TAHOE REGIONAL PLANNING AGENCY

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NOTICE OF AVAILABILITY

September 8, 2010

TO: Interested Parties

FROM: Tahoe Regional Planning Agency

RE: Final Environmental Impact Statement (FEIS) Boulder Bay Community Enhancement Program Project, 22 - Highway 28, Crystal Bay, Washoe County, Nevada, APNs 123-052-02, -03, -04; 123-053-02, -04, 123-054-01; 123-071-04, -034, -035, -036, -037 TRPA File Number ENVR2008-003

The Tahoe Regional Planning Agency (TRPA) has directed the preparation of an Environmental Impact Statement (EIS) for the Boulder Bay Community Enhancement Program Project (Boulder Bay Project) located in Crystal Bay, Douglas County, Nevada. The proposed Boulder Bay Project is a mixed-use, redevelopment project that is a participant in the TRPA Community Enhancement Program (CEP). The focus of the CEP is to encourage revitalization projects in downtown and recreation areas that demonstrate substantial environmental, as well as social and economic benefits by providing incentives for mixed-use development projects on existing disturbed or underutilized sites. The Boulder Bay Project would redevelop a 16.26-acre project area bounded by SR 28 to the East, Southeast and South, Stateline Road to the West, and Wassou and Lakeview Road to the Northwest. The project area would also include the redevelopment of the Crystal Bay Motel and Biltmore overflow parking parcels located immediately east of SR 28 from the Tahoe Biltmore. The EIS analyzes five total alternatives including a No Action alternative (Alternative A), the Proposed Action (Alternative C) that includes a mixed-use resort with a mix of residential units, tourist units, gaming, open space and parks, retail and dining areas, and three other action alternatives with various development levels and uses.

This notice is to inform you that the Final EIS (including the Draft EIS, previously released on November 6, 2009) will be released in hard copy form on Friday, September 10th, and will be available for the public to review at TRPA (128 Market St, Stateline, NV), the Kings Beach Branch Library (301 Secline St, Kings Beach, CA), the Incline Village Library Branch (845 Alder Ave, Incline Village, NV), and Tahoe Biltmore Hotel, Front Desk (22 - Hwy 28, Crystal Bay, NV). In addition, beginning today, the documents are available for download from TRPA's website at http://www.trpa.org/default.aspx?tabindex=8&tabid=345

Two public hearings will be held to consider the certification of the Final EIS and action on the proposed project at the **TRPA Advisory Planning Commission** which will be held at the TRPA Governing Board Rooms, 128 Market Street, Stateline, NV, on October 13, 2010; and **TRPA Governing Board** at the North Tahoe Event Center, 8318 North Lake Boulevard, Kings Beach, CA 96143 on October 28, 2010.

The public hearings commence at 9:30 AM; however, until such time the agendas for these hearings are finalized, the specific time for this agenda item will not be known. Please check the TRPA website one week prior to the scheduled hearing dates to view the final agenda.

Please contact David L. Landry (775-589-5214 or dlandry@trpa.org) or Dennis Oliver (775-589-5235 or doliver@trpa.org) with any questions.

BOULDER BAY COMMUNITY ENHANCEMENT PROGRAM PROJECT

Final Environmental Impact Statement

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

September 8, 2010

prepared by
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Foothill Resources
j.c. brennan & associates

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8 RESPONSE TO COMMENTS ON THE DEIS

8.1 INTRODUCTION

This document is a Final Environmental Impact Statement (FEIS) prepared on behalf of the Tahoe Regional Planning Agency (TRPA) pursuant to the Tahoe Regional Planning Compact and the TRPA Code of Ordinances. On November 6, 2009, TRPA distributed to public agencies and the general public a Draft Environmental Impact Statement (DEIS) for the Boulder Bay Community Enhancement Program Project (Boulder Bay Project). In accordance with Article VII(a) of the Tahoe Regional Planning Compact, Article 6.13.b of the TRPA Rules of Procedure, and TRPA Code of Ordinances Section 5.8.A(4), a 60-day public review period was provided for the DEIS. The review period was extended by 30 days to February 4, 2010 based on a request by local non-profit groups. Three public hearings were held in November and December 2009 to solicit comments on the DEIS. The TRPA conducted hearings before the Governing Board on November 18, 2009 (The Chateau, Incline Village) and December 16, 2009 (TRPA Board Rooms, South Shore), and one hearing before the Advisory Planning Commission on December 9, 2009 (TRPA Board Rooms, South Shore). Additionally, a DEIS open house was held on December 1st at the Tahoe Biltmore Nevada Room (Crystal Bay, NV) for TRPA staff to answer questions about the EIS process.

Boulder Bay, LLC is pursuing the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a mixed-use resort community located at North Stateline in Crystal Bay, Nevada. The Boulder Bay Project area currently consists of the 76 foot tall four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, a storage building that was previously the Horsebook Casino, the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Boulder Bay Project area consists of a total of 16.26 acres on 13 distinct parcels. The DEIS evaluated the potential environmental impacts associated with the Proposed Project (Alternative C), No Project (Alternative A), and three separate redevelopment Alternatives (Alternatives B, D, and E).

Written and oral comments were received from State and local agencies and from organizations and individuals. Pursuant to Article 6.14 of the TRPA Rules of Procedure, "at the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period, and may respond to oral or late comments."

This FEIS has been prepared to respond to comments received on and to make appropriate revisions to the DEIS. Chapter 8.5 of this FEIS summarizes comments received during the public review period for the DEIS and provides responses to significant environmental issues raised in those comments. Some comments warrant revisions to the text of the DEIS, and are incorporated into the text of responses to comments. The DEIS revisions are summarized in Chapter 9 of this FEIS.

8.2 REQUIREMENTS FOR EIS CERTIFICATION AND FUTURE STEPS IN PROJECT APPROVAL

The FEIS is intended to be used by the TRPA Governing Board when considering approval of the Proposed Project or an Alternative to the Proposed Project. In accordance with Article 6.16 of the TRPA Rules of Procedure, TRPA must certify the FEIS by making "a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and

these Rules of Procedure." Before consideration of the FEIS by the TRPA Governing Board, the Advisory Planning Commission must review and make a recommendation to the Board regarding certification. The Board must provide an opportunity for comment on the FEIS and has the discretion to limit such comment to the responses to comments or other new information in the proposed FEIS. Before action by the Board on the Project, the Board shall certify the FEIS. The Board cannot approve the Project before certification of the FEIS. The TRPA Governing Board will hold a public hearing to consider certification of the FEIS and to decide whether or not to approve the Proposed Project or an Alternative to the Proposed Project.

8.3 USE OF COMMENT SUMMARIES

The full text of all written comments is included in Appendix Z. A comment number in the margin identifies each comment; responses use the same corresponding number system. To facilitate reading the response to comments, a summary of each comment is inserted in italics just prior to each response. This summary does not substitute for the actual comment and the reader is urged to read the full original text of all comments. The responses are prepared as an answer to the full text of the original comment, and not to the abbreviated summary.

8.4 COMMENT LETTERS RECEIVED ON THE DEIS

Each comment letter received on the DEIS has been numbered based upon date of receipt and is included in Appendix Z. Three Hundred and Sixty-Four (364) comment letters were received on the DEIS.

Comments that state a position for or against a specific Alternative are appreciated, as this gives the Agency a sense of the public's feeling and beliefs about a proposed course of action. Such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation. The following people submitted comments that offer support for the approval of the Project but provided no comment on the merits of the DEIS. The support is noted for the project record, but no further response is necessary.

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
1	Pridmore, Nancy and Clint		11/03/2009
2	Adkins, Randy		11/05/2009
3	Leach, M. Roger		11/05/2009
4	Andrews, Richard		11/06/2009
5	Bacon, Kemby		11/06/2009
6	Haugland, Ron		11/06/2009
7	Meiling, Dean		11/06/2009
8	Merkow, Josh		11/06/2009
9	Stewart, Joe		11/06/2009
10	Maurer, Julie		11/09/2009
11	Moore, Terry		11/10/2009
12	Muller, John		11/10/2009

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
13	Armand, Debi		11/11/2009
14	Basta, Robert		11/11/2009
15	Beck, Tim		11/11/2009
16	Twomey, Kelli		11/11/2009
17	Achondo, Dan and Linda		11/12/2009
18	Myers, Daniel		11/12/2009
20	Burns, John		11/13/2009
21	Antrim, Ron		11/15/2009
22	Haugland, Nicole		11/16/2009
23	Loomis, John		11/16/2009
24	Martinez, Robert	Nevada Division of Water Resources	11/16/2009
25	Merryfield, John and Carol		11/16/2009
26	Blair, Connie		11/17/2009
27	Buckley, Andy		11/17/2009
28	Dahl, Evan		11/17/2009
30	Dalton, Colleen		11/17/2009
31	Lawshe, Jasone		11/17/2009
32	Lontz, Shannon		11/17/2009
33	McGaughey, Eric		11/17/2009
34	Paulson, David		11/17/2009
35	Rachuy, Paula		11/17/2009
36	Stansell, Debbie		11/17/2009
38	Yates, Tim		11/17/2009
39	Colyer, Jan	Truckee-North Tahoe Transportation Management Association	11/18/2009
41	Meiling, Dean		11/18/2009
42	Teshara, Steve	North Lake Tahoe Chamber of Commerce	11/18/2009
43		Northstar Environmental Action Team	11/18/2009
44	Anderson, Madeline		11/19/2009
45	Cates, Matt		11/19/2009
47	Lounsberry, Linda		11/19/2009
48	Lounsberry, Robert		11/19/2009

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
49	Zahler, Paul		11/19/2009
50	Cromwell, Wayne		11/22/2009
51	Johnson, Kris		11/23/2009
52	Morris, Peter		11/30/2009
53	Setty, Matthew		11/30/2009
55	Dowdle, Larry		12/01/2009
56	Ferrari, Dave		12/01/2009
57	Guassauo, Patricia		12/01/2009
58	Gurowitz, Ed		12/01/2009
59	Harford, Oriva		12/01/2009
60	Maxson, Robert	Sierra Nevada College	12/01/2009
61	Schneider, Maia		12/01/2009
64	Yount, Stewart		12/01/2009
65	Reynolds, Paul and Ann		12/02/2009
66	Dowdle, Candy		12/03/2009
67	Muller, John	Tahoe Biltmore	12/04/2009
68	Koster, George		12/06/2009
69	Vaca, Emilio	North Tahoe Family Resource Center	12/06/09
70	Guttman, Paul		12/07/2009
71	Kyler, Susan		12/07/2009
72	McKibben, Steve	Lake Tahoe School	12/07/2009
73	Mourelatos, Alex		12/07/2009
74	Peterson, James		12/07/2009
75	Sprenger, Cheri	North Tahoe Business Association	12/07/2009
76	Townsend, Bruce		12/07/2009
77	Wright, Jamie	Truckee North Tahoe Transportation Management Association	12/07/2009
78	Kang, Meea	Domus Development	12/08/2009
80	Benka, Joyce		12/10/2009
81	Cecchi, Amy		12/10/2009
82	de Leon, Fran		12/10/2009
84	Lowden, Chrystie		12/10/2009
85	Maroney, Kimberly		12/10/2009

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
86	Palmer, Rebecca	Nevada State Historic Preservation Office	12/10/2009
87	Patrick, Deana		12/10/2009
88	Shoemaker, Dorea		12/10/2009
89	Polsen, Robert		12/11/2009
90	Stevenson, Luke		12/11/2009
91	Wallpe, Courtenay		12/11/2009
92	Kroll, Mary Jane		12/12/2009
94	Gaffaney, Tyler		12/13/2009
95	Chairman	Incline Village/Crystal Bay Visitors Bureau	12/14/2009
96	Gaffaney, John		12/14/2009
97	Paulson, David	Northstar Environmental Action Team	12/14/2009
98	Polsen, Brian		12/14/2009
99	Barth, Gina		12/15/2009
104	Evans, Bridget		12/16/2009
105	Francis, Joseph		12/16/2009
106	Gaffaney, Patricia		12/14/2009
107	Graeber, Anthony		12/16/2009
111	Rovig, Cari		12/17/2009
113	Van Lom, Keaven		12/18/2009
114	Otto, Chuck		12/19/2009
115	Fuetsch, Tom		12/20/2009
116	Roesch, Randy		12/23/2009
119	Hane, William		12/30/2009
125	Kenninger, Steve	Sierra Colinga, LLC	01/05/2010
130	Lee, Gary		01/20/2010
131	Stuver, Emily		01/21/2010
132	Stuver, John		01/22/2010
133			01/22/2010
135	Adkins, Randall		01/25/2010
136	Randolph-Wall, Ron		01/25/2010
138	Brown, Randen		01/26/2010
139	Carey, Karen		01/26/2010
140	Geiger, Edward		01/26/2010

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
141	Leijon, Sheila		01/26/2010
142	Nobles, Tim		01/26/2010
143	Walsh, John		01/26/2010
144	Ward, Joseph		01/26/2010
145	Aronson, Ron		01/27/2010
146	Hill, Elizabeth		01/27/2010
147	Omundsen, Thea		01/27/2010
148	Robertson, Les		01/27/2010
149	Wardle, Gary		01/27/2010
151	Chandler, Jacquie		01/28/2010
152	Gilan Farr, Philip	Gilan Farr and Associates Architecture	01/28/2010
153	Good, Andy		01/28/2010
154	Hill, Donna		01/28/2010
155	Kreling, Renton		01/28/2010
156	Masters, Shahri		01/28/2010
157	Rosenbloom, Zaq		01/28/2010
158	Servin, Alvaro		01/28/2010
159			01/28/2010
160	Eldridge, David		01/29/2010
161	Moore, Travis		01/29/2010
163	Vince, Scott		01/29/2010
164	Colyer, Jan		01/30/2010
165	Devenish, Ronnie		01/30/2010
166	Fabrizio, David		01/30/2010
167	Matta, Meg		01/30/2010
168	Schaller, Richard		01/30/2010
170	Carlson, Cory		02/01/2010
173	Leach, M. Roger		02/01/2010
174	Lefrancois, Michael		02/01/2010
175	Serpa, Joe		02/01/2010
176	Tocchetti, Jody		02/01/2010
177	Watson, Bill	Thunderbird Lodge Preservation Society	02/01/2010
190	Duggan, Theresa May		02/02/2010

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
194	Fischer, Wayne		02/02/2010
203	Holman, Robert		02/02/2010
205	Kennedy, Suzan		02/02/2010
207	Lautrup, Roberta		02/02/2010
211	Mandio, Brian		02/02/2010
216	Mein, Thomas		02/02/2010
220	Parker, Gerry		02/02/2010
221	Polomsky, Robbie		02/02/2010
229	Scordy, David		02/02/2010
242	Alcini, Richard		02/03/2010
245	Arndt, Steven		02/03/2010
247	Bandyke, Barbara		02/03/2010
250	Berardo, Lynn		02/03/2010
251	Berardo, Stevan		02/03/2010
254	Bourdeau, Joe		02/03/2010
256	Brinkley, Linda		02/03/2010
260	Chamberlain, Michael		02/03/2010
261	Cole, Erika		02/03/2010
262	Cresta, Octavio		02/03/2010
265	Flower, Rachel		02/03/2010
266	Fung, Donna		02/03/2010
268	Gillette, Lynn		02/03/2010
271	Hancock, David		02/03/2010
273	Hardie, David		02/03/2010
279	Lefrancois, Pam		02/03/2010
285	Mirzayan, Ara		02/03/2010
288	Offerdahl, Linda		02/03/2010
299	Schneider, Maia		02/03/2010
302	Sharp, Heather		02/03/2010
307	Stock, Ned		02/03/2010
315	Weaver, Matthew		02/03/2010
319	Yantis, Kristin		02/03/2010
320	Young, Kristine		02/03/2010
321	Yount, Geri		02/03/2010
324	Berliner, Art and Marilyn		02/04/2010

Comments in Support of the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
328	Crowe, Thomas		02/04/2010
330	Ellis, William		02/04/2010
333	Goins, Derek		02/04/2010
340	Kimbrough, Mark		02/04/2010
341	Lalchandani, Margo and Atam		02/04/2010
343	McClean, Wendy		02/04/2010
344	McKelway, Russell		02/04/2010
345	Moresi-Kellogg, Diane and Bob		02/04/2010
346	Mueller, Wendy		02/04/2010
347	Neary, Jason		02/04/2010
348	O'Toole, Daniel		02/04/2010
349	Plowman, Rick		02/04/2010
351	Regan, Michael		02/04/2010
353	Robinson, Tony		02/04/2010
354	Rovig, Cari		02/04/2010
356	Savary, Carol		02/04/2010
358	Stranzl, Christie		02/04/2010
359	Sussman, Dr. Norman		02/04/2010
362	Weber Koch, Lee		02/04/2010
364	Epstein, Don		

The following people submitted comments that offer general opposition to the Project but provided no comment on the content of the DEIS. The opposition is noted for the project record, but no further response is necessary.

Comments in Opposition to the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
118	Cronin, Linda		12/30/2009
123	Stephens, Doug and Kathleen		01/01/2010
162	Pata, Jason		01/29/2010
182	Brown, Robert		02/02/2010
183	Carlisle, Monique		02/02/2010
185	Cronklin, Ted		02/02/2010
191	Enger, Sue		02/02/2010
192	Fera, Thomas		02/02/2010

Comments in Opposition to the Project			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
195	Francis, Craig		02/02/2010
197	Frost, Ron		02/02/2010
201	Havilan, Kathleen		02/02/2010
202	Hoag, Silvija		02/02/2010
214	Mealy, Nora		02/02/2010
218	Morioka, Thomas		02/02/2010
219	Ouilhon, John		02/02/2010
223	Reid, Donna		02/02/2010
226	Roth, Elaine		02/02/2010
227	Saint, Mike		02/02/2010
243	Anderson, Lars		02/03/2010
249	Barnum, Shirley		02/03/2010
290	Peterson, Madeline and Larry		02/03/2010
293	Plummer, Gerald		02/03/2010
298	Ryan, Dwight		02/03/2010
301	Seaman, Edward and Jane		02/03/2010
304	Shaw, Sara		02/03/2010
314	Wagner, Rebecca		02/03/2010
355	Rutledge, John		02/04/2010
361	Trute, Barry		02/04/2010

The following people submitted the same comment on the Project by signing (submitting) a form letter regarding adequacy of the traffic analysis, assessment of fine sediment loads, and provision of adequate BMPs. Responses to these form letter comments are provided as **Master Response 1** below.

Form Letter Comments			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
178	Ballerini, Jennifer		02/02/2010
179	Balsama, Connie		02/02/2010
180	Becker, Jody Anne		02/02/2010
181	Binger, Elaine		02/02/2010
184	Case, Del		02/02/2010
186	Crumpton, Thomas		02/02/2010
187	Cunningham, Patricia		02/02/2010
189	Drew, Jennifer		02/02/2010

Form Letter Comments			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
193	Fidaleo, Kathleen		02/02/2010
198	Garofalos, John		02/02/2010
199	Gilmore, Chandra		02/02/2010
200	Gregg, Ronald		02/02/2010
204	Howard, Garrett		02/02/2010
206	Landowne, Debroah		02/02/2010
208	Lightcap, Allison		02/02/2010
209	Lyman, Ann		02/02/2010
210	Lyman, Robert		02/02/2010
213	Matusich, Robbie		02/02/2010
215	Meillier, Laurent		02/02/2010
217	Mellea, Brian		02/02/2010
222	Posanka, William		02/02/2010
224	Rogers, Tracy		02/02/2010
225	Rosser, Gwen		02/02/2010
228	Scharpf, Jason		02/02/2010
230	Seltzer, Rob		02/02/2010
231	Stirton, Jack and Mary		02/02/2010
232	Taylor, Clark		02/02/2010
233	Tilton, Patti		02/02/2010
238	Visbal, Jonathan		02/02/2010
239	Volkmann, Billy		02/02/2010
240	Werner, Suzanne		02/02/2010
241	Williams, Liz		02/02/2010
246	Arntz, Julie		02/03/2010
248	Banfield, Charles		02/03/2010
252	Blume, Mark		02/03/2010
253	Boos, Kathleen		02/03/2010
257	Broadfoot, Pamela		02/03/2010
263	Dixon, Bob		02/03/2010
267	Giffin, Robert		02/03/2010
270	Giurgiulescu, Mihai		02/03/2010
272	Handwerker, Elliot		02/03/2010
275	Hayes, Janet Gray		02/03/2010
276	Keil, Kirk		02/03/2010

Form Letter Comments			
Letter Number	**Author (Last, First)**	**Agency/ Organization**	**Date Received**
277	Keyani, Judith		02/03/2010
278	Lane, Thomas		02/03/2010
280	Lin, Daphne		02/03/2010
281	Lorenson, Ray		02/03/2010
282	MacFayden, Gary		02/03/2010
283	Matthews, Alan		02/03/2010
287	Naes, Roxie		02/03/2010
289	Oliver, Burton		02/03/2010
291	Pettone, Catherine		02/03/2010
292	Pitcairn, Alexandra		02/03/2010
294	Postle, Robert and Susan		02/03/2010
295	Randall, Brandy		02/03/2010
296	Ritchey, Craig		02/03/2010
297	Rowberg, Carol		02/03/2010
300	Schommer, Edward		02/03/2010
303	Shaw, Judith		02/03/2010
305	Smetana, Janet		02/03/2010
309	Sweeney, Cathi		02/03/2010
310	Taylor, Linda		02/03/2010
312	Vernon, Andrew		02/03/2010
317	William, Siegling		02/03/2010
318	Wright, Gerald and Nancy		02/03/2010
323	Ball, Jane		02/04/2010
325	Brooks, David		02/04/2010
326	Callaway, Steve		02/04/2010
327	Coglizer, David		02/04/2010
329	De Luchi, Denis		02/04/2010
331	George, Fred		02/04/2010
334	Good, Jo		02/04/2010
336	Gruber, David		02/04/2010
342	Lynn, Dr. Richard		02/04/2010
350	Reeves, Sandra		02/04/2010
361	Waller, Peter		02/04/2010

8.5 RESPONSE TO UNIQUE WRITTEN COMMENTS

Review of the comments made on the DEIS showed that a number of comments from commenting parties are similar in content. **Master Responses** have been prepared for those topics that were frequently raised. Where appropriate in the responses to comments of this final document, the reader is referred to the **Master Responses**. Responses to written comments not addressed in the **Master Responses** are provided following the **Master Responses**. The four **Master Responses** included in this FEIS are:

1. Response to Comments included in a Form Letter (Traffic analysis, Water Quality Benefits, and BMPs)

2. Traffic Baseline

3. Internal/External Alternative Mode Trips, Fehr & Peers Mixed Use Development Model

4. Accessory Uses in Relation to the Traffic Analysis

Master Response 1 – Form Letter Response to Comments

Comment Summary – The EIS needs to include an adequate traffic analysis, a quantification of water quality benefits, including fine sediment load reduction and complete and fully maintained BMPs for water quality.

Traffic Analysis

Comments regarding the traffic analysis baseline conditions and trip generation are discussed in **Master Responses 2, 3, and 4** and referenced to Appendix AA of the FEIS, which includes the *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* Technical Memorandum (Fehr & Peers, 2010).

With regards to the questions regarding adequacy of the traffic analysis, TRPA has confirmed that for purposes of determining the level of environmental impact, the original study contained in the DEIS is consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances as well all other traffic studies conducted by TRPA for recent Environmental Impact Studies. The DEIS traffic study is also consistent with the guidelines for completion of traffic impact studies published by the Community Development Departments for Washoe County, Placer County, Douglas County and El Dorado County.

Given the number of questions raised during the comment period with regards to the traffic conditions, TRPA directed that Fehr & Peers prepare a Technical Memorandum (Appendix AA) to be used by the decision maker(s) and the public to improve decision-making.

Water Quality Benefits and Fine Sediment Load Reduction

The TRPA Code of Ordinances requires that a project capture the 20 yr-1hr storm on site and meet water quality discharge limits. There is currently no requirement for fine sediment, nitrogen or phosphorus load reduction. The proposed Storm Water Management Plan for Alternative C and D exceeds the current TRPA requirements and provides above and beyond benefits toward achieving the draft goals and objectives of the Lake Tahoe Total Maximum Daily Load Report (TMDL). See supplemental water quality analysis (titled Surface Water Quality - *Quantification of Design Benefits for the Boulder Bay Community Enhancement (CEP) Project Stormwater*

Treatment System) added in Appendix AB of the FEIS. This supplemental analysis utilizes pre-project monitoring data (DEIS Appendix P) in combination with Desert Research Institutes (DRI) data (*Brockway Project Area Stormwater Runoff and Characterizations Study*, Heyvaert et al. 2008) linked to daily climate data from wet and dry water years (including El Nino events) in the Load Simulation Prediction in C++ coefficients (LSPC) to provide more robust estimates of total sediment (TSS) and fine sediment (FSP) load reductions from the project area.

The simulated scenarios include stormwater management programs (SWMPs) designed for the following four conditions:

- Existing Conditions (EC);
- Existing Conditions retrofitted to treat the TRPA 20yr/1hr design storm total runoff volume (E20);
- Alternative C (Proposed Project) built to treat the TRPA 20yr/1hr design storm total runoff volume (C20); and
- Alternative C (Proposed Project) built to treat the 100yr/1hr total runoff volume (C100).

The supplemental analysis addresses the question: What is the benefit of implementation of SWMPs for C100 vs. C20? Boulder Bay does not claim CEP credit for reductions of C100 vs. EC. The "over and beyond" of the Project is only communicated for C100 vs. E20 and C100 vs. C20. Table 8.5-1 summarizes the predicted runoff results. For E20, C20 and C100, the SWMP contains all of the project area runoff in the event of a 20yr/1hr storm. The total runoff, including NDOT and Washoe County ROWs for the 20yr/1hr storm is 16,428 cubic feet (CF) for E20, 0 CF for C20, and 0 CF for C100. In the event of a 100yr/1hr storm event the total runoff for the project area, including ROWs, is 37,920 CF for E20, 21,488 CF for C20 and 0 CF for C100.

Stormwater runoff that leaves a project area contains sediment, including fine sediment, nitrogen and phosphorus, the primary elements leading to the loss of Lake clarity in Lake Tahoe. In order to more clearly understand the potential for runoff from the project area and the conceptual design capacities of the SWMPs, a number of precipitation situations were modeled, including: multiple back-to-back storms; longer duration storms; fall, winter and spring timed storms; and the impact of periodic events such as El Nino years. The goal of the SMWP is to maximize containment and treatment of runoff volumes.

Table 8.5-1

Comparison of total Runoff Volumes for Various Designs and Storms for Project Area BMPs/SWMP

Project Area BMP Designs	EC Existing Conditions	E20 Existing Conditions (20 yr Design)***	C20 Alternative C (20 yr Design)	C100 Alternative C (100 yr Design)
BMP Capacity (CF)	500	22,647	39,079	58,152
LID elements (green roofs, pervious pavers, cisterns) (CF)**	none	none	none	12,838
Total Capacity	**500**	**22,647**	**39,079**	**70,990**
20 yr - 1 hr storm Volume (CF)	39,075	39,075	39,075	39,075
Storm Volume Runoff (CF)	38,575	16,428	-4*	-31,915*
50 yr - 1 hr storm Volume (CF)	48,844	48,844	48,844	48,844
Storm Volume Runoff (CF)	48,344	26,197	9,765	-22,146*
100 yr - 1 hr Storm Volume (CF)	60,566	60,567	60,567	60,567
Storm Volume Runoff (CF)	60,066	37,920	21,488	-10,423*

Notes:

* A negative storm volume runoff represents excess design capacity for the storm event.

** For C100, an estimate of capacity for the LID strategies is included for comparison purposes. The actual capacity varies for the loading calculations depending on antecedent moisture due to previous weather.

*** E20 results in runoff for the 20-year storm due to the contribution of NDOT and Washoe County ROW. E20 does not include capacity for theses surfaces.

Appendix AB of the FEIS provides the detailed results and conclusions from the LSPC modeling exercises. The results and conclusions are summarized in the follow bullets:

- Dry Water Years (1993-1994 and 2007-2008) –
  - Implementation of C20 SWMP reduces loading compared to EC in both dry years by roughly 50 percent.
  - Implementation of C100 SWMP contains the stormwater runoff completely such that there is minimal to no discharges to down-gradient drainage and stormwater systems and ultimately Lake Tahoe.

- Stormwater runoff from the project area occurs in 6-7 days under E20 conditions and 2-6 days for C20 conditions and does not occur for C100 conditions.

- Total sediment, fine sediment and nutrient loads are presented in Tables 2 and 3 of Appendix AB for a variety of wet and dry water year conditions. Field monitoring of runoff from disturb soils indicates FSP load is 50 percent of TSS loads from granitic soils and JBR data (DEIS Appendix P) reported levels as high as 90%. For modeling and reporting purposes for the supplemental analysis, FSP of less than 20 microns are reported as 60 to 90 percent of the TSS load. The FSP load of less than 20 microns includes FSP loads of less than 16 microns. For E20, C20 and C100, a dry year is forecasted to contribute 4,374 lbs, 1,714 lbs and 134 lbs of FSP, respectively.

- The C100 SWMP will reduce total sediment loading by 97 to 100 percent as compared to E20 SWMP.

- Wet Water Years/Worst-Case Scenarios (1994-1995 and 2005-2006) –

  - E20 conditions result in possible discharge of approximately 17,000 to 32,000 lbs of total sediment (note that the DEIS reports approximately 34,000 lbs based on grab sample extrapolations) and 14,000 to 29,000 lbs of FSP leaving the project area.

  - Implementation of C20 reduces the landing compared to E20 by roughly 23 to 43 percent to ranges of 13,000 to 19,000 lbs of total sediment and 8,000 to 18,000 lbs of FSP.

  - Implementation of C100 reduces loading compared to E20 by roughly 88 to 92 percent to ranges of 1,400 to 3,900 lbs total sediment and 800 to 3,500 lbs of FSP.

  - Stormwater runoff from the project area occurs on 34 to 42 days under E20 conditions, 16 to 27 days for C20 conditions and 3 to 5 days for C100 conditions.

  - Stormwater runoff from the project area occurs under C100 conditions only for a substantial rain-on-snow event of 5.37 inches (New Year's Eve 2005) and after sequential 2 inch rain-on snow events (January 2005).

  - Data shows that in wetter years, which represent worst-case scenarios, total sediment output from C100 SWMP is over an order of magnitude (10X) less than those produced by E20.

Please see Appendix AB for supplemental analysis for additional quantification of surface water quality benefits, notably predicted load reductions for total sediment, fine sediment and nutrients. The analyses for Impacts HYDRO-1 and HYDRO-3 are presented in the format determined and reviewed by TRPA Staff. The supplemental water quality analysis does not change the analysis for HYDRO-1 and HYDRO-3 but provides additional quantified results that support the conclusions that potential impacts discussed in HYDRO-1 and HYDRO-3 are reduced to a level of less than significant.

Water Quality BMPs and BMP Maintenance

Impact HYDRO-3 (page 4.3-36 through 4.2-47) details the proposed stormwater treatment systems for Alternatives A, B, C, D and E. Alternatives A, B and E will capture, convey and infiltrate the 20yr/1hr storm total runoff volume, while Alternatives C and D will capture, convey and infiltrate up to the 100yr/1hr storm total runoff volume. For Alternatives C and D, the stormwater treatment system schematic is illustrated in Figures 4.3-1, 4.3-2 and 4.3-3. For Alternatives A, B and E, the stormwater treatment system is described on pages 4.3-36 and 4.2-37. Design Plans for the BMP Retrofit for Existing Conditions (Alternatives A, B and E) was first submitted to TRPA in August 2007 and referenced in the DEIS as Appendix P. These design plans were updated and resubmitted based on comments and questions received during the DEIS comment period and are provided as supplemental information for DEIS Appendix P in Appendix AB. Under all Alternatives, runoff from the TRPA 20yr/1hr design storm (i.e. the current regulatory requirement) will not leave the project area untreated or enter into NDOT ROWs. Under Alternatives C and D, runoff volumes from up to the 100yr/1hr storm event will not leave the project area untreated or enter into NDOT ROWs except possibly under very extreme antecedent soil moisture conditions.

Long-term performance of any stormwater treatment system is reliant on the operations and maintenance of the system. The loss of efficiency over time will be minimized through proper operations and maintenance as determined in the inspection, operations and maintenance plan required for permitting of the selected Alternative. The supplemental analysis does consider the loss of gallery efficiency due to antecedent moisture in the system. The Inspection, Maintenance and Monitoring Plan is a standard practice of the Project (added as SP-10 in Chapter 6). The Plan will be developed for the selected Alternative through an RFP Process that includes a third party agreement between TRPA, Boulder Bay and a consultant. This detailed plan will be based on Chapter 6 of the EIS but can be tailored to the outcome of the Governing Board hearings that will decide the final design of the Project, if approved.

Because some of the facilities are subsurface, access points are built into the linear treatment system for maintenance and monitoring. The costs associated with maintenance and monitoring will be determined during project permitting because these costs are directly related to the selected Alternative. Subsurface infiltration galleries and other Low Impact Development (LID) strategies including pervious pavers and rain water harvesting are in regular use at Lake Tahoe and have recently been installed in a number of public works projects including but not limited to: Lake Tahoe Unified School District (High School), City of South Lake Tahoe (Lakeview Commons), State of California (Department of General Services - Tahoe Base Center), and Placer County DPW (Tahoe City Transit Center). Although Boulder Bay will be required to properly maintain stormwater treatment systems as a condition of project permitting, the DEIS recommends mitigation measure HYDRO-1 to assure that stormwater treatment systems are operated and maintained to be effective in meeting TRPA discharge standards. The post project monitoring program will be finalized in accordance with the permitting conditions for the selected Alternative and will most likely include some level of stormwater monitoring in addition to BMP and stormwater treatment system inspections.

Master Response 2 – Traffic Baseline

Comment Summary – The traffic baseline used for the analysis does not accurately reflect current conditions or future vehicle miles traveled. The actual existing traffic counts should be used instead of a theoretical assumption of traffic levels when the existing facility is operating at full capacity.

The DEIS traffic study determined baseline traffic volumes by applying trip generation assumptions used for determining the impacts of the Project and Alternatives to the existing land uses that operate within the project area. TRPA has confirmed that for purposes of determining the level of environmental impact in the DEIS and FEIS, the methods used in the original study contained in the DEIS is consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances as well as other traffic studies conducted by TRPA for recent Environmental Impact Studies. The DEIS traffic study is also consistent with the guidelines for completion of traffic impact studies to determine level of impact published by the Community Development Departments for Washoe County, Placer County, Carson City/County, Douglas County and El Dorado County.

In order to respond to comments regarding the adequacy of the DEIS traffic study, TRPA asked for the preparation of an alternative baseline conditions study. The *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* Technical Memorandum (Fehr & Peers, 2010) addresses concerns raised during circulation of the DEIS about the existing and baseline existing trip generation of the Tahoe Biltmore. The memo is added as Appendix AA of the FEIS and presents an alternative traffic analysis using the actual 2008 traffic counts adjusted to the year 2006 to account for economic conditions that existed in 2008. The technical memorandum includes:

- A detailed explanation of the traffic data collection process.
- The methodology for determining PM and daily trip generation of the Tahoe Biltmore based on the collected traffic volumes, rather than the ITE and TRPA trip generation rates.
- The methodology for correcting the baseline existing conditions based on operating conditions and economic fluctuations.
- A comparison of each Alternative's modeled trip generation to the existing and baseline existing trip generation of the Tahoe Biltmore and other land uses included in the project area.

The overall existing trip generation of the Tahoe Biltmore project area was calculated based on the intersection traffic volumes collected in 2008, plus trip generation estimates from the Nugget Casino overflow parking lot, the Crystal Bay Motel, and the Crystal Bay office space, which were not included in the 2008 traffic counts, but are now included as part of the Boulder Bay project area.

The trip generation estimates for Alternatives B, C, D and E are based upon Institute of Transportation Engineers (ITE) trip generation rates. These trip generation rates assume optimal operating conditions during the peak time of the year during a normal economic year. During the summer of 2008, Lake Tahoe and the broader US economy were in the midst of the worst economic downturn since the 1930's. At the same time, gas prices were over $4.00/gallon. Both situations led to dramatic temporary declines in visitation to Lake Tahoe. Based on an analysis of Nevada Gaming numbers for North Lake Tahoe and Biltmore audited financials, it was estimated that visitation was off by 28% in 2008 vs. normal economic conditions in 2006. (It is important to note that this does not include the decline due to the growth of tribal gaming in California. This decline, estimated at 32%, was viewed as a permanent decline and was not adjusted for in the calculation. Estimated Average Peak Daily Trips would be 5,853 if a recovery in gaming was included.) Due to the unique conditions of 2008, the baseline existing conditions analysis looks back two years previous to when the traffic counts were collected, consistent with the two-year window that TRPA considers for an "existing" use. This two-year look back provides a more consistent comparison between the existing conditions and ITE trip generation estimates for Alternatives B, C, D, and E.

Table 8.5-2 shows the daily and PM peak hour trip generation of the existing Tahoe Biltmore (based on the traffic volumes collected in 2008, plus trip generation estimates from the Nugget Casino overflow parking lot, the Crystal Bay Motel, and the Crystal Bay office space), the baseline existing conditions

(adjusted based on 2006 operating conditions), and the Alternatives. The Baseline Existing Conditions adjusted to 2006 assumes a permanent reduction due to tribal gaming of approximately 32%. The ITE Daily Trip Generation Estimates for Alternatives A, B, C, D, and E assumes that the permanent reduction due to tribal gaming is eliminated for all future conditions (e.g., the numbers represent a worst case assumption for gaming).

Table 8.5-2

Trip Generation Summary including Alternative Baseline

Scenario	Daily Trip Generation	PM Peak
Existing Conditions (based on 2008 Traffic Counts)	2,846	234
Alternative Baseline Existing Conditions (adjusted to 2006)	3,849	315
Alternative A	5,853	373
Alternative B	7,870	504
Alternative C	3,501	274
Alternative D	3,948	302
Alternative E	8,468	554

Source: Fehr & Peers, 2010

Please refer to the *Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes* (Fehr & Peers, 2010) in Appendix AA of the FEIS for additional information on the methodology for calculating the alternative baseline existing condition.

As shown in Table 8.5-2, using the results of the alternative baseline conditions analysis, the Proposed Project (Alternative C) generates more traffic than the 2008 counts, but less daily traffic than the alternative baseline conditions. Alternatives C and D also generate less PM peak hour traffic than the alternative baseline existing conditions. The alternative baseline existing conditions traffic analysis supports the conclusions included in the DEIS that Alternative C would not increase vehicle trips.

Master Response 3 – Internal/External Alternative Mode Trips, Fehr & Peers Mixed Use Development Model

Comment Summary – The EIS should explain why Alternatives C and A have different internal trip capture rates. The Fehr & Peers mixed-use development trip generation model is inaccurate because it does not include interval-ownership or hotels, it fails to consider external trips by guests to recreation, retail, and services beyond the Project Area, and trips were double counted when "Alternative Mode Split" factors were applied to the total number of "raw" trips, rather than only to external trips. Trip reduction estimates based on the shuttle service are overly optimistic.

Fehr & Peers Mixed Use Development Model

Methodology

The Fehr & Peers mixed-use development model was developed using data from 239 mixed-use developments in six metropolitan regions (Boston, Atlanta, Houston, San Diego, Seattle, and Sacramento). While the data were collected in urban areas, the relationship between mixed uses can be applied to mixed-use projects in less urban areas. Hierarchical Linear Modeling (HLM) techniques were used to quantify relationships between characteristics of the mixed-use developments and the likelihood that trips generated by those mixed use developments will be made by means other than the private automobile. The mixed-use development model calculates the number of Alternative mode trips (trips made by walking, bicycling, transit, etc.) and determines the split between internal (walking between uses on the site) and external (walking, bicycling, or taking transit to a use off the site) Alternative mode trips.

The Fehr & Peers mixed-use development model considers the following variables when analyzing mixed-use developments:

- Employment
- (Population + Employment) per square mile
- Land Area
- Total Jobs / Population Diversity
- Retail Jobs / Population Diversity
- Number of intersections per square mile
- Employment within a mile
- Employment within a 30-minute trip by transit
- Average Household Size
- Vehicles Owned Per Capita

Many of these variables are examples of the "Ds", which are built environment variables that are known to influence travel behavior - density, diversity, development scale, design, and distance to transit.

Validation

A set of 16 independent mixed-use sites that were not included in the initial model was tested to help validate the model. The actual observed trip generation of the 16 test sites were compared to the trip generation estimated by the model. The model produced superior statistical performance when comparing the model results to observed data. Specifically, the trip generation estimated by the mixed-use development model better replicated the observed trip generation at the 16 test sites than trip generation estimated using the traditional ITE methods. For example, the statistical analysis comparing the observed trip generation to trip generation estimates from the traditional ITE methodology indicated an R-squared value of 0.58 (meaning the methodology explains about 58 percent of the variability in trips). The statistical analysis comparing the observed trip generation to trip generation estimates using the mixed-use model indicated an R-squared value of 0.82 (meaning the methodology explains 82 percent of the trips).

The mixed-use development model has been developed in cooperation with the US Environmental Protection Agency (EPA) and ITE. ITE is currently reviewing the model for potential inclusion in their updated recommended practice for evaluating mixed-use development

projects. It is anticipated that ITE will incorporate this methodology into the next update of the Trip Generation Handbook.

Internal Capture/Alternative Mode Reduction Methodology

The internal capture and Alternative mode reductions for the Boulder Bay project were calculated using two sources: the Fehr & Peers mixed use development model (mixed-use equations) and surveys conducted by LSC Transportation Consultants, Inc. (2007) at the existing Tahoe Biltmore.

The mixed-use equations calculate the number of Alternative mode trips and determine the split between internal (walking, bicycling, or taking transit between uses on the site) and external (walking, bicycling, or taking transit to a use off the site) Alternative mode trips. The overall Alternative mode reductions (internal and external) were applied to the "raw" trip generation of each land use included in the project Alternatives. LSC conducted surveys of the existing hotel and casino guests at the existing Tahoe Biltmore to determine Alternative mode and internal capture percentages for those existing uses. Local information was included in the trip generation analysis, where available.

The total percentage of internal capture and Alternative mode trips provided in the "Trip Generation Spreadsheets" does not exactly match the "Overall Trip Reduction Percentage" provided in the Mixed Use Development Trip Generation Model results, provided in DEIS Appendix W, because the LSC survey data was also used in the analysis, to incorporate local data for the land use interactions available at the current site.

As shown in the Trip Generation Tables in Appendix W of the DEIS, the following uses interact internally with each other for each Alternative:

Alternative A

- Casino – Hotel
- Casino – Retail/Restaurant
- Hotel – Retail/Restaurant

Alternative B

- Casino – Retail/Restaurant
- Casino – Residential
- Residential – Retail/Restaurant

Alternative C

- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

Alternative D

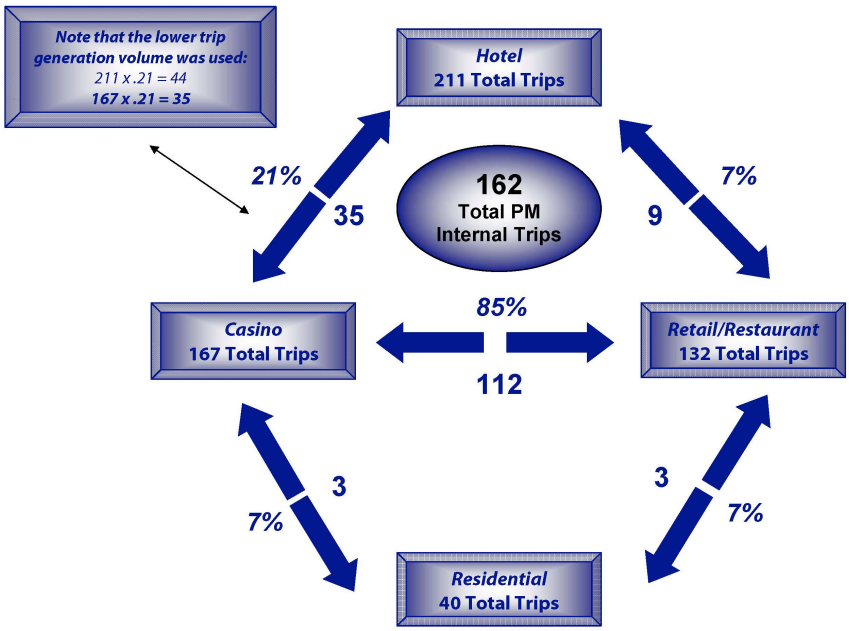
- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

Alternative E

- Casino – Hotel
- Casino – Retail/Restaurant
- Casino – Residential
- Hotel – Retail/Restaurant
- Residential – Retail/Restaurant

The number of internally captured walking trips between the project land uses was calculated by balancing the trips to correspond with the capacity of the lower trip generating use. The exhibit

below provides a visual representation of how internal walking trips were estimated for Alternative C.



Source: Fehr & Peers, 2010

Note: Numbers may differ slightly from Trip Generation Spreadsheet due to rounding.

As shown in the exhibit above, 21% of casino guests will also be staying in the hotel. To be conservative, the internalization rate between uses was always applied to the lower trip generating use. As an additional example, the retail/restaurant uses generate fewer trips than the casino, and therefore the 85% internalization was applied to the retail/restaurant trip generation number (e.g., 85% of 132 retail/restaurant trips equals 112).

Please refer to the Trip Generation Spreadsheets in Appendix W of the Boulder Bay DEIS for the internal interaction between land uses for Alternatives A, B, D, and E.

Different Internal Capture/Alternative Mode for Different Alternatives

The internal capture percentages were determined based on the type and size of each land use included in the various Alternatives. The interaction between uses changes depending on the sizes and types of the interacting uses. For example, if you have two projects, one with 100 residential units and 5,000 square feet of retail, and one with 100 residential units and 50,000 square feet of retail, the project with 50,000 square feet of retail will have a higher potential for walking trips between the retail and restaurant uses than the project with 5,000 square feet of retail. The 50,000 square feet of retail use will have more product and therefore a greater opportunity of providing the needs of the customer. The 5,000 square foot retail use does not have the capacity to provide a wide variety of products and therefore customers will have to travel outside of the project area for their shopping needs.

Alternatives A and C present two different mixes of land use type and size, and therefore result in different internal capture rates.

Regarding alternative mode trips, the DEIS assumes that the exact same percentage of guests will use alternative transportation for each land use category as summarized below.

	Alternative				
Land Use	**A**	**B**	**C**	**D**	**E**
Hotel	20%	n/a	20%	20%	20%
Residential	n/a	8%	8%	8%	9%
Casino	8%	8%	8%	8%	9%
Restaurant	8%	8%	8%	8%	9%
Retail	8%	8%	8%	8%	9%

Master Response 4 – Accessory Uses in Relation to the Traffic Analysis

Comment Summary – The 89,000 sf accessory space needs to be included for traffic and parking analyses. Accessory floor area uses are not adequately accounted for in the trip generation model because the model assumes no new trips would be generated; yet uses such as restaurants would generate trips. Address any changes to the trip generation calculations if the reserved gaming floor area is converted to CFA. Include the impacts on the trip calculations and parking if the wellness center and spa are categorized as CFA instead of as an "accessory use" to the hotel.

The TRPA Code of Ordinances provides definitions of Accessory Space and Commercial Floor Area (CFA). These definitions are unrelated to the ITE definition of "accessory space" from a traffic analysis perspective. The CFA designation is unique to TRPA and does not influence the analysis of traffic impacts. TRPA's CFA designation regulates the design and operating compliance of land uses; however the project characteristics for traffic analysis will not change if the TRPA-defined land use designations of the spa and meeting space are changed to CFA. Based on the project description in the DEIS, the hotel spa (wellness center) will include space for spa reception, guest locker rooms, back of house and circulation, exercise and fitness areas, massage and beauty treatments, relaxation, and wellness instruction. The spa and wellness services will be scheduled, operated and billed through the hotel operations. The hotel meeting accessory use will include space for a multipurpose room for banquets and dinners, dedicated boardroom, flexible meeting rooms that can be partitioned for versatile space design, back of house, circulation and pre-function space. The meeting and group events will be scheduled, operated and billed through the hotel operations. The spa and meeting space will be located within the main hotel buildings (B & C). To access the spa and meeting space, guests will have to enter the main hotel entrance located at the front of Building C. There is no separate entrance for the spa or meeting space, and guests will use the hotel parking lot, not separate or dedicated parking.

The meeting space and spa (wellness center) are included in the traffic analysis as accessory uses to the hotel, based on the ITE *Trip Generation* definition of a hotel, because of the proposed operation, and that there is no separate public entrance. The ITE definition of a hotel is: "Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops." For clarification, a service shop is any facility that provides a service, which includes uses such as salons or spas.

To understand this discussion better, it helps to understand how ITE develops its trip generation rates. Trip generation rates are based on numerous studies of the relationship between vehicle trips and land use quantities for different types of land uses. Explained very simply, ITE defines a land use type and then collects trip generation data from multiple representative properties around the country. The ITE Trip Generation Handbook suggests that evaluation of data for a minimum of three locations is necessary to establish a new trip generation estimate with sufficient statistical validity. Traffic counts are conducted over a 24-hour period at the project access points over a minimum of three days. ITE uses the traffic count data to develop a statistical regression to forecast peak trip generation rates based upon independent variables.

The independent variables used to determine trip generation estimates vary depending on the land use. Independent variables can include, but are not limited to square footage, number of gas pumps, number of dwelling units, number of rooms, etc. In the case of a hotel, ITE uses the number of rooms to calculate vehicle trips. Because the trip generation rates are based on data collected at the entrances and exits of the properties, they do not break down trips associated with each use within the hotel. Therefore the trip generation rate automatically includes the external trips associated with the hotel rooms, restaurants, meeting rooms, spa, lounges, etc. Including a separate trip generation estimate for accessory uses would double count vehicle trips under ITE's accepted methodology.

Trip generation was not calculated for gaming area or other onsite CFA that would be unused for the project and banked within the project area under the various alternatives. Based on TRPA procedures, a future proposal to use banked gaming floor area or CFA would require a new application and a separate environmental review and permitting process. An analysis of the banked gaming area and CFA would be speculative.

RESPONSES TO UNIQUE WRITTEN COMMENTS

Each unique comment is summarized below in italics text and followed by a response to the full comment in non-italicized text. Each individual comment is identified by comment letter number and assigned an alphabetical letter corresponding to the order the comment was made. Each comment summary can be cross-walked to the original comment letter in Appendix Z.

Comment Letter 19 – Weinstein, Linda, 11/12/2009

Comment 19-a: *Comment Summary – Against the traffic problem this new development will cause.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Therefore, such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation.

Comment Letter 29 - Dahlgren, Joy, 11/17/2009

Comment 29-a: *Comment Summary – Opposes project - height limits, exotic landscape limits, require preservation.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Therefore, such information can only be used by the decision maker(s) in arriving at a decision and not for improving the environmental analysis or documentation.

Comment Letter 37 – Volkmann, Wendy, 11/17/2009

Comment 37-a: *Comment Summary – The existing Mariner Settlement Agreement should be enforced. Maintain current height and densities in the existing Regional Plan.*

The Mariner Settlement Agreement is a private agreement entered into by parties to settle litigation. The Settlement Agreement can be modified by the parties to the litigation separately from and in conjunction with project review. Because the Settlement agreement is not a TRPA Regional Plan document, it is not a threshold for determining the significance of impacts.

The Regional Plan Update for the existing 1987 Regional Plan has not been completed; therefore, the existing regulations, including the Code of Ordinances, remain valid, enforceable, and applicable to currently Proposed Projects. Amendments to the Code of Ordinances may continue to occur as established in the Rules of Procedure and at the discretion of the Executive Director. Comments stating the position for or against Code amendments during the Regional Plan update process are not relevant to the content or adequacy of the environmental analysis and documentation in the DEIS, but may be used by the decision maker(s) in reaching a conclusion on the Proposed Project.

At the December 17, 2008 TRPA Governing Board meeting, the TRPA Governing Board unanimously voted "to allow CEP projects to move forward concurrently with the Regional Plan Update, as originally planned."

Comment 37-b: *Comment Summary – Traffic and parking analysis should be done with an understanding that Boulder Bay is retaining the right to use 29,000 plus sq. ft. of gaming.*

The traffic analysis was performed using the project description provided in Chapter 2 of the DEIS. If the project proponent revisits the size/type of uses on the site, it would require review by TRPA and re-evaluation of transportation impacts.

Comment Letter 40 – Delaney, Tim, 11/18/09

Comment 40-a: *Comment Summary - Opposes project until a regional plan is prepared; does not believe traffic will decrease with project.*

Please see response to comment 37-a.

As discussed in **Master Response 2**, Alternative C results in fewer trips than Alternative A existing conditions and the baseline existing conditions shown on Table 8.5-2. This table indicates an increase in daily trip generation and PM peak traffic volumes when the proposed Action Alternatives are compared to existing conditions based on the 2008 traffic counts. However, as discussed in Master Response 2, comparison between the trip generation during 2008 and the ITE trip generation rates is not valid because it represents different economic conditions assumptions. Furthermore, the TRPA standard of impact significance is based on a comparison to traffic volumes calculated for the land uses included in the No Project Alternative, not on existing traffic counts.

Comment Letter 46 – Delaney, Tim, 11/19/09

Comment 46-a: *Comment Summary - Opposes project until a regional plan is prepared.*

Please see response to comment 37-a.

Comment Letter 54 - Todoroff, Pete, 11/30/09

Comment 54: *Comment Summary - Asked questions about money.*

Providing details regarding project funding is outside the required scope of the DEIS and environmental documentation and analysis. The addition of financial data does not improve the environmental analysis in the DEIS; however, decision maker(s) may use financial information to arrive at a decision. Funding and financial information may be requested by the Agency separate from the DEIS for decision-making purposes. The project proponent has indicated full funding for the Project will be secured prior to construction to ensure completion.

Comment Letter 62 – Trimble, Tom, 12/01/2009

Comment 62-a: *Comment Summary - Traffic light between Biltmore and Crystal Bay Club needs to be much more controlled. Favors tunnel under street with an elevator at both ends.*

Pedestrians currently have a protected crossing on SR 28 at the pedestrian traffic signal and would continue to have a protected crossing with the Project. Please see response to comment 93-s regarding potential cumulative impacts at this crossing location. Even with construction of a tunnel, it is likely that pedestrians would continue to cross SR 28 at the street level because pedestrians typically follow the path with the shortest distance and travel time. A grade separated crossing would not reduce travel distance or time.

Comment Letter 63 – Trimble, Thomas, 12/01/2009

Comment 63-a *Comment Summary: Identify parking spots. How many available for residents, and how many public parking spots there are?*

Alternatives A and B will not change the existing parking supply or locations. The existing surface parking in the overflow parking lot on the lakeside of SR 28 will not change under any of the Alternatives and will continue to be used for employee parking. The Alternatives with residential uses will include a minimum of one reserved parking space per residential condominium. The remaining parking spaces will be open to the public for use by hotel guests and visitors to the site.

The number of parking spaces documented in the DEIS are new parking spaces on the mountain-side of SR28 and are necessary for new land uses in the project area. The Proposed Project (Alternative C) will include 63 parking spaces reserved for residents. The remaining parking spaces will be flexible and public. Valet parking will be available for the hotel, however the number of spaces designated for valet will be flexible and adjusted based on peak demand for public parking. The Proposed Project will include a total of 540 parking spaces (530 in underground structures). Alternative D will include a total of 575 parking spaces (565 in underground structures), with 30 parking spaces reserved for residents, and the remainder open to the public. Alternative E will include a total of 456 parking surface and pedestal (structured) spaces, with 33 parking spaces reserved for residents, and the remainder open to the public.

It should be noted that the existing overflow parking lot located on the south side of SR 28 near the Nugget Casino will remain with the project. The overflow parking lot has 55 spaces available. The spaces have no restrictions and are currently available to Tahoe Biltmore employees, and employees and patrons of other area businesses.

These parking spaces are not included in the parking space counts listed above for the Alternatives, but will continue to be open for public use.

Comment 63-b: *Comment Summary - Redo of traffic study - decline in traffic hard to believe.*

Alternative C results in fewer trips than Alternative A existing conditions and the baseline existing conditions shown on Table 8.5-2. **Master Response 2** provides an alternative baseline analysis, that utilizes existing conditions, adjusted to 2006 economic conditions as the baseline. This analysis indicates Alternative C decreases traffic.

Comment Letter 79 – Gergans, Nicole, League to Save Lake Tahoe, 12/9/2009

Comment 79-a: *Comment Summary – Does not believe VMT will decrease with Project.*

Alternative C results in fewer trips than Alternative A existing conditions and the baseline existing conditions shown on Table 8.5-2. **Master Response 2** provides information related to an Alternative existing baseline analysis. A reduction in vehicle trips corresponds to a reduction in VMT.

Comment 79-b: *Comment Summary – Existing VMTs based on potential full capacity uses, instead of actual existing VMTs, leads erroneous conclusions about Project VMTs.*

Please see response to comment 79-a.

Comment 79-c: *Comment Summary - Trip generation rate assumptions may be flawed because they were not based on data from the Biltmore or other casinos in Nevada, but instead on rates from casinos in Illinois, Iowa, and California.*

The information available for casino trip generation is limited and varied among sources. Several sources of casino trip generation were evaluated, including information on Nevada casinos, to determine the most appropriate and similar casino uses to the Proposed Project and Alternatives. The following sources contain Nevada casino trip generation information:

- Trip Generation Rates for Las Vegas Area Hotel-Casinos, Ackeret, Hosea, ITE Journal, May 1992.
- Recalibration of Trip Generation Model for Las Vegas Casinos, Rowe, Kaseko, Ackeret, ITE Journal, May 2002.
- Hotel/Casino Trip Generation Study, Reno, Nevada, Barton-Aschman Associates, Inc., 1985.

