

Meeting Date: 06/23/22
Lease Number: 3212
Staff: J. Holt

Staff Report 16

LESSEE/ASSIGNOR:

Bruce W. Olson and Molly J. Olson, Trustees of the Family Olson Trust of 2006 U.D.T.
Dated September 27, 2006

APPLICANT/ASSIGNEE:

Craig Thomas Donato and Kristin Verlaine Holbrook Donato, Trustees of the Craig and Kristin Donato Revocable Trust U.D.T. Dated February 23, 2000

PROPOSED ACTION:

Assignment of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4240 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Use and maintenance of an existing pier, boathouse with sundeck and stairs, and two mooring buoys.

TERM:

10 years; beginning April 27, 2021.

CONSIDERATION:

\$2,717 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 shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing, and lake-related recreation.
- 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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 27, 2021, the Commission authorized issuance of a General Lease – Recreational Use to Bruce W. Olson and Molly J. Olson, Trustees of the Family Olson Trust of 2006 U.D.T. Dated September 27, 2006, for an existing pier, boathouse with sundeck and stairs, and two mooring buoys ([Item C14, April 27, 2021](#)). That lease will expire on April 26, 2031. On January 11, 2022, the upland parcel was transferred to Craig Thomas Donato and Kristin Verlaine Holbrook Donato, Trustees of the Craig and Kristin Donato Revocable Trust U.D.T. Dated February 23, 2000. On May 17, 2022, the Applicant registered the mooring facilities with TRPA under registration number 10139. The Applicant is applying for an assignment of a General Lease – Recreational Use, for the use and maintenance of the existing pier, boat house with sundeck and stairs, and two mooring buoys in Lake Tahoe.

The subject facilities have existed at this location for many years, as shown in the lease application and Commission records. The Applicant is qualified to hold the lease and staff has not discovered any information that would provide a basis for withholding the assignment. Upon expiration or prior termination of the lease, neither the assignor nor the assignee has any right to a new lease or to renewal of any previous lease. If no new lease is granted the Assignee may be required to remove the existing pier, boathouse with sundeck and stairs, and two mooring buoys and restore the premises to their original condition.

The Applicant is updating the mooring registration with TRPA, to bring the status current. The effective date of the assignment will be January 11, 2022, to coincide with the Applicant's acquisition of the upland property. The proposed assignment

of lease does not alienate the State's fee simple interest in the underlying land, nor will it permanently impair public rights.

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 are 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 streamflows 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:

Approval of this lease assignment 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 remaining term of the lease. For these reasons, staff recommends finding that approval of this assignment of lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with the "Meeting Evolving Public Trust Needs" and the "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
2. Assignment of a lease is not a project 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:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

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

AUTHORIZATION:

Authorize the assignment of Lease 3212, a General Lease – Recreational Use of sovereign land, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof, from Bruce W. Olson and Molly J. Olson, Trustees of the Family Olson Trust of 2006 U.D.T. Dated September 27, 2006 to Craig Thomas

Donato and Kristin Verlaine Holbrook Donato, Trustees of the Craig and Kristin Donato Revocable Trust U.D.T. Dated February 23, 2000, effective January 11, 2022.

EXHIBIT A

LEASE 3212

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boat house with sundeck and stairs, and two catwalks lying adjacent to that parcel described in Grant Deed recorded January 11, 2022, as Document Number 2022-0003063-00 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.

PARCELS 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded January 11, 2022, as Document Number 2022-0003063-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/03/2022 by the California State Lands Commission Boundary Unit.



