



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

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

April 15, 2014

Boulder Bay, LLC
P.O. Box 307
Crystal Bay, NV 89402

**PLAN REVISION – BOULDER BAY REDEVELOPMENT CEP PROJECT, WASHOE COUNTY, NEVADA,
ASSESSOR'S PARCEL NUMBER (APN) 123-052-02 ET AL, TRPA FILE NUMBER CEPP 2014-0138**

Dear Sir or Madame:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit approval may be appealed within twenty-one (21) days of the date of this correspondence, (May 5, 2014).

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Landry", written over a large, loopy flourish that extends to the left and underlines the signature.

David L. Landry
Senior Planner
Planning Department

Enclosures



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

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PERMIT

PROJECT DESCRIPTION: Plan Revision – Boulder Bay CEP Project

APN: 123-052-02, 123-052-02, -03, -04; 123-053-02, -04, 123-054-01;
123-071-04, -034, -035, -036, -037; 090-305-016

PERMITTEE(S): Boulder Bay, LLC FILE # CEPP 2014-0138

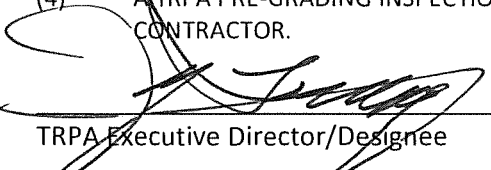
COUNTY/LOCATION: Washoe County / 5 State Route 28

Having made the findings required by Agency ordinances and rules, the TRPA approved the plan revision on **April 11, 2014**, subject to the standard conditions of approval attached hereto (Attachment Q), the original approval dated **April 27, 2011**, and the special conditions found in this permit.

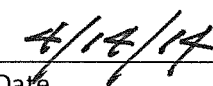
This permit shall expire on **April 27, 2014** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.



TRPA Executive Director/Designee



Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APN: 123-052-02 et al
FILE NO. CEPP 2014-0138

PHASE ONE:

Security Posted (1): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (6): Amount \$ _____ Paid _____ Receipt No. _____

PHASE TWO:

Excess Coverage Mitigation Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Offsite Coverage Mitigation Fee (3): Amount \$ _____ Paid _____ Receipt No. _____

Security Posted (4): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (6): Amount \$ _____ Paid _____ Receipt No. _____

Security Posted (5): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (6): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

1. Amount to be determined. See condition 7B below.
2. Amount to be determined. See condition 8L below.
3. Amount to be determined. See condition 8M below.
4. Amount to be determined. See condition 8N below.
5. Amount to be determined. See condition 8O below.
6. \$152 if a cash security is posted or \$135 if a non-cash security is posted

PHASE ONE (See Special Condition 7)

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

PHASE TWO (See Special Condition 8)

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This is a plan revision which specifically authorizes the modification of the permit acknowledgment phasing for the Boulder Bay CEP Project ("Project") now to be in two separate phases. Phase One of the Project consists of construction of storm water facilities on the California Parcel of the project; APN 090-305-016. Phase Two consists of the remainder of the Projects approved in April, 2011. The following Special Conditions shall be satisfied prior to Phase One permit acknowledgment; 4, 7A-C, 8B (3) & (6), 8G, 8Q, U, BB.
2. The substance of all other Project conditions remain the same; only the order of these conditions has changed. This plan revision permit replaces the original permit for acknowledgment purposes.
3. This permit specifically authorizes the redevelopment of the existing Tahoe Biltmore Hotel and Casino into a mixed-use resort located at North Stateline in Crystal Bay, Nevada. Authorized work will include the construction of eight new buildings to be used for hotel, residential, gaming and commercial use. The project includes, underground parking facilities, pedestrian village, community park and open space, as well as an integrated on-site stormwater treatment system as shown on the site plan submitted to TRPA on November 1, 2010, specifics of the project include:
 - 275 tourist accommodation units (hotel);
 - 59 whole ownership residential condominiums;
 - 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one and two bedroom units to be located within a 10-mile radius of the project. Infill units shall be located in existing housing which will be refurbished and deed restricted. A total of 38 deed restricted affordable housing bedrooms will be delivered. **Prior to selection of the final location of infill units, the permittee shall seek the input of Placer County Community Development Staff.**
 - 18,715 square feet of commercial floor area (includes 12,172 square feet of retail and 6,543 square feet of dining within a two-acre public gathering space and pedestrian village);

