

**CALENDAR ITEM  
C63**

A 26  
S 8

06/22/17  
W 27083  
J. Porter

**GENERAL LEASE – OTHER**

**APPLICANT:**

Premier Seed Company

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the dry bed of Owens Lake, Inyo County.

*AUTHORIZED USE:*

Seed harvesting.

*LEASE TERM:*

5 years, beginning June 22, 2017.

*CONSIDERATION:*

\$150 per year or 10 percent of gross revenues from seeds harvested on the Lease Premises, whichever is greater, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. Lessee will submit annual reports to include information identifying the periods during which seeds were harvested, the total harvest quantity per species in pounds, and the amount of gross revenue from the sale of each harvest. Lessee will also identify any extraordinary seasonal climate-related or geophysical events such as drought or floods that may have affected harvests during that time period.
2. All seeds harvested will be sold only to the Los Angeles Department of Water and Power for dust control mitigation on Owens Lake.

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3. Prior to entering the property and conducting seed gathering activities, the Lessee shall consult with Commission staff to confirm that appropriate Native American Tribal representatives have been consulted and to identify areas of cultural sensitivity, which shall be avoided.
4. Prior to entering the property and conducting seed gathering activities, Lessee will consult and coordinate entry with current Lessees occupying the state land being accessed at Owens Lake.
5. Seeds will be hand harvested by picking directly off the bushes or by striking the plant with a tool then shaking the seeds loose in a manner that does not damage the plants or surrounding habitat; collection will not exceed 20 percent of available seed to ensure the harvested amount is sustainable and does not impair the ability of the biological resources on the Lease Premises to successfully propagate. Seeds collected shall be limited to the 30 species listed in Exhibit C to the lease.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

For years, the City has been diverting water from Owens Lake, which has forever changed and almost eliminated the Public Trust resources at Owens Lake. However, since the City began implementing dust control measures at Owens Lake with shallow flooding and managed vegetation, the bird population of the Lake has increased significantly. The identified Public Trust resources at Owens Lake include wildlife habitat, public access, recreation, and aesthetic enjoyment among others.

Under the proposed lease, all of the seeds collected on sovereign land by the Applicant will be sold to the Los Angeles Department of Water and Power for managed vegetation on the Lake. The Applicant has also obtained permits from the Bureau of Land Management and from the city of Los Angeles for seed collection on their respective parcels. Managed vegetation as a dust control measure creates habitat for birds and other wildlife on the lake, thereby supporting Public Trust resources.

The proposed lease requires seed collection be limited to a time, manner, and quantity that is appropriate to protect the existing habitat, assuring that the existing biological resources at the subject location will not be

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harmful by the activities. The proposed lease also requires coordination with Commission staff to confirm that appropriate Native American Tribal representatives have been consulted and areas of cultural sensitivity are avoided.

The lease also requires the Applicant to carry liability insurance and to indemnify the Commission for any damage or injury that may occur as a result of the proposed activity. This ensures that the State will not incur liability or financial loss from the activity. Further, the lease is non-exclusive, allowing public access to be maintained in the area. The Commission will also receive \$150 per year or a percentage of the revenue received from the seed collection, which ensures the State will be compensated for all resources that are collected.

For all the reasons above, Commission staff believes the issuance of this lease will not substantially interfere with the public's needs and values at this location, at this time, or for the foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This 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.
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 4, Minor Alterations to the Land; California Code of Regulations, title 14, section 15304.

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

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use

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classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Plant List

**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 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 interfere with public needs and values at this location at this time or for the foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Other to Premier Seed Company beginning June 22, 2017, for a term of 5 years, for seed harvesting on State-owned sovereign land described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$150 per year or 10 percent of gross sales, whichever is greater, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**W 27083**

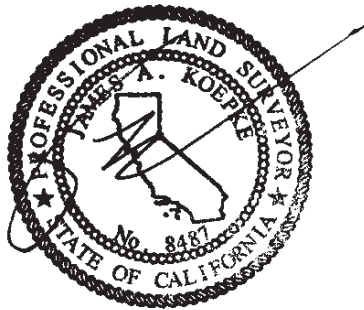
**LAND DESCRIPTION**

All those State-owned sovereign land lying within the bed of Owens Lake, Inyo County, State of California, more particularly described as follows:

All those lands lying southerly of that line described as bearing South 88° 55' 40" West, the POINT OF BEGINNING of said line bears South 31° 08' 14" East, a distance of 23,578.17 feet from Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California.

