

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.

October 4, 2016

8:30 a.m. 1. **PUBLIC COMMENT**

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (one case).
3. **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee Organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, Senior Deputy County Administrator Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.

OPEN SESSION

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

4. **REPORT ON CLOSED SESSION**
5. **PUBLIC COMMENT**
6. **COUNTY DEPARTMENT REPORTS** (Reports limited to two minutes)
7. **PROCLAMATION – Wild Iris** – Wild Iris requests Board approve a proclamation declaring October Domestic Violence Awareness Month in Inyo County.

CONSENT AGENDA (Approval recommended by the County Administrator)

Ag Commissioner

8. Request Board approve the contract between the Inyo-Mono Agriculture Department and Agriculture Impact Associates, LLC of Watsonville, CA to conduct an economic study on agricultural industry contributions within Inyo and Mono counties in an amount not to exceed \$46,500 with a proposed 12-week schedule of completion.

Health and Human Services

9. ***Substance Use Disorder*** – Request Board approve a resolution titled, “A Resolution of the Board of Supervisors, County of Inyo, State of California, Establishing a Sliding Fee Schedule for the Provision of Substance Use Disorder (SUD) Services.”

Public Works

10. Request Board: A) award the construction contract for the Inyo County Jail Fire Sprinkler Head Replacement Project to Sierra Fire Sprinkler, Inc. of Bishop, CA in the amount of \$32,736.45; B) do not award the construction contract additive alternative bid for the project to Sierra Fire Sprinkler, Inc. of Bishop in the amount of \$11,164.95 due to funding constraints; C) authorize the Chairperson to execute the contract, contingent upon obtaining appropriate signatures; and D) authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law.

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

11. **BOARD OF SUPERVISORS** – Request Board nominate from among its membership a director and alternate to serve on the California State Association of Counties (CSAC) Board of Directors.
12. **TREASURER-TAX COLLECTOR** – Request Board approve a resolution titled, “A Resolution of the Inyo County Board of Supervisors approving an Interim Loan to the Olancho Community Services District from the Inyo County Treasury Pursuant to Article XVI (16), Section 6 of the California Constitution.”
13. **TREASURER-TAX COLLECTOR** – Request Board approval to conduct a public auction, via the Internet, to offer for sale to the highest bidder certain tax-defaulted parcels of land that are subject to the Tax Collector's Power to Sell.
14. **DISTRICT ATTORNEY** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Legal Secretary I-II position comes from the General Fund, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) FTE Legal Secretary I, Range 56 (\$3,163 - \$3,839), or one (1) FTE Legal Secretary II, Range 60 (\$3,471 - \$4,216), depending on qualifications.
15. **PUBLIC WORKS** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Assistant Civil Engineer I position comes from the Public Works budget, as certified by the Public Works Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Assistant Civil Engineer I, Range 73 (\$4,709 - \$5,728).
16. **CHILD SUPPORT SERVICES** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Child Support Officer I-II position comes from the non-General Child Support Fund, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Child Support Officer I, Range 57 (\$3,232 - \$4,027), or Child Support Officer II, Range 60 (\$3,471 - \$4,216), depending on qualifications.

17. **HEALTH AND HUMAN SERVICES – Behavioral Health Division** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested part-time (BPAR) HHS Specialist IV exists in the non-General Fund Behavioral Health budget as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) part-time (BPAR) HHS Specialist IV, Range 60 (\$3,471 - \$4,216).
18. **HEALTH AND HUMAN SERVICES – Public Health** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists in multiple budgets and does not come from the General Fund, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) two full time nurses at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; two CPAR nurses (at a prorated amount based off of hours worked) at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; or three BPAR nurses at either the Public Health Nurse (Range PT80, \$29.78-\$36.23/hr., up to Step E), or Registered Nurse (Range PT78, \$28.41-\$34.54/hr., up to Step E) level, depending upon qualifications.
19. **HEALTH AND HUMAN SERVICES – Social Services** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of non-General Fund Social Services funding for the requested Registered Nurse position exists, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Registered Nurse, Range 78 (\$5,303 - \$6,445).
20. **PLANNING** – Request Board review and receive a presentation regarding the Record of Decision for the Land Use Plan Amendment for Phase I of the Desert Renewable Energy Conservation Plan, and provide direction to staff.
21. **COUNTY ADMINISTRATOR – COUNTY COUNSEL – PUBLIC WORKS** – Request Board: A) find that County-owned property located at 750 S. Clay Street in Independence is not required for use by the County of Inyo; and B) consider the Lease Agreement by and between the County of Inyo and the Judicial Council of California for County property to be used for construction and operation of the new Independence Courthouse and, if approved (4/5th vote required), authorize the Chairperson to sign contingent on all appropriate signatures.
22. **COUNTY ADMINISTRATOR** – Following consideration and approval of a lease for property on which to construct a new Courthouse in Independence, request your Board approve the Memorandum of Understanding between the County of Inyo and Inyo County Superior Court regarding the disposition and use of the Historic Courtroom post-termination of the Joint Occupancy Agreement for the Historic Courtroom in Independence, and authorize the County Administrator to sign.
23. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the "Gully Washer Emergency" that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.
24. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County.
25. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

26. **CLERK OF THE BOARD** – Request the Board approve the minutes of the regular Board of Supervisors meetings of September 6, 2016, September 13, 2016, and September 20, 2016.

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

- 1:30 p.m. 27. **WATER DEPARTMENT – Workshop** – Request Board conduct a workshop and provide direction to staff concerning formation of a groundwater sustainability agency in the Owens Valley.

CORRESPONDENCE – ACTION (To be considered at the Board's convenience)

28. ***City of Los Angeles Department of Water and Power Notice of Intent*** – Planning Department requests Board review the LADWP's Notice of Intent to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project and potentially direct staff to prepare correspondence in regards thereto and authorize the Chairperson to sign.

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

29. ***PUBLIC COMMENT***

BOARD MEMBERS AND STAFF REPORTS

**PROCLAMATION
OF THE BOARD OF SUPERVISORS
COUNTY OF INYO, STATE OF CALIFORNIA
PROCLAIMING THE MONTH OF OCTOBER, 2016
DOMESTIC VIOLENCE AWARENESS MONTH**



WHEREAS, 1 in every 3 teenagers, 1 in every 4 women, and 1 in every 6 men will experience domestic violence during their lifetime; and

WHEREAS, approximately 15.5 million children are exposed to domestic violence every year; and

WHEREAS, families are indispensable to a stable society, and they should be a place of support to instill responsibility and values in the next generation; and

WHEREAS, domestic violence is widespread and causes long-term damaging effects that also leave a mark on family, friends, and the community at large; and

WHEREAS, the problem of domestic violence crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

WHEREAS, survivors should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law; and

WHEREAS, survivors of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can escape the cycle of abuse; and

WHEREAS, it is important to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and work to increase public understanding of this significant problem; and

WHEREAS, local programs, state coalitions, national organizations, and other agencies nationwide are committed to increasing public awareness of domestic violence and its prevalence, and to eliminating it through prevention and education; and

NOW THEREFORE BE IT PROCLAIMED, the Inyo County Board of Supervisors proclaims October 2016 as Domestic Violence Awareness Month, in recognition of the important work done by Wild Iris and all victims' service providers.

PASSED AND ADOPTED this 4th date of October, 2016 by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson, Inyo County Board of Supervisors

Attest: *KEVIN D. CARUNCHIO*
Clerk of the Board

by: _____
Assistant Clerk of the Board



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

8

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Nathan D. Reade, Agricultural Commissioner/Director of Weights and Measures

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Contract Between Inyo/Mono Agriculture Department and Agriculture Impact Associates LLC

DEPARTMENTAL RECOMMENDATION:

Request that your Board approve the contract between Inyo/Mono Agriculture Department and Agriculture Impact Associates LLC of Watsonville CA to conduct an economic study on agricultural industry contributions within Inyo and Mono Counties in an amount not to exceed \$46,500 with a proposed 12-week schedule of completion.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Gross agricultural production of each county is surveyed annually by the CAC. This information is compiled into a statistical report that is forwarded to the Secretary of the California Department of Food and Agriculture, as well as the Board of Supervisors for both Inyo and Mono Counties. This annual crop and livestock report is intended to provide very basic statistical information, and does not examine the overall contributions of agriculture production to each county or the region.

This economic study seeks to quantify the agriculture industry's larger economic input to each county, as well as identify and analyze the economic relationships between the counties. Information obtained by this study is intended to be used for public education as well as decision making.

ALTERNATIVES:

Your Board could choose to not approve this request; possibly limiting the availability to determine the value of agriculture to the local economy along with sharing this information with the public and policy makers.

OTHER AGENCY INVOLVEMENT:

FINANCING:

There are adequate funds in Agriculture budget unit 023300, expense object code professional & special services 5265.

APPROVALS

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

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



Date: 9-26-16



Counties of Inyo & Mono

Nathan D. Reade
Agricultural Commissioner
Director of Weights and Measures
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REQUEST FOR PROPOSALS (RFP) FOR AN ECONOMIC STUDY ON AGRICULTURAL INDUSTRY CONTRIBUTIONS TO THE INYO AND MONO COUNTY REGIONS

Introduction

The Inyo and Mono Counties Agricultural Commissioner's Office (CAC) invites responses to a Request for Proposals to conduct an economic study characterizing and analyzing the economic value of agriculture production in Inyo and Mono counties.

Gross agricultural production of each county is surveyed annually by the CAC. This information is compiled into a statistical report that is forwarded to the Secretary of the California Department of Food and Agriculture, as well as the Board of Supervisors for both Inyo and Mono Counties. This annual crop and livestock report is intended to provide very basic statistical information, and does not examine the overall contributions of agriculture production to each county or the region.

This RFP seeks a study to quantify the agriculture industry's larger economic input to each county, as well as identify and analyze the economic relationships between the counties. Information obtained by this study is intended to be used for public education as well as decision making.

Scope of Work

This study should address, for both Inyo and Mono Counties individually:

- 1. Quantification and ranking of agriculture as an industry compared to other local industries, including both traditional production such as that reported in the Agricultural Commissioner's Annual Crop and Livestock Report as well as agritourism, certified grower, and pack train industry inputs.**

The economic report should examine and quantify the cumulative economic contribution of the agriculture industry in each county. This includes all ancillary industries that rely on agriculture such as feed stores and all complementary industries such as pack train businesses. The cumulative economic analysis should include quantifying the total economic contribution due to multiplier effects.

- 2. Inter-county dependences and economic relationships exist with regard to agriculture.**

Linkages between the agricultural industry and other leading industries within each county should be identified.

3. Estimate of economic contributions by type of crop.

Data must be presented in a manner that allows the contribution of each crop type to be determined. Crop types should at minimum include those specified in the CAC's Annual Crop and Livestock Report.

4. Estimate of economic contributions by land ownership.

Data must be presented in a manner that allows the economic contribution of each type of land ownership category to be determined. At minimum, these categories must include US Forest Service lands, Bureau of Land Management lands, City of Los Angeles Department of Water and Power lands, and private lands.

5. Analysis of jobs maintained both directly and indirectly by agricultural production.

6. Contributions provided by agricultural production to local taxing authorities such as property taxes and sales taxes.

7. A summary and analysis of ecosystem services provided by the local agriculture industry.

The study must identify and quantify in economic terms what ecosystem services are provided by each county's agriculture practices. These services should be computed in terms of the value of the work action itself, as well as the overall value that the service provides to the environment. Examples include carbon sequestration provided by pasture, health care costs avoided due to decreased dust events provided by irrigation, habitat maintained through irrigation, pollinator food sources provided by farming, etc.

The study should also address, from a regional perspective:

1. Multi-regional analysis identifying the level of interdependence that exists between Inyo and Mono Counties' ranching industry operations.

This includes identifying and quantifying what portion of ranch production is derived from those that rely on lands located in both counties. Any other multi-county or interstate relationships that exist should also be identified and valued.

2. An examination of what opportunities exist to add value to the agriculture industry based on the research and analysis conducted during the study.

This portion of the study is intended to present ideas on improvements that can be made to increase the value of the regional agriculture industry. Examples include suggestions on how to diversify Inyo/Mono agriculture while maintaining similar land use patterns, opportunities to enhance revenue derived from current agricultural practices through greater efficiencies, complementary industry suggestions such as processing plants, etc.

3. Recommendation of areas for further analysis.

This section should provide a synopsis of further areas of study that could be explored to help provide a clearer picture of the regional agriculture industry to future policy and decision makers.

Budget and Timeline

Proposals should include a budget and timeline for the proposal. The budget should include sufficient detail as to identify the cost associated with specific tasks. The budget should account for providing at least one draft review of the study prior to issuance. The budget should also provide a rate for future presentations to the public or county staff if desired. Timelines should present an estimated project completion date, as well as estimated times for significant project milestones.

Any study created as a result of this RFP will be used by the Agricultural Commissioner's Office to provide economic estimates to the public, local industry groups, and local decision-making bodies. Information provided to these entities may include both the current economic contributions of the local agricultural industry, as well as potential impacts that could occur due to proposed policy, land management, or land use changes. Information obtained by this economic study may also be used as foundational data for future studies. As such, this study should use a process that can be duplicated and updated.

Timeline

Release of RFP: 5/6/2016

Responses Due: 5/27/2016

Evaluation of Responses Completed: 6/1/2016

Notification of Results to Submitters: 6/2/2016

Late proposals will only be considered when it has been determined to be in the best interest of the County to do so and may only be accepted within 24 hours of the scheduled closing.

Proposal Instructions

Proposals should include:

1. A Statement of Experience
2. A description of the product to be delivered
3. An explanation of how this product will meet evaluation criteria
4. A project budget
5. A project completion timeline

Three hard copies of the original should be delivered to:

Inyo/Mono Counties Agricultural Commissioner's Office
207 W. South Street
Bishop, CA 93514

- Proposals must be received on or before May 27, 2016 at 5:00pm. Postmarks, emails or faxes will not be accepted.
- A proposal may be withdrawn upon written request received from the responder prior to the closing date of Friday, May 20, 2016, 5:00 p.m.
- Responder warrants and represents that the information and costs provided for in their Proposal will remain unchanged for 90 days after the Closing Date. Responder acknowledges that County will be relying on the information contained in their Proposal. Proposals submitted shall contain the Responder's best and final offer. No modifications of Proposal price will be accepted after the Closing Date, Friday, May 20, at 5:00 p.m.
- If the County receives only one Letter of Intent, the County may, at its sole discretion, enter into negotiations with that Responder, including but not limited to, requiring a Proposal.
- Questions regarding the proposal process or other information should be directed to Nathan Reade at 760-873-7860. Nathan Reade is the only county employee who can be contacted regarding this RFP.
- All proposal received will be maintained as confidential working papers unless officially placed on the Board of Supervisors meeting agenda.

Evaluation Criteria

Proposals will not be evaluated solely on cost. Proposals will be evaluated according to the below criteria, and each proposal should address all of the following criteria:

1. Description of the approach and anticipated level of detailed analysis for each component contained in the above Scope of Work (50 points)
2. Demonstrated expertise of proposer through similar studies (25 points)
3. Cost (20 points)
4. Completeness (20 points)
5. Methodology with respect to CAC's ability to update and reproduce study data (20 points)
6. Approach to data acquisition (15 points)
7. Ability to complete study expediently (15)

After review, top bidders may be invited for interviews if needed to provide further information regarding submittals. The CAC will be responsible for providing crop and pricing data to the successful proposer to include only information required pursuant to California Food and Agriculture Code 2279, although the CAC will try to assist with other information requests when possible.

Use and Disclosure of Proposals

1. The County reserves the right to retain all Proposals that are submitted and to use any ideas in a Proposal regardless of whether a Proposal results in a Contract to provide the service. All Proposals will become the sole property of the County.
2. After the County issues a Notice of Intent to Award a Contract, or the County issues a Notice of Termination of RFP, all Proposals and related documents become a matter of public record, with the exception of those parts of a Proposal that are clearly designated as business or trade secrets, as that term is defined by statute, and marked as "confidential" or "proprietary." County shall not in any way be liable or responsible for the disclosure of any Proposal, or party thereof, if disclosure is required by the Public Records Act (Government Code Section 6250, et. seq.) or pursuant to law or legal process. By submitting a Proposal, a Responder agrees to save, defend, keep, hold harmless, and fully indemnify the County, its elected officials, officers, employees, agents, and volunteers from all damages, claims for damages, costs, or expenses, whether in law or in equity, that may at any time arise for not disclosing a business or trade secret pursuant to the Public Records Act or other law or legal process.
3. Initiation of this RFP does not commit the County to finalize a Contract with a Responder, to enter into a Contract with the Responder submitting the least costly Proposal, or to pay any costs associated with the preparation of any Proposal.
4. Notwithstanding any other provisions, the County reserves the right, in its sole discretion, to:
 - a. Accept or reject any or all Proposals, or any part(s) thereof;
 - b. Reject any Proposal for failure to submit the Proposal in conformity with the requirements, or the terms and conditions, of this RFP;
 - c. Waive any informalities or irregularities in a Proposal, or to waive any deviations from the requirements, or terms and conditions of this RFP, if deemed to be in the best interest of the County;
 - d. Negotiate with a Responder or Responders; or
 - e. Terminate the RFP process.
5. Any Responder submitting a Proposal understands and agrees that submission of his/her/its Proposal shall constitute acknowledgment and acceptance of, and intent to comply with, all the requirements, and terms and conditions of this RFP.
6. The County shall not be liable for, and by submitting a Proposal the Responder agrees not to make any claims for, or have any right to, damages because of any misunderstanding or misrepresentation of the requirements, or terms and conditions, of this RFP, or because of any misinformation or lack of information.
7. In the event it becomes necessary to revise any part of this RFP, an addendum will be provided by US Mail to those individuals and entities that submitted a Letter of Intent.
8. Those submitting proposals do so entirely at their expense. There is no expressed or implied responsibility on the part of the County to reimburse responders for any expenses incurred for preparing or submitting proposals, providing additional information when requested by the County, or participating in any selection interviews.

AGREEMENT BETWEEN COUNTY OF INYO
AND _____
FOR THE PROVISION OF _____ SERVICES

INTRODUCTION

WHEREAS, the County of Inyo (hereinafter referred to as "County") has the need for the _____ services of _____ of _____ hereinafter referred to as "Contractor"), and in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The Contractor shall furnish to the County, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

Services and work provided by the Contractor at the County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and County laws, ordinances, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement.

2. TERM.

The term of this Agreement shall be from _____ to _____ unless sooner terminated as provided below.

3. CONSIDERATION.

A. Compensation. County shall pay to Contractor the sum total of _____ Dollars and _____ cents (\$ _____) for performance of all of the services and completion of all of the work described in Attachment A.

B. Travel and Per Diem. Contractor will not be paid or reimbursed for travel expenses or per diem which Contractor incurs in providing services and work under this Agreement.

C. No Additional Consideration. Except as expressly provided in this Agreement, Contractor shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Contractor shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

D. Limit Upon Amount Payable Under Agreement. The total sum of all payments made by the County to Contractor for all services and work to be performed under this Agreement shall not exceed _____ Dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit.

E. Billing and Payment. Contractor shall submit to the County, upon completion of all services and work set forth in Attachment A, an itemized statement of all services and work performed by Contractor pursuant to this Agreement. This statement will identify the date on which the services were performed and describe the nature of the services and work which was performed on each day. Upon receipt of the statement by the fifth (5th) day of the month, County shall make payment to Contractor on the last day of the month.

F. Federal and State Taxes.

(1) Except as provided in subparagraph (2) below, County will not withhold any federal or state income taxes or social security from any payments made by County to Contractor under the terms and conditions of this Agreement.

(2) County will withhold California State income taxes from payments made under this Agreement to non-California resident independent contractors when it is anticipated that total annual payments to Contractor under this Agreement will exceed one thousand four hundred ninety-nine dollars (\$1,499.00).

(3) Except as set forth above, County has no obligation to withhold any taxes or payments from sums paid by County to Contractor under this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Contractor. County has no responsibility or liability for payment of Contractor's taxes or assessments.

(4) The total amounts paid by County to Contractor, and taxes withheld from payments to non-California residents, if any, will be reported annually to the Internal Revenue Service and the California State Franchise Tax Board. To facilitate this reporting, Contractor shall complete and submit to the County an Internal Revenue Service (IRS) Form W-9 upon executing this Agreement.

4. WORK SCHEDULE.

Contractor's obligation is to perform, in a timely manner, those services and work identified in Attachment A. It is understood by Contractor that the performance of these services and work will require a varied schedule. Contractor will arrange his/her own schedule, but will coordinate with County to ensure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS.

A. Any licenses, certificates, or permits required by the federal, state, county, or municipal governments for contractor to provide the services and work described in Attachment A must be procured by Contractor and be valid at the time Contractor enters into this Agreement or as otherwise may be required. Further, during the term of this Agreement, Contractor must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Contractor at no expense to the County. Contractor will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Contractor and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

B. Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Contractor also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration available at: <http://www.sam.gov>.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor, for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

7. COUNTY PROPERTY.

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, etc. provided to Contractor by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, which is the result of Contractor's negligence.

B. Products of Contractor's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Contractor's services or work under this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of the County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

8. WORKERS' COMPENSATION.

Contractor shall provide Statutory California Worker's Compensation coverage and Employer's Liability coverage for not less than \$1,000,000 per occurrence for all employees engaged in services or operations under this Agreement. The County of Inyo, its agents, officers and employees shall be named as additional insured or a waiver of subrogation shall be provided.

9. INSURANCE.

For the duration of this Agreement Contractor shall procure and maintain insurance of the scope and amount specified in Attachment B and with the provisions specified in that attachment.

10. STATUS OF CONTRACTOR.

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as independent contractors, and not as agents, officers, or employees of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. Except as expressly provided in Attachment A, Contractor has no authority or responsibility to exercise any rights or power vested in the County. No agent, officer, or employee of the County is to be considered an employee of Contractor. It is understood by both Contractor and County that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall determine the method, details, and means of performing the work and services to be provided by Contractor under this Agreement.

B. Contractor shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement.

C. Contractor, its agents, officers, and employees are, and at all times during the term of this Agreement shall, represent and conduct themselves as independent contractors, and not as employees of County.

11. DEFENSE AND INDEMNIFICATION.

Contractor shall defend, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the performance of this Agreement by Contractor, or Contractor's agents, officers, or employees. Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, or damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this paragraph extends to any claim, damage, loss, liability, expense, or other costs which is caused in whole or in part by any act or omission of the Contractor, its agents, employees, supplier, or any one directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to, or restricted by, any requirement in this Agreement for Contractor to procure and maintain a policy of insurance.

To the extent permitted by law, County shall defend, indemnify, and hold harmless Contractor, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from, the active negligence, or wrongful acts of County, its officers, or employees.

12. RECORDS AND AUDIT.

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, and municipal law, ordinances, regulations, and directions. Contractor shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Contractor may fulfill its obligation to maintain records as required by this paragraph by substitute photographs, microphotographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Contractor, which County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Contractor. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

13. NONDISCRIMINATION.

During the performance of this Agreement, Contractor, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age, or sex. Contractor and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said act.

14. ASSIGNMENT.

This is an agreement for the services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any monies due or to become due under this Agreement without the prior written consent of County.

15. DEFAULT.

If the Contractor abandons the work, or fails to proceed with the work and services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, County may declare the Contractor in default and terminate this Agreement upon five (5) days written notice to Contractor. Upon such termination by default, County will pay to Contractor all amounts owing to Contractor for services and work satisfactorily performed to the date of termination.

16. WAIVER OF DEFAULT.

Waiver of any default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in paragraph twenty-three (23) below.

17. CONFIDENTIALITY.

Contractor further agrees to comply with the various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Contractor in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Contractor agrees to keep confidential all such information and records. Disclosure of such confidential, privileged, or protected information shall be made by Contractor only with the express written consent of the County. Any disclosure of confidential information by Contractor without the County's written consent is solely and exclusively the legal responsibility of Contractor in all respects.

Notwithstanding anything in the Agreement to the contrary, names of persons receiving public social services are confidential and are to be protected from unauthorized disclosure in accordance with Title 45, Code of Federal Regulations Section 205.50, the Health Insurance Portability and Accountability Act of 1996, and Sections 10850 and 14100.2 of the Welfare and Institutions Code, and regulations adopted pursuant thereto. For the purpose of this Agreement, all information, records, and data elements pertaining to beneficiaries shall be protected by the provider from unauthorized disclosure.

18. CONFLICTS.

Contractor agrees that it has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement.

19. POST AGREEMENT COVENANT.

Contractor agrees not to use any confidential, protected, or privileged information which is gained from the County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Contractor agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with the County, or who has been an adverse party in litigation with the County, and concerning such, Contractor by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

20. SEVERABILITY.

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

21. FUNDING LIMITATION.

The ability of County to enter this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to cancel, reduce, or modify this Agreement, or any of its terms within ten (10) days of its notifying Contractor of the cancellation, reduction, or modification of available funding. Any reduction or modification of this Agreement made pursuant to this provision must comply with the requirements of paragraph twenty-two (22) (Amendment).

22. AMENDMENT.

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

23. NOTICE.

Any notice, communication, amendments, additions, or deletions to this Agreement, including change of address of either party during the terms of this Agreement, which Contractor or County shall be required, or may desire, to make, shall be in writing and may be personally served, or sent by prepaid first class mail to, the respective parties as follows:

County of Inyo

_____ Department
Address
City and State

Contractor:

_____ Name
Address
City and State

24. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

#

AGREEMENT BETWEEN COUNTY OF INYO
AND _____
FOR THE PROVISION OF _____ SERVICES

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
DAY _____.

COUNTY OF INYO

CONTRACTOR

By: _____

By: _____

Dated: _____

Signature

Type or Print Name

Dated: _____

APPROVED AS TO FORM AND LEGALITY:

County Counsel

APPROVED AS TO ACCOUNTING FORM:

County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

Personnel Services

APPROVED AS TO INSURANCE REQUIREMENTS:

County Risk Manager

ATTACHMENT A

AGREEMENT BETWEEN COUNTY OF INYO

AND _____
FOR THE PROVISION OF _____ SERVICES

TERM:

FROM: _____ TO: _____

SCOPE OF WORK:

ATTACHMENT B

AGREEMENT BETWEEN COUNTY OF INYO

AND _____
FOR THE PROVISION OF _____ SERVICES

TERM:

FROM: _____ TO: _____

SEE ATTACHED INSURANCE PROVISIONS

COMBINED SCOPE:
150.5

May 25, 2016

Nathan Reade, Agricultural Commissioner
Director of Weights & Measures
Counties of Inyo and Mono
Re: **Economic Analysis Study**

Dear Mr. Reade,

I am pleased to submit the attached proposal to conduct an **Economic Study on Agricultural Industry Contributions to the Inyo and Mono County Regions**. Our company, Agriculture Impact Associates LLC, specializes in exactly this type of work.

Because we are a boutique firm with a specialized niche, no other firm can match our combination of high quality and low cost. Nor can any company match our track record of producing such reports for agricultural commissioners. In fact, agricultural commissioners from seven California counties have hired us to produce reports similar to what Inyo/Mono seeks.

In particular, we have researched and written economic reports for the following county agricultural commissioners: Eric Lauritzen (Monterey), Mary Lou Nicoletti (Santa Cruz), Cathy Fischer (Santa Barbara), Fred Crowder (San Mateo), Martin Settevendemie (San Luis Obispo), and Chad Godoy (Contra Costa). We've also produce a shorter, two-page report that John Snyder (Riverside County) has inserted into several annual Crop Reports.

Based on ample with projects like this, we propose a 45-50 page report at a cost of \$46,500. The attached proposal provides extensive details.

We look forward to hearing from you soon regarding possible next steps. Please contact me at your earliest convenience via cell (831-277-7221) or email (jeff@ag-impact.com).

Sincerely,



Jeff Langholz, Ph.D.
Senior Researcher, Agriculture Impact Associates LLC
334 Maher Rd., Watsonville, CA. 95076

Proposal from Agricultural Impact Associates LLC

PART 1. Statement of Experience

- A. Specialized Knowledge. Many consulting firms specialize in economic analysis, agriculture, or California. Few firms, however, combine all three. As our company tagline suggests, *"Quantifying the value of California agriculture,"* we operate in a highly specialized niche area. No other firm can match our deep expertise relevant to the proposed project.
- B. Experience. Our research team members – led by Dr. Fernando DePaolis and Dr. Jeff Langholz – are highly credentialed experts in the nexus of economic analysis and agriculture. We have already researched and written seven similar studies for county agricultural commissioners in California. No other firm comes close to matching our proven track record in this regard. Please see below for our biographies and the **Appendix** for the cover pages of representative reports.
- C. Reputation. Because we have produced several similar reports already, we are the most widely known experts in this arena. From agricultural commissioners and growers, to boards of supervisors and the news media, we have greater credibility than any other firm working on such analyses.
- D. References. Whereas other firms might provide general references, our references are the most relevant ones imaginable: California county agricultural commissioners. Please see below for the names of four of the agricultural commissioners for whom we have produced similar economic reports. For each reference, we also provide a link to the report we produced. We encourage you to click on these links and read the reports:
1. Eric Lauritzen, Agricultural Commissioner, County of Monterey, 1428 Abbott Street, Salinas, CA, Ph: 831-759-7325. Link to the report we wrote for Eric:
<http://www.co.monterey.ca.us/home/showdocument?id=1545>
 2. Martin Settevendemie, Agricultural Commissioner/Sealer, County of San Luis Obispo, 2156 Sierra Way, Suite A, San Luis Obispo, CA 93401, Ph: 805-781-5910. Link to the report we wrote for Marty:
http://www.slocounty.ca.gov/Assets/AG/croprep/econ_study/Economic_Study_2013.pdf
 3. Mary Lou Nicoletti, Agricultural Commissioner/Sealer, County of Santa Cruz, 175 Westridge Drive, Watsonville, CA 95076, Ph (831) 454-2620. Link to report we wrote for Mary Lou: http://www.agdept.com/Portals/10/pdf/SC_Ag_Report.pdf
 4. Chad Godoy, Agricultural Commissioner/Sealer, County of Contra Costa, 2366A Stanwell Circle, Concord, CA 94520, Ph: (925) 646-5250. Link to the report we wrote for Chad:
<http://www.co.contra-costa.ca.us/6011/Economic-Contributions-of-Agriculture>

E. Biographies of the Principal Researchers

- **Dr. Jeff Langholz** is a senior researcher at Agricultural Impact Associates, where his duties include study design, data collection, data analysis, writing, and client support. Jeff comes from a farming background, has worked as an agriculture extension agent, and teaches a popular university course in sustainable agriculture. He holds a Ph.D. in Natural Resources from Cornell University, and has been cited or quoted by the *Wall Street Journal*, *Kiplinger's Personal Finance*, *New York Times*, *The Economist*, *The Packer*, and more than 250 other media outlets.

When not consulting on agriculture projects, Jeff is a professor at the Middlebury Institute of International Studies (a graduate school of Middlebury College, www.miiis.edu), where he is an internationally recognized authority on the integration of economics and ecology on private lands. Jeff lives near Watsonville, CA. with his wife and two teenage children.

- **Dr. Fernando De Paolis** is a senior researcher at Agricultural Impact Associates, where his responsibilities include designing and implementing quantitative economic studies of agriculture. Fernando is an expert in quantitative economic analysis with particular expertise in regional modeling tools such as RIMS II and IMPLAN. A sample project would be his "Assessment of the Economic Impact of HLB (greening) on Mexico's Citrus Industry," which was sponsored by the Inter-American Institute for Cooperation in Agriculture (IICA) and made extensive use of IMPLAN.

Fernando has twenty years of applied economic analysis work within the United States and overseas, including consultancies for cities, counties, and a wide range of national and international organizations. He is also a professor at the Middlebury Institute of International Studies (www.miiis.edu), where he teaches courses in quantitative economic analysis, including use of IMPLAN and other programs. Fernando was born in Argentina and holds a Ph.D. in urban planning from UCLA.

PART 2. Description of the Deliverable

It is our understanding that Inyo & Mono Counties wish to determine the value of agriculture to the local economy and to share this information with the public and the policy makers. Understanding agriculture's economic contributions can aid in development of policies and programs that support agriculture.

Our deliverable will take the form of a written report that includes several elements: 1) executive summary; 2) overview of Inyo & Mono agriculture; 3) description of the research methodology; 4) detailed findings; 5) interpretation of the findings; 6) conclusion; and 7) relevant tables and figures.

If we proceed with this project, then a good next step would be to flesh out a detailed Table of Contents for your review and discussion. Doing so would set clear expectations among all stakeholders regarding the specific topics, their sequence, and the number of pages devoted to teach topic.

The Scope of Work in the RFP lists ten specific items the study should address. This section discusses each item in turn. Overall, we propose a report on the order of 45 to 50 pages covering the topics as described below:

1. Quantification and ranking of agriculture as an industry compared to other local industries, including both traditional production such as that reported in the Agricultural Commissioner's Annual Crop and Livestock Report as well as agritourism, certified grower, and pack train industry inputs.

DISCUSSION:

- *Our standard Crop Report PLUS product includes much of this information.*
- *We will purchase and analyze proprietary IMPLAN data to complete this item. The report will include the direct economic output attributable to the major industry categories, as well as their multiplier effects. We'll provide numbers for economic output as well as employment.*
- *We can also include a table comparing agriculture to other industries in the two counties, including hospitality, mining, government, and so on. Many agricultural commissioners have enjoyed seeing this analysis even if they opt not to include it in the final report.*
- *Note that serious confidentiality concerns arise when collecting and sharing sensitive financial information for small economic sectors. For example, it would be imprudent to publish financial details on "agritourism" if only two such operations exist, i.e., a dude ranch in Mono and a guest ranch in Inyo. Also, the IMPLAN data do not apply to that level of analysis. This means we would need to collect primary data on farmers markets, pack trains, etc., significantly raising the project costs.*

2. Inter-county dependences and economic relationships that exist with regard to agriculture.

Linkages between the agricultural industry and other leading industries within each county should be identified.

DISCUSSION:

- *Our standard Crop Report PLUS product does not include this analysis but we would be happy to add it. We would take this topic in two directions: inter-county and inter-industry.*
- *Inter-county analysis would focus on cross-county economic impacts within agriculture. For example, if the City of Los Angeles DPW ceases irrigation on its Mono County lands, then how would it affect Inyo County producers who operate in both counties? Once we know the extent to which producers split their seasonal livestock operations across both counties, then we should be able to model the impacts.*
- *Inter-industry analysis would focus on agriculture's connection to other industries, in particular tourism. The main connection has to do with provision of open space and scenic beauty that enhances the tourism experience. Thus, this topic fits best in the Ecosystem Services discussion below.*

3. Estimate of economic contributions by type of crop.

Data must be presented in a manner that allows the contribution of each crop type to be determined. Crop types should at minimum include those specified in the CAC's Annual Crop and Livestock Report.

DISCUSSION:

- *Our standard Crop Report PLUS product includes economic output and employment attributable to major crop categories listed in a county Crop Report, for example Livestock, Vegetable Crops, Fruit & Nut Crops, Field Crops, and so on. We will definitely include this in the proposed analysis.*
- *That said, our category names will follow IMPLAN and the North American Industrial Classification System (NAICS) labels, which differ somewhat from crop reports. If interested, please see the reports for other county agricultural commissioners for the category labels we use based on the existing data. We have a methodological obligation to follow these categories and labels as closely as possible.*
- *Analysis on a deeper level (i.e. by "each crop type" specified in the annual Crop Report) is possible but may not be worthwhile. For example, we could estimate the economic output and employment attributable to various sub-categories of Livestock (e.g., calves, cows, bulls), Field Crops (e.g., alfalfa, irrigated pasture, non-irrigated pasture), and so on. Doing so would increase project costs but probably add little value. More importantly, doing so would produce less defensible results. None of our clients (including seven county agriculture commissioners) have ever faced serious questions about the quality of the findings in their economy study. A key reason for this success is that their studies do not extrapolate beyond what the data can support. Analyzing on the level of calves, cows, bulls, etc. could expose you/us to that risk.*

4. Estimate of economic contributions by land ownership.

Data must be presented in a manner that allows the economic contribution of each type of land ownership category to be determined. At minimum, these categories must include US Forest Service lands, Bureau of Land Management lands, City of Los Angeles Department of Water and Power lands, and private lands.

DISCUSSION:

- *Our standard Crop Report PLUS document does not include this analysis but we are happy to add it.*
- *It is our understanding that this section should focus on livestock production under each of the four ownership types. It should not attempt to quantify tourism operations, government spending, and other non-livestock "economic contributions." We also assume that data are available from the County on the amount of land being used for livestock on all four types of land.*
- *If both assumptions hold true, then this item should be feasible. In fact, the results could be quite useful in estimating economic impacts of new or proposed policy shifts, for example new "critical habitat" designation or the Forest Service reducing the amount of land it leases to ranchers.*

5. Analysis of jobs maintained both directly and indirectly by agricultural production.

DISCUSSION:

- *Our standard Crop Report PLUS product always includes this analysis and we are happy to add it here, too. Please see our sample publications for examples and details.*

6. Contributions provided by agricultural production to local taxing authorities such as property taxes and sales taxes.

DISCUSSION:

- *Our standard Crop Report PLUS product does not normally include this analysis but we have done it on occasion are happy to add it here.*
- *The IMPLAN data we will purchase and use for this product includes tax data. We will use these data to calculate fiscal impacts attributable to agriculture.*

7. A summary and analysis of ecosystem services provided by the local agriculture industry.

The study must identify and quantify in economic terms what ecosystem services are provided by each county's agriculture practices. These services should be computed in terms of the value of the work action itself, as well as the overall value that the service provides to the environment. Examples include carbon sequestration provided by pasture, health care costs avoided due to decreased dust events provided by irrigation, habitat maintained through irrigation, pollinator food sources provided by farming, etc.

DISCUSSION:

- *Our standard Crop Report PLUS product does not normally include analysis of ecosystem services but we have done it in the past and can certainly add it here, too.*
- *For example, the agricultural commissioner in Santa Barbara County commissioned an additional, multi-page discussion of ecosystem services for her Crop Report PLUS report. For details, please see pages 11-18 of "Economic Contributions of Santa Barbara County Agriculture": <http://cosb.countyofsb.org/uploadedFiles/aqcomm/outreach/SB-Aq-Econ-vDec31-5pm.pdf>*
- *We are aware of three California counties that commissioned full valuations of ecosystem services, including services provided by agricultural lands. Depending on the methodologies used, such studies can cost \$100,000 to \$300,000 each. We propose a much smaller effort for now: 40 hours of effort, \$5,000 cost, and 5-7 pages of content. Similar to the Santa Barbara County example above, this would provide a general overview of ecosystem services provided by agricultural lands in Inyo & Mono Counties, without attempting to calculate a dollar value of these services. It could set the stage for a more detailed future study.*

The study should also address, from a regional perspective:

1. Multi-regional analysis identifying the level of interdependence that exists between Inyo and Mono Counties' ranching industry operations.

This includes identifying and quantifying what portion of ranch production is derived from those that rely on lands located in both counties. Any other multi-county or interstate relationships that exist should also be identified and valued.

DISCUSSION:

- *Our standard Crop Report PLUS product does not include this topic but we are happy to add it.*
- *To the extent that this item focuses on how land management decisions in one county affect the other, it overlaps with the inter-county analysis described in #2 above. A key difference is that this item entails primary data collection and a broader geographical scope.*
- *For example, what total economic and employment effect occurs when a producer permanently relocates his entire herd out of state (e.g., to Oregon) because the City of Los Angeles no longer irrigates the Mono County land he was leasing? A spillover effect no doubt occurs in Inyo County during the winter, when that herd would normally have moved south from Mono. We can quantify this. We will collect primary data with local experts to determine the scope of such phenomena then model the economic and employment impacts, both direct and indirect.*

2. An examination of what opportunities exist to add value to the agriculture industry based on the research and analysis conducted during the study.

This portion of the study is intended to present ideas on improvements that can be made to increase the value of the regional agriculture industry. Examples include suggestions on how to diversify Inyo/Mono agriculture while maintaining similar land use patterns, opportunities to enhance revenue derived from current agricultural practices through greater efficiencies, complementary industry suggestions such as processing plants, etc.

DISCUSSION:

- *Our standard Crop Report PLUS product does not include this but we would be happy to perform additional research and writing along these lines.*
- *Our reports often include a quantitative measure of how economically diverse the county's agriculture sector is (or isn't). Please see our sample studies, for example Santa Cruz, Monterey, and Contra Costa. We sense you already know your "diversity index" score would be low compared to other counties. You do not need outside consultants to tell you that, or calculate your number. The strong reliance on hay and livestock presents significant vulnerability to droughts, bovine disease, hay price fluctuations, and other economic shocks. The question is: what can be done to remedy this situation?*
- *In a nutshell, we would consult with local experts to inventory what has been considered or attempted in the past (for example the natural beef feasibility study). We would also research insights and best practices from elsewhere in California and beyond and discuss their potential applicability to Inyo & Mono Counties. Our analysis would explore adding value to existing products as well as diversifying into new products categories.*
- *We want to emphasize that if this were an easy task, then someone would have accomplished it by now. Years of efforts and a General Plan mandate have not yet fixed this. We will not magically fix it either. What we can do, however, is bring fresh expertise and research that makes a substantial, original contribution to the conversation.*

- *This research will be time consuming compared to most of the rest of the report, which draws from data readily available from IMPLAN and the County. This topic could easily be a six-month, \$50,000 study unto itself. We are willing and able to go that route if you like. But for now, we propose dedicating 3-4 pages of the 45-50 page report to this topic, and 80 hours of effort.*

3. Recommendation of areas for further analysis.

This section should provide a synopsis of further areas of study that could be explored to help provide a clearer picture of the regional agriculture industry to future policy and decision makers.

DISCUSSION:

- *Our standard Crop Report PLUS product often ends with a text box containing topics for future study. We can certainly do the same here. If interested, please see our previous reports for sample content.*

Additional Details on our Methodology

For a clear and concise description of our methods, please see the methods sections of previous reports we have completed for other county agricultural commissioners (see links above and the Appendix). In general, our methods capture the direct, indirect, and induced effects of the agriculture sector, with optional additional analysis into ecosystem services, economic diversity, and related topics.

Whereas other firms might use IMPLAN as both a starting and ending point, we only use it as the starting point. We have found that the IMPLAN data are sometimes inaccurate for California agriculture, because of the data's highly "derived" nature. Thus, we take two extra methodological steps that other firms probably do not take.

