

Staff Report 07

APPLICANT:

City of Redding

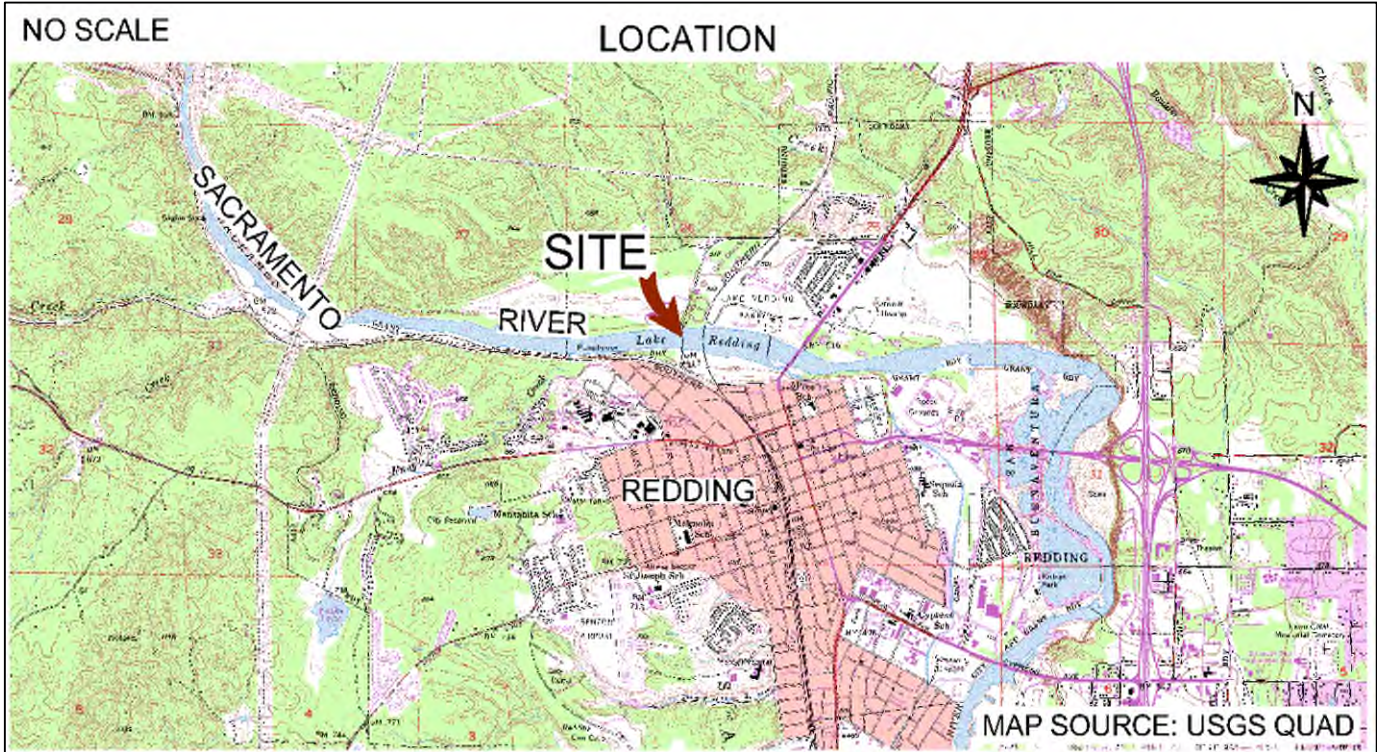
PROPOSED ACTION:

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 101-490-011, 112-140-007, and 112-390-007, Redding, Shasta County (as shown in Figure 1).

