

Staff Report 05

LESSEE:

Gary W. Chaney and Lorelee D. Chaney, Trustees of the Chaney Family Trust of 1998 U.D.T. dated July 7, 1998, dba The Chaney House

APPLICANT:

George F. Eichleay, Jr. and Victoria H. Eichleay, as Trustees of the Eichleay Family Trust dated October 8, 2018

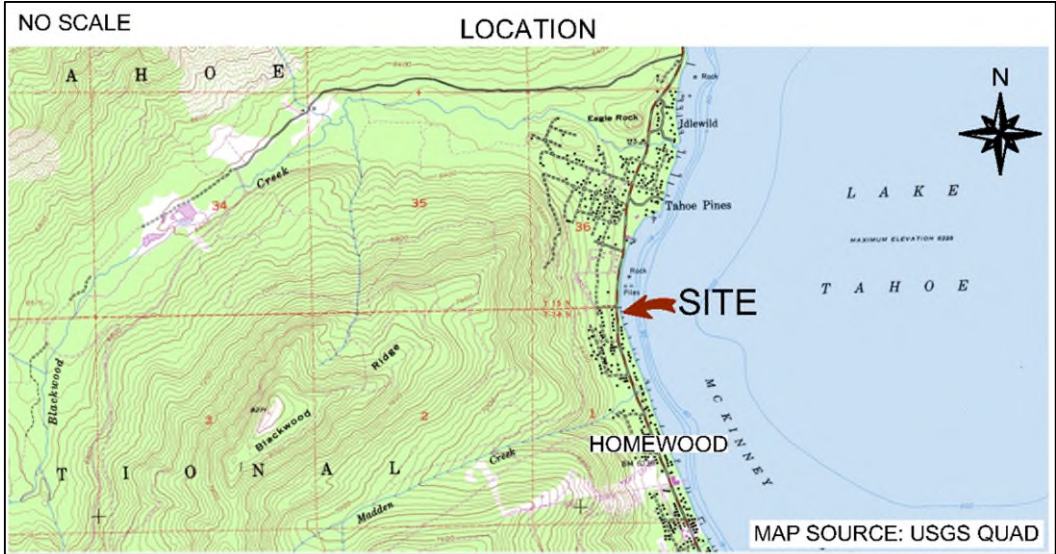
PROPOSED ACTION:

Termination and Issuance of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4725 West Lake Boulevard, Homewood, Placer County (as shown in Figure 1).

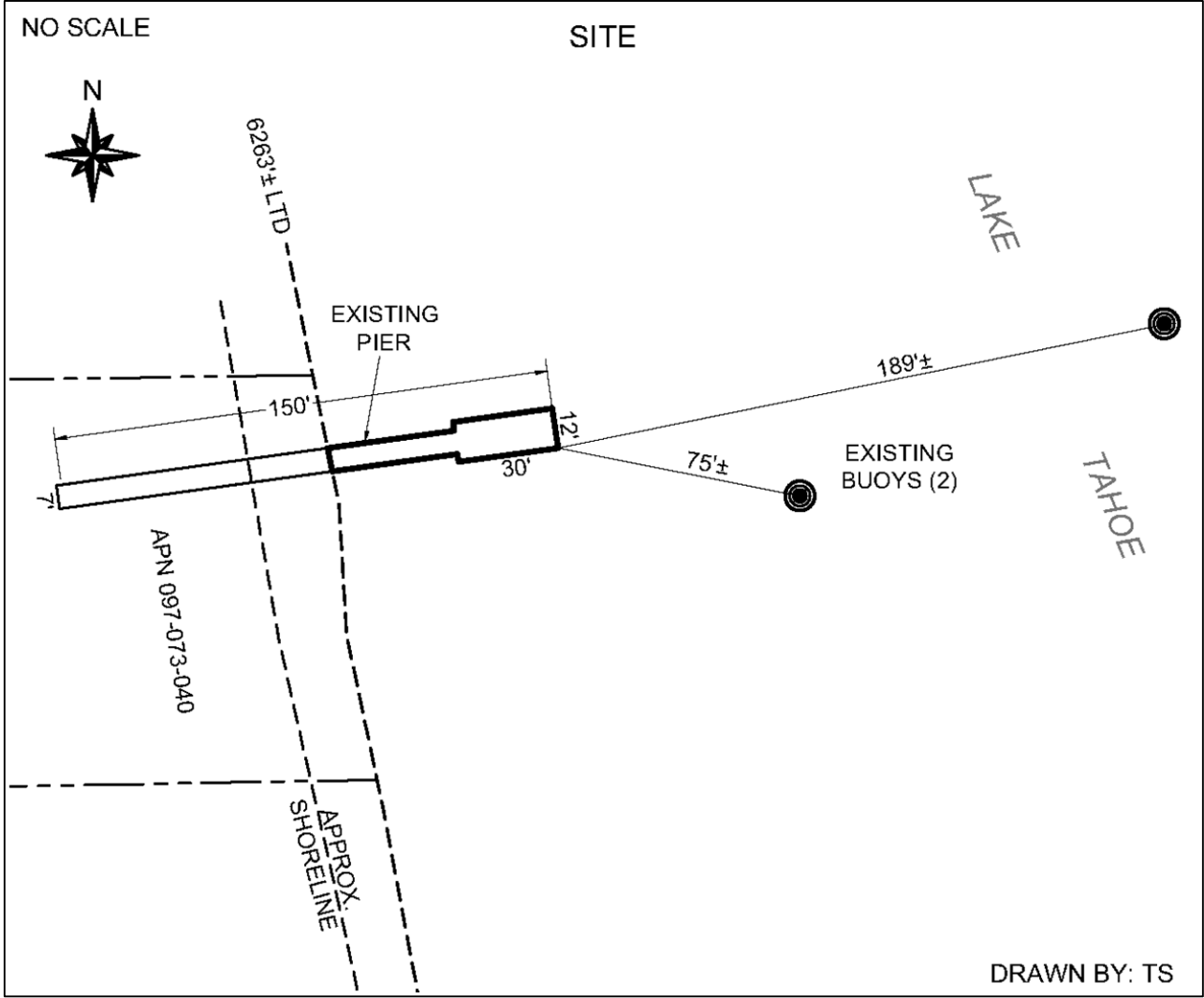
Figure 1. Location



AUTHORIZED USE:

Use of an existing pier and two 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 October 17, 2024.

CONSIDERATION:

\$1,055 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 or registration from the Tahoe Regional Planning Agency (TRPA) 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 the lease.
- The lease provides that signs shall be posted on each side of the pier to indicate passage and to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 feet, Lake Tahoe Datum (LTD).
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public's right of access for navigation, fishing, and Public Trust-consistent recreational uses.
- Lessee agrees the provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee's unauthorized occupation of state-owned lands, from November 17, 2020 to October 16, 2024.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 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, 2015, the Commission authorized a General Lease – Commercial Use to the Lessee, Gary W. Chaney and Lorelee D. Chaney, Trustees of the Chaney Family Trust of 1998 U.D.T. dated July 7, 1998, dba The Chaney House, for an existing pier and two mooring buoys ([Item 25, June 29, 2015](#)). That lease will expire on May 29, 2025. The bed and breakfast inn that operated on the upland closed in 2018, and the property was converted into a private residence.

On November 17, 2020, the Applicant, George F. Eichleay, Jr. and Victoria H. Eichleay, as Trustees of the Eichleay Family Trust dated October 8, 2018, acquired ownership of the upland property. Staff recommends terminating the existing lease because the Lessee did not notify staff of the sale of the upland parcel nor sign a

quitclaim deed. The proposed termination date is November 17, 2020, the day the Applicant took ownership of the upland property.

On January 2, 2024, the two mooring buoys were registered with TRPA (Registration No. 10433).

The Applicant applied for a General Lease – Recreational Use, for the use of an existing pier and two mooring buoys in December 2020. Staff was not able to fully process the application at that time due an existing conflict regarding upland use rights of the subject pier. In July 2024, staff was informed that conflict has now been resolved, and the application could move forward. Accounting records show rent invoices have been paid through May 29, 2025. Staff recommends that the rent on the new lease be prorated to account for rent that has already been paid.

The lease provisions regarding indemnity will be extended to apply from November 17, 2020, when the Applicant took ownership of the upland, through October 16, 2024, the day before the beginning of the new lease.

The pier and two mooring buoys have existed for many years at this location. The topography at this location consists of a gently sloped and sandy beach which abuts a bike path, making the shoreline accessible to pedestrians in the area. The pier is built on short pilings. Public access for pedestrians is not available at high water levels underneath the pier within the Public Trust Easement; however, during periods of low water, public access for pedestrians may be available underneath the pier. The Applicant thus agrees to allow the public to pass and re-pass both over and under the pier in the Public Trust Easement, by either stepping up onto the shoreward terminus of the pier from the beach or walking on the beach beneath the pier, as is necessitated by varying water levels. Signs are required to be posted on each side of the pier identifying the designated public passageway and are required to be in place at all times.

The Applicant owns the uplands adjoining the lease premises. The subject improvements are privately owned and maintained and facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5.)

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

Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

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 drier 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.

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 high wind events and damaging 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 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:

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. If the Commission denies the application, the Applicant may be required to remove the improvements and return 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 "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Termination of the lease 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, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of the 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).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease 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).

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

AUTHORIZATION:

1. Authorize termination, effective November 17, 2020, of Lease 4285, a General Lease – Commercial Use, issued to Gary W. Chaney and Lorelee D. Chaney, Trustees of the Chaney Family Trust of 1998 U.D.T. dated July 7, 1998, dba The Chaney House.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning October 17, 2024, for a term of 10 years, for the use of an existing pier and two mooring buoys; annual rent in the amount of \$1,055, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.