

MEMORANDUM

Date: April 19, 2018

To: TRPA Hearings Officer

From: TRPA Staff

Subject Pinewild, Linear Public Service Facility Replacement Project; 600 US-50, Douglas County, Nevada; Assessor's Parcel No: 1318-15-110-052 & 1318-15-111-085, TRPA File No: ERSP2018-0099

Proposed Action: Hearings Officer review and approval of the proposed project to rebuild the underground electric distribution system, abandon direct buried primary cable and replace submersible transformers with pad mount transformers, and install new conduit and associated structures in Pinewild Subdivision #1 and #2.

Staff Recommendation: Staff recommends the Hearings Officer make the required findings and approve the project subject to the conditions in the draft permit.

Project Description: NV Energy is proposing to rebuild the existing underground electric distribution system within Pinewild #1 and #2 Subdivision (Pinewild Condominiums). Proposed project activities include: 1) direct buried primary cable, 2) seven submersible transformers; and 3) one live front transformer with new primary conductor within underground conduit and pad mounted above-ground transformers. NV Energy has determined this project is necessary to improve reliability and safety of service.

The majority of construction will occur within existing roads or road shoulders within the subdivision, with the exception of three N-36 box installations, which are directly adjacent to residences. There is an existing easement reserved over, under and through each residence and the common area for the installation, maintenance and repair of utilities (Official Plats for Pinewild). All transformers will be painted green to blend in with the natural surroundings and be placed adjacent to existing submersible transformer locations. Best Management Practices (BMPs) will be used throughout the project to protect water quality.

The maximum excavation depth proposed for the Primary 557 vault is seven (7) feet. TRPA staff has already reviewed the Soils/Hydrologic Scoping Report and approved the depth of excavation (TRPA File# LCAP2018-0034), subject to the following conditions:

1. All excavated materials shall be hauled away from the project site.
2. No fills or recontouring, other than backfill for the cut-retaining structures, is allowed.
3. Dewatering methods, if necessary, must be reviewed and approved to TRPA prior to implementation.

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The above conditions have been incorporated into the draft Permit. All other proposed excavation is less than five feet in depth.

The project includes 157 square feet of new coverage for transformer and junction box locations, as follows:

New Coverage	
Land Capability District	Square Feet
1B	14
4	143
TOTAL	157

Pursuant to TRPA Code, Sections 30.4.2.A.2 and 30.5.1.C, the maximum land coverage (base coverage plus transferred coverage) for linear public facilities is limited to the minimum amount needed to achieve the public purpose and may be permitted in sensitive lands, such as Land Capability District (LCD) 1b, if the project is necessary for public health and safety or the environment, there is no reasonable alternative, and impacts are fully mitigated.

Issues/Concerns: The proposed use (power transmission) is identified as a special use in Plan Area Statement 067 – Marla Bay/Zephyr Heights, and therefore requires Hearings Officer review in accordance with Section 2.2.2 of the TRPA Code of Ordinances.

Environmental Documentation: TRPA staff completed the “Project Review Conformance Checklist and Article V(g) Findings” and an Initial Environmental Checklist in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and supports a finding of no significant effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 30, 33 and 66 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – 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.

All evidence in the file and public record demonstrates that the proposed project will not adversely impact the Regional Plan, is consistent with Plan Area Statement 067 – Marla Bay/Zephyr Heights on the Land Use, complies with the TRPA Code of Ordinances, and will not adversely impact other TRPA plans and programs.

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

The basis for this finding is provided on the checklists entitled “TRPA Initial Environmental Checklist” and “Project Review Conformance Checklist and Article V(g) Findings,” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklists will be made available at the Hearings Officer public hearing and at TRPA.

- 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 TPRA Compact, the project meets or exceeds such standards.

The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the Region. The project includes the installation of permanent water quality BMPs.

2. Chapter 21 – Special Use Findings:

- a. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

An underground electric distribution system already exists in Pinewild Subdivision #1 and #2. The project includes rebuilding and upgrading the existing system to serve Pinewild residents. An electric distribution system is an appropriate use for a residential subdivision. The majority of work will occur underground and disturbed areas will be restored. The above ground transformers will be painted green to blend with the natural surroundings. The proposed project will not create a change in the physical environment of the site or its surroundings.

- b. The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The project as conditioned in the draft permit will not cause adverse impacts to health, safety and general welfare of the region. The applicant will maintain access to the subdivision at all times, temporary BMPs will be used on-site, open trenches will be closed for safety at night, and the site will be restored to the current condition upon completion of the project. The proposed project will benefit residents by improving the reliability of service and service repair response time when failures do occur.

