



Meeting Highlights: March 16, 2011 Owens Lake Planning Committee

Prepared by the Center for Collaborative Policy

Meeting in Brief

The goal is to complete and approve the Master Plan administrative draft on June 16 then move forward with the CEQA notice of preparation and scoping meeting. Planning Committee members are available to conduct organization briefings March through May.

The Planning Committee will rename itself and continue to meet twice annually to oversee implementation. All governmental entities will consider signing the Memorandum of Understanding.

The Planning Committee has formed a water conservation work group to think carefully about how all the Master Plan elements can maximize water conservation while achieving plan goals and objectives. To be part of this work group, contact Scott Kemp, Bill Vanwagoner or Mindy Meyer.

The Habitat Suitability Index is undergoing a peer review by three independent scientists. The scientists' reports will be available in mid-April.

Next Meeting: April 20, 2011, 9:30-4:30, NOTE! Time Change

Location to be announced—either Bishop or Independence

Web site: <https://owenslakebed.pubspvr.com>

Action Items

Who	Due 2011	Action Item
CCP Set Up	3/23	Organize Water Conservation work group
Margot	4/20	Develop proposal for planning horizon for Master Plan, i.e. 10-49 years
Karen Ferrell-Ingram, Lisa Isaacs, Gina Bartlett	4/1	Identify NGO, role and budget to generate funding for public access and interpretation
Staff		Review / screen 2-mile hiking trail possible locations

Planning Committee	3/23	Comment on talking points and fact sheet
Planning Committee	3/23	Provide comments on Dust Control and Public Access sections
Gina	3/25	Re-write implementation section for work group review
Margot Gina	3/25	Dust Control Section Revision / soil binders Add: possible effects of soil binders to mineral deposits and Rio Tinto to consultation process
Habitat Work Group	5/16	Develop refinement of open water guild in habitat suitability index

Master Plan

Owens Lake Conservation Area

For marketing and descriptive purposes, the Planning Committee agreed to name the outcome of the Master Plan effort the Owens Lake Conservation Area. Note, the Planning Committee will no longer reference “lakebed.” Rather, the term will be “lake.”

Habitat Suitability Index

California Audubon’s Andrea Jones summarized the latest work of the Habitat Work Group. The habitat work group has gone through an extensive planning process that has resulted in using a habitat suitability index and calculating “value-acres” to create the Owens Lake Conservation Area.

Initially, the Habitat Work Group agreed on target guilds and identified variables that best describe habitat for four guilds. The four guilds are water fowl, shore birds, meadows and open water. Around that time, the Planning Committee identified the need to define existing conditions. A **Habitat Suitability Index** combines literature review with local field observations to identify the different types of habitat a species requires. Examples include water depth, type of food, and vegetation. A physical area can be rated using agreed-upon variables. The model then calculates the habitat value of an area based on the combination of these variables. The combined number can then be multiplied by the number of acres yielding a value acre. The value acre is both qualitative (how good is the habitat) and quantitative (how much of it exists). DWP biologist Jeff Nordin conducted a validation exercise that demonstrates a strong correlation.

Value-acres are calculated for each guild for each unit on the lakebed. The total value acres can be used as existing condition. Value-acres cannot be added up for all four guilds because overlap exists across each guild. Rather than a static area on the lakebed with a circle on it, this would create an Owens Lake Conservation Area that is maximizing habitat across the lakebed. Lake changes taking place over time (wildlife

stop using an area or new dust control measures are approved that enhance habitat) are managed in the Conservation Area. Value-acres would be maintained or increased as part of the Master Plan.

The value-acres and index provide a **design tool**. The master plan would craft actions to enhance habitat in areas as part of regular maintenance. The master plan would identify opportunities to enhance habitat by conserving water because certain species prefer vegetation. The habitat suitability index would help to project the habitat value of those actions and to measure whether habitat value increased or changed as a result of that action.

An independent **science panel** is now reviewing the habitat suitability index. Members of the coordinating committee vetted the names of the scientists who have different expertise. The habitat work group confirmed the scientists' names. The scientists had a site tour on March 15. The Planning Committee will receive the scientists' review reports in April.

