

**STAFF REPORT  
C15**

A 1  
S 1

02/04/19  
PRC 3550.9  
J. Toy

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Lawrence McCullough and Jamie McCullough

**APPLICANT/ASSIGNEE:**

Amy Bogart and Haley Bogart

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Lake Tahoe, adjacent to 4676 North Lake Boulevard, near Carnelian Bay, Placer County

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

**LEASE TERM:**

10 years, beginning October 19, 2012.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5(b)(2).

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On October 19, 2012, the Commission authorized a General Lease – Recreational Use to Lawrence McCullough and Jamie McCullough, for an existing pier, boat lift, and two mooring buoys ([Item C16, October 19, 2012](#)). The lease will expire on October 18, 2022. On December 12, 2017, ownership of the upland parcel transferred to Amy Bogart and Haley

STAFF REPORT NO. **C15** (CONT'D)

Bogart. The Applicant is now applying for an assignment of lease, effective December 12, 2017.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. On October 24, 2018, the TRPA Governing Board certified a new Final Environmental Impact Statement and adopted Lake Tahoe Shorezone Ordinance Amendments.
3. Assignment of lease is not a project as defined by the California Environmental Quality Act 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, section 15378, subdivision (b)(5).

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

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

Find that the proposed assignment will not impact 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 foreseeable term of the lease, is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

STAFF REPORT NO. **C15** (CONT'D)

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 3550.9, a General Lease – Recreational Use, of sovereign land as shown on Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Lawrence McCullough and Jamie McCullough to Amy Bogart and Haley Bogart, effective December 12, 2017.

**EXHIBIT A**

**PRC 3550.9**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 of fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier and boatlift adjacent to that Lot as described in that Grant Deed recorded October 18, 2010 in Document Number 10-0083700 of Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

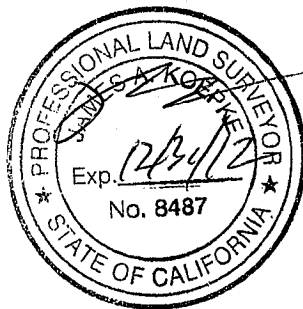
**PARCELS 2 & 3 – BUOYS**

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcels.

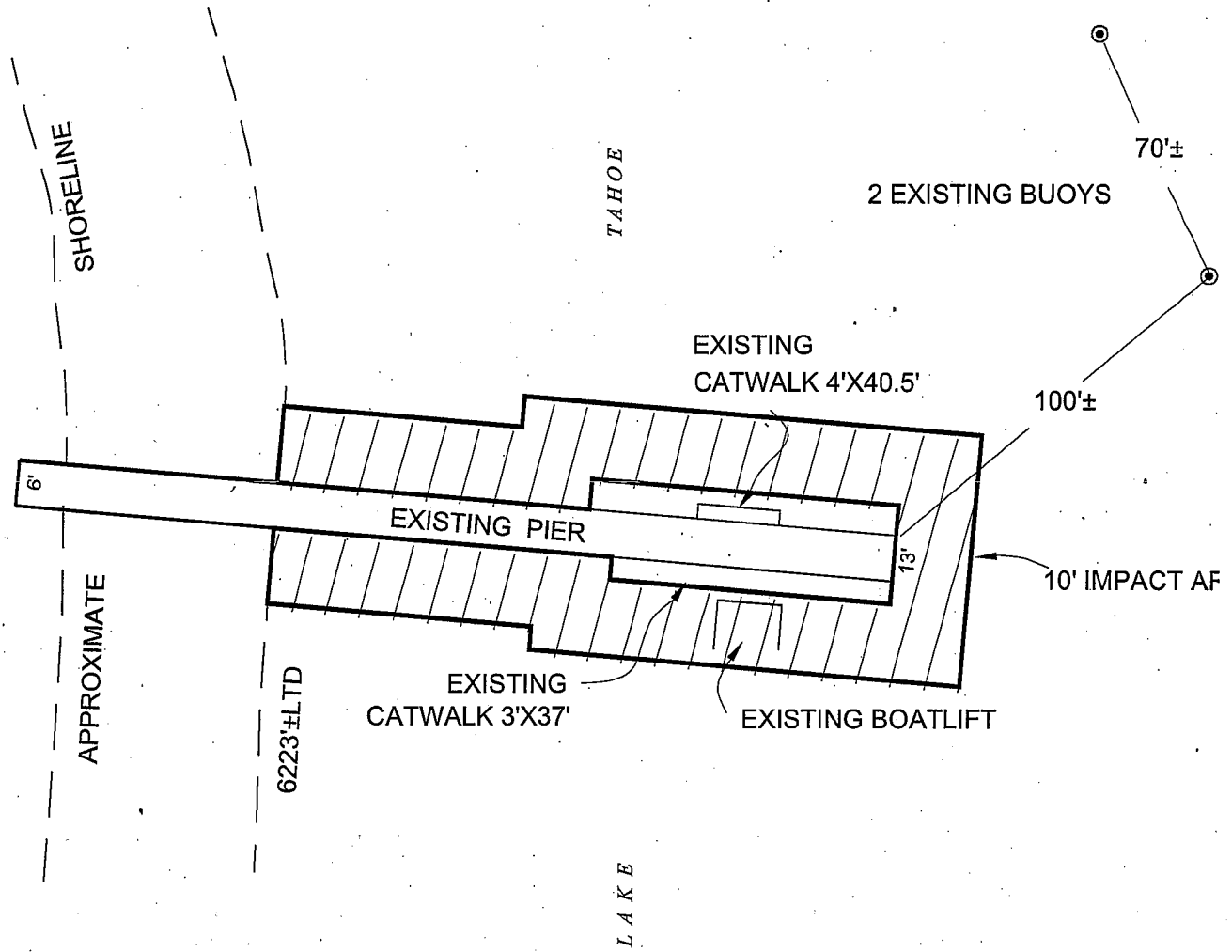
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared September 10, 2012 by the California State Lands Commission Boundary Unit.



