**MINUTE ITEM**

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 12-9-04 meeting.

# CALENDAR ITEM
# C04

A 34

S 18

PRC8576

12/09/04
W 25920
S.Young

## GENERAL LEASE - PUBLIC AGENCY USE

**APPLICANT**:

Department of Water and Power
City of Los Angeles
300 Mandich Street
Bishop, California 93514-3449

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

A) 6.702 acres, more or less, of sovereign lands in the dry lake bed of Owens Lake and B) .041 acres, more or less of sovereign lands in the Owens River Delta, located below the historic high water mark of the Owens Lake, both sites are near the town of Lone Pine, Inyo County.

**AUTHORIZED USE**:

A) The installation and maintenance of the proposed 34.5kV overhead electrical transmission facilities, including 4,171 feet of power line in Owens Lake, and B) the placement of two stream gages in the Owens River Delta as components of the Lower Owens River Project.

**LEASE TERM**:

20 years for electrical transmission facilities, beginning December 9, 2004
3 years for the placement of two stream gages, beginning December 9, 2004

**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**:

Insurance:

Combined single limit coverage of no less than $1,000,000.

## BACKGROUND OF THE LOWER OWENS RIVER PROJECT

In 1913, the 62-mile reach of the Owens River, in the Owens Valley of Inyo County, was diverted to the Los Angeles Aqueduct to supply water to the city of Los Angeles. In 1991, the Los Angeles Department of Water and Power (LADWP) and Inyo County entered into the Inyo County/Los Angeles Long Term Water Agreement to provide environmental protection of the Owens Valley from the effects of ground water pumping and water exports. This Agreement and a Final Environmental Impact Report (EIR) were submitted to the Third District Court of Appeal (Court) as a joint request to end ongoing litigation related to the ground water pumping and water exports. The Lower Owens River Project (LORP) was identified in this 1991 EIR as mitigation for the impacts related to the ground water pumping by LADWP from 1970 to 1990.

Subsequently, several state agencies and environmental groups challenged the legal adequacy of this 1991 EIR. In 1994, the Court ordered Inyo County and LADWP to respond to issues raised by these groups. After several years of discussions among the parties, a Memorandum of Understanding (MOU) was executed to provide resolution regarding the concerns with the 1991 EIR and addressing the mitigation for impacts due to the long term pumping and diversion activities in the Owens Valley. The California State Lands Commission is a party to the MOU along with LADWP, Inyo County, California Department of Fish and Game, the Sierra Club, the Owens Valley Committee and Carla Scheidlinger.

The MOU identifies the goal of the LORP as well as the timeframe for development and implementation and specific actions. The MOU required the LADWP and Inyo County prepare an EIR for the Lower Owens River Project (LORP). The LADWP Board of Commissioners certified the Final Environmental Impact Report in July of 2004 for the Lower Owens River Project.

The LORP proposes to provide permanent water supplies to several lakes, ponds, and waterfowl and shorebird habitat. The water will be supplied from the Los Angeles Aqueduct. The MOU expanded the LORP to include a permanent base flow of 40 cubic feet per second in the Lower Owens River channel and high seasonal habitat flows. LADWP proposes to construct a pump system at the north end of Owens Lake, which will pump up to 50 cubic feet per second either to the Los Angeles Aqueduct to recover some of the water released to the river or to be routed to Owens Lake for dust control. It is staff's understanding

that, once all permits and approvals are in place, LADWP expects to release the first flows into the Lower Owens River by September 2005 and achieve base flows of 40 cubic feet per second by April 2006.

The LORP will be implemented by LADWP and Inyo County. The U.S. Environmental Protection Agency (EPA) will provide funding for the LORP, but will not be actively involved in its implementation.

The primary restoration efforts of the LORP include:

- *Releasing water to the Lower Owens River to enhance native and game fisheries and riparian habitats along 62 miles of the river;*
- *Providing water to the Owens River Delta to maintain and enhance various wetlands and aquatic habitats;*
- *Enhancing a 1,500 acre off-river area with seasonal flooding and land management to benefit wetlands and waterfowl; and*
- *Maintaining several off-river lakes and ponds.*

The LORP also includes range improvements and modified grazing practices on leases in the LORP project area.

LADWP has submitted an application to the State Lands Commission for the installation of two stream gages within the Owens River Delta and for the installation and maintenance of 34.5 kV overhead electrical transmission facilities, including 4,171 feet of power line, within the dry lakebed of Owens Lake. The electrical transmission facilities will serve the proposed new pump station at the north shore of Owens Lake. These proposed facilities are components of the Lower Owens River Project.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.

