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## *EXEMPT/QUALIFIED EXEMPT SHOREZONE ACTIVITY INFORMATION SHEET & CHECKLIST*

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### **How To Apply for a Tahoe Regional Planning Agency Permit Exemption**

This packet explains the process for shorezone activities that do not require a Tahoe Regional Planning Agency (TRPA) permit.

The TRPA uses the best available science and planning practices to review each project individually so that Lake Tahoe can continue to be an [Outstanding National Resource Water](#) for this and future generations. TRPA's thorough project review standards are designed to balance the impacts of the built environment with the protection of Lake Tahoe's fragile, natural environment. The Agency values every applicant and works hard to serve the public promptly and fairly. Please read this packet thoroughly. We hope it answers most of your application questions. If not, please call TRPA at (775) 588-4547. Planners are available to assist you by phone or at our offices Monday through Friday, 9:00 a.m. to 5:00 p.m. Applications are received from 9:00 a.m. to 4:00 p.m.

Please be aware that we may require information beyond that presented in this packet. Once your application is submitted, TRPA will contact you if additional information is required to adequately review your activity.

### **Getting Started**

First determine if the activity you are proposing requires a TRPA permit and project review. There are three levels of TRPA review.

- (1) **Exempt**--Some small activities may not require TRPA review – these activities are considered “**Exempt**” and you do not have to do anything with TRPA.
- (2) **Qualified Exempt**--Other activities may require that a statement or “**Declaration**” be filed with TRPA describing the proposed activity – these activities are considered “**Qualified Exempt**.”
- (3) **TRPA Permit**--If an activity falls outside the descriptions below, it requires a **TRPA Permit**.

This packet describes which activities are **Exempt** and do not require any contact with TRPA; and, if necessary, the process for filing a **Qualified Exempt Declaration** with TRPA. Projects which involve the creation or relocation of land coverage require a permit. If you have questions regarding the need for a permit, please contact TRPA.

In some cases, a Qualified Exempt Declaration may be reviewed over the counter. Certain maintenance, repair, reconstruction, or demolition activities in the shorezone, even if they are Qualified Exempt, may require more time to review. To help streamline your time with TRPA we ask that you do your homework. Qualified Exempt Applications which do not contain all necessary information for review may not be accepted. Refer to the appropriate checklist included in this packet for a complete list of the items to submit. In addition to TRPA requirements, the declaration form should be consistent with any local jurisdiction and/or other agency standards. Incorporating the local jurisdiction standards into your plans will avoid costly delays and revisions later.

## Prior to Application Submittal

✓ Review the list of exempt/qualified exempt activities. If your proposed activity is **Exempt**, you may proceed without filing a declaration or obtaining a permit from TRPA. If your proposed activity is **Qualified Exempt**, use this packet to file the appropriate declaration with TRPA and to determine the required fees, if any. If your proposal is not included on the list of exempt/qualified exempt activities, a permit will likely be required; all proposals which involve the creation or relocation of land coverage require a TRPA permit.

✓ Check with the appropriate state, federal and local agencies regarding other requirements. City and county building departments and other state and federal agencies have their own permit and review requirements. Make sure to obtain appropriate local approvals before beginning work. See the Exempt Shorezone Activities section for information on which agencies to contact if your activity involves construction in the shorezone.

✓ Locate Underground Utilities that May be Affected. All public and private utility providers in the area must be consulted to ensure any underground element of the activity will not affect underground and underwater service lines. Call the regional Underground Service Alert (USA North – 1-800-227-2600) when planning your activity. This is a free service that will locate all subsurface facilities and/or utilities. California and Nevada state law both require project managers to contact USA, usually known as USA DIGS, at least 48 hours prior to commencement of any activity on the site. Evidence must be provided to TRPA that all agencies have been contacted

✓ Prepare a Site Plan if Declaring Minor Structural Repair. If you plan to submit a qualified exempt declaration for minor structural repair to an existing structure, you will need to submit a topographic survey including all of the existing site information listed on the enclosed checklist.

