

# Staff Report 52

Non-Exclusive Geological Survey Permit

## **APPLICANT:**

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City of Los Angeles Department of Water and Power

## **PROPOSED ACTION:**

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### **TERM:**

1 year and 1 month, beginning August 20, 2020, through September 20, 2021

## **BACKGROUND:**

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The City of Los Angeles Department of Water and Power (LADWP) has applied for a 1-year Geological Survey Permit to collect geological and geotechnical information by hollow stem auger drilling on up to 49 shallow borings (less than 15 feet deep) on State sovereign land (Exhibits A and A1). The proposed geotechnical investigation is being conducted to support the condition assessment, risk analysis, and infrastructure investment strategies for portions of the Owens Lake Dust Mitigation facilities. The data collected under this permit will be used to evaluate and provide recommendations for the Los Angeles Department of Power's long-term investment strategies that are necessary to improve the resiliency of existing dust mitigation infrastructure on Owens Lake.

The proposed sampling locations were selected in consideration of data gaps in existing soil mapping and past geotechnical boring locations, and location of existing infrastructure. Sampling locations may need to be adjusted in the field to avoid potential environmental impacts, to avoid existing buried utilities, and based upon site access conditions. Locations could be shifted up to 500 feet from the proposed sites. Access to sampling locations for equipment and staff conducting the investigations will be from the existing roads and berms constructed within the dust control project; equipment will only traverse off these existing berms and roads once it reaches the proposed sampling location and must reach the exact drilling coordinates.

Borings will be conducted with a 6- to 8-inch-diameter hollow stem auger to depths of 15 feet below ground surface using a low ground pressure tracked drill rig. Bulk soil samples will be collected from drilling spoils and soil samples will be collected using driven standard split-spoon samplers. Boring holes will be backfilled with the soil removed from the borings. Any excess material will be spread on the soil surface around the investigation site.

LADWP has consulted with a qualified archaeologist and Native American tribes to ensure that existing known sensitive resource areas are avoided. Archaeological and Native American tribal monitors will be required on-site during all activities that take place off existing berms and roads. The proposed Project includes precautionary actions to ensure impacts to sensitive resources are avoided. These actions are listed in Exhibit B and include: a lakebed worker education program; pre-construction surveys for snowy plover; preconstruction surveys for nesting birds; speed limit for vehicle traffic during snowy plover nesting season; preconstruction surveys for archaeological and paleontological resources; avoidance of known resources adjacent to the project areas using a 100-foot buffer around archaeological sites; Native American, archaeological, paleontological, training program and monitoring; and an Unanticipated Discovery Plan for human remains and artifacts reviewed and approved by staff in consultation with Native American tribal monitors (Exhibit C). The proposed permit would require LADWP to adhere to these precautionary actions, as described in Exhibit B.

The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under this permit upon request.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6212.2, 6216, and 6301; California Code of Regulations, title 2, section 2100.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

The LADWP is a public agency that has applied for a permit to conduct geological surveys on State sovereign land. The Permit would allow the City to obtain geologic data as part of its efforts to assess conditions and evaluate strategies regarding older dust mitigation methodologies, projects, and facilities on the dry lakebed.

Collection of scientific data is a use recognized by the courts to be consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) This analysis is limited to the specific use of the borings for the collection of scientific data. Staff's recommendation does not include an analysis or opinion regarding the use of geologic data for dust control measures on the lake as any changes to current dust control measures would require additional action by the Commission. The approximately 1-year plus 1-month non-exclusive Permit contains restrictions that protect public rights and cultural and environmental resources. Staff believes that granting the Permit will not substantially interfere with the Public Trust needs at this time, at this location, and for the foreseeable term of the proposed Permit.

For all the reasons above, staff believes the approval of a 1-year plus 1-month permit for geologic data gathering is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

## **OTHER PERTINENT INFORMATION:**

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1. This 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. 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 14, section 15306.

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

## **EXHIBITS:**

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- A. Location Map
- A1. Regional Location Map
- B. Project Description and Precautionary Actions
- C. Late Discovery Evaluation Plan

