

**CALENDAR ITEM
C39**

A 1
S 1

04/23/15
PRC 4694.1
B. Terry

AMENDMENT OF LEASE

LESSEE:

Star Harbor Association
P.O. Box 7705
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2350 Star Harbor Court, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 15 mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2012.

CONSIDERATION:

\$692 per year, 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:

1. Revise the annual rent from \$692 to \$479;
2. Replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only);
3. Authorize maintenance dredging; and
4. Include special lease provisions related to dredging activity.

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On August 14, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Star Harbor Association (Association) for an existing pier and 15 mooring buoys. That lease will expire on January 31, 2022. On July 10, 1989, the Commission authorized a one-year dredging permit to dredge a maximum of 800 cubic yards of material.
3. The Association is now applying to amend its lease to reflect changes in the calculation of the impact area surrounding the pier and to include maintenance dredging.
4. The Association consists of multiple condominium units with private access to a harbor and marina. Due to the low lake level and accumulated sediment, access to the channel has become hazardous to boaters. The Association is proposing to conduct maintenance dredging of up to 800 cubic yards of material per year as necessary to aid navigation. The Association will not dredge below 6,220 feet, Lake Tahoe Datum. The area of the proposed dredging is at the entrance to Star Harbor and the fairway leading into the harbor. The overall purpose of the dredging is to provide safe boating conditions to members of the Association and the public.
5. Dredging operations will be conducted using a front loader or conveyor system. Dredged material will be offloaded directly to a barge where the material will be dewatered, transferred to sealed vehicles, and then disposed of at a Tahoe Regional Planning Agency authorized location outside of the Tahoe Basin. The dredged material will not be sold.
6. 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).

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

7. 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.

CALENDAR ITEM NO. **C39** (CONT'D)

APPROVALS OBTAINED:

Tahoe Regional Planning Agency

FURTHER APPROVALS REQUIRED:

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

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 4694.1, a General Lease – Recreational Use, effective February 1, 2015, to revise the annual rent from \$692 to \$479; replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); authorize maintenance dredging; and include special lease provisions related to dredging activity; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 4694.1

LAND DESCRIPTION

Three (3) parcels of submerged lands lying adjacent to Section 5, Township 15 North, Range 17 East, M.D.B. & M., as shown on official U.S. Government Township Plat approved on November 9, 1866, Placer County, State of California, described as follows:

Parcel 1 (Pier)

All those lands underlying an existing pier and stairs lying adjacent to that certain parcel of land described in Exhibit A of Grant Deed recorded in Book 1664, Page 538, Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

Parcel 2 (Buoy Field)

COMMENCING at the southwesterly corner of an existing pier lying adjacent to that certain parcel of land described in Exhibit A of Grant Deed recorded in Book 1664, Page 538, Official Records of said County; thence N 49°54'24" W 72 feet to the POINT OF BEGINNING; thence S 76°24'42" W 325 feet; thence S 13°35'18" E 370 feet; thence N 76°24'42" E 325 feet; thence N 13°35'18" W 370 feet to the POINT OF BEGINNING.

Parcel 3 (Dredging Area)

COMMENCING at the southwesterly corner of an existing pier lying adjacent to that certain parcel of land described in Exhibit A of Grant Deed recorded in Book 1664, Page 538, Official Records of said County; thence N 36°45'48" E 51 feet to the POINT OF BEGINNING; thence N 07°26'34" E 219 feet; thence N 18°46'41" E 124 feet; thence N 85°25'00" E 92 feet; S 07°58'35" W 360 feet; N 82°26'11" W 111 feet to the POINT OF BEGINNING.

