Meeting Date: 10/21/26
Lease Number: 4409
Staff: M. Sapunor

Staff Report 20

LESSEE:

Daniel Lee Ohlson and Susan Ohlson, as Trustees of the 1985 Ohlson Living Trust dated September 30, 1985; Daniel L. Ohlson, Trustee of the Daniel L. Ohlson Qualified Personal Residence Trust under an agreement dated May 5, 2010; Susan L. Ohlson, Trustee of the Susan L. Ohlson Qualified Personal Residence Trust under an Agreement dated May 5, 2010; David A. Ohlson, and Betty M. Ohlson, as Trustees for the Ohlson Family Trust, dated September 15, 1999, as Amended and Restated in 2014; Henry P.C. Culp and Susan Ohlson Culp, Trustees of the 1998 Henry P.C. Culp and Susan Ohlson Culp Family Trust as Amended and Restated in 2015; Kristin Ohlson, Trustee of the Kristin Ohlson Trust dated August 20, 2008; Lauren H. Poage, Trustee of the Lauren H. Poage Living Trust dated March 12, 2015; Katherine M. Landers; David B. Heard; and Dwight B. Heard Investment Company, a Corporation

APPLICANT:

Rockridge Investment II, LLC, a California limited liability company; Lauren H. Poage, Trustee of the Lauren H. Poage Living Trust dated March 12, 2015; Katherine M. Landers; David Bartlett Heard, as Trustee of the David B. Heard Family Trust, U/A Dated October 24, 2024; and Dwight B. Heard Investment Company, an Arizona corporation

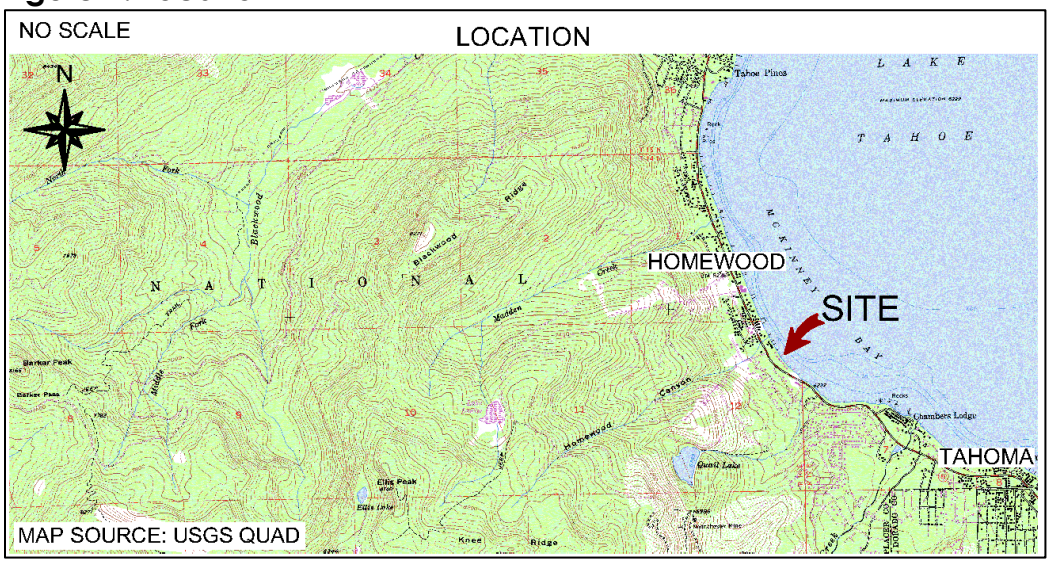
PROPOSED ACTION:

Termination and Issuance of a General Lease – Recreational Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5520 and 5540 West Lake Boulevard, near Homewood, Placer County (as shown in Figure 1).

