

## DOCKETED

<b>Docket Number:</b>	11-AFC-02
<b>Project Title:</b>	Hidden Hills Solar Electric Generating Station
<b>TN #:</b>	204753
<b>Document Title:</b>	Joinder by the County of Inyo to Staff's Motion to Terminate Proceedings
<b>Description:</b>	Inyo County Joinder
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	County of Inyo
<b>Submitter Role:</b>	Intervenor
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STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In re the Matter of:

APPLICATION FOR CERTIFICATION FOR  
THE HIDDEN HILLS SOLAR ENERGY  
GENERATION PROJECT

DOCKET NO. 11-AFC-02

**JOINDER BY THE COUNTY OF INYO TO STAFF'S MOTION TO TERMINATE  
PROCEEDINGS**

County of Inyo (hereinafter "County"), intervenor in these proceedings, hereby submits this joinder to Staff's Motion to Terminate Proceedings.

**BACKGROUND**

*Applicant's Requests and Quarterly Reports*

On April 4, 2013, the Hidden Hills SEGS licensing proceedings were placed in suspension at the request of the applicant, BrightSource Energy. The Order Suspending Proceedings provided for the suspension to expire on April 3, 2014. During the first year the project was in suspension, the Applicant filed three status reports, each containing a vague description of what action the Applicant was taking to resume the proceedings. A Petition for Continued Suspension of Application for Certification, submitted nearly a month after the April 3, 2014 expiration date, was granted, extending the suspension order to April 3, 2015. As a result of the less than informative status reports, Staff requested the Order direct the Applicant to provide more substantive information in its status reports. Although not specifically ordered, the Commission noted in its order that the nature and specificity of the information requested by Staff "would be of interest to the Committee".

The Applicant's quarterly status reports during the past year failed to address what, if any, progress has been made to address the primary reason the project was placed in suspension – the lack of transmission. On April 7, 2015, the Applicant filed a second request to extend the suspension of its application, which request was also filed after the expiration date set in the Committee's order.

*Inyo County General Plan Amendment 2013-02/Inyo County (Renewable Energy)*

As part of the Desert Renewable Energy Conservation Plan ("DRECP") planning efforts, the County submitted a grant proposal to the CEC for the purpose of preparing a general plan amendment for renewable energy development. On June 23, 2014, the County was awarded the grant, the funds from which were used to update the County's General Plan to address and facilitate the development of renewable energy resources and evaluated the environmental impacts from such development in an EIR.

As part of this process, the County engaged in extensive public outreach and consultation, which included the following:

- 10 introductory stakeholder and public meetings
- 4 project description meetings – one with the Planning Commission and three with the Board of Supervisors
- 3 scoping meetings and 2 scoping sessions
- 3 Draft PEIR public comment meetings
- 1 Planning Commission Draft PEIR public comment meeting
- 1 Inyo County Natural Resources Advisory Committee meeting
- 5 Tribal Consultations

The public actively participated in this process, voicing numerous comments, concerns and requests. The public passionately urged the County to protect the unique ecosystem and beautiful vistas within Inyo County, in addition to the demand that water resources and supplies be protected and preserved. Through these meetings, the citizens of Inyo County made clear that they did not support certain forms of renewable energy systems and further wanted a reasonable balance between the development of renewable energy systems and the resulting visual and environmental impacts. The County responded by amending the proposed general plan amendment to incorporate many of the planning goals and policies expressed during these meetings.

On March 24, 2015, the Inyo County Board of Supervisors adopted Resolution 2015-26, *A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT, ADOPTING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM MAKING CERTAIN FINDINGS OF FACT, ADOPTING STATEMENTS OF OVERRIDING CONSIDERATIONS AND APPROVING GENERAL PLAN AMENDMENT NO 2013-02/INYO COUNTY (RENEWABLE ENERGY)*. (A copy of said resolution is attached hereto as Exhibit A). As a result of the adoption of General Plan Amendment No. 2013-02, the Applicant's proposed project fails to comply with the County's General Plan. The inconsistencies include, but are not limited to, the following<sup>1</sup>:

- Policy LU-1.21: The County does not support renewable energy solar development projects other than those that use PV technologies.
- Policy CUL-1.6: Protect Culture Resources. The County shall require renewable energy solar facility developers recognize the Old Spanish Trail as a cultural resource and ensure that it and its immediate surroundings in the Charleston View SEDA are preserved and protected.
- Policy MER-2.2: Solar Energy Development Areas (SEDA). The County shall maintain a Land Use Diagram of areas where utility scale and commercial scale solar facilities may be appropriate (SEDA Map).

