

Staff Report 09

PERMITTEE/APPLICANT:

California Department of Transportation

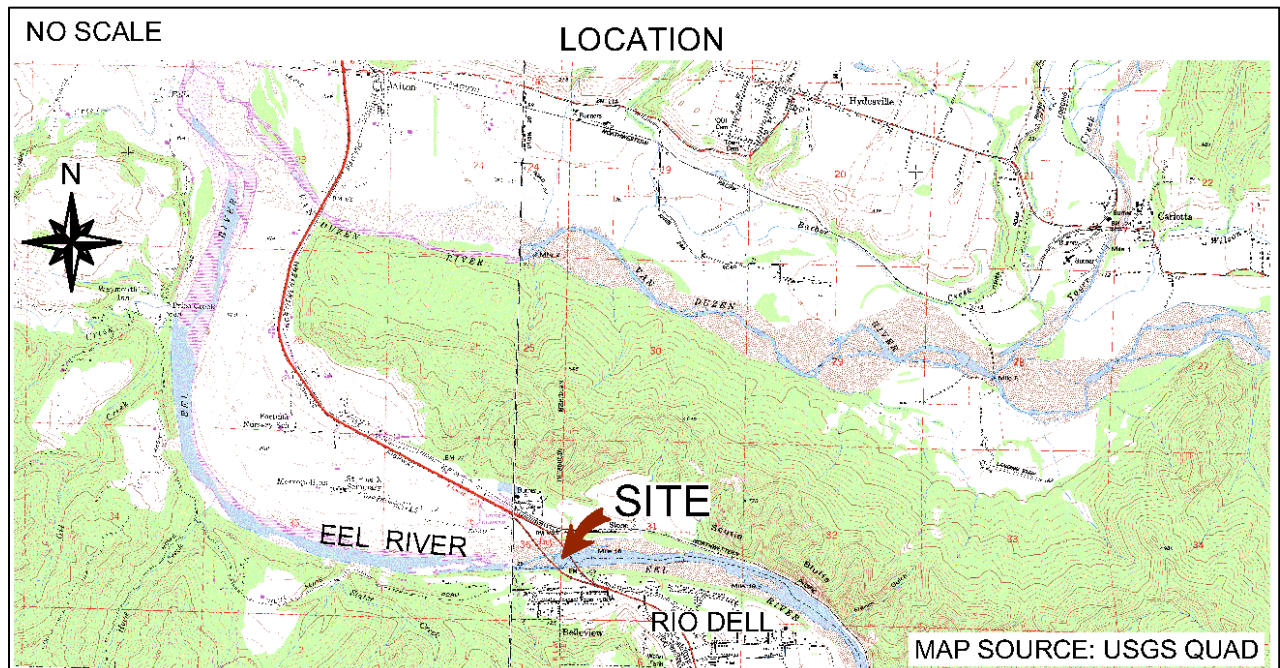
PROPOSED ACTION:

Termination of two existing Public Agency Permits and Right-of-Way Maps; Issuance of a Public Agency Permit and Right-of-Way Map Pursuant to Section 101.5 of the Streets and Highways Code and Section 6210.3 of the Public Resources Code; including a temporary construction easement as depicted on the map; and removal of a natural gas pipeline from the U.S. Highway 101 Northbound Bridge.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, along U.S. Highway 101, near Rio Dell, Humboldt County (as shown in Figure 1).

