

Appendix D

**Resources Evaluated Relative to the
Requirements of Section 4(f) and
De Minimis Determination**

Resources Evaluated Relative to the Requirements of Section 4(f) and *De Minimis* Determination

1 INTRODUCTION

The US Department of Transportation's (DOT's) Federal Highway Administration (FHWA), the Tahoe Transportation District (TTD), the Tahoe Regional Planning Agency (TRPA), the California Department of Transportation (Caltrans), and the Nevada Department of Transportation (NDOT), in coordination with the City of South Lake Tahoe and Douglas County, are proposing to realign US 50 and complete other transportation improvements along, and within the vicinity of, the US 50 corridor in Stateline, Nevada, and South Lake Tahoe, California, to create the opportunity for economic revitalization in this tourist/casino core area. The project extends from 0.25 miles southwest of Pioneer Trail in South Lake Tahoe to Nevada State Route (SR) 207 (Kingsbury Grade) in Douglas County (see Exhibit 1). The project name is US 50/South Shore Community Revitalization Project (proposed project).

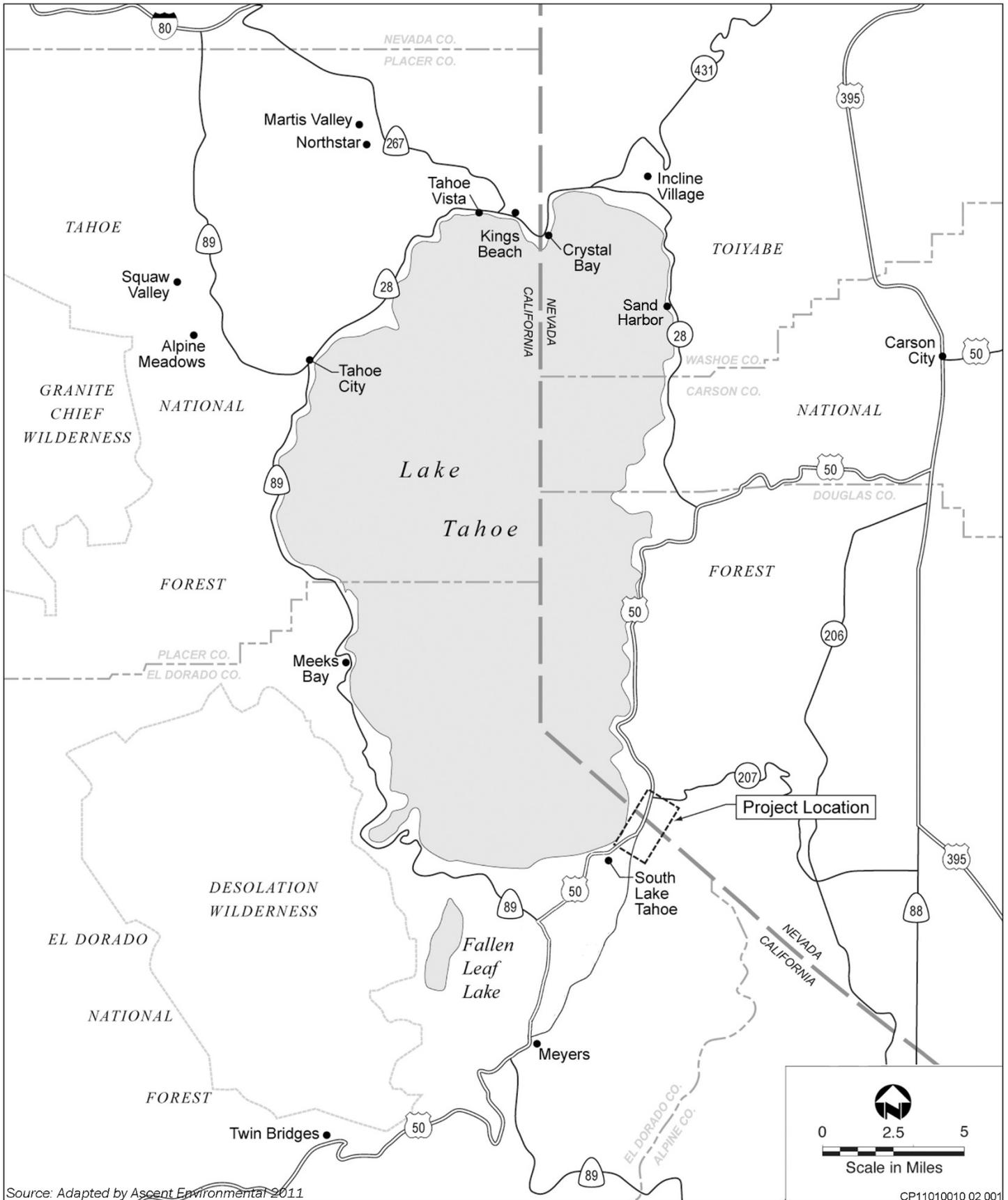
Section 4(f) of the Department of Transportation Act of 1966 (Section 4[f]) codified in Federal law at 49 United States Code (USC) 303, declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” A similar provision was added to Title 23 USC 138, which applies only to the Federal-Aid Highway Program.

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, to the extent applicable, 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). (For the proposed project, the Departments of Agriculture and Housing and Urban Development are not involved in Section 4[f] compliance.)

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 terms of the Section 4(f) preservationist purposes, as determined by specified criteria (23 Code of Federal Regulations [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 land’s activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e., called constructive use) 23 CFR 771.135(p)(1) and (2).



Source: Adapted by Ascent Environmental 2011

CP11010010 02 001

Exhibit 1

Project Location



2 SECTION 4(f) *DE MINIMIS* IMPACT EVALUATION REQUIREMENTS

Section 6009 (a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended 49 USC 303 and 23 USC 138 to allow the DOT to determine that certain uses of Section 4(f) land will have only “*de minimis* impacts” on a protected Section 4(f) resource. When this is the case, and the responsible official with jurisdiction over the resource agrees in writing, the Section 4(f) process is simplified.

The FHWA may determine that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property. No further Section 4(f) evaluation is required, if a *de minimis* impact is found. *De minimis* impact findings must be made for the individual Section 4(f) resources when there are multiple resources present on a property. *De minimis* impact criteria and associated determination requirements are different for historic sites than for parks, recreation areas, and wildlife and waterfowl refuges.

For historic sites, *de minimis* impact means that FHWA has determined, in accordance with 36 CFR part 800 that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question (23 CFR 774.17[1]).

For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis impact* is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f) (23 CFR 774.17[2]).

A *de minimis* impact determination requires agency coordination and public involvement as specified in 23 CFR 774.5(b). The regulation has different requirements depending upon the type of Section 4(f) property that would be used.

For historic sites, the consulting parties identified in accordance with 36 CFR 800 must be consulted. The official(s) with jurisdiction must be informed of the intent to make a *de minimis* impact determination and must concur in a finding of no adverse effect or no historic properties affected in accordance with 36 CFR 800. Compliance with 36 CFR 800 satisfies the public involvement and agency coordination requirement for *de minimis* impact findings for historic sites. Additionally, FHWA may make a *de minimis* finding only if the project would have no adverse effect on the historic site or other historic properties, the state historic preservation officer provides written concurrence, and the finding has been developed in consultation with the applicable parties [49 USC 303(d)(1)(A) and 49 USC 303(d)(2)]. (For the proposed project, no historic sites that qualify for Section 4[f] protection would be affected.)

For parks, recreation areas, or wildlife and waterfowl refuges, the official(s) with jurisdiction over the property must be informed of the intent to make a *de minimis* impact determination, after which an opportunity for public review and comment must be provided. After considering any comments received from the public; incorporating all possible planning to minimize harm to the park, recreation area, and wildlife and waterfowl refuge; and if the official(s) with jurisdiction concurs in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection, then FHWA may finalize the *de minimis* impact determination [49 USC 303(c), 49 USC 303(d)(1)(B), and 49 USC 303(d)(3)]. The public notice and opportunity for comment as well as the concurrence for a *de minimis* impact determination may be combined with similar actions undertaken as part of the NEPA process. (For the proposed project, the Section 4[f] resource considered for a *de minimis* impact is a public park.)

3 PURPOSE AND NEED FOR THE ACTION

The overall purpose of this project is to make improvements to the US 50 corridor consistent with the Loop Road System concept referenced in historical planning documents, such as the Tahoe Regional Planning Compact (Table 1-1 in Chapter 1, “Introduction,” of the EIR/EIS/EIS); reduce congestion; improve vehicle,

pedestrian, and bicycle safety; advance multi-modal transportation opportunities; improve the environmental quality of the area; enhance visitor and community experience; and promote the economic vitality of the area. The project also provides the opportunity to develop a complete street—a street designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities—in the main tourist core of the Stateline area. The purpose and need for the project is further discussed in Chapter 1, “Introduction,” of the EIR/EIS/EIS.

The project is proposed to address existing transportation deficiencies and future transportation needs along the US 50 corridor between Pioneer Trail and SR 207, to alleviate cut-through traffic in local neighborhoods in the City of South Lake Tahoe, to enhance pedestrian and bicycle safety and mobility, to improve transit access, and to support community revitalization goals. The community within the US 50 corridor has expressed a demand for transportation improvements to create well-designed, safer facilities that balance the needs of pedestrian, bicycle, transit, and private vehicle access while respecting the unique environmental setting of the Lake Tahoe Basin. Revitalization goals included creating more walkable, transit-served public space in the tourist/casino core through public and private investment, which would promote economic vitality.

4 DESCRIPTION OF THE PROJECT ALTERNATIVES

TTD is proposing to realign US 50 to circle around the south side of the tourist/casino core following the existing Lake Parkway alignment, which would achieve the goals and the purpose and need for the project summarized above.

To aid informed decision-making and public participation, an environmental review process has been conducted by TTD, including preparation of an environmental document (i.e., a joint environmental impact report pursuant to the California Environmental Quality Act (CEQA), environmental impact statement pursuant to the National Environmental Policy Act (NEPA), and environmental impact statement pursuant to TRPA requirements [EIR/EIS/EIS]).

There are five project alternatives being considered for implementation, consisting of four build alternatives (Alternatives B, C, D, and E) and one no build alternative (Alternative A). Three build alternatives (Alternatives B through D) would construct a new roadway that would realign the existing US 50 from a point just west of the Pioneer Trail/US 50 intersection to the point where Lake Parkway meets US 50 in Nevada. In addition to the roadway realignment, all of the realignment alternatives (Alternatives B through D) would also include a new pedestrian bridge over the new US 50 alignment providing a connection between the tourist core and Van Sickle Bi-State Park, enhanced bicycle and pedestrian facilities and connectivity, enhanced transit features, environmental improvements, housing and business displacement, relocation assistance for displacees, and the potential for new mixed-use developments that could accommodate those that would be displaced. One build alternative (Alternative E) would construct a raised pedestrian walkway over the existing US 50 within the portion of the tourist core along the resort-casinos. A more detailed description of the alternatives is included in Chapter 2, “Proposed Project and Project Alternatives,” of the Draft EIR/EIS/EIS.

4.1.1 Alternative A: No Build (No Project or No Action)

With Alternative A there would be no improvements to existing US 50, Lake Parkway, or other roadways within the project site boundaries. The current road alignment and lane configuration would remain the same, consistent with Exhibit 2-1 in Chapter 2 of the Draft EIR/EIS/EIS. At this time, no specific improvements to existing US 50 are planned.

4.1.2 Alternative B: Triangle (Locally Preferred Action)

Alternative B would construct a new alignment of US 50 to the southeast of existing US 50 from just west of the Pioneer Trail intersection in California to Lake Parkway in Nevada. The new alignment would begin at a new Pioneer Trail intersection located to the west of the existing intersection, and proceed south along existing Moss Road. It would then turn east onto the Montreal Road alignment, passing behind (southeast of) the Heavenly Village Center shopping complex, and continuing along the existing Montreal Road and Lake Parkway alignments before ending at a new two-lane roundabout at the existing US 50/Lake Parkway intersection. Exhibit 2-2 of the Draft EIR/EIS/EIS provides an overview of the realignment of US 50, intersection improvements, and travel patterns associated with Alternative B (see Chapter 2 of the Draft EIR/EIS/EIS).

ROAD NETWORK CHANGES AND OTHER IMPROVEMENTS

The new US 50 alignment would have four 11-foot wide travel lanes, 5-foot wide shoulders, and turn pockets at major intersections and driveways. New signalized intersections along the new US 50 would be located at Heavenly Village Way and the driveway entrance to Harrah's. The existing segment of US 50 between Pioneer Trail and Lake Parkway would be relinquished to the City of South Lake Tahoe in California, and Douglas County in Nevada. New US 50 would become Caltrans and NDOT right-of-way.