The casinos surveyed for these studies have different characteristics than the Proposed Project and Alternatives. The surveyed casinos in the Nevada studies above are larger in size, with an average of over 2,000 gaming positions, and an average number of employees over 1,600. In addition, these casinos are located in downtown settings and have trip characteristics that are different than the Proposed Project and Alternatives. It is likely that the overall trip generation estimate would have been lower if the Las Vegas Casino trip generation rate was applied to the Boulder Bay. The trip generation rates developed for the Las Vegas casinos studied are lower than a facility such as Boulder Bay because most Las Vegas casino guests park once at the casino and use other transportation to get around (e.g., take transit or walk to other casinos) and the Las Vegas casinos are larger with more amenities and can better keep guests on-site (e.g., there is also less draw to other recreation opportunities).

The trip generation characteristics at the existing Tahoe Biltmore are also not considered to be representative of a new casino development envisioned in the Boulder Bay Project. The casino trip generation rate used in the DEIS was developed using information from casino sites that are representative in size and character to the Proposed Project and Alternatives. There is not surveyed trip generation data available for every casino use. The selected survey sites used to develop trip generation rates have a gaming floor area of 85,000 square feet or less. It is common for traffic engineers/planners to use data based on national surveys to develop trip generation estimates. For example, the ITE Trip Generation Manual is a compilation of national trip generation surveys for a variety of land uses and is typically used to develop trip generation estimates for projects.

Comment 79-d: *Comment Summary - The Fehr & Peers mixed-use development trip generation model may be inaccurate because it does not include interval-ownership or hotels.*

The Fehr & Peers mixed-use development trip generation model provides a methodology for estimating the reduction in personal vehicle trips for mixed use sites that include retail, residential, office, and other uses. The ownership uses included as part of the Proposed Project and Alternatives will function as residential uses. The visitors staying in these units will have trip making characteristics to retail, recreation, and services similar to that of a resident living in a condo or apartment that is part of a mixed use site.

The Fehr & Peers mixed-use development trip generation model does provide an input and information for hotel uses. **Master Response 3** provides additional detail on the Fehr & Peers mixed-use development trip generation model.

Comment 79-e: *Comment Summary - It is not clear if the trip generation model considers new trips into the area for users attracted to project amenities.*

External Project traffic estimates (vehicle trips in/out of the project area) include trips to the Project that are attracted to the onsite Project amenities and trips from the proposed hotel/residential uses on the project area to other destinations (such as recreation, shopping, etc.).

Comment 79-f: *Comment Summary - The transportation study needs to be valid for the air quality impacts to be understood.*

Master Response 2 provides information related to baseline transportation conditions. Professional transportation engineers/planners prepared the transportation study in accordance with national standards and practices.

Comment 79-g: *Comment Summary - The EIS does not quantify the reduction in average annual fine sediment load.*

Master Response 1 summarizes the results and conclusions from the supplemental water quality analysis that was completed in response to public comments concerning quantification of surface water quality benefits. The supplemental analysis, titled *Surface Water Quality - Quantification of Design Benefits for the Boulder Bay Community Enhancement (CEP) Project Stormwater Treatment System*, is added as Appendix AB of the FEIS.

Comment 79-h: *Comment Summary - Questions reliability of TSS loading estimates. App. P states, "Loading estimates to be used with caution. Flows are grossly estimated."*

The TSS loads calculated from the results of the pre-project monitoring program were presented in the DEIS as estimates for existing conditions. The DEIS further explains that the calculation method employed should be used with caution because of the small sample size, as is appropriate with preliminary data. The supplemental analysis using the calibrated LSPC coefficients predicts load reductions for total sediment and fine sediment. The results of the supplemental analysis (Appendix AB) further support the level of impact conclusions for HYDRO-1 of less than significant. The JBR event grab sampling data for 2008-2009 was found to be consistent with the DRI data.

Using the DRI data for the Tahoe Biltmore site in the supplemental analysis, regressions between event sediment loads (kg) and nutrient loads (g) enabled computation of nutrient loads per runoff event. Nine data points were available for each regression and each data point represents the cumulative nutrient mass from multiple samples collected during the runoff hydrograph such that a total mass per event could be determined. The available data is adequate to develop a robust correlation.

Comment 79-i: *Comment Summary - The impact needs to distinguish between TSS and fine sediment load to understand impacts to lake clarity*.

Comment noted. Please see Appendix AB of the FEIS, **Master Response 1**, and responses to comments 79-g and 79-h.

Comment Letter 83 – Henrioulle, Ann Marie, 12/10/2009

Comment 83-a: *Comment Summary - Proponent of electric rail*.

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 93 – North Tahoe Preservation Alliance, 12/12/2009

Comment 93-a: *Comment Summary - LU-1: Alternative C is inconsistent with: Mariner Settlement Agreement, NSCP height maximums (requiring change to NSCP and community plan), NSCP maximum new CFA, NSCP density maximums (Chapter 21), sidewalk requirements, NSCP requirements for family destination resort, and buffering of adjacent uses.*

Please see response to comment 37-a.

The EIS analyzed the potential impacts of amending Code Chapter 22 for additional height and concluded that the proposed amendment would not result in significant impacts. No other amendments are required for the Boulder Bay Project. As such, Alternative C is consistent with the Regional Plan, as potentially amended.

The NSCP does not currently contain any Design Standards or Design Guidelines for building height. According to the NSCP, the TRPA Code of Ordinances governs any issues which are not addressed in the community plan. It has been confirmed with Washoe County Community Development and Placer County Executive Office that neither County believes that an amendment to the NSCP is required. Both counties concur that an amendment to Chapter 22 is all that is required.

None of the Alternatives exceed the NSCP density maximums or increase the amount of CFA in the NSCP. As documented in DEIS Table 3.2-2, Alternatives C & D meet the NSCP goals and objectives for sidewalk amenities, buffering and implementation of family oriented destination resort amenities.

Comment 93-b: *Comment Summary - LU-2: Alternative C expands/intensifies non-conforming height and massing, height amendments affect Crystal Bay Motel site, multi-family special use is proposed, and development on Mariner is intensified from 3SFR to part of 2 hotels and 24 MFU.*

Approval of the proposed height amendment would eliminate conflicts with existing height limits. The analysis contained in the EIS concludes that additional height would not result in significant impacts for Alternative C. The land located on the lakeside of SR 28, including the Crystal Bay Motel, is not included in the proposed height amendment (see Appendix AC for a revised Chapter 22 height amendment that clarifies the applicable boundary for the additional height limits). Allowing multi-family housing as a special use would not constitute a non-confirming land use because it is an allowed use in the NSCP if required findings can be made as documented in Impact LU-1. Please see response to comment 37-a regarding the Mariner Settlement Agreement.

The stated objective of the TRPA Community Design Goal #2, Policy 1.B is to ensure attractive and compatible development.

1. Building height shall be limited to two stories except that provisions for additional height requirements shall be provided for unique situations such as lighting towers, ski towers, steep sites, redevelopment projects and tourist accommodation facilities.
2. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
3. Buffer requirements shall be established for noise, snow removal, aesthetic, and environmental purposes.
4. The scale of structures should be consistent with surrounding uses.
5. Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

Consistent with this goal, the design of the proposed Boulder Bay project would allow the following objectives to be achieved:

1. The proposed redevelopment would reduce the total site coverage by 15%.
2. Improve the Scenic Travel Route Rating by 1.5 points.
3. Protecting views of the project area from Lake Tahoe
4. Increase setback and buffers of the buildings by 4x from SR 28 and by +12x for the tallest buildings. Buffer along Stateline Road is increased from less than 5 ft today to over 20 ft for the proposed project.
5. Locate the buildings in a stair stepped fashion so that lower buildings are in front of taller buildings, thus reducing the visibility of tall structures from SR 28 and the pedestrian areas.
6. Building heights are limited to less than two-thirds of the existing tree canopy.
7. Provide for “old Tahoe” architectural design of the buildings types and heights, which in turn improves scenic quality and design interest.

8. Scale of structures is consistent with nearby uses within the NSCP that include the current 76-foot-tall Biltmore (to be demolished) and the 122-foot-tall Cal Neva (located 825 ft from the Biltmore). The seven-story Brockway Springs condominium tower (+90 ft tall) is located 2,700 ft from the Biltmore and on the shores of Lake Tahoe. The seven-story Crystal Bay Tower condominiums (+80 ft tall) is located 6,400 ft from the property and on the shores of Lake Tahoe.

Comment 93-c: *Comment Summary - LU-C1: Alt. C results in significant cumulative impacts 1) including Crystal Bay Motel site allows applications of increase in heights and density, 2) Gaming floor area can expand to Crystal Bay Motel site, and 3) New mariner settlement agreement calculates density using entire site not just acres within the NSCP.*

As stated in response to comment 93-b, the Crystal Bay Motel site will not allow additional height under the proposed Code Chapter 22 amendment. In order for gaming floor area to be expanded over the 10,000 square feet proposed in Alternative C, Boulder Bay or another future applicant would have to apply to TRPA and the Nevada TRPA (NTRPA) for a new permit, which would require additional environmental analysis. The current agreement with the NTRPA only allows gaming floor area to be moved a maximum distance of 500 feet from the location of the existing Structure Housing Gaming as measured by the shortest distance between any external wall of the existing Structure Housing Gaming and any external wall of the relocated Structure Housing Gaming. Density calculations included in Impact LU-1 do not include acreage located outside of the North Stateline Community Plan for determining allowable density.

Comment 93-d: *Comment Summary - GEO-1: Alt. C Only 15,000 sf of onsite coverage removed (Stateline mini-park coverage). Crystal Bay Motel coverage removed in this plan, but site isn't deed restricted for further development and developer retains right to redevelop site.*

Table 4.2-5 identifies the onsite land coverage to be removed under each Alternative in the column titled "Land Coverage Reductions in Project Area". Alternative C removes 43,841 square feet while Alternative D removes 22,009 square feet. The total coverage removed within the NSCP is 68,317 square feet for Alternative C and 41,974 square feet for Alternative D. The comment regarding 15,000 square feet of onsite land coverage to be removed (Stateline mini-park coverage) is unclear. The comment that the Crystal Bay Motel land coverage will not be deed restricted and that Boulder Bay retains the right to develop is correct. However, land coverage removed as part of the TRPA excess coverage mitigation program described in Mitigation Measure GEO-1 will be permanently retired under an irrevocable commitment that is a condition of Project permitting. Land coverage reductions on the Crystal Bay Motel parcel are accounted for in the total land coverage reductions for the project area. Given that the parcel has land coverage in excess of TRPA allowable base coverage, future projects on this parcel would be required to transfer land coverage in accordance with findings included in TRPA Code Section 20.3.C.

Comment 93-e: *Comment Summary - HYDRO-1: Alt. C - Since Stateline mini-park requires Placer County permit for the retention basin, CEQA should apply to the project.*

The inclusion of the Stateline mini-park parcel or the proposed public-private Water Quality project is not required to achieve TRPA requirements for the Boulder Bay project onsite stormwater capture, commonly referred to as the 20yr BMP.

Downhill of the Boulder Bay project site Placer County is proposing to implement the Brockway Water Quality Improvement Project ("Brockway WQIP") to capture and treat stormwater runoff from the Brockway residential area on the north shore of Lake Tahoe in an effort to meet its storm water compliance standards affiliated with TRPA Waste Discharge Requirements and Placer County's National Pollutant Discharge Elimination System Permit issued by the Lahontan Regional Water Quality Control Board (Lahontan). The Brockway WQIP project is a TRPA EIP-identified project designed to improve water quality along State Route 28 in the north Stateline area of the Tahoe Basin and includes the Stateline Interstate Flow Mitigation system WQIP (SIFMS) and the Placer County Brockway WQIP. The full project, including the SIFMS and the Brockway WQIP, is also referred to as EIP Project No. 732.

The installation of the SIFMS by Boulder Bay on the California parcel is part of a public private partnership with Placer County, CALTRANS, NDOT, USFS and the California Tahoe Conservancy to complete TRPA Environmental Improvement Project 732 (EIP 732). Placer County is the project lead and prepared a CEQA review for the California parcel as part of the Brockway Erosion Control Project (EIP 732). The project was approved under a Mitigated Negative Declaration prepared for the project by Placer County Department of Public Works on August 6, 2007 pursuant to CEQA.

EIP 732 addresses the long-standing issue of flooding related to the uncontrolled flow of storm water through the Brockway community during large storm events. The EIP involvement is separate from the standard regulatory BMP requirements and is an above and beyond investment in environmental improvement.

Comment 93-f: *Comment Summary - BIO-6: Alt. C Trees in total project number 368, 225 are to be removed = 61%.*

As documented in Table 4.4-6 of the DEIS, 109 of the 225 trees proposed to be removed are based on arborist recommendations associated with tree health. The project area does not provide habitat for sensitive wildlife species. As such, the removal of existing trees is not considered to be a significant impact. The TRPA required findings for the removal of trees larger than 24 inches dbh is addressed in Impact BIO-6. The analysis and findings completed for the DEIS regarding biological resources was consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances.

Comment 93-g: *Comment Summary - SR-1: Alt. C is inconsistent with allowed NSCP height maximum. A massing study was requested but not supplied during NOP.*

Community plans do not provide substitute standards for height as they do for some other areas of the TRPA Code of Ordinances. A Community Plan does not override height standards provided in TRPA Code Chapter 22. Massing studies allow the designer to explore design ideas by using shapes to conceptualize a building model. For the Boulder Bay Project, the use of detailed scenic simulations from TRPA-selected viewpoints served as the massing study/visual assessment of the proposed development changes. The analysis and findings completed for the DEIS regarding

scenic impact and visual simulations was consistent with and in compliance, procedurally and substantively with the TRPA Code of Ordinances.

Comment 93-h: *Comment Summary – SR-2: Alt. C. 2001 TRPA letter discusses concerns with scenic impacts of 3 SFR, so portions of 2 hotels and 24 units on Mariner site will be significant.*

As documented in DEIS Figures 2-4 (Alternative C site plan) and 2-11 (Alternative E site plan that includes the three single-family homes), the three single-family homes contemplated in the Tahoe Mariner Settlement Agreement are located in a different location than the structures proposed for Alternative C. The three single-family homes allowed for in the Tahoe Mariner Settlement Agreement would be located in an area with no natural tree screening and would be visible from Lake Tahoe. The proposed structures for Alternative C are located behind natural tree screening and are closer to the current Tahoe Biltmore. The visual simulations and scenic analysis have confirmed the Alternative C proposed structures are not visible from Lake Tahoe.

Comment 93-i: *Comment Summary - SR-3: Alt. C. Undergrounding utilities should not be applied as a benefit of the project. The project scale is not human-sized, with a 76 ft. structure and 10 buildings at 4x the sf from 45 to 75 feet high.*

Boulder Bay agreed to pay for the removal of above ground utilities in the project area at the time of application for the CEP. Their proposal to underground existing utilities is consistent with TRPA EIP project number 970. This EIP project is a direct benefit of the Project even though the work has already been completed with funding from Boulder Bay, LLC. Human scale design isn't related simply to the height of the proposed buildings, but the portion of the building design located at the ground level. Boulder Bay building design includes active uses on the ground floor that are consistent with human-scale design.

Comment 93-j: *Comment Summary - SR-C1: Alt. C. Significant new massing occurs and no massing study was performed, plus new height will be applicable to Crystal Bay Motel site.*

Please see response to comment 93-g.

Comment 93-k: *Comment Summary - REC-1: Alt. C. New population will result in the degradation of Speedboat beach. The 1800-2000 population will stress all beaches and project has no beach access.*

REC-1 recognizes that the Project has substantial ability to impact local beaches in the vicinity of the Project. It is unclear where the 1,800 to 2,000-person population increase numbers are derived from, as these are not the population numbers calculated and used in the DEIS (see Chapter 4.11). It is important to note that the management strategy for the NSCP is redirection. Per TRPA Code of Ordinances, Chapter 13, "the redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses." This means that commodities may be used in better locations than they came from to promote the overall health of the basin. While the goal of redirection is not to overburden existing recreational facilities, visitor numbers may increase on nearby public lands (e.g., area beaches) from redevelopment projects. Mitigation REC-1 states that shuttle service will not be provided to Speedboat Beach by Boulder Bay for guests.

Please see response to comment 171-d for revisions to Mitigation Measure REC-1 that will further improve Boulder Bay coordination with area recreational providers.

Comment 93-l: *Comment Summary - REC-2: Alt. C. Kings Beach and Speedboat beach impacted by new population. IVGID beaches may be impacted if current beach access litigation settles in favor of Crystal Bay residents.*

Impacts to area beaches are analyzed in REC-1. IVGID beaches are only accessible to residents of Incline Village and guests of those residents. If access litigation settles in favor of Crystal Bay residents, access would still be limited to residents and not Crystal Bay or Incline Village visitors. Only people residing at the Boulder Bay resort (residents of affordable housing units, single-family residences, or possibly whole ownership units, as varies by Alternative) would be able to access IVGID beaches. These population numbers are not significant as discussed in the DEIS (Chapter 4.11).

Comment 93-m: *Comment Summary - CUL-1: Alt. C removes existing architecture and sign losing "Old Tahoe" identity.*

Please see response to comment 322-ad.

Comment 93-n: *Comment Summary - TRANS-1 and TRANS-2: Alt. C. 4x existing buildout increases traffic. Existing =1835 daily trips and Alt. C = 7963.*

See **Master Response 2** related to baseline transportation conditions and a comparison with Alternative C.

Comment 93-o: *Comment Summary - TRANS-4: Alt. C will cause further congestion on existing transportation system and pedestrian facilities.*

See **Master Response 2** related to baseline transportation conditions and a comparison with Alternative C.,

Comment 93-p: *Comment Summary - TRANS-7: Alt. C - 130,000+ cf of material will need to be removed from site. An onsite concrete batch plant may need to be installed.*

The project description states that excavated material will be removed from the project site and that imported material will come from offsite locations. There is no plan to include a concrete batch plant onsite during construction.

Comment 93-q: *Comment Summary - TRANS-8: Alt. C new street circulation inconsistent with and is revision to scheme approved by Washoe County Commissioners in 2009. Concern over evacuation routes for upper Crystal Bay. Residents and pedestrians are forced into conflict with existing roadways, cars, underground garages.*

The North Lake Tahoe Fire Protection Department has submitted a letter to Washoe County based on their review of the Proposed Project stating that:

1. The proposed roadway alignments, widths and grades shown for both public and private drives meets the Fire District's requirements for access and emergency response for the future Boulder Bay project site.
2. Parking will not be allowed by the District's adopted Fire Code along either side of the 20-ft wide access driveway connecting Wassou Rd. and State Route 28.
3. The abandonment and proposed roadway realignment improves emergency vehicle access to the neighborhood north of the proposed Boulder Bay site.

The proposed Alternative C street circulation is consistent with the Action Order granted by the Washoe County Planning Commission in 2009 that allows:

> To abandon the streets, access easements and County right-of-way of the southernmost 1,060 linear feet of Wassou Road, the southernmost 113 linear feet of Lakeview Avenue, and all 418 linear feet of Reservoir Drive as authorized in Article 806 of the Washoe County Development Code. The applicant proposes to create a new street alignment connecting Lakeview Avenue to Stateline Road and connecting the southern end of Wassou Road to Lakeview Avenue. An additional private drive with a public access easement will connect Wassou Road to State Highway 28.

The proposed roadway realignment and new circulation improves the existing roadway delineation to upper Crystal Bay. Currently, to access upper Crystal Bay from the SR 28/Stateline Road intersection, vehicles must travel on Wassou Road through the Biltmore site. Wassou Road through the Biltmore Site is a parking aisle with vehicles entering and exiting parking spaces on Wassou Road. Stateline Road dead-ends into the Biltmore site, and Lakeview Avenue does not connect to Stateline Road. Reservoir Road provides access north of the Biltmore site between SR 28, Wassou Road, and Lakeview Avenue.

The proposed roadway alignment connects Lakeview Avenue and Wassou Road to Stateline Road providing improved access to/from the SR 28/Stateline Road intersection. Reservoir Road is replaced with Wellness Way, which provides access to SR 28 from Wassou Road and Lakeview Avenue in a similar location that Reservoir Road intersects SR 28. Proposed Wellness Way is a longer roadway than existing Reservoir Road. Table 8.5-3 displays the approximate distances and travel times to SR 28 via Reservoir Road and the proposed Wellness Way.

Table 8.5-3

Distance and Travel Time to SR 28 Via Reservoir Road and Wellness Way

Distance/Travel Time Via	Reservoir Road	Wellness Way
Approximate Distance to SR 28 from Lakeview Avenue	430 feet	650 feet
Approximate Travel Time to SR 28 from Lakeview Avenue [1]	20 seconds	30 seconds
Approximate Distance to SR 28 from Wassou Road	240 feet	400 feet
Approximate Travel Time to SR 28 from Wassou Road [1]	11 seconds	18 seconds

Source: Fehr & Peers, 2010

Notes: [1] Travel time assumes a speed of 15 miles per hour.

As shown, the longer distance to SR 28 via Wellness Way results in an increased travel time of 10 seconds from Lakeview Avenue and 7 seconds from Wassou Road. The new roadways will not result in a substantial travel time increase, will have improved delineation as roadways, and will not have parking impeding travel as is the case with Wassou Road within the Biltmore site.

Comment 93-r: *Comment Summary - TRANS-9: Alt C - residents of upper Crystal Bay and pedestrians are forced into conflict with existing roadways, cars, and underground parking garages.*

Please see response to comment 93-q. The Proposed Project has improved pedestrian circulation and facilities as compared to the existing site conditions. Alternatives C and D increase the amount of pedestrian walkways from less than 900 linear feet for the existing condition to over 5,100 linear feet. Currently, pedestrians walking through the site, walk through surface parking lots, which have numerous conflict points as vehicles are entering and exiting parking stalls. The Proposed Project has sidewalks proposed on Boulder Way and SR 28 (adjacent to the project area), as well as a pedestrian plaza that runs north-south through the site.

Pedestrian traffic on Stateline Road, Wassou Road, and Lakeview Avenue will be limited to residents of upper Crystal Bay (approximately 7 homes within ¼ mile of the Proposed Project). Sidewalks do not currently exist on Stateline Road, Wassou Road, and Lakeview Avenue. There are no Project driveways on Lakeview Avenue or Wassou Road or direct access to the project area from SR 28 via Lakeview Avenue or Wassou Road; therefore, traffic volumes will be associated with residents of upper Crystal Bay. Given the low traffic volumes and low pedestrian traffic on Lakeview Avenue and Wassou Road, sidewalks are not warranted. Pedestrians on Stateline Road that are destined for the Project can enter the project area and utilize the pedestrian facilities that are internal to the site.

Comment 93-s: *Comment Summary - TRANS-C1: Alt. C - Stateline Rd/SR 28 intersection significantly impacted by new casino and project in general. LOS will diminish and queuing will result.*

The DEIS provides the following mitigation recommendation (TRANS-C1) to improve operations at the SR 28/Stateline Road intersection under Cumulative plus Alternative C conditions:

Add a traffic signal to the SR 28/Stateline Road intersection, remove the existing pedestrian signal and move the pedestrian crossing to the SR 28/Stateline Road intersection.

This mitigation, if necessary based on intersection warrants for future cumulative conditions, will result in an improved level of service at the SR 28/Stateline Road intersection of LOS B. Consequently, the operations at the adjacent Stateline Road/Cove Street intersection will improve to LOS A.

Comment 93-t: *Comment Summary - AIR-2: Alt. C increased VMTs will cause increased air pollutant emissions.*

Alternative C results in fewer trips/VMT than Alternative A existing conditions and the baseline existing conditions shown on Table 8.5-2. **Master Response 2** provides information related to an Alternative existing baseline analysis.

Comment 93-u: *Comment Summary - AIR-C1: Where is the compliance analysis regarding Section 91/5, Section A heat exhaust, boilers, roadway snowmelt, etc.?*

TRPA Code of Ordinances Chapter 91.5 refers to stationary source emissions, which were analyzed using Urbemis 2007 computer software. Urbemis accounts for stationary source emissions from the usage of natural gas, wood stoves, fireplaces, landscape maintenance equipment, and other consumer products as well as mobile-source emissions associated with vehicle trips. Wood stoves and fireplaces will not

be installed as part of the Project; therefore, they were not included in the analysis of stationary source emissions. Project related stationary source emissions will comply with the TRPA Code of Ordinances Chapter 91.3 for Combustion Appliances, including natural gas fired water heaters and central furnaces). The overall emissions summary (results from Urbemis) for both stationary and mobile emissions sources is provided in Tables 4.9-8 and 4.9-9 of the DEIS. Roadway snowmelt systems require a boiler to operate. The addition of additional boiler capacity for operation of the roadway snowmelt system would not substantially change the conclusions of the Urbemis analysis for Alternatives C and D since the majority of the emissions are generated by vehicle trips, which decline under these Alternatives. It should also be noted that the operation of the snowmelt system replaces other traditional means for snow removal, including snow plows, deicers, etc. As shown in the Chapter 4.9 Tables, Alternative C would not exceed any of the emission standards of the TRPA. However Boulder Bay has commissioned an analysis for the snowmelt system which will be available for review by decision makers during the project hearings.

Comment 93-v: *Comment Summary - NOISE-1: Alt. C - where is the analysis?*

The analysis is contained within Tables 4.10-8 and 4.10-9. The Federal Highway Administration (FHWA RD77-108) traffic noise prediction model was used to evaluate the Alternative C traffic noise impacts. Direct inputs to the model were based upon traffic volumes provided by the project traffic consultant. Mitigation measures are based upon research conducted for Alternative Pavements.

Comment 93-w: *Comment Summary - NOISE-3: Alt. C - where is the analysis?*

The construction noise control program prepared for Boulder Bay by SMC Contracting, Inc. (see Chapter 2.5) proposes construction activities outside of the exempt hours of operation contained within the TRPA noise ordinance. Construction noise levels outside of the exempt hours that exceed Plan Area CNEL standards will result in significant noise impacts.

During the construction phases of the Project, noise from construction activities will add to the noise environment in the immediate project vicinity. Activities involved in construction will generate maximum noise levels, as indicated in Table 4.10-16, ranging from 76 to 95 dB at distances of 50 to 100 feet. Construction activities will be temporary in nature and are anticipated to occur during normal daytime working hours.

Noise will also be generated during the construction phase by increased truck traffic on area roadways. A significant project-generated noise source will be truck traffic associated with transport of heavy materials and equipment to and from construction sites. This noise increase will be of short duration, and will likely occur primarily during daytime hours. Based on predicted construction related noise levels, this impact is considered to be significant.

Mitigation is based upon restricting the hours of operation within the TRPA noise ordinance hours of operation, unless the TRPA finds that some construction activities, such as concrete pours can occur between 6:30 p.m. and 8:00 a.m. qualifies as “emergency work” to minimize traffic impacts. In addition, shielding of equipment and appointing a noise complaint coordinator on the site were included to minimize the noise levels.

Comment 93-x: *Comment Summary - NOISE-C1: Where is the analysis? Five years of construction is more than temporary noise.*

The analysis of cumulative noise focused on the increase in traffic and resulting traffic noise levels. Once again, the Federal Highway Administration (FHWA RD77-108) traffic noise prediction model was used to evaluate the cumulative traffic noise impacts. Direct inputs to the model were based upon traffic volumes provided by the project traffic consultant. Mitigation measures are based upon research conducted for Alternative Pavements.

TRPA approved construction activities are considered exempt from the Chapter 24 Noise Ordinance, provided that they are restricted to the hours of 8:00 a.m. to 6:30 p.m. Because construction noise would not occur permanently as part of Boulder Bay operations, it was not included in the cumulative analysis of traffic and operational noise sources.

The construction noise control program prepared for Boulder Bay by SMC Contracting, Inc. (see Chapter 2.5) proposes construction activities outside of the exempt hours of operation contained within the TRPA noise ordinance. Construction noise levels outside of the exempt hours that exceed Plan Area CNEL standards will result in significant noise impacts.

Mitigation is proposed that would restrict the hours of operation within the TRPA noise ordinance hours of operation, unless the TRPA finds that some construction activities, such as concrete pours, can occur between 6:30 p.m. and 8:00 a.m. because they qualify as "emergency work" to minimize traffic impacts. In addition, shielding of equipment and appointing a noise complaint coordinator on the site were included to minimize the noise levels.

Comment 93-y: *Comment Summary - SPH-3 and SPH-C1: Alt. C population could double or triple. Applicant won't supply more population figures other than Alternative D, which is 2448. Crystal Bay/Brockway contains approx. 350 homes.*

Chapter 4.11 provides population numbers for each Alternative. These numbers include the number of employees per Alternative, the number of guest units per Alternative, and the number of onsite residents per Alternative (worst-case). Guests and most employees are not permanent residents onsite. As stated under SPH-3 on page 4.11-13, the full time resident population of the whole-ownership units may increase by up to 149 persons under Alternative C (59 units), 53 persons under Alternative D (21 units), and 83 persons under Alternative E (33 units). This would be a worst-case scenario as most whole-ownership units would be sold to second homeowners, who are not permanent residents. In addition to the multi-family units, affordable housing units are proposed under Alternatives C (14 units) and D (9 units), adding up to 57 and 41 permanent residents, respectively. Therefore, permanent resident populations could increase by 206 persons for Alternative C and 94 persons for Alternative D. Population growth under Alternative E would not exceed 83 persons.

Comment Letter 100 – Siegel, Daniel L., State of California Department of Justice, 12/15/2009

Comment 100-a: *Comment Summary- Actual observed existing traffic levels should be used (1,835 trips), not theoretical "full capacity and operating conditions" (5,581 trips) as the baseline for existing conditions for comparing project-related traffic impacts.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 100-b: *Comment Summary - The observed existing traffic levels baseline of 1,835 trips may be too high based on evidence of decreasing use of the Biltmore and neighboring casinos, perhaps due to competition from Indian gaming.*

Table 8.5-4 provides a North Lake Tahoe Market Analysis from 1998 to 2008.

Table 8.5-4

North Lake Tahoe (NLT) Market Analysis 1999-2008

Year	Notes	Operating Indicators				
		NLT Gaming Win (1999 $)	NLT Gaming YOY% (1999 $)	NLT Gaming Revenue Index (1999 $)	Biltmore Revenue YOY% (1999 $)	Biltmore Revenue Index (1999 $)
1998		38,873,461	7%	87%		
1999	**Cache Creek Casino adds slot machines and table games**	41,859,000	8%	100%		**100%**
2000	20 year peak in NLT gaming	42,034,243	0%	100%	4%	104%
2001		38,982,875	-7%	93%	-4%	100%
2002	Crystal Bay Club (CBC) files for bankruptcy (BK) in May 20 year peak in Biltmore revenues due to CBC BK	35,590,235	-9%	85%	10%	110%
2003	Crystal Bay Club opens under new ownership in July	33,195,886	-7%	79%	-8%	101%
2004	**Cache Creek opens $200 million resort with 2,400 slot machines and 150 table games** **Thunder Valley Casino opens June 9th**	36,853,852	11%	88%	-9%	**92%**
2005		36,506,011	-1%	87%	-10%	83%
2006		35,001,809	-4%	84%	-11%	75%
2007		33,977,282	-3%	81%	-10%	67%
2008	Red Hawk Casino opens December CalNeva receives Notice of Default	26,370,109	-22%	63%	-20%	54%

Source: Boulder Bay Resort, 2010

As shown in the table, Indian gaming began providing competition to Tahoe gaming in 1999 when Cache Creek Casino added slot machines and table games. The Tahoe Biltmore continued to operate at optimum conditions through 2003. In 2003, Cache Creek Casino expanded and Thunder Valley Casino opened. The Biltmore was operating at 92% of optimum conditions. The information in the table suggests that the operating conditions at the Tahoe Biltmore are not directly related to the operation of Indian casinos.

Based upon an evaluation of inflation adjusted Nevada Gaming Control Board (NGCB) reported annual revenues for the North Lake Tahoe (NLT) Market, the peak revenue year was 2000. This is consistent with NDOT and CALTRANS Average Annual Daily Trip (AADT) reports that show peak traffic volumes for the SR 28 corridor between 2000 and 2002.

This analysis in Table 8.5-5 demonstrates that, between 2000 and 2007, the NLT market declined by approximately 19% or about 2.4% per year over 8 years. In 2008, the market declined by 22%, or over nine times the average rate of decline during normal economic conditions including the expansion of Tribal gaming. Between 2000-2008 a number of casinos were opened in California and across the country including Thunder Valley and the $200 million resort at Cache Creek, and are reflected in this 2.4% average annual decline. There is no evidence to suggest that between 2007 and 2008 the decline due solely to competition from Tribal gaming would increase from an average of 2.4%/year to over 22% in one year particularly given that no new casinos were opened during 2008 until December 17, 2008. This acceleration in decline suggests that there were temporary impacts such as the recession and gasoline prices as well as a permanent decline due to Tribal gaming.

Table 8.5-5

Evaluation of Nevada Gaming Control Board Reported Revenues 2000-2009

Year	Inflation	North Lake Tahoe Gamin Revenues (1999 $)	Region II (NCAL) Tribal Gaming Revenues (1999 $)
2000	3.38%		
2001	2.83%	-7.3%	
2002	1.59%	-8.7%	+27.2%
2003	2.27%	-6.7%	+27.8%
2004	2.68%	+10.5%	+23.9%
2005	3.39%	-0.9%	+20.1%
2006	3.24%	-4.1%	+9.8%
2007	2.85%	-2.9%	-1.2%
2008	3.85%	-22.4%	-9.1%
2009	-0.4%	-15.9%	-5.0%
Growth '00-'07		**-19%**	**+162%**
Avg. Annual Change	2.8% (Avg. '00-'07)	-2.4%	+23.2%

To explain this anomalous decline between 2007 and 2008 the Fehr & Peers alternative baseline technical memorandum assumes that the gaming and hospitality market at NLT experienced both a permanent 32% decline in revenue due to the expansion of Tribal gaming and a 28% decline in revenue due to temporary impacts

(recession, gas prices). The Fehr & Peers study included in the DEIS does not adjust for the 32% permanent decline in the proposed project conditions analysis; therefore, analyzes the maximum traffic condition.

Comment 100-c: *Comment Summary - The use of the theoretical baseline distorts analysis of VMTs and leads to an erroneous conclusion that VMTs would be reduced with the project, even though the project is clearly expected to generate more traffic than existing facilities.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 100-d: *Comment Summary - The understatement of VMTs and vehicle trips affects the impact analysis in other sections, such as the effect of nitrogen emissions from cars, road dust, and GHG emissions on Lake Tahoe algae growth, water quality, air quality, and global warming.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative baseline condition. As shown, VMT for the Proposed Project (Alternative C) would also not exceed the baseline existing conditions using the alternative methodology. As such, impacts in other sections, such as air quality and water quality, do not require revision.

Comment100-e: *Comment Summary: The DEIS underestimates the number of external trips that the Project would generate; specifically, the likely trips by non-guests to the project, as well as likely trips by guests away from the project.*

External project traffic estimates (vehicle trips in/out of the project area) include trips to the Project that are attracted to the onsite project amenities (non-guests) and trips to/from the proposed hotel/residential/interval ownership uses on the project area to other destinations such as recreation, shopping, etc. **Master Response 3** provides additional clarification on internal/external Alternative mode trips. **Master Response 4** provides additional detail on project trip generation associated with accessory uses.

Comment 100-f: *Comment Summary - The Project may not be able to assume the use of the 12,000 sf CFA, 113,000 sf of land coverage, and 32 TAU from the Tahoe Mariner because those commodities may have expired.*

Paragraph 18 of the 1996 Second Amendment to the 1981 Settlement Agreement (1996 Amendment) notes the existing development on the Property consists of 113,000 sf of land coverage, 12,000 sf of commercial floor area (CFA) and 32 tourist accommodation units (TAUs). Paragraph 16 of the 1996 Amendment provides that, in the event the timeshare project is not built, the Property Owners shall demolish the existing structures, remove all existing land coverage and revegetate the site. Paragraph 23 provides that if the timeshare project has not been approved by TRPA by May 1, 1996, the parties agree demolition of the existing building shall occur no later than October 15, 1997, and the deadline for banking the existing development shall be October 15, 1999. Paragraph 18 of the 1996 Amendment also states the parties agree that, to additionally insure implementation of BMP retrofit, no banking or transfers of existing development shall be permitted unless the project area is restored consistent with the provisions of Paragraph 16.

TRPA banked the existing CFA and TAUs on the Property on September 30, 1999, prior to the banking deadline prescribed in the 1996 Amendment.

TRPA has continued to recognize the existence of the coverage rights associated with the property and has not treated the coverage as expired by virtue of the deadline in the 1996 Agreement. Since September 8, 2000 TRPA has approved numerous coverage transfers from the property. This is consistent with the intent of the deadline in the 1996 Agreement, which appears to have been designed to obtain timely restoration of the property, not the forfeiture of rights to existing development.

Comment 100-g: *Comment Summary - The assumptions of the use of Tahoe Mariner commodities affects the environmental impacts discussion, such as adding 70,000 sf of land coverage has resulting impacts on water quality.*

Please see response to comment 100-f. The verified existing land coverage on the former Tahoe Mariner site is documented in DEIS Appendix D containing the TRPA Land Capability, Coverage, and other Commodity Verification Files. Appendix AD is added to the FEIS to present land capability and land coverage by individual parcel within the project area to offer further documentation for land coverage calculations.

The comment states that adding 70,000 sf of land coverage has impacts on water quality. The DEIS studied the impacts of changes to land coverage within the project area. For clarification, there is 70,229 square feet of LCD 1a land coverage that is banked on the Sierra Park parcels (former Tahoe Mariner site). Of this 70,229 square feet of LCD 1a banked land coverage, for Alternative C 7,600 square feet will be used for hiking trails and park uses (typically soft coverage), 54,174 square feet will be relocated to higher capability lands in LCD 2 and 4, while 8,455 square feet of LCD 1a land coverage will remain banked onsite. In total, Alternative C will result in a net reduction of 68,317 sq ft of existing and banked land coverage within the NSCP. Impact HYDRO-1 discusses the benefits of reductions in TRPA verified land coverage for surface water quality.

Comment Letter 101 – Tornese, Judith, 12/15/2009

Comment 101-a: *Comment Summary - Too large of scale and not compatible with the neighborhood.*

Impact LU-2 addresses the Project's compatibility with adjacent land uses.

Comment 101-b: *Comment Summary - Traffic analysis seems overly optimistic.*

The commenter expresses an opinion. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 101-c: *Comment Summary - Better to stage development to determine whether there is enough market demand to accept such a large project.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 102 – Cruz, Darrel, Washoe Tribe of California and Nevada, 12/16/2009

Comment 102-a: *Comment Summary - The use of the past tense to describe Washoe is not accurate since Washoe are alive and in the region today. Remove the word "Currently"*

starting the paragraph on p. 4-7-2. The Washoe Tribe is federally recognized and a sovereign government, with 1,600 members. Add Stewart to the list of communities and note that many members live away from tribal lands. Washoe are not "Indian Groups" but native people of Washoe ancestry.

The following change will be made to page 4.7-2 of the DEIS.

Ethnography

The project area lies entirely within the territory of the Hokan-speaking Washoe people. While they were an informal and flexible political collectivity, Washoe ethnography hints at a level of technological specialization and social complexity for Washoe groups, non-characteristic of their surrounding neighbors in the Great Basin. Semisedentism and higher population densities, concepts of private property, and communal labor and ownership were reported and may have developed in conjunction with their residential and subsistence resource stability (d'Azevedo 1986:473-476).

Lake Tahoe was **and remains** both the spiritual and physical center of the Washoe world. The Washoe lived along its shores, and the locations of several Washoe encampments in the Lake Tahoe Basin have been reported. The project vicinity is near two important Washoe fishing campsites, ImgiwO'tha and MathOcahuwo'tha (d'Azevedo 1986:473-476).

~~Currently,~~ The Washoe **Tribe is** ~~are~~ a **federally** recognized tribe by the U.S. Government**, is a sovereign government** and **has** ~~have~~ maintained an established land base. Its **approximately** ~~1,200~~ **1,600** tribal members are governed by a tribal council that consists of members of the Carson, Dresslerville, Woodfords, **Stewart** and Reno-Sparks **communities,** ~~Indian groups,~~ as well as **a significant number of tribal** members from non-reservation areas (Inter-Tribal Council of Nevada 1995 **and Darrel Cruz, Personal Communication, December 16, 2009**).

Comment 102-b: *Comment Summary - On p. 4.7-11, note that inadvertent discoveries will be taken in consultation with the Washoe Tribe.*

Mitigation measure CUL-2: Identify and Protect Undiscovered Archaeological Resources requires consultation with the Washoe Tribe in the event that human remains or ethnographic resources are discovered during Project construction.

Comment 102-c: *Cultural Resources Study, page 7, last paragraph - Describe what is meant by "residual population", and clarify the Washoe are Hokan speakers, not surrounded by Numic speakers but between California and Great Basin tribes.*

The following change will be made to Cultural Resources Study, Page 7, paragraph 3, line 7:

Delete: "The Washoe are part of an ancient Hokan-speaking residual population, which has been subsequently surrounded by Numic-speaking intruders such as the Northern Paiute (Jacobsen 1966)."

Insert: **"The Washoe are descendants of an ancient Hokan-speaking population that was subsequently surrounded in prehistoric times by Numic-speaking incomers such as the Northern Paiute (Jacobsen 1966)."**

Comment Letter 103 – Dahlgren Ph.D., Joy, 12/16/2009

Comment 103-a: *Comment Summary - Alt. C would increase trips and VMT because of additional workers and visitors to the site.*

Trip generation for Alternative C includes employees, guests, and non-guest visitors to the site. Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 103-b: *Comment Summary - Alt. C trip generation estimates fail to consider external trips by guests to regional recreation, retail, and services beyond the Project Area.*

External project traffic estimates (vehicle trips in/out of the project area) include trips to the Project that are attracted to the onsite project amenities (non-guests) and trips to/from the proposed hotel/residential/interval ownership uses on the project area to other destinations (such as recreation, shopping, etc.). **Master Response 3** provides additional clarification on internal/external Alternative mode trips. **Master Response 4** provides additional detail on project trip generation associated with accessory uses.

Comment 103-c: *Comment Summary - The EIS should disclose the base "Interacting Uses" numbers on which the "Internal Capture" numbers are based, and the interacting uses for the all "Raw Trips."*

Information on the interacting uses is provided in Appendix W of the DEIS. **Master Response 3** provides additional clarification on internal/external Alternative mode trips including interacting uses.

Comment 103-d: *Comment Summary - The EIS should explain why Alt. C and A have different internal trip capture rates.*

Internal alternate mode rates, including on-site internal capture and off-site alternate modes, were developed specific to the type, size, and mix of the uses proposed for each Alternative. The number of internally captured walking trips between the project land uses was calculated by balancing the trips to correspond with the capacity of the lower trip generating use. Further explanation of the methodology used to calculate internal capture trips, as well as a visually representative figure, are provided in **Master Response 3**.

Comment 103-e: *Comment Summary - The trip generation numbers are incorrect. Trips were double counted when "Alternative Mode Split" factors were applied to the total number of "raw" trips, rather than only to external trips.*

The Alternative mode split and internal capture calculation were applied simultaneously to the raw project trips for each land use separately. There was not one percentage applied to the overall raw trip generation rate. The calculations were performed so that the internal/external alternate modes were analyzed based on specific land use type, size, and potential to interact with other on-site uses, off-site uses in close proximity, and transit opportunities. The Fehr & Peers Mixed Use Model and research looks at internally captured trips and off-site alternate mode trips as overall alternate modes because internal trips for mixed use sites are made via walking, bicycling, or transit depending on the size of the mixed use site. The model provides the overall "alternate modes" percentage for each use, which includes internal and external alternate modes, and a summary for the uses. The Fehr & Peers Mixed Use Model and research has been submitted to ITE, and will likely be included in future versions of the Trip Generation Handbook. The Fehr & Peers

Mixed Use Model is based on more studies of mixed-use developments than the current ITE methodology, which is based on three survey locations in Florida. **Master Response 3** provides additional clarification on internal/external Alternative mode trips.

Comment 103-f: *Comment Summary - The EIS should provide the base numbers of trips on which the "Alternate Mode Split" is based. It should not include internal trips.*

Please see response to comment 103-e.

Comment 103-g: *Comment Summary: The internal trip capture and alternate mode trip numbers in App. W are internally inconsistent in the "Trip Generation Spreadsheets" resulting in inconsistent numbers of external trips calculated for Alts. A and C. Consequently, the traffic impact analysis may be flawed.*

The internal capture and Alternative mode reductions for the Boulder Bay Project were calculated using two data sources: the Fehr & Peers mixed use development model (mixed use equations) and surveys conducted by LSC Transportation Consultants, Inc. (2007) at the existing Tahoe Biltmore. The data source collected at the project site (LSC) was applied to Alternative A (Existing Conditions). The Fehr & Peers mixed use development model data source was used for Alternative C because the mix of uses is different than the existing conditions. **Master Response 3** provides additional clarification on internal/external Alternative mode trips.

Comment 103-h: *Comment Summary - The EIS does not adequately document why the Biltmore would generate 5,581 trips vs. the actual 1,835.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 103-i: *Comment Summary - The use of higher estimated, instead of actual, trip generation rates at the Biltmore as the existing baseline condition erroneously reduces the impact conclusions of the EIS.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 103-j: *Comment Summary: From Spreadsheet: the analysis assumes all Alt. C trips would involve interacting uses, but only 1/3 for Alt. A and 1/2 for Alt. E. This seems erroneously because some Alt. C trips would be to visit external sites and services.*

Please see response to comment 100-e.

Comment 103-k: *Comment Summary - From Spreadsheet: There appears to be double counting: the base for computing Alternative mode trips for all Alternatives includes internal capture trips. It should include only external trips.*

Please see response to comment 103-e.

Comment 103-l: *Comment Summary - From Spreadsheet: Explain why 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.*

Please see responses to comments 103-d and 103-g.

Comment 103-m: *Comment Summary - From Spreadsheet: Explain why the external trips are inconsistent with other pages in Appendix W.*

Please see response to comment 103-g.

Comment Letter 108 – North Tahoe Preservation Alliance, 12/16/2009

Comment 108-a: *Comment Summary - The NSCP needs to be amended to accommodate project heights up to 75'. A plan amendment should be analyzed.*

Please see response to comment 93-a.

Comment 108-b: *Comment Summary - The EIS does not use the right density calculation: it should be Category E, not F. None of the deed restricted site zoned general forest should be used for calculations.*

The note below the Table in TRPA Code Subsection 21.4.B(1) states that "Any other combination of uses, including three or more uses in a project area, is assigned to Category F." The Project includes tourist accommodation, multi-family residential for sale, multi-family residential for rent (affordable) and commercial uses. The portion of the former Tahoe Mariner site located outside of the NSCP boundary is not used for density calculations.

Comment 108-c: *Comment Summary - The EIS needs to address changes to the Mariner settlement agreement.*

Please see responses to comments 37-a and 93-a. The EIS analyzes the proposed changes to land uses within the portion of the former Tahoe Mariner site proposed for development.

Comment 108-d: *Comment Summary - The size of the casino and the gaming and CFA assumptions in the traffic analysis needs to be clarified.*

The size of the casino space used in the traffic analysis is based directly on the project description for each Alternative. The Alternatives include the following casino square footages:

- Alternative A – 22,400 s.f.
- Alternative B – 29,744 s.f.
- Alternative C – 10,000 s.f.
- Alternative D – 10,000 s.f.
- Alternative E – 29,744 s.f.

Comment 108-e: *Comment Summary - The carbon footprint analysis should include snowmelt and air conditioning.*

Please see response to comment 93-u. Snowmelt is evaluated as part of impact HYDRO-1 for potential impacts to surface water quality. Heated walkways and roof catchments will collect snowmelt for use as supplemental irrigation waters. The carbon footprint analysis includes evaluation of air-conditioned areas and the HVAC system. Note that the residential units do not include air conditioners (compressors/refrigerant).

Comment 108-f: *Comment Summary - The 89,000 sf accessory space needs to be included for traffic and parking analyses.*

Master Response 4 provides additional detail on project trip generation associated with accessory uses.

Comment 108-g: *Comment Summary - Alts. C and D state undergrounding of utilities as a benefit.*

Please see response to comment 93-i.

Comment Letter 109 – Breternitz, John, 12/17/2009

Comment109-a: *Comment Summary - Why was Boulder Bay allowed to forego its BMPs?*

This question was raised during the DEIS hearings and was responded to by Joanne Marchetta as follows: When the project proponent bought the property, TRPA decided to work with Boulder Bay, LLC to improve upon the future project area rather than waste resources by requiring a retrofit that was anticipated to be removed a few years later. TRPA and Boulder Bay, LLC came to the agreement: to maintain the existing BMPs and stormwater system; install site-specific temporary BMPs; design the permanent BMPs to the proposed project area; and work to create environmental gain and synergy in the NSCP area by integrating project area stormwater treatment systems with existing and proposed upslope and downslope projects to create regional stormwater management systems. The temporary BMPs constructed by the project proponent include, full drain inlet cleanouts of the existing stormwater BMPs, landscaping and mulching of exposed dirt areas on site and installation of F-rails for slope stabilization at the back of the Biltmore parking lot. Please see supplemental information for DEIS Appendix P in Appendix AB for detailed plan sets.

Comment Letter 110 – Delaney, Tim, 12/17/2009

Comment 110-a: *Comment Summary - Supports project if there is a guarantee or insurance policy to complete project if developer goes bankrupt, a specific number of TAUs designated to the Crystal Bay/Incline Village area, and no rule changes for the East Shore/Emerald Bay.*

The commenter is concerned the Project will go bankrupt, leaving an unfinished project area, that TRPA Code amendments will affect other areas of the lake, and that the Project would develop more TAUs than are allowed in Crystal Bay. Boulder Bay intends to secure financing for the Project before beginning construction. TRPA does not have a mechanism to require the developer to arrange for financing of the entire approved Project, but does require the payment of a sizable security for the permit. In regard to Code amendments affecting other areas of the lake, the height amendment includes language to limit its applicability to the NSCP area only. Please see response to comment number 93-b. It should also be noted that the existing height of Tahoe Biltmore structures is 76 feet and maximum height allowed under the proposed amendment would be less than this height, but over a larger area of the Project. Future height amendment proposals for other areas around the lake are subject to TRPA review and approval. Because this Project does not affect the East Shore or Emerald Bay as alluded in the comment letter, a federal "written agreement" regarding these two areas is unrelated to this Project and outside the scope of this EIS. Finally, the number of TAUs designated for the project area is outlined in the NSCP. The limit expressed in the NSCP is only related to bonus units from the NSCP allocation pool. The ability to transfer in other special project bonus units or existing units is not subject to the NSCP limit. The Project does not exceed TAU limits or allocations per TRPA policies.

Comment Letter 112 – Nichols, Ann, North Tahoe Preservation Alliance, 12/17/2009

Comment 112-a: *Comment Summary - The energy use assumptions underlying the GHG analysis are considered inadequate and inaccurate, and requests an objective carbon footprint analysis.*

A Carbon Footprint analysis is not required as part of a TRPA EIS per the Code of Ordinances and Rules of Procedure. The analysis completed by ARUP North America, Ltd was provided by the applicant as additional information to quantify the potential benefits of LEED green building practices. The study was completed by licensed professional engineers. The design criteria were developed by comparing utility data from existing or demolished facilities (owned by Boulder Bay) with energy simulation results from the new Boulder Bay development. The new site was modeled using eQuestTM, a graphical interface used to link with the Department of Energy (DOE) 2.2 whole building simulation calculation engine. eQuestTM is accepted by both LEED and California Title-24 as acceptable software for predicting relative energy performance. eQuestTM uses hourly weather information, hourly load and control schedules, and robust HVAC system modules to approximate energy use at every hour of the year. Since the model for Boulder Bay consists of multiple buildings, only residential, casino, and fitness end uses were modeled explicitly, to reduce the size and duration of the simulation. Non-typical and non-building energy uses were estimated with spreadsheets and added to the eQuestTM results to generate overall anticipated site energy for comparison with the existing buildings.

The primary source related to the green house gas analysis is mobile sources (autos) and the primary factor is vehicle miles of travel. The DEIS indicates that Alternative C will generate less traffic/VMT than Alternative A, which was used as the baseline for traffic comparisons. An alternative baseline condition is evaluated as described in **Master Response 2**. Alternative C generates less VMT than the alternative baseline existing condition.

Comment Letter 117 – Shankle, Samantha, 12/29/2009

Comment 117-a: *Comment Summary - Disregard for their property - due to height amendment they will lose their view according to Viewpoint 16 Figure 4.5-15.*

Figure 4.5-15 depicts potential building massing under Alternative D as viewed from Lakeview Road. The impact to viewpoints from Lake Tahoe and to Lake Tahoe from the adjacent public roadways has been identified as a significant impact for Alternative D as discussed in Impact SR-2. Under Alternative C, building rooftops are lower and would not block existing views of Lake Tahoe from public roadway viewpoints (see Figure 4.5-14).

Comment 117-b: *Comment Summary - Noise from construction will create an impact with construction being 6 days a week from 6 am to 6 pm.*

Please see response to comment 93-w.

Comment 117-c: *Comment Summary - Traffic studies need to include increased Traffic on Lakeview and Wassou, and parking in the surrounding neighborhoods.*

The traffic analysis evaluates trip distribution characteristics for each project Alternative based on existing traffic volumes, the location of complementary land uses such as where a guest might travel from or where off-site amenities are located, and the location of parking and driveways to the site. Vehicle traffic on Wassou

Road and Lakeview Avenue will be limited to the residents of upper Crystal Bay (approximately 7 homes within ¼ mile of the Proposed Project). There are no project area driveways on Lakeview Avenue or Wassou Road, and there is no direct access to the project area from SR 28 via Lakeview Avenue or Wassou Road; therefore, traffic volumes will be associated with residents of upper Crystal Bay. The Project proposes adequate on-site parking for each of the Alternatives; therefore parking will not become an issue on Lakeview Avenue or Wassou Road.

Comment Letter 120 – Wright, Frank, 12/30/2009

Comment 120-a: *Comment Summary - Cut the size of the project down.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 122 – Ellis, Jan, 01/02/2010

Comment 122-a*:* *Comment Summary – Opposes overall scale and height increases, especially if they block anyone's existing views.*

Please see response to comment 117-a.

Comment 122-b: *Comment Summary - How will traffic decrease when the amount of rooms and facilities increase?*

The Proposed Project (Alternative C) includes increased rooms and amenities. The trip generation is less than the existing site because the Proposed Project reduces the quantity of certain uses which have a high level of trip generation such as gaming. The Proposed Project also has a mix of uses that will reduce vehicle trips by keeping people on the project area, as opposed to driving to find a service or amenities elsewhere. For example, at the existing site, guests have limited dining options, which forces them to leave the site to find other dining opportunities. The Proposed Project offers several options, increasing the likelihood that a guest will eat at a restaurant on the site and not create a vehicle trip to an off-site restaurant. The Proposed Project offers a balanced mix of land uses that provides adequate recreation, retail, restaurant, and service opportunities, encouraging guests to stay on the site and day visitors to take advantage of on-site amenities. Providing a balanced land use mix is a proven way to reduce vehicle traffic associated with a mixed-use site.

Comment 122-c: *Comment Summary - The effects on Brockway neighborhood and Buck's Beach. People will want to go to the closest most accessible beach - creates problems for homeowners and law enforcement.*

Impacts to Buck's Beach, known as Speedboat Beach are discussed in REC-1. The EIS recognizes that guests will want to access the closest beaches and provides Mitigation Measure REC-1 to dissuade guests from using the beach and by providing access to other area beaches with greater amenities such as restrooms and picnic tables. Boulder Bay is also sponsoring improvements to the summer trolley service that will also make access to Kings Beach more convenient for Boulder Bay guests and other local residents. Law enforcement review of the Boulder Bay Project has not indicated a concern over increased beach populations.

Please see response to comment 171-d.

Comment Letter 124 – Crooke, Steve M., State of Nevada, Department of Transportation, 01/05/2010

Comment 124-a: *Comment Summary - A permit from NDOT is required to widen SR 28, and permit conditions may affect final project design.*

The Project proponent will obtain appropriate NDOT encroachment permits.

Comment 124-b: *Comment Summary - The current drainage system does not have capacity to handle additional runoff. The EIS needs to describe where and how the runoff would be conveyed and treated.*

The statement that existing infrastructure does not have the reserve capacity to treat and/or infiltrate the additional runoff is correct. Site deficiencies concerning stormwater treatment have been directly addressed by the Project design and the stormwater treatment systems proposed for each Alternative, including the No Project Alternatives A and B. Impact HYDRO-3 (page 4.3-36 through 4.2-47) details the proposed stormwater treatment systems for Alternatives A, B, C, D and E. Alternatives A, B and E will capture, convey and infiltrate the 20yr/1hr storm total runoff volume, while Alternatives C and D will capture, convey and infiltrate up to the 100yr/1hr storm total runoff volume. For Alternatives C and D, the stormwater treatment system schematic is illustrated in Figures 4.3-1, 4.3-2 and 4.3-3. For Alternatives A, B and E, the stormwater treatment system is described on pages 4.3-36 and 4.2-37. Design Plans for the BMP Retrofit for Existing Conditions (Alternatives A, B and E) was first submitted to TRPA in August 2007. These design plans were updated and resubmitted in December of 2009, are available for review in the public project file and are provided as supplemental information for DEIS Appendix P in Appendix AB. Under all Alternatives runoff from the TRPA 20yr/1hr design storm (e.g. the current regulatory requirement) will not leave the project area untreated or enter into NDOT ROWs.

