

**STAFF REPORT  
C62**

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06/21/18  
PRC 9085.9  
D. Simpkin

**AMENDMENT OF LEASE**

**LESSEE:**

Great Basin Unified Air Pollution Control District

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land on the dry lake bed of Owens Lake, Inyo County

**AUTHORIZED USE:**

The continued use and maintenance of 117 Sensit sites, five meteorological towers, and one air monitoring station.

**LEASE TERM:**

20 years, beginning August 23, 2013.

**CONSIDERATION:**

The public health and safety, 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.

**PROPOSED AMENDMENT:**

1. Amend **Land Use or Purpose** of Section 1 of the Lease to authorize the removal of 27 Sensit sites and the addition of four new Sensit sites.
2. Replace **Exhibit A, Land Description**, of the lease with the attached Exhibit A, Land Description. All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

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

STAFF REPORT NO. **C62** (CONT'D)

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

On September 20, 2013, the Commission authorized a 20-year General Lease – Public Agency Use to the Great Basin Unified Air Pollution Control District (District) for the continued use and maintenance of 124 Sensit sites (air particle monitoring equipment), five meteorological towers, and one air monitoring station ([Item C80, September 20, 2013](#)).

On February 20, 2015, the Commission authorized an amendment of the Lease to authorize the removal of five Sensit sites and the addition of nine new Sensit sites ([Item C78, February 20, 2015](#)).

On April 5, 2016, the Commission authorized an amendment to the lease to authorize the removal of 14 Sensit sites and the addition of three new Sensit sites ([Item C47, April 5, 2016](#)). The lease will expire on August 22, 2033.

The proposed lease amendment will allow the District to continue collecting air quality data on Owens Lake. The District is responsible for enforcing federal, State and local air quality regulations and for ensuring that the federal and state air quality standards are met. The subject lease aids the District in monitoring air quality in the Owens Valley to protect the public from air pollution in the region.

The Sensit sites are located throughout the lakebed but occupy a relatively small surface area. As such, the Sensit sites do not create a substantial barrier to Public Trust uses in the area. Commission staff believes the proposed amendment will not substantially interfere with Public Trust needs at Owens Lake, at this time, and for the foreseeable term of the proposed lease.

The use of sovereign lands for scientific study and environmental monitoring is generally consistent with the common law Public Trust Doctrine. Such uses provide the public with valuable information and facilitate the development of programs to protect health and safety.

In addition to the proposed lease amendment, staff is requesting that the lease amendment authorization include a delegation of authority to the Executive Officer for the removal of existing Sensits and placement of future Sensits. The District would be required to document concurrence from the local Tribes and provide Commission staff the location and photographs of all future Sensit sites prior to authorization by the Executive Officer. The proposed delegation would allow the District to

## STAFF REPORT NO. C62 (CONT'D)

respond to air quality matters in a timely manner in the absence of obtaining Commission authorization on an annual or semi-annual basis.

The proposed amendment and future Sensit sites will be governed by the terms of the existing lease, which contains several conditions to protect or preserve Public Trust uses in the area including but not limited to: (1) procedures for protecting snowy plovers; (2) a requirement that the District indemnify the State for any liability arising from the lease; and (3) a non-exclusivity clause that allows the State to lease the premises for other uses during the lease term. Additionally, the lease term is limited to 20 years. This allows the Commission to require the District to remove the improvements and restore the land in the future if Public Trust needs in the area change over time. The lease premises have been drawn narrowly around the improvements to minimize the impact on public access.

### **Conclusion:**

For all the reasons above, Commission staff believes the issuance of this lease amendment is consistent with the common law Public Trust Doctrine and 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. **New Sensit Sites:** 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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).
3. **Sensit Sites Removal:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(3).

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

STAFF REPORT NO. **C62** (CONT'D)

**EXHIBITS:**

- A. Lands Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**New Sensit Sites:** 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 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(5).

**Sensit Sites Removal:** 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 Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(3).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed actions will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the Amendment of Lease No. PRC 9085.9, a General Lease – Public Agency Use, effective June 21, 2018, to authorize the removal of 27 Sensit sites, the addition of four new Sensit sites, and to amend Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.
2. Authorize the Executive Officer or her designee to allow for the removal of Sensits and placement of additional Sensits, subject to the following conditions being met: (a) the District must provide the location and photographs of all future Sensit sites prior to placement; (b) the District must complete consultation with local Tribes and provide evidence of that consultation prior to the placement of new Sensit sites. Should an unresolved disagreement arise between the District and local Tribes as to the location or number of Sensits placed, the District will confer with Commission

STAFF REPORT NO. **C62** (CONT'D)

staff to resolve the disagreement prior to the placement of additional Sensits.