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<sup>1</sup> The General Plan inconsistencies noted are those arising as a result of General Plan Amendment No. 2013-02/Inyo County (Renewable Energy) and are in addition to those previously addressed by the County during these proceedings.



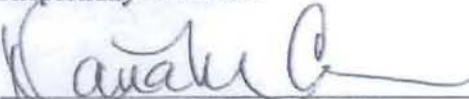
- Policy MER-2.3: SEDA Land Inventory. The total acreage that may be developed for utility and commercial scale renewable energy solar facilities within each SEDA is capped; and, the amount of megawatts that may be generated within each Solar Energy Group is capped (small scale and community scale solar energy facilities are excluded from the caps.) The Eastern Solar Energy Group includes the following Solar Energy Development Areas: Charleston View<sup>2</sup> and Sandy Valley. The Total Allowable Capacity, in megawatts, for the Group is set at 500; the Total Allowable Developable Area, in acres, for Charleston View is 2,400 acres.
- Policy WR-3.7: Charleston View. Projects proposed in Charleston View shall be water sustainable and shall require project applicants to purchase and retire water rights along the same flow path for the water that will be used for the project (construction and maintenance) at a minimum of a 1 to 1 ratio.
- Policy VIS-1.10: Old Spanish Trail Highway. Provide for setbacks, siting, orientation, screening and buffers, on a project by project basis, to avoid impacts to views of the Old Spanish Trail Highway located in the Charleston View SEDA.

## CONCLUSION

During the two years the AFC has been held in suspension the Applicant has failed to take action to resume the proceedings. The mandated status reports lack information concerning the status of a viable transmission path, interconnection status with Cal ISO or efforts to secure a power purchase agreement with a utility. Moreover, during the intervening two years, the County, with funds provided by the CEC as part of the DRECP planning efforts, undertook the process to amend its General Plan. That process, which included the preparation of an EIR, establishes policies, goals and guidelines applicable to the development of the County's renewable energy resources, many of which conflict with the Applicant's project as proposed in the AFC and analyzed in the FSA. In light of the Applicant's failure to take steps to resume proceedings in a timely fashion, coupled with the extensive planning efforts taken by the County, the County respectfully requests that the Committee grant Staff's Motion to Terminate Proceedings.

Dated: May 28, 2015

Respectfully submitted:



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<sup>2</sup> The Applicant's project is located in Charleston View, within the Eastern SEDA.

# EXHIBIT A



**RESOLUTION NO. 2015-26**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING  
THE PROGRAM ENVIRONMENTAL IMPACT REPORT,  
ADOPTING MITIGATION MEASURES, ADOPTING A  
MITIGATION MONITORING AND REPORTING PROGRAM  
MAKING CERTAIN FINDINGS OF FACT, ADOPTING A  
STATEMENT OF OVERRIDING CONSIDERATIONS AND  
APPROVING GENERAL PLAN AMENDMENT NO. 2013-02/INYO  
COUNTY (RENEWABLE ENERGY)**

WHEREAS, California Government Code Section 65300 et seq. states: Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, Government Code Section 65302 indicates that the General Plan shall include seven elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety; and

WHEREAS, Inyo County supports and encourages the responsible utilization of its natural resources, including the development of its solar resources for the generation and transmission of clean, renewable electric energy; and

WHEREAS, Inyo County encourages the increased use of solar radiation to generate and transmit clean, renewable electric energy as a benefit not only to the citizens of Inyo County, but also to citizens of California and the United States; and

WHEREAS, On August 17<sup>th</sup>, 2010 Inyo County adopted Ordinance No. 1158-Inyo County Renewable Energy Ordinance, Title 21, to encourage and regulate the development of renewable energy resources within Inyo County; and

WHEREAS, on April 26, 2011 Inyo County adopted Resolution 2011-17 approving the Renewable Energy General Plan Amendment (GPA) 2010-03; and

WHEREAS, On May 26, 2011, the Sierra Club and the Center for Biological Diversity initiated litigation in Inyo County Superior Court against the County to set aside approval of the GPA based upon allegations that an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) should have been prepared to approve the GPA; and

