

APPENDIX A

COMPLIANCE WTH SECTION 4(f)

**RECORD OF DECISION
64 Acres-Tract Intermodal Transit Center**

**Final Environmental Impact Statement
USDA-Forest Service
Lake Tahoe Basin Management Unit**

Placer County, California

The Decision

This decision regards the proposal to develop and operate an Intermodal Transit Center and related facilities (transit center) on National Forest land located in the Lake Tahoe Basin. The facilities will be located just south of "Fanny Bridge" near the junction of State Highway 89 with State Route 28 in Tahoe City, California. This intersection is commonly called the "Wye". This parcel, referred to as the "64-Acres" is located in Section 1, Township 15 North, Range 17 East, Mount Diablo Base and Meridian. The site would be developed in an area west of State Route (SR) 89.

My decision is to allow the development and operation of the transit center as described in Chapter I of the Final Environmental Impact Statement (EIS) beginning on page I-I (Project Description). The facility will include a transit center and related 130-space parking lot. The project also includes associated roadway improvements and recreation trail alterations necessary to accommodate the new transit center and parking.

See map on page 3 for details of the location of each of the items discussed below.

Specifically the project will include the following:

- The transit center and new parking will be located to the north of the existing River Access Road. The 130-space parking lot for transit patrons and other uses will be located adjacent to the transit facility.
- The project will include short-term parking for six buses at one time. Seating/waiting space for a maximum of 100 persons will be provided. An enclosed structure will be provided for transit patrons. It will include heated waiting space with bench seating for 40 people and changeable interpretive/tourist displays. This structure will also have public restrooms accessible during all hours of transit operation. An office to provide ticket sales, information, and other transit functions would provide for a maximum of three workers.
- A linear covered walkway will shelter exterior benches close to the parking bays. Other benches will be sited for sun exposure. These walkways will create planting islands for both native species and lawn/flower areas.
- Bike and ski/snowboard racks will be provided for short-term storage. The intersection on SR 89, where users currently enter the parcel will be relocated to serve all of the facilities on the 64-Acres. This intersection will be an expansion of the existing "T" intersection at the River Access Road and it will be repositioned approximately 200 feet to the north of the new Site Access Road. This will require realignment of the existing

east end of the River Access Road. The area where the roadway is removed will be restored using native vegetation.

- The relocated intersection will be a standard two-lane roadway with left-turn pockets for northbound and southbound traffic on SR 89. A right turn pocket will be provided for vehicles exiting the site.
- Vehicle access to the project will occur from the new intersection using the Site Access Road. Transit vehicles will exit this road first, turning right into the transit center. Transit and parking lot users will exit at the second right turn. Not all parking on the 64-Acres will be associated with the transit center. Vehicles destined to the existing recreation access parking at the west end of the site will continue on the road.
- Pedestrians crossing from the transit center to the east side of SR 89 will do so at-grade to the south of the new intersection.
- A “drop-off” area in the parking lot near the transit center will accommodate universal access and passenger drop offs and pick ups. This area will also serve as a drop-off/pick-up point for private shuttle vehicles and taxicabs.
- A new portion of the recreation trail system will be constructed along the northern boundary of the site to preserve the current trail loop system and avoid trail/transit user conflicts.
- The project will incorporate a number of development requirements to protect the environment and minimize potential conflict associated with the construction and operation of the new facilities. Prior to development of the project all necessary permits will be obtained. In addition, the final design of the site improvements will be presented for review and approval by Placer County and TRPA.

Rationale for the Decision

I have decided to implement the proposed action because I believe the improved parking and transit will contribute to accomplishment of the goals and objectives in the LTBMU Forest Plan, which includes attainment of the environmental thresholds. As explained in Chapter 2 of the Draft EIS the project is intended to provide a transit center and parking to meet the requirements of the *Tahoe City Community Plan* and the *TRPA Regional Transportation Plan/Air Quality Plan*. This decision is consistent with the goal expressed in the *1987 Regional Plan for the Lake Tahoe Basin* "for an integrated transportation system, which reduces dependency on the private automobile, provides for alternative modes of transportation, and serves the basic transportation needs of the citizens of the Tahoe Region." An integrated transportation system will be of great value to tourists and other visitors including those seeking outdoor recreation on the National Forests.

Further evidence of the importance of this project is that it is Presidential Commitment and Environmental Improvement Project #856.

The project will support transit operations, which in turn will provide the opportunity to reduce dependency on the private vehicle, and provide some relief to the traffic congestion problems experienced along the highway corridors around Tahoe City. Intermodal transit uses such as bicycles, publicly operated transit, private shuttles, and taxi services will utilize the transit center.