The Project addresses as much of the historic interstate runoff issues as possible. Any persisting runoff from NDOT ROWs will need to be coordinated directly with Caltrans since the project area will no longer be contributing to "pass through discharge" from SR 28. Furthermore, Alternatives C and D propose to capture, convey and infiltrate a significant portion of runoff from NDOT ROWs. As discussed in Impact GEO-1, land coverage within Washoe county and SR 28 ROWs will be assumed into the project area, a portion of the land coverage will be removed, and the remaining excess coverage will be mitigated by the Project. Please see responses to comments 337-a through 337-n.

Comment 124-c: *Comment Summary - The EIS needs to address additional pedestrian traffic crossing SR 28 generated by the project.*

Pedestrians were analyzed at the SR 28/Pedestrian Crossing intersection for the Alternatives. When a pedestrian (or group of pedestrians) pushes the button to actuate the signal, it sends a “call” to the signal to activate the pedestrian phase. As an exercise to further confirm the analysis results in the DEIS, the signal was analyzed assuming 60 pedestrian calls per hour (3 times the number of calls originally analyzed for existing plus project conditions). Table 8.5-6 shows the delay and queue lengths for existing plus Alternative C conditions (as presented in the DEIS), and existing plus Alternative C conditions (with an increase in pedestrian calls).

Table 8.5-6

Delay and Queue Lengths at the Pedestrian Signal

Scenario	Delay[1]	LOS	Queue Length (Vehicles)[2]
Existing Plus Alternative C (without an increase in pedestrian calls)	6.1	A	19
Existing Plus Alternative C (with an increase in pedestrian calls)	11.0	B	20

Notes: [1] Delay is reported in seconds per vehicle for the overall intersection.
[2] Westbound queue is longer, and therefore reported. Assumes an average of 25 feet per vehicle.

Source: Fehr & Peers, 2010

As shown in the table, if the number of pedestrian calls at the SR 28/Pedestrian Crossing intersection is maximized, the maximum queue length at the intersection will increase by one vehicle. The delay at the intersection will increase by 5 seconds and operate at LOS B, which is still within the LOS standards. This exercise confirms the analysis presented in the DEIS.

Note: Under Cumulative conditions, the DEIS recommends that the SR 28/Pedestrian crossing intersection be relocated to a signalized SR 28/Stateline Road intersection. Please see response to comment 93-s.

Comment Letter 126 – Hall, Thomas, 01/07/2010

Comment 126-a: Comment Summary - Willing to sell water rights.

Comment noted that surface water rights in excess of 30 acre-feet per year are available for purchase in Douglas County, Nevada. The availability of these water rights does not change the environmental analysis presented in the DEIS.

Comment Letter 127 – Jordan, Phil, 01/12/2010

Comment 127-a: *Comment Summary - Alternative E seems to be only option. Alternative C and D are excessive.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 127-b: *Comment Summary - Noise and congestion on immediate neighbors needs to be addressed.*

Noise levels associated with traffic, construction activities, mechanical equipment and other on-site activities were addressed in Chapter 4.10 of the DEIS. Where significant impacts were identified, mitigation measures were included.

Comment 127-c: *Comment Summary - Project should be built in phases in order to assure expectations/commitments can be implemented.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 128 – Lawson, Clara, Washoe County Department of Public Works, 01/14/2010

Comment 128-a: *Comment Summary - Traffic - Internal capture rate seems very high. Study was based on 100 people existing at Biltmore and they're operating 2.5 times below capacity. Not valid enough to drop the trip by 1/3.*

Two sources were used to determine the interaction of on-site land uses. Interaction between the casino and hotel and the casino and restaurants is based on survey data collected by LSC Transportation Consultants at the existing Tahoe Biltmore in 2007. The survey data provides project specific information for the casino interactions, which provides the best picture of what is happening and will happen within the project area. National data on casino internal trip making characteristics is not available. The internal interaction of the other land uses was evaluated using the Fehr & Peers Mixed Use Trip Generation Equations, which are based on data from 239 mixed use developments across the country. **Master Response 3** provides additional clarification on internal/external Alternative mode trips.

Comment 128-b: *Comment Summary - Little explanation to the traffic study about Alternative Mode trips. The reduction for Alternative trip modes should be justified.*

The external Alternative mode trips are based on the specific land use types, proximity to off-site destinations, and availability of transit. In addition, survey data was collected at the existing Tahoe Biltmore and included questions related to mode share that were considered in the analysis. **Master Response 3** provides additional clarification on external Alternative mode trips. It should be noted that the analysis does not specifically reflect the Project's Alternative Transportation Plan, (included in the DEIS as Appendix F). The Alternative Transportation Plan provides for the following specific measures to reduce private vehicle use:

- Provide financial subsidy to increase North Lake Tahoe Express Service between Reno-Tahoe International Airport and Incline Village/Crystal Bay from 7 runs per day to 11 runs per day during peak travel seasons (summer and winter);
- Reduce existing Crystal Bay to Tahoe Vista Trolley headways from 30 to 15 minutes during summer daytime hours by operating an additional Trolley at no cost to users;
- Operate Year-Round Tahoe Connection Service using three Alternative-fueled vans (12-15 passenger) to provide free transit service throughout the Tahoe/Truckee region to Boulder Bay guests and residents;
- Encourage Alternative transportation strategies for Boulder Bay employees by offering subsidized employee transit passes, preferred carpool parking, carpool matching service, showers/lockers, and bicycle amenities;
- Provide two bays for Transit buses and shuttles along SR 28 and an Alternative Transportation Center for transit, bicycle and pedestrian travelers to be protected from the elements (including a bicycle station with an air compressor and secured parking);

- Onsite Alternative-fuel car share service (up to four vehicles) for Boulder Bay guests and residents; and
- Onsite bicycle-share service for Boulder Bay guests and residents, including some bicycles with "electric assist".

These measures will likely reduce private auto use and increase Alternative modes beyond the estimates made in the trip generation analysis (i.e. project trips could be less than estimated).

Comment Letter 129 – Klein, Kristine R., Washoe County Department of Public Works, 01/19/2010

Comment 129-a: *Comment Summary - The EIS labels fine sediments as <20 microns. Current definitions relative to Lake Tahoe clarity and TMDLs is <16 microns.*

TMDL literature has published different estimates for the appropriate threshold for characterization of fine sediment particles (FSP) and at this point the TMDL language is still evolving. Early analysis reported a particle size of 8-10 microns as the particle size responsible for light scattering and thus loss of lake clarity. More recent estimates have increased this particle size estimate to <16 microns and <20 microns in order to increase the relevant population of particles within the TSS defined as FSP; the larger the population, the more restrictive the requirement for treatment. For purposes of the supplemental analysis the largest population (<20 microns) was used to represent the most conservative requirement. The preliminary FSP analysis completed for the pre-project monitoring was for the 20 micron particle size. The supplemental water quality analysis (Appendix AB) also reports reductions in FSP at the 20 micron particle size in order to utilize DRI data from *the Brockway Project Area Stormwater Runoff and Characterization Study* (Heyvaert 2009). Master Response 1 discusses the anticipated reduction in TSS for Alternative C as predicted by the LSPC model. Field monitoring of runoff from disturbed soils indicates FSP load is 50 percent of TSS loads from granitic soils and JBR data (DEIS Appendix P) reported levels as high as 90%. For modeling and reporting purposes for the supplemental analysis, FSP of less than 20 microns are reported as 60-90% of the TSS load. The FSP load of less than 20 microns includes FSP loads of less than 16 microns.

Comment 129-b: *Comment Summary - In Section 1.5, note that the Project is subject to Washoe County Development Code.*

Washoe County Development Code added to Section 1.5.

Comment 129-c: *Comment Summary - In Section 4.2, EIP Project 114 is under the Recreation Program, not Water Quality Program.*

Correction made.

Comment Letter 134 – Silcox, William H., 01/24/2010

Comment 134-a: *Comment Summary - Concerned about impacts to emergency evacuation plans and routes and conflicts with emergency vehicle access.*

Emergency situations and vehicle access are discussed in Chapter 4.12-Public Services and Utilities. Mitigation PSU-3B requires consultation with emergency service providers during construction to ensure roadway access. Impact PSU-C1 discusses emergency situations and evacuations. Mitigation PSU-C1 will designate

the project area as an emergency shelter and/or staging area. Please see response to comment 93-q for additional response on emergency vehicle access and roadway adequacy.

Comment 134-b: *Comment Summary - Does not believe the project is economically viable.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 137 – Bosche, John, North Tahoe Preservation Alliance, 01/26/2010

Comment 137-a: *Comment Summary - All comments are primarily related to Alternative C.*

Comment noted.

Comment 137-b: *Comment Summary - HYDRO-5 page 4.3-17: DEIS fails to recognize runoff from Biltmore floods properties in the neighborhood between Harbor and Speedboat Avenues.*

The Brockway Erosion Control Project (approved by Placer County) directly addresses existing stormwater runoff in these areas. The Boulder Bay Project has estimated the runoff volumes from the project area and proposed stormwater treatment systems designed to prohibit runoff from leaving the project area and impacting these areas down gradient. Alternatives C and D will eliminate this long standing problem by completing a public private EIP with Placer County, Washoe County, the US Forest Service, NDOT and CALTRANS. The elimination of this problem is part of the "above and beyond" benefits of the Project as defined by the CEP. The correct "benchmark" is analyzed, as denoted in the "as measured by" column in Table 4.3-4. No FEMA 100-year flood zones are mapped within the project area. The EIS evaluates the potential impact of stormwater runoff in impact HYDRO-3.

Alternatives A, B and E will capture, convey and infiltrate the 20yr/1hr storm runoff volume in stormwater treatment systems designed to that capacity. Alternatives C and D will capture, convey, and infiltrate up to the 100yr/1hr stormwater runoff volume. The Project will disconnect the project area plus portions of Washoe County and NDOT ROWs from the downstream drainage structures and effectively eliminate the "pass through discharge" from the project area that has contributed to historic interstate flow and flooding issues in California. The remaining runoff volumes will be addressed by Caltrans and NDOT through current and planned projects.

Comment 137-c: *Comment Summary - HYDRO-5 should consider impact of storms on off-site properties.*

Impact HYDRO-3 considers the potential impacts from the TRPA 20yr/1hr design storm as required by TRPA codified regulations. The Project, as a TRPA CEP project, also considers the potential impacts from the 50yr/1hr and the 100yr/1hr storm events for CEP Alternatives C and D. The Project will capture, convey and infiltrate total runoff volumes from the project area and portions of Washoe County and NDOT roadways and ROWs, thus minimizing potential impacts to downstream properties. The connection between the Boulder Bay Project in Crystal Bay, Nevada and the Meyer's Landfill in South Lake Tahoe, California is unclear. Please see the supplemental water quality analysis added in Appendix AB in which sediment and nutrient loading for Existing Conditions, Existing Conditions with 20yr/1hr

stormwater treatment systems (E20), Alt C with 20yr/1hr stormwater treatment systems (C20), and Alt C with 100yr/1hr stormwater treatment systems (C100) are reported for a variety of water year conditions.

Comment 137-d: *Comment Summary - Alternatives C and D rely on subsurface infiltration galleries and the DEIS fails to evaluate: 1) loss of gallery efficiency over time due to trash, sediment, organic matter, 2) the cost of maintaining galleries, and 3) Visual inspection of the galleries is inadequate to determine operating efficiency. In addition, there is no comparative analysis of above-ground infiltration galleries.*

a) Long-term performance of any stormwater treatment system is reliant on the inspections, operations and maintenance of the system. The loss of efficiency over time will be minimized through proper operations and maintenance as determined in the Inspection, Maintenance and Monitoring Plan (SP-10) required for permitting of the selected Alternative. The supplemental analysis does consider the loss of gallery efficiency due to antecedent moisture in the system. The Inspection, Maintenance and Monitoring Plan is a standard practice of the Project (added as SP-10 in Chapter 6). The Plan will be developed for the selected Alternative through an RFP Process that includes a third party agreement between TRPA, Boulder Bay and a consultant. This detailed plan will be based on Chapter 6 of the EIS but can be tailored to the outcome of the Governing Board hearings that will decide the final design of the Project, if approved. b) Because some of the facilities are subsurface, access points are built into the linear treatment system for maintenance and monitoring. The costs associated with maintenance and monitoring will be determined during project permitting because these costs are directly related to the selected Alternative. Although Boulder Bay will be committed to proper maintenance as a conditions of project permitting, the EIS recommends mitigation measure HYDRO-1 to assure that stormwater treatment systems are operated and maintained to be effective in meeting TRPA discharge standards. c) The comment that BMP inspections will only be visually based is incorrect, and the reference to DEIS Appendix G is in error. Appendix G provides the narrative explaining the stormwater treatment system design and routing along with the supporting calculations for summary tables 4.3-5 to 4.3-12. The post project monitoring program will be finalized in accordance with the permitting conditions for the selected Alternative and will most likely include some level of stormwater monitoring in addition to BMP and treatment system inspections. Referencing DEIS Appendix G, the "galleries are designed linearly so that if it occurs that an upstream gallery is clogged or overburdened, the additional capacity in the downstream galleries will absorb some of the overflow". The commenter states that above-grade drainage infiltration galleries are easier to inspect and maintain but provides no supportive data or references. The commenter states that the stormwater treatment system is entirely underground, which is incorrect. The proposed stormwater treatment systems combine infiltration trenches, infiltration galleries (underground) and infiltration basins (above ground) to maximize the capture potential of the project area and increase capacity of the systems.

Comment 137-e: *Comment Summary - The DEIS needs to provide more information regarding the pervious pavers in Alternative C and discuss their applicability, potential for success, and ability to absorb runoff. UC Davis states they should not be used if surface grade exceeds 5%. How effective are they beyond 5% grade? How will snow removal affect pavers? Discuss where they will be used, the type to be used, and whether they are suitable. Evaluate improper maintenance of pavers.*

The commenter states the opinion that plants/vegetation incorporated with pervious pavers will not withstand pedestrian or vehicular traffic and recommends the UC Davis Extension for information on pervious pavers. Pervious pavers are proposed for walkway and patio area that do not have grades exceeding 5%. Roadway areas that use pervious pavers are not expected to exceed 5% grades due to existing grades within the project area. The EIS calculations for stormwater runoff assume a conservative reduction factor of 50% for pervious pavers and not 100% as stated by the commenter. This data is included in DEIS Appendix R, TMDL Pollutant Load Reduction Plan. The comment is noted that sand cannot be used for snow and ice control on pervious asphalt and concrete. The Project proposes the use of automatic snow melting strategies throughout the pedestrian circulation and promenade and roadway interiors (page 4.3-21), however, and does not propose sand application for typical winter operations. The Project also plans for bi-annual spring maintenance of the pervious surfaces with a regenerative microfilter sweeper system to maintain infiltration rates of the pervious pavers. The EIS recognizes that improper maintenance of facilities is a potential impact to surface water quality in impact HYDRO-1. The potential impact is reduced through conformance with TRPA codified regulation (standard practices of the Project for compliance), post-project stormwater monitoring and mitigation measure HYDRO-1.

Comment 137-f: *Comment Summary - What is the cost of owning and maintaining a regenerative air street sweeper mentioned in the DEIS? Would inclusion street sweeping equipment and a maintenance schedule be included as conditions of project approval?*

Regenerative air street sweeping equipment is proposed for Alternatives C and D. Boulder Bay will be responsible to the cost of owning and maintaining such equipment. Alternative street sweeping equipment could be required by TRPA as a condition of project permitting. Submittal and execution of the Inspection, Maintenance and Monitoring Plan (SP-10), as based on the selected Alternative, will be a condition of project permitting.

According to a study conducted by the Center for Urban Water Resources Management, "the use of permeable pavement systems dramatically reduces surface runoff volume and attenuates the peak discharge during storm events." Furthermore, they go on to conclude that "A significant contribution of permeable pavements is the ability to reduce effective impervious area, which has a direct connection with downstream drainage systems. This strategy of hydrologic and hydraulic disconnectivity can be used to control runoff timing, reduce runoff volume, and provide water quality benefits."

According to a 2009 study completed by the University of New Hampshire entitled Seasonal Performance Variations for Storm-Water Management Systems in Cold Climate Conditions, the pervious pavement and bioretention systems show minimal to no degradation in either peak flow or removal efficiency performance during cold winter months.

Comment 137-g: *Comment Summary - The DEIS does not mention potential disadvantages of green roofs (careful design and construction) and lacks critical evaluation. Will construction of green roofs be a condition of Alternative C approval?*

Green roofs are proposed for Alternatives C and D. The costs for construction and upkeep of green roofs have been incorporated into cost estimates. The Project proponent will assume the responsibility of operating and maintaining the green roofs. The commenter states that there are potential disadvantages of green roofs

(careful design and construction). The disadvantages were weighed against the advantages during the planning, design and engineering phases of the Project. TRPA reserves the right to require green roofs as a condition for project permitting.

Comment 137-h: *Comment Summary - The conclusions in Sections 2 and 4.3 that water quality benefits result from reduced traffic due to mass transit/Alternative transportation, yet costs/sustainability of mass transit funding are not analyzed. Need to analyze funding for maintenance and monitoring of drainage improvements and analyze impacts in the absence of project funding. How is long-term funding assured? Would TRPA or other agencies be responsible if funding doesn't exist?*

The relationships between reductions in traffic and improvements in air quality and water quality are well documented in the scientific and regulatory communities. The analysis for impact HYDRO-1 draws upon this general understanding but does not make absolute statements about the benefits because they are difficult to measure at the project-level. Because the proposed stormwater treatment systems are regional, Boulder Bay has submitted a draft agreement to TRPA committing the Project to funding the construction of these systems and participation in EIP Project 732 and for shared cost of long-term maintenance. This agreement between Boulder Bay, LLC and Placer County will be finalized during approval and permitting of the selected Alternative. See mitigation measure HYDRO-1 for explanation of funding for upgrade of proposed systems and maintenance. TRPA and NDEP have the regulatory authorities for compliance with Regional and State discharge limits.

Regarding the request to analyze funding costs and sources, TRPA is only obligated to find that mitigation measures have been required in, or incorporated into, a project which will avoid or substantially lessen identified significant impacts, and these findings must be supported by substantial evidence in the record of the agency's proceedings (for CEQA purposes, see Title 14 of the California Code of Regulations, §15091(b)). There is no requirement that an agency must describe in the document how mitigation measures are financially feasible. Please see response to comment 54.

Comment 137-i: *Comment Summary - Since the DEIS fails to evaluate the costs of maintenance and loss of efficiency of containment/infiltration elements, it is uncertain if these elements will be able to capture the amounts calculated. Revise the DEIS to determine if the 20-year 1-hour storm can be captured if the underground galleries are clogged.*

The comment that proposed stormwater treatment systems will fail without proper maintenance is noted. Appropriate inspection, operation and maintenance of the systems are a condition of project permitting. The commenter requests revision to the DEIS but does not provide suggested methods for analysis. Given that the Project will be required to submit and execute the Inspection, Maintenance and Monitoring Plan (SP-10) and perform post-project stormwater monitoring, the potential for clogging of the proposed system is not significant.

Comment Letter 150 – Cash, Rich, 01/28/2010

Comment 150-a: *Comment Summary - Kings Beach and Placer County should put four lanes with their roundabouts, rather than two in order to prevent gridlock.*

Comment noted. Comment appears to refer to the Kings Beach corridor improvement project which is not a part of the Boulder Bay Project.

Comment Letter 169 – Alexander Jr., Mark, 01/31/2010

Comment 169-a: *Comment Summary - Building height impacts on snow/ice melting on new Lakeview/Stateline road alignment.*

Appendix AE provides a shadow study for Boulder Bay buildings under Alternative C. The simulations document that the Stateline, Lakeview and realigned Wassou roadways will be subject to afternoon sunlight year-round.

Comment Letter 171 – Clark, Loren, Placer County, Community Development Resource Agency, 02/01/2010

Comment 171-a: *Comment Summary - The Project will have significant, long-term impacts on affordable housing, transit, and public services in Placer County.*

Alternatives C and D provide a portion of affordable housing demand onsite. Although this does not provide enough housing for all new employees, it provides housing and also transit service for employees residing in more affordable areas such as Truckee and the Reno area. Communications with local public service providers that serve the Project site have not indicated significant, long-term impacts will result.

Comment 171-b: *Comment Summary - The EIS does not describe temporary or permanent workforce housing. The designs for Alts. B, D, and E are inadequate. The Project needs to provide housing for 50% of new employees.*

Chapter 4.11 of the DEIS analyzes employment and the demand for workforce housing. While Placer County maintains a requirement for project's to provide an opportunity for housing 50% of new employees, TRPA and Washoe County do not have a similar requirement. The DEIS concludes that impacts to workforce housing demand are less than significant because of the large pool of currently unemployed workers in the leisure and hospitality section. Alternative A does not require additional employees because no changes would occur to the project area. Alternative B would increase the gaming floor area to the maximum amount of space certified by the NTRPA and would result in up to 14 new employees, which is not considered to be substantial when considering the availability of unemployed employment candidates who are local or living in a variety of nearby communities. Alternative E does not propose any onsite employee housing, but would add 54 employees. Alternative D would provide 9 affordable units able to house 41 persons, but more likely 27 employees. As a result, Alternative D would provide housing for approximately 33% of the estimated employment growth of 83 new employees. Alternative C would provide 14 affordable housing units able to house 57 persons, but more likely 38 employees. This conservative estimate would provide housing for 51% of the estimated employment growth of 74 new employees.

Comment 171-c: *Comment Summary - The Alternative Transportation Plan in App. F is underfunded for Placer County, and a new mitigation measure should be added to address appropriate fees.*

Please see response to comment 137-h.

Comment 171-d: *Comment Summary - Speedboat Beach recreation mitigation needs to include measures for additional trash removal.*

Mitigation Measure REC-1 is revised as follows (**new text is Bolded and underlined**):

REC-1: Beach Access Shuttle Service and Beach Maintenance Funding

Boulder Bay will operate their van shuttle service as follows to reduce potential impacts to Lake Tahoe beaches from increased visitation:

- To reduce impacts to Speedboat Beach, Boulder Bay shall not provide guests with van service to Speedboat Beach. Although access to Speedboat Beach cannot be restricted, as it is a public beach, the resort shall not promote the use of Speedboat Beach in informational materials or provide shuttle service to the beach to avoid overcrowding and environmental degradation that may result from overuse. **Furthermore, the lack of amenities and constraints at Speedboat Beach will be noted to discourage visitors. Boulder Bay will coordinate with Placer County and will provide sufficient funding to Placer County for beach maintenance staffing and trash removal.**
- Because the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park (Sand Harbor) beaches are the largest public beaches in the area and offer more tourist attractions (boat rentals, picnic grounds, restrooms, etc.), Boulder Bay will encourage guests to visit these beaches rather than Speedboat Beach. **Coordination will occur regularly with both recreation areas prior to shuttle services to these sites.**
- Boulder Bay shall offer the general public (e.g., Crystal Bay and Brockway residents and guests) use of their proposed on call van service during peak summer months (e.g., Memorial Day to Labor Day) to supplement the other Boulder Bay funded improvements to existing public transit systems (e.g., Crystal Bay to Tahoe Vista Trolley). Boulder Bay may charge non Boulder Bay guests and residents a nominal fee (e.g., similar to a taxi) to use the van service and shall market the service to local residents and visitors of other developments. The use of the Boulder Bay on call van service by non-Boulder Bay guests and residents will reduce the number of private automobiles used to access nearby recreational facilities (e.g., beaches) during peak summer months, thereby improving access for other non-Boulder Bay visitors to the Lake Tahoe Basin. **To avoid overcrowding of area beaches and a reduction in the quality of the recreational experience, the Boulder Bay on call van service will coordinate with the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park on peak summer weekends to determine capacity prior to each drop-off. When visitors are dropped off, the van attendant shall discuss capacity with the parking attendant to determine if additional persons may be brought to the site and the van attendant shall note the number of people dropped off and picked up from each beach. During peak periods, van service may operate hourly or more, depending on demand. Boulder Bay shall establish a regular schedule to maintain an organized system of beach visitor accounting. If the beaches should reach parking capacity, guests will be encouraged to wait until later in the day when beach facilities typically empty out.**
- **Boulder Bay shall help pay for trash removal operations at Speedboat Beach by working with Placer County to increase the number of trash removal visits to the Beach during peak use periods. Based on its request, Placer**

<u>County shall take the lead in securing an agreement with Boulder Bay to help offset the costs of the additional trash removal operations.</u>

Comment Letter 172 – Ellis, Jan, 02/01/2010

Comment 172-a: *Comment Summary - Scale back the project significantly.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted..

Comment 172-b: *Comment Summary: How can you propose parking for 600 and not expect traffic to increase?*

Please see response to comment 122-b.

Comment 172-c: *Comment Summary: EIS does not address the narrow roads and parking.*

The Proposed Project will reconstruct portions of Wassou Road, Lakeview Avenue, and Stateline Road to appropriate Washoe County standards. Parking for the Project will be provided on the project area in underground parking garages and a small number of surface parking spaces. The project parking demand was evaluated using national standards for parking and shared parking demand (Urban Land Institute *Shared Parking*, 2nd Edition). The Project proposes adequate on-site parking to accommodate the parking demand of the proposed land uses.

Please see response to comment 134-a.

Comment Letter 188 – Degliantoni, Margaret, 02/02/2010

Comment 188-a: *Comment Summary - Form letter - traffic, fine sediment, and BMPs.*

See **Master Responses 1, 2, 3** and **4** above.

Comment 188-b: *Comment Summary - Will local people be hired and lodging be affordable?*

New employees will be selected by Boulder Bay based on their qualifications. Locals are not discouraged from applying. Lodging fees will vary by season and unit type.

Comment Letter 196 – Frankovich, John, Stillwater Cove Homeowners Association, 02/02/2010

The responses to the comments raised by the Stillwater Cove (SWC) Homeowners Association incorporate the relevant mutual promises and covenants set forth in the Boulder Bay-SWC Project Mitigation Agreement (PMA) signed June 4, 2010 by the Project applicant and the SWC Homeowners Association. As requested by SWC, a copy of this agreement is attached in Appendix AF and referenced in the response to comments below.

Comment 196-a: *Comment Summary - Construction will cause traffic, noise, and dust impacts. Operation will affect viewsheds.*

Potential construction impacts from noise and dust are minimized through implementation of a number of mitigation measures:

- NOISE-1: Use of Alternative Pavement;

- NOISE -3A: Time of Day Construction Restrictions and Noise Barriers;
- NOISE -3B: Equipment Location Guidance;
- NOISE -3C: Noise Compliant Coordination and Response;
- NOISE -5A: Mechanical Equipment Noise Level Specification and Sound Control;
- NOISE -5B: Loading Dock and Truck Circulation Design; and
- AIR-2/TRANS-1: Traffic and Air Quality Mitigation Program.

See Chapter 6 of the DEIS for detailed mitigation measures and Chapters 4.9 and 4-10 for discussions of how mitigation measures reduce potential impacts from noise and to air quality to levels of less than significant.

Potential traffic impacts during construction are analyzed under Impact TRANS-7 (page 4.8-58 of DEIS) and the level of impact is less than significant.

The potential affect of the Project to viewsheds (e.g. Scenic Corridor) is addressed under Impact SR-1. Mitigation measures SR-1A: Modify Proposed Code Chapter 22.4.E Height Amendment and SR-1B: Redesign Building A are necessary to reduce impacts from Alternatives C and D to a level of less than significant. Alternatives A, B and E cannot be mitigated and impacts to scenic corridors remain significant and unavoidable.

See items number 1, 2, 3, 4 and 6 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-b: *Comment Summary - Requests traffic calming mitigation measures on SR 28 near Stillwater Cove: two solar controlled speed identification panels, middle turn channelization lane, repaving to attenuate road noise, removal of parallel parking.*

The traffic and noise analysis impacts do suggest installation of solar controlled speed identification panels, repaving to attenuate road noise, or removal of parallel parking. The Proposed Project (Alternative C) includes an extension of the existing center left-turn lane of SR 28 from Stateline Road to Wellness Way (north of the Stillwater Cove Driveway.

See item number 1 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-c: *Comment Summary - Requests noise attenuation sound wall/barrier along SR 28.*

No significant noise impacts were identified along SR 28. Therefore, noise mitigation measures were not included.

See item number 2 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-d: *Comment Summary - Requests park should be a public park but without large gatherings, concerts*

At this time no outdoor concerts or events are planned for the park area associated with the Project.

See item number 3 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-e: *Comment Summary - Requests no construction staging on the Mariner property, and staging areas should have noise and light attenuation provisions, hours of operation, and limited activities to reduce noise, light impacts.*

This comment is noted. Specifics on staging areas have not been detailed. This comment can be considered in the construction noise control program.

See item number 4 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-f: *Comment Summary - Requests the developer provide guarantees of sufficient funding to complete project and mitigation measures.*

Developer funding guarantees are not an EIS requirement. While this could be requested during the project approval process, it is not required documentation of an EIS and does not need to be included in the text of the document. This is a matter for TRPA to consider separately from the EIS.

See item number 5 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-g: *Comment Summary - Requests full mitigation of noise and light impacts to Stillwater Cover be fully mitigated by setting back, reducing in height, and screening Building A; access road landscaping installation and maintenance.*

Where noise impacts have been determined, mitigation measures have been included. Mitigation measures were identified in the DEIS to increase setbacks or reduce height of Building A. Proposed landscaping to the park access roadway is shown in simulations provided in DEIS Chapter 4.5.

See item number 6 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment 196-h: *Comment Summary - Requests new landscaping at Crystal Bay Motel site that shown on p. 4.5-41.*

The removal of the existing Crystal Bay Motel is proposed as part of the Project. With the removal of the structure, the site will require restoration to ensure the protection of water quality. While there are no plans for redevelopment of the existing Crystal Bay Motel site in the current Project, the current proposal would not preclude future development on the former Motel parcel. However, if future development were proposed, the future Project would require a TRPA permit and associated environmental review.

See item number 7 of the PMA for additional information regarding the project applicant commitments to SWC.

Comment Letter 212 – Marlow, David, State of Nevada, Division of State Lands, 02/02/2010

Comment 212-a: *Comment Summary - On p. 4.3-8, it is unclear what is meant by the statement that SR 28 runoff shows the poorest water quality in the project area, since in Table 4.3-3 primary roads do not show the highest loading.*

The Boulder Bay EMCs incorporate samples from the entire project area, including samples from monitoring sites reflecting runoff from SR 28. The table reports the EMC results from six storm events that were captured. The column for Primary

Roads Tier 2 EMCs in Table 4.3-3 identifies the EMC limits from the Lake Tahoe TMDL Pollutant Reduction Opportunity Report (Praul and Sokulsky) and not the levels measured from SR 28. A clarifying reference will be added to the table notes. See supplemental information for DEIS Appendix P in Appendix AB for additional monitoring results and conclusions.

Comment 212-b: *Comment Summary - The preferred Alternative may improve water quality by capturing and treating the 50-year, 1-hour storm runoff, LID measures, and coverage reduction*

Comment noted.

Comment 212-c: *Comment Summary - Suggests reducing coverage instead of restoring Agate Bay Hydrozone due to limited opportunities.*

Comment noted. The excess land coverage mitigation program options are disclosed on page 4.2-20 through 4.2-23. TRPA has requested that the land coverage be permanently retired as part of the Project. The project applicant has agreed to permanently retire the maximum amount of land coverage available within the NSCP area consistent with GEO-1 for Alternatives C & D. The retirement of onsite land coverage will be made a condition of the TRPA permit.

Comment 212-d: *Comment Summary - Will coverage reductions be permanently retired?*

The excess land coverage mitigation program described in TRPA Code Section 20.5 outlines the procedures for mitigation of impacts from existing or proposed land coverage in excess of TRPA allowable base land coverage for a project area. TRPA allowable base land coverage is calculated following the methods outlined in code Section 20.3.D. Mitigation measure GEO-1 outlines the options for reducing impacts from excess land coverage as identified in the TRPA program. Options include payment of a excess land coverage mitigation fee, permanently retiring onsite land coverage and payment of an excess coverage mitigation fee in adjustment of the remaining excess, or permanent retirement of onsite land coverage and permanent retirement of additional offsite land coverage. The project applicant has agreed to permanently retire the maximum amount of land coverage available within the NSCP area consistent with GEO-1 for Alternatives C & D. The retirement of onsite land coverage will be made a condition of the TRPA permit.

Comment 212-e: *Comment Summary - The land coverage retirement calculations on p. 4.2-21, "Excess Land Coverage Mitigation Comparison by Alternative," needs better explanation; unclear how the 3,389 sf value was reached.*

Additional onsite or offsite land coverage retirement (3,389 square feet for Alternative C, 38,314 square feet for Alternative D and 40,747 square feet for Alternative E) identified in Table 4.2-6 to negate the Total Mitigation Fee is the difference between the Excess Land Coverage Mitigation Fee and the Permanently Retired Land Coverage Credit divided by $18 (the Agate Bay Cost Factor Identified in TPRA Code Section 20.5.A.3). For example, for Alternative C, $1,290,705 - $1,229,706/$18 would be valued at 3,389 square feet of additional onsite or offsite land coverage removal.

Comment 212-f: *Comment Summary - The Nevada Land Bank will look for opportunities to use excess coverage mitigation funds to benefit the basin.*

Comment noted. The excess land coverage mitigation program options are disclosed on page 4.2-20 through 4.2-23. The project applicant has agreed to permanently retire

the maximum amount of land coverage available within the NSCP area consistent with GEO-1 for Alternatives C & D. The retirement of onsite land coverage will be made a condition of the TRPA permit.

Comment Letter 234 – Trimble, Thomas, 02/02/2010

Comment 234-a: *Comment Summary - Form letter - traffic, fine sediment, and BMPs.*

See **Master Responses 1, 2, 3** and **4**.

Comment 234-b: *Comment Summary - Replace traffic light by either a tunnel or bridge for pedestrian*

Pedestrians currently have a protected crossing on SR 28 at the pedestrian traffic signal and would continue to have a protected crossing with the Project. Even with construction of a tunnel or bridge, it is likely that pedestrians would continue to cross SR 28 at the street level because pedestrians typically follow the path with the shortest distance and travel time. A grade separated crossing would not reduce travel distance or time.

Comment Letter 235 – Tulloch, John, 02/02/2010

Comment 235-a: *Comment Summary - Plans attempt to put an overly large number of hotel rooms, time shares, and other housing in a space that is not suitable for it.*

As documented in Impacts LU-1 and LU-2, the density and land uses proposed in the Boulder Bay Project are consistent with the NSCP. No timeshare units are included within the program for the proposed project (Alternative C).

Comment 235-b: *Comment Summary - Traffic analysis does not adequately take into account the true effects of adding so many people to such a small space.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment Letter 236 – Uskert, Kathleen, 02/02/2010

Comment 236-a: *Comment Summary - Concerned about impact traffic will have.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 237 – Vanderlaan, Justin, 02/02/2010

Comment 273-a: *Comment Summary: Consider increase in traffic that development will incur.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment Letter 244 – Anderson, Terri, 02/03/2010

Comment 244-a: *Comment Summary: EIS needs adequate traffic analysis.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 244-b: *Comment Summary - EIS needs to include meaningful quantification of water quality benefits.*

See Impact HYDRO-1 for the analysis of potential impacts to surface water quality from project construction and operations. See Appendix AB for supplemental analysis for total sediment, including fine sediments and nutrient load reduction calculations.

Comment 244-c: *Comment Summary - Water quality in relationship to water/sediment/pesticide run off.*

As stated in the project description in Chapter 2 on page 2-26, the Project will use native and TRPA-approved non-native shrubs and trees within the project area because these plants are most adapted to local conditions and require less irrigation and fertilizer. TRPA requires revegetation and landscaping to protect soils and lend stability to slopes. The high traffic areas will be groomed turf areas that are designed and located to allow for controlled irrigation and fertilization. Irrigation will be installed and managed to minimize the potential for runoff, but if runoff occurs it will be drain to stormwater treatment systems as part of the project area design. Fertilizer will be managed carefully and used in dry, slow release form when applications are necessary and applied as outlined in the TRPA Fertilizer Management Plan that is a required component of the TRPA Landscaping Plan (DEIS Appendix O). Pesticide use is not proposed.

Comment 244-d: *Comment Summary - Does the Biltmore fall under NV or CA regulation?*

The Project is located within Nevada and falls under Nevada regulation as well as TRPA regulation for the Tahoe Basin region that applies to both California and Nevada.

Comment Letter 255 – Boyette, Susan, 02/03/2010

Comment 255-a: *Comment Summary - Adding more units will not help traffic.*

Please see response to comment 122-b.

Comment Letter 258 – Carrera, Ron, 02/03/2010

Comment 258-a: *Comment Summary - Will there be ongoing monitoring of water runoff to the lake?*

As discussed in SP-9 in Chapter 6, there will be post-construction monitoring and reporting of stormwater quality. This monitoring will continue until it can be determined that runoff from permanent stormwater treatment facilities is in compliance with TRPA discharge standards.

Comment 258-b: *Comment Summary - Will management be held accountable for any pollution as long as the hotel is still in operation?*

Boulder Bay is held accountable for pollutants and is responsible for the quality of stormwater generated at the site.

Comment Letter 259 – Casey, Liza, 02/03/2010

Comment 259-a: *Comment Summary - Project should be downsized.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 264 – Elias, Bonnie, 02/03/2010

Comment 264-a: *Comment Summary - An impact study needs to be done. How will it effect the natural setting of the area and the traffic in Kings Beach as well as Incline?*

The impacts of the Boulder Bay Project have been analyzed in the DEIS. Potential effects to the natural setting are described in Chapters 4.2 - Geology, 4.3 - Hydrology and Water Quality, 4.4 - Biological Resources, and 4.5 - Scenic Resources. Potential effects to traffic in Kings Beach and Incline are described in Chapter 4.7 - Transportation.

Comment Letter 269 – Giorgianni, John, 02/03/2010

Comment 269-a: *Comment Summary - North shore does not have the roadways to handle a large inflow of traffic.*

The traffic impact from the Boulder Bay Project is modeled along with traffic of other North Shore projects and communities in the cumulative traffic analysis, which is presented on pages 4.8-65 through 4.8-77. The cumulative impacts levels were determined to be less than significant after mitigation through measure TRANS-C1: Implement Intersection Improvements. Mitigation measure TRANS-C1 is detailed in Chapter 6 of the DEIS.

Comment 269-b: *Comment Summary - Project is too large.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 274 – Hathaway, Wayne, 02/03/2010

Comment 274-a: *Comment Summary - Wants guarantees from developer.*

This is not a comment on the content or adequacy of the DEIS. This information has been passed on to the Project proponent and decision maker(s) for consideration. The developer will secure construction financing prior to construction. Building inspections ensure that the structures are built according to the stamped plans. TRPA, as the monitoring agency, and other agencies with jurisdiction over the particular resource, ensure that mitigation and monitoring program is complete. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 284 – Miller, Joyce, 02/03/2010

Comment 284-a: *Comment Summary - Opposes project as too big and not economically viable, and due to impacts to traffic and pollution; requests rebuilding with same number of existing units.*

Please refer to Chapters 4.8 and 4.9 regarding traffic and air quality. The DEIS analyzed two Alternatives (A and B) that would maintain the existing number of tourist units. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 286 – Morkner Brown, Christina, North Tahoe Preservation Alliance, 02/03/2010

Comment 286-a: *Comment Summary - Alt. C will cause a significant increase in the density, mass and height of buildings. Height exceeds TRPA and NSCP limits (42 and 38 feet, respectively) and requires a code amendment. There will be a significant increase in units. Square footage increases from 110,000 to 475,000.*

The density of Alternative C is consistent with TRPA Code of Ordinances Chapter 21 and the NSCP. Proposed building heights exceeds limits currently allowed in TRPA Code Chapter 22. The Project includes a proposed Code Chapter 22 amendment that would allow for the consideration of building height included in Alternative C. Analysis provided in DEIS Chapter 4.5 concludes that proposed building heights would not result in significant impacts. However, if the proposed Code Chapter 22 amendment is not adopted, proposed building heights would have to be revised to meet existing or amended regulations. Alternative E includes building designs that meet existing limits in Code Chapter 22. There are no additional restrictions with regards to height in the NSCP.

Comment 286-b: *Comment Summary - What authorizes TRPA to amend the Code for one project to allow multiple buildings to exceed current TRPA height limitations?*

The TRPA Rules of Procedure authorize TRPA to amend the Code of Ordinances if appropriate submissions and environmental documentation are provided and a public hearing is held. Article IV Section 4.8 of the TRPA Rules of Procedure states:

"Consideration of Plan and Ordinance Amendment Requests: Proposals for ordinances and amendments may be made by TRPA or other interested persons or entities, including public interest groups and government agencies. For proposals which the Executive Director deems appropriate for submission to the Board, the Executive Director shall cause the appropriate environmental documents to be prepared and public hearings, where required, to be held."

Amendments to the Code may be made through the procedure referenced above. Between August 1987 and March 2010, 271 Ordinances have been passed that amend various sections and subsections of the TRPA Code of Ordinances. Amendments to Chapter 22 Height Standards have occurred since 1998 and as recently as January 2010. Many of these amendments were proposed along with a specific project.

The proposed amendment to Chapter 22 of the TRPA Code of Ordinances would allow only Community Enhancement Projects within the North Stateline Community Plan to receive additional height up to 75 feet subject to specific setback requirements and finding requirements. This is an increase of 27 feet over what is currently allowable for Tourist Accommodation uses pursuant to TRPA Code Section 22.4.B. An evaluation of the effect that the proposed amendments may have on the scenic thresholds was completed as part of the Draft EIS. The evaluation reports that there would be an improvement in the Scenic Travel Route Ratings of 1.5 points for the Alternative C development proposal.

In context with the other Tourist Accommodation structures within the NSCP, the current Tahoe Biltmore (to be demolished) is 76 ft tall and the Cal Neva is 122 ft tall (located 825 ft from the Biltmore). The seven-story Brockway Springs condominium tower (+90 ft tall) is located 2,700 ft from the Biltmore and is located on the shores

of Lake Tahoe. The seven-story Crystal Bay Tower condominiums (+80 ft tall) is located 6,400 ft from the property and is also on the shores of Lake Tahoe.

Please see response to comment 93-b for a discussion of the project's consistency with TRPA Community Design Goal #2, Policy 1.B.

Comment 286-c: *Comment Summary - 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?*

Amending Code Chapter 22 to allow for the consideration of the Boulder Bay Project is within TRPA's authority because there is no project variance procedure in the TRPA Rules of Procedure. As stated above in the Rules of Procedure Section 4.8, "Proposals for ordinances and amendments may be made by TRPA or other interested persons or entities, including public interest groups and government agencies. For proposals which the Executive Director deems appropriate for submission to the Board, the Executive Director shall cause the appropriate environmental documents to be prepared and public hearings, where required, to be held." Limits on Code amendments are at the discretion of the Executive Director.

Comment 286-d: *Comment Summary - Why is the allowance of additional height allowed by code amendment without an amendment to the NSCP and map? The NSCP should be amended, including a separate environmental review process.*

Article 4, Section 4.8 of the TRPA Rules of Procedure allows Code amendments, but does not require an amendment to Community Plans or maps. It allows the Executive Director of TRPA to determine the appropriate amendment text and scope as discussed in Response to Comment 286-b. The NSCP does not include structural height limits and defers this to TRPA Code of Ordinances Chapter 22 Height Standards. Since the NSCP does not include height standards and defers to the Code of Ordinances, the appropriate location for an amendment is therefore the Code of Ordinances. Amendments to the Code of Ordinances would then apply to the NSCP because the NSCP defers this standard to the Code. No map or NSCP amendments are required.

Comment 286-e: *Comment Summary - What are the potentially significant impacts of diminishing the height standards in the NSCP area?*

DEIS Impact SR-1 documents potential impacts associated with the proposed TRPA Code Chapter 22 height amendment for the Boulder Bay project area. With the implementation of proposed mitigation measures, no significant impacts would result with adoption of the proposed height amendment.

Comment 286-f: *Comment Summary - TRPA Code Subsection 22.7 states "the building is located within an approved community plan, which identified the project area as being suitable for the additional height being proposed." Where was this analyzed in the DEIS?*

Impact SR-3 analyzes finding 6 from TRPA Code Subsection 22.7 on page 4.5-58. NSCP Design Guideline 1 identifies an incentive for additional height for certain buildings.

Comment 286-g: *Comment Summary - What language in the Code amendment ensures that the amendment applies only to the Project area?*

The first paragraph of the proposed Chapter 22.4.E Code amendment (DEIS Appendix U) states that "TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code Subsection 33.3.D(3) as specified below." The only special project within the North Stateline Community Plan designated through Resolution 2008-11 is the Boulder Bay Project. Please see response to comment number 93-b regarding the portion of the project area that would entitled to additional height.

Comment 286-h: *Comment Summary - Buildings in excess of the 38 ft height limit are inconsistent with a human scale design.*

Please see response to comment 93-i.

Comment 286-i: *Comment Summary - Adding the Crystal Bay Motel site to the project area means that the height allowances extend across SR 28. What are the impacts associated with extending the height allowance to this area for future development?*

Please see response to comment 93-b. The Crystal Bay Motel site is not included in the proposed height amendment.

Comment 286-j: *Comment Summary - What are the potential cumulative impacts associated with allowing additional height by a Code amendment? This sets a bad precedent for allowing special exemptions throughout the Basin, leading to a growth inducing effect.*

Amending Code Chapter 22 to allow for the consideration of the Boulder Bay Project is within TRPA's authority because there is no project variance procedure in the TRPA Rules of Procedure. Code Chapter 22 currently includes a provision for additional height findings for certain uses such as public service, tourist accommodation and certain recreational buildings. The proposed amendment would not apply to other areas of the Lake Tahoe Basin. Should amendments for additional height be proposed in other Basin locations, they would have to be supported with environmental analysis and findings that the additional height is warranted.

Comment 286-k: *Comment Summary - The DEIS should explain the potential cumulative impacts of allowing regional and Code height restrictions to be exceeded on a project-by-project basis.*

Please see response to comment 286-j.

Comment 286-l: *Comment Summary - What is the justification for not using the actual existing traffic counts as the existing baseline conditions for the daily vehicle trips analysis? The actual traffic counts should be used instead of a theoretical assumption of traffic levels when the existing facility is operating at full capacity.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 286-m: *Comment Summary - When one compares the projected daily trips under Alternative C (3,862 daily trips) to the actual number of daily trips (1,835 daily trips), it is clear that the project causes an increase in daily trips even with Alternative transportation, internal capture or pass-by trips.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative baseline. **Master Response 3** provides additional clarification on internal/external Alternative mode trips.

Comment 286-n: *Comment Summary - The distortion of the baseline traffic conditions also distorts the air quality impact analysis, and falsely asserts that no significant impacts would occur.*

Please see response to comment 100-d.

Alternative C results in fewer trips/VMT than Alternative A existing conditions and the alternative baseline existing conditions shown on Table 8.5-2. **Master Response 2** summarizes the alternative existing baseline analysis that was prepared for the FEIS.

Comment 286-o: *Comment Summary - The distorted baseline for VMT concludes Alt. C will generate 9,955 less VMT than the existing Biltmore.*

Alternative C results in fewer trips/VMT than Alternative A existing conditions and the alternative baseline existing conditions shown on Table 8.5-2. **Master Response 2** summarizes the alternative existing baseline analysis that was prepared for the FEIS.

Comment 286-p: *Comment Summary - Recalculate the increase in daily vehicle trips and VMT generated by the Project based on the actual existing traffic conditions.*

Please see response to comment 286-n.

Comment 286-q: *Comment Summary - Does the reduction of square footage associated with the gaming area warrant a claim of reduced daily trips and VMT?*

The trip generation rate for the casino was developed based on an independent variable of square footage; therefore, if the square footage of the casino space is reduced, the trips generated by the casino will be reduced as well. The reduction in trip generation compared to the existing site also corresponds to the proposed mix of uses that will help reduce vehicle trips by keeping people on the project area, as opposed to driving to find a service or amenity elsewhere. For example, at the existing site, guests have limited dining options, which forces them to leave the site to find other dining opportunities. The Proposed Project offers several more dining options, increasing the likelihood that a guest will eat at a restaurant on the site and not create a vehicle trip to an off-site restaurant. The Proposed Project offers a greater mix of land uses than the existing condition including recreation, retail, restaurant, and service opportunities. Providing a balanced land use mix is a proven way to reduce vehicle traffic associated with a mixed-use site.

Comment 286-r: *Comment Summary - The reduction in gaming area will not reduce traffic trips because the existing casino area is underutilized.*

The existing certified gaming floor area of the Tahoe Biltmore is approved at 29,000 square feet of usable space; however, the Biltmore is currently utilizing 22,400 square feet of the certified gaming space. Under Alternative A, the casino was analyzed at 22,400 square feet to reflect current operating conditions. The Proposed Project includes 10,000 square feet of gaming floor area, which is less than the existing gaming floor area currently being utilized by the Tahoe Biltmore.

See **Master Response 2** for an alternative baseline analysis that estimates trip generation based on survey counts instead of trip generation tables. This master response provides information related to the alternative existing baseline analysis. This analysis confirms that trips are reduced without utilizing assumptions on the utilization of gaming floor area.

Please see response to comment 100-b regarding the impact on trip generation from the expansion of Indian Gaming facilities.

Comment 286-s: *Comment Summary: - Identify how many slots and tables will be included in the 10,000 sf 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.*

Vehicle trips were generated for the casino based on the square footage of the facility, which is a typical method for calculating trip generation. The utilization of the reduced casino floor area proposed for Alternative C will be a market-driven decision at the time of opening in an evolving marketplace.

See **Master Response 2** for an alternative baseline analysis that estimates trip generation based on survey counts instead of trip generation tables. This provides information related to the alternative existing baseline analysis. This analysis confirms that trips are reduced without the assumptions on the utilization of gaming floor area.

Comment 286-t: *Comment Summary - Can any of the 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? Is this consistent with the intended uses of either site?*

Please see response to comment 93-c.

Comment 286-u: *Comment Summary - What are the impacts on traffic and air quality if more casino space can be created on site?*

The traffic analysis was performed using the project description provided in Chapter 2 of the DEIS. If the Project proponent revisits the size or type of uses on the site, it would require review by TRPA and potential re-evaluation of transportation impacts.

Comment 286-v: *Comment Summary - Address any changes to the trip generation calculations if the reserved gaming floor area is converted to CFA.*

The traffic analysis was performed using the project description provided in Chapter 2 of the DEIS. The designation as GFA or CFA would not result in changes to the trip generation calculations for the proposed project. Please refer to **Master Response 4** for additional information on CFA designation.

Comment 286-w: *Comment Summary - Address all the potential effects of Boulder Bay's reservation of gaming floor area rights including VMT, traffic and air quality impacts.*

Please see response to comment 286-u.

Comment 286-x: *Comment Summary - What are the impacts on the trip calculations if the wellness center and spa are categorized as CFA instead of as an "accessory use" to the hotel?*

The TRPA Code of Ordinances provides definitions of Accessory Space and Commercial Floor Area (CFA) that are not related to the ITE definition of “accessory space” from a traffic analysis perspective. The CFA designation is unique to TRPA and does not influence the analysis of traffic impacts. The trip generation calculations of the spa (wellness center) will not change if it is categorized as CFA. A change in the designation of the spa to CFA will not change the project description, and therefore will not change the analysis. Please refer to **Master Response 4** for additional information on CFA designation.

Comment 286-y: *Comment Summary - How can the wellness center and spa be considered accessory to the hotel if Boulder Bay promotes the spa/wellness center as a benefit to the community and not just hotel guests?*

Please see **Master Response 4** regarding the trip generation analysis for the accessory uses.

As discussed in Impact LU-1, the accessory uses proposed in the Project must be consistent with findings included in TRPA Code Subsection 33.3.A(1)(b). If TRPA determines that the accessory uses are not consistent with the applicable findings, then CFA will be required for all or a portion of the proposed accessory uses. The spa and wellness center can be considered accessory because there are no separate entrance (33.3.A.1.b.i), the size of these amenities are of comparable size ratio as other hotels in the area (33.3.A.1.b.ii), there is no separate or dedicated parking for this amenity (33.3.A.1.b.iii), it will not be separately advertised (33.3.A.1.b.iv), the primary use season corresponds to the primary use season of the hotel (33.3.A.1.b.v), and the use of this amenity does not generate a separate vehicle trip (33.3.A.1.b.vi).

Comment 286-z: *Comment Summary - If the TRPA Board determines the spa/wellness center is not an accessory use, the DEIS states additional CFA is available within the Project to accommodate this use. Therefore, the DEIS should include a traffic analysis for the spa/wellness center as CFA.*

Please see response to comment 286-x.

Comment 286-aa: *Comment Summary - Describe the impacts on parking if the wellness center and spa are categorized as CFA.*

The TRPA Code of Ordinances provides definitions of Accessory Space and Commercial Floor Area (CFA) that are not related to the ITE definition of "accessory space" from a traffic analysis perspective. The CFA designation is unique to TRPA and does not influence the analysis of traffic impacts. The parking analysis will not change if the spa (wellness center) is categorized as CFA. A change in the designation of the spa to CFA will not change the project description, and therefore will not change the analysis. Please refer to **Master Response 4** for additional information on CFA designation.

Comment 286-ab: *Comment Summary - Would the classification of the wellness center and spa as CFA comply with the limits on total CFA set by the NSCP?*

Boulder Bay has TRPA verified CFA and GFA that may be used for the proposed accessory uses if TRPA determines that the accessory uses are not consistent with applicable findings. While the NSCP provides an additional CFA growth allocation of 19,616 square feet, it does not limit total CFA growth because it states "Existing and/or banked development, above and separate from the allocations, may also be transferred into the plan area, as permitted by the TRPA plan area statement (page 2-10)."

Comment 286-ac: *Comment Summary - The DEIS runoff and drainage analysis is inadequate and incomplete.*

Comment is noted. The commenter supports this statement by reference to John V Bosche's comment letter (Comment Letter 137).

Comment 286-ad: *Comment Summary - Consider the impact of a 100-year 1-, 6-, and 24-hour storm on offsite properties.*

Please see response to comment 137-c.

Comment 286-ae: *Comment Summary - Evaluate the long-term performance of below grade infiltration galleries with accumulation of debris and lack of accessibility of these types of galleries.*

Please see response to comment 137-d.

Comment 286-af: *Comment Summary - Evaluate and disclose the adequacy of the performance of pervious pavers.*

Please see response to comment 137-e.

Comment 286-ag: *Comment Summary - Evaluate impacts on TMDLs if regenerative air street sweeping equipment is not conditioned as part of the project approval.*

Please see response to comment 137-f.

Comment 286-ah: *Comment Summary - Evaluate impacts on hydrology if the projected mass transit/Alternative transportation assumed for the project is not funded.*

Please see response to comment 137-h.

Comment 286-ai: *Comment Summary - Why is there no CEQA review required for the California parcel where the offsite infiltration basin will be located?*

Please see response to comment 93-e.

Comment 286-aj: *Comment Summary - Will there be any permits required from Placer County for the infiltration basin on the California Parcel?*

A number of permits will be required as described in the Brockway Erosion Control Project Mitigated Negative Declaration under Mitigation Measure HYDRO-1, which outlines the necessary compliance measures for permitting the project (page 5 - Mitigation Measure HYDRO-1: Obtain Water Quality Permits and Comply with Permit Requirements. This project, located in California, is subject to construction related storm water permit requirements for the Federal Clean Water Act NPDES program and required permits will be obtained through the Lahontan RWQCB, as designated by the USEPA under the Clean Water Act.)

Additionally, Placer County will be required to obtain a TRPA construction permit and will be subject to all storm water quality requirements of this permit. In compliance with the requirements of the State General Construction Activity Storm Water Permit, as well as the Water Quality Control Plan for the Lahontan Region, Placer County shall prepare a Storm Water Pollution Prevention Plan (SWPPP), which describes the site, erosion and sediment controls during construction, means of waste disposal, implementation of approved local plans, control of post construction sediment and erosion control measures and maintenance responsibilities, and non-storm water management controls. The SWPPP shall be submitted to the Lahontan for review. Placer County shall require all construction contractors to retain a copy of the approved SWPPP on the construction site. BMPs identified in the SWPPP shall be utilized in all subsequent site development activities. Water quality control shall be consistent with the Placer County grading ordinance's) and would demonstrate that the water quality controls would ensure compliance with all current requirements of the County and Lahontan. Any necessary storm water quality sampling and reporting associated with the SWPPP shall be the responsibility of Placer County.)

Comment 286-ak: *Comment Summary - Why is there no CEQA review required for the impacts of the Project within California?*

Please see response to comment 93-e.

Comment 286-al: *Comment Summary - Will there be supplemental environmental review for the Brockway Project that includes the Boulder Bay Project storm water project? If not, why not?*

Please see response to comment 93-e for a discussion of the environmental review that was completed for the water quality improvements at the Stateline mini park site.

Comment 286-am: *Comment Summary - The DEIS fails to adequately analyze the Project's impacts on climate change. Include a cumulative analysis of GHG emission.*

The DEIS indicates that the proposed Project (Alternative C) will generate less traffic/VMT than Alternative A, which was used as the baseline for traffic comparisons. **Master Response 2** provides information related to Alternative A existing conditions and the alternative baseline existing conditions analysis. As a result, the Project will reduce its contribution to cumulative GHG emissions.

