

# Staff Report 18

## **LESSEE:**

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Lee J. Schweichler, Trustee of the Ann W. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; Ann W. Schweichler, Trustee of the Lee J. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; and Sienna Partners, LLC

## **APPLICANT:**

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Lee J. Schweichler, Trustee of the Ann W. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; Ann W. Schweichler, Trustee of the Lee J. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; and Heidi K. Delgado

## **PROPOSED ACTION:**

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Amendment of a General Lease – Recreational Use

## **AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Lake Tahoe, adjacent to 8375 and 8381 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

## **AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier with a ramp, boat lift, and catwalk, sundeck with safety railings, and four mooring buoys.

## **TERM:**

10 years, beginning October 19, 2017.

## **CONSIDERATION:**

\$3,070 per year, with an annual Consumer Price Index adjustment.

**PROPOSED AMENDMENT:**

- Amend Section 1, Lessee, to remove Sienna Partners, LLC as Lessee, and replace with Heidi K. Delgado as Lessee.
- Amend Section 1, Consideration, to revise the annual rent based upon the current 2021 Lake Tahoe Benchmark rates to \$3,031, with an annual Consumer Price Index adjustment.
- Replace Exhibit A, Land Description.
- Replace Exhibit B, Site and Location Map.

The amendment shall be effective April 26, 2022. All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE’S BEST INTERESTS:**

On October 19, 2017, the Commission authorized a General Lease – Recreational Use for the continued use and maintenance of four existing mooring buoys, and a sundeck with safety railings; and the removal, relocation, and reconstruction of an existing pier with a ramp, boat lift, and catwalk that would become a joint-use pier to Lee J. Schweichler, Trustee of the Ann W. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; Ann W. Schweichler, Trustee of the Lee J. Schweichler Qualified Personal Residence Trust, dated September 10, 2009; and Sienna Partners, LLC ([Item 03, October 19, 2017](#)). The lease authorized a joint-use pier between the two upland parcels adjoining the lease premises, Assessor’s Parcel Numbers (APNs) 016-081-042 and -043. The Applicant obtained a boundary line adjustment to relocate the shared property line and to relocate the pier for its proposed joint use by both littoral parcels.

On December 3, 2018, the Commission authorized an amendment of Lease Number PRC 6819 to extend the joint-use pier by 6 feet from the existing landward end of the pier towards the sundeck ([Item 24, December 3, 2018](#)). The lease parcels were identified with newly issued APNs 016-081-045 and -046. After the Commission authorized the lease amendment, the Lessee informed staff that the pier will be extended by 16 feet rather than 6 feet. The prior lease amendment was not fully executed.

On August 23, 2019, the Commission authorized the rescission of its prior approval to amend the lease to lengthen the pier by 6 feet; and to amend the lease to approve the proposed reconstruction to lengthen the pier by 16 feet ([Item 12, August 23, 2019](#)).

In April and September 2019, the Tahoe Regional Planning Agency (TRPA) registered the mooring buoys under Permit Numbers 10296 and 10919.

On July 30, 2021, interest in the upland parcel owned by Sienna Partners, LLC (APN 016-081-045) transferred to Heidi Delgado. The Lessee and Applicant are applying for an amendment of the General Lease – Recreational Use, for the continued use and maintenance of the existing joint-use pier with a ramp, boat lift, and catwalk; sundeck with safety railings; and four mooring buoys, to reflect the change in one of the lessees from Sienna Partners, LLC to Heidi K. Delgado, to revise the annual rent using the 2021 Lake Tahoe Benchmark currently in effect, and to replace the exhibits to the lease with exhibits that reflect the change in lessee.

The Commission's accounting records show the annual rent is paid through October 18, 2022. The revised rent amount will take effect on October 19, 2022, to coincide with the anniversary date of the lease.

The proposed lease amendment does not alienate the State's fee simple interest or permanently impair public rights. The existing lease requires the Lessee to maintain insurance for the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon; and requires the payment of annual rent as compensation for the use of State lands. Upon termination of the lease, the Lessee may be required to remove all improvements from State land.

**CLIMATE CHANGE:**

Climate change significantly affects inland non-tidal lakes such as Lake Tahoe. The frequency and severity of natural disasters like flooding, wildfire, drought, extreme heat, and storms is increasing throughout the state of California, including the Sierra Nevada mountains, and will continue to accelerate through the end of the century. Structures along the shores of inland lakes are particularly vulnerable to the more frequent and extreme weather events and shifts in seasonal characteristics.