- 67,338 square feet of hotel and accessory uses (19,085 square foot health and wellness center; 9,860 square foot fitness center; 21,253 square foot conference/meeting space; 1,432 square foot day care center; 750 square foot convenience retail, 750 square foot bar; 3,680 square foot restaurant; and approximately 10,528 square feet of lobby area) and 38,702 square feet of mechanical, electrical and plumbing space, back of house and administrative services;
 - 10,000 square feet of casino (reduced from 29,744 square feet of existing NTRPA certified gaming area);
 - 460 total parking spaces (450 in underground structures);
 - 5.7 acres of open space with 1.87 acres designated for two public parks to be built and maintained by Permittee, and 1.20 acres for passive hiking trails and scenic overlook, and;
 - Approximately 5,100 linear feet of pedestrian paths, 900 linear feet of hiking paths, and 2,000 linear feet of bicycle lanes.
4. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
 5. All construction details, best management practices, and mitigation measures outlined in the FEIS for the Boulder Bay Redevelopment Plan are required whether or not explicitly discussed in this permit.
 6. All requirements outlined in the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project are conditions of this permit whether or not explicitly discussed in this permit.
 7. Prior to permit acknowledgment for Phase One, the following conditions of approval must be satisfied.
 - A. The site plan shall be revised to specify the land coverage that will be banked or permanently retired.
 - B. The security required under Standard Condition 1.B of Attachment Q shall be determined upon the Permittee's submittal of the cost estimate for Phase One construction. The security shall be equal to 110 percent of the estimated BMP costs. Please see Attachment J, Security Procedures for appropriate methods for posting the security and for calculation of the required security administration fee.
 - C. The Permittee shall provide a construction schedule indicating timing of construction phases and completion date for each component of the project including BMP installation.
 8. Prior to permit acknowledgment for Phase Two, the following conditions of approval must be satisfied.

- A. The Permittee shall submit a Boulder Bay EIS and TRPA Permit Compliance Report to TRPA for review and approval. This report shall address all required project mitigation measures identified in the Final EIS and Special Condition 4 of this permit, and shall describe how and where these measures and conditions are satisfied in the final plans for the project.
- B. Final construction plans shall be revised as follows and submitted to TRPA for review and approval:
- (1) The site plan shall be revised to include:
 - (a) Existing and proposed final land coverage calculations for the project. Areas of existing, proposed, relocated and restored and/or permanently removed land coverage shall be clearly delineated and shall be consistent with the final landscape plans. To reduce the amount of information on plan sets, land coverage sheets may be submitted as separate site plan sheets.
 - (b) All trees exceeding 6 inches in diameter at breast height that are proposed for removal. Removal of authorized trees shall be in accordance with Chapter 71 of the TRPA Code.
 - (2) The water quality improvement plans shall be revised to include final drainage and water quality improvement and details that are consistent and compatible with all final roadway, parking, sidewalk, utility relocation, and streetscape designs.
 - (3) Details of temporary erosion control measures indicated on the final plans, including slope stabilization methodology and interim BMPs, which shall be installed at the time of pre-grade inspection and to include any elements as outlined in the monitoring and mitigation program for the Boulder Bay Final EIS.
 - (4) Grading and excavation plans shall be included on the final plans.
 - (5) All proposed pavement striping, including parking, bike lanes and pedestrian crosswalks, shall be included on the final plans.
 - (6) A note indicating: "All barren areas and areas disturbed by construction shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment."
 - (7) Identification of all staging areas, construction parking, batch plants, etc., specific to all pre-grade and construction activities designed with the appropriate temporary BMPs. Staging areas shall not encroach on restored

and re-vegetated areas identified in the Tahoe Mariner Settlement Agreement, as amended.

