

**CALENDAR ITEM
C01**

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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
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 10.

LEASE TERM:

1 year, beginning September 2, 2014.

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.

OTHER PERTINENT INFORMATION:

1. The City of Los Angeles Department of Water and Power (City) 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 Phase I Survey and Identification and Phase II Testing and Evaluation Permit (Permit) has been requested in response to the proposed implementation of dust control measures (DCMs) under Owens Lake Dust Mitigation Program (OLDMP) Phase 10. These investigations will be conducted in the areas identified in the Great Basin Unified Air Pollution Control District's (District's) Supplemental

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Controls Requirements Determination for Phase 10. Phase 10 has not yet been constructed and the City will be required to obtain Commission authorization, in the form of an amendment to existing Lease No. PRC 8079.9, prior to construction.

2. The City issued a Notice of Preparation of an Environmental Impact Report on July 16, 2014, for the Phase 9 and 10 Project areas. The archaeological investigations to be conducted under the Permit are part of the cultural resources evaluation required as part of the environmental review under the California Environmental Quality Act (CEQA).
3. Archaeological investigations for Phase 9 were authorized by the Commission on September 20, 2013 (Calendar Item C81) and have been completed.
4. Implementation of Phases 9 and 10 is the subject of ongoing litigation between the City and the District. The Commission is named as a Real Party in Interest in that litigation. The City is concurrently pursuing its legal challenge and the environmental review process.
5. Activities under the proposed permit will be performed by professional archaeologists to survey for and to identify cultural resource sites (Phase I) and to recommend through Phase II testing and evaluation if any sites may be eligible to the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). It is understood that the City plans to contract with qualified subject matter specialists to accomplish the activities authorized under this Permit.
6. The City will be required to consult with culturally affiliated Native American tribes and have tribal monitors present during all surveys and testing on the Permit premises if requested by tribal representatives. The City will be required to immediately stop activities under the Permit if requested by a tribal monitor for a maximum of five business days. During this time, the City will give the tribal monitor, and interested culturally affiliated tribal representatives, an opportunity to present their concerns to the City and to the Commission's Executive Officer or designee.
7. 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. These studies will be limited to those necessary under current archaeological best practices.

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8. Sites eligible to the CRHR or NRHP will require mitigation before the Phase 10 DCMs are implemented. Mitigation measures will be developed as part of the CEQA process for the implementation of the DCMs.
9. Artifacts collected from the Permit Premises shall remain State property until further action by the Commission's Executive Officer. The City will request the transfer of title or control of artifacts collected from sites determined eligible to the NRHP or CRHR, 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.
10. Other Native American artifacts collected from the Permit Premises will be offered to culturally-affiliated Native American tribes. The distinction between artifacts from CRHR or NRHP eligible sites and those that are not does not in any way reflect on their cultural value or importance.
11. 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."
12. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, Title 2, section 2905, subdivision (e)(3).

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

13. 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 "environmentally significant"). Since such declaration of significance is not

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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. Legal Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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

AUTHORIZATION:

Authorize issuance of an archaeological investigation permit to the City of Los Angeles, Department of Water and Power, beginning September 2, 2014, for a term of one year, for Phase I and II cultural resources investigations in support of Owens Lake Dust Mitigation Program Phase 10 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.

Authorize the Executive Officer to approve the transfer of title or control of artifacts collected under this permit from sites eligible for listing on the California Register of Historical Resources or the National Register of Historic Places, or that qualify as a "unique archaeological resource" under Public Resources Code section 21083.2, to a recognized museum curation facility; and, to approve the transfer of all other Native American artifacts to the culturally affiliated Native American tribe as identified by the Native American Heritage Commission.

