

Staff Report 07

APPLICANT:

Humboldt Redwood Company, LLC

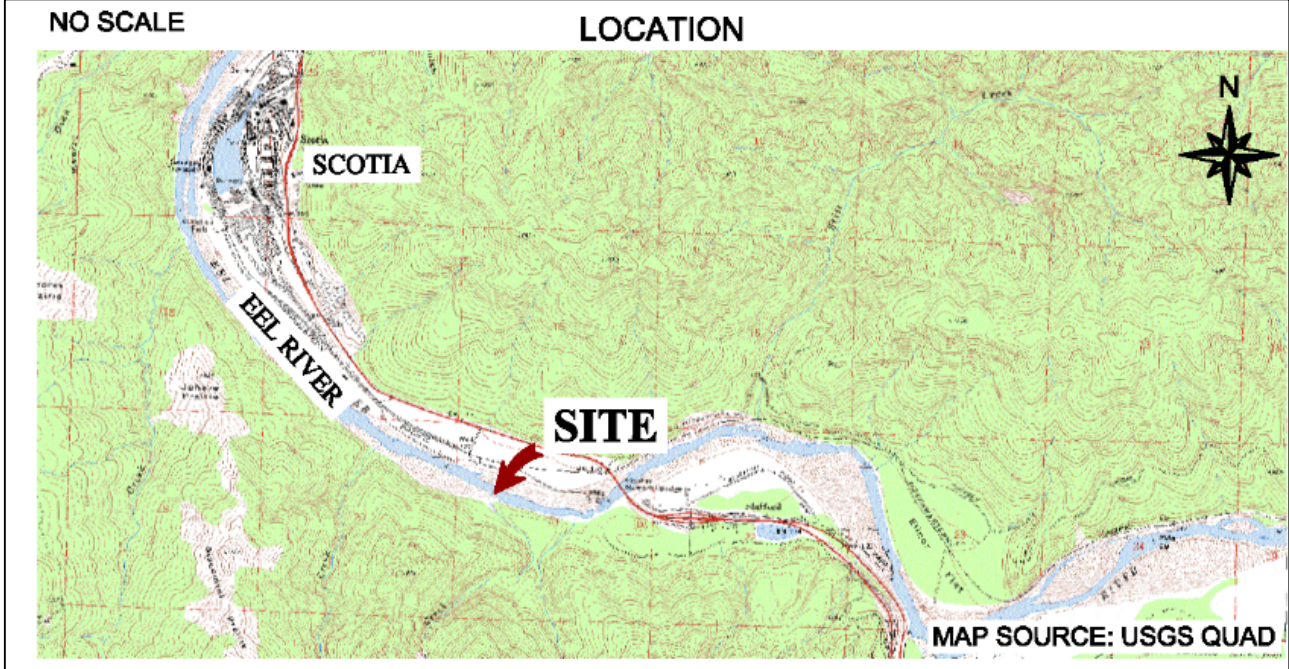
PROPOSED ACTION:

Issuance of a General Lease – Right-of-Way.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 205-061-004 and 205-341-019, near Scotia, Humboldt County (as shown in Figure 1).

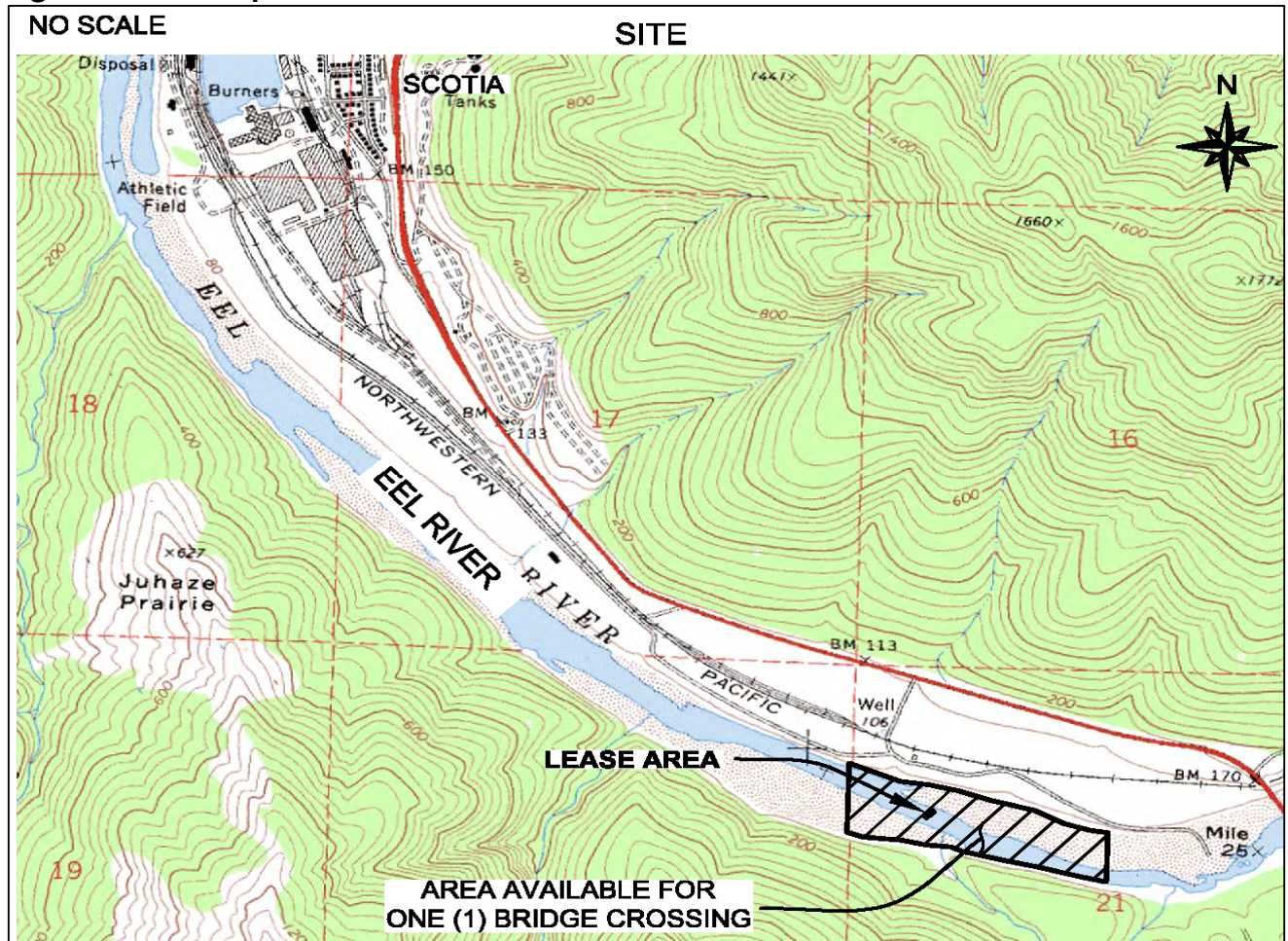
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of a seasonal bridge (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:

10 years, beginning August 15, 2024.

CONSIDERATION:

\$799 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$3,000,000 per occurrence.
- On an annual basis, the crossing may not be placed on the Lease Premises sooner than June 30 and shall be removed no later than October 15.
- At any time during the term of this Lease, Lessor shall not be liable for any damages to any fixtures or personal property, including any equipment, tools, or machinery on the Lease Premises.
- No refueling, repairs or maintenance of vehicles or equipment will take place on the Lease Premises.
- Lessee agrees the indemnity provisions of Section 3, Paragraph 11 of the lease shall also be extended to the period of Lessee's unauthorized occupation of State-owned lands from for the period prior to August 15, 2024

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 2, 2013, the Commission authorized issuance of a General Lease – Right-Of-Way Use to Humboldt Redwood Company, LLC for annual placement and use of a seasonal bridge crossing over the Eel River constructed from a railroad flatcar ([Item 08, December 02, 2013](#)). The lease expired December 1, 2023. The bridge is temporary and is placed annually as early as June 30 and removed no later than October 15. Installation of the bridge is based on regulatory agency requirements mandated by a letter of permission authorized by Humboldt County.

The Applicant is now applying for a General Lease – Right-Of-Way Use to allow for the annual installation and use of a temporary bridge during specified periods. The bridge provides a convenient and practical means of transporting gravel removed from gravel bars that accumulate as a byproduct of mining activities in Humboldt County. The area surrounding the mining operations lacks development, which limits the number of permanent river crossings available to the industry. The topography is rugged making alternative routes impractical for the volume of

gravel produced. Without the bridge, heavy trucks would need to be rerouted through Stafford or Scotia, which would increase fuel consumption, increase the burden on civilian infrastructure, and increase pollution exposure for civilians in Scotia and Stafford.

When placed, the bridge is tall enough to allow small personal craft under at varying water levels. Therefore, passage of canoes, kayaks, and other water-related activities in the Eel River will remain unimpacted and available year-round. Warning signs will be posted when the bridge is in place advising of the impediment or risk to navigation or recreational activities.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the proposed 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 insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

CONCLUSION:

For all the reasons above, staff believes the issuance of this 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 term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of an 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. If the Commission denies the application, the Applicant may be required to remove the improvements and restore the premises to their original condition. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

3. A Mitigated Negative Declaration (MND), State Clearinghouse No. 96042012, was prepared for this Project by Humboldt County (County) and adopted on May 23, 1996. The County adopted an Addendum to the MND on September 6, 2012, to address the renewal of the Eel River Gravel Bars Reclamation Plan. Commission staff reviewed the MND, Addendum, and Mitigation Monitoring Program (MMP) pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency. The Commission considered the MND and Addendum at its December 2, 2013 meeting ([Item 08, December 02, 2013](#)). As part of the Commission's approval of the lease, the Commission adopted an independent MMP made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15096), as contained on file in the Sacramento office of the California State Lands Commission and incorporated by reference hereto. The Commission's previously adopted MMP remains in full force and effect.

No substantial changes to the project, to the circumstances in which the project occurs, or other new information requires a subsequent or supplemental CEQA document. The Applicant will be required by the terms of the proposed lease to continue to implement the Commission's previously imposed MMP.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the MND and Addendum in 2013, staff concluded that such activity would not affect those significant lands and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an MND, State Clearinghouse No. 96042012, was prepared for this project by Humboldt County and adopted on May 23, 1996. Then, an Addendum to the MND was approved on September 6, 2012, by the County. Find that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166

or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Find that the Commission's previously adopted Mitigation Monitoring Program remains in full force and effect.

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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the 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:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 15, 2024, for a term of 10 years, for the use of a seasonal bridge; annual rent in the amount of \$799 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$3,000,000 per occurrence.