STAFF REPORT

C01

A 2 10/19/17

PRC 3477.9

S 2 M.J. Columbus

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Del Norte

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.5 acre, more or less, of sovereign land in the Klamath River along the south bank, adjacent to Assessor's Parcel Numbers 140-060-14, 140-060-15,140-130-28, 140-130-07, 140-130-09, 140-130-11, 140-130-12, and 140-130-13, near Klamath, Del Norte County.

AUTHORIZED USE:

Continued use and maintenance of an existing two-lane paved access road known as Klamath Beach Road.

LEASE TERM:

20 years, beginning April 28, 2015.

CONSIDERATION:

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.

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 Analysis:

On April 28, 1966, the Commission authorized a 49-year Right-of-Way Easement to the County of Del Norte for the construction of a road over sovereign land (Item C5, April 28, 1966). That easement expired on April 27, 2015. The Applicant is now applying for a General Lease – Public Agency Use for continued use and maintenance of the road.

The road is adjacent to eight parcels where it extends onto sovereign land. The Applicant owns one of these parcels. The Applicant has obtained easement deeds from all owners of the upland parcels granting the Applicant a right-of-way and incidents for a public road over, along, and across the real properties. The road is regularly maintained by the Applicant according to maintenance records dated November 4, 2016.

The Klamath Beach Road has existed on sovereign land for many years, and prior to 1966 was referred to as the South Bank Road. In 1966, the road was improved to meet State Highway standards for a county arterial road and was engineered to adequately drain the roadway and upstream properties that suffer from flood inundation during severe storm events. The Klamath Beach Road extends 1.5 miles along the south bank of the Klamath River. A portion of the road lies within the last natural bed of the Klamath River. Therefore, approximately 0.5 acre of the road extends onto sovereign land and is adjacent to the current river location. Use of the road provides a statewide benefit by providing public access from U.S. Highway 101 to the Pacific Ocean and Klamath River, and by providing drainage to protect upland properties from flooding.

The road provides access to the sandbar at the mouth of the Klamath River, a popular and well-known fishing location. The road also provides access to camping and hiking opportunities near and along the Klamath River and the Pacific Ocean. In addition, the road provides access to two upland parcels that are owned by Redwood National and State Parks.

The road does not significantly alter the land, the proposed lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. The lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises. The lease requires the lessee to maintain the road at no expense to the State.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in Klamath River, which is a tidally influenced site vulnerable to flooding at current sea levels; therefore, this area would be at a higher risk of flood exposure given future projection scenarios of sea-level rise. By 2030, the region could see up to 0.6 foot of sea-level rise (from year 2000 levels), 1.6 feet by 2050, and possibly over 4.7 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with

tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure.

The combination of these projected conditions raises the likelihood of structural degradation to Klamath Beach Road by the Klamath River. During the next 20 years, the Klamath Beach Road by the Klamath River will probably be subject to more frequent inundation because it is a fixed structure and would not be able to move up as the water levels rise. Therefore, some road protection may be needed in the future with the potential rise of water levels. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation.

Conclusion:

For all the reasons stated above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

2. 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).

   Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through

the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Land Description
B. Site and Location Map

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 and fishing or substantially interfere with the Public Trust needs and values at this location, is consistent with the common law Public Trust Doctrine, 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:

Authorize issuance of a General Lease – Public Agency Use to County of Del Norte beginning April 28, 2015, for a term of 20 years, for the continued use and maintenance of an existing two-lane paved access road known as Klamath Beach Road as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

EXHIBIT A

PRC 3477.9

LAND DESCRIPTION

All of the sovereign land of the State of California lying in the bed of the Klamath River in the southwest quarter of Section 10, Section 15 and in the southwest quarter of Section 14, all of T. 13 N., R. 1 E., H.B.& M., Del Norte County, within a strip of land of varying width as hereinafter set forth, lying on each side of a centerline described as follows:

