**CALENDAR ITEM**

# C08

A 3 04/06/11
WP 2376.1
S 1 R. Barham

## AMENDMENT OF LEASE

**APPLICANT/LESSEE:**

United States Department of Agriculture, Forest Service
Lassen National Forest
2550 Riverside Drive
Susanville, CA 96130

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Eagle Lake, adjacent to Assessor's Parcel Number 89-030-11, near Susanville, Lassen County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing public marina consisting of a launch ramp, courtesy dock, boat berths, fueling facility, retaining wall, and breakwater.

**LEASE TERM:**

13 years and 10 months, beginning March 1, 1998.

**CONSIDERATION:**

The public use and benefit; provided, however, that the Commission shall have the right to assess Lessee a monetary rent for any reporting period in which revenues, derived from or attributable to use of the marina, exceed expenses of operating, maintaining, or improving facilities.

**PROPOSED AMENDMENT:**

Amend the Lease to:

1. Include, in the Authorized Improvements, the construction of a proposed public boat launch ramp and dredging during construction;
2. Include, in the Authorized Improvements, that construction must be completed by December 31, 2011;
3. Include additional special lease provisions related to the construction;
4. Include the attached Exhibit A; and

5. Replace Section 3 with the revised Section 3 as shown on attached Exhibit B;

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

**OTHER PERTINENT INFORMATION:**

1. Lessee owns the upland marina and associated facilities adjacent to the Lease Premises. The public marina is known as the Gallatin Marina at Eagle Lake.

2. On June 19, 1998, the Commission authorized a 13-year and 10-month lease, beginning March 1, 1998, with the United States Department of Agriculture, Forest Service, Lassen National Forest (Forest Service). On December 14, 2006, the Commission authorized an amendment to the lease to approve a sublease between the Forest Service and Lassen College Foundation, Inc. and to clarify the dates of the annual reporting period and payment of any rent. That lease will expire on December 31, 2011.

3. In December 2010, the Forest Service submitted an application for a new lease which included a request for authorization to construct a new boat launch ramp by June 2011. The new ramp would allow for boat launching at current low water levels at Eagle Lake. In order to construct the launch ramp in time for the summer season and operate the marina, the Forest Service has requested Commission consideration for this lease amendment in order to meet other permits and funding requirements that also require Commission authorization before issuance. The new lease and sublease will be brought before Commission at a future meeting in 2011.

4. The low lake level is the result of low precipitation levels in the Eagle Lake Basin in recent years. Based on monitoring of the lake level and weather patterns, sediment accumulation and low water levels have impacted the marina operations for the 2009, 2010, and anticipated 2011 boating season. Therefore, the Forest Service plans to construct a launch ramp to accommodate boats during periods of low water. Dredging will be needed during construction.

5. The launch ramp will be constructed of a washed crushed aggregate leveling course (base) below pre-cast, v-grooved concrete panels. The aggregate base course portion of the fill will be protected from disturbance by the concrete panels and riprap that surround the boat ramp. Given the

dimensions of the ramp necessary to provide effective launching and the materials needed to ensure structural soundness, this ramp design will result in the excavation of approximately 500 cubic yards of material. Temporary warning buoys will be placed on both sides of the launch ramp. Annually, the dredged spoils will be trucked and deposited approximately one-quarter mile from the launch ramp on the Lessee's 9.15 acre upland parcel adjacent to the Lessee's entrance road and parking area. No dredged material will be sold. Equipment staging for all aspects of the project will occur on the upland parcel. The proposed low-water ramp was designed and will be funded through the California Department of Boating and Waterways.

6. **Boat Launch Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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

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

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

8. 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.

