

Appendix F

**State Route 89/Fanny Bridge
Community Revitalization Project
Section 4(f) Documentation**

Memorandum

To: Alfred Knotts, Tahoe Transportation District
From: Kelly Dunlap, AECOM
Date: May 15, 2014
Subject: State Route 89/Fanny Bridge Community Revitalization Project Section 4(f)
Documentation

The enclosed document serves as the Section 4(f) documentation for the State Route 89/Fanny Bridge Community Revitalization Project. The document has been prepared according to Caltrans guidance, and is suitable for inclusion in the environmental document as Appendix B as shown in the Caltrans annotated outline. Please let me know if you have any questions or concerns regarding this document or its inclusion in the draft environmental document.

Thank you.

Introduction

This appendix documents the Federal Highway Administration's (FHWA) intent to make a Section 4(f) de minimis use determination for the use of trails within the Tahoe City Public Utility District (TCPUD) multi-use trail system; a final de minimis determination will not be made until after public review of the environmental document. Also, included in this appendix is a discussion of other potential Section 4(f) properties evaluated relative to the requirements of Section 4(f), including a discussion of the 64 Acre Tract.

Section 4(f) Regulatory Setting

Section 4(f) of the Department of Transportation Act of 1966 codified in Federal law at 49 USC §303, declares that "[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

Section 4(f) specifies that "[t]he Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if -

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use land protected by section 4(f).

In general, a section 4(f) "use" occurs with a DOT-approved project or program when 1) section 4(f) land is permanently incorporated into a transportation facility; 2) when there is a temporary occupancy of section 4(f) land that is adverse in term of the section 4(f) preservationist purposes as determined by specified criteria (23 CFR §771.135[p][7]); and 3) when section 4(f) land is not incorporated into the transportation project, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under section 4(f) are substantially impaired (constructive use) 23 CFR § 771.135(p)(1) and (2).

Section 4(f) De Minimis Determination

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any

avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Description of Use of TCPUD Multi-use Trails

TCPUD maintains a network of 19 miles of multi-use trails (Figure 1). The Truckee River Trail runs in an east-west direction along State Route ("SR") 89 from Tahoe City to the Squaw Valley trail system. Near its start in Tahoe City, the Truckee River Trail connects to the Tahoe Rim Trail. The West Shore Trail runs in a north-south direction along SR 89 south of Tahoe City. The Lakeside Trail runs in a north-south direction along SR 28 north of Tahoe City. TCPUD trails that cross the 64-Acre Tract are included in the discussion of the 64-Acre Tract within the "Resources Evaluated Relative to the Requirements of Section 4(f)" section below. This *de minimis* discussion includes only the proposed project's use of trails outside of the 64-Acre Tract.

Trails "Used" by the Project

The proposed project would modify portions of the Truckee River Trail and the West Shore Trail. Trail modifications are necessary to accommodate highway improvements as discussed in the project description in Section ## of the environmental document. The overall objective of trail modifications is to maintain trail connectivity following highway improvements. The bike paths planned for removal and construction for each alternative are shown in Figures 2 through 7. The acreage of "use" for each alternative is shown below in Table 1. "Use" would occur wherever existing trails are being removed or wherever permanent trail modifications would be made to existing trails. Because trails within the 64 Acre tract are considered jointly planned with the proposed project, trails within the 64 Acre Tract are not included in the acreage given for Section 4(f) use; however, in order to describe trail system connectivity issues, they are included in the text discussion here.

To facilitate the discussion of the effects of each alternative, the bike path elements have been labeled by segment. Segment 1 is the West Shore Bike Trail between the south end of Fanny Bridge and where the existing bike path enters the 64-Acre Tract. Segment 2 is the West Shore Bike Trail in the southern portion of the project area along State Route 89 where the West Shore Bike Trail connects with trails that cross the 64-Acre Tract. Segment 3 is the Truckee River Trail between State Route 89 and the Truckee River. Segment 4 is the existing east-west trail in the southern portion of the 64-Acre Tract. Segment 5 is the existing north-south trail in the western portion of the 64-Acre Tract.

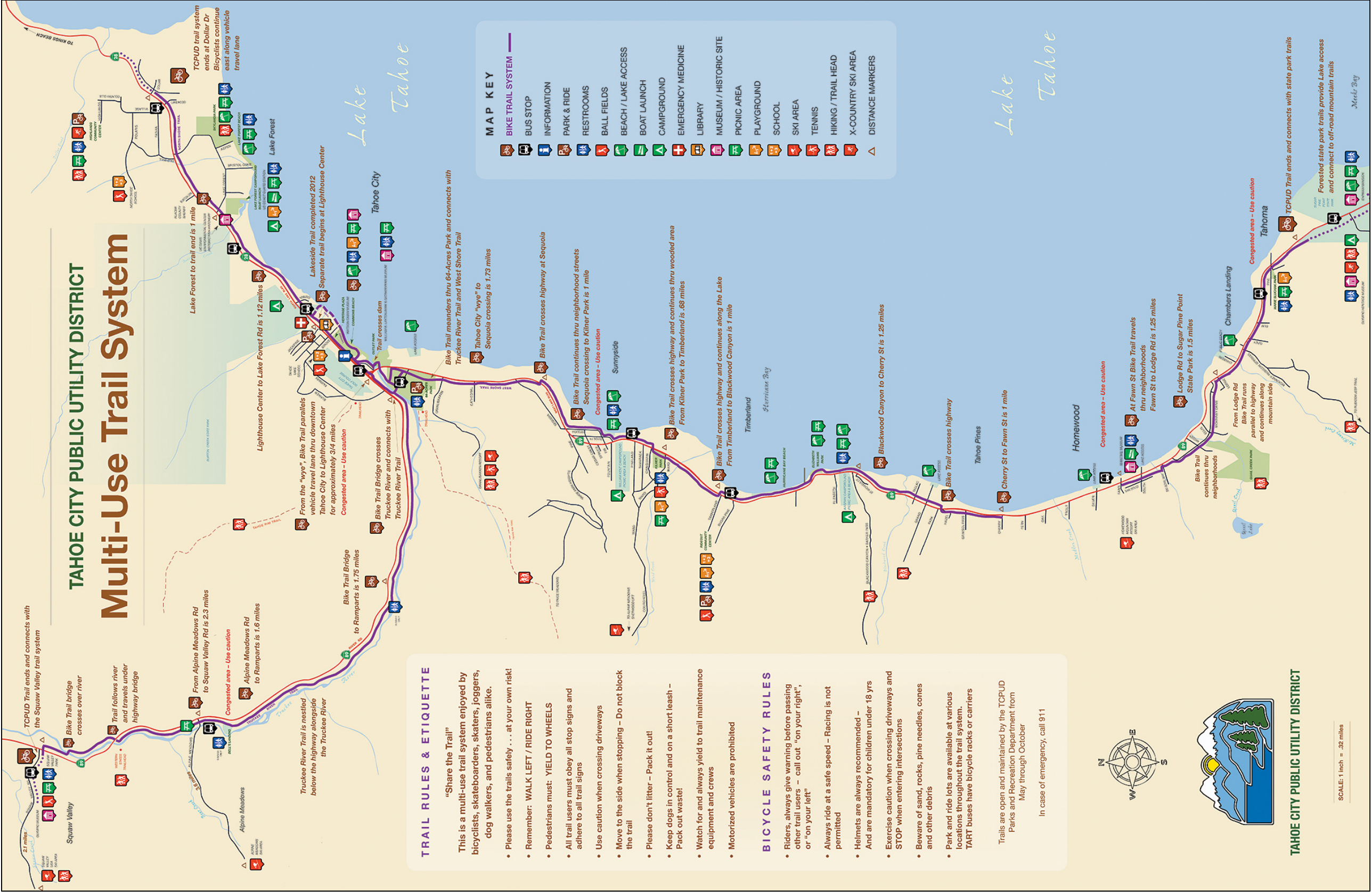


Figure 1: TCPUD Trail Map

Table 1: “Use” of Existing Trails (acres)

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 6	Alternative 6A
Segment 1 West Shore Trail (northern portion)	0.100	0.100	0.100	0.100	0.100	0.100
Segment 2 West Shore Trail (southern portion)	0.050	0.050	0.050	0.048	0.000	0.000
Segment 3 Truckee River Trail	0.259	0.259	0.259	0.317	0.000	0.000
Segment 4¹ (east-west trail within 64 Acre Tract)	0.000	0.000	0.000	0.000	0.000	0.000
Segment 5¹ (north-south trail within 64 Acre Tract)	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	0.409	0.409	0.409	0.465	0.100	0.100

Notes:

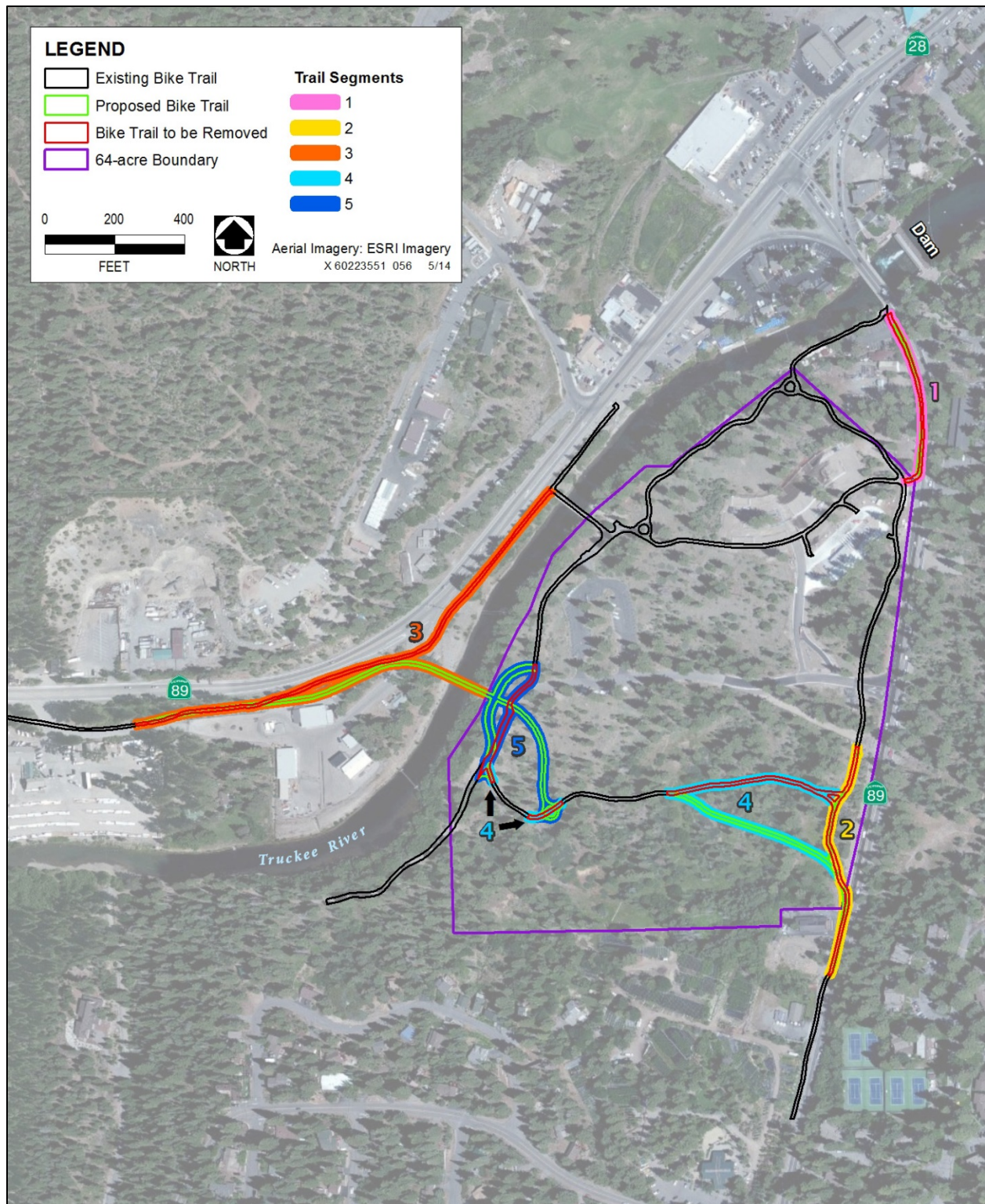
1. Segments 4 and 5 are completely within the 64-Acre Tract; trails within the 64 Acre Tract are considered jointly planned for Section 4(f) purposes and therefore, not included as “used”.

Under Alternative 1 (Figure 2), SR 89 would be realigned with two new roundabouts (west and east) and a new bridge across the Truckee River. The section of roadway between Fanny Bridge and the new east roundabout would be open to local traffic only. Fanny Bridge would be rehabilitated and the section of the West Shore Trail south of Fanny Bridge (Segment 1) would be removed and replaced with new trails. In southern portion of the project area, the West Shore Bike Trail (Segment 2) would also be removed and replaced with new trails as a result of project modifications to existing SR 89. The east-west trail connection between the West Shore Trail and the Truckee River Trail at SR 89 (Segment 4) would be modified to follow the new highway alignment. The Truckee River Trail would be modified to follow the new SR 89 alignment across the new river crossing bridge near the west roundabout (Segment 3). A portion of the existing north-south trail within the western portion of the 64 Acre Tract (Segment 5) would also have to be removed and replaced in order to accommodate the new alignment of SR 89. Many of the trail improvements in Segments 2, 4, and 5 would occur within the 64-Acre Tract.

Alternative 2 (Figure 3) would be substantially similar to Alternative 1 except that the existing section of SR 89 south of Fanny Bridge to the new east roundabout would be closed to vehicle traffic. Trail removal and construction would be substantially similar to Alternative 1.

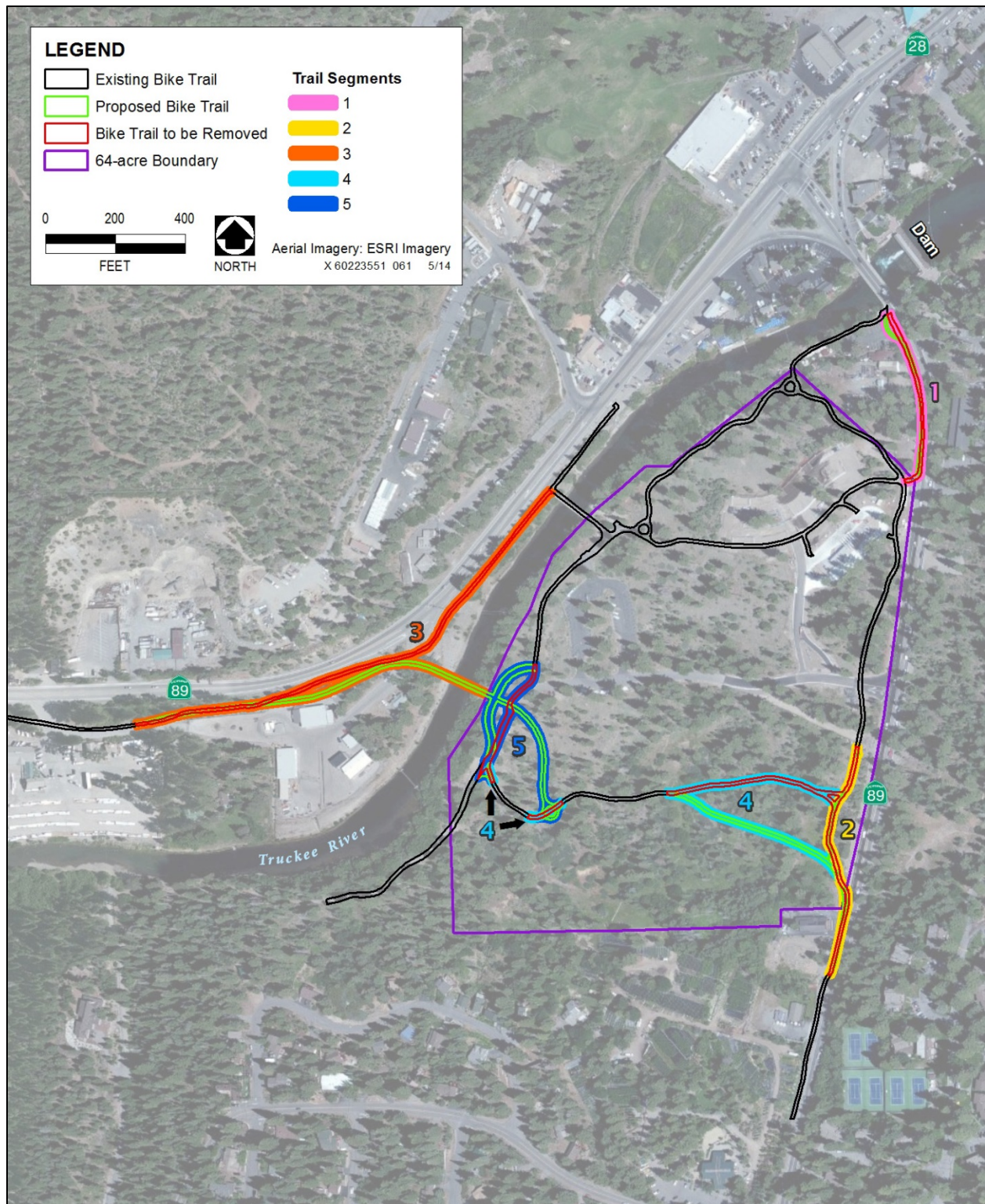
Alternative 3 (Figure 4) would be substantially similar to Alternative 1 except the existing SR 89 would become a cul-de-sac at the south end of Fanny Bridge. Trail removal and construction would be substantially similar to Alternative 1 with the exception of Segment 1. Under Alternative 3, Segment 1 would be removed.

