

Staff Report 21

PERMITTEE:

Tahoe City Public Utility District

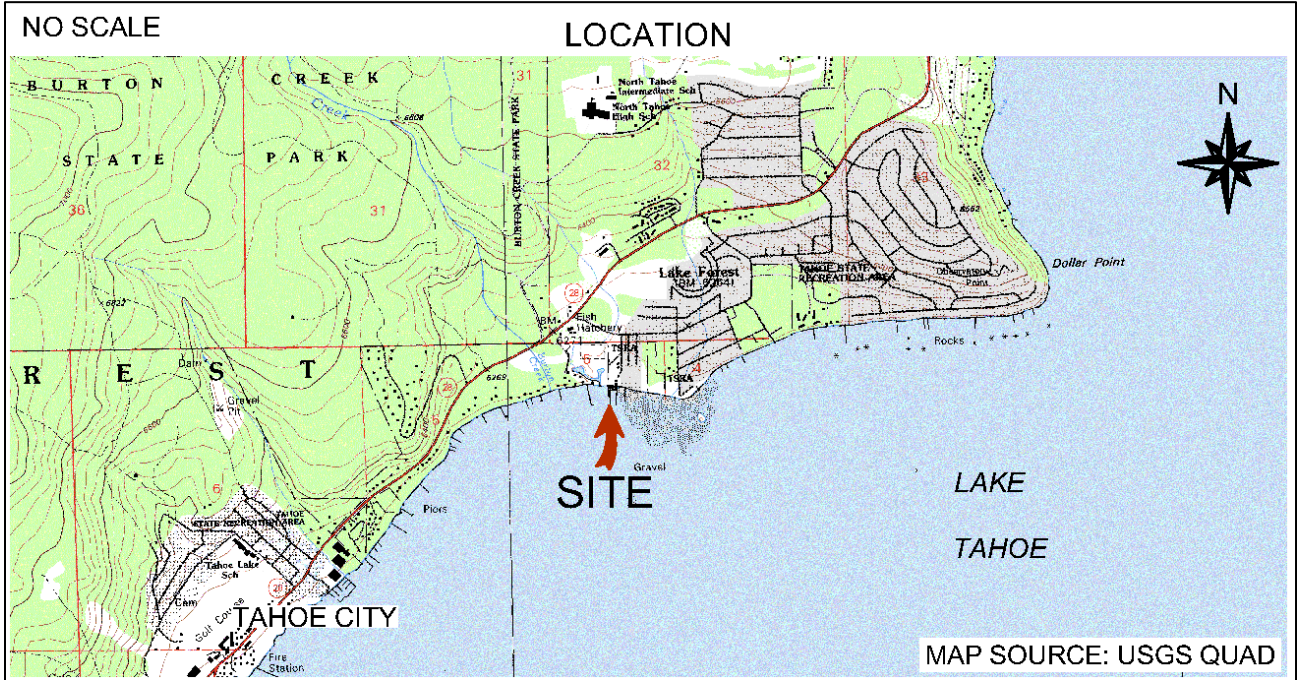
PROPOSED ACTION:

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).