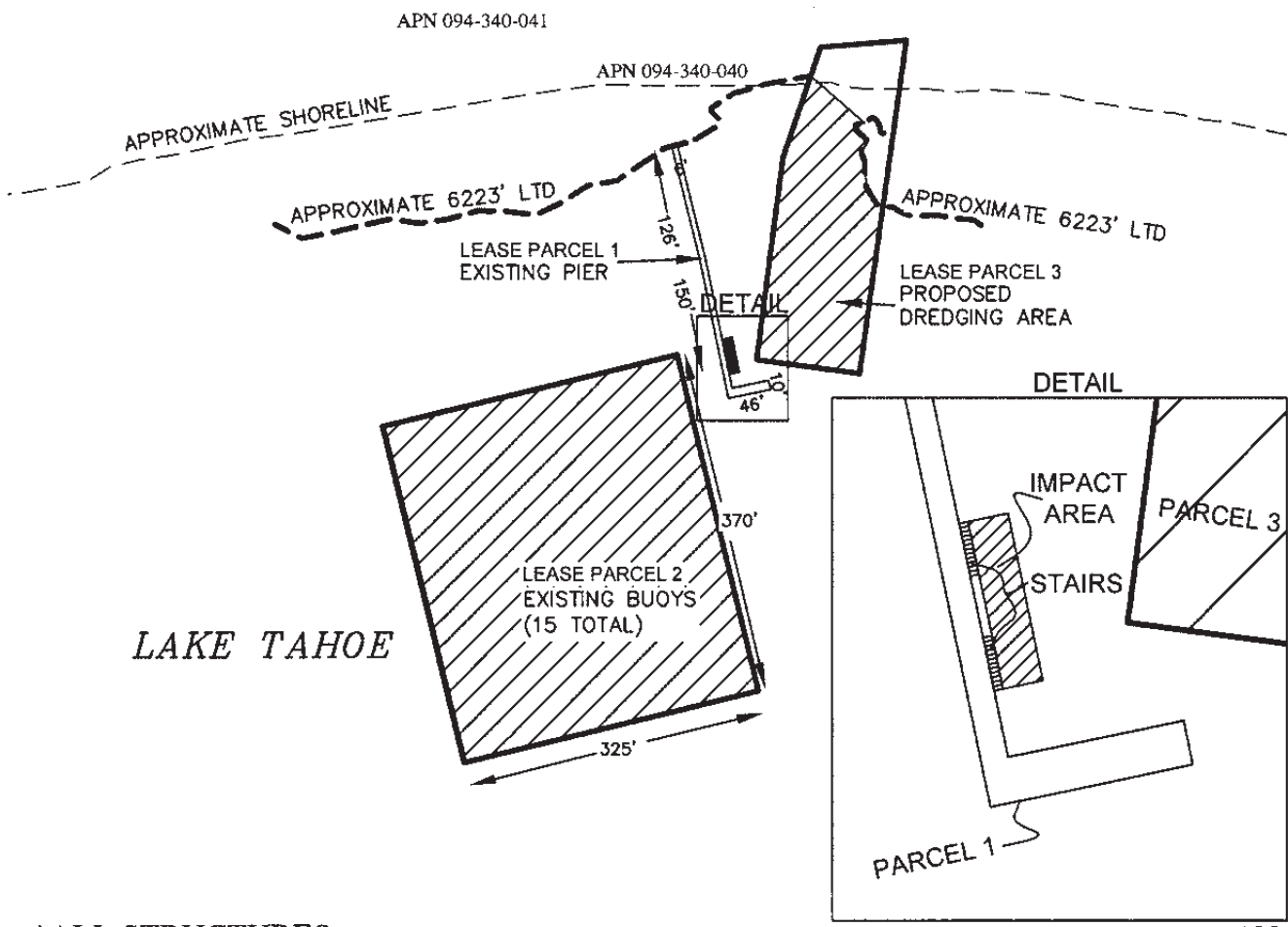
EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 2/23/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