✓ Obtain the required signatures. The property owner must personally sign the application or complete and sign the Authorization For Representation. Forms without an original signature from the property owner will not be accepted. **Faxed signatures and xerox copies will not be accepted.**

✓ Submit your qualified exempt declaration to TRPA. Complete the declaration form, gather the required checklist items and submit the qualified exempt declaration directly to TRPA. For additional information about checklist items, refer to the TRPA [Master Checklist and Master Findings](#) documents available at our offices and online at [www.trpa.org](http://www.trpa.org). Note that checklist item numbers may not be sequential; not all checklist items found in the TRPA *Master Checklist* apply to all projects. In most cases, your declaration must be filed at least 72 hours before you begin work.

**Please note that if your activity involves construction in the shorezone, the following agencies should be contacted prior to beginning work:**

<u>In California</u>	<u>In Nevada</u>
Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd So. Lake Tahoe, CA 96150 Phone: (530) 542-5400	Nevada Division of State Land 901 S. Stewart St. Suite 5003 Carson City NV 89701 Phone: (775)684-2730
California State Lands Commission 100 Howe Avenue Suite 100 South Sacramento, CA 95825-8202 Leasing information: (916) 574-1940	Bureau of Water Pollution Control Nevada Division of Environmental Protection 901 S. Stewart St. Suite 4001 Carson City, NV 89701 Phone: (775) 687-4670
California Fish and Game 1416 9th Street Sacramento, CA 95814 Phone: (916) 445-0411	Bureau of Water Quality Planning Nevada Division of Water Quality Planning 901 S. Stewart St. Suite 4001 Carson City, NV 89701 Phone: (775) 687-9448
Additionally, the U.S. Army Corps of Engineers should be contacted regarding your activity	
U.S. Army Corps of Engineers 300 Booth Street Suite 2103 Reno, NV 89509-1361 Phone: (775) 784-5304	

## General Explanation of Shorezone Environment and Boundaries

The shorezone is defined as that area including the nearshore, foreshore and backshore (see diagram below). The shorezone is the part of Lake Tahoe that outwardly defines the Tahoe Basin as a memorable place for residents and visitors alike. The shorezone is also where development meets the water and where the risk of harming this beautiful body water is very high. For these reasons, environmental protection and improvement in the shorezone is an important gauge for the entire Basin and development within it must be reviewed under very high standards.

**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.

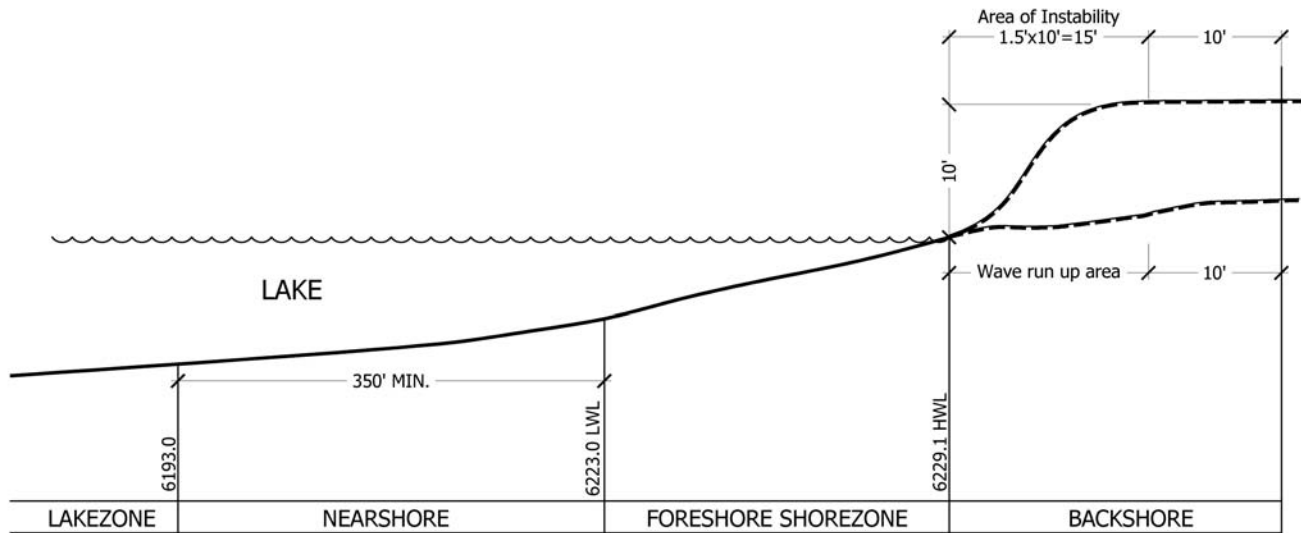
**Foreshore:** The area between the low and high water elevation.

