Alice Richardson Roadside Access and Viewing Area
Placer County, California

North Region PLA-89-KP 7.6/8.3 (PM 4.7/5.2)
EA 03-414500

Initial Study with Negative Declaration

The project is located in Placer County on State Route 89.
The project limits extend between Elizabeth Drive and Timberland Lane on State Route 89.

Prepared by The California Department of Transportation (Caltrans)

April 2006

General Information About This Document

This document is an Initial Study (IS) with a Negative Declaration (ND), which examines the environmental impacts of the proposed project located in Placer County, California. It meets the requirements of the California Environmental Quality Act (CEQA) which requires the preparation of an IS when a project could have significant impacts to the environment.

This IS examined the existing environment and the impacts that could result from the project, and presents avoidance, minimization and/or mitigation measures. It was made available for public and agency review for 31 days from August 5, 2005 to September 6, 2005. As a result, it has been determined that with the proposed avoidance and minimization measures the project will not result in significant impacts to the environment. This is documented in the Negative Declaration, which is included in this IS.

What happens next?

Following approval of this document, Caltrans may (1) give environmental approval to the proposed project, (2) undertake additional environmental studies, or (3) abandon the project. If the project were given environmental approval and funding were appropriated, Caltrans may design and construct all or part of the project.

For individuals with sensory disabilities, this document can be made available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: *Susan Bauer, Caltrans Environmental Management M-1, P.O. Box 911, Marysville, CA 95901*; *(530) 741-7113* Voice, or use the California Relay Service TTY number, 1-800-735-2929.

Negative Declaration

State of California, Department of Transportation

State Clearinghouse # (2005082015)
03-PLA-89-KP 7.6/8.3 (PM 4.7/5.2)
Expenditure Authorization (EA) 03-41450

Prepared pursuant to the California Environmental Quality Act of 1970 (Division 13 of the Public Resources Code)

Project Description*:* The purpose of this project is to restore and improve a degraded roadside access area along State Route 89 and the shoreline of Lake Tahoe. This project will develop new site elements, which improve safety and scenic resources. Specific site improvements include pedestrian access and parking improvements, bike path enhancements, signage, waste management, vegetation protection and revegetation of disturbed area.

Determination: An Initial Study (IS) has been prepared by Caltrans. It has been determined that the proposed project will not have a significant effect upon the environment, for the following reasons:

The project will not adversely effect FEMA designated floodplains: water quality, hazardous materials, visual quality, sensitive plant/animal species, or mineral resources. No change will occur in local and regional air quality, traffic, population, or planned land use. Seismic and soil related hazards will not increase, nor will the ambient noise in the region permanently increase. There are no designated historic architectural properties or other cultural resources within the project limits.

John D Webb,Chief
North Region Environmental Services
California Department of Transportation

Date

SCH#
03-PLA-89-7.6/8.3
(PM 4.7/5.2)
03-41450

Alice Richardson Roadside Access and Viewing Area
Initial Study (with Proposed Negative Declaration)

Department of Transportation (Caltrans)-North Region
Submitted Pursuant to: Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

_____
Date of Approval

_____
John D. Webb, Chief
North Region Environmental Services
California Department of Transportation

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Table 1. List of Abbreviated Terms

§	Section
ACOE	Army Corps. Of Engineers
APCD	Air Pollution Control District
AQ	Air Quality
ASR	Archaeological Survey Report
BMPs	Best Management Practices
Caltrans	California Department of Transportation
CCC	California Conservation Corps.
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CO	Carbon Monoxide
CWA	Clean Water Act of 1972
DBH	Diameter Breast Height
DIN	Dissolved Inorganic Nitrogen
EIP	Environmental Improvement Program
FHWA	Federal Highway Administration
ft	feet
HCP	Habitat Conservation Plan
HPSR	Historic Properties Survey Report
km	kilometer(s)
KP	kilometer post
LOS	Level of Service
LRWQCB	Lahontan Regional Water Quality Control Board
m	meter(s)
mg/l	Milligrams/Liter
mi	mile(s)
MS4	Municipal storm sewer system serving a population of 100,00 or more.
MYLF	Mountain Yellow Legged Frog
ND/IS	Negative Declaration/Initial Study
NO_x	Nitrous Oxides
NPDES	National Pollutant Discharge Elimination System
PM	post mile
PM-10	Particulate Matter greater than 10 microns in size
RE	Resident Engineer
ROW	Right-of-way
RWQCB	Regional Water Quality Control Board
SEZ	Stream Environment Zone
SHPO	State Historic Preservation Office
SI	Sedimentation and Infiltration (basins)
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
TMP	Caltrans Traffic Management Plan
TOS	Thresholds Of Significance
TRPA	Tahoe Regional Planning Agency
TCPUD	Tahoe City Public Utility District

Chapter 1 Purpose and Need

1.1 Project Purpose

The California Department of Transportation (Caltrans) proposes to improve a degraded roadside access area along the shoreline of Lake Tahoe and State Route 89 in Placer County. The project limits extend between just north of Elizabeth Drive and south of Timberland Lane KP 7.6/8.3 (PM 4.7/5.2). The Roadside Access and Viewing Area extends 490 meters (1,600 feet) in length and 25 to 30 meters (80 to100 feet) in width along SR 89 on the west shore of Lake Tahoe. Included within the project limits is a 10 foot wide bike path [managed by the Tahoe City Public Utility District (TCPUD)] which runs parallel to SR 89. The enhancement project would accomplish the following objectives:

- Develop new site elements to improve safety, scenic resources, and water quality.

- Consistency with the scope of Environmental Improvement Project (EIP) No. 798 (EIP Project No. 798 is identified as: "Various scenic turnouts will be added at locations which will provide drivers with convenient locations to view scenic resources. The turnouts will also improve traffic safety. The implementation of this project is consistent with the Scenic section of the Goals and Policies.")

1.2 Project Need

The proposed project is located along one of the most scenic segments of State Route (SR) 89 in Placer County. This segment of SR 89 is eligibile for the State & County Scenic Highway Designation and has a Tahoe Regional Planning Agency (TRPA) rating of high scenic quality. Currently, the project site is heavily used by locals and visitors to access the adjacent bike path and beach. Several specific factors necessitate the need for rehabilitation of the site:

- Continued years of heavy use has degraded the scenic qualities and denuded the vegetation within the project area, resulting in water quality degradation.

- Pedestrian, automobile and bicycle access is compromised by inadequate amenities that fail to delineate proper use of the site and safely separate various types of traffic.

- Areas designated for automobile parking no longer function due to the degraded state of wooden auto barriers installed in 1964. Automobile parking continues to encroach on vegetation and the bike path.

The Alice Richardson project area is a valued resource to the local community and visitors to Lake Tahoe's west shore as one of the few remaining free public access locations. Caltrans has a responsibility to properly maintain and operate this facility as part of the state highway system.

Proposed specific site improvements would include: pedestrian access and parking improvement, bike path enhancements, signage, waste management, vegetation protection and revegetation of disturbed areas. (see Figures 1 and 2 for project vicinity and location on pages 3 & 7)

1.3 Accident Data

Accident history data from the Traffic Accident and Surveillance and Analysis System (TASAS) for the time frame 4/1/2000 to 3/31/2005 was completed in February of 2006, which indicates that only nine accidents occurred within the project limits and out of the nine, there was only one incident of injuries arising from collision. The TASAS indicated that the accident rate was not significant and that the fatality and injury rates for this section SR 89 are well below the statewide average.

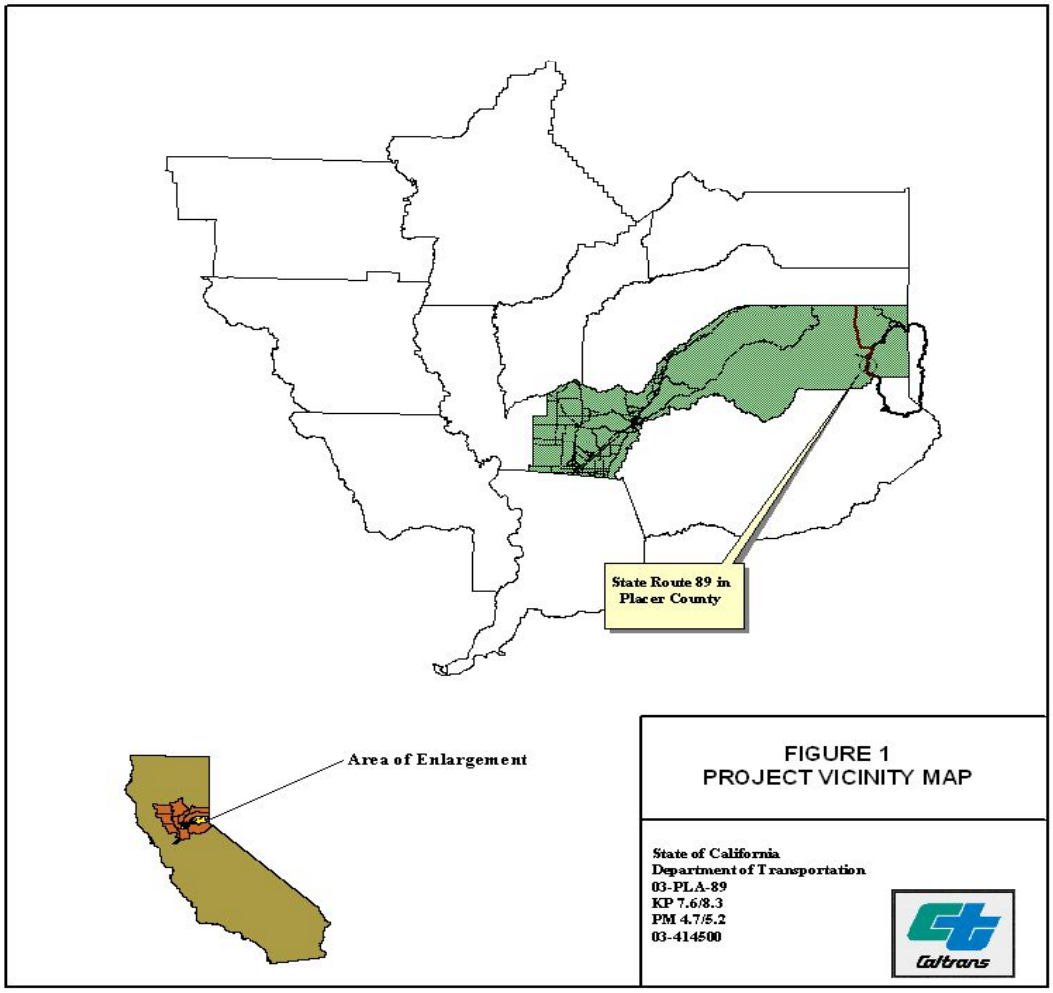

Figure 1. Project Vicinity Map, State Route 89 in Placer County.

1.4 Project Background

On February 11, 1930, Alice R. Richardson, who owned a 36 acre parcel on the west shore of Lake Tahoe, granted, conveyed and dedicated to the State of California an easement or right of way for highway purposes "upon, over and across" her property. The easement dimensions are on its westerly boundary 45.6 feet west of the center line of the roadway, 148.4 feet east of the centerline to the meanderline of west lake shore (approximately 1,600 ft total).Later, that same year, the Division of Highways (now California Department of Transportation) built State Highway 89 which traverses the easment in question.

In 1964, the state began utilizing the easement area adjacent to State Highway 89 as a "vista point" and "roadside rest". These improvements included trash receptacles, picnic benches, and a dirt parking pull-out area demarcated by wooden posts.

1.5 Project Alternatives

The alternatives considered in the environmental analysis are the No Build Alternative and the Project Alternative.

1.5.1 No Build Alternative

The no build alternative would allow continued degradation of the shoreline resources. Continued decline of scenic and water quality resources could bring future regulatory action from the Tahoe Regional Planning Agency (TRPA) and Lahontan Regional Water Quality Control Board (Lahontan).

1.5.2 Build Alternative

The build alternative would allow continued public use of the site as an informal roadside access and viewing area while better protecting the quality of scenic and environmental resources. Included in the build alternative are these features:

- Replace and relocate auto barriers (bollards) between the designated parking pullout area and bicycle path. Delineate parking pullout areas to meet safety requirements.
- Stabilize selected pedestrian high use areas along the bicycle path with interlocking pervious pavers.
- Enhance existing bicycle path with pullouts that contain bike racks at designated locations.
- Develop area for future interpretive plaques along existing bicycle path with informal seating (arranged boulders).
- Incorporate trash receptacles and signage to better manage and deter litter.
- Provide protective split-rail fencing around existing stands of vegetation currently in decline.
- Revegetate denuded areas to improve water quality.

In addition, the roadside access and viewing area would be in compliance with local regulatory agencies (TRPA and Lahontan).

1.6 Summary of Impacts and Minimization and Avoidance Measures

Table 2. Summary of Impacts and Minimization and Avoidance Measures

Resource	Impact	Minimization & Avoidance
Biology	No significant impacts have been identified. However, measures shall be implemented to ensure that impacts to avian species, native plant species, or other biological resources during construction activities will be minimized.	Revegetation of disturbed areas with local native plant species. Erosion control Best Management Practices. Pre-construction bird surveys for construction beginning during the following period March 15th-July 30th. Temporary work stoppages if listed bird species are found.
Cultural	No significant impacts have been identified. However, measures shall be implemented to ensure that there are no impacts to cultural resources.	Temporary work stoppage and analysis if cultural resources are detected during construction.
Hydrology & Water Quality	No significant impacts have been identified. Best Management Practices will be implemented to minimize and avoid any potential effects that uncontrolled erosion could have on the project site during construction.	Contractor must prepare a Water Pollution Control Program (WPCP). All overburden material shall be removed and not left on site.

