

**CALENDAR ITEM
C23**

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10/16/15
PRC 6454.1
B. Terry

**CORRECTION TO PRIOR AUTHORIZATION AND
AMENDMENT OF LEASE**

LESSEE:

Fleur Du lac Estates Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4000 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of 12 existing floating boat slips and a portion of four existing floating boat slips; one steel sheet pile jetty and breakwater with pier; one rock-filled breakwater with a wood walkway and steel sheet pile bulkhead; one steel sheet pile jetty and breakwater; a portion of a boathouse; submerged remnants of wood pile jetties; and maintenance dredging.

LEASE TERM:

12 years, beginning July 28, 2008.

CONSIDERATION:

\$1,752 per year, with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

1. Delete the existing Exhibit A, Land Description, and replace with the attached Exhibit A, Land Description; and delete the existing Section 3, Site and Location Map, and replace with the attached Exhibit B, Site and Location Map;
2. Authorize extending the previously authorized area for maintenance dredging within the harbor;

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3. Authorize an additional area for maintenance dredging located west of the harbor's entrance;
4. Authorize the installation of approximately 300 cubic yards of wave attenuation rock riprap; and
5. Revise special lease provisions to address the dredging activity.

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 February 1, 2010, the Commission authorized a 12-year General Lease – Recreational and Maintenance Dredging Use to Fleur Du Lac Estates Association (Association). That lease will expire on July 26, 2020. On June 29, 2015, the Commission authorized a revision of rent.
3. Staff has since discovered that the revised annual rent authorized on June 29, 2015 was incorrectly shown as \$1,714. The true amount of the revised annual rent is \$1,752. Therefore, staff is requesting Commission authorization to correct the annual rent to \$1,752.
4. The Association is now applying to amend its lease to extend the area previously approved for maintenance dredging within the harbor to include an additional area for maintenance dredging located west of the harbor entrance, and to cover installation of approximately 300 cubic feet of wave attenuation rock riprap.
5. On February 1, 2010, the Commission also authorized maintenance dredging within the harbor. The proposed maintenance dredging is to extend the previously approved area to cover an area near the entrance inside the harbor, and an additional area located west of the harbor entrance, which is aligned with the outer entrance to the boathouse. Deposits of sand and gravel left by longshore currents and the extremely low lake level have forced the removal of several boat slips within the harbor and outer slips west of the harbor entrance.

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6. The Association is proposing to conduct maintenance dredging of approximately 2,150 cubic yards. However, dredging is not to extend beyond the previously approved elevation of 6,219.0 feet, Lake Tahoe Datum. The purpose of the dredging is to provide safe boating and navigation conditions to members and guests of the Association, and maintain use of the boat slips and access to the harbor.
7. Dredging operations will be conducted using an excavator and will deposit material into a loading hopper located above the protected dredge areas. The low level conveyors will then move material over lengths of 90 to 135 feet where it will be deposited directly into sealed export trucks. Dewatering takes place from the excavator bucket as it is lifted to the loading hopper and continues as the material moves along the conveyor belts. The material is then discharged into a sealed truck and transported and disposed of at the Placer County sanitary land fill or another pre-approved site. The dredged material will not be sold.
8. The Association proposes to install approximately 300 cubic yards (120 feet in length) of wave attenuation rock rip rap along an existing steel sheet pile jetty located at the harbor entrance.
9. **Maintenance Dredging:** 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).
10. **Rock Riprap Structure:** The staff recommends that the Commission find 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; California Code of Regulations, Title 14, section 15303.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
11. 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

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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.

APPROVAL OBTAINED:

California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers
California Regional Water Quality Control Board

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Maintenance Dredging: 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).

Rock Riprap Structure: 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 3, New Construction or Conversion of Small Structures, California Code of Regulations, Title 14, section 15303.

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:

1. Authorize correction of the Commission's June 29, 2015 authorization of a General Lease - Recreational and Maintenance Dredging Use,

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issued to Fleur Du Lac Estates Association to correct the annual rent from \$1,714 to \$1,752.

2. Authorize the amendment of Lease No. PRC 6454.1, a General Lease – Recreational and Maintenance Dredging Use, effective October 16, 2015, to delete Exhibit A, Land Description, and replace with the attached Exhibit A, Land Description, and delete Section 3, Site and Location Map, and replace with the attached Exhibit B, Site and Location Map; approve extending the previously authorized area for maintenance dredging within the harbor; authorize an additional area for maintenance dredging located west of the harbor's entrance; approve installation of approximately 300 cubic feet of wave attenuation rock riprap; and revise special lease provisions to address the additional maintenance dredging activity; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 6454.1

LAND DESCRIPTION

A parcel of submerged lands situate in the bed of Lake Tahoe, lying adjacent to fractional Section 36, Township 15 North, Range 16 East, M.D.M., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, described as follows:

BEGINNING at a point on the historic Low Water Mark as depicted on sheet 5 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe Vicinity of Tahoe Pines Placer County, California", filed in Book 2 of Surveys at Page 71, Placer County Records, said point also being Station No. 75 as shown on said survey; thence along said Low Water Mark South $81^{\circ}19'37''$ East 119.37 Feet to Station No. 76 of said survey; thence North $64^{\circ}35'32''$ East, 88.57 Feet to Station No. 77 of said Survey; thence North $40^{\circ}50'01''$ East, 107.06 Feet; thence North $24^{\circ}38'10''$ East, 127.77 Feet; thence leaving said Low Water Mark the following 12 courses:

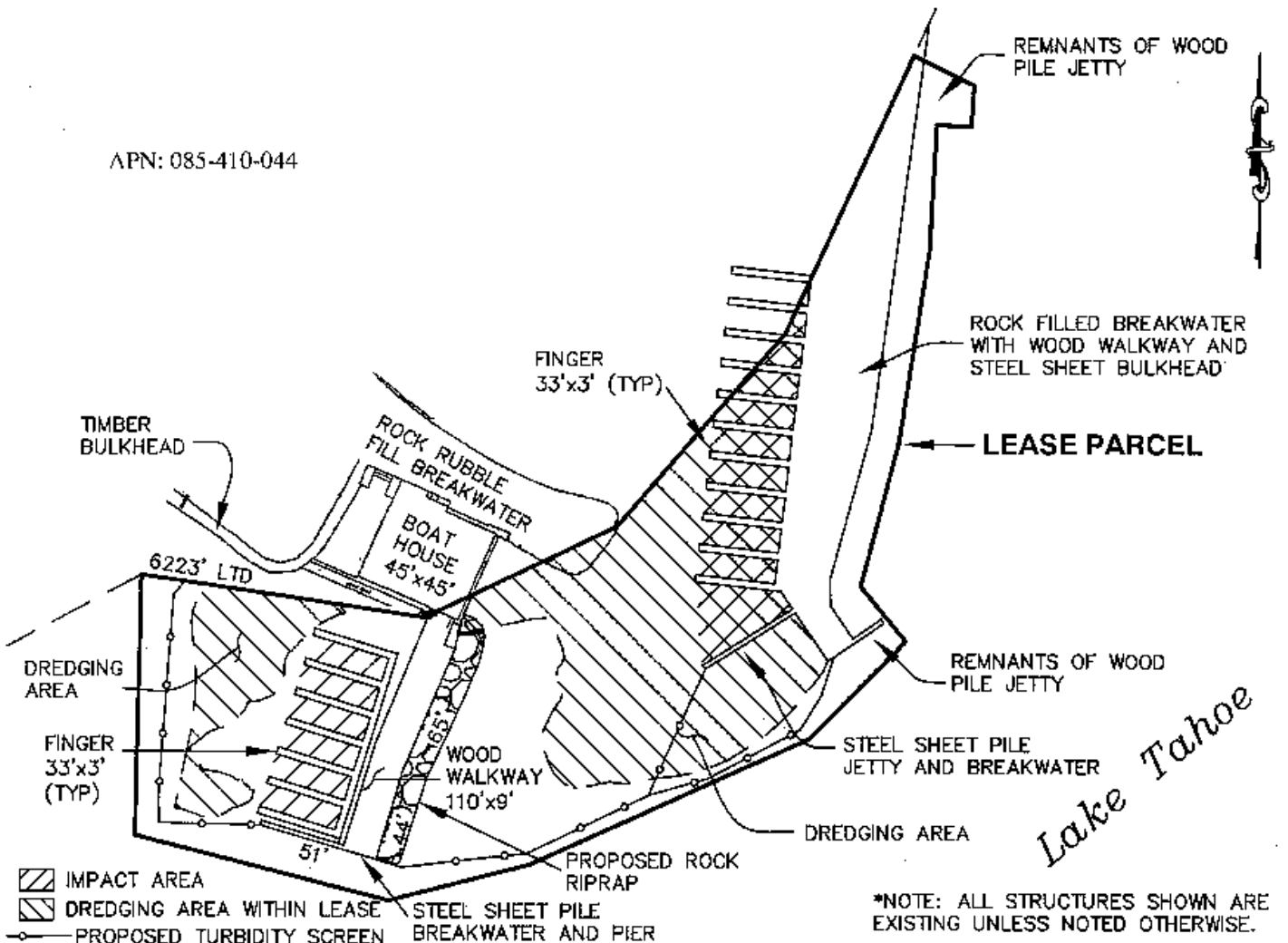
- 1) South $64^{\circ}12'19''$ East, 27.82 Feet;
- 2) South $03^{\circ}15'00''$ West, 17.50 Feet;
- 3) North $86^{\circ}45'00''$ West, 14.50 Feet;
- 4) South $03^{\circ}15'00''$ West, 53.00 Feet;
- 5) South $08^{\circ}52'20''$ West, 81.00 Feet;
- 6) South $14^{\circ}45'00''$ West, 62.41 Feet;
- 7) South $39^{\circ}10'00''$ East, 29.64 Feet;
- 8) South $44^{\circ}23'03''$ West, 57.18 Feet;
- 9) South $65^{\circ}33'36''$ West, 127.42 Feet;
- 10) South $75^{\circ}45'13''$ West 60.75 Feet;
- 11) North $75^{\circ}34'14''$ West, 109.27 Feet;
- 12) North $1^{\circ}19'11''$ East, 109.22 Feet to the POINT OF BEGINNING.

END OF DESCRIPTION

NO SCALE

SITE

APN: 085-410-044



FLEUR DU LAC ESTATES CONDOMINIUM SUBDIVISION

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 B

PRC 6454.1
 FLEUR DU LAC ESTATES
 APN 085-410-044
 GENERAL LEASE -
 RECREATIONAL &
 MAINTENANCE DREDGING USE
 PLACER COUNTY