Public transit in the project vicinity is provided by the Tahoe Area Regional Transit (TART) bus system. It is operated by Placer County and currently has three routes that service the Tahoe Basin year round. The three bus routes intersect in Tahoe City where the only transfer point between the routes is located. The Tahoe Trolley program that is operated during the summer connecting Tahoe City with Squaw Valley, Emerald Bay, and Incline Village also provides public transit service. This public transit system will enhance the experience of national forest visitors.

During the ski season, Squaw Valley USA, Alpine Meadows Ski Area, and Homewood Mountain Resort operate shuttle services. The commercial rafting operators along the Truckee River also provide shuttle services from their take-out points near Alpine Meadows Road to the Wye area. Various lodging properties in the area also operate shuttle services for their guests. The transit center will serve as a drop-off pick-up point for these private shuttles and taxicabs.

Currently, the only public facilities in this vicinity that support the existing transit system are two small, open bus shelters located along SR28 in Tahoe City to the east of the Wye. These shelters were not designed for periods of inclement weather and do not provide transit passengers with a lighted and heated facility for waiting for or transferring between buses. In addition, because these two small existing shelters are located on opposite sides of the highway from one another, transit patrons often have to cross the highway if they wish to transfer between routes or between modes of transit.

Chapter 2 of the Draft EIS includes examples to show that facilities similar to those provided by this project are successful in producing the intended benefits.

Traffic congestion, and the attendant air quality consequences, is a recognized problem in the Tahoe City area as well as throughout the Lake Tahoe Basin. The *Regional Transportation Plan/Air Quality Plan* developed by TRPA identifies that one of the key ways of reducing traffic congestion and air quality impacts is to provide an effective transit network as an alternative to the use of private vehicles. Chapter 2 of the Draft EIS explains that this is a serious problem both winter and summer. The plan noted that transit service and transfers between major intersections requires facilities be sized to accommodate transit vehicles and that the shelter and safety of transit patrons is provided for.

Numerous planning documents have identified the need for an intermodal transit facility and parking near the Tahoe City Wye. The two most notable documents, both analyzed in EIRs/EISs, are the *Tahoe City Community Plan* and the *Regional Transportation Plan/Air Quality Plan*. In these plans, a transit facility and parking are key elements identified to improve traffic circulation in the Tahoe City area. A transit facility and parking are identified elements of the

LTBMU Forest Plan for the 64-Acre Tract. This decision contributes to implementing the Forest Plan as well as the plans of other agencies.

As set forth in the *Tahoe City Community Plan*, a transit facility and parking is needed at the 64-Acre Tract to serve the year-round resident as well as the day-user. For the resident, especially individuals dependent upon transit, the plan identifies that the transit facility is needed to provide a convenient route transfer point for use on a daily basis. It is intended to serve home to work trips as well as home to market trips. For the day user, the location of the transit facility at one of the major entry points into the Tahoe Basin is needed to facilitate reductions in the use of private automobiles, vehicle miles traveled (VMT), and congestion.

The 64-Acre tract was identified in the *Tahoe City Community Plan* as the site for the transit facility because of its proximity not only to the Tahoe City business core, but because the site is very close to the Wye. The plan identified that, by its nature, the site is properly located to be a transfer or origin/destination point for transit riders. My primary interest is providing for National Forest visitors who come to the Tahoe Basin for a range of multiple uses the Forest provides, including recreation. The fact that local citizens will share these facilities with National Forest visitors makes this a more significant contribution to the Basin as a whole.

The transit facility and parking identified in the *Tahoe City Community Plan* are described as an element of the overall transportation concept for the Lake Tahoe Basin. The 64-Acre Tract is specifically identified as the western end of the parking and shuttle program called for in the *Tahoe City Community Plan*. Reductions in Vehicle Miles Traveled (VMT) are identified in the *Tahoe City Community Plan* as a product of the parking shuttle program. Attainment of the Lake Tahoe environmental thresholds, including reductions in Vehicle Miles Traveled, is a Forest Service goal that we share with other agencies.

The *Tahoe City Community Plan EIR/EIS* examined what conditions would be like with the implementation of the proposed transit and parking improvements and what conditions would be like if they were not implemented. With respect to the "No Project" alternative there would be no changes to the existing condition and no reduction in vehicle miles traveled (VMT). On the whole, the *Tahoe City Community Plan EIR/EIS* concluded that Tahoe City would not meet its target for reducing vehicle miles traveled without implementation of the elements in the plan specifying transit and parking improvements.

