



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: August 1, 2019

Staff Contact: Gregg Berggren (gberggren@carson.org)

Agenda Title: For Discussion Only: Presentation regarding the Draft Environmental Assessment for the State Route 28 Shared Use Path, Parking, Safety and Environmental Improvements Project. (Gregg Berggren, gberggren@carson.org)

Staff Summary: In 2002, the voters of Nevada passed State Ballot Question 1, setting aside funds for a bike path around the Nevada side of Lake Tahoe. Three segments have already been completed. The next segment of the bike path being planned is from Sand Harbor State Park along State Route 28 to Highway 50 next to Spooner Lake State Park, which is approximately eight miles in length and travels through the Carson City jurisdiction. The project will also include parking, safety and environmental improvements. The U.S. Forest Service would like to use this presentation as an opportunity to take public comment. The 30-day comment period is July 12 – August 11.

Agenda Action: Other / Presentation

Time Requested: 20 minutes

Proposed Motion

No action. Presentation only.

Board's Strategic Goal

Quality of Life

Previous Action

August 6, 2015: The Board authorized the Mayor to sign an Interlocal Agreement providing for a cooperative working relationship among nine agencies for State Route 28 Corridor Operations and Maintenance including the Nevada Stateline to Stateline Bikeway Project.

December 4, 2014: The Board accepted the recommendation from the Regional Transportation Commission for approval of the Federal Land Access Program (FLAP) Project Memorandum of Agreement (MOA) for the State Route 28 Corridor between Carson City and the Tahoe Transportation District (TTD), as the lead agency, as well as other named parties and to authorize the City Manager to sign related documents.

March 20, 2014: The Board authorized staff to submit comments regarding the Environmental Assessment for the Nevada Stateline to Stateline Shared-Use Path, North Demonstration Project, and Incline Village to Sand Harbor to the Tahoe Transportation District.

June 7, 2012: The Board authorized the Mayor to sign a Memorandum of Understanding providing for a cooperative working relationship with Douglas and Washoe Counties for the development of the Stateline to Stateline Bikeway.

May 3, 2012: The Board approved a time extension on Interlocal Agreement Amendment #1 providing for a cooperative working relationship among ten agencies for the development of the Stateline to Stateline Bikeway.

November 3, 2011: The Board accepted two reports for the Nevada Stateline-to-Stateline Bikeway Project: 1) The completion of the Feasibility Study, and 2) The Decision Notice and Finding of No Significant Impact for the South Demonstration Project Environmental Assessment.

November 3, 2011: The Board approved the funding allocations of approximately \$1,975,106 to Douglas County and \$1,625,422 to Washoe County from the voter-approved State Question-1 for the Tahoe Bike Path and allocated to Douglas County, Washoe County and Carson City.

February 3, 2011: The Board authorized staff to submit comments to the respective agencies for the Nevada Stateline-to-Stateline Bikeway South Demonstration Project and Feasibility Study Report.

September 17, 2009: The Board recommended a preferred alignment of the Nevada Stateline-to-Stateline South Demonstration Project and submit comments to the Tahoe Regional Planning Agency.

November 15, 2007: Update and discussion regarding the Tahoe Bike Path project and draft concept document.

December 7, 2006: The Board approved the recommendation from the Parks and Recreation Commission for an Interlocal Agreement providing for a cooperative working relationship with ten agencies for the development of the State Ballot Question #1 Lake Tahoe Bike Path project.

May 20, 2004: The Board approved the Parks and Recreation Commission's recommendation to approve the Memorandum of Understanding providing for a cooperative working relationship with Douglas and Washoe Counties for the development of the Ballot Question #1 Lake Tahoe Path System.

Background/Issues & Analysis

In 2002, the voters of Nevada passed State Ballot Question 1, setting aside funds for a bike path around the Nevada side of Lake Tahoe. Three segments have already been completed: two segments in Douglas County from Kahle Drive to Round Hill Pines and one segment in Washoe County from Incline Village to Sand Harbor State Park. The next segment of the bike path being planned is Sand Harbor State Park along State Route 28 to Highway 50 next to Spooner Lake State Park, which is approximately eight miles in length and travels through the Carson City jurisdiction.

The bike path was previously and/or is currently known as the Tahoe Bike Path, Stateline-to-Stateline Bikeway, and Tahoe East Shore Trail. Benefits of this project include enhanced recreational and visitor opportunities, safety, and improvements to the environment, utility infrastructure, water quality and parking. The parking improvements include expanded parking at Chimney Beach in Washoe County; expanded parking at Secret Harbor and new parking at Skunk Harbor – both in Carson City; and new parking in Douglas County. The project construction is tentatively scheduled to begin in 2022, pending funding availability.

To review the Draft Environmental Assessment, please visit the Forest Projects web page: <https://go.usa.gov/xmgxT>. Scroll down and click on "SR 28 Corridor Plan". The Draft EA and associated documents are located under the "Analysis" tab. The public can submit comments online or by mail. To comment online: On the project page identified above, under the right hand column heading "Get Connected", click on "Comment / Object on Project" and follow instructions there. Postal mail and hand delivered comments should go to: Michael Gabor, SR-28 Corridor Plan, LTBMU, 35 College Dr., South Lake Tahoe, CA 96150. Office hours are 8:00 am to 4:30 pm Monday through Friday, excluding holidays.

The public may also sign up for updates to this project by entering an email address at the top of the Forest Projects page, using the link above. For further information regarding this project, please contact Mike Gabor, Lake Tahoe Basin Management Unit Forest Engineer, (530) 543-2642.

Supporting Materials:

- Copy of the PowerPoint to be presented at the Board of Supervisors meeting by the Tahoe Transportation District
- Tahoe East Shore Trail News, 2019
- U.S. Forest Service Environmental Assessment: Proposed Action Maps
- U.S. Forest Service Environmental Assessment: Cover pages, Table of Contents, and Introduction pages only. The full document is available online at <https://go.usa.gov/xmgxT>.

Applicable Statute, Code, Policy, Rule or Regulation

See attached Exhibit

Financial Information

Is there a fiscal impact? No

If yes, account name/number: N/A

Is it currently budgeted? No

Explanation of Fiscal Impact: N/A

Alternatives

N/A

Attachments:

1 - State Route 28 Shared Use Path - Powerpoint, revised.pdf

2 - State Route 28 Shared Use Path - 2019 Summer Newsletter.pdf

3 - Draft EA - Maps.pdf

4 - Draft EA.pdf

[Applicable Statute, Code, Policy, Rule or Regulation.pdf](#)

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)



Tahoe Transportation DISTRICT

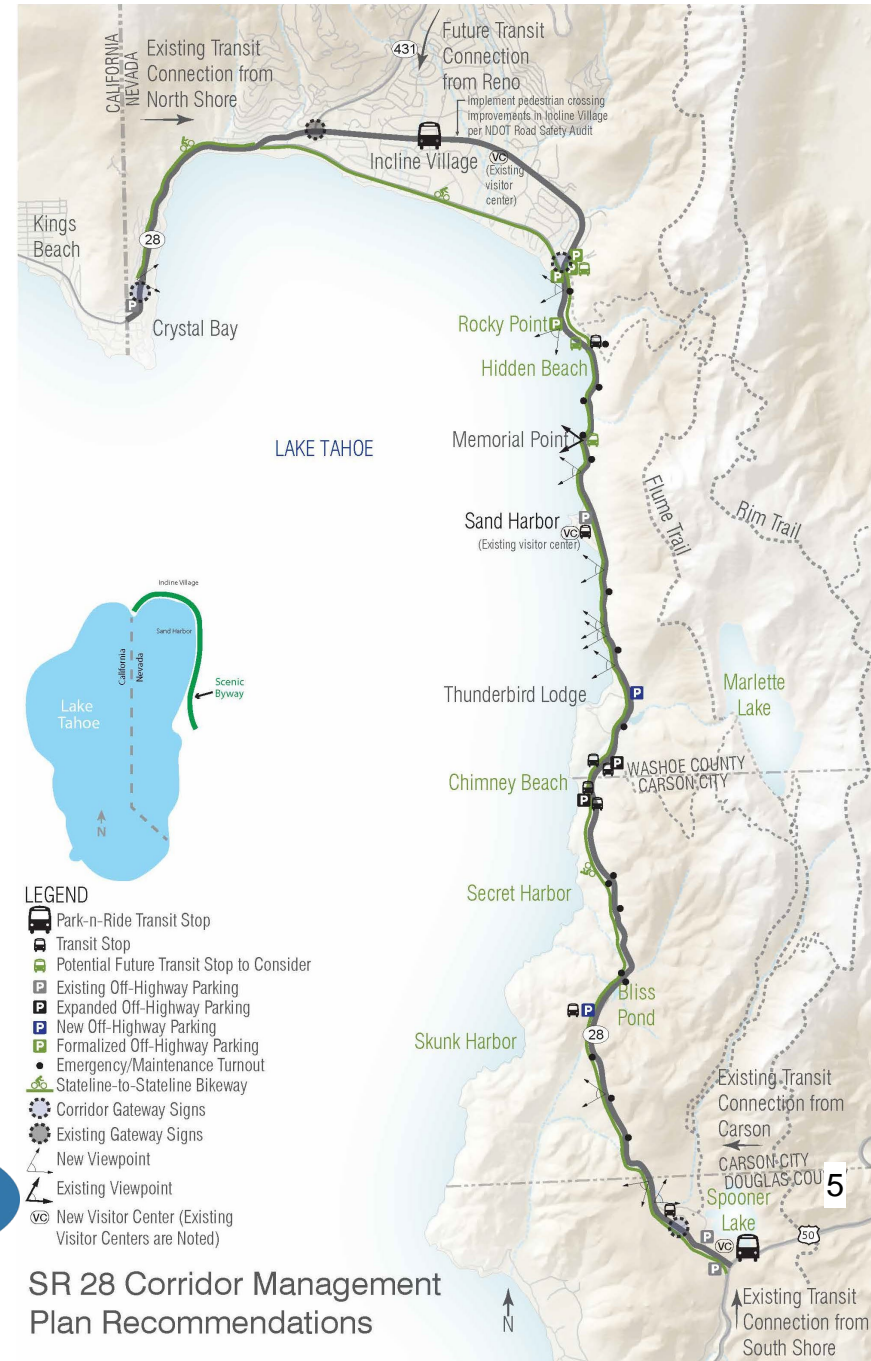


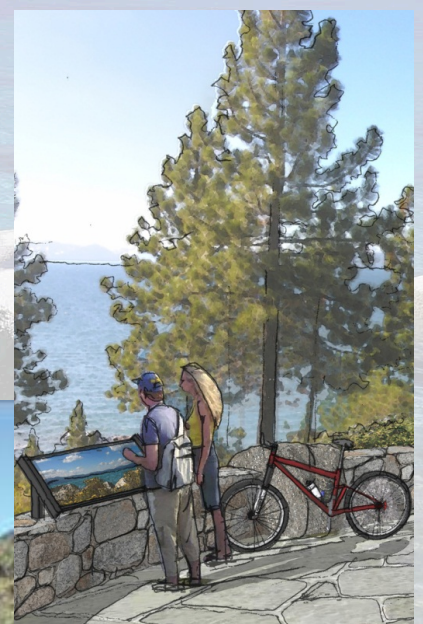


- Off Highway Parking
- Transit
- Shared Use Path
- No Parking Zone/Enforcement
- Coordinated O&M



SR 28 Corridor Management Plan





Tahoe Transportation
DISTRICT



Ridership

2012 - +/-14,000

2016 – 26,473

2017 – 23,776

2018 – 35,276

East Shore Express Route 28 Sand Harbor Shuttle



2017 Schedule,
Fares & Information



EastShoreExpress.com

Runs Every 20 Minutes
10:00 AM – 7:00 PM
Weekends: June 10-11, 17-18
Daily: June 24 – September 4, 2017
July 4th: 8:00 AM – 8:00 PM

FROM INCLINE VILLAGE
Corner of Southwood & Hwy. 28 (Old Elementary School)
771 Southwood Blvd., Incline Village, NV 89451
Service begins at **10:00 AM**,
then every 20 minutes until **6:20 PM**.