Comment 286-an: *Comment Summary - Calculate the potential sequestration over the next 100 years that will be lost as a result of the removal of trees 3 inches or greater dbh on the site.*

The Proposed Project includes maintaining trees where possible and extensive landscaping that includes feature such as green roofs that decrease heat island effects and sequester carbon dioxide through vegetative uptake. The GHG analysis considers tree removal as balanced with revegetation and establishment of new vegetation throughout the project area as metrics. Chapter 4.4, Biological Resources, reports the number of trees that would be removed under each Alternative and the Project includes tree protection measures as outlined in standard practice SP-6 and a revegetation/landscaping plan as outlined in standard practice SP-7.

Comment 286-ao: *Comment Summary - The DEIS fails to adequately analyze impacts on local recreational sites.*

The DEIS analyzes impacts on local recreation sites in Chapter 4.6. Although the Project may impact existing recreation sites in the area as documented in Chapter 4.6, the DEIS also documents the proposed recreation resources included in the Project and available to the community. The proposed amendment to the Tahoe Mariner Site Agreement requires Boulder Bay to build a park on the property. This park space is proposed as part of the Project.

Comment 286-ap: *Comment Summary - The mitigation measure to provide shuttle service to area beaches is inadequate because Speedboat Beach is within walking distance of the Project site. There is no assurance that several hundred hotel guests will not visit Speedboat Beach.*

As stated in REC-1, beach going hotel guests are estimated to equal between 160 (Alternative E) and 300 persons (Alternative D) during peak summer periods. Shuttle service will not prevent all guests from visiting Speedboat beach as it is a public beach within walking distance of the Project, but this beach is not visible from the Project Site or SR 28 and may not be readily known to visitors to the area. Mitigation Measure REC-1 has been modified to reflect additional measures that will help deter visitor use of Speedboat Beach and to add participation in increased maintenance as requested by Placer County. Please see response to comment 171-d.

Comment 286-aq: *Comment Summary - Cumulative recreation analysis is inadequate because it relies on the shuttle mitigation and fails to analyze the cumulative impact on area beaches because of shuttling.*

Cumulative impacts to Basin recreational resources are also addressed in the TRPA Threshold Evaluation Reports that are prepared every 5 years. The TRPA 2006 Threshold Evaluation report evaluated the status of the two R-1 Recreational threshold indicators (Quality Experience and Additional Access) and determined each to be in attainment. The Evaluation of "Quality Experience" states:

> "Previous survey efforts have indicated that the majority of recreation experience attributes either meet or exceed expectations. The quality of the region's beaches and access to forest areas/trails are rated the most positive elements of the Tahoe Basin recreation experience. Beach activities are the most popular summer pursuits, followed closely by walking and hiking. Seasonal traffic and crowding detract from the experience during peak periods. These attributes that detract from the quality of the recreation experience are beyond the purview of the recreation providers."

Impact REC-1 in Chapter 4.6 of the Boulder Bay DEIS states "Although Alternatives C and D will include new onsite recreational opportunities for Boulder Bay guests, and park and open space areas open to the public that include views of Lake Tahoe, increased visitation to Boulder Bay under Alternatives C, D and E will have a potentially significant impact on nearby Lake Tahoe beaches." Mitigation measures are included in the DEIS to help reduce the Boulder Bay impacts to seasonal traffic and crowding that are referenced in the Threshold Evaluation as a problem. Please see response to comment 171-d for proposed revisions to the Mitigation Measure REC-1 that are recommended based on other comments to the DEIS.

While neither of the closest beaches to Boulder Bay are operated by the USFS, they also conduct evaluations of beach facilities to determine whether the recreational experience is meeting visitor expectations. According to USFS LTBMU recreational specialist Bob Becker (personal communication, August 27, 2010), the USFS has found that parking availability regulates beach conditions and that the USFS beaches can accommodate each of the visitor's who can park or walk into the facility. Beach visitor complaints are generally directed at congested access and parking facilities. This information is consistent with information provided by Nevada State Parks and was the basis for the development of shuttle oriented mitigation measures to reduce the reliance on the individual auto for Boulder Bay residents access to beach facilities. Therefore, the impacts of the Boulder Bay project, along with increased visitation associated with other cumulative projects are not anticipated to degrade the high quality of the recreational experience as measured by TRPA.

Comment 286-ar: *Comment Summary - Complete the analysis of the Project's contribution to impacts on recreational facilities and discuss possible feasible mitigation measures to address these impacts.*

Please see response to comment 286-aq.

Comment 286-as: *Comment Summary - The DEIS lacks adequate disclosure of CEP Compliance.*

Appendix AG includes a TRPA staff prepared analysis of Boulder Bay's compliance with the CEP resolution adopted by the Board. As documented in the resolution compliance matrix, the Boulder Bay Project (Alternative C) is in compliance with the Resolution's requirements for Boulder Bay's continued participation in the CEP.

Comment 286-at: *Comment Summary - 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.*

Please see response to comment 286-as.

Comment 286-au: *Comment Summary - Release an analysis, such as a matrix, that measures the project against the CEP criteria for public review and comment.*

Please see response to comment 286-as.

Comment 286-av: *Comment Summary - Exhibit B from Susan Handy dated 29-Jan-10: Baseline traffic conditions are overestimated using the full capacity operation numbers, which underestimates the effect of the Proposed Project.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 286-aw: *Comment Summary - Exhibit B from Susan Handy dated 29-Jan-10: The project cannot be classified as a "destination resort" because the amenities are not extensive enough to keep guests onsite for most of their stay. In addition, there is no access to the lake, skiing, golf, tennis, or other recreational activities beyond a pool.*

The Project includes a variety of amenities such as a spa/wellness center, pool, casino, fitness center, conference center, entertainment, restaurants, retail, park and hiking trails, and children's club. These amenities are typical of other destination resort hotels. While there are many desirable activities offsite, not every visitor to Lake Tahoe participates in the sports activities, as listed in the comment.

Comment 286-ax: *Comment Summary - Exhibit B from Susan Handy dated 29-Jan-10: It is not realistic to assume hotel patrons will regularly use local transit or shuttles, especially with sparse transit service.*

The Alternative mode reduction included in the trip generation calculations includes bicycling, walking, carpooling, etc. trips, as well as transit and shuttle trips. **Master Response 3** provides additional clarification on internal/external Alternative mode trips. The Alternative Transportation Plan provides for the following specific measures intended to reduce private vehicle use:

- Provide financial subsidy to increase North Lake Tahoe Express Service between Reno-Tahoe International Airport and Incline Village/Crystal Bay from 7 runs per day to 11 runs per day during peak travel seasons (summer and winter);
- Reduce existing Crystal Bay to Tahoe Vista Trolley headways from 30 to 15 minutes during summer daytime hours by operating an additional Trolley at no cost to users;
- Operate Year-Round Tahoe Connection Service using three Alternative-fueled vans (12-15 passenger) to provide free transit service throughout the Tahoe/Truckee region to Boulder Bay guests and residents;
- Encourage Alternative transportation strategies for Boulder Bay employees by offering subsidized employee transit passes, preferred carpool parking, carpool matching service, showers/lockers, and bicycle amenities;
- Provide two bays for Transit buses and shuttles along SR 28 and an Alternative Transportation Center for transit, bicycle and pedestrian travelers to be protected

from the elements (including a bicycle station with an air compressor and secured parking);

- Onsite Alternative-fuel car share service (up to four vehicles) for Boulder Bay guests and residents; and
- Onsite bicycle-share service for Boulder Bay guests and residents, including some bicycles with "electric assist".

These measures will likely reduce private auto use and increase Alternative modes beyond the estimates made in the trip generation analysis (i.e. project trips could be less than estimated).

Comment 286-ay: *Comment Summary - Exhibit B from Susan Handy dated 29-Jan-10: Smart growth strategies are unlikely to succeed in reducing VMT in this rural environment, particularly with few services within walking distance.*

Please see response to comment 122-b.

Comment 286-az: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: The internal capture rates for Alternatives A and C are applied to two different base trips.*

Please see response to comment 103-d.

Comment 286-ba: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: The EIS does not give the interacting uses for all raw trips and does not explain why the total number of trips with interacting uses that might be subject to internal capture is different for each Alternative.*

Information on the interacting uses is provided in Appendix W of the DEIS. **Master Response 3** provides additional clarification on internal and external Alternative mode trips including interacting uses. Please see response to comment 103-d.

Comment 286-bb: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Provide the base interacting uses numbers on which the internal capture numbers are based.*

Information on the interacting uses is provided in Appendix W of the DEIS. **Master Response 3** provides additional clarification on internal and external Alternative mode trips including interacting uses.

Comment 286-bc: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Explain why all Alternative C raw trips have interacting uses subject to internal capture but only a third of the Alt. A raw trips and half of Alt E raw trips do.*

Please see responses to comments 100-e and 103-e.

Comment 286-bd: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Provide the base numbers of trips on which the "Alternate Mode Split" is based. It should not include internal trips.*

Please see response to comment 103-e.

Comment 286-be: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: The Alternative Transportation Plan for Alts C and D contains conflicting claims on the reduction of daily trips on summer days.*

Daily trip reductions were calculated by determining the internal and external alternate mode rates, including on-site internal capture and off-site alternate modes, for each Alternative based on the specific type, size, and mix of the uses proposed.

Alternatives C and D propose different mixes of land use sizes and types, and therefore have different internal and external Alternative mode reductions. **Master Response 3** provides additional clarification on internal and external Alternative mode trips.

Comment 286-bf: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: The number of Alternative mode trips for Alt. C seems to be obtained by applying the same Alternative mode split factors as Alt A, yet the factors applied to Alt E are higher.*

Internal alternate mode rates, including on-site internal capture and off-site alternate modes, were developed specific to the type, size, and mix of the uses proposed for each Alternative. The number of internally captured walking trips between the project land uses was calculated by balancing the trips to correspond with the capacity of the lower trip generating use. Further explanation of the methodology used to calculate internal capture trips, as well as a visually representative figure, are provided in **Master Response 3**.

Comment 286-bg: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Explain how the existing Alternative transportation opportunities and the Alternative Transportation Plan impact the Alternative mode split for each Alternative and why different factors are used for Alt F than the other Alternatives.*

Please see response to comment 128-b.

Comment 286-bh: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: If the Alternative Transportation Plan costs $319,000, describe how funding will be assured.*

Please see responses to comments 54 and 137-h regarding the requirements for the project to document funding for project components and mitigation measures.

Comment 286-bi: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Why don't the numbers in the Mixed Use Development Trip Generation Model agree with the numbers in the trip generation spreadsheet?*

Please see response to comment 103-g.

Comment 286-bj: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Because of the different numbers presented, the internal capture trips, alternate trip mode trips and external trips are not accurate.*

Please see response to comment 103-g.

Comment 286-bk: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Explain why the numbers in Appendix W are not used in the traffic analysis.*

Please see response to comment 103-g.

Comment 286-bl: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Why are the daily trips generated by the Tahoe Biltmore inflated three times the actual number of trips. There is nothing to support analysis at full-capacity operations.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline. The analysis included in the DEIS applies the same trip generation assumptions to the existing land uses as it does to the proposed land uses in the various Alternatives.

Comment 286-bm: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: Provide an analysis of hotel occupancy, casino operations, and restaurant patronage to support the contention that the Biltmore activities generated only a third of expected trips based on land use and trip generation rates, or revise the number of baseline trips.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline. **Master Response 3** provides additional clarification on internal and external Alternative mode trips.

Comment 286-bn: *Comment Summary - Exhibit C from Joy Dahlgren dated 24-Jan-10: How can Alt C have more sf, hotel rooms, and parking than Alt A, yet generate less external traffic?*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline and response to comment 122-b.

Comment 286-bo: *Comment Summary - Exhibit D from William R. Eadington dated 29-Jan-10: If the minimum required sf for 275 slot machines and 12 table games (existing gaming onsite) is 8,675 sf and the upper limit is 10,650 sf, then the existing casino operates with roughly 15,000 sf of excess casino floor space. With the decline in gaming revenues, the number of gaming tables/slots will continue to decrease.*

The referenced memo does not take into account that the site could be used in the future for its maximum gaming potential. The existing casino is allocated 29,744 square feet of certified gaming floor area and may utilize all of that space at any time pursuant to NTRPA regulations. Although the casino may not currently utilize all of the allocated gaming floor area, it can do so in the future as proposed in Alternatives A, B, and E.

Comment 286-bp: *Comment Summary - Exhibit D from William R. Eadington dated 29-Jan-10: Reduction in gaming sf would have no impact in the existing volume of casino customers in North Shore because of the excess existing capacity.*

Reducing the gaming square footage to 10,000 sf under Alternatives C and D will impact the maximum number of casino customers that can visit the site (and therefore the associated trips). Under Alternatives A, B, and E, the certified gaming area remains at 29,744 sf and may be operated to its maximum capacity in the future.

Comment 286-bq: *Comment Summary - Exhibit E from John Bosche dated 26-Jan-10: Comments described in original letter from Mr. Bosche above.*

Please see responses to comment letters 137 and 286 above.

Comment Letter 306 – Starbard, Don, 02/03/2010

Comment 306-a: *Comment Summary - If Boulder Bay is given extra privileges then the surrounding property should be also given the same benefits.*

Boulder Bay is not given extra privileges. Surrounding private property owners may propose their own projects to TRPA. This Project does not prevent other projects from being proposed or other Code amendments from being proposed.

This comment does not indicate an issue with the contents of the DEIS and does not result in a change to the DEIS text. The comment may be used by decision makers to arrive at a decision; however, it does not change the environmental analysis for this Project.

Comment 306-b: *Comment Summary - Project is over height and over dense.*

The analysis in Chapter 4.5 recognizes that the Project exceeds existing height limits and has determined that with the inclusion of mitigation measures SR-1A and SR-1B, potential impacts of the Project would be reduced to a less than significant level. It should be noted that the 76-foot of legally existing non-conforming height is grandfathered. Appendix AC includes modifications to the proposed height amendment (DEIS Appendix U) to limit the additional height allowance to those parcels within the project area limits in the NSCP and north of SR 28 as shown on Figure 4.5-17. Project density is discussed in Chapter 4.1-Land Use. The proposed density of the project is in conformance with the existing TRPA Code. The transfer of TAUs and ERUs is discussed on page 4.1-27. TAU and ERU allocations are appropriate and within limits and policies established by TRPA. The limit expressed in the NSCP is only related to bonus units from the NSCP allocation pool. The ability to bring in other special project bonus units or transfer of existing units is not subject to the NSCP limit.

Comment 306-c: *Comment Summary - Traffic will create a burden and analysis is incorrect.*

Comment noted. **Master Response 2** provides information related to the alternative baseline analysis.

Comment Letter 308 – Storm, Rodney, 02/03/2010

Comment 308-a: *Comment Summary - Propose that a transportation hub, terminal be located on the CA side of the Boulder Bay project, allowing companies to provide transportation serviced legally.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 308-b: *Comment Summary – Supports Project.*

Comment noted.

Comment Letter 313 – Wadsworth, Ben, 02/03/2010

Comment 313-a: *Comment Summary - Describe traffic impacts and mitigation for SR 28 and SR 267.*

The DEIS provides level of service analysis for the study intersections on SR 28 and SR 267. Queuing analysis was performed at the SR 28/SR 267 intersection. Significant impacts created by the Alternatives are disclosed in the DEIS, and mitigations are recommended where necessary in Chapter 4.8.

Comment 313-b: *Comment Summary - How will air quality impacts be mitigated?*

Air Quality impacts (identified in Chapter 4.9) are mitigated through payment of appropriate air quality mitigation fee in accordance with Chapter 93 – Traffic and Air Quality Mitigation Program of the TRPA Code of Ordinances.

Potential, future projects within the NSCP area that could benefit from funds contributed to the Air Quality Mitigation Program include:

- Adding bicycle lanes to SR 28 through the NSCP area
- Expanding existing transit services
- Constructing new transit shelters and bus turnouts

- Providing connectivity between multi-use paths for bicycles and pedestrians through the NSCP area.

Comment 313-c: *Comment Summary - Please describe BMPs; and how the system responds to releases of nitrates, phosphates, and fine, suspended particulate matter; how added sewage is handled; and how much hardscape will be incorporated into the project and predicted runoff.*

BMPs are described on page 2-18 of the Project Description and further detailed in Figures 2-8 and 2-9. See Appendix AB for the supplemental analysis of storm water quality using LSPC modeled load reductions for the proposed stormwater treatment system. Sewage will be handled by IVGID's Incline Village Waste Water Reclamation Facility (see page 4.12-12). Land coverage is analyzed for Impact GEO-1 (pages 4.2-14 to 4.2-23) and stormwater runoff is analyzed in Impact HYDRO-3 (pages 4.3-36 to 4.3-47).

Comment 313-d: *Comment Summary - Describe the landscaping plan, including lawns, phosphate and nitrate residues from fertilization, and native species.*

The requirements of the TRPA landscaping plan are discussed on page 2-26 in the project descriptions and in Standard Practice (SP-7) in the mitigation and monitoring plan. The Landscaping Plan will be based on the selected Alternative and submitted to TRPA as a condition for project permitting. See response to comment 244c for discussion of irrigation, fertilizers use and native plant selection.

Comment 313-e: *Comment Summary - Describe how parking impacts will be mitigated.*

There are no significant parking impacts associated with any of the Alternatives. A Shared Parking analysis (based on the methodology presented in the Urban Land Institute's (ULI) *Shared Parking*, 2nd Edition), which accounts for internalization between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in each Alternative. The maximum number of parking spaces allowed by the NSCP was also calculated based on the land uses included in each Alternative. The number of parking spaces proposed as part of each Alternative falls between the minimum and maximum required number of parking spaces.

Comment 313-f: *Comment Summary - Describe the project's LEED status, and use of recyclable and renewable materials.*

As stated in Chapter 2-Project Description, the Project will pursue LEED certification upon completion of the selected Alternative design drawings and is currently registered with the U.S. Green Building Council (Registration number 2424574999124310). Design elements that will be included for LEED silver-level certification include: green roofs and building materials, on-site water treatment and infiltration, land coverage reduction, peak VMT reduction, shuttle services, pedestrian-oriented design, onsite electric bike rentals, alternative fuel carshare and employee transit programs, green building and sustainable design, solar water heating and electricity, high efficiency recycled insulation, ultra-efficient windows and appliances, and radiant floor heating. Recyclable and renewable materials will be used within the structures such as, but not limited to, the building insulation, recycled metal or rubber roofs, and green roofs. Recycled concrete may also be used.

Comment 313-g: *Comment Summary - Describe mitigation measures for public services, such as trash, gas, electricity, and emergency services, and fiscal impacts.*

Mitigation measures are described in Chapter 4.12-Public Services and Utilities. These measures include special event security, additional water rights dedication, construction coordination, and safety planning during design. The two latter measures are related to project design and do not affect operations. The two former mitigation measures are funded by Boulder Bay. All trash, gas, electrical, and other utility services are paid by Boulder Bay and no mitigation is needed for these services as no significant impact to utilities will occur. As stated in Chapter 4.12, the emergency service providers indicate that current staffing and equipment are sufficient to serve this Project and no mitigation is needed other than additional safety enforcement during special events (mitigation measure PSU-1A) which is funded by Boulder Bay.

Comment 313-h: *Comment Summary - Describe fiscal impacts of traffic, air quality, and sewage mitigation measures and impacts.*

As shown in Chapter 6-Mitigation and Monitoring Program, Boulder Bay, as the implementing entity, is responsible for funding identified mitigation measures. Please see response to comment 137-h regarding TRPA's requirements for analyzing funding costs and sources.

Comment 313-i: *Comment Summary - Without answers to the questions above, I cannot support this development and will use the legal process to stop it. Development has already exceeded the carrying capacity of the road system around Lake Tahoe, which seriously impacts the quality of other services and the lake itself.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 316 – Welker, Bill, 02/03/2010

Comment 316-a: *Comment Summary - Project should be downsized.*

Please refer to Chapters 4.8 and 4.9 regarding traffic and air quality. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 322 – North Tahoe Preservation Alliance, 02/03/2010

Comment 322-a: *Comment Summary - The DEIS fails to address issues made during the scoping process, and failed to include building elevations, project populations, location of coverage reductions or additions, and massing volume comparisons.*

Comments and concerns raised during the scoping process were addressed in the EIS and helped provide a basis for the criteria and analysis. Building heights are included in Chapter 4.5 Scenic Resources; however, due to the large volume of drawings that would need to be included to show elevations of each building for each Alternative, the drawings were made available to the public at TRPA offices. Chapter 4.5 also includes visual simulations of the Alternatives to illustrate massing volume. Project populations are included in Chapter 4.11 Socioeconomics, Population, and Housing. In Chapter 4.11, Impact SPH-3 provides population numbers under each Alternative. Coverage reduction is addressed in Chapter 4.2 Geology as well as DEIS Appendix D. While a figure of coverage additions and removal is not provided, the text indicates coverage will be removed within the existing parking lots, at the site

frontage along the roadway, at the Crystal Bay Motel and Stateline parcel sites, and at more minor locations throughout the project area where pavement or structures will be removed. Coverage will occur within the areas shown on the site plans located in Chapter 2.

Comment 322-b: *Comment Summary - The traffic study assumes an incorrect baseline.*

Master Response 2 provides information related to an alternative baseline analysis.

Comment 322-c: *Comment Summary - The energy study uses flawed baseline assumptions, due to the inaccurate traffic study, which results in misleading conclusions of energy savings (AC and road snow melt should be included).*

The baseline assumptions of the energy study were developed by analyzing the existing conditions onsite. This means the baseline energy usage numbers reflect actual energy and water bills for the Biltmore and Crystal Bay Motel. The 117 bonus units allotted to Boulder Bay were not included in the baseline since they have not and do not presently exist to avoid skewing the results in favor of the Project. The baseline includes fewer units than would be developed under the Project. While the energy study includes traffic, this does not affect the analysis of water and energy consumption, rather the analysis of the overall carbon footprint. The study shows that overall electrical and natural gas consumption will decrease by 38% under Alternative D, and even more so for Alternative C. The same 38% savings also applies to water consumption. For energy and water use, the per unit use numbers are significantly less than the existing per unit use numbers, resulting in 55% use reductions per unit. The numbers are even greater when use per square foot is compared with a 74% reduction in energy and water use over existing conditions. Therefore, although the number of units and square feet increase, there is an energy and water savings. Air conditioning is included for public spaces such as the casino and wellness areas, but is not included for individual occupancy units as the building is designed to not need air conditioning. The alignment of the building in relation to the sun, use of overhangs, outdoor air ventilation systems, windows, and evaporative cooling systems eliminate the need for refrigerant cooling systems.

Please see response to comment 108-e regarding the use of roadway snowmelt.

Comment 322-d: *Comment Summary - An objective evaluation of the Boulder Bay carbon footprint is needed.*

Please see response to comment number 112-a.

Comment 322-e: *Comment Summary - The energy goal of 50% decrease in energy use per guest is not supported by any evidence or analysis.*

As stated on page 4.12-14, ARUP North America Ltd. was hired to prepare a comparison of energy use between existing Boulder Bay owned and purchased structures (Tahoe Biltmore, Crystal bay Club, and TAUs) and proposed structures. This study found that even under Alternative D, which is the largest development Alternative, overall energy consumption decreased. When considering energy use, it is important to understand that older structures did not employ energy saving design or devices when constructed; therefore, they do not contain energy efficient building materials that reduce the demand for heating, cooling, and electricity and they are not designed to capture energy. Even if the guest population increases, the energy use can decrease by substantially increasing energy efficiency. Please see response to

comment 112-a for additional detail on the contents of the energy study prepared by ARUP North America Ltd.

Comment 322-f: *Comment Summary - There are concerns over the ARUP study because it includes 191 hotel units that are currently unused and therefore not consuming energy. Also, no air conditioning is considered for the hotel rooms, which is unrealistic. Other problems are that it does not assume an increase in icemakers, and omits heated roadways. It assumes signage is the same as for the Crystal Bay Motel (why?) and includes only 50,000 sf of underground garage space, which is less than proposed. Explain.*

Please see response to comment number 112-a.

Although each of the 191 units may not be currently used, they were in use or have the potential to consume energy as existing units. Therefore, it is appropriate to include them in the estimates of potential energy use. It should be noted that the bonus units were not included. No air conditioning is proposed for the units as the structures are designed to not need refrigerant air conditioning systems. Since the Project utilizes energy efficient design models and features including energy efficient windows, insulation, outdoor air ventilation, overhangs and shades, and other building placement and layout features that maintain comfortable indoor temperatures, refrigerant air conditioning is not needed. Additional icemakers are not proposed for multi-family units. Signage is assumed to be the same for the Crystal Bay Motel as the signage for that site reflects proposed signage energy consumption.

Comment 322-g: *Comment Summary - Substantiate net CEP environmental gains for Alt. C over the other Alternatives.*

Please see response to comment 286-as.

Comment 322-h: *Comment Summary - Describe the CEP "measures of Progress - Environmental Improvements Progress" for the project.*

Please see response to comment 286-as.

Comment 322-i: *Comment Summary - Alt C. is not in compliance with CEP: 1) fails to reduce energy consumption, 2) fails to address impacts of shade 3) does not incorporate reuse of existing buildings, 4) doesn't protect cultural resources, 5) does not adequately minimize noise, 6) inconsistent with NSCP, 7) doesn't provide consolidated commercial use materially different from existing conditions, 8) no additional public access to lake (shuttle service to existing does not count).*

Please see response to comment 286-as.

Comment 322-j: *Comment Summary - Alt. C results in changes to the Code with significant impacts, which is not consistent with CEP.*

Please see response to comment number 93-b. The Project proposes one amendment to the TRPA Code of Ordinances. The proposed amendment will not result in significant impacts as mitigated in the DEIS.

Comment 322-k: *Comment Summary - There is no evidence to support LEED certification.*

The discussion of LEED certification on pages 2-22 through 2-23 in Chapter 2-Project Description states that the Project is registered with the U.S. Green Building Council (Registration number 2424574999124310) and has completed the LEED-ND pilot project checklist with a goal of scoring greater than 40 points upon project

completion. LEED certification can only be completed once an Alternative is selected and the final project drawings and specifications completed to determine the number of points achieved, which will vary between Alternatives C and D. LEED certification is not feasible for the other Project Alternatives.

Comment 322-l: *Comment Summary - Accessory use vs. designated CFA needs clarification.*

Please see response to comment 286-y.

Comment 322-m: *Comment Summary - The range of Alternatives is inadequate and an "as of right" Alternative should be included.*

The DEIS includes five Alternatives including: "No Project" (Alternative A), minor unit changes within Code limits (Alternative B), the "Proposed Project" with a mix of uses and a Code amendment (Alternative C), a greater density mixed-use development project with a Code amendment (Alternative D), to a timeshare renovation Alternative with moderate development within Code limits (Alternative E). While Alternative A is the "No Project" Alternative, Alternatives B and E can be considered "as of right" Alternatives as no amendments to the TRPA Code of Ordinances or changes to the Settlement Agreement for the Tahoe Mariner site are required, as disclosed in the Chapter 2 description of these Alternatives. Alternative B would result in little change to the site, but does include the construction of three new single-family homes within the open space of the former Tahoe Mariner site. Alternative E would result in new structures on the site and improvements to the existing Tahoe Biltmore structure. Three single-family homes would be developed within the open space on the former Tahoe Mariner site. An ample range of Alternatives is provided and includes two "as of right" Alternatives of differing degrees of development. Without any detail from the commenter regarding an Alternative they would like analyzed in this document, no further response can be made.

Comment 322-n: *Comment Summary - Mitigation is applied unevenly between the Alternatives. Alternative A should include mitigation actions such as seismic retrofitting of the site, creation of an emergency response plan, reduction in the parking area, visitor/employee shuttles, and general site renovation such as landscaping and architectural upgrades.*

Alternative A (No Project) will maintain existing conditions within the project area as no project will be approved and therefore no mitigation required. Under existing TRPA Codes and Regulations, the only change required of the Project proponent is compliance with TRPA BMP retrofit requirements to treat stormwater runoff for the 20yr/1hr storm volume. No other mitigation measures are required.

Comment 322-o: *Comment Summary - Mitigation is not as effective as it claims.*

This general comment is in regard to Mitigation Measures SR-1A, REC-1, and NOISE-1. Please see responses to comments 322-p, 322-q, and 322-r for additional response.

Comment 322-p: *Comment Summary - Mitigation SR-1A is unacceptable because it solves a problem by changing the governing regulations. If that is allowed you can fix any problem by just changing the regulations meant to protect the resources.*

Mitigation SR-1A changes the text of the proposed Chapter 22 height amendment to add a height restriction within the proposed amendment. The mitigation adds the following text to the proposed height amendment (**Bold and underlined**):

a. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement may be increased to 58 feet. **Structures set back less than 60 feet from the State Route 28 edge of pavement may not exceed three stories tall.**

Mitigation SR-1A is added to limit the height of buildings located between 40 and 60 feet from the State Route 28 edge of pavement, so that buildings closer to the road cannot exceed three stories.

Comment 322-q: *Comment Summary - Mitigation REC-1 is ineffective because public access rules to Speedboat Beach need to be analyzed and providing a van to another beach does not reduce the overuse potential at Speedboat Beach.*

REC-1 is proposed to encourage Boulder Bay guests to utilize other publicly managed beaches that are larger and more organized than Speedboat Beach. Speedboat Beach is a public beach, and Boulder Bay cannot prohibit guests from its use. However, by providing guests with a convenient van service, guests will be encouraged to access the larger beaches.

Comment 322-r: *Comment Summary - Mitigation NOISE-1 is inadequate because it is only applied to a one block area.*

A significant increase in traffic noise was only identified along the one block area along Stateline Road. Therefore, the mitigation was only for that portion of Stateline Road.

Comment 322-s: *Comment Summary - Undergrounding utilities is used for some Alternatives but not all, which is uneven treatment, and undergrounding has already been done and cannot apply as a project measure now.*

Please see response to comment 93-i. It is true that the benefits of the utility undergrounding would apply to each Alternative since the work has already been completed.

Comment 322-t: *Comment Summary - Assignment of impact ratings and conclusions are uneven, unsupported, or superficial.*

Please see responses to comments 322-u, 322-v and 322-w below for specific examples.

Comment 322-u: *Comment Summary - Impact LU-1 should not be SU for Alts A and B and LTS for Alt C. It isn't fair to assume A and B do not support the NSCP, but C does because C doesn't offer any different amenities than what can be currently found onsite. Alt C is not a destination resort and does not support the NSCP and should be SU.*

As documented in LU-1 and more clearly analyzed in Table 3.2-2, Alternatives A and B will not help achieve NSCP goals including: 1.1 - Create a more complete, family-oriented destination resort, 1.4 - Encourage land use patterns that reduce the need for travel and increased access to transit, 2.2 - Implement and enforce the NSCP Design Standards and Guidelines, 2.3 and 8.1 - Create a pedestrian friendly and safe environment, 2.4 - Reduce the visual prominence of parking lots and asphalt, 3.1 - Increase resident and visitor spending within the NSCP, 3.2 - Strengthen the area's potential as a world class, nationally renowned tourist destination resort, 4.1 - Provide housing opportunities for NSCP casino employees, 5.1 - Attain and maintain LOS at key intersections in the NSCP, 7.1- Improve transit service, 7.2 - Establish and visitor shuttle service, 10.3 - Implement environmental improvement projects,

and 11.1 - Expand bicycle paths and increase opportunities for safe bicycling. Alternative C will help achieve each of these goals.

Comment 322-v: *Comment Summary - Impact LU-2 should show Alt A as No Impact not LTS. This is true throughout the DEIS (LU-3, GEO-3, GEO-C1, HYDRO-3, -4, and -5, BIO-1, -8, and -C1, SR-C1, REC-1, -2, -3, and -C1, CUL-2 and -4, SPH-2 and -3, PSU-1, -2, -3, and -C1).*

Use of the terms No Impact and Less than Significant indicate that a significant impact does not occur and that no mitigation is warranted. Impact LU-2 describes Alternative A as Less than Significant instead of No Impact because the impact statement applies to some degree. Consistency with adjacent land uses is something that exists in this instance and existing land uses do not always comply with surrounding land uses. Since the existing land uses comply, the impact is less than significant. If no uses existed onsite, this impact would be No Impact. No Impact is used when there is no potential for any level of impact. Less than Significant is used when there may be some level of impact or when there are existing issues as in the case of HYDRO-3 where BMPs will be utilized to address existing runoff issues onsite. Since BMPs will be implemented for all Alternatives to bring the site into compliance, this impact is less than significant, but not No Impact. Another example is a case where no new impacts occur, but existing impacts persist. For HYDRO-4, no new impact occurs, but an existing alteration to groundwater persists, resulting in a less than significant impact instead of No Impact.

Comment 322-w: *Comment Summary - Impact LU-2 for Alt. C should not be LTS but SU, with the ERU/TAU transfers, changes to the Mariner Agreement, and changes to Code.*

The transfer of Boulder Bay owned TAUs and ERUs to the project area and the proposed amendment to the TRPA Code Chapter 22 (height) required for Alternative C are included as part of the description of the proposed action. In addition, the project description states that in order to obtain project approval from TRPA, the existing Tahoe Mariner Settlement Agreement must be amended by TRPA and the CA Attorney General's office. The analysis concludes that the transfer of TAUs/ERUs and amendment of Code Chapter 22 and the Mariner Settlement Agreement will not result in significant impacts under Alternative C. The comment does not specify why Impact LU-2 under Alternative C should be considered significant and unavoidable.

Comment 322-x: *Comment Summary - Provide architectural drawings showing the elevations and size of the buildings.*

Building elevations were not provided in the DEIS because the visual simulations illustrate the size and appearance of the buildings. TRPA has detailed elevations in the project file as part of the project application that are available for public review. However, building elevations are added to the FEIS in Appendix AH.

Comment 322-y: *Comment Summary - Impact GEO-1 does not analyze actual building use coverage. Provide the relative footprint of existing conditions as compared to the other Alternatives. Alt. C building use footprint is greater, but the ratings do not reflect this.*

The Impact GEO-1 analysis follows processes outlined in TRPA Code Section 20.3.D. Land coverage is defined in TRPA Code Chapter 2 as a man-made structure, improvement or covering that prevents normal precipitation for directly reaching the surface of the land underlying the structure, improvement or covering. Therefore,

TRPA land coverage calculations and analysis are required to consider more than just building-use land coverage. Alternative C proposes 356,043 square feet of land coverage compared to 377,875 square feet for Alternative D. Alternative C allows for removal of more land coverage than Alternative D as identified in Table 4.2-6 and thus the overall land coverage associated with Alternative C is less than Alternative D. Building land uses are described in DEIS Chapter 2.

Comment 322-z: *Comment Summary - GEO-1: Allowable coverage is skewed by ROW coverage, road abandonment, which is assigned to project use and should be disallowed.*

The statement that allowable base coverage for the project area is skewed by public ROW coverage is not supported. Table 4.2-3 identifies "actual" (term used in comment) or verified existing land coverage (TRPA definition) versus TRPA allowable base coverage for the project area. The calculations follow the process outlined in TRPA Code Section 20.3.D, and per 20.3.D(1)(b), the calculations excludes land beneath ROWs from inclusion in the project area or the calculations for base allowable coverage. Table 4.2-6 presents the proposed or "actual" land coverage for the action Alternatives compared to the TRPA base allowable land coverage for determination of excess land coverage (per page 20-25 of TRPA Code Chapter 20, Excess Land Coverage equals the existing amount of land coverage, less the total of the following: maximum allowable amount of base coverage, the amount of coverage approved for transfer, and the amount of coverage previously mitigated) and mitigation requirements associated with excess land coverage. As approved by Washoe County in their ROW abandonment, the action Alternatives absorb ROWs into the project area in order to make improvements on these lands and to remove and restore a portion of the existing verified land coverage. In other words, the area assigned for public roadway ROW is not the same under the existing conditions and Alternatives C and D. The land coverage that will remain in the ROWs is included in the excess land coverage totals, as required by TRPA Code Section 20.3.D(2)(c), because Boulder Bay will assume ownership. In summary, land area associated with the ROWs was not included in the calculations for allowable base coverage but the land coverage from the ROWs was included in the calculations for proposed land coverage for Alternatives C, D and E and also accounted for in the calculations for excess coverage mitigations.

Comment 322-aa: *Comment Summary - Impact GEO-2 does not consider the impact of taller buildings in an evacuation situation. If earthquakes can collapse buildings built to code, this is magnified by the excess building height and requires mitigation that buildings should exceed County code for seismic standards.*

The emergency response plan (mitigation measure GEO-2B) will be prepared to reflect the emergency response needs of the selected project Alternative and will be based on the resultant site configuration and building heights. Prior to issuance of a certificate of occupancy by Washoe County Department of Building and Safety, buildings constructed for any project Alternative will be inspected by North Lake Tahoe Fire Protection District and for compliance with Washoe County Seismic Codes as well as other safety and fire codes identified in the Safety Plan (submitted to Washoe County Sheriffs Office and the Fire Protection District to comply with mitigation measure PSU-1D). Buildings of greater height will be designed and constructed to conform to codified regulations and building codes. Furthermore, mitigation measure PSU-C1 requires Boulder Bay to work with the Washoe County Emergency Management Center (EMC) for further development of emergency plans and operations protocols for evacuation, emergency shelters or staging areas.

Conformance to Washoe County seismic, building and safety codes is required for all projects in Washoe County to avoid and minimize known seismic (also termed geologic) hazards related to earthquakes, landslides, and avalanches. Washoe County reserves the right to require additional requirements for maintenance of public safety.

Comment 322-ab: *Comment Summary - Impact BIO-6 is rated LTS for Alt C, but this is significant with 61% tree removal. Should be SU.*

Impact BIO-6B (Alternative C) is less than significant because the trees to be removed are allowed by TRPA Codes (24" or less) or findings have been made to allow for their removal. The statement that the removal of trees is inconsistent with the Regional Plan is incorrect as the Regional Plan allows for tree removal within Community Plans pursuant to the required findings, and limits their removal within forested non Community Plan areas.

Comment 322-ac: *Comment Summary - Impact SR-1 should not say that site improvements are not feasible for Alts A and B. Since utility undergrounding already occurred it can't be applied to the project.*

Please see response to comment number 93-i. It is correct that the improvements associated with undergrounding of utilities are also a benefit of Alternatives A and B since the work has already been completed. However, other improvements associated with the removal of the existing Biltmore facility would not occur under Alternatives A and B.

Comment 322-ad: *Comment Summary - Impact SR-1: NSCP calls for redevelopment not reconstruction and for "Old Tahoe" architecture, which is what the existing Tahoe Biltmore reflects. Alt A is No Impact and C is SU.*

The NSCP vision lists two primary community design components; architecture should reflect that of old Tahoe with a feeling of alpine elegance and the built and natural environments should complement one another. The vision states that structures should be made of wood, stone, timber and glass, a reflection of the original buildings at Tahoe. The Plan doesn't specify that the existing buildings must be preserved, but that the elements of "old Tahoe" architecture included in the original buildings should be used (e.g., wood siding, stone work, pitched roofs, dormers, etc.). Building design for Alternative C includes these design elements.

Comment 322-ae: *Comment Summary - Impact SR-2 Alt C should be SU. It relies on Mitigation SR-1b to reduce the height of Building A, but does not quantify the reduction.*

Mitigation measures SR-1a and SR-1b require that Building A be limited to no more than 3 stores, or setback further from SR 28 to reduce visibility from SR 28. The measures also require revised simulations for TRPA approval prior to final project permitting. These requirements will reduce the potential impact to a less than significant level.

Comment 322-af: *Comment Summary - Impact SR-2 results in massing along SR 28 and conflicts with SQIP, which recommends maintaining natural appearing landscape and commercial areas that retain a small-scale character.*

The only natural appearing landscape within the Boulder Bay project area is located north of the former Tahoe Mariner site. This area will be maintained as open space under all Alternatives. The proposed commercial development along SR 28 includes ground floor retail with enhanced pedestrian connection consistent with small-scale commercial character goals.

Comment 322-ag: *Comment Summary - SR-2: Scenic Improvements from the Crystal Bay Motel removal can only be considered temporary since future redevelopment is not restricted under Alt. C*

New development of the existing Crystal Bay Motel site will depend on whether project area land coverage will be available as it is unclear whether it will be banked or permanently retired as a part of the project approval process. The outcome of parcel consolidation or project area deed restriction may also impact future development possibility at the existing Crystal Bay Motel site. However, any future development of the Crystal Bay Motel site will require a TRPA permit and associated environmental review.

Comment 322-ah: *Comment Summary - SR-3 uses improper justifications and analysis and it is not clear how setbacks were measured for Alternative C.*

Please see responses to comments 322-ac to 322-ag regarding concerns cited for the scenic analysis. Setbacks are measured from the SR 28 edge of pavement to the base of the proposed buildings.

Comment 322-ai: *Comment Summary - REC-1 uses ineffective mitigation for Alt. C. The analysis of access to Lookout Point does not include off-street parking impacts. Alt C is SU not LTS.*

Please see response to comment 286-aq.

Comment 322-aj: *Comment Summary - CUL-1: The Biltmore is a potentially eligible National Register property. The NV State Historical Preservation Office determined the Biltmore building eligible for listing on the National Register of Historic Places at the local and state levels of significance. Alt C is SU. This also applies to CUL-C1.*

As documented in the DEIS, the Tahoe Biltmore Hotel and Casino structure has been determined to be a potentially eligible property on the National Register of Historic Places by the NV SHPO and TRPA. TRPA Code Chapter 29 does not prohibit the demolition of resources determined to be potentially eligible for the Register, but requires protection or documentation to properly record the contributing elements of the identified resource. Code Subsection 29.2.D requires the implementation of an approved resource protection plan prior to demolition of identified resources. A draft plan (Mitigation Measure CUL-1A) has been prepared by the Historic Resources consultant and reviewed by TRPA staff for Nevada SHPO approval. If the plan is not approved as submitted, Boulder Bay will be required to work with the Nevada SHPO and TRPA staff to draft revisions acceptable to the Nevada SHPO office.

Comment 322-ak: *Comment Summary - TRANS-1 baseline numbers are not realistic. There is a VMT increase for Alt. C.*

The DEIS indicates that Alternative C will generate less traffic and VMT than Alternative A, which was used as the baseline for traffic comparisons. **Master Response 2** provides information related to an alternative existing baseline analysis.

Comment 322-al: *Comment Summary - TRANS-7 is unrealistic as heavy truck traffic in the summer months will cause a SU impact.*

As discussed in the DEIS, the construction period of the Project will generate 200 truck trips per day, which is less than the number of daily trips generated by the Alternatives. To further explore effects of truck traffic, traffic engineers estimate passenger car equivalents. A typical passenger car equivalent factor is 2.5, which

means that that one heavy vehicle has the operating characteristics and results in the same acceleration/deceleration delay as two and a half passenger cars. Assuming the passenger car equivalent factor of 2.5 (200 x 2.5 = 500 passenger cars per day), the daily trips created by the Alternatives and reported in the DEIS are still more than the worst case construction traffic numbers, further indicating that the impact is less than significant.

Comment 322-am: *Comment Summary - TRANS-8 does not analyze Alt C for compliance with replacement conditions for road abandonment and realignment. Concerns over road width, egress points, slope, and snow removal are significant and need to be analyzed.*

Please see response to comment 93-q.

The roadway abandonment and new roadway alignment will conform to appropriate Washoe County standards. The proposed roadway realignment improves the roadway delineation and circulation.

Comment 322-an: *Comment Summary -AIR-1 is flawed due to incorrect VMT assumptions and there is no differentiation between diesel and auto emissions.*

See **Master Response 2** related to baseline transportation conditions. Urbemis air quality emissions software was used to evaluate mobile-source emissions associated with vehicle trips (both gasoline powered autos and diesel powered trucks during the construction phase).

Comment 322-ao: *Comment Summary - AIR-2 is flawed due to incorrect VMT assumptions.*

The DEIS indicates that Alternative C will generate less traffic/VMT than Alternative A, which was used as the baseline for traffic comparisons. **Master Response 2** provides information related to an alternative existing baseline analysis.

Comment 322-ap: *Comment Summary - NOISE-1 mitigates the significant rating for Alt C through Alternative pavement treatment, but this treatment is only applied to one block. Impact is SU or mitigation should be applied to all other roadways. Also applies to NOISE-C2 and -C3.*

A significant increase in traffic noise was only identified along the one block area along Stateline Road. Therefore, the mitigation was only for that portion of Stateline Road.

Comment 322-aq: *Comment Summary - Extended hours for site grading will create objectionable early morning and evening noise levels.*

TRPA approved construction activities are considered exempt from the Chapter 24 Noise Ordinance, provided that they are restricted to the hours of 8:00 a.m. to 6:30 p.m.

The construction noise control program prepared for Boulder Bay by SMC Contracting, Inc. (see Chapter 2.5) proposes construction activities outside of the exempt hours of operation contained within the TRPA noise ordinance. Construction noise levels outside of the exempt hours that exceed Plan Area CNEL standards will result in significant noise impacts.

Mitigation is based upon restricting the hours of operation within the TRPA noise ordinance hours of operation, unless the TRPA finds that some construction activities, such as concrete pours can occur between 6:30 p.m. and 8:00 a.m. qualifies

as "emergency work" to minimize traffic impacts. In addition, shielding of equipment and appointing a noise complaint coordinator on the site were included to minimize the noise levels.

Comment 322-ar: *Comment Summary - SPH-3 dilutes the impact of population growth by expanding it to the Regional level instead of the community level. At the community level, population increases 8 times. This is significant.*

The impact states: "Will the Project alter the location, distribution, density, or growth rate of the human population planned for the **Region**?" This is taken directly from TRPA Initial Environmental Checklist (11.a). It is important to analyze population at a regional level because new permanent residents are primarily employees and employees are not confined to the Crystal Bay/Brockway community. As shown in Chapter 4.11 and discussed in the responses to comments 93-y and 171-b, full time population within the NSCP could increase by up to 206 persons under Alternative C (whole ownership units and workforce housing units). This increase would be substantial if measured within the NSCP because the NSCP only includes a few existing residential units. Compared to the existing population in the Incline Lake/Kings Beach area, the potential population increase would be minimal.

Comment 322-as: *Comment Summary - PSU-1 Demand conclusions are inconsistent with a Tahoe Bonanza article claiming IVGID needs to spend $130M to ensure facilities maintain current levels. The DEIS doesn't analyze the impacts the project will add or who will pay for it.*

Conversations with IVGID do not indicate the Project will jeopardize facilities or facility maintenance. Standard development fees will be collected as a result of Project development.

Comment 322-at: *Comment Summary - The DEIS does not analyze the overall basin capacity for additional increases permitted for residential units, TAUs, CFA , recreational uses or other impacts in the Regional Plan, and doesn't analyze the project impact against those Regional limits.*

The transfer of TAUs and ERUs purchased by Boulder Bay will not increase basin capacity because these units are included in the existing conditions. Bonus units proposed for use in Alternative C were analyzed as part of the environmental review of the NSCP (for the NSCP bonus TAUs) and as part of the environmental review for the Regional Plan (for the bonus TAUs from the TRPA special project pool). There is no proposed transfer of CFA to the project area as part of Alternative C. The proposed CFA will come from existing CFA or GFA banked within the project area.

Comment 322-au: *Comment Summary - There is no assessment of project energy consumption. There is no energy consumption baseline or numbers to support Proposed Project energy consumption.*

Energy consumption baseline numbers are provided in the energy study prepared by ARUP North America Ltd. The study states the baseline electricity use is approximately 28,300,000 kBtu/year and the baseline gas use is approximately 34,500,000 kBtu/year. The energy use for the Project is estimated to be approximately 19,700,000 kBtu/year for electricity and 19,000,000 kBtu/year for gas.

Comment 322-av: *Comment Summary - How can tripling of residents and guests lead to energy consumption reductions, even with a 50% use reduction per guest?*

Please see the response to comment 322-c. Although the number of residents and guests increases, the amount of energy consumption decreases due to greater use efficiency. The existing structures are old, poorly designed in comparison to modern energy efficiency models, and do not include energy efficient appliances and building materials (windows, insulation, roofing, heat transfer systems, etc.). Because the existing facilities are highly energy inefficient, replacement of the structures with more efficient units resulting in energy savings.

Comment 322-aw: *Comment Summary - Need to include energy consumption during construction and for the snowmelt system and analyze how the project reaches LEED certification.*

Please see responses to comments 93-u, 112-a, 286-as, and 313-f.

Comment 322-ax: *Comment Summary - What is the impact of road realignments and road abandonment under Alt. C?*

Please see response to comment 93-q.

Comment 322-ay: *Comment Summary - Analyze the proximity to services for work force and low-income housing and the overall increased project density.*

The proximity of public services is shown in Chapter 4.12. Although there are not a large number of commercial services available in Crystal Bay, the NSCP indicates a need for affordable and employee housing and therefore, it is prudent to provide such housing under this Project. A transit stop is located at the Project site to improve access to other retail/commercial centers.

Comment 322-az: *Comment Summary - Analyze the availability of off-site work force and low-income housing and the environmental trade-offs of off-site vs. onsite options.*

Available off-site workforce and housing are described in the analysis of Chapter 4.11 on pages 4.11-12 through 13. The impacts from onsite housing and additional employees are analyzed in SPH-2 and 3 as well as through the analysis in the other analysis Chapters (Chapters 4.1 through 4.12. Impacts from employees living offsite are also analyzed in these chapters. It is not required to analyze conditions not proposed by the Project.

Comment 322-ba: *Comment Summary - The DEIS considers 69 different impacts, but this isn't enough and additional impacts should be included.*

The DEIS considers each of the impacts listed in the TRPA Environmental Checklist. Impact topics not applicable to the Project are noted for each evaluation criteria table in Chapter 4 (see Table 4.2-4 for an example). In other comments, the commenter indicates that the analysis fails to include basin capacity for residential units, TAUs, CFA and recreational uses. These are analyzed within Chapters 4.1 and 4.6. With units existing and transferred to the site, new capacity is not created except for bonus units, which is permissible under TRPA regulations. Other comments indicate the analysis fails to include an assessment of energy consumption. Energy consumption is addressed in Chapter 4.12 (see impact PSU-1), and includes the ARUP energy consumption study (please see responses to comments 322-c, 322-e, and 322-f). LEED silver certification is feasible as indicated by the LEED pilot project checklist (please see response to comment 322-f). The commenter also indicates the DEIS fails to analyze road realignments and abandonment, proximity to services for employee housing, and the environmental trade-off of onsite vs. off-site employee housing. Road realignments and abandonments are discussed in Chapter 4.8. Changes to the roadways conform to Washoe County standards, including issues

pertaining to hazards. Employee housing is discussed in Chapter 4.11 and proximity to services is discussed in Chapter 4.12. The NSCP indicates a need for employee housing. Please see responses to comments 322-ay and 322-az for further response.

Comment 322-bb: *Comment Summary - Table 5.5-1 is inconsistent with the analysis as Alt. A should have far fewer SU impacts and an "as of right" Alternative should be analyzed which would have no SU impacts. Alt C should have many SU impacts (15+).*

Please see response to comment number 322-m. Two "as of right" Alternatives are analyzed (Alternatives B and E). As shown in Table 5.5-1, Alternative B results in four significant and unavoidable impacts and Alternative E results in two significant and unavoidable impacts. For Alternative B, these impacts are related to a lack of improvements to scenic quality and compliance with scenic guidelines and goals, land coverage, and land use goals as established in the NSCP. For Alternative E, these impacts are related to scenic quality and compliance with scenic guidelines and goals. Both of these "as of right" Alternatives result in fewer significant and unavoidable impacts than Alternative A, which results in five significant and unavoidable impacts. Although Alternative A maintains existing conditions, this does not mean that the existing conditions comply with existing standards, goals, policies, and guidelines. Alternative A does not comply with NSCP land use goals, it exceeds land coverage limits, it is subject to seismic hazard, and it does not comply with scenic resource guidelines and goals, resulting in significant and unavoidable impacts. Because Alternative A maintains existing conditions, the degree of mitigation needed to reduce the impacts to a less than significant level is not within TRPA's authority to require, and impacts remain significant and unavoidable. Alternative C does not result in significant and unavoidable impacts. Although significant impacts will occur under Alternative C, these impacts can be mitigated to a less than significant level. The comment indicates that Alternative C would result in an excess of 15 significant and unavoidable impacts; however, the comment does not indicate which impacts would be included in this category and no further response can be made.

Comment 322-bc: *Comment Summary - The cumulative analysis is inadequate because it should show the impact on the North Shore and Tahoe Region. The relationship to other projects and to the new Regional Plan is missing. In addition, future project phases are excluded, understating the project.*

Cumulative impacts are analyzed in each section of Chapter 4 of the DEIS. Traffic and Air quality analysis include potential vehicle trip generation from other reasonably foreseeable projects located on the north shore of Lake Tahoe. The resulting traffic noise impact analysis also analyzes impacts of future cumulative traffic volumes. The hydrology and water quality analysis address the Project's potential impacts within the overall Crystal Bay watershed and include runoff from adjacent public roadways. There are no future phases identified in the project description. A proposal to utilized reserved development rights would require TRPA permitting action and a separate evaluation of potential impacts.

Comment 322-bd: *Comment Summary - Table 5.5-1 lists 54 related projects that contribute to traffic, noise, air, recreation, and utility impacts, but there is no quantification, estimates or projection analyses for these impacts, leaving the cumulative impact unknown.*

Potential impacts to transportation, air quality and noise are quantified based on assumptions of vehicular traffic associated with the cumulative project list. Where cumulative impacts cannot be quantified because of a lack of information on the

specifics of the cumulative project list, qualitative analysis has been prepared to document potential cumulative impacts (e.g., recreation and public service demands). In terms of impacts to Kings Beach or other beaches within the Kings Beach area, the cumulative impact of additional area developments would lead to visitor increases. Based on the projects within the Tahoe Vista, Kings Beach, Crystal Bay and Northstar areas with known numbers of housing or hotel units, over 2,000 visitors and residents are estimated, of which over half would be from the Northstar developments. Some of these Proposed Projects include lake access, but most do not.

The cumulative projects in the north Tahoe Region from Tahoe Vista to Crystal Bay to Northstar, excluding Boulder Bay, would include approximately 1,000 residential and tourist units. Many of these units would replace existing units as part of redevelopment projects, and therefore would not add new visitation to the Basin. However, using all of the potential units, the cumulative project list would increase existing residential and tourist units in the Crystal Bay/Incline, Kings Beach, Tahoe Vista, and Truckee (approximately 23,000 units with 21,000 residential units and 2,000 tourist units) by approximately four percent.

Comment 322-be: *Comment Summary - Cumulative project scheduling conflicts need to be addressed. NDOT has scheduled a water quality project on SR 28 that will result in lane closures, rerouting that would occur over an extended time frame. Will these lane closures and rerouting conflict with the construction schedule of Alternative C if approved? What is the impact of 6,050 long haul dump trucks removing site soil on SR 28 during the summer with land closures and rerouting?*

Project plans and mitigation measures require construction activities to be coordinated with local emergency service and transportation agencies. The exact timing for project construction is unknown at this time and therefore coordination cannot be completed until permits are finalized.

Comment 322-bf: *Comment Summary - The cumulative analysis cannot just state that since project impacts are LTS, then there are no cumulative impacts.*

The incremental contribution of the Project is considered in the context of potential impacts from other reasonably foreseeable future project in the project vicinity. If the Project will not incrementally contribute to a potential impact (i.e. there is no impact or the level of impact is measured to be less than significant), then the project does not typically contribute to a potential cumulative impact. If a potentially cumulative impact exists outside the project area and the Project could potentially contribute, although impacts within the project area are at levels of less than significant, then the analysis is expanded and mitigation measures for cumulative impacts are recommended.

Comment 322-bg: *Comment Summary - Attachment A is unanswered NTPA scoping questions: Comments described below.*

Please refer to responses to comments below for specific examples.

Comment 322-bh: *Comment Summary - Discuss spot zoning pros and cons.*

The DEIS analyzes the potential impacts associated with additional height within the project area proposed as part of the Code Chapter 22 amendment. The proposed amendment will not allow increased height for adjacent land uses.

Comment 322-bi: *Comment Summary - There is no analysis of true cumulative impacts.*

Cumulative impacts are analyzed in each section of Chapter 4 of the DEIS. While the list of cumulative projects is provided in Chapter 5, the actual analysis per environmental topic area is within the corresponding topic section of Chapter 4. Please refer to the cumulative analysis in each section of Chapter 4.

Comment 322-bj: *Comment Summary - The potential destination resort mischaracterization is not discussed.*

Please see response to comment 286-aw.

Comment 322-bk: *Comment Summary - How do 10 buildings ranging from 45-75 feet qualify as human-scale design.*

Please see response to comment 93-i.

Comment 322-bl: *Comment Summary - How can you keep Tahoe a rural place with the transfer and concentration of ERU and TAUs.*

The densities proposed in the Project are consistent with the existing NSCP. The goals of the NSCP are evaluated in Table 3.2-2 of the DEIS. The NSCP is currently a casino and hotel tourist area. The NSCP does not include goals to return the project area to a rural place.

