

# Staff Report 54

## **PARTIES:**

---

Trina Gould

## **PROPOSED ACTION:**

---

Consider taking title to and authorizing the removal and disposal of two abandoned buoys.

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

Sovereign land in Lake Tahoe, near Homewood, Placer County.

## **BACKGROUND:**

---

For several decades, the Tahoe Regional Planning Agency (TRPA) did not have ordinances in place to issue permits for mooring buoys at Lake Tahoe. This left many property owners around the lake in regulatory limbo. Many buoys were installed in the lake during this time without permits from TRPA or a lease from the Commission. A 2016 survey of the buoys on Lake Tahoe indicated that there were 3,693 buoys on the California side of the lake.

In October 2018, the TRPA Governing Board approved a new Shoreline Plan for Lake Tahoe, enabling TRPA to resume issuing permits for buoys. The first step of this plan was to issue permits for legally existing buoys. Once the legally existing buoys were legitimized by getting permits from TRPA and a lease from the Commission, both TRPA and Commission staff could begin enforcement actions against the many unauthorized buoys found throughout the lake.

In January 2019, TRPA entered into a Memorandum of Understanding (MOU) with the Commission, authorizing TRPA to act as the Commission's agent in tagging and removing buoys under the Commission's statutory authority provided by Public Resources Code section 6302.1. This MOU provides for a consultation process and allows TRPA to utilize their presence and resources on the lake to remove unauthorized and trespassing buoys under the Commission's existing authority.

At one point, Trina Gould had an interest in property at 3149 West Lake Boulevard, Homewood, California. Ms. Gould placed two buoys on sovereign land in the bed of Lake Tahoe without a lease from the Commission and without a permit from TRPA. The property at 3149 West Lake Boulevard is not a littoral property with lakefront access. According to TRPA staff, this property does not and cannot qualify for a buoy permit. Because the buoys cannot be brought into compliance with local ordinances, Commission staff would also be unable to recommend a lease for the buoys.

TRPA staff discovered the unauthorized buoys while investigating a complaint by a lakefront property owner. At that time, the littoral owner was applying for their own buoy permit, but TRPA was unable to proceed with processing because Ms. Gould's unauthorized buoys create an obstruction and occupy the area where the littoral owner would install their buoys. TRPA staff noticed the unauthorized buoys had an address printed on them and contacted the owner of the buoys. According to TRPA staff, Ms. Gould advised that she would not remove the buoys from the lake. Additionally, she intended to sell her interest in the property at 3149 West Lake Boulevard. Ms. Gould indicated she intended to sell the buoys along with, or even separately from, the upland property.

## **STAFF ANALYSIS AND RECOMMENDATION:**

---

### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6302.1, 6302.3, and 6302.4.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Ms. Gould no longer owns the property at 3149 West Lake Boulevard., or any other properties in the Tahoe basin. TRPA and Commission staff both sent Ms. Gould a letter in early May 2023 to notify her that both agencies intended to take action to remove the buoys. The address provided by TRPA staff for a PO Box in Tahoe City proved incorrect and the letters were returned. A new letter was sent out on June 1, 2023, to the correct mailing address as posted on the buoys. Those letters were not returned.

TRPA staff posted a Cease and Desist notice under their authority, along with a notice of action to remove trespassing vessels and moorings under the Public Resources Code section 6302.1 on August 16, 2023. Commission staff also mailed notice of the tagging on August 31, 2023, to Ms. Gould's PO Box. The notice became effective on September 15, 2023. After this point, the buoys are

considered abandoned according to law. Once abandoned, the Commission may take title to the buoys and direct their disposition at a public meeting.

Staff recommends that, if the buoys are not removed from state lands, the Commission authorize staff to take title and to direct TRPA staff or one of its on-call contractors to remove the buoys and dispose of them. TRPA has agreed to be responsible for these up-front costs.

### **CONCLUSION:**

Staff believes that taking title to the buoys, if they have not been removed from state waters within the statutory period, and directing their disposal, is consistent with the Public Trust and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

---

1. The recommended authorization is a discretionary action by the Commission. Each time the Commission approves or rejects an action on sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. Commission staff posted notice on the buoys on August 16, 2023, and mailed notice to Trina Gould on August 31, 2023. Notice is effective, and the Commission may take action as of September 15, 2023. At least 30 days must pass between the Commission action and removal of the buoys. It may not be possible to remove the buoys during the winter months, so staff recommends that the authorization to take title include discretion to delay taking title until just prior to the removal to minimize risks to the state.
3. This action is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021–2025 Strategic Plan.
4. 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, California Code of Regulations, title 14, section 15300.

## **EXHIBIT:**

---

A. Photos of Trina Gould's Buoys

## **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:**

Find that the proposed action supports and promotes the Public Trust needs and values at this location, at this time, and for the foreseeable future; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Authorize the Executive Officer, or her designee, to take title to two buoys in Lake Tahoe, owned by Trina Gould, on or after November 18, 2023, unless before that date the buoys have been removed from state lands and not returned.
2. Authorize the Executive Officer or designee, on or after November 18, 2023, to direct TRPA staff or one of TRPA's on-call contractors to remove and dispose of the buoys.
3. Authorize the Executive Officer or designee, in cooperation with the Office of the Attorney General, to recoup the Commission's costs through any available administrative or civil means, if determined feasible and prudent.

## EXHIBIT A – BUOYS

---

Gould Buoy 1



Gould Buoy 2

