



## STAFF REPORT

Date: October 20, 2021  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Round Hill Pines Resort Intersection Improvement Project, Environmental Improvement Program # 03.01.02.0070

---

### Summary and Staff Recommendation:

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

### Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff report:

- 1) A motion to approve the required findings including a finding of no significant effect as shown in Attachment A; and
- 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 motions to pass, an affirmative vote of 5-9 (5 Nevada and 9 total) of the Board is required.

### Project Description/Background:

The Round Hill Pines Resort Intersection Improvement Project proposes a new entrance to Round Hill Pines Resort. The new entrance will be 0.2 miles north of the existing entrance and will include a left turn lane into the resort and a northbound acceleration lane along US 50. The current US 50 entrance configuration into the Round Hill Pines Resort is unsafe due to limited sight distance in both directions and unprotected turning movements across US 50. The project will improve the sight distance for vehicles and make turning movements into and out of the resort safer for all users. The project is an Environmental Improvement Program (EIP) project that will improve access to recreation facilities. The project is planned for construction in 2022.

The relocated intersection will tie into a new entrance road and parking lots being constructed by the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) in 2021. The current Round Hill Pines Resort access road contains a narrow roadway width, steep grades, and sharp curves. This limits the flow for two-way traffic and is not conducive to larger vehicles including transit. There is also parking along the unimproved road shoulders causing significant erosion. The project will construct a new entrance that is wider and safer, two new parking lots, a roundabout for transit, and Best Management Practices (BMPs).

### Issues and Concerns:

The TRPA Code of Ordinances requires Governing Board approval for recreation projects that involve more than 3,500 square feet of new land coverage. The project increases coverage by 0.34 acres in land capability district 4 and 0.26 acres in land capability 2 for a total increase of .6 acres (26,136 square feet). The additional coverage is attributed to the highway improvements that will widen the highway to accommodate the safety improvements and the new entrance road. All new coverage will be mitigated per the requirements of Chapters 30 and 60 of the TRPA Code of Ordinances as identified in the draft permit (Attachment B).

The TRPA Code of Ordinances requires Governing Board approval for projects involving substantial harvest or tree removal plans. TRPA Code Section 61.1.8. states substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger. The proposed project area is 8.9 acres and identifies 118 trees greater than 14" diameter at breast height (dbh) be removed to accommodate the project. Nineteen of the trees are greater than 24" dbh. Nine trees are within the Nevada Department of Transportation Right of Way and 109 trees are within the Round Hill Pines Resort property which is owned by the LTBMU. Alternatives to the proposed project were considered during project scoping but none of them reduced the number of trees that would need to be removed. During final design there may be opportunities to reduce the total number of trees that are required to be removed.

The entire project is on public land. The review process for substantial tree removal on public land is determined according to the Memorandum of Understanding (MOU) between the public land manager and TRPA. The proposed tree removal follows the TRPA and LTBMU MOU, which allows the LTBMU to determine if any mitigation is required for tree removal as the land manager. Given the size of the parcel and the existing trees that will remain on-site, the LTBMU has determined that trees will not be replanted to mitigate for the loss of trees on their property.

### Environmental Review:

The Federal Highway Administration (FHWA) Central Federal Lands Highway Division (CFLHD) in cooperation with LTBMU and TRPA prepared a National Environmental Policy Act Environmental Assessment (EA) and TRPA Initial Environmental Checklist (IEC) to analyze the impacts of the proposed project. The Finding of No Significant Impact (FONSI) was signed on October 1, 2021. The FONSI and EA may be found in the project record and online at: [Round Hill Pines Access | FHWA \(dot.gov\)](#).

### Public Comment:

CFLHD in cooperation with LTBMU and TRPA released the public Draft EA to analyze the impacts of the proposed project. The public draft EA was available for public comment from May 28<sup>th</sup> to June 27<sup>th</sup>, 2021. Seven comment letters were received on the public draft EA. Two of the comments were unrelated to the proposed project, three were neutral, and two were opposed to the proposed project. Both oppositions did not think the proposed relocation was in the correct spot. One opposition letter came from legal representation from property owners on Sierra Sunset Lane. They are concerned about the potential traffic, noise, and trash impacts the proposed new entrance may have on their properties. CFLHD responded to all comments including reaching out to the Sierra Sunset Lane representative directly to discuss the response to their comment and the FONSI and EA. The comment letters and responses are part of the public record.

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, Senior Planner, at (775) 589-5205 or [sfriedman@trpa.gov](mailto:sfriedman@trpa.gov)

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit

Attachment A

Required Findings/Rationale

### Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 30, and 61 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 Round Hill Pines Resort Intersection Improvement Project (project) is in the Plan Area Statement (PAS) 068, Round Mound. Day Use is an allowed use within this PAS. The PAS says the areas should be managed for recreation opportunities including provisions for increased public access to the shoreline. 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 priority recreation EIP project for TRPA and basin partners as identified on the 5-year EIP List (EIP #03.01.02.0070).

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

A joint Nevada Environmental Policy Act (NEPA) Environmental Assessment (EA) and TRPA Initial Environmental Checklist (IEC) were completed for the proposed project in accordance with Chapter 3 of the TRPA Code of Ordinances. TRPA staff has reviewed the EA/IEC and all significant environmental impacts have appropriate mitigation measures and staff as concluded that the project will not have a significant effect on the environment. The EA is part of the project record and hard copies may be available upon request.