WHEREAS, on September 6, 2011 Inyo County adopted Resolution 2011-36 rescinding Renewable Energy GPA 2010-03, due to lack of funding to defend itself against the litigation brought forth; and

WHEREAS, Inyo County has been active in the Desert Renewable Conservation Plan (DRECP) since its inception in May 2010, which is an agreement between the California Department of Fish and Wildlife (CDFW), the California Energy Commission (CEC), US Bureau of Land Management (BLM), and the US Department of Fish and Wildlife Service (USFWS) to guide renewable energy development in tandem with a multispecies conservation plan for the Mojave and Colorado Desert regions; and

WHEREAS, due to the County's involvement in the DRECP, the County entered into a Memorandum of Understanding with the CEC in March 2013 that provides the framework for a cooperative relationship between the CEC and Inyo County that focuses on effective planning and promotion of renewable energy development; and

WHEREAS, due to the County's Memorandum of Understanding with the CEC, the County was able to apply for grant funding to do planning work for renewable energy development; and

WHEREAS, on July 15, 2013 the County was awarded grant funding to develop a Renewable Energy GPA and conduct a Program EIR on it; and

WHEREAS, in July 2013 the County entered into a contract with the CEC to prepare a Renewable Energy GPA and conduct a Program EIR on it; and

WHEREAS, pursuant to Senate Bill 18 (SB18) and Government Code Section 65352.3, on September 17, 2013 the County requested a list of appropriate native American contacts from the California Native American Heritage Commission (NAHC) from whom to request consultation regarding the Renewable Energy General Plan Amendment GPA; and

WHEREAS, the NAHC transmitted a list of Native American contacts to the County on October 7, 2013 for purposes of SB18 consultation regarding the Renewable Energy GPA; and

WHEREAS, on October 22, 2013 the County sent letters initiating Native American Consultation pursuant to the California Government Code Sections 65040.2, 65092, 65351, 65352.3, 65352.4, 65562.5, with the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, and the Lone Pine Paiute Shoshone; and

WHEREAS, the Big Pine Band of the Owens Valley requested consultation; and

WHEREAS, County staff and the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer scheduled a consultation for January 8, 2014; and

WHEREAS, on January 7, 2014 the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer informed County staff that the Tribal Board wished to cancel the consultation; and



WHEREAS, County staff and the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer scheduled a consultation for February 13, 2014; and

WHEREAS, on February 13, 2014 County staff and the Fourth District Supervisor met with the Big Pine Band of the Owens Valley for consultation; and

WHEREAS, on February 19, 2014 the Big Pine Paiute Tribe of the Owens Valley provided a letter to County staff outlining the consultation discussion and their concerns regarding the work done on the County's Draft Inyo County Renewable Energy GPA; and

WHEREAS, on February 21, 2014 County staff responded to the Big Pine Paiute Tribe of the Owens Valley requesting further consultation and requested that the tribe provide the County with dates and times in early to mid-March for tribal members to work with county staff on mapping areas of tribal significance; and

WHEREAS, on March 24, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley requesting a consultation meeting on March 28, 2014; and

WHEREAS, County staff declined this request due to the inability to meet based on the timing for the request; and

WHEREAS, on April 2, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley asking for a consultation meeting prior to April 9, 2014, which County staff declined based again on the short notice of the request; and

WHEREAS, on April 9, 2014 County staff sent a letter to the Big Pine Paiute Tribe of the Owens Valley requesting a consultation meeting on April 24, 2014; and

WHEREAS, on May 21, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley requesting County staff work with the Tribe to schedule a consultation; and

WHEREAS, on May 28, 2014 County staff responded to the Big Pine Paiute Tribe of the Owens Valley and suggested either June 8, 2014 or June 16, 2014 to meet with the Tribe for consultation; and

WHEREAS, on June 4, 2014 the Tribal Historic Preservation Officer confirmed by email, that the Tribe was available to meet for consultation on June 9, 2014; and

WHEREAS, on June 9, 2014 County staff and the Fourth District Supervisor met with the Tribe and discussed the Renewable Energy GPA, with subjects that included utility scale facilities, distributed generation and the Tribes' concerns about the Program EIR adequately analyzing potential impacts; and