NO SCALE



# EXHIBIT A

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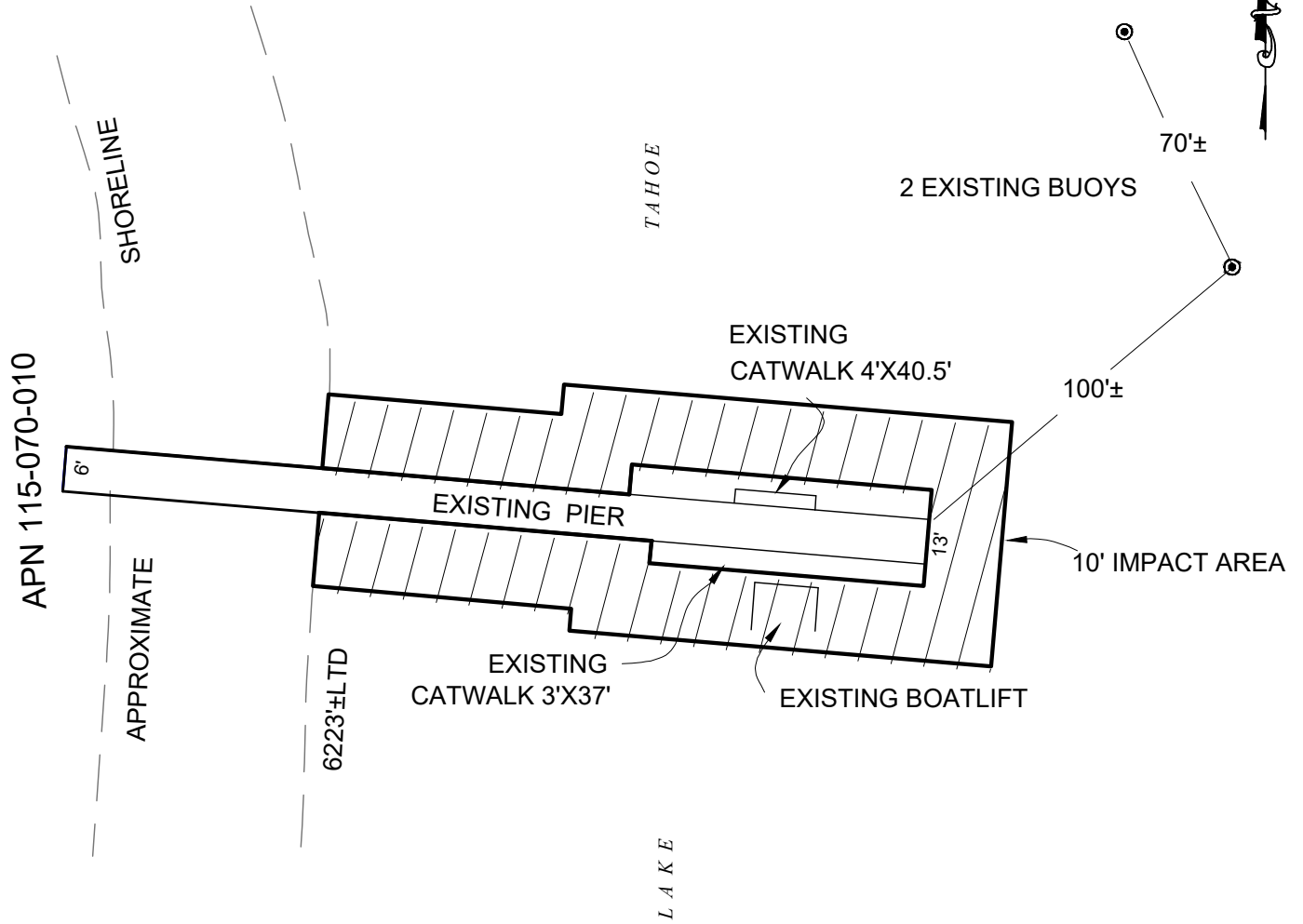
LAND DESCRIPTION PLAT  
 PRC 3550.9, BOGART  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

# SITE



4676 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

# LOCATION

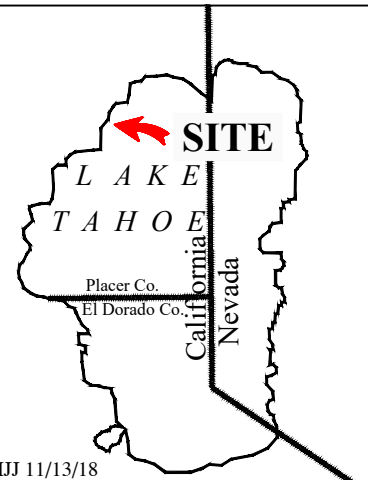


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

# Exhibit B

PRC 3550.9  
 BOGART  
 APN 115-070-010  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJJ 11/13/18