FROM SAND HARBOR VISITORS CENTER
Service begins at **10:20 AM**, then every 20 minutes.
Last bus from Sand Harbor leaves at 6:40 PM.
Possibility of road construction delays.

Round-trip Fares
\$1.00 Entry to Sand Harbor Included

General \$4.00	Children ages 5-12 Seniors 60+ Individuals w/Disabilities \$2.50
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Please have your **EXACT FARE**
ready as you board the bus.
All fares are cash only. No change will be given.
Children 4 and under ride free. It's ok to bring your
coolers & beach chairs. No bikes, kayaks, smoking,
eating, drinking, pets, grills, BBQ's, or propane/
flammable materials allowed on the bus.

Free Parking
771 Southwood Blvd., Incline Village, NV 89451
Parking lots open at **9:45 AM**
and will be locked at **7:15 PM**.
NO OVERNIGHT PARKING
Gate locked at 8:30 PM on July 4.

Special Service for TART Riders
Request a transfer from the TART driver. The fare with
the transfer is \$1.00 for all riders and includes entry to
Sand Harbor.

NEW South Shore Service
Kingsbury Transit Center
175 US 50, Stateline, NV 89449
Weekends: June 10-11, 17-18
Daily: June 24 – September 4, 2017
Morning pick up at **8:45 AM**,
evening drop off at **7:45 PM**.
Tuesday, July 4th:
Morning pick up at **6:45 AM**,
evening drop off at **9:45 PM**.
NO MIDDAY TRIPS

Current News
facebook.com/
EastShoreExpress
@EastShoreExp
Link to
EastShoreExpress.com

**Cars relocated from
shoulder to Safe
Parking: 500+**

Timeline...

- Nevada State Question 1 Approved – 2002 (Also Washoe County Question 1)
- Interlocal Agreement Executed – 2007
- Central Corridor Bikeway Feasibility Study Complete – 2011
- East Shore Express startup – 2012
- SR 28 Corridor Management Plan Complete – 2013
- North Demo EA Completed – May 2014
- SR 28 East Shore Trail (North Demo) & Safety/Water Quality Enhancements Construction Completed – 2019
- Legislature State Question 1 Reauthorization – 2019
- SR 28 Shared Use Path, Parking, Safety, and Environmental Improvement Project – Sand Harbor to Spooner
 - EA Completed Fall 2019
 - Estimated construction start 2022
(Pending funding availability)

Nevada Stateline to Stateline Bikeway Demonstration Projects Complete

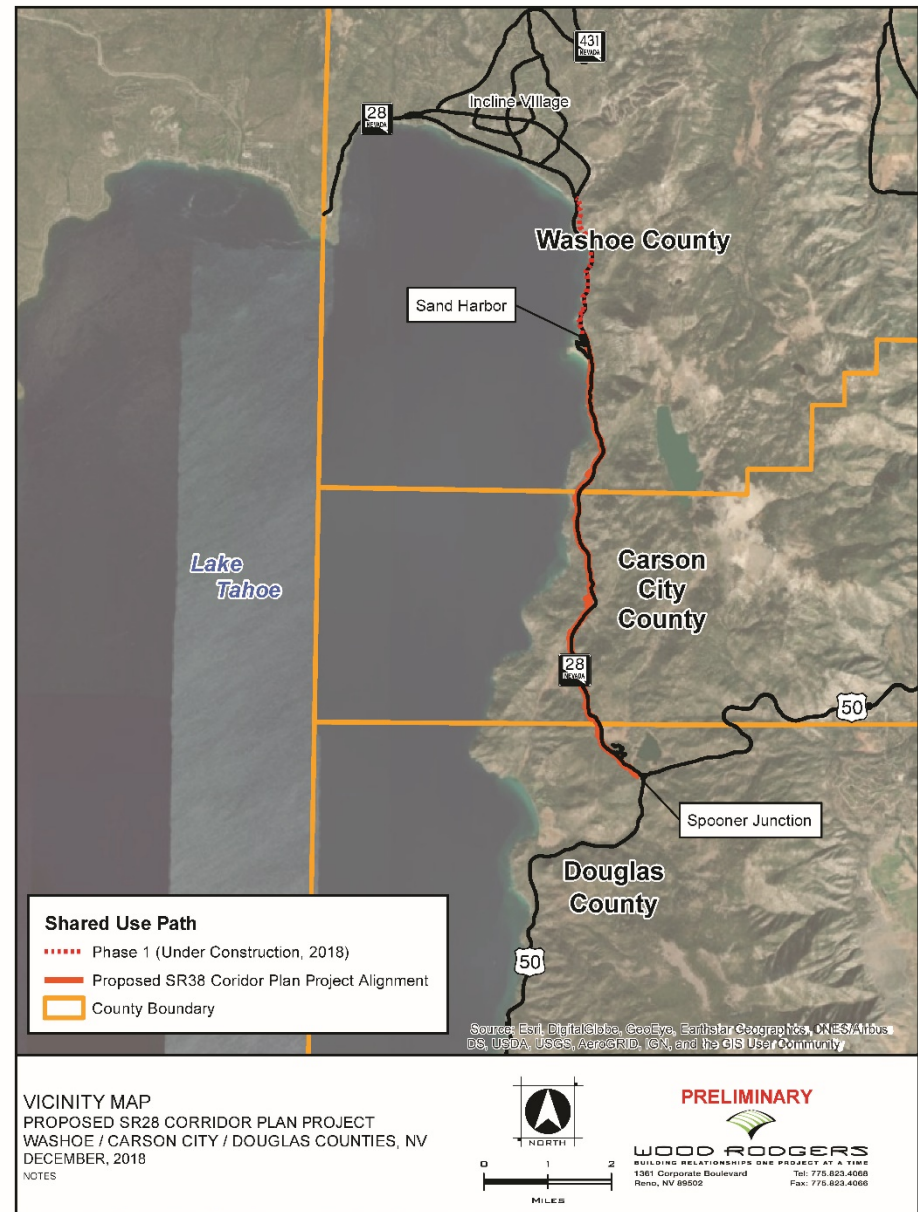


Tahoe East Shore Trail



SR 28 Corridor Improvements – Sand Harbor to Spooner State Park

- 8 miles of Shared Use Path
 - Expand 2 existing lots
 - 2 new lots
- Parking
 - Expand 2 existing lots
 - 2 new lots
- Utility Co-Location
 - IVGID Effluent Line
 - Power
 - Fiber Optic
 - Water Quality Improvements
- TRPA AIS Station
- Vista Points
- Emergency Pull-Outs









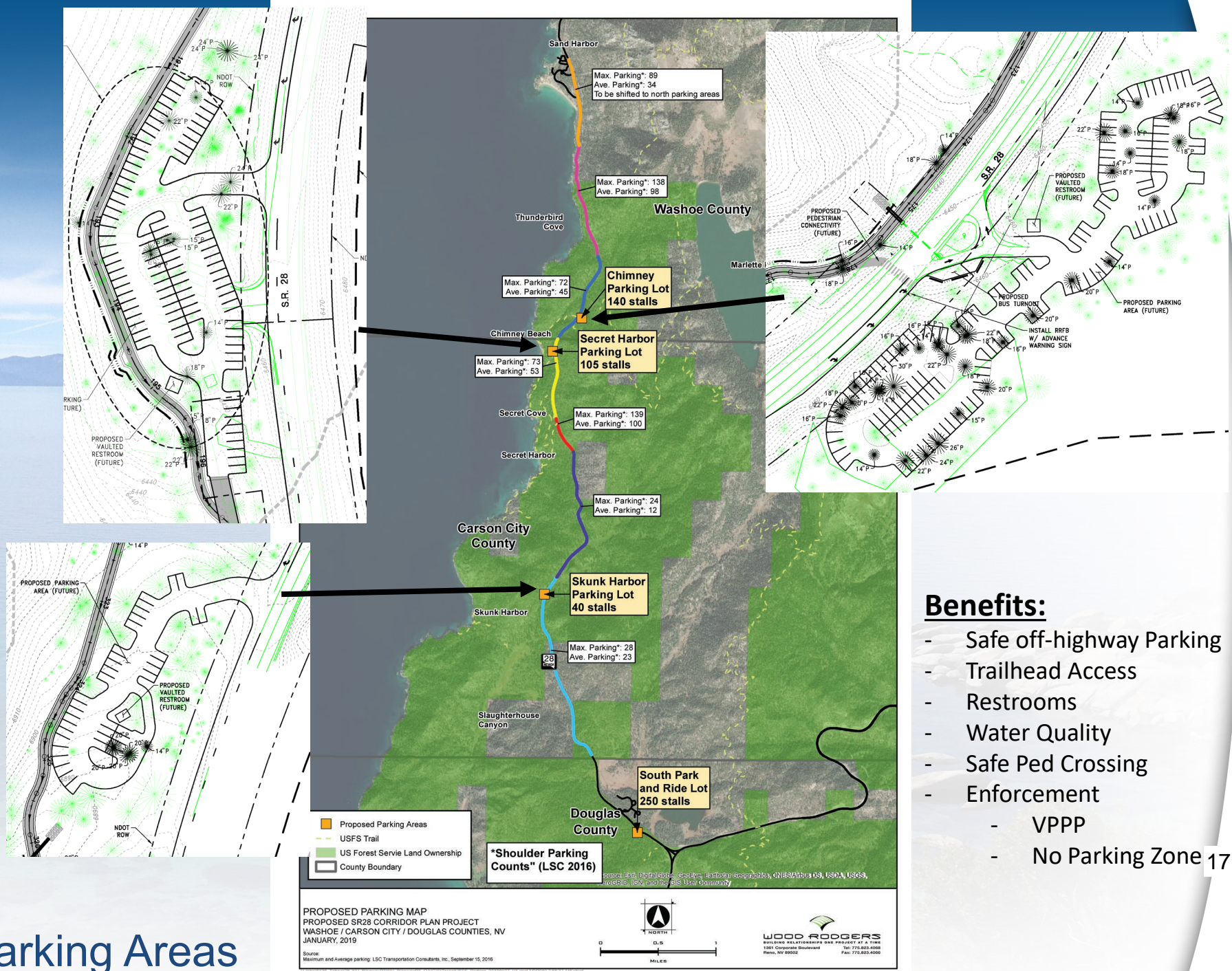


Shared Use Path

Benefits:

- Safety
- Environmental
- Improved Access to Recreation
- Utility Corridor

Parking Areas

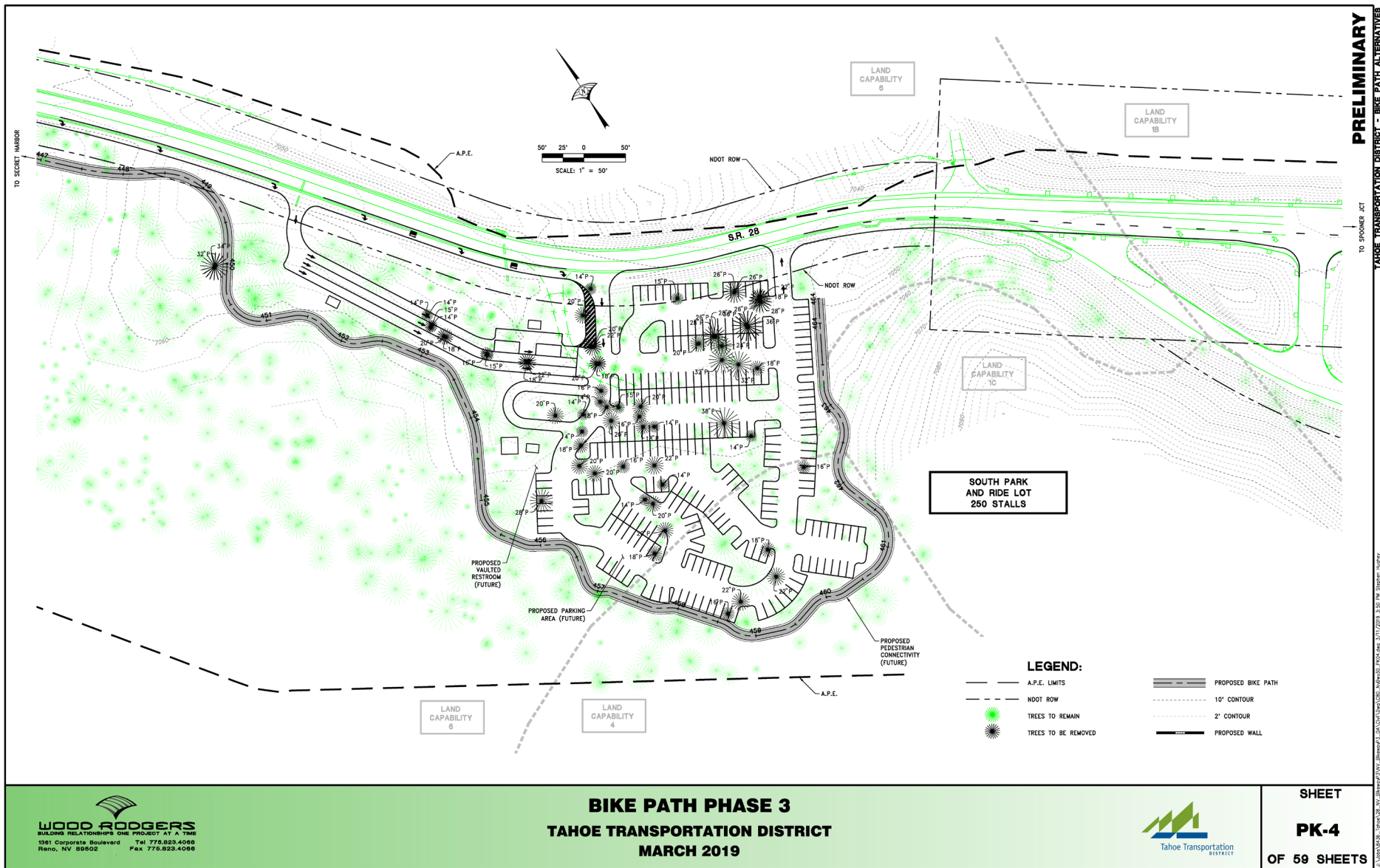


Benefits:

- Safe off-highway Parking
- Trailhead Access
- Restrooms
- Water Quality
- Safe Ped Crossing
- Enforcement
 - VPPP
 - No Parking Zone

	LSC Shoulder Parked Cars Average Peak Day 2016*	LSC Shoulder Parked Cars Peak Day 2016*	Bike Path Parking (ALTA 2009 Estimated Trail Usage Memo)	Planned Vista Point Parking	Existing Off- Highway Parking Stalls	Projected Off- Highway Parking Stalls
Central Corridor Phase 3 Location						
Chimney Beach Parking Area (Includes Thunderbird Cove, Chimney Beach, and North Canyon/Marlette Trail)	196	283	10	0	21	140
Secret Harbor Parking Area (includes Chimney Beach, Boat Beach, Whale Beach, and nearby coves)	112	158	10	10	31	105
Skunk Harbor Parking Area (Includes 3 spaces for Tribe parking)	23	28	5	3	0	40
Internal Sub Total	331	469	25	13	52	285
South Park-n-Ride			25	0	0	250
TOTALS			50	13		535
	Average Peak Day Parking Need*			446		
	Peak Day Parking Need*			584		

***NOTE:** Baseline Central Corridor Parking is based on LSC Transportation Consultants 2016 Average Peak Day or Peak Day + Future Bike Path Parking Demand (50 spaces) + Future Vista Point Parking Demand (13 spaces) + Existing Off-highway Parking Stalls (52).



✓ Aquatic Invasive Species (AIS) Inspection Station

South Park N Ride Lot

Utility Co-Location

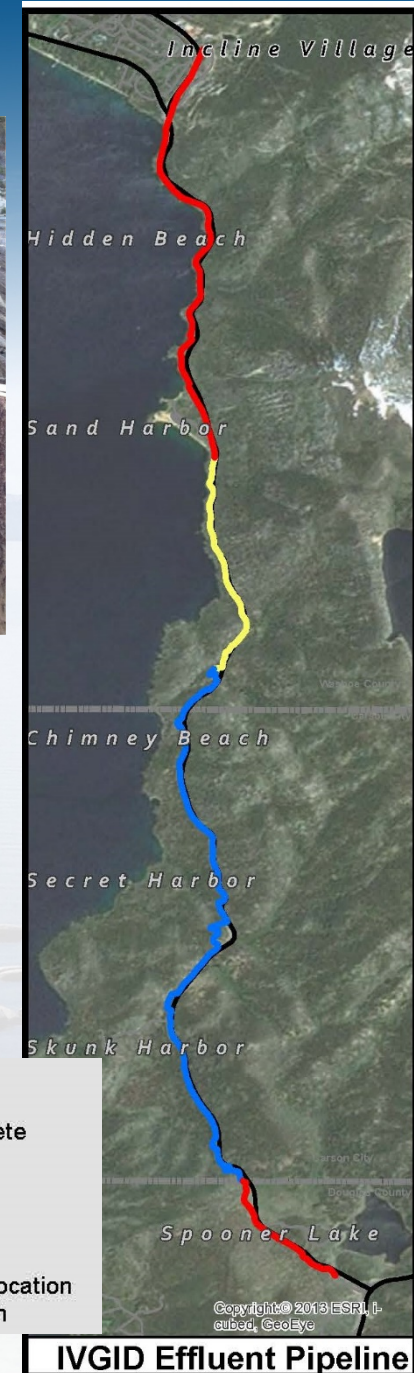


Benefits:

- Environmental
 - Water Quality
 - Reduce Fire Risk (Fire Hydrants)
- Safety
- Maintenance
- Cost Savings

IVGID Effluent Pipeline

-  Replacement Complete
-  Future Replacement
-  Critical Replacement Area Proposed Co-Location with Shared Use Path



Power/Communications

The SR 28 Corridor EA and letter with instructions on how to comment are available at:

<https://go.usa.gov/xmgxT>

30-day comment period:
July 12 – August 11, 2019.



questions?



Commitment

To jointly address shared issues, the TTD and its 12 partners have created a remarkable implementation mechanism: the SR 28 Corridor Management Plan. We thank the public for thoughtful comments and for supporting our commitment to protect the lake, improve safety, enhance recreation with transportation choices and benefit local/regional economies.

We, the undersigned, look forward to continued collaboration with the community as well as with each other:



Tahoe Transportation District

Carl Hasty
Carl Hasty, District Manager



Federal Highway Administration

Sue Klekar
Sue Klekar, Division Administrator



Nevada Department of Transportation

Rudy Malfabon
Rudy Malfabon, P.E., Director



Nevada Highway Patrol

Randy Jackson
Sergeant Randy Jackson
Incline Village/Lake Tahoe



Carson City Regional Transportation Commission

John McKenna
John McKenna, Chair



County of Washoe

John Berkich
John Berkich, Interim County Manager



Washoe Tribe of Nevada and California

Darrel Cruz
Darrel Cruz, Washoe Cultural Resource
Department-Director, Tribal Historic
Preservation Officer



Tahoe Regional Planning Agency

Joanne Marchetta
Joanne Marchetta, Executive Director

Tim Carlson

Tim Carlson, Presidential Appointee



U.S. Forest Service

Nancy J. Gibson
Nancy J. Gibson, Forest Supervisor
Lake Tahoe Basin Management Unit



Nevada Division of State Parks

Dave Morrow
Dave Morrow, Administrator



State of Nevada, Division of State Lands

James R. Lawrence
James R. Lawrence, Administrator and
State Land Registrar



County of Douglas

Steve Mokrohisky
Steve Mokrohisky, County Manager



Incline Village General Improvement District

William B. Horn
William B. Horn, General Manager

13 agencies, one effort

Along the Tahoe East Shore Trail on the SR 28 National Scenic Byway

This 810-foot East Shore Trail bridge is Tahoe's longest.

Historic moment: final trail bridge deck set

Early (2 a.m.) on the morning of May 15, 2019, an historic moment for safety occurred. The final link, the final bridge deck was set between Incline Village and Sand Harbor for the new Tahoe East Shore Trail. The longest bridge - 810 feet long - was now in place.

NDOT Project Manager Nick Johnson noted, "The completion of the bridge is a giant step in the safety improvements along SR 28. This project will provide over 2,000 people a day a path for safe access to the shoreline of Lake Tahoe and it will improve congestion on the highway. The public can now look forward to enjoying the Trail, starting this summer."



Crane placing fiberglass bridge deck.

After finishing the bridge decks, Granite Construction focused on the final details: installing railings, painting, landscaping and adding visitor amenities. Granite also added rumble strips and striping on SR 28 between Incline Village and US 50.

