

MINUTE ITEM:

This Calendar Item No. 64
was approved as Minute Item CALENDAR ITEM
No. 4 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/81
meeting.

C 0 4

12/17/81
W 21215
PRC 5634
Lane

RESCISSION OF PRIOR AUTHORIZATION
AND APPROVAL OF GENERAL LEASE -
COMMERCIAL USE

APPLICANT: Auburn Investors
P. O. Box 312
Loomis, California 95650

AREA, TYPE LAND AND LOCATION:
A 0.21-acre of submerged land in the Sacramento
River at Verona, Sutter County.

LAND USE: Operation and maintenance of a Commercial
Marina.

TERMS OF PROPOSED LEASE:

Initial period: 20 years from January 1,
1979.

Surety bond: \$1000.

Public liability insurance: Combined single
limit coverage of \$200,000.

CONSIDERATION: \$112.50 as rental for the period July 1,
1978 through December 31, 1978.
Thereafter \$225 per annum, with the State
reserving the right to fix a different
rental on each fifth anniversary of the
lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884: N/A.

A 3

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OTHER PERTINENT INFORMATION:

1. By Minute Item 20, on February 22, 1979, Lease PRC 5634.1, a 20 year General Lease - Commercial Use from January 1, 1979 was authorized to Auburn Investors, for the development of a commercial marina at Verona, Sutter County. The lease was not executed in that the applicant was unable to fulfill certain requirements under the terms of the lease.

Subsequent to the above authorization Staff discovered that Auburn Investors had several liens filed against them; two notices of default and an Abstract of Judgment and staff was unable to collect compensation.

The original use area was 1.32 acres but part of the proposed improvements were not constructed; therefor, the applicant requests that the use area be modified to reflect the 0.21-acre tide and submerged land actually in use.

Auburn Investors has overcome most of their financial problems. State Lands Commission Staff negotiated a rental compensation settlement of \$112,500 to cover the period from July 1, 1978 through December 31, 1978. The consideration under the terms of the original lease was based on gross income, but due to the modified use area staff opinion is that the minimum rate would be reasonable compensation for future occupancy. To date no rental payments have been received.

2. A final EIR was prepared by Sutter County, pursuant to CEQA and the State EIR Guidelines.
3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C

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6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS OBTAINED:

United States Army Corps of Engineers
State Reclamation Board
Sutter County Planning Department
State Department of Fish and Game.

ADDITIONAL APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY SUTTER COUNTY ON NOVEMBER 2, 1976.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PERMANENT PROTECTION OF THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
5. AUTHORIZE THE STATE LANDS COMMISSION STAFF TO ACCEPT MONIES IN THE AMOUNT OF \$112.50 AS RENTAL FOR THE PERIOD OF JULY 1, 1978 THROUGH DECEMBER 31, 1978.
6. RESCIND ITS PRIOR AUTHORIZATION AS SET FORTH IN MINUTE ITEM 20, FEBRUARY 22, 1979.

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7. AUTHOREZE ISSUANCE TO AUBURN INVESTORS OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1979, IN CONSIDERATION ANNUAL RENT IN THE AMOUNT OF \$225 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT COVERAGE OF \$200,000; FOR OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 21216

A parcel of land in the bed of the Sacramento River, adjacent to fractional Section 23, T11N, R3E, MDM, Sutter County, California, described as follows:

COMMENCING at the common corner to Sections 14, 15, 22 and 23, T11N, R3E, MDM; thence S 03° 05' W, 2670 feet, more or less, along the westerly line of said Section 23 to the left bank of the Sacramento River and the POINT OF BEGINNING; thence the following six courses:

1. S 03° 05" W 75.00 feet,
2. S 54° E 160.00 feet,
3. N 36° E 40.00 feet,
4. N 59° W 85.00 feet,
5. N 22° W 100.00 feet,
6. N 89° 52' 53" W 38.60 feet to the point of beginning.

EXCEPTING THEREFROM any portion landward of the ordinary high water mark of the Sacramento River.

