Meeting Date:10/21/26
Lease Number: 4138
Staff: M. Haflich

# Staff Report 06

## APPLICANT:

Buffalo Wahoo LLC, a California limited liability company

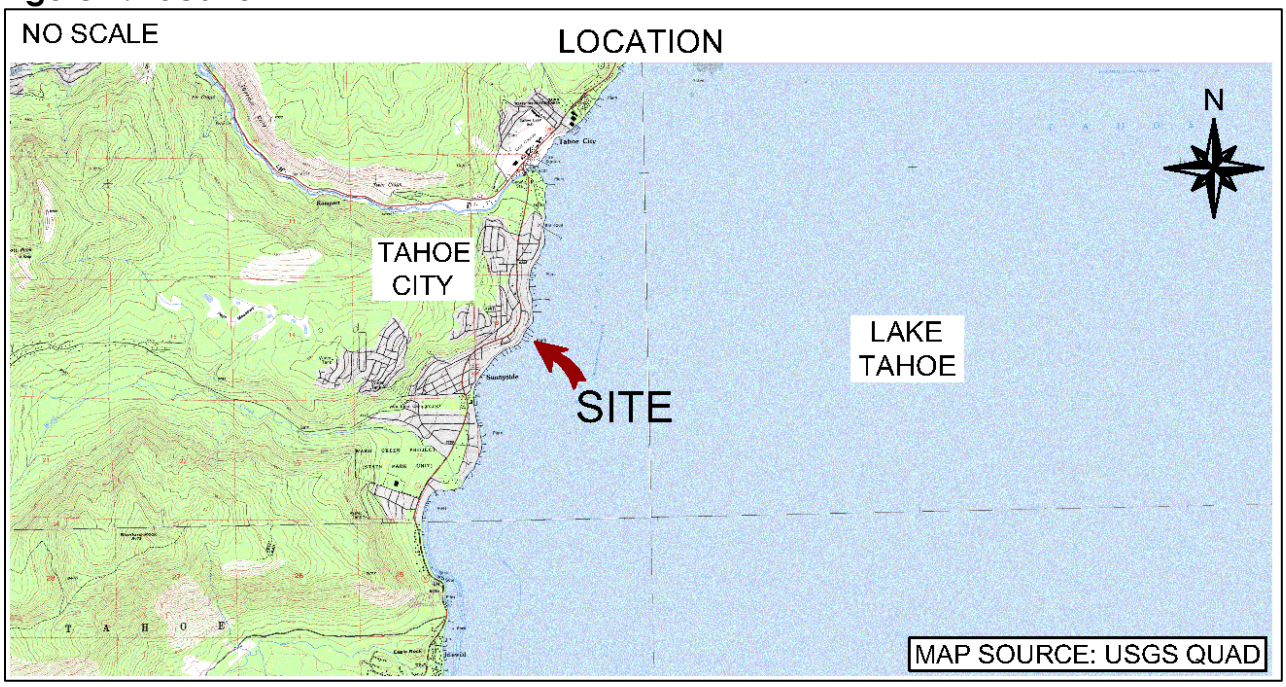
## PROPOSED ACTION:

Amendment of a General Lease - Recreational Use.

### AREA, LAND TYPE, AND LOCATION:

Sovereign Land in Lake Tahoe, adjacent to 1280 West Lake Boulevard, near Tahoe City, Placer County (as shown in Figure 1).

