Agenda

County of Inyo
Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: *(1)* In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). *(2)* If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).
Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

March 10, 2015

9:15 a.m. 1. ***PUBLIC COMMENT***

CLOSED SESSION

2. ***CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]*** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators - County Administrative Officer, Kevin Carunchio, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.

3. ***CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]*** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: - County Administrative Officer, Kevin Carunchio, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.

OPEN SESSION

10:00 a.m. ***PLEDGE OF ALLEGIANCE***

4. ***REPORT ON CLOSED SESSION AS REQUIRED BY LAW.***

5. ***PUBLIC COMMENT***

6. ***INTRODUCTION*** – Mr. Rick Benson, Assistant County Administrator, will be introduced to the Board.

CONSENT AGENDA (Approval recommended by the County Administrator)

7. ***COUNTY ADMINISTRATOR - PUBLIC WORKS***

Request your Board concurrently: A) Accept title to the National Oceanic Atmospheric Building at the Bishop Airport from the National Oceanic Atmospheric Administration; and B) Approve and ratify Lease No. 15WSW0215C, effective December 1, 2014, which provides the National Oceanic Atmospheric Administration with no cost continued occupancy of a portion of the building for the National Weather Service which will continue to operate and maintain its equipment in the building, and authorize the Public Works Director to sign. And, © Authorize the County Administrator to execute any additional documents that may be associated with the above transaction.

8. ***COUNTY ADMINISTRATOR***

Personnel - Request Board approve a resolution titled "A Resolution of the County of Inyo, A political Subdivision of the State of California, Adopting Safe Harbors Under the Patient Protection and Affordable Care Act"

9. ***Recycling and Waste Management*** – Request Board approve a resolution titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Opting to Affirm an Exemption From the Requirements of Mandatory Commercial Organics Recycling"

DEPARTMENTAL (To be considered at the Board's convenience)

10. ***COUNTY ADMINISTRATOR – Alabama Hills National Scenic Area*** – Request your Board consider correspondence supporting legislation introduced by Congressman Paul Cook to establish the Alabama Hills National Scenic Area.

11. ***PLANNING*** – Receive a presentation from staff regarding the activities of the County's Yucca Mountain Repository Assessment Office.

12. ***PLANNING*** – Discuss the Owens Lake Master Project, confirm the participation of Supervisors Kingsley and Griffiths on the Planning Committee, and provide direction.

13. ***COUNTY ADMINISTRATOR – Parks & Recreation*** – Request your Board: 1) Declare an emergency as allowed by Public Contracts Code sections 20134 and 22050, order and authorize the County Administrator to proceed at once to replace four (4) wells that provide potable water to campers and day-users at Pleasant Valley Campground, Baker Creek Campground, Tinnemaha Creek Campground and Taboose Creek Campground which are currently shut down as unsafe due to the presence of coliform bacteria without the necessity of formal bidding. *(4/5 vote)* 2) Approve the bidding process used to secure a prompt response to this emergency due there being no partial fix to the situation and new wells must be drilled. *(4/5 vote)* 3) Award a bid to Boetsch Well Drilling of Mojave, California in the amount of $40,052.00 for the emergency construction of the domestic water supply replacement wells located at Pleasant Valley Campground, Baker Creek Campground, Tinnemaha Creek Campground and Taboose Creek Campground and authorize the Board Chair to sign the project contract contingent upon obtaining appropriate signatures. *(4/5 vote)*

14. ***ASSESSOR*** – Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Administrative Analyst position comes from the General Fund, as certified by the Assessor, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment; and C) approve the hiring of one Administrative Analyst I at Range 68 ($4,106 - $4,988).

15. ***WATER*** – Request Board: A) change the authorized staffing of the Water Department by deleting 1.0 FTE Senior Hydrologist at Range 82 ($5,725-$6,951) (7 hour position), by adding one Scientist Series, Associate Scientist Range 78 ($5,199-$6,319), Scientist Range 80 ($5,450-$6,628), or Senior Scientist at Range 82 ($5,725-$6,951) specializing in hydrology (8 hour position); B) find that consistent with the Authorized Position Review Policy; C) funding for this position comes from the Water Projects Fund as certified by the Water Director and concurred by the County Administrator and the Auditor-Controller; D) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure the most qualified applicants apply; and E) approve the hiring of an Associate Scientist Range 78 ($5,199-$6,319), Scientist Range 80 ($5,450-$6,628, or Senior Scientist Range 82 ($5,725-$6,951) specializing in hydrology at the Range given above, contingent upon qualifications.

16. ***CLERK OF THE BOARD*** – Request approval of the minutes of the Board of Supervisors Regular Meetings of February 17, 2015.

TIMED ITEMS (Items will not be considered before scheduled time)

WORKSHOPS AND PRESENTATIONS (To be considered at the Board's convenience)

CORRESPONDENCE – ACTION

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

17. ***COUNTY DEPARTMENT REPORTS*** *(Reports limited to two minutes)*

18. ***PUBLIC COMMENT***

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

19. ***SHERIFF'S DEPARTMENT*** – Sheriff and Jail Overtime Report for the Month of December, 2014.

20. ***CONGRESS OF THE UNITED STATES-Congressman Paul Cook*** – Regarding the Draft Desert Renewable Energy Conservation Plan.

For Clerk's Use Only:
AGENDA NUMBER
7

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

X Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: County Administrator / Public Works

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: National Oceanic Atmospheric Administration Building at Bishop Airport

DEPARTMENTAL RECOMMENDATION:

Request your Board concurrently:

A. Accept title to the National Oceanic Atmospheric Administration Building at the Bishop Airport from the National Oceanic Atmospheric Administration; and,

B. Approve and ratify Lease No. 15WSW0215C, effective December 1, 2014, which provides the National Oceanic Atmospheric Administration with no cost continued occupancy of a portion of the building for the National Weather Service which will continue to operate and maintain its equipment in the building, and authorize Public Works Director to sign.

And,

C. Authorize the County Administrator to execute any additional documents that may be associated with the above transaction.

SUMMARY DISCUSSION:

In 1978, the County of Inyo and National Oceanic Atmospheric Administration (NOAA) entered into a ground lease to allow NOAA's National Weather Service (NWS) to construct, operate and maintain a weather observatory at the Bishop Airport. This is the slump stone building on the right-hand side of the paved driveway approaching the terminal building. A few years ago, NWS determined that it no longer had a need for an ownership interest in the building and, subsequently, NOAA reported the building as excess to the U.S. General Services Administration (GSA). The GSA determined the building was surplus effective December 1, 2014 (see November 19, 2014 correspondence from GSA to NOAA). The GSA's determination allows NOAA to consider the building as abandoned and transfer title to the County.

As indicate in the attached letter, NOAA will transfer title to the building to the County upon the County executing a lease, effective December 1, 2014, that will continue to allow the NWS to continue to use a portion of the building, at no cost, to maintain and operate its weather monitoring equipment. A copy of the lease is attached.

The lease is a standard federal lease and NOAA representatives have indicated that it is not further negotiable. Nor, in light of the benefits the County is obtaining – a free building that will greatly enhance the County's

operational flexibility at the Bishop Airport – would attempting to revise the lease in favor of the County's standard lease preferences be advisable.

Once the County executes the lease, the title will be considered transferred from NOAA to the County. NOAA staff has indicated that there is no more documentation to come (e.g., there is no piece of paper that transfers title). NOAA have affirmed that the GSA's letter confirms the building is surplus to the federal government and that NOAA can leave the building in its place and that its title automatically transfers to the County upon execution of the new lease. If, however, it turns out additional documentation is required, staff will work with NOAA representatives to complete any associated documentation and an affirmative action by your Board will allow the County Administrator to execute any additional documents that may be necessary on behalf of the County.

NOAA has completed an Environmental Summary relative to this transaction which is also attached.

ALTERNATIVES:

Your Board could choose not to execute the lease, however, this is not advisable since ratifying the lease will provide the County with an additional building to use in operation of the Bishop Airport at precisely a time that the County may be looking to expand airport operations. The proposed lease and title transfer have been the subject of discussions between County and NOAA representatives for several years and represent a significant amount of good faith effort.

OTHER AGENCY INVOLVEMENT:

NOAA, NWS, GSA, and Inyo County Public Works Department

FINANCING:

The County will acquire the building at no cost upon entering into a no cost lease with NOAA to allow the NWS to continue to use a portion of the building for its weather observing equipment.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Margaret Kemp-Williams Approved: ✓ Date 03/04/15
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Date: 03-04-2015
(The Original plus 20 copies of this document are required)

U.S. GOVERNMENT LEASE FOR REAL PROPERTY

DATE OF LEASE:	LEASE NO: 15WSW0215C

THIS LEASE under the authority of 40 U.S.C. 585, as delegated under 41 CFR §102-73.175, is made and entered into this date by and between

County of Inyo, a political subdivision of the State of California ("County"), Director, Inyo County Department of Public Works

Whose address is: 168 North Edwards Street, P.O. Box Q, Independence, CA 93526

hereinafter called the LESSOR, and the UNITED STATES OF AMERICA, hereinafter called the Government or Lessee:

WITNESSETH: The parties hereto for considerations hereinafter mentioned, covenant and agree as follows;

That, in consideration of the benefits to the LESSOR and to the UNITED STATES OF AMERICA, hereinafter referred to as the GOVERNMENT, and of the covenants and agreements to be kept and performed by the GOVERNMENT, the LESSOR does hereby grant a Lease for the use of the premises, services, and facilities hereinafter described or other mutually acceptable locations for the installation, operation, maintenance, repair, replacement, and removal of Automated Surface Observing System (ASOS) equipment including, but not limited to: field sensor group(s), acquisition control unit (ACU), communications and peripheral equipment, antenna(s), and connecting cables together with electrical power for operation of the GOVERNMENT-OWNED equipment.

1. **Lease of Premises.** County hereby leases to Lessee the property, more specifically described as follows and referred to herein as Leased Premises, consisting of portions of the Eastern Sierra Regional Airport (ESRA) as described as follows:

The portion of the building located therein, specified herein, constructed and installed by Lessee at 690 AIRPORT ROAD, BISHOP, CALIFORNIA, pursuant to Lease Agreement dated March 7, 1978, utilized by Lessee to house and maintain equipment used by Lessee for a weather station, which building is more specifically located at:

Commencing at a point in the west line of said Section, distant thereon North 0°05'59" West 3518.99 feet from the southwest corner thereof; thence south 71°14'22" East 138.08 feet to the true point of beginning; thence North 89°36'53" East 120.00 feet; thence South 0°20'07" East 120.00 feet; thence South 89°39'53" West 120.00 feet; thence North 0°20'07" West 120.00 to the true point of beginning.

The Leased Premises shall include and be limited to the following:

a) Room 103 located with said building;
b) The antenna tower located outside and adjacent to said building;
c) The antenna pole located outside said building;
d) The underground cabling used for power and data transmission lines located between said building and the antenna tower and antenna pole; and
e) Two (2) designated parking places located in the parking lot serving said building.

County hereby reserves its right to occupy and use that portion of the Leased Premises not used by Lessee for its weather station equipment and Lessee hereby consents to County's use and occupancy of the remaining portion of the Leased Premises.

2. **Term.** TO HAVE AND TO HOLD the said premises for the twenty (20) year term beginning on December 1, 2014 through November 30, 2034, subject to termination and rights as may be hereinafter set forth.

3. **Rent.** Consideration for this Lease shall be the relinquishment of Real Property, by Conveyance consisting of the building constructed by Lessee at 690 Airport Road, Bishop, California, including all fixtures existing as of the effective date of this lease. The Government shall pay the Lessor annual rent of $0.00.

4. **Termination.** The Government may terminate this lease at any time by giving at least sixty (60) calendar days' notice in writing to the Lessor, and no rental shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

5. **Permitted Use.** The leased premises shall be used only as a weather station, with supporting facilities and equipment, and for no other purpose, unless Lessee obtains the express written consent of the County to conduct a different activity.