Between Park Avenue and Lake Parkway, the existing US 50 would be reduced to one travel lane in each direction, with landscaped medians, and left-turn pockets at major intersections and driveways. Bicycle lanes and sidewalks would be added and/or upgraded throughout the project site. A pedestrian bridge would be constructed over the new US 50 alignment approximately 250 feet south of the proposed new intersection at the Harrah's entrance driveway near the California/Nevada state line connecting the Van Sickle Bi-State Park to the tourist core area. The bridge would likely include either a single-span, cast-in-place, concrete box girder design or steel truss bridge design. Aesthetic treatments would be included in the design and construction of the bridge to be compatible with the surrounding natural and human environment and to note the California/Nevada state line. The bridge would be designed to serve as an attraction for visitors to the area and a gateway into Van Sickle Bi-State Park from the tourist core.

On the mountain side of new US 50, the pedestrian bridge would connect to a 10-foot wide sidewalk that would run parallel to and extend the length of new US 50 to the main park entrance at Heavenly Village Way. The sidewalk would include a marked entrance crossing and connection to the existing sidewalk on the west side of the park entrance roadway. The sidewalk would be set back from the new retaining wall and topographically separated from new US 50 along most of its length.

On the lake side of new US 50, the pedestrian bridge would be connected to a new path that would run the length of the Conservancy parcel between the Harrah's surface parking lot and Forest Suites Resort. The path would then either skirt around Bellamy Court on the existing sidewalk and connect with the sidewalk on the western side of Transit Way, or involve construction of a new path on the north side of Transit Way, leading users to the Explore Tahoe: Urban Trailhead building, which is an inter-agency visitor center designed to promote recreation and environmental education about Lake Tahoe. The improvements along Bellamy Court and Transit Way would be limited and would include striping and new signage directing visitors to the pedestrian bridge.

The location of the pedestrian bridge and connecting path is shown in Exhibits 2-2 through 2-4 in Chapter 2 of the Draft EIR/EIS/EIS and in the illustrations in Attachment 2 of this report. Exhibit 2-5 shows a conceptual illustration of the proposed pedestrian bridge as viewed from the proposed signalized entrance to Harrah's. Exhibit 2-6 shows a conceptual illustration of the proposed pedestrian path on the Conservancy parcel extending from Bellamy Court to the proposed pedestrian bridge.

Given the topography of the proposed new route for US 50, retaining walls would be needed along the southern side of the roadway. The retaining walls would be constructed in the area from the entrance road to

Van Sickle Bi-State Park to about 900 feet east of Harrah's Driveway. The walls would range in maximum height from 6 feet to 18 feet. The width of the paved surface of Lake Parkway currently varies from about 35 feet to 45 feet. The expanded four-lane roadway would range in width from 59 feet to 112 feet. The retaining walls would be given context-sensitive aesthetic treatments as depicted in the illustrations in Attachment 2 of this report.

INTERSECTION IMPROVEMENTS

Alternative B would result in modifications to the following intersections within the project site:

- ▲ Existing US 50/New US 50/Pioneer Trail
- ▲ Existing US 50/Park Ave/Heavenly Village Way
- ▲ Existing US 50/La Salle Street
- ▲ Existing US 50/Friday Avenue
- ▲ Existing US 50/Stateline Avenue
- ▲ New US 50/Heavenly Village
- ▲ New US 50/Harrah's Driveway
- ▲ Existing US 50/New US 50/Lake Parkway
- ▲ Stateline Avenue/Lake Parkway/Pine Boulevard

The configuration of these intersections with Alternative B are shown in Exhibit 2-2 (see Chapter 2 of the Draft EIR/EIS/EIS).

RIGHT-OF-WAY ACQUISITION NEEDS

The Alternative B realignment of US 50 would require the acquisition of right-of-way. The right-of-way needs would include both partial and full acquisition of parcels within the project site. The number and type of affected parcels are listed in Chapter 2 and Appendix B of the Draft EIR/EIS/EIS.

MIXED-USE REDEVELOPMENT SITES

Alternative B includes the potential future redevelopment of three sites within the project site to include a mix of residential and commercial uses. The purpose of the redevelopment sites would be to provide potential relocation opportunities for dislocated residents and business owners close in the immediate vicinity. Exhibits 2-9 and 2-10 of the Draft EIR/EIS/EIS show the location and potential mix of uses that could be developed at these sites through a future public private partnership (see Chapter 2 of the Draft EIR/EIS/EIS).

PARK ENTRANCE

Alternative B includes extensive changes to the existing intersection at the entrance to Van Sickle Bi-State Park at Heavenly Village Way. The Heavenly Village Way/new US 50 intersection would be signalized and the width of the crossing to access Van Sickle Bi-State Park would increase from a 2-lane roadway crossing to a 4-lane roadway crossing. As shown in the illustrations in Attachment 2, context-sensitive design solutions, including new entrance signage, sidewalk improvements, and aesthetic pavement treatments, would be incorporated into the project to enhance the entrance to the park relative to existing conditions.

4.1.3 Alternative C: Triangle One-Way

The alignment of Alternative C would be the same as Alternative B for the route along existing Montreal Road and Lake Parkway. However, Alternative C would involve one-way travel within the tourist core and on the realigned highway to the southeast. It would reduce right-of-way needs relative to Alternative B, as described

herein. Exhibit 2-3 in Chapter 2 of the Draft EIR/EIS/EIS provides an overview of the roadway network, intersection improvements, and travel patterns associated with Alternative C.

ROAD NETWORK CHANGES AND OTHER IMPROVEMENTS

Alternative C would split eastbound and westbound directions on US 50 from the Park Avenue/Heavenly Village/US 50 intersection in California to Lake Parkway/US 50 intersection in Nevada. Eastbound US 50 would remain in place as under existing conditions, while westbound US 50 would be realigned onto a new alignment along Lake Parkway southeast of existing US 50. Both eastbound and westbound US 50 would have turn pockets at major intersections and driveways, and would add and/or upgrade bicycle lanes and sidewalks.

Travel lanes along the eastbound and westbound segments would be 11 feet wide. New signalized intersections would be located on westbound US 50 at Heavenly Village Way and the entrance driveway off existing Lake Parkway to Harrah's. Caltrans and NDOT would be required to accept the right-of-way along both segments of US 50 for those portions in their respective state, and the City of South Lake Tahoe and Douglas County would need to relinquish the right-of-way along Lake Parkway, Montreal Road, and other local roadways affected by Alternative C. A pedestrian bridge would be constructed over westbound US 50 near the California/Nevada state line connecting the Van Sickle Bi-State Park to the Stateline area, as described above for Alternative B.

INTERSECTION IMPROVEMENTS

Alternative C would result in modifications to the same intersections identified for Alternative B above, but with configurations to accommodate one-way travel.

RIGHT-OF-WAY ACQUISITION NEEDS

The Alternative C realignment of US 50 would require the acquisition of right-of-way similar to that which would occur for Alternative B. The right-of-way needs would include both partial and full acquisition of parcels within the project site. The number and type of affected parcels are listed in Chapter 2 and Appendix B of the Draft EIR/EIS/EIS.

MIXED-USE REDEVELOPMENT SITES

Alternative C includes the potential future redevelopment of the same three sites within the project site as Alternative B for the purpose of providing relocation opportunities to the dislocated residents and business owners.

PARK ENTRANCE

Alternative C includes extensive changes to the existing intersection at the entrance to Van Sickle Bi-State Park, as described above for Alternative B.

4.1.4 Alternative D: Project Study Report Alternative 2

Alternative D is similar to Alternative B in that it would construct a new alignment for US 50 to the southeast of existing US 50 from the Pioneer Trail intersection in California to Lake Parkway in Nevada. The relocated US 50/Pioneer Trail intersection would be further north than the Alternative B alignment. Exhibit 2-4 in Chapter 2 of the Draft EIR/EIS/EIS provides an overview of the realignment of US 50, intersection improvements, and travel patterns associated with Alternative D.

ROAD NETWORK CHANGES AND OTHER IMPROVEMENTS

The new US 50 alignment associated with Alternative D would begin at a reconstructed Pioneer Trail intersection, and proceed east on a new roadway between existing Echo Road and Fern Road. It would then turn north onto the Montreal Road alignment, passing behind the Heavenly Village Center shopping complex, and continuing along the existing Montreal Road and Lake Parkway alignments before ending at a new two-lane roundabout at the existing US 50/Lake Parkway intersection.

The new US 50 alignment would have four 11-foot wide travel lanes, 5-foot wide shoulders, and turn pockets at major intersections and driveways. New signalized intersections would be located at US 50/Heavenly Village Way and the driveway entrance to Harrah's from US 50. The existing segment of US 50 between Pioneer Trail and Lake Parkway would be relinquished to the City of South Lake Tahoe in California and to Douglas County in Nevada. New US 50 would become Caltrans and NDOT right-of-way.

Between Park Avenue and Lake Parkway, the existing US 50 would be reduced to one lane in each direction, with landscaped medians and left-turn pockets at major intersections and driveways. Bicycle lanes and sidewalks would be added and/or upgraded throughout the project site. A pedestrian bridge would be constructed over the new US 50 alignment near the California/Nevada State Line connecting the Van Sickle Bi-State Park to the Stateline area, as described above in Alternative B.

INTERSECTION IMPROVEMENTS

The intersection improvements associated with Alternative D would be the same as Alternative B, except the location of the relocated US 50/Pioneer Trail intersection; the alignment of this intersection would be further north relative to Alternative B. Alternative D also includes a proposed 2-lane roundabout at the US 50/Lake Parkway intersection with an option to signalize this intersection.

RIGHT-OF-WAY ACQUISITION NEEDS

The Alternative D realignment of US 50 would require the acquisition of right-of-way. The right-of-way needs would include both partial and full acquisition of parcels within the project site. The number and type of affected parcels are listed in Chapter 2 and Appendix B of the Draft EIR/EIS/EIS.

MIXED-USE REDEVELOPMENT SITES

Like Alternative B, Alternative D includes the potential future redevelopment of three sites within the project site to include a mix of residential and commercial uses that could be relocation opportunities for dislocated residents and business owners. Exhibits 2-11 and 2-12 of the Draft EIR/EIS/EIS show the location and a potential mix of uses that could be developed at these sites through a future public private partnership (see Chapter 2 of the Draft EIR/EIS/EIS).

PARK ENTRANCE

Alternative D includes extensive changes to the existing intersection at the entrance to Van Sickle Bi-State Park, as described above for Alternative B.

4.1.5 Alternative E: Skywalk

Alternative E would feature a concrete deck over the entire width and length of existing US 50 within the tourist core between a location about 100 feet south of Stateline Avenue and a location near the northern end of the Montbleu Resort (about 450 feet south of Lake Parkway). The deck would serve as a pedestrian "skywalk" facility or pedestrian walkway along the resort-casinos. The width would be approximately 75 feet. The skywalk would be constructed on 4-foot wide columns spaced approximately 20 feet on center running

along both sides of the highway for the entire length of the bridge. The purpose of the skywalk would be to enhance pedestrian facilities and separate pedestrians from the highway through the tourist core near the resort-casinos to allow for improved traffic flow. Alternative E would avoid the need to acquire property and displace uses and people in the existing community. Exhibit 2-13 in Chapter 2 of the Draft EIR/EIS/EIS shows a plan view illustrating the conceptual layout of Alternative E.

ROAD NETWORK CHANGES

The configuration of US 50 would remain as it is today, except that the signal and at-grade pedestrian scramble between Hard Rock and Montbleu would be removed.

The improvements on Stateline Avenue would be the same as that which would occur for Alternative B.

INTERSECTION IMPROVEMENTS

Alternative E would affect the following intersections in the project site:

- ▲ US 50/Stateline Avenue
- ▲ The signal and at-grade pedestrian scramble between Hard Rock and Montbleu

RIGHT-OF-WAY ACQUISITION NEEDS

Alternative E would be constructed entirely within the existing US 50 right-of-way and would not require any property acquisitions. Alternative E would not displace any residents or businesses.

MIXED-USE REDEVELOPMENT SITES

Alternative E does not include the potential future redevelopment sites associated with Alternatives B through D. Because Alternative E would not displace any residents or businesses, it would not be necessary to provide replacement housing or commercial space as part of this alternative.

