

Amended 10/25/89,
Appendix C

APPENDIX C
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
NEVADA DIVISION OF STATE PARKS

AUGUST 1989

This Memorandum of Understanding is entered into this 30th day of October, 1989, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and NEVADA DIVISION OF STATE PARKS (NDSP).

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 Nevada Division of State Parks (NDSP) 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 NDSP 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 in compliance with the California Department of Parks and Recreation Sign Handbook, 1973.
- 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.
- E. STRUCTURES
 - 1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.
 - 2. Structural repair or remodeling less than \$5,000 per structure per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, 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.
- F. FISH AND WILDLIFE
 - 1. Protection of wildlife habitat and fisheries, provided there is no modification of streams. Stream modification shall include any alteration of a stream profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.
 - 2. Establishment of wildlife viewing stations.
- G. FIRE PROTECTION
 - 1. Vegetation management for fire prevention purposes.
- H. SCIENTIFIC RESEARCH AND MONITORING
 - 1. Installation of instruments for scientific research and monitoring.

I. Erosion Control and Restoration Activities

1. Installation of erosion control measures such as:
 - a. Retaining walls not exceeding 60 feet in length
 - b. Sediment basins not exceeding 150 square feet in size
 - c. Swales
 - d. Rock slope protection
 - e. Rock-lined ditches
 - f. Fences
 - g. Willow wattling
 - h. Barriers
2. Restoration of disturbed areas of one acre or less.

J. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Sections 7.5 and 7.6. of the Code, provided that the temporary activity shall not create noise in excess of the noise limitations of Chapter 23 of the Code.
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.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on NDSP land are not subject to review and approval by TRPA, provided NDSP 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. Modifications shall include any alteration of a stream or lake profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

D. FIRE PROTECTION

1. Prescribed burning.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measure is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class 1 bikepaths, or from a developed recreation site.
2. Restoration of stream environment zones (SEZ).
3. Restoration of disturbed areas exceeding one acre in size.

F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they are performed under the supervision of a forester, do not exceed 30 acres, and meet the standards and practices of Chapter 71:
 - a. Timber stand improvement projects, pruning, thinning, removal of hazardous, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.

- b. Protection and enhancement of rare, endangered, threatened, sensitive, and special interest plant associations.
- c. Protection and enhancement of wildlife habitat.
- d. Fuelwood sales and wood permits.
- e. Commercial timber sales.

G. MISCELLANEOUS

- 1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.
- 2. Installation of undergrounding of utilities for a distance of not more than 500 lineal feet provided the undergrounding does not occur in a SEZ.
- 3. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length, if the service connection is located entirely on NDSP land and is at least 100 feet from privately owned land.
- 4. Installation of water lines for a distance of not more than 500 lineal feet, provided the water line is not located in a SEZ.

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

It is understood by the NDSP 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 NDSP shall report to the Executive Director of TRPA annually the status of coverage or disturbed land which has been restored or retired.

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.

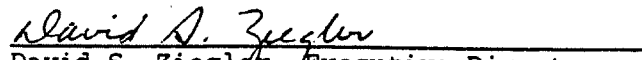
V. TERMINATION

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

State of Nevada:

Tahoe Regional Planning Agency:

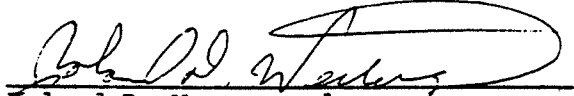

John Richardson, Administrator
Nevada Division of State Parks


David S. Ziegler, Executive Director
Tahoe Regional Planning Agency

11.9.89
Date

October 30, 1989
Date


APPROVED STATE OF NEVADA:


Roland D. Westergard
Department of Conservation
and Natural Resources

11/16/89
Date

APPROVED AS TO FORM:

Brian McKay
Attorney General

By: 
Mark Ghan
Deputy Attorney General

11/13/89
Date