As set forth in the Regional Transportation Plan, this project is needed to support planned transit expansions in public, private-public, and private transit services. The current level of service (LOS) provided for transit riders is inadequate to realize any major additional gains in ridership. While service itself is lacking, so are facilities to provide safe, attractive, and convenient transfer points. For this reason, the Regional Transportation Plan recognized the need for necessary infrastructure, including the proposed facility, to compliment increases in all varieties of transit service.

When the Forest Service acquired the 64-Acre Tract it prepared a document to guide development on the parcel. That document, entitled *Plan for the Sixty-four Acre Tract, Tahoe City, California* (1986) includes a map that includes provisions for public access. Near the

northeast portion, where the transit center and parking will be built; a possible interpretive center or parking site was identified. That document was utilized in the community planning process for Tahoe City that reconfirmed the site as appropriate for a transit center and parking.

As explained in the Draft EIS Chapter 1, the Forest Service decided in 1997 to develop an interpretive center on the 64-Acre Tract. The adopted plans for the site recognize that the transit center and the interpretive center will complement each other. One of the focus areas of the interpretive programs at the Lake of the Sky Interpretive Facility will be Tahoe's transportation system. The transit facility and the interpretive center will provide an opportunity to educate residents and visitors and orient them toward proactive steps they can take to minimize their impact on the transportation system and air quality in the Lake Tahoe Basin.

In addition to supporting and implementing the Forest Plan and several area plans as described above, this decision also keeps important options open for the future. The chosen transit center and parking configuration is compatible with development of the Lake of Sky Interpretive Center on either side of the highway should the Forest Service decide to change its position regarding the location of that facility. Future realignment of the highway is also accommodated by this configuration.

One of the main reasons for the transit center is to improve the recreational opportunities for visitors to the 64-Acres area, the LTBMU, and the general Lake Tahoe area. Currently, the 64-Acres area is popular for many types of recreation, such as: accessing Lake Tahoe and the Truckee River, river-rafting, bicycling, rollerblading, fishing, cross-country skiing, walking and jogging, bird watching, picnicking, accessing the RIM Trailhead, and future use of the Lake of the Sky Interpretive Facility (visitor center). However, as discussed in the Draft and Final EIS, there is a dearth of parking in the area and a very high level of traffic congestion, both of which present significant impediments to recreational use of the 64-Acres area. Those who may otherwise wish to recreate in the 64-Acres area may not choose to visit the area due to the high amount of traffic, and those that do choose to visit the area may not be able to recreate there due to lack of parking. The proposed project will ameliorate both of these problems by reducing traffic and increasing the amount of parking in the area. Additionally, it will allow visitors without personal vehicles to easily visit and recreate on or near the 64-Acres area.

The proposed project will also serve to improve recreational opportunities on other parts of the LTBMU and in the Lake Tahoe area in general. For example, the proposed project will contribute towards reducing traffic congestion and improving air quality around Lake Tahoe. These positive contributions are expected to enhance a visitor's recreational experience. Additionally, the increased availability of public transportation will allow improved access to natural areas throughout the Lake Tahoe area, and reduce the need to develop more parking areas in high use areas.

Monitoring and Mitigation

A description of the mitigations related to this decision is found in the Draft EIS Summary beginning on page S-6 Potential Impacts & Mitigation Measures as well as in Chapters 5 through 19 with each resource discussion. Final EIS Appendices C and D include additional summaries

of including application of Best Management Practices (BMPs). These mitigation activities will be implemented as part of this decision.

All practical means to avoid or minimize environmental harm have been adopted. Traffic, air quality, cultural resources, water quality, public safety, land use and visual quality are some of the more significant areas where potential negative effects will be mitigated.

The Forest Service and TRPA will coordinate with Placer County to develop a monitoring plan to ensure that all appropriate mitigations are implemented. Information gathered through monitoring will be used to evaluate the effectiveness of the mitigations and to assess how well the purpose and need of the project is being met. In addition to Federal law and policy, the California Environmental Quality Act (CEQA) requires a mitigation and monitoring plan for all EIRs, and subsequent projects based on those EIRs, once the project has been constructed and operated.

Public Involvement

In March 1998, a working group consisting of representatives from Placer County, the Forest Service, TRPA, California Department of Transportation (Caltrans), North Lake Tahoe Resort Association and the Truckee-North Tahoe Transit Management Association arranged to have an environmental analysis (EA) prepared to address development of a transit center, parking and associated facilities at the 64-Acre tract. Consultants were hired to develop preliminary site designs; to conduct an analysis of traffic, transit, parking, and circulation; to identify potential consequences, including cumulative impacts; and to assist with public involvement.

