

**STAFF REPORT
C17**

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08/17/17
PRC 2724.1
M. Schroeder

ASSIGNMENT OF LEASE

ASSIGNOR:

Anneke de Weerd Shurtleff, as Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust

ASSIGNEE:

Terry P. Miller, Trustee of the Shelter Trust under Stephen Roy Miller 1982 Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 241 Drum Road, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 24, 2014.

CONSIDERATION:

\$1,090 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing and lake related recreational uses.
3. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoy within 2 years after the certification of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they may be required to remove the buoy.

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4. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

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 the State's Best Interests Analysis:

On April 23, 2014, the Commission authorized a General Lease – Recreational Use to Anneke de Weerd Shurtleff, as Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust ([Item C32, April 23, 2014](#)). That lease will expire on April 23, 2024. On November 14, 2016, half of the interest in the upland parcel was deeded to the Applicant. On January 9, 2017, the remaining half of the interest in the upland was transferred to the Applicant. The Applicant is now applying for an assignment of the lease. Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Commission 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.
2. 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).

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease 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 or 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.

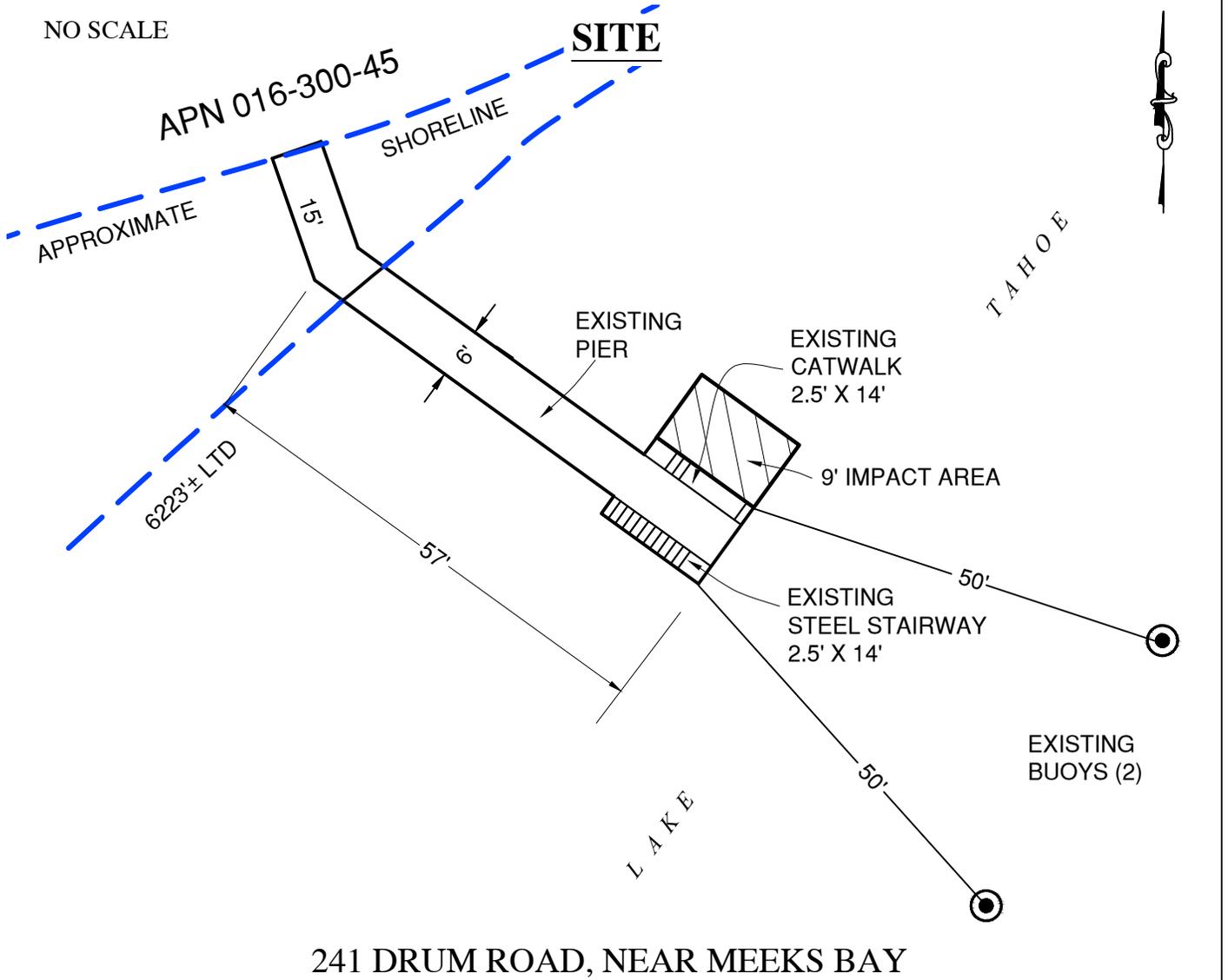
AUTHORIZATION:

Authorize the assignment of Lease No. PRC 2724.1, 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 Anneke de Weerd Shurtleff, as Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust, to Terry P. Miller, Trustee of the Shelter Trust under Stephen Roy Miller 1982 Trust; effective January 9, 2017.

NO SCALE

APN 016-300-45

SITE



241 DRUM ROAD, NEAR MEEKS BAY

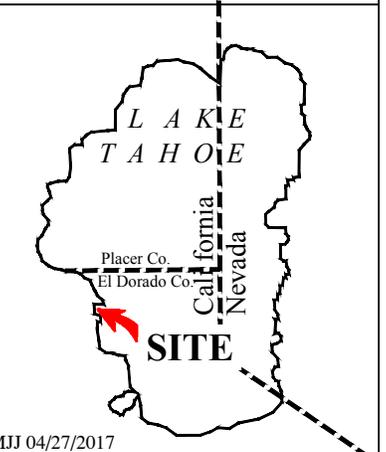
NO SCALE

LOCATION



Exhibit A

PRC 2724.1
 SHELTER TRUST
 APN 016-300-45
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 04/27/2017

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.