

# Staff Report 20

## LESSEE/APPLICANT:

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Frank Slooman and Brenda L. Slooman, Trustees of the Slooman Living Trust; and Lip-Bu Tan and Ysa Loo, Trustees, FBO Lip-Bu Tan and Ysa Loo Trust

## PROPOSED ACTION:

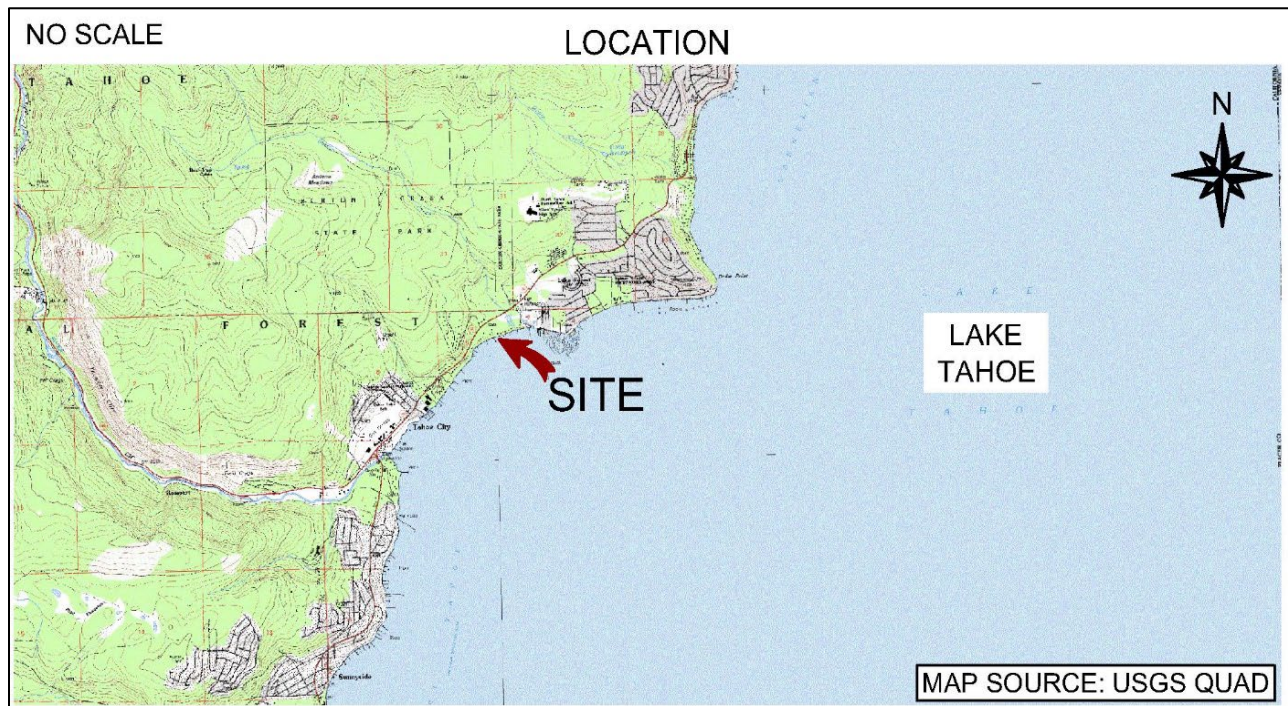
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Acceptance of a Lease Quitclaim Deed for Lease 8374, Lease 8399, and Lease 8510; and Issuance of a General Lease – Recreational Use

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2050, 2140, 2200 North Lake Boulevard, Tahoe City, Placer County (as shown in Figure 1).

