

STAFF REPORT

Date: June 18, 2024

To: TRPA Governing Board

From: TRPA Staff

Subject: Spooner Front Country Improvement Project Phase 3, Douglas County, Nevada, Environmental Improvement Program # 03.01.02.0134, TRPA File # EIPC2024-0003

Summary and Staff Recommendation:

The Nevada Division of State Parks is Proposing the Spooner Front Country Improvement Project, Phase Three. The project includes a non-motorized personal watercraft launch and a wildlife and lake viewing pier on Spooner Lake. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Governing 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 Nevada members and 9 total members of the Governing Board is required.

Project Description/Background:

The Spooner Front Country Improvement Project, Phase Three (Project) is the last phase in a three-phase project at Spooner State Park to improve recreation facilities and access to recreation amenities. The TRPA Governing Board approved both Phase One and Two on February 26, 2020. Phase One improvements included a visitor center, educational amphitheater, improvements to the entrance road, pathways, and interpretive and wayfinding signs. Phase Two improvements included improved and relocated picnic areas, six additional restrooms, a group event area, improved pathways, new and enhanced parking, an enhanced maintenance area, and water quality best management practices for the entire Spooner Front Country project area. Phase One and Two improvements were completed in 2023.

Phase Three proposes a new non-motorized personal watercraft launch and a wildlife and lake viewing pier. Spooner Lake State Park is a popular destination for hiking, mountain biking, fishing, and provides access to popular backcountry recreation. There are currently no facilities that provide access to

Spooner Lake itself. People who wish to launch a non-motorized personal watercraft must walk through the unstable, muddy shorezone. The proposed improvements will provide centralized access to the lake and protect the shoreline from future disturbance.

The Phase Three project is on the Lake Tahoe Environmental Improvement Program (EIP) five year priority list as a high-priority project that improves recreation facilities and access to Spooner Lake ([LT Info | 03.01.02.0134 - Spooner Lake Phase 3 \(laketahoeinfo.org\)](#)). The Project is also a priority project for the State of Nevada as identified in the Nevada Division of State Parks Master Plan.

The Phase Three project is not considered additional recreation as the proposed improvements are accessory to the primary use, which is day use areas. Therefore, the project does not require a separate allocation of Persons At One Time (PAOT).

Shorezone Review Committee Comments:

TRPA and Nevada Division of State Parks staff presented the project to the Shorezone Review Committee (SRC) in May 2024. Representatives from the State of Nevada agencies were present. The SRC did not have any comments that required changes to the Project, and they supported the Project pending approvals from applicable regulatory agencies.

Issues and Concerns:

The proposed non-motorized personal watercraft launch is considered a boat launching facility. The TRPA Code or Ordinances (reference code section) requires Governing Board approval for new boat launching facilities. Boat launching facilities are also a Special Use in the Spooner Lake Plan Area Statement. Special use findings are made in Attachment A.

There are no aquatic invasive species (AIS) present in Spooner Lake. To prevent the spread of AIS between lakes that have AIS and Spooner Lake, an AIS Management Plan is required as part of the permit (Attachment B). Motorized boats are not permitted on Spooner Lake so the plan will focus on compliance with the Tahoe Keepers program.

Spooner Lake State Park is not a TRPA Scenic Recreation Area so a scenic impact assessment from Spooner Lake is not required. A filtered view of the non-motorized personal watercraft launch and pier will be visible from a portion of US Highway 50. The portion of US Highway 50 it is visible from is located in Scenic Roadway Unit 28, which is currently not in attainment. Both structures meet TRPA Design Review Guidelines including being built out of non-glare materials that blend in with the natural environment. There will be no impact on scenic resources.

Environmental Review:

The Nevada Division of State Parks submitted an Initial Environmental Checklist (IEC) with the application, which was been reviewed and deemed adequate by TRPA staff. TRPA staff completed the V(g) checklist. Based on the IEC and V(g) checklist, the staff recommends a finding of no significant impact for the Project. The IEC and V(g) checklist may be found online here: [Accela Citizen Access](#).

Public Comment:

TRPA staff sent public notices to affected property owners. TRPA did not receive any comments on the application.

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.gov. To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

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

Attachment A
Required Findings

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 30, and 80 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 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 # 03.01.02.0134).

- 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 4 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 above to paragraph B)

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.

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 the portions of the non-motorized personal watercraft launch and pier that are above the ordinary high-water mark of 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 non-motorized personal watercraft launch and pier create the minimum disturbance and coverage necessary to provide safe and sustainable access to Spooner Lake. There is no alternative route or infrastructure that will avoid or reduce the amount of disturbance or land coverage created.

