

# Staff Report 13

APPLICANT:

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Team JEM Tahoe LLC, a California limited liability company

PROPOSED ACTION:

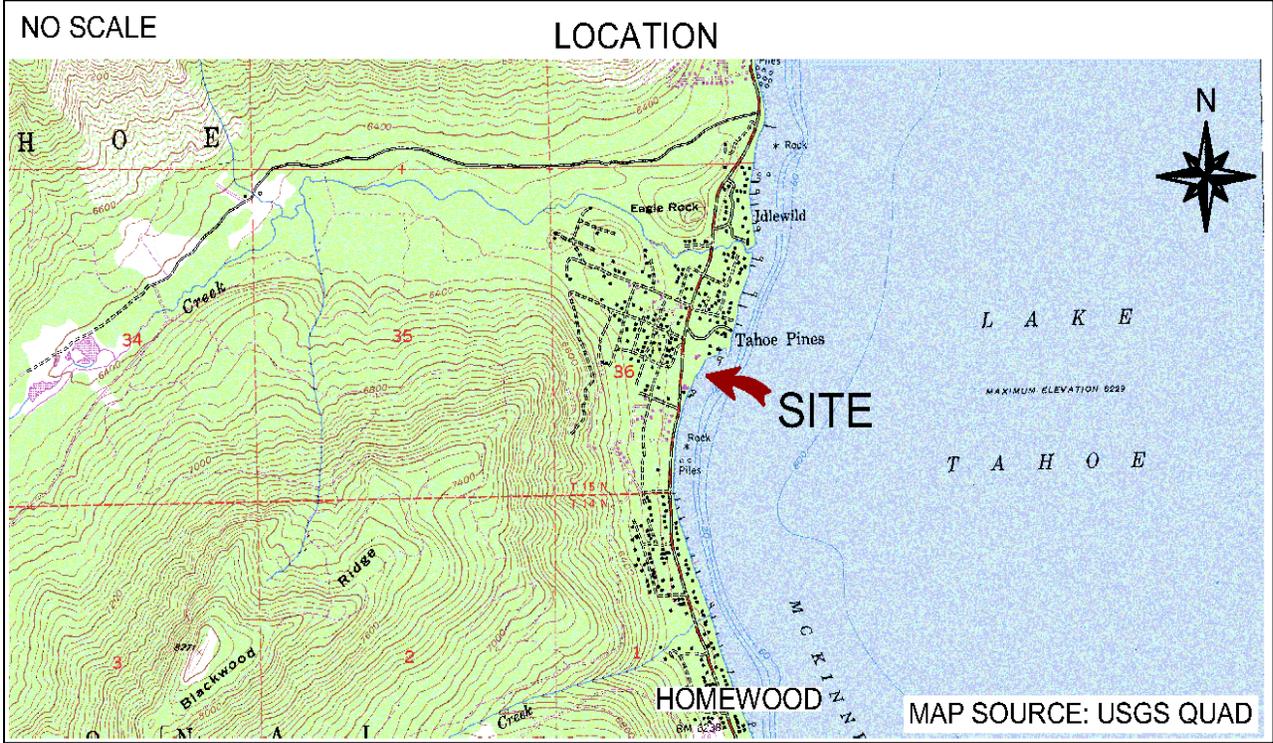
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Amendment of a General Lease - Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign Land in Lake Tahoe adjacent to 4250 West Lake Boulevard, near Homewood, Placer County (as shown in Figure 1).

