

**CALENDAR ITEM
C03**

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S 4

04/23/15
PRC 6824.1
M.J. Columbus

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

APPLICANT:

Erwin Zacharias and Veronika Zacharias, as Trustees of The Erwin and Veronika Zacharias Family Trust, under Agreement dated May 12, 2011

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 7909 Garden Highway, near Verona, Sutter County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, and bank protection previously authorized by the Commission, and one existing piling, a two-pile dolphin, debris deflector, and utility conduits not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 1, 2015.

CONSIDERATION:

Uncovered Single-Berth Floating Boat Dock, Gangway, One Piling, Two-Pile Dolphin, Debris Deflector, and Utility Conduits: \$293 per year, with an annual Consumer Price Index adjustment.

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 interests.

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 December 9, 2004, the Commission authorized a 10-year General Lease – Protective Structure and Recreational Use with Alfred Zacharias, Hildagard Zacharias, Erwin Zacharias, and Veronika Zacharias for a floating boat dock, walkway, and bank protection. That lease expired on March 31, 2015. On January 30, 2012, the upland parcel was deeded to Erwin Zacharias and Veronika Zacharias, as Trustees of the Erwin and Veronika Zacharias Family Trust, under agreement dated May 12, 2011. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. The piling, two-pile dolphin, debris deflector, and utility conduits have been part of the dock for many years but were not previously authorized by the Commission. Staff recommends bringing these facilities under lease.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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).

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

6. 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

CALENDAR ITEM NO. **C03** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Erwin Zacharias and Veronika Zacharias, as Trustees of The Erwin and Veronika Zacharias Family Trust, under Agreement dated May 12, 2011, beginning April 1, 2015, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, and bank protection previously authorized by the Commission, and one existing piling, a two-pile dolphin, debris deflector, and utility conduits not previously authorized by the Commission, 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 existing uncovered single-berth floating boat dock, gangway, piling, two-pile dolphin, debris deflector, and utility conduits: \$293 per year, with an annual Consumer Price Index adjustment; consideration for the 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6824.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Lot 4, Section 36, Township 11 North, Range 3 East, MDM as shown on the Official Township Plat, approved August 5th 1870, County of Sutter, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, gangway, 2-pile dolphin, 1 piling, debris deflector and appurtenant facilities lying adjacent to the left bank of said river and being adjacent to that parcel as described in Trust Transfer Quitclaim Deed, recorded January 30th, 2012 in Document Number 2012-0001324 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH those lands underlying any existing bank protective structure.

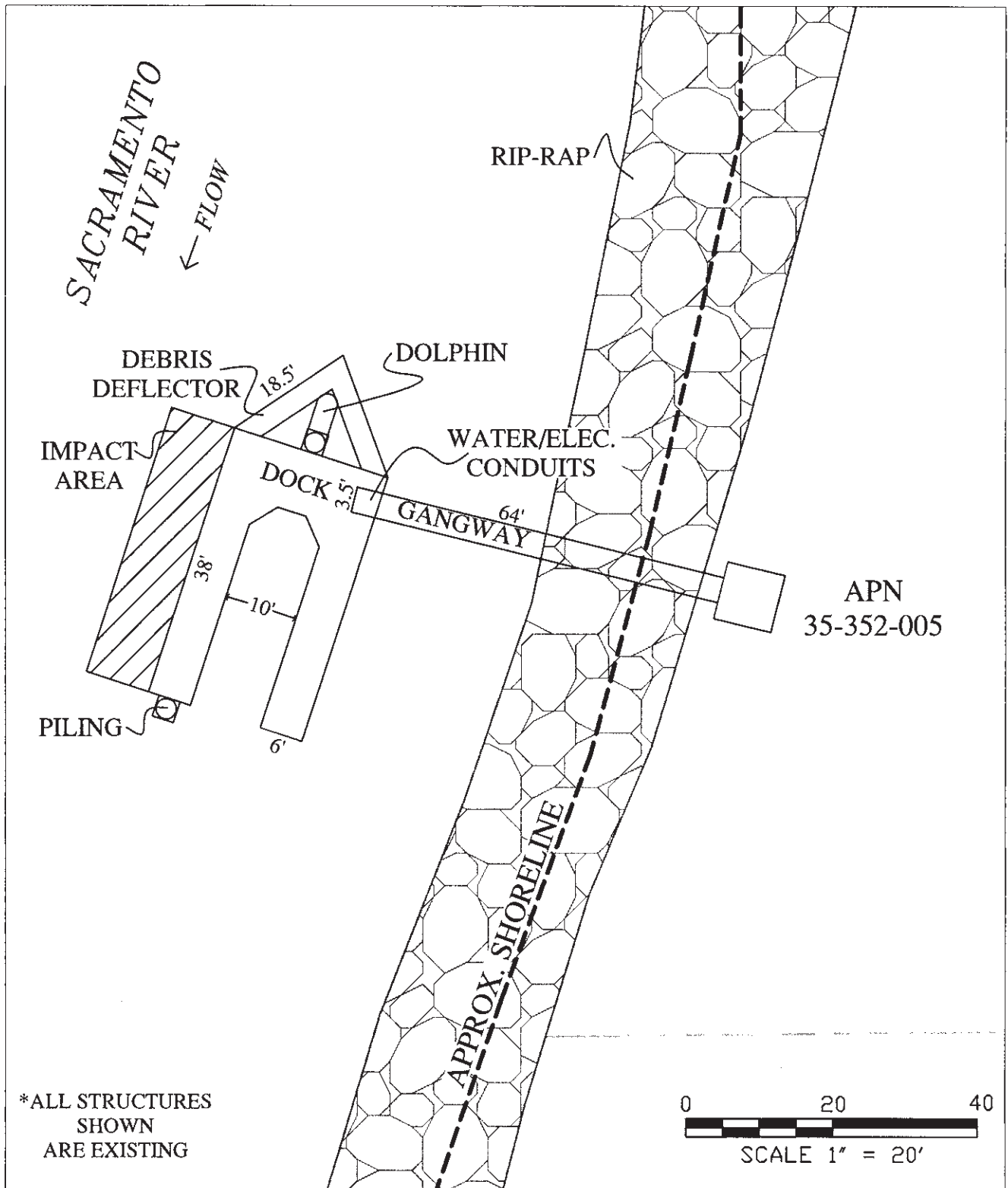
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 3/20/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





