

Meeting Date: 04/27/21
Lease Number: 5125
Staff: J. Holt

Staff Report 21

LESSEE:

Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust
u/a/d August 3, 2011

APPLICANT:

Long Paddle LLC, a California Limited Liability Company

PROPOSED ACTION:

Acceptance of Lease Quitclaim Deed and Issuance of a General Lease –
Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2570 West Lake Boulevard, near Tahoe
City, Placer County.

AUTHORIZED USE:

Removal of an existing pier, appurtenant facilities, and one mooring buoy; use and
maintenance of one existing mooring buoy previously authorized and freshwater
intake pipeline not previously authorized by the Commission; and construction of a
pier and boat lift.

TERM:

10 years, beginning April 27, 2021.

CONSIDERATION:

\$954 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.

- Lessee expressly acknowledges that a permit from the Tahoe Regional Planning Agency (TRPA) is required for the Authorized Improvements and failure to obtain a permit from TRPA and maintain compliance with that permit may result in TRPA imposing civil penalties and will constitute a breach of this lease.
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreational uses.
- The public will have continuous shoreline access to the Public Trust Easement below elevation 6228.75 Lake Tahoe datum. The Lessee shall post signs identifying the designated public passageway.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A (Land Description) and Exhibit B (Site and Location Map) to the Lease as necessary, to accurately reflect the final location of the authorized improvements. Once approved by Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The replaced Exhibits shall be incorporated in the Lease as though fully set forth therein.
- Construction activities will be performed pursuant to the specific terms identified in the Lease, including that the Applicant obtain all necessary permits and authorizations prior to commencing work, requirements pertaining to construction equipment, debris, and the provision to Lessor of specified documents related to the construction activities.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 23, 2015, the Commission authorized a General Lease – Recreational Use to Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust u/a/d August 3, 2011, for an existing pier and two mooring buoys ([Item C18, April 23, 2015](#)). The current lease would expire on July 30, 2024. On September 9, 2020, the upland property was deeded to the Applicant, Long Paddle LLC. The

Applicant is now applying for a General Lease – Recreational Use for removal of an existing pier, appurtenant facilities, and one mooring buoy; use and maintenance of one existing mooring buoy and freshwater intake pipeline; and construction of a pier and boat lift in Lake Tahoe.

Staff recommends acceptance of a lease quitclaim deed from the current Lessee and issuance of a new lease beginning April 27, 2021, the date of proposed authorization. The Commission's accounting records show the annual rent is paid current.

The proposed project involves removal of an existing pier and construction of a new pier, along with supplemental modifications as referenced. The proposed plans include alterations to the pier's dimensions and placement in the lake. The existing pier is supported by 16 piles in total (ten 6-inch diameter piles and six 10.75-inch diameter steel piles). The existing pier is approximately 95 feet long and 10 feet wide. The new pier will utilize an open-pile design. The terminus of the pier where it meets land will shift towards the south by approximately 7 feet. This landward terminus results in greater clearance from the neighboring piers and conformance to the TRPA setback standards. The new pier is proposed to extend short of the TRPA pierhead line, approximately at lake bottom elevation of 6,218'. The proposed pier will be supported by 11 piles in total (open steel piles each 10.75-inch diameter). The proposed pier will be approximately 107 feet long with a pierhead of 30 feet long and 10 feet wide. One existing catwalk will be replaced with a 3-foot-wide structure on the north side of the pier. A low-level boat lift will be installed on the south side of the pier, resulting in the removal of the catwalk on the south side of the pier.

In addition to the pier project, the Applicant proposes to remove one mooring buoy with anchor and tackle in exchange for installation of a boat lift. The existing buoys have been registered with TRPA (Registration No. 11006). The proposed project is pending review at TRPA with anticipated permit issuance in spring 2021. The Applicant has exhibited due diligence by applying for permits with all applicable regulatory agencies. Construction may take place only after all required approvals have been obtained from the appropriate regulatory bodies. The Applicant will follow all construction methods and timeframes provided by TRPA, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife, and U.S. Army Corps of Engineers. Further, the Applicant has registered its business entity with the California Secretary of State's Office, identified as Entity Number 202021010602.

The proposed project will be constructed with the use of a floating/amphibious barge and materials will be transported via barge to the site. Caissons will be

installed around the pilings during installation and removal, to reduce sediment resuspension from escaping the project area. The caissons will not be removed until sediment has settled. Construction materials will be stored on the barge and protected from discharge into the lake. Materials, equipment storage, and fabrication will take place in a shop and on the barge. Removal and reconstruction of the beams, joists, and decking will take place above the surface of Lake Tahoe.

