Meeting Date: 04/07/26
Lease Number: 5290
Staff: M. McGough

Staff Report 20

LESSEE/APPLICANT:

Tahoe Pines Homeowners Association

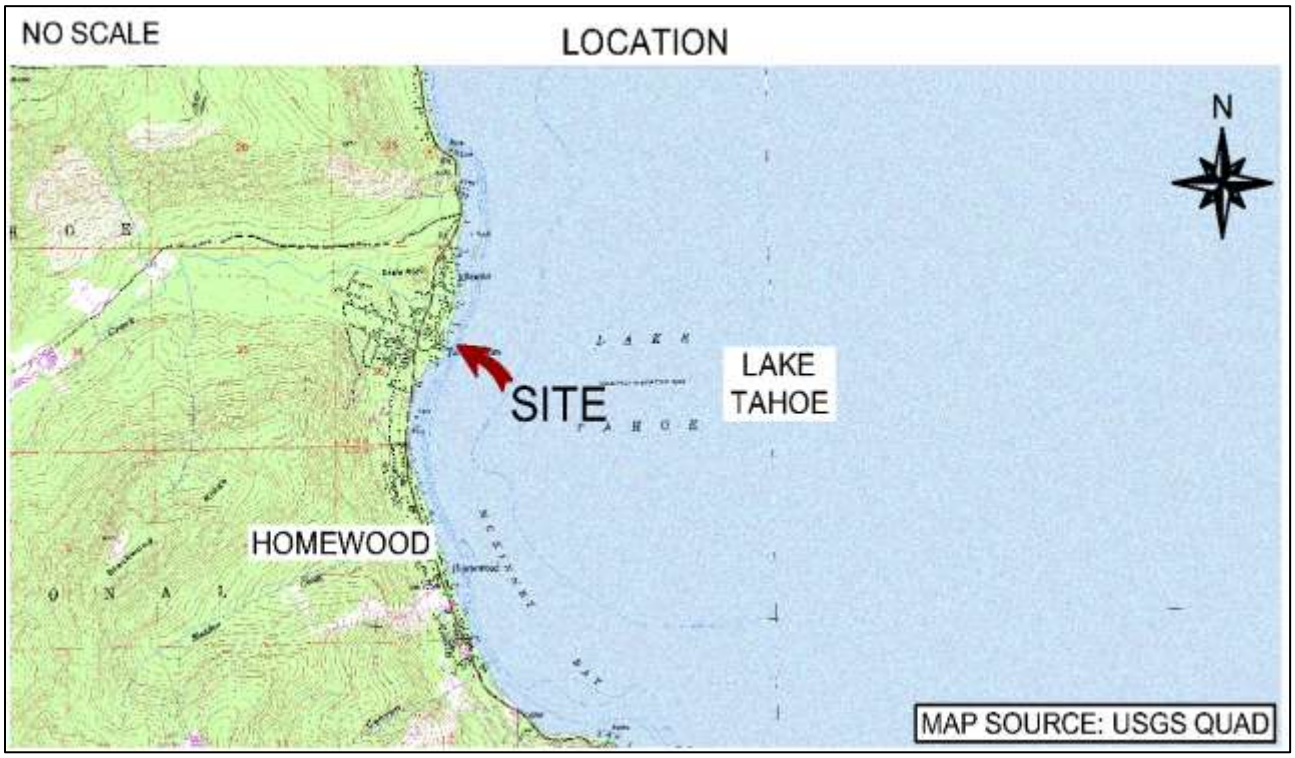
PROPOSED ACTION:

Issuance of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

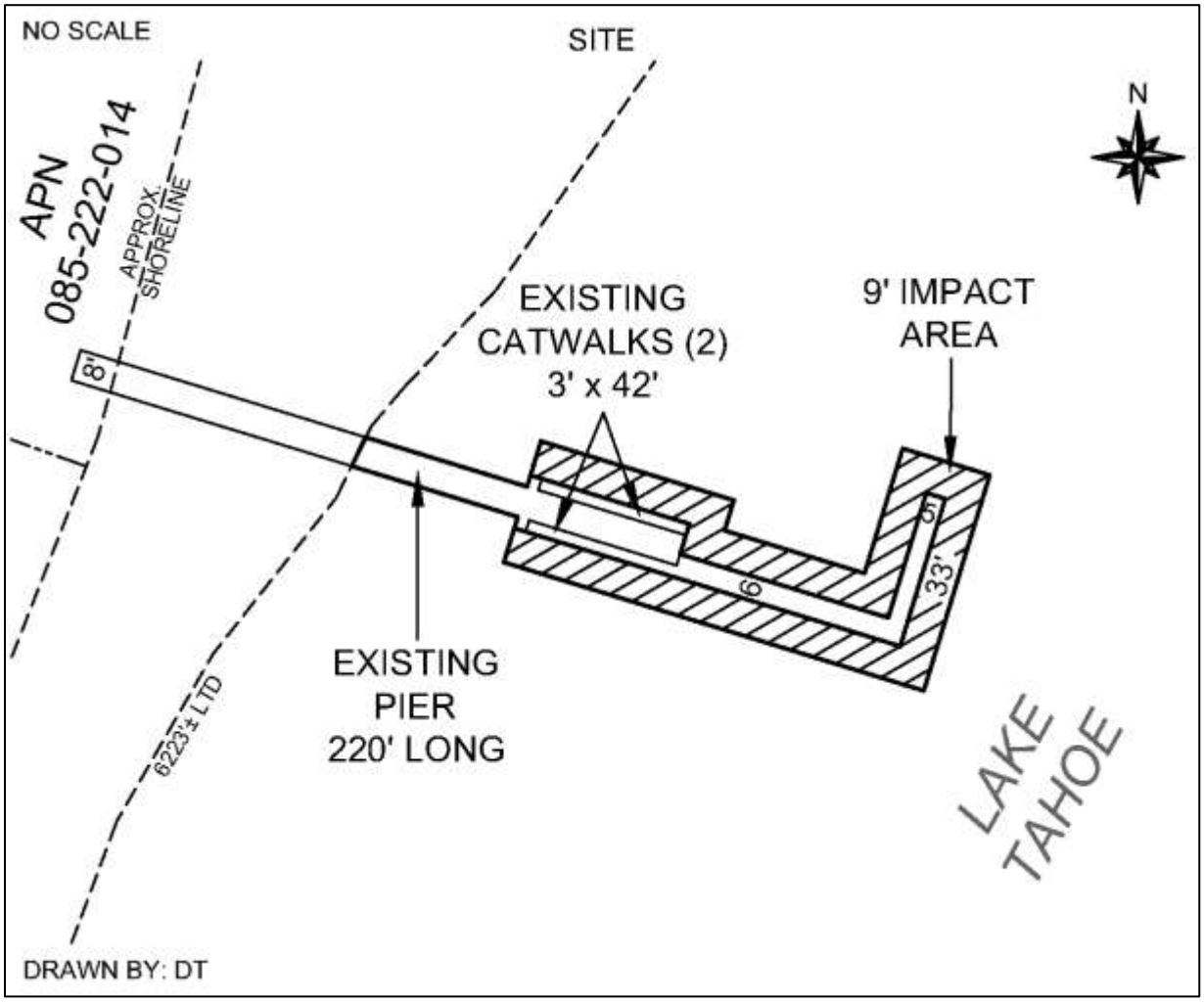
Sovereign land located in Lake Tahoe, adjacent to the extension of Grand Avenue, near Tahoe Pines, Placer County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:
Use of an existing pier (as shown in Figure 2).

Figure 2. 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.

TERM:
10 years, beginning April 7, 2026.

CONSIDERATION:
$2,800 per year, with an annual Consumer Price Index adjustment; and $10,254 for the unauthorized occupation of state land for the period prior to April 7, 2026.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than $1,000,000 per occurrence.
- Lessee acknowledges that a Tahoe Regional Planning Agency (TRPA) permit may be required for the Authorized Improvements and failure to obtain a permit or registration from TRPA and maintain compliance with that permit or registration may result in TRPA imposing civil penalties and will constitute a breach of this lease.
- Lessee agrees that the public be allowed to pass and repass under or over the pier, with signs posted on each side of the pier, to provide continuous shoreline access to the Public Trust easement below elevation 6228.75 feet, Lake Tahoe Datum (LTD).
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public's right of access for navigation, fishing, and Public Trust consistent recreational uses.
- The provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee's unauthorized occupation of state-owned lands, from August 9, 2022 to April 6, 2026.

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 April 26, 2013, the Commission authorized a General Lease – Recreational Use to Tahoe Pines Homeowners Association, for the continued use and maintenance of an existing pier adjacent to the extension of Grande Avenue, near Tahoe Pines, Placer County (Item 63). On June 22, 2017, the Commission authorized an amendment of the lease and revision of rent to reduce the lease area and annual rent (Item 24). This lease expired on August 8, 2022.

The Applicant is now applying for a General Lease – Recreational Use for the use of an existing pier previously authorized by the Commission. The lease provisions regarding indemnity will be extended to apply for the whole period of the

Applicant's unauthorized occupation of State land, from August 9, 2022 to April 6, 2026.

Although the Applicant applied for a new lease in 2023, staff was requested to postpone processing of the application while the Applicant sought authorization from TRPA for 10 existing mooring buoys. The 10 mooring buoys have occupied and been used on State lands for many years without authorization from the Commission. TRPA staff confirmed that the unauthorized buoys did not qualify for TRPA permits. Commission staff notified the Applicant that staff could not move forward with the pier lease application while so many unauthorized buoys remained in the area near the pier. Commission staff asked the Applicant to remove the unauthorized buoys. By letter of June 9, 2025, the Applicant advised Commission staff that the HOA does not own the buoys and does not have the legal authority to remove them. Due to a lack of required documentation, the application to register the buoys with TRPA was withdrawn on October 24, 2024.