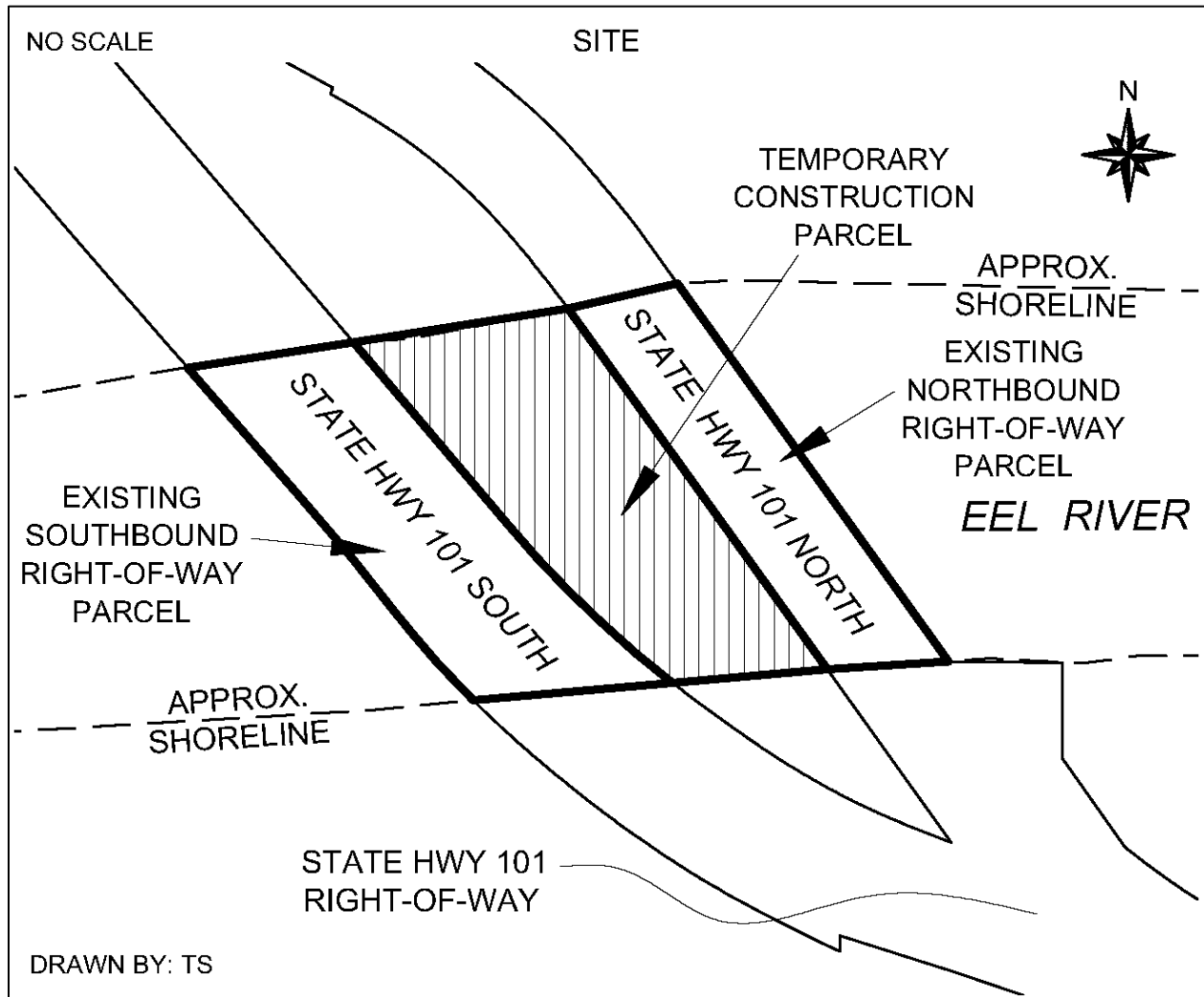
Figure 1. Location



AUTHORIZED USE:

Partial replacement and seismic retrofit of the U.S. Highway 101 Northbound Eel River Bridge (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease-premises permit area 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:

- **Public Agency Permit:** Continuous use, plus 1 year, beginning June 3, 2025.
- **Temporary Construction Easement:** beginning June 3, 2025, until construction is completed, but no later than November 1, 2031.

CONSIDERATION:

- **Public Agency Permit:** Reasonable value of right-of-way to be deposited into the State Parks and Recreation Fund.
- **Temporary Construction Easement:** 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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6210.3, 6216, and 6301; Streets and Highways Code section 101.5.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On March 1, 1966, the Commission authorized a right-of-way map and Permit 3445 to the California Division of Highways, for the U.S. Highway 101 Northbound Eel River Bridge (Bridge) ([Item 21, March 1, 1966](#)). On July 17, 1968, the Commission authorized a right-of-way map and Permit 3992 to the California Division of Highways, for the U.S. Highway 101 Southbound Eel River Bridge ([Item 18, July 17, 1968](#)). The terms of the permits are continuous.

Bridge #04-0016L/R, was built in 1941, repaired in 1965 and 1989, and is now identified as seismically vulnerable. The California Department of Transportation (Caltrans) proposes to partially replace and seismically retrofit this bridge from post miles R53.7 to M54.2 near Rio Dell, Humboldt County, as part of the Eel River Bridge Seismic Retrofit Project (Project). Caltrans is now applying to terminate Permits 3445 and 3992 along with the associated Right-of-Way Maps and to consolidate authorization of the two bridges under Permit 3445 and one Right-of-Way Map pursuant to section 101.5 of the Streets and Highway Code and section 6210.3 of the Public Resources Code.

