

**STAFF REPORT
C82**

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08/23/18
PRC 9193.9
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

City of Los Angeles Department of Water and Power

AREA, LAND TYPE, AND LOCATION:

Sovereign land on the lakebed of Owens Lake, Inyo County

AUTHORIZED USE:

The continued use and maintenance of hydraulic monitoring structures, flow monitoring infrastructure, and four piezometers.

LEASE TERM:

5 years, beginning February 20, 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.

PROPOSED AMENDMENT:

Section 1, Land Use or Purpose and Authorized Improvements, of the Lease would be amended to include the installation and maintenance of three additional piezometers.

All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

The Lessee has submitted an application for an amendment to the Lease to allow for the installation of three additional piezometers that will allow the City of Los Angeles Department of Water and Power (City) to further understand and study the hydraulic gradient on the west side of Owens

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Lake. The proposed new piezometers are located adjacent to existing piezometers currently under lease to the City. The new piezometers will be installed at a depth of up to 100 feet. The piezometers will be installed by a sonic drilling method with a compact drilling rig. Each piezometer will consist of a 2" diameter PVC pipe with a 2" screen section at the bottom.

The three new piezometers will be located within the same area of the existing piezometers, which has already been surveyed for cultural resources. Additionally, the Lessee will be required to comply with existing lease provisions, which require tribal monitors be present during construction, unless the tribal monitor declines. The piezometers will allow the Lessee to collect additional information about groundwater supply under Owens Lake. The lease amendment requires that such information be shared with the Commission, which will assist the Commission in making future informed decisions about the management of uses on the Lake. The additional piezometers will only be used for information gathering and will in no way facilitate groundwater pumping.

Staff believes the proposed amendment will not significantly impact the Public Trust resources and values - including but not limited to wildlife habitat, public access, recreation, and aesthetic enjoyment on Owens Lake, at this time, and for the foreseeable term of the lease. Staff believes the issuance of this lease amendment will not substantially interfere with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. On February 20, 2015, the Commission authorized a General Lease – Public Agency Use, to the City for a period of 5 years, for the installation, use and maintenance of hydrologic monitoring structures and flow monitoring infrastructure at six existing seeps/springs ([Item C76, February 20, 2015](#)).
3. On March 3, 2015, staff issued the City a Letter of Non-Objection for the installation of piezometers at four seeps/springs.

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4. On April 23, 2015, the Commission authorized an amendment to the lease for the continued use and maintenance of the four piezometers ([Item C95, April 23, 2015](#)).
5. The lease and lease amendments do not authorize the City to pump groundwater for use in dust mitigation on Owens Lake. Any future use of groundwater for purposes other than scientific collection will be subject to a separate lease and Commission authorization.
6. 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)(5).

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

EXHIBIT:

- A. 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)(5).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9193.9, a General Lease – Public Agency Use, effective August 23, 2018, to include the installation, use and maintenance of three piezometers 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

- Hydrologic Monitoring Structures & Piezometer Locations
- CSLC Approved Phases of Dust Control

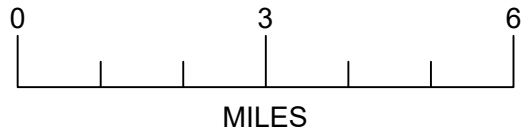
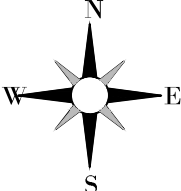
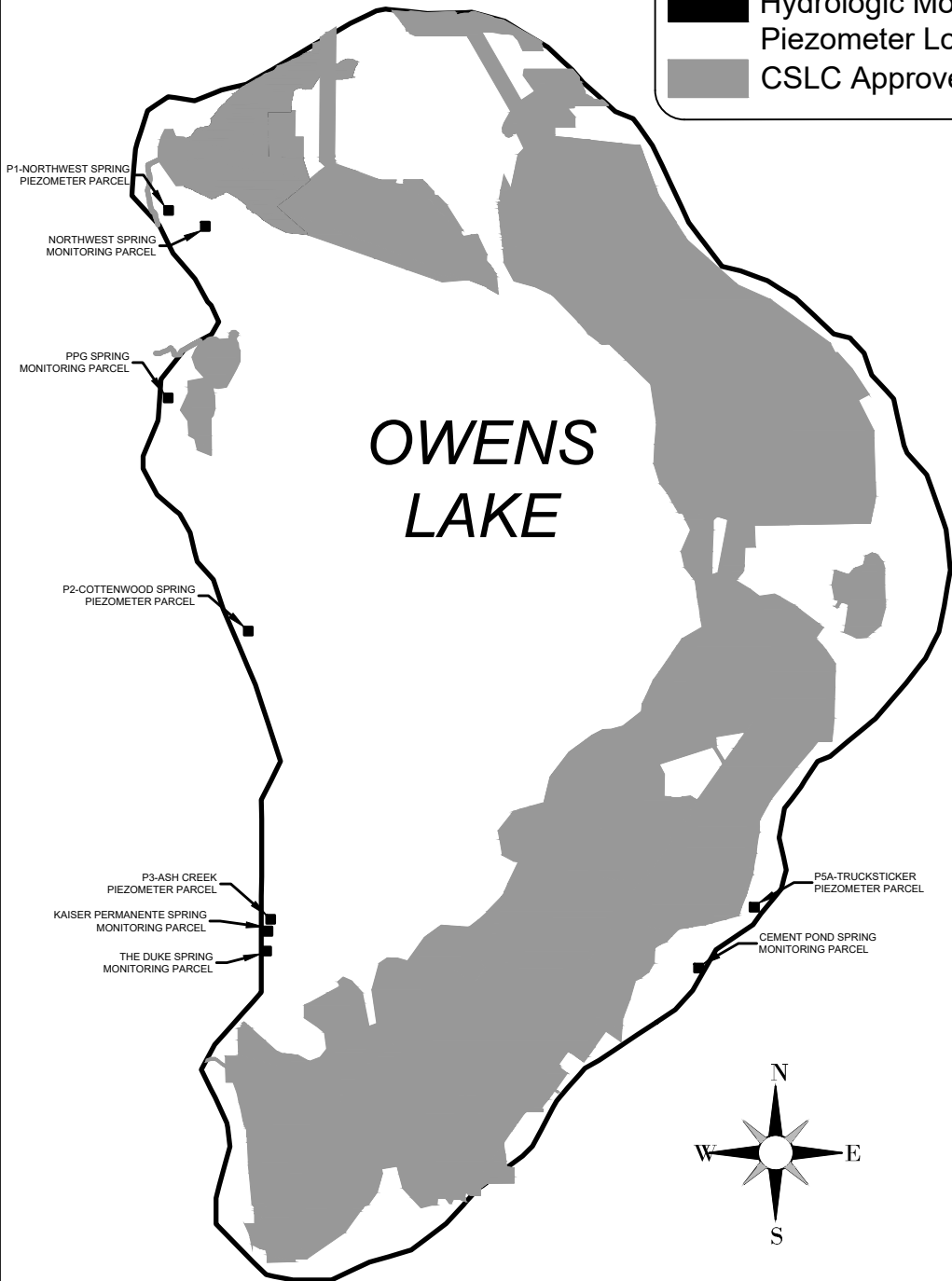


Exhibit A

PRC 9193.9
LADWP
OWENS LAKE
HYDROLOGIC MONITORING
STRUCTURES &
PIEZOMETER LOCATIONS
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.