TAHOE REGIONAL PLANNING AGENCY

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August 13, 2021

Kent Bryan
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Broomfield, CO 80020
kentmbryan@yahoo.com

VIA ELECTRONIC MAIL

RE: Response on Remand to Appeal of TRPA Project File Number BUOY2021-0016; Appeal File Number ADMIN2021-0004; APN 085-161-014

Dear Mr. Bryan:

On May 26th, 2021, the TRPA Governing Board heard your above-referenced appeal. The Governing Board remanded your application for a non-littoral buoy to staff to provide you with an opportunity to submit additional material regarding your application. On June 14, 2021, you submitted additional material.

Staff has reviewed the materials and finds there is no evidence demonstrating you, or a predecessor in interest, received authorization to place the buoy or that it continues to be legally associated with this non-littoral parcel. For example, the email conversation with USACE submitted as Attachment A demonstrates that you provided them a grant deed and tax bill for the property at 4100 Doe Avenue, but does not link ownership between this property and the buoy shown in the aerial photo. Attachments B and C indicate that there was ongoing vandalism at multiple buoys in the lake but does not demonstrate any ownership of any buoys. Attachment D shows that you have had maintenance work done on a buoy in the lake and Attachment E shows that a guest of yours used a buoy in the lake. None of these exhibits prove that you, or any homeowner previously, holds ownership of said buoy. In fact, the documents reveal of longstanding dispute over ownership and authorization of buoys in this area (see emails re conflict and stealing of buoys, etc.). As staff has discussed before, the October 7, 2009, USACE letter does not provide authorization to place the buoy; it only provides recognition that the buoy existed prior to 1972 so it is exempt from USACE authorization requirements. Therefore, staff cannot find that your application satisfies the requirements of TRPA Code of Ordinances section 84.3.3.D.3.b.

Sincerely,

Tiffany Good
Principal Planner
Tahoe Regional Planning Agency

CC: John Marshall, General Counsel, TRPA
Matt Miller, Senior Environmental Specialist, TRPA