Meeting Date: 11/07/25
Work Order Number: 27264
Staff: W. Crunk

Staff Report 54

PARTIES:

1. Paul Brodie
2. Michael Martinelli
3. Daniel Wilkins
4. James Bowman and Gayle Bowman
5. Unknown Party - Buoy with covered power boat attached, tagged with Cease and Desist tag "Grand 004"
6. Matthew Lipelt
7. Robert Lowery
8. Unknown Party – Buoy block and chain with float removed, originally tagged with Cease and Desist tag "Grand 006"
9. David Millep
10. Bryant McCarver
11. Herbert Sanford and Murray Sandford
12. Unknown Party - Buoy with blue Osprey sail boat having no registration, tagged with Cease and Desist tag "Grand 012"
13. Thomas Gott
14. Eric Vanacore and Derek Vanacore

PROPOSED ACTION:

Consider taking title to and authorizing the removal and disposal of unauthorized and abandoned buoys along with attached vessels, if any.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, near Grand Avenue Pier, Homewood, Placer County.

BACKGROUND:

For several decades, the Lake Tahoe Regional Planning Agency (TRPA) did not have ordinances in place to issue permits for mooring buoys at Lake Tahoe. This left many property owners around the lake in regulatory limbo and resulted in buoys being installed, in the lake, without permission or permits from TRPA or a lease from the Commission. A 2016 survey of the buoys on Lake Tahoe indicated that there were 3,693 buoys on the California side of the lake. The Commission's current records show a total of 3,220 authorized buoys. Since the 2016 survey, both TRPA and Commission staff have continued to address the unauthorized buoys.

In October 2018, the TRPA Governing Board approved a new Shoreline Plan for Lake Tahoe, enabling TRPA to resume issuing permits for buoys and taking enforcement actions against those buoys that were not permitted. The first step of this plan was to issue permits and clearly visible tags for legally existing buoys. Once the legally existing buoys were legitimized by getting permits from TRPA and a lease from the Commission, both TRPA and Commission staff began enforcement against the many unauthorized buoys found throughout the lake.

In January 2019, TRPA entered into a Memorandum of Understanding (MOU) with the Commission, authorizing TRPA to act as the Commission's agent in tagging and removing buoys under the Commission's statutory authority provided by Public Resources Code section 6302.1 and following. This MOU provides for a consultation process and allows TRPA to utilize their presence and resources on the lake to remove unauthorized and trespassing buoys within the Commission's existing authority.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6302.1, 6302.3, and 6302.4.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

At the end of Grand Avenue in Homewood, a pier leased to the Tahoe Pines Homeowner's Association (Tahoe Pines) extends onto sovereign lands in Lake Tahoe. Waterward of the Tahoe Pines pier is a small buoy field. The Commission has records for 3 leases in the area authorizing 6 buoys. Staff verified that those buoys were not among the buoys tagged. The remaining buoys in the field are

unauthorized and in trespass. Now that TRPA's permitting process is in place, all permitted buoys are issued individually serialized tags which must always be on the buoys. Those buoys without tags are presumptively unpermitted and may be tagged for removal.

Tahoe Pines applied for a renewal of their lease for their pier on February 7, 2023. Commission staff notified Tahoe Pines that staff could not move forward with their lease application when there were so many unauthorized buoys near their pier. Commission staff were notified by TRPA staff that these unauthorized buoys did not qualify for TRPA permits. Based on this, Commission staff asked Tahoe Pines to remove the unauthorized buoys in order to move forward with their pier lease. By letter of June 9, 2025, Tahoe Pines advised Commission staff that the HOA does not own the buoys and does not have the legal authority to remove the buoys.

Over the next month, Commission staff coordinated with TRPA staff to separate buoys that are permitted from those that are not. On July 17, 2025, TRPA staff tagged all buoys in the area that did not display buoy permit tags with a Cease and Desist notice under TRPA's authority. This activity led to contact with persons using the buoys in this area, and staff were able to identify buoys that had lost their tags and clarify the GPS coordinates for the permitted buoys, helping to separate the authorized buoys from the unauthorized ones. TRPA staff also coordinated with Commission staff to verify that the tagged buoys did not have a lease. Many of the unauthorized buoys in this area have existed for decades without authorization and without paying compensation for the occupation of public land. The tagging of buoys requires the owner of the unpermitted buoy(s) to remove the float, the chain and the anchor. Failure to remove the entirety of the structure is not an adequate removal.

On August 11, 2025, the unauthorized buoys were tagged with notices triggering the 30-day due process period provided under Public Resources Code 6302.1. Staff retrieved the mailing addresses for the vessel owners using the CF numbers on the boats, if any were present, and mailed notice directly to the boat owners identified as Parties above on August 12, 2025. By operation of the statute, the notice triggers a 30-day period for a person to claim ownership of the buoy by making arrangements to have it removed. After this period has passed, the statute deems the unauthorized buoys to be abandoned and authorizes the Commission to take title to the moorings for purposes of removing them from state land. Because of the Commission meeting dates, the boat owners have had at least two months notice to move their boats and remove any unauthorized buoys from the lake.

