



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: January 18, 2011

SUBJECT: Owens Lakebed Master Plan

DEPARTMENTAL RECOMMENDATION: Authorize the Chairperson to sign correspondence to Owens Lakebed Planning Committee regarding the Owens Lakebed Master Plan.

SUMMARY DISCUSSION: At its December 28, 2010 meeting, the Board discussed issues related to the Owens Lakebed Master Plan, specifically regarding the implementing mechanism for the Master Plan (i.e., Memorandum of Understanding or Natural Communities Conservation Plan), relationships with the Lower Owens River Project, dust mitigation, and water use.¹ The Board directed staff to return with draft correspondence stating the County's position regarding these issues and begin discussions with the City of Los Angeles Department of Water and Power (DWP) regarding these concerns. Accordingly, staff has prepared the attached draft correspondence, and is working to arrange further discussions with DWP staff.

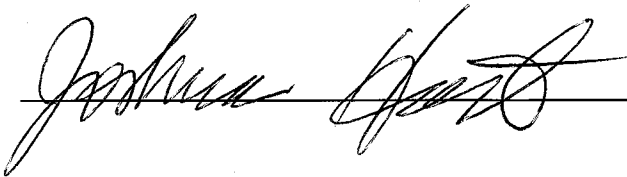
OTHER AGENCY INVOLVEMENT: Owens Lakebed Planning Committee and interested organization and individuals – DWP; Great Basin Unified Air Pollution Control District; State Lands Commission; Department of Fish and Game; Inyo County Water Department and other County Departments; Inyo and Mono County Agriculture Department; numerous tribes, business, community, agricultural, and conservation groups.

FINANCING: Resources from the County's general fund and Water Department budget are utilized to monitor DWP's activities and participate in related planning efforts.

¹ Previous Agenda Request Forms and other pertinent information for the Owens Lakebed Master Plan are posted on the Planning Department's website at <http://inyoplanning.org/projects.htm>.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 1/6/14

Attachment

Draft Correspondence



BOARD OF SUPERVISORS COUNTY OF INYO

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RICHARD CERVANTES

KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

January 18, 2011

Owens Lakebed Planning Committee
City of Los Angeles Department of Water and Power
111 North Hope Street
Los Angeles, CA 90012

RE: Owens Lakebed Master Plan

Members of the Owens Lakebed Planning Committee:

On behalf of the Inyo County Board of Supervisors, I wish to relay to you, the Department of Water and Power (DWP), and the City of Los Angeles our continued support for dust mitigation efforts on Owens Lake. If you may recall, the Inyo County Board of Supervisors authorized the attached correspondence to the Planning Committee describing the parameters of the County's support of any final Plan. Based on recent discussion at the Planning Committee, I wish to clarify the County's position regarding several important issues.

First, we remind the Committee that the primary purpose of DWP's activities on the Lakebed is to minimize particulate emissions and protect the public health and safety. A tremendous amount of fresh water is being utilized towards this end, resulting in greater demand to extract water from elsewhere in Inyo County. We emphatically support minimizing the use of fresh water on the Lakebed, and we expect that some portion of any water saved on the Lakebed will be made available for other uses in the Owens Valley.

Second, we understand that the following two options are being considered to implement the Master Plan: (1) a Memorandum of Understanding (MOU) and (2) a Natural Communities Conservation Plan (NCCP). The Board supports selection of an MOU due to its greater flexibility. The Board is concerned about the adequacy of the NCCP's assurances, as well as legal implications related to the NCCP's authority over public and private lands within the County's jurisdiction.

Third, the potential fiscal implications of the Plan must be analyzed. We had understood that financial feasibility would be considered in developing the Plan, and we are concerned that decisions are being made regarding the Plan without adequate financial analysis. We remind the Committee that in order for the Plan to be successful, it must be financially

feasible. To be effective, the financial impacts of the Plan should be considered in the planning process prior to beginning the environmental analysis.

Finally, the County adamantly opposes including any portion of the Lower Owens River Project (LORP), such as the Owens River Delta, within the Master Plan. Along with DWP, the County is responsible for the operation and success of the LORP. This responsibility is separate from DWP's dust mitigation obligations on the lakebed. The County is not prepared to manage the LORP as an adjunct to those lakebed mitigation obligations under an MOU or NCCP. Additionally, and as you may know, the County is responsible for 50 percent of the LORP's implementation cost. If any portion of the LORP is included within the Master Plan, the expense to the County to implement the LORP could increase in unpredictable and unsustainable amounts. The County will not undertake this obligation and will not participate in an agreement that includes the LORP. Minimally, to gain the County's participation would require a renegotiation by the County and DWP, and approval by the Superior Court, of the County's obligations regarding the LORP, and assurances that the objectives of the LORP will be attained.

