



Meeting Highlights: August 11, 2010 Owens Lakebed Planning Committee

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Meeting in Brief

The Planning Committee agreed that the project area will be the historic shoreline: the 3600-foot mark.

The Planning Committee held its first discussion on the planning zone categories and the criteria that would be used to assign lakebed parcels to the zones. The zones are dust control, habitat, solar potential, mining, grazing, recreation/access, cultural resources, and brine pool/salt sink.

The State Lands Commission presented its policies on public trust. Public trust values on the lakebed include habitat, public access, recreation and view shed. For solar to be recommended to the Commission for approval, the Master Plan would have to increase public trust values as defined above.

The web site is running: <https://owenslakebed.pubspsvr.com>. Efforts are underway to be able to use www.owenslake.com.

Action Items

Who	Due 2010	Action Item	Status Update
Planning Committee Members	Oct 1	Conduct briefings with constituent organizations	
Solar Work Group	8/8	Develop proposal for "Renewable Energy" zone and criteria if appropriate	
Bartlett Milovich	8/10	Explore Farming Zone	
CCP	8/10	Work with members to define criteria for mining and grazing	
Tillemans (lead) Colin Connor Grace Holder	9/1/2010	Coordinate mapping for consistency regarding wetlands, etc. Designate boundary lines at 3563 ft. & 3600 ft on the map Identify any springs or seeps outside of boundary.	
Staff	Done	Develop "cartoon" map with landmarks, current land uses and region for widespread circulation and understanding	

Web Site	Done	Add to Web Site DWP 2002 Wetland Habitat Function & Values Assessment Report DWP 2006 Wetland Mitigation & Monitoring Plan	Posted
Tammy Branston	Done	Share Google earth links on web site	Posted on web site
Hart	Done	Project Area: Look at county lands with springs on the east side of lakebed to confirm that county owns land as shown on landowner map	Confirmed that County owns land
Hart	Done	Project Area: Identify private land owners within 3600 ft. line/historic lakebed boundary. Call landowners, if possible, about the planning process and see if they are interested in having their lands as part of the project boundary. Invite to August 11 planning committee meeting. If coming to PC meeting, Josh will notify Gina Bartlett.	Letters sent to approximately 15 owners who live outside area; others called. Several added to stakeholder forum, and some attended the meeting.
Tammy Branston	Done	Provide briefing to Lahontan Water Board about project boundary	No concerns at this point, but would like to continue receiving information
Brad Henderson	Done	Brief FWS about project boundary and discuss role in plan	Briefed Judy Holman and Carl Benz. No major concerns at this time. FWS hopes to attend future meetings.
Brian Tillemans	Done	Brief Army Corps about project boundary	No concerns; supportive of process moving forward

Announcements and Updates

LADWP Integrated Resource Plan Available for Comment [LAPowerPlan.org]

LADWP has issued a 20-year framework to ensure that current and future energy needs of the City are met. Check the web site to comment on the plan.

Briefing at the Resource Conservation District: Brian Tillemans conducted a briefing in August. Participants were interested in the plan, in particular, the Antelope Valley Dust Busters. Brian referred everyone to the web site.

Dust Control Phase 8: DWP has issued an environmental document (mitigated negative declaration) on gravel proposed in the lakebed area known as phase 8. Public review closes August 17. DWP thinks that this area has potential for solar.

EIR Consultant for Master Plan: The State Lands Commission is currently soliciting statements of interest from consultants to conduct an environmental analysis on the Master Plan. The plan is to do a California Environmental Quality Act review. However, if federal permits are required, the environmental analysis will have to comply with the National Environmental Policy Act as well.

Economic Development: Supervisor Richard Cervantes is convening a work group to explore economic and public access on the lakebed. If interested, please contact Richard.

Planning Process Timeframe

Goal: December 2010 – Draft Plan	
September & October	Planning Zones Planning Framework
October & November	Refine Zones Monitoring Implementation

Planning Zones

The Planning Committee initiated the process to identify zones on the lakebed. The goal is to identify the areas of the lakebed that are best for solar, habitat, etc. The end product would be a land use planning map. Some areas will have multiple designations (i.e. dust control and solar potential or dust control and habitat).

