

**CALENDAR ITEM
C35**

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10/14/14
PRC 706.1
N. Lee

AMENDMENT OF GENERAL LEASE – COMMERCIAL USE

LESSEE:

Tahoe Yacht Harbor, LLC, dba Tahoe City Marina

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued operation, use, and maintenance of the Tahoe City Marina, which includes a public access pier, two breakwaters, two floating wave attenuators, two fueling and pumpout facilities, 67 boat slips, and a buoy field consisting of 41 mooring buoys and 10 channel marker buoys.

AUTHORIZED ACTIVITIES:

Activities and operations on the lease premises within the marina facilities:

- a. Rental of 67 boat slips
- b. Rental of 41 mooring buoys
- c. Fuel sales
- d. Pump out
- e. Sailing charter
- f. Parasailing operation
- g. Kayak and Paddle Board rentals
- h. Boat rentals

LEASE TERM:

25 years, beginning January 14, 2013.

CONSIDERATION:

Minimum annual rent in the amount of \$35,750 per year, against five percent of the gross annual income derived from all authorized commercial activities from the berthing, docking, and mooring of boats; \$0.015 per gallon of fuel sold annually on or over the Lease Premises up to a maximum of 100,000 gallons and \$0.02 per gallon thereafter; and 50 percent of gross income derived from all other

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unauthorized activities conducted on or over the Lease Premises; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to include maintenance dredging as an authorized activity and to include special lease provisions related to maintenance dredging. 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 August 14, 2012, the Commission authorized a General Lease – Recreational Use with Tahoe Yacht Harbor, LLC, dba Tahoe City Marina. That lease will expire on January 13, 2038. The Commission also authorized two subleases and an Agreement and Consent to Encumbrancing of Lease between the Commission, Tahoe Yacht Harbor, LLC, and U.S. Bank National Association.
3. The Lessee is now applying for an amendment to the lease to include maintenance dredging. Maintenance dredging had been previously authorized by the Commission under the prior lease; however, it was inadvertently excluded from the current lease. Over time, silt and small cobble accumulate in the launch area and main channel of the marina. Without maintenance dredging, the marina will become inoperable.
4. At this time, the Lessee is proposing to dredge in October 2014 using a barge-based clam shell excavator. Turbidity curtains will be placed prior to work to contain suspended material. Dredged material will be removed from the Lake Tahoe basin in dumpsters lined with visqueen and disposed of at the regional landfill near the town of Truckee. Prior to commencing any future maintenance dredging, Lessee shall submit copies of all permits and authorizations from agencies having jurisdiction over the dredging activities. The dredged material will not be sold.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land, California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 706.1, a General Lease – Commercial Use, effective October 14, 2014, to include maintenance dredging as an authorized activity and to include special provisions related to maintenance dredging; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 706.1

LAND DESCRIPTION

That portion of submerged land in the bed of Lake Tahoe situate adjacent to fractional Section 6, Township 15 North, Range 17 East, M.D.M., as shown on Official Government Plat approved November 9, 1866, in the County of Placer, State of California, described as follows:

COMMENCING at the most westerly corner of Parcel B as shown on Parcel Map 72165 recorded in Book 11 of Parcel Maps, Page 124, Official Records of said County; thence along the westerly boundary of said parcel S 45°48'00" E 259.86 feet to the Lake Tahoe meander line as shown on said Parcel Map and the POINT OF BEGINNING; thence S 81°26'30" W 8.80 feet; thence S 44°20'37" E 1149.70 feet; thence N 45°39'23" E 748.86 feet; thence N 51°23'11" W 793.45 feet to the most easterly corner of that parcel described in Section 3 of Lease PRC 7920.1, dated March 25, 1997, on file at the California State Lands Commission; thence along said Lease Parcel the following five (5) courses:

- 1) S 45°32'45" W 176.00 feet;
- 2) S 21°32'45" W 49.00 feet;
- 3) S 78°32'45" W 76.00 feet;
- 4) S 44°32'45" W 124.00 feet;
- 5) N 45°27'15" W 98.64 feet;

thence leaving said Lease Parcel N 44°28'33" E 37.70 feet; thence N 44°27'15" W 16.66 feet to the southwesterly line of said Lease Parcel; thence continuing along said Lease Parcel N 44°27'15" W 129.91 feet to the Lake Tahoe Meander Line as shown on said Parcel Map; thence leaving said Lease Parcel and continuing along said Meander Line S 50°26'30" W 162.28 feet; thence S 81°26'30" W 135.23 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the 6223' Lake Tahoe Datum elevation.

The Basis of Bearings for this description is the westerly boundary of Parcel B as shown on Parcel Map 72165 recorded in Book 11 of Parcel Maps, Page 124, Official Records of said County.