To summarize, this project makes the SR 28 National Scenic Byway corridor safer with: three miles of off-highway pedestrian and bicycle path, a tunnel at Hidden Beach that eliminates crossing at-grade on the highway, three new off-highway parking lots, pedestrian-activated crossing at Lakeshore Blvd., digital messaging for traffic alerts, State Park Closure signs to alert motorists when the park is full, and an expanded no parking zone (3 miles).

Improving safety

3 miles of off-highway walking/biking Trail and 90 connected parking spaces, plus 10 vehicle emergency/maintenance and 4 viewpoint pullouts on SR 28

6 miles of stormwater enhancements (plus 500+ cars per peak day no longer shoulder-parking), reducing fine sediments and erosion

Protecting Tahoe water quality

Promoting economic vitality

5 miles of conduit for fiber optic and information technology use, plus motorist alerts. Synergy between better recreation experience and local business

Managing capacity, while protecting and upgrading the experience for future generations.

Enhancing the visitor experience

Expanding transportation choices

Encouraging bicycling, walking and riding transit by connecting off-highway parking to the Trail and transit.

"This pathway is much more than three miles - it's a legacy project that provides safety improvements for sustainable recreation and transportation access for generations to come." - Steve Sisolak, Governor, Nevada



Crucial challenges led to cohesive action



Lake Tahoe's longest undeveloped shoreline

Lake Tahoe's longest stretch of undeveloped shoreline (11 miles) parallels SR 28 from south of Lakeshore Dr. in Incline Village to US 50. This two-lane, mountainside road is the only access for over 2.6 million vehicles per year and one million annually recreating.



The number of vehicles parked on the shoulder has also continued to grow (170% over 11 years), with visitors walking in travel lanes to their recreation destination. Visitor safety, traffic flow and the area's sensitive resources have suffered.

"A safer, multi-modal SR 28 corridor could only be achieved by agencies working together."

- Carl Hasty, District Manager, TTD

Then, in an unprecedented response, 13 agencies came together in 2014 to develop a Corridor Management Plan (CMP). As Randy Jackson of the Nevada Highway Patrol put it, "It was chaos vs. management. The only option was management for safe driving and lake access."

"For 13 agencies to work together to deliver multiple projects at once, at Tahoe is rare. The Trail shows how collaboration can positively impact the traveling public."

- Kristina Swallow, Director, NDOT

The CMP established a framework that has delivered its first major, and potentially most challenging, phase: the construction of the Tahoe East Shore Trail. Thanks to cohesive action, there are three miles of off-road, shared-use path between Incline Village and Sand Harbor, plus other safety and stormwater improvements along SR 28.



The Tahoe East Shore Trail - part of the SR 28 CMP



Experience, ingenuity and innovation for a unique environment

Working in the steep, sensitive terrain of the SR 28 National Scenic Byway required an experienced team. NDOT, Jacobs Engineering, Granite Construction and the project partners worked side by side, keeping the project on schedule and budget with techniques like these:



Challenging, steep, environmentally sensitive terrain

Micro-pile support system bridges - 8-inch diameter piles were drilled into bedrock 12-45 feet deep, then surveyed with pinpoint accuracy so each fiberglass bridge deck could be manufactured. All five fit together like a puzzle.

Sculpted soil-nail walls - 12-20-foot reinforcing steel rods were drilled into slopes for stability, then sprayed, sculpted and hand-painted to blend into the landscape.

Technology under parking lot pavers - stormwater drainage systems are improving the filtration process for oils and fine sediment and reducing maintenance.

Pedestrian tunnel built of boxes - 17, 25,000-lb. concrete boxes were set by a crane and joined to form a tunnel.



Celebrating connecting the tunnel boxes

“At Tahoe, the construction season is short. It was a dance in scheduling and traffic control to minimize our impact.” - John O’Day, Project Manager, Granite

South shore segment of the Tahoe Trail

Another popular section of the Tahoe Trail was built in 2014 by TTD and NDOT. 2.2 miles long, it connects in Stateline through Rabe Meadow to USFS Nevada Beach and Round Hill Pines Resort. In summer and fall, over 30,000 visitors use the trail per month.



“Even more exciting than the actual trail is the way this community came together. With the generous support from over 500 donors, this is an extraordinary example of the power of philanthropy and public-private partnership.” - Amy Berry, Executive Director, the Tahoe Fund



The no-longer impossible Tahoe East Shore Trail



Fish plaques on bridge railings commemorate Tahoe Fund donors.

Thanks to the community for making the Trail possible

A number of federal, state and local resources helped to fund The Tahoe East Shore Trail:

Project Partners

Nevada Department of Transportation
Federal Highway Administration
Tahoe Transportation District
Nevada Division of State Lands
Nevada Division of State Parks
U.S. Forest Service - Lake Tahoe Basin Management Unit
Washoe County
Tahoe Fund
Tahoe Regional Planning Agency
Incline Village General Improvement District
Carson City
Douglas County
Washoe Tribe of Nevada and California

Construction by Granite Construction Company

Funding Partners

Federal Land Access Program
National Scenic Byway Program
Nevada Department of Transportation
Nevada Stormwater Quality Program
Nevada Voter Approved State Question-1
Washoe County Voter Approved Question-1
Federal Lands Highway Division 1/2 % Program
Federal Highway Administration Transportation Alternatives and Recreation Trails Programs
Tahoe Fund
IVGID Sewer Fund for export line repair
Tahoe Regional Planning Agency

Also critical to the project were the Tahoe Fund's efforts in securing over \$1 million in private donations, which unlocked \$12.5 million in Federal Land Access Program grant dollars. Donors are honored at 17 vista points and two information kiosks, and with fish plaques on bridge railings, bear plaques across the path and a donor wall.

The Tahoe Fund also secured a grant from Nevada Energy for 23 interpretive panels and is continuing raising funds to maintain the East Shore Trail and for future segments.

Parking progress plus transit

Although the terrain, environmental constraints and sight distances limit locations, this project added 90 off-highway parking spaces. Goals are to add more spaces during NDOT's next resurfacing and secure a long-term park-n-ride location. Plans also include a future parking fee to maintain the Trail and parking.

Don't let parking be your adventure!

Remember parking in the summer fills up fast. You can take the East Shore Express transit to the Tahoe East Shore Trail, Sand Harbor and Hidden Beach June 15 - Labor Day weekend. Parking is located at Southwood Blvd. and SR 28 in Incline Village. New this year, Tahoe Area Rapid Transit is extending its service with a stop at the new Trail.

FOR QUESTIONS AND ADDITIONAL INFORMATION PLEASE CONTACT:

Nick Johnson, PE, PMP, CPM NDOT Senior Project Manager

1263 S Stewart Street, Carson City, NV 89712 (775) 888-7318 njohnson@dot.state.nv.us

OR VISIT OUR WEBSITE AT: nevadadot.com/SR28



Proposed Action Overview Map
SR-28 Shared Use Path, Parking, Safety and Environmental Improvements Project
Draft Environmental Assessment July 2019

Sand Harbor

Chimney Beach Expanded Parking
Secret Harbor Expanded Parking
Chimney Beach

Secret Harbor

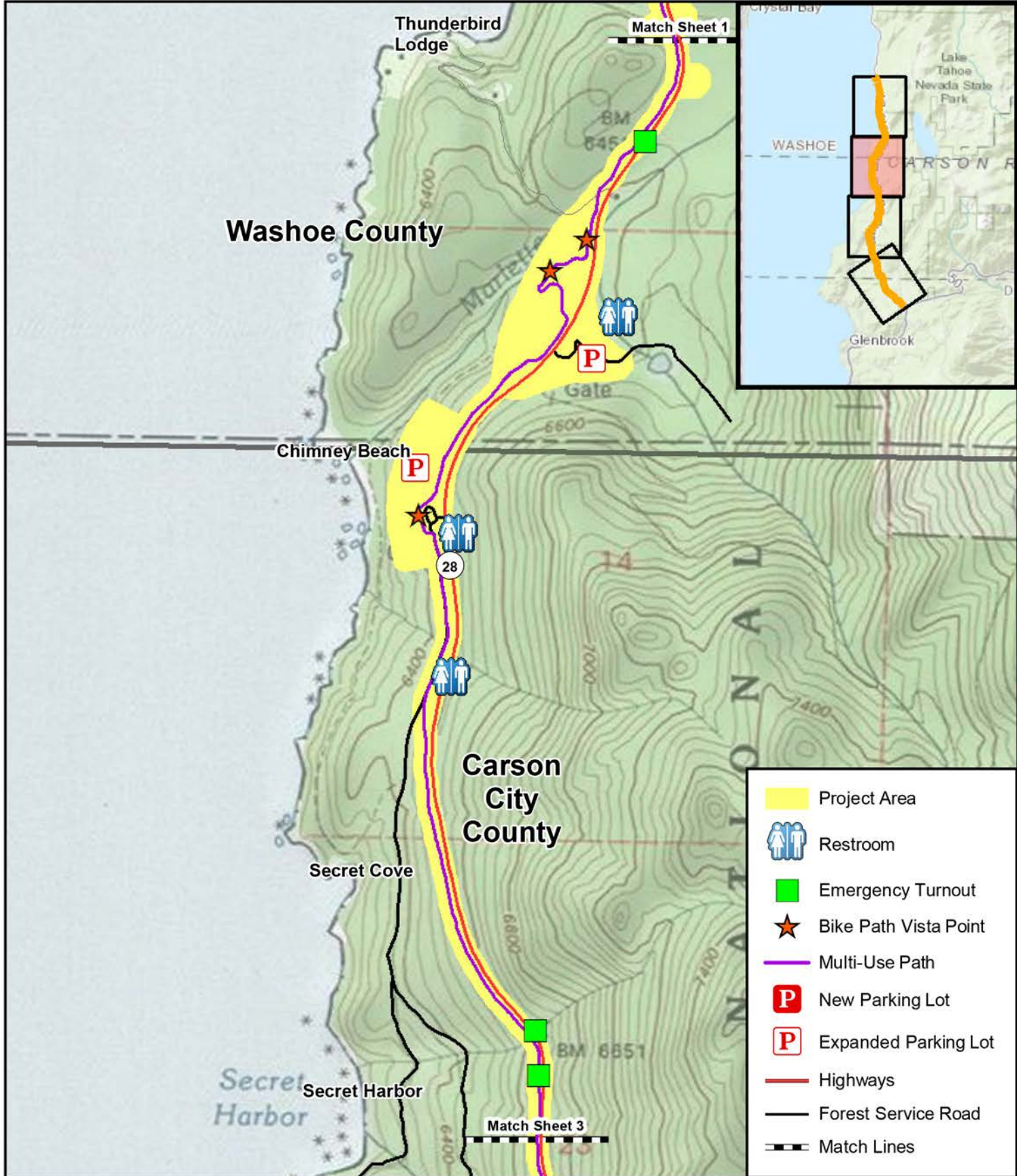
Skunk Harbor New Parking
Skunk Harbor

Spooner Park-N-Ride New Parking

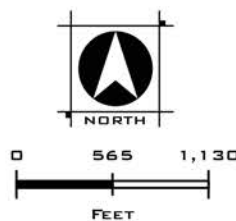
Legend

-  Project Area
-  Restroom
-  Emergency Turnout
-  Bike Path Vista Point
-  Multi-Use Path
-  New Parking Lot
-  Expanded Parking Lot
-  Lake
-  Highways
-  Forest Service Road

