

Staff Report 57

APPLICANT:

California Department of Parks and Recreation

PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit

AREA, LAND TYPE, AND LOCATION:

State sovereign land, Assessor's Parcel Number 090-135-014, located near Kings Beach, Lake Tahoe, Placer County, as shown on Exhibit A.

AUTHORIZED USE:

California Department of Parks and Recreation has applied for a 3-year Geological Survey Permit to collect geological information by drilling three 4-inch-diameter by 40-foot-deep geotechnical borings to evaluate possible new piling locations for a planned future pier site at Kings Beach State Recreation Area.

TERM:

3 years, beginning December 9, 2022.

CONSIDERATION:

Applicant has paid a \$5,000 application fee.

SPECIFIC PERMIT PROVISIONS:

- The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under this Permit upon request.

- The permittee will be required to have environmental monitors on the job and have spill contingency plans and standby spill containment equipment for drilling mud and equipment fuel.

STAFF ANALYSIS AND RECOMMENDATION:

California Department of Parks and Recreation has applied for a 3-year Geological Survey Permit to collect geological and geotechnical information by drilling three 4-inch-diameter by 40-foot-deep borings on State sovereign land. The field operations will take 2 or 3 days.

There is an existing pier at Kings Beach under an existing Commission lease. The applicant is considering extending or replacing the pier. In exploring options for replacing or extending the pier, the applicant needs to collect and analyze geotechnical data for the proposed site to assist with its design.

The data collected under this Permit will be used to evaluate and provide recommendations for the final geotechnical report related to pier piling design and constructability for the part of the project proposed to be located off Kings Beach, Lake Tahoe, see Exhibit A.

Table 1, Field Investigation Summary

Project Name: Kings Beach Recreational

Placer County APN: 090-135-014-000

Boring Location	Latitude	Longitude
1	39°14'3.87"N	120° 1'24.97"W
2	39°14'2.79"N	120° 1'25.81"W
3	39°14'1.64"N	120° 1'25.81"W

AUTHORITY:

Public Resources Code sections 6005, 6212.2, 6216, and 6301; California Code of Regulations, title 2, section 2100.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

California Department of Parks and Recreation has applied for a 3-year Geological Survey Permit to collect geological and geotechnical information by drilling three 4-inch-diameter by 40-foot-deep borings by barge on State sovereign land near Kings Beach, Lake Tahoe.

Collection of scientific data is a use recognized by the courts to be consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) The Permit contains restrictions that protect public rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 3 years. Staff believes that granting the Permit will not substantially interfere with the Public Trust needs at this location at the time and for the foreseeable term of the Permit.

CLIMATE CHANGE:

Issuance of a Geological Survey Permit will authorize sampling for geological information. Due to the temporary nature of the activity, the sampling will not be subject to the impacts of climate change.

TRIBAL COORDINATION AND CONSULTATION:

California Department of Parks and Recreation conducted a cultural resource inventory and evaluation report in 2015 associated with development of their Kings Beach State Recreation Area management plan. Although the inventory was not conducted specifically for the Geological Survey Permit application, it covers the area associated with the proposed sampling activities. The report states that the Department of Parks and Recreation contacted and coordinated with the Washoe Tribe of Nevada and California, and that the evaluation included an intensive, full coverage archaeological survey with transect intervals of 10 feet or fewer. Commission staff reviewed the report and based on the findings in the report and the nature of the proposed activities, believes that impacts to cultural resources are extremely unlikely.

CONCLUSION:

For all the reasons above, staff believes the approval of the Permit application is consistent with the common law Public Trust Doctrine and is in the best interests of

the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

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. If the Commission denies the application, the Applicant will not be authorized to conduct geological surveys on sovereign land. Upon expiration of prior termination of the permit, the applicant has no right to a new permit or to renewal of any previous permit. Additionally, nothing in this permit would authorize any pier replacement activities. In the event that the Applicant wishes to replace the existing pier at the Subject Property, additional authorizations from the Commission are required.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivisions (e)(1).

Authority: Public Resources Code section 21084; California Code of Regulations, title 14, section 15300; and California Code of Regulations, title 2, section 2905.

EXHIBIT:

A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt

project, Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivisions (e)(1).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that proposed Permit will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a Non-Exclusive Geological Survey Permit to California Department of Parks and Recreation to conduct geological surveys for the period December 9, 2022 through December 8, 2025, on State sovereign land located near Kings Beach, Lake Tahoe, Placer County as shown on Exhibit A, attached, and incorporated by reference herein.