- c. The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project as conditioned will not change the character of the neighborhood as the existing service capacity will remain the same and the proposed project will not add additional capacity. The proposed project includes the rebuild of existing facilities to improve service reliability and shorten service repair response times. The project site is located in a Plan Area Statement in which power transmission facilities are a special use. The rebuild of the existing electric distribution system on the parcels will not detrimentally affect or alter the purpose of the applicable planning statement.

- 3. Chapter 30- Land Coverage Findings: This project is proposing new land coverage in land capability district 1b. This is permissible if the following findings can be made:

- a. The project is necessary for public health, safety or environmental protection.

The project is necessary to improve the reliability of service and service repair response time when failures do occur in the Pinewild Subdivision #1 and #2. Public health and safety will benefit as a result of this project.

- b. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 or 3.

The majority of construction will occur within existing roads or road shoulders (already disturbed areas), where existing facilities exists, and within LCD 4 (high capability lands). Rebuilding the distribution system in the proposed location (rather than relocating it to a new location) will cause the least amount of impact in the project area. There will be a small amount of work occurring in LCD 1b, which is required due to the location of existing facilities. To mitigate the impact of adding 14 square feet of coverage to LCD 1b, restoration credits will be required at a 1.5 ratio as required by Section 30.5.2.C.3 of the TRPA Code.

- c. The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by paragraph 30.5.1.B.5.

BMPs will be required as part of the project, 157 square feet of coverage will be transferred to the site, and restoration credits will be required at a 1.5 ratio for the proposed 14 square feet of new coverage in an SEZ as required by the TRPA Code. All disturbed areas will be restored. The applicant will also pay a water quality mitigation fee for all new coverage created.

- 4. Chapter 33 – Excavations: Excavations in excess of five feet in depth can be permitted by TRPA if certain findings can be made.

- a. A soils/hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA,

demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The applicant submitted a soils/hydrologic application to TRPA (TRPA File #LCAP2018-0034) because the project proposal includes an excavation of 7 feet for the Primary 557 Vault. A depth of 7 feet below ground surface was approved by TRPA.

- b. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: Tree Removal, including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation.

The excavation will occur in areas where the existing lines and transformers are already located and should not cause damage to nearby trees.

- c. Excavated material is disposed of pursuant to subsection 33.3.4: Disposal of Materials, and the project area's natural topography is maintained pursuant to subparagraph 36.5.1.A. If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, then the excavation can be made as an exception pursuant to subparagraph 33.3.6.A.2, provided measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any ground water or subsurface water flow from leaving the project area as surface flow.

All excavated material will be disposed of pursuant to subsection 33.3.4. A disposal location shall be approved by TRPA prior to commencement of excavation. A soils/hydrologic report has been prepared and approved by TRPA. The proposed project is not expected to interfere with groundwater flows or impact SEZ vegetation.

5. Chapter 66 – Scenic Quality

- a. All new electrical lines which operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

All lines will be placed underground. Transformers will be located above ground for reliable service and timely repairs. Transformers will be painted green to blend with the natural surroundings. Where safety is not as issue, vegetation will be used for screening.

Required Actions: Staff recommends that the Hearings Officer take the following actions, based on this staff summary and evidence in the record:

1. Approve the findings contained in this staff summary, and a finding of no significant effect.
2. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft TRPA Permit (AttachmentA).

Contact Information: If you have any questions, please contact Brandy McMahon, AICP, Principal Planner, at (775) 589-5274 or bcmahon@trpa.org.

Attachments:

- A. Draft Permit
- B. Site Plan

Attachment A
Draft Permit

PROJECT DESCRIPTION: The rebuild of the underground electric distribution system in Pinewild Subdivision #1 and #2.

APNs: 1318-15-110-052 & 1318-15-111-085

PERMITTEE(S): NV Energy FILE# ERSP2018-0099
Pinewild Condominium HOA

COUNTY/LOCATION: Douglas County / Pinewild Condominium HOA

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on April 26, 2018, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 26, 2021, 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 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) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING 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

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

(NV Energy)

Signature of Permittee(s) _____ Date

(Pinewild Condominium HOA)

PERMIT CONTINUED ON NEXT PAGE

APN 1318-15-110-052 & 1318-15-111-085

FILE NO. ERSP2018-0099

Water Quality Mitigation Fee (1): Amount \$ 292.02 Paid _____ Receipt No.

Security Posted (2): Amount \$ 5,000.00 Type: _____ Paid _____ Receipt No.

Security Administrative Fee (3): Amount \$ _____ Paid _____ Receipt No.

Notes:

- (1) See Special Condition 3.E, below.
- (2) See Special Condition 3.F., below.
- (3) \$152 if a cash security is posted; or \$135 if a non-cash security is posted.

