

Draft Section 4(f) Evaluation Memorandum for

03-1A8420 ED-89

(PM 8.6-13.8) Water Quality Improvement Project

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

Introduction

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

Section 4(f) specifies that the Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

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

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

Project Description

This Section 4(f) memorandum has been prepared for the ED-89 (Post Mile [PM] 8.6/13.8) Water Quality Improvement Project (the Project), located on State Route (SR) 89 in El Dorado County from the intersection of State Route (SR) 89 and US Highway 50 (US 50) in the City of South Lake Tahoe to Cascade Road. This memorandum provides a Project-specific overview of resources evaluated relative to the requirements of Section 4(f) that are located within 0.5 miles of the Project.

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

- Remove asphalt/concrete (AC) dike in locations where its removal will convert concentrated flow to sheetflow;
- Stabilize unvegetated shoulders by paving, revegetating or other landscaping devices to promote plant establishment and install vehicular access control;
- Stabilize eroding slopes by slope contouring, revegetating and other landscaping measures.
- Install Type A modified Portland concrete cement curb and gutter in the 4-lane section to convey on-site runoff to BMP treatment devices and to assist in the snow plow and sweeping operations. This will also aid in replacing the dilapidated AC dike with a more resilient product that will withstand the snow plowing activities;
- Reestablish roadside ditch stability and geometry to provide adequate flow conveyance. Any combination of geosynthetic or pavement lining with check dams to reduce erosion and increase travel time will be implemented where feasible;
- Improve culvert stability by replacement or lining to increase its life span. Improve inlet and outlet stability by installing headwalls, outlet/inlet protection and rock energy dissipation devices; and
- Add a 0.15' AC overlay to provide a consistent surface course after other work is complete. This step will include rehabilitating distressed pavement areas to reduce premature deterioration.

The design of the Project is shown in the separately bound Environmental Study Limit Sheets, EA-1A8420, prepared by Caltrans (revision date December 2, 2009).

In order to gain access to construct and maintain the proposed project features, Caltrans is currently seeking to obtain a permanent DOT Highway / Drainage Easement on United States Forest Service, Lake Tahoe Basin Management Unit (LTBMU) land within the project area.

Description of 4(f) Properties

Parks, recreation facilities, and historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) were identified within 0.5 mile of the Project. Caltrans must determine whether they are protected Section 4(f) resources and if the provisions of Section 4(f) "use" would be triggered by construction of the Project. Descriptions of resources identified as eligible resources for consideration of protection under Section 4(f) follow.

US Forest Service Lands Designated for Recreation

The proposed Project limits are encompassed by national forest land from West Street in the City of South Lake Tahoe to Cascade Road. The national forest lands are managed by the (LTBMU).

The planning direction for this area known broadly as the Fallen Leaf Management Unit is governed by the 1988 Forest Plan for the LTBMU (1988 Forest Plan). The 1988 Forest Plan identifies this area as “the most intensively used developed recreation area on national forest land in the Tahoe basin”. Located within the management unit is the Pope –Baldwin Recreation area, as designated on 1997 Forest Service Maps, which includes the following recreational resources (described in detail below):

- South Lake Tahoe City Bike Path
- Pope-Baldwin Bike Path
- Historic Camp Richardson Resort
- Taylor Creek Visitor Center
- Tallac Historic Site
- Fallen Leaf Campground
- Pope Beach
- Kiva Beach
- Baldwin Beach
- Miscellaneous Recreational areas within USFS property
- Historic Resources

South Lake Tahoe City Bike Path

The South Lake Tahoe City Bike Path is a paved bike path, approximately 11 miles long (South Lake Tahoe City of Commerce 2007). Starting where US 50 first touches El Dorado Beach and Picnic Area, this increasingly popular paved path connects to other bike trails and lanes throughout the City of South Lake Tahoe and into Nevada. The bike path is used extensively for travel between City of South Lake Tahoe and the recreation areas of the Historic Camp Richardson Resort and Fallen Leaf Lake Campground. The bike path and other trails in the area are used heavily during summer, as indicated by a survey conducted on July 3, 1997, which found 388 users over a 2-hour period near Camp Richardson (URS 2006). The bike path is located on national forest land in the Project study area and includes the Pope-Baldwin Bike Path discussed further below.

