CALENDAR ITEM

C17

A 4 02/08/11
WP 7920.1
S 1 N. Lee

AMENDMENT OF LEASE

APPLICANT/LESSEE:

Tahoe Boat Company Owners Association
P.O. Box 330
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 700 North Lake Boulevard, Tahoe City, Placer County.

AUTHORIZED USE:

Commercial marina operation, which includes 88 boat slips, docks, sheet pile crib walls, and a boathouse.

LEASE TERM:

Beginning October 28, 1996, and ending June 30, 2020, with an option to renew the lease for a period not to exceed nine years.

CONSIDERATION:

Annual rent of five percent of the fair market rental value for the boat slips plus five percent of the gross income derived from berthing and mooring of boats on the Lease Premises; with a minimum annual rent of $7,040; and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend lease to add, as authorized activities, one-time maintenance dredging in the amount of 220 cubic yards of sediment and removal of 1,750 square feet of rock prior to the 2011 boating season and include special provisions related to maintenance dredging and rock removal on the lease premises. The dredge and rock material may not be sold and shall be disposed of at an approved upland disposal site. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the uplands adjoining the lease premises.

2. On October 28, 1996, the Commission authorized a General Lease – Commercial Use to Tahoe Boat Company Owners Association (Association) for the operation of a commercial marina. The lease will expire on June 30, 2020. On April 26, 2005, the Commission authorized an amendment to the lease to rebuild and retain an existing boathouse. Due to the low water levels and sediment accumulation within the marina, the Association is now applying to amend the lease to provide for one-time maintenance dredging and rock removal with disposal at an approved upland disposal site.

3. The marina was last dredged in 1989 and, since that time, material has built up due to the deposition of eroded sediment from behind the adjacent shoreline bulkhead. Approximately 220 cubic yards of material has accumulated along the northwest bulkhead of the marina. So that the Association can use the boat slips within this area, it is proposing a one-time removal of the accumulated sediment material from within the facility. In addition to the dredging, the Association is proposing to remove approximately 1,750 square feet of rock that has fallen out of the crib walls in several locations. Without dredging within the marina, numerous boat slips will be unusable and will impact the 2011 boating season.

4. The dredging will be accomplished by using a long arm excavator mounted on a barge. A turbidity curtain will be placed around the area where the dredging will occur. The dredging activity is expected to be completed no later than April 1, 2011. The dredge and rock material will be deposited into lined trucks, dewatered, and taken by truck to Eastern Regional Landfill near Truckee. The dredged and rock material being removed will not be sold. Equipment staging for all other aspects of the project will occur on the upland parcel. A survey for aquatic invasive species (AIS) of Eurasian Water Milfoil and Curlyleaf pondweed was conducted in the marina and no AIS was found.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration of Land; Title 2, California Code of Regulations, section 2905 (d)(4).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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. 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 project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board
California Department of Fish and Game
United States Army Corps of Engineers

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

April 3, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, class 4, Minor Alteration of Land; Title 2, California Code of Regulations, section 2905 (d)(4).

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.