Alternative 4 (Figure 5) would realign SR 89 and include a new river crossing bridge, but would not include the west or east roundabouts included in Alternatives 1 through 3. The existing SR 89 south of Fanny Bridge would become a cul-de-sac. Trail removal and construction would be substantially similar to Alternative 1 with the exception of: 1) the area between the south end of Fanny Bridge and where the



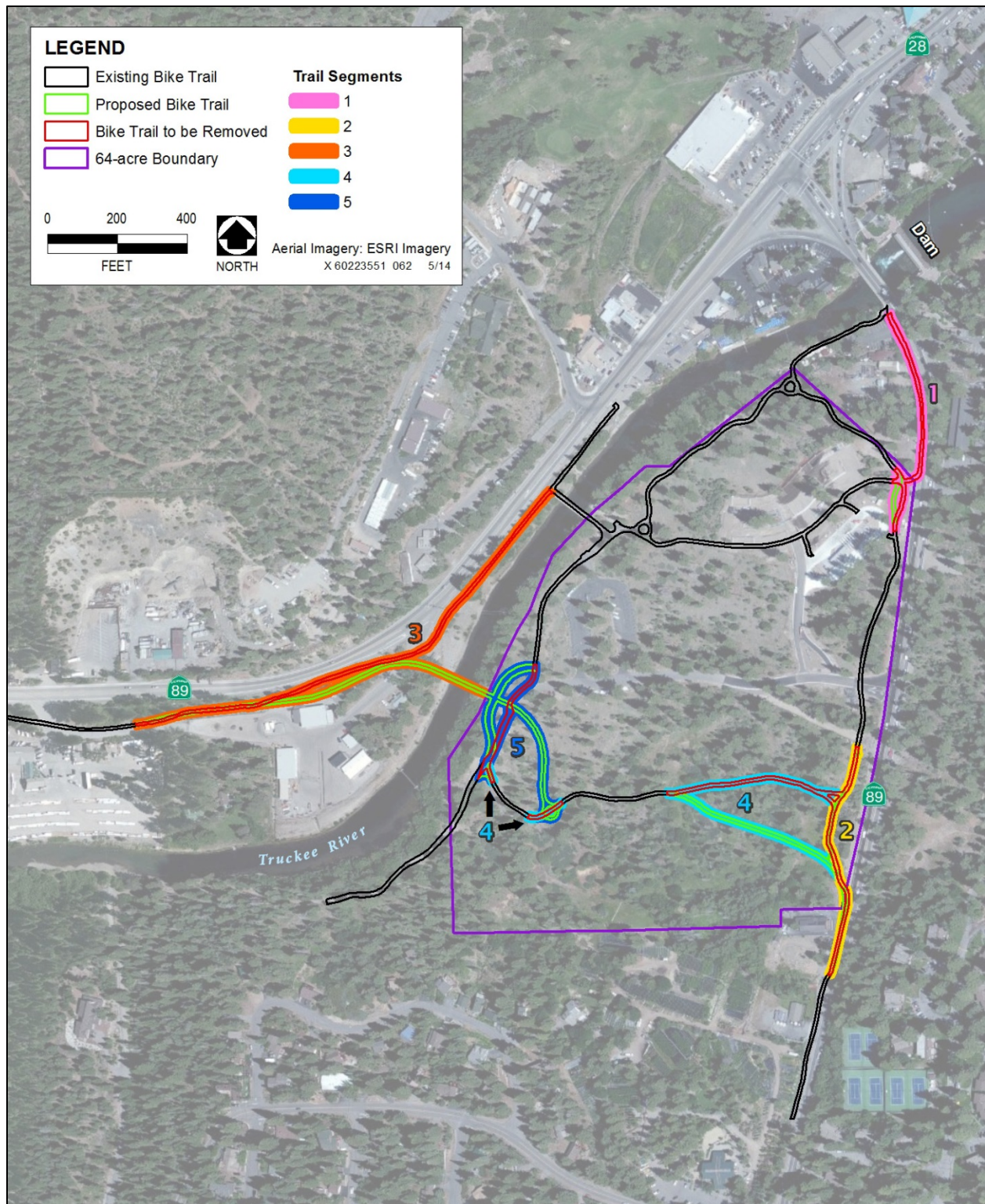
Source: Wood Rogers 2014

[DRAFT] Figure 2: Bike Trails - Alternative 1



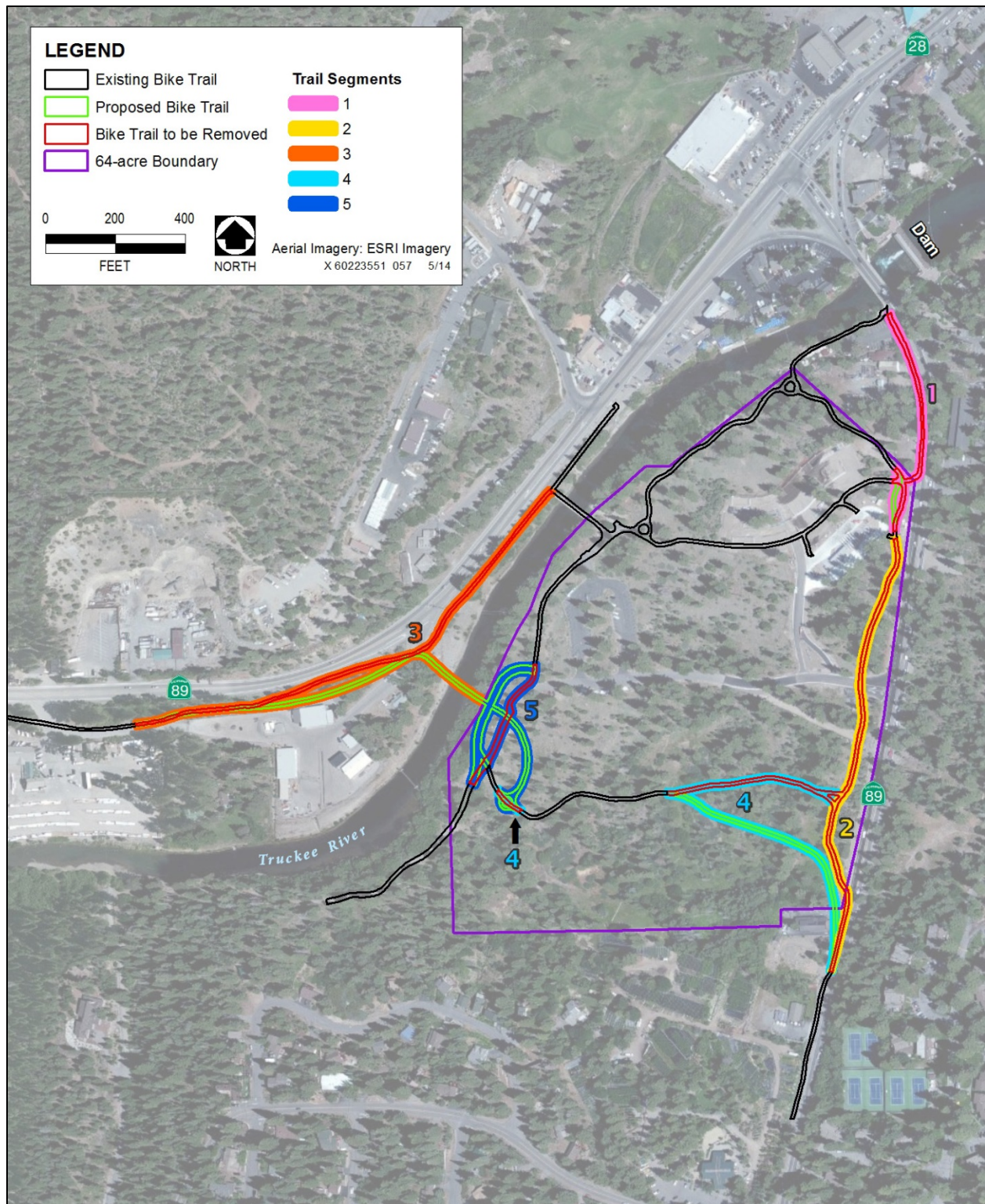
Source: Wood Rogers 2014

[DRAFT] Figure 3: Bike Trails - Alternative 2



Source: Wood Rogers 2014

[DRAFT] Figure 4: Bike Trails - Alternative 3



Source: Wood Rogers 2014

[DRAFT] Figure 5: Bike Trails - Alternative 4

trail enters the 64-Acre Tract (Segment 1) and 2) the modifications to the West Shore Trail at the southern end of the proposed project (Segment 2). Under Alternative 4, Segment 1 would be removed.

Alternatives 6 (Figure 6) and 6A (Figure 7) would replace the existing Fanny Bridge with a 5 lane and 4 lane structures, respectively. Under both alternatives, the existing on-street bicycle lanes would be removed and replaced with new bicycle lanes (Segment 1). No other uses of the existing bike trail system would occur.

