

Staff Report 28

APPLICANT:

North Tahoe Public Utility District

PROPOSED ACTION:

Issuance of a General Lease – Dredging

AREA, LAND TYPE, AND LOCATION:

0.4 acre of sovereign land in Lake Tahoe, adjacent to 7046 North Lake Boulevard, Tahoe Vista, Placer County.

AUTHORIZED USE:

Maintenance dredge a maximum of 780 cubic yards (CY) of sediment from an 0.4-acre area outside the Tahoe Vista Recreational Area marina and boat launch to maintain navigable depths for recreational watercraft. Dredged material will be disposed of at an approved upland site.

TERM:

3 years, beginning February 28, 2023.

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.

SPECIFIC LEASE PROVISIONS:

- In performing dredging operations, the Lessee will abide by lease conditions and Best Management Practices to control turbidity and protect aquatic resources and habitats in the general vicinity of the Project.
- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.

- Lessee shall coordinate with the U.S. Coast Guard in placing and maintaining navigational buoys, as a warning to boaters at all times, during dredging activities.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 1, 2009, the Commission authorized a 1-year General Lease – Dredging, to the Applicant for maintenance dredging with a maximum removal of 200 cubic yards (CY), over the duration of the lease, from the Tahoe Vista Recreational Area marina and boat launch ramp. The objective was to maintain a navigable depth for recreational boats ([Item 50, June 1, 2009](#)). That lease expired on May 31, 2010.

The Applicant owns and operates the Tahoe Vista Recreation Area, a public recreational facility on the north shore of Lake Tahoe. The facility provides beach and Lake access, picnic and restroom facilities, automobile and boat trailer parking, a boat launch, and marina. Due to the lower Lake level in 2022 and the onshore movement of sand, gravel, and silts driven by wave action, the Applicant reports that it has become necessary to dredge the inner harbor of the marina and the marina's entrance channel to maintain functional and safe ingress and egress to the marina facility. The entrance channel is located on State sovereign land, and the main inner harbor area with ramp and bulkhead is located above elevation 6,223-feet, Lake Tahoe Datum.

The Applicant has applied for a General Lease – Dredging and proposes to remove the buildup of sediment from the entrance of the Tahoe Vista Recreational Area public marina and boat launch.

The dredging activity will remove approximately 780 CY of sediment, during the lease term, from the area outside of the marina's entrance and adjacent to the boat launch. The objective of the proposed dredging is to maintain safe public access to Lake Tahoe and to reduce hazardous obstructions for the boating public. Motorized and non-motorized vessels were unable to use the facility during 2022 due to the buildup of sediment.

The project will employ a mechanical dredging method. A tracked, long-arm excavator equipped with a one cubic yard bucket will be used to remove

sediment from the marina and entrance channel. The bucket will be marked with a line to ensure a consistent dredging depth. In the marina, the excavator will operate on above-water sand bars or from an amphibious barge, depending on water levels at the time of dredging. In the entrance channel, the excavator will operate from an amphibious barge that will temporarily anchor to the lakebed. A double turbidity curtain will be installed around the dredging area to prevent turbid water from discharging to Lake Tahoe.

Dredging spoils will be dewatered at a temporary location in a paved parking lot, directly adjacent to the marina. Dewatering will occur passively through evaporation. The dewatering area will be lined with impermeable material and will be surrounded by an impermeable sandbag barrier with six inches of freeboard to accommodate any water accumulation. The dewatering area will be surrounded by fiber rolls. After water is drained from the dredged material, the sediment will be loaded with an excavator into lined dump trucks or baker tanks and hauled away from the Tahoe Basin to either the Eastern Regional Landfill in Truckee or another upland disposal site approved by the U.S. Army Corps of Engineers. Dredging is proposed to take place during 2023 through 2026. The dredging must be done between May 1st through October 31st.

The project will temporarily impact approximately 0.4 acres (17,424 square feet) of the Lake Tahoe lakebed through the removal of approximately 780 cubic yards of sediment. The total project area, which includes the dewatering facility and the dredging area, will be approximately 0.6 acres.

The proposed dredging would facilitate recreational boating and improve navigation. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 3-year term, does not grant the Applicant exclusive rights to the lease premises, and requires the Applicant to insure the lease premises and indemnify the State for any liability incurred as a result of the Applicant's activities thereon.

CLIMATE CHANGE:

Climate change significantly affects inland non-tidal lakes such as Lake Tahoe. The frequency and severity of natural disasters like flooding, wildfire, drought, extreme heat, and storms are increasing throughout the state of California, including the Sierra Nevada mountains, and will continue to accelerate through the end of the century. Structures along the shores of inland lakes are particularly vulnerable to

the more frequent and extreme weather events and shifts in seasonal characteristics.