Beginning at a point that bears N 55° 15' E, 1410.82 feet from the southwest corner of said Section 10, said point of the beginning being Engineer's Station 0+00 of the survey for realignment and improvement of Klamath Beach Road;

Thence S 1° 22' E, 109.67 feet, to Engineer's Station 1+09.67 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 300 feet, through an angle of 29° 51', a distance of 156.29 feet, to Engineer's Station 2+65.96 E.C.;

Thence S 31° 13' E, 679.07 feet, to Engineer's Station 9+45.03 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 350 feet, through an angle of 33° 49', a distance of 206.57 feet, to Engineer's Station 11+51.60 E.C.;

Thence S 65° 02' E, 133.80 feet, to Engineer's Station 12+85.40 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 300 feet, through an angle of 42° 38', a distance of 223.23 feet, to Engineer's Station 15+08.63 E.C.;

Thence S 22° 24' E, 77.04 feet, to Engineer's Station 15+85.67 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 1000 feet, through an angle of 6° 52', a distance of 119.85 feet, to Engineer's Station 17+05.52 E.C.;

Thence S 15° 32' E, 103.65 feet, to Engineer's Station 18+09.17 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 250 feet, through an angle of 27° 12', a distance of 118.68 feet, to Engineer's Station 19+27.85 E.C.;

Thence S 42° 44' E, 138.82 feet, to Engineer's Station 20+66.67 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 400 feet, through an angle of 13° 42', a distance of 95.64 feet, to Engineer's Station 21+62.31 E.C.;

Thence S 29° 02' E, 58.53 feet, to Engineer's Station 22+20.84 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 400 feet, through an angle of 11° 10', a distance of 77.96 feet, to Engineer's Station 22+98.80 E.C.;

Thence S 17° 52' E, 12.13 feet, to Engineer's Station 23+10.93 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 1000 feet, through an angle of 12° 30', a distance of 218.17 feet, to Engineer's Station 25+29.10 E.C.;

Thence S 30° 22' E, 188.70 feet, to Engineer's Station 27+17.80 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 240 feet, through an angle of 52° 48', a distance of 221.17 feet, to Engineer's Station 29+38.97 E.C.;

Thence S 22° 26' W, 1.75 feet, to Engineer's Station 29+40.72 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 150 feet, through an angle of 75° 50', a distance of 198.53 feet to Engineer's Station 31+39.25 E.C.;

Thence S 53° 24' E, 80.71 feet, to Engineer's Station 32+19.96 Bk. = 31+99.88 Ah. B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 250 feet, through an angle of 19° 54', a distance of 86.83 feet, to Engineer's Station 32+86.71 E.C.;

Thence S 33° 30' E, 105.94 feet, to Engineer's Station 33+92.65 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 250 feet, through an angle of 18° 51', a distance of 82.25 feet, to Engineer's Station 34+74.90 E.C.;

Thence S 14° 39' E, 14.47 feet, to Engineer's Station 34+89.37 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 250 feet, through an angle of 23° 35', a distance of 102.90 feet, to Engineer's Station 35+92.27 E.C.;

Thence S 38° 14' E, 142.99 feet, to Engineer's Station 37+35.26 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 600 feet, through an angle of 22° 12', a distance of 232.48 feet, to Engineer's Station 39+67.74 E.C.;

Thence S 16° 02' E, 28.79 feet, to Engineer's Station 39+96.53 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 400 feet, through an angle of 27° 28', a distance of 191.75 feet, to Engineer's Station 41+88.28 E.C.;

Thence S 43° 30' E, 59.82 feet, to Engineer's Station 42+48.10 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 300 feet, through an angle of 27° 15', a distance of 142.68 feet to Engineer's Station 43+90.78 E.C.;

Thence S 16° 15' E, 39.12 feet, to Engineer's Station 44+29.90 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 300 feet, through an angle of 26° 43', a distance of 139.89 feet, to Engineer's Station 45+69.79 E.C.;