**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 high water 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.

The **lakezone** is defined as that area of a lake located beyond the lakeward limits of the nearshore.



## SHOREZONE - LAKEZONE DIAGRAM

Certain activities located in the shorezone or lakezone are considered exempt from TRPA review and approval while others, depending on the nature of the activity, are not. In order to determine whether your proposed activity is exempt, review the Exempt/Quality Exempt Information Packet at your local building department or at TRPA. If the proposed activity is not exempt or qualified exempt, a TRPA permit will be required.

## EXEMPT SHOREZONE ACTIVITIES

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Ordinary Maintenance and Repair in the Shorezone: Ordinary maintenance and repair, which is the replacement of, or modification to parts of a structure that do not affect the weight bearing or strength capacity of the structure, including replacement and repair of windows, doors, and electrical and mechanical equipment is **Exempt** from TRPA review provided that:

- The color of the structure is earthtone, blends with the surroundings, and does not contrast with existing vegetation and earth hues;
- Roofs are composed of nonglare earthtone or woodtone materials which minimize reflectivity; and
- 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.

Minor Structural Repair in the Shorezone: Minor structural repair of shorezone structures is considered **Qualified Exempt** by TRPA provided that the repair meets the qualifications outlined below. Minor structural repair is defined as the replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure. Painting, staining, re-roofing, re-siding, and the installation or replacement of deck coverings is also considered **Qualified Exempt** by TRPA, provided that:

- The cost to replace, reconstruct, or modify structural members that affect the weight bearing or strength capacity of the structure does not exceed \$8,500 (materials only; pier decking is considered a structural material because of the nature of pier construction);
- The color of the structure is earthtone, blends with the surroundings, and does not contrast with existing vegetation and earth hues;
- Roofs are composed of nonglare earthtone or woodtone materials which minimize reflectivity; and
- The work does not result in additional land coverage, a change in use, or an increase in the dimensions of the structure including height, width, and length.

Replacement and Repair of Mooring Buoys: The replacement and repair of mooring buoys (not involving any relocation), excluding their anchoring devices, is **Exempt** from TRPA review.

Replacement and Repair of Buoy Anchor: The replacement and repair of mooring buoy anchoring devices (not involving any relocation) is considered **Qualified Exempt** by TRPA if the buoy was previously permitted by TRPA.

Demolition of Structures in the Shorezone: Demolition of structures, improvements, or facilities in the shorezone (piers, boathouses, etc.) is considered **Qualified Exempt** by TRPA provided that:

- The structure, improvement, or facility is less than 50 years old.
- The structure, improvement or facility if 50 years old or greater is not designated or pending for designation on TRPA's Historic Resource Map and;
- The associated grading, excavation, or filling is Exempt and;
- The Qualified Exempt declaration form is submitted to TRPA at least 3 working days prior to demolition.

TRPA verification is required prior to demolition to gain credit for land coverage or existing development. Verification of land coverage or existing development requires a separate application.

