

**STAFF REPORT
C29**

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02/27/18
PRC 8842.9
M. Schroeder

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Ronald M. Naess and Ann J. Naess, Trustees of the Ronald M. Naess and Ann J. Naess Revocable Trust dated January 15, 1999; Randall C. Naess and Susan E. Naess, Trustees of the Randall and Susan Naess Trust dated November 30, 1998; Chris L. Stevens and Kristin N. Stevens, Trustees of the Chris and Kristin Stevens Trust dated June 13, 2007; Jeffrey R. Naess and Adriane Naess, Trustees of the Jeff and Adriane Naess Trust dated January 5, 1995; David L. Richmond; Robert E. Richmond and Karen L. Richmond, Trustees of the RKR Trust, dated June 29, 2000; I. Elizabeth Richmond, Trustee of the Robert L. Richmond Exemption Trust of August 11, 2004; De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the EHR QPRT Trust dated March 26, 2003; Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the EHR QPRT Trust dated March 26, 2003; De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the ENR II QPRT Trust dated March 26, 2003; and Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the ENR II QPRT Trust dated March 26, 2003

APPLICANT/ASSIGNEE:

Holly Heath Fuller, Trustee of the Heath Family 2011 Irrevocable Trust fbo Holly Heath Fuller UTA dated August 17, 2011; Michael R. Piro and Shannon T. Piro, Trustees of the Piro Family Trust, dated September 21, 2016

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4812 and 4826 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning February 11, 2011.

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CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5. Because the application and fees for the original lease were submitted to the Commission prior to March 31, 2011, the lease met the statutory requirements for an exception to changes to Section 6503.5 of the Public Resources Code for the term of the lease.

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 January 26, 2012, the Commission authorized a General Lease – Recreational Use to Lessee/Assignor ([Item C25, January 26, 2012](#)). That lease will expire on February 10, 2021. On January 14, 2016, ownership of the upland identified as 4812 North Lake Boulevard was transferred to Holly Heath Fuller, Trustee of the Heath Family 2011 Irrevocable Trust fbo Holly Heath Fuller UTA dated August 17, 2011. On August 16, 2017, the upland identified as 4826 North Lake Boulevard transferred to Michael R. Piro and Shannon T. Piro, Trustees of the Piro Family Trust, dated September 21, 2016. The Applicant is applying for an assignment of the lease. Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

The Lease meets the statutory requirements for an exception to Section 6503.5 of the Public Resources Code for the term of the lease. Assignment of the lease will allow the rent-free status to continue to the Applicant.

The lease assignment will not result in a change in the use of, or impacts to, Public Trust resources. 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.

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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:

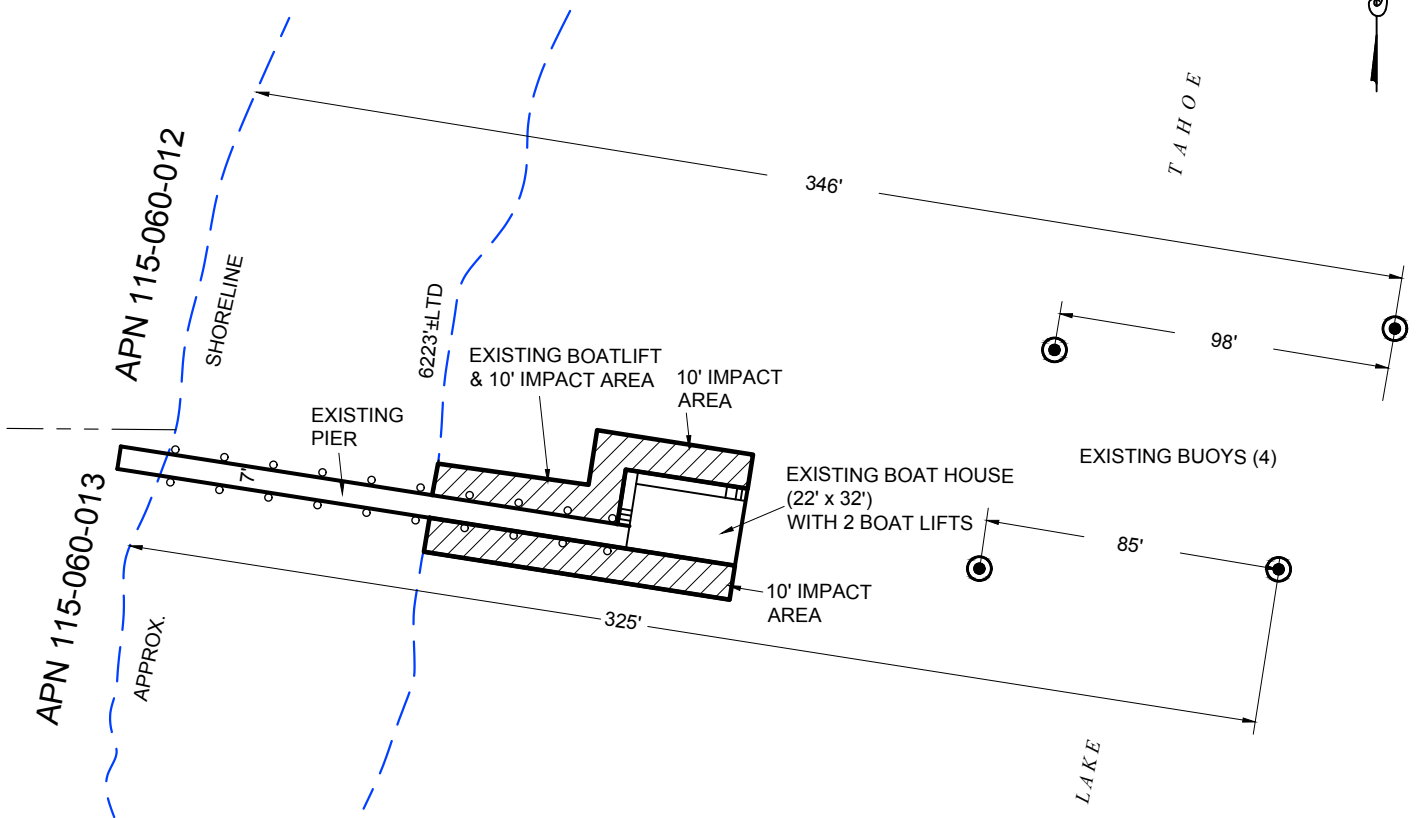
Find that the proposed lease assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and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