- 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.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards.

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 will improve access and provide a safer entrance into the Round Hill Pines Resort. It is identified on the EIP project list as a high priority EIP project with threshold attainment in recreation. The need for the project is identified in the preliminary reports for the US 50 Corridor Management Plan and NDOT has identified it as a high priority project in their plans.

- 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 the Round Hill Pines Resort. 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 2 is attributed to constructing a portion of the entrance road that will tie the new intersection into the new entrance road and parking constructed the LTBMU. The slopes in this portion of the resort are steep and there are no higher land capability areas within the resort that are suitable for the entrance road. There is no alternative that would reduce the coverage in Land Capability District 2 while still meeting the purpose and need for the project.

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

There is no feasible alternative that would reduce the extent of coverage in Land Capability District 2 and meet the purpose and need of the project. During planning every effort was made to reduce the extent of coverage and disturbance for the entire project, therefore the amount of disturbance

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.

Prior to acknowledging the permit TRPA will work with CFLD and LTBMU to identify a restoration project on LTBMU property that will satisfy the requirement. Refer to the draft permit (Attachment B)

3. Chapter 61.3.7.A.6 Old Growth Enhancement and Protection - Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity:

19 trees greater than 24 inches dbh are proposed for removal to accommodate the relocation and safety improvements to the Round Hill Pines Resort entrance. There is not a feasible alternative that would reduce the number of old growth trees and meet the purpose and need of the project.

4. Chapter 61.1.8 Substantial Tree Removal

B. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to a Memorandum of Understanding (MOU) between the partner agency and the TRPA.

The project is both on the Nevada Department of Transportation right of way and USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) property. TRPA has an MOU with both NDOT and LTBMU. 9 trees are proposed to be removed within the NDOT right of way. 109 trees are proposed to be removed with the Round Hill Pines Resort owned by the LTBMU. The MOU allows the LTBMU to manage their lands when it comes to tree removal and mitigation for tree removal. Given the size of the parcel, the species of the trees to be removed, and the number of trees that will remain, LTBMU does not think it is necessary to plant additional trees to mitigate for the tree removal associated with the project.

Attachment B

Draft Permit



**Mail**  
 PO Box 5310  
 Stateline, NV 89449-5310

**Location**  
 128 Market Street  
 Stateline, NV 89449

**Contact**  
 Phone: 775-588-4547  
 Fax: 775-588-4527  
 www.trpa.org



**DRAFT PERMIT**

PROJECT DESCRIPTION: Round Hill Pines Resort Intersection Improvement Project

EIP NUMBER: 03.01.02.0070

PERMITTEE(S): Federal Highway Administration, Central Federal Lands Highway Division

FILE #: EIPC2021- 0012

COUNTY/LOCATION: Douglas County/Round Hill Pines

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on October 27, 2021, subject to the Standard Conditions of Approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on October 27, 2024, 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 \_\_\_\_\_

**EIP NUMBER: 03.01.02.0070**  
**TRPA FILE NO. EIPC2021-0012**

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:      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 Round Hill Pines Resort Intersection Improvement Project. The Project will relocate the existing entrance 0.2 miles north of the existing entrance and will include a left turn lane into the resort and a northbound acceleration lane along US 50. The relocated intersection will tie into a new entrance road and parking lots being constructed by the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) in 2021. The project is within the Nevada Department of Transportation right of way and LTBMU property. It is planned for construction in 2022.
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 one set of final construction plans electronically with the following changes:
    - I. Remove the roadway obliteration reference on sheet C01.
    - II. Include the new sign for the Round Hill Pines Resort Entrance.
    - III. Revise sheet C01 to show restoration/minimization of the existing entrance.
    - IV. Include the trees that will be removed on the plan sheets
    - V. Include revegetation on the plan sheets.
    - VI. Show restoration of section of shared use trail that is proposed to be removed. It should be restored so that it is de-compacted and allows water to naturally infiltrate and supports native vegetation.
  - B. The applicant shall mitigate the 11,325 square feet of coverage in Land Capability District 2 by proposing and implementing a restoration project(s) onsite or offsite. The restoration project shall restore land in Land Capability Districts, 1a, 1b, 1c, or 2 at 1.5 times the area of land covered for the project beyond that permitted by the coefficients in Table 30.4.1.1. The project shall be identified prior to acknowledgement of this permit.

- C. The required water quality offset for the 14,810 square feet of coverage in Land Capability Districts 4 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 prior to acknowledgement of this permit.
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. Applicant shall work with the TRPA graphic designer on the design and layout of the sign.
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. 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 treated so they are not shiny or be non-galvanized.
7. 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.
8. The color of rock, articulated block or concrete shall blend in with the native environment and be approved by TRPA prior to placement.
9. 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.

10. Grading is prohibited any time of the year during periods of precipitation and for the resulting period 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).
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
18. 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.
19. This site shall be winterized in accordance with the provisions of Attachment Q by October 15<sup>th</sup> of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.
20. All permanent BMPs shall be maintained per an approved BMP inspection and maintenance plan.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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**