6. **Interference.** If at any time before the expiration of this Lease the LESSOR desires to change the location of the sites furnished to the GOVERNMENT pursuant to this Lease, or the LESSOR changes or modifies its facilities (runways or other areas), or allows others to change or modify such facilities in such a manner so as to adversely affect or render useless the GOVERNMENT'S equipment, facilities, and/or related power, control, or signal lines, any cost for repair or for removal of said equipment, facilities, and/or related power, control or signal lines to another site acceptable to the GOVERNMENT shall be at the expense of the LESSOR. If at any time prior to the expiration of this Lease the GOVERNMENT desires to change the locations of the site furnished to it by the LESSOR, all costs related to moving the equipment, facilities and/or related power, control, or signal lines shall be borne by the GOVERNMENT.

7. **Access.** For the duration of this Lease, and at no additional cost to the Government, the Lessor is responsible for ensuring the Government, its employees, authorized representatives, contractors, subcontractors and Licensees will have access to the Premises at all times. The use of adjacent County airport property hereby granted by this lease shall be subject to all applicable rules and regulations, Federal, State, and County, governing use of said airport facilities. When applicable, the Lessor will provide the Government with at least two keys or the combination or code for any security fencing.

8. **Equipment.** Lessor covenants and agrees that no part of the Equipment placed or affixed to the Property by the Government will become, or be considered part of, the Premises; the Government's Equipment will remain the Property of the Government.

9. **Operations, Maintenance & Utilities.** (a) The Government will keep and maintain the Government's equipment in good condition, reasonable wear and tear excepted; (b) Lessor will maintain, repair, and keep in good and tenantable condition, the Premises, the equipment building along with its air conditioning and the access onto the Property; (c) the Lessee shall arrange for electricity through a separate agreement.

10. **Taxes and Assessments.** The Lessee shall not be responsible for the payment of any taxes, tax escalations, assessments, or fees levied on the premises or on Lessee's interest in or right to use the leased premises or improvements thereon as may be created by this Lease.

11. **Hazardous Materials.** Lessee shall not cause or permit any Hazardous Materials to be brought upon, or discharged upon the Leased Premises, kept or used in or about the leased premises by Lessee, its agents, employees, contractors or invitees without the prior written consent of Lessor (which Lessor shall not unreasonably withhold or delay as long as Lessee demonstrates to the Lessor's reasonable satisfaction that such Hazardous Material is necessary or useful to Lessee's business and will be used, kept and stored in a manner that complies with all laws regulating any such Hazardous Material so brought upon, used or kept in or about the Leased Premises). If Lessee breaches the obligations stated in the preceding sentence, or if the presence of Hazardous Material on the property caused or permitted by Lessee results in contamination of the leased premises, or if contamination of the leased premises by Hazardous Material otherwise occurs for which the Lessee is found liable by a federal court of competent jurisdiction, then the Lessee's rights and responsibilities shall be as provided by applicable federal, state, and local laws and regulations. In the event that the County has liability for environmental, investigatory, monitoring or cleanup costs related to the contamination of the leased premises by Hazardous Material as ordered by a federal, state, or local agency, or federal court, of competent jurisdiction, the Lessor shall immediately notify Lessee and Lessee shall provide the County the opportunity to enter the property to conduct investigatory, monitoring, or cleanup work. In the event that the Lessee is responsible for any investigatory, monitoring, or cleanup work on the leased premises after termination of the lease term, Lessee shall have the right to enter the leased premises for performance of such obligation.

12. **Authority to Lease**. Lessor covenants that Lessor's interest in the Property is sufficient to enter into this Lease, and that the Government may reasonably request evidence of said interest.

13. **Successors Bound (SEP 1999).** This lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.

14. **Claims.** The Government is self-insured. It agrees to promptly consider and adjudicate any and all claims which may arise out of use of the Lessor's Property/Premises by Government or duly authorized representatives or contractors of the Government and to pay for any damage or injury as may be required by Federal law. Such adjudication will be pursued under the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. or other such legal authority as may be pertinent. The Government also agrees to consider and adjudicate any claims for damage or injury sustained by Government personnel in the performance of their official duties while on the Lessor's premises. Such adjudication will be made pursuant to the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., or other such legal authority as may be pertinent.

15. **Correspondence.**

Correspondence to Lessor is to be sent to:

Director of Public Works
County of Inyo
168 North Edwards Street, P.O. Box Q
Independence, California 93526

Correspondence to the Government is to be sent to:

United States Department of Commerce
NOAA Real Property Management Division
7600 Sand Point Way NE (WC4) FLD 1
Seattle, WA 98115
Attn: Contracting Officer

16. **Exhibits and Attachments.** The following are attached and made a part hereof:

A. Conveyance documents to Inyo County

17. The following were made in this lease prior to its execution:

This lease is to be executed simultaneously with the conveyance of the WFO Building to Inyo County by GSA.

18. This Lease number 15WSW0215C replaces and succeeds Lease number 91ABF333.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

LESSOR: Director, Inyo County Department of Public Works

BY _____ _____
Signature Name (Print), Title, & Date

IN THE PRESENCE OF:

BY _____ _____
Signature Name (Print), Title, & Date

UNITED STATES OF AMERICA

Signature _____ LORI L. TORRES
Department of Commerce
Real Property Contracting Officer
Name of Contracting Officer (Print) & Date

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Administrative Officer
Real Property Management Division Western Region
7600 Sand Point Way NE, WC41, Seattle, Washington 98115

January 15, 2015

County of Inyo
168 North Edwards Street
P.O. Box Q
Independence, CA 93526
Attn: Director, Inyo County Department of Public Works

Dear Sir or Madam:

The National Oceanic Atmospheric Administration (NOAA/Government) and Inyo County entered into Lease Agreement 06-78-E04-14 in 1978 for land on which NOAA's National Weather Service (NWS) would construct, operate, and maintain a Weather Observatory at the Bishop Airport. NWS has determined it no longer has a need for an ownership interest in the Weather Observatory building and NOAA reported it excess to the U.S. General Services Administration (GSA). GSA determined the building was surplus to the Government effective December 01, 2014 (attached). GSA's determination allows NOAA to consider the building as abandoned and cleared the way for title to be transferred.

In consideration of mutual benefits, the County and NOAA agreed that title to the building would transfer concurrently upon the County's execution of Lease No. 15WSW0215C which provides NOAA with continued no-cost occupancy for NWS to operate and maintain its equipment.

This letter confirms (a) that the 1978 lease is terminated; (b) that NOAA has officially abandoned the building; and (c) that NOAA surrenders title to the County upon County executing the above mentioned Lease effective 12/01/2014. The County advised NOAA that it accepts abandonment of the building and assumes all right, title, and interest of the Governments building as it existed on 12/1/2014, and that NOAA is relieved of any further responsibility therefore. The County acknowledges it has received a copy of NOAA's Environmental Summary (previously sent with a duplicate copy attached).

Please enter 12/01/2014 on the attached Lease as the effective date at the top of page one; sign and witness on page 3; and return two originals to this office attention Lori Torres. Lori will counter sign and return one original for your files.

Thank you for your support of NOAA's National Weather Service. If you have any questions, please feel free to contact me during Lori's absence at (206) 526-4400 or email richard.vonwittkamp@noaa.gov or Lori after Jan 22 at 206-526-6381 or email lori.l.torres@noaa.gov.

Sincerely,

Richard Von Wittkamp
Real Property Contracting Officer

Enclosures

GSA

November 19, 2014

Lori Torres
Realty Specialist - Real Property Contracting Officer
Real Property Management Division, Western Region
National Oceanic and Atmospheric Administration
7600 Sand Point Way NE (WC4-FLD 1)
Seattle, WA 98115-6349

Re: Weather Service Office (WSO) Property ID: CAW00501
GSA Control No. 9-C-CA-00035-S

Dear Lori:

Please be advised that, effective December 1, 2014, the General Services Administration Office of Property Utilization & Disposal, Auburn Field Office hereby concurs, pursuant to §102-75.990 (a) of the Federal Management Regulation, with NOAA's determination to abandon the Weather Service Office (WSO) Property ID: CAW00501, consisting of a 1,176 structure constructed circa 1979, located on land owned by the Bishop Airport south of runway7/ 25, west of runway 16/34 and immediately east of the Airport's terminal building, with an address of 690 Airport Road, Bishop, CA 93514, because it has no commercial value or the estimated cost of continued care and handling exceeded the estimated proceeds from its sale.

If we can be of any further assistance, please contact Andrew Schwartz at andrew.schwartz@gsa.gov or (253) 931-7556. Thank you.

Sincerely,

Blaine Hastings,
Manager
Real Property Utilization and Disposal (9PZ-F)
400 15th Street SW
Auburn, WA 98001

Environmental Summary
Former NWS Bishop Weather Service Office (WSO)
Located at the Bishop Airport
Bishop, California
(September 2012)

Description

The former NWS Bishop WSO is an approximately 1,150 square foot single story building, constructed in 1979, that is supported on a concrete foundation, which has a concrete floor slab, wood framing, brick exterior, slump block veneer, and sloped clay tile roof. The building is located on Bishop Airport south of runway 7/25 and west of runway 16/34, immediately east of the airport's terminal building. The building is located within an area developed for airport infrastructure bordered on its east side by a large gravel lot used for airport parking and trailer storage. The remaining sides generally consist of natural arid vegetation and soil, but the building and its immediate surroundings are bordered by an asphalt road that leads to the airport terminal, aircraft hangars, and miscellaneous airport buildings/structures (see Figure 1).

Current Situation

The former Bishop WSO building is under review by NOAA for mission need and possible disposal. The leaseholder (Inyo County) has expressed in interest having the building transferred to them. If a transfer in building ownership occurs, NOAA/NWS will require continued access to the building and continued use of an equipment room and a tower that supports NWS equipment. The following section provides an environmental discussion for the building that pertains to transferring ownership of the building. This discussion may not pertain to other types of proposed activities (e.g. demolition) for the building.

Environmental Discussion

The former Bishop WSO building, being constructed in 1979, is not likely to contain lead-based paint or polychlorinated biphenyls (PCBs). The use of asbestos in manufactured items was phased out in 1980, so it is possible that asbestos may be present, but the types of materials used for the building's structural and main components generally do not contain asbestos. An asbestos survey has not been performed for the building, but if asbestos is present, it is likely to be confined to floor tiles, mastic, window glazing, and other types of asbestos containing materials (ACMs) that are typically characterized as intact and non-friable, and do not pose a health hazard.

The building is not located within a floodplain or wetlands. Due to building's age, architectural design, and past use, it is not likely to be eligible for the National Register of Historic Places (NRHP). Per NWS staff input, no underground storage tanks (USTs) have been located on the property and no release of petroleum products has been reported. In addition, due to the building's past use and operation as a NWS

WSO, it is unlikely that any hazardous substances have been stored or released within or in the vicinity of the building.

Environmental Recommendation

Given the former NWS Bishop WSO building's past use, location, and architectural design, I don't recommend any additional environmental studies and actions be performed for disposing of the building and transferring its ownership to the leaseholder (Inyo County).

If you have any questions, please contact me by my e-mail address: mark.george@noaa.gov or by phone (303/497-3064).

Mark George, P.E.
NOAA Environmental Engineer

For Clerk's Use Only:
AGENDA NUMBER
8

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

xxxConsent Departmental ☐Correspondence Action ☐ Public Hearing

Scheduled Time for ☐ Closed Session ☐ Informational

FROM: County Administrator

FOR THE BOARD MEETING OF March 10, 2015

SUBJECT: Affordable Health Care Act Resolution

DEPARTMENTAL RECOMMENDATION:

A Resolution of the County of Inyo, A Political Subdivision of the State of California, Adopting Safe Harbors Under the Patient Protection and Affordable Care Act."

SUMMARY DISCUSSION:

Effective January 1, 2015, the Affordable Care Act mandates that a large employer (at least 50 full time employees, including full-time equivalents) offer affordable health care to substantially all of its "full-time" employees or face potential penalties. The penalties are triggered when a "full-time" employee obtains subsidized coverage through Covered California, California's health benefits exchange.

