

MINUTE ITEM

This Calendar Item No. C06 was approved as Minute Item No. 06 by the California State Lands Commission by a vote of 3 to 0 at its 6-14-99 meeting.

**CALENDAR ITEM
C06**

A 17

S 34

PRC 8079

06/14/99

W 25539

B. Dugal

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Los Angeles
Department of Water and Power
P. O. Box 51111
Los Angeles, California 90051-0100

AREA, LAND TYPE, AND LOCATION:

1,780 acres, more or less, of sovereign lands in the dry lakebed of Owens Lake, near the town of Olancho, Inyo County.

AUTHORIZED USE:

Installation of the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System. The proposed Monitoring System will consist of 13 ten-meter tall aluminum air monitoring towers equipped with specialized air monitoring and meteorological instrumentation. Solar panels will be installed with each tower along with five Sensits® (real time particle motion sensors). Additionally, 49 locations throughout the lease premises will contain "BSNE-type" sand traps (BSNE). 40 of the locations will contain single sand traps and nine locations will contain quad-sand traps. Nine additional Sensits® will be installed with each quad-sand trap. The monitoring tower system configuration is depicted on the attached Exhibit C.

LEASE TERM:

20 years, beginning May 1, 1999.

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 interest.

SPECIFIC LEASE PROVISIONS:

Other: Western Snowy Plover Avoidance Measures as outlined in the attached Exhibit D.

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OTHER PERTINENT INFORMATION:

1. The Applicant has the right to use the lands adjoining the lease premises.
2. The Applicant's proposed research and monitoring project at the South Sand Sheet is being conducted to control dust and to provide data for the future design and implementation of dust control measures as required by the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan dated November 16, 1998.
3. As part of the construction of the monitoring system, a number of steps will be taken to avoid or minimize disturbance to the Western snowy plover, a state listed Species of Special Concern, that may use the proposed monitoring site or adjacent areas. In consultation with the Department of Fish and Game and Commission staff, the Applicant has prepared and is required to comply with the attached Snowy Plover Avoidance Measures, identified as Exhibit D, during construction, or monitoring activities on Owens Lake.
4. Monitoring the 13 towers will occur on a daily basis using access roads. Monitoring personnel will also collect data from the monitoring sites electronically. Personnel will periodically visit the site to audit, repair, and replace equipment and to manually retrieve data that cannot be retrieved electronically. Additionally, the Applicant will monitor the sand traps following a wind event that generates sand movement.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; Title 14, California Code of Regulations, section 15306.

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

APPROVALS OBTAINED:

California Department of Fish and Game

EXHIBITS:

- A. Location/Site Map

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- B. Land Description
- C. Monitoring Tower System Configuration
- D. Western Snowy Plover Avoidance Measures

PERMIT STREAMLINING ACT DEADLINE:

July 20, 1999

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15306.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING MAY 1, 1999, FOR A TERM OF 20 YEARS, FOR INSTALLATION OF THE OWENS LAKE SOUTH SAND SHEET AIR QUALITY AND SAND FENCE EFFECTIVENESS MONITORING SYSTEM ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HERETO; 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 INTEREST.

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This Exhibit is solely for purposes of generally defining the lease premises 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.