The Applicant owns the upland adjoining the lease premises. The subject facilities are privately owned and maintained. The subject improvements facilitate 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 existing pier has been at this location for many years. The new pier's design allows public access laterally across the shoreline. Simple steel stairs will be installed between a revetment wall on the upland and the low water mark for continuous public access across the landward terminus of the pier. The stairs will not be within the Commission's direct leasing jurisdiction. The lease requires the Applicant to post signs identifying the designated public passageway. Further, the Applicant is requesting retention of an existing freshwater intake pipeline for landscape irrigation purposes that was not previously authorized by the Commission. The pipeline is approximately 212 linear feet and resides on State land. While not generally associated with traditional Public Trust uses, the pipeline is partially buried and occupies a small area of the lakebed and therefore will not interfere with Public Trust uses. The Applicant's consultant filed an Initial Statement of Water Division with the California State Water Resources Control Board, on November 3, 2020.

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.

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 foreseeable term of the proposed lease; is consistent with the 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. If the Commission denies the application, the Applicant could not construct the pier, replace the catwalk, install the proposed boat lift, or remove the mooring buoy and catwalk, and the Lessee or Applicant may be required to remove the existing pier, catwalk, water intake pipeline, and two mooring buoys previously authorized by the Commission, and restore the premises to their original condition. Upon expiration or prior termination of a lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Acceptance of a lease quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. **Existing Mooring Buoy:** Staff recommends that the Commission find that this activity is exempt from the requirements of 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).
5. **Removal of Mooring Buoy and Catwalk:** Staff recommends that the Commission find that this activity is exempt from the requirements of 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.
6. **Reconstruction of Pier, Catwalk, and Boat Lift:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a

categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905, subdivision (b).

Authority: Public Resources Code section 21084, California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

APPROVALS OBTAINED:

Lahontan Regional Water Quality Control Board

APPROVALS REQUIRED:

Tahoe Regional Planning Agency
U.S Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Mooring Buoy: 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).

Removal of Mooring Buoy and Catwalk: 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.

Reconstruction of Pier, Catwalk, and Boat Lift: 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 2, Replacement or Reconstruction; California Code of Regulations, title 2, section 2905, subdivision (b).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the acceptance of a lease quitclaim deed and issuance of the proposed lease 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 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 a lease quitclaim deed, effective April 26, 2021, of Lease No. PRC 5125.1, a General Lease – Recreational Use, issued to Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust u/a/d August 3, 2011.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning April 27, 2021, for a term of 10 years, for removal of an existing pier, appurtenant facilities, and one mooring buoy; use and maintenance of one existing mooring buoy previously authorized and freshwater intake pipeline not previously authorized by the Commission; and construction of a pier and boat lift, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$954, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.
3. Authorize the Executive Officer or designee to replace Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction.

EXHIBIT A

LEASE 5125

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 24, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier to be removed and proposed pier with catwalk and boat lift lying adjacent to that parcel described in Grant Deed recorded September 9, 2020 as Document Number 2020-0098213-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 – Water Intake Pipeline

A parcel of land, underlying an existing water intake pipeline and water intake structures lying adjacent to that parcel described in Grant Deed recorded September 9, 2020 as Document Number 2020-0098213-00 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 3 – BUOY

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded September 9, 2020 as Document Number 2020-0098213-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

This description is based on Applicant provided design plans for an existing pier to be removed and proposed pier, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