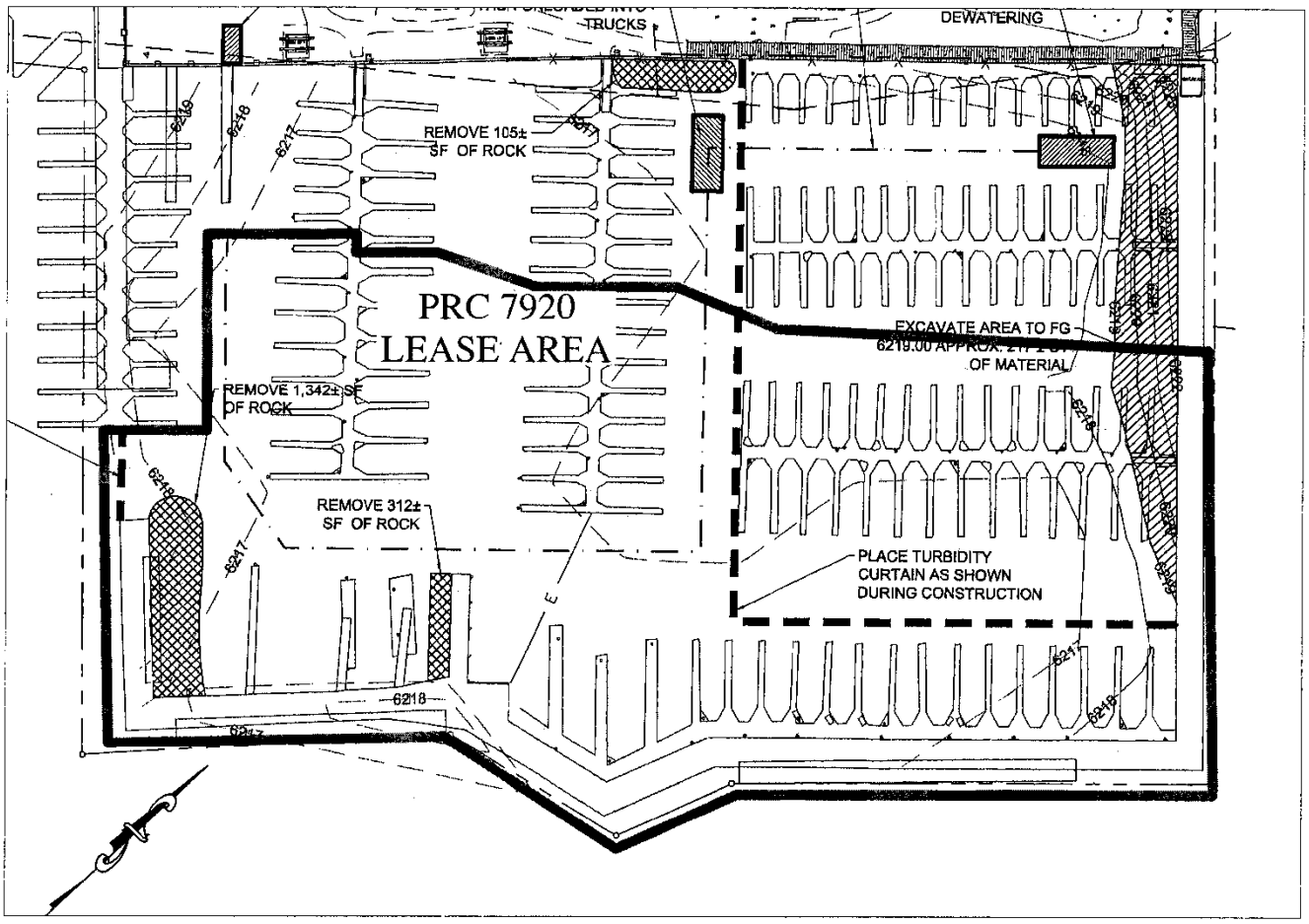
AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 7920.1, a General Lease – Commercial Use, of lands shown on Exhibit A attached and by this reference made a part hereof, effective February 8, 2011, to provide for

one-time maintenance dredging in the amount of 220 cubic yards of sediment material and removal of 1,750 square feet of rock prior to the 2011 boating season and to include special lease provisions related to maintenance dredging and rock removal on the lease premises; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

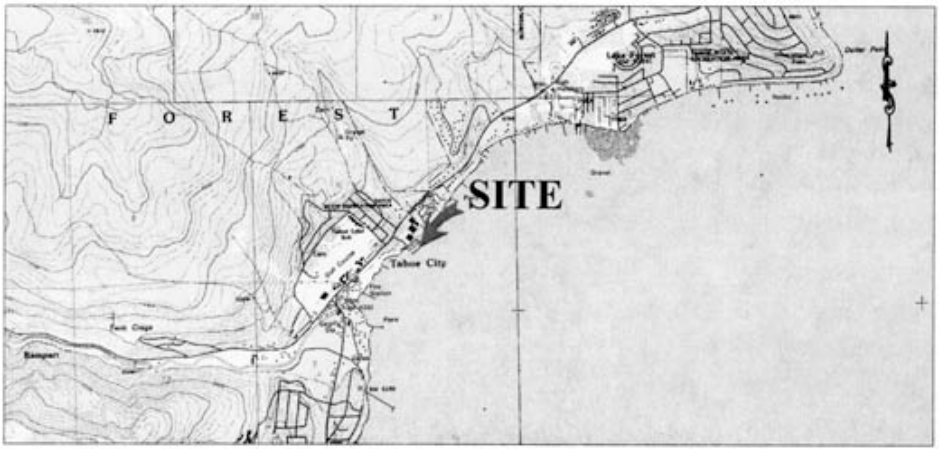
SITE



Proposed Dredging & Rock Removal
700 North Lake Blvd., Tahoe City - APN 094-090-032

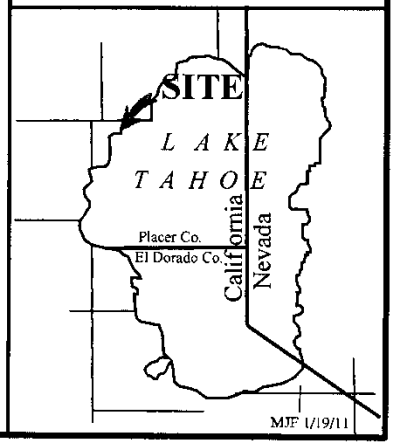
NO SCALE

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 7920.1
TAHOE BOAT COMPANY OWNERS ASSOCIATION
AMENDMENT OF GENERAL LEASE - COMMERCIAL USE FOR MAINTENANCE DREDGING
PLACER COUNTY