CALENDAR ITEM
C28

A 4 01/29/09
WP 5858.1
S 1 N. Lee

AMENDMENT OF LEASE

LESSEE/APPLICANT:
Tahoe Sunnyside, a California Limited Partnership
P.O. Box 7014
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, at Sunnyside Marina, adjacent to 1890 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:
Operation of a commercial marina, ancillary services and maintenance dredging as shown on the attached Exhibit A.

LEASE TERM:
40 years, beginning July 1, 1980.

CONSIDERATION:
Five percent of "Gross Income" as defined in the Lease, derived annually from the berthing and mooring of boats, and one cent per gallon of fuel sold annually on or over the Lease Premises to a maximum of 100,000 gallons and one and one-half cents per gallon thereafter. Minimum annual rental of $2,394, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:
Amend PRC 5858.1 to:

1. Prior to commencement of maintenance dredging, Lessee shall notify the Commission and provide a written description regarding dates of dredging activity, location and volume. Lessee shall submit results of a survey and inspection for the presence of aquatic invasive species, including Eurasian Water Milfoil, within the Lease Premises. If found, Lessee agrees to prepare and submit, for Commission staff's review and approval, a plan for

the management of the aquatic invasive species on the Lease Premises.

2. Authorize additional special provisions regarding the Commission's Best Management Practices.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

2. On June 26, 1980, the Commission authorized Lease No. PRC 5858.1, a 40-year General Lease – Commercial Use, to Tahoe Sunnyside, a California Limited Partnership. This lease authorizes the operation of Sunnyside Marina, a commercial marina; ancillary services and maintenance dredging. The Lessee is now applying for an amendment to the lease.

3. Due to the lower Lake level this year and the accumulation of sediment within Sunnyside Marina, approximately 1,100 cubic yards of material was dredged from the lease premises last December. This dredging project was reviewed by Commission staff and deemed as maintenance dredging authorized under the lease.

4. Due to the presence of Eurasian Water Milfoil, an aquatic invasive species in the marina, the Lessee prepared a management plan that was implemented during dredging and would provide for inspection and removal of milfoil, if found, in the future. As the lease does not include provisions regarding maintenance dredging with respect to aquatic invasive species and BMP's, the Lessee has agreed to amend the lease to require notification prior to commencement of maintenance dredging, submittal of survey and inspection results for the presence of aquatic invasive species, and implementation of the Commission's Best Management Practices.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. but such activity will not affect those significant lands.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

