

Staff Report 35

APPLICANT:

Regents of the University of Michigan

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Use and maintenance of two monitoring towers, a data collection and transmission box, and a solar power collection station.

TERM:

10 years, beginning February 23, 2021.

CONSIDERATION:

The 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:

On December 5, 2012, the Commission authorized a 2-year, 6-month General Lease – Public Agency Use to the University of Michigan (University) for the installation, use, and maintenance of two monitoring towers, a data collection and

transmission box, and a solar panel power collection station ([Item 42, December 5, 2012](#)). That lease expired on June 4, 2015. The University is applying for a new General Lease – Public Agency Use for the existing improvements.

Data collection instruments are mounted to one 10-foot-tall tower and one 6-foot-tall tower. The 10-foot tower occupies a footprint of less than 3 square feet. The tower is supported by three guy wires, each extending less than 8 feet from the tower. The 6-foot-tall tower is mounted on a tripod base. Data collection and transmission equipment are in a box housing located 10 feet from the towers. The box is approximately 3 feet high, 2 feet wide and 1 foot deep. The towers and data collection and transmission equipment are powered by a solar collection station located 50 feet south of the main 10-foot tower. The station sits on a 10-foot by 6-foot sled with the solar panels reaching a height of 6 feet. An electrical cable runs from the solar collection station to the electrical box. Data transfer cables run from the box housing to each of the two towers. The lease area is a 170-foot by 330-foot rectangle. The relatively small footprint and remote location of the equipment is not expected to interfere with Public Trust needs and uses at Owens Lake. Public access to the Owens Lake Plaza, which includes hiking opportunities, is located south of the equipment off Highway 136. The proposed authorized use will not impact existing recreational opportunities.

Since the installation of the improvements, the University has collected meteorological and aerosol-related data as part of their Aerosol-Climate Interaction Study. The collected data is shared with the Great Basin Air Pollution Control District and used in scientific publications. In addition, University staff inspect the equipment a minimum of once every year to ensure the equipment is in good condition. The proposed lease requires that the Applicant indemnify the State for any liability related to the authorized equipment. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights.

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 area is in open lands with moderate to low vegetation fuels and is vulnerable to the above events, including dust storms and flash flooding from thunderstorms, and to a lesser extent, wildland fires. The leased lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the leased lands or data collection instruments.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially impair the public rights to access; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant, as the former Lessee may be required to remove the two monitoring towers, data collection and transmission box, and solar power collection station and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.
2. 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.
3. 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.

EXHIBITS:

- A. Land Description
- B. Location and Site 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 access or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the issuance of a General Lease – Public Agency Use to the Applicant beginning February 23, 2021, for a term of 10 years, for two monitoring towers, a data collection and transmission box, and a solar power collection station on Owens Lake, as described in Exhibit A and shown on Exhibit B (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 if the Commission finds such action to be in the State's best interest.

EXHIBIT A

LEASE 9031

LAND DESCRIPTION

A parcel of State-owned sovereign land in the bed of Owens Lake in the County of Inyo, State of California, being more particularly described as follows:

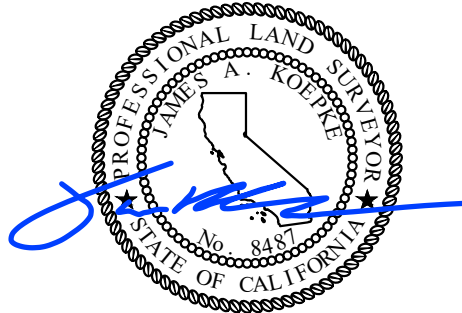
BEGINNING at a point having NAD 83 UTM Zone 11 North coordinates of Northing (Y) 4043715.1 meters, Easting (X) 416349.3 meters; thence in a clockwise direction through the following three (3) points:

1. Northing (Y) 4043744.1 meters, Easting (X) 416391.0 meters;
2. Northing (Y) 4043662.0 meters, Easting (X) 416448.1 meters;
3. Northing (Y) 4043633.4 meters, Easting (X) 416407.1 meters to the POINT OF BEGINNING.

END OF DESCRIPTION

Original description prepared by the California State Lands Commission Boundary Unit on 11/29/2012 as found in W 26639 file, Calendar Item 42.

