

# Staff Report 03

## **LESSEE/ASSIGNOR:**

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Babbage, LLC, a California limited liability company

## **APPLICANT/ASSIGNEE:**

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Geoffrey David Ralston and Andrea Gayle Ralston, Trustees of the Ralston Family Trust U/D/T dated January 16, 1998

## **PROPOSED ACTION:**

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Assignment of a General Lease – Recreational Use

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

Sovereign land located in Lake Tahoe, adjacent to 1530 North Lake Boulevard, near Tahoe City, Placer County.

## **AUTHORIZED USE:**

Use and maintenance of an existing pier, boat lift, and one mooring buoy.

## **TERM:**

10 years, beginning April 19, 2018.

## **CONSIDERATION:**

\$1,528 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 late-related recreation.

## **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 April 19, 2018, the Commission authorized a General Lease - Recreational Use to Babbage, LLC, a California limited liability company, for the removal, reconstruction, and expansion of an existing pier with adjustable catwalk; installation of a boat lift; removal of one existing mooring buoy; and continued use and maintenance of an existing mooring buoy in Lake Tahoe, adjacent to 1530 North Lake Boulevard, near Tahoe City, Placer County ([Item C14, April 19, 2018](#)).

On June 28, 2019, the Commission authorized an amendment of this lease to approve a reduction in the length of the pier design from 225 feet to 195 feet; to replace the original Exhibit A, Land Description, and Exhibit B, Site Location and Map, with a new Exhibit A, Land Description, and Exhibit B, Site Location and Map; and to revise rent from \$1,671 per year to \$1,528 per year ([Item 03, June 28, 2019](#)). This Lease expires April 18, 2028.

On May 21, 2021, ownership interest in the upland parcel was transferred to Geoffrey David Ralston and Andrea Gayle Ralston, Trustees of the Ralston Family Trust U/D/T dated January 16, 1998. The Applicant, in coordination with the Lessee, is now applying for an assignment of Lease 8728, for the use and maintenance of the existing pier, boat lift, and one mooring buoy in Lake Tahoe, adjacent to 1530 North Lake Boulevard, near Tahoe City, Placer County. The effective date of the assignment will be May 21, 2021, to coincide with the Applicant's acquisition of the upland property.

Based on the Commission's accounting records, the annual rent for this lease has been paid by the Applicant through April 18, 2023. Without the proposed assignment, the Applicant lacks authorization to use and maintain the improvements on the Lease Premises. The Applicant is qualified to hold the lease and staff has not discovered any information that would provide a basis for withholding the assignment. Thus, staff believes that assigning this lease is in the State's best interest to ensure that a capable lessee is committed to managing the

improvements and fulfilling the lease obligations. The proposed assignment does not alienate the State's fee simple interest or 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 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 storm events and winds. 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.

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 damage from high wind events and excessive waves.

**CONCLUSION:**

For all the reasons above, staff believes approval of this lease assignment will not substantially interfere with Public Trust needs at this location, at this time, nor for the remaining term of this lease; is consistent with the common law 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 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. 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. Assignment of the 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 21084, California Code of Regulations, title 14, section 15300, and California Code of Regulations, title 2, section 2905.

**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 assignment of 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 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 assignment of Lease 8728, a General Lease – Recreational Use of sovereign land, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, from Babbage, LLC, a California limited liability company, to Geoffrey David Ralston and Andrea Gayle Ralston, Trustees of the Ralston Family Trust U/D/T dated January 16, 1998; effective May 21, 2021.

**EXHIBIT A**

**PRC 8728**

**LAND DESCRIPTION**

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 5, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, catwalk and boat lift lying adjacent to that parcel described in Grant Deed recorded May 21, 2021 as Document Number 2021-0068342-00 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 – 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 May 21, 2021 as Document Number 2021-0068342-00 in Official Records of said County.