Over the following months, Commission staff coordinated with TRPA staff to separate permitted buoys from those without authorization. On August 11, 2025, TRPA staff posted notice on the unpermitted buoys, and on August 14, 2025, mailed notice to the associated parties, indicating their intention to remove the buoys. On November 7, 2025, the Commission authorized the removal of the unauthorized and abandoned buoys and attached vessels previously noticed for removal by TRPA (Item 54). TRPA has since initiated proceedings to remove the unpermitted buoys. As of February 2026, at least five buoys have been removed. TRPA will remove any remaining noticed buoys when weather permits. The Applicant has been fully cooperative with the process of bringing the area into compliance and Commission staff believe that moving forward with the pier lease is appropriate.

Staff recommends that the Commission accept compensation from the Applicant in the amount of $10,254 for the unauthorized occupation of State land for the subject facilities for the period prior to April 7, 2026.

The existing pier is privately owned and maintained and facilitates recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5.)

The topography surrounding the pier is gently sloped and consists of a wide, sandy beach, making the shoreline accessible for pedestrians in the area. During periods of high water, public access is available over the pier within the Public Trust

easement by stepping up from the beach at the landward end of the pier. At low water, public access is available within the Public Trust easement by walking beneath the pier. Signs are required to be posted on each side of the pier identifying the designated public passageway and are required to be in place at all times.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-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 proposed 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:

INTRODUCTION:

Climate change significantly affects inland non-tidal lakes such as Lake Tahoe, and its effects are increasing throughout the Sierra Nevada mountains. According to California's Fourth Climate Change Assessment (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. These impacts create hazardous conditions like flooding, landslides, wildfire, drought, extreme heat, and severe storms. Structures along the shores of inland lakes are particularly vulnerable to the more frequent and extreme weather events, year-to-year changes in total precipitation, and shifts in seasonal characteristics.

DATA & PROJECTIONS:

Temperatures in the Sierra Nevada are expected to increase six to ten degrees Fahrenheit on average by the end of the century, causing the snowline to shift upslope 1,500 to 3,000 feet in elevation (California's Fourth Climate Change Assessment, 2018). The long-term warming trend will lead to warmer and shorter winters and longer and drier summers. The warmer winters will reduce winter snowpacks by up to 60 percent across most of the Sierra Nevada and will result in

increased winter streamflows and floods and decreased spring and summer runoff. Loss of snowpack is expected to dry soils 15 to 40 percent below their historical norms. Hotter, drier summer seasons and low water years will increase stress to vegetation, elevating wildfire risk and fire severity in the Tahoe Basin.

Dry winters will be punctuated with exceedingly wet years and higher temperatures will result in more rain-on-snow events (Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin, 2020). Atmospheric river systems will become more common. These events produce both flash floods and higher than normal seasonal flooding which may shift earlier in the year. Higher soil moisture will increase erosion and elevate landslide risk, particularly following intense wildfire seasons.

ANALYSIS:

The greatest vulnerability to recreational facilities is from flooding, landslides, and wildfire hazards (Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin, 2020). The Sierra Nevada is expected to experience year-to-year variability in precipitation and may shift between extreme wet and dry periods. High precipitation years or successive years will result in higher lake levels, causing beaches to narrow and reducing public access. Surface runoff may carry more sediment into the lake, adversely impacting water quality, clarity, and increasing risk of algal blooms (UC Davis Tahoe Environmental Research Center, 2024). Conversely, low lake levels will become normal during periods of extended drought. Low lake level conditions can create more expansive beaches and increased shoreline access in dry months. However, these conditions could make some shoreline areas too shallow for effective recreational use of piers, boat docks, and mooring buoys. During drought, structures will also be exposed to heat and wind that may accelerate deterioration or reduce the structural integrity of certain structures.

Additionally, atmospheric rivers and extreme weather events are expected to increase in the high Sierra. Storms may deviate from prevailing wind patterns for the region. Wind-driven waves can accelerate shoreline erosion in some areas or cause erosion in areas not typically subject to erosion. Winds can also increase wave damage on structures and boats along the lake.

RECOMMENDATIONS:

Improvements authorized under this lease may require more frequent inspection and maintenance to ensure they are not displaced during storm events. Watercraft

moored to buoys, piers, or docks are also vulnerable to high wind events and damaging waves. Replacing older structural components with materials designed to better withstand extreme heat, wind events, and storms can reduce the likelihood of degradation and damage to structures. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as required by the lease, may reduce the risks from extreme temperatures and rain. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interest of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed and existing improvements 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:

1. Authorize acceptance of compensation from the Applicant in the amount of $10,254 for the unauthorized occupation of State land for the period prior to April 7, 2026.

2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning April 7, 2026, for a term of 10 years, for the use of an existing pier; annual rent in the amount of $2,800 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than $1,000,000 per occurrence.