5 SECTION 4(f) RESOURCES

The Section 4(f) properties that are located within the project site boundaries are shown on Exhibit 2. The resources within the project site include:

- ▲ Van Sickle Bi-State Park straddling the California/Nevada state line south of Lake Parkway, with its main entrance located at the intersection of Heavenly Village Way and Lake Parkway.
- ▲ Edgewood Tahoe Golf Course located at 100 Lake Parkway, on the northeast corner of the intersection of US 50 and Lake Parkway.
- ▲ Friday's Station located within the area of potential effect (APE), south of US 50 between Lake Parkway and SR 207.
- ▲ Pony Express Rider statue located outside Harrah's Lake Tahoe Casino Hotel and adjacent to US 50 within the center of the study area.
- ▲ Lincoln Highway/ Lake Tahoe Wagon Road is a short segment of the former Lake Tahoe Wagon Road and Lincoln Highway and is located south of the intersection of US 50 and SR 207.

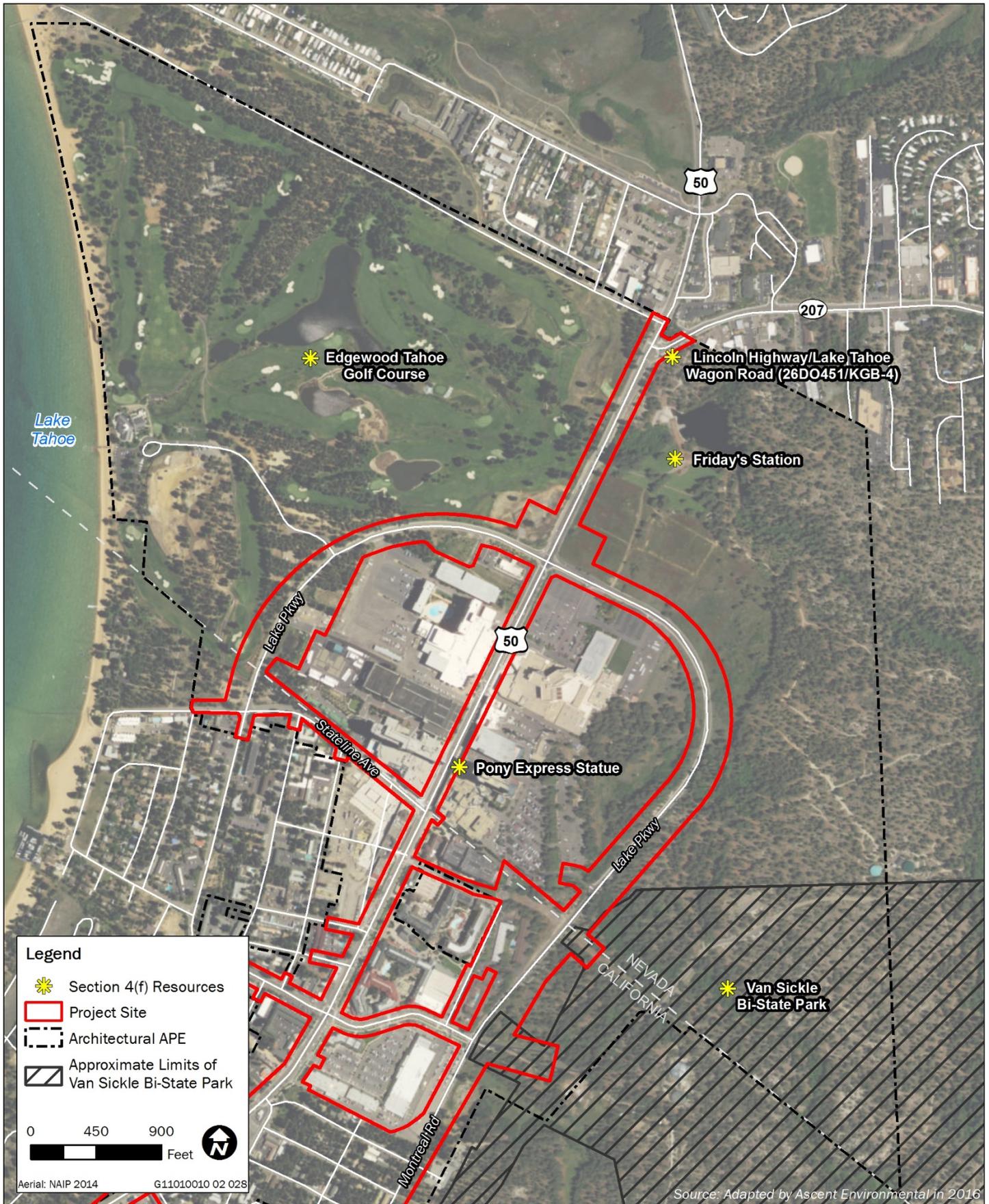


Exhibit 2

Existing Resources Evaluated for Section 4(f) Protection



6 SECTION 4(f) *DE MINIMIS* DETERMINATION

6.1 PUBLIC PARKS AND RECREATION AREAS - VAN SICKLE BI-STATE PARK

Van Sickle Bi-State Park straddles the California/Nevada state line, located in City of South Lake Tahoe, California and Stateline, Nevada. The park opened in 2011. The Nevada Division of State Parks (NDSP) and the California Tahoe Conservancy (Conservancy) jointly manage the park. The Nevada Division of State Land (NDSL) and the Conservancy each own the portion within their state.

The park encompasses approximately 720 acres, with the majority of the park located in Nevada (approximately 570 acres). The park has a forested landscape, dominated by a Jeffrey pine and white fir-mixed conifer with stream environment zones, historic buildings, large granite outcrops, and at higher elevations, broad views of Lake Tahoe. The park is situated between the tourist/casino core and Heavenly Ski Resort with the main access for vehicles, pedestrians, and bicycles located at the intersection of Lake Parkway/Montreal Road and Heavenly Village Way/park entrance road. Parking is available within the park near the main entrance (Nevada Division of State Parks et al. 2005).

The Van Sickle Bi-State Park Master Plan was prepared in 2005 by Nevada State Parks, California Division of Parks and Recreation, and California Tahoe Conservancy to guide the vision of the park. The Master Plan identified natural and cultural resources, outlined constraints on the site, and identified a plan for future uses. The following vision for the park was identified in the Master Plan:

- ▲ To create a Bi-State Park with outstanding scenic and natural character for the protection of historical, archeological, ecological, geological, and other such values of statewide significance.
- ▲ To create opportunities for compatible types of recreation.
- ▲ Management will involve a balance between State agency operations, recreational resources and preservation of natural or cultural resources (Nevada Division of State Parks et al. 2005:28).

The close proximity of the park to the concentrated bed base around the tourist/casino core provides visitors to the South Lake Tahoe and Stateline area with unique access to natural and cultural resources, as well as outdoor recreation opportunities that are within walking and biking distance of their lodging. Currently, visitors can use park facilities for picnicking, short or long day hikes, and biking. Trails within the park connect with nearby existing and planned regional trails, including the Tahoe Rim Trail, Daggett trail system, and South Tahoe Greenway. Historic structures within the park include a barn, small log cabin, and several housekeeping cabins all associated with a historic equestrian complex. Winter recreation opportunities within the park could include sledding, snowshoeing, and cross-country skiing.

Other features located within Van Sickle Bi-State Park include an easement for South Tahoe Public Utility District (STPUD) and the Heavenly gondola. The STPUD easement contains two water supply tanks. Access to the water tanks for STPUD is obtained via paved access road located approximately 500 feet northeast of the main park entrance. The Heavenly gondola extends southeast through the park from just north of the main entrance. Towers supporting the gondola are located in the park and an easement exists for the gondola and its supporting towers. A Sierra Pacific high voltage line with an associated easement extends northeast through a portion of the westernmost area of the park.

Currently, Van Sickle Bi-State Park has completed Phase I of its Master Plan. Future development of the park is planned to occur over the course of three more phases. Planned future visitor activities and facilities in the park will be expanded to include a visitor's center, additional day use areas and parking, overnight cabins, and overnight camping that would include walk-in, group, and RV campsites. Interpretive signage regarding site history, natural resources, wildlife, and environmental stewardship is planned for the lower portion of the park near the main entrance and along trails throughout the park. Additionally, orientation signage will be installed at various locations in the park.

Alternatives B, C, and D would require permanent use of the frontage of Van Sickle Bi-State Park for right-of-way and would result in indirect environmental effects on the park. The direct use and potential indirect impacts on Van Sickle Bi-State Park are summarized below.

6.1.1 Right-of-Way Acquisition

Alternatives B, C, and D would require acquisition of a strip of Conservancy-owned land along the southwest frontage of the park (see Exhibits 3 and 4). No right-of-way acquisition is needed in Nevada. Alternatives B and D would acquire up to 0.47 acres and Alternative C would acquire up to 0.20 acres of Conservancy-owned land from the park. The amount of land within the park that would be acquired for the project right-of-way represents less than 0.1 percent of the total acreage of the park (720 acres).

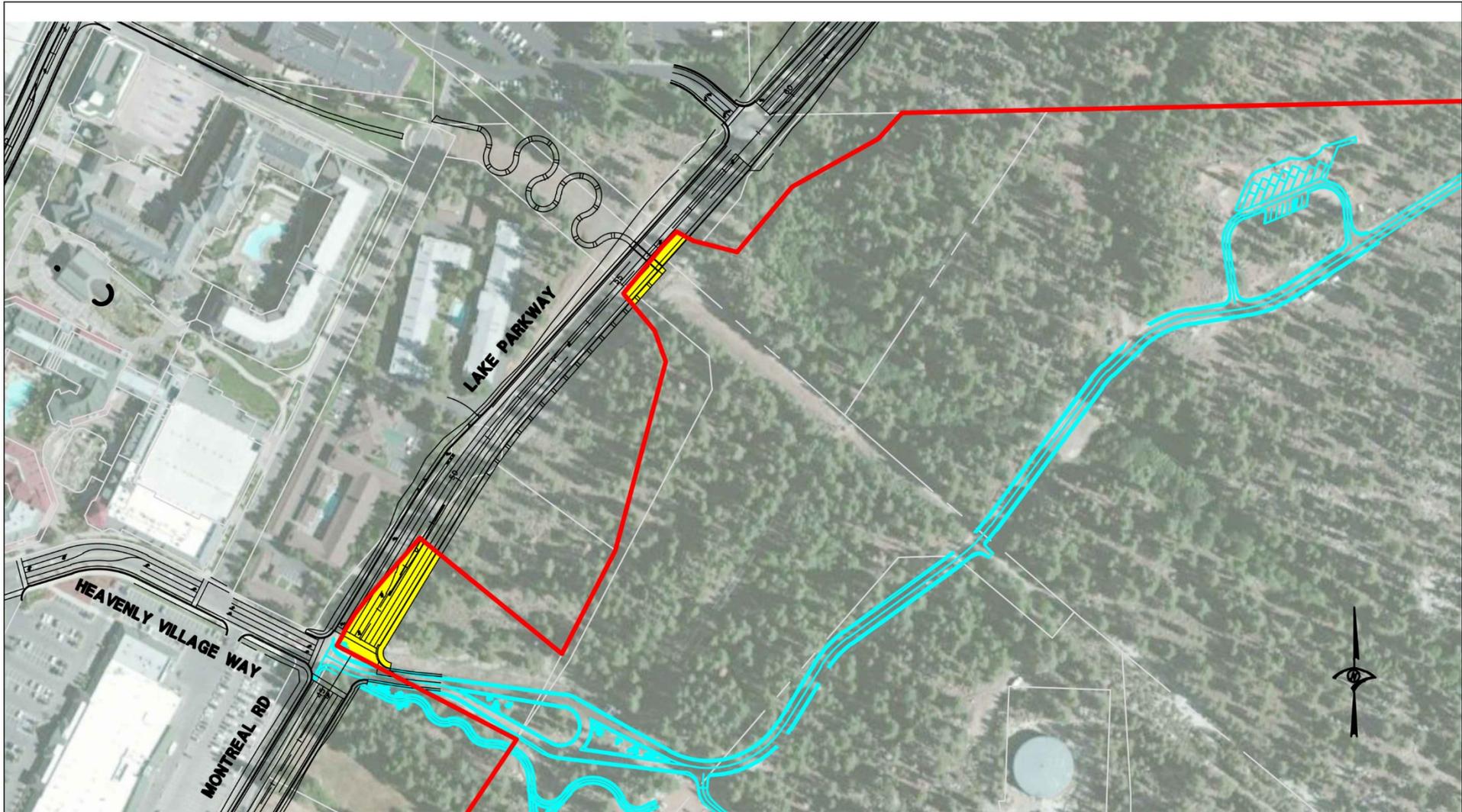
The frontage of the park is along Lake Parkway and represents the visible landscape edge of the forest, which is a resource value important for the park. The frontage land does not contain recreational trails or other outdoor recreation facilities, but may be used for informal forest walking. One part of the frontage contains the entrance road, which is the main visitor access point. Visitors drive, bike, or walk across the frontage property to reach the interior of the park. This land also includes entrance signage for the park.

