

Staff Report 14

LESSEE:

Scandia Realty Group, LLLP, a Nevada limited liability partnership

APPLICANT:

Matthew L. Ross, Trustee of the Matthew Lannon Ross Living Trust dated September 30, 2020

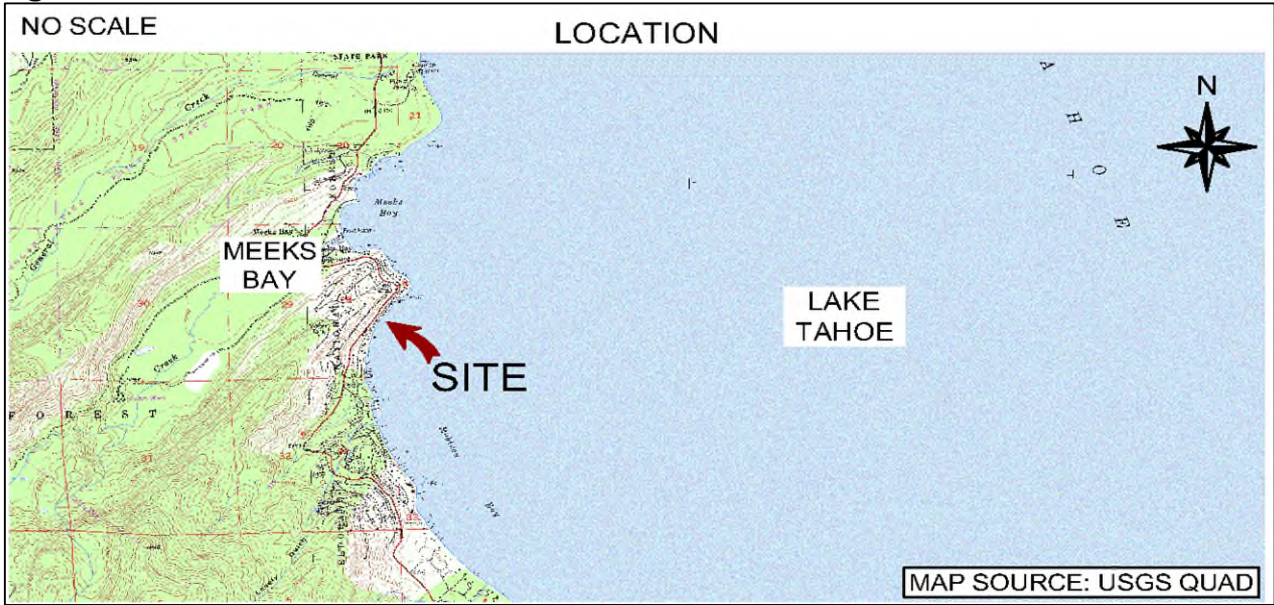
PROPOSED ACTION:

Termination and Issuance of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8399 Meeks Bay Avenue, Tahoma, El Dorado County (as shown in Figure 1, below).

