

CALENDAR ITEM

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INFORMATIONAL

PARTY:

Owens Lake Master Planning Committee
c/o Gina Bartlett, Facilitator
Center for Collaborative Policy
Sacramento State University
815 S Street
Sacramento, CA 95811-7065

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Owens Lake, Inyo County.

BACKGROUND:

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 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.

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. Pursuant to the MOA, the City must implement specified dust control measures (DCMs), which include shallow flooding, managed vegetation, and gravel to control dust emissions at Owens Lake.

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On June 14, 1999, the California State Lands Commission (Commission) authorized the issuance of a 20-year lease 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 dust control measures as required by the Owens Valley PM-10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) dated November 16, 1998. Since that time, the Commission has authorized eight amendments to the lease for the construction, operation, and maintenance of additional dust control components, including shallow flooding, managed vegetation, and gravel cover.

One of the conditions of the Eighth Amendment to the lease, approved by the Commission at its December 2009 meeting, was that the City agreed to “participate in a long-term conservation plan with legally binding requirements to designate an appropriate acreage of shallow flood for the term of the lease or until a Master Plan is approved by the California Department of Fish and Game and the State Lands Commission”. This item is an update on the Master Plan process.

STATUS OF OWENS LAKE MASTER PLAN

On January 25, 2010, City staff informed Commission staff that a facilitator had been hired by the City to assist in the development of a Master Plan. The facilitator is Ms. Gina Bartlett with The Center for Collaborative Policy at California State University, Sacramento. Ms. Bartlett has since identified the stakeholders in the process, interviewed many of the key players, and formed a hierarchy of groups representing the stakeholders and their interests.

The stakeholder structure consists of a Planning Committee, an Agency Forum, a Coordinating Committee, a Stakeholder Forum, and various working groups. The Planning Committee is the decision-making group that will work to develop a consensus-based plan and take it to their respective agencies and organizations for potential adoption.

The first Planning Committee meeting was held in March 2010. To date, there have been seven Planning Committee meetings. They are scheduled on a monthly basis and are usually held in either Bishop or Keeler, a small town on the eastern edge of Owens Lake. The April meeting included a guided site visit out onto the bed of Owens Lake, where Planning Committee members were able to see the DCMs currently being used and experience the wind-driven dust problem first hand.

Topics that were discussed at earlier Planning Committee meetings included recognizing the interests of the various stakeholders, identifying the uses on or influenced by the lake (dust control, wildlife habitat, mining), and creating a

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charter to guide the Master Plan process. At the August meeting, Commission staff made a presentation and answered questions on the Public Trust Doctrine and how it relates to land use issues on Owens Lake.

Recent meetings have become more focused. The Master Plan area has been clearly defined (the historical high water mark of the lake) and workgroups have been created to identify planning zones on the lakebed. The potential planning zones include areas for habitat, dust control, solar energy, and other renewable energy sources, agriculture and grazing, mining, public access and recreation, and cultural resources.

The Habitat Workgroup has identified the areas having the best quality of habitat and the greatest quantity and variety of users, which consist mostly of numerous bird species. The Solar Workgroup has identified the areas most suitable for solar projects based on proximity to existing transmission lines and soil conditions suitable for supporting solar arrays. The dust control zones consist not only of those areas currently subject to shallow flooding, managed vegetation, and gravel cover, but also additional areas identified as potentially being emissive in the near future. The agricultural and grazing areas are located along the western edge of the lakebed, while the potential mining zone consists of the brine pool where minerals, like trona, are present. The most recent meeting, held October 20, identified areas where public access and recreation could be protected and even enhanced. In many cases, where the uses do not conflict, the zones can overlap. Examples include habitat and the shallow flooding dust control measure, and solar energy projects in conjunction with dust control.

In addition to the Planning Committee meetings, there have been two Agency Forum meetings, both held in Sacramento. The first meeting was held on June 14. Present at the meeting were representatives from various governmental bodies, including the City, Inyo County, the District, the DFG, California Department of Water Resources, the State Water Resources Control Board, and the Commission. The purpose of this first meeting was to identify the various agencies that would be involved in the Master Plan process, what their roles would be, what their concerns are, what their internal processes are, and identify any potential policies or practices that could impact or constrain the Master Plan. There was also discussion about the sequencing of the CEQA process relative to the Master Plan process.

The most recent Agency Forum meeting was held on September 29. The purpose of this meeting was to bring Agency representatives up to date on the progress of the Planning Committee, specifically with respect to the zones that had been identified by the workgroups. There was also discussion about the

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legal framework of the Master Plan, whether it should be in the form of a Natural Community Conservation Plan (NCCP) or some type of memorandum of agreement (MOA). The status of the environmental review process was also discussed, as was the level of Planning Committee involvement in that process. Lastly, the City and the District provided a presentation on current and future dust control projects on the lakebed.

NEXT STEPS:

The Master Plan process is scheduled to be completed by the end of 2010, but there is some flexibility in the schedule to allow for additional meetings in order to reach consensus on a Master Plan. The Planning Committee is still working on the details of the size and locations of the land use zones. The Planning Committee also has to determine the legal framework of the Master Plan (i.e. whether it will be a NCCP or an MOA). Concurrently, the Planning Committee will be working on an implementation component for the Master Plan. The Planning Committee will strive for consensus in each of these steps.

An environmental consultant was recently retained by the Commission and it is hoped that an Environmental Impact Report (EIR) for the Master Plan will be completed in 2011. The EIR and Master Plan could then be considered for approval by the various agencies, including the Commission, sometime in late 2011 or 2012.