

# Staff Report 17

## APPLICANT:

U.S. Department of the Interior, Bureau of Reclamation

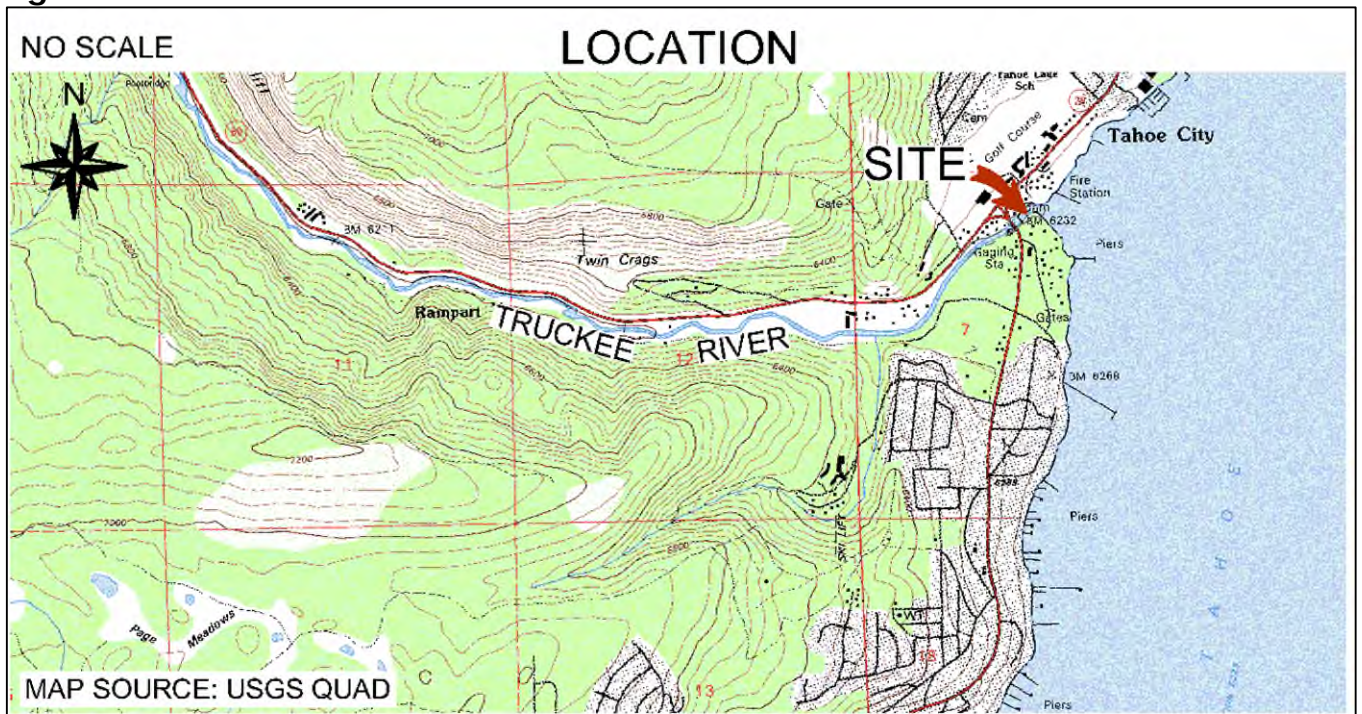
## PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land upstream of Lake Tahoe dam, in Assessor's Parcel Number 094-540-017, near Tahoe City, Placer County (as shown in Figure 1).

Figure 1. Location



**AUTHORIZED USE:**

Collection of geological data by utilizing cone penetration tests and mud rotary drilling sampling methods (as shown in Figures 2 and 3, below).

