

## 2 INTRODUCTION

This document is an environmental impact statement (EIS) prepared in accordance with the Tahoe Regional Planning Compact (Compact) and the Tahoe Regional Planning Agency (TRPA) Code of Ordinances. This EIS has been prepared to evaluate the environmental impacts of the proposed Beach Club on Lake Tahoe Project (Beach Club Project) in Douglas County, Nevada.

This document addresses five alternatives in accordance with Article VII (a)(3) of the Compact and Section 5.8.B of the Code of Ordinances. The alternatives evaluated in this EIS are Alternative A (Proposed Project), Alternative B (Two Single-Family Estates), Alternative C (Two Multifamily Complexes), Alternative D (No Project–Jere Williams Plan), and Alternative E (No Project–Manufactured Housing). The proposed project (Alternative A) is described in Chapter 3, other alternatives (Alternatives B through E) are described in Chapter 4, and all alternatives are evaluated at an equal level of detail in each subsection of Chapter 5 of this EIS.

### 2.1 LEAD AGENCY

#### TAHOE REGIONAL PLANNING AGENCY

TRPA is the primary permitting agency and the lead agency under the Compact. TRPA is a bi-state regional planning agency created in 1969 by federal law to oversee development on both the California and Nevada sides of Lake Tahoe. The Compact, Public Law 96-551, as revised in 1980, provides TRPA the authority to adopt environmental quality standards, called “environmental threshold carrying capacities” (thresholds), and to enforce ordinances designed to achieve the thresholds, which were adopted by the TRPA Governing Board in 1982. TRPA’s mission is to “lead the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region.”

Article VII of the Compact presents important TRPA policies relevant to the preparation and use of an EIS. Key provisions of the article are presented below:

- ▶ Article VII (a) (2) states that when acting upon matters that have a significant effect on the environment, TRPA shall “prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project.”
- ▶ Article VII (a) (3) states that the EIS shall “study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.”
- ▶ Article VII (a) (4) requires that TRPA “make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region’s environment.”
- ▶ Article VII (a) (5) requires TRPA to “initiate and utilize ecological information in the planning and development of resource-oriented projects.”

The Compact charges TRPA with attaining and maintaining environmental thresholds to protect the unique values of the Lake Tahoe Basin. The nine thresholds adopted by TRPA in 1982 are:

- ▶ water quality,
- ▶ air quality,
- ▶ scenic resources,
- ▶ soil conservation,

- ▶ fish habitat,
- ▶ vegetation,
- ▶ wildlife habitat,
- ▶ noise, and
- ▶ recreation.

## **2.2 PURPOSE OF THE EIS**

An EIS is an informational document used in the planning and decision-making process for a proposed project. The purpose of an EIS is not to recommend either approval or denial of a project, but to disclose objective information so that informed decisions can be made.

TRPA is the lead agency for the Beach Club Project under the Compact. After reviewing this EIS and other information regarding the project proposal, the TRPA Governing Board will consider the adequacy of the EIS for compliance with the TRPA Regional Plan, Code of Ordinances, and Goals and Policies. This will be followed by an action on the project by the TRPA Governing Board.

In accordance with the Code of Ordinances, TRPA may not approve a project if any of the nine TRPA thresholds would be exceeded. If a project would result in an exceedance of an identified threshold, mitigation must be imposed to reduce the impact and maintain the threshold. Pursuant to Chapter 6 of the TRPA Code of Ordinances, findings must be made in writing regarding all significant environmental impacts and their associated mitigation measures, with substantial evidence provided in the record of review before final project approval.

## **2.3 TYPE OF EIS**

This EIS evaluates the Beach Club Project and is intended to be a project-level EIS. The EIS examines all phases of the project including planning, construction, and operation. This EIS evaluates the Beach Club Project in sufficient detail to allow informed decision making; no subsequent environmental documentation should be required.