Supporting Reasons for Proposed De Minimis Determination

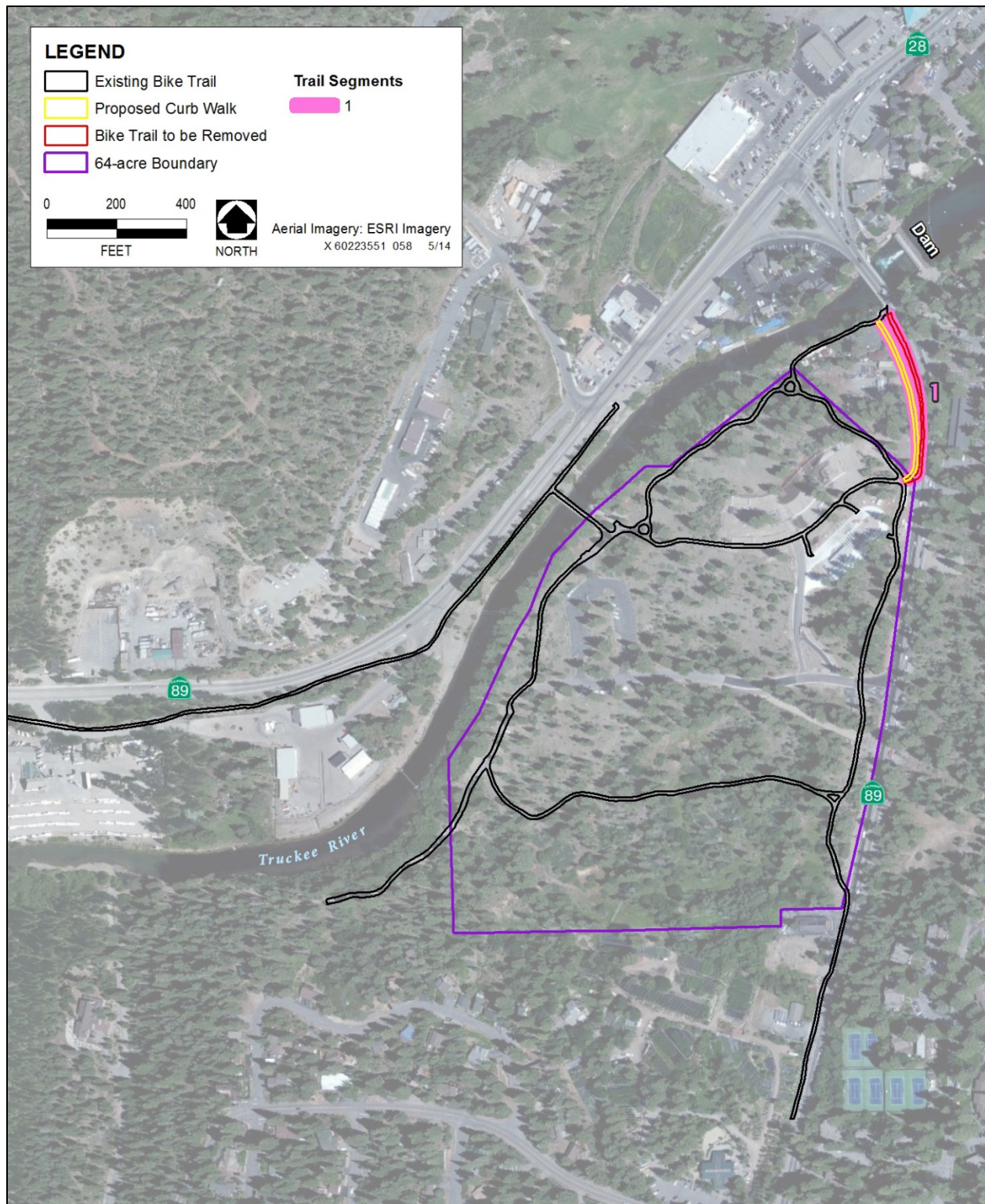
Proposed new trail alignments and connections would require vegetation removal under some of the build alternatives. In areas where the existing trail would be removed and not replaced, these areas would be revegetated consistent with the surrounding conditions.

Segment 1: West Shore Trail

Alternatives 1, 2, 6, and 6A would remove and replace the northern portion of the West Shore Trail (Segment 1) in the vicinity south Fanny Bridge. The new trail alignment for those alternatives would be substantially similar to the existing trail and there would be no impact to trail connectivity. Alternatives 3 and 4 would remove Segment 1 and would not provide a replacement trail in that area since the roadway south of the bridge would be closed to traffic. Under Alternatives 3 and 4, trail connectivity would be maintained by users traveling along the existing east-west trail connection in the 64 Acre Tract just south of Fanny Bridge. Using that trail segment, users could continue to travel both east-west and north-south as there is would be a new connection provided to the West Shore Trail to the south. With the incorporation of measures to reconnect and replace this portion of the West Shore Trail, the proposed project would not adversely affect the activities, features, or attributes that qualify the trail for Section 4(f) protection.

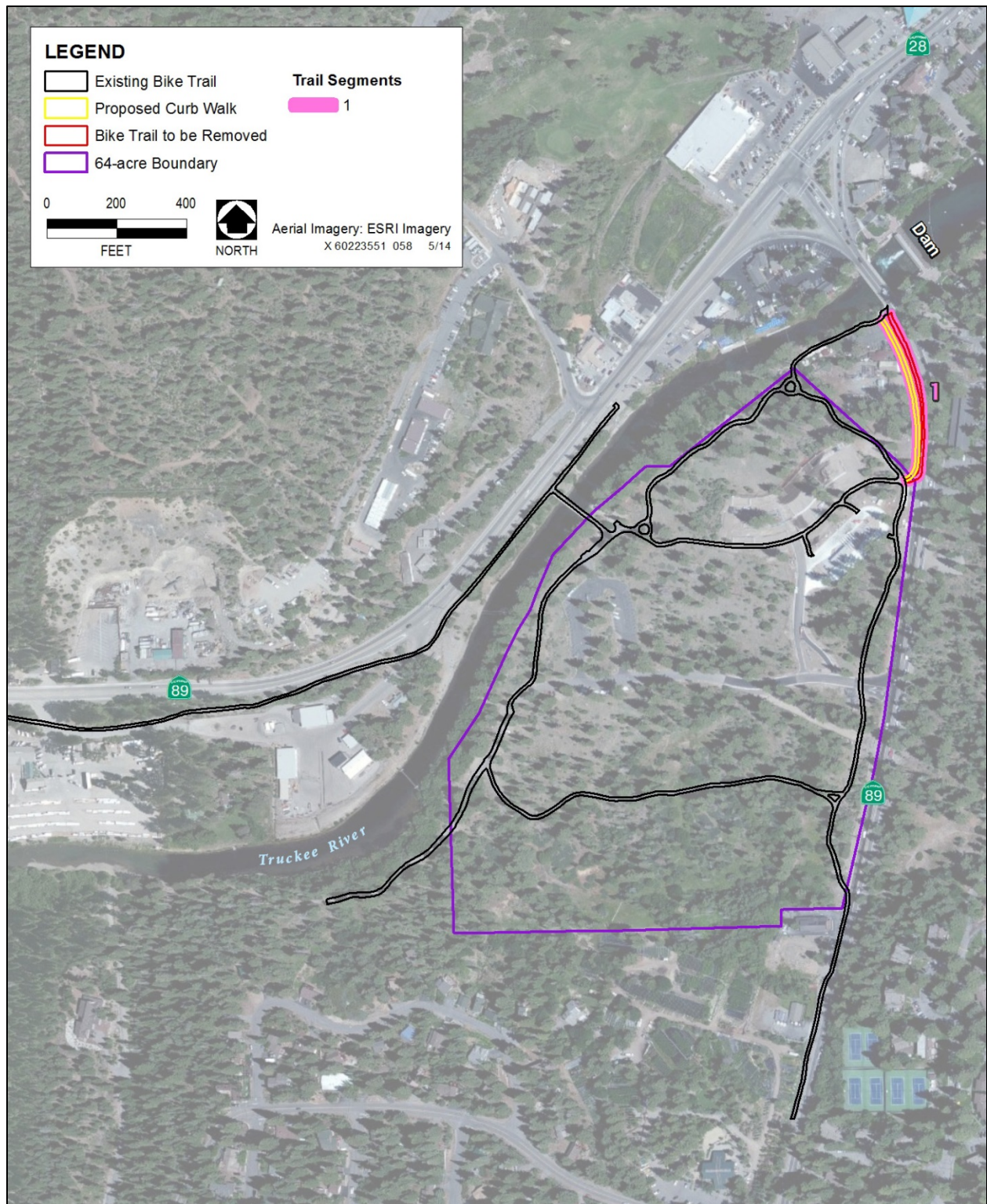
Segment 2: West Shore Trail

All build alternatives except Alternatives 6 and 6A would require the removal and replacement of a portion of the West Shore Trail at the south of the project area (Segment 2) along the new SR 89 alignment to where the new alignment would tie into the existing roadway and trail. For Alternatives 1, 2 and 3, the West Shore Trail would be replaced along the new alignment of SR 89 and would tie back into the existing West Shore Trail on the north side of the new roundabout. The trail re-alignment would function substantially similar to existing trail conditions. Under Alternative 4, because the existing SR 89 north of trail Segment 2 would be removed, trail users would not be able to travel north-south along a similar alignment to what is existing today. Under Alternative 4, connectivity would be maintained by users traveling along the east-west trail in the southern section of the 64 Acre Tract (Segment 4) and then connecting into the trail system in the central portion of the 64 Acre Tract. From there, users could then connect into trails that would take them in their desired direction.



Source: Wood Rogers 2014

[DRAFT] Figure 6: Bike Trails - Alternative 6



Source: Wood Rogers 2014

[DRAFT] Figure 7: Bike Trails - Alternative 6A

With the incorporation of measures to reconnect and replace this portion of the West Shore Trail, the proposed project would not adversely affect the activities, features, or attributes that qualify the trail for Section 4(f) protection.