Acquisition of land along the frontage of the park would not diminish continued access through the main entrance to the park. As part of the project, improvements to the park entrance would be made along construction of the new US 50/Heavenly Village Way/park entrance road intersection. The improvements would include a traffic-signal controlled pedestrian crosswalk and landscape design to enhance the arrival experience to the park. A visual simulation of improvements to the park entrance are shown in Exhibit 5. The small reduction in the size of the park resulting from the project's right-of-way acquisition would not change the outdoor recreation resources, facilities, or activities or park. The landscape appearance of the park frontage would be changed, but would not be adversely affected. Use of natural materials, contoured grading, and tree replanting would create an attractive edge of the park visible from viewpoints along the new US 50 and walkways or sidewalks within the tourist/casino core. Resource attributes that qualify the resource for protection under Section 4(f) would either not be changed or, if altered, not be adversely affected.

6.1.2 Temporary Disruption of Access during Construction

Alternatives B, C, and D would involve temporary, construction-related activities along the new US 50 immediately adjacent to Van Sickle Bi-State Park to implement roadway and intersection improvements, sidewalk installation and improvements, and construction of the pedestrian bridge connecting the tourist/casino core and the park. These construction activities would temporarily disrupt access to the park for vehicles and pedestrians because of the physical barriers caused by construction and the necessary safety zones that surround construction activities using heavy equipment. Because the project would implement Mitigation Measure 3.3-1 from the Draft EIR/EIS/EIS to establish detours and maintain access to public lands and recreation areas, the project would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Furthermore, these construction activities would be considered a temporary occupancy of land and, thus, not considered a use within the meaning of Section 4(f) per 23 CFR 774.13(d) because:

- ▲ construction activities that would disrupt access to Van Sickle Bi-State Park would be shorter in duration than the time needed for construction of the whole project;
- ▲ the nature and magnitude of the construction activities would be minor, resulting in widening of an existing road and relocation of the entrance to the park;
- ▲ construction of the project would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) on a temporary or permanent basis;



LEGEND

- VAN SICKLE BOUNDARY
- VAN SICKLE ACQUISITION
- EXISTING VAN SICKLE FACILITIES

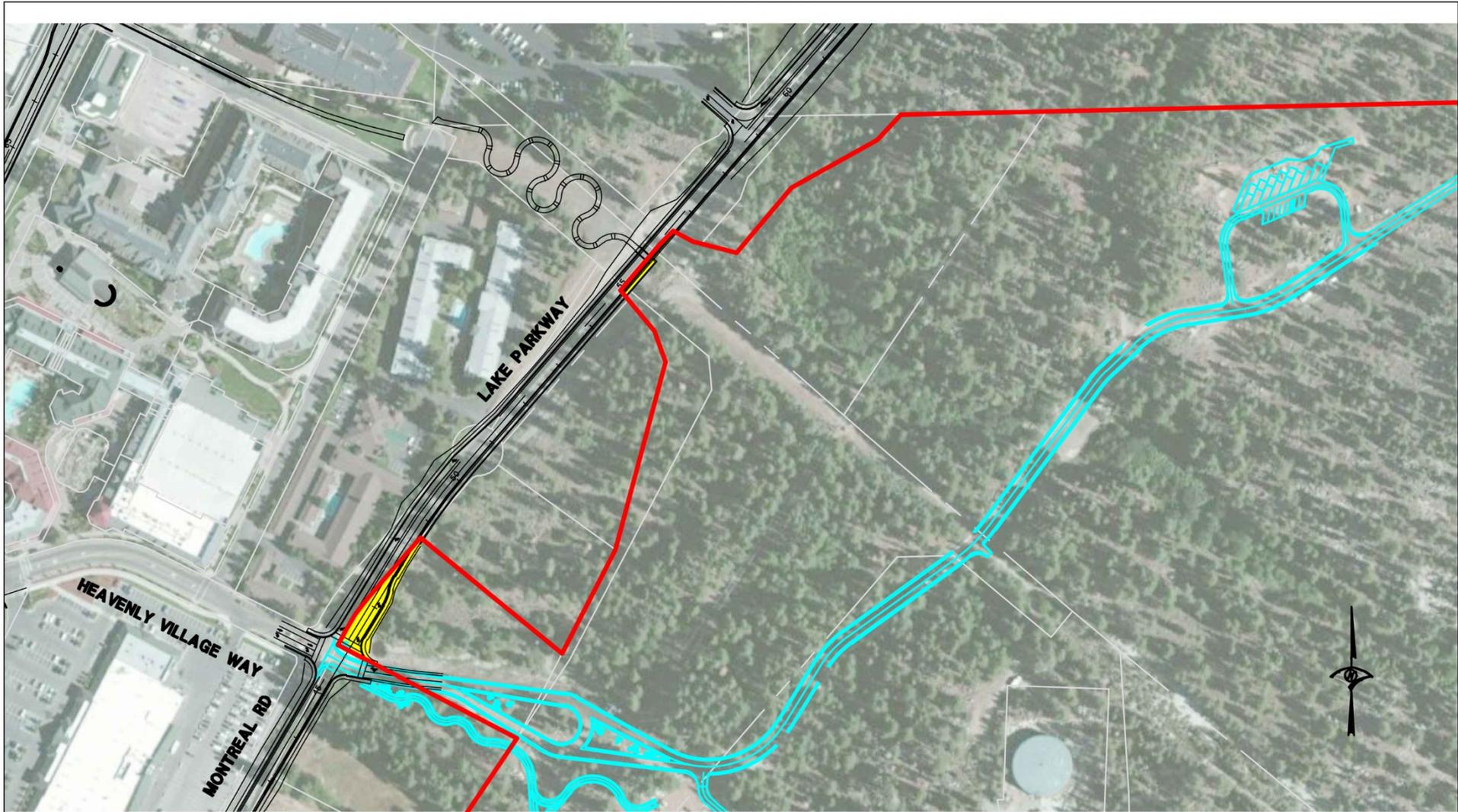
Source: Wood Rodgers 2016

X11010010 02 073

Exhibit 3

Van Sickle Bi-State Park Right-of-Way Acquisition – Alternatives B and D





LEGEND

- VAN SICKLE BOUNDARY
- EXISTING VAN SICKLE FACILITIES
- VAN SICKLE ACQUISITION

Source: Wood Rodgers 2016

X11010010 02 074

Exhibit 4

Van Sickle Bi-State Park Right-of-Way Acquisition – Alternative C



- ▲ the construction activities themselves, including any flaggers or temporary barriers such as cones or fencing, would not result in permanent changes beyond those that would result from acquisition of park property described in Section 6.1.1, above; and
- ▲ written concurrence from Conservancy and NDSP regarding the nature of the effects of construction activities on disruption of access to the park described herein is anticipated.

6.1.3 Noise

The noise analysis in the Draft EIR/EIS/EIS (see Section 3.15, “Noise and Vibration”) considered noise impacts at key gathering areas in the park; the locations were determined in consultation with NDSP and Conservancy staff and included existing gathering places, as well as future planned day-use and group camping facilities. Noise level changes at these locations would not be sufficient to be discernible at the modeled locations, as shown in Impact 3.15-3 (i.e., increases of less than 3 dB CNEL). People are able to begin to detect sound level increases of 3 dB in typical noisy environments [Caltrans 2013:2-45]). These less-than-significant noise level increases would occur, because the setback distance from the roadway edge, embankment next to the new US 50 alignment, intervening stand of trees, and topographical separation from the vehicles on the highway would attenuate the roadway noise. As such, Alternatives B, C, and D would not substantially diminish recreation user experience at these locations because of noise. For these reasons, the change in noise levels from increased traffic adjacent to the entrance to Van Sickle Bi-State Park, compared to current conditions and the No Project Alternative, would not adversely affect the park (Wood Rodgers 2013). Alternative C would also align the westbound new US 50 right-of-way along the existing Montreal Road and Lake Parkway; however, this alternative would not increase the number of lanes above the existing roadway lanes. The project’s noise generation would not adversely affect the activities, features, and attributes that qualify Van Sickle Bi-State Park for protection under Section 4(f). Noise generated by the project would not be considered a constructive use for the purposes of Section 4(f).

6.1.4 Visual Resources/Aesthetics

The entrance appearance and arrival experience to the park would change with Alternatives B, C, and D, because the realigned highway would be wider than the current street and the entrance intersection would be redesigned, including traffic signal control. Context-sensitive design solutions have been developed with input from NDSP and the Conservancy and incorporated into the project to provide safe, traffic signal controlled crosswalks, enhance the park entry design features, and create visible and attractive wayfinding for pedestrian and vehicle access. For example, the new pedestrian bridge connecting the tourist/casino core to the park would serve as a gateway, visibly demarcating the state line California and Nevada. It would also enhance pedestrian and bicycle access to the park and provide an arrival experience for park users not currently offered. Retaining walls would include aesthetic treatments using natural materials, and the main crosswalk would include grander design features than exist today. See illustrations depicting these aesthetic features in Attachment 2 of this report.

As described in Section 3.7, “Visual Resources/Aesthetics,” recreation visitors to Van Sickle Bi-State Park would have little or no view of the highway once inside the park, because of screening by existing tree cover and topography, as well as replanting of trees where removal is unavoidable. Alternatives B, C, and D would not diminish recreation user experience within the park. For these reasons, the project would not have an adverse effect on the activities, features, and attributes that qualify the resource for protection under Section 4(f) from the visual changes that would occur with the realigned US 50 along Lake Parkway. Exhibit 5 presents an illustration of the proposed entrance changes.

6.1.5 Permanent Access Improvements

Alternatives B, C, and D would include improved signage, paths, and trails for bicycles and pedestrians, a signalized crosswalk, and the construction of a pedestrian bridge over the new US 50, which would connect

Van Sickle Bi-State Park to the tourist/casino core for pedestrians and bicyclists. This would result in an increase in public access compared to the single existing crosswalk at the stop-sign controlled intersection of Heavenly Village Way/Montreal Road/park entrance road. Alternatives B, C and D would also include intersection improvements at Heavenly Village Way to facilitate access to Van Sickle Bi-State Park by all transportation modes (i.e., automobile, pedestrian, bicycle, transit). The proposed pedestrian bridge and enhanced main entrance to the park would provide substantially improved access to the park with enhanced connectivity to the tourist/casino core. For these reasons, the project would result in a beneficial effect on the activities, features, and attributes that qualify the resource for protection under Section 4(f).



7 COORDINATION

TTD, FHWA, Caltrans, the Conservancy, and NDSP have coordinated regarding the project’s potential Section 4(f) impacts on Van Sickle-Bi State Park. TTD and FHWA have also coordinated with the California and Nevada State Historic Preservation Officers (SHPO). A summary of the coordination and consultation activities for the purposes of Section 4(f) is included in Table 2. Meeting notes from the Van Sickle Bi-State Park coordination meetings are included in Attachment 1 of this report. The outcome of these efforts are described below, under “Measures to Minimize Harm.”

Table 2 Section 4(f) Evaluation Consultation Summary

Date	Form	Participants	General Topic(s)
January 10, 2014	Meeting	NDSP, Conservancy, TTD, FHWA-CA, FHWA-NV, Caltrans, Wood Rodgers, Ascent Environmental	Discuss potential Section 4(f) issues related to Van Sickle Bi-State Park and next steps.
October 20, 2014	Meeting	NDSP, Conservancy, TTD, FHWA-CA, FHWA-NV, Caltrans, Wood Rodgers, Ascent Environmental, Design Workshop	Discuss project effects on Van Sickle Bi-State Park and conduct site visit to support illustrations.
August 11, 2015	Meeting	NDSP, Conservancy, TTD, Wood Rodgers, Ascent Environmental, Design Workshop	Review and discuss draft illustrations depicting project elements in the context of Van Sickle Bi-State Park.
January 21, 2016	Meeting	NDSP, Conservancy, TTD, FHWA-CA, FHWA-NV, Wood Rodgers, Ascent Environmental	FHWA decision on use of the Joint Planning Exception; mitigation of impacts on Van Sickle Bi-State Park (e.g., pedestrian access to park, retaining wall aesthetic treatment, aesthetic treatment for entrance)
December 2015	Letter sent seeking Section 106 concurrence along with reports	Nevada SHPO	Submittal of Nevada ASR and the Nevada HRER for SHPO concurrence on conclusions.
October 3, 2018	Section 4(f) Concurrence Letter	Conservancy and NDSP	Concurrence with <i>de minimis</i> finding for Van Sickle Bi-State Park.
September 28, 2018	Section 106 Concurrence Letter	Nevada SHPO	Concurrence with findings in the Nevada ASR and Nevada HRER.

