CALENDAR ITEM

C14

A 2 04/09/09
WP 5614.9
S 4 M. Clark

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Jeffrey N. Holmes and Janice M. Holmes, Trustees of The Holmes Family 2006 Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the San Joaquin River, adjacent to 651 West Brannan Island Road, near the town of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with slip, gangway, walkway, five pilings, and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning December 20, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock With Slip, Gangway, Walkway, and Five Pilings: No Monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On January 29, 1999, the Commission authorized a Recreational Pier Lease to Elizabeth A. Fahnhorst, Trustee of the Betty Fahnhorst 1993

Revocable Trust. That lease expired December 19, 2008. The upland property has since been transferred to Jeffrey N. Holmes and Janice M. Holmes, Trustees of The Holmes Family 2006 Revocable Trust. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. Applicants qualify for the rent free use of the uncovered floating boat dock with slip, gangway, walkway, and five pilings because they are natural persons who own the littoral land that is improved with a single-family dwelling.

4. The bank protection will mutually benefit both the public and the Applicants. The bank of the San Joaquin River will have the additional protection from wave action provided at no cost to the public

5. **Uncovered Floating Boat Dock With Slip, Gangway, Walkway, and Five Pilings**: 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.

6. **Bank Protection:** 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)(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.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH SLIP, GANGWAY, WALKWAY, AND FIVE PILINGS: 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).

BANK PROTECTION: 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 ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(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:

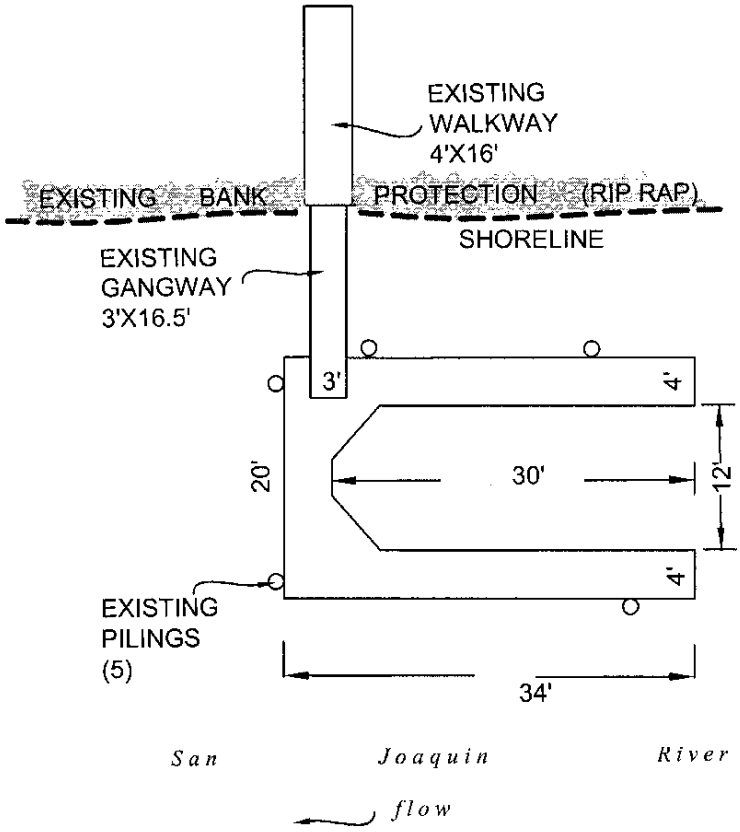
AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO JEFFREY N. HOLMES AND JANICE M. HOLMES, TRUSTEES OF THE HOLMES FAMILY 2006 REVOCABLE TRUST, BEGINNING DECEMBER 20, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH SLIP, GANGWAY, WALKWAY, AND FIVE PILINGS, AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH SLIP, GANGWAY, WALKWAY, AND FIVE PILINGS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT WITH THE STATE

RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

SITE

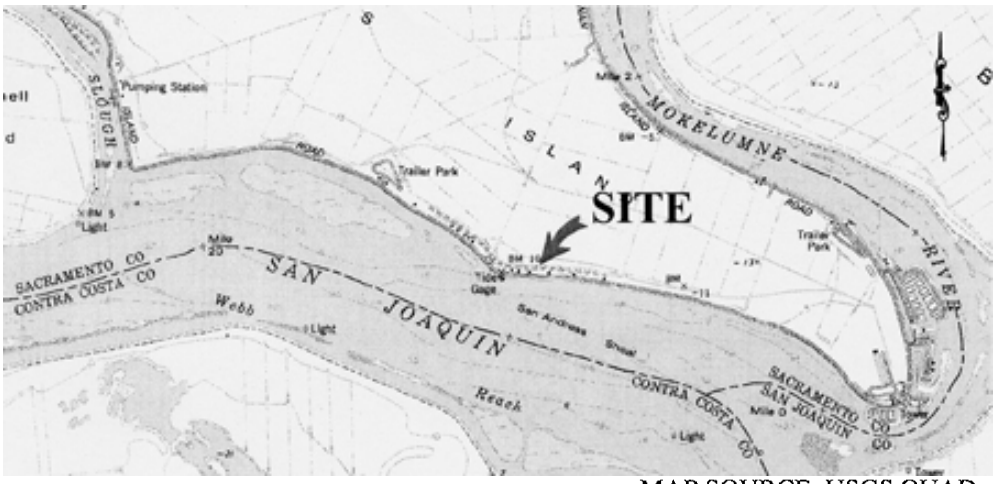
APN 156-0140-012



651 WEST BRANNAN ISLAND ROAD, ISLETON

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 A

PRC 5614.9
HOLMES TRUST
APN 156-0140-012
GENERAL LEASE - RECREATIONAL & PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY

MJJ 01/09