

Staff Report 14

LESSEE/ASSIGNOR:

Reynold J. DiLena

APPLICANT/ASSIGNEE:

Tara Kassity and Daniel Kassity

PROPOSED ACTION:

Assignment of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 6259 North Lake Boulevard, Tahoe Vista, Placer County.

AUTHORIZED USE:

Use and maintenance of two existing mooring buoys and two freshwater intake pipelines.

TERM:

10 years, beginning June 29, 2021.

CONSIDERATION:

\$768 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 recreation.

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, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 29, 2021, the Commission authorized a General Lease - Recreational Use to Reynold J. DiLena for the use and maintenance of two existing mooring buoys and two freshwater intake pipelines in Lake Tahoe, adjacent to 6259 North Lake Boulevard, near Tahoe Vista, Placer County ([Item 07, June 29, 2021](#)).

On February 25, 2022, ownership interest in the upland parcel was transferred to Tara Kassity and Daniel Kassity. The Applicant, in coordination with the Lessee, is now applying for an assignment of Lease 8431, for the use and maintenance of the two existing mooring buoys and two freshwater intake pipelines in Lake Tahoe, adjacent to 6259 North Lake Boulevard, near Tahoe Vista, Placer County. The effective date of the assignment will be February 25, 2022, to coincide with the Applicant's acquisition of the upland property.

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:

1. The adjacent upland parcel is associated with another lease (Lease 9154) for construction of a joint-use pier, removal of an existing deck and bulkhead, and two existing mooring buoys. This lease was approved by the Commission on

December 17, 2020 ([Item 03, December 17, 2020](#)). Photographic records from June 29, 2022 indicate that the joint-use pier had been constructed, but the existing deck and bulkhead had not yet been removed.

2. 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.
3. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021- 2025 Strategic Plan.
4. 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:

- 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 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 8431, 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 Reynold J. DiLena to Tara Kassity and Daniel Kassity; effective February 25, 2022.

EXHIBIT A

LEASE 8431

LAND DESCRIPTION

Three parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 14, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – WATER INTAKE PIPES

All those lands underlying the existing water intake pipes lying adjacent to that PARCEL 2 described in Grant Deed recorded February 25, 2022 as Document 2022-0017188-00 in Official Records of said County.

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

PARCELS 2 and 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that PARCEL 2 described in Grant Deed recorded February 25, 2022 as Document 2022-0017188-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/03/2022 by the California State Lands Commission Boundary Unit.



NO SCALE



N. LAKE BLVD.

APN
117-010-016

BULKHEAD
(TO BE REMOVED)

6223'± LTD

APPROX.
SHORELINE

WATER
INTAKE
PIPES
(68'± long)