Segment 3: Truckee River Trail

As discussed above, a portion of the Truckee River Trail would be removed under Alternatives 1, 2, 3, and 4. Removal of a portion of the existing Truckee River Trail (Segment 3) on the north side of the river between the new bridge and the old bridge is necessary to accommodate the increased highway width. Also, the new portion of the Truckee River Trail west of the new bridge would improve safety for trail users as barriers would be constructed between the roadway and the trail. The connectivity of the existing trail system would be restored by connecting Segment 3 (the east-west Truckee River Trail) to the proposed modification of the existing north-south trail within the 64 Acre Tract (Segment 5), which would then tie into the existing east-west trail connections within the 64 Acre Tract. This would enable trail users to travel on to Tahoe City or to the West Shore Trail. With the incorporation of measures to reconnect and replace the Truckee River Trail, the proposed project would not adversely affect the activities, features, or attributes that qualify the trail for Section 4(f) protection.

Under Alternatives 1, 2, 3, and 4, portions of the West Shore Trail would be removed to allow widening and realignment of SR 89 (Segment 2).

Alternative 4 would remove a section of the West Shore Trail between Fanny Bridge and the new alignment of SR 89 to the south. While this section would be removed and the area reforested, trail connectivity between the Fanny Bridge area and trails to the south by way of trails through the 64-Acre Tract. While the elimination of this section of trail would remove the most direct trail connection between Fanny Bridge and SR 89 to the south, connectivity would be provided through an alternative route.

Public Review

The public review of the environmental document for the proposed project will satisfy the public review requirements for the proposed de minimis determination.

Official with Jurisdiction

Coordination with TCPUD, the official with jurisdiction over the trails, has been ongoing. Before FHWA can finalize the de minimis determination, written concurrence is needed by TCPUD that the proposed project's use of the trail system will not adversely affect the activities, features, or attributes that make the trails eligible for Section 4(f) protection.

Resources Evaluated Relative to Section 4(f)

This section of the document discusses parks, recreational facilities, wildlife refuges and historic properties found within or next to the project area that do not trigger Section 4(f) protection because either: 1) they are jointly planned, 2) they are not publicly owned, 3) they are not open to the public,

4) they are not eligible historic properties, 5) the project does not permanently use the property and does not hinder the preservation of the property, or 6) the proximity impacts do not result in constructive use.

64-Acre Tract

The 64 Acre Tract is located south of the intersection of State Route (SR) 28 and SR 89 at a location known as the Tahoe City “Wye.” The 64-Acre Tract was acquired by the Bureau of Reclamation (“Reclamation”) in 1904 for the purpose of constructing a substitute outlet channel from Lake Tahoe, but the land was never used for the intended purpose. In 1926, Reclamation transferred operation and maintenance responsibility to the Truckee-Carson Irrigation District (TCID). TCID leased portions of the 64-Acre Tract without seeking approval from Reclamation. The uses under the unapproved leases included a trailer park with over 100 units, a nursery, a real estate office, and other retail and service establishments.

During the late 1960s, Reclamation began negotiating with the U.S. Forest Service (“Forest Service”) to transfer the 64-Acre Tract to the Forest Service. In 1983, Reclamation prepared an environmental impact statement (EIS) to address the environmental and socioeconomic impacts that would result from transferring the 64-Acre Tract from Reclamation to the Forest Service. The EIS analyzed potential impacts under four different scenarios. The preferred scenario involved a direct transfer of the 64-Acre Tract to the Forest Service for development including a visitor center, day-use areas, trailheads, parking, realignment of State Route 89, and a maintenance station (Reclamation 1983:v).

Shortly after the land was transferred to the Forest Service in 1984, the Forest Service began planning the future of the land. In 1986, the Forest Service released *A Plan for the Sixty-Four Acres* (the “Plan”) which discussed planning work already done in the area and the Forest Service’s vision for the future of the newly-acquired land. The Plan presented graphics from Reclamations 1983 EIS as well as earlier graphics from the Tahoe Regional Planning Agency (TRPA) and Placer County. All exhibits include a State Route 89 bypass across or immediately adjacent to the 64-Acre Tract. The Plan also acknowledges that the 64-Acre Tract is a prime location to join multiple trails to form a comprehensive system (Forest Service 1986:15). Today, the 64-Acre Tract includes many bike paths, a transit center, and parking areas.

Section 4(f) and the Joint Planning Exception

Under the joint planning exception, Section 4(f) does not apply to property subject to joint planning for both transportation and recreational use. 23 C.F.R. § 774.11(i). The exception requires evidence that planning for the transportation use was prior to or concurrent with designation of the land as a Section 4(f) resource (FHWA 2012:57).

As discussed above, the eventual construction of a State Route 89 bypass across the 64-Acre Tract was envisioned prior to ownership transfer from Reclamation to the Forest Service. Reclamation’s 1983 EIS contemplating the transfer indicated that the preferred alternative would include a bypass/realignment of State Route 89 (Reclamation 1983:IV-2). The Forest Service’s 1986 Plan (“Plan”) included text and graphics showing future plans for a bypass and/or realignment of State Route 89. The Plan included a May 1974 graphic from the Tahoe Regional Planning Agency (TRPA) showing the long range objectives

as part of the Tahoe City Urban Design Plan which included a new alignment for State Route 89. The Plan included a sample plan showing the Forest Service’s intentions for the land as displayed in Reclamation’s 1983 EIS. The Plan included a 1981 draft from Placer County showing a new alignment of State Route 89 across the 64-Acre Tract. Thus, the 64-Acre Tract was planned as a transportation corridor even prior to its transfer from Reclamation to the Forest Service.

Further evidence of the joint planning of the 64-Acre Tract is found in the litigation of the 64-Acre Tract Intermodal Transit Center project (transit center). The transit center project proposed construction of parking lots, areas for bus and shuttle passenger drop off and pick up, new access points, and pedestrian walkways on the 64-Acre Tract (Placer County et al. 2000:1-1—1-3). The Federal Transit Administration (FTA) determined that the transit center and parking facilities were included in historic plans for the 64-Acre Tract and that any recreational use of the land needed for the transportation project was strictly intended by the Forest Service to be a temporary use until the transportation facilities could be built (FTA 2000). FTA concluded that Section 4(f) did not apply to the transportation use of the 64-Acre Tract.

Approval of the transit center project was challenged by neighboring property owners alleging violations of the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and Section 4(f). *Tahoe Tavern Prop. Owners Ass’n v. U.S. Forest Service* (2007) 2007 WL 1279496, 1. The trial court found that “it is plain from the start of its planning process, FS contemplated that the 64 Acres would be used for transportation and recreation, not only recreation.” *Id.* at 7. The court noted that planning for transportation uses occurred prior to any recreational use of the land and that later plans envisioned a mix of transportation and recreational uses. *Id.* Applicability of the joint planning exception was upheld on appeal. *Tahoe Tavern Prop. Owners Ass’n v. U.S. Forest Service* (2008) 314 Fed. Appx. 919.

Because transportation uses on the 64-Acre Tract were contemplated prior to any use of the parcel for recreation and such determination has been upheld by the courts, the joint planning exception to Section 4(f) is applicable to the proposed project. Therefore, the provisions of Section 4(f) are not triggered with respect to the trails or the new SR 89 facility within the 64-Acre Tract.

Although there is no use of trails within the 64 Acre Tract because they were jointly planned with the recreational elements in the 64 Acre Tract, for informational purposes, the acreage of vegetation removal caused by the trail medications are included below in Table 2.

Table 2: Vegetation to be Removed (acres)

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 6	Alternative 6A
Jeffrey Pine	0.125	0.125	0.158	0.171	0.000	0.000
Riparian Wetland	0.054	0.054	0.054	0.111	0.000	0.000
Ruderal	0.000	0.000	0.008	0.008	0.002	0.002
Palustrine Scrub Shrub	0.001	0.001	0.001	0.001	0.000	0.000
Re-Vegetated	0.183	0.183	0.183	0.163	0.000	0.000
TOTAL	0.363	0.363	0.404	0.454	0.002	0.002

Lake Tahoe Dam

The Lake Tahoe Dam is eligible for protection under Section 4(f) because it is listed in the National Register of Historic Places. The outlet gates designed to control the outflow of Lake Tahoe into the Truckee River at Tahoe City were first constructed in 1870 (OHP 2012). Construction of the appurtenant dam structure was completed in 1913 (Simonds 1996:13). The outlet gates (along with the gatekeeper's cabin) were listed in the National Register of Historic Places in 1972 (NPS 2012a). The dam itself was listed in 1981 (NPS 2012b). The two resources are functionally related. The gates are significant as an engineering structure and the dam is significant for its association with the Newlands Reclamation project, a federal conservation project with a goal of reclaiming the west's arid lands for agriculture. It was one of the earliest large-scale engineering schemes its kind. The gatekeeper's cabin was destroyed by arson in the early 1980's (North Lake Tahoe Historical Society 2012).

The proposed project would not cause an actual, temporary, or constructive use of the dam.

