

MINUTE ITEM

This Calendar Item No. C24 was approved as Minute Item No. 24 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM
C24

A 34

02/09/06
PRC 8530.9

S 18

J. Brown
P. Griggs

CONSIDER AUTHORIZING A PERMIT TO CH2MHILL FOR ARCHAEOLOGICAL AND PALEONTOLOGICAL INVESTIGATIONS AND DATA RECOVERY WHICH IS BEING CONDUCTED ON BEHALF OF THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, IN SUPPORT OF THE 2003 OWENS VALLEY PM10 PLANNING AREA DEMONSTRATION OF ATTAINMENT STATE IMPLEMENTATION PLAN AT OWENS LAKE, INYO COUNTY

APPLICANT:
CH2MHILL

AREA, LAND TYPE, AND LOCATION:
Approximately 10.3 square miles of sovereign lands in Owens Lake, Inyo County.

AUTHORIZED USE:
Conduct archaeological and paleontological investigations and data recovery, which is required as mitigation for potential impacts from the 2003 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan at Owens Lake.

LEASE TERM:
One year, beginning February 9, 2006.

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 interest.

SPECIFIC LEASE PROVISIONS:
Insurance:
General liability coverage of no less than \$1,000,000.

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BACKGROUND INFORMATION:

The United States Environmental Protection Agency (EPA) has designated the southern part of the Owens Valley as a Serious Non-Attainment Area for PM10. PM10 is an abbreviated reference for suspended particulates (dust) less than or equal to ten microns in mean aerodynamic diameter (approximately 1/10 the diameter of a human hair). The Great Basin Unified Air Pollution Control District (District) has subsequently designated the Non-Attainment area as the "Owens Valley PM 10 Planning Area."

The District has determined that dust emissions from the dry lakebed of Owens Lake are responsible for causing the air in the Owens Valley PM10 Planning Area to exceed the PM 10 national ambient air quality standards and that water diversions by the city of Los Angeles, Department of Water and Power (City), have caused Owens Lake to become dry and the lakebed to be in a condition that produces dust.

The District and the City entered into a Memorandum of Agreement (MOA) for the control of the dust from the lakebed of Owens Lake, which requires the City to implement specified dust control measures (DCMs), which includes shallow flooding, managed vegetation and gravel, to control dust emissions at Owens Lake.

CH2MHILL is authorized by LADWP to act on their behalf. On June 7, 2004, the Commission authorized CH2MHILL to conduct archaeological activities, as proposed, for a period of one year for an earlier phase of the dust mitigation project. That lease expired on June 6, 2005.

CURRENT SITUATION:

LADWP continues to work on phased construction of the dust mitigation measure project on the dry lake bed of Owens Lake. The city has submitted an application to the Commission to amend Lease PRC 8079.9, which is for various dust abatement activities on the lake, to consider approval of Phase IV and V of the dust control project. Commission staff anticipates consideration of the proposed lease amendment at the Commission's April 2006 meeting.

Field surveys were previously conducted by CH2MHILL to locate cultural and paleontological resources on lands that will be impacted by implementation of the dust control project. Numerous archaeological sites were discovered that require additional testing to determine whether they are eligible to be listed on the National Register of Historic Places or the California Register of Historical

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Resources. This proposal will again allow for the excavation of test areas and data recovery from sites that may be impacted by the City's dust abatement project. The Mitigation Monitoring Program adopted by the District requires these activities. Artifacts collected under the permit from significant sites are required, under the Mitigation Monitoring Program, to be curated at a recognized museum repository. Artifacts from sites that are not eligible to be listed on either the National Register of Historic Places or the California Register of Historical Resources will be offered to culturally affiliated Native American tribes.

No sites containing paleontological resources were found on State land, but such resources are known to exist in the area.

The proposed Permit area encompasses approximately 10.3 square miles of sovereign lands, a portion of which are included within the City's existing lease for the dust control project, and a portion of which are included within the City's pending application for Phase IV and V of the dust control project. This area will be used for the portions of the City's project discussed in the 2003 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Environmental Impact Report. In addition to the known sites, previously unknown resources may be encountered during construction. This permit will allow these previously unknown resources to be mitigated as required in the Mitigation Monitoring Program.

