MINUTE ITEM
This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to 0 at its 05/10/07 meeting.

CALENDAR ITEM
C57

A 4

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05/10/07
PRC 3905 WP 3905.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

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, boatlift and two mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 7, 2006.

CONSIDERATION:

$225 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $1,000,000.

Other:

The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Each Applicant owns or has an easement to cross the littoral parcel adjoining the lease premises.

2. On February 27, 1998, the Commission authorized a General Lease – Recreational Use with James Hetfield and Wiedemann Ranch, Inc. That lease expired on October 6, 2006. The Hetfield ownership has since transferred to James Alan Hetfield, Trustee of The James and Francesca Hetfield Revocable Trust, dated 5/20/98. Applicants are now applying for a new General Lease – Recreational Use.

3. The existing joint-use pier, boatlift and two mooring buoys are located adjacent to the littoral property which is owned by James Hetfield (Applicant). Wiedemann Ranch, Inc. (Applicant) owns a non-littoral parcel in the immediate vicinity. The Applicants hold ownership of the joint-use pier according to their pier agreement in which James Hetfield holds a 2/3 interest and Wiedemann Ranch, Inc. holds a 1/3 interest.

4. James Hetfield, Trustee, qualifies for a rent-free Recreational Pier Lease because he is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling pursuant to Public Resource Code section 6503.5. The boatlift and two buoys are solely owned by James Hetfield and are not shared improvements, therefore, rent is not charged for the boatlift, two buoys or his 2/3 interest in the pier.

5. Wiedemann Ranch, Inc. does not qualify for a rent-free Recreational Pier Lease because the Applicant 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. 1/3 interest in the pier.

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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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 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:

Buoys: Tahoe Regional Planning Agency

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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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.

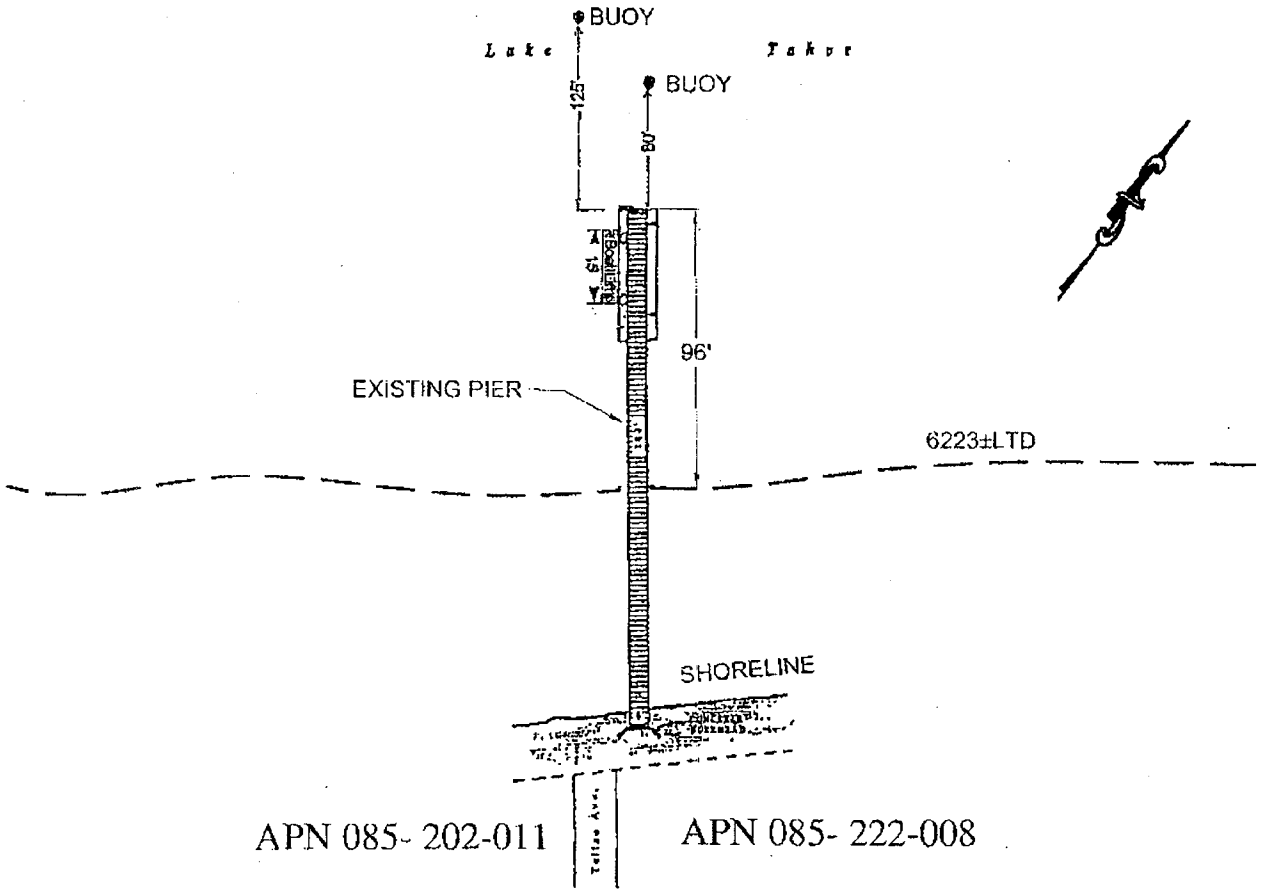
AUTHORIZATION:

AUTHORIZE ISSUANCE TO JAMES ALAN HETFIELD, TRUSTEE OF THE JAMES AND FRANCESCA HETFIELD REVOCABLE TRUST, DATED 5/20/98, AND WIEDEMANN RANCH, INC., OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING OCTOBER 7, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT USE PIER, BOATLIFT AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND

BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000.000.

NO SCALE

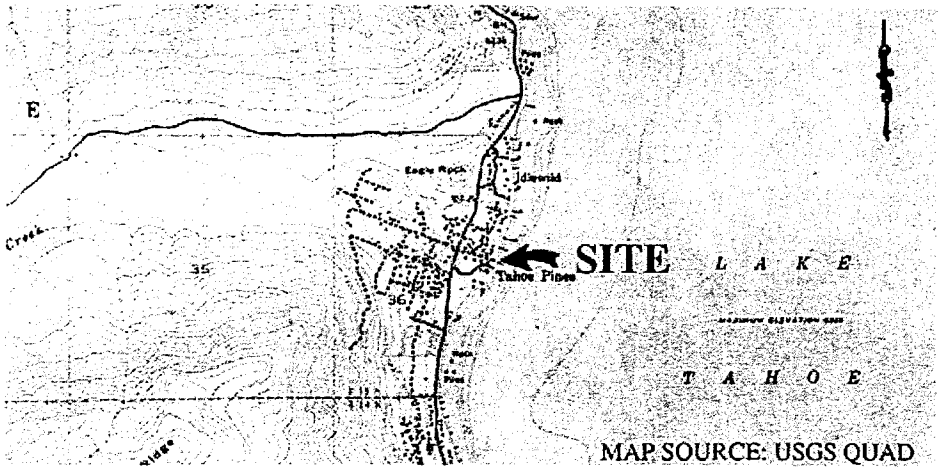
SITE



3915 BELLEVIEW AVE., NEAR HOMEWOOD

NO SCALE

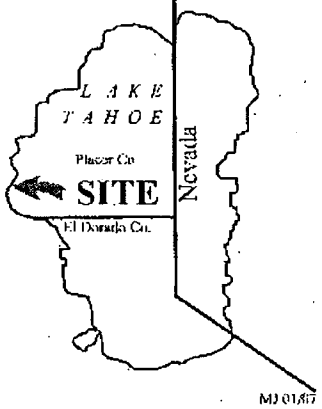
LOCATION



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 A

PRC 3905.1
HETFIELD/WIEDEMANN
APN 085-222-008&
APN 085-202-011
GENERAL LEASE
RECREATIONAL USE
PLACER COUNTY



MJ 01/07