

**TRPA
APC
PACKETS**

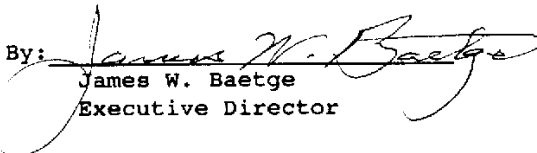
**JUNE
1994**

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, June 8, 1994, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

May 27, 1994

By:


James W. Baetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

June 8, 1994
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

- A. Finding of Technical Adequacy and Certification of the U.S. Forest Service Final EIS on the East Shore Timber Harvest Project 1
- B. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and the Lahontan Regional Water Quality Control Board to Exempt Certain Activities From TRPA Review 2-10
- C. Amendment of Plan Area Statement Map Boundaries by Adding APN 01-090-05, Which is Currently in Plan Area Statement 057, Spooner Lake, to Plan Area Statement 059, Shakespeare Point, Douglas County 11-17
- D. Amendment of Chapter 24, Driveway and Parking Standards; Chapter 26, Signs; Chapter 30, Design Standards; and the Stateline/Ski Run Community Plan to Adopt the Stateline/Ski Run Community Plan Standards and Guidelines for the Entire City of South Lake Tahoe 18-21
- E. Amendment of Chapter 4, Project Review and Exempt Activities, to Revise City of South Lake Tahoe MOU Regarding Implementation of the City-Wide Standards and Guidelines 22-28

- F. Amendment of Chapter 64, Grading Standards, Relating to Limitations on Depth of Excavation and Other Minor Amendments 29-
- G. Technical and Other Clarifying Amendments to Chapters 2, 4, 12, 20, 22, 24, 25, 28, 30, 33, 34, 35, 38, 78, 91, and 93 30-33
- H. Amendment of Chapters 2, 41, and 43 Relating to Subdivisions 34-36

VI. REPORTS

- A. Executive Director
- B. Legal Counsel
- C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Sands Inn Convention Center
3600 U.S. Highway 50, South Lake Tahoe, California

May 11, 1994

REGULAR MEETING MINUTES

Chairperson Joe Thompson called the regular May 11, 1994, meeting of the Advisory Planning Commission (APC) to order at 9:35 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Jepsen, Mr. Hust, Mr. Ruben (arrived at 10:15 a.m.),
Mr. Hansen, Ms. Baldriga, Ms. Sweigert, Mr. Oden, Mr. Dodds,
Ms. Beronio (arrived at 9:40 a.m.), Mr. Joiner,
Mr. Lawrence (arrived at 9:42 a.m.), Mr. Brooks, Mr. Haen,
Mr. Combs, Mr. Thompson, Ms. Jamin

Members Absent: Ms. Woodbeck, Mr. McCurry, Mr. Poppoff

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised that staff had no changes to the agenda.

III. PUBLIC INTEREST COMMENTS (No Action)

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldriga with a second by Mr. Jepsen to approve the April 13, 1994, regular meeting minutes as presented. The motion carried with Messrs. Dodds and Joiner abstaining.

V. PUBLIC HEARING AND RECOMMENDATIONS

- A. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvement in Vicinity of Parcel

Senior Planner Joe Pepi presented the staff summary to amend the existing map delineating water quality improvements in the vicinity of parcels as set forth in the APC packet. Mr. Pepi also presented three options for completing and updating the IPES water quality improvement scores.

(Ms. Beronio arrived at 9:40 a.m.)

(Mr. Lawrence arrived at 9:42 a.m.)

Since no one wished to comment on this issue, Mr. Thompson closed the public hearing.

APC REGULAR MEETING MINUTES May 11, 1994

MOTION by Mr. Haen to recommend adoption of staff's recommendation of Option 1, which gave partial credit for installing water quality improvements to all parcels within the water quality improvement areas as defined in the map that was produced in 1987. He also directed staff to work with the Erosion Control Task Force to investigate whether they could revise their guidelines to include an evaluation of Table G-1. Seconded by Mr. Dodds. The motion carried unanimously.

Mr. Hansen commented that the system needed to be reviewed and refined and looked at in terms of the hydrological unit and what the results of the cumulative affects are as the IPES scores were raised.

Mr. Thompson requested feedback as the system moved forward as to how efficient it was working in terms of available staff time.

B. Amendment of 1994-1998 List of Additional Public Service Facilities to Add the Following:

1. Fallen Leaf Lake New Water Intake and Treatment Facility
2. McKinney Water District Water Tank Replacement and Expansion

Associate Planner Paul Nielsen presented the staff summary amending the 1994-1998 List of Additional Public Service Facilities to add the Fallen Leaf Lake New Water Intake and Treatment Facility and the McKinney Water District Water Tank Replacement and Expansion.