Science Panelists

Gary Page, PRBO
Conservation Science
(Bird biology and ecology)

Bart O'Brien, Rancho Santa Ana Botanic Garden
(plants)

Don Sada, Adjunct Professor,
University of Reno, NV
(wetlands ecologist and aquatic biologist)

Discussion and Questions

One remaining question that the Habitat Work Group is continuing to think about is the **open water guild**. The question is how much open water these species need to thrive. Because so much open water exists in the project area, determining if the open water guilds could thrive with less area must be further examined. A combination of literature review and exploration with the independent scientists will contribute to this refinement.

One insight is that the assumption has always been that the lake filled with water is optimum habitat. However, this illustrates that less water can create more habitat and save water too. The Master Plan should celebrate this insight.

Showing the range of values for a particular guild within a cell might be of interest and show the complexity of that cell. However, the lake is quite large and so the range within an individual cell may or may not be illustrative.

The **size and function** is a question that everyone is still thinking about. In theory, 100 acres with a 0.5 habitat value should equal 50 acres with a 1.0 habitat value (1.0 is the maximum). The habitat work group is thinking about whether these equate. Would the 50 acres provide enough space? The habitat work group will think about this. The scientists will also inform this issue. Another person reminded everyone that the Master Plan is operating on more of a "landscape level" because the area is so large.

Designating a specific area of the lake as a "preserve" or "refuge" is no longer the preferred approach of the Habitat Work Group. An integrated definition of habitat value would not fall below the current level. Because of the complex operations, the

whole area will not immediately change. The goal is to ultimately increase habitat value.

ESA project manager Bobbette Biddulph, the CEQA consultant, reminded everyone that ESA would review everything, including the citations and scientists' reports, before deciding that the index could be used as the CEQA baseline.

The general public outside of the Planning Committee may have a difficult time understanding the concept of value-acres. Performance criteria and maps may help to think about how to communicate it to the public.

Water Conservation Work Group

The Planning Committee decided to organize a water conservation work group. The charge of this work group will be to articulate water conservation strategies building on the work of the dust control and habitat work groups.

- Linda Arcularius
- Richard Cervantes
- Scott Kemp
- Paul Lamos
- Sally Manning, Big Pine Tribe
- Mike Prather
- Bill Vanwagoner
- Margot Griswold

Legal Framework

The Planning Committee endorsed the Agency Forum's recommendation (see 19 January 2011 Agency Forum Meeting Highlights) that the Master Plan would form a memorandum of understanding (MOU). Under this framework, the Master Plan would require a master stream and lakebed alteration agreement with California Department of Fish & Game and a lease agreement with the State Lands Commission, the landowner. The lease agreement would be with the implementing bodies. The MOU will reflect the implementation structure negotiated in the Master Plan.

As part of this agreement, the Master Plan would include action for reintroducing native fishes in the Master Plan. Fish would only be reintroduced if landowners could have appropriate legal protections. Protecting parties should be penalized when helping with recovery. These legal protections would require either safe harbor or legislation. The Planning Committee will discuss the necessary action with DFG.

Planning Horizon

State Lands does not issue leases beyond 49 years. DFG and LADWP typically have 10-year plans.

Action: Margot Griswold will make a recommendation on the planning horizon.

Implementation Structure / Governance

After a conference call with a small working group, facilitator Gina Bartlett crafted a proposed section on the governance structure for implementing the plan. The Planning Committee significantly revised this proposal during the meeting. The Planning Committee agreed that the proposed implementation structure would replicate the existing planning committee and work group structure. All entities signing the MOU will commit to participate in the soon-to-be-renamed planning committee. All governmental entities will consider signing the MOU. Also, the role of the county in public safety will be added to roles and responsibilities.

Summary of Issues & Concerns

Planning committee members identified these issues and concerns for discussion.

- Coordinating Agencies
 - Membership
 - Roles of agencies with limited jurisdiction & others
 - Role of County
- Funding opportunities if lead are all public agencies
- Decision Making
 - Role of Planning Committee (and NGOs) in decision making
 - Planning Committee approval of work plan
- Assurances
- Dispute Resolution (non-binding)
- Plan staff might preferably be an independent entity with a funding source via permit or lease
- New name for Planning Committee
- Planning Committee including individual members
- Other work groups
- Monitoring roles

Discussion Summary

Add County's public safety role.

