MINUTE ITEM

This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 0 at its 04/09/07 meeting.

CALENDAR ITEM
C01

A 34

S 18

04/09/07
W 6005.110
R. Greenwood

CONSIDER APPROVAL OF A NON-EXCLUSIVE GEOLOGICAL SAMPLING PERMIT ON STATE-OWNED SOVEREIGN LANDS, LOCATED MOSTLY IN THE SOUTHEASTERN PORTION OF OWENS LAKE, INYO COUNTY

APPLICANT:

City of Los Angeles
Department of Water and Power
Attn: Mr. Ronald F. Deaton, General Manager
111 N. Hope Street
Los Angeles, CA 90012

AREA, LAND TYPE, LOCATION

The proposed Geologic Sampling Permit, to accommodate regional dust abatement activities, will include an area of approximately 12.7 square miles of State-owned Sovereign Lands under the jurisdiction of the California State Lands Commission, located mostly in the southeastern portion of Owens Lake, Inyo County.

BACKGROUND:

The geological sampling surveys authorized under the terms of the permit are for the purpose of obtaining core samples and bulk samples for geotechnical information. Geological and geotechnical samples of the sediments will be collected at 170 locations (shown on Exhibits A and B, attached hereto). The analysis of the samples will be used to evaluate the proposed locations and design of water pipelines, valves and "moat and row" features for dust abatement. The shallow geologic samples (less than 50 feet deep) will be obtained by using a hollow stem auger drill and an excavator to dig shallow test pits.

The sampling program will be conducted during the 12 to 18 weeks from the time that the Geological Sampling Permit is approved. Field crews will work during

daylight hours, up to 10 hours per day. The equipment to be used will consist of one CME-850 track-mounted all-terrain hollow stem auger drill and one track-mounted excavator, with a bulldozer available as needed. The borings and test pits will be spaced on a grid of approximately 1,000 to 2,000 feet intervals, as listed in Exhibit B. Most of the 113 borings will be advanced to 15 to 20 feet in depth. The borings are typically 7 to 10 inches in diameter. The few borings used for future pump station locations will be less than 50 feet in depth. Standard soil samplers will collect soil and water samples at 2 feet and 5 feet below the ground surface, and thence at 5 foot intervals. The holes will be back filled with drill cuttings and compacted flat. Shallow test pits will be cut to a depth of approximately 5 feet deep at 57 locations, using a track-mounted excavator. Shallow samples will be collected at these sites. Test pits will be back filled and compacted. No drilling mud or circulating fluids will be used under this Geologic Sampling Permit. A Spill Contingency Plan–including machine fuels and lubricants, has been provided. Upon request, the California State Lands Commission will receive copies of all data derived from any and all surveys under this permit.

LADWP has committed to the same environmental monitoring and protection measures described in their 2003 Owens Valley PM10 Planning Area Demonstration of Attainment of State Implementation Plan (2003 SIP EIR), which are also incorporated into their 2005 Phase V Initial Study/MND.

TERMS OF PROPOSED PERMIT:

One year, beginning April 10, 2007, through April 9, 2008.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit and other security have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code section 6826
B. California Code of Regulations section: Title 2, section 2905(e)
C. California Code of Regulations section: Title 14, section 15061

OTHER PERTINENT INFORMATION:

1. The LADWP has included numerous provisions as part of their project application to perform geotechnical survey work on Owens Lake. These provisions are protective of sensitive resources that may be encountered during the course of the geotechnical survey and include:

Biological Resources

- A worker education program taught by a biologist approved by the CDFG focused on the snowy plover, other special status plant and wildlife species, and sensitive habitats that occur within the Owens Lake basin.
- Pre-geotechnical sampling work, performed no more than seven days prior to the start of the geotechnical work, for the snowy plover, other special status plant and wildlife species, and sensitive habitats. Inclusion of 200-foot buffers, well-marked, around all special status plants, sensitive habitats, and any nests of the snowy plover or other special status species, such as the burrowing owl, that may be observed during the pre-geotechnical sampling surveys.
- Vehicle speed limitations in areas, including buffers, occupied by the snowy plover, other special status plant and wildlife species, and sensitive habitats.
- Provision of covers for all pipes or other structures greater than four inches and less than 12 inches in diameter within the geotechnical sampling area to preclude their use by the burrowing owl.

Cultural Resources

- A qualified archaeologist, with the authority to stop the work, will monitor all geotechnical sampling activities and will implement a monitoring and recovery program in any area identified as having the potential to contain unique archaeological resources.
- The qualified archaeologist will coordinate with local tribes and a Native American monitor(s) shall also be retained to monitor activities.
- Geotechnical sampling personnel will be briefed on procedures to be followed in the event a unique archaeological resource is encountered.
- The Inyo County Coroner will be notified should any human remains be encountered.
- The qualified archaeological monitor will prepare daily monitoring logs that will be submitted weekly to the LADWP.

Hazards and Hazardous Materials

- The LADWP will ensure that all contractors transport, store, and handle all geotechnical sampling materials that may be considered hazardous in a manner consistent with relevant regulations and guidelines established by the California Code of Regulations and the California Regional Water Quality Control Board, Lahontan Region, prior to implementing any geotechnical sampling work.
- The LADWP will develop an emergency response plan for any potential mishaps that may occur during the routine transport, use, storage, handling and/or disposal of hazardous materials.

2. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

3. 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 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.

EXHIBITS:

A. Location Map
B. List of Sample Site Locations

PERMIT STREAMLINING ACT DEADLINE:

June 20, 2007 (CSLC acting as lead agency under the CEQA).

RECOMMENDED ACTIONS:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER A NON-EXCLUSIVE PERMIT TO CONDUCT GEOLOGICAL SAMPLING FOR THE PERIOD APRIL 10, 2007, THROUGH APRIL 9, 2008, AT THE LOCATIONS AS DESIGNATED ON EXHIBITS A AND B, ATTACHED HERETO.

BORE AND TEST PIT LOCATIONS

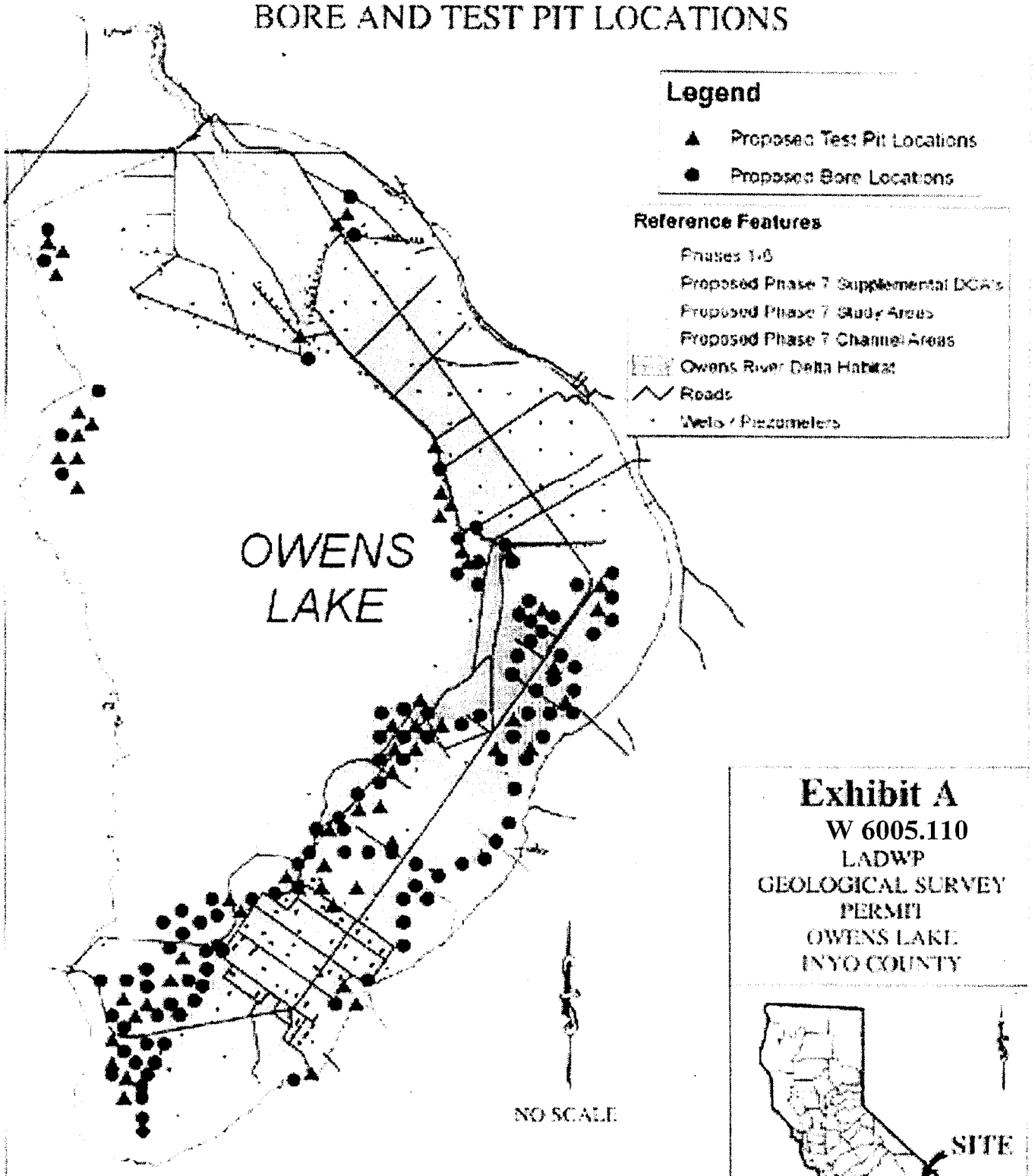
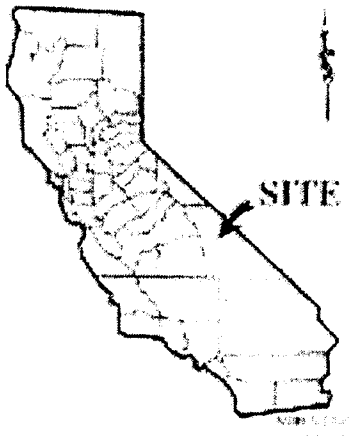


Exhibit A
W 6005.110
LADWP
GEOLOGICAL SURVEY
PERMIT
OWENS LAKE
INYO COUNTY



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.