WHEREAS, on July 10, 2014 County staff received a letter from the Big Pine Tribe requesting additional consultation, specifically for issues the Tribe provided in the scoping comments for the Draft Program EIR (PEIR), that included: PEIR must adequately analyze significant impacts and cumulative impacts, small scale renewable energy solar facility alternative, Solar Energy Development Areas do not meet the County's own criteria for utility scale solar development, and comments previously provided regarding the Laws, Owens Lake, Owens Valley, Rose Valley and Charleston View proposed Solar Energy Development Areas; and

WHEREAS, during August, September and October, 2014 County staff worked with the Tribal Historic Preservation Officer to schedule additional consultations; and

WHEREAS, a consultation was scheduled for November 6, 2014 with County staff and the Fourth District Supervisor; and

WHEREAS, County staff prepared responses to the issues raised in the letter from the Tribe dated July 10, 2014 and read them at the November 6, 2014 consultation; and

WHEREAS, on December 11, 2014 County staff and the Fourth District Supervisor met with the Tribe in consultation and discussed the Program EIR with regard to comments the Tribe had on it; and

WHEREAS, in a letter dated January 7, 2015 the Timbisha Shoshone Tribe of Death Valley requested that consultation opportunity be provided if a project were to be planned within or near an area of their tribal territories; and

WHEREAS, on January 29, 2015 the County sent a letter to the Timbisha Shoshone Tribe stating that the County would be happy to meet with the Tribe about any future project near Timbisha Shoshone territories and was available to meet with the Tribe to discuss the current proposed Renewable Energy General Plan Amendment and provided information on how to schedule; and

WHEREAS, in a letter dated January 8, 2015 the Bishop Tribal Council provided comments on the Renewable Energy General Plan Amendment and requested a meeting to engage in consultations; and

WHEREAS, on January 29, 2015 the County sent a letter to the Bishop Tribal Council stating that staff would be happy to meet with them to discuss the Renewable Energy General Plan Amendment and to please contact staff to schedule a time; and

WHEREAS, on January 20, 2015, as specified by SB18, per Government Code Section 65352, the County notified the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, and the Lone Pine Paiute Shoshone that the County was preparing to bring GPA No. 2013-02/Inyo County(Renewable Energy) for adoption in late March 2015, and thereby opened

a 45-day comment period upon receipt of the notification and informed the Tribes that on-going consultations could continue through the adoption process; and

WHEREAS, on March 3, 2015 the Inyo County Board of Supervisors invited the tribe to attend the Board of Supervisors meeting March 17, 2015 to publically discuss GPA No. 2013-02/Inyo County(Renewable Energy); and

WHEREAS, on March 4, 2015 County staff sent the Big Pine Paiute Tribe of the Owens Valley a letter encouraging continued to consultation with County staff on the Renewable Energy General Plan Amendment; and

WHEREAS, in a letter dated March 13, 2015 the Big Pine Paiute Tribe of the Owens Valley requested further consultation, but also stated they did not have a time where enough Tribal Council members would be available prior to the Board Hearing scheduled and publically noticed for March 24, 2015 and that a Board of Supervisors meeting was inappropriate for consultations; and

WHEREAS, on March 17, 2014 the County included an item on the Board Agenda for the Tribe to discuss GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, the Tribal Council of the Big Pine Tribe of the Owens Valley, through the Inyo County Fourth District Supervisor respectfully declined to attend the Board meeting; and

WHEREAS, in a letter received on March 16, 2015 the Bishop Tribal Council stated that they are waiting for the County Board of Supervisors to schedule a consultation with the Tribal Council prior to a Board Hearing on GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, there was insufficient time to schedule a consultation prior to the scheduled and publically noticed Board Hearing on March 24, 2015; and

WHEREAS, the County has in good faith provided for consultations pursuant to the provisions of SB-18; and

WHEREAS, in August and September 2013 County staff prepared a Background Report covering the work done prior to and for the 2011 Renewable Energy GPA, including draft policy concepts and criteria that might be used to identify Renewable Energy Development Areas; and

WHEREAS, in August and September 2013 County staff prepared a stakeholder and interest parties list and invited people to be involved in the planning process for the Renewable Energy GPA; and



WHEREAS, on November 12, 2013 County staff conducted a public meeting in concert with the Desert Renewable Energy Planning Group and introduced the Renewable Energy GPA project; and

