

Staff Report 37

LESSEE:

Premier Seed Company, LLC

PROPOSED ACTION:

Issuance of a General Lease – Other

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Seed harvesting

TERM:

10 years, beginning June 22, 2022.

CONSIDERATION:

\$140 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.
- 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.
- All seeds harvested will be sold only to the Los Angeles Department of Water and Power for dust control mitigation on Owens Lake.

- 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.
- 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.
- If Lessee discovers any artifact(s) or material(s) that might potentially be culturally sensitive, Lessee must immediately contact Lessor's staff and notify Lessor's staff of the location. Lessee agrees that such artifacts will not be disturbed or collected.
- 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 species listed in Exhibit C to the lease.
- Lessee shall also identify any extraordinary seasonal climate-related or geophysical events such as drought, floods, etc. that may have affected harvests during that time period.

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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 22, 2017, the Commission authorized a General Lease – Other to the Lessee for seed harvesting on Owens Lake ([C63, June 22, 2017](#)). The lease will expire on June 21, 2022. The Applicant is now applying for a General Lease – Other for continued seed harvesting.

For years, the City of Los Angeles Department of Water and Power (LADWP) has been diverting water from Owens Lake, which has forever changed and almost eliminated the Public Trust resources at Owens Lake. However, since LADWP 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 the seeds collected on sovereign land by the Applicant will be sold to LADWP for managed vegetation on the Lake. The Applicant has 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 harmed 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 lessee 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 nonexclusive, allowing public access to be maintained in the area. The Commission will also receive a minimum of \$140 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.

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, drought, and storms. The lease area is open lands with low vegetation fuels, and are vulnerable to the above events, including dust storms, flooding during above average snowmelt and precipitation, and flash flooding from thunderstorms. 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 for seed harvesting activities. However, the proposed lease requires the Lessee to identify any extraordinary seasonal climate-related or geophysical events such as drought, floods, etc. that may have affected harvests.

CONCLUSION:

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. 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 will not be authorized to collect seeds beyond June 21, 2022. Upon expiration or prior termination of a lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs", "Leading Climate Activism", and "Partnering with Sovereign Tribal Governments and Communities" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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 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.

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, LLC beginning June 22, 2022, for a term of 10 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; compensation in the amount of \$140 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

LEASE 9413

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.

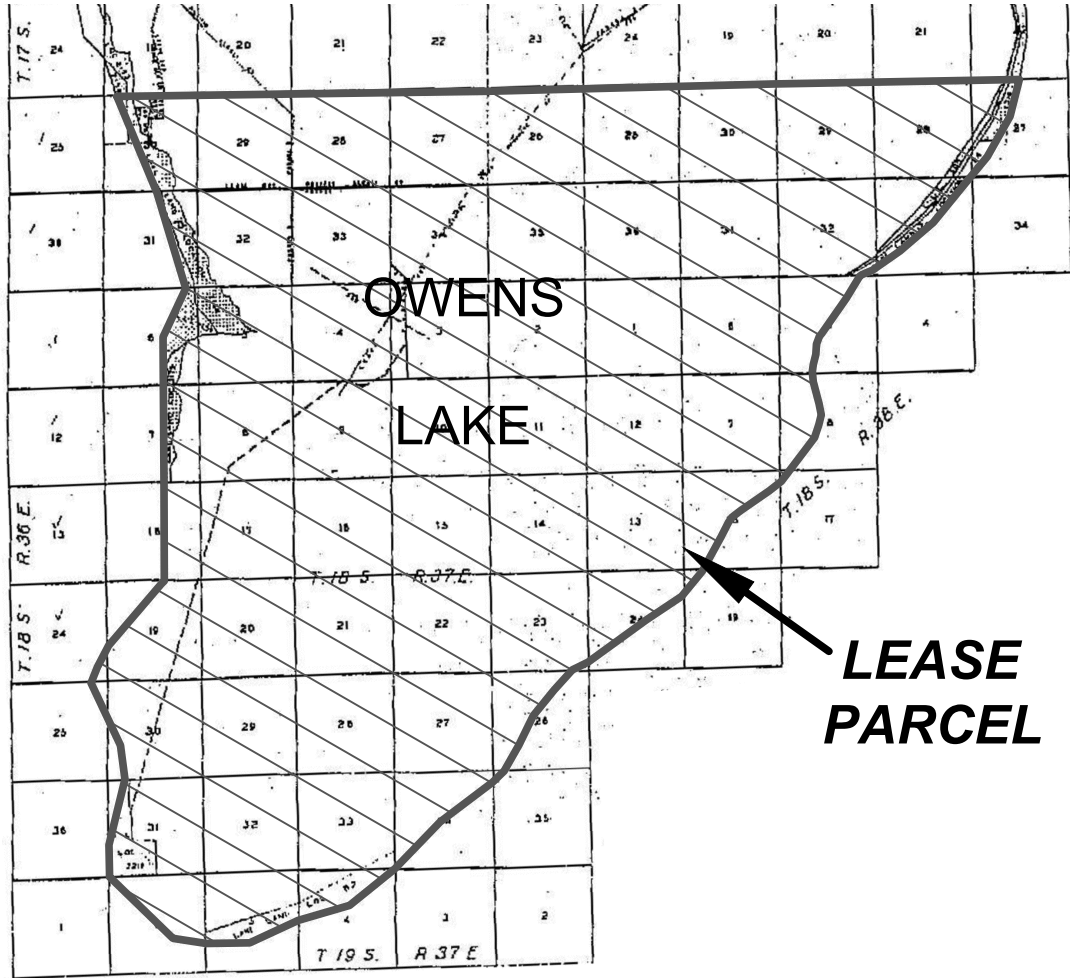
END OF DESCRIPTION

Prepared 04/28/2021 by the California State Lands Commission Boundary Unit.