1.7 Environmental Setting

The Lake Tahoe Basin has been recognized as a unique and environmentally sensitive area by Presidential Executive Order, the United States Congress, the Department of Agriculture, and the States of California and Nevada. The Tahoe Regional Planning Agency (TRPA) has adopted environmental thresholds pursuant Public Law 96-551. The threshold standards define a level of environmental quality that the Region desires to achieve. The TRPA is the responsible transportation-planning agency for the Tahoe Basin and carefully evaluates environmental impacts for each project.

State Route 89, a heavily traveled two-lane conventional highway, runs north-south between Tahoe City and South Lake Tahoe in Placer and El Dorado Counties. The route is of local and regional significance providing access to residential, commercial and recreational land uses and serves inter-regional, local, and recreational traffic traveling within the Tahoe Basin.

The project is in a basin dominated by the presence of Lake Tahoe. The project area is approximately 30 ft-85 ft. from the meander water line (Lake Tahoe). The basin is an area that has been significantly altered over the course of the last one hundred years by human activity. The project site is characterized by unpaved (other than the bicycle path) impervious dirt with sparse upland and riparian vegetation.

Along the margins of the lake, there are some remaining stands of riparian vegetation dominated with willows and cottonwoods. Most of the habitat is fragmented by residential and commercial development. The project area is a perfect example of this development with houses, roads, informal parking, a bike path, imported lakeshore material and the presence of private boat docks. The habitat remaining in the project area includes some cottonwoods, alders and a sparse over story of individual pine trees.

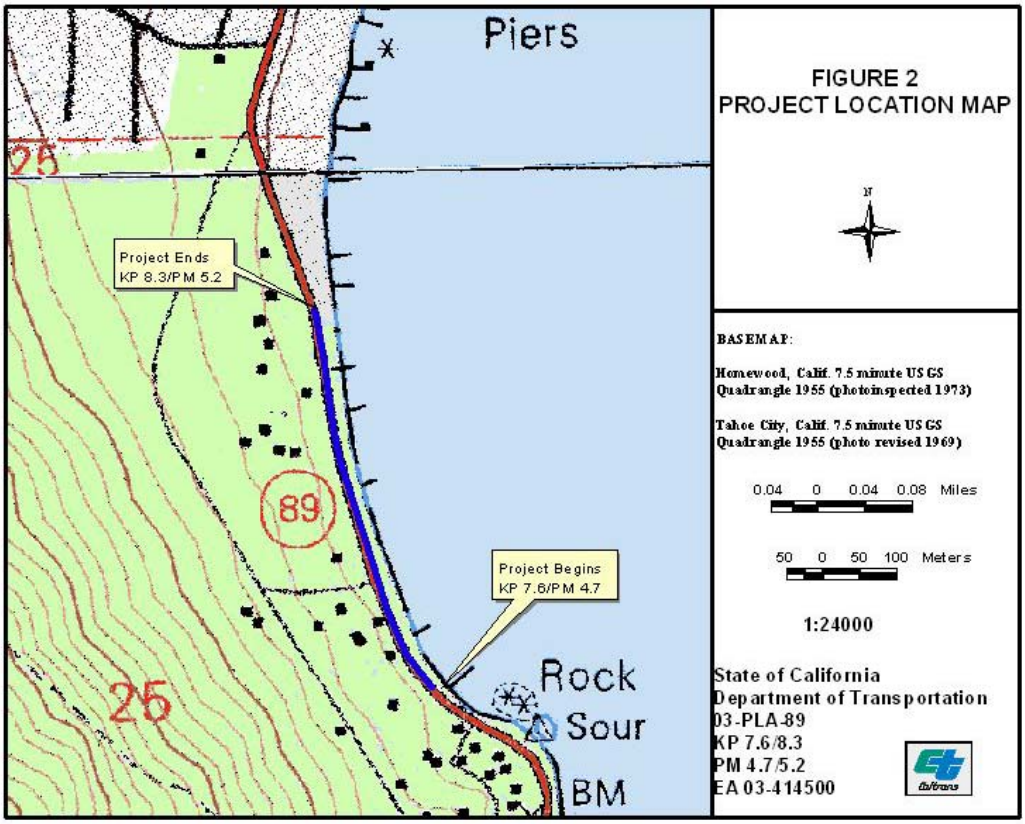

Figure 2. Project Location Map, SR 89 in Placer County.

1.8 Consistency With Plans and Policies

The applicable local and regional plans are the Placer County General Plan, the TRPA Regional Plan for the Lake Tahoe basin, and the U.S. Forest Service 1988 Forest Plan. Many of the goals recognized within each plan are closely related, and all correlate with the goals and environmental thresholds established by the TRPA Regional Plan. All of the aforementioned plans reference each other to ensure that their programs and projects are compatible.

Due to the nature of the project, Alice Richardson Roadside Access and Viewing Area is considered a Public Outdoor Recreation project under Section 55.4A of the (TRPA) Code. As a Public Outdoor Recreation project, allowable land coverage is 1% in areas delineated as Backshore, per Section 55-3 in the TRPA Code.

1.9 Permits and Approvals Needed

The following permits will be required for construction of this project:

- The contractor will prepare a Water Pollution Control Plan (WPCP) in compliance with Caltrans' National Pollution Discharge Elimination System (NPDES) permit and associated manuals.
- Construction work would occur within the riparian vegetation that borders Lake Tahoe and therefore, falls within the jurisdiction of the California Department of Fish and Game. A 1602 Streambed and Lakebed Alteration Agreement will be obtained prior to the start of construction.
- The project is located within the jurisdiction of the Tahoe Regional Planning Agency. A TRPA permit will be obtained prior to the start of construction.

Chapter 2 Affected Environment/Impacts, Thresholds of Significance, & Minimization and Avoidance Measures

2.1 Visual/Aesthetics

2.1.1 Affected Environment/Impacts

State Route 89, which is the primary route around the western shore of Lake Tahoe, is on the eligible list for State Scenic Highway designation and warrants special attention. This region is considered to have extremely high scenic resource values, which is based on its eligibility for the Eligible Scenic Highway and Tahoe Regional Planning Agency (TRPA) exceptionally high (3+) rating for scenic quality. The existing Roadside Access and Viewing Area is currently an unimproved off-shoulder pullout area with bollard type vehicle barriers separating it from the existing bicycle path.

Due to the site's intense and undesignated use patterns [approximately 120,000 people use this segment of the bicycle path annually (Per. Comm TCPUD)] many large trees and other vegetation are in decline. In addition to pressures from the pedestrian and cycling public, the bollard parking barriers are in disrepair and do not exclude automobiles from beach and vegetated areas. The lack of signage and trash receptacles has led to trash disposal problems during heavy use weekends.

2.1.1.1 Impacts

There will be minor physical changes to the project site, including:

- Replace and relocate auto barriers (bollards) between designated parking pullout area and bicycle path. Delineate parking pullout areas to meet safety requirements.
- Stabilize selected pedestrian high use areas along bicycle path with interlocking pervious pavers.
- Enhance existing bicycle path with pullouts that contain bike racks at designated locations.

- Develop area for future interpretive plaques along existing bicycle path with informal seating (arranged boulders).
- Incorporate trash receptacles and signage to better manage and deter litter.
- Provide protective split-rail fencing around existing stands of vegetation currently in decline.
- Revegetate denuded areas to improve water quality.

It is not anticipated that there would be any negative visual impacts associated with this project. It is anticipated that the visual/ aesthetic quality of the project site would be improved by the delineation of use areas and protection of existing vegetation.

Therefore, this project will have a less than significant impact on the project site and surrounding area, and no additional measures are needed.

2.1.2 Minimization and Avoidance Measures

There are no impacts to the visual/aesthetic quality as a result of this project, therefore, no Minimization and Avoidance Measures are necessary.

2.2 Air Quality

The Clean Air Act as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards to prevent air pollution that threatens human health and the environment. These standards are called National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS).

Air Quality for transportation projects are evaluated on both a regional impact basis and local (project-level) impact basis. Regional impacts are related to transportation criteria air pollutants significant on a regional basis. These air pollutants are Ozone, particulate matter 10 microns or less in diameter (PM_{10}), and fine particulate matter ($PM_{2.5}$). Local impacts are related to transportation criteria air pollutants which are significant on a local basis. This air pollutant is Carbon Monoxide (CO). The U.S.

Department of Transportation cannot fund, authorize, or approve Federal actions to support programs or projects that are not found to be in conformance with the Clean Air Act requirements at both the regional and local (project) level.

2.2.1 Affected Environment/Impacts

The proposed project is located in Placer County, situated within the Lake Tahoe Air Basin. Under National Ambient Air Quality Standards, Lake Tahoe Basin is designated by the U.S. Environmental Protection Agency (EPA) as in attainment for PM_{10}, $PM_{2.5}$, Ozone (both one and eight hour standards), and attainment/maintenance for carbon monoxide (CO). Under California Ambient Air Quality Standards, Lake Tahoe Basin is designated as in attainment for CO, Ozone (both one and eight hour standards), $PM_{2.5}$, and non-attainment for PM_{10}.

In the regional level, this project is exempt from air quality conformity analysis requirements per Table 2 of 40 Code of Federal Regulations (CFR) §93.126, subsection **Safety** ("**Safety improvement program**, **safety roadside rest area**"). In the local level (Project-Level CO), based on the Caltrans Transportation Project-Level Carbon Monoxide Protocol, UCD-ITS-RR-97-21 by the Institute of Transportation Studies, UC Davis, Figure 3, Local CO Analysis, and Section 4.7.1 of the Protocol, this project:

a) does not significantly increase vehicles operating in cold start mode
b) does not significantly increase traffic volumes
c) does not worsen traffic flow

Therefore, the planned project is not likely to worsen air quality and no local (project-level CO) impacts are anticipated.

The proposed project may result in the generation of short-term construction-related air emissions, including fugitive dust and exhaust emissions from construction equipment. Fugitive dust, sometimes referred to as windblown dust or PM_{10}, would be the primary short-term construction impact, which may be generated during excavation, grading and hauling activities. However, both fugitive dust and

construction equipment exhaust emissions would be temporary and transitory in nature.

Naturally Occurring Asbestos (NOA) is known to exist in serpentine rock, a greenish greasy-looking rock, found within the utltramafic rock. Based on the California Geologic Survey and National Resource Conservation Service soils map, Ultramafic rocks are found in the west side of Placer County. Construction of this project is not expected to release any naturally occurring asbestos into the air.

2.2.2 TRPA Thresholds

The following thresholds were extracted from the TRPA air quality threshold program (please visit the TPRA website for additional information at http://www.trpa.org/) or contact TRPA at (775)588-4547:

- AQ1-Carbon Monoxide levels shall not exceed the TRPA 8-hour 6.0 ppm standard.
- AQ2-Ozone levels shall not exceed the TRPA 1-hour standard of 0.08 ppm.
- AQ3-Particulate Matter concentrations shall not exceed the California and Federal standards for 24-hour concentrations and the annual average.

2.2.3 Minimization and Avoidance Measures

Caltrans Standard Specifications, a required part of all construction contracts, should effectively reduce and control emission impacts during construction. The provisions of Section 7-1.01F, Air Pollution Control, and Section 10 Dust Control require the contractor to comply with all pertinent rules, regulations, ordinances, and statues of the local air district, e.g., the Placer County Air Pollution Control District Rule 228 – "Fugitive Dust." If NOA is found during construction, the Placer County Air Pollution Control District Rule 905 – "Airborne Toxic Control Measure for Asbestos," must be adhered to when handling this material.

2.3 Biological Resources

Field surveys were conducted by Caltrans biologists on 05/07/02, 06/18/02 and 8/13/02. Emphasis was placed on special status species that may occur in the project area. The project site was field reviewed to identify: 1. habitat types; 2. potential wetlands; 3. factors indicating the potential for rare species; 4. rare species present; and 5. potential problems for the study.

2.3.1 Affected Environment/Impacts

The Natural Environmental Study Report (NESR) concluded that no listed endangered or threatened species or critical habitat are expected to be present in the project area, and the project will not have a significant impact on biological resources.

Impacts that may substantially affect sensitive biological resources are not expected to occur during the course of this project. The limited scope of the project combined with timing constraints should result in no effects to listed species, aquatic habitat or riparian vegetation.

Sensitive Species

The project has the potential to harass individual bird species that are nesting or foraging within the project area. During 2002 surveys, a Hairy woodpecker was found nesting within the cavity of a cottonwood snag adjacent to the bike path. This species is protected from disturbance by the Migratory Bird Treaty Act (See Appendix A of NESR for list of laws and policies). Minimization and avoidance measures have been incorporated to minimize the effects of construction.

There is the potential for bald eagles to occur within the vicinity of the proposed project. Surveys were conducted within a mile of the project in an effort to locate a nest. There were no nests found within that radius. Aerial photos show that the surrounding areas are significantly altered with residential and commercial development making it unlikely that a nest would occur along this stretch of the lake. Literature searches of known occurrences do not support a finding within the area. It is unlikely that bald eagles use the project area. The project area may provide incidental foraging opportunities during seasonal movements. Seasonal movements would occur outside of the proposed construction period.

The project will not affect the foraging quality of the lake and construction work will not occur along the lake's margins or within the lake. There will be no bald eagle habitat removal or alteration as a result of ths project. The proposed project is not expected to affect bald eagles.

