

# Staff Report 33

## APPLICANT:

Tahoe Keys SMI, LLC, a subsidiary of Suntex Marina Investors LLC

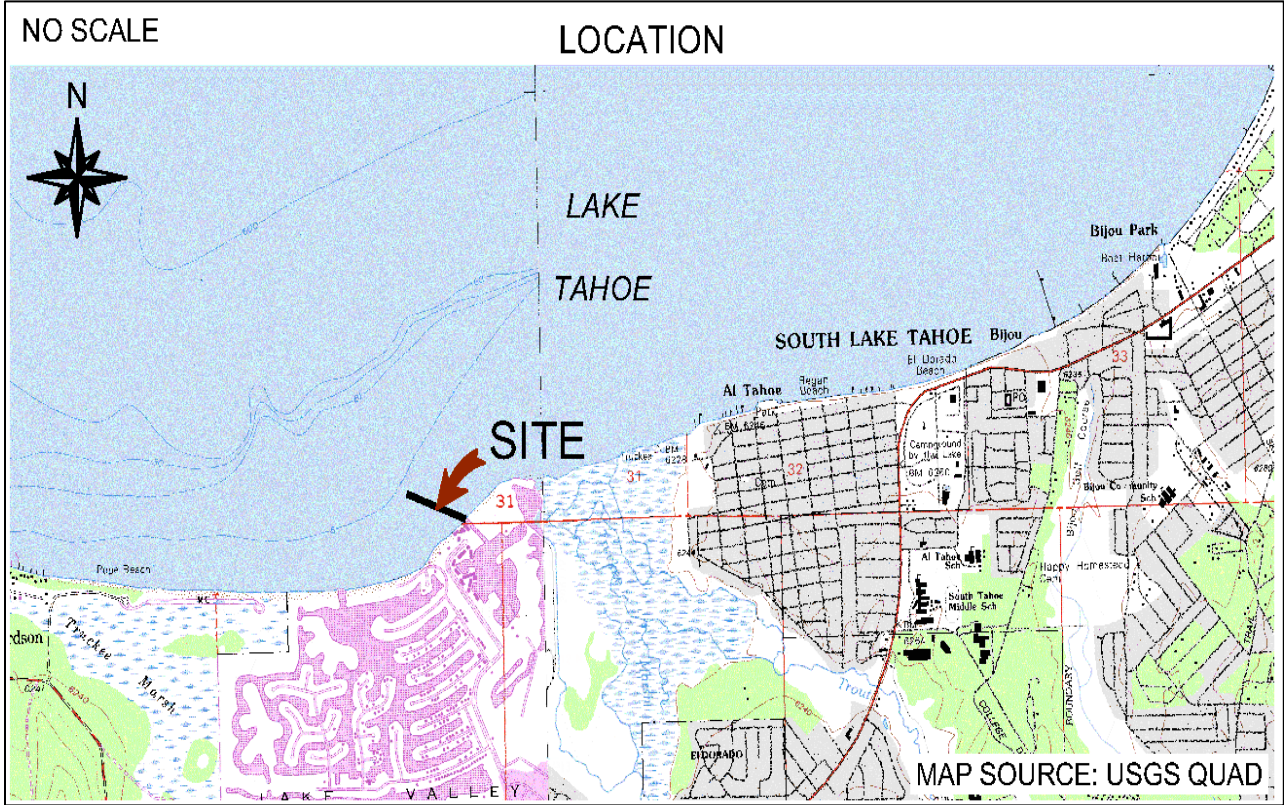
## PROPOSED ACTION:

Issuance of General Lease – Dredging.

## AREA, LAND TYPE, AND LOCATION:

1.57 acres, more or less, of sovereign land in Lake Tahoe at the East Channel entrance to the Tahoe Keys Marina, South Lake Tahoe, El Dorado County (as shown in Figure 1).

