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STAFF REPORT

Date: February 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Spooner Frontcountry Improvement Project at Spooner State Park in Douglas County, Nevada. APN 1418-00-001-007, TRPA File Number EIPC2019-0009, EIP Number 04.01.03.0164

Summary and Staff Recommendation:

Staff recommends that the Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motion(s) based on the staff summary and evidence in the record:

- 1) A motion to approve the required findings including a finding of no significant effect as shown in Attachment A.
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B.

In order for motion(s) to pass, an affirmative vote of 5-9 (5 Nevada and 9 Total) of the Board is required.

Project Description/Background:

The Spooner Front Country Improvement Project (Project) will redesign and update the facilities at Spooner Lake State Park located near the intersection of State Route 28 and U.S. 50 in Douglas County, Nevada. Spooner Lake State Park is a popular destination for hiking, mountain biking, fishing, and provides access to popular backcountry recreation. The Project will improve access to the amenities the park provides, provides new amenities, and will improve the recreation experience. It will also act as the southern bookend to the planned Incline to Spooner Summit Shared Use Path. The Project is high priority Recreation Environmental Improvement Program (EIP) project. The Project identified as a high priority in the Nevada Division of State Parks Master Plan and the Lake Tahoe Nevada State Parks (LTNSP) Trails Plan.

The project is proposed in two phases in order to start construction on phase one, while funding for phase two is secured simultaneously. Phase one improvements include a visitor center, amphitheater, improvements to the entrance road, pathways, interpretive and wayfinding signs. Phase two improvements include improved and relocated picnic areas, 6 additional restrooms, a group event area, improved pathways, new and enhanced parking, an enhanced maintenance area, and best management

practices for the entire Spooner Front County project area. Refer to site plan (Attachment C) for all improvements and their location. Construction for phase one will begin in 2020 and is anticipated to take two years to complete. Construction of phase two will commence shortly after construction of phase one.

The Project is not considered additional recreation and therefore does not require Person At One Time (PAOT) allocations. All proposed improvements are accessory to the primary use, day use areas.

Issues and Concerns:

The TRPA Code or Ordinances requires Governing Board approval for recreation projects that involve more than 3,500 square feet of new land coverage. The project will add 890 square feet of coverage in Land Capability Class 1a and 45,117 square feet of land coverage in land capability class 6. The increase in coverage is required for several of the proposed facilities including the expanded parking lot, the visitor center, the amphitheater, and trails. The Nevada Division of State Parks has coverage available within the State Parks project area. All new coverage is required to be mitigated and offset per the requirements of Chapters 30 and 60 of the TRPA Code of Ordinances (see draft permit).

Environmental Review:

The Nevada Division of State Parks submitted an Initial Environmental Checklist (IEC) with the application and has been reviewed and deemed adequate by TRPA staff. TRPA staff completed the V(g) checklist. Based on the IEC, the staff recommends make a finding of no significant impact for the Project.

Regional Plan Compliance:

The project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 4.

Contact Information:

For questions regarding this agenda item, please contact Shannon Friedman, at (775) 589-5205 or sfriedman@trpa.org.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Site Plan

Attachment A

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4 and 30 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4.1 – Required Findings:

- A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

The project is located in Plan Area Statement 057, Spooner Lake. The land use classification is recreation, and the Plan area statement states the area is a major entry point to the Basin and offers excellent potential for expanded recreational opportunities. The use, day use areas is an allowed use in the Plan Area Statement. The project, as conditioned in the Draft Permit, is consistent with the Regional Plan and the Lake Tahoe Environmental Improvement Program (EIP). The project is a TRPA priority and is on the 5-year EIP list (EIP # 04.01.03.0164 & 04.01.03.0172)

- B. The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Project Review Conformance Checklist and Article (V)g Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. The applicant has completed an Initial Environmental Checklist (IEC) in accordance with the TRPA Code of Ordinances. No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment. The IEC and (V)g checklist are part of the record.