A public scoping meeting was held at the Tahoe City Public Utility District office in Tahoe City on May 1, 1998. At that time, initial concepts for the development of the transit center and the parking facilities were presented and discussed with the participants. In addition, concepts about planning and managing the Proposed Project with respect to traffic, transit, parking, and circulation were also presented. Issues to be addressed in the analysis of the potential environmental consequences of the transit center and the parking facilities were also solicited.

Based on the input received at the scoping meeting for the EA, the development concepts were refined. This resulted in two conceptual designs for the transit center and the related parking facilities.

The analysis of traffic, transit, parking, and circulation conditions was completed and the results were reported in a document entitled *64-Acre Tract Intermodal Transit Center Traffic, Transit, Parking, and Circulation Analysis*. The report identified that there would be no significant traffic, transit, parking, or circulation consequences as a result of the development and operation of the transit center and the parking facilities at the 64-Acre Tract that could not be mitigated. In addition, the report concluded that the transit center combined with the development of the Lake of the Sky Interpretive center on either side of SR 89 would not result in significant cumulative traffic, transit, parking, or circulation consequences that could not be mitigated.

On October 26, 1998 Placer County, the Forest Service, and TRPA released the document entitled the *64-Acre Tract Intermodal Transit Center Environmental Analysis* (EA) for public review. Public meetings for review and comments on the EA were held in Tahoe City on February 24, 1999 and in San Francisco on March 8, 1999. We originally requested that comments on the EA be submitted by March 15, 1999. As a result of requests from adjacent property owners, the comment period was extended until April 15, 1999.

The comments provided at the Tahoe City meeting were generally favorable to the development of the transit center and the proposed parking. At the meeting in San Francisco there was considerable opposition to the Proposed Project because of potential land use conflicts with the adjacent properties and traffic and parking impacts. At that meeting there was also considerable opposition to placing the Lake of the Sky Interpretive Facility at the site, especially on the lake side of SR 89.

As a result of the public meetings and comments received on the EA, a decision was made to prepare a joint EIR/EIS/EIS to comply with the requirements of CEQA, NEPA, and TRPA. TRPA hosted two public scoping meetings for the EIS. The first was with the TRPA Advisory Planning Commission (APC) in Incline Village, Nevada on July 14, 1999. The second was held at the Tahoe City Public Utility District office on July 15, 1999. The Forest Service published a Notice of Intent in the Federal Register to prepare an EIS on July 28, 1999. Placer County released their Notice of Preparation on August 5, 1999. Because of the public involvement associated with the EA and the recent TRPA hearings the Forest Service and Placer County decided not to hold additional scoping meetings at this time. Comments were requested by September 7, 1999.

While there was limited comment at the TRPA Advisory Planning Commission meeting, what was expressed was in support of the transit center and the related facilities. At the meeting at the Tahoe City Public Utility District office there was considerable comment and some opposition to the Proposed Project. Residents of two adjoining properties, Tavern Shores and Tahoe Tavern, expressed the principal concerns. They questioned the need for the project and suggested alternative on-site and off-site locations for the proposed uses, identified potential impacts to their adjoining properties, and described the need for mitigation measures, especially with respect to traffic and parking.

After the two TRPA public meetings a Scoping Summary Report was prepared. This report, provided in the Draft EIS as Appendix A, explains how the scoping process was conducted and presents the Initial Environmental Checklist that was used. It also provides a summary of the comments that were made at the scoping meetings and those that had been provided previously about the *64-Acre Tract Intermodal Transit Center Environmental Analysis*.

The Draft Environmental Impact Statement was released for public comment May 18, 2000. Notice was filed in the Federal Register on May 26, 2000. Public hearings were held before the TRPA Advisory Planning Commission on June 14, 2000 and the TRPA Governing Board July 28, 2000. The comment period for the Draft EIS closed on July 21, 2000. Comments received were considered in developing the Final EIS and this Record of Decision. Notes from the TRPA hearings are included with the seventy-three comment letters received on the Draft EIS in the

Final EIS Chapter 2. Following a second public hearing, the TRPA Governing Board certified the adequacy of the EIS for TRPA purposes on September 27, 2000.

Summary of Public Comment Received

Public comments and agency responses are presented in the Final EIS Chapter 3. Below I have summarized the issues that I feel elicited the most public comment.

Traffic/Air Quality - Some comments were very critical of the proposal stating that it will make a bad situation worse. The information presented in the EIS leads to the conclusion that the transit center will improve the traffic situation and air quality in this area.

Water Quality - Most of the comments regarding water quality referred to the need for more rigorous analysis of the situation and possible impacts. Others referenced the need for mitigations and meeting local standards noting that additional land coverage and increased human use of the site may affect water quality. Water quality analysis documented in the EIS has been reviewed and found adequate by TRPA and other agencies. Mitigations sufficient to ensure that local standards are met are included in the project.

