

**CALENDAR ITEM
C75**

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06/29/15
PRC 8943.9
D. Simpkin

**ARCHAEOLOGICAL INVESTIGATION PERMIT
FOR PHASE II TESTING AND EVALUATION**

LESSEE:

City of Los Angeles
Department of Water and Power
111 North Hope Street, Room 1468
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 II cultural resources investigations in support of Owens Lake Dust Mitigation Program Phase 9.

LEASE TERM:

1 year, beginning June 29, 2015.

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 interests.

OTHER PERTINENT INFORMATION:

1. On September 20, 2013, the Commission authorized a 1-year Archaeological Investigation Permit for Phase II Testing and Evaluation for Phase 9 to the City of Los Angeles Department of Water and Power (City). The permit expired on August 22, 2014. The City is requesting a new permit to allow for additional Phase II Testing and Evaluation at four previously identified sites.
2. The City is required to implement dust control mitigation measures (DCMs) by the Great Basin Unified Air Pollution Control District (District) as provided in the *2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP)*. The proposed archaeological investigations are being performed in response

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to proposed DCMs under the Owens Lake Dust Mitigation Program (OLDMP) Phase 9. The Phase 9/10 Project and associated Final Environmental Impact Report were approved by the City on June 2, 2015. Commission staff anticipates that an amendment to Lease No. PRC 8079.9 to allow implementation of the Phase 9/10 Project will be brought to the Commission for consideration later this year.

3. Activities under the proposed permit would be performed by professional archaeologists to better determine through additional Phase II testing and evaluation whether the sites may be eligible to the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP) and to determine site boundaries and associated buffer zones more definitively. It is understood that the City plans to contract with qualified subject matter specialists to accomplish the activities authorized under the proposed permit.
4. Although the site locations are included in the Phase 9 Project area, an agreement between the City and the District would allow the site(s) and buffer zones, once confirmed as CRHR or NRHP eligible, to be removed from the Project and allow a Cultural Resources Task Force to make recommendations on appropriate treatment. The Cultural Resources Task Force consists of Native American tribal representatives with cultural affiliation to the Owens Lake area (tribal representatives); City, District, and Commission staff, and other interested stakeholders.
5. The proposed Permit requires the City to consult with tribal representatives and have tribal monitors present during testing on the Permit premises if requested by tribal representatives. The City would 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 other tribal representatives, an opportunity to present their concerns to the City and the Commission's Executive Officer or designee.
6. Special analytical studies may be conducted on artifacts and samples collected under the Permit, including but not limited to, radiocarbon dating, obsidian sourcing and hydration, basalt sourcing, charcoal analysis, ceramic analysis, and botanical analysis. These studies would be limited to those necessary under current archaeological best practices.
7. Artifacts collected from the Permit Premises shall remain State property until further action by the Commission's Executive Officer. All Native American artifacts must be treated and stored in a culturally sensitive

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manner. The City will make recommendations to Commission staff for the disposition of all artifacts and request the transfer of title or control of artifacts collected from sites that are CRHR or NRHP eligible, or that qualify as a "unique archaeological resource" under Public Resources Code section 21083.2, to a recognized museum curation facility. If authorized by the Commission's Executive Officer, the specified artifacts must be transferred to the curation facility within a reasonable time. Such artifacts will be curated at no cost to the State.

Native American artifacts collected on the Permit Premises as isolates or from sites that are not CRHR or NRHP eligible must be made available to Commission staff within a reasonable time to 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.

8. 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."
9. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

10. 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 based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been

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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. Land 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:

1. Authorize issuance of an archaeological investigation permit to the City of Los Angeles Department of Water and Power beginning June 29, 2015, for a term of one year, for Phase II cultural resources investigations in support of Owens Lake Dust Mitigation Program Phase 9 as described in Exhibit A and as shown on Exhibit B (for reference purposes only) 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 interests; and liability insurance in the amount of no less than \$1,000,000 per occurrence; 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 sites eligible to 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 Phase 9, Phase II Cultural
Permit

Two described 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:

Southerly Portion of Parcel T32-1-L1 (including 50' offset) Phase 9

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 South 52°10'35" East, a distance of 19,184.04 feet; thence along the following described courses:

North 00°55'40" West, 660.05 feet;
 North 39°09'24" West, 813.01 feet;
 North 89°31'06" East, 503.11 feet
 North 00°56'40" West, 155.22 feet;
 North 89°18'34" East, 2321.66 feet to the Owens Lake Meander Line;
 North 46°55'15" West, 380.25 feet along said Meander Line;
 North 58°46'07" West leaving said Meander Line, 174.63 feet;
 South 66°07'46" West, 50.77 feet;
 North 80°01'01" West, 20.27 feet;
 South 72°33'30" West, 61.69 feet;
 North 69°58'45" West, 53.19 feet;
 North 87°22'15" West, 72.38 feet;
 North 70°04'08" West, 86.37 feet;
 South 89°59'49" West, 121.96 feet;
 South 84°04'47" West, 36.01 feet;
 North 55°33'30" West, 41.78 feet;
 South 89°51'03" West, 59.32 feet;
 North 62°27'21" West, 64.80 feet;
 North 22°40'06" West, 45.25 feet;
 North 37°52'52" West, 74.90 feet;
 North 57°55'38" West, 104.12 feet;
 North 65°50'06" West, 100.35 feet;
 North 87°47'50" West, 50.30 feet;
 North 52°30'24" West, 110.95 feet;
 South 85°06'07" West, 50.15 feet;

North 45°30'55" West, 119.90 feet;
North 26°40'58" West, 60.47 feet;
North 61°53'38" West, 25.18 feet;
North 57°33'41" East, 24.07 feet;
North 06°43'10" East, 100.27 feet;
North 32°09'36" West, 80.31 feet;
North 41°54'48" West, 85.59 feet;
North 04°02'00" West, 57.13 feet;
North 24°31'22" West, 51.43 feet;
North 47°45'55" West, 23.12 feet;
North 06°25'55" East, 63.53 feet;
North 26°37'43" West, 229.04 feet;
North 06°39'30" West, 124.98 feet;
North 67°29'42" West, 79.86 feet;
South 88°00'27" West, 40.71 feet;
North 14°55'01" West, 67.20 feet;
North 00°48'51" East, 38.74 feet;
North 16°23'28" West, 48.07 feet;
North 08°42'21" East, 40.69 feet;
North 10°03'38" West, 88.59 feet;
North 60°56'21" West, 32.14 feet;
North 21°36'44" East, 40.80 feet;
North 19°35'06" West, 22.60 feet to the Owens Lake Meander Line;
North 40°48'58" West, 646.93 feet along said Meander Line;
South 89°31'48" West leaving said Meander Line, 3278.54 feet;
South 08°26'03" West, 388.42 feet;
South 35°26'15" East, 1340.62 feet;
South 55°30'13" West, 1315.81 feet;
South 44°55'19" West, 452.30 feet;
South 37°26'17" West, 529.52 feet;
South 29°06'39" West, 491.78 feet;
South 26°57'21" West, 309.08 feet;
South 19°18'49" West, 358.54 feet;
South 01°47'37" East, 280.41 feet;
South 55°39'46" East, 169.06 feet;
South 31°48'30" East, 201.43 feet;
South 65°01'07" East, 189.17 feet;
North 61°28'55" East, 208.43 feet;
North 21°06'11" East, 131.63 feet;
North 13°06'41" West, 41.90 feet;
South 76°20'02" East, 52.48 feet;
North 85°30'35" East, 155.73 feet;
North 44°52'24" East, 86.83 feet;

North 01°12'01" East, 114.75 feet;
South 25°38'09" East, 1361.63 feet;
North 44°22'02" East, 1205.16 feet;
North 82°26'03" East, 242.31 feet;
North 31°28'10" West, 2393.50 feet;
North 89°01'38" East, 643.62 feet;
North 39°10'00" East, 1656.97 feet;
South 59°21'15" East, 494.71 feet;
South 02°03'46" East, 2464.70 feet;
North 89°57'55" East, 1389.08 feet to the point of BEGINNING.

Containing 335.700 acres, more or less.