**EXHIBIT A**

**PRC 9085.9**

**LAND DESCRIPTION**

One hundred and two parcels of State-owned sovereign land in the bed of Owens Lake, County of Inyo, State of California, being more particularly described as follows:

**Parcels 1 – 96 (Sensit Sites)**

Ninety-six (96) circular parcels of State-owned sovereign land being 3.048 meters in diameter, the centers of said parcels having the follow coordinates:

1. N = 4022500.18 Meters, E = 409498.47 Meters;
2. N = 4041931.48 Meters, E = 408044.75 Meters;
3. N = 4028055.82 Meters, E = 414402.96 Meters;
4. N = 4037501.43 Meters, E = 409000.88 Meters;
5. N = 4036990.83 Meters, E = 408507.56 Meters;
6. N = 4036997.93 Meters, E = 409012.78 Meters;
7. N = 4035999.29 Meters, E = 408494.44 Meters;
8. N = 4032789.95 Meters, E = 422885.59 Meters;
9. N = 4031287.64 Meters, E = 421964.80 Meters;
10. N = 4024646.50 Meters, E = 410157.94 Meters;
11. N = 4024208.41 Meters, E = 411228.66 Meters;
12. N = 4024004.93 Meters, E = 417499.41 Meters;
13. N = 4042502.15 Meters, E = 414500.75 Meters;
14. N = 4041457.65 Meters, E = 414407.88 Meters;
15. N = 4040505.73 Meters, E = 414501.38 Meters;
16. ~~N = 4037396.65 Meters, E = 408497.34 Meters;~~
17. N = 4037424.09 Meters, E = 417511.19 Meters;
18. N = 4036499.14 Meters, E = 408501.53 Meters;
19. N = 4033489.96 Meters, E = 420507.63 Meters;
20. N = 4033476.29 Meters, E = 421494.44 Meters;
21. N = 4032272.80 Meters, E = 418590.88 Meters;
22. N = 4031495.63 Meters, E = 421503.59 Meters;
23. N = 4030493.52 Meters, E = 417470.22 Meters;
24. N = 4028560.11 Meters, E = 415483.06 Meters;
25. N = 4028624.00 Meters, E = 418666.00 Meters;
26. N = 4027479.42 Meters, E = 416494.34 Meters;

27. N = 4025482.63 Meters, E = 412516.66 Meters;  
28. N = 4040034.54 Meters, E = 412135.75 Meters;  
29. N = 4025615.30 Meters, E = 418440.78 Meters;  
30. N = 4024498.76 Meters, E = 414510.88 Meters;  
31. N = 4024461.61 Meters, E = 417496.06 Meters;  
32. N = 4023490.91 Meters, E = 410490.97 Meters;  
33. N = 4043034.18 Meters, E = 408914.51 Meters;  
34. N = 4042190.85 Meters, E = 415032.45 Meters;  
35. N = 4042057.25 Meters, E = 414842.25 Meters;  
36. N = 4032241.64 Meters, E = 421814.30 Meters;  
37. N = 4031928.77 Meters, E = 421622.54 Meters;  
38. N = 4031706.73 Meters, E = 421999.34 Meters;  
39. N = 4031615.89 Meters, E = 422211.28 Meters;  
40. N = 4032170.99 Meters, E = 422726.01 Meters;  
41. N = 4031720.18 Meters, E = 422803.39 Meters;  
42. N = 4031313.11 Meters, E = 421642.73 Meters;  
43. N = 4030882.49 Meters, E = 421656.18 Meters;  
44. N = 4030438.41 Meters, E = 421794.12 Meters;  
45. N = 4041658.81 Meters, E = 414790.43 Meters;  
46. N = 4033223.27 Meters, E = 418486.30 Meters;  
47. N = 4028620.56 Meters, E = 411479.18 Meters;  
48. N = 4042292.62 Meters, E = 408201.85 Meters;  
49. N = 4041661.69 Meters, E = 408279.17 Meters;  
50. N = 4043059.92 Meters, E = 416155.20 Meters;  
51. N = 4020058.28 Meters, E = 411883.71 Meters;  
52. N = 4035400.45 Meters, E = 408485.44 Meters;  
53. N = 4038754.30 Meters, E = 409355.76 Meters;  
54. N = 4043150.77 Meters, E = 414993.72 Meters;  
55. N = 4043536.96 Meters, E = 415793.06 Meters;  
56. N = 4021424.94 Meters, E = 409077.62 Meters;  
57. N = 4019578.50 Meters, E = 409031.26 Meters;  
58. N = 4039115.75 Meters, E = 409176.67 Meters;  
59. N = 4028123.31 Meters, E = 410402.54 Meters;  
60. N = 4042337.61 Meters, E = 407340.29 Meters;  
61. N = 4042773.02 Meters, E = 407684.08 Meters;  
62. N = 4042672.07 Meters, E = 408276.32 Meters;  
63. N = 4019408.51 Meters, E = 411491.24 Meters;  
64. N = 4020066.44 Meters, E = 412311.53 Meters;  
65. N = 4033358.15 Meters, E = 422126.04 Meters;  
66. N = 4041774.51 Meters, E = 410997.31 Meters;  
67. N = 4039784.27 Meters, E = 417296.91 Meters;