The Project would replace spans 1 through 4 of the northbound bridge with a cast-in-place (CIP) pre-stressed box girder bridge. The remaining spans 5 through 8 would be seismically retrofitted. Additional work includes constructing a retaining wall to realign the bridge approach. In water work would occur between June 15 and October 15 in each year of the approximately five-year project. Traffic would be temporarily diverted to the U.S. Highway 101 Southbound Eel River Bridge during

reconstruction activities and routed back onto the new bridge upon Project completion.

The northbound bridge removal activities would include removal of an approximately 4-inch-diameter gas pipeline attached to the northbound bridge. Pacific Gas and Electric Company (PG&E) owns the pipeline and has applied to the Commission for a proposed replacement gas pipeline under the Eel River and for the decommissioning of the existing pipeline attached to the bridge. Application number 4706 for the proposed PG&E lease is also under consideration at the June 3, 2025 Commission meeting. Caltrans will remove the pipeline attached to the bridge after PG&E notification that the pipeline has been decommissioned according to Commission standards and is safe to remove.

A temporary construction easement would be needed between the bridges. Typical equipment used for bridge construction includes pavers, cranes, drills, drill rigs, hoe rams, pile drivers, vibratory hammers, excavators, backhoes, manlifts, cranes, pickup trucks, hauling and dump trucks, compactors, portable generators, boom trucks, concrete trucks, saws, pumps, jackhammers, site trailers, storage boxes, and mobile filtration boxes.

The public's right to access and use California's navigable waters is a mandate of the California Constitution (Article X, Section 4), a condition of statehood in the Act of Admission of the State of California into the Union (9 Stat. 452, Sept. 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine.

Vehicular traffic and access over the Eel River for pedestrians and cyclists would be temporarily shifted to the U.S. Highway 101 Southbound Bridge and an opening for small boats will be available during construction. The opening for boats would have a horizontal clearance of at least 20 feet and a vertical clearance of at least 8 feet measured from the normal water elevation and will mark the opening and the approach channels. Staff believe these temporary impairments to navigation and access over the river are warranted since the goal of the project to improve public safety by seismically retrofitting a bridge located in an area that has recently experienced multiple earthquakes.

Highway 101 is critical infrastructure that facilitates the movement of goods, people, and services throughout the State. The proposed right-of-way will not permanently interfere with navigation, water-dependent recreation, or other Public Trust uses along this section of the Eel River.

The permit does not alienate the State's fee simple interest and does not grant Caltrans exclusive rights to the right-of-way. Staff believe that the proposed right-of-way 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 term of the right-of-way. Moreover, staff believe this use of State land, by a public agency, for a public benefit is in the best interests of the State.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis is impacting California now. Likely impacts to the ~~lease premises~~ permit area include, but are not limited to, prolonged drought; extreme heat; lower streamflow, runoff, and river levels; and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the existing northbound highway 101 bridge that will be replaced and seismically retrofitted subject to the proposed lease, located above the Eel River.

DATA & PROJECTIONS:

The changing climate is affecting California's weather patterns, leading to more severe droughts and floods. Warmer temperatures have led California to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected through the end of the century (U.S. Global Change Research Program, Ch. 28. Southwest. In: [Fifth National Climate Assessment](#). 2023.). Sustained droughts reduce streamflow and river levels due to increased evaporation, declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and reduced overall runoff. These changes are pronounced in the Sierra Nevada, where the headwaters to many of the state's rivers are located. It is projected that temperatures in the Sierra Nevada will increase by six to ten degrees Fahrenheit on average by the end of the century, and the snowline will move 1,500 to 3,000 feet higher in elevation. It is projected that by 2100, the annual Sierra Nevada snowpack, a critical source of water supply to rivers, will decrease from today's average by 60 percent. Rivers will be drawn down farther as temperatures continue to rise and demand for water increases. Despite the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, and more intense and frequent atmospheric rivers.

ANALYSIS:

The lease-premises permit area is likely to experience more extreme conditions over the lease term than in the past, due to climate change. In the project area, the primary climate change impact of concern relates to catastrophic flooding in the flood-prone main Eel River. Regional large-scale flood events generally result from intense and variable winter storms with a high snowfall event, followed by a sudden temperature increase and rain. Climate change may result in more frequent and intense storms in the future that could result in larger flooding events.

According to the Mitigated Negative Declaration (Chapter 2, Section 2.8), the project proposes to seismically retrofit the northbound section of the bridge and replace the remaining portion of the original bridge according to current bridge standards, which would make the structure less likely to collapse during future floods. The bridge deck is approximately 80 feet above the ordinary high-water mark, and no impacts are expected to this part of the bridge, as it would not be subject to sea level rise or storm surges.

