

APPENDIX Q

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
TCI CABLEVISION OF CALIFORNIA, INC.

February 1992

This Memorandum of Understanding is entered into this 26th day of February 1992, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and TCI Cablevision of California, Inc. (TCI Cablevision), by and through its General Manager.

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. 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 Subsection 4.3.A(7) of the TRPA Code. All activities undertaken by TCI Cablevision 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 TCI Cablevision, 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, filling 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 or compacted road shoulder, the activity is completed within 48 hours, and the site is stabilized and/or revegetated to prevent erosion.

A. UNDERGROUND FACILITIES

1. Repair and replacement of existing underground facilities such as vaults, pedestals, power supplies and protective barrier posts provided there is no increase in size or capacity and the replacement facilities are similar in type and function.
2. Install new service connections for TRPA-approved projects, and for existing improved properties.
3. Locate existing underground facilities.

B. OVERHEAD FACILITIES

1. Repair and replacement of existing overhead facilities including poles, anchors, ground rods, and risers provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

C. OTHER FACILITIES AND MISCELLANEOUS ACTIVITIES

1. Gravel existing 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 the 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. Interior remodeling provided there is no change or intensification of use, no increase in density, and no structural remodeling in excess of \$20,000.
7. Install observation wells and soil borings for groundwater monitoring and soil investigations.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
 - 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 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.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of TCI Cablevision are not subject to review and approval by TRPA, provided TCI Cablevision 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, excavation, filling and backfilling does not exceed 25 cubic yards (unless modified below), 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, the site is stabilized within 48 hours to prevent erosion, and 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 in excess of 25 cubic yards of excavation (as provided below), TCI Cablevision 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. MISCELLANEOUS ACTIVITIES

1. Convert from overhead to underground or replace and/or repair existing underground facilities including conduit and conductor for a distance of not more than 2500 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.
2. Install new overhead service connections for TRPA-approved projects and existing improved properties provided the service connection is not visible from any TRPA-designated scenic roadway or shoreline unit, and is not located within 300 feet of any designated scenic highway corridor right-of-way in urban corridors, within 1000 feet in rural transistion corridors, and within one-half mile in rural corridors.

3. 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 (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code.
4. Tree removal for public health and safety pursuant to Section 71.4.E(2) of the TRPA Code provided the trees are approved and marked by the appropriate state forestry agency.
5. Excavate and remove contaminated soil or other material resulting from petroleum product or chemical spills provided documentation of notice to the local Environmental Health Department is submitted to TRPA.

B. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 25 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, Section 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 TCI Cablevision 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. TCI Cablevision 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

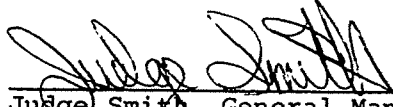
Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

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

TCI CABLEVISION OF CALIFORNIA, INC.


DATED: March 6, 1992



Judge Smith, General Manager

TAHOE REGIONAL PLANNING AGENCY

DATED: March 2, 1992



David S. Ziegler, Executive Director