Pope Baldwin Bike Path

The Forest Service maintains this nearly flat 3.4 mile path located on the South Shore of Lake Tahoe. Running parallel to SR 89, it begins where the four-lane highway narrows to two lanes and terminates at Spring Creek Road. This popular paved path passes through Historic Camp Richardson Resort and offers several scenic side trips to Pope Beach and Baldwin Beach, the Tallac Historic Site, the Lake Tahoe Visitor Center and Fallen Leaf Lake

The agencies with jurisdiction over the portion of the bike path in the study area are the Forest Service and California Department of Transportation (Caltrans) (2007). The bike path is a publicly owned recreation facility eligible for protection under Section 4(f).

Historic Camp Richardson Resort

The Historic Camp Richardson Resort is located at 1900 Jameson Beach Road. It includes three campground areas—Badgers Den, Eagles Nest, and RV Village—with a total of more than 300 campsites. The resort also offers hotel accommodations, cabins, restaurants, a marina, and retail shops. The Camp Richardson Corral, located at Emerald Bay Road, #4, offers a variety of equestrian activities, including riding lessons, guided trail rides, wagon and hay rides. The corral is open on a seasonal basis. The marina and beach area are located more than 1,500 feet north of SR 89.

The Badgers Den campground is located north of SR 89 and has 122 camp sites. The Eagles Nest campground (98 campsites) and RV Village (108 sites) are located south of SR 89. Badgers Den and Eagles Nest are tent-only campgrounds. The resort is open year-round, but the campgrounds are open seasonally (Historic Camp Richardson Resort 2007).

The Historic Camp Richardson Resort campgrounds and corral are located on national forest land. The campgrounds and corral are located on publicly owned land and are designated for recreation by the Forest Service, qualifying them as eligible for protection under Section 4(f). The campgrounds are operated by a private entity authorized by the Forest Service under a special use permit (USDA Forest Service 2007b). The campgrounds and corral are set back from the highway and are not located within proposed construction areas.

Taylor Creek Visitor Center

The Taylor Creek Visitor Center is a Forest Service–operated facility offering information, six self-guided nature trails, naturalist activities, and a stream profile chamber on Taylor Creek. The visitor center is on national forest land and is accessed from SR 89. Two unpaved trails associated with the visitor center are located less than 150 feet of SR 89: the Rainbow Trail and Trail of the Washoe. The stream profile chamber is accessed from the Rainbow Trail and is located approximately 300 feet north of SR 89. An unpaved trail from the Taylor Creek Visitor Center parking area provides access to the Forest Service administrative site south of SR 89, the Trail of the Washoe, and a trail to Fallen Leaf Lake Campground. The trail crosses SR 89 directly south of the parking area, near the entrance to the administrative site. The Trail of the Washoe is located between Taylor Creek and the entrance road to the administrative site south of SR 89. Parking areas for Kiva Beach and the Tallac Historic Site are accessed from Heritage Way. (USDA 2007c) The stream chamber and trails are located on publicly owned land and have been designated for recreation by the Forest Service, qualifying them eligible for protection under Section 4(f).

Tallac Historic Site

The Tallac Historic Site is a historic resort area where visitors can walk through the historic buildings. A museum offers additional information on the area, guided tours, interpretative programs and activities, and special events. The Tallac Historic Site is open during summer only, although it is a popular location for snowshoeing and cross-country skiing in winter (USDA Forest Service 2007d). The Tallac Historic Site includes three historic properties listed on the NRHP: the Pope or Tevis Estate, Heller or Valhalla Estate, and the Baldwin Estate, all of which are eligible for protection under Section 4(f).

Fallen Leaf Lake Campground

The Fallen Leaf Lake Campground offers 206 campsites approximately 0.25 mile north of Fallen Leaf Lake. The campground is operated by a private entity authorized by the Forest Service under a special use permit (USDA Forest Service 2007e). Access to the campground is from SR 89 at Fallen Leaf Lake Road. Recreation activities at Fallen Leaf Lake include boating, swimming, and easy hiking around the lake. The campground is located more than 0.25 mile south of SR 89.

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

Pope Beach

Pope Beach is a public beach and picnic area with restrooms, tables, and barbecue facilities. The beach and picnic area are located on national forest land and operated by California Land Management, authorized under a special use permit (USDA Forest Service 2007a). Access is off SR 89 at Pope Beach Road. The beach and picnic area are located on publicly owned land designated for recreation use by the Forest Service. Therefore, Pope Beach is eligible for protection under Section 4(f).