Source: Compiled by Ascent in 2016 and updated in 2018

As discussed previously, cultural resource reports prepared for the project identified historic properties and evaluated the project’s impact on NRHP-eligible or listed properties in accordance with ACHP’s Criteria of Adverse Effect (36 CFR 800.5 [a][1]). The *Architectural Inventory Report for the Nevada Portion of the US 50/South Shore Community Revitalization Project* identified three historic properties within the Nevada portion of the study area that are on or are eligible for listing on the NRHP (NDOT 2015:32). The *Draft Archaeological Survey Report for the California Portion of the US 50/South Shore Community Revitalization Project* did not identify any historic properties within the California portion of the study area that are on or eligible for listing on the NRHP (Caltrans 2015:32). The cultural reports concluded that the project would not adversely affect any of the three historic properties identified in the Nevada portion of the study area. These cultural reports have been submitted to the Nevada SHPO. The cultural reports for the California portion of the study area were not required to be submitted to the California SHPO because there were no historic properties identified that would be affected by the project.

The public had an opportunity to comment on the proposed Section 4(f) *de minimis* finding during a 75-day comment period beginning on April 24, 2017 and ending on July 7, 2017. Summaries of comments on the Section 4(f) *de minimis* finding are included here with a response to each comment. (Note: The original comment letters and all comments with responses are included in Appendix O of the US 50/South Shore Community Revitalization Project Final EIR/EIS/EIS.)

The U.S. Department of Interior noted they have no comments on the Section 4(f) analysis. The comment is noted for consideration by decision makers.

The Conservancy and NDSP provided comments on the Section 4(f) analysis. They expressed concern about potential discrepancies between the proposed pedestrian bridge shown in Exhibits 2-2 through 2-4 of the Draft EIR/EIS/EIS and the Key Plan shown in Attachment 2 of this report and contend that the Gondola Vista development no longer allows the pathway location agreed upon by the parties. Images depicting the sidewalk connecting the proposed pedestrian bridge to the main entrance of Van Sickle Bi-State Park were presented to NDSP and the Conservancy at a meeting on August 11, 2015. The notes from that meeting (included in Attachment 1 of this report) indicate that in preparing the Key Plan, the illustrator took artistic liberties that deviated from the plans shown in the Geometric Approval Drawings (GAD; included in Appendix B of the Draft EIR/EIS/EIS). The GAD shows the sidewalk hugging the wall and minimizing right-of-way needs. The path as depicted would require additional right-of-way. The commenter is correct that the development of the Gondola Vista project would limit the ability to create a meandering path within the boundaries of the Gondola Vista property. However, portions of the path extending beyond the Gondola Vista property to the main entrance could be designed to include a meandering element through final design. (See also the discussion under the header “Project Refinements to Alternative B” in Section 2.4.2, “Alternative B: Triangle (Locally Preferred Action),” of this Final EIR/EIS/EIS.) The appearance and context-sensitive aesthetic treatments of the tiered retaining walls along the mountain side of realigned US 50 would be retained as an element of the project; the configuration of these walls to accommodate the driveway to the Gondola Vista property would be refined accordingly during detailed design development following environmental review. The commenters concerns related to the path have been resolved through on-going discussions with TTD since publication of the Draft EIR/EIS/EIS, as indicated in the Section 4(f) concurrence letter included below in Section 11, “Concurrence from Officials with Jurisdiction.”

As identified in Response to Comment 12-76, the Tahoe Area Sierra Club referred to Section 4.5, “*De Minimis* Findings for Section 4(f),” and asserted that because there is no baseline scenic inventory, it cannot be concluded that there are no visual resource impacts to Van Sickle Bi-State Park. As stated on page 3.7-4 of the Draft EIR/EIS/EIS, “Because [Van Sickle Bi-State Park] is relatively new (opened in summer 2011), the park has not yet been officially added to TRPA’s list of public recreation areas.” Additionally, recreation users in Van Sickle Bi-State Park would have limited views of the project because, as stated on page 3.7-4 of the Draft EIR/EIS/EIS, “the majority of the park is set back and separated from Lake Parkway by existing private parcels (Exhibit 2-1), except at the park entrance and a short section of frontage near the state line,” and as described on page 3.7-28 of the Draft EIR/EIS/EIS, “Recreationists at Van Sickle Bi-State Park would have little or no view of the project site once inside the park because of screening by topography and existing tree cover.” Therefore, characterization of the existing scenic baseline is described and assessed to the extent necessary for analysis of project impacts in the Draft EIR/EIS/EIS.

The Tahoe Area Sierra Club also stated that noise impacts on the park are uncertain. A summary of the noise analysis conducted for potential impacts on the park from the project is included in Section 6.1.3, “Noise,” above. This summary concludes, “the project’s noise generation would not adversely affect the activities, features, and attributes that qualify Van Sickle Bi-State Park for protection under Section 4(f).”

Bruce Grego provided a comment asserting that the Draft EIR/EIS/EIS does not provide a Section 4(f) evaluation. As shown herein and in Appendix D of the Draft EIR/EIS/EIS, a Section 4(f) evaluation has been conducted for the project.

Coordination activities with Nevada SHPO, the Conservancy, and NDSP were completed after the comment period for the proposed Section 4(f) *de minimis* finding closed. Coordination with California SHPO was not required because there were no historic properties identified for the California portion of the project site that would be affected by the project. Because Nevada SHPO, the Conservancy, and NDSP provided concurrence that there would be no adverse impacts, FHWA can determine that the effects of the proposed project on Section 4(f) resources are *de minimis* and the requirements of 23 USC 138 and 149 USC 303 would be satisfied.

8 MEASURES TO MINIMIZE HARM

As a result of coordination between TTD, FHWA, Caltrans, Conservancy, and NDSP, the following design features are incorporated into Alternatives B, C, and D to minimize the potential for adverse impacts on existing activities at Van Sickle-Bi State Park:

- ▲ The pedestrian bridge overcrossing and trail connection leading to the Urban Trailhead visitor center in Heavenly Village and providing enhanced access between the tourist/casino core and the park. This enhances overall access and connectivity between the primary lodging/tourist activity areas and Van Sickle Bi-State Park. The pedestrian bridge provides a safe, grade-separated access for visitors crossing the new US 50 and a facility designed to attract visitors to the park, e.g., demarking the California/Nevada state line. Detailed design development will occur in coordination with Conservancy and NDSP staff.
- ▲ The aesthetic treatment of the retaining wall and graded slope along the park frontage on the mountain side of new US 50 was designed to maintain the rural, open space experience of the park, such as through the use of natural materials and tree replanting. Articulation (i.e., breaks in the wall, separated by landscaped area) and rock treatments were added to the retaining walls and context-sensitive design was applied.
- ▲ The gateway/main entrance to Van Sickle-Bi State Park would be enhanced (Exhibit 5) and aesthetic crossing treatments would be used at the Heavenly Village/new US 50/park entrance road intersection.

9 SECTION 4(f) *DE MINIMIS* FINDINGS

9.1 PARKS, RECREATION AREAS, AND REFUGES

A determination of *de minimis* impact on parks, recreation areas, and wildlife and waterfowl refuges, may be made when all three of the following criteria are satisfied:

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).

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, and
 - ▲ the construction of a 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.

Finding: The preliminary finding was released and made available for public comment for a period of 75 days, concurrent with the public comment period for the Draft EIR/EIS/EIS, which included a combined public hearing. FHWA has considered all comments received on the proposed *de minimis* impact.

- The official(s) with jurisdiction over the property are informed of DOT'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).

Finding: TTD informed the Conservancy and NDSP of the proposed *de minimis* impact finding proposed to be made by FHWA. Alternative B is selected as the preferred alternative. The Conservancy and NDSP provided written concurrence on October 3, 2018 that the project would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (see Chapter 5, "Consultation and Coordination" of this Final EIR/EIS/EIS).

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

10 OTHER RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(F)

10.1 WILDLIFE/WATERFOWL REFUGES – EDGEWOOD TAHOE GOLF COURSE

TRPA has identified 18 waterfowl management areas within the Tahoe Region. One of the management areas is located at Edgewood Tahoe Golf Course, which is within the northwestern portion of the study area, outside of the project footprint. The Edgewood Tahoe Golf Course is a privately-owned, 18-hole course with a driving range, putting green, and a clubhouse with dining facilities located within the study area. The Edgewood Tahoe Golf Course is open to the public except for during special events such as the American Century Celebrity Championship.

Waterfowl management areas are scored by on-going assessments of habitat conditions, recreation impacts, and a review of management actions that could affect waterfowl at the 18 mapped waterfowl sites. The recreational impact and habitat intactness score for the 18 waterfowl threshold sites are ranked 1 to 4 with 1 being the most intact and 4 being the most disturbed. The Edgewood Tahoe Golf Course has a rank of 4 (LTSTMEP 2012).

The waterfowl threshold site at Edgewood Tahoe Golf Course is well-recognized as being artificial and altered by intensive golf course operations and use. However, the artificial ponds on the golf course support considerable numbers of waterfowl, which is presumably why the site was designated as a threshold area. These areas are primarily used for foraging and resting. Nesting habitat for waterfowl species within the golf course is limited due to lack of extensive riparian vegetation or other naturalized areas that may provide adequate cover and limited buffer distance between golf course play and wetland/open water habitats. However, small areas of nesting habitat may exist in areas near the ponds where vegetation cover is relatively dense (TRPA 2012:5.7-69).

A wildlife or waterfowl refuge may be considered a Section 4(f) property if it is publicly owned, formally part of the National Wildlife Refuge System, or other publicly owned land where the major purpose of such land is the conservation, restoration, or management of endangered species, their habitat, and other wildlife and waterfowl resources and their habitat. The Edgewood Tahoe Golf Course waterfowl threshold site is privately-owned land, which generally precludes a site from eligibility as a Section 4(f) property. However, if a governmental body has a permanent property interest in the land (such as a permanent easement, or in some circumstances, a long-term lease), FHWA determines on a case-by-case basis whether the particular property should be considered publicly owned and, thus, if Section 4(f) applies.

While the Edgewood Tahoe Golf Course land is encumbered with an easement for a public access to Lake Tahoe, it is not for purposes of wildlife or waterfowl protection. Therefore, without a permanent public property interest as a wildlife or waterfowl refuge, the Edgewood Golf Course property does not qualify as this category of Section 4(f) resource.

10.2 HISTORIC PROPERTIES LISTED OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most important federal law that addresses historic preservation. Among other things, the NHPA establishes the National Register of Historic Places (NRHP), the official list of designated historical resources. Districts, sites, buildings, structures, and objects may be eligible for listing in the Register. Nominated resources are listed if they are significant in American history, architecture, archeology, engineering, and culture in a manner that meets NHPA criteria. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under criteria A through D (described below); and ordinarily be 50 years of age or older.

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

Properties that are in or determined to be eligible for listing in the NRHP (including historic districts, buildings, structures, objects, and certain archaeological sites) qualify for Section 4(f) protection. The *Architectural Inventory Report for the Nevada Portion of the US 50/South Shore Community Revitalization Project* identified three historic properties within the Nevada portion of the study area that are on or are eligible for listing on the NRHP (NDOT 2015:32). The *Draft Archaeological Survey Report for the California Portion of the US 50/South Shore Community Revitalization Project* did not identify any historic properties within the California portion of the study area that are on or eligible for listing on the NRHP (Caltrans 2015:32).

The cultural resources reports identified above and the *Cultural Resources Study for the US 50/South Shore Community Revitalization Project* [TRPA 2015] prepared for the project identified a number of other cultural resources that are either ineligible for listing on the NRHP or will not be affected by the project due to their distance from project activities or because they are screened by fencing or vegetation from project activities (NDOT 2015, Caltrans 2015). These resources will not be further discussed in this report.

Under federal law, the Criteria of Adverse Effect are set forth by the Advisory Council on Historic Preservation (ACHP) in its implementing regulations, 36 CFR Part 800. As codified in 36 CFR Part 800.4(d)(2), if historic properties may be affected by a federal undertaking, the agency official shall assess adverse effects, if any, in accordance with the Criteria of Adverse Effect.

The Criteria of Adverse Effect (36 CFR 800.5 [a][1]) reads:

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the [NRHP] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic

property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the [NRHP]. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

36 CFR 800.5 (a)(2) reads:

Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the [secretary of the interior's] Standards for the Treatment of Historic Properties (the Standards) (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

10.2.1 Friday's Station (National Register Inventory #86003259)

Friday's Station is located within the northeastern portion of the APE for the project, which is shown in Exhibit 2. Friday's Station is a two-and-one-half story, frame building constructed in 1860 as an inn and Pony Express Station. It is a Greek Revival-style building sitting amidst a vast expanse of closely-mowed turf, which lends the property the feeling of an antebellum southern estate. Friday's Station was listed on the National Register of Historic Places in 1986 and is National Register Inventory #86003259. The property is currently privately owned by Edgewood Companies (Edgewood Companies 2014).