OTHER PERTINENT INFORMATION:

1. CH2MHill is the consultant for the City of Los Angeles. Work under the permit will be accomplished by subconsultants to CH2MHILL who are qualified professionals in archaeology or paleontology, depending upon the resource.
2. An EIR was prepared and certified for this project by the Great Basin Unified Air Pollution Control District. The California State Lands Commission staff has reviewed such document and the Mitigation Monitoring Program adopted by the lead agency.
3. Findings for cultural resources made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15901 and 15096) are on file in the Sacramento Office of the Commission.
4. Public Resources Code section 6313(a) provides: "The title to all abandoned shipwrecks and all archaeological sites and historic resources

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on or in the tide and submerged lands of California is vested in the State. All abandoned shipwrecks and all submerged archaeological sites and submerged historic resources of the State shall be in the custody and subject to the control of the commission for the benefit of the people of the state of California. The Commission may transfer title, custody, or control to other state agencies or recognized scientific or educational organizations, institutions or individuals by appropriate legal conveyance.”

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff’s consultation with the persons nominating such lands and through the CEQA review process, it is the staff’s opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS FOR “III.C. CULTURAL RESOURCES” MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15906 (h), ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
3. ADOPT MITIGATION MEASURES CUL-1, MEASURE CUL-2, AND MEASURE CUL-3 FROM THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

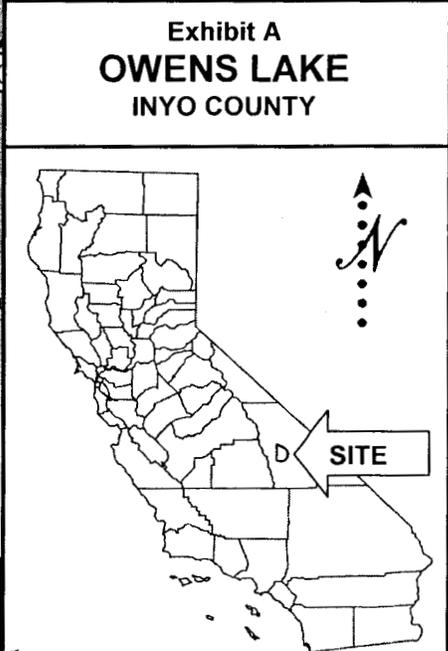
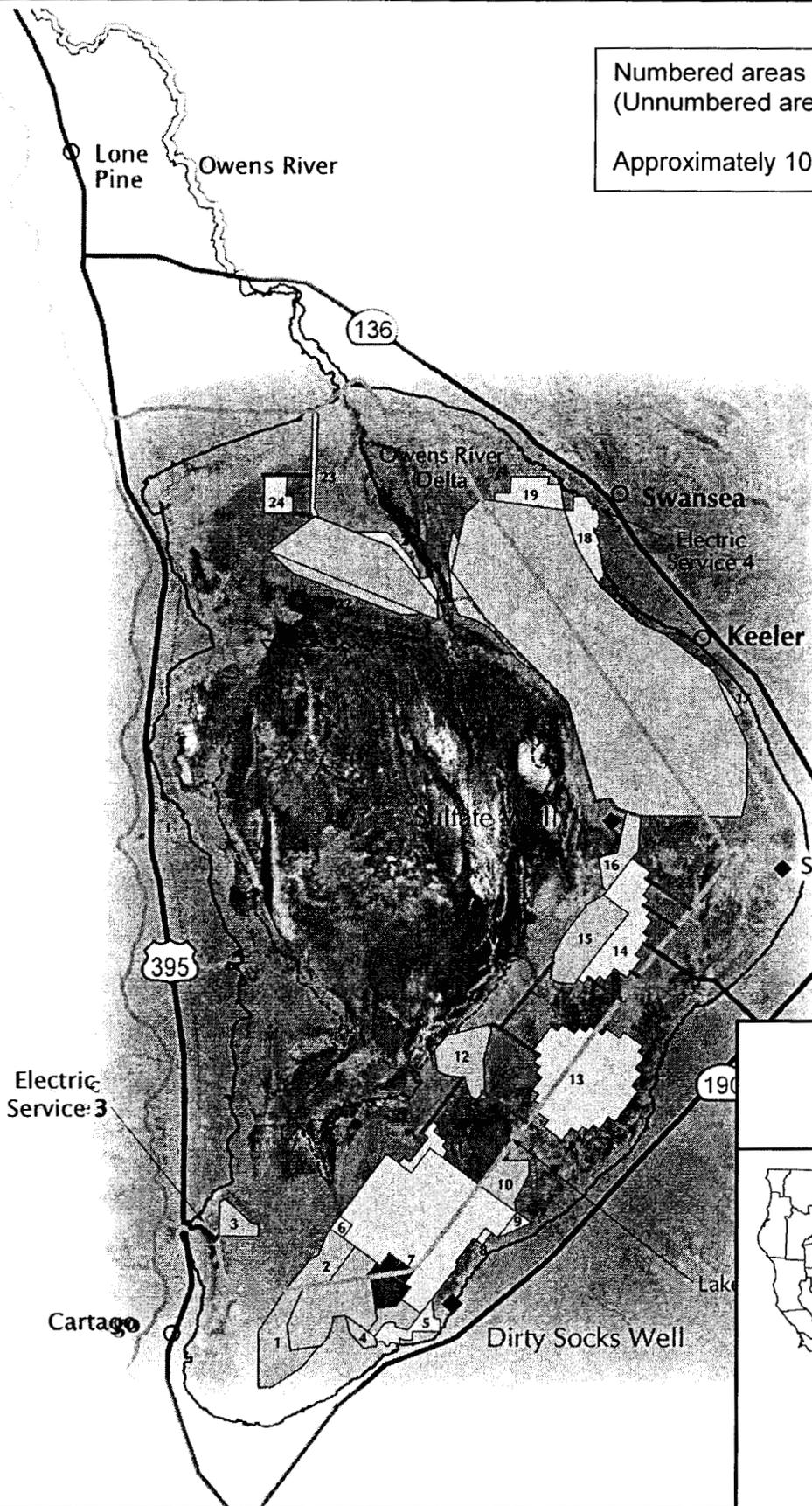
AUTHORIZATION:

1. AUTHORIZE ISSUANCE OF A PERMIT TO CH2MHILL, BEGINNING FEBRUARY 9, 2006, FOR A TERM OF ONE YEAR, TO CONDUCT INVESTIGATIONS AND DATA RECOVERY ON STATE SOVEREIGN LANDS AS REQUIRED TO MITIGATE THE POTENTIAL IMPACTS ON ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES RESULTING FROM THE 2003 OWENS VALLEY PM10 PLANNING AREA DEMONSTRATION OF ATTAINMENT STATE IMPLEMENTATION PLAN AT OWENS LAKE ON THE LANDS SHOWN ON EXHIBIT A, 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 RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE OF NO LESS THAN \$1,000,000.

2. AUTHORIZE THE EXECUTIVE OFFICER TO APPROVE THE TRANSFER OF TITLE OR CONTROL OF ARTIFACTS COLLECTED UNDER THIS PERMIT FROM SIGNIFICANT SITES TO A RECOGNIZED MUSEUM CURATION FACILITY IF REQUIRED BY THE ESTABLISHED MITIGATION MEASURES; OR ARTIFACTS FROM SITES THAT ARE NOT ELIGIBLE TO BE LISTED ON EITHER THE NATIONAL REGISTER OF HISTORIC PLACES OR THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES WILL BE OFFERED TO CULTURALLY AFFILIATED NATIVE AMERICAN TRIBES.

Numbered areas proposed for permit
(Unnumbered areas are completed)

Approximately 10.3 square miles total



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.

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JB 01/26/06