Thence S 42°58' E, 379.99 feet, to Engineer's Station 49+49.78 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 600 feet, through an angle of 13° 35', a distance of 142.24 feet, to Engineer's Station 50+92.02 E.C.;

Thence S 29° 23' E, 67.22 feet, to Engineer's Station 51+59.24 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 300 feet, through an angle of 34° 13', a distance of 179.16 feet, to Engineer's Station 53+38.40 E.C.;

Thence S 4° 50' W, 11.00 feet to Engineer's Station 53+49.40 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 250 feet, through an angle of 46° 58', a distance of 204.93 feet, to Engineer's Station 55+54.33 E.C.;

Thence S 42° 08' E, 43.54 feet, to Engineer's Station 55+97.87 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 250 feet, through an angle of 52° 44', a distance of 230.09 feet, to Engineer's Station 58+27.96 E.C.;

Thence S 10° 36' W, 59.71 feet, to Engineer's Station 58+87.67 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 300 feet, through an angle of 37° 41', a distance of 197.31 feet, to Engineer's Station 60+84.98 E.C.;

Thence S 27° 05' E, 65.12 feet, to Engineer's Station 61+50.10 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 350 feet, through an angle of 59° 03', a distance of 360.72 feet, to Engineer's Station 65+10.82 E.C.;

Thence S 86° 08' E, 136.82 feet, to Engineer's Station 66+47.64 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 600 feet, through an angle of 32° 08', a distance of 336.50 feet, to Engineer's Station 69+84.14 E.C.;

Thence N 61° 44' E, 13.36 feet, to Engineer's Station 69+97.50 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 550 feet, through an angle of 25° 08', a distance of 241.26', to Engineer's Station 72+38.76 E.C.;

Thence N 86° 52' E, 95.80 feet, to Engineer's Station 73+34.56 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 600 feet, through an angle of 9° 24', a distance of 98.44 feet, to Engineer's Station 74+33.00 E.C.;

Thence S 83° 44' E, 245.11 feet, to Engineer's Station 76+78.11 B.C.;

Thence, along a curve to the right, tangent to the last preceding course, with a radius of 600 feet, through an angle of 16° 35', a distance of 173.66 feet, to Engineer's Station 78+51.77 E.C.;

Thence S 67° 09' E, 43.70 feet, to Engineer's Station 78+95.47 B.C.;

Thence, along a curve to the left, tangent to the last preceding course, with a radius of 600 feet, through an angle of 29° 26' 40", a distance of 308.34 feet, to Engineer's Station 82+03.81 E.C.;

Thence N 83° 24' 20" E, 44.19 feet, to Engineer's Station 82+48.00, said point being on the centerline of Line "G", U.S. Highway 101, South Bank Road Interchange, as shown on plans by State of California, Department of Public Works, Division of Highways.

The width of said right of way on each side of said centerline shall be as follows:

From Station	To Station	Right	Left
0+00	2+65.96 E.C.	60 Ft.	60 Ft.
2+65.96 E.C.	4+00	60 Ft.	75 Ft.
4+00	9+45.03 B.C.	60 Ft.	60 Ft.
9+45.03 B.C.	12+85.40 B.C.	60 Ft.	80 Ft.
12+85.40 B.C.	15+08.63 E.C.	130 Ft.	40 Ft.
15+08.63 E.C.	17+05.52 E.C.	170 Ft..	40 Ft.
17+05.52 E.C.	18+09.17 B.C.	100 Ft.	40 Ft.
18+09.17 B.C.	20+66.67 B.C.	65 Ft.	40 Ft.
20+66.67 B.C.	22+98.80 E.C.	120 Ft.	40 Ft.
22+98.80 E.C.	29+38.97 E.C.	100 Ft.	40 Ft.

