

## Marja Ambler

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**From:** Doug Flaherty <tahoesierracleanair@gmail.com>  
**Sent:** Tuesday, January 24, 2023 3:26 PM  
**To:** Marja Ambler  
**Cc:** Julie Regan; Alexis Hill; Cindy.Gustafson; Hayley Williamson; Shelly Aldean; TRPA; Ashley Conrad-Saydah; jdiss.trpa@gmail.com; Belinda Faustinos; John Friedrich; Bud Hicks; Vince Hoenigman; Wesley Rice  
**Subject:** Public Comment TRPA Governing Board Meeting 1-25-23



# TAHOECLEANAIR.ORG

Dear Clerk of the TRPA Board:

Please ensure distribution of this public comment to the TRPA Governing Board and please make this public comment part of the record and minutes in connection with Agenda Item VIII D. during the TRPA Governing Board Meeting on 1-25-23 and, if Item VIII D is not open to public comment please include this document in connection with Agenda Item XII - Public Comments.

*Presentation on the Waldorf Astoria Project, State Route 28, Crystal Project, Bay, Nevada, Assessor's Parcel Number 123-051-02, [et.al](#), TRPA File Number ERSP2022-0138-01*

Dear TRPA Governing Board,

**In the interest of determining the true local and basin wide cumulative environmental effect/impact of the Boulder Bay Project, a supplemental EIS for this project, including an updated cumulative effect/impact analyses and a detailed data driven workable public safety wildfire evacuation assessment is needed before this project can be approved.**

**Redevelopment should not be an excuse for allowing adverse impact over-development.**

It is commonly assumed that most people and organizations are not opposed to responsible redevelopment, nor are they opposed to the Baltimore site being revitalized in a responsible manner.

This includes TahoeCleanAir.org's support for responsible re-development and revitalization of this site and all sites within and adjacent to the Tahoe Basin.

However, we are opposed to re-development and revitalization projects within the Lake Tahoe Basin, absent an adequate up to date EIS analyses process, including cumulative environmental impact analyses identifying and addressing potential project effects/impacts on, among several other germane factors, Lake Tahoe water clarity and pureness, air-shed, soils, wildlife, forests, safe traffic, and public safety, including during a wildfire evacuation.

**The reality of yesterday's data does not reflect the reality of today's data.**

The outdated data gathered at the time of the original Biltmore Environmental Impact Statement in April 2011 is not the same as today's relevant Boulder Bay project impact data. Significant new, increasing and changed circumstances and impacts have occurred in the Lake Tahoe Basin over the last 12 years leading up to what is today's Boulder Bay Project and 12 additional significant projects currently projected in the area.

Therefore, for this reason alone, and supported by comments below, any reasonable person would conclude that a supplemental EIS for this project must be required by the TRPA.

The reality of today's data are based on the cumulative effects/impacts of all public and private projects since 2011, including significant increases in traffic safety and vehicle miles traveled, over-tourism from destination populations, significant public safety impacts from the perils of increased wildfire and proven public peril transportation gridlock during wildfire and winter evacuations and finally continued degradation of Lake Tahoe waters over the last 12 years. (see 2022 UC Davis State of the Lake Report (Link)

[https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022\\_SOTL\\_complete-reduced\\_3.pdf](https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022_SOTL_complete-reduced_3.pdf)

Additionally, there has been a recent addition of a new endangered species in the Lake Tahoe Basin, the great Whitebark Pine. This species is dying off within Lake Tahoe basin and ridge habitats, which negatively impacts wildlife and bird species that depend on it for food and survival. **Unbridled and cumulative basin wide over tourism and human overcapacity will continue to increase adverse impact on this species.**

**TRPA has failed in its monitoring responsibilities.**

The TRPA and it's government and special interest "partners" have failed to provide adequate cumulative effect/impact monitoring and analyses since the original Biltmore EIS in April of 2011 and since the 2012 Regional Plan changes. The 2012 Regional Plan changes allowed increased height, density and coverage, all under the flawed guise of County and City autonomy.

