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NOV 15 2009

November 3, 2009

TRPA Governing Board  
P.O. Box 5310  
Stateline, NV 89449

To Whom it May Concern:

**I support the Boulder Bay project.**

My husband and I have owned a house on the California side of Crystal Bay, right behind the Tahoe Biltmore for over six years.

When the project was first introduced, we were concerned about the height of the buildings and the impact it might have on our view of the Lake. We were also worried about access to our house at the intersection of Reservoir and Lakeview. We discussed these issues with the project team and they have been very responsive to our questions and concerns. Based on these conversations, we see no reason not to support the Boulder Bay project and we look forward to all the updates the new project will bring to Crystal Bay.

Personally, I am most excited that I will be able to walk out my door and walk down to the Boulder Bay Resort and take a nice walk on their paths and have a nice meal. I am hoping that the new resort, with the plaza space in the center, will create a place that I might bump into neighbors. We don't have anything in Crystal Bay that creates any sense of community and I think the Boulder Bay design is just the ticket.

I also look forward to seeing visitors have a nice place to stay when they visit Lake Tahoe. Why shouldn't they? We get to enjoy this wonderful location, why shouldn't others.

I would like to close by saying that it would just be a shame to not approve such a wonderful new opportunity for our community. Let's face it, we need to clean things up a bit and people need jobs so let's get this place built!

Warm regards,

Nancy and Clint Pridmore

9971 Lake Vista Dr.  
Brockway, CA 96143

*Clinton Pridmore*  
*Nancy Pridmore*

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 5, 2009 6:47:26 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Randy

Last Name: Adkins

Address: 718 James Lane

City: Incline Village

State: NV

Zip: 89451

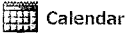
Email: rlb33adkins@aol.cm

Phone:

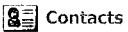
Comment: Let's get moving on the Boulder Bay project, we need this in our community.



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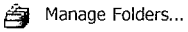


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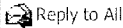
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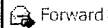
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**Fwd: Boulder Bay Project**

Brian Helm [bhelm@boulderbayresort.com]

**Sent:** Monday, November 23, 2009 3:10 PM**To:** Boulder Bay DEIS Comments**Cc:** Dennis Oliver

Begin forwarded message:

**From:** "M. Roger Leach" <[Luv49er@charter.net](mailto:Luv49er@charter.net)>**Date:** November 5, 2009 4:32:20 PM PST**To:** <[bhelm@boulderbayresort.com](mailto:bhelm@boulderbayresort.com)>**Subject:** Boulder Bay Project

Dear Heather &amp; Brian,

Please add my name to the list of residents who are in favor of your Boulder Bay project.

I look forward to TRPA's approval of your effort to improve the area for all concerned.

Roger

**M. Roger Leach, LtCol, USAFR Ret**  
Past President & Membership Chairman  
MOAA, Lake Tahoe Chapter  
775-831-3771  
[Luv49er@charter.net](mailto:Luv49er@charter.net)

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 6, 2009 4:53:52 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Richard  
Last Name: Andrews  
Address: 369 Kortum Canyon Rd  
City: Calistoga  
State: CA  
Zip: 94515  
Email: rka@napanet.net  
Phone: 707-529-0581

Comment: My wife Terri and I have just purchased a magnificent condo at Stillwater Cove across Hwy 28 from the proposed Bolder Bay Resort. Initially, we were quit concerned about how the development would impact us and how it might be detrimental to our property value. After a very thorough review, which included a site visit with Brian Helm of Bolder Bay, we are now very supportive of the project as it's currently planned. We feel strongly that the development will enhance the neighborhood and bring needed improvements and amenities to the area. Tahoe has for too long suffered as a mediocre destination when it could have excelled along the lines of the well known and well planned Colorado communities and none of this would have been in any way detrimental to the environment. We support Bolder Bay and hope Tahoe can throw off it's image of mediocrity and take it's place among the great Alpine lakes in the world.



From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 6, 2009 4:29:02 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Kemby

Last Name: Bacon

Address: PO Box 4711

City: Incline Village

State: NV

Zip: 89450

Email: drkemby@naturavitanv.com

Phone: 775-772-9212

Comment: Please consider Alternative C.

This is a great opportunity to improve the quality of our community as well as air & water quality.

We need timeshares and affordable housing to make this more of a community - it is what the silent majority in North Lake Tahoe wants, to keep our businesses and our community vital.

Thank you

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From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 6, 2009 4:29:25 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Ron  
Last Name: Haugland  
Address: 5081 Ashberry Road  
City: carlsbad  
State: ca  
Zip: 92008  
Email: haugland.rg@gamil.com  
Phone: 775-741-9967

Comment: I lived at Stillwater Cove for 1.5 years and attended many of the public presentations which included a site tour. I support the EIS recommendation of Alt C for the following reasons:

1. The owner/developer is committed to building a facility that is environmentally sensitive to our human impact on the planet. Evidence his track record of successful products and projects.
2. The move to reduce the gaming square footage is consistent with current trends.
3. Health and wellness focus supports and improves a families complete vacation experience. The "locals" quality of life experience is also expanded.
4. Traffic studies support the reduction in volumes generated by the new mixed use project over current conditions.
5. The site design creates a more open expansive "feel" to the neighborhood as well as the motoring public.
6. This project gives Crystal Bay a core sense of place that provides an identity for the community.
7. This project represents the first significant well planned effort to revitalize the Tahoe Basin area. It is a complement to the efforts currently underway in NorthStar/RitzCarlton/Truckee. The synergies of these projects provides a more complete offering to the visiting tourist.
8. The current vacation housing facilities in the immediate area and throughout the Basin are old, rundown, in disrepair, and sorely in need of replacement. A renaissance project like Boulder Bay is the most exciting project the Tahoe Basin can hope for.

I hardly support this project and encourage a timely approval.

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 6, 2009 11:02:49 AM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Dean  
Last Name: Meiling  
Address: POB 7930  
City: Incline Village  
State: NV  
Zip: 89452  
Email: meiling@gbis.com  
Phone: 775.831.4895

Comment: After reading the EIS, I believe more strongly than ever that Boulder bay's alternative C is the best one for revitalizing the Tahoe Biltmore site. The plan's favorable impacts on the environment, community and local economy are without peer. I sincerely believe that the completed project will be a jewel for the area and a model for further enhancements to our area.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 6, 2009 3:19:55 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Josh  
Last Name: Merkow  
Address: PO Box 17811  
City: South Lake Tahoe  
State: CA  
Zip: 96151  
Email: josh.merkow@gmail.com  
Phone: 775-691-7361

Comment: I would like to contribute my SUPPORT for the Boulder Bay project. I believe this project will greatly enhance the experience of the North Shore resident and visitor. The development plan looks amazing and I am very impressed on the sustainability aspect of the project. It doesn't seem like any of the concerns raised by nearby residents have been ignored by the developers. I wish the Chateau project in SLT would adhere to these same ideals! Thank you and I am very hopeful to see construction start soon!

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 6, 2009 3:19:09 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Joe  
Last Name: Stewart  
Address: 1671 Crystal Air Drive  
City: South Lake Tahoe  
State: CA  
Zip: 96150  
Email: jstewartsmc@sbcglobal.net  
Phone: 530 573-1527

Comment: I am strongly in favor of the Boulder Bay project in Crystal Bay, NV. As a Lake Tahoe resident since 1996, I am proud of this beautiful place my wife and 4 children are fortunate to call home. I have seen the economic, environmental and social improvements generated by the redevelopment of the stateline are in South Lake Tahoe and deeply believe the Boulder Bay project will deliver those same benefits (and then some!) to the Crystal Bay communities. I am strongly in favor of this well planned and appropriate project and am hopeful the TRPA staff approves the permit.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 9, 2009 9:52:36 AM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Julie  
Last Name: Maurer  
Address: 50 Trimont Lane  
City: Truckee  
State: CA  
Zip: 96161  
Email: jmaurer@boothcreek.com  
Phone: 530-448-1000

Comment: I am writing in support of the Boulder Bay project. In addition to this project being beneficial to our local economy, it has been planned in a very thoughtful way that is an improvement for our community.

(11)

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 10, 2009 4:52:40 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Terry  
Last Name: Moore  
Address: P.O. Box 4002  
City: Incline Village  
State: Nevada  
Zip: 89450  
Email: TerryinTahoe@gmail.com  
Phone: 775-833-3011

Comment: I heartily support the efforts of Boulder Bay. They are the epitome of responsible development in the Tahoe Basin and should be applauded for their open forums in establishing the foundation for sound development. They have taken every effort to listen to public comments and then they have actually adopted the best suggestions into their plans. Most developers would make the appearance of being open to suggestions and then go about their business as usual without regard to constructive comment.

This is going to be the jewel of the North Shore and I am looking forward to the completion with much anticipation.

Sincerely,

Terry Moore

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 10, 2009 5:36:04 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: John  
Last Name: Muller  
Address:  
City: Reno  
State: NV  
Zip: 89502  
Email: jmmuller@tahoebiltmore.com  
Phone:

Comment: I support the recommendation for Alternative C. I felt that this alternative is what the Community Plan intended and will improve lake clarity.



**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 11, 2009 4:16:47 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: DEBI  
Last Name: ARMAND  
Address: PO BOX 4002  
City: INCLINE VILLAGE  
State: NV  
Zip: 89450  
Email: debiarmand@gmail.com  
Phone: 775-843-1165

Comment: Comment: I am greatly in favor of the efforts of Boulder Bay. This development will be a huge improvement for the entire area. Crystal Bay is in desperate need of a face lift. They should be applauded for their open forums in establishing the foundation for sound development. They have taken every effort to listen to public comments and then they have actually adopted the best suggestions into their plans.

Kudos to the Boulder Bay development team for actually taking into consideration, the opinions and suggestions of the concerned citizens of North Lake Tahoe!

This is going to be a wonderful addition to the North Shore. I look forward to its completion.

Sincerely,

Debi Armand

14

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**Fwd: Boulder Bay Project**

Brian Helm [bhelm@boulderbayresort.com]

**Sent:** Monday, November 23, 2009 3:09 PM**To:** Boulder Bay DEIS Comments

Begin forwarded message:

**From:** Basta/Johnston <orcaview@earthlink.net>**Date:** November 11, 2009 12:15:35 PM PST**To:** bhelm@boulderbayresort.com**Subject:** Boulder Bay Project

Dear Staff:

I am a home owner at Incline Village. We have had this family home since 1958! I have driven by the proposed project for the past 50 years and the most recent past (15-20 years) wondering what could be done to improve that site for the community? I think that the opportunity to have a project with Green certification would be our best choice. Yes, it would be a project with a potentially large impact, but having read the proposal I would endorse the proposal in its present form and would encourage the developer and the TRPA to consider ALL elements that protect the lake and enhance the site for the community.

Thank you,

Robert D. Basta, M.D.  
1570 Pine Cone Circle  
Incline Village, NV  
425-710-0324

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 11, 2009 4:12:24 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Tim  
Last Name: Beck  
Address: 9730 Sean Place  
City: Truckee  
State: CA  
Zip: 96161  
Email: tbeck@boothcreek.com  
Phone: 970 376 2249

Comment: I am writing in support of proposed Alternative C as outlined in the Boulder Bay Community Enhancement Program Project EIS. After reviewing the EIS summary it is apparent that the developer and his team of uniquely qualified professionals have successfully and creatively addressed the associated impacts of the project. Further it is evident by its acceptance into the CEP that the revitalization of this project area, coupled with its outstanding environmental, social and economic design will be a welcomed addition to help fulfill the vision of the area.

My support for the project is predicated on many components outlined in the EIS:

1. A reduction in land coverage and significant water quality improvements above and beyond TRPA regulations. The ability of the project to reduce sediment going into the lake, given the water quality treatments, that reduces both total suspended and fine sediment annual load reduction of 90%.
2. From a traffic standpoint reducing daily and peak trip generations below existing uses is commendable. Also the commitment to underground parking for the majority of the parking requirements will be a vast improvement, both functionally and visually, over what exists today. As well given the new internal roadways proposed we will see enhanced pedestrian safety.
3. Improving the scenic quality of the SR 28 corridor by placing utilities underground, removal of non-conforming signage, increased set backs to 43 feet versus 15 feet as currently configured and above all improved architectural design and landscaping.

Overall Alternative C provides a variety of economic and commercial benefits for this area which has fallen under hard times. I look forward to seeing this projects more sustainable business model and welcome it as creat

16

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 11, 2009 11:40:44 AM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Kelli  
Last Name: Twomey  
Address: PO Box 1074  
City: Homewood  
State: CA  
Zip: 96141  
Email: ktwomey@sbcglobal.net  
Phone: 530-386-3966

Comment: I have been a resident of North Lake Tahoe for 18 years (since 1/91). I am writing to you as I'm in favor of the Boulder Bay project. I think what they have planned will be good for our community--both for locals and to make the north shore an even better destination location. The type of services they will be offering and the type of building they plan will only enhance what we currently have and help other local businesses become more sustainable. Thank you for taking the time to read my input. Sincerely, Kelli Twomey

November 12, 2009

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

Dear Mr. Landry,

We have been neighbors of the Tahoe Biltmore for 3 years. Living next door to a dying casino has its downsides as you might imagine. Our home sits directly adjacent to the Tahoe Biltmore and overlooks the Mariner parcel. Overlooking the Mariner parcel means we have a nice view into the unattended dirt lot on the eastern side of the Tahoe Biltmore.

We have reviewed the proposed new development brought forward by Roger Wittenberg of Boulder Bay and we think it is a tremendous opportunity to give our whole neighborhood a much needed facelift. We especially like the idea of clustering all the buildings to the western end of the site to create a 4-acre park on the Mariner site. We also appreciate the efforts to put in sidewalks, walkways and paths for visitors and locals. We are "walkers" so we will definitely use these!

Proposing change is not always easy at Lake Tahoe and we have appreciated the level of communication and professionalism consistently demonstrated by the Boulder Bay team.

We want to encourage the TRPA Governing Board to support the revision of the Mariner Settlement Agreement and approve the Boulder Bay re-development project. It's good for us, it's good for the neighborhood and it's good for the Lake Tahoe region.

Sincerely,

Dan & Linda Achondo  
180 Lake View Ave (916)769-6089  
Crystal Bay Neighborhood

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 12, 2009 5:31:44 AM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Daniel

Last Name: Myers

Address: 933 North Wood Blvd

City: Incline Village

State: NV

Zip: 89451

Email: dmyers@dealerlawyer.com

Phone: 775 831-3158

Comment: It seems like a no-brainer. The community gains employment, revenue, green space and a more beautiful experience. No negative impact on the lake or the surrounding lands.

If we do not control change we will loose the reason for the Lake Tahoe experience. This project brings the future of the lake together with its beautiful past and insures that the future will be bright for all of us who live here.

Dan Myers

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**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 12, 2009 8:30:20 AM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: linda

Last Name: weinstein

Address: 120 hwy 28 # 15

City: crystal bay

State: nv

Zip: 89402

Email: lwnevada@aol.com

Phone: 775-832-2729

Comment: I am totally aoblem against the traffic poblem this new development will cause. we have traffic problems every summer and the biltmore is not running at full compasity. to think people are going to go to the Bolder Bay and sit in the loby and go to the health spa is noncence. People are going to go in their cars and go to the beach,movies,dinner etc. Many many car trips to and from an area that will not support the extra activity.

also, Stillwater Cove is a quite community that sits accross the street from your project. How can you change the traffic and noise that will be gnerated from such a project. are you willing to be sued by allowing traffic jams and poluted air right outside the S

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 13, 2009 4:18:55 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: John  
Last Name: Burns  
Address: P.O. Box 3782  
City: Incline Village  
State: Nevada  
Zip: 89450  
Email: jburns@tahoebiltmore.com  
Phone: 7758336713

Comment: I have been employed at the Tahoe Biltmore for 2 years and have lived in Incline Village since beginning my employment. I feel that the project by Boulder Bay is very necessary to improve the existing property and to improve the area in general. This project will provide new jobs to the community along with improving the water clarity in the lake. I feel that it's time for positive change on the North Shore, and it can only begin if good projects such as this can be implemented.

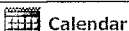
Sincerely,

John C. Burns





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## Fwd: Boulder Bay Project

Brian Helm [bhelm@boulderbayresort.com]

**Sent:** Monday, November 23, 2009 3:09 PM

**To:** Boulder Bay DEIS Comments

Begin forwarded message:

**From:** Dennis Oliver <doliver@trpa.org>

**Date:** November 15, 2009 5:00:33 PM PST

**To:** David Landry <dlandry@trpa.org>

**Cc:** 'Seana Doherty' <seana@streamlineimpact.com>, 'Brian Helm' <bhelm@boulderbayresort.com>

**Subject:** FW: Boulder Bay Project

This comment was sent directly to me. Forwarding it for everybody's records

**From:** Ronald Antrim [mailto:trimra@yahoo.com]

**Sent:** Sunday, November 15, 2009 10:01 AM

**To:** Dennis Oliver

**Subject:** Boulder Bay Project

Dennis,

Alternatives C and or D sound entirely reasonable to me. Reduction in sediment runoff is a particularly welcome benefit.

Ron Antrim  
6420 Idlewood Rd  
Tahoe Vista

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 16, 2009 5:40:55 PM PST  
To: dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Nicole  
Last Name: Haugland  
Address: 11550 Stillwater Ct.  
City: Truckee  
State: CA  
Zip: 96161  
Email: nyhvail@aol.com  
Phone:

Comment: To Whom it May Concern:

As someone who lives and works in North Lake Tahoe, I am very much in favor of the Boulder Bay project. The mixed-use community gathering spaces will create wonderful opportunities to build community spirit. Having new pedestrian paths, bike lanes and hiking paths is good for the health and wellness of our children, students and other community members. The addition of a family-oriented hotel and wellness resort will strengthen the offerings for local residents and guests. Finally, I believe the 4 acres of public parks within its 16-acre project area will transform our community. Please approve the Boulder Bay project. Our community deserves it.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 16, 2009 12:01:09 PM PST  
**To:** dlandry@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: John  
Last Name: Loomis  
Address: 15840 Windsor Way  
City: Truckee  
State: CA  
Zip: 96161  
Email: jbloomis@sbcglobal.net  
Phone: 530 562 5759

Comment: Thank you for the opportunity to comment on the proposed Boulder Bay Project. After considering the alternatives, I feel that Alternative C offers the best solutions for both the community and the environment. This appears to be a well thought out development that will benefit not only the local community but also the future of the Lake. The developers have made a good effort to find collaborative solutions to the concerns that have been raised and have developed a project that I can fully support. I hope that you will decide in favor of Alternative C and allow this project to move forward as quickly as possible.

Thank you for your consideration.

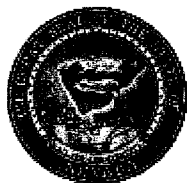
John Loomis

## Nevada State Clearinghouse

---

**From:** Sue Gilbert  
**Sent:** Monday, November 16, 2009 1:03 PM  
**To:** Nevada State Clearinghouse  
**Subject:** E2010-095  
**Attachments:** image001.jpg

**From:** Nevada State Clearinghouse  
**Sent:** Thursday, November 12, 2009 12:10 PM  
**To:** Robert K. Martinez  
**Subject:** E2010-095 Boulder Bay community enhancement program, Crystal Bay -



### NEVADA STATE CLEARINGHOUSE

Department of Administration, Budget and Planning Division  
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298  
(775) 684-0213 Fax (775) 684-0260

TRANSMISSION DATE: 11/12/2009

Division of Water Resources

**Nevada SAI # E2010-095**

**Project: Boulder Bay community enhancement program, Crystal Bay**

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

[E2010-095](#)

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Thursday, December 31, 2009.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

[Clearinghouse project archive](#)

Questions? Reese Tietje, (775) 684-0213 or [clearinghouse@state.nv.us](mailto:clearinghouse@state.nv.us)

☐ No comment on this project ☒ Proposal supported as written

AGENCY COMMENTS:

All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions under Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water developments constructed and utilized for a beneficial use whether surface or underground must be done so in compliance with the referenced chapters of the NRS for the subject parcels of land wholly situated within the State of Nevada.

Signature: Robert K. Martinez, P.E.

Date: 11/16/2009



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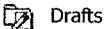
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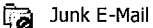
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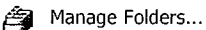


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## FW: Boulder Bay

Joanne Marchetta

**Sent:** Monday, November 23, 2009 8:14 PM

**To:** Boulder Bay DEIS Comments

**From:** Brian Helm [mailto:bhelm@boulderbayresort.com]

**Sent:** Wednesday, November 18, 2009 8:45 AM

**To:** Dennis Oliver; Joanne Marchetta; Nicole Rinke; David Landry

**Subject:** Fwd: Boulder Bay

This is one our neighbors directly behind the Biltmore Parking Lot.

Thanks,  
Brian

Begin forwarded message:

**From:** [Johnmerryfield@aol.com](mailto:Johnmerryfield@aol.com)

**Date:** November 16, 2009 9:36:57 AM PST

**To:** [dlandry@trpa.org](mailto:dlandry@trpa.org)

**Cc:** [bhelm@boulderbayresort.com](mailto:bhelm@boulderbayresort.com)

**Subject:** Boulder Bay

November 16th, 2009

Governing Board Members  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Nv. 89449

Dear Ladies and Gentlemen of the TRPA Governing Board

I am writing to express my views about the Boulder Bay project currently on the table for review.

My home, which I have owned for six years, sits right behind the large back parking lot of the Tahoe Biltmore on the California side of the state border.

I have lived and worked and played hard in Lake Tahoe for 35 years. I make my living as a painting contractor and have worked for many of my neighbors in Crystal Bay.

I love Lake Tahoe and I know you do as well and that is why you're in the position of keeping an eye on development in the area.

Its important to me that you know that I whole heartedly support the proposed Boulder Bay development.

Here are the reasons I support the project:

1. I think that the Boulder Bay team will do a good job. I trust them. They have been completely transparent and have worked hard contacting me and including all of my questions and concerns as they have developed the site.
2. I'm looking forward to a more vibrant local community, which is considerably absent in the

25

current down trodden site.

3. Lastly, growth and change are never easy. But resistance to change for the sake of resistance itself is foolish. I have shared my feelings of support with my neighbors and thought thoroughly about many challenges the development has been presented with. The Boulder Bay team has impressed me with how they have addressed these challenges.

This is why I support the proposed Boulder Bay project. Thank you for listening and considering my perspective. I hope you join me in support of the proposed Boulder Bay development.

Sincerely, John and Carol Merryfield  
9935 Lake Vista Dr.  
Brockway, Ca. 96143  
530.546.4614



26

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 2:47:43 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Connie  
Last Name: Blair  
Address: P.O. Box 129  
City: Truckee  
State: CA  
Zip: 96160  
Email: cblair.ns@boothcreek.com  
Phone:

Comment: Please approve the Boulder Bay Project, it is a good project for this area and for Lake Tahoe.



**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** November 17, 2009 3:07:05 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Andy

Last Name: Buckley

Address: 10106 Shore Pine Rd

City: Truckee

State: CA

Zip: 96161

Email: andyandscott161@yahoo.com

Phone: 5304140113

Comment: I very much support the develepment of Bouders Bay.

In particular I appreciate the environmental improvements to the area coupled with smart business development of the property.

I would hope that this signals the type of managed development that the North Lake Tahoe area needs so desperately.

Andy Buckley

28

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 2:50:24 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Evan  
Last Name: Dahl  
Address: 11025 Pioneer Trail, Suite 100  
City: Truckee  
State: CA  
Zip: 96161  
Email: edahl@boothcreek.com  
Phone:

Comment: The Boulder Bay project is a good project for the area and for the lake. I urge you to approve this project.



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**FW: Policies affecting North Lake Tahoe development**

Joanne Marchetta

**Sent:** Monday, November 23, 2009 8:16 PM**To:** Boulder Bay DEIS Comments**From:** Joy Dahlgren [mailto:joy@lucasvalley.net]**Sent:** Tuesday, November 17, 2009 7:54 PM**To:** Shelly Aldean; Allen Biaggi; foxglove@etahoe.com; John Breternitz; Pauline M. Auau; Hal Cole; Sarah Jordan Dunlap; Joanne Marchetta; Nancy McDermid; Steve Merrill; Ross Miller; Jennifer Montgomery; Donna Ruthe; Norma Santiago; Byron Sher; Casey Beyer; Josh Reid**Subject:** Policies affecting North Lake Tahoe development

Dear TRPA Board Members:

My family has been visiting the North End of Lake Tahoe since 1950, and has owned a cabin in Crystal Bay all of that time. We witnessed the development of Incline Village and the changes in the ecosystem that accompanied it. Because King's Beach, Crystal Bay, and the other North Lake communities have not yet experienced the same level of urbanization and densification, the Lake itself, not man-made structures, remains the primary feature in these areas.

TRPA has recognized the importance of limiting the coverage of the land by structures. It should also recognize the importance of not stacking too much on top of the land that is covered, maintaining natural vegetation, and not cluttering the area with activities that do not relate to enjoyment of the lake.

Please do not allow further densification/urbanization of the King's Beach/Crystal Bay area. Maintain the current height limit for buildings, limit exotic landscaping, and require preservation of natural and public areas.

Thank you for your consideration.

Joy Dahlgren  
1200 Idylberry Road  
San Rafael CA 94903  
415 479 7930  
[joy@lucasvalley.net](mailto:joy@lucasvalley.net)

429 Gonowabie Road  
Crystal Bay, NV 89402  
775 831 6730

30

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 3:29:48 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Colleen  
Last Name: Dalton  
Address: 10624 Jeffrey Way  
City: Truckee  
State: CA  
Zip: 96161  
Email: cdalton2@boothcreek.com  
Phone: 530-386-3524

Comment: As a Facilitator for Northstar's Environmental Action Team and as a 15 year resident of the area, I am a 100% proponent of Boulder Bay's Alternative C.

It is shocking to learn about the annual sediment that will continue to contaminate the lake if we do not support an environmentally focused development such as this.

Thank you.

31

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** November 17, 2009 4:31:17 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Jasone

Last Name: Lawshe

Address: P.O. Box 129

City: Truckee

State: CA

Zip: 96160

Email: jlawshe.ns@boothcreek.com

Phone:

Comment: I am in support of the Boulder Bay Project, Alternative C. Please approve this project as it will improve clarity of the lake, something that is badly needed. I also support the community improvement and economic benefits the project will add to our area.

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 17, 2009 1:27:54 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Shannon  
Last Name: Lontz  
Address: 10130 Donner Trail Rd #3  
City: Truckee  
State: Ca  
Zip: 96161  
Email: slontz@boothcreek.com  
Phone: 530-562-2276

Comment: The proposed storm water management program is well enough of a reason in itself to go with Boulder Bay's Alternative C, but after you look at the revitalization of the commercial district, it is clearly the best option for the area. I am shocked at the amount of sediment being released into the Lake. This is unacceptable to the standards that I understand the TRPA has set.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 3:01:28 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Eric  
Last Name: McGaughey  
Address: P.O. Box 129  
City: Truckee  
State: CA  
Zip: 96160  
Email: emcgaughey@boothcreek.com  
Phone:

Comment: I support the Boulder Bay Project, and its benefits to the environment, community and economy. I urge you to approve Alternative C.

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 17, 2009 3:35:43 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: David  
Last Name: Paulson  
Address: PO Box 1138  
City: Tahoma  
State: CA  
Zip: 96141  
Email: dpaulson1@sbcglobal.net  
Phone: 530-525-5580

Comment: I am writing this in support of the Boulder Bay. There are so many positive changes that creating this resort will bring to the North Lake Tahoe area. This is an example of the right way to build in the basin. The water quality enhancements that go above and beyond any regulation will benefit future generations that wish to enjoy the pristine waters of Lake Tahoe. For this and future generations, the wide array of amenities will bring a much needed boost to the local economy as well as an increase in the number of jobs available to residences on both sides of the state line. I believe that those that are not in support of this project in particular are those that want it "the way it used to be" with few visitors, no commercial improvements, basically Tahoe as a private retreat for themselves.... Those days are past, lets look to the future. With this opportunity to remove an aged and inefficient Tahoe Biltmore and build a facility that can not only improve the Lake,!

the economy, and the visual quality of the area but act as a model for "Green Building" then this project must proceed. Thank you for asking my opinion.



**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 1:44:27 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Paula  
Last Name: Rachuy  
Address: P.O. Box 129  
City: Truckee  
State: CA  
Zip: 96160  
Email: prachuy@boothcreek.com  
Phone:

Comment: Please consider approval of the Boulder Bay project. This project has so many good things going for it - Number 1 being improved environmental quality. Who would not want to do whatever it takes to improve the lake and reduce sediment? Your approval is important, say yes today.

36

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** November 17, 2009 1:37:25 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Debbie

Last Name: Stansell

Address: P.O. Box 129

City: Truckee

State: CA

Zip: 96160

Email: dstansell@boothcreek.com

Phone:

Comment: The Boulder Bay project is good for the environment, the community and the economy. I urge you to approve Alternative C and start increasing the clarity of Lake Tahoe today.



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## FW: Complete the Regional Plan before amending code

Joanne Marchetta

**Sent:** Monday, November 23, 2009 8:23 PM

**To:** Boulder Bay DEIS Comments

**From:** Wendy Volkmann [mailto:earthbarn@aol.com]

**Sent:** Tuesday, November 17, 2009 3:43 PM

**To:** Shelly Aldean; Allen Biaggi; foxglove@etahoe.com; jbreternitz@washoecounty; usfoghorn@lvcoxmail.com; Hal Cole; Sarah Jordan Dunlap; Joanne Marchetta; Nancy McDermid; Steve Merrill; Ross Miller; Jennifer Montgomery; Donna Ruthe; Norma Santiago; Byron Sher; Casey Beyer; Josh Reid; Volkmann Wendy

**Subject:** Complete the Regional Plan before amending code

To: The Governing Board of TRPA

From: Wendy Volkmann, friend of North Tahoe Preservation Alliance

I want to express my concerns regarding the proposed Boulder Bay project:

No amendment to the North Stateline Community Plan or its code should be allowed until the Regional Plan is completed. In advance of that, maximum allowed height should remain at 38 feet and current allowed densities should be adhered to.

Traffic and congestion during peak periods is already a problem in the North Stateline Community. Traffic and parking analysis should be performed by an independent expert that understands Boulder Bay is retaining the right to use 29,000 plus sq.ft. of gaming. Accessory uses (spa and meeting rooms) should be included in the calculations.

The existing 2001 Mariner Settlement Agreement should be enforced.

Wendy Volkmann

=

37a

37b

37

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 17, 2009 2:54:48 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Tim

Last Name: Yates

Address: P.O. Box 129

City: Truckee

State: CA

Zip: 96160

Email: tyates.ns@boothcreek.com

Phone:

Comment: I support the Boulder Bay project. Please approve this project that will add many benefits to our area.

November 18, 2009

To: TRPA Governing Board and TRPA Staff

Re: Boulder Bay Resort

From: Jan Colyer, Truckee-North Tahoe Transportation Management Association

---

As the Executive Director of the Truckee-North Tahoe Transportation Management Association I want to say I am very excited about the Vision of the Boulder Bay TEAM and the can-do / will-do attitude I have found working with the staff.

What I especially like about Boulder Bay's approach to this project is that they contacted the local transportation providers and advocates to see what could do to enhance what we are working towards for the Resort Triangle instead of reinventing transportation on their own as other developers have done in our area.

**For example:**

- They have organized joint meetings with the TMA, NLTRA and local stakeholders to fact find what we are currently doing and how they can help us meet our goals.
- 
- They have joined the Truckee North Tahoe Transportation Management Board and have become actively involved in our operations.
- 
- They have contributed annual funding to the North Lake Tahoe Express, Summer TART Trolleys, Winter Transit, and Night Rider programs.

**After reviewing the EIS Summary, here is why I support the proposed Alternative C from a transportation perspective:**

- I appreciate the numerous transportation benefits outlined in the draft EIS document: trip reduction, improvement to traffic flow along St Route 28, and the improvements to pedestrian and bicycle facilities
- Boulder Bay has adopted a three-tiered approach toward improving the mobility of visitors, residents and employees within the Lake Tahoe basin:
- - **1) Strengthen public transportation through strategic funding commitments focused on enhancing level and area of service;**
  - **2) Develop resort overlay transportation programs to address gaps in service;**
  - **3) Provide a network of alternative transportation programs to reduce vehicle trips and increase mass transit ridership.**

- Central to this strategy is to provide a visitor to Tahoe with a well-rounded complete visit **Without** the need to bring or use a car while visiting.
- The other key component of the transportation plan is a very comprehensive employee transportation program to reduce trips to and from the hotel including employee transit passes, carpool parking, van pools, car matching services and bicycle amenities.
- Though Boulder Bay is not the complete answer to all of the traffic issues on the North Shore, I do feel that they are coming to the table with solutions and resources to be part of the ultimately transportation strategy.
- I commend them for their commitment to public transportation and I am proud to work towards our future with them.



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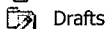
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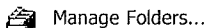


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## FW: Boulder Bay comment---reduced auto trips

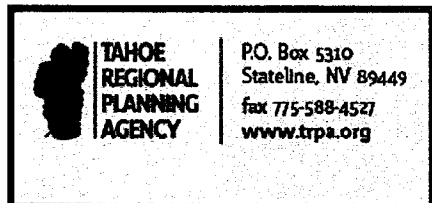
David Landry

Sent: Monday, November 23, 2009 11:58 AM

To: Boulder Bay DEIS Comments

Forwarded

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
 775-589-5214



**From:** Tim [mailto:skitumbleweed@gmail.com]

**Sent:** Wednesday, November 18, 2009 4:43 PM

**To:** David Landry

**Subject:** Boulder Bay comment---reduced auto trips

Hello David,

In regards to that statement of reduced trips in the Boulder Bay plan.....Nonsense! Really. They can't be serious. I can hear them chuckling now.

Tell Boulder Bay to not play us as fools. Everyone knows that there will be more automobile traffic. I can't help but laugh at these large schemes and tricks being tossed at the community.

Homeowners are getting tired of being disenfranchised by the TRPA process with these big developers. We own most of the land. And yet your process allows big developers to come in and up end our communities.

I say no way!! I want the project cancelled until I see a regional plan that is rock solid with hard limits on resident and tourist population numbers. I also want sacred open space protections for Tahoe on the east shore and the Emerald Bay area.

Enough of the circus clown atmosphere in Tahoe. It's about time these developers back off already. It's about time we have some fair ball talk. Enough of playing us like fools. Enough of the barges, trolleys, scooters and other Mickey Mouse concepts being used to trick the general public.

We all work. Primary homeowners and second and third homeowners in Tahoe. I get the feeling that when we work a bunch of sharky big developers are planning behind our backs and holding meeting to up end our communities and investments. Enough. It's nonsense.

Play fair ball!

When I see solid plans that are all inclusive rolled into a regional plan that protects homeowners from questionable developers and environmental ruin then I will happily agree to something like Boulder Bay.

In the meantime. No way. No deal. The project should be delayed and perhaps cancelled if you can't give us a regional plan. The plan should be solid. Nice flow. And yes Cal Neva should be developed as

part of the plan. None of this one at a time Mickey Mouse approach nonsense all while South Shore is in ruin. This is totally nuts.

I want the project shelved. I want to feel sure my interests as a property owner are protected and that the Tahoe environment will be protected with open space at the core of the plan.

Don't play us for fools David. No realistic regional plan means no deal.

Tim Delaney.





Summary of comments at the TRPA meeting on November 18 by Dean Meiling, Incline Village, regarding the Boulder Bay project:

I have been a resident in Incline Village for 15 years and believe that this is the single most significant development in this area for at least that period, if not 40 years. For the past five years, I have been Chair of the Parasol Tahoe Community Foundation, serving Lake Tahoe. Our mission is to serve our community by promoting philanthropy and collaboration of nonprofit agencies. Collaboration is a powerful tool for making effective and efficient use of resources to produce a better outcome.

Although I concur with the favorable comments by previous speakers as to the project's aesthetic, environmental, and economic benefits, I want to highlight the collaborative benefit the Boulder Bay project will have on this area. Previous speakers from Sierra Nevada College, our hospital, our veterans' group, etc. have addressed how their organizations will be partnering with the Boulder Bay Project. Please don't underestimate how beneficial these collaborations will be to our community. They are strengthening the overall fabric of this area.

Thank you for allowing me to bring your attention to this important benefit of the Project to our community.



**November 18, 2009**

**Remarks to the TRPA Governing Board**

**Proposed Bay Boulder Resort Community Enhancement Project Draft EIS**

*Steve Teshara, Executive Director*

*North Lake Tahoe Chamber of Commerce*

Following our review of the Draft EIS, we offer the following perspectives:

The existing Tahoe Biltmore is tired and dysfunctional. It meets none of today's advanced environmental standards and is no longer economically sustainable. Its continued existence as currently configured is not a good reflection on our community. It is a classic example of decades old development that is not compatible with our unique natural environment and what we know about the science of our environment.

To do nothing, or apply a band-aid approach to the existing Tahoe Biltmore development would be the worst alternative from an environmental, economic and community perspective.

A reasonable range of alternatives have been examined in the EIS. There were many opportunities for public input as the project alternatives were developed. We believe the enhanced environmental benefits of the Community Enhancement Program (CEP) have been met.

After careful consideration, we support the project as described in Alternative C; this alternative has the most CEP benefits:

Today's traveler is a smarter traveler; many are looking for options that include a low carbon footprint and a commitment to environmental stewardship. The Boulder Bay Resort, as proposed in Alternative C, will be a leader in Green Building for Lake Tahoe's tourism and hospitality industry. The resort's LEED Silver Green Building Program will reduce on site energy and water use by more than 35% as compared with the existing uses at the Tahoe Biltmore.

The project will reduce the damaging flow of fine sediments to Lake Tahoe by approximately 30,000 pounds per year.

The project will significantly improve the economy and community of Crystal Bay and the entire North Shore. The mix of resort amenities has been well-planned and the

resort itself well-designed. Jobs at the new resort will be better, more sustainable. The spending of resort employees as well as resort guests will boost our challenged economy. The spending of workers hired to deconstruct the Biltmore and construct the new resort will also benefit our economy.

The Boulder Bay Resort will create community gathering places, including a 2+ acre mixed use community gathering space with retail, dining and cultural opportunities.

The resort's design and commitment to non auto-oriented community mobility will promote walking, biking, and public transit. Boulder Bay's planned focus on health and wellness will help lead the transition from an economy based primarily on a declining gaming market to a mixed use, family oriented hotel and wellness resort that includes a diverse mix of attractions for guests as well as local residents.

The Boulder Bay Resort, as described in Alternative C, will lead the way - showing how the redevelopment of our blighted and dysfunctional town centers will deliver significant environmental benefits, as well as important economic and community benefits - improved community character and design; better, more sustainable economic activity and jobs, and positive benefits for our broader business community, our schools and community organizations.

In reviewing the Lake Tahoe TMDL, the Lake Tahoe Environmental Improvement Program, and the Lake Tahoe Restoration Act of 2009, recently introduced in Congress, it is clear that we will not be able to meet our environmental goals, consistent with the Compact, without the investment of the private sector. The proposed Boulder Bay Resort, as described in Alternative C, represents an exemplary and appropriate opportunity for private sector investment at Lake Tahoe.



HWY 267 AT  
NORTHSTAR DRIVE

P.O. Box 129  
TRUCKEE CA 96160  
TEL: 530.562.1010  
FAX: 530.562.2214  
NORTHSTARATTAHOE.COM

November 18, 2009

**To: Tahoe Regional Planning Agency**  
**From: Northstar Environmental Action Team**

This letter is written in support of Boulder Bay by the **Northstar Environmental Action Team (NEAT)**, a volunteer group of concerned employees whose mission is "to create a culture that acts upon environmental stewardship at every opportunity". Our mission reaches beyond ski resort boundaries and to the North Shore of Lake Tahoe, California.

We view the Boulder Bay project, specifically Alternative C, as a golden opportunity for long-term environmental stewardship of the Lake Tahoe/Truckee region.

Carefully, thoughtfully, strategically planned – this new development will remove aged and inefficient structures while bringing only environmental improvements, economic stimulus and a sense of pride to our community.

Specifically:

Water quality enhancements that go above and beyond any regulation will benefit future generations that wish to enjoy the pristine waters of Lake Tahoe.

This, along with almost 16% reduction in impervious coverage areas and the estimated 32% reduction in Greenhouse Gas emissions are significant steps towards reducing global warming and to supporting one of our top ten economic drivers of the basin: year-round mountain resorts.

For current and future generations, the wide array of amenities will bring a much needed boost to the local economy as well as an increase in the number of jobs available to residences on both sides of the state line.

Northstar's Environmental Action Team views Boulder Bay as a pebble in a pond with potential repercussions that will influence and raise the bar for all future development within the Tahoe/Truckee region. Our vote is for Alternative C.

Thank you,

Northstar Environmental Action Team

- Colleen Dalton, Director of E-Business
- Dave Paulson, Director of Transportation
- Aidan Gullickson, IT Systems Administrator
- Kim Wall, Purchasing Director
- Jesse Lamm, Food & Beverage/HR
- Rich Ortman, Purchasing Manager
- Nadia Guerriero, Director of Events & Conference Services
- Sue Malatova, Children's Ski School and Integrated Environmental Restoration Services
- Jasone Lawshe, Controller

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** November 19, 2009 2:34:30 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Madeline

Last Name: Anderson

Address: 751 Tahoe Blvd

City: Incline Village

State: Nevada

Zip: 89450

Email: rlounsberry@charter.net

Phone: 775-832-5434

Comment: I have lived in Incline Village and worked at the Tahoe Biltmore for 14 years. I lived and worked in Squaw Valley in the late '60s and would enjoy coming to the North Shore casinos. When I returned 20 years later and found the area blighted I was saddened. I have watched the Boulder Bay planning process with great interest and agree with their planners that Alt. C would be the best way to revitalize the Crystal Bay area.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 19, 2009 4:05:56 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Matt

Last Name: Cates

Address: 810 lyman ave

City: reno

State: nv

Zip: 89509

Email: mcates12@hotmail.com

Phone: 775-327-4876

Comment: I am very impressed with the lengths that you have gone to in order to build the very best product for the Tahoe Basin. The information is very informative and I believe that this will be a great project for the Tahoe Basin, not just in creating jobs and improving the economy, but by improving the current state of the Biltmore site. A project like this needs to get built so that future projects in the Tahoe Basin have a model in which to follow and a standard to meet.

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## FW: Tim's comments on Boulder Bay

David Landry

Sent: Friday, November 20, 2009 8:55 AM

To: boulderbaydeiscomments

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

-----Original Message-----

From: Dennis Oliver

Sent: Thursday, November 19, 2009 6:47 AM

To: David Landry

Subject: FW: Tim's comments on Boulder Bay

More public comment for you

From: Tim [skitumbleweed@gmail.com]

Sent: Wednesday, November 18, 2009 12:37 PM

To: Dennis Oliver

Subject: Tim's comments on Boulder Bay

Hello Denis,

I have watched this Boulder Bay concept for some time. Here are my issues with the project.

1. The timing is all wrong. There is enormous pressure to build in Tahoe and folks are rushing bogus projects that place Tahoe's environment in great peril.
2. Homeowners are disenfranchised with the current process. We own most of the land around Tahoe and yet feel that any developer with big pockets can bowl into our communities and destroy them. Homeowners and environmentalist should be calling the shots at TRPA. Not developers.
3. There is no regional plan with hard limits on permanent population and visiting population. This fact places Tahoe on an eventual course for destruction that can end up like other lakes around the world. The Aral Sea is a great example. There will always be pressure to build and use water resources. In the Aral Sea example you had multiple communities and states with different agendas sharing the same water source. Eventually they failed. And once again humans totally destroyed the environment for all.
4. Boulder Bay, TRPA, and others talk down to their critics. I feel like we are treated like kids. The whole process treats us like we are a bunch of fools. For instance...I worked for years as an engineer for defense companies. You may think I am not the brightest individual. But I am no fool. I understand the natural environment in Tahoe more than most. And I was a kid in Tahoe in the 1960's. I am intimate with what development does to Tahoe's frail environment. We all understand the topology of the Crystal Bay area and we all know that these big ideas of trolleys, trams, bike lanes, scooters and what not are pure nonsense. Boulder Bay knows this too. I don't appreciate folks feeding me a load of nonsense.
5. And then we have these dirty words like "URBAN"....Good grief. Call my childhood towns urban areas?! Your folks at TRPA are not doing very well on the public relations front. I wonder if anyone at TRPA even cares.
6. I have yet to hear these developers speak about open space and quiet zones around Lake Tahoe. Tourist love nature and a natural untouched environment. How is it that people of the Bay Area get his concept. We have huge tracts of the Santa Cruz mountains that are off limits. We talk about it and love our open space. And yet TRPA and the developers talk little about Tahoe on this subject. All this sort of makes me feel like developers would be happy to build the entire rim with giant structures.

Homeowners and the environment of Tahoe are clearly at a disadvantage in these discussions. That point is clearly

demonstrated by the concrete mess you have going in South Lake Tahoe by the Heavenly Gondola.

We would not have the South Lake Tahoe mess or the current situation with TRPA and Boulder Bay if there was a regional plan in place and empowerment of homeowners around the lake. If this were the case Boulder Bay and TRPA would take my comments seriously. Our open space would be protected. And Crystal Bay would be developed in a manner that we can all be proud of.

I want a plan for the whole Tahoe Basin. I don't want projects approved one at a time. I want a complete vision. A total package. I want for instance to know what Cal Neva will be. I want all the properties to be properly designed and to flow together for the benefit of the environment and the communities they serve. Some areas of Tahoe like the east shore and Emerald Bay I want left untouched.

So for now. I want this project called off. The development must stop until there is a regional plan. And that plan must also consider a possible Olympics with the goal of keeping development outside Tahoe as temporary housing and facilities to move people into the basin on a temporary basis that can then be removed after the Olympic venue.

Call off the project!! It must be stopped. When I see a real plan that takes homeowners and the environment seriously then we can talk about Crystal Bay.

Tim Delaney. Incline Village.





47

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 19, 2009 2:03:20 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Linda  
Last Name: Lounsberry  
Address: 760 Tyner Way  
City: Incline Village  
State: Nevada  
Zip: 89450  
Email: llounsberry@charter.net  
Phone: 775-831-7484

Comment: I have lived in Incline Village for 26 years and been an employee of the Tahoe Biltmore for 24 of those. I would love to see Boulder Bay Alt. C fully implemented as it seems to be the best way to maintain the lakes clarity and to greatly improve the aesthetics of the area.

48

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** November 19, 2009 1:54:31 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Robert

Last Name: Lounsberry

Address: 760 Tyner Way

City: Incline Village

State: Nevada

Zip: 89450

Email: rlounsberry@charter.net

Phone: 775-831-7484

Comment: I have lived and been a business owner (North Shore Business Machines) in Incline Village for 26 years. I have watched the beautiful new homes being built along Crystal Bay corridor over the years and wondered why we still have to drive by the delapidated casinos every day. It's time to replace the Tahoe Biltmore with something more in line with the residential improvements of Crystal Bay. Boulder Bay Alt. C would be the best way to meet that end.

49

Zahler Enterprises, Inc.  
PO Box 7984  
Incline Village, Nevada 89452

November 19, 2009

Mr. David Landry  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449

Dear Mr. Landry,

I am a long-time resident of Incline Village and it is my pleasure to write a letter in support of the proposed Tahoe Blithmore Redevelopment project being submitted by Boulder Bay, LLC to the Tahoe Regional Planning Agency.

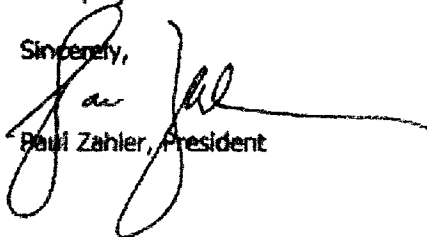
I understand that some in our community have voiced concerns over the proposed project and the changes that it will require, such as the abandonment of Reservoir Rd. and realignment of Wassou Rd. that may increase traffic to neighboring subdivisions of the project area.

I, however, feel that this project will positively impact the community. As a frequent commuter through Crystal Bay, I believe that local residents would be greatly benefited by the road realignment as it will allow for these roads to be brought up to County code. These benefits would include widened roads, greater stopping distances and safer roads for emergency vehicles to navigate. As for the project as a whole, it will bring an increase of travelers to the area which will help to stimulate the local economy.

I feel that it is also important to note that Boulder Bay has greatly shown their interest in and the significance of the local community through their participation in Environmental Improvement Projects, such as the Utility Undergrounding Project, and their sponsorship of local events.

In conclusion, I fully support the efforts of Boulder Bay as they seek TRPA approval of their project.

Sincerely,



Paul Zahler, President

50

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: November 22, 2009 11:49:19 AM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Wayne  
Last Name: Cromwell  
Address: PObox 515  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: 923irish@att.com  
Phone: 530-546-3059

Comment:

I have worked in Crystal Bay for over 40 years I am the engeering manger at the Tahoe Biltmore. I live in Kings Beach, I have seen meny changes and I beleve that we need to keep changing for the good of our econimy and the preservation of Lake Tahoe. The Tahoe Biltmore was biult in 1946 there was mager constrution in 1951 when the outside cottages were built, 1957 when the front of the building was changed, the casino went from secent to the first floor and inlarged by undermining the East side of the building, a new swimming pool, 1962 a larundry, show room, Main bar, restrooms, maintainance and machancal aera, this was built as a fallout sheter, 1990 a new resaurnt and delivary area, 2001 hotel lobby, stake house and main bar. There hase been other renavations, the hotel at least three times that I have seen. I beleve that it is time to start over agin. We have rebuilt,remodeled,renavated,patched,replaced this property to death. We have buildings on property that are deri!  
lic and a eyeshore and if the opisision gets there way tahoe resadens will have one more derilic propery to look at; like the old Tahoe Merner for the next 20 years. I hope that the powers to be on Bolder Bay project will be thaking us in the right direction.

Thank you Wayne Cromwell

51

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 23, 2009 7:22:53 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Kris  
Last Name: Johnson  
Address: 2667 So. Upper Truckee  
City: So. Lake Tahoe  
State: CA  
Zip: 96150  
Email: kjohnsonsmc@gmail.com  
Phone:

Comment: I highly support the Boulder Bay project. Once completed the improvements to the area will be great for the local economy, the community, and the environment. I believe this project will actually set the standard for environmental protection measures.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 30, 2009 1:36:32 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Peter  
Last Name: Morris  
Address: PO Box 1292  
City: Kings Beach  
State: CA  
Zip: 96143  
Email: pwmorris@hotmail.com  
Phone: 415.613.5664

Comment: I strongly support the Boulder Bay Alternative C option. With this alternative, the owners and designers have done an incredible job of marrying care for the environment overall and Lake Tahoe itself in particular, with respect for the aesthetics of Crystal Bay, opportunity for the working population of North Lake Tahoe, and ^ above all, the need for a quality, caring and original solution to a terrible, worn down and ugly carbuncle that despoils the beauty of our region.

The few ^ very few ^ who oppose this alternative, not only are unrepresentative of the many, many locals who are thrilled with the solution; but who also seem to come only from a position of individual motive and protectionism. It is impossible for this writer to understand why anyone would put themselves and their personal gain above the needs and desires of the majority.

Finally, it is clear that a decision to do nothing with the current site would be a calamity approaching biblical proportions and for which generations of our descendants would never forgive us.

53

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** November 30, 2009 12:19:55 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Matthew  
Last Name: Setty  
Address: 1763 Clefa Drive  
City: Reno  
State: Nevada  
Zip: 89509  
Email: msetty@jbrenv.com  
Phone: 775-544-1149

Comment: I strongly support the effort being made to address environmental issues during the redevelopment of the site. I feel that the project proponent has gone above and beyond in considering the environment in the design. I also feel that it is not the public's nor TRPA's role to tell the developer how „big% to go within their footprint, but that they do have the right to dictate what impacts to the environment and community are allowable. It is important to create an environment that encourages developers to take on this type of project that will have lasting benefits to the environment. If we tie the hands of developers too tight we will not have redevelopment that also has lasting environmental benefits.



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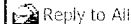
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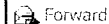
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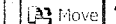
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**FW: Bolder Bay**

Dennis Oliver

**Sent:** Monday, November 30, 2009 8:57 AM**To:** Boulder Bay DEIS Comments

-----Original Message-----

**From:** Pete Todoroff [<mailto:ptodoroff1@sbcglobal.net>]**Sent:** Monday, November 30, 2009 7:11 AM**To:** Dennis Oliver**Subject:** Bolder Bay

Hello Dennis:

I just want the TRPA Board to please ask the questions about money.

With this economy in the mess it is in now where TRPA and all Federal and State Government Agency's cutting back on personnel, services, education and so forth

I hope and pray the same mistake won't happen North Shore like what happened in South Shore with the Community Center? or what ever that cement foundation is on the Lake Side by Harrah's . Please Ask All the Questions possible so this cement foundation doesn't happen up here on the North Shore.

Pete Todoroff

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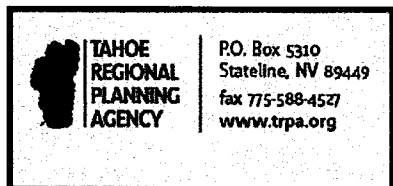
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**FW: Boulder Bay Project**

David Landry

**Sent:** Wednesday, December 02, 2009 8:46 AM**To:** Boulder Bay DEIS Comments**David L. Landry****Senior Planner -****Environmental Review Services**

775-589-5214

**From:** Larry Dowdle [mailto:eldowdle@hotmail.com]**Sent:** Tuesday, December 01, 2009 6:35 PM**To:** Dennis Oliver; David Landry**Subject:** Boulder Bay Project

Dear decision makers,

My wife and I live here in Brockway, on the highway, two blocks from the proposed Boulder Bay Development. At first we were concerned about the size of the project, but over the span of time from the first proposal to where it is now, thanks to Mrs. Nichols, they have satisfied our concerns and we are now for it. We appreciated their listening to our concerns and acting on them or explaining if our request wasn't feasible. Please help this project reach fruition. We have lived here for over 16 years and because of all the NIMBYs and lawsuits there has been little done to improve our part of the lake. Please help make our community a little nicer by voting in favor of this project.

Yours truly,

Larry and Candy Dowdle

Windows Live™ Hotmail is faster and more secure than ever. [Learn more.](#)

December 1, 2009

TRPA

Re: Boulder Bay

Comments to EIR

To Whom It May Concern:

On behalf of the Ferrari family, we would like to express our strong support for the Boulder Bay project and specifically option C. Our family has been in the lodging business at the Crown Motel (aka Ferrari's Crown Resort) since 1956. We have also been very active in the North Shore community. We have strong interest in the green and "smart" redevelopment of the aging North Shore. In our 50 years plus in business, we have seen little physical change to the Kings Beach/Stateline area other than a slow and painful deterioration.

Of the many features of the Boulder Bay plan we especially favor are:

1. The improvement to water quality. The current Tahoe Biltmore is an environmental disaster. One only need visit the rear parking lot to have a sense of the erosion that has and will continue to take place from this property. An exposed live sewer line from a neighboring property proves how much of the mountain has washed away over the years.
2. The mindful design of this project including a nearly 16% reduction in coverage, the removal of high buildings from the highway, shrinking the size of the casino area, keeping the project virtually invisible from the Lake and providing affordable housing are amongst the positive features of this project we especially support. We look forward to what will most likely be the first private LEED certified project on the North Shore.
3. Having had a family home in Crystal Bay, we recognize the existing ingress and egress issues especially in the wintertime. The new road design is a positive improvement that will increase safety for both Crystal Bay residents and Boulder Bay customers as well.
4. This project will create jobs that our area sorely needs. As a family with 50 years of lodging experience in the area, we do not believe that the current Biltmore can ever again be anything but a cheap lodging location and a struggling casino.
5. We firmly believe that this project will reduce traffic from that of a revitalized Tahoe Biltmore and that the emphasis on walking and bicycling will be at the forefront of what we will see in future projects on the North Shore. We have learned in our business that today's travelers do not prefer to use their cars once they reach a final destination.

On behalf of the Ferrari family, we urge you to support the approval of the Boulder Bay Resort project.

Sincerely,

Dave Ferrari



(59)

Public Comment for Boulder Bay CEP Project  
Draft Environmental Impact Statement

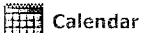
Date: 12/1/09  
Name: PATRICIA GUASSANO  
Address: P.O. Box 1223 C.B. NV  
Phone: 530-546-3904  
Email: North Shore Trish@charter.net

Comment:

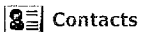
I agree with Plan C  
Please allow us to bring  
our people a place to work  
I see that These people  
are as green as it gets.  
Look toward the future.  
I Have lived in the  
Lake 29 years.



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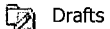
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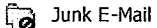
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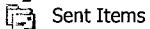
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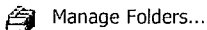


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**FW: Public Comment for Board Packet**

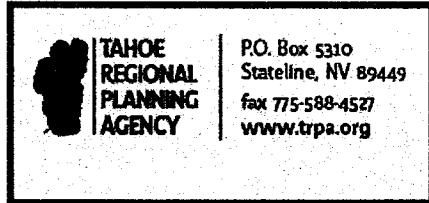
David Landry

Sent: Wednesday, December 02, 2009 8:08 AM

To: Boulder Bay DEIS Comments

58

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

**From:** Ed Gurowitz [mailto:egurowitz@gurowitz.com]**Sent:** Tuesday, December 01, 2009 3:07 PM**To:** Dennis Oliver; David Landry**Cc:** 'Brian Helm'**Subject:** Public Comment for Board Packet

David/Dennis,

Please include my comments below in the board packet for the upcoming meeting.

My wife and I have lived in Incline since 1995. I am a business consultant and write for the Huffington Post, and the North Lake Tahoe Bonanza; my wife is a Realtor with Century 21 McGregor Realty. We are actively involved in the community through support of We the People at Incline High, ARC which supports our local teens, Red, White, and Tahoe Blue, and our respective religious affiliations.

I am here today to talk to you about facts and freedom of speech. Freedom of speech is important to me as a writer; I believe it is critically important that we be able to speak our opinion, and I believe that by allowing multiple viewpoints to be heard, we often have as a result a much better solution than if only one viewpoint was considered. This isn't always the case, but I still believe in that ideal, whether it be at a national political level, or within our local community.

Because I am a writer, I followed the Boulder Bay project very closely over the past 18 months, and am happy to say that Boulder Bay did an incredible job of listening to multiple points of view, encouraged community members to provide comments and feedback, and as is apparent through their design changes, listened to that feedback. I find that encouraging.

Freedom speech is important, but facts are also important to me. This is an area where I have some disappointment. While I encourage multiple points of view, I have a problem when facts are twisted, misrepresented, and sometimes blatantly falsified to push a point of view. In my opinion, and in my research, Boulder Bay has been forthright and factual in their literature and project information.

The North Tahoe Preservation alliance on the other hand, has not been as factual in their claims and literature. I have been in more community meetings than I can count on two hands, where the NTPA has provided false data, incorrect claims, and blatant misrepresentations of facts about both the TRPA and about the Boulder Bay project. This is dangerous as those incorrect claims are used as part of the analysis by our public, to formulate an opinion regarding the Boulder Bay project.

Fortunately for us, the Incline Village/Crystal Bay community has a pretty involved, educated population so many of us have done our research and have filtered through the false data to form our opinions.


Based on my 18 months of meetings, research and interviews, I believe that the Boulder Bay project is a tremendous opportunity for Crystal Bay, North Tahoe and the entire Lake Tahoe area. Please search out the facts about this project and vote to approve this project and the example it sets for environmental leadership here at the

Lake.

*Edward M. Gurowitz, Ph.D.*

453 Jill Court  
Incline Village, NV 89451  
(775) 833-4501  
(775) 831-5869 (home)  
[egurowitz@gurowitz.com](mailto:egurowitz@gurowitz.com)



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Location  
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Stateline, NV 89449

Contact  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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Public Comment for Boulder Bay CEP Project  
Draft Environmental Impact Statement

Date: 12/1/09  
Name: HARFORD ORIVIA  
Address: P.O. BOX 2383 K.B. CRT. 96143  
Phone: 530 546-3904  
Email: \_\_\_\_\_

Comment:

I VOTE YES ON PLAN C  
IM GLAD TO SEE ENVIRONMENTAL  
ISSUES BEING ADDRESSED  
AND THE BUILDINGS WOULD  
BE A GREAT IMPROVEMENT



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**FW: President Maxson's remarks from 11/18 meeting**

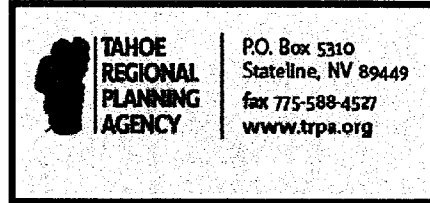
David Landry

Sent: Wednesday, December 02, 2009 8:24 AM

To: Boulder Bay DEIS Comments

WO

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

**From:** Michelle Filippini [mailto:mfilippini@sierranevada.edu]**Sent:** Tuesday, December 01, 2009 4:50 PM**To:** Dennis Oliver; David Landry**Cc:** bhelm@boulderbayresort.com; Robert Maxson**Subject:** President Maxson's remarks from 11/18 meeting

Hello,

The president asked me to forward the following to you.

Thanks.

Michelle

###

David/Dennis,

Please include my comments below in the board packet for the upcoming meeting. Although I did not speak from written notes, below you will find the thesis of my remarks at the Nov. 18<sup>th</sup> meeting.

Maxson's Remarks

Thank you for allowing me the opportunity to speak. The work you do and the decisions you make are very important to all of us, and I trust your collective decision-making.

I'm Bob Maxson, president of Sierra Nevada College, and I enthusiastically support the Boulder Bay project. The project is environmentally sound, and certainly makes good business sense. The project protects the environment and, more specifically, the lake. This project would benefit all the communities around the lake.

Here at SNC, we have a LEED-Platinum science building on our campus, and we are going to continuously work at greening the campus, with an eye always on protecting our environment. Many of the things we'll be doing will be modeling the plans of the Boulder Bay project. In fact, if they are amenable, we will develop a formal partnership with Boulder Bay.


And finally, I enthusiastically trust Roger Wittenberg. No one in Incline Village or the state of Nevada is more committed to protecting our environment than Roger. He knows what to do, and he'll do it.

Thank you again for the wonderful public service you provide for all of us.

Robert C. Maxson, President  
Sierra Nevada College

Michelle Filippini  
Special Assistant to the President  
Sierra Nevada College at Lake Tahoe  
775.881.7533  
[mfilippini@sierranevada.edu](mailto:mfilippini@sierranevada.edu)



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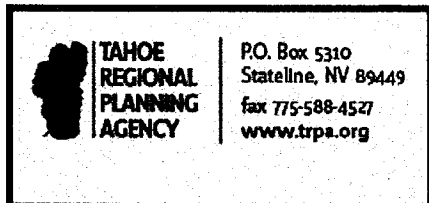
**FW: Comments made to TRPA**

David Landry

61

**Sent:** Wednesday, December 02, 2009 7:10 AM**To:** Boulder Bay DEIS Comments

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
775-589-5214

**From:** Schneider, Maia [mailto:mschneider@TFHD.COM]**Sent:** Tuesday, December 01, 2009 12:38 PM**To:** Dennis Oliver; David Landry**Subject:** Comments made to TRPA

Gentlemen,

Below you will find comments I made at the Governing Board meeting in Incline Village recently regarding Boulder Bay. Please include these in your board packet. Thank you!

My name is Maia Schneider. I am a former Mayor and Councilmember of the Town of Truckee and a member of the Board of the Nevada County Economic Resource Council.

I am here to speak in support of the Boulder Bay project.

The link between redevelopment and economic development is far more complex than merely a few temporary jobs for a handful of contractors and architects. Intelligently designed redevelopment can deliver improvements to the environment, the economy and the social fabric of our Lake Tahoe communities. Redevelopment can deliver the tourists we need, increase the tax base for social services and community-based initiatives and create quality jobs that keep our residents here. It is estimated that this development will create over 200 jobs – a significant number in any economy, but a Godsend in this economy.

However, the need for more and better jobs at the Lake is not enough in and of itself to drive approval of a project of this scope. Luckily for you and for us, Boulder Bay is a model of what good development can and should be, and sets a benchmark for future projects to follow in terms of community benefit, environmental improvements, consensus-based programming and economic stability. The move away from gambling to a health-based resort should be applauded by everyone.

The planners for Boulder Bay have also demonstrated a keen awareness of the positive impact this project can have on our region – this isn't a north shore or Nevada project; this is a plan that would tie together the economies of several communities in both states.

The Boulder Bay project demonstrates that redevelopment is not by its nature counter to the goal of improving Lake clarity. On the contrary, the science and the data clearly demonstrates that this redevelopment of a blighted site would significantly lower the emissions into Lake Tahoe while creating a new destination focused on the best the Lake has to offer: recreation, renewal, and restoration of mind and body. The EIS data supports these assertions as well.


Bringing this project forth has been a very public process, as it should be. Mr. Wittenberg and his team are to be commended for not only proactively reaching out to the community, but for incorporating improvements to the plan as a result of feedback from that outreach. At the end of the day, this is a plan which will have positive impacts on our communities and the lake for generations to follow. I urge your support and approval of the Boulder Bay project.

Maia Schneider, Director  
Community Development & Government Relations  
Tahoe Forest Health System  
530 582 6313 p  
530 550 5288 f

Our vision: to be the best mountain community health system in the nation

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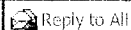
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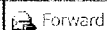
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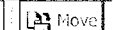
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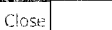
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**Boulder Bay CEP Project Comment From Tom Trimble**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Tuesday, December 01, 2009 6:13 PM**To:** Boulder Bay DEIS Comments**Name:** Tom Trimble**Address:** 6123 North Lake Blvd.**City:** Agate Bate**State:** CA**Zip Code:** 96140-0820**e-mail Address:** ttrimble@exwire.com**Phone Number:** 530-559-2106**Date:** 12/1/09

Description: IF you keep the traffic light between the Biltmore and Crystal Bay Club, it needs to be MUCH better computer controlled. There needs to be a minimum of 1 minute (preferably 2 minutes) between turning Red again for a new batch of pedestrians. Also, it is currently timed for handicapped people. Change this to something that recognizes when the pedestrians have fully crossed the street and turn the light green again.

However, my favorite solution is a tunnel under the street with elevator access at both ends.

Tom Trimble

(02)

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## Boulder Bay CEP Project Comment From Thomas Trimble

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Tuesday, December 01, 2009 5:42 PM

**To:** Boulder Bay DEIS Comments

Name: Thomas Trimble

Address: 6123 North Lake Blvd.

City: Agate Bay

State: CA

Zip Code: 96140

e-mail Address: ttrimble@exwire.com

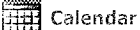
Phone Number: 530-559-2106

Date: 12/1/09

Description: Overall, I like the project very much. What seems to be missing on most documents is identifying where the parking spots are, how many there are versus the number of spots allocated for residents, and especially how many PUBLIC parking spots there are (and where). My second biggest concern is that you indicate a DECLINE in traffic - very hard to believe. The current stop light creates some very bad times of traffic backups. I drive Hwy 28 roundtrip an average of 4 - 6 times a week and mostly do not stop in the area. I recommend a re-do of that study.



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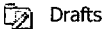
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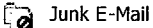
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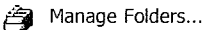


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**FW: Boulder Bay**

David Landry

**Sent:** Thursday, December 03, 2009 4:50 PM**To:** Boulder Bay DEIS Comments

(64)

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
775-589-5214

**From:** Stuart Yount [mailto:syount@fortifiber.com]**Sent:** Tuesday, December 01, 2009 12:00 PM**To:** Dennis Oliver; David Landry**Subject:** Boulder Bay

In preparation for the upcoming APC meeting, following were my written comments to the Governing Board on this project, which I feel the APC should be privy to as well. Please feel free to ask me any questions either by email or at tonight's Boulder Bay event. Thank you.

Stuart Yount  
Chairman & CEO



**Fortifiber®**  
CORPORATION

913 Tahoe Boulevard  
Suite 6  
Incline Village, NV 89451  
(775) 843-0486

I am sorry I couldn't stay at your meeting this past week to speak to you in person regarding Boulder Bay. I did very much enjoy being back at the TRPA Governing Board meeting & visiting with many of you in the morning. After serving with you for 6 ½ years, I found the meetings were always most interesting & I truly believe the work of the board, as the preeminent guiding body, is vital to saving our beloved Lake Tahoe basin.

As most of you know, I have lived fulltime in Crystal Bay, right on State Route 28, for almost 14 years. I believe you know I do my research & deal in facts. As a result, I totally support the Boulder Bay project Alt C & am confident that it is a solid benefit for the area, the Lake & the entire basin. Following are a few highlights of this project I want to emphasize to you all:

- The reduction in land coverage are over and above the standard TRPA regulations & existing planning goals; They will have a project area that is less than 50% of the permitable coverage in a community plan area.
- The Storm water management program will be the most advanced ever built at Lake Tahoe & will be the first to address the new TMDL approach to comprehensive water quality
- They are contributing to the EIP projects which will benefit offsite lands with the NSCP area through their plans to put utilities under ground plus the water quality

improvements

- The Scenic improvements & increase in the travel route rating are a direct result of the increase in setbacks & the stair stepping of height across the site. A significant improvement of the current conditions. Did you know that there is a sign that says END SCENIC HIGHWAY when you enter Crystal Bay? Maybe when this project is complete, that sign can be taken down.
- The site plan will incorporate a town center layout with a substantial increase in pedestrian & gathering space.
- The roadway improvements include a center turn lane which will further improve traffic flow through Crystal Bay.

As a neighbor of the proposed project I fully support the Boulder Bay project Alt C & I am confident that after completing your investigation you will come to the same conclusion.

Stuart Yount  
(775) 843-0486





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**FW: Public Comment for Board Packet**

David Landry

**Sent:** Thursday, December 03, 2009 11:55 AM**To:** Boulder Bay DEIS Comments

65

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
775-589-5214

**From:** PAUL REYNOLDS [mailto:paul.reynolds@att.net]**Sent:** Wednesday, December 02, 2009 10:43 AM**To:** Dennis Oliver; David Landry**Cc:** 'Cc: Brian Helm -'**Subject:** Public Comment for Board Packet

David/Dennis

Please include my comments below in the Board Packet for the upcoming meeting:

**COMMENTS AT EIS HEARING ON BOULDER BAY**  
**NOVEMBER 18, 2009**

My name is Paul Reynolds and my wife and I have lived at 240 Wassou Road in Crystal Bay for the past 13 years.

If it were not for one small parcel of Forest Service land, our property would be contiguous with the Boulder Bay Project property.

We wholeheartedly support this project and have participated in the four hearings held in Washoe County regarding the road changes and we testified in favor at all of them. We also have been active participants in most all of the public meetings held by Boulder Bay.

Today I would like to address two issues:

The Mariner Property and Traffic.

The Mariner Property has been a blight in this community since we arrived. Even though the old structure has been removed it is still an area of undeveloped dirt.

Consolidating the buildings at the South end of the property and developing park on the North would certainly be a welcome improvement.

We have heard a lot of rhetoric regarding the impact of traffic. In our 13 years we have not found traffic to be a problem and with this project, it should be less of a problem. Please do not be intimidated by those who attempt to scare with traffic concerns. Certainly, if we did not have traffic, we would not have retail establishments in our area and would be buying our groceries in Reno or Carson City.

Finally, we think it is commendable that Boulder Bay has been so transparent and have taken public input and made changes to their project. Also, commendable, is the job your staff has done in the preparation of this document

To have people like the Whittenberg's willing to invest private capital for the improvement of the community is a real asset.

This project can only improve the quality of life in Crystal Bay/Incline, improve the visual aesthetics of the area and be an environmentally sound project.

We encourage you to support this effort.

Thank you,

Paul & Ann L. Reynolds



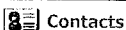




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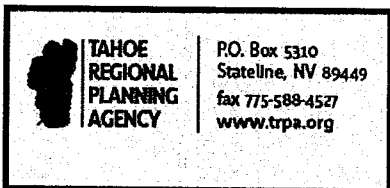
**FW: Boulder Bay Resort/Public Comment for Board Packet**

David Landry

**Sent:** Friday, December 04, 2009 8:41 AM**To:** Boulder Bay DEIS Comments

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
775-589-5214

b66

**From:** Candy Dowdle [mailto:seedowdle@hotmail.com]**Sent:** Thursday, December 03, 2009 10:30 PM**To:** Dennis Oliver; David Landry; Brian Helm**Subject:** Boulder Bay Resort/Public Comment for Board Packet

David/Dennis,

Please include my comments below in the board packet for the upcoming meeting.

My husband and I are neighbors on the highway in Brockway, and we want to mention that we are in full support of the Boulder Bay project. All the other towns around the lake are being redeveloped for the future, and here we sit in between the forgotten Crystal Bay and the squalor of Kings Beach. Please help us move towards the future of Lake Tahoe.

Candy Dowdle  
9699 North Lake Blvd.  
P.O. Box 612  
Brockway, California 96143-0612  
530-546-9134

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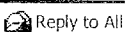


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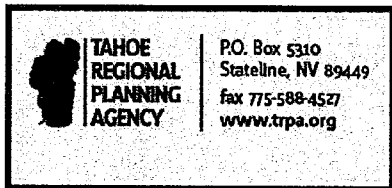
**FW: Public Comment for Board Packet**

David Landry

**Sent:** Friday, December 04, 2009 4:36 PM**To:** Boulder Bay DEIS Comments

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

(b7)

**From:** John Muller [mailto:jmuller@TahoeBiltmore.com]**Sent:** Friday, December 04, 2009 4:29 PM**To:** Dennis Oliver; David Landry**Cc:** Brian Helm**Subject:** Public Comment for Board Packet

David/Dennis,

Please include my comments below in the board packet for the upcoming meeting. The Boulder Bay Project is vital to this community. The project will protect Lake Tahoe by employing the latest technologies without a tax on residents. More importantly the project is also vital to the existence of a meaningful community and economy at North Shore. We need a strong community to protect this treasure. I urge you to approve the Boulder Bay project.

John Muller

GM, Tahoe Biltmore



**Subject: Fwd: Public Comment for Board Packet**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugebrueck.com>, David Landry <dlandry@trpa.org>, Rob Brueck <rbrueck@haugebrueck.com>

**Conversation:** Public Comment for Board Packet

(68)

Begin forwarded message:

**From:** "George" <George@c21truckee.com>

**Date:** December 6, 2009 12:27:18 PM PST

**To:** <doliver@trpa.org>, <dlandry@trpa.org>

**Cc:** <bhelm@boulderbayresort.com>, "George" <George@c21truckee.com>, "Carol Savary" <csavary@charter.net>

**Subject: Public Comment for Board Packet**

David/Dennis,

Please include my comments below in the board packet for the upcoming meeting.

- **We have owned a house in Lower Brockway for over 8 years now.**
- **We live right below the Cal Neva**
- **We have supported the Boulder Bay project from the beginning**
- **Why am I supporting the Boulder Bay project ?**
- **Because I believe that, the best way to improve the health of Lake Tahoe, as well as the social and economic health of our community is to recycle the run down built environment. The green buildings that Boulder Bay project will utilize will stop millions of tons of soil flowing into the lake, provide needed workforce housing and provide new living wage jobs as well as enabling the Crystal Bay and Kings Beach communities to develop a more**

**diversified economy.**

- **And because we got to know Brian and Roger and have always trusted their intentions and valued their vision to make improvements in our neighborhood**

- **I am here this afternoon to stress to you that I am not alone among my neighbors in supporting Boulder Bay. There are many of us out there, maybe not all could show up today, but they are out there, trust me.**

- **I have spend many hours at public meetings participating in Boulder Bay's public outreach as well as the TRPA public meetings. Additionally,—I have reviewed the Boulder Bay draft EIS document TRPA has put out. Here is what I think:**

- Alternative C is the clearly the option that will yield the most amount of improvements
- As one that owns a house below the current Tahoe Biltmore, I could not be more pleased with the proposed storm water management system that will capture the 100 yr storm run-off on site and treat the water to remove over 30,000 pounds of sediment...BEFORE it goes into my yard and into the Lake. Thank you!
- Furthermore, the new facility will have a lower traffic potential than the approved uses and will attract a more family oriented clientele to the Crystal Bay Commercial Core than the existing casino
- Finally, I think the proposed design is not only going to look so much better and make me feel proud...it is going to be a leader in green building!

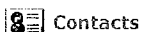
George H. Koster II  
Cell: (650) 248-8100  
e-fax (650) 745-1171  
email: [george@C21Truckee.com](mailto:george@C21Truckee.com) <<mailto:george@C21Truckee.com>>  
resident at 9910 White Cap Ln  
Kings Beach, CA



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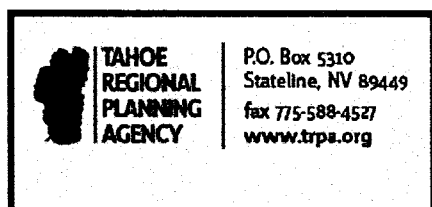
## FW: Public Comment for Board Packet

David Landry

Sent: Monday, December 07, 2009 8:05 AM

To: Boulder Bay DEIS Comments

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
 775-589-5214



**From:** Emilio Vaca [mailto:emilio.ntfrc@gmail.com]

**Sent:** Sunday, December 06, 2009 11:47 PM

**To:** Dennis Oliver; David Landry

**Cc:** Brian Helm

**Subject:** Public Comment for Board Packet

Mr. Oliver and Mr. Landry,

Please include my comments below in the board packet for the upcoming meeting

My name is Emilio Vaca and I am the Executive Director of the North Tahoe Family Resource Center. My organization works with families –Latino and Anglo—around basic need issues (food, housing, work, childcare, etc) Many of the families we serve live in Kings Beach. These are very challenging times. We are serving more people everyday for basic needs---many of them new to our organization in search of service because they are out of work and in order to stay in the area they are seeking help from my organization. I am here today representing the voice of these families.

We cannot afford to drive away any possible investments that might come to this area.

I came today because we need to move forward with the review and approval of the Boulder Bay project and the KBCCIP to give our struggling communities the boost they need

My families cannot afford to wait. They need the jobs these investments will bring. They need the boost the visitors who come to these new hotels, restaurants, and stores will bring. They need the sidewalks, the gathering places, the parks and the affordable housing units that will result from these projects. They cannot wait.

But mostly, these families need to believe that the place they call home is going to support their needs and that decisions being made have their best interest at heart. Please consider the impacts to families when you make your decision about current and potential investments to our region.

Thank you,

Emilio

69

-  
Emilio Vaca  
Executive Director  
North Tahoe Family Resource Center  
P.O. Box 2810  
Kings Beach, CA 96143  
(530) 546-0952

12/07/00

Paul H. Guttman, M.D.  
535 Dale Drive  
Incline Village, NV 89451

(70)

To the TRPA Board of Governors  
Dennis Oliver  
David Landry

Re: Boulder Bay EIS and application process

Dear members of TRPA,

I would like to urge you to move forward directly with the approval of the Boulder Bay Resort proposal before you for consideration.

I have been a full time resident of Incline Village since 1993 and spent my youth living on the south shore until I was 14 years of age. Lake Tahoe and its precious ecology has been my focus essentially all my life and I am grateful that I was given the opportunity to settle here after a career in medicine in the Bay Area and Truckee. Currently I am on the faculty of Sierra Nevada College teaching my other passion, Astronomy, which is directly tied to the stunning appreciation of this unique place. I participated in the planning of the UC Davis Thomas J. Long Environmental Center at SNC and am a collaborator in the Youth Science Institute for the training of environmental science to high school students. As a docent, I am fully knowledgeable of the LEEDS certification of the Tahoe Center for Environmental Sciences. On a less positive note, I have watched with dismay at the failing infrastructure of Incline Village over the last 15 years and have worked diligently on citizen committees to upgrade our business corridor without success.

Anybody who thinks that Boulder Bay is just another project is highly uninformed! Under the expert leadership of Roger Wittenberg whose contributions to environmentally friendly construction and products, the Biltmore redevelopment will be a cameo example of environmentally sound building practices that will raise the bar on all other future development. Roger is committed to a Silver LEED certification for Boulder Bay with exciting new approaches to energy and water conservation, sediments isolation and green house gas reduction. Brian Helm, Project manager, has already instituted an electric vehicle rental program for guests at the Biltmore with a commitment to expand Zero Emission vehicles for the project going forward. With the project design emphasizing healthy wellness experience as a destination resort and alternative transportation, Boulder Bay will potentially reduce the impact of carbon emissions from automotive sources compared to the existing



structure. The use of underground parking and reduction of gaming space will create an entirely different example for the north shore.