Kiva Beach

Kiva Beach is public beach and picnic area. Facilities include restrooms, tables, and barbecue facilities. The beach is on national forest land and is operated by the Forest Service (USDA Forest Service 2007a). Access is from the Taylor Creek Visitor Center and Heritage Way. The beach and picnic area are located approximately 0.5 mile north of SR 89.

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

Baldwin Beach

Baldwin Beach is a public beach and picnic area. Facilities include restrooms, tables, and barbecue facilities. The beach area is located on national forest land and is operated by California Land Management, authorized by the Forest Service under a special use permit (USDA Forest Service 2007a). Access to the beach is from Baldwin Road. The beach is located more than 0.5 mile north of SR 89.

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

Miscellaneous Recreation Property within Pope-Baldwin Recreation area

The majority of the project limits lies within property owned by LTBMU and is managed for recreational purposes. In addition to the specific resource areas listed above, there are also several wilderness trailheads and substantial dispersed recreation.

SR 89 is the primary access to the recreation areas in the vicinity of the Project and the shoulders of the highway is often used for un-official parking throughout this area as a means to access bike and pedestrian trails as well as other recreational destinations.

According the FHWA 2005 Policy Paper on Section 4(f) (Attachment D), under Section 6. Multiple-Use Land Holdings, Section 4(f) applies to multiple-use land holdings (such as Forest Service lands) identified in management plans of the administering agency as being primarily for recreation. The Fallen Leaf Management Unit, as outlined in the 1988 Forest Plan for the LTBMU, clearly designates the proposed project area use as primarily for developed or dispersed recreation. No other use is identified. In addition, based on past discussions with the Forest Service, the Department recognizes the high value the Forest Service places on the recreational usage of this management unit. Therefore, Caltrans concurs that the Forest Service Lands from Tallac Village to Cascade Road is a resource eligible for protection under Section 4(f).

Historic Resources

Caltrans has identified several properties/resources that are on or eligible for listing in the National Register of Historic Places (NRHP). These properties have been evaluated for applicability of the Section 4(f) requirements. These resources include: Historic Camp Richardson Resort (NHRP eligible), Pope or Tevis Estate, Baldwin Estate and the Heller or Valhalla Estate.

Section 4(f) applies to any land from an historic site that is on or eligible for the National Register of Historic Places. Historic Camp Richardson and three historic estates within the Tallac Historic Center are resources eligible for protection under Section 4(f).

Impacts on Section 4(f) properties

Drainage and/or Highway easements necessary to install and maintain Project features placed on identified Section 4(f) properties will constitute a “use” pursuant to 23 CFR 774.117 to the Pope Baldwin Recreation area. Project features that will be constructed on LTBMU property include the following: installation of inlet sand traps, culvert modifications and replacement or lining to improve functionality, and erosion control by way of stabilizing slopes with vegetation or pavement.

Efforts to provide erosion control by way of stabilizing slopes and areas that are currently lacking in vegetative cover, have a potential to alter existing parking along the highway. Currently there are several areas in which the public can pull off the highway onto un-official parking areas to access biking and hiking trails as well as the recreational resort areas within the project limits. Caltrans has not determined at this point exactly which areas will receive pavement as erosion control or which areas will be re-vegetated. Caltrans will work closely with the LTBMU to determine which areas along SR 89 would be most beneficial to pave for continued public access to recreational resources.

Construction activities associated with the proposed project will have temporary impacts to the Pope-Baldwin Bike trail. Activities such as paving nearby driveways and bike trail connections to the highway, as well as culvert replacement may require that portions of the bike trail be closed for short durations to complete necessary work. During these times Caltrans will ensure that the functionality of the bike path will be maintained by implementing temporary detours and adding safety measures where needed. Potential additional safety measures may include the use of flaggers when stabilization work occurs near the bike trail.

The permanent DOT Easement and or the Drainage Easements necessary to build and maintain the proposed project will include portions of property boundaries of the above named Historic Resources. The proposed easements as well as the proposed project features will not have any effect on the attributes that qualify the historic properties for the National Register.

Measures to Minimize Harm

An agreement between Caltrans and the LTBMU shall stipulate that the Highway easement is for construction of proposed water quality improvement features and maintenance activities only.

Caltrans shall work with the LTBMU staff in order to determine the areas along the highway that would best serve the public to pave for the purpose of parking to access recreational resources.