The new law defines a "full-time" employee as one who averages 30 or more hours of service per week in any given month. However, the Internal Revenue Service (IRS) allows employers to adopt a "Look Back Measurement Method Safe Harbor" to determine whether an employee is "full-time" for purposes of calculating the ACA penalties. Under this Safe Harbor the County looks back at a defined period of time (e.g. twelve months) to determine each employee's hours rather than averaging hours on a monthly basis. The implementation of this Safe Harbor will require that the County meet specific legal restrictions relating to the timing and length of the periods that must be established and rules associated with the operation of this Safe Harbor. The IRS also allows the County to adopt affordability safe harbors to confirm that the County's health plans are affordable. The ACA mandates continue to change as the Departments of Treasury, Labor and Health and Human Services issue guidance and regulations. We recommend that the Board adopt the safe harbors pursuant to the attached Resolution and delegate authority to the County Administrative Officer or his/her designee to implement and amend an ACA Plan/Policy that will describe the operation of these safe harbors in compliance with the ACA.

ALTERNATIVES:

OTHER AGENCY INVOLVEMENT:

County Counsel, Personnel, Auditor-Controller

FINANCING:

Non-general fund departments will be responsible for all increased costs. General fund departments will be covered by budget.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Margaret Kemp-Williams Approved: ✓ Date 03/04/15
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS *(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Sue DC Approved: J Date 3/4/15

DEPARTMENTHEADSIGNATURE: Kevin Carunchio by SD Date: 3/4/15
(The Original plus 20 copies of this document are required)

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY OF INYO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, ADOPTING SAFE HARBORS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

WHEREAS, the Patient Protection and Affordable Care Act ("ACA") was enacted on March 23, 2010;

WHEREAS, ACA added Section 4980H Shared Responsibility for Employers Regarding Health Care Coverage (Section 4980H) and Section 6056 Certain Employers Required to Report on Health Insurance Coverage (Section 6056) to Title 26 of the United States Code, the Internal Revenue Code;

WHEREAS, Section 4980H imposes an assessable payment on an applicable large employer when (1) it fails to offer "substantially all" of its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage or offers coverage to "substantially all" of its full-time employees (and their dependents), but that coverage is either "unaffordable" or does not provide "minimum value" and (2) any full-time employee is certified to the employer as having received a subsidy for coverage through the exchange ("Assessable Payment");

WHEREAS, Section 6056 requires an applicable large employer to file with the Internal Revenue Service an annual return for each full-time employee;

WHEREAS, the County of Inyo "County" is considered an applicable large employer because it employed an average of at least 50 full-time employees (including full-time equivalents) on business days during the preceding calendar year;

WHEREAS, the Department of Treasury issued final regulations regarding Section 4980H that permit the County to adopt the Look Back Measurement Method Safe Harbor in order to determine the status of an employee as "full-time" for purposes of reporting and calculating the Assessable Payment, if any (79 Federal Register 8544, 8586, February 12, 2014);

WHEREAS, the County intends to adopt the provisions of the Look Back Measurement Method Safe Harbor in order to determine the full-time status of its employees for reporting purposes and for purposes of the Assessable Payment.

WHEREAS, the Department of Treasury issued final regulations regarding Section 4980H that permit the County to use one of three affordability safe harbors for any reasonable category of employees as long as the safe harbor is applied on a uniform and consistent basis for all employees in the category (79 Federal Register 8544, 8599-8601, February 12, 2014);

WHEREAS, the County intends to use the affordability safe harbors as contemplated in the final regulations;

WHEREAS, the County intends to use good faith efforts to comply with legal requirements under ACA despite that they have not yet been fully developed; and

WHEREAS, the County expects that further guidance and regulations may be issued regarding ACA.

NOW, THEREFORE, THE County of Inyo, State of California, DOES RESOLVE AS FOLLOWS:

SECTION 1. The County hereby establishes the Look Back Measurement Method Safe Harbor with regard to all employees for the purpose of identifying full-time employees for calculation of the Assessable Payment and for IRS reporting purposes.

SECTION 2. The County does not establish the Look Back Measurement Method Safe Harbor for the purpose of determining eligibility for an offer of medical coverage for any represented employee. All represented employees' eligibility for an offer of medical coverage shall continue to be governed by the terms of any applicable memorandum of understanding.

SECTION 3. The County hereby delegates authority to the County Administrative Officer , including his/her designee(s), to create a PERSONNEL POLICY that establishes measurement, administrative and stability periods, governs the measurement and tracking of employees' hours of service, and/or otherwise establishes procedures in accordance with Section 4980H to comply with the Look Back Measurement Method Safe Harbor.

SECTION 4. For each reasonable category of employees, the County in its sole discretion, but on a uniform and consistent basis for all of the employees in the category, will apply one of the three affordability safe-harbors (i.e. Form W-2 Safe Harbor, Rate of Pay Safe Harbor, or Federal Poverty Line Safe Harbor) to determine the affordability of the minimum value coverage that it offers full-time employees in the category.

SECTION 5. The County hereby delegates authority to the County Administrative Officer, including his/her designee(s), to establish a PERSONNEL POLICY to comply with any of the three affordability safe harbors in accordance with and as permitted by Section 4980H.

SECTION 6. The County, including his or her designee(s), shall have authority to create, modify or amend the PERSONNEL POLICY to ensure the County's compliance with Sections 4980H and 6056 of the Internal Revenue Code.

PASSED AND ADOPTED on this __10th day of ___March_____ 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chairperson of the
Board of Supervisors of Inyo County,
State of California

ATTEST: Kevin Carunchio, Clerk of the Board

By _____
Patricia Gunsolley
Assistant Clerk of the Board

For Clerk's Use Only:
AGENDA NUMBER

9

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Recycling and Waste Management

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Rural Exemption from Organics Recycling

DEPARTMENTAL RECOMMENDATION:

Request your Board consider approval of a Resolution that affirms the rural exemption from Assembly Bill 1826 (Chesbro, 2014) the Mandatory Commercial Organics Recycling Law.

SUMMARY DISCUSSION:

In September, 2014, Assembly Bill 1826 (Chesbro, 2014) was signed into law by Governor Brown. AB 1826 requires, as of April 1, 2016, all businesses that generate eight (8) cubic yards or more of organic waste to arrange for recycling services and, on January 1, 2017 the threshold will be reduced to four (4) cubic yards of organic waste. The bill also states that each jurisdiction is required to implement an organic recycling program, with the possible exception of rural jurisdictions.

The rural exemption from AB 1826 applies to those jurisdictions that are within a county that has a total population of less than 70,000 persons. If a rural jurisdiction is a regional agency comprised of jurisdictions that are located entirely within a rural county, the board of the regional agency may adopt a resolution to make the rural jurisdiction exempt from AB 1826.

Nineteen (19) of the fifty-eight (58) counties in California have populations of less than 70,000 persons, which collectively represent 1.4% of the total statewide waste stream.

Inyo County and the City of Bishop are both included in the Inyo Regional Waste Management Agency (IRWMA), and the Board of Directors for the IRWMA is the Inyo County Board of Supervisors as defined in the Joint Exercise of Powers Agreement (Appendix B) which created the IRWMA in April, 1999.

Nineteen (19) of the fifty-eight (58) counties in California have populations of less than 70,000 persons, which collectively represent 1.4% of the total statewide waste stream. AB 1826 states that if the statewide disposal of organic waste is not decreased to half of the level disposed in 2014, on or after January 1, 2020, the rural exemption shall become inoperative, unless CalRecycle determines that ending rural exemptions will not result in a significant reduction of the disposal of organic waste.

ALTERNATIVES:

The Inyo Regional Waste Management Agency could begin developing an organics recycling program which would require either costly infrastructure being built in Inyo County, or expensive long-haul trucking organic material to a facility operating in another jurisdiction.

OTHER AGENCY INVOLVEMENT:

California Integrated Waste Management Board (CalRecycle), Rural County Representatives of California's Environmental Services Joint Powers Agreement

FINANCING:

By approving the Resolution the County will be saving money that would otherwise need to be budgeted in the future and possibly the current budget.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Margaret Kemp-Williams Approved: ✓ Date 03/04/15
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Date: 03-04-15
(The Original plus 20 copies of this document are required)

A RESOLUTION OF THE BOARD OF SUPERVISORS,
COUNTY OF INYO,
STATE OF CALIFORNIA,
OPTING TO AFFIRM AN EXEMPTION FROM THE
REQUIREMENTS OF MANDATORY COMMERCIAL
ORGANICS RECYCLING

WHEREAS, Inyo Regional Waste Management Agency is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and,

WHEREAS, Inyo Regional Waste Management Agency is composed of Inyo County and the City of Bishop; and,

WHEREAS, the Governing Board of the Inyo Regional Waste Management Agency is the Inyo County Board of Supervisors; and,

WHEREAS, Assembly Bill (AB) 1826 (Chesbro, 2014) was signed into law and requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner beginning April 1, 2016; and,

WHEREAS, AB 1826 requires that jurisdictions implement an organics recycling program for businesses by January 1, 2016, that includes education, outreach, and monitoring activities and reporting annually to the Department of Resources Recycling and Recovery (CalRecycle).

WHEREAS, AB 1826 defines a rural county as a county that has a total population of less than 70,000 persons and includes a provision that allows the Board of Supervisors of a rural county to adopt a resolution exempting the county from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, based upon findings as to the purpose and need for the exemption; and,

WHEREAS, AB 1826 defines a rural jurisdiction as a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties. If a rural jurisdiction is a regional agency, the board of the regional agency may adopt a resolution exempting the agency from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, based upon findings as to the purpose and need for the exemption; and,

WHEREAS, a business located in a rural jurisdiction that is exempted pursuant to paragraph (2) of subdivision (a) of Section 42649.82 is not required to recycle organics.

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent 1.4% of the statewide waste stream; and,

WHEREAS, Inyo County has a population of 18,515 persons as of the Department of Finance's most current population estimates and Inyo Regional Waste Management Agency is located within Inyo County; and,

WHEREAS, Inyo County does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county; and,

WHEREAS, with the amounts of organic waste generated in Inyo County it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the County; and,

WHEREAS, Inyo Regional Waste Management Agency is committed to continue to pursue economically feasible alternatives for organics management; and,

WHEREAS, Inyo Regional Waste Management Agency is committed to encourage businesses to reduce and recycle organics materials; and,

Whereas, CalRecycle determines the state's progress toward reducing the disposal of organic waste; and,

Whereas, if the statewide disposal of organic waste is not decreased to half of the level disposed in 2014, on or after January 1, 2020, this exemption shall become inoperative, unless CalRecycle determines that ending rural exemptions will not result in a significant reduction of the disposal of organic waste.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Inyo County, based on the findings given above, hereby chooses to exempt the Inyo Regional Waste Management Agency from the requirements of SECTION 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste.

BE IT FURTHER RESOLVED that the Board of Supervisors reserves the right to rescind this resolution at any time prior to the sunset date of January 1, 2020.

PASSED AND ADOPTED on this 10th day of March, 2015, by the Inyo County Board of Supervisors, County of Inyo, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Matt Kingsley, Chairperson
Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO
Clerk of the Board

By: _____
Pat Gunsolley, Assistant

For Clerk's Use Only:
AGENDA NUMBER

10

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent X Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: County Administrator

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Letter of Support for HR 496 designating the Alabama Hills a National Scenic Area

DEPARTMENTAL RECOMMENDATION:

Request your Board consider correspondence supporting legislation introduced by Congressman Paul Cook to establish the Alabama Hills National Scenic Area

SUMMARY DISCUSSION:

Earlier this year, Congressman Cook introduced House Resolution 496, a bill to establish the Alabama Hills National Scenic Area (attached). The proposed legislation represents the culmination of years of work by the Alabama Hills Stewardship Group build local community consensus to obtain National Scenic Area designation for the Alabama Hills. During this time, the Board of Supervisors has repeatedly provided input to, and supported the efforts of the Alabama Hills Stewardship Group. The legislation introduced by Congressman Cook incorporates much of the Board of Supervisors previous input, provided in writing most recently to Senator Dianne Feinstein in a letter dated July 16, 2013 (attached).

A draft letter of support accompanies this Agenda Request Form for your board's consideration.

ALTERNATIVES:

Your Board can choose to modify the letter, or not send the letter.

OTHER AGENCY INVOLVEMENT:

Designations within the National Landscape Conservation System are made through acts of Congress. If National Scenic Area designation is conferred to the Alabama Hills, the designation will be implemented through the development of a more detailed Management Plan by the Bureau of Land Management. The development of the Management Plan will be guided by the Purpose cited in the implementing legislation.