Temporary Use

Temporary use of a Section 4(f) property may include right-of-entry, project construction, a temporary easement, or other short-term arrangements involving the Section 4(f) property. However, a temporary occupancy will not constitute a Section 4(f) use if the conditions listed in 23 CFR 774.13(d) are met:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of work must be minor, i.e., both nature and magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The proposed project would not physically involve any element of the Lake Tahoe Dam, a qualified Section 4(f) resource. Furthermore, there would be no construction or staging activities on the Lake Tahoe Dam property. Because no part of the Lake Tahoe Dam property would be impacted during wither construction or operation of the proposed project, there would be no permanent adverse physical impacts and no need to restore the land. Finally, consultation with the State Office of Historic Preservation resulted in a letter concurring with the conclusion that the proposed project would have no impact on the Lake Tahoe Dam property [need to cite to letter once it is received].

Constructive Use

The following text documents that there are no proximity impacts to the dam that rise to the level of substantial impairing the dam's historic significance.

Constructive use of a Section 4(f) property is only possible in the absence of a permanent incorporation of land or a temporary occupancy of a type that constitutes a Section 4(f) use. Under 23 CFR 774.15, a constructive use occurs when the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

The proposed project does not include any physical disruption to the Lake Tahoe Dam. Furthermore, the proposed project would not interfere with normal operation of the Lake Tahoe Dam, including maintenance and tourism activities. Because the historical value of the Lake Tahoe Dam would not be impacted by the proposed project, there would be no constructive use of the Lake Tahoe Dam property.

Environmental impacts to the Lake Tahoe Dam from the proposed project are discussed in detailed in the Chapter ## of the environmental document.

- *Facilities, Functions, and/or Activities Potentially Affected*

The Lake Tahoe Dam and associated museum facilities are not within the project site. The dam and associated facilities would remain operational throughout construction and operation of the proposed project. The proposed project would not have any effects to the facilities and functions of the dam [Add info from SHPO concurrence letter once it is received]

- *Accessibility*

The proposed project would not impair access to the Lake Tahoe Dam. Some minor roadway modifications may be needed during project construction, but none would impair accessibility to the Lake Tahoe Dam site. Thus, the dam and facilities would remain accessible throughout construction and operation of the proposed project and any effects would not rise to the level of substantial impairment.

- *Visual*

The proposed project will alter the visual setting near the Lake Tahoe Dam. However, the new bridge crossing the Truckee River is down river from the dam and will not be visible from the Lake Tahoe Dam itself because of intervening features, including trees and the Intermodal Transit Facility. The closest permanent visual impact will be the removal of the free right turn lanes at the wye. Construction activities may create temporary visual impacts, but those impacts would be minor and temporary in nature and would cease upon completion of construction. Following project construction, it is likely that fewer vehicles will use Fanny Bridge, which would be a beneficial change in the existing visual setting near the Lake Tahoe Dam. This change would likely result in increased views of trees and local vegetation. Therefore, the anticipated visual effects would not rise to the level of substantial impairment because the

overall permanent effect is minor and perhaps beneficial and the temporary effects will be of short duration.

- *Noise*

There are no permanent sensitive noise receptors on the Lake Tahoe Dam site. Project construction would result in temporary construction noise for activities such as grading. Project operation would result in noise levels similar to or possibly less than existing levels because the proposed project is designed to accommodate existing traffic levels to relieve stress on the Fanny Bridge and may move traffic away from the dam depending on the alternative eventually selected. Therefore, the proposed project would not cause any noise impacts that would rise to the level of substantial impairment.

- *Vegetation*

The Lake Tahoe Dam site is developed and includes some native vegetation. Because the Lake Tahoe Dam site is not within the project area, no vegetation would be removed from the Lake Tahoe Dam site during project construction. Therefore, the proposed project would not cause any vegetation impacts that would rise to the level of substantial impairment.

- *Wildlife*

Because no part of the Lake Tahoe Dam site is within the project site, wildlife or its habitat at the Lake Tahoe Dam would not be directly impacted. Indirect impacts could occur during construction due to disturbance of wildlife and habitat on the project site, potentially causing wildlife to migrate to the Lake Tahoe Dam site. Construction impacts would be temporary, and would cease upon project completion. Therefore, the proposed project would not have wildlife effects that would substantially impair historical attributes of the Lake Tahoe Dam.

- *Air Quality*

The proposed project would result in short-term air quality impacts related to emissions from construction equipment, employee vehicles, and construction activities (e.g., dust). Operational impacts to air quality would include vehicle emissions from additional vehicle capacity created by the new roadways and would not impair the historical attributes of the Lake Tahoe Dam. Therefore, air quality effects do not rise to the level of substantial impairment.

- *Water Quality*

The Lake Tahoe Dam is located upstream from the project site. Water quality would be protected through implementation of standard best management practices (BMPs) required for all construction projects. Operation of the proposed project would not negatively impact water quality of the Truckee River because the project has been designed to conform to all stormwater design requirements. Therefore, the proposed project would not have water quality impacts effects that would substantially impair historical attributes of the dam.

Conclusion

As discussed above, the proposed project will not cause a permanent, temporary, or constructive use as defined in 23 CFR 774. Therefore, the provisions of Section 4(f) are not triggered by the proposed project.