This, since we are one Lake Tahoe Basin and any individual private and public projects approved by an individual county, city, or governmental agency within the Basin cumulatively impact the entire Lake Tahoe Basin. This includes, among many other environmental and public safety considerations, our air, water, soil, health and safety, human capacity, recreation, tourism and so forth. The TRPA armchair and highly subjective Environmental Checklist, used for most projects, is a sham and actually negates the ability to truly identify the need for an adequate individual

project EIS which would determine the true cumulative effect/impact of a given individual public or private project. The outcome in many cases, is an arbitrary and capricious document that serves as a glide path to subjective decision making by the TRPA allowing over development, without adequate environmental analyses. In these cases, the TRPA is practicing prejudicial abuse of discretion in favor of whatever their subjective goals are.

Currently 84,092.19 acres of Lake Tahoe waters and 30+ miles of the Truckee River are listed under the Clean Water Act Section 303(d) as “**impaired**” waters, and Lake Tahoe water is designated as an **Outstanding National Resource Water**. The “**impaired**” water listing is due to three pollutants; nitrogen, phosphorus, and sediment, all of which are responsible for Lake Tahoe’s deep water transparency loss.

For these reasons alone, special environmental consideration should be given to our Lake Tahoe water impacts (additionally critical as our drinking water), to ensure that cumulative effects/impacts resulting from all projects in the Lake Tahoe Basin are adequately identified and analyzed, via a cumulative effect/impact analysis, including specific projects as well as adequate Area Plan EIS's.

One can only conclude from the recent Tahoe Summit UC Davis TERC report that the Lake Tahoe Basin is out of “Equilibrium” and “Harmony” as required by the Bi-State Compact and is in an environmental free fall. This, since the TRPA and its government “partners”, i.e., Washoe, Placer and Douglas County's, have **failed** to adequately monitor and consider **Lake Tahoe Basin wide cumulative effects/impacts** since the inception of the bi-state compact (50 years ago) and as importantly, since the adoption of the 2012 Regional Plan. This includes the period since the outdated Biltmore EIS twelve years ago.

This includes the failure to analyze Basin wide and **increasing cumulative effects/impacts** from carbon deposits, increased sediment, algae and chemicals, micro plastics, phosphorus and nitrogen, increased recreation, overcapacity/over tourism, traffic safety, public safety during wildfire evacuation, invasive species, human over-capacity, increased height, density and coverage.

**Cumulative impacts** result from the tyranny of incremental impact of small decisions when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts result from individually minor but collectively significant actions taking place over a period of time.

The TRPA continues to be an active participant in the tyranny of incremental impacts, void of adequate environmental analyses to protect all that is Lake Tahoe.

Once again, please require this project to perform an updated supplemental EIS based on current conditions including an updated cumulative effect/impact analyses and a detailed data driven workable public safety wildfire evacuation assessment before approving this project.

Sincerely,  
Doug Flaherty, President  
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)  
A Nevada 501(c)(3) Non-Profit Corporation  
774 Mays Blvd 10-124  
Incline Village, NV 89451

### TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air. For complete information regarding our organizational purpose please refer to “TahoeCleanAir.org Organizational Purpose at the end of this written public comment. and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.



**TAHOECLEANAIR.ORG**

## Marja Ambler

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**To:** Julie Regan  
**Subject:** RE: Letter of Support for the Waldorf Astoria Project

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**From:** Revitalize Tahoe Biltmore <[info@revitalizetahoebiltmore.com](mailto:info@revitalizetahoebiltmore.com)>

**Date:** Monday, January 23, 2023 at 7:21 PM

**To:** John Hester <[jhester@trpa.gov](mailto:jhester@trpa.gov)>, Julie Regan <[jregan@trpa.gov](mailto:jregan@trpa.gov)>, Paul Nielsen <[pnielsen@trpa.gov](mailto:pnielsen@trpa.gov)>

**Subject:** Letter of Support for the Waldorf Astoria Project

First Name: James and Dawn

Last Name: Gately

Email: [lunagately@aol.com](mailto:lunagately@aol.com)

City of Residence: Crystal Bay

Message: This Project is Fantastic and as residents of Crystal Bay, we welcome it with Great Enthusiasm. As a close neighbor of the Project, we very much appreciate the reduction in density and improved pedestrian access. We sincerely hope TRPA approves the Project quickly.