LAKE

TAHOE

200'±

50'±

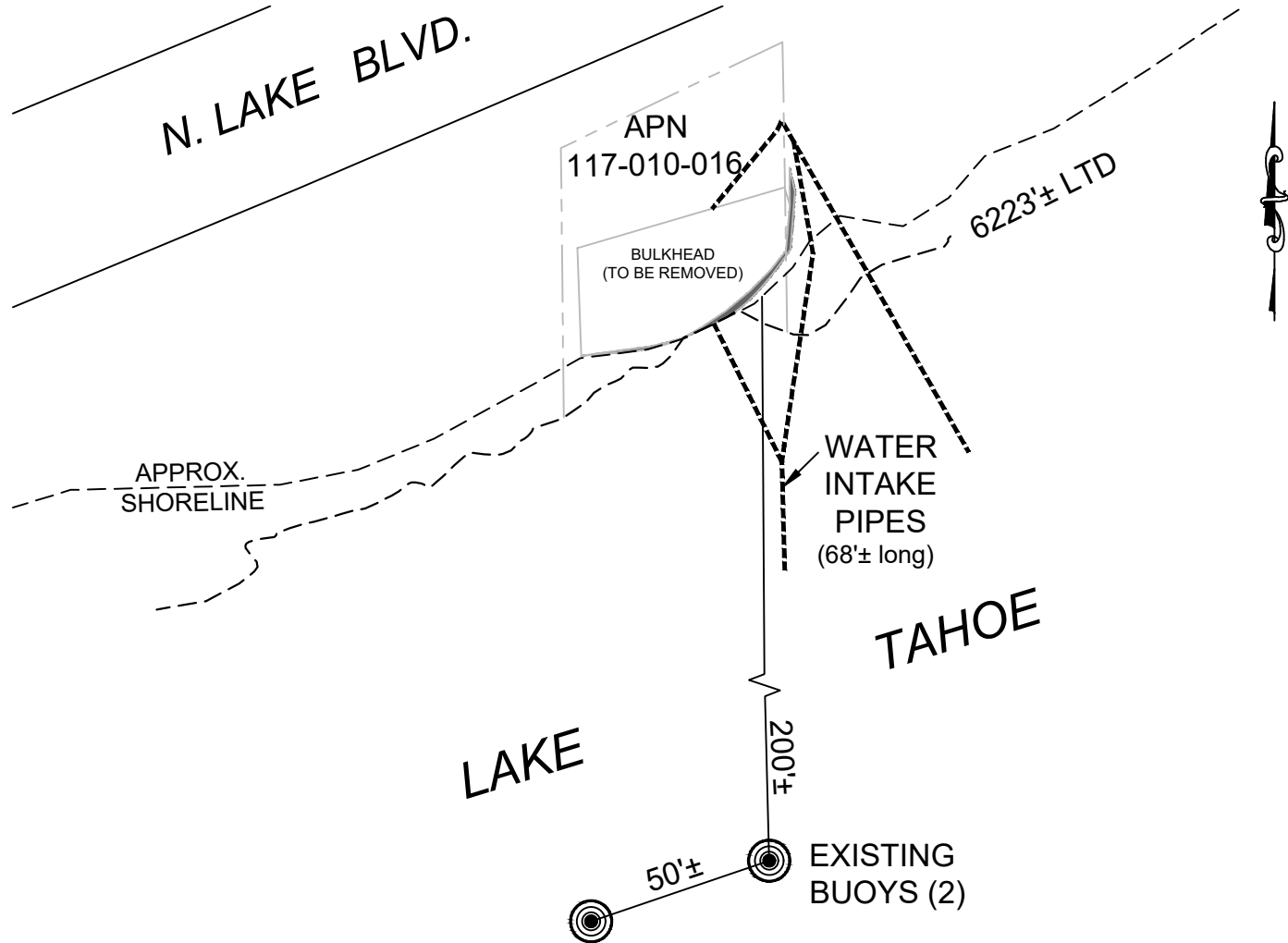
EXISTING
BUOYS (2)

EXHIBIT A



NO SCALE

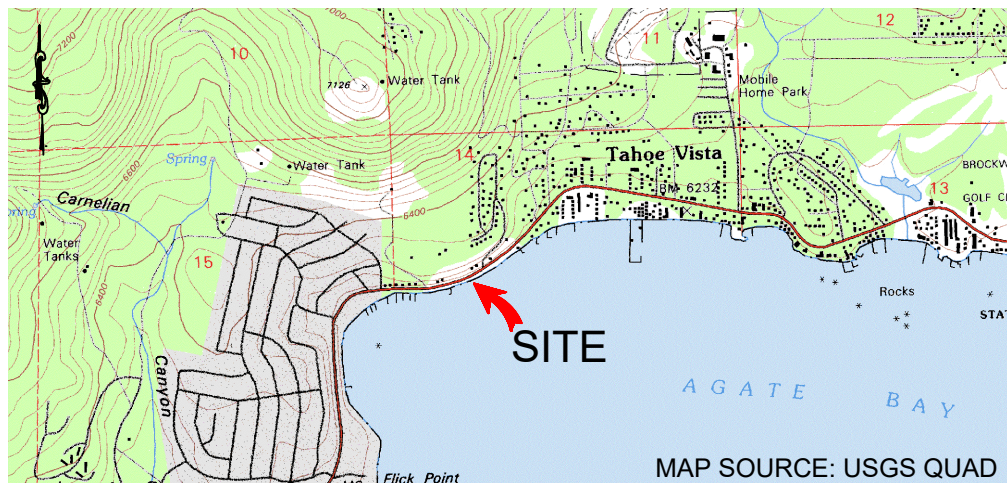
SITE



6259 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

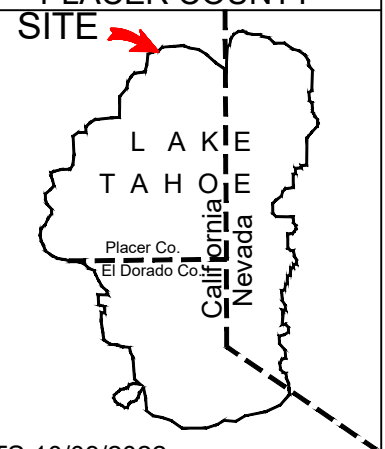
LOCATION



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 8431
 KASSITY
 APN 117-010-016
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 10/03/2022