29+38.97 E.C.	32+19.96 Bk. = = 31+99.88 Ah. B.C.	60 Ft.	60 Ft.
31+99.88 Ah. B.C.	32+86.71 E.C.	60 Ft.	40 Ft.
32+86.71 E.C.	39+67.74 E.C.	100 Ft.	40 Ft.
39+67.74 E.C.	41+88.28 E.C.	60 Ft.	40 Ft.
41+88.28 E.C.	43+90.78 E.C.	60 Ft.	90 Ft.
43+90.78 E.C.	44+29.90 B.C.	40 Ft.	40 Ft.
44+29.90 B.C.	49+49.78 B.C.	40 Ft.	70 Ft.
49+49.78 B.C.	53+49.40 B.C.	40 Ft.	110 Ft.
53+49.40 B.C.	55+54.33 E.C.	40 Ft.	120 Ft.
55+54.33 E.C.	55+97.87 B.C.	110 Ft.	120 Ft.
55+97.87 B.C.	57+50	110 Ft.	80 Ft.
57+50	58+27.96 E.C.	60 Ft.	80 Ft.
58+27.96 E.C.	60+84.98 E.C.	60 Ft.	130 Ft.
60+84.98 E.C.	61+50.10 B.C.	60 Ft.	110 Ft.
61+50.10 B.C.	66+47.64 B.C.	75 Ft.	110 Ft.
66+47.64 B.C.	69+00	50 Ft.	110 Ft.
69+00	69+97.50 B.C.	50 Ft.	40 Ft.
69+97.50 B.C.	72+38.76 E.C.	70 Ft.	40 Ft.
72+38.76 E.C.	74+33.00 E.C.	100 Ft.	40 Ft.
74+33.00 E.C.	76+78.11 B.C.	60 Ft.	80 Ft.
76+78.11 B.C.	82+48.00	50 Ft.	50 Ft.

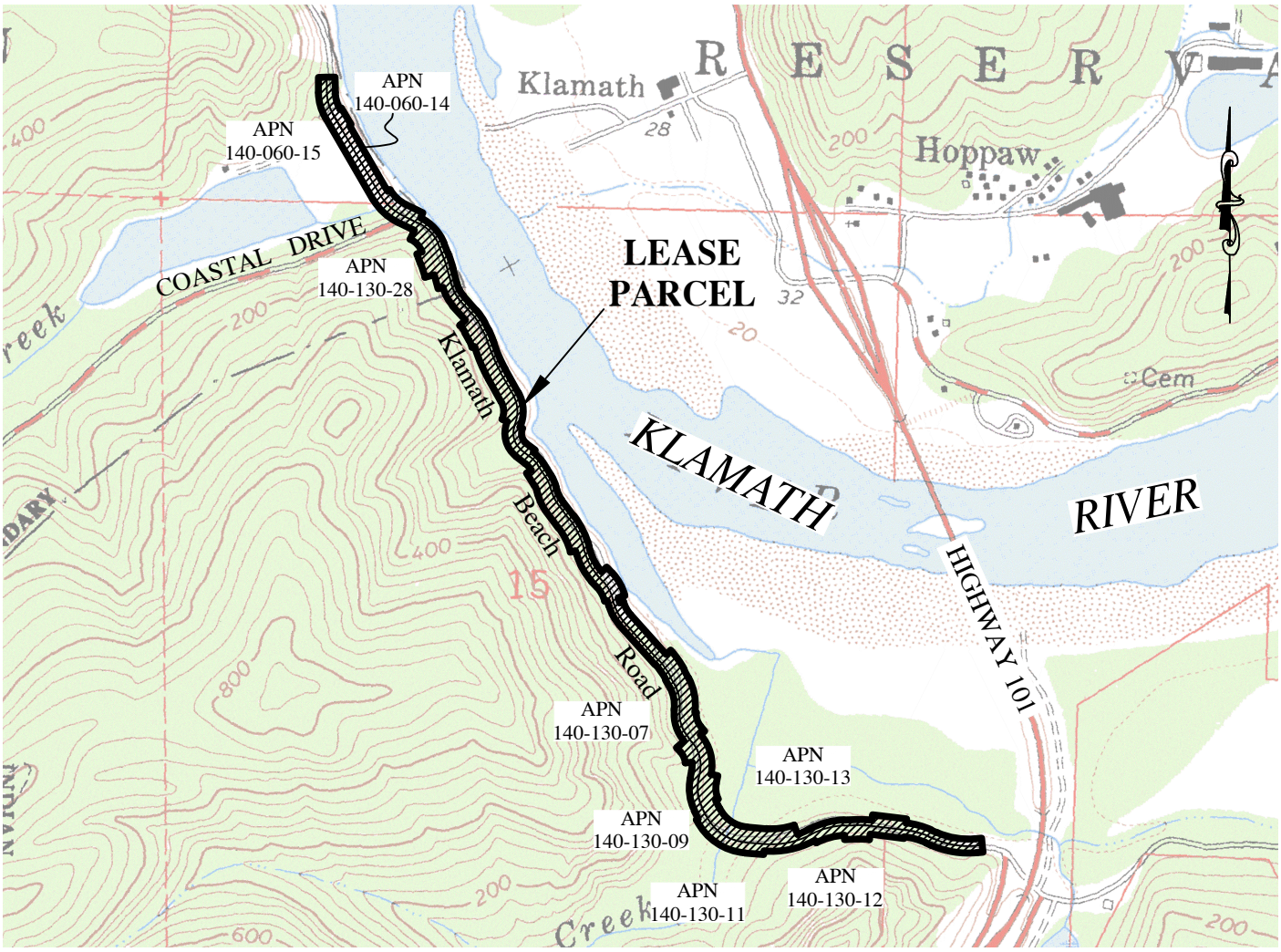
Said sovereign lands comprising approximately 0.5 acre.