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDINGS:**

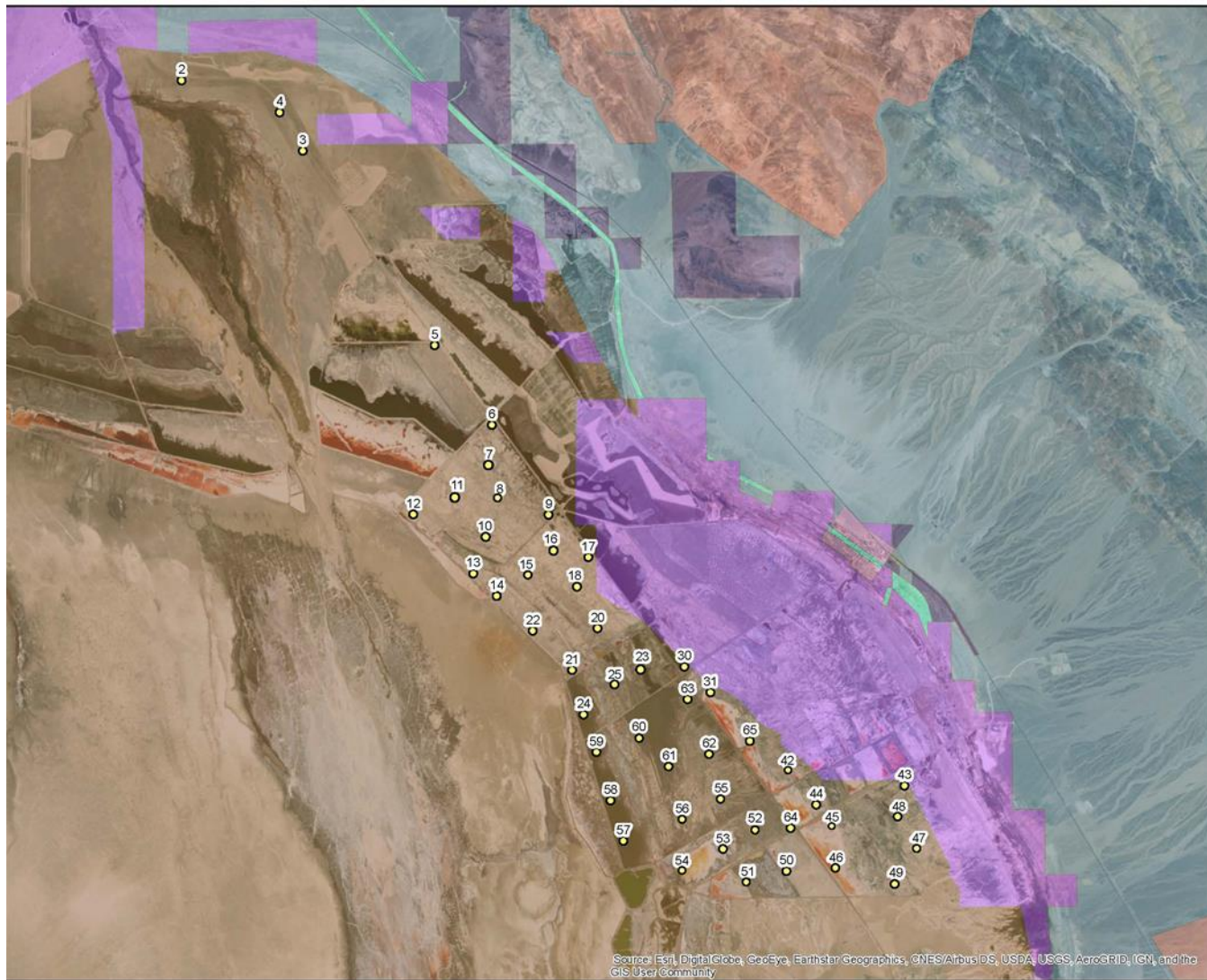
Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 14, section 15306.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

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

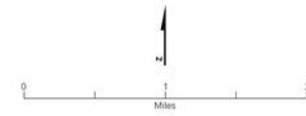
### **AUTHORIZATION:**

Authorize issuance of a Non-Exclusive Geological Survey Permit to the City of Los Angeles Department of Water and Power to conduct geological surveys by hollow stem auger drilling, on up to 49 shallow 6- to 8-inch-diameter borings, less than 15 feet deep, for the period August 20, 2020, through September 20, 2021, pursuant to the conditions described in this staff report, on State sovereign land of Owens Lake within Inyo County as shown on Exhibit A, attached and incorporated by reference herein.



- LEGEND**
- Investigation Method**
- Boring
- Property Ownership**
- BLM
  - Indian Lands
  - LADWP
  - Local Government
  - Military
  - National Park Service
  - Private
  - Southern Pacific
  - State Lands
  - Township
  - US Forest Service
  - Wilderness Areas

**Notes:**  
 1. Exact locations of borings may change as the design is refined, to avoid impacts to known archaeological sites, to avoid existing buried utilities, and based on site access conditions in the field.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**EXHIBIT A**  
**Supplemental Geotechnical Investigation Locations**  
 Owens Lake Dust Mitigation Project  
 Los Angeles Department of Water and Power





# Exhibit A1

## Regional Location Map

A2600