## **2.4 INTENDED USES OF THE EIS**

This environmental document is intended to meet the environmental review requirements of TRPA, which maintains discretionary authority over the primary project approvals, listed below. (Note: the following approvals are common to all alternatives, except the No Project Alternatives, D and E, or where otherwise specified.)

- ▶ Project Permits for Pier Expansion, Stream Environment Zone (SEZ) Restoration, and others (Alternatives A, B, and C)
- ▶ Landscaping Plan Approval (Alternatives A, B, and C)
- ▶ TRPA Code and Community Design Standards (Alternatives A, B, and C)
- ▶ Parcel Boundary Line Adjustment (Alternative B)
- ▶ Tentative Map and Final Map Approval for Residential Subdivision (Alternatives A and C)
- ▶ Deed Restrictions for Moderate Income Housing (Alternatives A and C)

## 2.4.1 OTHER POTENTIAL PERMITS AND/OR APPROVALS

This EIS is also intended to be used by other responsible agencies that may have authority over one or more elements of the Beach Club Project. Other potential permits and/or approvals that may be required for development of the project could include, but are not limited to, those listed in Table 2-1.

While the issuance of the permits listed in Table 2-1 is not contingent upon EIS certification, the applicable permitting agencies may review information contained in this EIS as part of the permit approval process.

<b>Table 2-1 Required Permits and Reviews</b>		
Permitting Agency	Permit Name	Purpose of Permit
Douglas County	Site Improvement Permit	Grading and engineering work
Douglas County	Building Permit	Building architecture
Douglas County Sewer Improvement District	Sewer Permit	Authorization for sewer connections
Nevada Division of Environmental Protection	SWPPP	Activities related to soil disturbance
Kingsbury General Improvement District	N/A	Authorization for water connections
Nevada Division of State Lands	Lease Agreement	Pier construction or expansion
Tahoe Regional Planning Agency	TRPA Permits	Threshold attainment
U.S. Army Corps of Engineers	SEZ Restoration	Discharge of fill materials in waters of the U.S.
Reviewing Agency	Issue/Authority	
Douglas County Sheriffs Department	Public safety	
Tahoe Douglas Fire District	Fire safety	
Nevada Department of Transportation	Traffic	
Nevada Division of Wildlife	Wildlife	
U.S. Fish and Wildlife Service	Wildlife	
State Historic Preservation Office	Cultural resources	
<b><i>Franchise Utilities</i></b> (Southwest Gas, Sierra Pacific Power, Charter Communications Cable, SBC Nevada Bell)		
SWPPP = storm water pollution prevention plan		
SEZ = stream environment zone		

## 2.5 ENVIRONMENTAL REVIEW PROCESS

To initiate the environmental review process, a notice of preparation (NOP) of an EIS was prepared and circulated to describe the proposed project, to inform agencies and the public that the project could have a significant effect on the environment, and to solicit comments and input on the scope and content of the EIS. The NOP was released on January 2, 2004 to the Nevada State Clearinghouse, Tahoe Shores property owners and residents, and local, state, and federal agencies with jurisdiction over resources potentially affected by the project. Public scoping meetings were held at the Kahle Community Center in Stateline, Nevada on January 12, 2004 and before the TRPA Advisory Planning Commission and Governing Board. The NOP, Initial Environmental Checklist, and summary of environmental issues raised during the scoping period are provided in Appendix A.

Pursuant to TRPA Code of Ordinances Section 5.8.A (4), this draft EIS is being distributed for a minimum 60-day public comment period. Comments on the draft EIS may be made either in writing before the end of the review period or at the public hearings to be held before the TRPA Advisory Planning Commission and Governing Board. Dates, times, and locations of the public hearings are provided in the notice of availability accompanying this draft EIS. Written comments on the draft EIS should be addressed to:

Ms. Theresa Avance, AICP  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449-5310  
e-mail: tavance@trpa.org

Following the close of the public comment period, written responses to comments on the draft EIS will be prepared. The draft EIS, together with the responses to comments and other TRPA-mandated information, will constitute the final EIS. The final EIS will be considered by TRPA before any action is taken on the project.