**Figure 2. Site Map**

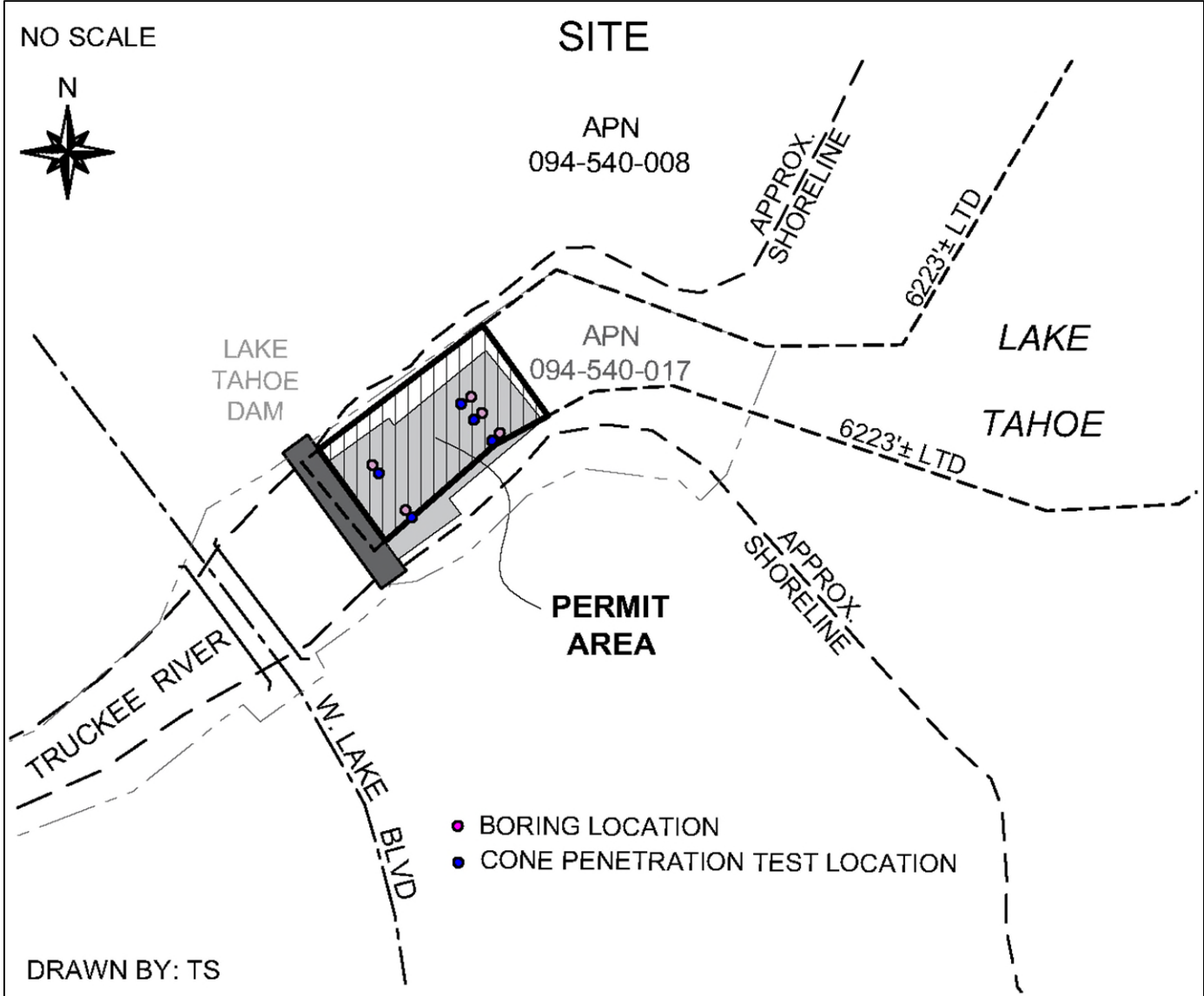
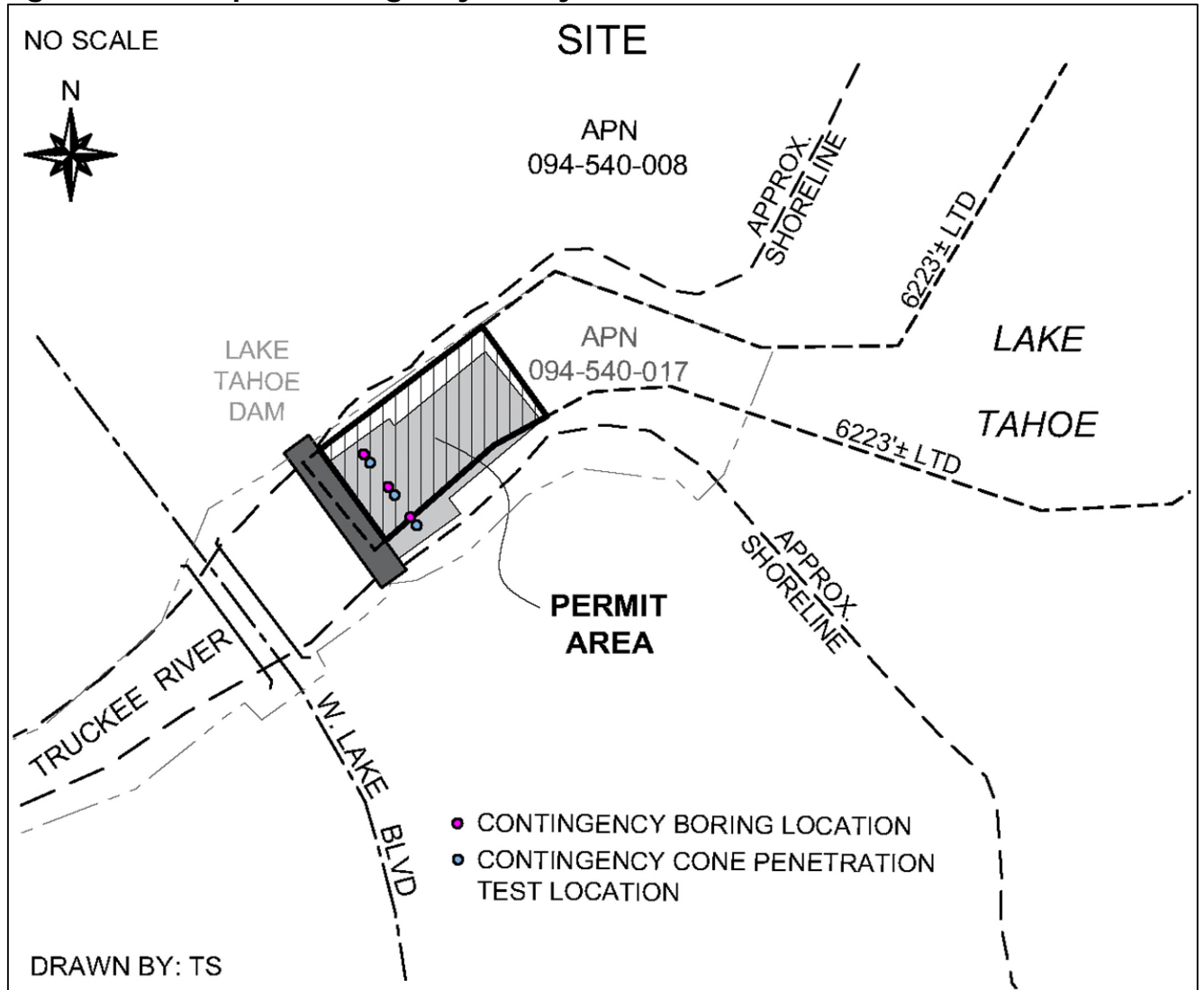