RECOMMENDATIONS:

To reduce the likelihood of adverse impacts to the lease-premises permit area and improvements, the lessee should consider that fixed structures may need to be inspected more frequently to monitor degradation from heavy flooding. Any future construction or activities on state land outside of the right-of-way 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 permit area and adjacent upland are located in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believe the approval of the Public Agency Permit and Right-of-Way Map for the Eel River will temporarily impair the public rights to navigation during construction. However, staff believe this temporary impairment is justified to achieve long-term benefits. Approval of the permit will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, for the term of the permit 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 would not be authorized to move forward with the proposed project.
2. This action is consistent with the "Meeting Evolving Public Trust Needs", "Leading Climate Activism", and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Caltrans has filed a map showing the proposed rights-of-way with the Commission.
4. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed right-of-way and to deposit that amount in the State Parks and Recreation Fund.
5. PG&E submitted application number 4706 for the issuance of a General Lease – Right-of-Way Use for a proposed approximately 4-inch-diameter natural gas pipeline under the Eel River and for the temporary authorization of the pipeline attached to the Bridge that Caltrans plans to remove. The temporary authorization of the pipeline to be removed will allow PG&E time to decommission the pipeline after the proposed replacement pipeline is put into service in order to maintain continuous utility service to the surrounding communities. This PG&E application is also being considered at the June 3, 2025 Commission meeting.
6. The purpose of the California Environmental Quality Act (CEQA) is to "avoid or minimize environmental damage where feasible." (CEQA Guidelines section 15021)

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2022100650, was prepared by Caltrans and adopted on May 18, 2023, for this project. As part of its project approval, Caltrans adopted an Avoidance, Minimization and/or Mitigation Summary which has been incorporated into an Environmental Commitments Record (ECR). Staff reviewed these documents and determined that the MND adequately analyzes and mitigates all potentially significant adverse environmental impacts that fall within the Commission's jurisdiction.

Pursuant to State CEQA Guidelines section 15096, subdivision (g)(1), and 15097, subdivision (a), and in conjunction with approval of this Project, staff recommends that the Commission adopt [Caltrans's ECR \(provided for reference, as linked, Appendix H\)](#) for the portion(s) of the Project located on State lands, and delegates reporting and monitoring responsibilities to Caltrans, as the CEQA lead agency, per CEQA Guidelines section 15097. Caltrans will remain responsible for enforcing the ECR, unless otherwise delegated by such agency or until the Project is completed per CEQA Guidelines section 15097.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

A. 101.5 Permit Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2022100650, and an Environmental Commitment Record (ECR) incorporating CEQA mitigation measures were prepared by the California Department of Transportation and adopted on May 18, 2023, for this project, and 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.

Adopt the ECR, as referenced by name.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that approval of the permit will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

