

MINUTE ITEM

This Calendar Item No. 46
was submitted for information
only, no action thereon
being necessary.

INFORMATIONAL
CALENDAR ITEM

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A 7

09/23/91

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W 30005

Sanders

EXECUTION OF "INTERAGENCY COORDINATION POLICY STATEMENT"
WITH TAHOE REGIONAL PLANNING AGENCY (TRPA), ET AL.

PARTIES:

State Lands Commission

Tahoe Regional Planning Agency, et al.

At the invitation of the Governing Board (Board) of the Tahoe Regional Planning Agency (TRPA), the Executive Officer attended the Board's meeting of November 28, 1990 to discuss the programs and activities of the Commission which affect the shorezone of Lake Tahoe and their relationship to those of other public agencies, including TRPA. On the basis of this discussion, the Board directed TRPA staff to "pursue the creation of an inter-agency Memorandum of Understanding on shorezone regulation and enforcement." As subsequently described by TRPA's Deputy Director, Mr. Jerry Wells, "The primary objective of this MOU will be to improve agency coordination and efficiency as they relate to the review of shorezone projects at Lake Tahoe."

Staff of the Commission, in conjunction with staffs of the Office of the Attorney General and TRPA, participated in the development of the "INTERAGENCY COORDINATION POLICY STATEMENT BETWEEN TAHOE REGIONAL PLANNING AGENCY, U.S. ARMY CORPS OF ENGINEERS, CALIFORNIA STATE LANDS COMMISSION, LAHONTAN REGION WATER QUALITY CONTROL BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME, NEVADA DIVISION OF STATE LANDS, AND NEVADA DEPARTMENT OF WILDLIFE" which is appended as Exhibit "A". The document has been approved as to final form and content by the staffs of the signatory agencies and is presently being consummated by principal staff of each agency.

CALENDAR PAGE	354
MINUTE PAGE	3444

CALENDAR ITEM NO. 46 (CONT'D)

Accordingly, in the interests of improving coordination between the activities and programs of the Commission and other public agencies and the efficiency with which projects at Lake Tahoe are considered, the Executive Officer has executed the Statement as presented herein.

AB 884:
N/A

EXHIBIT:
A. "Interagency Coordination Policy Statement"

CALENDAR PAGE	355
MINUTE PAGE	3445

EXHIBIT "A"

INTERAGENCY COORDINATION POLICY STATEMENT
BETWEEN TAHOE REGIONAL PLANNING AGENCY, U.S. ARMY CORPS OF ENGINEERS,
CALIFORNIA STATE LANDS COMMISSION, LAHONTAN REGIONAL WATER QUALITY CONTROL
BOARD, CALIFORNIA DEPT. OF FISH AND GAME, NEVADA DIVISION OF STATE LANDS,
AND NEVADA DEPT. OF WILDLIFE

This Policy Statement is entered into this _____ day of _____, 1991, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), the U.S. ARMY CORPS OF ENGINEERS (COE), the CALIFORNIA STATE LAND COMMISSION (CSLC), the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION (CRWQCB), the CALIFORNIA DEPT. OF FISH AND GAME (CDFG), the NEVADA DIVISION OF STATE LANDS (NDSL), and the NEVADA DEPT. OF WILDLIFE (NDOW), hereinafter referred to as "Parties".

This Policy Statement sets forth the responsibilities of the Parties, which has been prepared for the purpose of facilitating a coordinated and efficient project review and monitoring/enforcement process for projects and activities located in the shorezone of Lake Tahoe, as defined in Chapter 2 of the TRPA Code of Ordinances dated May 27, 1987.

RECITALS

- A. TRPA is required by a bi-state compact (P.L. 96-551, 94 Stat 3233) to regulate activities within the Lake Tahoe Region which may have an impact on the environment. Included in those regulated activities is the review, approval and inspection of projects and activities located in the shorezone of Lake Tahoe.
- B. COE is required by Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 323) to regulate all work in, on, over, or under Lake Tahoe lakeward of shoreline elevation 6229.1 Lake Tahoe Datum. COE is also required by Section 404 of the Clean Water Act (33 U.S.C. 1344) to regulate the discharge of dredged or fill material into any stream, lake, or wetland in the Tahoe Basin. COE reviews applications for impacts to navigation, water quality, and other socio-economic and environmental impacts. Permits are granted for activities that are not contrary to the public interest.
- C. CSLC has, under the provisions of the California Public Resources Code, "exclusive jurisdiction over...the beds of navigable rivers, streams, lakes..." which includes Lake Tahoe. Under its authorities, the Commission "shall exclusively administer and control all such lands, and may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by it." Projects and activities affecting Lake Tahoe and its shorezone are subject to the Commission's jurisdiction. The Commission also administers the provisions of the Public Trust Doctrine.
- D. CRWQCB is required by the federal Clean Water Act and the California Water Code to set and periodically update water quality standards and to ensure attainment and maintenance of these standards through permitting and enforcement activities. Regulatory activities of the Board may affect projects in the shorezone of Lake Tahoe.

