

**CALENDAR ITEM
C73**

A 34
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03/29/12
PRC 8079.9
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

City of Los Angeles
Department of Water and Power
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:

Research and monitoring at the South Sand Sheet, implementation of shallow flooding and monitoring at the North Sand Sheet, and the construction and operation of the South Zone Dust Control Project. Construction, installation, operation, and monitoring of shallow flooding dust control measures (DCMs) associated with Phases IV, V, and VII of the Owens Lake Dust Control Project. Construction, installation, operation, and monitoring of 0.5 square mile of channel area improvements. Construction of sand fence and vegetation enhancement in Cell T1A-1, in support of the Phase VII Owens Lake Dust Control Project. Construction, use, and maintenance of two access roads (one access road to cell T37-1, and one access road to cell T37-2); and, implementation of soil tillage totaling 3.12 square miles on dust control cell areas T1A-3, T1A-4, T12-1, T32-1, T37-1, and T37-2. Construction, operation, and maintenance of 2.03 square miles of DCMs associated with Phase VIII of the Owens Lake Dust Control Project including placement of gravel on top of permeable geotextile fabric, placement of road material to expand an existing roadway, construction of earthen berms, and placement of gravel for maintenance purposes. Placement of above-grade sprinkler systems within the Channel Area and Area T1A-1.

LEASE TERM:

20 years, beginning May 1, 1999.

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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.

PROPOSED AMENDMENT:

Section 1, Authorized Improvements, would be amended to include the construction, use, and maintenance of a 30-inch high-density polyethylene (HDPE) submain and access road from cell area T35-1 to cell area T37-1.

Section 2, Special Provisions, would be amended to include, but not be limited to, the following provisions:

1. Upon completion, Lessee shall provide Lessor a set of as-built drawings showing the final alignment of the submain and access road.
2. All permits, authorizations, and plans issued or required by any and all other State, local, or federal agencies for the placement of the pipeline and access road shall be submitted to Commission staff.
3. Lessee shall provide a qualified biological monitor(s) to conduct two inspections daily at the beginning and end of each day of all open portions of the submain trench to locate potentially entrapped wildlife. Any live snowy plover or shorebird found within the trench during monitoring shall be observed at a distance for a minimum of 15 minutes or until it exits the trench. The California Department of Fish and Game (CDFG) shall be notified immediately if the live bird does not attempt to exit the trench and appears injured or otherwise unable to exit the trench. In addition, Lessee shall provide summaries of the monitoring methods and results to CDFG and CSLC within 2 weeks of the end of construction.

All other terms and conditions of the Lease, as amended, shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On June 14, 1999, the California State Lands Commission (Commission) authorized the issuance of Lease No. PRC 8079.9, a General Lease – Public Agency Use, to the City of Los Angeles Department of Water and Power (City) for a period of 20 years, for the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System. Since that time, the Commission has authorized 11 amendments to the Lease for the construction, operation, and maintenance of additional components of dust control.

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2. The City has submitted an application for the construction, use, and maintenance of a 30-inch HDPE submain and access road from cell area T35-1 to cell area T37-1. The 30-inch submain will allow the City to deliver water to cell area T37-1 from an existing water pipeline located in cell area T35-1. The submain will be approximately 5,932 feet long and will be buried to a depth of between 4 ½ to 7 ½ feet. The submain is not anticipated becoming operational until Fall 2013.
3. The City anticipates using managed vegetation along the northern and western edges of cell area T37-1 under future dust control projects. The proposed submain will deliver water to cell T37-1 to foster the growth of the managed vegetation. Although the proposed submain would not be utilized until future dust control projects are authorized by the Commission, the City believes it would be more practical to construct the submain during Phase 8 construction, which was authorized by the Commission on December 10, 2010, and is currently under construction.
4. The proposed access road will follow the approximate alignment of the 30-inch submain and will allow vehicular access to cell area T37-1.
5. An Addendum to an existing Initial Study and Mitigated Negative Declaration (MND), State Clearinghouse No. 2010071044 (adopted on September 19, 2010), was prepared by the City for this project ("Owens Dry Lake Phase 8 Dust Control Measures Addendum No. 1 to the 2010 Initial Study and Mitigated Negative Declaration" [Addendum]).

The Addendum addressed changes in the project since the 2010 MND was adopted. The environmental analysis contained in the Addendum concluded that the impacts and mitigation requirements identified in the 2010 MND remain substantively unchanged by the modification of the project to include the submain and access road. The City found that these modifications do not raise any new issues and do not exceed the level of impacts identified in the previous 2010 MND.

