

**STAFF REPORT  
C09**

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10/19/17  
PRC 8977.9  
K. Connor

**ASSIGNMENT OF LEASE**

**ASSIGNOR:**

Robert J. Ernst III and Katherine R. R. Ernst

**ASSIGNEE:**

Robert J. Ernst III and Katherine R. Ernst, as Trustees of the Robert and Katherine Ernst Trust, dated March 27, 2017

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

Sovereign land located in Lake Tahoe, adjacent to 3310 Edgewater Drive, near Tahoe City, Placer County

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning March 29, 2012.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**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 March 29, 2012, the Commission authorized a General Lease – Recreational Use to Robert J. Ernst III and Katherine R. R. Ernst, for two existing mooring buoys ([Item 35, March 29, 2012](#)). The lease will expire on March 28, 2022. On May 2, 2017, ownership of the upland parcel was transferred to Robert J. Ernst III and Katherine R. Ernst, as Trustees of the Robert and Katherine Ernst Trust, dated March 27, 2017. The Lessees are

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now applying for an assignment of the lease. The assignment would be effective as of the date of the transfer, May 2, 2017.

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 the 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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

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

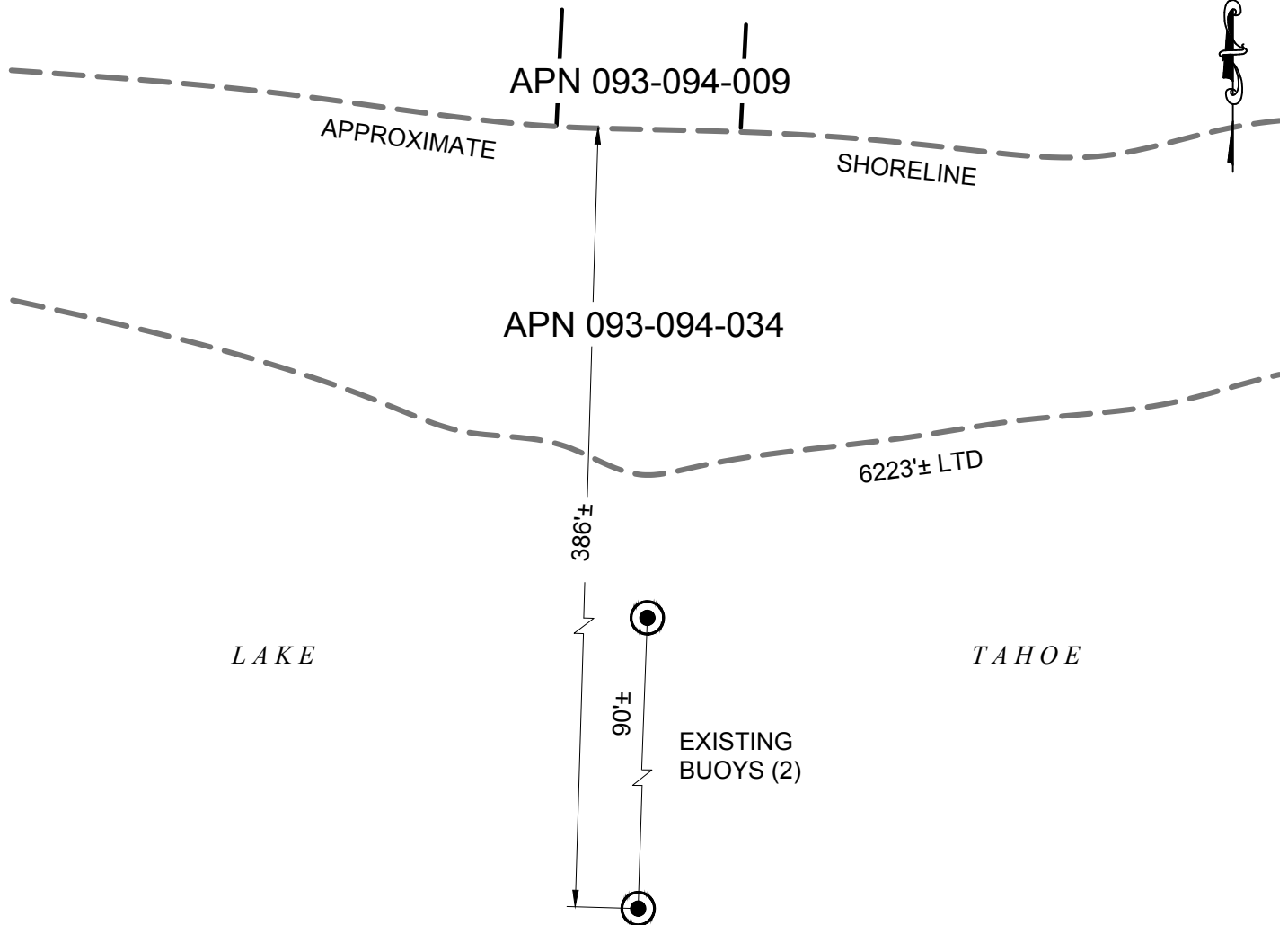
Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 8977.9, 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 Robert J. Ernst III and Katherine R. R. Ernst, to Robert J. Ernst III and Katherine R. Ernst, as Trustees of the Robert and Katherine Ernst Trust, dated March 27, 2017; effective May 2, 2017.