Private lands nearby - Many critical comments had to do with how the nearby private lands may be affected. Most of these comments were based in a belief that the transit center would make the traffic situation worse; especially if the interpretive center were also developed as planned. The information presented in the EIS leads to the conclusion that the transit center will improve the traffic situation.

Lake of the Sky Interpretive Center - Some of the strongest opposition to the project focused on the interpretive center and its relationship to this project. Although the interpretive center and the transit center are separate projects, and the Forest Service has analyzed the cumulative effects including several configurations for both projects, many parties are still concerned.

Visual and Recreation - Many critical comments expressed a preference for the existing condition, stating that the project would not enhance recreation and visual character of the site. Supporters expect the project to meet visual standards and be an asset to recreation.

Parking - Some comments suggested that parking may be scaled wrong for the project; too much or not enough. Other comments suggested that transit parking might conflict with rafting and other local parking demand. My commitment is to see that parking is properly managed and that the effectiveness of mitigation measures are monitored. If monitoring shows that additional mitigation measures are needed, they will be developed and implemented.

Impacts to the Truckee River - Some comments express concern that the additional parking and public arriving via transit may result in negative impacts to an already overcrowded river. The EIS does not indicate that the river will be impacted. If monitoring shows that additional mitigation measures are needed, they will be developed and implemented. Participation by Placer County and the Lahontan Regional Water Quality Control Board will minimize risk in this regard.

Use of Recreation Lands - According to 49 U.S.C. §303 ("Section 4(f)"), the Federal Transit Administration (FTA) may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless certain conditions are met. Much of the public comment argued that the proposed action would violate the requirements of Section 4(f). For the reasons explained below, the Forest Service's position is that 4(f) does not apply here. The Federal Transit Administration has concurred with this conclusion (see Final EIS, Appendix B).

The Forest Service, Lake Tahoe Basin Management Unit (LTBMU), is the Federal agency having jurisdiction over the project area, as well as the entire 64-Acre tract. Since its acquisition of the parcel from the Bureau of Reclamation in 1984, the joint development of recreation facilities and a transit center have been envisioned. In fact, a transit facility had been planned for the 64-Acre tract many years before the Forest Service gained ownership of the parcel. According to FTA, section 4(f) does not apply to land that has been temporarily used for recreational or park purposes if the public agency with jurisdiction over the land officially indicated, prior to allowing the temporary park or recreational use, that the land was intended for a transportation use. Similarly, if the recreation and the transportation uses were officially planned concurrently, and later developed separately, section 4(f) does not apply. The history of adopted plans that incorporate a transit center at the 64-Acre tract is summarized below:

Prior to Forest Service acquisition of the tract in 1984, the Bureau of Reclamation managed the site. During the Bureau of Reclamation's ownership, neither the parcel as a whole, nor the specific site of the proposed transit center was a pristine recreation site. Rather, the 64-Acre tract had significant areas of commercial and residential development. For example, a strip development existed on the riverside portion of the parcel, including a 300+ unit mobile home park, an industrial engineering yard, a large nursery, a realty office, a miniature golf course, a saw and tool shop, and a teen center.

Beginning in the 1960s, the Bureau of Reclamation negotiated with the Forest Service to transfer the property for developed recreation. A 1983 Environmental Impact Statement (EIS) by the Bureau of Reclamation assessed various ultimate land use scenarios for the property. The decision by the Bureau of Reclamation was to transfer the site to the Forest Service for "Recreation Visitor Use" (Scenario 2). The EIS made clear that the construction of a transit center was not only consistent with the Recreation Visitor Use prescription, but was also a specific part of the original vision for the future of the 64-Acre tract. To quote from that EIS (page IV-2):

"Recreation and visitor use of the 64-acre tract conforms with current zoning and the preliminary plans proposed by the Forest Service. This scenario accommodates some of the current unauthorized users of the property, and provides for realignment of Highway 89, a *public parking lot and bus station*, and a maintenance station for TCPUD - all *uses which would be compatible with recreation and visitor use.*" (Emphasis added.)

Notably, the selected alternative, Scenario 2, *specifically contemplated the construction of a "public transit station" as an integral part of the parcel's future use* (EIS IV-3). Other

enumerated elements of Scenario 2 were: a day use recreation area; a visitor center; a fishing trail, bike path, cross country ski trail, and hiking path; a reroute of Highway 89; and a maintenance station (EIS IV-3; see also EIS viii).

