

NF  
CO m 9 r

FILED

NO. 2001.250

'01 SEP 19 A10:20

Appendix N

MEMORANDUM OF UNDERSTANDING BETWEEN  
TAHOE REGIONAL PLANNING AGENCY AND  
DOUGLAS COUNTY, NEVADA

BARBARA REED  
CLERK  
BY *[Signature]* DEPUTY

This memorandum of Understanding is entered into this 22<sup>nd</sup> day of Aug, 1994 **2001**, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and DOUGLAS COUNTY, a political subdivision of the State of Nevada (DOUGLAS COUNTY), by and through its Chairman of the Board of Commissioners.

All activities described in the Memorandum of Understanding (MOU) are 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, or an increase in vehicle trips in excess of that otherwise exempt pursuant to ~~Subsection 4.3~~ **Chapter 4** of the TRPA Code. All activities undertaken by DOUGLAS COUNTY pursuant to this MOU shall comply with the applicable Best Management Practices (BMP's), 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 DOUGLAS COUNTY, in addition to those exempt pursuant to ~~Section 4.2~~ **Chapter 4** of the TRPA Code, are not subject to review and approval by TRPA, provided any related excavation or backfilling 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, and the site is stabilized within 72 hours to prevent erosion.

A. Streets, Roads and Highways Parking Areas, Trails, Bridges, and Traveled Ways

1. Pavement striping and marking, slick pavement correction, and paved shoulder grooving.
2. Repair and replacement of existing safety or protective devices, including fencing, guardrails, barriers, energy attenuators, guide posts, markers, safety cables, ladders, light standards, hoists, traffic signals and controllers.
3. Asphalt concrete blankets **overlays**, crack seals, **chip seals**, **fog seals** and patches on existing paved surfaces.
4. **Repainting of bridges and other highway appurtenances.**
5. **Removal of hazards within highway or roadway right-of-way.**

6. Embankment repair along roadway shoulders.
7. Reconstruction, resurfacing or overlaying of existing pavement, including repair of pavement substructure.
8. Repair and replacement of existing curbs and gutters.

B. ~~Erosion Control and Restoration Activities~~

- ~~1. Culvert cleaning utilizing a hydro-jet vacuum system, provided there is no direct discharge of materials to the atmosphere, and spoils are removed to a TRPA approved disposal site.~~
- ~~2. Cleaning and repairing of drainage facilities provided the toe of adjacent slopes or cut banks is not disturbed.~~
- ~~3. Repair and maintenance of existing asphalt/concrete roadside gutters or drainage facilities.~~
- ~~4. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided the amount of excavation and/or spoil material removed is the minimum necessary and the spoil material is removed to a TRPA approved disposal site.~~
- ~~5. Installation of erosion control devices such as:
  - ~~a. Sediment basins not exceeding 150 square feet in size;~~
  - ~~b. Swales;~~
  - ~~c. Rock slope protection provided it is not visible from any TRPA designated scenic roadway or shoreline unit, class I bike paths, or recreation area;~~
  - ~~d. Rock-lined ditches; and~~
  - ~~e. Willow wattling.~~~~
- ~~6. 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.~~

B. Water Quality

1. Dry Wells – the excavation of up to 30 cubic yards of material directly into trucks and replacing with drain rock allowing water to infiltrate, provided the work occurs in Land Capability Districts 4-7.
2. Shoulder work – placement of shoulder material next to the edge of pavement. The material used shall meet all applicable TRPA

standards and shall not be used as a basis for expansion of paved roadway.

3. **Restoration of rock rip-rap drainage ditches including removal of sediment.**
4. **Repair and maintenance of existing drainage facilities.**
5. **Cleaning of drainage systems including pre-treatment vaults, inlets, manholes, pipes and outfall structures, provided the vegetation is not the requirement of a permit.**
6. **Removal of sediment and overgrowth in drainage basins, drainage ways and inlets to establish original flow patterns.**
7. **Sweeping to remove sand, dirt, pine needles, etc., from road surfaces, curbs and gutters. Collected material shall be transported to a TRPA approved site.**
8. **Watering to establish revegetation.**

C. Snow Removal Activities

- ~~1. Snow removal from paved roadway or highway surfaces either by use of a rotary plow, plowing snow to the edge of the paved surface, or plowing to the center of the roadway for removal to TRPA approved disposal sites.~~
1. **Snow removal from paved roadways, bike trails, sidewalks, and parking lots.**
2. **Application of sand, cinders, and de-icers onto streets, provided the source meets TRPA standards.**

D. Sidewalks, Pedestrian Facilities and Bicycle Trails

1. Maintenance and repair of existing sidewalks, pedestrian facilities, and bike trails, including striping and marking.
2. Handicapped accessibility improvement projects, including curb cuts and wheelchair ramps.

