

**CALENDAR ITEM
C113**

A 4
S 1

06/23/11
WP 5856.1
B. Terry

AMENDMENT OF LEASE

APPLICANT/LESSEE:

Walsh Family LLC
c/o James R. Walsh, Sr.
P.O. Box 7169
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7360 North Lake Boulevard, Tahoe Vista, Placer County.

AUTHORIZED USE:

LEASE: Continued use and maintenance of a commercial marina facility with fueling facility, pump out station, boat ramp, 30 boat slips, 48 mooring buoys, and two marker buoys.

SUBLEASE: Operation and management of the marina.

LEASE TERM:

LEASE: 25 years, beginning June 5, 2005.

SUBLEASE: 25 years, beginning June 5, 2005.

CONSIDERATION:

Minimum annual rent in the amount of \$11,900 against the total of the following charges, whichever is greatest: five percent of annual gross income from the rental of 30 boat slips, boat rentals, pump out station and 48 mooring buoys; \$.015 per gallon up to 100,000 gallons of fuel sales and \$.02 per gallon in excess of \$100,000 gallons of fuel sales; and ten percent of all other gross income generated on the Lease Premises; with the State reserving the right to fix a different rent for all consideration due periodically during the lease term, as provided in the lease.

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PROPOSED AMENDMENT:

Amend the Lease to:

1. Include in Section 1 (Basic Provisions - Authorized Improvements and Activities) annual maintenance dredging of up to 750 cubic yards of material;
2. Include in Section 2 (Special Provisions) provisions related to maintenance dredging that includes dredged material may not be sold and shall be disposed of at an approved disposal site; and
3. Replace Section 3 (Land Description) with the 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 adjoining the lease premises.
2. On December 14, 2006, the Commission authorized a 25-year General Lease – Commercial Use, PRC 5856.1, with Walsh Family LLC for the continued use, operation, and maintenance of a commercial marina facility known as North Tahoe Marina. That lease will expire on June 4, 2030. On August 22, 2008, the Commission authorized a two-year Dredging Lease, Lease No. PRC 7205.9, to dredge a maximum of 250 cubic yards of material annually within the marina. The Commission authorized an amendment to the dredging lease on June 1, 2009, to increase the maximum volume of material to be dredged to 2,000 cubic yards. The dredging lease expired on June 15, 2010.
3. In 2010, the Lessee dredged approximately 1,560 cubic yards of the 2,000 approved. Since the total of 2,000 cubic yards could not be dredged as planned, the Lessee is applying to complete the dredging for the 2011 boating season and to amend the lease to provide for annual maintenance dredging on an as-needed basis for the remaining term of the lease. Staff recommends that the Commission authorize annual maintenance dredging, effective June 23, 2011.
4. The marina is an enclosed sheetpile facility with interior slips, boat ramp and a narrow entrance. Due to the marina's location, heavy storm action and drifting sand block the entrance. Interior dredging has also been needed periodically. The 2011 project will dredge the entrance only and will be suction dredged to a previously approved elevation of 6,219 feet, Lake Tahoe Datum, and the material will then be pumped directly into a "vactor-jet" (water truck). Dredged materials will be dewatered on the upland and disposed of at the Tahoe Truckee Sanitation Agency. To

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provide continuous flow of water for safe access to the harbor and boat slips throughout the term of the lease, the Lessee proposes to dredge material on an as-needed basis, not to exceed 750 cubic yards of material per year from the Lease Premises. A survey for aquatic invasive species (AIS) (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 that this activity is exempt from the 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, 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 section 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 REQUIRED:

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

EXHIBITS:

- A-1. Site and Location Map
- A-2. Site and Location Map
- B. Land Description

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 to Land; Title 2, California Code of Regulations, section 2905 (d)(4).

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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 section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 5856.1, a General Lease – Commercial Use, effective June 23, 2011, to include annual maintenance dredging of up to 750 cubic yards per year for the term of the lease; to include additional special lease provisions related to maintenance dredging on the Lease Premises; and replace Section 3, Land Description, with the attached Exhibit B; all other terms and conditions of the lease will remain in effect without amendment.