2. The Applicant, City of Los Angeles Department of Water and Power (LADWP) has applied for the use of State sovereign lands as a component of the Lower Owens River Project (LORP). The LORP provides mitigation for impacts related to groundwater pumping by LADWP from 1970 to 1990.

The Applicant proposes to install two stream gages to be located in the southern portion of the Owens River Delta on State sovereign land. The Delta contains two major channels (east branch and west branch). The gages will be installed at the downstream end of the east and west branches, approximately 2.5 miles southeast of the LORP pump station. The purpose of the gages is to monitor outflow from the Delta. Applicant indicates the stream gage placements will be for a limited term of two years from date of installation. The gages will be removed and the affected area will be restored.

Additionally, the Applicant proposes to install an overhead power line, seven miles in length, to be used to convey power from LADWP's Cottonwood Power Plant across State sovereign lands to the LORP pump station located on a parcel owned by LADWP at the north shore of Owens Lake. The portion across State lands is approximately 4,171 feet in length. The State lands component of the LORP will occupy a right of way of approximately 6.702 acres of sovereign land in the dry lakebed of Owens Lake. The alignment of the new 34.5 kV overhead electrical transmission facilities will generally parallel US-395. The installation process is estimated to take six months. The Applicant has advised that this is a permanent installation to be maintained on a continual basis.

3. An EIR was prepared and certified for the LORP by the City of Los Angeles Department of Water and Power. The California State Lands Commission staff has reviewed said document and Mitigation Monitoring Program adopted by the lead agency.

   Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in the files of the State Lands Commission in its Sacramento Office.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the

finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**
Bureau of Land Management

**FURTHER APPROVALS REQUIRED:**
Inyo County
U.S. Army Corps of Engineers (COE)
California Department of Fish and Game (CDFG)
Regional Water Quality Control Board, Lahontan Region (Regional Board)
Environmental Protection Agency (EPA)
U.S. Fish and Wildlife Service

**EXHIBITS:**
A. Location and Site Map
A-1. Land Description

**PERMIT STREAMLINING ACT DEADLINE:**
December 17, 2004

**RECOMMENDED ACTION:**
IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT FINDINGS P-5 (PG.9) AND CRP-2 (PG.10) MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

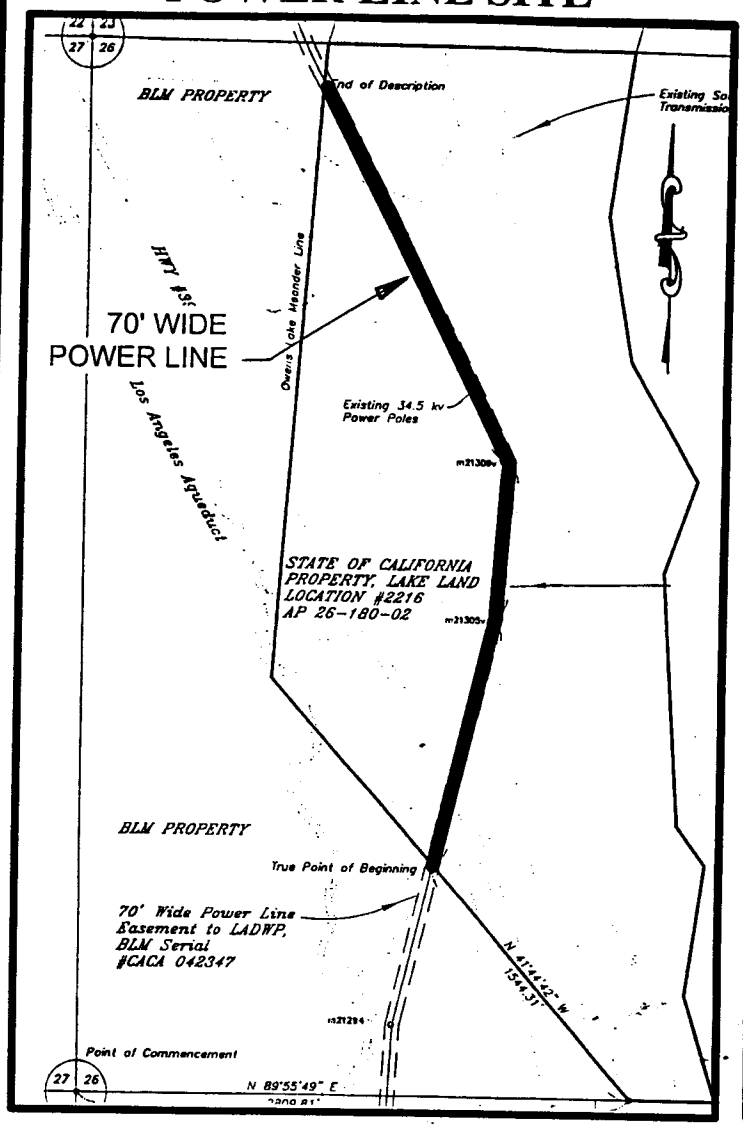
ADOPT THE MITIGATION MONITORING PROGRAM AS TO THE ABOVE CITED IMPACTS, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