Please join me in supporting Boulder Bay and the vision to make Lake Tahoe a leader in environmentally sound solutions, friendly to residents and visitors alike.

Paul H. Guttman, M. D.

71

December 7, 2009

Dennis Oliver – [doliver@trpa.org](mailto:doliver@trpa.org)

David Landry – [dlandry@trpa.org](mailto:dlandry@trpa.org)

cc: Brian Helm – [bhelm@boulderbayresort.com](mailto:bhelm@boulderbayresort.com)

Subject: Public Comment for TRPA Board Packet

Dear Mr. Oliver and Mr. Landry:

Please include my comments below in the TRPA Board packet for their upcoming meeting:

I have lived full-time in the North Lake Tahoe area for over the last thirty years, where my husband and I have raised our three children. Our area is an area of great promise in a beautiful setting, but it has deteriorated over the last forty years with lack of care, lack of vision, and lack of a thriving business district.

I was skeptical of the Boulder Bay proposal when I first heard about it, but I attended two different presentations by the Boulder Bay group and participated in the walk-about on November 18, 2009 with the TRPA.

I appreciated Boulder Bay's positive response to public input and adjustments to their plans. I am supportive of their plans to take down an old eyesore which is surrounded by asphalt and put money into our area, building a green resort with a smaller footprint, more open space, and state of the art water retention. I was specifically impressed with the collaboration of Boulder Bay with Placer County to control water run-off from the site onto down-hill property.

I believe that Boulder Bay's plan to move buildings away from the highway and add to the scenic corridor could be the beginning of a re-birth to the North Shore of Lake Tahoe. We are a unique spot in a unique area, and I appreciate this type of renovation to an existing, although deteriorating business site.

I would urge the TRPA Board to approve Boulder Bay's application.

Sincerely,

Susan Kyler  
1294 Jester Court  
Post Office Box 350  
Tahoe Vista, California 96148

**Subject: Fwd: Pro Boulder Bay comments**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugebrueck.com>, Rob Brueck <rbrueck@haugebrueck.com>, David Landry <dlandry@trpa.org>

**Conversation:** Pro Boulder Bay comments

72

Begin forwarded message:

**From:** Steve McKibben <smckibben@laketahoeschool.org>

**Date:** December 7, 2009 1:44:32 PM PST

**To:** <doliver@trpa.org>, <dlandry@trpa.org>

**Subject: Pro Boulder Bay comments**

Dear Dennis and David—

I apologize for the delay, but I wanted to send you the basic thrust of my comments supporting the Boulder Bay project, comments I made during the public comment session hosted by TRPA at the Chateau in Incline Village on November 18, 2009. Unfortunately I seemed to have recycled the notes I used, so while the text may differ slightly from my remarks that day, the general themes are similar:

Chairman, Ladies and Gentlemen of the TRPA Board:

My name is Steve McKibben. I am an Incline resident, and I serve this community as Headmaster of Lake Tahoe School, a PreK-8thgrade independent school with 150 students. We draw families and students from all around the Tahoe Basin, from as far away as Genoa and Kingsbury grade to the south, from Homewood to the west, and from Donner Lake and Truckee to the north.

As I'm sure you are aware, the number of families in the Tahoe Basin with school-age children continues to drop. This demographic shift has forced some schools to close and others to significantly restructure both their classes and their curricular offerings. Both Washoe County School District and Tahoe Truckee Unified School District have explored consolidating schools and bussing students. And while neither district ultimately made the decision to shutter schools, both districts have increased class sizes and laid off teachers in response to falling student populations.

Families are fleeing the Basin for two reasons: the high cost of living and the lack of sustainable economic opportunities. I believe that the Bolder Bay project will bring much needed jobs to North Lake Tahoe

and will enable families with school-aged children to remain in the area, which is why I enthusiastically support their proposal to build a world-class destination resort in place of the current Biltmore structure.

I believe one hallmark of a healthy community is the quality of its local schools, and I anticipate the Boulder Bay project will provide opportunities not only for families to remain in the Basin but also for schools to continue to offer superb educational choices to local families. Please join me in supporting a development project that is healthy for the economy, healthy for the environment, healthy for our schools, and healthy for our children.

If you have any questions or concerns, or if I can be of further assistance to you or your staff as you progress toward making a decision, please do not hesitate to contact me.

Sincerely,

--Steve McKibben

Headmaster

Lake Tahoe School

775.831.5828

775.831.5825 (fax)

**December 7, 2009**

**To: Members of the Advisory Planning Commission**  
**Re: Boulder Bay Project**

- I am the owner of a small lake front resort in Tahoe Vista, California and a resident of Incline Village, NV. I drive past the Boulder Bay site every day.
- My family has owned the resort in Tahoe Vista for over 30 years
- We have seen first hand the impact our declining economy is having on our local community
- I serve on the Board of the North Lake Tahoe Resort Association and the North Tahoe Business Association and like so many, invest volunteer time to help improve our overall quality of life on the North Shore.
- There are many like me who strongly believe in our community's ability to improve the local environment AND it's economy. We believe CEP projects like Boulder Bay will help us achieve those goals.
- People are out of work, leaving the area because they can't afford to live here anymore.
- We need solutions and we need solutions now and when well thought out solutions that reflect community input present themselves...we need to welcome them.
- I see the revitalization proposed by Boulder Bay as one unique piece of the solution for our region, our economy our families.
- Besides significant water quality improvements, it is going to provide jobs, transportation, affordable housing, onsite childcare, and an infusion of dollars into local economies on both sides of the state line.
- It will provide a much needed improved visitor experience to the North Shore and enhance the image of Lake Tahoe.
- Why would we say no?
- I don't see too many other organizations offering to invest in our dying community right now and think we are jeopardizing a great deal if we keep this project from moving full steam ahead.
- Vote yes on the Boulder Bay project—especially Alt C that seems to bring the most environmental contribution and generates significant economic benefits.
- Thanks Boulder Bay and thank you, members of the APC for your time.

Respectfully Submitted,

Alex Mourelatos

**Subject: Fwd: in supoort of the Bouklder Bay Resort**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugebrueck.com>, Rob Brueck <rbrueck@haugebrueck.com>, David Landry <dlandry@trpa.org>

**Conversation:** in supoort of the Bouklder Bay Resort

74

Begin forwarded message:

**From:** "james peterson" <jpassoc@rraz.net>

**Date:** December 7, 2009 9:16:26 AM PST

**To:** <doliver@trpa.org>, <dlandry@trpa.org>

**Cc:** "Brian Helm" <bhelm@boulderbayresort.com>, "heather bacon" <hbacon@boulderbayresort.com>, "Roger Wittenberg" <rwittenberg@boulderbayresort.com>, "John Muller" <jmuller@tahoebiltmore.com>

**Subject: in supoort of the Bouklder Bay Resort**

Please accept my presentation to the TRPA meeting in support of the Boulder Bay Resort in November 2009.

Let's break ground and change the face of the North Shore Tahoe.

James Peterson

12/07/09

75

The North Tahoe Business Association (NTBA) primarily serves the business communities of Crystal Bay, Kings Beach, Tahoe Vista and Carnelian Bay. Our mission is to improve the economic well-being of the business community and enhance the quality of life through the creation and long term preservation of a vibrant economic climate. In 2004, The NTBA adopted the Main Street approach as a way to operate the organization. The Main Street Four Point approach is a community driven, comprehensive strategy used to revitalize downtown and neighborhood business districts throughout the United States.

To that end, we understandably support the redevelopment and revitalization of our deteriorating downtowns and commercial cores. Research shows that a healthy and vibrant downtown boosts the economic health and quality of life in a community by facilitating livability and walk ability, promoting civic pride, increasing local consumerism and creating local jobs. Projects such as this one that help meet TRPA's environmental thresholds are good for our communities and are critical to the future of our economic health.

Last Spring, I attended a brainstorming meeting with representatives from several communities within Placer County. One comment was made by a representative of a city that is working hard to revitalize the downtown. He stated that no one is willing to invest any money in development right now because of the state of the economy. We have brilliant people here in North Lake Tahoe that are willing to invest major dollars to improve our communities. Let's work together to keep those dollars here.

Cheri Sprenger, CDP

Executive Director

North Tahoe Business association



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[Click to view all folders](#) ▾[Manage Folders...](#)**I was a practicing architect for thirty**

David Landry

**Sent:** Monday, December 07, 2009 8:02 AM**To:** Boulder Bay DEIS Comments

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I was a practicing architect for thirty-five years and worked on multiple LEED and sustainable projects during my career. I am very impressed with the steps this developer of the Boulder Bay Project has gone through to develop a project that represents fine Tahoe architecture, which enhances and compliments the surrounding area while incorporating sustainable products. In addition, this project sets new standards for filtration of runoff water, increasing Lake Tahoe clarity. It is highly commendable that they are striving to be a LEED Silver certified project.

The planning process, starting with the developer's vision and then adding governmental and public input, has made this a project that will set a new standard for future Tahoe basin developments to emulate, both esthetically and ecologically. I think this project should be approved.

Bruce Townsend  
Incline Village



(77)



December 7, 2009

To: TRPA Governing Board

Re: Boulder Bay Resort EIS

As a member of the community and the project manager for the Truckee North Lake Tahoe Transportation Management Association, I would like to express my excitement and support for the Vision of Boulder Bay project.

From the beginning of this project, I have been extremely impressed with the dedication the Boulder Bay personal have had for the environment, public transit, and local community concerns.

They have already stepped up to the plate in regards to public transit issues including organizing joint meetings with the TMA, NLTRA and local stakeholders to fact find what we are currently doing and how they can help us meet our goals. They have joined the TMA board and are actively involved with our organization and the issues the area faces with public transit, as well as contributing annual funding to many of the public transit programs within the basin.

After reviewing the EIS Summary, I appreciate the numerous transportation benefits outlined in the draft EIS document: trip reduction, improvement to traffic flow along St Route 28, and the improvements to pedestrian and bicycle facilities.

They have adopted an approach toward improving the mobility of visitors, residents and employees within the Lake Tahoe basin, which include: Strengthening public transportation through strategic funding commitments focused on enhancing level and area of service; Developing resort overlay transportation programs to address gaps in service; and Providing a network of alternative transportation programs to reduce vehicle trips and increase mass transit ridership.

They see the importance to provide a visitor to Tahoe with a well-rounded complete visit without the need to bring or use a car while visiting. They also see the need provide a comprehensive employee transportation program to reduce trips to and from the hotel including employee transit passes, carpool parking, van pools, car matching services and bicycle amenities.

I feel their efforts and concern for the surrounding community have risen above most and know that they are on the right track when it comes to improving Crystal Bay, which is such a cherished part of this community.

Respectfully,

Jaime Wright

Project Manager

Truckee North Lake Tahoe Transportation Management association



December 8, 2009

David Landry  
Tahoe Regional Planning Agency  
128 Market Street  
P.O. Box 5310  
Stateline, NV 89449

RE: Support Letter for the Boulder Bay Resort & Wellness Center Project

Dear David,


Domus Development, LLC (Domus) strongly supports the proposed Boulder Bay development. This key redevelopment project will promote a sustainable model for an ecological resort and will provide permanent affordable workforce housing onsite. This project will create a critical economic stimulus that will provide not only stable, well paying jobs during both construction and operations, it will also construct and maintain environmental benefits that will help Lake Tahoe maintain clarity and TRPA reach its threshold goals. This development has the potential to repair the environmental, economic and social damage that the existing built conditions are inflicting on our communities now.

Domus is in the process of entitling Kings Beach Housing Now, a scattered sites affordable workforce housing development in King Beach. We know first hand there is an urgent need to provide new affordable housing solutions. The Basin's current workforce housing stock is comprised of older and dilapidated motel units, vacation cabins, trailers and second homes. The majority of these units are small and substandard and not suited for permanent housing for families and children. Our 2007 Housing Needs Survey in Kings Beach demonstrated that many households experience severe over-crowding and unaffordable rents. The lack of adequate workforce housing has negatively impacted the environment, the working families and the local business economy.

Therefore, Domus is in strong support of Alternative C for the Boulder Bay project. This alternative will place jobs near housing and will create fourteen permanent workforce-housing units on the site. Not only is Boulder Bay proposing to provide housing for workers and their families, they are doing so with the highest of green building standards.

I sincerely hope that TRPA approves not only the Boulder Bay project, but also the Kings Beach Commercial Core Improvement project and the Domus project so that we can start working towards a better future for Lake Tahoe and the families that live and work here.

Sincerely,



Meea Kang  
President

**Presented as oral comments by Nicole Gergans on behalf of the League to Save Lake to the  
TRPA Advisory Planning Commission on December 9, 2009 regarding the Boulder Bay Draft**

**Environmental Impact Statement**

Although the League does support appropriate redevelopment of legacy areas, the League is not here today to either support or oppose the Boulder Bay project, but to comment on the adequacy of the Draft Environmental Impact Statement. In fact the League feels that due to some serious flaws within the DEIS it will be impossible to make a statement of either support or opposition until these issues are properly resolved and addressed in the FEIS.

79a [ Of outmost concern is the transportation analysis. Defying common sense, the transportation analysis reports that while there will be an increase from 92 hotel units to 300 hotel units plus 59 condominiums and 14 housing units, a combined increase of gaming, commercial area, and accessory floor area from about 80,000 sq feet to about 120,000 sq feet, and an additional 158 parking spaces, that somehow trip generations and VMT will be decreased. This is a very bold conclusion and the steps taken to make this conclusion deserve thorough review. The League encourages each member of the APC to take a careful look at this section of the DEIS to discern the adequacy of the methods used to reach trip generation and VMT numbers.

79b [ The first major flaw in the Transportation chapter of the DEIS is that baseline numbers for trip generation and VMTs were not based on existing conditions at the current Biltmore site, but instead on the potential full capacity of existing uses. This skews the numbers to make it seem as if Alternative C is drastically reducing VMTs because it is not being compared to existing VMTs just potential VMTs.

79c [ A second inadequacy is that trip generation at full capacity of existing uses was not based on data from the Biltmore. It was not even generated from casinos in Tahoe, Reno, Las Vegas, or anywhere in Nevada for that matter. Instead the data was derived from the amount of gaming space in two

casinos in Illinois, one in Iowa, and one in Northern California. Trip generations should be based on local data and circumstances.

79d [ Third, the transportation analysis is based on a model by Fehr and Peers for mixed use development that does not include hotel or interval ownership residential uses. Since hotel and vacation homes will be the primary use of Boulder Bay, it seems inappropriate to use this model. The internal capture rate in this study only takes into account trips between the casino, hotel, restaurants, and retail. While Alt C may be reducing these types of trips, the study does not appear to take into account the amount of external trips that will be generated by the increase in the number of guests and residents now needing to reach recreational areas such as beaches and trailheads, grocery stores, the pharmacy, schools, medical care and other essential services. As both the internal capture rate and alternative mode reduction is based on a model not designed for hotel uses, the validity of the numbers generated

79e [ remains extremely questionable. Furthermore, it is unclear whether the study takes into account new trips generated by the additional amenities such as restaurants, stores, and a spa that will likely attract visitors and residents from surrounding areas such as Kings Beach, Incline Village, and Northstar at a more frequent rate.

The robustness and adequacy of the transportation analysis is key in allowing the APC to recommend this project to the Governing Board with confidence that there will be no significant impact to the Air Quality Threshold standard. The League encourages the APC to recommend to the Governing

79f [ Board that a more thorough and appropriate transportation analysis be performed for the FEIS that better takes into account existing conditions and external trips based on a model designed for a mixed hotel development that includes second homes and uses data that better reflects a Tahoe area casino.

At first glance, the water quality improvements to this site seem extremely impressive, but upon review of the DEIS, the League found crucial pieces of information missing that if included would better help the APC and the Governing Board determine how far above and beyond this CEP project is

reaching. A 100 year storm capture sounds rather extraordinary compared to the 20 year one hour one inch storm standard. However, the DEIS fails to quantify the average annual fine sediment load that will be reduced by any of the alternatives. This type of quantification is imperative as the TRPA is inching closer to the adoption of the TMDL. The result may show that the proposed 100 year storm capture significantly reduces load in comparison with 20 year storm capture, but without robust quantification of these differences, how will the APC or Governing Board be able to judge the differences?

Furthermore, it is unclear how reliable the TSS loading estimates are in the DEIS as Appendix P repeatedly states, "Loading estimates to be used with caution. Flows are grossly estimated." Also, in the FEIS it is important that fine sediment load is distinguished from TSS load as the TMDL has demonstrated that fine sediment is what impacts lake clarity, not total sediment load.

The League has a number of other questions, clarifications, and recommendations regarding the various aspects of the DEIS, however, due to the time limitation for oral comments, these will be submitted in written form in February. We encourage the members of the APC to review these comments once they are submitted.

Thank you



**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 3:11:45 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: joyce  
Last Name: benka  
Address: 743 Kelly Drive  
City: Incline Village  
State: NV  
Zip: 89451  
Email: joyce@inclinetravel.com  
Phone: 775-831-5846

Comment: I want to state that this project is  
a necessity for the North Shore of lake Tahoe, The Crystal Bay area is in dire need of improvement and the  
ability to attract more tourism is  
only a win win situation for all  
local business and residents.

91

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 7:23:51 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Amy  
Last Name: CECCHI  
Address: 995 Wander Way  
City: INCLINE VILLAGE  
State: NV  
Zip: 89451  
Email: aes71@yahoo.com  
Phone: 775 8314851

Comment: I would be happy to see Alternative C put in place if the claims for better water clarity and environmental improvement are accurate.



82

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: December 10, 2009 2:06:02 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

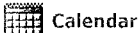
BoulderBay: New EIS public comment submitted

First Name: Fran  
Last Name: de Leon  
Address: 5504 Tyrone Ave  
City: Sherman Oaks  
State: CA  
Zip: 91401  
Email: frandeleon@me.com  
Phone: 8184371272

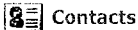
Comment: I live in California and vacation in the Tahoe area and would very much like to see this happen. We want a safe place for our family to stay when we come for visits.



Mail



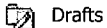
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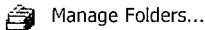


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**FW: Tahoe/regional rail transport as timely economic requisites**

David Landry

**Sent:** Thursday, December 10, 2009 2:34 PM**To:** Boulder Bay DEIS Comments

03

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

-----Original Message-----

From: Lyn Barnett

Sent: Thursday, December 10, 2009 10:47 AM

To: 'Ann Marie Henrioulle'

Cc: Nick Haven; David Landry; Mike Cavanaugh; Joanne Marchetta

Subject: RE: Tahoe/regional rail transport as timely economic requisites

Dear Ann Marie,

I have forwarded your message to Nick Haven (TRPA Transportation Planning Team Leader) and David Landry (Senior Planner in the Environmental Review Services Branch). Mr. Landry is lead planner for the Boulder Bay Project in Crystal Bay. I am also copying Joanne Marchetta, TRPA Executive Director, since you make a request her in your message.

Concerning your questions to Mr. Wittenberg, may I suggest that you contact him directly or through one of his project managers to get a response to your question? Mr. Landry can provide the necessary contact information you are unable to find it on the Boulder Bay Project website.

Sincerely,

Lyn

A. Lyn Barnett, AICP  
Chief - Environmental Review Services Branch  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Nevada 89449-5310  
(775) 588-4547, extension 239  
(775) 589-5239 (direct line)  
(775) 588-4527 (fax)  
[www.trpa.org](http://www.trpa.org)

-----Original Message-----

From: Ann Marie Henrioulle [<mailto:ahenrioulle@mailstation.com>]

Sent: Thursday, December 10, 2009 7:23 AM

To: Lyn Barnett

Subject: Tahoe/regional rail transport as timely economic requisites

Dear Mr. Barnett:

"ELECTRIC WATER" by Christopher C. Swan (New Society 2007) is good

I am researching energy component in transport & economic policy, see letter to SacBEE, Tahoe officials:

Gunnar Henrioulle, Colfax & Lake Tahoe, 530-346-6060

In 1975, Adriana Gianturco championed electric railway for clean and energy efficient Regional Tahoe access & basin mobility. This courageous lady was representing oil embargo era view of the CA Department of

Transportation, and was instrumental in the formative years of TRPA. Remember, this was in the years of OPEC embargo, and gasoline supply disruptions, eventually eased by Alaskan & North Sea oil supplies. Those fields have since seen serious depletion, sad to say.

A recent white paper by Lionel Badal offers food for thought to Tahoe development efforts and regional planners

<http://www.theoil drum.com/files/Lionel%20Badal%20Dissertation.pdf>

Badal's well footnoted paper reveals the precarious situation facing America's dependence on imported oil for transport and distribution. TRPA and League To Save Lake Tahoe officials have to come to grips with alerts and warnings of motor fuel supply limits in the USDOE "Annual Energy Outlook", and related comments issued by International Energy Agency spokesman Fatih Birol.

Quality projects that emphasise new era energy design, offered by entrepreneurs such as Roger Wittenberg at the North Shore and Youssef Amin near the Tahoe Airport are worthy of support. Mitigation is the name of the game at Tahoe, so let us take Transport Access as the primary element for project approval.

Mr. Wittenberg's "Boulder Bay Resort & Wellness Center" application invites inclusion of electric railway access for North Lake Tahoe. Reno/Truckee rail line might utilize the former Tahoe City rail corridor, with waterborne terminal at 64 acre tract Intermodal Terminal. Would Mr. Wittenberg consider putting \$10 Million in rail seed dollars toward the Tahoe City Rail branch rehab?

A mirror image Intermodal terminal at South Lake Tahoe would be located at the dormant Convention project, at Ski Run, or near the USFS Visitor Center at Camp Richardson. The USFS location invites recasting South Tahoe image, with Lake Tahoe the focal point of new transport amenities. Electric rail study in the 1995 Cal Trans US50/I-80 (Unabridged) Rail Corridor document is useful for developers & planners.

A South Shore proposal of note can be seen:

<[www.ya-aia.org/tahoe/gallery73.html](http://www.ya-aia.org/tahoe/gallery73.html)> Amin's Tahoe Airport Center proposal, shares Mr. Wittenberg's opportunity for bringing postcarbon electric railway mobility to Lake Tahoe. Will Amin's investment group bring \$10 million to South Shore transport, maybe helping Aramark with cross-lake ferry infrastructure?

Rochelle Nason is acutely aware of electric railway as essential guarantor of Tahoe water quality. Ms. Nason came to Tahoe at the time Laurel Ames and the League To Save Lake Tahoe were ardent supporters of an Airport Light Rail Line, and the League's Newsletter devoted an entire issue to the South Shore light rail design effort. Tahoe scientists like Drs. Lewis Goldman & Jean Claude Cousteau have long history of advocating railway in the Tahoe solution set. Ms. Nason should talk to Dr. Goldman. TRPA's Marchetta, talk to Randell Iwasaki at Cal Trans, share Badal's paper and the 1995 study.

All hands, let's get going on moving people to & from Tahoe, not cars.

Developers CERTAINLY need to understand approaching motor fuel limits. Mr. Wittenberg, talk to Dr. Richard Heinberg at Post Carbon Institute in Sebastopol, CA. Heinberg carefully documents US economic vulnerability to current transportation & development methodology.

Gunnar Henriouille 366-6060 (please apprise CalTrans' R. Iwasaki)

84

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 11:05:51 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Chrystie

Last Name: Lowden

Address: 605 Village Blvd

City: Incline Village

State: NV

Zip: 89451

Email: chrystieq@hotmail.com

Phone: 775-832-7766

Comment: I would love to see Alt. C go through as I would love to help Lake Tahoe's water clarity and I would love to have an enviornmentaly conscious place to take my family. Thank You!

85

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 4:47:23 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Kimberly

Last Name: Maroney

Address: 16868 Calle Bellevista

City: Pacific Palisades

State: CA

Zip: 90272

Email: kamaroney@earthlink.net

Phone: 818-606-6542

**Comment:** We want Alternative C. It is a family tradition to visit Lake Tahoe and all of it's beauty every year, summer and winter. Please don't let the lake become polluted. Let's keep Tahoe Blue!

12/

**Rebecca Palmer**

**From:** Nevada State Clearinghouse  
**Sent:** Thursday, November 12, 2009 12:11 PM  
**To:** Rebecca Palmer  
**Subject:** E2010-095 Boulder Bay community enhancement program, Crystal Bay -

(86)



**NEVADA STATE CLEARINGHOUSE**  
Department of Administration, Budget and Planning Division  
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298  
(775) 684-0213 Fax (775) 684-0260

TRANSMISSION DATE: 11/12/2009

State Historic Preservation Office

Nevada SAI # E2010-095

**Project: Boulder Bay community enhancement program, Crystal Bay**

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

E2010-095

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Thursday, December 31, 2009.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Clearinghouse project archive

Questions? Reese Tietje, (775) 684-0213 or [clearinghouse@state.nv.us](mailto:clearinghouse@state.nv.us)

☐ No comment on this project ☒ Proposal supported as written

AGENCY COMMENTS:

*Rebecca Palmer*

12/10/09

07

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 9:37:34 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Deana

Last Name: Patrick

Address: 910 Southwood Blvd. #3

City: Incline Village

State: NV

Zip: 89451

Email: deana@baypack.com

Phone:

Comment: I fully support Alternative C. Based on everything I have read, I believe this alternative will be best for all parties involved. Thank you and good work!!

88

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 10, 2009 7:36:35 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Dorea  
Last Name: Shoemaker  
Address: 960 Mercury Ct  
City: Incline Village  
State: NV  
Zip: 89451  
Email: doreah@hotmail.com  
Phone: 7758327463

Comment: I live in Incline Village and miss that our community does not have a focused town area. We have the Hyatt, Raleighs, Christmas Tree Village and the Village Center area. All of which are focused around a parking lot. I would love to see the Alternative C plan for Boulder Bay implemented and bring a nice gathering area for locals. This plan will be good for the community, the lake, have better visual appeal, and give our economy a boost. Thanking you for taking the steps to make Alternative C a reality.



89

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 11, 2009 6:08:59 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Robert

Last Name: Polsen

Address: 66 South Ave

City: Atlantic Highlands

State: NJ

Zip: 07716

Email: bob.polsen@vpisystems.com

Phone: 2017071928

Comment: I have been coming to Lake Tahoe for over thirty years and appreciate the effort to maintain the pristine environment. I believe the Boulder Bay project is the right type of development for the lake. I hope someday to purchase one of their units

Thank you

Bob Polsen

90

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 11, 2009 10:27:04 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Luke

Last Name: Stevenson

Address: 466 Winding Way

City: Incline Village

State: NV

Zip: 89451

Email: tahoeluke1@sbcglobal.net

Phone: 775-831-0288

Comment: I urge you to adopt Option "C" for the Boulder Bay project direction. In my opinion, it offers the most beneficial option to both community, tourism and environment. These aspects must be balanced to ensure the beauty of the Tahoe basin, the value of the lifestyle we enjoy and the future of the local economy.

Please vote for Alternative C.

Sincerely,

Luke Stevenson

91

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 11, 2009 11:40:19 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Courtenay  
Last Name: Wallpe  
Address: 456 Country Club Drive  
City: Incline Village  
State: NV  
Zip: 89451  
Email: csilvergleid@hotmail.com  
Phone: 775-833-4415

Comment: As a parent and long time resident of Incline Village, I'm strongly in favor of Option C with respect to the Boulder Bay project. I'm excited about the environmental benefits, the new jobs, and the mixed use facility. A wellness center with an outdoor area for my children to walk/play would be fabulous.

92

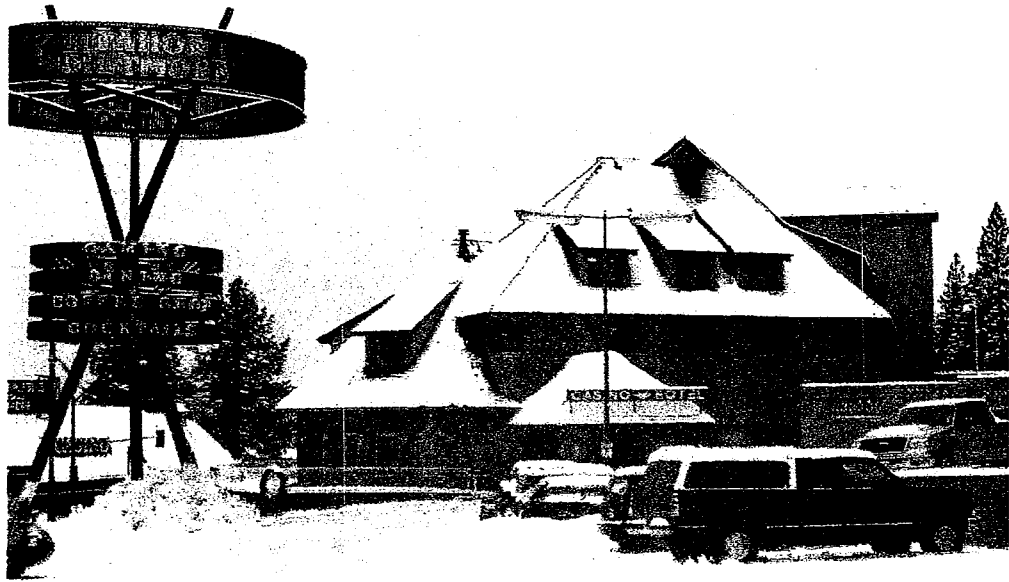
**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 12, 2009 8:39:55 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: MaryJane  
Last Name: Kroll  
Address: 5202 Pearce Drive  
City: Huntington Beach  
State: CA  
Zip: 92649  
Email: mj@teamkroll.com  
Phone: 7148409597

Comment: My mother lives at the lake and we visit several times a year. Lake clarity is a priority for our family and we support Alternative C and Boulder Bay. We look forward to taking the family there. Thank you for listening!

# BOULDER BAY DEIS



NORTH TAHOE PRESERVATION ALLIANCE

**Summary of Impacts with Comments  
(ALTERNATIVE C)  
Submitted Draft by North Tahoe Preservation Alliance  
December 12, 2009**

**4.1 Land Use**

1. LU-1: Will the Project be consistent with the land use plan or zoning plan, or land use goals, policies, and provisions of the TRPA Regional Plan, Code of Ordinances, or Plan Area Statement, or Washoe County Comprehensive Plan?

*Inconsistent w/Mariner Settlement Agreement: allows for 3 SFR on 1 acre and 5 acres open space. Alt. C proposes part of 2 hotels and 24 condos with approx. 4 acres open space.*

*Inconsistent w/allowed NSCP height maximums (2X existing code: 38' to 75'-not human scale design). Requires change to NSCP code and Community Plan.*

93a *Inconsistent w/allowed NSCP maximum new CFA (large portion of accessory space: 89k sq.ft. really CFA)*

*Inconsistent w/allowed NSCP density maximums regarding Chapter 21, (category e should be used, not f)*

*Inconsistent w/requirement of sidewalks (none on Stateline or Wellness Way)*

*Inconsistent w/requirement of buffering with adjacent uses (20' setback off Stateline Rd to 75' and 65' high buildings: over twice as tall as adjacent structures)*

*Inconsistent w/NSCP requirement for family destination recreational resort (no onsite recreational amenities except pool))*

2. LU-2: Will the Project be consistent with adjacent land uses or expand/intensify existing non-conforming uses?

93b *Expands and intensifies existing non-conforming height and massing. Change to height code crosses Hwy 28 to Crystal Bay Motel/Office and parking lot property*

*Multi-family special use proposed.*

*Intensifies development of Mariner site from 3 SFR to part of 2 hotels and 24 multifamily units*

3. LU-C1: Will the project have significant cumulative impacts to land use?

*Significant cumulative impacts to land use:*

93c *1. expansion of project area across Hwy 28 to Crystal Bay Motel/Office/Parking 1.2 acres now allows application of increase of proposed heights and density to 12.2 acres of NSCP*

*2. Gaming floor area can expand across Hwy 28 to Crystal Bay Motel/Office/Parking 1.2 acre site*

*3. density calculated on Mariner site which allows just 3 SFR on 1 acre. New proposed Mariner Settlement Agreement calculates density using entire Mariner site of 6.1 acres even though approx. 3 acres is outside of the NSCP*

**4.2 Geology and Earth Resources**

4. GEO-1: Will the Project result in compaction or covering of the soil beyond the limits allowed by TRPA land capability classifications?

*Only 15,000 sqft of onsite coverage is being removed (Stateline mini-park coverage)*

- 93d Crystal Bay Motel site coverage is being removed in this plan, but the site is not deed restricted for further development. Developer is retaining right to redevelop site.
5. HYDRO-1: Will Project construction or operations result in the degradation of surface water quality in the East Stateline Point watershed?
- 93e CEQA required to determine impact  
Since Stateline Mini park Ca. parcel requires Placer County permit for new retention basin, CEQA should be performed to determine impacts
6. BIO-3: Will the Project cause loss of active raptor nests, migratory bird nests, or wildlife nursery sites?
7. BIO-6: Will the Project result in the removal of trees 24 inches or greater in diameter at breast height (dbh)?
- 93f Trees in total project number 368, 225 are scheduled to be removed-61%
8. SR-1: Will the Project be inconsistent with any County Comprehensive Plan, Community Plan or regulations, standards, or guidelines of agencies (TRPA) with jurisdiction in the area regarding Scenic Corridors?  
Current Biltmore has one building 76' high, Proposed project includes 10 buildings ranging from 45-75 feet high. Three of the building will be over 70ft. Project is inconsistent with allowed NSCP height maximums of 38'. Massing study has been requested but not supplied during Notice of Preparation.
- 93g 9. SR-2: Will the Project be visible from or cause an adverse effect on foreground or middleground views from a high volume travelway, recreation use area, or other public use area, including Lake Tahoe, TRPA designated bike trail, or state or federal highway?  
Significant scenic impact from Hwy 28, Stateline Rd and Lakeview Rd.  
2001 TRPA letter from senior planner discusses concerns with scenic impacts of just 3 SFR, much less a proposal with 10 buildings 45-75 feet high. Proposal of a portion of two hotels and 24 units on the Mariner site will have significant impact.
- 93h 10. SR-3: Will the Project be inconsistent with the TRPA Scenic Quality Improvement Program or Design Review Guidelines?  
Undergrounding of Utilities contribution although commendable, has been performed and will remain with or without a project.  
Project scale not human sized.
- 93i Currently there is one building 76' high, proposal has 10 buildings with approx. 4X the sqft from 45' to 75' high
11. SR-C1: Will the project have significant cumulative impacts to scenic resources?  
Current Biltmore is 110k sq.ft., Alt. C is 475,000 sq.ft. resulting in significant new massing. No massing study performed considering project area site north or south of Hwy 28. New proposed height will apply to project area on south side of Hwy 28 (Crystal Bay Motel/Office and Parking).
- 93j 12. REC-1: Will the Project result in decreased availability or degradation of a high quality recreational experience?  
Project new population to area will result in the degradation of the Speedboat beach recreational experience.
- 93k Estimated 1800-2000 site population will stress area beaches. Project has no beach access.

13. REC-2: Will the Project conflict with an established recreational use in the area?

93L *Kings Beach and Speedboat beaches will be impacted by new onsite population. IVGID beaches may be impacted if current beach access litigation is settled in favor of Crystal Bay residents.*

14. CUL-1: Will the Project disturb or alter known, potentially-eligible National Register properties, including archaeological, historical, architectural, and Native American/traditional heritage resources?

93m *Project will remove existing architecture and sign reminiscent of Early Tahoe Gaming. Area will lose "Old Tahoe" identity. Crystal Bay Club property is an excellent example of the success of promoting this architecture.*

15. TRANS-1: Will the Project result in generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

93n *4X existing build out will increase, not decrease traffic. Existing Biltmore generates 1835 vehicle trips per day. Alt C generates 7,963/day.*

16. TRANS-2: Will the Project result in an increase in Vehicle Miles of Travel?

*4X existing build out will increase, not decrease traffic Existing Biltmore generates 1835 vehicle trips per day. Alt C generates 7,963/day.*

17. TRANS-4: Will the Project result in a substantial impact upon the existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

93o *Project will cause further congestion on existing transportation systems and pedestrian facilities.*

18. TRANS-7: Will the Project result in a temporary impact upon existing transportation systems due to construction traffic?

93p *130,000 or more cubic feet of material will need to be removed from the site. An onsite concrete batch plant may need to be installed.*

19. TRANS-8: Will the Project result in alterations to present patterns of circulation or movement of people and/or goods?

93q *Proposed new street circulation is not consistent with and is a major revision of the scheme approved by the Washoe County Commissioners in 2009, requires new formal Washoe County approval. Washoe County Commissioners are concerned with evacuation routes for upper Crystal Bay during a fire event. Residents of upper Crystal Bay and the pedestrian population are forced into conflict with existing roadways, cars and underground parking garages.*

20. TRANS-9: Will the Project result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

93r *Residents of upper Crystal Bay and the pedestrian population are forced into conflict with existing roadways, cars and underground parking garages.*

21. TRANS-C1: Will the project result in a substantial impact upon cumulative transportation systems, including roadways and intersections?

93s *Stateline Rd/Hwy 28 intersection will be significantly impacted by new casino and project in general. Level of Service will diminish and Intersection Queuing will result at SR 28/SR 267, Stateline Rd and Wellness Way*

22. AIR-2: Will the project result in substantial air pollutant emissions from daily operations?



- 93x *Increased VMTs will cause increased air pollutant emissions.*
23. AIR-C1: Will the Project result in substantial cumulative air pollutant emissions from daily operations?
- 93u *Where is the compliance analysis regarding Section 91.5, Section A heat exhaust, boilers, roadway snow melt etc.?*
- 93v 24. NOISE-1: Will the project result in a significant increase in traffic noise levels?  
*Where is the analysis?*
- 93w 25. NOISE-3: Will the project result in excessive noise due to construction activities?  
*Where is the analysis?*
26. NOISE-C1: Will the project have significant cumulative short-term construction noise impacts to the noise environment?
- 93x *Where is the analysis? Project is proposed to take 5 years to build causing more than a temporary period for noise impacts.*
27. SPH-3: Will the Project alter the location, distribution, density, or growth rate of the human population planned for the Region?  
*Crystal Bay population could potentially double or triple. Applicant won't supply Alternative population figures except for Alternative "D" which has an onsite population of 2448. Crystal Bay/Brockway contains approx. 350 homes..*
- 93y 28. SPH-C1: Will the project have significant cumulative impacts to socioeconomics, population and housing?  
*Crystal Bay population could potentially double or triple. Applicant won't supply Alternative population figures except for Alternative "D" which has an onsite population of 2448..*

94

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 13, 2009 6:51:01 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Tyler  
Last Name: Gaffaney  
Address: 288 West Agatam Ave  
City: Tahoe Vista  
State: CA  
Zip: 96148  
Email: tgaffaney2002@yahoo.com  
Phone: 775-742-5054

Comment: I have been a Lake Tahoe Resident for 2 years. I drive through Crystal Bay everyday and I seriously think we need to do something. Driving through that area feels like I am in reno in the 70's, the buildings are falling apart and quite frankly are an eye sore. Not only does this project sound like it is good for the environment but it will also help bring beauty back to North Lake Tahoe. I support the Boulder Bay project and hope that the TRPA finds that this project is exactly what North Lake Tahoe needs to stimulate the local economy, improve lake clarity and bring some beauty back to the Crystal Bay area.



# LAKE TAHOE

INCLINE VILLAGE & CRYSTAL BAY

95

RECEIVED

JAN 04 2010

TAHOE REGIONAL  
PLANNING AGENCY

December 14, 2009

David Landry  
Senior Planner  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

RE: Support Letter for Boulder Bay Redevelopment Project

Dear Mr. Landry,

The Incline Village/Crystal Bay Visitors Bureau (IVCBVB) is the public agency tasked with branding and marketing the Lake Tahoe portion of Washoe County. The IVCBVB attracts overnight visitors to North Tahoe lodging properties through tourism marketing, convention sales and facility operations, featuring local amenities, attractions and events; thereby enhancing the economic benefit and quality of life for North Lake Tahoe.

On December 9, 2009, our board of directors unanimously voted to express support for the Boulder Bay Redevelopment Project in Crystal Bay, NV.

Unfortunately, much of our hospitality product on the north shore is a remnant of the 1940, 50s and 60s, and no longer meets the expectations of today's moderate to high-end traveler. Quality amenities such as meeting space, spas, retail villages, and cultural centers are limited, which seriously impairs our ability to drive shoulder season visitation and results in weak hotel occupancy and retailers who are unable to re-invest in their businesses. The lack of quality tourist infrastructure has a dramatically negative effect on the economy, effecting employment and ultimately the environment.

As Nevada continues to experience a steady and precipitous decline in gaming revenues due to the explosion of tribal gaming in California, it is imperative that new business models are developed to replace these lost visitors and the spending they bring to our community. We believe that the Boulder Bay mixed-use model focused on health and wellness, group meetings and a diversity of on site recreation is a critical first step in this effort.

LAKE TAHOE INCLINE VILLAGE CRYSTAL BAY VISITORS BUREAU

969 Tahoe Boulevard, Incline Village, Nevada 89451-9500

(775) 832-1606 • (800) 468-2463 • Fax (775) 832-1605

The board of the Incline Village Crystal Bay Visitors Bureau supports TRPA approval for the Boulder Bay project. This new investment is critical to the future of tourism in Crystal Bay and North Lake Tahoe.

Thank you for your consideration.

Sincerely,



Chairman

Incline Village/Crystal Bay Visitors Bureau  
Board of Directors

96

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 14, 2009 9:54:46 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: John  
Last Name: Gaffaney  
Address: P.O. Box 106  
City: Dickinson  
State: ND  
Zip: 58602  
Email: gaffaney@ndsupernet.com  
Phone: 701-483-8871

Comment: Dear T.R.P.A.

I would like to voice my opinion on the Boulder Bay Project. I believe that Alternative C would be a positive project for Tahoe. I have family in the area and visit often, this would be an all around good project for the area including the environment and local economy.  
Thank you for your consideration.

John Gaffaney

17

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 14, 2009 2:41:27 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: David  
Last Name: Paulson  
Address: PO Box 129  
City: Truckee  
State: CA  
Zip: 96160  
Email: dpaulson@boothcreek.com  
Phone: 530-562-2242

Comment: November 18, 2009

To: Tahoe Regional Planning Agency  
From: Northstar Environmental Action Team

This letter is written in support of Boulder Bay by the Northstar Environmental Action Team (NEAT), a volunteer group of concerned employees whose mission is „to create a culture that acts upon environmental stewardship at every opportunity %.. Our mission reaches beyond ski resort boundaries and to the North Shore of Lake Tahoe, California.

We view the Boulder Bay project, specifically Alternative C, as a golden opportunity for long-term environmental stewardship of the Lake Tahoe/Truckee region.

Carefully, thoughtfully, strategically planned ^ this new development will remove aged and inefficient structures while bringing only environmental improvements, economic stimulus and a sense of pride to our community.

Specifically:

Water quality enhancements that go above and beyond any regulation will benefit future generations that wish to enjoy the pristine waters of Lake Tahoe.

This, along with almost 16% reduction in impervious coverage areas and the estimated 32% reduction in Greenhouse Gas emissions are significant steps towards reducing global warming and to supporting one of our top ten economic drivers of the basin: year-round mountain resorts.

For current and future generations, the wide array of amenities will bring a much needed boost to the local economy as well as an increase in the number of jobs available to residences on both sides of the state line.

Northstar,s Environmental Action Team views Boulder Bay as a pebble in a pond with potential repercussions that will influence and raise the bar for all future development within the Tahoe/Truckee region. Our vote is for Alternative C.

Thank you,

Northstar Environmental Action Team  
♣ Colleen Dalton, Director of E-Business  
♣ Dave Paulson, Director of Transportation, Vehicle Maintenance, Building Maintenance  
♣ Aidan Gullickson, IT Systems Administrator  
♣ Kim Wall, Purchasing Director  
♣ Jesse Lamm, Food & Beverage/HR  
♣ Rich Ortman, Purchasing Manager  
♣ Nadia Guerriero, Director of Events & Conference Services  
♣ Sue Malatova, Children,s Ski School and Integrated Environmental Restoration Services

🍏 Jasone Lawshe, Controller

98

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 14, 2009 11:00:46 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, lbarnett@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Brian  
Last Name: Polsen  
Address: 930 Tahoe Blvd  
City: Incline Village  
State: NV  
Zip: 89451  
Email: bpolsen70@hotmail.com  
Phone: 775-530-9016

Comment: I am a resident of Incline and have lived here for many years. I am in 100% support of this project. The Current Biltmore is an eyesore and considering the area that we live in, I would like to have a place that is a place for people to gather and most of all improve the quality of the lake.

Alternative "C" is the way to go to help our community.  
Thanks



99

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 15, 2009 7:58:29 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Gina  
Last Name: Barth  
Address: 774 Mays Blvd 10-106  
City: Incline Village  
State: NV  
Zip: 89451  
Email: gina.barth@gmail.com  
Phone: 775 224 9989

Comment: I prefer Alternative C. Thank you.

100

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 323-9259  
Facsimile: (916) 327-2319  
E-Mail: Dan.Siegel@doj.ca.gov

December 15, 2009

David Landry, Senior Planner  
Environmental Review Services  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

RE: Boulder Bay Draft Environmental Impact Statement

Dear Mr. Landry:

Thank you for this opportunity to comment on the November 4, 2009, Boulder Bay Draft Environmental Impact Statement ("DEIS"). We are still reviewing the document, and may provide additional input in the future. At this point, however, we have a number of concerns, especially involving the traffic analysis. Please note that, in submitting these comments, we are not taking a position regarding the project itself. Rather, we are seeking an accurate environmental review so that Tahoe Regional Planning Agency Governing Board members, as well as our office and the public, can properly evaluate the Proposed Project and its alternatives.

**1. Inappropriate Traffic Baseline.** To understand a proposed project's impacts, those impacts must be compared to existing conditions. The DEIS, however, significantly downplays the car trips that the Proposed Project would generate by ignoring the actual existing conditions that the consultants observed in their traffic study. Instead, it uses a hypothetical "full capacity and operating conditions" baseline. This use of a hypothetical baseline instead of actual observed conditions is neither supported by case law nor by logic.

Although the Tahoe Regional Planning Agency's bi-state Compact does not contain any guidelines concerning the creation of a baseline, many cases under the California Environmental Quality Act directly address this issue. They explain that "the impacts of the project must be measured against the real conditions on the ground." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 121, citations and internal quotation marks omitted.) Real conditions can be based upon estimates "where no documentation is available to verify actual use." (*Ibid.*) But estimates must be based upon substantial evidence. (*Ibid.*) Moreover, estimates cannot be based upon "hypothetical situations."

(*Ibid.*, citation omitted.) A subsequent decision thus explains that a city used “a legally incorrect baseline” when it “measured the project’s impacts by comparing it to a massive hypothetical office park [that could be built consistent with existing zoning and plan designations], instead of comparing it to the vacant land that actually exists at the project site.” (*Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal. App. 4th 683, 691, 693.)

As will be seen, however, the Boulder Bay DEIS uses a hypothetical baseline, rather than existing conditions. By doing so, it more than triples the number of baseline trips.

100a

Specifically, the DEIS explains that consultants conducted traffic studies earlier this year, and found that the Biltmore currently generates 1,835 daily trips. (DEIS, p. 4.8-8.) The DEIS, however, does not use that figure. Rather, it explains that “[b]aseline existing traffic conditions were developed by generating vehicle trips for the existing land uses assuming full capacity and optimum operations conditions . . . .” (*Ibid.*, emphasis added.) By using those hypothetical assumptions, the DEIS increases “existing” trips to 5, 581 daily trips. (*Ibid.*) The Draft then estimates that the Proposed Project would generate 3,415 daily trips. (DEIS, p. 4.8-31.) Compared to the hypothetical baseline of 5,581, that would be a significant decrease and a major environmental benefit. Compared to the actual existing figure of 1,835 daily trips, however, this aspect of the project would have a significant negative impact.

100b

Moreover, if anything the DEIS indicates that gambling at the Biltmore and neighboring casinos is in a long term decline, which would suggest that even the existing figure of 1,835 daily trips may be too high. (See DEIS, p. 4.8-11, suggesting that gaming is steadily declining at North Stateline, presumably reflecting the impact of California’s Indian Casinos, such as the Thunder Valley Casino outside of Sacramento near Route 50.)<sup>1</sup> That trend is likely to continue, as Indian Gaming further expands in California, diverting still additional gaming customers from Lake Tahoe casinos.

100c

The use of a hypothetical baseline, rather than observed existing conditions, likewise distorts the Draft’s Vehicle Miles Traveled (VMT) analysis. The DEIS compares the Proposed Project’s estimated VMT of 23,185 to the hypothetical baseline of 33,140. (DEIS, p. 4.8-39.) The DEIS, however, never computes the VMT generated by the existing Tahoe Biltmore. Given that the Proposed Project would generate significantly more daily trips than the existing facility currently generates, the Proposed Project would also presumably generate significantly more VMT than the Tahoe Biltmore currently generates. This needs to be calculated and disclosed in the DEIS.

100d

The DEIS’s understatement of vehicle trips and VMT masks a number of environmental harms. Most notably, vehicular use is the largest source of nitrogen that gets deposited into the Lake and causes algae to grow. That growth is a significant cause of the Lake’s declining water clarity. Vehicular use also generates road dust, which gets deposited into the Lake and is another cause of its decline. Finally, vehicle trips contribute to Lake Tahoe air pollution as well as to

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<sup>1</sup> It is our understanding that the Tahoe Biltmore only utilizes a portion of its allowable gaming floor area. That presumably further reflects the depressed gaming market at North Stateline caused by California Indian Gaming.

global warming. The DEIS, however, does not analyze or disclose any of these environmental harms.

**2. Underestimating External Trips for the Proposed Project.** In addition to understating the number of baseline trips, the DEIS appears to underestimate the number of external trips that the Proposed Project would generate. Specifically, it seems to understate likely trips by non-guests to the project, as well as likely trips by guests away from the project.

**a. Trips to the Project.** The DEIS appears to assume that only people staying in the Proposed Project's hotel, condominium and housing units will use the almost 30,000 square feet of planned wellness and fitness facilities. (See DEIS, p. S-4, listing 19,089 square feet for a health and wellness center, and 9,860 square feet for a fitness center.) A facility of that size, however, will presumably attract patrons from other communities. There is no discussion or analysis, however, of that impact. Instead, the DEIS implicitly deems the traffic impact of that new space to be zero, based on the DEIS's classification of the space as an "Accessory Use to Hotel." (DEIS, p. 4.8-31.)

This lack of discussion contrasts with the DEIS's express discussion and analysis of "meeting space" on pages 4.8-24 to 25, where the document reviews whether it is appropriate to consider that space an accessory use.<sup>2</sup> The Draft explains that the consultants studied the amount of meeting space per hotel room in local hotels in the Reno-Lake Tahoe area, and found that the space in the Proposed Project is consistent with that amount. The DEIS also notes more conventional uses that it studied and analyzed as accessory uses ("service retail, bar/lounge, and convenience dining.") (DEIS, p. 4.8-25.) The wellness and fitness facilities, however, are not listed. Given their size and potential to generate trips, they need to be studied and analyzed. This should include a discussion of whether non-Boulder Bay residents and lodging guests will be barred from the facilities, or whether, conversely, they may have access through various means such as day passes or exchange agreements with hotels, hospitals or other facilities.

**b. Trips Away From the Project.** The Proposed Project is located miles away from likely destinations for its guests and residents. Tourists generally come to Lake Tahoe to enjoy its recreational facilities, such as downhill and cross country skiing, hiking, boating and strolling along the Lake. None of those activities, however, are within walking distance of the project site. The DEIS does not appear to include any discussion or analysis of those trips.

**3. Reviving Expired Coverage, Commercial Floor Area and Tourist Accommodation Units.** Finally, it appears that the Proposed Project plans to use coverage, commercial floor area and tourist accommodation units from the old Tahoe Mariner site. An amended settlement agreement that our office, the prior owners of the Tahoe Mariner site and others entered in 1996 allowed the owners to preserve (bank) those commodities under certain conditions. Specifically, the amended agreement allowed, subject to two deadlines, the banking of 12,000 square feet of commercial floor area, 113,000 square feet of land coverage, and 32 tourist accommodation units. The first deadline required that the property owner demolish unsafe

<sup>2</sup> The Proposed Project would use 21,253 square feet for its convention and meeting space. (See DEIS, p. S-4.)

December 15, 2009

Page 4

100f [ structures on that site no later than October 15, 1997. The second deadline required that any banking occur on or before October 15, 1999. The purpose of those deadlines was to ensure that the owner made the property safe and installed needed Best Management Practices in a timely manner. Although we are still in the process of learning the facts, there are indications that neither condition was met. If so, those commodities expired and could not be banked.

100g [ The Proposed Project seeks to use at least some of those potentially expired commodities. (See DEIS, Appendix M – Sierra Park Amendment Memo; see also DEIS, p. 4.1-1, stating that the project area's "land coverage includes 70,229 square feet of banked land coverage on the former Tahoe Mariner site," and p. 4.1-2, suggesting that the project intends to use 18 banked tourist accommodation units.) Although using any expired commodities would presumably have various environmental impacts, none are addressed in the DEIS. As one example, adding around 70,000 square feet of land coverage would likely have negative water quality impacts.

The DEIS needs to discuss and analyze the potential impacts that we have noted so that the Governing Board, and interested parties, can understand the Proposed Project's positive and negative impacts. Thank you very much for considering our comments as you review this environmental document.

Sincerely,



DANIEL L. SIEGEL  
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General



Mail



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Drafts



Inbox (72)



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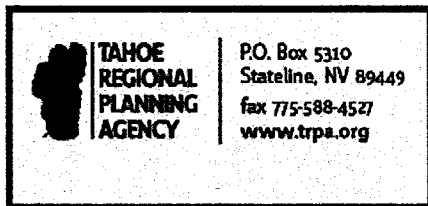
Close

**FW: Boulder Bay Development**

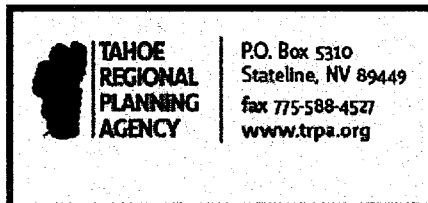
David Landry

**Sent:** Thursday, December 17, 2009 8:24 AM**To:** Boulder Bay DEIS Comments

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

**From:** Judy Nikkel**Sent:** Wednesday, December 16, 2009 10:12 AM**To:** David Landry**Subject:** FW: Boulder Bay Development

Judy Nikkel  
Clerk to the Governing Board  
Administrative Team Leader  
775-589-5243

**From:** jmtornese@aol.com [mailto:jmtornese@aol.com]**Sent:** Tuesday, December 15, 2009 7:58 PM**To:** Steve Merrill; Shelly Aldean; Mara Bresnick; Nancy McDermid; Norma Santiago; Ross Miller; Allen Biaggi; Donna Ruthe; Pauline M. Auau; John Breternitz; Jennifer Montgomery; Casey Beyer; Hal Cole; Josh Reid; Byron Sher; Joanne Marchetta**Cc:** Dennis Oliver; Judy Nikkel; Nicole Rinke**Subject:** Boulder Bay Development

Dear TRPA Governing Board,

We support the revitalization of the Biltmore site but our main concern is the size and expansion of the Boulder Bay development - too much height, scale and density. It is much too big & not compatible with the neighborhood. And the traffic analysis seems extremely optimistic considering the expected population increase.

We think that the Boulder Bay complex should be scaled down and approved in phases, with a much slower approach so that impacts can be properly evaluated before the next phase begins. This would

101

101a  
101b

101c

advantageous for the Regional Plan and consideration of cumulative impacts.

Also, in these difficult economic times, it would be better to stage the development to determine whether there is enough market demand to accept such a large project. To what extent will the increase in available units impact all the other smaller hotels, motels and rental pool in the area?

PLEASE VOTE TO REDUCE THE SIZE OF THE BOULDER BAY DEVELOPMENT.

Thank you,

Judith Tornese and Jerry Winters  
Tahoma, Lake Tahoe and San Francisco, Ca.

# Washoe Tribe of Nevada and California

Cultural Resources Office/Tribal Historic Preservation Office



101

RECEIVED

DEC 23 2009

TAHOE REGIONAL  
PLANNING AGENCY

December 16, 2009

Tahoe Regional Planning Agency (TRPA)  
128 Market Street  
P.O. BOX 5310  
Stateline, NV. 89449

Subject: Boulder Bay Cultural and Historical Resources

Dear TRPA Representative,

This letter is in regards to the Draft Environmental Impact Statement (DEIS) of the Cultural Component chapters of the Boulder Bay Project, located at Crystal Bay, Washoe County, Nevada.

I have reviewed the DEIS and have several comments, which are listed below. In addition, I was not very excited with the Washoe descriptions and portrayals. It is as if this was a section that was hurriedly put together without much thought. However there were several points that did have significant language adding to the Washoe history.

**Chapter 4, Ethnography, Page 4-7-2:** the use of the term "was" is partially accurate, because the Washoe are still alive and well and still consider the Lake as the center of the Washoe world. Washoe tribal members continue to walk the shores of Lake Tahoe.

102a **Chapter 4, Ethnography, Page 4-7-2:** the paragraph starts out with "currently" Please remove that word, we are not currently. The Washoe Tribe is a federally recognized tribe and is a sovereign government. The tribal members comprise of approximately 1,600 members. Please add Stewart to the list of Washoe Communities. A significant amount of tribal members live off tribal lands. We are not "Indian Groups" we are native people of Washoe ancestry.

102b **Environmental Impacts and recommended Mitigation, Page 4-7-11:** depending on the Inadvertent Discoveries of human remains or archeological resources, if they are discovered during excavation appropriate measures will be taken with consultation with the Washoe tribe.

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919 Highway 395 South, Gardnerville, Nevada 89410  
Work (775) 888-0936 • Cell (775) 546-3421 • FAX (775) 888-0937




1020

**V Cultural Resources Study, page 7, last paragraph:** The term "residual population", what does that imply? Please clarify. The Washoe are Hokan speakers and our stories state we have been here since the beginning of time. The Washoe are not surrounded by Numic speakers, but are in between California tribes and great basin tribes.

Thank you and please call me if you have any questions at (775) 888-0936.

Respectfully,

A handwritten signature in black ink, appearing to read "Darrel Cruz", with a stylized flourish at the end.

Darrel Cruz, CRO/THPO

Cc; Careen Sebring, Assistant General Counsel  
Washoe Environmental Protection Department

## Comments on the Transportation Components of the Boulder Bay Project EIS

Joy Dahlgren, Ph.D 12/16/09.

The finding in the EIS that the proposed Alternative C would reduce trips and VMT compared to Alternative A flies in the face of common sense.

Alternative C will increase activity on the site. It will increase the number of visitors to the site and the number of workers needed to serve them and maintain the facilities. A proportion of the trips made by the people staying and working at the resort will be outside the project area. The new commercial facilities provided by the project will attract additional people from outside the project area. So the activity (traffic) will increase by the amount of new trips attracted by the new commercial activity and the additional trips outside the project by the additional guests at the resort.

103a

- Alternative C has roughly the same square feet of coverage, but higher average building heights.
- It has 540 parking spaces. Alternative A has 382.
- It has 301 hotel rooms. Alternative A has 92.
- It has 59 condos, Alternative A has none.
- It has 21,253 square feet of meeting space, Alternative A has 4,862..
- It has a 19,089 square foot spa
- It has a 9,860 square foot fitness center.
- It has 5,898 square feet of fast food and casual dining, Alternative A has 4,500
- It has 4,825 square feet of fine dining, Alternative A has 3,300.
- It has 9,272 square feet of specialty retail/ Alternative A has none

The only uses that Alternative A has more of are gaming and bar and lounge--22,400 square feet of gaming and 4,500 square feet of bar and lounge compared to Alternative C's 10,000 of gaming and 2,250 bar and lounge. However, Boulder Bay has agreed to abandon only 9,000 square feet of the 29,000 of gaming to which it originally had rights, so there is apparently no guarantee that there will be substantially less casino space than with Alternative A.

Because the finding that the Project would reduce external trips and VMT did not make sense to me, I analyzed Chapter 4.8 and Appendix W of the EIS. There I found several problems and unanswered questions.

### Questions about calculation of "internal capture trips"

The estimates of VMT and intersection levels of service and delay are based on the "Total External Roadway Trips" created by each project. These trips are the total, or "raw" trips generated by each project less the "Internal Capture Trips", the "Alternative Mode Trips" and the "Pass-By Trips". Although Alternative C has slightly more "Raw" trips than Alternative A, it has only 61% as many "External Roadway Trips" as A. The difference is primarily due to Alternative C having over 2 ½ times as many "Internal Capture Trips."

—33% of all trips are internal to Alternative C, compared to 13% for Alternative A<sup>1</sup>.

Internal capture is defined and rates of capture are presented on page 4.8-27, Tables in Appendix W. titled “Appendix A Trip Generation” and “Appendix C Trip Generation” show that the same internal capture rates are applied to land uses for both alternatives, but the base trips to which they are applied are apparently quite different. One can find the number of base trips by dividing the “Number of Internalized Trips” by the “% Internalized”. For Alternative C this gives 2,657 base trips with “Interacting Uses” of “Casino-Hotel”, 2,172 “Casino-Retail/Restaurant” trips, 457 “Casino residential” trips, 2,243 “Hotel-retail/restaurant” trips, and 457 “Residential-Retail/Restaurant”. The numbers of trips with interacting uses to which the internal capture percentages were applied add up to the total of *all* the “raw” trips. This implies that none of the trips made by guests and residents of Boulder Bay would involve activities not available onsite, such as hiking, going to the beach, or skiing. In contrast, the number of Alternative A trips with interacting uses to which the internal capture percentages were applied was only 2,185, only 29% of raw trips. The EIS does not give the interacting uses for all of the raw trips, nor does it explain why the total number of trips with interacting uses that might be subject to internal capture is different for Alternatives A, B. and the other alternatives.

**The EIS should provide the base “Interacting Uses” numbers on which the “Internal Capture” numbers are based, as well as the interacting uses for all “raw trips” and explain why all the Alternative C “raw” trips have intersecting uses that could be subject to internal capture and only one third of the Alternative A “raw” trips and one half of Alternative E “raw” trips have intersecting uses subject to internal capture.**

### Questions about calculation of “Alternative Mode Split”

The “Alternative Mode Split” factors were applied to the total number of “raw” trips, rather than only to external trips. This results in double counting.

**The EIS should provide the base numbers of trips on which the “Alternate Mode Split” is based. It should not include internal trips.**

### Discrepancies in numbers of “External Roadway Trips”

Appendix W contains “Trip Generation Spreadsheets” Following each “Alternative [A, B, C, D, or E] Trip Generation” page in Appendix W is another page with the heading “Alternative [A, B, C, D, or E] Mixed Use Development (MXD) Trip Generation Model”. These pages show the same number of “raw” trips as the previous pages but quite different numbers of “Internal Capture” trips: The page for Alternative A shows 624 “Internal Capture” trips compared to 977 on the previous pages; the page for Alternative C shows 575 “Internal Capture” trips compared to 2,625 on the previous pages. The EIS does not indicate why the numbers on these pages do not agree with those on the previous pages.

<sup>1</sup> Pages 4.8-29 and 31

Not only are there differences in the "Internal Capture" trips, the alternate mode trips are different. For Alternative C the alternate mode trips total 591 compared to 959 on previous pages. For Alternative A the corresponding numbers are 560 and 710.

As a result of these differences, the External Trips are quite different. Instead of 3,415 external trips with Alternative C and 5,581 external trips with Alternative A these pages show 6,797 external trips with Alternative C and 6,461 with Alternative A. Note that these pages show Alternative A to have fewer, not more, external trips than Alternative C. Why do these pages not agree with the previous pages?

The number, size, and direction of discrepancies in numbers of internal capture and alternate mode trips and the resulting external trips undermine the credibility of the entire traffic and VMT analysis and findings.

**The EIS should explain why these pages show different external trips than the previous pages and why the numbers they contain were not used in the traffic analysis.**

### **Base case "Existing" trips are 3 times greater than estimated actual trips in August/September 2008**

The EIR states that the number of daily trips generated by the Tahoe Biltmore in August and September 2008 was 1,835<sup>2</sup>. It also states that "Based on the low volume of traffic observed entering and exiting Tahoe Biltmore, it does not appear that the facility is operating at full capacity." However, the EIS does not provide an analysis of room occupancy, gambling revenue per square foot, or anything else to support this contention.

103h Instead it proceeds to claim, based on land uses and trip generation rates, that the Tahoe Biltmore would generate 5,581 trips, *three times the estimate of the actual number of trips*. Overestimating "existing" trips has the effect of underestimating the traffic impacts of Alternative C and over estimating its transportation benefits.

**The EIS should provide an analysis of hotel occupancy, casino operations, and restaurant patronage to support the contention that the Tahoe Biltmore activities generated only a third of expected trips based on land use and trip generation rates, or it should revise the trip generation rates.**

103i **Because key findings regarding traffic impacts and VMT generated by the Boulder Bay project are based on external traffic generated by the project, the bases and calculation of external trips currently generated and generated by the proposed Alternative C should be made clear and properly justified.**

\*\*\*\*\*

Joy Dahlgren Ph. D.  
1200 Idylberry Road  
San Rafael, CA 94903

My family has owned property in Crystal Bay since 1950 and I have visited the area regularly ever since then. I have worked as a transit planner and transportation researcher for 25 years. I have degrees in Statistics, Public Policy and Civil Engineering from the University of California at Berkeley.

## Boulder Bay Transportation Analysis Land Uses, Trip Generation, and External Trips

This table supports Comments on the Transportation Components of the Boulder Bay Project EIS from the North Tahoe Preservation Alliance  
Sources: Boulder Bay EIS

Total trips generated					Alternative A			Alternative C			Alternative E		
	Units	Density	Trips/unit/day	Trips/day	Density	Trips/unit/day	Trips/day	Density	Trips/unit/day	Trips/day	Density	Trips/unit/day	Trips/day
Land Use													
Condo	du				59	5.86	346						
Employee housing	du				14	6.73	94				30	5.86	176
Hotel	rms	92	8.92	821	301	8.92	2685	202	8.92	1802	45	10.1	455
Timeshare	du										3	10	30
Single-family residential	du												
Casino	ksf	22.4	265.88	5956	10	265.88	2659	29,744	265.88	7908			
Meeting space	ksf	4.862	0	0	21.253	0	0	6,627	0	0			
Spa	ksf				19,089	0	0						
Fitness center	ksf				9.86	0	0						
Daycare center	ksf				1,665	0	0						
Convenience dining	ksf				1.25	0	0						
Café - fast food	ksf				1.25	716	895						
Café - high turnover/sit down	ksf	4.5	127.15	572	3,398	127.15	432	4.5	127.15	572			
Fine dining	ksf	3.3	89.95	297	4,825	89.95	434	3.3	89.95	297			
Bar/lounge	ksf	4,572	0	0	2.25	0	0	4,572	0	0			
Specialty retail	ksf				9,272	44.32	411	4,513	44.32	200			
Service retail	ksf	3,312	0	0	3,65	0	0						
Office	emp							6	3.62	22			
County park	acres				3.07	2.28	7						
Total "raw" trips				7645			7963						11462

## Internal capture

Interacting uses	Trips*			Trips*			Trips*		
	% internalized	Internal trips	Internal trips	% internalized	Internal trips	Internal trips	% internalized	Internal trips	Internal trips
Casino-hotel	819	21%	172	2657	21%	558	1800	21%	378
Casino-retail/restaurant	869	85%	739	2172	85%	1846	1069	85%	909
Casino-residential				457	7%	32	664	11%	73
Hotel-retail/restaurant	825	8%	66	2243	7%	157	1073	11%	118
Residential-retail/restaurant				457	7%	32	664	11%	73
Total	2513		977	7986		2625	5269		1551
Total generated									
Casino total	1688	5955		5286	2659		3533	7908	
Hotel total	1644	820		4900	2685		2873	1802	
Retail/restaurant total	1694	869		4872	2172		2806	1069	
	5027	7644		15058	7516		9212	10779	

## Alternative Mode Split

	Trips*	Mode split %	Alt mode trips	Trips*	Mode split %	Alt mode trips	Trips*	Mode split %	Alt mode trips
Hotel	820	20%	164	2685	20%	537	1800	20%	360
Residential				438	8%	35	656	9%	59
Casino	5950	8%	476	2663	8%	213	7911	9%	712
Office							22	9%	2
Restaurant	875	8%	70	1763	8%	141	867	9%	78
Retail	0	8%	0	413	8%	33	200	9%	18
Total	7645		710	7960		959	11456		1229

## Pass-by

	Trips*	% pass-by	Pass-by trips	Trips*	% pass-by	Pass-by trips	Trips*	% pass-by	Pass-by trips
Quality Restaurant	298	44%	131	434	44%	191	298	44%	131
High turnover/sit down restaurant+A68	572	43%	246	433	43%	186	572	50%	286
Fast food restaurant				896	50%	448	200	34%	68
Retail	0	34%	0	412	34%	140			
Total pass-by									
Total	870		377	2174		965	1070		485

## External Trips

Comparison with pages titled "Mixed Use Development (MDX) Trip Generation N

5581  
6461

3415  
6797

8196  
9289

\* Calculated by dividing internal trips by the % internalized, alternate mode trips by % mode split, or pass-by trips by % pass-by

## Apparent errors

1. Alternative C assumes that all trips involve interacting uses, whereas only a third of Alternative A trips and half of Alternative E trips are assumed to have interacting uses. Why would this be the case? Wouldn't many of the hotel and residential trips in Alternative C be to and from activities that are not available onsite, such as hiking, the beach, and skiing.
2. Double counting. The base for computing alternative mode trips for all alternatives includes internal capture trips. It should include only external trips.
3. The internal capture percentages for some types of interacting trips are different for the different alternatives. Alternative E has different mode split percentages than the other alternatives.
4. External trips are inconsistent with other pages in Appendix W. Why?

1031  
103K  
103L  
103M

104

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 16, 2009 11:19:17 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Bridget  
Last Name: Evans  
Address: 570 Lakeshore Blvd  
City: Incline Village  
State: NV  
Zip: 89451  
Email: bridget@interoincline.com  
Phone: 775-832-4900

Comment: I am in support of the Boulder Bay project and would like to see it move forward. I feel that this would be of great benefit to our community.



105

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 16, 2009 9:47:56 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Joseph  
Last Name: Francis  
Address: 376 Second Tee Dr  
City: Incline Village  
State: NV  
Zip: 89451-8915  
Email: j\_h\_franis@hotmail.com  
Phone: 775-831-4347

Comment: I have been a resident of Incline Village since 1985. I am a realtor.  
I favor Alternative C, as it will help stimulate the economy, and is also best for the environment; a win-win on all issues.

106

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 16, 2009 4:47:34 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Patricia

Last Name: Gaffaney

Address: P.O. Box 106

City: Dickinson

State: ND

Zip: 58602

Email: gaffaney@ndsupernet.com

Phone: 701-483-8871

**Comment:**

I have a Son who works in Tahoe and Family who live in Reno. I think Alternative C would be the obvious solution that would benefit the whole Reno - Tahoe Area, both the economy and environment. I believe the environmental plan proposed is totally sound and the plan of a genius.

Thank You,  
Patricia Gaffaney

107

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 16, 2009 11:49:37 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Anthony  
Last Name: Graeber  
Address: PO Box 5693  
City: Incline Village  
State: NV  
Zip: 89450  
Email: tonyg@scottdevelopment.net  
Phone: 775-691-3599

Comment: After reading the Boulder Bay project proposals I am very in favor of Alternative C because of the obvious benefit to our environment, lake clarity, and the local economy.  
I hope that the TRPA will see the benefits of creating a new, better North Shore corridor of shopping, tourist accommodations, entertainment venues, restaurants, etc that tourists and locals will both enjoy.  
Thank for the opportunity to make a comment.  
Happy Holiday to ALL!!

12/16/09 GB

BOULDER BAY PUBLIC COMMENT

108

12/16/2009

Statement to TRPA Governing Board and Staff

Presented by North Tahoe Preservation Alliance

Again, none of the community is against the revitalization of the Biltmore property, but since this large project is the poster child to inform the new Regional Plan, the Community wants to make sure we aren't left with another disaster like Tonopalo or the unfinished Convention Center in South Shore.

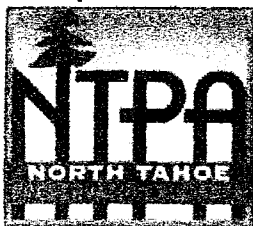
Instead of adequately analyzing the significant special requirements of the Boulder Bay project, the DEIS comes off as a promotional piece:

1. Boulder Bay wants to change the allowed maximum height from 38' to 75'. The project requires a code amendment, but more importantly we strongly feel an amendment to the North Stateline Community Plan per chapter 13.7A. is required. This should be considered a plan amendment since TRPA is creating a special use area designation and the Community Plan map will have to be changed. A Community Plan amendment should be analyzed separately and in advance from a project for environmental impacts. This is another example of how the CEP program is the cart before the horse and code avoidance.
2. Boulder Bay has changed how they calculate density in the DEIS. Now instead of using category E as they did in their original application, they are incorrectly using F. Category F significantly increases the density.
3. The project also requires the rewriting of a valid existing settlement agreement on the Mariner 6 acres parcel which currently allows only 3 single family homes on 1 acre with the rest of the site-5 acres remaining open space. The new agreement proposes to allow most of one hotel and part of another and 28 condo units .
4. The new proposed settlement agreement language asks that the entire site, 2.4 acres of which is outside the community plan and zoned general forest, be inappropriately considered for density calculations. None of the deed restricted site should be used in density calculations.

5. Boulder Bay has increased the project area described in the NOP by adding the Crystal Bay Motel/Office building and parking lot across Hwy 28 (1.2 acres). New maximum heights requests have now jumped Hwy 28. This is an example of how spot zoning sets precedent.
6. The applicant wants scenic credits for only temporarily removing the Crystal Bay Motel building. Boulder Bay reserves the right to redevelop the site.
7. The applicant says they will only build a 10,000 sq.ft foot casino in order to reduce traffic and parking impacts, but the proposed new casino structure is 24,000 sq.ft. Boulder Bay still retains 19k sq.ft. of gaming and commercial floor area which they will partially use, how much was considered in the traffic study isn't analyzed.
8. According to Boulder Bay's traffic study 4X the existing build out and tripling the number of units results in significantly less traffic congestion.
9. Like the flawed traffic study, the applicant's ARUP carbon footprint study's baseline compares 304 old motel rooms (south and north shore) to Alternative D, without considering any air conditioning or road snowmelt in the new proposal.
10. Accessory space of 89,000 sq.ft. is not counted for traffic or parking. Boulder Bay says they won't advertise the Wellness clinic or spa to the Public, yet the uses have been touted as a Community benefit.
11. The DEIS claims significant coverage reductions, yet only 15,000 sq ft are removed on site. Most of the balance of coverage reduction comes from public right of ways obtained through abandonment.

What the Public and the Lake receive in return is the site's capacity to handle a 50 year 1 hour storm instead of a 20 yr 1 hr and in addition Placer

County and NDOT share the new retention pond. Undergrounding of utilities has already been performed and even though they won't be removed they are mysteriously claimed as a benefit only in Alternative C and D. We are highlighting these details to demonstrate why the Public has sat up and taken notice of this inadequate DEIS.



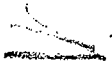
13.5.L Additional Developed Outdoor Recreation: Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations pursuant to Subsection 33.6.B permissible within that plan area. Additional recreational capacity shall be measured in people at one time (PAOT). Additional recreational capacity beyond that amount specified in the plan area statements may be drawn from pools reserved for summer day uses or overnight uses. Such reserved capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 13.7.A. Allocations shall be consistent with the targets for outdoor recreation set forth in 33.6.A. (4) (c). The pools of reserved recreation capacity shall consist of 1,000 overnight PAOT and 6,761 summer day use PAOT. Other recreation capacity may be specified as appropriate.

13.5.M Improvement Programs: Each plan area statement shall make reference to major improvement or restoration programs which affect the plan area.

13.6 Plan Area Maps: Plan area boundaries and other relevant information shall be depicted on the Plan Area Maps. The Plan Area Maps shall consist of the base map and the plan area and land capability overlays, as described in Chapter 12.

13.6.A Plan Area Boundaries: When uncertainty exists with respect to the boundaries of any plan area or special area because of the scale of the maps, or for any other reasons which make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

- (1) Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries.
- (2) Where plan area boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the Plan Area Maps.
- (3) Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries.
- (4) Where plan area boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field verified, shall be the plan area boundaries.

 13.7 Plan Area Statement and Plan Area Map Amendment: The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

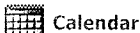
- 13.7.A Plan Amendments: Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the Plan Area Maps and Statements pursuant to 13.7.A, 13.7.B and 13.7.C to reflect current data.
- 13.7.B Amendment by Ordinance: Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.
- 13.7.C Amendment by Resolution: Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.
- 13.7.D Findings for Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find:<sup>§</sup>
- (1) The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and
  - (2) If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:
    - (a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
    - (b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or
    - (c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

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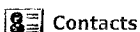
<sup>§</sup> Amended 04/25/2001



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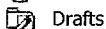
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**FW: Question**

David Landry

**Sent:** Tuesday, December 22, 2009 3:08 PM**To:** Boulder Bay DEIS Comments

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214

-----Original Message-----

From: Joanne Marchetta

Sent: Tuesday, December 22, 2009 2:22 PM

To: John Breternitz

Subject: RE: Question

John,

In answer to your question:

The previous owners of the Biltmore had refused to do a BMP retrofit and we were commencing an enforcement action against them. When Boulder Bay LLC bought the property, they indicated a willingness to do the interim BMPs and a willingness to do a project that would carry with it advanced water treatment benefits -- so we decided to work with them rather than waste resources by requiring a retrofit that might have to be ripped out a few years later.

We agreed to allow the site to be buttoned up with temporary BMPs while we worked toward a more area wide solution that would involve not only on-site BMPs but also off site improvements that would tie the whole stormwater treatment system together. This required working out agreements with multiple jurisdictions (two counties across state lines) as well as the landowner. By approaching it in this systems fashion, we can achieve much better environmental gains than if we were to simply require the landowner to pay for and implement BMPs limited to the ownership boundaries of the private site itself, which effectively does not solve the sediment load reduction needs satisfactorily. Because a site of this magnitude has so much pavement and runoff, designing to the 20-year-1 hour storm is ineffective to address the pollutant loads discharges that are typical and therefore ordinary BMPs are inadequate in an instance like this. So rather than put the landowner to the expense of installing ineffective BMPs only to then tear them out shortly thereafter in order to install what is actually needed for effectiveness, we agreed it would be better to design the BMPs to the project and get the additional environmental gain as well as the synergy of off-site work tied into the county stormwater management systems.

Hope this helps.

Very Happy Holidays to you, your family and friends!  
Joanne

Joanne S. Marchetta  
Executive Director  
775-589-5226

-----Original Message-----

From: John Breternitz [<mailto:john@breternitz.org>]

Sent: Thursday, December 17, 2009 9:12 AM

To: Joanne Marchetta

Subject: Question

I was asked why boulder bay has been allowed to forego it's BMPs for




so long. Can you enlighten me so I can get back? Thanks.

John Breternitz  
775 742 4413  
john@breternitz.org

P. O. Box 10836  
Reno NV 89510-0863



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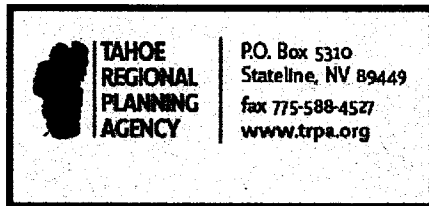
## FW: 3 big issues with development at Tahoe

David Landry

Sent: Thursday, December 17, 2009 10:59 AM

To: Boulder Bay DEIS Comments

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
 775-589-5214



**From:** skitumbleweed [mailto:skitumbleweed@gmail.com]

**Sent:** Thursday, December 17, 2009 10:23 AM

**To:** David Landry; Dennis Oliver; ann; hbacon@tahoebiltmore.com

**Subject:** 3 big issues with development at Tahoe

Hello there,

Here are my big issues or ideas with allowing thing Boulder Bay to continue. I would appreciate some resolution. Currently I would like them to move forward. I just don't like the lack of any kind of plan or provisions to protect our communities of Crystal Bay and Incline Village. I think simple written resolutions can be created in a timely matter to appease Boulder Bay and other developers on our particular side of the lake. You could have them completed by March at the latest. Plenty of time to break ground on Boulder Bay.