Since no one wished to comment on this issue, Mr. Thompson closed the public hearing.

MOTION by Ms. Baldrice to add the Fallen Leaf Lake New Water Intake and Treatment Facility and the McKinney Water District Water Tank Replacement and Expansion to the 1994-1998 List of Additional Public Service Facilities. Seconded by Mr. Jepsen. The motion carried unanimously.

VI. REPORTS

A. Executive Director

Executive Director James Baetge commented that he was very pleased to be at the APC meeting, and particularly with the attendance. He hoped that in the future there would be closer interaction between the Advisory Planning Commission and the Governing Board.

B. Legal Counsel

Agency Counsel R. J. Nicolle commented that she and Special Projects Attorney Susan Scholley attended the 9th Circuit Court of Appeals argument in the Tahoe Sierra Preservation Council v. TRPA case in San Francisco. Ms. Scholley presented the actual arguments in the case. On May 13, 1994, a pretrial would be held in Sacramento in the TRPA v. Chase code enforcement matter involving

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illegal tree cutting and construction. The Douglas County Community Plan litigation filed by the League to Save Lake Tahoe and the Committee for Lake Planning were originally scheduled for May 13 but had been reset for July 29. An appeal had been filed in the Suitum v. TRPA case. Ms. Nicolle also commented that she would be taking the Nevada State Bar Examination in July and probably would not be attending the July APC meeting and most likely working part-time in June.

C. APC Members

Chairperson Joe Thompson commented on the letter APC members received from the Governing Board Chairman Wayne Chimarusti regarding recent attendance at the APC meetings. He proposed an informal meeting between he and any interested Commission members with Mr. Baetge, Mr. Wells and the Governing Board Chairman to discuss APC attendance and the relationship between the Governing Board and the Advisory Planning Commission and how they function together, what each of their roles are, and how the Governing Board viewed the APC's function. He welcomed comments from APC members.

Mr. Joiner commented that having alternates attend APC meetings would not be a solution in his case because of the difficulty of keeping abreast of current issues. The comments of an outside entity criticizing the APC for their lack of knowledge of an issue or are not being motivated and then mentioning they stopped attending APC meetings, should be taken with a grain of salt.

Mr. Joiner also mentioned that his Board of Directors would not entertain comments from an outside entity that were not addressed to the Advisory Board before going to the Governing Board. He said that it should be noted when an outside entity that represents a council or league goes before the Governing Board and voices comments and/or opinions that were not presented at the APC meeting. Mr. Joiner made the statement that it was not fair for outside people to criticize the APC for not responding to particular items when the APC members were not privileged to the information.

Ms. Baldrice agreed with Mr. Joiner's comments and believed people felt that the APC was not very important and what they do didn't matter in the scheme of things. Ms. Baldrice commented that it would be beneficial to know whether the Governing Board took the APC's comments serious. She also would like to receive some positive feedback from the Governing Board members. Ms. Baldrice believed that APC members would be more willing to attend meetings if they knew that their role as APC members was taken seriously by the Governing Board members.

(Mr. Ruben arrived at 10:15 a.m.)

Mr. Dodds commented that the day of the week in the which APC meetings were held was inconvenient for him because it conflicted with his Regional Board's meetings. He would like the role of the APC defined and the expectations of the Governing Board clearly spelled out. When a particular item was voted on, Mr. Dodds requested that the votes be reiterated and explained so APC members know exactly what they voted for. He commented that he had a personal problem with the irrelevance of some of the items that were presented on the agenda.

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Mr. Combs felt there was a sense of frustration on the part of APC members because they are excluded from voting on some important issues which is reflected in the occasional lack of full attendance. He commented that the role of the APC seemed to be diminishing and their votes didn't seem to matter. Mr. Combs suggested reexamining the APC voting structure.

Ms. Jamin agreed with Mr. Combs and also suggested that the APC could be valuable in looking at the streamlining issues that have been presented to the Governing Board and excluded from the APC. She also believed that some items could be delegated from the Governing Board to the APC that would give the APC a more valuable role. This would also streamline the process for applicants and staff members as well. Ms. Jamin also requested that the role of the APC be defined.

Executive Director Jim Baetge questioned if anything had been written as to the issues raised, and Mr. Wells replied that the APC's role was defined in the Rules of Procedures. Mr. Wells believed that a workshop would be a good way to develop a plan that would be beneficial to both the APC and Governing Board members.

Mr. Hansen commented that laypersons can't have someone substitute for them when they are not able to attend APC meetings which made it difficult in terms of achieving full attendance. He was of the opinion that a workshop with the Governing Board members would be very beneficial.

Mr. Jepsen suggested the APC agenda be sent out two months before the Governing Board meeting. He commented that sometimes items are heard by the Governing Board and not the APC.