- E. CDFG is authorized under the California Fish and Game Code and various State and Federal laws and regulations to protect and manage the fish and wildlife of the State of California.
- F. NDSL is required by Regulations Governing Pier Construction, Deposit of Fill, Dredging or Alteration of Lake Tahoe Shoreline Pursuant to NRS 445.080 to regulate activities which may disturb the bed or banks of Lake Tahoe. Included in these regulated activities is the review, approval and inspection of projects and activities below the high water elevation of 6229.1 feet.
- G. NDOW is required by Nevada Revised Statute (NRS) 501.331 to administer the wildlife laws of Nevada (Title 45) and Chapter 408 of NRS. Included within that responsibility is: 1) the protection, propagation, restoration, transplanting, introduction and management of wildlife in Nevada, and 2) the promotion of the safety of persons using or property used in the operation of vessels on the waters of Nevada. NDOW may enter into cooperative agreements with the federal government, adjoining states or any political subdivision for the purpose of carrying out the policy of the Commission (NRS 501.351).
- H. The environmental and regulatory issues in the shorezone of Lake Tahoe are compelling and complex and numerous public agencies are involved in regulatory and land use decisions within the Tahoe Basin. The Parties believe that a coordinated, interagency effort, as described and provided herein, could result in a more efficient, economical and effective process.

It is therefore understood and agreed by the Parties that:

1. Upon receipt of a project application by any Party signatory hereto, such Party shall provide written notification, upon request, in the form of a project description to other Parties to this Policy Statement in accordance with their areas of interest or jurisdiction as indicated on the attached coordination matrix (Attachment A).
2. A Project Review Committee (PRC) comprised of at least one representative from each of the signatory agencies to this Policy Statement is hereby established for the purpose of conducting preliminary reviews of project applications, and exchanging information related to such project applications. The PRC will serve as an advisory and coordinating committee only, not as a final decision making body. The representative from TRPA shall be responsible for establishing the PRC agendas, meeting times, and meeting locations. Meetings of the PRC shall be scheduled in accordance with the number and type of applications requiring review and the timing of application consideration by any of the signatories to this Policy Statement. When appropriate, the PRC may invite project applicants and/or applicant representatives to attend these meetings. Each Party shall provide the name(s), address and telephone number(s) of their representative(s) to the member agencies of the PRC and shall notify all Parties in writing if there is any change in such information or representation.

3. In the event a project or activity is subject to CEQA, NEPA, and/or TRPA environmental documentation requirements, the PRC shall, as part of its review of applications under 2. above, discuss the nature and scope of the environmental documentation which will be required prior to project consideration by any Party hereto. When feasible, preparation of a single environmental document which will satisfy CEQA, NEPA, and TRPA requirements shall be encouraged.

4. Upon approval of a project or activity by any Party, such Party shall provide a copy of the permit and permit conditions, upon request, to all Parties to the Policy Statement for purposes of coordinating and ensuring the monitoring and enforcement of permit conditions, including environmental mitigation. Each Party shall designate a representative to a Monitoring and Enforcement Committee (MEC) which is hereby established. Prior to the initiation of any significant enforcement action by any of the Parties relative to a permit violation or any nonpermitted activity that affects any of the other Parties hereto, the affected representatives of the MEC shall confer and coordinate their efforts. This requirement shall be exclusive of any emergency situations in which immediate enforcement action by any of the Parties is deemed necessary. When an emergency enforcement action is taken the other affected Parties shall be notified as soon thereafter as possible.

5. Any of the Parties may terminate their participation in this Policy Statement upon thirty (30) days' written notice to the other Parties.

TAHOE REGIONAL PLANNING AGENCY

DATED: _____

 David S. Ziegler
 Executive Director

U.S. ARMY CORPS OF ENGINEERS

DATED: _____

CALIFORNIA STATE LANDS COMMISSION

DATED: _____

CALENDAR PAGE	355
MINUTE PAGE	3445

CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, LAHONTAN REGION

DATED: _____

CALIFORNIA DEPT. OF FISH AND GAME

DATED: _____

NEVADA DIVISION OF STATE LANDS

DATED: _____

NEVADA DEPT. OF WILDLIFE

DATED: _____

359
MINUTE PAGE - 3449

SHOREZONE PROJECT
NOTIFICATION/COORDINATION MATRIX

Project Type	TRPA	COE	CSLC	LRWQCB	CDFG	NDSL	NDW
Marinas	■	■	■	■	■	■	■
Piers	■	■	■	■	■	■	■
Buoys	■	■	■		■	■	■
Boat Ramps/Railways	■	■	■	■	■	■	■
Floating Docks	■	■	■	■	■	■	■
Fueling Facilities	■	■	■	■	■	■	■
Wastewater Pumpout Facilities	■	■	■	■	■	■	
Dredging	■	■	■	■	■	■	■
Utility/Water Intake Lines	■	■	■	■	■	■	■
Breakwaters/Jetties	■	■	■	■	■	■	■
Boatlifts	■	■	■		■	■	■
Fences	■	■	■			■	■
Safety/Navigation Facilities	■	■	■			■	■
Beach Recreation Facilities	■	■	■	■		■	
Boat/Trailer Storage	■			■		■	
Shoreline Protection/Erosion Control	■	■	■	■	■	■	■
Fisheries Enhancement	■	■	■	■	■	■	■
Salvage Operations	■	■	■	■	■	■	■
Tour Boat/Waterborne Transit Operations	■		■			■	
Water-oriented Concessions	■		■			■	■

SCALE ATTACHMENT A **360**
MINUTE PAGE **3459**