- (8) Final plans for all on site water quality improvements for the proposed project, designed to address the 50 year/1hour storm in addition to final designs for the Low Impact Development technologies designed to capture up to the 100 year/1hour storm.
 - (9) A detailed exterior lighting plan, consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.
- C. Upon acknowledgement of this permit, TRPA recognizes that this project is allocated 40 TAU Bonus Units and 48 Multi-Family Bonus Units as reserved in Resolution 2008-11, Exhibit 6.
 - D. The Permittee shall transfer the required amount of TAUs (71) to the project site for use as TAUs and potential conversion to ERUs through separate application and TRPA approval. ERUs are required for the multi-family and single-family residential units. Forty-two of the ERUs come from TAUs located on the site of the Colony Inn that will be restored as SEZ subject to final TRPA approval. These units may be converted to ERUs under the provisions of TRPA Code Chapter 33.7.
 - E. The Permittee shall provide evidence that 1) adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development, 2) all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B., Table 27-1 of the TRPA Code and 3) and adequate sewer and electrical service requirements will be met or exceeded.
 - F. Permittee shall erect story poles and/or helium balloons as a means of confirming the accuracy of the proposed maximum building heights depicted in the photo-simulations in the FEIS for TRPA review and approval. Photos of the erected story poles and/or helium balloons shall be taken from the same vantage points as the photo-simulations and superimposed onto the photo-simulations. The accuracy of the erected story poles/helium balloons and superimposed images shall be certified by a licensed surveyor, architect and/or engineer.
 - G. The Permittee shall submit calculations demonstrating that the proposed infiltration facilities consisting of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area are sized accordingly for the slope and soil type of the property, consistent with the infiltration mitigation requirements outlined in the 2010 Boulder Bay FEIS.
 - H. The Permittee shall enter into a memorandum of understanding with the Truckee-North Tahoe Transportation Management Association ("TMA") for oversight and coordination of the proposed Alternative Transportation Program. **As part of the above memorandum of understanding with TNT TMA, the permittee shall include a requirement to review transit expenditures on an annual basis with transit**

representatives of TART to evaluate the previous year's results and allocate funds toward public transportation efforts as deemed appropriate by TART, the TMA and the permittee

- I. The Permittee shall enter into an agreement with Placer County Parks and Recreation to participate in the removal of refuse at Speedboat Beach and immediate area.
- J. Other mitigation measures identified in the Final EIS include preparation and implementation of a final Emergency Response Plan shall outline procedures for personnel response and personnel and visitor evacuation in the event of facility failure from a catastrophic event.
- K. The Permittee shall comply with all prescribed mitigation measures in the certified Boulder Bay CEP Project EIS and in the Mitigation Monitoring Plan, including, but not limited to the following mitigation measures:
 - (1) Repave Stateline Road between SR 28 and Cove Street using rubberized asphalt or other approved noise reducing road surfaces that have shown acceptable noise reductions.
 - (2) Submit a long term monitoring (5 years minimum) **and at a minimum, a 20 year** maintenance plan for all water quality and BMP improvements as well as any other measures as described in the Monitoring and Mitigation Program of the Final EIS for final TRPA review and approval.
 - (3) The Permittee shall submit a monitoring plan to monitor the project's Daily Vehicle Trip Ends (DVTE), consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, for TRPA review and approval. If after 5 years from project completion the monitoring determines that DVTE has increased beyond the **2,915** trip projection identified in the FEIS, then the applicant shall permanently retire existing development rights to reduce the DVTE to meet the **2,915** DVTE projection.
 - (4) The Permittee shall implement an overnight guest parking fee and parking validation program consistent with the above referenced Settlement Agreement to create incentives for guests to utilize public transportation and onsite amenities.
 - (5) The Permittee shall redesign Building "A" to reduce its visibility by either removing one floor from the building structure or increasing the setback from SR 28 as identified in SR-1A & 1B DEIS. In addition, the Permittee shall redesign Buildings "G" and "H" to remove one floor from the building structure.