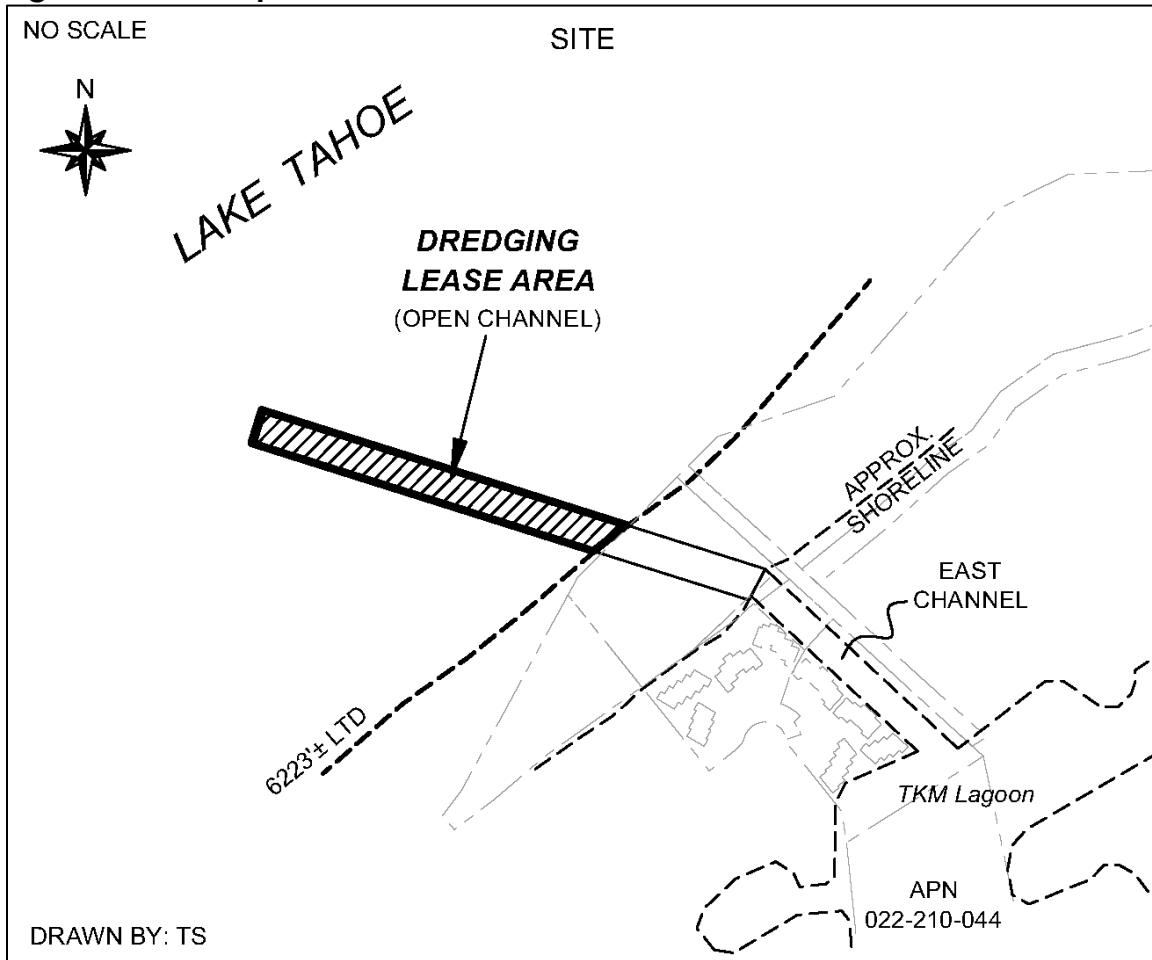
Figure 1. Location



**AUTHORIZED USE:**

Maintenance dredge up to a maximum of 13,000 cubic yards (cy) of sediment over a 4-year period from the East Channel entrance to the Tahoe Keys Marina, to maintain a navigable depth for recreational watercraft (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease 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:**

4 years, beginning February 15, 2024.

**CONSIDERATION:**

\$140 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

- In performing the dredging, the Lessee will abide by Best Management Practices to control turbidity to protect marine resources and habitats from excessive siltation 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.
- Dredging activities shall begin upon receipt of all approvals and/or permits.
- Liability insurance in an amount no less than \$1,000,000 per occurrence.

**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 February 20, 2015, the Commission authorized a 3-year General Lease – Dredging, to Tahoe Keys Marina and Yacht Club, LLC, a California limited liability company, for maintenance dredging from the East Channel entrance to the Tahoe Keys Marina ([Item 22, February 20, 2015](#)). That lease expired on February 19, 2018. On December 27, 2021, Tahoe Keys Marina and Yacht Club LLC was transferred to Tahoe Keys SMI, LLC a subsidiary of Suntex Marina Investors LLC. The Applicant is applying for a General Lease – Dredging for maintenance dredging of up to a maximum of 13,000 cubic yards of sediment over a 4-year period from the East Channel entrance to the Tahoe Keys Marina, to maintain the existing authorized depth for recreational watercraft in Lake Tahoe. The proposed area is in South Lake Tahoe, El Dorado County.

The Tahoe Keys Recreational Area is used by boaters and other watersport enthusiasts. This area offers a variety of services, including boat launch services, fuel, marine repair services, watercraft sales and rentals, short-term boat mooring, and other recreational activities such as fishing charters. The dredging activity will maintain a navigable depth for recreational boats and enhance Public Trust uses of Lake Tahoe. Due to decreasing lake levels and the onshore movement of sand,

gravel, and silts driven by wave action, the Applicant reports that it is necessary to dredge the East Channel entrance to maintain functional and safe ingress and egress to the marina and other public facilities in the Tahoe Keys area. The dredging would occur on approximately 1.57 acres of state-sovereign land adjacent to the Tahoe Keys Marina (above elevation 6,223-feet, Lake Tahoe Datum).

The proposed Project activities are necessary to reduce the impacts of sediment accumulation within the entrance channel to the adjacent marina. This action will support the broader purpose of improving navigation between the marina and Lake Tahoe. This activity will allow the boat launch to remain operational for public boating access to Lake Tahoe. Navigation is a recognized Public Trust use. The marina's entrance channel was last dredged between 2015 and 2018. If the proposed area is not dredged, the marina's entrance channel will remain shallow and recreational boating may be restricted to high water levels and prevented during low water levels.

Based on the submitted application, the project includes dredging over a 4-year period not to exceed a total of 13,000 cubic yards of sediment. Dredging will occur as directed by all regulatory permits. The material would be removed through mechanical clamshell dredge with placement of material into a scow. The mechanical clamshell dredge consists of a crane mounted on a barge, with a clamshell bucket on the end of the crane boom. The scows are open barges that can carry large quantities of sediment. The dredged material would be removed from the lake and placed on the scow and then transported to an authorized upland disposal site. The materials could not be sold or used for other private benefit.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 4-year term, does not grant the Lessee exclusive rights to the lease premises, and requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee'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 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 the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this

time, and for the term of the proposed lease; 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 lessee has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" 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 REQUIRED:**

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U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Tahoe Regional Planning Agency  
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:**

Find that the proposed lease will not substantially impair 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 term of the lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Dredging to the Applicant beginning February 15, 2024, for a term of 4 years, to maintenance dredge up to a maximum of 13,000 cubic yards of sediment over the term of the lease from the East Channel entrance to the Tahoe Keys Marina, to maintain a navigable depth for recreational watercraft; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence; and the dredged material may not be sold or used for other private benefit.