Commission staff has reviewed the Addendum and the Mitigation Monitoring Program adopted by the City, and concurs with the City's Addendum and Mitigation Monitoring Program.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to

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“environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Location and Site Map
- B. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration (2010 MND) (State Clearinghouse No. 2010071044) and a Mitigation Monitoring and Reporting Program were prepared and adopted on September 7, 2010, by the City of Los Angeles, Department of Water and Power, and that the Commission has reviewed and considered the information contained therein.

Find that the City of Los Angeles, Department of Water and Power, prepared the “Owens Dry Lake Phase 8 Dust Control Measures Addendum No. 1 to the 2010 Initial Study and Mitigated Negative Declaration” for the modifications to the project, and that the Commission has reviewed and considered the information contained therein.

Readopt the Mitigation Monitoring Program, as contained in Exhibit B, attached hereto.

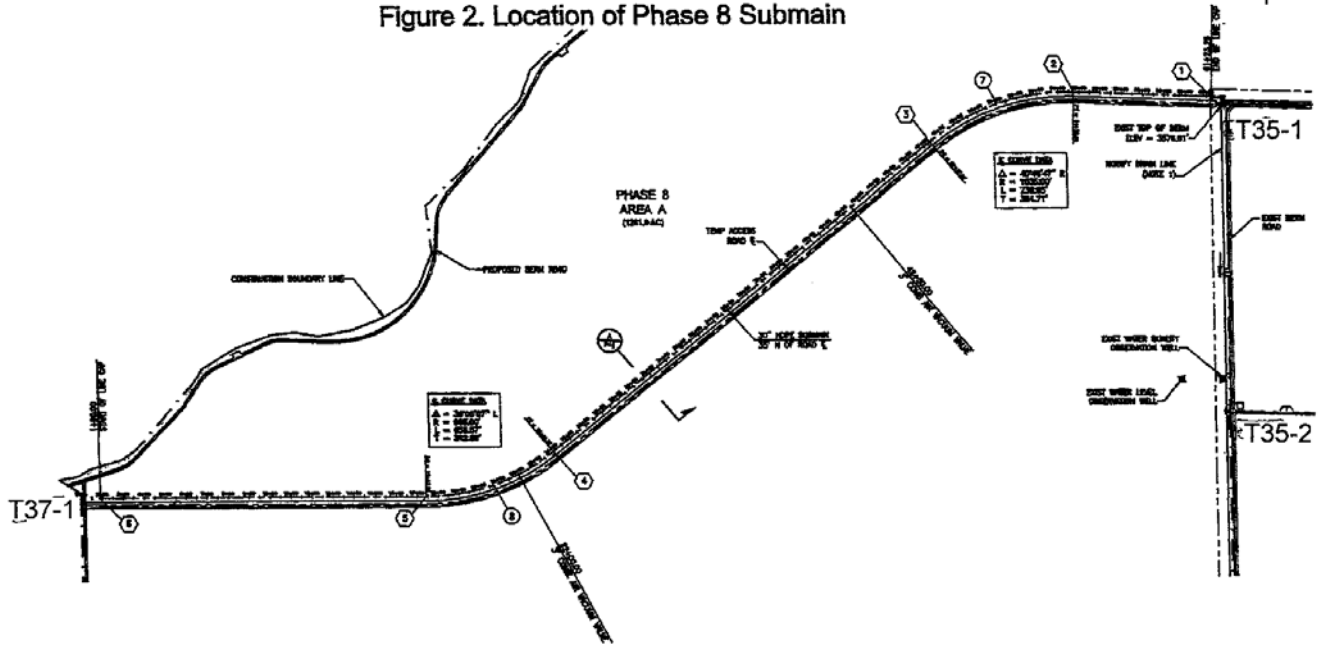
AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8079.9, a General Lease – Public Agency Use, effective March 29, 2012, to amend the Authorized Improvements and Special Provisions to include the construction, use, and maintenance of a 30-inch high-density polyethylene (HDPE) water submain and access road from cell area T35-1 to cell area T37-1 as shown on Exhibit A (for reference purposes only); all other terms and conditions of the lease as previously amended will remain in effect without amendment.

