

**STAFF REPORT
C01**

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11/29/17
PRC 3652.9
M.J. Columbus

ASSIGNMENT OF LEASE

LESSEES/ASSIGNORS:

Stanley J. Pura and Jamii Eade Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Living Trust

APPLICANTS/ASSIGNEES:

Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998; and John F. Brennan and Lisa Brennan

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4170 and 4176 Ferguson Avenue, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and four mooring buoys.

LEASE TERM:

10 years, beginning August 20, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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 February 1, 2010, the Commission authorized a Recreational Pier Lease to Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998; Stanley J. Pura and Jamii Eade

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Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Living Trust ([Item C07, February 1, 2010](#)). That lease will expire on August 19, 2019. When the lease was issued, the Puras owned Assessor's Parcel Number (APN) 092-200-026; and Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998, and the Pohles owned APN 092-200-025.

On December 19, 2013, the Pohles transferred their interest in APN 092-200-025 to John F. Brennan and Lisa Brennan. On December 23, 2016, the Puras transferred their interest in APN 092-200-026 to Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998. The Applicants are now applying for an assignment of their respective interests in the lease. Applicants agree 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. 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

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RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

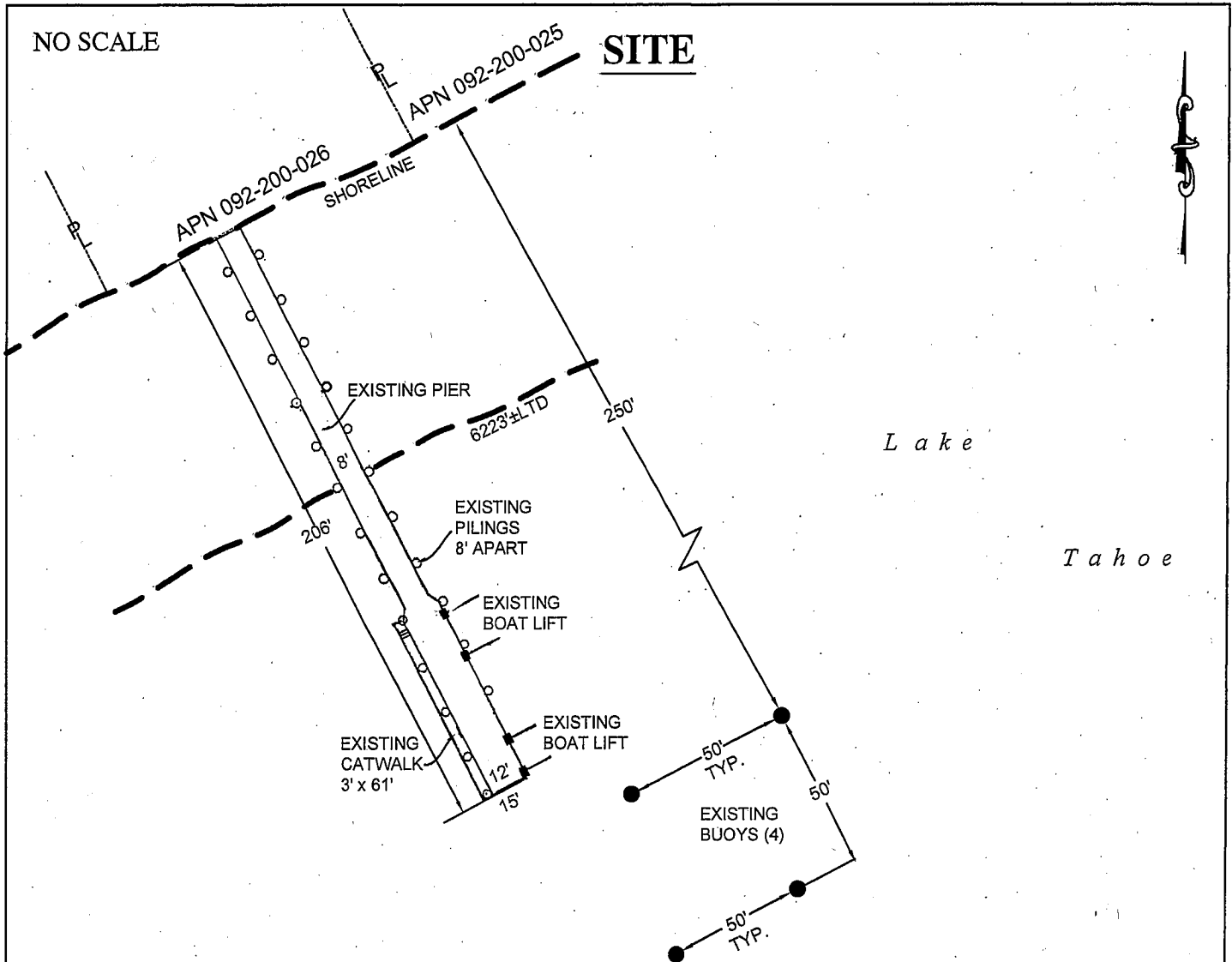
Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in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

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 3652.9, a Recreational Pier Lease, 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 Stanley J. Pura and Jamii Eade Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006, to Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998; effective December 23, 2016; and from Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Living Trust to John F. Brennan and Lisa Brennan; effective December 19, 2013.

NO SCALE

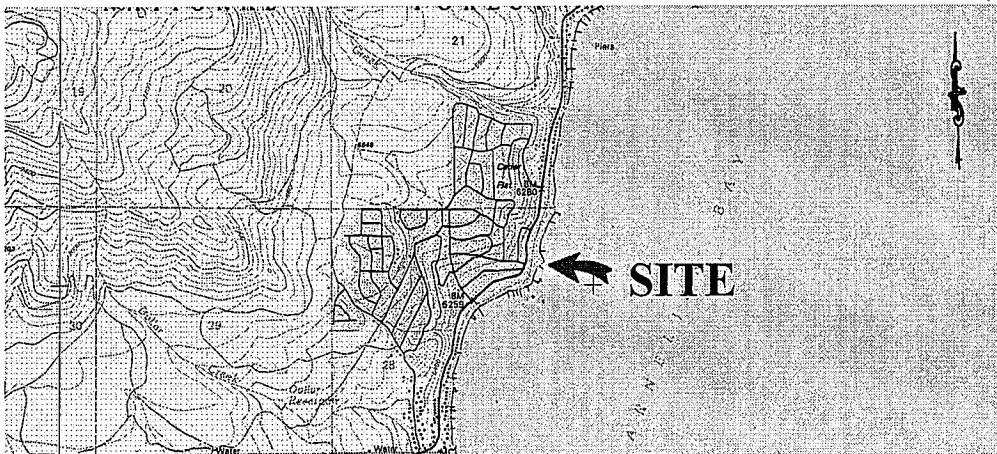
SITE



4170 AND 4176 FERGUSON AVENUE, 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 A

PRC 3652.9
 MCCARTHY, TRUSTEE
 AND BRENNAN
 APN 092-200-026 & 025
 RECREATIONAL PIER LEASE
 PLACER COUNTY

