

MINUTE ITEM
This Calendar Item No. 03
was approved as Minute Item
No. 03 by the State Lands
Commission by a vote of 3
to 0 at its 5/25/91
meeting.

CALENDAR ITEM

03

05/23/91
PRC 5859
Gordon

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ADDENDUM TO LEASE PRC 5859

APPLICANT:

The Heirs and Devisees of Lyman B. Sutter, Jr. also known as
Lyman B. Sutter Deceased, subject to administration of the
Estate of said Decedent
3502 Venture Drive
Huntington Beach, California 92649

AREA, TYPE LAND AND LOCATION:

A 3.975-acre area of submerged land located in Lake Tahoe at
Camp Richardson, El Dorado County.

LAND USE:

Removal of seven (7) boat mooring slips in an existing
marina to install, place, and maintain a 315-foot temporary
floating pier extension, a 675-foot temporary rail track
boat-launching system, and to temporarily relocate
36 existing mooring buoys located in a buoy field consisting
of 110 mooring buoys between elevations 6,214 feet and 6,194
feet, Lake Tahoe Datum, to provide access to Lake Tahoe at
its drought-impacted lower level for the operation of a
commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period:

20 years beginning July 22, 1982.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

A minimum annual rental of \$825 applied against five
percent (5%) of gross income derived from the rental of
moorings; one cent per gallon of fuel sold during the
reporting period to a maximum of 100,000 gallons and
one and one-half cents per gallon thereafter, with the
State reserving right to fix a different rental on each
fifth anniversary of the lease.

TERMS OF FIRST AMENDMENT OF LEASE:

Initial period:

20 years beginning July 22, 1982.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

A minimum annual rental of \$825 applied against five percent (5%) of gross income derived from the rental of moorings; one cent per gallon of fuel sold during the reporting period to maximum of 100,000 gallons and one and one-half cents per gallon thereafter, with the State reserving right to fix a different rental on each fifth anniversary of the lease.

Special:

1. The amendment revises the land description to increase the area of use.
2. All other terms and conditions of the lease remain unchanged and in full force and effect.

TERMS OF PROPOSED ADDENDUM TO LEASE:

Initial period:

A period not to exceed five years beginning May 24, 1991.

Surety bond:

\$10,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Special:

1. The addendum authorizes the installation of temporary, limited-term facilities to enable the marina to access the waters of Lake Tahoe during the time of its drought-impacted lower levels.
2. All such temporary facilities not affixed to the lake bed shall be removed annually at the season's end and may not be reinstalled without written permission of the Commission.

CALENDAR ITEM NO. 73 (CONT'D)

3. No existing facility may be relocated to another site without the expressed prior written permission of the State Lands Commission.
4. Each buoy and its chain shall be removed annually from the site covered by the lease addendum at the season's end.
5. Any breach of the terms of the addendum constitutes a breach of the existing lease.
6. All other terms and conditions of the lease remain unchanged and in full force and effect.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

11/11/91

OTHER PERTINENT INFORMATION:

1. This is an application requesting the removal of seven authorized boat-mooring slip to install temporary structures and to relocate existing mooring buoys for the purpose of providing the access to Lake Tahoe which has been limited by the effects of the drought. Applicant operates a commercial marina and requires such lake access to serve the marina's clientele.
2. At its March 27, 1986 meeting, Minute Item No. 6, the State Lands Commission approved the assignment of the lease to Lyman B. Sutter. Lyman B. Sutter is now deceased and staff is currently processing an application to assign the lease to the heirs and devisees of the decedent, subject to the administration of the decedent's estate.

CALENDAR ITEM NO. 13 (CONT'D)

3. At its May 22, 1986 meeting, Minute Item No. 5, the State Lands Commission approved a first amendment of the lease which revised the land description and increased the area of use.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that these activities are exempt from the requirements of the CEQA as categorically exempt projects. The projects are exempt under Class 3, New Construction of Small Structures, and Class 4, Minor Alteration to Land.

14 Cal. Code Regs. 15304 (Rail System).

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

2 Cal. Code Regs. 2905(c)(1) (pier extension).
2 Cal. Code Regs. 2905(c)(3) (buoy relocations)

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the projects, as proposed, are consistent with their use classifications.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Lahonton Regional Water Quality Control Board, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game and County of El Dorado.

