

Staff Report 09

APPLICANT:

Humboldt Redwood Company, LLC

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 205-061-002 and 205-351-030, near Scotia, Humboldt County (as shown in Figure 1).

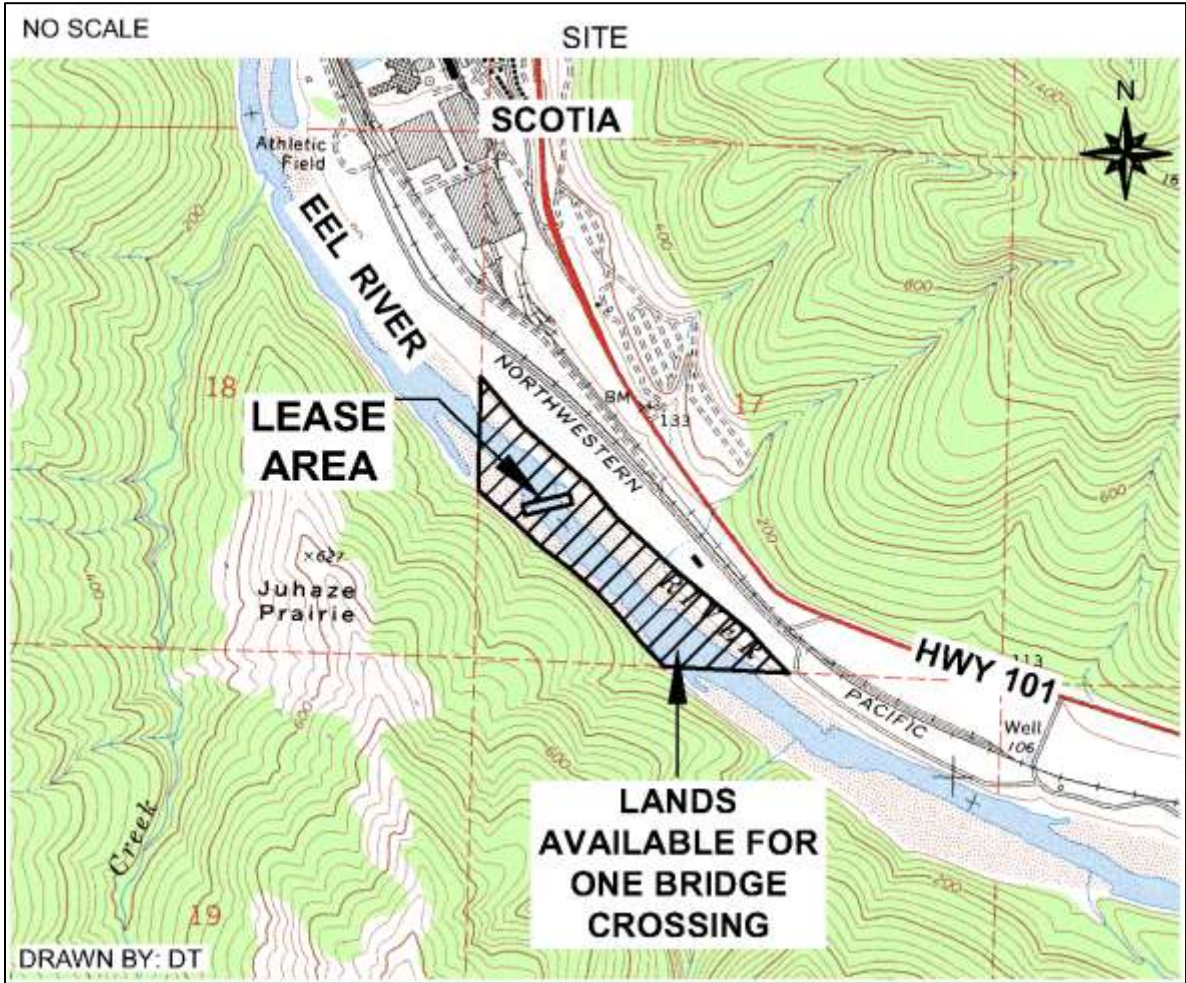
Figure 1. Location



AUTHORIZED USE:

Use 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 June 1, 2026.

CONSIDERATION:

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

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$3,000,000 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 June 23, 2020, the Commission authorized issuance of a General Lease – Right-of-Way Use to Humboldt Redwood Company, LLC for annual placement and use of a seasonal bridge crossing over the Eel River ([Item 12](#)). The lease expired October 6, 2025. The bridge is temporary and is placed annually as early as June 30 and removed no later than October 15. Installation of the bridge is based on regulatory agency requirements mandated by a letter of permission authorized by Humboldt County.

The Applicant is now applying for a General Lease – Right-of-Way Use to allow for the annual installation and use of a temporary bridge during specified periods. The bridge provides a convenient and practical means of transporting gravel removed from gravel bars that accumulate as a byproduct of mining activities in Humboldt County. The area surrounding the mining operations lacks development, which limits the number of permanent river crossings available to the industry. The topography is rugged making alternative routes impractical for the volume of gravel produced. Without the bridge, vehicle traffic would need to be rerouted through the nearby towns of Stafford or Scotia, resulting in higher fuel consumption, increased burden on civilian infrastructure, and increase pollution exposure for civilians in nearby towns of Stafford and Scotia.

When placed, the bridge is tall enough to allow small personal craft under at varying water levels. Therefore, passage of canoes, kayaks, and other water-related activities in the Eel River will remain unimpacted and available year-round. Warning signs will be posted when the bridge is in place advising of the impediment or risk to navigation or recreational activities.

Since the rent is current through the end of the lease term and there are no improvements currently in place because it is a seasonal bridge, staff recommend starting the lease on June 1, 2026. The proposed lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation, ensuring the State is protected.

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 will be unauthorized to place the seasonal bridge. 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. The purpose of the California Environmental Quality Act (CEQA) is to “avoid or minimize environmental damage where feasible.” (CEQA Guidelines section 15021).

A Negative Declaration (ND), State Clearinghouse No. 1996042012, was prepared by the County of Humboldt (County) and adopted on May 23, 1996, for the Reclamation Plan associated with gravel mining operations on the Eel River. On September 6, 2012, the County adopted an Addendum to the ND to address changes to the operations. The Reclamation Plan includes and evaluates impacts associated with this seasonal bridge crossing (Project). Commission staff have reviewed the ND and Addendum prepared pursuant to the provisions of CEQA (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

The Commission considered the ND and Addendum at its June 23, 2020, meeting ([Item 12](#)). No substantial changes to the project, to the circumstances in which the project occurs, or other new information requires a subsequent or supplemental CEQA document for the Project to continue.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. At the time the Commission considered the ND and Addendum in 2020, staff concluded that such activity would not affect those significant lands, and the Commission found the activity to be consistent with its use classification pursuant to Public Resources Code section 6370 et seq.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an ND, State Clearinghouse No. 1996042012, was prepared for this Project by the County and adopted on May 23, 1996. Then, an Addendum to the ND was approved on September 6, 2012, by the County.

Find 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 CEQA Guidelines section 15162 resulting in any

new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

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 June 1, 2026, 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 \$3,000,000 per occurrence.