

Staff Report 20

LESSEE:

Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren's Trust, established March 14, 1996; Robert N. Taylor and Scott B. Taylor

APPLICANT:

Kevin M. Maddox, Trustee of the Kevin M. Maddox 2009 Revocable Trust dated April 29, 2009, as Amended and Restated

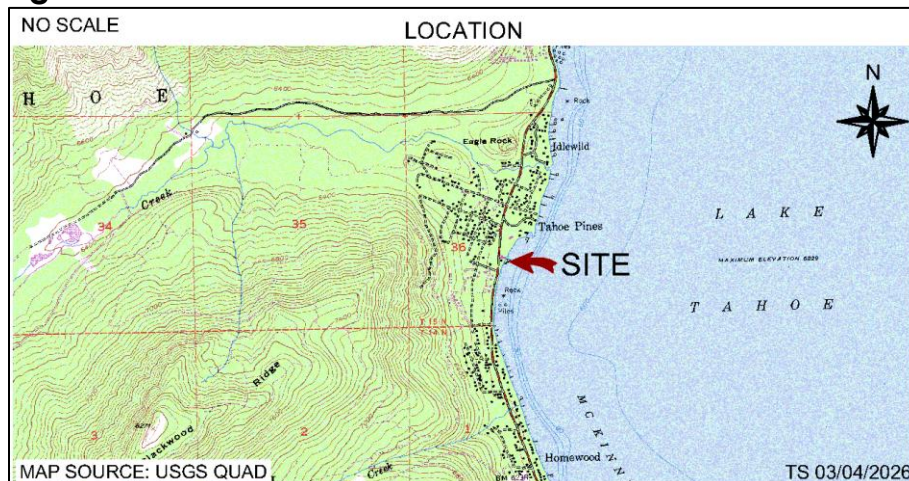
PROPOSED ACTION:

Termination of Lease 6358, a General Lease – Recreational Use; and issuance of a General Lease - Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4290 West Lake Boulevard, near Homewood, Placer County (as shown in Figure 1).

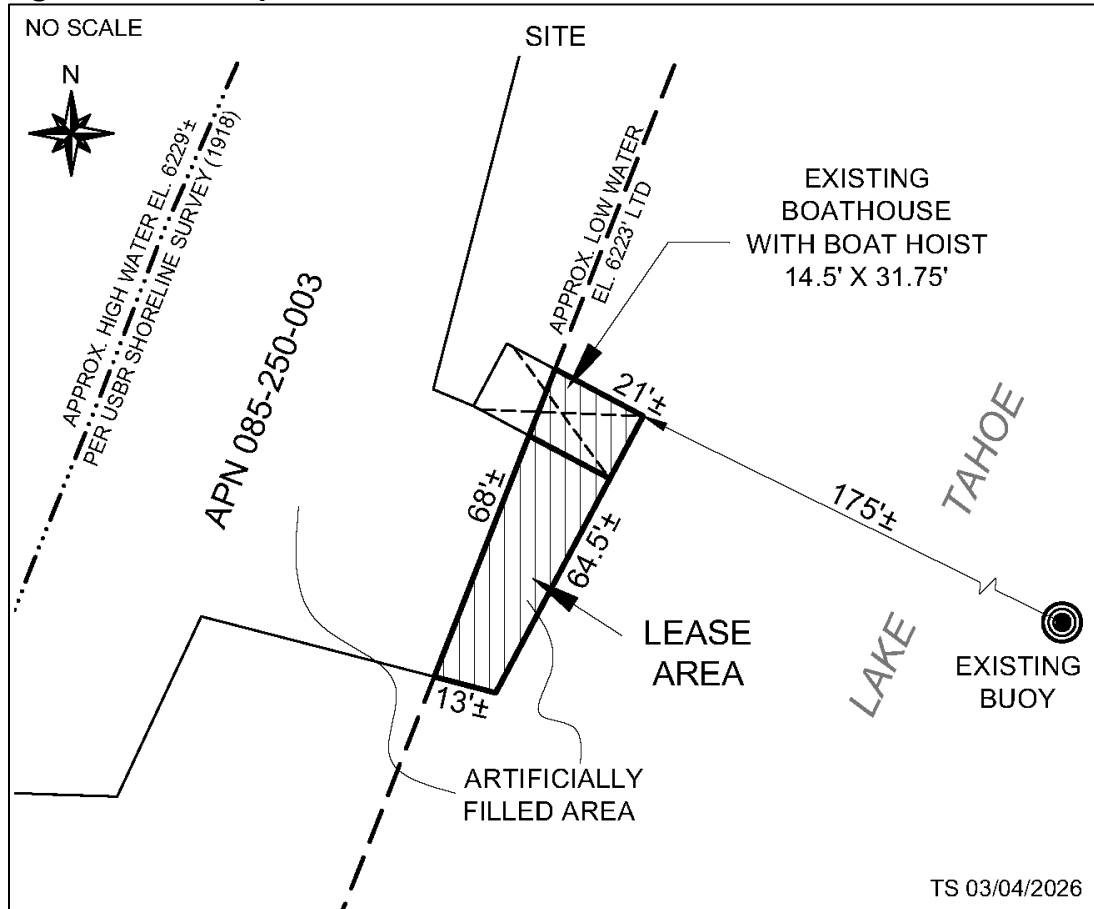
Figure 1. Location



AUTHORIZED USE:

Use of an existing boathouse and boat hoist, an artificially filled area, 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 August 25, 2026.

CONSIDERATION:

\$11,153 per year, with an annual Consumer Price Index adjustment, and \$7,945 for the unauthorized occupation of State land for the period prior to August 25, 2026.