FINANCING:

N/A

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

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) _____ Date: 03-04-2015
(The Original plus 20 copies of this document are required)

BOARD OF SUPERVISORS
COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD
LINDA ARCULARIUS
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

March 10, 2015

The Honorable Colonel Paul Cook (Ret.)
United States Congress
1222 Longworth House Office Building
Washington, D.C. 20515

Subject: Support for HR 496 establishing the Alabama Hills National Scenic Area

Dear Representative Cook:

The Inyo County Board of Supervisors wishes to thank you and communicate its unequivocal support for your recently introduced legislation (H.R. 496) to establish the Alabama Hills National Scenic Area.

Your legislation reaffirms and validates the efforts of the Alabama Hills Stewardship Group to obtain local consensus and support for protecting the Alabama Hills, and the activities that Americans and visitors have enjoyed in this special place for the past 100-years. The Alabama Hills Stewardship Group has worked tirelessly for many years to address the concerns of County residents and public lands users, and the Board of Supervisors applauds this exemplary community-based initiative. The Board also appreciates you recognizing this work, and taking care to develop legislation that purposefully ensures that the future management of the Alabama Hills does not eliminate the specific uses the community seeks to protect.

The benefits of protecting one of Inyo County's treasured landscapes, so that future generations can enjoy the same access, use, and enjoyment that residents and visitors have experienced in the Alabama Hills up to this time are self-evident, and the Board of Supervisors is grateful for your leadership and thanks you and offers its continued support for your efforts.

Sincerely,

Matt Kingsley
Chairperson, Inyo County Board of Supervisors

DRAFT

cc: The Honorable Senator Dianne Feinstein
Inyo County Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
Rural County Representatives of California
California State Association of Counties
National Association of Counties
Alabama Hills Stewardship Group

DRAFT

.....

(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. COOK introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 "Alabama Hills National Scenic Area Establishment Act".

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Alabama Hills National Scenic Area, California.
Sec. 4. Management plan.

Sec. 5. Land taken into trust for Lone Pine Paiute-Shoshone Reservation.
Sec. 6. Transfer of administrative jurisdiction.
Sec. 7. Protection of services and recreational opportunities.
Sec. 8. Land conveyance to eliminate encroachment on public lands.

SEC. 2. DEFINITIONS.

In this Act:

(1) MANAGEMENT PLAN.—The term "management plan" means the management plan for the National Scenic Area developed under section 4(a).

(2) MAP.—Except in section 8, the term "Map" means the map titled "Proposed Alabama Hills National Scenic Area", dated September 8, 2014.

(3) MOTORIZED VEHICLES.—The term "motorized vehicles" means motorized or mechanized vehicles and includes, when used by utilities, mechanized equipment, helicopters, and other aerial devices necessary to maintain electrical or communications infrastructure.

(4) NATIONAL SCENIC AREA.—The term "National Scenic Area" means the Alabama Hills National Scenic Area established by section 3(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of California.

(7) TRIBE.—The term "Tribe" means the Lone-Pine Paiute Shoshone Tribe.

(8) UTILITY FACILITY.—The term "utility facility" means any and all existing and future electric generation facilities, electric storage facilities, overhead and/or underground electrical supply systems and communication systems consisting of electric substations, electric lines, poles and towers made of various materials, "H" frame structures, guy wires and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, aboveground enclosures, markers and concrete pads and other fixtures, appliances and communication circuits, and other fixtures, appliances and appurtenances connected therewith necessary or convenient for the construction, operation, regulation, control, grounding and maintenance of electric generation, storage, lines and communication circuits, for the purpose of transmitting intelligence and generating, storing, distributing, regulating and controlling electric energy to be used for light, heat, power, communication, and other purposes.

SEC. 3. ALABAMA HILLS NATIONAL SCENIC AREA, CALIFORNIA.

(a) ESTABLISHMENT.—Subject to valid, existing rights, there is established in Inyo County, California, the Alabama Hills National Scenic Area. The National Scenic

1 Area shall be comprised of the approximately 18,610 acres
2 generally depicted on the Map as "National Scenic Area".
3 (b) PURPOSE.—The purpose of the National Scenic
4 Area is to conserve, protect, and enhance for the benefit,
5 use, and enjoyment of present and future generations the
6 nationally significant scenic, cultural, geological, edu-
7 cational, biological, historical, recreational, cinemato-
8 graphic, and scientific resources of the National Scenic
9 Area managed consistent with section 302(a) of the Fed-
10 eral Land Policy and Management Act of 1976 (43 U.S.C.
11 1732(a)).
12 (c) MAP; LEGAL DESCRIPTIONS.—
13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, the Secretary
15 shall file a map and a legal description of the Na-
16 tional Scenic Area with—
17 (A) the Committee on Energy and Natural
18 Resources of the Senate; and
19 (B) the Committee on Natural Resources
20 of the House of Representatives.
21 (2) FORCE OF LAW.—The map and legal de-
22 scriptions filed under paragraph (1) shall have the
23 same force and effect as if included in this Act, ex-
24 cept that the Secretary may correct any clerical and

1 typographical errors in the map and legal descrip-
2 tions.
3 (3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 on file and available for public inspection in the ap-
6 propriate offices of the Forest Service and Bureau
7 of Land Management.
8 (d) ADMINISTRATION.—The Secretary shall manage
9 the National Scenic Area—
10 (1) as a component of the National Landscape
11 Conservation System;
12 (2) so as not to impact the future continuing
13 operations and maintenance of any activities associ-
14 ated with valid, existing rights, including water
15 rights;
16 (3) in a manner that conserves, protects, and
17 enhances the resources and values of the National
18 Scenic Area described in subsection (b); and
19 (4) in accordance with—
20 (A) the Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. 1701 et seq.);
22 (B) this Act; and
23 (C) any other applicable laws.
24 (e) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall allow
2 only such uses of the National Scenic Area as the
3 Secretary determines would support the purposes of
4 the National Scenic Area as described in subsection
5 (b).

6 (2) RECREATIONAL ACTIVITIES.—Except as
7 otherwise provided in this Act or other applicable
8 law, or as the Secretary determines to be necessary
9 for public health and safety, the Secretary shall
10 allow existing recreational uses of the National Sce-
11 nic Area to continue, including hiking, mountain
12 biking, rock climbing, sightseeing, horseback riding,
13 hunting, fishing, and appropriate authorized motor-
14 ized vehicle use.

15 (3) MOTORIZED VEHICLES.—Except as speci-
16 fied within this Act and/or in cases in which motor-
17 ized vehicles are needed for administrative purposes,
18 or to respond to an emergency, the use of motorized
19 vehicles in the National Scenic Area shall be per-
20 mitted only on—

21 (A) roads and trails designated by the Di-
22 rector of the Bureau of Land Management for
23 use of motorized vehicles as part of a manage-
24 ment plan sustaining a semi-primitive motorized
25 experience; or

1 (B) on county-maintained roads in accord-
2 ance with applicable State and county laws.
3 (f) ACQUISITION OF LAND.—
4 (1) IN GENERAL.—The Secretary may acquire
5 non-Federal land within the boundaries of the Na-
6 tional Scenic Area only through exchange, donation,
7 or purchase from a willing seller.
8 (2) MANAGEMENT.—Land acquired under para-
9 graph (1) shall be—
10 (A) considered to be a part of the National
11 Scenic Area; and
12 (B) managed in accordance with this Act
13 and any other applicable laws.
14 (g) NO BUFFER ZONES.—
15 (1) IN GENERAL.—Nothing in this Act creates
16 a protective perimeter or buffer zone around the Na-
17 tional Scenic Area.
18 (2) ACTIVITIES OUTSIDE NATIONAL SCENIC
19 AREA.—The fact that an activity or use on land out-
20 side the National Scenic Area can be seen or heard
21 within the National Scenic Area shall not preclude
22 the activity or use outside the boundaries of the Na-
23 tional Scenic Area.

1 (h) ACCESS.—The Secretary shall continue to provide
2 private landowners adequate access to inholdings in the
3 National Scenic Area.
4 (i) FILMING.—Nothing in this Act prohibits filming
5 (including commercial film production, student filming,
6 and still photography) within the National Scenic Area—
7 (1) subject to—
8 (A) such reasonable regulations, policies,
9 and practices as the Secretary considers to be
10 necessary; and
11 (B) applicable law; and
12 (2) in a manner consistent with the purposes
13 described in subsection (b).
14 (j) FISH AND WILDLIFE.—Nothing in this Act af-
15 fects the jurisdiction or responsibilities of the State with
16 respect to fish and wildlife.
17 (k) LIVESTOCK.—The grazing of livestock in the Na-
18 tional Scenic Area, including grazing under the Alabama
19 Hills allotment and the George Creek allotment, as estab-
20 lished before the date of enactment of this Act, shall be
21 permitted to continue—
22 (1) subject to—
23 (A) such reasonable regulations, policies,
24 and practices as the Secretary considers to be
25 necessary; and

1 (B) applicable law; and

2 (2) in a manner consistent with the purposes
3 described in subsection (b).

4 (l) OVERFLIGHTS.—Nothing in this Act restricts or
5 precludes flights over the National Scenic Area or over-
6 flights that can be seen or heard within the National Sce-
7 nic Area, including—

8 (1) transportation, sightseeing and filming
9 flights, general aviation planes, helicopters, hang-
10 gliders, and balloonists, for commercial or rec-
11 reational purposes;

12 (2) low-level overflights of military aircraft;

13 (3) flight testing and evaluation; or

14 (4) the designation or creation of new units of
15 special use airspace, or the establishment of military
16 flight training routes, over the National Scenic Area.

17 (m) WITHDRAWAL.—Subject to this Act's provisions
18 and valid rights in existence on the date of enactment of
19 this Act, including rights established by prior withdrawals,
20 the Federal land within the National Scenic Area is with-
21 drawn from all forms of—

22 (1) entry, appropriation, or disposal under the
23 public land laws;

24 (2) location, entry, and patent under the mining
25 laws; and

1 (3) disposition under all laws pertaining to min-
2 eral and geothermal leasing or mineral materials.
3 (n) WILDLAND FIRE OPERATIONS.—Nothing in this
4 Act prohibits the Secretary, in cooperation with other Fed-
5 eral, State, and local agencies, as appropriate, from con-
6 ducting wildland fire operations in the National Scenic
7 Area, consistent with the purposes described in subsection
8 (b).
9 (o) GRANTS; COOPERATIVE AGREEMENTS.—The Sec-
10 retary may make grants to, or enter into cooperative
11 agreements with, State, tribal, and local governmental en-
12 tities and private entities to conduct research, interpreta-
13 tion, or public education or to carry out any other initia-
14 tive relating to the restoration, conservation, or manage-
15 ment of the National Scenic Area.
16 (p) AIR AND WATER QUALITY.—Nothing in this Act
17 modifies any standard governing air or water quality out-
18 side of the boundaries of the National Scenic Area.
19 (q) UTILITY FACILITIES AND RIGHTS OF WAY.—
20 (1) Nothing in this Act shall—
21 (A) affect the existence, use, operation,
22 maintenance (including but not limited to vege-
23 tation control), repair, construction, reconfig-
24 uration, expansion, inspection, renewal, recon-
25 struction, alteration, addition, relocation, im-

1 provement, funding, removal, or replacement of
2 utility facilities or appurtenant rights of way
3 within or adjacent to the National Scenic Area;
4 (B) affect necessary or efficient access to
5 utility facilities or rights of way within or adja-
6 cent to the National Scenic Area;
7 (C) preclude the establishment of new util-
8 ity facilities or rights of way (including
9 instream sites, routes, and areas) within the
10 National Scenic Area if such facilities—
11 (i) are necessary for public health and
12 safety, electricity supply, telecommuni-
13 cations, or other utility services;
14 (ii) are deemed necessary by the Cali-
15 fornia Public Utilities Commission (CPUC)
16 and/or California Independent System Op-
17 erator (CAISO);
18 (iii) comply with the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) and/or California Environ-
21 mental Quality Act; and
22 (iv) are determined, pursuant to the
23 process prescribed by the laws referred to
24 in clause (iii), to be designed and con-
25 structed, to the extent practical, consistent

1 with the purposes of the National Scenic
2 Area, taking into consideration—
3 (I) siting the utility facilities or
4 rights of way outside of the National
5 Scenic Area; and
6 (II) mitigating impacts to the
7 National Scenic Area, to the extent
8 feasible, from the utility facilities or
9 rights of way; or
10 (D) preclude the use of motorized vehicles
11 on and off roads and trails designated for use
12 by motorized vehicles, including but not limited
13 to the use of mechanized equipment, heli-
14 copters, and/or other aerial vehicles or devices,
15 as necessary or efficient for the performance of
16 activities related to the operation, maintenance,
17 expansion, and/or construction of any utility fa-
18 cilities, including lines, and/or rights of way.
19 (2) MANAGEMENT PLAN.—Consistent with this
20 Act, the Management Plan shall establish plans for
21 maintenance of public utility and other rights of way
22 within the National Scenic Area.
23 **SEC. 4. MANAGEMENT PLAN.**
24 (a) IN GENERAL.—Not later than 3 years after the
25 date of enactment of this Act, in accordance with sub-

1 section (b), the Secretary shall develop a comprehensive
2 plan for the long-term management of the National Scenic
3 Area.

