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.

Special Meeting

MONDAY, December 21, 2015

4:00 p.m. 1. PUBLIC COMMENT

2. PLANNING – Request Board review the Final Environmental Impact Statement for the proposed Land Use Plan Amendment related to the DRECP and the protest letter submitted by the County in regards thereto and consider withdrawing or modifying the letter.

For Clerk's Use Only:
AGENDA NUMBER

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: December 21, 2015

SUBJECT: Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment to the California Desert Conservation Plan and the Bakersfield and Bishop Resource Management Plans and Final Environmental Impact Statement - County's Protest Letter to the Bureau of Land Management (BLM).

RECOMMENDATION: Request Board review the Final Environmental Impact Statement for the proposed Land Use Plan Amendment related to the DRECP and the protest letter submitted by the County in regards thereto and consider withdrawing or modifying the letter.

SUMMARY DISCUSSION: On December 8, 2015, after receiving a presentation from staff on the Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment to the California Desert Conservation Plan and the Bakersfield and Bishop Resource Management Plans and Final Environmental Impact Statement, your Board directed staff to prepare a letter of protest to the BLM[1]. This letter was to express the County's appreciation of the BLM and California Energy Commission (CEC) for their consideration of the County's concerns in drafting the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) and Final Environmental Impact Statement (FEIS) and other associated documents. Your Board also directed staff to include protest language regarding several outstanding issues that your Board did not think had been adequately addressed in the LUPA and FEIS.

These issues included:

- Mapping errors and unclear areas of designation.
- Land use categories that are new to the FEIS that are unclear, confusing and were not vetted by the potentially effected jurisdictions prior to being added.
- The scale of land designated in a conservation category that will effectively exclude large portions of BLM lands in the County from economic development and the lack of coordination with the County in identifying the appropriate scale of area designated for conservation.
- The Socio-economic and Environmental Justice Analysis provided in the FIES as it did not include a meaningful evaluation of Inyo County or other jurisdictions and communities that are not incorporated cities with populations over 10,000.
- The County protests the completion of the DRECP, FEIS and LUPA as it is, especially with regard to mapping of the preferred alternative land use designations, the scale of conservation designations and the socio-economic/environmental justice evaluations that were not developed with adequate coordination with local jurisdictions, specifically Inyo County.

Staff is now asking your Board to review the letter as submitted by staff and provide direction to staff to either amend or rescind the letter or to leave as is.

OTHER AGENCY INVOLVEMENT: Bureau of Land Management, California Energy Commission.

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[1] Please see: http://www.inyocounty.us/Board_of_Supervisors/ for the December 8, 2015 ARF

FINANCING: General fund resources are utilized to monitor the Desert Renewable Energy Conservation Plan.

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.)

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

Date: 12/18/15

Attachments:

- Letter of Protest sent to the Bureau of Land Management.

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@inyocounty.us

December 11, 2015

Director (210)
Attn: Protest Coordinator
20 M Street SE, Room 2134LM
Washington D.C., 20003

RE: Protest – Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment to the California Desert Conservation Plan and the Bakersfield and Bishop Resource Management Plans and Final Environmental Impact Statement

Esteemed Bureau of Land Management Director:

The Inyo County Board of Supervisors directed me, during its December 8, 2015 regular meeting, to express the County's appreciation for your consideration of our concerns in drafting the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) and Final Environmental Impact Statement (FEIS) and other associated documents. Overall, the County supports your efforts and is grateful for the opportunities you have provided for comment and the coordination between our staffs. The Board also directed me to inform you that the County still has several outstanding issues that we believe have not been adequately addressed in the LUPA and FEIS and wish to describe these within a formal protest.

Please consider this the protest of Inyo County to the LUPA and FEIS in accordance with 43 CFR 1610.5-2.

Statement of Issue/Issues being protested

Mapping errors/unclear areas for designation

The maps and associated shapefiles used to create them, provided with the DEIS were difficult read and/or use for comprehensive analysis by the County. The County provided comments on these conditions during the DRECP and DEIS comment periods and expressed these same concerns to BLM and California Energy Commission (CEC) staff during various meetings. Despite these efforts, the FEIS maps and associated shapefiles have similar clarity issues and have been made more confusing by the addition of new land use categories and/or changed land use categories without the benefit of vetting from affected jurisdictions.

These new and/or changed land use categories include Unallocated Lands, Lands Managed as Wilderness and Variance Process Lands (VPLs). The DEIS included Special Analysis Areas, Future Assessment Areas, and Variance Lands. Special Analysis Areas have been eliminated,

and are now included in either DFAs or conservation designations. The Future Assessment Areas and Variance Lands that remain are now collectively called VPLs and would be open for solar, wind, and geothermal energy applications under a variance process. The new land use designation of Unallocated Lands would be open to renewable energy development applications with a Plan Amendment. These changes are confusing and difficult to evaluate within the time given and were added without the benefit of agency coordination.

The Bureau of Land Management's (BLM) response to comments indicating that the County's concerns with the mapping will be addressed in Phase II, as Phase I only includes BLM land, is not adequate since the County's comments have been with regard to proposed designations on public lands and specifically BLM managed land. The BLM's response indicating that revised descriptions and mapping, found in Volume II address these issues is also not adequate as the maps and associated shapefile are still not clear, nor were they given to potentially affected jurisdictions within a timeframe that allows for comprehensive evaluation or comment.

The County protests the maps included in the preferred alternative of the FEIS and the land use categories that are new to the FEIS as they are unclear, confusing and were not vetted by the potentially effected jurisdictions prior to being added.

Conservation Designations

The preferred alternative in the LUPA FEIS includes a considerable amount of land area to be designated in a conservation category. These categories include National Landscape Conservation Lands, Areas of Critical Environmental Concern, Lands to be Managed as Wilderness and Special Recreation Management Areas. Inyo County's land use pattern is shaped predominately by its land ownership pattern; one in which only about 2-percent of the land is privately owned. This creates a greater reliance on public lands for economic opportunities. The County has repeatedly commented, including during the DEIS comment period, that if more land is put into conservation categories it will ultimately cause losses to the County's traditional economic opportunities such as mining, grazing and to access to these and other multiple uses.

The BLM's response to the DEIS comments indicating that the County's concerns will be addressed in Phase II, as Phase I only includes BLM land, is not adequate since the County's comments have been with regard to public land and specifically BLM managed land.

The County protests the scale of land designated in a conservation category that will effectively exclude large portions of BLM lands in the County from economic development and the lack of coordination with the County in identifying the appropriate scale of area designated for conservation.