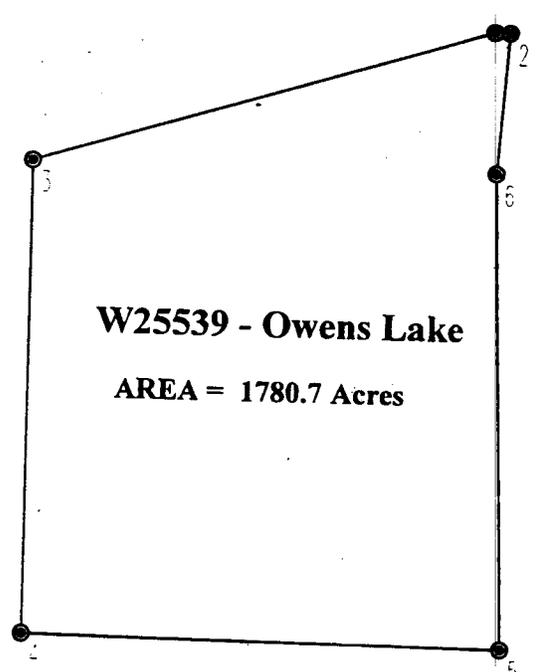
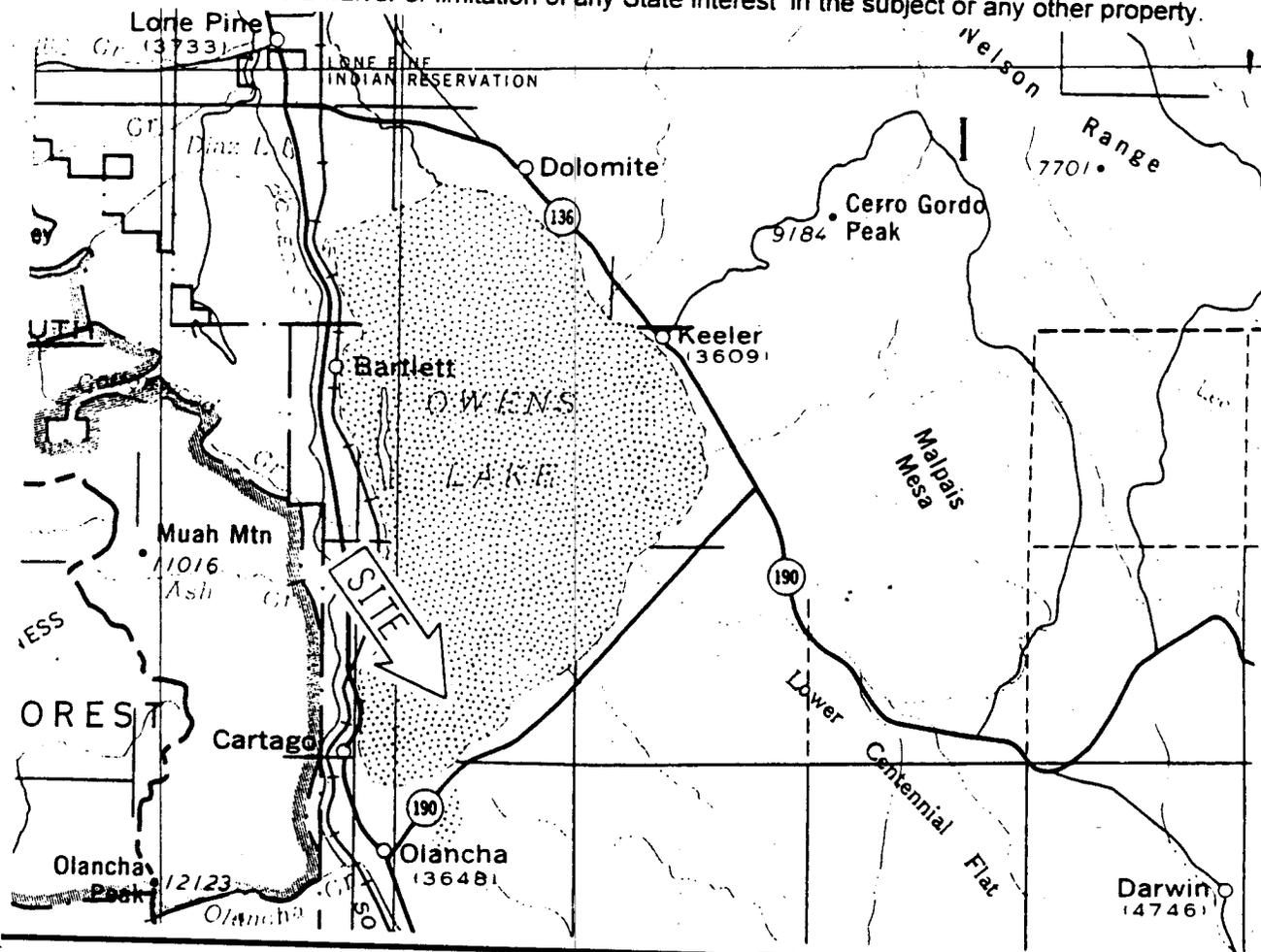


EXHIBIT "A"
LOCATION/SITE MAP
W25539
PUBLIC AGENCY LEASE
OWENS LAKE
INYO COUNTY, CA.