**AUTHORIZATION:**

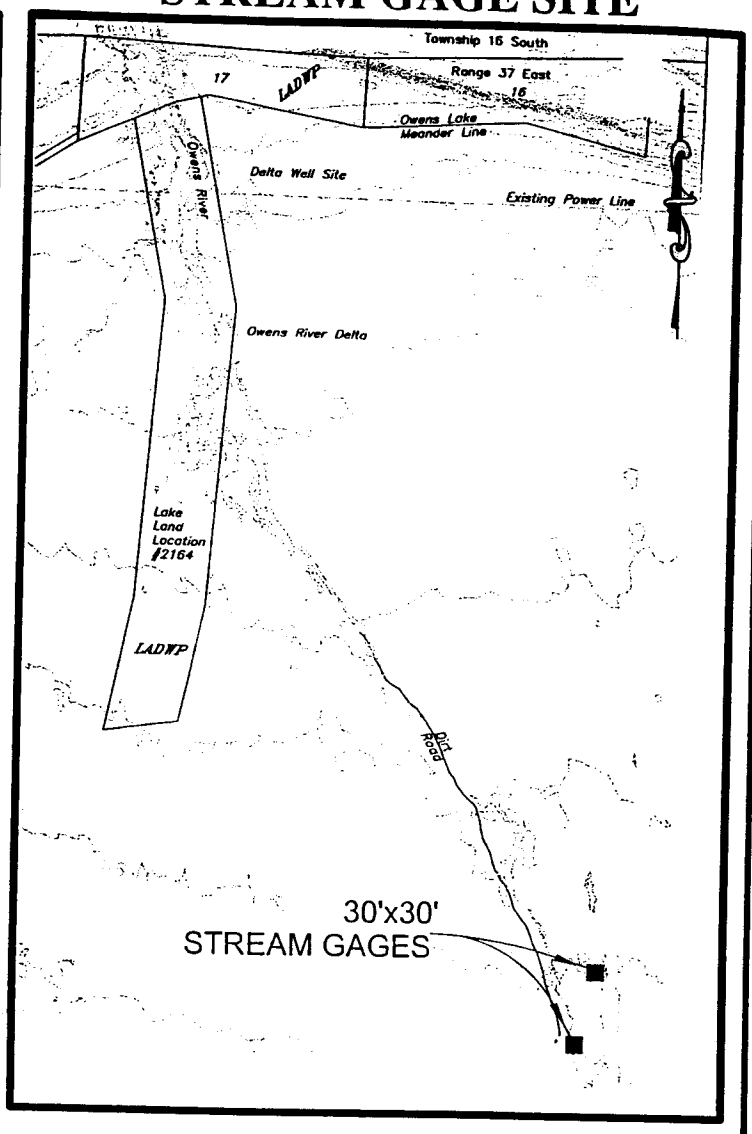
AUTHORIZE ISSUANCE TO CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER OF A GENERAL LEASE - PUBLIC AGENCY USE , BEGINNING DECEMBER 9, 2004, FOR A TERM OF 20 YEARS, FOR THE INSTALLATION AND MAINTENANCE OF A 34.5 KV OVERHEAD ELECTRICAL TRANSMISSION FACILITIES AND AUTHORIZE THE INSTALLATION OF TWO STREAM BED GAGES FOR A TERM OF THREE YEARS, AS SHOWN ON THE LAND DESCRIBED ON EXHIBIT A-1 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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; AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF $1,000,000 COMBINED SINGLE LIMIT.