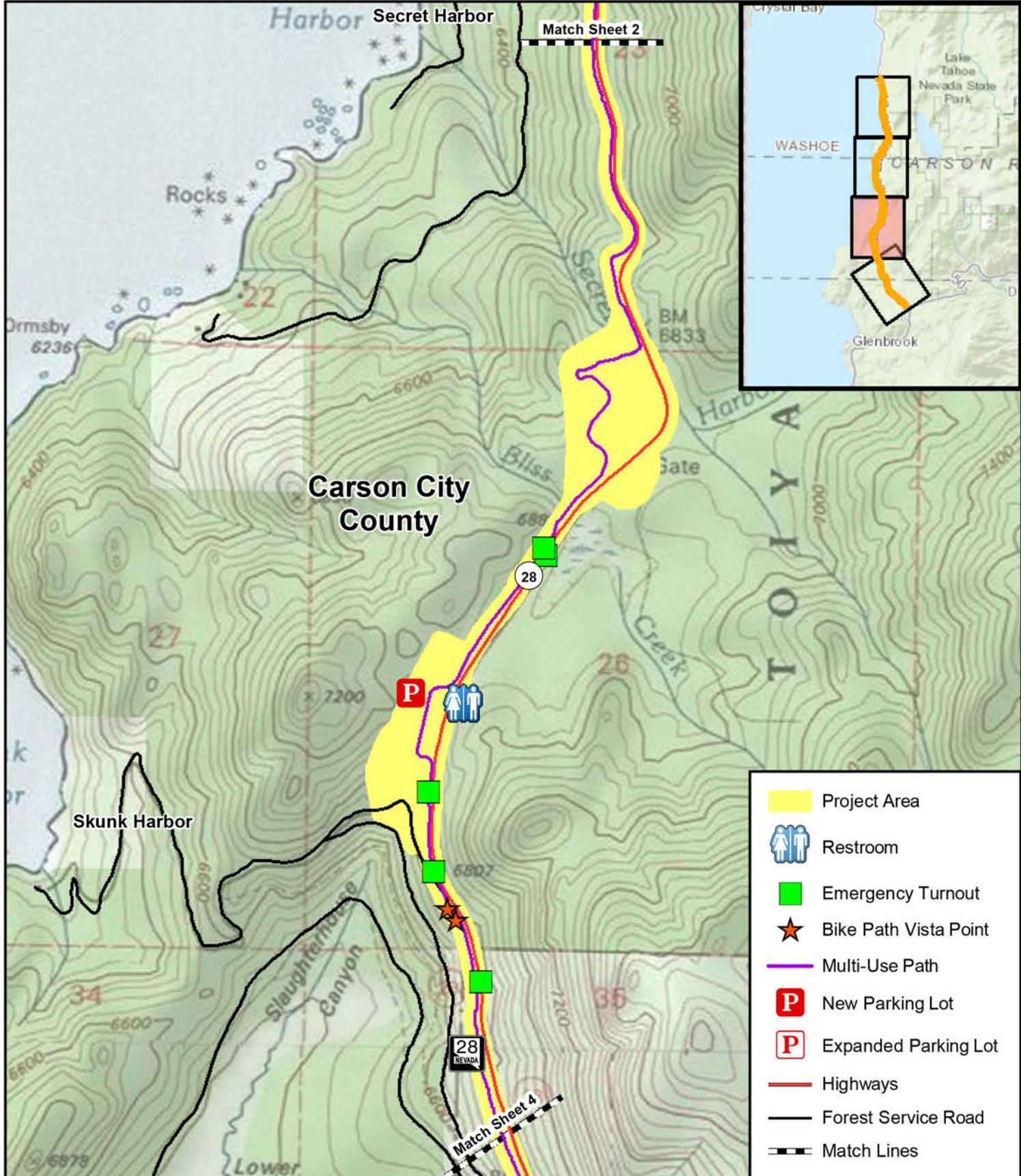




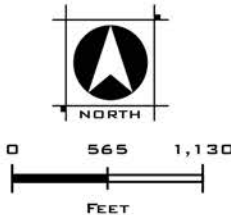
PROPOSED ACTION MAP
Thunderbird Lodge to Secret Harbor
 PROPOSED SR28 CORRIDOR PLAN PROJECT
 WASHOE / CARSON CITY / DOUGLAS COUNTIES, NV
 MAY, 2019
 NOTES



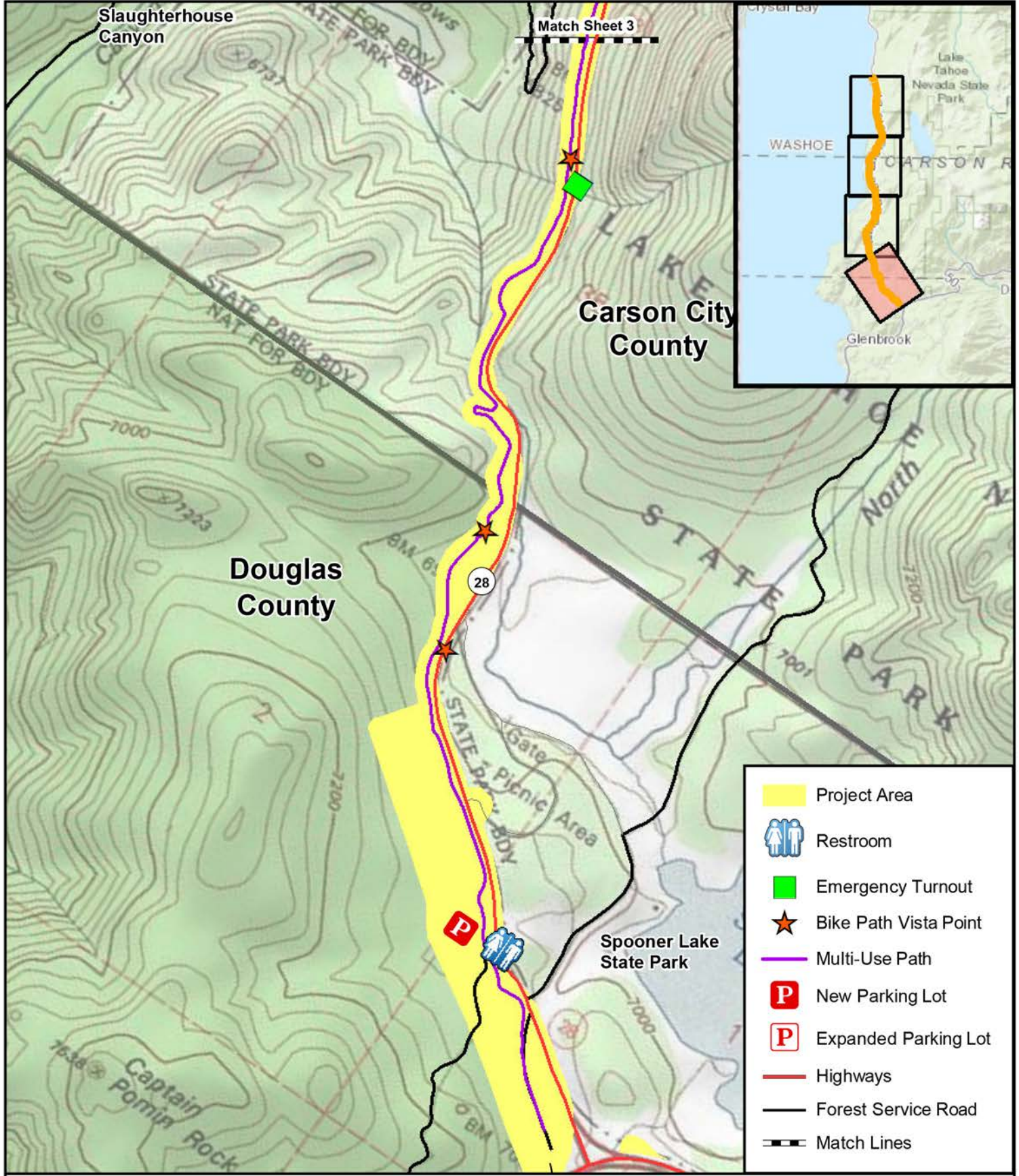
WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 1361 Corporate Boulevard
 Reno, NV 89502
 Tel: 775.823.4068
 Fax: 775.823.4066



PROPOSED ACTION MAP
Secret Harbor to Slaughterhouse Canyon
 PROPOSED SR28 CORRIDOR PLAN PROJECT
 WASHOE / CARSON CITY / DOUGLAS COUNTIES, NV
 MAY, 2019
 NOTES



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 1361 Corporate Boulevard
 Reno, NV 89502
 Tel: 775.823.4068
 Fax: 775.823.4066



PROPOSED ACTION MAP

Slaughterhouse Canyon to Spooner Junction

PROPOSED SR28 CORRIDOR PLAN PROJECT

WASHOE / CARSON CITY / DOUGLAS COUNTIES, NV

MAY, 2019

NOTES

NORTH

0 565 1,130

FEET

WOOD RODGERS

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

1361 Corporate Boulevard
Reno, NV 89502

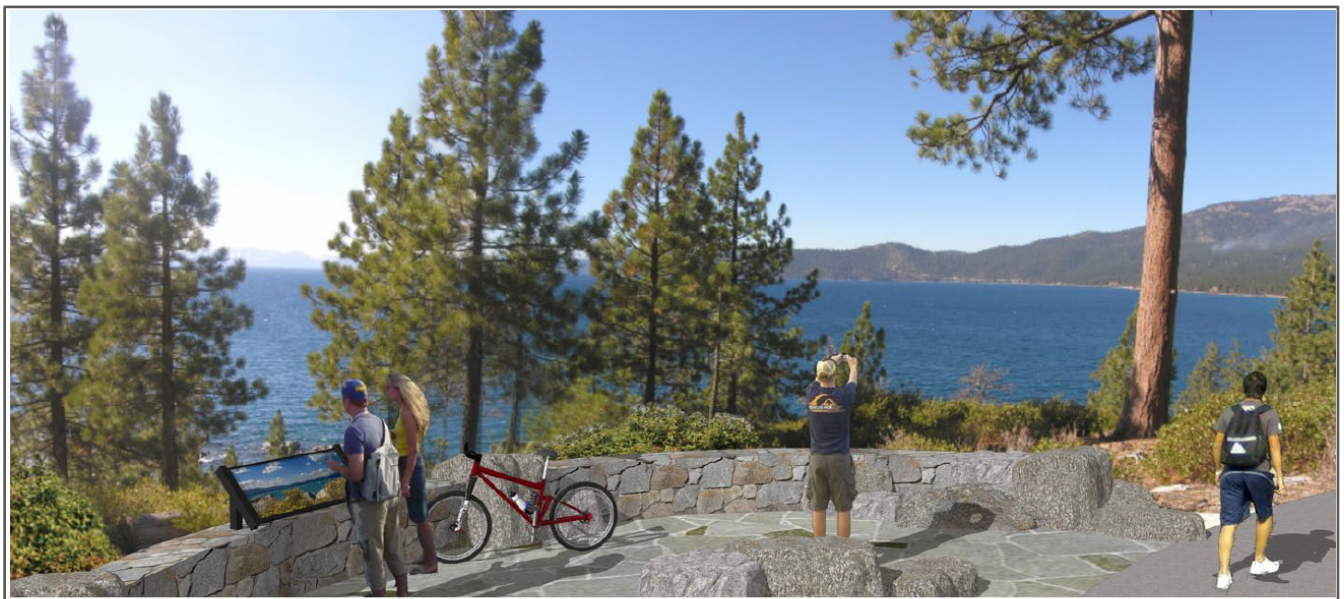
Tel: 775.823.4068
Fax: 775.823.4066

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SR-28 Shared Use Path, Parking, Safety and Environmental Improvements Project

Draft Environmental Assessment

Washoe, Carson City, and Douglas Counties, Nevada



Conceptual illustration of viewpoint along proposed Bikeway. (Actual design may vary.)



