

## Appendix QQ

### MEMORANDUM OF UNDERSTANDING BETWEEN THE NEVADA DIVISION OF STATE LANDS, THE NEVADA DEPARTMENT OF WILDLIFE AND THE TAHOE REGIONAL PLANNING AGENCY

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 17<sup>th</sup> day of August, 2010 by and between the Department of Conservation and Natural Resources, Nevada Division of State Lands (NDSL), an agency of the State of Nevada; the Nevada Department of Wildlife (NDOW), an agency of the State of Nevada; and the Tahoe Regional Planning Agency (TRPA), a bi-state agency created by the Tahoe Regional Planning Compact (together herein described as "the Parties").

#### RECITALS

WHEREAS, Lake Tahoe is a navigable body of water, portions of which are within the Nevada boundary;

WHEREAS, the bed and banks of the Nevada portion of Lake Tahoe are owned by the State of Nevada up to elevation 6,223 feet above mean sea level (NRS 321.595);

WHEREAS, the State of Nevada has authority to issue permits for the lawful use of State lands (NRS 322.100) and the TRPA has the authority to issue permits for uses and structures within the Lake Tahoe Region (Tahoe Regional Planning Compact);

WHEREAS, the placement of a mooring buoy in Lake Tahoe requires a permit from both the NDSL (NRS 488.259) and the TRPA (TRPA Code of Ordinances 52.4.A); FURTHER, only littoral parcels are able to apply for such permit in Nevada (NAC 445A.044);

WHEREAS, the Parties recognize that mooring buoys have been placed without NDSL or TRPA authorization in Lake Tahoe;

WHEREAS, NDOW has the authority to remove mooring buoys that have been unlawfully placed in Lake Tahoe (NRS 488.261; NAC 488.458);

WHEREAS, the Parties recognize a need to concertedly address unauthorized buoys in Lake Tahoe;

WHEREAS, the TRPA has available resources to remove unauthorized buoys from the Nevada side of Lake Tahoe;  
and

WHEREAS, it is in the best interest of the Parties to work cooperatively to remove unauthorized buoys placed on the Nevada side of Lake Tahoe in an expeditious manner;

WHEREAS, the Parties seek to protect the waters of Lake Tahoe by entering into this MOU to establish the duties, authorities and agreements of the Parties with respect to the removal of unauthorized buoys, subject to the aforementioned laws and regulations;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. The Parties agree to work together cooperatively to implement the terms of this MOU. Pursuant to all applicable laws of the State of Nevada, the Tahoe Regional Planning Compact and the TRPA Regional Plan and Code of Ordinances, the Parties acknowledge that each agency retains its legal authority.

II. The Parties agree to implement the following procedures to remove unauthorized buoys:

A. Noticing and Removal Procedures for Unauthorized Buoys on the Nevada Side of Lake Tahoe.

TRPA and NDSL shall make reasonable efforts to properly notify the owner of any unauthorized buoy that the buoy is unauthorized. The notifications by both TRPA and NDSL shall occur prior to removal of the unauthorized buoy from Lake Tahoe. For the purposes of this MOU, an "unauthorized" buoy shall be any buoy placed in, or located within, the waters of the Nevada side of Lake Tahoe without proper written authorization from both NDSL and TRPA.

1. TRPA shall identify buoys that appear to be unauthorized pursuant to the Tahoe Regional Planning Compact and the Code of Ordinances. After identification of these buoys, TRPA shall provide NDSL with written documentation of these buoys, as described in II.B. Documentation Requirements below.

2. NDSL shall identify buoys that appear to be unauthorized pursuant to Nevada State Law. After identification of these buoys, NDSL shall provide TRPA with written documentation of these buoys.
3. TRPA and NDSL shall consult with each other to determine which buoys are unauthorized pursuant to the Tahoe Regional Planning Compact, TRPA Code of Ordinances, and Nevada State Law. After TRPA and NDSL have determined which buoys are unauthorized, TRPA and NDSL shall provide written documentation of these buoys to NDOW.
4. Buoys determined to be unauthorized by TRPA and NDSL shall be tagged with a notice documenting: 1) that the buoy is unauthorized; 2) the provisions of the TRPA Code of Ordinances, NRS and/or NAC regarding permitting, registering and fee requirements; 3) the date by which the owner must apply for the proper permit, if appropriate; 4) the date by which fee payments must be paid, if appropriate; 5) the date by which the owner shall remove the buoy; and 6) the date after which the buoy will be removed from Lake Tahoe pursuant to NRS 488.261 by the Parties if proper written authorization is not, or cannot, be obtained. The notice shall give 30 days to apply for the necessary written authorization.
5. TRPA shall send the notice, by means of a certified letter, containing the information described in II.A.4 above, to the following:
  - a. The legal owner of the buoy, if known, or another identified owner, such as the owner of a vessel that is moored to the unauthorized buoy; and
  - b. Nearby littoral land owners; and
  - c. NDSL and NDOW.
6. In cases where the owner cannot be identified or located, TRPA may provide notification via a local newspaper of general circulation, and will place a notice on the buoy, described in II.A.4 above.