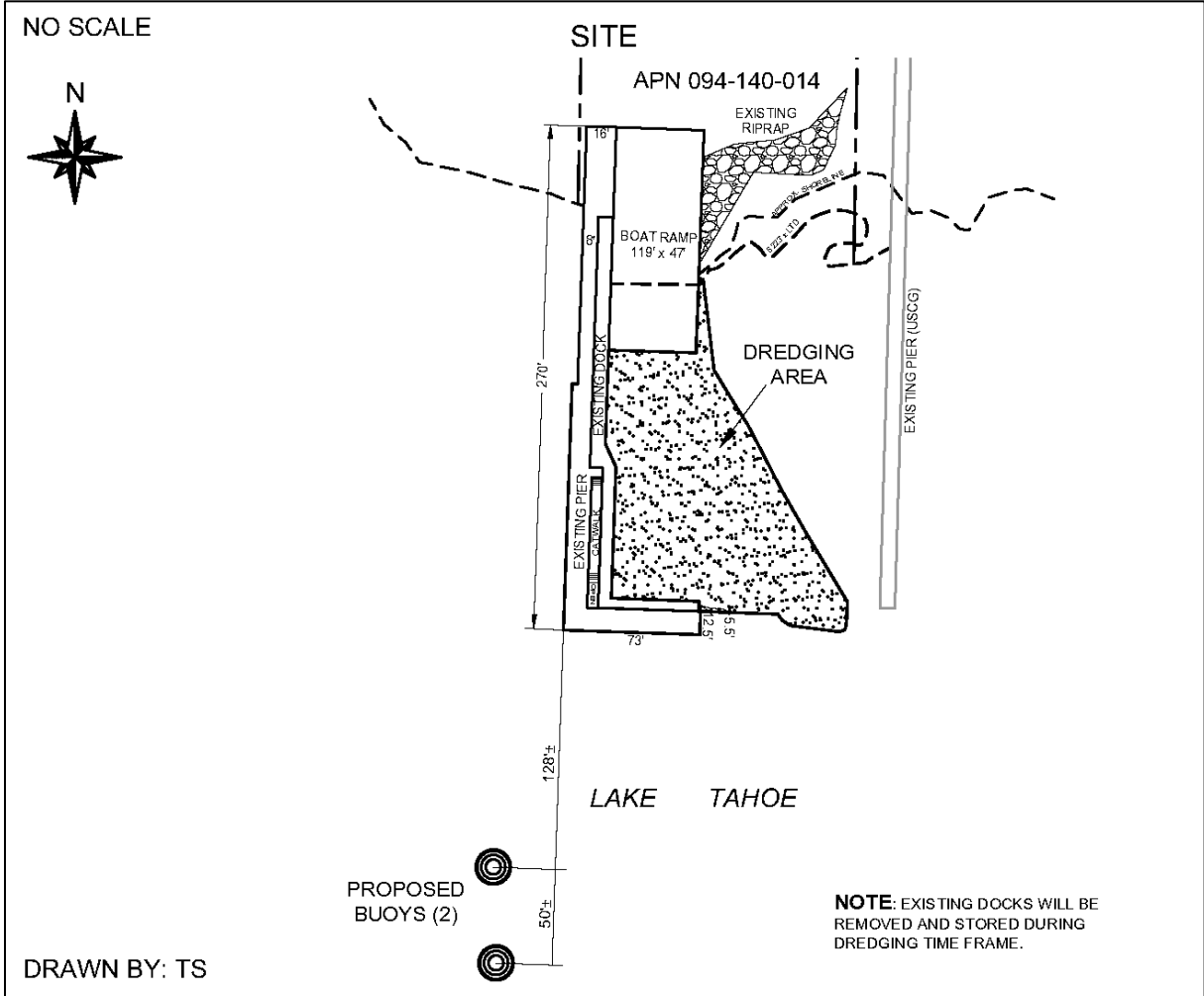
Figure 1. Location



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 the installation and use of two mooring buoys.
- Replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with a new Exhibit A, Land Description, and Exhibit B, Site and Location Map, in the lease.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of “as-built” plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the lease at the time of lease execution. The replaced Exhibits shall be incorporated in the lease as though fully set forth therein.

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

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 27, 1979, the Commission authorized a General Permit – Public Agency Use to the California Department of Fish and Game (now known as the California Department of Fish and Wildlife, or CDFW) and Tahoe City Public Utility District (Applicant) ([Item 13, June 27, 1979](#)). The permit will expire on January 15, 2028. The proposed amendment to the permit is to authorize the use and installation of two mooring buoys.

On April 24, 1980, the Commission authorized an amendment to the permit for construction of an extension to the pier ([Item 14, April 24, 1980](#)). A second amendment was authorized on April 24, 2001, for the expansion, relocation, and reconstruction of the pier ([Item 56, 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 9, 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 20, 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 30, 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](#)).

On August 17, 2023, the Commission authorized a seventh amendment of Permit 2754 for periodic dredging activity to remove buildup of sediment from the entrance of the Applicant's Lake Forest boat launch ramp, located in Lake Tahoe, near Tahoe City. The dredging activity removes approximately 200 cubic yards (cy) of sediment per episode from the approved footprint in an area adjacent to the boat launch ([Item 20, August 17, 2023](#)).

The Permittee has applied for an amendment to Permit 2754 for authorization to install two mooring buoys. The Permittee owns and operates the Lake Forest Boat Launch Ramp, a public recreational facility on the north shore of Lake Tahoe, near Tahoe City. The facility provides public access to Lake Tahoe through the use of the existing boat launch ramp. A conditional permit has been issued by TRPA (MOOR2023-1048) and the buoys are registered (Registration No. 11701).

The Lake Forest Boat Ramp is one of the few public use facilities of its kind around Lake Tahoe. It provides access to a recreational area where the public can enjoy the natural amenities provided by the lake. The boat ramp is flat and graded, allowing access over or under the nearby pier, associated with Lease 4694. The topography consisting of an existing riprap wall and a flat area with small rocks and pebbles, allows access for pedestrians at varying water levels.

The two proposed mooring buoys are to be used by the Tahoe Community Sailing Program for recreational purposes and will be located directly lakeward of the upland property and occupy a relatively small area of the lake. The Tahoe Community Sailing Program is partners with the California Division of Boating and Waterways to provide a safe boating environment in Lake Tahoe. The program aims to enhance knowledge of boating laws and environmental stewardship of the lake.

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 drier 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.

Improvements authorized under this lease may require more frequent inspection and maintenance to ensure they are not displaced during storm events. Watercraft moored to buoys, piers, or docks are also vulnerable to high wind events and damaging waves.

CONCLUSION:

For all the reasons above, staff believes the approval of this amendment will enhance Public Trust needs at this location, at this time, and for the term of the proposed permit; 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 install the two mooring buoys. 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

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

APPROVALS OBTAINED:

- California Department of Fish and Wildlife
- U. S. Army Corps of Engineers
- Lahontan Regional Water Quality Control Board
- Lake Tahoe Regional Planning Agency

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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

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 term of the permit; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Permit 2754, effective June 7, 2024, to authorize installation and use of two mooring buoys.
2. Authorize the Executive Office or designee to replace Exhibits to the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following installation.