

**CALENDAR ITEM
C41**

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08/20/10
WP 3905.9
B. Terry

**TERMINATION OF A GENERAL LEASE – RECREATIONAL USE AND ISSUANCE
OF A RECREATIONAL PIER LEASE**

LESSEES:

James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98; and Wiedemann Ranch, Inc.

APPLICANTS:

James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98; and John Stannard and Cathy Stannard

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3915 Belleview Avenue, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 15, 2010.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. The Hetfield Trust owns the littoral parcel and John and Cathy Stannard have an easement to cross the littoral parcel to use the pier and boat lift.
2. On May 10, 2007, the Commission authorized a General Lease – Recreational Use with James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98, and Wiedemann

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Ranch, Inc. for a joint-use pier, boat lift, and two mooring buoys. That lease will expire on October 6, 2016. On March 25, 2008, the Commission authorized an amendment of the lease for the placement of an additional boat lift. On April 15, 2010, Wiedemann Ranch, Inc. sold its upland parcel to John Stannard and Cathy Stannard. Applicants are now applying for a Recreational Pier Lease.

3. The existing joint-use pier, boat lifts, and two mooring buoys are located adjacent to the littoral property which is owned by the Hetfield Trust. John and Cathy Stannard own the neighboring littoral parcel. However, based on the pier agreement between the Hetfield Trust and John and Cathy Stannard, the Hetfield Trust holds two-thirds ownership in the pier and John and Cathy Stannard hold one-third ownership. The two mooring buoys and the boat lift located on the north side of the joint-use pier are for the sole use by the Hetfield Trust. The boat lift located on the south side of the pier is for the sole use by John and Cathy Stannard.
4. A permit for the two mooring buoys was issued by the Tahoe Regional Planning Agency on July 2, 2010.
5. The Applicants qualify for a rent-free Recreational Pier Lease because the Applicants are natural persons who own the littoral parcels that are improved with single-family dwellings.
6. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Issuance of New Lease:** 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 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.

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8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Existing Lease: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of New Lease: Find that the activity is exempt from the requirements of 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:

1. Authorize termination, effective April 14, 2010, of Lease No. PRC 3905.1, a General Lease – Recreational Use, issued to James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98, and Wiedemann Ranch, Inc.
2. Authorize issuance of a ten-year Recreational Pier Lease to James Alan Hetfield, Trustee of the James and Francesca Hetfield Revocable Trust, dated 5/20/98; and John Stannard and Cathy Stannard, beginning April 15, 2010, for the continued use and maintenance of an existing joint-use pier, two boat lifts, and two

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mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.