Upon Forest Service acquisition of the property, a document entitled "*A Plan for the Sixty-four Acres*" (November 1986) was prepared to further develop the vision for the site. That document incorporated maps of the "Long Range Objective" for Tahoe City from the May 1974 Tahoe City Urban Design Plan. The transit center and parking area are delineated on the incorporated maps. In the years following the acquisition of the property, the Forest Service removed the commercial and residential structures described above and began clean-up and restoration of the site, including site stabilization, implementation of Best Management Practices, and installation of erosion control measures.

In 1988, the Forest Service issued the current LTBMU Land and Resources Management Plan (Forest Plan), which provided, and continues to provide, the programmatic direction for the management of the LTBMU. Specifically, direction for the Lower Truckee River Management Area, of which the 64-Acres is part, describes the potential uses of the 64-Acres site (Forest Plan IV-1 11-114). The Forest Plan designates the 64-Acres tract as an area for "Developed Recreation," and permits a wide variety of uses within that prescription (Forest Plan IV-46, IV-52). It also directs that the Bureau of Reclamation's 1983 EIS and the Forest Service's 1986 Environmental Assessment be used as a guide for site development (Forest Plan, page IV-1 13). Most importantly, a transit terminal is specifically listed as a potential use of the 64-Acres Tract (Forest Plan, IV-1 12).

The Tahoe City Urban Design Plan of the 1970s, mentioned above, evolved into the Tahoe City Community Plan in the early- 1990s. That new "vision" document for the Tahoe City area, analyzed in a CEQA EIR/TRPA EIS, preserved the transit center "placeholder" for the 64-Acres Tract. The Tahoe Regional Planning Agency's *Regional Transportation Plan/Air Quality Plan*, 1992 (also a CEQA EIR/TRPA EIS), similarly incorporated the intermodal transit center/community-parking concept for the 64-Acres. In fact, they are identified as key elements needed to improve traffic circulation in the Tahoe City area.

The most recent Forest Service planning document for the 64-Acres parcel, the Final EIS for the *Lake of the Sky Facility* (July 1997), also includes a placeholder for the transit center (FEIS, page 11-30; ROD, pages 1, 6).

In sum, these multiple planning documents demonstrate a history of joint planning of, and compatibility between, the proposed transit center and the recreational uses for which the site was acquired. The Forest Service acquired a piece property with multiple commercial and residential structures and reclaimed the landscape in order to provide an important area for developed recreation. As enunciated in the 1983 Bureau of Reclamation EIS, a transit center was part of the original vision for the 64-Acre parcel, such that proceeding with the proposed action is entirely consistent with the original intent of the Forest Service in acquiring and reclaiming the property. The implementation of the proposed action is also consistent with the Lake Tahoe community's consensus, as expressed in the various community planning documents noted above, regarding the appropriate use for the 64-Acre parcel.

Alternatives Considered

Of the eleven alternatives considered, eight were eliminated from detailed consideration for various reasons, the primary one being that they did not meet the purpose and need. As explained in the EIS and summarized in this Record of Decision the need is for a transit center in this location, at this time. This location is important because of its proximity to the Wye. The Regional Transportation Plan and several other plans identify the need for many additional transit facilities in other locations, but they also identify the need for this facility in this location. Some alternatives would have delayed development for many years. I see no reason to delay putting in place the infrastructure needed to mitigate existing and future traffic problems. DEIS Chapter 4 explains alternatives in greater detail.

Alternatives Considered In Detail

In addition to the proposed project, two alternatives were considered in detail. An alternative design for the transit center was considered, as was the No Action alternative.

The Alternative Site Design

A second design for the transit center, as shown in the Draft EIS Figure 4-1, would have located the proposed facilities in the same general area as the Proposed Project and would have the same development requirements, but would use a different layout. As compared with the design of the Proposed Project, this alternative includes the following features:

- There would be separate transit and auto access to the transit center and the parking areas. A bus-only entrance from SR 89 would be located on the northern part of the site, aligned with the Tavern Shores access road. All auto access to the new parking lots would occur to the south of the bus-only entrance, from the existing River Access Road that would become the Site Access Road. The existing intersection with SR 89 would be improved to include turn pockets from both directions.
- A single access road serving the new parking would “T” from the Site Access Road.
- Pedestrians crossing from the transit center to the east side of SR 89 would do so at-grade between the two vehicle access points.

This alternative was not selected for several reasons. When compared to the Proposed Project, traffic analysis showed that the additional intersection is not needed and would not result in improved traffic flow. The second design also involved more land coverage than the proposed project and would have resulted in replacing the existing curb cut at the intersection of SR 89 and the River Access Road. These additional curb cuts could be a source of vehicle and pedestrian conflict. The Alternative Site Design would result in more of a visual change than the Proposed Project.

