

5 COMMENTS AND COORDINATION

5.1 INTRODUCTION

Section 5.1, “Introduction,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provides an overview of Tahoe Transportation District’s (TTD) public and agency coordination efforts.

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.

5.2 PUBLIC SCOPING

Section 5.2, “Public Scoping,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS characterizes the public scoping efforts conducted for the project, including release of the Notice of Preparation (NOP) of the EIR and Tahoe Regional Planning Agency (TRPA) EIS and the publication of a Notice of Intent (NOI) to prepare a National Environmental Policy Act (NEPA) EIS in the Federal Register, public scoping meetings, and review of comments received during scoping.

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.

5.2.1 Notice of Preparation/Notice of Intent

Section 5.2.1, “Notice of Preparation/Notice of Intent,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarized the dates of the formal scoping process period, how the public and agencies were notified of the preparation of the joint EIR/EIS/EIS, and background about the NOI.

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.

5.2.2 Scoping Meetings

Section 5.2.2, “Scoping Meetings,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS listed the dates, times, and locations of the two public scoping meetings held as part of the scoping process.

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.

5.2.3 Comments Received During Scoping

Section 5.2.3, “Comments Received During Scoping,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarized who submitted comments, the general topics covered by the comments, and explanation of the Scoping Summary Report included in Appendix A of 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.

5.3 CONSULTATION AND COORDINATION WITH AGENCIES

Since the release of the Draft EIR/EIS/EIS, there have been continuing coordination and consultations between TTD and several agencies regarding topics related to Section 4(f) of the Department of Transportation Act of 1966, which is described in Section 4.5, “Department of Transportation Act (Section 4[f] and Proposed *De Minimis* Determination),” and Appendix D of the Draft EIR/EIS/EIS, and Section 106 of the Natural Historic Preservation Act of 1966, which is described on pages 3.8-2 and 3.8-3 of the Draft EIR/EIS/EIS, among others. These include the following consultations and coordination efforts with state and federal agencies:

- ▲ California Tahoe Conservancy (Conservancy) and Nevada Division of State Parks (NDSP) – on concurrence with a *de minimis* determination related to Van Sickle Bi-State Park as a Section 4(f) resource. The Conservancy and NDSP provided a concurrence letter on October 3, 2018, which is included in Section 5.3.1 below. The FHWA *de minimis* determination is provided in Appendix C of this Final EIR/EIS/EIS.
- ▲ Nevada State Historic Preservation Office (SHPO) – on concurrence related to the final determination of National Register eligibility of historic properties within the Area of Potential Effect (APE) of the project. The Nevada SHPO provided a concurrence letter on September 28, 2018, which is included in Section 5.3.2 below.
- ▲ U.S. Army Corps of Engineers (USACE) – on an updated wetland delineation prepared for the project and submitted to USACE for verification. USACE provided a letter demonstrating concurrence with the findings of the wetland delineation, which is include in Appendix R of this Final EIR/EIS/EIS. (See also Response to Comments 2-3 and 2-4 in Appendix O of this Final EIR/EIS/EIS.)

The documents prepared for Section 106 compliance, both the Archaeological Survey Report (ASR) and Historical Resources Evaluation Report (HRER), did not reveal any historic resources that required evaluation for eligibility for the National Register on the California side. The ASR and HRER did identify existing historic resources within the APE limits, but the project would have no adverse effect on those resources within California; therefore, the requirement was not triggered to consult with the California SHPO under Section 106 regulations. There is no need for a consultation letter from the California SHPO.

Because the project is located in an attainment area for PM₁₀ and PM_{2.5}, an FHWA Conformity Determination is also not required.

5.3.1 Section 4(f) Consultation

Section 5.3.1, “Section 4(f) Consultation,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarizes the meetings that were conducted between TTD, NDSP, and the Conservancy to discuss potential effects of the project on Van Sickle Bi-State Park, a Section 4(f) resource. The outcome of the Section 4(f) process was preparation of a *de minimis* finding, in accordance with FHWA procedures (see Appendix D of this Final EIR/EIS/EIS). A copy of the signed concurrence letter from the Conservancy and NDSP is included below.