2.3.2 TRPA Thresholds

The following thresholds were extracted from the TRPA Fisheries, Vegetation, and Wildlife threshold program. For additional information regarding TRPA thresholds, please visit the following website http://www.trpa.org/ or contact TRPA at (775)588-4547.

Fisheries

- F1-Maintain 75 miles of habitat rated excellent, 105 miles of good, and 38 miles of marginal stream habitat.
- F2-A nondegradation standard shall apply to fish habitat in Lake Tahoe.
- F3-Achieve the equivalent of 5,948 total acres of excellent habitat in Lake Tahoe.
- F4-Until instream flow standards are established in the Regional Plan to protect fishery values, a nondegredation standard shall apply to instream flows.
- F5-It shall be a policy of the TRPA governing board to seek transfers of existing points of water diversion from streams to Lake Tahoe.
- F6-It shall be the policy of the TRPA governing board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout.

Vegetation

- V1-Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abudance, and pattern. Provide for promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake

Tahoe Basin forest cover types. Individual trees greater than 30-inches dbh shall also be favored for retention because of their late seral attributes.

- V2-Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the region or of exceptional scientific, ecological, or scenic values. This threshold shall apply but not be limited to 1) deep-water plants of Lake Tahoe; 2) Grass Lake (sphagnum bog); 3) Osgood swamp; and 4) the Freel Peak Cushion Plant community.

- V3- Maintain a minimum number of population sites for each of five sensitive plant species: 1) *Carex paucifructus*; 2) *Lewisia pygmaea logipetala*; 3) *Draba asterophora v. macrocarpa*; 4) *Draba asterophora v. asterophora*; and 5) *Rorippa subumbellata*.

Wildlife

- W1-Wildlife protection and maintenance of special interest species viability in the Lake Tahoe region. Provide a minimum number of population sites and disturbance zones for the following species: 1) Northern Goshawk (*Accipiter gentilis*); 2) Osprey (*Pandion Haliaetus*); 3) Bald Eagle (*Haliaeetus leucocephalus*); 4) Golden Eagle (*Aquila chrysaetos*); 5) Peregrine Falcon (*Falco peregrinus anatum*); 6) Waterfowl (all open water associated species); and 7) Deer (*Odocoileus hemionus*).

- W2-A non-degradation standard shall apply to wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations.

2.3.3 Minimization and Avoidance Measures

Although no significant impacts have been identified, the following measures shall be implemented to assure that there are not any impacts to avian species, sensitive plant species, or other biological resources during construction activities.

- The nesting season in the Tahoe region ranges from March 15th-July 30th. Removal of vegetation or other construction activities between that period will

require pre-construction bird/nesting surveys by a qualified biologist. However, no bird/nesting survey's will be required for vegetation removal outside of that period. If nesting birds, most notably osprey, bald eagle, goshawk, or coopers hawk are not present, then there will be no impact. However, if a sensitive avian species is detected then no construction activities that would potentially interfere with the nesting activities will be permitted until a qualified biologist determines the nest is no longer in use. In addition a .8km (.5mi) "buffer zone" shall be established around nest/roost trees of the aforementioned species while the particular bird(s) are nesting.

- For other avian species protected by the Migratory Bird Treaty Act that are nesting within the project area, most notably the Hairy woodpecker that was located during field surveys, measures will be implemented to avoid disturbance to the species that may cause them to abandon the nest or be otherwise disturbed. The proposed construction activities are not expected to exceed the existing level of disturbance caused by pedestrians, bicyclists, and beach users.

- Construction is not proposed until Summer of 2007. The project area will continue to be monitored to establish that no changes have occurred such as the presence of a nesting bird that was not at the site in 2002.

- Erosion control measures shall be implemented at any sites requiring vegetation removal or ground breaking. The measures may include the use of organic mulch and/or seeding or plantings.

- A three year plant establishment period to ensure the establishment of the revegetation.

2.4 Cultural Resources

2.4.1 Affected Environment/Impacts

A Negative Historic Properties Survey Report (HPSR) was prepared by Caltrans in March 2005 for this project. The HPSR documented that there are no archaeological sites or California Historic Landmarks in the project limits; however, a portion of an historic road is shown in the vicinity of the project area on the 1884 GLO Plat map (T15N/R16E). No evidence of the historic road was located and it is very likely that this road no longer exists in the project area.

No cultural resources have been identified within the project area. However, Minimization and Avoidance Measures shall be adhered to in order to ensure that there will not be a significant effect on cultural resources.

2.4.2 Minimization and Avoidance Measures

The following measure shall be implemented to assure that there are not any impacts to cultural resources during construction activities.

- If buried, or otherwise unkown cultural material such as bones, arrowheads, bottles, foundations or other historic or prehistoric remains are discovered during work associated with project, it is Caltrans' policy and state law that work temporarily cease in the area of the find. A qualified Caltrans archaeologist will evaluate the nature and significance of the find and coordinate with the State Historic Preservation Officer.

2.5 Hazards and Hazardous Materials

2.5.1 Affected Environment/Impacts

There are no potential sources of hazardous waste expected to be encountered within the project limits. The proposed project will not significantly impact the environment through the release of hazards or hazardous materials resources.

2.6 Hydrology and Water Quality

A water quality assessment was prepared by a Caltrans Water Quality specialist as part of the environmental review of this project.

Federal water quality objectives are dictated by Section 303(d) of the Clean Water Act and EPA Water Quality Planning and Management Regulations, which require states to identify waters that do not meet, or are not expected to meet water quality standards even after technology-based or other controls are in place. These water bodies are considered water quality limited and are reported by states in their Section 303(d) List.

2.6.1 Affected Environment/Impacts

Lake Tahoe is listed as an impaired water body on the U.S. EPA 303(d) List for loss of clarity due to sediments and nutrient loading. Currently the Lahontan Regional Water Quality Control Board is developing a Total Maximum Daily Load (TMDL) for nutrient and sediment loading to the lake. The primary sources of these pollutants are from erosion of disturbed soils and non-point discharges from developed areas within the Lake Tahoe Watershed.

The water quality at the project site is regulated by the Caltrans Statewide NPDES permit no. 99-06-DWQ and the referenced Caltrans guidance documents. Additionally the project is located within the jurisdiction of TRPA and the project must meet their environmental thresholds. Regulations require Caltrans to incorporate storm water Best Management Practices (BMPs) in the design to the maximum extent practicable. The statewide general construction permit No. 99-08-DWQ and the Caltrans Permit require the project construction to use temporary BMPs with the Best Available/ Best Conventional Technologies available to control pollutants during construction.

The proposed project will have a positive net water quality impact, through reduction in sediments and nutrient released from erosion. Revegetation, soil stabilization, and controlled parking will provide a reduction in sediments, which are currently released from the site and reduce nutrient release from soils within the project area. Pollution prevention BMP, utilizing revegetation, sheet flow through vegetation, and soil stabilization reduces the sediment released to the lake and assists in meeting the TMDL goals through reduction of sediment leaving the site.

2.6.2 TRPA Thresholds

The following thresholds were extracted from the TRPA water quality threshold program:

- WQ1-Decrease sediment load as required to attain turbidity values not to exceed 3 Nephlometric Turbidity Units (NTU) in littoral Lake Tahoe. In addition, turbidity shall not exceed 1 NTU in shallow waters of Lake Tahoe not directly influenced by stream discharges.

- WQ2-Average Secchi depth, December-March, shall not be less than 33.4 meters.

- WQ3-Annual mean phytoplankton primary productivity shall not exceed 52 $gC/m^2/yr$. California: algal productivity shall not be increased beyond levels recorded in 1967-1971, based on a statistical comparison of seasonal and annual mean values.

- WQ4-attain a 90th percentile value for suspended sediment of 60mg/L.

- WQ5-Dissolved inorganic nitrogen, 0.5 mg/L; dissolved phosphorous, 0.1 mg/L; dissolved iron, 0.5 mg/L; suspended sediment, 250 mg/L.

- WQ6-Surface water infiltration into the groundwater shall comply with the Uniform Regional Runoff guidelines. For total nitrogen, 5 mg/L; total phosphorous, 1 mg/L; total iron, 4 mg/L; turbidity, 200 NTU; and grease and oil, 40 mg/L.

- WQ7-For other lakes in California-Nevada, the standards are the same as the tributary standards.

2.6.3 Minimization and Avoidance Measures

These Best Management Practices (BMPs) shall be followed to adequately minimize any potential effects that uncontrolled erosion from snowmelt and storm water runoff could have on the project site during construction.

- The contractor shall implement storm water controls as specified in section 7-1.01 G of the Caltrans Standard Specifications Handbook. Furthermore, the contractor must prepare a Water Pollution Control Plan (WPCP) in accordance with the guidelines in the Caltrans Storm Water Pollution Prevent Plan. The WPCP must identify BMPs that shall be implemented during construction to minimize or reduce the potential for pollutant stormwater and non-stormwater discharges. At a minimum, the following BMPs shall be addressed in the WPCP: temporary soil stabilization; temporary sediment control; wind erosion control; non-storm water management; waste management and materials pollution control. The BMPs identified and subsequently implemented shall comply with the requirements in the Caltrans Construction Site Best Management Practices manual.

- Infiltration trench will be added around the perimeter of pervious pavers.

2.7 Land Use and Planning

2.7.1 Affected Environment/Impacts

The current project will not impact any current land use plans.

2.8 Noise

This project is not a Type I project as defined by the Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects, therefore, no further analysis is required. A Type 1 project is defined in 23 CFR 772 as follows:

> *A proposed Federal or Federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment, or increases the number of through traffic lanes*.

2.8.1 Affected Environment/Impacts

The proposed project will not impact any sensitive noise receptors.

2.9 Recreation

2.9.1 Affected Environment/Impacts

The Alice Richardson project site is one of the few remaining shoreline locations on the west shore of Lake Tahoe which is easily accessible by the public without fees. Over the years the site has become popular with local and traveling public, who enjoy the view, beach area and can access the bicycle path quite easily. The project will enhance the recreational potential of the Alice Richardson Roadside and View Area by improving the auto parking area, enhancing the bicycle path, revegetating the areas which have been denuded by overuse, and installing trash receptors to reduce the amount of litter in the area.

2.9.2 TRPA Thresholds

The following thresholds were extracted from the TRPA Recreation threshold program:

- R1-It shall be the policy of the TRPA governing body in development of the Regional Plan to preserve and enhance the high quality recreational

experience, including preservation of high quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and governing body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.

- R2-It shall be the policy of the TRPA governing body in development of the regional plan to establish and ensure a fair share of the total basin capacity for outdoor recreation is available to the general public.

2.9.3 Minimization and Avoidance Measures

Due to the potential beneficial impact from the project, no Minimization and Avoidance Measures would be required.

Chapter 3 Land Capability Study

A licensed Landscape Architect provided the required mapping for the performance of a Land Capability Verification (LCV), which included a Backshore Analysis in August 2002 and was accepted by TRPA (Tim Hagan, Soil Scientist) on September 9, 2002. The entire project area land classification was verified as "Class 5" with a "Soil Map Symbol- TcC" and an observed slope of 5.9%. In addition, the entire project is located within the "Backshore" (elev. 1900.5m/ 6235.5ft) as defined by TRPA's Code of Ordinances. Pockets of existing Steam Environment Zone (SEZ) vegetation also exist within the project boundaries. In addition, the shore zone elevation was determined to be at elev. 1898.5m/6229ft. Mapping, for the purposes of Land Capability Verification, was produced by Caltrans staff, based on a subsequent field meeting with TRPA staff in April 2003. Caltrans improvements within the project limits will have the following impacts to coverage as summarized in the following table.

Table 3. Land Coverage Impacts

Existing Cover Type	Square Feet	Square Meters	Conversion To:
Disturbed Cover (denuded areas as a result of heavy pedestrian and auto traffic, but able to support vegetation. Soil structure is still in-tact)	7782sf	723 m2	Revegetated
Disturbed Cover (denuded areas as a result of heavy pedestrian and auto traffic, but able to support vegetation. Soil structure is still in-tact)	1323sf	123 m2	Hard Cover (pervious pavers)
Soft Cover (compacted cover unable to support vegetation without heavy amending, tilling or ripping)	11872sf	1103m2	Revegetated

Land Capability Map (Appendix D)

In summary, there will be a reduction of disturbed and soft cover and an increase of 1826 m2 (19654 sf) of revegetated area. In addition, there will be a conversion of previously disturbed cover to 123 m2 (1323sf) of hardcover (which incorporates the pervious pavers, which will be placed at the bicycle path pull-off). All in all, the change in coverages will result in a net benefit of 1703 m2 (18,331sf) of land coverage credits to be "banked" in the Caltrans Hydrologic Unit Credit Bank for use

on future projects. All coverage credit transfers will be in compliance with the TRPA Code.

Chapter 4 Cumulative Impacts

Cumulative impacts are those that are produced by the aggregation of individual environmental impacts resulting from a single project or from two or more projects in conjunction. Analysis of cumulative impacts is required under the California Resources Agency Guidelines, Title 14, Sections (§) 15130 and 15355. The following is an excerpt from § 15355 and explains what cumulative impacts are:

> *Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA details two ways in which to evaluate cumulative impacts. One of these is to summarize growth projections in an adopted general plan or in a prior certified environmental document. The second method, that will be utilized for this Initial Study, involves the compilation of a list of past, present, and reasonably foreseeable future projects producing related or cumulative impacts [please see Section 15130 (b)1(A) of the CEQA Guidelines].

4.1 Cumulative Effects Area

For the proposed project, the area for evaluation of cumulative effects is the SR 89 corridor between the Tahoe City wye south to the Placer County line. The cumulative effects area includes the communities of Tahoe Pines, Homewood, Chambers Lodge, and Tahoma.