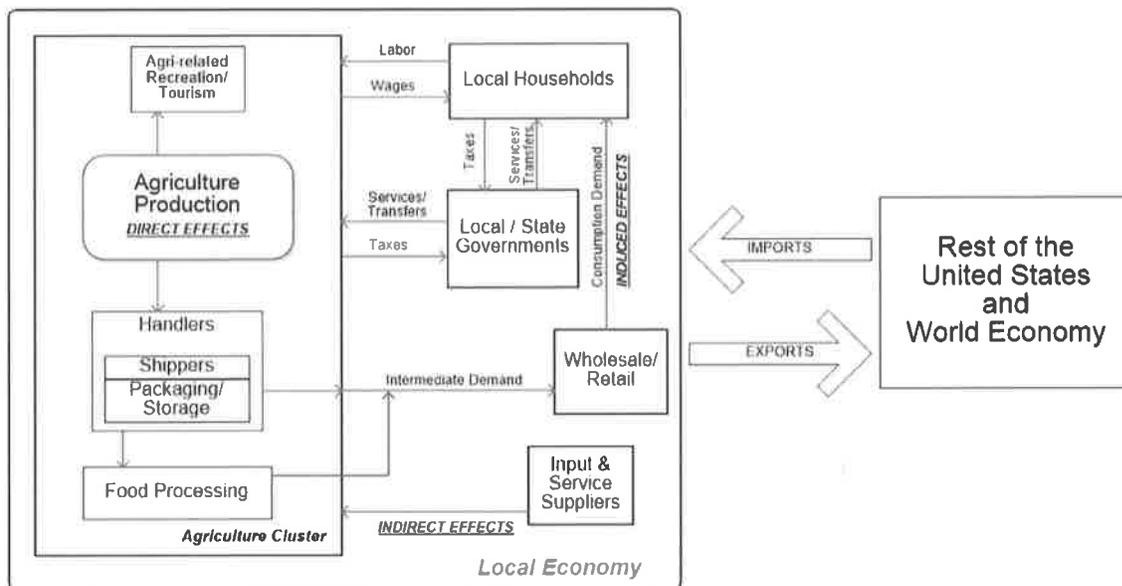
First, we always validate our models, estimates, and preliminary drafts with local agricultural experts. We consult with industry leaders, growers, ranchers, labor leaders, university extension agents, agency personnel, and others. In some instances, we contact them directly, but in many cases they are members of an "advisory group" set up by the office of the agricultural commissioner of each county. We believe that such consultation is not just a technical necessity but also—and perhaps more importantly—a crucial factor to ensure successful engagement of stakeholders around the issues analyzed in the report. When the numbers are released, it is critical that the entire agricultural community stands behind the results, speaks favorably of the report, and feels a sense of pride and ownership in the project.

Second, we benchmark our data inputs and our results with information from other sources such as journal articles, industry reports, state and federal agency's reports, and direct observations. Our experience in producing this type of report has allowed us to develop a broad understanding of local production, such as labor and land productivity boundaries for specific crops.

For example, if IMPLAN numbers suggest that every dollar of livestock production creates a certain multiplier effect in Inyo and Mono Counties in terms of economic output and employment, then other firms may report that figure without confirming or critiquing it. We, on the other hand, are uniquely

positioned to compare and confirm that number against proprietary data from analyses we have already performed for livestock in several other counties. This level of validation and quality control is only possible by firms who have already analyzed livestock data from multiple counties.

In order to determine the impacts of the local agriculture between and beyond Inyo and Mono Counties, our proprietary methodology takes advantage of the multi-region modeling functionality built into IMPLAN (by building a combination of impacts and events at the industry level). Our approach to multi-region IO modeling will include two distinct modeling strategies. First, we will assess the impact of Inyo and Mono agriculture considered as a single region. Then we will determine those impacts at the level of individual counties. The copyrighted graphic below shows how we imagine agriculture’s economic connection to areas beyond Inyo and Mono Counties. Please do not hesitate to request more details on this important aspect of the analysis.



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PART 3. Explanation of How This Product Meets Evaluation Criteria

The RFP specifies seven evaluation criteria. This section discusses each in turn:

1. Description of the approach and anticipated level of detailed analysis for each component contained in the above Scope of Work (50 points)

- PART 2 (above) provides extensive details on what the final deliverable would contain. The description makes it clear we will cover all ten major topics specified in the RFP. We have listed sample reports should you wish to learn more about our methodology and content.

2. Demonstrated expertise of proposer through similar studies (25 points)

- As noted in in this proposal, we possess extensive experience performing economic analysis of California agriculture. No other firm can match our unique combination of specialized knowledge, track record of success, and affordable cost. Seven county agricultural commissioners have hired us for projects similar to this one.

3. Cost (20 points)

- PART FOUR (below) proposes a 45-50 page study for \$46,600. The proposed study will deliver the overwhelming majority of the content specified in the RFP. Key exceptions include the full ecosystem services valuation and a comprehensive assessment of opportunities to add value. These two items alone would add at least \$150,000 to the total cost, probably much more.

4. Completeness (20 points)

- The RFP specifies that proposals should contain five sections. Our proposal contains all five sections, in particular: 1) a statement of experience; 2) and description of the product to be delivered; 3) an explanation of how this product will meet evaluation criteria; 4) a project budget; and 5) a project completion timeline.

5. Methodology with respect to CAC's ability to update and reproduce study data (20 points)

- Our methods will be sufficiently documented for future replication. For example, our Monterey County client published a 2015 study that updated the 2011 baseline. Every report we produce includes a detailed Methods section. Please note, however, that the proprietary nature of IMPLAN data limits our ability to share the raw data. Interested parties (for example a county economic development office) may purchase the same raw data we use, directly from IMPLAN.com, for \$800 per county.

6. Approach to data acquisition (15 points)

- As our Methodology section describes (see earlier), we have an extensive, robust approach to collecting and analyzing the data. It includes quality assurance through benchmarking to other counties we have analyzed. Although IMPLAN data form the core, we supplement them with qualitative data generated from personal interviews with local experts and a review of key documents such as crop reports, economic studies, industry reports, and so on. This hybrid approach (quantitative + qualitative) provides a well-rounded analysis.

7. Ability to complete study expediently (15)

- Having done several projects like this for California county agricultural commissioners, we have a strong understanding of the time and effort required. Our proposed 12-week schedule reflects our extensive, direct experience with projects like this, and the fact that this project entails much more research and writing than our regular *Crop Report PLUS* product.

PART 4. Project Budget

Overview. Our total projected cost is **\$46,600**, as detailed in the two tables below. This includes two items: salary for research personnel to perform the research and writing (\$45,000), plus IMPLAN data purchase (\$1,600). We consider this an initial estimate based on the RFP. We hope and expect to refine it with County staff in developing the final Scope of Work. Note that the second table lists costs tied to each of the ten items in the RFP.

Optional Travel. This budget does not include travel. Based on extensive experience doing these reports, we know high quality work is feasible without traveling to the region, relying instead on extensive phone conversations and email. That said, if you would like us to make research trip to the region, we can easily do so. Assuming 30 extra hours of labor (including travel), the salary cost would be \$3,750, plus an extra \$1,000 in travel expenses (i.e., mileage and 3-4 days of lodging and meals for two researchers). For additional cost, we could also make a separate, shorter trip toward the end of the study to brief policy makers, the public, and others.

Optional Formatting. We provide a final report in MS Word and PDF that includes tables, figures, and basic formatting. The report does not include photos or other embellishments. Most of our agricultural commissioner clients send this report to a professional design company or to their in-house County print shop for final editing, at their own expense. We prefer this option. That said, we can sub-contract the design work if you like. The firm we use charges \$100 per page. Please see our Santa Cruz County report for a good example of their work. Either way, the County will need to provide high resolution digital files for images to include in the report, similar to ones that appear in the annual Crop Report.

Overall Project Budget

SALARY

| Daily Rate | Units | Cost \$/Unit | # Units | Total |
|--------------------------|-------------|--------------|---------|-----------------|
| Dr. Jeff Langholz | person-hour | \$125 | 240 | \$30,000 |
| Dr. Fernando DePaolis | person-hour | \$125 | 120 | \$15,000 |
| Salary Sub-Total: | | | | \$45,000 |

SUPPLIES

| Daily Rate | Units | Cost \$/Unit | # Units | Total |
|----------------------------|--------|--------------|---------|----------------|
| IMPLAN Data: Mono County | county | \$800 | 1 | \$800 |
| IMPLAN Data: Inyo County | county | \$800 | 1 | \$800 |
| Misc. Supplies & Equip. | - | - | 0 | \$0 |
| Supplies Sub-Total: | | | | \$1,600 |

Detailed Budget Based on Scope of Work Items

| Topic | # Hours | \$ Cost |
|--|------------|-----------------|
| 1. Quantification and ranking of agriculture as an industry. | 35 | \$4,375 |
| 2. Inter-county dependences and economic relationships. | 20 | \$2,500 |
| 3. Estimate of economic contributions by type of crop. | 75 | \$9,375 |
| 4. Economic contributions by land ownership. | 20 | \$2,500 |
| 5. Analysis of jobs maintained both directly and indirectly. | 40 | \$5,000 |
| 6. Contributions to local taxing authorities. | 15 | \$1,875 |
| 7. A summary and analysis of ecosystem services. | 40 | \$5,000 |
| <hr/> | | |
| 1. Interdependence between Inyo & Mono ranching. | 20 | \$2,500 |
| 2. Opportunities to add value to the agriculture industry. | 80 | \$10,000 |
| 3. Recommendation of areas for further analysis. | 15 | \$1,875 |
| <hr/> | | |
| TOTALS: | 360 | \$45,000 |

PART 5. Project Completion Timeline

Having completed several projects like this, we can make confident estimates about the time and steps required. The table below depicts a 12-week timeline. The schedule is flexible: we can compress or expand it as needed. We have found that the biggest time delays occur if and when the County requests that local experts review a confidential, preliminary draft of the report. While important and useful, this step can take more time than anticipated.

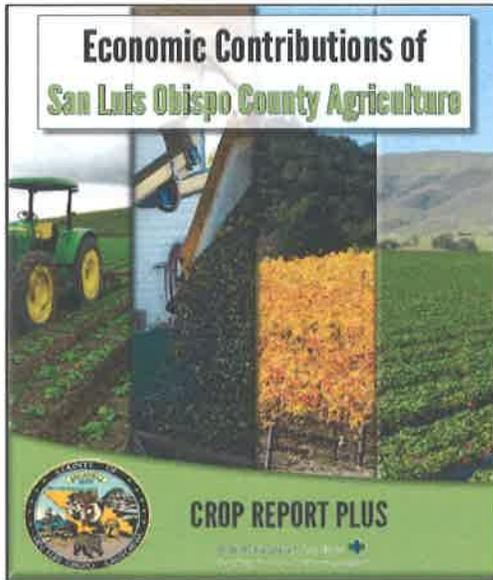
Note that county agricultural commissioners often call on us to help communicate the results. As a starting point, we can draft a press release for you to consider as you disseminate the findings. Second, we are happy to travel to Bishop or anywhere else to brief the board of supervisors, speak at a press conference, and other activities. Unlike a lot of dry economists, we are engaging and effective public speakers. In fact, Dr. Langholz has taught professional workshops on media relations and mastering the media interview. We would not charge extra salary for this trip – just the direct travel costs.

Project Timeline

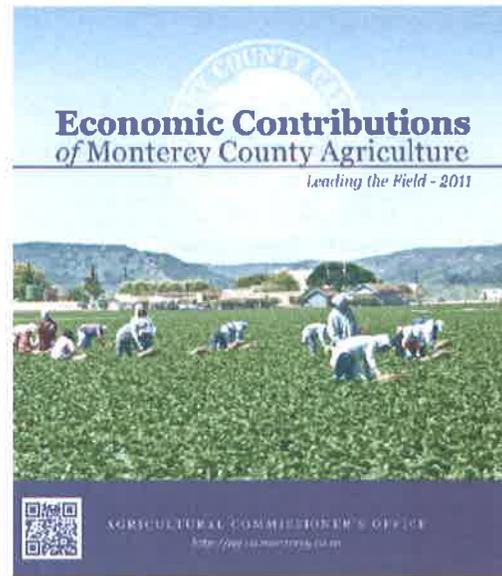
| Task | Weeks | | | | | | | | | | | | |
|--|-------|---|---|---|---|---|---|---|---|----|----|----|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Contracting & detailed scope of work | X | X | X | | | | | | | | | | |
| Modeling strategy and design | | | X | X | | | | | | | | | |
| Preliminary consultations with local experts | | | | X | X | | | | | | | | |
| Modeling of local/regional economy | | | | | X | X | X | X | | | | | |
| Write & submit draft report | | | | | | | X | X | | | | | |
| Follow-up consultations with local experts | | | | | | | | X | X | X | X | X | |
| Final report + outreach activities | | | | | | | | | | | | X | X |

APPENDIX

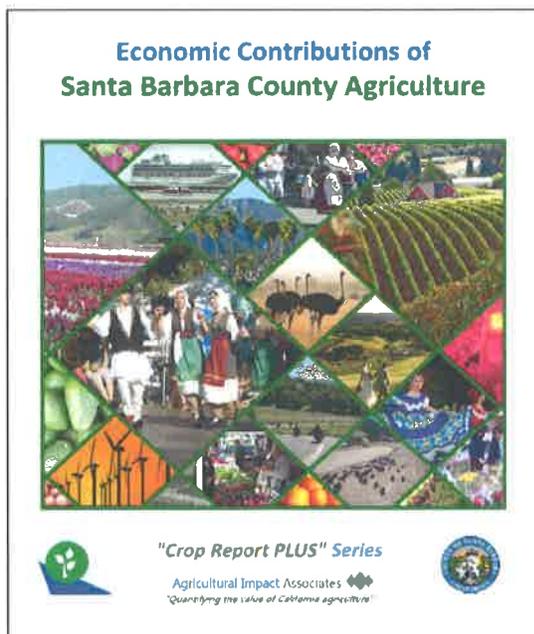
Sample Reports We Produced for Other Agricultural Commissioners



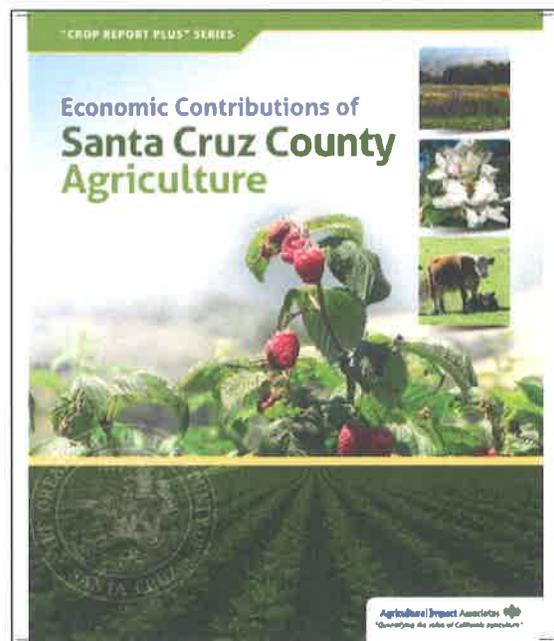
http://www.slacounty.ca.gov/Assets/AG/cropreg/econ_study/Economic_Study_2013.pdf



http://ag.co.monterey.ca.us/assets/resources/assets/222/economic_contributions_2011.pdf?1335985424



<http://cosb.countyofsb.org/uploadedFiles/agcomm/outr each/SB-Ag-Econ-vDec31-5pm.pdf>



http://www.agdept.com/Portals/10/pdf/SC_Ag_Report.pdf

COMBINED SCORES:

139.5



PROPOSAL



ECONOMIC STUDY ON AGRICULTURAL INDUSTRY CONTRIBUTIONS TO THE INYO AND MONO COUNTY REGIONS

Prepared for:

**INYO AND MONO COUNTIES AGRICULTURAL COMMISSIONER'S
OFFICE (CAC)**

SUBMITTED BY:

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IN ASSOCIATION WITH:

McClure Consulting LLC, Phoenix, AZ

Primary Contact: Roger Dale

Email: dale@natelsondale.com

May 27, 2016

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Consultant Information

Team Composition

The consultant team for this proposal includes two entities:

- **The Natelson Dale Group, Inc. (TNDG)**, a full-service economic analysis firm based in southern California, would serve as the prime contractor for the assignment.
- **McClure Consulting, LLC**, an economic consulting firm with specialized expertise in economic impact modeling and social media analysis, would provide research and analytical support throughout the process.

This team has collaborated on economic consulting assignments throughout the United States for more than 20 years, including recent projects in Texas, Florida, Colorado and various communities in California and Arizona.

Firm and Team History

The TNDG Team brings together multi-disciplinary backgrounds in economic analysis, economic development, community development, marketing, and branding. All team members have substantial experience with industry-cluster economic development initiatives, including those pertaining to agriculture and tourism, and with evaluating the impacts that these initiatives have on local economies.

The Natelson Dale Group, Inc. (TNDG) is an economic consulting firm established in southern California in 1974. The firm's practice includes economic development programs, as well as a full range of economic impact analyses. TNDG is a "boutique" firm not only in terms of size but also in terms of philosophy and approach. The firm's principal personally manages every contract and maintains primary contact with the client. Responsiveness to the unique needs of each client is a hallmark of TNDG's approach.

McClure Consulting, LLC is a full-service economic consulting organization based in Phoenix. The firm focuses on community and economic development strategic planning, economic impact assessment, and regional economic analysis. The firm's principal, Joe McClure, has a multi-disciplinary background that incorporates many phases of the development process: economic analysis and strategy development, market and financial assessments, and planning and design.

Key Projects / Client References

The Natelson Dale Group, Inc.

| | |
|--|--|
| a. Name, location, year of completion | Economic and Fiscal Impacts of Fremont Valley Conservation Project (major solar energy and water production facility) in Kern County, CA. 2013 |
| b. Name of project manager and key staff | Roger Dale, Project Manager Alan Levenson, Lead Economic Analyst |
| c. Brief description of the project, specifically the format and techniques used | TNDG completed a comprehensive socioeconomic impact assessment for a proposed 700 MW photovoltaic solar energy facility in Kern County. The overall assessment included a detailed analysis of the project's construction and operational employment impacts (utilizing the IMPLAN model), as well as a customized fiscal impact analysis projecting cost and revenue impacts to the affected jurisdictions (city and county). |
| d. Name, address, phone number of client, and name of contact person | Mr. Jun Y. Lee, Esq. Director of Legal Affairs Aquahelio Management, Inc. 3785 Wilshire Boulevard, Suite 1911 Los Angeles, CA 90010 (213) 300-5220 junylee@gmail.com |

McClure Consulting LLC

| | |
|--|---|
| a. Name, location, year of completion | Economic Impacts of Bicycling in Arizona, out-of-state bicycle tourists and exports. 2013 |
| b. Name of project manager | Joseph McClure, Project Manager |
| c. Brief description of the project, specifically the format and techniques used | This project involved conducting phone interviews with key informants in bicycle touring and sales businesses, and other bicycle tourism operators and visitor patrons by means of various survey formats and instruments, in Arizona, compiling primary and secondary economic-impact data on sales, event details, etc. and estimating expenditures by out-of-state visitors to AZ. Estimating process included compiling state and national-level data on sales patterns, tourist spending, etc. |
| d. Name, address, phone number of client, and name of contact person | Michael N. Sanders, Senior Transportation Planner Bicycle and Pedestrian Program, Multimodal Planning Division Arizona Department of Transportation 206 S. 17th Ave., Mail Drop 310B, Phoenix, AZ 85007 MSanders@azdot.gov (602) 712-8141, Fax (602) 712-3046 |

Other Relevant Experience

The Natelson Dale Group, Inc.

Over its 42-year history, The Natelson Dale Group, Inc. (TNDG) has completed several hundred economic and fiscal impact analyses for a diverse range of economic activities.

Economic Impact Analyses. The TNDG team has prepared regional economic impact studies related to a wide variety of industries, facilities, and economic development programs. Many of these have utilized the IMPLAN model as the analytical basis for deriving estimates of direct, indirect and induced impacts. Examples of major regional water/energy impact analysis projects include:

- **Colorado River: Economic Impact Analysis-Corps of Engineers.** A detailed evaluation of land use activities and usage from Blythe to Lake Havasu was completed to evaluate the potential impact of increased releases from upstream dams.
- **Los Angeles, California: U.S. Army Corp of Engineers/Open-End Contract.** The firm served as an ongoing contractor for the Corps of Engineers, Los Angeles District, for five consecutive years, charged with performing all socioeconomic, marketing and land valuation studies emanating from the Los Angeles District Offices, which covers the region of Southern California and Arizona. During the course of this assignment, the firm has completed over sixty specific studies and investigations, including land use and marketability studies, social impact assessments, and land valuation analysis for the Santa Ana River Basin, the Whitewater River in the Coachella Valley, the Salt and Gila Rivers and their tributaries, the San Diego River and its tributaries and other water-related studies associated with either flood damage assessment and/or water resource development projects. In the course of these analyses, extensive investigations were conducted regarding the joint development of recreational activities along existing waterways, including such studies for the Salt/Gila project as part of the CAWCS investigations which were completed by USBR/COE, and Whitewater project which involved park-related activities along the Whitewater River Basin in the Coachella Valley.
- **Los Angeles, California: U.S. Army Corps of Engineers - Orange County Flood Control Benefit Analysis.** The consultant assessed the value of benefits which would result from proposed flood protection improvements on the Santa Ana River and its tributaries - an area encompassing most of Orange County and portions of San Bernardino and Riverside Counties. The assessment required identification and appraisal of developed property within the flood plain based on field surveys and sampling techniques. Future development was identified through discussions with municipal planning departments.
- **Maricopa County, Arizona: Economic Assessment of Flood Control Alternatives on the Salt and Gila Rivers for the U.S. Army Corps of Engineers.** The firm engaged in an economic assessment of areas within the 500-year flood plain of the Salt and Gila Rivers through metropolitan Phoenix. The work involved extensive land use inventory and property valuation in the flood plain and close coordination with other aspects of the project, including environmental and socioeconomic considerations investigated by other consultants.

- **Phoenix, Arizona: Salt-Gila Alternative Socioeconomic Impact Analysis.** Worked as part of a project team for USBR/COE on a long-term intensive planning program for the Salt-Gila project in the Phoenix Metro area directed at overall flood control and water resource development for the area to satisfy the expressed concerns of local affected communities. The firm conducted the socioeconomic analysis component of the research.
- **San Bernardino, California: Upper Santa Ana River Recreational Demand Analysis.** This analysis involved determination of current and future projected recreational demand on USFS recreational lands by use category through the year 2050 with and without consideration of a proposed flood control project. Existing and projected demand patterns, regional growth characteristics, and a user/day valuation methodology were developed and evaluated for the program.
- **Kern County, California: Economic and Fiscal Impact Analyses for Solar Energy Project.** TNDG completed a comprehensive socioeconomic impact assessment for a proposed 700 MW photovoltaic solar energy facility in Kern County. The overall assessment included a detailed analysis of the project's construction and operational employment impacts (utilizing the IMPLAN model), as well as a customized fiscal impact analysis projecting cost and revenue impacts to the affected jurisdictions (city and county).
- **Southern California/Utah/Arizona: Economic and Fiscal Impact Studies for Major Energy Facilities.** The firm completed 19 assignments over a nine-year period for Southern California Edison. These studies focused on the socioeconomic and fiscal impacts of proposed SCE development activities.
- **Albuquerque, New Mexico: Economic Impact Analysis of Yellowhouse Dam and Reservoir on the Zuni Indian Reservation.** In a study completed for the Bureau of Indian Affairs, the consultant investigated sociocultural and socioeconomic impact on the Zuni Nation of the proposed Yellowhouse Dam. Among the factors considered in the analysis were the local economy and employment profile, physical and governmental infrastructure, demographic characteristics and a social needs assessment (social services, health care, etc.).
- **Santa Barbara County, California: Evaluation of Economic Issues Related to Agricultural Preserve Component of Mission Oaks Ranch Master Plan.** The study involved an analysis of potential economic returns from agricultural uses of the property and proposed a system for allocating these returns given the unequal distribution of agricultural resources among the 31 parcels.

Examples of other types of impact studies include the following:

- Analytical support to the University of Arizona Foundation on an evaluation of the economic impacts of the Tucson Rodeo.
- Development of an analytical framework to evaluate the economic and fiscal impacts of annual visitor events for the City of Huntington Beach.

- Evaluation of the economic and fiscal impacts of the StubHub Center in the City of Carson. This 125-acre development features state-of-the-art stadiums and facilities for soccer, tennis, track & field, cycling, lacrosse, rugby, volleyball, baseball, softball, basketball and other sports.
- Evaluation of the operational impacts of a proposed \$300 million movie studio complex and joint use educational facilities on the campus of a community college in Orange County.
- Evaluation of the impact of visitor retail and restaurant expenditures for the City of Beverly Hills.
- Evaluation of the local and regional economic impacts of various proposed development projects for the City of Santa Monica.
- Preparation of a tourism marketing plan and related economic impact analysis for the agriculturally oriented Heritage Valley area of Ventura County.
- Economic analyses in support of park, recreation and special events master plans for communities throughout southern California.
- Evaluation of the construction and operational impacts of a proposed \$2.7 billion medical campus totaling 6 million square feet at the converted March Air Force Base in Riverside County.
- Evaluation of the construction and operational impacts of a proposed \$1.2 billion solar energy facility in San Bernardino County.
- Evaluation of the economic impacts resulting from implementation of the City of Los Angeles' "Solar LA" initiative.
- Evaluation of the ongoing operational impacts of Los Angeles Air Force Base in El Segundo.

Fiscal Impact Analyses. Most of TNDG's fiscal impact analyses involve the development of customized fiscal impact models reflecting the revenue and cost structures of the affected jurisdictions. In addition to project-specific fiscal impact assessments, TNDG has developed jurisdiction-wide fiscal impact analysis software for municipalities throughout California and Arizona. These software packages enable the municipality to quantify the fiscal impacts of various events, projects and programs, based on the local economic base unique to each jurisdiction. Several of TNDG's fiscal impact models have been specifically designed to measure the impacts of features/facilities such as regional parks, water recreational facilities, and a zoo. TNDG has also developed a statewide property-tax forecasting model for California, which forecasts property tax revenue for each of the state's 58 counties.

Economic development strategic planning, including assignments in places where agriculture was a selected target industry or an important economic sector. TNDG's work in economic development strategic planning spans a wide variety of economic areas, including: an economic recovery strategy for the County of Los Angeles; a workforce development strategy for the San Francisco Bay Area media industry; a business development strategy relating to the City of Anaheim's development of fiber optics

infrastructure; target industry analyses and economic development strategies for the City of Burbank, the City of Tracy, the County of San Joaquin, the County of Kern, the County of Osceola, Florida (as part of a larger team), the County of Guilford, North Carolina, and the Tri-Cities area of Northeast Tennessee/Southwest Virginia. The firm is in the final stages of an economic development asset assessment for Larimer County, Colorado.

TNDG has also developed several strategies related to “clean tech” and advanced manufacturing activities, including the economic development component of the Solar LA plan, and a comprehensive business plan for an “eco industry” park in the City of Ventura.

The TNDG Team has conducted a number of economic development strategic planning assignments for areas in which agriculture is a major economic activity, including the following:

- Countywide economic development strategic plan for Kern County, which included an agricultural cluster.
- Strategic plan for Southern Kern County where agriculture is a major industry.
- Multiple economic development strategic planning assignments and related assessments of the agricultural workforce, the relationship of agriculture to technological innovations, and similar considerations, in Yuma County, Arizona.
- City of San Miguel Economic Strategy, which included an analysis of development prospects related to vineyards and wineries.
- City of Escondido Comprehensive Economic Development Strategy and Competitive Assessment, which included agriculture as a target cluster.
- City of Coachella industry cluster strategy.

McClure Consulting, LLC

In addition to supporting TNDG on a number of the assignments listed above, McClure Consulting has completed the following economic impact studies:

- Impact of the Arabian Horse Show to the City of Scottsdale, AZ.
- Project Market Feasibility and Estimates of Tourism Purchases, for 1.3 Million Square Foot Destination Shopping Center, for City of Sparks, Nevada.
- Market Assessment and direct and secondary economic benefits analysis for CityScape, a Downtown Phoenix entertainment-destination retail center.
- Evaluation of construction impacts for a proposed freeway interchange, and related improvements, on Interstate 10 in the Tucson metro area, analyzed as part of an application for ARRA funding.

- Multiple studies addressing evaluation of impacts to adjacent business communities, and the larger surrounding region, from roadway expansions or re-routing, for urban collector streets and freeway segments.

Personnel Bios

The following personnel would be assigned to this project. Full resumes are attached as an appendix to this proposal.

Roger A. Dale, Managing Principal of TNDG, will serve as **Project Director** for the assignment. In this capacity, he will be responsible for primary client liaison, day-to-day completion of work assignments and products, and coordination of the overall project team. Mr. Dale has been a project manager with TNDG for 28 years and has extensive experience in economic impact analysis and agriculture-based economic development strategies. He received his B.A. cum laude in Economics from Claremont McKenna College in Claremont, California and also holds a master's degree in Economics from the University of California at Riverside.

Joseph E. McClure, Principal of McClure Consulting LLC, has more than 35 years' experience in economic consulting. In recent years his work has included a focus on the economic development implications of large-scale projects and their relationship to host cities. Joe has an M.S. in Urban Planning from the University of Arizona and completed additional post-graduate work in economic geography at UA. He has a B.S. in Architecture from the University of Cincinnati.

Alan Levenson, Senior Associate of TNDG, has been with TNDG for 16 years and has completed a diverse range of economic and fiscal impact analyses for the firm. He is intimately familiar with the IMPLAN model that the team would use for this assignment. Mr. Levenson joined TNDG after receiving his B.A. with honors in Economics and Political Science from the University of California at Riverside. Mr. Levenson's undergraduate studies included additional coursework in applied mathematics related to economic analysis. He also holds a Master's in Business Administration degree, with a concentration in Real Estate Finance, from UCLA's Anderson School of Management.

Joseph Collins, Associate, McClure Consulting LLC, will support the project team with data analysis and GIS mapping. Mr. Collins has worked on a variety of economic impact projects, including major real estate development projects. His diverse academic and professional career has provided him with the opportunity to work on a number of projects for various non-profit, private, and public entities that have facilitated community planning, local development, and regional economic development. Mr. Collins obtained a M.B.A. from Grand Canyon University in Phoenix, Arizona, a M.S. in Regional and Community Planning from Kansas State University in Manhattan, Kansas, and a B.S. in Geography/Community Planning from Kansas State University in Manhattan, Kansas. In addition, he has completed coursework for general real estate appraisal at the Arizona School of Real Estate and Business.

Approach to the Scope of Work

General approach

TNDG will make use of the IMPLAN¹ modeling system, which has 17 individual industry sectors that pertain to agriculture and forestry (not all of which are applicable to this analysis), to accomplish the following:

- Using the available crop production data as inputs, quantify the direct and various secondary relationships of agricultural production (indirect and induced jobs, value added, and output), by type of crop or related activity. Because the primary crop, alfalfa hay, does not have a specific, exclusive corresponding IMPLAN industry category, TNDG will apply one or more approaches to sensitize the specific IMPLAN calculation factors to this crop type, which may include interviews with key informants and/or analysis of the factors related to other IMPLAN agricultural sectors.
- Estimate the linkages between the agricultural industry and other leading industries across the two counties. (Note: to estimate industry interrelationships for agriculture, as in the preceding bullet point, the IMPLAN model will be configured according to IMPLAN's Industry Contribution Analysis method, which prevents an overestimation of secondary effects and provides a more accurate estimate of the existing interrelationships. This type of output, however, will not directly provide measures of the economic linkages across counties, so other configurations of the model (based on the traditional use of the model to measure the impacts of an incremental change in some industry) will be used to generate these estimates. This process will also provide an additional set of factors important to the overall analysis, in this case addressing the marginal impacts from incremental changes.)

Specific scope of work items as listed in the RFP are shown below in *italics*, with TNDG's response to the item following.

For both Inyo and Mono Counties individually

1. Quantification and ranking of agriculture as an industry

TNDG will compile industry data for the two counties using purchased employment data from Emsi,² in order to overcome data limitations due to suppression by government agencies. This database will facilitate comparison of industries in several respects: employment, relative strength of the industry in each county, and at a level of detail appropriate for documenting the complexity of the Counties' economic base while also maintaining readability of the analysis.

While the IMPLAN model output will identify industries (within the IMPLAN system) related to each of the agricultural crop/livestock categories, the process of identifying ancillary industries that rely on

¹ IMPLAN Group, LLC.

² Other options for such data are available. The use of this recommended database will be confirmed in consultation with CAC, upon review of issues such as costs related to update ability and similar considerations. The database is often used by local Workforce Investment Boards throughout the US.

agriculture will include examination of the Emsi data and a review of relevant business listings from various sources.

Because of the importance of tourism in the two counties, industry data pertaining both directly and indirectly to tourism will be compiled, and factored appropriately as necessary, to represent the “hybrid” industry of tourism. This compilation will include areas of overlap between traditional tourism industries and the agriculturally related activities in the two counties with a tourism dimension.

2. Inter-county dependences and economic relationships that exist with regard to agriculture

This information will be compiled based on multiple outputs of the IMPLAN model (as discussed under “General approach” above) and the industry data described above under item 1.

3. Estimate of economic contributions by type of crop

The IMPLAN modeling process will be used to show the direct and secondary contribution to the economy by the crop/livestock types within the CAC’s Annual Crop and Livestock Report.

4. Estimate of economic contributions by land ownership

CAC’s database on crop production by the property ownership categories specified in the RFP will be combined with the IMPLAN output and other data to produce these estimates.

5. Analysis of jobs maintained both directly and indirectly by agricultural production

These job numbers will come directly from the output of the IMPLAN model, by individual crop/livestock type.

6. Contributions provided by agricultural production to local taxing authorities such as property taxes and sales taxes

These tax figures will come directly from the output of the IMPLAN model, by individual crop/livestock type.

7. A summary and analysis of ecosystem services provided by the local agriculture industry

The TNDG Team understands that, while agriculture’s contribution to ecosystem services is important, CAC does not anticipate an in-depth quantification of the value of such services. Our recommended approach to this task is to combine our working knowledge of the subject with a literature review specifically focused on the subject at hand. The intent of this review would be to apply the “value transfer” method of economic impact analysis, which consists of identifying and extracting quantitative factors where possible to apply to this analysis. This method is commonly applied to studies involving ecological systems where a compilation of actual field data could be prohibitively costly. TNDG has allocated a level of effort to this task, shown in our project budget, which is fully negotiable. We expect to maximize the cost-effectiveness of this work based on the firm’s experience and particularly the

environmental-research credentials of TNDG's Managing Principal, Roger Dale, as detailed in his resume included with this proposal.

Tasks that the study should also address, from a regional perspective

1. Multi-regional analysis identifying the level of interdependence that exists between Inyo and Mono Counties' ranching industry operations

TNDG will use a combination of industry data and discussions with key informants to define the elements of the ranching industry that could potentially have intercounty economic interrelationships. The IMPLAN modeling processes will provide output that will allow TNDG to initially estimate the economic linkages within ranching operations across the two counties. This estimating process will be combined with other industry data to quantify the county-to-county interdependence of the ranching industry.

2. An examination of what opportunities exist to add value to the agriculture industry based on the research and analysis conducted during the study

TNDG will approach this question from several respects, using the information available within the analysis processes described above along with our experience gained through many economic development strategic planning assignments. In that type of work, expanding industry clusters to increase their overall value to the local economies is a common strategic focus. TNDG's approach will include the following considerations:

- An understanding of existing agriculturally related industry interdependencies, and linkages with other types of industries in general, will be important. The IMPLAN analysis process will provide some of this information, and this will be supplemented by other industry data assembled for the analysis.
- The Emsi data will include supply chain information, which will identify goods and services that are currently imported by the counties and therefore could potentially be provided locally.
- Certain types of industries, for example food processing, are obvious candidates for adding value within the agricultural cluster. These will be reviewed in terms of certain measures for potential expansion, including the relative strength of the presence of the industry within the existing economy, recent growth trends in the industry both locally and at state/national levels, and observations of local key informants.

3. Recommendation of areas for further analysis

TNDG will coordinate the consideration of these recommendations with CAC, taking into consideration, among other things such as timing, the costs of various kinds of research compared to the expected benefits.

Project Execution - explanation of how this product will meet evaluation criteria

Evaluation criteria listed in the RFP are shown below, in *italics*, followed by TNDG's explanation of how each criterion will be met.

1. *Description of the approach and anticipated level of detailed analysis for each component contained in the above Scope of Work*

TNDG will apply standard-practice, widely accepted analytical models and data sources to this project and also explain the methods and models used in detail, so that the work is readily replicable, updatable, and understandable to a lay audience. The same models and data will be used, in somewhat different forms as appropriate, to answer many of the research questions.

2. *Demonstrated expertise of proposer through similar studies*

As listed in the Statement of Experience in this proposal, TNDG has conducted economic impact studies for a wide variety of activities, often integrating impact findings with broader implications of the health of the local economy. In addition, the firm has a broad range of experience across the country in the analysis of local economies and preparation of strategies to support and promote economic development.

3. *Cost*

The TNDG Team's broad range of experience, and active participation of Team Principals and other senior personnel, supported by appropriate staff, help ensure that the project will be conducted in a cost-effective manner. TNDG has proposed a budget within this proposal, and we are completely flexible regarding possible changes to this budget to more closely align with CAC requirements and expectations.

4. *Completeness*

The TNDG Team believes that our description of the work to be performed, in the preceding section of the proposal, adequately defines our approach, which we further believe will result in execution of the work in such a way that the research questions set forth in the RFP will be fully addressed.

5. *Methodology with respect to CAC's ability to update and reproduce study data*

The TNDG Team's use of standard-practice, widely accepted analytical models and data sources, along with our detailed explanation of the methods and models used, will result in a study that is readily replicable and updatable. The TNDG Team will provide to CAC a customized, updatable spreadsheet model (in Excel) that incorporates the output from the IMPLAN model and other data and project analysis, and summarizes the economic and fiscal impacts, by crop/livestock category and by land ownership.

6. *Approach to data acquisition*

The TNDG Team has proposed, in our response to the work scope in the preceding section, certain specific data sources, including data from Emsi and the IMPLAN model. These will be supplemented as required by other data sources that are normally available in the public domain, and may include, among other sources, Longitudinal Employer-Household Dynamics (LEHD) program data from the Center for Economic Studies at the U.S. Census Bureau, Census of Population data, employment and occupation data from the Bureau of Labor Statistics, and Bureau of Economic Analysis (BEA) data on national Industry Input-Output (I-O) accounts.

7. *Ability to complete study expeditiously*

As reflected in our timeline below, TNDG's combination of having the Principal directly involved in the project, and sufficient staff at both the senior and research-support level, allows us to complete this project expeditiously as well as cost-effectively.

Project Budget

The breakdown of TNDG's proposed cost by task is shown on the following table, which also shows the hourly rates associated with key personnel.

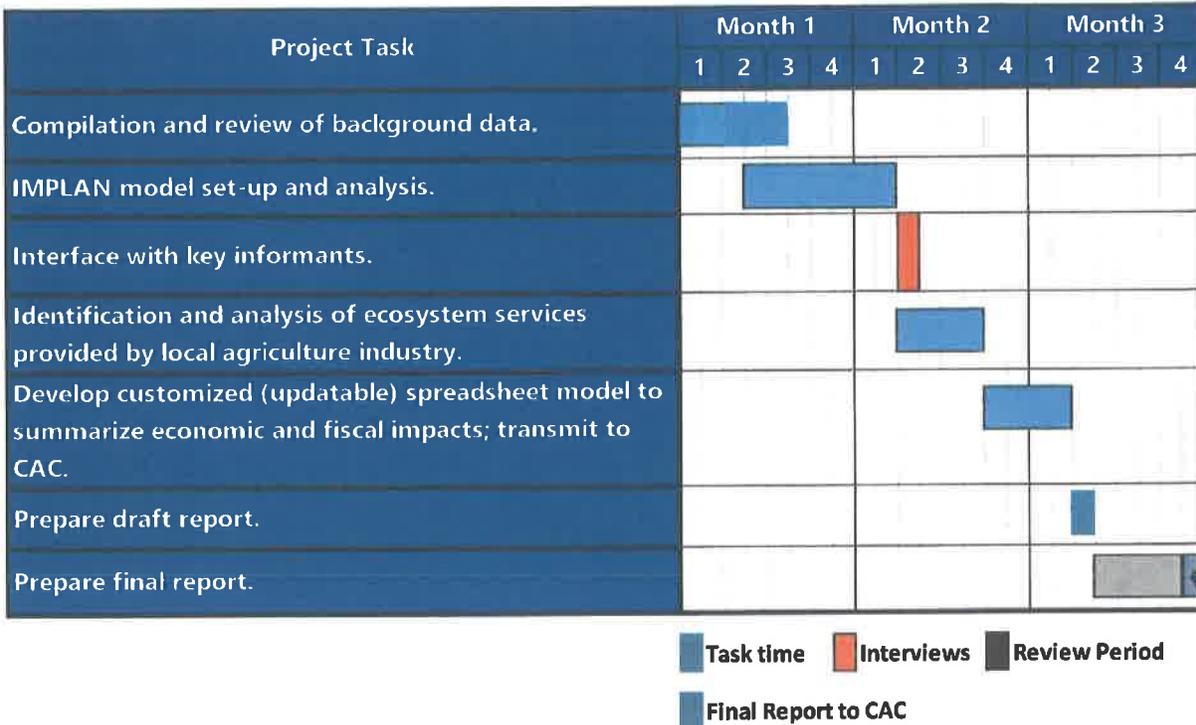
| Hourly rates ---▶ | \$185 Principals (1) | \$170 Senior Associate (2) | \$125 Associate (3) | Total Hours | Total Fee |
|--|----------------------------|-------------------------------------|---------------------------|----------------|-----------|
| Task | Hours | | | | |
| Compilation and review of background data. | 24 | | 24 | 48 | \$7,440 |
| IMPLAN model set-up and analysis. | 8 | 40 | | 48 | \$8,280 |
| Interface with key informants. | 32 | | | 32 | \$5,920 |
| Identification and analysis of ecosystem services provided by local agriculture industry. | 48 | | | 48 | \$8,880 |
| Develop customized (updatable) spreadsheet model to summarize economic and fiscal impacts; transmit to CAC | 12 | 32 | | 44 | \$7,660 |
| Prepare draft report. | 24 | | | 24 | \$4,440 |
| Prepare final report. | 12 | | | 12 | \$2,220 |
| <i>Subtotal, Professional Hours and Fee</i> | 160 | 72 | 24 | 256 | \$44,840 |
| Direct Expenses: | | | | | |
| Data | | | | | \$2,500 |
| Travel | | | | | \$750 |
| <i>Subtotal, Direct Expenses</i> | 172 | 72 | 24 | | \$3,250 |
| GRAND TOTAL | | | | | \$48,090 |

- (1) Roger Dale, Joe McClure
- (2) Alan Levenson
- (3) Joseph Collins

The TNDG Team would be available after the completion of the study to make presentations on the study findings to the public, county staff or elected officials. These meetings would be billed at a flat rate of \$2,500 per meeting day (i.e., if multiple presentations are scheduled on the same day, they would be included within the same per-day charge).

Project Schedule

The TNDG Team's **Project Work Plan Schedule** is shown below. The Team has assumed a 3-month period for completion of the study.



Appendix A – Resumes

Roger Dale MANAGING PRINCIPAL • TNDG

Roger Dale has been affiliated with The Natelson Dale Group, Inc. (TNDG) since 1988 and currently serves as the firm’s managing principal. His background encompasses the fields of real estate development, economic development, regional economic analysis, environmental and land use policy, financial forecasting, and renewable energy. His project experience with TNDG includes real estate market forecasting, demographic research and modeling, fiscal impact analysis, cost/benefit assessment, redevelopment, business retention/attraction, workforce development program assessments, and preparation of regional-scale economic development strategic plans.

He has prepared real estate forecasts for municipal planning efforts throughout California and Arizona. He was TNDG's lead economist for the City of Los Angeles General Plan Framework study. This work included long-range demand forecasts for each of the City’s 35 planning areas for residential, retail, office and industrial land uses.