**APPROVALS OBTAINED:**

Lassen County Planning and Building Services
U.S. Army Corps of Engineers

**APPROVALS REQUIRED:**

Lahontan Regional Water Quality Control Board
California Department of Boating and Waterways

**EXHIBITS:**

A. Site and Location Map
B. Land Description

**PERMIT STREAMLINING ACT DEADLINE:**

June 6, 2011

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Boat Launch Ramp:** 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 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

**Dredging:** Find that this 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 to Land; Title 2, California Code of Regulations, section 2905 (d)(4).

**SIGNIFICANT LANDS INVENTORY FINDING:**

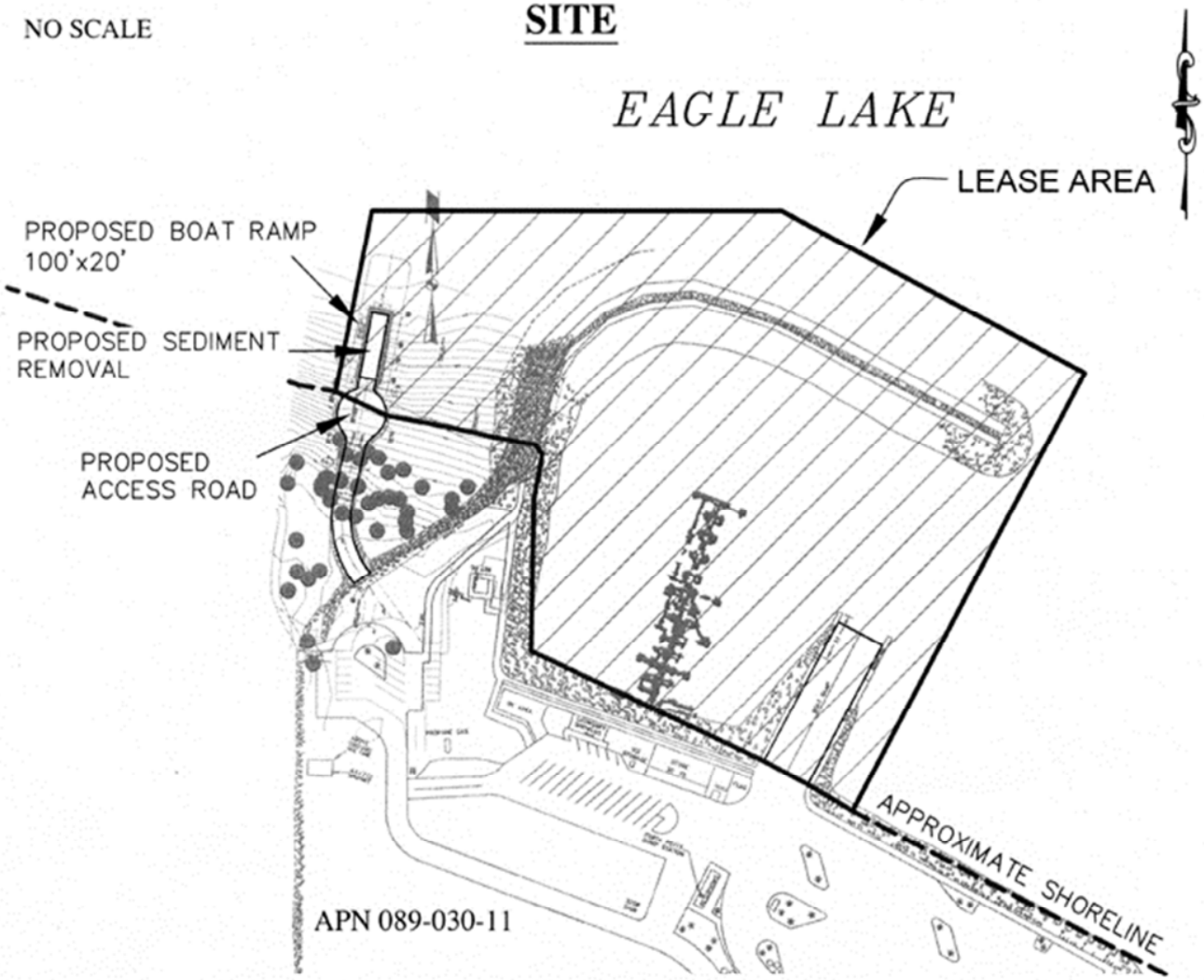
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