- 68. N = 4035505.51 Meters, E = 419486.69 Meters;
- 69. N = 4023496.15 Meters, E = 412503.00 Meters;
- 70. N = 4040115.92 Meters, E = 411890.94 Meters;
- 71. N = 4020593.70 Meters, E = 413177.88 Meters;
- 72. N = 4024554.40 Meters, E = 413543.47 Meters;
- 73. N = 4023497.97 Meters, E = 415501.06 Meters;
- 74. N = 4022489.03 Meters, E = 411485.63 Meters;
- 75. N = 4021500.90 Meters, E = 414501.16 Meters;
- 76. N = 4022663.04 Meters, E = 413401.97 Meters;
- 77. N = 4021332.60 Meters, E = 409302.00 Meters;
- 78. N = 4020235.86 Meters, E = 409801.13 Meters;
- 79. N = 4024232.29 Meters, E = 412769.95 Meters;
- 80. N = 4023646.91 Meters, E = 412788.05 Meters;
- 81. N = 4023517.16 Meters, E = 412969.10 Meters;
- 82. N = 4023390.43 Meters, E = 413138.07 Meters;
- 83. N = 4022716.61 Meters, E = 413669.14 Meters;
- 84. N = 4023187.05 Meters, E = 411770.82 Meters;
- 85. N = 4021110.83 Meters, E = 410408.06 Meters;
- 86. N = 4020853.80 Meters, E = 410197.26 Meters;
- 87. N = 4019890.10 Meters, E = 409219.50 Meters;
- 88. N = 4026935.56 Meters, E = 415215.46 Meters;
- 89. N = 4025395.61 Meters, E = 414406.61 Meters;
- 90. N = 4041696.10 Meters, E = 417900.80 Meters;
- 91. N = 4038168.40 Meters, E = 409034.90 Meters;
- 92. N = 4023559.10 Meters, E = 410950.20 Meters;
- 93. N = 4044778.20 Meters, E = 414450.10 Meters;
- 94. N = 4044871.70 Meters, E = 413160.80 Meters;
- 95. N = 4044421.40 Meters, E = 415494.80 Meters;
- 96. N = 4025377.00 Meters, E = 412657.00 Meters.

**Parcels 97 – 101 (Met Towers)**

Five (5) circular parcels of State-owned sovereign land being 14.021 meters in diameter, the centers of said parcels having the follow coordinates:

- 97. N = 4028441.39 Meters, E = 411798.88 Meters; (Cottonwood)
- 98. N = 4042494.84 Meters, E = 415481.91 Meters; (A Tower)
- 99. N = 4038779.00 Meters, E = 409421.40 Meters; (Bartlett Met)



100. N = 4030431.30 Meters, E = 420256.25 Meters; (B Tower)  
101. N = 4041463.66 Meters, E = 410496.59 Meters. (Delta)

**Parcel 102 (North Beach Air Monitoring Station)**

One parcel of State-owned sovereign land being 6.096 meters by 6.096 meters square, the center of said parcel having the follow coordinates:

102. N = 4044545.42 Meters, E = 411378.94 Meters;

BASIS OF BEARINGS for this description is UTM Zone 11 meters.

