

**STAFF REPORT  
06**

A 1  
S 1

06/23/20  
Lease 3349.9  
A. Franzoia

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

County of Shasta

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Anderson Creek, adjacent to Shasta County Assessor's Parcel Numbers 089-110-005-000 and 057-360-008-000, near Cottonwood, Shasta County.

*AUTHORIZED USE:*

Use and maintenance of an existing two-lane bridge, known as the Adobe Road Bridge.

*LEASE TERM:*

25 years, beginning June 23, 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 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 August 26, 1965, the Commission authorized the issuance of a 49-year permit to the California Department of Fish and Wildlife (CDFW;

STAFF REPORT NO. 06 (CONT'D)

formerly known as the Department of Fish and Game) to construct a bridge, launch ramp, and floating dock on two parcels of submerged land in Anderson Creek (Creek), Shasta County, as part of a project to be built on Reading Island, which is owned and operated by the U.S. Government ([Minute Item 4, August 26, 1965](#)).

Pursuant to a Cooperative Agreement with CDFW, the Applicant designed and bid the bridge project, awarded a construction contract, inspected, and paid for the bridge. Once construction was complete, the Applicant received reimbursement of a small amount of the costs from the CDFW.

The Applicant has maintained the bridge for many years. The permit previously issued to CDFW expired in 2014, and the Applicant has submitted an application for a new lease to use and maintain the bridge.

The launch ramp and floating dock were constructed and are owned by the CDFW. The U.S. Bureau of Land Management plans to submit a separate application, subject to funding, to repair the launch ramp and floating dock.

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 (volume 9, Statutes at Large, page 452, September 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. Bridges are often the most logical location for the public to access a waterway because kayakers, rafters, and others may legally utilize the public access easements around bridges to enter and exit navigable waterways.

Furthermore, bridges and roads 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 provides public access to Reading Island to access Anderson Creek and the Sacramento River and does not substantially interfere with navigation, water-dependent recreation, or other Public Trust uses along Anderson Creek. The lease will allow the Applicant to use and maintain the bridge.

The proposed lease requires the Applicant to conduct all maintenance work safely and indemnify the Commission in the event of any liability

## STAFF REPORT NO. 06 (CONT'D)

resulting from Applicant's activities within the lease premises. The lease does not grant the Applicant exclusive rights to the lease premises and is limited to a 25-year term, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

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

### **Conclusion:**

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application 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

STAFF REPORT NO. 06 (CONT'D)

law. If the Commission denies the application, the Applicant or prior lessee may be required to remove the bridge and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.

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, and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
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.

**EXHIBITS:**

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

**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 issuance of the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with 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.

STAFF REPORT NO. 06 (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 23, 2020, for a term of 25 years, for the use and maintenance of an existing two-lane bridge, known as the Adobe Road Bridge, as described in Exhibit A and shown on Exhibit B (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.

**EXHIBIT A**

**LEASE 3349.9**

**LAND DESCRIPTION**

A strip of submerged land 34 feet wide in the bed of the Anderson Creek lying adjacent, on the right bank, to those lands designated as Rancho San Buenaventura and patented January 17, 1857, County of Shasta, State of California, and lying seventeen (17) feet on each side of the following described:

COMMENCING at the southwest corner of that parcel of land described in that certain grant deed recorded August 10, 2005, as Document Number 2005-0046693, Official Records of Shasta County; thence South 85° 32' 43" East 497.65 feet along southerly line of said parcel as shown on that record of survey entitled "Record of Survey for Donald E Kane" filed in the office of the County Recorder of said County on December 3, 1975 in Book 40 of Land Surveys, page 43 to the southeast corner of said parcel; thence leaving said parcel South 12° 48' 53" West 499.65 feet to the POINT OF BEGINNING, being a point on the original centerline of the Anderson Creek Bridge at Engineer Station 10 + 37.00 (equal to the west bridge notch) as shown on as-built plans entitled "General Plan, Anderson Creek Bridge", sheet 12 of 17 on file at the Department of Public Works of said County; thence continuing South 70° 40' 26" East along said original centerline 155.33 feet to Engineer Station 11 + 92.33 at the east end of the bridge, and the Point of Termination.