Fence Repair in the Shorezone: The repair of fences in the shorezone is considered **Qualified Exempt** by TRPA, provided that:

- Fences in the nearshore and foreshore are at least 90 percent open and kept free of debris;
- The color of the fence is earthtone, blends with the surroundings and does not contrast with existing vegetation and earth hues;
- Wooden fences are used whenever possible; and
- Cyclone fences must be coated with brown, black, or dark green vinyl, including fence poles.

Changes in Operation: Changes in operation resulting in the generation of less than 100 additional vehicle trips are **Exempt** provided the resulting use is an allowed use and the applicant pays an air quality mitigation fee.

## EXEMPT EXEMPT/QUALIFIED EXEMPT PROCESS

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If you have determined your project or activity to be exempt, you do not need to do anything with TRPA. However, your project or activity may still require a permit from the local jurisdiction or other shorezone permitting agencies listed in this packet. You can submit your project to the local jurisdiction according to their rules and they will review the project as a TRPA exempt project.

If you have determined that your activity is a qualified exempt activity, then you must submit the Qualified Exempt Declaration form. The qualified exempt application will be reviewed over the counter, unless more time is needed to determine if it is qualified exempt. In some cases, it may take up to 30 days to determine if the project is qualified exempt.

When the project or activity is determined to be qualified exempt, you will be required to pay the application mitigation fees. At that point the TRPA or the local jurisdiction will stamp the application form and plans as "Qualified Exempt". This is your proof to any other permitting agency that the project does not require a TRPA permit. Other permitting agencies may require a copy of stamped Project Review Application Form prior to issuing their permits.

### Mitigation Fees

Required mitigation fees, if any, will be collected at the time of TRPA action.

**Air quality:** If your activity involves a Change in Operation you may need to pay an air quality mitigation fee. An air quality mitigation fee is required for any new commercial floor area or sometimes a change in use requiring additional Daily Vehicle Trip Ends (DVTE). Contact TRPA or see the [TRPA Trip Table](#) for information on how to calculate DVTEs for your activity. This money is held in a fund for use by local jurisdictions for transit and other projects that improve air quality. Refer to TRPA Code of Ordinances [Section 93.3.D](#) for additional information.

For information on specific projects funded by mitigation fees, please request a TRPA Annual Report.
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HOURS  
Monday-Friday  
9:00 am-5:00 pm  
New Applications Until 4:00 pm

trpa@trpa.org

## QUALIFIED EXEMPT ACTIVITY DECLARATION FORM

**Applicant** \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Representative or Agent** \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Owner** \_\_\_\_\_  Same as Applicant

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Location/Assessor's Parcel Number (APN)** \_\_\_\_\_

Street Address \_\_\_\_\_ Subdivision \_\_\_\_\_ Lot # \_\_\_\_\_

County \_\_\_\_\_ Previous APN \_\_\_\_\_

(if changed by county assessor since 1987)

**Detailed Description of Activity** (Be clear, detailed, and specific. Attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Prior Approvals** (List any prior CTRPA/TRPA approvals/permits for the subject property):  None

Description: \_\_\_\_\_ Approval Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Description: \_\_\_\_\_ Approval Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**OTHER REQUIREMENTS:** Please be advised that your activity may require approval from state, local or federal agencies (i.e., Utility District, Building Department) – make sure to obtain appropriate local approvals prior to beginning work. If your activity involves construction in the shorezone, the following agencies must be contacted:

In California

Lahontan Regional Water Quality Control Board  
California State Lands Commission  
California Fish and Game  
U.S. Army Corps of Engineers

In Nevada

Nevada Division of State Land  
U.S. Army Corps of Engineers  
Nevada Bureau of Water Pollution  
Nevada Bureau of Water Quality Planning

**DECLARATION:**

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project. (Edited July 2010) I understand that I am responsible for all fees set forth in the TRPA Filing Fee Schedule (including cost recovery, filing fees and deposit accounts) associated with this application.

