

# EXEMPT/QUALIFIED EXEMPT SHOREZONE INFORMATION PACKET

## I. EXEMPT SHOREZONE ACTIVITIES CRITERIA

### MAINTENANCE AND REPAIR

#### DEMOLITION OF STRUCTURES LESS THAN 50 YEARS OLD

Maintenance and repair include the replacement and repair of windows, doors, siding, roofing, decking, and electrical and mechanical equipment, and replacement of not more than 6 piles.

1. The activity includes replacement of no more than 6 piles (more than 6 piles requires a QE Declaration)
2. Temporary construction best management practices are implemented, and all below-water construction activities occur from October 1 through April 30 if in spawning habitat
3. No discharge to the waters of the region
4. No disturbance to the backshore or lake substrate (except as associated with pile replacement)
5. No disturbance to Tahoe Yellow Cress habitat
6. The structure is legally existing with respect to TRPA requirements and has not been unserviceable for the last three years
7. The structure is in accordance with the design standards in Chapter 83.11 of the TRPA Code of Ordinances
8. The work does not result in additional land coverage or a change in use or an increase in the dimensions of the structure including height, width, and length
9. Land coverage must be verified as a separate TRPA application.

### LOT CONSOLIDATION

1. A deed restriction that permanently consolidates the parcels is recorded by the affected owners
2. No parcel is subdivided or has its boundaries changed (other than by the elimination of the boundary line(s) separating the consolidated parcels)
3. No reduction in recreational access occurs through the consolidation

### WATER ORIENTED ACTIVITIES

1. Dispersed outdoor recreation activities that do not require the construction of permanent structures
2. Public law enforcement uses that do not require the construction of permanent structures
3. Scientific studies and research projects that do not require the discharge of substances or the placement of structures or the disturbance of land or lake bottom in the lakezone, lagoons or shorezone of the Region

### BUOY MAINTENANCE

1. Replacement of buoy floats and chains for buoys permitted by TRPA

### BEACH RAKING

1. Beach raking activities covered by a Memorandum of Understanding (MOU)

## **TEMPORARY ACTIVITIES**

1. Does not cause impacts to TRPA Environmental Threshold Carrying Capacities.
2. Does not cause parking on unpaved areas
3. Does not create or relocate land coverage or disturbance
4. Does not require closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. Highway 50 at any point between the South Wye and Kingsbury Grade for any period of time
5. Does not create noise in excess of the limits allowed in Chapter 68 of the TRPA Code of Ordinances
6. Does not exceed fourteen consecutive calendar days in duration and will not occur more than four times in a calendar year
7. If the location of the activity is unpaved, it has not been used for temporary projects more than four times the past calendar year

## **II. QUALIFIED EXEMPT SHOREZONE ACTIVITIES CRITERIA**

### **MAINTENANCE OR REPAIR**

#### **DEMOLITION OF STRUCTURES LESS THAN 50 YEARS OLD**

1. The activity is ordinary maintenance and repair allowing the replacement of more than 6 piles
2. Reconstruction of an existing structure, so long as grading or lake bottom disturbance is not beyond that required for replacement of piles and does not include public access accommodations. Such projects may be reviewed under Express Check Permitting ([link](#)).
3. The activity does not involve reconstruction of a jetty or breakwater nor the replacement of vertical revetments
4. The activity does not result in a change of use or an increase in the area or dimensions of the structure, including height, width, length or overall area
5. The activity does not include the relocation of a structure
6. No excavation, grading, or filling occurs below the highwater line (elevation 6229.1), except for the following:
  - a. Driving or removing piles
  - b. Repair of jetties or breakwaters when performed in compliance with all applicable TRPA shorezone BMPs
7. Any associated excavation, filling or backfilling located above the highwater line (elevation 6229.1 feet Lake Tahoe Datum) is:
  - a. Completed within 48-hours
  - b. Has a volume of no more than three cubic yards
  - c. Is stabilized to prevent erosion, and
  - d. Does not involve grading activities, in a single event or series, that cumulatively exceed seven cubic yards
8. The structure is legally existing and has not been unserviceable for the last three years
9. The property has a BMP Certificate of Completion or the applicant provides a BMP schedule of implementation
10. Any impact to fish habitat from the driving or removing of piles is mitigated and any areas of fish habitat previously disturbed by removed piles is restored

11. If the activity is in shorezone areas containing spawning gravels, construction activity occurs between October 1 and April 30 unless authorized by TRPA
12. The applicant certifies that it has contacted all appropriate public agencies or private entities, including those to ensure that any element of the activity will not affect any underground activities
13. The applicant certifies that the activity will not adversely affect Tahoe Yellow Cress or other sensitive plant species and will implement any mitigation if necessary