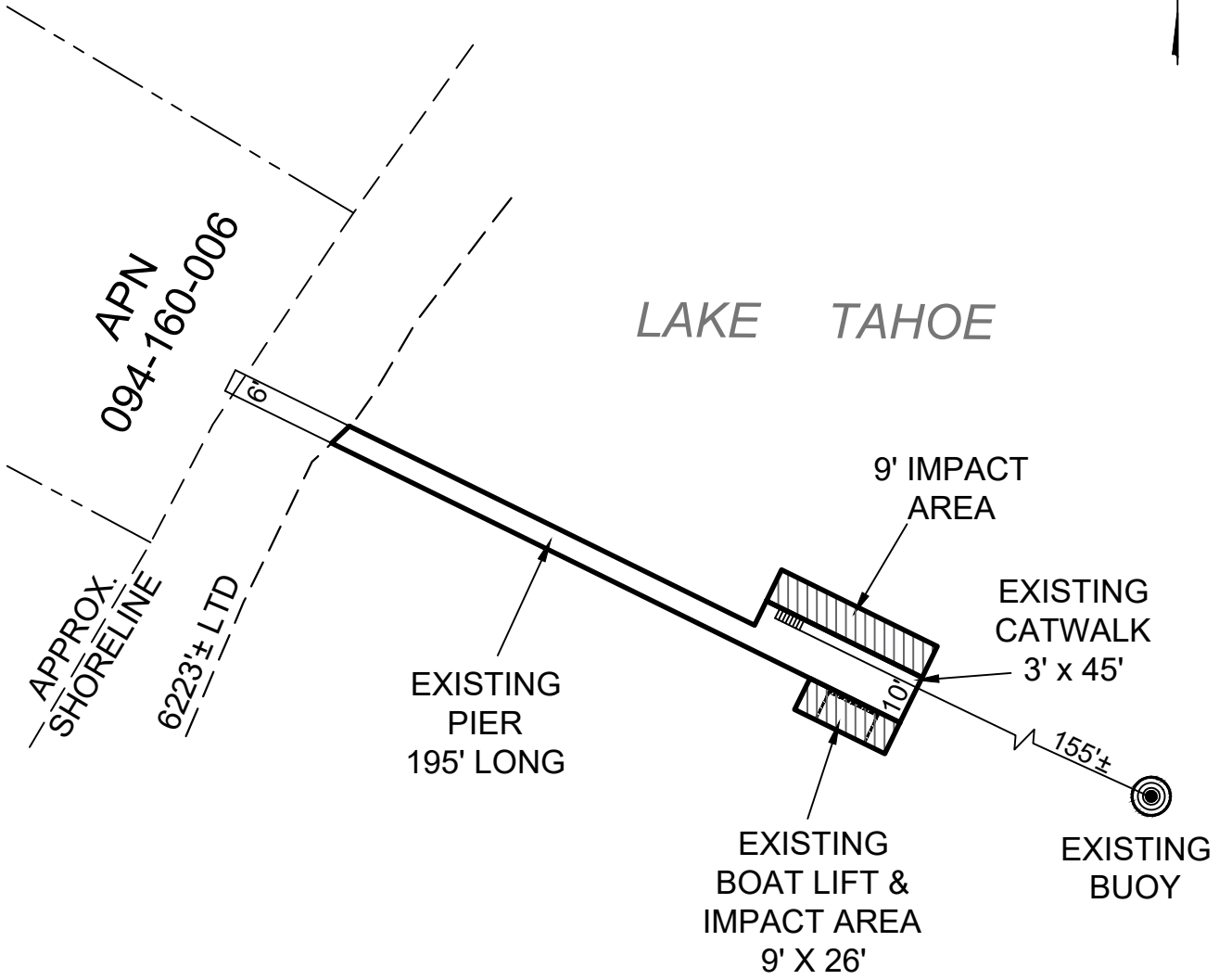
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 11/04/2021 by the California State Lands Commission Boundary Unit.



