

**CALENDAR ITEM
C36**

A 34
S 17

09/01/11
W 26499
D. Simpkin
P. Griggs

**ARCHAEOLOGICAL INVESTIGATION PERMIT FOR PHASE I SURVEY AND
IDENTIFICATION AND PHASE II TESTING AND EVALUATION**

APPLICANT:

City of Los Angeles
Department of Water and Power
William T. Van Wagoner
111 North Hope Street
Los Angeles, CA 90012

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the dry lake bed of Owens Lake, Inyo County.

AUTHORIZED USE:

Conduct Phase I and II cultural resources investigations in support of Owens Lake Dust Mitigation Program Phase 7a.

LEASE TERM:

1 year, beginning September 1, 2011.

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:

Liability insurance in the amount of no less than \$1,000,000. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff approved self-insurance program.

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 proposed archaeological surveys

CALENDAR ITEM NO. **C36** (CONT'D)

are being performed in response to dust control measures (DCMs) being proposed by the Applicant for Owens Lake Dust Mitigation Program Phase 7a. In addition to the proposed permit, the City of Los Angeles, Department of Water and Power (LADWP or Applicant) has also submitted a lease application to amend Lease No. PRC 8079 to include the proposed DCMs under Phase 7a. LADWP is in the process of preparing an Environmental Impact Report (EIR) as lead agency for the proposed project under the California Environmental Quality Act (CEQA).

2. Activities under the proposed permit (Permit) will be performed by professional archaeologists to survey for and to identify cultural resource sites (Phase I) and to determine through Phase II testing and evaluation if any sites may be eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places (significant sites). LADWP will ensure that Native American tribal representatives are invited to be present during surveys and testing on the permit premises. Special analytical studies may be conducted on artifacts and samples collected under the Permit to include radiocarbon dating, obsidian sourcing and hydration, basalt sourcing, charcoal analysis, ceramic analysis, and botanical analysis.
3. Significant sites will require mitigation before the proposed Owens Lake Dust Mitigation Program Phase 7a is constructed. It is anticipated that mitigation will consist of Phase III data recovery that would be conducted as part of a Mitigation Monitoring and Reporting Program developed pursuant to CEQA and adopted at the time the Commission takes action on the issuance of a lease amendment for the Phase 7a project, if the Commission approves the amendment. No separate permit would be required under these circumstances for Phase III.
4. Artifacts collected from the permit premises as described in the Permit, shall remain State property until further action by the Commission's Executive Officer. LADWP will request the transfer of title or control of artifacts collected from sites determined eligible for inclusion in 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

CALENDAR ITEM NO. **C36** (CONT'D)

Resources, and are not a “unique archaeological resource” will be offered to culturally affiliated Native American tribes.

5. Public Resources Code section 6313, subdivision (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.”
6. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, 15061), the staff has determined that this activity is exempt from the requirements of 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description (See Authorization)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 6, Information Collection; Title 2, California Code of Regulations, section 2905 (e)(3).

CALENDAR ITEM NO. **C36** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

1. Authorize issuance of an archaeological investigation permit to the City of Los Angeles, Department of Water and Power beginning September 1, 2011, for a term of 1 year, for Phase I and II cultural resources investigations in support of Owens Lake Dust Mitigation Program Phase 7a as shown on Exhibit A (for reference purposes only) and described on Exhibit B 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; and liability insurance in the amount of no less than \$1,000,000; Applicant may satisfy all or part of the insurance requirements through maintenance of a staff approved self-insurance program.

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.