NO SCALE

SITE

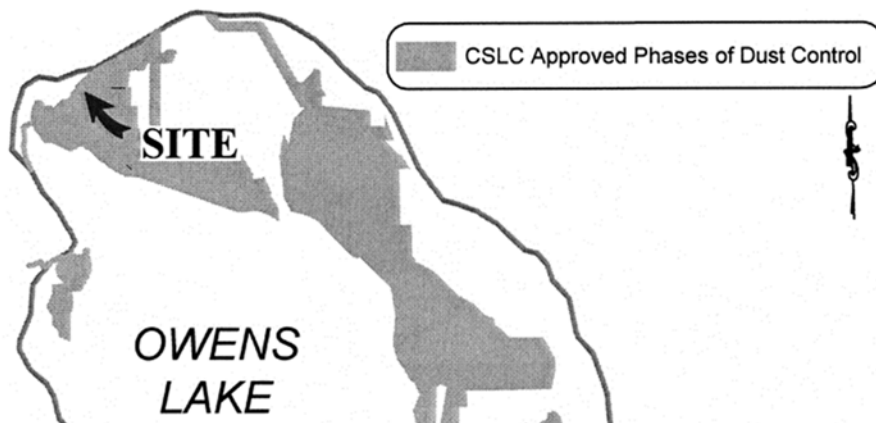
Figure 2. Location of Phase 8 Submain



30-INCH HDPE SUBMAIN AND ACCESS ROAD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

PRC 8079.9
LADWP
GENERAL LEASE
PUBLIC AGENCY USE
INYO COUNTY



MITIGATION MONITORING AND REPORTING PROGRAM

SCH # 2010071044

**Owens Dry Lake Phase 8 Dust Control Measures Project
Initial Study / Mitigated Negative Declaration**

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Notifications)	Verification of Compliance	
					Initials	Date
Cultural Resources						
Air-1	Installation of project facilities will temporarily increase fugitive dust emissions.	<p>Fugitive Dust Emissions Control and Minimization</p> <p>In compliance with GBUAPCD Rule 401, LADWP shall take reasonable precautions to prevent visible particulate matter from being airborne, under normal wind conditions, beyond the property from which the emission originates. Best available control measures shall be implemented during construction and maintenance activities to minimize emission of fugitive dust from earthwork and travel on unpaved roads and other areas. Best available control measures may include, but would not be limited to, the use of windbreaks, water trucks, and water sprays twice a day, or comparable measures that prevent visible dust from occurring. At a minimum, active operations shall utilize one or more of the applicable best available control measures to minimize fugitive dust emissions from each fugitive dust source type that is part of the active operation. The maximum area of soil disturbance at any one time will be 40 acres; where applicable, geotextile will be installed within 10 working days with constructible conditions (i.e., no rain events). Monitoring reports will be prepared during construction activity and made available to GBUAPCD and CSLC as requested.</p>	During construction	LADWP (Monitoring Reports provided to GBUAPCD and CSLC as requested)		

ATTACHMENT 3

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Notifications)	Verification of Compliance		
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Air-2	Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment.	Low Emissions Tune-ups Schedule A schedule of low emissions tune-ups shall be prepared for all equipment operating on site for more than 10 working days. A log shall be maintained and made available to GBUAPCD and CSLC as requested.	During construction	LADWP (Tune-up Log provided to GBUAPCD and CSLC as requested)			
Air-3	Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment.	Low-emission Equipment Utilization Low-emission equipment/mobile construction equipment shall be used for project construction to the maximum extent practical, feasible, and available	During construction	LADWP			
Air-4	Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment.	Low-emission Mobile Vehicle Utilization during Construction Low-emission or alternative-fueled mobile vehicles shall be used during project construction to the maximum extent practical, feasible, and available. In addition, carpooling of construction workers shall be encouraged.	During construction	LADWP			
Air-5	Operation of project facilities will result in emissions of air pollutants from vehicles and equipment.	Low-emission Mobile Vehicle Utilization during Operation Hybrid, low-emission (CA LEV II, PZEV, SULEV, or UL EV) or alternative-fueled mobile vehicles, such as electric or fuel cells, shall be used for the proposed project site to the maximum extent practical, feasible, and available. In addition,	During operation	LADWP			

