

# Staff Report 20

**PERMITTEE:**

Tahoe City Public Utility District

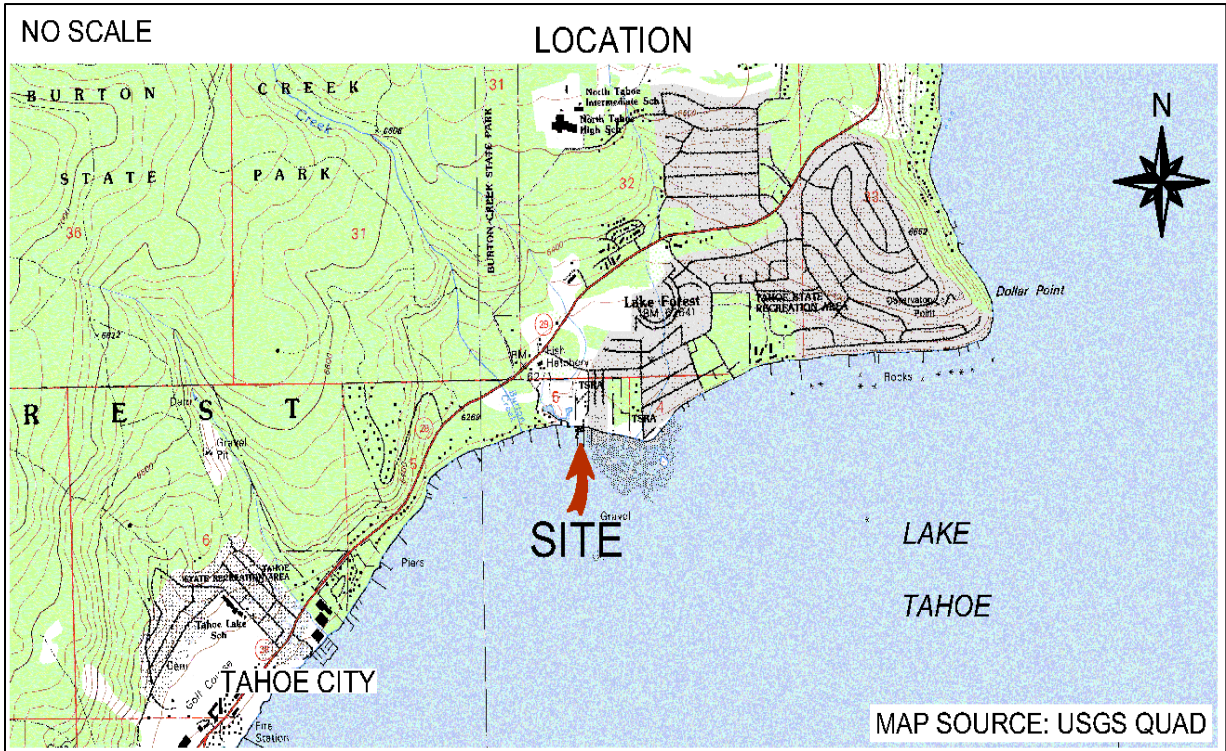
**PROPOSED ACTION:**

Amendment of a General Permit – Public Agency Use.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 2500 Lake Forest Road, near Tahoe City, Placer County (as shown in Figure 1).

