

# Staff Report 03

## LESSEE/APPLICANT:

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Luis Robert Ubillus Adelman

## PROPOSED ACTION:

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Acceptance of a Lease Quitclaim Deed for Lease 8644; and Issuance of a General Lease – Recreational Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 1590 North Lake Boulevard, near Tahoe City, Placer County (as shown in Figure 1).

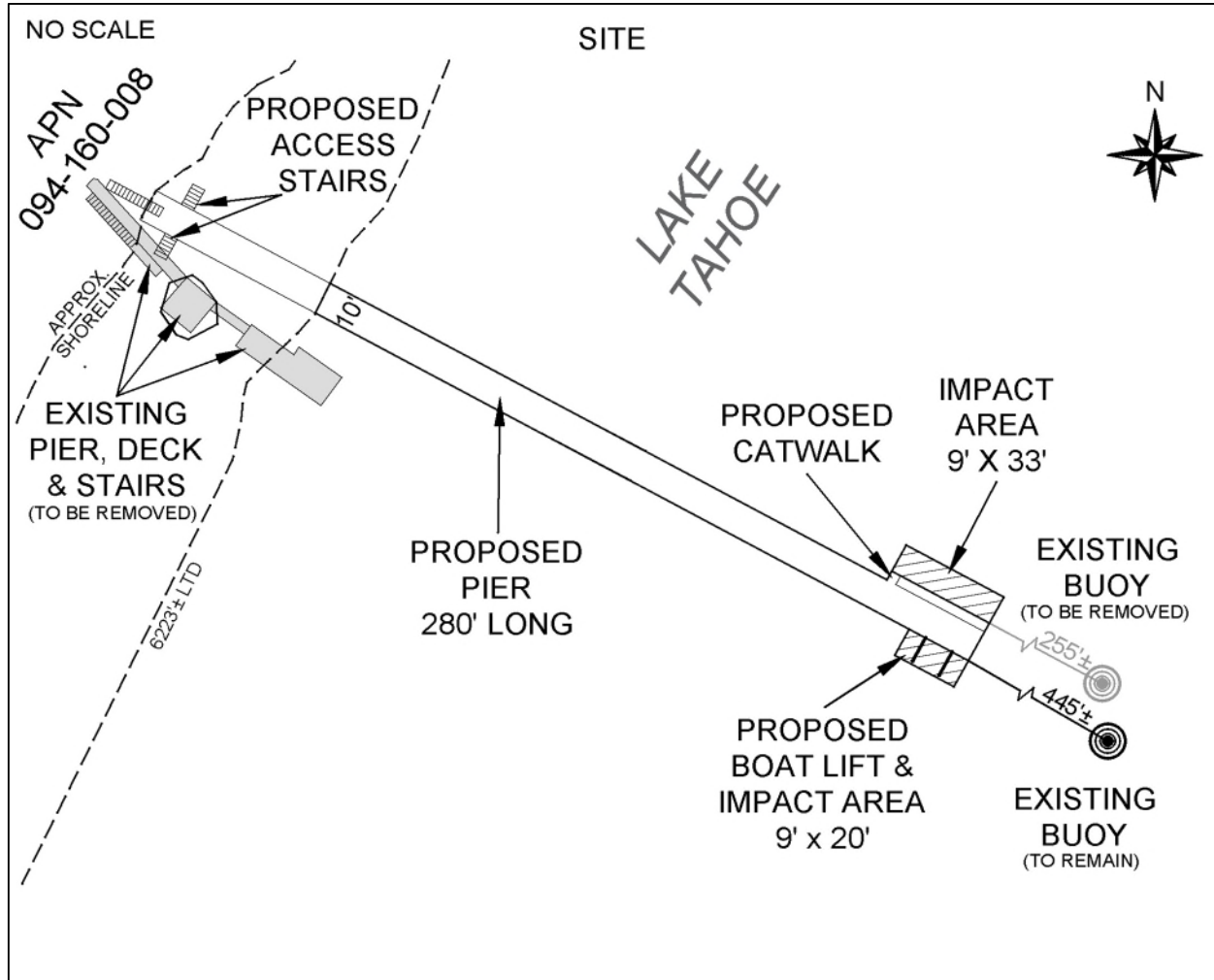
**Figure 1. Location**



**AUTHORIZED USE:**

Removal of a pier and one mooring buoy; construction and use of a pier with catwalk and boat lift; and the use of one existing mooring buoy (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 3, 2025.

