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# 1 INTRODUCTION AND BACKGROUND

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## 1.1 INTRODUCTION

Boulder Bay, LLC is pursuing the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a new mixed-use resort community located at North Stateline in Crystal Bay, Nevada. The redevelopment will include added hotel units, condominiums, affordable housing, meeting space, a wellness center, retail, dining, spa and gaming. A pedestrian friendly network of walkways is proposed to connect these amenities. Changes to the local roadways within the project area and expansion of the existing transit system are also being proposed. In addition to the proposed structures, the Boulder Bay Project also includes both onsite and offsite BMP improvements designed to protect water quality and provide public open space and a passive park.

## 1.2 PROJECT BACKGROUND

The site of the Boulder Bay Project currently consists of the four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, and a storage building that was previously the Horsebook Casino. The project area also includes two parcels located across SR 28 from the Biltmore. The two parcels include the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Boulder Bay Project area consists of a total of 16.26 acres (708,285 square feet) on 13 distinct parcels. These parcels include the former Tahoe Mariner site that was subject to a settlement agreement signed by the previous property owners, Tahoe Regional Planning Agency (TRPA) and the State of California. The original settlement resolved a dispute of TRPA's ability to approve a 147-room hotel and casino project on the former Tahoe Mariner site. Subsequent amendments to the settlement agreement have been developed in order to accommodate the changing needs of prior property owners. An amendment to the existing Settlement Agreement is necessary to facilitate the redevelopment of the former Tahoe Mariner portion of the Boulder Bay project area.

The existing land coverage in the project area is 399,884 square feet (56.4 percent of the total project area). The existing Tahoe Biltmore is not in compliance with current TRPA Code of Ordinances and Standards including onsite BMPs and building height standards. The proposed project has been designed to replace the existing facilities, which are substantially past their life cycle, with new structures, amenities and onsite improvements that are based on the specific vision and goals outlined in the North Stateline Community Plan (NSCP) adopted by TRPA and Washoe County in 1996. The 16.26-acre project area slopes from southeast to northwest - rising approximately 40 feet in elevation from the southern frontage along State Route 28 to the rear (north) of the current Biltmore parking lot and 80 feet in elevation to the intersection near Lakeview and Reservoir roads.

## 1.3 ENVIRONMENTAL REVIEW PROCESS

The preparation of this document serves as an Environmental Impact Statement (EIS) for the TRPA. TRPA is the lead agency in conducting the EIS under the Tahoe Regional Planning Compact (PL 96-551 94 Statute 3233). As such, this EIS has been prepared in accordance with Article VIII of the Tahoe Regional Planning Compact, Chapter 5 of the TRPA Code of Ordinances, and Article IV of the TRPA Rules of Procedure. The purpose of this document is defined in Section 5.8.A of the TRPA Code of Ordinances as follows:

5.8.A Preparation of EIS: When preparing an EIS, TRPA shall:

- (1) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.
- (2) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.
- (3) Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.
- (4) Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

In addition, the TRPA document requires the analysis of impacts in relation to the Environmental Threshold Carrying Capacities and is intended to ensure consistency with the TRPA Regional Plan. TRPA required findings for an EIS are established in Sections 5.8.D and 6.3 of the TRPA Code of Ordinances:

5.8.D Required Findings: Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

- (1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or
- (2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

6.3 Threshold-Related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g) and VI(b) of the Compact in addition to any other findings required by law.

6.3.A Findings Necessary To Approve Any Project: To approve any project, TRPA must find, in accordance with Sections 6.1 and 6.2, that:

- (1) The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.
- (2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded; and
- (3) Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

## 1.4 PUBLIC INVOLVEMENT

The following public involvement and scoping process was instituted for the Boulder Bay Project.

### Notices

On July 18, 2008, a Notice of Preparation (NOP) of an Environmental Impact Statement was distributed to public agencies and interested individuals in the community for a period of thirty days for public comment. A copy of the NOP and comments received on the NOP are attached in Appendix A, including comments received after August 18, 2008; the closing day of the comment period.

### TRPA Scoping Meeting

The TRPA Advisory Planning Commission (APC) held a public scoping meeting on the project at their August 13, 2008 hearing. Boulder Bay, LLC made a presentation to describe their objectives and the proposed development included in the Boulder Bay Project. TRPA staff made a presentation to describe potential alternatives for evaluation in the EIS, and to summarize the key environmental issues that are identified in the TRPA Initial Environmental Checklist (Appendix B).

### Additional Meetings and Workshops

In addition to the formal public scoping process initiated by TRPA, Boulder Bay met with interested members of the public on numerous occasions including eight public meetings to describe the proposed project and to take comments. A summary of these informal meetings is provided in Appendix C.

## 1.5 PERMITS AND APPROVALS

This EIS must be certified by TRPA to allow for consideration of project approval. Unless amendments are proposed and adopted, the Boulder Bay Project must be consistent with the existing codes, regulations and policies that include, but are not limited to, the following:

### Tahoe Regional Planning Agency

- Tahoe Regional Planning Compact (PL 96-551 94 Statute 3233);
- Regional Plan for the Lake Tahoe Basin;
  - Goals and Policies;
  - Code of Ordinances (Code);
  - Rules of Procedure;
  - Plan Area Statements;
  - Bi-State 208 Water Quality Plan; and
  - Handbook of Best Management Practices.

### Federal

- Endangered Species Act - USFWS;
- Clean Water Act - EPA; and

- National Historic Preservation Act.

**State of Nevada**

- State Historic Preservation Office

**Washoe County**

- Air Pollution Control District Regulations;
- Health Department Regulations; and
- Uniform Building Code.

**Permits**

- NPDES permit;
- Nevada Depart of Transportation encroachment permit;
- Washoe County Department of Transportation encroachment permit;
- OSHA; and
- TRPA construction permit.