4 (b) CONSULTATION.—In developing the management
5 plan, the Secretary shall consult with—

6 (1) appropriate State, tribal, and local govern-
7 mental entities, including Inyo County, the Los An-
8 geles Department of Water and Power, and the
9 Tribe;

10 (2) investor-owned utilities, including Southern
11 California Edison Company;

12 (3) the Alabama Hills Stewardship Group; and

13 (4) members of the public.

14 (c) INCORPORATION OF MANAGEMENT PLAN.—In de-
15 veloping the management plan, in accordance with this
16 section, the Secretary shall allow, in perpetuity, casual-
17 use mining limited to the use of hand tools, metal detec-
18 tors, hand-fed dry washers, vacuum cleaners, gold pans,
19 small sluices, and similar items.

20 (d) INTERIM MANAGEMENT.—Pending completion of
21 the management plan, the Secretary shall manage the Na-
22 tional Scenic Area in accordance with section 3.

1 **SEC. 5. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-**
2 **SHOSHONE RESERVATION.**

3 (a) TRUST LAND.—As soon as practicable after the
4 date of the enactment of this Act, the Secretary shall take
5 the approximately 132 acres of Federal land depicted on
6 the Map as "Lone Pine Paiute-Shoshone Reservation Ad-
7 dition" into trust for the benefit of the Tribe, subject to
8 the following:

9 (1) CONDITIONS.—The land shall be subject to
10 all easements, covenants, conditions, restrictions,
11 withdrawals, and other matters of record on the date
12 of the enactment of this Act.

13 (2) EXCLUSION.—The Federal lands over which
14 the right-of-way for the Los Angeles Aqueduct is lo-
15 cated, generally described as the 250-foot-wide right-
16 of-way granted to the City of Los Angeles pursuant
17 to the Act of June 30, 1906 (Chap. 3926), shall not
18 be taken into trust for the Tribe.

19 (b) RESERVATION LAND.—The land taken into trust
20 pursuant to subsection (a) shall be considered part of the
21 reservation of the Tribe.

22 (c) GAMING PROHIBITION.—Gaming under the In-
23 dian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
24 shall not be allowed on the land taken into trust pursuant
25 to subsection (a).

1 **SEC. 6. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

2 Administrative jurisdiction of the approximately 40
3 acres of Federal land depicted on the Map as "USFS
4 Transfer to BLM" is hereby transferred from the Forest
5 Service under the Secretary of Agriculture to the Bureau
6 of Land Management under the Secretary.

7 **SEC. 7. PROTECTION OF SERVICES AND RECREATIONAL**
8 **OPPORTUNITIES.**

9 Nothing in this Act shall be construed to limit com-
10 mercial services for existing and historic recreation uses
11 as authorized by the Bureau of Land Management's per-
12 mit process. Valid, existing, commercial permits to exer-
13 cise guided recreational opportunities for the public may
14 continue as authorized on the day before the date of the
15 enactment of this Act.

16 **SEC. 8. LAND CONVEYANCE TO ELIMINATE ENCROACH-**
17 **MENT ON PUBLIC LANDS.**

18 (a) DEFINITIONS.—In this section:

19 (1) AUTHORIZED OFFER PERIOD.—The term
20 "authorized offer period" means the 120-day period
21 beginning on the date on which the required ap-
22 praisal of the Federal land is completed under sub-
23 section (c).

24 (2) FEDERAL LAND.—The term "Federal land"
25 means the smallest parcel of land within the ap-
26 proximately four acres of Bureau of Land Manage-

1 ment land identified on the map as the "Conveyance
2 Area" that—
3 (A) the Secretary determines can be rea-
4 sonably described in legal language and effec-
5 tively administered; and
6 (B) encompasses construction completed
7 by Reginald Cook or his predecessor in interest
8 as of the cadastral survey completed by the Bu-
9 reau of Land Management on April 21, 2011,
10 and certified on October 12, 2011.
11 (3) MAP.—The term "map" means the map ti-
12 tled "Proposed Conveyance Property", dated Janu-
13 ary 15, 2015, and on file in the appropriate office
14 of the Director of the Bureau of Land Management.
15 (4) REGINALD COOK.—The term "Reginald
16 Cook" means Mr. Reginald Cook, the owner of prop-
17 erty adjacent to the Conveyance Area identified on
18 the map.
19 (b) CONVEYANCE AUTHORIZED.—If, before the end
20 of the authorized offer period, Reginald Cook submits to
21 the Secretary an offer to acquire the Federal land con-
22 sistent with subsections (d) and (e), the Secretary shall
23 convey to Reginald Cook, upon payment of the required
24 consideration, all right, title, and interest of the United
25 States in and to the surface estate of the Federal land.

1 The conveyance of the Federal land is subject to valid ex-
2 isting rights.

3 (c) APPRAISAL.—Not later than 120 days after the
4 date of the enactment of this Act, the Secretary shall com-
5 plete an appraisal of the Federal land in accordance with
6 the "Uniform Appraisal Standards for Federal Land Ac-
7 quisitions" and the "Uniform Standards of Professional
8 Appraisal Practice".

9 (d) CONSIDERATION.—As consideration for the con-
10 veyance of the Federal land, Reginald Cook shall pay to
11 the United States, for deposit in the general fund of the
12 Treasury, an amount equal to the appraised value of the
13 Federal land.

14 (e) CONDITIONS.—

15 (1) PAYMENT OF COSTS OF CONVEYANCE.—
16 Reginald Cook shall cover any administrative costs
17 incurred by the Secretary to carry out the convey-
18 ance of the Federal land, including the costs of any
19 environmental, wildlife, cultural, or historical re-
20 sources studies.

21 (2) RELEASE.—As a condition of the convey-
22 ance of the Federal land, Reginald Cook shall agree
23 in writing to release and indemnify the United
24 States from any claims or liabilities that may arise

1 from use of the Federal land by the United States
2 or Reginald Cook before the date of the conveyance.
3 (f) ACCESS.—The Secretary shall continue to provide
4 Reginald Cook with access to his property as required by
5 section 3(h), subject to part 2800 of title 43, Code of Fed-
6 eral Regulations.

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 6th day of ***August*** 2013 an order was duly made and entered as follows:

CAO-Alabama Hills Designation Support Letter	The County Administrator provided additional information and further explanation regarding the request to send correspondence reaffirming the County's position supporting the designation of the Alabama Hills as a National Scenic Area. He explained that Mr. Mazzu had been unable to attend todays meeting but had conveyed his support for the letter to the Board via Mr. Carunchio. Mr. Carunchio explained that his attempts to ascertain from Senator Feinstein's office if the letter was acceptable had been unsuccessful. Supervisor Arcularius noted the inclusion of a statement regarding the release of the WSA's. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the correspondence reaffirming the County of Inyo's position supporting the designation of the Alabama Hills as a National Scenic Area and authorize the Chairperson to sign. Motion carried unanimously.

WITNESS my hand and the seal of said Board this 6th

Day of ***August*** ***2013***

KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

By: Patricia Gunsolley

Patricia Gunsolley, Assistant

Routing

CC
Purchasing
Personnel
Auditor
CAO X
Other

DATE: August 23, 2013

For Clerk's Use Only:
AGENDA NUMBER

32

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent X Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: County Administrator

FOR THE BOARD MEETING OF: August 6, 2013

SUBJECT: Proposed Alabama Hills National Scenic Area Letter of Support

DEPARTMENTAL RECOMMENDATION:

Request your Board consider correspondence reaffirming the County of Inyo's position supporting the designation of the Alabama Hills as a National Scenic Area.

SUMMARY DISCUSSION:

On May 14th your Board received a presentation updating the status of efforts by the Alabama Hills Stewardship Group to obtain Federal National Scenic Area designation for the Alabama Hills, and provided direction to staff regarding the development of follow-up correspondence reaffirming the County of Inyo's support for the proposed designation. Based on your Board's previous discussion, the attached draft correspondence was provided for your consideration on July 16, 2013. Public input was taken, and the Board discussed the letter without directing any changes. However, the matter was continued until today's meeting in order to provide all five members of the Board of Supervisors an opportunity to vote on the letter.

ALTERNATIVES:

Your Board can choose to modify the letter, or not send the letter.

OTHER AGENCY INVOLVEMENT:

Designations within the National Landscape Conservation System are made through acts of Congress. If National Scenic Area designation conferred to the Alabama Hills, the designation will implemented through the development of more detailed Management Plan by the Bureau of Land Management. The development of the Management Plan will be guided by the Purpose cited in the implementing legislation.

FINANCING:

N/A

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

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)

Date: 07-22-2013

BOARD OF SUPERVISORS
COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD
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MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

July 16, 2013

The Honorable Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Subject: Proposed Alabama Hills Scenic Area

Dear Senator Feinstein:

The Inyo County Board of Supervisors previously wrote to you expressing its support for the Alabama Hills Stewardship Group's efforts to have portions of the Alabama Hills designated as a National Scenic Area, and asked your consideration relative to sponsoring implementing legislation. It has come to our attention that the County's earlier correspondence has, inadvertently and unintentionally, created some misunderstanding with regard to where the Inyo County Board of Supervisors stands on the matter of National Scenic Area designation for the Alabama Hills.

This letter is offered to clarify and amplify the Board's support for designating portions of the Alabama Hills, identified by the Alabama Hills Stewardship Group, as a National Scenic Area expressly for the specific purpose

> *to conserve, protect, and enhance for the benefit, use, and enjoyment of present and futures generations the nationally significant scenic, cultural, recreational, geological, educational, biological, historical, cinematographic and scientific resources of the National Scenic Area managed consistent with the principles of multiple use as defined in the Federal Land Policy and Management Act of 1976 .*

The Board of Supervisors believes the "purpose" cited in any legislation that may be introduced to accomplish the National Scenic Area designation must ensure that the future management of the Alabama Hills does not eliminate the specific uses the Alabama Hills Stewardship Group seeks to protect through its proposed designation. As conveyed by representatives of the Alabama Hills Stewardship Group, the specific uses to be preserved include all current activities, accesses, and multiple-use utilizations with the exception of commercial mining. Essentially, the designation is intended to preserve and protect the exact same activities that the American public, as well as businesses, have enjoyed in the Alabama Hills for the past 100-years.

The benefits of protecting one of Inyo County's treasured landscapes, so that future generations can enjoy the same access, use, and enjoyment that residents and visitors have experienced in the Alabama Hills up to this time are easily recognized. No member of the Board of Supervisors wants to see the Alabama Hills become utilized for large-scale industrial development, as was at one time contemplated in the State of California's draft Desert Renewable Energy Conservation Plan. However, also intrinsic to the County's support for the proposed designation, is the Board's recognition of the exemplary efforts undertaken by the Alabama Hills Stewardship Group to garner broad-based support from the local community and a host of local, state and federal stakeholder groups; thereby ensuring the proposed designation meets the needs of varied interests.

In 2002, the Inyo County Board of Supervisors adopted Resolution 2002-34 establishing principles the Board will look to in considering any expansion of the Wilderness System in Inyo County. While we recognize the National Scenic Area designation is not an additional Wilderness designation, the Board is nonetheless delighted to recognize the Alabama Stewardship Group's adherence to key tenets of Resolution 2004-34, including:

- *Providing opportunities to obtain local consensus and support for any changes to public land designations in Inyo County and address the concerns of residents and public lands users.*

- *Protecting existing recreation, grazing, packing, research, archaeological and cultural uses on federal lands, including access; and,*

- *Protecting private property rights; including vested water rights, and access to private land inholdings and other lands that may be affected by adjoining federal land acquisitions.*

The results of this approach speak for themselves.

