

Staff Report 09

LESSEE:

Martin A. Gaehwiler, Jr.

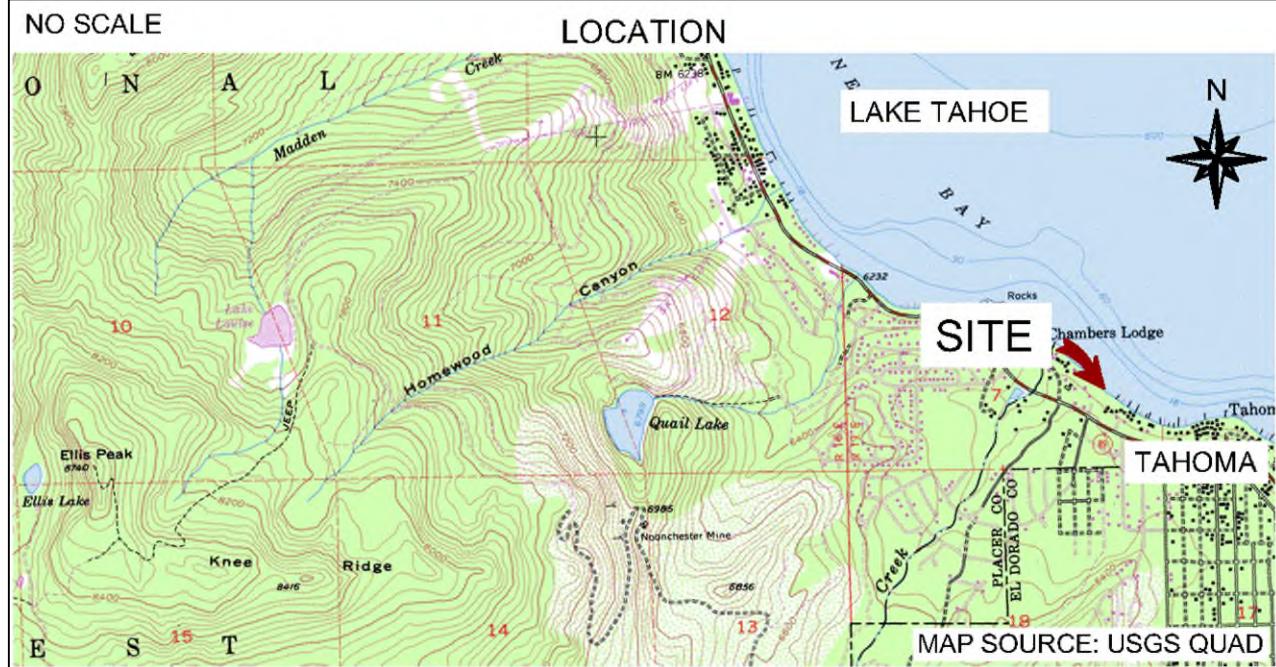
PROPOSED ACTION:

Amendment of a General Lease - Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign Land in Lake Tahoe, adjacent to 6668 West Lake Boulevard, Tahoma, Placer County (as shown in Figure 1).

