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February 17, 2015

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

California Energy Commission

DOCKETED

09-RENEW EO-1

TN # 74694

FEB 20 2015

**Re: Draft Desert Renewable Energy Conservation Plan, Environmental Impact Report, and Environmental Impact Statement
Docket No. 09-RENEW EO-01**

To Whom It May Concern:

On behalf of the Inyo County Board of Supervisors, thank you for the opportunity to review the Draft Desert Renewable Energy Conservation Plan, Environmental Impact Report, and Environmental Impact Statement (DRECP/EIR/EIS). We recognize and appreciate the tremendous effort that agency staff has put forth to develop the document.

Our Board wants to acknowledge and thank the California Energy Commission (CEC) for its grant through the Renewable Energy Planning Grants (REPG) program that has enabled Inyo County to pursue its commitment to renewable energy planning at the local level. Inyo County's "from the ground up" planning effort has been robust and enjoyed strong engagement from the public, and we expect to finalize our Renewable Energy General Plan Amendment (REGPA) soon. Given the amount of time, effort and money that all of our agencies have expended on renewable energy planning, and the amount of public participation these planning efforts have invited, we believe it is critical that every effort be made to align the DRECP planning objectives for Inyo County and Inyo County REGPA. Toward that end, we look forward to working with the Commission, the BLM and other agencies to sync the REGPA with the DRECP and to come up with a comprehensive and consistent plan for renewable energy development and associated conservation in Inyo County.

With that said, we continue to be deeply concerned that State tax exemptions for certain renewable energy facilities, and now some of the conservation policies being promulgated in the DRECP, create significant fiscal disincentives for rural local governments to even consider supporting the development of renewable energy facilities or some of the conservation objectives of the DRECP. These local tax issues create a fiscal overlay that thwarts and distorts and negatively amplifies many of the development and conservation objectives the DRECP seeks to promote. The tax exemptions, which we believe are unconstitutional, create an environment where solar energy facilities seldom pay for the increased demands the facilities place on local programs and services, much less provide any long-term economic benefit to the community. Similarly, when implemented, policies that encourage the acquisition of private property for conservation areas result in eliminating property tax revenue for local governments, schools, fire departments and other special districts. Rural counties want to be able to support State and Federal energy objectives, especially when associated with thoughtful conservation strategies and, ideally, see our communities benefit – both economically and environmentally – from these policies. However, these tax issues create significant socioeconomic impacts to rural local governments, many that are already disadvantaged relative to much of the rest of the State. This is particularly the case in Inyo County where less than two-percent of the County's land mass is privately owned, and economic development opportunities are already constrained. We cannot overstate the importance of addressing these fundamental inequities if the State and nation are to be successful in implementing the DRECP. Also during meetings regarding the DRECP with agency representatives, numerous mapping errors have been identified within the DRECP, including between various map sets and the Geographic Information System data. These errors make it difficult to provide input because we do not

know which data are accurate. These errors should be rectified, and corrected map sets distributed before the end of the public comment period so that we, the public, and other stakeholders can provide comments based on accurate information. In the absence of being able to submit comments based on correct mapping information, many of the County's comments must, understandably, be weighted on the side of caution with respect to interpretation of the mapping data.

The County has been participating in the DRECP for many years, and we incorporate herein our previous input by reference. We offer the following additional and supplemental comments regarding the Draft DRECP/EIR/EIS:

1. **Mitigation within Existing Protected Areas** – we are reassured that the DRECP is considering providing mitigation for renewable energy development on public lands, since less than two percent of Inyo County remains in private ownership. Our preference is to have mitigation on public lands in Inyo County steered towards existing protected areas, since almost two-thirds of our County has been designated Wilderness. We believe that the DRECP provides an excellent opportunity to restore scarred lands, eradicate non-native species, support the recovery of endangered species, and undertake other important work that current funding constraints may preclude on already protected lands. We understand that mitigation required for impacts of renewable energy projects, including transmission, needs to be directly associated with the specific impacts to covered species and natural communities, and that it may not be feasible to undertake restoration or other mitigation activities in already designated protected lands. However, we request that the DRECP agencies consider “protected lands” mitigation for covered species and natural communities wherever and whenever it may prove feasible.
2. **School Lands** – as we have previously indicated, we believe that State lands held in trust for schools provide an excellent opportunity to trade such lands for conservation and/or renewable energy development to benefit our schools. Such trades, however, should occur within a county to ensure benefits to local governments as well as the State. We reiterate our request that this concept be included in the DRECP.
3. **Development Focus Areas in the Owens Valley** – the Development Focus Areas (DFA) evaluated in several of the alternatives for the Owens Valley should be deferred. Through the County's Phase 1 work on the Energy Commission's REPG, it has been reiterated that renewable energy development in the Owens Valley is quite controversial and of significant public interest. The County is working on a Phase 2 REPG for the Owens Valley and Owens Lake to work with stakeholders to identify areas that may be acceptable.
4. **Lone Pine DFA** – specific impacts from development within the DFA being considered surrounding Lone Pine (including potential impacts to tribal lands and cultural resources) should be evaluated. This DFA includes mitigation lands and an educational farm; any impacts to these resources should be mitigated. Ideally, the DFAs should be specifically identified; in conjunction with, and consistent local planning efforts.
5. **DRECP Boundary** – as currently configured, the DRECP's boundaries may have the unintended consequence of focusing future renewable energy development north into the Owens Valley. We request that the Plan boundary be extended north to provide for enhanced protection for the Owens Valley. If not possible at this time, expansion of the DRECP boundary should be considered as part of any amendment to the DRECP or regional Management Plans.

Additionally, we believe the conservation planning area that extends to the northern DRECP boundary should be expanded east and west to encompass the entire Plan area north of Owens Lake in order to achieve greater conservation objectives.

6. **Transmission** - we believe that coordination is paramount in development of any transmission upgrades through Inyo County, and repeat our earlier requests for coordination. The County opposes any transmission upgrades through Inyo County that could provide capacity for increased renewable energy development beyond the 250 megawatts being provided for in local planning efforts. We note that the Owens Valley has already been identified as a corridor of concern.
7. **Coordination with the City of Los Angeles** – we encourage coordination with the City of Los Angeles and the County of Inyo to determine the appropriateness of the DRECP’s treatment of City lands within Inyo County.
8. **Calculating Renewable Energy Development** – we urge the State to include small-scale solar (such as roof top), geothermal, wind, and other small-scale renewable energy development in calculating its progress in meeting its targets.
9. **Inyo County Renewable Energy General Plan Amendment** – the Draft DRECP conflicts with the County’s draft REGPA. It is our hope that these conflicts can be minimized, if not eliminated, and synergy created between the two land use plans. In particular, the Lone Pine and Owens Valley DFAs and the Study Areas near Aberdeen, Stewart Valley, and a portion of those around Owens Lake are outside of the draft Solar Energy Development Areas (SEDA) identified by the County. Also, Conservation Management Areas (CMA), Conservation Priority Areas, Areas of Critical Environmental Concern (ACEC), National Landscape Conservation System (NLCS), and Special Recreation Management Areas (SRMA) are proposed within the SEDAs being considered by the County. We encourage the Agencies to work with the County to harmonize these planning efforts, and offer the following concepts for consideration.
 - a. As discussed previously, we request that the DFAs and Study Areas in the Owens Valley be deferred until the County completes its REPG Phase 2 work program. We hope that this process will work to build community support for potential renewable energy development and conservation around our communities, including potentially identifying appropriate lands within the Lone Pine DFA for solar energy development.
 - b. The County has identified megawatt and acreage caps for its SEDAs, including a 250-megawatt cap for the Western Group of SEDAs, corresponding with our understanding of the existing transmission capacity. This cap, as well as the other REGPA caps, should be incorporated into the DRECP.
 - c. We recommend that Owens Lake be considered for solar energy development, particularly in areas that have been disturbed for dust mitigation and do not support important habitats.
 - d. Through the REGPA process, we may consider reducing the size of SEDAs to better correspond with the DFAs.
 - i. We understand that the DRECP is working to provide connectivity for the Mojave Ground Squirrel in southwest Inyo County. We plan to consider reducing the extent of the Pearsonville and Rose Valley SEDAs to accommodate a corridor west of Highway 395. Note that we believe that these areas provide some of the best opportunities for solar energy development on disturbed lands.
 - ii. Property owners in Chicago Valley and Charleston View have requested that we include these areas as SEDAs. We plan to work with stakeholders to reduce the size of the Charleston View SEDA to more closely align with the DFA. We also plan to work with the property owner in Chicago Valley to refine that SEDA.

- e. Sandy Valley provides an excellent opportunity for development on disturbed lands in close proximity to electrical conveyance infrastructure. The CMAs in Sandy Valley should be eliminated.
 - f. The Study Area near Stewart Valley will significantly impact that community and should be excluded.
 - g. As requested above, we believe the conservation planning area that extends to the northern DRECP boundary should be expanded east and west to encompass the entire Plan area north of Owens Lake in order to achieve greater conservation objectives.
 - h. Note that the County's REGPA does not include wind, and that the DRECP is inconsistent in that wind technologies are not excluded. We continue to consider the appropriateness of solar thermal technologies in Inyo County. We request that technologies be addressed by the DFAs consistent with local planning efforts.
10. **Programmatic Analysis** – significant detail is available to analyze specific aspects of the proposals, including the proposed DFAs and conservation areas at a programmatic level, as well more definitively. For example, the proposed DFAs include precise boundaries, which can be utilized to identify detailed potential impacts. While in some instances the EIR/EIS evaluates such impacts appropriately, it does not for others (such as land use and planning, public services, etc.).
11. **Land Exchanges** – The Plan should provide a policy framework to work to release public lands in Inyo County, particularly in light of the conservation strategy to acquire private lands. If private property is acquired for conservation in Inyo County, other public lands should be released in Inyo County to offset impacts to the County's tax base.
12. **Conservation** – We have questions and concerns about the vast scale of the proposed conservation strategy in Inyo County.
- a. The Conservation Priority Area includes large swaths of the County's little remaining private lands. As discussed elsewhere, acquisition of these lands will result in significant socioeconomic impacts to the County, which should be rectified. Property owners of lands targeted for acquisition should be compensated for the diminished value of the lands due to the DRECP.
 - b. While we appreciate that the proposed ACEC and NLCS are intended to preclude renewable energy development, we are concerned about the scale of the proposed designations. Specifically, many of these areas are currently open to a variety of multiple uses, and we want to ensure that these multiple uses are not displaced by these designations. If there exists any potential for ACEC and NLCS designations to displace multiple uses on these areas we note that the Draft EIR/EIS does not evaluate the associated potential direct, indirect, and/or induced effects. The County supports the NLCS designations, if they are crafted in a manner that ensures the ability to continue to accommodate multiple uses, including mining.
 - c. The Draft EIR/EIS does not adequately evaluate the conservation strategy's impact to Inyo County. Due to the relative size of the County and the scale of the conservation proposed, the loss of private lands to accommodate the conservation strategy will be significant. In light of the County's limited land base, the cost to the County of these actions will be to the detriment of future economic development potential, as well as reductions in tax revenues. These actions will also significantly impact local schools, fire departments and other special districts, many of which are already struggling with the cumulative impacts of the ever-shrinking private land supply.

- d. The Biological Goals and Objectives approach to the Mojave Ground Squirrel is overreaching. Flexibility should be incorporated to provide for on-the-ground conditions.
 - e. We object to conservation designations being applied to private lands.
13. **Socioeconomics** – the Draft EIR/EIS inadequately evaluates potential socioeconomic effects to Inyo County
- a. The socio-economic analysis only evaluates incorporated cities with more than 10,000 people. Inyo County has no community that meets this criterion, resulting in no meaningful localized analysis for Inyo County.
 - b. Inyo County includes significant minority and low-income populations that are regularly overlooked due to our unique circumstances. Because of the County's small size and large geographic scale, these communities are often lost when evaluating potential socioeconomic impacts. For example, the residents of the community of Charleston View have relatively low incomes, but this fact is overlooked due to the census-based analytic approach. Alternative methods, such as community surveys, should be employed to address these issues in small disparate communities.
 - c. Inyo County's economy is relatively small and fragile; renewable energy development has the potential to cause significant swings in the economy, resulting in a boom-bust cycle that can lead to rural decay. Given the programmatic nature of the EIR/EIS and the potential overall effects of these impacts, this is the time to evaluate these potential effects. Inyo County Code (ICC) Title 21 provides an excellent method to address such impacts.
 - d. The analysis' approach to the proposed conservation strategies provides limited data and inconclusive outcomes. Given the programmatic nature of the EIR/EIS and the potential overall effects of the conservation actions, this is the time to evaluate these potential effects.
 - e. Similar to Payment in lieu of Taxes, revenues should be provided to the County to offset the costs of renewable energy development and conservation. Methods that should be considered include revenue sharing and royalty payments.
14. **Land Use and Planning** – we appreciate the EIR/EIS' recognition of the County's land use planning efforts, including ICC Title 21, as well as proposed mitigation requiring actions to address any inconsistencies.
- a. Landscape-scale consistency analyses should be undertaken to identify inconsistencies at this level. The conservation strategy in particular conflicts with the Inyo County General Plan, and the proposed modifications to land use in the County are incongruent. Given the programmatic nature of the EIR/EIS and the potential overall effects of the DRECP, this is the time to evaluate these potential effects.
 - b. The proposed conservation could divide targeted communities, a topic which is not evaluated by the draft EIR/EIS. For example, acquisition of conservation lands within Olancha could impede access between neighborhoods.
15. **Public Services** – the Draft EIR/EIS' statement on page IV.22-14 that conservation actions would have an overall positive effect on public services does not apply in Inyo County. It is unclear how conservation management actions would ensure less than significant effects on public services, and the EIR/EIS should elaborate such presumptions. Due to the scale of the conservation strategy, significant impacts to local governments can be expected in Inyo County as private lands are taken for conservation and the County's (and other local agencies') tax bases are diminished. Coupled with the tax exemption provided for solar energy development and its demand for services that are not offset by tax revenues, the conservation strategy has the potential to decimate local government finances. ICC Title 21 provides an excellent method to mitigate impacts to public services.

