

Staff Report 20

LESSEE/APPLICANT:

Walsh Family LLC, dba North Tahoe Marina

PROPOSED ACTION:

Amendment of a General Lease - Commercial Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7360 North Lake Boulevard, Tahoe Vista, Placer County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:

Use and maintenance of a commercial marina facility with fueling facility, pump out station, boat ramp, 30 boat slips, 48 mooring buoys, two marker buoys, and periodic maintenance dredging.

TERM:

25 years, beginning June 5, 2005.

CONSIDERATION:

Minimum annual rent of \$28,244 against the total of the following charges, whichever is greatest: Five percent of annual gross income from the rental of 30 boat slips, boat rentals, pump out station, and 48 mooring buoys; \$.015 per gallon up to 100,000 gallons of fuel sales and \$.02 per gallon in excess of 100,000 gallons of fuel sales; and ten percent of all other gross income generated on the Lease Premises.

PROPOSED AMENDMENT:

- Authorize the increase of the annual maintenance dredging threshold from 750 to 1,250 cubic yards (as shown in Figures 2A and 2B, below).

All other terms and conditions of the lease shall remain in effect without amendment.

Figure 2A. Site Map

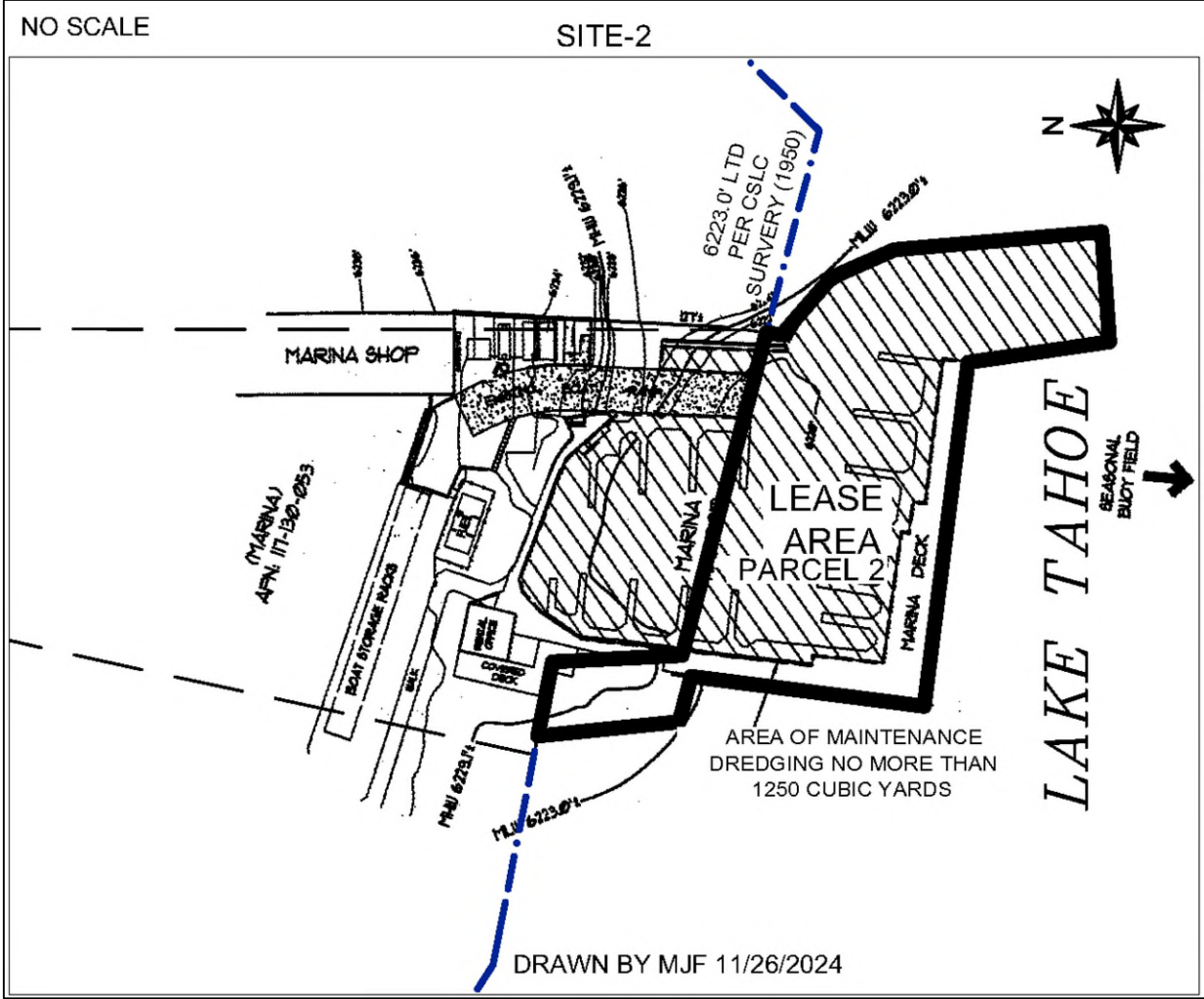
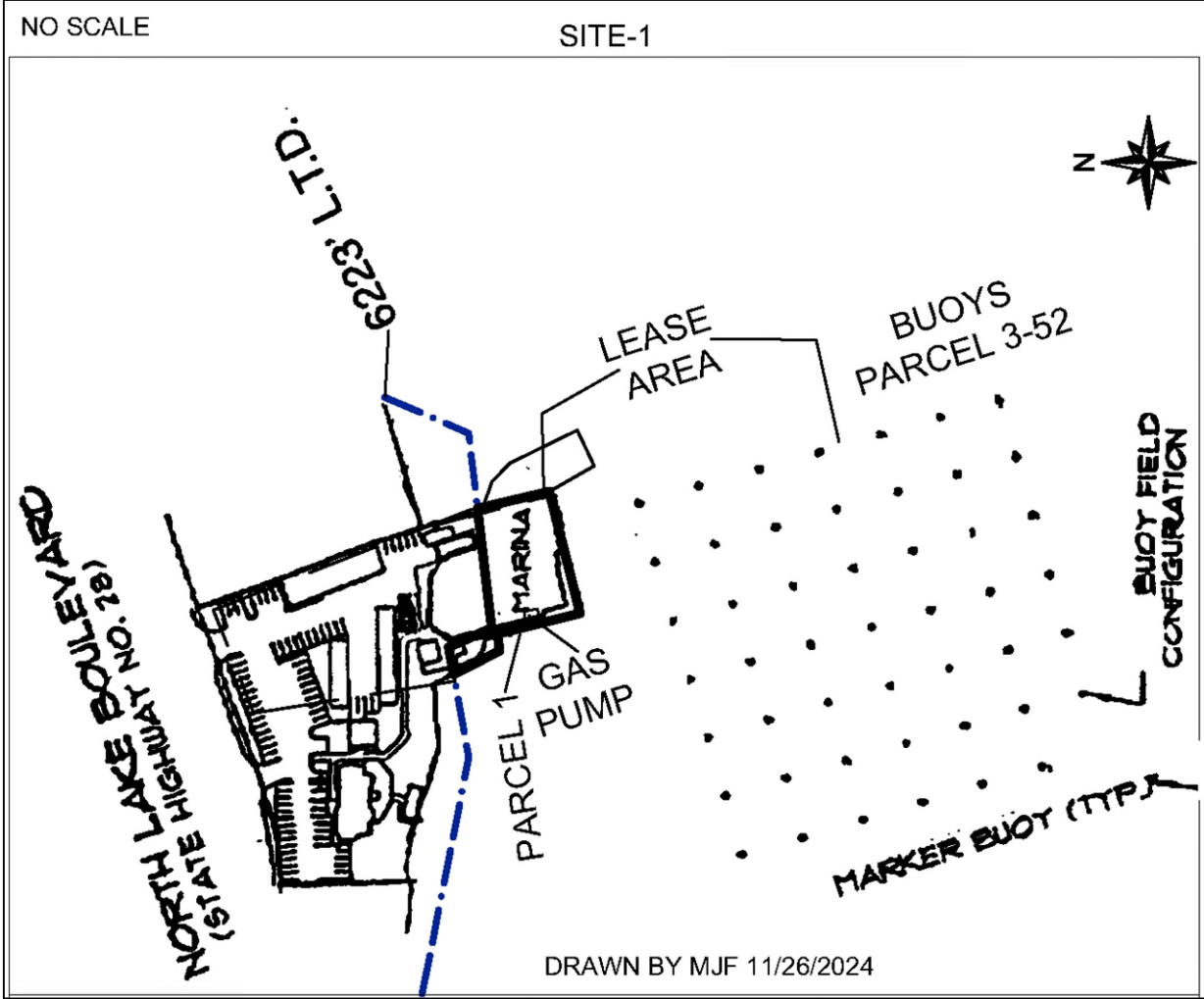


