

27. DELEGATION OF AUTHORITY OF THE EXECUTIVE OFFICER FOR AUTHORIZATION TO ISSUE ADMINISTRATIVE DREDGING PERMITS AT LAKE TAHOE, EL DORADO AND PLACER COUNTIES - W 9990

During consideration of Calendar Item 27, attached, Mr. William F. Northrop, Executive Officer, stated that the drought conditions in the Lake Tahoe area has necessitated many dredging operations to maintain the marinas that are currently in operation. This item authorizes the Executive Officer to administratively issue dredging permits with the caveat that all other permits--water quality and those permits regarded for dredging--be complied with.

Mr. Sid McCausland, Commission Alternate, then asked what the term "incumbent" meant in the text of, "It is incumbent upon the Commission as lessor of the Lake to accommodate lessees who may wish to perform dredging at their marinas...". Mr. Robert Hight, Staff Counsel, replied that the sentence should be construed to read: "The Commission has let leases in the area and now they are, because of the drought conditions, not totally usable". He explained the staff's recommendation would help to facilitate the use of the leases. Commission Alternate McCausland then asked why such a Calendar Item was not brought before the Commission several months ago since Winter is almost here. Mr. Hight said that the water level has dropped in just the last month or two, and numerous requests for dredging permits had been received over the last month. Mr. McCausland also wanted to know the names of the affected agencies also requiring permits, and under what kinds of statutory authority do their approval rights encompass. Mr. Hight replied approvals from Tahoe Regional Planning Agency, Water Quality Control Board and Fish and Game would be required. As long as all agencies are willing to participate, Mr. McCausland then moved for adoption. His main concern was the unsettling of nutrients in the Lake which environmentalists have been fighting for the last decade to preserve. Acting Chairman Dymally then amended the amount of material to be dredged from 1,000 to 500 c.y. Mr. McCausland also instructed the staff to keep him abreast of this situation.

Upon motion duly made and carried, the following resolution was adopted by a vote of 2-0:

MINUTE ITEM 27 (CONTD)

THE COMMISSION:

1. DELEGATES TO THE EXECUTIVE OFFICER AUTHORIZATION FOR ISSUANCE OF ADMINISTRATIVE DREDGING PERMITS IN THE BED OF LAKE TAHOE FOR THE PURPOSE OF FACILITATING NAVIGATION IN AND ABOUT EXISTING MARINAS DURING THE LOW WATER CONDITIONS, BUT EXPRESSLY SUBJECT TO THE FOLLOWING CONDITIONS:
 - (A) THAT THE ISSUANCE OF THE ADMINISTRATIVE DREDGING PERMIT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
 - (B) THAT THE PROJECTS ARE CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, PURSUANT TO TITLE 2, CAL. ADM. CODE 2907.
 - (C) THAT THE PROJECT WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
 - (D) THAT THE PROPOSED DREDGING IS WITHIN AN AREA UNDER ACTIVE LEASE OR APPLICATION THEREFOR TO THE STATE LANDS COMMISSION.
 - (E) THAT DREDGING VOLUME WILL NOT EXCEED 500 CUBIC YARDS PER APPLICATION.
 - (F) THAT A LOYALTY OF \$0.15 PER CUBIC YARD BE ASSESSED FOR SPOIL MATERIAL THAT IS DEPOSITED ON PRIVATE PROPERTY.
 - (G) THAT ALL AFFECTED STATE, FEDERAL OR LOCAL AGENCIES HAVE APPROVED THE PROJECT.
2. THE DELEGATION OF AUTHORITY SHALL TERMINATE ON DECEMBER 31, 1976.

Attachment: Calendar Item 27 (2 pages)

CALENDAR ITEM

8/76
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27.

DELEGATION OF AUTHORITY TO THE EXECUTIVE OFFICER
FOR AUTHORIZATION TO ISSUE ADMINISTRATIVE DREDGING PERMITS
AT LAKE TAHOE, EL DORADO AND PLACER COUNTIES

The Lake Tahoe region along with the rest of California has been hurt with declining water levels as a result of the present drought. Water levels at the Lake have receded to the point where most marinas on the Lake will need to dredge under near-emergency conditions to relieve navigational problems.

The bed of Lake Tahoe is sovereign lands of the State under the jurisdiction of the State Lands Commission. It is incumbent upon the Commission as lessor of the Lake to accommodate lessees who may wish to perform dredging at their marinas of which as many as 12 are expected to apply. Most operators of the marinas have pier permits which do not provide for maintenance dredging under terms of their permit. Volumes of dredged material are expected to vary from less than 100 cubic yards to 1,000 cubic yards depending on the project site.

The U.S. Army Corps of Engineers, in anticipation of the impending problem and to expedite their permit procedure during this low-water phase, has initiated the issuance of "Letters of Permission". This administrative permit is issued to applicants who receive approvals from the Tahoe Regional Planning Agency and the Lahontan Water Control Board. Prior to issuance of such permit, the Corps coordinates the approval to dredge with the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the State Lands Commission.

In view of the potential emergency conditions, it would appear expedient to grant authorization to the Executive Officer to issue an administrative dredging permit for performance of the required dredging, but only upon determination that the following conditions have been met:

1. That the issuance of the administrative dredging permit will not have a significant effect on the environment.
2. That the proposed dredging is categorically exempt from the requirements of CEQA as provided for in Title 2, Cal. Adm. Code 2907, Class 4 (maintenance dredging operations).
3. That the projects will have no significant effect upon the environmental characteristics identified pursuant to Section 6370.1 et seq., of the Public Resources Code.

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4. That the proposed dredging is within an area under active lease or application therefore, to the State Lands Commission,
5. That the dredging amount will not exceed 1,000 cubic yards,
6. That a charge of \$0.15 per cubic yard be assessed for the spoil material that is deposited on private property.
7. That all pertinent State, Federal or local agencies have approved the project.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DELEGATE TO THE EXECUTIVE OFFICER AUTHORIZATION FOR ISSUANCE OF ADMINISTRATIVE DREDGING PERMITS IN THE BED OF LAKE TAHOE FOR THE PURPOSE OF FACILITATING NAVIGATION IN AND ABOUT EXISTING MARINAS DURING THE LOW WATER CONDITIONS, BUT EXPRESSLY SUBJECT TO THE FOLLOWING CONDITIONS:
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 - (C) THAT THE PROJECTS WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
 - (D) THAT THE PROPOSED DREDGING IS WITHIN AN AREA UNDER ACTIVE LEASE OR APPLICATION THEREFOR TO THE STATE LANDS COMMISSION.
 - (E) THAT DREDGING VOLUME WILL NOT EXCEED 1,000 CUBIC YARDS PER APPLICATION.
 - (F) THAT A ROYALTY OF \$0.15 PER CUBIC YARD BE ASSESSED FOR SPOIL MATERIAL THAT IS DEPOSITED ON PRIVATE PROPERTY.
 - (G) THAT ALL AFFECTED STATE, FEDERAL OR LOCAL AGENCIES HAVE APPROVED THE PROJECT.
2. THE DELEGATION OF AUTHORITY SHALL TERMINATE ON DECEMBER 31, 1976.