**CONSIDERATION:**

\$2,435 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 and registration for moorings is 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 annual consideration shall be adjusted based on the actual area of the improvements as constructed, should they vary from the plans submitted.
- 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.
- 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 the proposed public access 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).
- 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.

## STAFF ANALYSIS AND RECOMMENDATION:

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### **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 June 28, 2019, the Commission authorized a General Lease – Recreational Use to Luis Robert Ubillus Adelman, for the use and maintenance of an existing pier and two mooring buoys adjacent to 1590 North Lake Boulevard, near Tahoe City, Placer County ([Item 2, June 28, 2019](#)). This lease will expire on June 27, 2029.

On April 26, 2022, the Commission authorized an Amendment of Lease to Lease 8644, for the removal of an existing pier and one existing mooring buoy, and the construction of a new pier, catwalk, and boat lift ([Item 1, April 26, 2022](#)). The removals and construction authorized never occurred, and the Applicant has since significantly revised the site plans for the proposed pier to be constructed.

The Lessee has applied to quitclaim Lease 8644. The Applicant is now applying for a General Lease – Recreational Use for the removal of a pier and one mooring buoy; the construction and use of a pier with catwalk and boat lift; and use of one existing mooring buoy. The proposed project will be constructed adjacent to 1590 North Lake Boulevard, near Tahoe City, Placer County. Staff recommends acceptance of a Lease Quitclaim Deed for Lease 8644 upon execution of a new lease. Staff recommends issuance of a General Lease – Recreational Use to the Applicant, to take effect on June 3, 2025. Rent on the new lease will be prorated to account for rent already paid.

On February 19, 2025, TRPA issued Conditional Permit No. ERSP2020-2095-01, a plan revision to the previously authorized permit No. ERSP2020-2095 for the proposed construction of a new pier with catwalk and boat lift. The boat lift is allowed through conversion of authorization for a legally existing mooring buoy. ERSP2020-2095-01 requires the Applicant to submit a demolition plan for the removal of the existing pier structure prior to a final permit being issued.

The proposed pier will be approximately 10-feet wide by 280 feet in total length, with a 3-foot wide by 30-foot long catwalk. One 6,000-pound boat lift will be installed in exchange for the removal of a legally existing mooring buoy. The catwalk will be installed on the northerly side of the pierhead. The proposed boat

lift will be installed on the southerly side of the pierhead. The pier will be supported by 36 steel pilings, driven with the use of a 1,000-pound drop hammer or excavator mounted vibratory driver. Two safety ladders are also proposed, to be located between the mean high and mean low water marks on the southerly side of the pier.

The proposed pier's design will allow for public access laterally across the shoreline via public access stairs at the landward end of the pier. The topography of the shore at the proposed pier location consists of large rocks and small boulders. The Applicant agrees to allow the public to pass and re-pass over the pier within the Public Trust easement by utilizing the proposed public access stairs near the landward end of the pier. Additionally, the proposed lease requires that the Applicant post signs on each side of the pier to clearly identify the designated public passageway over the pier; these signs are required to be in place at all times.

The proposed construction will be conducted with access to the site from the lake using a floating/amphibious barge. Materials will be precut and/or prefabricated to the extent practicable and transported by the barge to the site, in order to minimize disturbance to the shorezone and protect the lake from construction debris. All work performed from the lake via barge or amphibious vessel will use caissons or turbidity curtains as needed during pile driving to protect water quality. All Best Management Practices and construction techniques will be utilized to protect the water body. Spill prevention materials and their spill plan will be on site during construction. Materials, equipment storage, and fabrication will take place off-site and on the barge. Approximately 14.3 square feet of lake bottom disturbance is proposed.

The project area resides in an area marked as "feed/cover habitat" by TRPA. Displacement to feed/cover habitat will be offset, as required by TRPA, by the addition of one 5-foot by 5-foot area of 6 to 8-inch cobbles over an existing gravel substrate. Upon the removal of the mooring buoy as described in the authorized improvements, the Applicant will decontaminate or destroy the buoy block in accordance with California Department of Fish and Wildlife requirements.