NO SCALE

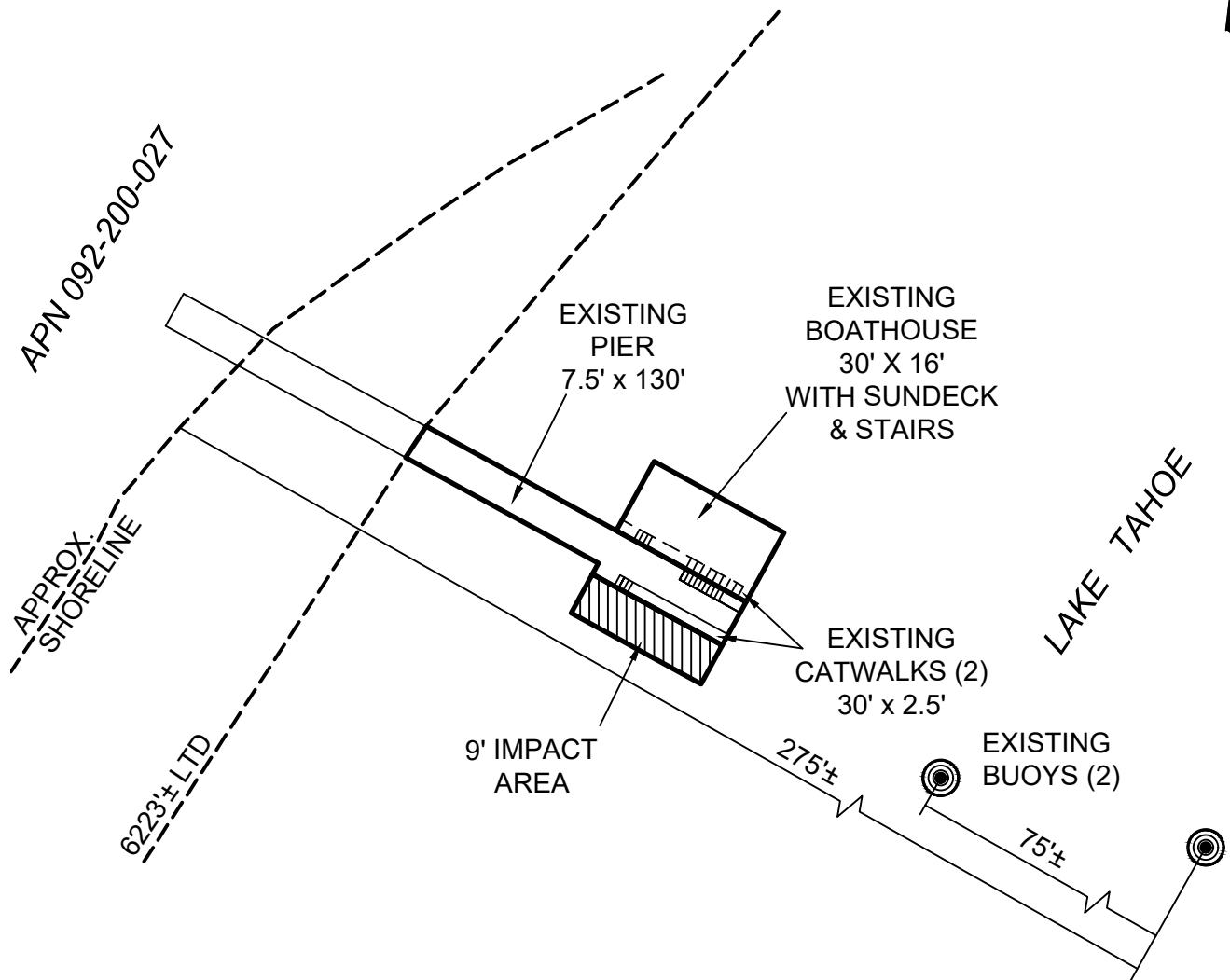


EXHIBIT A

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LAND DESCRIPTION PLAT
LEASE 3212, DONATO TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