Socio-economic Analysis

The socio-economic analysis conducted for the DEIS only used data for incorporated cities with more than 10,000 people. There is not a single community in Inyo County that fits this description. Therefore, Inyo County was not properly evaluated in the DEIS. Many communities located in Inyo County have lower income and minority populations and are frequently overlooked due to their unique population and geographic circumstances. The County provided comments on the lack of meaningful socio-economic evaluation on the Draft

DRECP and DEIS and during the comment periods and expressed these same concerns to BLM and CEC staff during various meetings.

The BLM's response to the DEIS comments indicating that the comment requests an analysis beyond what is required and feasible within a programmatic National Environmental Policy Act (NEPA) socio-economic and environmental justice analysis is not adequate. The County is not asserting that the BLM provide analysis beyond what NEPA requires, it is asserting that the analysis required by NEPA be provided for populations that reflect the circumstances found in Inyo County that do not fit the parameters (incorporated cities with populations over 10,000) used for the evaluations.

The County protests the Socio-economic and Environmental Justice Analysis provided in the FIES as it does not include a meaningful evaluation of Inyo County or other jurisdictions and communities that are not incorporated cities with populations over 10,000.

Coordination with the County
Inyo County has, since the onset of the DRECP work, requested the process include coordination with local jurisdictions. Particularly, the County requested more coordination to ensure the DRECP's consistency with the County's General Plan; to improve the development of the DRECP; to include cooperation with the Los Angeles Department of Water and Power; and to address the issues state above including mapping errors and unclear areas for designation, conservation designations, and socio-economic and environmental justice analysis.

The County protests the completion of the DRECP, FEIS and LUPA as is, especially with regard to mapping of the preferred alternative land use designations, the scale of conservation designations and the socio-economic/environmental justice evaluations as they have not been developed with adequate coordination with local jurisdictions, specifically Inyo County. Coordination occurred well earlier in the process, but was not carried forward for the FEIS.

STATEMENT OF THE PART OR PARTS OF THE PLAN OR AMENDMENT BEING PROTESTED.
Mapping errors/unclear areas for designation
The FEIS preferred alternative includes maps and associated shapefiles that are difficult read and/or use for a comprehensive analysis. New and/or changed land use categories including Unallocated Lands, Lands Managed as Wilderness and Variance Process Lands (VPLs) were added without the benefit of agency coordination with a local jurisdiction potentially affected by the decision. For the reasons identified herein, these maps and associated shapefiles and new land use categories, as they impact Inyo County and the associated LUPA are being protested.

Conservation Designations
The preferred alternative in the LUPA FEIS includes a considerable amount of land area to be designated in a conservation category. These designations could ultimately cause losses to the County's traditional economic opportunities. For the reasons identified herein, the scale of these conservation designations, as they impact Inyo County and the associated LUPA are being protested.

Socio-economic Analysis
The socio-economic analysis conducted for the DRECP and FEIS is inadequate and non-representative of Inyo County. For the reasons identified herein, the Socio-economic and Environmental Justice analysis, as they impact Inyo County and the associated LUPA are being protested.

Coordination with the County
Coordination with Inyo County has been inadequate as the BLM as not fully coordinated with the County on issues of importance to the County in the FEIS, especially with regard to mapping errors and unclear areas for designation in the FEIS preferred alternative, conservation designations in the preferred alternative in the FEIS, and the socio-economic and environmental justice analysis and the decisions made based on them; and therefore, does not meet the requirements or spirit of the FLPMA coordination language. Coordination occurred well earlier in the process, but was not carried forward for the FEIS.

A COPY OF ALL DOCUMENTS ADDRESSING THE ISSUE OR ISSUES THAT WERE SUBMITTED DURING THE PLANNING PROCESS BY THE PROTESTING PARTY OR AN INDICATION OF THE DATE THE ISSUE OR ISSUES WERE DISCUSSED FOR THE RECORD.

The following comments have been submitted to the BLM, CEC and others associated with the DRECP planning process, and are attached to this protest:

1. March 2, 2010, letter to Governor Arnold Schwarzenegger. This letter stated the County's enthusiasm for renewable energy planning and encouraged the Energy Commission and other participating agencies to integrally include local agencies in the planning process.

2. March 31, 2010, letter to Robert R. Cooper, Director California Desert Renewable Energy Conservation Plan. This letter stated the County's feeling of encouragement that the State would be actively including local governments in its decision making process. It also pointed out concerns about conservation area starting points, restrictions on private lands and reduced access to public lands.

3. August 16, 2011, letter to the California Energy Commission, regarding the Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement/Environmental Impact Report for Desert Renewable Energy Conservation Plan Docket No. 09-RENEW EO-01. This letter stated the County's concerns about socio-economics and the County's skewed land use patterns (98% managed by a public agency). The letter also included a request for staff to staff meeting to address inconsistencies between the proposed plan and the County's plans and policies.

4. May 1, 2012, letter to the California Energy Commission, regarding the Preliminary Development Scenarios for the DRECP – Docket No. 09-RENEW EO-01. This letter included the County's concerns regarding economic impacts and further encouraged the DRECP planning group to meet with the County on the development scenarios to better coordinate the County's plans and policies with the DRECP.

5. July 26, 2012, letter to the California Energy Commission regarding the DRECP alternatives (July 25, 2012) and Draft Biological Goals and Objectives (June 14, 2012). This letter provided feedback on these materials and pointed out mapping discrepancies, the County's support for multiple uses on publically managed lands, concerns about potential additions of protected lands, and potential losses of road access and mining opportunities.

6. January 22, 2013, letter to the letter to the California Energy Commission regarding the Description and Comparative Evaluation of the Draft DRECP Alternatives – Docket No. 09-RENEW EO-01. This letter contained the County's concerns about potential direct economic impacts based largely on the vast scope of the conservation program and potential losses to multiple uses on publically managed lands.

7. February 17, 2015, letter to the California Energy Commission, containing the County's comments on the DEIS. This letter pointed out that the DEIS contained numerous mapping errors that made it difficult for the County to use for its comments. It also asked that coordination take place with the County to work on inconsistencies in between the DRECP/DEIS and the County's plans and policies. It further recommended that this coordination also take place with the Los Angeles Department of Water and Power. The County's comments included that the vast scale of conservation lands identified in the County and the inadequate evaluation of how it would affect the County and concerns about losses of multiple uses. The County also stated its disapproval of the lack of socio-economic analysis done on the County and that the County has significant low-income and minority communities that are completely overlooked in the DEIS due to the approach that was used. The comments further pointed out that the County's economy is small and fragile and the DEIS should be evaluating this reality.

