of retaining walls not exceeding 50 feet in length and 3 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 Restoration of disturbed areas or two acres or less provided scarification does not exceed 6" in depth and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

D. FIRE PREVENTION ACTIVITIES

Liberty is required by state law to submit a Natural Disaster Protection Plan to the Public Utilities Commission of Nevada which will implement a series of fire prevention improvements to the electric utility system in order to prevent catastrophic wildfire. The following fire prevention related activities are considered Qualified Exempt:

1. *System Hardening:* Replacement of non-expulsive fuses, reclosers, lightning arresters, fire mesh pole wrap installation, and other pole mounted equipment. Pole replacement is exempt if the pole replacement project does not exceed 100 cubic yards in excavation, is in land capability districts 4-7 and pole height is not increased by more than 20% and the poles are not visible from a TRPA designated scenic shoreline or roadway corridor

E. MODIFICATION TO EXISTING STRUCTURES

Undergrounding of existing overhead facilities, installation of customer pad mounted transformers, vaults, junction enclosures, or other ground-mounted equipment is considered a modification to existing facilities. Modifications can be processed with a Qualified Exempt form providing the following:

1. The modifications do not increase electric generating capacity or growth inducing capacity.

2. Any new or relocated land coverage or disturbance is limited to 240 square feet in low capability land (Classes 1a, 1b, 1c, 2, or 3) and 1,000 square feet in high capability land (Classes 4, 5, 6, or 7). All new coverage must be mitigated in accordance with the TRPA Code of Ordinances prior to commencement of construction activities.

F. *RESOURCE PROTECTION MEASURES FOR OVER SNOW CONDITIONS*

In addition to the grading season exceptions listed above, Liberty operations outside of the normal operating period (over snow) may be approved when conditions allow. Conditions must be adequate to prevent erosion, sediment delivery to water bodies, and soil compaction. Operable conditions must be present on at least 85% of the treatment area and generally will include the following:

1. Frozen soil operations are permitted where operated vehicles, tractors, and equipment can travel without sinking into soil, road, and landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.
2. For over-snow operations, approximately 12 inches of compacted snow/ice will be maintained on undisturbed ground, and 6 inches of compacted snow/ice will be maintained on existing disturbed surfaces.
3. Springs, seeps, and other areas that do not freeze well or are soft will be flagged and avoided.
4. Operations will be monitored daily when working outside of normal operating period. Operations will cease when rain is probable or when temperatures rise above 65 degrees Fahrenheit to ensure that adequate snow and frozen soil depths are maintained, and that soil and water quality impacts are not occurring.
 - a) Equipment and materials will be moved to an area near pavement or at landings before conditions become inoperable.
5. Over snow and frozen soil operations in stream environments exclude ground-based equipment 25 feet from any intermittent or perennial channels.
6. Any temporary equipment staging areas or access points will be rehabilitated after project completion.

III. *TREATMENT AND ACCOUNTING OF COVERAGE*

It is understood by Liberty 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. Liberty 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 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, because of unusual circumstances, 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' notices in writing.

Liberty Utilities (CalPECO Electric) LLC

DocuSigned by:
Signature: Ed Jackson
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Printed Name: Ed Jackson, President, California Date 11/7/2023

TAHOE REGIONAL PLANNING AGENCY

DocuSigned by:
Signature: Julie W Regan
706C6E299F81438...

Printed Name: Julie W. Regan, Executive Director Date November 16, 2023

Legal Initials: DS 87 Date: 11/6/2023