The project's potential effects to Friday's Station are assessed here under criteria i, iv, and v of ACHP's Criteria of Adverse Effect described above. Under criterion i, the project's direct effects would be confined to a corridor near the roadways along the perimeter of the property and would not destroy or damage any of the buildings associated with Friday's Station. Under criterion iv, the project would not change the property's use or physical features, as the project's direct effects would be confined to a corridor near the roadways at the perimeter of the property. Under criterion v, the project would not affect the property's visual, atmospheric, or audible elements, as the property's buildings are 400 feet from project improvements and visually separated from the project by a dense stand of trees. The project would not diminish those aspects of integrity that enable Friday's Station to convey its significance. The project would not result in a change in land ownership or use of the property, and no permanent, adverse physical impacts are expected to occur.

10.2.2 Pony Express Rider Statue

The Pony Express Rider bronze statue is located outside Harrah's Lake Tahoe Casino Hotel and is adjacent to US 50 within the center of the study area. The statue's location is identified on Exhibit 2. This statue was dedicated as a commemorative marker of the pony express in 1963 over 100 years after the first Pony Express Rider passed through the area. This statue is one of two commissioned by Bill Harrah in 1961 and designed by noted 20th century American sculptor Avard Tennyson Fairbanks. The other statue is located outside Harrah's casino in north Kansas City, Missouri. According to Criterion C for determining a resource's significance for NRHP listing, the Pony Express Rider statue appears eligible for inclusion in the NRHP. The statue's eligibility is a result of the statue's embodiment of the aesthetic vision and artistic skills of a master, Fairbanks, in creating an object in bronze that reflects the western identity so closely tied to the Pony Express and the opening of the American West to Euro-American technology, communication, and assimilation.

The project's potential effects on the Pony Express Rider statue outside Harrah's Lake Tahoe Casino Hotel are assessed here under criteria i, iv, and v of ACHP's Criteria of Adverse Effect described above. Under criterion i, the project's direct effects would be confined to a corridor near the US 50 roadway west of the statue, and would not destroy or damage the statue or any of the aspects of the statue's setting associated with it. Under criterion iv, the project would not change the property's use or physical features, as the project's direct effects would be west of the statue. Under criterion v, if the proposed project constructs a skywalk (Alternative E) above US 50 between Harrah's Lake Tahoe Casino Hotel and Harvey's Lake Tahoe, the project may affect the statue's visual, atmospheric, or audible elements, as the statue is located outside in a visually prominent location outside Harrah's Lake Tahoe Casino Hotel near US 50. However, the statue's artistic qualities that make it eligible for the NRHP would not change and the project would not diminish those aspects of integrity that enable the Pony Express Rider statue to convey its significance. The project would not result in a change in land ownership or use of the property, and no permanent, adverse physical impacts are expected to occur.

10.2.3 Lincoln Highway/Lake Tahoe Wagon Road/26 Do 451/KBG-4

This resource is located in the Nevada portion of the study area and consists of a short segment of the former Lake Tahoe Wagon Road and Lincoln Highway and was built in 1863 and later became a segment of the Carson Branch of the Lincoln Highway, the first transcontinental automobile route in the United States. In a 2006 report, the segment appears eligible for inclusion in the National Register under Criterion A for its strong association with the themes of communication and transportation, and Criterion C for its qualities of construction.

The project's potential effects to resource 26 Do 451/KBG-4 (segment of the Lincoln Highway) are analyzed here under criteria i, iv, and v of ACHP's Criteria of Adverse Effect described above. Under criterion i, the project's direct effects would be confined to NDOT right-of-way by a chain link right-of-way fence. The resource is situated outside the right-of-way, on private land protected by the chain link fence. The project would not destroy or damage 26 Do 451/KBG-4. Under criterion iv, the project would not change the property's use or physical features, as the project's direct effects would be confined to the NDOT right-of-way. Under criterion v, the project would not affect the property as it is visually separated from project improvements by the chain-link fence, boulders, vegetation, and trees. Improvements to US 50 in the vicinity of 26Do451/KBG-4 would not significantly exacerbate the existing visual, atmospheric, or auditory setting caused by the presence of a modern, heavily travelled modern road in the right-of-way. The project would not diminish those aspects of integrity that enable 26 Do 451/KBG-4 to convey its significance. The project would not result in a change in land ownership or use of the property, and no permanent, adverse physical impacts are expected to occur.

11 CONCURRENCE FROM OFFICIALS WITH JURISDICTION

Following the public comment period from April 24, 2017 to July 7, 2017, the officials with jurisdiction (Conservancy, NDSP, and Nevada SHPO) have provided their concurrence to fulfill all of the requirements of Section 4(f). The concurrence letters are included here and in Chapter 5, “Comments and Coordination,” of the Final EIR/EIS/EIS.



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.

901 S. Stewart Street, Suite 5004 ✦ Carson City, Nevada 89701 ✦ Phone: 775.684.3448 Fax: 775.684.3442

www.shpo.nv.gov

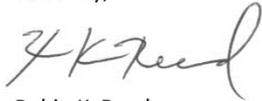
C. Cliff Creger
Page 2 of 2
September 28, 2018

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



(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

1061 Third Street, South Lake Tahoe, California 96150
phone: 530-542-5580 fax: 530-542-5567 e-mail: info@tahoe.ca.gov web: www.tahoe.ca.gov

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

1061 Third Street, South Lake Tahoe, California 96150
phone 530-542-5580 fax 530-542-5567 e-mail info@tahoe.ca.gov web www.tahoe.ca.gov

12 REFERENCES

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NDOT. See Nevada Department of Transportation.

NDSP. See Nevada Division of State Parks.

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TRPA. See Tahoe Regional Planning Agency.

Attachment 1

Coordination Meeting Notes

Summary Meeting Notes

US 50/SOUTH SHORE COMMUNITY REVITALIZATION PROJECT

Section 4(f) Consultation Meeting

Date: Friday, January 10, 2014
Time: 10:30 am – Noon
Location: In-Person Meeting at TRPA's Offices, 128 Market Street, Stateline, NV
 Call-In Number: 775.580.7451, Pass code: 7451

Meeting Purpose:

Discuss potential Section 4(f) issues related to Van Sickle Bi-State Park and next steps.

Attendees:

Alfred Knotts, TTD	Nanette Hansel, Ascent Environmental
Adam Spear, TTD	Dave Tedrick, FHWA-CA (phone)
Mark Davis, NDSP	Larry Vinzant, FHWA-CA (phone)
Dana Dapolito, NDSP	Del Abdalla, FHWA-NV (phone)
Penny Stewart, CTC	Brett Gainer, FHWA-CA (phone)
Peter Eichar, CTC	Cesar Perez, FHWA-CA (phone)
Jennifer Hansen, Wood Rodgers	Pedro Rodriguez, NDOT (phone)
Mark Rayback, Wood Rodgers	Jake Nelson, Caltrans (phone)
Curtis Alling, Ascent Environmental	Suzy Milam, Caltrans (phone)

Summary of Key Discussion Points and Actions

#	Action By	Key Discussion Points, Decisions, and Actions
1		Alfred introduced that the Proposed Action requires the most R/W (public/private) among the alternatives and that the Section 4(f) resource to be discussed at the meeting is Van Sickle Bi-State Park. NDSP and CTC manage the facility (CA State Parks does not have a management role). Alternatives for environmental review were developed through PDT process—one refinement that emerged from the process that addresses access to Van Sickle includes a pedestrian bridge over the highway and intersection improvements at the main entrance. Alfred asked NDSP/CTC whether these design elements are adequate or whether they can be enhanced.
2		Penny wanted an explanation about TTD perception of impacts. Penny brought permit plans for the entry driveway. The maps reviewed by NDSP appear to be obsolete. Penny reported that the impacts appear to be very significant. She requested clarification on grading needs, handling of SEZ just east of main entrance road, and impacts on user experience.
3		Mark R. identified himself as the project design engineer. The proposal holds the curb line on Lake Parkway in front of Forest Suites Resort. R/W encroachment into Van Sickle is about 75 to 80 feet. The design is partially dictated by avoidance of the gondola pole, as well as proximity of the nearest Forest Suites Resort building. Design team is working to narrow lanes and the shoulders to reduce the R/W needed. Park entrance driveway is 5-8% slope. Access will meet ADA requirements

#	Action By	Key Discussion Points, Decisions, and Actions
	Mark R.	and will match grade at entrance. Proposed pedestrian bridge would also meet ADA requirements, which is why the access ramp looks like a snake. Retaining walls along mountainside of highway in front of Van Sickle would be 14-15 feet, as currently designed. Sidewalk would be above retaining wall with handrail. ACTION: Mark R. to get CTC and NDSP CAD files with current plans. CTC requested files as GIS shapefiles rather than CAD.
4		Mark D. raised concern about visual impact of the retaining walls, looking toward the park—concerned about vertical surfaces, i.e., retaining walls and handrails. Retaining walls at the entrance to park will change the character of the park. The original purpose of the park was to provide walk-in access to a rural, open space experience.
5		Penny is concerned about grading into the park related to the entrance driveway and matching grade. She asked whether raising the road grade to minimize grade issues at the entrance has been considered. The grade issue is dependent on R/W needs as entrance is steeper as you go into the park.
6		Mark R. indicated yes the design team is looking at raising the highway profile. Expecting to be able to raise profile about 1-1.5 feet, because of need to match grades on village side, too. The raised profile will reduce the transition between entrance road and highway.
7		Penny requested topographic tapers (i.e., gentler graded slopes). Concern is that the retaining walls or steep grading could hamper the “walk-in” nature of the park and ADA-compliant trails (i.e., path on south side of entrance road). Mark D. described the three types of ADA standards—standard, recreation, and trails. Entrance path meets the trails standard. Penny reported walk-in arrivals have been very successful, even during winter when park is not open.
8		Mark D. recognized need to maintain access to other private properties, but doesn’t want to diminish walk-in park.
9		Penny reiterated that the concept is a walk-in park. Amount of use is substantial. CTC does not want to lose the character of the park.
10	Mark R./ Alfred	Mark D. asked for clarification on proposal to provide access to STPUD and private properties (Falcon [Gondola Vista]). Mark R. reported that access is still being worked out. CTC/NDSP reported that STPUD requested separate access via their access road when the park was initially developed. ACTION: Mark R. /Alfred to reconnect with STPUD and Falcon property representatives to discuss access needs/options.
11		Penny reported that the park currently has a 50-foot easement across the private property (Falcon), which may not be sufficient for the current plans. The access road has a sewer line and water line in the road. The area east of the entrance road involved an SEZ restoration effort. This is a resource impact analysis issue, and may need replacement restoration project as mitigation. A significant amount of CTC money was spent on enhancing the restoration as part of the park development. CTC would need to be compensated for the restoration funding. Alfred reported that one of the ideas for compensation is the creek to the east, which has

US 50/South Shore Community Revitalization Project
January 10, 2014; Section 4(f) Meeting
Summary Meeting Notes

#	Action By	Key Discussion Points, Decisions, and Actions
	Mark D.	restoration potential. The detention basin included as part of the SEZ restoration effort is allowed to percolate and should be retained. ACTION: Mark D. to provide Alfred the as-built plans for the SEZ restoration project.
12		Access to open space/pedestrian access bridge. Penny characterized park as a rural open space area—most people will not take the overpass, according to research she has seen. Concern is that the bridge structure won't be used, unless it is an attraction itself.
13		Mark R. reported that the Community Review Committee (CRC) emphasized making the bridge an attraction (e.g., state line demarcation with interpretation, different bridge façade treatments for each state). Mark R. recognized not everyone will use bridge, which is why enhancements to the intersection at the main entrance are proposed (e.g., stamped concrete, coloring, signage, etc.).
14		Mark D. requested consideration of alternatives that shift the alignment to diminish the R/W take. Can see a small shift into the Riley's parking lot. Would also like to see a "no retaining wall" grading approach or a stepped-wall approach.
15	Mark R.	Mark R. indicated that a stepped back approach would result in additional R/W. Range of alternatives will range from rockery wall (1:1) to something laid back further into the park. ACTION: Mark R. to show parcels on future maps for this area. Also, maps of this area should include SEZ restoration project boundaries, Greenway trail connection, Van Sickle Master Plan components (contact Mark D. if files are needed), 50-foot easement, and other relevant details.
16		Dana asked if the Triangle One-Way Alternative reduces R/W take. Mark R. answered yes.
17		CTC and NDSP agreed that both access points (bridge and main entrance) are needed. Currently, no fee is charged at park. Managers are considering a future fee when more improvements are made to warrant fee collection. Peter indicated that CTC cannot collect an access fee, only a parking fee. Discussion was raised by Dana in the context of the new bridge access point and implications for future fee collection, which could complicate management.
18		Regarding Penny's bridge use concern, making the overpass an attraction in itself, with a connection to Explore Tahoe: an Urban Trailhead (visitor center already established within the village), is a benefit and may resolve concerns about its actual use. The connection to Explore Tahoe would enhance money already invested as it would serve as an actual trailhead.
19		Peter made suggestions related to enhancing the at-grade crossing at the main entrance. It can be a more attractive gathering place, sitting area. For example, add areas to mill about and gather at the four points of the intersection (i.e., landing spots that are wider than at a typical crossing), pavers, and benches. Make it more inviting and comfortable.
20		Penny indicated sense of arrival is important, and noise is an issue that can deprive visitors of the sense of a rural park. This is an issue for the EIR/EIS/EIS. Penny requested that the environmental review consider noise changes at the park. There