Figure 3. Site Map of Contingency Survey Locations



**TERM:**

1 year, beginning April 2, 2025.

**SPECIFIC PERMIT PROVISIONS:**

- The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under this permit upon request.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6212.2, 6216, and 6301.

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

U.S. Department of Interior, Bureau of Reclamation has applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land upstream of Lake Tahoe dam, in Assessor's Parcel Number 094-540-017, near Tahoe City, Placer County. The permit will allow for up to five cone penetration tests (CPTs) up to 50 feet deep and collection of up to five 6-inch-diameter to 8-inch-diameter barge-based mud rotary borings of up to 50 feet deep. The geological sampling covered under this permit supports the collection of geotechnical data necessary for development and analysis of action alternatives in the Lake Tahoe Dam Rehabilitation Feasibility Study (LTDRFS). Action alternatives are anticipated to include repair of the existing dam or construction of a new dam, either along the existing dam alignment or upstream of the existing dam. Two of the barge-based borings and CPTs will be performed approximately 45 feet upstream of the existing dam. The remaining three borings and CPTs will be performed approximately 165 feet and 155 feet upstream of the existing dam, respectively. Due to uncertainty regarding the potential dam rehabilitation alternatives, three contingency boring and CPTs locations have been identified. If the replacement dam at the upstream dam alignment is screened out during the initial alternatives phase, the three borings and three CPTs will be completed at the contingency locations and no sampling will be performed at the upstream dam alignment.

Sampling activities are expected to take up to six days. A full day at the Lake Forest Boat Ramp is estimated for launching the barges and subsequently loading the drill rig and associated equipment and supplies onto Lake Tahoe. Before bringing the barge on to the ramp, the construction equipment will be cleaned to remove dirt, vegetation, and other organic material to prevent introduction of noxious weeds, and invasive plant and animal species. Prior to launch at the ramp, the barges and motorboat will be inspected by the Lake Tahoe Invasive Species Program. The Lake Forest Boat Ramp is currently under Lease 2754 and part of the facilities are within the Public Trust easement. Issuance of this permit will require the Permittee to post signs indicating dates of closure two weeks prior to facility closure. Once all

sampling activities have been completed, the barges, drill rig, CPT equipment, and other support equipment will be taken off the lake and loaded onto trucks and trailers at the Lake Forest Boat Ramp.

California courts have recognized the collection of data for scientific study on lands subject to the Public Trust as a use consistent with the common law Public Trust Doctrine. (See e.g., *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.)

Additionally, California Public Resources Code section 6212.2 expressly authorizes the Commission to issue permits for the taking of cores or other samples for the purpose of obtaining geological information so long as the activity is not for the purpose of commercial exploration or exploitation.

The proposed permit contains restrictions to safeguard public rights and environmental resources. Furthermore, all work must be conducted in an environmentally conscientious manner. The drilling contractor will take all necessary precautions to minimize environmental impacts, including but not limited to disposing of all drilling fluids and cutting in a safe and legal manner. All borings and CPTs will be properly grouted with a cement-bentonite grout and topped with coated bentonite pellets within one day of completion of sampling. In addition, the permit grants non-exclusive use of the permit area to the permittee, and the defined work must be completed within one year.

**CONCLUSION:**

For all the reasons above, staff believe that approving the permit application does not substantially interfere with Public Trust needs and values and is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

**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 conduct geological surveys on sovereign land. Upon expiration or prior termination of the permit, the applicant has no right to a new permit or to renewal of any previous permit.

2. This action is consistent with the “Meeting Evolving Public Trust Needs” Strategic Focus Area 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 6, Information Collection; California Code of Regulations, title 14, section 15306.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

## **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 6, Information Collection; California Code of Regulations, title 14, section 15306.

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

Find that proposed Permit will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a Non-Exclusive Geological Survey Permit to the Applicant to conduct geological surveys for one year, beginning April 2, 2025, to gather geological data by conduction of up to five cone penetration tests (CPTs) up to 50 feet deep and collection of up to five 6-inch-diameter to 8-inch-diameter barge-based mud rotary borings of up to 50 feet deep upstream of the Lake Tahoe dam, in Assessor’s Parcel Number 094-540-017, near Tahoe City, Placer County.