

Staff Report 45

APPLICANT:

City of Firebaugh

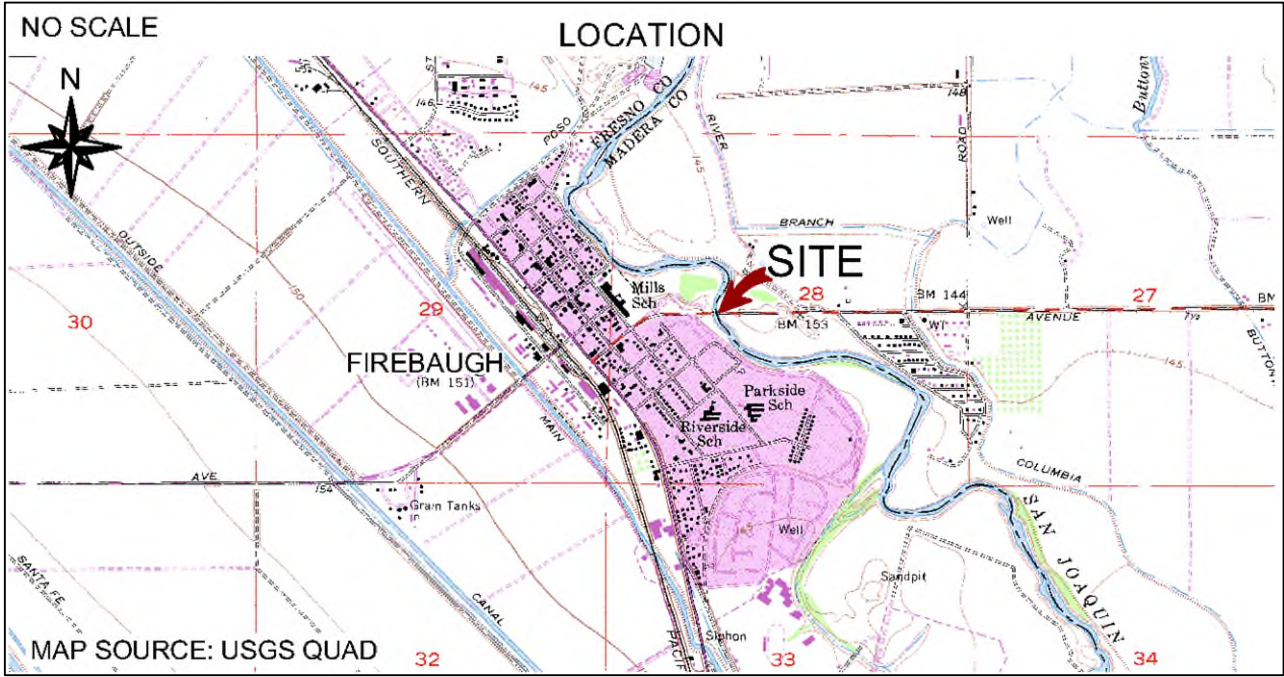
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Joaquin River, adjacent to Fresno County APN: 008-020-07T and Madera County APN: 008-020-08T, Firebaugh, Fresno County (as shown in Figure 1).