The appropriateness of a National Scenic Area designation for the Alabama Hills, for the purposes already discussed, appears to us to be self-evident. However, it also seems self-evident that publicly-owned lands designated decades ago as Wilderness Study Areas, which have long since been studied and determined unsuitable for Wilderness designation, should be released from their WSA status. In Inyo County, there are eight (8) Wilderness Study Areas, encompassing over 62,000 acres (or, roughly, 100 square miles), that have are managed as Wilderness by Federal land use agencies even after the agencies' studies have determined that lands are not suitable for Wilderness designation. Although the Board of Supervisors is not conditioning its support for the Alabama Hills National Scenic designation on the release of WSAs in Inyo County, we are taking this opportunity to ask you to investigate and consider sponsoring legislation to release as least some of the County's longstanding Wilderness Study Areas. Similar to protecting the Alabama Hills to preserve access, we believe releasing WSAs that unnecessarily limit access, use, and enjoyment of public lands is also the right thing to do.

As conveyed in our previous letter, if you are inclined to sponsor legislation to secure the National Scenic Area designation for the Alabama Hills, the County's preference is that this be accomplished as stand-alone legislation. However, we also understand that, in the current political climate in Washington, this may not be practical or possible. We ask only that, should you decide to proceed with the legislation and find it necessary to combine protection of the Alabama Hills into a larger piece of legislation, or an omnibus bill, that you please understand that the Board may need to evaluate broader issues contained in the resulting legislation and comment accordingly.

We appreciate the opportunity to clarify our support for National Scenic Area designation for the Alabama Hills and, more so, for you and your staff seeking our input and your consideration of our thoughts on the matter. If you require any additional information or input, please ask your staff contact the County Administrator, Kevin Carunchio, at (760) 878-0300. As always, the Board of Supervisors would welcome the opportunity for a County delegation to meet with you on this or any other matter.

Sincerely,

Linda Arcularius

Supervisor Linda Arcularius, Chairperson
Inyo County Board of Supervisors

cc: The Honorable Congressman Col. Paul Cook (Ret.)
Inyo County Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
Rural County Representatives of California
California State Association of Counties
National Association of Counties

For Clerk's Use Only:
AGENDA NUMBER

11

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☒ Informational

FROM: Planning Department – Yucca Mountain Repository Assessment Office

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Yucca Mountain Repository Assessment Office Workshop

DEPARTMENTAL RECOMMENDATION: Receive a presentation from staff regarding the activities of the County's Yucca Mountain Repository Assessment Office.

SUMMARY DISCUSSION: The County has been participating in licensing activities for the proposed Repository for High Level Nuclear Waste at Yucca Mountain for many years. The Repository site is located just over the California-Nevada border about 17 miles from Inyo County. The County's Yucca Mountain Repository Assessment Office (YMRAO) resides in the Planning Department, with offices in the Water Department Building at 135 South Jackson Street in Independence.

Consideration of the long-term storage of nuclear waste began as early as the 1940s, and became more critical as spent nuclear materials accumulated and reprocessing was deemed inappropriate due to proliferation concerns. In 1982, the Nuclear Waste Policy Act (NWPA) was enacted, which amongst other actions, provided for planning and funding for a permanent geologic repository for high level nuclear waste, created a structure to select and license a site, and established interim storage. In 1987, the Nuclear Waste Policy Amendments Act was enacted, designating Yucca Mountain as the sole site to be considered for a permanent geologic repository. The Department of Energy (DOE) is the federal agency charged with the responsibility with constructing and operating the Yucca Mountain Repository.

Affected Units of Government

The NWPA and its amendments require DOE to provide funds to state and local governments to participate in the evaluation of the Repository. The local governments who receive such funding have been designated as "Affected Units of Local Government" (AULGs). Initially, DOE declined to designate Inyo County as an AULG; however, the County challenged DOE's decision in the U.S. Court of Appeals and was designated an AULG in 1991. Other AULGs are: Nye, Clark, Esmeralda, Lincoln, Eureka, Esmeralda, Churchill, Lander, and White Pine Counties in Nevada. The States of California and Nevada and local tribes also receive funding from DOE.

Despite the County's designation as an AULG, issues arose with the other AULGs as to the amount of the County's share of the AULG funding provided by DOE. The issue has been resolved by the annual federal legislation appropriating funding to DOE which specified Inyo County's share of the funding. The County has used its share of the funding to participate in the planning for the Repository and to conduct studies of the potential impacts of the Repository on the County and its residents.

Studies Conducted by Inyo County

Death Valley Groundwater Investigations. Central to the County's concerns about the Repository is the potential for radioactive material to be transported by groundwater from the Repository towards Death Valley

via a regional aquifer that underlies the Repository and extends into Inyo County. This aquifer is called the "Lower Carbonate Aquifer" (LCA). The County, in cooperation with the U.S. Geological Survey (USGS), the National Park Service (NPS) and Death Valley National Park (DVNP), Nye County, and other partners has drilled exploratory wells, conducted geophysical surveys and geological mapping, and collected relevant data. In addition, with the assistance of The Hydrodynamics Group, the County undertook numerous hydrogeological investigations to provide data which supports development of a regional groundwater flow model, a better understanding of groundwater flow in the region and assists in assessing the potential for radioactive materials to be carried by groundwater into the County. Under Hydrodynamics' guidance, two exploratory wells were drilled near Death Valley junction [known as Bureau of Land Management (BLM) Nos. 1 and 2], near the base of the Funeral Mountains (the Echo Canyon Well), and near springs in Death Valley (Nevares Nos. 1 and 2 and Travertine). Analysis of the data obtained from these wells confirmed that groundwater flows in the LCA from beneath the Repository site to springs in Death Valley. These exploratory wells continue to be managed by Inyo County in cooperation with BLM, NPS, DVNP, USGS, and others.

Socioeconomic Studies. Socioeconomic studies conducted by the DOE concluded that the Repository would have no socioeconomic impact in Inyo County. Because the County was concerned that such impacts would occur, the County contracted with Gruen and Gruen +Associates to investigate the potential for such impacts. Gruen and Gruen prepared a report entitled "A County at Risk: The Socio-economic Impacts of the Proposed Yucca Mountain High-level Nuclear Waste Repository on Inyo County." According to the Report, if the Repository were to become operational, its impacts on Inyo County's people, economy, and local public sector fiscal base would all be negative. Upon initial announcement of the Repository's operation, the Report estimates a drop in tourist visitation to the County of between 17.3 and 26.3 percent. If the Repository operates for ten years with no incident of radiation leakage, the Report estimates a drop in visitation of between five and 14.7 percent. If a minor radiation release occurs while high level waste is in transport to the Repository, the drop in visitation is estimated to increase to between 29 and 57 percent. With regard to visits to Death Valley National Park, the report finds that the drop in visitation would be especially high in visitors from Western Europe, most of who have relatively high incomes. Overall, if the Repository were to be constructed, the report projects a loss of expenditures of between $16,141,000 and $184,009,000, with estimated impacts to the County treasury ranging from $343,497 to $4,002,388.

Volcanology Studies. The Repository is located in a volcanic tuff formation and there are volcanos in the vicinity of the Repository site. An explosive volcanic event at the Repository would have catastrophic consequences. DOE concluded that volcanism in the region of the Repository has largely ended and that any volcanic activity is expected to be relatively non-explosive. In cooperation with the State of Nevada and Clark County, Nevada, the County funded a volcanism study by Gene Smith of the University of Nevada Las Vegas. Dr. Smith prepared a Report entitled "A Bimodal Volcanic Field in the Greenwater Range, California: Implications for Volcanic Hazard Studies at Yucca Mountain." The Greenwater Mountain Range is located just 35 kilometers south of Yucca Mountain. The study reveals that explosive volcanic activity occurred in Greenwater Range within the time period of interest for studies of investigating the probability of a volcanic event disrupting the Repository. Further, the report finds that the volcanism in the Greenwater Range may be an expression of regional volcanism and is connected with volcanism near the Repository. The study concludes that contrary to DOE's conclusions, explosive rhyolitic volcanism cannot be eliminated from consideration as a possible hazard for Yucca Mountain.

Licensing Proceedings

In June 2008, the DOE submitted a License Application (LA) to construct the Repository to the Nuclear Regulatory Commission (NRC). With regard to the LA, the NRC must conduct an adjudicatory process to determine whether the construction of the Repository conforms to the applicable federal laws and regulations.

The law provides that concerned parties make seek to intervene in the adjudicatory process by filing contentions setting forth the positions as to whether the LA conforms with the applicable laws and regulations.

The LA concluded, based on numerous earlier DOE studies, that the County's concerns over groundwater contamination, volcanic events, socioeconomics, and transportation of high level nuclear waste through the County were without basis. Consequently, in December 2008, the County filed a petition to intervene as a party in the licensing proceedings before the NRC. The County's petition contains 12 contentions; five allege that DOE's license application does not satisfy the applicable safety, security, and technical standards, and seven allege that the applicable requirements of the National Environmental Policy Act (NEPA) have not been met. Two of the County's contentions are "joint" contentions filed together with Nye, Churchill, Esmeralda, Lander, and Mineral Counties in Nevada. Nye County is the "sponsor" of these two contentions.

Eleven other petitions to intervene consisting of 318 contentions were filed by other entities, including the States of Nevada and California, several Nevada counties, and the Timbisha Shoshone Tribe. The contentions allege that DOE's license application is not in compliance with applicable safety laws and regulations or they challenge the legal adequacy of studies prepared by DOE. DOE challenged the admissibility of all 318 contentions on procedural grounds and asked the NRC to dismiss all of the petitions to intervene.

The NRC established three construction authorization boards (CAB) each comprised of three individuals to determine the admissibility of the contentions. In May 2009, the CABs granted eight of the 11 petitions to intervene (including Inyo County's petition). Except for a joint contention sponsored by Nye County, all of the County's contentions were deemed admissible. Overall, the CAB found a total of 299 contentions admissible. Under the CAB's order, Nevada, California, the Nuclear Energy Institute, Clark, Nye, White Pine and Inyo Counties became parties to the licensing proceeding, and Churchill, Esmeralda, Lander and Mineral counties as a group are collectively a party. Eureka and Lincoln counties in Nevada were named interested governmental participants.

The following is a summary of Inyo County's contentions:

- Contentions 1 and 2 (both license contentions and NEPA contentions) concern the failure of the LA and the Environmental Impact Statements (EIS) to adequately address the potential transport of radionuclides through the LCA that underlies the proposed Repository and that discharges water at springs in Inyo County in Death Valley National Park.
- Contentions 3 and 4 (both license contentions and NEPA contentions) concern the failure of the LA and the EIS to adequately address the cumulative impacts of groundwater pumping in the region of the proposed Repository on the upward hydraulic gradient in aquifers that underlie the proposed Repository. (DOE acknowledges that the upward gradient acts as a barrier to radionuclides entering the LCA. A loss of the upward gradient could facilitate radioactive materials entering the regional aquifer system and into Inyo County.)
- Contention 5 (a NEPA contention) focuses on the EIS's failure to adequately address the Repository's potential impact on the volcanic/alluvial aquifer that extends from under the proposed Repository to Franklin Lake Playa and other areas within Inyo County.
- Contentions 6 and 7 (both NEPA contentions) concern the failure of the EIS to adequately address the potential for radionuclides from the Repository to travel through groundwater and to surface at Franklin Lake Playa and other locations and the EIS's failure to assess the nature and extent of mitigation and remediation measures that will be necessary if radionuclides surface at Franklin Lake Playa.
- Contentions 8 and 9 (a license contention and a NEPA contention) concern the failure of the LA and the EIS to adequate describe the volcanic field in the Greenwater Mountain Range in Inyo County and to adequately assess the potential for explosive volcanic activity at the Repository.