END OF DESCRIPTION

The above description is a duplicate of that original description prepared by CSLC on April 28, 1966 as found in PRC 3477 file, Calendar Item 30.

NO SCALE

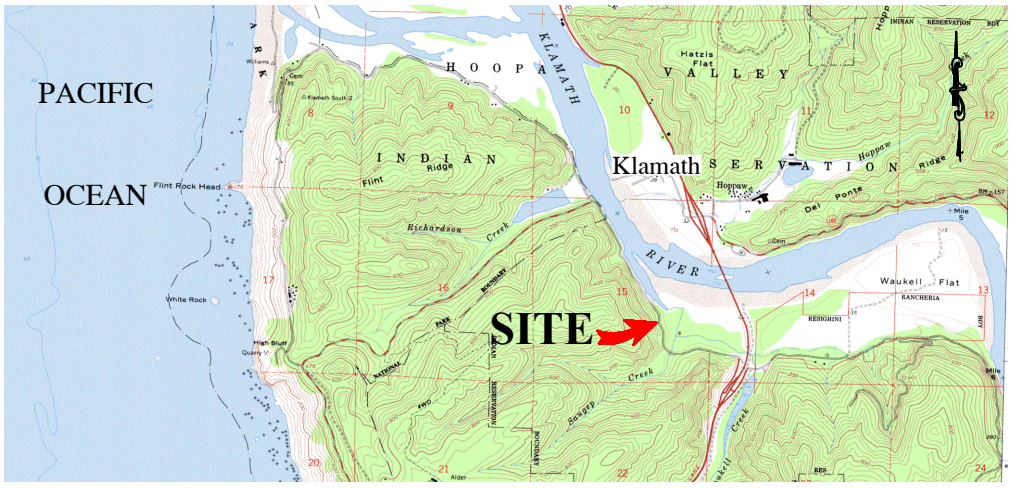
SITE



KLAMATH BEACH ROAD, NEAR KLAMATH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 3477.9
COUNTY OF DEL NORTE
APNs 140-130-07, 09, 11, 12, 13 & 28, 140-060-14 & 15
GENERAL LEASE - PUBLIC AGENCY USE
DEL NORTE COUNTY

TS 04/26/16