#	Action By	Key Discussion Points, Decisions, and Actions
		are real concerns about the loss of rural atmosphere for park users.
21	Dana	Trail on Lake Parkway (across from entrance to Harrah's) is a user created trail. It was a deer trail. It's has an established access. (STPUD access is on Falcon property.) ACTION: Dana to report back to group on NDSP position on retaining user created trail.
22		One opportunity created by pedestrian bridge is the idea of a looping trail through the park.
23	Penny/Dana	Nanette asked if any Land and Water Conservation Funds were used to acquire affected parcels. Penny thought no. Penny/Peter reminded everyone that all CTC parcels are to be used for their stated purpose (storm water management) into perpetuity. If needed for the project, then the project proponent would be required to compensate CTC for that intended purpose. ACTION: Penny and Dana to report back on funding used for park acquisition. Confirm that no LWCF were used. Penny to also provide details on funding used for other CTC parcels affected by project (update to prior CTC letter, since new alternatives have been added). Will provide update after receipt of updated files from Mark R.
24		Del asked if USFS has any role in the park. Alfred reported no USFS lands or parcels in the area, so no.
25	Alfred	Del also requested that Alfred prepare a memorandum to the FHWA Divisions that have the facts related to Section 4(f). Alfred can draft a letter as a prelude to the environmental document. ACTION: Alfred to draft letter to FHWA divisions regarding Section 4(f) facts.
26		Discussed the Van Sickle Master Plan. The project could help implement Phase 2 components of the plan (starting on page 45).
27		The abandonment of the Falcon/STPUD easement was one idea for mitigation.

Next steps:

- Schedule PDT meeting for March.

Summary Meeting Notes

US 50/SOUTH SHORE COMMUNITY REVITALIZATION PROJECT

Van Sickle Bi-State Park Coordination Meeting

Date: Monday, October 20, 2014
Time: 1:00 – 3:00 p.m.
Location: In-Person Meeting at TRPA's Offices, 128 Market Street, Stateline, NV

Meeting Purpose:

Discuss project effects on Van Sickle Bi-State Park and conduct site visit to support illustrations.

Attendees:

Alfred Knotts, TTD	Nanette Hansel, Ascent Environmental
Mark Davis, NDSP	Jessica Mitchell, Ascent Environmental
Dana Dapolito, NDSP	Eric Roverud, Design Workshop
Penny Stewart, CTC	Steven Robinson, Wood Rodgers
Sue Rae, CTC	Mark Rayback, Wood Rodgers

Summary of Key Discussion Points and Actions

#	Action By	Key Discussion Points, Decisions, and Actions
1		Alfred began the meeting identifying the desired outcome of the meeting was to discuss the effects to Van Sickle Bi-State Park as a result of the project.
2		A few weeks ago visual simulations prepared for the Caltrans Visual Impact Assessment (VIA) were provided to the team/agencies. The simulation near Van Sickle was not intended to focus on issues related to the park. Additionally, an updated noise analysis was completed to characterize impacts along Lake Parkway.
3		Eric from Design Workshop has a scope of work to complete 4 (possibly more) images to better address concerns regarding impacts to the park, which include access, wall type and size, pedestrian crossing treatment, vegetation, pedestrian bridge, and the entryway to the park.
4		The project will need to look at replacing, retaining, and/or enhancing features that were installed and built using state funds.
5		CTC noted that the visual simulations from the VIA did not incorporate the 2.5 to 3-foot fill that engineering plans show going in at the intersection near the main entrance. CTC noted that the point of view in the simulations need to look at views from the roadway since most park users will access the park on foot and the way people get to the park is important to consider in analyzing the effects.
6		The pedestrian bridge is currently designed based on sidewalk ADA requirements. Using trail ADA requirements would allow more flexibility in slope of the walkway.
7		There is currently no planned at-grade access to the park near the pedestrian bridge.

#	Action By	Key Discussion Points, Decisions, and Actions
8		People raised questions regarding requirements of the retaining wall: What does Caltrans require? Does it have to be a wall, or could it be a berm? Mark R. replied that it didn't have to be a wall, but any other treatment would encroach further into the park. The grade could be battered further back into the park to accommodate the road widening.
9		How do people get from the pedestrian bridge to the main entrance? Mark from NDSP stated it would be nice if the trail could meander from the pedestrian bridge away from the road and extend to the main entrance. This would allow people to walk straight into the park and not have to walk along the road. The existing social trail and STPUD road could be used.
10		The proposed project access via pedestrian bridge location is a departure from the Master Plan.
11		CTC noted that the value of the park is that people can get out of the urban influence and into nature very quickly. The new road would allow the urban feeling to encroach on the park. Currently, as people are wandering from the casinos to the park there is a transition that occurs – less dense built environment and more vegetation.
12		Eric asked the group to provide him with some direction on the design vocabulary/direction. The group responded with – as natural as possible, don't want to see a reveg wall similar to the one put in along US 50 near Spooner Summit or the viaduct wall near Emerald Bay.
13		The question came up about whether or not visual simulations for the different alternatives (specifically the one-way alternative) should be created. Alfred responded that the intent was to characterize the alternative with the greatest effects. Nanette stated that the difference between the impacts for each of the alternatives will be characterized in the analysis.
14		Discussion of a barrier rail or guard rail is required next to the retaining wall as well as some sort of railing on the top of the wall.
15		CTC mentioned that the driver's experience [in addition to the pedestrian's] need to be considered. Right now there is natural scenery they are driving past. The effect of the wall and the design can characterize the park – it can affect the intent and character of the park. The project should create a wall that enhances and supports the character of the park.
16		Noise effects on the park user need to be considered. Can the design incorporate noise absorptive features – batter back the wall and add vegetation providing a more park-like setting. Nanette noted that you would need 100 feet of dense vegetation to effectively mitigate the noise compared to the sound wall.
17		The suggestion is made that perhaps the project could bench the wall and add vegetation. This is a trade off as it takes up more park space.
18		NDSP requests that the agencies become part of the process in developing the project and not just responsive.

Summary Meeting Notes

US 50/SOUTH SHORE COMMUNITY REVITALIZATION PROJECT

Van Sickle Illustrations Review

Date: Tuesday, August 11, 2015
Time: 1:00 - 3:00 p.m.
Location: In-Person Meeting at TTD/TRPA's Offices, 128 Market Street, Stateline, NV
 Call-In Number: 866.740.1260, Pass code: 3391420

Meeting Purpose:

Review and discuss draft illustrations depicting project elements in the context of Van Sickle Bi-State Park.

Attendees:

Carl Hasty, TTD	Eric Roverud, Design Workshop
Russ Nygaard, TTD	Penny Stewart, CTC
Mark Rayback, Wood Rodgers	Sue Rae Irelan, CTC
Steven Robinson, Wood Rodgers	Nanette Hansel, Ascent
Curtis Alling, Ascent (via phone)	Mark Davis, NDSP

Summary of Key Discussion Points and Actions

#	Action By	Key Discussion Points, Decisions, and Actions
1		Nanette described the purpose of the meeting and background leading up to the meeting, including input received at meetings with CTC and NDSP on January 1, 2014 and October 20, 2014.
2		Eric reviewed illustrations prepared by Design Workshop.
3	Eric	<u>Engraved Entry Boulder</u> . The existing rock is shown in the illustration, but engraving is not superimposed. CTC staff indicated they would not have two signs at the entry point. Discussion led to moving the existing signed boulder to another location in the park. Consider replacing with another boulder. ACTION: Remove the boulder from Image 1. Consider whether a new boulder should replace it in the image.
4	TTD/CTC Eric	<u>Sidewalk/Path Depicted in Image 1</u> . Design Workshop deviated from the plans shown in the Geometric Approval Drawings (GAD) to illustrate a meandering path shown in plan view in the Key Plan and also in Image 1. The GAD shows the sidewalk hugging the wall and minimizing ROW needs. Path as depicted would require additional ROW. The path would cross through SEZ areas. May need to relocate an infiltration basin. ACTION: Consider whether ownership and maintenance of the path could be turned over to CTC. ACTION: Revise Image 1 to reflect SEZ boardwalk/platform, if warranted.
5		<u>Breaks in the Retaining Wall in Image 2</u> . All agreed they like the breaks in the wall and how it provided views into the park.

#	Action By	Key Discussion Points, Decisions, and Actions
6	Eric	<p><u>Pedestrian Trail from Bellamy Court in Image 3.</u> There was a discussion as to whether we should consider adding stairs or a DG path that provided a more direct path to the bridge to minimize potential for social trails. Perhaps consider these types of treatment for just the largest meanders. This may be more of a final design detail, but something to consider. Need to keep improvements within the CTC parcel. There is a sliver parcel between CTC's parcel and the Harrah's parcel.</p> <p>ACTION: Consider illustrating a stair option or DG path on Image 3. Verify that depicted improvements are limited to the CTC parcel.</p>
7	Eric	<p><u>Wood Materials on Image 4.</u> Some concern was voiced regarding use of true wood materials for the decking and hand rail, because of the maintenance that would be required. Next iteration should illustrate use of more realistic types of materials that would be used (stamped concrete that would appear wood-like). The image in the lower right hand corner of the Materials sheet is a good example of concrete designed to look like wood. Russ has real world examples of wood from prior work if interested.</p> <p>ACTION: Revise Image 4 to refine wood features.</p>
8	Mark R. CTC/NDSP	<p><u>Pedestrian Bridge:</u> All agreed that the bridge would be a very nice and distinctive feature of the park.</p> <p>It was agreed that it is not going to be designed for a wildland fire engine.</p> <p>There was a lengthy discussion of whether the bridge and path leading to it would be maintained for year-round access. If so, how will snow removal of the bridge occur? Currently, permit for Van Sickle does not allow for snow removal or snow storage. Plowing is allowed at the entrance for administrative access. The bridge will be a feature in and of itself; might be reason to consider year round access and maintenance. Some users may go only as far as the bridge, while others will go beyond and into the park. CTC and NDSP to discuss internally.</p> <p>Bridge ownership was discussed. Because it's entirely within California, NDSP is not a candidate. Possible owners could include Caltrans, CTC, TTD, or the City of South Lake Tahoe. Mark R. described that if Caltrans were to own, it would probably be only a partial ownership (responsible for things like footings) with another entity responsible for the "top" of the structure (e.g., decking, handrails, etc.).</p> <p>ACTION: Mark R. to send Penny any recent Caltrans agreements as examples. WR is working on "A Street Overcrossing" in Sacramento; this may be a good example. Look for ones that maximize Caltrans's role in maintenance.</p> <p>ACTION: Discuss year-round access and wintertime snow removal as it relates to the bridge and the path leading up to it. Provide direction to Eric if this affects the illustrations.</p>
9		<p><u>Image 5 Input.</u> CTC asked if the at-grade roadway crossing was necessary. Yes, because this provides a safe crossing to the access point into Van Sickle just across</p>

US 50/South Shore Community Revitalization Project
 August 11, 2015
 Summary Meeting Notes

#	Action By	Key Discussion Points, Decisions, and Actions
		<p>from the Harrah's driveway. There will be a signal at the Harrah's Driveway/US 50 intersection too.</p> <p>Wall in bottom right corner of material sheet would be at the base on the mountainside of Lake Parkway.</p>
10	Eric/Nanette	ACTION: Email a PDF with the illustrations to meeting participants.
11		<p>Design Workshop will make one round of refinements to the illustrations in response to comments from this meeting and others received by August 28. NDSP/CTC to coordinate on comments and send one consolidated set of non-conflicting comments to TTD/Ascent for distribution.</p>
	CTC/NDSP	ACTION: Provide comments to TTD/Ascent by August 28.
12		<p><u>Bus Size in Image 2.</u> Is the bus scaled appropriately? It looks small, or maybe the humvee is oversized.</p>
	Eric	ACTION: Revise Image 2 accordingly to address vehicle size.
13		<p><u>Private Property Access.</u> The group discussed briefly potential options for the Gondola Vista Property owned by Randy Lane.</p>
	TTD	ACTION: TTD to continue conversation with Randy Lane about potential options.
14		<p><u>Joint Planning Exception.</u> Discussed briefly that TTD is exploring whether a joint planning exception may apply to this project similar to that used for the SR 89/Fanny Bridge Community Revitalization Project. TTD met with FHWA on 8/3 to explore the concept and is preparing a memorandum that seeks concurrence.</p>
	Nanette	ACTION: Send joint planning exception references to Sue Rae with CTC.
Meeting adjourned at 3:00 p.m.		