Thank you. We look forward to continue working with you as we move forward with this important planning effort for the Owens Lakebed, and commend your diligence and hard work. Please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,

Susan Cash
Chairperson, Inyo County Board of Supervisors

Attachment

cc: Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Honorable Mayor of Los Angeles, Antonio Villaraigosa
Ron Nichols, DWP General Manager
City of Los Angeles Board of Water and Power Commissioners
James B. McDaniel, DWP
Martin L. Adams, PE, DWP
Gina Bartlett, Center for Collaborative Policy
Ted Schade, Great Basin Unified Air Pollution Control District
Board of the Great Basin Unified Air Pollution Control District
State Lands Commission
Curtis Fossum, State Lands Commission
John McCamman, Department of Fish and Game
Kimberly Nicol, Department of Fish and Game



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KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

May 11, 2010

Owens Lake Planning Committee
City of Los Angeles Department of Water and Power
111 North Hope Street
Los Angeles, CA 90012

RE: Owens Lake Planning Effort

Members of the Owens Lake Planning Committee:

On behalf of the Inyo County Board of Supervisors, I wish to relay to you, the Department of Water and Power (DWP), and the City of Los Angeles our continued support for dust mitigation efforts on Owens Lake. In addition, the Inyo County Board of Supervisors encourages productive planning for the Lakebed, and is actively participating in this most recent planning initiative. While our participation will represent a significant outlay of our resources, we believe it is necessary to achieve successful outcomes.

The County's participation in the planning process and its ability to consider supporting the final Plan is guided by the following parameters:

1. Water management and groundwater development by DWP on the Lakebed are intrinsically related to and regulated by the Inyo/Los Angeles Long-Term Water Agreement. We look forward to continuing our work to implement this important Agreement within the context of Owens Lake planning.
2. Dust and other particulate mitigation efforts are paramount to reduce the risk incurred by County residents to the adverse health effects of chronic exposure to Lakebed sediments, many of which are toxic. Particulate control is the primary purpose of DWP's activities on the Lakebed, and the County supports reasonable alternatives to achieve this goal.
3. The County supports efforts to reduce water utilized on the Lake that still achieve particulate mitigation.
4. Potential fiscal impacts from any Plan that results from this effort must be analyzed as part of the Plan. Any Plan that is not fiscally sound will most assuredly be ineffective. A thoroughly vetted cost estimate to implement the Plan, including costs incurred by the County (e.g., police, fire, roads, schools, etc.), must be prepared, and permanent funding sources to offset these costs must be identified.

5. We have designated Supervisors Cervantes and Arcularius and the County's Planning Director to serve on the Planning Committee being formed to guide this effort. Other staff will be available on an as-needed basis, schedules permitting. We requested that DWP staff provide regular updates to the full Board of Supervisors, and we hope you will support and participate in these briefings.
6. Development on the Lakebed may result in potential impacts to the environment, culture, and/or economy of the County. We expect that DWP will fully analyze such effects, as required by law, and offer our assistance in this endeavor.
7. The County and its citizens should experience net positive benefits from development here.

In addition to the parameters identified above, the Board wishes to remind the Committee that the Inyo County Board of Supervisors represents all of the interest groups and stakeholders on the Planning Committee and, as such, reserves the right as the Board of Supervisors to accept or reject any aspect of the Plan on behalf of our constituents.

Thank you. We look forward to working with you as we move forward with this important planning effort for Owens Lake. Please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,



Supervisor Richard Cervantes, Chairperson
Inyo County Board of Supervisors

cc: Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Honorable Mayor of Los Angeles, Antonio Villaraigosa
Austin Beutner, Interim DWP General Manager
City of Los Angeles Board of Water and Power Commissioners
James B. McDaniel, DWP
Marin L. Adams, PE, DWP
Gina Bartlett, Center for Collaborative Policy
Ted Schade, Great Basin Unified Air Pollution Control District
Board of the Great Basin Unified Air Pollution Control District
State Lands Commission
Paul Thayer, State Lands Commission
John McCamman, Department of Fish and Game
Curt Taucher, Department of Fish and Game