9. The Permittee shall install approximately 6,000 linear feet of sidewalks and walkways and 2,000 linear feet of bicycle paths within the Boulder Bay Project area.
10. The Permittee shall install a heated asphalt 'snow melting system' along Wellness Way designed to aid in the melting of snow on the road surface.
11. The Permittee shall implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS, including, but not limited to:
 - (a) A shuttle pick-up and drop-off to an area ski resort during the winter ski season.
 - (b) Beach access shuttle service (REC 1)
- L. The affected project area has 71,706 square feet of excess land coverage. The Permittee shall retire a minimum of 35,340 square feet of land coverage within the project, to be credited against the total amount of excess coverage. For the remaining balance of the 71,706 square feet of access coverage which is not able to be mitigated through permanent on and off-site retirement, the Permittee shall pay an excess coverage mitigation fee. The excess land coverage fee is based on the project's construction cost estimate of the load bearing elements cost of \$11,472,930 and 71,706 square feet of excess land coverage within Hydrologic Transfer Area Number 9. Upon completion of final construction plans the Permittee shall provide a final construction cost estimate, and if different from the above estimate, the required mitigation fee for excess coverage cost of the project, the cost of improvements otherwise exempt from TRPA review and approval shall be subtracted from the total cost.
- M. The permittee shall pay an offsite coverage mitigation fee assessed at \$18.00 per square foot for the creation of 24,476 square feet of new impervious coverage in the public right-of-way.
- N. The security required under Standard Condition 1.B of Attachment Q shall be determined upon the Permittee's submittal of the required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs. Please see Attachment J, Security Procedures for appropriate methods for posting the security and for calculation of the required security administration fee.
- O. The permittee shall post a security with TRPA as a requirement of the Third Tahoe Mariner Settlement Agreement to ensure completion of the long term operation, Maintenance and Monitoring of the constructed water quality improvements including the public – private project with Placer County, the permittee shall, in conjunction with TRPA staff, develop a Long Term maintenance and monitoring Plan which addresses the maintenance and monitoring aspects of all required BMPs, fertilizer application, water quality and/or other mitigation, **consistent with Special**

Condition K (2) above. This plan will be based on a template provided by and agreed to by TRPA and will include the submission of reports by the permittee as well as inspections by TRPA. The security shall be equal to 110 percent of the estimated BMP costs. If additional post-project monitoring determines that TRPA discharge standards are exceeded, then the TRPA security deposit shall be used to implement additional water quality treatment needed in the East Stateline watershed and project area.

- P. **The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required offsite BMPs including the BMPs associated with the Stateline Mini Park EIP #114 project and the Crystal Bay Motel, the adjacent office building and associated parking lot. Further the installation of all on site BMPs shall be completed at the end of each construction phase, with Project construction to be completed within five years of Phase One permit acknowledgment.**
- Q. The Permittee shall provide a construction schedule indicating timing of construction phases and completion date for each component of the project including BMP installation.
- R. The Permittee shall submit a dewatering plan to TRPA for review and approval prior to acknowledgement of this permit. The dewatering plan shall show that if groundwater is intercepted, the water will be infiltrated onsite or at a TRPA approved location.
- S. The Permittee shall submit a Streetscape/Landscape Plan for the project for TRPA review and approval. Said plan shall include both hardscape and softscape landscape elements; planting materials and planting details, sidewalk details, paving material, colors and textures, and lighting. (Note, signage will require separate TRPA review and approvals). The landscape plan shall also include a strategy for tree replacement at a ratio of 3:1 or three new trees for each viable specimen tree removed. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants. All areas from which land coverage is being relocated shall be restored in accordance with Chapter 20 of the TRPA Code.
- T. The Permittee shall submit a fertilizer management plan consistent with Section 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
- U. The Permittee shall submit a complete Grading and Construction Plan for the project, including construction phasing, coordination of construction and demolition work with adjacent business operations, construction access / parking, material storage areas, coordination of utility related construction, temporary BMPs, street sweeping /site clean up, construction hours/days, equipment list, etc. at a minimum of and consistent with Chapter 64 of the TRPA Code. The permit requires construction activities, equipment, materials and runoff be contained within the project area. The TRPA permit also requires the implementation of soil protective measures and