Northerly Portion of Parcel T32-1-L1 (including 50' offset) Phase 9

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 South 45°33'01" East, a distance of 24,280.99 feet; thence along the following described courses:

North 37°04'38" West, 137.92 feet;
North 19°50'17" East, 33.82 feet;
North 39°25'36" East, 73.86 feet;
North 18°29'45" West, 121.01 feet;
North 44°39'47" West, 83.29 feet;
North 14°39'51" East, 151.76 feet;
North 23°42'50" West, 55.80 feet to the Owens Lake Meander Line;
North 60°16'23" West, 2981.11 feet along said Meander Line;
North 81°06'26" West leaving said Meander Line, 19.26 feet;
North 75°27'18" West, 154.68 feet;
North 80°38'16" West, 484.94 feet;
North 48°18'16" West, 86.74 feet;
North 80°20'36" West, 78.09 feet;
North 48°10'24" West, 28.36 feet;
North 41°29'55" West, 47.10 feet to the Owens Lake Meander Line;
North 74°19'55" West, 1248.62 feet along said Meander Line;
South 77°46'09" West leaving said Meander Line, 161.62 feet;
South 62°56'19" West, 198.41 feet;
North 85°55'42" West, 129.16 feet;

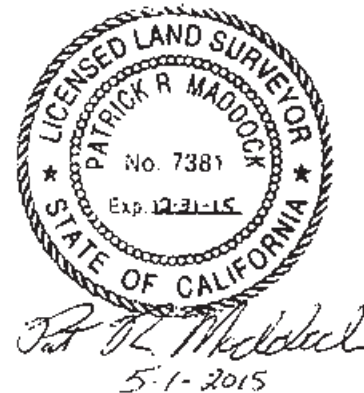
North 86°15'00" West, 156.13 feet;
South 76°40'40" West, 359.08 feet;
South 38°25'46" West, 51.96 feet;
South 86°12'02" West, 97.00 feet;
North 75°44'20" West, 93.51 feet;
North 24°52'12" West, 89.62 feet;
North 32°30'30" West, 149.09 feet;
North 11°17'59" West, 8.28 feet to the Owens Lake Meander Line;
South 87°40'47" West, 1914.23 feet along said Meander Line;
North 83°49'13" West, 1105.82 feet along said Meander Line;
South 71°36'54" West leaving said Meander Line, 107.65 feet;
South 57°12'39" West, 160.64 feet;
South 32°38'49" East, 318.13 feet;
South 02°07'18" East, 125.35 feet;
South 22°52'42" East, 103.07 feet;
South 53°53'45" East, 131.22 feet;
South 05°07'53" East, 46.23 feet;
North 78°49'46" West, 94.79 feet;
North 70°09'30" West, 182.36 feet;
North 55°00'52" West, 153.09 feet;
North 40°48'06" West, 165.64 feet;
North 41°29'33" West, 468.60 feet;
South 49°56'29" West, 122.66 feet;
South 06°17'17" West, 192.78 feet;
South 29°11'32" East, 163.25 feet;
South 38°14'19" East, 561.96 feet;
South 27°47'16" East, 247.13 feet;
South 09°16'45" West, 71.95 feet;
South 20°56'13" East, 119.78 feet;
North 73°21'16" East, 304.26 feet;
North 61°45'56" East, 211.44 feet;
North 40°49'38" East, 284.64 feet;
North 45°35'12" East, 190.88 feet;
North 76°20'42" East, 566.50 feet;
South 82°12'01" East, 865.70 feet;
South 77°14'11" East, 622.05 feet;
South 50°24'40" East, 439.26 feet;
South 88°57'10" East, 273.65 feet;
South 83°44'41" East, 281.82 feet;
South 75°32'42" East, 270.88 feet;
South 66°40'25" East, 355.10 feet;
North 71°45'53" East, 171.86 feet;
North 85°59'19" East, 333.35 feet;

South 87°50'27" East, 1127.94 feet;
South 78°02'06" East, 653.98 feet;
North 89°27'48" East, 409.05 feet;
South 80°34'41" East, 330.78 feet;
South 38°47'09" East, 294.75 feet;
South 48°23'17" East, 209.58 feet;
South 23°50'13" East, 786.38 feet;
North 89°20'20" East, 1365.50 feet to the point of BEGINNING.