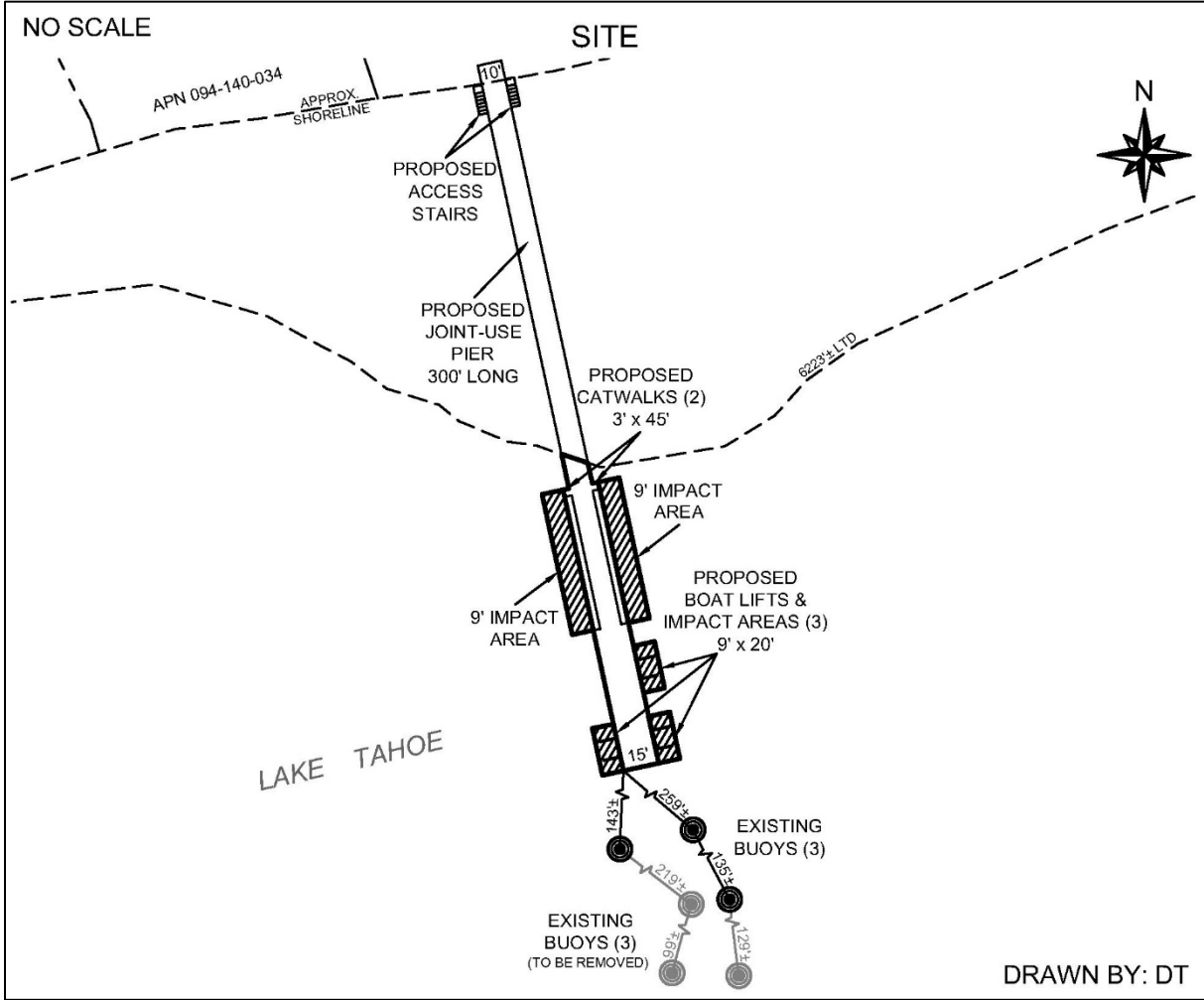
**Figure 1. Location**



**AUTHORIZED USE:**

Construction and use of a joint-use pier; installation of three boat lifts, use of three existing mooring buoys; and removal of three existing mooring buoys (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

10 years, beginning June 5, 2023.

**CONSIDERATION:**

\$3,661 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 acknowledges that a Tahoe Regional Planning Agency (TRPA) permit or registration may be required for the Authorized Improvements and failure to obtain a permit or registration from TRPA and maintain compliance with that permit or registration may result in TRPA imposing civil penalties and will constitute a breach of this lease.
- Lessee acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.
- 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 the Lessor's Executive Officer or designee and Lessee, 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.
- Lessee acknowledges annual consideration shall be adjusted based on the actual area of improvements as constructed should they vary from the plans submitted.
- 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, including requirements pertaining to construction equipment, debris, and the provision to Lessor of specified documents related to the construction activities.
- Lessee agrees that the public be allowed to pass and repass over the pier using stairs on the landward end of the pier, with signs posted on each side of the pier, to provide continuous shoreline access to the Public Trust easement below elevation 6228.75 feet, Lake Tahoe Datum (LTD).

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

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

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

On September 20, 2013, the Commission authorized a General Lease – Recreational Use, Lease 8399, to Frank Sloomman and Brenda L. Sloomman, Trustees of the Sloomman Living Trust dated September 8, 1999, for the use and maintenance of two existing mooring buoys adjacent to 2050 North Lake Boulevard, near Tahoe City, Placer County ([Item 45, September 20, 2013](#)). This lease expires August 22, 2023.

On February 7, 2017, the Commission authorized a General Lease – Recreational Use, Lease 8374, to Frank Sloomman and Brenda L. Sloomman, Trustees of the Sloomman Living Trust dated September 8, 1999, for the use and maintenance of two existing mooring buoys adjacent to 2140 North Lake Boulevard, near Tahoe City, Placer County ([Item 18, February 7, 2017](#)). This lease expires April 10, 2026.

On December 17, 2020 the Commission authorized a General Lease – Recreational Use, Lease 8510, to Lip-Bu Tan and Ysa-Loo, Trustees, FBO Lip-Bu Tan and Ysa Loo Trust dated February 3, 1992, for the use and maintenance of two existing mooring buoys adjacent to 2200 North Lake Boulevard, near Tahoe City, Placer County ([Item 19, December 17, 2020](#)). This lease expires December 31, 2030.

The Applicant has applied to quitclaim the three existing leases and request a General Lease – Recreational Use for the construction and use of a joint-use pier and removal of three mooring buoys in exchange for installation of three boat lifts; and the use of three existing mooring buoys. The proposed project will be constructed adjacent to 2050, 2140, 2200 North Lake Boulevard, Tahoe City, Placer County. Staff recommends acceptance of a Lease Quitclaim Deed for the current leases upon execution of a new lease, a General Lease – Recreational Use, to the Applicant.

The Commission's accounting records show the annual rent is paid for Lease 8399, Lease 8374, and Lease 8510. Any rent paid for the existing leases beyond June 4, 2023, the date of the new lease, will be refunded.

The TRPA has had all mooring buoys registered since November 22, 2019 (Registration #10702, 10304, 10335). On October 26, 2022, TRPA issued conditional

permit No. ERSP2022-0041 for the proposed construction of a new joint-use pier, and conversion of three existing mooring buoys for three 6,000-pound boat lifts.

The proposed joint-use pier will be approximately 292.6 feet in total length, double piled and 10 feet wide for 172.6 feet in length with a pierhead of 120 feet by 15 feet wide. Two catwalks, 45 feet in length and 3 feet in width and access ramps, will be installed on each side of the pierhead. The proposed boat lifts will be installed on each side of the pierhead.

The proposed pier's design will allow for public access laterally across the shoreline via stairs. The minimum clearance under the pier is at least 6 feet with an open piling construction allowing for passage under the pier at varying lake levels. The lease requires the Lessee to post signs on both sides of the pier at the designated public access passageway that reads "Public Passage Allowed Over Stairs." 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 the Public Trust consistent uses. Upon termination of the lease, the Lessee may be required to remove all improvements from State land and restore the leases premises to their original condition.

The proposed project will be performed on-site with access to the site from the lake. The project will be constructed with the use of a floating/ amphibious barge, and materials will be transported via barge to the site. Construction materials will be stored within the barge, rather than on the shoreline, and protected from discharge into the lake. Materials, equipment storage, and fabrication will take place in a shop and on the barge. Construction of the beams, joists, and decking will take place above the surface of Lake Tahoe.

Construction will take place after all required approvals have been obtained and will occur between October 1 and May 1, to minimize the disturbance to natural habitats and public enjoyment of the lake during peak seasons. The Applicant will follow all construction methods and timeframes provided by TRPA, the Lahontan Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the U.S. Army Corps of Engineers.

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.

## **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 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. Watercraft moored to buoys, piers, or docks are vulnerable to damage from high wind and rough wave events.

The 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 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 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. If the Commission denies the application, the Applicant cannot construct the joint-use pier and installation of three boat lifts and may be required to remove the existing mooring buoys and restore the premises to their original condition. The lessee 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" and the "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Acceptance of the 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 Buoys:** 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. **New Joint-Use Pier Construction:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(2).
6. **Removal of Three Mooring Buoys:** 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.

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

## **APPROVAL OBTAINED:**

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Tahoe Regional Planning Agency

## **APPROVALS REQUIRED:**

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U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Lahontan Regional Water Quality Control Board

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

**Existing Mooring Buoys:** 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).

**New Joint-Use Pier Construction:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(2).

**Removal of Three Mooring Buoys:** 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.

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

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and



values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

1. Acceptance of a Lease Quitclaim Deed for Lease 8374, Lease 8399, and Lease 8510.
2. Authorize a refund of annual rent paid under existing Lease 8374 in the amount of \$824.55, Lease 8399 in the amount of \$163.19, and Lease 8510 in the amount of \$485.68.
3. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning June 5, 2023, for a term of 10 years, for the construction and use of a joint-use pier, installation of three boat lifts, removal of three mooring buoys; and use of three existing mooring buoys; with annual rent in the amount of \$3,661 per year, with an annual Consumer Price Index adjustment, effective June 5, 2023; liability insurance in an amount no less than \$1,000,000 per occurrence.
4. 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 improvements following construction.