Prepared 03/04/2021 by the California State Lands Commission Boundary Unit



NO SCALE

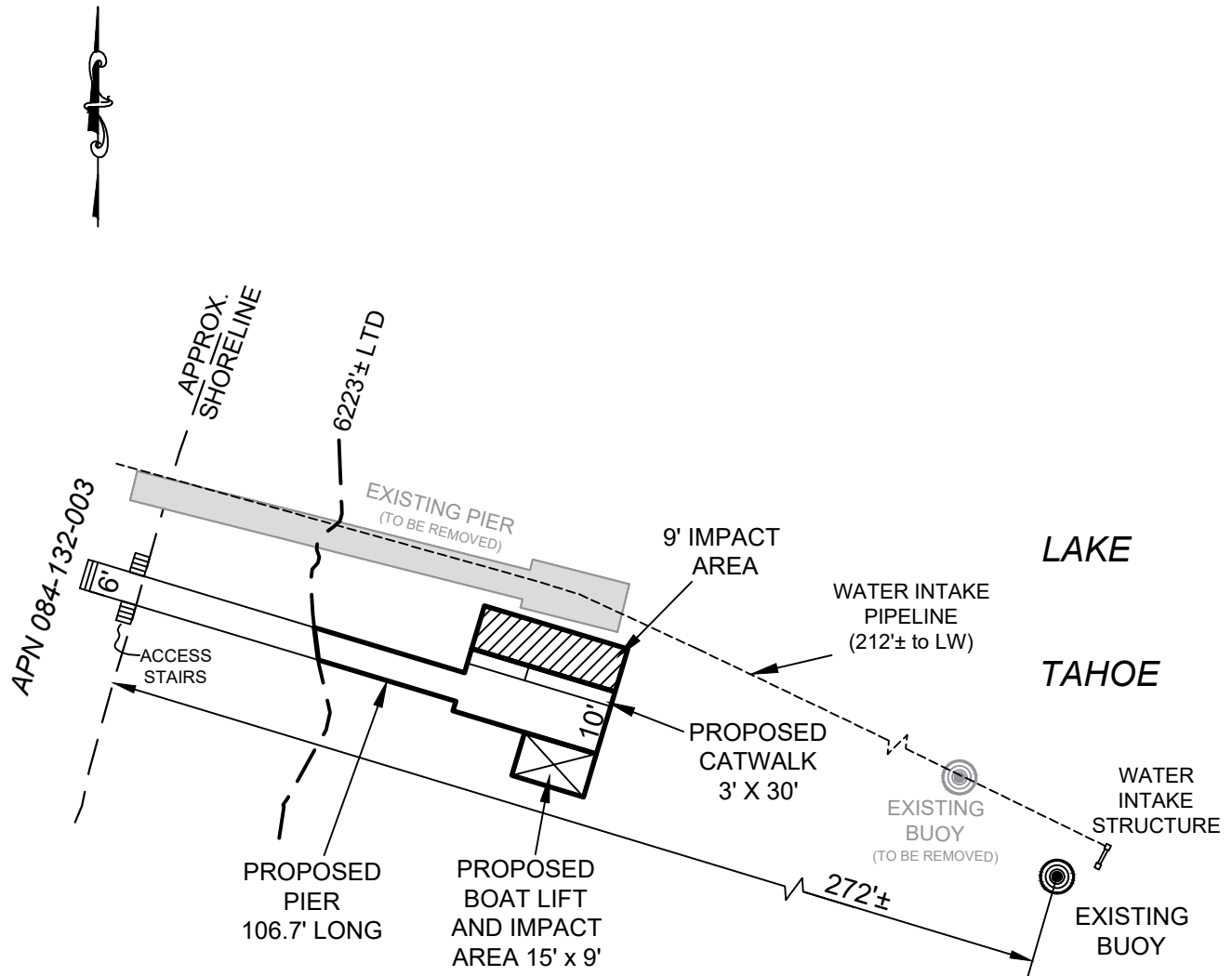


EXHIBIT A

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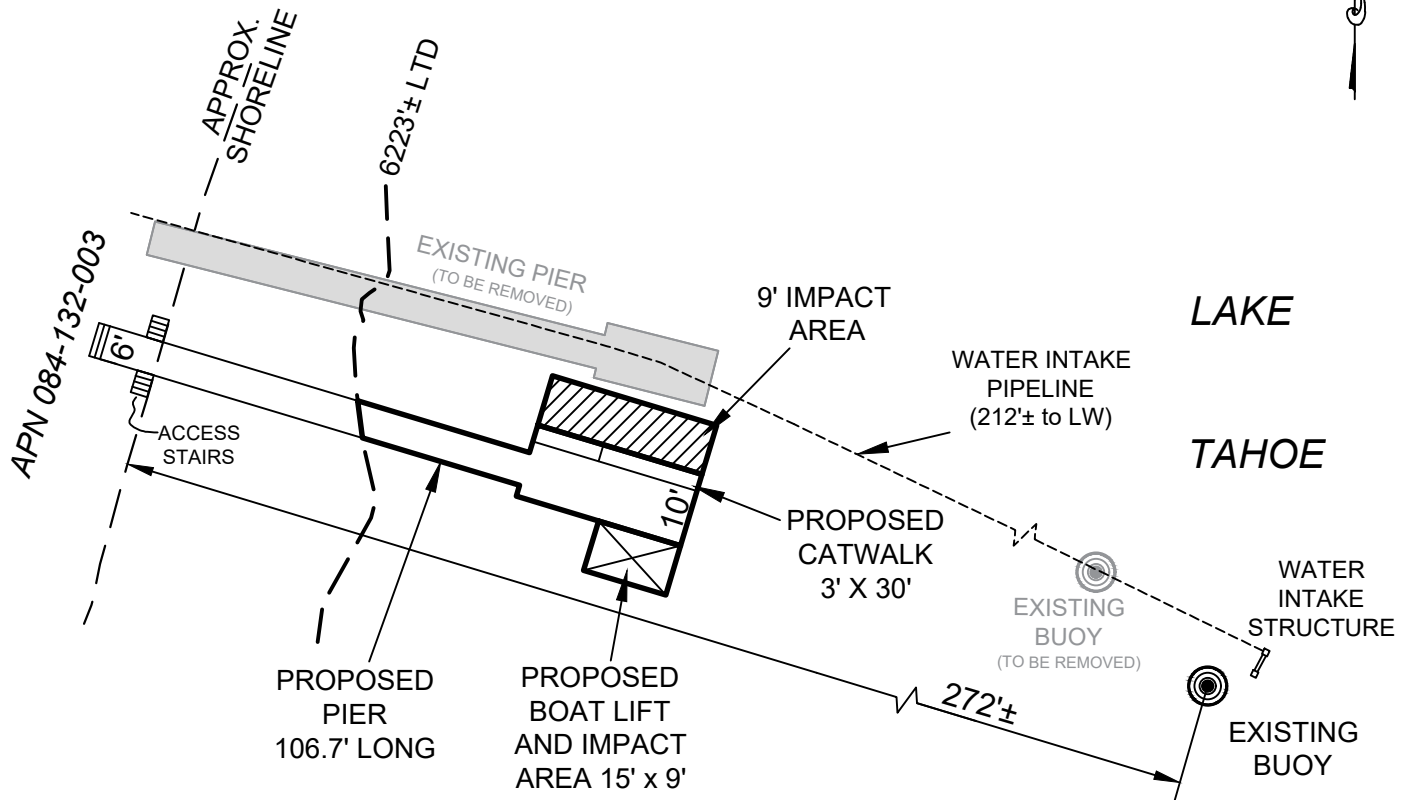
LAND DESCRIPTION PLAT
LEASE 5125, LONG PADDLE, LLC
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