Mr. Haen believed there was a closer peer contact between the APC and staff than the Governing Board. He wanted to make things easier for staff members so things go smoother at the Governing Board meetings.

Ms. Jamin was of the opinion that it would be beneficial for a Governing Board member to attend the APC meetings on a short-term basis.

Mr. Joiner was of the opinion that attendance at meetings was considerably less when they were held at the South Shore as opposed to the North Shore.

Mr. Dodds suggested that items of insignificant importance be omitted from the agenda.

Mr. Thompson commented that he planned to set up a meeting between the Governing Board and the APC members and hopefully, as a result, changes would be made. He thanked the APC members for their comments and suggestions.

Mr. Dodds commented that the Lahontan Regional Board approved an MOU with TRPA which would be presented to the APC in June for approval.

Mr. Hansen commented that a public hearing would be held on May 18th & 19th, 1994, regarding the Heavenly EIS on its master plan at the California Main Lodge.

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Ms. Jamin commented that the City Substitute Sign Ordinance was approved at the April Governing Board meeting.

Mr. Hust commented that a general planning item in-house had been taking place in El Dorado County recently and wasn't able to attend the APC meetings. He believed that it would be appropriate for the APC to meet with the Governing Board members.

Mr. Thompson asked Mr. Hust if he had received anything in writing about his role as an APC commissioner when he was appointed, and he replied no.

Mr. Thompson suggested that new APC members receive written information and meet with the TRPA staff so they are informed about what exactly their role as a member entails.

VII. ADJOURNMENT - Meeting adjourned at 10:45 a.m.


Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
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MEMORANDUM

May 31, 1994

To: Advisory Planning Commission

From: TRPA Staff

Subject: Final Environmental Impact Statement, U.S. Forest Service,
Proposed East Shore Timber Harvest Project

Staff Recommendation: Staff recommends that the Advisory Planning Commission make a finding of technical adequacy, and recommend to the Governing Board that they certify the Final Environmental Impact Statement (EIS) for the U.S. Forest Service's 10,000 acre East Shore Timber Harvest Project.

Background: In March 1994, the Advisory Planning Commission reviewed the Draft EIS at a public hearing and took public testimony. No recommendation was made to the Governing Board. The Governing Board also reviewed the Draft EIS and took public testimony at their March 1994 meeting. The public comment period for the Draft EIS closed on April 18, 1994.

The Final EIS addresses all the comments received during the circulation period for the Draft EIS. Staff has reviewed the Final EIS and found it to be adequate. This document is enclosed for your review. The final EIS and the project are scheduled for Governing Board action at their May 1994 meeting.

Officials from the U.S. Forest Service (who prepared the Draft EIS), will be present at the APC meeting and will give a brief summary of the document, including the identified environmental impacts of the proposed project. If you have any questions concerning this item, please contact Lyn Barnett in the TRPA Project Review Division at (702) 588-4547.

/pn
5/31/94

AGENDA ITEM V.A

Planning for the Protection of our Lake and Land

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
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MEMORANDUM

June 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and the Lahontan Regional Water Quality Control Board (Lahontan) to Exempt Certain Activities from TRPA Review

Proposed Action: Recommend to the TRPA Governing Board adoption of the attached MOU amending Chapter 4 of the Code of Ordinances to exempt certain activities reviewed by Lahontan from TRPA review.

Staff Recommendation

Staff recommends that the APC recommend Governing Board approval of the attached MOU and related ordinance amendments.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will delegate the review, permitting and enforcement of all Best Management Practice (BMP) retrofit projects involving existing commercial and tourist accomodation facilities (involving less than 2 acres of soil disturbance and no expansion or remodeling of the existing facility), and sewage spill and underground storage tank cleanup activities in the California portion of the Lake Tahoe Basin to Lahontan. As stated in the attached MOU, Lahontan will be required to review these projects/activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by Lahontan, the installation of BMP retrofit projects for existing commercial and tourist accomodation facilities (involving less than 2 acres of soil disturbance and no expansion or remodeling of the existing facility), and sewage spill and underground storage tank cleanup activities within the California portion of the Lake Tahoe Basin shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The Lahontan Regional Water Quality Control Board held a public hearing on April 14, 1994 at which time the Board approved the proposed MOU.

JW
6/1/94

AGENDA ITEM V.B.

Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by adding the following section:

- 4.4.F BMP Retrofit and Sewage Spill/Underground Storage Tank Cleanup Activities Within the California Portion of the Lake Tahoe Region:
As set forth in Appendix AA to this Chapter.

Environmental Documentation

The proposed amendment provides for the review and approval by Lahontan of certain activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationales upon which the findings are based, are set forth below.