Comment 322-bm: *Comment Summary - Buffering between neighborhood uses or adequate setbacks are not addressed.*

General setback requirements are 20 feet from the property line, but the NSCP includes exceptions. Exceptions include a reduction to ten feet along SR 28 at the completion of main street improvements, allowances for pedestrian shelters or plazas, and casino entrance allowances within 10 feet of the property boundary as presented on page 4.5-35 of the DEIS. Setbacks are discussed in Impact SR-2 of Chapter 4.5. Buffers are addressed on pages 4.1-5 and 4.1-6 and in Impact LU-1 of the DEIS. Landscape buffers between tourist and residential uses are shown on Figure 2 of the NSCP; however, the landscape buffer is only shown south of SR 28 and not along the project area. Buffers between tourist and residential uses are discussed in the NSCP, and to a lesser degree in the Regional Plan, but no buffering depths are established. As discussed in LU-1, landscape buffers between the buildings and the property line as well as building setbacks of 40 feet or more from SR 28 are considered adequate to meet standards for the site.

Comment 322-bn: *Comment Summary - There is no guarantee the retired gaming sf won't be used for later expansion of CFA.*

Please see responses to comments 169 and 322-ag.

Comment 322-bo: *Comment Summary - No massing/volume comparison study to compare relinquished TAU volume to the new structures.*

Please see response to comment 93-g.

Comment 322-bp: *Comment Summary - Analysis of TAUs and traffic impacts with the NSCP not adequate.*

Comment noted. Professional transportation engineers/planners prepared the transportation study in accordance with the standards and practices of the governing jurisdictions.

Comment 322-bq: *Comment Summary - Analyze the environmental and social impacts of transferring TAUs from South Shore to North Shore.*

The impacts at the north shore project area and the potential impacts from sending sites were analyzed in the DEIS. The basis of the Regional Plan is the transfer of development rights. The local jurisdiction approved the sending of TAUs out of their jurisdiction. The NSCP is a receiving area for Development Rights and TAUs. Since this was stated and analyzed in the DEIS, please refer to Chapters 2, 4.1, and 5 of the DEIS.

Comment 322-br: *Comment Summary - Is the developer in contract to purchase adequate water rights.*

IVGID requires that new projects obtain and dedicate new or additional water rights to meet projected project demand and prior to construction demonstrate that sufficient water is available to serve the Project. As stated on page 4.12-13 of the DEIS, Boulder Bay has identified and is able to secure available water rights for purchase from a private land holder in addition to the existing water rights allotments owned by and supplied by IVGID for parcels 123-052-04, 123-053-04, 123-042-01 and 123-042-01, which total 41.77 acre-feet (shown in table 4.12-1). Comment letter 126 documents the willingness of the private landowner to sell water rights to Boulder Bay.

Comment 322-bs: *Comment Summary - No comparison of land capability gains or losses due to reconfiguration of open space.*

Park and open space lands will be sited on the Sierra Park parcels that are comprised of 39,794 square feet of LCD 4, 63,111 square feet of LCD 2 and 163,120 square feet of LCD 1a (see DEIS Appendix D for project area calculations and Appendix AD for calculations by parcel). Verified existing land coverage on the parcels consists of 70,229 square feet of LCD 1a banked with TRPA. Of this 70,229 square feet of banked land coverage, 15,561 square feet under Alternative C and 20,621 square feet under Alternative D will be used for land coverage associated with a proposed hiking trail (a portion of which will be ADA compliant) and a parking area. Remaining land coverage banked on the Sierra Park parcels will be relocated to higher LCDs 2 and 4, which is permissible according to TPRA Code Section 20.5.C, or permanently retired as detailed in mitigation measure GEO-1. Impact GEO-1 presents a detailed comparison of TRPA land coverage, which by definition is described by land capability. Impact HYDRO-1 identifies benefits associated with open space and public parks on surface water quality, while impact HYDRO-3 relates open space and land coverage reductions to decreases in stormwater runoff volumes. Impact REC-1 details the existing and proposed (reconfiguration inferred) open space and park acreage by Alternative (see Table 4.6-3).

Comment 322-bt: *Comment Summary - Massing study on Mariner parcel is needed.*

Please see response to comment 93-g.

Comment 322-bu: *Comment Summary - Is there adequate fire storage to accommodate this project without construction of a new tank?*

IVGID has indicated there is sufficient capacity, even with additional water rights to be used onsite.

Comment 322-bv: *Comment Summary - Does IVGID meet fire flow requirements as delineated in Chapter 27.3B of the TRPA Code.*

IVGID has stated that it can provide fire flow volumes necessary to serve the Project.

Comment 322-bw: *Comment Summary - What are demands on fire department equipment? Is a new engine required?*

As stated on page 4.12-12, the North Lake Tahoe Fire Protection District has stated new equipment and additional personnel are not needed as a result of this Project. Development of new structures allows for the integration of fire suppression devices and materials into the structure itself.

Comment 322-bx: *Comment Summary - Discuss impacts to small local beaches.*

Impacts to small local beaches are provided in Impact REC-1. Without direct comment on the content provided in REC-1, no further response can be made.

Comment 322-by: *Comment Summary - Discuss demand on IVGID recreational facilities and whether project occupants can use IVGID facilities*

IVGID facilities are limited to residents of Incline Village and guests of those residents. Therefore, employees residing in Incline Village may use IVGID facilities, but hotel guests at the Boulder Bay Resort would not be able to use IVGID facilities. Demand on IVGID recreational facilities will be very low. Even if access were opened to Crystal Bay residents, the Project would not substantially increase resident populations so as to cause impacts on IVGID recreational facilities.

Comment 322-bz: *Comment Summary - Discuss impacts to Kings Beach. What is the population of each Alternative that would impact local recreational lake access?*

Impacts to King's Beach are discussed under impact REC-1 and the population of each Alternative impacting beaches is provided on page 4.6-19 which states, "Peak visitation associated with the tourist and residential units would increase by approximately 560 under Alternative C, 660 under Alternative D, and 350 under Alternative E using similar capacity assumptions. Of the additional visitors expected under Alternatives C, D, and E, up to 45 percent may utilize the nearby beaches during their stay based on existing Tahoe Basin recreational survey data (NuStats, Figure 8 on page 12) for the north shore of Lake Tahoe." Guests actually utilizing area beaches for Alternatives C, D, and E are estimated to be 250, 300, and 160, respectively. The impact analysis recognizes the impact to area beaches can be significant and provides mitigation measures to reduce the significance of this impact.

Comment 322-ca: *Comment Summary - Discuss impacts to Crystal Bay Lookout and parking inadequacies for this resource.*

Stateline (Crystal Bay) Lookout is discussed on page 4.6-19 and 20, specifically, "An existing trail to Lookout Point, located on USDA Forest Service lands, was reviewed to determine whether improvements were necessary to provide public access to views of Lake Tahoe. USDA Forest Service staff determined that no improvements to the existing trail or lookout facility were warranted or required based on the available capacity at the lookout point." Guests may hike to the lookout point from the resort as the distance from the lookout to Lakeview Avenue at Reservoir Road is 1.2 miles. To improve the recreational experience related to the Crystal Bay Lookout, the following new mitigation is proposed in order to offset potential impacts relating to degradation of recreational experience (**new language is Bolded and Underlined**):

REC-1B: Stateline Lookout Access Improvements. Boulder Bay will work with the USDA Forest Service to identify areas where additional access signage may be placed and if access point improvements are warranted. If necessary, such improvements will be funded by Boulder Bay. Recreation access signage or information shall be provided at the resort, informing guests of trailhead locations and access routes. Boulder Bay will work with the USDA Forest Service to improve existing parking areas and signage to reduce erosion potential. Coordination shall occur prior to construction and improvements, if approved by the USDA Forest Service, will be immediately funded by Boulder Bay and implemented within the first year of resort operation.

Comment 322-cb: *Comment Summary - Lookout Point forces cars to park on shoulders, causing erosion.*

Because the Stateline lookout is located 1.2 miles from the resort and can be accessed from the resort via Lakeview Ave to the lookout fire road, guests will be encouraged to hike to the lookout. New mitigation to address potential for increased use and needed improvements in this area is provided in the response to comment 322-ca.

Comment 322-cc: *Comment Summary - Discuss impact on Summers Loop lake access and provide mitigation.*

Somers Loop lake access is not a public recreational facility and therefore not available for Boulder Bay guest use.

Comment 322-cd: *Comment Summary - Review existing inventory entitlements. Mariner entitlements should be listed.*

A detailed listing of project area entitlements, including Mariner entitlements are provided in Appendix D of the DEIS. Please see response to comment 100-g.

Comment 322-ce: *Comment Summary - Existing and new CFA not broken down by location and use so it can't be properly analyzed.*

CFA verified for the Boulder Bay project area (see DEIS Appendix D) can be used within the project area. As stated in Chapter 2, neither Alternative proposes to use all of the existing CFA (including GFA) verified on the project area.

Comment 322-cf: *Comment Summary - What assurances are there that the wellness center won't be advertized publically in the future?*

Please see response to comment 286-y. As described in the Boulder Bay Project application and DEIS project description (Chapter 2) the proposed hotel will operate spa and wellness programming as well as group meeting business to support room night demand. The size, design and operation of the spa and meeting space will conform with TRPA Chapter 18 and Chapter 33 definition of Accessory Space as documented in DEIS Chapter 4.1, Land Use.

Comment 322-cg: *Comment Summary - Inappropriate traffic baseline used and the population of each Alternative is not revealed.*

Master Response 2 provides information related to an alternative existing baseline analysis. The population of each Alternative is provided in the analysis under DEIS

Section 4.11. Please refer to the analysis in Section 4.11 and see response to comment 93-y regarding population numbers identified for each Alternative.

Comment 322-ch: *Comment Summary - The original CEP requirement of linkage to Kings Beach is not adequately discussed, why was the pedestrian linkage to Kings Beach eliminated?*

According to the CEP Resolution 2008-11, TRPA requires Boulder Bay, LLC to coordinate with Caltrans, NDOT, Washoe and Placer County to create a multi-use trail connecting Crystal Bay to Kings Beach Commercial Area. Boulder Bay completed an investigation of the proposed multi-use path during the summer of 2008. At that time the coordinating agencies including Placer County confirmed that they were not interested in pursuing the construction of a multi-use path connecting Crystal Bay and Kings Beach. Subsequent to that discussion, bike lanes were installed along SR 28 during the summer of 2009 by Caltrans. In 2010, the Lake Tahoe Region Bicycle and Pedestrian Plan was completed and does not include a multi-use trail proposal in this location (Figure 11). Due to the need for both Placer County and Caltrans to be involved in the project, in addition to the requirement to secure easements on many multiple private property owners land, it has been determined that this project cannot be implemented by Boulder Bay.

Comment 322-ci: *Comment Summary - Traffic baseline should reflect decrease in gaming.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 322-cj: *Comment Summary - Will gaming amenities be reduced in the gaming area?*

Please see response to comment 286-bo.

Comment 322-ck: *Comment Summary - Parking requirements by use are not adequately analyzed. Pressure on parking in the neighborhood will result.*

Professional transportation engineers/planners prepared the transportation study and parking analysis in accordance with national standards and practices. A Shared Parking analysis (based on the methodology presented in the Urban Land Institute's (ULI) *Shared Parking*), which accounts for shared parking between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in each Alternative on-site. The maximum number of parking spaces allowed by the NSCP was also calculated based on the land uses included in each Alternative. The number of parking spaces proposed as part of each Alternative falls between the minimum and maximum required number of parking spaces. The parking will be accommodated on-site.

Comment 322-cl: *Comment Summary - Describe square footage by use and the parking requirements per this measurement.*

Depending on the land use type, parking requirements are implemented based on square footage, number of dwelling units, number of rooms, employees, etc. The basis for the parking calculations for each land use are provided in Tables 4.8-17 through 4.8-19 of the DEIS, as well as in DEIS Appendix W. For example, the maximum number of hotel parking spaces was calculated based on the number of rooms and employees. One parking space is required per room, and an additional one parking space is required per employee. The "Parking Calculations" section of Appendix W provides the calculations of minimum and maximum parking requirements for each Alternative.

Comment 322-cm: *Comment Summary - Compare public vs. private amenities by Alternative. What is the location, use, and size of CFA available to the public.*

CFA is publicly accessible space. Table 2.7-1 summarizes the CFA proposed by Alternative. Private amenities would be available to guests or residents of the Boulder Bay resort and include facilities located within the hotel and residential buildings (e.g., pool areas, health and wellness center, fitness center, etc.).

Comment 322-cn: *Comment Summary - Provide additional pedestrian amenities along Stateline Rd/Lakeview.*

Pedestrian traffic on Stateline Road, Wassou Road, and Lakeview Avenue will be limited to residents of upper Crystal Bay (approximately 7 homes within ¼ mile of the Proposed Project). Sidewalks do not currently exist on Stateline Road, Wassou Road, and Lakeview Avenue. There are no project area driveways on Lakeview Avenue or Wassou Road or direct access to the project from SR 28 via Lakeview Avenue or Wassou Road; therefore, traffic volumes will be associated with residents of upper Crystal Bay. Given the low traffic volumes and low pedestrian traffic on Lakeview Avenue and Wassou Road, sidewalks are not warranted. Pedestrians on Stateline Road that are destined for the project can enter the project area and utilize the pedestrian facilities that are internal to the site.

Comment 322-co: *Comment Summary - What is being done to preserve the "Old Tahoe" gaming facilities and the character of the past?*

Mitigation measure CUL-1A requires Boulder Bay to prepare a photograph/text interpretation of the history of the Tahoe Biltmore Resort and Cottages for permanent display within a public area within the project, and to sponsor and produce a booklet regarding the history of Crystal Bay for public distribution.

Comment 322-cp: *Comment Summary - Alt. C doesn't reflect "Old Tahoe" as peaked roofs are a façade and pitch is 3:12.*

The buildings have been designed to show the components of "old Tahoe" in the visible portion of the viewpoint. The 3:12 pitch sections of the main roof do not dominate the viewpoint from the ground based vantage points.

Comment 322-cq: *Does affordable housing replace workforce housing? Are there negative social impacts for housing located next to a casino?*

Affordable housing can include housing for employees. Existing housing along SR 28 in this area is near casinos. To decrease dependency on vehicles and increase pedestrian activity, housing should be located near workplaces and commercial centers. There are no identified negative social impacts in the EIS.

Comment 322-cr: *Comment Summary - Are there guarantees the project will be finished?*

Project funding is outside the required scope of the DEIS and environmental documentation and analysis. The addition of financial data does not improve the environmental analysis in the EIS; however, decision maker(s) may use financial information to arrive at a decision. Funding and financial information may be requested by the Agency separate from the EIS for decision-making purposes. The project proponent has indicated full funding for the Project will be secured prior to construction to ensure completion.

Comment 322-cs: *Comment Summary - What are impacts of underground cuts and is dewatering or stabilization mechanisms needed?*

Potential impacts from excavations are analyzed in Impact GEO-3 (pages 4.2-27 to 4.2-32) and Impact HYDRO-4 (pages4.3-48 to 4.3-50). The need for dewatering actions is not expected but a dewatering plan has been developed for the project area as required by NPDES permitting. Geologic hazards (i.e. seismicity) are analyzed in Impact GEO-2 (pages 4.2-23 to 4.2-27).

Comment 322-ct: *Comment Summary - Is boat parking/storage provided?*

There is no dedicated boat parking/storage areas included in the Boulder Bay parking design.

Comment 322-cu: *Comment Summary - Snow removal not adequately discussed. Are sidewalks heated? Where will snow storage occur? Can heated roads keep up with accumulation during storm? Do other roads in area use this method of snowmelt?*

Snow removal is discussed on page 2-18 of Chapter 2, Project Description. Snow melting systems are used throughout the pedestrian circulation system and promenade. Snowmelt will be collected, transported and treated in the stormwater management system onsite. Snow storage areas are illustrated on the civil plans and will require approval by TRPA as part of project review and permitting. Mechanical removal will be necessary. Interior heated roadways, driveways and pedestrian walkways have been implemented throughout the Lake Tahoe Basin, notably and most recently through the South Shore Redevelopment Project in South Lake Tahoe, California.

Comment 322-cv: *Comment Summary - Discuss impacts to adjacent properties due to massing of structures. It will block view on Lakeview Road.*

Please see response to comment 117-a.

Comment 322-cw: *Comment Summary - There are 10 buildings and not 8 under Alt C (Building A = 3 structures).*

Building A is one structure. The bottom three floors are contiguous.

Comment 322-cx: *Comment Summary - Lack of access to shoreline not discussed. And 20' setbacks or less are not discussed.*

The lack of access to shoreline is discussed under REC-1. Setbacks are discussed in Chapter 4.5-Scenic and include a discussion of building setbacks and NSCP requirements and exemptions.

Comment 322-cy: *Comment Summary - Tree removal not adequately discussed. Why isn't 61% removal significant?*

Please see response to comment 322-ab.

Comment 322-cz: *Comment Summary - Shadowing conditions caused by tall buildings should be analyzed.*

Please see response to comment 169.

Comment 322-da: *Comment Summary - Light, glare, and nighttime lighting are not adequately discussed, especially with 4x the existing buildout.*

While the size of the project will increase compared to the existing building footprint, lighting impacts addressed in Impact SR-3 are not considered to be significant because the project will replace existing non-conforming signage and exterior

lighting with signage and exterior lighting that is consistent with TRPA exterior lighting standards and design guidelines.

Comment 322-db: *Comment Summary - Why is Code Chapter 21 category F used to calculate density?*

Please see response to comment 108-b.

Comment 322-dc: *Comment Summary - Provide elevations and cross-sections of roads.*

Figure 2-6 in the DEIS presents the proposed roadway realignments. Roadway elevations and details are provided on the civil plan sheets available for review at TRPA as part of the Boulder Bay Project file. The engineering plans are too large and detailed to be included in the DEIS.

Comment 322-dd: *Comment Summary - Will a batch plant be required for construction? What mitigations are proposed?*

Currently, an on-site batch plant is not proposed as a part of the construction activities.

Comment 322-de: *Comment Summary - Provide a clear comparison of the CEP net gain, and do not include utility undergrounding. Traffic and carbon footprint analysis is flawed.*

See response to comment 286-as.

Utility undergrounding is a required TRPA EIP project (EIP # 970) and a stated goal of the NSCP. Please see responses to **Master Response 2, 3 and 4,** which address the traffic analysis. Please see responses to comments 108-e, 112-a, and 322-c, which address the carbon footprint analysis.

Comment 322-df: *Comment Summary - Attachment B New Comments on the DEIR (comments address Alt C unless otherwise stated): Comments described below.*

Please see responses to comments below for specific examples.

Comment 322-dg: *Comment Summary - 42% increase in size of a TAU and TAUs become ERUs at 1500 sf.*

The average size of TAUs proposed for the project was considered when analyzing potential impacts of the Proposed Project and Alternatives. For example, the size of TAUs was considered in developing trip generation assumptions for the hotel units and are addressed in the scenic analysis since the size of the units impacts the proposed building size and height. The comment is correct that up to 42 of the TAUs purchased by Boulder Bay for transfer to the project area may be converted and used as ERUs. Under Alternative C, the conversion to ERUs means the average size of those TAU units converted to ERU units will increase to approximately 1,500 square feet compared to the smaller average size assumed for the proposed hotel rooms (e.g., approximately 550 square feet). However, the impact analysis associated with the proposed ERUs utilized the proposed size and type of use when determining effects.

Comment 322-dh: *Comment Summary - 54% increase in employees, but affordable housing only for 46% of employees (70 new employees with only 38 provided housing).*

Under Alternative C, affordable housing would be available onsite for 38 out of 74 new employees, which is 51% of new employees.

Comment 322-di: *Comment Summary - 61% tree removal requires mitigation measures for vegetation loss.*

Please see response to comment 322-ab.

Comment 322-dj: *Comment Summary - 4x increase in floor area equates to significant massing.*

Please see response to comment number 93-g. The floor area proposed for the project is consistent with TRPA density limits established in Code Chapter 21.

Comment 322-dk: *Comment Summary - All 10 buildings under Alt C exceed allowable base height.*

Please see response to comment 286-a.

Comment 322-dl: *Comment Summary - Code amendment for height accommodates Boulder Bay and future phases of boulder bay at Crystal Bay site and sets dangerous precedent.*

Please see response to comment 93-b. The Crystal Bay Motel site is not included in the proposed height amendment.

Comment 322-dm: *Comment Summary - Traffic impacts are unknown since baseline doesn't reflect existing conditions.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 322-dn: *Comment Summary - Transportation plan traffic reduction goals are insufficient.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 322-do: *Comment Summary - Resident and visitor populations of each Alternative are not evaluated.*

Resident and visitor populations are evaluated in Impacts SPH-2 and SPH-3.

Comment 322-dp: *Comment Summary - The energy use study is flawed because it is based on the incorrect traffic baseline. Also there is no evaluation of LEED certification claims.*

Please see response to comment 322-c. The baseline data for the energy use study utilizes actual energy and water bills for the existing structures. The Project doesn't claim to be LEED certified, rather that it is on the registry and will seek certification when final design is complete. In order to obtain certification, the project is being designed to achieve more than 40 points on the LEED project checklist.

Comment 322-dq: *Comment Summary - The benefits of the proposed reduction in Gaming Floor Area are overstated because existing gaming facilities could fit in proposed casino area.*

Economic benefits from reducing the gaming floor area are not overstated. Reuse of an underused area with more viable and desirable commercial uses will result in an economic benefit. Since this comment did not refer to a specific statement or page of the DEIS, no further response is possible.

Comment 322-dr: *Comment Summary - Site currently exceeds allowable land coverage by 81% and only 11% is proposed to be removed resulting is significant over coverage.*

The comment is noted. Alternative C will reduce verified existing land coverage by 43,841 square feet onsite and an additional 24,476 square feet off site but within the NSCP area for a total reduction of 15.8%. Table 4.2-6 details the actions for the TRPA excess land coverage mitigation program that are necessary to bring the project area into compliance with TRPA land coverage restrictions. The program addresses impacts from historic land coverage within the Lake Tahoe Basin

associated with parcels developed prior to creation of TRPA. Conformance with the excess coverage mitigation program reduces impacts associated with TRPA's land coverage program to a level of less than significant.

Comment 322-ds: *Comment Summary - Washoe County ROW is converted to private use and is being used to calculate density as part of the project area. Why is the abandoned ROW coverage not being banked for the benefit of the public?*

Based on the ROW abandonment approval issued by the County, the portion of existing Washoe County ROW abandoned for the project and located within the NSCP is available for development. There is no provision in the abandonment approvals that require the former ROW to continue use for public benefit. As such, this portion of the former ROW is available for use in the density calculations. The land coverage proposed for removal from the former ROW by Boulder Bay is included in the banked land coverage available for future use or permanent retirement to meet excess land coverage mitigation requirements.

According to Washoe County Community Development, normally there is no cost to the receiving property owner for vacated land. Nevada Revised Status recognizes that property donated for a right-of-way at no cost to the County; when vacated must be returned to the property owner, or their predecessors in interest at no cost. Since the County did not originally purchase the land, they cannot sell it back to the donating entity. As a condition of approval of the ROW abandonment, Washoe County requires that the property owner create a new right-of-way and build a new section of road, and to build a secondary exit from Wassou Road to State Route 28, at the property owners expense in return for vacating the requested right-of-ways. This will result in a new road alignment for Lakeview/Stateline road and a secondary driveway exit to SR 28 that the residences from the north can use.

Comment 322-dt: *Comment Summary - Temporary removal of the Crystal Bay Motel is inappropriately proposed for 1) scenic mitigation, 2) is a source of TAU transfer, 3) is used for coverage reduction credit, 4) is included to determine project density. If this site isn't deed restricted, it could be developed in the future and this should be evaluated.*

Removal of the Crystal Bay Motel is not a mitigation measure, but a scenic quality improvement or benefit of project development. A deed restriction on the Crystal Bay Motel site is not currently proposed; however a variety of constraints exist for future development of the site. Constraints for future development include: 1) A TRPA permit would be required, which includes additional environmental review, and 2) Alternative C utilizes the maximum density of the project area, so only commercial uses could be proposed on the Crystal Bay Motel site, not residential or tourist units, if Alternative C is developed.

Comment 322-du: *Comment Summary - There is insufficient mitigation for increased demand on area-wide recreational facilities.*

Mitigation is provided in Chapter 4.6. Additional mitigation is provided in response to comment 322ca. Without detail as to why the mitigation is considered insufficient, no further response can be provided.

Comment 322-dv: *Comment Summary - Land in capability classes 1 and 2 are reutilized in the project area.*

Comment is noted. Some verified existing land coverage in LCDs 1a and 2 is being retained; some is being relocated to high capability LCDs in accordance with TRPA

Code Section 20.5.C; and some in being removed and restored for mitigation of excess land coverage.

Comment 322-dw: *Comment Summary - As a CEP project, this should conform to the highest environmental standards and mitigations should be above and beyond standard expectations to qualify for extra height and other entitlements.*

Please see response to comment 286-as.

Comment 322-dx: *Comment Summary - S-1/S-4 4.5-46: There are discrepancies as to which parcels are included in the project description. Maps include Crystal Bay Motel, but the description for Alt. C doesn't discuss this. APN123-042-02 isn't discussed, and there is no coverage verification. Will it be used for parking?*

APN 123-042-02 is the existing Biltmore overflow parking lot located adjacent to the Crystal Bay Motel and Office complex. There are no changes proposed for this parking lot currently used by Biltmore employees and by visitors to Jim Kelley's Nugget Casino. Parking numbers provided for the Alternatives in the DEIS apply only to the portion of the project area located on the mountain side of SR 28, where changes to existing parking will occur. This APN is included in the TRPA land coverage verification in DEIS Appendix D. Land coverage by APN is presented in Appendix AD.

Comment 322-dy: *Comment Summary - 4.5-46 states the Crystal Bay Motel will be removed and the site restored, but this property needs to be deed restricted as open space because future site development will make mitigation and density calculations obsolete.*

Removal of the Crystal Bay Motel is not a mitigation measure, but a scenic quality improvement or benefit of project development. Future development would not make mitigation obsolete. A deed restriction on the Crystal Bay Motel site is not currently proposed; however a variety of constraints exist for future development of the site. Constraints for future development include: 1) A TRPA permit would be required, which includes additional environmental review, and 2) Alternative C utilizes the maximum density of the project area, so only commercial uses could be proposed on the Crystal Bay Motel site, not residential or tourist units, if Alternative C is developed. Future development is constrained by the Proposed Project density and is limited in type of development.

Comment 322-dz: *Comment Summary - Include a chart format breakdown of the parcels in the project area showing sf, acreage, verified land coverage, land capability, entitlements, open space, existing buildings and use sf, building improvements to remain and their use, and compare each of the Alternatives to these categories by noting their new uses/sf/footprint/coverage/ etc.*

Table 2.7-1 provides a comparison of other categories by Alternative. These summaries are based on the project area, but are not broken down by individual parcel. Appendix AD is added to the FEIS to land coverage/capability characteristics for the project area by parcel.

Comment 322-ea: *Comment Summary - Which parcels were included for the density calculations? Why is there a discrepancy between TRPAs method and Appendix M for calculating density? Why are 2 acres used for the density on the Mariner site when the agreement only allows development on one acre? Where is the density deduction for existing uses that remain?*

TRPA instructed Boulder Bay to utilize only lands located within the boundary of the NSCP for the density calculations because the land uses proposed in the project (e.g., TAUs and multi-family housing) are only allowed within the NSCP portion of the project area. While portions of the former Mariner site will not be developed with these uses, they are still located within the NSCP and are available for overall project density calculations according to TRPA ordinances.

Comment 322-eb: *Comment Summary - Is Washoe County ROW included in Alt C project area? Is it used to calculate density? Breakdown the numbers.*

Please see responses to comment 322-z and 322-ds.

Comment 322-ec: *Comment Summary - Is the Stateline mini-park parcel included in the 16.2 acre project area?*

No. The Stateline mini-park parcel is owned by Boulder Bay and two EIP projects will be implemented on the site. One EIP project is being processed as a separate project by Placer County. The second EIP project will reduce land coverage and install water quality and scenic quality improvements, which are a benefit to the Boulder Bay project area since the EIP project is being funded by Boulder Bay.

Comment 322-ed: *Comment Summary - Is the Crystal Bay office included in density calculations for the entitlements?*

Yes. The portion of the project area that includes the Crystal Bay office and motel are included in the 12.20 acres of the project area used for the density calculations.

Comment 322-ee: *Comment Summary - 4.1-25 states affordable units are reduced from 38 to 14 due to total site max density limits for MFU and TAUs proposed for density requirements. Since this is a CEP project, the TAUs and MFU should be reduced to allow 100% of the affordable housing demand (reduce TAUs and MFUs to accommodate more affordable housing.)*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 322-ef: *Comment Summary - Has the allowable density been inflated through the application of the incorrect mixed-use category in the density calculation?*

As discussed in response to comment 108-b, the correct density category (mixed-use) is used for the density calculation. The maximum allowable density described in the DEIS is correct.

Comment 322-eg: *Comment Summary - 4.1-12: Why does Code subsection 21.4.B Category F apply for the density calculation? Category E better applies to the project and results in a smaller density calculation. Category E was also used in the original application, so why the change now? What is the density allowance using Category E?*

Please see responses to comment 108-b and 322-ea.

Comment 322-eh: *Comment Summary - Land coverage section is confusing and misleading.*

Comment is noted. Please see responses to other more specific comments related to the land coverage analysis below.

Comment 322-ei: *Comment Summary - 2-18: Why is there a difference between the verified coverage per TRPA in Appendix D and the larger number provided on page 4.2-12? Is this due to a different project area designation?*

The Verified Existing Land Coverage within the Boulder Bay project area is reported in Table 4.2-3 on page 4.2-9 of the DEIS. Table 4.2-3 breaks down existing verified land coverage by Boulder Bay owned parcels and Washoe County ROW within the project area. Prior to production of the DEIS, TRPA updated the land coverage verification tables included in DEIS Appendix D (see page 2). The update increased the verified land coverage within the Boulder Bay owned parcels to 339,331 square feet, from the 336,365 square feet reported in Table 4.2-3. The difference between the 336,365 sf reported in Table 4.2-3 and the final verified land coverage number (339,331 sf, as stated in Appendix D) is 2,966 sf in additional verified existing land coverage within the project area. The 2,966 sf of additional verified land coverage makes the DEIS land coverage calculations more conservative since they used a smaller number and does not change the results of the analysis. The final numbers will be represented in the TRPA project permit should a Project be approved. The 399,884 square feet of existing land coverage reported in Table 4.2-6 on page 4.2-21 also includes land coverage within the existing Washoe County ROW located within the Boulder Bay project area. Once the County abandons this ROW, TRPA will include this land coverage in the existing verified land coverage for the Boulder Bay project area.

Comment 322-ej: *Comment Summary - Put each parcel in the land coverage in a chart to show the exact calculations*

Appendix AD has been added to the FEIS. The tables in Appendix AD includes the same land coverage totals used in the DEIS, but breaks out the land coverage and land capability characteristics for each parcel included in the Boulder Bay project area plus other areas that will result in land coverage changes (e.g., Washoe County ROW, SR 28 ROW, and Stateline Mini-Park site).

Comment 322-ek: *Comment Summary - The land coverage reduction proposal is confusing. What parcels are included in the project area vs. the specific parcels proposed for reduction of coverage*?

Please see response to comment 322-ej.

Comment 322-el: *Comment Summary - How much coverage will be permanently removed vs. coverage merely relocated around the site vs. coverage to be banked?*

Relocated land coverage is detailed on page 4.2-17 for Alternative C and page 4.2-18 for Alternative D in the finding for 20.4.(3). Alternatives A, B and E will not relocate land coverage. Mitigation measure GEO-1 details the options for the TRPA excess coverage mitigation program, including the permanent removal of land coverage, payment of an excess coverage mitigation fee for Banking of land coverage, and variable combinations of these two options. TRPA has requested that the land coverage be permanently retired as part of the Project. The project applicant has agreed to permanently retire the maximum amount of land coverage available within the NSCP following TRPA's selection of an Alternative.

Comment 322-em: *Comment Summary - Is offsite reduction based on 15,000 sf from Stateline mini-park site and 9,476 sf from ROW?*

Off-site land coverage reductions will occur within the NSCP on parcel APN 090-305-016 (15,000 square feet) and within the State Route 28 ROW (9,476 square feet) as a part of Alternative C. See Appendix AD for land coverage characteristics by parcel.

Comment 322-en: *Comment Summary - What is Hwy 28 ROW? Is state owned land used as a credit for coverage reduction for a private development?*

The State Route 28 Right-of-ways (ROWs) is the strip of land that is granted, through an easement or other mechanism, for transportation purposes such as a highway, bike lane, or utility conduits. A right of way is reserved for the purpose of maintenance or expansion of existing services with the ROW. In the case of an easement, it may revert to original owners if the facility is abandoned. For the Boulder Bay Project, portions of the ROW will be incorporated into the project area (Alternatives C and D) and land coverage will be permanently retired. See response to comment number 322-z for further discussion of ROWs and TRPA land coverage calculations.

Comment 322-eo: *Comment Summary - Is Washoe County ROW included in the project area and will the land coverage be removed and permanently retired or banked for future use? What is the land capability of the ROW?*

LCDs 4 and 1a comprise the Washoe County ROW. Please see response to comment number 322-z that addresses TRPA land coverage calculations in relation to public ROWs.

Comment 322-ep: *Comment Summary - Excluding ROW, how much coverage is actually reduced on and off-site?*

See Table 4.2-6 in the DEIS. The net land coverage reduction onsite equals 43,841 square feet. With reconfiguration of public ROWs and the construction of the Stateline mini park, net land coverage reduction offsite equals 24,476 square feet. Of the 24,476 square feet of offsite land coverage reduction, 15,000 is located outside of ROW lands.

Comment 322-eq: *Comment Summary - How can coverage be reduced with a reconfiguration of County roads? Provide a coverage breakdown including the total proposed coverage, coverage removed, and how large the project area is/what parcels are included and what is the ultimate coverage reduction.*

Reconfiguration of Washoe County Roads allows for removal and restoration of land coverage for a reduction in total project area land coverage for Alternatives C and D. The amount of land coverage assigned to onsite public roadways is reduced under Alternatives C and D, therefore, the land coverage associated with public ROWs is reduced under Alternatives C and D. TRPA prohibits the inclusion of land coverage in ROWs in calculations for allowable base coverage but requires the inclusion of existing land coverage in ROWs in calculations for excess land coverage. As stated in Table 4.2-6 of the DEIS, ultimate land coverage reduction including land coverage currently located in public ROWs is 68,317 square feet for Alternative C and 38,314 square feet for Alternative D. Land coverage characteristics broken down by parcel are detailed in Appendix AD.

Comment 322-er: *Comment Summary - 4.2-16: any land coverage associated with ROW should be a credit to a land bank or to the public. Removed coverage should be permanently retired not banked or transferred.*

Please see response to comment number 322-z, which addresses TRPA land coverage calculations in relation to public ROWs. Alternatives C and D propose to remove and permanently retire a portion of land coverage within the ROW. TRPA Code does not permit the use of land coverage in public ROWs for the benefit of private development. If the land coverage were banked instead of permanently retired, then the land coverage would be available for future development. According to TRPA staff, permanently retiring land coverage is preferred to payment of the excess coverage mitigation fee and banking of land coverage and assists TRPA towards achieving environmental thresholds. The project applicant has agreed to permanently retire the maximum amount of land coverage available within the NSCP following TRPA's selection of an Alternative.

Comment 322-es: *Comment Summary - 4.2-16: states land coverage reduction is not directly reflected in the calculation of excess coverage - what does this mean and what does this refer to?*

Appendix AD provides additional details on how the land coverage calculations were made for the project area and public ROWs located within and outside of the project area. The Project includes modifications to land coverage within the project area on private property and public ROWs (Washoe County), and outside of the project area within public ROWs (SR 28) and private property (Stateline mini park parcel located outside of the project area but within the NSCP). Excess land coverage is calculated in accordance with TRPA Code Section 20.5.A. The excess land coverage calculations exclude allowable base land coverage and existing verified land coverage for the portions of the project area that are currently within public ROW. Because the size of the public ROW within the project area will be reduced under Alternatives C and D (with a corresponding reduction in land coverage within the public ROW), the calculation of excess land coverage for the DEIS represents a worst case analysis for these two alternatives.

Comment 322-et: *Comment Summary - Table 4.2-6: what is the adjustment for reconfiguration of the road in the table? What does this mean?*

Please see response to comment 322-z, which addresses TRPA land coverage calculations in relation to public ROWs. The adjustment represents the reduction in land coverage that will occur in the public ROWs under Alternatives C and D. Note: to ensure a worst case analysis, the TRPA allowable land coverage values included in Table 4.2-6 were not adjusted to represent the increase in base allowable land coverage that would occur with the abandonment of a portion of the public ROW located in the project area.

Comment 322-eu: *Comment Summary - DEIS indicated permanently retiring 71,706 sf of coverage in lieu of payment of an excess coverage mitigation fee would better serve the public and watershed, but Alt C only described the removal of 43,841 sf.*

The 71,706 square feet of land coverage referenced to mitigate the excess land coverage within the Boulder Bay project area can be partially met with the 68,317 square feet of total land coverage available to permanently retire under Alternative C. The 68,317 square feet consists of land coverage removed within the project area, land coverage to be removed as a result of the project in offsite public ROW (SR 28) and land coverage to be removed as a result of the project in the offsite Stateline mini park site. To completely mitigate the excess land coverage with land coverage retirement, Boulder Bay will need to identify additional land coverage (on or off site) equal to 3,389 square feet as detailed in Table 4.2-6. The 3,389 square feet of

remaining land coverage required to completely mitigate the impacts of Alternative C will be determined as part of project approvals and permitting if this option is chosen instead of payment of a partial excess land coverage mitigation fee.

Comment 322-ev: *Comment Summary - Does excess coverage mitigation include the 32,575 from ROW?*

For Alternative C, the excess land coverage calculation does not include the referenced 32,575 square feet because that land coverage will be removed and restored as part of the Project, but does include 30,944 square feet of remaining ROW land coverage because it will remain in the project area and remain as County roadway.

Comment 322-ew: *Comment Summary - 4.4-1: discusses coverage in Land capability class 1 and 4 areas, but Alt C mentions class 2 lands. Isn't there any existing coverage on class 2 on the Mariner site and isn't relocation of coverage from class 1 to class 2 still on sensitive lands that were previously undisturbed?*

The land coverage that existed on the Mariner Site has been verified with TRPA as legally existing, but has been removed and banked. Relocation of land coverage will conform to requirements of TRPA Code Section 20.5.C. Findings for Alternative C are found on page 4.2-16 and for Alternative D on page 4.2-19. The relocation findings require the use of previously disturbed lands, which is not the same as previously covered. Page 31 of DEIS Appendix D identifies the TRPA land capability verification that delineates LCD 1a and 2 for the project area over the site of the former Tahoe Mariner and validates previous disturbance. See Appendix AD for land coverage presented by parcel and LCD.

Comment 322-ex: *Comment Summary - How is undisturbed class 2 superior to class 1 for development?*

Findings for Alternative C are found on DEIS page 4.2-16 and for Alternative D on page 4.2-19. The relocation findings require the use of previously disturbed lands, which is not the same as previously covered. Page 31 of DEIS Appendix D identifies the TRPA land capability verification that delineates LCD 1a and 2 for the project area over the site of the former Tahoe Mariner and validates previous disturbance (e.g. building footprints, road prisms and general use areas). See Appendix AD for land coverage tables presented by parcel and LCD.

Comment 322-ey: *Comment Summary - 4.2-17: DEIS states ROW is on Class 1a and that relocation would occur on 1a. If ROW 1a coverage is removed, how can it be reused to accommodate the project?*

Alternatives C and D will reconfigure the project area and portions of Washoe County roadways. Once the ROWs easements are rescinded, the lands become part of the project area, the land coverage becomes attributable to the owner (now Boulder Bay), and the land coverage becomes part of the calculations for the total land coverage for the project area. Land coverage removed from the rescinded ROWs is subtracted from the land coverage totals for the project area pursuant to TRPA Code Section 20.3.D.2(c).

Comment 322-ez: *Comment Summary - DEIS states reusing sensitive land coverage requires an amendment to the Mariner Agreement - how is this an environmental benefit?*

The existing Tahoe Mariner Settlement Agreement requires 4.78 acres of open space and sets aside 1.27 of the 4.78 acres for parks to be built and maintained by Washoe

County. Figure 4.1-2 shows the location of the existing deed restrictions within the project area. Under Alternative C, the location of the deed restricted open space will be relocated and enlarged, and partially developed as park uses and the unused banked land coverage will be partially relocated to other portions of the project area. The unused banked land coverage (approximately 8,455 square feet of LCD 1a) will be available for future transfer or permanently retired. The proposed amendment (DEIS Appendix M) will allow for proposed TAU and multi-family dwelling units on the southern most portion of settlement agreement area (see Figure 4.1-2), will allow for the deed restricted open space to be relocated within the Boulder Bay project area at a minimum of 4.78 acres, will allow a portion of the open space to be developed park use, and will eliminate the rights for three single-family residences on the former Tahoe Mariner Site (Area D on Figure 4.1-2). The final language in the amendment to the Settlement Agreement will be developed by TRPA staff.

The environmental benefits from this reconfiguration of the project area include greater reductions in land coverage through permanent retirement of land coverage (see Impact GEO-1 analysis), preservation of open space and reestablishment of vegetation, construction and maintenance of a public park, and improvement in scenic quality ratings from SR 28. An amendment is needed to allow Boulder Bay to assume building and maintenance costs and responsibility. Alternative C will deed restrict 5.70 acres for public open space and park uses. Alternative D will deed restrict 4.99 acres for public open space and park uses. Alternative E will set aside 4.78 acres of open space, including 1.27 acres for parks to be built and maintained by Washoe County. Impact HYDRO-1 discusses the positive effects of open space for surface water quality.

Comment 322-fa: *Comment Summary - 4.2-19: States there is 378,325 sf of coverage under Alt C, but this number is not reflected anywhere else in the document and indicates a coverage reduction of only 5% and results in significant coverage in Class 1 and 2 lands. Explain.*

The land coverage amount referenced on page 4.2-19 was mislabeled as Alternative C. The paragraph references Alternative D and should be labeled as such. The 27,720 sq. ft. of coverage listed transposed the 2 and the 7 and should be reported as 27,270 sq. ft. The paragraph has been corrected as follows: "The resultant land coverage for the project area under Alternative D will equal 32,276 square feet on LCD 1a, ~~27,720~~ **27,270** square feet on LCD 2, and 318,329 square feet on LCD 4.

Comment 322-fb: *Comment Summary - 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, and 5) new coverage on land not previously disturbed or covered.*

Figure 4.2-2 identifies for Alternative C the verified existing land coverage to remain, verified existing land coverage to be removed and new land coverage. Areas of LCD 1a, 2 and 4 are delineated on the figure. Table 4.2-3 outlines land capability and existing land coverage determinations. Table 4.2-5 outlines proposed land coverage by Alternative. See Appendix AD for land coverage characteristics broken down by parcel.

Comment 322-fc: *Comment Summary - 4.2-17 EIS states coverage reduction to allow for increased height. If there is only 10% coverage reduction, how can there be 95% increase in height?*

TRPA's February 4, 2008 Governing Board Resolution for the Boulder Bay CEP project (item 2 on page 2 of the resolution) requires land coverage reduction for the additional height contemplated for the CEP project in item 1 of the resolution. The proposed Code Chapter 22 height amendment (DEIS Appendix U) requires the project to reduce land coverage by a minimum of 10 percent to earn additional height. The percentage reduction in land coverage does not directly correspond to a percentage increase in height. Appendix AC presents the revised language for the proposed special height amendment to clarify that the Crystal Bay Motel portion of the project area is not eligible for additional height per the proposed amendment.

Comment 322-fd: *Comment Summary - Crystal Bay Motel coverage removal is only temporary since the developer reserves the right for future development. This should not be counted as permanent coverage reduction.*

Please see response to comments 322-dt and 322-dy. Future development within the Crystal Bay Motel portion of the project area is limited by excess land coverage mitigation proposed for this Project. The project applicant has agreed to permanently retire the maximum amount of land coverage available within the NSCP following TRPA's selection of an Alternative.

Comment 322-fe: *Comment Summary - 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 and environmental document. Where is the physical effects analysis in the EIS? How will transfer of development from South Shore to North Shore be a positive environmental benefit to the North Shore?*

The transfer of development from South Shore is analyzed in Chapter 4.1 (See Impact LU-2 page 4.1-25). Removal of units in the South Shore results in less over coverage and SEZ impacts in the Basin. The NSCP is a Transfer of Development Rights (TDR) receiving area. This means that the NSCP area has indicated a desire to grow through the transfer of development rights and existing development. The analysis of this transfer is found throughout the document for each environmental topic since these transferred units are part of the Proposed Project development. The environmental benefits and impacts are presented in the DEIS.

Comment 322-ff: *Comment Summary - 4.1-24. The proposed acquiring of TAU's is extremely confusing. Please provide a chart breakdown. How many TAU's currently existing on the project area? The DEIS says 189 TAU's will be increased within the project area?*

TAUs are listed in a chart on page 4.1-23 and in Table 4.1-6 on page 4.1-24. The DEIS states on page 4.1-23, "The Boulder Bay proponents currently own 150 Tourist Accommodation Units (TAUs) associated with the Biltmore Hotel (95), the Crystal Bay Motel (19), the former Baltabrin Casino (19) and 17 units banked on the Sierra Park parcels." These are all located within the project area and NSCP. In addition, Boulder Bay owns or has options for up to 148 additional TAU from seven properties located outside of the NSCP in Washoe and El Dorado Counties, which is shown on the chart on page 4.1-23. As shown in Table 4.1-6, bonus TAUs are available to Boulder Bay as a result of SEZ restoration match from the TRPA Special Project Pool (up to 40) and from the NSCP bonus Pool (up to 31). On page 4.1-12, the DEIS states that 300 hotel units are proposed under Alternative C, which is an increase of 189 units over the existing number of 111 hotel units currently in use within the project area (e.g., Tahoe Biltmore and Crystal Bay Motel).

Cumulatively, when considering the proposed export of NSCP TAUs from the Tahoe Inn site for the Homewood Mountain Resort Master Plan, the increase in TAUs within the NSCP as a result of the Boulder Bay Alternative C would be equal to 50 units (e.g., 139 TAUs are proposed to be transferred to Homewood).

Comment 322-fg: *Comment Summary - 2-16 Confirm whether 17 TAU's are proposed to come from the Mariner/Sierra Park parcels. Under what circumstances can they be converted back to TAU's from CFA. How does this effect the overall entitlements allocated to Mariner site?*

Multi-family residential units proposed in Building A are located on the former Mariner site (24 units under Alt C and 21 units under Alt D) in addition to a portion of the proposed TAUs located in Buildings B and C. The exact numbers of TAUs located in the former Mariner site differ by Alternative C and D, but would be approximately 28 for Alternative C and 35 for Alternative D.

The DEIS discusses the potential use of up to 17 TAUs from the Mariner/Sierra Park parcels for the development proposed in the former Tahoe Mariner site on page 2-16 and page 4.1-23. Since the circulation of the DEIS, Boulder Bay has decided to forgo the proposed conversion of CFA into TAUs as analyzed in the DEIS in Chapter 4.1. As such, Boulder Bay will be required to use 96 (up from 79 reported in the DEIS) of the 148 TAUs that are available to Boulder Bay for transfer to the project area from Washoe and El Dorado counties. Therefore, the CFA banked on the Mariner/Sierra Park parcels will remain banked as CFA. The transfer of up to 96 of the offsite TAUs to the project area will not result in significant impacts, as the analysis for Alternative D considered the possible transfer of 139 TAUs into the NSCP from Washoe and El Dorado counties and concluded that the impacts were less than significant.

Comment 322-fh: *Comment Summary - Provide breakdown of market rate allocations and if they are part of a bonus for being a CEP or if they were units purchased from private sources.*

Please see response to comment 322-ff.

Comment 322-fi: *Comment Summary - What is the monetary value of all the entitlements given to the developer as part of being CEP? Is project receiving bonus allocations for market rate housing?*

Monetary values are not required information in an EIS. Addition of this information does not alter the environmental analysis or conclusions. Under Alternative C CEP bonus allocations are used for employee housing and bonus TAUs from the NSCP Pool and TRPA Special Project Pool are applied to the hotel units. Bonus allocations would not be applied to Alternative C market rate housing. Under Alternative D, existing and purchased ERUs will be applied to the whole ownership units, CEP bonus allocations will be applied to the 8 employee housing units, and some of the bonus TAUs from the NSCP Pool or TRPA Special Project Pool may be applied to the timeshare units.

Comment 322-fj: *Comment Summary - Was the Colony Inn purchased by Boulder Bay or is it part of the bonus pool for the CEP?*

Boulder Bay purchased 42 TAUs from the owner of The Colony Inn that were located within SEZ. Boulder Bay also purchased 10 TAUs from the owner of The Colony Inn that were not located within SEZ. Each of these TAUs is available for transfer to the Boulder Bay project area. The restoration of the SEZ TAUs enables

Boulder Bay to apply for bonus TAUs from the TRPA special project pool at a one to one ratio.

Comment 322-fk: *Comment Summary - 4.1-27 Describe with more detail how the project proposes to meet the transfer provisions as set forth in the Code for sensitive lands. How many units are proposed to be transferred onto lands considered as environmentally sensitive? Provide analysis by each Alternative. What entitlements are proposed to be relocated or transferred onto sensitive land? Describe transfers separate from relocation of existing.*

Please see response to comment 322-ff. DEIS Figure 4.2-2 shows the land capability within the project area. A small portion of Building B (tourist accommodation units) and all of Building A will be located within sensitive LCD 1a and 2 lands. This portion of the project area is the location of the former Tahoe Mariner and was previously disturbed. Page 4.1-27 of the DEIS addresses the requirements for the transfer of TAUs and ERUs to the Boulder Bay project area. ERUs for Building A and TAUs for the portion of Building B located within LCD 1a will come from the SEZ (LCD 1b) restoration associated with the Boulder Bay owned units from The Colony Inn.

Comment 322-fl: *Comment Summary - How is neighborhood compatibility addressed, specifically to surrounding residential uses that are much smaller scale? Are neighbors supportive and how is their quality of life impacted?*

Neighborhood compatibility is addressed in Impact LU-2. This Project is a tourist development that replaces an existing tourist development. There are other tourist developments adjacent to and near the project area. There are also residential units in the area, which are located near casinos, hotels, and other tourist uses. The uses proposed by the Project are consistent with the Community Plan. Although there are smaller scale residential uses nearby, the land use associated with the Project is the same as the existing land use for the site.

Comment 322-fm: *Comment Summary - What mitigation measures are proposed to protect the neighbors? DEIS does not address blocked views, increase of traffic, cars and other vehicles parked in surrounding neighborhoods, etc.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

A Shared Parking analysis (based on the methodology presented in the Urban Land Institute's (ULI) *Shared Parking*), which accounts for internalization between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in each Alternative. The maximum number of parking spaces allowed by the NSCP was also calculated based on the land uses included in each Alternative. The number of parking spaces proposed as part of each Alternative falls between the minimum and maximum required number of parking spaces.

Please see response to comment 117-a regarding impacts to views.

Comment 322-fn: *Comment Summary - S-31 Public gathering places and art displays are currently part of the existing Biltmore operations and are required as part of the CEP. These should be portrayed as such.*

The Biltmore currently has no outdoor public gathering spaces or art displays. Recommendations included in the CEP for uses such as public gathering spaces are

benefits of the EIP program and are included in the Project under Alternatives C and D (e.g., the public park on the former Mariner site, the proposed art exhibits and seating along Boulder Way, and the Stateline mini-park).

Comment 322-fo: *Comment Summary - S-32 What is the current useable space on the Mariner site based on site constraints such as slope, access, ease of parking, etc versus what is being proposed in terms of useable space, slope, easy of access, etc? Please provide comparison chart to clarify as of now discussion is confusing.*

Figure 2-3 in DEIS Chapter 2 documents the existing site conditions within the project area, including the former Tahoe Mariner site, which was located in the portion of the project area labeled APN 123-071-34 and designated as "Sierra Park". Proposed development under Alternatives C and D would be located on the southern most portions of the "Sierra Park" parcels.

Comment 322-fp: *Comment Summary - The North Stateline water quality basin is more of a gateway feature/greenbelt and to call it a "park" is a stretch.*

The name and recommended facilities for the Stateline Lake Vista mini-park is identified on page 5-2 of the NSCP.

Comment 322-fq: *Comment Summary - The proposed parks are non-contiguous which diminishes effectiveness of a true neighborhood park. What are the future trails and paths that DEIS discusses? What guarantee is there that these trails/paths will ever connect anywhere?*

The proposed park includes seating areas, footpaths, historic interpretive kiosks, and vistas and will be built and maintained by Boulder Bay. Not all parks need to include play structures, ball fields, and picnic areas. Per the previous Tahoe Mariner Settlement Agreements, the park area need not contain any of these features, nor must it be a dedicated park area as the proposed park would be. The trails can be seen in Figure 2-5, showing their location and potential connections to other trails and roadways.

Comment 322-fr: *Comment Summary - Is there linkage to the Crystal Bay lookout?*

The Crystal Bay Lookout can be accessed via Lakeview Avenue. The distance from the resort to the lookout point is approximately 1.2 miles. Please see response to comment 322-ca.

Comment 322-fs: *Comment Summary - 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 Boulder Bay project and the proposed project at the bottom of Brockway Hill.*

Please see responses to comments 322-ch and 322-fx.

Comment 322-ft: *Comment Summary - 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?*

The trip generation rates for each land use take into account visitors to that land use, including guests, residents, employees, etc. The external trips, as modeled, account for employees who commute into work.

Comment 322-fu: *Comment Summary - Mitigation should require a connection from Kings Beach to Stateline for the DEIS bike path connector.*

Please see response to comment 322-ch.

Comment 322-fv: *Comment Summary - There are no sidewalks on Wellness Way or Stateline/Lakeview Avenue to ensure safety while walking. Foot traffic to "Lookout" is ignored. Why are sidewalks along these roads not included in "pedestrian friendly resort"?*

Please see response to comment 322-cn.

Comment 322-fw; *Comment Summary - S-33 What is the employee shuttle program envisioned to include?*

The employee shuttle program is identified on pages 2-15, 4.8-21, and 4.8-56 of the DEIS. Two shuttle stops will be provided onsite; the route and frequency of the shuttle will be dependent upon the location and schedules of employees.

Comment 322-fx: *Comment Summary - 2-4 Describe how Project meets the objects of a multi-modal future when there are no connector paths to amenities outside the project area.*

The connector paths onsite connect to amenities onsite and the commercial/casino core area offsite. While the connections are primarily to tourist and retail and restaurant services, the improvements to the transit stop and the proposed shuttle services to and from the resort provide connections to amenities outside the project area. Mitigation REC-1 provides beach shuttle service to Boulder Bay guests and the public. Transit service connects the project area to various offsite locations. Boulder Bay shuttles to the airport, golf courses, beaches and ski resorts also connect guests and reduce dependence on personal vehicles. Also, bike route improvements and bike rental/sharing programs promote non-vehicular access through the site and the community. Existing bike lanes offer connection to offsite amenities in Kings Beach.

Comment 322-fy: *Comment Summary - No mitigation measures to lessen the impacts of increased recreational demand.*

Please see response to comment 171-d. Boulder Bay will be required to provide onsite signage (e.g., at bus turn out) to encourage the use of Boulder Bay sponsored shuttles to access beaches and parks. The Boulder Bay shuttles will not take visitors to nearby beaches such as Speedboat beach. The Mitigation Measure REC-1 requires Boulder Bay to coordinate with recreation providers to ensure that guests are not taken to facilities that are already over crowded. Additionally due to onsite amenities and accessory uses, more recreation needs are anticipated to be met onsite.

Comment 322-fz: *Comment Summary - Proper mitigation should include a requirement to purchase additional beach front property with a shuttle service to that beachfront for Boulder Bay guests in Crystal Bay as beaches in the area are already severely impacted. Saying that Speedboat beach won't be advertised is not appropriate mitigation.*

Please see responses to comments 171-d and 286-ap.

Comment 322-ga: *Comment Summary - What further community revitalization is contemplated by the references to such in DEIS? Is this reference to a specific project or set of projects? #9 - What large and small scale projects are being referred to by this reference?*

This is a comment regarding CEP goals and objectives listed on page 2-5 of Chapter 2.0-Project Description. An objective under CEP Goal #8 is that CEP projects are

catalysts for further community revitalization. This means that the Project would lead to additional community revitalization, such as the Stateline mini-park and water quality improvements, utility undergrounding, restoration, and perhaps the motivation for other aging, poorly utilized, or non-compliant sites in the community to make improvements and revitalize the community through a healthy environment and economy. This objective is not in reference to a specific project or set of projects. Goal #9 states, "Create a model process for multi-jurisdictional review of project permits, implementation and monitoring." This is a goal of the CEP Program that is implemented through the policies listed in support of this goal, which are, "Implement on-the-ground projects in a reasonable and timely fashion and Provide an effective program designed to facilitate both large-scale and small-scale projects." The large and small-scale projects referred to by this reference are all CEP projects.

Comment 322-gb: *Comment Summary - Are part-time employees counted in the projected number of new employees needed for project?*

Although construction contractors are not included, the new employees include both full-time and part-time employees that would access the project area.

Comment 322-gc: *Comment Summary - S-5 The DEIS should address whether the "above and beyond" requirements to qualify for a CEP also include more affordable housing than the minimum stated.*

The CEP requires that 20% of housing proposed by a project include affordable units. Both Alternatives C and D meet or exceed this requirement, as discussed in Table S-2 on page S-34.