8. November 17, 2015, Letter to Jim Kenna, Director Bureau of Land Management regarding the DRECP – Draft Agreement by and between the Bureau of Land Management and the California Department of Fish and Wildlife – Docket No.09-RENEW EO-01. This letter provided a comment encouraging the BLM, based on FLPMA, to reference coordination with local agencies in the agreement. The letter included the County's concerns about the loss of multiple uses on Federally managed lands.

CONCISE STATEMENT WHY THE PROPOSED DECISION IS WRONG.

Inyo County has consistently conveyed to the BLM and CEC concerns about mapping, land use designations, inadequate socio-economic/environmental justice evaluations and unsatisfactory coordination with the County.

Mapping errors/unclear areas for designation

As indicated in the record the County clearly commented on the quality and clarity of maps and associated shapefiles that were used as critical components of land use decisions made by the BLM. The County also provided comments indicating that the poor quality and clarity of said maps and associated shapefiles made it difficult, if not impossible, for the County to provide comprehensive and meaningful comments on the land use proposals. With regard to new and/or changed land use designations between the DEIS and FEIS, these changes were

made outside of appropriate coordination with a local jurisdiction (Inyo County) as defined by FLPMA and have left the County without adequate time or information to understand and comment on them.

Conservation Designations
As indicated in the record, Inyo County has consistently and clearly conveyed to the BLM that lands administered by the BLM in the County should be not be designated in a manner that reduces the opportunity for multiple use; and therefore, traditional economic opportunities for the County's citizenry. Despite this input, the BLM has created a disproportionate scale of land proposed for conservation designations and has not addressed how these potential losses of economic opportunity from these designations will be mitigated. The result of this scale of conservation designations is a large portion of BLM land in the County ends up withdrawn from economic use and is added to the already vast amount of land in the County excluded from economic use, significantly impacting the County, its society, culture, and environment.

Socio-economic Analysis
As indicated in the record the County has repeatedly pointed out that the socio-economic and environmental justice evaluations prepared for the DRECP and DEIS/FEIS are virtually non-existent with regard to Inyo County. The DRECP and DEIS/FEIS criteria of incorporated cities with a population of at least 10,000 completely leaves Inyo County out of the analysis as there are no communities within the County that meet this criteria. Again, this means that there is no real evaluation for Inyo County in the DRECP, DEIS or FEIS regarding socio-economics; and therefore, decisions made based on this analysis are not realistic for Inyo County.

Coordination with the County
BLM staff has not properly responded to the County's concerns or requests for additional coordination, and when modifying the project, has either exacerbated or ignored them. This is contrary to the FLPMA and the obligation to coordinate BLM planning efforts with local jurisdictions. Inyo County is not just a commenter on the DRECP, FEIS and the resulting LUPA, but an integral partner under FLPMA. The result of the BLM's failure to comply with FLPMA and to engage in meaningful planning with a local jurisdiction directly impacted by its decisions is that the project is inconsistent with County's existing policies. This lack of adequate coordination is in itself objectionable, but more importantly has resulted in a faulty decision that is detrimental to the citizens of Inyo County as it lacks the fundamental coordination between the local jurisdiction and the BLM necessary to achieve a fair and balanced approach. Coordination occurred well earlier in the process, but was not carried forward for the FEIS.

Thank you for your consideration. Please contact me at (760) 878-0263 or jhart@inyocounty.us with any questions.

Sincerely,

Joshua Hart, AICP
Planning Director

Attachments

cc: Board of Supervisors
County Administrative Officer
County Counsel
California Energy Commission

BOARD OF SUPERVISORS
COUNTY OF INYO

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PATRICIA GUNSOLLEY
Assistant Clerk of the Board

March 2, 2010

The Honorable Governor of California Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

RE: Renewable Energy Projects

Dear Governor Schwarzenegger:

Thank you for your correspondence dated February 17, 2010 regarding renewable energy projects in Inyo County. On behalf of the Board of Supervisors, I wish to relay to you our support for renewable energy development in Inyo County, and our belief that you will be hard-pressed to find a Board of Supervisors anywhere in our State that is more committed to the appropriate development of large-scale renewable energy projects. We share your commitment to expediting renewable energy projects to help California meet its mutual goals of economic development and environmental protection.

It is both ironic and concerning that Inyo County actually wants to expand the size and number of areas identified or otherwise designated for renewable energy development in our jurisdiction and that our County's efforts are being opposed by the very agencies that you have charged with championing renewable energy development in our State. Inyo County is one of the best locations in the world for solar energy development, and also provides excellent geothermal and potential wind energy resources. We have been working with the California Energy Commission and other interested parties to identify areas in Inyo County for potential renewable energy development through the Renewable Energy Transmission Initiative (RETI), as well as the Desert Renewable Energy Conservation Plan (DRECP). However, to date, Inyo County's efforts to expand the number of California Renewable Energy Zones (CREZs) located in our county have been largely ignored (see attachment). While we have had difficulty making our voice heard, we have and will continue to provide input into these processes. We ask that you encourage the Energy Commission and other participating agencies to integrally include local agencies, such as Inyo County, in the planning process to a greater degree and take our view points into account.

While we support renewable energy development in general, we also support clarifying the ability of local governments to exercise local land use authority, and seek reasonable impact fees and taxes from the development of such facilities. We hope and expect that any impacts resulting from renewable energy development will be addressed through the DRECP, or entitlements for specific projects. Potential impacts of concern include increased demand for County programs and services, increased stress on public infrastructure including road, water and sewer systems, the need to expand public utilities and public facilities, and the need for additional housing, as well as aesthetic impacts.

Thank you for your correspondence and interest in renewable energy development in Inyo County. We look forward to working with you as we move forward with the DRECP and other renewable energy planning processes. If you have any questions, please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292.

Sincerely,

Richard Cervantes

Richard Cervantes
Chairperson, Inyo County Board of Supervisors

Attachment

cc: Board of Supervisors
Kevin Carunchio, CAO
Randy Keller, County Counsel
Doug Wilson, Willdan
Regional Council of Rural Counties
California State Association of Counties
California Energy Commission
California Department of Fish and Game
U.S. Bureau of Land Management
U.S. Fish and Wildlife Service

Planning Department
168 North Edwards Street
Post Office Drawer L
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E-Mail: inyoplanning@inyocounty.us

March 31, 2010

Robert R. Copper, Director
California Desert Renewable Energy Conservation Plan
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Desert Renewable Energy Conservation Plan
Conservation Area Starting Points

Dear Mr. Copper:

Thank you for your efforts to facilitate the Desert Renewable Energy Conservation Plan (DRECP) and convening the Stakeholder Committee. I am encouraged that the State is actively including local governments in its decision-making process for this Plan.