4.2 Projects Considered in Cumulative Effects Evaluation

The cumulative effects analysis includes the projects listed below:

Table 4. Cumulative Projects

Number	Project	Type	Location	Status/Schedule
1 EA 414501	SR 89 Landscape Project	Restore and improve degraded roadside access area along the shoreline of Lake Tahoe.	SR 89 in Pla Co. from KP 7.6/8.9 (4.7/5.2)	This is the proposed project discussed in this IS. It is planned for the 2007-8 construction year.
2 EA 2A9200 EA 2A9201	SR 89 Environmental Improvement Project	Improvement of traffic circulation, improve quality of storm water runoff and to implement elements of the Lake Tahoe Basin Environmental Improvement Project (EIP)	SR 89 in Pla Co. from KP 0.0/13.8 (PM 0.0/8.6); KP 13.3/22.1 (PM 8.6/13.7)	The draft IS/EA/PEA went through public circulation in 04/2006. This project is planned for the 2008 construction year.
3 EA 3C700	SR 89 Pedestrian Signal Project.	Installation of a pedestrian signal south of Fanny Bridge	SR 89 in Pla Co. KP8.57 (13.79)	Construction will begin in 06/2006 and continue through 06/2007.
4 TCPUD Project	Lakeside bicycle and trail project	Improvement of trail system along SR 89 on the lakeside	SR 89 in Pla Co	This project was finished in 2004.
5 Placer County	SR 89 Timberland	Erosion Control/Water Quality Project	SR 89 Timberland Rd. to Sugarpine Rd.	This project began construction in 2004 and was completed in 2005.
6 Placer County	SR 89 Lake Tahoe Park	Erosion Control/Water Quality Project-	SR 89 Cedar Crest Rd. to Fountain Ave.	Project slated to begin construction in 2005-6
7 Placer County	SR 89 Tahoe Pines	Erosion Control/Water Quality Project	SR 89 .1 miles north of Elizabeth Dr. to Vanessa Way	This project is schedule to begin work in 2006 thru 2009.
8 Placer County	SR 89 Homewood	Erosion Control/Water Quality Project	SR 89. Fern St. to County line	This project is schedule to begin work in 2010.

Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time. Cumulative impacts of the proposed project, in addition to the others listed in the table above, are primarily limited to the construction phase of the project. Dust control, noise controls, best management practices to control erosion and water resources, avoidance of special status species and their habitat, and public notifications of traffic interruptions will all occur during construction.

Quantifiable impacts are generally not yet available for the majority of the proposed projects located in the North/West Lake Tahoe area, as they have not yet been constructed (many of the Placer County and EIP project descriptions provided estimates of beneficial impacts). Because of this limitation, the following analysis relies on qualitative assessment of impacts to the Cumulative effects area.

4.3 Potential Cumulative Effects

4.3.1 Aesthetics

The proposed project will make minor physical changes, which will have a beneficial effect on the aesthetic and scenic resources adjacent to SR 89. The project will not contribute to the adverse effects, which may be attributed to other projects in the cumulative effects study area.

4.3.2 Biological Resources

Potential cumulative biological impacts could result from activities that temporarily or permanently remove existing vegetation, disturb listed and non-listed species or affect water quality.

Many of the aforementioned projects, including the proposed Alice Richardson project,will incorporate measures to minimize the loss of vegetation. In most cases, erosion control measures will be part of the project scope. There is not expected to be a loss of vegetation on projects within the basin that when combined will be a substantial effect.

As with the proposed Alice Richardson project, other Caltrans projects in the cumulative impact study area will be coordinated with resource agencies and include measures that will avoid and minimize effects to listed and non-listed species. Timing constraints, avoidance of habitat removal and project modifications are expected to be included in each and every project. It is expected that if habitat removal must be done, then the project proponents will include replacement at a ratio suitable to avoid significant effects to species. If work must be done outside the work window, then it is expected that the project proponent will include minimization measures to reduce construction impacts. It is expected that when the impacts of the projects in the cumulative effects area are combined that the effects will be less than substantial.

Many of the projects in the basin have been initiated to reduce the effects of human activity on the water quality of Lake Tahoe. Projects may include one or more of the following components: traffic managment, erosion control, shoulder improvements, safety, stormwater improvements, bike path improvements, roadside repair. The proposed project will be improving roadside access, limiting access to riparian

vegetation, planting additional vegetation between the bike path and the lake and providing trash receptacles. Although not all projects include stormwater collection units or other infiltration methods, the combined effort of better traffic management, reducing traffic where possible, and implementing erosion control, etc. is expected, when combined with the larger more complex stormwater projects, to have a beneficial effect on the water quality of the Lake Tahoe area. Furthermore it is important to note that with the implementation of standard BMPs expected to occur on most of these projects there should be no net loss of water quality temporarily or permanently in the study area.

4.3.3 Hydrology and Water Quality

Seven of the projects listed in the cumulative impacts study area are either designed specifically for the purpose of improving storm-water runoff or have integrated minimization and avoidance measures which will improve the quality of storm-water runoff from the highway and/or the adjacent properties. The proposed project will include measures that reduce vegetation removal, include additional plantings, and better manage pedestrian, bicycle and vehicular traffic to help reduce erosion. Should the goals be met for the various projects within the cumulative impact study area then the result is expected to be a beneficial net gain in the water quality of the area.

Chapter 5 Public Involvement

A public workshop was held at the Tahoe City Public Utility District offices on February 18, 2003. Residents were notified through ads in the Tahoe World. In addition to the ads, an annoucement was mailed to the adjacent landowners (Appendix C).

Chapter 6 List of Preparers

The California Department of Transportation, North Region prepared this Initial Study/with Proposed Negative Declaration.. The following Caltrans staff prepared this document:

Alicia Beyer, Hazardous Waste Coordinator. MS Civil Engineering (Hazardous Waste), University of Texas; BS Civil Engineering, Chihuahua State University. Ten years in Hazardous Waste studies. **Contribution: Initial Site Assessment.**

Susan Bauer, Senior Environmental Planner. B.S, in Biological Sciences; B.S. in Science Education, Oregon State University, Corvallis, Oregon. Seven years experience in environmental planning. **Contribution: Environmental Branch Chief.**

Suzanne Melim. Associate Environmental Planner (Biology), B.S. Natural Resource Management, California Polytechnic State University, San Luis Obispo. Five years experience in biology and environmental planning. **Contribution: Natural Environmental Study, Water Quality.**

Steve Nawrath, Landscape Architect CA. Lic. # 4562, Masters of Landscape Architecture, California Polytechnic State University Pomona; B.S. Ornamental Horticulture, California Polytechnic State University , San Luis Obispo. Seven years of experience in environmental design, ecological restoration and erosion control. **Contribution: Project Landscape Architect, Visual Impact Assessment Technical Report**.

Sean Penders, Transportation Engineer, B.S. Environmental Engineering, California Polytechnic State University San Luis Obispo, 8 years experience in the civil/environmental engineering and water quality field. **Contribution: Water Quality, Hydrology and Storm Water Report.**

Keith Pommerenck, Civil Engineer, C.T. B.S. Environmental Resources, California State University, Sacramento.18 years of experience preparing air, noise and energy studies. **Contribution: Noise and Air Quality Analysis**.

Sandra Rosas, Associate Environmental Planner. M.A. in Anthropology (Ethnobotany), Northern Arizona University; B.S./B.A. Biology/Anthropology, CSU, Chico. 13 years of experience in Environmental Studies. **Contribution: Project Coordinator & Document Writer.**

Scott Williams, Associate Environmental Planner (Archaeology). M.A. in Anthropology, CSU, Sacramento; B.A. in Anthropology, CSU; Sacramento, 20 years experience in Archaeology. **Contribution: Historic Resources Clearance Report/Archaeological Survey Report.**

Appendix A Environmental Checklist

The following checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. The CEQA impact levels include potentially significant impact, less than significant impact with mitigation, less than significant impact, and no impact. In many cases, background studies performed in connection with the project indicate no impacts. A “no impact” under CEQA reflects this determination. Any needed discussion is in the corresponding section of the Initial Study with the same heading. Please refer to the following for detailed discussions regarding impacts:

- Guidance: Title 14, Chapter 3, California Code of Regulations, Sections 15000 et seq. (http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/)
- Statutes: Division 13, California Public Resource Code, Sections 21000-21178.1 (http://www.ceres.ca.gov/topic/env_law/ceqa/stat/)

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				x
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	X
BIOLOGICAL RESOURCES - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X
COMMUNITY RESOURCES - Would the project:				
a) Cause disruption of orderly planned development?	☐	☐	☐	X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
b) Be inconsistent with a Coastal Zone Management Plan?				X
c) Affect life-styles, or neighborhood character or stability?				X
d) Physically divide an established community?				X
e) Affect minority, low-income, elderly, disabled, transit-dependent, or other specific interest group?				X
f) Affect employment, industry, or commerce, or require the displacement of businesses or farms?				X
g) Affect property values or the local tax base?				X
h) Affect any community facilities (including medical, educational, scientific, or religious institutions, ceremonial sites or sacred shrines?				X
i) Result in alterations to waterborne, rail, or air traffic?				X
j) Support large commercial or residential development?				X
k) Affect wild or scenic rivers or natural landmarks?				X
l) Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)?				x

CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

HAZARDS AND HAZARDOUS MATERIALS -
Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the				X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X
HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X
f) Otherwise substantially degrade water quality?	☐	☐	☐	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
LAND USE AND PLANNING - Would the project:				
a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
b) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x
MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the				X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
POPULATION AND HOUSING - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
PUBLIC SERVICES -				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
RECREATION -				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational				X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
facilities that might have an adverse physical effect on the environment?				
TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X
f) Result in inadequate parking capacity?	☐	☐	☐	X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X
UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	x
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has	☐	☐	☐	X

	CEQA			
	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X

MANDATORY FINDINGS OF SIGNIFICANCE -

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

TRPA INITIAL ENVIRONMENTAL CHECK LIST

For

The Initial Determination Of Environmental Impact

Assessor Parcel Number(s): State Route (SR) 89 in Placer County

I. PROJECT NAME AND DESCRIPTION: (use additional sheets, if necessary)

Alice Richardson Roadside Access and Viewing Area: The California Department of Transportation (Caltrans) proposes to improve a degraded roadside access area along the shoreline of Lake Tahoe and State Route 89 in Placer County. The project limits extend between Elizabeth Drive and Timberland Lane (KP 7.6/8.3 (PM 4.7/5.2). The Roadside Access and Viewing Area extends 490 meters (1,600 feet) in length and 25 to 30 meters (50 to100 feet) in width along SR 89 on the west shore of Lake Tahoe. Included within the project limits is a 8-foot wide bike path (managed by Tahoe City Public Utility District (TCPUD), which runs parallel to SR89. The enhancement project would develop new site elements to improve safety, scenic resources, and water quality. Specific site improvements will include; pedestrian access and parking improvement, bike path enhancements, signage, waste management, vegetation protection and revegetation of disturbed area.

II. ENVIRONMENTAL IMPACTS:

The following questionnaire will be completed by the applicant based on evidence submitted with the application. **All "yes" and "no, with mitigation" answers will require further written comments.**

1. Land

Will the proposal result in?

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Unstable soil conditions during or after completion of the proposal?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

Yes	No	No, with Mitigation	Data Insufficient
	X		

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

Yes	No	No, with Mitigation	Data Insufficient
	X		

2. Air Quality

Will the proposal result in?

a. Substantial air pollutant emissions?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Deterioration of ambient (existing) air quality?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. The creation of objectionable odors?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Increased use of diesel fuel?

Yes	No	No, with Mitigation	Data Insufficient
	X		

3. Water Quality

Will the proposal result in?

a. Changes in currents, or the course or direction of water movements?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Alterations to the course or flow of 100-year flood waters?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Change in the amount of surface water in any water body?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Alteration of the direction or rate of flow of groundwater?

Yes	No	No, with Mitigation	Data Insufficient
	X		

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

Yes	No	No, with Mitigation	Data Insufficient
	X		

h. Substantial reduction in the amount of water otherwise available for public water supplies?

Yes	No	No, with Mitigation	Data Insufficient
	X		

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

Yes	No	No, with Mitigation	Data Insufficient
	X		

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

Yes	No	No, with Mitigation	Data Insufficient
	X		

4. Vegetation

Will the proposal result in?

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Reduction of the numbers of any unique, rare or endangered species of plants?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Removal of stream-bank and/or backshore vegetation, including woody vegetation such as willows?

Yes	No	No, with Mitigation	Data Insufficient
	X		

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

Yes	No	No, with Mitigation	Data Insufficient
	X		

h. A change in the natural functioning of an old growth ecosystem?

Yes	No	No, with Mitigation	Data Insufficient
	X		

5. Wildlife

Will the proposal result in?

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Reduction of the number of any unique, rare or endangered species of animals?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Deterioration of existing fish or wildlife habitat quantity or quality?

Yes	No	No, with Mitigation	Data Insufficient
	X		

6. Noise

Will the proposal result in?

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Exposure of people to severe noise levels?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

Yes	No	No, with Mitigation	Data Insufficient
	X		

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Create new illumination that is more substantial than other lighting, if any, within the surrounding area?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Cause light from exterior sources to be cast off - site or onto public lands?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

Yes	No	No, with Mitigation	Data Insufficient
	X		

8. Land Use

Will the proposal:

a. Include uses that are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Expand or intensify an existing non-conforming use?