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EXHIBIT "B"
LAND DESCRIPTION

W 25539

A parcel of state-owned sovereign land lying within the bed of Owens Lake and situated within projected sections 15, 21, 22, 27 and 28, Township 18 South, Range 37 East, Mount Diablo Meridian, Inyo County, State of California and more particularly described as follows:

BEGINNING at a Point 1, having 1927 California Coordinate System Zone 4 Coordinates of X=2,301,177.880 feet, Y=366,334.790 feet, said point of beginning Bears N57°41'00"E, 48,430.60 feet from U.S.C.&G.S. Triangulation Station, "Olancho", having 1927 California ~~Coordinate System Zone 4 Coordinates of X=2,260,248.91 feet, Y=340,443.82 feet;~~ thence from said point of beginning the parcel is bounded by the following 1927 California Coordinate System Zone 4 Coordinates:

- | | | |
|----|-----------------|---------------|
| 1. | X=2,301,177.880 | Y=366,334.790 |
| 2. | X=2,309,467.444 | Y=366,274.061 |
| 3. | X=2,309,224.601 | Y=374,532.488 |
| 4. | X=2,309,406.713 | Y=376,992.804 |
| 5. | X=2,309,138.408 | Y=376,995.569 |
| 6. | X=2,301,177.880 | Y=374,563.627 |

