

Staff Report 06

APPLICANT:

City of Redding

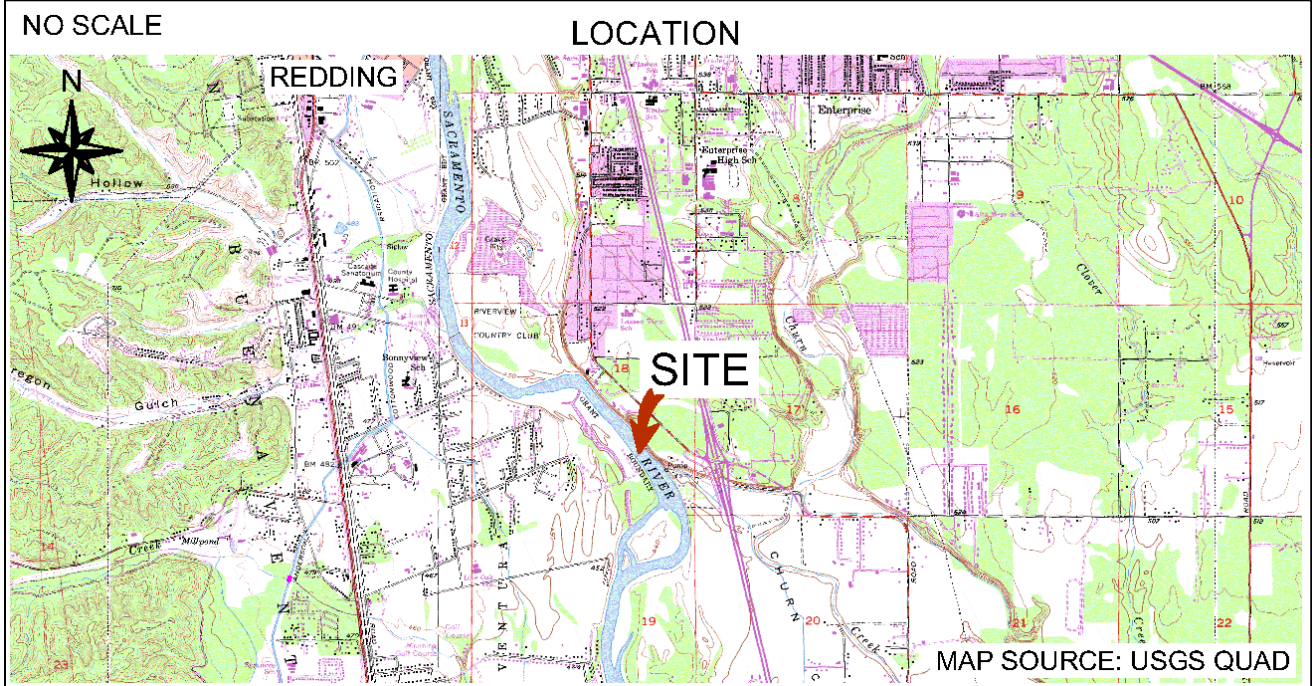
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Numbers 070-320-006 and 048-400-004 in Shasta County (as shown in Figure 1).