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Bio-1	Installation of project facilities could result in disturbance of Western Snowy Plover.	<p>carpooling of operations and maintenance workers shall be encouraged.</p> <p>Labeled Worker Education Program To minimize potential direct impacts to western snowy plover from construction activities, LADWP shall continue the labeled worker education program consistent with the previous approach and per CDFG recommendations. The program shall be based on western snowy plover identification, basic biology and natural history, alarm behavior of the snowy plover, and applicable mitigation procedures required of LADWP and construction personnel. The program shall be conducted by a biologist familiar with the biology of the western snowy plover at Owens Dry Lake and familiar with special status plant and wildlife species of the Owens Lake basin. The education program shall explain the need for the speed limit in the snowy plover buffer areas and the identification and meaning of buffer markers. All construction, operation, and maintenance personnel working within the project area shall complete the program prior to their working on the labeled. A list of personnel who have completed the education program shall be maintained and made available to GBUAPCD upon request.</p>	Prior to the start of construction and as new employees are retained	LADWP (List of trained employees provided to GBUAPCD as requested)			
Bio-2	Installation of project facilities could result in disturbance of Western Snowy Plover.	<p>Preconstruction Surveys for Western Snowy Plover To minimize potential direct impacts to western snowy plover within the project area due to construction activities, LADWP shall conduct a preconstruction survey for western snowy plover in all potential snowy plover habitat prior to any construction activity that is performed during the snowy plover breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than 7 days prior to the start</p>	No more than 7 days prior to the start of construction activity to be performed from March 15 to August 15	LADWP (GBUAPCD to be notified of active nest locations.)			

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		<p>of ground-disturbing activities. A 200-foot buffer shall be placed around all active snowy plover nests that are discovered within the construction area. This buffer shall protect the plover nest from both destruction and construction noise. Green-colored stakes of less than 60 inches in height with yellow flagging shall be used to mark buffer edges, with stakes spaced at eight approximately equidistant locations. The location of the nest (global positioning system coordinates) and current status of the nest shall be reported within 24 hours of discovery to GBUAPCD. Maps of snowy plover nest locations shall be posted at the construction office and made available to all site personnel and GBUAPCD staff. The activity of the nest shall be monitored by a biological monitor, as per existing guidelines for the North Sand Sheet and Southern Zones dust control projects and any revisions to the monitoring protocol that have been approved by CDFG. Active snowy plover nests shall be monitored at least weekly. The nest buffer shall remain in place until such time as the biological monitor determines that the nest is no longer active and that fledglings are no longer in danger from proposed construction activities in the area. Buffers shall be more densely marked where they intersect project-maintained roads. Vehicles shall be allowed to pass through nest buffers on maintained roads at speeds less than 15 miles per hour, but shall not be allowed to stop or park within active nest buffers. Permitted activity within the nest buffer shall be limited to foot crews working with hand tools and shall be limited to 15-minute intervals, at least one hour apart, within a nest buffer at any one time.</p>					

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Bio-3	Vehicle travel related to project construction could result in disturbance of nesting Western Snowy Plover.	<p>Snowy Plover Nest Speed Limit To minimize potential direct and cumulative impacts to western snowy plover and other sensitive biological resources from vehicles construction activities, LADWP shall implement a speed limit of 30 miles per hour within all active construction areas on Owens Dry Lake during construction of dust control measures. Speed limits shall be 15 miles per hour within active snowy plover nest buffers. Designated speed limits for other construction areas outside of active nest buffers shall be maintained at 30 miles per hour where it is determined to be safe according to vehicle capabilities, weather conditions, and road conditions. Site personnel and GBUAPCD staff shall be informed daily of locations where active nest buffers overlap with roads in the construction area. Signs shall be posted that clearly state required speed limits. Speed limit signs shall be posted at all entry points to the lake. The number of speed limit signs shall be kept at a minimum near active snowy plover nest areas to reduce potential perches for raptors and other snowy plover predators and shall be outfitted with Nixalite or the functional equivalent if greater than 72 inches (increased from the original 60 inches) in height at entry points to the lake and 60 inches in height by active snowy plover nest areas.</p> <p>Lighting Best Management Practices To minimize indirect impacts to nesting bird species associated with project lighting during construction activities, LADWP shall institute all</p>	During construction	LADWP (GBUAPCD to be notified if active nest buffers overlap with roads in the construction area.)			
Bio-4	Lighting used during project construction, if any, could		During construction	LADWP			

