

**CALENDAR ITEM
C24**

A 3
S 4

08/15/14
PRC 6119.1
J. Sampson

**TERMINATION OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE**

LESSEES:

Stephen Holm and Roberta Holm

APPLICANT:

Roberta Holm

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 10205 Garden Highway, near the city of Sacramento, Sutter County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, one two-pile dolphin, one piling, one unattached piling, gangway, and bank protection.

LEASE TERM:

10 years, beginning August 15, 2014.

CONSIDERATION:

Floating boat dock, one two-pile dolphin, one piling, one unattached piling, and gangway: \$320 per year, with an annual Consumer Price Index adjustment.

Bank Protection: Public use and benefit, with the State 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 in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On March 11, 1998, the Commission authorized a Recreational Pier Lease, Lease No. PRC 6119.9, to Stephen and Roberta Holm for the use and maintenance of a floating boat dock and gangway. That lease expired March 11, 2008.
3. On December 14, 2006, the Commission authorized a General Lease – Protective Structure Use, Lease No. PRC 6115.9, to Stephen and Roberta Holm for the use and maintenance of bank protection. That lease will expire October 31, 2021.
4. On December 21, 2009, Stephen Holm deeded his interest of the upland property to Roberta Holm. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use
5. Staff recommends termination of Lease No. 6115.9 and the issuance of a General Lease – Recreational and Protective Structure Use for the continued use and maintenance of a boat dock, one-two pile dolphin, one piling, one unattached piling, gangway, and bank protection. This will consolidate all the improvements at this location under one lease and one lessee.
6. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
7. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

8. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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

Issuance of a New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective August 15, 2014, of Lease No. 6115.9, a General Lease – Protective Structure Use, issued to Stephen and Roberta Holm.

CALENDAR ITEM NO. **C24** (CONT'D)

2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Roberta Holm beginning August 15, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, one two-pile dolphin, one piling, one unattached piling, gangway, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the floating boat dock, one two-pile dolphin, one piling, one unattached piling, and gangway: annual rent in the amount of \$320, with an annual Consumer Price Index adjustment; consideration for bank protection: the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6119.1

LAND DESCRIPTION

Two (2) parcels of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Lot 4, fractional Section 36, Township 11 North, Range 3 East, MDM, County of Sutter, State of California, and more particularly described as follows:

PARCEL 1 – BOAT DOCK

All those lands underlying an existing floating boat dock and gangway lying adjacent to that parcel as described in that Individual Grant Deed recorded August 13, 1976 in Book 874 Page 68 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

PARCEL 2 – UNATTACHED PILING

All those lands underlying an unattached piling lying adjacent to said parcel.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

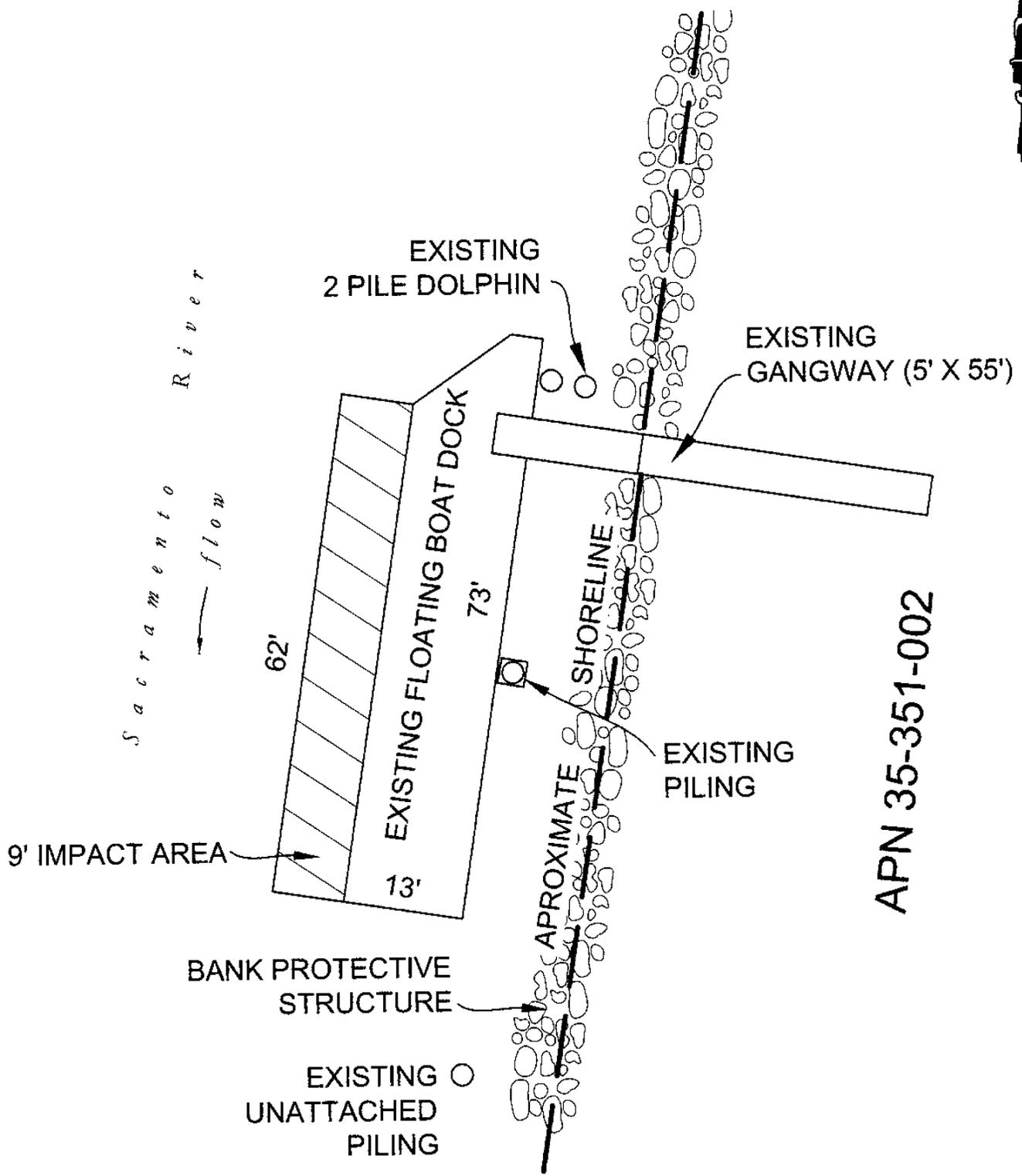
EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared June 3, 2014 by the California State Lands Commission Boundary Unit.





