

Staff Report 16

APPLICANT:

Mercer-Fraser Company

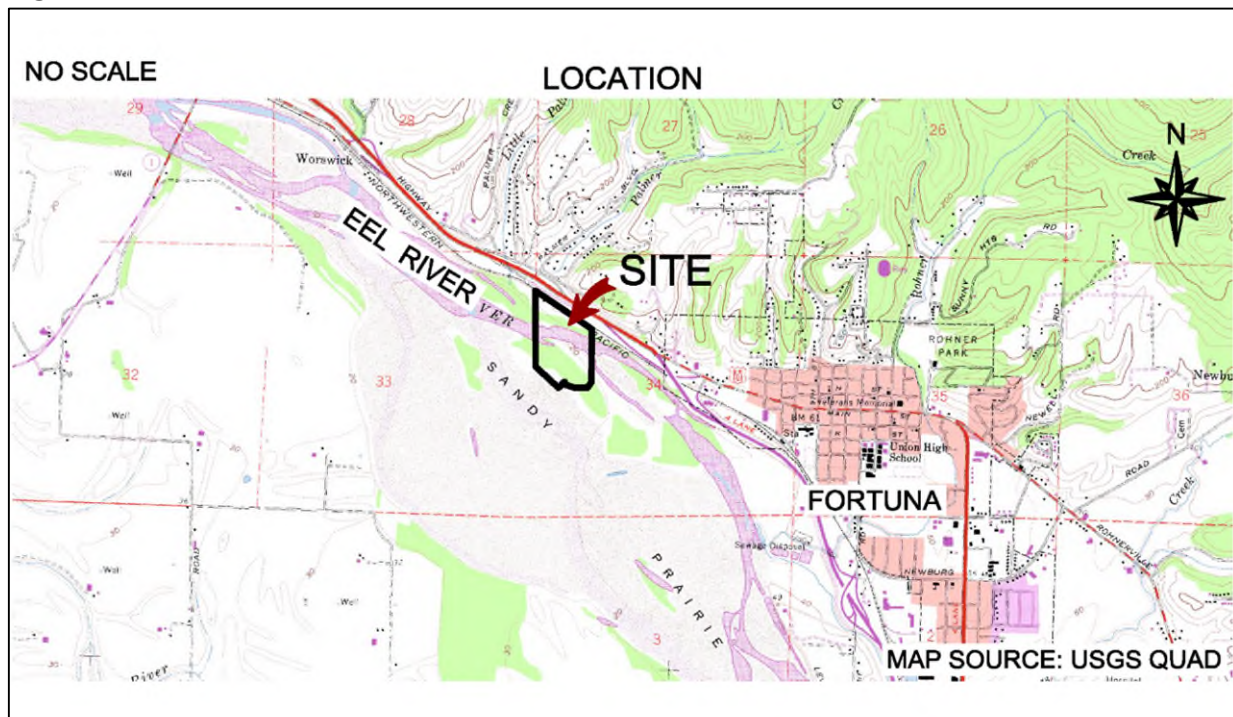
PROPOSED ACTION:

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

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 200-332-006, near Fortuna, Humboldt County (as shown in Figure 1).

