

This Calendar Item No. C40 was approved as Minute Item No. 40 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

CALENDAR ITEM
C40

A 34

04/05/04

S 18

PRC 8079

P. Griggs

**CONSIDER AUTHORIZING THE TRANSFER OF OWNERSHIP OF
NATIVE AMERICAN ARCHEOLOGICAL ARTIFACTS RECOVERED
DURING THE OWENS LAKE DUST MITIGATION PROGRAM
TO THE LONE PINE PAIUTE-SHOSHONE TRIBE**

APPLICANT:

Lone Pine Paiute-Shoshone Tribe
1103 South Main Street
P.O. Box 747
Lone Pine, CA 93545

BACKGROUND:

The Los Angeles Department of Water and Power has Lease PRC 8079 on State sovereign lands at Owens Lake for its Dust Mitigation Program. As part of the Cultural Resources Mitigation and Monitoring Plans for the North Sand Sheet Shallow Flood Irrigation Project and the Southern Zones Dust Control Project, archeologists collected Native American stone artifacts.

Except for four isolated artifacts, the artifacts came from an ancestral place that had been previously disturbed by trona mining that had destroyed the archeological integrity of the site. As a result, archeologists determined the site was ineligible for listing on the California Register of Historical Resources and also found that it did not meet the criteria for a "unique archeological resource" under the California Environmental Quality Act.

The Lone Pine Paiute-Shoshone Tribe is the tribe culturally affiliated with the area where the artifacts were collected and has requested that these artifacts be transferred to it. About ninety artifacts would be transferred including projectile points, unifaces, tabular bifaces, flake tools, flakes, and other miscellaneous tools. A complete inventory of the items is on file at the California State Lands Commission's Sacramento office. Staff recommends that title to the artifacts, which is vested in the State and subject to

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the control of the Commission pursuant to Public Resources Code section 6313(a), be transferred under authority of that section to the Lone Pine Paiute-Shoshone Tribe. The artifacts will be transferred in a respectful manner that is acceptable to the Tribe.

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

1. Public Resources Code section 6313(a) provides: "The title to all abandoned shipwrecks and all archaeological sites and historic resources 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."
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060(c)(3)), the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE TRANSFER OF OWNERSHIP IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE, SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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2. AUTHORIZE THE TRANSFER OF OWNERSHIP (TITLE) OF THE OWENS LAKE ARTIFACTS DESCRIBED HEREIN TO THE LONE PINE PAIUTE-SHOSHONE TRIBE.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO TAKE ALL STEPS NECESSARY TO DELIVER THE ARTIFACTS TO THE TRIBE IN A RESPECTFUL MANNER THAT IS ACCEPTABLE TO THE TRIBE.