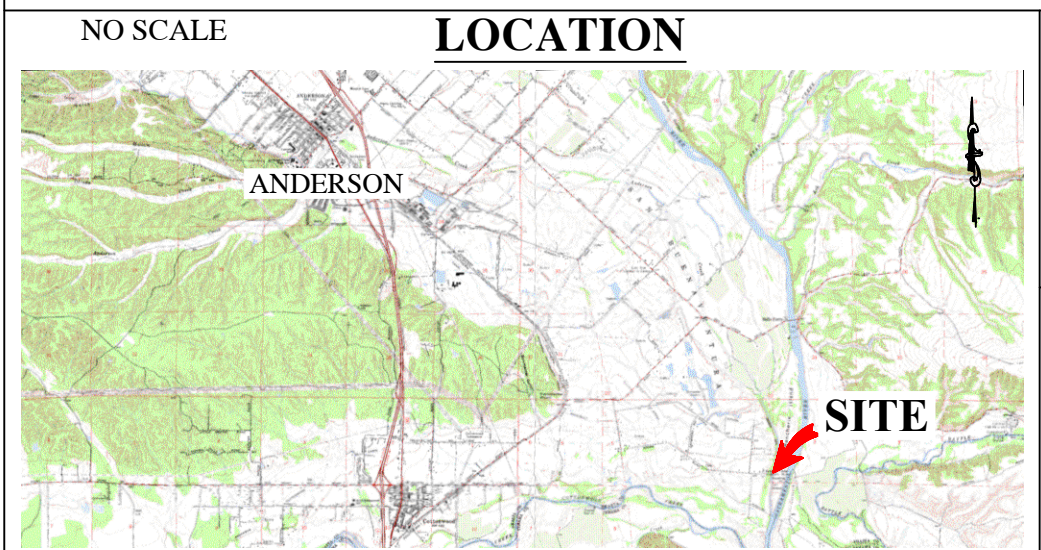
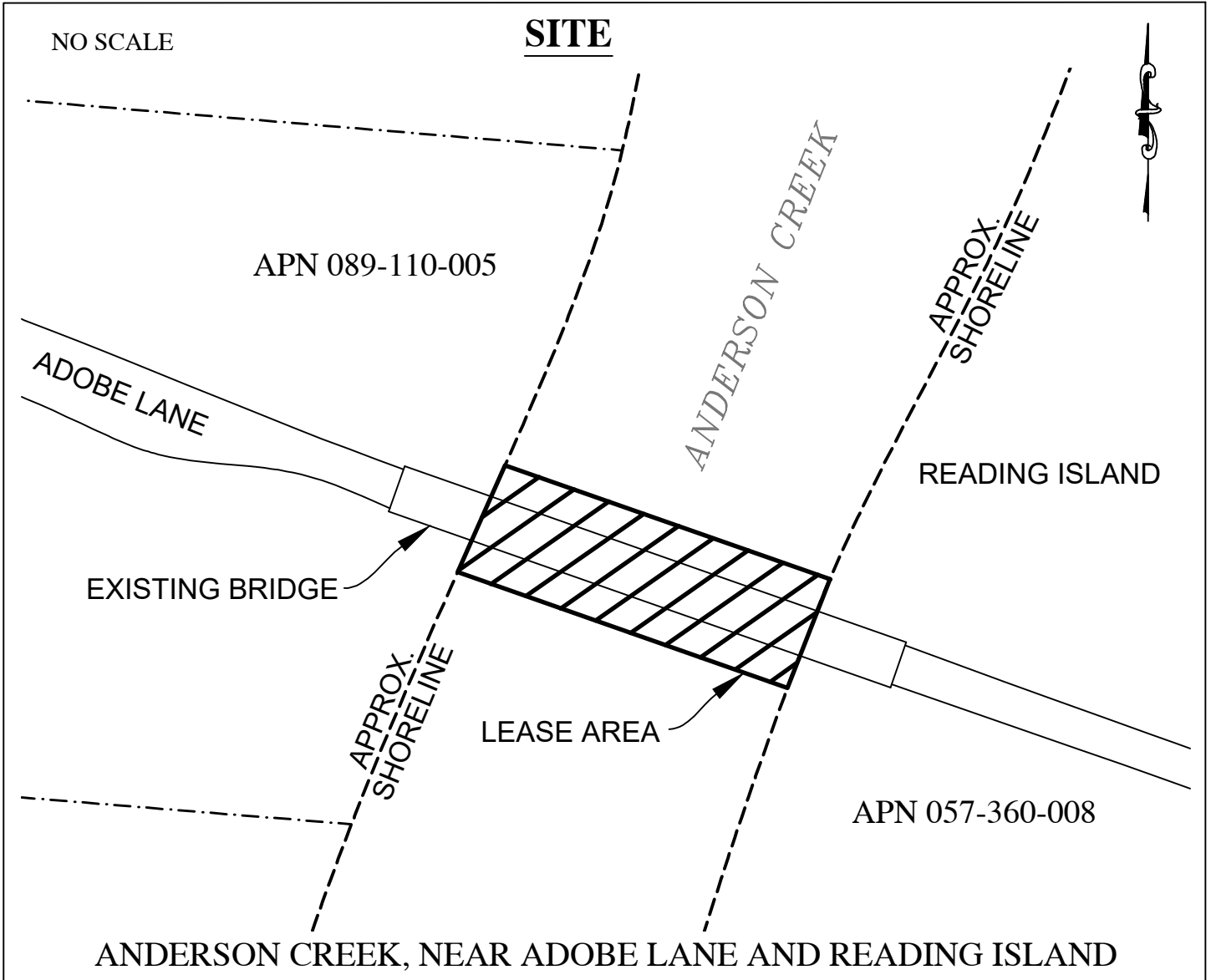
The sidelines of said strip are to lengthened or shortened so as to begin and terminate at the low water marks of the right and left banks of Anderson Creek.

BASIS OF BEARINGS is that certain Record of Survey entitled "Record of Survey for Donald E. Kane" recorded in the office of the Recorder of Shasta County in Book 40 of Land Surveys, Page 43.

**END OF DESCRIPTION**

The above description prepared 4/02/2020 by the California State Lands Commission Boundary Unit.





**Exhibit B**  
 LEASE 3349.9  
 SHASTA COUNTY  
 APN 089-110-005 &  
 057-360-008  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SHASTA 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.