NO SCALE

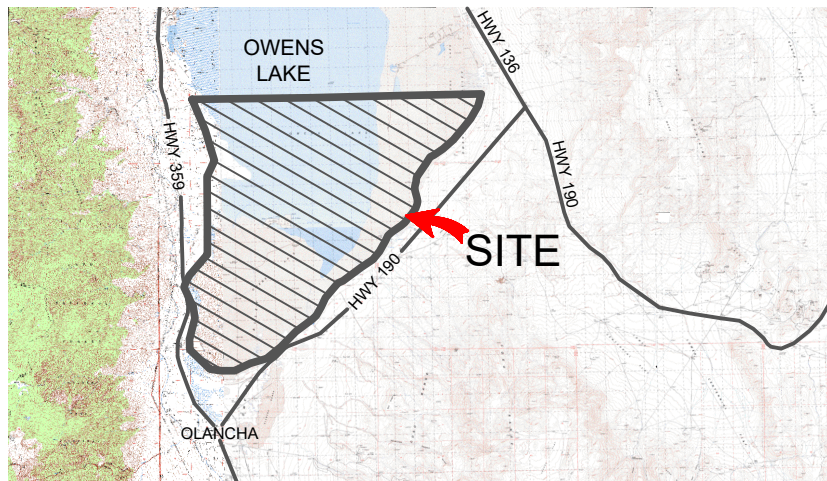
SITE



DRY LAKE BED OF OWENS 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

LEASE 9413
PREMIER SEED COMPANY
GENERAL LEASE -
OTHER USE
INYO COUNTY



TS 04/28/2021

Exhibit C

Lease 9413

Seed Collection List		
Scientific Name	Common Name	Max PLS lbs to be collected
<i>Amphiscirpus nevadensis</i>	Nevada bulrush	110
<i>Atriplex confertifolia</i>	Nevada shadscale	20
<i>Atriplex lentiformis</i> ssp. <i>torreyi</i>	Torrey's saltbush	20
<i>Atriplex parryi</i>	Parry's saltbush	15
<i>Atriplex phyllostegia</i>	Saltbush	20
<i>Bolboschoenus maritimus</i>	Saltmarsh bulrush	300
<i>Cordylanthus maritimus</i>	Bird's beak	10
<i>Distichlis spicata</i>	Saltgrass	1500
<i>Frankenia salina</i>	Alkali heath	10
<i>Juncus arcticus</i> var. <i>balticus</i>	Wire rush	100
<i>Juncus arcticus</i> var. <i>mexicanus</i>	Mexican rush	100
<i>Kochia californica</i>	Mojave red sage	10
<i>Muhlenbergia asperifolia</i>	Scratchgrass	20
<i>Nitrophila occidentalis</i>	Alkali pink	5
<i>Poa secunda</i> ssp. <i>Juncifolia</i>	Blue grass	90
<i>Sarcobatus vermiculatus</i>	Greasewood	9
<i>Schoenoplectus americanus</i>	Bulrush	70
<i>Sporobolus airoides</i>	Alkali sacaton	80
<i>Suaeda moquinii</i>	Bush seepweed	18
<i>Allenrolfea occidentalis</i>	Picklebush	5
<i>Anemopsis californica</i>	Yerba mansa	5
<i>Cleomella obtusifolia</i>	Mojave stinkweed	5
<i>Cleome sparsifolia</i>	Fewleaf bee plant	5
<i>Eleocharis parishii</i>	Spikerush	5
<i>Heliotropium curassavicum</i>	Heliotrope	7
<i>Helianthus annuus</i>	Sunflower	7
<i>Juncus torreyi</i>	Torrey's rush	7
<i>Sesuvium verrucosum</i>	Verrucose seapurslane	7
<i>Triglochin concinna</i>	Slender arrowgrass	7
<i>Asclepias fascicularis</i>	Narrowleaf milkweed	7
<i>Carex praegracilis</i>	Clustered field sedge	7
<i>Leymus triticoides</i>	Creeping wildrye	7
<i>Potentilla gracilis</i> var. <i>elmeri</i>	Alkali potentilla	7
<i>Pyrrocoma racemosa</i>	Wand aster	7
<i>Cleome lutea</i>	Yellow bee plant	7
<i>Cressa truxillensis</i>	Alkali weed	7
<i>Chrysothamnus nauseosus</i> ssp. <i>consimilis</i>	Rubber rabbitbrush	7
<i>Machaeranthera carnosa</i>	Shrubby alkali aster	7
<i>Paspalum distichum</i>	Knotgrass	7
<i>Populus fremontii</i>	Fremont's cottonwood	7
<i>Salix lasiolepis</i>	Arroyo willow	7
<i>Typha domingensis</i>	Southern cattail	7

Atriplex hymenelytra	Desert holly	7
Cyperus laevigatus	Smooth flatsedge	7
Phragmites australis	Common reed	7
Eleocharis rostrata	Walking spike rush	7
Euthamia occidentalis	Western goldenrod	7