Yes	No	No, with Mitigation	Data Insufficient
	X		

9. Natural Resources

Will the proposal result in?

a. A substantial increase in the rate of use of any natural resources?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Substantial depletion of any non-renewable natural resource?

Yes	No	No, with Mitigation	Data Insufficient
	X		

10. Risk of Upset

a. Does the proposal involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Will the proposal involve possible interference with an emergency evacuation plan?

Yes	No	No, with Mitigation	Data Insufficient
	X		

11. Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Include or result in the temporary or permanent displacement of residents?

Yes	No	No, with Mitigation	Data Insufficient
	X		

12. Housing

Will the proposal affect existing housing, or create a demand for additional housing?

Yes	No	No, with Mitigation	Data Insufficient
	X		

13. Transportation/Circulation

Will the proposal result in?

a. Generation of 100 or more new daily vehicle trip ends (DVTE)?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Changes to existing parking facilities, or demand for new parking?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Alterations to present patterns of circulation or movement of people and/or goods?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Alterations to waterborne, rail or air traffic?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Yes	No	No, with Mitigation	Data Insufficient
	X		

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered
governmental services in any of the following areas?

a. Fire protection?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Police protection?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Schools?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Parks or other recreational facilities?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Maintenance of public facilities, including roads?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Other governmental services?

Yes	No	No, with Mitigation	Data Insufficient
	X		

15. Energy

Will the proposal result in?

a. Use of substantial amounts of fuel or energy?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

Yes	No	No, with Mitigation	Data Insufficient
	X		

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or
substantial alterations to the following utilities:

a. Power or natural gas?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Communication systems?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Storm water drainage?

Yes	No	No, with Mitigation	Data Insufficient
	X		

f. Solid waste and disposal?

Yes	No	No, with Mitigation	Data Insufficient
	X		

17. Human Health

Will the proposal result in?

a. Creation of any health hazard or potential health hazard (excluding mental health)?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Exposure of people to potential health hazards?

Yes	No	No, with Mitigation	Data Insufficient
	X		

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

Yes	No	No, with Mitigation	Data Insufficient
X			

b. Be visible from any public recreation area or TRPA designated bicycle trail?

Yes	No	No, with Mitigation	Data Insufficient
X			

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

Yes	No	No, with Mitigation	Data Insufficient
	X		

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

Yes	No	No, with Mitigation	Data Insufficient
	X		

19. Recreation:

Does the proposal:

a. Create additional demand for recreation facilities?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Create additional recreation capacity?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

Yes	No	No, with Mitigation	Data Insufficient
	X		

20. Archaeological/Historical

a. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Does the proposal have the potential to cause a physical change that would affect unique ethnic cultural values?

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

Yes	No	No, with Mitigation	Data Insufficient
	X		

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

Yes	No	No, with Mitigation	Data Insufficient
	X		

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

Yes	No	No, with Mitigation	Data Insufficient
	X		

c. Does the project have impacts that are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant?)

Yes	No	No, with Mitigation	Data Insufficient
	X		

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

Yes	No	No, with Mitigation	Data Insufficient
	X		

III CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Susan D. Bauer Date

WRITTEN COMMENTS:

Section 18a&b: The project will be visible from SR 89 and TCPUD bicycle path is within the project limits. The most notable effects to the visual/scenic environment will be the enhancement of native vegetation, placement of the trash receptacles with associated signage, split rail fence to protect the vegetation, and wooden auto bollards (barriers).

IV DETERMINATION (TO BE COMPLETED BY TRPA)

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes	No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures that have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes	No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

Yes	No

Signature of Evaluator Date

Title of Evaluator

Appendix C Public Notice

Appendix D Responses to Comments

Greg Hoffman
601 Harvard Road
San Mateo, CA 94402
(650) 579-7397
also
3055 W. Lake Blvd.
Tahoe City, CA 96145

August 6, 2005

Caltrans
P.O. Box 911
Marysville, CA 95901

Attn: Susan D. Bauer, Chief

Re: Alice Richardson Roadside Access and Viewing Area

Dear Ms. Bauer:

I am in receipt of your letter dated August 5, 2005. To date I have never been contacted regarding the continued abuse of the Alice Richardson 1930 highway deed, which I have read thoroughly. Your Negative Declaration makes no mention of all the prior violations of that deed and its terms.

Your **Project Background** is full of lies, exaggerations and misconceptions. The express conditions of that Deed were simply to allow the then Highway Department to construct Highway 89, upon or across the properties affected which number about 17.The deed had no intention for you to misconstrue its express terms as follows:

1. It expressly prohibits the use for swimming and or sunbathing or beach access.
2. It also prohibits camping and/or campground uses.
3. It provides for maintenance.

There has never been policing, maintenance clean up of litter and (dog excrement) on the area to which you refer, and it has been for years used by the public for sunbathing during the summer months. The public has even brought barbeques and lawn furniture upon this area.

As you are aware, you posted signage on Highway 89 in 2003 indicating a Vista Point approximately five miles south of Tahoe City. Since the posting of the signage the traffic problems and people stopping to utilize my property and others has increased 600%. This activity has caused numerous traffic accidents and the general public to **further misuse** the terms of the Alice Richardson Easement from 1930, which was for highway purposes. That deed specifically restricted the area for ever " *being used for*

P. 2

public sunbathing", which now and has been a **continuous** problem which will only become worse as time goes on.

For years the public has been littering, damaging private property, changing their clothes in the bushes, and relieving themselves, **(bowel movements and urination)**. In addition, this area has become a, ***popular spot for people to let their dogs run unleashed and also relieve themselves.***

After about thirteen years since I purchased my property, I have witnessed about a dozen instances where people have actually used this immediate area as a boat launch for sailboats and jet ski's, not to mention the people who have parked motor homes and trailers all day and sometimes overnight.

Just this summer, I again witnessed several people urinate and then in plain view and took a bowel movement. This in totally unacceptable and a consequence of Caltrans' continuous attempts to call this area a "rest area and vista point".

While there is a public park about ½ mile past this area, Sunnyside's beach access and Commons Beach in Tahoe City, it is hard to believe Caltrans could be so irresponsible as to promote this sort of property abuse.

Caltrans is and has caused to direct the public onto private property to further do irreparable damage to about seventeen property owners who believed they were purchasing "split-lakefronts". Your intentions and actions are inappropriate, illegal and a ludicrous position with respect to California's continuing current budget crisis.

As in the past, others and I have had no alternative than legal means and intend to continue until you abandon your mis-use of the State of California's land use deeds.

Very Truly yours,

Gregory F. Hoffman

GFH:gfh
C: John D. Webb
Governor, A. Schwarzenegger

Responses to Comments from Greg Hoffman (August 6, 2005)

Caltrans installed signs on the project site on 8/18/2003 to inform the public of prohibited activities. The proposed project will install trash receptacles to manage litter and additional site sensitive signage. New signage will better inform the public of prohibited activities and restrictions.

The Alice Richardson Roadside Access and Viewing Area project is a response by Caltrans to improve public safety by better delineating auto, cyclist and pedestrian use of the site, and improve water quality by protecting and revegetating areas previously disturbed and thus reducing sediments and nutrients currently released at the site.

KELLEY R. CARROLL*†
PETER H. CUTTITTA*
STEVEN C. GROSS*
STEPHEN C. LIEBERMAN
JAMES L. PORTER JR.*
JAMES F. SIMON

Reply to Truckee Office

Law Office Of
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Professional Corporation

KENNETH P. CRAIG*
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JOHN A. WHITE - OF COUNSEL

*Also Licensed in Nevada
**Also Certified Public Accountant
†Certified Specialist in Estate Planning, Trusts and Probate Law
† †Also Licensed in Nevada, Oregon and Washington

September 6, 2005

FAX COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: SUSAN BAUER, CHIEF

FAX NO.: (530) 741-4457

FROM: JAMES L. PORTER JR., ESQ.

RE: ALICE RICHARDSON ROADSIDE ACCESS & VIEWING AREA PROJECT

❖❖❖❖

THIS TRANSMITTAL CONSISTS OF 15 PAGE(S), INCLUDING THIS COVER PAGE. IF THIS TRANSMISSION IS INCOMPLETE, PLEASE TELEPHONE OUR OFFICE AT (530) 587-2002 OR ADVISE VIA FAX (530) 587-1316.

ADDITIONAL COMMENTS:

Dear Susan: I am faxing to you correspondence from Jim Porter regarding the above-referenced matter, along with referenced Exhibit "A". As the exhibits are voluminous, the remaining exhibits will be sent by first class mail today, along with the original letter.

Janet Silver

	Original Will Not Follow
☐	Original Will Follow By:
x	First Class Mail
☐	Express Mail
☐	Federal Express
☐	Other:

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SENDER: JANET SILVER, EXT. 129, *silver@portersimon.com*

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09-06-05 02:50PM FROM- T-758 P.002/015 F-944

KELLEY R. CARROLL*†
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Reply to Truckee Office

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JOHN A. WHITE - OF COUNSEL

*Also Licensed in Nevada
†Certified Specialist in Estate Planning, Trusts and Probate Law

September 6, 2005

VIA FACSIMILE & REGULAR MAIL
(530) 741-4457

Susan Bauer, Chief
Environmental Management M-1,
Department of Transportation
P.O. Box 911
Marysville, CA 95901

Re: Alice Richardson Roadside Access and Viewing Area Project - Draft Initial Study/Negative Declaration (SCH No. 2005082015)

Dear Ms. Bauer:

We represent the Hurricane Bay Coalition (the "Coalition"), an unincorporated association of ~~concerned local residents and individual landowners who own homes~~ on the west side of State Route 89 and private beach areas to the east of State Route 89 adjacent to the proposed Alice Richardson Roadside Access and Viewing Area Project (the "project"). The proposed project is located on State Route 89 along the West Shore of Lake Tahoe in Placer County, California. If approved, the project would be located adjacent to a ten-foot wide existing bike path and less than 50 feet from the waters of Lake Tahoe. The area is currently an unimproved dirt pull-out along the side of the road. We submit these comments on the Coalition's behalf.

This letter focuses on the adequacy of the "Draft Initial Study (with Proposed Negative Declaration)" (hereinafter "IS/ND"), prepared under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.), and released for public review and comment by the California Department of Transportation ("Caltrans") on August 5, 2005. Aside from making minor changes, the document reflects the very same information and format as was prepared and approved for the same

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project in January 2004.[1] When reviewing an agency's decision to adopt a negative declaration, rather than prepare an Environmental Impact Report ("EIR"), courts apply the "fair argument" test. (*Gentry v. City of Murrieta* (1995) 36 Cal.App. 4th 1359, 1399.) Under this test, "[i]f there is substantial evidence, in light of the whole record before the lead agency, that the project *may* have a significant effect on the environment [[2]], an environmental impact report shall be prepared." (Pub. Resources Code, § 21080, subd. (d) (emphasis added); see also *Gentry, supra,* 36 Cal.App.4th at pp. 1399-1400; *Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1348.) Because the preparation of a negative declaration terminates the environmental review process, the fair argument test establishes a low threshold for requiring preparation of an EIR, and reflects a preference by the Legislature for resolving doubts in favor of more thorough analysis. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316-1317.)

As explained below, substantial evidence[3] demonstrates a "fair argument" that the proposed project may result in significant impacts to water quality. (See Exhibits A, B.) Preparation of an EIR is therefore required for the project. (Pub. Resources Code, § 21100; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.)

I. Inadequate Notice

As a preliminary matter, Caltrans failed to provide notice by mail of the revised IS/ND to Jeff Yurosek who is an adjacent landowner, was the lead petitioner against the

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[1]/ We hereby incorporate by reference as if fully set forth herein the record of proceedings lodged in response to the action entitled *Yurosek et al. v. Caltrans* (Placer County Superior Court No. SCV-17027) filed by petitioners and members of the Coalition on April 21, 2004. After receiving Petitioners' opening brief on the merits in that case Caltrans rescinded its approval of the project and the lawsuit was dismissed. Unfortunately for the environment, California taxpayers and members of the Coalition, Caltrans appears poised to approve the project once again based on the same flawed document under CEQA.

[2]/ A "[s]ignificant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water . . ." (CEQA Guidelines, § 15382.) "An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting." (CEQA Guidelines, § 15064, subd. (b); *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1026.)

[3]/ The CEQA Guidelines define substantial evidence to mean enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (CEQA Guidelines, § 15384, subds. (a)(b); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002.)

same project in *Yurosek et al v. Caltrans, supra*. and has repeatedly requested a copy of any notices issued in connection with the proposed project.

It is also unclear whether Caltrans provided notice of the IS/ND through publication in a newspaper of general circulation, by posting notice on site or with the County Clerk, by mailing notice to adjacent landowners, or by otherwise providing timely notice to persons who had previously requested notice in writing. (Pub. Resources Code, §§ 21092, subds. (a), (b)(3)(A)-(C), 21092.2, 21167, subd. (f); CEQA Guidelines, § 15072, subds. (a)-(b).)

II. Hybrid Initial Study/ Negative Declaration

Under CEQA, lead agencies are supposed to use the initial study process as a tool to conduct a preliminary analysis of the potential environmental effects of a project, and then objectively consider the information in determining whether to prepare a negative declaration, mitigated negative declaration, or an EIR. (CEQA Guidelines, § 15365.) The express purpose of an initial study includes: (i) providing the lead agency with information to use as the basis for deciding whether to prepare an EIR or a negative declaration (CEQA Guidelines, § 15063, subd. (c)(1)); (ii) identifying the reasonably foreseeable and potentially significant effects on the environment that can be eliminated or reduced to insignificance through changes to the project (See CEQA Guidelines, § 15063, subd. (c)(2)); and (iii) providing documentation of the factual basis for the lead agency's decision to adopt a negative declaration (CEQA Guidelines, § 15063, subd. (b)(5).)