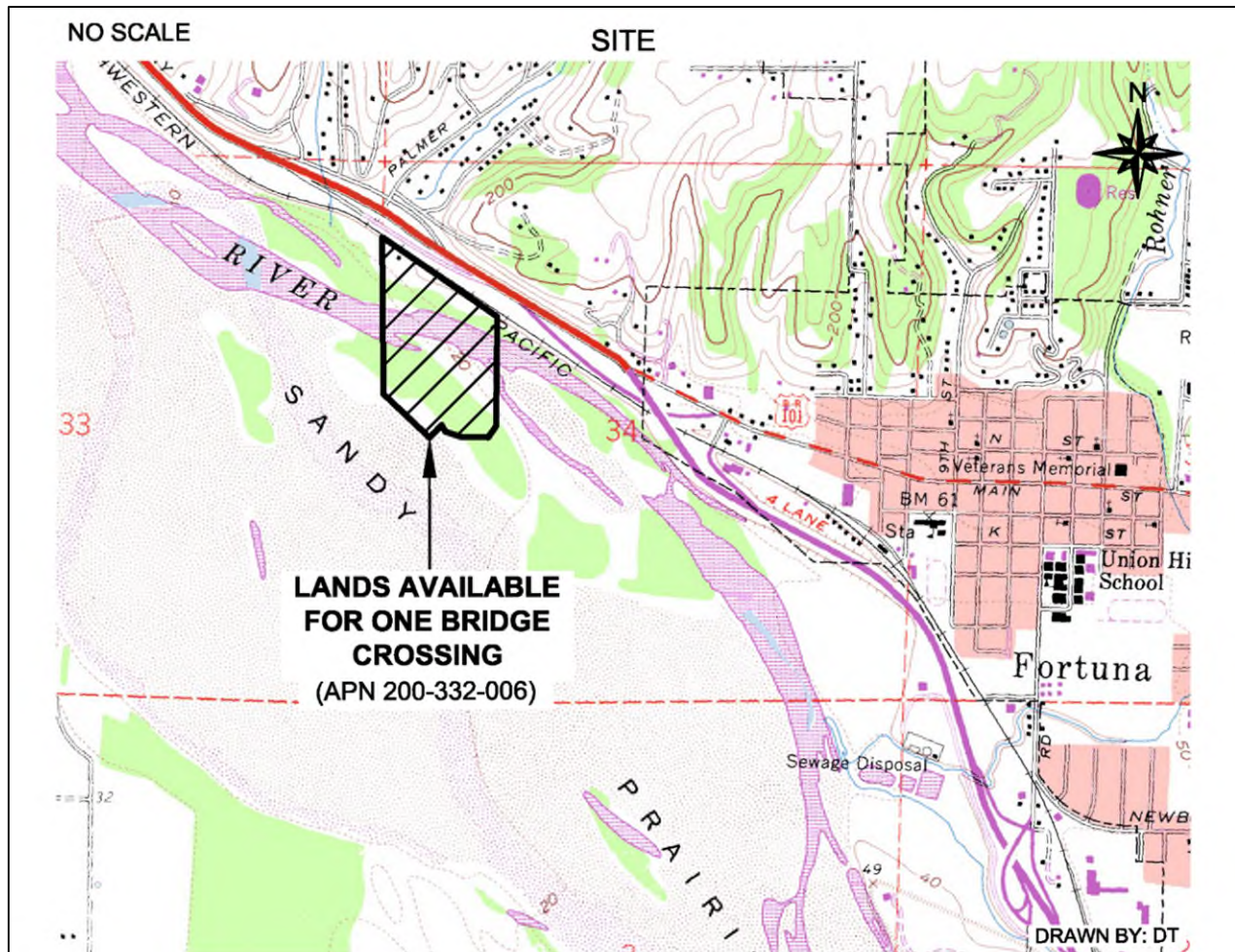
Figure 1. Location



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 21, 2025.

CONSIDERATION:

\$599 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 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.

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 May 3, 1995, the Commission authorized a ten-year General Lease – Right-of-Way Use to Kenneth Drake for the use and maintenance of a seasonal flat-car bridge over the Eel River ([Item 40, May 3, 1995](#)). The upland was transferred to Mallard Pond Sand and Gravel Inc. (Mallard) between May 3, 1995 and June 14, 1999, without Commission approval. The lease expired May 31, 2004, and placement of the seasonal bridge was discontinued.

The bridge has not been placed on state land since the last lease expired. The property was sold to the Applicant on July 19, 2024. The Applicant is now applying for a new lease for the use of a seasonal box-car bridge over the Eel River.

The bridge is used to transport equipment across the Eel River for annual sand and gravel extraction activities on the Sandy Prairie landform on the lower Eel River near its junction with Palmer Creek. Sand and gravel extraction is regulated under a programmatic authorization from the United States Army Corps of Engineers known as the Letter of Permission Procedure for Gravel Mining and Excavation Activities within Humboldt County (LOP). The crossing would be placed no earlier than June 30th and removed no later than October 15th.

The crossing would span the wetted channel and would consist of a railroad flat-car bridge typically constructed six feet above the water surface with a three-foot minimum clearance. Fill consisting of native aggregate, sourced directly from the gravel bar, and clean-washed gravel/cobbles would be used to construct the bridge abutments. Fill would be placed behind k-rail and concrete abutment blocks on both sides of the crossing. The size and location of the crossing and portion of fill necessary to construct the abutments would be determined annually. Low-bridge warning signs would be posted when the bridge is in place. Passage for canoes, kayaks, and other water-related activities in the Eel River would remain available throughout the year.

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 "Meeting Evolving Public Trust Needs" Strategic Focus Area 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), and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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 through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2), and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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 – Right-of-Way Use to the Applicant beginning August 21, 2025, for a term of 10 years, for the use of a seasonal bridge; annual rent in the amount of \$599 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.