1. The community of Crystal Bay/Incline Village is being asked to accept a doctrine where the rules are now changed and no negotiated rules are in place to protect them from unrestricted development on other projects whether it be height of a building, how deep a developer can dig, or how many (TAU's) are to be allowed.

2. There are no provisions in place to protect Tahoe residents from a developer that goes bankrupt prior to completion of a project. There should be some sort of FDIC like insurance in place to insure that a developer will finish a project started. In this 1930's style economy I am astounded that Tahoe residents put up with this situation in light of the recent South Lake Tahoe failure. As a friend of the Fortress Construction folks why would I leave in place a situation that could cause them grief in the future should they partner with a developer or go it alone on some large project.

3. If we are breaking rules then everything is on the table. A struggling state or county like Carson or Washoe could sell off land and allow construction on the East Shore of Lake Tahoe or even Emerald Bay to be developed. I see protections being eliminated all around Tahoe in this environment.

By the way we have this problem in California with the budget problem. State land is being looked at to patch budget holes and parks are slated for closure. That includes beaches of which some are of interest to the surfing community.

Essentially Crystal Bay and Incline Village residents are being asked to just trust folks. Our residents are left with a model that leaves our entire communities vulnerable to multiple disasters.

Sure Tahoe was sort of difficult to develop in. And you still had the South Shore failure that everyone points to. Now our model for development is even less restrictive. This does not make sense. And yes we have a long history of developers that were nice folks initially who ultimately abandoned our communities leaving our residents to struggle with the end result. I think you have that now in South Lake Tahoe. Surely the Boulder Bay folks or Fortress construction cannot fault me for my concern. Who wouldn't be concerned? We have a mess in South Shore right now.

Ideally there should be a written agreement before Boulder Bay moves forward to at least have:

- 140
1. A specific number of TAU's designated for the Crystal Bay/Incline Village area.
  2. A federal insurance model to protect residents and developers from a financial failure. I had to buy out AIG. Why can't I have financial protections for Tahoe? Perhaps Harry Reid can sneak something in a bill for Tahoe. They want support for their financial fixes then tell them to back up Tahoe. This would be good for everyone developers and residents alike. After all we provided the whole world our tax money. Tahoe deserves to be considered.
  3. A written agreement at the federal level that prevents a rule change for the East Shore and Emerald Bay.

There should be at least something to give residents on these issues. Right now all we have is trust us. Just trust. No plan or agreement for the community outside of the Boulder Bay plan of any sort I suppose. We have nothing tangible to seal the deal. It's a lot to ask of the community I think.

By the way....Currently in San Jose I too have personal experience with a developer that failed. We have town homes just down the street from my home that have been sitting there unfinished for 3 years. An eyesore ripe for gang activity. Do you want that in Incline??

My concerns are justified.

Tim.



**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 17, 2009 5:20:30 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Cari

Last Name: Rovig

Address:

City: Reno

State: Nevada

Zip: 89511

Email: cari68@sbcglobal.net

Phone:

Comment: We support Boulder Bay - it will improve the community and economy!

Thanks!

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## FW: Boulder Bay Carbon Footprint Analysis Critique by NTPA

David Landry

**Sent:** Thursday, December 17, 2009 11:51 AM

**To:** Dennis Oliver

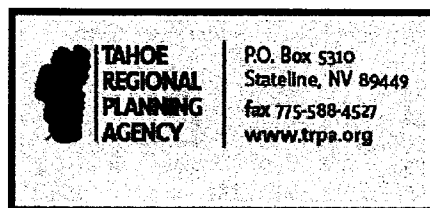
**Cc:** Boulder Bay DEIS Comments

**Attachments:** [Boulder Bay Resort Integra~1.pdf \(5 MB\)](#) [Open as Web Page];

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Dennis, not sure if you have seen Ann's latest but thought this should be placed into the Boulder Bay email file folder.

**David L. Landry**  
**Senior Planner -**  
**Environmental Review Services**  
 775-589-5214



**From:** Ann [mailto:preserve@ntpac.com]

**Sent:** Thursday, December 17, 2009 11:08 AM

**To:** Casey Beyer; Mara Bresnick; Josh Reid; Shelly Aldean; Allen Biaggi; John Breternitz; Pauline M. Auau; Hal Cole; Joanne Marchetta; Nancy McDermid; Steve Merrill; Ross Miller; Jennifer Montgomery; Donna Ruthe; Norma Santiago; Byron Sher

**Cc:** Allen Breuch; Goldberg Martin; Richard Harris; Jarmin Teri; Jepsen Robert; Laurie Kemper; Eva Krause; Lawrence Jim; Mike Lefevre; Peter Maurer; Ron McIntyre; Jennifer Merchant; Lee Plemel; Mike Riley; Jane Schmidt; Sertic Kathy; Szczurek Norb; Alan Tolhurst; John Upton; Waldo Walker; Zuckerman Harmon; Woody Loftis; Charlie Donohue; Chuck Greene; McMahon Brandy; David Landry; Brueck Rob

**Subject:** Boulder Bay Carbon Footprint Analysis Critique by NTPA

This Board needs to require an objective evaluation of the proposed Boulder Bay carbon footprint as part of the EIS. Carbon footprint analysis and reduction is considered by many to be the most essential step that can be taken to protect the environment. It is likely to be the most important addition and modification to an updated Regional Plan.

There are only find two references to the Project's projected energy consumption and carbon footprint in the DEIS. The first presents a planned project goal of 50% decrease in energy use per guest. Attainment of this goal is not supported by any modeling, analysis or measure in the DEIS. It may be what the developer is hoping for, but more important to this process, it is unsubstantiated and inadequately demonstrated considering the scope and impact of this project.

The second is a more detailed reference to the ARUP study, commissioned by Boulder Bay to compare the carbon footprint and energy use of existing buildings to the new project. That study concludes the new resort would result

in a 38% reduction in overall energy use despite the increase in units and square footage. Let us highlight some of the concerns with the ARUP study:

To construct a current footprint, the baseline number of units is inflated to 304, which includes 91 from the existing Biltmore, 22 from the existing Crystal Bay Motel and as the report states "191 from various other motels that have been removed from operation and the sites restored". Since these 191 units no longer exist, their energy usage was prorated to reflect usage from the Biltmore and Crystal Bay Motel. That is like counting votes from the graveyard in a Presidential election.

Many of the ARUP study design parameters for the proposed project are unrealistic. That includes no cooling for the hotel rooms, which is unrealistic for a 4-star or better hotel.

It includes seemingly unrealistic project design parameters such as the same number of hotel icemakers that are in the existing Biltmore even though the proposed project has more than 3 times the number of units.

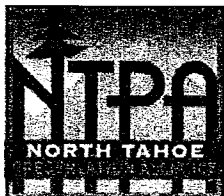
It omits important design parameters such as the Project's required heated roadways, which must have significant energy impact.

It includes external signage for the new project that is the same as the Crystal Bay Motel. Why the Crystal Bay Motel?

The energy usage for the underground garage is estimated for only 50,000 sq.ft. because of stated "modeling complexities". The actual size of the proposed garage is much larger.

More importantly we have an environmental impact study, which inadequately analyses what the energy impact of this project will be. This would seem to be major dereliction and an ominous precursor if this is what a CEP demonstration project is about.

Once again common sense appears to be not so common with this project. We agree with one statement made in the ARUP study, which says: "the foremost way to reduce carbon is to right size a development." The right thing for this Board to do is make an objective carbon footprint examination and consideration part of the EIS. Again, We are requesting you mandate such an action.



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**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 18, 2009 6:21:16 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Keaven  
Last Name: Van Lom  
Address: P.O. Box 522  
City: Truckee  
State: CA  
Zip: 96160  
Email: keaven@suddenlink.net  
Phone: 530-448-0491

Comment: From every aspect, the Boulder Bay project is a positive, win win situation for the entire North Tahoe Truckee area. The owners and project managers have taken great care to obtain community input as well as to create a green, environmentally sound project.

I lived in South Lake Tahoe years ago when the call came to spiff up the Stateline area, and thank goodness it happened. Stateline to Ski Run improved greatly and is more in league with a major resort destination. We need do the same for Crystal Bay.

For jobs, for tourism, and especially for the environment, I urge you to approve this stellar redevelopment.

Thank you.

Mr. David Landry, Project Manager  
P.O. Box 5310  
120 Market St.  
Stateline, Nv. 89448

December 19, 2009

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RECEIVED

JAN 04 2010

TAHOE REGIONAL  
PLANNING AGENCY

Dear Mr. Landry,

I am writing this letter to provide my strong support for the proposed Boulder Bay project "C".

I am a 20-year resident of Incline Village. I regularly attend the Tuesday forum conducted at the North Lake Tahoe Bonanza. This forum has had both proponents and opponents of the Boulder Bay project at numerous meetings where the pros and cons have been vigorously debated. While I was initially skeptical about the project, I have carefully reviewed all of the facts and have come to be a strong advocate for this important project.

What has impressed me the most is the total willingness of the Management at Boulder Bay to listen, respond and act based on community input and environmental improvement recommendations. The opposition, on the other hand, tends to voice their concerns based on bias, partial information, emotion and hidden agendas.

It would seem that every objection has been met head-on by Boulder Bay management. Every time an objection has been overcome, the opponents raise a new one. This is a tactic that has been practiced by several of the environmental groups over a long period of time.

Having said that, it would appear that the project meets all of the environmental considerations—from water quality, to reduction of greenhouse emissions, to reduction of pavement to allow for more green/park areas and for dramatic scenic improvement. The setback requirements will enable the pushing back of the buildings and allow for not only better appearance, but better sidewalk/walking capability. And, in this trying economic environment, it will provide jobs.

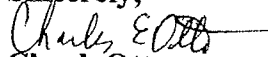
One of the concerns of the opponents was the height of the buildings. This appears to have been mitigated by the setback as well as the look of the buildings—significantly more desirable than the current structure, visibility of the parking lot, and huge empty property!

Now the cause of the day is the traffic study in the EIS. Another bogeyman! The study is the study. If you don't like the answer, criticize the study and ask for another one. Stall, delay, threaten—the opposition's usual modus operandi. Please, don't let them do this. It seems to me that Boulder Bay Management has bent over backwards to listen, modify and respond. It's time to take the next step forward.

Management at Boulder Bay has spent a great deal of time, energy and resources to plan for a beautiful, functional, responsible and business-generating property that benefits the entire community and North Shore. It revitalizes and energizes a worn-out, tired and unattractive corridor. Boulder Bay Management has acted responsibly and responsively. I would hope that TRPA uses this as a role model partnership for future development.

I would appreciate your circulating this letter to appropriate TRPA management and Board Members.

Sincerely,

  
Chuck Otto

Incline Village ( 101 Red Cedar #14; P.O. Box 4758; E-mail: [cottogolf@aol.com](mailto:cottogolf@aol.com))



115

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** December 20, 2009 1:22:16 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Tom

Last Name: Fuetsch

Address: 1674 West Minden Village Loop

City: Minden

State: Nevada

Zip: 89423

Email: tom@tomfuetsch.com

Phone: 775 392 0591

Comment: As a former General Manager of three casinos in that specific area, I am in favor of the project.

This has been much needed for years.

It will enhance the overall area.

Tom Fuetsch

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**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** December 23, 2009 10:51:57 AM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Randy

Last Name: Roesch

Address: 590 McDonald

City: Incline Village

State: NV

Zip: 89451

Email: randy@scottdevelopment.net

Phone: 7755445445

Comment: I am writing to state my position as being in complete support of the proposed Boulder Bay project. In addition to improving the environmental impact of the stateline area and taking drastic steps towards improving lake clarity, the project will be a much needed shot in the arm for the north lake economy! With surroundings as beautiful as the lake, it's a shame to have such run down facilities such as the Biltmore standing like a black eye of the community.



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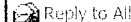
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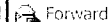
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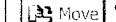
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**Boulder Bay CEP Project Comment From Samantha Shankle**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Tuesday, December 29, 2009 7:21 AM**To:** Boulder Bay DEIS Comments**Name:** Samantha Shankle**Address:** PO box 163**City:** Crystal Bay**State:** NV**Zip Code:** 89402**e-mail Address:** sns646@hotmail.com**Phone Number:** 5304120438**Date:** 12/29/2010**Description:** Boulder Bay EIS

12/29/2009

To TRPA,

My husband and I purchased the home located at 115 Lakeview in January 2006. We had been searching for quite some years, as we liked the small community, the quaint cottages, and the spectacular lake views. We found a large parcel with a small home, quite by accident, and proceeded to move forward with the purchase ONLY when we learned that no one could build in front of us, not only due to the Tahoe Mariner Settlement Agreement, but also the TRPA height restriction. My question concerning the EIS is how can the TRPA allow a height amendment and change the Mariner agreement when there are homeowners that trusted the ordinances that YOU implemented.

When I read the EIS, I couldnt believe the sheer disregard for our property, being one of the most impacted properties this project would have to deal with. According to TRPA guidelines, buildings should integrate with the existing surrounding structures to avoid sharp contrasts.

Building a 75 foot building 40 feet in front of home is not integrating into the surrounding neighborhoods. Boulder Bays analysis to this issue was that Neither the proposed buildings or roadway modifications will block existing views of Lake Tahoe as seen from the northern end of the project area or the adjacent residential neighborhood to the north.

You can actually view our home surrounded by their proposed project in Viewpoint 16 Figure 4.5-14. Ours would be the green roofline at the bottom right hand corner.

And what exactly are they thinking neighbors and businesses will be doing during the 3 years of proposed construction? Working from 6 am to 6 pm 6 days a week will most certainly effect the local businesses and homeowners in the area. Will they be kind enough to hand out ear plugs during the dirt hauling and concrete pours that will take place between the hours of 1 and 5 a.m .I understand they will want to finish completion as quickly as possible, but I find those hours unacceptable.

I am also concerned that there were no traffic studies as to the increase in trips generated in the surrounding neighborhoods. Was there any thought as to the increased traffic on Lakeview or on Wassou? What about parking in the surrounding neighborhoods? The streets of Crystal Bay are not conducive to tourist lollygagging. If anything they are narrowly dangerous, and a study of local impacts is sorely required. I would think if Boulder Bay were so community Oriented they would have already thought to include this in the study.

I agree that something should be done with the Biltmore property, its unsightly and past its useful life. I applaud a new project to revive the area. Yet if Boulder Bay completely ignores our existence, then what does this say about them as a project in general? That they pick and choose the information they decide to regurgitate to the public? You have to wonder what the project will actually evolve into being if they attempt to slide over rules that were put into place to protect Lake Tahoe and its communities.

The proposed project is not consistent with the land use plan or zoning plan, it is not consistent with adjacent land uses and it has significant impacts to the surrounding land uses.

I ask TRPA to reject Boulder Bays request for a special height amendment, and to uphold the original Tahoe Mariner Settlement Agreement. I personally relied on both of these restrictions when purchasing my property. This project is way too large, and makes no attempt to blend in with the surrounding neighborhood. Simply put, this project is not compliant with the rules of TRPA, and if Boulder Bay cannot become compliant, then the project should not be passed in its current form.

Thank you



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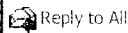
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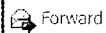
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**Boulder Bay CEP Project Comment From Linda cronin**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Wednesday, December 30, 2009 5:35 PM**To:** Boulder Bay DEIS Comments**Name:** Linda cronin**Address:** po box 4942**City:** incline village**State:** nevada**Zip Code:** 89450**e-mail Address:** Jrlecronin@sbcglobal.net**Phone Number:****Date:** 12-30-09**Description:** I would like to strongly register my opposing the Boulder Bay project height request. It will change the face of the Crystal Bay neighborhood and has no business being implemented into the project. Linda Cronin

118



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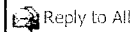
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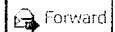
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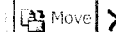
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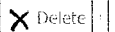
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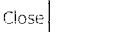
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## Boulder Bay CEP Project Comment From William A. Hane

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Wednesday, December 30, 2009 8:51 PM

**To:** Boulder Bay DEIS Comments

Name: William A. Hane

Address: P.O. Box 3886

City: Incline Village

State: NV

Zip Code: 89450

e-mail Address: wahane@gbis.com

Phone Number: 775 233 1122

Date: 12/30/2009

Description: I believe that the Boulder Bay project as amended represents a much needed improvement to the communities of Crystal Bay & Incline Village and a much needed boost to our local economy. Boulder Bay project should be approved.

119



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## Boulder Bay CEP Project Comment From Frank Wright

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Wednesday, December 30, 2009 9:00 AM

**To:** Boulder Bay DEIS Comments

**Name:** Frank Wright

**Address:** 36 Somers loop

**City:** Crytal Bay

**State:** nv

**Zip Code:** 89402

**e-mail Address:** alpinesports@earthlink.net

**Phone Number:** 818-601-1996

**Date:** 12/30/09

Description: We are all for change and improvements to run down areas of Tahoe. But creating another mess like the convention center on South Shore is not in the best interest of the lake. If you allow this "monster" to emerge as planned you will be facing as a public agency a multitude of lawsuits, and governmental oversight. Buildings exceeding current height limitations are good only for the builder. The future does not look bright with 75 foot buildings looming over the lake. Fill those buildings with more cars, more traffic and more congestion you will have one filthy lake. Who would we blame for this mess.....TRPA? Do what you were created to do protect the lake, cut the size of this monster down to the standards previously set by your agency.

Cheers

Frank Wright

120

JIM GIBBONS  
Governor

STATE OF NEVADA

ANDREW K. CLINGER  
Director



121

**DEPARTMENT OF ADMINISTRATION**

209 E. Musser Street, Room 200  
Carson City, Nevada 89701-4298  
(775) 684-0222  
Fax (775) 684-0260  
<http://www.budget.state.nv.us/>

December 31, 2009

David Landry  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449-5310

Re: SAI NV # **E2010-095**

Reference:

Project: **Boulder Bay community enhancement program, Crystal Bay**

Dear David Landry:

Enclosed are comments from the agencies listed below regarding the above referenced document. Please address these comments or concerns in your final decision.

***Division of Water Resources***

The following agencies support the above referenced document as written:

***State Historic Preservation Office***

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372. If you have questions, please contact me at (775) 684-0213.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Tietje".

R. Tietje  
Nevada State Clearinghouse



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**Boulder Bay CEP Project Comment From Jan Ellis**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Friday, January 01, 2010 6:41 PM**To:** Boulder Bay DEIS Comments**Name:** Jan Ellis**Address:** PO Box 352 - 345 Tuscarora Rd.**City:** Crystal Bay**State:** NV**Zip Code:** 89402**e-mail Address:** jantahoe@gmail.com**Phone Number:****Date:** 1-1-2010

Description: As a Crystal Bay full time resident for 30 years, I have followed the Boulder Bay development proposal closely. I have no problem with seeing the Biltmore torn down. I'm glad they have gone back to the drawing board and has presented a much better plan than originally proposed. There's many positive features that address environmental, social and economic needs. However, the overall SCALE is too much. I'm opposed to changing height limits especially if it results in blocking anyone's existing view. I also question how traffic will go down when currently there are fewer than 25 cars in the back parking lot on a given day. How can you have 300 hotel rooms, affordable housing, 60 condos and a striving wellness center and NOT generate more traffic? What do we get if the traffic report is wrong? Please look at all the CEP project collectively and look again at the traffic they will generate. The road around Tahoe is never going to increase it's carrying capacity and it's the TRPA's job to limit additional auto traffic.

Lastly, I'm very concerned for the impact Boulder Bay will have on the Brockway neighborhood and Buck's Beach. It's the only beach in walking distance and yet once discovered by visitors and residence alike it will result in an absolute traffic nightmare - there simply is no parking to accommodate Boulder Bay's impact and this needs to be addressed. I know they plan to promote Kings Beach but the reality is folks will want to go to the closest accessible beach and it will create a major problem for homeowners and law enforcement. Jan Ellis

(22)

122a

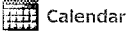
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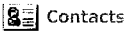




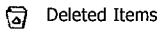
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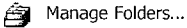


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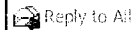
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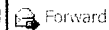
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**Boulder Bay CEP Project Comment From Doug and Kathleen Stephens**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Friday, January 01, 2010 2:23 PM**To:** Boulder Bay DEIS Comments**Name:** Doug and Kathleen Stephens**Address:** 1230 Evans Ct**City:** Davis**State:** CA**Zip Code:** 95618**e-mail Address:** stephens@dcn.davis.ca.us**Phone Number:** 530 756 1114**Date:** January 1, 2010**Description:** Dear TRPA,

123

As a local homeowner (Carnelian Bay), we are asking: now is the time to deny the Boulder Bay people the changes they are seeking to the Biltmore height limits. They do not need a doubling of the current height limit. No! Obviously the developer is just asking for double to settle for something a bit less. JUST SAY NO to all changes !!

Please try to maintain the beauty of the Tahoe basin --there is ONLY ONE TAHOE !! This potential change would certainly throw open the door for other projects to argue their "fair treatment" under a new loose building policy by TRPA.

Please provide the environmental protection your agency is supposed to enforce. Thank you.

Sincerely,  
Doug and Kathleen Stephens  
5887 Sudan Road  
Carnelian Bay, CA 96140 (Agate Bay)

**Mailing Address:**

1230 Evans Ct.

Davis, CA 95618



JIM GIBBONS  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

January 5, 2010

124  
RECEIVED

JAN 13 2010

TAHOE REGIONAL  
PLANNING AGENCY  
SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

DAVID LANDRY  
TAHOE REGIONAL PLANNING AGENCY  
PO BOX 5310  
STATELINE, NV 89449-5310

Boulder Bay Community  
Enhancement Program Project  
Draft Environmental Impact  
Statement

Dear Mr. Landry:

Thank you for providing the Nevada Department of Transportation the opportunity to review the Boulder Bay Community Enhancement Program Project Draft Environmental Impact Statement. Our review comments are listed below.

124a [ Being that SR 28 will be widened as part of the proposed alternative (Alternative C), a Department Occupancy Permit will need to be obtained from the NDOT District Office located in Sparks, Nevada. Permit conditions will influence both construction schedules and the physical location of features interfacing with the Departments rights of way. Accordingly, the location of the ingress and egress points from SR 28 and landscaping may need to be adjusted to enhance traffic safety in order to minimize the potential for future traffic concerns. Undergrounding utilities may result in specific requirements that will impact where surface utility features and tie in points occur. Proposed vegetation and other physical amenities adjacent to the rights of way may need to be relocated to prevent damage during snow removal and other road maintenance activities and construction hours involving the rights of way will be impacted during holidays and special events thus prolonging construction schedules.

124b [ In addition to the above, with the widening of SR 28, there is no discussion on how and where the increased runoff volumes and rates from the additional roadway surface will be accommodated. The current drainage infrastructure does not have reserve capacity to treat and or infiltrate the additional runoff. Consequently, although this matter appears to minor, it needs to be resolved prior to the issuance of the FEIS. For input on drainage requirements, please contact Mr. Matt Nussbuamer with the Department at 775-888-7623.

124c [ Given that the proposed alternative will significantly increase both the number of hotel units and parking spaces from the existing setting, the potential for more pedestrian traffic to cross SR 28 has to be addressed. Please provide a discussion on how this impact will be mitigated in the FEIS.

If you have any questions regarding the above comments, please feel free to contact me at 775-888-7013.

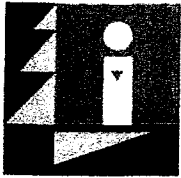
Sincerely,

*Steve M. Cooke*

Steve M. Cooke, P.E. Chief  
Environmental Services Division

SMC/slp

c. Thor Dyson, Dist II Engr.  
Steve Smith, Permit Coordinator



## Sierra Colina, LLC

Mail to:

P.O. Box 129  
Lake Tahoe, NV 89448-0129

FedEx, UPS Deliveries (No Mail):

224 Kingsbury Grade, Suite #203  
Stateline, NV 89449

E-mail: QMO01@hotmail.com

Tel: (775) 588-4949

Fax: (775) 588-6292

January 5, 2010

125

Mr. David Landry  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449

JAN 05 2010

Dear Mr. Landry:

I am writing this letter to express our support for the Boulder Bay redevelopment project and to commend the thoroughness of the Boulder Bay Draft EIS.

As creators of the Sierra Colina project and its certified EIS, we understand first-hand the need for environmentally beneficial development at Lake Tahoe. We believe that new projects should provide comprehensive benefits to the environment, the economy and the community, a standard which the Boulder Bay project exceeds in every respect.

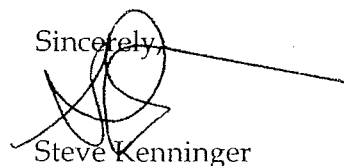
The challenges at Lake Tahoe are significant, and opportunities for improvement are limited. Boulder Bay provides real solutions to many of these key challenges:

- A storm water management program that helps achieve the goals of the new TMDL program
- A comprehensive monitoring program to verify the successful achievement of cleaner water and a clearer Lake Tahoe
- A LEED certified green building program to reduce energy use and greenhouse gas emissions.
- Affordable housing for local workers.
- Support for public and alternative transportation
- Enhanced scenic conditions in the North Stateline Community Plan Area

Each of these benefits is analyzed by the Draft EIS, which confirms that it would be environmentally harmful to allow the existing conditions to persist. The quality of our environment and our economy will only be improved by implementing solutions. Doing nothing is a disservice to the environment and contributes to economic deterioration of the community.

Boulder Bay will contribute to the long-term improvement in our environment, strengthen our local economy and provide our quality of life benefits. We urge you to certify the EIS and approve the preferred environmental alternative outlined in Boulder Bay's CEP application.

Sincerely,



Steve Kenninger

THOMAS J. HALL

LAW OFFICES OF  
THOMAS J. HALL  
ATTORNEY AND COUNSELOR AT LAW  
305 SOUTH ARLINGTON AVENUE  
POST OFFICE BOX 3948  
RENO, NEVADA 89505

126  
TELEPHONE  
(775) 348-7011  
FAX (775) 348-7211  
E-MAIL: tjhlaw@eschelon.com

January 7, 2010

Lewis S. Feldman  
Feldman, Shaw & McLaughlin, LLP  
182 U.S. Highway 50  
Zephyr Cove, Nevada 89448

**RE: Purchase of Surface Water Rights**

Dear Lewis:

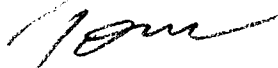
This will advise that our client, as Seller, holds valid surface water rights in excess of 30.0 acre-feet ("AFA"), appurtenant to Lake Tahoe, Douglas County, Nevada, which it is willing to sell to Boulder Bay, LLC, as Purchaser, under terms and conditions to be negotiated in the future and included in a Purchase Agreement.

Similar water rights have been transferred to the Incline Village General Improvement District and I see no problems in making a successful and satisfactory transfer once the Purchase Agreement has been entered into and the appropriate Application has been made to the Nevada Division of Water Resources.

If you have any questions or wish to discuss this matter further, please feel free to contact our office.

Best regards.

Sincerely,



Thomas J. Hall, Esq.

TJH:mh



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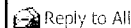
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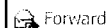
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## Boulder Bay CEP Project Comment From Phil Jordan

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Tuesday, January 12, 2010 4:38 PM

**To:** Boulder Bay DEIS Comments

**Name:** Phil Jordan

**Address:** 814 Randall Ave

**City:** Incline Village

**State:** Nevada

**Zip Code:** 89451

**e-mail Address:** phil.jordan@prodigy.net

**Phone Number:** 775 530 4915

**Date:** 1/12/2010

Description: Having been through workshops and site visits at Boulder Bay, I am concerned by Alternatives C & D. Alternative E seems to be the sole option that allows us to move forward with the environmental improvements. I am surprised that TRPA would consider the triple increase of population on the property will somehow be environmentally neutral. I am surprised that the developer, believes that he will somehow remake peoples driving tendencies towards their vehicles. My fear is he believes visitors are somehow environmentally sensitive to Tahoe issues, when they are only here for a visit.

The new height proposals in Options C& D still seem excessive for Crystal Bay and all of Lake Tahoe. Do we really believe we can resolve the environmental damage from overbuilding and removing 60+% of the trees in the area? I really want the Biltmore property remediated...looking at Boulder Bay I think the approach is excessive and loaded with potential problems.

The volume of material to consider in the EIS and some of the 'supporting' data seem to be assembled to achieve a certain response (think hard sell). Some issues are not addressed, example noise and congestion on immediate neighbors. The Mariner Agreement is ignored and no one has sufficiently addressed the issue. I am also concerned about the condo buildings on the old Mariner property..it is as if these buildings will not add to the traffic problems in the area.

Does TRPA really want to support this large development and hope there will be no/little environmental ramifications? How do existing residents hold TRPA responsible for blindly supporting such a large development and the environmental and quality of life damage that can occur? I suggest this project be built in phases so check points to review expectations/commitments can be implemented. There is too much wishful thinking in this project.

What will TRPA do when the project does not meet expectations? Have the builder tear it down and start over? The allure of development dollars to TRPA should not be causing the mobilization of TRPA staff to ensure this project makes it through channels. This project creates housing and/or accommodations for North Star with their blessing. Since North Star overbuilt for the financially well-to-do, I also see their support at making the Boulder Bay project complete so we accommodate North Star visitors who can't afford North Star prices. So is TRPA 'whoring-out' TAU's so Boulder Bay can be ill-advisedly larger?

I am disappointed with the alternatives. I am extremely disappointed with the public comments to TRPA where TRPA is not told who has what stake in Boulder Bay. Certain people who testified publicly make a lot of money if Boulder Bay proceeds with options C or D...not so well with option E. Proceed with caution, I watched Disney do to Anaheim what Boulder Bay is about to do to the North Shore.



# WASHOE COUNTY

## Department of Public Works

*"Dedicated to Excellence in Public Service"*

Dan St. John, Public Works Director

1001 East 9<sup>th</sup> Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

## Memorandum

To: Kris Klein, P.E., Senior Engineer  
From: Clara Lawson, P.E., P.T.O.E., Licensed Engineer  
Date: January 14, 2010  
Re: Boulder Bay EIS

128

Here are my traffic concerns with the EIS dated November 4, 2009.

- 128a • The internal capture rate seemed very high. As I understand the rate it was based on 1 study of a little over 100 people at the existing Biltmore. By the reports own description the Biltmore is operating about 2.5 times below capacity. I don't think this is valid enough study to drop the trip by 1/3<sup>rd</sup>.
- 128b • The trip generation was also lowed by Alternative Mode Trips. There was very little explanation of this study. Trip rates are the result of measuring vehicle trips for a use which would include the result of alternative mode trips. This is an additional reduction for alternative mode trips that I would like to see justified.



# WASHOE COUNTY

## Department of Public Works

*"Dedicated to Excellence in Public Service"*

Dan St. John, Public Works Director

1001 East 9<sup>th</sup> Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

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### MEMORANDUM

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DATE: January 19, 2010

TO: Eva Krause, AICP, Planner

FROM: Kristine R. Klein, P.E., Engineering Division *KRK*

SUBJECT: Boulder Bay Community Enhancement Program Project  
Draft Environmental Impact Statement

129

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The following comments are based on a review of the water quality elements of the Boulder Bay Community Enhancement Program Project Draft Environmental Impact Statement dated November 4, 2009, prepared by Hauge Breuck Associates. Please include these comments and Clara Lawson's traffic comments emailed to you on January 14, 2009, as part of Washoe County's response to TRPA on the project.

- 129a [ • The document defines "fine sediment" as less than 20 microns; however, the current definition of "fine sediment" relative to Lake Tahoe clarity and TMDL is less than 16 microns.
- 129b [ • In addition to the exiting codes, regulations and policies listed in Section 1.5 of the document, the Boulder Bay Project is also subject to the Washoe County Development Code.
- 129c [ • In Section 4.2, the document refers to EIP Project No. 114 as a Washoe County Water Quality Improvement Project. Please note that EIP Project No. 114 is under the EIP Recreation Program not the Water Quality Program.



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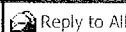
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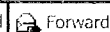
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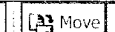
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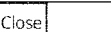
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**Boulder Bay CEP Project Comment From Gary Lee**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Wednesday, January 20, 2010 10:29 AM**To:** Boulder Bay DEIS Comments**Name:** Gary Lee**Address:** PO Box 4153**City:** Incline Village**State:** NV**Zip Code:** 89450**e-mail Address:** GleeTahoe@aol.com**Phone Number:** 775-831-5473**Date:** Jan 20, 2010

Description: I applaud the efforts that the Boulder Bay Project Team has put forth to both keep the community informed, and adjust their project to the best of their ability satisfy the requests of their neighbors. I dont think Ive ever witnessed a group work as well with the community. Although every request may not be able to be met, Boulder Bay Project personnel should be used as a model for future large development projects.

(130)



(131)

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 21, 2010 6:07:41 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Emily  
Last Name: Stuver  
Address: 502 North Hollywood Way  
City: Burbank  
State: CA  
Zip: 91505  
Email: emstuver@charter.net  
Phone: 818-953-6589

**Comment: To Whom It May Concern:**

My family and I just returned from a wonderful vacation in Tahoe. We Would love to continue to visit Lake Tahoe and want to support changes in the works that will sustain and protect the lake and its environs. The Boulder Bay complex and the changes they are proposing are very forward thinking and should be applauded. We would very much like to see Alternative C be approved. Thank you for your time and consideration in this matter.

Sincerely,

Emily Stuver

132

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 22, 2010 12:07:24 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: John

Last Name: Stuver

Address: 502 N. Hollywood Way

City: Burbank

State: CA

Zip: 91505

Email: jstuver@soundleux.com

Phone: 323-603-2140

Comment: I am writing to support the approval of Alternative C. I am a California resident, and I like to take a vacation with my family to Lake Tahoe at least once or twice a year. Alternative C would be great for the quality of the area, the lake, and I know I would enjoy my trips there a great deal more.

Thank you.

133

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 22, 2010 12:53:14 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name:

Last Name:

Address:

City:

State:

Zip:

Email: scschaefersbcglobal.net

Phone:

Comment: My son, daughter-in-law and grandkids visited here several weeks ago and had a wonderful time. We look forward to vacation here in the future. A safe, clean environment for all.

William H. Silcox  
P.O. Box 4532  
Incline Village, NV 89450

JAN 24, 2010

RECEIVED

JAN 29 2010

TAHOE REGIONAL  
PLANNING AGENCY

134

TRPA:-

SO THE CURRENT ADMINISTRATION  
IN WASHINGTON D.C. WANTS TO SAVE  
\$500,000,000,000 (500 BILLION DOLLARS)  
IN MEDICARE EXPENSES WITHOUT  
CUTTING BACK ON MEDICARE FOR  
THE OLD FOLKS WHO HAVE BEEN  
PAYING MEDICARE PREMIUMS  
SINCE THEIR RETIREMENTS. ME, I'VE  
BEEN PAYING THOSE PREMIUMS SINCE  
1985. PREMIUMS WHICH DOUBLED IN  
2008 WHEN CONGRESS STARTED  
INCLUDING TAX EXEMPT INCOME IN OUR  
ADJUSTED GROSS INCOME (FOR 1040 TAX  
PURPOSES) AND CALLING IT OUR MODIFIED  
ADJUSTED GROSS INCOME "MAGI", FOR MEDICARE.

AND OBAMA AND REID AND PELOSI WANT  
TO INCLUDE AN ADDITIONAL 47,000,000  
PEOPLE IN MEDICARE AND USING THE  
SAVINGS RESULTING IN DOING THIS TO  
REDUCE THE NATIONAL DEFICIT, DOES  
SOUND KIND OF CRAZY, DOESN'T IT?

AND NOW WE SEE AN ENVIRON -

MENTAL IMPACT STATE BEING PREPARED THAT CLAIMS TO IMPROVE THE CLARITY OF OF LAKE TAHOE BY BUILDING THE HIGH PERSON DENSITY BOULDER BAY PROJECT. FOR SOME REASON SEVERAL ORDINANCES LIKE THE HEIGHT RESTRICTION AND ZONING SLOPE RESTRICTION HAVE TO BE APPROVED TO ACHIEVE THE DENSITY REQUIRED TO SUPPOSEDLY MAKE BOULDER BAY ECONOMIC.

THIS PROJECT, WHICH TRPA ENDORSES, WILL HAVE ITS ENVIRONMENTAL IMPACT STATEMENT APPROVED BY TRPA. THIS IS AN OBVIOUS CONFLICT OF INTEREST!

TO KEEP DOWN AUTOMOTIVE EXHAUST AIR POLLUTION, THE BOULDER BAY DEVELOPER WILL PROVIDE ELECTRIC POWERCYCLES FOR THE CUSTOMERS AND RESIDENTS.

AN UNDERGROUND 4 STORY GARAGE WILL BE BUILT (DUG) FOR CUSTOMER AND

RESIDENT CARS. CAN YOU IMAGINE THE CONFUSION WHICH WILL BE CAUSED WITH THIS AIR ARRANGEMENT IF AND WHEN BOULDER BAY'S CUSTOMERS, NOT FAMILIAR WITH THE AREA HAVE TO EVACUATE IN THE EVENT OF

1340

A FOREST FIRE, SAY ONE THAT BLOCKS HIGHWAY 28 NORTH OR SOUTH (OR BOTH) AND POSSIBLY MT ROSK HIGHWAY. LITTLE ELECTRIC MOTOR CYCLES (SAY FOR . . . OF FOUR) AND ALL THESE CARS & STORIES BELOW GROUND LEVEL ALL TRYING TO EXIT BOULDER BAY AT THE SAME TIME AND TRYING TO BLEND IN WITH TRAFFIC FROM INCLINE VILLAGE / CRYSTAL BAY AND OR KINGS BEACH. AND ALL THAT TRAFFIC NOT INTERFERING WITH FIRE FIGHTERS.

DO YOU SEE THE SIMILARITY OF INCREASING MEDICAL RECIPIENTS TO SAVE MONEY TO REDUCE THE DEFICIT - AND BUILDING THE HIGH DENSITY BOULDER BAY TO IMPROVE LAKE CLARITY AND REDUCE AIR POLLUTION.

EVERY SUMMER WE SEE TRAFFIC PACKED UP THROUGH KINGS BEACH AND TO INCLINE VILLAGE BECAUSE OF THE PEDESTRIAN STOP LIGHT BETWEEN THE CRYSTAL BAY CLUB AND THE BILTWORK. EVERY YEAR IT HAS BEEN SUGGESTED THAT AN OVER PASS (OR UNDERPASS) FOR PEDESTRIANS BE BUILT AND EVERY YEAR THE SUGGESTION HAS BEEN IGNORED - WHERE WAS TRPA

1340  
AND SPEAKING OF ECONOMICS, WHO DID THE  
ECONOMIC ANALYSIS FOR BOULDER BAY? WELL,  
ANYBODY DRIVING THROUGH CRYSTAL BAY CAN  
SEE THAT BOULDER BAY WILL NOT BE  
ECONOMIC! THE MARINA WENT BROKE  
AND IS GONE, THE CRYSTAL BAY CLUB WAS  
BANK FOR SEVERAL YEARS AND THE  
CAL NEVA CAN'T BE AUCTIONED OFF.  
THE ONLY CONTINUOUSLY ECONOMIC  
OPERATION IN THAT AREA IS THE BILT-  
MORE, AND THE BOULDER BAY DEVELOPER  
WANTS TO TEAR IT DOWN FOR HIS HIGH  
DENSITY, HIGH RISK DEVELOPMENT.

SO WE CAN PUT MORE FOLKS INTO HIGHWAY  
TO REDUCE THE DEFICIT AND BUILD A HIGH  
DENSITY HIGH RISK DEVELOPMENT TO REDUCE  
AIR POLLUTION AND IMPROVE LAKE CLARITY.

AND IF YOU BELIEVE THAT I'VE GOT A BRIDGE  
TO SELL YOU. AND I'D ADVISE NOT TO BE ANY  
WHERE NEAR BOULDER BAY, IF, HEAVEN  
FORBID, WE HAVE A FOREST FIRE IN NORTH  
LAKE TAHOE! LOOK OUT FOR ELECTRIC  
BICYCLES.

William F. Sullivan

WHAT WILL THE MEDICAL PREMIUMS BE FOR OBAMA CARE

135

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** January 25, 2010 5:22:55 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Randall

Last Name: Adkins

Address: 718 James Lane

City: incline village

State: nv

Zip: 89451

Email: rlb33adkins@aol.com

Phone:

Comment: We totally need this transition, please everyone...it will bring us a beautiful place to visit even as locals! and bring more business to our community.



1310

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 25, 2010 4:44:47 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: ron  
Last Name: randolph-wall  
Address: 564 dale drive  
City: incline village  
State: nv  
Zip: 89451  
Email: ron@randolphwall.com  
Phone: 775 833 0201

Comment: I have looked over the Boulder Bay documents and hope that this initiative becomes a reality in our community. The present facility is a disapointment and I am sure that Boulder Bay will revitalize the area in a manner consisient with our Tahoe values

Ron Randolph-Wall

JOHN V. BOSCHE

Civil Engineer  
California #30241

13

January 26, 2010

Tahoe Regional Planning Agency  
Boulder Bay CEP EIS Review  
PO Box 5310  
Stateline, NV 89449-5310

**RE: Review and Comments  
Hydrology and Water Quality Section  
Draft Boulder Bay EIS**

Dear Tahoe Regional Planning Agency,

This letter is submitted on behalf of the North Tahoe Preservation Alliance and contains comments following completion of our review of the Draft Environmental Impact Statement (EIS) for the proposed Boulder Bay Community Enhancement Program (CEP) Project. The Draft EIS was released November 15 for public review and comment.

**INTRODUCTION**

These review comments are restricted to consideration of the Draft EIS Hydrology and Water Quality section of the report and other related portions of the document. The major shortcomings in the Draft EIS in the Hydrology and Water Quality section of the report relate primarily to the inadequate evaluation of Alternative C. Our comments are as follows:

137a

**COMMENTS**

137b

1) HYDRO-5 on page 4.3-17 considers if the project alters the course or flow of the 100-year floodwaters or expose people or property to water related hazards such as flooding. The benchmark for the evaluation is FEMA 100 year flood maps. The Placer County Department of Public Works has been working on mitigation of flood waters that originate in-part from runoff from intense storms from the current Biltmore property. That runoff is currently channeled across the California state line by State Route 28 and it runs down through the neighborhood between Harbor Avenue and Speedboat Avenue where it eventually runs into the lake near Lake Street. Although the flooding and resultant property damages in this neighborhood are not included in FEMA flood plain mapping, flooding and property damage has occurred in the past. The Draft EIS fails to recognize or evaluate this condition because it uses the wrong benchmark.

137c

HYDRO-5 should be revised to consider the impact of a 100-year, 1-, 6-, and 24-hour storms on offsite properties. The Meyers Landfill in South Lake Tahoe is designed for a

100-year, 24-hour storm (as well as other design storm events). At the project site location, the 100-year 24-hour storm precipitation is 6.0 inches (NOAA Atlas 2). Larger magnitude storms have the highest degree of erosion potential and deposit large volumes of particulates in the lake, so it is critical that the project storm water conveyance systems be designed to consider the project impacts for all levels of 100-year storms.

2) Project Alternatives C and D rely in part on subsurface infiltration galleries. With regard to the long-term performance of the below-grade infiltration galleries, the Draft EIS fails to mention or evaluate the following:

- 137d
- a) Storm water containing sediment, trash, and organic matter shed from trees will be carried to the infiltration galleries and will reduce their infiltration capabilities due to clogging. Loss of efficiency of these galleries over time is not discussed.
  - b) Subsurface infiltration galleries have limited access and are therefore difficult to clean out (maintain). The Draft EIS fails to discuss the possibility, necessity, or cost of maintaining these below great facilities.
  - c) Reduced performance of subsurface infiltration galleries with time will not be self-evident because their operational function is buried and damaging runoff events are short-lived. The EIS generically states that post project monitoring and maintenance will ensure the long-term functioning and effectiveness of the installed systems, however Section G of the Draft EIS indicates that BMP monitoring will be only based on visual inspection which is inadequate to determine operating efficiency of subsurface drainage galleries.

Loss of efficiency or inadequate maintenance of below-grade drainage galleries will increase the possibility that the TRPA required 20-year 1-hour storm will not be fully contained.

Above-grade drainage infiltration galleries are easier to inspect and maintain. Infiltration rates would also be easier to measure following rainstorms. The Draft EIS makes no comparative analysis of this possibility.

3) Alternative C relies in part on pervious pavers (56,342 SF). Project promotional materials show pervious pavers that incorporate plants. Plants in such applications do not hold up to heavy pedestrian and vehicular traffic.

Because the Draft EIS provides little information about the use pervious pavers and provides no critical evaluation of their (1) applicability, (2) potential for success at the site, and (3) ability to absorb runoff, we encourage you to carefully consider the following information published by UC Davis Extension on the web at the following address:

[http://extension.ucdavis.edu/unit/center\\_for\\_water\\_and\\_land\\_use/pervious\\_pavement.asp](http://extension.ucdavis.edu/unit/center_for_water_and_land_use/pervious_pavement.asp)

In addition to other information that is worth reading and should be considered in the Draft EIS relative to pervious pavers, UC Davis states the following:

*These pervious surfaces can be used in a variety of areas including driveways, parking stalls, walkways, emergency vehicle access ways, alleys, highway shoulders and other non-high vehicle traffic areas. However, under the right circumstances these surface cover materials can be used, with caution, in roadways and other moderate traffic flow areas. Well-designed parking and roadways can include a mixture of various porosity densities, with the more dense material being located in high traffic areas, and less dense or pervious material located in low traffic areas, or areas where wheel turning is at a minimum (e.g., parking stalls). Pervious surfaces should not be used when the surface grade exceeds 5% (emphasis added).*

137e While the Draft EIS correctly states that pervious pavers are used “..to facilitate stormwater infiltration and reduce runoff volumes,” the Draft EIS is based on calculations that the pavers are capable of infiltrating 100 percent of runoff which falls upon them from the 20-year, 50-year, and 100-year 1-hour storms. There is no mention in the Draft EIS if pervious pavers are proposed on ground where slopes exceed 5% and the degree to sloping ground would affect the 100 percent absorption efficiency assumed in the document.

If block type pavements are used, snow plow blades could catch block edges and damage surfaces. Sand cannot be used for snow and ice control on pervious asphalt or concrete because it will plug the pores and reduce permeability and infiltrating runoff may causing frost heave. Pervious pavers may be feasible, but the Draft EIS does not provide critical evaluation of the feasibility of pervious pavers at this site.

The Draft EIS fails to discuss where pervious pavers are used, the type of pavers proposed, and if they are suitable for the areas proposed. If restricted to only low traffic areas, then there may not be significant square footage installed and there would be little benefit.

Pervious pavers require regular maintenance (cleaning) to function efficiently (see following comment). Because pervious pavers are a central design feature of the site hydrological improvements, the impact of improper maintenance should be evaluated in the Draft EIS.

- 137f 4) Regenerative air street sweeping equipment is mentioned in the Draft EIS as a component of TMDL treatment strategies to reducing sediment loading. In one of the public meetings, the developer’s representative indicated that the project would own a regenerative street sweeper. These machines are costly. The cost of the sweeper and the cost of maintenance are not mentioned in the Draft EIS nor are they mentioned in the appendices. Would inclusion street sweeping equipment and a specific maintenance schedule be included as conditions of approval of this project?

- 137g 5) Green roofs (16,179 SF) are mentioned as LID measures that are beneficial to the project. In order to be effective green roofs require successful planting and irrigation. Green roofs will add weight at the roof level which increases the cost of construction for dead load as

well as seismic (lateral loading). Green roofs also require special drainage layers, special waterproofing, special soil layers, careful design, and careful construction so that they work properly and do not leak. All of this adds up to significant extra cost. The Draft EIS does not mention these potential disadvantages and therefore lacks critical evaluation. If Alternative C should become the approved alternative, will construction of green roofs become a condition of project approval?

137h 6) Section 2 and Section 4.3 of the report both mention reduced traffic associated with Alternative C as a benefit for hydrology and water quality (see page 4.3-22). Part of the traffic reduction is the result of project funded mass transit/alternative transportation yet the cost and sustainability of funding is not evaluated in the Draft EIS. Funding projections for maintenance and monitoring of drainage improvements, particularly subsurface infiltration drainage galleries should also be evaluated in the Draft EIS. Consideration of the reliability of these funding sources in the future should also be evaluated. Considering that the area has a history of failed casinos (Bal Tavern and Tahoe Mariner) and foreclosures (Cal Neva and Crystal Bay Club), project impacts in the absence of projected funding should also be evaluated. Are the various maintenance activities and transportation funding also preconditions of project approval? If so, how would TRPA or any other agency assure long-term funding by the developer or subsequent owners for transportation and maintenance items that are necessary for the long-term water quality improvements discussed in the Draft EIS? Would the TRPA and other agencies be responsible for enforcement in the future and is that feasible for TRPA and other public agencies? The Draft EIS fails to assess the importance of these points.

137i 7) TRPA BMP requirements for rainfall containment/infiltration are that the 20-year, 1 hour storm be contained. The Draft EIS evaluation shows that the 50-year storm 1 hour storm would also be contained as well. Note that containment of the 50-year storm relies on the full efficiency of green roofs, pervious pavers, and subsurface drainage galleries. Since the Draft EIS fails to critically evaluate the cost of maintenance or possibility of loss of efficiency through the years for each of these elements, it is uncertain if the proposed drainage improvements will live up to calculations provided in the Draft EIS for the 20- or 50-year 1-hour storms. Since full internal capture of the 20-year 1-hour storm is a minimum requirement, the EIS should be revised to determine if this storm can be captured if the below-grade infiltration galleries should become clogged.

**SUMMARY**

Because of the omissions listed above, the Draft EIS fails to provide balanced critical evaluation of the positive and negative impacts of this project in short- and long-term evaluations in the Hydrology and Water Quality section of the report and also in sections which lend supporting evidence to the Hydrology and Water Quality section (such as the Transportation, Parking and Circulation Section). Without balanced and critical evaluation, the Draft EIS is not useful as a decision-making tool for TRPA. The Draft EIS requires significant revision to meet this minimum standard. Failing that, the Final EIS should not be approved by the TRPA.

Please contact me if you have questions regarding the above comments.

Sincerely,

A handwritten signature in cursive script that reads "John Bosche".

John Bosche, PE  
Civil Engineer  
California #30241

cc: North Tahoe Preservation Alliance

138

**From:** info@boulderbayresort.com

**Subject:** BoulderBay: New EIS public comment submitted

**Date:** January 26, 2010 10:09:55 AM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Randen

Last Name: Brown

Address: 6868 Windy Hill Way

City: Renon

State: nv

Zip: 89511

Email: randy@mbarenonv.com

Phone: 775-336-2883

Comment: I have reviewed each of the proposed alternatives and concur with TRPA findings that alternate 'C' is the best use of the project site. It will definitely replalace a very old and degraded facility with a much more appealing and efficient facility.

139

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 26, 2010 9:06:00 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Karen  
Last Name: Carey  
Address: 948 Incline Way  
City: Incline Village  
State: Nevada  
Zip: 89451  
Email: kcarey@tahoewomenservices.org  
Phone: (775)298 - 0162

Comment: I am writing this on behalf of Tahoe Women's Services. I feel that our community will feel the positive impact of the Boulder Bay development.

1st -The Wittenbergs are very supportive of social services in our community. The Tahoe Biltmore has always been very responsive to community need.

2nd - We desperately need workforce housing. They are currently the only ones stepping up to fill this need.

Third - The Tahoe Biltmore has kept their doors open, despite a \$1million dollar annual loss, so that people could keep their jobs. This truly speaks to their commitment to the people in our community.



140

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** January 26, 2010 12:30:50 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: edward

Last Name: geiger

Address: 5246 Santa Barbara

City: Sparks

State: Nv

Zip: 89436

Email: geigerclan@sbcglobal.net

Phone: 775-691-0235

Comment: This looks to be the best thing to happen to stateline ever, keep up the good work

( 4 )

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 26, 2010 8:55:51 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: Shelia  
Last Name: Leijon  
Address: 553 Boothill Court  
City: Incline Village  
State: Nevada  
Zip: 89451  
Email: saleijon@hotmail.com  
Phone: 7758310366

Comment: I am in full support of the Boulder Bay project and believe it will provide the catalyst for forward thinking, environmentally conscious and sound business redevelopment and improvement in the Incline Village and Crystal Bay areas.

I am certain the Boulder Bay group will continue their collaborative efforts, ensuring the reduction of duplication in community services by working with existing programs, such as IVGID,s Health & Wellness community initiative, guaranteeing the continued success of programs currently in progress.

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 26, 2010 10:34:49 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Tim  
Last Name: Nobles  
Address: 60 S Pine St  
City: Susanville  
State: CA  
Zip: 96130  
Email: tim@losgatosnv.com  
Phone: 530 257-3768

Comment: My Family and I visit this part of the lake often during the summer months and we feel this project would be a huge benefit to that community.

143

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 26, 2010 9:14:55 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: John  
Last Name: Walsh  
Address: 1133 Locust Ave.  
City: Placerville  
State: CA  
Zip: 95682  
Email: jwalsh@mcclone.net  
Phone: 530-677-3853

Comment: I just wanted to voice my strong support for Alternative C. This is an amazing project.

144

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 26, 2010 1:26:22 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Josph  
Last Name: Ward  
Address: 15606 Sudsbury Court  
City: Truckee  
State: CA  
Zip: 96161  
Email: joewardarch@msn.com  
Phone: (530) 550-1819

Comment: So often, development and construction is construed as negative influence on The Envirnoment and Local Community. This project is an excellent example of how development can improve The Environment and Local Community. This project directly fixes existing problems in water quality in the regions most important asset. In addition, it helps the local economy, which in turn adds more public dollars from tax revenues to support further environment protection. I fully support Alternative C.

145

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 27, 2010 9:20:30 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: ron

Last Name: aronson

Address: Box 284

City: crystal bay, nevada

State:

Zip:

Email: ron@konacoastrealty.com

Phone: 8089605711

Comment: I am part time resident of Crystal Bay and I fully support the redevelopment plans. This development will upgrade and beautify the area.

140

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 27, 2010 9:22:22 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Elizabeth

Last Name: Hill

Address: 13189 Northwoods Blvd., Unit 1

City: Truckee

State: CA

Zip: 96161

Email: luocceanrain17@sbcglobal.net

Phone: 530-363-2583

Comment: I am in support of the Boulder Bay Project pertaining to alternative C plans. The North Shore needs new development if we are going to continue to compete with other resort communities.

147

**From:** info@boulderbayresort.com

**Subject:** **BoulderBay: New EIS public comment submitted**

**Date:** January 27, 2010 1:55:58 PM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Thea

Last Name: Omundsen

Address: PO Box 3163

City: Olympic Valley

State: California

Zip: 96146

Email: thearocks@hotmail.com

Phone:

Comment: I think this would be an amazing improvement in the Crystal Bay Area. I am very excited about the new parks and the appeal to families and the connection to the environment.



148

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 27, 2010 7:21:33 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Les  
Last Name: Robertson  
Address: 5550 Elymus dr  
City: Carson City  
State: Nv  
Zip: 89701  
Email: les@cmsrno.com  
Phone: 775-884-2576

Comment: as a resident of Lake Tahoe form 1970 to 1995, and a regular visitor to North Shore. I find the Plan c , to be the most acceptable.

the existing structure is energy Inefficicent, awkward in design and out of touch with 2010, Please allow this project to continue and assist the area in its revitalization.

Les Robertson.

149

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 27, 2010 12:57:57 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: gary  
Last Name: wardle  
Address: 3470 Cheechako Dr  
City: Reno  
State: NV  
Zip: 89519  
Email: gary.wardle@sbcglobal.net  
Phone: 775-787-9787

Comment: I support Alt C of the EIS reoprt and encourage the passing and implementation of this plan.

Thanks.

Gary

**Subject: Fwd: Endorsement**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugebrueck.com>, Rob Brueck <rbrueck@haugebrueck.com>, David Landry <dlandry@trpa.org>

**Conversation:** Endorsement

150

Begin forwarded message:

**From:** Rich Cash <richcash8@gmail.com>

**Date:** January 28, 2010 10:16:35 AM PST

**To:** bhelm@boulderbayresort.com

**Subject: Endorsement**

To whom it may concern:

After 39 years in finance and real estate and 34 at Lake Tahoe, I have some clear strong opinions to share.

Having reviewed the Boulder Bay Resort Project, met with the principals and trained as a Docent at the Tahoe Environmental Resource Center, it appears not only is BBPP a Green project, but an Economic one that may add quality of life and value to the Tahoe Basin.

In particular, BBPP construction plans for abating fine particle runoff from sanding Tahoe highways are to be commended.

My only concern is that King's Beach and Placer County put in FOUR lanes with their roundabouts, rather than two lanes. Otherwise North Shore Tahoe may be wracked with gridlock.

Regards\*Rich

149

151

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 1:39:26 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Jacquie  
Last Name: Chandler  
Address: 1048 War Bonnet Wy  
City: Incline Village  
State: NV  
Zip: 89451  
Email: earthgym@yahoo.com  
Phone: 775 833-0831

Comment: The Washoe people experienced Tahoe(Dha-a-waga)as a sacred healing place. Interesting that the focus of this project is on Wellness, recognizing the true magic of the watershed that cradles the National Treasure we call home.

I see no way to mitigate the previous damage and violation to this watershed without careful restorative effort, time and money. Conscious re-development that raises the water mark is a gift to the land and the visitors.

Roger is a genius imagineer, and his vision manifest in this Boulder Bay project, is on track to modeling those actions conducive to sustaining and enhancing this area. The result will be realized when/as/if visitors feel welcomed to embrace the healing and restoration for themselves and share the stewardship love.

# GilanFarr + Associates architecture

a professional corporation

152

January 28, 2010

David Landry  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449

Re: Boulder Bay Redevelopment in Crystal Bay

Dear Mr. Landry,

My name is Phil Gilanfarr. I was born and raised in North Lake Tahoe living in Incline Village and, for the last seven years, in Crystal Bay. I have operated an architectural firm for over 20 years and am the consulting project architect for Boulder Bay.

In the 1990's I was a member of the North Stateline Community Plan (NSCP) team. That team represented a broad cross section of the Crystal Bay community and was responsible for developing the original North Stateline Community Plan. The plan included a diverse group of commercial interests, local residents and interested parties during its formation and vision, including many from Crystal Bay and Brockway. The development of this Community Plan took seven years and was adopted in 1996 by Washoe County and Placer County, as well as TRPA.

The overall vision as adopted in the NSCP was:

- To create a family-oriented destination resort.
- More emphasis should be placed on the outdoors and on human-scale design.
- More priority should be given to pedestrians. This can be achieved through increasing the amount of green space, placing sidewalks and benches throughout the plan area, and reducing emphasis on the auto.
- A pedestrian-oriented main street connecting the casinos will also help create a pedestrian friendly environment and increase opportunities to be outdoors.
- Providing a range of entertainment and recreational activities for families, as well as needed support services such as child care, will improve the area's competitive advantage in the resort market.
- Improvements proposed by the plan will help create a sense of place, one which is unique to North Stateline and which promotes a resort setting.

This plan sought to help redefine Crystal Bay as a destination resort. I find it interesting that many of the opponents of Boulder Bay criticize them for a plan that attempts to just what their plan called for – the creation of a destination resort. During the conceptual design of the Boulder Bay project the developer, Roger Wittenberg's, main goal was to simply work towards achieving the goals that we the community set for them back in 1996 in the adoption of our community plan.

Beyond the NSCP vision, the document goes on to establish a number of goals, objectives and policies to guide the redevelopment of Crystal Bay. These goals include:

- Create a more complete, family-oriented destination resort.
- Create a pedestrian-friendly and pedestrian-safe environment.
- Encourage land use patterns that reduce the need for travel and increase access to transit.

p.o. box 8627  
incline village  
nevada 89452  
voice 775.831.8001  
fax 775.831.8068

- Use architectural designs and materials which strengthen North Stateline's resort image.
- Reduce the visual predominance of parking lots and asphalt.
- Strengthen the area's potential as a world class, nationally renowned tourist destination resort.
- Provide housing opportunities for NSCP casino employees.
- Achieve the vehicle miles of travel fairshare target within NSCP (CMT target for North Stateline is an increase of no more than 1,150 VMT).
- Improve transit service and increase transit use.
- Encourage implementation of the employer based vehicle trip reduction program.
- Attain and maintain environmental threshold carrying capacity targets.
- Implement environmental improvement and restoration projects.
- Expand and encourage development of on-site recreation.
- Projects with greater than 70% land coverage shall reduce on-site coverage by a minimum of 5%.

When considering the consistency of the Boulder Bay project and the North Stateline Community Plan, this proposal exceeds the wildest expectations of the original plan team to achieve the vision we originally established. I would request that a table or analysis, which clearly demonstrates the Boulder Bay project's consistency with the North Stateline Community Plan, be provided as part of the response to comments. In fact, of the approximately 80 or so goals and objectives that we laid out, Boulder Bay successfully implements about 75 of them. It is not very often that a community plan is able to go from a vision statement on a piece of paper to reality. Boulder Bay gives us this opportunity.

I urge you to allow Boulder Bay to be approved and to implement not only the NSCP goals discussed but also to implement the economic, environmental and community enhancing elements detailed in the Environmental Impact Statement.

Regards,



Philip GilanFarr, AIA  
President/Architect

153

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 9:28:30 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Andy  
Last Name: Good  
Address: P.O. Box 1794  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: andy@aspdevs.com  
Phone: (775) 722-9471

Comment: As a local to the community, this project is a must in my opinion. I have lived in the North Shore area for 7 years and Crystal Bay is my favorite spot. It is a beautiful spot with many things to do. It has the outdoor recreation along with the nightlife. The problem I've seen is this area is getting people to enjoy the area like I do and that's because (in my opinion) it's surrounded by the Biltmore, Cal-Neva and the Nugget. These resort areas are run down and don't attract tourists or people who live in Reno, Carson City or Truckee. Crystal Bay is a central location to all these areas and could be and should be a good get away for a day or weekend for local tourists. If the Boulder Bay project goes through, more people would be able to enjoy Crystal Bay for its beauty like I do. The TRPA has spent a lot of tax payers money to clean the lake and surrounding area, isn't it time to get people out there to see what their tax payer money has been spent on?

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 1:52:00 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Donna

Last Name: Hill

Address: 2812 Panay Ct

City: Carmichael

State: CA

Zip: 95608

Email: donnabellefitz@sbcglobal.net

Phone: 916 4832547

**Comment:** I am all for this project! It is important to have clean water and whatever supports a better Lake Tahoe region we need to do!!!!



155

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 4:00:17 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Renton

Last Name: Kreling

Address: 1566 Dickinson Drive

City: Roseville

State: CA

Zip: 95747

Email: rkreling@rsconst.com

Phone: 916-871-4684

Comment: As a second generation second homeowner in the Tahoe Basin, I've had a strong connection to the Tahoe area for more than 40 years and am greatly concerned about the sustainability of the area's environment. To that end, I strongly support the Boulder Bay development's Alternative C. The existing Tahoe Biltmore site is negatively impacting the environment in numerous ways, and the Boulder Bay development will be a great example of "smart" development that actually improves the sustainability of the property. I'm hopeful that the Boulder Bay development can serve as a good example for many other properties in the Tahoe Basin that desperately need revitalization. I urge the TRPA to approve the Boulder Bay project.

156

From: info@boulderbayresort.com

Subject: **BoulderBay: New EIS public comment submitted**

Date: January 28, 2010 10:11:13 PM PST

To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Shahri

Last Name: Masters

Address: 892 S. Dyer Circle

City: Incline Village

State: NV

Zip: 89451

Email: masters@inclineliving.com

Phone: 775-831-8888

Comment: The changes proposed make this project even better.

157

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 6:14:50 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Zaq  
Last Name: Rosenbloom  
Address: 3819 Woods ave  
City: South Lake Tahoe  
State: ca  
Zip: 96150  
Email: rockinit@gmail.com  
Phone: 775-846-4820

Comment: I am a firm supporter of the Boulder Bay Project. I am also a supporter of Alternative C that was developed based on community input. This project will be good for our community and overall environment. Thank you.

158

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 8:25:59 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Alvaro

Last Name: Servin

Address: 5946 Sunrose Ct

City: Sparks

State: NV

Zip: 89433

Email: Bryanna3!@tahoebiltmore.com

Phone: 775-673-1710

Comment: I, Alvaro Servin, am in favor of the Boulder Team project in Crystal Bay, NV. I believe it will be a good project to help the economy. I also believe that it will bring more tourist to North Shore, which will help with job security.

159

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 28, 2010 10:31:39 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name:

Last Name:

Address:

City:

State:

Zip:

Email: chuckh@khsswest.com

Phone:

Comment: I live in Reno but spend alot of time in South Lake. There is always something new there. With the Boulder Bay project I feel it would entice others as well as myself to spend more time on the North side of the lake.

It would improve the area and add jobs for the locals. With the added tourists it would also help the economy in the surrounding areas.

I agree with proceeding with the project.

160

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 29, 2010 8:42:59 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted  
First Name: David  
Last Name: Eldridge  
Address: PO Box 946  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: konatahoe@yahoo.com  
Phone: 775-831-1101

Comment: We are very impressed with the plans for the Boulder Bay project and wholeheartedly support this improvement in our area. We live here full time and look forward to the completion of the construction. It will enhance our enjoyment of this beautiful area, the elimination of acres of visible asphalt with its dirty runoff will help to restore the clarity of the Lake.

101

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 29, 2010 11:09:11 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Travis  
Last Name: Moore  
Address: 875 Southwood Blvd  
City: Incline Village  
State: NV  
Zip: 89450  
Email: tlmoore@live.com  
Phone:

Comment: From the moment I heard about this project I have been excited, however when I read all the positive affects it would have on the local area, both environmental and economic I became elated. I wholeheartedly support this project as being what we need to bring more tourists to enjoy our beautiful lake. Without new and exciting places to visit I fear that Tahoe will become just like the Grand Canyon. A place to drive to, look at, and turn around. We need this in our community, the tourist aid the economy, the added jobs provide a better quality of life for locals, who in turn spend their money at more local stores and shops. Thank you Boulder Bay for saving Lake Tahoe!

162

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 29, 2010 6:24:33 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Jason  
Last Name: Pata  
Address: P.O. Box 163  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: P8aplay@earthlink.net  
Phone: 775-555-1212

Comment: Wasichu has been doing this ever since their abrupt engagement to the Americas. The only difference is that their is no raping and pillaging of my family, just to my land. I won't be accepting any whiskey, nor any "Hopi" blankets for soverence pay. I am Jason Pata, 115 Lakeview dr. Crystal Bay, tribal member Paskenta Band of Nomlaki Indians.



163

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 29, 2010 12:28:09 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Vince  
Last Name: Scott  
Address: P.O. Box 7526  
City: Incline Village  
State: NV  
Zip: 89452  
Email: vince@scottdevelopment.net  
Phone: 240-0241

**Comment:**

I concur with the information as stated above. A very positive project for the community, environment, BMP's, scenic and a much needed boost to the local economy. The Obama administration would be proud of the Governing Boards decisions to approve this EIS and project.

Thanks

164

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 30, 2010 9:57:35 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Jan  
Last Name: Colyer  
Address: PO Box 292  
City: Tahoe Vista  
State: CA  
Zip: 96148  
Email: jcolyer1@msn.com  
Phone: 5305467315

Comment: I have commented several times on behalf of the support the Truckee North Tahoe Transportation Manangement Association has for this wonderful project....today I am writing in support as homeowner since 1990 who thinks this is the time to improve Crystal Bay - Northshore is the BEST Shore and let's class up our act and enjoy new and healthy amenities for our Guests and Residents! With this project and the Kings Beach Improvements we are bound to improve the economy for our community! It's Win-Win for all of us! Let's do it while we are on a positive for North Lake Tahoe! I work and live here and support Boulder Bay all the way! Do not delay~

**Subject: Fwd: Endorsing the boulder Bay project**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugebrueck.com>, Rob Brueck <rbrueck@haugebrueck.com>, David Landry <dlandry@trpa.org>

**Conversation:** Endorsing the boulder Bay project

165

Begin forwarded message:

**From:** Ronnie Devenish <ronniedevenish@comcast.net>

**Date:** January 30, 2010 1:01:22 PM PST

**To:** <bhelm@boulderbayresort.com>

**Subject: Endorsing the boulder Bay project**

I am an Incline village resident and believe the boulder bay project needs to move forward. It is obvious to locals that the Crystal Bay area needs to be revitalized.

166

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 30, 2010 3:47:07 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: David

Last Name: Fabrizio

Address: P.O. Box 2504

City: South Lake Tahoe

State: CA.

Zip: 96158

Email: dfmusic@FabrizioMusic.com

Phone: 530 541-3284

Comment: I really think the project purposed  
by the Boulder Bay and the updated Alternative C is a great project and It will beautify the area and make it more pleasing  
to visitors and locals alike. We need projects like this in the area.  
David Fabrizio

**Subject: Fwd: Boulder Bay Endorsement**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** Melanie Greene <mgreene@haugbrueck.com>, Rob Brueck <rbrueck@haugbrueck.com>, David Landry <dlandry@trpa.org>

**Conversation:** Boulder Bay Endorsement

167

Begin forwarded message:

**From:** TahoeMatta@aol.com

**Date:** January 30, 2010 8:55:32 AM PST

**To:** bhelm@boulderbayresort.com

**Subject: Boulder Bay Endorsement**

As long as the project stays within the same building and development guidelines as the rest of the Tahoe community, I am 100% behind it.

Generally, I would only hope that all projects in the Tahoe basin be designed to accommodate pedestrians through incorporation of walking paths. They would certainly improve and contribute to the quality of the Tahoe lifestyle if they did.

I look forward to the visual "clean-up" of the area, as well as the jobs it will bring to help buoy the struggling middle class. Once the project is completed, all the furor will die down. A recent example: there was a loud out-cry against the development of the Starbucks building on the corner of Village and Tahoe Blvd. in Incline; yet since completion I have not heard anyone moaning that they miss the old gas station with the hanging rugs!

Build, bring in business and vitality, and provide jobs!  
My blessings!

Meg Matta  
Incline Village, NV

168

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** January 30, 2010 2:45:08 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Richard

Last Name: Schaller

Address: 14190 Powder River Drive

City: Reno

State: NV

Zip: 89511

Email: rscallersmc@aol.com

Phone:

Comment: I support this project in every way. Not only do we need the boost for our economy but the project will make the entire area more pleasant. This project will revitalize retail and restaurants and provide jobs for local residences. It provides affordable housing units (who else provides affordable housing units along the North Shore of Lake Tahoe?) The people who are against this project should get their heads examined. This project will increase water quality, restore sensitive land. It provides parks, and new pedestrian walks, and makes the area a more scenic corridor for the Crystal Bay area of Lake Tahoe.

I urge the TRPA to do the right thing and approve this project. It only makes sense. It makes the area more scenic, the environment cleaner and helps put hundreds of people to work. Please approve this project.



Mail



Calendar



Contacts



Deleted Items



Drafts



Inbox (239)



Junk E-Mail



Sent Items

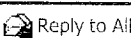
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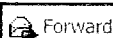
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**FW: Lakeview / Stateline Alignment**

Dennis Oliver

Sent: Sunday, January 31, 2010 7:35 PM

To: Boulder Bay DEIS Comments

Mr. Alexander asked that this also be submitted as an EIS question/comment:

From: Mark Alexander Jr [markalexanderjr@att.net]

Sent: Sunday, January 31, 2010 12:09 AM

To: 'Brian Helm'

Cc: Dennis Oliver

Subject: Lakeview / Stateline Alignment

Hi Brian,

Approximately six months ago you assured me that you would respond to my concern dealing with the building height impact on the available daylight to melt ice / snow during the winter on the new Lakeview / Stateline road alignment. I expected to receive an answer by now but so far I don't recall having benefited from your response. Can you please get back to me on this query as a matter of urgency? I believe it is directly relevant to Boulder Bay's request for its building height variance and is an issue of significant concern to my family as we live on Lakeview Avenue and this will become a critical access way for me, my family as well as neighbors to safely access 28.

Thank you in advance for your timely response.

Regards, Mark



170

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 1, 2010 9:31:59 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Cory  
Last Name: Carlson  
Address: 424 Pat Court  
City: Incline Village  
State: NV  
Zip: 89451  
Email: coryscarlson@msn.com  
Phone: 775-787-8789

Comment: As a longtime resident of Incline Village and more 15 years in the Hospitality Industry, I offer my support of the Boulder Bay project as it will bring many new and exciting opportunities for our area and benefit the local economy.

171



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**ENVIRONMENTAL  
COORDINATION  
SERVICES**

February 1, 2010

David L. Landry  
Tahoe Regional Planning Agency  
128 Market Street  
P.O. BOX 5310  
Stateline, NV 89449

Subject: **Boulder Bay Community Enhancement Program Project,  
Comments on the Draft EIS**

Dear Mr. Landry:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement on the Boulder Bay Community Enhancement Program Project. Placer County has reviewed the Draft Environmental Impact Statement and submits the following comments for your consideration.

**Affordable Housing**

171a

The project as proposed will have a significant and long-term impact on Placer County as it results in an increased demand for affordable housing, public transit and services.

Section 4.11 Socioeconomics, Population and Housing in the DEIS does not address just how, or where, the project's temporary (construction) workforce, or its permanent work force will be accommodated properly. The project was awarded 48 MRBUs to be used for affordable housing, but the design submitted for Alternatives B, D and E is grossly inadequate.

171b

The project, at a minimum, should be required to provide (construct or have constructed onsite or in Washoe or Placer Counties) housing for 50% of projected new employees with the standard of one bedroom per employee. (See newly-adopted Placer County General Plan—Housing Element)

Placer County requests that TRPA, through its project condition and approval process, require Boulder Bay to reach an equitable agreement with the County prior to the issuance of a permit for construction of the project.

**Alternative Transportation Plan—Appendix F**

171c

While this document appears to be sound, the cost associated with the proposed service; however, was underestimated for Placer County. In order to properly implement this Plan, a mitigation measure should be added to the proposed project relating to the Plan's implementation. The mitigation measures should be clearly

written to include, but not be limited to, the project's fair share contributions to unreimbursed transit expenses within the County and include associated vehicle purchases.

**Recreation**

171 d [ Impact REC -1 asks if the project will result in a decreased availability or degradation of a high quality recreational experience. It reported that Speedboat Beach, located within Placer County, may experience increased visitation by guests staying at the resort. While mitigation measures identified for impact REC-1 are in part intended to reduce impacts to Speedboat Beach, Placer County has concerns that in addition to congestion and parking problems there will also be a need for increased solid waste removal at Speedboat Beach and the surrounding area. In order to address this impact, Placer County requests that a mitigation measure be added requiring Boulder Bay to participate in the refuse removal at Speedboat Beach and the immediate area.

The County looks forward to working together with the TRPA as this very important CEP project moves through the environmental review and permit process.

Sincerely, .



Loren Clark  
Acting Environmental Coordinator

cc: Tom Miller, County Executive Officer  
Jennifer Merchant, Principal Management Analyst - Tahoe  
Michael J. Johnson, Community Development Resource Agency Director  
Paul Thompson, Deputy Planning Director  
Allen Breuch, Supervising Planner  
Scott Finley, Supervising Deputy County Counsel  
Rae James, Redevelopment Agency  
Peter Kraatz, Deputy Director of Public Works

172

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: February 1, 2010 9:55:50 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Jan  
Last Name: Ellis  
Address: PO box 352  
City: Crystal bay  
State: NV  
Zip: 89402  
Email: Jantahoe@gmail.com  
Phone: 5304122585

172a [Comment: There are Many good features BUT the SCALE is too BIG!!!! It needs to be scaled back! No existing property owners should have their views obstructed. I don't believe traffic can possibly be reduced from the current status. As a resident who drives through the back parking lot daily, there are seldom more than 20 to 40 cars. The exception is during busy Saturday nights

173b when there may be 150 cars. [How can you propose parking for 600plus cars and not be expecting more traffic?] I also

173c anticipate that the Brockway neighborhood will be heavily impacted and don't think the EIS addresses narrow roads and parking

limitations for visitors and residence wanting to access the lake as close to CB as possible. It will create a nightmare situation during the summer months.

The best way to mitigate the impact is to SCALE BACK significantly!

173

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 1, 2010 6:43:08 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: M. Roger

Last Name: Leach

Address: 985 Wander Way, PO Box 4387

City: Incline Village

State: NV

Zip: 89450

Email: Luv49er@charter.net

Phone: 75-831-3771

Comment: Having been a resident of Incline Village NV since February 1974, and having been quite aware of the numerous changes to the North Shore Lake Tahoe, and more specifically the Tahoe Biltmore (Boulder Bay) facility and the proposal by Boulder Bay to significantly improve the their property and having attended numerous EIS meetings pertaining thereto, I unequivocally endorse "Alternative C" as the best choice for the revitalization of the Tahoe Biltmore site. After hundreds of hours sitting down and listening to community input over the past 18 months, I believe the following 3 reasons make Alternative C, as outlined in the EIS document, the best reflection of these collective opinions: It's good for the environment; it's good for the community; it's Good for the local economy. I ask you to favorably approve Boulder Bay Project as proposed.

Sincerely,

M. Roger Leach,

a 36 year resident of Incline Village NV.

174

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 1, 2010 5:06:25 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

**BoulderBay: New EIS public comment submitted**

**First Name:** Michael  
**Last Name:** Lefrancois  
**Address:** P.O. Box 1266  
**City:** Kings Beach  
**State:** CA  
**Zip:** 96143  
**Email:** michael@garydavisgroup.com  
**Phone:** 530-546-7393

**Comment:** I look forward to the overall environmental improvements including a more aesthetic Stateline area. This help compliment the North Shore and provide a desination for locals tourists alike. The existing deteriorated condition must go.

175

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 1, 2010 7:52:19 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Joe  
Last Name: Serpa  
Address: 40169 Tahoe Truckee Airport Road  
City: Truckee  
State: Ca  
Zip: 96161  
Email: joe@aspensdevs.com  
Phone: 530-587-3310

Comment: I believe it will be a GREAT project for the area. Especially Alternative C.

Thanks,

Joe M Serpa

Aspen Developers

176

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 1, 2010 4:31:47 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Jody  
Last Name: Tocchetti  
Address: P O Box 4949  
City: Incline Village  
State: NV  
Zip: 89450  
Email: tahoetocci@sbcglobal.net  
Phone: 775-287-6469

Comment: I am in support of the Boulder Bay project. I have been following this along the way and would be excited for the proposed plan C to pass. As a 14 year resident and a parent of two young children, I would be excited to see something revitalize the existing Biltmore site, creating more of a community gathering place-with more walking paths and public parks. And of course something that actually improves the water quality and development supporting green building is the best part.



**Subject: Fwd: Thunderbird Lodge Preservation Society supports Alternative "C" for proposed Boulder Bay Development at Crystal Bay**

**Date:** Friday, February 12, 2010 6:10 PM

**From:** Brian Helm <bhelm@boulderbayresort.com>

**To:** David Landry <dlandry@trpa.org>, Melanie Greene <mgreene@haugebrueck.com>, Rob Brueck <rbrueck@haugebrueck.com>

**Conversation:** Thunderbird Lodge Preservation Society supports Alternative "C" for proposed Boulder Bay Development at Crystal Bay

Begin forwarded message:

**From:** "Bill Watson" <Watson@NV36.com>

**Date:** February 1, 2010 5:44:50 PM PST

**To:** <bhelm@boulderbayresort.com>

**Cc:** "'David Olson'" <david@olsonsteel.com>, "'Barbi Mooberry'" <barbi@NV36.com>

**Subject: Thunderbird Lodge Preservation Society supports Alternative "C" for proposed Boulder Bay Development at Crystal Bay**

Dear Brian,

Not sure if our letter you ever made it to you but, with your deadline approaching, we wish you to know that we are lending the Thunderbird Lodge Preservation Society's endorsement of Alternative "C" for the proposed Boulder Bay Resort.

Although not unprecedented, it is rather unusual for a historical society to endorse any form of development in an historic corridor like the village of Crystal Bay. However, your Boulder Bay team has demonstrated its unequivocal sensitivity to the environmental, economic, cultural, and social elements of the Crystal Bay community. Alternative "C" is redevelopment putting its best foot forward.

