

# **Draft Section 4(f) Evaluation Memorandum for**

## **03-1A8440 ED-89**

### **(PM 18.0–24.9) Water Quality Improvements Project**

The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327.

#### **Introduction**

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 U.S.C. 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the 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:

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

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer is also needed.

#### **Project Description**

This Section 4(f) memorandum has been prepared for the ED-89 (Post Mile [PM] 18.0–24.9) Water Quality Improvements Project (the Project), located on State Route (SR) 89 in El Dorado County north of the Eagle Falls Viaduct to Meeks Creek. This memorandum provides a Project-specific overview of resources evaluated relative to the requirements of Section 4(f) located within 0.5 miles of the Project.

The Project proposes to improve the quality of stormwater runoff by collecting and treating the stormwater runoff from SR 89 by implementing the following improvements where feasible and warranted:

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- Rehabilitating existing drainage systems and installing new drainage systems, including infiltration basins and water conveyance systems
- Deploying treatment best management practices (BMPs)
- Providing rock slope protection
- Constructing rock energy dissipaters by performing erosion control
- Regrading driveways
- Revegetating bare or erodible areas
- Where permitted by the Regional Water Quality Control Board (RWQCB) and Tahoe Regional Planning Agency (TRPA), allowing sheet flow off roadways to allow the spreading and subsequent infiltration of runoff water prior to reaching any identified waters of the United States or stream environment zone (SEZ) areas
- Placing asphalt-concrete overlay (1.8 inches)
- Digging out failed pavement sections
- Lining or replacing culverts in poor condition.

The design of the Project is shown in the separately bound Environmental Study Limit Sheets, EA-1A8440, prepared by Wood Rogers for Caltrans (revision date November 6, 2007).

In order to gain access to construct and maintain the proposed project features, Caltrans is currently seeking to obtain a permanent Highway / Drainage Easement from the California Department of Parks and Recreation. This would increase the current easement area from 40 feet on either side of centerline of SR 89 to 70 feet on either side of centerline within state parklands, within the proposed project limits. This easement will not require a fee title transfer of property rights.

Caltrans will also be seeking a DOT Easement on USFS lands within the project area. This easement will be limited to the area directly adjacent to the highway and will not affect any of the recreational facilities in this area. In essence there will not be a change from the property rights that are currently in place.

## **Description of 4(f) Properties**

Parks, recreation areas, and facilities within 0.5 mile of the Project were identified to determine whether they are protected Section 4(f) resources and whether the provisions of Section 4(f) would be triggered by construction of the Project. Five recreation resources were identified within the 0.5-mile radius, all of which are publicly owned and eligible for protection under Section 4(f): Emerald Bay State Park, D. L. Bliss State Park, Meeks Bay Campground, Meeks Bay Resort, and Meeks Bay Trailhead.

### **Emerald Bay State Park**

Designated a National Natural Landmark in 1969 and an underwater state park in 1994, this park surrounds Emerald Bay on the western shore of Lake Tahoe. The park is located approximately 22 miles south of Tahoe City on SR 89 (California State Parks 2007a). The park is managed by California State Parks and is eligible for protection under Section 4(f).

Access to the park is primarily by boat or trail, except for the entrance to two campgrounds, Upper and Lower Eagle Point Campgrounds, located on the southeastern shore of Emerald Bay. Access to the campgrounds is east of SR 89 in this area. There is one service road within the Project area near the northern park boundary with D. L. Bliss State Park. This service road provides access to the Boat Camp and Vikingsholm area, is closed to the public, and is the only facility located along the Project segment.