According to California's Fourth Climate Change Assessment, released in 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. The long-term warming trend will lead to warmer and shorter winters, and longer and dryer summers. Successive dry and warm winters are resulting in minimal snowpack, increased winter stream flows and floods, and

decreased spring and summer runoff. Prolonged low lake levels will become normal. Low lake level conditions can create more expansive beaches and increased shoreline access in dry months. However, these conditions interfere with boat launching and mooring facilities. This impact is most noticeable where the facilities are sited on shallow, low gradient lake bottom locations.

Dry winters will be punctuated with exceedingly wet years where prolonged and excessive precipitation can produce flash floods. High precipitation in these years will result in higher lake levels, causing beaches to narrow and reducing public access. Extra saturation of the soil can increase erosion, especially following intense wildfire seasons. Surface runoff water may carry more sediment into the lake, adversely impacting water quality and clarity.

Climate change may also lead to more intense and unpredictable winds and storm events. These storms may deviate from prevailing wind patterns for the region. These winds can accelerate shoreline erosion in some areas or cause erosion in areas not typically subject to erosion. Additionally, these winds can increase wave damage on structures and boats along the lake.

Shoreline structures 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 damage from high wind events and excessive waves.

**CONCLUSION:**

For all the reasons above, staff believes the approval of this amendment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application to amend the lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land or a revision of rent, it exercises legislatively delegated authority and responsibility as a trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Lessee will not be authorized to make changes to the lease. Upon expiration or prior termination of a lease, neither the Lessee nor the Applicant has any right to a new lease or to renewal of any previous lease.

2. This action is consistent with the “Meeting Evolving Public Trust Needs” and “Leading Climate Activism” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.
3. Amendment of the lease to change the lessee, revise rent, and replace lease exhibits are not projects as defined by the California Environmental Quality Act 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).

## **EXHIBITS:**

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

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **PUBLIC TRUST AND STATE’S BEST INTERESTS:**

Find that the proposed lease amendment will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize the amendment of Lease Number PRC 6819, a General Lease – Recreational Use, effective April 26, 2022, to remove Sienna Partners, LLC and replace with Heidi K. Delgado as Lessee; revise the rent using the 2021 Lake Tahoe Benchmark rates currently in effect to \$3,031 per year, with an annual Consumer Price Index adjustment; and replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only) to reflect the newly approved Lessee; all other terms and conditions of the lease shall remain in effect without amendment.

**EXHIBIT A**

**PRC 6819.1**

**LAND DESCRIPTION**

Five parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying a proposed joint-use deck with safety railing, ramp, pier, six pilings boat lift, and a catwalk with ramp lying adjacent to those parcels as described in that as Grant Deed recorded July 30, 2021 as Document 2021-0049316 and those parcels as described in Exhibit “A” in that Grant Deed recorded October 27, 2009 as Document 2009-0053647-00 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

