

## APPENDIX D

### MEMORANDUM OF UNDERSTANDING BETWEEN TAHOE REGIONAL PLANNING AGENCY AND CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

This Memorandum of Understanding is entered into this 23<sup>rd</sup> day of May, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (DPR).

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 Chapter 4 of the TRPA Code. It is also understood that all activities undertaken by the California Department of Parks and Recreation (DPR) 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 DPR land, in addition to those exempt pursuant to Chapter 4 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 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, parking areas, trails, bridges, and related structures provided the activity does not occur in the shoreline.

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.

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 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.

J. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Chapter 7 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 capacity.
3. Maintenance of existing dams provided there is no change in holding capacity.
4. Excavation and backfilling for an area not in excess of 10 cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6 & 7 and the excavation site is stabilized and revegetated with 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on DPR land are not subject to review and approval by TRPA, provided DPR 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 30 working days 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 Chapter 20 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Chapter 4 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 are approved by the California Department of Fish and Game, and are included in the Environmental Improvement Program.

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 measures is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class I bike paths, or from a developed recreation site.
2. Restoration of stream environment zones (SEZ).
3. Restoration of disturbed areas of two acres or less provided scarification does not exceed 6" in depth and excavation 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.

F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 100 acres, and meet the standards and practices of Chapter 71:
  - a. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal of slash burning, 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. Fuel wood sales and wood permits.
  - e. Commercial timber sales.

F. MISCELLANEOUS ACTIVITIES

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, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.
2. Installation of undergrounding of utilities 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 DPR land and is at least 100 feet from privately owned land and is not visible from a TRPA designated Scenic Shoreline or Roadway Travel Route or a recreation area identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, as amended.
4. Installation of water lines, provided the water line is not located in a SEZ.

#### H. STRUCTURES

1. Structural repair or remodeling 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.
2. Structural improvements to facilities/grounds to bring the facility in compliance with Best Management Practices requirements. DPR shall report annually to the TRPA on all BMP activities. Said reports shall include at a minimum the following information:
  - BMP cost by type
  - Watershed Identification
  - Schedule of completion
  - Operation and Maintenance Plans

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

It is understood by the DPR 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 DPR shall report to the Executive Director of TRPA annually on 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.

CALIFORNIA DEPARTMENT OF  
PARKS AND RECREATION

Dated: 5/11/99

  
Robert G. Macomber  
District Superintendent

TAHOE REGIONAL PLANNING AGENCY

Dated: 5-10-99

  
James W. Baetge  
Executive Director