Signature: **(Original signature required.)**

\_\_\_\_\_ At \_\_\_\_\_ Date: \_\_\_\_\_  
Person Preparing Application County

**AUTHORIZATION FOR REPRESENTATION (Original signatures required):**

The following person(s) own the subject property (Assessor's Parcel Number(s) \_\_\_\_\_) or have sufficient interest therein to make application to TRPA:

Print Owner(s) Name(s):

\_\_\_\_\_  
\_\_\_\_\_

I/We authorize \_\_\_\_\_ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s): **(Original signature required.)**

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Initial Filing Fee: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_  
(Per the TRPA Filing Fee Schedule, additional costs/fees may apply)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# QUALIFIED EXEMPT ACTIVITY CHECKLIST

APPLICATIONS LACKING ANY OF THE FOLLOWING ITEMS WILL NOT BE ACCEPTED. TRPA MAY REQUIRE ADDITIONAL INFORMATION ABOVE AND BEYOND THE CHECKLIST ITEMS TO REVIEW THIS APPLICATION.

Each item and number corresponds to TRPA's [Master Checklist](#) available at our offices or online at [www.trpa.org](http://www.trpa.org). Refer to the Master Checklist for more information on any item.

ACTIVITY NAME: \_\_\_\_\_

CURRENT ASSESSOR'S PARCEL NUMBER (APN): \_\_\_\_\_

PREVIOUS ASSESSOR'S PARCEL NUMBER (APN): \_\_\_\_\_

CHOOSE THE APPROPRIATE CATEGORY, OR CATEGORIES, FOR YOUR ACTIVITY AND INCLUDE ALL ITEMS ON THE CHECKLIST WITH THIS DECLARATION.

## SHOREZONE ACTIVITIES

### Demolition of Structures in the Shorezone

Applicant

TRPA

- \_\_\_\_\_ \_\_\_\_\_ 1. Completed application form with original property owner(s) signature(s) and checklist.
- \_\_\_\_\_ \_\_\_\_\_ 40a. Photographs showing all sides of structure.
- \_\_\_\_\_ \_\_\_\_\_ 40g. Structure checked against TRPA Historic Resource Map.
- \_\_\_\_\_ \_\_\_\_\_ 40h. Estimate of associated grading, excavation or filling in cubic yards.
- \_\_\_\_\_ \_\_\_\_\_ 40r. Date when demolition will commence: \_\_\_\_\_

### Fence Repair in the Shorezone

- \_\_\_\_\_ \_\_\_\_\_ 1. Completed application form with original property owner(s) signature(s) and checklist.
- \_\_\_\_\_ \_\_\_\_\_ 40d.iv. Photograph(s) of existing fence.
- \_\_\_\_\_ \_\_\_\_\_ 40o. Proposed color and materials of fence after repair

### Minor Structural Repair in the Shorezone

- \_\_\_\_\_ \_\_\_\_\_ 1. Completed application form with original property owner(s) signature(s) and checklist.
- \_\_\_\_\_ \_\_\_\_\_ 2. Filing Fee, if any. TRPA may charge a filing fee no greater than \$231 to review declarations for minor structural repair in the Shorezone.
- \_\_\_\_\_ \_\_\_\_\_ 40b.iv. Site plan showing existing structure and area of proposed repair work.
- \_\_\_\_\_ \_\_\_\_\_ 40d.v. Photographs depicting the existing condition of the structure.
- \_\_\_\_\_ \_\_\_\_\_ 40n. A statement from a qualified professional attesting to the cost of the proposed repair work.

\_\_\_\_\_ 40o. Proposed colors and materials of repaired structure.

Replacement and Repair of Buoy Anchor

\_\_\_\_\_ 1. Completed application form with original property owner(s) signature(s) and checklist.

\_\_\_\_\_ 40p.i. Evidence of a TRPA permit allowing the placement of the buoy in its present location.