WHEREAS, between November 12 and 14, 2013 County staff conducted seven stakeholder meetings to introduce the Renewable Energy GPA and allow people to vote on whether they agreed or disagreed with the criteria that staff identified for developing Renewable Energy Development Areas and whether or not they agreed or disagreed with the basic policy concepts that staff presented; and

WHEREAS, between December 3 and 5, 2013 County staff conducted three public meetings, one each in Independence, Bishop and Tecopa and introduced the Renewable Energy GPA and allowed people to vote on whether they agreed or disagreed with the criteria that staff identified for developing Renewable Energy Development Areas and whether or not they agreed or disagreed with the basic policy concepts that staff presented; and

WHEREAS, the majority of stakeholders and the attending public were in favor of the criteria that staff developed for identifying Renewable Energy Development Areas and with the basic policy concepts that staff presented; and

WHEREAS, in October 2013 HELIX Environmental Planning prepared an Opportunities and Constraints Technical Study that identified areas in Inyo County by levels of constraints that might be appropriate for renewable energy development and areas that are not appropriate for renewable energy development; and

WHEREAS, on February 14, 2014 the County provided notice in the Inyo Register for a public meeting to take public comment on Draft GPA No. 2013-02/Inyo County (Renewable Energy) to be held on February 26, 2014; and

WHEREAS, county staff presented a staff report that contained the information and recommendations developed to date to the Inyo County Planning Commission and asked for input and direction to take to the Board of Supervisors so that they could provide direction on the preparation of a project description for the Program Environmental Impact Report; and

WHEREAS, on February 26, 2014 the Inyo County Planning Commission took public comment and thirty-four people provided verbal comments at the meeting that spanned 3-hours, 70 written comments were also received; and

WHEREAS, most of the public comments verbal and written were in opposition to the Draft Renewable Energy Development Areas, especially with regard to the area in the Draft Owens Valley Renewable Energy Development Area; and

WHEREAS, on February 26, 2014 the Inyo County Planning Commission



recommended that staff take the Draft Renewable Energy GPA, as presented to them, to Board of Supervisors for input and with suggestions to: 1) go with the Draft Less Intensive Alternative and 2) to remove the Centennial Flat/Darwin Renewable Energy Development Area from the Draft Preferred Alternative; and

WHEREAS, on March 18, 2014 County staff held a workshop with the Inyo County Board of Supervisors to provide clarity on the planning process and where in that process staff was currently working from; and

WHEREAS, on March 18, 2014 the Inyo County Board of Supervisors took public comment from forty-two people who provided comments similar to those given at the Planning Commission meeting on February 26, 2014; and

WHEREAS, on March 29, 2014 the County provided notice in the Inyo Register for a public meeting on Draft GPA No. 2013-02/Inyo County (Renewable Energy) to be held on April 1, 2014; and

WHEREAS, on April 1, 2014 presented the information as recommended by the Planning Commission on February 26, 2014; and

WHEREAS, on April 1, 2014 the Inyo County Board of Supervisors took public comment from twenty-nine people of whom the majority expressed support of the Planning Commission's suggestion to use the Less Intense alternative as provided for by staff; and

WHEREAS, on April 1, 2014 the Inyo County Board of Supervisors provided staff direction to: (1) use the Less Intense Alternative and Megawatt Caps; (2) remove the Owens Valley REDA and create the Owens Valley Study Area (to be subject to a finer level of constraints analysis); (3) impose a 250-megawatt cap on the Western Region of the County (inclusive of Owens Valley) that includes the REDAs encompassing Laws, Owens Lake, Rose Valley and Pearsonville; (4) within the Owens Valley, consider a 250 megawatts cap on solar development (the size of the cap was based on existing transmission availability); (5) add community-scale solar; (6) work with property owners in Chicago Valley to define a REDA and megawatt cap; (7) add acreage caps in addition to the megawatt caps; (8) not include wind energy development in the REGPA; and, (9) rename the REDAs "Solar Energy Development Areas" (SEDAs) since the REGPA would considered solar energy; and

WHEREAS, on May 6, 2014, the Inyo County Board of Supervisors held an additional meeting to approve the modifications made by staff based on the direction received from the Board during the April 1, 2014 meeting; and