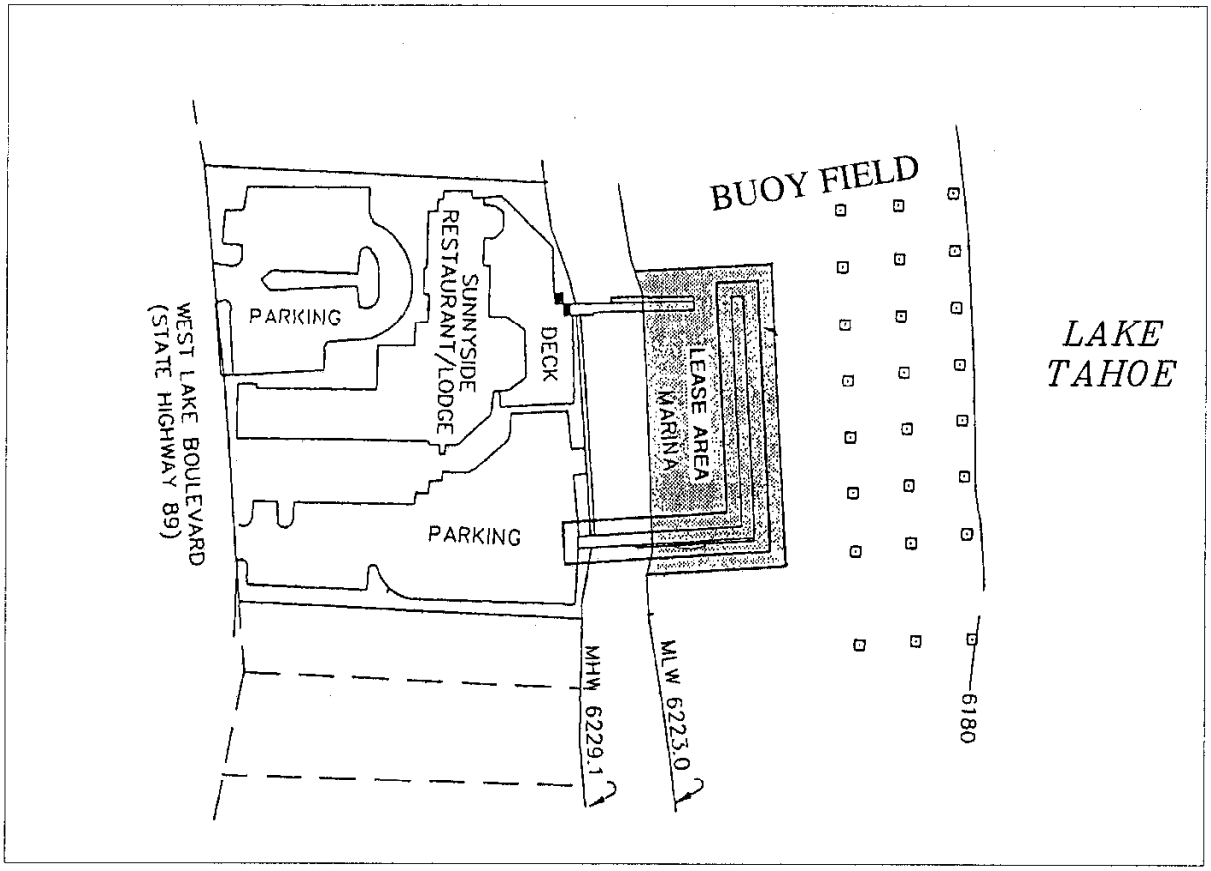
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 5858.1, A GENERAL LEASE – COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JANUARY 29, 2009, TO REQUIRE NOTIFICATION AND SURVEY AND INSPECTION RESULTS FOR THE PRESENCE OF AQUATIC INVASIVE SPECIES, INCLUDING EURASIAN WATER MILFOIL, PRIOR TO COMMENCEMENT OF MAINTENANCE DREDGING AND TO AUTHORIZE ADDITIONAL SPECIAL PROVISIONS REGARDING THE COMMISSION'S BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

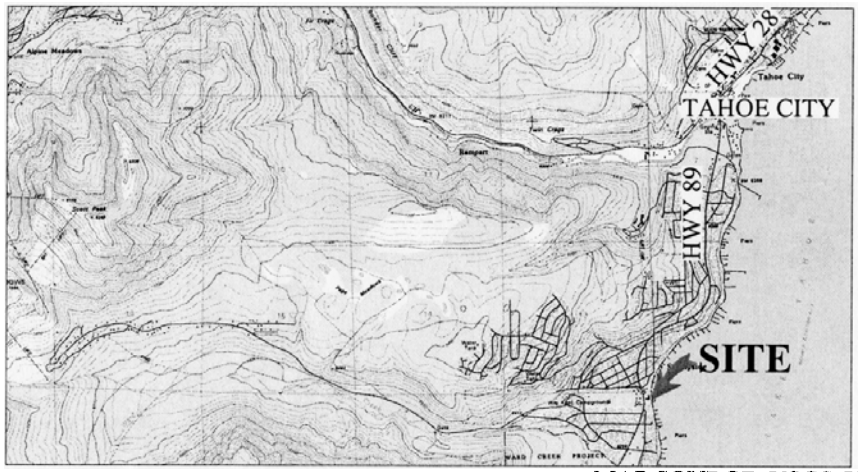
SITE



1890 West Lake Blvd., Tahoe City

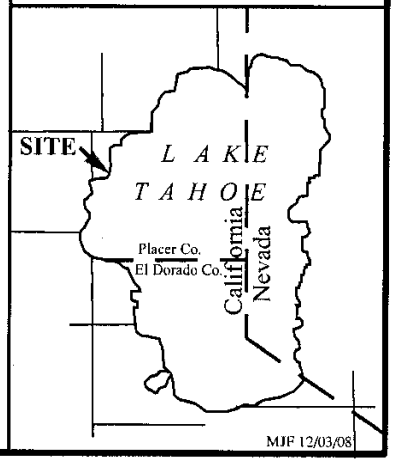
NO SCALE

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 5858.1
APN 084-140-028
TAHOE SUNNYSIDE
GENERAL LEASE
COMMERCIAL USE
PLACER COUNTY