BASIS OF BEARING for this description is the westerly line of Section 23, T11N, R3E, MDM, as shown on Exhibit 3, titled "Verona Marina and Recreational Park" on file with State Lands Commission.

END OF DESCRIPTION

PREPARED MARCH 25, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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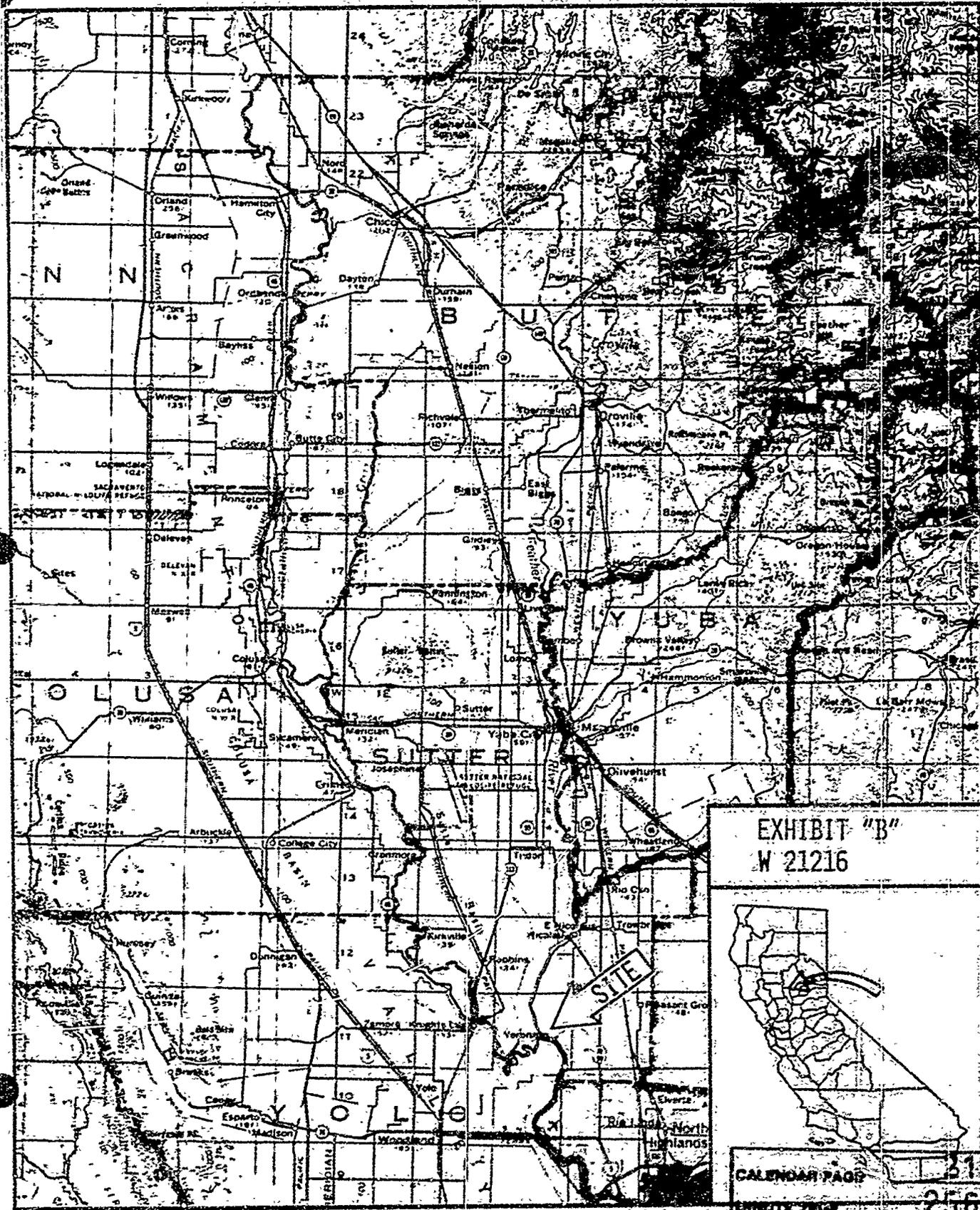