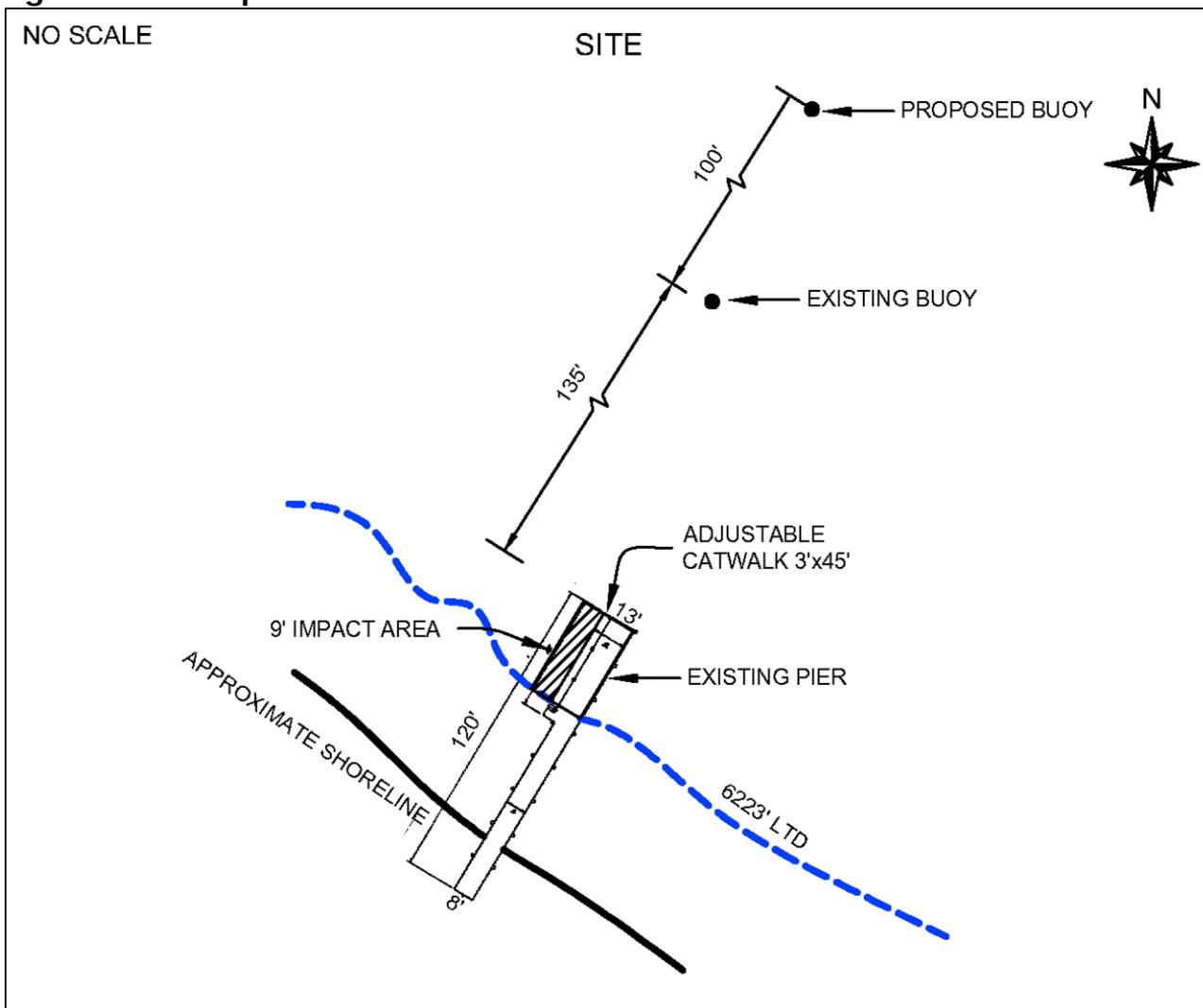
Figure 1. Location



AUTHORIZED USE:

Use of an existing pier and one 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 December 1, 2019.

CONSIDERATION:

\$868 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

- Installation of a mooring buoy (as shown in Figure 2 above).

- Revise the annual rent from \$868 to \$1,166, 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.
- Construction activities will be performed pursuant to the specific terms identified in the Lease and shall not commence until the Applicant obtains all necessary permits and authorizations, including requirements pertaining to construction equipment, debris, and construction document submittals to Lessor.
- Within 60 days of completing the installation of the buoy, 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.
- Revise the Lessee name to read: Martin A. Gaehwiler, Jr., Trustee of The Martin A. Gaehwiler, Jr. Trust dated March 14, 2017.

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, section 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 22, 2020, the Commission authorized issuance of a General Lease – Recreational Use to Martin A. Gaehwiler, Jr., for the use of an existing pier and one mooring buoy ([Item 9, October 22, 2020](#)). The lease will expire on November 30, 2029. Both the existing and proposed buoys are registered with the Tahoe Regional Planning Agency (TRPA) (Registration No. 10637).

The Applicant is now applying to amend the current lease to install one additional mooring buoy, permitted by TRPA on April 4, 2025. Prior to the approval of Lease 8135, on April 5, 2017, the ownership of the upland property was deeded to Martin A. Gaehwiler, Jr., Trustee of The Martin A. Gaehwiler, Jr. Trust dated March 14, 2017. Staff was not made aware of the change in ownership. The amendment includes a revision to reflect the upland property owner's true legal name as the Lessee.

The buoy will be placed by a crane barge. Installation will take place after all required approvals have been obtained and will occur between October 1 and May 1, to minimize the disturbance of natural habitats and public enjoyment of the lake during the peak seasons. The Applicant will follow all construction methods and timeframes provided by the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife, and TRPA.

The Applicant owns the uplands adjoining the lease premises. The pier and two buoys will be 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 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 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 6 to 10 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 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. 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 lease will not be amended, and the Applicant cannot proceed with the installation activities. 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. 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)(3).

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:

- Tahoe Regional Planning Agency

APPROVALS REQUIRED:

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

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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

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 8135, a General Lease – Recreational Use, for the installation of one mooring buoy.
2. Authorize the revision of annual rent from \$868, with an annual Consumer Price Index adjustment, to \$1,166, with an annual Consumer Price Index adjustment, effective August 21, 2025, to reflect changes to the lease area and authorized improvements.
3. Authorize the revision of the Lessee's name to: Martin A. Gaehwiler, Jr., Trustee of The Martin A. Gaehwiler, Jr. Trust dated March 14, 2017.
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. All terms and conditions of the lease shall remain in effect without amendment.