Once the Commission approves this action, the Public Resources Code requires another 30 days to pass before the abandoned buoys can be removed. This places the removal action in mid-November. The harsh winter weather at Lake Tahoe would damage any boats left in the lake, so boats are generally removed from buoys and put into winter storage shortly after the Labor Day weekend. As such, Staff are hopeful that any boats currently moored to unpermitted buoys will be removed by mid-November. Nevertheless, out of an abundance of caution, staff are also requesting authorization to take title to any vessels still attached to unauthorized buoys at the time of removal. This will ensure that no boats are left adrift or at risk once the buoys are taken out.

Staff recommends that, if the buoys are not removed from state lands, the Commission authorize staff to take title to and direct TRPA staff or one of its on-call contractors to remove the buoys and dispose of them. Staff are also requesting authorization to take title to the boats so that they can be removed from the lake and impounded should they still be found attached to these unauthorized buoys.

CONCLUSION:

Staff believes that taking title to the buoys, if they have not been removed from state waters within the statutory period, and directing their disposal, is consistent with the Public Trust and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The recommended authorization is a discretionary action by the Commission. Each time the Commission approves or rejects an action on sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. TRPA staff posted notice on the buoys on August 11, 2025, and Commission staff mailed notice to the Parties on August 14, 2025. Notice is effective, and the Commission may take action as of September 10, 2025. At least 30 days must pass between the Commission action and removal of the buoys. It may not be possible to remove the buoys during the winter months, so staff recommends that the authorization to take title include discretion to delay taking title until better weather conditions prevail, and only take title just prior to the removal of the buoys to minimize risks to the State.

3. This action is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021–2025 Strategic Plan.

4. 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 Alteration to Land, California Code of Regulations, title 2, section 2905, subdivision(d)(3), and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

   Authority: Public Resources Code section 21084, California Code of Regulations, title 14, section 15061, and California Code of Regulations, title 2, section 2905.

EXHIBIT:

A. Photos of Buoys with tags and boats attached.

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 through the combination of the following exemptions: Class 4, Minor Alteration to Land; California Code of Regulations, title 14, section 2905, subdivision (d)(3), and 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 action 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 foreseeable future; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 001"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#5590KZ, registered to Paul Brodie on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

2. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 002"; along with the originally observed watercraft attached to the unauthorized buoy marked with CF#1614UN, registered to Michael Martinelli and Richard Martinelli on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

3. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 002"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#9349JP, registered to Daniel Wilkins on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

4. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 003"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#5590KZ, registered to James Bowman and Gayle Bowman on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

5. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 004"; along with the last observed watercraft attached to the unauthorized buoy, which was a covered power boat having an unknown registry, on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

6. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 005"; along with the originally observed watercraft attached to the unauthorized buoy marked with CF#2917RW, registered to Matthew Lipelt on or after October 14, 2025, unless

before that date the buoy and the attached watercraft have been removed from state lands and not returned.

7. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 005"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#8575PW, registered to Robert Lowery on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

8. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, originally tagged with TRPA Cease and Desist tag "Grand 006", with buoy float now removed and mooring block and chain remaining in the lake.

9. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 007"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#1740GF, registered to David Millep on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

10. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 009"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#4397UR, registered to Bryant McCarver on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

11. Authorize the Executive Officer, or their designee, to take title to a buoy marked "HMS" in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 011"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#4588RC, registered to Herbert Sanford and Murray Sandford on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

12. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 012"; along with the last observed watercraft attached to the unauthorized buoy, a blue sail boat with no registration number, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

13. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 017"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#2864RG, registered to Thomas Gott on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

14. Authorize the Executive Officer, or their designee, to take title to a buoy in Lake Tahoe, tagged with TRPA Cease and Desist tag "Grand 008"; along with the last observed watercraft attached to the unauthorized buoy marked with CF#3851VP, registered to Eric Vanacore and Derek Vanacore on or after October 14, 2025, unless before that date the buoy and the attached watercraft have been removed from state lands and not returned.

Exhibit A

Figure 1. Tag "Grand 001"

Figure 2. Tag "Grand 002"

Figure 3. Tag "Grand 003"

Figure 4. Tag "Grand 004"

Figure 5. Tag "Grand 005"

Figure 6. Tag "Grand 007"

Figure 7. Tag "Grand 009"

Figure 7. Tag "Grand 011"

Figure 8. Tag "Grand 012"

Figure 9. Tag "Grand 017"

Figure 10. Tag "Grand 008"