- C. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V (g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph b, above)

2. Chapter 30.5.1.B - Land coverage and disturbance for public outdoor recreation facilities, including public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2, or 3 if TRPA finds that:

- A) project is a necessary part of a public agency's long-range plans for public outdoor recreation:

The Project is a high priority Recreation EIP project. The Nevada Division of State Parks (NDSP) has prioritized the Spooner Front County Improvement Project in their Master Plan and Trails Plan. The Project will improve access to Spooner Lake and the varied recreation options at the park and serves as a portal to over 60 miles of backcountry trails.

- B) The project is consistent with the Recreation Element of the Regional Plan:

The project will increase the quality of the recreation experience and improve access to recreation opportunities at Spooner Lake State Park and surrounding backcountry. It is consistent with the Recreation Element of the Regional Plan and achieves threshold attainment for recreation and water quality.

- C) The project by its very nature must be sited in Land Capability Districts 1a, 1c, 2, or 3, such as a ski run or hiking trail:

The portion of coverage located on land capability 1a is attributed to trails that provide sustainable access to Spooner Lake.

- D) There is no feasible alternative that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and

The trails provide sustainable access to Spooner Lake. There is no alternative route that would provide this access on higher land capability. The trails have been designed to minimize disturbance and coverage while also meeting trail design guidelines including ADA compliance to the extent practical.

- E) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:

1. Application of best management practices; and

Existing best management practices (BMPs) will be maintained and new BMPs will be installed to accommodate the increase in coverage.

2. Restoration, in accordance with subsection 30.5.3, of land in Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zone) in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in

Table 30.4.1-1.

NDSP has restored and banked 1a coverage as the result of previous projects. NDSP will be transferring in the required land coverage from their banked coverage. Therefore, a restoration project is not required at this time.

Attachment B

Draft Permit



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**Attachment B
 DRAFT PERMIT**

PROJECT DESCRIPTION: Spooner Front Country Improvement Project Phase 1 and 2

EIP NUMBER: 04.01.03.0164 & 04.01.03.0172

PERMITTEE(S): Nevada Division of State Parks

FILE #: EIPC2019-0009

COUNTY/LOCATION: Douglas County/Spooner Lake State Park

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on February 26, 2020 subject to the Standard Conditions of Approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on February 26, 2023 unless project is diligently pursued every year. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

 TRPA Executive Director/Designee

 Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

sf

EIP NUMBER(S): 04.01.03.0164 & 04.01.03.0172
FILE NO. EIPC2019-0009

Water Quality Mitigation Fee (1) Amount \$ _____ Paid _____ Receipt No. _____

Notes: (1) See Special Condition 3.C, below

Required plans determined to be in conformance with approval:

Phase 1: Date: _____
Phase 2: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of The Spooner Front Country Improvement Project (Phase 1 and 2). Phase one improvements include a visitor center, amphitheater, improvements to the entrance road, pathways, interpretive and wayfinding signs. Phase two improvements include improved and relocated picnic areas, 6 additional restrooms, a group event area, improved pathways, new and enhanced parking, enhanced maintenance area, and best management practices for the entire Spooner Front Country project area. Construction for phase one will be in 2020 and is anticipated to take two years to complete. Construction of phase two that will commence shortly after construction of phase one. The project is located at Spooner Lake State Park in Douglas County Nevada and is maintained by the Nevada Division of State Parks.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. Submit three sets of final construction plans.
 - B. Transfer in 890 square feet of land capability 1a coverage. This should come from the 1a coverage that has been banked from previous projects completed by Nevada Division of State Parks and be reflected in the master coverage tracking spreadsheet that is maintained by State Parks and reviewed and approved by TRPA.
 - C. The required water quality offset for the creation of 45,117 square feet of new class 6 coverage may be mitigated one of two ways, or a combination of both per TRPA Code of Ordinances, Section 60.2.3 (Required offsets). The application may propose a water quality mitigation project or pay a water quality mitigation fee at a rate of \$1.86/sq. ft.

of coverage, or a combination of the two. The mitigation plan or water quality fees shall be submitted to TRPA within 6 months of acknowledging the permit.