APN 35-351-002

EXHIBIT A

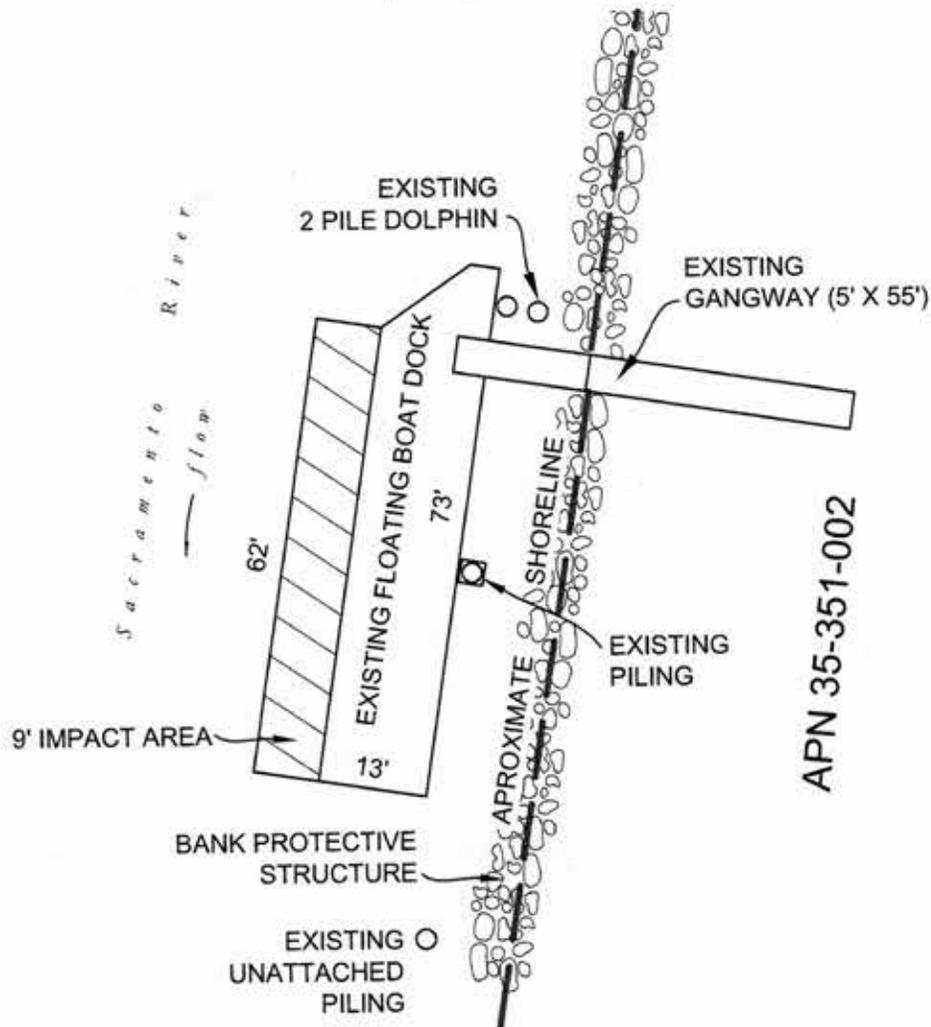
LAND DESCRIPTION PLAT
 PRC 6119.1, HOLM
 SUTTER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



APN 35-351-002

10205 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



Exhibit B

PRC 6119.1
 HOLM
 APN 35-351-002
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SUTTER COUNTY



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.