Forest Service

Lake Tahoe Basin Management Unit

July 2019

For More Information Contact:

Mike Gabor
Lake Tahoe Basin Management Unit
35 College Dr
South Lake Tahoe, CA 96150
Phone: (530) 543-2642
Email: michael.gabor@usda.gov

Cover Photo: A rendering of a proposed vista point lookout on the proposed shared use path (photo credit: 2013 State Route 28 National Scenic Byway Corridor Management Plan)

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Acronyms

Table 1. List of acronyms

Acronym / Abbreviation	Definition
BMPs	Best Management Practices
Caltrans	California Department of Transportation
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
DBH	Diameter at Breast Height
EA	Environmental Assessment
Forest plan	Lake Tahoe Basin Management Unit Land and Resource Management Plan
FS	Forest Service
IVGID	Incline Village General Improvement District
LRWQCB	Lahontan Regional Water Quality Control Board
LTBMU	Lake Tahoe Basin Management Unit
NDEP	Nevada Department of Environmental Protection
NEPA	National Environmental Policy Act
NFS	National Forest System
OHV	Off-highway Vehicle
PAC	Protected Activity Center
PAOT	Persons At One Time
PCT	Pacific Crest Trail
ROS	Recreation Opportunity Spectrum
SEZ	Stream Environment Zone
SHPO	State Historic Preservation Officer
South Shore Project	South Shore Fuel Reduction and Healthy Forest Restoration Project
TEPCS	Threatened, Endangered, Proposed, or Candidate Species
TES	Threatened and Endangered Species
TMPO	Tahoe Metropolitan Planning Agency
TRPA	Tahoe Regional Planning Agency
TRT	Tahoe Rim Trail
TTD	Tahoe Transportation District
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

Project Summary

This document analyzes proposed improvements to highway safety, infrastructure, summer recreation access, and scenic quality for the State Route-28 (SR-28) Scenic Byway corridor from Sand Harbor to Spooner Junction, including:

- Construction of approximately eight miles of shared-use path with associated facilities;
- Improvements to the highway, including pullouts, signage, safety features, and erosion control measures;
- Expansion of existing, and construction of new parking facilities;
- Relocation of utilities, including effluent pipeline, communications, and electrical;
- Construction of an Aquatic Invasive Species Inspection station;
- Construction of stormwater mitigation features;
- Elimination of highway shoulder parking;
- Issuance of special use permits and DOT easement deeds.

These actions would be implemented on the Lake Tahoe Basin Management Unit, also within the Nevada Department of Transportation's (NDOT) right-of-way, and within the Nevada Division of State Park's Lake Tahoe Nevada State Park, Sand Harbor, and Spooner Lake Management areas.

This joint environmental assessment (EA) was prepared to determine whether effects of the proposed action may be significant enough to prepare an environmental impact statement. By preparing this EA, the USDA Forest Service (FS) is fulfilling agency policy and direction to comply with the National Environmental Policy Act (NEPA). Additionally, the EA complies with Chapter 3 of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances (Code) (2018) and Article VI of the TRPA Rules of Procedure (2018). For more details of the proposed action, see the Proposed Action and Alternatives section of this document.

The lead agency for this analysis is the FS, Lake Tahoe Basin Management Unit. TRPA is the lead and primary permitting agency under the Tahoe Regional Planning Compact (Public Law 96-551). The project is included in the 2010 Lake Tahoe Region Bicycle and Pedestrian Plan (Tahoe Metropolitan Planning Organization/TRPA) and 2012 TRPA Regional Plan.

The Tahoe Transportation District (TTD) is the proponent for the SR-28 Shared-Use Path, Parking, Safety and Environmental Improvements Project (project). The project is included in the Lake Tahoe Regional Transportation Plan (2017). Other agencies instrumental in guiding project design and preparation of this EA include the Nevada Division of State Parks, the Nevada Division of State Lands, Washoe County, Carson City, Douglas County, the Incline Village General Improvement District (IVGID), and the Nevada Department of Transportation. Additionally, the Washoe Tribe of Nevada and California has been indirectly involved through sponsorship of the Nevada Stateline-to-Stateline Bikeway planning process.

1 Chapter 1 – Introduction

1.1 Document Structure

The U.S. Department of Agriculture (USDA) Forest Service (FS) prepared this environmental assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and state laws and regulations. This EA discloses the direct, indirect, and cumulative environmental effects that would result from the proposed action as well as the no-action alternative. The document is organized as follows:

Chapter 1 - Introduction includes information on the structure of the environmental assessment, background of the project, overview of the existing condition, the desired conditions, the purpose of and need for action, summary of the proposed action, applicable management direction, and the decision framework. This chapter also details how the Forest Service informed the public of the proposal through public involvement, describes the issues identified by the public, and summarizes laws, regulations, and policies that are applicable to the project.

Chapter 2 - Alternatives, Including the Proposed Action provides descriptions of the no-action alternative and the FS's proposed action. Site maps of the project area are included. Chapter 2 also summarizes the effects of the no-action alternative and the proposed action.

Chapter 3 - Environmental Consequences presents an overview of the analysis, the existing conditions, and the environmental effects of implementing the alternatives. The effects of the no-action alternative are described first to provide a baseline for evaluation and comparison with the proposed action.

Chapter 4 - Consultation and Coordination provides a list of preparers and agencies consulted during the development of this document.

The **Appendices** include water quality protection best management practices, the Tahoe Regional Planning Agency (TRPA) Initial Environmental Checklist, and projects considered for cumulative effects. Additional documentation is in the project record located on the Lake Tahoe Basin Management Unit (LTBMU) public website and is available upon request in accordance with 40CFR 1506.6(f) and 40 CFR 1502.21.

1.2 Proposed Project Location

The SR-28 Shared Use Path, Parking, Safety and Environmental Improvements Project (project) is located along SR-28 on the east shore of Lake Tahoe between Sand Harbor State Park and Spooner Summit. Proposed actions will occur on LTBMU managed lands, within the Nevada Department of Transportation's (NDOT) right-of-way, and within the Nevada Division of State Park's Lake Tahoe Nevada State Park, Sand Harbor, and Spooner Lake Management Areas. Approximately 24 acres of Washoe Tribal Land are located just north of Skunk Harbor but are not within the project area. The project is situated in Washoe, Carson City, and Douglas counties.

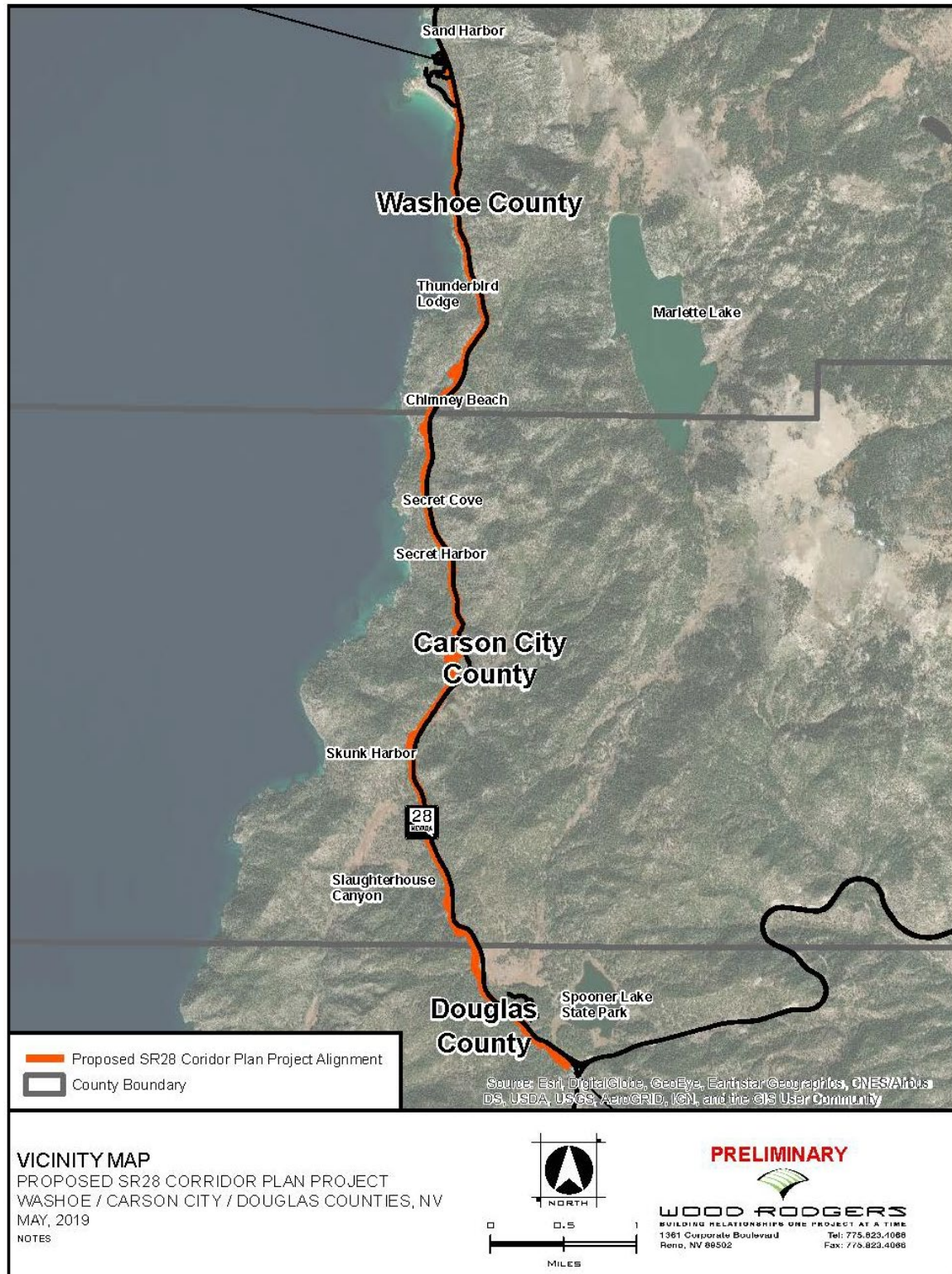


Figure 1. Project vicinity map

1.3 Background

The east shore of Lake Tahoe contains scenic landscapes and many popular dispersed recreation destinations. SR-28 is the main access route to the area. With few exceptions (including Thunderbird Lodge, Newhall Estate, Sand Harbor, and Secret Harbor), the SR-28 corridor is largely undeveloped. The corridor's surrounding landscape is currently a mosaic of second growth, mixed-conifer forest, meadows, streams, and both rocky and sandy shoreline.

