

STAFF REPORT

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12/06/19
PRC 2754.9
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**ACCEPTANCE OF A PERMIT QUITCLAIM DEED AND
AMENDMENT OF PERMIT**

PERMITTEE:

Tahoe City Public Utility District and California Department of Fish and Wildlife
acting through the Wildlife Conservation Board

APPLICANT:

Tahoe City Public Utility District

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2500 Lake Forest Road, near Tahoe
City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a public recreational boating facility.

LEASE TERM:

49 years, beginning January 16, 1979.

CONSIDERATION:

Public use and benefit, with the State reserving the right at any time to set a
monetary rent if the Commission finds such action to be in the State's best
interests.

PROPOSED AMENDMENT:

The amendment is conditioned upon the approval of the land transfer by the
California Department of Fish and Wildlife (CDFW) acting through the Wildlife
Conservation Board and the Tahoe City Public Utility District (District) boards.

Amend the permit to:

1. Replace the existing Exhibit B, Site and Location Map, with the attached
Exhibit B, Site and Location Map (for reference purposes only).
2. Remove co-permittee: California Department of Fish and Wildlife acting
through the Wildlife Conservation Board

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All other terms and conditions of the permit shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On June 27, 1979, the Commission authorized a General Permit – Public Agency Use with CDFW and the District. That permit will expire on January 15, 2028 ([Item C13, June 27, 1979](#)). The proposed amendment is to remove CDFW as a permittee once ownership of the upland is transferred to the District. On April 24, 1980, the Commission authorized an amendment to this permit for construction of an extension to the pier ([Item C14, April 24, 1980](#)). A second amendment was authorized on April 24, 2001, for the expansion, relocation and reconstruction of the pier ([Item C56, April 24, 2001](#)). On April 7, 2003, the Commission authorized a third amendment for the addition of seven temporary float sections to expand the existing pier and six temporary trench plates to extend the existing boat launch ramp ([Item C09, April 7, 2003](#)). A fourth amendment was authorized on May 5, 2008, for the permanent installation of seven floating pier sections to expand the existing pier and six trench plates to extend the existing boat launching ramp ([Item C20, May 5, 2008](#)). On February 21, 2014, the Commission authorized a fifth amendment for removal of the existing boat launch ramp and six trench plates, construction of a new boat launch ramp, one-time maintenance dredging, and partial reconstruction of an existing rock revetment ([Item C30, February 21, 2014](#)).

The upland property, adjoining the permitted premises, is owned by CDFW and operated by the District. The CDFW and District intend to bring a Transfer Agreement to their governing boards for approval on November 21, 2019, and December 20, 2019, respectively, to transfer the upland property to the District. The District is now applying for a sixth amendment to Permit No. PRC 2754.9 to remove CDFW as a permittee, effective December 20, 2019. CDFW will execute a permit quitclaim deed releasing their interest in the permit.

Staff recommends acceptance of the permit quitclaim deed releasing CDFW's interest in the permit and amendment of the permit to reflect the change in ownership of the upland property. The District agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the permit.

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The recommended actions will ensure the continuation of the public recreational boating facility and will maintain public access to local Public Trust resources, and will not alienate the State's fee simple interest or permanently impair public rights. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The proposed amendment is for a limited term, does not grant the Permittee exclusive right to the permitted premises, and requires the Permittee to insure the premises and indemnify the State for any liability incurred as a result of Permittee activities. For all the reasons above, staff believes this amendment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the permit, the permittee has no right to a new permit or to renewal of any previous permit.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. Acceptance of a permit quitclaim deed and the amendment of the permit to remove a permittee from the permit and replacement of the existing Site and Location Map are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the acceptance of a permit quitclaim deed and proposed amendment will facilitate public boating activities, which is consistent with the common law Public Trust Doctrine, will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the permit, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize acceptance of a permit quitclaim deed, effective December 20, 2019, of Permit No. PRC 2754.9, a General Permit – Public Agency Use, issued to the California Department of Fish and Wildlife acting through the Wildlife Conservation Board.
2. Authorize the amendment of Permit No. PRC 2754.9, a General Permit – Public Agency Use, effective December 20, 2019, to remove the California Department of Fish and Wildlife acting through the Wildlife Conservation Board as a permittee; and to replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the permit will remain in effect without amendment. The amendment of the permit shall only be executed upon approval of the transfer agreement by the Permittees' governing boards.

EXHIBIT A

PRC 2754.9

LAND DESCRIPTION

Being a parcel of land in the bed of Lake Tahoe, Placer County, California, and more particularly described as follows:

Commencing at the southwest corner of Section 32, Township 16 North, Range 17 East, Mount Diablo Base and Meridian; thence, North $88^{\circ}45'$ East 1058.94 feet; thence, South 01° West 762 feet, to the point of beginning; thence, leaving said line, South $6^{\circ}09'05''$ West 74.83 feet; thence, South $2^{\circ}24'47''$ West 293.08 feet; thence, South $87^{\circ}39'56''$ East 163.82 feet; thence, North $01^{\circ}00'00''$ East 371.34 feet; thence, North $89^{\circ}00'00''$ West 149.83 feet; to the point of beginning.