Mr. Dale also has extensive experience in preparing market and financial feasibility analyses for private developers. Key projects include a 4,200-acre subdivision in Moorpark, California; an 885-acre mixed use development on the Big Island of Hawaii; a tourist-oriented retail/restaurant complex in Honolulu; several regional shopping centers in southern California; a 3,200-unit residential development in the Santa Clarita Valley; and a master planned community in Yokohama, Japan.

Mr. Dale has completed numerous fiscal impact analyses and developed customized software models to enable municipalities to assess the fiscal impacts of proposed general plan amendments, annexations, and individual development projects. He has also completed a number of market impact studies to determine the extent to which proposed retail facilities would negatively impact existing stores within their trade areas.

Over the past 15 years, a significant focus of Mr. Dale’s work has been on the development of cluster-based economic and workforce development strategies. In this regard, he has managed industry cluster analyses and developed related retention/ expansion/attraction plans for the following clients: the cities of Anaheim, Los Angeles, and Burbank, and San Buenaventura, California; the County of Kern, California; the County of Yuma, Arizona; the High Desert Regional Economic Development Authority (San Bernardino County, California); the Forward Greensboro (North Carolina) Economic Development Partnership; and the Tri-Cities (Tennessee/Virginia) Economic Development Alliance.

Mr. Dale has an active interest in environmental mitigation and habitat conservation planning. He has experience in negotiating mitigation agreements and was actively involved in the development of an innovative “land bank” program in the Western Mojave Desert. This program was implemented in cooperation with several State and Federal agencies, and is designed to streamline development while at the same time fulfilling the requirements of the Endangered Species Act. Between 1995 and 2001,

Mr. Dale served on a technical review team for the Northern and Eastern Colorado Desert Coordinated Management Plan, a multi-agency land use planning effort led by the U.S. Bureau of Land Management.

Reflecting his longstanding interest in sustainability issues, he serves on the Board of the Roberts Environmental Center – a leading publisher of global climate change research and the nation’s foremost analyst of corporate sustainability reporting. He has recently completed feasibility studies and related economic development strategies for solar energy projects in California, Arizona and China. He has prepared more than 50 economic analyses as part of environmental impact reports, pursuant to the requirements of the California Environmental Quality Act (CEQA).

Mr. Dale received his B.A. cum laude in Economics from Claremont McKenna College in Claremont, California. He also holds a master's degree in Resource and Environmental Economics from the University of California at Riverside.

Joe McClure has served as principal or in other key roles in land economics research and advisory-services organizations for the last 37 years. During this period, Joe's practice has focused on the following outputs:

- Fiscal/economic impact analyses with a strategic component: impacts on the business community and tax receipts from freeway and other road projects, and assessing redevelopment prospects of under-performing areas.
- Market analyses with fiscal and strategic components: highest and best use analysis, analysis of rapidly growing trade areas, cash flow and development strategy analysis, fiscal benefits of development.
- Economic development strategic focus: consolidating views on a region's economic development targets, workforce, issues, and approaches, integrating target industries into the local economy, and relating a region's existing economic base to its competitive region.
- Special research projects, including studies of local labor forces and employer-employee relations, economic impacts of bicycle recreation, and transit behaviors and opinions in rural regions.

McClure has been retained by both private developers and public agencies at all levels of government, for projects in small and large cities, undeveloped and heavily developed regions, and regions with special demographic and cultural characteristics, including Native American and Pacific Island communities. To facilitate project implementation, he has facilitated workshops, prepared grant applications, and assisted with negotiations.

Mr. McClure's multidisciplinary background incorporates many phases of the community and real estate development process: economic analysis and strategy development, market and financial feasibility assessment, and planning and design. Joe has a M.S. in Urban Planning, in a program that emphasized regional economics, from the University of Arizona and completed additional postgraduate work in economic geography at UA. He has a B.S. in Architecture from the University of Cincinnati. Mr. McClure is a registered architect in Arizona and a member of the Western Regional Science Association (WRSA)—an international group of economic geographers, the Urban Land Institute (ULI), and the Arizona Association for Economic Development (AAED). He has presented papers on business and economic development issues at economic development conferences, has served as Adjunct Lecturer at the University of Arizona in the Geography and Regional Development program, and on ULI Advisory/Technical Services Teams. McClure served as a Civil Engineering Officer in the U.S. Air Force.

Mr. Levenson brings to The Natelson Dale Group, Inc. an academic background in economic theory with particular emphasis on economic development. Prior to joining the firm, Mr. Levenson spent two years as a research consultant for NEMESIS (Núcleo de Estudos Modelos Espaciais Sistêmicos), which is a research network dedicated to the study of systemic spatial models of the Brazilian economy.

A significant focus of Mr. Levenson's work at TNDG has been on preparing regional economic impact analyses for a wide range of projects. Among others, these projects have included a major regional health care facility in Riverside, CA, a technology and education park in Tustin, CA, a business park in Victorville, CA, and a highway construction interchange project in Pima County, AZ. These analyses have involved modeling various projects' short-term (construction-phase) and permanent (annually recurring) benefits to the regional economy. The benefits have been summarized by estimating a project's impact on total gross output, value added, earnings, and employment in the region. As part of this work, Mr. Levenson has experience with the major economic impact modeling software packages, including the Bureau of Economic Analysis's Regional Input-Output Modeling System (RIMS) and the IMPLAN program.

Mr. Levenson has managed the preparation of a number of regional economic development plans, with a particular focus on industry "cluster" strategies. This work has involved a wide range of activities: from performing quantitative/ statistical analysis to more qualitative analysis, including conducting numerous interviews with key players of potential clusters. Mr. Levenson has participated in industry cluster studies for the following clients: the Forward Greensboro (North Carolina) Economic Development Partnership, the Tri-Cities Tennessee Cluster Study (Tennessee), the Yuma Private Industry Council (Arizona), and the City of San Buenaventura (California).

In addition to his direct work for clients, Mr. Levenson played a key role in developing and preparing TNDG's "National and Regional Directory of Targeted Growth Industries", a publication that provided detailed summaries of cluster initiatives at the statewide and metropolitan statistical area (MSA) level.

Mr. Levenson also has a significant amount of experience in fiscal impact analyses, retail market analyses, and real estate development feasibility analyses.

Mr. Levenson joined TNDG after receiving his B.A. with honors in Economics and Political Science from the University of California at Riverside. Mr. Levenson's undergraduate studies included additional coursework in applied mathematics related to economic analysis. He also holds a Master's in Business Administration degree, with a concentration in Real Estate Finance, from UCLA's Anderson School of Management.

Joe Collins' professional career has involved him in a variety of both private and public projects in the Midwest and Southwest US. His varied experience includes: fiscal and land economic feasibility analysis, geospatial and descriptive data analytics, graphic presentation, market analysis, and the practice of urban planning and development, as summarized below.

- Analyzing required development improvements and associated costs pertaining to large tracts of land planned for single-family residential subdivisions and planned industrial pad sites.
- Analyzing costs/benefits of single-family residential development versus various commercial development options within a municipality.
- Analyzing the costs/benefits of annexation of established residential subdivisions.
- Conducting land use analysis and absorption studies, and real estate appraisal and market analyses.
- Geospatially analyzing building, property, land use, zoning, parking, traffic, demographic, economic, financial, tax, and other associated qualitative/quantitative data for various projects.
- Developing a Geographic Information System (GIS) relational parcel database for various properties located in a downtown area.
- Providing graphic support in the creation of various reports, exhibits, presentations, and other associated media used to present to the public, various boards and commissions, city councils, non-profit associations, and private clients.
- Providing project coordination for the creation of an interactive website for departmental customer service.
- Conducting research and technical analysis to evaluate findings and/or to take action on various real estate development applications, land use decisions, and processing other regulatory actions associated with the development of real estate.
- Designing marketing and relocation packages for potential businesses looking to purchase and/or lease property.
- Reviewing construction plans for conformance with applicable city regulations, policies, and requirements.

The Work described above was accomplished through a combination of public and private entities.

Mr. Collins obtained a M.B.A. from Grand Canyon University in Phoenix, Arizona, a M.S. in Regional and Community Planning from Kansas State University in Manhattan, Kansas, and a B.S. in Geography/Community Planning from Kansas State University. In addition, he has completed coursework for general real estate appraisal at the Arizona School of Real Estate and Business.

Appendix B – Photo Credits

“Bishop, California” by Dustin Blakey – Own work. Licensed under CC BY 4.0 via Flickr.com – <https://www.flickr.com/photos/dwblakey/22709107513/in/photolist-AAJ7ur-35wi8f-35wi6A-NnLh-pdEidj-9YLDsf-7RCqjT-8WD89y-NnQo-NnPW-NnNs-NnNp-NnQr-NnKM-43D13-NnQ8-NnQi-yQ7Z7o-hgoM4R-q8zCnM-qnHysQ-cXMrSA-pUFLAj-q9XCkS-pUQ22z-Aga2Dk-hf74DH-NnPz-NnNf-NnPN-6hN1t-5PGbab-cmPpyW-4b14m7-tYfoxf-i9T8pu-rXuJbD-r1yVFY-r1LAKM-r1LDDn-rDf3YH-rXz2NZ-rDf358-mqmcjk-q8r7cd-auHxPQ-auHxPo-auHxPW-49P8xi-8SFEQ>



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

| |
|--|
| For Clerk's Use Only: AGENDA NUMBER 9 |
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- Consent Departmental Correspondence Action Public Hearing
 Scheduled Closed Session Informational

FROM: HEALTH & HUMAN SERVICES – SUBSTANCE USE DISORDER

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Approval of Resolution establishing sliding fee scale for the Inyo County Substance Use Disorder (SUD) Program

DEPARTMENTAL RECOMMENDATION:

Request Board approve a resolution establishing a sliding fee schedule for SUD Services.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Inyo County Behavioral Health (ICBH) offers an array of Substance Use Disorder (SUD) services, regardless of clients' eligibility and ability to pay. California Health & Safety Code section 11852.5 requires a County to establish an equitable fee schedule for its SUD services. According to the code the fees shall not exceed the county's costs and must be approved by the County Alcohol and Drug (AOD) Administrator. The County must determine the liability of the clients according to their ability to pay and document this process in clients' charts. In addition, access to services may not be denied due a client's inability to pay.

Many patients are Medi-Cal eligible and when possible; their services are billed to Drug Medi-Cal and are reimbursed at the state's Drug Medi-Cal rates. The Drug Medi-Cal reimbursement rates amount to only a portion of the actual cost of services. For clients who do not have Medi-Cal or any other funding source, fees are to be paid out of pocket by the client according to a sliding fee scale that factor in clients' adjusted gross income and expenses.

A sliding fee schedule using the current 2016 Federal Poverty Level guidelines has been drafted for review and approval (attached). After reviewing our most recent FY1314 cost report rates we propose a minimum charge of \$2 per Individual service for the lowest income level -100% of the federal poverty level - and a maximum of \$48 for the 400% poverty level and above. For a Group service, we propose a \$2 minimum for the 100% poverty level and a \$39 maximum for the 400% poverty level and above. Behavioral Health will offer payment plans in order to ensure timely access to treatment. In addition, some clients may have circumstances that qualify for a "fee waiver", in which no payment is required for the service. Such circumstances will be reviewed and approved by the HHS Director or her designee on a case by case basis. No services shall be denied due to inability to pay. The fees will defray the cost of services while ensuring access for persons with a substance use disorder. Each year a State formatted annual cost report is submitted and accepted by the Department of Health Care Services (DHCS). Our current accepted cost plan is for FY 2013/14. Fees will be adjusted to reflect costs on State accepted future cost reports.

ALTERNATIVES:

Your board could deny this request; Inyo County Substance Use Disorders would not have an appropriate fee structure to comply with for charging fees to non Medi-Cal eligible patients.

OTHER AGENCY INVOLVEMENT:

Department of Health Care Services

FINANCING:

The SUD program is financed through SAPT Block Grant Federal Funds; Short Doyle Medi-Cal - Federal Financial Participation funds; Realignment 2011 acts as matching funds. Patient Payments will offset the required match. No County General Funds.

| <u>APPROVALS</u> | |
|--|--|
| COUNTY COUNSEL:  | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: <u>Yes</u> Date: <u>8/30/16</u> |
| AUDITOR/CONTROLLER:  | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> Approved: <u>yes</u> Date: <u>9/13/2016</u> |

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 Date: 9-9-16

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA,
ESTABLISHING A SLIDING FEE SCHEDULE
FOR THE PROVISION OF SUBSTANCE USE DISORDER (SUD) SERVICES**

WHEREAS, the County of Inyo is proposing to establish a sliding fee schedule for SUD services provided by Inyo County Health & Human Services (HHS) staff; and

WHEREAS, Inyo County HHS administers a SUD program in compliance with the California Health and Safety Code Sections 11841 through 11856.5; and

WHEREAS, California Health and Safety Code Section 11852.5 requires that counties charge fees to the clients for these services, not to exceed the actual cost of services, as determined by standard accounting practices; and

WHEREAS, California Health and Safety Code 11852.5 also requires that the fees be charged based on the client's ability to pay, which should consider the client's income and expenses; and

WHEREAS, Inyo County HHS annually submits and receives acceptance of State formatted cost reports to the Department of Health Care Services that will be utilized to set fees for services and provide the framework for the sliding fee schedule; and

WHEREAS, the most recent accepted cost report will be utilized to set the rates; and

WHEREAS, a sliding fee schedule will be developed annually utilizing Federal Poverty Level brackets and as necessary according to any updates to said brackets; and

WHEREAS, California Health and Safety Code 11852.5 also mandates that services shall not be denied because of a client's ability or inability to pay the fees hence a waiver process has been developed;

[INTENTIONALLY LEFT BLANK]

NOW THEREFORE BE IT RESOLVED that this Board of Supervisors of the County of Inyo, State of California, does hereby establish a sliding fee schedule for SUD services provided by Inyo County Health & Human Services (HHS) staff.

PASSED and ADOPTED on this _____ day of _____, 2016 by the Inyo County Board of Supervisors, County of Inyo, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JEFF GRIFFITHS
Chairperson of the Board of Supervisors
County of Inyo
State of California

ATTEST: Kevin Carunchio
Clerk of the Board

By: _____
Darcy Ellis
Assistant Clerk of the Board

SUBSTANCE USE DISORDER SLIDING FEE SCALE

Individual

| Household size | 100% | 138% | 150% | 200% | 250% | 300% | 400% |
|----------------------------|-----------|-----------|-----------|-----------|------------|------------|------------|
| 1 | \$ 11,770 | \$ 16,242 | \$ 17,655 | \$ 23,540 | \$ 29,425 | \$ 35,310 | \$ 47,080 |
| 2 | \$ 15,930 | \$ 21,983 | \$ 23,895 | \$ 31,860 | \$ 39,825 | \$ 47,790 | \$ 63,720 |
| 3 | \$ 20,090 | \$ 27,724 | \$ 30,135 | \$ 40,180 | \$ 50,225 | \$ 60,270 | \$ 80,360 |
| 4 | \$ 24,250 | \$ 33,465 | \$ 36,375 | \$ 48,500 | \$ 60,625 | \$ 72,750 | \$ 97,000 |
| 5 | \$ 28,410 | \$ 39,205 | \$ 42,615 | \$ 56,820 | \$ 71,025 | \$ 85,230 | \$ 113,640 |
| 6 | \$ 32,570 | \$ 44,946 | \$ 48,855 | \$ 65,140 | \$ 81,425 | \$ 97,710 | \$ 130,280 |
| 7 | \$ 36,730 | \$ 50,687 | \$ 55,095 | \$ 73,460 | \$ 91,825 | \$ 110,190 | \$ 146,920 |
| 8 | \$ 40,890 | \$ 56,428 | \$ 61,335 | \$ 81,780 | \$ 102,225 | \$ 122,670 | \$ 163,360 |
| DMC rate Individual | \$ 48 | \$ 48 | \$ 48 | \$ 48 | \$ 48 | \$ 48 | \$ 48 |
| FEE | \$ 2 | \$ 5 | \$ 10 | \$ 19 | \$ 29 | \$ 38 | \$ 48 |
| Percent of rate | 5% | 10% | 20% | 40% | 60% | 80% | 100% |

Group

| Household size | 100% | 138% | 150% | 200% | 250% | 300% | 400% |
|------------------------|-----------|-----------|-----------|-----------|------------|------------|------------|
| 1 | \$ 11,770 | \$ 16,242 | \$ 17,655 | \$ 23,540 | \$ 29,425 | \$ 35,310 | \$ 47,080 |
| 2 | \$ 15,930 | \$ 21,983 | \$ 23,895 | \$ 31,860 | \$ 39,825 | \$ 47,790 | \$ 63,720 |
| 3 | \$ 20,090 | \$ 27,724 | \$ 30,135 | \$ 40,180 | \$ 50,225 | \$ 60,270 | \$ 80,360 |
| 4 | \$ 24,250 | \$ 33,465 | \$ 36,375 | \$ 48,500 | \$ 60,625 | \$ 72,750 | \$ 97,000 |
| 5 | \$ 28,410 | \$ 39,205 | \$ 42,615 | \$ 56,820 | \$ 71,025 | \$ 85,230 | \$ 113,640 |
| 6 | \$ 32,570 | \$ 44,946 | \$ 48,855 | \$ 65,140 | \$ 81,425 | \$ 97,710 | \$ 130,280 |
| 7 | \$ 36,730 | \$ 50,687 | \$ 55,095 | \$ 73,460 | \$ 91,825 | \$ 110,190 | \$ 146,920 |
| 8 | \$ 40,890 | \$ 56,428 | \$ 61,335 | \$ 81,780 | \$ 102,225 | \$ 122,670 | \$ 163,360 |
| DMC rate Group | \$ 39 | \$ 39 | \$ 39 | \$ 39 | \$ 39 | \$ 39 | \$ 39 |
| FEE | \$ 2 | \$ 4 | \$ 8 | \$ 16 | \$ 23 | \$ 31 | \$ 39 |
| Percent of rate | 5% | 10% | 20% | 40% | 60% | 80% | 100% |

1 2016 HHS Poverty guidelines

<https://www.payingforseniorcare.com/longtermcare/federal-poverty-level.html#title2>



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

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| For Clerk's Use Only: AGENDA NUMBER 10 |
|--|

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

FROM: Public Works Department

FOR THE BOARD MEETING OF: OCT - 4 2016

SUBJECT: Award of the construction contract for the Inyo County Jail Fire Sprinkler Head Replacement Project

DEPARTMENTAL RECOMMENDATIONS: Request that the board:

- A. Award the construction contract for the project to Sierra Fire Sprinkler, Inc. of Bishop, California, in the amount of \$32,736.45;
- B. Do not award the construction contract additive alternative bid for the project to Sierra Fire Sprinkler, Inc. of Bishop, California, in the amount of \$11,164.95 due to funding constraints;
- C. Authorize the chairperson to execute the contract; contingent upon obtaining appropriate signatures;
- D. Authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law.

CAO RECOMMENDATION:

SUMMARY DISCUSSION: At the June 14, 2016 meeting of the Board of Supervisors, the board approved the plans and specification for the Inyo County Jail Fire Sprinkler Head Replacement Project, and authorized the public works director to advertise for bids for the project.

The Inyo County Jail Building fire sprinkler heads are currently out of code and need to be replaced with sprinkler heads that meet current fire code regulations.

Public Works desires to replace the approximately eighty-two (82) fire sprinkler heads to bring the County Jail Facility into compliance with the current Fire Code.

Due to funding constraints, Public Works intends to replace the forty-five (45) fire sprinkler heads at the County Juvenile Hall Facility at a later date.

On Friday, September 9, 2016, bids were opened for the Inyo County Jail Fire Sprinkler Head Replacement Project. One (1) company submitted a bid:

| | |
|---|--|
| Sierra Fire Sprinkler, Inc. of Bishop, California | \$32,736.45 (Base Bid) |
| | \$11,164.95 (Additive Alternative Bid) |

ALTERNATIVES:

The Board could reject all bids. This is not recommended because the Inyo County Jail and Juvenile Hall is currently out of Code.

OTHER AGENCY INVOLVEMENT:

The auditor's office to make payments to the contractor after the contract is awarded
County counsel to review and approve contract documents.

FINANCING: Funding will be provided from Public Works Deferred Maintenance Budget Unit 011501, Object Code 5191, Maintenance and Structures Labor.

| 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: <u>yes</u> Date <u>9/20/16</u> |
| AUDITOR/CONTROLLER | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: <u>[Signature]</u> Date <u>9/21/2016</u> |
| 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)

[Signature] Date: 9/21/16

COUNTY OF INYO BID TABULATION

Project Title & Bid No. Inyo County Jail Fire Sprinkler Head Replacement NO. ~~ZP 16-015~~
 Bid Opening Date: 09-09-16 Location: County Admin Center NO. ZP 16-015

| BIDDER NAME | Base Bid | Bid Additive A | Bid Additive B | Bid Additive C | Total Base Bid and Additives | Bond |
|--------------------------------|-----------|-------------------|-------------------|-------------------|------------------------------------|------|
| Sierra Fire Sprinkler, Inc. | 32,736.45 | 11,164.95 | | | | X |
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Opened By: Darcy Ellis
 Present: Travis Dean





AGENDA REQUEST FORM

BOARD OF SUPERVISORS COUNTY OF INYO

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| For Clerk's Use Only: AGENDA NUMBER <div style="text-align: center; font-size: 2em;">11</div> |
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- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Departmental | <input type="checkbox"/> Correspondence Action | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Scheduled Time for | <input type="checkbox"/> Closed Session | <input type="checkbox"/> Informational | |

FROM: BOARD OF SUPERVISORS
By: Jeff Griffiths, Board Chairperson

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Nominations for a director and alternate to represent Inyo County on the California State Association of Counties Board of Directors

DEPARTMENTAL RECOMMENDATION: Request Board nominate from among its membership a director and alternate to serve on the California State Association of Counties (CSAC) Board of Directors

SUMMARY DISCUSSION: Under provisions of the CSAC Constitution, members of the Board of Directors and alternates are nominated by their respective boards of supervisors and appointed by the CSAC Executive Committee to one-year terms of office commencing with the first day of the CSAC annual conference. This year, the first day of the conference will be November 29, 2016. Any members of the Board are eligible for the directorship. Chairman Jeff Griffiths has been serving as the 2016 director, and Supervisor Totheroh was appointed as the 2016 alternate.

CSAC's Board of Directors holds its first meeting of each year at the annual conference, being held November 29 through December 2 in Palm Springs. It is important the County has its newly appointed Board of Directors representatives at this first meeting. Attached is a list of current directors.

ALTERNATIVES: Your Board could choose not to nominate new Board of Directors representatives, but this is not recommended, as Inyo County should have representation on the CSAC governing board.

OTHER AGENCY INVOLVEMENT: n/a

FINANCING: n/a

| <u>APPROVALS</u> | |
|----------------------------|---|
| BUDGET OFFICER: | BUDGET AMENDMENTS <i>(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.)</i> |
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____ |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____ |



09-29-16

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Date:

(The Original plus 20 copies of this document are required)

CALIFORNIA STATE ASSOCIATION OF COUNTIES
Board of Directors
2016

| <u>Section</u> | <u>County</u> | <u>Director</u> |
|----------------|---------------------|--------------------|
| U | Alameda County | Keith Carson |
| R | Alpine County | Terry Woodrow |
| R | Amador County | Louis Boitano |
| S | Butte County | Bill Connelly |
| R | Calaveras County | Michael Oliveira |
| R | Colusa County | Kim Dolbow Vann |
| U | Contra Costa County | John Gioia |
| R | Del Norte County | David Finigan |
| R | El Dorado County | Ron Mikulaco |
| U | Fresno County | Henry Perea |
| R | Glenn County | John Viegas |
| R | Humboldt County | Virginia Bass |
| S | Imperial County | Raymond Castillo |
| R | Inyo County | Jeff Griffiths |
| S | Kern County | Leticia Perez |
| R | Kings County | Doug Verboon |
| R | Lake County | Anthony Farrington |
| R | Lassen County | Jim Chapman |
| U | Los Angeles County | Don Knabe |
| R | Madera County | David Rogers |
| S | Marin County | Damon Connolly |
| R | Mariposa County | John Carrier |
| R | Mendocino County | Carre Brown |
| S | Merced County | Hubert "Hub" Walsh |
| R | Modoc County | Jim Wills |
| R | Mono County | Larry Johnston |
| S | Monterey County | Fernando Armenta |
| S | Napa County | Diane Dillon |
| R | Nevada County | Ed Scofield |
| U | Orange County | Lisa Bartlett |
| S | Placer County | Jim Holmes |
| R | Plumas County | Lori Simpson |
| U | Riverside County | John Benoit |

| | | |
|---|-----------------------------|------------------|
| U | Sacramento County | Susan Peters |
| R | San Benito County | Jaime De La Cruz |
| U | San Bernardino County | James Ramos |
| U | San Diego County | Greg Cox |
| U | San Francisco City & County | vacant |
| S | San Joaquin County | Bob Elliott |
| S | San Luis Obispo County | Bruce Gibson |
| U | San Mateo County | Carole Groom |
| S | Santa Barbara County | Doreen Farr |
| U | Santa Clara County | Ken Yeager |
| S | Santa Cruz County | Bruce McPherson |
| S | Shasta County | Leonard Moty |
| R | Sierra County | Lee Adams |
| R | Siskiyou County | Ed Valenzuela |
| S | Solano County | Linda Seifert |
| S | Sonoma County | Efren Carrillo |
| S | Stanislaus County | Vito Chiesa |
| R | Sutter County | Larry Munger |
| R | Tehama County | Robert Williams |
| R | Trinity County | Judy Morris |
| S | Tulare County | Steve Worthley |
| R | Tuolumne County | Sherri Brennan |
| U | Ventura County | Kathy Long |
| S | Yolo County | Jim Provenza |
| R | Yuba County | Roger Abe |

President: Richard Forster, Amador
 First Vice President: Dave Roberts, San Diego
 Second Vice President: Leticia Perez, Kern
 Immed. Past President: Vito Chiesa, Stanislaus

SECTION: U=Urban S=Suburban R=Rural



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

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|---|
| For Clerk's Use Only: AGENDA NUMBER 12 |
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- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Alisha McMurtrie, Treasurer- Tax Collector

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Request for Interim Loan from Olancha Community Service District.

DEPARTMENTAL RECOMMENDATION: Request Board approve a Resolution entitled "A Resolution of the Inyo County Board of Supervisors approving an Interim Loan to the Olancha Community Service District from the Inyo County Treasury Pursuant to Article XVI (16), Section 6 of the California Constitution."

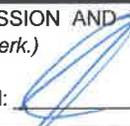
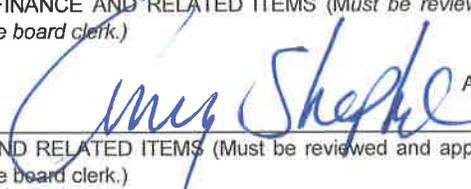
CAO RECOMMENDATION:

SUMMARY DISCUSSION: The above referenced Section of the California Constitution allows the County Treasurer, with a Resolution approved by the Board of Supervisors, to make interim loans to any district whose funds are in the custody of and paid out solely through the County treasury. Such loans cannot exceed 85% of the district's anticipated current fiscal year annual revenue. The Inyo County Auditor-Controller has determined that the requested loan amount of \$20,000.00 does not exceed the statutory maximum amount. The County Treasurer has determined that there are sufficient funds on deposit in the County treasury to accommodate the subject loan, and that the approval and utilization of the loan amount will not adversely impact treasury pool participants. The law requires that loans of this nature be approved by the County Board of Supervisors. The adoption of the attached resolution will result in the approval of the loan. A copy of the District's loan request in the form of their resolution is attached for your information.

ALTERNATIVES: Your Board may choose not to approve the loan. I do not recommend this action as it would place undue financial hardship on the District while waiting on the property tax distribution cycle.

OTHER AGENCY INVOLVEMENT: N/A

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 <u>09/23/16</u> |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>9/20/16</u> |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) N/A Approved: _____ Date _____ |

DEPARTMENT HEAD SIGNATURE:  Date: 09-23-16
Alisha McMurtrie, Treasurer-Tax Collector

RESOLUTION NO. _____

A Resolution of the Inyo County Board of Supervisors Approving an Interim Loan to the Olancha Community Service District from the Inyo County Treasury Pursuant to Article XVI, Section 6 of the California Constitution

WHEREAS, the provisions of Article XVI, Section 6 of the California Constitution provide that the Treasurer of any County shall have the power and duty to make such temporary transfers from the funds in custody as may be necessary to provide the funds for meeting the obligations incurred for maintenance purposes by a political subdivision whose funds are in custody and paid out solely through the Treasurer's office upon resolution adopted by the governing body of the county directing the Treasurer to make such temporary transfers; and,

WHEREAS, the Olancha Community Service District (District) has made such a request for an interim loan in the aggregate amount of \$20,000.00 for the 2016/17 fiscal year; and

WHEREAS, the amount of such request for temporary transfer does not exceed 85% of the anticipated secured property tax revenue accruing to the District for the 2016/17 fiscal year; and

WHEREAS, the District has agreed to repay the loan from revenues accruing to it in the 2016/17 fiscal year before any other obligation of the District is met; and

WHEREAS, the Inyo County Auditor-Controller is authorized to withdraw, intercept or otherwise offset against monies of the District in amounts sufficient to repay the principal and interest due on the interim loan as said monies accrue to the District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Inyo that, pursuant to the provisions of Article XVI, Section 6 of the California Constitution, the Inyo County Treasurer is hereby directed to make temporary transfers from the Inyo County Treasury to the District in an aggregate amount not to exceed Twenty Thousand (\$20,000.00) dollars, as such transfers are requested by the District during the 2016/17 fiscal year.

PASSED AND ADOPTED by the Board of Supervisors of the County of Inyo, State of California, this 4th day of October 2016, by the following vote:

AYES:
NOES:
ABSENT:

CHAIRPERSON OF THE BOARD OF SUPERVISORS
COUNTY OF INYO, STATE OF CALIFORNIA

Attest: Kevin Carunchio
Clerk of the Board

By _____
Deputy



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

13

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Alisha McMurtrie, Treasurer-Tax Collector

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Sale of tax-defaulted properties at public auction.

DEPARTMENTAL RECOMMENDATION:

Request Board approval to conduct a public auction, via the internet, to offer for sale to the highest bidder certain tax-defaulted parcels of land that are subject to the Tax Collector's Power to Sell.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Pursuant to Section 3691 et seq of the California Revenue & Taxation Code the Tax Collector must, with the prior approval of the Board of Supervisors, periodically attempt to sell those parcels of land on which the property taxes have been delinquent for over five years, three years if commercial. The primary purpose of the sale is to place the properties into the hands of assessee who are ready, willing and able to pay the future taxes on the parcels in a timely manner. A secondary purpose is to recover the amount of delinquent taxes due on the parcels. As a Teeter County, we have already distributed the tax revenues due to the recipients.

After your Board has given its approval, it may not delete, withdraw, nor withhold properties from the auction or rescind its approval. This approval will allow the Tax Collector to hold a public auction sale on December 2-5, 2016, during which the parcels listed on the attachment will be offered for sale to the highest bidder.

In the event a parcels does not sell, and in accordance with R&T Code §3698.5(c), I respectfully request your approval to re-offer that parcel for sale, within ninety (90) days, at a reduced minimum price that the Tax Collector deems appropriate. The re-offer sale would take place on January 27-30, 2017.

ALTERNATIVES:

The Board may approve or reject the proposed sale. The Board may delete one or more of the parcels that would be otherwise offered for sale prior to your approval. The removal of any parcel from the auction list by your Board would be counterproductive to the purposes of the auction.

OTHER AGENCY INVOLVEMENT:

In the event a parcel to be offered for sale is located within the geographical boundaries of a local taxing agency (city or district), that agency will be given the opportunity to object to the sale of that parcel. Any such objection must be based on that agency's determination that it requires that parcel for a public purpose, and must be accompanied by that agency's offer to purchase the parcel at a price equal to an amount not less than the minimum bid.

FINANCING:

The Tax Collector's 2016/17 departmental budget request includes the anticipated costs associated with conducting this auction. Those same costs are spread equally to the parcels and included in the minimum bid. Therefore, when a parcel sells for the minimum bid, or higher, a portion of the County's expenditures for the auction are recovered.

Since the County has adopted the Teeter Plan of Property Tax Apportionment, it has assumed the risk that a property will not sell for an amount that is sufficient to recover the delinquent property taxes and costs that have previously been absorbed by the County General Fund. Any such shortages may be recovered from the Tax Loss Reserve Fund. That Fund derives its revenues from collected delinquent property tax penalties.

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 <u>09/07/2016</u> |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>9/14/2016</u> |
| 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:  Date: 9/13/16
(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)

| Item Num | Default Num | Parcel Number | Assessee of Record | Address | City/State | Minimum Bid | Location |
|----------|-------------|---------------|--|---------------------------|-------------------------|-------------|----------------|
| 1 | 10003 | 001-065-10 | CHURCH OF 4-SQR GOSPEL INTL | 1910 W SUNSET BLVD #200 | LOS ANGELES CA 90026 | \$23,000.00 | Bishop |
| 2 | 11008 | 001-250-0103 | DISTEL, RICHARD J | 261 E LINE ST APT C | BISHOP CA 93514-3559 | \$21,500.00 | Bishop |
| 3 | 08026 | 002-033-09 | RODRIGUEZ, PETE & ALVIRA | PO BOX 581 | LAWDALE CA 90260 | \$14,000.00 | Independence |
| 4 | 08049 | 005-108-10 | MEAGHER III, NICHOLAS J 1/2 MEAGHER, SANDRA S 1/4 PITTMAN, TERRY 1/4 | 4927 CATTLEBARON DR | FT WORTH TX 76108 | \$32,000.00 | Lone Pine |
| 5 | 09061 | 009-410-01 | BERNER, BRIAN & DANICA | 613 HOUSTON DR | BISHOP CA 93514 | \$12,000.00 | Round Valley |
| 6 | 08092 | 011-070-21 | DAVIS, JIMMIE D & KIM L CRITTENDEN, GARY | 224 BAKER ST | BENICIA CA 94510 | \$29,500.00 | Bishop |
| 7 | 09109 | 014-310-08 | MUELLER, ROGER | 28 MT TOM VIEW DR | BISHOP CA 93514 | \$42,000.00 | Bishop |
| 8 | 12052 | 016-120-01 | POLETA MINING CO INC | PO BOX 2101 | ARLINGTON VA 22202 | \$3,800.00 | White Mtns |
| 9 | 11078 | 026-230-1703 | CHISHOLM, JUDITH H | PO BOX 3969 | TONOPAH NV 89049 | \$3,400.00 | Owens Lake |
| 10 | 10111 | 027-490-01 | FCI PROPERTIES INC | 1330 CAMPUS PKWY | NEPTUNE NJ 07753 | \$9,300.00 | Inyo Mnts |
| 11 | 09131 | 029-190-22 | UNKNOWN | 150 HALE ST | AUBURN CA 95603 | \$6,100.00 | Olancha |
| 12 | 60251 | 029-233-06 | LIAQAT, MOHAMMAD | 18427 ARLINE AVE #1 | ARTESIA CA 90701 | \$6,500.00 | Olancha |
| 13 | 60256 | 031-130-0102 | FRANCO-NV MINING CORP INC | 6151 LAKESIDE DR | RENO NV 89511 | \$3,900.00 | Mineral Rights |
| 14 | 09139 | 033-060-14 | MLH LLC | PO BOX 2611 | APPLE VALLEY CA 92307 | \$34,000.00 | Olancha |
| 15 | 11100 | 033-110-28 | INYO LAND DEVELOPMENT LLC | 10450 WILSHIRE BLVD, #5G | LOS ANGELES CA 90024 | \$6,800.00 | Olancha |
| 16 | 08161 | 033-270-21 | BARNGROVER, LURETTA A | 260 E LAKEVIEW BLVD | ERIE PA 16504 | \$5,000.00 | Olancha |
| 17 | 09146 | 033-320-18 | BATALON, PEDRO S & PAULITA F | 91-1319 HOOPIO ST | EWA BEACH HI 96706 | \$5,000.00 | Olancha |
| 18 | 11105 | 033-330-14 | INYO LAND DEVELOPMENT LLC | 10450 WILSHIRE BLVD, #5G | LOS ANGELES CA 90024 | \$5,200.00 | Olancha |
| 19 | 11106 | 033-360-26 | MOSSMAN, VIRGINIA V ESTATE OF | 901 W COLUMBUS ST #159 | BAKERSFIELD CA 93301 | \$4,400.00 | Olancha |
| 20 | 11113 | 033-460-03 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$4,200.00 | Olancha |
| 21 | 11114 | 033-460-04 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$10,800.00 | Olancha |
| 22 | 11115 | 033-460-05 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$4,000.00 | Olancha |
| 23 | 11116 | 033-460-06 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$4,100.00 | Olancha |
| 24 | 11117 | 033-460-11 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$15,200.00 | Olancha |
| 25 | 11118 | 033-460-14 | BOHL, JEFFREY P | PO BOX 9136 | MAMMOTH LAKES CA 93546 | \$4,500.00 | Olancha |
| 26 | 08169 | 035-129-02 | WILLIAMS, DEMETRIUS & SHARON | 15069 GRANITE PEAK AVE | FONTANA CA 92336 | \$4,500.00 | Darwin |
| 27 | 10131 | 035-137-05 | SINGH, LOLITA | 5025 NELLIS OASIS LN #232 | LAS VEGAS NV 89115-3031 | \$5,200.00 | Darwin |
| 28 | 09157 | 035-139-02 | MACKEY, MARILYN R ESTATE OF | 1707 N VENTURA AVE B6 | VENTURA CA 93001 | \$12,000.00 | Darwin |
| 29 | 09159 | 035-153-04 | JENKINS, ELMO R & MARGUERITE | 29442 DRY DOCK CV | LAGUNA NIGUEL CA 92677 | \$4,200.00 | Darwin |
| 30 | 10138 | 035-154-02 | BRAUN TRUST, ALISON | PO BOX 224 | KEELER CA 95530 | \$4,500.00 | Darwin |