**PARCEL 2, 3, 4, 5 – 4 BUOYS**

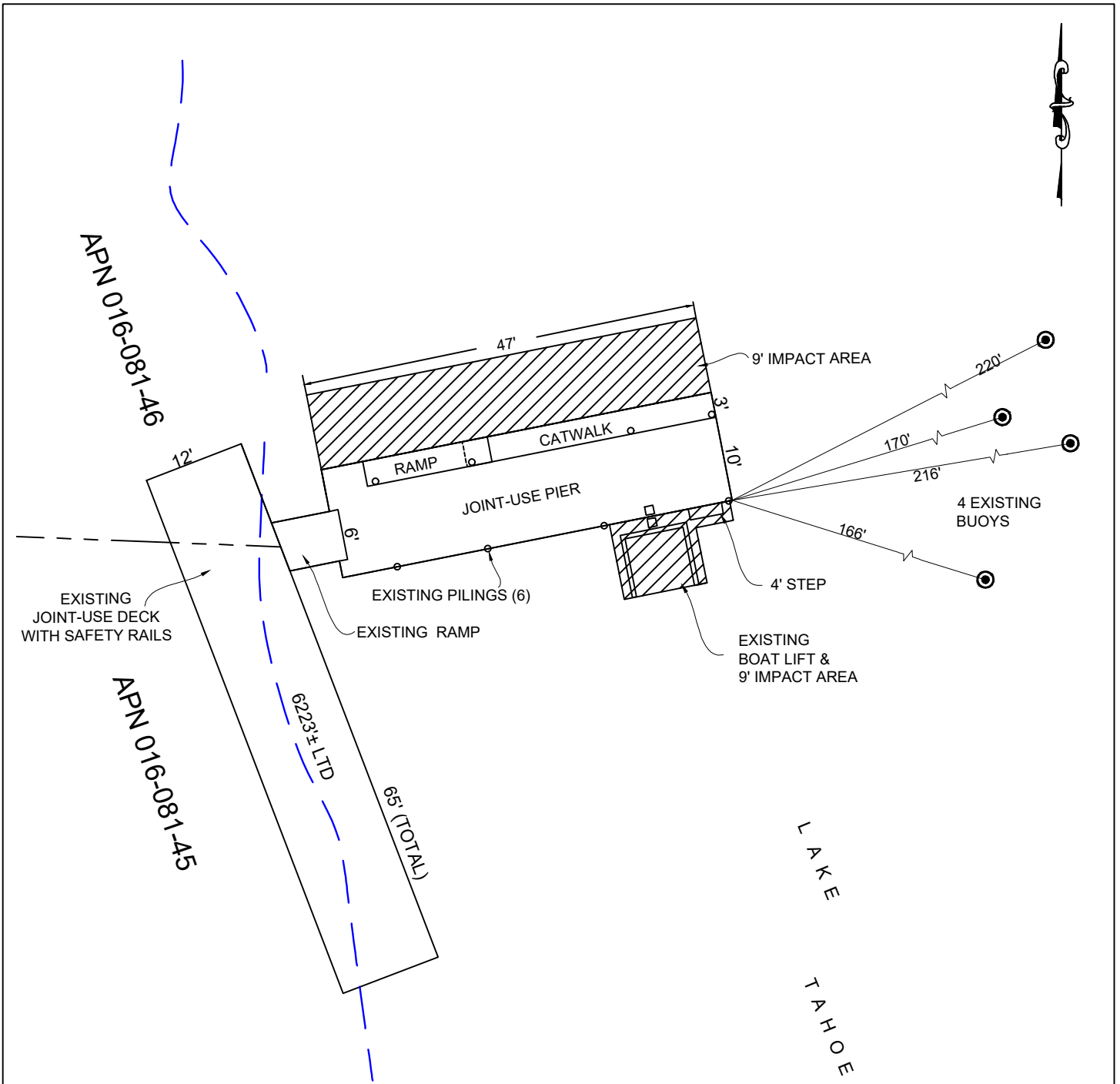
Four existing circular parcels of land, being 50 feet in diameter, underlying four existing buoys, lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 16, 2022 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

