

Staff Report 15

LESSEE:

Maquina de Vapor, LLC, a Delaware limited liability company

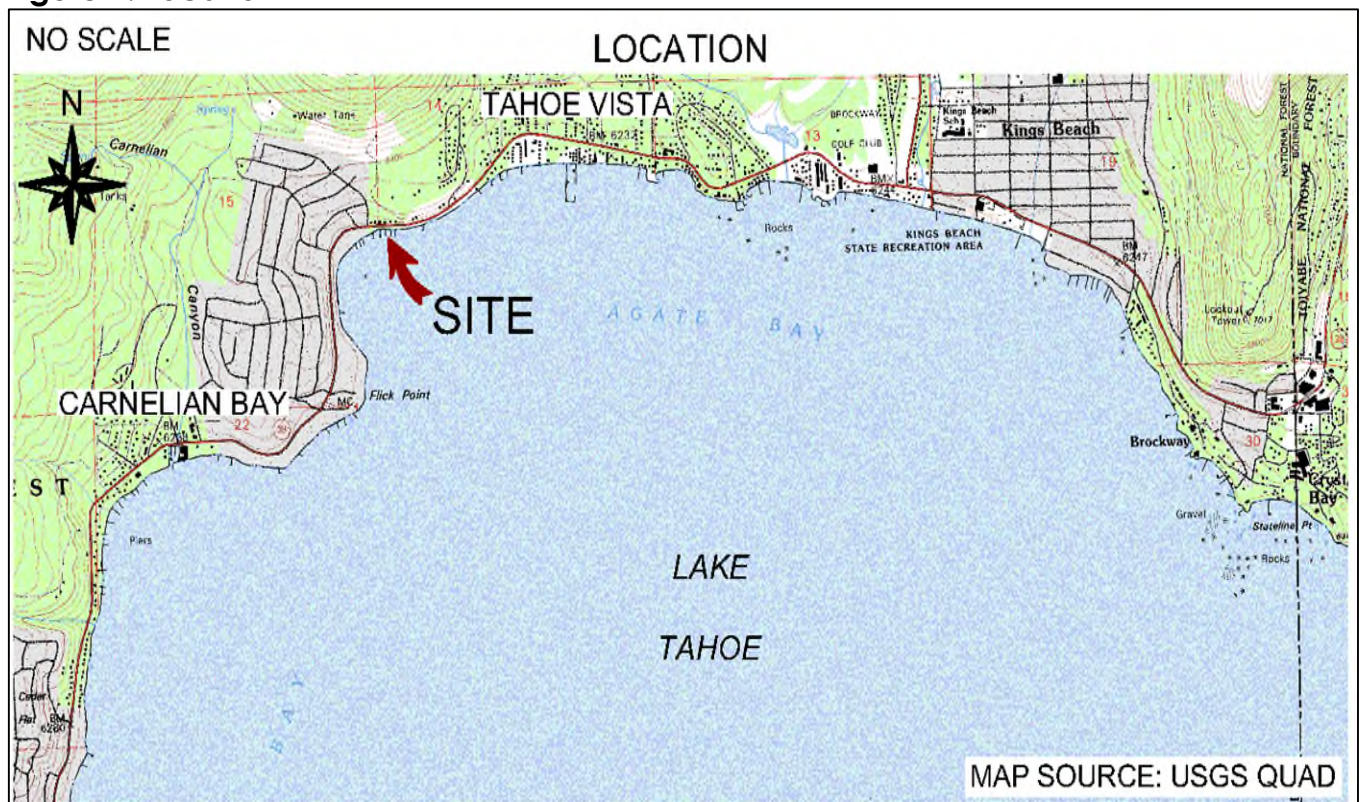
PROPOSED ACTION:

Amendment of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 6061 North Lake Boulevard, near Carnelian Bay, Placer County (as shown in Figure 1).