We appreciate all the time you, Roger, and your team have taken to coalesce and educate our community. We wish you every success in this endeavor and we remain at your service to support regulatory agency approval for your project. Until then, I remain wishing you and yours

All the Best,  
Bill W.

cc: Dave Olson, Chairman, TLPS  
Barbi Mooberry, for TLPS file

Bill Watson  
Manager & Curator  
Thunderbird Lodge • Thunderbird Yacht  
316 California Ave. Suite 36  
Reno, Nevada, USA 89509  
Office 775-832-8755  
Mobile 775-848-6216  
FAX 775-201-1454  
[www.ThunderbirdLodge.org](http://www.ThunderbirdLodge.org) <<http://www.ThunderbirdLodge.org>>

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## Boulder Bay DEIS Comments

Jennifer Ballerini [jenniferballerini@mac.com]

Sent: Tuesday, February 02, 2010 5:28 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

178

Dear TRPA,,

Please make sure the development project receives an adequate traffic analysis and the environmental impact statement focuses on water quality benefits. I'm also concerned that best management practices are followed for water quality

Jennifer Ballerini  
406 Decatur St.  
Folsom, CA 95630



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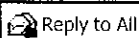
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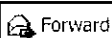
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**Boulder Bay DEIS Comments**

Connie Balsama [connie\_balsama@yahoo.com]

Sent: Tuesday, February 02, 2010 5:57 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am truly concerned about over development in the Tahoe area. What brings tourists to the area is the scenic beauty and pristine waters of the lake not more traffic congestion, pollution and more condos, casinos, and hotels. The proposed Biltmore development project at Crystal Bay needs an adequate traffic analysis and a meaningful quantification of water quality benefits including fine sediment load reduction. The beaches in South Lake Tahoe (El Dorado, Ski Run Marina, Regan Beach) have already been ruined by over development in the surrounding area. Enough is enough! Please make your number one priority the clarity and purity of the lake water not short-term profits from a new development scheme.

Connie Balsama

1438 Laurel St. #5

San Carlos, CA 94070

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## Boulder Bay DEIS Comments

Jody Anne Becker [whynott@aol.com]

Sent: Tuesday, February 02, 2010 10:00 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Please listen to Lake Tahoe proper owners.

The proposed very large development on the North Shore must NOT negatively impact the precious lake, which is really the property of all Americans, not just those of us fortunate to have homes near the lake.

Ms. Jody Anne Becker  
365 Ellis Rd.  
P.O. Box 1834  
Homewood, CA 96141

(415) 453-5587

180



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## Boulder Bay DEIS Comments

Elaine Binger [suptonuts@binger.com]

Sent: Tuesday, February 02, 2010 5:27 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am concerned about the added traffic congestion from this development that is being considered. Please inform the League to Save Lake Tahoe of a realistic traffic analysis. Also, the clarity of the water in the Lake is of utmost importance. Please explain the "best management practices" in terms of protecting the Lake.

Ms. Elaine Binger

1009 Havens Place

5092 Gold Bend

El Cerrito, CA 94530 Zip C

181



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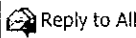
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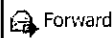
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**Boulder Bay DEIS Comments**

Robert Brown [tobrown3@verizon.net]

Sent: Tuesday, February 02, 2010 5:41 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

There are plenty of places to rent for a Lake Tahoe vacation. Please do not approve the building of any additional units.

Thank you for your consideration.

Robert Brown  
Thousand Oaks, Calif.

Robert Brown  
799 Calle Naranjo  
Thousand Oaks, CA 91360

182



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**Boulder Bay DEIS Comments**

Monique Carlisle [Monique4hair@hotmail.com]

**Sent:** Tuesday, February 02, 2010 7:25 PM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

This is absolutely an obnoxious idea! If you think depleting Lake Tahoes natural habitats is a great idea, you have got another problem than just best water refinement managment... I really hope this doesn't go thru. Tahoe doesn't need to be any more touristy. Have you asked all the local what they think of your lame idea? Money is greed.

Monique Carlisle  
Po box 705  
Lotus, CA 85651

183



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## Boulder Bay DEIS Comments

Del Case [dcase@puc.edu]

Sent: Tuesday, February 02, 2010 9:43 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Having owned a house at Alpine Meadows for 30 years, before moving to S. California, we have a more than passing interest in Lake Tahoe, which we still visit regularly. The projected development of the Biltmore must not be allowed to have a negative impact on this special place. There must be adequate attention given to the issues of silt, traffic and air pollution.

Thank you for your attention to this matter.

Del W. Case  
Lois A. Case

Del Case  
36396 Mesa Edge  
Yucaipa, CA 92399

104



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**Boulder Bay DEIS Comments**

Ted Conklin [sknydpr@earthlink.net]

Sent: Tuesday, February 02, 2010 5:46 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The geographic configuration of the area in which the proposed enlargement of the old Biltmore Hotel is such that traffic is limited to a very small corridor along the existing HWY 28. Allowing the addition of such a large complex as that proposed would be a grave error for both vehicular traffic in the vicinity as well as for enviornmental issues relatite to the limited number of individuals that could reasonable be managed on this peninsular promontory jutting out into the lake. Please mark my opposition to this project!

Thank you

Ted Conklin  
2313 Carver Rd.  
Modesto, CA 95350

185

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## Boulder Bay DEIS Comments

Thomas Crumpton [crumpton3@verizon.net]

Sent: Tuesday, February 02, 2010 6:28 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Dear TRPA,

The proposed development project, although enticing for Lake Tahoe visitors, should not be approved until;  
An adequate traffic analysis

An EIS that includes a meaningful quantification of water quality benefits including fine sediment load reduction

An explanation of "best management practices" and the oversight of these management practices by someone who cares for the long term benefit of the lake.

Thomas Crumpton

124 Las Astas Dr.

Los Gatos, CA 95032

180



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**Boulder Bay DEIS Comments**

patricia cunningham [cpwc@att.net]

**Sent:** Tuesday, February 02, 2010 8:42 PM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Hotels are a dime a dozen; beautiful Lake Tahoe is not replaceable. Please consider carefully what you are planning to build and the consequences it may have on The Lake.

Thank you

patricia cunningham

830 s hutchins st

lodi, CA 95240

107



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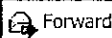


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**Boulder Bay DEIS Comments**

Margaret Degliantoni [gmdeg@sbcglobal.net]

Sent: Tuesday, February 02, 2010 5:57 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

We must make sure that traffic issues are adequately addressed for this enormous north shore development at crystal bay. In addition, water quality issues affected by the sheer size of this project need to be addressed in the environmental impact report. I cannot even believe there is a necessity for this size of a project. I drive by Crystal Bay and it does not seem to have outgrown the current size of the site. It seems excessive.

In addition, this is not an environmental issue, but will local people be hired and will lodging be affordable? Where can we address those issues?

Mrs. Margaret Degliantoni  
McKinney Creek Rd.  
Homewood, CA 96141



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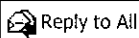
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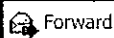
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**Boulder Bay DEIS Comments**

Jennifer Drew [eagle\_drew@hotmail.com]

**Sent:** Tuesday, February 02, 2010 5:53 PM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please notice the following issues that should be quantified before the current proposed project is passed.

The proposed development project needs an adequate traffic analysis.

- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Thank you for taking care in thoroughly assessing these important points, and helping to preserve the natural beauty of our precious lake for your grandchildren and theirs. We are responsible for our actions and we are accountable.

Jennifer Drew  
Robertson Rd  
Truckee, CA 96161

109

Theresa May Duggan  
*Duggan & Duggan*  
PO Box 290  
Tahoe Vista, CA 96148-0290  
530-546-7903 land line office  
530-386-0479 mobile

190

February 2, 2010

TRPA Governing Board  
PO Box 5310  
Stateline, NV 89449-5310

Re: Boulder Bay DEIS Comments

Dear Governing Board members,

I would like to comment on why I think Alternative C in the Draft Environmental Statement is the superior choice for the Tahoe Biltmore site.

**Alternative C is good for the environment.** The project improves water quality on a site that has been woefully neglected. Alt C will treat storm water from a once in a 100 year storm event, which will be the equivalent of removing two dump trucks of sediment. The buildings will be designed to LEED Silver certification, and set the bar high for other developers in the Basin. The reduction of pavement alone makes Alt C superior! The new project will reduce an acre and a half of coverage, and remove coverage from an SEZ.

**Alternative C is good for community.** Community gathering spaces are planned on a 2+ acre mixed use site with retail, dining and cultural spaces. The planned new pedestrian paths will encourage people to get out and walk! And the fact that they will be ADA is very desirable for those among us who can't use traditional hiking trails. Crystal Bay needs a face life, Boulder Bay's Alt C will do just that, improving the view and since you can't see it from the Lake, its height and density shouldn't be a factor in any decisions. The project will support housing for employees with the 14 housing units, something future developers are going to have to consider.

**Alternative C is good for the economy.** In times as critical as what we are experiencing now, we need a real inoculation of capital to provide jobs and jobs that are sustainable. Boulder Bay is about the future of tourism in the Basin, inviting visitors to enjoy the beauty of the area without the push to gaming and casinos. And their collaboration with key partners, such as Tahoe Forest Hospital District is to be celebrated and encouraged for others. It's time to recognize that future visitors want to enjoy the natural environment and Boulder Bay promises that experience.

I believe the DEIS is adequate and should be certified with all permitting to follow so we can move this project down the road and start seeing the jobs move in!

Thank you,

*Theresa May Duggan*

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**Boulder Bay DEIS Comments**

Sue Enger [suedick@comcast.net]

Sent: Tuesday, February 02, 2010 9:25 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

How sad our family is to hear there might be a large hotel built at Crystal Bay. We have always loved the north end of Lake Tahoe because it is not huge and filled with mega hotels and developments (like the south end). Now this might change. We strongly urge you to look at an adequate traffic analysis for the development and a meaningful quantification of the water quality benefits from such a project. Adding more silt to Lake Tahoe is NOT what any of us want.

We will be very disappointed if this large project is allowed to be built and will definitely look to other areas for our vacation and leisure trip destinations. Lovely as Tahoe is, this will spoil it for us.

Mrs. Sue Enger  
3501 Rubin Dr.  
Oakland, CA 94602



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## Boulder Bay DEIS Comments

Thomas Fera [tahoemyst4@earthlink.net]

Sent: Tuesday, February 02, 2010 6:59 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

null

Thomas Fera  
2361 Lupine Trail  
South Lake Tahoe, CA 96150

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## Boulder Bay DEIS Comments

Kathleen Fidaleo [kafidaleo@aol.com]

**Sent:** Tuesday, February 02, 2010 5:38 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please have adequate traffic analysis done and the environmental impact needs to include a meanful quantification of water quality benefits, including fine sediment load reduction as well as the complete and fully maintained best management pratices for water quality.

I'm a owner in Tahoe and want to see that together we can keep Tahoe blue.

Kathleen Fidaleo

8558 El Paseo Grande

La Jolla,, CA 92037

193

194

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 2, 2010 5:59:28 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Wayne

Last Name: Fischer

Address: 250 Pelton Lane

City: Incline Village

State: NV

Zip: 89451

Email: Wayne.Fischer@yahoo.com

Phone: 775-832-0447

Comment: I support this project 100%. My eye hurt every time I drive through Crystal Bay. What an example of a brand new development. This project will raise the bar on how new projects should be done around the lake. You have to have rock in your head to not support this project.

Wayne Fischer

10 year resident of Incline Village

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## Boulder Bay DEIS Comments

craig francis [francissba@aol.com]

Sent: Tuesday, February 02, 2010 5:24 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

null

craig francis

930 Tahoe Blvd #802-213

Inclien Village, NV 89451

195



MCDONALD·CARANO·WILSON<sup>LLP</sup>

196

John Frankovich  
jfrankovich@mcdonaldcarano.com

Reply to: Reno

February 2, 2010

David L. Landry, Project Manager  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89448

*Re: Boulder Bay CEP Crystal Bay, NV  
File No. CEPP 2008-0123 and  
File Number ENVR2008-0003*

Dear Mr. Landry:

Pursuant to the Draft Environmental Impact Statement (DEIS) relating to the above-referenced Project, the Stillwater Cove Homeowners' Association (SWC) submits the following comments.

SWC consists of the owners of 48 residential units within the Stillwater Cove Project. Stillwater Cove is located on the lake side of State Route 28 directly across the street from the proposed Boulder Bay Project. Thus, the Boulder Bay Project, both during construction and after completion, will have a direct and substantial impact on Stillwater Cove. SWC requests that in preparing the Final Environmental Impact Statement ("EIS") for this Project, particular attention be given to the specific impacts on Stillwater Cove and that the elimination or mitigation of those impacts becomes a part of any ultimate Project approval.

100 WEST LIBERTY ST., 10<sup>TH</sup> FLOOR  
RENO, NEVADA 89501

P.O. BOX 2670, RENO, NEVADA 89505  
775-788-2000 • FAX 775-788-2020

ATTORNEYS AT LAW



www.mcdonaldcarano.com

2300 WEST SAHARA AVENUE  
SUITE 1000  
LAS VEGAS, NEVADA 89102  
702-873-4100  
FAX 702-873-9966



196a [ SWC, after reviewing the DEIS and attending the public comment hearings, believes that the Boulder Bay Project as proposed will have a significant effect on the residents of Stillwater Cove. The current quality of life, now enjoyed, will be impacted by increased traffic, noise, and dust from construction. In addition impacts of large buildings overlooking SWC that have the potential to have their occupants view houses in SWC and the general increase in new population to the area will change and put new stress on the current way of life enjoyed by the residents of SWC. SWC does not believe the DEIS has sufficiently addressed these potential impacts nor does the DEIS provide sufficient mitigation to those impacts. We understand the desire to redevelop the Biltmore Property, but that development should not be at the detriment of SWC. SWC has been working with the developer and he has been most cooperative. However, to date we have not been able to adequately address SWC's concerns. In an effort to offset our concerns, we respectfully request that the following conditions and/or mitigations be considered and applied to the Final EIS and be added as final conditions of any project approval.

#### Traffic Calming Measures

196b [ Prior to any construction of the first phase of the Project, install traffic calming measures along State Route 28 as follows:

1. Provide two solar controlled speed identification panels, one on either side of the entrance to Stillwater Cove.
2. Construct a middle turn channelization lane extending 150 feet on either side of the entrance to Stillwater Cove.
3. Resurface to State Route 28 with sound attenuation paving.
4. Remove the parallel parking along State Route 28 in the area immediately across from the entrance to Stillwater Cove and extending in the easterly direction to the end of the Project.

#### Noise Attenuation

196c [ Construct a sound wall or some other form of sound barrier of a height and material acceptable to SWC along the SWC property line adjacent to State Route 28 or at another acceptable location on SWC property.

196d [ The final project conditions of approval need to state that the park land area shall be a public park and shall be a passive, open-space facility that would not allow large public gatherings, concerts or other activities that could create a noise nuisance or annoyance to any resident of the Stillwater Cove Development. As stated and referenced in the DEIS the park is intended to be a quiet, open-space retreat area containing benches and a meandering trail and the final project conditions of approval should make this a requirement.

#### Construction Staging Areas

196e [ Prior to the commencement of any construction, on any phase of the Project, construction staging areas shall be delineated on the final grading plan for each phase. No staging or storage areas shall take place on the Mariner Property except as necessary for the construction of improvements on the Mariner Property. The staging areas shall include noise attenuation provisions, restricted hours of operation, night lighting prohibition provisions, the prohibition of an on-site batch plant, limitation on the location and storage of construction materials and prohibition of nighttime activities for material deliveries and concrete pourers. The final conditions shall also provide for enforcement provisions if activity violates the limitations set forth.

#### Financial Surety

196f [ In order to insure that construction is adequately financed and can be completed, the final conditions and/or mitigation measures need to require that the project sponsor provide evidence of construction financing or other financial sureties that will demonstrate that sufficient funding is available to complete each proposed phase of the Project.

#### Building Height – On The Mariner Property

196g [ The Mariner Property is currently restricted by a deed restriction which limits development to three residential units. This deed restriction was intended to benefit the North Shore region, the surrounding properties and in particular SWC. SWC is located directly across Highway 28 from the Mariner Property and, thus, will be directly affected by any development on the Mariner Property. Therefore, if the deed restriction is going to be amended (assuming they can be amended without the consent of SWC), then any development of the Mariner Property should be required to insure that any noise and visual impact on SWC residents will be fully mitigated. Specifically, the development of the condominiums designated as Building A should be set back and reduced in height and screened so that it will not be visible from SWC property. In addition, the access road to the condominiums should be landscaped with large trees so as to screen all such development from SWC and appropriate bonding should be provided to insure the continuing maintenance of the landscaping and screening.



Crystal Bay Motel Site Landscaping

196h [ With the removal of the existing Crystal Bay Motel as outlined in Scenic Resource Section of the DEIS the parking area will remain and the building area will be landscaped. We request that the Final Conditions and/or Mitigation Measures require that new landscaping be similar to and enhanced to reflect exhibits shown on page 4.5-41 of the DEIS. The final conditions need to be worded so the landscaping provided would meet the intent of what is being represented in that exhibit.

Very truly yours,

  
JOHN FRANKOVICH

JF/keh  
278169-4

cc: Samuel J. "Sandy" Kahn  
Dale T. Creighton, A.I.C.P.



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## Boulder Bay DEIS Comments

ron frost [TAHOEPOP@CHARTER.NET]

Sent: Tuesday, February 02, 2010 7:51 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

We don't need more hotels...let's fill the ones we have.

Look at the mess TRP created in south tahoe...a big pit.

ron frost

1337 wildwood

slt, CA 96150

197



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## Boulder Bay DEIS Comments

John Garofalos [summerjohn@sbcglobal.net]

198

**Sent:** Tuesday, February 02, 2010 6:15 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I agree with the League on the need for for an adequate traffic study. I also want to know how this monster building and parking lot will deal with the fine sediment load that is expected.  
Basicly I think this is a bad project that will not fit into the quite place that is North Lake Tahoe.

Mr. John Garofalos  
1129 Apache Ave  
South Lake Tahoe, CA 96150



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**Boulder Bay DEIS Comments**

Chandra Gilmore [chandragilmore@yahoo.com]

Sent: Tuesday, February 02, 2010 11:52 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

While I'm pleased to see the proposal for the Biltmore Lodge and Casino mentions measure to offset environmental impact on Lake Tahoe, it doesn't go far enough in quantifying the measures.

Please flesh out some areas of the proposal as suggested.

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Lake Tahoe and the surrounding area is a wonderful place I hope my children will be able to enjoy as much as I did in my youth. Let's work together to promote sustainable development throughout the area.

Sincerely,  
Chandra

Chandra Gilmore  
4540 Burke Hill Rd  
Ukiah, CA 95482



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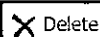
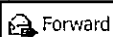
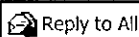


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## Boulder Bay DEIS Comments

Ronald Gregg [ronaldgregg@sbcglobal.net]

200

**Sent:** Tuesday, February 02, 2010 6:54 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Please postpone the renovation of the Biltmore Lodge until adequate traffic analysis can be done and a meaningful analysis of water quality benefits is done.

Ronald Gregg  
7045 Elmsdale Dr  
San Jose, CA 95120

408-997-9336

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## Boulder Bay DEIS Comments

Kathleen Havilan [pooka58@cox.net]

Sent: Tuesday, February 02, 2010 10:06 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Lake Tahoe should be preserved with the same respect given to National Parks and not turned into a developers cash cow...

Ms. Kathleen Havilan

6 Lake Helix Drive

La Mesa, CA 91941

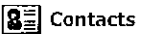
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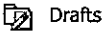
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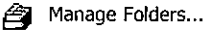


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## Boulder Bay DEIS Comments

Silvija Hoag [rwhoag@sbcglobal.net]

Sent: Tuesday, February 02, 2010 8:12 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Do not allow destruction of a precious resource . ! Traffic is already polluting the Tahoe basin . Unlimited access , incresed pollution of the Lake , please consider the damage to the unique natural resource , preserve it for future generations.

Thank you for the consideration. Silvija Hoag.

Silvija Hoag

732 Fallen Leaf Rd

South Lake Tahoe, CA 94658

202



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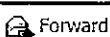
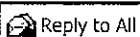


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## Boulder Bay DEIS Comments

Robert Holman [rob@groupholman.com]

Sent: Tuesday, February 02, 2010 9:21 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I believe the project is a welcome and necessary addition to the North Shore.  
I support the development as presented and am encouraged  
TRPA will recognize the quality and benefits this project will provide the residents and visitors.  
Robert Holman

Robert Holman  
1680 Pine Cone Circle  
Incline Village, NV 89451

203



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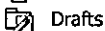
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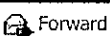
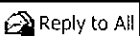
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## Boulder Bay DEIS Comments

garrett Howard [garretthoward@hotmail.com]

Sent: Tuesday, February 02, 2010 9:23 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed development project needs an adequate traffic analysis.

The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.

Please include complete and fully maintained 'best management practices' for water quality.

garrett Howard  
19111 Louis Rd  
Grass Valley, CA 95945

204



205

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 2, 2010 2:30:42 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Suzan  
Last Name: Kennedy  
Address: 387 Second Tee Drive  
City: Incline Village  
State: NV  
Zip: 89451  
Email: suzankennedy@att.net  
Phone: 775-832-6789

Comment: I fully support the Boulder Bay project in Crystal Bay. I have been a full-time resident of Incline Village for 15 years and the three reasons to support this project (environment, community and economy) are obvious to me and my family. We love Lake Tahoe and support the progressive plan Boulder Bay has brought to our community for replacing an out-dated, eye soar that looks like it will crumble with a strong wind. We are fortunate that a developer with a sound conscience for our environment, community and economy chose this property in our community for their vision and dream. Boulder Bay, in my opinion, would be a fabulous addition to our community.



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**Boulder Bay DEIS Comments**

Deborah Landowne [dlandowne@att.net]

**Sent:** Tuesday, February 02, 2010 5:25 PM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I am concerned about the proposed hotel/condo development at the site of the Biltmore. I am concerned the EIR is flawed and inadequate, for the following reasons:

-The proposed development project needs an adequate traffic analysis.

- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

I expect that all future developments keep in mind the sensitive nature of the lake and surrounding ecosystem. In fact, I believe such developments should be carefully selected and kept to a minimum. We cannot risk losing or degrading the gem that is Lake Tahoe.

Thank you for your consideration.

Deborah Landowne  
740 Estancia Way  
San Rafael, CA 94903

206






**圖書分類**



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Roberta Lautrup [lautrup@sbcglobal.net]

Roberta Lautrup [lautrup@sbcglobal.net]

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Stateline, NV 89449-5310

Stateline, NV 89449-5310

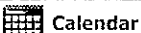
the traffic situation any worse.

Kings Beach, CA 96743

207



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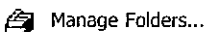


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## Boulder Bay DEIS Comments

Allison Lightcap [allisonlipp@hotmail.com]

**Sent:** Tuesday, February 02, 2010 10:02 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please take the correct measures to protect the water quality of Lake Tahoe as you plan the boulder bay development. It is important to make sure that the proposed development project gets an adequate traffic analysis, that the Environmental Impact Statement includes a meaningful quantification of water quality benefits including fine sediment load reduction and that the importance of a complete and fully maintained 'best management practices' for water quality is observed.

Allison Lightcap

Po box 770

Truckee, CA 96160

208



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## Boulder Bay DEIS Comments

Ann Lyman [annhlyman@gmail.com]

**Sent:** Tuesday, February 02, 2010 5:28 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

The proposed development project needs an adequate traffic analysis.

The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.

The importance of complete and fully maintained 'best management practices' for water quality.

Ann Lyman  
PO Box 1627  
5696 Dodowah  
Carnelian Bay, CA 96140

209

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## Boulder Bay DEIS Comments

Robert Lyman [bablyman@gmail.com]

Sent: Tuesday, February 02, 2010 5:26 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed development project needs an adequate traffic analysis.

- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits including fine sediment load reduction.

- The importance of complete and fully maintained 'best management practices' for water quality

Robert Lyman

PO Box 1627

5696 Dodowah

Carnelian Bay, CA 96140

211

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 2, 2010 7:04:46 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Brian  
Last Name: Mandio  
Address: 536 Jensen cl  
City: Incline Village  
State: nv  
Zip: 89451  
Email: brianmsr@charter.net  
Phone: 7758316573

Comment: Please move this project forward. Boulder Bay has met all your requirements as well as TRPA. This development is good for our area and the entire region. Thank-you.

ALLEN BIAGGI  
*Director*

Department of Conservation  
and Natural Resources

JAMES R. LAWRENCE  
*Administrator*

JIM GIBBONS  
*Governor*



State Land Office  
State Land Use Planning Agency  
Nevada Tahoe Resource Team  
Conservation Bond Program -Q1

*Address Reply to*

Division of State Lands  
901 S. Stewart St. Suite 5003  
Carson City, Nevada 89701-5246  
Phone (775) 684-2720  
Fax (775) 684-2721  
Web [www.lands.nv.gov](http://www.lands.nv.gov)

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

212

February 2, 2010

Tahoe Regional Planning Agency  
Boulder Bay CEP  
PO Box 5310  
Stateline, NV 89449-5310

Thank you for the opportunity to review the Boulder Bay Community Enhancement Program Project DEIS. Generally, we found the document to be well written and the preferred alternative appears to deal with the anticipated treatment needs of the 50-year 1 hour event storm.. The following are specific comments to the DEIS:

- 212a
  - Pg 4.3-8- the comment, "Sample sites that reflect runoff from SR 28 measure the poorest water quality for the project area." is confusing. In looking at Table 4.3-3, primary roads do not show highest loading in the table so it is unclear what this statement actually was intended to imply.
- 212b
  - The preferred alternative has the potential to provide a significant improvement in water quality over the existing condition through the implementation of facilities designed to capture and treat the 50 year-1 hour storm, low impact development measures incorporated into the design and substantial coverage reduction.
- 212c
  - Because of the limited restoration opportunities with the Agate Bay Hydrozone, it may be preferable for the project proponent to restore as much coverage onsite as possible. Will the coverage that is reduced as part of the project be permanently retired?
- 212d
  - The table on page 4.2-21 titled 'Excess Land Coverage Mitigation Comparison by Alternative' is confusing in regards to the calculations determined for the additional land coverage (onsite or offsite) required for permanent retirement to negate the total mitigation fee. The square foot amount of this calculation is 3,389. The addition of this amount and the justification for this coverage to be retired either onsite or offsite should be explained in greater detail.
- 212e
  - While the Nevada Land Bank is structured in a way to provide the service of transferring coverage to the general public and to facilitate coverage transfers for EIP projects, the nature of the Agate Bay Hydrozone is such that it is difficult to find opportunities to participate in coverage restoration projects or to find restored coverage to purchase and permanently retire using excess coverage mitigation funds. The Nevada Land Bank will look for opportunities to use excess coverage mitigation funds that may be collected with this CEP project both within the Agate Bay Hydrozone and other Hydrozones in a way that provides a higher and greater overall benefit to the environment in the Lake Tahoe basin.
- 212f



Again, thank you for the opportunity to provide our input. Please keep us informed of the progress of the project. If you have any questions, feel free to contact me at [dmarrow@lands.nv.gov](mailto:dmarrow@lands.nv.gov) or 775-684-2733.

Sincerely,

A handwritten signature in black ink, appearing to read "David Marlow", with a stylized, flowing script.

DAVID MARLOW  
Coordinator  
Nevada Tahoe Resource Team



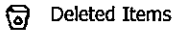
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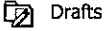
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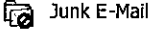
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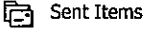
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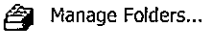


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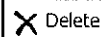
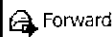
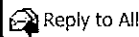


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## Boulder Bay DEIS Comments

Robbie Matusich [RobbieRealtor@gmail.com]

**Sent:** Tuesday, February 02, 2010 8:25 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Let's see some results from traffic impact, traffic polution, Environmental impact, etc. before a decision is made, yeah?

Robbie Matusich  
2940-B Union Ave.  
San Jose, CA 95124

213



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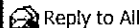
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**Boulder Bay DEIS Comments**

Nora Mealy [gamealy@dcn.davis.ca.us]

Sent: Tuesday, February 02, 2010 8:22 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am totally against a large new hotel development project on the north shore of Lake Tahoe. Water and air quality will continue to deteriorate. We must preserve and improve the lake basin, and building more will not bring that about!

Nora Mealy  
2513 Seville Court  
Davis, CA 95616

530-753-6405

214



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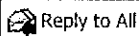
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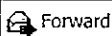
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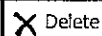
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## Boulder Bay DEIS Comments

Laurent Meillier [zapotal@mac.com]

Sent: Tuesday, February 02, 2010 5:20 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Preparation (1) an adequate traffic analysis and (2) a meaningful quantification of water quality benefits.  
Laurent Meillier

Mr. Laurent Meillier

50 N Sierra Street

#906

Reno, NV 89501

215



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**Boulder Bay DEIS Comments**

Thomas T Mein [tommein@yahoo.com]

Sent: Tuesday, February 02, 2010 8:24 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

i PERSONNALLY SUPPORT this project, with small adjustments including proper traffic improvements. Our family has owned property at the lake since 1916. Development is not inherently evil. Runoff from job sites must be rigorously controlled, but let a beautiful development at an unequaled site go forward.

Mr. Thomas T Mein

POBox 7067

2180 avy ave

menlo park, CA 94026



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## Boulder Bay DEIS Comments

Brian Mellea [bmellea@covad.net]

Sent: Tuesday, February 02, 2010 10:30 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

217

Dear TRPA,,

With a residence in the North Shore area as well as a regular cyclist on the North Shore bike path, I'd like to encourage you that the developer's EIS is a complete analysis. It appears that there is opportunity to be more clear, without going overboard, in the areas of: traffic, surface water runoff, and improvements to water quality. While the later need not be quantified, at the least, they could make a logical argument hat a reasonable person could believe will result in improved water quality.

Thanks for looking out for the Lake while not be unreasonable in requests for analysis.

Brian Mellea

Brian Mellea

661 Olympic Drive

Tahoe City, CA 96145



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**Boulder Bay DEIS Comments**

Thomas Morioka [tmorioka@aol.com]

(218)

Sent: Tuesday, February 02, 2010 9:02 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I oppose the tripling of rental rooms and cars that will be added in this project over the existing number. The North Shore is already too crowded, and the proposal will increase the harm to the water and air quality. There will probably be an increase in the number of boats, docks, and bouys, and there are already too many.

I believe that Reno, Carson City and Gardnerville are the best places to add more housing and can be planned with efficient transportation to get people to recreation in the Lake Tahoe basin.

Mr. Thomas Morioka

422 Village Dr.

El Cerrito, CA 94530

510-524-8951



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Inbox (224)



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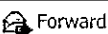
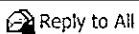


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## Boulder Bay DEIS Comments

John Ouilhon [jfroggo@suttercreek.com]

**Sent:** Tuesday, February 02, 2010 5:29 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

219

Dear TRPA,,

I am very concerned about the Biltmore Project, specifically possible erosion problems as well as major traffic congestion. As a property owner in Tahoe Vista, I am opposed to such a project at this time.

John Ouilhon  
12970 Ridge Road  
PO Box 1237  
Sutter Creek, CA 95685



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## Boulder Bay DEIS Comments

Gerry Parker [ghp2001us@yahoo.com]

Sent: Tuesday, February 02, 2010 5:22 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I received this from the LTSLT, and am generally supportive of their efforts. I'm also supportive of cleaning up the old motels and dumpy looking places. As long as you guys can show that the overall quality of things will continue to improve I'm ok with approving new developments.

Gerry Parker

Gerry Parker

2215 Cascade Rd

SOUTH LAKE TAHOE, CA 96150

220

221

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 2, 2010 6:45:35 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Robbie  
Last Name: Polomsky  
Address: Po Box 6585  
City: Tahoe City  
State: CA  
Zip: 96145  
Email: robbiegade@gmail.com  
Phone: 530-581-1072

Comment: I have lived on the North Shore for 27 years. I think that Boulder Bay would be a great improvement to the community. I have watched the area decline and would love to see Boulder Bay Alt C approved.

best,  
Robbie Polomsky



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## Boulder Bay DEIS Comments

William Posanka [williamposanka@yahoo.com]

222

**Sent:** Tuesday, February 02, 2010 8:00 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Are you really using Best Management Practices for the Lake? If so, please have the developer prepare an adequate traffic analysis. And, include a meaningful quantification of water quality benefits for this large project. Thank you,

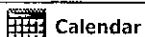
Mr. William Posanka

915 Lucena Ct.

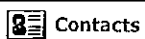
Davis, CA 95618



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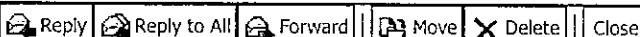


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## Boulder Bay DEIS Comments

Donna Reid [yourdayis@gmail.com]

Sent: Tuesday, February 02, 2010 6:12 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

null

Donna Reid

8238 cutthroat ave.

Kings beach, CA 96143

223



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**Boulder Bay DEIS Comments**

Tracy Rogers [tmrogers@sbcglobal.net]

**Sent:** Tuesday, February 02, 2010 5:39 PM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I'm concerned about the impact on traffic and Lake Tahoe water quality from the proposed Crystal Bay development. Traffic around the lake is already extremely congested and the clarity of Lake Tahoe continues to be threatened. Please make sure any development plans adequately address these two very important issues. As a property owner in the Lake Tahoe region I want to make sure we maintain and improve the quality of life in the region. Thank you.

Tracy Rogers  
991 Stony Hill Road  
Redwood City, CA 94061

224



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**Boulder Bay DEIS Comments**

Gwen Rosser [grosser@aaahawk.com]

Sent: Tuesday, February 02, 2010 6:05 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please do your homework on the Boulder Bay project. We need a thorough traffic analysis, and the environmental impact statement needs to be more specific, that is, water quality needs to be addressed in the areas of water quality benefits, particularly in fine particle load reduction and in BMP's.

Gwen Rosser

P.O. Box 523

Tahoe Vista, CA 96148

225



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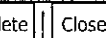


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**Boulder Bay DEIS Comments**

Elaine Roth [sloppymama@socal.rr.com]

Sent: Tuesday, February 02, 2010 7:05 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

It is very important that the health of the air and the quality of the water of the Lake are not compromised by the overbuilding of the area. All testing is necessary so that are area remains beautiful and healthy.

Elaine Roth

7600 North Lake Blvd #30

Kings Beach, CA 96143

226

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## Boulder Bay DEIS Comments

Mike Saint [mikeelizsaint@cruzio.com]

Sent: Tuesday, February 02, 2010 7:14 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please send me info. regarding the impact this project has on the traffic,water quality, air quality and general visual appeal.

At this time I oppose any more developed area in Lake Tahoe.There are many vacation rentals that go un used all year long why increase rooms when there are plenty to go around.

Sincerely,Mike Saint

Mike Saint

516 Santa Marguarita Dr.

Aptos, CA 95003

227





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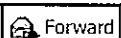
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**Boulder Bay DEIS Comments**

Jason Scharpf [jscharpf@sbcglobal.net]

Sent: Tuesday, February 02, 2010 9:43 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please take my concerns listed below into consideration when reviewing the proposed large scale development in the North Stateline area.

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Thank you,

Jason Scharpf

PO Box 9113

San Jose, CA 95157

228

229

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 2, 2010 5:22:42 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: David  
Last Name: Scordy  
Address: 39480 Meadowlark Drive  
City: Hamilton  
State: VA  
Zip: 20158  
Email: dscordy@intlsupplyco.com  
Phone: 5403385757

Comment: Full disclosure - i am a principal, albeit a very small one, in the Boulder Bay project. I invested in Boulder Bay as i think the North Shore will definitely benefit from some fresh redevelopment, especially ours with a decidedly green & environmental focus. I have worked with Roger Wittenberg for some 14 years and he has a long and strong history of developing environmentally favorable products and services and i am confident this project will be a similar positive to the environment and ecology at Lake Tahoe.

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## Boulder Bay DEIS Comments

Rob Seltzer [rsscpc@earthlink.net]

Sent: Tuesday, February 02, 2010 8:51 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please make sure that the environmental impact report is accurate. The traffic analysis and the water quality impact analysis do not appear to be adequate.

Rob Seltzer

6465 Kanan Dume Rd.

Suite 1020

Malibu, CA 90265-4040

310-278-9944

230

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## Boulder Bay DEIS Comments

Jack and Mary Stirton [stirton1@sbcglobal.net]

Sent: Tuesday, February 02, 2010 8:48 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

We believe that the proposed project needs to assess the impact of traffic that will occur and address the water quality issue specifically the sediment reduction. As we have to on our properties, meet the Best management practices so should this project be held accountable. Without proper safeguards the project should be rejected.

Jack and Mary Stirton

7040 6 Th. Ave.,

Tahoma, CA 96142

209-463-2719



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**Boulder Bay DEIS Comments**

Clark Taylor [ctaylor@optivus.com]

Sent: Tuesday, February 02, 2010 6:19 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Three generations of our family have enjoyed the Lake Tahoe area since the early days of the 20th century. During that time we've seen tremendous growth in the basin, and can not help but notice the effects of this growth. The haze from traffic and other pollution that often hangs over South Shore and the diminishing clarity of the lake's water.

Please before allowing the Biltmore Lodge and Casino in Crystal Bay construction project to begin, make sure we have 1) an adequate traffic analysis and 2) a meaningful quantification of the effects from this project on the lake's water quality.

Thank-you for your consideration.

Mr. Clark Taylor  
2417 Mary St.  
Riverside, CA 92506

9517803849

232

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## Boulder Bay DEIS Comments

Patti Tilton [ptilt@aol.com]

Sent: Tuesday, February 02, 2010 9:08 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please study the impact of this development carefully before proceeding, including traffic analysis and impact of water quality to the lake. thank you, Patti Tilton

Patti Tilton

6521 Chiquita Way

Carmichael, CA 95608

916-972-9164

233



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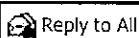
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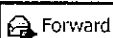
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**Boulder Bay DEIS Comments**

Thomas Trimble [ttrimble@exwire.com]

Sent: Tuesday, February 02, 2010 5:51 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

1. The proposed development project needs an adequate traffic analysis, especially at the traffic light at the Biltmore Casino especially during the summer tourist season.
2. The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
3. The importance of a complete and fully maintained 'best management practices' for water quality must be done to include a Fine Sediment analysis.
4. To prevent massive traffic jams, we would like to see the pedestrian traffic light be replaced by either a tunnel or a bridge. The current light is rightfully set to permit the handicapped to successfully cross, but they are pretty rare and traffic suffers for all other people (including polluting the air!). If the tunnel or bridge are not accepted, then the light should be modified to provide a minimum of 2 minutes after traffic has been given a green light before the light can turn red again.

Thomas Trimble

PO Box 820

6123 North Lake Blvd.

Carnelian Bay, CA 96140-0820



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Inbox (203)



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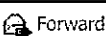
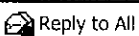


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## Boulder Bay CEP Project Comment From John O. Tulloch

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Tuesday, February 02, 2010 7:43 PM

**To:** Boulder Bay DEIS Comments

**Name:** John O. Tulloch

**Address:** 2980 Holyrood Drive

**City:** Oakland

**State:** CA

**Zip Code:** 94611

**e-mail Address:** jotulloch@gmail.com

**Phone Number:**

**Date:** 02/02/2010

**Description:** In looking over the documents for the proposed Boulder Bay development in Crystal Bay, I am struck at the immensity of the development compared to the existing residential and commercial area that exists in Crystal Bay.

My family owned property on Somers Loop in Crystal Bay for over 50 years, and I had the privilege of spending much time there during my formative years. One of the things that makes Crystal Bay great is its small feel. There is a commercial district and several casinos on the Nevada side of the state line, but none are huge, and most are smaller operations compared to those at South Lake.

The plans under consideration loom over the existing businesses and seem to attempt to put an overly large number of hotel rooms, time shares, and other housing in a space that is not suitable for it. The traffic analysis does not, in my opinion, adequately take into account the true effects of adding so many people to such a small space.

Because this property has, to my knowledge, no lake access, guests at this resort would be forced to get in their cars to travel to the shore. Adding these trips to those of arrivals and departures would further congest an already congested highway. Also, guests might use already over used and misunderstood public access to the lake, and end up trespassing on private land to get to the lake.

I would urge TRPA to carefully consider the true impacts this project will have on the environment, residents, and visitors to Crystal Bay and not approve it.

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## Boulder Bay DEIS Comments

Kathleen Uskert [kathleenuskert@sbcglobal.net]

**Sent:** Tuesday, February 02, 2010 7:28 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

As a full time resident of the North Shore of Lake Tahoe I am very concerned about the impact on traffic that such a LARGE development will have. I travel past the proposed site often, and would like to know that my travel time will not be significantly increased when too many people congregate in that finite space. It seems the object of so much of the development here on the North Shore is to significantly increase the number of people traveling to and from the lake which, in my opinion, can only have a detrimental effect on the environment. Improving/redeveloping what we have here is a great idea, but always increasing the size and scope seems wrong. Bigger ISN'T better! Developers want to SUPERSIZE and it is your responsibility to prevent that. Thank you.

Kathleen Uskert  
P.O. Box 403  
Tahoe Vista, CA 96148

(530) 546-5481

236



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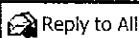
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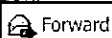
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**Boulder Bay DEIS Comments**

Justin Vanderlaan [good\_old\_van@Verizon.Net]

Sent: Tuesday, February 02, 2010 6:16 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Gentlemen:

Please take into consideration the increase in traffic that such a development will incur. Also the air pollution will increase.

Move slowly. Thanks

Justin Vanderlaan

Laurel Drive, Tahoe Vista

17830 Bruce Ave,

Los Gatos, CA 95030

237



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## Boulder Bay DEIS Comments

Jonathan Visbal [j.visbal@comcast.net]

Sent: Tuesday, February 02, 2010 8:01 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I have owned a home in the North Shore of Lake Tahoe for the past 13 years. The proposed renovation of the Biltmore concerns me because I want to ensure the TRPA has prepared and (1) an adequate traffic analysis and (2) a meaningful quantification of water quality benefits. The North Shore already has an excessive amount of traffic in the summer and I am also concerned about lake water clarity.

Best regards,

Jonathan Visbal

3008 Hillside Drive

Burlingame, CA 94010

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**FW: Biltmore**

Info [info@keptahoeblue.org]

Sent: Thursday, February 04, 2010 9:37 AM

To: Boulder Bay DEIS Comments

Flavia Sordelet  
Communications Specialist  
League to Save Lake Tahoe - Keep Tahoe Blue  
530-541-5388

Follow us on the [Keep Tahoe Blue](#) Facebook page!**From:** Billy Volkmann [mailto:wvolkmann@gmail.com]**Sent:** Tuesday, February 02, 2010 5:45 PM**To:** info@keptahoeblue.org**Subject:** Biltmore

To TRPA,

Biltmore: The proposed development project needs an adequate traffic analysis. The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. I believe in the importance of complete and fully maintained 'best management practices' for water quality. Billy Volkmann 415-608-0056



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**Boulder Bay DEIS Comments**

SUZANNE WERNER [TUTIMILLS@AOL.COM]

Sent: Tuesday, February 02, 2010 5:53 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

There needs to be (1) an adequate traffic analysis and (2) a meaningful quantification of water quality benefits, done before moving further in the direction of adding any new large development on the north shore of Lake Tahoe.

SUZANNE WERNER  
906 LEONELLO AVE  
LOS ALTOS, CA 94024

240



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**Boulder Bay DEIS Comments**

Liz Williams [Lizgarland1@hotmail.com]

Sent: Tuesday, February 02, 2010 9:09 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Before any decisions are made regarding further development along the North Shore of Lake Tahoe, I am asking for an analysis of traffic and a meaningful quantification of water quality benefits. Lake Tahoe is a precious area that we must preserve and take the time to look past money and focus on the future of the lake region

Mrs. Liz Williams  
6688 Potter Lane  
Foresthill, CA 95631

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## Boulder Bay DEIS Comments

RICHARD ALCINI [richardjalcini@aol.com]

Sent: Wednesday, February 03, 2010 11:52 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Wonderful project,it's about time they cleaned up that blighted area.

RICHARD ALCINI

820 rosewood circle

incline village, NV 89451

242



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**Boulder Bay DEIS Comments**

Lars Anderson [lwanderson@ucdavis.edu]

Sent: Wednesday, February 03, 2010 8:10 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

null

Lars Anderson  
2803 DANUBE AVE  
DAVIS, CA 95616

530-757-2428

243





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Inbox (157)



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**Boulder Bay DEIS Comments**

terri anderson [t\_herko@hotmail.com]

Sent: Wednesday, February 03, 2010 9:57 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am horrified to hear that the Biltmore is even a consideration. The property should be improved but I am not in favor of adding so many additional units. The proposed development project needs an adequate traffic analysis. Getting even close to Tahoe city is near impossible during peak season just for a simple trip to the grocery store : so we want a trip to Raley's to be the same? What about the impact this traffic will have on the environment? As is it is the roads near beaches and trails can not accommodate the traffic and parking needed at peak season. The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. The importance of complete and fully maintained 'best management practices' for water quality. The North Shore is a special place. Let's not turn it into another South Shore. We rent our condo out in Kings Beach and have seen little or no rentals due to the increased development on the North Shore. The end result is that Tahoe is going to become a place where only the wealthy who do not depend on rental income will be able to hold homes. In addition, I am very concerned about the water quality. Tell me about the lawn and garden areas at the new Biltmore and the relationship to water/sediment/pesticide run off? When I tour through Incline I am appalled to see the lush lawn areas. All of this needs to be regulated. Does the Biltmore fall under Nevada or California and are the regulations the same in each state? It is one lake and it is time for both states to be on the same page.

terri anderson

1016 san antonio avenue

alameda, CA 94501

245

From: info@boulderbayresort.com

~~Subject: BoulderBay: New EIS public comment submitted~~

Date: February 3, 2010 4:06:25 PM PST

To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: Steven

Last Name: Arndt

Address: 3726 Vancouver Dr.

City: Reno

State: NV

Zip: 89511

Email: soarndt@aol.com

Phone: 775-853-0580

Comment: I would like to voice my support for Alternate C. As a Washoe County resident, I only see positive results for the County and Lake Tahoe. This project would replace the blight of the current property with a state of the art facility that will minimize pollution, preserve the environment, provide badly needed jobs and provide much needed tax revenues in a down economy. The Owners have made a tremendous effort in consulting the community and trying to accomodate a wide variety of wishes while maintaining a viable project.

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## Boulder Bay DEIS Comments

Julie Arntz [arntz1@earthlink.net]

Sent: Wednesday, February 03, 2010 10:48 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Julie Arntz

2412 Webster St #3

San Francisco, CA 94115

247

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 7:43:24 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

**BoulderBay: New EIS public comment submitted**

**First Name:** Barbara  
**Last Name:** Bandyke  
**Address:** 800 S. Stewart Street  
**City:** Winchester  
**State:** VA  
**Zip:** 22601  
**Email:** bbandyke@hotmail.com  
**Phone:** 540-662-6132

**Comment:** Please approve the Boulder Bay project as it will contribute to the community by creating more beneficial green space with increased areas for biking and walking. It provides a central community gathering space and impacts the area in a positive way economically, environmentally, and aesthetically. Thank you for your thoughtful consideration and approval of the Boulder Bay project.

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## Boulder Bay DEIS Comments

Charles Banfield [CharlieBanfield@Yahoo.com]

Sent: Wednesday, February 03, 2010 8:41 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please revisit enviornmental reports re water/silt flows to lake and vehicle traffic changes.

Thanks

Charles Banfield

P O Box 8375

Tahoe City, CA 96145

248



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Calendar



Contacts



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Drafts



Inbox (192)



Junk E-Mail



Sent Items

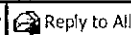
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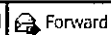
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**Boulder Bay DEIS Comments**

shirley barnum [sbarnum@sbcglobal.net]

Sent: Wednesday, February 03, 2010 7:09 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

No project of the proposed size for the North Shore should be allowed. To desctructive to the lake.  
Shirley Barnum Owner of a Tahoe City house.

Ms. shirley barnum

1644 livorna rd -w

alamo, CA 94507

249

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 8:08:48 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Lynn  
Last Name: Berardo  
Address: 413 Fairview Blvd  
City: Incline Village  
State: NV  
Zip: 89451  
Email: britishberardo@yahoo.com  
Phone: 775-833-3835

250

Comment: I whole-hearted support the Boulder Bay Project and urge TRPA to approve the project including the current heights proposed to ensure the project gets off the ground and improves our lake community as soon as possible.  
Respectfully, Lynn Berardo.

251

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 12:36:40 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Stevan  
Last Name: Berardo  
Address: 413 Fairview Blvd.  
City: Incline Village  
State: NV  
Zip: 89451  
Email: scberardo@yahoo.com  
Phone: 775-833-3835

Comment: I fully support the Boulder Bay Project and look forward to TRPA's timely approval of same. This is the most significant, environmentally sound, and most important project that will positively impact the north shore of Lake Tahoe in last several decades. Thank You for the opportunity to comment!





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**Boulder Bay DEIS Comments**

Mark Blume [mark\_blume@patagonia.com]

Sent: Wednesday, February 03, 2010 7:58 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I sincerely hope that you will insist on a complete and independent EIS before allowing any further development to take place on the Boulder Bay development. You are obligated to demand studies of traffic impacts, water quality impacts with mitigation from BMPs, and sedimentation of Lake Tahoe. I'll be following your actions closely!

Mark Blume  
8550 White Fir St  
Reno, NV 89523

530 386 1660

252



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Inbox (176)



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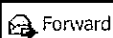


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## Boulder Bay DEIS Comments

kathleen boos [ksboos@aol.com]

Sent: Wednesday, February 03, 2010 7:04 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please consider traffic impace and water quality impact before approving this project.

kathleen boos

405 Old County Road

Carnelian Bay, CA 96140

253

254

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 9:26:53 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Joe

Last Name: Bourdeau

Address: 910 Tahoe Blvd #101

City: Incline Village

State: NV

Zip: 89451

Email: joe@joesbank.com

Phone: 775-832-8100

Comment: Very much needed to help our community.



Mail



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Contacts

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Drafts



Inbox (139)



Junk E-Mail

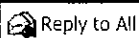


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## Boulder Bay DEIS Comments

Susan Boyette [boyettesc@live.com]

Sent: Wednesday, February 03, 2010 3:24 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The traffic in Tahoe City is always a drag to get through and adding more hotel rooms and condominiums will not help unless traffic is somehow addressed before this project is approved. I agree that the motel needs improvement, but you need to figure out how that can be accomplished without making the traffic problem impossible!

Susan Boyette  
Scenic Drive  
Tahoma, CA 96142

255

256

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 12:16:45 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Linda  
Last Name: Brinkley  
Address: P.O. Box 4147  
City: Incline Village  
State: NV  
Zip: 89450  
Email: gravitasnv@aol.com  
Phone:

Comment: The Boulder Bay project is a win for everyone and the environment. It is also key to improving the local economy. I strongly urge TRPA to support the recommendations of the EIS.

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## Boulder Bay DEIS Comments

Pamela Broadfoot [broadft@sbcglobal.net]

Sent: Wednesday, February 03, 2010 5:06 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

We are in agreement with the League to Save Lake Tahoe in requesting the preparation of (1) an adequate traffic analysis and (2) a meaningful quantification of water quality benefits..

Pamela Broadfoot

5820 Coyote Pass Road

Shingle Springs, CA 95682

257

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## Boulder Bay DEIS Comments

Ron Carrera [roncarrera@prodigy.net]

Sent: Wednesday, February 03, 2010 9:16 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Dear TRPA: I am concerned about the proposed hotel development project at North Shore Tahoe. How much pollution will be caused by the added traffic in the area? Will there be an ongoing monitoring of water runoff to the lake? Will management be held accountable for any pollution for as long as the hotel is in operation? Thanks for all your work,

Mr. Ron Carrera  
1073 Breckenridge St.  
San Leandro, CA 94579

258

258  
258

259

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 6:12:32 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Liza  
Last Name: Casey  
Address: PO Box 1683  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: lizacasey@sbcglobal.net  
Phone: 775 832 2628

Comment: There is a bottle neck during vacation times at the Biltmore.  
Having looked through the BB plans at the Post Office I find your project naively conceived. If it was scaled down i could see it as a benefit but as it is I do not look forward to the consequences it'll bring.  
It is problematic due to the narrow access on 28 North. It's the steepness of the land. This is being ignored while imaginary benefits are being described. my neighbors share this concern.  
Thank you, Liza



260

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 2:19:36 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Michael

Last Name: Chamberlain

Address: 445 First Green Drive

City: Incline Village

State: NV

Zip: 89451

Email: chambrln@sierra.net

Phone: 775/691/9990

Comment: The Boulder Bay project is long overdue to help revitalize the Ca/NV border area. I support it!

261

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 9:33:10 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Erika  
Last Name: Cole  
Address: 530 Country Club  
City: Incline Village  
State: NV  
Zip: 89451  
Email: ecole@sierranevada.edu  
Phone:

Comment: I am frankly excited about the Boulder Bay Project and the new vitality it will bring to the North Shore. I have been an active campaigner for community-wide environmental responsibility since 1987, when I founded the first city-wide recycling program in my own hometown, and I know the impact a successful sustainable enterprise can have on a community's sense of identity. As a major „green% establishment on the North Shore, this resort will be a beacon for other businesses to incorporate sustainable practices into their own models.

Furthermore, it is clear to me that the project designers intend to be more than just „greenwashers;% they have done their homework and plan to invest seriously in the resort,s sustainability and in keeping their environmental impact as low as possible. I think we owe it to ourselves to support entrepreneurs who are willing to build their businesses around a 21st century model of environmental awareness within a profitable margin.

Erika Michelle Cole

262

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 9:19:16 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: octavio  
Last Name: cresta  
Address: p.o. box 5110  
City: incline village  
State: NV  
Zip: 89450  
Email: ocresta66@yahoo.com  
Phone: 775-832-5511

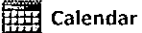
Comment: It is time for growth. This area has been stagnant for quite some time and we need change. Having a business in Incline Village I welcome this project for the future of this area.

Truly,

Octavio A. Cresta



Mail



Calendar

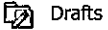


Contacts

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Inbox (154)

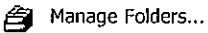


Junk E-Mail



Sent Items

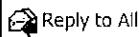
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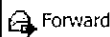
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**Boulder Bay DEIS Comments**

Bob Dixon [rwdixon@pacbell.net]

Sent: Wednesday, February 03, 2010 10:57 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I am requesting the preparation of (1) an adequate traffic analysis and (2) a meaningful quantification of water quality for the Tahoe Biltmore Project.

While I am not opposed to the project in general, I am opposed to any project that will adversely affect the water quality in and around Lake Tahoe or any project that will contribute to increased traffic congestion. That area of the north shore has narrow roads and steep cliffs down to the lake. Anything less than strict adherence to careful environmental impact guidelines and policies could have a very negative effect.

Mr. Bob Dixon  
2229 Carmelita Drive  
San Carlos, CA 94070-2924

263



Mail



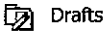
Calendar



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Inbox (174)

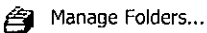


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## Boulder Bay DEIS Comments

Bonnie Elias [Bonnie@emailit.cc]

Sent: Wednesday, February 03, 2010 7:54 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I thinkan impact study needs to be done as well as how it will effect the natural setting of the area and the traffic in Kings Beach as well as Incline.

Bonnie Elias

7600 N.Lake Blvd.

#30

Kings Beach, CA 96143

26A

265

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 9:56:55 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Rachel

Last Name: Flower

Address: 1072 War Bonnet Way

City: Incline village

State: Nevada

Zip: 89451

Email: rachel@senssoma.com

Phone: 4158272623

Comment: I support this project. I feel it will positively impact the area in many ways.

266

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 9:51:08 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Donna  
Last Name: Fung  
Address: 594 Lucille Drive  
City: Incline Village  
State: NV  
Zip: 89451  
Email: donna.bka@gmail.com  
Phone: 775-831-1132

Comment: I live in North Lake Tahoe with my husband and 2 children. I am writing to ask you to approve Boulder Bay's project. We live in such a nice community, but the Biltmore is a disappointing eye sore for our North Shore. Boulder Bay is proposing a project that will bring Crystal Bay to the nice, quaint community we deserve and can be proud of. Approve Alternative C.



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## Boulder Bay DEIS Comments

Robert Giffin [rgiffin@gmail.com]

Sent: Wednesday, February 03, 2010 10:05 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Although I am not opposed to growth, per se, the size of this project in a very sensitive area demands proof that it will not contribute to the degradation of the area.

Robert Giffin

4455 Concord Avenue

Santa Rosa, CA 95407-6549

(707) 578-4239

267



268

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 9:32:11 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Lynn  
Last Name: Gillette  
Address: P.O. Box 3196  
City: Incline Village  
State: NV  
Zip: 89450  
Email: lgillette@sierranevada.edu  
Phone:

Comment: I am totally supportive of the Boulder Bay Project and Alternative C. I believe that it will be a wonderful resort that adds value to the Lake Tahoe community. Furthermore, as we all become more conscious of our individual and collective impact on our environment, this project will stand out to promote sustainability and the use of green technology in the Lake Tahoe area. Much like the mission statement of Sierra Nevada College, which emphasizes all forms of sustainability, this resort will serve as a reference point for our entire community's commitment to environmental responsibility and the use of the best technology to reduce our impact while increasing our economic sustainability.

Dr. Lynn G. Gillette



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**Boulder Bay DEIS Comments**

John gIORGIANNI [JOHNGIORGIANNI@COMCAST.NET]

Sent: Wednesday, February 03, 2010 6:24 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am greatly concerned with the new development being considered at the Biltmore site. Specifically my major concern is traffic. I cannot imagine how such a large development would not have a huge negative impact on traffic flow. The north shore does not have the roadways to handle a large inflow of traffic. Over the last thirty years I have watched as the traffic seems to get worse. I do not want us to become like South shore. I think this project is too large and in my opinion will be a large detriment to the north shore.

John gIORGIANNI

141 Cedar Ct

Carnelian Bay, CA 95240

269

269a

269b



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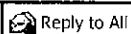
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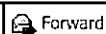
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**Boulder Bay DEIS Comments**

Mihai Giurgiulescu [mihai.giurgiulescu@gmail.com]

Sent: Wednesday, February 03, 2010 7:34 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed development project needs an adequate traffic analysis. Please address this before continuing with the project.

The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. Please address this before continuing with the project.

Complete and fully maintained 'best management practices' for water quality are of utmost importance when considering the project. Please address this.

Mihai Giurgiulescu  
12800 Waddell St.  
Valley Village, CA 91607

270

271

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 10:16:53 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: David  
Last Name: Hancock  
Address: 539 Knotty Pine Drive  
City: Incline Village  
State: Nevada  
Zip: 89451  
Email: Hancockd1@gmail.com  
Phone: 775 8328016

Comment: My Name is David Hancock,

I am writing in support of the Boulder Bay project.

I have been a full-time resident of North Lake Tahoe for over 10 years.

The Boulder Bay project is critical for our future and will be an icon for future commercial developments:

- it starts to address the challenge of balancing the needs of our community while safeguarding our environment.
- it will improve the appearance of the Crystal Bay stateline area which currently is an eyesore.
- it will re-position Crystal Bay away from just being a stateline gambling center.
- it will start the process of undoing many of the environmental mistakes introduced by past commercial developments.
- it will help revitalize our economic environment during challenging times including helping to address the affordable housing needs.
- it will create a much needed environment for locals of all ages to meet and mix.
- it is being led by somebody who, while being seeming commercially savvy, is a local full-time resident, not an out-of-town landlord, and somebody who is sensitive to his neighbors and our local concerns.

Regards, David Hancock



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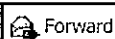
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**Boulder Bay DEIS Comments**

Elliott Handwerker [ehandwerker1@aol.com]

272

**Sent:** Wednesday, February 03, 2010 9:27 AM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Come on now. TRAFFIC around the Lake is a major concern. An adequate traffic analysis is needed to see what to expect if this project, which sounds good in some ways is to proceed.

Also, a definite plan for sediment reduction.

Thank you

Elliott Handwerker

1001 Commonwealth dR.

KINGS Beach, CA 96143

273

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 7:21:56 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: David  
Last Name: Hardie  
Address: 555 Dale Dr.  
City: Incline Village  
State: NV  
Zip: 89451  
Email: david@hallador.com  
Phone: 775-831-2272

Comment: This a great positive project for the North Shore. We need something new to compete with Northstar and other choices that visitors have.

I remember the late 60s when Cal Neva was rocking and rolling and traffic was not an issue.

David Hardie  
resident of Incline for 6 years  
Tahoe visitor for 40 years.



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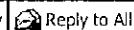
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## Boulder Bay DEIS Comments

Wayne Hathaway [p42zt2u02@sneakemail.com]

Sent: Wednesday, February 03, 2010 8:25 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

PLEASE do everything humanly possible to make sure that a development like the one proposed for the Biltmore Lodge is subject to EVERY possible check and balance! It is WAY too easy for developers to promise the moon and then do whatever they want, with little after-the-fact recourse to the thousand (millions?) of affected lake-goers. We depend on you.

Wayne Hathaway  
535 Cashmere Court  
Sunnyvale, CA 94087

274



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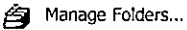


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## Boulder Bay DEIS Comments

Janet Gray Hayes [janetgrayhayes@sbcglobal.net]

Sent: Wednesday, February 03, 2010 7:50 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

In the continuing efforts to assure the Blue In Lake Tahoe, I urge you to carefull consider the enormous traffic concerns, the threat to good air quality and water quality!!

Tahoe is an international treasure and we must do all we can to assure its blue integrity.

Janet Gray Hayes, 1155 Emory St., San Jose CA 95126

Ms. Janet Gray Hayes

1155 Emory St.

San Jose, CA 95126-1705

408-295-3609

275





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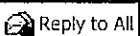


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## Boulder Bay DEIS Comments

Kirk Keil [kirkk@Yahoo.com]

**Sent:** Wednesday, February 03, 2010 3:14 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

276

Dear TRPA,,

I am writing in regards to the proposed redevelopment of the Tahoe Biltmore. I am concerned that the proposed project's impact on the Lake has not be adequately determined. In particular, I believe that a better traffic analysis needs to be performed and that the EIS needs to quantify the water quality benefits, including the reduction of the fine sediment load.

The Lake is a unique asset and a defining feature of the Sierra. We must maintain best management practices for any project that affects its water quality.

Kirk Keil  
14006 Davos Drive  
Truckee, CA 96161



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## Boulder Bay DEIS Comments

Judith keyani [jkeyani@earthlink.net]

Sent: Wednesday, February 03, 2010 9:39 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Please take a more careful look at the traffic analysis and at the water quality issues when considering this development. The development is, I think, not consistent with the natural environment of the Lake Tahoe region and would negatively impact air and water quality. The fine sediment component is particularly troubling in that there is no actual quantification of what the impact would be.

Preserving the health of Lake Tahoe and its environment as a priority in all of your deliberations is a moral imperative as well as your major responsibility.

Judith keyani  
330 covington road  
Los Altos, CA 94024

277

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## Boulder Bay DEIS Comments

Thomas Lane [thomaslane@earthlink.net]

Sent: Wednesday, February 03, 2010 9:18 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I strongly urge TRPA to prepare an adequate traffic analysis and a meaningful quantification of water quality benefits regarding the proposed expansion of the Biltmore Lodge and Casino.

Mr. Thomas Lane

725 7th St. #12

Santa Monica, CA 90402

278

279

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 8:28:11 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Pam  
Last Name: Lefrancois  
Address: PO Box 1266  
City: Kings Beach  
State: CA  
Zip: 96143  
Email: goskiing@sbcglobal.net  
Phone: 530-546-7393

Comment: I support the Boulder Bay project. The current Tahoe Biltmore site is beyond it's useful life. The proposed project includes many positive environmental improvements. This is the type of redevelopment that we need to see on the North Shore, especially in the Kings Beach/Stateline area.



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## Boulder Bay DEIS Comments

Daphne Lin [daphned@yahoo.com]

280

Sent: Wednesday, February 03, 2010 12:10 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed development project is such a massive undertaking that would undoubtedly create tremendous environmental and traffic impacts. Please make sure that an adequate and unbiased traffic analysis is conducted, as well as a meaningful quantification of water quality benefits, including fine sediment load reduction. And please disclose the results of these assessments/findings. Lake Tahoe is California and Nevada's gift from the nature. It is too important not to take good care of it. Thank you very much.

Daphne Lin  
247 Felicio Common  
Fremont, CA 94536



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**Boulder Bay DEIS Comments**

Ray Lorenson [Bluefin28@aol.com]

Sent: Wednesday, February 03, 2010 11:37 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am distressed to see another large commercial project being proposed for Lake Tahoe. It is especially distressing that it is being considered in spite of a flawed environmental impact statement. It makes no sense that traffic and air quality impacts will be reduced due to this project. I also understand that the environmental impact statement promises benefits from best water quality management practices, but does not quantify how this will occur, in particular, as it relates to keeping more sedimentation out of the lake.

At a very minimum, an environmental impact statement that adequately shows how these and other negative impacts will be mitigated should be required before any project can be approved.

Even if these impacts can be adequately addressed, I would oppose the development. Already, too much of the Tahoe Basin is given over to development. This development just continues to detract from the natural beauty and recreational value that people go there to experience.

Please, don't allow the further degradation of the Tahoe Basin just so some developer can make a lot of money at everyone else's expense.

Thank you.

Ray Lorenson

4100 Oroville Ct.

Fremont, CA 94555-3311

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## Boulder Bay DEIS Comments

Gary MacFadyen [gary@differentials.com]

Sent: Wednesday, February 03, 2010 11:55 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please note the following concerns:

-The proposed development project needs an adequate traffic analysis.

-The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.

-The importance of complete and fully maintained 'best management practices' for water quality.

Thank you,

Gary MacFadyen

Gary MacFadyen

1215 38th Street

Sacramento, CA 95816

282



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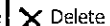
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## Boulder Bay DEIS Comments

Alan Matthews [alanlisamatt@sbcglobal.net]

Sent: Wednesday, February 03, 2010 3:29 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I am concerned with the three key points listed above and I suspect others. Today is February 3 and the first time I have heard of the proposed development. There is insufficient time to do anything further than the above comments and meet your answer date of February 4.

Thank you for your consideration.

Alan H Matthews

Mr. Alan Matthews  
3258 Terra Granada Dr. Apt 1A  
Walnut Creek, CA 94595

283





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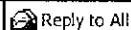


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**Boulder Bay DEIS Comments**

joyce miller [jmillertax@aol.com]

Sent: Wednesday, February 03, 2010 7:44 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

It sounds like there is a huge increase in housing units planned at the Lake (Boulder Bay). There are already too many rooms, condos and vacation rentals at Lake Tahoe. There should be a moratorium on building and having even more transient housing.

The existing hotels are already in trouble (not full) and the vacation rentals in some neighborhoods outnumber the residents.

Please re-build the Boulder Bay hotel with the same number of units as before. It would be nice having it new and not run down, but lets not increase the impact on the Lakeshore. The hotel would need more water, more toilets, more showers, grass, etc, and bring more traffic and pollution into the area. Landscapers and gardeners rake up all of the leaves and pine needles and silt up the lake.

The area cannot support this big a project.

joyce miller  
527 canton dr  
san jose, CA 95123

284

285

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 8:02:40 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Ara  
Last Name: Mirzayan  
Address: 896 Donna Drive  
City: Incline Village  
State: NV  
Zip: 89450  
Email: aramirzayan@yahoo.com  
Phone:

Comment: My comment is about the Biltmore/Mariner site and the Tahoe Mariner Settlement Agreement. I am thrilled that Boulder Bay is proposing to move the development out of the middle of that property so that we can have a park. I live in the North Shore with my 2 little girls and would greatly appreciate a 4 acre park that I can take them to, over 2 small parks. I certainly would prefer anything to the aging casino and vacant dirt patch on the current Biltmore/Mariner sites.

Boulder Bay is amazing with their understanding of what is best for our community. They could have put financials first and made things easy for themselves. Instead they are making decisions that are better for our community and our environment. We should be incredibly grateful for the opportunity to have this reinvestment in our community.

Please approve this project. Please update the Tahoe Mariner Agreement to create a beautiful park for Crystal Bay. We want this. Our community wants this. Please do not wait any longer. I want a place for my children to grow up in and to appreciate this gorgeous environment we live in. Thank you.

CHARITY KENYON  
BILL YEATES

*kenyon | yeates* LLP

286  
CHRISTINA MORKNER BROWN

2001 N STREET, SUITE 100  
SACRAMENTO, CALIFORNIA 95811  
916.609.5000 FAX 916.609.5001

February 3, 2010

David L. Landry, Senior Planner  
Environmental Review Services  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449  
Email: BoulderBayDEISComments@trpa.org

Re: Comments on the Draft Environmental Impact Statement (EIS) for the Boulder Bay Resort Project, 2 Highway 28, Washoe County, Nevada, Assessor's Parcel Numbers (APNs) 123-042-01, 123-042-02, 123-052-02, 123-052-03, 123-052-04, 123-053-02, 123-053-04, 123-054-01, 123-071-04, 123-071-34, 123-071-35, 123-071-36 and 123-071-37, TRPA File No. CEPP 2008-0123 and ENVR 2008-0003.

Dear Mr. Landry:

On behalf of our clients, North Tahoe Preservation Alliance, this letter provides comments on the above-titled Draft EIS for the Boulder Bay Resort Project. ("Boulder Bay" or the "Project"). The North Tahoe Preservation Alliance ("NTPA") is a Nevada nonprofit corporation formed to ensure that North Lake Tahoe retains its natural beauty and easygoing, rustic lifestyle. NTPA retained our firm to review the DEIS and provide comments on the legal adequacy of the document. This letter provides comments on the Draft EIS that are in addition to and do not replace or otherwise supersede comments that our client has previously submitted or will submit under separate cover.

In our review of the Boulder Bay Draft EIS, we believe that the DEIS did not adequately investigate or disclose the proposed Project's potentially significant effects on the environment. Of particular concern is the mass and density of the Project including ten buildings that exceed current TRPA Code and the North Stateline Community Plan height restrictions. The traffic analysis also is flawed because it relied on a theoretical baseline based on the potential maximum use of the existing facilities rather than the actual existing conditions. The application of the improper baseline traffic conditions resulted in the DEIS grossly understating the potential change in traffic trips generated by the Project. Additionally, the drainage and runoff analysis is incomplete and inaccurate and appears to illegally segment the Project's effects on the California parcel. The DEIS also failed to adequately analyze cumulative impacts, including the Project's contribution to the region's generation of greenhouse gases and the Project's potentially

significant impacts on regional recreational facilities. Finally, the DEIS failed to include a matrix comparing the Project to the CEP goals and criteria that clearly demonstrates that this Project presents substantial environmental improvements to be approved as a CEP project. For each of these reasons, explained in more detail in the remainder of this letter, our clients respectfully request that TRPA revise the DEIS and re-circulate for public review and comment a legally adequate DEIS that fully complies with the law and is supported by substantial evidence in light of the whole record.

**A. THE SCALE AND MASS OF THE PROPOSED PROJECT WILL CAUSE POTENTIALLY SIGNIFICANT IMPACTS THAT WERE NOT ADEQUATELY EVALUATED IN THE DEIS.**

286a The proposed project (Alternative C) will cause a significant increase in the density, mass and height of buildings compared to the existing conditions. The Project consists of ten<sup>1</sup> new structures, all of which exceed current TRPA height restrictions and the North Stateline Community Plan (NSCP) height limitations. The existing site has only one building, the Biltmore Hotel and Casino structure, in excess of the TRPA and the NSCP height limitations. Three of the proposed buildings exceed seventy feet (70), one building exceeds sixty feet (60), two exceed fifty feet (50) and two exceed forty five (45) feet. (See Exhibit A.) The TRPA regulations (TRPA Code of Ordinances Chapter 22) currently limit the height of buildings to ensure that buildings are compatible with both the surrounding natural and built environments. According to Table A in Chapter 22, the maximum height allowed is 42 feet if the building is located on 24 percent slope or greater with a roof pitch of 10:12 or greater. The height limit for the NSCP is 38 feet. Boulder Bay is proposing an amendment to the Code (contained in Appendix U of the DEIS) to allow for additional height for "Special Projects" within the NSCP.

The proposed project also significantly increases the number, density, and mass of structures on the project site. Boulder Bay will transfer up to 150 TAUs to the project area from other properties. The project will add 189 hotel units over existing conditions, and 59 market rate and 14 affordable multi-family dwelling units. (DEIR 4.1.11-12.) The total square footage of buildings on site will be increased from approximately 110,000 square feet to 475,000 square feet. On the former Tahoe Mariner site, the project proposes to develop three large multi-family buildings that are in excess of 50 feet in height, most of building C which exceeds 70 feet, and part of building B which exceeds 75 feet. The Mariner site has several development restrictions based on prior settlement agreements including 4.78 acres of deed restricted open space.

The following are our questions and comments about the analysis in the DEIS and the potentially significant environmental impacts associated with this significant increase in the height, mass and density of the proposed project compared to the existing conditions.

---

<sup>1</sup> Although the project description describes eight buildings, Building A is actually 3 buildings (although connected) creating a total of ten buildings.

2866 **i. What authorizes TRPA to amend the Code for one project to allow multiple buildings to exceed current TRPA height limitations?**

The DEIS states, "Additional height may be granted to certain types of structures if specified findings can be made: the structure allows for an increased setback, avoids view corridors, provides public shoreline access, or provides tourist accommodations within Community Plan boundaries (e.g., Code Subsection 22.4.B) (DEIS, pg. 4.5-34.)

The referenced Code Subsection 22.4B states, "The maximum heights specified in Table A may be increased up to a maximum height of 48 feet in accordance with the following provisions..." These provisions include the required findings set forth in Section 22.7. The DEIS also states, "If a proposal satisfies this initial limit, findings 1, 3, 5, 6, and 9 of Section 22.7 of the Code of Ordinances must be made prior to the approval of additional height." Subsections 22.4B through 22.9 set out certain criteria and findings necessary to allow additional height in addition to the limits set out in Table A.

→ What authorizes TRPA to amend the Code to allow one specific project to build multiple buildings that exceed the height allowance allowed under the current additional height provisions set out in Sections 22.4-22.9?

2866c → Is there a limit on the discretion of TRPA to amend the Code to make it comply with the requests for height proposed by project applicants on a case by case basis?

**ii. Why is the allowance of additional height allowed by code amendment without an amendment to the North Stateline Community Plan and map?**

The proposed amendment to the Code appears to violate the TRPA procedures set out in Chapter 13 of the Code of Ordinances. Section 13.7A of the Ordinances states:

2866d Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the Plan Area Maps and Statements pursuant to 13.7.A, 13.7.B and 13.7.C to reflect current data.

Whereas, section 13.7B states:

Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

The proposed Code amendment (22.4.E) appears to be creating a "Special Designation" within the NSCP allowing for additional heights. Under section 13.7a this appears to require a Plan amendment. According to our clients, Boulder Bay originally proposed a "special height district" with special density multipliers which TRPA treated as a plan amendment. However,

with the release of the DEIS, Boulder Bay has dropped the special multipliers and re-characterized the change as a Code amendment.

286d It is not clear why the proposed Code amendment that will allow buildings that exceed the NSCP area's height limitations is not treated as a Plan Area amendment and is not required to undergo a separate level of environmental review for impacts to the entire NSCP Area. Please explain.

Without a separate environmental review of impacts on the NSCP area, as would be required for a Plan amendment with a map change, the public and public decision-makers lack the information necessary to make an informed decision about the proposed Code amendment.

286e **iii. What are the potentially significant impacts of diminishing the height standards in the NSCP area?**

286f One of the required findings under Subsection 22.7 (discussed under question 1) states: "the building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed."

→ Where was this analyzed in the DEIS?

The DEIS states that "Given the proposed height amendment locational boundary restrictions and use limits, the special height district would exclude NSCP parcels located outside of the project area." (DEIS, pg. 4.5-38.) It is not clear what language in the proposed Code amendment sets the restrictions mentioned in the text preceding this statement.

286g → What language in the Code amendment ensures that the amendment applies only to the Project area?

286h If the Code amendment may be utilized on other parcels in the NSCP, then contrary to the assertions of the DEIS, the amendment would appear to have a significant impact on the existing conditions within the Plan Area. The Planning Statement for this NSCP Area states: "The North Stateline plan area should be strengthened as a family-oriented destination resort. More emphasis should be placed on the outdoors and on human-scale design." [Allowing buildings in excess of the current 38 foot height limit, including the proposed project's numerous buildings that are 50, 60 and 70 feet tall, is not consistent with a human scale design.]

286i Between the Notice of Preparation and the release of the DEIS, the Project area has been expanded to include the 1.26 acres across Highway 28 which includes the Crystal Bay Motel, buildings and parking lot. By adding this acreage across the street, the height allowances are now extended across Highway 28 to a parcel that is not currently proposed for any additional buildings.

→ What are the impacts associated with extending the height allowance to the 1.26 acres across Highway 28 for possible future development?

286j  
iv. **What are the potential cumulative impacts associated with allowing additional height by a Code amendment?**

Allowing special height allowances for multiple buildings for Boulder Bay through a Code amendment sets a bad precedent for allowing special exceptions to height restrictions on a project-by-project basis throughout the Tahoe Basin. This project could have a "growth inducing effect" on the Basin if other project proponents follow Boulder Bay's example and pursue similar Code amendments for their projects. Allowing this type of height exception compromises the Code's height standards and nullifies the intent of the Code to protect the lake from dense urban-type development and significant adverse scenic impacts. This precedent of allowing height exceptions on a project-by-project basis is occurring in advance of the Regional Plan Update which is the proper planning device for addressing height and density issues for the entire Tahoe Area.

286k  
→ The DEIS should explain the potential cumulative impacts of allowing regional and Code height restrictions to be exceeded on a project-by-project basis.

**B. THE TRAFFIC ANALYSIS RELIED ON AN IMPROPER BASELINE AND OMITTED POTENTIAL EXTERNAL TRIPS GENERATED BY THE PROJECT.**

i. **What is the justification for not using the actual existing traffic counts as the existing baseline conditions for the daily vehicle trips analysis?**

286l  
The DEIS states, "Baseline existing traffic conditions were developed by generating vehicle trips for the existing land uses assuming full capacity and optimum operating conditions." (DEIS 4.8-8.) Traffic counts were performed for the access road, but the DEIS disregarded these actual existing conditions and applied a theoretical baseline based on the existing facilities operating at full capacity. For a DEIS to fulfill its purpose as an environmental document it must analyze the change to the existing environment caused by the Project. It is only against the actual existing baseline traffic conditions that the actual physical change to the existing environment can be measured.

Please refer to the comments written by traffic expert Susan Handy, Phd., who was retained by NTPA to comment on the DEIS traffic analysis. (See Exhibit B.) Ms. Handy references the fact that it is standard practice in a traffic impact analysis to use the actual existing conditions based on the actual traffic counts as the baseline.<sup>2</sup> Ms. Handy's comments are incorporated herein fully by reference. Please also refer to the comments by another traffic expert, Joy Dahlgren, who was retained by NTPA to comment on the DEIS traffic analysis. (See Exhibit C.) Ms.

<sup>2</sup> For example, CEQA Guidelines section 15125 (a) states, "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

Dahlgren's comments are incorporated herein fully by reference. Ms. Dahlgren explains how the inflated baseline assumption minimized the measurements of the change to the environment by underestimating the proposed project's traffic impact.

The actual traffic counts show that the existing Tahoe Biltmore is generating only 1,835 daily trips. The DEIS, however did not apply this number as the baseline. Instead it calculated that the existing facilities could generate 5,581 daily trips based on full capacity operations. This calculation of 5,581 daily trips, which is three times the actual count, is applied as the baseline for measuring the change in daily trips generated by the various alternatives.

Applying this inflated baseline figure of 5,581 daily trips, the DEIS concluded that the proposed project (Alternative C) will generate 2,190 *less* daily vehicles than the existing conditions. (DEIS, p. 4.8-37.) Therefore, the proposed project will have no significant impact and no mitigation for traffic and air quality impacts is required.

286m

However, the DEIS estimated that proposed project (Alternative C) will generate 3,862 daily trips. When this number is compared to the actual traffic counts of 1,835 daily trips, it is apparent that the proposed project will cause an increase in daily trips even after application of any reductions for alternative modes, internal capture or pass-by trips. Under the TRPA Code of Ordinances, a "significant increase" is an increase of more than 200 daily vehicle trips and a "minor increase" is an increase of 100 to 200 daily vehicle trips, and an "insignificant increase" is an increase of less than 100 daily trips.

286n

The application of the improper baseline distorted the traffic and air quality impacts analysis resulting in a false conclusion that the proposed project will have no traffic and air quality impacts.

286o

The DEIS applied the same distorted baseline for the calculations of Vehicle Miles Traveled (VMT) to conclude that the proposed project (Alternative C) will generate 9,955 less VMT than the existing Tahoe Biltmore.