Revised 12/21/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

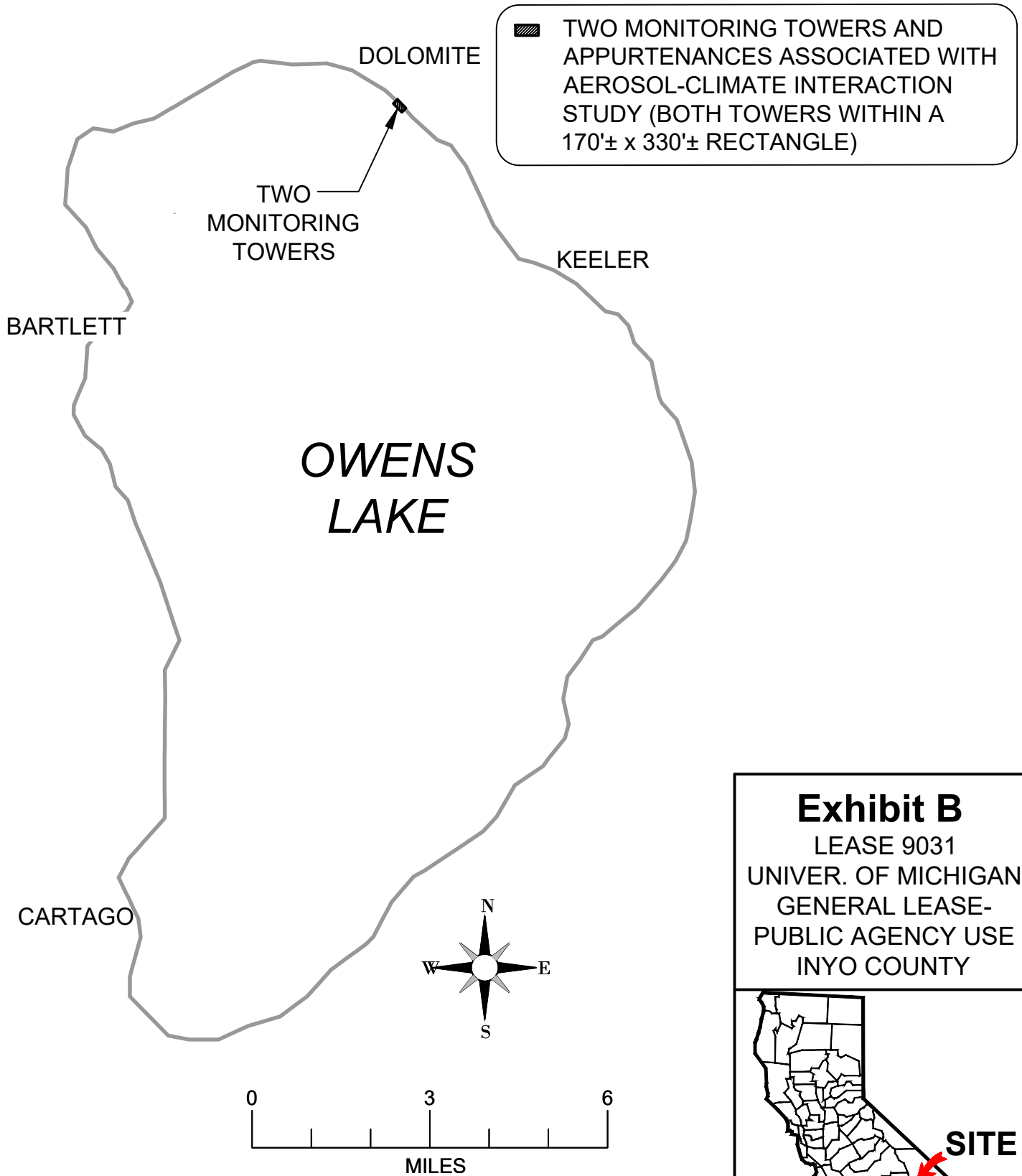


Exhibit B
LEASE 9031
UNIVER. OF MICHIGAN
GENERAL LEASE-
PUBLIC AGENCY USE
INYO COUNTY

The inset map shows the state of California with county boundaries. A red arrow points to a specific location in the eastern part of the state, labeled "SITE".

TS 12/21/2020

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.