E. Signs

- ~~1. 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 days of removal of the safety hazard.~~
- ~~2. Repair/replacement of existing street signs and other regulatory or directional signs provided the area and height of the replacement sign does not exceed that of the existing sign, and/or the sign conforms to~~

~~the applicable standards of the Manual On Uniform Traffic Control Devices, 1978.~~

1. **The installation and maintenance of guide, regulatory, construction, and warning signs in compliance with all applicable sign standards.**
2. **Installation and repair of roadside markers including snow poles, and other regulatory or directional signs (Speed Limit, No Parking, etc.), culvert markers, snow poles, etc.**

F. **Publicly Owned or Maintained Structures**

1. Demolition of structures, improvements or facilities, provided the structure, improvement or facility is not designated, or pending designation, on the TRPA Historic Resource Map, as amended from time to time.
2. Structural repair or remodeling less than ~~\$5,000~~ **\$50,000** per structure per year that does not result in **excavation or backfilling in excess of that described in TRPA Code, Chapter 4**, an increase in the dimensions of a structure (including height), a change in use, an increase in commercial floor area, or an increase in density.

~~G. **Miscellaneous Activities**~~

- ~~1. Use of portable instruments for the monitoring of highway or roadway traffic.~~
- ~~2. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or the monitoring of traffic.~~

G. **Recreation Activities**

1. **Operation and maintenance of recreation sites and facilities under the control of Douglas County. Maintenance can include but is not limited to the repair, replacement and/or cleaning of accessory structures associated with public recreation facilities such as picnic tables, barbecues, ballwashers, tee signs, playgrounds and playground equipment, bike trail vehicle barriers, fences, retaining walls, restrooms, grounds and parking facilities.**
2. **Landscaping and re-vegetation with TRPA-approved species, including installation, repair and replacement of irrigation systems. Renovation of turf areas and other landscape areas of on acre or less, provided such areas are located within Land Capability Districts 4-7.**

0522992

BK0901PG4191

**H. 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 that requires the use of motorized equipment or the placement of any structure within an active stream channel.

**I. Fire Protection**

Vegetation and dead tree removal for fire prevention purposes in accordance with Chapter 72 of the Code.

**J. Scientific Research and Monitoring**

1. Installation of instruments for scientific research and monitoring.
2. Installation of monitoring wells for ground water monitoring.
3. Excavation of soil samples, provided such excavation is within the limits in Chapter 4 of the TRPA Code.

**K. Erosion Control**

1. Maintenance of retaining walls, sediment basins, swales, rock slope protection, rock-lined ditches, fences, willow wattling, and barriers, subject to grading limits and scenic guidelines.
2. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided the amount of excavation and/or spoil material removed is the minimum necessary and the spoil material is removed to a TRPA-approved disposal site.
3. Installation of erosion control devices such as:
  - a. Sediment basins not exceeding 150 square feet in size;
  - b. Swales;
  - c. Rock slope protection provided it is not visible from any TRPA-designated scenic roadway or shoreline unit, class I bike paths, or recreation area;
  - d. Rock-lined ditches; and
  - e. Willow wattling

**L. Water Supply Activities**

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical system, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities, provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

0522992

BK0901PG4192



2. **Install new service connections for TRPA-approved projects, and for existing improved properties which have abandoned their existing well provided there is no increase in development potential.**
3. **Prune vegetation around water facilities and within easement areas provided no material damage to the vegetation occurs.**
4. **Install new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.**
5. **Locate existing underground lines and appurtenances.**
6. **Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.**
7. **Repair emergency leaks at any time during the year provided all repair work is conducted within Land Capability Districts 4-7 and/or within an existing paved roadway or compacted road shoulder.**
8. **Flush wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system.**

**M. Water Pump Stations and Other Douglas County Facility Sites**

1. **Maintain existing roads, trails and related drainage facilities, including patching, sealing, overlaying of existing paved areas, and striping.**
2. **Landscape and revegetate with TRPA-approved species, including installation, repair and replacement of irrigation systems.**
3. **Prune vegetation to maintain adequate site distance and removal of hazardous limbs on roads and trails.**

**N. Miscellaneous Activities**

1. **Excavation and backfilling for an area not in excess of fifteen cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4-7, and the excavation site is stabilized and revegetated to prevent erosion.**
2. **Nuisance Abatements to remove trash, garbage, abandoned cars, lumber, mattresses, refrigerators, stoves, etc., provided all removed material goes to an approved disposal site.**