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|----|-------|---------|--------------|--|---------------------------|------------------------------|-------------|-----------------|
| 31 | 10149 | 2009/10 | 035-186-02 | BRAUN TRUST, ALISON | PO BOX 224 | KEELER CA 93530 | \$4,200.00 | Darwin |
| 32 | 09163 | 2008/09 | 035-230-17 | MANGASEP, CONCEPCION R | 7661 PUERTO RICO DR | BUENA PARK CA 90620 | \$4,700.00 | Darwin |
| 33 | 09167 | 2008/09 | 037-220-04 | STIEBLE, SHEPARD L | 17035 SIERRA HWY | CANYON COUNTRY CA 91351-1616 | \$10,000.00 | Pearsonville |
| 34 | 08177 | 2007/08 | 038-240-13 | JORDAN, OLGA A | 6145 E ARBOR AVE | MESA AZ 85206-6059 | \$4,700.00 | Homewood Cny |
| 35 | 11144 | 2010/11 | 038-330-04 | INYO LAND DEVELOPMENT LLC | 10450 WILSHIRE BLVD, #5G | LOS ANGELES CA 90024 | \$3,900.00 | Homewood Cny |
| 36 | 09170 | 2008/09 | 038-330-15 | FULLER ESTATE OF, RICHARD C | PO BOX 1399 | WILDOMAR CA 92595 | \$3,700.00 | Homewood Cny |
| 37 | 09171 | 2008/09 | 038-330-17 | FULLER ESTATE OF, RICHARD C | PO BOX 1399 | WILDOMAR CA 92595 | \$3,700.00 | Homewood Cny |
| 38 | 09172 | 2008/09 | 038-330-33 | FULLER ESTATE OF, RICHARD C | P.O. BOX 1399 | WILDOMAR CA 92595-1399 | \$3,700.00 | Homewood Cny |
| 39 | 09180 | 2008/09 | 038-330-56 | GREEN, ETHEL HAWS | 705 S SERRANO AVE | LOS ANGELES CA 90005 | \$3,700.00 | Homewood Cny |
| 40 | 09181 | 2008/09 | 038-330-57 | MASON, HOMER | 705 S SERRANO AVE | LOS ANGELES CA 90005 | \$3,700.00 | Homewood Cny |
| 41 | 09186 | 2008/09 | 038-340-09 | MASON, WILLIAM H | 705 S SERRANO AVE | LOS ANGELES CA 90005 | \$3,700.00 | Homewood Cny |
| 42 | 09187 | 2008/09 | 038-340-10 | MASON, DOXIE H | 705 S SERRANO AVE | LOS ANGELES CA 90005 | \$3,700.00 | Homewood Cny |
| 43 | 09188 | 2008/09 | 038-340-35 | VALENCIA, ZENEIDA | 1105 58TH AVE | OAKLAND CA 94621 | \$4,200.00 | Homewood Cny |
| 44 | 09189 | 2008/09 | 038-340-53 | POWERS TRUST, CHARLOTTE B | 41009 RIDGEGATE LANE | PALMDALE CA 93551 | \$3,600.00 | Homewood Cny |
| 45 | 11146 | 2010/11 | 039-010-01 | INYO LAND DEVELOPMENT LLC | 10450 WILSHIRE BLVD, #5G | LOS ANGELES CA 90024 | \$5,200.00 | Ballarat |
| 46 | 50207 | 2004/05 | 041-380-0302 | VAN DER LINDEN TR, ARNOLD 3/8 | 1230 CORBETT CANYON RD | ARROYO GRANDE CA 93420 | \$14,000.00 | HWY 127 |
| 47 | 50210 | 2004/05 | 041-380-0602 | VAN DER LINDEN TR, ARNOLD 3/8 | 1230 CORBETT CANYON RD | ARROYO GRANDE CA 93420 | \$14,000.00 | HWY 127 |
| 48 | 10164 | 2009/10 | 043-340-05 | SMITH, HOWARD L ESTATE OF | 695 - 42ND | SO OGDEN UT 84403 | \$5,100.00 | HWY 127 |
| 49 | 09190 | 2008/09 | 046-360-20 | JAMES, ANNA LEE ESTATE OF | 8340 N THORNYDALE RD #110 | TUCSON AZ 85741-1162 | \$5,300.00 | Tecopa/Shoshone |
| 50 | 09191 | 2008/09 | 046-380-04 | ELIAS, BLOSS A & ELIZ H | 8340 N THORNYDALE RD #110 | TUCSON AZ 85741-1162 | \$5,000.00 | Tecopa/Shoshone |
| 51 | 09192 | 2008/09 | 046-380-05 | ELIAS, BLOSS A & ELIZ H | 8340 N THORNYDALE RD #110 | TUCSON AZ 85741-1162 | \$5,100.00 | Tecopa/Shoshone |
| 52 | 08184 | 2007/08 | 046-411-28 | WESTERN FRONTIER INC | 124 S ISABEL ST | GLENDALE CA 91205 | \$5,000.00 | Tecopa/Shoshone |
| 53 | 10170 | 2009/10 | 046-411-31 | SHOOK TRUST, LOTTIE ESTATE OF | 1854 ROCKY RD | PRESCOTT AZ 86305 | \$4,300.00 | Tecopa/Shoshone |
| 54 | 10171 | 2009/10 | 046-422-14 | CHRISTENSEN, CAROLYN | PO BOX 276 | TECOPA CA 92389 | \$9,000.00 | Tecopa/Shoshone |
| 55 | 50221 | 2004/05 | 046-422-19 | BABBITT, LUELLA E (CP) | 7465 ELM ST | SILVER SPGS NV 89429 | \$9,600.00 | Tecopa/Shoshone |
| 56 | 11154 | 2010/11 | 048-170-53 | DUSTIN, JULIETTE | 1533 IRENE DR | BOULDER CITY NV 89005 | \$4,000.00 | Charleston View |
| 57 | 11155 | 2010/11 | 048-170-54 | DUSTIN, JULIETTE | 1533 IRENE DR | BOULDER CITY NV 89005 | \$4,000.00 | Charleston View |
| 58 | 11156 | 2010/11 | 048-170-5502 | BLUE CLYDE INC | 6253 HOLLYWOOD BLVD. #614 | LOS ANGELES, CA 90028 | | |
| 59 | 08189 | 2007/08 | 048-363-02 | BROWN TRUST, CJ & ER 2/3 INT ARIEY JR TRUST, AUGUST EST OF 1/6 INT ARIEY TRUST, SYLVIANE 1/6 POR | 1853 MIRA VALLE | MONTEREY PARK CA 91754 | \$4,100.00 | Charleston View |
| 60 | 09201 | 2008/09 | 048-363-15 | PATT, SANDRA O 1/3 INT GUTIERREZ, REBECCA G 1/3 INT MERCADO, MARYNELL G 1/3 INT | 3717 3RD AVE | LOS ANGELES CA 90018 | \$5,200.00 | Charleston View |
| 61 | 10190 | 2009/10 | 048-363-35 | VAN NOTE TR, THOMAS & GEORGIA | 6075 CASTLEMONT | LAS VEGAS NV 89156-4708 | \$3,800.00 | Charleston View |

| | | | | | | | | |
|----|-------|---------|------------|-------------------------------|-------------------------|------------------------------|------------|-----------------|
| 62 | 08193 | 2007/08 | 048-371-07 | MONZON, REYNALDO & NANCY | 21391 AVENIDA MANANTIAL | LAKE FOREST CA 92630 | \$6,100.00 | Charleston View |
| 63 | 10198 | 2009/10 | 048-383-17 | YOUNG, MARL H | PO BOX 14014 | VAN NUYS CA 91409 | \$3,900.00 | Charleston View |
| 64 | 09213 | 2008/09 | 048-384-07 | CONCEPCION, CRISTINA T | 4419 JACINTO DR | FREMONT CA 94536 | \$5,000.00 | Charleston View |
| 65 | 09217 | 2008/09 | 048-391-31 | BAKER, WILLIAM K & PRISCILLA | 94-051 NAWAAKOA ST | WAIPAHU HI 96797 | \$4,100.00 | Charleston View |
| 66 | 11174 | 2010/11 | 048-392-12 | GUTIERREZ, JUAN MUAL | 4465 DENIA CIRCLE | LAS VEGAS NV 89108 | \$5,400.00 | Charleston View |
| 67 | 11176 | 2010/11 | 048-393-07 | MORRIS JR TRUST, CHLS & KAY | 3106 RIVER RD | VERNALIS CA 95385 | \$3,800.00 | Charleston View |
| 68 | 11177 | 2010/11 | 048-393-08 | MORRIS JR TRUST, CHLS & KAY | 3106 RIVER RD | VERNALIS CA 95385 | \$3,800.00 | Charleston View |
| 69 | 08206 | 2007/08 | 048-394-09 | MENDOZA, MELCHOR C & LILLIAN | 1037 PLEASANT HILL RD | LAFAYETTE CA 94549 | \$4,100.00 | Charleston View |
| 70 | 08207 | 2007/08 | 048-394-11 | SANDRY TR, LEON & DOROTHY EST | 468 OXFORD ST | SAN FRANCISCO CA 94134 | \$5,000.00 | Charleston View |
| 71 | 08208 | 2007/08 | 048-394-27 | NICHOLSON, LEROY L & MARILYN | 2438 E VISTA WAY SP 29E | VISTA CA 92084 | \$4,000.00 | Charleston View |
| 72 | 09228 | 2008/09 | 048-401-16 | CARTER, JAMES D & RAMONA K U | 3522 PUUKU MAKAI | HONOLULU HI 96818 | \$4,100.00 | Charleston View |
| 73 | 09231 | 2008/09 | 048-402-15 | WHITE, NATHANIEL & BETTYE S | 11847 S MENLO AVE | LOS ANGELES CA 90044 | \$4,000.00 | Charleston View |
| 74 | 60175 | 2005/06 | 048-402-17 | CONCEPCION, BENJAMIN & LINDA | 13449 EGBERT ST | SYLMAR CA 91342 | \$6,000.00 | Charleston View |
| 75 | 10226 | 2009/10 | 048-402-29 | SOLOMON, ABRAHAM I ESTATE OF | 99015 KALALOA ST#401 | AIEA HI 96701 | \$3,900.00 | Charleston View |
| 76 | 10229 | 2009/10 | 048-403-21 | DRING, ALAN J | APDO 247-5400 | PUNTARENAS .. COSTA RICA | \$4,900.00 | Charleston View |
| 77 | 11195 | 2010/11 | 048-424-16 | GWALTNEY, DONALD F | PO BOX 11848 | CARSON CA 90749 | \$4,200.00 | Charleston View |
| 78 | 10255 | 2009/10 | 048-424-20 | MCGRUFF, EDITH | 3437 NEBAUM CT | N LAS VEGAS NV 89031 | \$5,300.00 | Charleston View |
| 79 | 08226 | 2007/08 | 048-431-09 | SAMANIPOUR, AFSANEH | 4721 LARKWOOD AVE | WOODLAND HILLS CA 91364-3737 | \$6,000.00 | Charleston View |
| 80 | 08228 | 2007/08 | 048-432-16 | GARCIA, RAYMOND F & LORRAINE | 12586 COMETA AVE | SYLMAR CA 91342 | \$6,100.00 | Charleston View |
| 81 | 60206 | 2005/06 | 048-444-17 | CONCEPCION, BENJAMIN & LINDA | 13449 EGBERT ST | SYLMAR CA 91342 | \$5,000.00 | Charleston View |
| 82 | 60207 | 2005/06 | 048-444-18 | CONCEPCION, BENJAMIN & LINDA | 13449 EGBERT ST | SYLMAR CA 91342 | \$5,000.00 | Charleston View |
| 83 | 60387 | 2006/07 | 048-444-23 | SULLIVAN, VIRGIL E ESTATE OF | PO BOX 779 | CAVE JUNCTION OR 97523 | \$5,100.00 | Charleston View |
| 84 | 11209 | 2010/11 | 048-481-15 | PALUCH, CECILIA A ESTATE OF | 8146 O'CONNOR DR | RIVER GROVE IL 60171 | \$5,200.00 | Charleston View |
| 85 | 09280 | 2008/09 | 048-483-11 | WINTERCORN, FRANK & LA VERNE | 16525 GEORGE WAY | GRASS VALLEY CA 95949-7334 | \$4,000.00 | Charleston View |
| 86 | 09281 | 2008/09 | 048-483-12 | WINTERCORN, FRANK & LA VERNE | 16525 GEORGE WAY | GRASS VALLEY CA 95949-7334 | \$4,000.00 | Charleston View |
| 87 | 11212 | 2007/08 | 048-491-08 | HANNON, MARC T & LINDA S | 310 A SHEPARD LN | BISHOP CA 93514 | \$4,900.00 | Charleston View |
| 88 | 08247 | 2007/08 | 048-512-02 | ILALIO, MATALIMA & LAFAELE | 76 BERTA CIR | DALY CITY CA 94015 | \$5,000.00 | Charleston View |
| 89 | 10341 | 2009/10 | 048-512-04 | PETERSON TRUST, FRED & PHYLIS | 1603 N 8TH ST | GRAND JUNCTION CO 81501 | \$3,700.00 | Charleston View |
| 90 | 10383 | 2009/10 | 048-522-10 | MCCARTER, AARON | 19050 NV 160C | LAS VEGAS NV 89161 | \$4,000.00 | Charleston View |
| 91 | 09286 | 2008/09 | 048-522-16 | DEMUTH TRUST, ANNA ESTATE OF | 6726 GAVIOTA AVE | VAN NUYS CA 91406-5944 | \$5,500.00 | Charleston View |
| 92 | 10397 | 2009/10 | 048-531-05 | BOWSER, CHARLES A & ANITRA C | 195 MARTIN DR | MANASSAS PARK VA 20111 | \$4,700.00 | Charleston View |
| 93 | 08253 | 2007/08 | 048-532-06 | O'TOOLE, EVELYN E | 91 RADNOR AVE | AKRON OH 44319 | \$5,400.00 | Charleston View |
| 94 | 11223 | 2010/11 | 048-532-12 | WARD, ANTONINA | PO BOX 185 | SIMI VALLEY CA 93062 | \$3,800.00 | Charleston View |

| | | | | | | | | |
|----|-------|---------|------------|--|---------------------|------------------------|------------|-----------------|
| 95 | 60443 | 2006/07 | 048-533-18 | KNIGHT, ESTHER 1/2INT JENT, DEBBIE K 1/2INT | 812 E SAHARA AVE #6 | LAS VEGAS NV 89104 | \$4,000.00 | Charleston View |
| 96 | 10400 | 2009/10 | 048-534-15 | EARLY, FUSAKO | 14671 HANOVER ST | SAN LEANDRO CA 94579 | \$3,800.00 | Charleston View |
| 97 | 09292 | 2008/09 | 048-534-28 | HARGRAVE TRUST, CARLTON & ALMA | 7308 BOLERO ST | CARLSBAD CA 92009-7101 | \$5,100.00 | Charleston View |
| 98 | 09293 | 2008/09 | 048-534-29 | HARGRAVE TRUST, CARLTON & ALMA | 7308 BOLERO | CARLSBAD CA 92008 | \$5,100.00 | Charleston View |

- DISTRICT 1
- DISTRICT 2
- DISTRICT 3
- DISTRICT 4
- DISTRICT 5



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 14

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Thomas L. Hardy, District Attorney

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Request to fill the position of one (1) Legal Secretary I-II

DEPARTMENTAL RECOMMENDATION:

Request Board find that consistent with the adopted Authorized Position Review Policy:

- 1) The availability of funding for the requested positions comes from the General Fund, as certified by the District Attorney concurred with by the County Administrator and Audit-Controller;
- 2) Approve the hiring of one (1) FTE Legal Secretary I, Range 56 (\$3163-\$3839) or one (1) FTE Legal Secretary II, Range 60 (\$3471-\$4216) through an open recruitment.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

A vacancy in the District Attorney's office will occur on November 25, 2016. Currently, the District Attorney's office only has two funded Legal Secretary positions (and one Assistant to the District Attorney). The BPAR part-time Legal Secretary position is currently being filled and is in background check. With this vacancy, the District Attorney's office will be operating with only one-half of the secretarial staff required to serve four attorneys. To make the transition as efficient as possible, we are asking to begin the recruitment process.

We are asking to fill this position with an open recruitment.

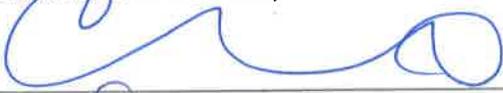
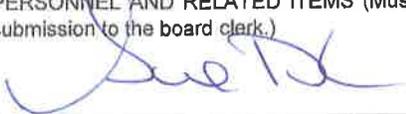
ALTERNATIVES: None.

OTHER AGENCY INVOLVEMENT: None

FINANCING:

In the current 2016/2017 Fiscal Budget Number 022400, we have budgeted for this position.

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 <u>9/21/16</u>  |
| 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 <u>9/14/16</u> |

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



Date: 9/21/16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

For Clerk's Use
Only:

AGENDA NUMBER

15

FROM: Public Works Department

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Filling Vacant Assistant Civil Engineer I Position

DEPARTMENTAL RECOMMENDATIONS:

Request the Board find that, consistent with the adopted Authorized Position Review Policy:

- A) The availability of funding for the requested positions comes from the Public Works Budget, as certified by the Public Works Director, and concurred with by the County Administrator and the Auditor-Controller;
- B) Where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; however, an open recruitment would be more appropriate to ensure qualified applicants apply;
- C) Approve the hiring of one Assistant Civil Engineer I, Range 73 (\$4,709-\$5,728)

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

This vacancy has been created by the separation of one Assistant Civil Engineer. We are requesting that this position be filled from an open recruitment. It is important to fill this position in order to maintain the current workload of the department.

ALTERNATIVES:

The Board could decide not to approve filling the position. This is not recommended, as the position is allocated and there is a demand for the services.

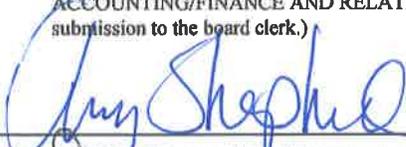
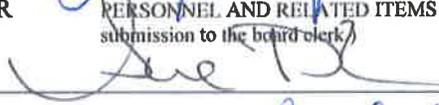
OTHER AGENCY INVOLVEMENT:

Personnel Department for recruitment
Auditor

FINANCING:

The funding for this position is budgeted in Public Works (011500)

Agenda Request Form
Board meeting of
Subject: Filling Vacant Assistant Civil Engineer I Position

| 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: <input checked="" type="checkbox"/> Date 9/28/16 |
| 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: <input checked="" type="checkbox"/> Date 9/27/16 |

DEPARTMENT HEAD SIGNATURE:  Date: 9/28/16
(Not to be signed until all approvals are received)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

Consent Departmental Correspondence Action Public Hearing
Schedule time for Closed Session Informational

For Clerk's Use
Only:

AGENDA NUMBER

16

FROM: Eastern Sierra Department of Child Support Services

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Hiring of a Child Support Officer I/II, depending upon qualifications.

DEPARTMENTAL RECOMMENDATIONS:

Request your Board find consistent with the adopted Authorized Position Review Policy: (1) the availability of funding for the requested position comes from the non-general Child Support fund, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; (2) and the position could be filled by internal recruitment; however, an open recruitment would be more appropriate to ensure qualified applicants apply; and c) approve the hiring of one Child Support Officer I, Range 57 (\$3,232-\$4,027) or Child Support Officer II, Range 60 (\$3,471-\$4,216) depending upon qualifications.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

We have a recent vacancy in a Child Support Officer I position that left the position for another with higher pay outside our agency. We need to open up recruitment to fill this position. Post regionalization, we have authorized strength of four (4) Child Support Officer (caseworker) positions and one Child Support Supervisor. With the departure of one of our child support officers staff have shared the casework normally assigned to this position which amounts to over 300 child support cases.

ALTERNATIVES:

Your Board could decline this this request. This is not recommended however, as the Child Support agency case load continues to require daily state and federal mandated actions be undertaken to ensure consistent case outcomes and collections.

OTHER AGENCY INVOLVEMENT:

Personnel Department.

FINANCING:

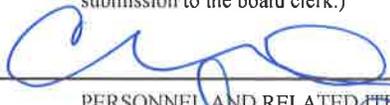
The funding for this position will be provided through the non-general fund Child Support Agency Budget 022501 and funding for this position is provided for in the Board approved 2016-2017 budget.

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.)

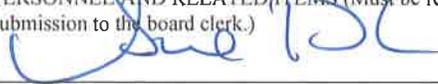
Approved: _____ Date _____

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 9/9/2016

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 9/13/16

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 9/9/16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
17

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: HEALTH & HUMAN SERVICES – Behavioral Health Division

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Request for authorization to hire one part time (BPAR) Health and Human Services (HHS) Specialist IV in the HHS Behavioral Health Division.

DEPARTMENTAL RECOMMENDATION:

Request the Board find that, consistent with the adopted Authorized Position Review Policy,

- A. the availability of funding for the requested positions exists in the Behavioral Health budget (No County General Funds), as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; and
- B. where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure more qualified candidates apply; and
- C. approve the hiring of one part time (BPAR) Health and Human Services Specialist IV at Range 60 (\$3,471-\$4,216).

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

A part time HHS Specialist IV position in the Behavioral Health Division is vacant as an employee was promoted to a full time HHS Specialist IV position within the Department. Services provided by this position include an array of outreach, case management, care coordination and rehabilitation services as well as assistance with collection and input of required data for reports and outcomes. Case management services are a vital part of the continuum of care offered to adults with severe mental illness and youth with emotional disturbance. Our current vacancy is on the Transition Adult/Older Adult team working extensively in the field setting as well as in the clinics and the wellness center sites. The Behavioral Health HHS Specialist IV position provide services and support to adults and older adults to address mental health and addiction barriers to result in improved functioning in the community and improved family and peer relationships. Some of these adults are considered to be "Transition Age Youth" (TAY) who fit the category of 18-25 year olds who are experiencing a "first psychotic episode". It is critical to engage with TAY to begin to address the impact of mental illness right away and to encourage recovery. The HHS Specialist IV works with consumers individually as well as providing group activities to aid the individual in building wellness and recovery skills in the various life domains. We are requesting permission to hire at the HHS Specialist IV level due to the complexity of the caseload and to maximize the billing of Medi-Cal services. Under the direction and supervision of a Licensed Practitioner of the Healing Arts from within our Medi-Cal certified clinic, this position can bill for certain documented mental health services and interventions provided within a treatment plan. This position also assists in the "back-up" capacity with the after-hours mental health on-call response.

The current vacant BPAR HHS Specialist IV position is one of four authorized HHS Specialist IV positions working on the Behavioral Health Adult/Older Adult team. This position works out of both the Bishop and Lone Pine offices and spends the majority of time providing community and home-based services. The intensive caseload for this position is 10-15 adults.

ALTERNATIVES:

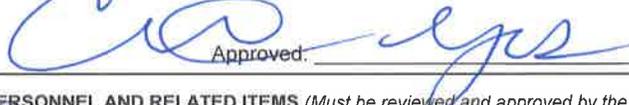
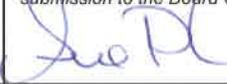
The Board could choose to not to allow Behavioral Health to hire this position. This would seriously impact our ability to continue the service offerings to adults with severe behavioral health issues.

OTHER AGENCY INVOLVEMENT:

Behavioral Health is a division of Health and Human Services and works in partnership with multiple agencies such as probation, primary health, and law enforcement, in addition to most other HHS divisions. The Adult/Older Adult team works most closely with the primary healthcare providers, social security, landlords, and adult social services.

FINANCING:

State MHSA funds, Medi-Cal reimbursement as allowed, and Mental Health Realignment funds. This position is budgeted 100% in Mental Health (045200) in the salaries and benefits object codes. No County General Funds.

| <u>APPROVALS</u> | |
|----------------------------|--|
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i>  Approved: _____ Date: <u>9/13/2016</u> |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i>  Approved: <u>✓</u> Date: <u>9/12/16</u> |

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 Date: 9-16-16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

18

- Consent Hearing
 Scheduled Time for
- Departmental
 Closed Session
- Correspondence Action
 Informational
- Public

FROM: HEALTH & HUMAN SERVICES – Public Health

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Request to hire Public Health Nurses or Registered Nurses in the HHS Public Health and Prevention division.

DEPARTMENTAL RECOMMENDATION:

Request your Board find that, consistent with the adopted Authorized Position Review Policy:

- A. the availability of funding for the requested positions exists in multiple budgets and does not come from the General Fund, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller, and
- B. where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and
- C. approve the hiring of either
 1. two full time nurses at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; or
 2. two CPAR nurses (at a prorated amount based off of hours worked) at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; or
 3. three BPAR nurses at either the Public Health Nurse (Range PT80, \$29.78-\$36.23/hr., up to Step E), or Registered Nurse (Range PT78, \$28.41-\$34.54/hr., up to Step E) level, depending upon qualifications;

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Effective October 14, 2016, the sole nurse currently employed by the Health and Human Services Public Health and Prevention division will resign, leaving two full time nurse vacancies in the division. In the short term, the department is looking as options to cover public health mandates services through formal or informal agreements with another county, or a private provider. The public health division is minimally responsible for communicable disease testing, treatment, surveillance, and reporting to CA Department of Public Health; ensuring immunizations are provided in the county; providing coordination and case management in the California Children's Services programs, including Child Health and Disability Prevention (CHDP) including but not limited to foster care nursing, California Children's Services (CCS) program, and coordinating care under CCS and the Medical Therapy Program; and overseeing the Maternal, Child, Adolescent Health (MCAH) program.

Nurse positions tend to be very difficult to fill and, in anticipation of your Board approving today's request, HHS has been working with the County Administrator and Personnel staff on a broad and far reaching recruitment strategy, including mailing job fliers directly to over 54,000 individuals on a membership list from the California Board of Registered Nurses. We are also emphasizing use of the long dormant C-Par classification (roughly 30 to 39 hour per

week positions with prorated benefits) as a means of providing flexible alternative work schedules (e.g., three 12-hour shifts per week) that we have identified as being a prime consideration within the profession, and could help improve the likelihood of a positive outcome recruitment effort. If recruitment efforts languish, we will be working with Personnel on strategies and options that would meet the County's needs.

ALTERNATIVES:

Denying this request would mean that HHS would need to consider other, possibly more expensive, models for delivering mandated public health services.

OTHER AGENCY INVOLVEMENT:

Local hospitals and health care providers, other HHS divisions, and law enforcement.

FINANCING:

State and Federal funding and Health Realignment pay for this position. These positions are budgeted 60% in Health (045100), 15% in CCS Treatment (045500), 35% in CCS Admin (045501), 35% in CHDP (045102), 10% in CARES (641216/7) and 45% in MCAH (641616) in the salaries and benefits object codes. No County General Funds.

| APPROVALS | |
|----------------------------|--|
| COUNTY COUNSEL: | <p>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i></p> <p style="text-align: right;">Approved: _____ Date: _____</p> |
| AUDITOR/CONTROLLER: | <p>ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i></p> <p style="text-align: right;">Approved: _____ Date: _____</p> |
| PERSONNEL DIRECTOR: | <p>PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i></p> <p style="text-align: right;">  Approved: <input checked="" type="checkbox"/> 9/28/16 Date: _____ </p> |

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) Jean Turner Date: 9-28-16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:

AGENDA NUMBER

19

Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: HEALTH & HUMAN SERVICES – Social Services

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Request to hire a Registered Nurse in the Social Services division.

DEPARTMENTAL RECOMMENDATION:

Request your Board find that, consistent with the adopted Authorized Position Review Policy:

- A) The availability of Social Services (no County General Funds) for the position of Registered Nurse exists, as certified by the Health and Human Services Director and concurred with by the County Administrator, and Auditor-Controller; and
- B) Where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an external recruitment would be more appropriate to ensure qualified applicants apply; and
- C) Approve the hiring of one Registered Nurse at Range 78 (\$5,303 - \$6,445).

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

The Health and Human Services Adult Services division recently received a resignation from the IHSS Nurse, who is moving out of the area. The IHSS Nurse, who is primarily responsible for our IHSS program, conducting assessments and reassessments under regulatory guidelines, also provides support to our APS social workers as needed in the assessment of medical issues of persons referred to the APS program for investigation of possible neglect or abuse.

The Adult Services division provides an important safety net for our vulnerable adult populations and ensures the availability of a continuum of services to meet the needs of our aging, disabled and mentally ill populations. HHS is respectfully requesting authorization to fill the IHSS Registered Nurse position.

ALTERNATIVES:

Your Board could choose not to authorize the hiring of the Adult Services Supervisor position. This would severely impact the oversight and functioning of APS, IHSS and ESAAA/IC-GOLD programs.

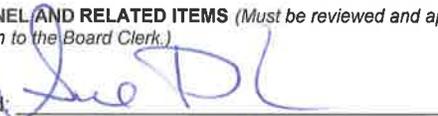
OTHER AGENCY INVOLVEMENT:

Superior Court, California Department of Aging, Toiyabe Family Services, local Indian tribes, Mental Health, Wild Iris, Sheriff's Office, Bishop Police Department and District Attorney.

FINANCING:

State, Federal, and Social Services Realignment funds. This position is currently budgeted 100% in the Social

Services Budget (055800) in the Salary and Benefits object category. No County General Funds.

| APPROVALS | |
|----------------------------|--|
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> Approved:  Date: <u>9/13/2016</u> |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved:  Date: <u>9/12/16</u> |

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

 Date: 9-16-16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

20

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Planning Department

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Desert Renewable Energy Conservation Plan Land Use Plan Amendment Record of Decision

DEPARTMENTAL RECOMMENDATION: Review and receive a presentation regarding the Record of Decision for the Land Use Plan Amendment for Phase I of the Desert Renewable Energy Conservation Plan, and provide direction to staff.

SUMMARY DISCUSSION: Governor Schwarzenegger ordered the development of the Desert Renewable Energy Conservation Plan (DRECP) for the Mojave and Colorado deserts to provide binding, long-term endangered species permit assurances and facilitate renewable energy project review and approvals.¹ The DRECP planning area includes portions of Inyo County: roughly in the Owens Valley to just north of Independence, the Panamint Valley, Death Valley, and other southeast portions of the County. The DRECP planning area encompasses about 22.5 million acres across seven counties including Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. Inyo County's portion of this is approximately three million acres, which is roughly 13 percent of the DRECP area.

A Renewable Energy Action Team (REAT) was formed consisting of the California Natural Resources Agency, California Energy Commission (CEC), California Department of Fish and Wildlife (CDFW), Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) in part to coordinate the DRECP. Other involved State and federal agencies include the California Public Utilities Commission, California Independent System Operator, National Park Service, and the Department of Defense.

Local governments, including the County of Inyo, were invited to participate on the DRECP Stakeholder Committee with the REAT agencies. In addition to the REAT and other agencies discussed previously, those participating on the Committee included the counties of Kern, San Bernardino, Los Angeles, Imperial, and Riverside, a variety of non-governmental organizations, utilities, renewable energy developers, Native American organizations, and off-highway vehicle associations. The Committee has not met for some time.

Draft DRECP

The DRECP was to be a General Conservation Plan under the Federal Endangered Species Act and a Natural Communities Conservation Plan under the California Natural Community Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act would have considered the DRECP for possible amendments to the California Desert Conservation Area (CDCA) Plan and the Bishop Resource Management Plan, amongst

¹ Refer to <http://drepc.org/> for more information regarding the DRECP (including the Draft DRECP/EIR/EIS, the Proposed LUPA and Final EIS, and the Record of Decision) and <http://www.inyoplanning.org/RenewableProjects-Other.htm> for more information regarding the County's previous participation in the DRECP.

others. The Draft DRECP and accompanying Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) was issued in 2014. The County provided comments regarding the Draft DRECP/EIR/EIS in early 2015.

Final DRECP

In March 2015, the DRECP partner agencies announced a phased approach to completing the DRECP in which the BLM's components would be finalized first in Phase I, outlining designations for conservation and renewable energy on public lands. Phase II would be intended to focus on better aligning local, State, and federal renewable energy development and conservation plans, policies, and goals, such as building off of the Renewable Energy Conservation Planning Grants that were awarded to counties in the plan area, including Inyo County.

On November 13, 2015, the BLM released a Proposed Land Use Plan Amendment (LUPA) and Final EIS for the DRECP that would amend the CDCA Plan and the Bishop Resource Management Plan. On December 8, 2015 the Inyo County Board of Supervisors reviewed the Proposed LUPA and directed staff to submit a Protest regarding (1) mapping errors/unclear areas for designation, (2) conservation designations, (3) socioeconomic analysis, and (4) coordination with the County. On December 21, 2015 the Board held a special meeting and directed staff to work to remove those portions of the Protest related to coordination with the County, except to the scale of the conservation proposed. Due to a procedural error, the BLM solicited additional input earlier this year regarding Areas of Critical Environmental Concern (ACEC).

Programmatic Agreement

BLM developed a Programmatic Agreement (PA) to guide Section 106 consultation under the National Historic Preservation Act. Inyo County is a party to the PA, and will be consulted regarding specified projects being processed pursuant to the DRECP.

Record of Decision

On September 14, 2016 the BLM released the Record of Decision (ROD) for the LUPA with little substantive changes from the Proposed Action. Of these, the following may be of interest:

- Through the Proposed LUPA and Final EIS, the BLM referred to "National Conservation Lands" (NCL). The Approved LUPA refers to these areas as "California Desert NCL." According to BLM, this change reflects a sense of place and identifies these lands as a distinct component of NCL.
- The Approved LUPA adopts the term "General Public Lands" for the areas identified as "Unallocated" in the Proposed LUPA and Final EIS, reportedly to better reflect the BLM's management of these areas.
- Several small Development Focus Areas (DFA) along Highway 395 east and north of Owens Lake included in the Final EIS were removed. These areas were originally included in larger DFAs on public and private land in the Draft DRECP, but BLM indicates they are unmanageable as DFAs without the private component.

- Portions of the General Public Lands (Unallocated in the Final EIS) in the vicinity of Lower Centennial Flat were included in the NCL, while a small area that predominantly encompassed private lands south of Owens Lake was removed.
- The Southern Inyo Wilderness Study Area ACEC was adjusted to align with designated Wilderness and remove portions from the proposed ACEC that are not contiguous, or in close proximity to existing Wilderness.
- BLM lands outside the DRECP Plan Area, but inside the CDCA Plan area, indicated as "Unallocated" in the Proposed LUPA and Final EIS have been removed from the General Public Lands list because, according to BLM, these areas were not analyzed for renewable energy development. Management in these areas will follow the LUPA-wide CMAs and any other applicable management requirements from the CDCA Plan.

Land use planning decisions that go into effect when the ROD is signed include goals, objectives, land allocations, and CMAs. Within 60-90 days after signing of the ROD, the BLM intends to issue a Notice of Proposed Withdrawal for a subset of the NCL – Phase 1 of 2 for proposed withdrawals from mineral entry for the NCL. BLM indicates that upon that Notice, and subject to valid existing rights and as specified in the notice, the lands identified would be segregated from location and new entry for up to two years until a decision is made.

In the ROD, BLM denied the County's Protest; the following summarizes its rationale:

1. Mapping errors/unclear areas for designation – Response to comments contained in Inyo County's Comment Letter on the Draft EIS adequately address its comments requesting that maps and associated Geographic Information System files be clarified. In response to comments made on the Draft EIS, the planning process was adjusted to employ a phased approach to implementing the DRECP. Because of this phased approach, descriptions and mapping for the range of alternatives were subsequently revised in the DRECP FEIS to support decisions to be made by the BLM. Although some terminology changed, the land use allocations in the DRECP Proposed LUPA/FEIS are not new. The BLM has consistently coordinated and involved local governments and made them aware of the DRECP contents throughout the planning process and prior to the release of the Proposed LUPA/FEIS.
2. Conservation designations – it does not appear that these issues were addressed directly, but were lumped in with the socioeconomic responses.
3. Socioeconomic analysis – the EIS includes the socioeconomic characteristics of Inyo County and programmatically discusses potential socioeconomic and environmental justice effects to private lands. Phase II of the DRECP will specifically address DRECP effects to private lands. The Final EIS includes requirements of future analyses and typical mitigation strategies. Because site- and project-specific data is unavailable, each future renewable energy project (including transmission interconnection) would be required to conduct further project-specific environmental analysis under NEPA or CEQA. A quantitative economic evaluation pertaining to conservation actions is not feasible or required at this programmatic level due to the difficulty in quantifying non-market values for BLM-administered lands within the DRECP and because any data would become outdated due to dynamic market forces.

While it does not appear directly in response to the County's Protest, some lands of concern to the County designated as Unallocated in in the FEIS have no designation in the ROD – they

would have been redesignated General Public Lands, but were not, reportedly as they were not analyzed for renewable energy development.

Next Steps

The BLM intends to revise and distribute Appendix C of the PA to reflect the final DRECP LUPA. The Agreement specifies two other implementation commitments: the BLM, in consultation with the Consulting Parties to the Agreement, will develop the (1) Compensatory Mitigation Fee within six months of the ROD, and (2) Cultural Resources Sensitivity Analysis process within one year of the ROD. The BLM is establishing a committee of the Consulting Parties to begin both processes, and is soliciting members. The Section 106 review process for all existing and future proposed renewable energy projects within the Planning Area will comply with the PA.

After issuing the ROD, the BLM intends to prepare implementation strategies that establish tentative time frames and prioritization for completing other decisions pursuant to the DRECP. Subsequent decisions under the DRECP may be subject to additional public review.

OTHER AGENCY INVOLVEMENT: Governor Brown, CEC, USFWS, CDFW, BLM, counties of Kern, Los Angeles, Imperial, Riverside, San Diego, and San Bernardino, and other affected agencies and stakeholders.

ALTERNATIVES: The Board could direct staff to prepare correspondence for the Chair's signature identifying concerns with the ROD and/or LUPA.

FINANCING: General funds are utilized to monitor State and federal planning efforts.

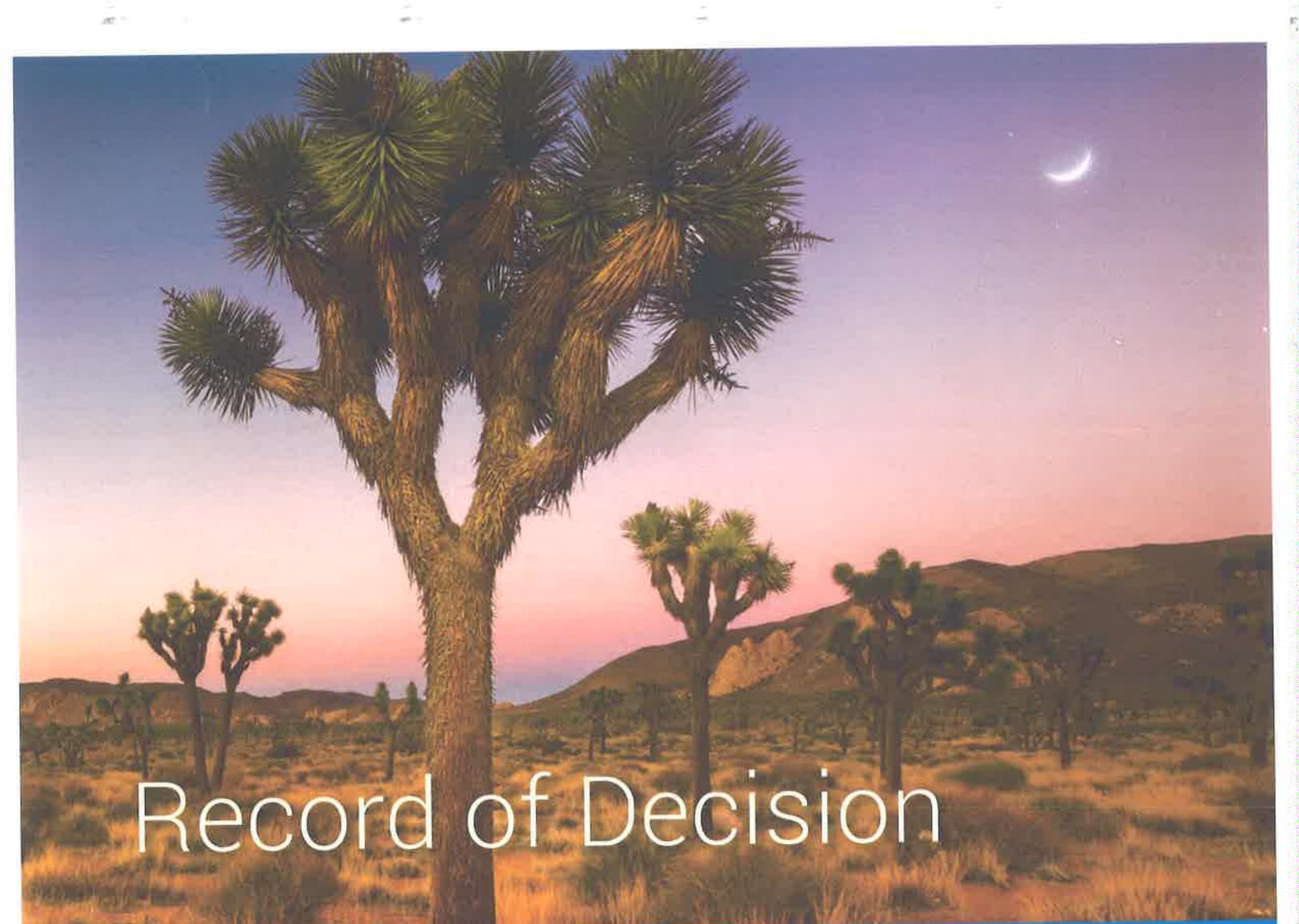
| <u>APPROVALS</u> | |
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| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> |

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



Date: 9/23/16

Attachment: Record of Decision



Record of Decision

DESERT RENEWABLE ENERGY CONSERVATION PLAN DRECP

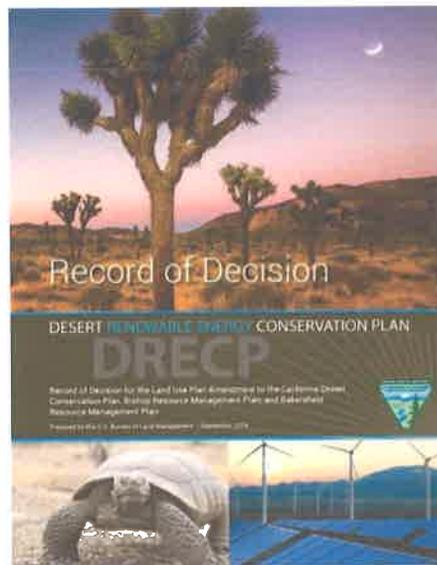
Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan

Prepared by the U.S. Bureau of Land Management | September 2016



**Desert Renewable Energy Conservation Plan
Record of Decision
for the
Land Use Plan Amendment
to the
California Desert Conservation Area Plan,
Bishop Resource Management Plan, and
Bakersfield Resource Management Plan**

BLM/CA/PL-2016/03+1793+8321



Prepared by:

U.S. Bureau of Land Management



SEPTEMBER 2016

COVER PHOTOGRAPHS

Joshua tree, by KiskaMedia

Desert tortoise, by Bureau of Land Management

Solar and wind facility, by Tom Brewster Photography

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ACRONYMS AND ABBREVIATIONS

| Acronym/Abbreviation | Definition |
|----------------------|---|
| ACEC | Area of Critical Environmental Concern |
| ACHP | Advisory Council on Historic Preservation |
| APE | Area of Potential Effects |
| BLM | Bureau of Land Management |
| CAISO | California Independent System Operator |
| CBI | Conservation Biology Institute |
| CDCA | California Desert Conservation Area |
| CDFW | California Department of Fish and Wildlife |
| CEC | California Energy Commission |
| CEERT | Center for Energy Efficiency and Renewable Technologies |
| CEQ | Council on Environmental Quality |
| CEQA | California Environmental Quality Act |
| CESA | California Endangered Species Act |
| CFR | Code of Federal Regulations |
| CMA | Conservation and Management Action |
| CPUC | California Public Utilities Commission |
| DFA | Development Focus Area |
| DOI | Department of Interior |
| DRECP | Desert Renewable Energy Conservation Plan |
| EIR | Environmental Impact Report |
| EIS | Environmental Impact Statement |
| ERMA | Extensive Recreation Management Areas |
| ESA | federal Endangered Species Act |
| FLPMA | Federal Land Policy and Management Act |
| FR | Federal Register |
| GCP | General Conservation Plan |
| GPL | General Public Land |
| GIS | geographic information system |
| HCP | Habitat Conservation Plan |
| LUPA | Land Use Plan Amendment |
| MW | megawatt |
| NCCP | Natural Community Conservation Plan |
| NCCPA | Natural Community Conservation Planning Act |
| NDAA | National Defense Authorization Act |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NLCS | National Landscape Conservation System |

| Acronym/Abbreviation | Definition |
|----------------------|---|
| OHV | Off-Highway Vehicle |
| PA | Programmatic Agreement |
| PL | Public Law |
| REAT | Renewable Energy Action Team |
| RECPG | Renewable Energy Conservation Planning Grants |
| RETI | Renewable Energy Transmission Initiative |
| RMP | Resource Management Plan |
| ROD | Record of Decision |
| ROW | right-of-way |
| RPS | Renewables Portfolio Standard |
| SHPO | State Historic Preservation Officer |
| SO | Secretarial Order |
| SRMA | Special Recreation Management Area |
| SUA | Shared Use Area |
| U.S.C. | United States Code |
| USFWS | U.S. Fish and Wildlife Service |
| VPL | Variance Process Land |
| WMRNP | West Mojave Route Network Project |
| WSA | Wilderness Study Area |

I INTRODUCTION

The Bureau of Land Management (BLM) has prepared this Record of Decision (ROD) approving the Land Use Plan Amendment (LUPA) for the California Desert Conservation Area (CDCA) Plan and Bishop and Bakersfield Resource Management Plans (RMPs). The BLM also explains in this ROD the identification of the California Desert National Conservation Lands,¹ as discussed in the attached LUPA. The LUPA was prepared as part of the Desert Renewable Energy Conservation Plan (DRECP). The DRECP has been developed as an interagency plan by the BLM, the U.S. Fish and Wildlife Service (USFWS), the California Energy Commission (CEC), and the California Department of Fish and Wildlife (CDFW) (collectively “REAT Agencies”; Renewable Energy Action Team [REAT]) to (1) advance federal and state natural resource conservation goals and other federal land management goals; (2) meet the requirements of the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), Natural Community Conservation Planning Act (NCCPA), and Federal Land Policy and Management Act (FLPMA); and (3) facilitate the timely and streamlined permitting of renewable energy projects, all in the Mojave and Colorado/Sonoran desert regions of Southern California.

The DRECP is an innovative, landscape-scale planning effort covering 22.5 million acres in seven California counties - Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The BLM manages approximately 10 million acres of those acres. The REAT Agencies collaborated throughout the planning process to coordinate efforts across jurisdictional boundaries. The DRECP is a major component of the federal and State of California’s renewable energy planning efforts. It is designed to both provide effective protection and conservation of important desert ecosystems, while also facilitating the development of solar, wind and geothermal energy projects in those unique landscapes.

Through this ROD, the BLM is making decisions for BLM-managed lands in the DRECP LUPA Decision Area. These decisions are being made in consideration of other DRECP partner agencies’ goals and objectives, as well as any county renewable energy plans.

¹ Public Law 111-11 established the National Landscape Conservation System, and listed the components of this system, including national monuments, national conservation areas, wilderness study areas, national scenic trails and national historic trails designated as a component of the National Trails System, components of the National Wild and Scenic Rivers System, components of the National Wilderness Preservation System, as well as specifically listed areas managed by the BLM, including “public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes.” For the purposes of identifying California Desert National Conservation Lands, areas already included in the National Conservation Lands through previous designations (e.g., Wilderness Study Areas), are outside the scope of this decision.

I.1 Background

A number of federal and state laws, agreements, and policies lead to the DRECP partner agencies to undertake the DRECP process at the state and federal level. At the federal level, the 2005 Energy Policy Act created tax incentives and loan guarantees for innovative technologies, including renewable energy, and set of goal of at least 10,000 megawatts (MWs) of renewable energy generation on public lands by 2015. Secretarial Order 3283, signed January 2009, called for an enhanced public lands role in renewable energy production, and Secretarial Order 3285, signed March 2009, and amended February 2010, established renewable energy production as a Department of Interior (DOI) priority. The President's Climate Action Plan, released in June 2013, set a goal of approving an additional 10,000 MWs of renewable energy on public lands, for a total of 20,000 MWs by 2020.