## 2.6 DOCUMENT ORGANIZATION

This EIS is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 5, “Affected Environment and Environmental Consequences,” and Section 5.3, “Land Use”):

**Chapter 1, Summary:** This chapter introduces the Beach Club Project, and provides a summary of the environmental review process, alternatives to be considered, effects found not to be significant, key environmental issues, and a list of significant impacts and mitigation measures to reduce significant impacts to a less-than-significant level.

**Chapter 2, Introduction:** This chapter provides a description of the lead agency, responsible and reviewing agencies, the legal authority and purpose for the document, and the public review process.

**Chapter 3, Project Description:** This chapter provides a detailed description of the proposed project (Alternative A) including location, project purpose and objectives, and project characteristics.

**Chapter 4, Alternatives:** This chapter describes a range of reasonable alternatives (Alternatives B – E) that could feasibly attain most of the basic objectives of the project as well as alternatives that were considered but determined to be infeasible.

**Chapter 5, Affected Environment and Environmental Consequences:** The sections within this chapter evaluate the expected environmental impacts generated by Alternative A and the other project alternatives (Alternatives B through E), arranged by subject area (e.g., Land Use, Hydrology and Water Quality). Within each subsection of Chapter 5, the baseline conditions and regulatory settings are described for each environmental issue. The anticipated changes to the existing conditions after development of each project alternative are evaluated for each subject area. For any significant or potentially significant impact that would result from project development, mitigation measures are recommended and the remaining level of significance identified. Environmental impacts are numbered throughout this chapter, beginning with the section number, the letter for the alternative, followed sequentially by impact number. For example, the first impact for Alternative A in Section 5.3, Land Use, is Impact 5.3.A-1 and the second is Impact 5.3.A-2. Mitigation measures are numbered to correspond to the impact addressed by the measure.

**Chapter 6, TRPA-Mandated Environmental Sections:** This chapter addresses TRPA-mandated sections including significant environmental effects that cannot be avoided, effects found not to be significant, irreversible and irretrievable commitment of resources, and growth inducing impacts.

**Chapter 7, Report Preparation:** This chapter identifies the preparers of the document.

**Chapter 8, References:** This chapter lists the documents, references, and personal communications used as source material for this EIS, and identifies organizations and persons consulted during document preparation.

**Appendices:** Appendices provide background information and additional technical support for the analysis.

## 2.7 TERMINOLOGY USED IN THE EIS

The EIS uses the following terminology to denote the significance of environmental impacts of the project:

**No Impact:** Actions that result in no changes to the physical environment. This impact level does not require mitigation.

**Beneficial Impact:** An impact that would result in an improvement or favorable change in the physical environment. This impact level does not require mitigation.

**Less-than-Significant Impact:** An impact that would not result in a substantial and adverse change in the physical environment. This impact level does not require mitigation.

**Significant Impact:** A substantial adverse change in any of the physical conditions within the area affected by the project. Potentially feasible mitigation measures or alternatives must be considered in an attempt to substantially reduce significant impacts.

**Potentially Significant Impact:** An impact that would be considered a significant impact as described above if it were to occur; however, the certainty of the impact cannot be immediately determined. For example, although the EIS may provide evidence that buried archaeological resources could be found in a particular location, the actual discovery cannot be determined until the time of project construction. For purposes of this EIS, a potentially significant impact is treated the same as a significant impact (i.e., it requires consideration of feasible mitigation measures and alternatives).

**Threshold of Significance:** A criterion established to define at what level an impact would be considered significant (i.e., if an impact exceeds a threshold, it would be considered significant). Criteria are defined for this EIS based on TRPA environmental thresholds, regulatory requirements, and other information. Criteria for significance may consider scientific and factual data relative to the lead agency, expert opinion based on facts, and other factors.

**Mitigation Measure:** An action that could feasibly reduce a significant environmental effect. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.