3. **Tree removal when trees present a hazard to the public, provided approval of the Nevada Division of Forestry is obtained.**
4. **Monitoring of roadway traffic, including the placement of portable traffic counting equipment.**
5. **Placement of traffic detection devices for the operation of traffic control signals or for traffic monitoring provided the devices are painted a color approved by TRPA.**
6. **Land surveys, corner recovery, re-monumentation, and land-line posting.**

## II. QUALIFIED EXEMPT ACTIVITIES

The following activities of DOUGLAS COUNTY are not subject to review and approval by TRPA, provided DOUGLAS COUNTY 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 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, the site is stabilized and/or revegetated within 72 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 5 working days before the activity commences, **or in the event of an emergency, within 3 business days after the date of the emergency.**

The following activities are in addition to those activities deemed qualified exempt pursuant to Section 4.3 **Chapter 4** of the TRPA Code:

### A. Streets, Roads and Highways Parking Areas, Trails, Bridges, and Traveled Ways

1. ~~Chip seal of existing pavement provided that proper BMPs are in place, dust control measures are used to effectively reduce the amount of entrained dust to insignificant levels, and all residual material (sand) is removed within 72 hours.~~
2. ~~Removal of hazards within highway or roadway right-of-way.~~
3. ~~Embankment repair, provided the amount of excavation is the minimum amount necessary and any spoil material is removed to a TRPA approved disposal site.~~
4. ~~Reconstruction, resurfacing or overlaying of existing pavement, including repair of pavement substructure.~~
5. Maintenance or repair of existing bridge structures provided there is no change in width or length of the existing bridge.

0522992

BK0901PG4194

**B. Water Quality**

**Embankment repair provided the activity occurs during the grading season (May 1 to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.**

**C. Erosion Control and Restoration Activities**

- 1. Installation of retaining walls not exceeding 200 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.**
- 2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.**

**D. 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 TRPA Code, all utilities will be located underground, the fence is not located within a TRPA-designated scenic roadway or shoreline unit and the replacement does not result in an expansion under the TRPA Code.**
- 2. Tree removal for public health and safety pursuant to Chapter 71 of the TRPA Code.**
- 3. Repair and/or replace irrigation system equipment such as pumps, valves, motors, controllers, pipes, connections, meters, and sprinkler heads.**

**E. Fish and Wildlife**

**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 that requires the use of motorized equipment or the placement of any structure within an active stream channel.**

**F. Fire Protection  
Prescribed burning.**

**G. Vegetation Management**

**The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 20 acres, and meet the standards and practices of Chapter 71 of the TRPA Code.**

- 1. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal**



of wastes through the issuance of wood permits, chipping, slash burning, and scattering.

2. Protection and enhancement of wildlife habitat.

H. Water Supply Activities

1. Replacement of existing water lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way, there is no increase in capacity (except when required to meet minimum fire safety standards and documentation from the applicable fire district is provided), relocation of main lines is 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 BMP's.
2. Repair or replacement of existing water intake lines, vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in size or capacity.
3. Installation of new water lines and service connections for a distance of not more than 750 lineal feet to connect existing facilities or extend service to TRPA-approved projects, provided all excavation is within an existing road right-of-way, there is no increase in capacity (except when required to meet minimum fire safety standards and documentation from the applicable fire district is provided), the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMP's.

I. Water Pump Stations and Other Douglas County Facility Sites

1. Replacement of existing fences, provided there is no increase in height, and the fence is consistent with the TRPA Design Review Guidelines.
2. Tree removal for public health and safety pursuant to Section 71.4.A or 71.4.E (2) of the TRPA Code.
3. Installation of directional and informational signs, provided the signs are consistent with Chapter 26 of the TRPA Code, and an inventory of existing signage for each individual site where additional signage is proposed is completed prior to the installation of any new signs.
4. Regrading and graveling of existing roads and parking lots, provided that BMP's are in place, including dust control measures.

0522992

BK 0901 PG 4196

## J. 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 4-7, and the excavation site is stabilized and/or revegetated within 72 hours to prevent erosion.**
2. **Installation of underground utilities for a distance of not more than 1,000 lineal feet.**
3. **Installation of irrigation lines for a distance of not more than 1,000 lineal feet.**

## III. Lane Closures

Lane closures for exempt or qualified exempt activities shall be limited to the minimum amount of time needed to complete the activity and, with the exception of emergencies, shall not occur during holidays or holiday weekends.

## IV. Treatment and Accounting of Coverage

It is understood by Douglas County and TRPA that certain activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve the 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. Douglas County 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.