*ALL STRUCTURES SHOWN ARE EXISTING

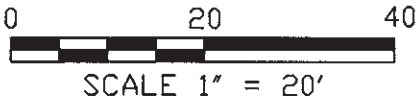


EXHIBIT A

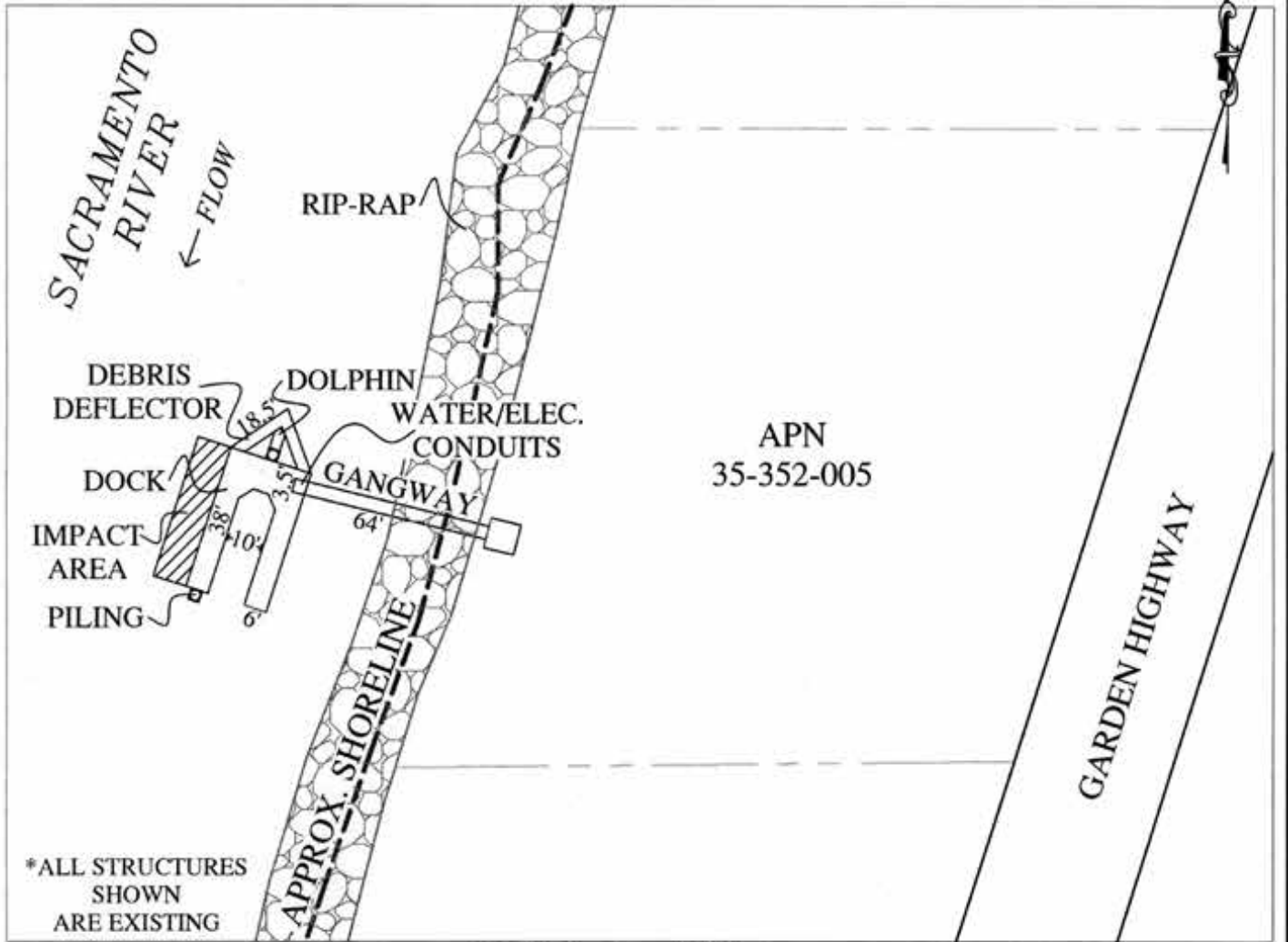
LAND DESCRIPTION PLAT
 PRC 6824.1, ZACHARIAS FAMILY TRUST
 SUTTER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



*ALL STRUCTURES SHOWN ARE EXISTING

7909 Garden Highway

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6824.1
 ZACHARIAS
 APN 35-352-005
 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.