- A. The project (ordinance) is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs;

The activities described in the proposed MOU will be reviewed, permitted and enforced by Lahontan consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of Lahontan and TRPA staff time as well as avoid the duplicative review process currently experienced by Lahontan, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

- B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will remain consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by Lahontan in accordance with all applicable TRPA regulations and are limited to only BMP retrofit projects for existing commercial and tourist accomodation facilities (involving less than two acres of soil disturbance and no expansion or remodelling of the existing facilities), and sewage spill and underground storage tank cleanup activities.

Any required land capability, existing coverage verifications or scenic evaluations will be conducted jointly with TRPA and Lahontan staff. Any activities which currently require Governing Board review, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

- C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project (ordinance) meets or exceeds such standards;

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

- D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and enforced consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

- A. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

The review and enforcement of BMP retrofit projects for existing commercial and tourist accomodation facilities, and sewage spill and underground storage tank cleanup activities is currently conducted by both Lahontan and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both Lahontan and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION,
AND THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB), through direction to the RWQCB's Executive Officer, and the Tahoe Regional Planning Agency (TRPA) Governing Body, through direction to TRPA's Executive Director, have agreed to enter into this Memorandum of Understanding (MOU), and

WHEREAS, Lake Tahoe is a designated Outstanding National Resource Water whose quality and beneficial uses are threatened by sediment and nutrient loading from a variety of sources. Control of these sources is of major interest to the States of California and Nevada and the federal government, and

WHEREAS, the Lahontan RWQCB is an agency of the State of California, empowered by the federal Clean Water Act, the Porter-Cologne Water Quality Control Act, and other federal and state laws to set water quality standards and to regulate activities in the California portion of the Lake Tahoe Basin which may have an adverse effect on water quality, and

WHEREAS, California's Water Quality Control Plan for the Lake Tahoe Basin provides that State water quality regulatory programs

"may be carried out in the absence of, or in addition to, regulation by local and regional agencies. Where review of individual projects is required, and adequate programs are adopted by local or regional agencies, review by water quality agencies can be waived to prevent duplication. State water quality programs setting general standards will be used in combination with programs by local and regional government, to provide backup enforcement."

The Lahontan RWQCB has recognized TRPA's authority and regulatory program as adequate to meet the criteria above for several types of projects and activities, and

WHEREAS, TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Lake Tahoe Basin which may have a substantial effect on the natural resources of the Basin, including water quality. The Compact also directs TRPA to ensure attainment of state and federal environmental standards, and to define which activities are exempt from TRPA review and approval. TRPA defines exempt activities in Chapter 4 of its Code of Ordinances, and

WHEREAS, all activities described in this 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. All activities undertaken by the Lahontan RWQCB pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances, 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, and

WHEREAS, the Lahontan RWQCB and TRPA are both responsible for implementing the bi-state Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") and TRPA is recognized as one of the implementing agencies for certain California water quality control plan provisions applicable to the Lake Tahoe Basin. These plans require compliance with water quality standards and the installation of Best Management Practices (BMPs) for the control of erosion and stormwater on all improved properties in the California portion of the Lake Tahoe Basin, and prohibit disturbance of Stream Environment Zones, with limited exceptions, and

WHEREAS, the Lahontan RWQCB and TRPA are interested in developing a cooperative approach toward implementation of water quality plan provisions related to control of erosion, sediment, and wastewater, and cleanup activities for leaking underground tanks, and

WHEREAS, the Lahontan RWQCB and TRPA recognize that areas of overlapping authority and regulatory effort exist in the operations of the two agencies, and that it will be mutually beneficial to the RWQCB, TRPA, and the regulated community to avoid unnecessary duplicative regulation.

NOW THEREFORE, the Lahontan RWQCB and TRPA agree as follows:

1. Each agency will assume either primary or secondary responsibility for the types of projects listed in Paragraphs 2 and 3 below. The agency with primary responsibility will review project proposals, issue permits, conduct inspections, and take enforcement action as necessary to ensure compliance with permits. The other agency will not normally issue a permit, but may consult with staff of the primary agency as provided in Paragraph 10 below, and may also use its full regulatory authority when necessary as described in Paragraph 9 below.
 2. The Lahontan RWQCB will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:
 - a. Review, permitting, and enforcement to ensure retrofit of BMPs on properties which:
 - (1) have existing commercial and tourist accommodation improvements, and
 - (2) do not involve any expansion or remodeling of the facilities, and
 - (3) the owner(s) of the property are voluntarily proposing to install the BMPs required by Section 25.3, Chapter 25 of TRPA's Code of Ordinances and have applied to the Regional Board for waste discharge requirements to regulate the installation.
- (RWQCB staff will coordinate with TRPA to determine the significance of any previous TRPA actions affecting the subject parcels in relation to pending applications for BMP retrofit.)
- b. Site assessment, investigation and enforcement related to sewage spills from sewage collection, treatment, and export facilities.