Comment 322-gd: *Comment Summary - Please clarify by what is meant that housing will accommodate approximately 38 persons at one person per room which is approximately half of the projected increase in employees for Alt C, except for some instances in which there may be 1.5 persons per room. Why is Boulder Bay planning on shifting affordable housing to places outside of Crystal Bay?*

Alternative C proposes 14 affordable housing units. These 14 units contain a total of 38 bedrooms (10 three bedroom units and 4 two bedroom units). With an assumption of one employee per bedroom, the affordable housing units could serve 38 employees. Alternative C would result in 74 new employees. Therefore, the 38 employees in the affordable housing units represent 51% of new employees. Where 1.5 persons per room is assumed, this is in relation to total population, which would include children, spouses, etc. of an employee who may reside in the affordable housing unit and is meant to show overall population growth and not just the number of employees accommodated. Based on employment data, it is anticipated that a majority of the remaining employees needed for the Project will come from currently unemployed leisure and hospitality workers already living in the Region.

Comment 322-ge: *Comment Summary - Is the DEIS reference to 162 affordable housing units in Tahoe Vista, Vista Village? This project has yet to be approved and the housing is for people employed in Tahoe Vista.*

The reference to 162 affordable housing units in Tahoe Vista on page 4.11-12 includes, but is not limited to Vista Village, which would provide 48 units if approved and developed. The DEIS specifically states in this same paragraph. "However, based on the uncertainty that these affordable housing units will be approved and constructed, it is assumed that they will not be available for Boulder

Bay employment growth." Therefore, the uncertainty over these units has been fully disclosed in the document.

Comment 322-gf: *Comment Summary - 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. DEIS needs to address issue.*

As stated in the response to comment 322-ge, the DEIS fully discloses that "it is assumed [these units] will not be available for Boulder Bay employment growth." Perhaps some units will be occupied by Boulder Bay employees, but the DEIS does not state that they will be occupied by Boulder Bay employees.

Comment 322-gg: *Comment Summary - Does traffic analysis take into consideration that 45% of employees will have to travel to work?*

The trip generation rates for each land use take into account visitors to that land use, including guests, residents, employees, etc. The external trips generated by each Alternative account for employees who commute into work.

Comment 322-gh: *Comment Summary - The DEIS should provide an updated analysis of what true impacts on housing projection are based on current economic conditions.*

Updates to the analysis are not required to reflect minor changes in economic conditions since the preparation of the DEIS. When the impacts were analyzed, economic conditions revealed high unemployment and recession within the area. Those conditions have not changed substantially in the last year to alter the analysis. Unemployment is still high and there is a considerable supply of potential employees seeking employment in the area. Further, many of the projects listed in the cumulative impacts section of the DEIS have been cancelled or put on hold. As such, the cumulative development assumptions certainly represent a worst case scenario.

Comment 322-gi: *Comment Summary - What is the true demand for employee housing based on current economic conditions?*

The true demand for employee housing is based on the number of new employees already residing in the area, including areas such as Truckee and Reno who will be able to use transit service promoted by Boulder Bay to travel to and from work. This is analyzed within Impact SPH-2 on DEIS pages 4.11-10 through 13.

Comment 322-gj: *Comment Summary - What changes have occurred since report has been prepared? What are realistic growth projections taking into consideration full build out of the CEP projects and Community Plans on the North Shore?*

Please see response to comment 322-gh.

Comment 322-gk: *Comment Summary - A cumulative impacts analysis of housing need and demand should be completed in relation to Boulder Bay.*

A cumulative impacts analysis regarding population growth and housing is included under Impact SPH-C1of Chapter 4.11-Socioeconomics, Population, and Housing.

Comment 322-gl: *Comment Summary - How many employees currently working in Crystal Bay live in CA versus NV? Where do employees currently live and commute from?*

The trip generation rates for each land use take into account visitors to that land use, including guests, residents, employees, etc. The external trips generated by the Alternatives account for employees who commute into work. The direction of trips was established by analyzing the trips generated by the project area and assigning

them to the local roadway network. If Boulder Bay can accommodate a greater number of employees in onsite affordable housing, then trip generation associated with employees of the resort will be less than predicted in the DEIS analysis.

Comment 322-gm: *Comment Summary - Does traffic analysis take into consideration the employees that currently commute to work and those who will continue to commute if not living in onsite housing?*

Please see response to comment 322-gl.

Comment 322-gn: *Comment Summary - Do Boulder Bay employees have first priority to stay in the on-site housing before it is offered to the general public?*

The Project proposes workforce housing that is dedicated to employees of the project area. .

Comment 322-go: *Comment Summary - What are the qualifications to stay in the housing?*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 322-gp: *Comment Summary - Explain differences in the housing mix per Chapter 21?*

Differences in the housing mix are described in Chapter 2 of the DEIS for each Alternative and analyzed in Chapter 4.1-Land Use, Impact LU-1.

Comment 322-gq: *Comment Summary - If the leisure sector is experiencing high unemployment rates what does it say about this industry? Is there a demand for a resort as large as Boulder Bay? Cal Neva is bankrupt and has many of the same things as Boulder Bay this needs to be addressed in the DEIS.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 322-gr: *Comment Summary - 4.11-13 There is confusion in the analysis about "little or no projected growth in the near term" but on the next page it states there will be 2-3% projected growth and 4% growth already occurred in Crystal Bay. Does 2-3% take into a account cumulative impacts of all the future CEP projects, and build out of the Community Plans?*

The text on page 4.11-14 states none of the Alternatives will exceed the 2% annual growth rate for Crystal Bay/Incline Village or the 3% growth rate for Washoe County. It does not state that 2-3%-projected growth will occur as a result of the project. 4% growth is discussed on page 4.11-2 in regard to the annual growth rate for Crystal Bay/Incline Village between 1990 and 2000. The analysis in SPH-3 does not include cumulative projects, which are discussed in SPH-C1.

Comment 322-gs: *Comment Summary - What do growth projections mean in terms of demand for resort facilities the size and scope of Boulder Bay? Could the project be too large to support a declining population and reduced visitor base?*

The generation of community-wide population growth projections is not a goal or element of this project. Rather, growth projections taken from census data or other demographic databases are used to analyze this project. Growth projections are related to full-time populations and not transient tourist populations. Such projections provide little information in terms of demand for resort facilities. The

DEIS does not claim population projections indicate a demand for resort facilities, nor does this affect the environmental analysis. Project objectives would suggest that a project like Boulder Bay is needed to recapture the visitor base that is traveling elsewhere to resorts with amenities that reflect modern needs and desires.

Comment 322-gt: *Comment Summary - 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 local residents? The DEIS states that homeowners are tourists. Does it mean to say they are second homeowners?*

Actual new population numbers needed to support the resort (employees) are discussed in SPH-1 through 3. Tourist populations are not permanent and are not reflected in area population counts or actual growth rates. The impact of increasing the visitor population is discussed throughout Chapter 4 of the DEIS as Project operations (noise, air quality, traffic, etc.). The DEIS does not state that homeowners are tourists. Under the analysis for SPH-3 on page 4.11-13, the DEIS states: "Alternatives C, D and E will include up to 59 whole ownership market rate multi-family dwelling units. Assuming 2.52 persons per household (average Washoe County household size in 2007), full time resident population may increase by up to 149 persons under Alternative C, 53 persons under Alternative D, and 83 persons under Alternative E. This would be a worst-case scenario since the majority of these units will likely be sold to second homeowners not permanently residing in these units. Since 50% to 70% of the historical real estate sales for such units are to second homeowners, permanent populations in these units are more likely to be 60, 21, and 40 persons, respectively."

Comment 322-gu: *Comment Summary - Please address that locating affordable housing adjacent to gaming does not conform to the goals of the NSCP.*

Figure 2 in the NSCP shows land use concepts for the area, including the Tahoe Mariner site. For this site, the land use concept includes a casino/hotel and employee housing. While employee housing does differ from affordable housing, it is anticipated that resort employees that qualify as low-income will occupy the onsite housing. NSCP 1.2 states that employee housing shall be used to "buffer" the casino and commercial uses from residential uses. In effect, the project implements the goals of the NSCP by placing affordable housing between the commercial areas and other existing housing units.

Comment 322-gv: *Comment Summary - Building elevations should be shown.*

Please see response to comment 322-x.

Comment 322-gw: *Comment Summary - Increased building setbacks from Hwy 28 of 40' are discussed as a benefit at the site plan indicated a setback of approx. 20'. What is the setback to the property line on Hwy 28? Is the 40' reference a setback to edge of pavement?*

Building setbacks are calculated using the distance between the proposed SR 28 edge of pavement and the specific building. The proposed Code Chapter 22 amendment also would measure setbacks from the edge of pavement.

Comment 322-gx: *Comment Summary - 2-23 What is the current massing and cubic volume of the Biltmore versus the proposed massing and cubic volume of the new project?*

The existing structures within the project area include approximately 123,000 square feet of gross floor area. Under Alternative C, the gross floor area of buildings would increase to approximately 465,000 square feet. Under Alternative D, the gross floor

area of buildings would increase to approximately 589,000 square feet. Under Alternative E, the gross floor area of buildings would increase to approximately 290,000 square feet.

Comment 322-gy: *Comment Summary - Why are none of the buildings conforming to height in Alt C?*

One of the goals of the project is to reduce building footprints and land coverage needed for the development program. Building height is extensively analyzed in Impact SR-1 in Chapter 4.5 of the DEIS. The 76 foot tall legally existing Biltmore Hotel building exceeds allowable height standards. Building heights that conform to existing height standards would be limited due to how allowable height is calculated on highly sloped areas. To meet existing height standards, Boulder Bay would have to design buildings that consume greater land coverage. A height amendment is proposed for the Boulder Bay project to address the land coverage issue. Please refer to the revised proposed special height district amendment presented in Appendix AC of the FEIS.

Comment 322-gz: *Comment Summary - Do the three multi-family buildings have separate entrances? They appear to be 3 separate buildings joined at the roof, why are they referred to as one building?*

Building A has covered walkways on each level that runs the full length of the three residential buildings.

Comment 322-ha: *Comment Summary - LU-1 95% height is not inconsistent with NSCP. LU-2 Nonconforming height expanded in NCSP is inconsistent. Please address.*

Please see responses to comments 93-g and 286-j.

Comment 322-hb: *Comment Summary - Table 3.2-1 incorrectly states that new height is consistent with the NSCP. The proposed height code amendment requires a community plan amendment, which should be analyzed separately in advance of an actual project.*

Please see response to comment 93-g and 286-j. The proposed building heights are consistent with implementation of the Code of Ordinances Chapter 22 amendment. Please refer to the revised proposed special height district amendment presented in Appendix AC of the FEIS.

Comment 322-hc: *Comment Summary - Current structures are not visible from the Lake but proposed structures will be. Why wouldn't visibility decrease the shoreline score as viewed from the Lake? All new structures block views of mountains.*

Under Alternative C, the existing Crystal Bay Motel would be removed and proposed structures would be visible where the motel structure was previously located. The amount of structure visibility would not increase and therefore, the impact would be less than significant. Under Alternative D, the amount of structures visible would increase through the existing tree line based on the additional height of structures under Alternative D. Therefore, under Alternative D, the impact from Lake Tahoe viewpoints is considered to be significant.

Comment 322-hd: *Comment Summary - How is there adequate buffering of adjacent uses and neighborhood compatibility when there is only a 20' setback from Stateline Rd./Lakeview to 65- and 75-foot high buildings?*

Please see response to comment 93-b. The measured height of the buildings viewed from adjacent roadways are documented in Table 8.5-7.

Table 8.5-7

Building Heights Measured as Viewed from Adjacent Washoe County Roadways

Building	Visible from Roadway	Setback to Roadway	Building Height Based on TRPA Calculations	Measured Building Height at Viewpoint	Floors
B	Wassou	45 ft	75 ft	22 ft	2
B	Lakeview	61 ft		35 ft	3
D	Lakeview	33 ft	75 ft	49.5 ft	4
D	Stateline	28 ft		39 ft	3
E	Stateline	29 ft	65 ft	55 ft	3

Comment 322-he: *Comment Summary - What are the heights of surrounding properties in North Stateline that are within 1000 feet of the project area?*

Please see response to comment 93-b.

Comment 322-hf: *Comment Summary - What is the difference in the linear frontage of buildings proposing additional height over the existing conditions of just the one Biltmore Casino building?*

The linear frontage of buildings along SR 28 will increase under Alternatives C and D compared to the existing Tahoe Biltmore structure. Buildings G and H are located adjacent to the SR 28 frontage with proposed pedestrian facilities between the buildings and SR 28 edge of pavement. Under existing conditions, the linear frontage along SR 28 for the 76-foot tall Tahoe Biltmore building is approximately 240 feet. Under Alternative C, the linear frontage of the 56-foot tall Building H (located in proximity to the existing Tahoe Biltmore building) increases to 320 feet. Alternative C also includes the 45-foot tall Building G along SR 28 for approximately 160 linear feet.

Comment 322-hg: *Comment Summary - A new height ordinance should specifically address this property. What are the impacts of this ordinance with regard to other properties within the NSCP? Have these impacts been analyzed?*

Please see response to comment 93-b. The Crystal Bay Motel site is not included in the proposed height amendment. In addition, NSCP areas located outside of the Boulder Bay project area are not affected by the proposed Code Chapter 22 amendment.

Comment 322-hh: *Comment Summary - Where did a 10% land coverage reduction for increase height come from? If an accurate traffic study concludes an increase in VMTs, will the height amendment be rescinded?*

The 10% land coverage reduction for increased height is one of numerous findings included within the proposed height amendment, which adds a new section (22.4.E) to TRPA Code of Ordinances Chapter 22. It is language developed for the amendment to require other environmental benefits or improvements beyond just

scenic improvements. To qualify for the additional height, the Proposed Project must demonstrate reductions in land coverage, improved pedestrian/transit oriented development, improved runoff and stormwater quality, participation in EIP projects within the NSCP, and a reduction in vehicle miles traveled. If a project does not demonstrate these requirements as listed in the amendment, additional height would not be approved.

Comment 322-hi: *Comment Summary - 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 net environmental gain should be quantified.*

Benefits related to scenic and community design improvement are summarized in Table S-2 and include: undergrounding existing utilities located outside of the project area, creation of gathering spaces open to the public, providing setbacks along SR 28 greater than those required in the NSCP, and placing a majority of parking underground.

Comment 322-hj: *Comment Summary - The roof pitches for proposed buildings indicate almost flat roofs but the simulation shows more articulation and roofs that appear more steep. Are the pitched roofs mainly facades? Please explain the apparent discrepancy. An architectural rendering of each building facing Hwy 28 would be helpful.*

Please see response to comment 322-cp.

Comment 322-hk: *Comment Summary - DEIS should include shadowing study in EIS because buildings are relatively close together. There appears to be a safety concern from shadowing of Building D because it could potentially cause icy conditions on the Lakeview connector.*

Please see response to comment 169.

Comment 322-hl: *Comment Summary - What are the mitigation measures to prevent a tunnel effect from occurring to the pedestrians and travelers along the highway from Alt C showing 3 buildings close to Hwy 28?*

The construction of 2 and 3 story buildings setback a minimum of 40 feet from the SR 28 edge of pavement will not create a "tunnel effect" as documented in Figure 4.5-6. Proposed Alternative C building heights along SR 28 are compatible with the existing Crystal Bay Club buildings located on the east side of the highway.

Comment 322-hm: *Comment Summary - What are the night sky impacts of this project? What are the current effects as comparison? What will prevent this project from causing increased night sky pollution?*

Please see response to comment 322-da.

Comment 322-hn: *Comment Summary - What type of new signage is proposed with this project? Does the project propose multiple reader boards?*

New signage will be required to comply with NSCP Guideline 4.d that states: “Signs on buildings should be integrated into the overall building design. Architectural designs should anticipate the location and size of building signs. This may require changes or modifications to a sign design to achieve a sense of fit between sign and building. Building signs should be at an appropriate height and size to be read by pedestrians. This generally means sign mounting heights of less than 10 feet and sign area of 10-20 square feet. Building signs should not be oriented toward automobiles. This is the function of freestanding signs.”

Comment 322-ho: *Comment Summary - Will any of the proposed buildings obstruct Lake views from any adjacent residences? Will any houses on Lakeview or Wasou be affected?*

Please see response to comment 117-a.

Comment 322-hp: *Comment Summary - Please explain how Alt C is similar to the rustic character and feel of the fish hatchery building references in the NSCP.*

Please see response to comment 322-ad.

Comment 322-hq: *Comment Summary - S-6 How can 61% of tree removal on a site that is highly developed and impacted be considered minimal impact as stated in the DEIS with no mitigation required? Table showing the trees to be removed for each Alternatives is confusing and needs to be clarified. Site should be redesigned to preserve more of site's trees.*

Please see response to comment 322-ab. Findings are made for removal of trees based on TRPA Code Section 71.2.B that include discussion of redesign and relocation of buildings.

Comment 322-hr: *Comment Summary - What are the cumulative impacts of tree removal in consideration with other approved, pending, or future projects?*

DEIS Table 4.4-6 details the tree removal inventory by DBH size class for Alternatives C, D and E. Table 4.4-7 details removal of trees greater than 24 inch DBH and provides justifications for removal. Alternatives C, D and E are designed to minimize tree removal within the project area. Cumulative impacts of tree removal are discussed on page 4.4-37 of the DEIS.

Comment 322-hs: *Comment Summary - Simulation shows vegetation planted to screen the buildings, yet DEIS has no landscape plan. Please provide. What type of vegetation is proposed for screening? If vegetation is deciduous instead of evergreen this should be reflected in simulation.*

A Landscape Plan is included in the DEIS in Appendix O. The plans show the location of vegetation, the types of deciduous and evergreen trees to be used, and landscape treatments. The visual simulations reflect this plan.

Comment 322-ht: *Comment Summary - A landscape plan is needed to affirm the accuracy of the simulations prepared for each of the Alternatives.*

Please see response to comment 322-hs.

Comment 322-hu: *Comment Summary - There should be a phasing plan for the project in the DEIS. 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?*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 322-hv: *Comment Summary - Will grading, and other activities be phased? What aspects of the project will be phased as entitlements are secured, financing secured, and units sold?*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted..

Comment 322-hw: *Comment Summary - What are the environmental effects of excavations up to approx. 50 feet deep on Class 1 and Class 2 land?*

Impacts GEO-3 and HYDRO-4 analyze the potential effects from excavations. The majority of excavations will occur in portions of the project area that are LCD 4. The potential environmental effects of the excavations are measured at a level of less than significant because no groundwater was found in test pits to maximum depths of 55.5 feet below ground surface (bgs). The geotechnical investigations and the soils/hydrologic reports (Lumos and Associates 2008) found no severe soil constraints that preclude grading and excavation activities in the project area, which is composed of LCD 4, 2 and 1a.

Comment 322-hx: *Comment Summary - DEIS does not adequately address the development rights associated with the Mariner Site and the effects of Boulder Bay's proposed changes.*

Please see responses to comments 37-a and 100-f.

Comment 322-hy: *Comment Summary - DEIS does not adequately consider the quality of the open space or specify a location or quality of the Alternative space proposed as replacement for the 0.85-acre loss of open space on the Mariner site.*

The existing quality of the open space is analyzed in the DEIS in the environmental analysis chapters 4.1 through 4.12. To replace open space lands proposed for development under Alternative C, the proposed Settlement Agreement amendment (DEIS Appendix M) requires a minimum of 0.85-acre of land outside of the former Tahoe Mariner area but within the NSCP to be dedicated to and preserved as open space/public park. While the amount of open space on the former Tahoe Mariner site would decrease, the total dedicated open space under the proposed amendment to the agreement would at least remain the same. The existing agreement includes 4.78 acres of open space. The proposed amendment requires 3.93 acres of open space on the former Tahoe Mariner site and a minimum of 0.85-acre offsite within the NSCP. Alternative C proposes a total of 5.70 acres of deed-restricted open space.

Comment 322-hz: *Comment Summary - DEIS does not include the prior settlement agreements or address the nature of the agreements becoming progressively more restrictive.*

Please see responses to comments 37-a, 100-f and 322-ia.

Comment 322-ia: *Comment Summary - DEIS does not address why CA was omitted on the 2001 Agreement but indicates that CA's consent will be required to the extend that Boulder Bay's Proposed Project conflicts with any of the four Mariner Agreements.*

The 2001 Agreement is a separate agreement between the previous land owner and the TRPA and did not include the State of California. The 2001 agreement does not affect the applicability or status of the previous settlement agreement documents (most recently amended in 1996) and an amendment of the 2001 agreement does not require the signature of the State. The DEIS indicates that the proposed amendment to the Settlement Agreement is required prior to TRPA approval of Alternative C or D and that the State of California and TRPA are signatory parties to the agreement (pages 4.1-28 and 4.1-33); however this activity is separate from the DEIS.

The DEIS does not state that California consent is required to the extent that the Proposed Project conflicts with "any" of the previous Mariner Agreements. As stated above, the State of California is not a signatory to the 2001 agreement between the former land owner and TRPA. Page 4.1-28 of the DEIS states, "The proposed amendment to the Tahoe Mariner Settlement Agreement must be approved and signed by TRPA and the State of California to reflect the change in open space deed restrictions to allow for the TRPA approval of Alternative C." Page 4.1-33 includes the same statement for Alternative D. Discussions of the Settlement Agreement in Chapters 2 and 4.1 refer to the terms established in the existing agreement, not the previous agreements that are no longer valid. For the State of California, the most recent agreement signed by the State (1996) remains valid, not the portions of the 1981 or 1984 agreements superseded by the 1996 amendment as discussed in Appendix M of the DEIS. Consent from the State of California will result in complete validity of the proposed amendment to the agreement and voids the 1996 agreement, resulting in an accurate account of property owners and uses onsite.

Comment 322-ib: *Comment Summary - DEIS does not specify the development rights that have been transferred off the Site. The handlings of residual transfers is not addressed.*

DEIS Appendix D documents the remaining development rights located within the project area. The proposed transfer of ERUs and TAUs is analyzed in Chapter 4.1, Land Use.

Comment 322-ic: *Comment Summary - DEIS does not clearly address the transfers or the use of conversions that have occurred. Are TAUS and ERUS restricted from being transferred onto and designated less than Class 4?*

Please see response to comment 322-fk. The transfer of TAUs and ERUs is discussed on page 4.1-27 of the DEIS. Section 34.4 of the TRPA Code of Ordinances states that the receiving parcel be land Class 4 capability or greater unless certain provisions are met for land coverage reduction, restoration, and other actions as described on page 4.1-27 of the DEIS. Because Alternative C meets the requirements of the provisions, units can be transferred to lower capability LCD classes.

Comment 322-id: *Comment Summary - 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.*

Please see response to comment 322-hx.

Comment 322-ie: *Comment Summary - "Community Center" implies many trips into and out of the project by community members. 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.*

The CEP goal of creating Community Centers is to "Enhance community character in town and tourist centers". Crystal Bay is designated as a tourist center in the NSCP. As noted in the Project description in Chapter 2 of the DEIS, Alternative C and Alternative D propose a mix of tourist uses on site. Implementation of the proposed Alternative Transportation Program outlined in TRANS-5 will become a condition of project approval in the event either of these Alternatives are approved by TRPA. Please see responses to comments 54 and 137-h regarding the requirements to describe funding for project components and mitigation measures.

Comment 322-if: *Comment Summary - The Transportation portion of the EIS the baseline is not the real baseline. The baseline should be what would be the case without the project. Therefore there is an increasing use of energy.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 322-ig: *Comment Summary - The energy 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 increase in carbon dioxide due to removal of mature trees and replacement with smaller trees and other landscaping.*

Please see responses to comments 93-u, 108-e and 112-a.

Comment 322-ih: *Comment Summary - Unless you are a guest of the hotel the Wellness Center/spa, convention area etc are not available to you. How does this restriction of use comply with the CEP goal of "serving the local population"?*

Please see response to comment 286-y. Although some features of the resort may not be advertised separately from the hotel, there is no restriction in TRPA regulations that require the visitors to the spa or meeting areas to be overnight guests of the hotel. In addition to the spa and meeting spaces, the Boulder Bay project also includes other uses that will serve the local population. For example, the park site is open to the public as are the retail units, restaurants, and other commercial uses. The pedestrian village is also open to the public as are bike service facilities, transit improvements, and other transportation facilities. Landscaping and water quality improvements serve the greater community by enhancing the roadway corridor and reducing pollutants entering the lake. These are some of the Project features that "serve the local population".

Comment 322-ii: *Comment Summary - How does increases in traffic, congestion and noise, reduction of air quality and open space, negative impacts on beach access and mountain view benefit the CEP goal of net gain?*

The Project (Alternative C) will not result in an increase in traffic based on a comparison to baseline existing conditions (see **Master Response 2**). As such, the Project will not result in increased air quality and noise emissions related to traffic. Please see responses to comments 93-k and 171-d regarding increased demand for recreational facilities. Please see response to comment 286-as regarding compliance with CEP goals.

Comment 322-ij: *Comment Summary - Why isn't a Community Plan amendment required for changes in height in advance of a new high code amendment?*

Please see response to comment 93-g.

Comment 322-ik: *Comment Summary - The project doesn't quality as a "destination resort" since there are not significant onsite recreational amenities or activities. Where is the analysis of the ability to keep guests on property and out of their cars?*

The Project includes a variety of amenities such as a spa/wellness center, pools, casino, conference center, entertainment, restaurants, stores, park and hiking trails, and children's club. These are all amenities proposed to keep guests on the property. Visitors at various destination resorts are not confined to the property for the duration of their stay, so it is unreasonable to suggest guests must be limited to the resort at which they are staying. In a setting such as Lake Tahoe, where there is a vast array

of activities and unique vistas throughout the area, guests who will want to experience offsite resources as well as onsite amenities. To reduce a guest's dependence on automobiles for travel within the Basin, a range of Alternative transportation options are proposed. However, the traffic impact analysis recognizes that resort guests and residents will travel to and from the project area for other offsite amenities and therefore includes trip generation rates that include external trips to and from the resort for offsite activities.

Comment 322-il: *Comment Summary - 95% increase in allowed height is not contextual. How does increasing the NSCP population by a factor of 8 comply with the CEP goal of responding to typical neighborhood context.*

Please see response to comment 286-f in regard to height and response to comment 322-im in regard to population.

Comment 322-im: *Comment Summary - Proposed Alt C increases resident population to 206, which is an increase of a factor of 8. How does the NSCP conform with the definition of an urban core?*

If all whole ownership units are occupied as primary residences by all owners, then the population of the whole ownership units (149 persons) plus the residents in the affordable housing units (57 persons) would equal 206 persons. This is the maximum population increase expected as many whole ownership units will likely be owned by second home owners (at rates similar to existing Crystal Bay and Incline Village units), substantially reducing the population increase estimates provided above. The NSCP area is a TRPA designated Community Plan Area. Community Plans are developed for areas with a concentration of commercial and tourist uses, and are considered urban centers.

Comment 322-in: *Comment Summary - Traffic increase and increase in height is not consistent with Regional Plan or Community Plan.*

Please see **Master Response 1** regarding traffic impacts. Analysis included in the DEIS concludes that the proposed amendment to the height ordinances would not result in adverse impacts and would therefore be consistent with Regional Plan and Community Plan goals for redirection of the project area.

Comment 322-io: *Comment Summary - How does the project significantly benefit the 9 threshold categories of TRPA?*

The DEIS was prepared to disclose whether the Proposed Project or Alternatives would result in significant impacts. Significant impacts are identified based on impact evaluation criteria that include compliance with TRPA thresholds. In order to approve the Project or an Alternative, TRPA must make findings that the environmental thresholds will not be degraded.

Please see response to comment 286-as regarding compliance with CEP goals.

Comment 322-ip: *Comment Summary - There is no scale transitions between buildings and surrounding neighborhoods.*

Please see response to comment 322-hd.

Comment 322- iq: *How is affordable and workforce housing considered the same? Is workforce housing associated with the project?*

Affordable and workforce housing are similar in that their occupancy is limited to certain groups of people. Affordable housing serves very low to low-income populations (TRPA Code of Ordinances Chapter 2), while employee housing serves employees of the public or private entity owning and maintaining the housing units (TRPA Code of Ordinances Chapter 18). Employee housing is not necessarily limited to certain income levels, although they typically serve employees in the lower-income categories. It should be noted that the NSCP discusses both employee and affordable housing similarly and proposes them both within the Plan Area. As stated in the DEIS, the Project proposes affordable housing and not housing limited to resort employees.

Comment 322-ir: *Comment Summary - What new access to recreational amenities does the project provide that is not pre-existing? Is there an analysis of how it solves and addresses the adequacy of the onsite population requirements for recreation?*

The Project provides public recreational amenities in the form of the park on the Tahoe Mariner Site as well as a playground and public gathering spaces. The project proposes approximately 5,100 linear feet of pedestrian paths, 900 linear feet of hiking paths, and 2,000 linear feet of bicycle lanes. Guests of the resort will be able to use the pools, spa, and fitness facilities onsite. Currently, the only recreational amenity is a pool. Since guests of the resort do not represent a permanent population, population requirements for recreation are not applicable to the majority of persons at the resort. Permanent residents as discussed in Chapter 4.11 represent small populations and do not indicate a need for additional recreational services. This is discussed in Impact REC-3 on pages 4.6-22 and 23 of the DEIS.

Comment 322-is: *Comment Summary - Does the DEIS analyze the impact of not providing a sidewalk for the public to Stateline/Lakeview Rd or Wellness Way?*

Please see response to comment 322-cn.

Comment 322-it: *Comment Summary - Does DEIS analyze the proposed building volumes as they compare to the context of the residential neighborhood?*

Building volume or mass is analyzed in Chapter 4.5 - Scenic Resources in impact SR-2 and in the figures in Chapter 4.5, particularly 4.5-6, 7, 14, and 15. While the massing of Alternative D is significant and visually present, the layout and setback of the tallest structures under Alternative C utilizes the slope and is not overbearing in comparison to the existing structure or residential developments. The roofline is more prevalent from Lakeview Avenue, but does not interrupt views or crowd adjacent structures. Please refer to the analysis on page 4.5-47 and page 4.5-49 of the DEIS.

Comment 322-iu: *Comment Summary - There is no independent analysis of energy use or efficiency. ARUP study is flawed. Why doesn't DEIS require an independent energy use analysis?*

Please see response to comment 112-a.

ARUP North America Ltd. provided an independent energy consumption study for Boulder Bay based on existing utility bills and projected use. In developing future use estimates, the analysis includes the number of proposed units, square footage, and uses as well as numbers for the energy using equipment proposed onsite.

Comment 322-iv: *Comment Summary - The 19,089 sf of space for the health and wellness center should be used in the calculations for traffic and parking because it is a separate use from the Hotel Use.*

Master Response 3 provides additional detail on project trip generation associated with accessory uses. The spa and wellness services will be scheduled, operated and billed through the hotel operations. To access the spa, guests will have to enter the main hotel entrance located at the front of Building C. There is no separate entrance for the spa, and guests will use the hotel parking lot, not separate or dedicated parking. Therefore, it is not considered a separate use for purposes of the traffic and parking analysis.

Comment 322-iw: *Comment Summary - How can the wellness center and conference center be used for the community and community events without generating additional VMT or without advertising? Will facilities be truly run solely and exclusively by project operators?*

Please see response to comment 322-ih.

Comment 322-ix: *Comment Summary - 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.*

Please see responses to comments 286-y and 286-ab. The wellness center is considered accessory floor area, not commercial floor area. As discussed in Chapter 2, the current CFA (including certified gaming area) is 56,322 square feet. Under Alternative C, total CFA will be reduced by 17,835 square feet, and 38,487 square feet of existing CFA will be utilized. There is no need to transfer additional CFA to the NSCP for this Project.

Comment 322-iy: *Comment Summary - 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.*

Figures 2-4 and 2-5 illustrate the Proposed Project Site Plan and the Proposed Pedestrian and Bike System, respectively. The proposed roadway alignments can be identified within these figures. Figure 2-6, however, specifically illustrates the Proposed Roadway Realignment that underlies the configurations depicted in Figures 2-4 and 2-5, including driveway access easements, portions of which will serve as pedestrian gathering areas when not necessary for emergency access routes. Washoe County, at the time of a project approval by TRPA, can consider changes to the internal roadway configuration that have been modified since the time of the right-of-way abandonment hearings.

Comment 322-iz: *Comment Summary - 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.*

Please see response to comment 93-q.

Comment noted. Project roadways will be designed and constructed in accordance with appropriate Washoe County standards.

Comment 322-ja: *Comment Summary - Given the need for ready access in all weather and potentially during fire emergencies it appears reckless to provide a road less than what would be required for public roads.*

Please see response to comment 93-q.

As stated on page 4.12-12, "A January 29, 2008 letter from the NLTFPD to the Washoe County Department of Community Development states that 'the abandonment and realignment of public streets…are acceptable.' The letter further states, 'The increased slope of the proposed alignment of Lakeview Avenue is acceptable due to the south facing slope of the roadway' (personal communication, NLTFPD, 2008). Since emergency response providers indicate there is adequate access, no change is warranted.

Comment Letter 332 - Gergans, Nicole, League to Save Lake Tahoe, 02/04/10

Comment 332-a: *Comment Summary - The impacts analyses and conclusions for traffic and air quality are flawed. The baseline for VMTs is incorrect and should be based on actual observed VMTs, not theoretical capacity. This results in an understatement of project impacts.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 332-b: *Comment Summary - Trip generation rates were not based on data from the existing site data or from other casinos in the region, but instead on casinos in Illinois, Iowa, and California. Therefore, trip generation estimates are considered inaccurate.*

Please see response to comment 79-c.

Comment 332-c: *Comment Summary - Competitive pressures indicate gaming traffic is declining at the Biltmore; therefore existing trip generation rates based on current theoretical capacity is unrealistically large, and not an appropriate baseline for the analysis.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline and response to comment 100-b regarding effects from gaming competition.

Comment 332-d: *Comment Summary - The F&P trip generation model for the analysis is inappropriate because it is for mixed-use development without hotel or interval-ownership units.*

Please see response to comment 79-d.

Comment 332-e: *Comment Summary - The trip generation model does not account for external vehicle trips by residents and guests for recreation, retail, and services in the region. The internal trip capture rates assumptions may be flawed because it does not consider hotel uses.*

External project traffic estimates (vehicle trips in/out of the project area) includes trips to the project that are attracted to the onsite project amenities (non-guests) and trips to and from the proposed hotel and residential uses on the project area to other destinations (such as recreation, shopping, etc.).

The Fehr & Peers mixed-use development trip generation model does provide an input and information for hotel uses. **Master Response 3** provides additional detail on the Fehr & Peers mixed-use development trip generation model.

Comment 332-f: *Comment Summary - Accessory floor area uses are not adequately accounted for in the trip generation model because the model assumes no new trips would be generated, but uses could include restaurants or other uses that would generate trips.*

Please refer to **Master Response 4** for additional detail on project trip generation associated with accessory uses.

Comment 332-g: *Comment Summary - Trip reduction and air emission reduction estimates based on the shuttle service are overly optimistic: there's no guarantee the shuttle service would be highly utilized.*

The Alternative mode reduction included in the trip generation calculations includes bicycling, walking, carpooling, etc, trips, as well as transit and shuttle (Boulder Bay van service) trips. **Master Response 3** provides additional clarification on internal/external Alternative mode trips. The Alternative Transportation Plan provides for the following specific measures to reduce private vehicle use:

- Provide financial subsidy to increase North Lake Tahoe Express Service between Reno-Tahoe International Airport and Incline Village/Crystal Bay from 7 runs per day to 11 runs per day during peak travel seasons (summer and winter);
- Reduce existing Crystal Bay to Tahoe Vista Trolley headways from 30 to 15 minutes during summer daytime hours by operating an additional Trolley at no cost to users;
- Operate Year-Round Tahoe Connection Shuttle Service using three Alternative-fueled vans (12-15 passenger) to provide free transit service throughout the Tahoe/Truckee region to Boulder Bay guests and residents;
- Encourage Alternative transportation strategies for Boulder Bay employees by offering subsidized employee transit passes, preferred carpool parking, carpool matching service, showers/lockers, and bicycle amenities;
- Provide two bays for Transit buses and shuttles along SR 28 and an Alternative Transportation Center for transit, bicycle and pedestrian travelers to be protected from the elements (including a bicycle station with an air compressor and secured parking);
- Onsite Alternative-fuel car share service (up to four vehicles) for Boulder Bay guests and residents; and
- Onsite bicycle-share service for Boulder Bay guests and residents, including some bicycles with “electric assist”.

These measures will likely reduce private auto use and increase Alternative modes beyond the estimates made in the trip generation analysis (i.e. project trips could be less than estimated).

Comment 332-h: *Comment Summary - The flaws in the traffic and therefore air quality impact analysis do not allow for a determination of consistency with the Tahoe Mariner Settlement Agreement, which requires no adverse impacts.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline. Please see response to comment 37-a regarding the ability to amend the Settlement Agreement.

Comment 332-i: *Comment Summary – The description of current and proposed uses of the site is not clear enough in terms of gaming space, CFA, and accessory uses to perform an impact analysis. Alt. A 80,000 sf, and Alt. C would be 120,000 sf: is this accurate and the EIS should clarify.*

Chapter 2 of the DEIS details the current land uses within the project area in the description of Alternative A (No Project Alternative). Chapter 4.1 further details existing uses on pages 4.1-1 and 4.1-2. Proposed land uses are detailed in the descriptions for Alternatives B, C, D and E and analyzed in Chapter 4.1, Land Use. Existing gaming area, CFA and accessory uses have been verified by TRPA and are disclosed in the DEIS (Appendix D). Proposed uses are analyzed against the agreed upon evaluation criteria.

Comment 332-j: *Comment Summary - An accounting of existing and proposed gaming spaces needs to be calculated and shown in the EIS.*

The NTRPA certified 29,744 sf of the TRPA verified CFA for gaming use, of which 22,400 sf is in use presently (page 4.1-12 of DEIS). The Project proposes to retain 10,000 sf for gaming use (page 2.10 of the DEIS).

Comment 332-k: *Comment Summary - The EIS must clarify the reduction in CFA. The EIS states a 17,935 sf reduction (p. 2-22) from the 19,744 sf of reduced certified gaming area, but this is not an actual reduction in gaming space, but a reduction in certified gaming area (some of which may not be a permanent reduction). Actual reduction in existing gaming is only 12,400 sf from subtracting Alt. C 10,000 sf of floor space from the current gaming floor space at the Biltmore/Alt A (22,400 sf). There is only a 12,400 sf reduction of real CFA, not 17,935 sf.*

As stated in the comment, the amount of gaming area currently in use at the Biltmore is 22,400 sf. The difference between the certified gaming area of 29,744 sf and the gaming area currently in use (22,400 sf) is gaming area potentially available for use by Boulder Bay. In Alternatives C and D, Boulder Bay has proposed to permanently retire 9,914 sf of their certified gaming area. This area would no longer be available for use as gaming, but would still be banked onsite and available for use as CFA. As a result, 17,835 sf of banked CFA remains available in the project area for potential use in the future under Alternative C. Please see response to comment 93-c. Any application to use additional gaming area would be subject to review and approval by TRPA.

Comment 332-l: *Comment Summary - In regards to CFA and GFA the EIS does not make a fair comparison of Alt. A and Alt. C. On p 2-22 Alt A has 56,322 sf of CFA, which includes verified CFA and certified (some of which is not existing) GFA. But only 48,978 CFA (combined CFA and GFA) is in actual use. The EIS claims a reduction of 19,744 GFA, does not state that the 19,744 will be considered verified CFA. Alt A calculations includes existing, verified, and certified CFA/GFA, but Alt. C calculations only includes what will be used on the ground and not verified/certified. This is misleading.*

Please see response to comment 332-k. With Alternative C, 17,835 sf of unused CFA will be banked within the project area and would be available for future use or transfer to another project. Any application to use additional gaming area would be subject to review and approval by TRPA.

Comment 332-m: *Comment Summary - Explain how Alts. A and B are inconsistent with stormwater treatment but include 20-year one-hour storm capture upgrades.*

The referenced row of Table 3-3 lists water quality, circulation and urban design features. Under Alts A and B, stormwater facilities would be required per TRPA regulations to correct existing stormwater deficiencies to treat the 20 yr/1hr storm

runoff volume, but the existing circulation and urban design deficiencies would remain.

Comment 332-n: *Comment Summary - In Table 3.2-1, Alt. C is not consistent with regional Plan Goal 2 and policies due to height limits.*

Please see response to comment 322-hb.

Comment 332-o: *Comment Summary - As a CEP project, the EIS must provide a better quantified analysis of water quality benefits (Code of Ordinances Chapter 33.3 D (3) a).*

Comment is noted. Please see Appendix AB for supplemental analysis for additional quantification of surface water quality benefits, notably predicted load reductions for total sediment, fine sediment and nutrients. The analyses for HYDRO-1 and HYDRO-3 are presented in the format determined and reviewed by TRPA Staff. The supplemental water quality analysis does not change the analysis for HYDRO-1 and HYDRO-3 but provides additional quantified results that support the conclusions that potential impacts discussed in HYDRO-1 and HYDRO-3 are reduced to a level of less than significant.

Comment 332-p: *Comment Summary - The EIS needs to clarify relation to EIP #732, Brockway Residential Water Quality Improvement Project, and cost share.*

Boulder Bay committed to implementation of EIP projects in the February 4, 2008 Resolution Letter for TRPA CEP participation. The Project's commitment to EIP projects is disclosed on page 2-18 of the Project Description. Boulder Bay will enter into a separate agreement with Placer County for completion of EIP project #732 (as will be required as a TRPA Permit Condition), a draft of which has been submitted to TRPA for review. Boulder Bay will construct Infiltration Basin #9 on the California Parcel and has proposed a cost share agreement with Placer County for long-term maintenance.

Comment 332-q: *Comment Summary - 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. This needs to be clarified in the EIS.*

Clarification concerning EIP Project #114 is added to DEIS page 4.3-26: **EIP Project #114 is a recreation project that preserves open space and establishes park uses in the NSCP. The land underlying the park contributes to EIP # 732 for the treatment and infiltration of stormwater runoff. EIP #114 and 732 utilize the same parcel of land. The water quality benefits on this parcel of land include: a reduction in land coverage, installation of the infiltration gallery #9 and tie in with the Placer County Brockway Erosion Control Project. Bio retention systems for stormwater treatment will be installed in line with the underground infiltration galleries. The Stateline mini-park will be installed on top of the under ground infiltration galleries and will include water quality interpretive signage.**

Comment 332-r: *Comment Summary - The EIS should quantify the different components and benefits, especially for fine sediment reduction, of the required 20-year, 1 hour runoff vs. the proposed 100-year storm capture designs.*

Impact HYDRO-3 details the "over and beyond" stormwater volume reductions proposed by the Project. Table 4.3-12 presents the calculations for the 100yr/1hr storm total runoff capacity of the proposed systems. The "over and beyond' is

determined by comparing this storm volume (13,201 cubic feet) to the 20yr/1hr storm total runoff volume (8,517 cubic feet - support calculations are provided in DEIS Appendix G). See Appendix AB for DEIS Appendix G supplemental information for predicted total sediment, fine sediment and nutrient load reductions.

Comment 332-s: *Comment Summary - The EIS should quantify fine sediment (<16 microns) load reduction and compare with NDEP and Lahontan TMDL requirements. TSS quantification is not sufficient.*

The pre-project monitoring program was set up and completed voluntarily by Boulder Bay for characterization of existing stormwater quality for the purpose of appropriately designating and adequately sizing stormwater treatment systems for the project area. The TSS EMCs computed from pre-project monitoring provide a base for determination of the type of pre-treatment systems and are intended to communicate "total sediment". Because DRI data is not available for fine sediment particles as a concentration of stormwater runoff, a range of fine sediment as a percentage of total runoff was used based on IERS and JBR field monitoring data for input into the LSPC model (see Appendix AB for results). Field monitoring data of disturbed soils runoff indicates fine sediment particle load is > 50% of total sediment load for granitic soils and JBR data reported levels as high as 90%. Since Alternatives C and D aim to capture, convey and infiltrate the 100yr/1hr storm total runoff volume, then 97 - 100% of the total sediment can be captured and infiltrated for this storm volume. The EIS states a more conservative reduction estimate of 90%, but modeled results for example water year 1993-1994 predict higher reductions in total sediment. See Appendix AB for supplemental analysis of predicted load reductions, including fine sediments of 20 microns and less.

Please see response to comment 129-a for additional information on the definition of fine particle size.

Comment 332-t: *Comment Summary - Requests additional water quality monitoring data.*

See Appendix AB for the supplemental surface water quality analysis, which incorporates data collected for the DRI Brockway Project Area Stormwater Runoff and Characterization Study and Upper Cutthroat Infiltration Testing and Stormwater Runoff Study (Heyvaert et al. 2008) into the LSPC model to predict existing total sediment loads and proposed reductions based on the 20yr/hr and 100yr/1hr storm events.

Comment 332-u: *Comment Summary - Utility undergrounding listed as a benefit in Alts C and D, but not A, B and E. But the work is completed and should be listed as a benefit in all Alternatives.*

Please see response to comment 322-ac.

Comment 332-v: *Comment Summary - The EIS claims (p. 4.2-16) that coverage mitigation can use ROWs under Code 20.5; but is not allowed under 20.3B. Provide the appropriate supporting code and language, and adjust coverage calculations as needed.*

The reference to TRPA Code Section 20.3.B is incorrect and should have been Code Section 20.3.D. Code Section 20.3.D defines the method for calculating land coverage. Subsection 20.3.D.1(b) doesn't allow the existing Washoe County ROW lands to be used for determination of base allowable land coverage. Therefore, the existing ROW was excluded from the project area for determination of allowable base land coverage. Because the ROW will be rescinded for the project to go

forward, the removal of the existing ROW from the project area ensures the land coverage analysis represents a worst case assumption for allowable vs. proposed land coverage.

Comment 332-w: *Comment Summary - Coverage reduction on County and State lands should not be available to a private development.*

Please see response to comment 322-z.

Comment 332-x: *Comment Summary - The 50.3% coverage exceeds TRPA requirements for Bailey amounts and NSCP limits of 50%.*

It is correct that Community plans allow land coverage up to 50 percent for certain projects with land coverage transfer provisions. However, the existing Boulder Bay project area is over covered (approximately 54 percent of the project area) and therefore is subject to TRPA excess land coverage mitigation requirements. A goal of the Boulder Bay project was to reduce land coverage to less than 50 percent of the project area. With the exclusion of public ROWs within the project, the total coverage is 47.9 percent. However, there is no TRPA requirement that the existing land coverage be reduced to less than 50 percent for the project area. As stated in the DEIS (Table S-2), Alternative C exceeds NSCP (5 percent) goals for land coverage reduction within the project area.

Comment 332-y: *Comment Summary - The 4.78 acres of deed restricted open space at the Tahoe Mariner should not be used for coverage calculations.*

Please see response to comment 100-g. The deed restriction doesn't preclude the use of banked land coverage on the former Tahoe Mariner site, and does not override TRPA ordinances related to relocation of banked land coverage. The analysis calculates base allowable land coverage for the project area under the provisions of TRPA Code Chapter 20. Impact GEO-1 provides the analysis of land coverage for the project and Alternatives. Appendix AD includes additional detail for the land coverage and land capability calculations within the project area.

Comment 332-z: *Comment Summary - Removed coverage at Crystal Bay is not being permanently removed, so the coverage reduction may only be temporary and not be counted as a benefit to the CEP project. The project should not receive any incentive unless it becomes permanently restricted.*

Please see response to comment 322-el.

Comment 332-aa: *Comment Summary - SEZ restoration should not be described as a benefit because it is required for the development to get TAUs or ERUs*

Although the restoration results in bonus TAUs and ERUs, restoration of a disturbed SEZ area is a benefit. It improves the overall health of the SEZ, increases healthy SEZ area, improves water quality, provides habitat, and improves the natural character of the restoration site. These are all benefits, regardless of whether bonus units are earned or not.

Comment 332-ab: *Comment Summary - Trails and walkways are not connected to other towns or recreational areas, so they are unlikely to decrease car trips or provide much recreation enhancement.*

The reduction in vehicle trips associated with Alternative modes of transportation includes internal and external Alternative mode trips. Internally people will walk

between land uses on the project area. Externally people will walk, bicycle, and use transit to get to their destinations off site.

Comment 332-ac: *Comment Summary - 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?*

Please see response to comment 286-as. Boulder Bay reports that the current appraised value of a TAU is $15,000 per unit or $600,000 for the 40 bonus TAUs requested by Boulder Bay. Boulder Bay estimates the cost of all of the CEP related above and beyond public contributions at more than $17,000,000 or approximately $425,000 per TAU.

Comment 332-ad: *Comment Summary - The project is not consistent with the Tahoe Mariner Settlement Agreement. The EIS should state how many units are on the Mariner site. Only 1.33 acres of the site not deed restricted should be used for coverage calculations.*

Please see responses to comments 37-a, 93-a, and 100-f and 322-fg. The entirety of the Mariner Site is utilized for land coverage calculations per TRPA's designation of the formal project area, which includes the former Mariner parcels. The Settlement Agreement does not prohibit the use of the former Mariner parcels for land coverage calculations.

Comment 332-ae: *Comment Summary - Disagrees with the history and legal interpretation of the Tahoe Mariner Settlement Agreement in Appendix M, and its relationship to the Proposed Project.*

Please see responses to comments 37-a, 93-a, and 100-f.

Comment 332-af: *Comment Summary - The EIS needs to quantify by location the amounts of deed restricted open space on site and demonstrate compliance with the Tahoe Mariner Settlement Agreement.*

Deed restricted open space, by location and amount is provided in Chapter 2. Please refer to page 2-17 for open space information. As discussed on page 2-17, Alternative C will include 5.70 acres of deed restricted open space. Please see response to comment 37-a.

Comment 332-ag: *Comment Summary - The EIS needs to quantify by location the amounts of CFA and TAU conversions on site, and demonstrate compliance with the Tahoe Mariner Settlement Agreement.*

Please see responses to comments 37-a and 322-ad.

Comment 332-ah: *Comment Summary - The consistency analysis is incorrect because the project will exceed height requirements. The EIS needs to describe this impact, the impact of the amendment, and the NSCP amendment required.*

Please see responses to comments 93-a and 93-b. The existing conditions and the Boulder Bay project are not consistent with the existing Code Chapter 22 height ordinance. The project is proposing an amendment to the height ordinance that would include provisions for additional height sufficient for the buildings included in Alternative C. The EIS has evaluated the proposed amendment and the analysis concludes that the project and the proposed amendment will not result in significant impacts to scenic quality. Therefore, with the adoption of the proposed amendment, the project will be consistent with TRPA Code ordinances. If the proposed height

amendment is not adopted, Alternatives C and D would be inconsistent with building height regulations and would be considered a significant impact.

Comment 332-ai: *Comment Summary - Changes to the NSCP should be addressed under CEQA.*

Please see response to comment 286-ai. Changes to the NSCP are not proposed. An amendment to the TRPA Code of Ordinances Chapter 22 (Height) is proposed, but this will not result in an amendment to the NSCP, nor will it result in additional height on the California side of the NSCP.

Comment 332-aj: *Comment Summary - The EIS should clarify quantities of height, square footage, volume (massing and bulk) of the Alternatives.*

Building heights are provided in Table 4.5-4 of the DEIS. Please see response to comment 322-gx regarding building square footages.

Comment 332-ak: *Comment Summary - The shoreline score should consider visibility from the lake.*

Please see response to comment 322-hc.

Comment 332-al: *Comment Summary - The EIS should consider shadowing and night lighting impacts.*

Please see responses to comments 169 and 322-da.

Comment 332-am: *Comment Summary - Crystal Bay Motel removal should not count as scenic mitigation unless it is deed restricted to prevent new development.*

Removal of the Crystal Bay Motel is not a mitigation measure, but a scenic quality improvement or benefit of the proposed project development (Alternatives C and D). A deed restriction on the Crystal Bay Motel site is not currently identified as a project component or mitigation measure; however a variety of constraints exist for future development of the site. Constraints for future development under Alternative C include: 1) A TRPA permit would be required, which includes additional environmental review, 2) Alternative C utilizes the maximum density of the project area, so only commercial uses could be proposed on the Crystal Bay Motel site, and 3) Boulder Bay is proposing to permanently retire banked land coverage within the project area, so any future development on the Crystal Bay Motel site would require land coverage transfer.

Comment 332-an: *Comment Summary - Alt. C height calculations show flat roofs, but visual simulations show steeper roofs. The EIS needs to address this discrepancy in the height and visual impact analysis.*

Please see response to comment 322-cp.

Comment 332-ao: *Comment Summary - The EIS should describe and analyze a landscape plan with visual screening.*

Please see response to comment 322-hs.

Comment 332-ap: *Comment Summary - The EIS should provide an accounting of the sources and sizes of the sending and receiving TAUs and ERUs, and CFA conversions to TAUs.*

Please see response to comment 322-fg. Pages 4.1-23 and 4.1-24 of the DEIS provides a description and list of the Boulder Bay owned TAUs. Exact sizes of the purchased TAUs is not available, but is assumed that they averaged approximately 325 square feet per unit.

Comment 332-aq: *Comment Summary - The EIS should quantify the sizes of sending and receiving TAUs and ERUs, and relate this to the analysis on energy use estimates. Energy use analysis needs to include all facility operations such as snow melting and accessory floor space uses, not just the units.*

The energy use analysis includes all areas and operations including outdoor fountains, underground garages, spa and wellness facilities, restaurants, food service, and non-occupancy spaces. Energy use and water consumption for sending TAUs and ERUs were based on average per unit use derived for the Biltmore and Crystal Bay Motel. Since the occupancy units are of a similar size and age, energy use per unit is similar.

Comment 332-ar: *Comment Summary - The EIS should consider impacts of a CFA to TAU conversion in the Basin, especially since there is a surplus of CFA and demand for TAUs.*

Please see response to comment 322-fg. Boulder Bay has decided to forgo the conversion of CFA into TAUs on the former Tahoe Mariner site.

Comment 332-as: *Comment Summary - The Project would be inconsistent with the NSCP by exceeding the TAU limit of 565 to 715 additional units.*

The limit expressed in the NSCP is only related to bonus units from a specific NSCP allocation pool. The ability to bring in other special project bonus units or transfer existing units is not subject to the NSCP limit. Please see response to comment 322-ff.

Comment 332-at: *Comment Summary - The EIS needs to provide a clear, quantitative accounting in a chart and a map of the coverage calculations, parcel by parcel, of area, verified coverage, development rights, owner, Washoe County ROW.*

Appendix AD has been provided in the FEIS to provide land coverage calculations by parcel and public ROW area.

Comment 332-au: *Comment Summary - The EIS needs to clarify the discrepancy between 339,884 sf of coverage on p. 4.2-21 and App. D. 354,332 sf.*

Please see response to comment 322-ei.

Comment 332-av: *Comment Summary - Does not believe density calculations are accurate, and are based on a false interpretation of the Mariner Agreement, and use of lands outside the NSCP, Washoe County ROW, Crystal Bay Motel, and failure to use Category E.*

Please see responses to comments 108-b and 322-ds.

Comment 332-aw: *Comment Summary - The EIS summary Alternative comparison does not compare each project element for all Alternatives in the Summary Chapter. Alternative A and B should include the number of hotel units, parking spaces and gaming floor area as is included for Alternatives C, D, and E. The Summary Chapter should show the reduction in existing and certified gaming area, because the current method of reporting this information is misleading.*

The following text will be added to the Summary Chapter as follows (**new text is Bolded and Underlined**):

Alternative A

Alternative A consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel

and casino accessory uses; 22,400 square feet of casino (22,400 square feet of existing casino out of 29,744 square feet of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.

Alternative B

Alternative B consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel and casino accessory uses; 29,744 square feet of casino (maximum amount of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.

Comment 332-ax: *Comment Summary - The EIS needs to include a consistency analysis of the casino with gaming structure regulations.*

DEIS Appendix H documents the NTRPA approval of the relocation of the existing structure housing gaming. Under Alternatives C and D, the existing 74,375 square foot Biltmore structure (1,513,758 cubic volume) will be demolished and up to 10,000 square feet of gaming will be relocated to Building E, which is proposed to have a gross floor area of approximately 44,000 square feet under Alternative C and 50,000 square feet under Alternative D (754,525 cubic volume). Therefore, under both Alternatives, the structure housing gaming will be substantially reduced and is, therefore, consistent with Nevada Tahoe Regional Planning Agency regulations regarding gaming.

Comment 332-ay: *Comment Summary - The EIS needs to clarify if the Crystal Bay Motel is part of the project.*

The Crystal Bay Motel parcel is included in the project area. Under Alternatives C and D, the motel structure would be removed and the underlying site would be restored.

Comment 332-az: *Comment Summary - Scenic mitigation for Crystal Bay Motel removal should only be allowed if no redevelopment occurs. Since Crystal Bay Motel is used for density calculations, how can it be redeveloped?*

Removal of the Crystal Bay Motel is not a mitigation measure, but a scenic quality improvement or benefit of project development. A deed restriction on the Crystal Bay Motel site is not currently proposed; however a variety of constraints exist for future development of the site. Constraints for future development include: 1) A TRPA permit would be required, which includes additional environmental review, and 2) Alternative C utilizes the maximum density of the project area, so only commercial uses could be proposed on the Crystal Bay Motel site, not residential or tourist units, if Alternative C is developed.

Comment 332-ba: *Comment Summary - As a destination resort not on a recreation facility, the project will impact adjacent recreation areas, like Bucks beach, by increasing use and demand for services.*

This comment reflects statements made in the EIS under impact REC-1. The analysis indicates an impact to area beaches such as Speedboat (Buck's) Beach and provides mitigation (Mitigation Measure REC-1) to address impacts to beaches.

