

**CALENDAR ITEM
C48**

A 26
S 18

12/17/14
PRC 9103.9
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:

Continued operation of a Solar Demonstration Project.

LEASE TERM:

20 years, beginning December 2, 2013.

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.

PROPOSED AMENDMENT:

Amend the lease to:

1. The **Land Use or Purpose** of Section 1 of the Lease would be amended to authorize the continued use and maintenance of an existing access road. All other terms and conditions of the lease shall remain in effect without amendment.

2. Extend the construction period an additional 6 months.

OTHER PERTINENT INFORMATION:

1. On December 2, 2013, the Commission authorized the issuance of Lease No. PRC 9103.9, a General Lease – Public Agency Use, to the City of Los

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Angeles Department of Water and Power (City) for a period of 20 years, for the construction and operation of a Solar Demonstration Project, and adopted a Mitigation Monitoring Program (Calendar Item C77).

2. On October 2, 2014, the City applied to amend the existing lease to allow for the construction of a road that would provide access to the Solar Demonstration Project site. In late October, the City informed Commission staff that the approximately 30-foot wide by 300-foot long access road had already been constructed without the Commission's authorization. The access road is included in the previously authorized lease area; however the access road was not expressly authorized. This amendment will authorize the use and maintenance of the access road.
3. In addition, the lease required the City to complete construction by December 30, 2014. Due to delays in obtaining construction materials, the City requires additional time to complete the project. An additional six months will be allowed to complete the project.
4. A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2013031075, was prepared by the City and adopted on June 19, 2013, for the Solar Demonstration Project.
5. Because the subject access road was not specifically analyzed in the MND, Commission staff has evaluated whether additional CEQA review is required under Public Resources Code section 21166 and section 15162 of the State CEQA Guidelines. The location of the access road is in an area that was previously covered with gravel as part of the Owens Dry Lake Phase 8 Dust Control Measurement Project approved by the Commission on December 10, 2010 (Calendar Item 50, Mitigated Negative Declaration, SCH No. 2010071044). As a result, the access road does not represent a substantial change in the project or the circumstances under which the project will be undertaken that has the potential to create a new significant impact or increase the severity of a previously identified impact. Therefore, Commission staff believes no subsequent documentation is required.
6. Commission staff recommends the Commission find, based on substantial evidence gathered through this evaluation, that none of the events identified in Public Resources Code section 21166 and State CEQA Guidelines section 15162 has occurred or will occur due to the proposed lease amendment allowing the continued use and operation of the access road.

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7. The City is required to implement and comply with all previously applicable mitigation measures and reporting obligations as set forth in the Mitigation Monitoring Program related to the Commission's original lease approval for the Solar Demonstration Project.
8. 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 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2013031075, and a Mitigation Monitoring Program were prepared by the City of Los Angeles Department of Water and Power and adopted on June 19, 2013, and that the Commission has reviewed and considered the information contained therein.