NO SCALE

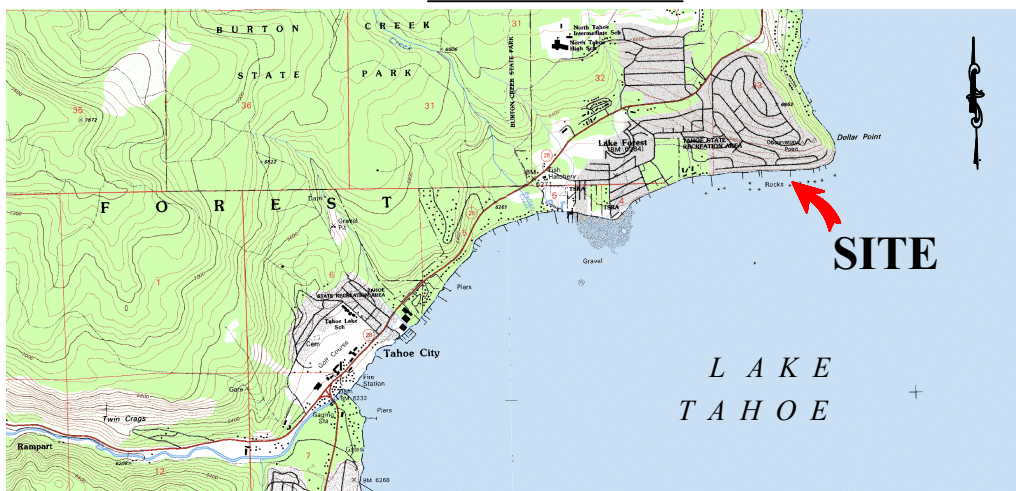
## SITE



3310 EDGEWATER DRIVE, NEAR TAHOE CITY

NO SCALE

## LOCATION

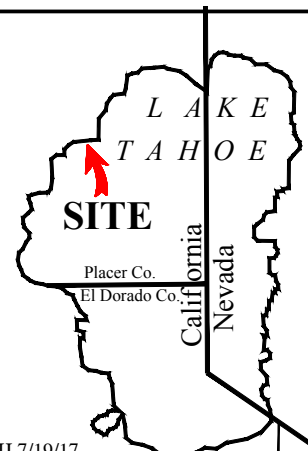


MAP SOURCE: USGS QUAD

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 A**

PRC 8977.9  
ERNST TRUST  
APN 093-094-009 &  
APN 093-094-034  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 7/19/17