- Contention 10 (a NEPA contention) focuses on the EIS's failure to analyze the socioeconomic impacts of the Repository in Inyo County.
- Contention 11 is a joint license contention with the Nevada counties, which focuses on the failure of the LA to include the National Incident Management System in the SAR. (This contention was deemed inadmissible.)
- Contention 12 is a joint license contention with the Nevada counties, which contends that the LA lacks any basis for excluding the possibility of aircraft crashes into the Repository site during the pre-closure period.

Due to the discontinuation of the licensing proceedings for Yucca Mountain (see discussion below), Inyo County's contentions have not yet been adjudicated.

Suspension of Licensing Proceedings

On February 1, 2010, the President directed that the Department of Energy "discontinue its application to the U.S. Nuclear Regulatory Commission for a license to construct a high-level waste geologic repository at Yucca Mountain." In accordance with the Presidential directive, DOE filed a motion with the NRC to withdraw the LA. On September 9, 2011 the NRC suspended the licensing proceedings. Since 2011, Congress has not appropriated funding for the DOE to continue its licensing activities and has not appropriated funding to the NRC to continue the licensing proceedings. Thereafter, two states – South Carolina and Washington – and Aikin County, South Carolina (all with significant high level nuclear waste stored within their boundaries) challenged the NRC's legal authority under NWPA to discontinue the project. In August 2013, the U.S. Court of Appeals for the District of Columbia Circuit ordered the NRC to resume the licensing process and complete a document called a Safety Evaluation Report (SER) using funding that was previously appropriated from the Nuclear Waste Fund but was not expended. Future rulings in the ongoing litigation by the District of Columbia Court of Appeals, and future actions by Congress and by future Administrations will determine the fate of the Repository. In the meanwhile, the County has been working on putting its programs into stasis and archiving the significant investments made in its participation in planning for the Repository.

Completion of Safety Analysis Report

Following the 2013 court order, the NRC staff reviewed and evaluated the DOE Safety Analysis Report (SAR) provided in its 2008 license application. The NRC staff also reviewed information DOE provided in response to the NRC staff's requests for additional information and other information that DOE provided related to the SAR. The NRC has documented the results of its review in its Safety Evaluation Reports (SER) Volumes 1 through 5.

The NRC published Volume 1: General Information of the Safety Evaluation Report in August 2010. The NRC subsequently published Volume 3 (Repository Safety After Permanent Closure) in October, 2014, and Volume 4 (Administrative and Programmatic Requirements) in December 2014. Volume 2 (Repository Safety Before Permanent Closure) and Volume 5 (Proposed Conditions on the Construction Authorization and Probable Subjects of License Specifications) were published in January 2015. In summary, the NRC staff has found that:

- DOE has adequately described the proposed geologic repository at Yucca Mountain including the information, analyses, and programs associated with the preclosure and postclosure performance of the repository as specified in the NRC's regulations.
- DOE has adequately described (1) the material control and accounting program; and (2) security measures for physical protection as documented in SER Volume 1: General Information.

- NRC has found, with reasonable assurance, that subject to proposed conditions of the construction authorization, DOE's design of the proposed geologic repository operations area and preclosure safety analysis complies with the preclosure performance objectives and the requirements for preclosure safety analysis of the Repository as documented in SER Volume 2: Repository Safety Before Permanent Closure.
- NRC has found, with reasonable expectation, that the proposed Yucca Mountain repository design meets applicable postclosure performance objectives, including the requirement that the repository be composed of multiple barriers; and that based on performance assessment evaluations that are in compliance with applicable regulatory requirements, meets the limits for individual protection, human intrusion, and separate standards for protection of groundwater as documented in SER Volume 3: Repository Safety After Permanent Closure.
- NRC has found, with reasonable assurance, that, except as noted below, DOE has addressed applicable administrative and programmatic requirements regarding, "Land Ownership and Control"; "Records, Reports, Tests, and Inspections"; "Performance Confirmation Program"; "Quality Assurance"; "Training and Certification of Personnel"; and "Emergency Planning Criteria" as documented in SER Volume 4: Administrative and Programmatic Requirements. The NRC staff finds that DOE has not met the requirements regarding ownership of land and water rights, respectively.
- NRC staff found: (1) the applicant's identification and technical justification of the probable subjects for license specifications are acceptable; and (2) the applicant acceptably described its plans for implementation of the probable subjects of license specifications as described in SER Volume 5: Proposed Conditions on the Construction Authorization and Probable Subjects of License Specifications.

As noted above, the NRC staff determined that DOE has not satisfied certain regulatory requirements regarding ownership of the land where the Repository is located and water rights (The Nevada State Engineer has refused to grant DOE's applications for water rights). In addition, a required supplement to DOE's environmental impact statement analyzing groundwater impacts has not yet been completed.

Supplemental Environmental Impact Statement

In 2008, the NRC concluded DOE's final environmental impact statement did not adequately address all the potential impacts of the Repository on groundwater or from surface discharges of groundwater, and required DOE to prepare a Supplemental EIS (SEIS) analyzing groundwater impacts. In response, DOE submitted an Analysis of Postclosure Groundwater Impacts report in July 2009. In accordance with the applicable law, DOE has elected to not prepare the required SEIS, but instead, has requested the NRC to prepare the SEIS. In October 2014, DOE issued an updated Analysis of Postclosure Groundwater Impacts report. The updated Analysis of Postclosure Groundwater Impacts provides technical updates to the report issued in 2009 and is intended to provide the information necessary to allow for NRC to prepare the required SEIS. It is uncertain whether the NRC has sufficient remaining funds to prepare the SEIS.

Analysis of Postclosure Groundwater Impacts

The DOE's updated Analysis of Postclosure Groundwater Impacts concludes that the potential for health impacts from exposures to radiological contaminants, including in Armargosa Valley and Death Valley, would be very low or virtually non-existent. The updated Analysis of Postclosure Groundwater Impacts also provides DOE's responses to Inyo County's comments on the 2008 SEIS, as summarized below:

1. The SEIS should address the flaws in the Total System Performance Assessment (TSPA) model.

Inyo County contends that DOE's TSPA model is flawed because the saturated zone flow model does not provide analysis of existing and future groundwater pumping in the region, especially in the Amargosa Valley. DOE asserts that Inyo County was incorrect in asserting that groundwater pumping was not considered in the TSPA evaluations; however, Inyo County was correct in its assertion that the TSPA evaluation did not consider how groundwater levels might change in the future as a result of continued pumping. DOE cites two reasons for not considering how future pumping would affect the model: 1) U.S. Court decisions protect the water level at Devil's Hole therefore DOE concluded the groundwater levels simulated in the TSPA model are a reasonable representation of where groundwater levels will remain; 2) There is no practical basis for projecting what groundwater pumping conditions will exist during the period of time the model simulates (1 million years).

2. The SEIS should describe the full extent of the lower carbonate aquifer, particularly those parts that could become contaminated and how water (and potential contaminants) can leave the flow system.

   DOE, Nye County, and Inyo County have each drilled a well into the lower carbonate aquifer along the general groundwater flow path from Yucca Mountain. An upward hydraulic gradient exists in the lower carbonate aquifer compared with the overlying aquifers in each of these wells. The upward gradient, along with the depth and natural features of the aquifer, which hinder flow between the aquifers and allow the upward gradient to exist, affects the movement of groundwater in this area. Infiltrating water (and potential releases from the analyzed repository) that reached the saturated zone in this area would remain in the overlying volcanic aquifer and move laterally rather than down into the lower carbonate aquifer. DOE has not identified any reasonable scenario under which contaminants could reach the lower carbonate aquifer at or near Yucca Mountain and is confident that any contaminants entering the groundwater below the analyzed repository will remain well above the lower carbonate aquifer at or near Yucca Mountain.

   The County also proposed the monitoring location for exposed individuals should be relocated if contamination should reach the lower carbonate aquifer. DOE has indicated that the monitoring location is set by U.S. Environmental Protection Agency (EPA) and NRC regulations as the point in the accessible environment above the highest groundwater concentration. There is nothing in the results presented in the Analysis of Postclosure Groundwater Impacts that indicate higher groundwater concentrations would exist at locations other than what the TSPA and Repository Final SEIS evaluated.

3. Impacts to the lower carbonate aquifer from regional groundwater pumping.

   Inyo County asserted that DOE relies on the upward hydraulic gradient in the lower carbonate aquifer to prevent radionuclide migration to that aquifer and, as a result, must evaluate the effects of regional pumping on the upward hydraulic gradient. DOE does not agree that it relies on the upward hydraulic gradient to prevent radionuclide migration, but considers the gradient an element of the natural environment that affects how groundwater moves. In response to Inyo County's request that DOE consider the effects of groundwater pumping on the upward gradient, DOE evaluated regional pumping on the upward hydraulic gradient of the lower carbonate aquifer and determined pumping models predict no significant decrease in the magnitude of the upward hydraulic gradient between the lower carbonate aquifer and overlying aquifers along flow paths from Yucca Mountain; rather, pumping could potentially increase the upward vertical gradient.

4. Impacts to Endangered Species that utilize the springs in Death Valley.

DOE does not expect any impacts to the Devils Hole pupfish or other species in the Ash Meadows area because under all analyzed conditions (that is, pumping, no-pumping, present climate, and wetter climate), no contamination would move into the Ash Meadows area due to the groundwater flow system in the area of Devils Hole and the Ash Meadows area. Additionally, DOE contends that the estimated concentrations of radionuclides at the natural discharge sites in the region, and associated human health consequences, are so low that DOE would not expect any harm to other flora and fauna, including endangered or threatened species.

5. Clean up and remediation measures.

   DOE asserts that an emergency plan for radiological accidents will be developed during the active, preclosure phase of the project as required by NRC. DOE would conduct postclosure monitoring after sealing the repository to continue to ensure acceptable performance. DOE studies and models of postclosure performance indicate that impacts under even the most severe scenarios would be represented by low quantities and slow increases of radionuclides in the groundwater pathway. DOE's postclosure monitoring would provide early detection of any unusual conditions in the groundwater. As a consequence, there would be ample time to plan corrective measures to protect the public, and therefore, there is no need to consider specific mitigation. The DOE does not discuss clean-up or remediation.

Inyo County's contentions regarding volcanism, socioeconomic impacts, inclusion of the National Incident Management System (NIMS) and the possibility of airplane crashes at the site as described in Inyo County's contentions are not addressed in DOE's Analysis of Postclosure Groundwater Impacts. However, in SER Volume 2, the NRC determined DOE had adequately considered analysis of geological hazards associated with volcanic activity. DOE's analysis indicates the probability of a volcanic event is very low, and potential impacts are not considered very large. SER Volume 5 proposes conditions on construction authorization, which include restrictions and operational constraints on aircraft in the vicinity of Yucca Mountain, including overflights. Socioeconomic considerations and utilization of NIMS have not been addressed.

OTHER AGENCY INVOLVEMENT: Numerous federal, State, and local agencies, including DOE, USGS, NPS, DVNP, BLM, the States of California and Nevada, and the Nevada Counties of Nye, Clark, Esmeralda, Lincoln, Eureka, Esmeralda, Churchill, Lander, and White Pine.

FINANCING: Resources for the YMRAO activities are budgeted within Yucca Mountain Oversight Budget No. 620605. Approximately $1.17 million in fund balance remains from previous federal allocations.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____

PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____Date: 2/3/15

For Clerk's Use Only:
AGENDA NUMBER

12

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Owens Lake Master Project

DEPARTMENTAL RECOMMENDATION: Discuss the Owens Lake Master Project, confirm the participation of Supervisors Kingsley and Griffiths on the Planning Committee, and provide direction.

SUMMARY DISCUSSION: The Los Angeles Department of Water and Power (DWP) is working on a Master Project for the Owens Lake following many years of dust mitigation efforts. The Project is intended to provide a framework for the future of the Lakebed, including potential solar energy development, water conservation, habitat enhancement, and further dust mitigation.[1] County representatives have been participating on the project Planning Committee, including the Water Department Director, Planning Director, Agricultural Commissioner, and Supervisor Kingsley and former Supervisor Arcularius.[2] Supervisor Griffiths has expressed interest in participating on the Planning Committee.

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

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

1 Refer to https://owenslakebed.pubspsvr.com/default.aspx for more information regarding the Master Plan.
2 Refer to http://inyoplanning.org/projects.htm regarding the County's previous input regarding the Master Plan process.