The No Action Alternative

In addition to developing either design of the transit center and related parking facilities, No Action was also considered in detail. This alternative would not develop a transit center on the 64-Acre tract, recognizing that the Forest Service could still implement the 1997 decision to build an interpretive center including required parking. The analysis of effects in the EIS assumed that the interpretive center parking lot would be located on the west side of SR 89 and would require some form of pedestrian crossing for the users of the interpretive center which would be located on the lake side of the highway.

Because there are environmental impacts associated with taking no action, as well as with the Alternative Site Design, both these alternatives are evaluated equally in comparison with the Proposed Project.

Environmentally Preferred Alternative

The Proposed Project would result in less land coverage than the Alternative Site Design. It also would result in replacing the existing curb cut at the intersection of SR 89 and the River Access Road so there would not be additional curb cuts that could be a source of vehicle and pedestrian conflict. The Proposed Project would also result in less of a visual change than the Alternative Site Design. The No Action alternative would not produce the benefits associated with the transit center including reduction in vehicle miles traveled. Therefore, because the Proposed Project would result in less of an overall environmental impact than the alternative design and more environmental benefits than the no action, I consider it to be the environmentally preferred alternative. See Conclusions in the Draft EIS Chapter 19-20.

Applicable Laws, Regulations, and Policy and the Findings Required by These Laws

Implementation of decisions such as this one, that lead to realizing the direction of the Forest Plan must meet legal requirements and public expectations of Forest Service actions. Most of these requirements stem from the National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA). As required by NEPA, potential "significant environmental effects" have been disclosed. The scope of the action, a reasonable range of alternatives, and site-specific environmental effects were assessed as required in the EIS document and Forest Service environmental policies and procedures.

All resource management activities associated with this project are consistent with Forest Land and Resource Management Plans as required by NFMA. This Record of Decision is in agreement with the 1988 LTBMU Forest Plan as amended.

This project is consistent with requirements of the Endangered Species Act (16 USC 1536[a]). A Biological Evaluation/Biological Assessment was completed. No federally listed threatened or endangered species were found to be directly or indirectly affected by the proposed action or any of the alternatives considered. The Biological Evaluation/Biological Assessment determined that project implementation would not lead to a trend toward Federal listing or a loss of viability for

any species. This complies with Forest Service Manual 2670, ensuring that Forest Service actions avoid effects that could cause a species to become threatened or endangered.

Implementation of the project will not adversely affect the environmental threshold carrying capacities, as described in the Forest Plan and in TRPA's Article V(g) findings.

The project is in compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations, 36 CFR 800, which require consideration of heritage resource values prior to any federal undertaking. The California State Historic Preservation Officer was consulted and concurred that no properties located within the project area are eligible for inclusion in the National Register of Historic Places. The Washoe Tribe of Nevada and California was also consulted regarding their concerns and interests.

All proposed activities were developed in accordance with the 1981 Management Agency Agreement (MAA) between the California State Water Resources Control Board and the USDA Forest Service. The MAA authorizes the use of a set of water quality protection measures known as Best Management Practices (BMPs). BMPs were developed to protect water from nonpoint source pollution. BMPs are prescribed for all phases of this project and will be incorporated into the implementation contracts. When used on other projects in the Lake Tahoe Basin, the prescribed BMPs have proven effective in protecting water quality. Project implementation will not cause soil, slope or other watershed conditions to be irreversibly damaged [16 USC 1604(g)(3) E(i)]. The streamside areas, streams, stream banks, and other bodies of water will be protected from detrimental changes in water temperatures, blockages of water courses, and deposit of sediments [16 USC 1604(g)(3)(E)iii]. Compliance with these provisions will be further assured through the required permitting processes.

Permits, reviews and authorizations from several Federal, State and local agencies must be obtained prior to implementation. Permits required vary by project element. Among the permits that will be required are: TRPA permit, California Department of transportation encroachment permit, a Placer County building permit, and a National Pollution Discharge Elimination System (NPDES) Stormwater Construction Permit from the California Regional Water Quality Control Board. Because the project area drains into the Truckee River (not Lake Tahoe) the statewide construction permit will apply. A "Storm Water Pollution Prevention Plan" will be submitted to the Lahontan Regional Water Quality Control Board. Construction and operation of the transit center will likely occur through issuance of a Forest Service Special Use permit.

The EIS is a joint NEPA EIS/CEQA EIR and Tahoe Regional Planning Agency (TRPA) EIS based on the expectation that Placer County will be a major participant in the planning and a likely partner in the construction and operation of the facilities. The joint EIS/EIR/EIS will support decisions made by Federal and State agencies including TRPA and FTA.