Despite these positive developments, I am deeply concerned about the proposed DRECP conservation area starting points in southeast Inyo County. The draft proposal designates areas in the Owens Valley, the Rose Valley, the Panamint Valley, and the Searles Valley as starting points to define conservation areas for the DRECP.

These starting points encompass private lands in the following Inyo County communities: Olancha, Cartago, Valley Wells, Homewood Canyon, Hawiee, Dunmovin, Coso Junction, Little Lake, and Pearsonville. If you are not aware, less than two percent of the County's land area is privately owned and almost 65 percent has been designated Wilderness.

Any further restrictions on private land, reduced access to public lands, or taking of private land for public purposes are not only unjust, but contrary to the Inyo County General Plan. Furthermore, the proposed starting points encompass lands being actively studied for renewable energy development, including proposed wind energy development in the Rose Valley and near Pearsonville, and geothermal resources being studied by the Bureau of Land Management in its Environmental Impact Statement for the Proposed Leasing of Geothermal Resource Development in the Haiwee Geothermal Leasing Area.

The proposed starting points should be revised to only include public lands not being studied for renewable energy development, especially in Inyo County. Any further restrictions to access to public lands will be vigorously opposed locally. Also, the County's proposed renewable energy zones (see attached), which have been shared with numerous participating agencies multiple times, should be considered in the DRECP.

Thank you for attention to these matters. Please call me at (760) 878-0263 or email me at mconklin@inyocounty.us if you have any questions.

Sincerely,

Mike Conklin
Planning Department Director

Attachment

cc: Board of Supervisors; CAO; County Counsel; Doug Wilson, Willdan; Governor Schwarzenegger; DOI; BLM; USFWS; CDFG; CSAC; RCRC; NACO; file

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COUNTY OF INYO

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Assistant Clerk of the Board

August 16, 2011

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

Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Re: Notice of Intent and Notice of Preparation for Joint Environmental Impact Statement/ Environmental Impact Report for Desert Renewable Energy Conservation Plan Docket No. 09-RENEW EO-01

To Whom It May Concern,

On behalf of the Inyo County Board of Supervisors, thank you for the continued opportunity to participate in development of the Desert Renewable Energy Conservation Plan (DRECP). Inyo County has a long history of providing renewable energy generation for California and the nation, and we are proud that our County possesses the resources necessary for future renewable energy production. The Inyo County Board of Supervisors has consistently expressed its support of appropriate renewable energy development, and we hope that Inyo County will be able to participate in DRECP implementation.

Scope of the Environmental Impact Statement/Environmental Impact Report

We are encouraged that the Renewable Energy Action Team (REAT) agencies are engaging in a comprehensive process to streamline renewable energy permitting through the DRECP and the joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR). While we support proper mitigation of potential environmental impacts resulting from renewable energy development, we are discouraged that the DRECP process is considering eliminating more private property in Inyo County, despite the County's previous input. We remind the REAT agencies that more than 98 percent of the County is in public ownership, and 65 percent is designated Wilderness. With this land ownership pattern, every acre or private land that is converted to public ownership is significant and adverse to the people of Inyo County. With this in mind, we offer the following comments on the scope of the EIS/EIR.

Land Use and Planning – the EIS/EIR should address land use and planning issues between the DRECP and the County's planning policies and land use procedures.[1] As previously requested, alternatives to further taking private lands for biology-related mitigation in our County should be considered, including enhancing existing public lands and considering calculating past Wilderness designations for biology-related mitigation. The analysis should include past, present, and reasonably foreseeable future land use actions that have impacted the County's private land base.

Infrastructure, Services, Housing – the EIS/EIR should evaluate potential impacts on public services, utilities, and housing. Potential impacts to public roads and the County's burden to repair and maintain those roads are of great

[1] Refer to http://inyoplanning.org/general_plan/index.htm regarding the County's General Plan.

concern. In our County, many of the service providers in the remote areas where renewable energy may be developed may not have the capacity to adequately provide law enforcement and emergency services. The boom-and-bust cycle of resource-driven development may also lead to increased demand for housing, which then may be abandoned after construction due to the relatively low long-term employment opportunities from renewable energy facilities.

Recreation – the potential impacts of renewable energy development to recreation should be evaluated. Renewable energy development and potentially biology-related mitigation has the potential to block access to recreation, and mitigation and alternatives to minimize these potential effects should be evaluated. In our County, these impacts should be considered in light of past and continuing efforts to reduce access for motorized recreation.

Socioeconomics – the fiduciary benefits of renewable energy development to local agencies should be compared to the costs of providing infrastructure and services for the development. The analysis should consider the boom-bust cycle of resource-driven development – especially renewable energy development that in most cases does not generate substantial long-term employment locally – as well as the opportunity costs of such development. While it is noble to encourage renewable energy development on private disturbed lands, these areas offer local agencies greater potential revenue generation in the long run through other development opportunities, and the socioeconomic effects of their development with renewable energy facilities and/or dedication to biology-related mitigation could be severe, especially in our County with its skewed land ownership pattern.

Coordination

Based on our preliminary review of the DRECP planning documents, it appears as if the Plan is inconsistent with the Inyo County General Plan, despite the County's previous input. We therefore request continuing and enhanced coordination with the BLM to address and resolve the inconsistencies between the DRECP and the Inyo County General Plan and approved policies. In accordance with 43 C.F.R. 1610.3-1(f), Inyo County hereby informs the BLM of the inconsistencies between Inyo County plans and policies and the DRECP. The County requests staff-to-staff meetings to address these inconsistencies and, ideally, to resolve them.

Thank you for including Inyo County in this important planning process. Please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 or by email at kcarunchio@inyocounty.us to schedule coordination or if you have any questions.

Sincerely,

Susan Cash

Susan Cash
Chairperson, Inyo County Board of Supervisors

cc: Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
DRECP Stakeholders
Governor Brown
Secretary Salazar, DOI
Bob Abbey, BLM
Dan Ashe, USFWS
Ren Lohefener, USFWS
Gerald Hillier, Quadstate
Regional Council of Rural Counties
California State Association of Counties
National Association of Counties

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Assistant Clerk of the Board

May 1, 2012

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

Re: Preliminary Development Scenarios for the Desert Renewable Energy Conservation Plan
Docket No. 09-RENEW EO-01

Ladies and Gentlemen:

On behalf of the Inyo County Board of Supervisors, thank you for the continued opportunity to participate in development of the Desert Renewable Energy Conservation Plan (DRECP). Inyo County has a long history of providing renewable energy generation for California and the nation, and we are proud that our County possesses the resources necessary for future renewable energy production. The Inyo County Board of Supervisors has consistently expressed its support of appropriate renewable energy development, and we hope that Inyo County will be able to participate in DRECP implementation.