WHEREAS, on May 6, 2014 the Inyo County Board of Supervisors took public comment from ten people of whom the majority expressed support of the Less Intense alternative; and

WHEREAS, on May 6, 2014 County staff was provided with direction from the Inyo County Board of Supervisors to proceed with a project description based on the direction provided on April 1, 2014 with three changes: (a) the re-inclusion of the strip identified as Centennial Flats located along the Owens Lake into the Owens Lake Solar Energy Development Area, (b) a clarification to include land next to the Los Angeles Aqueduct and (c) with a correction to the acreage for the Sandy Valley Solar Energy Development Area from 100 acres to 600 acres; and

WHEREAS, a project description was prepared based on the Board's direction provided on May 6, 2014 and a Notice of Preparation was submitted to the California State Clearinghouse on June 10, 2014 and to government agencies, special service districts, organizations, Tribes and individuals with an interest in, or jurisdiction, over the project were notified; and

WHEREAS, on June 10, 2014 the County provided notice in the Inyo Register announcing the dates, times and places for scoping meetings and sessions to be held between June 16 and June 27, 2014; and

WHEREAS, three scoping meetings, and two scoping sessions were held between June 16 and June 27, 2014 in Lone Pine, Bishop, Tecopa, Olancha and Trona and sixty-two agency and members of the public attended and County staff took comments; and

WHEREAS, County staff received twenty-two comment letters; and

WHEREAS, the project description was further refined based on public comment collected during the scoping meetings, sessions and provided for in written correspondence; and

WHEREAS, on November 5, 2014 a Notice of Completion (NOC) and Availability for the Draft PEIR was transmitted to the California State Clearinghouse for distribution for review; and

WHEREAS, a public notice was published in the Inyo Register on November 4, 2014 announcing the NOC, and was sent by US Mail and emailed to interested parties, stakeholders, agencies, organizations and Tribes; and

WHEREAS, on November 4, 2014 the County provided notice in the Inyo Register announcing three public meetings would be held on December 2, 3, and 4, 2014 in Bishop, Lone Pine and Tecopa to take public comments on the Draft PEIR; and

WHEREAS, the forty-five day comment period required by the provisions of CEQA for EIRs was scheduled to end on December 19, 2014; and

WHEREAS, the County received multiple comments requesting and extension of the comment period deadline; and



WHEREAS, on December 8, 2014 staff transmitted a notice to the State Clearinghouse stating the comment period for the Draft Program EIR would be extended to January 14, 2015; and

WHEREAS, on December 12, 2014 the County provided notice in the Inyo Register and by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public that the comment period for the Draft PEIR would end on January 14, 2015, providing for a 71-day total comment period; and

WHEREAS, on November 14, 2014 the County provided notice in the Inyo Register announcing the Planning Commission would hold a public hearing on December 3, 2014 to take public comments on the Draft PEIR; and

WHEREAS, the Planning Commission held a public hearing on December 3, 2014 and received public comments from four people that included: appreciation for the time extension; concerns for Mojave Ground Squirrel, water fowl, wildlife corridors and desert tortoise; concerns for viewsheds, cultural/tribal and biological impacts; and a question about what the Program EIR was studying; and

WHEREAS, the County's Natural Resources Advisory Committee held a meeting on December 18, 2014 to provide recommendations including: the area allowed for development is confusing and staff should show graphically how much area within the Solar Energy Development Areas there is for development based on the caps provided in the proposed GPA; add a policy for no new transmission lines in the Owens Valley; a preference for solar projects that do not require the clearing of natural brush and plants; and include additional community input at the onset of zoning amendment request process; and

WHEREAS, the County received sixty-five written comments on the Draft Program EIR and has provided responses to them in the Final Program Environmental Impact Report Volume I; and

WHEREAS, the Draft Program EIR evaluated all of the required area issues of: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems and the additional issue area of Socioeconomics; and

WHEREAS, based on the analysis provided in the Draft Program EIR the project will: (1) have less than significant impacts on the issue areas of Land Use and Planning, Population and Housing, Recreation, Utilities and Services Systems; (2) have Less than Significant Impacts After Mitigation on the issues of Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services,



Socioeconomics, and Transportation; and (3) have Significant and Unavoidable impacts on the issues areas of Aesthetics, Biological Resources, and Cultural Resources; and