NO SCALE



# EXHIBIT A

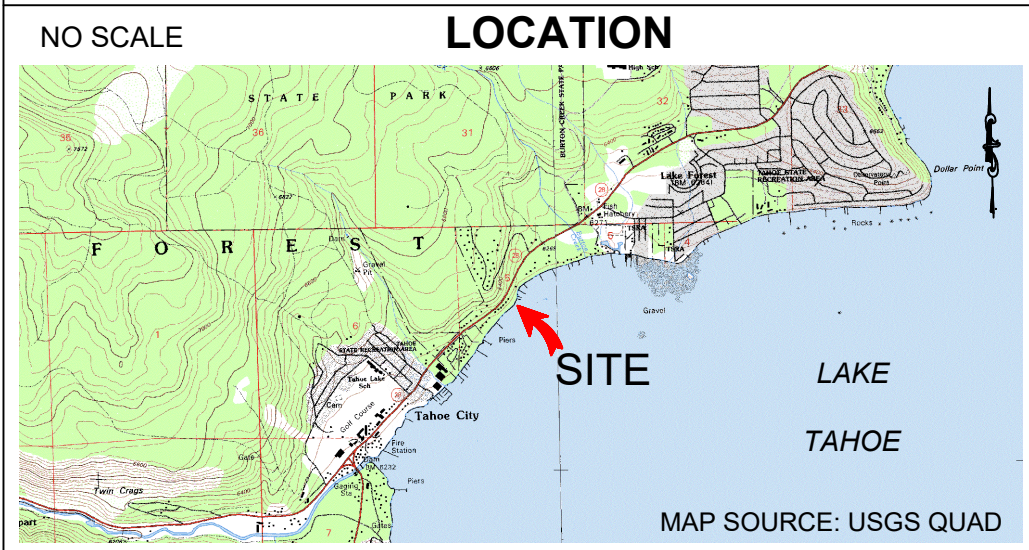
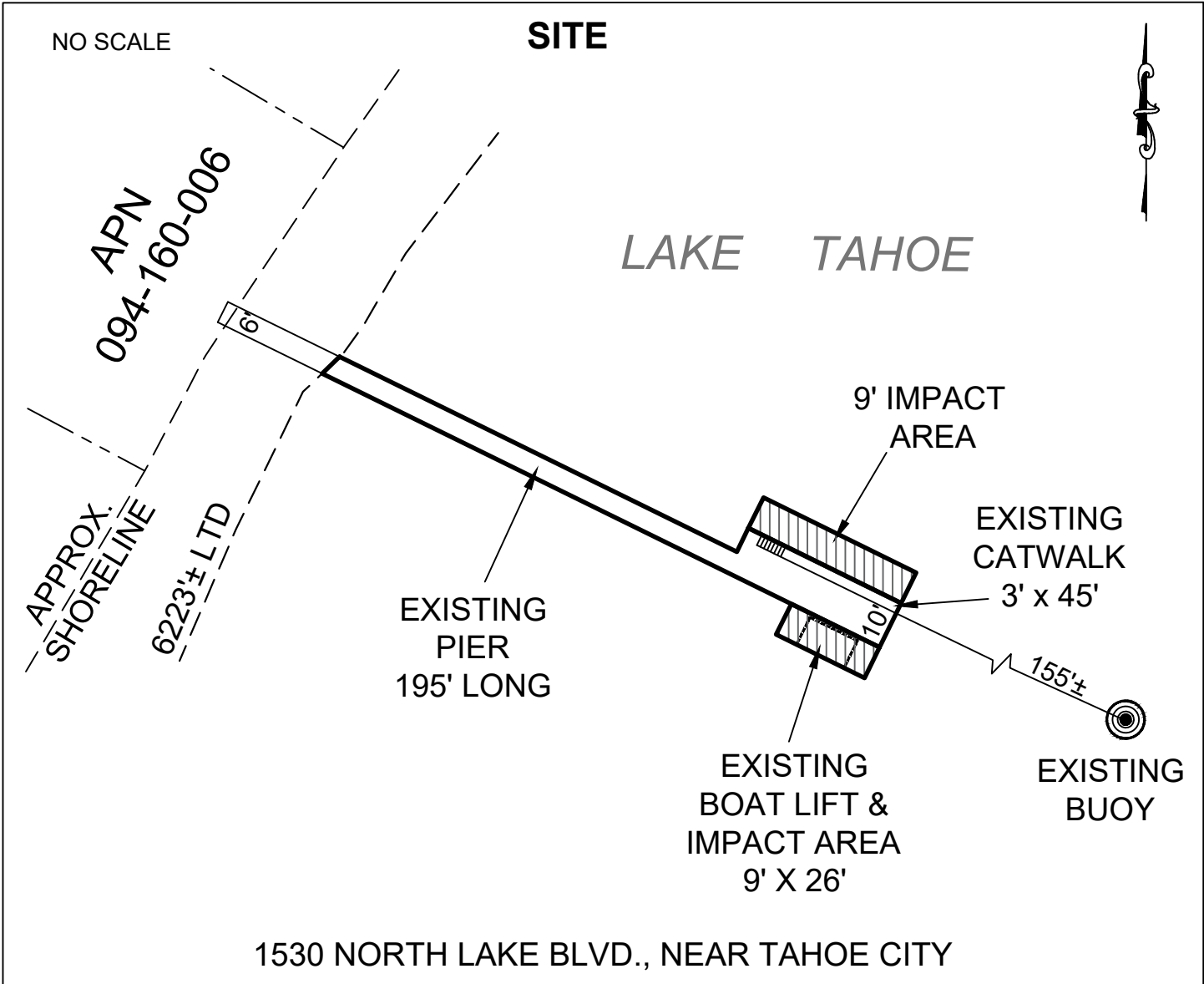
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TS 11/04/2021

LAND DESCRIPTION PLAT  
 PRC 8728, RALSTON FAMILY TRUST  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**

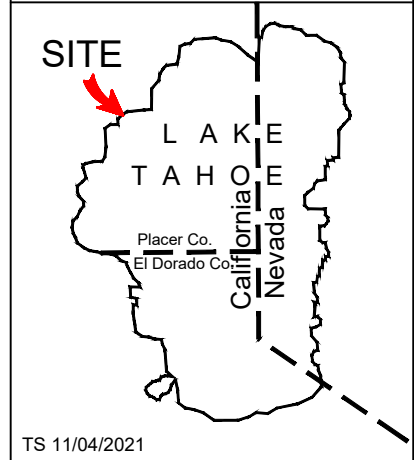
PRC 8728

RALSTON FAMILY TRUST

APN 094-160-006

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.