

5 COMMENTS AND COORDINATION

5.1 INTRODUCTION

Early and ongoing coordination with the public and agencies is an essential part of the environmental process. It helps the lead agencies determine the necessary scope of environmental documentation, and identify potential impacts and avoidance, minimization, and/or mitigation measures, if needed. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including: meetings for the Project Development Team (PDT), interagency coordination, Community Review Committee, Business Review Committee, and the public. This chapter summarizes the results of the Tahoe Transportation District's (TTD) public and agency coordination efforts.

5.2 PUBLIC SCOPING

5.2.1 Notice of Preparation/Notice of Intent

The scoping process for the US 50/South Shore Community Revitalization Project was initiated with the preparation and distribution of a Notice of Preparation (NOP) of the environmental impact report (EIR) and Tahoe Regional Planning Agency (TRPA) environmental impact statement (EIS) and the publication of a Notice of Intent (NOI) to prepare a National Environmental Policy Act (NEPA) EIS in the Federal Register. The formal scoping process period was initiated on November 2, 2011, and ended on December 16, 2011.

The NOP was posted at the State Clearinghouse (No. 2011112009) and was circulated to public agencies and other interested parties in compliance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines and TRPA Rules of Procedure on November 2, 2011. The NOP notified the public of the preparation of the joint EIR/EIS/EIS; the scoping meeting dates, times, and locations; and how to provide comments on the project.

The NOI was published on November 1, 2011, in the Federal Register in compliance with 40 Code of Federal Regulations 1508.28. The NOI included the background of the project, the project purpose and need, a brief description of the proposed alternatives, information regarding the scoping meeting locations, and how to provide comments on the project.

Copies of the NOP and NOI are provided in Appendix A, "NOP/NOI and Scoping Report."

5.2.2 Scoping Meetings

In addition to the NOP/NOI, two public scoping meetings were held as part of the scoping process. The meetings were held as follows:

- ▲ November 10, 2011. TTD Board, Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada (Beginning at 1:00 p.m.).
- ▲ December 7, 2011. TRPA Advisory Planning Commission (APC), Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada (Beginning at 9:30 a.m.).

5.2.3 Comments Received During Scoping

A total of 28 written comment letters and nine oral comments were received from state, regional/local agencies, community groups, members of the general public, and other interested parties via letters, emails, and recorded scoping meeting comments. Comments received pertain to the following resources. Appendix A includes a more detailed summary of comments received:

- ▲ public services and utilities;
- ▲ alternatives;
- ▲ floodplains;
- ▲ land use;
- ▲ community impacts;
- ▲ environmental justice;
- ▲ parks and recreational facilities;
- ▲ visual resources/aesthetics;
- ▲ water quality and stormwater runoff;
- ▲ geology, soils, land capability and coverage;
- ▲ hazards, hazardous materials, and risk of upset;
- ▲ greenhouse gas emissions and climate change;
- ▲ noise and vibration;
- ▲ traffic and transportation/
pedestrian and bicycle facilities;
- ▲ biological resources; and
- ▲ cumulative impacts.

The Scoping Summary Report (2012), attached in Appendix A, documented the scoping process and contains the following documents and more detailed information regarding the scoping process and comments submitted on the project:

- ▲ summary of the written and oral comments received in response to the NOP and NOI,
- ▲ copies of the NOP and NOI,
- ▲ scoping meeting materials,
- ▲ formal scoping letters, and
- ▲ public hearing comment summary.

5.3 CONSULTATION AND COORDINATION WITH AGENCIES

5.3.1 Section 4(f) Consultation

Impacts on publicly owned parks are discussed in detail in Section 3.3, “Parks and Recreational Facilities.” TTD has consulted with the Nevada Division of State Parks (NDSP) and the California Tahoe Conservancy (Conservancy), who jointly managed Van Sickle Bi-State Park, as it relates to the project’s effect on the land, activities, features, or attributes of the park, a resource that qualifies for protection under Section 4(f) of the Department of Transportation Act of 1966. Coordination with the public agencies that own and manage a public park resource is a Section 4(f) requirement.

Meetings with NDSP and the Conservancy were held on:

- ▲ January 10, 2014;
- ▲ October 20, 2014;
- ▲ August 11, 2015; and
- ▲ January 21, 2016.

Meeting attendees that participated in at least one of the Section 4(f) meetings include:

- ▲ Carl Hasty, District Manager, TTD;
- ▲ Adam Spear, General Counsel, TTD;
- ▲ Russ Nygaard, Transportation Capital Program Manager, TTD;
- ▲ Larry Vinzant, Senior Environmental Protection Specialist, Federal Highway Administration (FHWA), California Division;
- ▲ Cesar Perez, Senior Transportation Engineer, FHWA-California Division;
- ▲ Abdelmoez (Del) Abdalla, Environmental Program Manager, FHWA-Nevada Division;
- ▲ Brett Gainer, Office of the Chief Counsel, FHWA;

- ▲ Will McClure, Civil Rights Program Manager, FHWA-California Division;
- ▲ Dave Tedrick, Senior Environmental Protection Specialist, FHWA-California Division;
- ▲ Jake Nelson, Environmental Planner, California Department of Transportation (Caltrans);
- ▲ Pedro Rodriguez, Project Manager, Nevada Department of Transportation (NDOT);
- ▲ Mark Davis, Chief of Planning and Development, NDSP;
- ▲ Dana Dapolito, Conservation Staff Specialist, NDSP;
- ▲ Tim Hunt, Chief of Planning and Development, NDSP;
- ▲ Bob Mergell, Deputy Administrator, NDSP;
- ▲ Eric Johnson, Division Administrator, NDSP;
- ▲ Penny Stewart, Supervising Environmental Planner, Conservancy; and
- ▲ Sue Rae Irelan, Associate Environmental Planner, Conservancy.