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Date: January 23, 2023

Time: 7:21 pm

## Marja Ambler

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**To:** Julie Regan  
**Subject:** RE: Letter of Support for the Waldorf Astoria Project

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**From:** Julie Regan <jregan@trpa.gov>  
**Sent:** Monday, January 23, 2023 8:29 PM  
**To:** Marja Ambler <mambler@trpa.gov>  
**Subject:** FW: Letter of Support for the Waldorf Astoria Project

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**From:** Revitalize Tahoe Biltmore <[info@revitalizetahoebiltmore.com](mailto:info@revitalizetahoebiltmore.com)>  
**Date:** Monday, January 23, 2023 at 7:26 PM  
**To:** John Hester <[jhester@trpa.gov](mailto:jhester@trpa.gov)>, Julie Regan <[jregan@trpa.gov](mailto:jregan@trpa.gov)>, Paul Nielsen <[pnielsen@trpa.gov](mailto:pnielsen@trpa.gov)>  
**Subject:** Letter of Support for the Waldorf Astoria Project

First Name: Roseanna  
Last Name: Webber  
Email: [rosie@thesanctuarytahoe.com](mailto:rosie@thesanctuarytahoe.com)  
City of Residence: Crystal Bay  
Message: To whom it may concern,

My name is Rosie Webber and I am the owner of the Sanctuary located at 205 Stateline Road, in Kings Beach. I am also a resident of Crystal Bay.

I am writing this letter to inform the board that I fully support and endorse the project that EKN is presenting to you and seeking approval for. I feel that EKN has gone above and beyond in their re-development of this project and they are presenting a plan that is good for our community, on many levels. EKN and their team, have held many community presentations, to clearly explain their plans and answer any questions that the community members might have. They have also spent an enormous amount of time reaching out to the business owners who are in very close proximity to this project, including me, to see how they can be of assistance to our businesses and to assure us that they want to work with us to make this project even greater! They have shown genuine concern for us related to this project.

Know that I did not and still do not support the original, approved plan. It is evident that this plan was not community minded and would have resulted in nothing short of a disaster.

Mr. Nakhjavani has spent much of time and money to see that this old project be revitalized into a project whose end, is nothing less than beautiful, environmentally sound, economically viable, traffic friendly and most importantly, community minded!! I am happy to be involved with Ebbie and his team, as a business owner and community member, in making this project become realized.

Respectfully submitted,  
Roseanna Webber

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Date: January 23, 2023  
Time: 7:26 pm

## Marja Ambler

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**From:** Cheryl Delehanty <Cheryl.Delehanty@cbselectre.com>  
**Sent:** Monday, January 23, 2023 9:26 PM  
**To:** Marja Ambler  
**Subject:** Support of Biltmore Revitalization Project

Dear TRPA and EKN,

I am a full time resident and home owner of Incline Village/Crystal Bay Cove for over 32 years. I have held various positions in the food and beverage industry and worked at the Crystal Bay Club for several years in the early 90's prior to becoming licensed with Coldwell Banker Select Real Estate. My profession is as a full time, successful real estate sales person and still with Coldwell Banker. My family and I have observed a lot of changes over the years. Some good and some not so good. The Tahoe Biltmore and the Crystal Bay corridor has been a project in the making for far too many years and it is time we have some resolve and move forward.

I have been following the Boulder Bay project since the inception and most recently attended the EKN meet and greet at Bowl Incline.

The information presented was very informative and I learned more about the changes from the original plan submissions to TRPA showing less units and less of an environmental impact on the site that will benefit the community and help with maintaining the Lake's clarity.

I support the Biltmore Revitalization Project as I feel it will be a huge benefit in helping bring the two communities of Crystal Bay and Incline Village together in a favorable way.

Sincerely,  
Cheryl Delehanty

*Make it a Tahoe Day!*

*Cheryl A. Delehanty*

*"I can help you relocate here or anywhere in the world! Please ask me how."*



**COLDWELL BANKER**  
**SELECT REAL ESTATE**

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