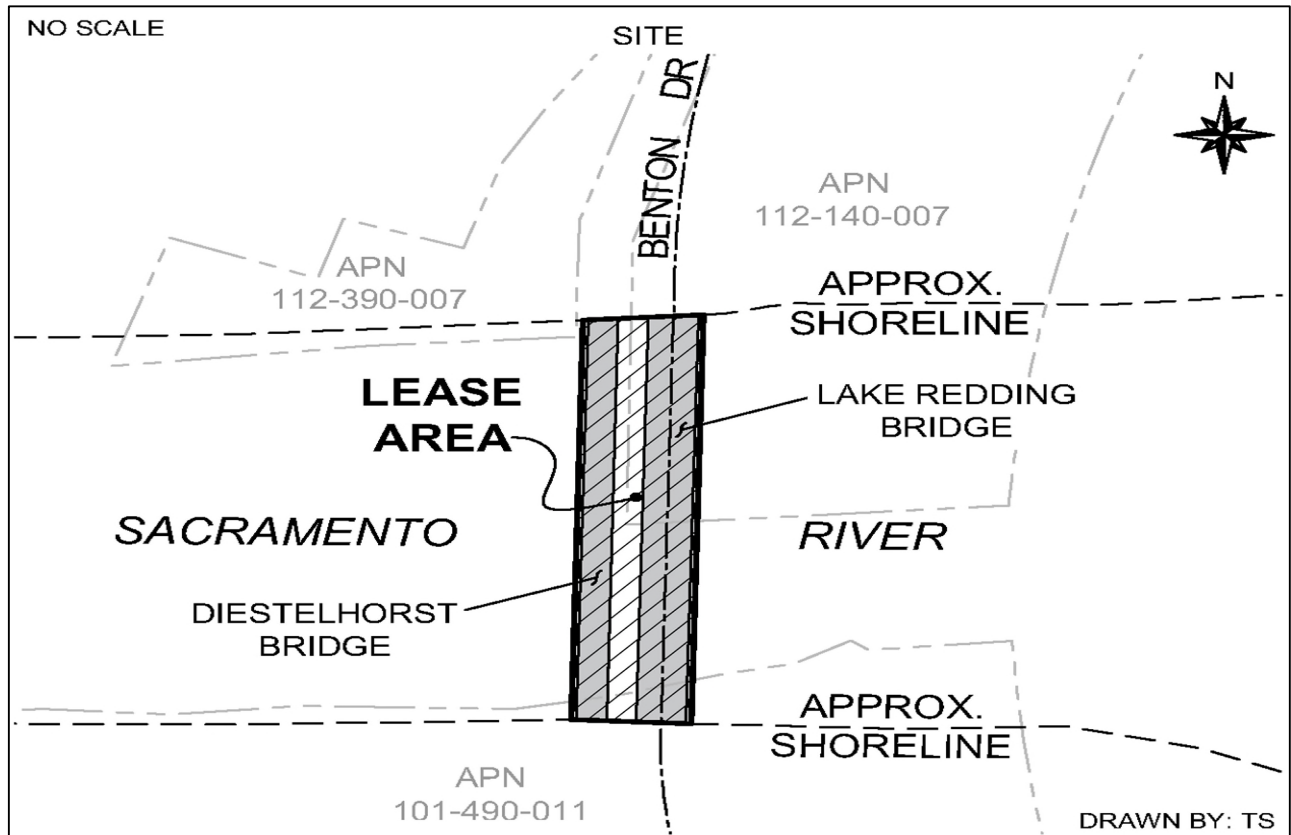
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of one existing vehicle bridge (Lake Redding Bridge) and one existing bicycle/pedestrian bridge (original Diestelhorst Bridge) previously authorized by the Commission and three attached electrical conduits, one attached 6-inch-diameter ductile iron water pipeline, a 3/4-inch-diameter water service pipeline inside a 1.5-inch-diameter PVC pipeline, light poles and associated electric lines 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 March 1, 2025.

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 not install, attach, or authorize the placement or attachment of any additional utilities or other improvements on the existing bridges, or within the Lease Premises, without the Lessor's prior review and approval. Separate leases may be required for any utilities or other improvements placed on the bridges or within the Lease Premises.
- The provisions of Section 3, Paragraph 11 shall also extend to the period of Lessee's unauthorized occupation of state-owned lands, from March 1, 2022 through February 28, 2025.
- No later than December 31, 2025, Lessee shall promptly provide Lessor, at no cost to Lessor, electronic copies of the inspection reports of the vehicular Lake Redding Bridge prepared by Caltrans in 2024 and 2025, and every two years thereafter.
- No later than June 30, 2025, and at least once every ten (10) years thereafter, Lessee shall conduct a condition/integrity assessment, certified by a California registered Civil/Structural Engineer, of the following utilities within the Lease Premises to confirm their fitness for purpose and continued use:
 - Three electrical conduits in the vehicular Lake Redding Bridge.
 - 6-inch-diameter ductile iron water pipeline, a ¾-inch-diameter water service pipeline inside a 1.5-inch-diameter PVC pipeline, light poles and associated electric lines in the non-vehicular Diestelhorst Bridge.