286p

→ Please recalculate the increase in daily vehicle trips and VMT generated by the Project based on the actual existing traffic conditions.

→ Please respond to all the questions and comments regarding the traffic analysis included in the two experts' letters incorporated herein.

286q

ii. **Does the reduction of square footage associated with the gaming area warrant a claim of reduced daily trips and vehicle miles traveled?**

For the trip calculations associated with casino space, the DEIS applies a rate of 16.67 vehicle trips per 1,000 square feet of casino floor area. The DEIS described the current casino space as 22,400 square feet and claimed the Project will reduce the casino space to 10,000 square feet. Applying the rate of 16.67 to the casino floor area, the DEIS estimated that there will be a reduction in trips for the Project compared to the existing conditions.



Our clients counted 275 slots and 12 tables in the gaming area. According to our clients, the current casino area is poorly utilized with large spaces between the tables and slots. An area gaming expert, William Eadington has estimated that the space requirements for 275 slots and 12 tables is 8,675 square feet. (See Exhibit D.)

286r [ If the Project is going to simply put the same number of slots and tables in a smaller space, then a reduction in the casino floor area will not cause a reduction in traffic trips. Based on the memo by William Eadington, it appears that the reduction in the gaming floor area will not reduce vehicle trips to the site.

286s [ → Please identify how many slots and tables will be included in the 10,000 square foot gaming area and explain how the inclusion of the proposed slots and tables will cause a reduction in vehicle trips compared to the existing 275 slots and 12 tables.

Our clients are concerned that the Project area will not be limited to 10,000 square feet of gaming area. Up to an additional 19,892 square feet of gaming area can be used on the Project site. Although 9,914.66 square feet of gaming area was retired, this can be returned to the site at a ratio 1:1 with the retirement of gaming area elsewhere in the NSCP.

286t [ → Can any of this banked gaming floor area from the Biltmore Hotel facility be relocated to the Mariner Site, or across the street to the Crystal Bay Motel, or Crystal Bay Building?  
→ If so, is this consistent with the intended uses of either of these sites?

286u [ → What are the impacts on traffic and air quality if more casino space can be created on site?

Another concern is that the banked gaming area can be turned into commercial floor area (CFA).

286v [ → Please address any changes to the trip generation calculations if the reserved gaming floor area is converted to CFA.

286w [ → Please address all the potential effects of Boulder Bay's reservation of gaming floor area rights including VMT, traffic and air quality impacts.

286x [ **iii. What are the impacts on the trip calculations if the wellness center and spa are categorized as commercial floor area instead of as an "accessory use" to the hotel?**

The Project includes a wellness center and spa that the DEIS described as an "accessory use." Under TRPA Code Section 18.2., "[a]n accessory use is defined as a use, building, or other facility customarily a part of any primary use; that is clearly incidental and secondary to the primary use; that does not change the character or the intensity of the primary use; and that does not operate independent of the primary use." Code Section 18.2.A(2) lists meeting rooms and

fitness center (gym space) as examples of accessory uses, whereas a wellness center and spa are not listed as an example of an accessory use.

2860y [ The DEIS justified defining the 19,089 square feet for the wellness center and spa as an accessory use, rather than commercial floor area, by asserting that the spa will be used by hotel guests, accessed from the hotel space and will not have separate advertising. However, elsewhere in their literature, Boulder Bay has promoted the wellness center and spa as a benefit to the community. If the wellness center and spa are touted as a benefit to the community then it is not intended to be used only by hotel guests and may be marketed to patrons outside of the hotel.

2860z [ The DEIS stated that if the TRPA Board determines that the health and wellness spa use does not meet the findings necessary to support an accessory determination, additional commercial floor area is available within the Project to accommodate this use.

→ Please include in the traffic analysis a comparison with the wellness center and spa categorized as commercial floor area.

2860aa [ → What are the impacts on parking if the wellness center and spa are categorized as commercial floor area?

2860ab [ → Would the classification of the wellness center and spa as commercial floor area comply with the limits on total commercial floor area set by the NSCP?

**C. THE DEIS DID NOT ADEQUATELY DISCLOSE THE PROJECT'S POTENTIAL IMPACTS ON HYDROLOGY AND WATER QUALITY.**

2860ac [ **i. The DEIS runoff and drainage analysis is inadequate and incomplete.**

Please refer to the comments by John V. Bosche regarding the hydrology and water quality section of the DEIS. (See Exhibit E) The comments by Mr. Bosche are incorporated fully herein.

Please respond to all of Mr. Bosche's questions and comments including the failure of the DEIS to:

2860ad [ • consider the impact of a 100 year, 1-, 6-, and 24-hour storm on offsite properties.

2860ae [ • evaluate the long-term performance of below-grade infiltration galleries with accumulation of debris and lack of accessibility of these types of galleries.

2860af [ • evaluate and disclose the adequacy of the performance of pervious pavers

2860ag [ • evaluate impacts on TMDL if regenerative air street sweeping equipment is not conditioned as part of the project approval.

2860ah [ • evaluate impacts on hydrology if the projected mass transit/alternative transportation assumed for the project is not funded.

2860ai [ **ii. Why is there no CEQA review required for the California parcel?**

The Project includes an offsite infiltration basin (Basin # 9 in Figure 2-8), which is located on a parcel in California. The DEIS states:

[r]unoff from Stateline Road (Washoe County) and SR 28 (NDOT) drains to the proposed infiltration gallery located at the vacant lot on the California side of Stateline Road between CalNeva and Crystal Drives. Runoff from SR 28 and Stateline Road is collected in catch basins and conveyed to the California site via stormwater conveyance across SR 28 to the infiltration gallery.

(DEIS 4.3-39.)

2860aj [ → Will there be any permits required from Placer County for the infiltration basin on the California Parcel?

The California Environmental Quality Act (CEQA) prohibits "piece-mealing" a project. The "whole of the action" must be evaluated in a CEQA document. All of the storm water is channeled from the Nevada side through the various infiltration basins over to the California side. It appears that the portion of the Project within California has been chopped off from the whole of the action. Therefore, there has been no environmental analysis of the Project's impact on the infiltration basin on the California parcel, as required by CEQA.

2860ak [ → Why is there no CEQA review required for the impacts of the Project within California?

Placer County approved a Negative Declaration for the Brockway Erosion Control Project. The proposed project will tie into the Brockway Erosion Control Project for infiltration Basin #9 but the Negative Declaration did not consider Boulder Bay as part of that project when it was approved.

2860al [ → Will there be supplemental environmental review for the Brockway Project that includes the Boulder Bay project storm water project? If not, why not?

**D. THE DEIS FAILED TO ADEQUATELY ANALYZE THE PROJECT'S CUMULATIVE IMPACTS**

2860am [ **i. The DEIS failed to adequately analyze the Project's impacts on climate change.**

In light of the serious impacts that climate change is expected to have worldwide and regionally, the DEIS should have included a cumulative analysis of greenhouse gas (GHG) emissions to allow for informed decision making.

An assessment of a project's impacts on global climate change is now a common component of a CEQA document in California after the passage of AB 32, the Global Warming Solutions Act. AB 32 effectively classifies GHGs, the primary cause of global warming, as an environmental

286am threat subject to the provisions of the California Environmental Quality Act (CEQA). Even though the state and federal governmental agencies have not yet developed guidelines for preparing global climate change assessments, several models are available for estimating a project's contribution to GHGs. The environmental review process for TRPA is analogous in many respects to CEQA.

→ Please include a cumulative analysis of GHG emission.

286an → Please calculate the potential sequestration over the next 100 years that will be lost as a result of the removal of trees three inches or greater in diameter at breast height on the site.

286ao ii. **The DEIS failed to adequately analyze impacts on local recreational sites.**

286ap The DEIS acknowledged that the proposed project will increase use of local recreational sites, causing potentially significant impacts on nearby beaches (especially Speedboat Beach) that are already at full capacity during the peak summer months. The DEIS suggests a van shuttle service to less impacted recreations sites as mitigation. This mitigation measure is inadequate because Speedboat Beach is within walking distance of the Project site. Providing a shuttle service to other beaches provides no assurance that several hundred people a day from the Boulder Bay facility will not walk the closest and most convenient beach during the peak summer months.

286aq The DEIS also failed to assess the cumulative impacts on local recreational facilities. The cumulative impacts section of the DEIS lists all of the pending projects that are cumulatively related in Table 5.1-1. However, despite finding that the Project, in addition to all the other past, present, and reasonably foreseeable projects will cause pressure on existing recreational facilities, the DEIS concluded that with implementation of the shuttle service as mitigation for direct impacts, the Project will not have a cumulatively considerable impact on the region. This conclusion is not supported by any analysis or evidentiary support. As explained above, the shuttle is unlikely to deter people from walking to Speedboat Beach. Furthermore, the shuttle will generate more people on other beaches in the area that are already impacted. Generally, the more severe an existing environmental problem is, the lower the threshold is for treating the project's contribution to cumulative impacts as significant.

286ar → Please complete the analysis of the Project's contribution to impacts on recreational facilities and discuss possible feasible mitigation measures to address these impacts.

286as **E. THE DEIS LACKS ADEQUATE DISCLOSURE OF CEP COMPLIANCE**

The Project is a Community Enhancement Program (CEP) project and requires compliance with TRPA Resolution No. 2008-11. A CEP project must demonstrate substantial environmental benefits, as well as, social and economic benefits through mixed-use development projects on existing disturbed and/or underutilized sites. The CEP is intended to provide net gain solutions

for the Lake Tahoe Basin by implementing environmental improvements that enhance the quality of life for residents. (TRPA 2007.)

The DEIS includes CEP compliance analysis in a few areas scattered throughout the DEIS. The DEIS states that an analysis of the Project's compliance with the CEP Resolution will be prepared by TRPA staff and reviewed during consideration of project approval. Compliance with the CEP requirements is an important part of the analysis and disclosure of information to the public regarding the environmental benefits of the Project that should occur as part of the public environmental review process.

286a+ [ The DEIS failed to include an analysis of how the Project meets the Resolution's criteria and demonstrates a net environmental gain and benefit to the community.

286a u [ → Please release an analysis, such as a matrix, that measures the project against the CEP criteria for public review and comment.

**F. CONCLUSION**

For each of these reasons our clients, the North Tahoe Preservation Alliance, respectfully request that TRPA revise the DEIS and re-circulate for public review and comment a legally adequate DEIS that fully complies with the law and is supported by substantial evidence in light of the whole record.

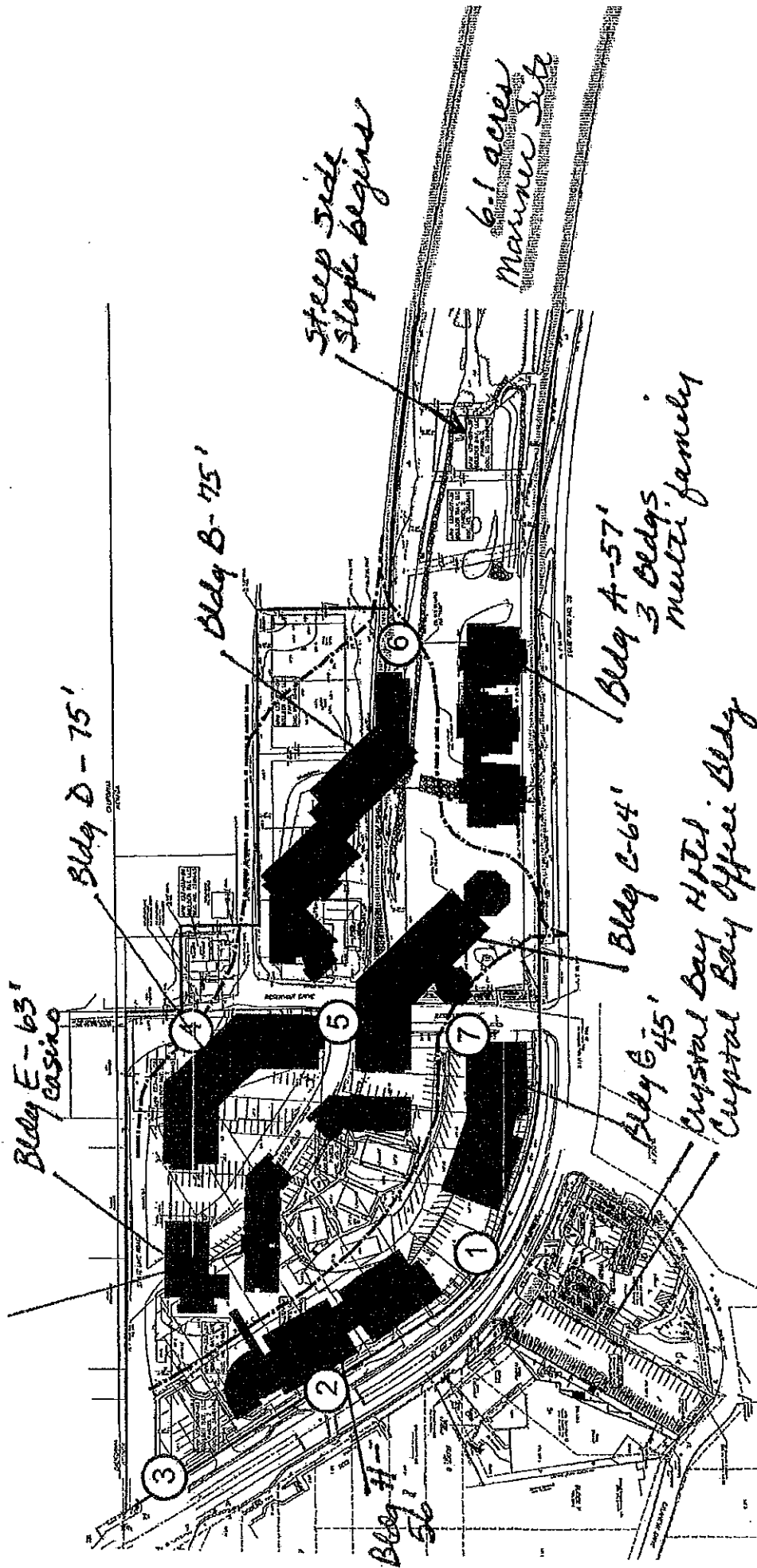
Sincerely,

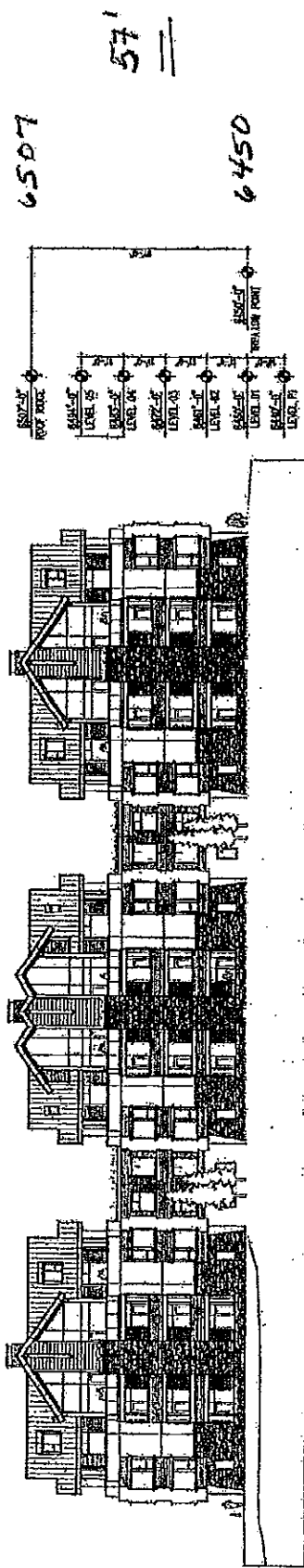


Christina Morkner Brown

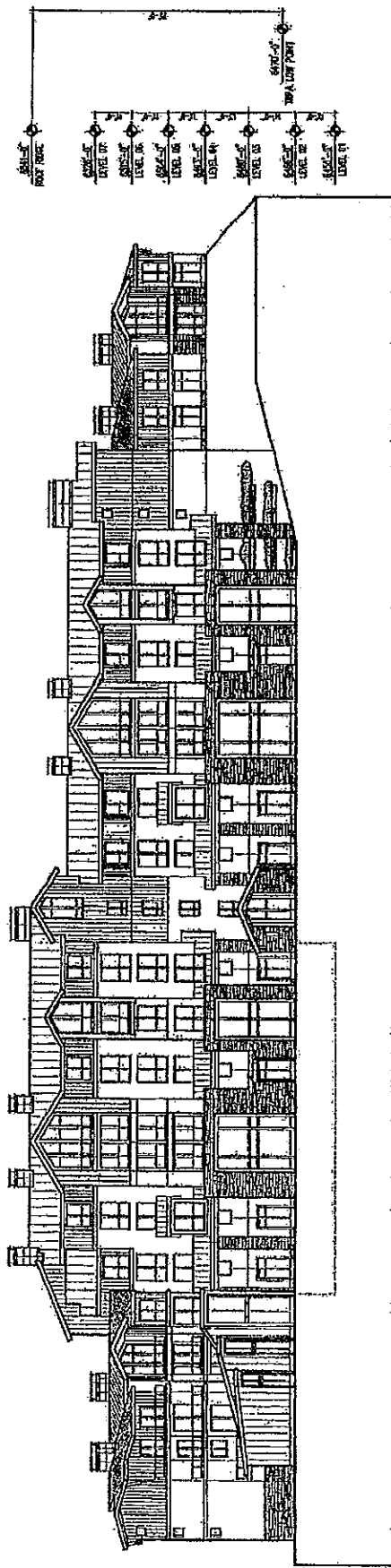
On behalf of the North Tahoe Preservation Alliance

## **Exhibit A**

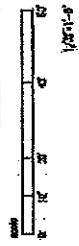




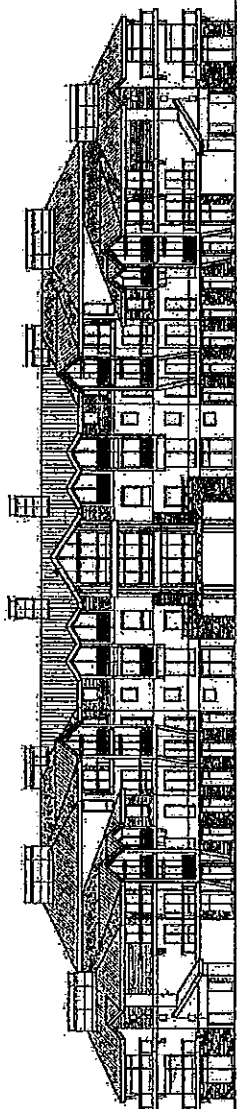




## **BUILDING B**







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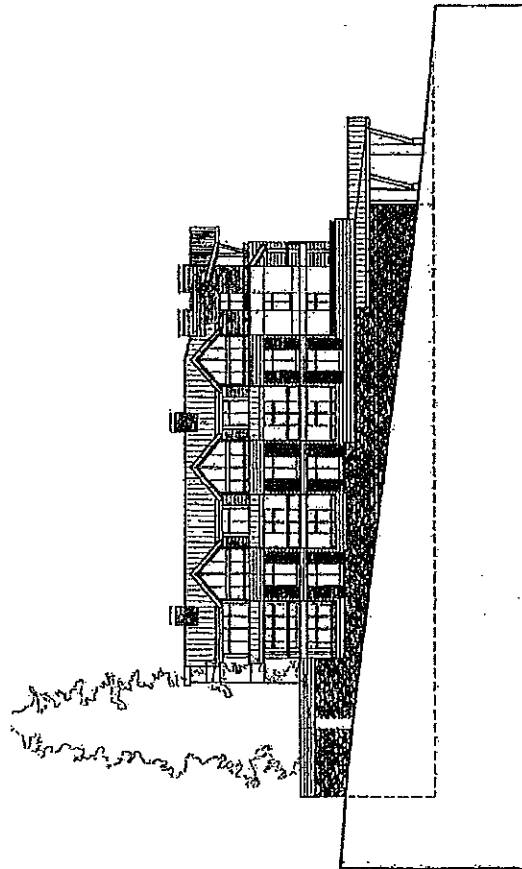
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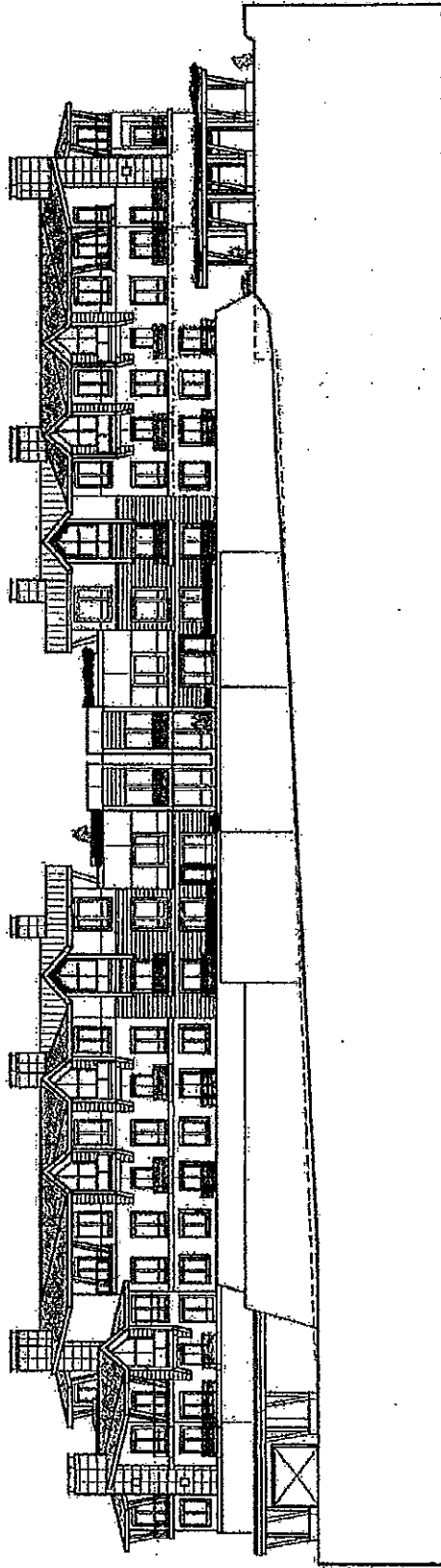
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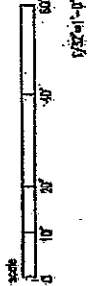
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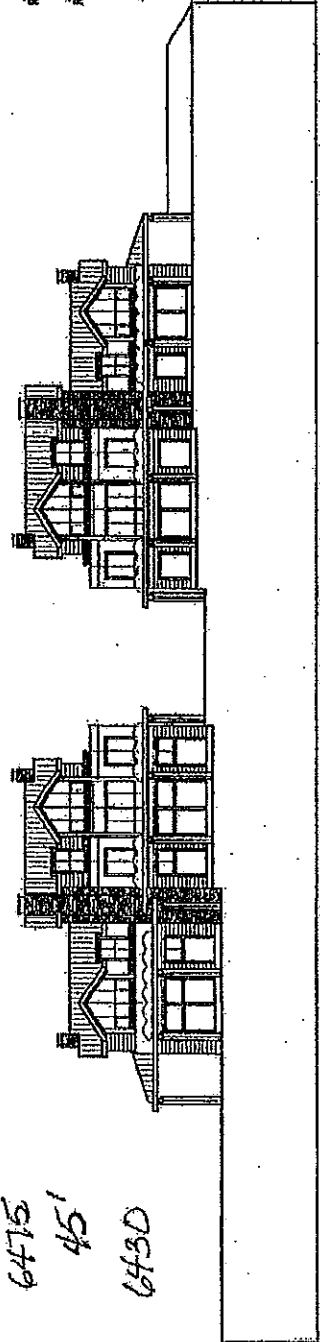
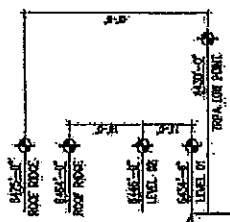




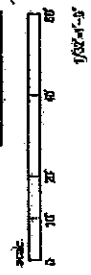
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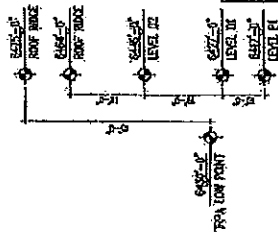
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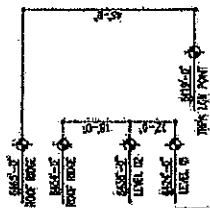
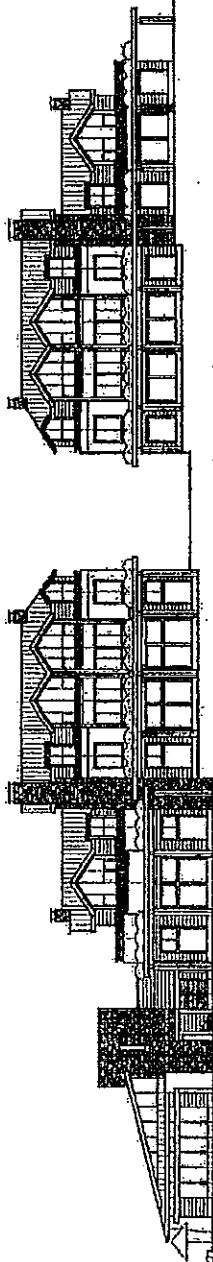
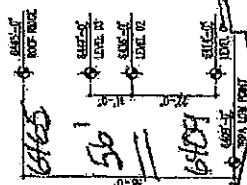


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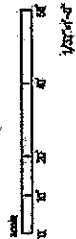


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## BUILDING



## **Exhibit B**



Date: 1/29/10  
To: North Tahoe Preservation Alliance  
From: Susan Handy, PhD  
Re: Boulder Bay CEP Project

The Boulder Bay traffic impact analysis (TIA) falls short of accepted professional practice in several ways.

286av

1. In traffic impact analyses, it is standard practice to use existing conditions as a baseline, then to compare future conditions with the project to future conditions without the project. Existing conditions are evaluated using actual traffic counts. Instead, the TIA adjust the actual traffic counts to reflect what traffic would be if the Biltmore were operating at full capacity and uses these adjusted rates as the baseline. This overestimate of baseline conditions has the effect of underestimating the effect of the proposed project.

286aw

2. Classifying the project as a "destination resort" is inappropriate. The proposed project contains hotel rooms and residential units, a restaurant/bar, a spa, a casino, and some retail. While these uses might result in some internal capture of trips, for example, when a guest at the hotel eats in the on-site restaurant instead of driving to an off-site restaurant, the activities are not extensive enough to expect that all guests will remain on-site for most of their stay, particularly given the extensive recreational opportunities available in the Tahoe region. The proposed project does not have on-site access to the lake, skiing, golf, tennis, or other recreational activities, beyond a swimming pool, popular with Tahoe visitors.

286ax

3. While promoting use of local transit or private shuttles to get to these off-site activities or to the airport is a worthy goal, it is not realistic to assume that the patrons of this 4 or 5 star hotel will make regular use of these services. Demand for transit will be low, given that incomes are negatively associated with transit use. Supply of transit is limited: the existing Tahoe Area Regional Transit bus serves the north and west shore and runs twice an hour, while the bus from Crystal Bay to Truckee in the winter runs only once an hour from 8 am to 6 pm.

286ay

4. More generally, smart growth strategies are unlikely to succeed in reducing vehicle travel in this rural environment. As already noted, on-site services and amenities are limited, and transit service is sparse. The only services within walking distance in Crystal Bay, with a population of a few hundred, are a post office, real estate office, gym, and a few offices. Schools, grocery stores, convenience stores and hardware stores are two to three miles to the west in Kings Beach or two to four miles to the east in Incline Village. The possibility of reducing vehicle trips in this context is minimal.

As for my credentials, I earned a PhD, City and Regional Planning from University of California Berkeley, in 1992, an MS in Civil Engineering from Stanford University in 1987, a BSE in Civil Engineering from Princeton University in 1984 and 23 years of research, teaching, and practice in the field of transportation planning.

## **Exhibit C**

January 24, 2010

To: Tahoe Regional Planning Agency

From: Joy Dahlgren on behalf of the North Tahoe Preservation Alliance

RE: Boulder Bay Project EIS -- Transportation Components

## Comments

### 1. Internal Capture Trips

2809z Internal capture is defined and rates of capture are presented on page 4.8-27. Although Alternatives A and C have almost the same number of "raw" trips, Alternative C has over over 2 ½ times as many internal trips —33% of all trips are internal to Alternative C, compared to 13% for Alternative A<sup>1</sup>. Tables in Appendix W, titled "Appendix A Trip Generation" and "Appendix C Trip Generation" show that the same internal capture rates are applied to land uses for both alternatives, but the base trips to which they are applied are apparently quite different. One can find the number of base trips by dividing the "Number of Internalized Trips" by the "% Internalized". [Please see the accompanying spreadsheet]. For Alternative C this gives 2,657 base trips with "Interacting Uses" of "Casino-Hotel", 2,172 "Casino-Retail/Restaurant" trips, 457 "Casino residential" trips, 2,243 "Hotel-retail/restaurant" trips, and 457 "Residential-Retail/Restaurant." The numbers of trips with interacting uses to which the internal capture percentages were applied add up to the total of *all* the "raw" trips. In contrast, the number of Alternative A trips with interacting uses to which the internal capture percentages were applied was only 2,185, only 29% of raw trips. The EIS does not give the interacting uses for all of the raw trips, nor does it explain why the total number of trips with interacting uses that might be subject to internal capture is different for Alternatives A, B, and the other alternatives.

280ba The EIS should provide the base "Interacting Uses" numbers on which the "Internal Capture" numbers are based, as well as the interacting uses for all "raw trips" and explain why all the Alternative C "raw" trips have intersecting uses that could be subject to internal capture and only one third of the Alternative A "raw" trips and one half of Alternative E "raw" trips have intersecting uses subject to internal capture.

280bb

280bc

### 2. Alternative Mode Split

The "Alternative Mode Split" factors were applied to the total number of "raw" trips, rather than only to external trips. This results in over estimating alternative mode trips. .

280bd The EIS should provide the base numbers of trips on which the "Alternate Mode Split" is based. It should not include internal trips.

Also, the EIS states that Alternatives C and D will implement an Alternative Transportation Plan (Appendix F). This plan makes conflicting claims regarding how

<sup>1</sup> Pages 4.8-29 and 31

286be much it would reduce daily automobile trips on busy summer days. On page 3 it claims 415 trips on a "busy peak summer day", while on page 17 it claims 298 trips on a "busy peak season day." However, the number of alternative mode trips shown in the trip generation tables in Chapter 4.8 and Appendix W for Alternative C seems to be related to

286bf neither, but instead is obtained by applying the same alternative mode split factors that are applied to Alternative A. Curiously, the mode split factors applied to Alternative E are a little higher.

286bg The EIS should explain how the existing alternative transportation opportunities and the Alternative Transportation Plan impact the alternative mode split for the various alternatives and why different factors would be used for Alternative F than for the other alternatives.

286bh The Alternative Transportation Plan would cost \$319,000. The EIS should describe how funding for this would be assured. Operating funds for transit are currently being cut across the country.

### 3. Discrepancies in numbers of "External Roadway Trips"

286bi Appendix W contains trip generation spreadsheets. Following the three trip generation spreadsheets for each alternative is another page with the heading "Alternative Mixed Use Development (MXD) Trip Generation Model". These pages show the same number of "raw" trips as the previous pages but quite a different number of "Internal Capture" trips: The page for Alternative A shows 624 "Internal Capture" trips compared to 977 on the previous pages; the page for Alternative C shows 575 "Internal Capture" trips compared to 2,625 on the previous pages. The EIS does not indicate why the numbers on these pages do not agree with those on the previous pages.

Not only are there differences in the "Internal Capture" trips, the alternate mode trips are different. For Alternative C the alternate mode trips total 591 compared to 959 on previous pages. For Alternative A the corresponding numbers are 560 and 710.

286bj As a result of these differences, the External Trips are quite different. Instead of 3,415 external trips with Alternative C and 5,581 external trips with Alternative A these pages show 6,797 external trips with Alternative C and 6,461 with Alternative A. Note that these pages show Alternative A to have fewer, not more, external trips than Alternative C. Why do these pages not agree with the previous pages?

The number, size, and direction of discrepancies in numbers of internal capture and alternate mode trips and the resulting external trips undermine the credibility of the entire traffic and VMT analysis and findings.

286bk The EIS should explain why these pages show different external trips than the previous pages and why the numbers they contain were not used in the traffic analysis.

### 4. Base case "Existing" trips are 3 times greater than estimated actual trips in August/September 2008

2806b1 The EIR states that the number of daily trips generated by the Tahoe Biltmore in August and September 2008 was 1,835<sup>2</sup>. It also states that "Based on the low volume of traffic observed entering and exiting Tahoe Biltmore, it does not appear that the facility is operating at full capacity." However, the EIS does not provide an analysis of room occupancy, gambling revenue per square foot, or anything else to support this contention. Instead it proceeds to claim, based on land uses and trip generation rates, that the Tahoe Biltmore would generate 5,581 trips, *three times the estimate of the actual number of trips*. Overestimating "existing" trips has the effect of underestimating the traffic impacts of Alternative C and over estimating its transportation benefits.

2806bm The EIS should provide an analysis of hotel occupancy, casino operations, and restaurant patronage to support the contention that the Tahoe Biltmore activities generated only a third of expected trips based on land use and trip generation rates, or it should revise the number of base case trips.

2806bm **5. Because key findings regarding traffic impacts and VMT generated by the Boulder Bay project are based on external traffic generated by the project, the bases and calculation of external trips currently generated and generated by the proposed Alternative C should be made clear and properly justified.**

The finding in the EIS that the proposed Alternative C would reduce trips and VMT compared to Alternative A flies in the face of common sense.

Alternative C will increase activity on the site. It will increase the number of visitors to the site and the number of workers needed to serve them and maintain the facilities. A proportion of the trips made by the people staying and working at the resort will be outside the project area. The new commercial facilities provided by the project will attract additional people from outside the project area. So the activity (traffic) will increase by the amount of new trips attracted by the new commercial activity and the additional trips outside the project by the additional guests at the resort.

- Alternative C has roughly the same square feet of coverage, but higher average building heights.
- It has 540 parking spaces. Alternative A has 382.
- It has 301 hotel rooms. Alternative A has 92.
- It has 59 condos, Alternative A has none.
- It has 21,253 square feet of meeting space, Alternative A has 4,862..
- It has a 19,089 square foot spa
- It has a 9,860 square foot fitness center.
- It has 5,898 square feet of fast food and casual dining, Alternative A has 4,500
- It has 4,825 square feet of fine dining, Alternative A has 3,300.
- It has 9,272 square feet of specialty retail/ Alternative A has none

---

<sup>2</sup> Page 4.8-8

The only uses that Alternative A has more of are gaming and bar and lounge--22,400 . square feet of gaming and 4,500 square feet of bar and lounge compared to Alternative C's 10,000 of gaming and 2,250 bar and lounge. However, Boulder Bay has agreed to abandon only 9,000 square feet of the 29,000 of gaming to which it originally had rights, so there is apparently no guarantee that there will be substantially less casino space than with Alternative A.

### **Credentials**

I have worked in transportation for 25 years, for a consulting firm specializing in freight operations, as a transit planner for the Golden Gate Bridge, Highway and Transportation District, and as a research engineer at the Institute of Transportation Studies at the University of California, Berkeley.

I have degrees in Statistics, Public Policy and Civil Engineering from the University of California at Berkeley.

Joy Dahlgren Ph. D.  
1200 Idylberry Road  
San Rafael, CA 94903  
[joy@lucasvalley.net](mailto:joy@lucasvalley.net)

## **Exhibit D**

**WILLIAM R. EADINGTON  
CRYSTAL BAY, NEVADA**

P.O. Box 118  
25 Somers Loop  
Crystal Bay, NV 89402  
775-832-7708  
FAX 775-832-0903  
[eadington@prodigy.net](mailto:eadington@prodigy.net)

January 29, 2010

**MEMORANDUM**

**SPACE REQUIREMENTS FOR TABLE GAMES AND SLOT MACHINES AT  
THE TAHOE BILTMORE**

I have been asked to comment on the implications of a reduction in casino floor space at the Tahoe Biltmore Casino as part of the proposed Boulder Bay project, and its implications for vehicular traffic estimates to the casino core at Crystal Bay. I have also been asked to evaluate the casino floor space requirements necessary to support a casino floor with 275 slot machines and 12 table games at the Tahoe Biltmore Casino.

Based on studies I have been involved with for casinos in various jurisdictions in the United States, the following standards are typically used to determine square foot requirements for slot machines and table games. This includes space needed for reasonable flows of foot traffic around the gaming tables and devices, as well as space for table game pits and for other equipment necessary in the daily operations of a casino. It would not include space for restaurants, bars, lounges, or other public spaces not directly used for gaming.

28660 Space requirements per gaming device are typically 25 to 30 square feet per device, and requirements per table game are 150 to 200 square feet per table game. Thus, using the lower limit requirements, the minimum required square footage for 275 slot machines and 12 table games is 8,675 square feet. Using the upper limit requirements, the minimum required square footage for 275 slot machines and 12 table games is 10,650 square feet. Thus, the current situation at the Tahoe Biltmore Casino, with approximately 25,000 square feet of casino floor space, affords considerable excess casino floor space.

According to their web site (visited January 29, 2010), the Tahoe Biltmore presently claims to offer 240 gaming devices and 8 table games (a significant reduction since the Summer of 2008). With the lower limit and upper limit requirements, this number of devices and tables would require between 7,200 and 8,800 square feet of casino floor space. Note that this is only about one-third of their present available space.

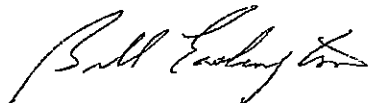


It should be emphasized that the volume of gaming, and correlated visitation, at the five North Lake Tahoe casinos has declined dramatically over the past decade, primarily because of external competition for casino gaming from California tribal casinos and Las Vegas, and more recently due to the economic recession. Between June 2000 and November 2009, the number of table games at the five North Lake Tahoe casinos declined by 28.9% (from 76 to 54) and the number of slot machines fell by 37.5% (from 1,492 to 933.) Gross gaming revenues actually declined by 33.6% over that period (from \$43.5 million to \$28.9 million.) This suggests that there has been a shrinking demand for gaming at the North Shore casinos and as a result, the various casinos have been aggressively reducing the number of tables and devices offered.

286bp [ Thus, if anything, there still remains an over-supply of gaming equipment at the various casinos at the North Shore. Any further reduction in equipment at any one casino is unlikely to inconvenience customers who frequent those casinos, and certainly would not reduce the volume of visitor traffic to those casinos. Reduction in square footage of casino floor space would have no impact on the existing volume of casino customers at North Shore because of the excess existing capacity and the past decade's reduction in demand.

Therefore, the claims that Boulder Bay planners have made that reducing the physical size of the Tahoe Biltmore casino (in terms of square footage) would result in any reductions in traffic to the casino core is clearly erroneous. Furthermore, it is patently illogical to propose that such reductions in casino traffic due to removal of redundant casino floor space could offset any increases in traffic from development of a large number of tourism accommodation units at the Boulder Bay site.

Sincerely,



William R. Eadington, Ph.D.

## **Exhibit E**

**JOHN V. BOSCHE**

**Civil Engineer  
California #30241**

January 26, 2010

Tahoe Regional Planning Agency  
Boulder Bay CEP EIS Review  
PO Box 5310  
Stateline, NV 89449-5310

**RE: Review and Comments  
Hydrological Sections  
Draft Boulder Bay EIS**

Dear Tahoe Regional Planning Agency,

This letter is submitted on behalf of the North Tahoe Preservation Alliance and contains comments following completion of our review of the Draft Environmental Impact Statement (EIS) for the proposed Boulder Bay Community Enhancement Program (CEP) Project. The Draft EIS was released November 15 for public review and comment.

**INTRODUCTION**

These review comments are restricted to consideration of the Draft EIS Hydrology and Water Quality section of the report and other related portions of the document. The major shortcomings in the Draft EIS in the Hydrology and Water Quality section of the report relate primarily to the inadequate evaluation of Alternative C. Our comments are as follows:

**COMMENTS**

- 69
- 1) HYDRO-5 on page 4.3-17 considers if the project alters the course or flow of the 100-year floodwaters or expose people or property to water related hazards such as flooding. The benchmark for the evaluation is FEMA 100 year flood maps. The Placer County Department of Public Works has been working on mitigation of flood waters that originate in-part from runoff from intense storms from the current Biltmore property. That runoff is currently channeled across the California state line by State Route 28 and it runs down through the neighborhood between Harbor Avenue and Speedboat Avenue where it eventually runs into the lake near Lake Street. Although the flooding and resultant property damages in this neighborhood are not included in FEMA flood plain mapping, flooding and property damage has occurred in the past. The Draft EIS fails to recognize or evaluate this condition because it uses the wrong benchmark.

HYDRO-5 should be revised to consider the impact of a 100-year, 1-, 6-, and 24-hour storms on offsite properties. The Meyers Landfill in South Lake Tahoe is designed for a 100-year, 24-hour storm (as well as other design storm events). At the project site location, the 100-year 24-hour storm precipitation is 6.0 inches (NOAA Atlas 2). Larger magnitude storms have the highest degree of erosion potential and deposit large volumes of particulates in the lake, so it is critical that the project storm water conveyance systems be designed to consider the project impacts for all levels of 100-year storms.

- 2) Project Alternatives C and D rely in part on subsurface infiltration galleries. With regard to the long-term performance of the below-grade infiltration galleries, the Draft EIS fails to mention or evaluate the following:
- a) Storm water containing sediment, trash, and organic matter shed from trees will be carried to the infiltration galleries and will reduce their infiltration capabilities due to clogging. Loss of efficiency of these galleries over time is not discussed.
  - b) Subsurface infiltration galleries have limited access and are therefore difficult to clean out (maintain). The Draft EIS fails to discuss the possibility, necessity, or cost of maintaining these below grade facilities.
  - c) Reduced performance of subsurface infiltration galleries with time will not be self-evident because their operational function is buried and damaging runoff events are short-lived. The EIS generically states that post project monitoring and maintenance will ensure the long-term functioning and effectiveness of the installed systems, however Section G of the Draft EIS indicates that BMP monitoring will be only based on visual inspection which is inadequate to determine operating efficiency of subsurface drainage galleries.

Loss of efficiency or inadequate maintenance of below-grade drainage galleries will increase the possibility that the TRPA required 20-year 1-hour storm will not be fully contained.

Above-grade drainage infiltration galleries are easier to inspect and maintain. Infiltration rates would also be easier to measure following rainstorms. The Draft EIS makes no comparative analysis of this possibility.

- 3) Alternative C relies in part on pervious pavers (56,342 SF). Project promotional materials show pervious pavers that incorporate plants. Plants in such applications do not hold up to heavy pedestrian and vehicular traffic.

Because the Draft EIS provides little information about the use pervious pavers and provides no critical evaluation of their applicability or potential for success at the site, we encourage you to consider the following information published by UC Davis Extension on the web

([http://extension.ucdavis.edu/unit/center\\_for\\_water\\_and\\_land\\_use/pervious\\_pavement.asp](http://extension.ucdavis.edu/unit/center_for_water_and_land_use/pervious_pavement.asp)). In addition to other information that is worth reading and should be considered in the Draft EIS relative to pervious pavers, UC Davis states the following:

*These pervious surfaces can be used in a variety of areas including driveways, parking stalls, walkways, emergency vehicle access ways, alleys, highway shoulders and other non-high vehicle traffic areas. However, under the right circumstances these surface cover materials can be used, with caution, in roadways and other moderate traffic flow areas. Well-designed parking and roadways can include a mixture of various porosity densities, with the more dense material being located in high traffic areas, and less dense or pervious material located in low traffic areas, or areas where wheel turning is at a minimum (e.g., parking stalls). Pervious surfaces should not be used when the surface grade exceeds 5%.*

If block type pavements are used, snow plow blades could catch block edges and damage surfaces. Sand cannot be used for snow and ice control on pervious asphalt or concrete because it will plug the pores and reduce permeability and infiltrating runoff may causing frost heave. Pervious pavers may be feasible, but the Draft EIS does not provide critical evaluation of the feasibility of pervious pavers at this site.

The Draft EIS fails to discuss where pervious pavers are used, the type of papers proposed, and if they are suitable for the areas proposed. If restricted to only low traffic areas, then there may not be significant square footage installed and there would be little benefit.

Pervious pavers require regular maintenance (cleaning) to function efficiently (see following comment). Because pervious pavers are a central design feature of the site hydrological improvements, the impact of improper maintenance should be evaluated in the Draft EIS.

- bq
- 4) Regenerative air street sweeping equipment is mentioned in the Draft EIS as a component of TMDL treatment strategies to reducing sediment loading. In one of the public meetings, the developer's representative indicated that the project would own a regenerative street sweeper. These machines are costly. The cost of the sweeper and the cost of maintenance are not mentioned in the Draft EIS nor are they mentioned in the appendices. Would inclusion street sweeping equipment and a specific maintenance schedule be included as conditions of approval of this project?
  - 5) Green roofs (16,179 SF) are mentioned as LID measures that are beneficial to the project. In order to be effective green roofs require successful planting and irrigation. Green roofs will add weight at the roof level which increases the cost of construction for dead load as well as seismic (lateral loading). Green roofs also require special drainage layers, special waterproofing, special soil layers, careful design, and careful construction so that they work properly and do not leak. All of this adds up to significant extra cost. The Draft EIS does not mention these potential disadvantages and therefore lacks critical evaluation. If Alternative C should become the approved alternative, will construction of green roofs become a condition of project approval?

- b9
- 6) Section 2 and Section 4.3 of the report both mention reduced traffic associated with Alternative C as a benefit for hydrology and water quality (see page 4.3-22). Part of the traffic reduction is the result of project funded mass transit/alternative transportation yet the cost and sustainability of funding is not evaluated in the Draft EIS. Funding projections for maintenance and monitoring of drainage improvements, particularly subsurface infiltration drainage galleries should also be evaluated in the Draft EIS. Consideration of the reliability of these funding sources in the future should also be evaluated. Considering that the area has a history of failed casinos (Bal Tavern and Tahoe Mariner) and foreclosures (Cal Neva and Crystal Bay Club), project impacts in the absence of projected funding should also be evaluated. Are the various maintenance activities and transportation funding also preconditions of project approval? If so, how would TRPA or any other agency assure long-term funding by the developer or subsequent owners for transportation and maintenance items that are necessary for the long-term water quality improvements discussed in the Draft EIS? Would the TRPA and other agencies be responsible for enforcement in the future and is that feasible for TRPA and other public agencies? The Draft EIS fails to assess the importance of these points.
- 7) TRPA BMP requirements for rainfall containment/infiltration are that the 20-year, 1 hour storm be contained. The Draft EIS evaluation shows that the 50-year storm 1 hour storm would also be contained as well. Note that containment of the 50-year storm relies on the full efficiency of green roofs, pervious pavers, and subsurface drainage galleries. Since the Draft EIS fails to critically evaluate the success or maintenance of each of these elements over the long term, the claim of the Draft EIS to capture the 20-year or 50-year 1 hour storms is questionable in the future.

### SUMMARY

Because of the omissions listed above, the Draft EIS fails to provide balanced critical evaluation of the positive and negative impacts of this project in short- and long-term evaluations. Without balanced and critical evaluation, the Draft EIS is not useful as a decision-making tool for TRPA. The Draft EIS requires significant revision to meet this goal. Failing that, the Final EIS should not be approved by the TRPA.

Please contact me if you have questions regarding the above comments.

Sincerely,

John Bosche, PE  
Civil Engineer  
California #30241

cc: North Tahoe Preservation Alliance

**JOHN V. BOSCHE, G.E., P.E.**

**Tetra Tech, Oakland**

---

**Project Engineer/Project Manager**

**Education/Registrations**

M.S., Geotechnical Engineering, Stanford University, 1977  
B.S., Civil Engineering, University of Colorado, 1976  
Geotechnical Engineer, California (No. 156), 1987  
Civil Engineer, California (No. 30241), 1979

- ◆ 32 years of experience as a consulting civil and geotechnical engineer
- ◆ California-registered civil and geotechnical
- ◆ Quality Control Coordinator with final sign-off authority for Tetra Tech engineering, site characterization, and decision documents

Mr. Bosche is responsible for a broad range of environmental and engineering projects, including remedial design, construction management, Preliminary Assessments/Site Investigations, Remedial Investigation/Feasibility Studies, environmental impact assessments, and geotechnical studies.

**Selected Project Experience**

**Project Manager, Site 1 Landfill, Concord, California.** Mr. Bosche is the project manager for the remedial design of a 13-acre landfill cap in a wetland environment at Naval Weapons Station Seal Beach Detachment Concord.

**Project Manager/Engineer, Remediation of Contaminated Wetlands, Concord, California.** Mr. Bosche has provided remedial design and construction oversight for the implementation of \$10 million of remediation work, including an extensive sampling effort, removal of contaminated marshland soil, and restoration of the site.

**Project Manager, Sites 2, 9, and 11 Feasibility Study and Proposed Plan, Concord, California.** Mr. Bosche is the project manager for the feasibility study and proposed plan for three sites for the US Army at Military Ocean Terminal Concord.

**Quality Control Supervisor:** Mr. Bosche is a senior member of Tetra Tech's corporate quality assurance program, responsible for final review and approval of Tetra Tech work products before release to the client. In this role, Mr. Bosche routinely reviews a full range of Comprehensive Environmental Response Compensation and Liability Act and other environmental documents, designs, and cost estimates prepared by Tetra Tech. In this role, he provides technical expertise to other Tetra Tech project managers in designing field studies as well as removal and remedial actions.

**EMPLOYMENT HISTORY**

1991 - Present	Tetra Tech EM Inc.
1989 - 1991	Subsurface Consultants, Inc.
1983 - 1989	Herzog Associates

January 26, 2010  
Tahoe Regional Planning Agency  
Page 6

1977 - 1983      Peter Kaldveer & Associates





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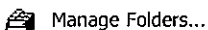


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## Boulder Bay DEIS Comments

Roxie Naes [roxie.naes@sri.com]

Sent: Wednesday, February 03, 2010 2:27 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

My family has been visiting Lake Tahoe for four generations. We are very concerned about additional development. Pls consider the following for the proposed North Shore project:

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Thank you,

Roxie Naes

Roxie Naes

1052 Michelangelo Drive

Sunnyvale, CA 94087

207

288

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 8:49:49 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Linda  
Last Name: Offerdahl  
Address: 593 Iariat Circle  
City: INCLINE VILLAGE  
State: NV  
Zip: 89451  
Email: Linda@Offerdahl.com  
Phone:

Comment: I am 100% behind Boulder Bay. I am a local resident of over 20 years, a business owner, and the president of the Incline Community Business Association. boulder Bay is to commended for promoting business growth in an environmentally sensitive way. They deserve awards for actually trying to make the impact on the environment LESS than is the current status.

Regards,

Linda Offerdahl



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## Boulder Bay DEIS Comments

Burton W. Oliver [cboliver@msn.com]

**Sent:** Wednesday, February 03, 2010 8:48 AM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

289

Dear TRPA,,

The proposed development project needs an adequate traffic analysis.

The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.

It is essential to have complete and fully maintained 'best management practices' for water quality.

Burton W. Oliver  
1164 Statford Way  
Kings Beach, CA 96143



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## Boulder Bay DEIS Comments

Madeline and Larry Petersen [madeline@lpmarketing.com]

Sent: Wednesday, February 03, 2010 9:26 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

NO NO AND NO. DO NOT ALLOW THIS DEVELOPMENT TO HAPPEN, PERIOD.

Mrs. Madeline and Larry Petersen

1575 Sequoia Ave

Tahoe Park, CA 96145

290



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## Boulder Bay DEIS Comments

Catherine Pettrone [kati.pettrone@gmail.com]

**Sent:** Wednesday, February 03, 2010 5:16 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please reconsider the proposed development of the hotel, condos, etc. Water quantification needs further address as does traffic analysis. Further, is such a huge development really conducive to the beauty of the area? I think not.

Catherine Pettrone

4540 Burke Hill Rd.

Ukiah, CA 95482

291



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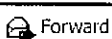
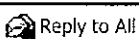


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**Boulder Bay DEIS Comments**

Alexandra Pitcairn [alexpitcairn@mac.com]

Sent: Wednesday, February 03, 2010 9:38 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

The proposed rebuilding of the Biltmore and its surrounding area raises many concerns not only during construction but in the long term. To help those of us who live in the area to come to an understanding of the impact or lack of it we request the following. There needs to be an adequate traffic analysis. The environmental impact statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. Also the importance of a complete and fully maintained 'best management practice' for water quality now and on going.

It is imperative that with such a large project in mind, that a thorough investigation should be carried out before the go ahead is given.

Thank you for your consideration.

Sincerely,

AP

Alexandra Pitcairn  
1880 John Scott Trail  
Tahoe City, CA 96145

510 763 0152

292



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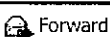
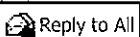


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## Boulder Bay DEIS Comments

Gerald Plummer [plums2@astound.net]

Sent: Wednesday, February 03, 2010 7:38 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

293

Dear TRPA,,

Please do not allow further development of the Crystal Bay Club. Tahoe is a magnetic property for tourism due to outdoors activity and the beauty of the lake. There is no direct benefit to local landowners, the region's tax base, from expansion of gambling activity. We aren't Reno or much less, Nevada.

It's time your focus was on preservation. Isn't it cynical to restrict private home growth while allowing commercial expansion and pier development on a massive scale?

Mr. Gerald Plummer  
3825 LaCrosse  
Carnelian Heights, CA 96145

630-583-9351





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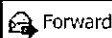
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**Boulder Bay DEIS Comments**

Robert and Susan Postle [rspostle@cruzio.com]

Sent: Wednesday, February 03, 2010 8:01 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

We have been in the North Tahoe region for over thirty years and are concerned about the proposed development at the Biltmore in Crystal Bay. Traffic has always been terrible in this area. I cannot even begin to understand how any proposal can be considered that would even place one more car on the road in this area. And we hope you're not considering a four lane highway in this area!

I am not aware of the full impact of the run off into the lake from the current road population, but can only presume that the lake will be less clear by increasing sediment run off.

There preservation of our lake is everyone's responsibility. We urge your agency to do the same on this proposed issue.

Thank you in advance...

Bob and Susan Postle

Robert and Susan Postle

1066 Tiller Dr.

Incline Village, NV 89451





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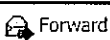
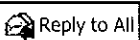


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## Boulder Bay DEIS Comments

Brandy Randall [brandy.randall@gmail.com]

**Sent:** Wednesday, February 03, 2010 9:14 AM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Please follow up with your concerns about the development on north shore. We cannot allow development without proper environmental evaluation, especially on the effects of fine sediment deposition.

Thank you for your efforts and all your hard work.

Brandy Randall  
2112 West Way  
South Lake Tahoe, CA 96150

(505) 947-1314

295



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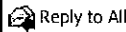
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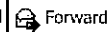
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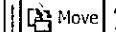
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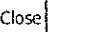
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**Boulder Bay DEIS Comments**

Craig Ritchey [ritchey.craig@dorsey.com]

Sent: Wednesday, February 03, 2010 5:56 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am writing to request a thorough review of the Boulder Bay project and what appears to be an inadequate traffic analysis and lack of quantification of the water quality benefits (including fine sediment load reduction). In addition, the promised "best management practices" for water quality should be spelled out, complete and fully maintained.

I am a home owner in the area and hope you will insure that the concerns outlined above will be thoroughly addressed and remedied.

Craig Ritchey

Craig Ritchey

1156 Ramona St

Palo Alto, CA 94301

296

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## Boulder Bay DEIS Comments

Carol Rowberg [cjrowberg@att.net]

Sent: Wednesday, February 03, 2010 11:57 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

With such a large proposal on your table please follow through with all the analysis and safe guards that you can require so that Lake Tahoe is protected from this project. Please make sure the traffic in the North Stateline area has been looked at carefully and that our Tahoe water is highly protected from sediments and other issues that come from development. The "best management practices" should always be completed.

Thank you, Carol Rowberg (half year resident of Lake Tahoe)

Carol Rowberg

PO Box 845

120 Wingfoot Way

Aptos, CA 95001

297

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## Boulder Bay DEIS Comments

Dwight Ryan [dwightryan@cox.net]

Sent: Wednesday, February 03, 2010 3:51 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

It is unbelievable that a large new development on the North Shore will not overwhelm already constrained traffic flow and contribute to further degradation of lake quality.

We've owned property in Dollar Point for 35 years. This is the largest threat yet to maintaining the unique quality of this wonderful area. Please don't allow this proposal to go forward.

Dwight Ryan

Dwight Ryan  
11 Lochmoor Lane  
Newport beach, CA 92660

298



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**Boulder Bay CEP Project Comment From Maia Schneider**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

Sent: Wednesday, February 03, 2010 4:43 PM

To: Boulder Bay DEIS Comments

Name: Maia Schneider

Address: 888 Donna Dr

City: Incline Village

State: NV

Zip Code: 89451

e-mail Address: maiaschneider@yahoo.com

Phone Number: 530 587 4982

Date: 2/3/10

Description: Sustainable redevelopment cannot occur with public resources alone. The most successful projects involve a balance of public & private investment. TRPA along with local agencies and private landowners must work together to improve environmental models and promote economic sustainability within the basin.

Boulder Bay is a perfect example of this collaborative, transparent and effective approach. Roger Wittenberg and his team have shown that the most detrimental environmental impact is often the Existing Condition. Certainly, anyone can look out on the asphalt desert that surrounds the existing building and see that the poor planning of a prior generation has resulted in current detrimental impacts.

As the EIS demonstrates, some of the many benefits of Boulder Bay are:

- oA reduction in impervious coverage
- oDramatically improved water quality and reduced loading of sediment into the Lake
- oSupport for public and alternative transportation
- oImprovements to the scenic travel route ratings
- oGreen building approaches which reduce energy use and greenhouse gas emissions
- oCreation of stable well paying jobs and tax revenues

Developing magnet properties that attract a new demographic to Lake Tahoe is the rising tide that will lift all boats. The old anti-development mantra of stop everything, do nothing is no longer a viable approach to achieving the goals we all share for environmental and economic revitalization. Of the concerns I have heard voiced about the project over the past year, none offer a viable alternative or any solution as to how to address the untenable existing conditions of the site. Two of my favorite acronyms come to mind: the folks who belong to BANANA (build absolutely nothing anywhere near anything) or CAVE (citizens against virtually everything).

The Boulder Bay EIS data illustrates that in terms of threshold impacts, the Existing Conditions have far more negative effects than the proposed project. Real environmental benefits can be gained by encouraging redevelopment of our legacy sites around the Lake.

I encourage your support of Boulder Bay and the developers recommended option as identified in the EIS.



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## Boulder Bay DEIS Comments

Edward Schommer [ejschommer@aol.com]

**Sent:** Wednesday, February 03, 2010 5:17 PM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

This project is simply too large for the North Shore area. A viable traffic study must be completed. It is impossible for me to understand how this many additional units will decrease traffic!

Edward Schommer

1122 Regency Way

Tahoe Vista, CA 96148

300

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## Boulder Bay DEIS Comments

Edward & Jane Seaman [edwardjane@comcast.net]

Sent: Wednesday, February 03, 2010 3:38 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed Hotel Development on the North Shore of Lake Tahoe would result in numerous disasterous problems. We implore you to refuse any effort to allow this planned expansion to go forward.

Edward S. Seaman

Edward & Jane Seaman

1512 Tirol Dr.

INCLINE VILLAGE, NV 89451

301

302

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 1:58:54 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Heather  
Last Name: Sharp  
Address: 321 Ski Way  
City: Incline Village  
State: NV  
Zip: 89450  
Email: sharph@flinchtech.com  
Phone:

Comment: In a meeting the other day, a comment was made that a 75 foot tall gaming facility was going to be built across the street from the Biltmore, where the Crystal Bay motel currently is. I decided to check into this accusation and luckily, found out that it was absolutely, completely false.

What I found out is that the Crystal Bay motel site is in fact going to be turned into a grassy area instead of the old rundown motel that exists today, and has been home to both prostitutes and drug dealers prior to the management change in 2008. I also found out that that parcel will also be used to treat water from the surrounding community so it provides a cleaner lake for all of us!

I looked into why the Crystal Bay motel property was included as part of the project and found out that Boulder Bay added that piece of property at the request of TRPA so that the water quality improvements could be installed as part of an integrated plan. I suppose the TRPA wanted to make sure the water quality improvements would be part of their approval process. That makes sense to me. So instead of moving density, height and gaming over to the Crystal Bay motel facility on the other side of 28, the TRPA and Boulder Bay are actually doing the opposite- putting the piece of property into the plan so that it is designed as a water improvement project and essentially prevents future development on that site. Bravo to both Boulder Bay and the TRPA!

Why would someone spread such a completely false rumor? I can't comprehend it. The casino space at Boulder Bay will decrease from over 22,000 square feet of active gaming space down to 10,000 square feet. Plus, the agreement with the NTRPA specifically requires that gaming is only allowed to be relocated to the Building E footprint identified in the project site plan. Movement of gaming floor area to the Crystal Bay Motel or Overflow parking lot parcels is as a result specifically prohibited by this agreement.

In the future, the Crystal Bay motel site will be completely demolished and will have a deed restriction of .28 acres of open space. In addition, it will include a Storm Water Management System designed to handle a 50 yr/1 hour storm. Is that better than what we have today- no question! Please approve this project so we can get on with it already.



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**Boulder Bay DEIS Comments**

Judith Shaw [ljshaw1@aol.com]

Sent: Wednesday, February 03, 2010 1:24 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please scale down the size of the proposed development changes to the Biltmore Hotel. The traffic along the highway into and out of Incline is a problem as it is. Increasing the width of the highway should not be an option as that will just impact the valley even more.

Judith Shaw

595 Fairway Drive

Novato, CA 94949



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## Boulder Bay DEIS Comments

sara shaw [sarashaw20@hotmail.com]

Sent: Wednesday, February 03, 2010 9:44 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

null

sara shaw

1095 Rio Vista Drive

Pacifica, CA 94044

304



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**Boulder Bay DEIS Comments**

Janet Smetana [janetsmetana@comcast.net]

Sent: Wednesday, February 03, 2010 8:02 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am very concerned about the approval of this project, specifically as it pertains to:

- Adequate traffic impact analysis;
- Meaningful - aka quantified - water quality benefits, including fine sediment load reduction; and
- Guidelines & documented policies & commitment to rigorous implementation of "best management practices" for water quality.

Furthermore, with so many stalled projects of this type, ie Stateline So. Shore by Harrahs, or others underway - the development supplanting the Horizon Hotel & open space with a similar project to the one proposed for Crystal Bay - I question how many of these the Lake can truly support, in a fashion as to not downgrade it's beauty, water quality & general quality of life in the area. The implications/impacts of these developments occurring simultaneously must be examined within that context.....not individually.

Thank you for your consideration of my concerns

Janet Smetana  
650 Hilary Drive  
Tiburon, CA 94920

305



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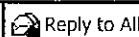
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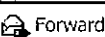
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**Boulder Bay CEP Project Comment From Don Starbard**

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

Sent: Wednesday, February 03, 2010 2:25 PM

To: Boulder Bay DEIS Comments

Name: Don Starbard

Address: P.O.Box 675

City: Crystal Bay

State: NV

Zip Code: 89402

e-mail Address: don@starbard.com

Phone Number: 775 832-0333

Date: 2/3/2010

Description: Redevelopment and revitalization of the Tahoe Biltmore is needed but it should conform to the existing rules that all the other properties in the basin are required to meet. If the Boulder Bay project is given extra privileges then the surrounding private property should be also given the same benefits. Social Equality needs to be brought into the equation of the Environmental Review.

First this project is over height and over dense. The total number of units both tourist and full ownership condo's together will over burden the Crystal Bay area adding excess traffic to the community. This overage is lowering the quality of life for the existing residences and the lake.

The use of the Deed Restricted Property on the old Mariner sight should be held in the existing status and not given away to over sized developments. The value of the non-land assets were sold off to the Hyatt many years ago. It is not fair to us the small property owners who must abide by the TRPA rules without any special circumstance.

The traffic report is beyond belief when you triple the number of people you can decrease the number of vehicle trips is wrong. The use of the calculations that allow garbage in will equate to Garbage Out and gridlock in the peak period with bypass traffic in the immediate neighborhood with its narrow non-conforming roadways. Urge the Governing Board to not give away the special variances to the Boulder Bay Project without make equality for all.

307

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: February 3, 2010 10:26:07 AM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Ned  
Last Name: Stock  
Address: 961 Tyner Way  
City: Incline Village  
State: NV  
Zip: 89451  
Email: nstock@cbivr.com  
Phone: 775-831-1515

Comment: As a resident and property owner in Incline Village, I fully support the Boulder Bay project. The commercial corridor of hwy 28 is critical to the long term health of the lake economy and this project is vital. Most of the hwy 28 corridor is dated and in need of updating and refurbishing. Unfortunately, current regulations make improving these commercial buildings cost prohibitive. This is counter productive and should be looked at by the TRPA and other governing bodies. Finding a way to encourage redevelopment versus stymieing it should be a top priority in the basin.

308

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: February 3, 2010 9:55:53 AM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: RODNEY  
Last Name: STORM  
Address: PO BOX 605  
City: CRYSTAL BAY  
State: NV  
Zip: 89402  
Email: limorod@yahoo.com  
Phone: 775 843 4626

308a [ Comment: I'D LIKE TO ADD MY VIEW TO COMMERCIAL TRANSPORTATION IN THE CRYSTAL BAY, STATELINE AREA. I PURPOSE THAT A TRANSPORTATION HUB, TERMINAL. ie; buses, taxis, limos, carriage. BE LOCATED ON THE CALIF SIDE OF THE BOULDER BAY PROJECT. THIS WOULD ALLOW COMPANIES TO PROVIDE TRANSPORTATION SERVICES LEGALLY. AT THE PRESENT NOT ALL SERVICES ARE OPERATING LEGALLY DUE TO MANY REGULATORY RULES AND LAWS. INTERSTATE TRANSPORTATION AUTHORITY (ICC-MC) CALIF TO NV. AND VICE VERSA IS MUCH EASIER TO COMPLY WITH. AS TO THE CONTRARY POINT TO POINT TRANSPORTATION IN THE STATE OF NEVADA, NV. TO NV. (CPCN) IS VERY HARD TO ACHIEVE AND COMPLY WITH. I OWN NORTH TAHOE LIMOUSINE A+ RATED WITH THE NORTHERN NV. BBB. MEMBER OF THE NORTH TAHOE RESORT ASSOC., CHAMBER OF COMMERCE, I WELCOME THE OPPORTUNITY TO DISCUSS THESE ISSUES, A COMMERCIAL TRANSPORTATION HUB TO BE INCLUDED IN THIS PROJECT I FEEL WOULD BE ADVANTAGEOUS TO ALL.

308

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 9:34:37 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: RODNEY

Last Name: STORM

Address: BX 605

City: CRYSTAL BAY

State: NV

Zip: 89402

Email: limorod@yahoo.com

Phone: 775 843 4626

308b [ Comment: I TO THINK ALTERNATIVE "C" IS A GOOD PLAN.IT HAS THE PROMISE TO BRING A BREATH OF FRESH AIR TO CRYSTAL BAY STATELINE CASINO AREA.A MUCH NEEDED RIVITALIZATION TO THE AREA.THIS WILL BRING ECONOMIC GROWTH TO THE AREA.I STRONGLY SUPPORT ALTERNATIVE "C" THE BOULDER BAY PROJECTS.THE SOONER WE GET PAST ALL THIS RED TAPE THE BETTER....



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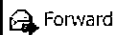


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**Boulder Bay DEIS Comments**

Cathi Sweeney [cathi.sweeney@gmail.com]

309

**Sent:** Wednesday, February 03, 2010 8:27 AM**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please expand the EIS analysis and TMDL load reduction targets to better quantify total fine sediments.

It would be better to express targets in quantifiable real terms so every alternative (and any modification to the plan) can be demonstrated to meet or exceed those pollutant reduction targets.

Please perform a more rigorous traffic analysis. Vehicle traffic impacts not only roadway access and LOS levels but air quality and other pollutant issues as well.

The existing traffic analysis and discussion is unclear. A reduction in vehicle trips for the project appears to be solely based on Fehr & Peers trip generation equations which magically reduce the number of trips despite increased population on site. How is this counter intuitive result achieved?

Cathi Sweeney  
3830 Meadow Rd  
South Lake Tahoe, CA 95160





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**Boulder Bay DEIS Comments**

Linda Taylor [linda.taylor3@cox.net]

310

Sent: Wednesday, February 03, 2010 6:23 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please don't let the lure of development impact the water adn environmental of Lake Tahoe. There are already enough rooms cabins to rent. This urges you to proceed with the necessary enviromental impact studies on the Biltmore project.

Linda Taylor

2703 Corte Amatista

San Clemente, CA 92673

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## Boulder Bay DEIS Comments

Linda Van Fossen [lindavanfossen@msn.com]

Sent: Wednesday, February 03, 2010 11:22 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Linda Van Fossen

171 La Serena Avenue

Alamo, CA 94507

311



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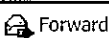
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## Boulder Bay DEIS Comments

Andrew Vernon [andrew.vernon@autodesk.com]

Sent: Wednesday, February 03, 2010 8:59 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Kindly ensure that the following is covered:

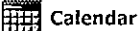
- (1) an adequate traffic analysis and
- (2) a meaningful quantification of water quality benefits,

Andrew Vernon  
308 G Street  
San Rafael, CA 94901

312



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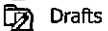
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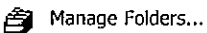


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**Boulder Bay DEIS Comments**

Ben Wadsworth [benwadsworth@sbcglobal.net]

313

Sent: Wednesday, February 03, 2010 12:05 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please provide a clear and adequate traffic study, specifically stating the impacts of this project on Highway 267 and Highway 28. What form of mitigation is being contemplated to offset increased traffic on these already marginal roadways? Furthermore, how is traffic congestion on the 28 corridor, through already congested Kings Beach going to be handled? How is air quality, associated with increased vehicular traffic, going to be mitigated?

Please provide an in-depth description of ?BMPs?. How does the proposed system respond to releases of nitrates, phosphates, and fine, suspended particulate matter? How does the developer plan to handle added sewage? How much hardscape will be incorporated into the project, and what is the predicted runoff?

Please provide a detailed and complete landscaping plan. Will lawns (grass) be incorporated into the landscape? If so, how will the system handle phosphate and nitrate residues from fertilization (Sierra soils are notoriously poor in phosphates and nitrates, so most grasses will not flourish without fertilization)? How much of the landscaping be comprised of native vegetation?

How will the increased influx of individuals and their vehicles be handled. Currently, on holiday weekends, and throughout most of the Summer, public facilities, road shoulders, and private neighborhoods are overrun with people looking for parking. Will project parking be limited in accordance with USGBC guidelines, in order reduce vehicle traffic.

Will the project apply for LEED status? If so, what level? Will rapidly renewable resources be incorporated into the building - if so, to what extent? Will post-consumer recycled content be utilized ? if so, to what extent?

How will the overall project impact be mitigated with regard to public services, beside transportation and sewage? This includes disposal of trash and garbage, impact on the electrical grid, impact on natural gas supplies, and impact on emergency services. Will the project pay for its impact on public services, or will these costs be borne by surrounding property owners in the form of fees, bonds, and taxes? This question also applies to traffic, sewage, and air quality mitigation.

Without concise answers to these questions, I cannot support this development. Furthermore, I will engage in any available form of legal process to stop it. Development has already exceeded the carrying capacity of the road system around Lake Tahoe, seriously impacts the quality of every other service, and has a deleterious effect on the quality of the lake itself. Please prove to me that all of these considerations have been taken into account in the permitting process.

Ben Wadsworth  
5914 Korlebu Lane  
Carnelian Bay, CA 96140



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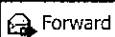
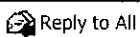


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## Boulder Bay DEIS Comments

Rebecca Wagner [rwagner355@aol.com]

Sent: Wednesday, February 03, 2010 8:25 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Do everything possible to stop this development near our Sierra jewel.

Rebecca Wagner

2030 aloha dr.

south lake tahoe, CA 68150

314

315

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 7:36:56 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: matthew

Last Name: weaver

Address: 6850 sharlands ave #k1064

City: reno

State: nv

Zip: 89523

Email: mweaver1982@gmail.com

Phone: 775-527-1144

**Comment:** I have been following the Boulder Bay project very closely over the past 2 years and have attended public meetings on the project. I am writing to support Alternative C and the revitalization of this tired, environmentally draining site.

I know quite a bit about the current Biltmore site- I run the hotel and talk to guests every day. Most of our guests right now are one or two night stay guests. They drive into Crystal Bay and drive out within the next day or two. That's a lot of unnecessary car miles! While they are staying with us, many guests use the casino, eat a meal, attend an event, or watch a concert. However, many also get into their cars because they drive to go to a meal and to buy necessities, since we do not have a lot of amenities on site, or within walking distance. I know this because I talk to our guests, give them directions, check them in and out of our hotel, etc. If someone says people will be in their cars more once Boulder Bay comes along, they obviously haven't read the EIS, haven't looked at the facts, and haven't spent any time at the Biltmore. Tell them to come sit behind the front desk with me for a day!

We have an opportunity to make this better. To reduce the amount of back and forth driving, to get people out of their cars and walking around more, to stay longer, and to reduce the amount of times people get in their cars while they are here. The way to do that is simple- provide more things for people to do while they are here (pools, spa, restaurants and shops so they don't have to drive as much), and provide shuttles to things like skiing and the beach in Kings beach so they don't need to rely on a car. If you make it comfortable and convenient to take other forms of transportation, like Boulder Bay is planning%2

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## Boulder Bay DEIS Comments

Bill Welker [bcwelker@surewest.ndet]

Sent: Wednesday, February 03, 2010 8:57 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

project should be down sized

Bill Welker

4632 SaZgar Ave

SacrAmento, CA 95821

316

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## Boulder Bay DEIS Comments

Siegling William [alljoy@mac.com]

Sent: Wednesday, February 03, 2010 10:07 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please look carefully at the traffic analysis and to fully see that the best management practices for water quality is up held. I see no added piers and bouys are requested. Thats good.

Mr. Siegling William

1501 Silverpines

arnelian Bay, CA 96140

317





Mail



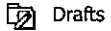
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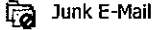
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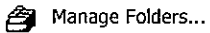


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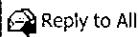
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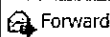
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## Boulder Bay DEIS Comments

Gerald and Nancy Wright [wrightg-n@sbcglobal.net]

Sent: Wednesday, February 03, 2010 9:08 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

We are appalled at the large scale development proposed for the North Stateline area of Lake Tahoe.

We hope you will seriously consider ALL the factors. Traffic is ALREADY a major problem in this area, and in many other developed areas along the road around the lake. This huge oversized development will only make traffic unbearable, to say nothing of producing smog. Tahoe is turning into a typical bedroom suburban community complete with commute-style traffic, bottlenecks, etc.

The water quality of the lake has already deteriorated. For those of us who remember the clarity of the lake during our childhood years, it is sad to look at it now. What is the Environmental Impact Statement considering concerning this? Will it address the serious problem of fine sediment entering the lake? It is very important that there be ongoing, complete best management practices for water quality. The proliferation of these huge developments --- unless carefully monitored for environmental problems especially the mentioned, are a horrible threat to the lake.

Thank you for your consideration. If we do not protect what is left of the lake, we will have nothing left of what was once a stunning clear body of water and a beautiful area around it.

Gerald and Nancy Wright

15 Byron Circle

Mill Valley, CA 94941

319

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 3:06:32 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

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BoulderBay: New EIS public comment submitted

First Name: Kristin  
Last Name: Yantis  
Address: 861 Jeffrey St.  
City: Incline Village  
State: NV  
Zip: 89451  
Email: kyantis@myprco.com  
Phone: 7753517904

Comment: I am a young professional, working out of my home with a consulting business that I own and run. I love Lake Tahoe and have lived in Incline for 3 years. I also follow the Boulder Bay project closely and am excited to see this project be approved and for the North Shore to be revived. We desperately need it!

Having attended meetings regarding Boulder Bay, I have heard talk about the Tahoe Mariner Settlement Agreement. I commend Boulder Bay for their foresight in evaluating the Mariner and Biltmore properties in their entirety during their planning process to design the best use of that space for our community and our environment. Boulder Bay has proposed moving the buildable area on the Mariner site from the middle of the property to the side of the Mariner property that is closest to the Biltmore site. The net effect of this change is to move the built environment together and to create a large, beautiful park for our community. Not to mention, that it moves the built environment toward an area on the Mariner site which has established tall trees to better shield the development to those driving by the site. The scenic improvement is much better than building in the middle of the site where cars could see the buildings instead of nature. I applaud them for making these improvements.

In the current Mariner Settlement, the built environment would be smack dab in the middle of the property and would create 2 small, unusable park areas. In fact, Washoe County declined to build the 1.27 acre public park on the site that is closest to the Biltmore because it was unusable, even when the land was going to be donated to them free of charge! I love spending time in the outdoors and believe like many people that live in Lake Tahoe that this is one of the most beautiful places in the world. I would love to see the Mariner Settlement agreement revised to give the residents a park that they can enjoy. Plus the park would be maintained by the project site which would allow our public dollars to be used for other benefits like environmental improvements on our public roadways, etc.

The proposed amendment to the Sierra Park Settlement Agreements in the Boulder Bay plan provides significant improvements to our community. The change increases the net gain to Lake Tahoe by

- 1) increasing the amount of acreage dedicated to park/open space,
- 2) building and maintaining the public park with private dollars,
- 3) relocating development from a sensitive scenic area (i.e. visible from the Lake),
- 4) reducing total land coverage
- 5) relocating potential development from Class 1a lands to higher capability lands
- 6) implementing additional public transit programs.

Please allow this change and give us a beautiful park/open space. It's the right thing to do. It would break my heart to

drive by the property every day in a few years and see 2 small, unusable open spaces when I know we could have so much more. Thank you.

320

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 3, 2010 10:18:38 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Kristine  
Last Name: Young  
Address: P.O. Box 5874  
City: Incline Village  
State: NV  
Zip: 89450  
Email: kristiney@sbcglobal.net  
Phone: 775 846 0686

**Comment:** As a resident of the Tahoe area for over 15 years I am, without hesitation, supportive of the Boulder Bay project.

As many people know, the Northshore is in need of revitalization ^ economically, physically and environmentally. Every aspect of the Boulder Bay project will have a positive impact on the area. I have heard many comments over the years from tourists and homeowners alike on the need to bring new life to the Tahoe Biltmore property. Boulder Bay is the solution!

321

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 3, 2010 5:19:50 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Geri  
Last Name: yount  
Address: P.O. Box 308  
City: Crystal Bay  
State: NV  
Zip: 89402  
Email: geriattahoe@fortifiber.com  
Phone: (775) 742-1010

Comment: We are in FULL support of this project and think it will be a GREAT asset to our community!

**DATE: 2/3/2010**

**TO: TAHOE REGIONAL PLANNING AGENCY**

**FROM: NORTH TAHOE PRESERVATION ALLIANCE, LLC**

**RE: COMMENTS AND QUESTIONS ON DRAFT EIS FOR BOULDER BAY PROJECT**

The Draft EIS spans many pages describing Boulder Bay's proposed development and the alternatives but fails to investigate the quality of the underlying data and fails to provide analysis for many of the potentially significant environmental effects stemming from the Project. Unfortunately, the DEIS accepts flawed methodology and presents some of the Developer's assertions as fact, without analyzing factual validity or accuracy. Internal inconsistencies within the document need to be corrected, and broad environmental factors affecting the community and region must be analyzed in a more thorough and objective manner. The DEIS overlooks much of the analysis necessary to meet the requirements of the TRPA Compact and the TRPA Code of Ordinances.

Comments and questions are listed under five broad headings and within the referenced attachments. These comments are in addition to any separate comments submitted on behalf of NTPA. Furthermore, we hereby adopt and incorporate by reference the questions and comments of the Sierra Club and the League to Save Lake Tahoe. The following discussion presents examples of concerns identified in the time available, which was insufficient for a detailed examination of a document of this magnitude. We respectfully ask that the TRPA address the issues raised and re-circulate a revised Draft EIS for public review and comment.