#### **DEMOLITION OF STRUCTURES 50 YEARS IN AGE OR GREATER**

1. The Qualified Exempt Declaration is accompanied by the results of a TRPA historic determination
2. The structure, improvement, or facility is not designated, pending, or eligible for designation, on the TRPA Historic Resource Map
3. Any associated excavation, filling or backfilling located above the highwater line (elevation 6229.1 feet Lake Tahoe Datum) or the equivalent highwater line at other lakes) is:
  - a. Completed within 48-hours
  - b. Has a volume of no more than three cubic yards
  - c. Is stabilized to prevent erosion
  - d. Does not involve grading activities, in a single event or series, that cumulatively exceed seven cubic yards

#### **CHANGE IN OPERATION**

1. The project creates less than 100 additional vehicle trips and adds less than five additional motorized watercrafts
2. There is no change from one use classification to another
3. The resulting use is allowed by Chapter 81 in the TRPA Code of Ordinances
4. There is no increase in impacts to TRPA Environmental Threshold Carrying Capacities (e.g. noise, air quality, water quality, etc.)
5. The applicant pays the applicable TRPA air quality mitigation fee

#### **SIGNS**

1. Placement above highwater of signs that relate to navigation, public access, or resource protection and no more than one additional sign for other purposes. Maximum size up to 12" x 18" in accordance with the sign standards in Chapter 38 of the TRPA Code of Ordinances.

#### **NAVIGATION**

1. Relocation of boulders for navigational purposes provided that the character and habitat function throughout the project area is maintained and the relocation is consistent with Chapter 67. This does not include removal, modification, or destruction of boulders.

#### **STORAGE RACKS**

1. Placement above highwater of racks for storage of non-motorized watercraft by homeowner's associations, provided they are screened from the lakeshore and adjacent public roadway

#### **BUOY MAINTENANCE**

1. The repair or replacement of an existing anchoring device for a buoy permitted by TRPA

## **FENCE REPAIR**

1. The fence is at least 90 percent open and kept free of debris
2. A fence extending below the highwater line must telescope landward, or be modified so that it telescopes landward, in order to prevent it from extending into the lake during high water levels

## **TAHOE KEYS**

1. The repair or reconstruction of legally existing piers, slips, floating swim platforms and shoreline protective structures in Tahoe Keys lagoons

## **BUOY INSTALLATION FOR PUBLIC AGENCY OR WATER PURVEYOR**

1. Installation of buoy and associated anchoring device for navigational purposes

## **III. PROCESS FOR EXEMPT/QUALIFIED EXEMPT SHOREZONE ACTIVITIES**

### **Step 1: Determine what type of review your project requires:**

**Exempt:** Review the criteria listed on the Exempt Activity list in this packet. If your project is exempt, you may proceed without notification to TRPA. Please note, you may still require a permit from another agency.

**Qualified Exempt**—Review the criteria on the Qualified Exempt Activity list in this packet. If your project is Qualified Exempt, review the submittal requirements and submit using the Qualified Exempt Shorezone declaration form.

**Express Check**-Pier reconstructions (in kind) are eligible for expedited “Express Check” permitting.

**TRPA Permit**—If your project falls outside the Exempt/Qualified Exempt categories, you will need to apply for a permit using the Shorezone application.

### **Step 2: Review the TRPA Shorezone development standards for Exempt and Qualified Exempt activities in TRPA [Code of Ordinances](#) Chapter 82**

### **Step 3: Determine the [fish habitat](#) designation for the project area.** All work causing disturbance to spawning or feed and cover habitat requires a mitigation or restoration plan. Projects in spawning habitat are limited to a construction season of October 1 to April 30 to avoid adverse impacts during the spawning season.

### **Step 4: Request a Tahoe Yellow Cress survey.** If the proposed activity will impact the shorezone lakeward of lake bottom elevation 6,229 feet Lake Tahoe Datum, a Tahoe Yellow Cress (TYC) survey must be completed during the growing season immediately prior to the date of the activity (June 15-September 30). If TYC is found, a mitigation plan will be required. Note: a TYC survey is not required if a project is lakeward of the low water line (elevation 6,223 feet Lake Tahoe Datum) and construction activity will not occur between the high water line (6,229.1 feet Lake Tahoe Datum) and low water line.

### **Step 5: Determine if Best Management Practices have been completed.** Look up the property’s BMP compliance status on the [Parcel Tracker](#). If a certificate has not yet been issued, you will be required to submit a schedule for BMP installation as part of your Qualified Exempt declaration. Additional applications will not be considered until a BMP certificate or source control certificate is issued.

