

Staff Report 14

APPLICANT:

Gregory M. King and Karen M. King, as Trustees of the Gregory M. King and Karen M. King Family Trust, Dated October 21, 2010

PROPOSED ACTION:

Issuance of a General Lease – Recreational Lease.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8551 and 8555 Meeks Bay Avenue, near Meeks Bay, El Dorado County (as shown in Figure 1).

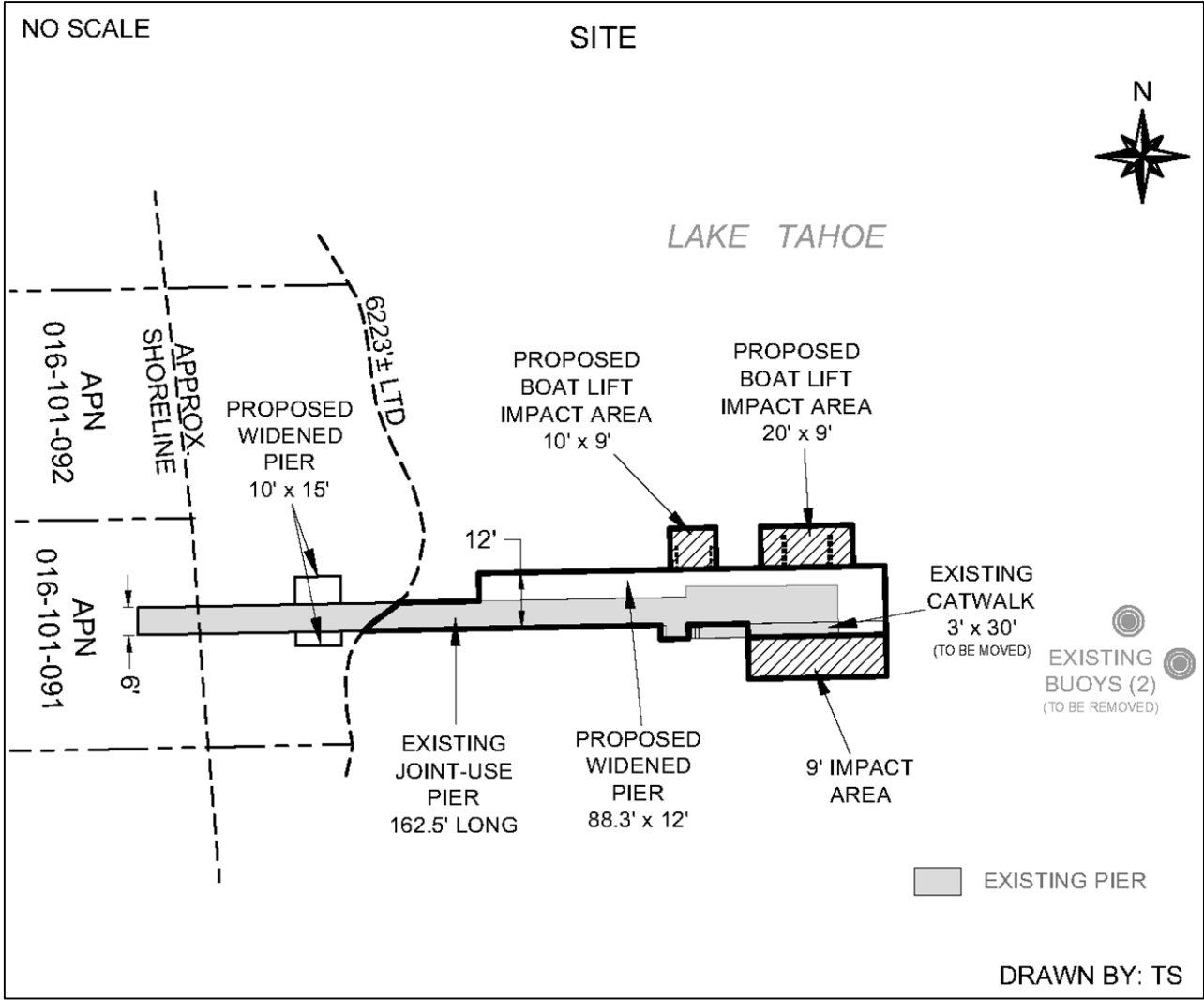
Figure 1. Location



AUTHORIZED USE:

Modification and use of an existing joint-use pier, installation of two boat lifts, and removal of 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 August 21, 2025.