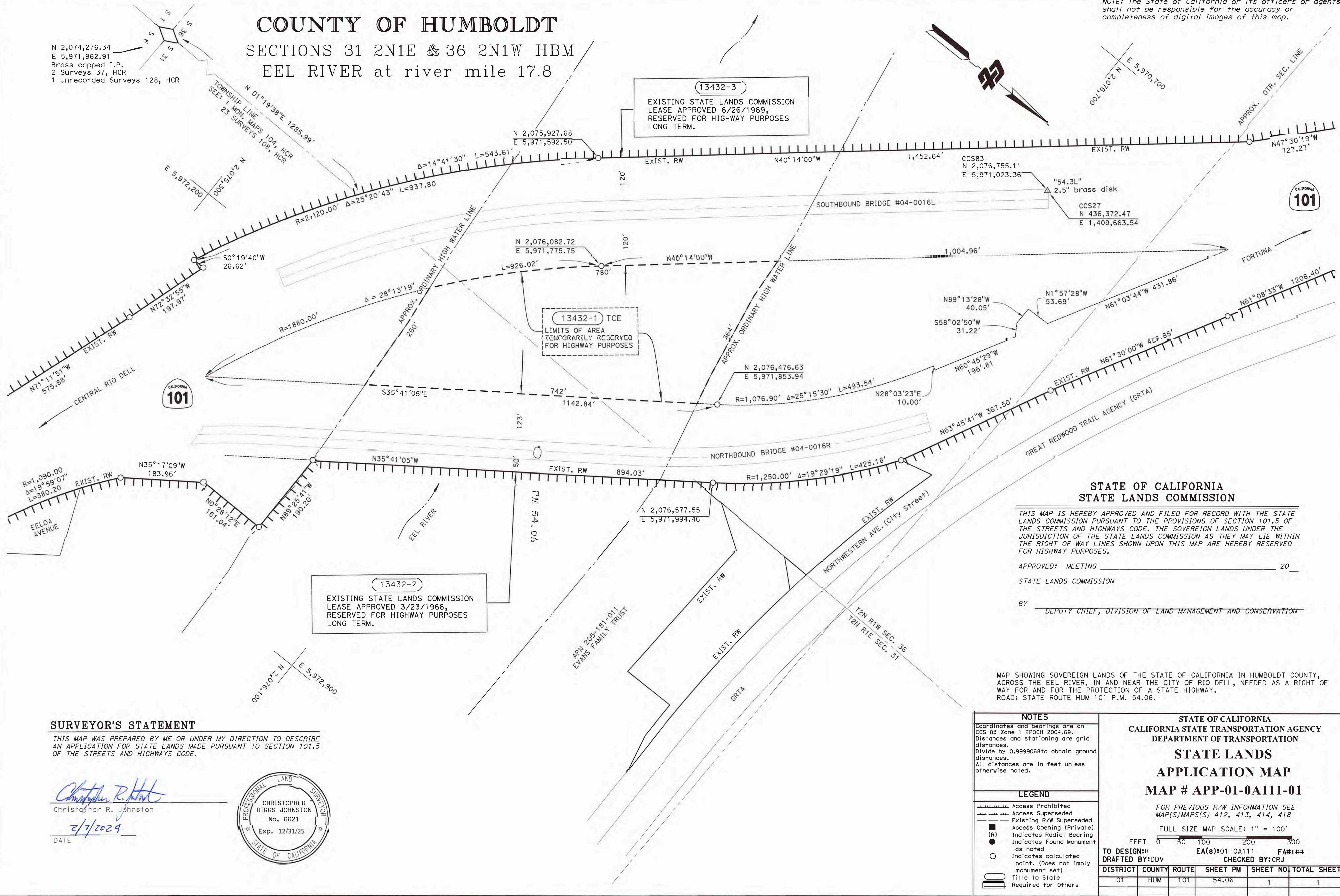
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective June 2, 2025, of Permits 3445 and 3992, Public Agency Permits and the associated Right-of-Way Maps issued to the California Division of Highways.
2. Authorize issuance of a Public Agency Permit to the Applicant and approve a Right-of-Way Map as submitted by the California Department of Transportation, pursuant to Section 101.5 of the Streets and Highway Code and as authorized by Section 6210.3 of the Public Resources Code, effective June 3, 2025, for Rights-of-Way with a term of continuous use plus one year, and a temporary construction easement valid until construction is completed but no later than November 1, 2031; consideration being reasonable value of the right-of-way to be deposited into the State Parks and Recreation Fund; and consideration for the temporary construction easement being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such an action to be in the State's best interest.
3. Authorize the Executive Officer, or their designee, if necessary, to replace exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction and completion of the Environmental Commitments Record.

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.










COUNTY OF HUMBOLDT
SECTIONS 31 2N1E & 36 2N1W HBM
EEL RIVER at river mile 17.8



SHOWING SOVEREIGN LANDS OF THE STATE OF CALIFORNIA IN HUMBOLDT COUNTY,
SS THE EEL RIVER, IN AND NEAR THE CITY OF RIO DELL, NEEDED AS A RIGHT OF
FOR AND FOR THE PROTECTION OF A STATE HIGHWAY.
STATE ROUTE HUM 101 P.M. 54.06.

NOTES
 Coordinates and bearings are on
 CCS 83 Zone 1 EPOCH 2004.69.
 Distances and stationing are grid
 distances.
 Divide by 0.9999068 to obtain ground
 distances.
 All distances are in feet unless
 otherwise noted.

LEGEND

	Access Prohibited
	Access Superseded
	Existing R/W Superseded
	Access Opening (Private)
	Indicates Radial Bearing
	Indicates Found Monument as noted
	Indicates calculated point. (Does not imply monument set)
	Title to State
	Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
STATE LANDS
APPLICATION MAP
MAP # APP-01-0A111-01

FOR PREVIOUS R/W INFORMATION SEE
MAP(S) MAPS(S) 412, 413, 414, 418

FEET 0 50 100 200 300
TO DESIGN:## EA(s):01-0A111 FA#:##
DRAFTED BY:DDV CHECKED BY:CRJ

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEET
01	HUM	101	54.06	1	1

PROJECT ID: 0116000148

APP-01-0A111-01.dwg
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