*ALL STRUCTURES
SHOWN ARE
EXISTING

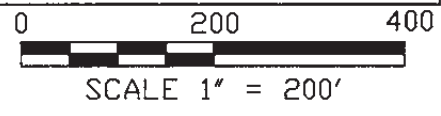


EXHIBIT A

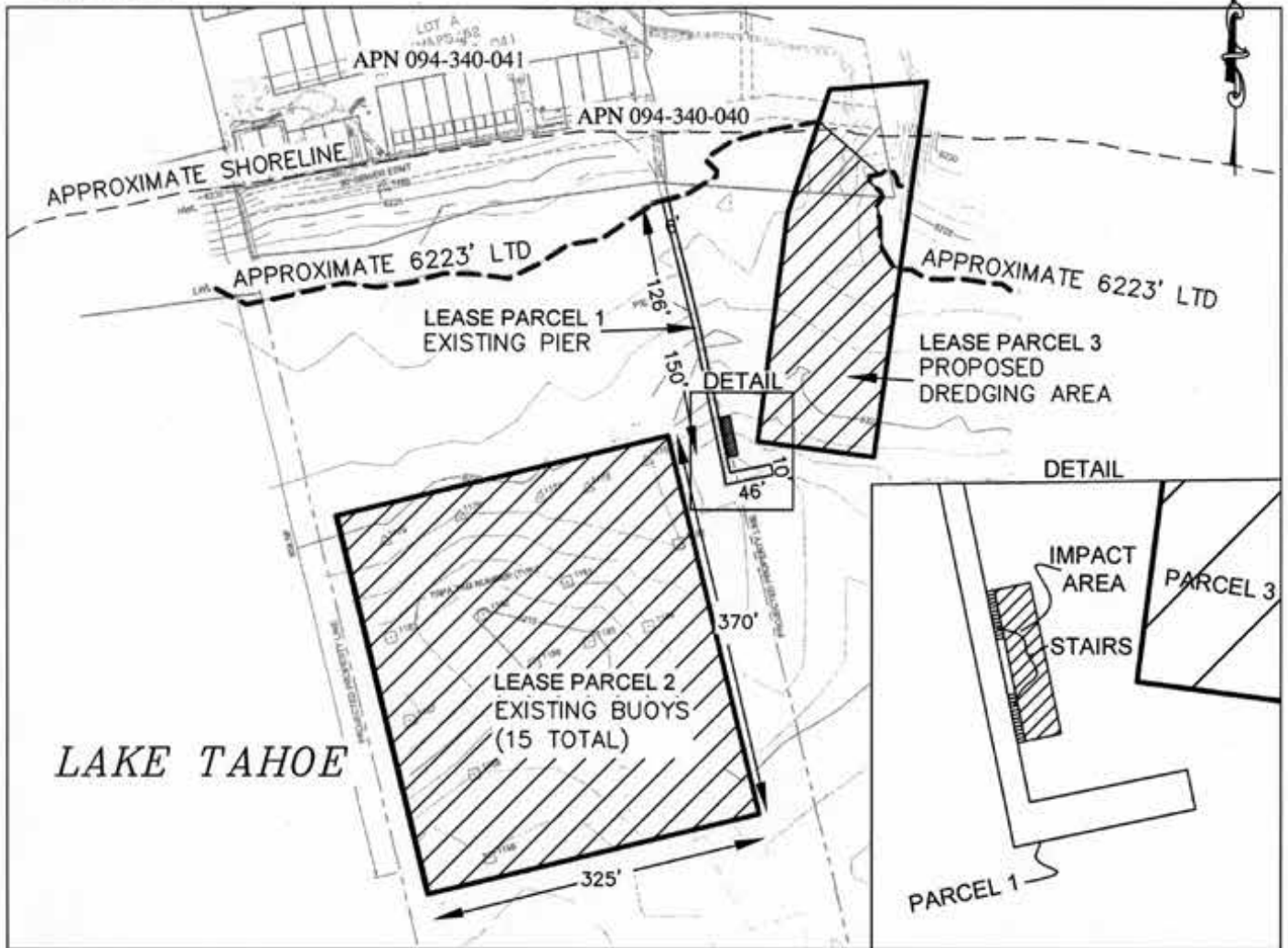
LAND DESCRIPTION PLAT
PRC 4694.1 , STAR HARBOR HOA
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



2350 STAR HARBOR COURT, TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4694.1
 STAR HARBOR ASSOCIATION
 APN 094-340-040 & 094-340-041
 GENERAL LEASE -
 RECREATIONAL USE &
 DREDGING
 PLACER COUNTY



MJP 02/24/15

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.