

APPENDIX RR
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
AGATE BAY WATER COMPANY

JULY 2010

This Memorandum of Understanding is entered into this 13th day of July 2010, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board and the AGATE BAY WATER COMPANY by and through its General Manager.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the TRPA's Regional Plan as adopted by Ordinance No. 87-9, and 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 Chapter 4 of The TRPA Code. All activities undertaken by the AGATE BAY WATER COMPANY 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 AGATE BAY WATER COMPANY, 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 (unless modified below), and the site is stabilized and 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:
 - a. There is no increase in size or capacity, except as required by California Public Utilities Commission Rule 103, and;
 - b. The replacement facilities are similar in type and function.
2. Installation of new service connections for TRPA-approved projects, and for existing improved properties which have abandoned their existing wells, or that require fire protection service, provided there is no increase in development potential.

3. Pruning of vegetation around water facilities and within easement areas provided no vegetation is removed.
4. Installation of new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within an existing paved roadway or compacted road shoulder, provided there is no increase in capacity.
5. Determination of the physical location of existing underground lines and appurtenances.
6. Installation of observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.
7. Repair of emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.
8. Flushing of wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system and all required temporary BMPs are in place.

B. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or as 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.

C. STRUCTURES

1. Demolition of structures, provided the structure is not designated or pending designation on the TRPA Historic Resource Map, as amended from time to time.
2. Structural repair or remodeling where the value of the materials is less than \$10,000 per year, and 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.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices, including but not limited to:
 - 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 areas.

- d. Rock-lined ditches.
 - e. Willow wattling.
 - f. Access barriers, i.e., bollards and split-rail fencing.
 - g. 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 fill does not exceed a total of 20 cubic yards.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of the AGATE BAY WATER COMPANY are not subject to review and approval by TRPA, provided AGATE BAY WATER COMPANY 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, that excavation and backfilling does not exceed 25 cubic yards (unless modified below), that the excavation and backfilling 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 (unless modified below), that the site is stabilized and revegetated within 72 hours to prevent erosion, and that 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 an excess of 25 cubic yards of excavation (as provided below), the AGATE BAY WATER COMPANY 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. Replacement of existing water lines and service connections for a distance of not more than 2,000 linear feet, provided:
 - a. All excavation is within an existing road right-of-way or easement;
 - b. There is no increase in capacity except as required by California Public Utility Commission Rule 103;
 - c. Relocation of main lines is within existing paved areas or compacted road shoulders;
 - d. The amount of excavation is the minimum necessary, and;

- e. All stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
2. Repair or replacement of existing water intake lines (involving no dredging), vertical wells, horizontal wells, or infiltration galleries with facilities of similar type and function, provided there is no increase in size or capacity.
 3. Installation of new water lines and service connections for a distance of not more than 750 linear feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing wells, provided:
 - a. All excavation is within an existing road right-of-way or easement;
 - b. There is no increase in capacity except as required by California Public Utility Commission Rules 103;
 - c. There is no increase in development potential;
 - d. The main line is within an existing paved area or compacted road shoulder;
 - e. The amount of excavation is the minimum necessary, and;
 - f. All stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

B. ROADS, DRIVEWAYS AND PARKING AREAS

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

C. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 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 (Chapter 1, Guideline C(7) and Section 30.13.C(2) of the TRPA Code).
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 AGATE BAY WATER COMPANY and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess land coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the TRPA Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The AGATE BAY WATER COMPANY 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, 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.

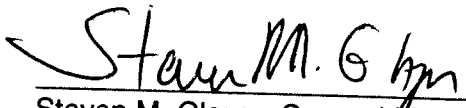
V. MOU MONITORING ANNUAL FEES

The AGATE BAY WATER COMPANY shall pay an annual MOU monitoring fee to the TRPA by July 1 of each year. The fee shall be paid as established by the TRPA filing fee schedule in effect at the time payment is due. The initial monitoring fee of \$920 shall be due at the time this MOU is signed by the AGATE BAY WATER COMPANY.

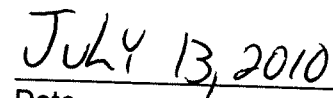
VI. TERMINATION

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

AGATE BAY WATER COMPANY

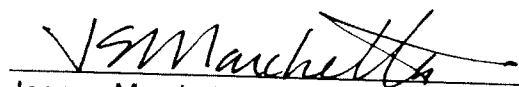


Steven M. Glazer, General Manager

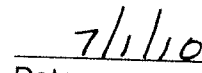


Date

TAHOE REGIONAL PLANNING AGENCY



Joanne Marchetta, Executive Director



Date