

Staff Report 07

LESSEE/APPLICANT:

Scott Edmondson, Mark Edmondson, and Gregg Edmondson, Trustees of the Edmondson Heritage Trust; Kevin R. Ray and Lee E. Sevison

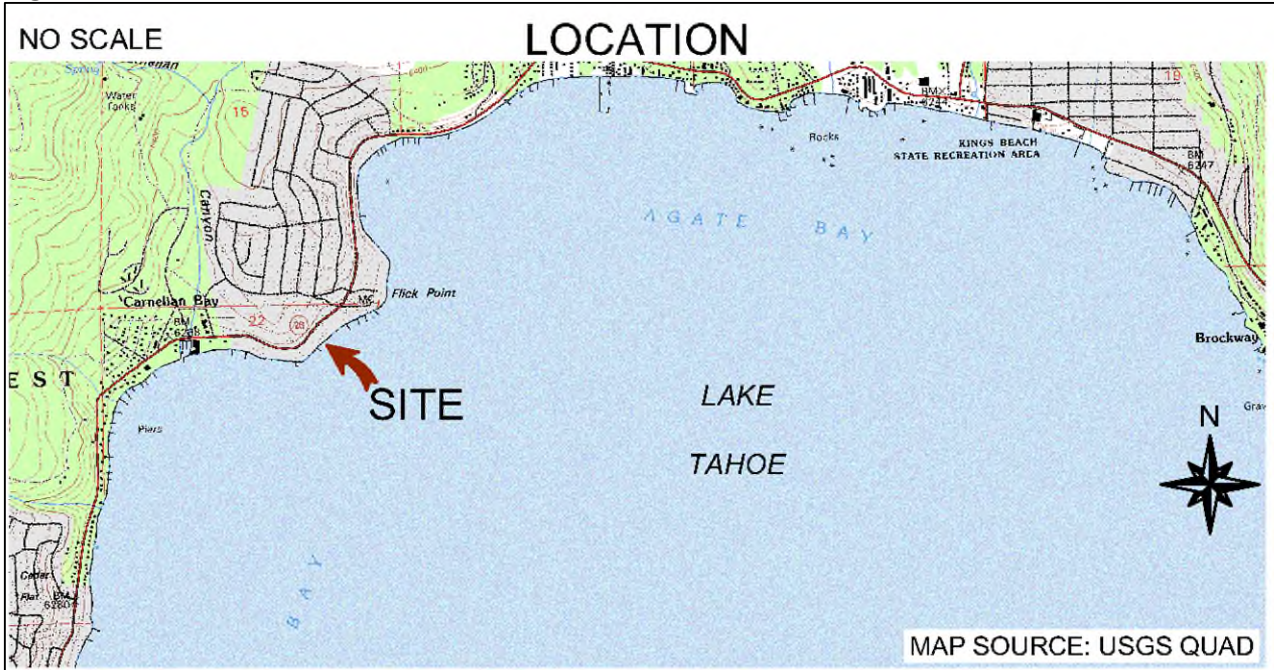
PROPOSED ACTION:

Amendment of a General Lease – Recreational Lease.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5390 and 5394 North Lake Boulevard, near Carnelian Bay, Placer County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:

Use of an existing joint-use pier, two open-sided bathouses, two boat lifts, and three mooring buoys.

TERM:

10 years, beginning May 1, 2023.

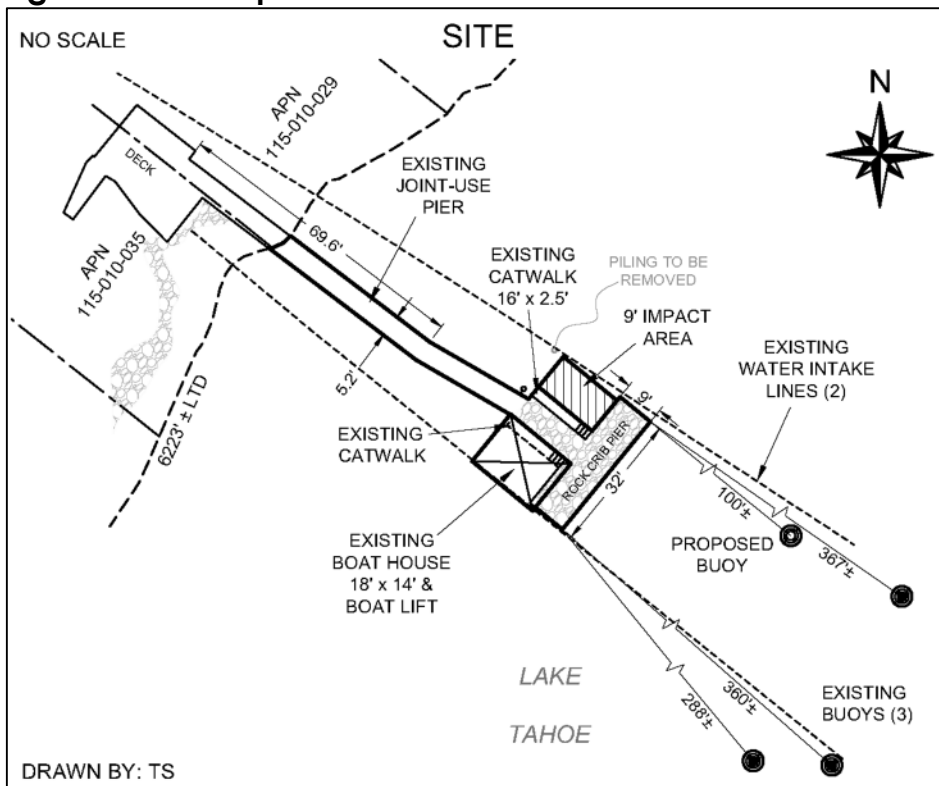
CONSIDERATION:

\$1,820 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

- Authorize the installation and use of one additional mooring buoy; use of two existing water intake lines not previously authorized by the Commission; and removal of one open-sided bathhouse, boat lift and one piling (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.

- Revise the annual rent from \$1,820, with an annual Consumer Price Index adjustment, to \$2,044, with an annual Consumer Price Index adjustment.
- Compensation for unauthorized occupation of two existing water intake lines in the amount of \$165 for the period prior to December 17, 2024.
- The proposed amendment will require the Lessee to indemnify the State for the entire period of unauthorized occupation of the two existing water intake lines, ensuring the State is protected.
- Replace the existing Lease Exhibit A, Land Description, and Lease Exhibit B, Site and Location Map (for reference purposes only).
- 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, 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.
- 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).

All other terms and conditions of the lease to remain in effect without amendment.

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 April 7, 2023, the Commission authorized a General Lease – Recreational Use to Scott Edmondson, Mark Edmondson, and Gregg Edmondson, Trustees of the Edmondson Heritage Trust; Kevin R. Ray and Lee E. Sevison for the use and maintenance of an existing joint-use pier, two open-sided boathouses, two boat

lifts, and three mooring buoys, adjacent to 5390 and 5394 North Lake Boulevard, near Carnelian Bay, Placer County ([Item 10, April 7, 2023](#)). This lease expires April 30, 2033.

The Lessee is applying to amend the lease to include the installation and use of one additional mooring buoy, use of two existing water intake lines not previously authorized by the Commission; and the removal of one open-sided boathouse, boat lift, and one piling, adjacent to 4394 North Lake Boulevard. The proposed project was approved by TRPA (MOOR2023-1798), and the buoy is registered (Registration No. 10187).

The new mooring buoy will be located directly lakeward of the upland property and occupy a relatively small area of the lake. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The mooring buoy is privately owned and maintained and facilitates 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 pier and boathouses with boat lifts are built on pilings with the immediate upland area of the pier being slightly sloped and rocky. Public access for pedestrians and lake-related activities is available at varying water levels by passing underneath the pier within the Public Trust Easement. The proposed amendment will require the Lessee to post signs on each side of the existing pier to indicate passage and to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 feet, Lake Tahoe Datum (LTD).

The existing water intake lines have existed for many years but were never called out in the lease. Staff recommends acceptance of compensation in the amount of \$165, for the period prior to December 17, 2024. Accounting records show that the Lessee paid annual rent through April 30, 2025; therefore, the Lessee will be invoiced for the remaining amount of the new balance due.

Additionally, the proposed amendment will require the Lessee to indemnify the State for the entire period of unauthorized occupation of the two existing water intake lines, ensuring the State is protected. The water intake lines are privately owned and maintained and used to provide water to the upland property. The water intake lines are not generally associated with traditional Public Trust uses, occupy a small area of the lakebed, and do not interfere with Public Trust activities at this location at this time.

The proposed lease amendment 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 amendment 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.

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 proposed amendment will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; 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 as authorized by law. If the Commission denies the application, the Lessee would not be able to remove or install the improvements. 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. **Boathouse/Boat Lift Removal and Two Existing Water Intake Lines:** Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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).

Buoy Installation: 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)(3).

Removal of One Piling: 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 15061 and California Code of Regulations, title 2, section 2905.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that this activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2); Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3); and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

1. Find that the proposed amendment 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; and are consistent with the common law Public Trust Doctrine.
2. Find that the existing and, for a limited period, use of the water intake lines are generally not consistent with the Public Trust Doctrine, but the current use does not substantially interfere with Public Trust uses.
3. Find that approving the proposed amendment is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease Number 3310, a General Lease – Recreational Use, effective December 17, 2024, to include the installation and use of one additional mooring buoy, use of two existing water intake lines not

previously authorized by the Commission; and the removal of one open-sided boathouse, boat lift, and one piling; to revise rent from \$1,820 with an annual Consumer Price Index adjustment to \$2,044 with an annual Consumer Price Index adjustment; to incorporate climate change provisions; and to replace the existing lease Exhibit A, Land Description, and lease Exhibit B, Site and Location Map; all other terms and conditions of the lease shall remain in effect without amendment.

2. Authorize acceptance of compensation from the Applicant in the amount of \$165 for unauthorized occupation of State land from the period prior to December 17, 2024.
3. Authorize the Executive Office or designee to replace Exhibits to the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following installation.