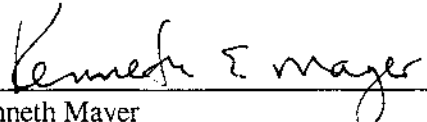
7. TRPA and NDSL shall notify NDOW if the owner of an unauthorized buoy has not complied with the requirements outlined in II.A.4..
8. After being notified by TRPA and NDSL, NDOW shall coordinate with TRPA to locate the unauthorized buoy. NDOW shall then order the removal of the unauthorized buoy pursuant to NRS 488.261.
9. After NDOW has ordered removal, TRPA shall facilitate the removal of the unauthorized buoy float, chain, and anchor from Lake Tahoe.
10. TRPA shall store the unauthorized buoy and associated parts for a period of one year so that the owner may have an opportunity to claim the unauthorized buoy and any other associated items. If the items are not claimed within one year, TRPA may dispose of them in accordance with Nevada law.

B. Documentation Requirements. TRPA and NDSL shall maintain respective databases identifying buoys each agency has determined to be unauthorized and, pursuant to II.A.6, those buoys TRPA and NDSL together have determined are unauthorized and necessitate removal. The database shall include the following, if known: 1) littoral parcel owner name; 2) littoral parcel physical address; 3) mailing addresses; 4) phone numbers; 5) Assessor's Parcel Number (APN); 6) the description or nature of non-compliance; 7) boat registration number(s) observed on any boats moored to the unauthorized buoy; 8) number of buoys removed (if applicable); 9) GPS coordinates of buoys; 10) photographs of buoys and their relation to shore; 11) final resolution if no buoys were removed; 12) details of any fines collected; and 13) date when stored buoys were disposed of. When the owner or other identified owner of the unauthorized buoy is not a littoral parcel owner, his name, address and all other relevant information shall also be collected. TRPA and NDSL shall provide access to their respective databases to each other and to NDOW.

3. Termination. This MOU may be terminated by any of the Parties upon thirty (30) days notice in writing.

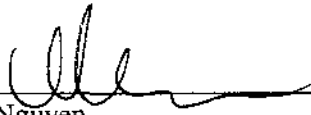
IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding.

**NEVADA DEPARTMENT OF WILDLIFE**

  
\_\_\_\_\_  
Kenneth Mayer  
Director

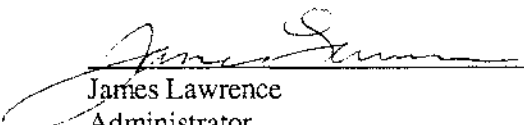
8/13/10  
Date

Approved as to form:  
Senior Deputy Attorney General

  
\_\_\_\_\_  
Nhu Q Nguyen

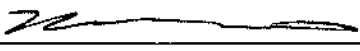
8/13/10  
Date

**NEVADA DIVISION OF STATE LANDS**

  
\_\_\_\_\_  
James Lawrence  
Administrator

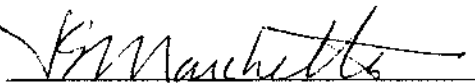
8/17/10  
Date

Approved as to form:  
Deputy Attorney General

  
\_\_\_\_\_  
Kerry Benson

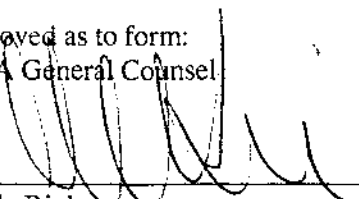
8/17/10  
Date

**TAHOE REGIONAL PLANNING AGENCY**

  
\_\_\_\_\_  
Joanne S. Marchetta  
Executive Director

8/16/10  
Date

Approved as to form:  
TRPA General Counsel

  
\_\_\_\_\_  
Nicole Rinke

8/16/10  
Date

