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Brandy McMahon
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VIA E-MAIL (BMCMAHON@TRPA.GOV)

RE: Appeal of Denial of Moody Boat Ramp/Pier Conversion and Transfer Project, 181 Yellow Jacket Road, Douglas County, Nevada; Assessor's Parcel Number (APN) 1418-10-401-004, TRPA File Number ERSP2023-1834.

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Dear Ms. McMahon:

This firm represents Ernest W. Moody, Trustee of the Moody Revocable Trust, owner and applicant ("Appellant") in the above-referenced TRPA File Number. We are in receipt of your denial letter dated March 3, 2025 and submit this timely appeal. The Tahoe Regional Planning Agency ("TRPA") has denied the request for a boat ramp/pier conversion and transfer project to convert a banked boat ramp to a single-parcel pier and transfer it to the Appellant's parcel located at 181 Yellow Jacket Road on Douglas County, Nevada APN 1418-10-401-004. TRPA asserts that the conversion and transfer are prohibited because the properties are not in the same scenic unit, and the receiving parcel is in a non-attainment scenic unit.

However, upon reviewing TRPA Code Section 84.4.3.A.6(d)(v), we assert that there is a code discrepancy and argue that the project should be permitted. TRPA Code Section 84.4.3.A.6(d)(v) contemplates scenic mitigation for additional piers and expansions of existing piers in a *different* non-attainment unit, not necessarily the same non-attainment unit where the conversion or transfer is occurring. Since Section 84.4.3.A.6(d)(v) allows for scenic mitigation for piers in different non-attainment units, the denial of the project solely based on the current location of the boat ramp is out of attainment and the location of the receiving parcel for the converted, proposed new pier is also out of attainment presents a fundamental discrepancy within the TRPA Code.

Further, this discrepancy with Section 84.4.3.A.6(d)(v) reflects that the scenic benefits from the proposed conversion and transfer should be evaluated in a broader context of TRPA's scenic objectives rather than solely focusing on the attainment statuses of the parcels. First, the benefit of removing a legal, non-conforming boat ramp. TRPA is encouraging the removal of such non-conforming boat ramps along Lake Tahoe. Removing these ramps is recognized by TRPA as providing significant scenic benefits to the area. The existing boat ramp is inconsistent with TRPA's overarching goals of restoring and preserving

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the scenic integrity of the Lake Tahoe Basin. By converting the boat ramp into a pier, the Appellant would eliminate a non-conforming structure that currently disrupts the scenic landscape.

Second, installing the pier will provide significant visual enhancement to the non-attainment unit that the receiving parcel is in, and from a visual perspective, the adjacent scenic unit as well which is effectively part of the same scenic unit when viewed from TRPA's scenic database. The installation of a pier will better align with the scenic objectives of TRPA. Because the pier will blend more naturally with the shoreline, it will offer a more aesthetically pleasing view from both the water and the surrounding land. Since the adjacent scenic unit is also out of attainment, this improvement would directly support TRPA's scenic objectives. This should be recognized as a valid reason for approving the project, as it demonstrates its potential to improve the area's visual appeal.

Lastly, the proposed pier will contribute to shoreline stabilization. Typically, a pier contributes less to shoreline erosion, is less disturbing to vegetation and natural habitats and has a lower ecological impact than a boat ramp. Therefore, the proposed project is not only a better choice for scenic quality but is also better for ensuring long-term shoreline stability and lower environmental impacts. Based on the foregoing, we respectfully request that TRPA reconsider its denial and approve the proposed conversion and transfer project, recognizing both the discrepancy within TRPA's code and the broader benefits the proposed project provides to Lake Tahoe's scenic quality and shoreline stabilization.

Sincerely,

Womble Bond Dickinson (US) LLP

Garrett D. Gordon

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