322a [ **1. The DEIS does not adequately address relevant issues raised during the scoping process and leaves other questions unanswered.**

Input was provided by NTPA and others during the scoping process for the DEIS. The DEIS fails to adequately address at least 50 issues raised by the community. The DEIS preparer failed to include basic requested data such as building elevations, project populations, locations of coverage reductions or additions, or massing volume comparisons. Specific comments and unanswered questions from scoping are noted in Attachment A, and new comments and questions concerning the DEIS are shown in Attachment B. Issues concerning the former Tahoe Mariner site are discussed in Attachment C.

**2. Many of the conclusions drawn about environmental effects of the Project are not accurate or supportable, because the Traffic Study and the Energy Use/Carbon Footprint Study are based on incorrect baseline assumptions.**

322b

Rather than applying actual, existing traffic statistics, the Traffic Study assumes a theoretical baseline calculated from maximum utilization of the existing Biltmore Hotel and Casino. Current utilization is far below the maximum for the facilities, and the traffic volume reflects that level of usage. Unfortunately, even at the actual current level of usage, residents experience gridlock on holidays and some weekends. It is inconceivable that a dramatic increase in density will not adversely affect traffic in a significant way. Traffic concerns are addressed specifically by experts referenced in correspondence being submitted on our behalf by counsel. Please refer to that document for further questions and comments.

322c

The energy study also uses flawed baseline assumptions. The report is based on the inaccurate traffic study and misleading conclusions of energy savings giving an inaccurate and partial analysis (i.e. considers no A/C, road snow melt).

322d

Regarding the Energy use/carbon footprint study, TRPA needs to require an objective evaluation of the proposed Boulder Bay carbon footprint as part of the DEIS. Carbon footprint analysis and reduction is considered by many to be the most essential step that can be taken to protect the environment. It is likely to be an important addition and modification to an updated Regional Plan.

322e

There are only two references to the Project's projected energy consumption and carbon footprint in the DEIS. The first presents a planned project goal of 50% decrease in energy use per guest. Attainment of this goal is not supported by any modeling, analysis or measure in the DEIS. It may be what the developer is hoping for, but more important to this process, it is unsubstantiated and inadequately demonstrated considering the scope and impact of this project.

The second is a more detailed reference to the ARUP study, commissioned by Boulder Bay to compare the carbon footprint and energy use of existing buildings to the new project. That study concludes the new resort would result in a 38% reduction in overall energy use despite the increase in units and square footage. The following are some of the concerns with the ARUP study:

322f

To construct a current footprint, the baseline number of units is stated to be 304, which includes 91 from the existing Biltmore, 22 from the existing Crystal Bay Motel and as the report states "191 from various other motels that have been removed from operation and the sites restored". Since these 191 units no longer exist, their energy usage was prorated to reflect usage

from the Biltmore and Crystal Bay Motel. That is like counting votes from the graveyard in a election.

Many of the ARUP study design parameters for the proposed project are unrealistic. That includes no cooling for the hotel rooms, which is unrealistic for a 4-star or better hotel.

It includes seemingly unrealistic project design parameters such as the same number of hotel icemakers that are in the existing Biltmore even though the proposed project has more than 3 times the number of units.

It omits important design parameters such as the Project's required heated roadways, which must have significant energy impact.

It includes external signage for the new project that is the same as the Crystal Bay Motel. Why the Crystal Bay Motel? This does not seem realistic.

The energy usage for the underground garage is estimated for only 50,000 sq.ft. because of stated "modeling complexities." The actual size of the proposed garage is much larger. Please explain.

The DEIS inadequately analyzes what the energy impact of this project will be. This would seem to be major shortcoming and an ominous precursor if this is what a CEP demonstration project is about. Common sense appears to be not so common with this energy use analysis. TRPA should require that an objective carbon footprint examination be included as part of the environmental evaluation. Comments by expert Joy Dalgren on the ARUP energy study are provided in Attachment D.

**3. The BB Project is being reviewed as a Community Enhancement Program (CEP) project, but the DEIS fails to address how the Project satisfies CEP objectives.**

3229 The DEIS needs to provide an objective assessment of "net environmental gains" as required for CEP projects. The limited analysis included in the DEIS is flawed. In fact, when all the facts are considered, there is no substantiation of net environmental gains for Alt C over alternatives. There is no weighting, no scoring and no indication of how net gain is achieved or not achieved. Attachment E addresses specific deficiencies in the DEIS's handling of CEP goals.



322h The DEIS does not indicate what the CEP "Measures of Progress- Environmental Improvements Progress" (listed in the CEP outline document) are for this project. In fact, it does not provide much analysis of CEP compliance at any level. The project appears to be out of CEP compliance in substance and spirit in many significant areas. For Alternative C, those areas of noncompliance appear to include:

322i 1. The project fails to reduce overall energy consumption. The project does not address the potential effects of shade on adjacent buildings. The project does not incorporate the reuse of an existing building. The project does not protect existing cultural/historic resources. The project does not adequately minimize noise. The project is not consistent with provisions of the existing community plan (NSCP). The project does not provide "consolidated commercial use" for public access that is materially different in form and quantity (CFA) from existing conditions. The project does not provide additional public access to the Lake (the DEIS attempts to suggest van service to existing public access qualifies, when it seems clear the CEP criteria for additional access is new access, not sponging off pre-existing conditions).

322j 2. A major selling point of CEP has been that it is "not a code avoidance program". Alternative C requires changes to the code; those changes would have significant impact.

322k 3. The CEP and the DEIS refer to LEED certification. However the DEIS provides no meaningful analysis of the developer's ability to qualify for actual certification other than submit a checklist and application. The project, as proposed, is not conditioned on LEED certification.

It is impossible, based on the DEIS analysis (and lack thereof) to determine if Alternative C provides a net environmental gain. This is a serious inadequacy of the DEIS that must be corrected; and the public must be allowed proper review of an adequate environmental analysis.

322l The extent to which "accessory use" is utilized in Alt C and the way commercial floor area (CFA) is designated need clarification. Attachment F discusses accessory use and CFA issues, and Attachment G by expert Bill Quesnel focuses on related road circulation concerns.

#### 4. The DEIS provides inadequate and flawed analysis of project alternatives and mitigations

The DEIS problems with alternatives and mitigations can be divided into four areas. Part of the problem is inadequate alternatives offered and uneven application of mitigation across the various alternatives presented (discussed below in 4.A).

Another part of the problem is the claimed effectiveness of some of the proposed mitigation (discussed below in 4.B). Another part of the problem is that the assignment of impact ratings and conclusions (in certain cases) are uneven, unsupported, superficial and/or in some cases lack realism (discussed below in 4.C).

322m [ Lastly, there are important areas of environmental impact not adequately considered or included in the DEIS (discussed in 4.D). As a result of these four problem areas, the comparisons of DEIS alternatives must be considered flawed and inadequate.

Examples listed below will mainly focus on Alternatives A and C, but can generally be extended to reflect issues with Alternative B, D and E analysis as well.

322n [ **4.A. Inadequate Alternatives and uneven application of mitigation across Alternatives.** The DEIS alternatives do not include an "as of right" alternative that responds to known or identified constraints of the existing site that can be reasonably fixed. Such an alternative could well be the least intense and effective option in responding to the environmental impacts of existing conditions. This was brought up in prior public discussion early in the process, but has been effectively ignored in the DEIS. The DEIS provides only modest mitigation analysis for a few Alternative A impacts, but unfortunately most of the impacts described for that alternative are left unmitigated because the DEIS states that "no mitigation is required or feasible until a project comes forward that requires a TRPA permit". Not only is this unimaginative, it conveniently assumes changes to rules, agreements, ordinances, etc. never happens or can not happen. More importantly, this is uneven treatment compare to other alternatives where assumptions of significant changes to settlement agreements, community plans, and local ordinances are essential to the analysis of those alternatives (and various mitigation of cited impacts). This not only deprives the environmental analysis of perhaps the least intense alternative (and best environmental option), but seriously limits the CEP projects or any other future projects (even possibly under a new Regional Plan) from considering anything other than complete tear downs of sites.

Some of the mitigation that could/should be considered for Alternative A would include:

4.A1. Seismic retrofitting of the site. There are various relatively inexpensive strategies and several levels of engineering performance recognized for this problem. Retrofitting to the level of "public safety only" (and not structural survivability) would be a legitimate and reasonable mitigation for this Alternative since (as the DEIS points out) "Washoe County Building Codes are the minimum requirements intended to maintain public safety during strong ground shaking, but do not insure functionality of the structure during and/or after a large seismic event" and none of the other Alternative are immune. If seismic concerns are generally a problem for the Tahoe Basin (which is the case), there are reasonable mitigating

solutions which can be implemented without tearing down every affected building in the Basin including the Biltmore.

4.A2. Create an "emergency response plan" for Alternative A (as was offered as mitigation for the other four Alternatives). This would create procedures for personnel response and personnel and visitor evacuation in the event of a catastrophic event. Why such a plan is not already in place for the existing site as a normal course of business is unclear and unacceptable. The importance of emergency evacuation routes is highlighted by expert Joseph B. Zicherman, Ph.D., SFPE, in Attachment H.

4.A3. Reduce the parking area of Alternative A (Alternative B as well). There is considerable unused parking area in Alternative A (a total of 382 parking spaces or a ratio of approximately 3.44 parking spaces for every housing/accommodation unit). Reducing the parking to say the same ratio of Alternative C (540 parking spaces for 373 housing/accommodation units or a ratio of approximately 1.44 for every housing unit) would eliminate roughly 60% of the parking spaces in Alternative A. Elimination of this parking would reduce visual predominance of the parking lots and substantially reduce actual impervious land coverage, not to mention it would likely save the property owner operating expenses.

4.A4. Visitor and employee shuttles are presented as transportation mitigation for Alternative C. If they work for Alternative C, why would they not work for Alternative A.

4.A5. Spiff-up the appearance of the Alternative A site. As the DEIS discusses, the TRPA Scenic Quality Improvement Program (SQIP) recommendations for the current site are "landscaping along the roadway and within developments, signage consistent with TRPA guidelines, landscape screening, and architectural upgrades to the casino buildings so they reflect the natural character of Lake Tahoe. These recommendations are not that big of a deal and could be reasonable (i.e. quickly and inexpensively) implemented and meet SQIP and NSCP guidelines. The DEIS confuses allowing a property to be run down (and thereby having low scenic quality) with whether or not it meets various community standards. This is an important distinction not only for this project, but also an important consideration for any future projects where sites are left to deteriorate as justification for other motivations.

3220 **4.B. Claimed effectiveness of various mitigation is questionable or inappropriate.** Here are some examples:

322p Mitigation SR-1A is an unacceptable and dangerous method of mitigation. It takes a legitimate problem (too much height) and makes it acceptable by changing the governing regulations. If that method of mitigation were allowed, you could "fix"

many, if not most, of the significant and adverse conditions in all the the project alternatives. It almost like wishing problems away. For example, if the problem is you don't like how TRPA is regulating this project (e.g. you think they are too fussy), then the mitigation could be get rid of, or seek exemption of TRPA's project authority. Furthermore, in this particular case, as the SR-1A points out, the proposed mitigation would allow for future redevelopment of Alternative C, which would further increase project height, which only adds to the original concern rated "significant" for this Alternative. This is tantamount to a development version of double indemnity.

322 q Mitigation REC-1 is ineffective. It states "Boulder Bay shall not provide guests with van service to Speedboat Beach". Speedway Beach has a current capacity problem (that will be magnified by recent changes to public access rules for the Beach that have not been - and need to be- analyzed by the DEIS). However as the DEIS does point out, the Beach is the closest Lake access for project guests and residents, and at "less than half a mile from the project" it is readily accessible. The van service is not needed, nor probably desired, and its absence is immaterial. As the DEIS points out "even small additions to the existing tourist visitation may exacerbate current overcrowding".

322 r Mitigation NOISE-1 (use of alternative pavement) is inadequate because it is only applied to an approximate one block area.

322 s Undergrounding of utilities is used for some Alternatives as mitigation of impacts, but not used for all Alternatives. This uneven treatment is questionable but ultimately immaterial because site undergrounding has already been done.

322 + **4.C. The assignment of impact ratings and conclusions (in certain cases) are uneven, unsupported, superficial and/or in some cases lack realism.**  
Some examples are:

322 u Impact LU-1 rates Alternative A and B impact as significant and unavoidable because they do not support the NSCP which, according to the DEIS, "seeks to improve visual consistency and visitor amenities found in family-oriented resorts".

Visitors to the current site already includes families and there is very little offered by Alternative C different from the current site (they would be newer of course and perhaps bigger, but then the development is bigger and new). The new amenities in Alternative C are superficially described (it is unclear exactly what and where they are) and do not appear to justify the rating assignment of "significant and unavoidable" for Alternatives A and B and "less than significant" for Alternative C. Furthermore what the NSCP actually states as the goal is; "create a more complete, family-oriented destination resort". Alternative C is clearly not a destination resort as defined by Federal and Washoe County standards. Under this criteria Alternative

C should have received a rating of "significant and unavoidable". It is not a destination resort.

- 322 v Impact LU-2 deals with conforming land use and analyzes whether the Alternatives create land use change. How is it possible that Alternative A is rated "less significant" and not "no impact" as it represents existing conditions? This bad rating example can also be extended to a number of other such errant "less significant" ratings for Alternative A throughout the DEIS (e.g. LU-3, GEO-3, GEO-C1, HYDRO-3, HYDRO-4, HYDRO-5, BIO-1, BIO-8, BIO-C1, SR-C1, REC-1, REC-2, REC -3, REC-C1, CUL-2, CUL-4, SPH-2, SPH-3, PSU-1, PSU-2, PSU-3, PSU-C1). Meanwhile (again under LU-2), Alternative C is rated "less than significant" even though the site is receiving TAU and ERU transfers to receiving parcels less than Class 4 capability.
- 322 w More objectionably, the changes required to the Mariner Agreement and changes to various plans for height and density relaxation are not even presented as mitigations for Alternative C (assuming they are even allowable mitigations), they are simply assumed as done deals (which they are not). The Alternative C rating should have received a rating of "significant and unavoidable". Drawings showing the elevations and size of the buildings proposed in Alt C (Attachment I) were provided by TRPA but were not included in the DEIS. Please provide architectural drawings with elevations in the revised DEIS for each building proposed as part of each alternative.
- 322 x
- 322 y Impact GEO-1 does not appear to analyze actual building-use coverage, rather mixes it up with allowable coverage. A basic question remains as to the relative footprint of existing conditions as compared to the other Alternatives. It appears that Alternative C has a much larger actual building-use footprint than existing conditions, but the ratings assigned do not reflect this. This would seem to be an important analysis that is missing. Actual versus allowable coverage may be an important, insightful analysis especially since the maximum allowable coverage is 50% in the NSCP anyway. And allowable coverage for this project is skewed by public right of way coverage - road abandonment - which is assigned to project use (a public benefit converted to private benefit) and should be disallowed.
- 322 z
- 322 aa Impact GEO-2 does not consider the impact of much taller buildings in any evacuation situation. A seismic event would have much greater impact (for safety and evacuation purposes) on Alternative C due to the eight buildings that will exceed current height restrictions. This is significant because as the DEIS states: "Washoe County Building Codes are the minimum requirements intended to maintain public safety during strong ground shaking, but do not insure functionality of the structure during and/or after a large seismic event". Significant seismic events are possible at Lake Tahoe. Western Nevada is ranked among the top three seismic areas in the country. A strong earthquake can collapse buildings that meet code in Washoe County. This is a "significant" impact for Alternative C magnified by its building heights and requires mitigation of construction to seismic standards that exceed County code.

322ab

Impact BIO-6 (removal of trees 24 inches or greater) is rated "less than significant" for Alternative C. Actually there should be a significant concern and impact with the removal of 225 of the 368 trees (61%) on the project site (includes all trees, not just the trees 24 inches or greater). This would appear inconsistent with the Regional Plan which states: "retain large trees as a principal component of late seral/old growth ecosystems" and "retain trees of medium and small size sufficient to provide for large tree recruitment over time, and to provide structural diversity". If 61% removal of site trees is not significant, what is? This would seem "significant and unavoidable" for Alternative C.

322ac

Impact SR-1 states "under Alternatives A and B, no new landscaping, surface parking improvements or utility undergrounding would occur" and "existing non-conforming signage would remain in place". Objections to mitigation of these conditions rated as "not feasible" have already been raised above in (4.A4). Furthermore, utility undergrounding has already occurred and signage conformance was supposed to be a condition of permitted (but never enforced) on-site improvements performed during the 90's. The DEIS also states Alternative A has significant inconsistency with planning regulations and guidelines. However if you look at specifics of the planning guidelines for the NSCP (which the Regional plan states is the "appropriate method to establish the design values of each community"), the community plan says: *"Since most of the area is already developed, major tear-down/reconstruction of existing structures is unlikely. Redevelopment is the key to gradually bring existing properties into compliance with the design theme and design plan. Do not repeat designs which don't meet the spirit and intent of these guidelines. Plan for gradual change through remodeling. The recently-completed restaurant remodel at the Tahoe Biltmore is a good example of gradually improving the character of an existing building."* It also goes on to say: *Relate the building to the adjacent public street frontage when there is a frontage(s); connect the building with its setting both visually and physically; retail, gaming and resort uses should be close to the street with minimal setbacks; provide clear clues regarding access. Large windows are a key element for retail uses to draw the attention of passersby; Buildings with tourist accommodation uses can be further away from the public street for privacy and refuge. These buildings are often smaller with one or several units per building and may be located within the interior of a site. Smaller buildings should incorporate the applicable architectural principles provided herein."* Furthermore the NSCP says the area should use a design style that reflects "Old Tahoe" character. What is more "Old Tahoe" than the Biltmore? Under these guidelines Alternative A appears compliant and Alternative C is non-complaint with an impact that is "significant and unavoidable".

322ad

322ae

Impact SR-2 states Alternative C has "significant" impact, but is mitigated by SR-1B to "less than significant". SR-1B reduces the height of Building A, although it does not quantify by how much. In any event, this mitigation does not change the fact that, as the DEIS states: "Buildings A,C,G and H will increase the amount of building

322af

mass located immediately adjacent to SR 28". Some of this development will occur in areas where no structures are currently visible or allowed pursuant to the existing Mariner Agreement (which is currently natural appearing landscape) thereby increasing the extent of urbanization. All of this is in conflict with the TRPA SQIP which specifically states the following guidelines: "maintain natural appearing landscape" and "commercial areas should retain a small-scale character".

322ag

Furthermore, the SQIP expresses concern that development in the area is "compromising the natural character of the unit as seen from the roadway". Finally, the scenic improvements suggested by the removal of the Crystal Bay Motel can only be considered temporary, since future redevelopment of the site is not restricted under Alternative C. For these reasons, Alternative C impact appears "significant and unavoidable" not "less than significant" as rated in the DEIS.

322ah

Impact SR-3 uses justifications and analysis similar to those used in SR-1 and SR-2. The above concerns cited for SR-1 and SR-2 apply here as well. Furthermore, it is not clear how set-backs have been measured for Alternative C. This needs to be clarified.

322ai

Impact REC-1 uses mitigation for Alternative C that is ineffective (particularly as it pertains to Speedway Beach) as discussed in (4.B). Also the analysis of access to Lookout Point does not include impact analysis of off-street parking which is already a problem. It appears the impact for Alternative C should be "significant and unavoidable", not "less than significant" as rated.

322aj

Impact CUL-1 appears to ignore the underlying premise of the impact concern ("will the Project disturb or alter, potentially eligible National Register properties"). The Biltmore is potentially an eligible National Register property. It is not disqualified from that consideration, and has merit for consideration. Furthermore, the Nevada State Historical Preservation Office has determined that the Biltmore Hotel and Casino building is eligible for listing on the National Register of Historic Places at the local and state levels of significance. It appears the impact for Alternative C must be "significant and unavoidable". This same conclusion would apply to CUL-C1 as well.

322ak

Impact TRANS-1 lacks realism. Traffic count comparisons are based on projected full operational capacities (current site) that do not actually exist and are grossly unrealistic. All comparisons are done to this baseline, and therefore all conclusions inappropriately skewed. This also applies to much of the entire transportation analysis (all transportation impacts) and air quality analysis. An independent traffic study with actual traffic counts would show increased VMT for Alternative C.

Impact TRANS-7 lacks realism. Under Alternative C, 6,050 truckloads of site grading material are required to be transported significant distances from the site. Each of these truckloads are calculated using the largest long-haul trucks and each truckload

322a1 will be transporting more than 44,000 lbs. of material. Almost all of the transportation must occur (by TRPA grading season regulation) during summer season when road traffic generally is at its highest. This impact is rated "less than significant" because it is compared to the full operational VMT's objected to above. This is a unrealistic comparison as those VMT's are not real. It is also unrealistic because it does not differentiate between VMT's generated by a large, long-haul truck pulling more than 44,000 lbs. and VMT's generated by residential traffic (say for example a Toyota Prius). If 6,050 trucks carrying more than 44,000 lbs. on SR 28 in the summer season does not constitute significant impact, what does? Alternative C should be rated "significant and unavoidable".

322am Impact TRANS-8 does not analyze Alternative C for compliance with replacement conditions for road abandonment and realignment within the project site. As described there are concerns with road width, number of egress points, slope, and efficacy of snow removal. Those concerns appear significant and need to be analyzed by the DEIS.

322an Impact AIR-1 (construction air quality) is flawed because of the VMT assumptions objected to above. Also the analysis makes no differentiation between diesel emissions (trucks and construction equipment) and automobile emissions.

322ao Impact AIR-2 (daily operation air quality) is flawed because of VMT assumptions objected to above.

322ap Impact NOISE-1 mitigates the "significant" rated impact for Alternative C by use of alternative pavement treatment. However that treatment is only applied to approximately a one block area (Cove Street to SR28). As the traffic that creates the significant noise impact leaves this area, the significant noise transfers with it, however is unmitigated. Alternative C should be rated "significant and unavoidable" or mitigation treatment should be applied to all other roadways. This applies to Impact NOISE-C2 and Impact NOISE-C3 as well. Also the DEIS indicates site grading

322aq removal will have extended hours at the beginning and end of the TRPA grading season. This will create objectionable early morning and evening noise levels.

322ay Impact SPH-3 dilutes the impact of location, distribution, density or growth rate of the project's human population by expanded it to the Region as opposed to examining it to the community (even an elephant, when viewed from 10,000 feet looks small). When viewed as a community, the population under Alternative C increases by approximately 8 times (last population count available for NSCP versus average occupancy for new project residential), yet Alternative C is rated as "less than significant" impact. If 8 times the growth isn't significant, what is?

Impact PSU-1 (public services and utilities demand) conclusions are inconsistent with a recent Tahoe Bonanza article that quotes IVGID officials who project \$130M



322as

will have to be spent over the next 20 years to ensure IVGID facilities maintain their current levels. The DEIS does not analysis what the impact the project will add to that burden or who will pay for it.

#### **4.D. Important environmental impacts are missing and not analysed in the DEIS.**

322at

The DEIS does not analyze the overall basin capacity concerning the number of additional increases permitted for residential units, TAU's, CFA, recreational uses and other impacts stipulated in the Regional Plan; nor does it then analyze the impact of the proposed project against those Regional limits.

322am

The DEIS does virtually no assessment of proposed project energy consumption. This is inconsistent with the Regional Plan which states: "energy conservation is important to decrease consumption....conservation programs and the feasibility of adjusting to alternative energy sources in the Basin needs to be assessed". Net energy reduction is a stated goal of the CEP program. The DEIS does not establish an energy consumption baseline or produce any numbers that analyze the proposed project's energy consumption. The DEIS does indicate the developer expects the

322av

per guest energy consumption will be reduced by 50% under Alternative C, but their is no substantiation of numbers and process behind this expectation. Even if the 50% reduction per guest were substantiated, the number of possible guests and residents more than triples over existing conditions and it would be impossible to realize net gains. There appears to be no net conservation of energy consumption under Alternative C. The DEIS does reference the ARUP study (energy use/carbon footprint) submitted by the developer, but as is discussed elsewhere in this report, that study has substantial flaws. There is also no analysis of the energy consumption during the construction phase of the project. For a small project or retrofit, this energy use might be less than significant, but considering the scope of Alternative C, energy use may well be significant. Just the diesel fuel consumption alone for 6,050 long-haul dump truck trips (to remove site grading) would be

322aw

significant. There is no analysis of proposed project energy consumption for new additions like the road snow melt system. The DEIS states Boulder Bay will submit upon completion of construction drawings, a design phase review application for LEED certification (Silver). Ability to achieve this certification is questionable - e.g. it will be very difficult to show reduced VMT over existing conditions (if Alternative C is approved by TRPA, will it be contingent on achieving LEED certification?).

322ax

The DEIS does not examine the impact of road realignments and road abandonment within the project site under Alternative C. There has been prior contention over the safety of Boulder Bay's proposed road changes. In fact, Washoe County's consideration of road abandonment and road alignment for the proposed site was conditioned on various factors like number of egress points, slope and width of the egress routes, and efficacy of snow removal for the egress points (e.g. the snow

melt system which has apparently has never been validated for a high snowfall area like Tahoe). The Regional Plan states: "no person or person shall develop property so as to endanger the public health, safety and welfare". This has not been adequately analyzed in the DEIS.

322ay

The proximity to services (schools, stores, banks, hospitals, etc.) for work force and low income housing and the overall increased project density has been inadequately analyzed. Those services for example, are generally unavailable in the NSCP area.

322az

There is also no analysis of available off-site work force and low income housing and the environmental tradeoffs of off-site versus on-site options.

**The above section 4 discussion presents examples of concerns generated in the time available; the concern and comments are not intended to be comprehensive as the time permitted for public review was insufficient for a more detailed examination of the DEIS.**

**Summary of DEIS Project Alternative analysis:** Obviously the conclusions of the DEIS are significantly influenced by the selection of Alternatives and the selection, use and interpretations of codes, rules, plans, agreements and regulations under which they are examined. There are flaws with how the DEIS has done that and flaws with conclusions made in assigned impact ratings ("significant", "less than significant" and "no impact") in its final (after mitigation) results as discussed above.

322ba

The DEIS considers 69 different environmental impacts. That number is considerable (and hence the volume of the document), but is inadequate and needs to include additional impacts as discussed above.

322bb

Based on the impacts that are considered, DEIS summary table 5.5-1 looks at "Significant and Unavoidable Impacts" (SU's) by Alternative. It indicates Alternative A has 5 SU impacts (the most), while Alternative C is the preferred alternative with zero (the least). These results are substantially inconsistent with the review of impacts discussed above. Alternative A can be effectively argued to have far fewer than 5 SU's, in fact with an "as of right" alternative that number may be zero. Alternative C on the other hand has numerous SU impacts as discussed above and that number can be effectively argued to exceed 15.

Additionally, as discussed above, there are issues with the "no impact" (NI) ratings assigned to the Alternatives. In particular, it can be effectively argued that Alternative A has more than 20 rated impacts that should have been assigned with NI (instead of "less than significant"). This would take the total number of NI ratings for Alternative A to around 60.

The net effect of Alternate A (with predominantly "no impact" conditions) and Alternative C (with substantial "significant and unavoidable" conditions) creates a much different picture from the preferred environmental alternative offered by the DEIS.

## 5. The DEIS does not adequately analyze cumulative impacts

322bc

The context of the Project's impact to the North Shore and the Tahoe Region is completely missing. Its relationship to other projects is missing, and its relationship to a new Regional Plan is missing. Furthermore, the Project may be understated by excluding future phases possible as a result of reserved development rights for the project site.

322bd

Table 5.1-1 in the DEIS lists 54 "related projects" in the Boulder Bay project area. Many of these projects would/will contribute significant impact in key environmental areas such as traffic, noise, air quality, use of recreational facilities, and use of public services and utilities. There is no quantification, estimates, projections or analysis of these impacts, therefore the cumulative impacts are unknown and not even approximated or conjectured. The DEIS states "cumulative impacts are discussed for each topic section when the project's incremental impact is cumulatively considerable". This is double-talk and nonsensical. It leads to examples like Impact REC-C1 which states "Will the Project result in cumulative impacts to recreational uses or resources" It answers - all alternatives have "less than significant" impact. This conclusion (which is inaccurate by itself) misses the whole point of what cumulative impact is about. Cumulative impact needs to consider not only the project effects, but the additive effects of usage from multiple sources. As a result, decision makers and the public have no way of knowing how this project will fit in with other area projects or how they will coexist.

322be

Even relatively near-term impacts with logistically significant cumulative impacts are unanalyzed. For example, the Nevada Department of Transportation (NDOT) has scheduled a water quality project for SR 28 in Crystal Bay. Residents have been previously notified of pending traffic impacts of this project, including traffic lane closure, rerouting, etc. that would occur over an extended time frame. The DEIS states NDOT was contacted, but has not responded - end of analysis. This project would likely conflict with the construction schedule of Alternative C (if approved). This could be a significant problem that remains unanalyzed. For example what is the impact of 6,050 long haul dump trucks removing site soil on SR-28 during the summer with lane closures or rerouting?

322bf

Understandably, the complexities and sheer volume of these combined impacts contribute to this major deficiency in the DEIS. However, it is because of the tremendous foreseeable potential impact that this analysis is so important.

## ATTACHMENT A

### Unanswered North Tahoe Preservation Alliance Scoping Questions (Further NTPA comments are italicized.)

- 1) If amendments are proposed unique to the Boulder Bay site then an analysis of "spot zoning" – pros and cons must also be made in relation to impacts on surrounding land uses.

*Spot zoning pros and cons not analyzed.*

- 2) A thorough cumulative impacts study must be done for potential growth inducing impacts for all properties in the NSCP, the surrounding Kings Beach CEP, Tahoe Vista projects etc. (Probable future, past and present).

*Merely listing PTOD probable and future projects is not an adequate analysis of impacts to traffic, air quality and other threshold related topics. There is no analysis of the true impacts of this project in context with other projects.*

- 3) "Family Oriented Destination Resort" characterization is used as justification for various claims by the developer, such a reduction in traffic, but a true destination resort has a full complement of goods and services and recreational opportunities on premise including pedestrian amenities and recreational opportunities.

*Potential Destination resort mischaracterization not discussed.*

- 4) The vision for the future as detailed in the North Stateline Community Plan calls for "a more complete destination resort area for visitors and improving the quality of life for local residents while maintaining a balance between the tourist and residential aspects of the area." "In terms of community design, the goal is to enhance the beauty of the built and natural environments. More emphasis should be placed on the outdoors and on human-scale design." How does this project meet these goals?

i. Destination resort? *See above #3*

ii. Emphasis placed on human scale design?

*How do 10 buildings 45-75' qualify as "human scale"?*

Iii the Place based Planning Goal based on public input and research conducted by the agencies themselves is to "keep Tahoe a rural wild place that is unlike surrounding cities and metro areas". There is nothing rural and wild about this project. The entitlement transfers alone will be bringing in the City density from South Shore to the County of Washoe.

*Not adequately discussed.*

322bm 5) The DEIS fails to answer scoping questions regarding lack of buffering between neighboring uses (residential homes behind hotel B) or inadequate buffering due to only 20' setbacks to tall buildings(D and E) on Stateline Rd.  
*Not adequately analyzed.*

322bn 6) New Gaming uses----Proposal includes a 24k sq.ft. structure housing with 10,000 sq.ft. of gaming. There is no guarantee or deed restriction against using the balance of approx. 19k +sq.ft. of gaming for later expansion of CFA.  
*Not adequately discussed.*

322bo 7) TAUS- no massing study performed to compare the relinquished TAU volume to the new structures.  
*No volume comparison.*

322bp 8) EIS must address the original 1995 Community Plan EIR/EIS for North Stateline with an analysis of TAU's and traffic impacts prepared by Gordon Shaw. Traffic impacts of the existing and proposed TAU's were based on an analysis of TAUS as related to their original conceived size.  
*Not adequately analyzed.*

322bq 9) 77 % of the TAU's for this project (109 out of 141 Tau's) are proposed to be imported from South Shore to North Shore. This in essence represents a significant impact of reducing density and development on the south shore only to increase it on the North Shore. Describe how transferring this density of small motel rooms from a incorporated City located in California- City of South Lake Tahoe- into another State - Nevada and another County- Washoe County improves the quality of the environment, or reduces dependency on the automobile, or meets any of the TRPA adopted environmental thresholds in any way. What are the environmental as well as the social impacts of these transfers?  
*Not adequately analyzed.*

322br 10) Are there water rights in place to serve this increased development? If not, where will the water rights be obtained?  
*Is the developer in contract to purchase adequate water rights?*

322bs 11) The area identified as a replacement park is virtually unusable Class 1 land at the end of the project that is steep and can't be developed or improved. This is not a recreational amenity or public benefit as it has sensitive land capability and no land coverage. This offer of a public park is an empty offer as it is virtually unusable.  
*No comparison of land capability gains or losses due to reconfiguration of the open space.*

- 322bt [12) We Asked for a massing study on the Mariner parcel.  
*Important volume comparison.*
- 322bu [13) Is their adequate fire storage to accommodate this project without the need for construction of a new tank?  
*Not adequately analyzed.*
- 322bv [14) Does the IVGID system meet the fire flow requirements as delineated in Chapter 27.3 B of the TRPA Code?  
*Not discussed.*
- 322bw [15) What would demands be on fire dept equipment? Would this project require an additional engine? If so would the public have to bear the cost of the new equipment /on going maintenance or would this be the sole responsibility of the developer?  
*No discussion.*
- 322bx [16) What are impacts on the Small local beaches such as -Buck's beach to the neighbors- increased population, traffic, etc?  
*Key concern of the adjacent community not adequately addressed. Mitigation of a shuttle to Kings Beach is inadequate..*
- 322by [17) What is demand on IVGID recreational facilities as a result of this project? Would the occupants of this project be allowed to utilize the IVGID beaches, the public parks and other amenities? *Not adequately discussed.*
- 322bz [18) The Impact on Kings Beach recreational facilities must also be addressed. What is the impact of this increased population to public parks and beaches of California?  
*Not adequately addressed. What is the population of each alternative that would impact local recreational lake accesses?*
- 322ca [19) What are the Impacts to the Crystal Bay Lookout located behind the development to the neighbors? Currently there is inadequate parking to accommodate the users of this facility now. What improvements are planned to mitigate the increased impacts to this location and to the environment?  
*Not adequately analyzed,*
- 322cb [20) Cars parking on the road shoulders have eroded the banks. This presents a significant impact to the neighborhood.  
*Cars parked at Lookout hike park on the shoulders, problem not analyzed.*

322CC

- 21) Impact on Somers Loop lake access? Need to evaluate the demand in this location for local public lake access and how this project will impact this access. What mitigations are proposed? Inadequate parking also exists in this location.  
*Not adequately analyzed.*

322Cd

- 22) *Review existing inventory entitlements.*  
*Mariner entitlements (sold and retained) should be adequately listed.*

322Ce

- 23) CFA numbers appear to be contradictory between the site plan and project description. How is the 44,631 sf of CFA for the existing Biltmore hotel allocated and broken down? i. e gaming area, retail area, public space etc? Need to compare this with a detailed breakdown of the proposed new commercial uses associated with this project.  
*Existing and new CFA not broken down by location and use so it can't be analyzed.*

322Cf

- 24) There is a discrepancy between the site plan and the project description in regard to the CFA for the "wellness center"? The site plan states that this center will be 35, 256 sf but the project description shows a decrease of CFA over existing conditions. What is the true story for this CFA? Chapter 33.A code for allocations of commercial floor area need to be addressed as part of any proposed accessory use proposal.  
*It's not addressed what assurances there are that accessory use space will not be advertised publically in the future. It is contradictory to the goals of the CEP program which require use to be of benefit to the Public.*

- 25) Traffic concerns: the Developer is tripling population to 2448 (Alt D) occupants in an area already experiencing traffic gridlock during peak periods. There is no adjacent beach access and no on-site recreational amenities yet the traffic study has taken a reduction in trips for a "destination type resort use". Instead of a reduction in traffic trips, the users of this resort will have to drive to find amenities befitting a family thus creating more traffic trips than originally envisioned in the traffic study.

322Cg

- Inappropriate baseline for traffic study. Population of each alternative not revealed. Not adequately discussed.*

- 26) Traffic VMT in the community plan is required to be reduced by 2315 VMT by 2007. How is this project meeting this goal and objective? The plan's overall goal for transportation is to reduce reliance on the automobile by provided enhanced transit, pedestrian and bike opportunities. How does this project meet these goals? Will there be a linkage to Kings Beach for pedestrian access as would be befitting a project of this size and magnitude?

322Ch

- Original CEP requirement of linkage to Kings Beach not adequately discussed. Why was this benefit eliminated?*

322Ci

- 27) Traffic trips for existing baseline conditions should accurately reflect the fact that gaming overall is "down." An analysis of the gaming for the past five years should be provided along with future projections to obtain a more accurate baseline condition. *Inaccurate baseline traffic trips makes traffic study meaningless. New traffic study required using existing conditions as a baseline..*

322Cj

- 28) What changes are proposed for the gaming amenities such as number of slots, tables, etc? How will these changes impact the public's use of the casino?  
*Will the gaming amenities be reduced...i.e. slots, tables proportionately with reduction in gaming area? Currently 240 slots and 8 tables (per 2009 report to the Nevada Gaming Commission) are in use in 22,400 sq.ft.*

- 29) Need new cumulative traffic study that addresses projects that are existing, probable, and planned for the future. This would include a geographic area from Incline Village, Northstar, Kings Beach and Tahoe Vista.  
*New projects listed but there is no cumulative analysis.*

322CK

- 30) Would like a detailed breakdown of all of the parking needs for the project based on use. Washoe County parking requirements must be identified in document.  
*Parking requirements by use not adequately analyzed. How are 10 surface parking spaces considered adequate? Won't this cause pressure on parking in the neighborhood?*

322Cl

- 31) Will there be assigned parking based on use? How will public and employees differentiate between uses?  
*What are is the square footage of each use and the parking requirements?*

322Cm

- 32) What amenities or facilities are available for use by the general public vs what will be considered private?  
*No comparison between alternatives. What is the location, use and size of CFA available to the Public?*

322Cn

- 33) Other residents of the area will have to negotiate Stateline Road/Lakeview with no sidewalks and uneasy sharing of the road with access to Building D (95k sq.ft.) Additional pedestrian amenities must be provided.  
*Not adequately addressed.*

322Co

- 34) NSCP has last remaining "Old Tahoe" gaming facilities. What will be done to preserve the character of the past?  
*Not adequately discussed.*



322CP 35) NSCP and Place Based Planning goals include preservation of the "Old Tahoe" architectural theme. In what way does the proposed monolithic architecture of the new buildings enhance the "Old Tahoe architecture" and charm of this area?

*Alt. C isn't "Old Tahoe", no analysis of this question. New peaked roof lines appear to be a façade since the roof pitch remains 3:12. Is it?*

322CAF 36) Show how the employee housing meets goals in the NSCP that the workforce should be close to hospitals, schools, and shopping? Will there be shuttles available to transport employees to these services?

*Is affordable housing serving as a replacement for workforce housing?. Not adequately discussed. Will there be negative social impacts for housing located next to a 24 hour casino?*

322CV 37) What guarantees do the public have that this project will be started and completed to prevent an unfinished product leaving the community holding the bag?

*Not adequately discussed.*

322CS 38) 36 ft underground cuts could affect run off and water table. What are impacts of these huge cuts? Will dewatering of the site be required to construct building foundations? Any stability issues surrounding these large cuts?

*Not adequately discussed. 50' cuts have been approved for the Mariner end of the project in a seismically active area .*

322CT 39) Will boat storage or parking be included as part of the project design? Increase in population equals increase in boating which equals more pests in the lake.(i.e. zebra and quagga mussels, Eurasian milfoil). A study of the potential impacts to lake clarity must be done as part of environmental document due to the increase in tourist population frequenting this resort.

*Not adequately discussed.*

322CV 40) Snow storage areas and snow storage removal must be addressed. Will snow be physically removed from the site as the project is so dense there does not appear to be room to contain snow on site. ( Chapter 30.5 C).

*Not adequately discussed. Will all the sidewalks and roads on site be heated? Where will snow be stored on the new road alignment? If there is a significant snow fall how will the heated roads keep up with accumulation? Has snowmelt been tested on public right of ways at Tahoe? Are there examples of road melt working at Lake Tahoe during major storm events?*

322CV 41) Identify impacts to neighbors of the massing and also of the height of the buildings. The height ordinance proposed for special height district is more befitting South Shore than Crystal Bay and needs modification.

*Blocks view from residence on Lakeview Rd. 65' high Building E and 75' high Building D will have significant impacts to residences. No massing study.*

3220N

42) Identify number of buildings and proposed heights for each alternative.

*Number of buildings incorrectly described in Alt. C, there are 10 not 8..correct?. Condo buildings A are 3 buildings.*

43) Special height district must require extensive mitigating measures such as increased setbacks, removal of land coverage, provision of access to shoreline, and other redeeming factors other than just mixed use developments.

3220X

*Lack of access to the shoreline not discussed. Only 20' setback on Stateline Rd. Less than 20' setback on Lakeview Rd and Wellness Way. These impacts are not adequately discussed.*

3220Y

44) How many trees of significance are proposed to be removed? If a majority of the existing trees are proposed to be removed this is a significant impact.

*Not adequately discussed. Why isn't removing a majority of the existing trees (61%) a significant impact?*

3220Z

45) Current Biltmore structure housing gaming is articulated and set 75-100 ft off Stateline and Reservoir Roads -Need shadowing study for interior of project and how project affects surrounding properties. 11 tall buildings close together will cause icy dark conditions in the interior. The affects of this must be analyzed.

*Not adequately discussed. Building D (75' high) will shadow new road configuration of Lakeview road causing unsafe icy driving conditions. No shadowing study provided or discussion of lack of articulation.*

3220a

46) Light and Glare from the commercial uses and an estimated 1000 + windows from the 421 units will severely degrade nighttime sky and could impact the neighbors. How will nighttime sky loss be mitigated?

*Not adequately discussed. 4X the existing build out will have significant nighttime lighting impact. Area can be seen now at night from the east shore, how will this change?*

3220b

47) Mixed use table densities seem to be ignored and must be addressed per TRPA code requirements per Table in Chapter 21.

*Why is category F used now to calculate density, when E was used in the original application? Other than commercial, there are only two uses: residential and Tourist Accommodation.*

48) "Modified Mix of Uses" proposal must show the following: Cross section of roads against buildings on Stateline/Lakeview/Wassou Roads and Elevation study.

322dC

*No elevations or cross section of roads against buildings provided. No building elevations.*

322dD

49) Will a batch plant be required as part of site construction? If so what mitigations will be in place to keep noise, dust and debris to a minimum?

*Not disclosed.*

50) Based on the fact that Boulder Bay is a CEP project evidence must be provided that this project exceeds what would be expected of a "demonstration type" project. Analysis of environmental mitigation measures which are normally required of a non CEP project in the NSCP should be compared with contributions offered by BB that are required to be "above and beyond" that base contribution. What is the NET GAIN of the above and beyond that this project presents??

322dE

*No clear comparison of the NET GAIN. Undergrounding of utilities is discussed as a benefit only of Alt. C and D, however work has been performed and won't be removed. Traffic study is flawed and based on incorrect baseline conditions. Traffic won't decrease and therefore is not a gain. The Carbon footprint analysis is based on the flawed traffic study and inaccurate assumptions (south shore motel rooms, new 4 star hotel without air conditioning or road melt). Storm water treatment for a 50 yr/1 hr storm is only a 25% benefit from a 20/1 hr. Is that enough to justify extra height and density and changes in the Mariner Agreement.*

## 322df [ATTACHMENT B

### New Comments Regarding the Boulder Bay DEIS

(Unless otherwise stated, comments address Alternative C.)

Information is sometimes presented in the DEIS in a manner that obscures or makes the relevant information difficult to find, analyze and understand. Numerous discrepancies were found throughout the document.

General concerns include but are not limited to the following:

- 322dg [A. 42% increase in size of a TAU ( 325 sf average size from transferred TAU's morphing to 556 sf for the project). In addition, the average TAU size appears to be underestimated, since TAUS became ERUs which average 1500 sq.ft.
- 322dh [B. 54% increase in number of employees. However, the proposed on-site affordable housing will not provide for 46% of the employees. (70 new employees with housing provided for only 38).
- 322di [C. 61% removal of the site's natural vegetation ( trees)- no mitigation measures proposed for this loss of vegetation- significant impact;
- 322dj [D. Fourfold increase in floor area of structures over existing conditions; this significant increase in massing and overall cubic volume is not adequately evaluated.
- 322dk [E. All ten buildings proposed for Alt C are over the allowable base height per TRPA code where currently only one building is non-conforming in height;
- 322dl [F. Proposed code amendment for justifying additional height in NSCP is written to accommodate the BB project as proposed, as well as future phases. The project area has enlarged by 1.22 acres since the scoping document to include 2 parcels across Hwy 28. This sets a dangerous precedent for other properties within the CP and needs to be addressed in the DEIS.
- 322dm [G. Traffic impacts are unknown since the traffic study doesn't consider existing conditions as a baseline for comparison with the Alternatives.
- 322dn [H. Transportation plan traffic reduction goals appear to be insufficient to get people out of their vehicles. This warrants further discussion.
- 322do [I. Resident and visitor populations of the various alternatives are not evaluated.

322dP J. The energy use study is significantly flawed, because it is based on an inaccurate traffic study and baseline assumptions. The desire to pursue silver Leed certification is desirable, but what assurance is being provided that this will be achieved?

322dQ K. The benefits of the proposed reduction in Gaming Floor Area (current 22,400 sq. ft.) are overstated, because existing gaming facilities could fit in proposed casino area (10,000 sq. ft.).

322dR L. The site is currently over the allowable land coverage based on Bailey coefficients by 81%. (399,884 sf has been verified and only 73,998 sf is allowed). The project proposes to remove only 11% of this significant over-coverage of the project area.

322dS M. Washoe County ROW which serves the general public is being converted to private use for the benefit for the Developer. Washoe County ROW is being used to calculate density as part of the overall project area and is also used as a credit to the project development for coverage reductions. Land and corresponding coverage within the right of way previously used by the public were abandoned to the Developer without charge. Why is the abandoned coverage not being banked for the benefit of the public?

322dH N. The temporary removal of the Crystal Bay Motel is inappropriately proposed for: 1. scenic mitigation to enhance views from Highway 28 to the Lake; 2. is a source of TAU transfer; 3. used for coverage reduction credit; 4. is included as part of the "project area" calculation to determine project density. The Developer does not propose that the site is permanently deed restricted as "open space" but reserves development rights for a future project on the site. The DEIS does not evaluate the effects of this situation.

322dV O. The DEIS shows insufficient mitigation for increased demand on area-wide recreational facilities.

322dV P. Land designated as Capability Classes 1 and 2 (sensitive) are being re-utilized within project area.

322dW Q. According to the TRPA, "CEP projects are seeking net gain solutions for the Lake Tahoe Basin which implement environmental improvements, enhance quality of life for residents, improve the visitor experience and contribute to the long-term economic vitality of the Region." Boulder Bay as a CEP project should conform to the highest environmental standards as stated above. Mitigation measures and environmental benefits should be substantially "above and beyond" the expectations of a normal project in order to qualify for the extra height, and entitlements that this project is seeking. In many cases, the "above and beyond" benefits are not demonstrated in the DEIS.

**The following section further details comments and questions concerning some of the more pronounced issues with the DEIS:**

**1. Project Description/Density**

322dx a). S -1 / S-4- 4.5-46 Discrepancies exist within the EIS as to which parcels are included within the "project area" for Alt C as well as discrepancies in the project description itself. The vicinity map showing the project boundaries indicate that the Crystal Bay motel and office building are included as part of the "project area" but the project description for Alt C (S-4) does not mention the Crystal Bay Motel or the Office building. APN #123-042-02, (parking lot across Hwy 28), although included in project description, isn't discussed except to say it will remain in place along with the Crystal Bay Office Building. There is no coverage verification included in the Appendix for the site. Will it be available for project parking?

322dy Reading further in the document under the heading of scenic Resources (Page 4.5-46), the EIS writer states that the motel will be removed and the site revegetated as part of scenic quality improvements to improve views of the Lake from Highway 28. The motel is a source of 19 TAUs. The site appears to be used to calculate density, however the EIS also states that this site could be redeveloped in the future. If the TAU's and coverage are transferred off the site, the site restored and used as a benefit for scenic mitigation for the project, and the land used to maximize TAU density for Alt C, then this site should be permanently deed restricted as "open space." Please explain this discrepancy. (Any further project on this site would be in violation of the required mitigation and density calculations).

322dz b). Provide in a chart format a breakdown of the parcels in the BB existing "project area." What is the sf and acreage of each of these parcels, verified land coverage, land capability, entitlements, open space, existing buildings and uses sq.ft., coverage of existing buildings, note buildings or improvements to remain and their uses. Compare each of the proposed Alternatives to these categories, note their new uses and sq.ft. of each use, new sq.ft. of building footprints, note coverage and buildings to remain and their uses.

322ea c). Unclear as to which parcels were included to provide the density calculations for the project area. The project area is 16.26 acres but 12.20 acres were used to determine allowable density in TRPA calculations since 4 acres on the Mariner site is outside the NSCP, but proposed Mariner settlement agreement uses entire 16 acre site. Why is there a discrepancy between TRPA's method and Appendix M in the method to calculate project density? Since the Mariner site is only allowed 3 SFRs on one acre, how can 2 acres be used to calculate density of an disallowed use? Where is the density deduction for existing uses that remain in the project area (Crystal Bay Office/Parking).

322eb

d). Is the Washoe County ROW included as part of the project area for Alt C? Is it used to calculate density? If so please provide a breakdown of the County ROW acreage, sf, existing land coverage, and land capability.

322ec

e). Is the Stateline Mini Park parcel (90-305-16) included in the 16.2 acre "project area"? Is it part of the 12.20 acres used to calculate the project density?

322ed

f). Is the Crystal Bay office included as part of the density calculations for the entitlements?

322ee

g). pg. 4.1-25 states ( in essence) that the number of affordable units are being reduced from 38 to 14 because the total site maximum density will be exceeded due to the amount of market rate multi-family units and TAU's proposed under Table F density requirements. As this is a CEP project 100% of the increased demand for affordable housing should be met on site requiring that the density for the TAU's and the multiple family dwellings are reduced to accommodate the employees.

322ef

h). Has the density allowed for this Project been inflated through the application of the incorrect mixed use category in the density calculation? The Code should be strictly applied to provide the maximum possible protection to the environment of the Tahoe area. Therefore, it is important that the density allowances not be misapplied to allow greater density that what is strictly allowed under the Code.

322eg

The DEIS found that the addition of the 189 hotel units over existing conditions and the proposed multi-family housing is allowed under TRPA Code of Ordinances Subsection 21.4.B with the application of Category F for the density analysis. (DEIS, pg. 4.1-12.) Addition of these hotel units and the multi-family housing will significantly increase density within the project area. Based on the discussion in this section, it is not clear why TRPA determined that Category F applies to this project, thereby allowing a greater density on the project area. Based on the description in the Code, it appears that Category F is limited to multiple uses such as recreation, bed and breakfast, mobile home; uses that don't lend themselves to calculation of floor area. Category E, on the other hand, describes multi-residential units and transient combined with non-residential uses such as commercial. Category E appears to better describe the proposed project because it has only two uses other than commercial. These uses lend themselves to calculation of floor area. It appears that the density allowance calculation would be less under Category E than Category F. Category F uses a percentage of the project area times the multiplier, whereas Category E uses a ratio of the percentage of floor area of each use times the multiplier. Category E was used in the original TRPA CEP application. Why is Category F rather than Category E used now? What is the difference in allowable density if Category E is again applied?

## 2. Land Coverage

322eh

The entire land coverage section is confusing and misleading. The numbers are difficult to understand and with the numerous discrepancies, it is almost impossible to get a true sense if the project proposes an environmental improvement or not. Specific concerns include:

322ei

a). 2-18 Why is there a difference between the verified coverage of 354,331 sq.ft. per TRPA coverage verification Appendix D and 399,884 sq.ft. per 4.2-21 of the DEIS? The difference is (45,553 sf). Is this due to a different project area designation?

322ej

Please clarify and provide in chart format the parcels that make up the verified land coverage being claimed in the DEIS. (399,884 SF)

322ek

The land coverage reduction proposal in the DEIS is also confusing. (Table 4.2-5). The DEIS states that a total of 15.8% reduction is proposed involving both on and off site properties but what is unclear is what specific parcels are included in the project area versus what specific parcels are proposed for reduction of coverage?

322el

b). How much coverage will be permanently removed versus coverage merely being relocated around the site and coverage proposed to be banked?

322em

Is the off-site coverage reduction (24,476 sf) based on 15,000 sf from the Stateline Mini Park and 9476 coming from Highway 28 ROW)? Please confirm.

322en

c). What specifically is Highway 28 ROW? Is State owned land being used as a credit for coverage reduction for a private development?

322eo

d). The DEIS states that an additional 32, 575 sf of coverage within the Washoe County ROW will be removed. Please clarify. Does this mean the Washoe County ROW is included in the project area and that the land coverage from the ROW will be removed, and permanently retired or will it be banked for future use? What is the land capability of Washoe Co ROW parcels?

322ep

e). Without including the ROW for the County and the ROW for the state how much coverage is actually being reduced both on-site, as well as off-site?

322eq

f). The EIS also states that coverage will be reduced to 50.3% of the project area with reconfiguration of the Washoe County roads. What does this mean? Please provide a coverage breakdown including what the total proposed coverage for the site will be including land coverage to be removed for excess coverage fees,



coverage removed within the ROW, etc. How large is the project area, what are the parcels that make up the project area and what is the ultimate land coverage reduction for the project area including the parcels used for coverage reduction?

g). 4.2-16 Any land coverage associated with the Washoe County right of way should be a credit to a land bank or to the public as this is a Washoe County public road facility used by all Washoe County citizens, and the land coverage associated with this roadway is a public benefit not a private amenity. (For comparison, roadway and other abandonments in California are typically assessed a fair market value as a cost to acquire such prior to abandonment and in many cases the land coverage associated with such abandonments remains the property of the local jurisdiction.)

3220r

The removed coverage attributed to the ROW abandonment should be permanently retired. It should not be banked for future use or transfer, nor should the right of way area be used in a calculation of determining the project density.

322es

h). 4.2-16 states that "Land coverage reduction is not directly reflected in the calculation of excess coverage": What does this mean? What does it refer to?

322et

i). What is the adjustment for reconfiguration of Washoe County Road as shown in Table 4.2-6? What does this mean?

322ev

j). The DEIS indicates that permanently retiring 71,706 sf of coverage in lieu of payment of an excess coverage mitigation fee (to mitigate both on and off site coverage) would better serve the public and watershed. Since the DEIS for Alt C only describes removal of 43,841 sf, where is the extra 27,865 sf of coverage to be removed coming from?

322ev

k). Does the excess coverage mitigation include the 32,575 sf from the Washoe County ROW?

322en

l).. Page 4.4-1- Land capability within the project area is stated at 77,076 sf being Class 1 land coverage, and 322,808 sf being Class 4 land capability. However, in the Alternative C, the DEIS indicates that coverage will be relocated from a class 1 to a higher and more superior class 2? 4.2-17 Does this mean that currently no coverage exists on Class 2 Land Capability land on the Mariner site and that relocation of coverage is proposed on sensitive lands that previously were not disturbed? Please clarify.

322ex

Does TRPA confirm that Class 2 land that had no previous disturbance would be considered as superior to Class 1 land that was previously disturbed? How does

this meet relocation findings as per section 20.4c of the Code as to class 2 land previously not disturbed being equal or superior to class 1 disturbed land?

322 e<sub>y</sub> m). 4.2-17 The DEIS states that 1a coverage is associated with the Washoe County ROW (6,847 sf) but that relocation of coverage will occur in the class 1a. If the ROW 1a coverage is all being removed then how can it be reused to accommodate the project?

322 e<sub>z</sub> n). The DEIS states that reusing the sensitive land coverage would require an amendment to the Mariner Agreement. Please advise how this provides an environmental benefit?

322 Fa o). 4.2-19 The DEIS states that there is 378,325 sf of coverage for the project area under Alt C. This number is not reflected anywhere else in the document and would indicate that land coverage is only being reduced by a total of 21,559 sf or 5% of the project and that 32,276 sf of class 1 and 27,720 sf of class 2 land are proposed (59,996 sf of sensitive land capability). Please explain this analysis.

322 fb p). Please provide an exhibit showing the following for Alt C:

1. Existing land coverage
2. Existing Land capability
3. Proposed Land coverage
4. Land coverage over existing coverage
5. New coverage on land not previously disturbed or covered .

322 fc q). 4.2-17 The EIS states that coverage will be reduced for allowance of the increased height to 10% reduction yet the height is 95% higher than the base allowable under code. (Again the coverage reduction is minimal considering how much currently exists on site, and the huge bonus of the Washoe County ROW to the project.)

322 fd r). Since the Developer is reserving the right to redevelop the Crystal Bay Motel, that coverage is only being removed temporarily and should not be calculated as a permanent coverage reduction for CEP "above and beyond" considerations. Is the Crystal Bay Motel coverage included in the coverage reduction calculations mentioned above? To provide a permanent environmental benefit, the Crystal Bay Motel site should be deed restricted against future development, since the removal of the site's coverage is considered a benefit in the DEIS. In other words, this site should remain as permanent open space.

### 3. Transfer of Development Rights

322fe

a) S-3.1 2-16 Please explain how transfer of significant development rights from the South Shore to the North Shore would be a positive environmental benefit to the North Shore?

The DEIS ( page 4.1-26) notes that the South Shore would reap the benefits by removal or transfer of blighted structures while increasing open space, and restoration opportunities. TAU's are being eliminated that are not creating taxes or revenue streams for their county or city, as they are functionally being used for affordable housing and not higher end units. However, the impacts of the increased development along with all of the environmental impacts are merely being shifted to the North Shore.

The South Shore and the North Shore are two very different communities - South Shore is an incorporated City with proper infrastructure, and a more urban feel. The North Shore is less developed, and has limited infrastructure. People moved to the North Shore for a more tranquil quality of life. The transfer of development out of South Shore to the North Shore appears to be a shell game played with entitlements and has far-reaching consequences and impacts that have not been adequately addressed in this or any other environmental document. The DEIS states simply that the physical effects at Boulder Bay have been analyzed. Where is this analysis?

Unaddressed impacts include morphing of entitlements from smaller units studied under the Regional Plan to units which increase mass and cubic volume, can accommodate more people, result in increased traffic and noise, present greater demands on infrastructure, and ultimately end up changing the feel and character of a community. Larger projects utilize more resources such as water, sewer, power, fire, police force, and potentially impact other thresholds. The cumulative impacts of these transfers in the context of past, present and future projects must be addressed and the DEIS does not provide such evaluation.

322ff

b). 4.1-24 The proposed acquiring of TAU's is extremely confusing. Please provide a chart breakdown or other means of clarification:

- 150 TAU's owned by the Biltmore and location
- TAU's to be acquired as part of the NSCP bonus pool
- TAU's to be acquired as part of being a CEP
- TAU's to be purchased on the open market-and location

The DEIS says 189 TAU's will be increased within the project area? How many TAU's currently exist on the project site?

c). 2-16- Please confirm whether seventeen (17) TAU's are proposed to come from the Mariner/Sierra Park parcels. The appendix suggests that TAU's were converted

- 322fg to CFA. Under what circumstances can they be converted back to TAU's? How does this affect the overall entitlements allocated to the Mariner site?
- 322fh d). Please provide a breakdown of the market rate allocations and if they are part of a bonus for being a CEP or if they were units purchased from private sources?
- 322fi e). What is the monetary value of all of the entitlements given to the developer as part of being a CEP? Is the project receiving bonus allocations for market rate housing?
- 322fj f). Was the Colony Inn property purchased by Boulder Bay or is it part of the bonus pool for the CEP?
- 322fk g). 4.1-27 Please describe in more detail how the project proposes to meet the transfer provisions as set forth in the Code for sensitive lands? How many units (TAU's and ERU's) are proposed to be transferred onto lands considered as environmentally sensitive? Please provide a complete breakdown by alternative. What entitlements are proposed to be relocated and transferred onto sensitive land? Please describe transfers separate from relocation of existing use.

#### 4. Neighborhood Compatibility

- 322fi a). How does the Developer address neighborhood compatibility, as it relates specifically to surrounding residential uses that are of a much smaller scale? Are the neighbors supportive of this project?. How is their quality of life impacted by this project? Alternatives C and D do not appear to be compatible with the setting.
- 322fm b). What mitigation measures are proposed to protect the neighbors? The DEIS does not adequately address blocked views, increase traffic, cars parked in the neighborhood due to only 10 spaces of surface parking, parking of guests' boats/trailers/RVs in surrounding neighborhoods, and parking on side streets to go to the beaches, the lookout, etc?. None of this is analyzed.

#### 5. Recreation and Pedestrian Connectors

- 322fn a). S-31 Public gathering places and art displays are currently part of the existing Biltmore operations and are also required as part of the CEP. These should be portrayed as such.
- 322fo b). S-32- Discussions on the existing open space and park provisions in the Mariner Agreement versus the proposed provisions are confusing. What is the current useable space based on site constraints, such as slope, access, ease of parking, etc versus what is being proposed in terms of useable space, slope, ease of access,

public parking, etc? Please provide a comparison chart or other means to clarify these features.

322fp

c) To call the North Stateline water quality basin by the Cal Neva a "park" is a stretch. This is more of a gateway feature or "green belt" than a useable park. It is narrow and surrounded on all sides by roads.

322fg

d). The proposed parks are non-contiguous to each other, which effectively diminishes their effectiveness as a true neighborhood park. The DEIS says that the proposed trails (i.e., walking trails and bike paths) will connect to future trails and paths. What are the future trails and paths? What guarantee is there that these proposed trails and paths will ever connect to anywhere? If the trails located within the proposed open space do not lead anywhere how can they be called anything more than on-site pedestrian amenities?

322fr

e) Is there linkage to the Crystal Bay lookout? This needs to be addressed.

322fs

f). Transportation mitigation is inadequate for this project, as it does not consider connectors beyond the project boundary in terms of sidewalks or bike paths. Mitigation should include a requirement for construction of a sidewalk connection between the BB project and the proposed project at the bottom of Brockway Hill.

322ft

g). How many employees live in Kings Beach and presently commute up Brockway Hill to work at the Biltmore? How many are anticipated to make this commute with the proposed project?

322fv

h). The DEIS describes a bike path connector. Mitigation should require a connection from Kings Beach to Stateline as a transportation mitigation measure.

322fv

i). There are no sidewalks on Wellness Way or Stateline/Lakeview Rd. to enable guests and local residents to safely walk along these roads. Again, foot traffic to the "Lookout" is ignored in the DEIS. Why are sidewalks along these roads not included in a "pedestrian friendly resort"?

322fw

j). S-33 What is the employee shuttle program envisioned to include? (i.e. number of shuttles, hours of operation, location, number of employees accommodated, etc.)

322fx

k). 2-4 Please describe how the Project meets the objectives of a multi-modal future when there are no connector paths to amenities other than those provided directly on site?.

l). The DEIS does not provide for adequate mitigation to lessen the impacts of increased recreational demand that will be generated by the project. This

322fy

specifically includes increased use at the Kings Beach State Recreation Area , Speedboat Beach, Somer's Loop ,etc. All of these facilities are already impacted through the summer. The DEIS provides no analysis in this regard.

322fz

m). Based on the increased demand for recreation at a family resort, proper mitigation should include a requirement to purchase additional beach front property with shuttle service to that beachfront for BB guests in Crystal Bay. Beaches described in the document are already severely impacted. An analysis of the impacts to KBSRA/Speedboat Beach should be provided as part of the environmental review of the increased use by BB. Merely saying that Speedboat beach won't be advertised does not adequately address this concern. The proposed shuttle to other beaches is not an appropriate mitigation for Speedboat on Somers Loop beach since both beaches are within walking distance of the site. The DEIS completely misses the point.

322ga

n). What further community revitalization is contemplated by the references to such in the DEIS? Does this refer to a specific project or set of projects? #9- What large and small scale projects are being referred to by this reference?

## 6. Affordable Housing

322gb

a). Are part-time employees counted in the projected number of new employees needed for this project?

322gc

b). Page S-5- Alt C decreases the number of (originally) proposed affordable units from 34 to 14 as stated in the DEIS to a (minimum standard), yet the project increases number of employees by 54% over existing conditions. The DEIS should address whether the "above and beyond" requirements to qualify for a CEP also include more affordable housing than the minimum standard, especially with available land in Crystal Bay being scarce.

322gd

c). Per the DEIS, housing will accommodate approx. 38 persons at one person per bedroom which is approx half of the projected increase in employees for Alt C, except for some instances in which there may be 1.5 persons per bedroom? This is unclear; please clarify. Why is BB not taking responsibility for meeting all of its affordable housing needs on-site, instead of planning to shift them to areas outside Crystal Bay, including, Tahoe Vista and Kings Beach?

322ge

d). Is the reference in the DEIS to 162 affordable housing units in Tahoe Vista describing "Vista Village"? Vista Village is not yet approved and has a pending application in front of the TRPA for a reduced density project of 48 units. Additionally, the environmental document for that project states that the housing would be primarily for those employed in Tahoe Vista.

322g<sup>k</sup> e). The recently approved Kings Beach housing projects developed by Domus are replacing existing substandard and blighted inventory. It is unclear if there will be capacity for new employees based on this replacement. The DEIS needs to address this issue.

322g<sup>j</sup> f). Does the traffic analysis take into consideration that 46% of the employees will have to travel to work?

322g<sup>h</sup> g). The DEIS bases housing projections and projected growth on a report done in 2003. Based on current economic conditions and changing times, it appears this study would be out of date. The DEIS should provide an updated analysis of what the true impacts are based on current economic conditions.

322g<sup>i</sup> h). What is the true demand for employee housing based on current economic conditions?

322g<sup>j</sup> i). What changes have occurred since this report was prepared? What are the realistic growth projections taking into consideration full build out of the CEP projects and the Community Plans on the North Shore?

322g<sup>k</sup> j). A cumulative impacts analysis of housing need and demand, taking into account past, future and probable projects, should be required in relation to the Boulder Bay project.

322g<sup>l</sup> k). How many employees currently working in Crystal Bay live in California versus Nevada? Where specifically do the employees live and commute from now?

322g<sup>m</sup> l). Does the traffic study take into consideration those employees that currently commute to work, and those who will continue to commute, if they do not live in the on-site housing?

322g<sup>n</sup> m). Do employees of BB have the first priority to stay in the on-site housing before it is offered to the general public?

322g<sup>o</sup> n). What are qualifications to stay in this housing? (i.e income earned? monthly rent? availability for singles or families? full time or part time? weekly, monthly, daily? etc.)

322g<sup>p</sup> o). Please explain the differences in the housing mix per Chapter 21?

p). If there is high unemployment rates in the leisure sector what does this say about this industry? Is there a demand for a resort as large as the one BB plans? The community would be extremely concerned if this resort is started and then

32298 faces the same fate as the conference center on the South Shore (a hole in the ground). One only has to look at the economic condition of the adjacent Cal Neva. This resort is in bankruptcy – its approved project for redevelopment is on hold. The Cal Neva has many of the same components as BB - a spa, 200 room hotel, 10,000 sf of accessory retail, pool, walking paths, gaming, etc and is located on the lake side of the highway on a large site. This needs to be addressed in the DEIS.

3229r q). 4.11- 13 Where are the statistics to back up the statement that there will be "little or no projected growth in the near term" but then on the next page the document states that there will be 2-3% projected growth and 4% growth has already occurred in Crystal Bay? This is confusing and the intent of this analysis is unclear. Does the 2-3% growth take into account cumulative impacts of all the future CEP projects, and build out of the Community Plans?

3229s r). What do the growth projections mean in terms of demand for resort facilities the size and scope of Boulder Bay? Could this project simply be too large to support a declining population and reduced visitor base? Boulder Bay owner, Roger Wittenberg, owns the Incline Creek condo project in Incline Village. That project is partially built with bare foundations, and it is only partially sold, although it was developed in 2006 before the recession.

3229t s). What population growth rate is needed to support a resort of this size and scope? What is the impact of increasing the visitor population as part of the Boulder Bay project on the local residents? The DEIS states that the homeowners are tourists. Does the DEIS mean to say they are second home owners? Please explain what this means.

3229u t) Locating Affordable Housing adjacent to Gaming does not conform to the goals of the NSCP. Please address.

## 7. Scenic Resources and Height

3229v a). Heights of the buildings should be clarified between the shown elevations and the table of heights for all alternatives. Building elevations should be shown.

3229w b) Increased building setbacks from Hwy 28 of 40' are discussed as a benefit; however, the site plan indicates a lesser setback of approx. 20' from the property line on Hwy 28. What is the setback to the property line on Hwy 28? Is the 40' reference a setback to edge of pavement?

3229x c). 2-23 What is the current massing and cubic volume of the Biltmore versus the proposed massing and cubic volume for the new project?



322g<sup>y</sup>

d). All 10 proposed buildings for Alt C exceed allowable base height per the code where as currently only one building is non-conforming as to height. The height is approx 95% more than allowable – this appears excessive and significant even with increased setbacks. Please explain why none of the buildings are conforming to height.

322g<sup>z</sup>

e). Do the three multi family buildings have separate entrances? They appear to be three separate buildings simply joined at the roof? Why are they referred to as one building?

322h<sup>av</sup>

f) LU-1, 95% increase in height is not inconsistent with NSCP. LU-2 Nonconforming height area expanded in NSCP is inconsistent. Please address.

322h<sup>b</sup>

g) Table 3.2-1 incorrectly states that new height is consistent with the NSCP. It is not and requires a special CP and code amendment. The proposed height code amendment a community plan amendment, which should be analyzed separately in advance of an actual project.

322h<sup>c</sup>

h). The scenic chapter makes reference to certain proposed buildings being visible from the Lake. Current structures are not visible. Why wouldn't visibility decrease the shoreline score as viewed from the Lake? All new structures block views of the mountains.

322h<sup>d</sup>

j). Since there is only a 20' setback from Stateline Rd./Lakeview to 65- and 75-foot high buildings, how does this conform with adequate buffering of adjacent uses and neighborhood compatibility.

322h<sup>e</sup>

k). What are the heights of the surrounding properties in North Stateline that are within 1000 feet of the project area?

322h<sup>f</sup>

l). What is the difference in the linear frontage of buildings proposing additional height over the existing conditions of just the one Biltmore Casino building?

322h<sup>g</sup>

m). A new height ordinance should specifically address this property. Such an ordinance, itself, should be subject to environmental review and analysis. What are the impacts of this ordinance with regard to other properties within the NSCP? Have these impacts been analyzed?

322h<sup>h</sup>

n). Where did a 10% land coverage reduction for increased height come from? There is a requirement for reduction of traffic trips? If an accurate traffic study concludes an increase in VMTs, will the height amendment be rescinded?

322hi

o). What specific environmental benefits are attributed directly to the proposed increase in height versus benefits that would be required as part of any project approval? The project receives many entitlements seemingly for free or at little cost, yet the proposal has significant impacts in terms of exceeding allowable height, increasing the massing and cubic volume, and increasing visibility from the Lake. The net environmental gain should be quantified.

322hj

p). The roof pitches for the proposed buildings used to calculate height would indicate almost flat roofs ( 2:12-3:12 pitches) as shown for Alt C, but the simulation shows more articulation and roofs that appear steep. Please explain this apparent discrepancy? Are the pitched roofs mainly just facades? An architectural rendering of each building facing Highway 28 would be helpful.

322hk

q). Buildings are placed relatively close together. The DEIS should include a shadowing study as part of the environmental analysis. There appears to be a safety concern on the Lakeview connector due to icy conditions potentially caused by the shadowing of Building D.

322hl

r). Based on the site plan for Alt C showing three large and long buildings close to Highway 28 what are the mitigation measures to prevent a tunnel effect from occurring to the pedestrians and travelers along the highway?

322hm

s) What are the night sky impacts of this project? What are the existing night sky effects as a comparison? (Currently, you can view Squaw Valley High Camp from the east shore.) What will prevent this project from causing increased night sky pollution?

322hn

t) What type of new signage is proposed with this project? Does the project propose multiple reader boards?

322ho

u). Will any of the proposed buildings obstruct Lake views from any adjacent residences? Will any houses on Lakeview or Wassou be affected?

322hp

v). Please explain how Alt C (buildings with nearly flat roofs) is similar to the rustic character and feel of the fish hatchery building referenced in the NSCP.

## 8. Trees

322ha

a) S-6 How can 61% tree removal on a site ( 225 out of 368 trees) that is already highly developed and impacted be considered a minimal impact as stated in the DEIS with no mitigation requirement? CEP projects are supposed to show improvements "above and beyond" normal projects to get extra entitlements, yet removing a majority of the site's natural vegetation would indicate a lack of

sensitivity for site context design and building placement. This is a significant flaw in the environmental document. The table showing the trees to be removed for each of the alternatives is confusing. A more clear and understandable chart should be prepared. Additionally, the site should be redesigned to preserve more of the site's trees.

322hr

b) What are the cumulative impacts of tree removal of this project in consideration with other approved, pending, or future projects?

322hs

c) The simulation shows vegetation planted to screen the buildings, yet the DEIS does not contain a landscape plan. Please provide a landscape plan that accurately reflects the street improvements and proposed screening along the Highway and the trees that are proposed for screening the buildings. What type of vegetation is proposed for screening? If the vegetation is merely deciduous instead of evergreen this should be reflected in the simulation.

322ht

d) The true impacts of this project can not be determined without an adequate landscape plan, showing the screening proposed in order to obtain the additional height. A landscape plan is needed to affirm the accuracy of the simulations prepared for each of the alternatives.

## 9. Phasing

322hv

a). There should be a phasing plan for the project in the DEIS? Is the easterly half of the development to be constructed first? What assurances are being provided to the community to prevent abandonment of a partially finished project? Is there a phasing time schedule, and what time limitations are applied to each phase?

322hv

b). Will grading, and other activities such as tree removal, be phased? What aspects of the project will be phased as entitlements are secured, financing secured, and units sold?

## 10. Geology

322hw

a) What are the environmental effects of excavations up to approximately 50 feet deep on Class 1 and Class 2 land?

## ATTACHMENT C

### DEIS DOES NOT ADEQUATELY ADDRESS THE PROPOSED AMENDMENT OF THE MARINER AGREEMENT

322bx [ The Mariner Site is a key element of Alternatives C and D. Unlike the rest of the Project Area, the 6.11-acre Mariner Site is subject to restrictions stemming from a series of Settlement Agreements, which limit use, density and height. The DEIS notes that the current Mariner Agreement provides for preservation of 4.78 acres of total open space and allows development of only three residential lots. It also indicates that the current Settlement Agreement must be amended to allow the development proposed by Boulder Bay in Alts C and D (DEIS Page 4.1-7). The DEIS, however, does not adequately address the development rights associated with the Site and the effects of Boulder Bay's proposed changes.

322ny [ Declarations of deed restrictions for three Mariner parcels were recorded on 02/25/05 by Washoe County at the request of TRPA. These declarations dedicate and reserve a total of 4.78 acres as permanent open space and include 1.27 acres for potential public park space. The open space reserved as a potential public park is situated such that it is readily usable by the public. By contrast, the remnant of property offered by Boulder Bay as a public park/open space in Alt C is situated at the extreme end of the Site, where topography and soil character realistically preclude development. The DEIS does not adequately consider the quality of the open space or specify the location or quality of the alternative space proposed as replacement for the 0.85-acre loss of open space on the Mariner site.

322nz [ The historical perspective provided by Boulder Bay's attorney (Appendix M) is drafted to support the Developer's proposed changes to the existing Settlement Agreement. The DEIS does not include the prior settlement agreements or address the nature of the agreements becoming progressively more restrictive. Boulder Bay purchased the Mariner parcels after the former owner executed the 2001 Agreement. Boulder Bay had full knowledge of the available development rights, as well as the use, density and height restrictions.

322ia [ Appendix M points out that the State of California was omitted as a signatory on the 2001 Agreement and indicates that the 1981 Agreement, as amended in 1984 and 1996, is still in effect and enforceable by California. The DEIS does not address why California was omitted on the 2001 Agreement but indicates that California's consent will be required to the extent that Boulder Bay's proposed project conflicts with any of the four Mariner Agreements, including the 2001 Agreement.

322ib [ Only a portion of the 113,000 square feet of coverage recognized in 1996 remains available. Public records document numerous transfers. TRPA records designate 48,535 square feet of coverage for the 3 single family lots. Approximately 20,000 square feet appears to be available for transfer. The DEIS does not specify the development rights that have been transferred off the Site. Boulder Bay's proposed amendment (Appendix M) provides that land coverage may be placed on or transferred off up to 113,000 square feet, less the amount for which TRPA has issued permits for transfer off. The handling of residual transfers is not addressed. None of the prior Agreements included provisions for any additional coverage to be transferred onto the Mariner site. Any placement of new coverage onto the property would be inconsistent with the 2001 Agreement and the progressively restrictive prior Agreements.

322ic [ Boulder Bay's proposed amendment also includes provisions to fix allowances for commercial floor area and tourist accommodation units (TAUS) at the levels noted in the 1996 Agreement, less the rights transferred off the Site. Again, the DEIS does not clearly address the transfers or the use conversions that have occurred. Placing TAUS and ERUS back on the Mariner site is a significant change over the three single family residences that are currently allowed. Are TAUS and ERUS restricted from being transferred onto land designated less than Class 4? Part of the development proposed in Alt C would be situated on Class 2 land (Figure 4.2-2).

322id [ The proposed settlement agreement uses 6.11 acres to calculate density, whereas TRPA appears to be using only the approximately two acres located within the North Stateline Community Plan (Table 4.1-2). The height of the proposed buildings would greatly exceed what is currently allowed under the Settlement Agreements. The density, height and overall massing of Boulder Bay's proposed development raise environmental concerns, including increased vehicle miles traveled, congestion on the very limited road infrastructure that is proposed and degradation of air quality. The DEIS does not adequately address the environmental effects of the proposed development compared to the effects of the development currently allowed on the Mariner site. The benefits of the development proposed for the Mariner site are not adequately weighed against the benefits currently realized by the public as a result of the Mariner Settlement Agreements.

# ATTACHMENT D

## Comments on energy study

To: Tahoe Regional Planning Agency

From: Joy Dahlgren on behalf of the North Tahoe Preservation Alliance

RE: Boulder Bay LLC, Boulder Bay Resort Integrated Resource Model and Carbon Footprint, ARUP

### Comments

Page 1

#### 1. Introduction

The report states that "Boulder Bay will be a community center, with a diverse and dynamic mix of uses, a distinct identity, an optimal network of shared building systems, and a variety of transportation options. The overall sustainability strategy is comprised of energy, water, and carbon components with corresponding analysis for each component."

322ie

*"Community center" implies many trips into and out of the project by community members who will use the site, suggesting that all trips will NOT be subject to internal capture as implied in the Transportation portion of the EIS. Without a guaranteed source of funding for transit operations and bike and pedestrian path maintenance, there will be no greater variety of transportation options than now.*

Page 5

#### 3.1.1 Baseline (Existing)

"Boulder Bay will be replacing 304 units, including 91 from the Biltmore hotel, 22 from Crystal Bay, and 191 from various other motels that have been removed from operation and the sites restored. Estimated resource use for these buildings as a group, henceforth referenced as "existing" buildings, forms the baseline for comparison with Boulder Bay's resource use. Actual energy and water bills for the Biltmore and Crystal Bay were used to determine average energy and water use attributable to each unit. Total baseline use for the existing buildings was then estimated by scaling up this usage by a factor of 304 (total units)/113 (Biltmore and Crystal Bay units). This was deemed reasonable as factors influencing energy and water use (occupancy patterns, construction type, codes under which they were constructed, etc.) are assumed to be similar for offsite units and the Biltmore and Crystal Bay units To be conservative (i.e. not grant favor to Boulder Bay in the analysis) the additional 117 bonus and additional units allotted to Boulder Bay have not been attributed any energy or water use in the baseline total. Thus the baseline has fewer units than Boulder Bay."

322if

*As with the Transportation portion of the EIS, the baseline used is not the real baseline. It includes units that have already been torn down and thus overstates the baseline energy use by 304/113. The baseline should be what would be the case without the project. Using the correct baseline would result in the project INCREASING energy use. .*

Page 11

#### 4.3 Conclusion

"The modeling has shown that Boulder Bay, if developed as planned and to a minimum level of performance described in the performance criteria, will be a significantly less resource-intensive resort than the existing Biltmore, Crystal Bay, and off-site resorts it will replace. There are significant reductions in energy and water use, vehicle miles traveled, and resultant greenhouse gas emissions. It is important to note that comparing the total performance and the performance per unit and per square foot demonstrates the inherent benefits of a dense core area development vs. multiple spread out low density developments."