Construction will take place after all required approvals have been obtained. 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 two mooring buoys have existed for many years at this location, are located directly lakeward of the upland property, and occupy a relatively small area of the lake. Both currently existing mooring buoys, one to remain and one to be removed, were registered with TRPA on March 3, 2025 (Mooring Registration No. 10622).

The existing mooring buoys 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:**

### ***INTRODUCTION:***

Climate change significantly affects inland non-tidal lakes such as Lake Tahoe, and its effects are increasing throughout the Sierra Nevada mountains. According to [California's Fourth Climate Change Assessment](#) (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. These impacts create hazardous conditions like flooding, landslides, wildfire, drought, extreme heat, and severe storms. Structures along the shores of inland lakes are particularly vulnerable to the more frequent and extreme weather events, year-to-year changes in total precipitation, and shifts in seasonal characteristics.

### ***DATA & PROJECTIONS:***

Temperatures in the Sierra Nevada are expected to increase six to ten degrees Fahrenheit on average by the end of the century, causing the snowline to shift



upslope 1,500 to 3,000 feet in elevation (California's Fourth Climate Change Assessment, 2018). The long-term warming trend will lead to warmer and shorter winters and longer and drier summers. The warmer winters will reduce winter snowpacks by up to 60 percent across most of the Sierra Nevada and will result in increased winter streamflows and floods and decreased spring and summer runoff. Loss of snowpack is expected to dry soils 15 to 40 percent below their historical norms. Hotter, drier summer seasons and low water years will increase stress to vegetation, elevating wildfire risk and fire severity in the Tahoe Basin.

Dry winters will be punctuated with exceedingly wet years and higher temperatures will result in more rain-on-snow events ([Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin](#), 2020). Atmospheric river systems will become more common. These events produce both flash floods and higher than normal seasonal flooding which may shift earlier in the year. Higher soil moisture will increase erosion and elevate landslide risk, particularly following intense wildfire seasons.

### **ANALYSIS:**

The greatest vulnerability to recreational facilities is from flooding, landslides, and wildfire hazards (Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin, 2020). The Sierra Nevada is expected to experience year-to-year variability in precipitation and may shift between extreme wet and dry periods. High precipitation years or successive years will result in higher lake levels, causing beaches to narrow and reducing public access. Surface runoff may carry more sediment into the lake, adversely impacting water quality, clarity, and increasing risk of algal blooms ([UC Davis Tahoe Environmental Research Center](#), 2024). Conversely, low lake levels will become normal during periods of extended drought. Low lake level conditions can create more expansive beaches and increased shoreline access in dry months. However, these conditions could make some shoreline areas too shallow for effective recreational use of piers, boat docks, and mooring buoys. During drought, structures will also be exposed to heat and wind that may accelerate deterioration or reduce the structural integrity of certain structures.

Additionally, atmospheric rivers and extreme weather events are expected to increase in the high Sierra. Storms may deviate from prevailing wind patterns for the region. Wind-driven waves can accelerate shoreline erosion in some areas or cause erosion in areas not typically subject to erosion. Winds can also increase wave damage on structures and boats along the lake.

**RECOMMENDATIONS:**

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. Replacing older structural components with materials designed to better withstand extreme heat, wind events, and storms can reduce the likelihood of degradation and damage to structures. Any future construction or activities on state land would require a separate authorization from the Commission.

Regular maintenance, as required by the lease, may reduce the risks from extreme temperatures and rain. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change.

**CONCLUSION:**

For all the reasons above, staff believe 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 interest of the state.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is discretionary action by the Commission. Each time the Commission approves or rejects the 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 reconstruct the pier and may be required to remove the improvements 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 "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" 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, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

4. **Existing Mooring Buoy:** 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).

**New 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)(1).

**Pier Demolition and Removal of One Mooring Buoy:** 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.

## **APPROVAL OBTAINED:**

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- Tahoe Regional Planning Agency (ERSP2020-2095-01)

## **APPROVALS REQUIRED:**

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

## **RECOMMENDED ACTION:**

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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)(1); and 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 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. Accept a Lease Quitclaim Deed for Lease 8644, effective June 2, 2025.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning June 3, 2025, for a term of 10 years, for the removal of a pier and one mooring buoy; construction and use of a pier with catwalk and boat lift, and the use of one existing mooring buoy; annual rent in the amount of \$2,435 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.
3. 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.