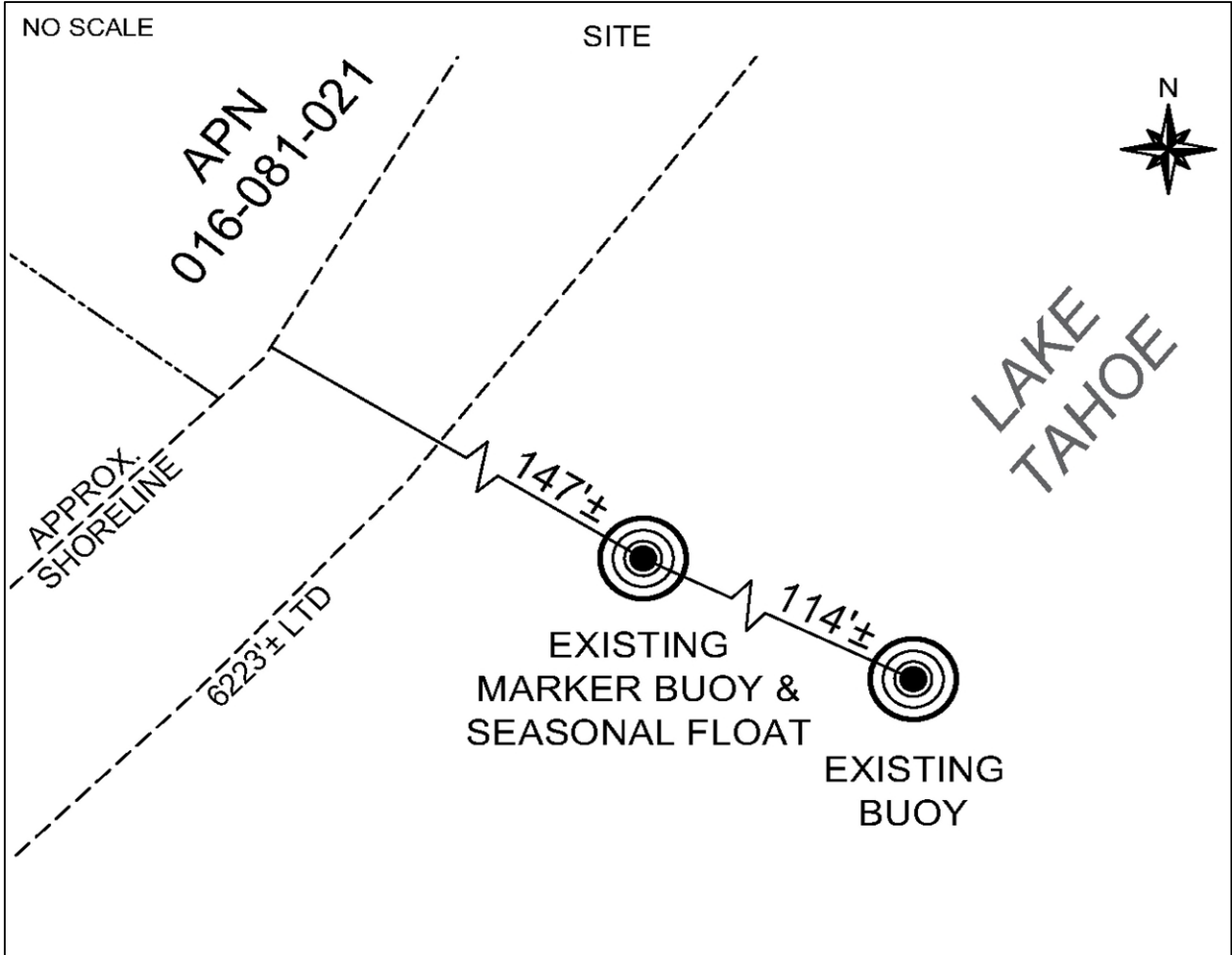
Figure 1. Location



AUTHORIZED USE:

Use of an existing mooring buoy and marker buoy, and installation and use of a seasonal 10-foot swim platform (as shown in Figure 2, below).

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 April 2, 2025.

CONSIDERATION:

\$456 per year, with an annual Consumer Price Index adjustment, and \$41 for the unauthorized occupation of State land by the mooring buoy and marker buoy for the period prior to April 2, 2025.

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.
- Lessee to place a seasonal 10-foot swim platform in the lake no earlier than June 15, with removal no later than September 15 annually. Lessee to provide date-stamped photo documentation each year showing installation and removal of the swim platform.
- 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.
- The provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee’s unauthorized occupation of state-owned lands, from September 6, 2024 to April 1, 2025.

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, section 2000 and 2003.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On April 19, 2018, the Commission authorized a General Lease – Recreational Use to Scandia Realty Group, LLLP, a Nevada limited liability partnership, for the continued use and maintenance of one existing mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission ([Item 38, April 29, 2018](#)).

On September 6, 2024, Matthew L. Ross, Trustee of the Matthew Lannon Ross Living Trust dated September 30, 2020, acquired ownership of the upland parcel. Staff recommend terminating the 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 April 1, 2025, the day preceding the start of the proposed new lease. Accounting records show invoices for this lease have been paid through February 26, 2025. Staff recommend the Commission accept \$41 for the unauthorized occupation of state land from February 27, 2025 to April 1, 2025.

The Applicant is now applying for an issuance of a General Lease – Recreational Use for the use of an existing mooring buoy, an existing marker buoy, and installation and use of a seasonal swim platform. The improvements were registered with TRPA on January 21, 2025 (Registration No. 11728).

The previous lease was issued pending TRPA permitting the marker buoy as an existing mooring buoy. This was not approved, and the buoy remains registered as a marker buoy for a floating platform. The Applicant is applying for lease of the existing mooring buoy and existing marker buoy and plans to install a seasonal 10-foot floating swim platform to be used from June 15 to September 15 annually, which will be attached to the marker buoy which is in use year-round. This is consistent with TRPA permitting for the improvements.

The lease provisions regarding indemnity will be extended to apply from September 6, 2024, when the Applicant took ownership of the upland, through April 1, 2025, the day preceding issuance of the new lease.

The Applicant owns the uplands adjoining the lease premises. The mooring buoy and marker buoy have existed for many years at this location. The subject buoys and proposed seasonal swim platform are 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 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 as authorized by law. If the Commission denies the application, the Applicant cannot install the seasonal swim platform and may be required to remove the buoys 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).

- ~~3.4.~~ **Existing Mooring Buoy and Marker Buoy:** Staff recommend 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 14, section 15301.
- ~~4.5.~~ **Seasonal Swim Platform:** 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 or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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 through a combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301 and Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed and existing improvements 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 April 1, 2025, of Lease 5553, a General Lease – Recreational Use, issued to Scandia Realty Group, LLLP, a Nevada limited liability partnership.
2. Accept compensation from the Applicant in the amount of \$41, for the unauthorized occupation of State land for the period prior to April 2, 2025.
3. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning April 2, 2025, for a term of 10 years, for the use of an existing mooring buoy and marker buoy, and the installation and use of a seasonal 10-foot swim platform; annual rent in the amount of \$456, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence