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June 26, 2007

Gary Collord
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California Energy Commission
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DOCKET	
07 -OIR-1	
DATE	JUN 26 2007
RECD.	JUN 26 2007

SUBJECT: Response to Proposed Draft CEC Rules for Electric Transmission Corridor Designation Process/Docket No.07-OIR-1

Dear Mr. Collord:

The Board of Supervisors of Imperial County hereby responds to your proposed draft regulations for an electric transmission corridor designation process pursuant to Senate Bill 1059 (Stats. 2006, Ch. 638).

As you know, the County of Imperial has been involved in transmission corridor planning since the late-1970's, as a result of our development of the County's indigenous geothermal resources and the subsequent development thereof. This potential "green and renewable energy" development included the distribution of the electrical energy being generated into the local, regional and national electric grid system. For this reason in October 2006, the County of Imperial updated its General Plan by updating the "**Geothermal and Transmission Element**" to reflect the reality of the proposed transmission of energy being produced by existing and future geothermal power plants, natural gas plants, bio-mass plants, solar/hybrid plants and wind energy resources located within the County.

The General Plan's revised Element is now entitled the "**Geothermal/Alternative Energy and Transmission Element**" and identifies the various County, Federal and proposed 500-kV transmission line routes, e.g. the SDG&E "Sunrise Power Link" and the IID "Green Path" electric transmission corridors. In March 2007, the County's Planning and Development Services Director made a presentation to the CEC on the proposed Senate Bill 1059 indicating that there could be potential future impacts on the local permitting process in Imperial County, i.e. including a dual review for renewable energy project's when the CEC designates a future Electric Transmission Corridor Zone (TCZ) by the California Energy Commission within the County.

After a review the draft staff regulations for the "Electric Transmission Corridor Designation Process", the County is opposed to having another layer of review for renewable energy/green energy projects (e.g. geothermal, bio-mass, ethanol, natural gas, solar, wind) and the requisite electric transmission corridors that preempts the County land use regulations.

At the very least there should be consideration or exception for Counties that have an adopted "Transmission Element."

In furtherance of our concerns, please find the following comments on the proposed draft regulations:

- 1) Page 3, Chapter 6, Environmental Protection, Section 2401, subparagraph (2), the draft CEC regulations states it "...makes more efficient the licensing process that later considers whether to permit a transmission project within a designated corridor..." (emphasis added). As a "**State-Mandated Local Program**" on the County of Imperial, the Senate Bill and the CEC staff's regulations appear to reduce the environmental and licensing procedures that the CEC or a potential "applicant" must undergo to develop an electric transmission corridor within the State. However, because of the costs incurred by Imperial County in reviewing and possibly having to change the "***Geothermal/Alternative Energy and Transmission Element***" when a TCZ is designated by the CEC, the State should reimburse all such costs incurred by the County. The proposed draft regulations do not identify any potential cost recovery for revisions to the County's General Plan and/or its Zoning regulations. The draft regulations also state on page 21, subparagraph (10), "...a discussion of any plan changes (e.g., city/county general plan...that may present an obstacle to the proposed transmission corridor..." An obstacle for the County would be the costs incurred for updating its General Plan and all affected Elements from a CEC TCZ-designation in the County. A clarification on the "**reimbursement**" for all expenses involved in siting a TCZ in a City or County should be included.
- 2) Page 5 and 15, discusses the public noticing requirements for a TCZ-designation and states "...a list of current assessor's parcel numbers and owners' names and addresses for all parcels within and out to 500 feet of the outer boundaries of the proposed transmission corridor..." Because of the potential concerns of adjacent landowners regarding limitations on the future use of their property and diminishment of private property values, i.e. a regulatory "taking". It is recommended that due to the large acreage parcel sizes within the County that the final regulations propose a greater distance for public noticing, i.e. one-half (1/2) mile minimum.