Exhibit A
Legal Descriptions
Owens Lake Dust Mitigation Program
2012 Supplemental Control Requirements Determination

Four parcels of State-owned sovereign land in the bed of Owens Lake, in the County of Inyo, State of California, being more particularly described as follows:

Parcel T21-L3 (with approximate 50' construction buffer)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 12°54'38" West, a distance of 16,694.85 feet; thence along the following described courses:

North 63°47'58" West, 125.91 feet;
South 71°21'34" West, 268.30 feet;
North 83°59'10" West, 236.08 feet;
South 12°57'04" West, 166.13 feet;
North 68°44'56" West, 573.40 feet;
South 26°57'02" West, 224.61 feet;
South 17°47'48" East, 137.36 feet;
North 88°04'40" West, 318.02 feet;
North 66°06'42" West, 188.24 feet;
South 82°44'40" West, 321.10 feet;
South 28°40'13" West, 270.69 feet;
South 04°44'07" West, 503.80 feet;
South 28°28'00" West, 117.65 feet;
South 50°40'26" East, 1,506.39 feet;
South 30°32'55" East, 86.47 feet;
South 00°05'48" East, 239.16 feet;
South 53°08'24" East, 66.68 feet;
South 85°47'46" East, 104.93 feet;
South 63°36'42" East, 171.60 feet;
South 57°12'27" East, 159.83 feet;
South 71°02'34" East, 540.62 feet;
North 47°56'26" East, 371.32 feet;

North 02°43'48" East, 164.30 feet;
 North 63°57'11" East, 213.86 feet;
 North 02°04'02" East, 101.95 feet;
 North 29°02'07" East, 137.33 feet;
 North 09°24'38" West, 222.98 feet;
 North 49°37'31" East, 210.48 feet;
 North 38°38'36" West, 159.43 feet;
 North 32°15'35" West, 114.25 feet;
 North 18°15'15" East, 181.72 feet;
 North 33°08'40" West, 115.55 feet;
 North 02°44'36" West, 208.63 feet;
 North 11°41'12" East, 140.44 feet;
 North 74°19'03" East, 107.39 feet;
 North 15°36'37" East, 86.95 feet;
 North 58°39'58" West, 107.46 feet;
 North 26°03'40" West, 102.51 feet;
 North 82°03'02" West, 108.86 feet;
 North 89°27'35" West, 143.09 feet;
 South 72°58'05" West, 185.35 feet;
 North 00°21'06" East, 255.24 feet;
 North 62°18'04" East, 116.18 feet;
 North 29°22'53" East, 90.73 feet;
 North 21°08'16" West, 137.15 feet;
 North 44°44'24" West, 114.20 feet to the point of BEGINNING.

Containing 117.030 acres, more or less.

Parcel T21-L4 (with approximate 50' construction buffer)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 7°20'19" West, a distance of 21,276.56 feet; thence along the following described courses:

South 35°37'04" West, 1,902.77 feet;
 South 02°15'00" West, 86.68 feet;
 South 52°57'50" East, 79.23 feet;
 South 02°01'09" West, 88.53 feet;
 South 28°50'04" East, 175.63 feet;

South 15°56'05" East, 196.95 feet;
 South 08°11'07" East, 94.90 feet;
 South 23°00'28" East, 217.10 feet;
 South 00°19'00" East, 111.13 feet;
 South 71°34'16" East, 126.24 feet;
 South 31°18'25" East, 126.47 feet;
 South 64°31'32" East, 166.19 feet;
 North 74°36'35" East, 87.91 feet;
 South 72°09'57" East, 112.26 feet;
 South 85°10'17" East, 87.52 feet;
 South 00°16'04" East, 131.39 feet;
 South 50°07'54" East, 106.80 feet;
 North 80°39'21" East, 302.50 feet;
 North 27°14'13" East, 71.12 feet;
 South 42°26'58" East, 92.40 feet;
 South 70°34'41" East, 168.02 feet;
 South 83°14'24" East, 156.47 feet;
 North 48°58'41" East, 150.60 feet;
 North 09°23'04" West, 139.05 feet;
 North 18°46'16" West, 202.31 feet;
 North 46°45'01" West, 111.45 feet;
 North 20°51'51" West, 180.96 feet;
 North 05°26'20" West, 253.02 feet;
 North 13°57'30" West, 206.24 feet;
 North 30°41'36" West, 380.42 feet;
 North 27°22'44" West, 156.26 feet;
 North 09°39'37" West, 293.25 feet;
 North 06°58'25" West, 277.62 feet;
 North 24°57'45" East, 179.93 feet;
 North 07°46'55" East, 222.26 feet;
 North 07°35'50" West, 145.68 feet;
 North 06°20'33" East, 130.76 feet;
 North 27°09'33" West, 133.74 feet;
 North 58°52'41" West, 103.06 feet to the point of BEGINNING.

