

Appendix WW

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CALIFORNIA PACIFIC ELECTRIC COMPANY d/b/a Liberty Energy

January, 2012

This Memorandum of Understanding (MOU) is entered into this 12th day of January, 2012, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and California Pacific Electric Company d/b/a Liberty Energy, by and through its President & General Manager.

All activities described in the 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 Chapter 4 of the TRPA Code. All activities undertaken by Liberty Energy 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 requirements are applicable to all exempt activities:

- Excavation or backfilling work cannot exceed 20 cubic yards (unless modified below);
- Work performed during the grading season (May 1 to October 15) must be limited to land capabilities districts 4 through 7, existing paved areas,

or compacted road shoulders. or Work performed outside of the grading season must be limited to emergency repairs due to damage from natural disasters;

- All sites must be stabilized and/or re-vegetated within 72 hours following project completion to prevent erosion.

The following activities of Liberty Energy, in addition to those exempt pursuant to Chapter 4 of the TRPA Code, are not subject to review and approval by TRPA.

A. UNDERGROUND ACTIVITIES

1. Repair, maintenance, 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. Installation of new service connections for TRPA-approved projects and for existing improved properties.
3. Determining the location of existing underground facilities.
4. Conversion of facilities from overhead to underground

B. OVERHEAD POWERLINE ACTIVITIES

1. Repair and replacement of 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.

C. VEGETATION MANAGEMENT

1. Removal of trees less than or equal to 30 inches in diameter at breast height (DBH) in west-side forest types and less than or equal to 24 inches DBH in east-side forest types for public health and safety pursuant to Subsection 71.5 of the TRPA Code and the Determination for Hazard Tree Removal criteria using the U.S Forest Service Region 6 (R6) Field Guide for Danger Tree Identification and Response.
2. Removal of trees or other vegetation less than or equal to 30 inches in diameter at breast height (DBH) in west-side forest types and less than or equal to 24 inches DBH in east-side forest types for Power Line Hazard Reduction and Power Line Clearance Requirements for compliance with California Code of Regulations

Title 14, Section 1257, Public Resource Code Sections 4292 and 4293.

D. SUBSTATIONS

1. 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 20 cubic yards. The amount of excavation shall be the minimum necessary, and all stockpiling of spoil material shall be accomplished in accordance with TRPA's BMP regulations.

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

1. Gravel, pave, or repair legally-established, existing, compacted roadways provided that BMPs are in place, including dust control measures.
2. Traffic control and lane closures for installation and maintenance activities provided any lane closures are limited to the minimum amount of time needed to complete that activity and, with the exception of 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. Excavation and removal of contaminated soil or other materials resulting from petroleum product or chemical spills.
8. Installation of 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 20 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.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of Liberty Energy are not subject to review and approval by TRPA, provided Liberty Energy certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage, does not involve the excavation and/or backfilling of material greater than 35 cubic yards, occurs during the grading season (May 1 to October 15) 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 30 days before

the activity commences. For those activities involving in excess of 35 cubic yards of excavation Liberty Energy shall submit the form to TRPA at least 30 days before the activity commences for further review and determination as to whether a permit is required. The following activities are in addition to the activities deemed "Qualified Exempt" pursuant to Chapter 4 of the TRPA code.

A. MISCELLANEOUS ACTIVITIES

1. Conversion from overhead to underground or replacement and/or repair of 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. Removal of trees greater than 30 inches in DBH in west-side forest types and greater than 24 inches in eastside forest types for public health and safety pursuant to Subsection 71.5 TRPA Code and the Determination for Hazard Tree Removal criteria using the U.S Forest Service Region 6 (R6) Field Guide for Danger Tree Identification and Response provided that the TRPA has been notified in writing or email and has approved the tree removal. Notification shall include the following data: species, diameter (DBH), defect, GPS coordinate or other description of the tree

location, live or dead status of the tree, and the potential target of the tree in the event of a failure.

2. Removal of trees or other vegetation greater than 30 inches in diameter at breast height (DBH) in west-side forest types and greater than or equal to 24 inches in diameter in east-side forest types for Power Line Hazard Reduction and Power Line Clearance Requirements for compliance with California Code of Regulations Title 14, Section 1257, Public Resource Code Sections 4292 and 4293 provided that the TRPA has been notified in writing or email and has approved the tree removal. Notification shall include the following data: species, diameter (DBH), defect, GPS coordinate or other description of the tree location, live or dead status of the tree, and the potential target of the tree in the event of a failure.

C. EROSION CONTROL AND RESTORATION ACTIVITIES

1. 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.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by Liberty Energy 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 Energy 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 thirty (30) days notices in writing.

CALIFORNIA PACIFIC ELECTRIC COMPANY d/b/a Liberty Energy


DATED: January 12, 2012



Michael Smart
President & General Manager

TAHOE REGIONAL PLANNING AGENCY

DATED: 1/23/12



Joanne Marchetta,
Executive Director