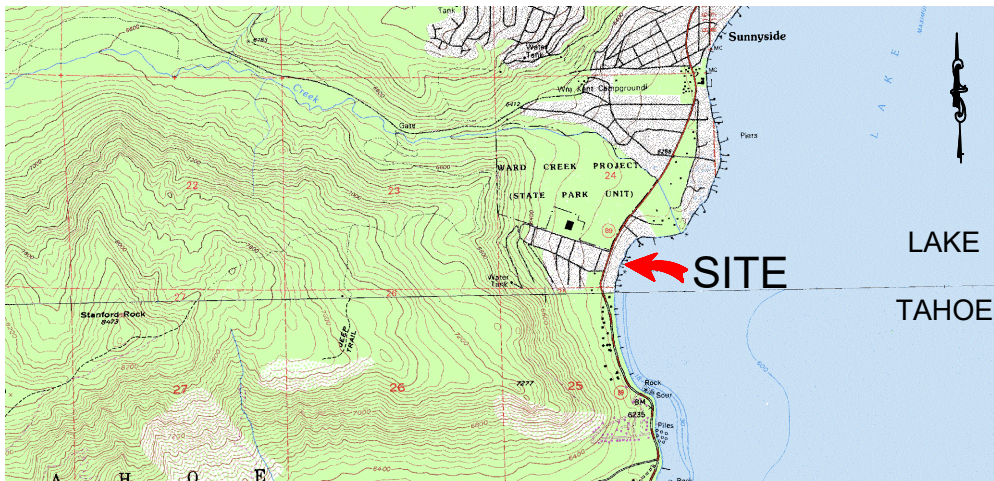
SITE



2570 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION

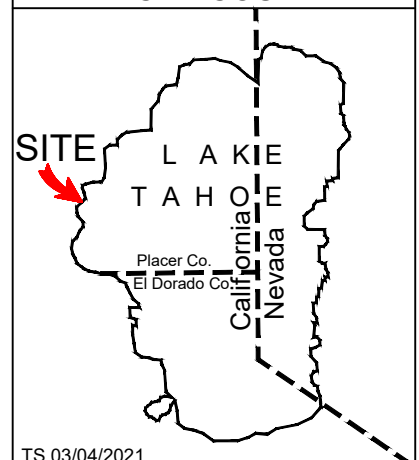


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

LEASE 5125
LONG PADDLE, LLC
APN 084-132-003
GENERAL LEASE-
RECREATIONAL USE
PLACER COUNTY



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