WHEREAS, the County has prepared project Findings pursuant to CEQA Guidelines Section 15091 (Exhibit 1); and

WHEREAS, the County has prepared a Statement of Overriding Conditions (Exhibit 1) for the issue areas with Significant and Unavoidable impacts pursuant to CEQA Guidelines Section 15093; and

WHEREAS, the County has prepared a Final Program Environmental Impact Report consisting of Volume I and Volume II; and

WHEREAS, the County has prepared an errata sheet to respond to comments from the Planning Commission March 4, 2015 hearing and correct minor errors found in the Final Program EIR; and

WHEREAS, the Final Program Environmental Impact Report includes a Mitigation, Monitoring and Reporting Program in Section E of Volume I (Exhibit 2); and

WHEREAS, the Inyo County Planning Department will be the custodian of the Final Program Environmental Impact Report and all other project related materials; and

WHEREAS, on January 26, 2015 as specified by Government Code Section 65352, the County notified organizations by US Mail and e-mail that GPA 2013-02/Inyo County (Renewable Energy) would be presented to the County's Board of Supervisors for approval in mid to late March 2015 and thereby opened 45-day comment period; and

WHEREAS, on February 20, 2015 the County provided notice by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public and provided notice in the Inyo Register announcing the Planning Commission would hold a public hearing on March 4, 2015 to take public comments on GPA 2013-02/Inyo County (Renewable Energy) and the Final Program EIR; and

WHEREAS, on March 4, 2015 the Planning Commission held a public hearing; received a presentation from staff and received public comments from nine people that included: comments supporting the revised Solar Energy Development Areas maps that support Mojave ground squirrel; support for the Photo Voltaic only alternative; support for Commercial Scale only alternative; concerns about groundwater, potential development in Charleston View and Chicago Valley; concerns about the impacts of solar development on tourism; concerns about inconsistencies of the megawatt caps; and

WHEREAS, on March 4, 2015 the Inyo County Planning Commission provided a recommendation to the Board of Supervisors to certify the Program EIR and adopt GPA 2013-02/Inyo County (Renewable Energy) as staff presented it and with the recommended modifications presented by staff and with the additional recommendations



to: (1) use the Solar Photo Voltaic only alternative; (2) use the Commercial Scale only alternative (20 megawatts or less); (3) modify the Rose Valley and Pearsonville Solar Energy Development Areas to reflect the Desert Renewable Energy Conservation Plan Development Focus Area boundaries as presented by staff; (4) modify the Owens Lake Solar Energy Development Area, by aligning the southern boundary at Highway-190, as presented by staff; (5) eliminate the Chicago Valley and Charleston View Solar Energy Development Areas; (6) avoid Areas of Critical Environmental Concern (ACEC) and National Landscape Conservation System lands (NLCS); and, (7) emphasized keeping the staff recommendation to remove policies supporting Development Focus Areas and Variance lands as identified in the Desert Renewable Energy Conservation Plan; and

WHEREAS, on March 13, 2015 the County provided notice by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public and provided notice in the Inyo Register announcing the Inyo County Board of Supervisors would conduct a public hearing and consider GPA 2013-02/Inyo County (Renewable Energy); and

WHEREAS, on March 24, 2015 the Inyo County Board of Supervisors conducted a public hearing on GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, during the public hearing on March 24, 2015, this Board heard public comments concerning GPA 2013-02 /Inyo County (Renewable Energy); and

WHEREAS, Exhibit 3 hereto summarizes the public comments presented during the March 24, 2015 public hearing and provides responses to the comments; and

WHEREAS, following the receipt of the public comments on March 24, 2015, certain amendments to GPA 2013-02 /Inyo County (Renewable Energy) were adopted by the Board of Supervisors. These amendments and changes are summarized in Exhibit L to the public hearing record. Exhibit L is Exhibit 4 hereto; and

WHEREAS, Inyo County has conducted a thorough public process with stakeholder representatives including but not limited to: renewable energy developers, power companies, federal, state and local agencies, the U.S. military, environmental groups, local Tribes, property owners and citizens of Inyo County, to influence the development of solar renewable energy General Plan Policy and created mapped Solar Energy Development Areas that identify places which may be appropriate for solar renewable energy development; and