# POWER LINE SITE

NO SCALE



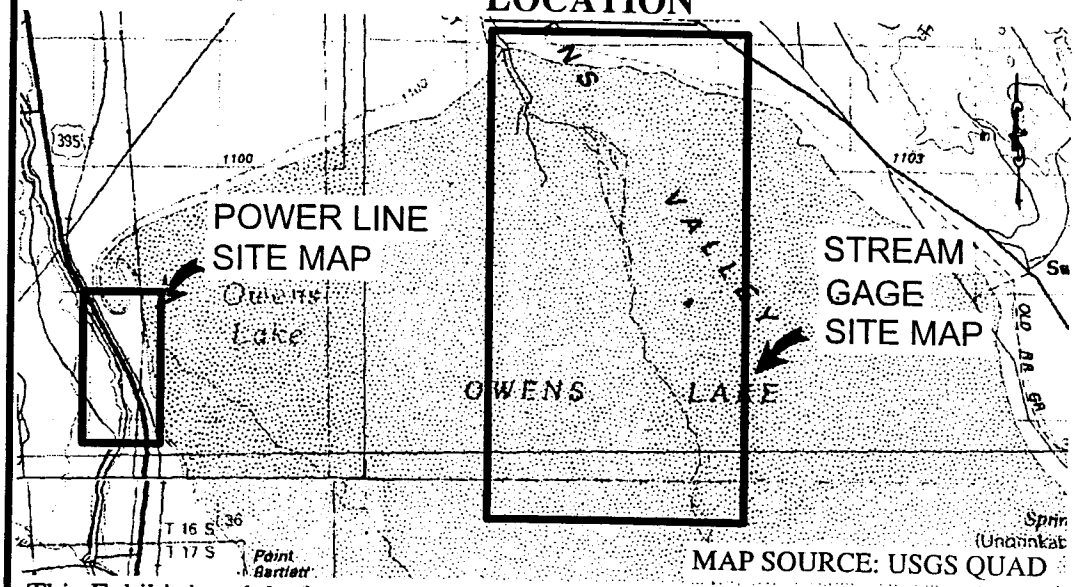

# STREAM GAGE SITE




LOWER OWENS RIVER PROJECT (LORP)

NO SCALE

## LOCATION




MAP SOURCE: USGS QUAD

# Exhibit A

W 25920
CITY OF LOS ANGELES
DEPARTMENT OF
WATER & POWER
Mitigation-Restoration Project
OWENS LAKE
INYO COUNTY

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.

MJJ 10/04

# LAND DESCRIPTION

## Power Line Lease Area

All that portion of the State-owned bed of Owens Lake in the County of Inyo, State of California, described as follows:

A strip of land 70.00 feet in width, the centerline of which is described as follows:

Commencing at a 2" diameter iron pipe with cap stamped "MC" marking the intersection of the U.S. Government meander line of said Owens Lake with the south line of fractional Section 26, T.16S., R.36E. M.D.M.; thence along said meander line North 41°44′42″ West 1544.31 feet, more or less, to the POINT OF BEGINNING, said point being on a line parallel with and 7.00 feet easterly, measured at right angles, from an existing line of power poles; thence along said parallel line the following three (3) courses:

(1) North 13°35′11″ East 1274.46 feet,
(2) North 3°51′24″ East 772.16 feet, and
(3) North 27°16′24″ West 2123.97 feet to said meander line and the termination of said strip, the sidelines of said strip to be lengthened or shortened, as the case may be, to terminate at said meander line.

The basis of bearings of the above description is CCS83, Zone 4 (1991.35). Course distances are grid, expressed in U.S. Survey feet. For ground distances, multiply grid distances by 1.0002250

## Stream Gage Lease Areas

Those portions of the State-owned bed of Owens Lake in the County of Inyo, State of California, described as follows:

### Parcel 1

BEGINNING at a point having CCS83, Zone 4 (1991.35) coordinates: Northing (y) = 2,067,829 feet and Easting (x) = 6,869,836 feet; thence the following four (4) courses:

(1) South 00°00′00″ East 30.00 feet,
(2) South 90°00′00″ West 30.00 feet,
(3) North 00°00′00″ East 30.00 feet, and
(4) North 90°00′00″ East 30.00 feet to the point of beginning.

Parcel 2

BEGINNING at a point having CCS83, Zone 4 (1991.35) coordinates: Northing (y) = 2,066,376 feet and Easting (x) = 6,869,454 feet; thence the following four (4) courses:

(1) South 00°00′00″ East 30.00 feet,
(2) South 90°00′00″ West 30.00 feet,
(3) North 00°00′00″ East 30.00 feet, and
(4) North 90°00′00″ East 30.00 feet to the point of beginning.

The basis of bearings of the above description is CCS83, Zone 4 (1991.35). Course distances are ground, expressed in U.S. Survey feet. For grid distances, multiply ground distances by 0.9997751

**END OF DESCRIPTION**

Prepared 11/16/2004 by the California State Lands Commission Boundary Unit.

PROFESSIONAL LAND SURVEYOR
MICHAEL J. BELL
No. 5764
Exp. 6/30/06
STATE OF CALIFORNIA