END DESCRIPTION

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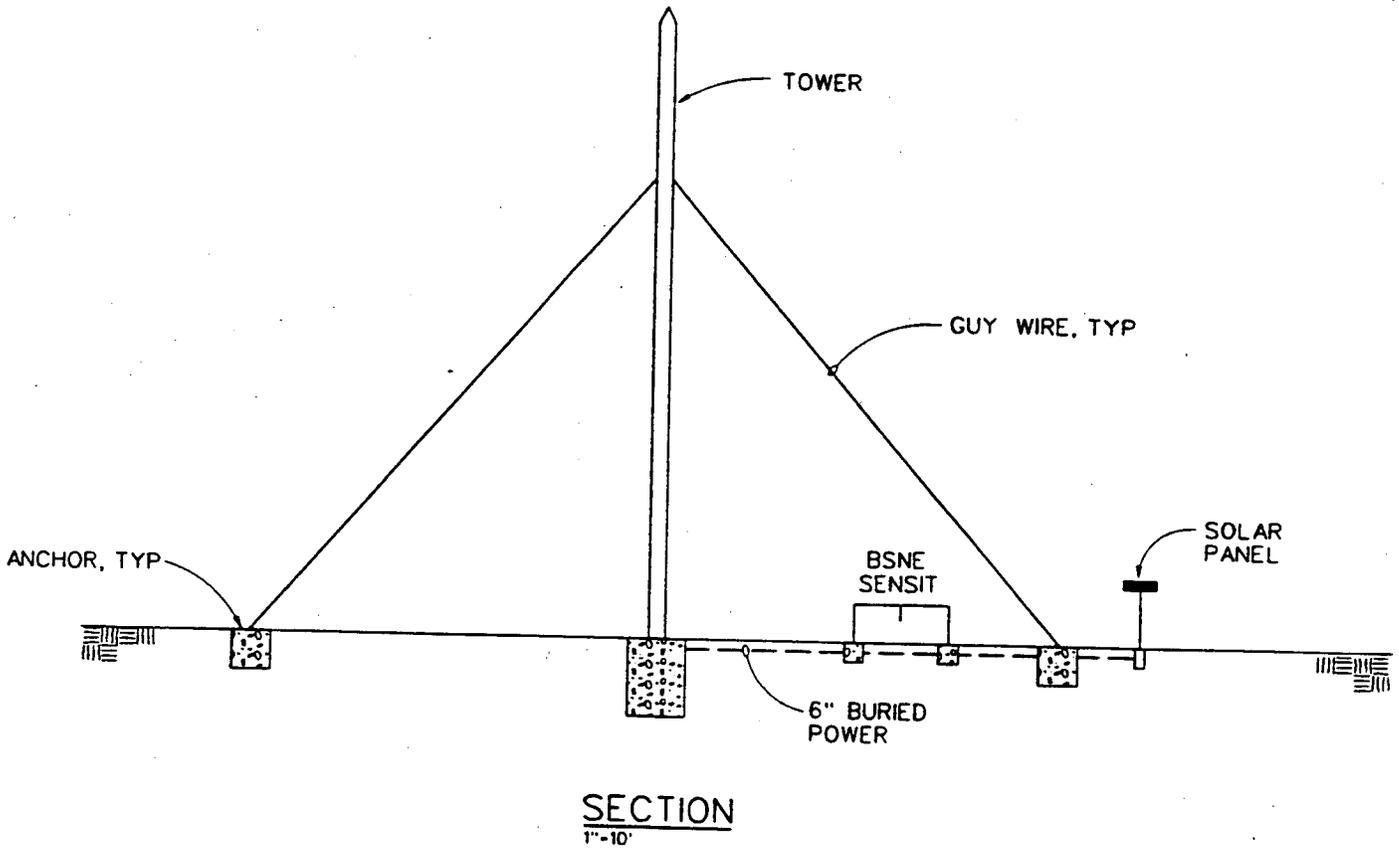
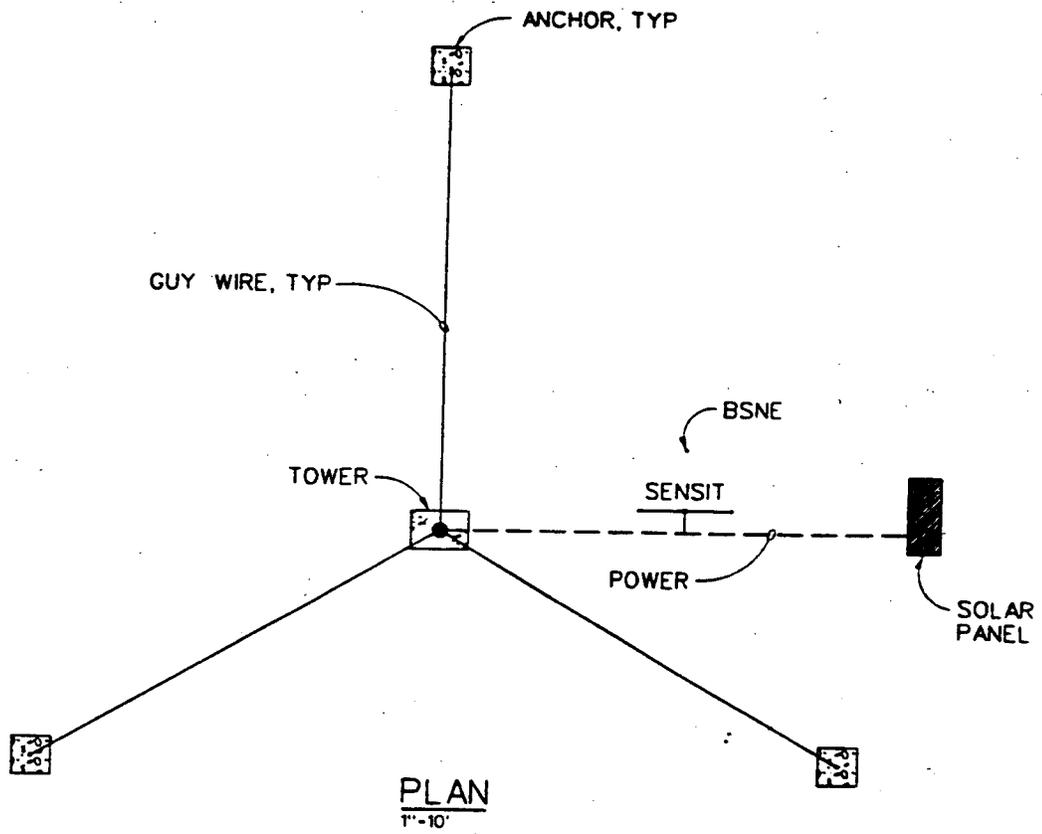