EXHIBIT "B"
W 21216



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ENVIRONMENTAL IMPACT REPORT SUMMARY

I. INTRODUCTION

The following is a summary of an EIR for a proposed marina and recreation park on the north bank of the Sacramento River at Verona, Sutter County. The EIR was compiled by GW Consulting Engineers and Frank Reische, Planning Consultant on behalf of the applicant, Auburn Investors.

II. PROJECT DESCRIPTION

The proposed project includes boating facilities, a restaurant, and accommodations for overnight recreation vehicles and camping.

The boating facilities will include a dual-lane launching ramp, floating docks for 75-90 boats, a gas dock, and day-use docking facilities for 6-10 boats. These facilities will extend approximately 125 feet into the river. Parking spaces for car/boat trailer combinations and dry storage spaces for boat trailers have also been provided for. A retaining wall will be constructed along the riverbank. Upon approval from the U. S. Army Corps of Engineers, the area behind the wall will be filled with dredged material from the river. A coffee shop, cocktail lounge, manager's quarters and restroom facilities are proposed to be constructed on pilings adjacent to the boatramp and dock area. Other structures to be built on pilings at the site include a maintenance building and a well structure.

Overnight recreation vehicle campsites, walk-in tent sites, and a day-use group picnic area are also included in the proposed plans.

III. ENVIRONMENTAL SETTING

Climate in the project area is generally mild. Air pollution standards generally meet or exceed State air quality standards. Topography is relatively flat. The soil in this area is generally prized as an agricultural resource, however, since the project site is within the levee system and dominated by an extensive growth of native water-loving trees such as willows and cottonwoods, the area has little or no agricultural value. The project site is within the Sacramento River Flood Plain and subject to periodic flooding. Under design flood conditions the site could be inundated to an average depth of 10 feet. Erosion is not active.

The Sacramento River is of relatively high quality and supports a variety of fish populations. Since the subject area is a popular fishing spot, it has been approved by the County of Sutter for development of recreational uses similar to the one being proposed. Plants and animals likely to be found near the project site are typical of riparian habitats in the Sacramento Valley. No rare or endangered species are known to inhabit the area. There are no known significant archaeological sites or historical features in the immediate project area.

IV. SIGNIFICANT ENVIRONMENTAL IMPACTS

Since the proposed project is for the construction of facilities in an undeveloped area, significant impacts are likely to occur with respect to visual, vegetal, hydrologic, biologic, and socio-economic environments.

V. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

1. Loss of wildlife habitat characteristic of the area.
2. Increased surface water pollution, air pollution, noise duration, and traffic hazards resulting from increased traffic.
3. Impervious surfaces where none had previously existed, and resultant hydrologic changes.

VI. MITIGATION MEASURES

1. Structures will be constructed on pilings to avoid flood damage.
2. Sewage will be pumped to a holding facility outside the flood plain and trucked from the site to an appropriate disposal facility.
3. The proposal is designed to protect the site from erosion, and to blend structures with natural surroundings.
4. Speed zone and warning devices on the Garden Highway to reduce traffic hazards in the area.

VII. ALTERNATIVES

1. No project.
2. Design changes in proposed project.

VIII. SHORT-TERM V. LONG-TERM

The primary use of the site as an overflow area for the Sacramento River will not be decreased by the proposed project, but the secondary use as a wildlife habitat will be altered and remain so over a long period. However, the proposed development of the site will provide beneficial recreational uses to man in attempt to meet the increasing demand for outdoor recreation facilities, particularly with respect to water-oriented activities.

IX. GROWTH-INDUCING IMPACT

Although the proposed project will not have a significant effect on growth in adjacent areas, it is likely that the resulting additional traffic in the area will increase commercial activities in surrounding communities.