

MINUTE ITEM

This Calendar Item No. C11 was approved as Minute Item No. 11 by the California State Lands Commission by a vote of 3 to 0 at its 12-03-07 meeting.

CALENDAR ITEM

C11

A	34		12/03/07
S	18	PRC 8769	W 26250
			J. Brown
			P. Griggs

CONSIDER APPLICATION FROM THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER FOR AN ARCHAEOLOGICAL INVESTIGATION PERMIT

APPLICANT:

The City of Los Angeles, Department of Water and Power
111 North Hope Street
Los Angeles, California 90012-2607

AREA, LAND TYPE, AND LOCATION:

9,344 acres, more or less, of sovereign lands in the dry bed of Owens Lake, Inyo County.

AUTHORIZED USE:

Conduct Phase II testing and evaluation of archaeological sites, which is a required information collection activity for the 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan at Owens Lake.

LEASE TERM:

One year, beginning December 3, 2007.

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.

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 micros in mean aerodynamic diameter (approximately 1/10 the

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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 in to a Settlement Agreement 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.

OTHER PERTINENT INFORMATION:

1. Applicant is required to implement dust mitigation measures as provided in the *2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (SIP)*. The public review process for the Draft Environmental Impact Report for the SIP has been completed and the District anticipates consideration of the Final EIR in the first quarter of 2008.
2. Information collection work under the proposed permit will be accomplished by professional archaeologists in support of the 2008 SIP to determine if cultural resource sites found during Phase I may be eligible to the California Register of Historical Resources or the National Register of Historic Places (significant sites). Special analytical studies may be conducted on artifacts and samples collected during Phase I and II archaeological investigations to include radiocarbon dating, obsidian sourcing and hydration, basalt sourcing, charcoal analysis, ceramic analysis, and botanical analysis. Significant sites will require mitigation before dust control measures are constructed as determined by the Final Environmental Impact Report. Mitigation will likely consist of Phase III data recovery that would be the subject of a separate permit. Site datums may be installed that will be removed upon the conclusion of Phase II or III as appropriate. A Native American monitor will observe all fieldwork under the proposed permit.

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Artifacts collected from the Permit Premises shall remain State property until further action by the Commission's Executive Officer. The City of Los Angeles, Department of Water and Power, will request the transfer of title or control of artifacts collected from sites determined eligible to the National Register of Historic Places or the California Register of Historical Resources, or that qualify as a "unique archaeological resource" under Public Resources Code section 21083.2, to a recognized museum curation facility. After receiving written permission from the Commission's Executive Officer, such artifacts may be transferred to the curation facility. Such artifacts will be curated at no cost to the State.

Artifacts collected from the Permit Premises that are determined ineligible to the National Register of Historic Places or the California Register of Historical Resources, and are not a "unique archaeological resources" will be offered to culturally affiliated Native American tribes.

3. 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 as a categorically exempt project. The project is exempt under Class 6, Information Collection; Title 2, California Code of Regulations, Section 2905 (e) (3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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 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

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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.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

Not Established

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION ACTIVITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (e)(3).

