

APPENDIX B

MEMORANDUM OF UNDERSTANDING  
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND  
CALIFORNIA TAHOE CONSERVANCY

This Memorandum of Understanding is entered into this 30th day of August, 1988, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the CALIFORNIA TAHOE CONSERVANCY (CTC), by and through its Chief Executive Officer.

All activities described in this 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. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. It is also understood that all activities undertaken by the California Tahoe Conservancy (CTC) 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 on California Tahoe Conservancy land, in addition to those exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES

1. Operation of recreation sites and facilities.
2. Operation of visitor information and interpretive services.
3. Landscaping and revegetation.

B. SIGNING

1. Installation of signs not in excess of 25 square feet per parcel.

C. HISTORIC RESOURCES

1. Inventory, protection, maintenance, and disposition of historic resources.

D. ROADS AND TRAILS

1. Maintenance of existing roads, trails, bridges, and related structures provided the activity does not occur in the shorezone.

2. Land surveys, corner recovery, remonumentation and land-line posting.
3. Maintenance of existing dams provided there is no change in holding capacity.
4. Excavation and backfilling for an area not in excess of seven cubic yards, provided the activity occurs during the grading season (May 1, to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

### III. QUALIFIED EXEMPT ACTIVITIES

The following activities on California Tahoe Conservancy land are not subject to review and approval by TRPA, provided CTC 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, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one working day before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

#### A. RECREATION ACTIVITIES

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

#### B. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.

#### C. FISH AND WILDLIFE

1. Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake.

#### D. FIRE PROTECTION

1. Prescribed burning.

#### E. EROSION CONTROL AND RESTORATION ACTIVITIES

4. Installation of water lines for a distance of not more than 500 feet lineal feet, provided the water line is not located in a SEZ.

IV. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the CTC 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. The CTC shall report on the status of coverage or disturbed land which has been restored or retired during the reporting period, to the Executive Director of TRPA periodically in conjunction with the periodic reports required by Paragraph V.B.7 of the CTC/TRPA Land Coverage Banking MOU, dated February 18, 1988.

V. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director of TRPA 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.

VI. TERMINATION

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

CALIFORNIA TAHOE CONSERVANCY

DATED: September 19, 1988

Dennis T. Machida  
Dennis Machida  
Chief Executive Officer

TAHOE REGIONAL PLANNING AGENCY

DATED: 30 Aug 88

W. A. Morgan  
William A. Morgan  
Executive Director