MINUTE ITEM
This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to Ø at its 05/10/07 meeting.

CALENDAR ITEM
C25

A 34

S 18

PRC 8745

05/10/07
W 26217
J. Brown

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Los Angeles
Department of Water and Power
111 North Hope Street, Room 1460
Los Angeles, CA 90012

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Owens Lake, Inyo County.

AUTHORIZED USE:

Construction, operation, maintenance and monitoring of a Moat and Row Demonstration Project, including installation and maintenance of associated monitoring equipment, and sand fence for dust control purposes at two locations.

LEASE TERM:

Three years, beginning May 10, 2007.

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:

Applicant shall implement this Moat and Row demonstration project in a manner consistent with previously-approved dust control measures (DCMs) and certified environmental documents containing environmental protection measures for the implementation of DCMs on Owens Lake.

Applicant shall restore the project sites to the satisfaction of the Commission upon conclusion of this demonstration project, unless the City

obtains an amendment to Lease PRC 8079.9 to include one or both of the demonstration areas.

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 PM_{10}. PM_{10} is an abbreviated reference for suspended particulate (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 PM_{10} Planning Area to exceed the PM_{10} National Ambient Air Quality Standards and that water diversions by the City have caused Owens Lake to become dry and the lakebed to be in a condition that produces dust.

On July 28, 1998, 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 DCMs, including shallow flooding, managed vegetation, and gravel to control dust emissions at Owens Lake.

On June 14, 1999, the Commission authorized the issuance of Lease No. PRC 8079.9 to the City for the installation of the Owens Lake South Sand Sheet Air Quality and Sand Fence Monitoring System. This project provided data for the design and implementation of DCMs as required by the Owens Valley PM_{10} Planning Area Demonstration of Attainment State Implementation Plan (SIP) dated November 16, 1998.

On June 27, 2000, the Commission amended Lease No. PRC 8079.9 so that the City could construct and operate a shallow flooding project located on 13.5 square miles on the North Sand Sheet area of the dry lakebed of Owens Lake. On November 26, 2001, the Commission amended Lease No. PRC 8079.9 so that the City could construct and operate an additional 154 acres of shallow flooding at the South Zone Dust Control Project.

On October 1, 2002, the Commission authorized the issuance of a 20-year Sublease, beginning May 1, 1999, to the California Department of Water Resources to access, maintain, and monitor the existing California Irrigation Management and Information System (CIMIS) Weather Station located on the lease premises for the North Sand Sheet Shallow Flooding Project.

The District ordered the City to construct and begin operating nearly 30 square miles of dust controls on the lakebed by the end of 2006. The District's 2003 SIP also contains provisions requiring the District to continue to monitor air pollution emissions from the lakebed and identify any additional areas that may require PM_{10} controls in order to meet the standards. The USEPA requires all SIPs to contain contingency measures that will be implemented in case initial control strategies fail to bring the area into compliance.

On December 21, 2005, the District's Air Pollution Control Officer completed the supplemental control requirements required by the 2003 SIP analysis and issued a supplemental control requirement determination that additional areas of the lake bed would require DCMs in order to meet the PM_{10} standards. Based on the supplemental control requirements analysis, and subsequent discussions with the City, an agreement between the City and the District was reached to construct the additional DCMs necessary to bring the lake bed into compliance with the National Ambient Air Quality Standards for PM_{10}.

The District is the Lead Agency preparing an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for an additional 14.6 square miles of supplemental DCMs to be implemented by the City. The District's EIR is anticipated to be completed by the summer of 2008.

The District has not approved the Moat and Row design as a best available DCM technology. Information collected on this Moat and Row Demonstration Project will be utilized in the District's upcoming Draft EIR to determine this design's effectiveness for use as partial future approved DCM.

The Moat and Row design includes proposed construction of arrays of earthen berms about five feet high with sloping sides (rows) and four-foot-deep ditches (moats) located on both sides of each berm. This demonstration project is proposed at two locations on Owens Lake, one site in the northeast section involving movement of approximately 20,579 cubic yards of material on approximately 114 acres and one site in the southeast section involving movement of approximately 13,471 cubic yards of material involving

approximately 205 acres, as shown on the attached Exhibit A. The moats are designed to capture moving soil particles and the rows, with the addition of overlapping segments of five-foot high meshed sand fence (in 100 foot length segments), are designed to shelter the downwind lake bed from wind sources. The moat and row array will be constructed in a grid layout across the lake bed surface, spaced at variable intervals, to minimize the fetch between rows along the predominant wind directions. The Moat and Row design is intended to control emissions under the full range of principal wind directions. Pre-test modeling indicates that the spacing of Moat and Row elements will generally vary from 250 to 1,000 feet.