- D. Submit the Maintenance Responsibilities and Plan Chart which outlines who will maintain what infrastructure, and the anticipated funding source to support that work.
4. Prior to the pre-grade inspection, the following conditions of approval shall be satisfied:
 - A. The permittee shall submit an updated construction schedule to TRPA prior to commencement of construction. This schedule shall identify dates for the following:
 - When installation of temporary erosion control structures will occur;
 - When each stage of construction will start;
 - When construction spoils and debris will be removed;
 - When installation of all permanent erosion control structures will occur;
 - When construction will be completed;
 - The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied.
 - B. An EIP project sign shall be approved, fabricated and installed at approved location(s) within the project area.
 5. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.
 6. Upon completion of the project and verification that restoration is complete, Nevada Division of State Parks will bank 372 square feet of coverage in land capability district 1b. This will be reflected in the master coverage spreadsheet that is updated by State Parks and reviewed and approved by TRPA.
 7. All new galvanized or reflective metal surfaces including but not limited to guardrails, traffic signal posts, light posts, utility boxes, backs of signs, and exposed culverts shall be colored. Color samples shall be submitted to TRPA for review and approval prior to installation.
 8. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M. Regular construction work outside of these hours may require noise monitoring to ensure the project will not be in violation of TRPA noise standards.
 9. The color of rock, articulated block or concrete shall blend in with the native environment and be approved by TRPA prior to placement.
 10. All above ground facilities, new or currently existing, such as sign posts, the back of signs, electrical boxes, etc. shall be colored the approved TRPA color, Brown Fed. Standard 595 FS 30059 or another approved color by TRPA.

11. Grading is prohibited any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or instable conditions (pursuant to Subsection 64.2.C of the TRPA Code of Ordinances).
12. The adequacy of all required temporary BMPs, as shown on the final construction plans, shall be confirmed at the time of the TRPA pre-grading or pre-construction inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time. Adequate BMPs must be installed prior to construction, regardless of the amount or type of BMPs shown on final construction plans.
13. All construction equipment working in or near Stream Environment Zones (SEZ) must be steam cleaned prior to mobilization at the project site and maintained in clean and good working order with maintenance logs available to TRPA per request.
14. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.
15. If artifacts, archaeological soils, or unusual amounts of bone or shell are uncovered during the construction activities, all work in the area will be stopped and a qualified archeologist will be immediately contacted for on-site consultation.
16. The roots of trees (adjacent to the pathway) over four inches in diameter shall not be severed, if avoidable, pursuant to Subsection 65.2F of the TRPA Code of Ordinances.
17. No trees shall be removed (other than those shown on the approved site plan) without prior TRPA written approval as per the Landscape and Revegetation Plan. During the project design refinement all opportunities shall be explored to reduce the number of trees to be cut that are greater than 14 inches diameter at breast height (dbh), especially those greater than 24" dbh in east side forest types and 30" dbh in west side forest types.
18. The path and revegetated areas will be maintained over time consistent with the approved plans. Modifications to this facility, including improvements constructed in association with this project, shall be subject to TRPA review and approval.
19. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
20. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
21. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

22. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.
23. All permanent BMPs shall be maintained per an approved BMP inspection and maintenance plan.
24. Permittee shall contact TRPA for a final inspection at the conclusion of the project to verify that all conditions of the permit have been met and the project was implemented per the TRPA approved Plans.
25. All rock material (gravel, cobble, and boulders) shall be clean and thoroughly washed prior to arrival at the site to ensure that the rock is free of any silt or clay particles.
26. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.
27. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
28. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment C