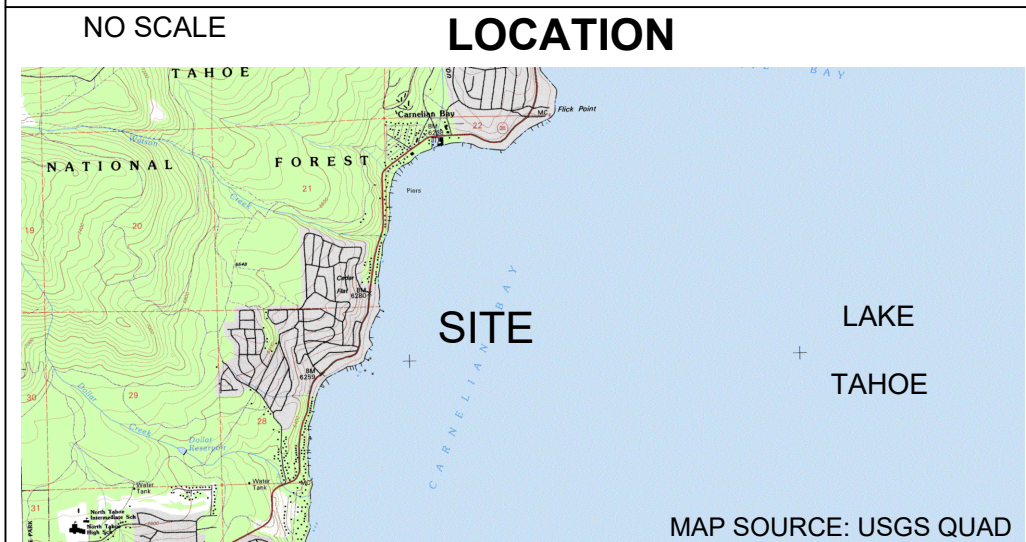
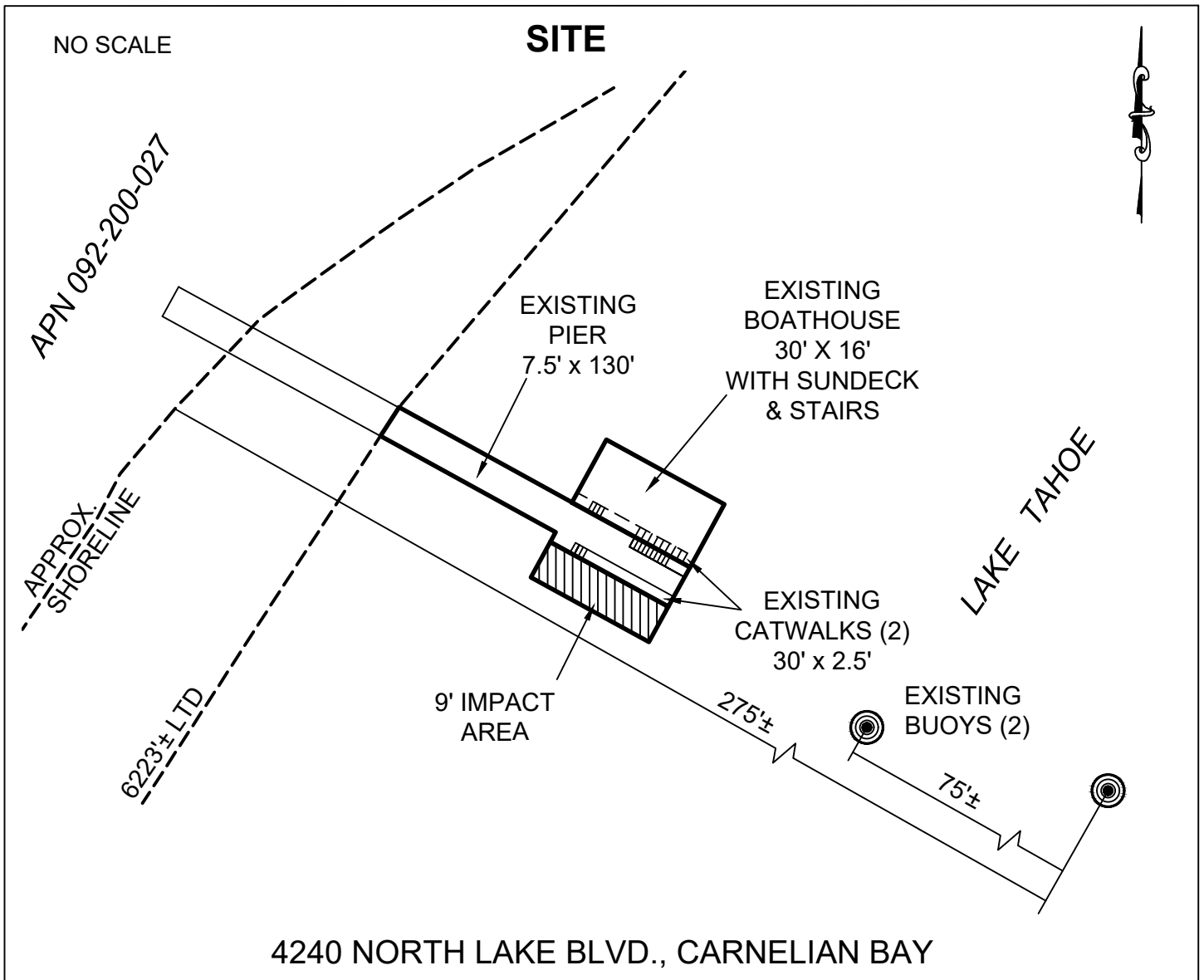
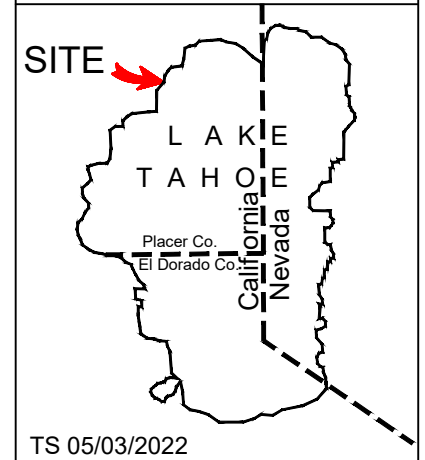


Exhibit B

LEASE 3212
DONATO TRUST
APN 092-200-027
GENERAL LEASE -
RECREATIONAL USE
PLACER 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.