

# 1 INTRODUCTION

This document is an environmental impact statement (EIS) prepared in accordance with the Tahoe Regional Planning Compact (Compact) and the Goals and Policies and Code of Ordinances of the Tahoe Regional Planning Agency (TRPA). This EIS has been prepared to evaluate the environmental impacts of the proposed Sierra Colina Village Project in Douglas County, Nevada. Five alternatives are assessed in accordance with Article VII(a)(3) of the Compact and Section 5.8.B of the Code of Ordinances. The alternatives include Alternative 1, Proposed Project; Alternative 2, Grand Private Estate; Alternative 3, Reduced Density Alternative; Alternative 4, Increased Density Alternative; and Alternative 5, No Project Alternative. The proposed project, Alternative 1, is described in Chapter 2, Project Description, and other alternatives are described in Chapter 3. All alternatives are evaluated at an equal level of detail in each subsection of Chapter 4 of this EIS.

## 1.1 LEAD 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 contains important TRPA policies relevant to the preparation and use of an EIS. Key provisions of the article are presented below.

- ▶ Article VII (a) (1) states that the EIS shall “utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment.”
- ▶ Article VII (a) (2) states that 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.”
- ▶ Article VII (d) states that “in addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:
  - (1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less significant level; or

- (2) Specific considerations, such as economic, social or technical, make infeasible<sup>a</sup> the mitigation measures or project alternatives discussed in the environmental impact statement on the project.”

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

- ▶ water quality,
- ▶ air quality,
- ▶ scenic resources,
- ▶ soil conservation,
- ▶ fish habitat,
- ▶ vegetation,
- ▶ wildlife habitat,
- ▶ noise, and
- ▶ recreation.

## **1.2 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 Sierra Colina Village 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 action on the project by the TRPA Governing Board.

In accordance with Chapter 6.3.A (2) of the Code of Ordinances, in order to approve any project TRPA must find that it will not cause the carrying capacity of any of the nine TRPA thresholds to be exceeded. If a project would cause an identified threshold to be exceeded, mitigation must be adopted to reduce the impact and maintain the carrying capacity of 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.

## **1.3 TYPE OF EIS**

This EIS is a project-level EIS. It examines all phases of the Sierra Colina Village Project including planning, construction, and operation. The project is evaluated in sufficient detail to allow informed decision making; absent substantial project changes, no subsequent environmental documentation is required.

## **1.4 INTENDED USES OF THE EIS**

### **1.4.1 USE BY THE LEAD AGENCY**

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 Alternative 5, No Project Alternative, or as otherwise specified.)

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<sup>a</sup> Article II, Section (j) of the Compact defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.”

- ▶ Project Permit and related permits/approvals (e.g., Landscaping Plan, Transfer of Development Rights, TRPA Code of Ordinances, Community Design Standards)
- ▶ Linear Public Facilities (4) and related approvals (e.g., coverage transfers) (Alternatives 1, 3, and 4)
- ▶ Plan Area Statement Amendment (Alternatives 1 and 4)
- ▶ Tentative Map and Final Map Approval for Residential Subdivision (Alternatives 1, 3, and 4)
- ▶ Subdivision of the project site (Alternatives 1, 3 and 4) to create a permanent open space area for conveyance to a public entity and a PUD area with individual parcels for private ownership.
- ▶ Deed Restrictions for Moderate-Income Housing (Alternatives 1 and 4)

### 1.4.2 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 Sierra Colina Village 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 1-1. Applicable permitting agencies may review information contained in this EIS as part of the permit approval process.

<b>Table 1-1 Other Potential Permits and Reviews</b>		
Permitting Agency	Permit / Approval	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	Stormwater Permit	Activities related to soil disturbance
Kingsbury General Improvement District	N/A	Authorization for water connections
U.S. Army Corps of Engineers	General Permit 16 pursuant to Section 404 of the Clean Water Act	Discharge of fill materials in waters of the United States
Reviewing Agency	Issue/Authority	
Douglas County Sheriffs Department	Public safety	
Tahoe Douglas Fire Protection District	Fire safety	
Nevada Department of Transportation	Traffic	
Nevada Department of Wildlife	Wildlife	
U.S. Fish and Wildlife Service	Wildlife	
State Historic Preservation Office	Cultural resources	
<b>Franchise Utilities</b>		
Southwest Gas, Sierra Pacific Power, Charter Communications Cable, SBC Nevada Bell	Provision of services	
SWPPP = storm water pollution prevention plan		
SEZ = stream environment zone		

## 1.5 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 October 4, 2006 to the Nevada State Clearinghouse, property owners within 300 feet of the study area boundaries, and local, state, and federal agencies with jurisdiction over resources potentially affected by the project. Public scoping meetings were held at TRPA, in Stateline, Nevada on October 17, 2006 and before the TRPA Governing Board and Advisory Planning Commission on October 24, 2006 and November 8, 2006, respectively. The NOP, Initial Environmental Checklist, Scoping Summary of environmental issues raised, and copies of the written scoping comments received during the scoping period are provided in Appendices A and B.

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 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](mailto: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 prior to action on the project.

## 1.6 DOCUMENT ORGANIZATION

This EIS is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 4, “Affected Environment and Environmental Consequences,” and Section 4.8, “Land Use”):

**Executive Summary:** This chapter introduces the Sierra Colina Village Project, and provides a summary of the environmental review process, alternatives considered, effects found not to be significant, key environmental issues, significant impacts, and mitigation measures required to reduce significant impacts to less-than-significant levels.

**Chapter 1, 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 2, Project Description:** This chapter provides a detailed description of the proposed project (Alternative 1) including location, project purpose and objectives, and project characteristics.

**Chapter 3, Alternatives:** This chapter describes a range of reasonable alternatives (Alternatives 2 through 4) that could feasibly attain most of the basic objectives of the project, as well as alternatives that were considered but determined to be infeasible. Alternative 5, No Project, is also described in this chapter.

**Chapter 4, Affected Environment and Environmental Consequences:** The sections within this chapter evaluate the expected environmental impacts generated by Alternative 1 and the other project alternatives

(Alternatives 2 through 5), arranged by subject area (e.g., Land Use, Hydrology and Water Quality). Within each subsection of Chapter 4, 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 number for the alternative, followed sequentially by impact number. For example, the first impact for Alternative 1 in Section 4.8, Land Use, is Impact 4.8.1-1, the second is Impact 4.8.1-2, and so on. Mitigation measures are numbered to correspond to the impact addressed by the measure.

**Chapter 5, 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 6, Report Preparation:** This chapter identifies the preparers of the document.

**Chapter 7, References Cited:** 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.

## 1.7 TERMINOLOGY USED IN THE EIS

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

**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. Feasible mitigation measures or alternatives must be adopted to substantially reduce significant impacts in accordance with the provisions of Article VII (d) of the Compact and Chapter 5.8.D of the TRPA Code of Ordinances.

**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 state that buried archaeological resources might be found within the boundaries of the project site, the actual discovery cannot be determined until the time of project construction. For purposes of this EIS, a potentially significant impact is treated as a significant impact requiring adoption 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 meets or exceeds a significance threshold, it would be considered significant). Criteria are defined for this EIS based on TRPA environmental threshold carrying capacities, 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 impact. Mitigation measures must be fully enforceable through regulatory requirements or codes, permit conditions, agreements, or other legally binding instruments.