

CALENDAR ITEM

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J. Garrett

CONSIDER DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO AMEND, IN COORDINATION WITH THE OTHER SIGNATORY PARTIES, THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, THE COUNTY OF INYO, THE CALIFORNIA DEPARTMENT OF FISH AND GAME, THE CALIFORNIA STATE LANDS COMMISSION, THE SIERRA CLUB, THE OWENS VALLEY COMMITTEE, AND CARLA SCHEIDLINGER, TO REMOVE CARLA SCHEIDLINGER AS A PARTY

PARTIES:

The California State Lands Commission (Commission), Los Angeles Department of Water and Power (LADWP), Inyo County, California Department of Fish and Wildlife (CDFW, formerly known as the California Department of Fish and Game), the Sierra Club, the Owens Valley Committee, and Carla Scheidlinger (Collectively, the Parties)

BACKGROUND:

The City of Los Angeles has been diverting water from the Owens Valley since it completed its aqueduct in 1913. The aqueduct was expanded in 1941 to reach the Mono Basin. As a consequence, the aqueduct began taking water from streams that fed both Owens Lake and Mono Lake. This diversion of water has been the subject of much controversy and litigation over the years. In 1991 LADWP and Inyo County entered into the Inyo County/Los Angeles Long Term Water Agreement as a way to protect the Owens Valley from the environmental effects of groundwater pumping and water exports by LADWP. The Long Term Water Agreement and a Final Environmental Impact Report (EIR) were used as a joint effort to end litigation.

However, interested state agencies and environmental groups challenged the legal adequacy of the EIR in court. As a result, the Parties negotiated a Memorandum of Understanding (MOU), which was executed in 1997. The purpose of the MOU was to resolve concerns about the EIR and mitigation of the impacts for long-term pumping and water diversion in the Owens Valley.

Because much of the land involved with the MOU is state-owned and under the jurisdiction of the Commission, the Commission is a party to the MOU. Carla

CALENDAR ITEM NO. **C86** (CONT'D)

Scheidlinger (Ms. Scheidlinger), also joined as a party to the MOU as a representative of the Owens Valley Committee.

As it is written, the MOU requires that each party be notified of certain events or updates for the ongoing activities associated with the Lower Owens River Project. Since 1997, various occasions have required notifying the Parties. For Ms. Scheidlinger, in her capacity as a private individual, the numerous notices have become burdensome and difficult to keep up with. Additionally, Ms. Scheidlinger has since moved out of Inyo County. Therefore, Ms. Scheidlinger would like to amend the MOU to remove herself as a party.

OTHER PERTINENT INFORMATION:

1. Aside from removing Ms. Scheidlinger as a party, at her request, no other changes to the MOU are proposed.
2. Authorization to delegate authority to amend, in coordination with the other signatory parties, the Memorandum of Understanding is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. This action is consistent with Strategy 3.1 of the Commission's Strategic Plan to foster, improve, and enhance relationships to engage the Legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community.

STATUTORY REFERENCES:

Public Resources Code section 6106.

California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378.

CALENDAR ITEM NO. **C86** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Authorize the Executive Officer or her designee to take all actions reasonably necessary to amend, in coordination with the other signatory parties, the Memorandum of Understanding Between the City of Los Angeles Department of Water and Power, the County of Inyo, the California Department of Fish and Game, the California State Lands Commission, the Sierra Club, the Owens Valley Committee, and Carla Scheidlinger, to remove Carla Scheidlinger as a party.