Proposed installation of monitoring equipment for this demonstration project includes placement of the following: 1) A total of 12 "E samplers" that measure real-time PM_{10} concentrations in the air (six at each site); 2) Two meteorological towers that measure wind speed, wind direction, precipitation, temperature, and relative humidity (one at each site); 3) Two video cameras to provide video documentation of visible dust plumes (one at each site); 4) 68" "Cox Sand Catchers" (deployed singly) that collect sand mass moving across the surface (36 at the north demonstration site and 32 at the southern demonstration site); 5) 40 "Cox Sand Catchers" (deployed with Sensits) that collect sand mass moving across the surface (20 at each site); and, 6) 40 "Sensits" that record real-time movement of sand and are used to apportion the sand masses collected using the "Cox Sand Catchers" (20 at each site).

OTHER PERTINENT INFORMATION:

1. The Applicant has permission to use the uplands adjoining the lease premises.

2. The Commission has previously authorized Lease PRC 8079.9 and subsequent Lease amendments to the City to install various DCMs on approximately 30 square miles of the dry bed of Owens Lake since May 1, 1999.

3. If the results of this demonstration project substantiate that this DCM design is feasible and the District certifies the 2008, SIP EIR including this technology as a long-term strategy, the City would need to submit an application to amend Lease PRC 8079.9 for consideration by the Commission for the permanent construction of additional DCMs utilizing this technology on Owens Lake.

4. On May 1, 2007, the City of Los Angeles Department of Water and Power, acting as the lead agency under the provisions of the CEQA, determined that the Moat and Row Demonstration Project, as described above, was categorically exempt from the CEQA pursuant to section 21084 under Class 15304 and 15306. Staff concurs with the City of Los Angeles Department of Water and Power's determination.

5. 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:

City of Los Angeles
Great Basin Air Pollution Control District

FURTHER APPROVALS REQUIRED:

California State Lands Commission

EXHIBITS:

A. Location and Site Map
B. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CONCUR WITH THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER'S DETERMINATION 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, UNDER CLASS 15304 AND 15306, TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 21084.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING MAY 10, 2007, FOR A TERM OF THREE YEARS, FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND MONITORING OF THE MOAT AND ROW DEMONSTRATION PROJECT AND INSTALLATION AND MAINTENANCE OF ASSOCIATED MONITORING EQUIPMENT AND SAND FENCES AS SHOWN ON EXHIBIT A, 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.

NO SCALE

LADWP MOAT & ROW DEMONSTRATION PROJECT

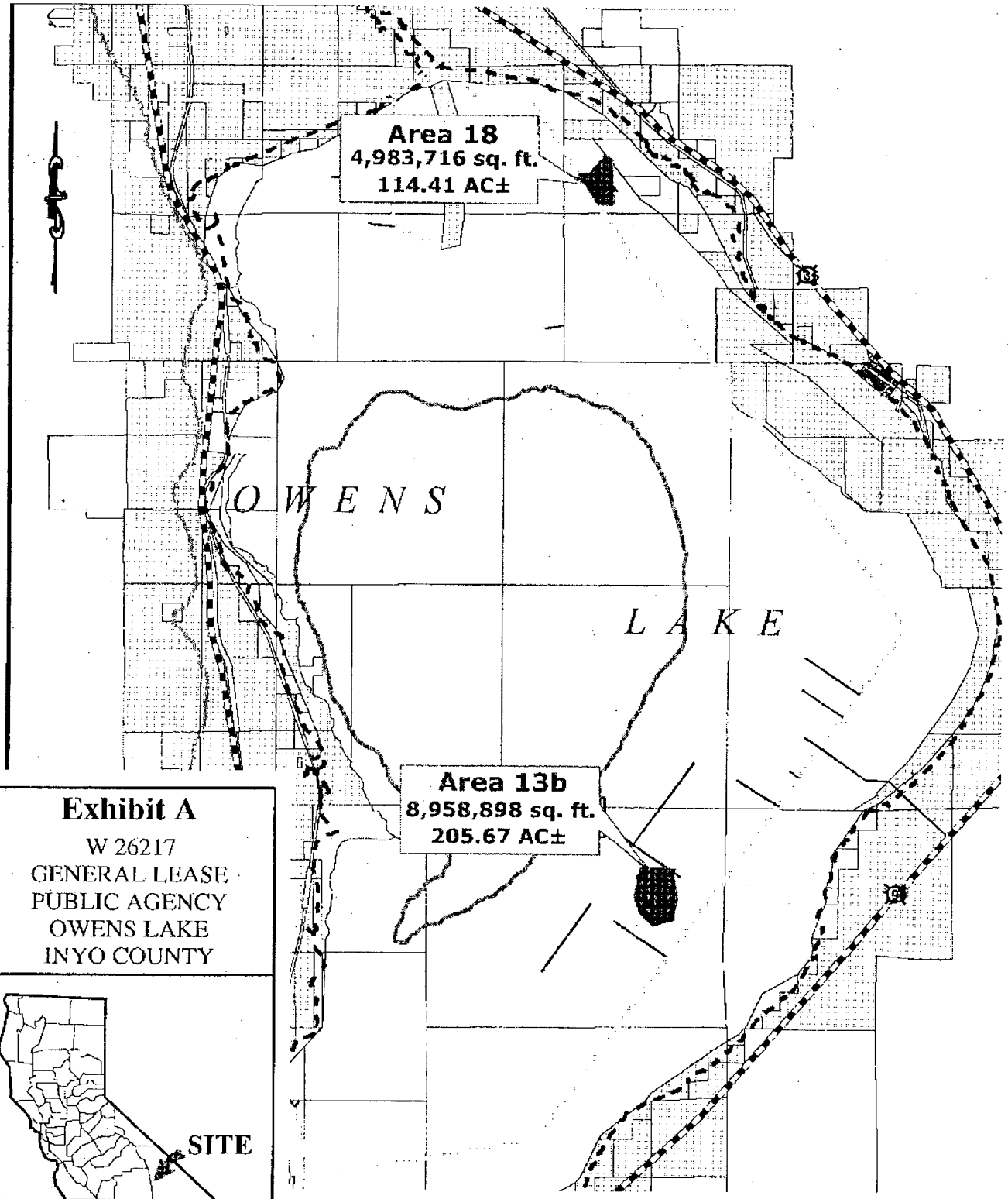

Exhibit A

W 26217
GENERAL LEASE
PUBLIC AGENCY
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.

EXHIBIT B

W26217

LAND DESCRIPTION

Two parcels of State-owned sovereign land in the bed of Owens Lake in the County of Inyo, State of California, being more particularly described as follows:

Moat & Row Area 18

BEGINNING at a point from whence 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, bears South 56°13'23" East, a distance of 19,843.86 feet; thence along the following described courses:

North 00°00'04" West, 921.76 feet;
North 56°00'00" East, 160.14 feet;
North 90°00'00" East, 214.00 feet;
North 34°00'00" West, 659.04 feet;
North 01°36'27" West, 581.88 feet;
North 02°39'10" West, 1,085.30 feet;
North 59°21'15" West, 564.61 feet;
South 39°10'00" West, 1,676.80 feet;
South 89°01'38" West, 707.86 feet;
South 31°28'10" East, 2,445.22 feet;
South 83°44'15" East, 157.42 feet;
South 83°56'06" East, 913.01 feet to the point of BEGINNING.

Moat & Row Area 13b

BEGINNING at a point from whence 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, bears North 21°20'01" East, a distance of 38,766.41 feet; thence along the following described courses:

South 12°09'20" West, 474.64 feet;

South 78°00′00″ West, 186.09 feet;
South 12°00′00″ East, 414.94 feet;
South 12°09′20″ West, 1,056.51 feet;
South 18°52′08″ East, 1,293.36 feet ;
South 47°14′45″ East, 1,135.59 feet;
North 74°49′42″ East, 1,405.51 feet;
North 08°28′16″ East, 1,515.08 feet;
North 09°42′29″ West, 1,848.14 feet;
North 35°13′04″ East, 215.32 feet;
North 88°08′36″ West, 2,227.36 feet to the point of BEGINNING.

The Bearings used in this description are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station "Keeler" are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

END OF DESCRIPTION