

**CALENDAR ITEM
C67**

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03/25/08
WP 3905.1
B. Terry

AMENDMENT OF GENERAL LEASE - RECREATIONAL USE

LESSEES/APPLICANTS:

James Alan Hetfield, Trustee of The James and Francesca Hetfield Revocable Trust, dated 5/20/98

and

Wiedemann Ranch, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boat lift and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 7, 2006.

CONSIDERATION:

Hetfield Trust: Two-thirds ownership in the joint-use pier and full ownership of a boat lift and two mooring buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Weidemann Ranch, Inc.: One-third ownership in the joint-use pier: \$225 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 authorized improvements for the placement of one low-level boat lift on the south side of the existing joint-use pier. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C67** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The Hetfield Trust owns the littoral parcel while Wiedemann Ranch, Inc. has an easement to cross the littoral parcel to use the pier.
2. On May 10, 2007, the Commission authorized a General Lease – Recreational Use with the James and Francesca Hetfield Revocable Trust and Wiedemann Ranch, Inc. That lease authorizes a joint-use pier, one boat lift and two mooring buoys.
3. The boat lift located on the north side of the pier and two mooring buoys are solely owned by Hetfield Trust and are for its use only. Based on the pier agreement between the Hetfield Trust and Wiedemann Ranch, Inc., the Hetfield Trust holds two-thirds ownership and Wiedemann Ranch, Inc., holds one-third ownership in the pier.
4. The existing joint-use pier, boat lift and two mooring buoys are located adjacent to the littoral property which is owned by the Hetfield Trust. The Hetfield Trust qualifies for a rent-free Recreational Pier Lease because it is composed of natural persons own the littoral land that is improved with a single-family dwelling pursuant to Public Resource Code section 6503.5. Therefore, rent is not charged for this two-thirds ownership in the pier, boat lift and two mooring buoys.
5. The parties are now applying to amend the lease. The proposed project involves the placement of one low level boat lift on the south side of the existing joint–use pier and will be for the sole use by Wiedemann Ranch, Inc.
6. Wiedemann Ranch, Inc., does not qualify for a rent-free Recreational Pier Lease because it does not own the littoral property and therefore, does not qualify for rent-free status. The annual rental for the lease has been prorated based on the Wiedemann Ranch, Inc's one-third ownership in the pier. The placement of the proposed boat lift will not cause an increase in land use; therefore, the annual rent will remain at \$225.
7. 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

CALENDAR ITEM NO. **C67** (CONT'D)

Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303 (e).

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

8. 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 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 REQUIRED:

U. S. Army Corps of Engineers

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
Lahontan Regional Water Quality Control Board

EXHIBIT:

- A. Site and Location Map

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(e).

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.

CALENDAR ITEM NO. **C67** (CONT'D)

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 3905.1, A GENERAL LEASE – RECREATIONAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MARCH 25, 2008, TO AMEND THE AUTHORIZED IMPROVEMENTS TO ALLOW PLACEMENT OF A LOW-LEVEL BOAT LIFT ON THE SOUTH SIDE OF THE EXISTING JOINT-USE PIER; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.