According to California's Fourth Climate Change Assessment, released in 2018, the most significant impacts of climate change in the Sierra Nevada Region are more intense heat, precipitation extremes, declining snowpacks, and changes in streamflow timing. The long-term warming trend will lead to warmer and shorter winters, and longer and dryer summers. Successive dry and warm winters are resulting in minimal snowpack, increased winter streamflows and floods, and decreased spring and summer runoff. Prolonged low lake levels will become normal. Low lake level conditions can create more expansive beaches and increased shoreline access in dry months. However, these conditions interfere with boat launching and mooring facilities. This impact is most noticeable where the facilities are sited on shallow, low gradient lake bottom locations.

Dry winters will be punctuated with exceedingly wet years where prolonged and excessive precipitation can produce flash floods. High precipitation in these years will result in higher lake levels, causing beaches to narrow and reducing public access. Extra saturation of the soil can increase erosion, especially following intense wildfire seasons. Surface runoff water may carry more sediment into the lake, adversely impacting water quality and clarity.

Climate change may also lead to more intense and unpredictable storm events and winds. These storms may deviate from prevailing wind patterns for the region. These winds can accelerate shoreline erosion in some areas or cause erosion in areas not typically subject to erosion. Additionally, these winds can increase wave damage on structures and boats along the lake.

The lease area is located in an area with shallow low-gradient lake bottom conditions. During prolonged drought and low lake level conditions, more frequent maintenance dredging may be necessary to maintain boating access to Lake Tahoe. Other existing marina structures, such as the bulkheads and boat ramp may require more frequent inspection and maintenance to ensure they are not displaced and damaged during storm events. These structures may be vulnerable to high wind events and damaging wave conditions.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the 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. If the Commission denies the application, the Applicant will not be authorized to perform maintenance dredging. The lessee has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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

APPROVALS OBTAINED:

California Department of Fish and Wildlife
Tahoe Regional Planning Agency

APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

For all the reasons above, staff believes that authorization of the lease will enhance Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease –Dredging to the Applicant beginning February 28, 2023, for a term of 3 years, to dredge a maximum of approximately 780 cubic yards of material during the lease term from the Tahoe Vista Recreation Area marina and boat launch ramp, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the 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 interest; such permitted activity is contingent upon Applicant’s compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments; dredged material shall be disposed within an approved upland site; and dredged material may not be sold.

EXHIBIT A

LEASE 7368

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 13, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

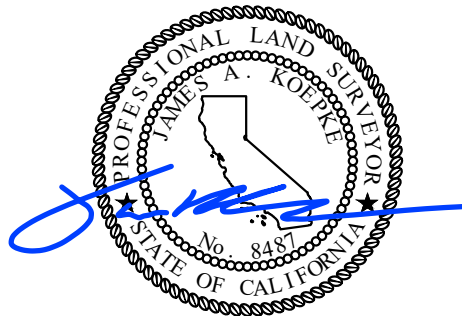
COMMENCING at a point on the easterly boundary of Parcel A as described in Quitclaim Deed to North Tahoe Public Utility District recorded in Document 2006-0078902, Official Records of Placer County, said point being easterly terminus of that certain course described as East 38.30 feet of Parcel A; thence along the easterly prolongation of said course 18.90 feet to the POINT OF BEGINNING; thence continue East 61.04 feet; thence leaving said prolongation along the following five (5) courses:

1. S 03° 47' 41" E 192.27 feet;
2. N 86° 48' 08" W 57.69 feet;
3. N 01° 33' 51" E 128.18 feet;
4. N 03° 28' 35" W 31.90 feet;
5. N 31° 44' 45" W 33.70 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of land lying landward of elevation 6223 feet Lake Tahoe Datum.

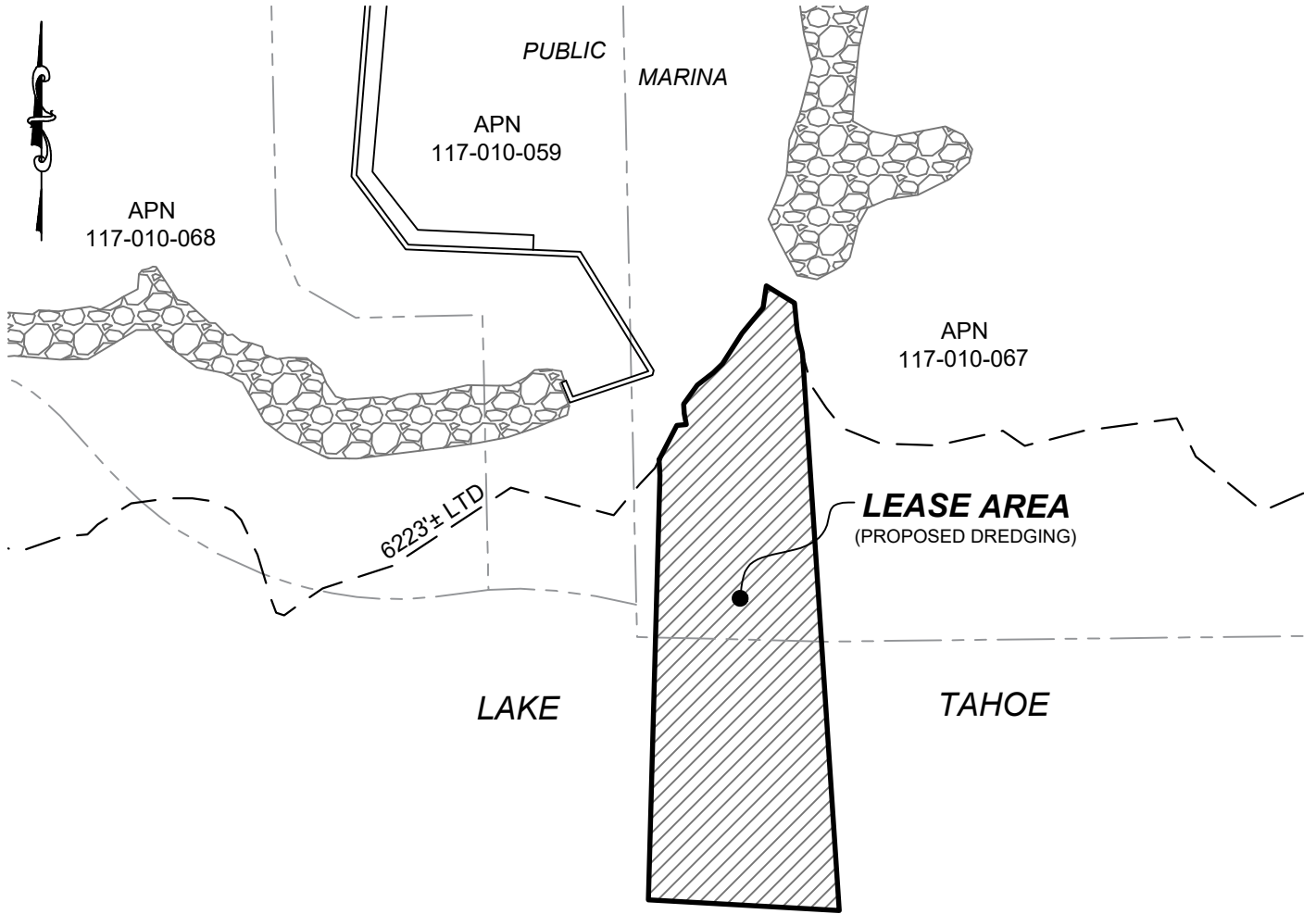
END OF DESCRIPTION

Prepared March 21, 2022 by the California State Lands Commission Boundary Unit.



NO SCALE

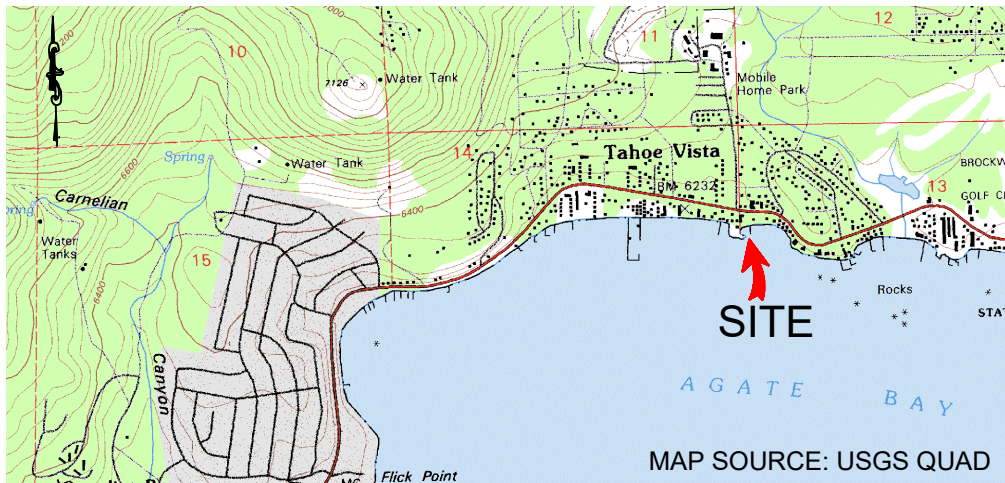
SITE



7046 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

LOCATION

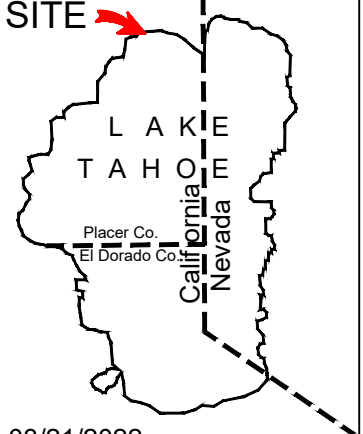


THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

Exhibit B

LEASE 7368
 NORTH TAHOE PUBLIC
 UTILITY DISTRICT
 APNs 117-110-059, -067 & -068
 GENERAL LEASE -
 PUBLIC AGENCY USE
 PLACER COUNTY

SITE



TS 03/21/2022