Comment 332-bb: *Comment Summary - As a destination resort not on a recreation facility, the project will impact traffic due to the external trips generated for travel to ski areas, beaches.*

External project traffic estimates (vehicle trips in/out of the project area) including trips to the project that are attracted to the onsite project amenities and trips to/from the proposed hotel/residential/interval ownership uses on the project area to other destinations (such as recreation, shopping, etc.) were accounted for the in analysis. Note that the analysis is performed for summer months, in accordance with TRPA's standard analysis procedures. Traffic volumes in the Tahoe Basin are higher in summer months than winter months.

Comment332-bc: *Comment Summary - The developed, urban setting does not necessarily discount the biological impact of tree removal.*

The biological impact of tree removal onsite is discussed and determined to be less than significant due to existing urban/developed conditions. The TRPA Code allows for removal of trees in urban non-sez lands if the necessary findings are made. The findings for the removal of trees are made in Chapter 4.4.

Comment 332-bd: *Comment Summary - Does the noise impact analysis consider the increase in the number and heights of buildings?*

Indirectly the noise analysis considers the overall size of the development through the traffic noise analysis. Direct noise impacts associated with the development of structures include the on-site mechanical equipment associated with buildings. Please reference Chapter 4.10 for the detailed noise analysis.

Comment 332-be: *Comment Summary - The EIS needs to quantify water demand and consistency with the TROA for each Alternative.*

Water demand will not change under Alternative A (existing project area water rights equal 41.77 acre feet/year) and will slightly increase for Alternative B, although considerably less so than for Alternatives C, D, and E. Water demand is listed for Alternatives C, D, and E on page 4.12-13 of the DEIS. As stated on page 4.12-13 "According to IVGID, there is no requirement to review the project under the TROA regulations because of IVGID's requirement that development purchase existing water rights (personal communication, Joseph Pomroy, IVGID, 2009)." If water rights purchased from the IVGID Service Area for Boulder Bay are considered new use, then the difference between the project need and the existing and available water rights within the project area (e.g., about 14 additional acre-feet for Alternative C) would be counted against Nevada's Tahoe Basin cap of 11,000 acre-feet (0.127%). The prospective seller of the water rights to Boulder Bay has confirmed that similar existing water rights have been transferred to IVGID previously with no permitting issues. Mitigation Measure-PSU1B requires that upon project approval the appropriate water rights shall be obtained and dedicated to IVGID prior to construction.

Comment 332-bf: *Comment Summary - The EIS needs to evaluate wildfire risks, fire flow and impacts to evacuation plans.*

The DEIS evaluates fire risk and protection and impacts to evacuation plans in Chapter 4.12 Public Services and Utilities through the discussion of impacts to fire and law enforcement services. Wildfire risk does not change with implementation of the project as the site is currently in operation and does not expand into previously undeveloped areas. Mitigation PSU-3A further requires construction contractors to enforce fire safety procedures during construction to prevent fire situations. Service providers have not indicated fire flow levels to be inadequate to serve the Alternatives. Mitigation PSU-3B requires consultation with emergency service

providers during construction to ensure roadway access. Impact PSU-C1 discusses emergency situations and evacuations. Mitigation PSU-C1will designate the project area as an emergency shelter and/or staging area. Please see response to comment 322-ja for additional response on emergency vehicle access and roadway adequacy.

Comment 332-bg: *Comment Summary - The cumulative impacts analysis on p. 5-15 needs to consider the size and unit type differences between the sending area (TAUs, South Lake Tahoe) and receiving area (ERUs, Crystal Bay).*

Please see response to comment 322-dg regarding unit size. Page 5-15 of the DEIS addresses the potential growth inducement that may occur from the transfer of existing development rights from the south shore to the north shore of Lake Tahoe. Under Alternative C, Boulder Bay is proposing to transfer 73 TAUs and 56 ERUs to the project area from the south shore. The comment is correct that the project proposes to transfer 42 units previously used as TAUs in the south shore, and convert them to ERUs for use in the Boulder Bay project area under Alternative C. This transfer means units occupied by tourist in the south shore may instead be used by permanent residents on the north shore. As documented on page 4.1-25 of the DEIS, the loss of TAUs from the south shore will result in an approximate one percent reduction in the Stateline/Ski Run Community Plan TAU pool under Alternative C. The transfer of 73 TAUs to the Boulder Bay project area under Alternative C will increase existing or banked TAUs in the NSCP area by approximately 10 percent. The transfer of 56 ERUs to the Boulder Bay project area under Alternative C will increase existing ERUs in the NSCP area by over 200 percent. It should also be noted that 139 TAU located at the Tahoe Inn within the NSCP are proposed to be transferred out of the NSCP to the west shore Homewood project.

Comment 332-bh: *Comment Summary - The cumulative air quality impact analysis needs to consider north and west shore VMTs.*

The analysis indicates that Alternative C does not contribute to cumulative VMT impacts because it has reduced VMT compared to the baseline conditions. The DEIS indicates that Alternative C will generate less traffic/VMT than Alternative A and the alternative existing baseline existing condition, which was used as the baseline for traffic comparisons. **Master Response 2** provides information related to the alternative baseline existing conditions analysis.

Comment 332-bi: *Comment Summary - The cumulative biology impact analysis needs to consider all tree removal along north and west shores.*

The removal of trees is not a criterion for determining significance of impacts. Loss of habitat associated with the tree removal is the criteria used to determine environmental impacts. However, there is no habitat within the Boulder Bay project area that is considered to be suitable for sensitive wildlife species. As a result, the tree removal proposed for the Boulder Bay project does not contribute to cumulative impacts to suitable habitat for sensitive species.

Comment 332-bj: *Comment Summary - The cumulative water supply impact analysis needs to consider water demand for all north and west shore projects.*

Cumulative water demand is discussed on page 4.12-19. As stated, water supplies to each site are highly monitored by the water agency with jurisdiction over the site. Each project is required to show adequate water supplies are available. For sites within IVGID's jurisdiction, each site is contracted a limited water supply that must

come from existing but unused water rights. Water use at the project area would not affect water supplies available to other water service providers.

Comment Letter 335 - Grassi, Ron, Tahoe Area Sierra Group, 02/04/10

Comment 335-a: *Comment Summary - The TRPA cannot approve a project that increases VMTs and vehicle trips because existing impacts from traffic (road dust, NOx emissions), exceed TMDLs and other thresholds for water quality impacts.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline. The additional analysis supports the conclusions in the DEIS that vehicle trips will not be increased under Alternative C compared to the No Project Alternative.

Comment 335-b: *Comment Summary - The traffic impact conclusions for Alts. C and D are not accurate because they use an inappropriate baseline for existing conditions, i.e., theoretical vs. actual existing trips and VMTs, and reduction of casino floor space based on former (and now vacant) uses instead of current uses.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 335-c: *Comment Summary - The trip generation assumptions are based on other destination resorts that are located at ski areas or other amenities. As Boulder Bay is located away from ski areas, additional trips would be generated.*

The trip generation analysis for the Boulder Bay Project is based on trip generation rates provided in the TRPA Trip Table, ITE *Trip Generation*, 8th Edition, and casino trip generation information provided in the DEIS. The analysis is performed for summer months, in accordance with TRPA's standard analysis procedures. Traffic volumes in the Tahoe Basin are higher in summer months than winter months.

Comment 332-d: *Comment Summary - The EIS needs to quantify expected numbers of residents, guests, and employees at buildout; and parking provided, housing in the vicinity to quantify impacts to traffic and parking.*

Table 8.5-8 summarizes the number of residents, TAU guests, employees and parking spaces provided for each project Alternative. The basis for the resident and employment information can be found in the DEIS in Chapter 4.11.

Table 8.5-8

Project Alternative Resident, Guest and Employment Specifications

Alternative	Residents (including affordable housing units)[1]	TAU Guests[2]	Employees	Parking Spaces
A	0	263	131	296
B	8	263	145	296
C	206	651	205	540
D	94	884	214	575
E	83	529	185	465

Source: Boulder Bay DEIS, 2009

Notes:

1 Includes residents of market rate (2.52 people per unit) and affordable housing (1.5 people per bedroom) units.

2 Assumes 2 persons per standard room and 3 persons per cottage/suite/timeshare unit (timeshares in Alts D and E).

Professional transportation engineers/planners prepared the transportation study in accordance with national standards and practices, and the impacts to traffic and parking are presented in the DEIS.

Comment 335-e: *Comment Summary - The EIS must detail mitigation measures to address traffic and parking impacts.*

The DEIS provides mitigation recommendations for traffic related significant impacts identified in the document. There are no significant impacts associated with parking for the Alternatives. A Shared Parking analysis (based on the methodology presented in the Urban Land Institute's (ULI) *Shared Parking*), which accounts for internalization between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in each Alternative. The maximum number of parking spaces allowed by the North Stateline Community Plan (NSCP) was also calculated based on the land uses included in each Alternative. The number of parking spaces proposed as part of each Alternative falls between the minimum and maximum required number of parking spaces.

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to a alternative existing baseline.

Comment 335-f: *Comment Summary - As a CEP project the EIS must quantify (not just give percentages) the fine sediment loading and reduction for existing conditions and for each Alternative for water quality, and then compare these values to regulatory requirements.*

See Appendix AB, which provides these calculations and comparisons in Tables 2 and 3 for "wet" (worst-case scenario) and "dry" water years. Loads are presented in pounds/year (lbs/yr).

Comment 335-g: *Comment Summary - The EIS needs to document and support the claim of a 90% reduction of fine sediment.*

See **Master Response 1** and Appendix AB. Supplemental surface water quality analysis using the LSPC model supports the claim of 90% reductions in fine

sediment. The total sediment load reduction predicted by the LSCP model is actually between 97-100% for Alternative C (C100), of which fine sediments are assumed to comprise between 60-90% of this total.

Comment 335-h: *Comment Summary - Baseline water quality studies need to describe how data relate to 20-, 50, and 100-year events, first flush events, TRPA Surface Water Discharge Limits, and a discussion of how the small sample size and non-TMDL sampling methods affect the results and interpretation.*

a) The storms sampled in 2008 and 2009 vary between 0.08 and 1.23 inches of total precipitin (rain, snow and rain on snow events were captured). The 20yr/1hr storm is reported at 1 inch over a unit area for the duration of one hour, the 50yr/1hr is reported at 1.25 inches, the 100yr/1hr is reported at 1.55 inches. b) The samples were taken as close to the peak as possible to correspond to a "first flush". The difficulty on measuring this first flush using grab sample methods is noted. c) TSS is Total Suspended Solids, while SSC is Suspended Sediment Concentration. Both provide a measure of the non-dissolved particles within a unit of water, the difference arises in the methods of analysis. See http://water.usgs.gov/osw/pubs/ASCEGlysson.pdf for more information. d) The DEIS was discussing compliance with TRPA discharge standards and since TSS is not a TRPA standard, concentrations are discussed instead of compliance. The results are detailed in DEIS Appendix P and are discussed by storm event. e) Comment does not require a response. f) Automated samplers were not used in the pre-project monitoring because of site constraints. Automated samplers have not been installed to date. The commenter states that TMDL methods were not followed but does not outlined the methods that should have been followed. The response assumes that the commenter is referring to sediment loading. Loading calculations are referenced to Appendix AB. g) See Appendix AB, which presents a supplemental water quality analysis incorporating DRI data collected on approximately half of the project area. The DRI studies captured complete flow and concentration measurements for 12 storm events through January 2008. Note that the JBR event grab sampling data for 2008-2009 was found to be consistent with the more complete DRI data. Please see response to comment 79-h.

Comment 335-i: *Comment Summary - The EIS cannot evaluate impacts if procedures to treat stormwater in the underground parking garage have not been developed.*

The maintenance of the underground parking garage will be determined for Alternatives C or D, if selected, and included in the Inspection, Maintenance and Monitoring Plan (SP-10) prepared for TRPA permitting of the selected Alternative. Based on communications with IVGID, the existing sewer system can adequately absorb this wash off if necessary.

Comment 335-j: *Comment Summary - The EIS should document the efficacy of pervious pavers and vacuum sweepers.*

A number of studies have been completed for LID strategies in cold weather climates. The DEIS documents the efficiency of pervious pavers and vacuum sweepers by reference. The TMDL Pollutant Load Reduction Plan included in DEIS Appendix R provides further documentation. The remaining comments will be addressed in the Inspection, Maintenance and Monitoring Plan that will be based on the selected Alternative as a condition of project permitting.

Please see response to comment 137-e.

Comment 335-k: *Comment Summary - The EIS needs to provide evidence that Alts. C and D, and CEP projects provide a substantial net water quality benefits. Post-project monitoring is not considered adequate.*

Impact HYDRO-1 is addressed on page 4.2-32 of the DEIS. Post-project monitoring will be completed to further calibrate predictive models and substantiate assumed effectiveness of the proposed stormwater treatment systems, BMPs and LID strategies. The supplemental analysis in Appendix AB for further quantification of the water quality benefits.

Comment 335-l: *Comment Summary - The HYDRO-1 mitigation: the security deposit fee does not guarantee that the mitigation will be accomplished for water quality.*

The security deposit will be determined by TRPA once an Alternative is selected for permitting. The comment is noted that the security deposit should be an amount that is adequate to "cover additional, best available control technologies that could be implemented in addition to the planned systems if post-project monitoring shows that standards are not being met".

Comment 335-m: *Comment Summary - The EIS should disclose landscaping and fertilizer use.*

The Landscaping Plan will be developed in accordance with the selected Alternative and submitted to TRPA for approval during project permitting. The Landscaping Plan for Alternative C is included in Appendix O of the DEIS. The EIS discusses proposed landscaping on pages 2-17 for open space and parks and 2-26 for the high traffic areas in the pedestrian village. The Revegetation/Landscaping Plan is identified as a standard practice (SP-7) for the Project for compliance with TRPA codified regulations and is outlined in Chapter 6, Mitigation and Monitoring Program. Chapter 4.3 further discusses the requirements of the Revegetation/Landscaping Plan for disturbed areas on pages 4.3-25.

Comment 335-n: *Comment Summary - Describe if the stormwater treatment train will work with snow.*

The statement that the calculations on pages 4.3-40 to 4.3-41 assumes that only rain will fall is incorrect. The stormwater treatment system, which is primarily composed of underground components such as infiltration trenches and galleries are properly sized and located to treat "runoff" into the systems. The runoff will occur from rain, melting snow or a combination of rain and melting snow. Snow that falls on portions of the project area will be melted through advanced snow management as described on page 4.3-28 and captured and conveyed to the stormwater treatment systems. Snow that falls in above ground infiltration basins would affect the functioning of the basins by reducing the total capacity; however, runoff that eventually enters a basin would serve to melt this snow and recapture this capacity by initiating the melting and infiltration process.

Comment 335-o: *Comment Summary - Verify if 100-year storm runoff will be treated.*

See Table 4.3-12. See Appendix AB, which includes the LID summary table (termed Green Strategies) and support calculations (Table 1).

Comment 335-p: *Comment Summary - Provide documentation to support the quantified benefits of green roofs, previous pavers, and stormwater catchments on the treatment system.*

DEIS Appendix R details the support data and references for the LID strategies. The assumptions documented for the LID strategies are based on studies for cold weather climates and are conservative. For example, the effective reduction for pervious

pavers is stated at 50% when other studies and reports assume effective reductions of 70-80%. Green roofs are calculated at a 20% reduction factor. See Appendix AB, Table 1 for calculations.

Comment 335-q: *Comment Summary - If treatment systems are a "test", then this cannot be claimed as mitigation until monitoring results are available, unless a back up plan is in place.*

Comment is noted. The calculations for capture of the 100yr/1hr storm total runoff volume is reported in the DEIS and support the conclusion that the proposed stormwater treatment systems will have the capacity to capture, convey and infiltrate this volume. Post-project monitoring is proposed as part of the Project as standard practice SP-9 and will be based on the selected Alternative. If TRPA discharge limits are not met (measured during post-project monitoring), then mitigation measure HYDRO-1 will apply.

Comment 335-r: *Comment Summary - The cumulative impact analysis on water quality, water supply, and air quality incorrectly finds no impact because projects have to adhere to standards. Rather the analysis should consider the small, incremental contributions of all projects to determine if they are cumulative impacts.*

Please refer to the cumulative analysis in each section of Chapter 4 of the DEIS. For some cumulative analyses, the DEIS does conclude that a significant cumulative impact would not occur because existing regulations prevent a significant impact from occurring; however, this statement is applied only to those resources that are protected with regulations that prevent a significant cumulative impact. For example, impacts related to water supply for the project are limited to water infrastructure for those projects within IVGID's jurisdiction, which excludes most of the cumulative projects for the area. Impacts to other water districts will not affect IVGID operations. Further, water supplies must be secured by each project. A project that does not secure water supplies cannot be built, thereby eliminating the project from consideration. In the case of impacts such as water quality, the regulations established for water quality significantly limit runoff pollutant levels to ensure water quality is not affected. Often, as is the case with this Project, water quality can improve with redevelopment and implementation of best management practices and treatments that improve the existing runoff quality. Since the Project results in beneficial impacts to water quality and hydrology, it would not contribute to an adverse cumulative impact. For traffic and air quality, vehicle queuing will actually improve with Alternative C development; therefore, the Project would not contribute to a negative cumulative impact, rather, it would help to reduce a cumulative impact. These conclusions are provided in the cumulative analysis provided in each section of Chapter 4.

Comment 335-s: *Comment Summary - The EIS should consider impacts on lake clarity from N and P sources.*

See Appendix AB, which presents the supplemental water quality analysis and the predicted reductions in annual loading for Total Nitrogen and Total Phosphorus. See Tables 2 and 3 and Figures 6a and 6b, which present predicted loading during a wet water year (e.g. worst case scenario).

Comment 335-t: *Comment Summary - Under SP-3, what will be the qualifications required for this inspector? Given the size of the project area, is one monitor enough?*

NPDES permits outline the level of professional training and experience necessary to complete SWPPP inspections. TRPA can require contractor training and additional

qualifications. While one monitor is sufficient for this project area, particularly when compared to large linear projects, the mitigation language does not prevent the use of more than one monitor if determined necessary by TRPA.

Comment 335-u: *Comment Summary - Under SP-4, When can the SWPPP be reviewed; what analyses will be performed to ensure the Plan prevents stormwater pollution; are the listed strategies (e.g. filter fabric fences) still considered BMPs; and how do these compare to Sediment Source Control Handbook and Caltrans' findings?*

The SWPPP will be prepared as a condition of the NPDES permit, as is standard for Projects that result in over 1-acre in total disturbance. The SWPPP will be reviewed and approved by NDEP. See page 4.3-13 concerning the components of a standard SWPPP. See http://ndep.nv.gov/BWPC/forms.htm for NDEP required forms and supplemental information. BMPs or other "best available control measures" (the term used in the comment) will be determined for the selected Alternative. The comment is unclear as to what strategies relate to the Sediment Control Handbook findings, which apply to ski areas, or Caltrans findings, which apply primarily to roadways.

Comment 335-v: *Comment Summary - Under SP-7, upon what evidence is the conclusion drawn that engineered soils shall provide water treatment similar to undeveloped areas, and what are the impacts on N and P levels?*

The conclusions are based on the ability of the Project to capture, convey and infiltrate the runoff volume from the project area. Bio-retention systems will mimic the infiltration capacity of project area soils while improving removal efficiencies through engineered soils and uptake of nutrients by vegetation. See response to comment 335ae for references in addition to those listed at the end of Chapter 4.3. Infiltration of project area runoff will remove the contribution of the project area to total nitrogen and total phosphorus levels in downstream drainages and ultimately Lake Tahoe.

Comment 335-w: *Comment Summary - For SP-8, will the fertilizer management plan prohibit fertilizers once landscaping is established? Are there types of fertilizers that can be used which contain either limited or no N and P? Have Alternative options been analyzed for fertilizer type as well as landscaping choices?*

Please see responses to comments 244-c, 313-d and 335-m.

Comment 335-x: *Comment Summary - Under SP-9, what is meant by preventing accelerated erosion vs. all erosion, is 5 years sufficient monitoring, why is TRPA contractor certification recommended and not required; if erosion occurs, what other BMPs will be used, and why are water quality parameters on p. 6-19 recommended and not required?*

a) The term "accelerated erosion" refers to erosion caused by site disturbance or actions of the Project. Given that erosion is defined as a natural process observed in undisturbed sites, preventing "all" erosion would mean halting natural processes in addition to site disturbance. Regardless of the term used, erosion occurring during construction or operations will not be permitted to leave the project area (NPDES and TRPA permitting requirements). b) Five- years is a monitoring requirement that is typical for permitting requirements, but TRPA will determine the appropriate duration of monitoring during permitting of the selected Alternative. Monitoring could be required for a shorter or longer period of time. c) TRPA can require contractor training and additional qualifications. NPDES permits outline the level of professional training and experience necessary to complete SWPP inspections. d) Additional BMPs will be determined based on the extent and location of erosion

should erosion occur. e) The parameters monitored will be finalized during project permitting. The parameters listed are recommended as typical water quality constituents for stormwater monitoring programs.

Comment 335-y: *Comment Summary - Describe storm water, TMDL, bio-retention, and fine sediment monitoring techniques, length of time, and compliance standards, adaptive strategies, and monitoring report process.*

a) The DEIS makes recommendations, but TRPA as the lead agency reserves the regulatory ability to amend these recommendations. Given that no codified regulation by TRPA or NDEP currently requires the monitoring of fine sediments nor are standardized protocols agreed upon at this time, the Project commits to monitoring of fine sediments as specified by TRPA or future TMDL directives for the Lake Tahoe Basin. b) The duration of post-project monitoring will be determined during project permitting. The Project is required to meet TRPA discharge limits listed in Table 4.3-2. c) Alternatives C and D will be required to meet TRPA discharge standards. Net gain is determined by comparing the total volume of runoff and the associated load potentially carried by that runoff. See Appendix AB for a comparison of the project area with treatments sized to capture the 20yr/1hr storm total runoff volume as compared to the 100yr/1hr storm total runoff volume. d) In reference to Alternatives C and D, the stormwater treatment systems will capture and infiltrate up to the 100yr/1hr storm total runoff volume, including the "first flush". The stormwater monitoring program will be developed based on the selected Alternative. The DEIS does not state that grab sampling is inadequate for monitoring, the DEIS clarifies that the results and conclusions are based on 6 storms, which is a small sample size. The supplemental analysis included in Appendix AB incorporates an additional 12 storm events (DRI) in addition to the 6 storms sampled during pre-project monitoring to characterize existing conditions for the project area. Automated samplers will be employed if determined by TRPA to be appropriate during project permitting. e) Boulder Bay will be responsible for implementing "adaptive strategies" if determined necessary by post-project monitoring results. f) The post-project monitoring program will be developed during permitting of the selected Alternative. Yes, monitoring will measure the success of the Project. g) The duration of post-project monitoring will be determined by TRPA, the regulatory agency, during permitting of the selected Alternative. Monitoring reports will be available for review by the public as part of public project file.

Comment 335-z: *Comment Summary - App. G needs to support calculations, underlying assumptions.*

See DEIS Appendix G and Table 1 of Appendix AB. The calculations are presented in table format with reduction assumptions clearly presented. The supplemental surface water quality analysis presented in Appendix AB models existing conditions, E20, C20 and C100 (please see response to comment 79-g for terms defined) for analysis of the project area under a variety of water year conditions.

Comment 335-aa: *Comment Summary - In App. G, what is meant by a BMP contributing area? Clarify table assumptions and definitions underlying the calculations.*

The purpose of the calculations are to disclose the total contributing area and the calculations made to reduce the volume of runoff from these contributing areas. DEIS Appendix G presents the basic components used to design the stormwater treatment systems and are presented in the DEIS as supporting calculations for the summary tables (Tables 4.3-8 through 4.3-12) presented for the impact HYDRO-3 analysis. Table 1 added in Appendix AB further details these calculations for the

reader. The calculations that were performed are summarized in Tables 4.3-5 through 4.3-12. DEIS Appendix G provides the supporting data. The data that were used are based on the contributing areas, impervious surface areas, and the treatment capacities proposed. These numbers and calculations vary in accordance with the characteristics of the Alternative. The LID strategy assumptions used for the calculations are outlined in DEIS Appendix R.

Comment 335-ab: *Comment Summary - App. P should describe the certainty of the estimates based on the limited sampling, and how the events compare to 20-, 50-, and 100-year events.*

DEIS Appendix P presents the results from the pre-project monitoring completed for purposes of characterizing the existing conditions of the project area and to appropriately design and size the proposed stormwater treatment systems. The storm events are summarized on pages 4.3-5 to 4.3-7 of the DEIS and detailed in Appendix P.

Comment 335-ac: *Comment Summary - Clarify fine sediment sampling methods and results.*

As stated in DEIS Appendix J and reiterated in the DEIS hydrology analysis, the loading estimates should be used with caution because of the small sample size. See Appendix AB for supplemental surface water quality analysis that further supports the level of impact conclusions for HYDRO-1 and HYDRO-3. Automated samplers are not currently installed. The range is large because the loading estimates are presented by "event basis", meaning that 253 lb/day was measured for one storm event and 9,947 lbs/day was measured for a separate event. The range provided in the DEIS states the range calculated for the 6 events. See Appendix AB for annual loading estimates. The 34,450 lbs/yr is within the predicted range of 12,245 lbs of total sediment in a dry water year (1993-94) to 52,825 lbs of total sediment in a wet water year (1994-1995). Additional estimates for other water year scenarios are listed in Tables 2 and 3. The fine sediment analysis for the events did differ slightly as explained in the JBR report. There is no codified regulation that requires analysis of fine sediment at this time. The analyses were completed voluntarily to characterize the project area and appropriately design and size stormwater treatment systems.

Comment 335-ad: *Comment Summary - Define the terms "effective coverage", "Minimum capacity (TRPA Coverage): 100% of 50-year/1-hr storm" and "Minimum Capacity (TMDL Reduction Coverage): 100% of 100yr/1hr storm" in relation to TRPA and other agency regulations.*

As stated on page 4.3-29: Effective coverage is defined as subset of total impervious area that is hydrologically-connected via sheet flow or discrete conveyance to a drainage system or receiving body of water (Washington State University 2005). This is a standard term used when discussing strategies for direct reductions in runoff contributions or attenuation of peak runoff volumes. TRPA does not regulate effective coverage. Assuming that the commenter is referring to DEIS Appendix R, Minimum Capacity (TRPA Coverage) means based on TRPA defined land coverage and Minimum Capacity (TMDL Coverage Reductions) means that LID effective coverage reductions are included. The calculations in support of the 100yr/1hr storm volume capture are summarized in Table 4.3-12.

Comment 335-ae: *Comment Summary - Provide data supporting the performance of pervious pavement, the sweeper plan, green roofs, and SWT bio-retention systems for reducing fine sediments and nutrients.*

See DEIS Appendix R, which outlines the assumptions made for LID performance strategies (termed TMDL reduction). In all instances, calculations use the most conservative of values. The following references are incorporated as support of LID strategy performance and effectiveness:

http://www.unh.edu/erg/cstev/;
http://water.washington.edu/Research/stormwater.html;
http://www.epa.gov/owow/nps/lid/costs07/documents/reducingstormwatercosts.pdf;
http://www.lowimpactdevelopment.org/lidphase2/;
http://www.nrdc.org/water/pollution/storm/chap12.asp;
http://www.nrdc.org/water/pollution/storm/stoinx.asp; and
http://www.dot.ca.gov/dist3/departments/envinternet/deicer/03A1295NEAT_2010March.pdf.

a) Pervious pavers were calculated at 50% reductions, which is already conservative based on reported performance abilities of 70-90%. This conservative approach accounts for variable performance expected for cold weather climates.

b) Maintenance will be determined by post-project monitoring results and in accordance with the Inspection, Maintenance and Monitoring Plan (SP-10) developed for the selected Alternative.

c) Modeled performance for green roofs was calculated at 20% to account for cold weather climate. Effectiveness of green roofs could be greater, but calculations use a more conservative assumption. The length of monitoring will be determined during permitting of the selected Alternative. Snowfall and freeze/thaw cycles will affect green roofs performance, which is why the conservative 20% was used in the calculations.

d) See Appendix AB for predicted load reductions. The supplemental water quality analysis predicts reductions of total sediment of 97-100% for Alternatives C and D. Tables 2 and 3 present the load reductions by pound for a variety of water year conditions between 1993 and the present.

Comment 335-af; *Comment Summary - Clarify the type of sweeper that will be used: high efficiency, vacuum, regenerative air, dustless.*

The type of sweeper that will be required will be determined by TRPA based on the selected Alternative. The sweeper will incorporate a vacuum fan design that delivers superior dry-dust control that meets stringent PM-10 environmental requirements consistent with the Tennant Sentinel and Tymco DST sweepers. The regenerative air street sweeper and associated effectiveness for removal of sediment is presented in DEIS Appendix R as an option for the Project. The frequency of sweeping will be determined as part of the Operations and Maintenance Plan and amended based on post-project monitoring results. The TMDL reduction parameters table is a summary of the strategies proposed.

Comment 335-ag: *Comment Summary - The EIS needs to quantify expected population levels and water supply needs for each Alternative, and compliance with TROA on a project-level and cumulative level; identify water supply sources and rights.*

Population levels per Alternative are discussed in Chapter 4.11-Socioeconomics, Population, and Housing pages 4.11-10 through 4.11-14. Water supply needs are provided on page 4.12-13 for Alternatives C, D, and E. Please see responses to comments 322-br and 332-be regarding water rights purchase and TROA.

Comment 335-ah: *Comment Summary - Concerned about scenic impacts due to building heights, bulk, and width, including views from SR 28 and Lake Tahoe. Include visual simulations to assess impacts.*

Please see response to comment 117-a. Visual simulations were prepared for both Alternatives C and D from five viewpoints located at the periphery of the project area and from Lake Tahoe. The visual simulations are included in Chapter 4.5 of the DEIS.

Comment Letter 337- Helman, Richard, California Department of Transportation District 3, 02/04/10

Comment 337-a: *Comment Summary - Provide adequate hydrologic and hydraulic documentation to ensure Caltrans drainage concerns are addressed prior to project approval.*

The comment does not specify what part of the hydrologic and hydraulic documentation is inadequate. Additional hydrologic and hydraulic documentation will be prepared and submitted for project permitting once an Alternative is selected. Boulder Bay has worked to coordinate with Placer County, Washoe County, NDOT and Caltrans decision-makers throughout the planning, design and environmental review processes. The Project will address Caltrans drainage concerns through removal of project area runoff, which includes a portion of the runoff volume from up gradient Washoe County roadways and ROWs and NDOT ROWs, contributions to Caltrans and Placer County drainage systems. Alternatives A, B and E will capture, convey and infiltrate the 20yr/1hr storm volume in proposed stormwater treatment systems, while Alternatives C and D will capture, convey and infiltrate up to the 100yr/1hr storm volume.

Comment 337-b: *Comment Summary - Provide a hydrologic and hydraulic analysis for the entire tributary watershed impacted by the project, including watershed above of project area.*

The stormwater treatment system calculations, summarized in Tables 4.3-5 through 4.3-12 and detailed in DEIS Appendix G, account for contributing watershed areas up gradient of the project area that comingle with runoff in the project area and includes Washoe County and NDOT ROWs.

Comment 337-c: *Comment Summary - Page 4.3-2 "Historic Flooding" is inadequate and needs to address issue of NDOT drainage system discharging into Caltrans westbound drainage ditch.*

Thank you for clarifying the ROW issues and the most recent past actions down gradient from the project area. This information can be integrated into the Environmental Settings sections of Chapter 4.2 to augment the stated inadequate description of the historic interstate flow issues at the North Stateline line. The FEIS will be amended to include this account should TRPA determine the edits to be necessary. The environmental analysis for stormwater runoff is addressed in impact HYDRO-3. The analysis does not directly address existing conditions because even under the No Project Alternatives A and B, runoff from the project area will be contained as required by TRPA codified regulations and conveyed into stormwater treatment systems as detailed on pages 4.3-36 and 4.3-37 of the DEIS. The design plans for Alternatives A, B and E were resubmitted to TRPA in December 2009 and are included as DEIS Appendix P supplemental information in Appendix AB. Alternatives A, B, C, D and E minimize the project area's (including portions of the

ROWs as described in responses to comments 337a and 337b) contribution to runoff that enters Caltrans drainage systems down gradient to effectively 0 cfs for the 20yr/1hr design storm. Alternatives C and D reduce contributions from the project area to effectively 0 cfs for the 100yr/1hr storm. Runoff from portions of NDOT ROWs that are not within the project area could continue to contribute to "pass through discharge" and enter Caltrans systems, however, but is outside the scope of the Project. The comment that NDOT agreed to coordinate with the Project to address interstate flow concerns during the December 5, 2008 meeting is noted.

Comment 337-d: *Comment Summary - The existing 18-inch drainage pipe east of Stateline is inadequate, and NDOT and Boulder Bay agreed (12/08) that it should be replaced by a larger pipe to accommodate 100-year storm runoff from the entire tributary area and not just Boulder Bay.*

The comment that the existing capped 18-inch pipe under SR 28 would not accommodate the anticipated 100yr/1hr discharge from the tributary watershed under existing conditions is noted and is correct. The commenter fails to recognize the effective removal of this runoff volume under Alternatives C and D, however, which could negate the need to replace the existing 18-inch pipe. Under Alternatives A, B and E, only the 20yr/1hr storm volume would be captured and removed from the total runoff volume and the replacement of the existing pipe could be necessary.

Comment 337-e: *Comment Summary - Collection and infiltration of impervious surface runoff does not fully address the total tributary runoff that contributes to highway drainage.*

The stormwater drainage systems are designed to capture, convey and infiltrate runoff from total contributing areas, including impervious and pervious areas within the project area and Washoe and NDOT roadways and ROWs included in the project area and a portion of those up gradient from the project area that contribute runoff to the project area. See Tables 4.3-5 through 4.3-12 for summaries of total contributing pervious areas and DEIS Appendix G for the detailed contributing areas. Table 1 is added in Appendix AB that provides a summary impervious areas/land coverage in combination with the LID strategies and the associated effective coverage reductions incorporated into Alternatives C and D, including green roofs, pervious pavers and bioretention for stormwater filtration systems.

Comment 337-f: *Comment Summary - Page 4.3-1 and 2: Project is located in a smaller watershed than "East Stateline Point watershed tributary area." Provide the actual size of this smaller watershed and quantify in DEIS.*

The East Stateline Watershed is a TRPA priority watershed and is discussed in the existing conditions because the DEIS is a TRPA decision document. The smaller subwatershed discussed in the comment was delineated by DRI for the Brockway Project Area Stormwater Runoff and Characterization Study (Hayvaert et al. 2008) and Lumos and Associates delineated the contributing watershed areas for the Boulder Bay project area during the planning and design of the stormwater treatment systems for the Project. The "brockway" subwatershed is approximately 167.3 acres as delineated by DRI. Note that this subwatershed area included only half (8.6 acres) of the Boulder Bay project area. Given that the total project area is 16.26 acres, the project area comprises less that 10% of this subwatershed.

Comment 337-g: *Comment Summary - Impervious surface runoff may be insignificant compared to total watershed runoff as discussed in NOP comment letter (8/8/08). Total runoff may impact highway drainage systems, not just impervious runoff.*

The Project is required by TRPA to contain and treat peak runoff volumes from the 20yr/1hr design storm. The Project, as a participant in TRPA's CEP Program, agreed in the February 4, 2008 Resolution "for allocations to be reserved and projects to be approved, CEP projects are required to commit to substantial environmental improvements, which must include specifically identified EIP projects. Your project proposes a number of environmental benefits/improvements; however, TRPA requires a written commitment regarding the funding, construction, and overall maintenance/monitoring for these EIP project contributions in order to ensure the projects are implemented. The EIP concerns listed in TRPA's January 16, 2008 letter shall be addressed." In commitments to substantial environmental improvements, the Project will help fund EIP Project 732 and for CEP Alternatives C and D proposes a more regional stormwater system to maximize the capture and treatment of runoff from the contributing watershed areas beyond the immediate project area. The commenter requests quantification and documentation of hydrology beyond that affected by the project area.

Comment 337-h: *Comment Summary - Quantify and document the 100-year rainfall event watershed tributary area runoff.*

See Appendix AB for the supplemental surface water quality analysis, which details the modeled, predicted runoff volumes (including the 100yr/1hr storm) and corresponding sediment and nutrient loading from a variety of water year conditions. See responses to comments 337d-g above for discussions on contributing watershed areas. The project area and contributing watershed areas up gradient from the project area that contribute runoff to the project area will not continue to contribute to the "pass through discharge" from the greater watershed tributary area.

Comment 337-i: *Comment Summary - Analyze the entire watershed tributary area and hydraulic calculations for existing and proposed drainage systems in Nevada and California and document how Caltrans drainage concerns will be addressed.*

The request for complete hydrologic calculations for the entire watershed tributary area and hydraulic calculations for the existing and proposed drainage systems within the State of Nevada and State of California is outside the scope of the Project because the Project does not have the authority to address runoff issues outside of the project area. The Project addresses the existing and potential impacts (project area contributions to runoff) to existing and proposed Caltrans drainage systems.

Comment 337-j: *Comment Summary - Correct the DEIS to state the existing 18-inch drainage pipe crossing beneath SR 28 will be replaced by a larger pipe accommodating all excess 100-year return event flows.*

The commenter requests the replacement of the 18-inch drainage pipe. See response to comment 337d.

Comment 337-k: *Comment Summary - Table 4.8-2: Note the peak month ADT is 44% higher than ADT near the Stateline Road intersection. While the intersection analysis was during a peak month, it did not address all the peak times.*

The traffic analysis was performed for the Friday PM peak hour during the summer, which is considered the peak traffic period for Lake Tahoe. Peak month traffic volumes in the Lake Tahoe region occur in July and August. Traffic volume data was collected at the study intersections in August.

Comment 337-l: *Comment Summary - If long westbound queues still form on Sundays due to the pedestrian crossing, discuss this in DEIS and provide solutions. Reducing skew/length of crosswalk could reduce green time required for pedestrians.*

The traffic analysis was performed for the Friday PM peak hour during the summer season, which is considered the peak traffic period for Lake Tahoe. Sunday queues have reduced in recent years. Queues will be monitored and if necessary, signal timing will be modified.

Comment 337-m: *Comment Summary - Page 4.8-67 states Alternative C results in a significant Stateline Road intersection impact, but no mitigation is provided. The Alt. E mitigation on page 4.8-52 would address impact from Alt. C.*

The SR 28/Stateline Road intersection will operate at LOS A for the overall intersection, and LOS C for the worst movement with Alternative C, as shown in Table 4.8-20 of the DEIS. The level of service threshold for this project requires that intersections operate at LOS D or better, therefore there is not a significant impact at the SR 28/Stateline Road intersection under Existing plus Alternative C conditions.

Comment 337-n: *Comment Summary - Comments provided on NOP regarding runoff and traffic are attached, as well as background materials on the drainage issues.*

Comments submitted on the NOP are part of the Project Record and are included in DEIS Appendix B.

Comment Letter 338 - Johnson, Royce, Brockway Home Owners Association, 02/04/10

Comment 338-a: *Comment Summary - The following NOP Scoping Comments were not addressed in the EIS:*

Please see responses to specific comments below.

Comment 338-b: *Comment Summary - 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.*

See responses to comments 137b, 137c, 286aj, 332t and 337a-n.

Comment 338-c: *Comment Summary - Environmental, social and scenic impact on Brockway from increased traffic in Crystal Bay.*

The DIES addresses significant impacts associated with applicable TRPA, state, and county standards. Please refer to Chapter 4 (Environmental Analysis) for a detailed discussion of impacts.

Comment 338-d: *Comment Summary - Impact on TRPA designated Sensitive Stream Areas.*

No TRPA delineated stream environment zones (SEZs) are mapped within the project area.

Comment 338-e: *Comment Summary - 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 the impact of additional usage*

Additional use of Speedboat Beach will affect the quality of the recreational experience at this beach. Additional traffic and parking are not issues as this beach is

within walking distance from the Project site. Mitigation Measure REC-1 has been modified to provide more assistance in the maintenance of this beach (See response to comment 171-d). Upgraded facilities are not proposed or required at Speedboat Beach. The commenter does not provide information on habitat or species presence to warrant additional studies. If surveys determine endangered species are present at Speedboat Beach, use of that beach will be severely restricted for all visitors (neighborhood residents and tourists) within the habitat or species presence area throughout fencing, barriers, or seasonal use restrictions.

Comment 338-f: *Comment Summary - Number of incremental service workers required to maintain new 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 the above.*

The number of workers required to support the Project are listed in Impact SPH-1 by Alternative. The greatest number of new employees occurs under Alternative D with 83 additional employees. Employee housing is also discussed in SPH-2. Plans for schools and emergency services for workers and their families is not needed as discussed in Chapter 4.12. New populations are desired to maintain current school and emergency service funding, although it is anticipated that new employees will come from the large pool of unemployed leisure sector personnel located in a variety of communities in the North Shore area, Truckee, and Reno. These populations are already residing in the area or would add negligible change to service demands. Traffic is discussed in Chapter 4.8. To reduce employee traffic, the resort will provide for transit service for employees living outside the North Shore area. The project also includes a transit stop for employees using local transit services. While the resort provides increased retail uses, employees will be dispersed through the community and will be adequately served by existing retail services.

Comment 338-g: *Comment Summary - Fully disclose transportation plans for moving transient and permanent residents to and from Lake-side and mountain recreation facilities: a. Which facilities will be accessed?; b. How will people get there?*

The Alternative Transportation Plan (DEIS Appendix F) provides for the following specific measures to reduce private vehicle use:

- Provide financial subsidy to increase North Lake Tahoe Express Service between Reno-Tahoe International Airport and Incline Village/Crystal Bay from 7 runs per day to 11 runs per day during peak travel seasons (summer and winter);
- Enhanced shuttle service between Crystal Bay, Kings Beach and Tahoe Vista. On demand shuttle pick up service to recreational destinations around the lake.
- Reduce existing Crystal Bay to Tahoe Vista Trolley headways from 30 to 15 minutes during summer daytime hours by operating an additional Trolley at no cost to users;
- Operate Year-Round Tahoe Connection Service using three Alternative-fueled vans (12-15 passenger) to provide free transit service throughout the Tahoe/Truckee region to Boulder Bay guests and residents;
- Encourage Alternative transportation strategies for Boulder Bay employees by offering subsidized employee transit passes, preferred carpool parking, carpool matching service, showers/lockers, and bicycle amenities;

- Provide two bays for Transit buses and shuttles along SR 28 and an Alternative Transportation Center for transit, bicycle and pedestrian travelers to be protected from the elements (including a bicycle station with an air compressor and secured parking);
- Onsite Alternative-fuel car share service (up to four vehicles) for Boulder Bay guests and residents; and
- Onsite bicycle-share service for Boulder Bay guests and residents, including some bicycles with "electric assist".

These measures will likely reduce private auto use and increase Alternative modes beyond the estimates made in the trip generation analysis (i.e. project trips could be less than estimated).

Comment 338-h: *Comment Summary - Require coordination with CalNeva, Crystal Bay Club and Nugget for long-term cumulative impact. Communication should be required and reflected in the EIR.*

CalNeva, the Crystal Bay Club and the Nugget are all existing casino and lodging operations. Because they are existing, they do not currently contribute to a cumulative impact unless they propose future projects on their properties. A permit issued by TRPA for the CalNeva recently expired, which will reduce potential cumulative development identified in DEIS Chapter 5 for the NSCP area. Any future projects are required to undergo environmental analysis, including a cumulative impact assessment, before approval and construction can occur. Future projects may be driven by market demand, funding, or other reasons and it is not required that a business consult with its competitors to achieve approval of a project. In terms of event coordination during operations, each business will advertise events (entertainment, casino events, etc.) to attract patrons, but businesses are not required to obtain approval from their competitors regarding the details of their entertainment schedule. Each business should provide ample parking and safety for their guests, as will occur at the Boulder Bay Resort, but again, that is individual to each business.

Comment 338-i: *Comment Summary - Address impact if all Crystal Bay resorts expand commensurate with the proposed expansion of Biltmore/Mariner by Boulder Bay.*

An EIS is not required to analyze impacts of unforeseeable resort expansions, but to analyze a project against existing conditions and foreseeable projects within the area (cumulative projects). The cumulative project list includes resorts with pending projects, such as the approved but not constructed CalNeva redevelopment project. Expansion of resorts not included in the cumulative project table in Chapter 5 (Table 5.1-1) is speculative and not based on real data. In some cases, land coverage already exceeds limits and the only option would be to expand height; however, the height amendment proposed by this Project does not include properties outside the limits of the Project boundary shown on Figure 4.5-17. It would be speculative to assume other resorts would also seek a height amendment. One can only speculate the language included in such an amendment. If other resorts choose to expand in the future, they will be required to analyze their expansion project through environmental documentation, which will include a cumulative analysis and an analysis of existing conditions, which may include an operating Boulder Bay resort if it is approved and/or developed.

Comment 338-j: *Comment Summary - What new Public access to the lake is the project providing that isn't pre-existing?*

As stated in REC-1 on page 4.6-19 through 20, the Project is not providing new lake access. During a process to identify potential lake access points that could be included in the Project, several public easements to Lake Tahoe shoreline owned by Washoe County were reviewed with Washoe County planning staff and determined to be inadequate to provide a new public access to Lake Tahoe.

Comment 338-k: *Comment Summary - 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? How is this a "less than significant" impact on our lakefront access? Where is the analysis that justifies that conclusion? Please answer the above concerns and issues with respect to the "Lookout" hike in Crystal Bay.*

Please see responses to comments 93-k and 171-d.

Comment 338-l: *Comment Summary - What is your onsite population of each Alternative?*

Please see response to comment 93-y.

Comment 338-m: *Comment Summary - How can a project with 4 times the build-out of the existing project (110ksf vs. 475ksf) and new buildings and non-conforming heights be considered a less than significant scenic impact? The project area has increased since scoping by crossing the SR 28 and including the Crystal Bay Motel, Office building and parking lot. The 95% increase in maximum height (75') has now jumped SR 28 and set a precedent for the balance of properties in the NSCP. Where is an analysis of the impacts of spot zoning such as this?*

Please see responses to comment 93-b and 286-a.

Comment 338-n: *Comment Summary - How can this increased use result in less traffic? The traffic study should use existing conditions, not some projected maximum potential use. What is the change in traffic if you used existing conditions as a baseline? The Casino uses 22,400 sf for gaming inefficiently. Will slots and tables be proportionately reduced in the new 10ksf facility to coincide with the claimed reduction in traffic?*

The Proposed Project (Alternative C) includes increased rooms and amenities. The trip generation is less than the existing site because the Proposed Project has a mix of uses that will help reduce vehicle trips by keeping people on the project area, as opposed to driving to find a service or amenity elsewhere. For example, at the existing site, guests have limited dining options, which forces them to leave the site to find other dining opportunities. The Proposed Project offers several options, increasing the likelihood that a guest will eat at a restaurant on the site and not create a vehicle trip to an off-site restaurant. The Proposed Project offers a balanced mix of land uses that provides adequate recreation, retail, restaurant, and service opportunities, encouraging guests to stay on the site and day visitors to take advantage of on-site amenities. Providing a balanced land use mix is a proven way to reduce vehicle traffic associated with a mixed-use site. The trip generation rate for the casino was developed based on an independent variable of square footage. Therefore, if the square footage of the casino space is reduced, the trips generated by the casino will be reduced as well.

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Comment 338-o: *Comment Summary - With only 10 surface parking spaces in preferred "C" guests will park on the surface streets impacting neighborhood parking? What parking is normally required for the build-out and how much is being reduced for a mixed use?*

Alternative C proposes a total of 540 parking spaces (530 will be in underground structures). The North Stateline Community Plan (NSCP) provides regulations to determine the maximum number of parking spaces allowed for a project. The maximum number of parking spaces allowed for Alternative C was calculated based on the land uses included in the Alternative. The maximum number of parking spaces allowed for Alternative C is 783. A Shared Parking analysis (based on the methodology presented in the Urban Land Institute's (ULI) *Shared Parking*), which accounts for internalization between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in each Alternative. Alternative C shall provide a minimum of 491 parking spaces. The number of parking spaces proposed as part of Alternative C falls between the minimum and maximum required number of parking spaces and therefore adequate onsite parking is provided and impacts to neighborhood parking are not anticipated.

Comment 338-p: *Comment Summary - What guarantees will be in place that the project will be adequately financed and completed? What kind of irrevocable commitments will be required?*

Project funding is outside the required scope of the EIS and environmental documentation and analysis. The addition of financial data does not improve the environmental analysis in the DEIS; however, decision maker(s) may use financial information to arrive at a decision. Funding and financial information may be requested by the Agency separate from the EIS for decision-making purposes. The project proponent has indicated full funding for the Project will be secured prior to construction to ensure completion.

Comment 338-q: *Comment Summary - 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?*

The Proposed Project is analyzed throughout the DEIS for applicable resource areas (e.g., land use, water quality, traffic, scenic resources). Under Alternative C, the project proposes to relocate existing deed restricted open space and increase the total acreage of deed restricted open space from 4.78 acres to 5.70 acres. As part of the open space commitment, the project proposes to construct and maintain 1.87 acres of park space and another 1.2 acres of informal trail area. Under the no project and non-CEP Alternatives, there would be no construction and maintenance of public park facilities. In summary, some of the benefits to the public offered under Alternative C occur within the project area, but outside of the boundary of the existing Mariner Settlement Agreement.

Comment 338-r: *Comment Summary - Lower Brockway is currently handling the majority of the storm water and any resultant flooding off the Biltmore site, SR 28 and upper Crystal Bay. Where is the evidence that the proposed treatment is adequate? Shouldn't there be a CEQA assessment?*

Depending on the selected Alternative, the Project will capture, convey and infiltrate stormwater runoff from the project area and portions of Washoe County and NDOT

ROWs through onsite in stormwater treatment galleries, and basins and offsite on the California parcel (infiltration gallery 9). The Project will minimize stormwater contributions from the project area and effectively removing this volume of runoff from "pass through discharge". Impact HYDRO-3 details the proposed stormwater treatment systems and provides See responses to comments 337a though 337n.

Please see response to comment 93-e regarding CEQA review of the Lower Brockway water quality project.

Comment Letter 339 - Kientz, Richard, 02/04/10

Comment 339-a: *Comment Summary - Requests an adequate traffic analysis to describe impact of atmospheric deposition of particulates on Lake Tahoe. Requests a quantification of water quality benefits and fine sediment load reduction, and a description of why expansion of coverage is a benefit.*

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

Please refer to **Master Response 1** regarding fine sediment load reductions and water quality benefits.

Comment Letter 352 - Roane, William, 02/04/10

Comment 352-a: *Comment Summary - Concerned about room rates with the project.*

Room rates are generated by the property owner in response to market demand and value and are subject to fluctuation. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment Letter 357 - Sell, John, 02/04/10

Comment 357: *Comment Summary - Opposes project as too big, inconsistent with TRPA compact. A Regional Plan and public transportation system should come first.*

Please see response to comment 40-a.

Comment Letter 363 - Kuchnicki, Jason, 02/05/10

Comment 363-a: *Comment Summary - Would be beneficial for EIS to provide quantitative comparison of the Alternatives so that the relative benefits of each Alternative could be discerned. Keep in mind that the no project Alternative would still be required to be retrofitted for BMPs as required by TRPA code. Would recommend using either the Load Reduction Planning Tool or Pollutant Load Reduction Model.*

The comment is noted that the No Project Alternatives are required to retrofit the project area to comply with TRPA codified regulations. The stormwater treatment systems and permanent BMPs proposed for Alternatives A, B and E are described on pages 4.3-36 and 4.3-37. The design plans were submitted to TRPA in December 2009 and are provided as supplemental information for DEIS Appendix P in Appendix AB. These design plans illustrate the narrative approach detailed on pages 4.3-36 and 4.3-37. See Appendix AB for LSPC model predicted sediment and nutrient load reductions. Alternatives A, B and C are quantified under Existing Conditions (no BMPs) and E20 (existing project area retrofitted with water quality

BMPs and stormwater treatment systems sized for the 20yr/1hr storm total runoff volume). Alternative C is quantified under C20 (Alternative C built to comply with TRPA codified regulations to treat the 20yr/1hr total runoff volume) and C100 (Alternative C built with BMPs, LID strategies and stormwater treatment systems sized for the 100yr/1hr total runoff volume). Table 2 and 3 present the loads by pound (lb) for a variety of water year conditions.

Comment 363-b: *Comment Summary - Conceptual/preliminary water quality mitigation plan for the preferred Alternative appears quite robust. 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 from LID techniques.*

The comment supporting the implementation of LID strategies and techniques is noted. The Project commits to conducting post-project monitoring as a standard practice of the Project. See SP-9 in Chapter 6. The monitoring program will be developed based on the selected Alternative and submitting to NDEP and TRPA for approval during project permitting. The monitoring program will be designed to measure compliance with State and Regional discharge limits, qualify and quantify performance of LID strategies and techniques and for further calibration of the LSCP model assumptions.

Comment 363-c: *Comment Summary - DEIS states that Project will participate in EIP project 732 but does not describe how. Please clarify what the word participate means. Will Project capture and treat offsite flows from EIP project 732 or do intend on contributing funding to help design/construct EIP project? If the latter, how much has been or will be contributed?*

The Project EIP commitments are outlined in the CEP Resolution Letter (February 4, 2008) Environmental Improvements/ Environmental Improvement Program (EIP):

For allocations to be reserved and projects to be approved, CEP projects are required to commit to substantial environmental improvements, which must include specifically identified EIP projects. Your project proposes a number of environmental benefits/improvements; however, TRPA requires a written commitment regarding the funding, construction, and overall maintenance/monitoring for these EIP project contributions in order to ensure the projects are implemented. The EIP concerns listed in TRPA's January 16, 2008 letter shall be addressed." The EIP Projects are listed on page 2-18 of the DEIS, but are not detailed in this section.

Boulder Bay's portion of EIP Project No. 732 will be located on the California Parcel and will construct underground infiltration gallery 9 of the stormwater treatment system described for Alternatives C and D. EIP Project No. 714 will also be located on the California Parcel to establish and manage the NSCP lake Vista Mini-Park on the site above the infiltration gallery. The Project will capture and treat onsite and offsite (from contributing watershed areas from Washoe County and SR 28 roadway and ROW) runoff in the proposed stormwater treatment system within the project area. Since the system is designed linearly, overflow from infiltration gallery 8 will reach gallery 9 on the California Parcel. Runoff from the NDOT portion of this area will continue to be treated by the existing treatment vault located at the corner of SR 28 and Stateline Road. Runoff from Washoe County portion of this area (Stateline Road) will be treated with the use a new treatment vault with sand and oil separators prior to infiltration in galley 9. The Project will fund the construction of this project and has submitted draft agreement to TRPA concerning funding for long-term

maintenance of the system with funding responsibilities to be based on percent contribution of runoff to the site.

Comment 363-d: *Comment Summary - Recommend that Inspection, Operations and Maintenance Plan be referred to in the FEIS. Specific protocols with respect to onsite stormwater management are documented in a step-by-step manual. IOMP should include fertilizer management component. It would be beneficial to use phosphorous-free fertilizer once vegetation has been established. Assumption should be confirmed with a botanist/soil scientist.*

The Inspection, Maintenance and Monitoring Plan will be based on the selected Alternative and submitted to TRPA for review and approval during project permitting. The Inspection, Maintenance and Monitoring Plan is a compliance measure that is included as standard practice of the Project. The Plan will be developed for the selected Alternative through an RFP Process that includes a third party agreement between TRPA, Boulder Bay and a consultant. This detailed plan will be based on Chapter 6 of the DEIS but can be tailored to the outcome of the Governing Board hearings that will decide the final design of the Project, if approved. The Plan is added as SP-10 in Chapter 6 in the FEIS for clarification. The Fertilizer Plan is included in the project as SP-8 and discussed in Chapter 2 on page 2-17 and 2-26. Impact HYDRO-1 discusses the fertilizer and irrigation use on pages 4.3-35.

Comment 363-e: *Comment Summary: VMT baseline conditions are established assuming full operational capacity of the Tahoe Biltmore but there is no discussion if Biltmore is or ever has operated at full capacity. This needs be clarified because if it is not operating at full capacity the VMT analysis should then feature a comparison of Alternative with respect to both existing and baseline conditions.*

A discussion of the operational capacity of the Tahoe Biltmore is provided in the Environmental Setting section of Chapter 4.8 of the DEIS. Table 4.8-4 shows the operational capacity in terms revenue from 1999 to 2008. Table 4.8-20 provides a comparison of the level of service results for existing conditions (based on the traffic counts), baseline conditions (Alternative A), and existing plus project (Alternative B, C, D, and E) conditions.

Please refer to **Master Response 2,** which compares the Proposed Project and Alternatives to an alternative existing baseline.

8.6 RESPONSE TO ORAL COMMENTS RECEIVED AT DEIS HEARINGS

Comments received during the public hearings on the DEIS are summarized below in italics text followed by a response to the comment in non-italicized text.

NOVEMBER 18, 2009 TRPA GOVERNING BOARD HEARING

Speaker 1 – Ronald (Last Name Not Recorded)

Comment 1-a: *Comment Summary – Wonders if there is support for all of the development density. Many other Crystal Bay projects are not successfully maintaining their sites – even the fire station. Worried about the precedence for future growth.*

Please see responses to comments 286-j, 322-gi, 322-gr, 322-gs and 322-gt.