Containing 64.499 acres, more or less.

Parcel T10-3-L1 (with approximate 50' construction buffer)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as

said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 29°09'57" East, a distance of 41,763.68 feet; thence along the following described courses:

North 51°59'44" West, 118.92 feet;
North 76°03'09" West, 252.46 feet;
North 38°36'31" West, 256.39 feet;
South 20°24'09" West, 178.37 feet;
South 61°48'10" West, 297.76 feet;
South 47°25'23" West, 279.03 feet;
South 30°56'37" West, 134.07 feet;
South 21°45'57" West, 159.12 feet;
South 79°22'27" West, 141.91 feet;
South 32°03'55" West, 268.23 feet;
South 29°56'09" West, 212.95 feet;
South 52°57'31" West, 378.81 feet;
South 25°14'18" West, 506.21 feet;
South 55°06'18" East, 123.63 feet;
South 27°30'52" East, 324.90 feet;
South 51°17'39" East, 184.13 feet;
South 80°18'49" East, 131.33 feet;
South 19°49'15" East, 397.94 feet;
South 67°46'36" West, 211.60 feet;
South 62°29'13" West, 99.69 feet;
North 77°43'12" West, 112.97 feet;
South 53°40'25" West, 140.10 feet;
South 07°30'45" East, 185.99 feet;
South 19°45'18" West, 303.80 feet;
South 65°48'26" West, 151.93 feet;
South 40°52'58" West, 158.39 feet;
South 23°08'55" East, 155.83 feet;
South 80°22'18" East, 273.34 feet;
South 47°28'01" West, 225.02 feet;
South 32°34'09" West, 203.27 feet;
South 26°59'35" West, 325.08 feet;
South 00°15'23" West, 820.88 feet;
South 79°10'01" West, 52.72 feet;
South 02°01'38" West, 185.80 feet;
South 86°45'09" West, 110.95 feet;
South 03°11'08" East, 481.87 feet;
South 00°43'07" East, 381.43 feet;

South 19°40'47" East, 852.71 feet;
 North 77°14'33" East, 219.15 feet;
 North 52°54'44" East, 867.08 feet;
 North 47°46'39" East, 874.40 feet;
 North 42°37'53" East, 1,472.49 feet;
 North 24°29'55" East, 1,264.42 feet;
 North 24°35'28" East, 1,346.10 feet;
 North 84°38'44" West, 447.42 feet;
 North 62°43'20" West, 809.21 feet;
 North 09°39'17" West, 1,742.47 feet to the point of BEGINNING.

Containing 337.759 acres, more or less.

Portion of Parcel Duck Pond-L2(with approximate 50' construction buffer)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 27°13'23" East, a distance of 75,605.28 feet; thence along the following described courses:

South 23°58'15" East, 34.61 feet;
 South 77°53'27" East, 124.78 feet;
 North 01°59'18" East, 103.40 feet;
 South 71°56'25" West, 146.89 feet to the point of BEGINNING.

Containing 0.204 acres, more or less.