EXHIBITS:

- A. Land Description
- B. Location Map

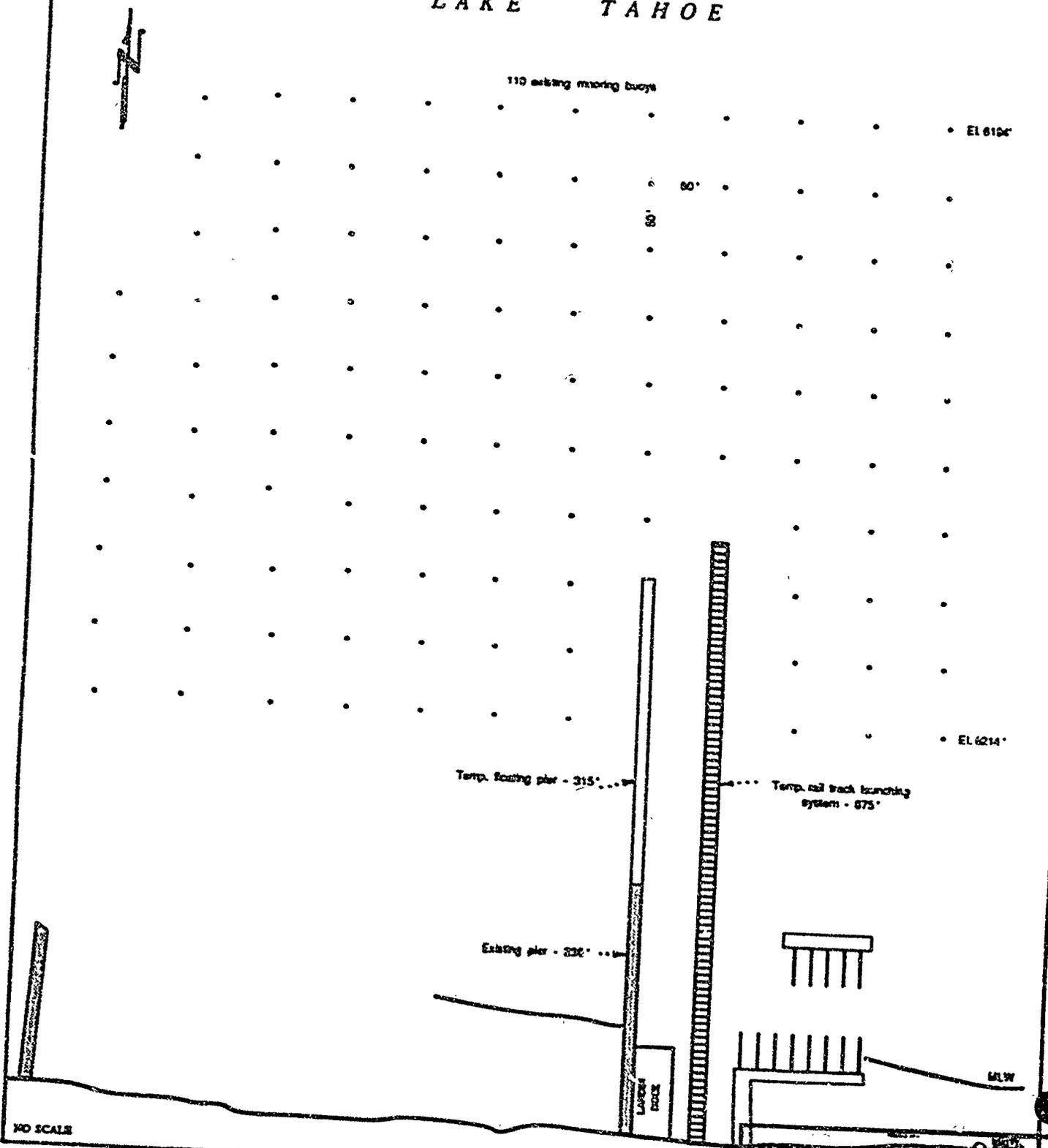
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS CATEGORICALLY EXEMPT PROJECTS, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 2 CAL. CODE REGS. 2905(c)(1) (PIER EXTENSION), AND 2 CAL. CODE REGS. 2905(c)(3) (BUOY RELOCATIONS), AND CLASS 4, MINOR ALTERATION TO LAND, 14 CAL. CODE REGS. 15304 (RAIL SYSTEM).
2. AUTHORIZE A LIMITED TERM FIVE-YEAR ADDENDUM TO LEASE PRC 5859, EFFECTIVE MAY 24, 1991, TO REMOVE SEVEN (7) BOAT-MOORING SLIPS IN THE EXISTING MARINA TO INSTALL, PLACE, AND MAINTAIN A 315-FOOT TEMPORARY FLOATING PIER EXTENSION, A 675-FOOT TEMPORARY RAIL TRACK BOAT-LAUNCHING SYSTEM AND TO TEMPORARILY RELOCATE 36 EXISTING MOORING BUOYS LOCATED IN A BUOY FIELD CONSISTING OF 110 MOORING BUOYS, BETWEEN ELEVATION 6,214 AND 6,194 FEET, LAKE TAHOE DATUM; TO PROVIDE ACCESS TO LAKE TAHOE AT ITS DROUGHT-IMPACTED LOWER LEVEL FOR THE OPERATION OF A COMMERCIAL MARINA ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. ALL OTHER TERMS AND CONDITIONS SHALL REMAIN THE SAME.