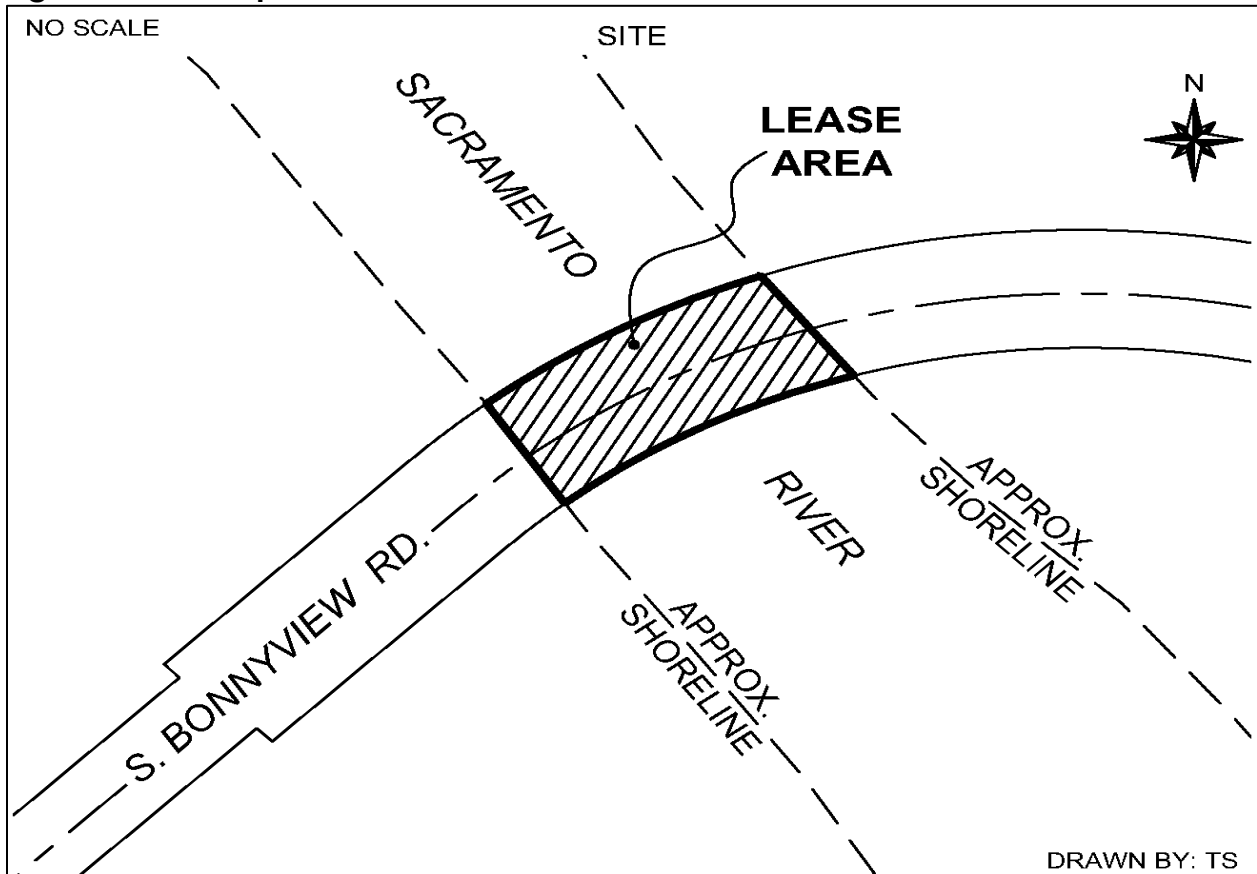
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of two existing vehicle bridges with bicycle and pedestrian lanes previously authorized by the Commission and the use and maintenance of one existing sewer pipe, one water pipe, and two conduits with electric transmission lines, attached to the bridges, not previously authorized by the Commission (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

20 years, beginning June 7, 2024.

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 interest.

SPECIFIC LEASE PROVISIONS:

- Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the construction, maintenance, or operation of Lessee’s facilities on State land, including any attached, suspended, or otherwise fixed to the improvements. Further, Lessee shall indemnify the State for the period of occupation prior to June 7, 2024.
- Lessee shall not install, attach, or authorize the placement or attachment of any additional utilities or other improvements on the bridges or within the Lease Premises without Lessor’s prior review and approval.
- Lessee, or its qualified contractor, shall conduct an external inspection and condition assessment of the existing bridges at least once every 2 years from the lease issuance date. In addition, Lessee, or its qualified contractor, shall conduct an external inspection and condition assessment of the bridges when warranted by extraordinary circumstances that may undermine the bridges’ stability or integrity, such as an accident, a major flood, or a significant seismic event.
- No later than December 31, 2024, and every two years thereafter, Lessee shall promptly provide Lessor, at no cost to Lessor, electronic copies of all bridge inspection reports prepared by Caltrans.
- No later than December 31, 2024, and at least once every 10 years thereafter, Lessee shall conduct a condition/integrity assessment, certified by a California registered Civil/Structural Engineer, of the existing raw sewage pipeline, municipal water pipeline, two electric conduits, and all hangers and supporting brackets for the pipelines and conduits within the Lease Premises to confirm their fitness for purpose and continued use.