Steps to Define Planning Zones for the Owens Lakebed

The steps to complete this process will occur over the next several meetings. The envisioned steps are:

1. Identify Zone Categories (habitat, dust mitigation, solar, mining, grazing)
2. Develop Criteria to Define Zones (e.g. soil, dust emission, water: ability to deliver and efficiency, salinity, invertebrates, connectivity, existing habitat, operations, feasibility to implement)
3. Assign Pieces of Land to Zones
4. Conduct Analyses to Validate Choices (how much dust control, how much habitat, how much water, etc.)
5. Return to Step 2 and 3 depending on outcomes

Zone Categories & Criteria—Proposal Review & Discussion

The Planning Committee reviewed an initial proposal on zones and criteria to define those zones. The zones presented included dust control, habitat, solar potential, mining, grazing, brine pool/salt sink, and public access/recreation/cultural resources. The criteria must be specific enough to identify the areas of land suitable for that zone. The Committee agreed to explore two additional categories: renewable energy and farming. These will be revisited at the September meeting.

Habitat Work Group Report

This work group is exploring existing habitat and wildlife presence to think about defining the zone and assigning it to the lakebed. The work group will present a full proposal at the September meeting. The work group is focusing on criteria such as existing habitat, vegetation, soils, depth to groundwater, salinity (i.e. ability to move salt), connectivity and operations. Some of the birds and plants reintroduced into the area were present historically.

Operations are an important component to understand opportunity for habitat. DWP has efforts underway and the habitat work group is also exploring the possibility of changing operations to achieve water efficiency.

Solar Work Group

The solar work group presented its criteria for solar potential. The planning committee provided the following feedback.

1. Better define surface and sub-strata based on what the solar group knows now. Once the geo-technical studies are done, these criteria can be refined and / or more detail provided.
2. Consider "renewable energy" as a more generic category. "Renewable Energy" would be a more generic category than solar potential and attempt to identify areas that would be opportune for new technologies and other types of renewable power generation. The solar work group will explore this further and present a proposal at the Sept. 15th meeting.
3. Consider if the area is emissive. Some are hopeful that the old "moat & row" area and the area northwest of Swansea might be potential solar sites.
4. Consider habitat potential. If an area has habitat potential, then it may or may not be suitable for solar. This will be more clearly identified once the maps and zones are identified.

Grazing

Currently, cattle graze on approximately 300-400 acres on the lakebed. Ranchers must supplement the cattle's feed because native salt grass and dormant vegetation do not provide adequate nutrients. The Delta has a variety of plants that improves grazing quality.

The Committee reviewed the proposed criteria and suggested adding "accessibility" as a criterion. The presence of water resources is both a criterion for having grazing since it provides water necessary to grow plants on which cattle graze, but it can also be a reason to prevent grazing. Ranchers avoid boggy areas around water source areas generally and areas that might be sensitive to nitrates or cattle by-products. Grazing has potential benefits for the lakebed in the appropriate areas as it can help plants reproduce. The Delta was cited as an example.

Someone suggested that the possibility of farming on the lakebed be explored. Farming would entail actually planting to produce feed for cattle. Farming may not be feasible on the lakebed due to operational considerations, the environment and water requirements. Also, Great Basin Air Pollution Control District's State Implementation Plan requires native vegetation consistent with State Lands Commission policy; this would have to be changed to accommodate non-native species. Salt grass (a native species) requires a supplement as it does not have enough nutrition for cattle. The farming category will be explored between meetings and considered, if warranted, on Sept. 15.

Mining

The Committee reviewed the criteria for mining. The primary criterion is the presence of a mineral. The only potential for additional mining could occur in the brine pool. Paul Lamos, of Rio Tinto Minerals, reported that the meandering of the Delta is beneficial to mining because when the river water spreads out it is less likely to create channels, allowing the water more time to become saturated in salts as it meanders, which slows its progress to the south end of the brine pool where the mining

is occurring. The Delta has transitioned since the 1970s when more water has flowed there.

Brine Pool / Salt Sink

Saltier water evaporates less quickly than potable water, providing dust control benefit. If the brine pool is kept wet, it is considered an approved dust control measure (BACM). Moving salt to ponds with low habitat values is one possible way of reducing water necessary to control dust. If proposing a salt flat, testing the effectiveness to control dust would be required.

One member noted that salinity can negatively affect ducks. Ducks can form salt crystals on their wings.