## V. Loss of Exemption

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

## VI. Amendment

**This Memorandum of Understanding may be amended by written agreement of both parties.**

## VII. Termination

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

0522992

BK0901PG4197

DOUGLAS COUNTY

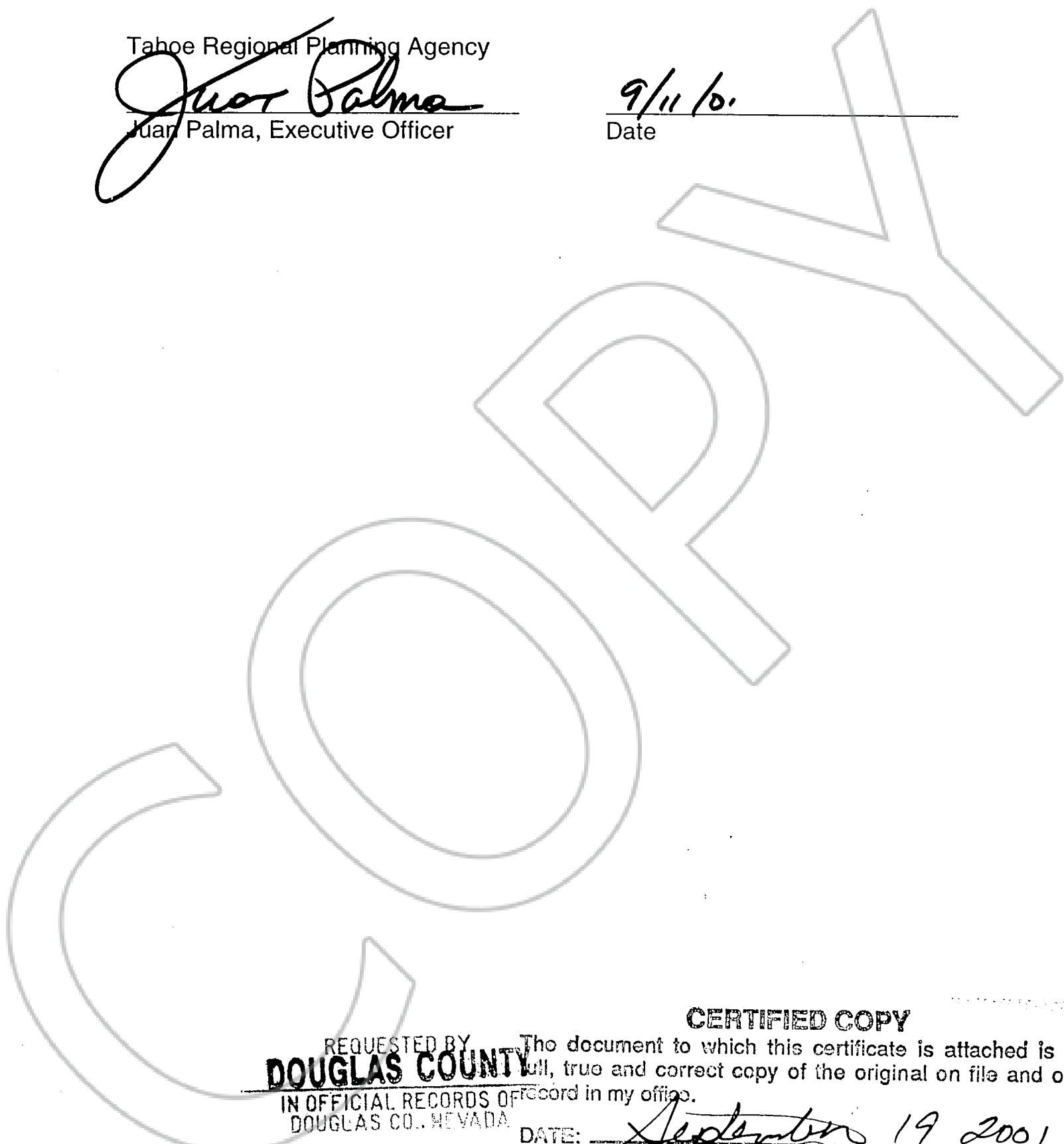
Bernard W. Curtis  
Bernard W. Curtis, Chairman of  
the Board of Commissioners

9-13-01  
Date

Tahoe Regional Planning Agency

Juan Palma  
Juan Palma, Executive Officer

9/11/01  
Date



**CERTIFIED COPY**

REQUESTED BY  
**DOUGLAS COUNTY**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

The document to which this certificate is attached is a  
full, true and correct copy of the original on file and on  
record in my office.

2001 SEP 19 AM 11:11

DATE: September 19 2001  
By B. Reed Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas.

LINDA SLATER  
RECORDER

By [Signature] Deputy

0522992

\$ 6 PAID 10 DEPUTY

**SEAL**

BK0901PG4198