

**STAFF REPORT
C25**

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10/18/18
PRC 8172.1
D. Simpkin

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Timothy P. Alpers and Pamela J. Alpers

APPLICANT/ASSIGNEE:

James H. Creager, Trustee of the James Creager Revocable Trust dated February 25, 2013

AREA, LAND TYPE, AND LOCATION:

Sovereign land lying below elevation 6,417 feet, Mono Lake, Mono County.

AUTHORIZED USE:

The continued use and maintenance of an existing residential leach field system.

LEASE TERM:

49 years, beginning July 1, 2000.

CONSIDERATION:

\$278 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000, 2002, and 2003.

Public Trust and State's Best Interests Analysis:

On June 27, 2000, the Commission authorized a General Lease – Residential Leach System to Timothy P. Alpers and Pamela J. Alpers ([Item C18, June 27, 2000](#)). That lease will expire on June 30, 2049. On April 30, 2018, the interest in the upland parcel was deeded to James H. Creager, Trustee of the James Creager Revocable Trust dated February 25, 2013. An assignment of the lease is now being requested.

The lease assignment will not result in the use of public resources or impacts to Public Trust uses.

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Climate Change:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. The lease premises and surrounding land may be vulnerable to these weather events. Further climate change impact analyses of the lease premises will be assessed at the time the lease expires in 2049 if an application is submitted for a new lease and would be based on conditions at that time.

Conclusion:

For all the reasons above, staff believes the approval of this lease assignment will not substantially interfere with the Public Trust needs at this location, at this time, and the foreseeable term of the lease; 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. Approving the lease assignment is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

1. Find that the proposed assignment of a lease for the continuing use and maintenance of a residential leach field system is not generally consistent with the Public Trust Doctrine, but the current use, for a limited period, does not substantially interfere with the trust; and,

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2. Find that approving the lease assignment is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 8172.1, a General Lease – Residential Leach Field System, of sovereign land as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map attached and by this reference made a part hereof, from Timothy P. Alpers and Pamela J. Alpers, to James H. Creager, Trustee of the James Creager Revocable Trust dated February 25, 2013; effective April 30, 2018.

EXHIBIT A

PRC 8172.1

LAND DESCRIPTION

A parcel of submerged land situated in the historic bed of Mono Lake, lying adjacent to Lot 5 of fractional Section 30, Township 2 North, Range 26 East, M.D.B.&M., as shown on Official Government Township Plat approved January 31, 1902, County of Mono, State of California, more particularly described as follows:

COMMENCING at the west corner of PARCEL A described in that certain Deed of Trust recorded April 30, 2018 as Document Number 2018001504, Official Records of said county; thence along the northwesterly boundary of said parcel, North 39° 21' East 200 feet to the POINT OF BEGINNING; thence continuing along the northwesterly boundary and northeasterly prolongation thereof, North 39° 21' East 200 feet; thence leaving said boundary prolongation South 50° 39' East 75 feet to a point on the northeasterly prolongation of the southeasterly boundary of PARCEL A of said deed; thence southwesterly along said prolongation and southeasterly boundary thereof, South 39° 21' West 200 feet; thence leaving said southeasterly boundary, North 50° 39' West 75 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of an elevation of 6417 feet above sea level datum 1929 of said Mono Lake.

END OF DESCRIPTION

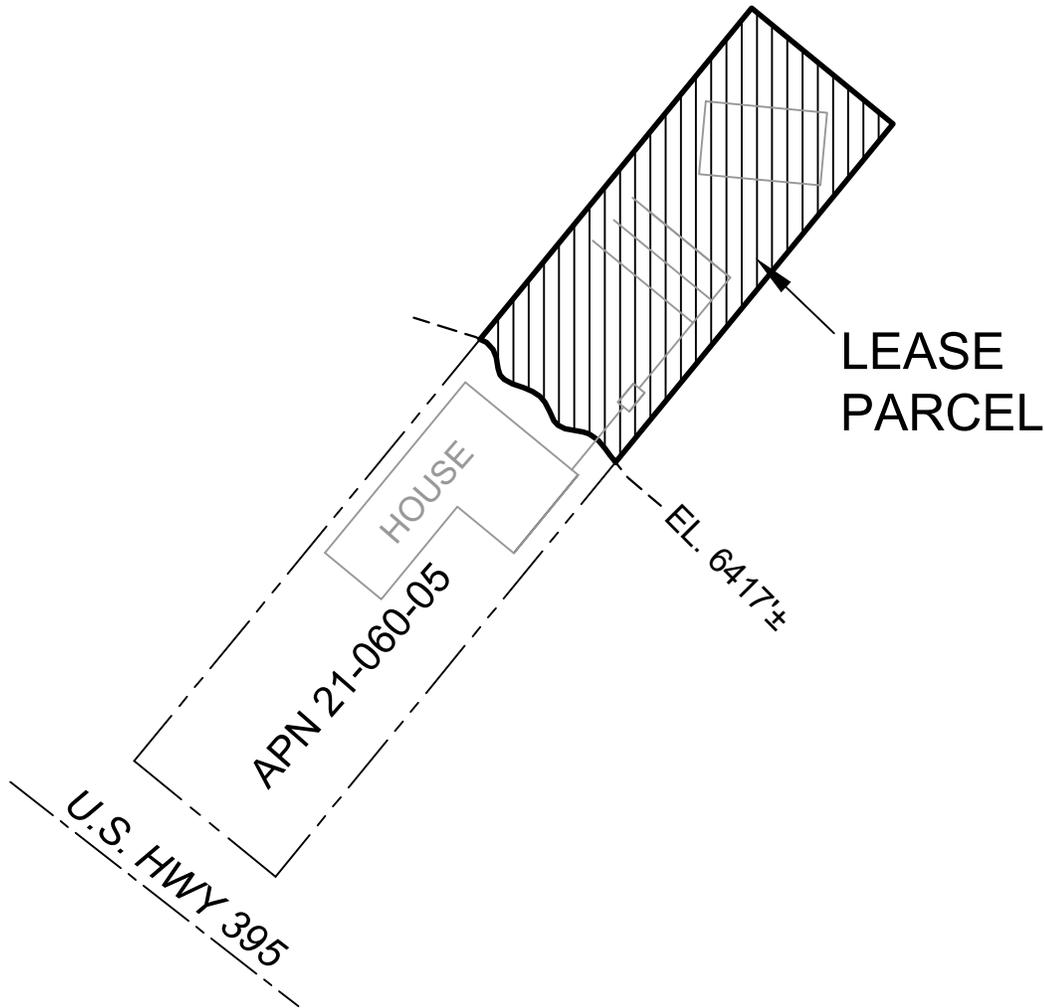
Prepared 08/23/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

MONO
LAKE



54880 U.S. HWY 395, NEAR LEE VINING, MONO LAKE

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 8172.1
 CREAGER TRUST
 APN 21-060-05
 GENERAL LEASE -
 RESIDENTIAL LEACH
 FIELD SYSTEM
 MONO COUNTY



TS 08/23/18