(10/03/2018)

Carl Hasty
Tahoe Transportation District
P.O. Box 499
Zephyr Cove, NV 89448

RE: US 50/South Shore Community Revitalization Project
De Minimis Section 4(f) Concurrence

Dear Mr. Hasty:

BOARD MEMBERS

BROOKE LAINE, Chair
City of South Lake Tahoe

LYNN SUTER, Vice-Chair
Public Member

LARRY SEVISON
Placer County

ADAM ACOSTA
Public Member

TODD FERRARA
Resources Agency

KAREN FINN
Department of Finance

SUE NOVASEL
El Dorado County

JEFF MARSOLAIS
U.S. Forest Service (ex-officio)

PATRICK WRIGHT
Executive Director

Thank you for working with us to address the potential impacts of the proposed U.S. 50/South Shore Community Revitalization Project (Project) on Van Sickle Bi-State Park (Park), which is jointly managed by the Nevada Division of State Parks (NDSP) and the California Tahoe Conservancy (Conservancy).

As you know, Section 4(f) of the Department of Transportation Act of 1966 requires that the Federal Highway Administration (FHWA), before approving the Project, determine that the Project will not adversely affect the activities, features, or attributes of the Park. NDSP and the Conservancy must then concur with that finding.

As described in Appendix D of the Draft EIR/EIS/EIS, 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).

We appreciate TTD's commitment to include several design features in the Project to provide public access and protect Section 4(f) resources of the Park. These features, described in Appendix D of the 2017 Draft Environmental Impact Statement/Report, include:

- **A Pedestrian bridge** overcrossing U.S Highway 50 and a paved trail connecting the Park to Heavenly Village and the City of South Lake Tahoe's Explore Tahoe visitor center; and
- **Aesthetic treatments** (articulation, landscaping, and rock treatments) to be incorporated into the new retaining wall and graded slope along the Park frontage of the relocated U.S. 50 and at the signalized park

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entrance road intersection (stamped concrete), as well as other enhancements to the reconfigured gateway to the Park.

TTD has not yet determined how the proposed bridge deck and paved trail to Heavenly Village will be maintained, or how the reconfigured gateway and retaining walls will be constructed in a manner that preserves the character of the Park.

Our agencies recently met to address these issues, and have reached the following agreements:

1. TTD will create a Project Delivery Team (PDT) to bring together all pertinent parties, including Conservancy and NDSP representatives, to coordinate project design and project implementation planning. This will include design of the aesthetic treatments for the retaining wall, slopes treatments, and Park entrance road features. Prior to Project implementation, Conservancy and NDSP will participate in the review and comment on the plans to submit to Caltrans for approval.
2. TTD will assume responsibility for developing signed project partner agreements for the operations and maintenance of the pedestrian bridge and paved trail connecting the Park to Heavenly Village and the City of South Lake Tahoe's Explore Tahoe visitor center prior to Project implementation. TTD may partner with the PDT, including the City of South Lake Tahoe and/or other entities to perform these tasks.
3. TTD will purchase the two Conservancy-owned parcels (portions of APN 029-260-32 and 029-441-19) necessary to construct and operate the trail from the Park to Heavenly Village. Conservancy staff will seek Board authorization for the sale, and to allocate revenue from the sale to maintenance of the trail and pedestrian bridge.

Based on the agreements listed above and *DeMinimis* finding Section 4(f), the Conservancy and NDSP concur that the transportation use and impacts associated with this Project, including its identified impact avoidance, minimization, and mitigation and/or enhancement measures, will not adversely affect the activities, features, and attributes that qualify the Park for protection under Section 4(f).

Thank you again for working closely with our staff in minimizing the potential impacts of the Project on Van Sickle Bi-State Park.

Sincerely,



Patrick Wright
California Tahoe Conservancy
Executive Director



Eric Johnson
Nevada Division of State Parks
Administrator

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5.3.2 SHPO Consultation

Section 5.3.2, "SHPO Consultation," of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS noted that consultation with the Nevada SHPO was initiated for cultural resources in the APE, as documented in the Nevada ASR and the Nevada HRER. A copy of the signed concurrence letter from the Nevada SHPO is included below.