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 authorizes the rebuild of the underground electric distribution system in Pinewild Subdivision #1 and #2. The project includes abandoning direct buried primary cable and replacing submersible transformers with pad mount transformers and installation of new conduit and associated structures. The project includes a total excavation of 200 cubic yards of soil and 142 cubic yards of fill. An excavation depth of approximately 7 feet is required for the Primary 557 Vault. An excavation depth of 7 feet was approved via a soils-hydrological waiver issued by TRPA (TRPA File# LCAP2018-0034). An excavation depth of less than 5 feet is required for all other work associated with the project. The project includes 157 square feet of additional coverage (14 square feet in Land Capability District (LCD) 1b (stream environment zone) and 143 square feet in LCD 4) and is necessary for Linear Public Facilities. The necessary coverage will be transferred in per TRPA Code Section 30.4.2, 30.5.1 and 30.5.2. The increase in coverage

is necessary to accommodate three Secondary N-36 Boxes, one Primary 557 Vault, six new Transformer Pads, and six Barrier Posts.

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. An Overall Site Plan shall be provided that reflects the following:
 - (1) Indicate the construction staging area that will be used during construction. Note that the construction staging area shall be on existing coverage and shall be protected with temporary Best Management Practices.
 - (2) Notes specifying the location of all temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.
 - (3) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
 - (4) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
 - (5) A note indicating: "Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures."
 - (6) A note indicating: "All excavated materials shall be hauled away from the project site."
 - (7) A note indicating: " No fills or recontouring, other than backfill for the cut-retaining structures, is allowed."

- B. The transformers shall be painted a dark green. A sample of the color to be used shall be submitted to TRPA for approval prior to permit acknowledgement.
 - C. The permittee shall transfer 157 square feet of restored land coverage to this project area prior to permit acknowledgement. Note that all coverage transfers must comply with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure. Non-land bank coverage transfers shall be reviewed under a separate TRPA application.
 - D. The permittee shall submit a project construction schedule to TRPA prior to permit acknowledgement or at the TRPA pre-grade inspection. Said schedule shall include completion dates for each item of construction, as well as temporary BMP installation.
 - E. A water quality mitigation fee of \$292.02 shall be paid to TRPA. This fee is based on the creation of 157 square feet of land coverage at a rate of \$1.86/square foot.
 - F. The security for this project shall be \$5,000. The security shall be released upon completion of the project and satisfaction of all permit conditions. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - G. The permittee shall provide evidence that 21 restoration credits have been acquired from the Nevada Division of State Lands land bank to mitigate the additional 14 square feet of coverage in LCD 1b as required by Sections 30.5.2.C. 3 and 30.5.1.B.5 TRPA Code.
 - H. The permittee shall submit three final plans to TRPA.
- 4. Any unused material not utilized as backfill shall be removed from the site to a location acceptable to TRPA.
 - 5. Dewatering methods, if necessary, must be reviewed and approved to TRPA prior to implementation.
 - 6. If needed to protect the scenic quality of Lake Tahoe, vegetative screening shall be located on the lakeward side of transformers.
 - 7. All BMP details and specifications shall be consistent with the TRPA Handbook of Best Management Practices. All of the BMP handbook details and information sheets can be viewed and downloaded at <http://www.tahoebmp.org/BMPHandbookCh4.aspx>. If sub-surface infiltration facilities are proposed, it will be necessary to submit photo documentation of sub-surface infiltration systems prior to issuance of a BMP Certificate

of Completion. The photographs shall clearly show that the infiltration systems have been installed as specified on TRPA approved plans.

8. Prior to security release photos shall be provided to TRPA taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
9. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
10. Existing natural features outside of the project area shall be retained and incorporated into the site design to the greatest extent feasible. The site shall be designed to avoid disturbance to rock outcrops and to minimize vegetation removal and maintain the natural slope of the project site.
11. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
12. 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. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. 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.