Here, and in exactly the same fashion as the document previously prepared by Caltrans, the first document prepared by Caltrans in the environmental review process is a Draft IS/ND. By lumping the two together, Caltrans uses the initial study process, not as a vehicle to gain information to make an informed decision as to the level of environmental review required, but as back up for a decision that has already made. This approach thwarts the public's opportunity to participate in the decision making process. There is no indication that, prior to preparing the "proposed negative declaration," Caltrans first used the initial study to consult with trustee and responsible agencies or, generally, as an informational gathering tool as intended by CEQA. (CEQA Guidelines, § 15063.)

III. The IS/ND "No Impact" Findings Lack Support by Substantial Evidence in the Record

Beginning with the initial study, Caltrans fails to honestly evaluate the potential impacts of the proposed project. Without any explanation, the initial study does not identify any "less than significant" impacts or "less than significant impact with

mitigation." Rather, Caltrans concludes "no impact" for each and every resource area contained within Appendix G of the CEQA Guidelines. (IS/ND, pp. 32-40.)

To comply with CEQA an agency's significance determinations must be supported by credible analysis and substantial evidence, analysis the IS/ND lacks. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111 (finding EIR deficient for failing to explain the reasons *why* the agency found reductions in stream flow insignificant); see also *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 305-306, 311 ("agency should not be allowed to hide behind its own failure to gather relevant data"); *City of Redlands*, *supra*, 96 Cal.App.4th at p. 408-409 (finding "no impact" for each resource area indicated "a token observance of regulatory requirements"), quoting *Sundstrom*, *supra*, 202 Cal.App.3d at p. 305).)

Without any explanation, the IS/ND concludes that there will be "no impact" to water quality even though the project is located immediately adjacent to Lake Tahoe. (IS/ND, p. 36.) Because the initial study fails to provide any evidence or explanation supporting its findings of "no impact" the initial study/negative declaration is inadequate. (CEQA Guidelines, § 15071.) [4]

IV. Inadequate Project Description

Adoption of a negative declaration is inappropriate where the agency has failed to provide an accurate, candid and stable description of the project. (*City of Redlands*, *supra*, 96 Cal.App.4th at p. 406.) It is only through an accurate view of the project that the public and other agencies can understand what the project entails and, among other things, consider what mitigation measures may be necessary. (*Ibid.*; see also *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.)

Here, Caltrans has again failed to gather information and provide an accurate project description. The project description, reiterated throughout the record, vaguely provides:

> The purpose of this project is to restore and improve a degraded roadside access area along State Route 89 and the shoreline of Lake Tahoe. This project will develop new site elements, which improve safety and scenic

[4]/ To the extent Caltrans conducted and relied on studies such as the land capability study, biological assessment, water quality assessment or natural environment study, it has an affirmative duty to summarize the studies and identify in the draft IS/ND where the studies are available for public review and comment. (See Pub. Resources Code, § 21003.1, subd. (b), CEQA Guidelines, §§ 15063, subd. (c)(5), 15200, subd. (b).) Caltrans neglected to fulfill this duty.

> resources. Specific site improvements include: pedestrian access and parking improvements, bike trail enhancements, signage, waste management, vegetation protection and revegetation of disturbed areas.
>
> (IS/ND, p. (ii).)

This vague project description raises several questions: (i) will the parking area be re-graded, stabilized or paved? (ii) if so, how much additional impervious area will be created and how will Caltrans control the additional storm water runoff?

These questions, previously raised by members of the Coalition, have yet to be answered by Caltrans. (See Exhibit C (Letter to Mike Bartlett from Larry Hoffman (March 17, 2004).)

V. The IS/ND Includes an Inadequate Description of the Environmental Setting

Notably, the IS/ND again fails to include a description of the environmental setting as required by CEQA. (CEQA Guidelines, § 15063, subd. (d)(2).) An adequate description of the environmental setting would include information that (i) the majority of the project site is currently unpaved impervious dirt or rocks; (ii) the project site is only 50 feet from Lake Tahoe; (iii) Lake Tahoe is on the State's section 303(d) list of impaired water bodies; (iv) the site experiences "minor" drainage problems; (v) describes the current levels of unauthorized public recreational activities and dogs that are allowed to run off-leash; and (vi) the project area is within a Stream Enhancement Zone ("SEZ") as defined by the TRPA.

By not including a description of the environmental setting Caltrans understates the potentially significant adverse environmental impacts of the project. (CEQA Guidelines, §§ 15063, subd. (d)(2), 15064, subd. (b) (significance may vary with the setting); see *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722-729 (EIR inadequate because its description of the environmental setting failed to note the presence of nearby wetlands).)

VI. Potentially Significant Impacts to Water Quality

As explained in a letter prepared by James Rienstra, P.E., K.B. Foster, the IS/ND neglects to include enforceable mitigation measures to ensure that potentially significant impacts to water quality from the proposed project will remain less than significant. (Letter to Susan Bauer from James Rienstra, K.B. Foster (September 2, 2005) ("Exhibit A").) Mr. Rienstra concludes that additional untreated stormwater runoff will discharge directly to Lake Tahoe as a result of the proposed project, inconsistent with TRPA thresholds and the Lahontan Regional Water Quality Control Board requirements. (Exhibit A, p. 1.). According to Mr. Rienstra, construction of the split rail fence within

the Stream Enhancement Zone ("SEZ") could also result in potentially significant impacts. (Exhibit B, p. 2; see also IS/ND, Figure LC-1, C-1.) Thus, preparation of an EIR is required.

After reviewing virtually the same IS/ND prepared by Caltrans in 2003-2004, Mr. Gary D. Midkiff of Midkiff & Associates, Inc., a consultant hired by petitioners, submitted a letter to Caltrans raising a fair argument that the project may result in adverse water quality impacts. (See Letter to Jeffrey Loudon (May 14, 2004) (Exhibit B).) Mr. Midkiff noted the document's failure to explain how Caltrans would collect, treat and dispose of runoff as required by the Lahontan Regional Water Quality Control Board Basin Plan and the TRPA 208 Plan so that storm water did not continue to migrate to Lake Tahoe untreated. (Exhibit B.) Mr. Midkiff also refuted the adequacy of Caltran's claim that a future project would pave the parking area and provide additional BMPs. (Exhibit B.)

The letters submitted by Mr Rienstra and Mr. Midkiff constitute substantial evidence demonstrating a fair argument that the proposed project may have a potentially significant adverse impact on the environment and water quality in particular. For this reason, Caltrans must prepare an EIR. (See *City of Livermore v. Local Agency Formation Commission* (1986) 184 Cal.App.3d 531, 541-542 (planning consultant letter opining on effects of revisions to LAFCO guidelines supports fair argument that the project may have a significant environmental impact requiring preparation of an EIR).)

With respect to the post-construction effects of the project, Caltrans' own "Natural Environment Study Report," included as part of the record of proceedings incorporated herein states, in relevant part:

> [s]ediment is of specific concern in the project area since it has the potential to be a source of impairment. • Hydrological impacts - The increase in impervious areas could cause an increase in the peak flow and higher runoff volumes that could lead to . . . an increase in sediment and turbidity in receiving waters[.] • Concentration of runoff - typical highway drainage design involves collecting runoff in pipes or ditches, and discharging, either directly or indirectly, into receiving waters . . . Highway runoff and other long-term maintenance activities may introduce chemicals, oils, and greases to surface water.

(See Record of Proceedings, *Yurosek et al. v. Caltrans* ("Record") (Record 1:168-169).)

Despite these conclusions and Lake Tahoe's 303(d) listing under the Clean Water Act, the IS/ND concludes "no impact" to water quality without mitigation. (IS/ND, p. 36.)

Substantial evidence in the record also supports a fair argument that the project may have a significant adverse impact on water quality because it involves construction within a SEZ. As noted in the Natural Environment Study Report, the project will occur within the TRPA defined SEZ. (Record 1:149; see also Exhibit D, at pp. 5.7-1 to -2 (key indicator of SEZ is presence of a lake).) The Basin Plan strictly limits any development or disturbance in SEZs and requires a 1.5:1 restoration requirement for permitted SEZ disturbance. (Exhibit D, at p. 5-13.) TRPA's 208 Plan also provides that no new land coverage or other permanent disturbance shall be permitted in SEZs except for public outdoor recreation projects, among others. (Exhibit D, pp. 5.7-3 to -4.) The IS/ND is silent on these requirements.

Conveniently, the IS/ND characterizes the project as a "Public Outdoor Recreation project" as defined by TRPA Code of Ordinance Section 55.4A. (IS/ND, p. 7.)[5] Even so, for public outdoor recreation projects located within an SEZ, to be exempt from the Regional Board's prohibitions against discharges or threatened discharges attributable to new development, the Regional Board must make findings that: (i) the project by its nature must be sited in a SEZ; (ii) there is no feasible alternative which would reduce the extent of SEZ encroachment; (iii) the impacts have been fully mitigated; and (iv) SEZs are restored in an amount 1.5 times the area of SEZ disturbed or developed for the project. (Exhibit D, pp. 5.8-7 to -8.) Nothing in the record reflects these findings have been or will be made. Nothing in the IS/ND, moreover, indicates that Caltrans included mitigation or restoration measures to comply with these requirements.

In fact, on February 24, 2003, Caltrans staff received notice via electronic mail from the Regional Board that:

> [i]n granting the SEZ/backshore exemptions, it would be difficult to make a finding that this " 'project by its nature must be sited in a SEZ", so consider other categories. Public service facilities might be the best fit, even though Caltrans would need to provide a 1.5:1 SEZ restoration/disturbance mitigation. It would be useful to have these issues and the mitigation addressed in the environmental document.
>
> (Record 1:200-201 (emphasis added).)

[5]/ Land coverage and land disturbance may be permitted in the backshore for public outdoor recreation facilities if TRPA finds: that the project is a necessary part of a public agency's long range plans for public outdoor recreation, it is consistent with the recreation element, the project is sited in the backshore, and the impacts of the coverage and disturbance will be mitigated through BMPs and restoration of 1.5:1. (Exhibit D, p. 55-2.) Nothing in the IS/ND reflects that TRPA has made these findings for the project.

Even the most modest effort at full disclosure of the potential effects of the project would require that this information be included in the IS/ND. (Public Resources Code, §§ 21003.1, subd. (b), 21005, subd. (a).) Substantial evidence in the record supports a fair argument that potentially significant impacts may occur and preparation of an EIR is required.

VII. Potentially Significant Impacts on Traffic Safety and Circulation

Through the public review and comment period on the prior IS/ND, Caltrans was informed that traffic safety is a concern to local residents and members of the Coalition. Caltrans, however, has declined to conduct any preliminary traffic studies and simply dismisses the potential effects as having "no impact." (See *Friends of "B" Street*, *supra*, 106 Cal.App.3d at p. 1003 (finding the adoption of a negative declaration an abuse of discretion because the evidence, including increased traffic effect, "indicated that a finding of significant environmental effect was mandatory[]").)

In *Citizens Assn. for Sensible Development, supra,* 172 Cal.App.3d at p. 173, the court held that personal observations may constitute substantial evidence, "[f]or example, an adjacent property owner may testify to traffic conditions based upon personal knowledge." (See also *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872 (testimony of area residents regarding traffic impacts supported the agency's finding that a negative declaration was inadequate).)

In a public meeting on February 18, 2003, citizens expressed their concerns about the possible impacts of the project. After this meeting, Caltrans officials drafted a list of "Items from the Public Meeting" that consisted of "comments made on more than one comment card" or "voiced during the meeting." Caltrans recognized that it needed to answer several questions based on the traffic-related project impacts identified by the public, including:

(i) "What is the ability of people to turn around when heading opposite of th parking"

(ii) "The landowners believe that this is a dangerous area for parking and pulling ou in front of traffic and trying to parallel park - do we have any data to support tha this is not the case - will the project encourage a dangerous parking situation" and

(iii) "Consider the alternative of removing all parking on the shoulder (whic encourages trespass)"

Caltrans instructed recipients of this list to be "prepared to discuss" these issues, because Caltrans needed "VERY accurate, legal answers to these questions and possibly explanations that can be included in the environmental document." (*Ibid.*) The final IS/ND Caltrans released contained absolutely no reference to these comments, questions or concerns regarding traffic safety and circulation.

Despite this history, a discussion of traffic impacts remains glaringly absent from the narrative portion of the IS/ND. (See also, Record 1:202 (resident notes "there are a lot of accidents (rear end) from people trying to access the hwy from the 'parking locations,' and a lot of animals get hit (mostly dogs)"; see *Citizens Assn. for Sensible Development*, *supra*, 172 Cal.App.3d at p. 173 (personal observations from, "[f]or example, an adjacent property owner[,]" may constitute substantial evidence of a fair argument).)

Despite knowledge that the proposed project may cause an increase in potentially significant impacts to traffic and safety, Caltrans continues to refuse to prepare an EIR or include a thorough discussion of the traffic and safety issues in the IS/ND. (See *Sundstrom*, *supra*, 202 Cal.App.3d at p. 311 (deficiencies in the record due to the agency's failure to gather sufficient facts "may actually enlarge the scope of fair argument").)

VIII. The IS/ND Lacks Enforceable Mitigation Measures

The purported mitigation measures included in the IS/ND are inadequate under CEQA. Table 2, for example, is entitled "Summary of Impacts and Minimization and Avoidance Measures" for biological, cultural and hydrology and water quality. (IS/ND, p. 5.) The mitigation measures, however, are not fully enforceable "through permit conditions, agreements, or other measures" as required by CEQA. (Pub. Resources Code, § 21081.6, subd. (b).) The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development and not merely adopted and then disregarded. (Pub. Resources Code, § 21002.1, subd. (b).)