Figure 2B. Site Map



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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, section 2000 and 2003.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On December 14, 2006, the Commission authorized issuance of a General Lease – Commercial Use to Walsh Family LLC dba North Tahoe Marina for the continued

use, operation, and maintenance of a fixed sheet pile commercial marina facility with 30 boat slips, fueling facility, a boat ramp; 48 mooring buoys, two marker buoys ([Item 9, December 14, 2006](#)). On June 23, 2011, the Commission authorized an amendment of the lease to include annual maintenance dredging of up to 750 cubic yards (cy) for the term of the lease ([Item 113, June 23, 2011](#)). The lease expires on June 4, 2030. The Lessee has applied for an amendment of the lease to increase the amount of the authorized dredged material threshold from 750 cy to 1,250 cy per year.

The dredging threshold increase is proposed to mitigate the increased sediment accumulation occurring in the harbor egress. The accumulation is between 250 cy and 1,250 cy a year. The harbor entrance is 1,000 feet west of the waterway, Snow Creek. Snow Creek's outfall into Lake Tahoe transfers sediment seasonally. The volume of sediment fluctuates depending on climate conditions and lake water levels. The proposed increased dredging threshold will remain consistent with Tahoe Regional Planning Agency's Code of Ordinances, and Threshold Standard and Regional Plan. Staff has reviewed the other agency permits and the proposed action does not exceed permitted thresholds.

The amendment does not change previously authorized methods of extraction or disposal. The Lessee will use suction dredging methods for low and higher volume dredging events as included in the Dredging Work Plan submitted with the application. The dredged material would be contained and dewatered on the upland parking area before the materials are disposed of at the Eastern Regional Landfill in Truckee, California.

The proposed lease amendment does not alienate the State's fee simple interest or permanently impair public rights. The proposed increased threshold for the previously authorized maintenance dredging is considered a public benefit as it facilitates increased navigation around the mouth of the marina. The lease is limited to a 25-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The lease 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. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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.

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. The existing sheet pile wall surrounding the marina harbor may require more

frequent inspection and maintenance to ensure it is not damaged during storm events, particularly from high wind events and damaging wave conditions.

CONCLUSION:

For all the reasons above, staff believes the proposed amendment will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the common law 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. The lessee has no right to a new lease or to renewal of any previous lease.
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 15061.

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 amendment will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize an amendment of Lease Number PRC 5856, a General Lease – Commercial Use, effective April 2, 2025; to authorize an increase in the annual maintenance dredging threshold from 750 cubic yards to 1,250 cubic yards; all other terms and conditions of the lease shall remain in effect without amendment.