SPECIFIC LEASE PROVISIONS:

- 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.
- Lessee shall not permanently affix any personal items or construct any additional improvements in the Public Trust easement. Any proposed changes, including major repairs or alterations, will require separate Commission approval.

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 22, 2017, the Commission authorized issuance of a General Lease – Recreational Use to Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren's Trust, established March 14, 1996; Robert N. Taylor and Scott B. Taylor, for the continued use and maintenance of an existing boathouse with boat hoist, an artificially filled area, and one mooring buoy ([Item 22](#)). That lease is set to expire on January 5, 2027.

On December 8, 2025, Kevin M. Maddox, Trustee of the Kevin M. Maddox 2009 Revocable Trust dated April 29, 2009, as Amended and Restated, acquired ownership interest of the upland parcel. Staff recommends terminating the lease because the Lessee did not notify staff of the sale of the upland parcel nor sign a quitclaim deed. The proposed termination date is August 24, 2026, to coincide with the start date of the proposed lease with the Applicant.

The Applicant is now applying for issuance of a General Lease – Recreational Use for use of an existing boathouse and boat hoist, an artificially filled area, and one mooring buoy. The mooring buoy was registered with TRPA on January 23, 2026 (Mooring Registration No. 11005).

Staff recommends that the Commission accept compensation from the Applicant in the amount of \$7,945 for the unauthorized occupation of State land by the

subject facilities for the period prior to August 25, 2026. Additionally, the lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation, from December 8, 2025 to August 24, 2026, ensuring the State is protected.

The Applicant owns the upland adjoining the lease premises. A flat, sandy beach surrounds the lease premises, which primarily consists of an artificially filled area planted with a grass lawn. A portion of the artificially filled area also lies within the Public Trust Easement. The artificially filled area has existed for many years, and provides access to the boathouse and boat hoist, as well as serves as an extension of the upland parcel.

The northern portion of the artificially filled area slopes downward and connects to the sandy beach, which continues northward along the shoreline. The southern portion of the fill area is marked by the abrupt end of the fill's concrete retaining wall, adjacent to the upland parcel's property line. The sandy beach continues for a short stretch of shoreline to the south of the wall, before being replaced by riprap which abuts Highway 89 (West Lake Boulevard). At high and low water levels, the artificially filled area occupies the entire shore zone at this location, making it inaccessible for pedestrians to cross through the Public Trust easement. Although portions of the subject artificially filled area and boathouse occupy a significant portion of the Public Trust easement at this location, public access to this area is very limited. This portion of the lakefront occupied by the lease site is more than one mile from the nearest public access point to the shoreline.

The boathouse, boat hoist, and one mooring buoy have existed for many years at this location, occupy a relatively small area of the lake, and serve to 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 artificially filled area serves primarily as an extension of the upland parcel's backyard. Such residential use is generally not consistent with the Public Trust Doctrine; however, due to difficult and impractical public access to this section of the lake shore, the artificially filled area does interfere with the public's right of navigation and access to that area of the lake. However, the interference is limited both by the term of the lease and seasonal considerations. The Commission's actions continue to focus on the broader protection of the Public Trust easement around the lake and to ensure that the state is made whole for the interference

through the application of rent. Because the fill serves as an extension of the upland property, proposed rent for the fill is calculated utilizing the Lake [Tahoe Category 2 benchmark](#) which is based on nearby upland land values to ensure the State receives appropriate compensation for this use of sovereign land.

The proposed lease does not alienate the State's fee simple interest or substantially impair public rights. The upland area surrounding the lease premises does not allow for public access, therefore making access to the lease premises infeasible by the public at this time. The lease is limited to a 10-year term and does not grant the lessee permanent exclusive rights to the lease premises. The filled area has existed in this location for many decades and presently impairs the public's right to access. The proposed lease authorizes the existing fill to remain during the lease term only, and grants no right to its indefinite placement within the Public Trust easement. The lease neither extinguishes nor diminishes the Public Trust easement, and the public's rights within it survive the lease term. 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 use of recreational improvements, such as boat houses and mooring buoys. During drought, structures such as the boat house and the artificially filled area and associated retaining wall will be exposed to heat and high winds that may accelerate structural deterioration. Expanded beaches and high wind events could also lead to wind-driven scour and expose the foundation of the artificially filled area and its retaining wall.

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. High winds can also increase wave damage to the artificial fill area and its retaining wall, thereby exposing the lease area to increased erosion. Regular maintenance, as required by the lease, may reduce the risks of extreme heat, drought, rain and wind events.

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 the Public Trust needs at this location, at this time, and for the term of the lease; 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 Applicant may be required to remove the improvements and restore the premises to their original condition. 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. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

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 issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

1. Find that the continued use of the existing boathouse with a boat hoist and one mooring buoy 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; and is consistent with the common law Public Trust Doctrine.
2. Find that the existing and continued use of the artificially filled area is not generally consistent with the common law Public Trust Doctrine, but that the

current use does not substantially interfere with Public Trust needs and values at this location, at this time.

3. Find that issuing the proposed lease is in the best interests of the State.

AUTHORIZATION:

1. Authorize termination, effective August 24, 2026, of Lease 6358, a General Lease – Recreational Use issued to Robert N. Taylor and Scott B. Taylor, Co-Trustees of the Dorothy B. Warne Grandchildren's Trust, established March 14, 1996; Robert N. Taylor and Scott B. Taylor.
2. Accept compensation from the Applicant for the unauthorized occupation of State land in the amount of \$7,945 for the period prior to August 25, 2026.
3. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning August 25, 2026, for a term of 10 years, for the use of an existing boathouse and boat hoist, an artificially filled area, and one mooring buoy; annual rent in the amount of \$11,153, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.