

Staff Report 01

LESSEE:

Rajit Kumar Agrawal and Reena Modi Agrawal, trustee(s) of The Rajit and Reena Agrwal Living Trust

PROPOSED ACTION:

Amendment of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9902 and 9910 Lake Street, near Kings Beach, Placer County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:

Use of two existing mooring buoys; and installation and use of two mooring buoys (as shown in Figure 2).

TERM:

10 years, beginning December 17, 2024.

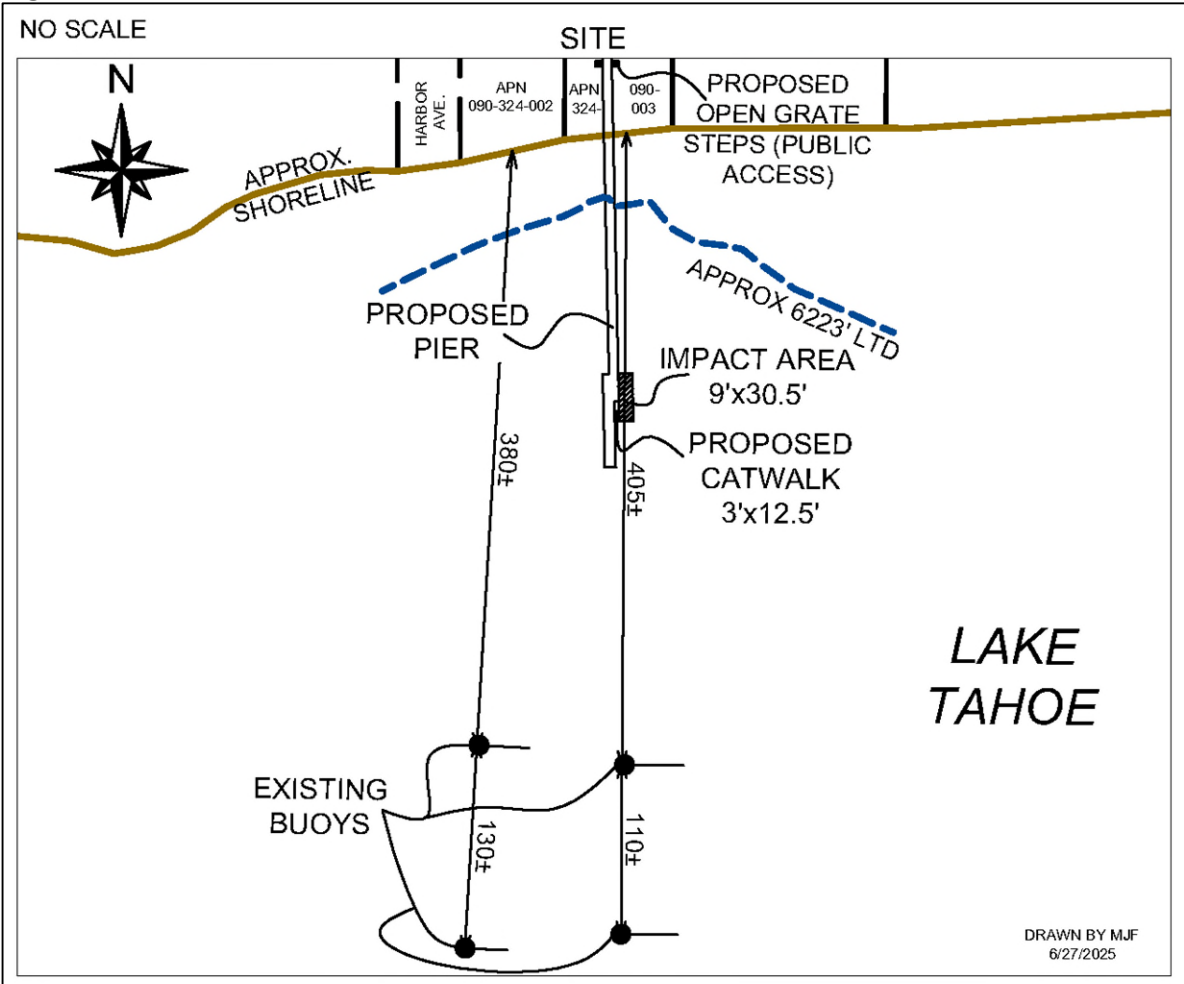
CONSIDERATION:

\$1,092 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

- Authorize the construction and use of a joint-use pier, adjacent to 9902 and 9910 Lake Street, near Kings Beach, Placer County (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Lessee or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

- Revise the annual rent from \$1,092, with an annual Consumer Price Index adjustment, to \$2,215, with an annual Consumer Price Index adjustment, effective December 17, 2025; and include an additional amount of \$196 for the remaining portion of the lease year from October 14, 2025 through December 16, 2025, effective October 14, 2025.
- Replace the existing lease Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), in the lease.
- 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.
- 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).