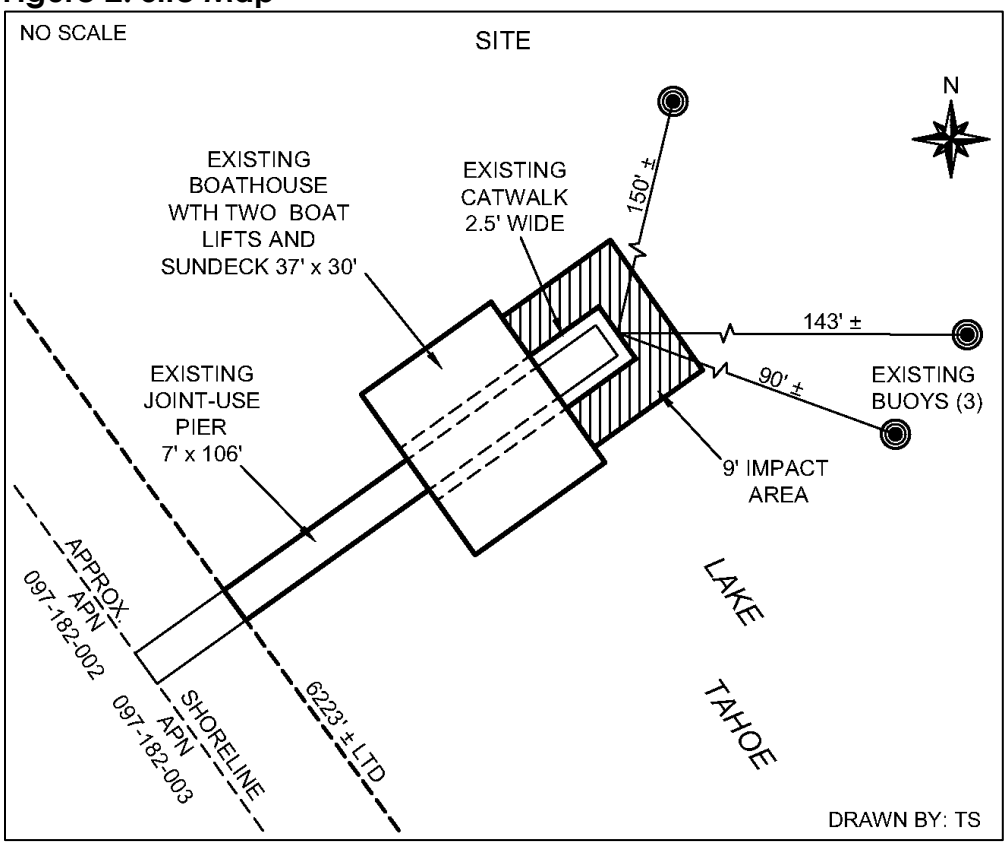
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of an existing joint-use pier, boathouse, sundeck, two boat lifts, and three mooring buoys (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises (above) 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 October 21, 2026.

CONSIDERATION:

$5,136 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- A Tahoe Regional Planning Agency (TRPA) permit or registration 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 store any personal items or construct any improvements in the Public Trust Easement that may impair the public's right of access for navigation, fishing, and public trust consistent recreational uses.
- 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).
- The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck with stairs occupying State fee lands would cost more than 50 percent of the base value of that portion, the lease requires removal of that portion from State fee lands.

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 April 19, 2018, the Commission authorized termination and issuance of a General Lease – Recreational Use to Ohlson, et al., for the continued use and maintenance of an existing joint-use pier, boathouse, sundeck, two boat lifts, and three mooring buoys (Item 6). That lease will expire on December 31, 2027.

Multiple upland owners shared the use of and responsibility for the leased structures through a joint-use pier agreement. Since the lease issuance, multiple ownership interests in the upland properties governed by the joint-use pier agreement have been repeatedly transferred. On October 30, 2024, several of the individuals and trustees to whom the original lease had been issued transferred their ownership interest to Rockridge Investment II, LLC, a California limited liability company. On October 12, 2022, Barbara Woods Heard died, and her interest in the upland property was deeded out to several owners.

The Applicant is now applying for a General Lease – Recreational Use for use of an existing joint-use pier, boathouse with sundeck, two boat lifts, and three mooring buoys. The boat lifts and buoys were registered with TRPA on January 31, 2025 (Registration No. 11571) and February 1, 2025 (Registration No. 10531).

Staff recommends termination of the existing lease, effective October 21, 2026. Rent was paid through April 18, 2027. Rent paid past the termination date will be prorated against the new lease's first year's rent. Additionally, the lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation, from October 30, 2024, the date the upland property was first held in its current configuration of owners, through October 20, 2026, ensuring the State is protected.

The shore surrounding the pier at this location is rocky and features several shrubs and trees. Small rocks and cobbles create a narrow, accessible passage at the pier terminus. Public access for pedestrians is available across the shoreline by utilizing the rocky shore to step up onto and over the terminus of the pier. The proposed Lease requires the Lessee to post signs identifying the designated public passageway and require the signs to be in place at all times.

The Applicants own the upland adjoining the lease premises. The three mooring buoys are located directly lakeward of the upland parcels and occupy a relatively small area of the lake. The pier, boathouse, boat lifts, and three mooring buoys 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.)

Although the sundeck is a private use of public property and therefore not a Public Trust consistent use, the existing sundeck structure is built directly on top of the existing boathouse and does not expand the overall footprint of the subject facilities. Although new sundecks are not generally authorized, sundecks that have been in place for many years have been permitted, so long as they do not significantly interfere with Public Trust needs or activities. Additionally, the proposed lease contains terms such that the sundeck may not be expanded or rebuilt if it is substantially damaged.

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.

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.

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 that issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the proposed lease; and is in the best interest of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is 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 lessee may be required to remove the existing improvements and restore the property to its 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 the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(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.

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 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

1. Find that the existing joint-use pier, boathouse, two boat lifts, and three mooring buoys will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the proposed lease, and are consistent with the common law Public Trust Doctrine.

2. Find that the existing and continuing use of the existing sundeck is not generally a Public Trust consistent use, but 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 October 21, 2026, of Lease 4409, a General Lease – Recreational Use issued to the Lessee.

2. Authorize issuance of a General Lease – Recreational Use to the Applicant effective October 21, 2026, for a term of 10 years, for the use of an existing joint-use pier, boathouse, sundeck, two boat lifts, and three mooring buoys; annual rent in the amount of $5,136 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than $1,000,000 per occurrence.