



November 3, 2020

Kendall S. Larsen
PO Box 11489
Zephyr Cove, NV 89448

Richard H. Parker Jr.
PO Box 10585
Zephyr Cove, NV 89448

Re: Denial of application to rebuild and extend existing multiple-use pier lakeward of Douglas County APNs 1318-03-210-024 (Larsen) and 1318-03-210-023 (Parker)

Dear Mr. Larsen and Mr. Parker,

The Nevada Division of State Lands (NDSL) has reviewed your application date stamped March 12, 2020 to rebuild and extend the existing multiple-use pier located lakeward of 1006 (Larsen) and 1008 (Parker) Skyland Drive (APNs 1318-03-210-024 and 1318-03-210-023). The application to extend the pier from 12.5' in length to 114.3' in length from high water elevation was sent out for a 30-day review and comment period and received various objections. After a revision to the application to shorten the pier from 114.3' to 110', NDSL sent the revised project for another 30-day review and comment period and again received various comments and objections.

To elicit additional information and public comment, NDSL held a Public Hearing on October 6, 2020. NDSL heard a presentation by your representatives as well as public comments from adjacent property owners.

NDSL staff have reviewed the application and all comments, conducted a site visit, attended the hearing, and analyzed the proposed project pursuant to Nevada Administrative Code (NAC) Chapter 322.

In conformance with NAC 322.180(2), this letter serves as the State Land Registrar's final decision on the application. The application is **denied** based on the following factors:

NAC 322.190(1) Location and density of existing piers, breakwaters, mooring buoys, water intake lines, and other structures and NAC 322.250(1)(b) So as to not interfere with existing structures

The proposed project is located in Lake Tahoe in a cove environment shared by four lakefront property owners in the Skyland community. The property owners include the Bumb 2009 Irrevocable Descendants' Trust to the north, Richard H Parker Jr Revocable Living Trust and Kendall and K.J. Larsen in the center of the cove (and who have permitted the subject multiple-use pier), and the MacSween Family Trust to the south.

The cove is created by two manmade rock breakwaters that extend from the shoreline at the Bumb and MacSween properties and arc in a semi-circular formation to approximately 6,220' lakebed elevation (Exhibit A). The opening between the two breakwaters at this elevation is approximately 23' wide.

Within the two breakwaters exist the following permitted structures:

- One single residential-use mooring buoy above 6,223' elevation (Bumb Permit 3894)
- One single residential-use mooring buoy below 6,223' elevation and one boat ramp with rails between 6,223' and 6,229' elevation (Parker Permit 4239)
- One residential multiple-use pier between 6,223' and 6,229' elevation (Subject structure; Parker and Larsen Permit 4254)
- One single residential-use mooring buoy below 6,223' elevation (Larsen Permit 4502)
- One residential multiple-use pier with two attached boat houses between 6,223' and 6,229' elevation (MacSween and Larsen Permit 1306)
- One single residential-use mooring buoy and one single residential-use pier below 6,223' elevation (MacSween Permit 4186)

The proposed project would remove the mooring buoys inside the breakwaters permitted to Parker and Larsen in exchange for two 12,000-pound boat hoists on either side of the proposed extended multiple-use pier.

Although two mooring buoys would be removed, the density of structures would increase as a result of the construction of a 110' pier with two boat hoists within the breakwaters. An increase in density of structures does not necessarily create an adverse impact. However, as currently designed, the proposed pier would reside within the 50-foot swing arc of MacSween's permitted mooring buoy to the south, creating a new hazard and conflict between mooring structures (Exhibit B).

NAC 322.190(4) Potential interference with navigability and NAC 322.190(8) The location or availability of existing use corridors

During NDSL's review and comment period, the agency received comment from the Nevada Department of Wildlife (NDOW). NDOW had commented on a very similar pier rebuild and extension project proposed in 2000, which was subsequently withdrawn. In 2000, NDOW stated, "[I] cannot support a pier extending 100 feet lakeward of the existing concrete structure, due to the negative impact to the adjacent property owner's ability to navigate within the lagoon." In response to the current application, NDOW commented, "We will still need to deny the request based on navigational hazard, as originally stated in 2000. The original objection still stands."

NDSL also received comment from the Bumb 2009 Irrevocable Descendants' Trust, the adjacent property to the north, that included a photo of a submerged reef revealed during low water. The submerged reef is located inside of the lakeward end of the northern breakwater (Exhibit A). The combination of the slope of the rock breakwater and the naturally occurring reef next to it causes boats to navigate away from the breakwater and into the deeper water of the inner cove. Similarly, on the southern end of the cove, a boat would need to navigate through the breakwater opening and then immediately turn starboard to navigate between the breakwater and the proposed pier. As the proposed pier would occupy the deepest water in the cove, navigation through the combination of rock breakwaters, reef, and the pier has the potential to present navigational difficulties for vessels maneuvering within the cove. The

interference with navigability would be exacerbated in inclement weather and during lower water years.