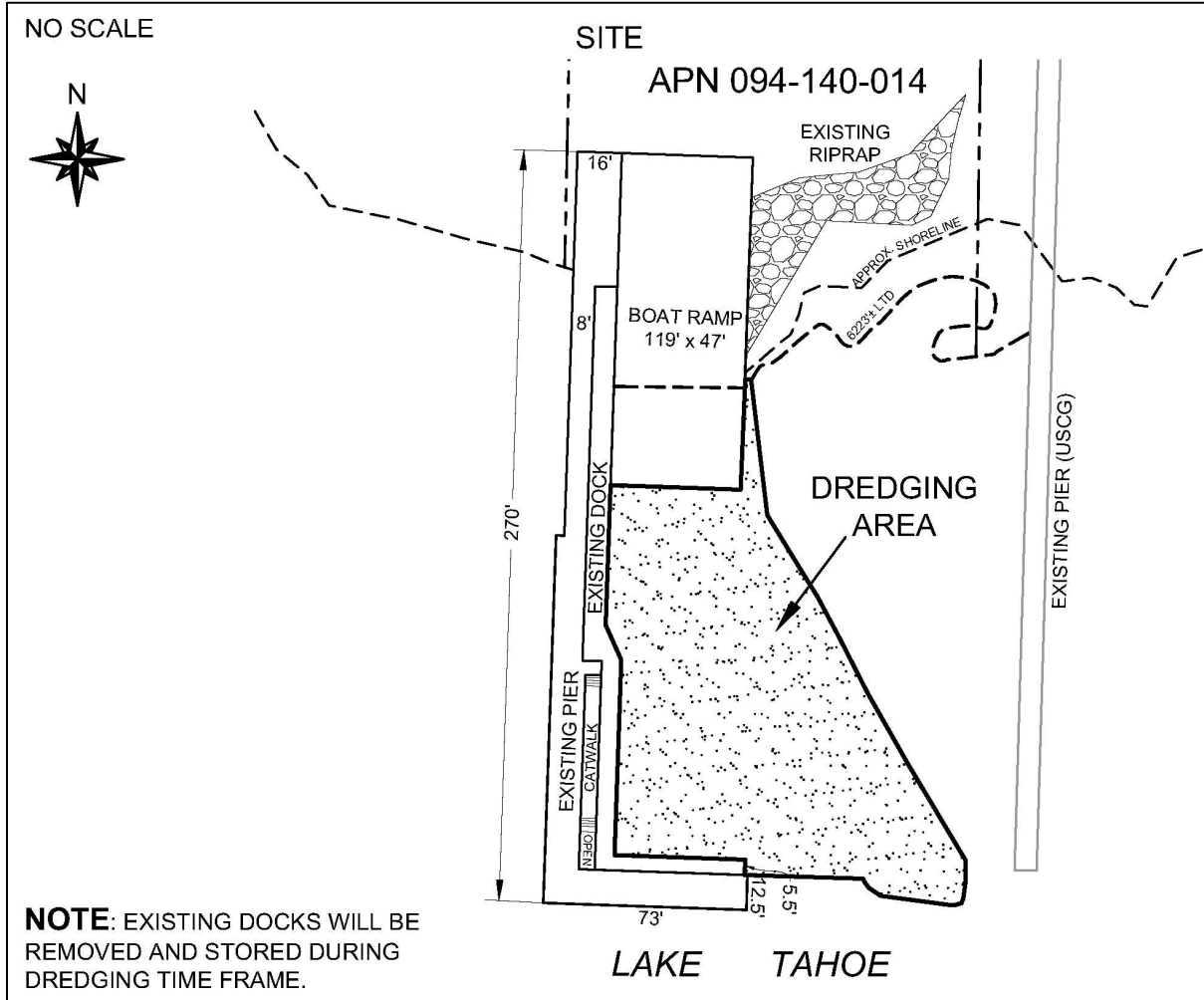
**Figure 1. Location**



**AUTHORIZED USE:**

Use and maintenance of a public recreational boating facility (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the permit premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

49 years, beginning January 16, 1979.

**CONSIDERATION:**

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.

**PROPOSED AMENDMENT:**

- Authorize periodic maintenance dredging of approximately 200 cubic yards of material per episode in the permit premises of the Lake Forest Boat Ramp area.
- Dredging activities may only be conducted between February 1 and May 1.
- Include special provisions related to dredging activity, including requiring that the Permittee maintain relevant records and obtain all necessary approvals applicable to dredging work performed in Lake Tahoe.
- In performing dredging operations, the Permittee will abide by permit conditions and Best Management Practices to control turbidity and protect aquatic resources and habitats in the general vicinity of the project.
- Permittee acknowledges that material dredged from the permit premises is the property of the State of California and shall not be sold, and that Permittee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without the Commission's prior written consent.
- Dredged material shall be disposed at an upland location, outside of the Tahoe Basin, with existing legal authorization to receive the materials.
- Permittee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the permit premises.

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

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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 27, 1979, the Commission authorized a General Permit – Public Agency Use to the California Department of Fish and Wildlife (CDFW) and Tahoe City Public Utility District (Applicant) ([Item C13, June 27, 1979](#)). The permit will expire on January 15, 2028. The proposed amendment to the permit is to authorize periodic

maintenance dredging in the permit premises at the end of the public boat launching ramp.

On April 24, 1980, the Commission authorized an amendment to the 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 permit premises, was historically owned by CDFW and operated by the Applicant. Both entities brought a Transfer Agreement to their governing boards for approval on November 21, 2019 and December 20, 2019, respectively, to transfer ownership of the upland property to the Applicant. On December 6, 2019, the Commission authorized a sixth amendment for acceptance of a permit quitclaim deed, effective December 20, 2019, of Permit No. PRC 2754.9, a General Permit – Public Agency Use, issued to CDFW, acting through the Wildlife Conservation Board, and amended the permit to reflect the change in ownership of the upland property and to reflect the sole Permittee as the Tahoe City Public Utility District ([Item 10, December 6, 2019](#)).