WHEREAS, Inyo County has prepared an update to its General Plan that amends the Government; Land Use; Public Services and Facilities; Economic Development; Conservation/Open space; and Public Safety General Plan Elements with policies directing appropriate solar renewable energy development; and

WHEREAS, Inyo County has created General Plan policies for solar renewable energy development that establishes guidance for: identifying and defining appropriate



scales and sizes of solar facilities; providing mapped Solar Energy Development Areas and a table of development caps for allowed acreages for each Solar Energy Development Area and a megawatt cap for each Solar Energy Group; providing that social, cultural, visual, economic, and environmental impacts are minimized; requiring reclamation at the termination of solar facilities; minimizing water consumption; working to protect military readiness; and, discouraging conversions of lands utilized for agriculture, mining, and recreation; encouraging solar renewable energy facilities to site on previously disturbed areas; siting and screening solar renewable energy facilities to minimize significant impacts to the visual environment, including light and glare; minimizing impacts to accessing recreational opportunities; minimizing noise from solar renewable energy development; and

WHEREAS, GPA 2013-02/Inyo County Renewable Energy is a policy document that directs the responsible development of renewable solar energy projects within Inyo County, a large geographic area; and therefore a Program EIR has been submitted pursuant to CEQA, the CEQA Guidelines, and in particular CEQA Guidelines Section 15168, and the Inyo County CEQA procedures; and

WHEREAS, this Board does hereby find and declare the certification of the Program EIR prepared for GPA 2013-02/Inyo County (Renewable Energy) is in the public interest; and

WHEREAS, this Board does hereby find and declare adoption of GPA 2013-02/Inyo County (Renewable Energy) to be in the public interest; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comments and input received at the March 24, 2015 public hearing, including the staff report for the project, this Inyo County Board of Supervisors makes the following findings regarding GPA 2013-02/Inyo County (Renewable Energy) and hereby finds that:

- 1.) The proposed GPA 2013-02/Inyo County (Renewable Energy) is a policy document that directs the responsible development of renewable solar energy projects within Inyo County, a large geographic area; and therefore a Program EIR has been submitted pursuant to the CEQA, the CEQA Guidelines, and in particular CEQA Guidelines Section 15168.
- 2.) Pursuant to CEQA Guidelines Section 15090, the Final EIR has been completed in compliance with CEQA, the Final EIR has been presented to this Board of Supervisors which has reviewed and considered the information contained in the Final EIR, and the Final EIR reflects the County's independent judgment and analysis.
- 3.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the Goals and Policies of the Inyo County General Plan.



- 4.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the purposes and intent of Title 18 (Zoning Ordinance) of the Inyo County Code.
- 5.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the purposes and intent of Title 21 (The Renewable Energy Ordinance) of the Inyo County Code.
- 6.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) complies with California Government Code Section 65300 et seq. (i.e., the State's regulations for the General Plan).

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby: (1) certify the Program EIR prepared for GPA No. 2013-02/Inyo County (Renewable Energy), pursuant to CEQA, (2) adopt each of the Mitigation Measures identified in the Program EIR, (3) adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit 2 hereto, (4) make the Findings of Fact and adopts the Statement of Overriding Considerations set forth in Exhibit 1 hereto, and (5) approve GPA No. 2013-02/Inyo County (Renewable Energy) (GPA No. 2013-02/Inyo County (Renewable Energy as amended by the actions of this Board is Exhibit 5 hereto) based on all of the information in the public record and in consideration of the recommendation of the Planning Commission.

PASSED AND ADOPTED THIS 24<sup>TH</sup> DAY OF MARCH, 2015 BY THE FOLLOWING VOTE OF THE INYO COUNTY BOARD OF SUPERVISORS:

AYES: Supervisors Totheroh, Griffiths, Pucci, Tillemans and Kingsley  
NOES: --0--  
ABSTAIN: --0--  
ABSENT: --0--

  
Chair, Inyo County Board of Supervisors

ATTEST:

Clerk of the Board

By Patricia Gunsolley  
Pat Gunsolley, Assistant

Exhibit 1 – CEQA Findings

Exhibit 2 – Mitigation Monitoring and Reporting Program

Exhibit 3 – Errata #3

Exhibit 4 – Exhibit L Adopted Amendments to the REGPA

Exhibit 5 - GPA No. 2013-02/Inyo County (Renewable Energy) including Table 3-1