The purpose of these meetings was to discuss: the necessity of using a narrow strip of park property in the relocated highway right-of-way, potential Section 4(f) issues related to Van Sickle Bi-State Park, project design features to address concerns raised by NDSP and the Conservancy, illustrations of project elements in the context of Van Sickle Bi-State Park, and TTD's Joint Planning Exception request under Section 4(f) Guidelines. Through the coordination process, design features have been included in the project alternatives so that the project would not adversely affect the activities, features, and attributes that qualify the park for protection under Section 4(f). The outcome of the Section 4(f) process is a proposed *de minimis* finding, in accordance with FHWA procedures.

A summary of the FHWA proposed *de minimis* finding is provided in Chapter 4, "Other NEPA-, CEQA-, and TRPA-Mandated Sections." Appendix D includes documentation of the Section 4(f) preliminary determination.

5.3.2 SHPO Consultation

Consultation with the California State Historic Preservation Office (SHPO) and Nevada SHPO has been initiated for cultural resources in the Area of Potential Effect (APE), as documented in the California Archaeological Survey Report (ASR), Nevada ASR, California Historical Resources Evaluation Report (HRER), and the Nevada HRER.

5.3.3 Native American Consultation and Coordination

The Native American Heritage Commission (NAHC) was contacted to request a search of its sacred lands file, along with contact information for Native American representatives who might have details about cultural resources in the study area. In its response, dated March 12, 2012, the NAHC stated that its search of the sacred lands file had failed to identify any Native American cultural resources within the project site limits or immediate project vicinity. The NAHC also provided a list of Native American representatives, recommending that these individuals be contacted for information regarding cultural resources.

On March 29, 2012, letters describing the project with a map depicting the APE were sent to each of the Native American individuals and organizations on the contacts list provided by the NAHC, requesting any information or concerns they might have regarding cultural resources in the APE. Follow-up telephone calls were placed on April 13, 2012, after no response to the letters had been received. One individual, Mr. Darrel Cruz, Tribal Historic Preservation Officer of the Washoe Tribe of Nevada and California, was contacted. During an April 16, 2012, telephone conversation, Mr. Cruz stated that the study area has been disturbed by urban improvements, that he does not know of any cultural resources within the project site, and that the areas along creeks near the project site are archaeologically sensitive. Mr. Cruz requested that the tribe be "kept involved" as the project progresses and stated that the tribe is available to monitor if archaeological testing or construction excavation takes place.

In accordance with California Assembly Bill (AB) 52 (Statutes of 2014), tribal cultural resources were added as a resource subject to review under CEQA, effective January 1, 2015, so they are considered in this EIR/EIS/EIS. Because the NOP for the US 50/South Shore Community Revitalization Project was issued in 2011, before the effective date of the consultation provisions of AB 52, the procedural prescriptions of the statute regarding consultation do not apply to this project. Nonetheless, communication with the Washoe Tribe of California and Nevada, as noted above, has been undertaken as part of the environmental analysis (see above and Section 3.8, “Cultural Resources”).

5.4 COMMUNITY OUTREACH MEETINGS

A summary of the types of community outreach meetings and other public outreach efforts, beyond those meetings conducted as part of the scoping process, is provided in Table 1-2 of Section 1.5, “Summary of Public Involvement,” of this document. Beginning in 2011, outreach efforts consisted of the following:

- ▲ PDT meetings;
- ▲ public workshops to gain public input on the project design;
- ▲ meetings with community members and business community members;
- ▲ presentations to the South Lake Tahoe City Council and Douglas County Board of County Commissioners;
- ▲ service club presentations;
- ▲ one-on-one meetings with stakeholders, business owners, and community groups;
- ▲ flyer distribution; and
- ▲ media alerts.

Prior to these efforts, when preparing the US Highway 50/Stateline Area Transportation Study, TRPA and other members of the PDT recognized that community involvement in the planning of the project was a key component. Property and business owners, local organizations, and the general public were provided an opportunity to respond to questionnaires and attend stakeholder meetings on the project, along with two rounds of community workshops held on October 15, 2003 and on March 4, 2004.

5.5 PROJECT DESIGN AND DEVELOPMENT

The public outreach efforts and coordination with agency stakeholders, community groups, and business owners that has occurred as part of the environmental review process has influenced the development of alternatives assessed in this EIR/EIS/EIS. The following alternatives and design features arose from this process:

- ▲ The development of Alternative B and Alternative C arose during PDT meetings. These alternatives were developed to avoid displacement of businesses that would occur as part of Alternative D.
- ▲ Alternative E was developed in response to elected officials’ and public concerns related to displacement of residents of the Rocky Point neighborhood southwest of the Heavenly Village Center. An objective of the alternative was to determine if an alternative could feasibly avoid all displacement. Additionally, Alternative E was also designed to address conflicts between pedestrians and vehicle traffic on US 50 through the resort-casino portion of the tourist core.
- ▲ In response to public comments received during scoping and concerns expressed by the Conservancy and NDSP regarding access to Van Sickle Bi-State Park after the highway realignment, Alternatives B through D propose a new pedestrian bridge extending over the relocated US 50 alignment between the tourist core and the park at a point just west of the Harrah’s entrance driveway.