

STAFF REPORT

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04/29/20

Lease 7683.9

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S. Avila

**GENERAL LEASE – PUBLIC AGENCY USE
AND ENDORSEMENT OF A SUBLEASE**

APPLICANT/SUBLESSOR:

County of Humboldt

SUBLESSEE:

Riverside Community Services District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Salt River, adjacent to Assessor's Parcel Numbers 100-111-008 and 100-241-005, near Ferndale, Humboldt County.

AUTHORIZED USE:

LEASE: Operation and maintenance of an existing bridge, known as the Valley Flower Bridge, previously authorized by the Commission, and use and maintenance of an existing water pipeline not previously authorized by the Commission.

SUBLEASE: Use of the Bridge for an existing water pipeline.

TERM:

LEASE: 25 years, beginning April 29, 2020.

SUBLEASE: 25 years, beginning April 29, 2020.

CONSIDERATION:

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:

Lessee shall not place, attach, or authorize placement or attachment of any utilities or other improvements on the Bridge or within the Lease Premises without the Commission's prior review and approval. Separate

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leases or subleases are required and shall be obtained for all utilities not operated by Lessee.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On April 28, 1993, the Commission authorized the issuance of a 20-year General Permit – Public Agency Use to the County of Humboldt – Department of Public Works (County), for the replacement, operation, and maintenance of the existing County highway bridge crossing the Salt River between Dillon Road and Port Kenyon Road ([Item C17, April 28, 1993](#)). The term of the lease began on July 1, 1993, and expired on June 30, 2013. After numerous communications by staff to the County, the County is now applying for a new 25-year lease.

Originally constructed in 1919, the Valley Flower Bridge was a one-lane, 230-foot-long by 15.5-foot-wide concrete girder span bridge. In 1981, the California Department of Transportation (Caltrans) conducted an inspection of the bridge and determined that it was structurally deficient and functionally obsolete. As a result, in 1994 the bridge was removed and replaced with the existing two-lane, concrete I-girders bridge with a concrete deck. The existing bridge is a fixed, two-span structure measuring approximately 241-feet-long and 28-feet-wide and was built in approximately the same location as the original bridge.

In August 2005, the Riverside Community Services District applied for and received an encroachment permit from the County of Humboldt to attach a 4-inch-diameter galvanized water pipeline on the east side of the Valley Flower Bridge at Dillon Road. The project was completed in December 2006. The water pipeline services two property owners on Dillon Road and all property owners west of Dillon Road, south of the Eel River, and east of the Salt River. The County does not receive revenues from the water pipeline and has no plans for future installations. The most recent inspection of the bridge was conducted by Caltrans in 2018. Based on that inspection report, the bridge appears to be in good condition.

Promotion of the public's right to access and use California's navigable waters is a mandate of the California Constitution (article X, section 4), a condition of statehood in the Act of Admission of the State of California into the Union (Vol. 9, Statutes at Large, page 452; and a responsibility of

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all involved public agencies pursuant to the common law Public Trust Doctrine. Furthermore, bridges and roads, as well as attached utilities and appurtenances, are critical infrastructure that are necessary to facilitate the movement of goods, people, and services throughout the State. The movement of goods is a critical part of local, state, and national commerce; and the creation and maintenance of the instrumentalities of commerce is essential to a thriving economy. The existing bridge does not substantially interfere with commercial navigation, water-dependent recreation, or other Public Trust uses along the Salt River.

The proposed lease does not alienate the State's fee simple interest, or permanently impair public rights. The lease requires the County to conduct all repair and maintenance work safely and indemnify the Commission in the event of any liability resulting from the lessee's activities within the lease premises. The lease does not grant the lessee exclusive rights to the lease premises and is also limited to a term of 25 years, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time. Staff believes this use of State land, by a public agency, for a public benefit, is in the best interests of the State.

Climate Change:

The project area is not tidally influenced and therefore would not be subject to sea-level rise. However, as stated in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

Due to these potential changes, the bridge and water pipeline could need reinforcement in the future to withstand higher levels of flood exposure and more frequent storm events. In addition, the structure is not adaptable to variable water levels and may require more frequent maintenance to ensure continued function during and after storm seasons or to avoid dislodgement of any appurtenant facilities.

Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the

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proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

Conclusion:

For the reasons stated above, staff believes the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the lease and endorsement of a sublease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. 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.

4. The endorsement of a sublease is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

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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).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning April 29, 2020, for a term of 25 years, for operation and maintenance of a bridge previously authorized by the Commission and use and maintenance of an existing water pipeline not previously authorized by the Commission, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent, as specified in the lease, if the Commission finds such action to be in the State's best interests.
2. Authorize, by endorsement, a sublease between the Applicant and Riverside Community Services District, of Lease 7683.9, which shall be subject to the terms of the lease, for a term of 25 years, beginning April 29, 2020.

EXHIBIT A

LEASE 7683.9

LAND DESCRIPTION

An 80 feet wide strip of tide and submerged land situated in the bed of the Salt River, County of Humboldt, State of California, lying adjacent to Section 34, Fractional Township 3 North, Range 2 West, Humboldt Meridian as shown on Official U.S. Government plat approved October 22, 1890, and lying 40 feet on each side of the following described centerline:

BEGINNING at the intersection of the centerlines of Dillon Road and Port Kenyon Road, also being station "PK 5+09.14 POC" which bears North 6° 30' 59" West 1043.18 feet from the southeast corner of Section 34 of said Fractional Township 3 North, Range 2 West, Humboldt Meridian as shown on that certain Right-of-Way Map titled "Salt River Bridge on Dillon Rd." (sheet 4 of 12) and on file with the County of Humboldt Public Works Department; thence along the centerline of Dillon Road North 19° 56' 07" East 363.60 feet to terminus of said centerline.

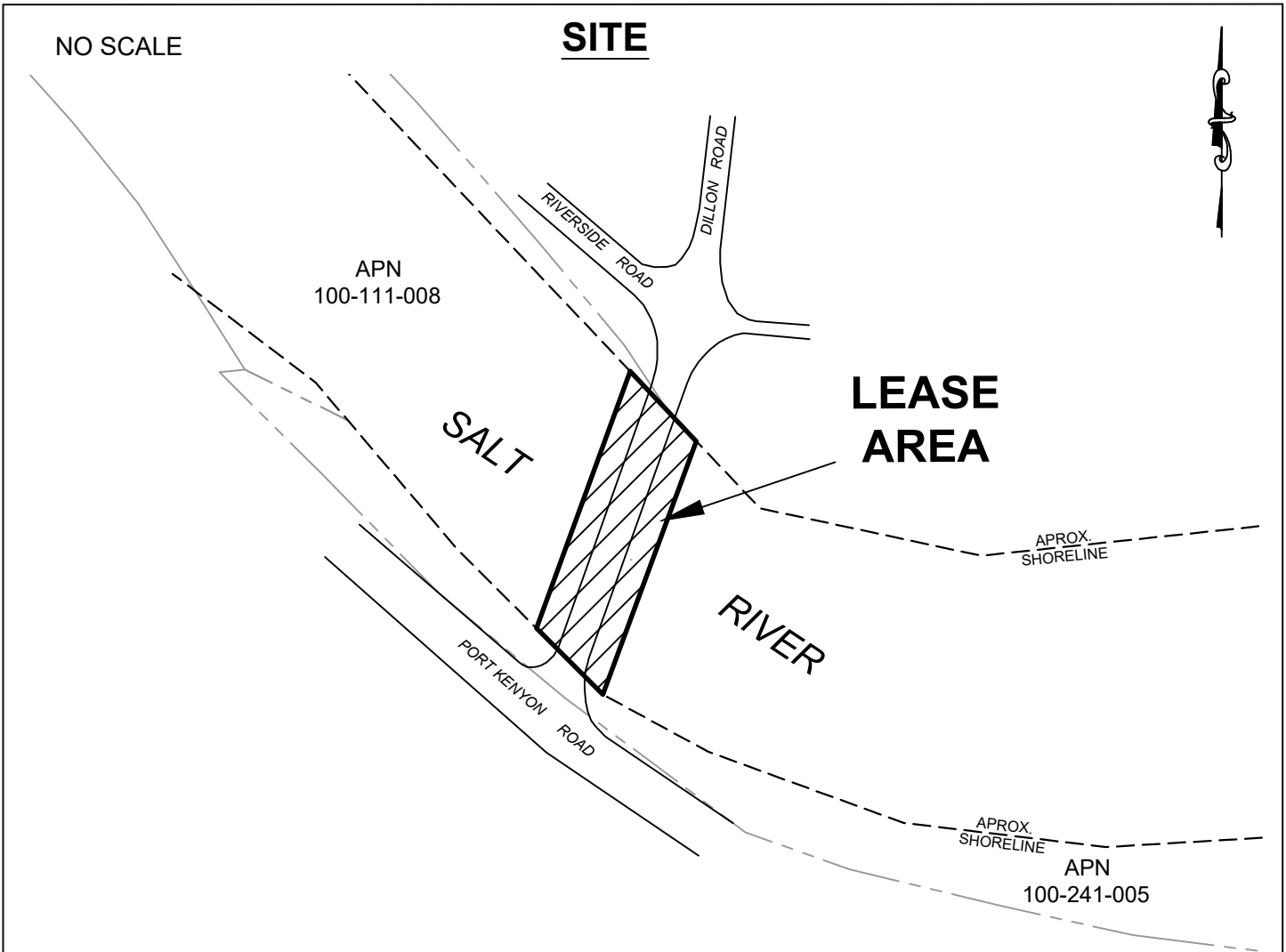
The sidelines of said strip to be lengthened or shortened so as to begin and terminate at the ordinary high water marks of the Salt River.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of said Salt River.