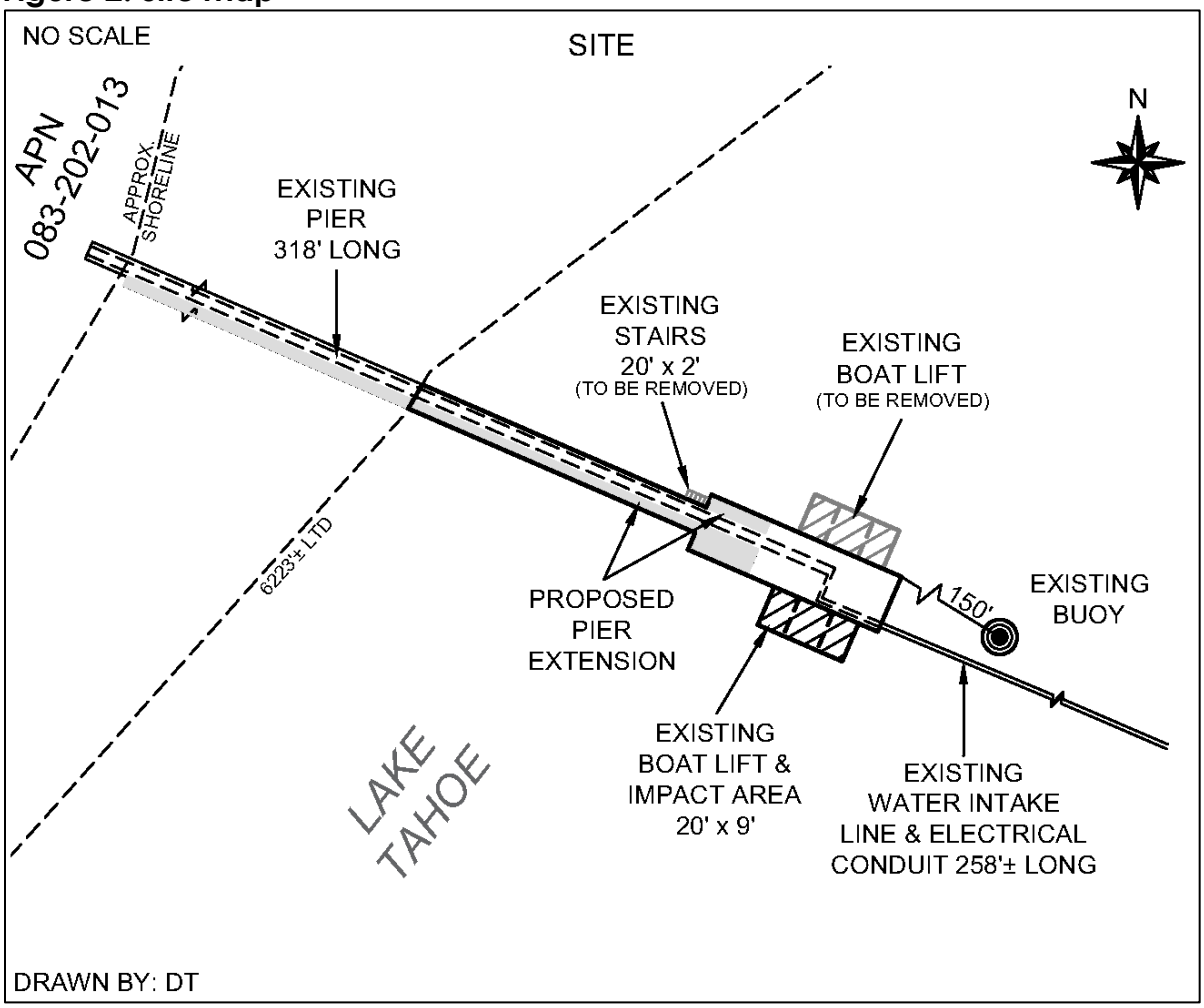
**Figure 1. Location**



## AUTHORIZED USE:

Use of an existing pier, two boat lifts, freshwater intake pipeline, 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 March 1, 2025.

## CONSIDERATION:

$1,163 per year, with an annual Consumer Price Index adjustment.

### PROPOSED AMENDMENT:

- Section 1, Land Use of Purpose, is to be amended to state: Use of an existing pier, one boat lift, one mooring buoy, freshwater intake pipeline, and electrical conduit (as shown in Figure 2 above).
- Section 1, Consideration, is to be amended to revise the annual rent from $1,163 to $1,239 with an annual Consumer Price Index adjustment, effective March 1, 2027.
- Section 1, Authorized Improvements: Existing, is to be amended to state: Pier, one boat lift, one mooring buoy, freshwater intake pipeline, and electrical conduit.
- Section 1, Authorized Improvements: To Be Constructed, is to be amended to state: Expansion of pier, removal of one boat lift, and installation of a boat lift. Deadline for construction is October 21, 2028.
- Section 2, Special Provisions, is to be amended to include provisions related to construction.
- 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 the pier revisions.

## 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 February 25, 2025, the Commission authorized issuance of a General Lease – Recreational Use to Buffalo Wahoo LLC, a California limited liability company, for the use of an existing pier, one covered boat lift, one uncovered boat lift, and one mooring buoy previously authorized by the Commission; and an existing water

intake line not previously authorized by the Commission (Item 2). The lease will expire on February 28, 2035.

The Applicant is now applying to amend the lease to allow for a pier expansion, removal of one boat lift, and installation of a boat lift. The electrical conduit has existed for several years but had not been under lease.

On June 24, 2026, the Tahoe Regional Planning Agency (TRPA) authorized the expansion of the existing pier, removal of one existing boat lift, and installation of a 12,000-pound boat lift (TRPA File No. ERSP2025-0825). The project includes expansion of the walkway from 4-feet wide to 6-feet wide. The pierhead will be expanded to 10 feet in width and 45 feet in length. Three pilings will be removed, and five new pilings will be placed by an amphibious barge to accommodate for the pier revision which includes reconstruction/replacement of structural members (e.g., support beams, decking, railing, catwalk, etc.).

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 amendment 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; 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 Applicant will not be able to modify the improvements. 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

   Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

## APPROVALS OBTAINED:

- Tahoe Regional Planning Agency
- U.S. Army Corps of Engineers
- California Department of Fish and Wildlife

## APPROVAL REQUIRED:

- Lahontan Regional Water Quality Control Board

## 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment of lease 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 4138, a General Lease – Recreational Use, for pier expansion, removal of one boat lift, and installation of a boat lift.
2. Authorize the revision of annual rent from $1,163, with an annual Consumer Price Index adjustment, to $1,239, with an annual Consumer Price Index adjustment, effective March 1, 2027, 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 other terms and conditions of the lease shall remain in effect without amendment.