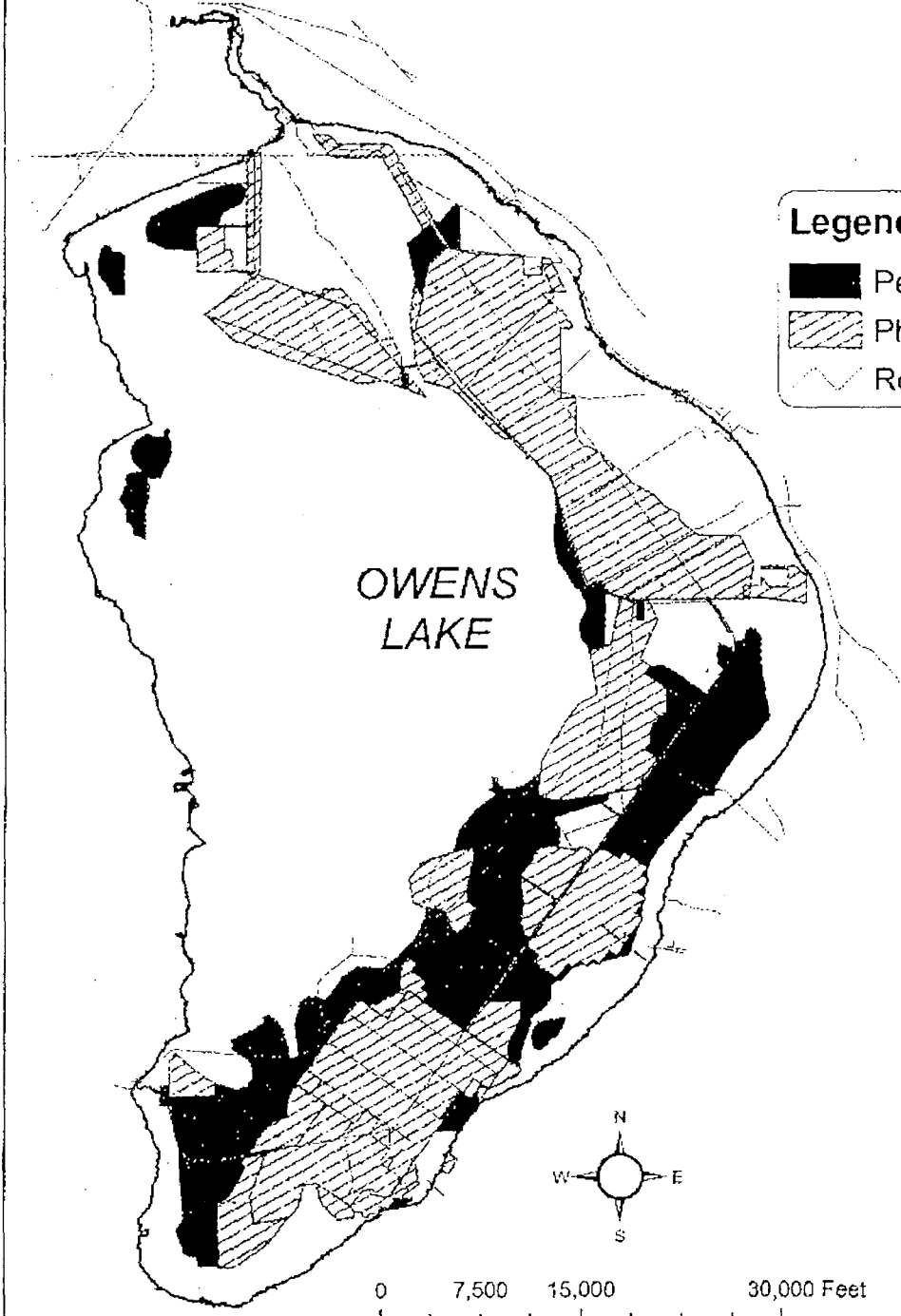
AUTHORIZATION:

1. AUTHORIZE ISSUANCE OF A PERMIT TO THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, OF AN ARCHAEOLOGICAL INVESTIGATION PERMIT, AS DESCRIBED HEREIN, BEGINNING DECEMBER 3, 2007, FOR A TERM OF ONE YEAR, TO CONDUCT INVESTIGATIONS ON STATE SOVEREIGN LANDS AS 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.

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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 OR ARTIFACTS FROM SITES THAT ARE NOT ELIGIBLE TO BE LISTED ON EITHER THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES OR THE NATIONAL REGISTER OF HISTORIC PLACES WILL BE OFFERED TO THE CULTURALLY AFFILIATED NATIVE AMERICAN TRIBE ACCORDING TO THE NATIVE AMERICAN HERITAGE COMMISSION.

ARCHAEOLOGICAL INVESTIGATIONS AND DATA RECOVERY



Legend

- Permit Areas--Phase VII
- Phases I - VI
- Roads

Exhibit A
W 26250
LADWP
Archaeological Investigation
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.

MFD 11/07