

**ATTACHMENT I:**  
**Adopting Resolution for Memorandum of Understanding (MOU)**  
**Between the TRPA and California State Lands Commission regarding**  
**Buoy Enforcement on Lake Tahoe**

TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY'S GOVERNING BOARD  
TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA STATE LAND COMMISSION  
REGARDING BUOY ENFORCEMENT ON LAKE TAHOE

WHEREAS, Lake Tahoe is a navigable body of water, approximately two-thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the CSLC, on behalf of the State of California, has authority to issue leases for the lawful use and occupation of its State Sovereign Lands;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact (Compact);

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties recognize that although many mooring buoys have been placed on State Sovereign Lands in compliance with CSLC lease requirements and TRPA permit requirements, mooring buoys have also been placed on State Sovereign Lands without both CSLC and TRPA authorization. These unauthorized buoys negatively impact Lake Tahoe's environmental, scenic, and recreational quality;

WHEREAS, CSLC has authority to remove unauthorized mooring buoys placed on State Sovereign Lands (Public Resources Code section 6302.1) either itself or by acting in concert with another federal, state, or local agency operating under CSLC's direction (Public Resources Code section 6302.1, subdivision (f)(2));

WHEREAS, the TRPA has authority to enforce its regulations under Article VI of the Compact.

WHEREAS, the TRPA has available resources to implement the Parties' agreed-upon approach to addressing unauthorized buoys on the California side of Lake Tahoe;

WHEREAS, the Parties recognize that considerations of fairness and considerations of environmental, scenic, and recreational quality suggest there is a need to address unauthorized buoys in Lake Tahoe;

WHEREAS, it is in the best interest of the Parties in carrying out their respective missions as public

agencies to work cooperatively to remove unauthorized buoys placed on the California side of Lake Tahoe; and

WHEREAS, the Parties seek to protect the waters of Lake Tahoe by entering into this MOU to establish the duties, authorities, and agreements of the Parties with respect to the removal of unauthorized buoys, subject to the aforementioned laws and regulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby authorizes the TRPA Executive Director to enter into the Memorandum of Understanding with the California State Land Commission, as reflected in Exhibit 1 of the resolution.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_ day of \_\_\_\_\_, 2018, by the following vote:

Ayes:

Nays:

Absent:

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James Lawrence, Chair  
Tahoe Regional Planning Agency  
Governing Board

**EXHIBIT 1**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA STATE  
LANDS COMMISSION AND THE TAHOE REGIONAL PLANNING AGENCY  
REGARDING ENFORCEMENT OF UNAUTHORIZED BUOYS, VESSELS, AND  
APPURTENANCES ON THE CALIFORNIA SIDE OF LAKE TAHOE**

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between the California State Lands Commission (CSLC), an agency of the State of California and the Tahoe Regional Planning Agency (TRPA), a bi-state agency created by the Tahoe Regional Planning Compact (together herein described as “the Parties”).

**RECITALS**

WHEREAS, Lake Tahoe is a navigable body of water, approximately two thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the CSLC, on behalf of the State of California, has authority to issue leases for the lawful use and occupation of its State Sovereign Lands;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact (Compact);

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties recognize that although many mooring buoys have been placed on State Sovereign Lands in compliance with CSLC lease requirements and TRPA permit requirements, mooring buoys have also been placed on State Sovereign Lands without both

CSLC and TRPA authorization. These unauthorized buoys negatively impact Lake Tahoe's environmental, scenic, and recreational quality;

WHEREAS, CSLC has authority to remove unauthorized mooring buoys placed on State Sovereign Lands (Public Resources Code section 6302.1) either itself or by acting in concert with another federal, state, or local agency operating under CSLC's direction (Public Resources Code section 6302.1, subdivision (f)(2));

WHEREAS, the TRPA has authority to enforce its regulations under Article VI of the Compact.