FIGURE 2
MONITORING TOWER
SYSTEM CONFIGURATION

OWENS
LADWP

VALLEY

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CH2M HILL

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Snowy Plover Avoidance Measures

Snowy Plover Impact Avoidance and Minimization Measures – Installation Phase

As part of the construction phase of the air monitoring program, a number of steps will be taken to avoid or minimize disturbance of snowy plovers that may use the monitoring site or adjacent areas.

Pre-construction Surveys.

Pre-construction biological surveys, to identify snowy plover use of the project area, will be conducted within one week (no more than 7 days) of the start of construction. Surveys will be conducted by qualified biologists under the guidance of Gary Page of the Point Reyes Bird Observatory (PRBO), who has worked extensively with snowy plover populations on the coast and at Owens Lake. Surveys will be conducted of the project area and a surrounding buffer area (approximately 500-foot from towers and access roads) prior to construction. If 7 days have elapsed without installation activities in a given area, a new survey will be required for that area before continuing installation of the tower or sand trap network.

The California Department of Fish and Game (the Department) and the California State Lands Commission (the Commission) shall be notified within 24 hours of any plover nest(s) sites located within the described project area. For the Department one of the following staff shall be contacted: Ms. Denyse Racine at (760) 872-1171, Mr. Alan Pickard at (760) 872-1126, a message to either at (760) 872-1171 or a facsimile to either individual at (760) 872-1284. For the Commission, the following staff shall be contacted: Ms. Maurya Falkner at (562) 499-6405, Ms. Barbara Dugal at (916) 574-1833 or via facsimile at (562) 499-6417 and (916) 574-1925. Upon location of any nests, the Operator shall contact the Department and Commission to discuss specific measures, which shall be reviewed and approved by the Department and the Commission, prior to continuing project activities at that location. Nests located in construction sites or in roads will result in cessation of work and notification of the Department and the Commission. Specific disturbance-reduction measures shall be reviewed and approved by the Department and the Commission before continuing project activities at that location.

The pre-construction surveys will be designed to:

- Determine snowy plover (SNPL) use of the project area.
- Identify existing use, nesting or potential use/nesting areas on a map for future reference.
- Nests will be marked with stakes 30 feet to the north and east of the nest location as soon as a nest is identified. Nest stakes will be painted a unique color so that all workers can recognize their significance. The stake color will

be coordinated with Great Basin Unified Air Pollution Control District so that coloring is consistent.

- Develop recommendations to avoid or minimize impacts to SNPL in the project area, including road layout changes, marking of nesting or potential nesting areas.
- Contribute to SNPL monitoring survey database for lake-wide species use assessments.
- Document SNPL use of the SSS air monitoring area.

No installation shall be allowed within 500 feet of a plover nest. A 500-foot buffer shall be maintained around all known nests. The buffer zone shall be marked with flagging, or other appropriate minimal disturbing measure(s), and "no entrance" signs shall be posted. Reduction of the 500-foot buffer shall not occur without prior negotiation with and written agreement from the Department and the Commission.

Field personnel will be provided with guidelines for avoiding plover impacts. During access and egress to tower locations the following measures will be taken by field personnel:

- Adherence to the guidelines listed above for access/egress and movement within the air monitoring network.
- Maintain low vehicle speeds (15 MPH or less) and remain cognizant of bird use on the lake bed in the vicinity of work areas.
- Contact Sacha Heath, PRBO [(760) 878-2413], lead on site biologists and Mike Concannon, CH2M HILL [(510) 251-2888, ext. 2079], if changes in the work plan are necessary. Mike Concannon will coordinate any necessary changes with the Department and the Commission. No changes can be made without written permission from the Department and the Commission.