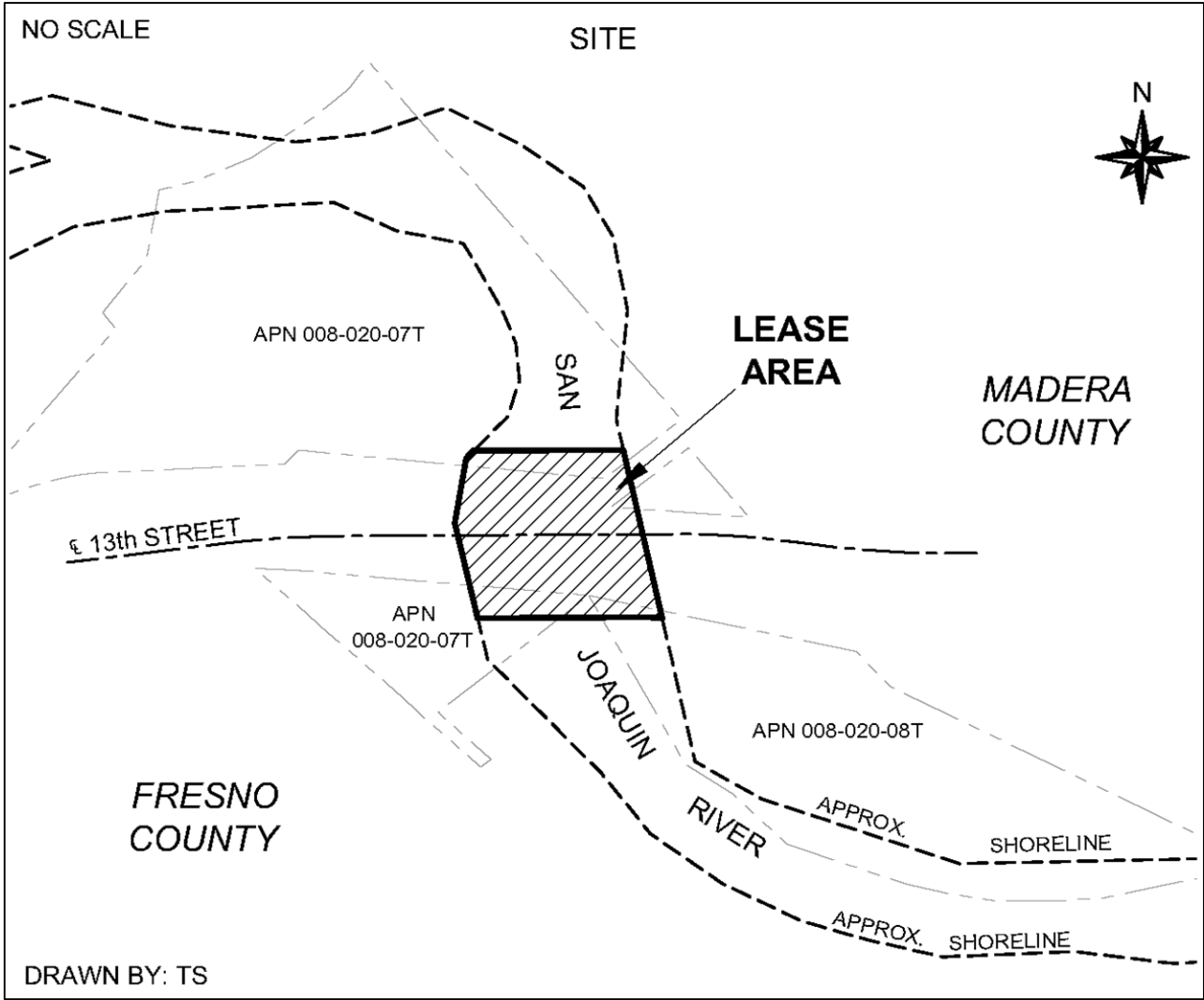
Figure 1. Location



AUTHORIZED USE:

Use of an existing roadway bridge and rock slope protection (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:

25 years, beginning September 1, 2024.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- No refueling or maintenance of vehicles, equipment, or watercraft shall take place within the Lease Premises.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On September 3, 1999, the Commission authorized issuance of a General Lease – Public Agency Use to the City of Firebaugh for construction and use of a roadway bridge, installation of rock slope protection, and demolition of an existing bridge in the San Joaquin River adjacent to Fresno County APN: 008-020-07T and Madera County APN: 008-020-08T, Firebaugh, Fresno County ([Item 36, September 3, 1999](#)). This lease expired on August 31, 2024.

Subsequent to issuance of this lease, the City of Firebaugh successfully constructed the authorized bridge, installed rock slope protection to attenuate erosion of the riverbank below the bridge, and demolished the bridge that had been in use up to that time.

Now, the Applicant is applying for a General Lease – Public Agency Use for use of the existing bridge and rock slope protection. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant, effective September 1, 2024.

The subject bridge is 572 feet long and 40 feet wide, accommodates two lanes of vehicle traffic, and includes a five-foot wide sidewalk for pedestrian traffic. The bridge crosses the San Joaquin River and connects 13th Street in the City of Firebaugh with Avenue 7 ½ in Madera County. The bridge facilitates vehicle and pedestrian traffic across the San Joaquin River, and without it those wishing to cross the river would have to travel many miles to reach the closest alternative crossing. Because the bridge promotes the movement of goods, people, and services in the area it provides a significant regional benefit. Additionally, the river below the bridge remains available for public use, and the bridge does not substantially interfere with Public Trust resources, needs, values, or uses in this location.

The existing rock slope protection is appurtenant to the bridge and helps protect the riverbank below the bridge from erosion. The rock slope protection supports the bridge infrastructure, and does not significantly impact Public Trust resources, needs, or values in this location. Therefore, the rock slope protection provides a public benefit through its support of the bridge.

The proposed Lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 25-year term, does not grant the lessee exclusive rights to the lease premises, and will have no significant impact on Public Trust-consistent uses or resources in the area. Upon termination of the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to carry liability insurance and to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

CLIMATE CHANGE:

The lease 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 the climate change influences noted above, the bridge could need reinforcement in the future to withstand higher levels of flood exposure and more frequent storm and associated scour events. In addition, the bank at the base of the bridge pier is protected with riprap but remains at risk of accelerated deterioration from currents and floods. If future erosion requires modifications to the bank, Commission staff suggest the lessee consider nature-based solutions such as native vegetation to stabilize the sediment. Any future construction or activities on State land would require a separate authorization from the Commission.

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 approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the 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. If the Commission denies the application, the Applicant must remove the improvements and restore the property to its 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. 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 15061 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 interfere with Public Trust needs and values at this location, at this time, and for the 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 September 1, 2024, for a term of 25 years, for the use of an existing roadway bridge and rock slope protection; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.