*Regarding the last sentence, better performance per unit and square foot just reflects more efficient construction methods, not the benefits of dense development.*

32219 *The report does not mention energy for snow melting on roadways and paths. or snow removal and sweeping of interior streets and walkways. It does not include the loss in carbon dioxide absorption due to removal of mature trees and replacement with smaller trees and other landscaping.*

#### Credentials

I have worked in transportation for 25 years, for a consulting firm specializing in freight operations, as a transit planner for the Golden Gate Bridge, Highway and Transportation District, and as a research engineer at the Institute of Transportation Studies at the University of California, Berkeley.

I have degrees in Statistics, Public Policy and Civil Engineering from the University of California at Berkeley.

Joy Dahlgren Ph. D.  
1200 Idylberry Road  
San Rafael, CA 94903  
joy@lucasvalley.net

## ATTACHMENT E

### CEP goals and policies are not adequately addressed

1. Mix of quality housing options, tourist accommodation options and compatible commercial uses that will serve the local population and the tourist population.

322ih ***Unless you are a guest of the hotel, the Wellness Center/spa, convention area, restaurants, day care etc, are not available to the Public. 89,000 sq.ft. of use is considered accessory. How does this restriction of use comply with the above goal of "serving the local population"?***

2. The concept of *net gain* is when a program or project:

*provides a net environmental gain* for environmental values relevant under the Compact (i.e., accelerates attainment of thresholds), and

*is consistent with social and economic goals* of local jurisdictions or development partners.

Net gain means that improvements benefit both the built and natural environments.

Net gain does not mean that there is equal weight placed on one or the other, but that there are positive outcomes rather than one element benefiting at the expense of the other.

322ij ***How does increases in traffic, congestion and noise, reduction of air quality and open space, negative impacts on local beach access and loss of mountain view by increased massing and maximum building height benefit the 9 thresholds?***

322ij **3. The CEP is not a code avoidance program.**

***Why isn't a Community Plan amendment required for changes in height in advance of a new height code amendment?***

#### 4. Place-Based Program Goals and Objectives

a. Encourage mix of quality housing options, tourist accommodation options and compatible commercial uses that will serve the local population and the tourist population. Provide a variety of sustainably designed housing, lodging and commercial choices to meet the needs of locals and visitors

***Unless you are a guest of the hotel, the Wellness Center/spa, convention area, restaurants, day care, etc. are not available to the Public.***

***Approximately 89,000 sq. ft. of use is considered accessory. How does this restriction of use comply with the above goal of "serving the local population"?***

b. Create a multi-modal transit future. Reduce dependence on the automobile.

322ik ***The project doesn't qualify as a "destination resort" since there are not sufficient onsite recreational amenities or activities. Where is an analysis of the ability of this project to keep guests on site and out of their cars?***

c. Strengthen and create gathering places and economic centers. Enrich the Lake Tahoe region and improve resident's quality of life by providing new and improved gathering places, community services and cultural centers.



***Unless you are a guest of the hotel, the Wellness Center/spa, convention area, restaurants, day care etc, are not available to the Public. Approximately 89,000 sq. ft. of use is considered accessory. How does this restriction of use comply with the above goal of "serving the local population"?***

## **5. Special Project Goals and Objectives**

Environmental Improvements:

Respond to site location and typical neighborhood contextual situations through site design, arrangement of building volumes, and the natural surroundings.

32211 ***95% increase in allowed height is not contextual. Where currently there is one existing building with non-conforming height, now 10 buildings are proposed with nonconforming heights comply with being considered "contextual"? How does increasing the NSCP population by a factor of 8 comply with this goal of a CEP project? Is quadrupling build out responding to the neighborhood contextually?***

Be located in urban core areas and promote pedestrian friendly/ transit oriented development.

***The NSCP area is not an urban core, it is a rural environment featuring 4 small casinos, no hospitals, schools or grocery stores. The EIS for the NSCP in 1995 stated that the area was at 90% buildout and that the resident population was 25. This exceedingly small population doesn't qualify the area as an urban node.***

322im ***Proposed Alternative C increases resident population to 206, which is an increase by a factor of 8. How does the NSCP conform with the definition of an urban core?***

## **6. Project Definition, Pre-Application Criteria and Prerequisite Information Requirements**

Be consistent with the Regional Vision and Planning Concepts.

322in ***Traffic increase and increase in height is not consistent with the Regional Plan or Community Plan. Project is inconsistent with the Mariner Settlement Agreement. How do the above issues reconcile with the "consistency" goal?***

Be consistent with those provisions of the approved Community Plans or Master Plans that reflect the vision, goals and objectives of the Regional Plan Update and Pathway 2007 Planning Process (including the established overall planning themes, principles and environmental thresholds/targets);

Provide for significant environmental benefits as judged by the nine threshold categories of TRPA

322io ***How does the project significantly benefit the nine thresholds? Traffic and CO2 are increased. Scenic values are degraded. Maintaining rural, rustic lifestyle is not achieved as outlined in the Pathway process. Were the Pathway Process participants informed they were approving 95% increases in height or significantly increasing the population of the NSCP?***

Special Project Program, the amount of threshold improvement based on the project and the number of thresholds improved. Changes will be site specific and context sensitive in nature. There will be standards in place to protect the community character.

***Increased height and massing is out of community character.***

## **7. Create/Enhance mixed-use Community Centers**

General:

A. Enhance community character in urban centers - a proposed project is compatible with the scale, massing with existing neighborhood character; provides for appropriate scale transitions

322ip ***Project is out of scale and massing with the existing neighborhood. There are no scale transitions between buildings and surrounding neighborhood (i.e. Building E is 65' and D is 75' set just 20' off Stateline and Lakeview Rd.)***

B Housing:

Includes development of workforce housing as a substantial component of the proposed project (e.g. at least 20% of the number of residential units based on CA Redevelopment legislation)

322ig ***How is affordable and workforce housing considered the same? What analysis has been done for need in the Community? Is there workforce housing associated with the project?***

Includes a combination of land uses including residential, commercial (e.g. retail, office, etc.), recreation, and/or public uses

322ir ***The proposed onsite recreation appears superficial to meeting the needs of the onsite population. Is there an analysis of how it solves and addresses the adequacy of the onsite population requirements for recreation? What new access to recreational amenities does the project provide that is not pre-existing?***

Improvements to pedestrian sidewalks on proposed streets and sidewalks installed as part of the project, or serving the project, are available for general public use

322is ***There are no sidewalks on Stateline/Lakeview Rd or Wellness Way. Has the DEIS analyzed the impacts of not providing sidewalks to the Public?***

## **8. Environmental Improvements (Goals 4-6):**

Respond to site location and typical neighborhood contextual situations through site design, arrangement of building volumes, and the natural surroundings.

322it ***Project is completely out of scale with our neighborhood and massive volumes are not contextual. This project is not just a difference of degree, it is a difference of kind. How has the DEIS analyzed the proposed building volumes as they compare to the context of the residential neighborhood?***

Be located in urban core areas and promote pedestrian friendly/ transit-oriented development.

***The NSCP area is not an urban core, it is a rural environment featuring 4 small casinos, no hospitals, schools or grocery stores The EIS for the NSCP in 1995 stated that the area was at 90% build out and that the resident population was 25. This exceedingly small population doesn't qualify the area for an urban node. Proposed Alternative C increases resident population to 206, this is an increase by a factor of 8. How does the NSCP comply with the definition of a urban core?***

Promotes energy efficiency and reduces overall energy consumption (i.e. appliances, solar applications, etc.)

322 W ***There is no independent analysis of energy use or efficiency. The ARUP study is flawed and based on an inaccurate traffic study and baseline conditions. For instance, the ARUP study uses as a baseline old motels on the South Shore that have been torn down. It does not consider air conditioning or road snow melt systems in the proposed 4 -Star hotel. Why doesn't the DEIS require an independent energy use analysis?***

Clearly demonstrates adherence to the local and regional visions

***You can only make this finding if you ignore objections to the project regarding height, scale and density and ignore the pathway vision of retaining an easygoing rural and rustic lifestyle. This needs to be addressed in the DEIS.***

# ATTACHMENT F

## ACCESSORY SPACE AND CFA

Alternative A (existing conditions of just the Biltmore property) states 12,308 CFA for things like dining and bar area as part of the 92 room Biltmore. So in other words, the existing hotel operation requires CFA in its operation.

Alternative C (proposed project) states 20,715 CFA for the project but says that "includes 12,712 square feet of retail and 8,853 square feet of dining within a two-acre public gathering space and pedestrian village". This is a math error ( $12,712 + 8,853 = 21,565$ ), but that seems insignificant. *What is significant is that the CFA is in the project gathering space and pedestrian village and this is retail and dining separate (physically and operationally) from the rest of the project.* In other words there is no CFA allocated for the 300-room hotel development (or for that matter the condos or affordable housing in the project). How can there be no CFA for this main part of the project when even the existing Biltmore claims 12,308 CFA?

The answer seems to appear in the accessory use claims for the project. The hotel/gaming part of the project claims 89,187 square feet of accessory use. This includes 32,158 square feet of mechanical, lobby, and administrative space - that seems reasonable and normal. The remaining 57,029 square feet of accessory use however is questionable. It includes 19,089 sq.ft for the health and wellness center, 9,680 for the fitness center, 21,253 for conference and meeting space, 1,665 for a day care center, 750 for convenience retail, 750 for a bar area, and 3,680 for a restaurant.

According to TRPA code, restrictions on accessory use include (among other things) no separate advertising, no separate operation of the space, no additional VMT generated by the accessory use.

At the TRPA Governing Board meeting in December, there was community enthusiasm for the Wellness Center and use of the facilities for community events. There was even discussion (during public comment) of the Tahoe Forest Hospital partnering with Boulder Bay in the operation of the Wellness Center. This would appear to constitute a separate use from the Hotel use. Consequently, the 19,089 sq.ft. of space for the health and wellness center should be used in the calculations for traffic and parking.

How can the Wellness Center and conference center be used for the community and community events without generating additional VMT or without advertising? Will these facilities be truly run solely and exclusively by the project operators? This also applies to the restaurant, bar, daycare, etc. And if the use of these facilities were truly accessory, wouldn't you have to be a registered guest/occupant of the hotel?

Boulder Bay's designation of space as "accessory use" is important because the Community Plan limits additional CFA. NSCP.1.5 states: "FROM COMMUNITY PLAN ADOPTION UNTIL SUPERSEDED BY AN UPDATED TRPA REGIONAL PLAN, AN ADDITIONAL 19,616 SQUARE FEET OF COMMERCIAL FLOOR AREA MAY BE ALLOCATED WITHIN THE NORTH STATELINE COMMUNITY PLAN AREA.

At least 3,000 sq. ft. of this 19,616 allocation has been used for another project in the Community Plan area since 1996 (when the plan was approved), which leaves only 16,616 sq. ft. allowed in the NSCP. The DEIS does not discuss any request for transfer additional CFA to the Community Plan area. The proposed Wellness Center alone should require 19,089 CFA. Please clarify.

322ix

# ATTACHMENT G

## Road Circulation and Public Safety

Below is an expert opinion from Bill Quesnel, Principal of Acumen Engineering on the road configuration:

"I have reviewed the documents you forwarded me, specifically Figures 2-4, 2-5 and 2-6 of the DEIS, in reference to the comments from Mr. Freund: *"We can find no differences between Alternative C in the DEIS and the actions of the BCC. Substantial conformance means that roughly equivalent access would be provided as the circulation plan approved by the BCC. Again, we don't find any deviations. If Ann has additional information or materials, let me know. Just as in the case of a final subdivision map based on an approved tentative map, substantial conformance is never interpreted as "identical" in every respect. The County Engineer is also empowered to make road alignment changes based on best design practices.*

As a general rule I would agree with Mr. Freund that Planning Commission and County Commissioner level approvals anticipate and allow variations in road alignments and width and leave it to staff (in this case the County Engineer) to approve the final configuration based on best design practices. However, in this case the reduction in the number of ingress/egress points at Tahoe Boulevard, from three to two, as a result of combining the driveway serving both Wellness Way and Boulder Way, is a significant change from the approval granted by the County in 2009. The DEIS is confusing and misleading as Figure 2-6 shows a "Proposed Roadway Realignment" that conforms to the County approval while Figures 2-4 and 2-5 show a combined driveway configuration.

If Figures 2-4 and 2-5 represent the preferred alternative, the driveway configuration should be reconsidered by the County as the County Engineer's authority to approve modifications is limited to width and entrance dimensions, and perhaps even alignment, as described in the Action Order for APPEAL CASE NO. AX08-006:

- Should the County Engineer determine that a 24-foot road width for Wellness Way is more desirable and appropriate than the proposed 20-foot width; the developer shall be bound to modify the plans [per condition 9 of VA08-014].
- The developer shall work with the County Engineering staff to ensure the entrance [width and turning radius] to Wellness Way will accommodate a wide variety of vehicles and towed vehicles. The County Engineer shall determine compliance with the condition.
- Should the County Engineer determine that a 24-foot road width for Wellness Way is more desirable and appropriate than the proposed 20-foot width; the developer shall be bound to modify the plans [to a 24-foot width]. The County Engineer shall determine compliance with the condition.

The Action Order specifically states the "abandonment is conditional on the construction and recordation of the Lake View Avenue extension and an alternative access from State Route 28 to Wassou Road in **substantial** compliance with the approved plans". Mr. Freund's comment that the County Engineer's authority extends to approving *roughly equivalent access* and *there is no deviation*

*from the configuration shown to the Commissioners* is incorrect in my opinion. The Commissioners expressed significant concern re: emergency egress from the Crystal Bay Subdivision during a fire or similar emergency and to say there is no deviation from the driveway configuration shown to the Commissioners and Planning Commission, and used as the basis of the County approval, is not correct. “

# ATTACHMENT H

## Emergency Access and Evacuation

October 2, 2008

Ms. Ann Nichols  
Ann Nichols and Company  
PO Box 4  
Crystal Bay, Nevada 89402

Subject: Boulder Bay – Proposed Access Road  
FCA Job #: 09-10891

Dear Ms. Nichols:

Pursuant to your request, I have reviewed: "EXHIBIT O - ROAD RIGHT-OF-WAY AND COVERAGE MAP, Sheet 0-1" in particular, along with the Lumos letter referred to below which is associated with the "**Boulder Bay Master Plan/New Right of Way Map.**" The document-exhibits reviewed include a lengthy letter dated 7/7/08 to Washoe City Planner, Eva Krause which relates to details of the roads proposed. The job reference for Lumos and Associates is 7139 and the date on the sheet most relevant to me – sheet 0-1 – includes the word "August" but no other legible date data.

My comments on the proposed project are not related to details, but rather the concept proposed, which is to provide a road 20 foot wide – which essentially meets Fire and Emergency Service *private road* criteria *only* and cannot be considered in any way in parity or equivalent to a the public road minimum of 24' width + appropriate shoulders. The private emergency road proposed is apparently intended to service 32 townhouse units as well as a proposed 93 unit hotel.

322 | a [ Given the need for ready access in all weather and potentially during fire emergencies it appears reckless to provide less than what would be required for public roads. It is assured that during its useful life large and small fire emergencies requiring movement of occupants and EMS responder will take place at this project. Given the proposed road design, there is no margin for parked cars, snow drifts or other foreseeable hazards. Based on my understanding of the previous finding - especially given the occupant loading - access needs to be consistent with what the public enjoys routinely on minimum sized public streets.

As noted in a recent letter to you, I and my colleagues at Fire Cause Analysis have recently spent time studying and visiting the site of the 2007 Angora fire in South Lake Tahoe. At that site, we have consider both the sources of the pre-fire problems – including actions of regulators of all sorts - that existed as well as execution of emergency personnel doing their jobs as first responders. One factor related to such fires that jumps off the page that is of primary importance continues to be access to suitable roads for evacuation and first responder access in emergencies.



I have spent considerable time studying and working on Wildland Urban Interface fire problems and have acted as a consultant on these issues to the Office of the California State Fire Marshal as well as the City of Oakland and the East Bay Regional Park District. I also recently prepared a Vegetation Management Plan – the first of its kind as far as I know - for a middle school to be built in Pasadena. The kind of work I have done and continue to do in this area tell me repeatedly accessibility issues – to safely evacuate effected people and provide access for first responders is – short of good long term planning – the primary cause of injuries and death in these incidents.

As you take part in the review process you are involved with for the proposed Boulder Bay project, I urge that you stress the importance of safe sensible access to the local authorities. This access should not merely provide bare minimums. Rather, it should be robust and be *carefully* thought out. For the record I have also attached a copy of the most relevant sheet of those I have reviewed. If I can be of further assistance or there is need to discuss this matter further, do not hesitate to call me.

For Fire Cause Analysis,  
Joseph B. Zicherman, Ph.D., SFPE  
Att: Boulder

# ATTACHMENT I



A  
57'

BUILDING A



B  
75'

BUILD B

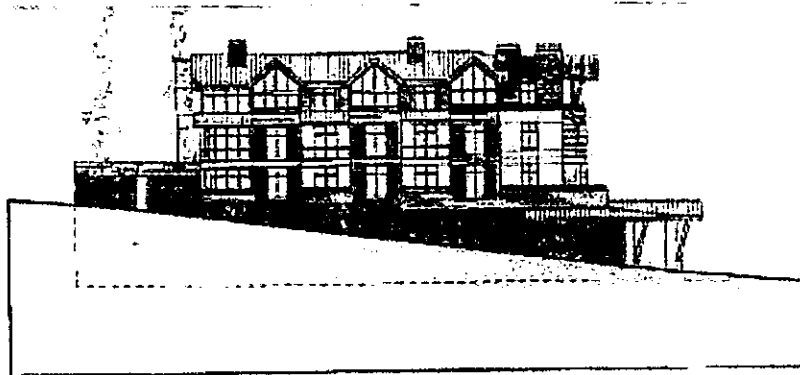


C  
70'

BUILDING C

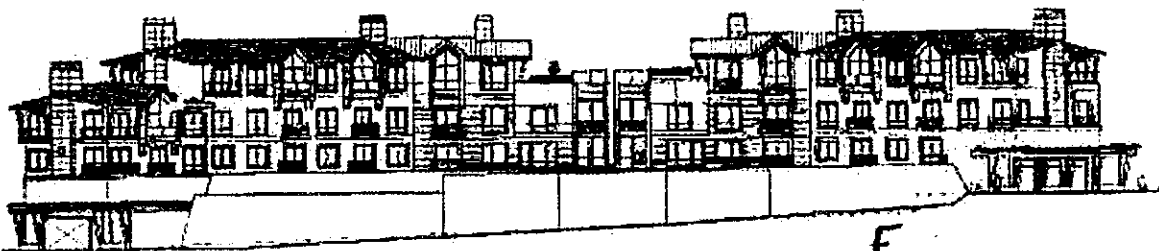


D  
75'



BUILDING E

E  
65'



F  
56'

BUILDING F



G  
45'

BUILDING G



H  
56'

BUILDING H



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Drafts



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Junk E-Mail



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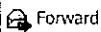
Manage Folders...



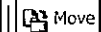
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**Boulder Bay DEIS Comments**

Jane Ball [JaneBall2@gmail.com]

Sent: Thursday, February 04, 2010 9:38 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

My family and I have visited Lake Tahoe's beautiful North Shore regularly for over 40 years. Over this time, it has become clear that we need special and probably extraordinary measures to prevent it from becoming over-congested and losing it as a true scenic and ecological gem in the Sierras. The proposed project is deficient in several aspects and could endanger the quality of water in the Lake and make the traffic problem immeasurably worse. Please require an detailed and adequate traffic impact analysis, as well as an impact report addressing water quality benefits, including fine sediment load reduction.

Thank you.

Jane Ball

PO Box 540

Ukiah, CA 95482

323

324

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 4:17:24 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

BoulderBay: New EIS public comment submitted

First Name: art and marilyn

Last Name: berliner

Address: po bx 3658 (647 Martis Peak Rd)

City: Incline Village

State: Nevada

Zip: 89450

Email: tahoelivin@aol.com

Phone: 775-830-0413

Comment: Our family has been long time residents of Kings Beach and Incline Village. My uncle lived and owned businesses in Kings Beach ie Hardware store in 1940's and 3 homes in same area. Cousin Maxine Stahl(nee Gordon) was at the gala opening of the Tahoe Biltmore when it opened way back then. I have been a resident of Incline Village since late 1960's, fulltime since 1983. Enough background. Roger and Bea Wittenberg, along with Heather, Brian, John, and Tyler are proposing to revitalize the Tahoe Biltmore and surrounding properities, ie old North Shore Club Which is now known as Boulder Bay Project. Having known these individuals and family, and their participation in all aspects here in the area, including but not limited to SNC, Tahoe Forest Hosp., IVCB Veterans Club, Parasol Foundation, and unlimited time, energy and monies for most of the non-profits in our area. My wife and I can only endure their plans to revitalize, bring more jobs, have a wellness facility on the proposed site. I strongly urge and propose TRPA and other govt. agencies to endeavor and build this project as strongly as we do having a long time residency and my own commitment(s) to projects dear to their hearts. I'm, as most of you know, very involved with most of the activities in our area. THIS IS A WINNER FOR OUR COMMUNITY AND RESIDENTS ALL WITHIN LARGER AREAS TO COME TO THIS PROJECT. Thanks in advance for taking the times to read, absorb, and act as soon as possible for this project to break ground. Most sincerely  
Art and Marilyn Berliner



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Deleted Items



Drafts



Inbox (162)

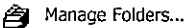


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## Boulder Bay DEIS Comments

David Brooks [dbrooks@wusd.k12.ca.us]

Sent: Thursday, February 04, 2010 5:11 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

325

Dear TRPA,,

I am very concerned about the massive new proposal for north shore development at the Crystal Bay stateline.

The proposed project includes measures that would help to offset its environmental impacts, such as the implementation of "best management practices" for water quality, a contribution to a stormwater treatment project, and a reduction in land coverage. The environmental document ASSUMES that great benefits will be realized from these measures, but NEVER QUANTIFIES them with regards to fine sediment, the most important pollutant affecting the Lake.

There are several other serious problems with the environmental impact statement, such as a flawed traffic analysis to make the unsupportable determination that traffic and associated air quality impacts will SOMEHOW be decreased.

PLEASE STOP APPROVING PROJECT AFTER PROJECT WITHOUT TAKING INTO ACCOUNT YOUR DUTY AS GUARDIAN OF OUR BEAUTIFUL, SACRED LAKE!!!!!! Your actions, or inactions, will affect generations to come.

David Brooks  
4709 C St.  
SACRAMENTO, CA 95819



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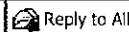
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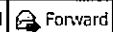
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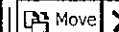
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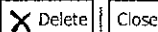
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**Boulder Bay DEIS Comments**

Steve Callaway [scallaway@amb.com]

Sent: Thursday, February 04, 2010 4:47 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

Please note my concern about the proposed large scale development in the North Stateline area. We are homeowners at Tahoe and in the SF Bay Area and have significant interest in Keeping Lake Tahoe Blue.

Please make certain that:

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality.

Steve Callaway  
11 Mountain View Ave  
San Rafael, CA 94901

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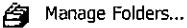


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## Boulder Bay DEIS Comments

David Coglizer [dave@westlygroup.com]

Sent: Thursday, February 04, 2010 11:50 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Dear TRPA,

My family has deep multi-generation roots at Lake Tahoe from backpacking in Desolation Wilderness to being homeowners since 1984. We are very disturbed at the massive scale of this project and its implications including increased urbanization, being an eyesore, increased traffic and air pollution, degraded water quality, and more stress on our national treasure.

I hope you will at a minimum:

- 1) reduce the number of proposed units to no more than the existing structures, and hopefully less.
- 2) Do an adequate traffic analysis
- 3) Ensure the EIS to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- 4) Ensure complete and fully maintained 'best management practices' for water quality.

Best regards,

David Coglizer  
2200 Sand Hill Rd, #250  
Menlo Park, CA 94025

David Coglizer  
2200 Sand Hill Rd, # 250  
Menlo Park, CA 94025

327



328

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 11:51:27 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Thomas  
Last Name: Crowe  
Address: 169 Bay Hill Drive  
City: Boiling Springs  
State: South Carolina  
Zip: 29316  
Email: bbcrowe1@yahoo.com  
Phone: 828-305-3714

Comment: I am in full support of the Boulder Bay project. And would encourage a yes vote on this topic. It seems to me this would be very encouraging to the local econmony by creating new jobs and additional revenue oppurituntty for the community and local bussiness.

Regards,

Thomas Crowe



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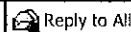
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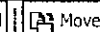
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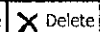
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**Boulder Bay DEIS Comments**

Denis De Luchi [jraeden@msn.com]

Sent: Thursday, February 04, 2010 4:11 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

This really can't go forward without a more thorough analysis of effect on water quality. What's the sense of worrying, year after year, about clarity and water use in the Tahoe Basin if you're going to approve, without much more serious consideration, any old major project that come along. And the Biltmore is in a large drainage basin aimed directly at that small corner of the lake. Unless extremely well controlled, the project could be a disaster.

Mr. Denis De Luchi  
7849 Tamara Drive  
Fair Oaks, CA 95628

9169619644

330

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 9:51:22 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: William  
Last Name: Ellis  
Address: PO Box 6865  
City: Incline Village  
State: NV  
Zip: 89450  
Email: eatahoe@gmail.com  
Phone: 5098692136

**Comment:** My comment is in support of Boulder Bay and the project Alternative C.

I am a North Shore resident of 4 years, along with my wife, who has lived here more than 13 years.

I, for one, am looking forward to the Crystal Bay corridor representing responsible redevelopment and becoming an example to the rest of the Lake. Not to mention the day when the tired old Biltmore is removed - along with its additional out buildings and parking lots. This is a tourism based community and as such, we need to be able to offer the amenities competing destination resort towns already have. The facelift the Boulder Bay project will provide would allow us to move one step closer to competing more effectively for tourist dollars.

About 2-3 months ago, I attended the public information meeting that the TRPA held at the Biltmore. The open format, approachability of the developers and additional information helped alleviate any concerns and solidify my support. Yet, having just read a letter in our local paper citing that the height of the project would be double, I also realize just how much misinformation is circulating. Education is key and as such, it's imperative that everyone takes the time to do their diligence before they condemn.

I feel our community is fortunate to have an opportunity like this. Hopefully we can find a way to come together to support it and hence, capitalize on it.

Thank you.

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## Boulder Bay DEIS Comments

Fred George [fmgeorge@comcast.net]

Sent: Thursday, February 04, 2010 9:30 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I object to the Tahoe Biltmore project on the drawing boards until an adequate traffic analysis is done and until an adequate environmental impact study is done. I cannot see where this has been done to this point.

Mr. Fred George

527 McBride Drive

Lafayette, CA 94549

(925)2841763

33.1

332



## League to Save Lake Tahoe

February 4, 2010

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89448

Dear Mr. Landry,

Thank you for the opportunity to comment on the Boulder Bay Draft Environmental Impact Statement (DEIS). The League to Save Lake Tahoe strongly supports the appropriate redevelopment of legacy areas. However, the League has a number of concerns with the information contained in the DEIS and which need to be resolved in the Final Environmental Impact Statement in order to assess both the true impacts and benefits of the proposed project. The League believes that crucial information and analysis is either missing or flawed in the DEIS.

Furthermore we also incorporate the comments from the following organizations and individuals:

North Tahoe Preservation Alliance  
Tahoe Area Sierra Club  
Attorney General of California  
Christina Morkner Brown, Attorney  
Susan Handy, Traffic Expert  
Joy Dahlgren, Traffic Expert  
John Bosche, Civil Engineer  
William Eadington, Director of the Institute for the study of Gambling, UNR

### Transportation/Air Quality

Increasing traffic can increase pollutants that negatively affect both air and water quality in the Tahoe Basin. It is imperative that an adequate transportation analysis is performed in order to better quantify and assess the impacts to threshold standards.

*Chapter 4.8, Transportation, Parking, and Circulation*, has severe flaws including an inaccurate analysis of trip generations and Vehicle Miles Traveled (VMT). Defying common sense the DEIS reports that while there will be an increase from 92 hotel units to 300 units plus 59 condominiums and 14 housing units, a combined increase of gaming, commercial area, and accessory floor area from about 80,000 sq feet to about 120,000 sq feet, and an additional 158 parking spaces, that somehow trip generations and VMT will be decreased. This is a very bold conclusion and steps need to be taken to make this conclusion deserve thorough review.

332a [ The first major flaw in this chapter is the incorrect method for calculating baseline numbers for trip generation and VMTs. The baseline numbers were not derived from existing conditions at the current Biltmore site, but instead were based on the potential full capacity of the existing uses at the Biltmore. This skews the numbers to make it seem as if Alternative C is drastically reducing VMTs because the project alternatives' VMTs are not being compared to existing actual VMTs, just potential VMTs.

Although TRPA claims that existing conditions are always analyzed at potential capacity and not at current uses, the California Attorney General's Office acknowledges that this method is invalid and has been demonstrated in case law. TRPA's claim appears to be based on staff interpretation and not actual regulations. The difference between potential and actual is substantial. The existing daily trips count is 1,835 daily trips, while potential daily trips are predicted to be 5,581. Using this inaccurate number of 5,581, the DEIS claims that Alternative C actually reduces daily trips by 2,190 from potential existing conditions. The predicted number of daily trips for Alternative C is 3,892, which is actually significantly higher when compared to the existing daily trips count.

TRPA staff interpretation differs from common practice for traffic impact analyses which use actual existing conditions. CEQA 15125 (a) states, "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

332b [ A second inadequacy in this Chapter of the DEIS is that trip generation numbers were not based on data from the Biltmore. The numbers were not derived from Casinos in Tahoe, Reno, or anywhere in Nevada for that matter. Instead data was derived from gaming space in two casinos in Illinois, one in Iowa, and one in California. Trip generations need to be based on local data and circumstances, which the DEIS fails to incorporate.

332c

The analysis of the Biltmore at full capacity of existing uses not only defies case law, but is an extremely unrealistic potential as gaming numbers in Northern Nevada continue to decline and are not expected to regain due to competitive pressures from expanding gaming in California and throughout the country. Please see comments submitted separately by gaming expert, William Eadington on behalf of the North Tahoe Preservation Alliance.

332d

Thirdly, the transportation analysis is unsound because it is based on a model by Fehr and Peers for a mixed use development that does not include hotel or interval ownership residential uses. Since hotel and vacation homes will be the primary use of the Boulder Bay Resort, it seems inappropriate to use this model. The internal capture rate in this study only takes into account

332e

trips between the casino, hotel, restaurants, and retail. The study does not appear to take into account the amount of external trips that will be generated by the increase in the number of guests and residents now needing to reach recreational areas, grocery stores, and other essential services. As both the internal capture rate and alternative mode reduction is based on a model not designed for hotel uses, the validity of the numbers generated remains extremely questionable.

332f

The League is concerned about the dramatic increase in accessory floor area and how this has not been adequately taken into account in the transportation analysis. It appears as if accessory floor space is treated differently from a commercial floor area for the traffic analysis. The difference is based on the assumption that accessory floor area will not increase trips to the project. However, it remains unclear how a restaurant listed as "accessory" will bring in less guests from outside the resort compared to a restaurant listed as "commercial." The DEIS claims that Boulder Bay will not advertise any of their accessory space uses. How will Boulder Bay be held accountable for not advertising the services used in the accessory floor area? If in the future Boulder Bay decides to convert the accessory floor area to CFA so that they can advertise to the public, will TRPA require a new traffic analysis to be performed and will that future analysis be examined with the same scrutiny and held to the same standards as the original CEP project?

332g

Furthermore, while Boulder Bay will be offering opportunities such as additional shuttle services, the DEIS does not examine the likelihood of these practices at being successful at reducing either overall VMTs or emissions per person per mile. If the overall visitation to Boulder Bay Resort increases from current uses, but only a small percentage of guests utilize public or semi-public transportation, then effects to transportation and air quality will likely occur. Is there an irrevocable commitment for Boulder Bay to continue to utilize the shuttles or ensure that a certain amount of their guests utilize these shuttles instead of their private automobiles? If Boulder Bay discontinues the shuttle system what will be the repercussions for the developer?

The robustness and adequacy of the transportation analysis is key in allowing the Governing Board to vote for the project with complete confidence that the VMT analysis is accurate and

332h that there be no significant impact to the Air Quality threshold standard. An adequate transportation report is also crucial because the crux of the Tahoe Mariner Settlement Agreement is based on ensuring that no adverse impacts will occur to traffic and air quality as a result of development on the Mariner Site. The League feels that the consultants need to perform a more thorough and appropriate transportation analysis that accurately takes into account existing conditions (including current baseline VMTs) and external trips based on a model designed for mixed hotel development that includes second homes and uses data that better reflects a Tahoe area casino.

Will a more accurate and adequate transportation analysis be performed for the FEIS that addresses all the issues identified above?

The League also hereby incorporates any comments on the Boulder Bay DEIS submitted by the California Attorney General's office, traffic expert Susan Handy, traffic expert Joy Dahlgren, and gaming expert Dr. William Eadington.

#### **Gaming Space Reductions, Commercial Floor Area, and Accessory Floor Space Additions**

332i The DEIS is unclear and potentially misleading about the reduction of gaming space and other uses under each of the different alternative. The EIS needs to clearly state what actually exists, what is actually being proposed, and what could potentially be used in the future under each of the alternatives for gaming space, CFA and accessory space. The DEIS should also list the combined amounts of the total of all three of these areas and the total addition or reduction of these combined areas for each alternative.

From the League's estimate it appears Alternative A has a combined gaming (existing, not potential), commercial, and accessory area of around 80,000 sq feet while the proposed project, Alternative C has a combined area of around 120,000 sq feet. Does TRPA confer with these estimates and will they be published in the EIS?

332j The DEIS needs to better clarify within each alternative the actual existing gaming space, certified gaming space, proposed gaming space, gaming space that will be permanently retired, gaming space that will be temporally retired, and gaming space that is being retired from the Boulder Bay site but may be used elsewhere within the North Stateline area. These quantities should be illustrated so it is very clear to the reviewer the actual amount of existing gaming space being reduced as well as the amount of certified gaming area that is being *permanently* reduced.

332k There also needs to be clarification about the supposed reduction in CFA on the Boulder Bay site which is claimed to be 17,935 sq ft. (pg 2-22). This number supposedly comes from the 19,744 sq feet of reduced *certified* gaming area. The DEIS fails to state that the 19,774 sq feet reduction is not an *actual* reduction in gaming space, but a reduction in *certified* gaming area (some of which may not be a permanent reduction). The actual reduction in existing gaming



floor space is only 12,400 sq feet.<sup>1</sup> How is it possible to reduce 17,935 sq feet of something that is only 12,400 sq feet in size? The answer is that it is impossible and that really there is only a 12,400 sq foot reduction of real CFA, not 17,935 sq feet as the DEIS claims.

332L In regards to CFA and GFA the DEIS does not make a fair comparison of the No Project Alternative (Alt A) and the Preferred Alternative (Alt C). For instance on pg 2-22 the DEIS assigns Alt A with 56,322 sq feet of CFA which includes verified CFA and *certified (some of which is not existing)* GFA. The DEIS does not state that only 48,978 CFA (combined CFA and GFA) is in actual use. However, within the same paragraph, the DEIS claims that there is a reduction of 19,744 GFA. Yet, it is not stated within this paragraph that in fact the 19,744 will be considered *verified* CFA. Why is it that Alt A calculations includes both existing, verified, and certified CFA/GFA, but alternative C calculations only includes what will be used on the ground and not verified/certified?

### Consistency Analysis

332M In Chapter 3 of the DEIS (Relationship to Existing Land Use Plans, Goals and Policies) Table 3.2-1 lists the consistency analysis that does not appear to be very consistent with the rest of the DEIS. For example, the DEIS states that for Alternative A and B the site will be retrofitted for the required 20 year one hour storm. However in reference to Regional Plan Goal 1 (Land Use) on page 3-3 the Table states that Alternatives A and B will be inconsistent because "Existing development at the project area includes deficient stormwater treatment, circulation, and urban design features that would not be corrected under Alternatives A and B. How can the DEIS claim that a 20 year one hour storm capture will be built in A and B but that deficient stormwater treatment will not be corrected under these alternatives?

332N Table 3.2 – 1 incorrectly labels Alternative C as being consistent with Regional Plan Goal 2 and associated policies. Alternative C is not consistent with existing height regulations because it exceeds existing height limits. An amendment that may allow for a height exception does not make Alternative C consistent with *existing* TRPA Goals and Policies.

### Project Benefits and CEP status

#### - Water Quality Benefits

332O Since Boulder Bay is a CEP project (for Alt C and D) and needs to "result(s) in substantial environmental benefits" (Code of Ordinances Ch. 33.3 D (3) a), the EIS needs to do a better job of explaining in a clear and quantifiable manner the differences in water quality benefits and improvements amongst the alternatives.

332P It is unclear in the DEIS that Boulder Bay's contribution to EIP #732 (Brockway Residential Water Quality Improvement Project) is separate and in addition to the planned on site treatment of the 100 year one hour storm event. It would also be helpful to list the expected

<sup>1</sup> 12,400 square feet comes from subtracting the amount of proposed floor space for Alt C (10,000 sq ft) from the current gaming floor space at the Biltmore/Alt A (22,400 sq ft).

costs of the entire EIP project (732) and the portion of the cost that Boulder Bay will be contributing. It is our understanding that the total project cost including land cost for EIP #732 is roughly \$4 million and the Boulder Bay portion of the project will be around \$1.3 million. Is this correct? Furthermore, EIP # 114 (Washoe County Water Quality Improvement Project – Phase I/North Stateline Community Plan Lake Vista Mini Park) does not have a water quality component and therefore should not be listed as contributing to water quality benefits. Our understanding is that the land underneath EIP #114 will be used for water quality, but that it will be considered part of EIP #732. This needs to be clarified in the EIS.

332r There are crucial pieces of information that are missing in the water quality section of the DEIS that are needed to help decision makers and the public determine how far “above and beyond” the CEP project is reaching. As a commercial area the project is required regardless of its CEP status to maintain Best Management Practices for a 20 year one hour storm event. The project as a CEP is proposing a much larger 100 year storm design system. However, without adequate quantification of the difference between what is required and what is proposed there is no way to discern if the benefit is substantial. The 100 year storm capture appears to be rather impressive, but there needs to be a quantification of the amount of fine sediments being reduced. The 100 year storm capture may reduce fine sediment loading by a significant amount in comparison with a 20 year one hour standard or the difference may not be as dramatic as would have been hoped for. The DEIS does not quantify the average annual fine sediment load that will be reduced by any of the alternatives. This type of quantification needs to be consistent with NDEP and Lahontan TMDL requirements and should be included in the FEIS. It is

332s imperative that the load quantification is performed for fine sediment (16 microns or less), not simply Total Suspended Sediment, as the TMDL has identified fine sediments, *not* TSS, as the major culprit of lake clarity decline. Jurisdictions will be required to quantify their fine sediment reductions, not TSS loads. These loads in the FEIS should be presented not as a percentage, but as actual numbers. Do the project applicants currently have this information or will it need to be obtained?

332t Also there is concern that the pre-project water quality monitoring only used six sample dates and that numerous times throughout the water quality appendix it is stated, “Loading estimates to be used with caution. Flows are grossly estimated using flow calculated from....” It has been brought to our attention that additional research has been performed previously by the Desert Research Institute and the project applicant is working with Michael Hogan and Mark Grismer to obtain additional data to better support the original results. We expect this information will be fully vetted in the FEIS.

#### **- Undergrounding of Utilities**

332u The DEIS claims that Boulder Bay’s \$600,000 contribution to the Washoe County undergrounding of utilities is a benefit for alternatives C and D, but not for alternatives A, B, and E. However, since the contribution has already been made and the work has been completed, the undergrounding should be listed as a benefit for all the alternatives. Oral communication with the consultant revealed that at the time the DEIS was being written that

the undergrounding had not yet occurred, but that the consultant agreed that it should be listed as a benefit for all alternatives now that it has been completed. Will the undergrounding of utilities be listed as a benefit in all alternatives in the FEIS?

#### **- Coverage Reductions**

332 ✓ According to the TRPA Code of Ordinances section 20.3 B the abandoned ROWs should not count towards the project's coverage reduction as the code states, "land coverage associated with existing linear public facilities, highways, streets and roads shall not be considered in the calculation of land coverage." However, the DEIS claims (4.2-16) that using the ROW for excess coverage mitigation is allowed under Code Section 20.5. Please identify more specifically the portion of the code that allows for the use of ROW for this purpose because after reviewing 20.5 we have not been able to see where the DEIS finds this interpretation.

If anything, Washoe County should receive jurisdictional credit for the retirement of their own roads, not the project applicant. The reduction with the Public ROW is claimed to be 15.8%. Without including the abandoned right of way what would the percent reduction be? The DEIS also claims that by including the right of way reductions that the project coverage will be 50.3%. Without using the right of way reduction what would be the coverage of this project.

332 W Why is state owned land being considered a coverage reduction benefit for a private developer? The permanent retirement of the coverage from the ROW abandonment should be considered.

It would be helpful to include a breakdown of the Washoe County Right of Way (either current or abandoned) that is being included in the project area by acreage, square feet, existing land coverage, and land capability.

332 X Also, although the proposed project meets the requirements for excess mitigation, it seems that a CEP project should at the very least follow the TRPA requirements for Bailey amounts and not exceed the 50% coverage limit. 50% is also the coverage limit for the NSCP. Also it is imperative that 4.78 acres of open space that were deed restricted as part of the Mariner site not be counted towards the overall land amount in which the coverage is calculated.

332 Z Since the coverage removed from the Crystal Bay site is not being permanently removed, the coverage reduction may only be temporarily and should not be counted as a benefit to the CEP project and the project should not receive any incentive unless it becomes permanently restricted.

#### **- Double Counting**

There is some concern that the DEIS overstates or restates some of the environmental benefits. An example of this is the SEZ restoration that was required in order to receive the TAUs (to be converted to the ERUs) from the Colony Inn Site. The DEIS repeatedly claims that there is a community benefit from the project because of the off-site SEZ restoration performed by

332aa Boulder Bay. If Boulder Bay was not receiving TAUs or ERUs from this restoration work then it would be fair to call it an enhancement. However, because they are receiving benefits that would be given to any developer, it does not seem appropriate to list it as an additional benefit. The SEZ restoration is a *requirement* for receiving these TAUs, and therefore Boulder Bay cannot count this SEZ restoration as an added benefit of the project.

**- Trails, Walkways, Bikeways**

332ab None of the trails, walkways, or bikeways appear to have any connectivity to neighboring towns or recreation areas such as Kings Beach or the Crystal Bay Lookout. Without connectivity these improvements do not appear to be much of a benefit either to decreasing dependency on the automobile or to providing recreation.

**-CEP Incentives**

332ac The project is receiving incentives such as allocations because of its status as a CEP project. However, the project itself has many impacts. How does the TRPA quantify net benefit when comparing the project's impacts to the project's benefits?

What is the monetary value of all the entitlements given to the developer for being a CEP project?

**Mariner Settlement Agreement**

**- Land use changes**

The League believes that changing the settlement agreement from three single family residential units to high density condominiums conflicts with the integrity of the previous settlement agreements which restrict uses, density, and height on the 6.11 acre site. The main purpose of the original settlement agreement was to ensure that no adverse impacts would occur to either air quality or traffic from the development of the Mariner site. However, as discussed above, the DEIS transportation analysis is flawed and if performed correctly, the transportation analysis may reveal that the project as whole, as well as the portion of the project on the Mariner site, will in fact negatively impact traffic and air quality.

332ad It is unclear from the DEIS how many units are now proposed on the Mariner site in comparison to the three units that were allowed as part of the 2001 Mariner Settlement Agreement. This information should be clearly provided in the EIS. The coverage for the three single family homes allowed in the DEIS was 48,535 sq feet. How much additional coverage is proposed to be placed on the Mariner site as proposed in Alternative C? It is imperative that the 4.78 acres of the deed restricted site is not used for coverage calculations. The remaining 1.33 acres left of the 6.11 acre site is the amount that should be used for coverage calculations.

The League is particularly concerned by the defense provided in Appendix M of the DEIS which is the project applicant's version of the history of the Tahoe Mariner Settlement Agreement. The project applicant's attorney argues that because the proposed project allows the 140 TAUs allowed in the original 1981 agreement, but does not allow for any gaming area on site, that

331ae this coupled with the 1981 mitigation requirement (in the end a total of \$46,000) will result in a reduction of traffic from the 1981 agreement. However the attorney's argument is flawed for a number of reasons. First, in paragraph #11 of the 1996 agreement it specifically states that \$46,000 payment for air quality mitigation will only be valid for the 1996 timeshare project and "shall not be construed to exempt future projects, other than the timeshare project from compliance with TRPA mitigation requirements regarding air quality or traffic." Therefore, Boulder Bay's attorney's argument is flawed in referring to the 1981 mitigation measures because the mitigations are not transferable from the 1996 timeshare project that was abandoned to a new project. Second, the League believes that the issue is not about what was or was not allowed in 1981, but is an issue about the increase in traffic that will occur if the *current* agreement is not honored. Also it is unclear and very doubtful that mitigation measures required from 1981 agreement were actually effective measures.

The League is opposed to the portion of the proposed agreement that changes the amount of the land on the Mariner Site allowed for density calculations to 6.11 acres. This violates the intention of the open space portion of the 2001 settlement agreement and furthermore, the majority of this acreage is not in the North Stateline Community Plan.

The proposed Mariner agreement does not change height allowances. However, prior agreements (1981 and 1996) limited height on property to 40.7 feet. No other agreements increased this height, yet Alternative C proposes a 53 foot high building. Clearly this is a violation of the Tahoe Mariner Settlement.

Is there any relocation of coverage to class 1a lands on the Mariner site? Would this be a violation of the Tahoe Mariner Settlement agreement? Is this discussed in the proposed changes for agreement in Appendix M?

#### **- Open Space**

332af The DEIS claims that Alt C will be deed restricting 5.7 acres of open space which is more than what is required of the 4.78 acres in the Tahoe Settlement Mariner Agreement. However, while there might be more deed restricted space on the Boulder Bay site, will there actually be a smaller amount of deed restricted space on the Mariner Site itself than is required by the Agreement? How much deed restricted space will be relocated off the Mariner in each of the alternatives? The DEIS does not address the quality of the relocation of open space in relation to either the Mariner Site as well as within the Mariner Site. It also appears that the relocation within the Mariner Site is to an area that would not be very suitable for development and places the public access at a farther distance than the original location.

#### **- CFA on Mariner Site**

There is concern about some of the issues with CFA transfers and banking on the Mariner site that directly relates to the potential TAUs that Boulder Bay is seeking from a CFA to TAU conversion. First, it has come to attention that according to the provisions in the 1996 Settlement agreement (paragraph 18) that only 6,000 square feet of CFA should be allowed;

not the 12,000 square feet that is being allowed and has been proposed in Appendix M (#5). Apparently the ability to use the 12,000 square feet expired three years after the agreement in 1999.

332ah Also, the previous owners had sold CFA to other parties who paid for the CFA but did not use all of it. It appears that the project applicant is attempting to claim this unused CFA as their own and calling it residual CFA as referred to in the January 29<sup>th</sup>, 2009 audit of the site. Is this correct? This is not allowed as the buyer is the rightful owner of the CFA, which the buyer can chose to sell or use later. Boulder Bay should not be allowed to count this as their own CFA, which they are then planning on converting to TAUs.

### **Community Plan Amendments and TRPA Code changes**

#### **- Height Amendment**

The proposed project (Alt C) is non-conforming in that all eight buildings will exceed height restrictions. Furthermore, it appears that Building A is really three buildings which means a total of ten buildings will exceed height restrictions. Currently only one building on site is non-conforming and is allowed because of the grandfather clause. One of TRPA requirements for the redevelopment of a site is that non-conforming uses are brought into conformance.

332ah However, instead of bringing non-conforming uses into conformance, this project seeks to increase the number of buildings that are non-conforming ten-fold! All the while, the DEIS claims that this is consistent with the Regional Plan because an amendment will be made to the Regional Plan. The DEIS is flawed and should instead state that the height exceedance is not consistent with the TRPA Regional Plan.

The League is further concerned that a major height amendment is being made to the TRPA before the new Regional Plan update is completed. The CEP projects were meant to inform the Regional Plan. However, since there will not be an opportunity to discover the impacts and effects of Boulder Bay as a CEP project in a sufficient amount of time to inform the Regional Plan, it no longer makes sense to make an amendment to the Regional Plan prior to the adoption of the Regional Plan update. Under the TRPA Code of Ordinances 42 feet is the maximum allowed for a 24% slope with a roof pitch of 10:12 or greater.

Additionally, the League is concerned that this change is really a change to the Community Plan Amendment. First, the League does not feel that an amendment should be made to the Community Plan as part of the project. Instead changes to the Community Plan should be done as part of the Community Plan Update. The update for the North Stateline Community Plan is long overdue. Secondly, the DEIS does not even appear to acknowledge that making a height amendment requires an amendment to the Community Plan. Under the NSCP the maximum height limit is 38 feet.

It appears that the amendment is not designed specifically for this project, but moves outside of the project area, including areas on the other side of the highway. Is this correct? Will this

amendment allow future projects, including projects across the highway to utilize this height increase?

Furthermore, the 1981 and 1996 settlement agreement, paragraph 14 states that height will not be allowed to exceed 40.7 feet, yet Alternative C proposes a 57 foot structure on the property. Not only is the project out of compliance with the Regional Plan and NSCP, but also with one of the prior settlement agreements.

**-CEQA**

332a<sup>i</sup> [ The North Stateline Community Plan is located in both California and Nevada. Therefore, any changes to the Community Plan should fall under CEQA requirements. Has Placer County participated in the portions of the DEIS that will impact the NSCP?

**Scenic**

332a<sup>j</sup> [ In addition to the height issues described above, there is a larger issue with general massing and bulk of the project. In addition to height and square footage it would be helpful if the EIS contained information on the cubic volume of the project. It is our understanding that the total square footage of the buildings on site is being increased from 110,000 square feet in the No Project Alternative to 475,000 square feet in the preferred alternative. Is this correct?

332a<sup>k</sup> [ The Scenic analysis shows that some portions of the project will be visible from the Lake. This seems to be a degradation of scenic quality and should decrease the shoreline score.

332a<sup>l</sup> [ A shadowing and night lighting impact study needs to be performed.

332a<sup>m</sup> [ Removal of the Crystal Bay Motel is proposed for scenic mitigation; yet it is not proposed to be permanently deed restricted as open space thereby allowing a project to be built on this site in future and eliminating the scenic view and mitigation.

332a<sup>n</sup> [ It appears that the calculations for height in buildings in Alt C used flat roof pitches, yet the simulation shows steeper roofs. What type of roof pitch was used for these calculations and if so is there a discrepancy between the calculations and the simulations?

332a<sup>o</sup> [ Is part of the scenic mitigation to include vegetation screening? The DEIS did not include a landscape plan? Will a landscape plan be included in the FEIS?

**Tourist Accommodation Units**

The morphing of Tourist Accommodation Units (TAU) is a serious issue throughout the Tahoe Basin and is not unique to Boulder Bay. However, Boulder Bay is still taking of advantage of this inappropriate ability to morph TAUs into whatever size suits the developer. Although Boulder Bay's morphing is slightly less egregious than other developments it is of great concern and should not be allowed.

332ap

The DEIS stands in error regarding the calculations of TAU size that makes the morphing of size appear more diminutive than it actually is. The DEIS states on 4.1-25 that "The average size of TAUs demolished within the sending parcels is approximately 325 square feet..." and the "average TAU size under C is 556 square feet." This makes it seem as if TAUs are only being morphed on average from 325 square feet to 556 square feet. However, an important factor was left out of the computation that the DEIS used to reach the 556 square foot number for Alt C. The 42 TAUs from the Colonial Inn sending parcel will be converted to ERUs in Alternative C. ERUs are typically used as condominiums and their square footage is usually inappropriately larger than the original sending TAU. Off hand, the consultant's best estimate for Boulder Bay ERU size was between 800 and 1000 square feet (verbal communication with Rob Brueck at December 2009 Public Workshop at the Biltmore). It is imperative that the EIS report the average size of the Boulder Bay ERUs and that these numbers are correctly inputted with other TAU data to determine the true morphing of the TAUs from the sending parcel to the receiving parcel. Furthermore, there should be a list of the exact square footage of each TAU and ERU proposed for the preferred alternative.

332aq

There are a number of TAUs that Boulder Bay will be receiving that currently do not "exist" in a physical sense as they are coming from a special projects pool or the Community Plan pool. The EIS needs to list the total amount of floor space of existing TAUs (both from on site and from the sending parcels) and compare that to the total floor space of all the proposed TAUs as well as the square footage of any ERUs that were previously TAUs.

The DEIS claims that the TAUs will use much less water and energy resources than the units removed, but is unclear under what basis this is being judged. For example is this at one to one square foot ratio or a one to one TAU ratio? Will the 1000 square foot condominium that came from the 325 square foot unit be overall more efficient? What happens when other aspects of the project such as the energy used for the melting of snow on paved areas is calculated in? Is the Boulder Bay TAU with all the amenities included such as all the accessory floor space energy and water use such as that used for a heated pool, sauna, and steam room still really more efficient than the sending TAU with all of its amenity energy usage?

Also there is some question as to the adequacy of the verification of the CFA amounts that Boulder Bay is attempting to convert to TAUs. This verification needs to be resolved before the conversion is allowed. The League also questions the validity of transferring CFA to TAUs when lots of the retail and services on site that would normally be classified as CFA is being classified as accessory space.

332av

The conversion of CFA to TAU is a slippery slope that needs to proceed with much caution as there is a plethora of CFA throughout the Basin and a strong market for TAUs. The impacts of a CFA to TAU conversion needs to be addressed as part of the Regional Plan and should not be considered until after a thorough analysis.



332as

Also a discrepancy between the proposed project and the NSCP is that the number of TAUs has a buildout of 565 additional TAUs, but with proposed project transfers that number will increase by 150 units to 715 TAUs.

#### Coverage

The DEIS is not clear in its illustration of coverage numbers, sometimes appears to be inaccurate, and could potentially be misleading. A more accurate and comprehensible explanation of coverage will greatly assist both the public and decision makers in understanding important details regarding the project.

332at

A chart needs to be provided with a breakdown of each parcel that is proposed as part of the project, and the square footage, acreage, verified land coverage, land capability, and verified development rights for each of these parcels.

In addition, the FEIS needs to include a breakdown of the Washoe County ROW (either current or abandoned) that is being included in the project area by acreage, square feet, existing land coverage, and land capability.

332am

According to the DEIS (pg 4.2 -21) the coverage for the project is 339,884 square feet, yet Appendix D *TRPA Land Capability, Coverage and other Commodity Verification Files* only shows 354,332 square feet of coverage. Why does this discrepancy exist and where does this additional 45,553 square feet derived from?

Is there relocation of coverage from disturbed lands to undisturbed lands anywhere on the project site? Please provide a chart and map demonstrating where new coverage was not previously either disturbed or covered.

#### Density

The overall density and capacity of the site is of concern as related to the impacts on air quality and traffic as discussed above. Increasing density allowances allows for increase capacity on the site which leads to increases in traffic and decreases in air quality.

332av

The League is opposed to the changes in the proposed Mariner Settlement Agreement that would change the allowed land area used for density calculations to allow the areas outside of the NSCP to be allowed for density calculations. Table 4.1-2 of the DEIS notes that 12.20 acres of 16.26 project acres will be used for density calculations which excludes the 4.06 acres of the project located outside the NSCP. In Appendix M the proposed amendment states that the property on the Mariner site may be developed "up to the maximum densities permissible in Chapter 21 of the TRPA Code of Ordinances for the 6.11 acre project area." The proposed amendment is then allowing for the area outside of the community plan to be utilized for density calculations. This change would allow a severe increase in allowable density and is contrary to the intention of the open space portion of the Settlement Agreement.

Is the project using either current or abandoned Washoe County Right of Way for density calculations?

It is our understanding that the original application used a density allowance based on Category E. This has apparently been changed. What basis was this change made and how much does it increase or decrease density allowances?

#### **DEIS Summary Chapter Issues**

332aW The summary of alternatives that are identified in the Summary Chapter of the DEIS are not clear in addressing similarities and differences. For example Alternatives C, D, and E, all contain a list of such items as the number of hotel rooms, parking spaces, gaming floor area, etc. Much of this information is left out for Alternatives A and B and the reviewer must look throughout other places in the document to fill in the blanks. For comparison, the EIS should make sure that the same type of information is included and displayed equally for all the Alternatives in this summary section.

Furthermore, there are some issues with the presentation of gaming area in the summary chapter. Gaming area is discussed in further detail in other portions of this comment letter, but for the summary section it should be noted that the reporting of reduction in *certified* gaming floor area instead of the reduction in *existing* gaming is misleading. The EIS needs to include both the reduction in existing and certified gaming area.

#### **Structures Housing Gaming**

332aX There are very stringent regulations concerning structures that house gaming in the Tahoe Basin. The DEIS should thoroughly evaluate the project against TRPA regulations and any other agency regulations concerning but not limited to issues regarding expansion and relocation of structures and gaming space. Although there is less gaming area within the structure, is the structure itself expanding?

#### **Crystal Bay Motel**

332aY The DEIS needs to better clarify the role of the Crystal Bay Motel/Office property within the document. The project description (S-4) does not describe this piece of property as being part of the project yet the vicinity map shows it as part of the project. Is it part of the project?

332aZ As described in the scenic comment section above, the property will be used to enhance the scenic quality of SR 28 (page 4.5-46), by removing the structures and re-vegetating the area. However, the DEIS also states that the site could be redeveloped. If redeveloped, the scenic improvement would be lost. Has deed restriction of this property for open space been proposed and if so what were the reasons for not choosing an open space deed restriction? Are there plans to develop this property?

Furthermore, since this property is included in the calculations for density, how would it be further possible to develop this property in the future?

### **Destination Resort/Recreation**

332ba Boulder Bay is claiming to be a destination resort yet the resort is not located near beaches, ski resorts, or hiking trails. There is a grave concern that by increasing the number of visitors to this area that nearby areas such as Bucks Beach will be overwhelmed with visitors that it was never designed to accommodate and the impacts both to the beach and the neighborhood could be severe. This was not analyzed in the DEIS and needs to be addressed.

The Boulder Bay site does not measure in comparison to resorts such the Hyatt in Incline which has a private beach on site and the Ritz Carlton at Northstar which is a ski-in ski-out destination.

332bb This implication is particular important to the traffic study as many guests will need to the leave the resort in order to fulfill their vacations needs. Many will choice the use of their private automobile to arrive at these destinations.

The DEIS needs to acknowledge the impacts to local recreational areas and provide sufficient mitigation for these impacts.

### **Biological Resources**

According to the DEIS, 225 trees will be removed from the property. Of particular concern is the removal of trees 25 trees that are of 24" dbh and greater. Since five of these trees are diseased it is really the 20 healthy trees ranging in size from 24" dbh to 44" dbh or greater that is of the most concern. It is important to note that ten of these healthy trees are of 30" dbh or greater. Was any effort made to make alternative designs to this project in order to preserve these large trees?

332bc The DEIS also states (5-17) that the loss of trees occurs within "developed urban area located within the NSCP." This is not an adequate excuse for cutting down trees that are neither diseased nor a fire risk. It is extremely important that natural aspects of the environment are included not excluded in populated setting.

### **Noise**

332bd Expanding the number of structures with increased height can cause an increase in noise. Does the DEIS analyze how the increase in the number of buildings with excessive height will impact noise?

### **Water Supply**

332be The DEIS refers to a letter sent by IVGID stating that the project will not significantly reduce water supply, but the DEIS does not evaluate the project in regards to the requirements of the Truckee River Operating Agreement (TROA). A recent letter dated 1/7/10 refers to a seller willing to sell 30.3 acre-feet of Lake Tahoe Water to Boulder Bay, LLC. However, the DEIS never quantifies the amount of water needed for the project. Furthermore, the DEIS fails to identify the numbers of guests and residents associated with each alternative and therefore, neither

decision makers nor the public have a way to evaluate what kind of water supply is truly needed for the proposed alternatives.

#### **Wildfire Risk**

332bf The DEIS section on Fire Suppression (p. 4.12-12) does not include an evaluation of the impacts from the project to public safety in the case of catastrophic wildfire. Will impacts include putting more people or property in danger and/or make evacuations more difficult in the event of a catastrophic scenario? Is there an adequate amount of water supply for fire suppression needs?

#### **Cumulative Impacts**

332bg The DEIS (p. 5-15) first claims that the 56 TUAs transferred from El Dorado County will simply shift the population from around the Basin. First, it is not an equal shift because 42 of these ERUs were actually only TAUs (and small ones at that) as they existed in El Dorado County. By changing from a TAU to an ERU is Boulder Bay not shifting from a tourist use to a resident use? Secondly, because there is such a drastic difference between the communities of South Lake Tahoe and Crystal Bay it is unjust to call these a simple shift. What is the shift in percentages? To explain better, what is the percentage decrease in losing 42 TAUs and 18 ERUs from South Lake Tahoe's population versus the percentage increase in adding 56 ERUs to Crystal Bay?

332bh Regarding Air Quality, what is the cumulative amount of additional VMTs for the all proposed project on the North and West Shores (Placer and Washoe Counties)?

Regarding Scenic Quality, what are all the height amendments proposed for all the projects being planned on the North and West Shores (Placer and Washoe Counties)?

332ba Regarding vegetation, what is the cumulative amount of trees that will be removed from the urban setting for all proposed projects on the North and West Shores (Placer and Washoe Counties)?

332bj Regarding water supply, will there be a cumulative impact to the reduction in water supply for all proposed projects listed?

#### **Summary**

As discussed above the project may likely impact numerous thresholds including air quality, scenic, vegetation, recreation and noise.

In summary, the DEIS is insufficient in adequately addressing impacts and quantifying benefits. More thoroughness, adequacy, and clarity is needed in the EIS in order to assist decision makers in deciding whether this project will be helpful or harmful to all of Lake Tahoe's threshold standards. A more adequate EIS may reveal that the project will need to be reduced in size in order be consistent with threshold standards and the North Stateline Community Plan.

If you have any questions regarding these comments please contact the undersigned at (530) 541-5388.

Sincerely,

Nicole Gergans  
Environmental Program Advocate  
League to Save Lake Tahoe

333

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 9:51:51 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Derek

Last Name: Goins

Address: 625 Bergin Way

City: Sparks

State: NV

Zip: 89431

Email: dgoins@jensenprecast.com

Phone: 775-720-8167

**Comment:** In regards to the Alternative C project. I feel it is and would be good for the area. We need something new to the area; I believe would create a new draw which in these economical times is needed. Not to mention the jobs it would create.



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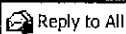
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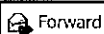
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**Boulder Bay DEIS Comments**

Jo Good [JoGood3@aol.com]

Sent: Thursday, February 04, 2010 8:58 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

While we love the Lake and would like the world to see it's beauty, there is much to consider before tearing into this precious terrain. Construction of a mega hotel will have a negative impact on the traffic flow at the area of the stateline. It is currently a mess just traveling to Northstar and Truckee navigating past the existing casino hotels. Plus the immigrant work force will certainly be hired for the blue collar jobs and put pressure on the local schools and economy. Most important of all is the impact on the water quality to our beloved Lake. Extensive impact analysis must be invested prior to any such construction is approved.

Think twice - who is this property really for?

Jo Good

774 Mays Blvd 10-282

Incline Village, NV 89451



335

Tahoe Regional Planning Agency  
Governing Board Members and TRPA Staff  
P.O. Box 5310  
Stateline, NV 89449

February 4, 2010

*Sent via e-mail to Project Contact: David Landry ([dlandry@trpa.org](mailto:dlandry@trpa.org))*

**Subject: Draft Environmental Impact Statement (EIS) for the Boulder Bay Community Enhancement Program Project.**

Dear Governing Board Members and TRPA staff,

We would like to thank you for the opportunity to comment on the draft Environmental Impact Statement (DEIS) for the Boulder Bay CEP Project (hereafter "Project") and extended comment period.

We have reviewed the DEIS for this Project and have many concerns with the technical adequacy of the document. While we have focused our comments on three key issues of concern, we herein incorporate comments submitted by the League to Save Lake Tahoe (League), California Attorney General and the North Tahoe Preservation Alliance (NTPA), which address other areas of the document we believe are technically inadequate.

We believe there could be substantial environmental benefits provided by the project, primarily with regards to stormwater treatment, however we are concerned that the DEIS has failed to adequately analyze several components of the project which could negatively impact several of TRPA's thresholds, including the additional traffic generated by the project and the increased water demand on an already taxed water supply.

We provide the following comments and questions to guide the information and analyses included in the final EIS.

Please feel free to contact Jennifer Quashnick at (530) 577-4233 or [jqtahoe@sbcglobal.net](mailto:jqtahoe@sbcglobal.net) or Ron Grassi at (530) 583-3105 or [ronsallygrassi@mac.com](mailto:ronsallygrassi@mac.com) if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Grassi".

Ron Grassi, Esq. (Retired)  
Conservation Chair,  
Tahoe Area Sierra Club



## I. Traffic

Traffic creates impacts on numerous other TRPA thresholds, including water quality and air quality. As the TMDL has documented, traffic traveling over roadways contributes substantially to the pollution in runoff from those roadways. We also know that as vehicles travel, the tires grind up larger particles on the roadway into finer sizes, which have a greater impact on Lake clarity. Additionally, vehicle emissions are one of the primary sources of nitrogen oxides (NOx) in the Basin, and as the TMDL research shows, over half of the nitrogen entering Lake Tahoe is from atmospheric deposition. The current standard for nutrients in the lake is Primary Productivity. In the last TRPA Threshold Report (2006), this standard was roughly 400% out of compliance. In other words, measured primary productivity exceeded the standard by about 4 times. As documented in recent "State of the Lake" reports from the Tahoe Environmental Research Center, primary productivity continues to rise each year.

335a In summary, the impacts of vehicle use in the Basin are substantial. TRPA cannot make Chapter 6 findings when considering approval of projects which increase traffic (or more specifically, vehicle trips and Vehicle Miles Traveled [VMT]) because increasing vehicle use does not help attain and maintain environmental thresholds.

### A. DEIS fails to adequately analyze traffic impacts:

#### 1. Improper Baseline:

One of the largest concerns we have with the proposed Project is the increase in traffic that will result. The technical 'analysis' of traffic impacts in the DEIS is sorely lacking technical adequacy and is based on questionable assumptions. We fully endorse the comments submitted by traffic expert Joy Dahlgren (submitted with NTPA comments) and add the following additional comments.

- 335b
- The DEIS 'concludes' that alternatives C and D will reduce traffic in the area compared to existing conditions. However, the DEIS does not actually use 'existing conditions' as the baseline traffic (which should represent the traffic currently generated by the site), but rather, has instead relied on unfounded assumptions of what is claimed to be the traffic that "would be generated" if the current facility were operating at "full capacity." The DEIS notes that the casinos in North Lake Tahoe had about half (54%) of the visitation in 2008 compared to 1999 (page 4.8-11, Table 4.8-4). During the public hearings, DEIS consultants indicated that TRPA allows this interpretation for the baseline conditions when analyzing 'redevelopment projects' (although we have not found any reference in the Code specifying this). The result of what appears to be a staff 'interpretation' is that the traffic impacts for alternatives C and D appear to be less than existing conditions because a much higher 'hypothetical' traffic level is used for the existing conditions. This simply defies all logic, as these alternatives substantially increase the number of residents and visitors in this area by orders of magnitude above existing conditions. No amount of transit can mitigate for this increase let alone actually produce a net decrease.

- As Mr. Dan Siegel stated at the December Board hearing for this project, this assumption is not technically sound. The EIS must use a baseline that is equal to **actual** existing conditions rather than the 'hypothetical baseline' used in the DEIS.

2. Improper assumptions regarding casino space and trip generation:

A substantial portion of the reason behind the claim that traffic will be reduced is associated with the reduction in casino floor space from 29,744 sq. ft. of existing casino floor area to 10,000 sq. ft. However, as the DEIS acknowledges, existing use of the casino is about half of what it used to be, thus current traffic associated with use of the casino is also reduced compared to 10 years ago.

- Further, we refer to comments provided in a Memorandum from Mr. William Eadington, Ph.D. dated 1/29/10 (submitted by the NTPA). Mr. Eadington has studied casinos in various jurisdictions with focus on the space needs for tables and slot machines. His analysis of the proposed project and associated impacts on traffic concludes:

"...If anything, there still remains an over-supply of gaming equipment at the various casinos at the North Shore. Any further reduction in equipment at any one casino is unlikely to inconvenience customers who frequent those casinos, and certainly would not reduce the volume of visitor traffic to those casinos. Reduction in square footage of casino floor space would have no impact on the existing volume of casino customers at North Shore because of the excess existing capacity and the past decade's reduction in demand."

"Therefore, the claims that Boulder Bay planners have made that reducing the physical size of the Tahoe Biltmore casino (in terms of square footage) would result in any reductions in traffic to the casino core is clearly erroneous. Furthermore it is patently illogical to propose that such reductions in casino traffic due to removal of redundant casino floor space could offset any increases in traffic from development of a large number of tourism accommodation units at the Boulder Bay site."

The EIS must assess the traffic generated by the existing casino and provide scientifically-valid evidence supporting any associated conclusions.

B. DEIS includes improper comparisons to other resorts:

The DEIS compares what are claimed to be "12 other existing resort properties of similar scale and composition" (page 2-20) to the proposed project. As stated in our NOP comments on the project, the proposed project does not represent the typical 'Destination Resort.' Such resorts typically reside at the base of a major activity that draws people to the area, such as a ski resort. On that note, we reviewed the website information for the 12 noted resorts used in the comparison, and found that in all but one case, the "Destination Resort" was located at the base of a major tourist destination, generally a ski resort:

Four Seasons, Jackson Hole:  
Park Hyatt, Beaver Creek:

Slopeside: ski in/ski out  
Slopeside

Ritz-Carlton, Bachelor Gulch:  
 St. Regis, Aspen:  
 Pan Pacific, Whistler  
 Westin, Avon, CO (Vail)  
 Ritz-Carlton, Northstar  
 Hotel Jerome, Aspen  
 Westin, Whistler:

Slopeside (Beaver Creek)  
 Slopeside  
 Slopeside  
 Slopeside  
 Slopeside  
 A few blocks from ski area/Gondola  
 Walk to Gondola

335c In these locations, tourists and residents could walk to the destination activity. The one minor exception was Hotel Jerome in Aspen, CO, which just a few blocks from the ski resort (however within walking distance of the downtown retail area and Gondola<sup>1</sup>). By comparison, Boulder Bay is located miles away from any ski areas and certainly guests and residents will not be able to walk to a major destination. The DEIS appears to claim the "Health and Wellness Center" is the "Destination" for the proposed project. Not only is this unsupported by the evidence, but as noted above, the proposed project has used ski area destination resorts for a comparison yet the proposed project itself is NOT located at the base of any destination ski resort.

C. DEIS fails to disclose Total Population for each Alternative:

335d Additionally, the DEIS fails to disclose the expected increase in guests and residents associated with each alternative. The only information thus far available is found in the 2008 Traffic Study done for an earlier version of the proposed project. The EIS must clearly disclose the increased population associated with each alternative, the available residential prospects, commute distance, and the number of parking spaces that will be built for employees. Further, this information is necessary for performing an adequate transportation analysis of each alternative.

335e The FEIS must supply a population/traffic increase number with substantiation and then explain how project proponents intend to deal with it. For example, let's say traffic will increase 30% as a result of the Proposed Project. The FEIS must document how project proponents will deal with this increase – in other words, the FEIS must list the actions that will be taken and include associated evidence that those actions will in fact work.

## II. Water quality and Stormwater Treatment

As we have stated in previous verbal comments, we believe that the stormwater treatment component of the proposed project sounds impressive, and could result in notable water quality benefits compared to existing conditions. However, the DEIS fails to include evidence to support the project's claimed benefits.

A substantial portion of the claimed on-site benefits are due to the installation of a 'treatment train' to capture stormwater runoff which is currently and for the most part not being captured and treated. Additional verbal discussions with stormwater and soils

<sup>1</sup> <http://hoteljerome.rockresorts.com/hotel-highlights/index.asp>

experts (e.g. Michael Hogan and Mark Grismer) involved in the project indicates more details are available regarding the proposed treatment system that were not available at the time of the release of the DEIS. We have been working with project proponents and technical consultants to set up a meeting to discuss the additional information that is available regarding stormwater treatment<sup>2</sup> and we look forward to these discussions.

However, our comments herein are focused on the technical inadequacy of the DEIS. As a result, although we recognize that more information is currently being gathered, we focus our comments on what is missing or inadequate in the DEIS. We expect more comprehensive information and supporting evidence will be included in the Final EIS.

A. DEIS fails to quantify water quality benefits associated with each alternative:

335 f  
Water quality is clearly one of the most recognized environmental thresholds in the Basin. Over a billion dollars have been spent in the past 10+ years in an attempt to reduce the pollutants entering Lake Tahoe that are causing a continued reduction in the Lake's famed clarity and creating significant problems along the littoral (nearshore) zone. We have known for years that fine particles (e.g. particles less than 16 microns in diameter) are the primary cause of clarity loss (roughly 2/3) and the nutrients nitrogen (N) and phosphorus (P) cause about 1/3 of the lake's clarity loss due to the growth of clarity-reducing algae. When TRPA introduced the "Community Enhancement Program" (CEP), one of the largest areas of focus included the requirement that projects provide substantial net environmental gains above and beyond those required by the current Regional Plan and Code of Ordinances. This included heavy focus on the treatment of stormwater runoff to reduce the pollutants entering Lake Tahoe.

Thus, it is actually quite surprising that the DEIS fails to quantify the pollutant loading (and reduction) for each alternative. We found a very 'rough' estimate of the current annual loading (page 4.3-10 from Appendix P), which is estimated at approximately 34,450 pounds per year. However, no estimate is provided regarding the loading (and reduction) associated with each alternative.

- For example, the document explains that Alternatives A and B will simply install the BMPs currently required, which are designed to treat the 20 year (1 inch per hour) storm. The DEIS claims that the Preferred Alternative (C) will include a system designed to treat the 50 year storm, and that with additional designs included in the project (e.g. green roofs, pervious pavement), will actually treat the 100 year storm.
- However, the DEIS fails to identify what the estimated load reductions are for each alternative. In other words, what is the load reduction with the 20-year storm design in Alternatives A and B? What is the load reduction for the 50-year design, and 100-year design?

The document must disclose how much each alternative reduces load and describe how substantial each alternative's reduction is compared to what is required by

<sup>2</sup> In fact, we are currently scheduled to meet February 11, 2010.

the current Regional Plan and Code. After all, the CEP granted exceptions on the basis that the threshold standards – and not just water quality – would receive a substantial net gain. The CEP set the rules; the projects cannot revert to what is currently expected, because the projects are expected to produce a significant net gain. That point cannot be stated often enough, although it is clear to those commenting on this project that the developer must meet the expanded criteria, and it must be met in each of the alternatives.

B. DEIS fails to provide evidence supporting claimed reduction in particulates:

The DEIS claims that the preferred alternative's stormwater treatment reduces fine sediment particles (FSP) in runoff by 90% (Appendix R, page 5). However, no information is provided regarding the source and applicability of this 90% claim. The statement merely references a 2005 document and specific page number<sup>3</sup>. When we located this document<sup>4</sup> and viewed the referenced page number, we found no information regarding a 90% reduction in FSP. Not only does this fail to provide any evidence supporting the claimed 90% reduction, but the focus of the study in this reference was not fine sediment removal, but the removal of heavy metals from water – a completely different issue!

3359 We note that on the previous page (page 85) there is a minor reference to a "Pitt et. al." document dated 1995 where apparently they found a 90% reduction in particles from 6-41 microns using sand. There is no discussion of this study, the methods used, the particle size class and distribution, sand type, maintenance requirements, etc., nor any discussion regarding how such a study may be relevant to the proposed project's stormwater treatment at all. Further, Pitt's report is not in the References section of the Guidance document. Thus, all we could find was a reference to a reference which includes yet another reference for the supposed 90% claim. **Evidence, including the details of actual studies, assumptions used, and how this information relates to the proposed project's system, must be provided clearly to the public!**

The EIS must provide adequate and clear evidence supporting the claimed reductions associated with each alternative. This evidence must be included in the FEIS. The public should not have to research footnotes within footnotes in an attempt to find such information (and then still have to 'figure out' how it supposedly relates to the proposed project!).

<sup>3</sup> Appendix R includes this reference: "Hinman, C (2005). *Low Impact Development: Technical Guidance Manual for the Puget Sound*, (p. 86), Puget Sound Action Team • Washington State University Pierce County Extension."

<sup>4</sup> [http://www.psp.wa.gov/downloads/LID/LID\\_manual2005.pdf](http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf)

C. DEIS fails to address several other water quality issues, including but not limited to the following:

1. Questions regarding baseline water quality data:

The document explains that JBR Environmental consultants sampled 6 rain events and rain on snow (ROS) events (summarized in Section 4.3 and detailed in Appendix P). Questions include:

- How do the sampled storms compare to the 20-year, 50-year and 100-year storms?
- How well do the timing of the samples correlate to the “first flush,” which according to a Hydrosience Report prepared for TRPA<sup>5</sup>, is when the greatest pollutant loading in stormwater occurs? As a result, how well do estimated pollutant concentrations represent concentrations expected from each storm?
- The DEIS states that Western Environmental Testing Laboratory analyzed the samples for several constituents, including TSS, TSS < 20 microns, turbidity, total N, total P, DP, DIN, total Fe, oil and grease. However, TRPA’s Surface Water Discharge Limits are listed for Suspended Sediment Concentration (SSC). The footnote on page 4.3-5 explains that TSS is more appropriate for stormwater, but either way, how do the concentrations of TSS and TSS < 20 microns compare to SSC-based standards? What is the difference?
- Pages 4.3-5 through 4.3-6 discuss the findings of the samples gathered on the 6 events. However, each discussion explains that “Dissolved ...SSC [was] not analyzed”. No TSS data are presented or discussed here, let alone the more important FSP data (e.g. TSS below 20 microns). Yet on page 4.3-5 the last paragraph states specifically that both TSS and TSS less than 20 microns were analyzed. Why are the TSS findings not included in the summaries on these pages? What are the findings?
- How valuable are the existing conditions estimates given the inadequacy of the stormwater sampling size and method (an inadequacy in fact recognized by the DEIS)? Specifically:
  - Page 4.3-6 states: ““No trends are reported at this time because of the small sample size...”
  - Page 4.3-7 discusses the methods and their relationship to estimating “event mean concentrations” (EMCs), a term used by the Tahoe TMDL documents to estimate the mean concentration of pollutants per event (e.g. a storm). The DEIS notes that the method primarily used to estimate EMCs (which uses automated flow samplers) could not be used for the project:

“EMCs represent the flow-weighted average concentration of a specific pollutant contained in stormwater runoff from a particular land use type and is typically evaluated through use of an automated flow-weighted composite sampler, collecting stormwater from a single sample site (and land use type) over the course of a storm hydrograph. Because of high pedestrian and vehicular traffic in the project area,

<sup>5</sup> Final Draft: Bioavailable Nutrient Loading into Lake Tahoe and Control Opportunities with an Emphasis on Utilizing SEZs to Treat Urban Runoff. March 2000. Prepared for [TRPA] by Hydrosience.

automated sampling is not feasible and JBR scientists collected grab samples. The typical approach to calculating the EMC is not applicable because a single grab sample was collected at different locations within the project area at a single time in the storm hydrograph."

- It is surprising that automated samplers were not used, per TMDL methods. In fact, Caltrans uses automated samplers in the Basin. Aren't they therefore used in 'high vehicular traffic areas?' What exactly made such samplers not feasible in this case? Have automated samplers been installed since the release of the DEIS? Given this is the standard method used for this calculation by the TMDL, and the purpose of this section is to analyze the project alternatives in terms of the TMDL (we note page 4.3-7 states: "...the TMDL methodology, in addition to current TRPA BMP guidelines, is proposed to be used to develop the Boulder Bay water quality program and performance targets..."), it is dismaying that TMDL methods were not followed.
- Further, the amount of runoff and concentration per volume of runoff is not linear. Automated samplers can account for the true 'nature' of stormwater runoff, including the most polluted volume of water – the "first flush" (see discussion in the previously referenced Hydrosience report)...whereas grab samples only provide one data point at one point in time, without any idea of the curve of the hydrograph or changes in concentration as the storm proceeds.