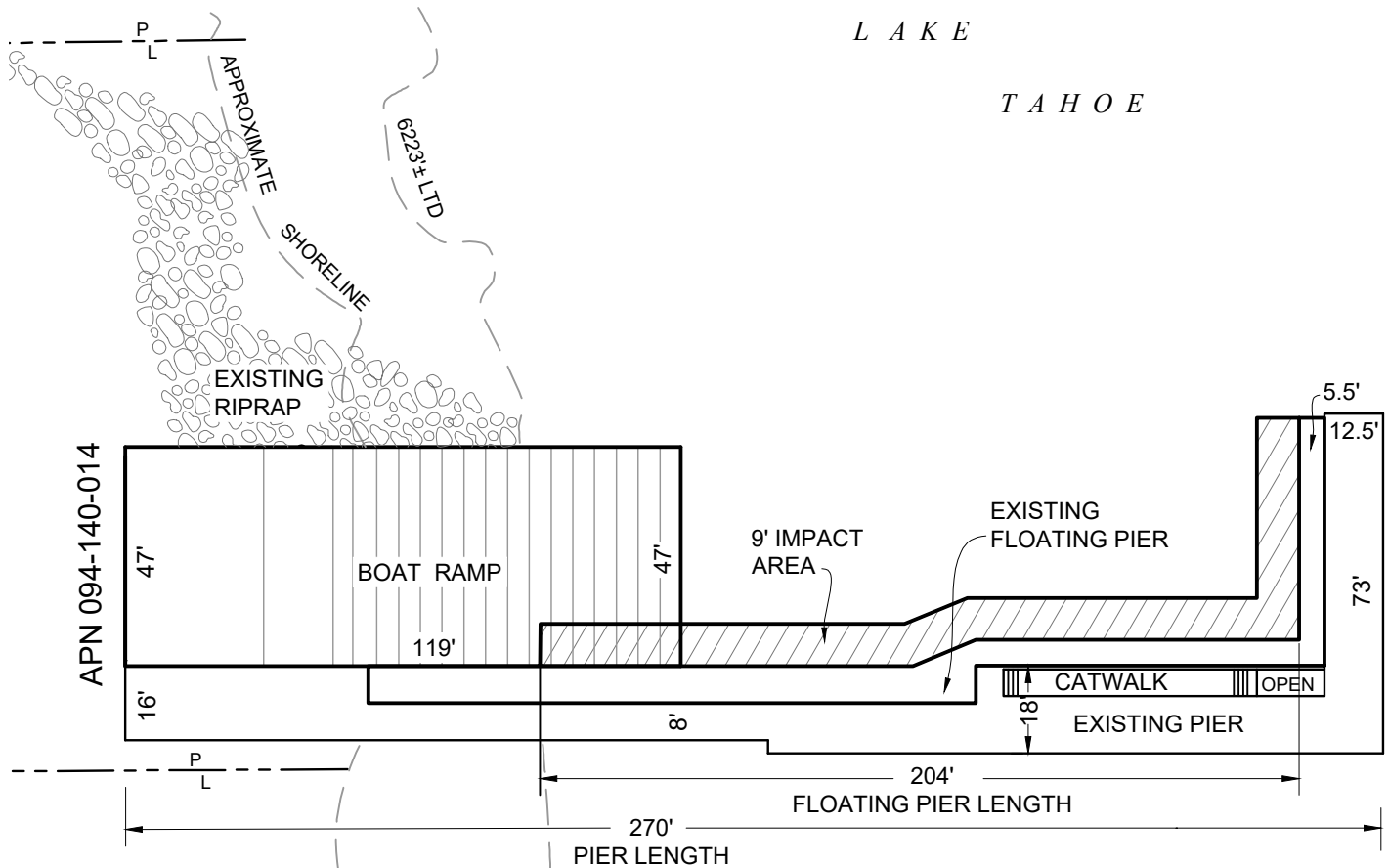
Excepting therefrom, any portion lying landward of the ordinary low water mark of Lake Tahoe.

The basis of bearings for the above described parcel is from that certain document recorded in Book 881, at Page 82, in the Office of the Recorder of Placer County, California.



NO SCALE

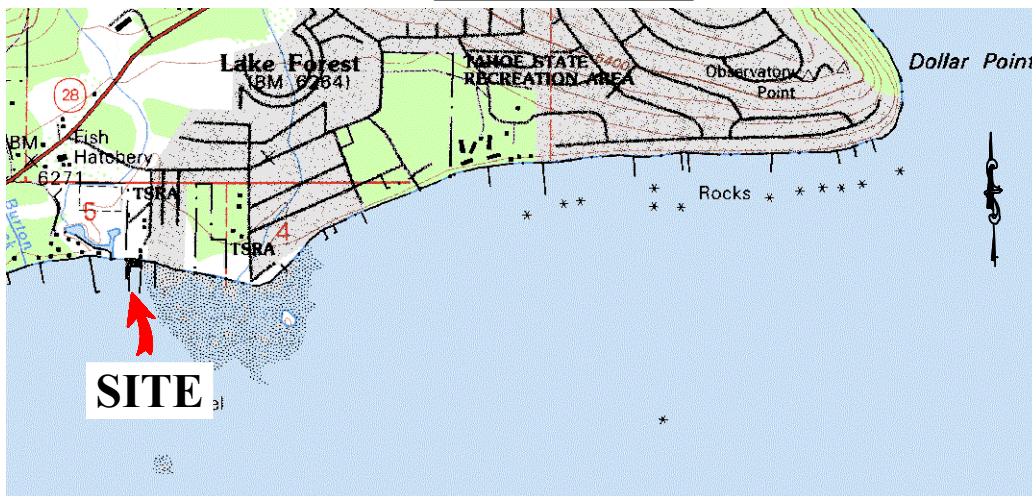
SITE



2500 LAKE FOREST ROAD, NEAR TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 2754.9
TAHOE CITY PUBLIC
UTILITY DISTRICT
APN 094-140-014
GENERAL PERMIT –
PUBLIC AGENCY USE
PLACER COUNTY