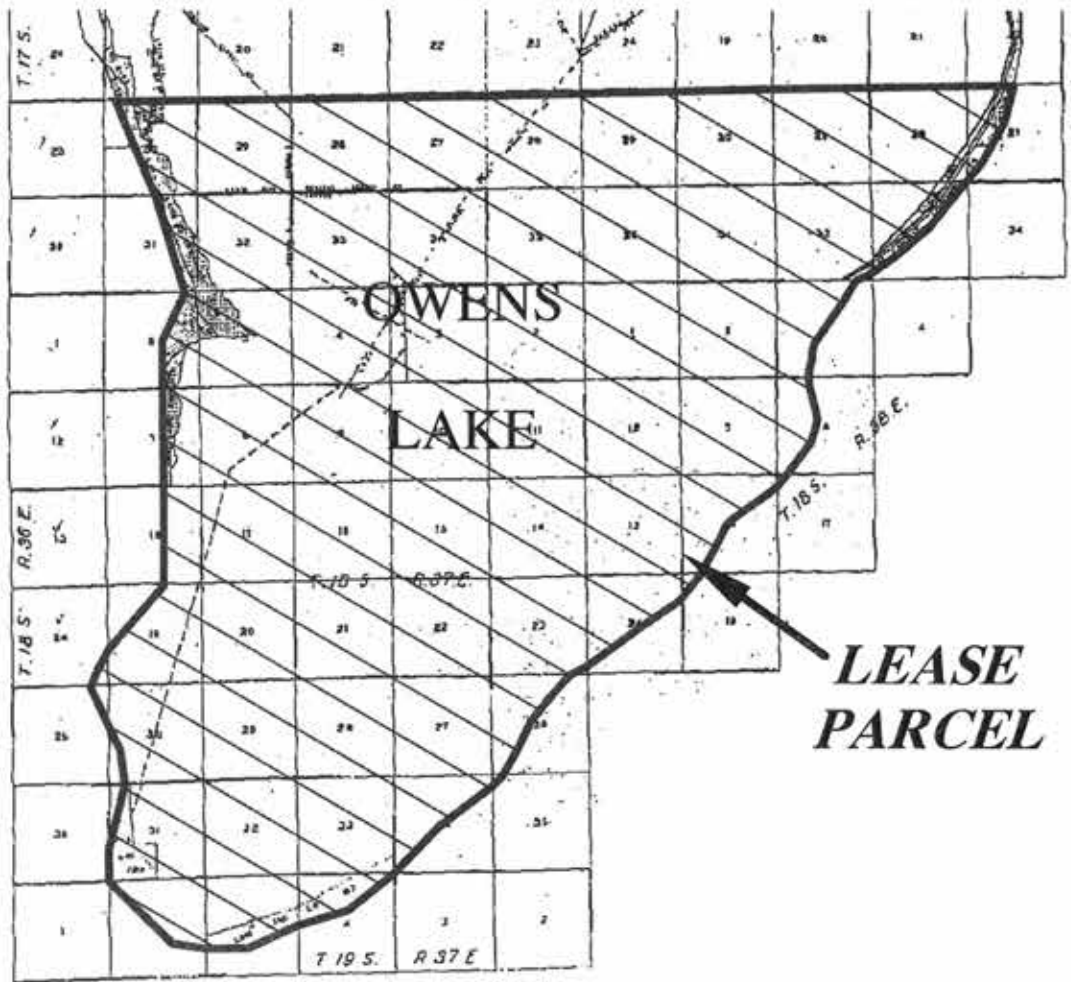
**END OF DESCRIPTION**

Prepared 05/09/2017 by the California State Lands Commission Boundary Unit.



NO SCALE

### SITE



DRY LAKE BED OF OWENS LAKE

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

W 27083  
 PREMIER SEED  
 COMPANY  
 GENERAL LEASE -  
 OTHER USE  
 INYO COUNTY



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 C**

**W 27083**

<b>Already Ordered (Top Priority)</b>		
<b>Species (Scientific)</b>	<b>Species (Common Name)</b>	<b>Est. Bulk Pounds</b>
Anemopsis californica	Yerba Manca	100
Distichlis spicata	Inland Saltgrass	400
Muhlenbergia asperifolia	Scratchgrass	184
Nirophila occidentalis	Alkali Pink	100
Poa secunda ssp. Juncifolia	One-Sided Bluegrass	200

<b>Expressed Interest (Lower Priority)</b>		
<b>Species (Scientific)</b>	<b>Species (Common Name)</b>	<b>Est. Bulk Pounds</b>
Amscripus nevadensis	Nevada Bulrush	200
Bolboschoenus maritimus	Saltmarsh Bulrush	200
Juncus arcticus	Arctic Rush	200
Juncas balticus	Baltic Rush	200
Heliotropium curassavicum	Desert Heliotrope	100
Cleome sparsifolia	Fewleaf Spiderflower	100
Cleomella obtusifolia	Mojave Stinkweed	100
Atriplex confertifolia	Nevada Shadscale	100
Atriplex lentiformis ssp. Torreyi	Torrey's Saltbush	100
Atriplex parryi	Parry's Saltbush	100
Atriplex phyllostegia	Saltbush	100
Cordylanthus maritimus	Bird's Beak	100
Frankenia salina	Alkali Heath	100
Kochia californica	Mojave Red Sage	100
Poa secunda	Blue Grass	100
Sarcobatus vermiculatus	Greasewood	100
Schoenoplectus americanus	Bulrush	100
Sporobolus airoides	Alkali sacaton	100
Suaea moquinii	Bush Seepweed	100
Allenrolfea occidentalis	Iodinebush	100
Eleocharis parishii	Parish's Spikesedge	100
Helianthus annuus	Common Sunflower	100
Juncus torreyi	Torrey's Rush	100
Sesuvium verrucosum	Western Sea-purslane	100
Triglochin concinna	Slender Arrowgrass	100