

**CALENDAR ITEM
C48**

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06/01/09
WP 7205.9
B. Terry

AMENDMENT OF DREDGING LEASE

LESSEE:

Walsh Family LLC
dba North Tahoe Marina, Inc.
P.O. Box 189
Tahoe Vista, CA 96148

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Maintenance dredge a maximum of 250 cubic yards of material annually from North Tahoe Marina.

LEASE TERM:

Two years, beginning June 16, 2008.

CONSIDERATION:

No royalty will be charged, as the project will result in a public benefit. The dredged material may not be sold.

PROPOSED AMENDMENT:

Amend the maximum volume of material that may be dredged to 2,000 cubic yards.

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

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On August 22, 2008, the Commission authorized issuance of a two-year Dredging Lease to Walsh Family LLC, dba North Tahoe Marina, Inc., to

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dredge up to 250 cubic yards of material annually within the marina lease area from Lake Tahoe. That lease will expire on June 15, 2010.

3. On March 9, 2009, an application was received requesting an amendment to the existing lease to the amount of dredge material to be removed to 2,000 cubic yards. The dredging project will be accomplished by using a suction dredge that will discharge the material to a sand-water separation unit with final disposal of the dewatered material at the Tahoe Truckee Sanitation Agency in Truckee.
4. The proposal to increase amount of material to be dredged to 2,000 cubic yards is due to the low precipitation levels received in the Lake Tahoe Basin this winter, which has led to low water levels and sand accumulation. Based on the monitoring of the Lake water levels and weather patterns, sediment accumulation indicates that the marina operations will be jeopardized for the 2009 Lake Tahoe Boating Season at the marina facility.
5. Due to the critical need to provide safe passage and berthing within the marina, the Lessee submitted a request to Commission staff to proceed with the dredging project prior to the formal consideration and authorization by the Commission. On April 7, 2009, the application was deemed complete and on April 16, 2009, Commission staff provided the Lessee with a letter of non-objection to proceed with the dredging project, subject to formal approval by the Commission and in compliance with all other applicable permits from federal, state, and local government agencies having jurisdiction over the project. On April 20, 2009, the Lessee accepted the conditions contained in the letter of non-objection.
6. 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 the 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

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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:

U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and California Department of Fish and Game

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 6, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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 7205.9, A DREDGING LEASE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE APRIL 20, 2009, TO AUTHORIZE THAT THE MAXIMUM AMOUNT OF MATERIAL TO BE REMOVED IS 2,000 CUBIC YARDS; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.