EXHIBIT "A"
Land Description

PRC 5859.1

LAKE TAHOE



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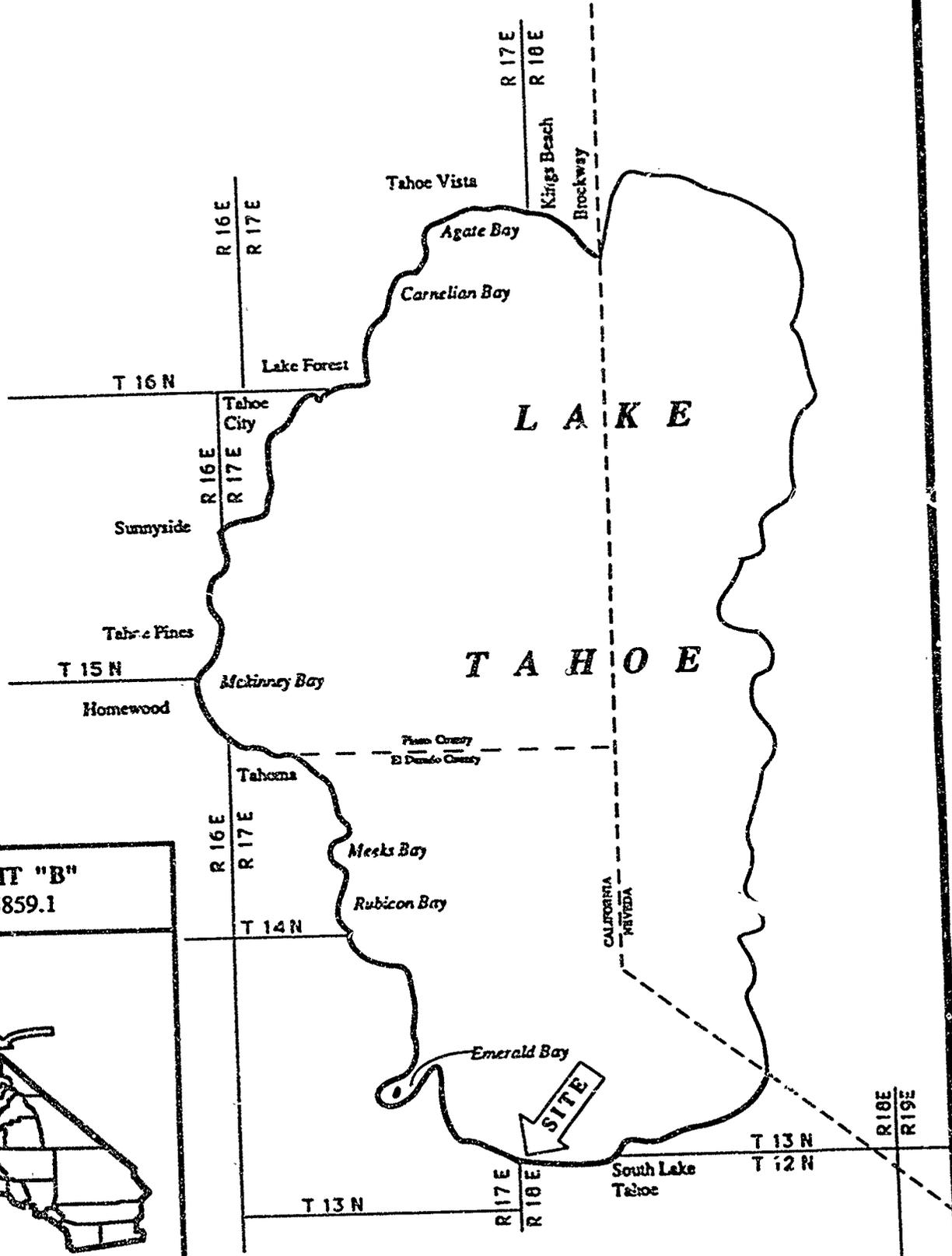


EXHIBIT "B"
PRC 5859.1