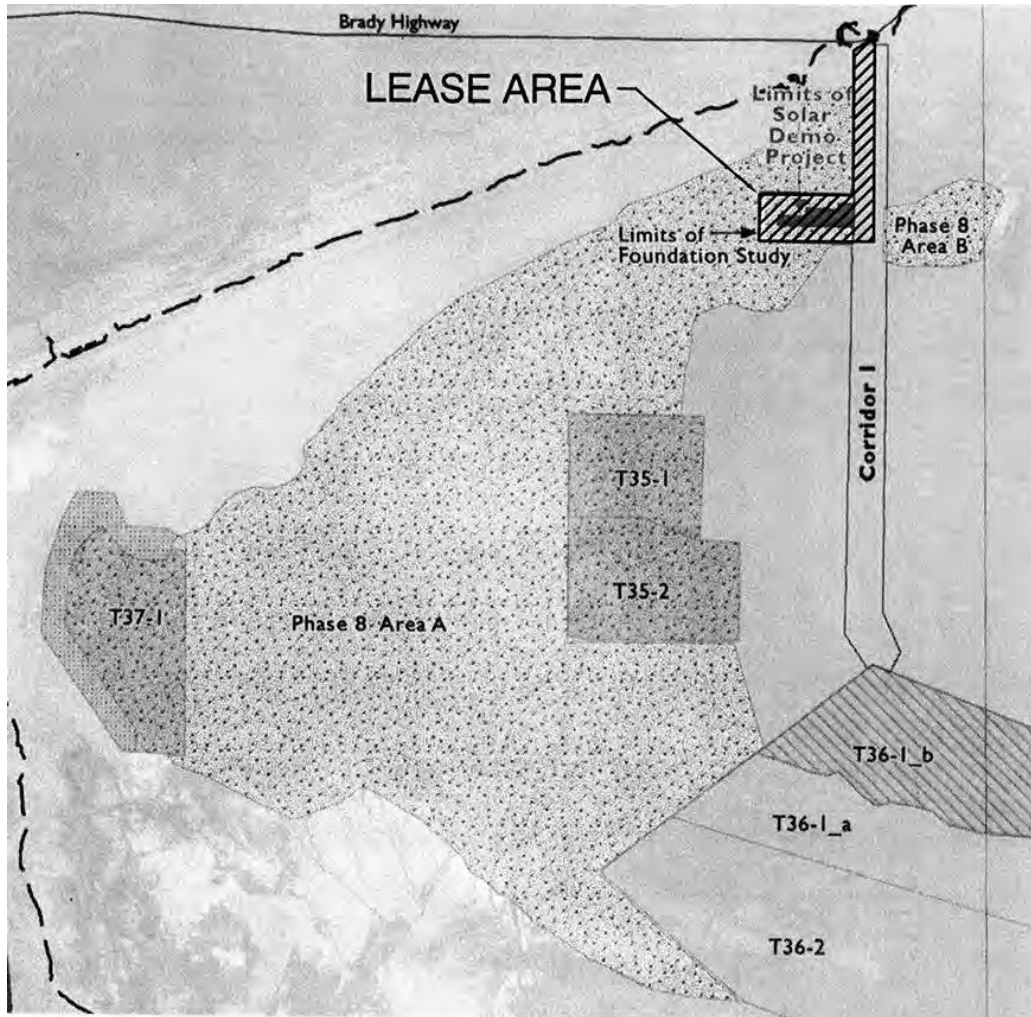
Find that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9103.9, a General Lease – Public Agency Use, to amend the Land Use or Purpose to authorize the use and maintenance of an access road and; extend the construction period for an additional 6 months as shown on Exhibit A (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

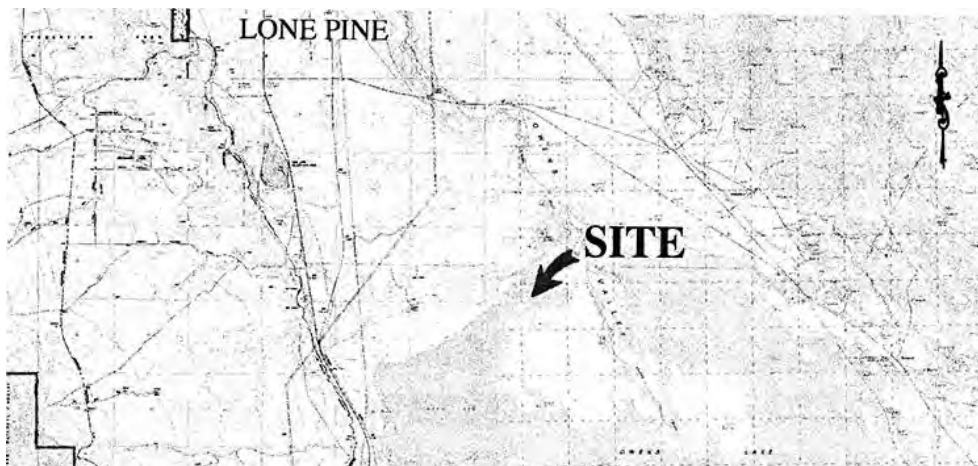
SITE



SOLAR DEMONSTRATION PROJECT, OWENS LAKE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 9103.9
 LADWP
 GENERAL LEASE -
 PUBLIC AGENCY USE
 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.