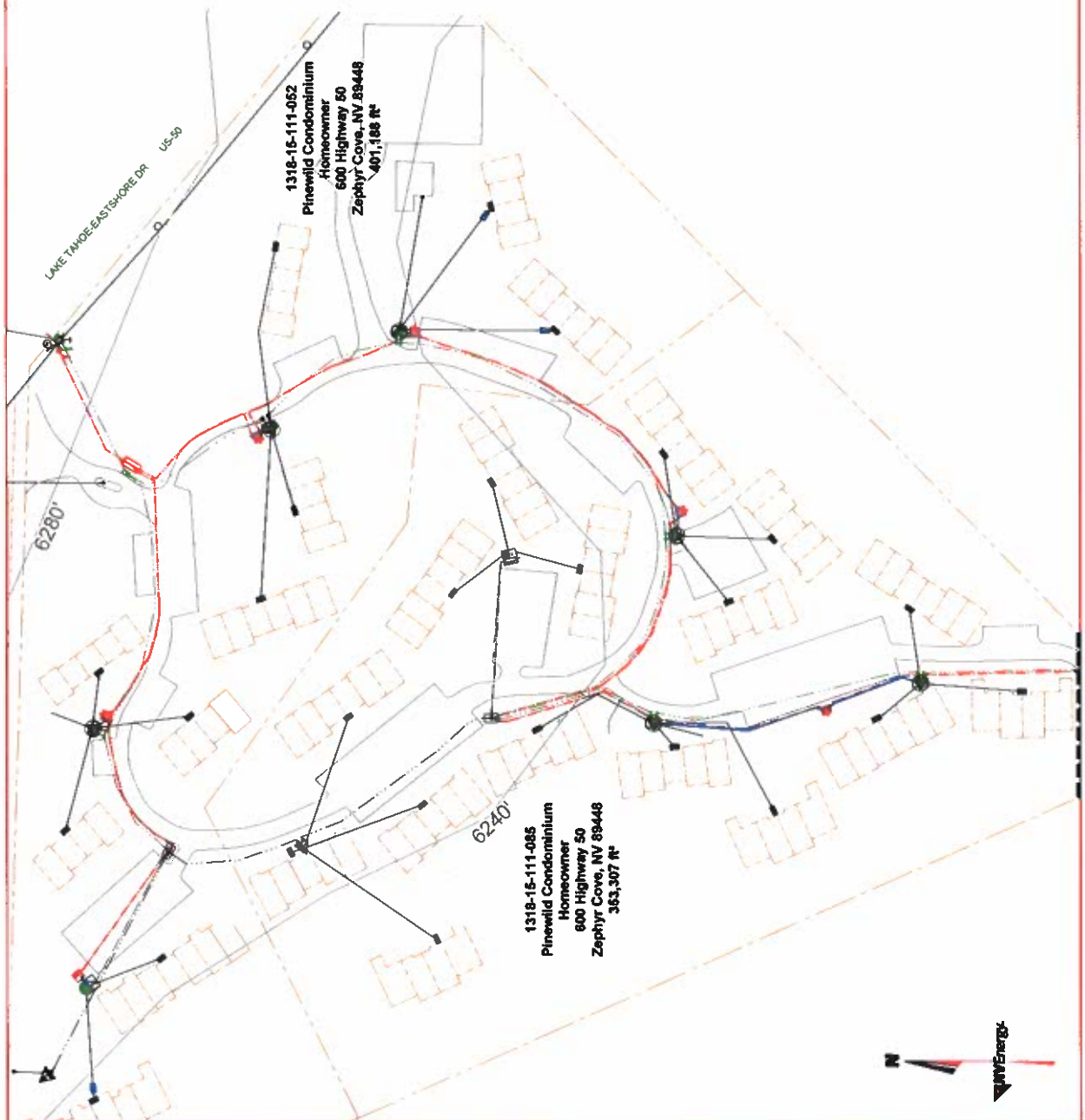
END OF PERMIT

Attachment B

Site Plan

DRAWING NO. 10-002 DATE 10/10/10 REVISIONS REVISION BY APPROVED BY PROJECT NO. 10-002 PROJECT NAME SHEET NO. 1 OF 1		NV ENERGY 725 W. WYOMING LAS VEGAS, NV 89101 NV ENERGY CONTACT INFORMATION: CORPORATOR: BILL EDWARDS OFFICE: (702) 834-2310 CELL: (702) 372-3100 FAX: (702) 834-2311 EMAIL: EDWARDS@NVEENERGY.COM DESKTOP: BILL.EDWARDS@NVEENERGY.COM WEBSITE: WWW.NVEENERGY.COM	CUSTOMER CONTACT INFORMATION: CUSTOMER: NV ENERGY PROJECT: PHONE: FAX: EMAIL: 1318-15-111-082 1318-15-111-085 SOURCE INFORMATION: LINE 3332 24.4KV NORM OUT OF ROUNDHILL SUB		ELE# 3001360130 SVC#: EXHIBIT 'N' APPLICANT INSTALLED CONDUIT ELECTRIC DESIGN SCALE: 1 : 50 SHEET#: E.3
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Per plat maps for Pinewild, there is reserved an easement over, under and through each residence unit and the Common Area for the installation, maintenance and repair of each and every utility serve including but not limited to electricity, gas and telephone service.



RED = PROPOSED
 BLUE = PROPOSED
 GREEN = REMOVAL
 BLACK = EXISTING - TO REMAIN