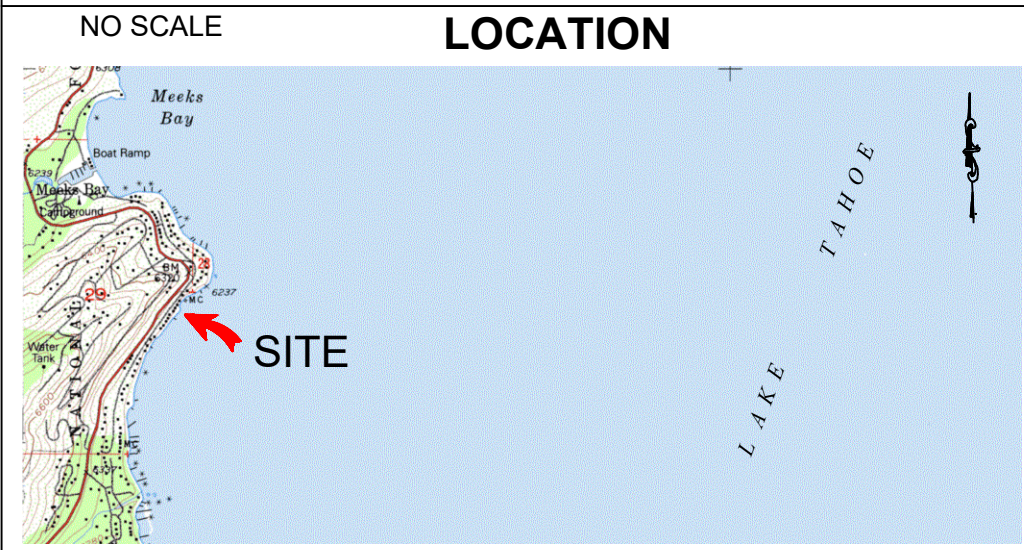
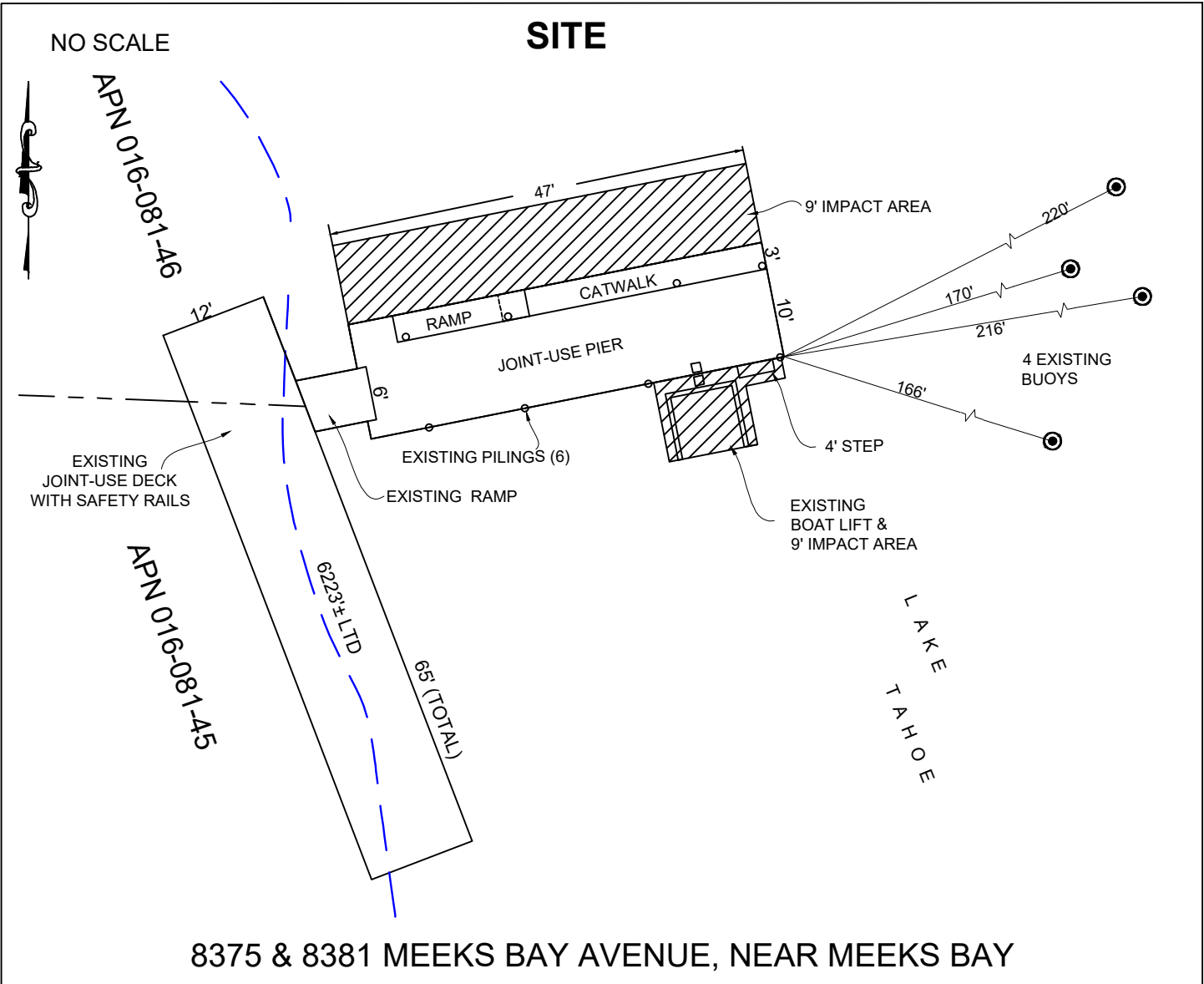
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LAND DESCRIPTION PLAT  
 PRC 6819.1, SCHWEICHLER TRUST  
 AND DELGADO  
 EL DORADO COUNTY

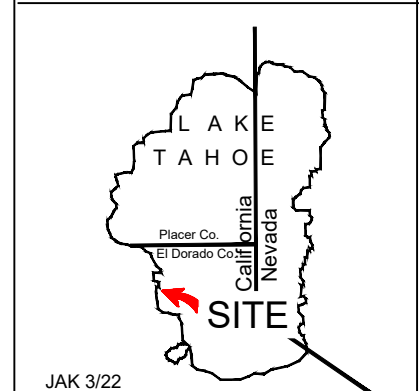
CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**

PRC 6819.1  
 SCHWEICHLER TRUST  
 AND DELGADO  
 APN 016-081-45 &  
 APN 016-081-46  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



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.