Site Plan

PREFERRED CONCEPT



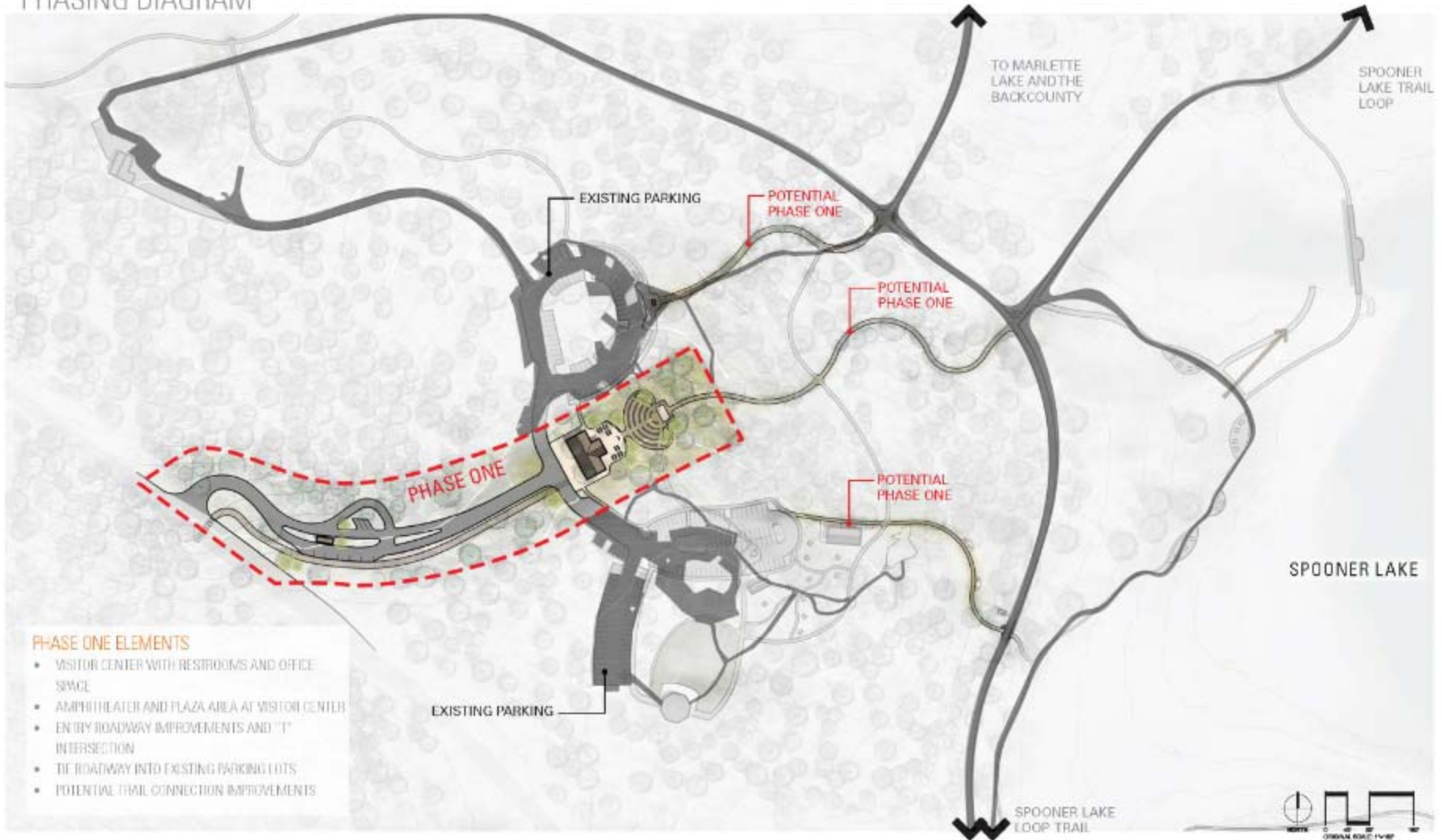
PHASE ONE ELEMENTS

- TRAILHEAD FACILITY BUILDING (VISITOR CENTER)
- AMPHITHEATER AND PLAZA AREA
- ENTRY ROADWAY IMPROVEMENTS AND "T" INTERSECTION
- TIE ROADWAY INTO EXISTING PARKING LOTS

PHASE TWO ELEMENTS

- UPGRADED GROUP PAVILION
- NEW PAVILION
- REVISED PARKING LOTS (MARLETTE AND SPOONER)
- PLUMBED PREFAB DOUBLE RESTROOM
- SINGLE VAULT RESTROOM
- MAINTENANCE AREA UPGRADES
- PIER & NON-MOTORIZED BOAT LAUNCH
- PICNIC AND SEATING AREAS
- TRAIL IMPROVEMENTS
- WAYFINDING AND INTERPRETIVE SIGNS

PHASING DIAGRAM



SPOONER FRONTCOUNTRY
NEVADA DIVISION OF STATE PARKS

DESIGNWORKSHOP
JULY 28, 2017