The Bearings used in this description are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station "Keeler" are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

END OF DESCRIPTION

NO SCALE

SITE

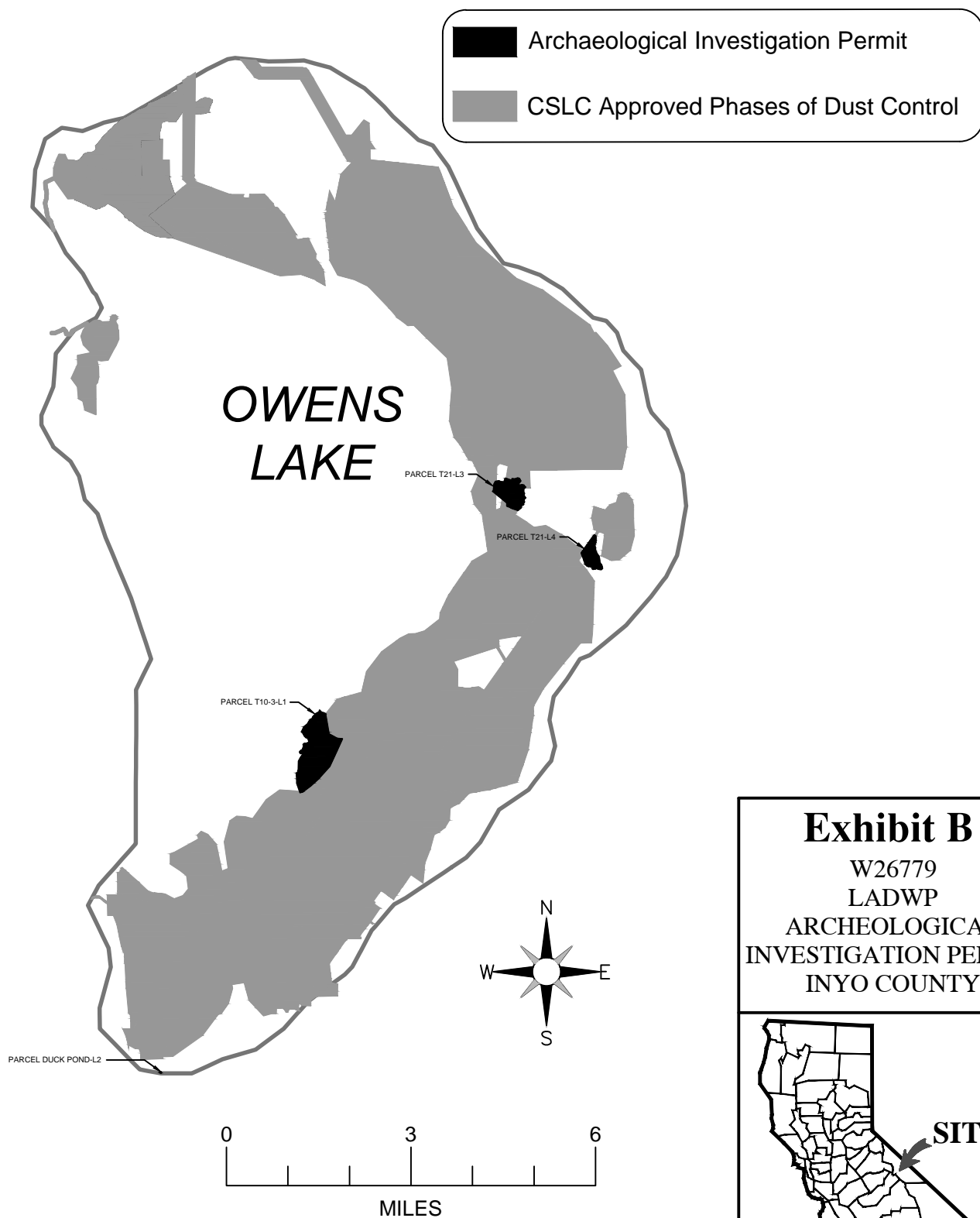


Exhibit B

W26779
LADWP
ARCHEOLOGICAL
INVESTIGATION PERMIT
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.