16. **Airport Safety Hazards** – the Draft EIR/EIS only identifies one airport (apparently Independence) within the Plan area in Inyo County, but does not identify any others, such as the Lone Pine, Trona, and Shoshone airports. Particular attention should be given to airport safety hazards in Lone Pine and Trona given the DFA and Study Area around those airports. The statements on pages III.22-26 and III.22-29 that there are no airports in the Owens Valley, Panamint/Death Valley, or Kingston/Funeral Mountains ecoregions are incorrect.
17. **Landfills** – the Draft EIR/EIS does not identify any landfills within the Plan area in Inyo County. The statements on pages III.22-26 and III.22-29 that there are no landfills in the Owens Valley, Panamint/Death Valley, Kingston/Funeral Mountains ecoregions are incorrect.
18. **Groundwater** – as is well documented, groundwater extraction is a significant issue in Inyo County. The Plan can be expected to result in additional water use within the County. We applaud the DRECP's incorporation of groundwater management plans through conservation management and mitigation, but are concerned that impacts are considered significant and unavoidable. The County's Groundwater Ordinance should be cited (refer to Inyo County Code Chapter 18.77) and references provided in the mitigation to evaluate local agencies' surface and groundwater regulations. Due to the remote nature of many of the groundwater basins in Inyo County and the County's lack of resources to monitor groundwater in those basins, mitigation should include a requirement to assist local agencies in monitoring groundwater per State requirements. Mitigation measures should be identified to preclude significant impacts.
19. **Transportation and Public Access** – given our experience with renewable energy development, we are concerned about traffic and circulation impacts, particularly in remote locations. We recommend that coordination with local jurisdictions be undertaken to preclude significant effects. We are also concerned about the conservation plan's impacts to circulation and public access.
20. **Minerals** – We are concerned that new mineral exploration and extraction will not be permitted in the DFAs and in some of the lands designated for conservation, such as the reserve design system. A mineral withdrawal is recommended for all DFAs and, while NLCS designations proposed by the DRECP preferred alternative do not contain a mineral withdrawal, we are concerned there could be limitations on mining in these areas. We are also concerned about the possible impact of land acquisition on mineral resources. Mining is one of the few remaining industries in Inyo County that provides high-paying jobs and adds diversity to the local economy. We would like to see mining be permitted in DFAs, where it does not conflict with energy development. We would also like to ensure that NLCS designations allow for continued mineral exploration and mining subject to valid existing rights.
21. **Agricultural and Livestock Grazing Resources** – the EIR/EIS should evaluate potential impacts of acquiring private lands on agricultural and livestock grazing resources. The setting sections should also include agricultural and livestock grazing resources on non-public lands. We applaud the approach to the mitigation proposed for livestock grazing. Mitigation should also include providing for alternative areas for grazing and agriculture displaced by DFAs and/or conservation.
22. **Recreation** – recreation is an important an ever-increasingly important sector of the County's economy. The EIR/EIS's finding that impacts will be significant and unavoidable is unacceptable. Access to recreation should be maintained and enhanced by the Plan, and mitigation measures should be considered to accomplish these goals.

23. **Cumulative Impacts** – the cumulative projects list should include the Coso Geothermal and Crystal Geyser projects. We reiterate our concerns described above for potential cumulative impacts.
24. **Mitigation Monitoring Program** – the mitigation monitoring program should be expanded to include mitigation measures identified in the EIR/EIS. It would also be helpful to include the conservation strategies referenced in the EIR/EIS to evaluate how they will be executed and complement the mitigation measures.

Thank you again for the continuing opportunity to participate in development of the DRECP. If you have any questions, please contact County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 or by email at kcarunchio@inyocounty.us.

Sincerely,



Supervisor Matt Kingsley, Chairperson
Inyo County Board of Supervisors

cc: County Administrative Officer
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