We have reviewed the preliminary development scenarios prepared by the DRECP for Inyo County, and are pleased that consideration is being given to a range of potential development here. As you may be aware, the County undertook and comprehensive planning effort to identify areas where renewable wind and solar energy development might be appropriate, based on site-specific studies, and the preliminary development scenarios identify areas similar to many of those that we considered. Noteworthy from our planning effort, we encourage the DRECP to consider potential aesthetic impacts east of Highway 395 north of Owens Lake. Also, although hydrological issues are present County-wide, we believe that they are especially acute in the vicinity of Death Valley junction.

As previously indicated, we have concerns about the DRECP's inconsistencies with the County General Plan and other County policies, including the potential loss of lands for biology-related mitigation; agricultural resources; impacts to public services, utilities, and infrastructure; demand for housing; impeded recreational access; and, the society, culture, and economy of the County. We are reassured that the DRECP is considering providing mitigation for renewable energy development on public lands, since less than two percent of our County remains in private ownership, and we look forward to this evolving discussion, including approaches to restore degraded public lands classified as Wilderness. However, we remain deeply concerned about the potential direct economic impacts from renewable energy development on County services, programs, and infrastructure. We hope that these issues can be resolved through our ongoing coordination, and encourage DRECP staff to maintain contact with County staff to work on addressing our concerns.

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

Sincerely,

Supervisor Marty Fortney, Chairperson
Inyo County Board of Supervisors

cc: Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
Governor Brown
Secretary Salazar, DOI
Bob Abbey, BLM
Dan Ashe, USFWS
Ren Lohefener, USFWS
Gerald Hillier, Quadstate
Regional Council of Rural Counties
California State Association of Counties
National Association of Counties
Senator Fuller
Assemblywoman Conway

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July 26, 2012

California Energy Commission
Attn: Chris Beale, Assistant DRECP Director
1516 Ninth Street
Sacramento, CA 95814-5512

RE: DRECP Alternatives (July 25, 2012) and Draft Biological Goals & Objectives (June 14, 2012)

Mr. Beale:

I have reviewed the "Overview of DRECP Alternatives Briefing Materials," as well as the many studies, documents and presentation materials that have been produced for the DRECP planning effort to date. As we discussed on July 15, this correspondence provides preliminary feedback regarding the alternatives, and the draft revised Biological Goals & Objectives.

In terms of the draft Alternatives presented at the Stakeholder meeting on July 25, I have the following preliminary comments:

- Mitigation on Public Lands. As particularly noted in our conversation on the 15th, I am very encouraged that the concept of providing mitigation for renewable energy projects on public lands is being carried forward in the DRECP. I hope that the DRECP will include Wilderness as potential lands for mitigation, as conservation can be assured on such lands, and Wilderness in Inyo County in many instances is degraded and worthy of enhancement.
- Maps. It is understood that the maps for Inyo County are in draft form, many are as yet generalized, and will need further revisions. For example, on the Generalized Mitigation Contribution Area map, most of Lone Pine was depicted as a Mitigation Contribution Area. I expect that such issues will be corrected as the maps are refined.
- Biological Conservation Lands. It is extremely important to the residents of Inyo County, the many visitors to the County, and thus the economy of the County, that open access to, and use of, public lands be maintained. To that end, the County strongly supports the concept of allowing multiple uses on identified Conservation lands.
- Biological Sensitivity. I have concerns over the labeling of such very large tracts of land as "biologically sensitive," given the ramifications and limitations of what such a label might do to the future use of such lands. Such a label is particularly troubling for owners of private lands, as their private property rights should not be so burdened.
- BLM Land Use Planning Area (LUPA). I understand that rule sets and land allocation information for the LUPAs are still being drafted by BLM. Given the County's concerns over the already large area of protected lands proposed under the DRECP, we would look for justification for the "increased protection" professed for LUPA-designated lands.

In terms of the draft Biological Goals & Objectives dated June 14, 2012, I have several concerns and requests:

- Road Closures. This is a primary concern of the County, both on behalf of its residents, and on behalf of tourists to the County, which contribute so much to the County's economy. (Objective L3.1; Objective DETO1.4; Objective MGS1.4)
- Cabin Bar Ranch Pupfish. The reference to the "Cabin Bar Ranch" population of Owens pupfish should be removed: the County is currently processing an EIR for a development proposed on the Cabin Bar Ranch property and to date no pupfish have been identified for the site, and no conservation program for pupfish are currently being proposed at this time for the project site. (Objective FISH2.1)
- Mining. Limitation/restrictions on mining activities, depending on the resource, size, and location, most likely will be problematic and objectionable, as the County has a long history of supporting mining activities. (Objective DETO1.4)
- Owens River. Many Owens River resources are managed and protected under the terms of the Long Term Water Agreement (LTWA) and other agreements between the County and the Los Angeles Department of Water & Power (LADWP). (Objective WETC1.1; Objective WETC2.1; Objective EPL1.1; Objective OVCH1.2; Objective FISH1.1)
- Multiple Use. The County would look to balance the conservation needs of the Owens River with the many other uses taking place on the river and other areas, such as fishing, and will continue to support multiple uses for the river and other areas (Objective WETC2.3). Similarly, high-value development sites for industry, such as renewable energy plants in the Pahrump Valley, would need to be balanced (Objective PAPH1.1), as would any private property right relating to agricultural uses. (Objective FISH1.1)

Lastly, and as has been consistently noted in previous comments, the County opposes the depiction of areas mapped as "Proposed Feinstein Bill," since such areas are only proposed at this point and their depiction on planning maps can be construed as prejudicial or presumptive.

I would like to take this opportunity to express support of the work being done on the DRECP, and look forward to the continuation of a close working relationship with all stakeholders.

Respectfully,

Joshua Hart, AICP
Planning Director

Cc: Board of Supervisors, Inyo County
Kevin Carunchio, County CAO
Randy Keller, County Counsel

BOARD OF SUPERVISORS
COUNTY OF INYO

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Assistant Clerk of the Board

January 22, 2013

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

Re: Description and Comparative Evaluation of Draft Desert Renewable Energy Conservation Plan Alternatives
Docket No. 09-RENEW EO-01

To Whom It May Concern:

On behalf of the Inyo County Board of Supervisors, thank you for the continued opportunity to participate in development of the Desert Renewable Energy Conservation Plan (DRECP). Inyo County has a long history of providing renewable energy generation for California and the nation, and we are proud that our County possesses the resources necessary for future renewable energy production. The Inyo County Board of Supervisors has consistently expressed its support of appropriate renewable energy development that benefits local communities, and we hope that Inyo County will be able to participate in DRECP implementation. We confirm our continued support of renewable energy development, and we will participate in the siting and development of renewable energy facilities to ensure that our citizens are heard.