At the state level, Assembly Bill 32, passed by the California legislature and signed by Governor Schwarzenegger in 2006, required the state of California to reduce greenhouse gases to 1990 levels by 2020, and 80% below 1990 levels by 2050. In addition, Executive Order S-14-08, signed by Governor Schwarzenegger in 2008, required that 33% of California's energy production be via renewable energy in 2020.²

These laws and policies led to an increase in both interest and applications for renewable energy projects in the California desert, on private and public lands. In addition to possessing substantial renewable energy development opportunities, the California Mojave and Colorado/Sonoran desert region is also home to an impressive array of endangered, threatened, and sensitive species and their habitats, a robust cultural heritage, and recreational opportunities for both residents and visitors. Seeing this development interest and recognizing the need to protect the other resources there, the DRECP partner agencies recognized an increasingly collaborative opportunity to coordinate review and approval of large-scale renewable energy production facilities and associated transmission lines and other infrastructure in a way that both recognizes a need to streamline the development process for utility-scale renewable energy projects, while simultaneously providing for the long-term conservation and management of the special-status species and other biological, physical, cultural, scenic, and social resources within the DRECP Plan Area.

This recognition lead to the 2008 Memorandum of Understanding signed between BLM-California, USFWS-Region 8, CDFW (then California Department of Fish and Game), and CEC, which agreed to undertake a collaborative planning effort covering public and private land in the Mojave and Colorado/Sonoran deserts. This was followed by a Memorandum of Understanding signed by the DOI and the State of California in October 2009, which formalized the DRECP effort. In May 2010, BLM-California, USFWS-Region 8, CDFW, and

² California Senate Bill X2, passed and signed in 2011, adopted this requirement into state law.

CEC signed the DRECP Planning Agreement, which established agency roles in the development of the DRECP. This agreement was reaffirmed, with adjusted timelines, in a Memorandum of Understanding between the DOI and State of California in January 2012.

1.1.1 Interagency DRECP

At the interagency level, DRECP is a landscape-scale planning effort undertaken to achieve two sets of overarching goals:

- **Renewable Energy.** The plan identifies specific development focus areas with high-quality renewable energy potential and access to transmission in areas where environmental impacts can be managed and mitigated.
- **Conservation.** The plan specifies species, ecosystem and climate adaptation requirements for desert wildlife, as well as the protection of recreation, cultural and other desert resources.

In addition to the interagency conservation and renewable energy mandates and policies, on March 30, 2009, President Barack Obama signed into law the Omnibus Public Lands Management Act of 2009 (PL 111-11) (Omnibus Act), which congressionally established the National Landscape Conservation System (NLCS) to “conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” Congress directed that public land within the CDCA administered by the BLM for conservation purposes be included in the NLCS. The BLM also used the LUPA process to identify the public lands within the CDCA to be managed for conservation and identified as components of the NLCS pursuant to the Omnibus Public Lands Management Act. The lands included in the NLCS were considered to be part of the interagency conservation strategy during the development of the interagency DRECP.

The LUPA consists of the public lands component of the DRECP, identifying areas appropriate for renewable energy development, as well as areas important for biological, environmental, cultural, recreation, social and scenic conservation, consistent with FLPMA’s multiple-use and sustained yield requirements. The LUPA also identifies management goals and objectives within each of these allocations.

In September 2014, the DRECP partner agencies issued the Draft DRECP, which included a draft California Environmental Quality Act (CEQA) Environmental Impact Report and National Environmental Policy Act (NEPA) draft Environmental Impact Statement (EIR/EIS). The Draft DRECP included five alternatives to achieve the renewable energy and conservation goals of the DRECP partner agencies, which were represented by the Interagency Objectives, as well as individual agencies’ purpose and need. These alternatives included three integrated components: a BLM LUPA, which covered the BLM-

managed public lands within the DRECP LUPA Decision Area, a USFWS General Conservation Plan (GCP) under Section 10 of the ESA, which covered nonfederal lands within the DRECP Plan Area, and a CDFW Natural Community Conservation Plan (NCCP) under the California NCCPA, which covered both federal and nonfederal lands within the DRECP Plan Area. Although the three components were developed as an integrated plan, the LUPA was designed to meet the BLM's purpose and need, and further the interagency goals on public lands, either independently or as part of the larger interagency plan.

I.1.2 BLM LUPA (DRECP Phase I)

In March 2015, following a 152-day public comment period on the Draft DRECP and EIR/EIS, the DRECP partner agencies announced that completion of the plan would follow a phased approach, with the first phase consisting of the BLM LUPA covering over 10 million acres of BLM-managed lands. Phase I identifies lands for inclusion in the NLCS, and includes the BLM land allocations for renewable energy, conservation and recreation, as well as the goals and objectives for the management of those land use allocations. In addition to furthering the interagency goals, the BLM LUPA meets the BLM's purpose and need, as expressed in the Draft DRECP and EIR/EIS and Proposed LUPA and Final EIS.

After publication of the Proposed LUPA and Final EIS, the Proposed LUPA was subject to a 30 day protest period in late 2015. In March 2016, the BLM published a notice in the Federal Register specifically listing the 134 Areas of Critical Environmental Concern (ACECs) being considered, and opening a 60 day public comment period on those ACECs.

The BLM LUPA was developed in collaboration with the other federal, state and local agencies, and Tribal governments, and public comments received on the Draft DRECP and EIR/EIS, protests and comments on the Proposed LUPA and Final EIS, and public input during the 60-day ACEC public comment period. As explained above, the LUPA amends the CDCA Plan and the Bishop and Bakersfield RMPs. While the BLM LUPA only applies to BLM-managed lands, it will serve as a foundation for renewable energy and conservation planning in the desert, which will assist partner agencies in meeting both federal and state climate change and conservation goals.

I.1.3 DRECP Phase II

Phase II, which will follow this ROD, will focus on further aligning local, state, and federal renewable energy development and conservation plans, policies, and goals on private and state lands. Phase II builds off of the Renewable Energy Conservation Planning Grants (RECPG) that were awarded by the CEC to counties in the DRECP Plan Area. Phasing of the DRECP allows for additional work with the counties, which have primary land-use and permitting authority on private lands in their counties.

I.2 DRECP Plan Area and LUPA Decision Area

The Interagency DRECP Plan Area includes most of the CDCA and portions of the Bishop and Bakersfield RMPs (see Figure 1). This area includes lands in portions of Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego Counties. The DRECP Plan Area covers approximately 22,585,000 acres, and encompasses the Mojave Desert and the Colorado/Sonoran Desert ecoregion subareas in California.

In addition to the DRECP Plan Area, the BLM LUPA Decision Area included BLM-managed lands outside of the DRECP Plan Area that are part of the CDCA for specific amendments to the CDCA Plan requirements governing those lands, as outlined in the Approved LUPA (see Figure 2).

The BLM LUPA Decision Area does not include the Colorado River Corridor, which is under the management of the BLM–Arizona State Office, or the lands covered by the 2013 Imperial Sand Dunes Recreation Area Management Plan. It should be noted that those lands are included on the maps and in the acreage figures because they are part of the CDCA. Although the entire DRECP Plan Area was used to develop the DRECP and is included throughout the Final EIS for analysis and illustrative purposes, the BLM LUPA will only apply to BLM-managed public lands. In total, the BLM LUPA Decision Area, depicted in Figures 1 and 2, includes BLM lands within the DRECP Plan Area plus the additional BLM lands covered by the CDCA Plan that are outside the DRECP Plan Area, but that are affected by the LUPA.

I.3 Purpose and Need

A number of federal and state laws and policies led the DRECP partner agencies to recognize the need for a landscape approach to renewable energy and conservation planning in the California desert, as detailed in Section I.1 above. This led the REAT Agencies to develop interagency objectives for the DRECP. To reflect the BLM's specific legislative, regulatory, and policy needs, the BLM developed a purpose and need for the LUPA. This purpose and need supports the Interagency Objectives, but also provides an independent justification for the BLM to undertake the DRECP LUPA.

I.3.1 Interagency Objectives

The interagency goal of the DRECP is to provide a streamlined process for the development of utility-scale renewable energy generation and transmission consistent with federal and state renewable energy targets and policies, while simultaneously providing for the long-term conservation and management of special-status species and vegetation types as well as other physical, cultural, scenic and social resources within the DRECP Plan Area through the use of with durable regulatory mechanisms.

I.3.2 BLM LUPA Purpose and Need

The BLM must respond to the increasing demand for renewable energy development and transmission, driven in part by:

- The Energy Policy Act's goal of the BLM approving the development of at least 10,000 MWs of renewable energy generation on public lands and the President's the more recent goal of approving an additional 10,000 MWs on public land by 2020 (Executive Office of the President 2013).
- The Presidential Memorandum, issued May 17, 2013, directing federal agencies to modernize federal infrastructure review and permitting regulations, policies, and procedures. Among other best management practices, this memorandum directs federal agencies to:
 - Integrate project reviews among agencies with permitting responsibilities; ensure early coordination with other federal agencies, as well as with state, local, and tribal governments;
 - Strategically engage with, and conduct outreach to, stakeholders;
 - Employ project-planning processes and individual project designs that consider local and regional ecological planning goals;
 - Utilize landscape-level mitigation practices;
 - Promote the sharing of scientific and environmental data in open-data formats to minimize redundancy, facilitate informed project planning, and identify data gaps early in the review and permitting process; and,
 - Apply best environmental and cultural practices as set forth in existing statutes and policies.
- The DOI's established national policy goals (Secretarial Order [SO] 3285 and SO 3285A1; DOI 2009) to identify and prioritize specific locations best suited for large-scale production of solar energy on public lands; encourage the production, development, and delivery of renewable energy as one of DOI's highest priorities; and work collaboratively with others to encourage the timely and responsible development of renewable energy and associated transmission while protecting the nation's water, wildlife, and other natural resources.
- SO 3330 establishes a DOI-wide mitigation strategy that will ensure consistency and efficiency in the review and permitting of infrastructure development projects and in conserving the nation's valuable natural and cultural resources (DOI 2013). This strategy includes the use of a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region, early integration of mitigation

considerations in project planning and design, ensuring the durability of mitigation measures over time, ensuring transparency and consistency in mitigation decisions, and a focus on mitigation efforts that improve the resilience of our nation's resources in the face of climate change.

In addition to the authorities listed in the Final EIS, the DOI policy, "Implementing Mitigation at the Landscape-Scale," (600 DM 6) was approved in October 2015, and was issued after publication of the Proposed LUPA and Final EIS. This policy establishes DOI policy and provides guidance to bureaus and offices to implement mitigation measures associated with legal and regulatory responsibilities and the management of federal lands, waters, and other natural and cultural resources under the jurisdiction of DOI, including use of the best available science and landscape-scale approaches.

This policy is intended to improve permitting processes by providing developers with added predictability, as well as efficient and timely environmental reviews. It also helps achieve benefits for impacted communities and the environment by effectively avoiding, minimizing, and compensating for impacts to DOI-managed resources and their values, services, and functions. The policy was designed to (1) improve the resilience of our Nation's resources in the face of climate change; (2) encourage strategic conservation investments in lands and other resources; (3) increase compensatory mitigation effectiveness, durability, transparency, and consistency; and, (4) better utilize mitigation measures to help achieve departmental goals. The BLM is in the process of developing its own bureau-level guidance, consistent with established DOI policy, which will cover actions going forward.

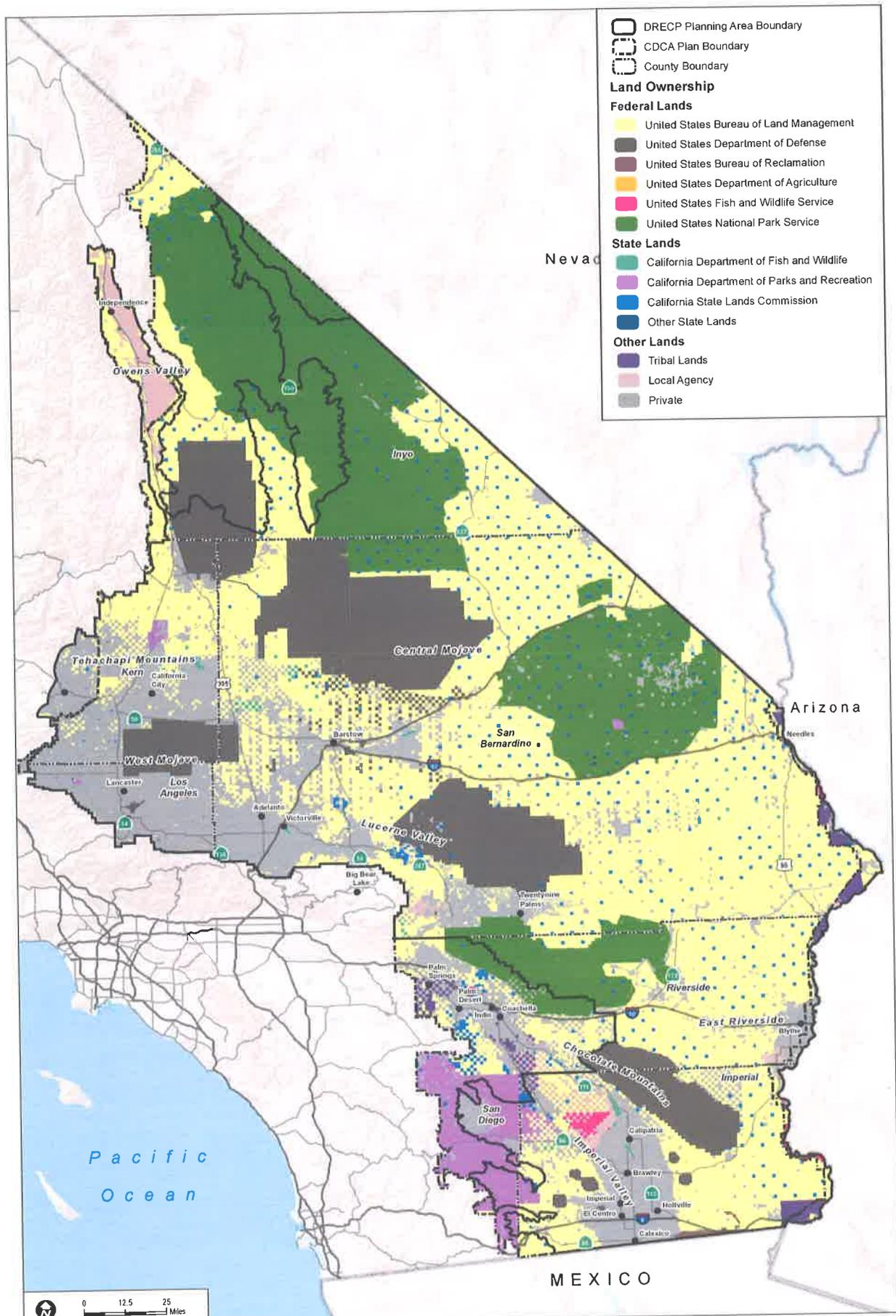
On November 3, 2015, the President issued a Presidential Memorandum, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment." This memorandum instructed federal agencies, including DOI, to adopt a clear and consistent approach for avoidance and minimization of, and compensatory mitigation for, the impacts of their activities and projects they approve. It also recognized that there are additional legal protections for some resources that are of such irreplaceable character that minimization and compensation measures, while potentially practicable, may not be adequate or appropriate, and therefore agencies should design policies to promote avoidance of impacts to these resources. The BLM also recognizes that large-scale plans and analysis should inform the identification of areas where development may be appropriate, where high natural resource values result in the best locations for protection and restoration, or where natural resource values are irreplaceable.

The BLM has reviewed these policies and has determined the approved LUPA is consistent with them and furthers their purpose and goals. The DRECP LUPA supports the policy's goals of improving the permitting process by increasing predictability, as well as providing a landscape-scale analysis of conservation, and a framework for avoidance, minimization, and compensation of sensitive resources.

Meeting renewable energy production and policy goals will require the BLM to coordinate closely with the State of California in permitting renewable energy and transmission projects proposed on federally administered lands while also considering the state's Renewable Energy Portfolio goals. (See Executive Order 13604 [77 Federal Register (FR) 18887 March 28, 2012] on improving infrastructure permitting and review, Section 3[a(i)] on federal-state coordination.) To accommodate this growth in renewable energy, the BLM also needs to consider changing land use allocations and management prescriptions in its CDCA Plan and Bakersfield and Bishop RMPs to address potential renewable energy and transmission development in the DRECP Plan Area.

BLM's objectives for the DRECP, as reflected in the LUPA, are to:

- Conserve biological, physical, cultural, social, and scenic resources.
- Promote renewable energy and transmission development, consistent with federal renewable energy and transmission goals and policies, in consideration of state renewable energy targets.
- Comply with all applicable federal laws, including the BLM's obligation to manage the public lands consistent with FLPMA's multiple use and sustained yield principles, unless otherwise specified by law.
- Comply with Congressional direction regarding management of the CDCA in Section 601 of FLPMA, including to "[p]reserve the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources" of the CDCA (FLPMA 601[a][6]; 43 United States Code [U.S.C.]1781(a)(6)).
- Identify and incorporate public lands managed for conservation purposes within the CDCA as components of the NLCS, consistent with the Omnibus Act.
- Amend land use plans consistent with the criteria in FLPMA and the CDCA Plan.
- Coordinate planning and management activities with other federal, state, local, and tribal planning and management programs by considering the policies of approved land resource management programs.
- Ensure that the BLM land use plan is consistent with state and local plans to the maximum extent consistent with federal law.
- Make some land use allocation decisions outside the DRECP area but within the CDCA, including Visual Resource Management Classes, land use allocations to replace multiple use classes, and NLCS designations.



Sources: ESRI (2015); CEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 1
DRECP Plan Area

September 2016

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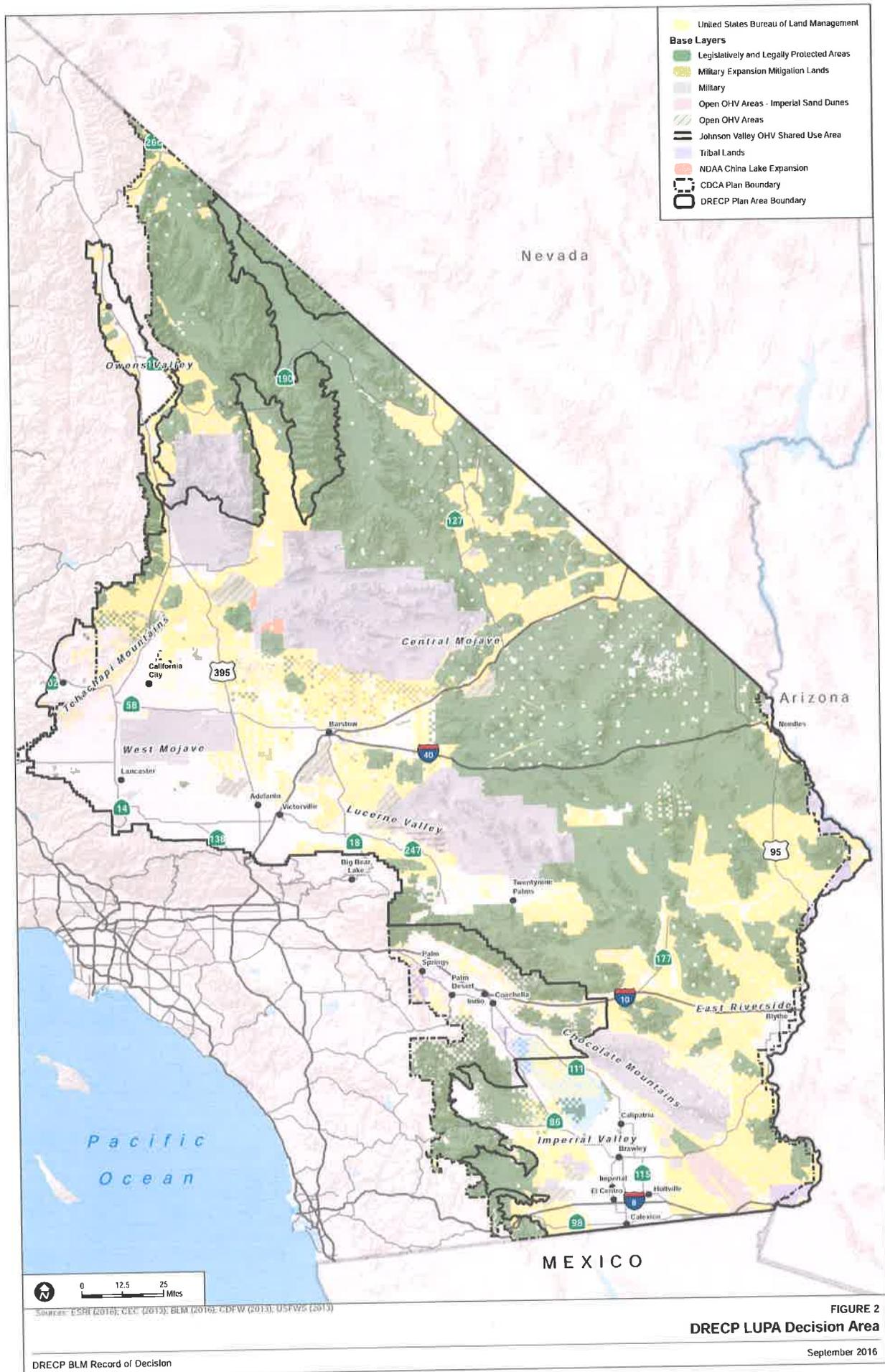


FIGURE 2
DRECP LUPA Decision Area

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I.3.3 Decisions Being Made

Through the LUPA approved by this ROD, the BLM is amending the CDCA Plan and the Bakersfield and Bishop RMPs. These amendments identify goals and objectives, and allowable uses and management actions designed to achieve those goals and objectives. Specifically, in furtherance of the purpose of the LUPA to: (1) conserve biological, environmental, cultural, recreation, social, and scenic resources; (2) respond to federal renewable energy goals and policies, including state-level renewable energy targets; and, (3) comply with FLPMA multiple use and sustained yield management requirements, the LUPA identifies:

- Areas of the public lands not previously identified in the CDCA Plan that are suitable and available for utility-scale solar, wind, and geothermal energy development and associated transmission, and where that development can be focused, incentivized, and streamlined;
- Areas of the public lands that are not suitable and are unavailable for these types of uses;
- Other changes to land use allocations on the public lands, including but not limited to multiple-use classes in the CDCA, Visual Resource Management Classes, Special Recreation Management Areas (SRMAs), National Trail Management Corridors, wildlife and plant management areas, ACECs, and utility corridors; and
- Allowable uses, management actions, stipulations, best management practices, and mitigation measures to reduce or avoid impacts associated with large ground-disturbing activities, including renewable energy and transmission projects on public lands, and allowable uses and management actions designed to restore and enhance resources, and visitor experiences on public lands.

I.3.4 Identification of California Desert National Conservation Lands

The BLM is also using the LUPA process to identify the public lands within the CDCA to be managed for conservation and identified as components of the NLCS pursuant to the Omnibus Act. The LUPA, and the accompanying environmental review, provides a comprehensive review of public land conservation in the CDCA, updating and consolidating the conservation decisions made in the CDCA Plan of 1980 and its subsequent amendments, using landscape-scale data. This review considered the criteria for National Conservation Lands, as defined in the Omnibus Act, and identified nationally significant landscapes with outstanding cultural, ecological, and scientific values. The BLM is using the DRECP planning process to formally identify those lands within the CDCA that the BLM will manage for conservation purposes in the CDCA. Those lands will be identified as California Desert National Conservation Lands, and will be managed as a component of the NLCS.

The Approved LUPA identifies lands meeting the criteria of the Omnibus Act, and establishes CMAs to conserve, protect, and restore those lands. These lands are therefore included in the lands listed in Sec. 2002(b)(2) of the Omnibus Act as an “area designated by Congress to be administered for conservation purposes” and are a component of the NLCS. Once identified, these lands can be removed from the NLCS only through an act of Congress; their designation cannot be changed through a land use plan amendment.

I.4 Planning Process

I.4.1 Types of Decisions

I.4.1.1 California Desert National Conservation Lands

In June 2000, the DOI and the BLM administratively established the NLCS to provide for coordinated protection of the BLM’s conservation lands. On March 30, 2009, President Barack Obama signed into law the Omnibus Act, which congressionally established the NLCS to “conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” Congress directed that public land within the CDCA administered by the BLM for conservation purposes be included in the NLCS.

Secretarial Order 3309, Management of the NLCS, provides additional instruction to the BLM on the management of the NLCS. It instructs the BLM to ensure that components of the NLCS are managed to protect the values for which they were designated. Appropriate multiple uses may be allowed, but the BLM should prohibit uses that are in conflict with the values for which the units were designated. The Secretarial Order also directs the BLM to manage NLCS components as an integral part of the larger landscape, in collaboration with the neighboring landowners and surrounding communities, to maintain biodiversity and promote ecological connectivity and resilience in the face of climate change. The Order instructs the BLM to integrate science and interdisciplinary perspective into the management of these areas, and to offer visitors the adventure of experiencing natural, cultural, and historic landscapes through self-directed discovery. It also directs BLM to build and sustain communities of partners and volunteers; drawing upon the expertise of specialists throughout the BLM, in coordination with tribes, other federal, state, and local government agencies, interested local landowners, adjacent communities, and other public and private interests. It further directs BLM to endeavor to inspire the next generation of natural resource and public land stewards by engaging youth through education, interpretation, partnerships, and job opportunities.

The BLM recognizes that the public has a heightened interest in the management and protection of the NLCS, including those in the California desert. The BLM has a unique and timely opportunity to assess the conservation potential of CDCA lands through the DRECP

process, which includes a FLPMA land use planning component. The BLM has used the public participation structure of the FLPMA land use planning component to assess and identify lands managed for conservation purposes to be included in the NLCS consistent with the Omnibus Act.

To identify lands in the California desert that qualify for inclusion in the NLCS, the BLM first applied the criteria from the Omnibus Act to determine what lands qualified for inclusion in the NLCS. It then identified lands meeting those criteria, and finally developed management direction for the California Desert National Conservation Lands within the CDCA. These steps are described in detail in Volume I, Section I.3.1.2.1, of the DRECP Proposed LUPA and Final EIS.

1.4.1.2 Land Use Planning Decisions

Land use plan decisions for public lands guide future land management actions and subsequent site-specific implementation decisions and fall into two categories: (1) desired outcomes (goals and objectives) and (2) the measures to achieve desired outcomes (i.e., management actions and allowable uses). Goals are broad statements of desired outcomes (e.g., maintain ecosystem health and productivity, promote community stability, ensure sustainable development) that usually are not quantifiable. Objectives identify specific desired outcomes for resources. Objectives are usually quantifiable and measurable. Desired future conditions can be identified in goals or objectives.

After establishing desired outcomes, the BLM identifies allowable uses and management actions that are anticipated to achieve the identified goals and objectives. "Allowable uses" is an umbrella term that defines which uses are allowable, restricted, or prohibited on certain land use allocations or areas, including the subsurface mineral estate managed by the BLM. Management actions are proactive measures that will enhance resource values and can include but are not limited to resource restoration projects, daily activities, and administrative designations such as ACECs.

The existing CDCA Plan and the Bishop and Bakersfield RMPs, establish goals and objectives, allowable uses, and management actions that will remain valid unless they are specifically amended by the LUPA approved by the ROD.

1.4.1.3 Duration of DRECP LUPA Decisions

BLM regulations under 43 CFR 1610.5-5 do not specify a duration for LUPA; therefore, the LUPA approved as part of the DRECP will not expire and will remain in place until amended through future land use planning efforts as described in BLM regulations (43 CFR 1610). As a general matter, the BLM periodically evaluates land use plans to determine if new decisions are required through the plan amendment process (see BLM 2005, pp. 33–38).

The plan amendment process is subject to NEPA and includes opportunities for participation by the public and other federal, state, and local agencies. The LUPA approved as part of the DRECP could be amended in the future pursuant to changing conditions or law and policy as required by applicable federal law and regulations.

The public lands within the CDCA include lands that comprise nationally significant landscapes with outstanding cultural, ecological, and scientific values. Those lands are administered by the BLM for conservation purpose as part of the NLCS, and will be managed to protect the values for which these lands were designated. The Omnibus Act directs BLM to provide for permanent inclusion of these lands in the NLCS. While the lands themselves are permanently included in the NLCS, the Conservation and Management Actions (CMAs) applicable to activities on those lands remain subject to land use planning decisions, and may be changed through the land use plan amendment process, so long as those changes are consistent with the Omnibus Act.

BLM-authorized activities on public land must conform to the applicable land use plan. If the BLM receives an application for a project that does not conform to the land use plan, it may reject the application without additional analysis. If the BLM determines, however, that the proposal warrants further analysis, it must undertake a plan amendment, which includes a public process, as described in the land use planning regulations at 43 CFR 1610.2.

1.4.2 Site-Specific Implementation Decisions and Requirements for Further Environmental Analysis

The BLM's land use plan decisions approved by this ROD will guide and inform future renewable energy development and resource conservation on BLM-managed lands in the LUPA Decision Area, including the management of California Desert National Conservation Lands, ACECs, SRMAs, and Extensive Recreation Management Areas (ERMAs). These decisions do not authorize any specific activities or imply approval for such activities, which would still require site-specific environmental analysis and a separate decision or authorization, such as a right-of-way grant or lease.

Implementation decisions generally relate to on-the-ground actions that BLM approves and that require site-specific analysis. There are no implementation decisions in this ROD. When the BLM considers any future implementation activity, the BLM decision maker must determine if it would conform to the applicable land use plan (43 CFR 1610.5-3) and what type of environmental analysis is required in accordance with NEPA. The BLM would retain the discretion to deny any such activity. For example, the BLM could deny renewable energy right-of-way applications, geothermal lease, or the post-lease development of a geothermal lease, based on site-specific issues and concerns, even in areas identified as Development Focus Areas (DFAs). The proponent, public, and other interested stakeholders would have

opportunities to participate and comment during the project-specific NEPA process for any particular implementation activity.

Likewise, the proposed management activities in the Special Unit Management Plans for ACECs (Approved LUPA Appendix B), SRMAs, and ERMAs (Approved LUPA Appendix C), would require implementation decisions based on site-specific analysis. In some cases, the BLM has already conducted the necessary site-specific NEPA analysis as part of the DRECP planning effort. In those cases, those decisions are carried forward in the Special Unit Management Plan. For any new management actions, the BLM will conduct site-specific NEPA prior to implementing those actions. The management actions listed in the DRECP LUPA, including the Special Unit Management Plans, are not an exclusive list, and, through monitoring, evaluation and adaptive management, the BLM may identify additional actions needed to manage the values for which California Desert National Conservation Lands were identified, or an ACEC, SRMA, or ERMA was designated.

1.4.3 California Desert National Conservation Lands Identification Process

1.4.3.1 Definition of California Desert National Conservation Lands

The Omnibus Act established the NLCS in order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations. As part of the planning effort, the BLM identified lands with nationally significant ecological, cultural, and scientific values using the criteria listed below. Alternative configurations of these lands are analyzed for their conservation value and importance.

For all alternatives, the BLM considered the following criteria:

- Ecological
 - Species habitat – High-quality habitat for multiple native species; or critical habitat for a federally listed species
 - High level of ecological diversity
 - Illustrates a significant natural value or phenomenon that is exemplary in the physiographic region
- Cultural
 - Contains a nationally significant prehistoric or historic cultural site that is eligible for the National Register of Historic Places
 - Contains a nationally significant cultural landscape that provides context and setting for historic properties or is of religious or cultural importance to Indian tribes

- Scientific
 - Area that has been the focus for significant scientific study or has a natural or cultural value, natural process, or other occurrence of high scientific value for potential future study

In addition to the criteria above, the BLM weighed different criteria, based on different factors affecting the context of “nationally significant” and “outstanding” resources and values, as well as creating a network that would promote the conservation, protection, and restoration of lands meeting the above criteria. These criteria were:

- Development pressure – Area has natural or cultural values representative of other areas under development pressure, or adjoins DFAs.
- Landscape intactness – Relatively undisturbed features, unmodified natural environment of fairly large size, and not impacted by numerous developments (e.g., absence of extensive road network, multiple physical facilities such as communication sites, power lines).
- Scenic quality – Higher levels of scenic quality as determined by the BLM Visual Resources Inventory process.
- BLM jurisdiction – Primarily large blocks of BLM lands (may include interspersed lands managed by other agencies for conservation purposes).
- Landscape Linkages – Habitat and landscape-scale linkages to existing NLCS units, such as Wilderness Areas, Wilderness Study Areas (WSAs), Wild and Scenic Rivers, National Trails, as well as conservation areas managed by other agencies, such as National and State Parks.

In some cases, these values overlapped with the values for which ACECs, Desert Wildlife Management Areas (DWMAs), and other Habitat Management Areas (HMAs) were designated. However, the BLM determined that those areas must contain nationally significant ecological, cultural, or scientific values, as determined using the criteria above, to be included as California Desert National Conservation Lands.

1.4.3.2 Development of California Desert National Conservation Lands Alternatives

To identify lands for inclusion in NLCS, the BLM evaluated lands that, under the No Action Alternative, are managed to protect specific resources, as well as areas proposed in the alternatives to be managed for these purposes, including existing and proposed ACECs, DWMAs, and HMAs as well as lands outside of those areas that linked important resources and designations, such as habitat linkages, or linkages between proposed California Desert

National Conservation Lands, Wilderness Areas, WSAs, Wild and Scenic Rivers, National Trails, and National Parks and Preserves.

Once the BLM had identified areas containing nationally significant landscapes using the primary criteria above, the interdisciplinary team developed a range of alternatives by providing different weights to the additional criteria.

The Preferred Alternative focused on habitat connectivity and cultural and botanical values. For ecological values, it focused on important wildlife linkages; designated critical habitat for threatened and endangered species or BLM Special Status Species habitat; and smaller, highly significant botanical sites. For cultural values, this alternative considered large cultural landscapes important to Native Americans, local communities, and that assist in understanding human habitation in the CDCA; historic trails and roads; and smaller, highly significant cultural sites. The scientific values focused on larger landscapes that offer opportunities for studying ecological responses to climate change, cultural resources, biological resources, hydrology, paleontology, and geology; and smaller sites with opportunities for focused research. Under this alternative, approximately 3,856,000 acres met these criteria for California Desert National Conservation Lands.

Alternative 1 focused on intact landscapes with a high scenic value. For ecological values, this included only the most scenic, intact desert landscapes and habitat. It included some wildlife linkages, but at a smaller scale, and only where lands met the scenic criteria and were not in a transmission corridor. This alternative reflects the cultural importance of a highly scenic, intact landscape, and includes large cultural landscapes and smaller sites that meet the scenic and intactness criteria. Highly scenic portions of historic trails and roads were included. The scientific values included intact landscapes, which offer opportunities for research in areas largely undisturbed by modern human activity. Under this alternative, approximately 1,626,000 acres met these criteria for California Desert National Conservation Lands.

Alternative 2 was the maximum DFA and maximum conservation alternative. Under this alternative, additional threatened and endangered critical habitat and BLM Special-Status species habitat was included, as well as additional wildlife linkages. For cultural resources, the BLM included additional lands that may contain undiscovered sites and larger cultural landscapes. Scientifically, the values are similar to the Preferred Alternative, but with the addition of more disturbed lands and the opportunity for habitat restoration research. Larger intact landscapes provide opportunities for landscape level studies of prehistoric and historic lifeways. This alternative identified approximately 5,538,000 acres of California Desert National Conservation Lands.

Alternative 3 reflected the value of habitat connectivity and scientific uncertainty. Ecologically, this alternative focused on larger landscapes and included most of the wildlife

linkages and designated critical habitat for threatened and endangered species, and BLM Special-Status Species that were identified in the Preferred Alternative. Smaller, more isolated units, including some unique and rare plant habitats, were not included. Cultural values included large cultural landscapes important to Native Americans, local communities, and that assist in understanding human habitation of the CDCA, as well as historic trails and roads. Smaller sites isolated from larger landscapes were not included. Scientifically, large landscapes that offer opportunities for large-scale research on ecological response to climate change, cultural resources, biological resources, hydrology, paleontology, and geology were included, but smaller sites were not. This alternative identified approximately 3,551,000 acres of California Desert National Conservation Lands.

Finally, Alternative 4 focused on integrating DFAs and Variance Process Lands (VPLs). Biologically, it was similar to, but smaller than the Preferred Alternative where there was overlap with DFAs, transmission corridors, and VPLs. Designated critical habitat for threatened and endangered species, BLM Special Status Species habitat, and important wildlife linkages were included; however, some connectivity corridors and habitat areas were interrupted by scattered VPLs and transmission corridors. Cultural values were also similar to those in the Preferred Alternative, except where landscapes were interrupted by VPLs or transmission corridors. Finally scientific values were similar to the Preferred Alternative, but opportunities for landscape-scale research was reduced due to a more fragmented nature of the landscape under this alternative. This alternative identified 2,804,000 acres of California Desert National Conservation Lands.

1.4.4 Biological Conservation Goals and Planning Process

The REAT Agencies went through a biological conservation planning process to develop the DRECP biological conservation strategy. This strategy considered both public and private lands, and formed the foundation for the biological conservation strategy in the BLM LUPA. This strategy is an approach for conserving DRECP Focus Species, BLM Special Status Species, vegetation types, and the landscape and ecological processes that support them. The biological conservation planning process and strategy is an important part of the federal and state strategy for meeting the species, ecosystem and climate adaptation requirements as it relates to the BLM's DRECP purpose and need for desert wildlife, as well as the protection of cultural, scenic and other desert resources.

1.4.4.1 Guiding Principles

The REAT Agencies, stakeholders, and public identified the following broad level goals to guide the overall biological conservation planning for the DRECP:

- Provide for the long-term conservation and management of Focus and BLM Special Status Species within the DRECP Plan Area.

- Preserve, restore, and enhance vegetation types/natural communities and ecosystems that support Focus and BLM Special Status Species within the DRECP Plan Area.

As described further in Draft DRECP and EIR/EIS Appendix C, Biological Goals and Objectives, the following primary DRECP-wide biological goals guided the conservation lands design:

- At the landscape level, the primary goal is to:
 - Create a connected, landscape-scale reserve system consisting of large habitat blocks of all constituent vegetation types/natural communities that (1) maintain ecological integrity, ecosystem function, and biological diversity and allow adaptation to changing conditions; and (2) include temperature and precipitation gradients, elevation gradients, and a diversity of geological facets to accommodate range contractions and expansions in response to climate change.
- At the vegetation type/natural community level, the primary goal is to:
 - Promote biodiversity and ecological function within each vegetation type/natural community and benefit Covered/Focus Species, BLM Special Status Species and native wildlife species that are dependent on, or closely associated with, each vegetation type/natural community.
- At the species level, the primary goal is to:
 - Protect, manage, and contribute to recovery of viable self-sustaining populations of Covered/Focus and BLM Special Status Species throughout the species' distribution in the DRECP Plan Area, including conserving sufficient habitat and resources to adapt to environmental change through time.

The biological resource guiding principles and goals and objectives were further refined for the DRECP Proposed LUPA and Final EIS, based on the phasing of the DRECP and public comment on the Draft DRECP and EIR/EIS. All the details can be found in Appendix C, BLM Biological Resource Goals and Objectives, to the Proposed LUPA and Final EIS. The refined biological resource goals and objectives are presented below.

Landscape and Habitat Connectivity:

- As part of a desert-wide landscape design, on BLM managed public land provide a mosaic of vegetative types with habitat linkages that is adaptive to changing conditions and includes temperature and precipitation gradients, elevation gradients, and a diversity of geological facets that provide for movement and gene flow and accommodate range shifts and expansions in response to climate change.

- Conserve Focus and BLM Special Status Species habitat, vegetation types, and ecological processes of the Mojave and Sonoran deserts in each ecoregional subarea in the BLM Decision Area.
- Design landscape linkage corridors.
- Protect and maintain the permeability of landscape connections between neighboring mountain ranges to allow passage of resident wildlife by protecting key movement corridors or reducing barriers to movement within intermountain connections.
- Conserve unique landscape features, important landforms, and rare or unique vegetation types identified within the BLM Decision Area.

Ecological Processes:

- Promote ecological processes in the BLM Decision Area that sustain vegetation types and Focus and BLM Special Status Species and their habitat.
- Maintain natural surface- and ground-water processes in the planning area, including runoff regimes, percolation, storage, and Special Status Species habitat, including riparian, playa, seeps/springs, and desert wash resource elements.
- Maintain hydrogeomorphic processes that create habitat diversity, channel bank habitat and regeneration sites for plants and wildlife.
 - Protect streams and washes, wetlands, and seasonal wetlands in all watersheds in the planning area.
 - Restore natural flow stream morphology at modified sites that are not in proper functioning condition.
- Conserve floodplain groundwater recharge.
- Conserve undeveloped and natural areas within the watersheds of important riverine and drainage systems.
- Maintain or reestablish a fire regime that supports vegetation types and focus and BLM Special Status Species.
- Minimize or prevent new infestations and, where feasible in target areas, decrease from existing conditions invasive plant species that negatively affect vegetation types and Focus and BLM Special Status Species.
- Conserve the geomorphic (fluvial, alluvial, and Aeolian) processes associated with sand dune formation and the sand transport corridors between the sand dunes and their sand sources.
- Conserve or increase protective management to prevent structures capable of obstructing sand movement, within sand transport areas.

Species – Desert Tortoise:

- Within each desert tortoise recovery unit (USFWS 2011), on BLM land within the LUPA Decision Area, maintain well-distributed populations through a network of conservation lands that provide sufficient contiguous size and configuration to provide long-term population viability, connectivity, growth in recovery unit population size, and increases in recovery unit population distribution.
- Maintain functional linkages between Tortoise Conservation Areas to provide for long-term genetic exchange, demographic stability, and population viability within Tortoise Conservation Areas. Emphasize inclusion of high value contiguous habitats, and minimization and avoidance of disturbance in habitat with high desert tortoise habitat potential.

1.4.4.2 Steps in the Biological Conservation Planning Process

The following provides an overview of the approach used to identifying areas important for biological conservation and is a brief summary of the detailed information provide in the Draft DRECP and EIR/EIS, Appendix D (Reserve Design Development Process and Methods) and DRECP Proposed LUPA and Final EIS, Appendix D (DRECP LUPA Biological Conservation). Also included is a summary of the steps used to develop the biological conservation strategy, which included the conservation lands.

1.4.4.3 Steps in Identifying Areas Important for Biological Conservation

Identify the Planning Area and Existing Protected Areas. The initial step in the process was to identify the biological conservation framework planning area and areas with existing protections. The DRECP biological conservation framework was developed for the DRECP area (excluding military lands, BLM Open Off-Highway Vehicle (OHV) areas, and tribal lands), as in the Draft DRECP. The BLM LUPA addresses conservation and management of BLM-administered lands within the DRECP area, as well as conservation and management of BLM-administered lands within the CDCA outside the DRECP area (together called the LUPA Decision Area). Areas with existing protections served as building blocks for the biological conservation framework map and include Legislatively and Legally Protected Areas (LLPAs) and Military Expansion Mitigation Lands (MEMLs) (collectively referred to as Existing Conservation Areas). For the BLM LUPA, these areas include areas such as designated Wilderness areas, WSAs, and Wild and Scenic Rivers. Existing conservation areas on non-BLM lands are relevant to the BLM LUPA and were also part of the context for developing the LUPA conservation designations.