The east shoreline of Lake Tahoe is a popular destination for swimming, kayaking, paddle-boarding and other water sports. Chimney Beach, Secret Harbor, Skunk Harbor, and the Thunderbird Lodge area are the most popular beach destinations along the corridor. Chimney Beach currently experiences the most crowded conditions during the peak season with resulting litter, graffiti, and sanitation (human and pet) issues. The Forest Service regularly receives comments concerning the large numbers of people using the beach and resulting increased trash and heavy use by dogs. Lake Tahoe Nevada State Park (State Park) at Spooner is popular for its fishing, wildlife and wildflower viewing; it also serves as a starting point for many backcountry trails, including the nationally designated Tahoe Rim Trail. This park has parking, restrooms, picnic areas, rustic backcountry cabins, and hiking trails.

Two existing parking lots (Secret Harbor and Chimney Beach parking areas) serve the FS lands along the SR-28 corridor in the project area. The Secret Harbor parking lot has permanent restroom facilities, 31 parking spaces, and a trailhead that directs visitors to the series of beaches in the harbor. Chimney Beach parking lot has portable restrooms, 21 parking spaces, and trailheads leading to Chimney Beach and Marlette Lake. The parking lots are at or above capacity during the summer season. Once the parking lots are full, parking overflows onto the highway shoulder, causing dangerous conflicts between pedestrians and motor vehicle traffic and hindering the movement of emergency vehicles. The number of vehicles parked along the shoulder in the corridor has exceeded 1,000 during peak summer days. Pedestrians are forced to walk in travel lanes, disrupting traffic flow and resulting in back-ups that often stretch for over a mile. The overflow of parking triggers a dispersed use of the corridor, with visitors scaling highway guard rails to descend steep grades to the shoreline. User-created paths are noticeably positioned every 100 to 150 feet, disturbing vegetation and exacerbating erosion. Visitors and residents that access the public lands and developed recreation facilities on the east shore by foot or bicycle do so under extremely unsafe and hazardous parking conditions.

Concerns over the corridor's ongoing management triggered the creation of the State Route 28 National Scenic Byway Corridor Management Plan in 2013 (Byway Plan). This interagency effort addressed environmental, traffic, access, and safety concerns along the highway corridor through enhancements to the built environment and transportation programming while protecting natural resources and improving user safety and experience. This plan explored integrating transportation choices like transit and walking / biking trails, as well as expanding off-highway parking facilities to reduce highway congestion and improve safety. Elements considered in this plan include, but are not limited to, parking areas at the outer limits of the corridor (also known as intercept lots) with shuttle service to the recreation sites, an off highway shared-use path (including the proposed project, and extending through the remainder of the corridor), off-highway parking and emergency pullouts, vista points, improved access to recreational areas, and interpretative signage. This project has been designed to accommodate future connections to transit service within the corridor. Specifically, the proposed expanded and new off-road parking and roadway pullouts have been designed to serve as future transit stops. The Byway Plan looked at multiple alignments of the shared-use path and parking lots and was used to inform the alignment proposed in this project.

Various planning efforts in the past did not result in a comprehensive plan for the project area and were either not supported for implementation or failed in their efforts to solve problems within the corridor. The support of multiple agencies to enact and enforce parking controls is a condition that did not previously exist within the corridor. The current multi-agency effort provides a unique opportunity to improve the safety, natural resources, and recreation experience of the area.

The first completed project from the Byway Plan was the North Demonstration Project that constructed parking lots along SR-28 in Incline Village near the Tunnel Creek trailhead area and the first three miles of the shared-use path (path), connecting Incline Village to Sand Harbor. There are no other paved paths present within the SR-28 corridor, and this is a key gap in the Lake Tahoe Basin's (basin) bicycle network. Existing bikeway systems in the basin are extremely popular and public surveys show that expansion of the system around the entire lake is desired. E-bikes are becoming increasingly popular in the basin and are often seen on system trails not authorized or designed for their use. The proposed path, coupled with expanded off-highway parking opportunities, would provide safe, reliable, and enjoyable access to the popular recreation sites and would reduce the dependence on private automobiles within the corridor.

Sand Harbor is the popular beach area within the State Park and is located at the northern terminus of the proposed shared-use path. In 2012, Nevada Division of State Parks established a "no walk-in" policy at Sand Harbor to discourage illegal and unsafe shoulder parking near the main entrance when the park is at capacity. For the shared-use path to function as an alternative means of accessing the park, it is expected this policy would be revised to allow shared-use path users to access the park, at least during non-peak use periods. During peak periods when Sand Harbor is at capacity, the Nevada Division of State Parks could make the decision to close access from the shared-use path and other walk-in access with appropriate signage publicizing this information if visitor safety and park management issues warrant it. The challenges associated with controlling shoulder parking and park access would be addressed through an Operations and Maintenance Plan.

TRPA's 2017 Regional Transportation Plan (Regional Plan) restated the agency's commitment to encouraging pedestrian and bicycle use as a significant mode of transportation at Lake Tahoe. The Regional Plan presented a transportation strategy, including 40 bicycle / pedestrian projects (including the Nevada Stateline-to-Stateline Bikeway and the proposed SR-28 Corridor Management Plan Project), representing a commitment of \$140 million. The revised TRPA Code that accompanied the Regional Plan also provided regulatory relief for the development of non-motorized public trails to allow pathways to be exempt from impervious coverage totals.

A primary objective of the Regional Plan is to establish a safe, secure, efficient, and integrated transportation system that reduces reliance on the private automobile. Goal 2 of the Regional Plan is to encourage bicycle and pedestrian usage as viable and significant modes of transportation in the Tahoe Region. The Lake Tahoe Region Bicycle and Pedestrian Plan (TRPA and Tahoe Metropolitan Planning Agency 2010), which was incorporated into the Regional Plan, identified the Nevada Stateline to-Stateline Bikeway including the SR-28 Shared Use Path, Parking, Safety and Environmental Improvements Project (SR-28 Project) as a high-priority transportation project that would complete a critical gap in multi-modal transportation infrastructure on the east shore of Lake Tahoe. Currently, the east shore of Lake Tahoe is accessed predominantly by automobile (TRPA and Tahoe Metropolitan Planning Agency 2015/2019).

There is a temporary aquatic invasive species inspection station in the corridor at the intersection of SR-28 and US-50 (Spooner junction). The location of the facility does not meet Nevada Department of Transportation (NDOT) standards for site and turning distances and cannot be permitted long-term. A permanent facility that meets code is desired for future use by TRPA.

Existing utilities in the corridor are aging or inadequate, posing long-term safety, aesthetic, and functional concerns along the corridor. Overhead electrical lines are aging and unsightly; they detract from the scenic quality of the byway and pose maintenance issues, as well as posing a risk of wildland fire. Additionally, telecommunication capacity in the basin is limited and there is a strong desire to expand the use of fiber optic technology on the east shore. NV Energy has requested enhancements to these utilities.

A pipeline which delivers treated effluent (sewer water that has been treated to the level of being safe for agricultural broadcast purposes but not for drinking water) out of the basin for final disposal is aging and poses a risk of failure. The current alignment of the pipeline is within the SR-28 footprint. Maintaining this pipeline in the roadway imposes long-term financial and safety burdens and relocating the line outside of the highway alignment is strongly desired by the Incline Village General Improvement District (IVGID). Additional safety concerns for both motorists and construction crews arise during repair work coinciding with peak corridor use when the highway must be shut down to conduct repairs on the line. The effluent is considered safe for use for wildland firefighting uses. Adding fire hydrants to the pipeline would provide a source of water for wildland firefighting purposes in this area of high risk for accidental fire starts from recreation and vehicular sources along the highway.

1.4 Regulatory and Decision Framework

This EA is intended to meet the environmental review requirements of the FS and TRPA, which maintain primary discretionary authority to approve a Special Use Permit (FS) and issuance of a Construction Permit (TRPA).

After reviewing this EA and other information regarding the project proposal, TRPA will consider the adequacy of the EA and its compliance with the TRPA Regional Plan, Code, Rules of Procedure, and Goals and Policies. TRPA would then approve or deny the project as presented.

The LTBMU Forest Supervisor will decide:

1. Whether or not to implement the project activities as described in the proposed action.
2. Whether or not a finding of no significant impact can be supported by analysis in this EA.

1.5 Need for the Proposal

The purpose of this project is to improve highway safety, infrastructure, summer recreation access, and scenic quality along the SR-28 corridor between Spooner junction and Sand Harbor, as well as improve water quality and air quality in Lake Tahoe and improve non-motorized access to the SR-28 corridor.

There is a need to:

- Implement the Highway 28 Corridor Management Plan;
- Improve safety in the highway corridor for all modes of transportation;
- Reduce traffic congestion;
- Make structural and aesthetic improvements to the scenic highway;
- Reduce unauthorized trails, shoulder parking, and associated resource impacts;
- Provide safe pedestrian crossing locations where needed;
- Expand the existing bikeway system around the basin with a bicycle and pedestrian pathway separate from traffic;

- Provide infrastructure to facilitate future public transit initiatives;
- Identify areas suitable for use by Class I e-bikes;
- Enhance opportunities for visitors to enjoy views of the lake;
- Protect lake clarity with implementation of stormwater Best Management Practices (BMPs);
- Construct a permanent aquatic invasive species inspection station;
- Protect water quality and prevent the spread of invasive species;
- Improve utility infrastructure; and,
- Ensure proper management of facilities through the issuance of permits.

Forest Plan:

The 2016 LTBMU Land and Resource Management Plan (Forest Plan) strategies relevant to this project include:

- The LTBMU continues to emphasize the use of partnerships and volunteers to attain our desired conditions.
 - Through joint participation, cooperative agreements, volunteer agreements, and grant funding, encourage partners and volunteer stewards to achieve mutual resource management and stewardship goals (page 60).
- The LTBMU recreation program strategy provides for a range of recreation opportunities while emphasizing shared use and sustainability objectives. The recreation program considers changing trends and user needs while maintaining the natural setting. All developed recreation sites continue to be well maintained, sustainable, and compatible with management goals (page 60).
 - Additionally, the public access strategy outlined in the Forest Plan directs the forest to coordinate management activities and projects to minimize impacts to public access and recreational experience.
- Design criteria in the Forest Plan direct the management of recreation resources.
 - DC 85: a spectrum of high-quality recreational opportunities is provided, while the Lake Tahoe Basin natural setting as an outstanding recreation destination is maintained (Pathway).
 - DC 94: Recreation Development meets a wide range of social expectation while maintaining the quality of the setting and natural resources.