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 February 27, 1996, the Commission authorized a 25-year General Lease – Right-of-Way Use to the City of Redding (City), for replacement of the original Diestelhorst Bridge crossing the Sacramento River ([Item 09, December 15, 1976](#)). The historic bridge did not accommodate increases in vehicle traffic and population growth in the City. Therefore, a replacement bridge (known as the Lake Redding Bridge) was

constructed for broader vehicle and non-vehicle use, for passage over the Sacramento River. After construction of the new bridge, the original bridge transitioned to bicycle and pedestrian use only. The subject bridges run parallel to each other. At some point, the City attached utilities to each bridge. The City's lease expired on February 28, 2022, based on an amendment of the lease expiration date, pursuant to the Commission's Covid-19 related lease deferral program authorized on April 29, 2020. After the expiration of Lease 7875, the City continued maintaining both bridges with the support of the California Department of Transportation (Caltrans) for the Lake Redding Bridge.

The Applicant is applying for a General Lease – Public Agency Use, for use and maintenance of one existing vehicle bridge (Lake Redding Bridge) and one existing bicycle/pedestrian bridge (Diestelhorst Bridge) previously authorized by the Commission and three attached electrical conduits, one 6-inch-diameter ductile iron water pipeline, a ¾-inch-diameter water service pipeline inside a 1.5-inch-diameter PVC pipeline, light poles and associated electric lines not previously authorized by the Commission. The bridges cross the Sacramento River, adjacent to Assessor's Parcel Numbers 101-490-011, 112-140-007, and 112-390-007 in Shasta County.

The Lake Redding Bridge is inspected by Caltrans approximately every two years and more frequently as determined by Caltrans. The most recent inspection showed the bridge to be in good operating condition for vehicle use. The bridge has three attached electrical conduits.

The Diestelhorst Bridge is inspected by engineers at the City of Redding approximately every two years. The most recent inspection showed the bridge to be in good operating condition for bicycle and pedestrian use. The bridge contains attached utilities owned by the City (and Redding Electric). The bridge has one attached 6-inch-diameter ductile iron water pipeline, a ¾-inch-diameter water service pipeline inside a 1.5-inch-diameter PVC pipeline, light poles and associated electric lines.

Based on the submitted lease application and Commission records, the subject improvements have existed at this location for many years. The bridges offer a significant public benefit by providing essential infrastructure for passage of vehicles, bicycles, and pedestrians over the Sacramento River. Additionally, the bridges meet regional and statewide transportation needs, operating as an east-west connector across the City between Interstate 5 and Highway 273, near Redding. The bridges are used for personal transportation and commerce through

the City and across the waterway. The bridges do not cause a travel impediment to boating traffic. The public can access the river near the bridges through walking trails and other amenities.

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 nearby walking trails and waterborne activities on the river. The public will enjoy continued use of the river for recreational Public Trust activities.

The proposed lease includes provisions on upkeep and maintenance which mitigate the State's liability. 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.

The bridge decks are approximately 10 feet above the ordinary high-water mark and are unlikely to become inundated during flooding events. However, bridge

supports and bank protection could need reinforcement in the future to withstand higher levels of flood exposure, frequent storm events, and increased scour.

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 believe 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 recommend 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.

4. The Diestelhorst Bridge contains one 6-inch-diameter natural gas pipeline, owned and operated by Pacific Gas & Electric (not under Lease No. 7875). Pacific Gas & Electric will submit a separate lease application for the pipeline.

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 March 1, 2025, for a term of 20 years, for the use and maintenance of one existing vehicle bridge (Lake Redding Bridge) and one existing bicycle/pedestrian bridge (original Diestelhorst Bridge) previously authorized by the Commission and three attached electrical conduits, one water pipeline, a water service pipeline inside a PVC pipeline, light poles and associated electric lines 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.