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 a result of previous projects. NDSP will be transferring in 1a coverage at a 1.5:1 ratio from

their banked coverage.

3. 3. Chapter 80.3.2. Findings for all Projects in the Shorezone and Lakezone

A. General Environmental Findings.

1. Littoral Processes: The littoral processes will not be impacted by the proposed pier as the structure will be constructed using an open pile design. The new non-motorized personal watercraft launch will be constructed flush with the existing contours of the lake and therefore will not impact sediment transport or littoral processes of the surrounding shoreline.
2. Fish Spawning: Fish spawning areas are not mapped on Spooner Lake.
3. Backshore Stability; Spooner Lake does not have backshore boundaries so the project will not have an impact.
4. On-shore wildlife habitat, including waterfowl and nesting areas: The Nevada Division of State Parks has consulted with the Nevada Division of Wildlife for this project. They concluded that most areas affected by the Project represent marginal or unsuitable habitat for most sensitive wildlife species and therefore do not have concerns for sensitive wildlife species. Wildlife surveys will be conducted before construction and disturbance zones will be followed if nesting species are found.

B. Accessory Facilities: TRPA must find that there are sufficient accessory facilities to accommodate the project.

Spooner State Park has sufficient accessory facilities to accommodate the project including parking, restrooms, signage, and stabilized access from the parking lots to Spooner Lake.

C. TRPA must find that the project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel, or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The proposed non-motorized personal watercraft launch and pier are compatible with the existing uses at Spooner Lake. The project will provide stabilized access for non-motorized personal watercraft launching. Currently there is no stable place to launch which results in unstable soil and muddy conditions. The pier will offer a stable and

safe place for visitors to view wildlife and Spooner lake. Currently no structures exist on Spooner Lake itself.

D. Water Dependent Use: TRPA must find that the proposed use in the lakezone, nearshore, foreshore, or lagoon is water dependent.

The nature of the project is water dependent.

E. Hazardous Materials. TRPA must find that measures will be taken to prevent spill or discharges of hazardous materials.

Best Management Practices will be installed and maintained throughout the duration of the project. This includes a Spill Prevention Plan.

F. Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

Best Management Practices will be installed and maintained throughout the duration of the project. This includes construction limit fencing, vegetation protection, stabilized construction access, and staging areas.

G. TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdiction over the navigable waters of the basin.

The non-motorized personal watercraft launch and pier will not impact navigation on Spooner Lake. Motorized boats are not allowed on Spooner Lake.

H. TRPA must find that it has solicited comments from those public agencies having applicable jurisdiction over the lakezone, shorezone, and lagoon, and that all comments received from such agencies were considered prior to taking action on the project.

TRPA presented the Project to the Shoreline Review Committee (SRC) on May 16, 2024. The SRC includes representatives from the United States Army Corp of Engineers, Nevada Department of Environmental Protection, and Nevada Division of Wildlife. All comments received have been incorporated into the plans and permit. TRPA will not acknowledge the TRPA permit until all required permits from other agencies have been obtained and complied with.

4. Chapter 80.3.3. Additional Special Use Findings

A. The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.

The construction of a non-motorized personal watercraft launch and pier formalizes and upgrades the existing uses that are taking place at Spooner Lake. Constructing a non-motorized personal watercraft launch will help protect the shoreline of Spooner Lake during boat launching. Also, the construction of the pier will allow visitors to view the shoreline and lake area of Spooner Lake without impacting the shoreline.

B. The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.

The proposed project will improve the existing recreational use of Spooner Lake and will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood or in the Region.

C. The applicant and taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The project will improve access to Spooner Lake. It provides a safe and environmentally sustainable way to launch non-motorized personal watercraft and view Spooner Lake and wildlife. Applicable best management practices will be installed and maintained throughout the duration of the project to protect air and water resources during construction.

D. The project, and the related use, will not change the character of the neighborhood. Detrimently affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan.

The project and the existing related use will not change the character of the neighborhood, detrimentally affect, or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan. The project is consistent with Plan Area Statement, 057 Spooner Lake, which has a Land Use Classification of Recreation.

5. 80.3.4 Additional Findings for Public Outdoor Recreation Facilities

A The project is a necessary part of the agency's long-range plans for public outdoor recreation.