Incorporate Existing Planning and Early Coarse-Level Approaches. Existing planning and early coarse-level (or “coarse-filter”) approaches provided initial inputs into the development of the biological conservation framework map and included existing BLM

land use planning designations (i.e., resource conservation areas identified through the CDCA and RMPs), Renewable Energy Transmission Initiative (RETI) planning products, REAT Agencies Starting Point Maps, the DRECP Preliminary Conservation Strategy map, and the Marxan reserve optimization analysis.³

Incorporate Disturbed Lands Mapping and Intactness Information. Disturbed lands mapping and intactness analyses, from multiple sources, were used to further identify degraded and less ecologically intact areas considered less important for the biological conservation. These mapping products and analyses were included in the evaluation and refinement phase leading to the biological conservation framework map.

Apply the Design Driver Approach. As the biological conservation planning process progressed, resource mapping data quality has improved: species distribution models for focus species (referred to as Covered Species in the Draft DRECP) were vetted internally and externally, detailed vegetation (referred to as natural communities in the Draft DRECP) mapping was completed and incorporated, and habitat linkage and process information was integrated. These data improvements served as inputs to an approach that created an initial biological conservation framework map from “driver” resources, referred to as the focal species, natural communities, and processes approach. This map provided a key context for the development of the LUPA’s conservation designations.

Evaluate and Refine. Each of the above inputs were integrated and iteratively evaluated. Evaluations were conducted through collaborative geographic information system (GIS) mapping sessions, agency expert field reconnaissance, quantitative GIS analyses, comparisons with newly released data, and were consistent with the applicable FLPMA standards, regulations, policies and handbooks for designating ACECs. The conservation designations were also refined based on public input on the Draft DRECP, Proposed LUPA and Final EIS, and during the ACEC comment period.

1.4.4.4 Steps to Develop the Biological Conservation Strategy

The biological conservation planning process included the following steps, which at times were roughly sequential, but mostly iterative:

1. Establish the conservation focus (e.g., Focus and BLM Sensitive species, and vegetation types)

³ Biological reserve selection algorithm tool to develop “optimized” reserve configurations. A reserve selection algorithm called Marxan with Zones (Watts et al. 2009) was used to (1) evaluate the distribution of all GIS-based biological data (i.e., early versions of the land cover map, species habitat models, and species occurrence points) and existing conservation and (2) identify clusters of habitat where the most efficient reserve design can effectively meet the quantitative (goals and objectives) conservation targets.

2. Gather baseline biological information
3. Identify biological resource goals and objectives
4. Develop the conservation framework design (i.e., reserve design)
5. Design the layout of the conservation lands
6. Develop CMAs
7. Develop a monitoring and adaptive management approach

The conservation planning process considered conservation on public and private land. The BLM used this information to develop the alternatives for the LUPA as part of the integrated process in the Draft DRECP, the Proposed LUPA for the Final EIS.

I.4.5 Renewable Energy Goals and Planning Process

Through Congressional mandates, and Executive and Secretarial Orders, the federal government is directed to promote the development of domestic renewable energy resources. The BLM, as the largest federal land management agency in the California desert, is charged with the development of renewable energy that is consistent with the BLM's multiple use and sustained yield mandate; as well as FLPMA's recognition of the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources found in the CDCA (43 U.S.C. 1781[a][6]). The BLM is seeking to facilitate renewable energy development under Secretarial Order 3285A1 (DOI 2010) and meet the President's Climate Action Plan goals to facilitate additional renewable energy projects on the public lands to support 6 million homes by 2020.

The interagency DRECP, including the BLM LUPA component, is also an important part of the State of California's strategy for significantly increasing the use of renewable energy and reducing the combustion of fossil fuels. Although the state's requirements and goals are not binding on the BLM, they were considered by the REAT when developing the Draft DRECP and EIR/EIS, and the BLM has used them to help determine the potential demand for utility-scale renewable energy in the California desert.

To support the respective state and federal renewable energy goals, the Draft DRECP and EIR/EIS identified desert locations that are most compatible with renewable energy development and areas where the DRECP's mitigation and conservation efforts would be focused. The configuration of the DFAs as part of the DRECP (areas where resource conflicts are minimized and renewable energy development would be streamlined and incentivized) was a collaborative process that considered and integrated state and federal renewable energy goals, natural resources conservation needs, culturally important areas, recreation, and visual resources in the DRECP Plan Area, as well as information from renewable energy, conservation, utility, military, tribal, recreation, and other affected local

stakeholders. The process also considered information generated through the development of the Western Solar Plan. The LUPA carries forward the DFAs that occur on BLM-managed public lands and that were identified in Proposed LUPA and Final EIS. It does not identify DFAs on lands outside of BLM jurisdiction. The LUPA carries forward the Solar Energy Zones designated through the Western Solar Plan, with some adjustments based on new information, and makes refinements to variance lands and exclusion areas based on the collaborative process described below.

1.4.5.1 Guiding Principles

The DRECP partner agencies, stakeholders, and the public identified the following principles to guide the identification of areas compatible with renewable development:

1. Generation should be developed either on already-disturbed land or in areas of lower biological value, and conflict with both biological and non-biological resources should be minimized.
2. Areas identified for generation should have high-quality solar, wind, and/or geothermal renewable energy resources.
3. Generation should be sited close to existing transmission and in areas where transmission could be expected as a reasonable extension of the existing transmission system and planned system upgrades, as identified by the Renewable Energy Transmission Initiative, or other transmission plans.
4. Generation should, to the maximum extent possible, be aggregated to avoid transmission sprawl, reduce cost, and reduce disturbance across the Plan Area. Again, this principle aims to minimize disturbance to biologically, culturally, recreationally, and visually valuable areas.
5. The Plan should provide sufficient areas for development flexibility to ensure the Plan does not constrain competition within the market or unnecessarily result in distorted or environmentally incompatible incentives when implemented (i.e., where feasible, the Plan should remain market neutral between different technologies or different project configurations).

1.4.5.2 Steps in the Planning Process

To plan for future energy development consistent with federal and state policies and mandates, the BLM utilized the following process, which is described more fully in Section I.3.3.3 of the Final EIS.

Identify the Need for Desert Renewable Energy Generation. Estimate the desert-located renewable generation needed to meet both California's and applicable federal

renewable energy goals. This estimate, which is subject to a number of variables and uncertainties, is based on policies and programs affecting the supply of electricity and climate change, the projected mix of renewable and other zero- and low-carbon technologies, economic forecasts, and many other factors. Taking these variables into consideration, the CEC developed a number of plausible scenarios to ascertain the potential need for renewable energy in the desert region in the coming decades. Scenarios and input variables were honed over the course of more than a year based on public comments received from stakeholders and the public. The scenario planning effort ultimately focused on the potential need for renewable energy through 2040. The potential need identified in the scenarios was then adjusted to account for the uncertainty of long-range planning estimates, the desire to ensure flexibility and competitiveness in the renewable energy development industry, and the possibility that limited transmission capacity could constrain renewable energy development in one or more of the DFAs.

Estimate the Acreage that May be Needed. Estimate the acreage that may be needed to achieve the renewable energy goals identified above, accounting for differences in technology and local constraints on development, including land ownership issues and site-specific constraints to development such as very steep slope and environmental resource constraints (e.g., natural or cultural resources that need to be avoided).

Identify Suitable Locations for DFAs and Allocate MWs Among Them. Use resource distribution data, in combination with agency and stakeholder input, to identify and characterize areas suitable for renewable energy development based on the principles described above and accounting for the conservation goals identified during the reserve design process. Once DFA locations are identified, estimate renewable energy profiles that allocate generation capacity (MWs) to each technology and between DFAs for the purpose of transmission planning, resource impact analysis, and mitigation development. The method for this was described in Appendix F of the Draft DRECP and EIR/EIS.

Develop a Conceptual Transmission Plan. Develop a conceptual transmission plan to accommodate the new renewable energy generation planned for each DFA, with assistance from transmission planners from the municipal and investor-owned utilities that will purchase renewable power generated in the Plan Area, U.S. Department of Defense, California Public Utilities Commission (CPUC), and California Independent System Operator (CAISO).

1.4.5.3 Development Focus Areas

Using the principles laid out above to utilize disturbed lands where feasible, and to encourage compact development close to existing transmission, the REAT Agencies worked to identify DFAs.

In developing the DFAs, the aim was to try and identify already disturbed and degraded lands to avoid areas that were viewed as making significant contribution to the biological and non-biological conservation goals. The location, size, and distribution of DFAs were ultimately the result of spatial tradeoffs and restrictions placed on the development of renewable energy resources in the planning area by the various conservation designations in the area.

As part of the planning process various different DFA configurations were identified to assist evaluation of the different potential tradeoffs between renewable energy development goals and biological and non-biological conservation goals. Each subset of DFAs represented a different set of tradeoffs and resulted in potentially different mixes of energy generation types.

1.4.5.4 Solar and Wind Energy Proposed Rule

On September 26, 2014, the BLM published a proposed rule in the Federal Register called "Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections." The proposed rule would promote the use of preferred areas for solar and wind energy development (called "designated leasing areas"). The proposed rule establishes competitive processes, terms, and conditions for solar and wind energy rights-of-way both inside and outside of these preferred areas. The proposed rule outlines a competitive leasing process for solar and wind energy development in these areas. The DFAs designated on public lands through the DRECP process would be considered designated leasing areas, and would be managed consistent with the newly developed regulations when they are finalized. These new regulations, when finalized, would implement incentives for development in DFAs.

1.4.6 Recreation Planning Process

Through public outreach, scoping, and stakeholder involvement, the BLM determined that in order to meet its purpose and need and fulfill the requirements of FLPMA, it would be necessary to consider protection of areas used for recreation as part of the LUPA. Through scoping, other public involvement, and BLM staff expertise, the BLM identified existing SRMAs, and areas currently managed with a recreation emphasis, such as Open OHV areas, route networks popular for OHV touring, and popular hiking areas. A map showing proposed SMRAs was included in the *Description and Comparative Evaluation of Draft DRECP Alternatives*, published in December 2012. The BLM further refined the recreation areas being designated in the Draft DRECP and EIR/EIS and the Proposed LUPA and Final EIS, based on public input, feedback from user groups, and agency expertise.

I.4.7 Plan Integration

The processes described above focused on identification of California Desert National Conservation Lands, biological conservation components, renewable energy development, and recreation. These processes were fully integrated through the BLM land use planning process. This integrated planning process, which considered multiple use and sustained yield, as well as the conservation requirements of the Omnibus Act, is reflected in the elements of the LUPA, as described below.

The LUPA planning process incorporates the biological conservation and renewable energy strategies of the REAT Agencies and integrates them with the BLM planning process. Through this process, the BLM identified California Desert National Conservation Lands and other types of biological and cultural conservation areas, renewable energy development areas, and recreation management areas. The LUPA is summarized in Section II.1 below, which includes a description of the land use allocations and management actions. Section I.5 below explains how these elements achieve the BLM purpose and need.

I.4.8 Coordination of the DRECP LUPA with the West Mojave Route Network Planning Effort

The West Mojave Route Network Project (WMRNP) planning area is a subgeographic unit located totally within the DRECP LUPA Decision Area. Both the WMRNP Draft Plan Amendment and DRECP LUPA propose land-use planning changes to the CDCA Plan. The Supplemental Draft EIS for the WMRNP Draft Plan Amendment was released in March 2015 for a 90-day comment period. Based on review of the comments received during that time, and comments received on the Draft EIR/EIS for the DRECP, the BLM determined it was necessary to hold an additional public comment period on the WMRNP Supplemental Draft EIS. During the second comment period, the BLM solicited input on the overlap between the Draft DRECP and the WMRNP Supplemental Draft EIS. The BLM published a Notice of Availability on September 25, 2015, for a 122-day comment period, which closed January 25, 2016.

The WMRNP Draft Plan Amendment is narrower in scope than the DRECP LUPA. WMRNP planning decisions center around travel management and associated recreation management strategies. Specifically, the WMRNP Draft Plan Amendment proposes changes to the process for evaluating and designating the transportation network on BLM-managed lands in the West Mojave, as well as further limitations to off-route stopping, parking, and camping. In addition to the travel management and recreation decisions, the WMRNP considers elimination of grazing in designated desert tortoise critical habitat, consistent with a recent federal court order. These changes in the WMRNP Draft Plan Amendment do not affect the landscape-level proposals in the DRECP LUPA, and do not dictate particular outcomes in a specific area.

Both the WMRNP Draft Plan Amendment and the DRECP LUPA propose changes to grazing and recreation. The WMRNP Draft Plan Amendment preferred action replaces specified competitive recreation routes and the general guidance on running competitive special recreation permit events on designated routes in multiple-use class "L," with the designation of a subset of specific routes that may be used for competitive special recreation permits, further limiting the potential for conflicts in areas where DRECP LUPA is identifying one or more special designations. Reallocation of forage in specific grazing allotments is also proposed in both plans. These overlapping proposals have been reviewed and have been found to be consistent.

The WMRNP Draft Plan Amendment would be accompanied by travel management plans that include route designations, which are implementation decisions and not plan decisions. The implementation decisions in the WMRNP including the travel management plans and associated route designations, will be considered in the context of the DRECP LUPA decisions, especially disturbance caps, and are being designed to conform with the DRECP LUPA. Because the WMRNP will be completed after the DRECP LUPA ROD is signed, the WMRNP Plan Amendment and any implementation decisions developed pursuant to it will be subject to the plan decisions in the DRECP LUPA.

The BLM received protests and comments requesting that the WMRNP Plan Amendment be completed prior to identification of California Desert National Conservation Lands and allocation of ACECs. The BLM Land Use Planning Handbook (H-1601-1) states that designation of individual routes is an implementation action. Where it is not feasible to complete a travel management plan for a route network during the land use planning process, then that decision may be deferred until after the land use plan is completed. Because the travel management plan implements the goals and objectives of the land use plan, it would be inappropriate to create a route network before determining the resource-driven allocations that the network is intended to support. The DRECP LUPA does not change the existing travel management plans within the DRECP LUPA Decision Area; however, future travel management planning, including within the WMRNP, will need to consider the land use planning goals and objectives, land use allocations, and CMAs included in the DRECP LUPA.

1.4.9 Coordination of the DRECP with Newly Designated National Monuments

On February 12, 2016, President Obama signed three proclamations, creating the Mojave Trails National Monument, the Sand to Snow National Monument, and the Castle Mountain National Monument. These monuments are within the DRECP LUPA Decision Area, in whole or in part. The proclamation directs that Castle Mountain National Monument be managed by the National Park Service. The Mojave Trails National Monument is to be managed by the BLM, and the Sand to Snow National Monument is to be managed jointly by the BLM and the U.S. Forest Service.

The DRECP LUPA includes land use allocations and CMAs for the BLM lands within the Sand to Snow and Mojave Trails National Monuments (see Figures 3 and 4). The BLM has evaluated the monument proclamations and determined that many of the objects of the monuments were considered through the DRECP planning process, and the DRECP LUPA identifies protective measures or allocations for these objects. For example, the DRECP LUPA includes 5 new ACECs and 6 expanded ACECs within the Mojave Trails National Monument, and SRMA designations (such as the National Trails SRMA in Mojave Trails, and the Pacific Crest Trail SRMA in Sand to Snow) to manage recreation for visitors to the monument in a way that is consistent with protection of the monuments' objects.

The Proposed LUPA and Final EIS specifically considered the potential designation of the Mojave Trails and Sand to Snow National Monuments in Appendix X. The CMAs are generally consistent with the Proclamations, or silent on a potential use (e.g., travel management grazing). In some cases, specific ACECs are more restrictive than the Proclamations (e.g., right of way exclusion areas, closed to all mineral material sales). Where the CMAs allow a more impactful use, such as in General Public Lands or SRMA and ERMA with no conservation overlay, the BLM retains the authority to deny an application if site-specific NEPA analysis shows it is inconsistent with the Proclamations by which the monuments were designated.

The Proclamations direct the BLM to prepare monument management plans. BLM policy states that the BLM will provide land use plan direction for monuments in one of four ways: by developing a new stand-alone land use plan for the particular component, by amending an existing land use plan, by integrating the component's planning process into the planning process for a new or revised land use plan, or by an implementation-level plan. The BLM has begun public outreach for the Sand to Snow National Monument planning process through joint collaboration workshops hosted with the U.S. Forest Service. Public outreach for the Mojave Trails National Monument will likely begin in late 2016. These subsequent planning processes will incorporate and/or amend relevant decisions from the DRECP LUPA.

Additionally, the BLM has adjusted the Special Unit Management Plan for the Castle Mountain ACEC and ERMA to reflect the transfer of the Castle Mountain National Monument to the National Park Service.

I.5 Decision Rationale

The Approved LUPA was selected based on its balancing of the DRECP's renewable energy and conservation goals, as well as FLPMA's mandate for multiple use and sustained yield, and the requirements of the Omnibus Act for California Desert National Conservation Lands. Of the alternatives considered, it best meets the BLM's purpose and needs and statutory obligations. The Approved LUPA designates approximately 388,000

acres of DFA, which will provide a streamlined and incentivized process for the development of utility-scale renewable energy generation. In addition to the DFAs, there are approximately 40,000 acres of VPLs where renewable energy development may be considered and could be approved without a plan amendment. Additionally, there are 419,000 acres of General Public Lands (referred to as “Unallocated Lands” in the Proposed LUPA and Final EIS) and 35,000 acres of ERMA (not overlaid by a conservation allocation) where renewable energy development may be considered, but a plan amendment would be necessary for project approval.

The DFAs will provide enough land for the production of approximately 8,100 MWs of mixed technology renewable energy, using the DRECP’s 20,000 MW planning assumption by the year 2040 for both public and private lands. The DFAs could support up to approximately 27,000 MWs with 2016 technology. The renewable energy production in the DFAs will help the BLM meet the nationwide goal set by the President’s Climate Action Plan and will contribute to the State of California’s Renewables Portfolio Standard (RPS) standards (see Proposed LUPA and Final EIS, Appendix F). The MW capability in the DFAs does not account for renewable energy development potential on VPL, General Public Lands, or ERMA. As discussed above, these DFAs will encourage development in already-disturbed areas and in areas that are transmission-aligned.

In addition, the Approved LUPA identifies approximately 3,956,000 acres of California Desert National Conservation Lands, and allocates 6,527,000 acres of total conservation designations (i.e., California Desert National Conservation Lands; existing, modified, and new ACECs; and Wildlife Allocations) for biological, cultural, and other natural resource protection. These conservation lands connect existing protected areas to the larger landscape, facilitating ecological function, and enabling wildlife to move across the desert and adapt to a changing climate. Management actions are also identified for these areas to protect these resources. The conservation lands also protect more localized, but important, resources, such as cultural sites or unique vegetative communities and plant assemblages, with site-specific management identified in the Special Unit Management Plans.

Finally, the Approved LUPA allocates approximately 2,691,000 acres of SRMAs and 903,000 acres of ERMAs, which recognizes the importance of recreation in the California Desert, providing for protection and management of this use.

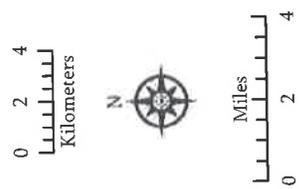
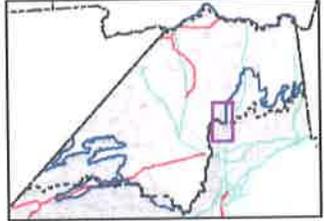
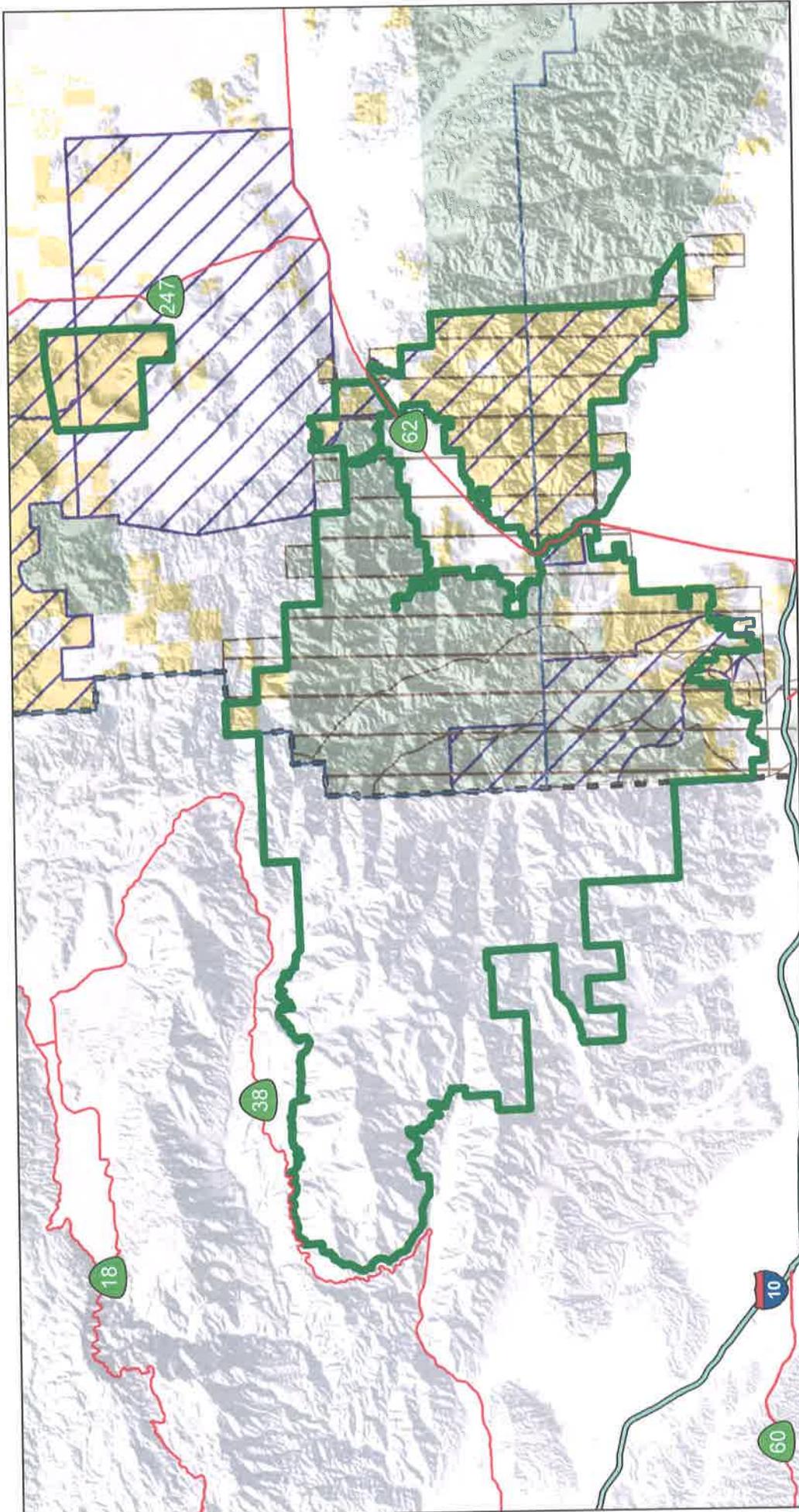


Figure 3
Sand to Snow National Monument
with DRECP Allocations

8/1/2016
 BLM California State Office

| | | | |
|---|----------------------------|---|---------------------------|
|  | National Monument Boundary |  | DRECP Boundary |
|  | SRMA Boundaries |  | CDCA Boundary |
|  | ACEC Boundaries |  | LLPA |
|  | CDNCL Boundaries | Land Status | |
| | |  | Bureau of Land Management |
| | |  | Department of Defense |




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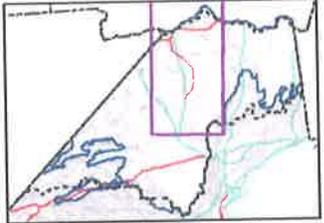
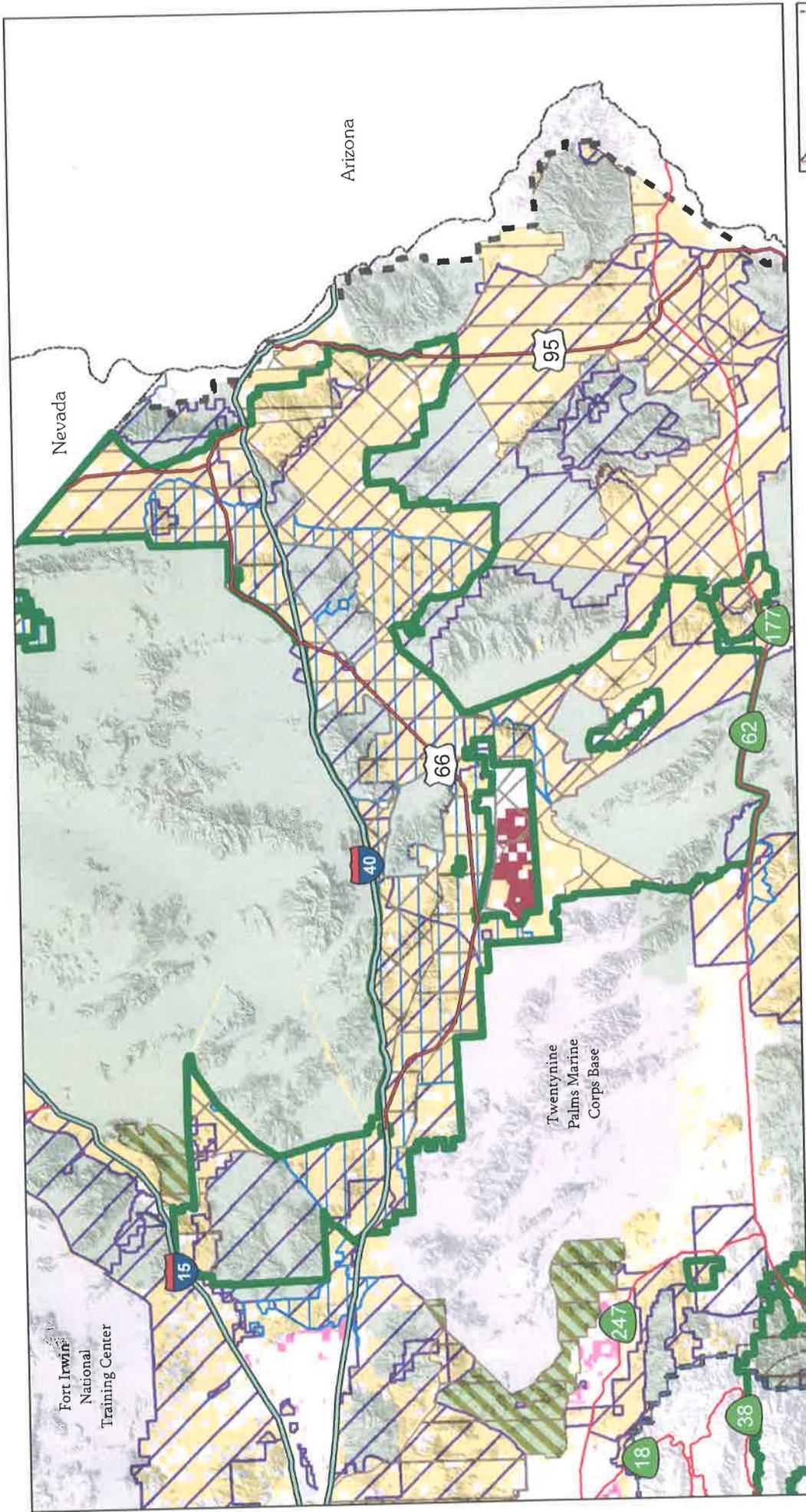


Figure 4
Mojave Trails National Monument
with DRECP Allocations

8/1/2016
 BLM California State Office

| | |
|----------------------------|---------------------------|
| National Monument Boundary | DRECP Boundary |
| ERMA Boundaries | CDCA Boundary |
| SRMA Boundaries | LLPA |
| ACEC Boundaries | Open OHV Areas |
| CDNCL Boundaries | Land Status |
| Renewable Footprint | Bureau of Land Management |
| DFA | Department of Defense |
| VPL | |




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The Approved LUPA was modified in response to input received during the protest period and the ACEC comment period. Those changes include, among other things, modifications and/or clarifications to various CMAs and minor modifications to ACEC boundaries. Those changes are with the range of alternatives and environmental impacts analyzed in the Final EIS, and do not constitute a significant change from the proposed LUPA. (See Section II.3 below for a summary of modifications.) The basis for the BLM's decision to approve the LUPA is the analysis of environmental impacts in Volume IV of the Final EIS, renewable energy planning assumptions developed in partnership with the CEC, and on the cooperating agency, stakeholder, and public input gathered throughout the planning process.

I.6 Implementation

Future decisions made in conformance with CDCA Plan and Bishop and Bakersfield RMPs, as amended by the Approved LUPA, will serve to continuously and actively implement its provisions.

Immediate Decisions. These decisions are land use planning decisions that go into effect when the ROD is signed. These include goals, objectives, land allocations, and CMAs. These decisions require no additional analysis and will guide future land management actions and subsequent site-specific implementation decisions in the LUPA Decision Area. Proposals for future actions, such as a right-of-way (ROW) application for a solar energy project, will be reviewed against these plan decisions to determine if the proposal is in conformance with the plan.

One-Time Future Decisions. These are the types of decisions that are not implemented until additional decision-making and site-specific analysis is completed. Examples are implementation of the recommendations to withdraw lands from locatable mineral entry, decisions to approve and implement habitat restoration projects, approval of a renewable energy ROW application, or further incentivizing renewable energy development in DFAs through designated leasing areas under BLM's proposed rule and mitigation strategies. Future one-time decisions require additional analysis and decision-making and are prioritized consistent with BLM priorities and funding, or developed as mitigation for other activities within the LUPA Decision Area.

Within 60 to 90 days after signing of the DRECP LUPA ROD, the BLM will issue a Notice of Proposed Withdrawal for a subset of the California Desert National Conservation Lands. This subset is considered Phase 1 of 2 for proposed withdrawals from mineral entry for the California Desert National Conservation Lands. A notice of proposed withdrawal would be published in the Federal Register, opening a 90-day public comment period. Upon publication of that notice, and subject to valid existing rights and to the extent specified in the notice, the lands identified would be segregated from location and new entry for up to two years while the Secretary decides whether to approve the withdrawal.

After issuing the ROD, the BLM will prepare implementation strategies that establish tentative time frames and prioritization for completing one-time decisions, other than the Phase 1 proposed withdrawal noted above, identified in the Approved LUPA. The BLM may develop zoned implementation strategies based on resource and management considerations. These strategies will assist BLM managers and staff in preparing budget requests and in scheduling work. However, any proposed strategy must be considered tentative and will be affected by future funding, nondiscretionary workloads, and cooperation by partners and the public. Regular review of the strategy(s) will provide consistent tracking of accomplishments and will provide information that can be used to develop annual budget requests to continue successful implementation. The BLM will continue working with DRECP partner agencies, other agencies with jurisdiction by law or special expertise in the DRECP LUPA Decision Area, stakeholders and other members of the public as it implements the Approved LUPA.

The Approved LUPA includes a more detailed discussion of Implementation.

II DECISION

II.1 Summary of the Approved LUPA

The following provides an overview of the Approved LUPA, which is based, with minor modifications, on the Proposed LUPA analyzed in the Final EIS. Those modifications are listed in Section II.3 below. The Approved LUPA integrates renewable energy and resource conservation with other existing uses on BLM-managed land within the DRECP Plan Area (LUPA Decision Area).

II.1.1 Land Use Plan Decisions

At the broadest level, the Approved LUPA includes the following components, each of which is explained below: DFAs, VPLs, General Public Lands (referred to as “Unallocated lands” in the Proposed LUPA), BLM Conservation Areas, and Recreation Management Areas.

Development Focus Areas (DFAs). Represent the areas within which solar, wind and geothermal renewable energy development and associated activities are allowable uses, incentivized, and could be streamlined for approval. The Approved LUPA streamlines and provides incentives for renewable energy projects sited in DFAs. Transmission projects are linear projects traversing DFAs and areas outside DFAs, and would occur in previously designated corridors and other identified areas, on public land.

Variance Process Lands (VPLs). These lands are available for solar, wind and geothermal renewable energy development. Renewable energy projects on VPLs are not streamlined, nor incentivized, and have a specific set of CMAs. Project applicants must demonstrate that a proposed activity on VPLs will avoid, minimize, and/or compensate for impacts to sensitive resources as per the CMAs, will be compatible with any underlying BLM land allocation, and per the CMAs be compatible with and not have an adverse effect on the LUPA design and DRECP strategies. Renewable energy applications in VPLs will follow the variance process described in the Western Solar Plan (i.e., Solar Programmatic EIS) ROD, Section B.5.

General Public Lands (“Unallocated Lands” in the Proposed LUPA). BLM-administered lands that do not have a specific land allocation or designation. These areas are available to renewable energy applications, but are not subject to permit review streamlining or other incentives. The Approved LUPA includes CMAs that apply to activities in General Public Lands. General Public Lands were referred to as “Undesignated or Unallocated areas” and covered by the plan-wide CMAs in the Draft DRECP and EIR/EIS. Based on public comment, the BLM provided a map of these areas in the Proposed LUPA and Final EIS and clarified how these areas would be managed. These clarifications are carried into the Approved LUPA and summarized in Section II.3 below.

BLM Conservation Areas. Under the Approved LUPA, the following conservation designations are approved: ACECs and Wildlife Allocations. The Approved LUPA also identifies California Desert National Conservation Lands under the Omnibus Act.

Recreation Management Areas. The Approved LUPA includes two types of recreation management areas: SRMAs and ERMAs.

Because the DRECP was developed as an interagency plan, the Draft DRECP and EIR/EIS included areas that are not managed by the BLM and identified those areas for renewable energy development and conservation. These areas are not covered under the Approved LUPA. Also, most of the Approved LUPA land designations include some nonfederal land within their boundaries; however, the Approved LUPA decisions only apply to BLM-managed public lands. LUPA decisions will not change management on lands outside of the BLM's jurisdiction, even if the land is within the boundary of a BLM land designation. Inclusion of nonfederal land within the boundary of a BLM designation is solely for BLM administrative purposes, if and when any portion of the land is acquired by BLM.

As shown in Table 1, approximately 10,818,000 acres of BLM-administered lands occur within the LUPA Decision Area.

Table 1
DRECP LUPA Summary

| Land Allocations | Acreage^{1,2} |
|--|------------------------------|
| DFAs | 388,000 |
| VPLs | 40,000 |
| Total BLM LUPA Conservation Designations ³ | 6,527,000 |
| Recreation Management Areas (SRMAs and ERMAs) ⁴ | 3,595,000 |
| General Public Lands | 419,000 |
| DRECP LUPA Area Total⁵ | 10,818,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ Includes California Desert National Conservation Lands, ACECs, and Wildlife Allocations. A portion of this acreage overlaps Existing Conservation Areas and Recreation Designations.

⁴ Includes SRMAs and ERMAs. A portion of this acreage overlaps Existing Conservation Areas and LUPA Conservation Designations

⁵ Reflects the total acreage of BLM administered lands in the DRECP LUPA Decision Area; total is not a sum of the LUPA components due to overlapping designations.

Table 2a summarizes the DRECP LUPA land allocations including the allocations in the Mojave Trails and Sand to Snow National Monuments, and Table 2b summarizes the DRECP LUPA land

allocations excluding the allocations in the Mojave Trails and Sand to Snow National Monuments. Table 3 and Table 4 summarize the DRECP LUPA land allocations in the Mojave Trails National Monument and in the Sand to Snow National Monument, respectively.

Table 2a
DRECP LUPA Allocations
Including Allocations in the Mojave Trails and Sand to Snow National Monuments

| LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | 388,000 |
| Variance Process Lands | 40,000 |
| California Desert National Conservation Lands | 3,956,000 |
| ACEC | 6,063,000 ³ |
| Wildlife Allocation | 18,000 |
| SRMA | 2,691,000 ⁴ |
| ERMA | 903,000 ⁵ |
| General Public Lands | 419,000 |
| Total⁶ | 10,818,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ ACEC acreage includes that which also overlaps with other land allocations, including the Mojave Trails National Monument, Sand to Snow National Monument, California Desert National Conservation Lands, Wilderness, Wilderness Study Areas, SRMAs and ERMAs.

⁴ SRMA acreage includes that which overlaps with other land allocations, including the Mojave Trails National Monument, Sand to Snow National Monument, California Desert National Conservation Lands, and ACECs.

⁵ ERMA acreage includes that which overlaps with other land allocations, including the Mojave Trails National Monument, California Desert National Conservation Lands, and ACECs.

⁶ Reflects the total acreage of BLM administered lands in the DRECP LUPA Decision Area; total is not a sum of the LUPA components due to overlapping designations.

Table 2b
DRECP LUPA Allocations
Excluding Acreage in the Mojave Trails and Sand to Snow National Monuments

| LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | 388,000 |
| Variance Process Lands | 40,000 |
| California Desert National Conservation Lands | 2,886,000 |
| ACEC | 4,863,000 ³ |
| Wildlife Allocation | 18,000 |
| SRMA | 2,133,000 ⁴ |

Table 2b
DRECP LUPA Allocations
Excluding Acreage in the Mojave Trails and Sand to Snow National Monuments

| LUPA Allocations | Total Acreage ^{1, 2} |
|--------------------------|-------------------------------|
| ERMA | 450,000 ⁵ |
| General Public Lands | 419,000 |
| Total⁶ | 9,118,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ ACEC acreage includes that which also overlaps with other land allocations, including California Desert National Conservation Lands, Wilderness, Wilderness Study Areas, SRMAs and ERMAs.

⁴ SRMA acreage includes that which overlaps with other land allocations, including, California Desert National Conservation Lands and ACECs.

⁵ ERMA acreage includes that which overlaps with other land allocations, including California Desert National Conservation Lands and ACECs. 35,000 acres do not overlap with any other LUPA allocation, these are the ERMA lands that are open for renewable energy development.

⁶ Reflects the total acreage of BLM administered lands in the DRECP LUPA Decision Area minus the Mojave Trails and Sand to Snow National Monuments that overlap the DRECP LUPA; total is not a sum of the LUPA components due to overlapping designations.

Table 3a
DRECP LUPA Allocations
in the Mojave Trails National Monument

| LUPA Allocations inside the Mojave Trails National Monument | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | — |
| Variance Process Lands | — |
| California Desert National Conservation Lands | 1,027,000 |
| ACEC | 1,148,000 |
| Wildlife Allocation | — |
| SRMA | 466,000 |
| ERMA | 453,000 |
| General Public Lands | — |
| Total³ | 1,602,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ Reflects the total acreage of BLM administered lands in both DRECP LUPA Decision Area and the Mojave Trails National Monument; total is not a sum of the LUPA components due to overlapping designations.

**Table 3b
DRECP LUPA Allocations
in the Sand to Snow National Monument**

| LUPA Allocations inside the Sand to Snow National Monument | Total Acreage ^{1, 2} |
|--|-------------------------------|
| DFAs | — |
| Variance Process Lands | — |
| California Desert National Conservation Lands | 43,000 |
| ACEC | 51,000 |
| Wildlife Allocation | — |
| SRMA | 92,000 |
| ERMA | — |
| General Public Lands | — |
| Total³ | 99,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ Reflects the total acreage of BLM administered lands in both DRECP LUPA Decision Area and the Sand to Snow National Monument; total is not a sum of the LUPA components due to overlapping designations.

The following tables (Tables 4a, 4b, 5, and 6) break out the LUPA land allocations by land use plan. The CDCA Plan information is displayed in two different tables: (1) all LUPA allocation acres, including those within the Mojave Trails and Sand to Snow National Monuments; and (2) LUPA allocation acres, minus the 1.3 million acres of overlap between the Mojave Trails and Sand to Snow National Monuments and the DRECP LUPA.

**Table 4a
DRECP LUPA – CDCA Plan
Including Allocations in the Mojave Trails and Sand to Snow National Monuments**

| CDCA LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | 388,000 |
| Variance Process Lands | 40,000 |
| California Desert National Conservation Lands | 3,956,000 |
| ACEC | 6,032,000 ³ |
| Wildlife Allocation | — |
| SRMA | 2,663,000 ⁴ |
| ERMA | 903,000 ⁵ |
| General Public Lands | 358,000 |
| CDCA Total⁶ | 10,664,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to

the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ ACEC acreage includes that which also overlaps with other land allocations, including the Mojave Trails National Monument, Sand to Snow National Monument, California Desert National Conservation Lands, Wilderness, Wilderness Study Areas, SRMAs and ERMAs.

⁴ SRMA acreage includes that which overlaps with other land allocations, including the Mojave Trails National Monument, Sand to Snow National Monument, California Desert National Conservation Lands, and ACECs.

⁵ ERMA acreage includes that which overlaps with other land allocations, including the Mojave Trails National Monument, California Desert National Conservation Lands, and ACECs.

⁶ Reflects the total acreage of BLM administered lands in the CDCA portion of the DRECP LUPA Decision Area; total is not a sum of the LUPA components due to overlapping designations.

Table 4b
DRECP LUPA – CDCA Plan
Excluding Acreage in the Mojave Trails and Sand to Snow National Monuments

| CDCA LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | 388,000 |
| Variance Process Lands | 40,000 |
| California Desert National Conservation Lands | 2,886,000 |
| ACEC | 4,833,000 ³ |
| Wildlife Allocation | — |
| SRMA | 2,104,000 ⁴ |
| ERMA | 450,000 ⁵ |
| General Public Lands | 358,000 |
| CDCA Total⁶ | 8,963,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ ACEC acreage includes that which also overlaps with other land allocations, including California Desert National Conservation Lands, Wilderness, Wilderness Study Areas, SRMAs and ERMAs.

⁴ SRMA acreage includes that which overlaps with other land allocations, including, California Desert National Conservation Lands and ACECs.

⁵ ERMA acreage includes that which overlaps with other land allocations, including California Desert National Conservation Lands and ACECs.

⁶ Reflects the total acreage of BLM administered lands in the CDCA portion of the DRECP LUPA Decision Area minus the 1.3 million acres of the Mojave Trails and Sand to Snow National Monuments that overlap the DRECP LUPA allocations; total is not a sum of the LUPA components due to overlapping designations.

Table 5
DRECP LUPA – Bishop RMP

| Bishop RMP LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | — |
| Variance Process Lands | — |
| California Desert National Conservation Lands | — |
| ACEC | 29,000 ³ |
| Wildlife Allocation | — |
| SRMA | 29,000 |
| ERMA | — |
| General Public Lands | 61,000 |
| Bishop RMP Total⁴ | 135,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ ACEC acreage includes that which also overlaps with other land allocations, including Wilderness Study Areas and SRMAs.

⁴ Reflects the total acreage of BLM administered lands in the Bishop RMP portion of the DRECP LUPA Decision Area; total is not a sum of the LUPA components due to overlapping designations and acreage within existing conservation areas.