EXHIBIT A

A 3736

LAND DESCRIPTION

Three parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Section 19, Township 16 North, Range 18 East, M.D.M., as shown on Official Government Township Plat approved January 2, 1875, County of Placer, State of California, and more particularly described as follows:

PARCEL 1, 2 and 3 – Boring Location

Three circular parcels of land, being 5 feet in diameter, underlying three proposed Boring Locations.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

This description is based on Applicant provided design plans, by California State Parks, for a proposed pier, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

Prepared October 4, 2022 by the California State Lands Commission Boundary Unit.



NO SCALE

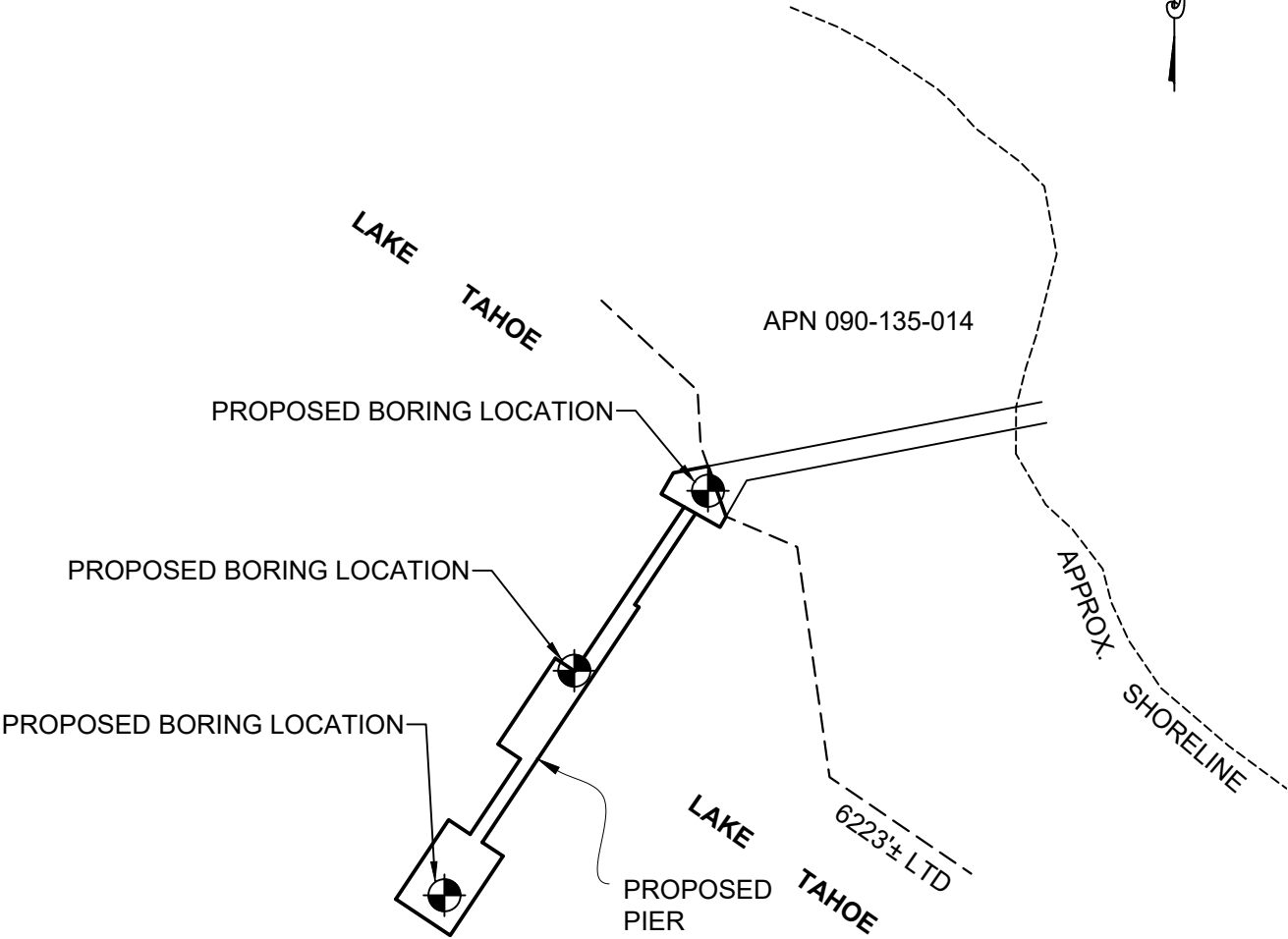


EXHIBIT A

PAGE 2 OF 2

DdV 10/04/2022

LAND DESCRIPTION PLAT
 A 3736
 KINGS BEACH STATE RECREATION AREA
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