Park recreation facilities located within 0.5 mile of the Project include the Emerald Bay Overlook parking area, Vikingsholm Trail, the Boat Camp, and Rubicon Trail. The Emerald Bay Overlook parking area is located approximately 0.5 mile south of the Project start and east of SR 89. The one-mile Vikingsholm Trail originates in the parking area and leads to the NRHP-listed Vikingsholm historic site and an overlook. The Vikingsholm historic site is located more than 0.5 mile south of the Project. The Boat Camp has 20 primitive campsites accessible by boat only, as well as a pier and mooring buoys. It is located approximately 0.25 mile east of the Project on the shore of the bay. Rubicon Trail extends a distance of 6.3 miles from Upper Eagle Point Campground to Calawee Cove in D. L. Bliss State Park, near Rubicon Point. Rubicon Trail primarily parallels the shores of Emerald Bay and is located 0.25 to 0.5 mile east of the Project for the length of the trail. The park is open on a seasonal basis, typically from late May to mid-September (California State Parks 2007b). The state park is located adjacent to the Project on the east in two locations, a distance of approximately 0.25 mile.

There are no recreation facilities adjacent to the proposed Project location; they are located outside the Project study area to the south. Because of the distance of the recreation facilities from the Project, there would be no proximity impacts attributable to noise, vibration, or visual effects. Construction-related activities may include traffic delays on SR 89, and the existing access to the Emerald Bay Overlook and service road would be maintained during the construction period. As discussed in the Community Impact Assessment (CIA) prepared for the Project, a Traffic Management Plan (TMP) would be implemented and would provide advance notice of construction activities in the area (Jones & Stokes 2007b). Neither the proposed project, nor the proposed easement activities will substantially impair the protected activities, features, or attributes of the Emerald Bay State Park.

### **D. L. Bliss State Park**

D. L. Bliss State Park borders Emerald Bay State Park on the north. The park is located 17 miles south of Tahoe City on SR 89. The Project traverses the state park for a distance of

approximately two miles (California State Parks 2007c). The park is managed by California State Parks and is eligible for protection under Section 4(f).

Recreation facilities at this state park include a visitor center, three campgrounds, two beach areas, and three trails. All of the recreation facilities are located within 0.5 mile and east of the Project. Access to the park is from SR 89, and the park headquarters and visitor center are located approximately 100 feet east of SR 89. A service yard and park residential area is located west of SR 89, opposite the main entrance to the park. There is also a service road closed to public access, near the Balancing Rock area that provides access to the Lester Beach road. There are no recreation facilities located immediately adjacent to SR 89. The three campgrounds in the park have a total of 165 campsites. The three trails in the park are Balancing Rock Nature Trail, Rubicon Trail, and Lighthouse Trail. The park is open on a seasonal basis, from late May to mid-September (California State Parks 2007b).

The parklands surround the Project for a distance of approximately two miles. No permanent acquisition of fee title from the D. L. Bliss State Park will be required to construct the Project.

The Project would not result in a constructive use of D. L. Bliss State Park or any of its facilities, as described below:

- **Noise:** Implementation of the Project would not increase the amount of traffic on SR 89 or result in increased noise levels during operation of the roadway. The visitor center is located adjacent to the Project, and Balancing Rock Nature Trail is more than 200 feet east. During the construction period, increased noise levels along SR 89 would occur, but this increase would not substantially impair the use or enjoyment of the visitor center or trail. Construction activities would not directly affect park facilities, and noise generated during construction periods could affect campers in sites located closest to SR 89. Pine Flat campground is located approximately 450 feet east of the Project, and Ridge Road campground is approximately 300 feet east of the Project. Beach Road campground is more than 700 feet east of the Project and would not be affected by noise impacts. Noise levels as a result of construction would increase in the area, although the levels would not be severe, and construction activities would be maximized during the daytime hours and would be limited during the evening hours. A temporary increase in noise levels is not expected to impair the use or enjoyment of any of the campgrounds.
- **Vibration:** There may be some minor vibration impacts because of construction; however, these impacts would be temporary in nature. Vibration levels as a result of construction activities are not expected to be great enough to affect any park structures along the Project segment.
- **Visual:** During construction, there may be minor visual impacts for visitors and campers where the view is toward SR 89. However, these impacts would be temporary in nature and would occur only during the construction period.

- **Access:** Access to the park would not change. The park entrance, the entrance to the service yard, the park residential area, and the Lester Beach service road would be maintained to the extent feasible during construction. However, short-term delays or detours may be required around construction areas near these entrances and the service road. As described in the CIA prepared for the Project, a TMP would be implemented and would provide advance notice of construction activities in the area (Jones & Stokes 2007b).

