

MINUTE ITEM

This Calendar Item No C11 was approved as
Minute Item No 11 by the California State Lands
Commission by a vote of 2 to 0 at its
06/07/04 meeting.

**CALENDAR ITEM
C11**

A 34

PRC 8530

06/07/04

W 25997

S 18

B. Dugal

P. Griggs

**CONSIDER AUTHORIZING A PERMIT TO CH2MHILL FOR ARCHEOLOGICAL 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
3 Hutton Centre Drive, Suite 200
Santa Ana, CA 92707

AREA, LAND TYPE, AND LOCATION:

Approximately 10.3 square miles of sovereign lands at Owens Lake, Inyo
County.

AUTHORIZED USE:

Conduct archeological 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.

PERMIT TERM:

One year, beginning June 7, 2004.

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 PERMIT PROVISIONS:

Insurance:

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

CALENDAR ITEM NO. C11 (CONT'D)

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 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 PM₁₀ 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 PM₁₀ 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.

The California State Lands Commission (Commission) has authorized the issuance of Lease No. PRC 8079 to the City for the installation of the Owens Lake South Sand Sheet Air Quality and Sand Fence Monitoring System. The City's research and monitoring project is being conducted to provide data for the design and implementation of dust control measures as required by the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (SIP) dated November 16, 1998. Based on the data collected, Lease No. PRC 8079 has been amended so that the City could construct and operate shallow flooding, managed vegetation, and gravel projects located on approximately 19 square miles on the dry lakebed of Owens Lake.

CURRENT SITUATION:

Field surveys were previously conducted to locate cultural resources and paleontological resources on lands that will be impacted by the next phase of the city of Los Angeles, Department of Water and Power, dust control program. Numerous archeological sites were discovered that require additional testing to determine whether they are eligible to be listed on the National Register of

CALENDAR ITEM NO. C11 (CONT'D)

Historic Places or the California Register of Historical Resources. This permit will allow for the excavation of test areas and data recovery from sites that have been determined as significant that cannot be avoided by the City's dust abatement project. These activities are required by the Mitigation Monitoring Program adopted by the District. Artifacts collected under this 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 shall 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 not currently under lease to the City. 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. The City will apply for a separate lease in the future for construction of these portions of the project.

OTHER PERTINENT INFORMATION:

1. The Applicant is the consultant for the city of Los Angeles, Department of Water and Power. Work under the permit will be accomplished by sub-consultants to CH2MHILL who are qualified professionals in archeology or paleontology, depending on 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 15091 and 15096) are on file in the Sacramento Office of the Commission.

CALENDAR ITEM NO. C11 (CONT'D)

4. 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."
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 15096 (h), ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
3. ADOPT MITIGATION MEASURE 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:

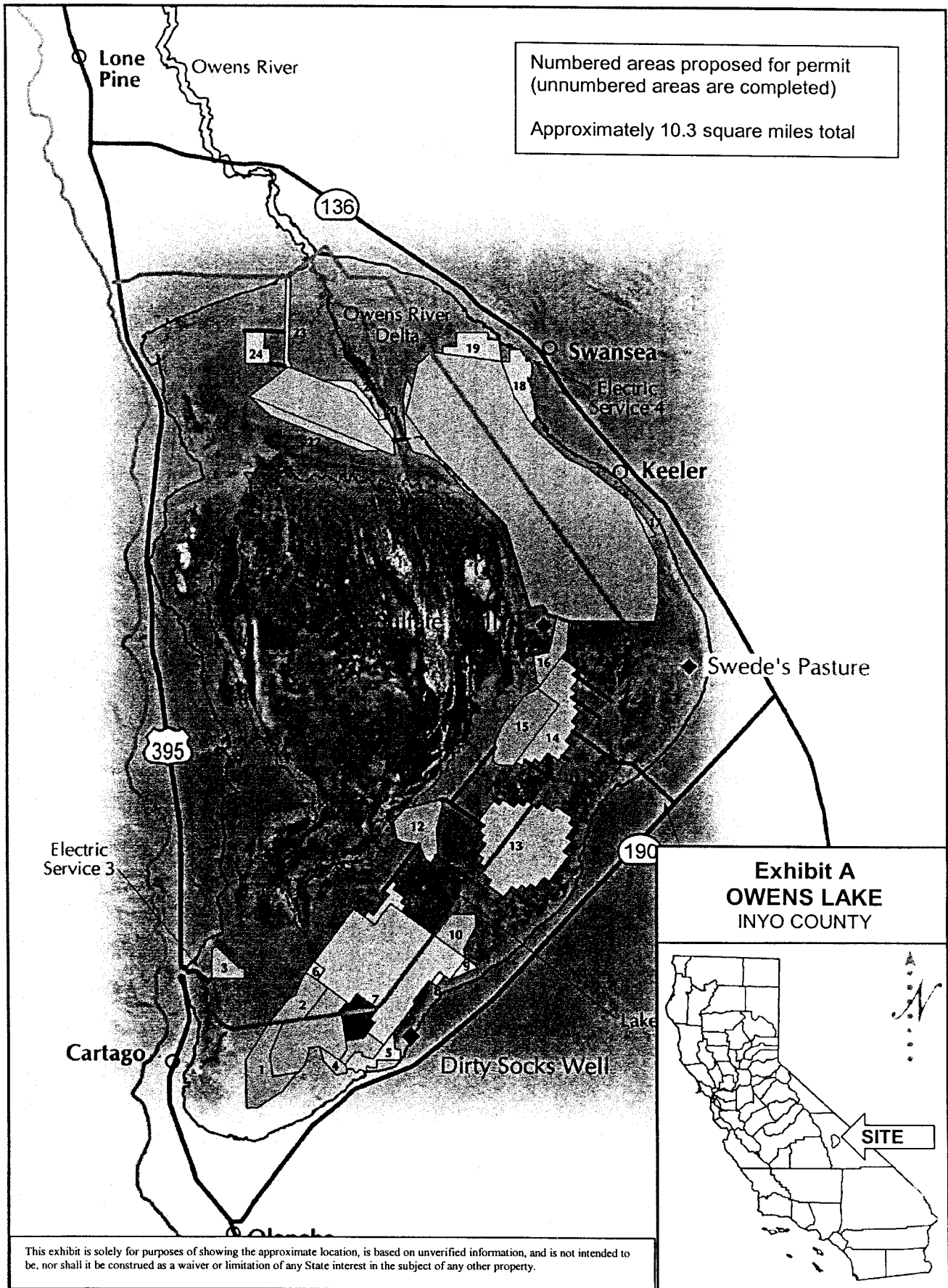
CALENDAR ITEM NO. C11 (CONT'D)

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE OF A PERMIT TO CH2MHILL TO CONDUCT INVESTIGATIONS AND DATA RECOVERY ON STATE SOVEREIGN LANDS AS REQUIRED TO MITIGATE THE POTENTIAL IMPACTS ON ARCHEOLOGICAL AND PALEONTOLOGICAL RESOURCES RESULTING FROM THE 2003 OWENS VALLEY PM10 PLANNING AREA DEMONSTRATION OF ATTAINMENT STATE IMPLEMENTATION PLAN AT OWENS LAKE, BEGINNING JUNE 7, 2004, FOR A TERM OF ONE YEAR, ON THE LAND 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 IN THE AMOUNT OF \$1,000,000 COMBINED SINGLE LIMIT.

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 SHALL BE OFFERED TO CULTURALLY AFFILIATED NATIVE AMERICAN TRIBES.



Numbered areas proposed for permit
(unnumbered areas are completed)
Approximately 10.3 square miles total

Exhibit A
OWENS LAKE
INYO COUNTY



This exhibit is solely for purposes of showing the approximate location, is based on unverified information, and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject of any other property.