

**CALENDAR ITEM  
C12**

A 17, 26

08/11/09

WP 5654.9

S 5

M. Clark

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

John Nomellini and Katherine Nomellini, as Trustees of the John Nomellini and Katherine Nomellini Revocable Trust dated March 13, 1989

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the San Joaquin River, adjacent to 2 Atherton Island, near the city of Stockton, San Joaquin County

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, ramp, two pilings, and bulkhead as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning April 26, 2009.

**CONSIDERATION:**

**Uncovered Floating Boat Dock, Ramp, and Two Pilings:** No monetary consideration pursuant to Public Resources Code section 6503.5.

**Bulkhead:** 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 PROVISION:**

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 April 13, 1999, the Commission authorized a General Lease – Recreational and Protective Structure Use to John Nomellini and Katherine Nomellini, as Trustees of the John Nomellini and Katherine Nomellini Revocable Trust dated March 13, 1989. That lease expired

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April 25, 2009. 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, ramp, and two pilings because they are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bulkhead 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. 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. 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:**

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).

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**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 JOHN NOMELLINI AND KATHERINE NOMELLINI, AS TRUSTEES OF THE JOHN NOMELLINI AND KATHERINE NOMELLINI REVOCABLE TRUST DATED MARCH 13, 1989, BEGINNING APRIL 26, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, RAMP, TWO PILINGS, AND BULKHEAD AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, RAMP AND TWO PILINGS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BULKHEAD: 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.