49 U.S.C. 303(Section 4(f)) states that the Federal Transit Administration may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless certain conditions are met. Much of the public comment argued that the proposed action would violate Sec. 771.135 Section 4(f) (49 U.S.C. 303) (a)(1). As already explained beginning on page 9 of this ROD, Section 4f does not apply.

Implementation

Implementation will not begin prior to December 11, 2000, which is 45 days plus 5 working days after the legal notice of this decision appears in the Tahoe Daily Tribune. If an administrative appeal is received, implementation will not begin until stay requirements associated with the appeal are satisfied. In any case, on site construction of the project will not begin before the summer of 2001.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations 36 CFR 215. To initiate an appeal under 36 CFR 215, a copy of your written Notice of Appeal must be filed with the Appeal Deciding Officer, the Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, California 94592 on or before December 4, 2000, which is 45 days from the date a legal notice of this decision appears in the Tahoe Daily Tribune. Notices of Appeal must meet the specific content requirements of 36 CFR 215.14.

For further information regarding the appeals process, contact Joe Oden, Lake Tahoe Basin Management Unit, 870 Emerald Bay Road, South Lake Tahoe, CA 96150; or call (530) 573-2653.

Contact Person

Questions related to this decision may be addressed to Joe Oden, Lake Tahoe Basin Management Unit, 870 Emerald Bay Road, South Lake Tahoe, CA 96150; Phone: (530) 573-2653.

S/ Maribeth Gustafson

MARIBETH GUSTAFSON
Forest Supervisor

October 11, 2000
Date



U.S. Department
of Transportation
Federal Transit
Administration

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**TAHOE REGIONAL
PLANNING AGENCY**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

JUL 31 2000

201 Mission Street
Suite 2210
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Maribeth Gustafson
Forest Supervisor
Forest Service, Lake Tahoe Basin
870 Emerald Bay Road
South Lake Tahoe, California 96150

Re: 64-Acre Tract Intermodal Transit Center

Dear Ms. Gustafson:

The Federal Transit Administration has reviewed your letter with attachments, dated July 14, 2000, providing information on the applicability of 49 USC §303 (commonly referred to as "Section 4(f)") to the proposed 64-Acre Tract Intermodal Transit Center, for which FTA funding support is sought. We find that section 4(f) does not apply to the 64-Acre Tract Intermodal Transit Center as currently planned.

The intermodal transit center is proposed to be located on land owned by the U.S. Forest Service (USFS) in an area of recreational activity. FTA has consulted with the appropriate officials of the USFS, the owner and operator of the recreational lands in the area of the proposed intermodal center, in accordance with the consultation requirement of section 4(f). Mr. Ed Gee and Ms. Maribeth Gustafson, the successive USFS Forest Supervisors, informed FTA during those consultations that the transit center/parking facility has been planned at the 64-Acre Tract since 1974. FTA has reviewed the following documents provided by USFS, letter dated July 14, 2000, as evidence of its transit and parking plans for the area:


- 64-Acre Tract Intermodal Center DEIS (May 2000),
- LTBMU Land and Resource Plan (Forest Plan, 1988),
- Lake of the Sky Facility FEIS (July 1997),
- Tahoe Regional Planning Agency's Regional Plan Area Statements (excerpts),
- Tahoe City Community Plan (excerpts),
- Bureau of Reclamation EIS (1983), and,
- A Plan for the Sixty-four Acre Tract, Forest Service EA (November 1986), with map from the 1974 Tahoe City Urban Design Plan.

On the basis of these consultations and reviews, FTA has determined that the transit center and parking facility were included in the historic plans for the USFS land parcels south of the river near its exit into the lake, and that any recreational use of land needed for the intermodal center was strictly intended by the USFS to be a temporary use until

such time as the transit center and parking area could be constructed. FTA policy is that section 4(f) does not apply to land that has been officially designated for a transportation purpose but has been temporarily used for a purpose protected by 4(f). FTA notes that the exact footprint of the intermodal transit center is being determined by the USFS through an environmental review in accordance with the National Environmental Policy Act. FTA further notes that the various elements of the intermodal facility are being sized in accordance with today's transportation needs but are not significantly different from the historic plans for the transportation facilities. FTA therefore finds that section 4(f) does not apply to the 64-Acre Tract Intermodal Transit Center as currently planned.

If you have questions regarding this issue please contact Mr. William Powell, Planner, at (415) 744-3115.

Sincerely,


Leslie Rogers
Regional Administrator

Copy to:

Tim Hackworth, Placer County DPW
Richard Wiggins, TRPA