The county's responsibility for public safety should be illustrated in the roles and responsibilities for implementation. The county is responsible for police, hospitals and medical services.

Planning Committee will continue during plan implementation.

The proposed role of the "coordinating agencies" in education and habitat seems somewhat artificial because each agency has a narrow focus. Addressing all these issues seems outside of each agency's responsibilities. Some implementation activities do not fall under agency purview.

The master plan will provide a work plan. Non-governmental organizations want assurance that they will have input on plan implementation. SLC's CEQA document will include a mitigation monitoring plan that will serve as another check on work being completed.

The Planning Committee discussed that the role of local organizations and individuals in the Planning Committee has strengthened the effort. Members thought that the proposed coordinating agency structure didn't seem to benefit from that local participation or input from the Planning Committee. Another member highlighted that decisions "made in silos" have not been successful. The benefit of collaboration has been to build bridges and widespread support for ideas. The Planning Committee has vested its time and ideas. Members think that the Planning Committee should continue to be part of plan implementation.

Public agencies, like LADWP, have fiduciary responsibilities that it can't delegate.

Agency jurisdiction and statutes is articulated in the proposed text. The text states that implementation cannot contradict current statutory authority.

Some agencies want to partner with local organizations and be collaborative and seek input. Staff must then seek board approval for these decisions or advisory recommendations and the funds to implement the recommendations.

The implementation structure should be clearly articulated so when agency staff change or when agencies are underfunded, the role and responsibilities of the agencies are clear.

Tiered decision making is necessary.

Decisions after plan adoption might include:

- Interpretative activities
- Recreation funding
- Implementing dust control to achieve other master plan goals

All Master Plan implementation activities would be documented in the annual report. The Planning Committee could review and provide guidance through the annual report. The goal is to implement the plan in a streamlined way. The Master Plan could clarify a tiered decision-making model. For implementation activities that are consistent with and included in the master plan, the responsible entity would **inform** the planning committee that activities are taking place. For implementation activities that are new actions or based on new information, work groups or the planning committee would discuss and decide to move ahead.

Work Groups will continue as needed.

The Habitat Work Group would continue. If warranted, the Planning Committee could designate additional work groups to support plan implementation.

All governmental entities will consider signing the MOU.

The MOU would document the agreement reached in the master plan for the agencies and implementing organizations to participate in the Planning Committee. The Planning Committee recommends that all the governmental entities (tribal, state and county) consider signing the MOU. The MOU would serve to strengthen agency commitment. The MOU would require that signees participate in the Planning Committee during plan implementation.

Some roles still need assignments.

Some of the roles lack a responsible party, specifically, economic development, recreation and cultural preservation.

Consider independent or work group review of annual report.

LADWP is assuming responsibility for a lot of these efforts. Some members would like some level of oversight. One option discussed was having an independent review of the annual report. Another possibility is to conduct an independent review of the monitoring. Potentially, a sub-group could form to perform this function.

The Planning Committee will rename itself for implementation.

The Planning Committee did not have time to decide on a new name. Participants generated these ideas. The Planning Committee will discuss at the next meeting.

- OL Committee (OLC)
- OL Conservation Group (OLCG)
- OL Conservation Management Group (OLCMG)
- OL Master Plan Committee (OLMPC)
- OL Implementation Committee (OLIC)
- Collaborative Review Committee (CRC)
- Friends of OL (FOL)
- Owens Lake Friends Group (OLFG)
- Owens Lake Water Conservation Group (OLWCG)
- Collaborative Review Committee (CRC)
- Owens Lake Demonstration Project /Society for True Holistic Management
- OLADY
- OLUC

Dust Control Section

Ted Schade provided an introduction to the dust control section of the plan. This section identifies new measures for testing and approval, combines existing measures to enhance habitat and save water, and explores rapid response measure to prevent emergent dust.