The mitigation measures included in the IS/ND also reflect improper deferral of mitigation, and do not include performance standards. With cultural resources, for example, the IS/ND provides "[t]emporary work stoppage and analysis if cultural resources are detected during construction." (IS/ND, p. 5.) For water quality, a vague mitigation measure is included requiring the contractor to prepare a Water Pollution Control Program which will identify BMPs to be implemented during construction. (IS/ND, pp. 5, 19; see also IS/ND, p. 16 ("measures *will be* implemented to avoid disturbance to bird species that may cause them to abandon the nest").) Details regarding when various actions should be taken or for how long, and what agency is responsible for enforcement, are omitted from the IS/ND. Accordingly, there is no substantial evidence in the record supporting a finding, even if Caltrans attempts to make one, that the mitigation measures have been required in or incorporated into the project in the manner contemplated by CEQA. (Pub. Resources Code, § 21081.6, subd. (b).)

IX. Air Quality

The IS/ND fails to quantify the amount of air quality impacts expected to result from construction of the proposed project. (IS/ND, pp. 11-12.) The mitigation measures also appear as optional and are therefore inadequate. (See IS/ND, p. 12 (Caltrans standard specifications *should* effectively reduce and control emission impacts during construction).) The IS/ND finding of less than significant impact is therefore unsupported by any evidence in the record.

X. Alternatives

The inclusion of an alternatives analysis in the IS/ND is curious. Under CEQA, an alternatives analysis is required only when a lead agency prepares an EIR. "[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which (1) offer substantial environmental advantages over the project proposal . . .; and (2) may be 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.) "[P]roject alternatives typically fall into one of two categories: on-site alternatives, which generally consist of different uses of the land under consideration; and off-site alternatives, which usually involve similar uses at different locations." (*Ibid.*)

Here, the IS/ND considers a "no build" or no project alternative and a "build alternative." The build alternative is the proposed project, however. (Compare IS/ND, pp. 4, 9-10.) Even if an alternatives analysis were required under CEQA, the document fails to include a reasonable range of alternatives, including enhancements to the existing public access site located to the south (e.g., Kaspian Picnic area) and public pier.

XI. Impacts from Recreational Users

The IS/ND claims that the Alice Richardson project area is "one of the few remaining free public access locations" on the west shore. (IS/ND, p. 2.) This statement is simply untrue. (See Exhibit C (Caltrans exceeding scope of easement through project and explaining private nature of beach).) More importantly, the IS/ND omits any information regarding the existing levels and types of public uses experience onsite and how those levels are likely to increase under the proposed project. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, *58-59 (city failed to proceed in a manner required by law because it did not consider potential increase in use of state park by public and off-leash dogs as a result of the proposed project).)

The existing sign delineating a public viewing/ vista point must be removed by Caltrans pursuant to court order. Because the sign(s) have yet to be removed, members of the Coalition have noticed an increase in members of the public accessing the beach.

Although the IS/ND recognizes the proposed project will increase public use and access to the site, it does not engage in any analysis of the potentially significant impacts that may result from the increased levels of use. (See, e.g., IS/ND, pp. 2, 4.) On average during the weekends members of the Coalition witness five to eight dogs off leash on the beach at all times wherein they defecate and are allowed to run free through the SEZ and backshore. People also often dock or launch their boats, sunbath, camp and relieve themselves onsite. Potentially significant impacts may result from the proposed project and the resulting increase in public access and use of the beach by both people and dogs off leash. CEQA requires the Department to consider these potentially significant impacts through preparation of an EIR. (*Lighthouse Field*, *supra*, 131 Cal.App.4th 1170.)

* * * *

In conclusion, the IS/ND states that the project will cost approximately $450,000. This amount appears wasteful for the scope of the project proposed. Please provide me with an itemization of the anticipated cost of the proposed project.

Please also send me a copy of any public notices issued by Caltrans for the proposed project as soon as they become available, including but not limited to those issued under CEQA. (Pub. Resources Code, § 21167, subd. (f).)

Thank you for the opportunity to submit these comments. Please contact me if you have any questions or want to discuss the concerns of the Coalition.

Sincerely yours,

PORTER · SIMON
Professional Corporation

JAMES L. PORTER JR.
porter@porterSimon.com

cc: Jeffrey A. Yurosek
Gregory F. Hoffman
TRPA Project Review Division

EXHIBIT A

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Kenneth D. Foster, P.E., Lic CA & NV

September 6, 2005
File No. 05262

Caltrans
Attn: Susan D. Bauer
Environmental Management M-1
P.O. Box 911
Marysville, CA 95901

Re: Alice Richardson Roadside Access and Viewing Area
Placer County, California
Draft Initial Study (With Proposed Negative Declaration)

Ms. Bauer:

We have read the above referenced document and have the following comments:

1. The document does not analyze or propose any mitigation measures for stormwater runoff from the existing adjacent paved highway. The TRPA and California Regional Water Quality Control Board - Lahontan Region require treatment of runoff from impervious surfaces.

2. The document does not analyze or propose any mitigation measures for stormwater runoff from the existing paved bike trail. The TRPA and California Regional Water Quality Control Board - Lahontan Region require treatment of runoff from impervious surfaces.

3. The plans in the document show wooden parking barriers 2.5m from the edge of the paved highway in several areas. In these areas the plans indicate revegetation between the edge of pavement and the wooden parking barriers. This arrangement will allow vehicles to pull off the pavement into the revegetation area. This will prevent successful revegetation of this area. Without successful revegetation this area will continue to be a source of sediment. This is contrary to the statement in the document indicating that there will be a reduction in sediment.

4. In the shoulder parking pull out areas the wooden parking barriers are 4.35m min from the edge of pavement. There is no revegetation shown in these areas. Consequently, there will not be any reduction in sediment or nutrients as stated in the document.

5. The TRPA and the California Regional Water Quality Control Board - Lahontan Region require vehicular areas to be paved or otherwise surfaced to minimize erosion and water quality impacts. The project proposes dirt turnouts for vehicular traffic. These are in very close proximity to Lake Tahoe. The dirt vehicular parking will be an ongoing source of sediment that is discharged to Lake Tahoe.

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K.B.FOSTER

6. The reduction in coverage is based on establishing revegetation. Since a significant amount of the revegetation is proposed in areas that will continue to be subject to vehicular traffic it is unlikely that this revegetation will become established. Consequently, the coverage reduction identified in the document will not be realized. Since the finding of no significant water quality impact in based in part on a reduction in coverage and since the coverage may not be reduced to the extent stated, then the finding of no significant impact may be incorrect.

7. In bicycle trail pull out hard cover (pervious pavers) are proposed. However, no stormwater treatment measures are proposed for the runoff from these areas of hard cover. There is no existing vegetation or proposed revegetation between the pullouts and Lake Tahoe. Consequently, untreated, impervious surface stormwater runoff will discharge directly to Lake Tahoe. This is inconsistent with TRPA thresholds and California Regional Water Quality Control Board - Lahontan Region requirements.

8. The split rail fence foundations are 450 mm wide by 610 mm deep. They are located in the SEZ. There are no impacts or mitigation measures identified for these foundations.

We believe these issues are significant and require extensive further analysis. An EIR should be prepared to analyze these impacts for the proposed project and alternatives to the proposed project.

We appreciate this opportunity to comment on the document.

Sincerely,

James F. Rienstra, P.E.
President

JFR: jfr

C: James Porter – Porter Simon
Andrea K. Leisy – Remy, Thomas, Moose and Manley, LLP

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Responses to Comments from the Law Offices of Porter and Simon

Inadequate Notice

Caltrans provided notice to the public by placing a "A Notice of Intent to Adopt a Negative Declaration " in the local newspaper (Tahoe World, 8/04/2005, Pg A-10), sending the same public notice to the Placer County Clerk, a copy of the public notice was sent to all the property owners adjacent to the project site,. In addition, two copies of the Draft Initial Study/Proposed Negative Declaration (IS/PND)were sent to the Placer County Library- Tahoe City branch.

I. Hybrid Initial Study/Negative Declaration

It is Caltrans' standard procedure to circulate a draft Initial Study with a proposed unsigned Negative Declaration to inform the public of the potential, but not significant impacts which may occur from the project. As required by CEQA, upon completion of the public review and comment period, Caltrans considers any comments received in determining whether to proceed with an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration for the proposed project.

II. The IS/ND Findings Lack Support by Substantial Evidence in the Record

The CEQA Guidelines require certain information to analyze the potential impacts associated with a proposed project, and an Initial Study must contain the following [CCR Title 14, Section 15063]:

- Information identifying the project's environmental effects, if any, by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include a citation to the page or pages where the information is found.
- A discussion of the ways to mitigate the significant effects identified, if any,
- An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; and

- The name of the person or persons who prepared or participated in the initial study.

The Alice Richardson Roadside Access and Viewing Area Initial Study incorporates all the information required in an Initial Study. Chapter 2 discusses or "explains" the affected environment, the impacts (if any), and the minimization/mitigation measures that would be incorporated, if needed, to reduce the impacts. The technical studies conducted to analyze potential impacts provide support for the determinations made in the IS/PND and are referenced under specific topics in Chapter 2, and in Chapter 6, "List of Preparers." Technical studies as well as the draft IS/PND were available during the public review period for viewing and copying at the Caltrans District 3 office in Marysville.

III. Inadequate Project Description

Information on specific features of the project was provided in Section 1.4.2, Build Alternative.

IV. The IS/ND Includes an Inadequate Description of the Environmental Setting

(i,ii,iii) Changes have been incorporated in Section 1.6 of the environmental document.

(iv,vi) This information can be found in the appropriate locations within the environmental document pgs. 17 & 22 (respectively). (v) Section 2.9.1 on page 20 of the IS/PND discusses current public use of the area.

V. Potentially Significant Impacts to Water Quality

The State Route 89 Alice Richardson Roadside Access and Viewing Area Project in Placer county will have a positive net water quality impact, through reduction in sediments and nutrients currently released at the site(see IS/PND Section 2.6.1, pg. 18). Re-vegetation, soil stabilization, and controlled parking aspects of the design will provide a reduction in sediments that are currently released from the site and a reduction in nutrients loads to the lake. Lake Tahoe is under scrutiny by regulatory agencies on a whole watershed basis because the water quality is affected by each contribution both positive and negative. Regional Water Quality Control Board-Lahontan is currently developing a total maximum daily load TMDL goal for the Tahoe Basin. Soil stabilization and revegetation measures are recognized by all the

regulatory agencies as effective BMPs to control the sediments released from the surrounding watershed area. Each small project cumulatively helps reduce the total load of pollutants to the lake and therefore is a net water quality benefit.

Impacts to the Stream Environment Zone (SEZ) caused by the split rail will be addressed by the construction BMP's and the revegetation planned for the project site.

Pollution prevention Best Management Practices (BMP), utilizing re-vegetation, sheet flow through vegetation, and soil stabilization reduce the sediment released to the lake and assist in the TMDL goals for the Lake Tahoe through reduction of sediment leaving the site. During construction Caltrans and its contractors will develop a Water Pollution Control Plan, which identifies the specific temporary BMPs used during construction and schedules the work to best control and minimize the pollutants leaving the site. The Caltrans water quality construction BMP manual shown the details and specifications of the BMPs that will used to minimize and avoid discharges of sediments. Overall this project meets the environmental requirements for the project and the environmental thresholds established by TRPA to protect Lake Tahoe.

The arguments in the letters referenced lack any scientific or engineering evidence that this project will have a significant water quality impact. Furthermore, the commenter completely ignore the BMPs included in the design and fail to recognize the library of scientific water quality information available supporting Caltrans design decisions. Additionally, there is no recognition of the extensive number of past and ongoing Caltrans water quality improvement projects in the Tahoe Basin that are cumulatively reducing the load of nutrients and sediments to the lake.

The Alice Roadside Access and Viewing Area project is considered to be consistent with the scope of Environmental Improvement Program (EIP) Project No. 789. The EIP encompasses more than 700 capital improvement, research, program support, and operation and maintenance projects in the Tahoe Basin, all designed to help restore Lake Tahoe's clarity and environment. Also, the proposed project is considered a Public Outdoor Recreation project under Section 55.4A of the TRPA Code. As a Public Outdoor Recreation project, allowable land coverage is 1% in areas delineated as Backshore, per Section 55-3 in the TRPA Code. In addition, , the change in coverages will result in a net benefit of 1703 m2 (18,331sf) of land coverage credits

to be "banked" in the Caltrans Hydrologic Unit Credit Bank for use on future projects. All coverage credit transfers will be in compliance with the TRPA Code.

In addition, on February 1, 2005 during a joint Caltrans, Tahoe Regional Planning Agency (TRPA), and Regional Water Quality Control Board (RWQCB- Lahontan) meeting, the Alice Richardson Roadside Access and Viewing Area was discussed and both TRPA and Lahontan gave verbal concurrence to the project.

VI. Potentially Significant Impacts on Traffic Safety and Circulation

The project proposes to relocate and organize the parking barriers (bollards) in the parking pullouts, which will potentially reduce the number of vehicles able to park at the project. The reduction in cars will likely help with the "traffic problem" observed by the local residences.

Accident history data from the Traffic Accident and Surveillance and Analysis System (TASAS) for the time frame 4/1/2000 to 3/31/2005 was completed in February of 2006, which indicates that only 9 accidents occurred within the project limits and out of the nine, there was only one incident of injuries arising from collision. The TASAS indicated that the accident rate was not significant and the fatality, fatality rate and injury rate for this section SR 89 is well below the statewide average.

