

Staff Report 08

APPLICANT:

County of Tehama

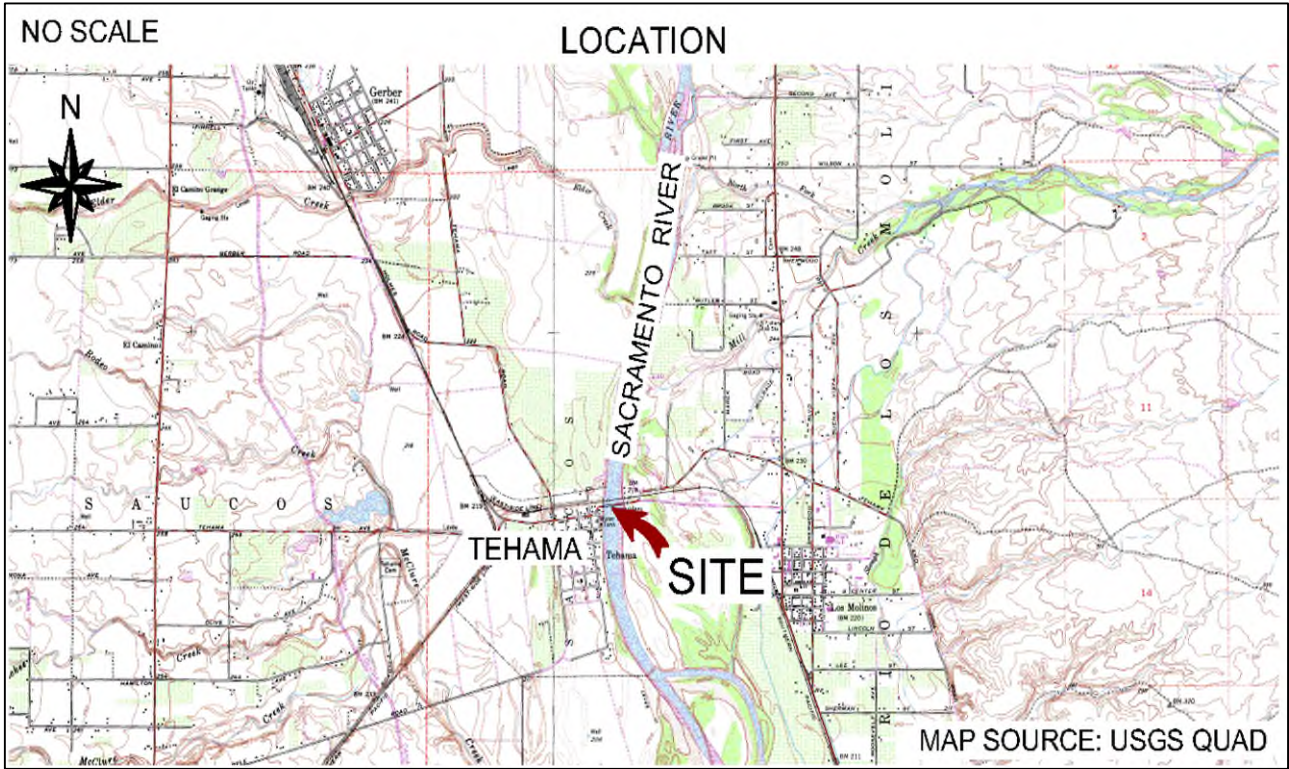
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 066-075-000, Tehama, Tehama County (as shown in Figure 1).