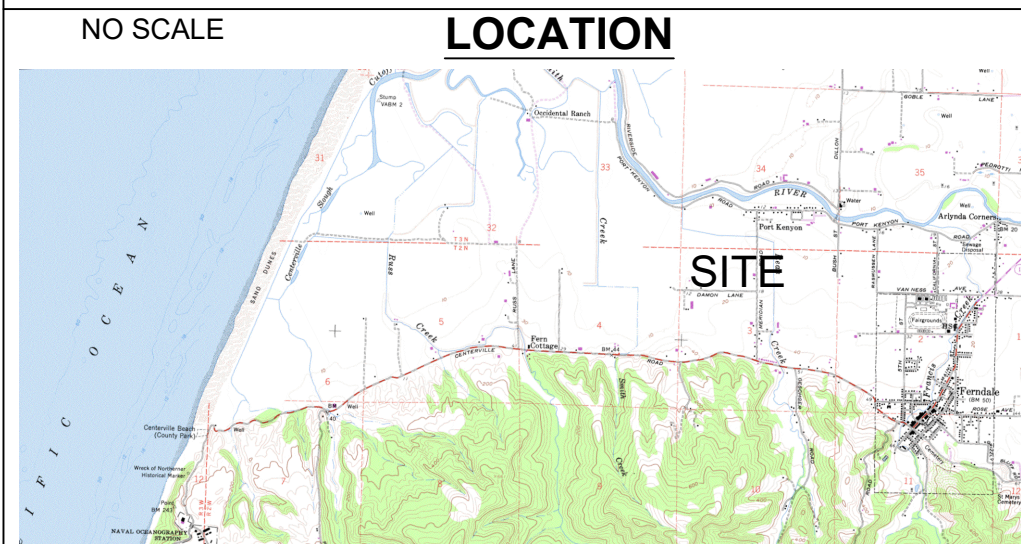
END OF DESCRIPTION

Prepared 02/20/2020 by the California State Lands Commission Boundary Unit





VALLEY FLOWER BRIDGE CROSSING SALT RIVER



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 B

LEASE 7683.9
COUNTY OF HUMBOLDT
APNs: 100-111-008 &
100-241-005
GENERAL LEASE-
PUBLIC AGENCY USE
HUMBOLDT COUNTY



TS 02/20/2020