Other steps to be taken during the installation phase to avoid or minimize impacts include

- Cables will be trenched and buried and the surface area restored to blend with surrounding surface contours.
- Tower footings will be flush with the surrounding surface elevations.

Design Considerations.

The following measures will be incorporated into the design and installation of air monitoring equipment to minimize impacts to snowy plovers:

Raptor deterrent measures will be installed to deter use of towers, instruments and other structures as perches:

- Install a wire guard or spike strip (Nixalite® or Bird-flite®) on the cross-member at the top of the tower that supports the anemometer and wind vane. Bird-flite® spikes are blunted to prevent injury to birds. Species of concern that may use

the towers and guy wires as perch sites include loggerhead shrike, common raven, prairie falcon, and the American kestrel.

- Place spike strips on the top of the solar panel, and other surfaces potentially suitable for raptor perches.
- Add a spike to the top of the anemometer and wind vane to deter use by raptors.

Training.

Field staff will be trained in recognition of snowy plovers, and measures taken to avoid or minimize disturbance of snowy plovers that may use the air monitoring array area. The first field staff training session will be conducted by Gary Page on April 16, 1999. Additional training sessions will be scheduled as needed. Training will consist of the following elements:

- Recognition of snowy plovers and other similar shore birds expected at Owens Lake.
- Types of actions or activities that may disturb snowy plover foraging or nesting behavior.
- Steps to minimize disturbance.
- Reporting of observations, incidents of disturbance.
- Work restrictions or actions to be taken to minimize impact on snowy plovers.

After initial training of field staff, any new personnel assigned as field staff will also be trained in SNPL procedures. Field staff will keep biologists conducting field monitoring surveys informed of observations, changes in field activities or other issues that may affect snowy plover use of the air monitoring array project.

Snowy Plover Impact Avoidance and Minimization Measures -Operation Phase

Operational Monitoring.

Snowy plover surveys will be conducted as part of the routine operation monitoring activities. Monitoring will consist of the following activities:

- Monitoring surveys of the air monitoring array area will be conducted every week if plover nests are located in the project area and shall include monitoring of the entire area within the tower and sand trap network for any new nests. If no plover nests are found, surveys may occur every two weeks. Surveys are required between April 1 and August 31 of each year.
- Surveys will include predator sightings.
- The Department and the Commission shall be notified of new nests within 24-hours and shall receive the weekly or bi-weekly monitoring reports within 3 days.
- Any SNPL nests detected during these surveys will be marked on a map of the project area and staked in the field to alert field staff to the locations.

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- Stakes identifying the location of SNPL nest sites will be located at least 30-feet to the north and east from the actual nest site as soon as the nest site is located.
- SNPL nests will be checked at a distance with binoculars to avoid unnecessary disturbance to nesting SNPLs.
- Observers approaching a nest location will use a different path each time a nest site is observed and follow a continuous path away from the nest site to avoid leaving a dead end trail to the nest location.
- Nests located within or adjacent to the air monitoring array will be periodically checked for nesting success. A trained biologist will monitor nests for hatching success using established protocols.
- Observations will be recorded during egg laying, incubation, and nestling periods.

Development of plover reduction measures or conditions, other than listed herein, shall be coordinated with and approved by the Department and the Commission prior to their implementation

A field monitoring report will be prepared that includes descriptions of field methods, observations, results and discussion of the monitoring program for 1999, including the field data forms and maps of any SNPL use or nesting activity on the air monitoring array area.

The Operator will have a qualified biologist conduct one or more workshops on the plover for all project contractors, subcontractors, engineers, supervisors, inspectors, consultants and/or other project staff whose activities have any potential to impact either the plover or its habitat. The Department and the Commission shall be notified of the workshops as soon in advance as possible. Great Basin Unified Air Pollution Control District will also be invited to the workshop(s). The workshop(s) purposes are training, review of data collected to date and discussion of consistent and appropriate protocols for surveys and dust control activities near plover nesting.