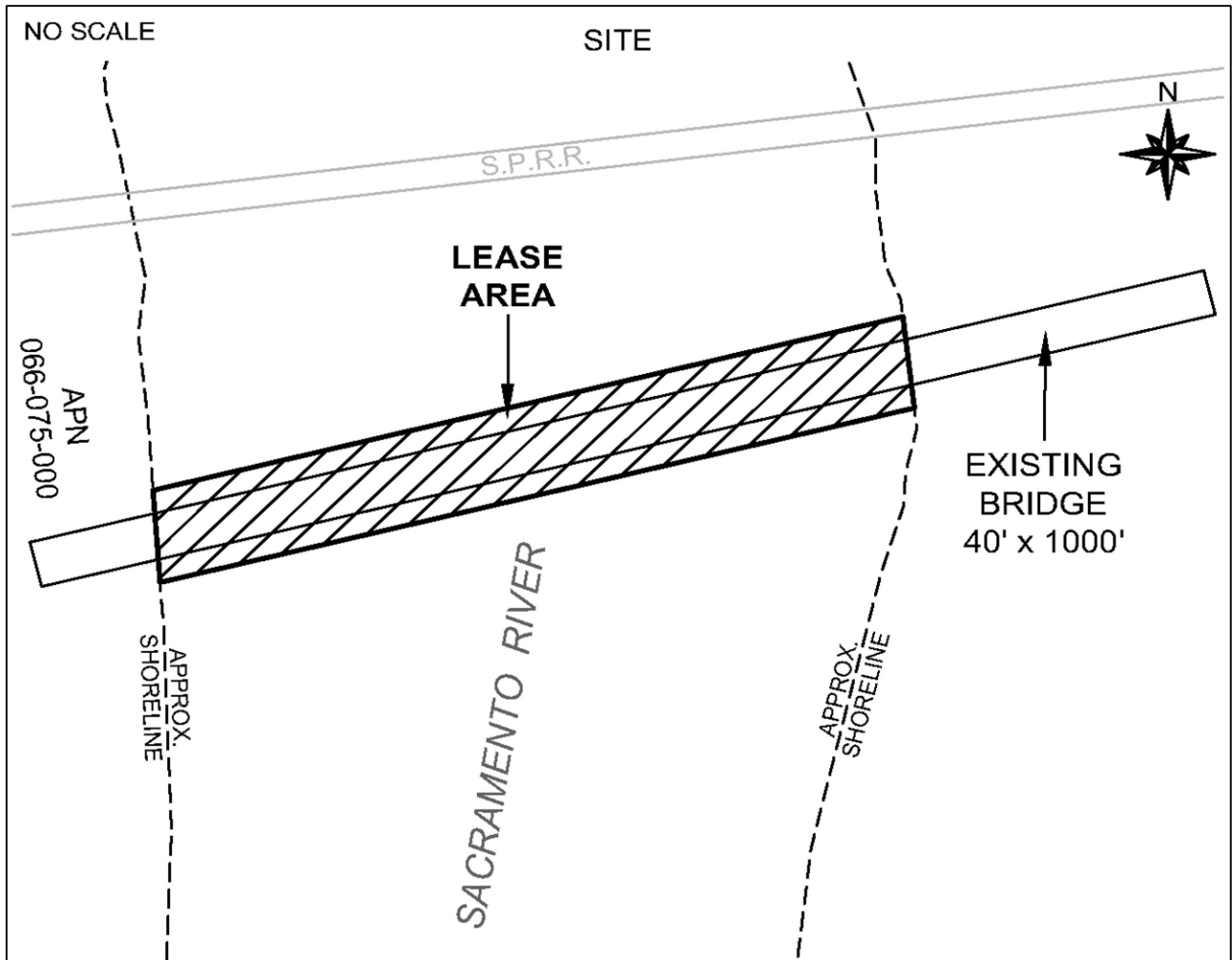
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of an existing vehicle bridge with a pedestrian sidewalk (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 February 28, 2024.

CONSIDERATION:

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

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 installation, maintenance, or operation of Lessee’s facilities on State land, including any attached, suspended, or otherwise fixed to the improvements.
- Lessee shall not install, attach, or authorize the placement or attachment of any additional utilities or other improvements on the bridge or within the Lease Premises without Lessor’s prior review and approval.
- Lessee or Caltrans shall conduct an external inspection and condition assessment of the existing bridge at least once every two years. In addition, Lessee or Caltrans shall conduct an external inspection and condition assessment of the bridge when warranted by extraordinary circumstances that may undermine the bridge’s stability or integrity, such as an accident, a major flood, or a significant seismic event.
- Every two years, Lessee shall promptly provide Lessor, at no cost to Lessor, electronic copies of all bridge inspections and condition assessments, including reports, findings, and recommendations from the inspection, whether done by Lessee or Caltrans.

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 March 31, 1975, the Commission authorized a 49-year Public Agency Permit to the County of Tehama for construction of a two-lane bridge with a provision for a pedestrian way crossing the Sacramento River ([Item 31, March 31, 1975](#)). That lease expired on February 27, 2024. At some point, a steel casing with 15 HDPE innerducts (one of which contained a fiber optic cable) was attached to the bridge. The casing and cable are owned by Level 3 Telecom of California, LP (aka, Lumen). Those improvements are under lease with the Commission through a separate lease (Lease 8157). The Applicant is applying for a General Lease – Public Agency Use, for use and maintenance of the existing vehicle bridge (known as the

Aramayo Way Bridge) with a pedestrian sidewalk crossing the Sacramento River near Assessor's Parcel Number 066-075-000 in Tehama County.

Based on the lease application and Commission records, the improvement has existed at this location for many years. The bridge provides essential infrastructure for regional and statewide transportation, operating as an east-west connector across the Sacramento River between the City of Tehama and the City of Los Molinos. The bridge is located near State Highway 99. The bridge is used for vehicle and pedestrian transportation conducting commerce or personal travel through the region and across the waterway. The public can access the river near the bridge through walking trails, parks, and other amenities. There is a nearby boat launch located to the north of the bridge on the Sacramento River.

The 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 operating condition with some wear-and-tear. According to the Applicant, the attached conduit (not under this lease) is inspected by Caltrans during the standard bridge inspections. The conduit is located on the underside of the bridge and therefore does not impede navigation or other Public Trust uses of the waterway below. The proposed lease includes provisions on upkeep and maintenance which mitigate the State's liability.

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 bridge does not limit access to the Sacramento River. 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 any improvement 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.

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 bridge 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 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 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.

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 lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning February 28, 2024, for a term of 20 years, for the use and maintenance of an existing vehicle bridge with a pedestrian sidewalk; 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.