The preceding elements of the Project would not result in a constructive use of D. L. Bliss State Park because the proximity impacts would not substantially impair the protected activities, features, or attributes of these resources.

### **Impacts on Section 4(f) properties**

Drainage Easements and Highway easements necessary to install and maintain Project features placed on identified Section 4(f) properties (D.L. Bliss State Park and Emerald Bay State Park) will constitute a “use” pursuant to 23 CFR 774.117. Project features that will be constructed on State Park property include the following; culvert outlets with rock energy dissipaters, erosion control and vegetated swales.

These projects features will be located adjacent to the highway and will not interfere with the recreational facilities on these properties.

### **Measures to Minimize Harm**

The agreement between Caltrans and the California Department of Parks and Recreation shall stipulate that the Highway easement is for construction of proposed water quality improvement features and maintenance activities only. Any addition of new facilities shall comply with Environmental Laws rules and regulations and shall obtain concurrence from State Parks personnel.

### **Coordination**

Caltrans has met with the California State Parks personnel to discuss this project. This assessment of impacts to identified Section 4(f) resources shall be made available to the public for review and comment. Once the public review process has commenced, Caltrans will seek a letter of agreement from the agency having jurisdiction over the resource for concurrence on the finding of *de minimis* impact on identified 4(f) resources.

## **Concluding Statement**

Due to the nature of the proposed project and the pursuit of a permanent highway easement on Emerald Bay State Park and DL Bliss State Park, properties adjacent to SR 89, Caltrans has determine that the impact falls within the *de minimis* definition as outlined in 23 CFR 774.17.

This evaluation has concluded that the proposed project activities will not constitute a “use” per 23 CFR 774.117 for Meeks Bay Campground, Meeks Bay Resort, and Meeks Bay Trailhead which is discussed further in separate section of this document.

## **Other 4(f) Resources Evaluated Relative to the Requirements of Section 4(f)**

This section of the document discusses recreation facilities, wildlife refuges, and historic properties found within or adjacent to the Project area that do not trigger Section 4(f) protection either because: (1) they are not publicly owned, (2) they are not open to the public, (3) they are not eligible historic properties, (4) the Project does not permanently use the property and does not hinder the preservation of the property, or (5) the proximity impacts do not result in constructive use.

In addition to the park lands discussed previously, the Project is surrounded by national forest lands from the start of the Project at PM 18.0 to the community of Rubicon Bay and in the Meeks Bay area. The national forest lands are managed by the Lake Tahoe Basin Management Unit (LTBMU) of the U.S. Department of Agriculture (USDA) Forest Service (Forest Service).

Cultural resources eligible for protection under Section 4(f) are those listed or eligible for listing in the National Register of Historic Places (NRHP) and located within the area of potential effects (APE) for archaeological or architectural resources. Cultural resources eligible for listing in the NRHP or listed in the NRHP were not found in the architectural or archaeological APEs (Jones & Stokes 2007a).

The recreation resources within 0.5 miles of the Project that were evaluated relative to the requirements of Section 4(f) are described below. No wildlife or waterfowl refuges were identified in the vicinity of the Project. The recreation resources on national forest lands are discussed in the order in which they occur along the Project segment of SR 89, from south to north.

### **Meeks Bay Campground**

Meeks Bay Campground is located east of SR 89, approximately 10 miles south of Tahoe City. The campground is located on national forest land and operated by California Land Management

authorized by the Forest Service under a special use permit (USDA Forest Service 2007a and b). Access to the campground is from SR 89 south of Meeks Creek. There are 40 campsites, and recreational activities include swimming, hiking, and picnicking.

The campground is located on publicly owned land and is designated for recreational use by the Forest Service. Therefore, it is eligible for protection under Section 4(f). The Forest Service is the agency with jurisdiction over the campground.

Implementation of the Project would not require a permanent use of land from the Meeks Bay Campground.

