



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 22-1364 **Version:** 1 **Name:**
Type: Resolution **Status:** Consent Agenda
File created: 10/6/2022 **In control:** Public Works
On agenda: 10/25/2022 **Final action:**
Title: Resolution to Lease a Private Logging Road in the Larabee Area and the Right of Way Lease Agreement with Humboldt Redwood Company, LLC for said Private Logging Road (4/5 Vote Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - HRC 2022 Larabee Winter Road Resoolution, 3. Attachment 2 - HRC LARABEE ROAD LEASE 2022, 4. Attachment 3 - 2022 Right of Way Lease from HRC to County of Humboldt - Larabee Rd, 5. Executed HRC Agreement.pdf, 6. Resolution No. 22-136.pdf

Date	Ver.	Action By	Action	Result
10/25/2022	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution to Lease a Private Logging Road in the Larabee Area and the Right of Way Lease Agreement with Humboldt Redwood Company, LLC for said Private Logging Road (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the Resolution to Lease a Private Logging Road in the Larabee Area and the Right of Way Lease Agreement with Humboldt Redwood Company, LLC for Said Private Logging Road (Attachment 1), (4/5 Vote Required);
2. Authorize the Chair of the Board to sign and execute the Right of Way Lease Agreement (Attachment 2), (4/5 Vote Required); and
3. Direct the Clerk of the Board to return a copy of the Right of Way Lease Agreement to the Land Use Division for transmittal to Humboldt Redwood Company, LLC.

SOURCE OF FUNDING:

Road Fund 1200325

DISCUSSION:

In 1973, due to the potential dangers in transporting people across the river at flood stage, the County discontinued winter ferry service across the Eel River from Holmes to Larabee. This action resulted in a Superior Court Order which required reactivation of the ferry service or to provide an alternative means of access to the residents of Larabee/Shively. In the past, the county has entered into leases with Humboldt Redwood Company, LLC, and its predecessor, for the use of a logging road in the Larabee area to provide access to the residents of Larabee/Shively during the winter months when the Holmes Larabee Summer Bridge is not operational. The most recent lease Agreement for this road between the county and Humboldt Redwood Company, LLC expired June 30, 2022. The lease did not include any provisions for extensions.

The proposed lease calls for a rental of \$600 annually for the term of the lease which includes the pro-rata portion of the Real Property Taxes. The proposed lease has an expiration date of June 30, 2037. The Department of Public Works is also responsible for general maintenance and trash collection associated with damages associated with the lease.

The proposed lease includes Humboldt Redwood Company's standard Compliance Clause which calls for the county's observation and compliance with the terms and provisions of (a) that certain Final Environmental Impact Statement/Environmental Impact Report and Habitat Conservation Plan/Sustained Yield Plan for the Headwaters Forest Project, dated January 1999; (b) any Implementation Agreement with regard to Habitat Conservation Plan(s) for the properties of Humboldt Redwood Company, LLC. by and among the United States Fish and Wildlife Service, the National Marine Fisheries Service, the California Department of Fish and Game (CDFG), the California Department of Forestry and Fire Protection (CAL FIRE) and Humboldt Redwood Company, LLC. including those agreements assumed by Humboldt Redwood Company, LLC in the reorganization of the Pacific Lumber Company, Scotia Pacific Lumber Company and Salmon Creek Corporation dated February 1999; (c) any Habitat Conservation Plan for the properties of Humboldt Redwood Company, LLC, including that certain Habitat Conservation plan of February 1999 that was assumed by Humboldt Redwood Company, LLC in the reorganization of Pacific Lumber Company, Scotia Pacific Lumber Company and Salmon Creek Corporation; (d) any Streambed Alteration Agreement with regard to Humboldt Redwood Company, LLC including that certain Streambed Alteration Agreement with Regard to the Pacific Lumber Company, Habitat Conservation Plan, by and among CDFG and Pacific Lumber and Salmon Creek dated February 1999 that was assumed by Humboldt Redwood Company, LLC in the reorganization of Pacific Lumber Company and Salmon Creek Corporation, to the extent any of the above documents bind the logging road and other lands of Humboldt Redwood Company, LLC and are applicable to county's activities on the logging road or other lands of Humboldt Redwood Company, LLC. The County has observed and complied with the terms and provisions of the above-mentioned documents since their inception.

The proposed lease is considered a project under the California Environmental Quality Act (CEQA). This project is categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations to Land) of the CEQA Guidelines, and the application of this categorical exemption is not barred by one of the exceptions set forth in Section 15300.2 of the CEQA Guidelines. A Notice of Exemption is included. (Attachment 4).

FINANCIAL IMPACT:

The attached right of way lease agreement provides for annual lease payment to be made payable to Humboldt Redwood Company, LLC. Annual lease payments will be \$600 per year for a total of \$9,000 over the fifteen (15) year term of the attached lease agreement. The Roads Maintenance budget 1200325 shall bear the cost of all payments made pursuant to the terms and conditions of the attached lease agreement. There is no impact to the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure .

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to execute a new lease agreement. The Department of Public Works recommends executing the new lease agreement to provide winter access to the residents on the Larabee side of the Eel River when the summer low water bridge is removed from the channel. Not approving this lease agreement will leave those residents without access to their homes and properties.

ATTACHMENTS:

1. Resolution to Lease a Private Logging Road in the Larabee Area and the Right of Way Lease Agreement with Humboldt Redwood Company, LLC for said Private Logging Road
2. Right of Way Lease Agreement
3. Notice of Exemption

PREVIOUS ACTION/REFERRAL:

Board Order No.: B-1

Meeting of: December 6, 2011

File No.: N/A