Table 6
DRECP LUPA – Bakersfield RMP

| Bakersfield RMP LUPA Allocations | Total Acreage ^{1, 2} |
|---|-------------------------------|
| DFAs | — |
| Variance Process Lands | — |
| California Desert National Conservation Lands | — |
| ACEC | 1,500 |
| Wildlife Allocation | 18,000 |
| SRMA | — |
| ERMA | — |
| General Public Lands | — |
| Bakersfield RMP Total³ | 20,000 |

¹ The following general rounding rules were applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ Reflects the total acreage of BLM administered lands in the Bakersfield RMP portion of the DRECP LUPA Decision Area

Figure 5 provides the map of the major land allocations for the Approved LUPA. Figures 6–8 provide maps of the Approved LUPA ecological and cultural conservation and recreation designations combined, ecological and cultural conservation designations alone, and recreation designations alone. Figure 9 provides the map of the lands managed to protect wilderness characteristics. Figure 10 provides the map of the renewable energy designations (i.e., DFAs and Variance Process Lands). Figure 11 provides the map of Visual Resource Management (VRM) classes. Figure 12 provides the map of the General Public Lands (GPLs).

In addition to the land use allocations listed above, land use plan decisions for public lands fall into two categories: desired outcomes (goals and objectives) and allowable uses (including restricted or prohibited) and actions anticipated to achieve desired outcomes. In the Approved LUPA, CMAs represent those management actions and allowable uses. The Approved LUPA includes goals and objectives and CMAs governing activities in the Decision Area for the following resources:

- Biological Resources
- Air Resources
- Climate Change and Adaption
- Comprehensive Trails and Travel Management
- Cultural Resources and Tribal Interest
- Lands and Realty
- Livestock Grazing
- Minerals
- Paleontology
- Recreation and Visitor
- Services
- Soil, Water, and Water
- Dependent Resources
- Special Vegetation Features
- Vegetation
- Visual Resources
- Management
- Wild Horses and Burros
- Wilderness Characteristics

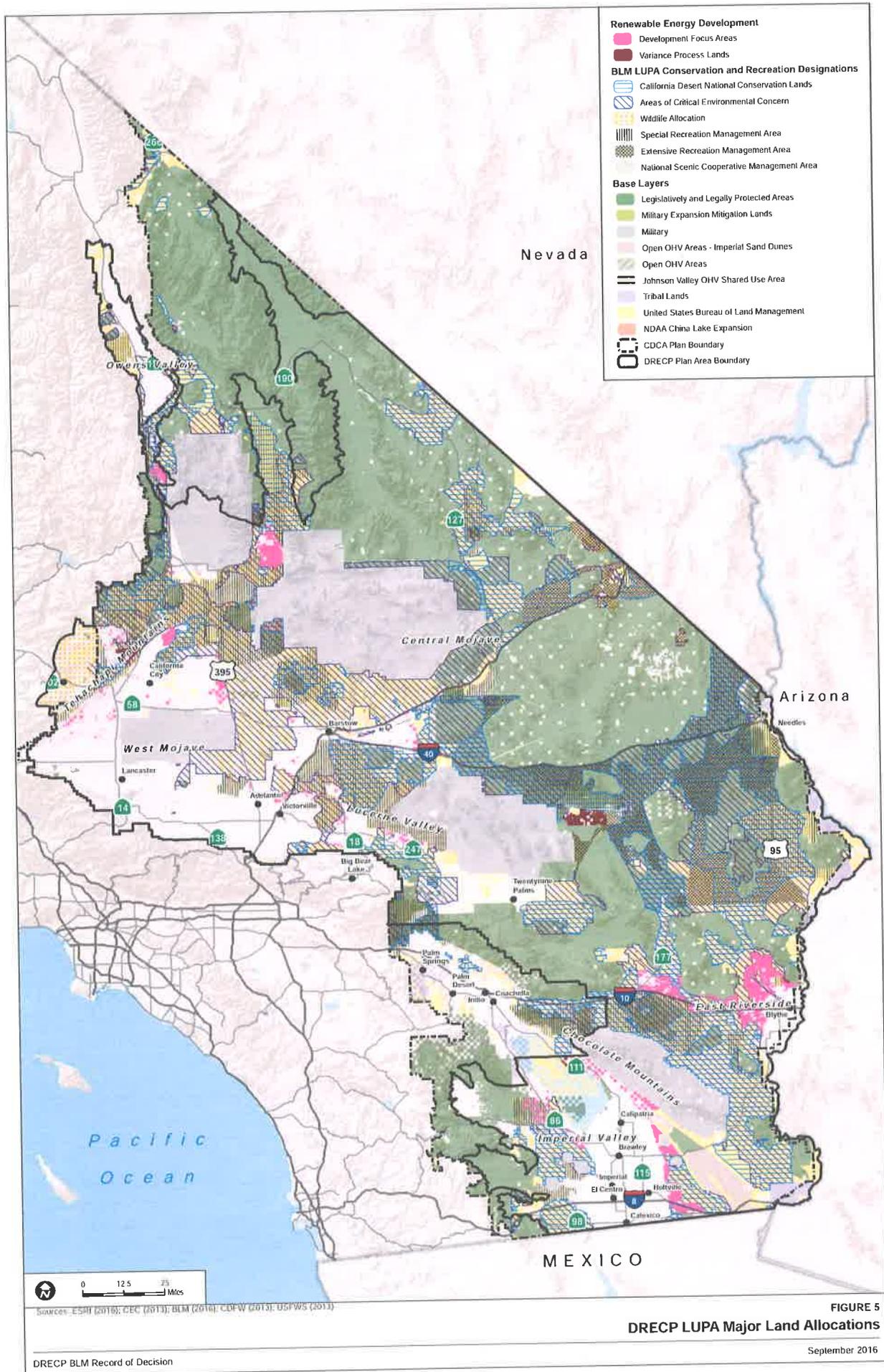
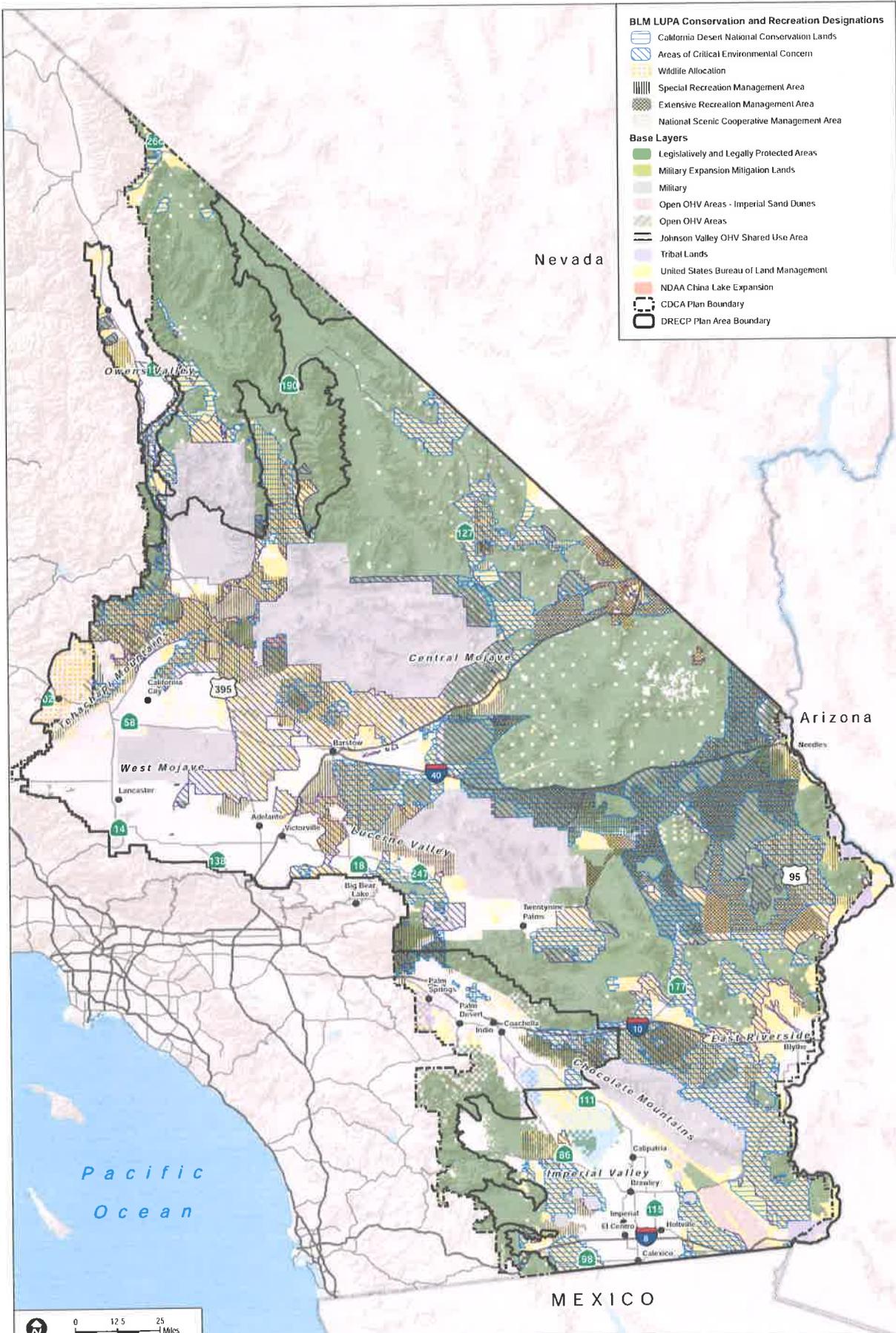


FIGURE 5
DRECP LUPA Major Land Allocations

September 2016

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Sources: ESRI (2016); CEC (2013); BLM (2015); CDCA (2013); USFWS (2013)

FIGURE 6
DRECP LUPA Conservation and Recreation Designations

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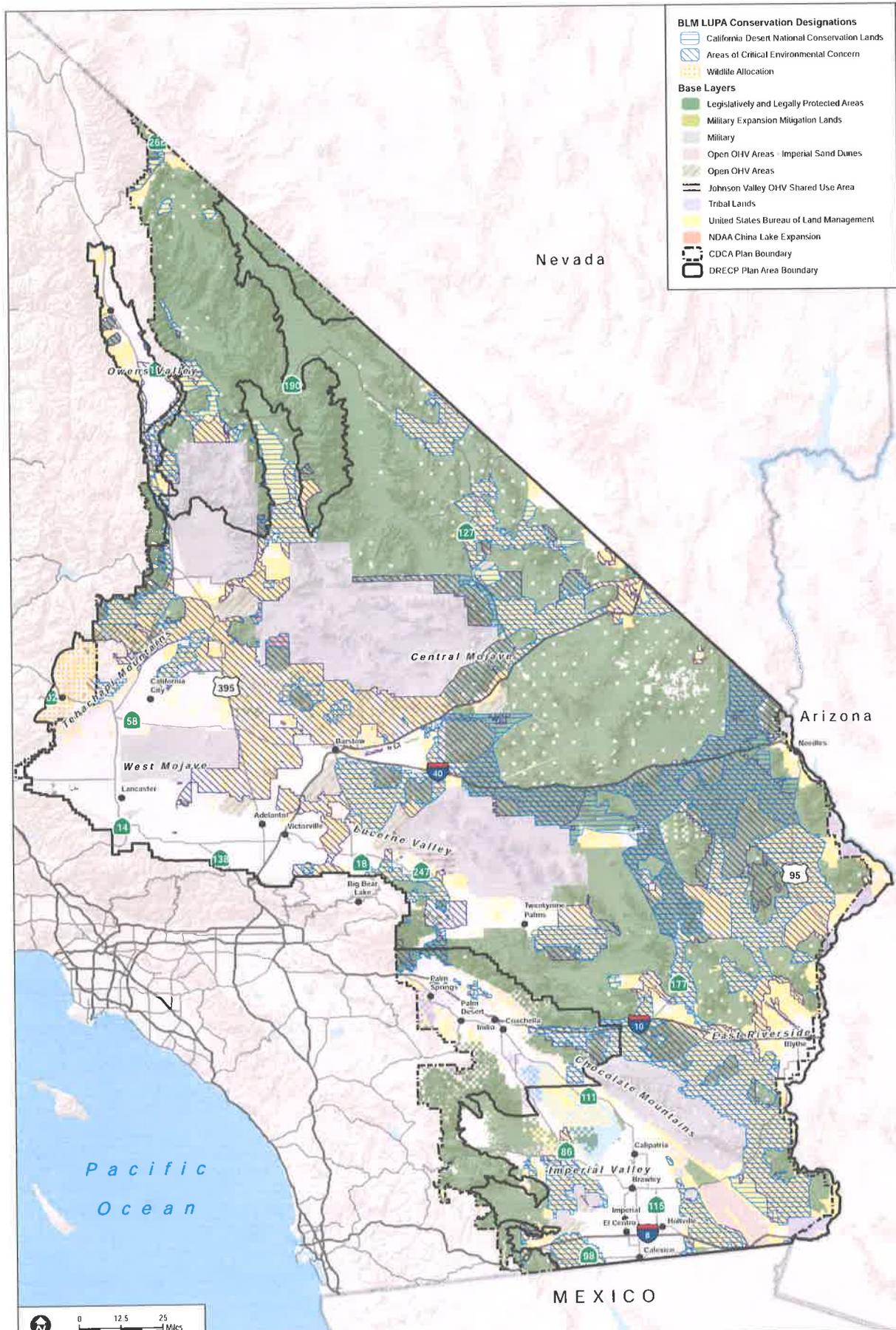


FIGURE 7
DRECP LUPA Conservation Designations

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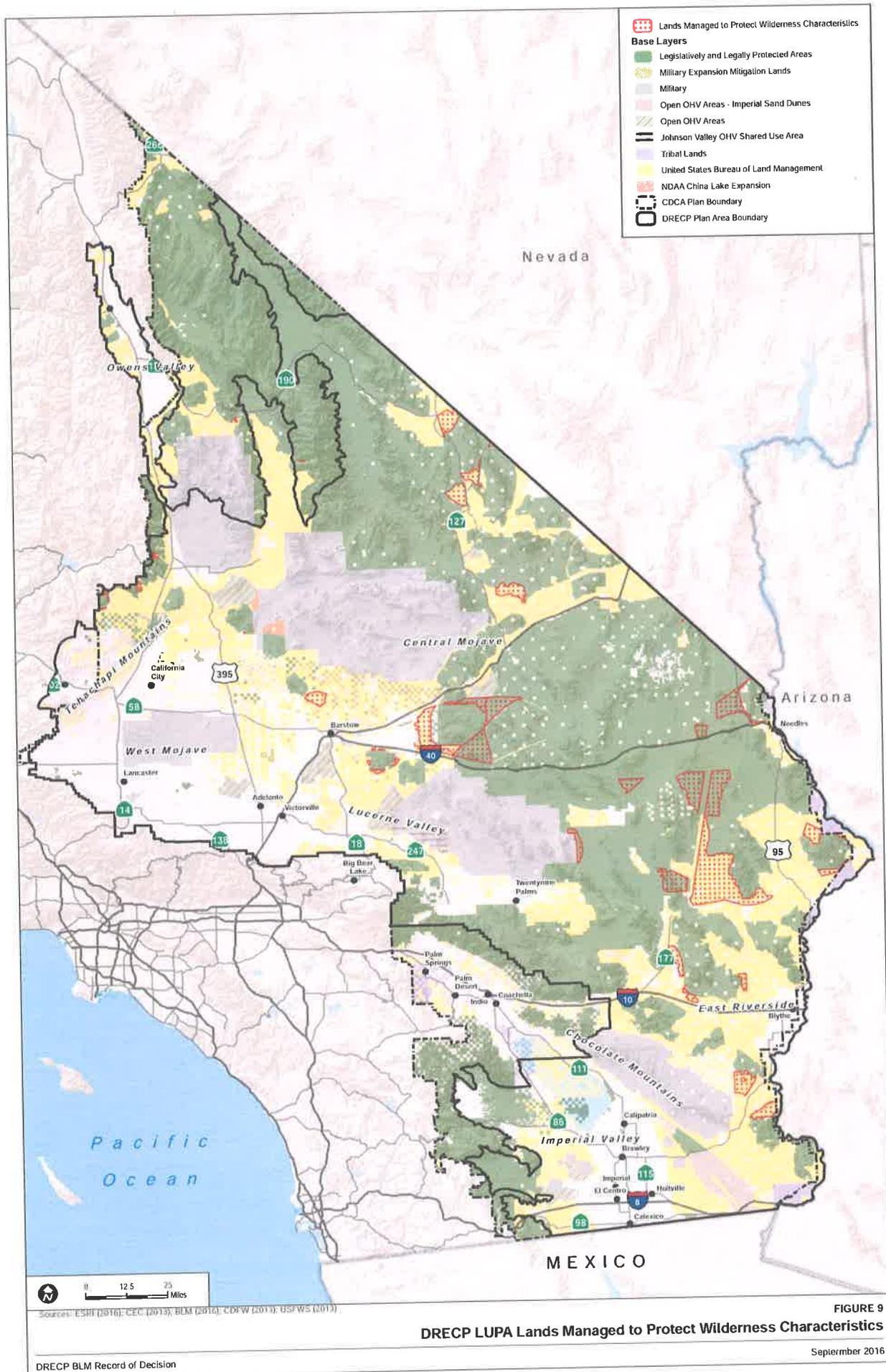
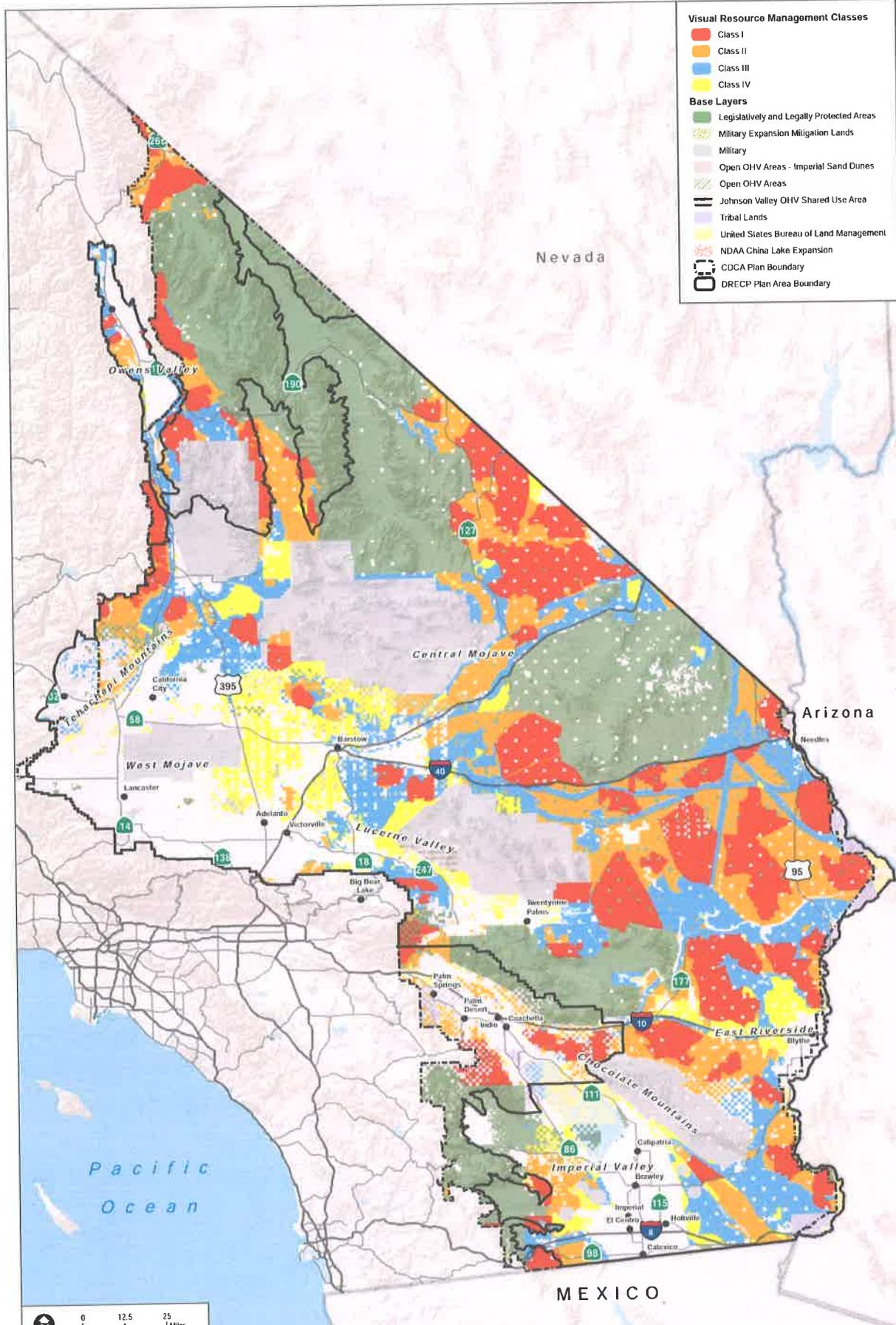


FIGURE 9
DRECP LUPA Lands Managed to Protect Wilderness Characteristics

September 2016

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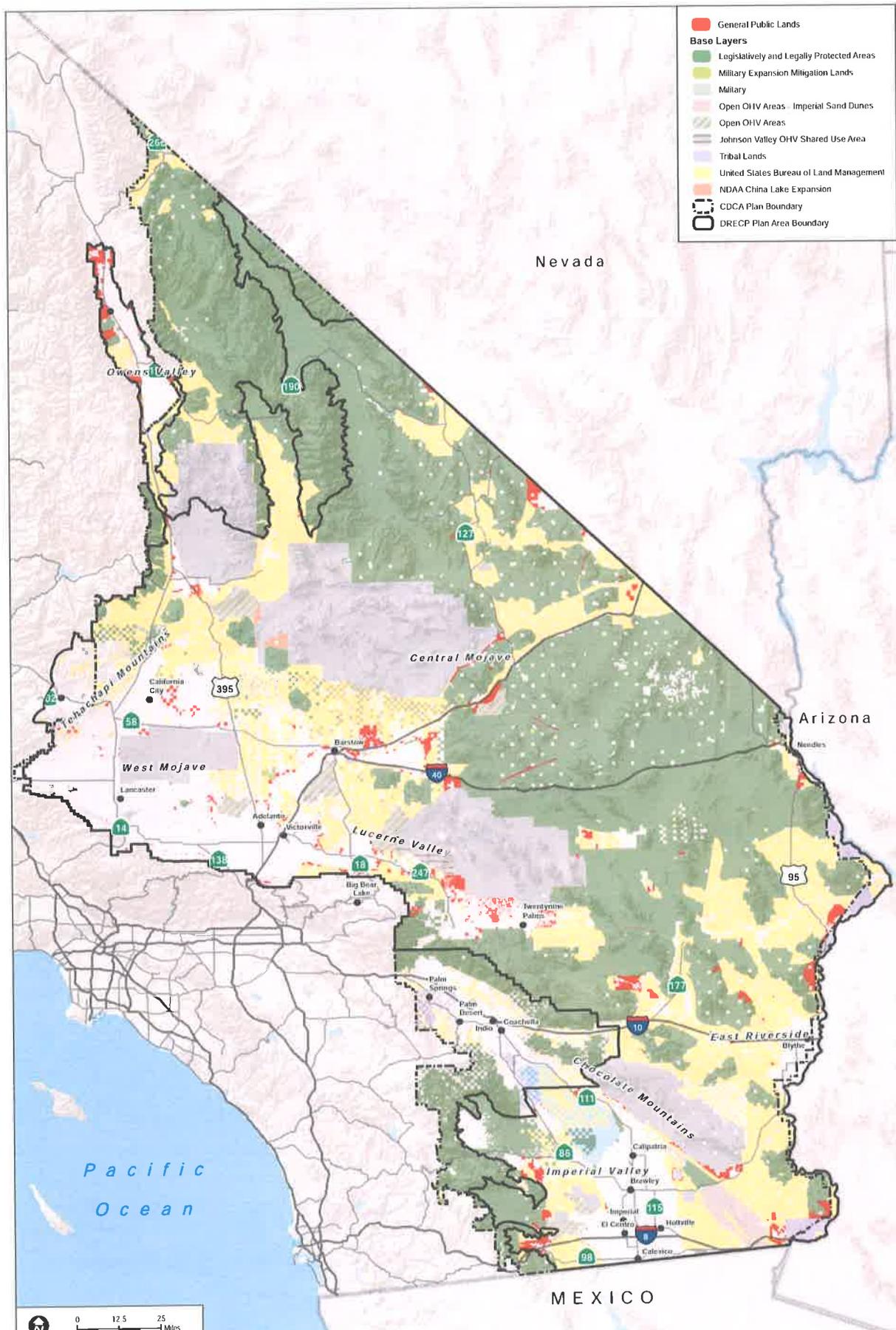
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Sources: ESR (2010); CCC (2013); BLM (2016); CDFW (2011); USFWS (2013)

FIGURE 11
DRECP LUPA Visual Resource Management Classes

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Sources: ESRI (2016); DEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 12
DRECP LUPA General Public Lands

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The CMAs were designed to achieve the goals and objectives for activities within the LUPA's various land use allocations. These measures identify a specific set of avoidance, minimization, and compensation measures, and allowable and non-allowable actions for siting, design, pre-construction, construction, maintenance, implementation, operation, and decommissioning activities on BLM-managed lands. The intent of these is to provide certainty on what avoidance and minimization measures, design features, and compensation/mitigation measures would be required for a particular action within any one of the LUPA's land use allocation types. Some CMAs apply planning-area wide, whereas others apply only within specific land use allocations.

In connection with the review of a particular activity, the BLM will determine, on a case-by-case basis, which CMAs apply to any given activity based on its location and the resources present there. At the outset, it should be noted that each CMA applies to actions that may impact the resource for which the CMA was developed. However, the BLM recognizes that with changing science and technology, there may be alternative methods to meet the purpose and objectives of the CMAs. As part of subsequent project-specific NEPA analyses, a project proponent may be able to propose alternative methods for compliance with a particular CMA. The BLM California State Director will review such requests, in collaboration with USFWS, CEC, and CDFW, and may analyze, as appropriate, whether any proposed alternative approach or design feature to avoid, minimize, or mitigate impacts: (1) meets the goals and objectives for which the CMA was established, (2) and provides for a similar or lesser environmental impacts. Such alternate methods would be addressed as part of any subsequent project-specific approvals.

In total, the Proposed LUPA identified CMAs for 14 different resources. As a result of additional internal reviews, protests, and public comments, the BLM has clarified or modified a number of these CMAs, and added 4 additional CMAs. These changes have been incorporated into the CMAs in Approved LUPA. The modifications, clarifications, and additions do not constitute any individual or cumulative change to the LUPA that would warrant a new or supplemented EIS. They are consistent with the ESA section 7 Biological Opinion, and do not require an amendment to the National Historic Preservation Act (NHPA) section 106 Programmatic Agreement. They do not represent a significant change to the Proposed LUPA.

The Approved LUPA also includes amendments to the CDCA both within and outside of the DRECP Plan Area. This includes land use allocations to replace the CDCA plan multiple-use classes, establishment of Visual Resource Management Classes, and identification of California Desert National Conservation Lands.

The Approved LUPA includes Special Unit Management Plans for ACECs (Approved LUPA Appendix B), SRMAs, and ERMAs (Approved LUPA Appendix C). For ACECs, the Special Unit

Management Plans provide the Objectives, Allowable Uses, and Management Actions for those ACECs that do not have an existing management plan. For those existing ACECs that have an existing management plan, the Special Unit Management Plans provide an augmentation of the existing management plans. As such, in the absence of a more-detailed plan, the Special Unit Management Plans are the plan for the unit, until/if BLM approves a more-in-depth plan.

The BLM LUPA does not modify existing utility corridors, including those identified as “corridors of concern” in the Section 368 Energy Corridors settlement agreement described in Volume I, Section I.2.1.8.7, in the Proposed LUPA and Final EIS.

II.1.2 California Desert National Conservation Lands

The Approved LUPA identifies California Desert National Conservation Lands, which are nationally significant landscapes within the CDCA with outstanding cultural, ecological, and scientific values, and establishes CMAs to conserve, protect, and restore these landscapes. Once identified through the Approved LUPA, the Omnibus Act directs the BLM to permanently include these lands in the National Landscape Conservation System.

II.2 What the ROD and Approved LUPA Does Not Provide

The Approved LUPA does not include decisions for public lands outside of the LUPA Decision Area. The LUPA recognizes valid existing rights. A valid existing right is a documented, legal right or interest in the land that allows a person or entity to use said land for a specific purpose. Such rights may have been reserved, acquired, leased, granted, permitted, or otherwise authorized over time. Valid existing rights may not be denied or extinguished through a plan amendment. The BLM will evaluate the applicability of valid existing rights on a case-by-case basis, and in situations where the BLM retains authority to require design features or mitigation, the BLM will apply DRECP LUPA decisions to the extent authorized by the relevant statutes and regulations.

The LUPA only applies to BLM-administered lands within the LUPA Decision Areas, and does not include decisions for lands not administered by the BLM.

In addition, many decisions are not appropriate at this level of planning and are not included in or otherwise affected by the ROD. Examples of these types of decisions are the following:

- **Statutory Requirements.** The decision will not change the BLM’s responsibility to comply with applicable laws, rules, and regulations.
- **National Policy.** The decision will not change the BLM’s obligation to conform to current or future national policy.

- **Funding Levels and Budget Allocations.** These are determined annually at the national level based on Congressional appropriations and are beyond the control of the BLM State, District, or Field Offices.

Implementation decisions (or activity-level decisions) are management actions tied to a specific location. They generally constitute the BLM's final approval allowing on-the-ground actions to proceed and require appropriate site-specific planning and NEPA analysis. Such decisions may be incorporated into implementation plans (activity or project plans) or may be stand-alone decisions. The Approved LUPA does not contain implementation decisions. Implementation decisions and management actions that require additional site-specific project planning, as funding becomes available, will require further environmental analysis.

The Approved LUPA does not propose or recommend withdrawal of any lands from location and entry under the United States mining laws. As outlined in Appendix Z of the Proposed LUPA and Final EIS, the BLM intends to publish a Notice of Proposed Withdrawal after this ROD is issued. Through that separate withdrawal process, DOI will consider withdrawal of priority California Desert National Conservation Lands. Any proposed withdrawals or withdrawal recommendations discussed in the ACEC Special Unit Management Plans in the Approved LUPA (Appendix B) have been carried forward from previous planning decisions.

II.3 Modifications and Clarifications

The Approved LUPA includes minor modifications, clarifications, and boundary adjustments from the Proposed LUPA. These minor modifications, clarifications, and boundary adjustments were made as a result of internal reviews, response to protests, and response to ACEC comment responses and other public feedback. These minor modifications, clarifications, and boundary adjustments are within the range of alternatives analyzed in the Final EIS and are consistent with the Biological Opinion and the Programmatic Agreement, and do not constitute a significant change from the Proposed LUPA.

This list is a summary of changes and clarifications.

Terminology Changes

- **Unallocated/General Public Lands.** The Approved LUPA adopts the term "General Public Lands" for the areas identified as "Unallocated" in the Proposed LUPA and Final EIS. These lands are lands that are not specified as DFA, VPL, California Desert National Conservation Lands, ACEC, SRMA, or ERMA. The term "General Public Lands" better reflects the BLM's management of these areas. The name change does not impact the environmental analysis in the Proposed LUPA and Final EIS.

- **California Desert National Conservation Lands.** Through the Proposed LUPA and Final EIS, the BLM refers to the National Conservation Lands identified under the Omnibus Act as “National Conservation Lands.” The Approved LUPA refers to these areas as “California Desert National Conservation Lands.” This change reflects a sense of place for the California Desert National Conservation Lands, and identifies these lands as a distinct component of National Conservation Lands identified in Omnibus Act.
- **Glossary.** The BLM has updated and clarified various terms in the Approved LUPA glossary.

Allocation and Boundary Changes

- **2016 National Defense Authorization Act (NDAA).** The 2016 NDAA withdrew all or portions of the Superior-Cronese ACEC, Mojave Ground Squirrel ACEC, Christmas Canyon ACEC, Spangler Hills Open OHV Area, and Red Mountain SRMA. The maps have been updated to reflect this change. The maps still reflect these allocations, and the BLM will manage these areas for these values, consistent with the withdrawal, or if the withdrawal expires or is removed.
- **Development Focus Area.** Several small DFAs (totaling approximately 5 acres) along State Route 395 east and north of Owens Lake that were included in the Final EIS were removed. These areas were originally included in larger DFAs on public and private land in the Draft DRECP, but are not manageable as DFAs without the private component.
- **California Desert National Conservation Lands.** Several boundary adjustments were made in order to provide for more appropriate management of the California Desert National Conservation Lands, and to add or remove areas based on whether or not they contain the required Nationally Significant Values. Specific notable changes by ecoregion include:
 - **Basin and Range.** Portions of the General Public Lands (Unallocated in the Final EIS) in the vicinity of Lower Centennial Flat were included in the California Desert National Conservation Lands, while a small area that predominantly encompassed private lands south of Owens Lake was removed.
 - **Colorado Desert.** Some California Desert National Conservation Lands boundaries were adjusted to provide for more appropriate management (i.e., aligning boundary with designated routes and excluding existing facilities).
 - **Coachella Valley.** The boundary of the allocation was adjusted to exclude the existing Wind Mesa Wind Farm.
- **Areas of Critical Environmental Concern.** Throughout the planning area there were numerous changes to the ACEC boundaries based on information received

during the ACEC comment period. Some changes also simplify management decisions and land allocations (i.e., removal of dual designations of ACECs). Specific notable changes include:

- Removal of overlapping ACECs. This does not result in the removal of the ACEC allocation for a particular area. It simply ensures that a specific area is not included in more than one ACEC. Of the geographic areas that were included within two ACECs, the following changes were made:
 - Turtle Mountains ACEC was removed from the Chemehuevi ACEC;
 - Pinot Mountains ACEC was removed from the Mojave Fringe-toed Lizard ACEC;
 - Calico Early Man, Rainbow Basin/Owl Canyon, Black Mountain, Parish's Phacelia, Coolgardie Mesa, and West Paradise ACECs were removed from the Superior-Cronese ACEC;
 - Dagget Ridge (Mojave) Monkeyflower ACEC was removed from the Ord Rodman ACEC;
 - Barstow Woolly Sunflower, Red Mountain Spring, and Western Rand ACECs were removed from the Fremont-Kramer ACEC;
 - Elimination of the Clark Mountain ACEC as a separate ACEC. The Clark Mountain ACEC was incorporated into the Ivanpah ACEC; and
 - Elimination of the Kelso Creek Monkeyflower ACEC as a separate ACEC. The Kelso Creek Monkeyflower ACEC was incorporated into the Jawbone/Butterbredt ACEC.
- Removal of ACEC allocation from the proposed Table Mountain WSA ACEC, San Filipe Hills WSA ACEC, Sawtooth Mountains A and C WSA ACECs, Crater Mountain WSA ACEC. These areas will still be managed as WSAs.
- Adjustment of the boundaries of the Southern Inyo WSA ACEC to align with designated wilderness and remove portions from the proposed ACEC that are not contiguous, or in close proximity to the existing wilderness.
- Removal of ACEC allocation from the Dove Springs and Jawbone Canyon Open OHV areas.
- Removal of the active mine from the Ayers Rock ACEC.
- Removal of the existing private golf course and port of entry from the Ivanpah ACEC.
- The boundary of the Castle Mountain ACEC was adjusted to reflect the newly designated Castle Mountain National Monument and the transfer of management of the monument to the Mojave National Preserve.

- Within the vicinity of Pisgah, the General Public Land (Unallocated in the Final EIS) north of Interstate 40 was included as part of the Pisgah ACEC in order to provide additional protections for desert tortoise.
- Removal of a small portion of the Olancho Greasewood ACEC from nonfederal land.
- **Special Recreation Management Area/Extensive Recreation Management Area.** Several boundary adjustments were made in order to provide for more appropriate management or clarity of land use/management. Specific notable changes include:
 - The boundary of the Middle Knob SRMA was adjusted to remove the SRMA from the Horse Canyon ACEC.
 - The boundary of the Sand to Snow SRMA was adjusted to exclude the existing Wind Mesa Wind Farm.
 - The boundary of the Castle Mountain ERMA was adjusted to reflect the newly designated Castle Mountain National Monument and the transfer of management of the monument to the Mojave National Preserve.
- **General Public Lands.** BLM lands outside the DRECP Plan Area, but inside the CDCA Plan area, indicated as “Unallocated” in the Proposed LUPA and Final EIS have been removed from the General Public Lands list because these areas were not analyzed for renewable energy development. Management in these areas will follow the LUPA-wide CMAs and any other applicable management requirements from the CDCA Plan.

Conservation Management Action Changes

- **Renewable Energy Development in General Public Lands.** There are approximately 419,600⁴ acres of lands that are not designated or proposed as DFA, VPL, California Desert National Conservation Lands, ACEC, SRMA, or ERMA. In the Proposed LUPA, these lands were identified as available for renewable energy development; however, development on those lands would not have the streamlining or incentives available in the DFAs. The Approved LUPA leaves these areas open to renewable energy development if applicants can show that the project

⁴ Table II.3-1 in the Final EIS identified this as being 802,000 acres. However, the 802,000 acres included SRMAs and ERMAs that did not overlap another allocation. Since SRMAs and ERMAs are considered an allocation for the purposes of the LUPA, the correct depiction of General Public Lands (“Unallocated” in the Final EIS) was 536,000 acres. Of the 536,000 acres in the Final EIS, approximately 1900 acres have been identified as ACECs between the publication of the Final EIS and this ROD. In addition, those lands outside of the DRECP Plan Area and in the Imperial Sand Dune RAMP are no longer included in the General Public Lands calculation for purposes of the LUPA. As a result, there are 419,000 acres of General Public Lands in the Approved LUPA.

can be developed consistent with the CMAs, and does not negatively impact the overall biological conservation strategy, renewable energy or recreation design of the DRECP. The CMAs applicable to this area have been clarified in General Public Lands CMAs section of the Approved LUPA.

- **Ground Disturbance Cap in California Desert National Conservation Lands and ACECs.** The Proposed LUPA and Final EIS included disturbance caps ranging from 0.1% to 1% for California Desert National Conservation Lands and ACECs. The methodology and disturbance mitigation requirements for these caps were included in Section II.3.2.1 and CMAs NLCS-DIST-1,2,3 for California Desert National Conservation Lands, and repeated for ACECs in Section II.3.2.2 and CMAs ACEC-DIST-1,2,3 in the Proposed LUPA and Final EIS. The BLM has provided clarification in the LUPA on ground disturbance cap implementation in Section II.3.2.1 for California Desert National Conservation Lands, and repeated in Section II.3.2.2 for ACECs, and in the CMAs NLCS-DIST-2 and ACEC-DIST-2, including:
 - Clarification on the documentation of the methodology needed for site-specific projects, including the calculations, mitigation location and type, assessment and determination of restoration, and decision to remove a restored area from the disturbance calculation;
 - Clarification of the appropriate unit or sub-unit boundaries when conducting the calculations;
 - Clarification of the required location of disturbance cap mitigation;
 - Clarification of the disturbance cap's application of areas where sand and gravel is needed for the maintenance of Historic Route 66;
 - Clarification and additional examples of what constitutes ground disturbance mitigation, and the timing of when an area is considered mitigation, and when that area can be considered restored;
 - Clarification on the timing requirements for initiation and mitigation completion, both for 3rd party applicants and BLM-proposed projects.
- **Special Unit Management Plans (Approved LUPA Appendices B and C).** The BLM has modified language within the Special Unit Management Plans regarding objectives, allowable uses, and management actions for consistency and clarity. In some instances the management actions were refined for consistency with the CMAs in the Approved LUPA, or language in existing management plans.
- **Clarification of CMAs.** As explained above, the BLM has revised, clarified, and/or modified CMAs. These changes were made in response to additional internal reviews and public comments, and included changes, modifications, and clarifications to CMAs that BLM determined were potentially vague. These changes

also clarify intent, reflect current policy, provide additional examples, and minimize the potential for inconsistent interpretations, but do not change the overall renewable energy or conservation strategies. The BLM is also clarifying mitigation timing requirements for initiation and completion, both for 3rd party applicants and BLM-proposed projects, which will be the same for all resources.

- **Clarification of ERMA CMAs.** The BLM has clarified that ERMAs are open to renewable energy application, subject to the plan-wide CMAs, unless the ERMA overlaps with a conservation designation that would close the area to renewable energy development. This acreage is approximately 35,000.
- **Clarification of Transmission.** The BLM has clarified that the existing CDCA Plan requirement that transmission of 161 kV or above, pipelines larger than 12 inches, coaxial cables for interstate communications, and major aqueducts and canals for interbasin transfers of water must be in a utility corridor is still in effect for all allocations except DFAs. Within DFAs, transmission of 161 kV or above is authorized, but all other listed uses must be within a utility corridor. If the BLM proposes one of these projects outside of a utility corridor, or transmission 161 kV or above outside of a DFA, it must be considered through a plan amendment, consistent with the No Action alternative.
- **Applicability of the 2002 Coachella Valley Amendment to the CDCA Plan.** The BLM has clarified that the DRECP LUPA retains the 2002 Coachella Valley Amendment to the CDCA Plan, with the exception of the new ACECs, and will only apply CMAs where they provide for more resource protection.
- **Imperial Sand Dunes Special Recreation Management Area.** The BLM has clarified that the lands covered by the 2013 Imperial Sand Dunes Recreation Area Management Plan are not included in the DRECP LUPA Decision Area. The maps no longer show General Public Lands within this area, although renewable energy and ACEC decisions made in the 2013 Management Plan area reflected on the maps and included in the plan-wide acreage figures.

II.4 Protest Resolution

The BLM's planning regulations at 43 CFR 1610.5-2 allow any person who participated in the planning process and has an interest that may be adversely affected by the BLM's planning decisions to protest proposed planning decisions within 30 days of when the notice of availability of the Proposed LUPA and Final EIS was published in the Federal Register by the Environmental Protection Agency (November 13, 2015).

The BLM Director received 43 timely protest submissions. All but one of the protesting parties had standing and two submissions were dismissed as they did not contain any valid

protest points, pursuant to 43 CFR 1610.5-2. Valid protest issues addressed in the Director's Protest Report (Appendix 1 to this ROD) are as follows:

- Compliance with NEPA
 - Purpose and Need
 - Range of Alternatives
 - Best Available Information
 - Impacts Analysis
 - Mitigation
 - Supplementation
 - Response to Comments
 - Public Participation
 - Environmental Review and Consultation
- Secretarial Order 3330
- Government-to-Government Consultation
- Compliance with the National Historic Preservation Act
- Compliance with FLPMA
 - CDCA Plan
 - Consistency with other plans
 - Cooperation and Coordination
 - Protest Process
 - ACECs
- General Mining Law
- Endangered Species Act
- National Conservation Lands
 - National Trails System
 - Omnibus Act
- BLM Visual Resource Management Policy
- BLM Special Status Species Policy

- Lands with Wilderness Characteristics
- Travel Management

The BLM Director granted one protest point – that the Notices of Availability of the DRECP Draft LUPA (published September 26, 2014) and the DRECP Proposed LUPA (published November 13, 2015) did not meet the regulatory requirements of 43 CFR 1610.7-2(b) with respect to the requirements for proper noticing and providing for opportunities for public comment on the proposed ACECs. The BLM resolved this issue and complied with 43 CFR 1610.7-2(b) by publishing a subsequent Federal Register Notice on March 11, 2016 and allowing a 60-day public comment period on the proposed ACECs and proposed management prescriptions.