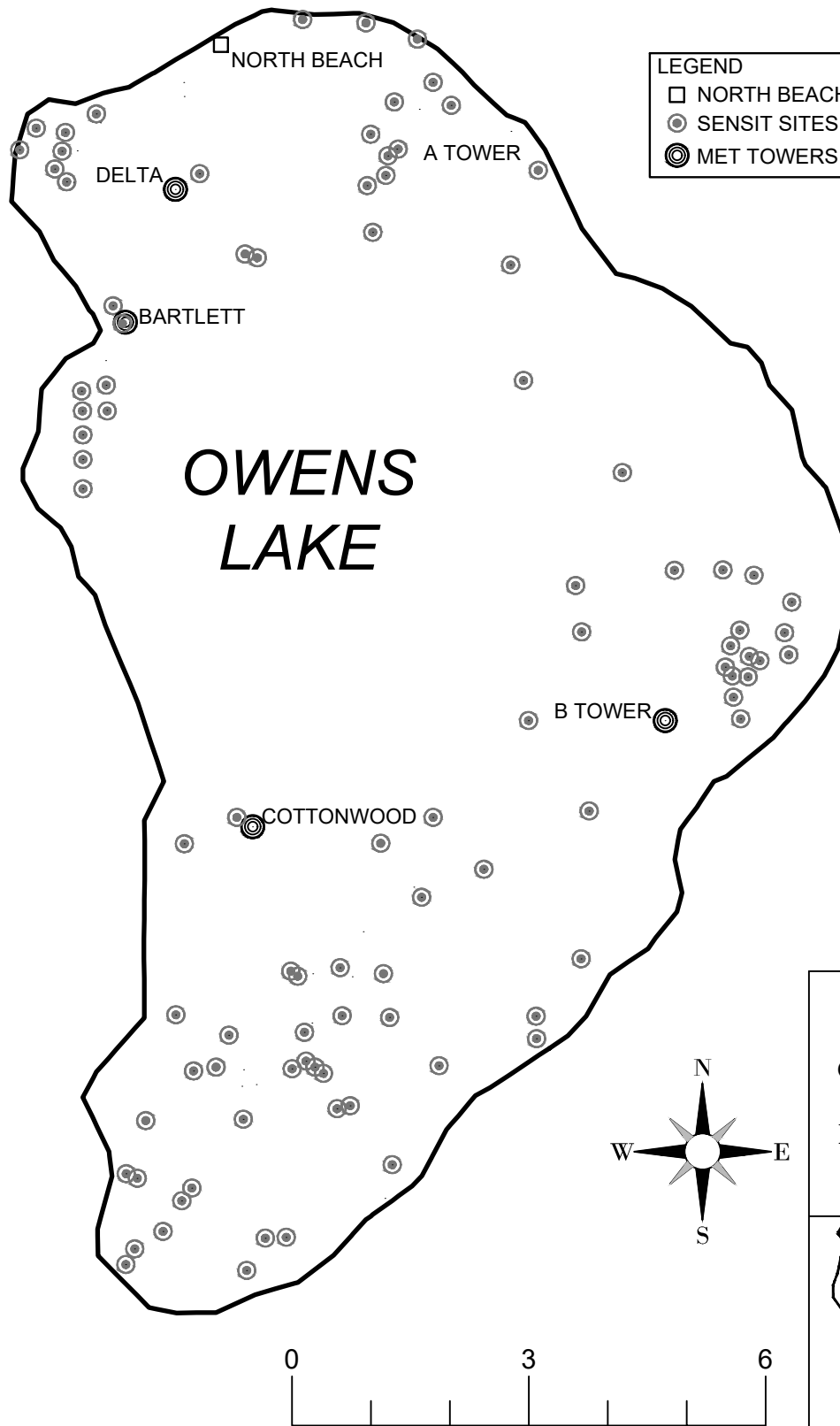
**END OF DESCRIPTION**

Prepared May 22, 2018 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE



## Exhibit B

PRC 9085.9  
 GREAT BASIN UAPCD  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 INYO COUNTY



\*SYMBOLS ARE NOT TO SCALE

MILES

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.