We have reviewed the Description and Comparative Evaluation of DRECP Alternatives and offer the following comments.

Mitigation on Public Lands: We are reassured that the DRECP is considering providing mitigation for renewable energy development on public lands, since less than two percent of our County remains in private ownership, and we look forward to this continuing discussion, including approaches to restore degraded public lands classified as Wilderness. We strongly encourage the DRECP to begin mapping areas of Wilderness for potential mitigation to catalyze this dialogue. As indicated in your documentation, over seven million acres within the plan area are already protected lands, and much of this land is in need of enhancement. We believe that this project provides an excellent opportunity to restore scarred lands, eradicate non-native species, support the recovery of endangered species, and undertake other important work that current funding constraints preclude within Death Valley National Park and Wilderness throughout our County.

Impacts to Inyo County: As previously indicated, we remain deeply concerned about potential direct economic impacts from renewable energy development on County services, programs, and infrastructure. We also worry about the DRECP's inconsistencies with the County General Plan and other County policies, including the potential loss of lands for biology-related mitigation; impacts to agricultural and mineral resources, impeded recreational access, and other degradations to multiple uses; impacts to public services, utilities, and infrastructure; demand for housing; and, the society, culture, and economy of the County. In particular, the vast scope of the conservation program contemplated will significantly impact multiple uses on the ever shrinking public lands that accommodate the many varied uses of value to our County, State, and nation (such as recreation, agriculture, mining, and other pursuits); we are gravely concerned that the project will severely reduce or eliminate these uses.

We appreciate that the DRECP has begun analyzing some of these issues, and particularly regarding land use, minerals, and recreational access, but we observe that significant work remains to be undertaken. Specifically, the alternatives analysis does not address agricultural resources and other multiple uses, socioeconomics (and particularly the vast scale of the proposed impacts to multiple uses and further loss of private lands in Inyo County), or public services, infrastructure, or housing. Given the severity of the new designations proposed, we encourage the DRECP to begin considering feasible programmatic mitigation now, such as new/expanded recreation areas and other access improvements, land releases for private development, release of Wilderness Study Areas, infrastructure and service enhancements, and programs to assist

in temporary housing. Due to the unique land ownership pattern here, we request that mitigation in our County be limited to the development that occurs in our County.

Development Focus Areas: We appreciate the DRECP's consideration of the renewable energy overlay that the County proposed several years ago, but note that most of the overlay is not being carried forward in the DRECP. We continue to believe that many of the areas we identified may be appropriate for renewable energy development, based on site specific studies and provided that our concerns discussed above can be addressed, and urge you to reconsider the decision to not identify those portions of Panamint Valley, Death Valley Junction, Rose Valley, and Owens Valley that we did as development focus areas (DFA). We are, however, encouraged that several of the alternatives include DFAs in and around Pearonville and Trona, similar to our proposal. On the other hand, as we have conveyed to the Bureau of Land Management on multiple occasions, we do not believe that many of the Variance lands identified in the Solar Programmatic Environmental Impact Statement in Inyo County are viable, which we reiterate here.

Mapping: We are concerned about the broad-brushed approach to the mapping, and as we have previously conveyed, we object to new designations that further burden our private lands base. In particular, private and disturbed lands in and around Lone Pine, Cartago, and Olancha are designated moderate biologically sensitivity public lands. Obviously, since these areas are private and/or are developed and otherwise highly disturbed, this designation is erroneous, and these areas should instead be mapped as urban or undesignated. Now that these areas have been mapped erroneously, it will be extremely difficult to correct. Other examples of private lands proposed to be burdened with new designations include developed lands in Shoshone and Tecopa, as well as degraded lands in Charleston View and Trona, that are described as having high and moderate biological sensitivity. Also, as we also have previously indicated, we object to identifying lands as subject to the Feinstein bill, as this is a proposal, has not been approved, and is subject to change through the legislative process.

Many of the alternatives propose Areas of Critical Environmental Concern (ACEC) and National Landscape Conservation Service (NLCS) on private lands and disturbed lands in and around Lone Pine, Cartago, Olancha, and Trona. These are highly inappropriate and should be eliminated. We strongly encourage you to coordinate with the City of Los Angeles regarding designating lands managed by the City.

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

Sincerely,

Linda Arcularius

Supervisor Linda Arcularius, Chairperson
Inyo County Board of Supervisor

cc: Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
Governor Brown
Secretary Salazar, DOI
Bob Abbey, BLM
Dan Ashe, USFWS
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Assistant Clerk of the Board

February 17, 2015

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

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

To Whom It May Concern:

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

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

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

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

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

1. ***Mitigation within Existing Protected Areas*** – we are reassured that the DRECP is considering providing mitigation for renewable energy development on public lands, since less than two percent of Inyo County remains in private ownership. Our preference is to have mitigation on public lands in Inyo County steered towards existing protected areas, since almost two-thirds of our County has been designated Wilderness. We believe that the DRECP provides an excellent opportunity to restore scarred lands, eradicate non-native species, support the recovery of endangered species, and undertake other important work that current funding constraints may preclude on already protected lands. We understand that mitigation required for impacts of renewable energy projects, including transmission, needs to be directly associated with the specific impacts to covered species and natural communities, and that it may not be feasible to undertake restoration or other mitigation activities in already designated protected lands. However, we request that the DRECP agencies consider "protected lands" mitigation for covered species and natural communities wherever and whenever it may prove feasible.

2. ***School Lands*** – as we have previously indicated, we believe that State lands held in trust for schools provide an excellent opportunity to trade such lands for conservation and/or renewable energy development to benefit our schools. Such trades, however, should occur within a county to ensure benefits to local governments as well as the State. We reiterate our request that this concept be included in the DRECP.

3. ***Development Focus Areas in the Owens Valley*** – the Development Focus Areas (DFA) evaluated in several of the alternatives for the Owens Valley should be deferred. Through the County's Phase 1 work on the Energy Commission's REPG, it has been reiterated that renewable energy development in the Owens Valley is quite controversial and of significant public interest. The County is working on a Phase 2 REPG for the Owens Valley and Owens Lake to work with stakeholders to identify areas that may be acceptable.

4. ***Lone Pine DFA*** – specific impacts from development within the DFA being considered surrounding Lone Pine (including potential impacts to tribal lands and cultural resources) should be evaluated. This DFA includes mitigation lands and an educational farm; any impacts to these resources should be mitigated. Ideally, the DFAs should be specifically identified; in conjunction with, and consistent local planning efforts.