References

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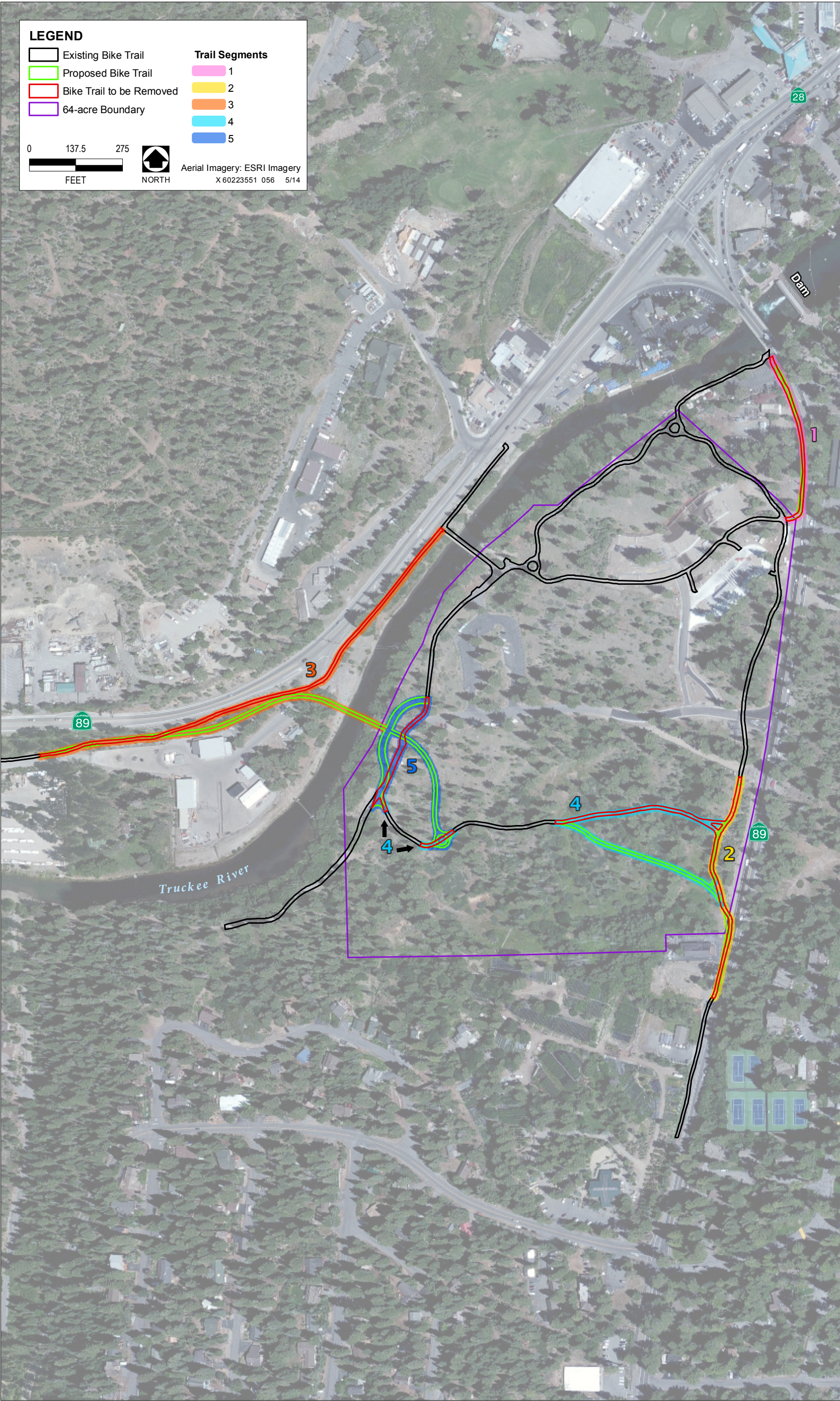
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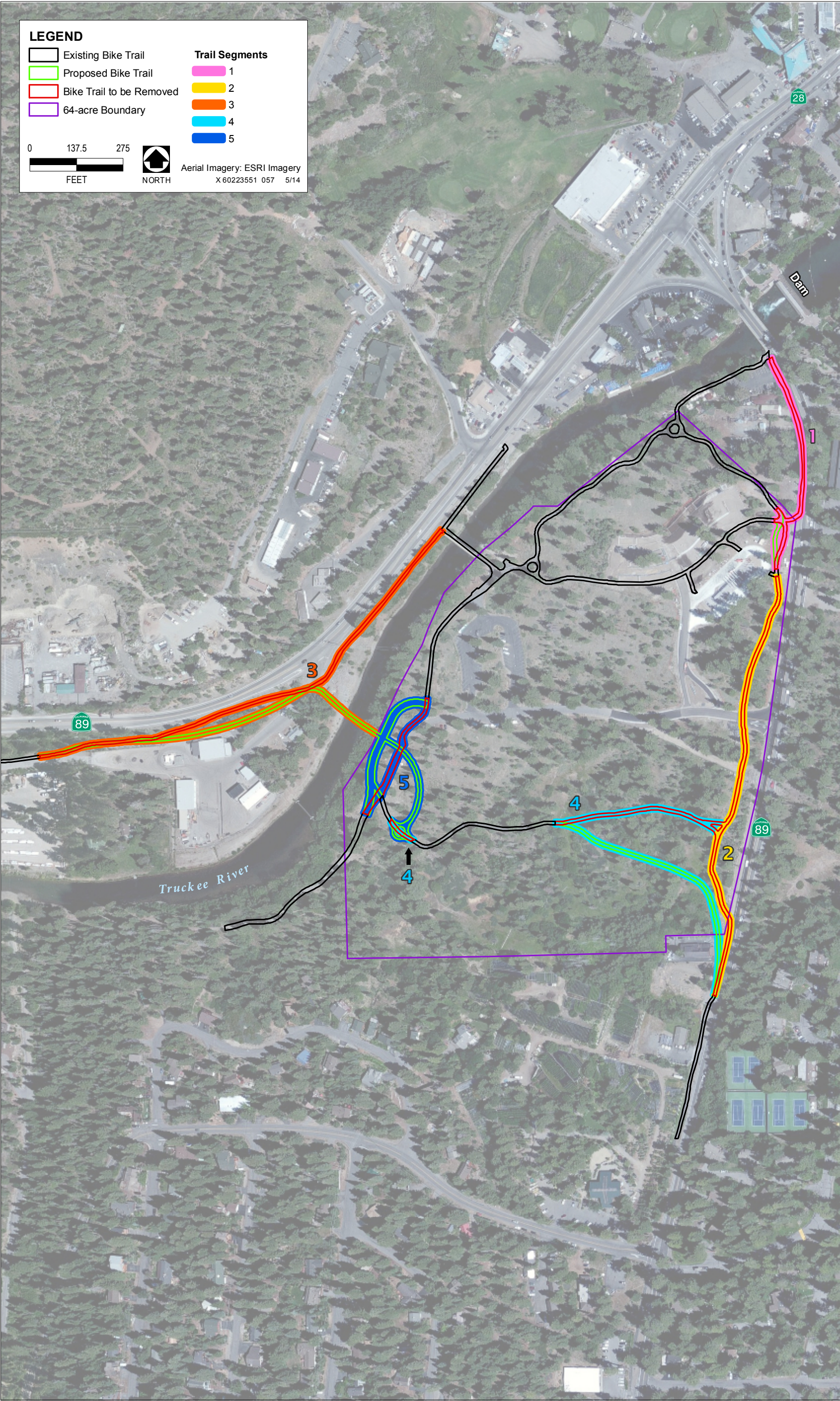
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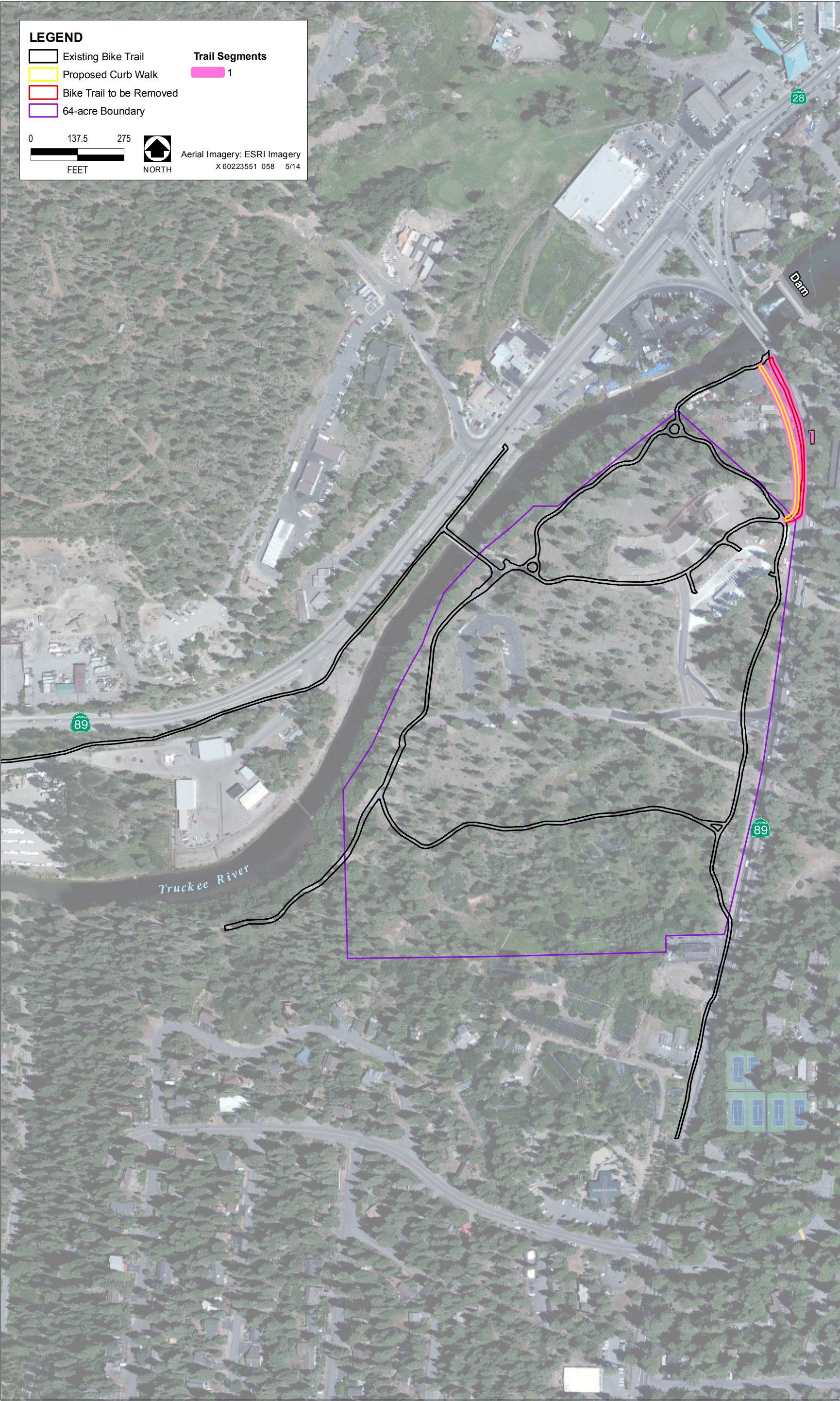