Recreation and Public Access

In the future, committee members would like to link public access to some habitat areas. Appropriate, managed access is the key to successful recreation and public involvement. Consistent with the vision, participants would like to see robust public access tied to habitat education. Public access contributes to public trust values.

The presence of cultural resources would be a reason to avoid public access in areas.

Another issue on the lakebed is safety and vandalism. Worker safety on the lakebed must be taken into consideration when proposing hunting or any activities in the area. DWP also maintains an extensive operation that involves equipment, fertilizer, etc. One Planning Committee member reminded all that avoiding vandalism is important.

Other Considerations for the Master Plan

The Plan must be flexible for the future. The planning framework must have a mechanism that allows for unforeseen uses or future.

The Plan must have a robust adaptive management component. This will help everyone to grapple with future needs. The plan would be modified as appropriate. Given the complexity of the environment and dust control goals, the Master Plan must embrace a diverse tool set that allows for adaptive management to occur.

The environmental review process would consider the implication of the plan on water resources. The groundwater evaluation study, funded by DWP, is also underway.

If federal lands are involved or if stimulus funds might be solicited for the lakebed, the environmental analysis would need to comply with the National Environmental Policy Act (NEPA) in addition to the California Environmental Quality Act (CEQA).

Public Trust

Jennifer Lucchesi, State Lands Commission attorney, made a presentation on public trust to the Planning Committee. The Commission owns the lakebed and manages it as publically held land. Beneficiaries of this public trust are the people of California. Jennifer provided the historical context for public trust on the lakebed. The lakebed's public trust is navigable waters. Since the lakebed is no longer navigable, public trust

values are realized through access, recreation, habitat, and visual/aesthetic enjoyment. To be consistent with public trust on the lakebed, activities must be unique to the lakebed, not possible elsewhere. And, the activities must be consistent with public trust values. For example, a housing development would not be allowed since it could be placed elsewhere.

The California State Lands Commission evaluates each case individually with regards to consistency with public trust. The process involves staff making a recommendation to the Commission. The Commission makes the ultimate decision with regards to consistency with public trust. The Commission can override staff recommendations.

If solar or renewable were part of the Master Plan, the State Lands Commission would consider approval in the context of the larger plan. If the larger plan enhances habitat, then solar could be recommended for approval. The habitat "baseline" (yet to be determined) would be the present day. In other words, the State Lands Commission staff would likely recommend solar for approval if the overall Master Plan improved public trust values (habitat, access, recreation and view shed) beyond today's value.

A local community representative urged State Lands to consider gravel that has the same color as the lakebed as consistent. He felt it was aesthetically pleasing and improved air quality so it should be considered as consistent. Several Planning Committee members urged State Lands to think creatively about the lakebed. The attorney clarified that a difference exists between *public trust values* and *public values*. These are not always consistent. To this point, the Commission has not found gravel to meet the public trust value.

Project Map

Following up from the previous meeting, the map now has the 3600-foot *historic shoreline* (the actual elevation is 3597 feet). The Planning Committee agreed that this would be the project area. From the previous meeting, the following clarifications were made:

- Cartago Springs is within the project area (DFG owns).
- Some seeps and springs are within the boundary. Some will be included in the plan; others will need to be inventoried as part of plan implementation.
- A county parcel is within the mark.
- 15 private landowners (30 parcels) are within this mark. The County sent letters to all to notify them about the planning process. Many live outside the area. Several landowners attended the Planning Committee meeting.
- BLM owns one small area up on the north and one small area in the south by Dirty Socks.
- The brine pool is at 3553.55 or the *ordinary high water mark*. This area has federal Army Corps jurisdiction. Above that line, the Army Corps does not have to issue any permits for activities.

Charter Excerpt

The Planning Committee reviewed final text on its decision making. The Committee focused on what would occur if it was unable to reach an agreement. Facilitator Gina Bartlett will circulate the text to Andrea Jones and Mark Bagely to make sure the text reflects the discussion. Then, the full Planning Committee will review. Comments or

concerns will be forwarded to Gina in advance of the next meeting so the Charter can quickly be approved at the September meeting.

If the PC is unable to reach an agreement, the PC will form a subcommittee consistent with its existing work group guidelines. The subcommittee will develop a proposal for the PC review and approval. If the PC is still not able to agree, the PC will forward the matter to the Agency Forum. The Agency Forum will issue a decision for inclusion in the plan.