**AUTHORIZATION:**

Authorize the Amendment of Lease No. PRC 2376.1, a General Lease – Public Agency Use, effective April 6, 2011, to include the construction of a proposed public boat launch ramp and dredging during construction; include that construction must be completed by December 31, 2011; include additional special lease provisions related to the construction; include the attached Exhibit A; and replace Section 3 with the attached Exhibit B; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

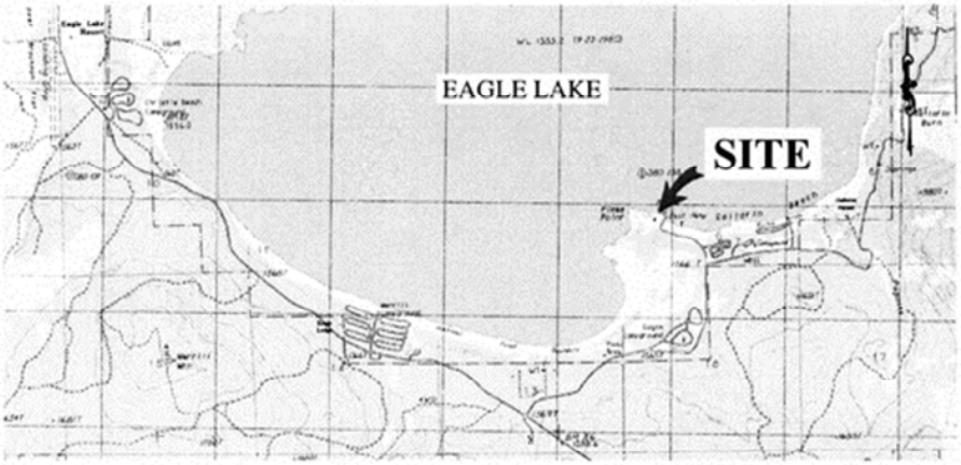
## SITE




477 - 050 EAGLE LAKE ROAD

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

WP 2376.1
U.S.D.A., FOREST SERVICE
APN 089-030-11
GENERAL LEASE - PUBLIC
AGENCY USE
LASSEN COUNTY

DJF 03/10/2011

**EXHIBIT B**

**WP 2376.1**

**LAND DESCRIPTION**

A parcel of submerged land lying in the bed of Eagle Lake, situate adjacent to Lot 3 of fractional Section 7, Township 31 North, Range 11 East, M.D.M., as shown on Official Government Township plat approved March 25, 1876, County of Lassen, State of California, more particularly described as follows:

BEGINNING at a point on the centerline of an existing boat ramp, said point lying distant S 85°55'36" W 5220.85 feet from a U.S.C. & G.S. bronze disk welded to the top of a 1.5" Iron Pipe stamped GALLATIN 1948 (PID LT0592); thence the following eight courses:

1) S 62°05'01" E 93.70 feet;
2) N 27°54'59" E 602.82 feet;
3) N 62°05'01" W 418.50 feet;
4) West 501.63 feet;
5) S 11°29'15" W 236.29 feet;
6) S 75°53'46" E 252.36 feet;
7) S 01°26'43" W 245.58 feet;
8) S 65°05'49" E 347.19 feet to the POINT OF BEGINNING

EXCEPTING THEREFROM any portion lying landward of the Ordinary Low Water Mark of Eagle Lake.

The BASIS OF BEARINGS for this description is the California Coordinate System of 1983, Zone 1 (1991.35). All distances are grid distances.

**END OF DESCRIPTION**

Prepared 03/14/2011 by the California State Lands Commission Boundary Unit.

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/11
No. 7377
STATE OF CALIFORNIA