### **Step 7: Obtain other necessary agency approvals prior to beginning work (see resources below)**

### **Step 8: Submit your Shorezone QE Declaration form and checklist items to TRPA.**

## IV. DEFINITIONS RELATED TO THE SHOREZONE

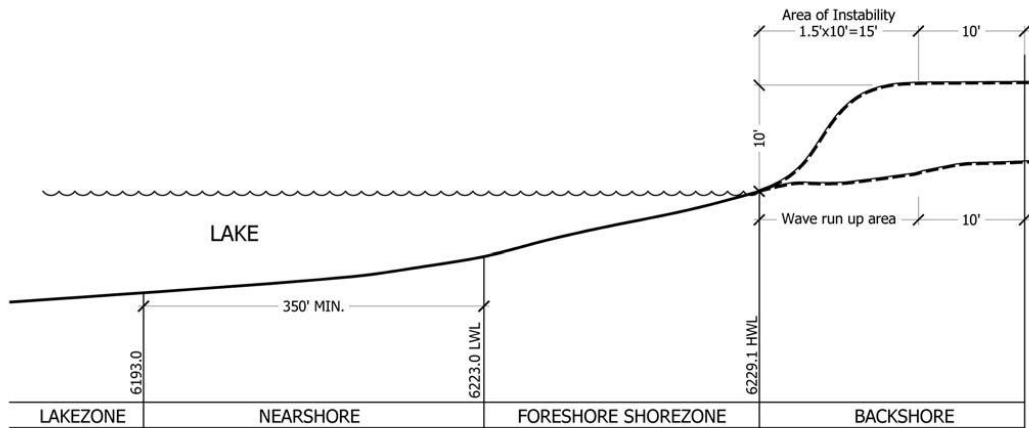
**Nearshore:** the area extending from the low water elevation of Lake Tahoe (6,223 feet) to a lake bottom elevation of 6,193 feet, but in any case, a minimum lateral distance of 350 feet measured perpendicular from the shoreline. In lagoons and lakes other than Lake Tahoe, the nearshore extends to a depth of 25 feet below the low water elevation.

**Foreshore:** The area between the low and highwater elevation.

**Backshore:** The lakeward limit of the backshore is at the high water elevation. The landward limit of the backshore is established using one of the following criteria, whichever establishes the wider backshore:

- Wave Run-Up: The area of wave run-up, plus ten feet
- Instability: The area of instability, plus 10 feet. The area of instability is measured landward from the highwater line a horizontal distance equal to 1.5 times the height of the bluff located adjacent to the shoreline. As an alternative, the area of instability may be determined through a report prepared by a licensed engineering geologist or soils engineer.

**Lakezone:** The area of the lake located beyond the lakeward limits of the nearshore.



SHOREZONE - LAKEZONE DIAGRAM

**Loss of Exemption:** Any Exempt or Qualified Exempt activity cannot create additional land coverage or relocate any existing land coverage. An Exempt or a Qualified Exempt shorezone activity shall lose its exemption and be reclassified as a project if TRPA finds that the activity meet the criteria set forth in subsection 2.3.8 or if TRPA finds the activity may have a substantial effect on the land, air, water, space, or any other natural resources in the Lake Tahoe Region.

**Maintenance:** Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance does not include replacing any part of a structure.

**Repair:** Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure such as decking, structural members, piles, re-siding, re-roofing, replacement of electrical or mechanical gear. The concept of "repair" is functional and includes substitution of one kind of material for another. For example, steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair may increase the visual mass or contrast rating of the repaired existing structure.

**Unserviceable:** A structure that can no longer serve the function for which it was designed.

## V. RESOURCES

### SHOREZONE AGENCY CONTACT INFORMATION

Agency	Jurisdiction	Phone Number
<a href="#">Lahontan Regional Water Quality Control Board</a>	California	(530) 542-5400
<a href="#">California State Lands Commission</a>	California	(916) 574-1940
<a href="#">California Fish and Wildlife</a>	California	(916) 445-0411
<a href="#">Nevada Division of State Lands</a>	Nevada	(775) 684-2730
<a href="#">Nevada Department of Wildlife</a>	Nevada	(775) 688-1500
<a href="#">Nevada Division of Environmental Protection</a>	Nevada	(775) 687-4670
<a href="#">U.S. Army Corps of Engineers</a>	Federal	(775) 784-5304
<a href="#">Lake Tahoe Water Supplies Association</a>	Regional	(775) 832-1284

### LOCAL BUILDING DEPARTMENT CONTACT INFORMATION

Agency	Phone Number
<a href="#">City of South Lake Tahoe</a>	(530) 542-6010
<a href="#">Douglas County</a>	(775) 782-6224
<a href="#">El Dorado County</a>	(530) 573-3330
<a href="#">Placer County</a>	(530) 581-6200
<a href="#">Washoe County</a>	(775) 328-2020