NEVADA
**STATE HISTORIC
PRESERVATION OFFICE**

Department of Conservation and Natural Resources

**Brian Sandoval, Governor
Bradley Crowell, Director
Rebecca L. Palmer, SHPO**

September 28, 2018

C. Cliff Creger
Chief Cultural Resources Program Manager
Nevada Department of Transportation
1263 S. Stewart Street
Carson City, NV 89712

Re: Section 106 consultation with the Nevada Department of Transportation (NDOT) for the U.S. 50 South Shore Revitalization Project, Stateline, Douglas County, Nevada; NDOT Project # 73819/ FHWA Project # PLH-050-1(031)/SHPO UT # 2010-1238

Dear Mr. Creger,

The Nevada State Historic Preservation Office (SHPO) has reviewed the subject documents received July 20 and August 31, 2018. Based on the citation in the opening paragraph of NDOT's July 20, 2018 letter, it appears that this undertaking is subject to the requirements of the *2014 Federal-aid Transportation Programmatic Agreement* and accompanying *NDOT Cultural Resources Handbook*. Section 106 consultation with the California SHPO is being coordinated separately for the portion of the undertaking occurring in California. NDOT is coordinating this review on behalf of the Federal Highway Administration (FHWA).

Project Description

Thank you for providing additional information regarding the four "build" alternatives for this undertaking. The alternatives were clarified during an August 24, 2018 meeting with SHPO, NDOT, and the Tahoe Transportation District (TTD) and were submitted in hard copy on August 31, 2018.

Area of Potential Effect (APE)

NDOT/FHWA has submitted new maps that depict the direct and indirect APEs in relation to the proposed project activities. NDOT/FHWA has determined that the APE for this undertaking is an area approximately 615 acres in size that includes all parcels adjacent to where work will occur. The SHPO concurs with the adequacy of the APE as defined for this undertaking.

Identification and Evaluation of Historic Properties

The SHPO previously concurred with NDOT/FHWA's determinations of National Register of Historic Places (NRHP) eligibility for the surveyed resources in the APE. NDOT/FHWA has submitted new maps that depict the historic resources in the APE in relation to the APE and proposed project activities. The SHPO acknowledges that the maps depict 26Do726/KBG-3 (unimproved road segment near S.R. 207) as an unevaluated resource within the APE.

Consultation with Interested Parties

The SHPO previously acknowledged NDOT/FHWA's consultation effort for this undertaking.

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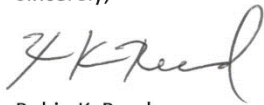
C. Cliff Creger
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September 28, 2018

Determination of Effect

The SHPO **concurs** with NDOT/FHWA's determination that the proposed undertaking will have **No Adverse Effect** to historic properties.

Should you have questions concerning this correspondence, please contact SHPO staff architectural historian Kristen Brown at (775) 684-3439 or by email at knbrown@shpo.nv.gov.

Sincerely,



Robin K. Reed
Deputy State Historic Preservation Officer

cc via email: Abdelmoez A. Abdalla, FHWA

24257

5.3.3 Native American Consultation and Coordination

Section 5.3.3, “Native American Consultation and Coordination,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS describes the Native American consultation and coordination that has been conducted for the project.

No additional communication with the Native American Heritage Commission or Native American individuals or organizations has occurred since release of the Draft EIR/EIS/EIS, nor was such consultation requested by any tribal representatives. 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.

5.4 COMMUNITY OUTREACH MEETINGS

Section 5.5, “Community Outreach Meetings,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS provided background about public outreach meetings and other public outreach efforts that were conducted in addition to those conducted for the scoping process.

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.

5.5 PROJECT DESIGN AND DEVELOPMENT

Section 5.5, “Project Design and Development,” of the US 50/South Shore Community Revitalization Project Draft EIR/EIS/EIS summarized the alternatives and design features that arose from the public outreach efforts and coordination with agency stakeholders, community groups, and business owners that has occurred as part of the environmental review process.

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.