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:

On December 15, 1976, the Commission authorized a 49-year Public Agency Permit to the County of Shasta for construction and maintenance of a bridge over the Sacramento River ([Item 09, December 15, 1976](#)). On February 12, 1997, the

Commission authorized termination of a Public Agency Permit to the County of Shasta and issuance of a 25-year General Lease – Right-of-Way Use to the City of Redding (City) for the continued use and maintenance of an existing bridge and the construction, use, and maintenance of a new bridge within the same right-of-way ([Item 32, February 12, 1997](#)). That lease expired on January 31, 2022. The original bridge was supplemented to accommodate a higher volume of traffic. Since the expansion, the original bridge facilitates westbound traffic, and the newer bridge facilitates eastbound traffic. Each bridge contains two vehicle lanes and bicycle and pedestrian lanes. The bridges run parallel to each other and are located approximately 4-feet apart. Collectively, the bridges are known as the South Bonnyview Bridge. At some point, the City attached one sewer pipe, one water pipe, and two conduits with electric transmission lines to the subject bridges. The Applicant is applying for a General Lease – Public Agency Use, for the use and maintenance of two existing vehicle bridges with bicycle and pedestrian lanes previously authorized by the Commission and the use and maintenance of one existing 22-inch-diameter sewer pipe, one 20-inch-diameter water pipe, and two 6-inch-diameter conduits with electric transmission lines attached to the bridges and not previously authorized by the Commission.

Based on the lease application provided by the Applicant, the improvements have existed at this location for many years. The bridges offer a significant public benefit by providing essential infrastructure for regional and statewide transportation, operating as an east-west connector across the Sacramento River. The bridges are strategically located between Interstate 5 and Highway 273, near Redding. The bridges are used for vehicle transportation conducting commerce or personal travel through the city and across the waterway. Further, the bridges provide non-vehicle passage over the river through bicycle and pedestrian lanes. The public can access the river near the bridges through walking trails, parks, and other amenities. There is a nearby park, boat launch, canoe launch, and parking area (not within the lease premises).

The bridges are inspected by Caltrans approximately every two years and more often if necessary. The most recent inspection showed the bridges to be in working condition with normal wear-and-tear. The proposed lease includes provisions on upkeep and maintenance which mitigate the State's liability. The bridges have attached utility pipes and conduits owned and operated by the City. The utilities provide critical infrastructure for conveyance of wastewater, irrigation water, and electric services which support City operations on both sides of the River.

The proposed lease includes certain provisions protecting the public use of the proposed lease area. Furthermore, the proposed lease will not substantially interfere with Public Trust uses in this area. The bridges do not limit access to the nearby boat launch and canoe launch (under Lease 7550). The public will enjoy continued use of the river for recreational Public Trust activities.

The Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the use, maintenance, and operation of Lessee's improvement, including those attached, suspended, or otherwise fixed to the Lessee improvement.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

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, drought, 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 two bridge sections with one affixed sewer pipeline, one water pipeline, and two electric transmission line conduits, and associated support piers, could need reinforcement in the future to withstand higher levels of flood exposure, more frequent or intensified scouring, and more frequent storm events. In addition, the bridge sections are not adaptable to variable water levels and may require more frequent maintenance to ensure continued function during and after storm seasons.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the 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 all the reasons above, staff believes the issuance of the proposed lease will not substantially interfere with the Public Trust rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the proposed lease; and 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 law. The Applicant has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021 – 2025 Strategic Plan.
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.

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

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning June 7, 2024, for a term of 20 years, for the use and maintenance of two existing vehicle bridges with bicycle and pedestrian lanes previously authorized by the Commission and the use and maintenance of one existing sewer pipe, one water pipe, and two conduits with electric transmission lines attached to the bridges and not previously authorized by the Commission; 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.