5. ***DRECP Boundary*** – as currently configured, the DRECP's boundaries may have the unintended consequence of focusing future renewable energy development north into the Owens Valley. We request that the Plan boundary be extended north to provide for enhanced protection for the Owens Valley. If not possible at this time, expansion of the DRECP boundary should be considered as part of any amendment to the DRECP or regional Management Plans.

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

6. ***Transmission*** - we believe that coordination is paramount in development of any transmission upgrades through Inyo County, and repeat our earlier requests for coordination. The County opposes any transmission upgrades through Inyo County that could provide capacity for increased renewable energy development beyond the 250 megawatts being provided for in local planning efforts. We note that the Owens Valley has already been identified as a corridor of concern.

7. ***Coordination with the City of Los Angeles*** – we encourage coordination with the City of Los Angeles and the County of Inyo to determine the appropriateness of the DRECP's treatment of City lands within Inyo County.

8. ***Calculating Renewable Energy Development*** – we urge the State to include small-scale solar (such as roof top), geothermal, wind, and other small-scale renewable energy development in calculating its progress in meeting its targets.

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

e. Sandy Valley provides an excellent opportunity for development on disturbed lands in close proximity to electrical conveyance infrastructure. The CMAs in in Sandy Valley should be eliminated.
f. The Study Area near Stewart Valley will significantly impact that community and should be excluded.
g. As requested above, we believe the conservation planning area that extends to the northern DRECP boundary should be expanded east and west to encompass the entire Plan area north of Owens Lake in order to achieve greater conservation objectives.
h. Note that the County's REGPA does not include wind, and that the DRECP is inconsistent in that wind technologies are not excluded. We continue to consider the appropriateness of solar thermal technologies in Inyo County. We request that technologies be addressed by the DFAs consistent with local planning efforts.

10. ***Programmatic Analysis*** – significant detail is available to analyze specific aspects of the proposals, including the proposed DFAs and conservation areas at a programmatic level, as well more definitively. For example, the proposed DFAs include precise boundaries, which can be utilized to identify detailed potential impacts. While in some instances the EIR/EIS evaluates such impacts appropriately, it does not for others (such as land use and planning, public services, etc.).

11. ***Land Exchanges*** – The Plan should provide a policy framework to work to release public lands in Inyo County, particularly in light of the conservation strategy to acquire private lands. If private property is acquired for conservation in Inyo County, other public lands should be released in Inyo County to offset impacts to the County's tax base.

12. ***Conservation*** – We have questions and concerns about the vast scale of the proposed conservation strategy in Inyo County.
    a. The Conservation Priority Area includes large swaths of the County's little remaining private lands. As discussed elsewhere, acquisition of these lands will result in significant socioeconomic impacts to the County, which should be rectified. Property owners of lands targeted for acquisition should be compensated for the diminished value of the lands due to the DRECP.
    b. While we appreciate that the proposed ACEC and NLCS are intended to preclude renewable energy development, we are concerned about the scale of the proposed designations. Specifically, many of these areas are currently open to a variety of multiple uses, and we want to ensure that these multiple uses are not displaced by these designations. If there exists any potential for ACEC and NLCS designations to displace multiple uses on these areas we note that the Draft EIR/EIS does not evaluate the associated potential direct, indirect, and/or induced effects. The County supports the NLCS designations, if they are crafted in a manner that ensures the ability to continue to accommodate multiple uses, including mining.
    c. The Draft EIR/EIS does not adequately evaluate the conservation strategy's impact to Inyo County. Due to the relative size of the County and the scale of the conservation proposed, the loss of private lands to accommodate the conservation strategy will be significant. In light of the County's limited land base, the cost to the County of these actions will be to the detriment of future economic development potential, as well as reductions in tax revenues. These actions will also significantly impact local schools, fire departments and other special districts, many of which are already struggling with the cumulative impacts of the ever-shrinking private land supply.

d. The Biological Goals and Objectives approach to the Mojave Ground Squirrel is overreaching. Flexibility should be incorporated to provide for on-the-ground conditions.
e. We object to conservation designations being applied to private lands.

13. ***Socioeconomics*** – the Draft EIR/EIS inadequately evaluates potential socioeconomic effects to Inyo County
    a. The socio-economic analysis only evaluates incorporated cities with more than 10,000 people. Inyo County has no community that meets this criterion, resulting in no meaningful localized analysis for Inyo County.
    b. Inyo County includes significant minority and low-income populations that are regularly overlooked due to our unique circumstances. Because of the County's small size and large geographic scale, these communities are often lost when evaluating potential socioeconomic impacts. For example, the residents of the community of Charleston View have relatively low incomes, but this fact is overlooked due to the census-based analytic approach. Alternative methods, such as community surveys, should be employed to address these issues in small disparate communities.
    c. Inyo County's economy is relatively small and fragile; renewable energy development has the potential to cause significant swings in the economy, resulting in a boom-bust cycle that can lead to rural decay. Given the programmatic nature of the EIR/EIS and the potential overall effects of these impacts, this is the time to evaluate these potential effects. Inyo County Code (ICC) Title 21 provides an excellent method to address such impacts.
    d. The analysis' approach to the proposed conservation strategies provides limited data and inconclusive outcomes. Given the programmatic nature of the EIR/EIS and the potential overall effects of the conservation actions, this is the time to evaluate these potential effects.
    e. Similar to Payment in lieu of Taxes, revenues should be provided to the County to offset the costs of renewable energy development and conservation. Methods that should be considered include revenue sharing and royalty payments.

14. ***Land Use and Planning*** – we appreciate the EIR/EIS' recognition of the County's land use planning efforts, including ICC Title 21, as well as proposed mitigation requiring actions to address any inconsistencies.
    a. Landscape-scale consistency analyses should be undertaken to identify inconsistencies at this level. The conservation strategy in particular conflicts with the Inyo County General Plan, and the proposed modifications to land use in the County are incongruent. Given the programmatic nature of the EIR/EIS and the potential overall effects of the DRECP, this is the time to evaluate these potential effects.
    b. The proposed conservation could divide targeted communities, a topic which is not evaluated by the draft EIR/EIS. For example, acquisition of conservation lands within Olancha could impede access between neighborhoods.

15. ***Public Services*** – the Draft EIR/EIS' statement on page IV.22-14 that conservation actions would have an overall positive effect on public services does not apply in Inyo County. It is unclear how conservation management actions would ensure less than significant effects on public services, and the EIR/EIS should elaborate such presumptions. Due to the scale of the conservation strategy, significant impacts to local governments can be expected in Inyo County as private lands are taken for conservation and the County's (and other local agencies') tax bases are diminished. Coupled with the tax exemption provided for solar energy development and its demand for services that are not offset by tax revenues, the conservation strategy has the potential to decimate local government finances. ICC Title 21 provides an excellent method to mitigate impacts to public services.