The Project would not result in a constructive use of the Meeks Bay Campground, as described below:

- **Noise:** Although not directly affected by construction activities, noise generated during construction periods could affect campers in sites located closest to SR 89. The closest campsites to SR 89 are approximately 50 feet away. The temporary increase in noise levels as a result of construction, although not severe, could be disruptive to campers; however, construction activities would be maximized during the daytime hours and would be limited during the evening hours.. The temporary increase in noise levels is not expected to impair the use or enjoyment of the Meeks Bay Campground.
- **Vibration:** There may be some minor vibration impacts because of construction; however, these impacts would be temporary in nature. Vibration levels as a result of construction activities are not expected to be great enough to affect any campground structures.
- **Visual:** During construction, there would be minor visual impacts for campers where the view is toward SR 89. However, these impacts would be temporary in nature and would occur only during the construction period.
- **Access:** Access to the campground would not change and would be maintained to the extent feasible during construction, and temporarily delayed at most. As described in the CIA prepared for the Project, a TMP would be implemented and would provide advance notice of construction activities in the area (Jones & Stokes 2007b).

The Project would not result in a “use” of Meeks Bay Campground because the proximity impacts would not substantially impair the protected activities, features, or attributes of these resources.

### **Meeks Bay Resort**

Meeks Bay Resort is located east of SR 89 at 7941 Emerald Bay Road, approximately 0.25 miles north of the Project terminus (Meeks Bay Resort 2007). The resort is located on national forest

land and operated by a private entity authorized by the Forest Service under a special use permit (USDA Forest Service 2007b). Access to the resort is from SR 89 north of Meeks Creek and outside the Project study area. There are a total of 32 campsites. The resort offers lodging, conference and meeting rooms, a snack bar, and a marina. There are also picnic areas, beach access, a convenience store, and parking areas (Meeks Bay Resort 2007).

The resort is located on publicly owned land and is designated for recreation use by the Forest Service. Therefore, it is eligible for protection under Section 4(f). The Forest Service is the agency with jurisdiction.

The campgrounds and other facilities at the resort are set back from the highway and are not located within the Project study area. Construction activities would not affect the resort facilities directly, although noise generated during construction periods could affect campers in sites that are located closest to SR 89. The temporary increase in noise levels, although not severe, could be disruptive to campers, and construction activities would be maximized during the daytime hours and would be limited during the evening hours.

Therefore, the temporary increase in noise levels is not expected to impair the use or enjoyment of the campgrounds or resort facilities at the Meeks Bay Resort. Because of the distance of the campgrounds and facilities from the Project, there would be no proximity impacts attributable to a change in access, vibration, or visual impacts. Short-term delays may be required on SR 89 during construction. The Project would not cause a “use” of the Meeks Bay Resort because the proximity impacts would not substantially impair the protected activities, features, or attributes of Meeks Bay Resort.

### **Meeks Bay Trailhead**

Meeks Bay Trailhead is located west of SR 89 opposite the Meeks Bay Resort and approximately 0.25 miles north of the Project terminus. There is a small dirt parking lot, and the trail provides access to the Desolation Wilderness Area. The trail follows an old logging road that parallels Meeks Creek for a distance of more than 8 miles (USDA Forest Service 2007c). During winter, there is a 3.5-mile loop trail for cross-country skiing (USDA Forest Service 2007d).

The trailhead is located on publicly owned land and is designated for recreation use by the Forest Service. Therefore, it is eligible for protection under Section 4(f). The Forest Service is the agency with jurisdiction over the trailhead.

The trailhead is located more than 0.25 miles north of the Project terminus, and there would be no proximity impacts attributable to a change in access, noise, vibration, or visual effects. Recreational use of the trail consists of activities that are transitory in nature (e.g., hiking, bike riding, and cross-country skiing), and the trail is not a noise-sensitive receptor. Construction-related activities may include traffic delays on SR 89, but all existing access to the area would be

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maintained (intermittently delayed at most) during the construction period. As discussed in the CIA prepared for the Project, a TMP would be implemented and would provide advance notice of construction activities in the area (Jones & Stokes 2007b). The Project would not result in a “use” of Meeks Bay Trailhead because the proximity impacts would not substantially impair the protected activities, features, or attributes of the trailhead.

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