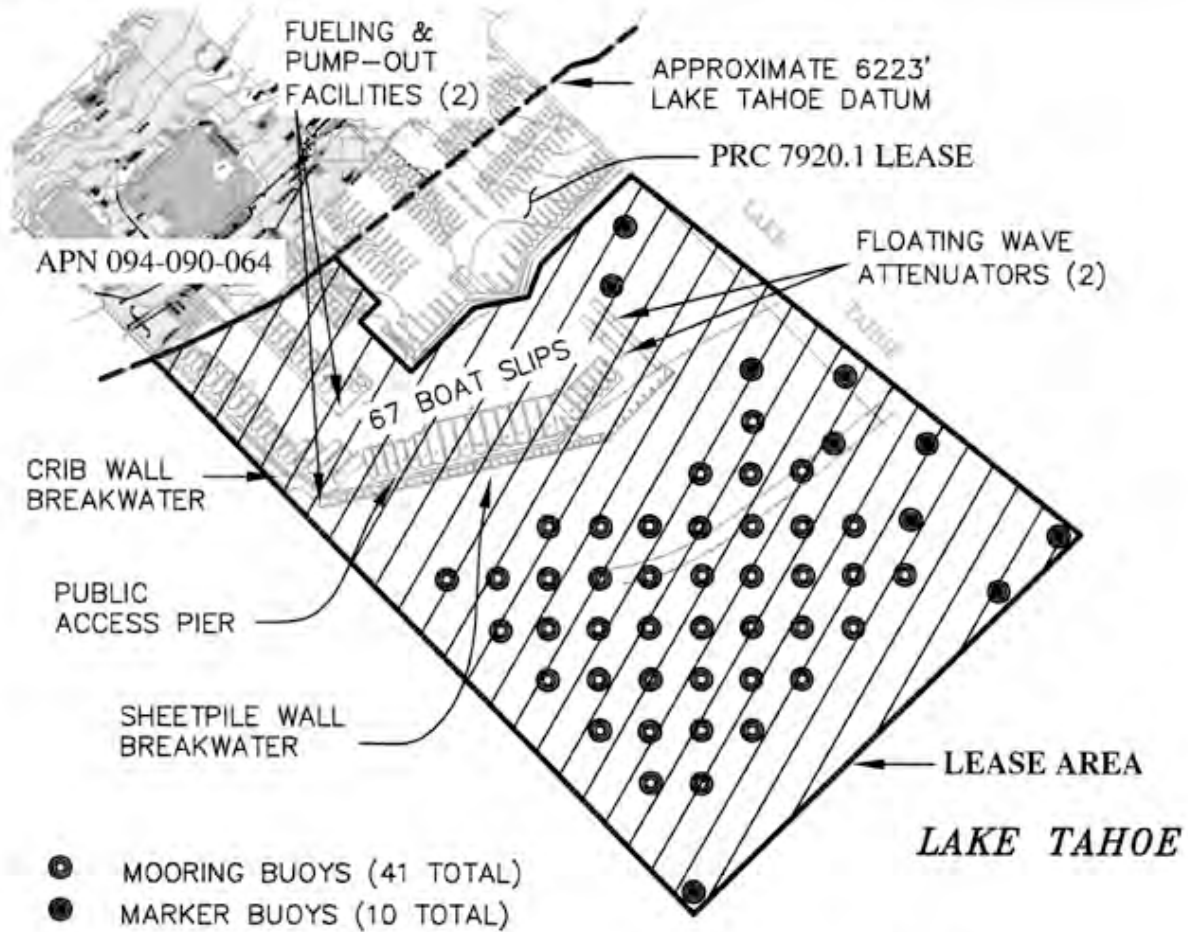
END OF DESCRIPTION

Prepared 7/10/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



700 NORTH LAKE BOULEVARD, TAHOE CITY
PLACER COUNTY

NO SCALE

LOCATION

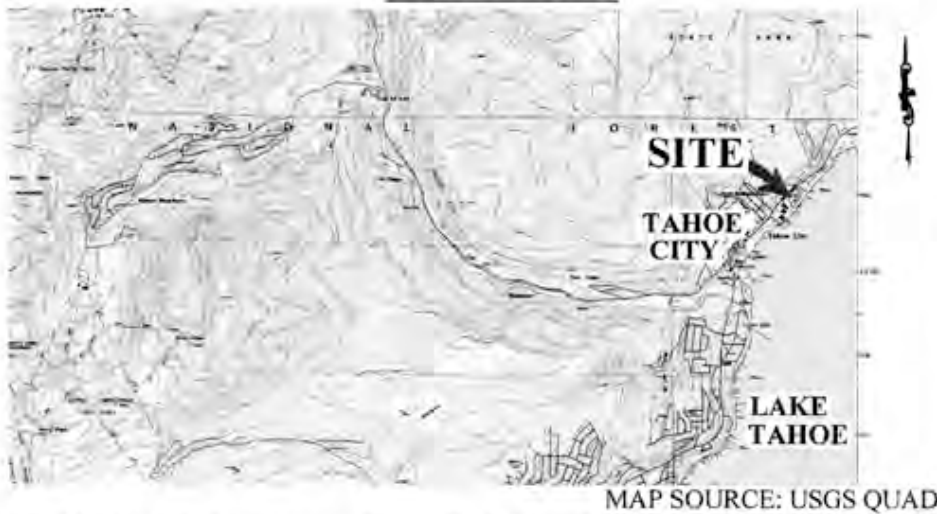


Exhibit B

PRC 706.1
TAHOE YACHT
HARBOR, LLC.
GENERAL LEASE -
COMMERCIAL USE
PLACER COUNTY



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.