The project is a necessary part of the Agency's long-range plans for public outdoor recreation to provide enhanced stabilized access to Spooner State Park and Lake for both non-motorized watercraft users and hikers wanting access to the lake. 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 # 03.01.02.0134). The project is also identified in NDSP Master Plan.

B. The project is consistent with the recreational element of the goals and policies.

The project is consistent with the recreation element of the TRPA Regional Plan goals and policies. The proposed project both preserves and enhances the high-quality recreational experience and access provided at Spooner Lake for both the local community and tourists. The project will protect the shoreline of Spooner Lake by providing a stable and sustainable way to access the lake.

C. The project, by its very nature, must be cited in the backshore.

Spooner Lake does not have a backshore.

D. There is no feasible alternative that avoids or reduces the amount of land coverage or disturbance proposed in the backshore.

There is no backshore for Spooner Lake. The amount of coverage and disturbance in the shoreline of Spooner Lake is the minimum necessary to implement the improvements.

Attachment B

Draft Permit

PROJECT DESCRIPTION: Spooner Front County Improvement Project Phase Three

APNs: 1418-00-001-007

FILE #: EIPC2024-0003

PERMITTEES: Nevada Division of State Parks COUNTY/LOCATION: Douglas /Spooner State Park

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **June 26, 2024**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **June 26, 2027**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. 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 DEMOLITION, 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) THE PERMITTEE OBTAINS THE APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES' 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 _____

CONSENT CALENDAR ITEM NO. 4

APN: 1418-00-001-007
FILE NO. EIPC2024-0003

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 and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of a non-motorized personal watercraft launch and a wildlife viewing pier. The watercraft launch shall be constructed by placing a steel grid foundation onto piles and cross members, and by placing pre-cast concrete sections onto the grid or other environmentally protective method. Modification to temporary BMPs (Best Management Practices) may be required depending on the lake level at the time of construction. No modification or expansion of any additional shorezone structure or additional disturbance outside of the scope of this permit is approved. It should be noted that any periodic maintenance may require further review and approval by TRPA. Motorized watercraft are not permitted on Spooner Lake.
2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The Permittee shall submit the 100% construction plans with the following revisions:
 - (1) Notes indicating that there will be no storage of containers of fuel, paint, or other hazardous materials, or construction materials or equipment on any of the beach areas.
 - (2) Notes indicating that there will be no permanent storage of any excavated material on site.
 - (3) A note stating that any and all exposed metal structures (piling, etc.) shall be painted a dark non-reflective color consistent with the TRPA Code of Ordinances Subsection 83.11.
 - B. Submit a restoration plan for the staging area. The staging area shall be restored prior to close out of the permit.

CONSENT CALENDAR ITEM NO. 4

- C. In order to prevent the spread of invasive aquatic species, the Permittee shall develop an AIS plan program to manage non-motorized watercraft entering into the lake. The program shall emphasize and enforce the Tahoe Keepers program.
 - D. The permittee shall submit a cross section of the existing boat ramp including the square footage of each constituent part.
 - E. The permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of demolition, construction, and dredging.
 - F. The permittee shall provide a detailed plan describing how public access will be managed within and adjacent to the construction site during all phases of the proposed work. The plan shall include detailed measures on how public safety will be maintained during all the periods of construction activity.
 - G. The permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e. fuel, epoxy glue, paint, other volatile substances, welding and torch equipment, etc.) for construction activities. A contact list of all emergency response agencies shall be available at the project site during the period of construction.
 - H. The Permittee shall obtain any and all permits from the appropriate local jurisdiction including but not limited to the Nevada Division of State Lands, the U.S. Army Corps of Engineers, and the Nevada Department of Environmental Protection.
4. Prior to the commencement of construction all wildlife surveys shall be conducted, and the appropriate buffer shall be installed around any perching or nesting sites.
5. 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 the 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. The 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.

6. Final construction drawings shall conform to all the applicable design standards set forth in Section 84.5.2. of the TRPA Code of Ordinances, as well as all other applicable TRPA design standards.
7. Any and 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.
8. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to ensure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
9. All temporary erosion control structures must be maintained until any disturbed areas are stabilized. Temporary erosion control structures shall be removed once the site has been stabilized.
10. Best practical control technology shall be employed to prevent earthen or other materials from being re-suspended as a result of construction activities.
11. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Spooner is prohibited outside of the proposed boat ramp construction areas. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
12. 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.
13. Any normal construction activity creating noise in excess of 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.

END OF PERMIT

CONSENT CALENDAR ITEM NO. 4