Summary Meeting Notes

US 50/SOUTH SHORE COMMUNITY REVITALIZATION PROJECT

Joint Agency Meeting Section 4(f) & Project Review/NEPA Preview

Date: Thursday, January 21, 2016
Time: 12:30 pm – 1:30 pm
Location: Coordination Meeting/Conference Call (Site Visit for Some Followed)
Call-in: 302-202-1092; Access code: 4611946

Goals:

- (1) Decision on TTD's Joint Planning Exception request under Section 4(f) Guidelines.
- (2) Introduce full project with expanded Housing Element to key agencies in preparation of NEPA review.

Attendees:

Russ Nygaard, TTD	775-589-5500	rnygaard@tahoetransportation.org
Carl Hasty, TTD	775-589-5501	chasty@tahoetransportation.org
Adam Spear, TTD	775-589-5500	aspear@tahoetransportation.org
Abdelmoez (Del) Abdalla, FHWA-NV	775-687-1231	Abdelmoez.abdalla@dot.gov
Sue Rae Irelan, Conservancy	530-525-9137	Suerae.irelan@tahoe.ca.gov
Penny Stewart, Conservancy	530-543-6013	Penny.stewart@tahoe.ca.gov
Tim Hunt, NDSP	775-684-2772	thunt@parks.nv.gov
Dana Dapolito, NDSP	775-684-2740	ddapolito@parks.nv.gov
Bob Mergell, NDSP	775-684-2778	rmergell@parks.nv.gov
Eric Johnson, NDSP	775-684-2771	emjohnson@parks.nv.gov
Nanette Hansel, Ascent Environmental	775-339-1420	Nanette.hansel@ascentenvironmental.com
Jessica Mitchell, Ascent Environmental	916-342-4043	Jessica.mitchell@ascentenvironmental.com
On the phone:		
Larry Vinzant, FHWA-CA		
Brett Gainer, FHWA-CA		
Will McClure, FHWA-CA		
Mark Rayback, Wood Rodgers		
Curtis Alling, Ascent Environmental		

1. Summary of Key Decisions and Actions

#	Action By	Key Decisions and Actions
1		<u>Project Overview:</u> Brief overview provided by Russ.
2		<u>Section 4(f)</u> <ul style="list-style-type: none"> - The project description for the US 50 project includes the pedestrian overpass, the aesthetic treatment of the retaining wall, and the aesthetic treatment of the entrance to Van Sickle Bi-State Park. - Del asked NDSP and the Conservancy if they are opposed to adoption of the Joint

Lake Tahoe Transportation Program
 January 21, 2016; Joint Agency Meeting
 Section 4(f) & Project Review/NEPA Preview
 Summary Meeting Notes

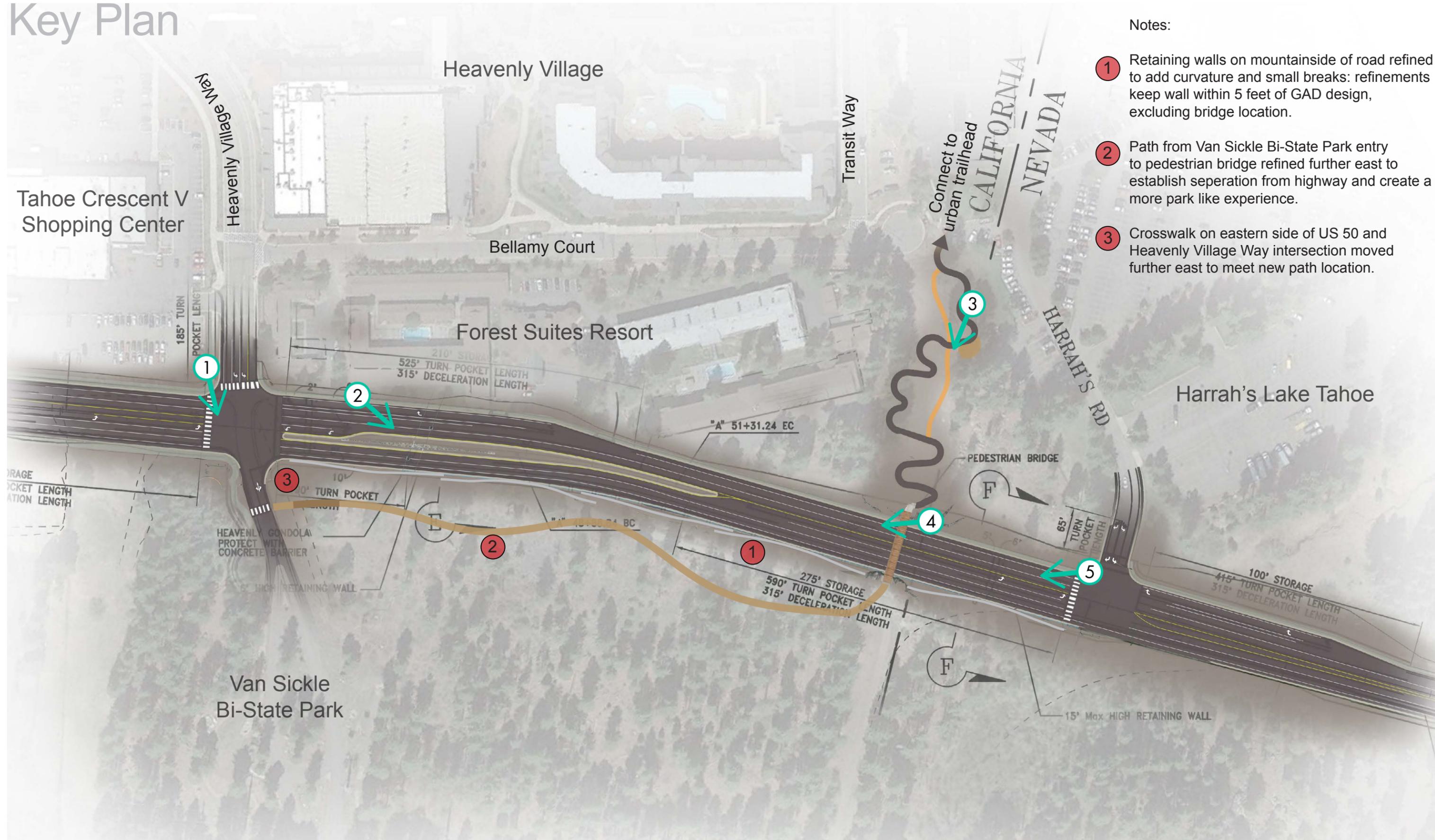
#	Action By	Key Decisions and Actions
		<p>Planning Exception for the US 50 project.</p> <ul style="list-style-type: none"> - Penny responded that the Conservancy is not concerned with the process that needs to take place to ensure impacts on the park are mitigated. As long as the project or mitigation incorporates those protections for the park (i.e., pedestrian bridge, retaining wall aesthetic treatment, and aesthetic treatment of the entrance) that have been developed through previous discussions between TTD, NDSP, and the Conservancy. Whether this outcome is achieved through an MOU, Joint Planning Exception, NEPA, or CEQA, this partnership between the three agencies and conversations have been fruitful and have reached a desired outcome. Eric from NDSP agreed. - Sue Rae emphasized the pedestrian access to the park is key to its success and influenced how the park was developed. - In 2000, Caltrans transferred a large amount of land to the Conservancy that was formerly part of the old US 50 alignment right-of-way. This was not included in the Joint Planning Exception memorandum. - It is expected that Caltrans will maintain the substructure of the bridge, but would expect someone else to maintain the top of the bridge. The retaining wall meets Caltrans standards and they would maintain wall. - Caltrans started purchasing land for highway right-of-way in the 1960s to build a new freeway to address the congestion on US 50 through the commercial core of the City of South Lake Tahoe. The efforts to build that freeway were ended by environmental interests. Consequently, Caltrans started to plan for an alternative method for handling the traffic, which resulted in the loop road idea including extension of Montreal Road and expansion of Lake Parkway to a four- or five-lane freeway. - Caltrans has approved a reduced-width of the roadway with travel lanes widths being reduced to 11 feet for the project. - Carl asked what FHWA's position is on the Joint Planning Exception so that we know what our next steps should be. - FHWA discusses that a de minimis finding could be done without the extensive alternatives evaluation required for a typical Section 4(f) resource. If there are no anticipated adverse effects to the activities, features, and attributes of the park (including with mitigation), then FHWA can make a de minimis use determination to satisfy Section 4(f) requirements. - Per Del, it appears that the documentation in the Joint Planning Exception memo is not clear that US 50 was considered in the planning of the park because the Master

#	Action By	Key Decisions and Actions
	<p>TTD/ Conservancy/ NDSP</p> <p>Ascent</p> <p>FHWA - Del</p>	<p>Plan was not adopted and a CEQA document was not prepared. It would be a more defensible process if a de minimis finding is prepared. The NEPA document will include a section for the Section 4(f) and FHWA would make a determination separately from the NEPA decision, which would happen concurrently with the NEPA process. FHWA does need a letter of concurrence from NDSP and Conservancy to support the determination.</p> <p>DECISION: Prepare a Section 4(f) de minimis finding documenting a “no adverse effect” conclusion to be developed concurrently with preparation of the NEPA document for the project.</p> <p>ACTION: TTD, Conservancy, and NDSP will continue to coordinate regarding plan features that benefit the park and avoid adverse effects. After the agencies reach concurrence on the “no adverse effect” conclusion, the Conservancy and NDSP will provide a letter of concurrence with the Section 4(f) de minimis finding.</p> <p>ACTION: Ascent will prepare the Section 4(f) report with a de minimis finding.</p> <p>ACTION: Del will provide examples of a Section 4(f) de minimis report and letter of concurrence.</p>
3		<p><u>Introduction to Project with Expanded Housing Element</u></p> <ul style="list-style-type: none"> - At this time, about 65-68 units are anticipated to require replacement housing, per TRPA requirements. - With the mixed-use development component of the US 50 project, displaced residents could be relocated within the project area. It is the desire of residents that have been surveyed to be relocated in this area. This would be an opportunity to help the City of South Lake Tahoe implement their Housing Element.

Attachment 2

**Illustrations of Improvements
at Van Sickle Bi-State Park**

Key Plan



- Notes:
- ① Retaining walls on mountainside of road refined to add curvature and small breaks: refinements keep wall within 5 feet of GAD design, excluding bridge location.
 - ② Path from Van Sickle Bi-State Park entry to pedestrian bridge refined further east to establish separation from highway and create a more park like experience.
 - ③ Crosswalk on eastern side of US 50 and Heavenly Village Way intersection moved further east to meet new path location.

US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

① Van Sickle Bi-State Park Entry: Existing Conditions



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

① Van Sickle Bi-State Park Entry



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

1a Van Sickle State Park Entry Detail



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

② US 50 Streetscape View: Existing Conditions



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

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② US 50 Streetscape View



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

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③ Pedestrian Trail from Bellamy Court: Existing Conditions



③ Pedestrian Trail from Bellamy Court



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

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④ Pedestrian Bridge: Existing Conditions



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

④ Pedestrian Bridge



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

⑤ View of Pedestrian Bridge from Harrah's Entrance: Existing Conditions



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

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⑤ View of Pedestrian Bridge from Harrah's Entrance



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5a Pedestrian Bridge Detail



US 50/South Shore Community Revitalization Project Illustrations, Van Sickle Bi-State Park

Materials



Entry Sign: Rough sawn timber sign



Retaining Walls: Irregular patterned stamped concrete or natural stone walls



Pedestrian Bridge: Glued laminated timber with exposed architectural hardware



Entry Feature: 3 rail fence and stone gateway elements



Bridge Feature Wall: Customized sculpted concrete to mimic natural granite outcroppings



Vehicle Barrier: Concrete barrier with wood like texture