The Final EIS must address these questions and comments and include the additional data noted, as well as adequate data regarding the TSS and FSP concentrations that represent baseline levels and the estimated quantified reductions associated with each alternative.

2. Other questions regarding water quality discussions and appendices:

Page 4.3-10 states that "Groundwater was not encountered during investigations of exploratory borings or test pits." This conclusion is based on drilled borings in January 2007 and August 2008. The Jan. 2007 sampling drilled to a depth of 20 feet below ground surface (bgs). The August 2008 sampling drilled to 55 feet.

- Why were the depths different? Additionally, one would expect lower groundwater depths in August. How does time of year affect groundwater depth? How representative are these borings? Does Boulder Bay expect to be performing grading activities during the colder months (which would require approval from TRPA)?

P 4.3-27

The DEIS states "The underground parking garage will be regularly maintained and wash off will be directed to proposed stormwater treatment systems or the existing IVGID sewer system."

- Clearly the design should already have been developed as to how wash off will be dealt with. How can the project's impacts be evaluated if treatment strategies haven't even been worked out yet?

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- Does the existing IVGID sewer system provide the same level of stormwater treatment for fine sediments and nitrogen and phosphorous as the stormwater treatment system would? What are the differences between these two options for treating the wash off? What are the resultant quantified impacts to fine sediment and nutrient loading to Lake Tahoe?

Page 4.3-29:

The DEIS states that Alternative C will “utilize pervious pavers and pavement on approximately 55,000 square feet throughout the project area to facilitate stormwater infiltration and reduce runoff volumes. Surfaces will be swept with a high-efficiency vacuum sweeper once in the fall, once in the early spring, and as necessary to preserve infiltration capabilities.”

- What other studies have been done in climates similar to Lake Tahoe which show that these impervious surfaces will not get clogged? What studies show the efficiency of these surfaces for a climate like Tahoe’s?
- What analysis is available to support the conclusion that sweeping need only be done twice per year?
- What is meant by “as necessary”? According to what criteria will the owners determine when it’s necessary to sweep in addition to the two ‘scheduled’ times? Will this information be a condition of the project approval?
- What is meant by a “high-efficiency sweeper”?
- How would the proposed sweeper function on sloped areas? For example, we have seen demonstrations of sweepers which can capture more fine sediments on a roadway compared to many ‘standard’ sweepers, however, this is due to the ‘suction effect’ provided by the vacuum’s connection to the roadway surface. Cracks in the roadway, sloped areas, etc., can reduce the ability of the sweeper to collect fine sediments.
- How well do sweepers work on pervious pavement and pavers? According to what information?

Page 4.3-32:

The DEIS states that “The degree of surface water quality improvement is inferred from engineering design objectives, BMP and stormwater treatment effectiveness ratings, and best available science...Post-project monitoring will determine the degree of predicted improvements to surface water quality and ensure that potential impacts remain at a less than significant level and that the expected above and beyond benefits are further quantified.”

- This last sentence does not make sense. The project, if Alternative C or D is approved, will be approved as a CEP project, and thus is expected to provide substantial net water quality benefits. This statement suggests that monitoring will ensure impacts are less than significant. To which ‘impact’s does this refer?



- What is meant by “are further quantified?” Does this mean there will be more extensive monitoring than what has been done thus far which will provide data adequate to quantify benefits? If such data aren’t already available, how can the EIS evaluate what the ‘benefits’ of each Alternative will be?

Page 4.3-33:

As mitigation for “HYDRO-1, the DEIS explains that if stormwater runoff from the project does not meet TRPA’s requirements, “the TRPA security deposit shall be used to implement additional water quality treatment needs in the East Stateline watershed and the project area.”

- How much will this security deposit be? In viewing past TRPA permits, the Security deposit has been just a few thousand dollars at most – not enough to adequately support “additional water quality treatment needs...” If the project applicant is relying on the Security Deposit to serve as mitigation, the amount of this deposit must be provided, and shown to adequately cover additional, best available control technologies that could be implemented in addition to the planned systems if post-project monitoring shows standards are not being met. What those controls would be and evidence supporting their effectiveness must also be included.

What type of fertilizer will be used? Will the project use landscaping that emphasizes native vegetation, which should require less ‘assistance’ to grow? This information must be provided in the FEIS.

How well will the ‘train’ of stormwater treatment systems operate when snow has fallen? Doesn’t snow affect the functioning of open basins? Will it make clogging more likely? All of the calculations on pages 4.3-40 to 4.3-41 appear to assume that only rain will fall.

On page 4.3-46, the document states that “The addition of LID strategies...will further decrease effective coverage and increase the overall treatment capacity of the proposed stormwater treatment system so that cumulative runoff from the project area that approaches the volume of a 100-year, 1-hour storm will be captured and treated.” The paragraph then later states “...the ability of the proposed stormwater treatment system to capture and treat the 100-year, 1-hour storm volumes.”

- Which is it? Will Alternatives C and D treat amounts “approaching” the 100-year storm or will they treat amounts that represent the 100-year storm?
- What data are available to show the claimed benefits of the green roofs, pervious pavers and stormwater catchments, which are claimed to increase the capture of the project from the 50-year storm to 100-year storm? Table 4.3-12 on page 4.3-47 shows “calculations” that supposedly support this claim, yet where are the calculations which show how these ‘extra’ design features reduce the runoff into the stormwater treatment systems?

The public must be provided the information upon which this conclusion is based.

- Additionally, calculations for these design features must be supported by data gathered in the Basin and/or areas with a climate similar to the Basin, and propose an adequate post-project monitoring program.
- If the intent is to “test” these features as part of a ‘demonstration project’ then the document: 1) can not yet claim that the 100-year storm event will be treated; 2) must include the post-project monitoring plan to test this assumption; and 3) must delineate the actions that will be taken by the developer if these design features do not perform at the assumed level (e.g. an adaptive management plan).

Page 4.3-51 discusses the cumulative impacts on water resources. The DEIS appears to conclude that there will not be cumulative impacts because individual projects in the Region have to follow existing regulations designed to prevent significant impacts. If this supposed justification was sufficient to analyze cumulative impacts, then why would NEPA and CEQA, let alone TRPA’s requirements, require a cumulative impact assessment? The answer is because this is not an analysis of cumulative impacts, but rather an excuse to attempt to avoid having to consider them. For example, TRPA’s Code allows for minor increases in transportation impacts from individual projects (i.e. Chapter 93 considers anything below 100 new daily vehicle trips [DVTs] “insignificant” for an individual project).<sup>6</sup> A cumulative impacts assessment would therefore analyze the increased DVTs associated with the approval of, for example, 10 individual projects which each may generate less than 100 DVTs yet collectively, increase the DVTs in a given area by 1,000! Section 5 of the DEIS includes 14 pages of other projects in the area. What are the cumulative impacts of these projects on transportation, water and air quality? Water supply?

Although TMDL research has found that fine sediments are the primary cause of clarity loss, the nutrients nitrogen and phosphorus still cause about 1/3 of the loss of the Lake’s famed clarity. Further, the TMDL focus thus far is on the mid-lake clarity, whereas in recent years, negative impacts to the nearshore have grown substantially (e.g. increased algal growth, invasive species, etc.). Some suggest that these impacts may be more related to the inputs of N and P to the lake than fine sediments. More research is needed, whether looking at mid-lake clarity or nearshore conditions, however the project’s impacts to N and P loading to the Lake must be examined.

However (as with FSP loading), the water quality analysis fails to identify the increases or decreases in these nutrients associated with each alternative. Further, the benefits of some of the stormwater treatment facilities (e.g. bio-retention basins) on N and P levels entering Lake Tahoe are uncertain. Research suggests that such systems that may help reduce P may actually increase the loading of dissolved N entering the Lake (Hydroscience, 2000). The EIS must consider all

<sup>6</sup> <http://www.trpa.org/documents/docdwnlds/ordinances/COCh93.pdf>

available science and analyze the impacts of each alternative on N and P concentrations.

### **III. Other Questions and Comments:**

#### Section 6: Mitigation and Monitoring Program

SP-3 states that an "environmental monitor will be on site during demolition and construction to monitor and respond quickly to and correct any potential environmental issues that may arise..."

- What will be the qualifications required for this inspector? Given the size of the project area, is one monitor enough?

SP-4 requires a "Storm Water Pollution Prevention Plan" be prepared and implemented.

- When will the public get to review this Plan?
- What analyses will be performed to ensure the Plan prevents stormwater pollution?
- Are the mentioned strategies (e.g. filter fabric fences) still considered the best available control measures? How do these strategies relate to the Sediment Source Control Handbook findings? Caltrans' findings?

SP-7 requires the use of bio-retention systems throughout the project area. The DEIS further states that "The engineered soil mix and vegetation in the bio-retention systems shall provide water quality treatment and infiltration similar to undeveloped areas."

- Upon what evidence is this conclusion drawn?
- What are the impacts on N and P levels?

For SP-8, will the fertilizer management plan prohibit use of fertilizers once the landscaping vegetation is established?

- Are there types of fertilizers that can be used which contain either limited N and P and/or no N and P? Have alternative options been analyzed? For fertilizer type as well as landscaping choices?

SP-9 requires Post-Project BMP and Stormwater Monitoring.

- What is meant by preventing 'accelerated' erosion? The proponent is required to prevent all erosion.
- Is 5 years sufficient? According to what information?
- Why is TRPA contractor certification training only recommended, rather than required? What other qualifications will be required of the person performing this monitoring?
- What additional BMPs will be available if the monitoring shows erosion?
- Why are the water quality parameters listed on page 6-19 only 'recommended'? The Plan must dictate which constituents are important for monitoring. The TRPA must require monitoring of pollutants that are clearly of concern.

- 335 y
- What is meant by “Fine sediment shall be monitored as specified by TRPA and future Lake Tahoe TMDL research directives?”
  - For how many years post-project will Stormwater Monitoring occur?
  - What stormwater discharge standards will the project have to comply with? What is the ‘net gain’ provided when discharge standards for Alternatives C and D (which must be more protective because these alternatives claim to be eligible for the CEP program) are compared to existing TRPA discharge standards?
  - Will storm event monitoring capture the ‘first flush?’
  - Can the project be designed to ensure that automated samplers can be installed? The document has already explained that the grab samples used for ‘existing conditions’ are not conducive to the methods used for calculating stormwater runoff; rather, automated samplers should be used.
  - What adaptive strategies will be taken if monitoring indicates reductions are not being met? Who will be responsible to make corrections?
  - Under “Miscellaneous Monitoring,” performance of the Bio-Retention Systems and TMDL reduction components will be ‘monitored in accordance with requirements and conditions outlined in the TRPA project permit.’ What will these requirements be? This information should be in the EIS, rather than put off until TRPA drafts a final project permit. How the project will be monitored plays a significant role in how successful the project is at providing the environmental benefits it claims.
  - For how many years, post-project, will TRPA require annual monitoring reports? What will TRPA do with these reports? What public process will ensure the public has the opportunity to review and comment on these reports?

Because it is directly relevant to whether the project achieves the claimed benefits, as well as substantial net gains, the final EIS must include this information. We do understand some of this information may have been generated/obtained since the DEIS was released, and have been working to coordinate a meeting with the project developer and water and soil experts involved in the stormwater treatment plans to learn about this new information and discuss the stormwater treatment, monitoring and adaptive management being developed in greater detail. We look forward to these discussions, and expect the information will be included in the Final EIS.

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Appendix G: Stormwater Management Plan

How were the calculations in this appendix performed? What assumptions and equations were used? Do the calculations take into account the soil’s capacity to infiltrate when fully saturated versus dry? (We understand additional calculations and/or modeling has been done regarding wet versus dry conditions and expect this information to be included in the final EIS).

335 aa

What are the tables in Appendix G titled “BMP Contributing Areas – With TMDL Reduction Implementations” showing? What is meant by “[Contributing Areas] reduced by ...square feet for green roofs, pervious pavers, and so on? What is meant by “Total “Contributing Area?” Were these modified numbers used to calculate stormwater volumes? What was the purpose of these calculations?

The EIS needs to clearly explain how calculations were performed, what data were used and the source of that data, what equations were used, and what assumptions were made (and what were they based upon).

Appendix P: Boulder Bay Existing Conditions Stormwater Quality Report

How do the storms that were sampled by JBR Environmental Consultants, Inc. compare to a 20-year, 50-year storm and 100-year storm? How do the different precipitation rates affect the calculations?

Page 11 explains: "JBR does not have measured flow rates from the sampling that has been performed thus far...These loading estimates are to be used with caution. There is error associated with some components of the equations, in particular the flow rate of this curb and gutter runoff monitoring...Should Boulder Bay wish, JBR could install flow monitoring equipment inside some of the stormdrain inlets on the property."

- How uncertain are these estimates?
- Did Boulder Bay subsequently request JBR install equipment as offered here? It appears JBR felt that valid locations existed which could support such equipment.

Page 12 states "The site runoff TSS load rate variability on an event basis ranged between 253 and 9,947 lb/day, across six storm events"

- This is a significantly large range! How reliable are the annual loading estimates given this extensive range? What are the loading rates if one used the load rate on the lower end of the scale and higher end of the scale? In other words, what is the range in annual loading? How much uncertainty accompanies the estimated annual loading rate of 34,450 lbs?

Appendix P discusses 6 stormwater sampling events. It also includes the estimated percent of total suspended solids in the fine size fraction for the latter 4 events. However, page 2 of Appendix R states "Storm water from two events was also analyzed for TSS less than 20 microns." This is confusing. Do these appendices somehow refer to different samples?

Why were only two (or four) samples tested to determine the fine size fraction when clearly this is the most important factor with regards to water quality (and clarity) improvement?

What is "effective coverage"? Is this a new term within TRPA? Why is it not included in Code chapter 2? Is TRPA now regulating "effective coverage"? What discussions, when, and with what other agencies, entities, stakeholders and the public led TRPA to the use of this term?

On page 3, what is the difference between "Minimum capacity (TRPA Coverage): 100% of 50-year/1-hr storm" and "Minimum Capacity (TMDL Reduction Coverage):

100% of 100yr/1hr storm"? What is the definition of each? Where are the calculations supporting the claim that a 100-year/1hour storm can be treated?

On page 4, the discussion for "Pervious Pavement" states that "No reduction in performance was assumed during cold weather months." The referenced footnote is a presentation made in Pennsylvania. Where are the actual data supporting this assumption? How do such references compare to Tahoe's climate? Are the temperatures (daily to a range over months to years), and volume of rainfall/snow equivalent? We recommend the EIS analyze this based on the assumption that performance is reduced in cold months in order to incorporate a conservative analysis.

Additionally, the "Maintenance Plan" only includes a sweeper two times per year. How can this be sufficient? Why was this minimal "Plan" selected?

Under "Green Roofs" what is meant by "modeled performance: 20% landscaped"? Have green roofs been successfully used in climates like Lake Tahoe? How long were they monitored to confirm ongoing success? How do snowfall and freeze/thaw cycles affect the efficacy of green roofs to infiltrate rainwater?

Page 5 states that the stormwater treatment (SWT) Bio-Retention systems will reduce TSS by 90%. The report includes a footnote for a 2005 Guidance Manual.

- First, the information in the guidance manual that supports the 90% reduction result should be included in the EIS.
- Second, as stated previously, we researched the referenced 2005 Manual and found that the focus of this document (and specifically page 86 as stated in the footnote) was regarding the removal of heavy metals. We could not find any discussion on page 86 regarding the removal of TSS. At best, we found a quick reference on the previous page in this Manual that references yet another study, claiming a 90% reduction was possible. The public should not have to do this research to obtain the information used in the EIS analysis. Further, what we could find does not adequately support the stated 90% reduction.

We expect the Final EIS to have detailed SWT plans with evidence supporting the estimated load reductions. Such evidence should be readily provided to the public in the document and clearly show data supporting the reduction level.

Page 5 states that a Regenerative Air Street Sweeper will collect 70% of particulate matter and "road material that has a D50 of 20 microns by mass". In other parts of the DEIS, including the previous page of this Report, the type of sweeper has not yet been determined (e.g. "Surfaces will be swept with a high-efficiency or vacuum sweeper...") [page 4]. At what point was a Regenerative Air Street Sweeper selected and why is it not referenced elsewhere? What evidence shows that the Street Sweeper collects 70% of all PM? And the stated size of the PM? On exactly what kind of surfaces? How can sweeping the impervious pavers merely twice/year be sufficient?

Further, the table on page 6 “TMDL Reduction Parameters” appears to be a summary of the Plan. However, in the last row, it now states that a “Dustless sweeper removes dirt, dust and debris from the sweeping surface, and cleans the exhausted air to 99.999% of 0.5 micron size particles. What does “exhausted air” mean? Why is this reduction 99.999% whereas the previous page indicates D50 of 20 microns by mass?

The final section on page 5 specifies a reduction in vehicle trips and VMT from the project. See our comments on the inadequacy/inappropriateness of the Transportation analysis. The water quality analyses will have to be redone where estimates are based upon the highly flawed traffic analysis.

What is the date of the report in Appendix R?

#### **IV Truckee River Operating Agreement (TROA) and water supply**

Page 4.3-50 states that “IVGID provided an approval letter validating that the project will not significantly reduce the amount of water otherwise available for public water supplies in the service area.”

- Where is this letter?
- Not significantly reducing the water is not the same as not reducing the water. The DEIS fails to even include the anticipated increase in population from each alternative. This information is necessary to perform several analyses in the EIS, including the impacts of the project on water supply and demand. Given the limits established by the TROA, we are concerned the addition of hundreds to thousands more people to this area could substantially increase overall water demand. The individual project impacts certainly warrant consideration; however, the cumulative impacts of the 14 pages of projects outlined in the DEIS Cumulative Impacts (section 5), AND other projects planned around the Basin that will also increase the demand for water (e.g. Homewood Mountain Resort) must be analyzed. Yet the document contains no such individual or cumulative impacts analysis. The Final EIS must clearly perform an adequate analysis of the impacts of this project, and other projects in the Basin, on water supply.

We recently received a letter dated 1/7/10 from the Law Offices of Thomas J. Hall, addressed to Lew Feldman (attorney for the Proposed Project), stating that “This will advise that our client, as Seller, holds valid surface water rights in excess of 30.3 acre-feet...appurtenant to Lake Tahoe...which it is willing to sell to Boulder Bay, LLC...”

- The DEIS fails to identify the number of residents and guests associated with each alternative, and their associated demand for water. As a result, the public has no way to understand whether 30 acre-feet of water, as explained in this letter, is adequate for the project.
- How does 30 acre-feet of water compare to TROA limits and cumulative water usage?

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- Is the existing owner using the 30 acre-feet of water already, or is this merely a water right on paper?
- Do paper water rights on the NV side of the Lake equal actual water usage as limited by TROA (11,000 acre-feet/year)?
- What are the cumulative impacts of projects included in the Cumulative Projects section of the DEIS on water supply? How does this compare to existing water usage? TROA limits?

Further, merely having a letter from an attorney saying his client has water rights is not minimally adequate. What proof can the public see and investigate? We have spoken with several people associated with the TROA and have been advised that, once implemented, and if thereafter, Nevada's share is reached, the water is turned off. The public has a right to know that Boulder Bay will, under no circumstance, later file for an exception under TROA for more water if, for example, we experience a drought year or period of years.

PSU-1B: Water Rights Dedication (page 6-43)

The mitigation includes no consideration of TROA or the water supply limits placed upon water use in the Basin. Further, because the DEIS has failed to evaluate the anticipated population increase for each alternative (compared to *existing* conditions – not hypothetical estimates of “full capacity”), there is no way the EIS can conclude that adequate water rights/supplies exist. Golf courses and ski area snowmaking are two substantial uses of Nevada's limited water rights in the basin. It will be necessary to determine the “existing” use of commercial, residential, public, and recreation use to assess the actual amount of real water currently used in the Nevada portion of the basin, in order to support the transfer of ‘paper’ water to the development.

## V. Proposed Building Heights

We add one final note regarding the proposed heights of the buildings in Alternatives C and D. The extensive increases in the number of buildings and their associated heights in the project area would be a vast change for the North Stateline area, one not foreseen in the previous planning efforts (i.e. PAS and Community Plan development). We are concerned about the impacts on the community and scenic quality of this increase in the bulk in both height and width of the project.

We expect the FEIS to:

- Fully analyze the issue of the expanded visual impacts in light of existing conditions;
- Include a definitive discussion of the final project's impacts on both the scenic views from Highway 28, and from the Lake, as delineated in the scenic threshold standards.
- Include accurate visual representations of these views.

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## Boulder Bay DEIS Comments

david gruber [dgruber@ggprop.com]

Sent: Thursday, February 04, 2010 11:11 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

The proposed project needs an adequate traffic analysis, the Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment reduction, and a complete and fully maintained " best management practices" for water quality program.

Mr. david gruber

1233 4th ave

san francisco, CA 94122-2601

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*Flex your power!  
Be energy efficient!*

February 4, 2010

IGR #032009TAH0013

Boulder Bay CEP, DEIS

03-PLA-28 PM 11.03

David L. Landry

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89448

Dear Mr. Landry:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the Boulder Bay Community Enhancement Program (CEP) project, Crystal Bay, Nevada, 89402, located on State Route (SR) 28 adjacent to the California and Nevada Stateline. The California Department of Transportation (Caltrans) submitted a comment letter for the Notice of Preparation (NOP) of a DEIS on this project, dated August 8, 2008. The following comments and recommendations should be considered along with the NOP DEIS letter and the attachments therein. All of the documents mentioned have been attached to this letter.

HYDRAULICS

- 337a
- Caltrans does not recommend approval of the Boulder Bay CEP project until adequate hydrologic and hydraulic documentation is provided that ensures the Caltrans drainage concerns will be addressed.
- 337b
- The necessary hydrologic and hydraulic analysis for the entire tributary watershed that will potentially be impacted by the proposed project was not provided for our review. The analysis should include the project area as well as the watershed up gradient of the project site that contributes to the overall runoff discharge into both Nevada Department of Transportation's (NDOT) and Caltrans's highway drainage systems. DEIS page 4.3-2, Historic Flooding, describes briefly and inadequately the conditions that have existed for the past 12 years since NDOT constructed the current drainage system. This drainage system discharges directly across the Stateline into California and into the westbound drainage ditch located along California SR 28 in Placer County (PLA-28) via a 21 inch reinforced concrete pipe (RCP). This 21 inch RCP was placed by NDOT as part of a 1998 highway improvement project in Nevada.
- 337c

Additionally, an 18 inch drainage system pipe was placed beneath Nevada SR 28 (Nev-28) just east of the Stateline as part of the 1998 project. This 18 inch pipe was intended to route runoff discharge from the Biltmore Hotel and Casino (Biltmore), a portion of the NDOT highway, and the watershed tributary area, up gradient of the Biltmore and the highway, and sends it down gradient to a proposed detention basin in the Cal-Neva Resort project area. Unresolved right-of-way (R/W) issues between the State of Nevada and the Cal-Neva Resort precluded the construction of the proposed detention basin thus the 18 inch pipe was capped, and the 21 inch RCP, which discharges into the State of California highway R/W, was installed.

At that time, Caltrans and the State of California protested the installation of the 21 inch RCP, citing that the discharge from this facility created the potential for flooding within the State's highway R/W, and the further potential for flooding and damage to private properties and structures down gradient of the highway R/W in Placer County. Over the past 12 years this system has significantly contributed to flooding of properties down gradient of the highway on at least two separate occasions causing thousands of dollars of damage to the private properties.

The flooding caused by this discharge was the focus of discussion between TRPA, NDOT, Washoe Co, Placer Co, the developers of the Boulder Bay Project and Caltrans on December 5, 2008. At this meeting NDOT agreed, in cooperation with the developers of the Boulder Bay project, to address our concerns regarding the State of Nevada to cease discharge for all storms up to the anticipated 100-year return storm event. Please refer to documentation included in the Caltrans NOP comment letter of August 8, 2008 for further information pertaining to this issue.

337d Preliminary hydrologic and hydraulic calculations discussed at the multi-agency meeting held in December 2008 indicated the existing capped 18 inch drainage pipe under Nev-28, just east of the Stateline, would not accommodate the anticipated 100-year discharge from the tributary watershed including runoff from the Boulder Bay site and the tributary area up gradient of the Boulder Bay site. Using only the undersized 18 inch pipe would result in the continued discharge of residual flow to the State of California highway R/W. It was agreed at the December 2008 multi-agency meeting that to accommodate the runoff discharge from the entire tributary area, not just from the Boulder Bay Project, for the 100-year return storm event, the existing 18 inch drainage pipe under Nev-28 should be replaced with a larger pipe, thereby eliminating runoff across the state line to California for storms up to this event.

- 337e
- The DEIS document refers to the collection and infiltration of the runoff from the impervious surfaces only for the 20-year, 1-hour event, the 50-year, 1-hour event, and the 100-year, 1-hour event. These are all reasonable water quality goals; however, they do not fully address the total tributary area runoff for the prescribed 100-year rainfall event that contributes to the highway drainage facilities.

- 337f
- DEIS, Section 4.3, pages 4.3-1 and 4.3-2, states, "the 16.26-acre Boulder Bay CEP project area constitutes only about 1.2 percent of the total East Stateline Point watershed tributary area." This may be true; however, the actual smaller watershed that the Boulder Bay CEP project is situated within constitutes only a very small fraction of the total East Stateline Point watershed. Therefore, it should be noted that the project constitutes a much larger percentage of this smaller watershed. Please provide Caltrans with the actual size of the smaller watershed. This determination should also be quantified in the DEIS.

337g

The impervious surfaces within this smaller watershed cover only a fraction of the total watershed tributary area (10%, 20%, or 30% of the watershed tributary area?). The fact that impervious surfaces within the Boulder Bay CEP project area will have their runoff managed by detention and infiltration may be insignificant when compared to the total runoff from the overall watershed tributary area. On the other hand, detention and infiltration may reduce the runoff discharge. Please refer to the historic documentation provided in the Caltrans NOP comment letter of August 8, 2008. Quantification and documentation of this hydrology is necessary to adequately assess the resultant runoff that reaches the highway drainage systems.

- 337h
- The 100-year, 1-hour storm runoff for the project impervious surface areas may be quite different than the intensity for the 100-year rainfall event for the total watershed tributary area. It may be much higher or much lower. Quantification and documentation will reveal the effectiveness of these detention facilities at relieving discharge and flooding.

Within the Lake Tahoe Basin, the intensity of the 20-year storm over a 1-hour period is considered to be 1.0 inch of depth of rainfall by TRPA and Lahontan Regional Water Quality Control Board. The Boulder Bay – Best Management Practices calculations (Apr 6, 2009) state the 50-

year, 1-hour runoff is 1.25 inches of depth and the 100-year, 1-hour runoff is 1.55 inches of depth. This represents the anticipated accumulation of runoff from these smaller impervious tributary areas and not the pass through discharge from the greater watershed tributary area.

337i [ Complete hydrologic calculations should be submitted to Caltrans for review. Please include analysis for the entire watershed tributary area and hydraulic calculations for the existing and proposed drainage systems within the State of Nevada and the State of California, and provide documentation that ensures the State of California and Caltrans drainage concerns will be addressed.

- 337j [
- The DEIS should be corrected to state that the existing 18 inch drainage pipe, crossing beneath Nev-28 just east of the Stateline, will be replaced by a larger pipe to accommodate all excess 100-year return event flows.

#### HIGHWAY OPERATIONS

- 337k [
- Table 4.8-2 shows the recent Average Annual Daily Traffic (AADT) history for SR 28 in the project area. It should be noted that the peak month Average Daily Traffic (ADT) is about 44 percent higher than the AADT near the Stateline Road intersection. For example, the ADT for the peak month in 2005 was 18,900, while the AADT was 13,100. It is understood that the intersection analyses were done for the Friday peak hour in August, which is a peak month, but it did not address all of the peak times.

337l [ On Sundays, the existing pedestrian signal has caused long queues to form in the westbound direction in the past. If this is still occurring, it should be discussed in this document, along with potential solutions. Reducing the skew and length of the crosswalk could reduce the green time required for pedestrians.

- 337m [
- Page 4.8-67 states that Alternative C will have a significant impact at the Stateline Road intersection. No corresponding mitigation measure was listed for this alternative. On page 4.8-52, under Alternative E, a mitigation measure is described that would extend the existing two-way left-turn lane through the Stateline intersection. This would also be an appropriate mitigation measure for Alternative C.

David L. Landry  
February 4, 2010  
Page 5

Please provide our office with a copy of the Final EIS when it is available. For questions regarding these comments please contact Cassandra Evenson at (530) 634-7612 or at [cassandra\\_evenson@dot.ca.gov](mailto:cassandra_evenson@dot.ca.gov).

Sincerely,



RICHARD HELMAN, Chief  
Office of Transportation Planning – East

c: Caltrans District 3 Hydraulics Branch  
Caltrans District 3 Highway Operations Branch

Attachments:

337n [ Letter – State of California, Department of Transportation – Aug. 8, 2008  
Letter – State of Nevada, Department of Highways – Sept. 15, 1959  
Letter – State of Nevada, Department of Transportation – Apr. 3, 1998  
Letter – State of Nevada, Department of Transportation – Oct. 9, 1998  
Memo – State of California, Department of Transportation – Oct. 21, 1998  
Letter – State of California, Department of Transportation – Oct. 21, 1998  
Letter – State of Nevada, Department of Transportation – Oct. 22, 1998  
Letter – State of California, Department of Transportation – Jun. 6, 2003

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3, SACRAMENTO AREA OFFICE

Venture Oaks -MS 15

P.O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 274-0614

FAX (916) 274-0648

TTY (530) 741-4509

*Flex your power!  
Be energy efficient!*

August 8, 2008

08TAH0012

03-PLA-28 PM 11.03

Boulder Bay CEP

David L. Landry  
Tahoe Regional Planning Agency  
PO Box 5310  
128 Market Street  
Stateline, Nevada 89448

Dear Mr. Landry:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Statement (DEIS) for Boulder Bay Community Enhancement Program (CEP) Project, Crystal Bay, Nevada 89402. The proposed project site is on Route 28 adjacent to California/Nevada state line. The project proposes to redevelop an existing casino/hotel complex with new tourist and recreation oriented uses.

This proposal has brought to the forefront a long standing problem with storm water run-off from the project site and adjacent Nevada properties that results in flooding and damage to California residences down gradient from the site. As I am sure you are well aware, this area started developing in the 1950's with very little consideration given to drainage and storm water run-off. Over the years more and more impervious surfaces were created which increased surface water run-off. This run-off flows from the Nevada side to the down gradient California side, and on many occasions California residences have been negatively impacted by these storm water flows. These problems were exacerbated when NDOT constructed roadway improvements on Nevada State Route (NSR) 28 approximately ten years ago.

In 1998, the Nevada Department of Transportation (NDOT) constructed improvements to NSR 28 adjacent to the proposed Boulder Bay CEP project site. These improvements included new drainage facilities designed to collect storm water from the Boulder Bay CEP project site and channel it into a storm water drainage system that is located, in its entirety, within the State of Nevada. The primary outflow for this drainage system is directed and discharged to the California State Highway

right of way (R/W) via a 21" reinforced concrete pipe installed by NDOT in the 1998 project.

In NDOT's original improvement plans, as stated by Michael J. Scott, PE, NDOT Senior Hydraulic Engineer in an April 3, 1998 letter addressed to Mr. Andrew Strain, Tahoe Regional Planning Agency (TRPA), included infiltration/retention basins within the State of Nevada. These infiltration/retention basins were proposed on easements or additional R/W to be acquired by NDOT in Nevada. For reasons unknown, NDOT was unable to acquire the sites for these basins. Subsequently, NDOT applied for an Encroachment Permit from Caltrans to discharge into the California State Highway R/W. Caltrans objected to this proposal and requested that the discharge be directed to a Nevada location. NDOT stated at the time that they had no viable alternative, but would construct infiltration/retention basins within 5-10 years (letter from Chuck Reider, NDOT to Caltrans dated 10/22/1998). As of this date, NDOT has not constructed the basins as agreed and the drainage problems remain. Please refer to the attached letters outlining the issues raised by Caltrans and the responses received from NDOT.

The proposed Boulder Bay CEP project, although not entirely responsible for these drainage issues, will perpetuate the problem if it is not addressed. The Boulder Bay CEP DEIS should address the issue and propose a resolution that is acceptable to TRPA, Caltrans, NDOT, Placer and Washoe counties. TRPA is in a unique position to resolve this problem because it is a Bi-State agency with jurisdiction in planning and environmental issues affecting the entire Tahoe Basin.

The DEIS should address traffic and circulation. Although this project will reduce the amount of casino floor area, it will greatly increase the number of hotel rooms and condos. Analyses should be required to consider the traffic, pedestrian, and parking impacts of this proposal. Specifically, the impacts at the Stateline Road intersection with Highway 28 should be considered, along with a review of the accident history at this intersection. The need for a left turn lane for eastbound traffic that is turning onto Stateline Road should be discussed.

The pedestrian circulation in this area should also be reviewed, along with the effects of this redevelopment. The operation of the existing pedestrian signal should be analyzed, including the amount of delay for highway traffic that it creates. Changes to the design of the this pedestrian crossing, such as reducing the skew and length of the crosswalk, as well as modifying the signal timing, should be considered along with this redevelopment. Pedestrian crossings of the highway at other locations in this area should also be reviewed. These impacts should be reviewed for the peak times in July and August, as well as peaks in the winter.



Thank you again and we look forward to reviewing the DEIS. If you have any questions, please contact me at (530) 634-7618.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Davis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

WILLIAM A. DAVIS  
Senior Transportation Planner

Attachments:

Letter – State of California, Division of Highways - Sept 30, 1958  
Letter – State of Nevada, Department of Highways – Sept 15, 1959  
Letter – State of Nevada, Department of Transportation – Apr 3, 1998  
Letter – State of Nevada, Department of Transportation – Oct 9, 1998  
Memo – State of California, Department of Transportation – Oct 21, 1998  
Letter - State of California, Department of Transportation – Oct 21, 1998  
Letter – State of Nevada, Department of Transportation – Oct 22, 1998  
Letter - State of California, Department of Transportation – June 6, 2003

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

Sept. 30, 1958

PLEASE REFER TO  
FILE NO.

III-Pla-39-A

Mr. H. D. Mills  
State Highway Engineer  
301 South Fall Street  
Carson City, Nevada

Dear Sir:

Your attention is directed to what appears to be a mutual highway drainage problem at the Nevada-California State Line at Crystal Bay, Lake Tahoe.

On August 21, 1958 the attached list of representatives from various interested agencies met to survey the problem on the ground. It is the purpose of this letter to set down the situation briefly as it exists and to request the cooperation of the Nevada State Highway Department in investigating the matter further in order to establish to what extent all parties involved may be obligated.

The situation was brought to our attention by Mr. C. D. Oddie of Brockway, California. Mr. Oddie has experienced damage to his lakeshore residence due to large volumes of storm runoff coming down the hillside in the vicinity of our highway culvert at Sta. 602+36.

Investigation at the highway indicates the major portion of the flow originates in the State of Nevada. Developers of this area have not provided for the increased storm runoff generated by their improvements being carried to the existing drainageway in the State of Nevada. In addition, a culvert under your highway apparently was also plugged thus forcing runoff elsewhere. Due to the grade of the highway these waters divert into California and overtop our culvert as well as injuring property below the highway.

It is suggested that your Department and a representative from this office be assigned to go over the problem jointly to determine the limits of responsibility and to work out an amicable solution.

Very truly yours,  
Original signed by Alan S. Hart

ALAN S. HART  
DISTRICT ENGINEER

cc: Mr. Sherwood  
H. int.  
Hydraulics  
headquarters



ATTACH ALL COMMUNICATIONS TO  
TOWARD L. PINE  
STATE HIGHWAY ENGINEER

410

STATE OF NEVADA  
DEPARTMENT OF HIGHWAYS  
CARSON CITY, NEVADA

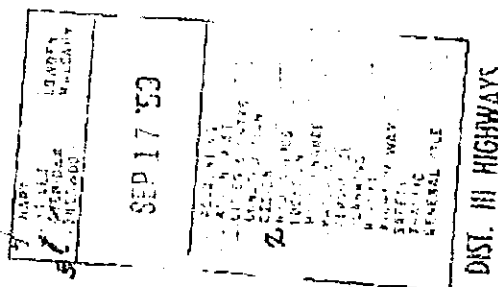
September 13, 1959

DIRECTOR  
GRANT KATNER, CHIEF ENGINEER, CALIFORNIA  
ROBERT D. FOLEY, ATTORNEY GENERAL  
KEITH L. LEE, STATE COMPTROLLER

REPLY TO: SUBJECT

III-Pla-2-A

Mr. Alan B. Hart, District Engineer  
Division of Highways  
District III  
P.O. Box 911  
Marysville, California



Dear Mr. Hart:

Reference is made to your letter of September 2, 1959 and to File III-Pla-39-A.

On two separate occasions Mr. A. L. Hancock and myself met with Mr. D. F. Henneman to discuss the subject of your letter. Mr. Hancock has been the Division Engineer of Division 2 since April, 1954. This section, at Lake Tahoe, is within Division 2, and Mr. Hancock is very familiar with the drainage problems of that area.

This particular section of highway was constructed in 1930 by the Bureau of Public Roads, and a CMP was placed 170 feet west of the California-Nevada state line. Sometime during the next four years a party or parties, unknown, caused the pipe to become inoperative by blocking it. Mr. Hancock testifies to the fact that this pipe was not usable at the time of his appointment as Division Engineer. It was of little or no consequence at that time as there were no bridge sections and no pavement.

During the ensuing years, and up to the present time, development has been at a rapid rate. Homes and parking lots have been paved, with all the water from the north, both from Nevada and California, being directed toward the highway. In order to prevent detrimental washing of the highway fill slopes and shoulders, it was necessary for maintenance crews of both State Highway Departments to pave the cutters with asphalt. As surface water, rather than from private property, drains to the culvert at Station 662+00 in California.

Should a culvert be placed adjacent to the state line as you suggested I believe Mr. White's property would still be affected, unless extensive work was done by someone to confine the water in open channels or in culverts, which is very expensive.

September 15, 1959  
Mr. Alan S. Hart  
Page -2-

This Department feels that it can only be responsible for a very small share of the objectionable water (that which falls on the roadway proper) and the problem is the responsibility of others, who created the situation.

We agree that it is a mutual problem for the area and a flood control district, with the power of assessments to finance proper controls, channels and street crossings, seems to be the only answer.

This Department will act in good faith, but as our individual responsibility is only minor as is that of the California Highway Department, the problem must be settled by the property owners at large.

A copy of your letter and one of this letter are being sent to the Washoe County authorities.

Very truly yours,

EDWARD L. PINE - STATE HIGHWAY ENGINEER

BY W. G. Wright

Asst. State Highway Engineer

WOW:mr

cc: G. L. Masonick, Division Engineer  
George Oshima, County Engineer-Washoe County



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

BOB MILLER, Governor

April 3, 1998

TOM STEPHENS, P.E., Director

In Reply Refer to:

Mr. Andrew Strain  
Tahoe Regional Planning Agency  
308 Dorla Court  
Elks Point, Nevada 89448

SR-28, Tahoe Blvd.  
Crystal Bay Enhancement  
Project No. PFH-001-1(3)  
EA 72252-1

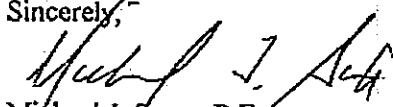
Dear Andrew:

This letter is meant to address the drainage/208 Plan issues associated with the above mentioned project. As has been discussed at previous meetings, NDOT will not acquire right-of-way to construct infiltration/retention basins due to scheduling and funding issues. During preliminary design two areas outside NDOT right-of-way were identified as potential infiltration/retention basins. One location is at the end of an existing storm drain. The proposed design incorporates a pipe stubbed-out to the edge of SR-28 (south side of SR-28/State Line Rd. intersection) which will allow a connection to be made to the second location as easements are obtained and/or right-of-way acquired.

With respect to improvements that are proposed as a part of this project, the storm drain design accommodates the 20-yr 1-hr event as required by TRPA, which is greater than NDOT's drainage standard for SR-28. One sediment trap, sand/oil separator is proposed downstream of the signal system. The structure has 5.1 cubic meters (180 cf) of storage capacity; enough to retain the estimated 4.9 cubic meters (174 cf) de-icing sand applied annually within the project limits by NDOT maintenance forces. The structure has capacity for 3,330 liters (880 gallons) of oil/grease in the event a spill reaches the roadway inlets. Also, due to local drainage patterns, the proposed structure will treat abutting properties' runoff for both sediment and oil/grease. An existing upstream drop inlet, however, will intercept as much as 1.4 cubic meters (50 cf) of the de-icing sand applied to SR-28, preventing it from reaching the sediment trap. Design constraints (e.g. utilities, building foundations) preclude locating an additional structure at this location to intercept the de-icing sand. Sediment/de-icing sand volumes will have to be dealt with during design of the retention/infiltration basins.

If you have any questions or require any more information please call me at (702) 888-7604.

Sincerely,

  
Michael J. Scott, P.E.  
Senior Hydraulic Engineer

MJS:kl

cc: Roger Corkill, Design  
Daryl James, Environmental

As of 9/6/02,  
Tahoe Jones



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

*Exempt*

0398-NRkw 0971

03-PCA-26-109/11.03

22-170/176

BOB MILLER, Governor

TOM STEPHENS P.E., Director

October 9, 1998

In Reply Refer to:

Rich Jones  
California Department of Transportation  
Encroachment Permits  
P. O. Box 911  
Marysville, CA 95901

Contract No. 2887 *X R W*  
Project No. AC-PFH-001-11003

Dear Rich:

Due to a recent development that occurred near a planned drainage outfall our storm drain must be extended into the State of California (see attached plan and profile, Sheet 11a of the three storm drain sheets). Since this development occurred after our topographic survey and without our knowledge, this work was not a part of our permit with you for this construction contract. Should you find this work acceptable, please modify the permit to include this work.

If you need any additional information, please contact me at 888-7591.

Sincerely,

*(702)*

*Dennis J. Coyle*

Dennis J. Coyle  
Senior Road Designer

RECEIVED

DJC:kl

Atach.

cc: Reid Kaiser, Resident Engr.  
Rick Nelson, Dist. 2  
Amir Softani, Hydraulics

*MARK DELSOLARDO*

*(702) 356-3916*  
*CEL (702) 530-3135*

**M e m o r a n d u m**

TO: MR. RICH JONES  
District Permits Engineer

Date: October 21, 1998

File: 03-Pla-28  
10.9/11.03

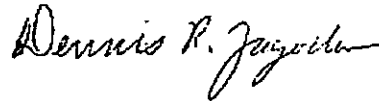
From : **DEPARTMENT OF TRANSPORTATION**  
North Region Division of Design and Engineering Services - Hydraulics

Subject: Permit No. 0398-NRW0971

The District Hydraulics Branch has reviewed the subject permit for construction of the Crystal Bay Enhancement Project by State of Nevada DOT. We note that the project plans include a 450mm RCP stub out to a 'future infiltration/retention basin'.

As a condition of this permit Caltrans shall require a written commitment by NDOT to Caltrans and TRPA clarifying the maximum date, not to exceed three years, by which the infiltration/retention basin must be in place.

Please provide a copy of the NDOT commitment letter for our files.



Dennis R. Jagoda  
District Hydraulics Engineer

Cc: Tim Sobelman, TRPA Coordinator  
Design S-9

✓ By E-Mail & Return Sign

— TEAMWORK GETS IT DONE —







## DEPARTMENT OF TRANSPORTATION

DISTRICT 3

P. O. BOX 911, MARYSVILLE, CA 95901

TDD (530) 741-4509

FAX (530) 741-4236

(530) 741-4403



October 21, 1998

File: 039B-NRW0971  
03-PLA-28-10.9/11.03

Ref.: Contract #2887  
Project Number  
#AC-PFH001-1(003)

Dennis Coyle  
State of Nevada  
Department of Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Dear Mr. Coyle:

Before we can approve the permit for the addition of the storm drain, we need a letter of intent (written commitment) by NDOT to construct the infiltration/retention basin associated with this project within the next three years.

If you have any questions, please contact me at (530) 741-5374.

Sincerely,

ORIGINAL SIGNED BY  
RICHARD W. JONES, Chief  
Office of Encroachment Permits

Attachment

cc: Andrew Strain  
Tahoe Regional Planning Agency  
308 Doris Court  
Elks Point, NV 89448

Dennis Jagoda, Hydraulics  
Tom Wood, Traffic



BOB MILLER, Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

October 22, 1998

TOM STEPHENS, P.E., Director

In Reply Refer to:

Rich Jones  
Chief Encroachment Permits Branch  
Caltrans  
P.O. Box 911  
Marysville, CA 95901

SR 28, Contract 2887  
Crystal Bay Enhancement Project  
Encroachment Permit: \_\_\_\_\_

Dear, Mr. Jones:

This letter of intent is being sent as per your request. It is the intention of NDOT to construct a retention pond within the next five to ten years as a subsequent phase to the above project. The time frame for construction depends on availability of funds and acquisition of right-of-way. This retention basin will be for water quality mitigation and not flood control improvements. The above project perpetuates existing flow patterns and peaks. No additional flows are being directed to California as a part of this project. Your immediate attention will be appreciated as the construction season is at an end. Please call (702-888-7799) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Reider".

Chuck Reider,  
Hydraulics Section NDOT

CR:bkd

TOTAL P.02

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
P. O. BOX 911  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-4233  
FAX (530) 741-4245  
TTY (530) 741-4509



*Flex your power!  
Be energy efficient!*

June 6, 2003

Matt Graham  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449-5310

Dear Matt:

The issue you raise concerning properties near Crystal Bay south of State Route 28 is a complex one, the solution to which will require cooperation with several agencies and property owners.

### History

The highway culverts between Speedboat and Harbor Avenues were placed by a State contract project in 1936. Our records refer to these replacing existing 12-inch pipes. The culverts are referenced by postmile. The 18" corrugated pipe placed approximately 180 feet east of Speedboat Avenue is found at postmile 10.85. The 18" corrugated pipe placed approximately 220 feet west of Harbor Avenue is at postmile 10.93.

A subsequent project constructed in 1962 replaced the straight concrete headwalls of these culverts on the north side of the highway with drainage inlets. At the same time, the pipe nearest Harbor was extended 6 feet to the north and 18 feet to the south. Additionally, perforated metal pipe was placed longitudinally to the roadway along the westbound shoulder to intercept groundwater, and ties to the drainage inlet at postmile 10.93.

At some point in time, property owners below the crossing at PM 10.93 extended the culvert (without State knowledge or permit) between the two cabins and a rock-lined ditch was established to convey runoff towards Yacht Street.

In 1993, a sediment-control project installed sand traps at both sites in this same area to allow the capture and removal of traction sand.

Since the installation of the culverts in 1936, nothing has been done at the highway to alter the drainage pattern of runoff, or to increase the discharge. The same can hardly be said of properties north or south of the highway, or east of the California/Nevada state line.

### Hydrology

The offsite, up-gradient shed that drains towards the highway is comprised of 76.6 acres (draining towards both culverts). Of these, 12.4 are in Nevada. By contrast, the State highway, a 40-foot section extending some 1800 feet through the shed makes up 1.7 acres, or 2.2% of the total. There are an additional 29.4 acres below the highway that make up the entire watershed draining into Lake Tahoe in this area. Of these, 2.8 acres are from Nevada. Of the total shed reaching the lake in this area, the highway comprises 1.6%. Over the years, particularly as property changes hands below the highway, runoff patterns have been altered to meet the needs of the property owners. These actions are outside this Department's purview and control.

A study done in 1961 to estimate the runoff reaching the highway at these two culverts determined peak discharges of 36 cubic feet per second (cfs) and 59 cfs for the 10 and 100-year events respectively. Rainfall intensities that would include data from the "wet" years of 1978, 1983, 1986, 1995 and 1997 would likely be somewhat higher than those used for the 1961 study, and therefore discharges would be higher.

### Drainage Issues

Several complaints have been addressed to the Department over the years from property owners in this area. In 1958 representatives from this Department, Nevada DOT, Washoe County, and Placer County met to address concerns brought by a property owner living on Lake Street. Over a period of three years, investigations, field reviews and requests for information took place. Letters circulated among these agencies, attorneys and legislators. It was generally acknowledged that development had taken place, primarily in Nevada that increased runoff to the culverts cited above. It was recommended that a drainage district be established among the property owners below the highway to fund improvements. None of the agencies represented believed actions they had taken, or had not taken, led to the problems experienced by the property owner.

The owner in question, together with two others eventually filed claims with the State Board of Control to recover for property damages. These were subsequently denied.

In October 1998 Nevada DOT applied for an encroachment permit to construct an outlet culvert across the Stateline. A review of the NDOT plans revealed a drainage outlet culvert stubbed out to a manhole approximately 30 feet east of the Stateline. The stubbed out culvert was intended to convey the NDOT storm drain discharge to a future retention basin along the east side of Cal-Neva's property as noted in an April 3, 1998 letter from NDOT to TRPA. Development of an outfall east of the Stateline would reduce the peak discharge and impacts to the ditch, driveway culverts and cross culverts along the north side of Caltrans' State Route 28. Caltrans requested a letter of intent from NDOT to ensure that the new outfall would be constructed within three years. NDOT replied that the facility would be constructed within the next five to ten years pending availability of funds and right-of-way acquisition. At this time the State of California and downstream property owners are still receiving the drainage from commercial properties in Nevada.

It appears that no master plan has ever been conceived to capture and convey runoff from the highway to the lake. Apparently no drainage easements exist, and property owners have dealt with the runoff as a common enemy. From time to time, runoff exceeds the

capacity of existing cross culverts within the highway. When this occurs, as it did during a hailstorm followed by intense rain in July of 1999, water overtops the highway and impacts numerous properties. The obvious solution, increasing the capacity of cross culverts, would undoubtedly place this Department in a poor position to defend itself against claims or lawsuits arising out of damages attributable to concentrated increased flows along established drainageways.

### Recommendation

If issues arising from both water quality and flooding concerns are to be addressed, a master plan for the entire area needs to be established. The most likely lead agency for this would be Placer County, for the reasons that 1) it has permitted and continues to oversee any development in the California area, 2) 80% of the acreage contributing to the problems lie within its jurisdiction, 3) the area impacted is comprised of County-maintained roads.

While this Department does have a drainage improvement project (03-290901) slated for State right of way (an EIP project with anticipated construction in 2007), it is inconceivable that it would be the lead for any such endeavor considering it has jurisdiction over 1.6% of the contributing area. Any need to increase capacity of drainage facilities within the State right of way, or perhaps a new crossing location that is part of an overall, permitted and funded master plan could be constructed as part of this project. In pursuance of funding for a master plan, or for acquisition of easements or property for treatment or control, the Department is willing to be a supporting partner to the degree of its contributing area.

Sincerely,

**ORIGINAL SIGNED BY:**

DENNIS R. JAGODA  
Hydraulics Branch Chief

c: John Holder – NPDES Coordinator (State & Regional Board Liaison)  
Tom Rutsch – Project Engineer  
Ken Keaton – Design Branch Chief  
Steve Gaytan – TRPA Coordinator

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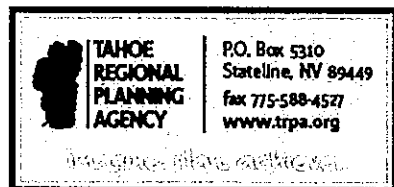
## FW: DEIS Boulder Bay

David Landry

Sent: Thursday, February 04, 2010 11:28 AM

To: Boulder Bay DEIS Comments

David L. Landry  
Senior Planner -  
Environmental Review Services  
775-589-5214



From: Royce Johnson [mailto:roycejohnson@charter.net]

Sent: Thursday, February 04, 2010 11:26 AM

To: David Landry

Subject: DEIS Boulder Bay

Dear Mr. David Landry:

The following questions and comments from our scoping concerns of 8/31/2008 were not addressed in the DEIS, please answer or comment:

1. The impact on Brockway of new construction from 10, 20, 50 and 100 year storm runoff
  - a. How will plans be fully integrated with the Placer County's Brockway Erosion Control Project
  - b. Potential for home damage from runoff.
2. Environmental, social and scenic impact on Brockway from increased traffic in Crystal Bay
3. Impact on TRPA designated Sensitive Stream Areas
4. Estimate of additional usage of Speedboat Beach
  - a. Potential for environmental degradation
  - b. Additional traffic and parking required
  - c. Impact of required upgraded services and facilities
  - d. Survey to determine the presence of endangered species at the beach and the impact of additional usage of the beach if such species are found or their presence is suspected.
4. Estimate of the number of incremental service workers required to maintain new Boulder Bay facilities
  - a. Plans for housing workers
  - b. Plans for schools and emergency services for workers and their families
  - c. Increased traffic
  - d. Increased retail to support workers living needs
  - e. Environmental impact of each of the above.
5. We request that Boulder Bay fully disclose all transportation plans for moving transient and permanent residents to and from Lake-side and mountain recreation facilities
  - a. Exactly which facilities will be accessed?
  - b. How will people get there?
6. Require that Boulder Bay coordinate plans with CalNeva, Crystal Bay Club and Nugget for long term cumulative impacts of their operations. Communication should be required and fully reflected in the EIR.
7. Address environmental impact if all Crystal Bay resorts are allowed to expand commensurate with the proposed expansion of Biltmore/Mariner by Boulder Bay.

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On Behalf of the Brockway Home Owners Association, we formally request that you also comment on and answer the following questions from our review of the DEIS:

1. Recreational amenities:

338 j What new Public access to the lake is the project providing that isn't pre-existing? Isn't that a requirement of the CEP projects?

338 k How will providing a shuttle to Kings Beach and "not telling guests about Speedboat beach" deter your onsite population from walking through our neighborhood to Speedboat beach?

338 k How is this a "less than significant" impact on our lakefront access? Where is the analysis that justifies that conclusion?

Please answer all of the above concerns and issues

with respect to the "Lookout" hike in Crystal Bay.

338 l What is your onsite population of each alternative?

2. Height:

338 m How can a project with 4 times the build-out of the existing project (110k sq.ft. vs. 475k sq.ft.) and new buildings all with non-conforming heights be considered a "less than significant" impact scenically? Where is the analysis for this conclusion?

338 m The project area has increased since the scoping by crossing the Hwy and including the Crystal Bay Motel, Office building and parking lot. The 95% increase in maximum height (75') has now jumped the highway and set a precedent for the balance of properties in the North Stateline Community Plan. Where is an analysis of the impacts of spot zoning such as this?

3. Traffic and congestion, Parking:

338 n How can this increased use result in less traffic? The traffic study isn't considering existing conditions, but some projected maximum potential use. Even with the existing use and cumulative area use there are peak periods of overcrowding with cars backed up to Kings Beach and into Incline. Why aren't you using existing conditions? What would be the increase or decrease in traffic if you used existing conditions as a baseline?

The Casino now uses 22,400 sq.ft. for gaming inefficiently. How many slots and tables are used now and how many will be used in the new 10k sq.ft. facility? Will they be proportionately reduced to coincide with the claimed reduction in traffic? 30-60%?

338 o With only 10 surface parking spaces in preferred "C", guests will park on the surface streets further deteriorating our quality of life. What analysis has been done on impacts to neighborhoods from parking? Will the underground parking lot charge a fee? How much? What parking is normally required for the build-out and how much is being reduced for a mixed use?

338 p 4. What guarantees will be in place that the project will be adequately financed and completed? What kind of irrevocable commitments will be required?

5. Mariner Agreement:

338 q How is changing the Mariner Agreement from allowing 3 SFR on 1.3 acres and the balance of 4.78 acres open space to 2 acres of portions of two hotels and 28 condos in buildings from 57-75' high an improvement for the Public? Where is the analysis?

6. Hydrology:

338 r Lower Brockway is currently handling the majority of the storm water and any resultant flooding off the Biltmore site, NDOT highway and upper Crystal Bay. Where is the evidence that the proposed treatment is adequate? Shouldn't there be a CEQA assessment?

Respectfully,

Royce Johnson, President  
Nat Goldhaber, Chairman  
Ann Nichols, Secretary





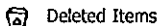
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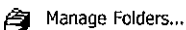


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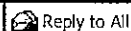
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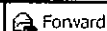
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## Boulder Bay DEIS Comments

Richard Kientz [rmkientz@hotmail.com]

Sent: Thursday, February 04, 2010 6:05 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Atmospheric deposition from airborne particulates originating from traffic congestion is a major source of nutrient loading to the lake. Therefore, the proposed development project needs an adequate traffic analysis. Furthermore, the Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. How can the expansion of coverage and hotel units result in a net benefit? What is the proposed mitigation?

Thank you,

Richard Kientz

Richard Kientz

2839 Blair Rd

Pollock Pines, CA 95726

339

340

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 11:57:13 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Mark  
Last Name: Kimbrough  
Address: 6163 Rio Vista Lane  
City: Carson City  
State: Nevada  
Zip: 89701  
Email: washozephyr@pyramid.net  
Phone: 775-885-2095

Comment: This project is a perfect example for any community of a planned development that has all the elements of an exceptionally well designed green, community oriented, and environmentally sensitive development. After more than 20 years either living or working in this community, I applaud the efforts to remove the blight in that area. This gateway to Nevada has been an eyesore for years. All the plans have shown a very conservative effort to build a development with exceptional attractive architecture, and in all ways possible an environmental sensitive development. Any community should be proud to have a developer come in and work as hard as they have to meet the needs of the community and put in one exceptional first class development. The developer understands and supports the environmental needs to meet all the requirements that need to be met inside the Tahoe Basin. This is obvious by all the well thought out planning that has been done to insure this development be an example for the Tahoe community.

341

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 8:45:29 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Margo and Atam  
Last Name: Lalchandani  
Address: 640 Lakeshore blvd  
City: Incline village  
State: NV  
Zip: 89451  
Email: Margol1@att.net  
Phone: 775 833-4548

**Comment:** We are emailing our support for the Boulder Bay updated alternative C plan. We believe the plan and project are total positives for our communities and our environment.

Sincerely,

Atam and Margo Lalchandani



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## Boulder Bay DEIS Comments

Richard Lynn [highmeadowhiker@yahoo.com]

Sent: Thursday, February 04, 2010 11:02 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

I am informed that the traffic analysis for this project is inadequate, and that the fine sediment impact is significant.

Better safe than sorry. This matter requires more intense scrutiny.

Dr. Richard Lynn

1976 High Meadow Trl

So Lake Tahoe, CA 96150

342

343

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 2:16:01 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: WENDY  
Last Name: MCLEAN  
Address: 852 LICHEN CT #2  
City: INCLINE VLG  
State: NV  
Zip: 89451  
Email: Wtahoegr1@aol.com  
Phone:

Comment: I am in favor of the Boulder Bay project. I feel that improving that area would greatly benefit the community. The building is such an eyesore now. We can sure use the extra jobs the project would provide during construction and after completion.

344

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 6:54:26 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Russell  
Last Name: McKelway  
Address: 468 Janeville Road  
City: Berryville  
State: Virginia  
Zip: 22611  
Email: mckelwayfam@aol.com  
Phone: 540-667-1230

Comment: I first stayed at CalNeva in 1989. Unlike fine wine it has not improved with age. I believe the proposed redevelopment scheme, Boulder Bay, will be a productive and environmentally friendly form of redevelopment and I support it.

345

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: February 4, 2010 1:46:19 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Diane \$ Bob  
Last Name: Moresi-Kellogg  
Address: Gull ST  
City: Brockway  
State: CA  
Zip:  
Email: diane@goTahoe.com  
Phone: 530-412-1207

Comment: We are excited to see this new project come to fruition. At this time we have no opposition and full support the Boulder Bay Project. Get is moving, let's get our economy boosted and have some fun.

346

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 3:19:05 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Wendy

Last Name: Mueller

Address: 917 Tahoe Blvd #100A

City: Incline Village

State: NV

Zip: 89451

Email: wendy@muellerandcompany.com

Phone: 775-831-6002

Comment: To whom this may concern:

I have been a full time resident of Incline Village for over 11 years. I live here with my husband and our two children aged 7 and 5. My husband and I run 3 businesses and employ approx. 20 full time people. Our businesses are a public accountancy firm, money management firm, and a hedge fund.

I am writing in support of the Boulder Bay Project. We need this project to happen for so many reasons: It will be a place for our family to go that is clean and safe. It will be a place to go walk around and enjoy and that we can be proud of as a community. It will bring jobs for our young families and year-round employment, which will help our schools which are currently in decline.

I also sit on the Board of Directors of the Parasol Tahoe Community Foundation and the Incline Star Follies. Through all of my endeavors, I have the opportunity to see and talk with diverse members of our community on a continual basis. The public wants this project and they want it now. Rarely does this community have the opportunity for private investment to enhance all of its residents - this is it.

I kindly ask that you please approve the Boulder Bay's Alternative C for our families, our businesses, our environment, and our community.



347

**From:** info@boulderbayresort.com

**Subject:** BoulderBay: New EIS public comment submitted

**Date:** February 4, 2010 9:35:53 AM PST

**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Jason

Last Name: Neary

Address: 3120 Watson Drive

City: Tahoe City

State: CA

Zip: 96145

Email: jasonneary@sbcglobal.net

Phone: 530-581-8703

Comment: For all the reasons listed in the overview of the EIS I fully support the Boulder Bay project and strongly urge the TRPA vote to approve the project. This project is long over due would will be a wondereful addition to the area.

348

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 12:45:56 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Daniel  
Last Name: O'Toole  
Address: 740 Crosby Court #3  
City: Incline Village  
State: NV  
Zip: 89451  
Email: dotnyc2000@yahoo.com  
Phone: 775-832-2401

Comment: I'm a resident of Incline Village, and I support Boulder Bay Alternative C. I've seen the project plans, and think it would be great for our local economy, the environment, and progress in general.

Daniel O'Toole  
Assistant Controller  
Tahoe Biltmore, Inc.

349

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 11:47:36 AM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Rick  
Last Name: Plowman  
Address: 1502 Springhaven Circle  
City: Albemarle  
State: NC  
Zip: 28001  
Email: rplowman3@carolina.rr.com  
Phone: 704 425 7611

Comment: I support the new project 100%

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## Boulder Bay DEIS Comments

Sandra Reeves [snjreeves@sbcglobal.net]

Sent: Thursday, February 04, 2010 2:09 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Regarding the large new hotel development slated for the North Shore. It has come to my attention that the proposed development project needs an adequate traffic analysis. Also, the Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction. It's vital that the project provide a complete and fully maintained "best management practices" for water quality.

Sandra Reeves  
275 Robie Dr.  
Auburn, CA 95603

350

351.

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 12:39:37 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Michael  
Last Name: Regan  
Address: 2925 Castle Sage Ct.  
City: Reno  
State: NV  
Zip: 89503  
Email: tgregan@aol.com  
Phone: 7757477813

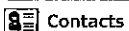
Comment: I support Alternative C based on my understanding of the options presented by The North Tahoe Bonanza. Projects which will upgrade sites that have previously been developed without modern environmental standards are a boon to the environment and the community in the long run. It doesn't hurt that the construction of a project like this will be an immediate boost to the local economy.



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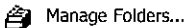


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## Boulder Bay CEP Project Comment From William Roane

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Thursday, February 04, 2010 11:46 AM

**To:** Boulder Bay DEIS Comments

**Name:** William Roane

**Address:** 1814 9th Street

**City:** Santa Monica

**State:** CA

**Zip Code:** 90404

**e-mail Address:** wwroane2@verizon.net

**Phone Number:** 310-452-5964

**Date:** February 4, 2010

**Description:** We have been coming to the North Lake Tahoe Shore since Jan 2005. We visit here 3 or 4 times every year, winter and late summer.

We have stayed at the Tahoe Biltmore Hotel before and enjoyed the comfortable and reasonable room rates.

We are on a modest travel budget, and are very concerned that the lodging rates of the proposed project will be out of our budget range.

No one wishes to spent the majority of their travel budget on lodging, leaving little funds left for other activities, monies which we spend in the local economy.

Joana Nemanich

William Roane

352

353

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 2:05:39 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugbrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted

First Name: Tony

Last Name: Robinson

Address:

City: Incline Village

State: Nevada

Zip: 89451

Email: nlaketahoe@aol.com

Phone:

Comment: These are very nice people who want to make a difference in Incline Village, I suggest you help them in any way you can rather than finding ways to spoil the project,,.....

354

**From:** info@boulderbayresort.com  
**Subject:** **BoulderBay: New EIS public comment submitted**  
**Date:** February 4, 2010 2:10:00 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Cari  
Last Name: Rovig  
Address: 30 Telluride Court  
City: Reno  
State: NV  
Zip: 89511  
Email: cari68@sbcglobal.net  
Phone:

**Comment:** We support Boulder Bay Alternative C - my daughters and I are looking forward to another family focused environment at Lake Tahoe. Thank you!





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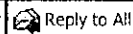
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## Boulder Bay DEIS Comments

John Rutledge [jfr-jr@hotmail.com]

Sent: Thursday, February 04, 2010 7:47 PM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

Please don't allow this project to go forward. The land doesn;t need any more development and it is impossible that this bigger facility won't have a greater impact on the area than the existing facility.

If Tahoe turns into Vegas, people won;t be as interested in being there.

John Rutledge

PO Box 146

Forest Knolls, CA 94933

355

3510

From: info@boulderbayresort.com  
Subject: **BoulderBay: New EIS public comment submitted**  
Date: February 4, 2010 1:46:02 PM PST  
To: BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com,  
bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Carol  
Last Name: Savary  
Address: PO Box 2990  
City: Kings Beach  
State: CA  
Zip: 96143  
Email: carol@carolsavary.com  
Phone: 5305460810

Comment: I, m a neighbor of the Boulder Bay project. I live in the lower Brockway subdivision, 100 yards downhill from the Tahoe Biltmore in California. I have implemented significant BMPs on my property to manage the storm water runoff that I experience downstream from both the Tahoe Biltmore and the CalNeva parking lot. I strongly support this project for the storm water management elements alone, as presented in the draft EIS, and more specifically, I support Alternative C, the Proposed Project.

I have supported this redevelopment project from the beginning, but a number of my neighbors did not share my views on the project when it was first presented. While there are still some who do not support the project, many many more support it today as a direct result of the extensive developer outreach efforts, with numerous public meetings and educational forums. I greatly appreciate the developer,s willingness to truly listen to the public and its neighbors, as well as their flexibility to incorporate a number of the suggested change. Specifically, the community expressed concerns about timeshares, and Boulder Bay responded by eliminating them completely. We asked that they reduce the height so that the new buildings are the same height or lower than the existing building, and, again, Boulder Bay made the change. Neighbors asked that they incorporate more alpine designs into their proposal, and they scrapped their entire architectural package and started over to deli!

ver a design with gabled dormers, heavy timber, stone facades and an alpine color palette. The list of solutions is long, and the point is that they are listening, they are creating solutions and they are making good on their commitments. Alternative C evolved from the originally proposed project, Alternative D, and it is a better project today as a result of that outreach, public input and commitment to alternative solutions.

Unfortunately, opposition groups that have recently formed on the North shore of Lake Tahoe fail to offer responsible, viable, creative solutions of their own. We see the same types of tactics used to kill proposals and improvements in Kings Beach such as the Commercial Core Improvement Project. Misinformation, scare tactics and opposition for opposition,s sake is destructive to the environmental and economic sustainability of our region. I,m a firm believer that sustainable, responsible redevelopment of economically obsolete and environmentally offending properties is essential to meeting our environmental improvement goals. As presented in the EIS, this project clearly achieves that , and I applaud Boulder Bay,s leadership and commitment to our fragile and precious environmental resources. I believe that we are lucky to have such knowledgeable and forward-thinking innovators working in this arena.

As I mentioned at last month,s Governing Board meeting, the other alternatives that leave us with modest improvement of what exists today are not acceptable. If a developer were proposing a new project that looked exactly like the Tahoe Biltmore that exists today, we would all be outraged. TRPA wouldn,t even accept the application, because it would be so out of touch with the current environmental and planning goals for the basin. This is not just hypothetical conjecture, but what will continue to exist for many years to come if you don,t approve Alternative C. Please join me, a neighbor of Boulder Bay, in my support of a project that is good for the environment, good for the community and good for the economy.



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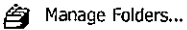


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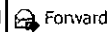
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## Boulder Bay CEP Project Comment From John Sell

BoulderBayDEISComments@trpa.org [BoulderBayDEISComments@trpa.org]

**Sent:** Thursday, February 04, 2010 11:11 AM

**To:** Boulder Bay DEIS Comments

**Name:** John Sell

**Address:** PO Box 577

**City:** Crystal Bay

**State:** NV

**Zip Code:** 89402

**e-mail Address:** john.m.sell@att.net

**Phone Number:** 775-832-3070

**Date:** 2/4/2010

**Description:** The proposed Boulder Bay project is too large. The alternatives are predominantly focused on themes of greater height and density for the area. This appears orthogonal to the opening declaration of the TRPA compact which reads: Increasing urbanization is threatening the ecological values of the region.

The CEP projects are, without a doubt, the proverbial cart before the new Regional Plan horse. CEP projects assume a significant public transportation system is in place or will follow. However, such a system does not exist, and more importantly may never effectively exist in the manner required for increased urbanization to responsibly coexist with the environment.

This project needs to be significantly scaled down. The difference between dreams and nightmares are in the details. Without changes to reduce size, this project appears to be a nightmare.

357

358

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 11:58:03 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Christie  
Last Name: Stranzl  
Address: 1061 Tiller Dr.  
City: Incline Village  
State: NV  
Zip: 89451  
Email: stranzlfamily@hotmail.com  
Phone: 775-832-2183

Comment: I support the Boulder Bay Alternative C because I think it will be an asset to Crystal Bay and an improvement of the current site. I think it would be positive for the economy with the attraction of tourists (and locals) which of course will create jobs. I am enthused about the idea of a new health and wellness center and also the addition of public parks and open space. The project seems to be very sensitive to the environment and the health of Lake Tahoe and have made decisions and choices to protect the beauty of Tahoe and the clarity of the lake. It appears that it is a well thought out aesthetically pleasing building complex that would be a needed and welcome addition to the community thus revitalizing Crystal Bay.

359

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 4:24:42 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

---

BoulderBay: New EIS public comment submitted  
First Name: Dr. Norman  
Last Name: Sussman, DC  
Address: 880 Northwood Blvd Ste 2, P.O. Box 5655  
City: Incline Village  
State: NV  
Zip: 89450-5655  
Email: norman@tahoechiropractic.com  
Phone: 7758318080

Comment: Dear TRPA EIS Members,

I write to you to demonstrate my support in your approving Boulder Bay Alternative C. I have lived in the north shore of Lake Tahoe for several years and have been drawn to reside here for many reasons. One of which is the easy access to the great outdoor activities offered all year long. What a great place to live and to visit. I applaud the Boulder Bay administrative team that has worked so diligently and in a conscientious, transparent way to develop and make the North Shore accessible to so many people while promoting the 'experience' of time spent in Tahoe with family and friends. The company is a leader in business development that will fuel our regional economy. They are a company with integrity. The way they continually reach out to local business people for information and feedback adds to their credibility. I know this because I have been invited to several discussion group meetings. As an Incline Village chiropractor with Tahoe Chiropractic, I understand the!

value and many aspects of personal health and well being. It is obvious Boulder Bay understands the value and many aspects of health and well being of our shared environment.

In Health,

Norman Sussman, DC



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Inbox (186)



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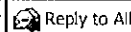
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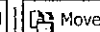
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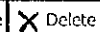
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## Boulder Bay DEIS Comments

Barry Trute [weathergeek@hotmail.com]

**Sent:** Thursday, February 04, 2010 8:15 AM

**To:** Boulder Bay DEIS Comments

Tahoe Regional Planning Agency  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449-5310  
US

Dear TRPA,,

I grew up in Incline Village and would hate to see the landscape disturbed any more than it already has.

Barry Trute  
7523 Mary Ln  
Citrus Heights, CA 95610

360



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Inbox (179)



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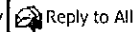
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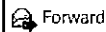
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## Boulder Bay DEIS Comments

peter waller [pwallerf@sbcglobal.net]

Sent: Thursday, February 04, 2010 10:58 AM

To: Boulder Bay DEIS Comments

Tahoe Regional Planning Agency

Tahoe Regional Planning Agency

PO Box 5310

Stateline, NV 89449-5310

US

Dear TRPA,,

This sounds way too big and against the lake we want!

Is TRPA just for development?

- The proposed development project needs an adequate traffic analysis.
- The Environmental Impact Statement needs to include a meaningful quantification of water quality benefits, including fine sediment load reduction.
- The importance of complete and fully maintained 'best management practices' for water quality

peter waller

3655 la calle ct.

palo alto, CA 94306

361

362

**From:** info@boulderbayresort.com  
**Subject:** BoulderBay: New EIS public comment submitted  
**Date:** February 4, 2010 5:08:15 PM PST  
**To:** BoulderBayDEISComments@trpa.org, pdobbs@trpa.org, rbrueck@haugebrueck.com, bhelm@boulderbayresort.com, doliver@trpa.org, nrinke@trpa.org, seana@streamlineimpact.com

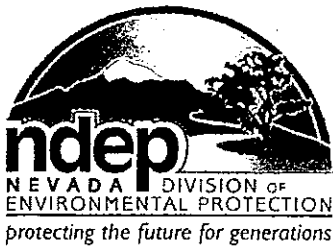
---

BoulderBay: New EIS public comment submitted  
First Name: Lee  
Last Name: Weber Koch  
Address:  
City:  
State:  
Zip:  
Email: onepeewee@sbcglobal.net  
Phone:

Comment: For the past 30 years I have been involved in promoting business and tourism in and to the Reno/Lake Tahoe region. I have seen developments come and go yet have never seen a company so completely focused and concerned about the lifestyle and land that surrounds us, and sustains us, throughout the region. It is because of Boulder Bay's caring and educated approach, and vision for what is truly representative of a new hallmark for what a community resort development should represent, that I encourage you to support Alternative C for the Boulder Bay Development in Crystal Bay, Nevada. You would certainly be setting a new standard that the rest of the world could/should follow.

Thank you for your continued support.





STATE OF NEVADA  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION

363  
Jim Gibbons, Governor  
Allen Biaggi, Director  
Leo M. Drozdoff, P.E., Administrator

February 5, 2010

Mr. David Landry  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449-5310

RECEIVED  
FEB 11 2010  
TAHOE REGIONAL  
PLANNING AGENCY

Dear Mr. Landry,

This letter is to provide comments regarding the Boulder Bay Community Enhancement Program Project (Project) Draft Environmental Impact Statement (DEIS). I am sorry for having provided comments after the deadline of February 4<sup>th</sup>, but my workload prevented me from doing so. I appreciate your understanding and trust that my comments will be considered in crafting the Final EIS (FEIS).

363a  
My primary comments are with respect to the Water Quality Analysis. The DEIS seems to present comparison of the expected benefits and impacts of the project alternative in a quantitative manner. Because the site currently has not been retrofitted with Best Management Practices (BMPs), it is intuitive that any of the alternatives would result in substantial load reductions compared to the no project alternative. Please keep in mind however that under the no project alternative, the site would still be required to be retrofitted for BMPs as required by TRPA code. It would be beneficial for the EIS to provide a quantitative comparison of the alternatives so that the relative benefits of each alternative could be discerned. While this could be done in a number of different manners, I would recommend that either the Load Reduction Planning Tool or Pollutant Load Reduction Model be used for this purpose. The advantage of these methods is that they are specifically aimed at quantifying annual average load reductions using long-term climatic records as opposed to a design-storm perspective.

363b  
This stated, the conceptual/preliminary water quality mitigation plan for the preferred alternative appears to be quite robust. In particular, it is exciting that the preferred project alternative intends on employing so many Low Impact Development (LID) techniques. To my knowledge some of the proposed LID techniques appear to be the first installations of their type in the Lake Tahoe basin. In fact, the Project may represent the largest scale implementation of LID design in the Lake Tahoe basin. Given that not much, if any, local effectiveness datasets exist with respect to such improvements, I believe that a tremendous opportunity exists to collect this information. I hope that the project proponents will remain open to the possibility of conducting future monitoring studies at the site to measure the effectiveness of these improvements.



363c The DEIS states that the Project will participate in EIP project 732, however it is not described how. However, it is unclear exactly what the word "participate" means. Will the Project capture and treat

offsite flows stemming from the EIP project 732 or do the proponents intend on contributing funding to help design/construct the EIP project? If the latter, how much has been or will be contributed? Clarification on this issue would be helpful for inclusion in the FEIS.

363d I understand that selection and approval of a project alternative has not yet happened, but I would recommend that concept of establishing an Inspection, Operations and Maintenance Plan (IOMP) be referred to in the FEIS. It is important that specific protocols with respect to onsite stormwater management are documented in a step by step manual. Abiding by the plan will not only facilitate keeping stormwater management assets in good working condition but will also extend their useful life. The IOMP should also include a fertilizer management component. With respect to this component, the DEIS contains some general information regarding fertilizer management that will help to minimize loads from the project area. In addition, it would be beneficial to use a phosphorous-free fertilizer once vegetation has been established. Research suggests that ambient phosphorous levels in the native soils are high enough to sustain plant life. However, this assumption should be confirmed with a botanist/soil scientist.

363e My final comments are with respect to the Transportation and Air Quality Analyses in the DEIS. Vehicle Miles Travelled (VMT) baseline conditions are established assuming full operational capacity of the Tahoe Biltmore. However, there is no discussion of if the Tahoe Biltmore is or ever has actually operated at full capacity. This needs to be clarified and if the Tahoe Biltmore is not operating at current operational capacity, the VMT analysis should then feature a comparison of alternatives with respect to both existing and baseline conditions.

Thank you for this opportunity to comment. Should you have any questions or need clarification, please contact me at 775.687.9450 or [jkuch@ndep.nv.gov](mailto:jkuch@ndep.nv.gov).

Sincerely,



Jason Kuchnicki

cc: Kathy Sertic, NDEP  
Allen Biaggi, NV DCNR

I Will BE BRIEF

SENCE

364

MY NAME IS , AS MOST OF YOU KNOW, DON EPSTEIN

MY WIFE, BEA, AND I ARE 15 YEAR RESIDENTS

BOTH OF US HAVE BEEN, AND CONTINUE TO BE VERY ACTIVE IN THE COMMUNITY. WE REPRESENT MEMBERSHIP IN LIONS, ROTARY, AND SERVE ON IVGID, FIRE BOARD, HOSPITAL VOLUNTEERS..TO NAME A FEW

OBVIOUSLY WE LOVE THE COMMUNITY AND THE LAKE

OVER THE PAST 15 YEARS WE HAVE SEEN A SLOW, BUT NOTICIBLE DECLINE IN THE COMMUNITY

WE NEED TO REVERSE THIS, AND BY DOING NOTHING, OR NOT ALLOW IMPROVEMENT PROJECTS LIKE BOULDER BAY, WE HASTEN THE DECLINE OF CRYSTAL BAY—INCLINE VILLAGE

WHEN I FIRST HEARD OF THE PLANS FOR THIS PROJECT, I WAS VERY SKEPTICAL. I ENVISIONED EXCESS TRAFFIC AND CONGESTION PROBLEMS. THESE COULD HAVE LEAD TO POSSIBLE PROBLEMS WITH THE SR28 CORRODOR

I HAVE ATTENDED ALL THE MEETINGS, AND HAVE HEARD ALL THE PRO'S AND CON'S. THE ECOLOGICAL IMPACT OF THIS PROPOSAL, WITH HAVING ELECTRIC BICYCLES FOR PATRONS, AND MAKING THIS A DESTINATION RESORT, WHERE THERE WILL BE VERY LITTLE NEED FOR A CAR, CAN ONLY SERVE TO BENEFIT THE LAKE, CRYSTAL BAY AND INCLINE VILLAGE.

AB  
NO  
CRAP

I HAVE SEEN THE PLANS CHANGE BASED UPON COMMUNITY INVOLVEMENT, AND FEEL THAT THE BOULDER BAY PEOPLE HAVE HEARD AND, TO MY SATISFACTION, MODIFIED THEIR PLANS.

AS THE CRYSTAL BAY CASINO HAS REINVENTED ITSELF, AND AS THE BILTMORE IS IN NEED OF A FACELIFT..TO SAY THE LEAST.. THIS PROJECT CANNOT DO ANYTING BUT VASTLY IMPROVE THE CRYSTAL BAY CORRFEODOR

I FIRMLY AM CONVINCED THAT THIS PROJECT WILL BE FOR  
THE BENEFIT OF THE COMMUNITY AND THEREFORE URGE ALL  
PRESENT TO SUPPORT THIS BOULDER BAY VISION FOR  
CRYSTAL BAY – INCLINE VILLAGE

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