VII. The IS/ND Lacks Enforceable Mitigation Measures

The minimization and avoidance measures incorporated into project avoids significant impacts so the need for mitigation would not be required.

VIII. Air Quality

The Alice Richardson Roadside Access and Viewing Area is exempt from air quality conformity analysis requirements per Table 2 of 40 Code of Federal Regulations (CFR) Regulations (CFR) §93.126, subsection Safety ("Safety improvement program, safety roadside rest area"). The provisions of Section 7-1.01F, Air Pollution Control, and Section 10 Dust Control, which is a Caltrans Standard Specification, requires the contractor to comply with all pertinent rules, regulations, ordinances, and statues of the local air district. Due to the nature of the project and the implementation of Caltrans Standard Specifications, the project will not result in significant impacts to air quality.

IX. Alternatives

It is standard practice to include a "no project" alternative in Caltrans' Initial Study/ Negative Declarations. The Department includes the "No Project" alternative as a baseline for comparing impacts associated the alternatives. A range of alternatives are developed in IS/PND when there are resources such as wetlands, floodplains, Section 4(f) properties, endangered species, or cultural resources need to be avoided. The inclusion of a No Build Alternative does not constitute an alternative analysis as would be prepared for an EIR.

Additionally, the suggested alternative which enhances existing public access site does not meet the purpose and need of this proposed project.

X. Impacts From Recreational Users

The existing vista point sign is not part of the proposed project and will not be addressed in this response. The project proposes to relocate and organize the parking barriers (bollards) in the parking pullouts, which will potentially reduce the number of vehicles in the pullouts. Due to the desirable location of project site, people are going to engage in recreation at this location with or without the proposed project. Caltrans is fulfilling it's commitment of the easement and maintaining its facility.

Midkiff & Associates, Inc.
CONSULTANTS

September 2, 2005

Ms. Susan D. Bauer, Chief
Environmental Management, MI
Caltrans
District 3
P.O. Box 911
Marysville, CA 959901

Re: Project Ref: 03-PLA-89; KP 7.6/8.4; PM 4.7/5.2; EA 414500; Draft Initial Study/Negative Declaration

Dear Ms. Bauer:

I am in receipt of the above referenced document which I am reviewing on behalf multiple property owners' whose property would be further negatively affected by the proposed project. There is already a significant problem with public trespass on the private property in the area of the proposed project. The recent placement of a Scenic Viewpoint sign in the area has resulted in serious problems of parking and driving on the beach, launching boats from the beach, dogs defecating on the beach and in the water, and related problems.

While Caltrans may have an easement for highway purposes, it has no right to undertake a project which completely ignores private property rights and encourages trespass, dumping of refuse, destruction of riparian vegetation, etc. The proposed project significantly overburdens the subject easement in addition to numerous other impacts on Lake Tahoe and private property.

Although the text references a public workshop held in February of 2003, and a copy of the public notice for that workshop is shown in Appendix C, there is no mention of the numerous negative public comments from affected residents and property owners at that workshop.

Further, the Initial Study fails to mention, much less consider the many problems and concerns raised at the 2003 workshop. After each of the following points, I have indicated Caltrans response, and our comment thereon.

At page 34, Community Resources,

c) affect life-styles, or neighborhood character or stability - NO
g) affect property values or the local tax base - NO

There is no discussion of neighborhood and property owner concerns in this area. The lakefront properties affected could be significantly affected by the dumping of refuse, noise, dog waste on the beach, cars parked bumper to bumper and crowds preventing the owners from utilizing their own beach. The easement does not include the beach or to the high water line.

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295 Highway 50 • Lake Village Professional Building, Suite 8 • Lake Tahoe, Nevada 89449

Bauer, Caltrans
Re: Alice Richardson Roadside Access and Viewing Area
September 2, 2005
Page 2

Page 35, Geology and Soils,

Will the project result in substantial soil erosion or loss of topsoil? - NO

The proposed project would encourage parking in the dirt, as well as intensified recreation on the beach and in TRPA designated fish spawning habitat. These impacts must be identified and mitigated. We do not believe the impacts have been evaluated and certainly have not been mitigated.

Page 36, Hydrology and Water Quality, Would the project:

a) Violate any water quality standards or waste discharge requirements? - NO

Encouragement of extensive public parking within 50 feet of the water on dirt without any permanent bmps, will violate TRPA Ordinances.

c) Substantially alter the existing drainage pattern of the site or area,....in a manner that would result in substantial erosion or siltation on or off-site? NO

As above, there is very real potential for erosion and siltation into Lake Tahoe from the construction and use of the area.

d) Otherwise substantially degrade water quality? NO

There is no recognition of potential impacts from the ongoing use of this area in an improper manner. Potential impacts also include oil and grease dropping off of vehicles onto the nearshore area of Lake Tahoe.

Page 38, Public Services

Other - Past experience has shown that placement of unregulated waste receptacles in this area has resulted in dumping of residential waste and piles of debris going uncollected for extended periods with the resulting smell and attraction of dogs, bears, and other scavenging animals.

Apendix B - TRPA IEC

Page 41, 1 - Will the proposal result in?

a) compaction or covering of the soil beyond the limits allowed in the land capability or IPES ? NO

The text notes that the allowable coverage is 1% - the resulting project coverage is

Bauer, Caltrans
Re: Alice Richardson Roadside Access and Viewing Area
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Page 3

substantially in excess of that level. Where is the "excess coverage" coming from? Has the existing coverage been verified as legally existing? Is there a site assessment that should have been included in this Initial Study/Negative Declaration?

c) Unstable soil conditions during or after completion of the proposal? NO

How can you grade the site without creating unstable soils during construction?

f) Changes in the deposition or erosion of beach sand, or changes in siltation deposition or erosion, including natural littoral processes..... NO
The increased trespass and and overuse of the private beach will certainly result in disturbance of the shoreline and likely result in sedimentation impacts on spawning gravels.

Based on our review of the subject document, and the complete failure of Caltrans to recognize potential impacts, discuss public comments made during the public process, or respond to public comments is a violation of the spirit and intent of CEQA, as well as the Tahoe Regional Planning Compact.

Continued failure to comply with the law could very well force the adjacent property owners to take appropriate action to protect their property and force Caltrans to comply with the law and respect both the environment and private property rights.

Sincerely,

Gary D. Midkiff

cc: Gary Ruddell, Esq.
James Porter, Esq.
John Singlaub, TRPA

Responses to Comments from Midkiff and Associates

I. Caltrans is fulfilling its owner-operator commitment to maintain its state transportation facilities. The proposed project is situated completely on the state easement. The Alice Richardson Access and Viewing Area project will reduce the site degradation attributed to continued heavy use by locals residents and the traveling public.

II. Pg. 34, Community Resources

The proposed project incorporates newly delineated parking pullouts to meet safety requirements, trash receptacles, revegetation of denuded areas and provides protective fencing around existing vegetation which will enhance the project site for the enjoyment of both local residents and the traveling public.

III. Pg. 35, Geology and Soils

Replacement and relocation of auto barriers (bollards) and delineation of parking spaces within the parking pullouts will reduce the number of cars that are able to park at the project site. Other features of the proposed project such as revegetation of denuded areas and protection of existing vegetation will improve soil stability and reduce the sediment load currently release at the site.

IV. Pg. 36 Hydrology and Water Quality

The Alice Richardson Roadside Access and Viewing Area Project will have a positive net water quality impact through reduction in sediments and nutrients currently released at the site. Re-vegetation, soil stabilization, and controlled parking aspects of the design will provide a reduction in sediments and nutrient loads that are currently released from the site into Lake Tahoe.

V. Pg. 38, Public Services

The proposed project will incorporate bear proof trash receptacles, which will be maintained by Caltrans maintenance division. In addition, prohibitive signage will be placed within the project area to better manage the trash/rubbish generated by the traveling public and local residents.

VI. Pg. 41

A Land Capability Verification (LCV), which included a Backshore Analysis was completed and accepted by TRPA in September 2002. The LCV found, there will be a reduction of disturbed and soft cover and increase of revegetated area. The proposed project will result in a net benefit of 1703 m^2 (18,331 sf) of land coverage credits. In addition, the replacing and relocation of auto barriers (bollard) within the designated parking pullouts will reduce the number of parking spaces, which should reduce the compaction of soil within the project area.

The proposed project is considered a Public Outdoor Recreation project under Section 55.4A of the TRPA Code. As a Public Outdoor Recreation project, allowable land coverage is 1% in areas delineated as Backshore, per Section 55-3 in the TRPA Code.

K.B.FOSTER
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James F. Navarro, P.E., Lic CA & NV
Kenneth B. Foster, P.E., Lic CA & NV

September 8, 2005
File No. 05262

Caltrans
Attn: Susan D. Bauer
Environmental Management M-1
P.O. Box 911
Marysville, CA 95901

Re: Alice Richardson Roadside Access and Viewing Area
Placer County, California
Draft Initial Study (With Proposed Negative Declaration)

Ms. Bauer:

We have read the above referenced document and have the following comments:

1. The document does not analyze or propose any mitigation measures for stormwater runoff from the existing adjacent paved highway. The TRPA and California Regional Water Quality Control Board - Lahontan Region require treatment of runoff from impervious surfaces.

2. The document does not analyze or propose any mitigation measures for stormwater runoff from the existing paved bike trail. The TRPA and California Regional Water Quality Control Board - Lahontan Region require treatment of runoff from impervious surfaces.

3. The plans in the document show wooden parking barriers 2.5m from the edge of the paved highway in several areas. In these areas the plans indicate revegetation between the edge of pavement and the wooden parking barriers. This arrangement will allow vehicles to pull off the pavement into the revegetation area. This will prevent successful revegetation of this area. Without successful revegetation this area will continue to be a source of sediment. This is contrary to the statement in the document indicating that there will be a reduction in sediment.

4. In the shoulder parking pull out areas the wooden parking barriers are 4.35m min from the edge of pavement. There is no revegetation shown in these areas. Consequently, there will not be any reduction in sediment or nutrients as stated in the document.

5. The TRPA and the California Regional Water Quality Control Board - Lahontan Region require vehicular areas to be paved or otherwise surfaced to minimize erosion and water quality impacts. The project proposes dirt turnouts for vehicular traffic. These are in very close proximity to Lake Tahoe. The dirt vehicular parking will be an ongoing source of sediment that is discharged to Lake Tahoe.

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K.B.FOSTER

6. The reduction in coverage is based on establishing revegetation. Since a significant amount of the revegetation is proposed in areas that will continue to be subject to vehicular traffic it is unlikely that this revegetation will become established. Consequently, the coverage reduction identified in the document will not be realized. Since the finding of no significant water quality impact in based in part on a reduction in coverage and since the coverage may not be reduced to the extent stated, then the finding of no significant impact may be incorrect.

7. In bicycle trail pull out hard cover (pervious pavers) are proposed. However, no stormwater treatment measures are proposed for the runoff from these areas of hard cover. There is no existing vegetation or proposed revegetation between the pullouts and Lake Tahoe. Consequently, untreated, impervious surface stormwater runoff will discharge directly to Lake Tahoe. This is inconsistent with TRPA thresholds and California Regional Water Quality Control Board - Lahontan Region requirements.

8. The split rail fence foundations are 450 mm wide by 610 mm deep. They are located in the SEZ. There are no impacts or mitigation measures identified for these foundations.

We believe these issues are significant and require extensive further analysis. An EIR should be prepared to analyze these impacts for the proposed project and alternatives to the proposed project.

We appreciate this opportunity to comment on the document.

Sincerely,

James F. Rienstra, P.E.
President

JFR: jfr

C: James Porter – Porter Simon
Andrea K. Leisy – Remy, Thomas, Moose and Manley, LLP

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Responses to Comments from K.B Foster

1. The existing adjacent paved highway is not part of the project, and so no mitigation measures are proposed. Mitigation measures for the proposed project is not expected because the minimization and avoidance measures in addition to project design would avoid impacts to the project site. Additionally, the proposed project would result in a net benefit of land coverage credit, which will be "banked" in the Caltrans Hydrologic Unit Credit Bank.

2. The revegetation plan proposed for the project will improve the quality of the runoff occurring from the existing TCPUD paved bike path.

3. The parking bollards (barriers) will be placed 1.5m from the edge of pavement to ensure that vehicles would not impact the revegetated area.

4. Parking will continue to occur in this location. The net reduction of sediment and storm water runoff is attributed to the minimization measures and project attributes (revegetation and infiltration trenches) incorporated into the design of the proposed project. It is anticipated that continued heavy foot traffic in areas between parking pullouts and the beach would limit revegetation opportunities. Improvement in storm water quality will come from other areas, which will be revegetated and protected by the split rail fence.

5. Comment Noted. TRPA and Lahontan RWQCB require Caltrans to "control pollutants to the maximum extent practicable (MEP)", this project provides a net water quality benefit, therefore it meets the TRPA and LRWQCB requirements. In addition, TRPA and Lahontan RWQCB concur with the proposed project scope.

6. A three year plant establishment period will be part of the project in order to ensure establishment of the revegetated area. See response #3 above for more information.

7. A perimeter infiltration trench will be added to the design of the pervious pavers areas, which will function as a stormwater treatment measure.

8. The split rail fence would have minimal impact to the SEZ. The revegetation of the project site would address any impacts associated with the fencing. Please refer to the construction BMP's on page 19 of the final environmental document.

Appendix E Land Capability Map

Appendix F Project Plans & Mapping