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 8842.9, 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 the Lessee/Assignor to the Applicant/Assignee, effective August 16, 2017.

NO SCALE

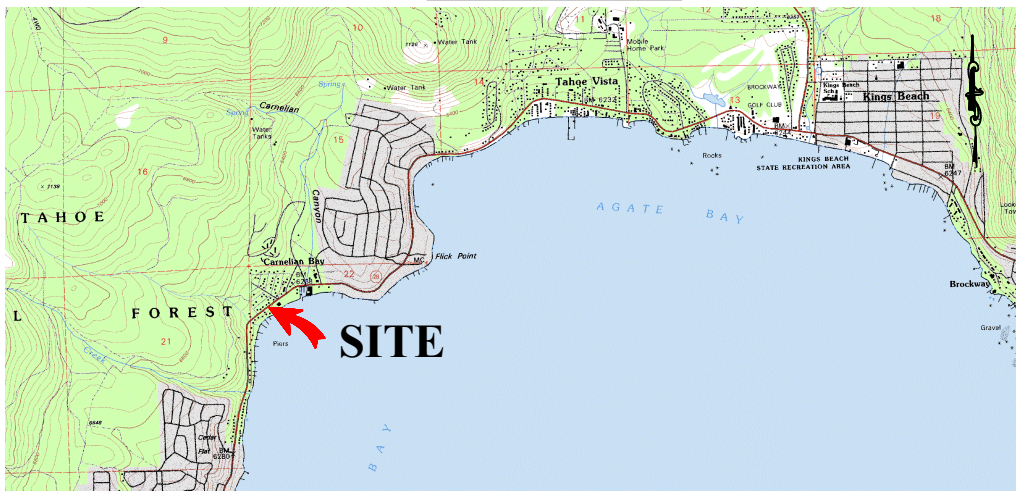
SITE



4812 AND 4826 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

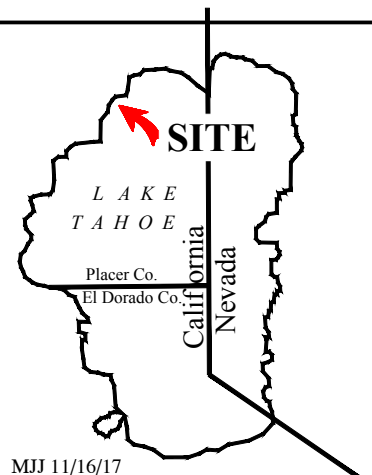


MAP SOURCE: USGS QUAD

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 A

PRC 8842.9
 PIRO TRUST & HEATH TRUST
 APN 115-060-012 & 013
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 11/16/17