

4 OTHER NEPA-, CEQA-, AND TRPA-MANDATED SECTIONS

4.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 4.1, “Effects Found Not to Be Significant,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarizes the environmental issue areas for which the project would result in no adverse impacts.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.2 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Section 4.2, “Significant Environmental Effects That Cannot be Avoided,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background about CEQA, NEPA, and TRPA requirements related to identifying significant adverse environmental effects and summarizes the significant and unavoidable impacts, or adverse effects, resulting from each of the alternatives analyzed in the Draft EIR/EIS/EIS.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.3 GROWTH-INDUCING IMPACTS

Section 4.3, “Growth-Inducing Impacts,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background about NEPA, CEQA, and TRPA requirements for addressing growth-inducing effects and provides analysis of the project’s potential growth-inducing impacts.

4.3.1 National Environmental Policy Act

Section 4.3.1, “National Environmental Policy Act,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background about NEPA requirements to examine indirect effects, including changes in land use, economic vitality, and population density that are all elements of growth.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.3.2 Tahoe Regional Planning Agency

Section 4.3.2, “Tahoe Regional Planning Agency,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarizes TRPA Code of Ordinances requirements for evaluating growth-inducing impacts.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.3.3 California Environmental Quality Act

Section 4.3.3, “California Environmental Quality Act,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background related to the CEQA requirements for evaluating growth-inducing impacts.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.3.4 Growth-Inducing Effects

Section 4.3.4, “Growth-Inducing Effects,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS analyzes growth-inducing effects of the project in the context of the limited number of residential and commercial floor area allocations established for the Tahoe Region. The analysis also notes that the project would not remove obstacles to growth in the Region such that the project would have growth-inducing effects.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 4.4, “Environmentally Superior Alternative,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background about CEQA requirements for identifying an environmentally superior alternative; sums the number of beneficial, less-than-significant, and significant and unavoidable impacts for each alternative; and concludes that, compared to the other alternatives, both Alternatives B and D would result in fewer long-term, significant and unavoidable environmental impacts than other alternatives evaluated in the EIR/EIS/EIS and would provide substantial benefits to the study area.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.5 DEPARTMENT OF TRANSPORTATION ACT (SECTION 4[f] AND *DE MINIMIS* DETERMINATION)

Section 4.5, “Department of Transportation Act (Section 4[f] and Proposed *De Minimis* Determination),” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides background about the requirements of Section 4(f) of the Department of Transportation Act of 1966 and notes that the Section 4(f) Proposed *De Minimis* Finding is included as Appendix D of the Draft EIR/EIS/EIS. Appendix D of this Final EIR/EIS/EIS includes the Section 4(f) *De Minimis* Finding for approval, which includes incorporation of any comments on the Section 4(f) analysis received during the public comment period and includes the concurrence letters received from the Nevada State Historic Preservation Office, the Nevada Division of State Parks, and the California Tahoe Conservancy.

4.5.1 Section 4(f) *De Minimis* Findings

Section 4.5.1, “Section 4(f) *De Minimis* Findings,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides a summary of the findings necessary for meeting the requirements of

Section 4(f). This section also summarizes the analysis that finds that the project would not result in an adverse physical change to any wildlife/waterfowl refuges or historic properties.

The following changes have been made to Section 4.5.1, "Section 4(f) *De Minimis* Findings," in the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

The text on page 4-9 of the Draft EIR/EIS/EIS is revised as follows:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Preliminary Finding: As described herein, the small amount of parkland to be permanently incorporated into the project right-of-way would be less than 0.1 percent of the acreage of the Van Sickle Bi-State Park. Additionally, potential impacts of the project related to visual resources and noise would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

The project would result in beneficial effects related to public access and connectivity between the tourist/casino core and the park, which would be enhanced through:

- ▲ Improved signage, paths and trails for bicycles and pedestrians,
- ▲ Intersection improvements at Heavenly Village Way,
- ▲ A signalized crosswalk at Heavenly Village Way, and
- ▲ The construction of a connecting path and pedestrian bridge over the new US 50.

2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Preliminary Finding: This preliminary finding ~~will be~~ was released and made available for public comment for a period of ~~60~~75 days, concurrent with the public comment period for the Draft EIR/EIS/EIS. FHWA ~~will~~has considered all comments on the proposed *de minimis* impact finding prior to issuing a final finding.

3. The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Preliminary Finding: TTD and FHWA consulted with and informed the Conservancy and NDSP of the proposed *de minimis* impact finding proposed to be made by FHWA. ~~After the~~The public comment period has ended and if ~~Alternatives B, C, or D is~~Alternative B has been selected as the preferred alternative, ~~TTD and FHWA would seek to have received~~TTD and FHWA would seek to have received written concurrence from the Conservancy and NDSP that the project would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Based on the ~~preliminary~~ findings to date, Alternatives B, C, and D would result in a ~~proposed~~de minimis impact on Van Sickle Bi-State Park.

4.6 ECONOMIC EFFECTS

Section 4.6, “Economic Effects,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides a summary of the Council on Environmental Quality regulations related to analysis of economic effects, summarizes the types of effects that could occur from transportation projects, and the primary sources of information used to prepare this section.

4.6.1 Affected Environment

Section 4.6.1, “Affected Environment,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarizes the types of businesses in the study area, retail trends, and best practices that have contributed to the successful redevelopment of other tourism-oriented mountain/resort communities that could be implemented in the South Shore.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.

4.6.2 Economic Effects of the Project

Section 4.6.1, “Affected Environment,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS assesses the potential economic impacts of the proposed transportation improvements and mixed-use development. These impacts include those associated with changes in property tax, sales tax, and transient occupancy tax revenues and changes in level of business activity.

No changes have been made to this section of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS following its publication and circulation for public review.