consistency with the North Stateline Community Plan; PAS 032 and PAS 034 guidelines.

- V. Within 30 days of receipt of the deed restrictions identified for the following, the Permittee shall provide the latest recorded grant deeds for all parcels within the project area to TRPA. Once the grant deeds are received, TRPA shall prepare the following two separate deed restrictions:
 - (1) A project area deed restriction for land coverage, development rights, scenic assessments, and density purposes to be recorded against the parcels; and
 - (2) A deed restriction that will permanently assure that the 38 residential units identified for the moderate income housing are available to moderate income households. All housing units shall be used exclusively as a residential dwelling by permanent residents, and shall be occupied in accordance with local, regional, state and federal standards for the assistance of households with moderate income occupants. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.
 - (3) In instances where the transfer of TAUs have originated from sensitive lands, those lands shall be permanently restricted from transferring development back to the parcel through a deed restriction or other recorded covenant.
 - (4) A deed restriction that will permanently assure that the 5.7 acres of open space with 3.07 acres dedicated to two passive public parks including seating areas with lake views, hiking trails and a scenic overlook to be built and maintained by the permittee shall remain as open/park space in perpetuity.

- W. The Permittee shall record the deed restrictions identified in Special Condition 4.Q (above) with the Washoe County Recorder's Office, and provide either the original recorded deed restrictions or a conformed copy of the recorded deed restrictions to the TRPA.

- X. The Permittee shall provide to TRPA a conformed copy of a recorded deed restriction that is consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, documenting the retirement of 9,914 square feet of the total existing gaming floor area within the project area.

- Y. The Permittee shall provide to TRPA signed copies of the amended single Tahoe Mariner Settlement Agreement that amends both the 2001 agreements and the California Agreements.

- Z. Consistent with the above-referenced Settlement Agreement, as amended, the Permittee shall provided evidence that construction financing has been approved for each phase of construction proposed and the construction lender shall provide written assurance to California and TRPA that its required loan documents have been

executed and that construction funds have been approved and are available prior to the commencement of the proposed phase of development.

- AA. The Permittee shall submit exterior color and materials samples to TRPA for final approval to ensure consistency with Code section 30.6.
 - BB. The Permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.
9. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of any TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

- 10. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q have been properly installed. Any required modifications, as determined by TRPA, shall be incorporated into the project at that time.
- 11. By acceptance of this permit, the Permittee agrees that 50,645 square feet of CFA remains banked on the Mariner Property and zero (0) TAUs remain available for conversion, transfer or re-use.
- 12. The Permittee shall not excavate more than 45 feet below ground surface at its greatest depth for APN 123-072-34 as depicted on the project plans dated February 24, 2009 and soils hydrological study approval, dated February 2009. Although not anticipated, if groundwater is encountered, then the applicant shall implement the TRPA-approved dewatering plan required in Condition 5. P, above.
- 13. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter.

Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

14. In the event that human remains are discovered, the Washoe County Coroner shall be contacted and, if the remains are determined to be Native American, the Nevada Office of Historic Preservation shall also be notified in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.
15. By acceptance of this permit, the Permittee agrees that all mitigation measures outlined in the Boulder Bay CEP Project EIS are hereby included as conditions of project approval and will be implemented as such.
16. Upon issuance of a Certificate of Occupancy for the first completed phase of the Boulder Bay Project, the Permittee shall implement the following measures designed to reduce employee-related trips to and from Boulder Bay Resort:
 - A. Designation of an Employee Transportation Coordinator. The project controller will designate an Employee Transportation Coordinator (ETC) to coordinate and implement the transportation control measure activities required by the Employee Transportation Plan.
 - B. Posting Alternative Transportation Mode Information. The project controller shall provide to employers alternative mode information, including current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service serving the Crystal Bay area, including the Tahoe Area Regional Transit ("TART") services, the North Lake Tahoe Express, and visitor shuttle services. In addition, the project controller shall also provide information regarding the location of all bicycle routes within at least a five-mile radius of the resort.
 - C. Bicycle Parking Facilities. Sufficient bicycle parking will be supplied to employees. The Boulder Bay Resort will provide bicycle parking for all bicycle commuters, as determined by survey of employees. The bicycle parking facilities shall be, at a minimum, Class II stationary bicycle racks, and will be located adjacent to the employee entrance, as well as near the main hotel/casino building entrance.
 - D. Preferential Carpool/Vanpool Parking. Parking spaces for a minimum of 4% of the employees shall be designated as carpool parking. Based on the estimated number of employees on-site at any given time during the peak season (156 employees), there will be a minimum of six designated carpool spaces. These spaces will be located in the most convenient location to access to the employee entrance. In order to ensure proper usage of these spaces, signs or pavement marking shall be installed to designate these spots for carpool vehicles only.

- E. In-House Carpool Matching Service. The Boulder Bay Resort shall conduct a survey of employees to identify persons interested in being in carpools and match potential carpools by work shift and address. This survey and matching shall be performed on an annual basis for all interested employees.
 - F. Truckee-North Tahoe Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in the TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which the TMA board administers.
 - G. Transit Pass Subsidy. The Resort shall provide a subsidy, on monthly transit passes, of 50% or the maximum taxable benefit limit, whichever is greater.
 - H. Transit Shelter. The Boulder Bay Resort shall provide a shuttle/trolley stop, which will be located outside the main hotel entrance. This stop will be served by the North Tahoe Express, seasonal trolley services and employee shuttles. Additionally, the current TART stop on the north side of State Route 28 ("SR 28") directly adjacent to the site will be expanded per TART standards to accommodate two buses at one time. This, along with the other existing bus bay on the north side of SR 28 just west of Stateline Road, would allow up to three westbound vehicles to be in Crystal Bay at one time.
 - I. Showers Provided. The Boulder Bay Resort shall provide two employee restrooms/locker rooms, one located in the hotel area the other in the casino area, for a total of two male and two female facilities. One shower shall be provided in each of the four facilities.
 - J. Lockers Provided. The Boulder Bay Resort shall provide lockers inside each of the restroom/locker room areas. At least 20 lockers will be provided in total for use by employees only.
 - K. On-Site Services. The Boulder Bay Resort shall include an employee cafeteria, a lunch room/break room, and an Automated Teller Machine (ATM).
17. By acceptance of this permit, the Permittee agrees that use of legally existing land coverage shall be restricted to existing disturbed areas, as determined by TRPA staff review.
 18. By acceptance of this permit, the Permittee waives all claims it may have to hard or soft coverage which may have existed in 1978. This condition shall not be construed to exempt the Mariner Property from compliance with excess coverage mitigation requirements.
 19. Signs are not approved as a part of this permit. Sign approvals shall require submittal of a separate application. However signage for the Boulder Bay Project shall be in conformance with the current sign standards, or the adopted community plan standards, depending on the applicable standards at the time sign approval.

END OF PERMIT