- 3) Page 9, Section 2411, subparagraph (c), it indicates that the staff will prepare a "...final environmental impact report, including responses to written comments received on the draft report, and its final assessment of need..." The County, when completing a final EIR, provides a copy to all of the responding agencies and individuals prior to the decision-making body reviews the document. It is recommended that a sentence be added indicating that those responding to the draft EIR, will have an opportunity to review the final EIR on the commission's "website" prior to any decision is made on the proposed TCZ being designated.
- 4) Page 20, (i) "Land Use", subparagraph (1), it states "...In a section entitled "Land Use", the application shall include (1) a general description of existing and future land uses adopted by any federal, state, regional, and local planning agency/authority within the proposed transmission corridor zone..." A recommended addition to this section should include any land use decisions that would entail necessary conformance or changes to City or County General Plans, revisions to Zoning Ordinance and Zoning Maps. Examples of such land use decisions include, but are not limited to, general plan amendments, zoning changes, major/minor subdivision maps, and/or conditional use permits, any potential Agricultural Land Conservation Act (Williamson Act contract) cancellations, and any Airport Land Use Compatibility Plan consistency determinations required. The "reimbursement" mentioned in Section 2407, page 6, should also include any future costs for revising of the County's General Plan and Zoning regulations for any new transmission corridor zone that the CEC identifies and finds a need for within and through Imperial County.

A possible solution to limiting "duplication" within the County, and to provide for a coordinated analysis for future population and statewide energy needs, the **best way** of implementing SB 1059 requirements would be to **"delegate"** the designation of any future TCZ in Imperial County to the local decision-making body, i.e. the County Board of Supervisors. This would be through a General Plan Amendment, amending the **"Geothermal/Alternative Energy and Transmission Element"** with the County complying with all California Environmental Quality Act (CEQA) requirements as is the case currently.

With the ever-increasing number of renewable/green energy power plants being proposed within Imperial County, the most efficient method is and continues to be with the County handling such projects on the **local level!**

- 5) Page 18, (e) Water and Soil Resources, subparagraph (9), it states "...a discussion of potential impacts to soil resources...impacts to existing agricultural practices..." As mentioned above, one of the potential impacts of a TCZ designation by the CEC would be impacts to existing Williamson Act contracts. The final regulations should mention the potential for Williamson Act revisions, including possible revisions thereof.

- 6) Page 21, (j) Traffic and Transportation, subparagraph (3), it states "...identification of any designated airport safety zone, airport influence area, or air port referral area within or contiguous to the proposed transmission corridor..." The final regulations should indicate that any transmission corridor zone should be reviewed by the applicable Airport Land Use Commission for a review of the potential impacts to any affected airspace or airport environs located within a City or County jurisdiction.

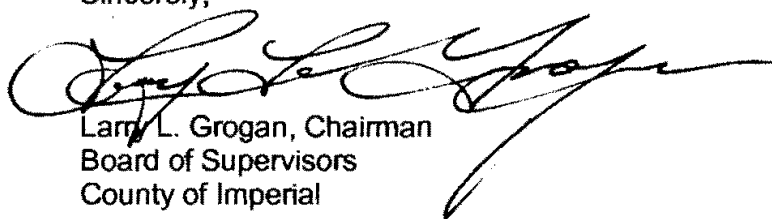
Lastly, we believe it incumbent that the CEC also delegate power plant siting authority up to at least 100 megawatts to counties that have through a proven track record the ability to process such projects effectively and efficiently. Imperial County specifically has shown that we can permit 49.9 megawatt plants properly and 100 megawatt plants would encourage renewable sources to be more fully developed.

Thank you for the opportunity to review and respond to the proposed CEC draft regulations for the electric transmission corridor zone designation process under Senate Bill 1059.

We look forward to reviewing the CEC's final regulations for implementation of the procedures for the siting of TCZ's statewide and the processing thereof.

If you have any questions, please contact Jurg Heuberger, AICP, Planning & Development Services Director at (760) 482-4236, extension 4310 or at Jurgheuberger@imperialcounty.net.

Sincerely,



Larry L. Grogan, Chairman
Board of Supervisors
County of Imperial

cc: Robertla Burns, County Executive Officer
Ralph Cordova, County Counsel
Jurg Heuberger, Planning Development Services Director
Calif. Energy Commission Correspondence File
File: 10.101, 10.102, 10.105, 10.109, 10.130, 10.133, 80.026