Containing 204.452 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



PRM
Lgl Desc Exhb A One Lk Ph 9 SDCA 50ft Offset On SLC-Ph2 Cultural Permit 5-1-15 Final prm.docx

NO SCALE

SITE

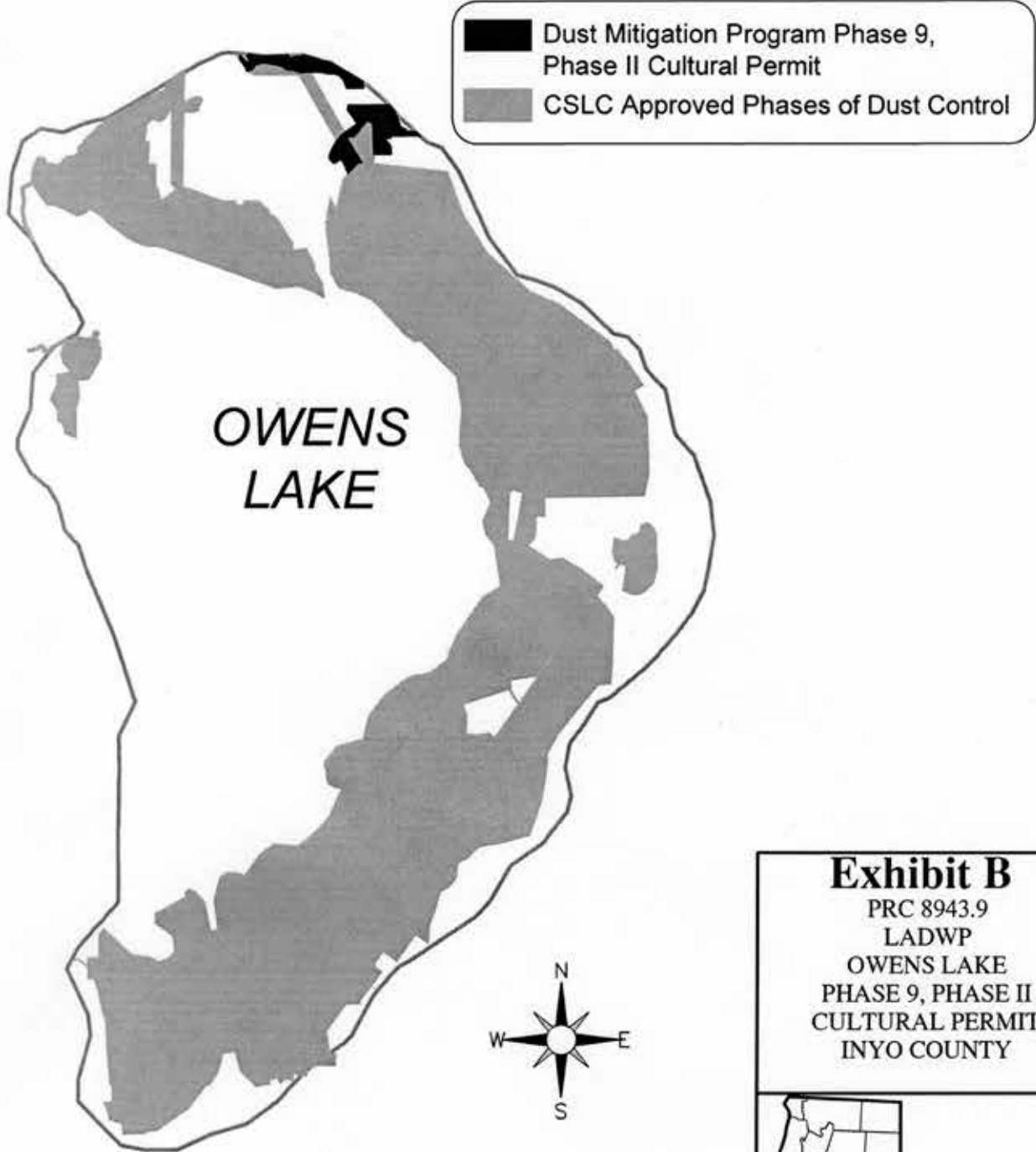


Exhibit B
PRC 8943.9
LADWP
OWENS LAKE
PHASE 9, PHASE II
CULTURAL PERMIT
INYO COUNTY



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.