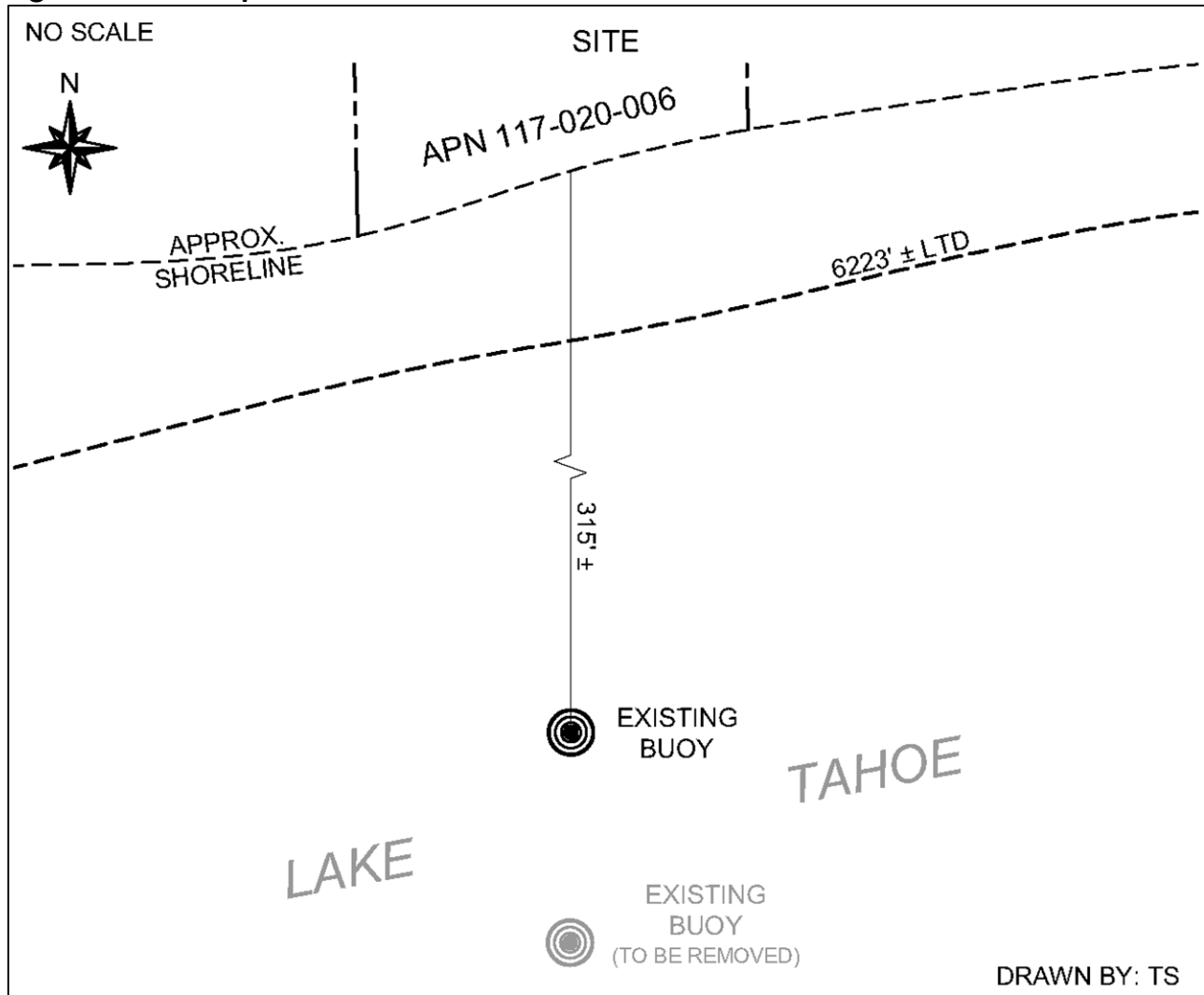
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of two existing 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 17, 2019.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

- Authorize the removal of one mooring buoy, adjacent to 6061 North Lake Boulevard, near Carnelian Bay, Placer County (as shown in Figure 2).
- Revise the annual rent from \$754 with an annual Consumer Price Index adjustment, to \$273 with an annual Consumer Price Index adjustment, effective August 21, 2025.
- Replace the existing Lease Exhibit A, Land Description, and Lease Exhibit B, Site and Location Map (for reference purposes only), in the Lease.
- Replace Special Provisions, Section 2, Paragraph 3 with the following: 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.
- Within 60 days of completing the removal of one mooring buoy, Lessee will provide Lessor with a copy of a receipt by a licensed contractor confirming the removal of the buoy and anchor block.

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 June 28, 2019, the Commission authorized the acceptance of a Quitclaim Deed and issuance of a General Lease – Recreational Use to Maquina De Vapor, LLC, a Delaware limited liability company, for the continued use and maintenance of two existing mooring buoys ([Item 9, June 28, 2019](#)). That lease will expire on August 16, 2029.

The Lessee is now applying to amend the existing lease to remove one existing mooring buoy. The Lessee is party to a separate lease application for a proposed multiple parcel pier (Application 4417), which is being processed concurrently and

is also scheduled for the August 21, 2025 Commission meeting agenda. On May 21, 2025, TRPA issued a conditional permit for the proposed pier project (ERSP2023-1454). The TRPA permit requires the applicants to remove one existing mooring buoy from one of their three associated parcels in order to install a boat lift on the proposed pier, keeping the number of overall moorings consistent. Accordingly, the Lessee is applying to amend the authorization for Lease 9414 to remove one mooring buoy. One existing mooring buoy would be retained with the lease. Upon removal, ERSP2023-1454 requires the Applicant to decontaminate or destroy the mooring buoy and anchor block in accordance with California Department of Fish and Wildlife requirements.

The Applicant owns the uplands adjoining the lease premises. The existing mooring buoy is privately owned and maintained, located directly waterward of the upland parcel, 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 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 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 proposed amendment will not substantially interfere with the Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Application 5101 for the amendment of Lease 9414 is associated with Application 4417 for the proposed construction of a multiple parcel, joint-use pier, including the installation of two boat lifts. The installation of one aforementioned boat lift is contingent upon the authorization of this lease amendment. Both applications are scheduled for consideration by the Commission under separate actions at its August 21, 2025 meeting.

2. Approval or denial of the application is a 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 lease will not be amended, and the Applicant cannot proceed with the construction activities. 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. 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 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.

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, 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 amendment will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining 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 amendment of Lease Number 9414, a General Lease – Recreational Use, for the removal of one mooring buoy, effective August 21, 2025.
2. Authorize the revision of annual rent from \$754, with an annual Consumer Price Index adjustment, to \$273, with an annual Consumer Price Index adjustment, effective August 21, 2025, to reflect changes to the lease area and authorized improvements.
3. Authorize the amendment to include additional lease terms in Section 2, SPECIAL PROVISIONS, including, but not limited to, the replacement of Paragraph 3 with the following: 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.
4. Authorize the amendment to replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map, in the lease.
5. 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.