CONSIDERATION:

\$1,375 per year, with an annual Consumer Price Index adjustment; and \$1,675 for the unauthorized occupation of State land for the period prior to August 21, 2025.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee 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 this 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.
- 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.
- Lessee acknowledges annual consideration shall be adjusted based on the actual area of improvements as constructed should they vary from the plans submitted.
- The provisions of Section 3, Paragraph 11 shall also extend to the entire period of Lessee's unauthorized occupation of state-owned lands, from August 13, 2024 through August 20, 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, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On February 20, 2015, the Commission authorized a General Lease – Recreational Use to Gregory M. King and Karen M. King, Trustees of the Gregory M. King and Karen M. King Family Trust Dated October 21, 2010, for the use and maintenance of an existing pier, boat lift, and two mooring buoys, adjacent to 8555 Meeks Bay Avenue, near Meeks Bay, El Dorado County ([Item 9, February 20, 2015](#)). The lease expired on August 12, 2024.

The Applicant is now applying for a General Lease – Recreational Use for the modification, use, and conversion of an existing single use pier to a joint-use pier, installation of two boat lifts, and removal of two mooring buoys. Applicant owns both the contiguous parcels of 8555 and 8551 Meeks Bay Avenue where the joint-use pier is going to be modified. Staff recommends issuance of a General Lease – Recreational Use to the Applicant, to take effect on August 21, 2025. TRPA mooring registration is current as of March 31, 2025 (Registration No. 10445).

Accounting records show that the annual rent has been paid through August 12, 2024. Staff recommends that the Commission accept compensation in the amount of \$1,675 for the unauthorized occupation of State land for the period prior to August 21, 2025. Additionally, the proposed lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation from August 13, 2024 through August 20, 2025, ensuring the State is protected.

On May 29, 2025, the Applicant obtained a conditional permit No. ESRP2024-0374-01 from TRPA authorizing the remodel and conversion of an existing single use pier to a joint-use pier. The Applicant will be removing the two existing mooring buoys in order to install the two boat lifts and satisfy TRPA's mooring requirements.

The Applicant is proposing to extend the existing 152.2-foot-long pier to a length of 162.5 feet. This results in the pierhead ending 20 feet lakeward past elevation 6219 feet pursuant to TRPA design standards for multi-use piers. The pier deck will be widened in sections to a maximum of 12-feet wide from the pierhead end for 88.3 feet towards the shoreline where it will remain at its existing 6-foot width, but will

include a new deck containing two benches landward of the 6223 LTD. The remodeled pier will include the addition of one 12,000 lb. boat lift and one 6,000 lb. boat lift to the north side of the pier. The impact areas of these two boat lifts will be different due to the difference in boat size each lift can accommodate. All materials will be transported to the site via barge. Construction will take place after all required approvals have been obtained. The Applicant will follow all construction methods and timeframes as prescribed by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Water Resources Control Board (Lahontan Region), and TRPA.

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 existing buoys that will be removed are located directly lakeward of the upland property and occupy a relatively small area of the lake. The subject pier is built on pilings, on a pebbly beach that is easily traversable and public access for pedestrians and lake-related activities is available by passing over the pier within the Public Trust easement. The proposed lease includes a provision requiring the Applicant to post signs on each side of the pier identifying the designated public passageway. These signs shall be in place at all times and will ensure that the public is aware of the designated public passageway within the Public Trust easement.

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 believes 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. 8551 Meeks Bay Avenue is associated with a separate lease, Lease 8419, for two existing mooring buoys. The lease will expire on June 27, 2029. These buoys are separate and distinct from the two buoys that will be removed and replaced with boat lifts in this proposed action.
2. 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 would not be permitted to modify the improvements and may be required to remove the existing 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.
3. 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.
4. **Pier Expansion:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(2) and title 14, section 15303, subdivision (e).

Buoy Removal: 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 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 the combination of the following exemptions: Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(2) and title 14, section 15303, subdivision (e), 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 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. Accept compensation from the Applicant for the unauthorized occupation of State Land in the amount of \$1,675 for the period prior to August 21, 2025.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning August 21, 2025, for a term of 10 years, for the modification and use of a joint-use pier, installation of two boat lifts, and removal of two mooring buoys; annual rent in the amount of \$1,375, 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.