The Permittee owns and operates the Lake Forest Boat Ramp, a public recreational facility on the north shore of Lake Tahoe. The facility provides public access to Lake Tahoe through the existing boat launch ramp. Due to the shallow low gradient lake bottom bathymetry in this area combined with lower lake level in 2022 and the onshore movement of sand, gravel, and silts driven by wave action, the Permittee reports that it has become necessary to dredge the boat launch ramp area to maintain functional and safe ingress and egress to the facility. The entrance channel is located on State sovereign land, and the ramp is located above elevation 6,223-feet, Lake Tahoe Datum.

The Lake Forest Boat Ramp is one of the few public use facilities of its kind around Lake Tahoe. It provides a recreational area where the public can enjoy the natural amenities provided by the lake. Motorized and non-motorized vessels were unable

to use the facility during 2022 due to the buildup of sediment. The Permittee is now requesting a seventh amendment to Permit No. PRC 2754.9 to conduct periodic maintenance dredging of the Lake Forest Boat Ramp public boat launch area. The proposed dredging activity will remove approximately 200 cubic yards (CY) of sediment per episode from the permit premises adjacent to the boat launch to the previous elevation of 6219-feet, Lake Tahoe Datum. This maintenance activity last occurred in 2014.

Dredging episodes are expected to take 14-21 working days. To comply with the CDFW in-water work window, dredging must be done between May 1 through October 31. The project will temporarily impact approximately 0.027 acres (1,205 square feet) of the Lake Tahoe lakebed through the removal of approximately 200 CY of sediment per dredging episode. The total project area, which includes the dewatering facility and the dredging area, will be approximately 0.032 acre.

All dredging shall be conducted in accordance with Tahoe Regional Planning Agency (TRPA) and Lahontan Regional Water Quality Control Board requirements. A barge is required to stage materials for dredging and will be used to move construction materials around the project site. Dredging will be conducted from the barge, using an excavator with a clamshell bucket attachment. A protective covering will be placed under the excavator to prevent discharges of oil or fuel to the lake. All construction equipment on the barge will be steam cleaned prior to barge launching.

Staging for drying and transporting the dredged material will occur on land, at the edge of the boat ramp. A conveyor will be placed along the boat ramp to allow for the dredged material to drain and dry prior to being loaded onto a truck. All onshore machinery, vehicles, and construction equipment will be limited to the paved surfaces on the upland property, minimizing any environmental impact to the surrounding area.

Turbidity curtains will enclose the area of disturbance and will remain in place until construction is complete and the threat of sediment and nutrient transport ceases. The entirety of the proposed project will take place in the lake or on paved surfaces, minimizing any environmental impact to the surrounding area.

These measures, along with the Best Management Practices outlined in the 2013 Environmental Assessment prepared for prior dredging activities at this site, will be used to prevent any sediment from outside of the project area to enter the lake and to prevent erosion at the project site. All excavated materials shall be hauled away from the site to a legally acceptable location outside of the Tahoe Basin. No fill disposal or storage is allowed in the Lake Tahoe region without prior TRPA authorization.

The proposed dredging activity 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 amendment does not alienate the State's fee simple interest or permanently impair public rights.

### **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 land under permit 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 structures, such as the pier and boat ramp may require more frequent inspection and maintenance to ensure they are not damaged during storm events, particularly from high wind events and damaging wave conditions.

**CONCLUSION:**

For all the reasons above, staff believes the approval of this amendment will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed permit; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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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 Permittee has no right to a new permit or a renewal of any previous permit.
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:**

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California Department of Fish and Wildlife  
U. S. Army Corps of Engineers  
Lahontan Regional Water Quality Control Board

## **RECOMMENDED ACTION:**

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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 permit amendment will enhance Public Trust needs and values at this location, at this time, and for the foreseeable term of the permit; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize the amendment of Permit Number PRC 2754, effective August 17, 2023, to authorize periodic maintenance dredging of a maximum of approximately 200 cubic yards of material per episode; such permitted activity is contingent upon Permittee's compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments; dredged material shall be disposed at a location, outside the Tahoe Basin, with existing legal authorization to receive the materials; and dredged material may not be sold.