Caltrans will ensure that functionality of the Pope-Baldwin Bike Trail is maintained throughout construction. Temporary detours and safety measures will be implemented.

Coordination

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

Concluding Statement

Due to the nature of the proposed project and the pursuit of a permanent highway easement on LTBMU properties adjacent to SR 89, and within the Pope-Baldwin Recreation Area, Caltrans has determined that the impact falls within the *de minimis* definition as outlined in 23 CFR 774.17.

These proposed project features will be located adjacent to the highway and will not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

In addition, a *de minimis* Section 4(f) finding has been made for the historic sites within the project area. Section 106 process is complete with a determination of ‘no adverse effect’ to any of the listed or eligible resources to the National Register and with concurrence from the California State Historic Preservation Officer (SHPO). The SHPO was informed of the intent to make a *de minimis* finding, and no comments were obtained during the Section 106 process from consulting parties.

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

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

The proposed project and the easements necessary to construct and maintain the water quality features will not permanently use land from the Fallen Leaf Campground, Pope Beach, Kiva Beach and Baldwin Beach and, therefore, do not trigger the requirements of Section 4(f) for further analysis.

References Cited

- California Department of Transportation. 2007. *Draft Program Environmental Impact Report: El Dorado 50 and 89 Water Quality Improvement Projects*. (State Clearinghouse No. 2006102021.) June. Sacramento, CA.
- California State Parks. 2007a. Emerald Bay State Park website. Available: <http://www.parks.ca.gov/default.asp?page_id=506>. Accessed: November 20, 2007, and December 3, 2007.
- California State Parks. 2007b. *D. L. Bliss and Emerald Bay State Park*. Available: <<http://www.parks.ca.gov/pages/505/files/BlissEmeraldBay.pdf>>. Accessed: November 20, 2007, and December 3, 2007.
- California State Parks. 2007c. D. L. Bliss State Park website. Available: <http://www.parks.ca.gov/default.asp?page_id=505>. Accessed: November 20, 2007.
- Federal Highway Administration. 2005. *Section 4(f) Policy Paper*. March 1. Office of Planning, Environment, and Realty Project Development and Environmental Review. Available: <<http://environment.fhwa.dot.gov/projdev/4fpolicy.asp>>.
- Jones & Stokes. 2007a. *Draft Historic Property Survey Report for the ED-89 (PM 18.0–24.9) Water Quality Improvements Project (EA 03-1A8440)*. December. Sacramento, CA. Prepared for California Department of Transportation, District 3, Team Tahoe, Sacramento, CA.
- . 2007b. *Draft Community Impact Assessment for the ED-89 (PM 18.0–24.9) Water Quality Improvements Project (EA 03-1A8440)*. December. (J&S 00825.07.) Sacramento, CA. Prepared for California Department of Transportation, District 3, Team Tahoe, Sacramento, CA.
- Meeks Bay Resort. 2007. *Meeks Bay Resort & Marina*. Available: <<http://www.meeksbayresort.com/>>. Accessed: November 20, 2007, and December 4, 2007.
- USDA Forest Service. 2007a. *Lake Tahoe Basin Management Unit: Recreational Activities: Campground Recreation Site: Meeks Bay Campground*. Available: <<http://www.fs.fed.us/r5/ltbmu/recreation/camping/meeks.shtml>>. Accessed: November 20, 2007, and December 3, 2007 .
- . 2007b. *Lake Tahoe Basin Management Unit: Passes & Permits*. Available: <<http://www.fs.fed.us/r5/ltbmu/passes-permits/special.shtml>>. Accessed: November 20, 2007, and December 3, 2007.

- . 2007c. *Lake Tahoe Basin Management Unit: Recreational Activities: Trail Destinations: Meeks Bay Trailhead*. Available: <<http://www.fs.fed.us/r5/ltbmu/recreation/wilderness/desowild/trails/east/meeks-bay-trail.shtml>>. Accessed: November 20, 2007, and December 3, 2007.
- . 2007d. *Lake Tahoe Basin Management Unit: Winter Recreational Activities—Cross Country Skiing in the Lake Tahoe Basin*. Available: <<http://www.fs.fed.us/r5/ltbmu/recreation/cross-country-skiing/trailheads/west-shore.shtml>>. Accessed: November 20, 2007, and December 3, 2007.