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	result in disturbance of nesting birds.	<p>best management practices to minimize lighting impacts on nocturnal wildlife consistent with previous requirements and CDFG recommendations. Best management practices include those listed below, and are included in the Project Description of the GBUAPCD 2008 State Implementation Plan Subsequent Environmental Impact Report. Previous construction has occurred during nighttime hours to complete construction schedules and to prevent personnel from working during times of high temperatures. If night work is deemed necessary, then construction crews shall make every effort to shield lighting on equipment downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during the nesting season (March to August). All lighting on newly built facilities shall be minimized to the greatest extent possible, while still being in compliance with all applicable safety requirements. Required lighting shall be shielded so that light is directed downward and away from vegetation or playa areas.</p>					
Cul-1	Installation of project facilities could result in disturbance of known cultural resources.	<p>Protection of Known Archaeological Sites Recorded archaeological sites on the project sites will be protected from incidental damage during project construction by flagging the locations prior to the start of construction activity. Extended Phase I testing will be accomplished to delineate site boundaries. The sites, and a radius of 20 feet around the sites shall not be subject to minor land leveling, geotextile installation, gravel installation, construction vehicle traffic, or other disturbances. Specific demarcation of the area to be avoided will be determined in coordination with a qualified archaeologist.</p>	Prior to the start of construction	LADWP (Native American representatives to be notified in advance of the archaeologist site visit)			

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		<p>Alternatively, if avoidance of resources is impractical, an archaeological testing and evaluation program to characterize and evaluate sites for CRHR-significance will be conducted. If the resources are found to be unique under CEQA, and avoidance is not feasible, then the archaeologist will conduct data recovery excavations, photograph the sites (or other documentation including oral histories), or define a compensatory mitigation program (which comprises a budget be established for a specific purpose, such as a NRHP nomination). Any Phase II testing or Phase III data recovery programs would be subject to the approval and issuance of a permit from the CSLC. In addition, coordination will be conducted for cultural resources under the jurisdiction of the BLM to ensure the work will comply with Section 106 of the NHPA.</p> <p>Based on the NAHC contact list for the project, Native American representatives shall be notified of the archaeologist site visit schedule, and be invited to be present on a volunteer basis.</p>					
Cul-2	Installation of project facilities could result in disturbance of unknown cultural resources.	<p>Protection of Unknown Archaeological Sites During earthwork necessary for berm creation at the Phase 8 area, a qualified archaeological monitor shall be present. Based on the NAHC contact list for the project, Native American representatives shall be notified of the archaeological monitor's schedule, and be invited to be present on a volunteer basis.</p>	During construction of Phase 8 berms	LADWP (Native American representatives to be notified in advance of the archaeological monitor's schedule)			

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Cul-3	Installation of project facilities could result in disturbance of unknown cultural resources.	Protection of Unknown Archaeological Sites If previously unrecorded cultural resources are encountered during the project, all work shall cease within 100 feet of the discovery until the find can be evaluated by a qualified archaeologist. Work will not resume until the qualified archaeologist provides approval.	During construction	LADWP			
Cul-4	Installation of project facilities could result in disturbance of paleontological resources.	Protection of Paleontological Resources During earthwork necessary for berm creation at the Phase 8 area, a paleontological monitor shall be present. The monitor may be a qualified paleontological monitor or a cross-trained archaeologist, biologist, or geologist working under the supervision of a qualified principal paleontologist. If paleontological materials are discovered that are significant or potentially significant, then the following would apply: data recovery and analysis, preparation of a data recovery report or other reports, and accession of recovered fossil material at an accredited paleontological repository (e.g., the University of California's Museum of Paleontology).	During construction of Phase 8 berms	LADWP			
Cul-5	Excavation for installation of project facilities could result in the disturbance of previously unknown human remains.	Protection of Unknown Human Remains In the unexpected event that human remains are discovered, the Inyo County Coroner shall be contacted, the area of the find shall be protected, and provisions of State CEQA Guidelines Section 15064.5 shall be followed.	During construction	LADWP (Inyo County Coroner to be contacted if human remains discovered)			
Trans-1	Truck trips for gravel transportation across SR 136 could create	Traffic Work Safety Plan LADWP shall develop and implement a Traffic Work Safety Plan to be approved by Caltrans for the construction phase of the Phase 8 project. The Plan will address the use of warning lights.	Prior to gravel transport during construction	LADWP (Plan approval by Caltrans)			

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	traffic hazards.	signs, traffic cones, signals, flag persons and/or comparable measures as needed to maintain safe travel of haul trucks across SR 136 during construction.					
Trans-2	Truck trips for gravel transportation across SR 136 could result in roadway damage.	Roadway Repair Plan LADWP shall repair damage to SR 136 in the areas near the mines where project-related truck traffic crosses SR 136. Prior to the start of construction activity, existing conditions at the crossings will be documented. After construction of Phase 8 is complete, physical damage documented at the SR 136 crossings will be repaired.	Roadway conditions to be documented prior to the start of construction; repairs, if necessary, to be implemented after construction is complete	LADWP (Repair plans to be approved by Caltrans)			