Speaker 2 – Ellie Waller

Comment 2-a: *Comment Summary – Page 82 of packet – VMT numbers seem to be incomplete. Wants a copy of the staff briefing. Suggests that TRPA make CDs available to printers in the area.*

Please see **Master Response 2.**

Speaker 3 – Ron Grassi, Tahoe Area Sierra Club Group

Comment 3-a: *Comment Summary – Water – hard to identify who will provide water rights for the project and how it will be provided? Is the water from Lake Tahoe? How does it relate to TROA?*

The TROA will be implemented through allocations to municipalities. The Project will create an estimated 56 acre-ft/yr of water demand. Of the total 34,000 acre-ft/yr of allocations, the Nevada side of the Lake Tahoe Basin will be allotted 11,000 acre-ft/yr. Boulder Bay has identified and is able to secure 75 to 100 acre-ft of available water rights for purchase from a private landholder. A commitment letter is on file with TRPA. If the Project is approved, water demand will be recalculated and finalized based on the final project design and the water rights will be purchased and dedicated to IVGID. According to personal communications with IVGID, there is sufficient capacity to serve the Project.

Comment 3-b: *Comment Summary – Traffic – See page 4.8 re: assumptions on traffic generation. Thinks traffic rates for new uses will be higher than existing – not the same rates.*

Please see **Master Responses 2, 3, and 4**.

Comment 3-c: *Comment Summary – Cumulative – Include all of Lake Tahoe projects in the cumulative analysis – especially for traffic.*

See Table 5.1-1 in the DEIS for a list of related projects in Placer and Washoe Counties that were included in the cumulative impact analysis.

Comment 3-d: *Comment Summary – Suggests a new Alternative be studied in the EIS made up of public thoughts on the project.*

The Project has been through public scoping and comment, including a 30 day extension period for public comments on the DEIS. The public has been given opportunity to provide thoughts and feedback on the Project throughout the environmental process.

Comment 3-e: *Comment Summary – Re: amendment of the settlement agreement. Wants more public benefit for the proposed changes to the open space areas.*

The existing Mariner Settlement Agreement is not a TRPA Regional Plan document. Therefore, the settlement agreement is not a threshold for determining impacts for TRPA and is not a TRPA planning document that defines allowable land uses. Changes to the settlement agreement occur separately from, but in conjunction with, the EIS process.

Speaker 4 – Robert Maxson, Sierra Nevada College

Comment 4-a: *Comment Summary – See comment letter number 60 for a transcript of the oral comments.*

Comment noted and responses are referenced to comment letter 60.

Speaker 5 – Ann Nichols, North Tahoe Preservation Alliance

Comment 5-a: *Comment Summary – NOP did not describe whole project area – it left out the Crystal Bay Motel.*

The Project did not substantially change following the publication of the NOP. The Crystal Bay Motel parcel was added to the project area upon agreement that the Project would remove the hotel structure to allow for use of TAUs and to provide expansion of stormwater treatment systems per CEP participation requirements.

Comment 5-b: *Comment Summary – Analyze height amendment by itself separate from the project.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 5-c: *Comment Summary – Worried about the precedence that Boulder Bay will set for the region.*

The commenter expresses an opinion. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 5-d: *Comment Summary – The height amendment is not clear – it references additional height modifiers.*

The proposed height amendment (DEIS Appendix U) includes a list of requirements that Boulder Bay must meet in order to earn additional height. These requirements are included in Section 1.a, 1.b, 1.c, 1.e, 1.f, 1.g, and 1.h. It also lists findings that TRPA must make to approve the additional building height – these are listed in Section 1.i. The maximum building heights that can be constructed if additional height is granted is listed in Section 1.d.

Comment 5-e: *Comment Summary – Worried about impacts to nearby beaches.*

Please see responses to comments 93-k, 93-l, 122-c, 171-d, 286-ap, 286-aq, 322-ba, 322-bx, 322-bz, 322-fx, 322-fz, 322-ba and 322-bb.

Comment 5-f: *Comment Summary – Does not think the scenic simulations are accurate.*

Please see responses to comments 322-hs, 332-an and 335-ah.

Comment 5-g: *Comment Summary – Thinks that the open space discussion is misleading – the project will result in a loss of open space.*

Open space is declared in Chapter 2 and analyzed in Chapters 4.1, 4.2, 4.3 and 4.6. Deed-restricting land for a stated, specific use protects this acreage from future development and changes in land uses. The project will deed-restrict acreage within the project area that is currently not designated as open space in an amount equivalent to that provided for in the Mariner Agreement.

Comment 5-h: *Comment Summary – The stormwater BMPs will offset the bonus units which benefit the project.*

The stormwater treatment systems will benefit the project area, the NSCP, the East Stateline watershed and Placer County neighborhoods located down gradient. The commenter is unclear as to how stormwater BMPs would offset bonus units. No additional response is possible.

Speaker 6 – John Sell

Comment 6-a: *Comment Summary – Needs clarification of the CFA for the project. How does the hotel not provide CFA for the guests?*

Please see responses to comments 286-ab, 286-v, 286-x, 322-l, 322-bn, 322-ce, 322-em, 322-ix, 332-i, 332-k and 332-l.

Comment 6-b: *Comment Summary – How are people going to get to the project to use accessory spaces if it isn't considered CFA?*

Please see responses to comments 286-x, 286-y, 286-z, 286-aw, 322-l, 322-ir, 322-bn, 322-ce, 322-em and 338-g.

Speaker 7 – Phil Jordan

Comment 7-a: *Comment Summary – Concerned that traffic numbers may be off. Many concerns have been answered.*

Comment noted. Please refer to **Master Responses 2, 3 and 4.**

Speaker 8 – Peter Krass, Placer County

Comment 8-a: *Comment Summary – Many water quality benefits will be realized from Boulder Bay's collaboration with the County. Private project dollars are needed to meet goals for 10-year water quality improvements.*

Comment noted.

Speaker 9 – Bea Epstein

Comment 9-a: *Comment Summary – Worked on the Pathway project planning team. The Boulder Bay project meets the vision laid out by the team.*

Comment noted.

Speaker 10 – Mia Snyder

Comment 10-a: *Comment Summary – Supports Boulder Bay for economic and environmental benefits.*

Comment noted.

Speaker 11 – Margaret Martini

Comment 11-a: *Comment Summary – Lots of smoke and mirrors in the plan. Existing developments are all bleeding jobs right now. Why will Boulder Bay not suffer? People can't afford to travel because they don't have jobs either.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 11-b: *Comment Summary – The rules should apply to every project the same. Should not amend the Code for a project.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 11-c: *Comment Summary – Water quality and sediment - Should have already required BMPs at the Biltmore back in 2000. The sediment loss should have already been solved.*

Please see response to comment 109-a.

Comment 11-d: *Comment Summary – Traffic can't be met on the SR 28 narrow roadway – will cause public safety issues in emergencies.*

Please see responses to comments 93-s, 196-b and 322-ja and refer to **Master Response 2, 3 and 4**.

Speaker 12 – Kelly Toomey

Comment 12-a: *Comment Summary – Promotes health and wellness center. Project will offer preventative care for health. Investigate the business model – will it serve community as a medical center?*

The Project does not include a medical center.

Comment 12-b: *Comment Summary – Wants to make sure project funding is in place to see construction all the way through to completion.*

Please see responses to comments 54, 137-h, 171-c, 196-f, 286-bh, 313-h, 322-cr, 322-ie, 337-g, 338-f, 338-p and 363-c.

Speaker 13 – Jackie ???

Comment 13-a: *Comment Summary – Wants to attract geo tourists to the Basin and thinks Boulder Bay will help the lakes Tourism model.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 14 – Derrick Aaron

Comment 14-a: *Comment Summary – Traffic creates atmospheric nitrogen deposition into the Lake. Auto traffic increases air emissions. The Basin has been dry lately at the same time that Lake clarity has stabilized. Thinks people staying at Boulder Bay will leave the resort and increase traffic levels.*

Please see responses to comments 93-t, 100-d, 322-an and **Master Responses 2, 3 and 4**.

Comment 14-b: *Comment Summary – Does not want development like Tahoe City or South Lake Tahoe in the north shore. Biking will suffer with increased vehicle trips.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 15 – Rochelle Nason, League to Save Lake Tahoe

Comment 15-a: *Comment Summary – Past redevelopment projects included a tax on the project to see if it benefits the public – high standard.*

Unlike the California redevelopment projects that received significant tax increment financing, Washoe County has not declared Crystal Bay a redevelopment project area and, therefore, tax increment financing is not available to support the project development. Table S-2 of the DEIS outlines the "over and beyond" benefits of the Project.

Comment 15-b: *Comment Summary – Does Boulder Bay conform to the North Stateline Community Plan?*

Please see responses to comments 93-a, 93-b, 93-g, 108-b, 110-a, 235-a, 286-a, 286-d, 286-f, 286-ab, 306-b, 313-b, 313-e, 322-u, 322-ad, 322-at, 322-ay, 322-bb, 322-bl, 322-bm, 322-cm, 322-dr, 322-fe, 322-fi, 322-gu, 322-ha, 322-hb, 322-hi, 322-hp, 322-hy, 322-im, 332-x, and 332-ai.

Comment 15-c: *Comment Summary – Thinks the Community Plan team should relook at the CP areas and bring them back to the TRPA Governing Board.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 15-d: *Comment Summary – Does Boulder Bay meet traffic and water quality goals?*

Please see **Master Responses 1, 2, 3 and 4**.

Comment 15-e: *Comment Summary – Irrevocable commitments – make sure the project benefits are really delivered.*

The commitments presented as part of the Project and the mitigation measures identified in the DEIS will be outlined as conditions for Project approval and permitting. TRPA monitors conformance with these conditions.

Comment 15-f: *Comment Summary – Hard to analyze these projects without a new Regional Plan.*

The existing Regional Plan remains in effect until the Regional Plan update is adopted.

Speaker 16 – Margaret Eaton

Comment 16-a: *Comment Summary – Worked on placed based planning group. Goals of the placed based planning group are not meet by the Boulder Bay project. Not part of a mixed use commercial center. Crystal Bay is not an urban node or commercial center. Crystal Bay does not have residential neighborhood like Incline where these projects should be located. Crystal Bay is rural and the height and density is not consistent with the Crystal Bay community. Modify goals to meet placed based planning and CEP goals.*

The existing Regional Plan remains in effect until the Regional Plan update is adopted. The Boulder Bay Project is located within the NSCP and meets the resolutions outlined for participation in the CEP.

Speaker 17 – Scott Teache, North Tahoe Preservation Alliance

Comment 17-a: *Comment Summary – Project is too big. The Alternatives are not reasonable to the Alternative C project. Wants the unused gaming space to be permanently retired.*

Please see responses to comments 286-bo, 286-bp, 322-bn, 322-cj, 322-co, 322-dq, 332-i, 332-j, 332-k, 332-aw, 332-ax and 338-n.

DECEMBER 9, 2009 TRPA ADVISORY PLANNING COMMISSION HEARING

Speaker 1 – Ann Nichols, North Tahoe Preservation Alliance

Comment 1-a: *Comment Summary – EIS does not identify significant impacts.*

The DEIS identifies significant impacts where the analysis indicates a significant impact has the potential to occur. Please refer to Table S-1 in the Summary Chapter of the DEIS for a quick reference to the significance of each Alternative by impact.

Comment 1-b: *Comment Summary – EIS uses category F for density calculations – should use category E.*

The note below the Table in TRPA Code Subsection 21.4.B(1) states that "Any other combination of uses, including three or more uses in a project area, is assigned to Category F." The Project includes tourist accommodation, multi-family residential for sale, multi-family residential for rent (affordable) and commercial uses.

Comment 1-c: *Comment Summary – No guarantee that gaming will be kept at 10,000 sf. Another 9,900 sf could be used in the future.*

In order for gaming floor area to be expanded over the 10,000 square feet proposed in Alternative C, Boulder Bay or another future applicant would have to apply to TRPA and the Nevada TRPA for a new permit, which would require additional environmental analysis.

Comment 1-d: *Comment Summary – Height could be used at the Crystal Bay motel site. And also gaming space.*

The proposed height amendment does not apply to the Crystal Bay motel site. The text of the amendment limits the additional height to that portion of the Project Area located north of SR 28. In order for gaming floor area to be expanded over the 10,000 square feet proposed in Alternative C, Boulder Bay or another future applicant would have to apply to TRPA and the Nevada TRPA for a new permit, which would require additional environmental analysis.

Comment 1-e: *Comment Summary – No sidewalks above the development on neighborhood streets.*

Sidewalks are proposed within the project area but are not proposed on neighborhood streets because of insufficient pedestrian traffic. Please see response to comment 322-cn.

Comment 1-f: *Comment Summary – Height goes up on Stateline Road.*

Please see response to comment 322-p.

Comment 1-g: *Comment Summary – The wellness center should not be considered an accessory use.*

Please refer to **Master Response 4**.

Speaker 2 – Joy Dahlgren

Comment 2-a: *Comment Summary – Doesn't see how VMT can be reduced for Alternatives C and D. EIS should better support assumption for method to identify existing traffic. Raw trip generation is similar for each Alternative. Reductions for internal trips, non-auto trips, etc. vary by Alternative. Assumptions for trip reductions need better explanation.*

Please refer to **Master Responses 2, 3, and 4**.

Speaker 3 – Margaret Martini

Comment 3-a: *Comment Summary – Height amendment will create precedence for other areas.*

Please see responses to comments 322-hg and 338-i.

Comment 3-b: *Comment Summary – TAU transfers are significant.*

Please see responses to comments 322-w, 322-at, 322-ff, 322-fk, 322-ic, 332-aa, 332-ag, 332-as and 332-bg.

Comment 3-c: *Comment Summary – EIS should identify significant impacts.*

The DEIS identifies significant impacts where the analysis indicates a significant impact has the potential to occur. Please refer to Table S-1 in the Summary Chapter of the DEIS for a quick reference to the significance of each Alternative by impact.

Comment 3-d: *Comment Summary – Where are the technical studies? DEIS is subjective.*

Technical studies are included as references to the DEIS when necessary, submitted to TRPA as required special reports, and listed as references at the end of each resource chapter. Impact analyses bring in quantitative data and information from the reports whenever required or relevant.

Comment 3-e: *Comment Summary – Adding Crystal Bay Motel to project area should not be allowed.*

Please see responses to comments 93-d, 286-i, 332-z, 332-am, 332-ay and 332-az.

Comment 3-f: *Comment Summary – Why isn't August 2008 traffic considered peak? Just because of the low numbers?*

Please see **Master Responses 2, 3 and 4.**

Comment 3-g: *Comment Summary – Employment growth is not substantiated.*

Table 4.11-16 in the DEIS presents the projected employment by alternative. Between 131 and 214 job positions (presented as number of employees) would result depending on the alternative selected.

Comment 3-h: *Comment Summary – BMPs should be in place already.*

Please see response to comment 109-a.

Comment 3-i: *Comment Summary – Hyatt is not comparable to Boulder Bay site. It has more evacuation routes and is not on the highway.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 4 – John Bosche, Brockway Homeowners Association

Comment 4-a: *Comment Summary – Ton of document is written as though prepared by the applicant. Uses the word "will include" in the project description. Uses similar language throughout.*

Though 'would' is sometimes described as the past tense of 'will', this is not always the case. Both of these modals are like all other modals, tenseless. The difference relates to how sure the speaker is or how sure the speaker wants to appear to be. 'Would', a more theoretical modal than 'will' denotes greater uncertainty. A speaker who is very certain might use 'would' so that they don't appear to be too much of a know-it-all or it could simply reflect that they are truly less certain. The Boulder Bay EIS advocates the use of "will" for the impact discussions because determination of impacts must be made with as little uncertainty as possible. Compliance measures, standard practices, and recommended mitigation measures "shall" be identified to clearly avoid, reduce, and mitigate potential impacts. If there is an element of uncertainty then we use "could."

Comment 4-b: *Comment Summary – Water quality analysis – DEIS says project will capture 100% of flow – does not believe the conclusions.*

Please see **Master Response 1** and Appendix AB of the FEIS.

Comment 4-c: *Comment Summary – No evaluation of the costs of a green roof and how it will be maintained. Will pervious pavers be vacuumed over the life of the project? Requires long-term maintenance to ensure success of the project. Agencies may have to fund all of the proposed measures to maintain the proposed stormwater systems.*

Please see responses to comments 137-g (green roofs), 137-e, 335-j, 335-p, 335-ae and 337-e (pervious pavers). Chapter 6 details standard practice SP-10, Inspection, Maintenance and Monitoring Plan. Boulder Bay, LLC will be held accountable for maintaining onsite stormwater treatment systems. Boulder Bay and Placer County are negotiating long-term funding commitments for offsite stormwater treatment systems.

Comment 4-d: *Comment Summary – Existing culvert under SR 28 is undersized now and won't allow for project flows.*

Please see response to comment 337-d.

Comment 4-e: *Comment Summary – Traffic – DEIS does not study costs of the transportation program and what would happen if Boulder Bay does not fund the programs.*

The transportation program and associated mitigation measures are part of the Project and are required to be funded by Boulder Bay, LLC.

Speaker 5 – Paul Reynolds

Comment 5-a: *Comment Summary – Neighbor in favor of the project. Thinks the project will improve the area.*

Comment noted.

Speaker 6 – Nicole Gergins, League to Save Lake Tahoe

Comment 6-a: *Comment Summary – There are serious flaws in the DEIS with the transportation analysis. Does not agree that the trips will be reduced. Methods use modeled trips for existing conditions.*

Please refer to **Master Response 2**.

Comment 6-b: *Comment Summary – Trip generation rates are based on casinos from out of the area and rates are not apples to apples.*

Please refer to **Master Responses 3 and 4**.

Comment 6-c: *Comment Summary – The internal trip reductions don't look at trips that will leave the site.*

Please refer to **Master Response 3**.

Comment 6-d: *Comment Summary – Trips don't include persons using the retail.*

Please refer to **Master Response 3**.

Comment 6-e: *Comment Summary – DEIS needs to quantify the differences of sediment reduction by Alternative. Fine sediment load reductions are most important.*

Please refer to **Master Response 1** and review Appendix AB, which contains the supplemental water quality analysis for the FEIS.

Speaker 7 – Ron Grassi, Tahoe Area Sierra Club Group

Comment 7-a: *Comment Summary – Traffic conclusions do not make sense. Fehr and Peers study is only tool used in the analysis – prepared for the developer.*

Please refer to **Master Responses 2, 3, and 4**. Fehr and Peers study is objectively prepared for the DEIS, in coordination with TRPA. This comment suggests the developer controls the results of the studies and analysis, which is inaccurate.

Comment 7-b: *Comment Summary – Water – spend more time analyzing the impacts compared to TROA. Not sure TROA allows water for Boulder Bay or other future development in Nevada. Wants to see the agreement that Boulder Bay has for water rights.*

The TROA will be implemented through allocations to municipalities. The Project will create an estimated 56 acre-ft/yr of water demand. Of the total 34,000 acre-ft/yr of allocations, the Nevada side of the Lake Tahoe Basin will be allotted 11,000 acre-ft/yr. Boulder Bay has identified and is able to secure 75 to 100 acre-ft of available water rights for purchase from a private landholder. A commitment letter is on file with TRPA. If the Project is approved, water demand will be recalculated and finalized based on the final project design and the water rights will be purchased and dedicated to IVGID. According to personal communications with IVGID, there is sufficient capacity to serve the Project.

Comment 7-c: *Comment Summary – If the Sierra Club cannot get documents that they request, it is difficult to comment on the DEIS.*

The comment does not indicate if requested documents were not provided or which documents were requested. Additional documentation is available at TRPA offices.

Comment 7-d: *Comment Summary – Cumulative Impacts – Need a way to measure impact of all projects in the Basin – not just those on the north shore.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 7-e: *Comment Summary – Settlement Agreement – why amend the agreement? Not supported in the DEIS.*

The existing Mariner Settlement Agreement is not a TRPA Regional Plan document. Therefore, the settlement agreement is not a threshold for determining impacts for TRPA and is not a TRPA planning document that defines allowable land uses. Changes to the settlement agreement occur separately from, but in conjunction with, the EIS process.

Speaker 8 – Phil Gilan Farr

Comment 8-a: *Comment Summary – Supports the project. Thinks Boulder Bay meets the vision of the North Stateline Community Plan goals.*

Comment noted.

Speaker 9 – Scott Teache, North Tahoe Preservation Alliance

Comment 9-a: *Comment Summary – DEIS – 1,500 pages of support for Alternative C. Proposing Alternative ways to reduce impact on the community. Too tall, big and out of proportion. Does not think Alternatives are legitimate or reasonable.*

The commenter does not state how the alternatives are illegitimate or unreasonable. Please see responses to comments 93-a, 93-b, 93-i, 117-a, 286-a, 286-b, 286-c, 286-e, 286-f, 286-j, 306-b, 322-gy and 322-hi, which discuss height. As documented in Impacts LU-1 and LU-2, the density and land uses proposed in the Boulder Bay Project are consistent with the NSCP.

Speaker 10 – Jennifer Quashnick

Comment 10-a: *Comment Summary – DEIS is missing available information. For example, only six samples are used in the water quality analysis. Thinks water monitoring data available for the area should be used. DEIS should be held for new data.*

Please see **Master Response 1** and review Appendix AB, which contains the supplemental water quality analysis for the FEIS. *The supplemental water quality analysis incorporates the DRI data with the JBR data.*

Comment 10-b: *Comment Summary – Appendix says project will reduce sediment by 90%. Need to support with the evidence.*

Please see **Master Response 1** and review Appendix AB, which contains the supplemental water quality analysis for the FEIS.

Comment 10-c: *Comment Summary – Mixed-use trip generation report used by Fehr and Peers is not in the EIS. Needs to be included in the document.*

Please refer to **Master Response 3**.

Speaker 11 – Joe Stewart

Comment 11-a: *Comment Summary – Contractor on south shore development and North Star. Boulder Bay is important to Basin for environmental and economic reasons.*

Comment noted.

Speaker 12 – Brian McRae

Comment 12-a: *Comment Summary – Designed the stormwater system for Boulder Bay – pursuant to existing Codes, the system will have to be monitored and maintained to meet regulatory standards.*

Comment noted. Ongoing stormwater system monitoring and maintenance is included in the Project. See Chapter 6 for details on SP-10, Inspections, Maintenance and Monitoring Plan.

Speaker 13 – Steve Teshara, North Lake Tahoe Chamber

Comment 13-a: *Comment Summary – Does not support maintaining existing conditions or putting a band-aid on past problems. Supports the Boulder Bay project.*

Comment noted.

Speaker 14 – Mike Bradford, Lakeside Inn

Comment 14-a: *Comment Summary – Supports redevelopment of the site to achieve improvements in the Basin.*

Comment noted.

Speaker 15 – Michael Hogan

Comment 15-a: *Comment Summary – Brought in to the project team to look at the assumptions used in the hydrology and water quality analysis. Found DRI data prepared for 2 years in the project vicinity. Using this data to relook at the effects of the proposed stormwater system. Results of the work will be provided in a supplemental report for Boulder Bay. The DEIS includes monitoring to ensure assumptions are met.*

Comment noted. DRI data is incorporated to Appendix AB of the FEIS. This data has been analyzed and does not change the results of the analysis.

Speaker 16 – Royce Johnson

Comment 16-a: *Comment Summary – Speedboat beach and neighborhood access. Worried about more crime in the area with increased public use of the beach. More use is an impact to the neighbors.*

Please see responses to comments 93-k, 122-c, 171-d, 286-ap, 322-q, 338-e and 338-k.

Speaker 17 – Ron Mcintyre, APC Member, Tahoe Transportation District Rep.

Comment 17-a: *Comment Summary – How can the energy audit show a reduction in energy use even with the proposed snow melt system?*

The ARUP study referenced in the DEIS shows how the calculations were prepared. TRPA has a copy of this study in their files.

Speaker 18 – Alan Tolhurst, APC Chairman

Comment 18-a: *Comment Summary – Would the dustless sweeper proposed for the project be available for use by public agencies?*

The availability of the Boulder Bay sweeper to entities outside of the project area is not part of the Project and is unknown at this time. TRPA could make this a condition of the project permit or Boulder Bay could enter into contracts with public agencies directly.

Comment 18-b: *Comment Summary – Will the TAU transfer require a ratio – for example 1.5 units retired for every unit transferred to Boulder Bay?*

TAUs for the Boulder Bay project are transferred at a one to one ratio based on TRPA Code.

Speaker 19 – Charlie Donohue, APC Vice-Chairman, NV Division of State Lands

Comment 19-a: *Comment Summary – Baltabrin units – where are those from? Are the units verified by TRPA?*

The Baltabrin units are off-site TAUs. The units are verified by TRPA in the August 5, 1994 verification letter, which recognizes 19 TAUs. Table 4.1-6 of the DEIS identifies the existing and proposed tourist and residential units by alternative.

Comment 19-b: *Comment Summary – Has the PLRM model been run for the Boulder Bay project area?*

Please see **Master Response 1** and Appendix AB of the FEIS. The supplemental water quality analysis utilized an LSPC based model in order to base analysis on available daily climate data instead of annualized climate data, which the PLRM model uses. The output results are the same unit, total sediment per year in Tons, but the results from the LSPC are considered more robust.

Comment 19-c: *Comment Summary – Coverage – will Boulder Bay do mitigation instead of paying excess land coverage mitigation fees?*

Please see responses to comments 212-d, 212-f and 322-z. Boulder Bay has agreed to permanently retire onsite land coverage in lieu of paying excess coverage mitigation fees.

Comment 19-d: *Comment Summary – Affordable housing – how will the proposed units be managed?*

The affordable housing units will be deed restricted as affordable based on TRPA Code requirements and will be operated (rented) by Boulder Bay.

Comment 19-e: *Comment Summary – TAU transfer – have the local jurisdictions approved the transfer of units out of the City of South Lake Tahoe?*

Section 34.4 of the TRPA Code of Ordiances outlines the process for transferring TAUs and ERUs. The City of South Lake Tahoe has approved the transfer. See section 4.1 of the DEIS, Impact analysis LU-2 for details.

Comment 19-f: *Comment Summary – What is the sequence of the TAU transfer for the units being removed from SEZ?*

The restoration of the site of the former Colony Inn will be required before the permit is finalized.

Speaker 20 – Chuck Greene, APC Member

Comment 20-a: *Comment Summary – Can TRPA staff respond to some of the comments on the adequacy of the transportation analysis?*

Please refer to **Master Responses 2, 3, and 4**.

Speaker 21 – Mike LeFevre, APC Member, USDA Forest Service

Comment 21-a: *Comment Summary – What is a green roof, included in the Boulder Bay proposal?*

A green roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems (http://en.wikipedia.org/wiki/Green_roof).

Speaker 22 – Martin Goldberg, APC Member

Comment 22-a: *Comment Summary – Would like to hear more about the traffic report updates as they are prepared.*

Please see **Master Responses 2, 3 and 4**.

DECEMBER 16, 2009 TRPA GOVERNING BOARD HEARING

Speaker 1 – John Albrecht

Comment 1-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 2 – Alex Mourlates

Comment 2-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 3 – George Koster

Comment 3-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 4 – Robert Maxton, Sierra Nevada College

Comment 4-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 5 – Stuart Yount

Comment 5-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 6 – Steve McKibbin, Lake Tahoe School

Comment 6-a: *Comment Summary – Supports the project*

Comment noted.

Speaker 7 – Jennifer Quashnick

Comment 7-a: *Comment Summary – Storm sampling data is not adequate for analysis. Data collected by DRI is available – why was it not included in the DEIS?*

Please refer to **Master Response 1**. DRI data is included in Appendix AB of the FEIS; however analysis of the data does not suggest a change in impact significance.

Comment 7-b: *Comment Summary – What is load reduction for 20 year design system vs. what is proposed for Boulder Bay? What is the net gain? Where is the monitoring plan to ensure that the proposed system will work?*

Please refer to **Master Response 1** and Appendix AB of the FEIS. Chapter 6 details standard practice SP-9, Post-project BMP and Stormwater Management Program.

Comment 7-c: *Comment Summary – How was the 90% reduction of TSS or fine sediments determined? Cannot find the analysis in the DEIS. This information needs to be included in a DEIS for public review.*

Please refer to **Master Response 1** and Appendix AB of FEIS.

Speaker 8 – Ellie Waller

Comment 8-a: *Comment Summary – What would water quality benefit be if height and density were reduced? Too much proposed.*

A reduction in height could necessitate more land coverage, which would generate larger runoff volumes. A reduction in density could result in reductions in land coverage, which would result in less runoff volume.

Comment 8-b: *Comment Summary – Only one tall building exists now. Boulder Bay wants too much additional height.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 9 – Brian McRae

Comment 9-a: *Comment Summary – Supports the project. Thinks the plan is cutting edge.*

Comment noted.

Speaker 10 – Susan Gearhart

Comment 10-a: *Comment Summary – Increased height should not be allowed.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 10-a: *Comment Summary – Water quality question related to rain on snow events. Can the proposed system handle these flows?*

Impact HYDRO-3 addresses stormwater treatment system capacities. Table 4.3-12 outlines the calculations in support of capture, conveyance and infiltration of stormwater volumes up to the 100yr/1hr storm event (Alternatives C and D).

Speaker 11 – Ann Nichols, North Tahoe Preservation Alliance

Comment 11-a: *Comment Summary – DEIS does not adequately analyze height.*

Please see responses to comments 93-a, 93-b, 93-i, 117-a, 286-a, 286-b, 286-c, 286-e, 286-f, 286-j, 306-b, 322-gy and 322-hi.

Comment 11-b: *Comment Summary – Project also needs a Community Plan amendment to recognize special areas in the CP for height (Proposed Project puts the cart before the horse).*

The text of the NSCP does not indicate specific height limits, rather it references TRPA Code of Ordinances Chapter 22 – Height for height limits. If Code of Ordinances Chapter 22 is amended, it is not necessary to amend the NSCP because the text of the NSCP remains accurate.

Comment 11-c: *Comment Summary – Density calculation has changed from category E to F. Why?*

The note below the Table in TRPA Code Subsection 21.4.B(1) states that "Any other combination of uses, including three or more uses in a project area, is assigned to Category F." The Project includes tourist accommodation, multi-family residential for sale, multi-family residential for rent (affordable) and commercial uses. Please see responses to comments 108-b and 322-ds.

Comment 11-d: *Comment Summary – Why is the amendment of the existing Settlement Agreement acceptable?*

The existing Mariner Settlement Agreement is not a TRPA Regional Plan document. Therefore, the settlement agreement is not a threshold for determining impacts for TRPA and is not a TRPA planning document that defines allowable land uses. Changes to the settlement agreement occur separately from, but in conjunction with, the EIS process.

Comment 11-e: *Comment Summary – Part of non-Community Plan area in the Settlement Agreement area is used to calculate density. Should not be allowed.*

Density calculations included in Impact LU-1 do not include acreage located outside of the NSCP for determining allowable density.

Comment 11-f: *Comment Summary – Crystal Bay Motel site is in the project area. Will it stay vacant?*

The Crystal Bay Motel will be demolished and land coverage relocated. Please see response to comment 93-d.

Comment 11-g: *Comment Summary – 10,000 square feet for gaming can expand in the future.*

In order for gaming floor area to be expanded over the 10,000 square feet proposed in Alternative C, Boulder Bay or another future applicant would have to apply to TRPA and the NTRPA for a new permit, which would require additional environmental analysis.

Comment 11-h: *Comment Summary – Accessory space increase is too much. Not correctly spelled out in the DEIS or presentation to the Governing Board.*

Please refer to **Master Response 4**.

Comment 11-i: *Comment Summary – Onsite land coverage reduction is really only 15,000 square feet – less than stated in the DEIS.*

The comment expresses an opinion that erroneous and unsubstantiated. Land coverage for the project area is detailed in Tables 4.2-3 and 4.2-5. DEIS Appendix D includes the TRPA land capability and coverage verification letters in support of calculations in the geology section 4.2. A new Appendix AD is added to the FEIS, which documents land coverage and capability by parcel.

Comment 11-j: *Comment Summary – Undergrounding of utilities is done – so it is an improvement under all proposed Alternatives, including Alternative A (Existing Conditions).*

Utilities will be undergrounded as part of EIP Project 970 under Alternatives C and D. The project area is not substantially reconfigured under Alternatives A, B and E.

Speaker 12 – John Sell

Comment 12-a: *Comment Summary – Carbon footprint analysis should be required in the DEIS, and should be quantified.*

A carbon footprint analysis was completed for the Project and the results and conclusions presented in the DEIS Section 4.9, Air Quality. Please see responses to comments 108-e, 112-a, and 322-c, which address the carbon footprint analysis. The applicant has authorized the calculation of emissions attributable to snowmelt which will be provided shortly.

Comment 12-b: *Comment Summary – ARUP study is referenced, but not substantiated to document the energy projections for the project.*

Please see responses to comments 108-e, 112-a, and 322-c, which address the carbon footprint analysis.

Comment 12-c: *Comment Summary – Omits the project's heated roadways in the calculations. DEIS therefore does not analyze the project's energy use adequately. Wants an adequate energy study included in the EIS.*

Please see responses to comments 108-e, 112-a, and 322-c, which address the carbon footprint analysis.

Speaker 13 – Joy Dahlgren

Comment 13-a: *Comment Summary – Transportation analysis – external trips are off. The conclusions in the EIS fly in the face of logic based on proposed changes. Analysis assumed that 25% of current site trips could be internal trips. For Alt C, they assumed all trips could be internal and applied the capture rate to all trips.*

Please refer to **Master Response 3**.

Comment 13-b: *Comment Summary – In the Alternative mode of travel assumptions, they applied the rate to all trips, including those that are internal to the project.*

Please refer to **Master Response 3.**

Comment 13-c: *Comment Summary – Appendix shows a table for MXD that contradicts the assumptions used in the trip generation analysis. Do not think the project will reduce VMT.*

Please refer to **Master Responses 2 and 3.**

Speaker 14 – John Bosche, Brockway Homeowners Association

Comment 14-a: *Comment Summary – EIS fails to analyze loss of efficiency of stormwater galleries over time. EIS does not disclose the cost to maintain the proposed stormwater system. EIS does not disclose how a loss of operational efficiency could discharge sediment to the Lake.*

Standard practice SP-10, Inspection, Maintenance and Monitoring Plan is part of the Project. The plan will be finalized during project permitting. The costs to maintain the onsite systems will lie with Boulder Bay. Boulder Bay and Placer County are currently in negotiations to determine funding responsibilities for long-term maintenance of the off-site system.

Comment 14-b: *Comment Summary – Proposed use of pervious pavers with plantings probably won't work, but are included in reductions and benefits stated in the DEIS.*

Please see responses to comments 137-e, 335-j, 335-p, 335-ae and 337-e (pervious pavers).

Comment 14-c: *Comment Summary – DEIS does not evaluate the feasibility of green roofs, proposed as part of the project.*

Please see response to comment 137-g (green roofs).

Comment 14-d: *Comment Summary – Cost and sustainability of the transportation and drainage improvements is not evaluated. What if Boulder Bay fails to fund these improvements?*

The transportation program and stormwater treatment systems are part of the Project. Funding of these programs and facilities will be required as conditions of project approval and permitting.

Comment 14-e: *Comment Summary – Other Alternatives for reduction of water quality should be considered in the EIS (e.g., less hardscape, etc.).*

Please see Appendix R of the DEIS, TMDL Pollutant Load Reduction Plan. This plan outlines the water quality improvement measures and low impact development strategies that have been incorporated into the Project

Comment 14-f: *Comment Summary – The EIS is not objective.*

Comment noted. This comment represents opinion and no further response is required.

Speaker 15 – Tim Delaney

Comment 15-a: *Comment Summary – Need to consider big water events (including snow) and what that does to landslides and roadways.*

Please refer to **Master Response 1** and Appendix AB of the FEIS. Landslides and avalanches are analyzed under Impact GEO- 2 in Chapter 4.2 of the DEIS.

Comment 15-b: *Comment Summary – Difficult for homeowners to voice their concerns at these hearings because many people own their Tahoe homes as second homes. A vote on the Proposed Project would allow all homeowners to participate in this process.*

This is not a comment on the content or adequacy of the DEIS, but rather on TRPA approval processes. This information is passed on to the Project proponent and

decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 16 – Ron Grassi, Tahoe Area Sierra Club Group

Comment 16-a: *Comment Summary – Traffic – current study is not credible. Remodel the traffic issue and show that it will increase trips – then explain how the increase will be handled.*

Please refer to **Master Response 2.**

Comment 16-b: *Comment Summary – Water – Is there water for this development? This is a cap under TROA. Not just an issue for this project, but for all Basin development.*

The TROA will be implemented through allocations to municipalities. The Project will create an estimated 56 acre-ft/yr of water demand. Of the total 34,000 acre-ft/yr of allocations, the Nevada side of the Lake Tahoe Basin will be allotted 11,000 acre-ft/yr. Boulder Bay has identified and is able to secure 75 to 100 acre-ft of available water rights for purchase from a private landholder. A commitment letter is on file with TRPA. If the Project is approved, water demand will be recalculated and finalized based on the final project design and the water rights will be purchased and dedicated to IVGID. According to personal communications with IVGID, there is sufficient capacity to serve the Project.

Comment 16-c: *Comment Summary – Cumulative development – especially traffic issues – need to document impact of all Basin projects and show them to the public.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 16-d: *Comment Summary – Legal Agreement in place and signed by TRPA. Why sign off on a new deal? There is an obvious benefit for the developer. What is in it for the public?*

The existing Mariner Settlement Agreement is not a TRPA Regional Plan document. Therefore, the settlement agreement is not a threshold for determining impacts for TRPA and is not a TRPA planning document that defines allowable land uses. Changes to the settlement agreement occur separately from, but in conjunction with, the EIS process.

Speaker 17 – Nicole Gergins, League to Save Lake Tahoe

Comment 17-a: *Comment Summary – Transportation analysis does not support conclusions. Baseline numbers are per full capacity of existing resort uses. Trip generation was based on data from other states. Should be based on local data.*

Please refer to **Master Response 2**.

Comment 17-b: *Comment Summary – The mixed-use model used by Fehr and Peers does not include all uses of the project – not based on a model for a hotel. Need an analysis with more applicable data for the proposed land uses and the project area.*

Please refer to **Master Response 3 and 4.**

Comment 17-c: *Comment Summary – DEIS does not quantify the reduction in sediment and compare by Alternatives and different treatment scenarios. Must differentiate between TSS and fine sediments.*

Please refer to **Master Response 1**.

Speaker 18 – Dave Ferrari

Comment 18-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 19 – Jason Paeda

Comment 19-a: *Comment Summary – Lives above the project. Does not support the proposed height of the development.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 19-b: *Comment Summary – DEIS does not analyze the project in relationship to adjacent homes. Project will block views of Lake Tahoe from his home.*

Please see responses to comments 117-a, 122-a, 286-a, 322-fm and 322-it.

Comment 19-c: *Comment Summary – Construction noise will impact adjacent homes.*

Please see responses to comments 93-w, 93-x and 332-aq.

Comment 19-d: *Comment Summary – Uphold the settlement agreement.*

The existing Mariner Settlement Agreement is not a TRPA Regional Plan document. Therefore, the settlement agreement is not a threshold for determining impacts for TRPA and is not a TRPA planning document that defines allowable land uses. Changes to the settlement agreement occur separately from, but in conjunction with, the EIS process.

Speaker 20 – Paul Reynolds

Comment 20-a: *Comment Summary – Neighbor who lives above the project. Supports the project.*

Comment noted.

Speaker 21 – Coral Amendi

Comment 21-a: *Comment Summary – Against the project scale. No buffering between residential uses to the west. Should be sidewalks on Wellness Way to get up the hill.*

Please see responses to comments 322-bm and 322-hd, which address buffering, and responses to comments 93-r, 322-cm, 322-cu, 322-fs and 322-fv, which address sidewalks.

Comment 21-b: *Comment Summary – Environmental impact will occur with the project (e.g., tree removal, wildlife, etc.).*

Environmental impacts for each Alternative are analyzed in Chapter 4 of the DEIS and mitigation measures are proposed, as feasible, where significant impacts may occur. Impacts to biological resources are analyzed in Chapter 4.04. Mitigation

Measure BIO-3 is proposed to address potentially significant construction impacts to active raptor and migratory bird nests. Please refer to Chapter 4 of the DEIS for specific impact analysis and mitigation.

Speaker 22 – Mia Snyder

Comment 22-a: *Comment Summary – Supports the project – sees the benefits of replacing old facilities. Can't just say do nothing – won't solve problems.*

Comment noted.

Speaker 23 – Bruce Townsend

Comment 23-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 24 – Mike Burg

Comment 24-a: *Comment Summary – Supports the goals of the CEP to improve economy and sustainability of development at Tahoe. Supports local labor for construction of the project to benefit economy and reduce impacts of bringing in workers to the Region.*

Comment noted.

Speaker 25 – Bill Wood

Comment 25-a: *Comment Summary – Supports the project. The north shore community needs to be revitalized to compete with other resort areas. We need tourists to fund the economy here at the Lake. The community has changed over the years. We need to revitalize the community so people can live here again.*

Comment noted.

Speaker 26 – Doug Brim, Incline Lake/Crystal Bay Visitors Bureau

Comment 26-a: *Comment Summary – Board voted to support the Boulder Bay project.*

Comment noted.

Speaker 27 – Claudia Anderson, Piersol-Tahoe Community Foundation

Comment 27-a: *Comment Summary – Supports the project. Thinks Boulder Bay has done an excellent job of incorporating public input into the project.*

Comment noted.

Speaker 28 – Theresa May Duggin

Comment 28-a: *Comment Summary – Supports the project. Site needs to be renovated and revitalized. Thinks the project will be a catalyst for other improvement.*

Comment noted.

Speaker 29 – Jan Collier

Comment 28-a: *Comment Summary – Supports the project and their transportation program.*

Comment noted.

Speaker 30 – Laureen Meyer

Comment 28-a: *Comment Summary – Supports the project and provides a place for children to play.*

Comment noted.

Speaker 31 – Margaret Martini

Comment 31-a: *Comment Summary – Data not well represented in the DEIS.*

Because the comment represents opinion and does not provide detail to support the opinion, no further response can be made.

Comment 31-b: *Comment Summary – Re: Hyatt comparison. 475K square feet for Boulder Bay Project. Hyatt has 427K square feet (less). 482 units at the Hyatt – smaller than Boulder Bay. Hyatt is 19 acres (more than Boulder Bay). Hyatt is closer to other amenities/rec paths. Hyatt is bike friendly because of location. Hyatt has four ingress/egress roads and Boulder Bay only has 1 way in and out and higher density. Don't need more hotel rooms – look at existing vacancy.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 32 – Michelle Preswick

Comment 32-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 33 – Steve Vasey

Comment 33-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 34 – Chuck Weinberger, IVGID Trustee

Comment 34-a: *Comment Summary – Supports the project and thinks other traffic models will show similar results.*

Comment noted.

Speaker 35 – John Muller

Comment 35-a: *Comment Summary – Supports the project. Need it to keep employees who are mostly local.*

Comment noted.

Speaker 36 – Avaro Servin

Comment 36-a: *Comment Summary – Supports the project. Many workers in the north shore have had to leave their homes in the past few years. Need Boulder Bay for jobs.*

Comment noted.

Speaker 37 – Ted Fuller, IVGID Chairman

Comment 37-a: *Comment Summary – Supports the project speaking as a resident of Incline Village.*

Comment noted.

Speaker 38 – Carol Sebrig

Comment 37-a: *Comment Summary – Supports the project. Specifically the stormwater plan in Alts C and D. Alt C was modified based on public input and comments on Alt D.*

Comment noted.

Speaker 39 – Scott Teache, North Tahoe Preservation Alliance

Comment 39-a: *Comment Summary – Reference NTPA handout – please review the list of concerns. More work is needed to amend the project. Not recommending "do nothing" just a better project.*

Comment noted.

Speaker 40 – Aaron Mince

Comment 40-a: *Comment Summary – Supports the project renovation.*

Comment noted.

Speaker 41 – Dan Seigel, CA Attorney General's Office

Comment 41-a: *Comment Summary – Party to a Settlement Agreement that must be amended. Submitted letter with comments – see comment letter 100.*

Please see to responses to comments 100-a through 100-g for detailed response to each comment submitted in comment letter 100.

Comment 41-b: *Comment Summary – Biggest issue is traffic baseline – should be actual conditions at the site per case law.*

Please refer to **Master Response 2**.

Comment 41-c: *Comment Summary – The numbers of cars to the site is disclosed for the site. The DEIS did not support why the existing numbers were not used. Gaming trends will probably continue downward so trips are probably going to continue to decline for existing uses.*

Please refer to **Master Response 2**.

Speaker 42 – Chris Reinman, President, North Star Resort

Comment 42-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 43 – Patricia Walib

Comment 43-a: *Comment Summary – Don't change current Community Plan document for the North Stateline. Update the Regional Plan before you approve this project and the impacts (e.g., tree removal).*

The Project does not propose and amendment to the North Stateline Community Plan. Approval of the Project is separate from approval of the Regional Plan Update. This latter comment does not address an inadequacy of the EIS and the comment is noted for TRPA consideration.

Comment 43-b: *Comment Summary – There is no way to put a bike trail to Incline Village from Crystal Bay.*

The commenter expresses an opinion. The comment is not relevant to the content or adequacy of the environmental analysis and documentation in the DEIS. No response is necessary.

Comment 43-c: *Comment Summary – Read the ARUP study, there are a lot of flaws.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 43-d: *Comment Summary – DEIS is too long and unclear.*

Comment noted. This comment represents opinion and does not specify where or how the DEIS is unclear, so no further response can be made.

Speaker 44 – Brian Paulson

Comment 44-a: *Comment Summary – Supports the project.*

Comment noted.

Speaker 45 – Bryon Sher, Governing Board Member

Comment 45-a: *Comment Summary – Concerns with the EIR. Traffic – thinks analysis is flawed for reasons outlined by Dan Seigel and because the basis is reduction of gaming, which is in decline.*

Please refer to **Master Response 2**.

Comment 45-b: *Comment Summary – TMDL – Need to address this new standard which will be required in the new Regional Plan. What is the current load of fine sediments and what would be promised by the Alternatives. Will we get a 32% decrease in fine sediments outlined by Lahontan?*

Please see **Master Response 1.** The TMDL methodology has been utilized to analyze FSP contribution as noted in Appendix AB of the FEIS. Alternative C will meet and exceed the 32% decrease in FSP.

Comment 45-c: *Comment Summary – Height amendment – Does it apply lakeside of Highway? Is it a precedent for the whole Community Plan?*

The height amendment does not apply lakeside of the highway (SR 28). The area in which the proposed additional height may apply is limited to the project area on the north side of the highway and does not extend to land beyond the boundaries of the project area.

Comment 45-d: *Comment Summary – What is consistency with the North Stateline Community Plan? If not consistent, will the NSCP need to be amended? If so, how will the NSCP be amended and when?*

Please see responses to comments 93-a, 93-b, 93-g, 108-b, 110-a, 235-a, 286-a, 286-d, 286-f, 286-ab, 306-b, 313-b, 313-e, 322-u, 322-ad, 322-at, 322-ay, 322-bb, 322-bl, 322-bm, 322-cm, 322-dr, 322-fe, 322-fi, 322-gu, 322-ha, 322-hb, 322-hi, 322-hp, 322-hy, 322-im, 332-x, and 332-ai.

Speaker 46 – Steven Merrill, Governing Board Member

Comment 46-a: *Comment Summary – Traffic Methodology – use existing numbers.*

Please refer to **Master Response 2**.

Comment 46-b: *Comment Summary – Water quality baseline – should be condition with current water quality requirements in place – not what is there now.*

The water quality analysis presents existing conditions and proposed conditions as compared to current State and regional water quality standards. Please refer to **Master Response 1** and Appendix AB of the FEIS for a review of the supplemental water quality analysis. The analysis does not change the conclusions concerning level of impact.

Comment 46-c: *Comment Summary – What does it mean to treat 100 year vs. 20 year storm event? What is this worth?*

Please see **Master Response 1** and Appendix AB of the FEIS.

Comment 46-d: *Comment Summary – ARUP study – sounds like the comparison was not apples to apples.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Comment 46-e: *Comment Summary – Traffic – questionable assumptions re: generation of traffic for a project on the north shore. Not analogous to other resort areas with other recreation amenities in place. Boulder Bay will not be a destination resort like the Hyatt.*

Please refer to **Master Responses 2, 3 and 4** concerning the supplemental traffic analysis. The latter comment expresses an opinion. The comment is not relevant to the content or adequacy of the environmental analysis and documentation in the DEIS. No response is necessary.

Comment 46-f: *Comment Summary – Thinks that the analysis can't be linked to the developer because he can sell the project.*

This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 47 – Casey Beyer, Governing Board Member

Comment 47-a: *Comment Summary – Wants to know more about organizations that are commenting on these projects. Who do they represent?*

A list of each person or agency that commented on the project is provided in Section 8.4 above.

Speaker 48 – John Breternitz, Governing Board Member

Comment 48-a: *Comment Summary – Clarified the next steps of the FEIS process?*

Comment was addressed orally during the December 9, 2009 TRPA Advisory Planning Commission Hearing. Please refer to the introductory sections of this section of the FEIS, Chapter 8.

Speaker 49 – Larry Sevinson, Governing Board Member

Comment 49-a: *Comment Summary – Brockway water quality project is associated with this project and is being held up waiting for a decision. Wants a better solution to connect areas with bikes.*

Comment noted. This is not a comment on the content or adequacy of the DEIS. This information is passed on to the Project proponent and decision maker(s) for consideration. No further response to this comment in relation to the DEIS is warranted.

Speaker 50 – Shelly Aldean, Governing Board Member

Comment 50-a: *Comment Summary – Mariner Settlement Agreement – if not amended, project is stuck in the water. Does the CA Attorney General plan to amend the Settlement Agreement if their impact concerns are met?*

Please see responses to comments 37-a, 93-a, 93-b, 322-w and 322-ia, which discuss the Mariner Settlement Agreement and required actions.

Speaker 51 – Timothy Cashman, Governing Board Member

Comment 51-a: *Comment Summary – Asked several process questions regarding the process of the FEIS preparation.*

Comment was addressed orally during the December 9, 2009 TRPA Advisory Planning Commission Hearing. Please refer to the introductory sections of this section of the FEIS, Chapter 8.

9 REVISIONS TO THE DEIS

9.1 INTRODUCTION

This chapter contains changes to the text of the DEIS made in response to comments. Text to be added to the DEIS analysis is shown as bold and underline type (**example**). Text to be deleted from the DEIS is shown as strikeout type (~~example~~). These changes appear in order of their location in the DEIS.

9.2 REVISIONS TO THE DEIS

The alternative descriptions on Page S-3 of the DEIS Summary Chapter has been expanded as follows:

> Alternative A
>
> **Alternative A consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel and casino accessory uses; 22,400 square feet of casino (22,400 square feet in use out of of the 29,744 square feet of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.**
>
> Alternative B
>
> **Alternative B consists of the following uses: 111 tourist accommodation units (hotel); 18,089 square feet of commercial floor area; 39,603 square feet of hotel and casino accessory uses; 29,744 square feet of casino (maximum amount of certified gaming area); 382 surface parking spaces; and 4.78 acres of open space.**

Paragraph 3 of page 4.2-19 in DEIS Chapter 4.2 has been revised as follows:

> The resultant land coverage for the project area under Alternative D will equal 32,276 square feet on LCD 1a, ~~27,720~~ **27,270** square feet on LCD 2, and 318,329 square feet on LCD 4.

Bullet number 3 of page 4.3-26 in DEIS Chapter 4.3 has been expanded to clarify that EIP Project #114 is a recreational project as follows:

> **EIP Project #114 is a recreation project that preserves open space and establishes park uses in the NSCP. The land underlying the park contributes to EIP # 732 for the treatment and infiltration of stormwater runoff. EIP #114 and 732 utilize the same parcel of land. The water quality benefits on this parcel of land include: a reduction in land coverage, installation of the infiltration gallery #9 and tie in with the Placer County Brockway Erosion Control Project. Bio retention systems for stormwater treatment will be installed in line with the underground infiltration galleries. The Stateline mini-park will be installed on**

top of the under ground infiltration galleries and will include water quality interpretive signage.

Mitigation Measure REC-1 in DEIS Chapter 4.6 has been revised as follows:

REC-1: Beach Access Shuttle Service and Beach Maintenance Funding

Boulder Bay will operate their van shuttle service as follows to reduce potential impacts to Lake Tahoe beaches from increased visitation:

- To reduce impacts to Speedboat Beach, Boulder Bay shall not provide guests with van service to Speedboat Beach. Although access to Speedboat Beach cannot be restricted, as it is a public beach, the resort shall not promote the use of Speedboat Beach in informational materials or provide shuttle service to the beach to avoid overcrowding and environmental degradation that may result from overuse. **Furthermore, the lack of amenities and constraints at Speedboat Beach will be noted to discourage visitors. Boulder Bay will coordinate with Placer County and will provide sufficient funding to Placer County for beach maintenance staffing and trash removal.**
- Because the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park (Sand Harbor) beaches are the largest public beaches in the area and offer more tourist attractions (boat rentals, picnic grounds, restrooms, etc.), Boulder Bay will encourage guests to visit these beaches rather than Speedboat Beach. **Coordination will occur regularly with both recreation areas prior to shuttle services to these sites.**
- Boulder Bay shall offer the general public (e.g., Crystal Bay and Brockway residents and guests) use of their proposed on call van service during peak summer months (e.g., Memorial Day to Labor Day) to supplement the other Boulder Bay funded improvements to existing public transit systems (e.g., Crystal Bay to Tahoe Vista Trolley). Boulder Bay may charge non Boulder Bay guests and residents a nominal fee (e.g., similar to a taxi) to use the van service and shall market the service to local residents and visitors of other developments. The use of the Boulder Bay on call van service by non-Boulder Bay guests and residents will reduce the number of private automobiles used to access nearby recreational facilities (e.g., beaches) during peak summer months, thereby improving access for other non-Boulder Bay visitors to the Lake Tahoe Basin. **To avoid overcrowding of area beaches and a reduction in the quality of the recreational experience, the Boulder Bay on call van service will coordinate with the Kings Beach State Recreation Area and Lake Tahoe-Nevada State Park on peak summer weekends to determine capacity prior to each drop-off. When visitors are dropped off, the van attendant shall discuss capacity with the parking attendant to determine if additional persons may be brought to the site and the van attendant shall note the number of people dropped off and picked up from each beach. During peak periods, van service may operate hourly or more, depending on demand. Boulder Bay shall establish a regular schedule to maintain an organized system of beach visitor accounting. If the beaches should reach parking capacity, guests will be encouraged to wait until later in the day when beach facilities typically empty out.**

- **Boulder Bay shall help pay for trash removal operations at Speedboat Beach by working with Placer County to increase the number of trash removal visits to the Beach during peak use periods. Based on its request, Placer County shall take the lead in securing an agreement with Boulder Bay to help offset the costs of the additional trash removal operations.**

Mitigation Measure REC-1B has been added to DEIS Chapter 4.6 as follows:

REC-1B: Stateline Lookout Access Improvements.

Boulder Bay will work with the USDA Forest Service to identify areas where additional access signage may be placed and if access point improvements are warranted. If necessary, such improvements will be funded by Boulder Bay. Recreation access signage or information shall be provided at the resort, informing guests of trailhead locations and access routes. Boulder Bay will work with the USDA Forest Service to improve existing parking areas and signage to reduce erosion potential. Coordination shall occur prior to construction and improvements, if approved by the USDA Forest Service, will be immediately funded by Boulder Bay and implemented within the first year of resort operation.

Page 4.7-2 of DEIS Chapter 4.7 has been revised as follows:

Ethnography

The project area lies entirely within the territory of the Hokan-speaking Washoe people. While they were an informal and flexible political collectivity, Washoe ethnography hints at a level of technological specialization and social complexity for Washoe groups, non-characteristic of their surrounding neighbors in the Great Basin. Semisedentism and higher population densities, concepts of private property, and communal labor and ownership were reported and may have developed in conjunction with their residential and subsistence resource stability (d'Azevedo 1986:473-476).

Lake Tahoe was **and remains** both the spiritual and physical center of the Washoe world. The Washoe lived along its shores, and the locations of several Washoe encampments in the Lake Tahoe Basin have been reported. The project vicinity is near two important Washoe fishing campsites, ImgiwO'tha and MathOcahuwo'tha (d'Azevedo 1986:473-476).

~~Currently,~~ The Washoe **Tribe is** ~~are~~ a **federally** recognized tribe by the U.S. Government**, is a sovereign government** and **has** ~~have~~ maintained an established land base. Its **approximately** ~~1,200~~ **1,600** tribal members are governed by a tribal council that consists of members of the Carson, Dresslerville, Woodfords, **Stewart** and Reno-Sparks **communities,** ~~Indian groups,~~ as well as **a significant number of tribal** members from non-reservation areas (Inter-Tribal Council of Nevada 1995 **and Darrel Cruz, Personal Communication, December 16, 2009**).

Page 7, paragraph 3 of DEIS Appendix V, Cultural Resources Study has been revised as follows:

> Delete: "The Washoe are part of an ancient Hokan-speaking residual population, which has been subsequently surrounded by Numic-speaking intruders such as the Northern Paiute (Jacobsen 1966)."
>
> Insert: **"The Washoe are descendants of an ancient Hokan-speaking population that was subsequently surrounded in prehistoric times by Numic-speaking incomers such as the Northern Paiute (Jacobsen 1966)."**