The work group included soil binders as a possible future measure since so many new, some organic, materials are emerging. Placing chemicals on the lake is a concern for many. Some of these chemicals could be salts. Criteria for evaluating soil binders are critical. Rio Tinto reported that these organic materials can have possible effects of soil binders to mineral deposits. This should be included in the plan. Further, Rio Tinto would be added to the proposed consultation process.

Public Access

Since the previous Planning Committee meeting, the public access section changed to reflect more details of the phased approach to implementation. One example was to place educational kiosks before planning a new wing at the Inter-Agency Visitor Center. Several cultural resources meetings have taken place so elements related to integrating education about the lake as a cultural resource and about cultural resources protection.

Funding /Access

Funding and access are integrally linked. There is real advantage to having a non-governmental entity leading the funding effort since private foundations and other funding streams are not an option for governmental entities. The entity that performs this function should have a vested interest and probably come from the Planning Committee. In previous conversations, the Planning Committee has urged that the entity be based locally. Local NGOs are interested in pursuing this, but would need seed money or funding to pursue funding. Two likely candidates to perform this function are either the Eastern Sierra Interpretive Association (Lisa Isaacs represents) or Eastern Sierra Land Trust (Karen Ferrell-Ingram represents).

Action: Karen Ferrell-Ingram will talk with Lisa Isaacs about the best approach to this issue and make a recommendation to the Planning Committee.

2-Mile Hiking Trail

At the last meeting, the State Lands Commission informed the Planning Committee that the Commission had required a 2-mile hiking trail with a parking lot for up to 30 cars as part of a recent lease condition signed with LADWP. Since the public access work group had not previously anticipated this requirement, the Planning Committee brainstormed some options for trail placement. Next, DWP staff will work with operations and cultural resources monitors to determine some possible locations for the trail. Trail section criteria include:

Trail Selection Criteria

- Public safety (heavy equipment, soils, etc.)
- Cultural resources protection
- Easy to find
- Looks good when dry
- Has potential to view wildlife
- Provides a diversity of habitat (various types if possible)
- Construction could piggy-back on planned DWP work

Possible Locations for 2-Mile Trail

- T-30 "Margot" Wetlands
- North End of Lake on Old Road
- Visitors Center
- Charcoal Kilns
- Willow Dip
- Boulder Creek
- From Keeler – up north shore into Margot's Wetlands (longer than 2 miles)
- Delta Area (not in Master Plan)

Environmental Review

The California State Lands Commission (SLC) is the lead agency under CEQA. SLC has hired consultants to conduct the environmental review. These consultants will act as an extension of SLC staff. Jennifer DeLeon is the SLC project manager. Environmental Science Associates' (ESA) project manager Bobbette Biddulph presented the schedule to develop the environmental document in concert with finalizing the Master Plan.

Once the administrative draft is complete, ESA will prepare the Notice of Preparation (NOP) and then conduct scoping meetings. The Master Plan must remain static during this period. Once the draft EIR is taking shape, the Planning Committee may review the master plan to reduce impacts identified during this phase of the CEQA analysis. The Draft EIR will then go out for a 60-day review. The Master Plan might be refined based on EIR comments and the final EIR and Final Master Plan will then be released. The California State Lands Commission will consider certifying the final EIR at that point.

Some questions emerged regarding the project proponent and the applicant. The Planning Committee is the project proponent. There could be more than one entity coming forward for a permit from the SLC. The SLC and DWP will follow up on the questions regarding whether the project proponent needs a legal entity representing it.

Calendar

The goal is to wrap up the Master Plan administrative draft in June 2011. In the mean time, Planning Committee members will be conducting briefings with member organizations to solicit feedback on the Master Plan.

March – May: Planning Committee Members Conduct Briefings

April 20, 2011, Planning Committee Meeting

- Cultural Resources
- Water Conservation
- Groundwater
- Monitoring & Implementation
- Habitat Section Outline

May 18, 2011, Planning Committee Meeting

- Report Backs Briefings
- Habitat Section
- Final Issues to be Resolved

June 7—draft plan distributed

June 15, 2011, Planning Committee Meeting

- Report Back from Briefings
- Finalize Administrative Draft Master Plan