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

_____ Date: 3-4-15

For Clerk's Use Only:
AGENDA NUMBER
13

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Inyo County Parks & Recreation

FOR THE BOARD MEETING OF: **March 10, 2014**

SUBJECT: Emergency Replacement of Water Supply Well's at Four County Campgrounds

DEPARTMENTAL RECOMMENDATION:

Request your Board:

1. Declare an emergency as allowed by Public Contracts Code sections 20134 and 22050, order and authorize the County Administrator to proceed at once to replace four wells that provide potable water to campers and day-users at Pleasant Valley Campground, Baker Creek Campground, Tinnemaha Creek Campground and Taboose Creek Campground which are currently shut down as unsafe due to the presence of coliform bacteria without the necessity of formal bidding. *(4/5 vote)*

2. Approve the bidding process used to secure a prompt response to this emergency due there being no partial fix to the situation and new wells must be drilled. *(4/5 vote)*

3. Award a bid to Boetsch Well Drilling of Mojave, CA in the amount of $40,052.00 for the emergency construction of the domestic water supply replacement wells located at Pleasant Valley Campground, Baker Creek Campground, Tinnemaha Creek Campground and Taboose Creek Campground and authorize the Board Chair to sign the project contract contingent upon obtaining appropriate signatures. *(4/5 vote)*

SUMMARY DISCUSSION:

Inyo County Environmental Health (ICEH) regularly samples water wells at the County's Pleasant Valley, Baker Creek, Tinnemaha, and Taboose Creek campgrounds for coliform bacteria. There has been a steady trend of finding concerning levels of coliform bacteria in all four campground wells, and recent tests again identified the presence of coliform bacteria. As a consequence, Parks & Recreation staff undertook immediate and appropriate clean-up procedures in an effort to alleviate the problem. ICEH re-sampled for bacteria after the clean-up was completed and found the bacteria are still present. Staff now believes that the contamination is most likely a result of the well casings and sanitary seals having failed, as well as the wells being relatively shallow.

Based on the above findings, Inyo County Environmental Health Services has issued a Cease and Desist order citing the California H&S Code and Title 22, California Code of Regulations (CCR). Parks & Recreation has posted the required notices and has shut off all primary drinking water sources.

All four water wells are owned and operated by the County of Inyo, and needed to provide potable water to campers and day users in the campgrounds. Currently there is no potable water at these four campgrounds. The necessity of the emergency repair is supported by the fact that the campgrounds are without a domestic water supply until the replacement wells are constructed, and preparing the standard bid documents and awarding a contract would take several weeks if not another month to complete.

Inyo County Parks and Recreation mailed out an RFQ to eight C-57 contractors on December 22, 2014 and advertised in the Inyo Register for 3 weeks. The RFQ's were sent to the following contractors:

Boetsch Well Drilling
Abundant Water Wells
Reeves Drilling Inc
Sierra Nevada Drilling & Pump
Maranatha Drilling & pump
Garrison Bros Well Service
Rottman Drilling Co

Two bids were received and opened on January 22, 2015. One bidder declined to bid due to prior commitments. The remaining contractors did not submit a bid. Phone calls were made to Garrison Bros and Reeves in regards to their non-response. The bids are based on drilling four new wells to a depth of 100-feet. If it is necessary to drill beyond 100-feet, there is a cost-per-foot charge which could result in a need to amend the contract. The contract is expected to be available in time for today's meeting. The bids and responses were as follows:

- Boetsch Well Drilling, Mojave, CA	$40,052
- Abundant Water Wells	$138,000
- Reeve Drilling, Inc., Bishop, CA	No bid
- Sierra Nevada Drilling & pump	No bid
- Maranatha Drilling & pump	No bid
- Garrison Bros. well service	No bid
- Abundant Water wells	No bid
- Rottman Drilling Co.	No bid

Bringing this contract before your Board earlier than today was not possible due to the need to secure necessary funding through the Mid-Year Financial Review process which was completed on February 17, 2015.

ALTERNATIVES:

Operating the water system in its contaminated condition, in violation of the ICEH Order, would result in ICEH imposing additional enforcement actions (citations) and administrative penalties. The County would be deemed to have not complied with the obligations of the Order and could be subject to additional judicial action, including civil penalties specified in California H&S Code, Section 116725 and 116730.

OTHER AGENCY INVOLVEMENT:

Inyo County Environmental Health Services

FINANCING

Your Board approved funding for this project as part of budget amendment's made during last month's Mid-Year Financial Review. The replacement wells will be funded from the Fiscal Year 2014-2015 Parks & Recreation budget, Object Code 5620.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: ✓ Date 03-5-15 Margaret Kemp-Williams
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) _____ Date: 03-05-2015

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For Clerk's Use Only:
AGENDA NUMBER
14

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Assessor

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Authorization to recruit an Administrative Analyst I

DEPARTMENTAL RECOMMENDATION: - Request Board find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Administrative Analyst position comes from the General Fund, as certified by the Assessor, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment; and C) approve the hiring of one Administrative Analyst I at Range 68 ($4,106 - $4,988).

COUNTY ADMINISTRATOR RECOMMENDATION:

SUMMARY DISCUSSION: - Current staffing in the Assessor's front office consists of two full time positions—an Office Technician and an Administrative Analyst--and one shared Office Technician. In recent years the Assessor enjoyed a staffing level of three full time administrative staff. The Administrative Analyst position was left vacant for salary savings when the former Analyst changed jobs within the County. The salary savings has been achieved and the department requests filling the vacancy. It is critical to the Assessor and the County that the roll gets closed, appeals are minimized, PTMS implementation and training is successful, BOE compliance reporting and staff cross-training is accomplished.

ALTERNATIVES: - Your Board could choose to not authorize this position. This alternative is not recommended because the aforestated undertakings could be jeopardized, placing the Assessor's office and the County in an unstable position. It should be noted that the Assessor's office has been scheduled for a BOE Assessment Practices Survey later this year. This is a labor intensive audit of the Assessor's office by the State Board of Equalization.

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: This position is funded in the FY 2014-15 Assessor's budget unit 010600.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)* Amy Shepherd Approved: yes Date 3/4/15
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS *(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)* Sue Bee Approved: ✓ Date 3/3/15

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Gail Gottemoeller Date: 2/24/15

For Clerk's Use Only:
AGENDA NUMBER
15

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Water Department

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Change in authorized strength and authorization to hire a scientist-hydrologist

DEPARTMENTAL RECOMMENDATION:

The Water Department requests your Board a) change the authorized staffing of the Water Department by deleting 1.0 FTE Senior Hydrologist at Range 82 ($5725-$6951) (7 hour position), by adding one Scientist series, Associate Scientist Range 78 ($5,199-$6,319), Scientist Range 80 ($5,450-$6,628), or Senior Scientist at Range 82 ($5,725-$6,951) specializing in hydrology (8 hour position) b) Find that consistent with the Authorized Position Review Policy, c) funding for this position comes from the Water Projects Fund as certified by the Water Director and concurred by the County Administrator and the Auditor-Controller, d) and where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure the most qualified applicants apply; e) approve the hiring of an Associate Scientist Range 78 ($5,199-$6,319), Scientist Range 80 ($5,450-$6,628), or Senior Scientist Range 82 ($5,725-$6,951) specializing in hydrology at the Range given above, contingent upon qualifications.

SUMMARY DISCUSSION:

Our current hydrologist position has become vacant and we would like to refill the position. This is a key position with respect to our work involving the Inyo-Los Angeles Long Term Water Agreement, Groundwater Ordinance, and State water resources mandates. This position will continue to assist in meeting the goals and deadlines for monitoring activities required by the Water Agreement as well as the upcoming requirements of the California Sustainable Groundwater Management Act.

The requested adjustments to the Water Department's authorized strength align the hydrologist position with other science positions within the Department. Other science and technical positions in the Department were consolidated into a single "scientist" career ladder in 2009.

FINANCING:

The hydrologist position has been budgeted for in the 2014-2015 Water Department Budget (024102). There is sufficient revenue in the Water Projects Fund to fill and support this position at the above ranges.

ALTERNATIVES:

Your Board could choose to not recommend the above to the Authorized Staffing however; this is not recommended due to the current challenges placed on the Water Department and the requirements of the Water Agreement.

OTHER AGENCY INVOLVEMENT:

The Inyo County Personnel Department will assist in the recruitment of the authorized position.

APPROVALS	
COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: yes Date 2/20/2015
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: ✓ Date 2/20/15

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) _____ Date: 2/27/15

For Clerk's Use Only:
AGENDA NUMBER
16

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: CLERK OF THE BOARD
By: Patricia Gunsolley, Assistant Clerk of the Board

FOR THE BOARD MEETING OF: March 10, 2015

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - Request approval of the minutes of the Board of Supervisors Board Meeting of February 17, 2015.

SUMMARY DISCUSSION: - The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested, the minutes will be made available to the public via the County's web page at www.inyocounty.us.

ALTERNATIVES: - Staff awaits your Board's changes and/or corrections.

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

APPROVALS	
BUDGET OFFICER:	BUDGET AMENDMENTS *(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)*
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS *(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)* Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____ Date:_____
(The Original plus 20 copies of this document are required)

PAUL COOK
8TH DISTRICT, CALIFORNIA

1222 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5861

CC BoS
CAO
20 Planning

Congress of the United States
House of Representatives
Washington, DC 20515–0508

February 20, 2015

RECEIVED
2015 FEB 26 PM 2:53
INYO COUNTY
ADMIN OFFICE
CLERK OF THE BOARD

The Honorable Sally Jewell
Secretary, U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C., 20240

Dear Secretary Jewell,

I want to thank you for the opportunity to share my comments regarding the Desert Renewable Energy Conservation Plan (DRECP). As we embark on a new era of renewable energy development in California, it is crucial that government leaders formulate reasonable and responsible solutions to managing the effects of large-scale development in our deserts. We must utilize an approach that balances the state's renewable energy goals with maintaining local input over land use decisions.

As you're well aware, the public review period for the Draft DRECP and EIR/EIS ends February 23, 2015. While the goals of this plan are laudable, it is becoming increasingly apparent that many local stakeholders in my district have not had adequate time to review and propose revisions. The sheer size of the Draft DRECP must be taken in to account when determining the length of its public review period. I believe it is in the best interest of my constituents that public review of the Draft DRECP be extended by one year.

It is evident that there is a significant amount of concern among local officials regarding potential conflicts between the Draft DRECP and local land use policies. In the absence of a draft version of the San Bernardino County Partnership for Renewable Energy and Conservation (SPARC) Renewable Energy Element, local government agencies are unable to accurately gauge the potential impact of renewable energy projects in their communities. Alternatively, aligning the milestone dates for county renewable energy elements with DRECP deadlines would allow local governments to participate in a more collaborative and productive manner.

I also have grave concerns about the expedited fashion by which DRECP is progressing. Completing the plan by the end of the year is not a sufficient amount of time for developing a policy of this magnitude. Many local stakeholders have expressed concern that rushing to complete DRECP without ample time to evaluate all aspects of the plan could impede the creation of a thorough document. Policy decisions determined by DRECP will have drastic repercussions for California desert communities. Consequently, it is imperative that this process proceed in a manner that respects the needs and concerns of the communities who will be most affected by DRECP.

PRINTED ON RECYCLED PAPER

Again, thank you for the opportunity to convey my perspective on DRECP. A one year extension on the public comment period would be extremely beneficial to local governments and constituents of my district. Additionally, better coordination between federal, state, and county planning efforts would also improve the development of this critical and necessary document. I would enjoy the opportunity to discuss these matters with you or staff at your earliest convenience. If you have any questions or need additional information, please contact my office at (760) 247-1815.

Sincerely,

Paul Cook

Col. Paul Cook (ret)
Congressman, 8th District of California

Cc: Jim Kenna, California State Director, U.S. Bureau of Land Management
Daniel Ashe, Director, U.S. Fish and Wildlife Service
Robert Weisenmiller, Chair, California Energy Commission
Charlton Bonham, Director, California Department of Fish and Wildlife
San Bernardino County Board of Supervisors
Inyo County Board of Supervisors
Michelle McCoy, Land Use Services Department, San Bernardino County
Apple Valley Town Council
Hesperia City Council
Victorville City Council
Adelanto City Council
Barstow City Council
Twentynine Palms City Council
Yucca Valley Town Council