Figure 1. Location



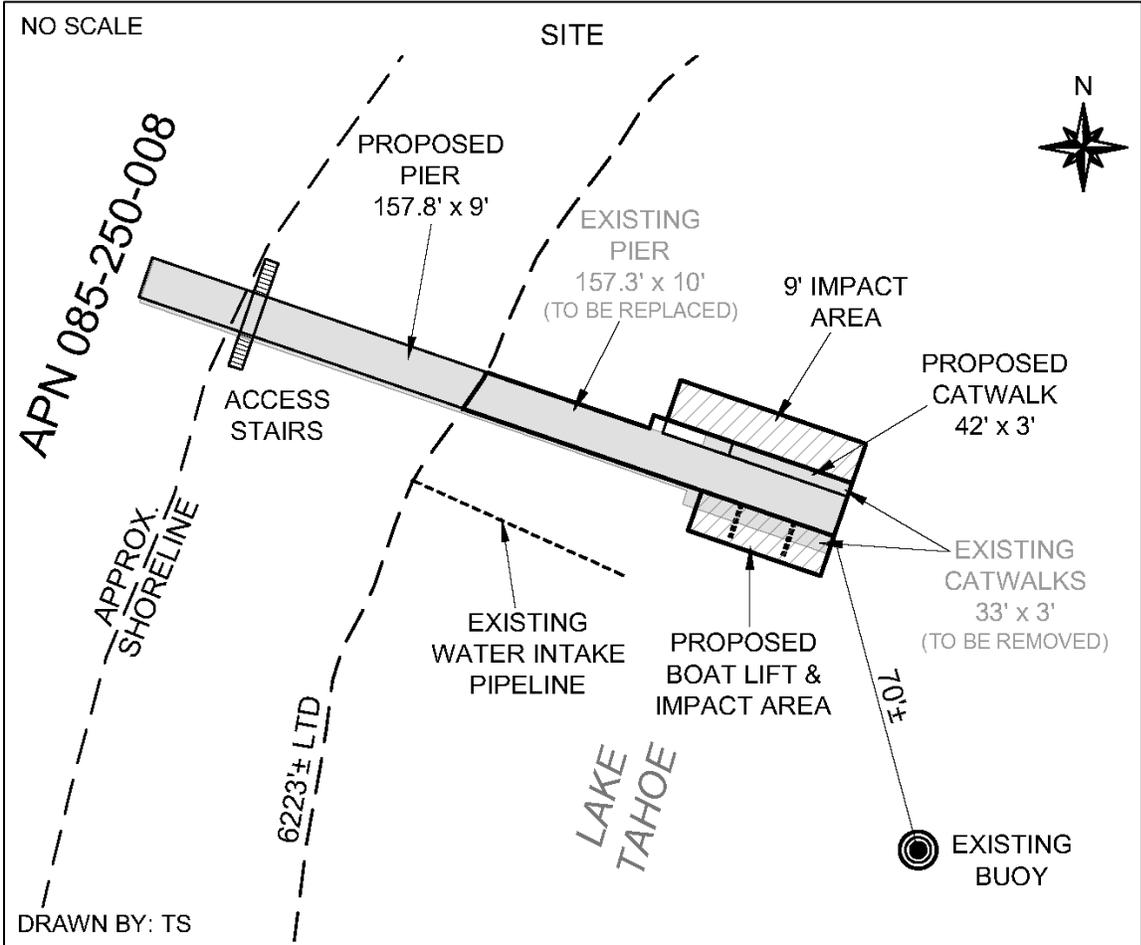
AUTHORIZED USE:  
Use of an existing pier, freshwater intake pipeline, and one mooring buoy.

TERM:  
10 years, beginning February 25, 2022.

CONSIDERATION:  
\$1,469 per year, with an annual Consumer Price Index adjustment.

- PROPOSED AMENDMENT:
- Section 1, Land Use of Purpose, is to be amended to allow for the removal and reconstruction of a pier with the addition of a boat lift and continued use of one mooring buoy and one freshwater intake pipeline (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.

- Section 1, Consideration, is to be amended to revise the annual rent from \$1,469 to \$1,388 with an annual Consumer Price Index adjustment, effective February 25, 2026.
- 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.
- Section 2, Special Provisions, is to be amended to include the requirement that within 60 days of completing the construction of the pier, Lessee will provide Lessor with photographs and a set of “as-built” plans that will show where the improvements have been placed. Additionally, 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 accordingly.
- Section 2, Special Provisions, is to be amended to include the requirement that 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).
- Section 2, Special Provisions, is to be amended to include provisions related to construction of the proposed pier and boat lift.

## 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 February 25, 2022, the Commission authorized issuance of a General Lease – Recreational Use to Team JEM Tahoe LLC, a California limited liability company, for the use of an existing pier previously authorized by the Commission; and an existing freshwater intake pipeline and one mooring buoy ([Item 20, February 25, 2022](#)). The lease expires on February 24, 2032. The existing buoy is registered with the Tahoe Regional Planning Agency (TRPA) (Registration No. 11310).

The Applicant is now applying to amend the lease to allow for the removal and reconstruction of the pier with an added boat lift.

On November 13, 2025, the TRPA authorized the removal and reconstruction of the existing pier, and the installation of a 12,000-pound boat lift (TRPA File No. ERSP2023-1452-01). Wood pilings will be replaced with steel pilings, and all materials will be moved by an amphibious barge. The proposed pier will include a steel staircase on either side of the pier for public access within the Public Trust Easement.

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 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 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 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:

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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 construction activities.
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. Pier and catwalk replacement: 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

New boat lift: 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 or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

## APPROVAL OBTAINED:

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- Tahoe Regional Planning Agency

## APPROVALS REQUIRED:

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

## RECOMMENDED ACTION:

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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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302, and Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

### 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 amendment of Lease Number 5610, a General Lease – Recreational Use, for the removal and reconstruction of a pier with the addition of a boat lift.
2. Authorize the revision of annual rent from \$1,469, with an annual Consumer Price Index adjustment, to \$1,388, with an annual Consumer Price Index adjustment, effective February 25, 2026, to reflect changes to the lease area and authorized improvements.
3. Authorize the amendment to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, in the lease.
4. 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.