1.6 Public Involvement and Tribal Consultation

The project was posted on the LTBMU's "Schedule of Proposed Actions" on or before January 1, 2018. A scoping letter was mailed and e-mailed to stakeholders and interested parties on November 22, 2017, and a copy of the scoping letter and proposed action was posted on the [LTBMU website](#) the same day. An FS news release was distributed to local media outlets summarizing the proposed action and asking for public input on the proposed action. On December 5, 2017, both the Tahoe Daily Tribune and the Sierra Sun posted notice of the project for public comment on their website. In response to the announcements, 26 letters and 39 comments were received electronically and via postal mail. In addition, the following people and entities were engaged in preliminary meetings or conversations for development of the EA:

Private Property Owners: Secret Harbor Corp LRG Tahoe LLC representatives (primary contact Alex Finn) and Bill Watson were informed at Thunderbird Lodge of the project kick-off and intent with personal meetings, and they were provided with contact information for the project.

Private Business: The Tunnel Creek Café and Bike Rental Shop/Shuttle Max Jones (Lease) and Craig Olsen (Owner) were informed of the project kick-off and intent. Granite Construction is currently building the Nevada Stateline to Stateline Bikeway segment from Incline Village to Sand Harbor. Discussions with John O'Day (Project Manager) regarding constructability and lessons learned from that project were used in developing the proposed action. Discussions with NV Energy involved potential co-location and undergrounding of their overhead powerline.

The project consultant (Wood Rodgers, Inc.) involved the following agencies in in-depth discussions:

- State Parks, on the entry movements and alignment of the trail at Sand Harbor and Spooner Lake;
- IVGID, on the co-location of export line;
- NDOT, on the pullouts and other highway improvements as well as lessons learned from previous projects;
- FS, on off-site parking areas Chimney Beach, Secret Harbor, Skunk Harbor and the proposed Park-n-Ride near Spooner Lake State Park;
- Nevada Department of Wildlife (NDOW), on wildlife movement corridors and on-site visit with Aquatic Invasive Species (AIS) station staff;
- TRPA, on various requirements including scenic analysis;
- Tahoe Transportation District (TTD) on the transit stops and lessons learned from previous projects.

Tribal Coordination: The Washoe Tribe of Nevada and California (Washoe Tribe) was notified of the project kick-off and intent by letter mailed December 19, 2018. Additionally, the project was discussed with Tribal representatives and project features were added to accommodate Tribal access to the section of land belonging to the Washoe Tribe in Skunk Harbor.

1.7 Issues

Based on comments received during the scoping period from internal and external partners, several issues were identified that led to changes in the proposed action or identified potential effects to be evaluated:

- The proposed parking lot expansions accommodate average use / demand for the area and may be based on old data that does not accurately reflect the current use of the corridor.
- The proposed action does not include measures to reduce unsafe and unauthorized parking along the highway shoulder.
- The proposed action does not include roadside protection barriers along SR-28.
- The proposed shared-use path crossing the entrance to Sand Harbor may result in a dangerous situation for pedestrians.
- The proposed pedestrian crossings on SR-28 from parking lots on the east side of the road to the shared-use path on the west side may result in a dangerous situation for pedestrians.

- Parking lots may be managed with fee systems and technologies that monitor capacities to provide real-time updates in the future, and the proposed facilities may not be capable of accommodating them.
- Transit systems may be implemented along SR-28 in the future, and the proposed facilities may not be capable of accommodating them.

The project record contains responses received during scoping and summarized here.

1.8 Laws, Regulations, and Policies

All resource management activities described and proposed in this document would be consistent with applicable Federal law and regulations, Forest Service policies, and applicable provisions of state law. The major applicable laws are as follows:

National Forest Management Act

The National Forest Management Act requires the development of long-range land and resource management plans. The Lake Tahoe Basin Management Unit Forest Plan was approved in 2016 as required by this act. The forest plan provides guidance for all natural resource management activities. The National Forest Management Act requires that all projects and activities be consistent with the forest plan. The forest plan has been reviewed in consideration of this project, and the documentation of the forest plan consistency is in the project record.

Endangered Species Act

In accordance with Section 7(c) of the Endangered Species Act, the U.S. Fish and Wildlife Service (USFWS) list of endangered and threatened species that may be affected by projects in the Lake Tahoe Basin Management Area was reviewed (September 26, 2018).

The effects on those species are analyzed in the Biological Assessment/Biological Evaluation (Project Record). Formal or informal consultation with the US Fish and Wildlife Service (USFWS) is not required for this project since there is no effect to TEPCS resources.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register of Historic Places. The National Historic Preservation Act (Public Law 89.665, as amended) also requires Federal agencies to afford the State Historic Preservation Officer a reasonable opportunity to comment. This project would follow the full 3bCFR800 Section 106 process.

Clean Water Act (Public Law 92–500)

All Federal agencies must comply with the provisions of the Clean Water Act, which regulates forest management activities near Federal waters and riparian areas. The design features and best management practices (Appendix A) associated with the proposed action ensure that the terms of the Clean Water Act are met, primarily prevention of pollution caused by erosion and sedimentation. Appropriate permits would be obtained from the Army Corps of Engineers if needed for the in-stream work.

Environmental Justice (Executive Order 12898)

Executive Order 12898 requires that all Federal actions consider potentially disproportionate effects on minority and low-income communities, especially if adverse effects on environmental or human health

conditions are identified. Adverse environmental or human health conditions created by the proposed action would not affect any minority or low-income neighborhood disproportionately.

Reviewing the location, scope, and nature of the proposed activity in relationship to non-Federal land, there is no evidence to suggest that any minority or low-income neighborhood would be affected disproportionately. Conversely, there is no evidence that any individual, group, or portion of the community would benefit unequally from the proposed action.

Invasive Species, Executive Order 13112 of February 3, 1999

This environmental assessment covers botanical resources and invasive plants. An Invasive Plant Risk Assessment has been prepared (Project Record). The project's design features are designed to minimize risk of new invasive plant introductions.

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

The original 1918 statute implemented the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the United States and Mexico, Japan, and the Soviet Union (now Russia). Specific provisions in the statute include the establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." Because forest lands provide a substantial portion of breeding habitat, land management activities within the Lake Tahoe Basin Management Unit can have an impact on local populations.

A Migratory Bird Report (Project Record) has been prepared for this project which fulfills the requirements of this act and Executive Order 13186.

Architectural Barriers Act

The Architectural Barriers Act requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal government be accessible to the public. The Architectural Barriers Act provides uniform standards for the design, construction, and alteration of buildings so that persons with disabilities will have ready access to and use of them. These standards are incorporated into the design of this proposed action in order to meet the Architectural Barriers Act.

Special Area Designations

There are no Special Area Designations within the project area.

Tahoe Regional Planning Agency (TRPA)

Any ground-disturbing project activities (greater than three cubic yards of soil) that occur between October 15 and May 1 will require a grading exemption from TRPA. An initial environmental checklist for determination of environmental impact was submitted to TRPA. A copy of the initial environmental checklist can be found in Appendix B. In addition, any required permits would be obtained from TRPA prior to project implementation. Project documents have been shared and reviewed by TRPA.

National Park Service Land and Water Conservation Fund Act (LWCF) Section 6(f)(3) and Section 4(f) of the Department of Transportation Act

The State (Nevada Division of State Parks) is responsible for compliance and enforcement of the LWCF Act and the Department of Transportation Act Section 4(f) provisions for both State and locally sponsored projects. Section 6(f)(3) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common-sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provide anti-conversion protection to the entire park site.

The portion of the SR 28 Corridor Plan Project that is located within Sand Harbor State Park does not constitute a conversion of use. Furthermore, this portion of the alignment supports and enhances outdoor recreation uses (Janice Keillor, p.c. 2019).

Section 4(f) of the U.S. Department of Transportation Act (USDOT) of 1966 prohibits the Federal Transit Authority and other USDOT agencies from using land from publicly owned parks, recreation areas (including recreational trails), wildlife and water fowl refuges, or public and private historic properties, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm to the property resulting from such a use.
OR The Administration determines that the use of the property will have a de minimis impact.

The portion of the SR 28 Corridor Plan Project that is located within Sand Harbor State Park was requested by Nevada Division of State Parks to enhance current outdoor recreation uses, public safety and park operations and management. Therefore, if the Federal Highway Administration (FHWA) through the Nevada Department of Transportation assist with funding of construction of the proposed shared-use path in the future, the "use of the publicly owned park" for shared-use path facilities would be at the request of the Nevada Division of State Parks and not at the request of the FHWA. In addition, the Nevada Division of State Parks has been integrally involved in the design development of the portion of the shared-use path located in Sand Harbor State Park that includes planning to avoid harm to the property.

In addition, the Tahoe East Shore Trail project that overlaps a portion of the SR 28 Shared-Use path is being funded with Recreational Trail Project funds that originate with the FHWA. These funds are being used to make improvements to the shoreline access trails, some of which will provide enhanced connections to the Shared-Use Path. According to the Recreational Trail Project regulations, "Trail-related projects funded under the Recreational Trails Program are exempt from Section 4(f)."

1.9 Permits and Coordination

Any ground-disturbing project activities (greater than three cubic yards of soil) that occur between October 15 and May 1 require a grading exemption from TRPA. In addition, any required permits would be obtained from TRPA prior to project implementation. Project documents have been shared and reviewed by TRPA. Appropriate permits would be obtained with Nevada Departments of Transportation prior to project activity affecting the right-of-way along DOT-managed highways. No permits are anticipated to be needed from the Army Corps of Engineers. Appropriate permits from Douglas County, Washoe County, and Carson City County would also be obtained if necessary for project activities.

Department of Transportation (DOT) Easement Deeds are granted to authorize for highway-related improvements outside existing highway easements on National Forest System lands with the concurrence of the Forest Service. All other improvements on National Forest System lands will be authorized by special use permits to the parties that will own and maintain the facilities.

Board of Supervisors, August 1, 2019

Parks, Recreation & Open Space

Presentation regarding the Draft Environmental Assessment for the State Route 28 Shared Use Path, Parking, Safety and Environmental Improvement Project.

Applicable Statute, Code, Policy, Rule or Regulation:

- National Environmental Policy Act
- Lake Tahoe Environmental Improvement Program (EIP)
- Lake Tahoe Bicycle and Pedestrian Master Plan
- Tahoe Regional Planning Agency Regional Transportation Plan
- State of Nevada, Question 1 State Ballot Initiative, Tahoe Path System
- Nevada Legislature 80th Session (2019) – Assembly Bill No. 84
- Carson City Unified Pathways Master Plan
- NRS 277.080 – NRS 277.180 Interlocal Cooperation Act