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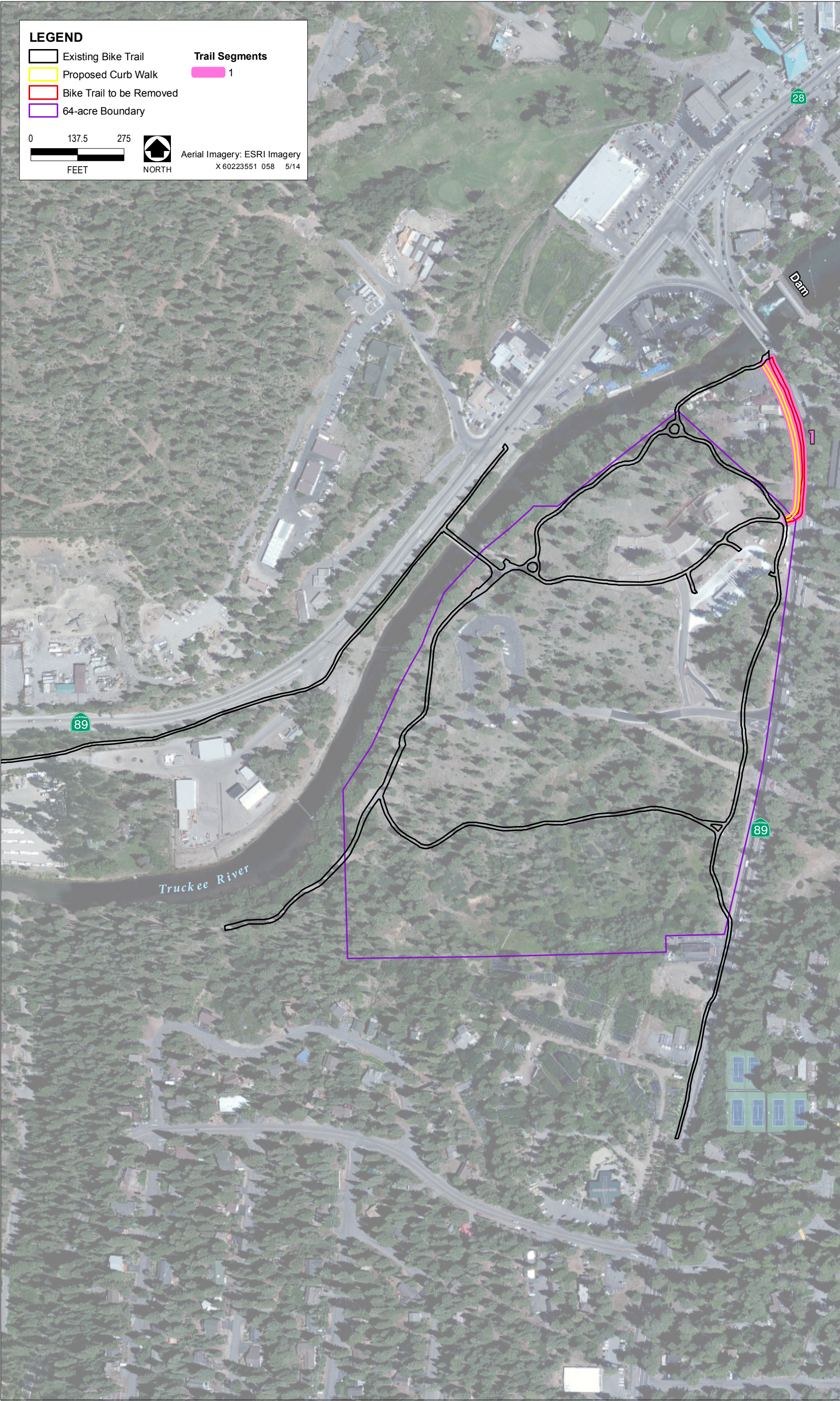
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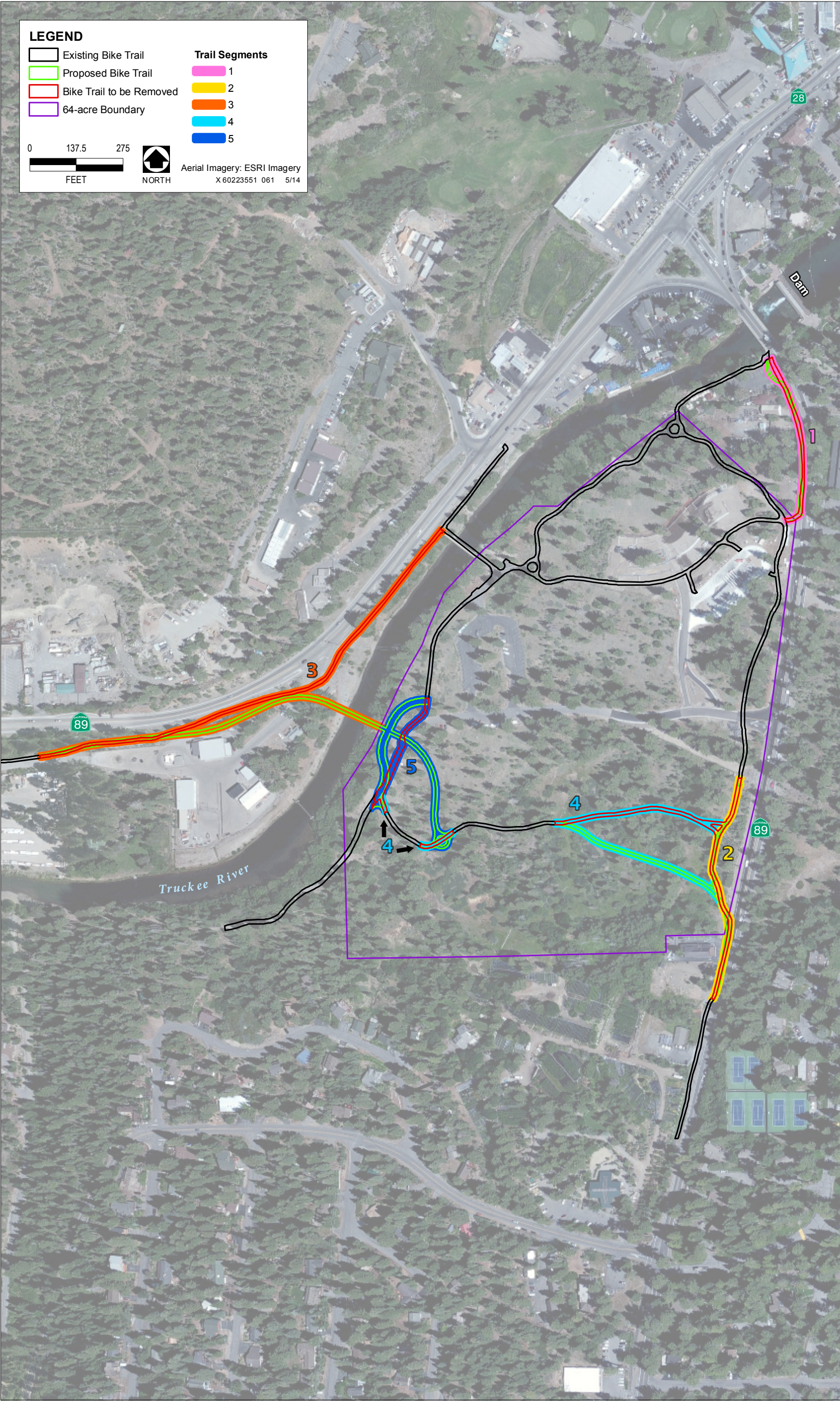
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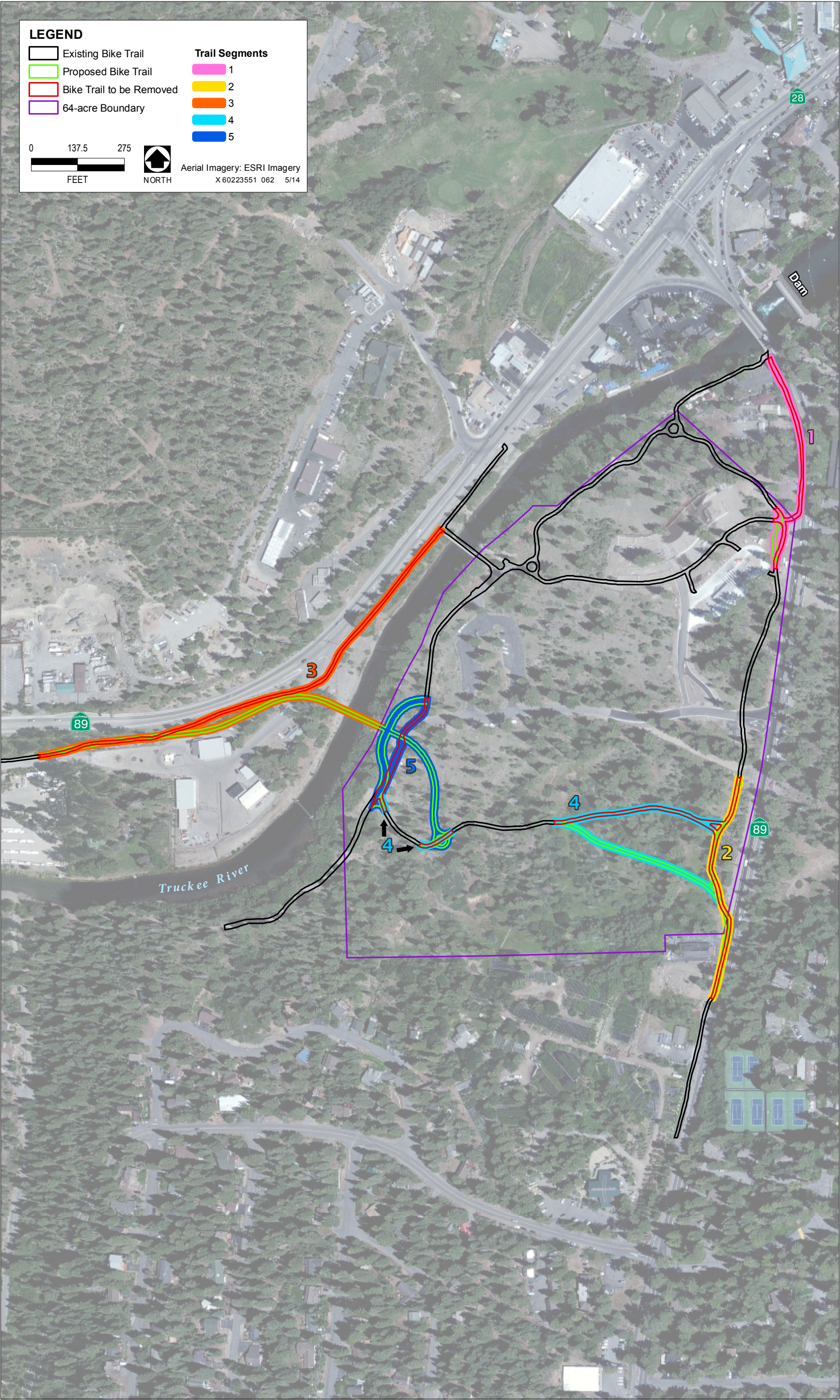
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