NAC 322.190(6). The impacts to adjacent property owners

During both review and comment periods as well as the public hearing, adjacent property owners Bumb and MacSween, either directly or through their representatives, strongly objected to the proposed pier extension. The primary objection is the interference of navigability within the cove. NDSL agrees the pier extension would impact each adjacent owner's ability to navigate vessels from the breakwater to his property. Additional impacts cited include the increase in visual mass and impact to scenic quality.

Based on the consideration of these factors, the State Land Registrar's final decision is to deny the application.

Sincerely,



Sherri Barker
State Land Agent II
Nevada Tahoe Resource Team

Encl: Exhibit A – Skyland Cove and Submerged Reef Photographs
Exhibit B – Site Plan of Permitted Moorings and Proposed Pier Extension

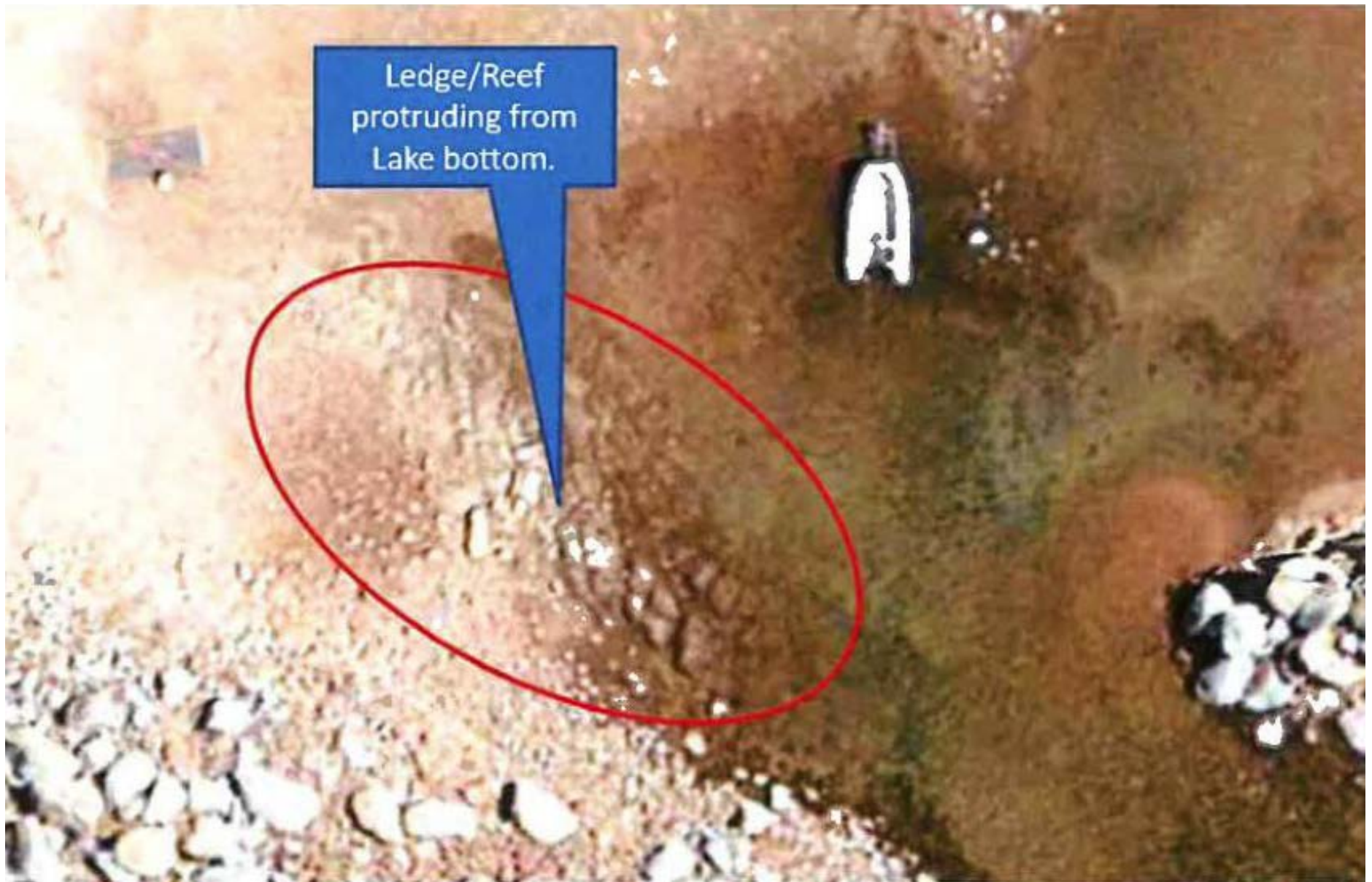
Cc: Charles Donohue, NDSL Administrator and State Land Registrar
Tori N. Sundheim, Deputy Attorney General, Office of the Attorney General

EXHIBIT A









Ledge/Reef
protruding from
Lake bottom.