16. ***Airport Safety Hazards*** – the Draft EIR/EIS only identifies one airport (apparently Independence) within the Plan area in Inyo County, but does not identify any others, such as the Lone Pine, Trona, and Shoshone airports. Particular attention should be given to airport safety hazards in Lone Pine and Trona given the DFA and Study Area around those airports. The statements on pages III.22-26 and III.22-29 that there are no airports in the Owens Valley, Panamint/Death Valley, or Kingston/Funeral Mountains ecoregions are incorrect.

17. ***Landfills*** – the Draft EIR/EIS does not identify any landfills within the Plan area in Inyo County. The statements on pages III.22-26 and III.22-29 that there are no landfills in the Owens Valley, Panamint/Death Valley, Kingston/Funeral Mountains ecoregions are incorrect.

18. ***Groundwater*** – as is well documented, groundwater extraction is a significant issue in Inyo County. The Plan can be expected to result in additional water use within the County. We applaud the DRECP's incorporation of groundwater management plans through conservation management and mitigation, but are concerned that impacts are considered significant and unavoidable. The County's Groundwater Ordinance should be cited (refer to Inyo County Code Chapter 18.77) and references provided in the mitigation to evaluate local agencies' surface and groundwater regulations. Due to the remote nature of many of the groundwater basins in Inyo County and the County's lack of resources to monitor groundwater in those basins, mitigation should include a requirement to assist local agencies in monitoring groundwater per State requirements. Mitigation measures should be identified to preclude significant impacts.

19. ***Transportation and Public Access*** – given our experience with renewable energy development, we are concerned about traffic and circulation impacts, particularly in remote locations. We recommend that coordination with local jurisdictions be undertaken to preclude significant effects. We are also concerned about the conservation plan's impacts to circulation and public access.

20. ***Minerals*** – We are concerned that new mineral exploration and extraction will not be permitted in the DFAs and in some of the lands designated for conservation, such as the reserve design system. A mineral withdrawal is recommended for all DFAs and, while NLCS designations proposed by the DRECP preferred alternative do not contain a mineral withdrawal, we are concerned there could be limitations on mining in these areas. We are also concerned about the possible impact of land acquisition on mineral resources. Mining is one of the few remaining industries in Inyo County that provides high-paying jobs and adds diversity to the local economy. We would like to see mining be permitted in DFAs, where it does not conflict with energy development. We would also like to ensure that NLCS designations allow for continued mineral exploration and mining subject to valid existing rights.

21. ***Agricultural and Livestock Grazing Resources*** – the EIR/EIS should evaluate potential impacts of acquiring private lands on agricultural and livestock grazing resources. The setting sections should also include agricultural and livestock grazing resources on non-public lands. We applaud the approach to the mitigation proposed for livestock grazing. Mitigation should also include providing for alternative areas for grazing and agriculture displaced by DFAs and/or conservation.

22. ***Recreation*** – recreation is an important an ever-increasingly important sector of the County's economy. The EIR/EIS's finding that impacts will be significant and unavoidable is unacceptable. Access to recreation should be maintained and enhanced by the Plan, and mitigation measures should be considered to accomplish these goals.

23. ***Cumulative Impacts*** – the cumulative projects list should include the Coso Geothermal and Crystal Geyser projects. We reiterate our concerns described above for potential cumulative impacts.

24. ***Mitigation Monitoring Program*** – the mitigation monitoring program should be expanded to include mitigation measures identified in the EIR/EIS. It would also be helpful to include the conservation strategies referenced in the EIR/EIS to evaluate how they will be executed and complement the mitigation measures.

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

Sincerely,

Supervisor Matt Kingsley, Chairperson
Inyo County Board of Supervisors

cc: County Administrative Officer
County Counsel
Planning Director
Governor Brown
Secretary Jewell, DOI
Neil Kornze, BLM
Steve Nelson, BLM
Carl Symons, BLM
Katrina Symons, BLM
Charlton H. Bonham, CDFW
Ren Lohoefener, USFWS
California Energy Commission
Rural County Representatives of California
California State Association of Counties
National Association of Counties
Senator Feinstein
Senator Boxer
Representative Cook
Senator Fuller
Assemblywoman Conway

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November 17, 2014

Jim Kenna, Director
California State Office, Bureau of Land Management
2800 Cottage Way, Suite W-1623
Sacramento, CA 95825

Charlton Bonham, Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

Re: Desert Renewable Energy Conservation Plan – Draft Agreement by and between the Bureau of Land Management and the California Department of Fish and Wildlife
Docket No. 09-RENEW EO-01

Dear Mr. Kenna and Mr. Bonham:

On behalf of the Inyo County Board of Supervisors, thank you for the continued opportunity to participate in development of the Desert Renewable Energy Conservation Plan (DRECP). Inyo County has a long history of providing renewable energy generation for California and the nation, and we are proud that our County possesses the resources necessary for future renewable energy production. We appreciate the opportunity to review the Draft Agreement by and between the Bureau of Land Management (BLM) and the California Department of Fish and Wildlife (CDFW), and provide our input below.

Mitigation within Wilderness and Death Valley National Park: As previously expressed, we are reassured that the DRECP is considering providing mitigation for renewable energy development on public lands, since less than two percent of Inyo County remains in private ownership. We continue to believe that mitigation on public lands in Inyo County should be steered towards existing protected areas, since almost two-thirds of our County has been designated Wilderness. We believe that the DRECP provides an excellent opportunity to restore scarred lands, eradicate non-native species, support the recovery of endangered species, and undertake other important work that current funding constraints preclude within Death Valley National Park (DVNP) and Wilderness throughout Inyo County. We suggest that the Agreement include specific references to encourage enhancement in Wilderness, and we recommend development of additional agreements with the National Park Service to enhance Wilderness and other lands within the DRECP planning area in DVNP.

Federal Land Policy Management Act: The draft Agreement references the Federal Land Policy Management Act with regards to coordination with the State. We suggest that it also reference coordination with local agencies, including working to harmonize BLM's land use planning with local agency planning.

Multiple Uses: We are pleased that the draft Agreement recognizes the importance of multiple uses on BLM lands. As we have previously conveyed, we are very concerned about the DRECP's potential to displace multiple uses on public lands in Inyo County, particularly from mitigation for project occurring outside of Inyo

County. We encourage strengthening the Agreement's commitment to maintaining these multiple uses within the context of conservation on the same lands. Please also clarify how conservation on public lands will be implemented temporally.

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

Sincerely,

Supervisor Richard Pucci, Chairperson
Inyo County Board of Supervisors

cc: County Administrative Officer
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