All other terms and conditions of the lease not addressed in the amendment are 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 December 17, 2024, the Commission authorized issuance of a General Lease – Recreational Use to Rajit Kumar Agrawal and Reena Modi Agrawal, trustee(s) of

The Rajit and Reena Agrawal Living Trust, for the use of two existing mooring buoys; and installation and use of two mooring buoys adjacent to 9902 and 9910 Lake Street, near Kings Beach, Placer County ([Item 2, December, 17, 2024](#)). This lease will expire on December 16, 2034.

The Lessee is applying to amend the lease to include the construction and use of a joint-use pier, adjacent to 9902 and 9910 Lake Street, near Kings Beach, Placer County. On May 21, 2025, the Lessee was issued a conditional permit No. ESRP2024-0250 from the Tahoe Regional Planning Agency (TRPA) for the construction and use of a joint-use pier on Lake Tahoe.

All invoices have been paid through December 17, 2025; therefore, rent will be due in the amount of \$196 for the proposed pier and impact area from the date of the amendment (October 14) to the day prior to the lease anniversary (December 16). The new full rent will be due upon the next lease anniversary on December 17, 2025.

The proposed pier will extend approximately 250 feet from the ordinary high water mark (OHWM) of Lake Tahoe. The pier will include one 3-foot by 30-foot adjustable catwalk with a gangway on the pierhead and will require the driving of up to 22 steel pilings in marginal fish habitat. The pier will include a pair of metal grate stairways for Public Trust easement access. The pierhead will be 13 feet in width and the remaining pier deck will be 6 feet in width. The project will be constructed using a floating/amphibious barge. All materials will be transported to the site via barge. Construction will take place after all required approvals have been obtained. The Lessee will follow all construction methods and timeframes as prescribed by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, and TRPA.

The Lessee 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.) There is also an existing fence extending from the upland property toward the lake. In 2009, the fence was removed up to the Ordinary High Water Mark (OHWM), elevation 6,228.75 feet Lake Tahoe Datum (LTD), just outside of the Public Trust easement. The public can still access the Public Trust easement by walking just below the fence waterward of the OHWM. In order to clarify public access rights in the area, staff will require posting of a sign on the

waterward side of this fence indicating that the public may pass below the fence within the easement area and use the stairs to pass over the pier.

The proposed pier will be built on pilings, on a rocky beach that can be traversed. The Lessee will provide public access for pedestrians and lake-related activities within the Public Trust easement between 6223 LTD and 6228.75 LTD, where the proposed metal grate stairway will be constructed. Because of the large boulders in the area, the precise location of the stairs will depend on the conditions on site. The Applicant will submit as-built diagrams showing the final location of the stairs and the public access route. The proposed lease also includes a provision requiring the Lessee to post signs on each side of the pier identifying the designated public passageway. All required 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 Lessee 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, or for the remaining 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 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 Lessee will not be authorized to the amendment to include the construction of a joint-use pier. The Lessee has no right to a new lease or 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)(2).

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:

- U.S. Army Corps of Engineers
- Lahontan Regional Water Quality Control Board
- 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)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment 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 the amendment of Lease Number 8854, a General Lease – Recreational Use, effective October 14, 2025, to include the installation and use of a joint use pier and accept partial rent in the amount of \$196 from October 14, 2025 through December 16, 2025 for the new improvement; to revise rent from \$1,092 with an annual Consumer Price Index adjustment to \$2,215 with an annual Consumer Price Index adjustment; to incorporate construction provisions; and to replace the existing lease Exhibit A, Land Description, and lease Exhibit B, Site and Location Map; all other terms and conditions of the lease shall remain in effect without amendment.
2. Authorize the Executive Office or designee to replace Exhibits A and B to the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following installation.