



STATE OF NEVADA

Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
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March 3, 2009

Mr. Brian Helm
Executive Project Manager
Boulder Bay
PO Box 307
Incline Village, NV 89402

Re: Tahoe Biltmore Lodge and Casino – Boulder Bay, LLC's Redevelopment Project, Washoe County. Request for the relocation and modification of a Structure Housing Gaming to a new structure on two adjacent Assessor's Parcel Numbers (APN)

Dear Mr. Helm:

On December 11, 2008, the Governing Board of the Nevada Tahoe Regional Planning Agency (NTRPA), approved the above request submitted by Feldman Shaw, LLC in August of 2008 with the following conditions:

1. The project, including all changes in square footage of area and exchanges of cubic feet of volume, must be implemented as shown on the plans and documents submitted to the NTRPA on December 1, 2008. Any changes or modifications to these plans that directly affect the structure housing gaming must be reviewed and approved by NTRPA.
2. The approval for the modification of the structure housing gaming and associated separation of the enclosed walkway structures is based on drawings submitted as part of the application package on December 1, 2008. This approval is based on the 2006 IBC and Washoe County Department of Building and Safety separation requirements which recognize each structure as being independent. Any changes to this designation or design standard that may result in a change or interpretation of connectivity would need to be reviewed and approved by NTRPA.
3. Consistent with the Board's prior action on a similar connection issue in October of 2005, the enclosed walkways will not contain any gaming or gaming related activities, including advertising, other than directional signage and the dimensions of the enclosed walkways structures will be the minimum necessary to protect the public within the applicable building codes.

Also, as a condition of this determination, Boulder Bay, LLC must obtain all approvals required by law, including specifically the approval of the Tahoe Regional Planning Agency, prior to commencement of any activities associated with the relocation or modification of the structure housing gaming. Once all other approvals have been obtained you will need to submit two sets of final drawings to be stamped approved by the agency.

This determination does not modify the certified base data finding for the Tahoe Biltmore Casino.

If you have any questions or concerns related to this correspondence please feel free to contact the agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Lawrence", with a long, sweeping horizontal line extending to the right.

James Lawrence
Executive Officer
Nevada Tahoe Regional Planning Agency

Cc: Roger Wittenberg, President, Boulder Bay
Joanne Marchetta, Tahoe Regional Planning Agency

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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December 9, 2008

James Lawrence
Executive Officer
Nevada Tahoe Regional Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, Nevada 89701-5246

RE: Boulder Bay, LLC's Request for Relocation of Structure Housing Gaming

Dear Mr. Lawrence:

As you know, this is the second time that Boulder Bay LLC's request has come before the Nevada Tahoe Regional Planning Agency. The first time, Boulder Bay asked NTRPA to establish a policy governing applications that include the alteration of Lake Tahoe casino footprints. We supported that request. When it appeared that various parties had differing opinions as to how to shape a policy that would be consistent with the requirements of the Tahoe Regional Planning Compact, however, parties suggested that the Board give them a chance to meet in an attempt to develop a consensus approach. The Board agreed. You and other NTRPA staff subsequently met with individuals representing Lake Tahoe casinos, our office, the Nevada Attorney General's Office, the League to Save Lake Tahoe and the Tahoe Regional Planning Agency. Although for a while it appeared that the parties were about to reach an agreement, we ultimately did not.

Since then, however, our office has reached a settlement concerning the gaming elements of Boulder Bay's request to alter the footprint of the Tahoe Biltmore Lodge and Casino. Given the provisions in that agreement, we believe that Boulder Bay's application is consistent with the spirit of the Compact's limitations on gaming. We therefore do not object to the Boulder Bay application set to be heard by the NTRPA Governing Board on December 11, 2008.

Sincerely,

A handwritten signature in cursive script, reading "Daniel L. Siegel", is written over a horizontal line.

DANIEL L. SIEGEL
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General