WHEREAS, the TRPA has available resources to implement the Parties' agreed-upon approach to addressing unauthorized buoys on the California side of Lake Tahoe;

WHEREAS, the Parties recognize that considerations of fairness and considerations of environmental, scenic, and recreational quality suggest there is a need to address unauthorized buoys in Lake Tahoe;

WHEREAS, it is in the best interest of the Parties in carrying out their respective missions as public agencies to work cooperatively to remove unauthorized buoys placed on the California side of Lake Tahoe; and

WHEREAS, the Parties seek to protect the waters of Lake Tahoe by entering into this MOU to establish the duties, authorities, and agreements of the Parties with respect to the removal of unauthorized buoys, subject to the aforementioned laws and regulations;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

- I. The Parties agree to work together cooperatively to implement the terms of this MOU. Pursuant to all applicable laws of the State of California, the Tahoe Regional Planning Compact and the TRPA Regional Plan and Code of Ordinances, the Parties

acknowledge that each agency retains its own legal authority and jurisdiction. In particular, the Parties acknowledge that this MOU does not limit CSLC's ability to act under its existing authority, but rather defines the process by which the Parties may act in concert with one another, pursuant to Public Resources Code section 6302.1, subdivision (f)(2).

**II.** The following terms are defined for purposes of this MOU:

- A. Unauthorized buoys are those buoys without a current CSLC lease or TRPA permit.
- B. Vessels shall mean a boat or other similar conveyance moored to an unauthorized buoy.

**III.** Information Management and Public Education Process.

- A. The Parties shall work together to create a shared database of buoys on the California side of Lake Tahoe that specifically identifies a given buoy's permit/lease status. The database will cross reference the TRPA permit number with the CSLC lease number, identify the buoy owner, and the location of the buoy.
- B. TRPA shall distribute highly visible tags or similar markers for authorized buoys on the California side of Lake Tahoe.
- C. The Parties shall work together to educate individuals and companies installing mooring buoys in Lake Tahoe about the requirements to first obtain authorization from CSLC and TRPA for buoys installed on State Sovereign Lands, along with the penalties should they fail to do so.

**IV.** Enforcement Process

A. TRPA Initiation

1. In the event TRPA becomes aware of an unauthorized buoy on State Sovereign Lands, the TRPA shall implement enforcement pursuant to this MOU by contacting CSLC and sharing all known information about the buoy.
  - a. This may include the owner, location, registration number or permit number, if any, along with any other information useful to identifying the buoy and its owner, including the vessel registration number of any vessel moored to it.

B. Notification Process

1. Within 30 days of being contacted by TRPA, the CSLC shall determine whether the identified buoy is authorized by the Commission. In the event it is unauthorized, the CSLC shall prepare a 30-day notice for TRPA or its contractors to attach to the buoy. The CSLC and TRPA shall also use reasonable means to locate the owner of the buoy. If the buoy's owner can be determined and located, the CSLC shall mail notice to the owner to remove the buoy by a date certain, at least 15 days from the date of the notice.

C. Buoy Removal

1. Pursuant to Public Resources Code 6302.1(b)(2), a buoy may be deemed abandoned at the end of the 30-day notice period. At the request of CSLC TRPA shall remove the buoy or contract to have the buoy removed by a third party.
2. TRPA shall provide a location to store buoys removed from Lake Tahoe



- a. TRPA shall have the buoy impounded for at least 30-days. During this time, the buoy owner may reclaim their property on paying the costs of removal and storage.

**V. Authority**

- A. Nothing in this MOU alters the Parties' existing authority to independently pursue an enforcement action.

**VI. Costs**

- A. Each Party shall bear their own costs in implementation of this MOU.

**VII. Termination**

- A. This MOU may be terminated by any of the Parties upon thirty (30) days notice in writing.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding.

**CALIFORNIA STATE LANDS COMMISSION**

\_\_\_\_\_  
Jennifer Lucchesi  
Executive Officer

\_\_\_\_\_  
Date

Approved as to form:

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\_\_\_\_\_  
Date

**TAHOE REGIONAL PLANNING AGENCY**

\_\_\_\_\_  
Joanne S. Marchetta  
Executive Director

\_\_\_\_\_  
Date

Approved as to form:  
TRPA General Counsel

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John L. Marshall

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Date