On all other valid protest points, the BLM Director concluded that the BLM had followed all applicable laws, regulations, and policies and had considered all relevant resource information and public input in developing the Proposed LUPA and Final EIS. Each protesting party has been notified in writing of the Director's findings and the disposition of their protests. The Director resolved the protests without making significant changes to the Proposed RMPAs/Final EISs, though minor clarifications were made and are summarized in Section II.3. The Director's decisions on the protests are summarized in each of the Proposed LUPA and Final EIS Director's Protest Resolution Reports, which is available on the following BLM website: http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html.

II.5 Governor's Consistency Review

43 CFR 1610.3-2(e) requires the BLM to submit proposed plans and plan amendments to the Governor for a Governor's Consistency Review, where the Governor is given an opportunity to identify any inconsistencies with State or local plans, policies or programs. The BLM submitted the Proposed LUPA to the Governor's Office of Planning and Research. In a letter dated January 7, 2016, the Governor's Office did not identify any inconsistencies between the Proposed LUPA and any state or local plans, policies, or programs.

The Governor's Office did provide the following recommendations:

- Continue to work with the CEC and the California Department of Fish and Wildlife to implement the DRECP.
- Continue to work with local jurisdictions that may be impacted by any BLM plan amendments and future phases of DRECP implementation.
- Continue to work with the Branches of the Armed Services to balance BLM's planning regulation responsibilities for resource management plans with the Military's need for training and testing in the southwestern states.

III ALTERNATIVES

III.1 Alternatives Considered in Detail

In addition to the Proposed LUPA, the Final EIS included five alternatives: four action alternatives and a No Action Alternative.

Four additional action alternatives are identified for the BLM LUPA that originate from the integrated planning process used to develop the DRECP alternatives. Alternatives 1–4 in the Proposed LUPA and Final EIS are the BLM-land portions of the alternatives that appeared in the Draft DRECP. Each action alternative's configuration of DFAs reflects a different approach to balancing the goals of minimizing resource conflicts and maximizing opportunities to site renewable energy projects in areas of high-value renewable energy resources.

Each action alternative also reflects a different balance of conservation and recreation land use allocations. Like the Preferred Alternative, Alternatives 1–4 are responsive to tribal, public, and agency input. Alternative 1 emphasizes low biological resource conflict as requested by environmental nongovernmental organizations and communities. Alternative 2 emphasizes renewable energy siting and design flexibility as requested by industry stakeholders. Alternatives 3 and 4 are variations on the themes of Alternatives 1 and 2 with additional consideration of ways to consider variance lands from the Western Solar Plan.

The alternatives also present different configurations of California Desert National Conservation Lands by assigning different weights to the criteria used identify California Desert National Conservation Lands, and propose alternative CMAs for the management of California Desert National Conservation Lands.

III.1.1 Alternative 1

Alternative 1 emphasized low biological resource conflict areas as requested by environmental non-governmental organizations and local communities. This alternative included 81,000 acres of DFA and 40,000 acres of VPLs. It included 5,072,000 acres of Conservation Lands within the LUPA Decision Area, of which 1,626,000 acres would be identified as California Desert National Conservation Lands. This alternative would have designated 2,730,000 acres of SRMAs.

California Desert National Conservation Lands in this alternative emphasized intact landscapes and high scenic values. The ecological values included only the most scenic, intact desert landscapes and habitat, including wildlife linkages, but at a smaller scale than other alternatives, and then only where lands met the scenic criteria and were not in a transmission corridor. The cultural values of this alternative reflected the cultural importance of highly scenic, intact landscapes, including large cultural landscapes and

smaller sites that met this criteria. This alternative included the highly scenic portions of historic trails and roads, where visitors could experience the landscape much like historical figures did. Finally, the scientific values emphasized the opportunities for research in areas largely undisturbed by modern human activity on ecological response to climate change, cultural resources, biological resources, hydrology, paleontology, and geology. Management of California Desert National Conservation Lands allowed a variety of uses of these lands if there was no net loss of the nationally significant values and impacts were able to be mitigated.

III.1.2 Alternative 2

Alternative 2 emphasized siting and design flexibility as requested by industry representatives. This alternative included 718,000 acres of DFA and 29,000 of VPLs. It included 5,619,000 acres of Conservation Lands within the LUPA Decision Area, of which 5,538,000 acres would be identified as California Desert National Conservation Lands. This alternative would have designated 2,656,000 acres of SRMAs.

This alternative represented the maximum California Desert National Conservation Lands footprint. Ecological values included threatened and endangered species designated critical habitat and BLM Sensitive Status Species habitat, and additional wildlife linkages, beyond what was included in other alternatives. It included numerous cultural sites, and large cultural landscapes. In addition to the scientific values of the preferred alternative, inclusion of larger landscapes, including some with existing disturbance provided opportunities for habitat restoration research, as well as opportunities for landscape level studies of prehistoric and historic lifeways. Management of California Desert National Conservation Lands in this alternative had an exclusive focus on conservation, with very little development allowed inside of the California Desert National Conservation Lands. This was the most use-restrictive alternative, in response to the larger renewable energy footprint.

III.1.3 Alternative 3

Alternative 3 was a variation on Alternative 1, emphasizing scientific uncertainty, both in energy and conservation design. This alternative included 211,000 acres of DFA and 2,000 acres of VPLs. It included 5,281,000 acres of Conservation Lands within the LUPA Decision Area, of which 3,551,000 acres would be identified as California Desert National Conservation Lands. This alternative would have designated 2,724,000 acres of SRMAs.

California Desert National Conservation Lands in this alternative focused on habitat connectivity and scientific uncertainty. The ecological values focused on larger landscape and included most of the wildlife linkages and threatened and endangered species' designated critical habitat, and BLM Special Status Species habitat that was included in the Proposed LUPA, however, smaller more isolated units, including some unique and rare plant habitats,

were not included. Cultural values within the larger landscapes included cultural landscapes important to Native Americans, local communities, and that assist in understanding human habitation of the CDCA. This alternative included segments of historic roads and trails, but did not include smaller sites isolated from larger landscapes. These landscapes offer opportunities for large-scale research on ecological response to climate change, cultural resources, biological resources, hydrology, paleontology, and geology.

III.1.4 Alternative 4

Alternative 4 was a variation on Alternative 2, with more of an emphasis on carrying forward the Western Solar Plan, and maintaining the variance lands designated through the Western Solar Plan. This alternative included 258,000 acres of DFA and 579,000 acres of VPLs. It included 4,696,000 acres of Conservation lands within the LUPA Decision Area, of which 2,804,000 acres would be identified as California Desert National Conservation Lands. This alternative would have designated 2,682,000 acres of SRMAs.

This alternative integrated California Desert National Conservation Lands with DFAs and Western Solar Plan variance lands. California Desert National Conservation Lands under this alternative were similar to, but smaller than, the Proposed LUPA, especially where there was overlap with DFAs, Transmission Corridors and variance lands. The ecological values included threatened and endangered species designated critical habitat, and BLM special status species habitat, and important wildlife linkages. Some connectivity in this alternative was interrupted by scattered variance lands and transmission corridors. Similarly, the cultural values were similar to that in the Proposed LUPA, except where landscapes were interrupted by transmission corridors or variance lands; and opportunities for landscape research would have been interrupted as well. Management of California Desert National Conservation Lands allowed a variety of uses of these lands if there was no net loss of the nationally significant values and impacts were able to be mitigated.

III.1.5 No Action Alternative

Under the No Action Alternative the BLM would not amend its land use plans, and the BLM conservation strategy for the California desert region would continue to apply as reflected in the current and existing land use plan/resource management plans (RMPs). The CDCA Plan recognizes compatibility of renewable energy in Limited, Moderate, and Intensive Multiple Use Class, although the project must be identified through a plan amendment, with the exception of a utility-scale solar project within a Solar Energy Zone. Utility-scale solar projects in Bishop and Bakersfield RMPs would also be controlled by the BLM Western Solar Energy Plan. For wind energy, the Bishop RMP is silent on wind energy, meaning that a ROW for wind energy would be considered on a case-by-case basis, and the Bakersfield RMP identifies exclusion and avoidance areas for wind energy.

Under the No Action Alternative, 2,804,000 acres were available for renewable energy development. 2,474,000 acres were identified as existing BLM Land Use Plan Conservation Designations. The No Action contained approximately 287,000 acres of existing SRMAs, and 1,465,000 acres managed for recreation emphasis. Under this alternative, the BLM did not analyze identification of the California Desert National Conservation Lands.

III.2 Alternatives Considered But Not Carried Forward in Detail

Throughout the planning phase of the DRECP and BLM LUPA, agencies, stakeholders, and members of the public suggested and refined a number of reserve design and renewable energy development alternatives. Alternatives were also suggested during the public scoping process and in the comment period on the Draft EIR/EIS.

Some of the alternatives suggested by the REAT Agencies, cooperating agencies, and during public involvement process were generally incorporated into the Approved LUPA or Alternatives 1 through 4, or were considered as part of the No Action Alternative. For example, an overlay of DFAs on agency-identified low-resource conflict areas has been incorporated in all the alternatives. Existing, approved projects were considered in setting the megawatt and acreage targets, but were not used to create a separate alternative. Another scoping recommendation was to site development within one mile of both existing or planned high-voltage lines and substations; all alternatives include DFAs near existing transmission lines.

Other alternatives suggested in public comments were either not described in sufficient detail to be considered or were outside of the scope of the DRECP, which is to provide for the long-term conservation and management of special-status species in the DRECP area and to provide a streamlined approval process for renewable energy projects within the DRECP area. Examples include an energy efficiency-only alternative, an alternative that would incorporate more of San Diego County in the DRECP boundary, an alternative that would include renewable energy development on military lands, and an alternative that would avoid development at the BLM-administered Ord Mountain Allotment for livestock grazing near Barstow.

In addition to the aforementioned, the following alternatives were also considered but were not included in the alternatives analyzed in detail:

1. Distributed Generation Alternative
2. Center for Energy Efficiency and Renewable Technologies (CEERT) Proposed Solar Areas Alternative
3. California Wind Energy Association (CalWEA) Proposed Wind Areas Alternative

4. BLM Lands Alternative
5. Private and Previously Disturbed Lands Alternative
6. Dispersed Development Alternative
7. Southeast Emphasis Alternative
8. Avian Avoidance Alternative

The reasons for not analyzing these alternatives in detail are described in Section II.8.2 of the Proposed LUPA/Final EIS, incorporated herein by reference.

III.3 Environmentally Preferable Alternative

Council on Environmental Quality (CEQ) regulations require that a ROD state which alternatives were considered to be “environmentally preferable” (40 CFR 1505.2(b)). Question 6A of CEQ’s 40 Most-Asked Questions regarding CEQ’s NEPA regulations (46 FR 18026) defines that term to ordinarily mean the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. Under this definition, Alternative 3 of the Final EIS and Proposed LUPA is the most environmentally preferable. However, Section 101 of NEPA expresses a continuing policy of the federal government to “use all practicable means and measures...to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” FLPMA Section 302 requires the BLM to manage public lands for multiple use and sustained yield. The BLM determined that the DFA footprint within the Proposed LUPA better met the purpose and need by providing additional flexibility and opportunities for streamlined and incentivized renewable energy development. Also the CMAs and conservation allocations and designations provided adequate protection for the long term conservation of biological and cultural resources, and maintain multiple uses throughout the DRECP Decision Area.

As part of the Draft DRECP and EIR/EIS, CDFW and CEC developed a number of mitigation measures under CEQA to fulfill their requirements under state law. The BLM reviewed these measures and incorporated applicable measures into the CMAs for the Proposed LUPA, and carried forward into the Approved LUPA. Other measures were either outside of the BLM’s authority; determined to be too project specific and therefore outside the scope of a LUPA; or unnecessary to meet the BLM’s purpose and need based on the potential development impacts under the Approved LUPA.

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IV PUBLIC INVOLVEMENT, CONSULTATION, AND COORDINATION

IV.1 Public Involvement

IV.1.1 Public Scoping and Public Outreach

Under NEPA, “scoping” is a term used for the process of public involvement in determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

IV.1.1.1 Scoping Process

NEPA Notices of Intent. Three Notices of Intent were issued for the preparation of the EIS supporting this decision. The BLM published a Notice of Intent to prepare an EIS for a possible amendment to the CDCA Plan in the Federal Register on November 20, 2009 (74 FR 60291). The Notice of Intent invited interested members of the public to provide comments on the CDCA issues and planning criteria related to the DRECP. Scoping ran from November 20, 2009 through December 21, 2009. No specific scoping comments were received during this 30-day period.

Subsequently, the BLM and USFWS as co-lead agencies jointly published a Notice of Intent on July 29, 2011, (76 FR 45606) announcing their intent to prepare an EIS for the proposed DRECP. The USFWS expected the DRECP would be prepared to meet the requirements of the Section 10 Habitat Conservation Plan (HCP) permitting process under the federal ESA. In this same Notice of Intent, the BLM announced the joining of its EIS for the possible CDCA Plan amendment with the USFWS’s EIS for the DRECP HCP. The 2011 Notice of Intent provided dates and contact information for written comments on the scope of the EIS and published the dates, locations, and times for the public scoping meetings. Scoping meetings, receipt of comments, and the scoping report were merged with the CEQA Notice of Preparation process lead by the CEC.

The BLM published a third Notice of Intent on April 4, 2012 (77 FR 20409), amending the November 20, 2009, and July 29, 2011, notices to include proposed amendments to the Bishop, Caliente/Bakersfield, and Eastern San Diego County RMPs in preparation of the DRECP and EIS. Comments received during this scoping period, April 4 through May 4, 2012, are not included in the scoping report for the July 29, 2011, scoping period, but are part of the entire scoping administrative record and were considered during preparation of the DRECP and EIS.

CEQA Notice of Preparation. Pursuant to CEQA, a Notice of Preparation for the joint EIR/EIS was submitted to the State Clearinghouse (Governor’s Office of Planning and

Research) and distributed to state agencies on July 29, 2011. The Notice of Preparation was distributed to elected officials, local and regional agencies, utility companies, Native American tribal representatives, the Department of Defense clearinghouse, selected Department of Defense representatives, and representatives of interest groups and associations. The Notice of Preparation announced the intent of the CEC and the NEPA co-lead agencies (BLM and USFWS) to prepare the EIR/EIS for the DRECP. It provided dates and contact information for written comments on the scope of the EIR/EIS and the dates, locations, and times for the public scoping meetings.

The REAT Agencies distributed a news release, dated July 28, 2011, to announce the beginning of the scoping process and the date, time, and location of three public scoping meetings. The news release was posted on the DRECP website (www.drecp.org) and distributed to numerous news outlets.

Scoping Meetings. Three public scoping meetings were conducted for the EIR/EIS: one on August 16, 2011, in Ontario, California, and two on August 24, 2011, in Sacramento, California. In addition to attending the meeting in person, people could attend via the Internet or by telephone.

Each meeting began with a presentation followed by an open house during which attendees could discuss the plan and EIR/EIS with agency representatives. The presentation included an explanation of the DRECP process, the CDCA and other BLM planning actions, and CEQA/NEPA and the scoping process. The open house included information stations with agency and consultant staff available to answer questions.

Comment forms were made available at each scoping meeting and on the DRECP website. Written comments were accepted at each scoping meeting, as well as by mail and email. In total, 59 people attended the public scoping meetings: 46 in Ontario, 12 in Sacramento (afternoon), and one in Sacramento (evening).

Scoping Report. A Scoping Report was prepared for the DRECP (see Appendix J of the Final EIS). It documents the process and issues raised during the public scoping period, as required by the Council on Environmental Quality's NEPA regulations (40 CFR 1501.7); the BLM Handbook, H-1790-1, Chapters 6.3, 9.1.3, and 10.2.10; the USFWS Manual, Part 550, Chapter 2.3 (550 FW 2.3); and Section 15082 of the CEQA Guidelines. The DRECP Scoping Report is the primary source for the summary of the scoping process presented herein.

IV.1.1.2 Scoping Issues Raised by Commenters

Forty letters were received during the 2011 scoping period: eight letters from agencies, 23 from organizations, and nine from individuals. These letters included 325 discrete

comments. Table 7 identifies the number of comments by CEQA/NEPA process or environmental issue category.

Table 7
DRECP EIR/EIS Public Scoping Comments by Category

| Comment Category | Number Received | Percentage |
|---|-----------------|------------|
| Biological Resources | 60 | 18.5 |
| Alternatives and Distributed Generation | 44 | 13.5 |
| Outdoor Recreation | 44 | 13.5 |
| Project Description | 42 | 12.9 |
| Planned Land Uses and Policies | 30 | 9.2 |
| Environmental Impacts and Mitigation | 21 | 6.5 |
| Cumulative | 14 | 4.3 |
| CEQA/NEPA Process | 12 | 3.7 |
| Cultural Resources ¹ | 12 | 3.7 |
| Groundwater, Water Supply, and Water Quality | 12 | 3.7 |
| Climate Change and Greenhouse Gases | 11 | 3.4 |
| Socioeconomics and Environmental Justice | 7 | 2.2 |
| Flood Hazard, Hydrology, and Drainage | 4 | 1.2 |
| Hazards and Hazardous Materials | 4 | 1.2 |
| Public Services, Safety Services, and Utilities | 3 | 0.9 |
| Air Quality and Attainment Status | 2 | 0.6 |
| Geology, Soils, and Minerals | 2 | 0.6 |
| EIR/EIS Format | 1 | 0.3 |
| Total | 325 | 100 |

¹ Cultural Resources comments included comments on tribal interests and tribal consultation.

IV.1.1.3 Consideration of Scoping Comments and Other Input Received

The lead agencies considered the scoping comments in developing the alternatives and analytical issues contained in the EIR/EIS; all comments received equal consideration.

Throughout the planning phase of the DRECP, agencies and stakeholders have suggested and refined a number of conservation and renewable energy development alternatives. Additionally, alternatives were identified during the public scoping process that occurred between July 29 and September 12, 2011. The purpose of the public scoping period was to accept written comments providing suggestions and information on the scope of issues and alternatives to be addressed in the EIR/EIS. The REAT Agencies received 40 scoping letters, and 41 specific comments addressed alternatives. Several comments also addressed the

geographic boundary of the DRECP area. The scoping comments are summarized in the DRECP Scoping Report (Appendix J of the Final EIS).

Some of the suggested alternatives in the DRECP Scoping Report and from other agency and stakeholder comments were generally incorporated into the alternatives considered in Volume II of the Proposed LUPA and Final EIS. Additionally, recommendations for plan development and EIR/EIS review were for the most part incorporated into the process. Some alternatives suggested by public comments were not described in sufficient detail to be considered or were outside the scope of the DRECP. Examples include:

- An energy-efficiency-only alternative
- An alternative that would incorporate more of San Diego County in the DRECP area
- An alternative that would include renewable energy development on military lands
- Recommendations that the DRECP area exclude the region that overlaps the California condor range and critical habitat were considered but not carried forward (see Volume II, Chapter 8, of the Proposed LUPA and Final EIS for more detail)

IV.1.2 Additional Opportunities for Public Comment before Publication of Draft EIR/EIS

After the close of the scoping periods, additional comments were received and made available on the DRECP website, <http://www.drecp.org/documents/docs/comments-general>. These comments were also reviewed and considered in developing the Draft DRECP and EIR/EIS.

Since the close of the scoping periods, the agencies offered many other opportunities for public involvement throughout the process of preparing the DRECP. The DRECP project website (<http://www.drecp.org/>) was made available to the public to provide access to relevant project information and the opportunity to subscribe to the DRECP's email list for the project updates. Several key elements of the DRECP were also made available through the project website. These include background materials and presentations from the stakeholder meetings, comments received on the stakeholder meetings, science reviews, the baseline biological report, preliminary conservation strategy, independent science advisors documents, and general background information about the DRECP.

The comments submitted prior to the publication of the Draft DRECP and EIR/EIS were shared with all agency staff and the consultants preparing the Draft DRECP and EIR/EIS.

In December 2012, the REAT Agencies published the *Description and Comparative Evaluation of Draft DRECP Alternatives* to inform the public about the status of the DRECP alternatives. Members of the public were invited to provide input regarding the

development scenarios, conservation designations, BLM LUPA alternatives, as well as other specific elements presented. Specific to the LUPA, this document included maps showing existing and proposed "Desert Conservation Lands" (existing and proposed ACECs, proposed California Desert National Conservation Lands, and proposed Wildlife Allocations), and well as areas managed for recreation and existing and proposed SRMAs. The BLM also disclosed that the land use plan amendments would identify (1) desired outcomes expressed as specific goals and objectives and (2) allowable uses and management actions designed to achieve those specific goals and objectives. The public was especially encouraged to provide input about the differences among the alternatives.

Forty agencies, organizations, and individuals provided comments on this document, some providing multiple comments. In addition, three form letters were received, one regarding the Lucerne Valley and Apple Valley areas (more than 60 comments received), one regarding the Morongo Basin communities, (almost 200 comments received) and one regarding the Silurian Valley (20 comments received).

Example concerns raised include:

- Specific concerns regarding the alternatives described in the document, including the need for additional wind areas,
- Concerns regarding locations that were designated for conservation,
- Requests for clear conservation designations based on Biological Goals and Objectives,
- Concerns regarding availability of water for the development of renewable energy in the desert and concerns regarding cumulative groundwater pumping,
- Need for additional streamlining including meaningful permitting reduction timeframes,
- Concerns regarding conservation costs, and
- Need for a transmission plan to serve DFAs, among others.

This input was used to help select the alternatives included in the Draft DRECP and EIR/EIS.

IV.1.3 Public Meetings on the Draft EIR/EIS

The original comment period for the Draft DRECP and EIR/EIS was from September 26, 2014 to January 9, 2015. The comment period was extended to February 23, 2015, for a total of 152 days.

On October 9, 2014, an informational webinar was held on the Draft DRECP and EIR/EIS. Additional webinars were held on December 15 and 17, 2014. Public meetings to hear

comments on the Draft DRECP and EIR/EIS and to answer questions from the public were held as follows:

- Monday, October 20: El Centro, CA
- Tuesday, October 21: San Diego, CA
- Monday, October 27: Lone Pine, CA
- Tuesday, October 28: Ridgecrest, CA
- Wednesday, October 29: Victorville, CA
- Monday, November 3: Lancaster, CA
- Wednesday, November 5: Blythe, CA
- Thursday, November 6: Ontario, CA
- Friday, November 7: Palm Desert, CA
- Thursday, November 13: Sacramento, CA
- Wednesday, November 19: Joshua Tree, CA

The public was also encouraged to submit written comments in addition to their recorded oral comments. Written comments were accepted until the close of the formal comment period.

IV.1.4 Notices Regarding Draft EIR/EIS and Proposed LUPA and Final EIS

The NEPA process began with publication of a Notice of Availability in the Federal Register on March 26, 2010, announcing a 90-day public comment period (scoping) for the Draft DRECP and EIR/EIS. The Federal Register notice of the availability of the Draft DRECP and EIR/EIS was published on September 23, 2014. In addition to the Federal Register Notices, information on the availability of the Draft DRECP and EIR/EIS and the public meetings was published in several newspapers in the DRECP area. Notices were also posted on the interagency DRECP website and on the BLM's DRECP website at <http://www.blm.gov/ca/st/en/prog/energy/DRECP.html>.

On March 10, 2015, the BLM and its partner agencies announced the phased approach for completion of the DRECP, which began with publication of the Proposed LUPA and Final EIS. On November 13, 2015, the 30-day BLM protest period and 60-day Governor's Consistency Review began with the publication of a Notice of Availability in the Federal Register. On March 11, 2016, the BLM published a notice announcing a 60-day period on the ACEC's in the Proposed LUPA, which closed on May 9, 2016. Once executed, the BLM will publish a Notice of Availability for the ROD and Approved LUPA Amendment.

IV.1.5 Comments on Draft EIR/EIS

The BLM received 420 unique comment letters (including public comment forms from public meetings, postal letters, e-mails, and faxes) from individuals, agencies, organizations and groups during the public comment period on the Draft DRECP and EIR/EIS. Comments were received from the following categories of commenters; the number following each commenter category indicates how many letters were received.

- Federal agencies (4)
- State agencies (7)
- Local agencies (27)
- Tribes (9)
- Organizations (135)
- Individuals (238)

In addition, transcripts of the 11 public meetings are included in the comments; hundreds of individual spoke at these meetings. Comment letters and meeting transcripts are presented in Appendix AA to the Proposed LUPA and Final EIS, and responses to all comments are also presented in the same appendix.

IV.1.6 Comments on the Proposed ACECs

As discussed in Section II.4 above, the Proposed LUPA was subject to a 30-day protest period, which began with the Environmental Protection Agency's publication of the Notice of Availability of the Final EIS and Proposed LUPA on November 13, 2015. During the initial review of the protest letters received, the BLM determined that it had missed a regulatory requirement, stated in 43 CFR 1610.7-2(b), to specifically list in a Federal Register Notice the proposed ACECs being considered. In order to fulfill this requirement, the BLM released a Notice of ACECs on March 11, 2016. This noticed announced a 60-day public comment period on the proposed ACECs and their resource use limitations. This comment period was limited to the proposed ACECs. Comments concerning the DRECP generally were outside the scope of the comment period, and were not responded to individually; however, they were considered to the extent feasible.

The BLM received 36 individual comment letters during the ACEC comment period. Those comments addressed the following topics:

- Process and timing
- Adequacy of NEPA analysis

- Adequacy of public involvement, coordination, and consultation
- Size of the ACEC network
- Adequacy of the Management Plans
- Relationship of the ACECs to recreation and travel management
- Relationship of the ACECs to the WMRNP
- Implementation of the ACEC Management Plans
- Management actions within the ACECs, including disturbance caps, minerals, and route networks, valid existing rights
- Comments on specific ACEC boundaries and management actions

The BLM's response to these comments is included in this ROD as Appendix 2. Any changes in the LUPA resulting from the comments are included in Section II.3 above. In addition to comments received during the ACEC comment period and protests received during the protest period, the BLM received other comments after the publication of the Final EIS and Proposed LUPA, outside of any formal comment period. These comments were reviewed, and incorporated into the Approved LUPA to the extent feasible. The BLM determined that the comments did not raise significant new circumstances or information that would require the BLM to supplement its analysis. Changes to the Approved LUPA are summarized in Section II.3 above.

IV.2 Stakeholder Involvement

In March 2009, the REAT Agencies held scoping meetings on renewable energy and the implementation of Renewable Energy Executive Order S-14-08. These meetings were open to the public to provide input to the agencies on review and regulatory processes related to the siting of renewable energy infrastructure.

From June 2009 through 2013, the REAT Agencies held a series of public meetings to discuss the development of the DRECP. The meetings highlighted topics of special interest on which the REAT Agencies requested feedback. Comments on these topics were provided either in writing or verbally at the meetings. The meetings introduced some DRECP products in draft form with opportunities for written input.

As part of the meetings, the DRECP Stakeholder Committee was established by the State of California. The Stakeholder Committee was composed of individuals from local governments, environmental organizations, electric utilities, renewable energy industry associations, renewable energy project developers, a coalition of Native American tribes, and off-highway vehicle associations. Federal and state agencies also participated in Stakeholder Committee meetings. Several topic-specific working groups within the

Stakeholder Committee were formed to focus on the following areas: Focus Species, Resource Mapping, Covered Activities, and Transmission. Stakeholder Committee meetings were open to the general public. Additionally, the general public was offered opportunities to comment, make verbal comments during the meetings, and submit written comments on these meetings. The Stakeholder Committee met approximately monthly from March 2010 until July 2012.

REAT Agency work products and documents, Stakeholder Committee meetings notes, audio recordings and presentations, webinar presentations, and letters from the public were all made available to the public on a website hosted by the CEC, www.drecp.org. This website went operational in summer 2010 and is still operational as of the signing of this ROD.

IV.3 Additional Outreach During EIR/EIS Preparation

IV.3.1 Agency and Public Workshops

Since the initiation of the DRECP, the REAT Agencies have been invited to a number of public workshops to provide information and status updates regarding the DRECP process to the interested public and agencies. Examples of the workshops include county meetings in Independence, Inyo County; Lucerne Valley and Yucca Valley, San Bernardino County; the BLM California Desert District Advisory Council, and the California Off Highway Motor Vehicle Recreation Commission.

IV.3.2 DRECP Gateway – DataBasin Geographic Information System Tool

The DRECP Gateway – DataBasin (<http://drecp.databasin.org/>) is a map-based, user-friendly conservation data sharing system, designed and maintained by the Conservation Biology Institute (CBI), to support conservation decision making. Prior to the public workshops described above, in order to facilitate public coordination on the DRECP, the REAT Agencies established a customized data viewing gateway for the DRECP on the DataBasin website (<http://drecp.databasin.org/>). The DRECP Gateway on allowed individuals and organizations—including the DRECP stakeholders, local agencies, tribes, and the public—to explore and download the library of spatially explicit DRECP datasets for the DRECP area, and to view, analyze, and print selected data maps related to DRECP planning. The DRECP Gateway was operational in fall 2014, and remains up to date and operational as of the signing of this ROD.

IV.4 Cooperating Agencies

Under NEPA, a “cooperating agency” includes any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact

involved in a proposed project or project alternative (40 CFR 1508.5). NEPA Cooperating agencies for the DRECP include:

- National Park Service
- U.S. Fish and Wildlife Service (co-lead on Draft EIS)
- Department of Defense
- California Department of Fish and Wildlife (co-lead on Draft EIR)
- California Energy Commission (co-lead on Draft EIR)
- California Independent System Operator

In addition to these formal cooperating and responsible agencies, BLM has consulted with the following local agencies throughout the DRECP area: the City of Lancaster, the Town of Apple Valley; and Imperial, Riverside, San Bernardino, Kern, Inyo, Los Angeles, and San Diego counties.

IV.5 USFWS and Endangered Species Act Section 7 Consultation

The USFWS, as a REAT Agency, Endangered Species Act Section 10 permitting agency, Draft DRECP EIS NEPA co-lead agency, and Final EIS cooperating agency, participated in interdisciplinary and leadership team meetings throughout the entire DRECP planning process. As an ESA Section 10 permitting agency and NEPA co-lead, the USFWS helped develop the alternatives and related analyses. It also approved the release of the Draft DRECP and EIR/EIS. For the Proposed LUPA and Final EIS, the USFWS participated in refinement of the alternatives based on public comment and new information.

In accordance with Section 7(a)(2) of the ESA federal agencies must consult with the USFWS when an action the agency carries out, funds, or authorizes *may affect* a listed endangered or threatened species or its designated critical habitat. The DRECP Final EIS defined potential impacts on threatened and endangered species as a result of management actions proposed in the alternatives analyzed in the Final EIS.

The BLM informally initiated Section 7 consultation with a letter to the USFWS, before the release of the Draft LUPA/EIS, and requested concurrence on which species would require consideration during consultation. Over the ensuing months, regular meetings were held to identify the species that would be analyzed in the Biological Assessment, to address which actions could affect those species, and to determine whether the implementation of the Proposed LUPA “may affect” the species for which this consultation would occur. In February, 2015, the BLM requested concurrence on the species list.

On July 13, 2015, the BLM submitted a Biological Assessment and initiated formal consultation with the USFWS on BLM's DRECP Proposed LUPA. The USFWS determined the BLM Biological Assessment was sufficient to initiate formal consultation in early August 2015. After reviewing the current status, the environmental baseline for the action area, and direct, indirect, and cumulative effects of the DRECP Proposed LUPA on the California condor, southwestern willow flycatcher, least Bell's vireo, western yellow-billed cuckoo, Yuma Ridgway's rail, desert tortoise and designated critical habitat of the desert tortoise, the USFWS provided the BLM with a draft Biological Opinion for review and comment in December 2015; BLM provided comments in January 2016.

On August 16, 2016, the USFWS issued its biological opinion that the DRECP Proposed LUPA is not likely to jeopardize the continued existence of the aforementioned species or result in the adverse destruction or modification of desert tortoise critical habitat. The biological opinion includes an incidental take statement for each species exempting the BLM from the prohibitions of Section 9 of the ESA for incidental take. Included in the incidental take statement is the USFWS conclusion that the avoidance and minimization measures proposed by BLM in the DRECP LUPA are sufficient to minimize the incidental take of the species, and consequently, no reasonable and prudent measures or terms and conditions were identified or determined necessary or appropriate to minimize incidental take of said species. The biological opinion from the USFWS is included as Appendix 3 to this ROD.

IV.6 Native American Government-to-Government Consultation

The BLM consulted with federally recognized Indian tribes on a government-to-government basis in accordance with several authorities, including the NHPA, NEPA, FLPMA, the American Indian Religious Freedom Act, and Executive Order 13175. Native American tribal consultations are conducted in accordance with policy and all tribal concerns were given due consideration. The BLM invited federally recognized Indian tribes in the planning area to meet numerous times during the planning process and met face-to-face with almost all of the federally recognized Indian tribes one or more times.

BLM and the DOI conducted numerous government-to-government meetings and technical sessions with Native American tribes. BLM initiated the Tribal Federal Leadership Conferences to create a forum for the federally recognized tribes in the California desert area to engage with federal executives on the DRECP process. The Conferences were used to identify issues, concerns, and interests and to share information regarding any and all resources in the California desert area pertinent to renewable energy, natural and cultural resource conservation, and land use planning as part of the development of the DRECP.

These discussions included a review of all alternatives. The areas discussed were the CDCA, Bishop RMP, Bakersfield RMP, and Eastern San Diego County RMP.

Through the Conferences, the DOI and the BLM, along with the Bureau of Indian Affairs, specifically solicited tribal input into renewable energy, conservation, and land use planning. Conferences were held:

- September 21, 2011
- November 11, 2011
- November 16, 2011
- February 16, 2012
- April 4, 2012
- July 18, 2012
- December 12, 2012
- February 4, 2014
- December 11, 2014
- September 23, 2015

At the Conferences the REAT Agencies provided information, maps, technical assistance, presentations, access to Authorized Officers, and other specialized services relevant to the planning process. All of the tribal concerns received were incorporated into planning for the DRECP area.

In addition to the Conferences, other outreach included pre-meetings, numerous technical meetings, and individual government-to-government meetings with the federally recognized Indian tribes. Invitations by the BLM to federally recognized Indian tribes in the plan area to consult on the DRECP on a government-to-government basis was accomplished through formal letters, emails, phone calls, and face-to-face meetings. Letters from the BLM were sent in December 2013 requesting assistance in identifying sacred sites and places of traditional religious and cultural significance that may be within the BLM's Area of Potential Effects (APE) and seeking input regarding knowledge of or concerns with historic properties that may be affected by BLM's LUPAs.

Meetings between BLM Field Managers and tribes were extensive and typically covered a range of topics about the development of the DRECP. Significant tribal outreach for the DRECP has also occurred at the staff level. The contact at the staff level is not formal consultation, but was critical to foster a detailed dialogue regarding the BLM's proposal to amend the land use plans identified above. This sharing of technical information provided

much of the basis for conducting meaningful consultation between decision makers. The BLM's effort to engage in meaningful consultation with Indian tribes was continuous throughout all phases of development of the DRECP and will continue through implementation of the DRECP.

IV.7 Section 106 Consultation

The BLM complied with Section 106 of the NHPA by developing a Programmatic Agreement (PA) pursuant to 36 C.F.R. 800.14 (included as Appendix 4 to this ROD). The PA was executed on February 5, 2016 when it was signed by the BLM, the California State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP). With respect to planning for public involvement in the Section 106 process, the November 20, 2009, Notice of Intent published in the Federal Register for the DRECP stated that the BLM would use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the NHPA as provided for in 36 CFR 800.2(d)(3). The BLM also used the NEPA commenting process to supplement public involvement efforts required for Section 106.

The BLM executed the PA to address potential effects associated with adopting a LUPA governing the possible siting of future utility scale renewable energy projects on BLM-managed lands in southern California. The PA was developed in consultation with the SHPO, the ACHP, 40 federally recognized Indian tribes within the planning area, and over 300 other invited consulting parties. Consulting Parties included neighboring federal, state, and local agencies, tribal organizations, county and city government representatives, renewable energy industry groups, archaeological and historical societies, local museums, and other groups that may have an interest in historic preservation as it relates to the DRECP.

The resulting PA refines the approach of the Western Solar Plan and replaces the Solar PA on lands administered by the BLM within the boundaries of the LUPA Decision Area with the DRECP PA that accommodates all renewable energy production and transmission right of way authorizations and portions of connected actions in the planning area and the Western Solar Plan PA no longer applies to those actions.

The BLM initiated consultation with the SHPO on Nov. 16, 2012, regarding the BLM's Section 106 responsibilities triggered by the proposal to adopt a LUPA as an aspect of the multiagency DRECP. The BLM notified the ACHP on June 18, 2012, regarding its involvement in the DRECP. The ACHP confirmed to the BLM on June 29, 2012, it was interested in participating. The BLM notified the ACHP on August 9, 2013, that the BLM planned to develop a PA pursuant to 36 CFR 800.14(b) to fulfill its Section 106 obligations associated with the proposed LUPA. The ACHP confirmed on October 22, 2013, that it would participate in the process.

To develop the PA, the BLM invited the SHPO, ACHP, federally recognized Indian tribes and all other potential consulting parties to kick-off meetings in Ridgecrest on February 17, 2015 and in Palm Springs on February 19, 2015. At these meetings, the BLM described the DRECP, the Section 106 process, the role of consulting parties, the development of the PA, and solicited working group members to participate in writing the text of the PA.

Four Working Group meetings were held at BLM Field Offices on May 7, 2015 (Barstow), May 28, 2015 (Needles), June 25, 2015 (Bishop), and July 16, 2015 (El Centro). Between 30 and 40 people attended each meeting either in person or by telephone and WebEx. The federally recognized Indian tribes were invited to each Working Group Meeting. Active Working Group Participants included staff from the ACHP, staff from the SHPO, several federally recognized Indian tribes, tribal organizations, federal, state, and local agencies, energy industry representatives, archaeological organizations, and other groups and individuals with a demonstrated interest or specific knowledge of or concerns about historic properties.

After developing and discussing four versions of the working draft with the working group, the full draft PA was completed and sent to all consulting parties, including federally recognized Indian tribes for review and comment on August 7, 2015. A Section 106 Consulting Party Meeting regarding the draft PA was held at two locations in Ridgecrest on August 25, 2015, and in Palm Springs on August 27, 2015, to accommodate the number of consulting parties and the large size of the Plan Area.

The BLM took into account all comments received on the draft PA in revising the document, and distributed a revised draft PA on September 29, 2015 to all consulting parties, including the federally recognized Indian tribes. The BLM then held a final Section 106 Consulting Party Meeting on the revised draft PA on October 14, 2015 in Palm Springs to solicit further input. BLM took into account all comments at that meeting and all comments submitted in writing while revising the document. The proposed final PA was circulated for a final fatal flaw review to all consulting parties, including the federally recognized Indian tribes, on November 20, 2015. The BLM circulated the final PA to all consulting parties, including the federally Indian tribes, on January 15, 2016, seeking signatures of the Concurring Parties.

Key aspects of the PA include:

- A set of principles governing consultation for all future renewable energy project applications within the LUPA Area;
- A pre-application process for all renewable energy project applications within the LUPA Area;

- A clearly defined process for reviewing all renewable energy project applications within the LUPA Area under Section 106;
- Section 106 review timelines for renewable energy project applications located within DFAs;
- Cultural resource sensitivity analyses to inform siting decisions and to start project specific discussions early between consulting parties ;
- Third party scientific review process for technical studies;
- Section 106 training for project participants; and
- Establishes a regional compensatory mitigation program to address cumulative impacts

To date, several federally recognized Indian tribes, industry representatives, local, state, and federal agencies, and other interested individuals and groups have signed as Concurring Parties. The BLM completed the required Section 106 consultation process on February 5, 2016, when the BLM, the SHPO, and the ACHP executed the document prior to the BLM issuing the ROD.

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V REFERENCES

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VI APPROVAL

Land Use Plan Decisions

It is the decision of the Bureau of Land Management to approve the Desert Renewable Energy Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan, the Bakersfield Resource Management Plan, the Bishop Resource Management Plan, as described in this Record of Decision. The Proposed Plan Amendments and related Final Environmental Impact Statements were published on November 13, 2015, in the Federal Register. The BLM Director has resolved all protests and, in accordance with BLM regulations 43 CFR 1610.5-2, the Director's decision on the protests is the final decision of the Department of the Interior. The approval is effective on the date of this Record of Decision is signed.

Approved by:

Jerome E. Perez
Bureau of Land Management
State Director for California

Date

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AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

21

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator/County Counsel/Public Works

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Lease Agreement for use of County property for construction of a new modular courthouse in Independence

DEPARTMENTAL RECOMMENDATION:

Request your Board consider: (A) find that County-owned property located at 750 S. Clay Street in Independence, is not required for use by the County of Inyo; and, (B) consider the Lease Agreement by and between the County of Inyo and the Judicial Council of California for County Property to be Used for Construction And Operation of the New Independence Courthouse and, if approved (4/5ths vote required), authorize the Chairperson to sign contingent on all appropriate signatures.

SUMMARY DISCUSSION:

This lease makes County owned-property at 750 S. Clay Street in Independence (between the County Jail and County Road Shop) available to the Judicial Council of California to construct and operate a new modular courthouse. The County has previously, at its own expense, vacated a portion of Crockett Street, and abandoned a portion of Elm Street, to increase the size of the parcel for the modular courthouse project.

The County originally offered to lease the parcel to the Judicial Council for \$1 a year for 40 years, or undertake the process to sell the parcel to the Judicial Council for a reasonable amount, on March 17, 2009, as part of an "economic opportunity" proposal made to secure construction of the \$40 million "New Independence Courthouse Project." On April 29, 2011, the Judicial Council voted unanimously to relocate this project – ubiquitously renamed the "Inyo Project" – to Bishop. On August 16, 2011, the Board of Supervisors reiterated its willingness to make the Clay Street parcel available to the Judicial Council for "no or nominal cost" – this time to facilitate construction of a modular courthouse project on the property.

The County had previously supported encumbering funds to develop a modular courthouse in Bishop, however, the Judicial Council's decision to move the "Inyo Courthouse" project to Bishop resulted in the County being compelled to support developing a modular courthouse in Independence to replace Court operations now occurring in the Historic Courthouse, which did not meet the Court's needs, ADA requirements, or modern Court standards – defects deemed cost-prohibitive to rectify by the Judicial Council. (The need to move the Court's operations out of the Historic Courthouse to another facility in Independence was previously evidenced in a State report ranking the "New Independence Courthouse Project" as one of the top 41 "Critical Needs" facilities in the State.) The Judicial Council had acquired responsibility for managing the Superior Court's share of space in the Historic Courthouse as the result of the Trial Court Facilities Act of 2002 which transferred responsibility for providing, operating and funding Court facility operations from the County to the Judicial Council by 2009. The Judicial Council's right to use 34% of the Historic Courthouse for Court operations was conveyed by a Transfer Agreement executed on April 24, 2008 (with an annual \$39,808 County Facilities Payment, from the County to the Judicial Council, representing historic County expenditures in support of Court operations). At the same time, the Court's and the County's joint-occupancy of the Historic

Courthouse, and the respective obligations of the County and Judicial Council relative to this joint occupancy, were memorialized in a Joint Occupancy Agreement (JOA) which, in part, specified the Judicial Council annually reimburse the County for 34% of “Shared Costs” associated with the County’s management of common areas (interior and exterior, and including utilities costs) in the Historic Courthouse.

The ensuing lease negotiations became exceedingly complicated by the Judicial Council’s insistence that (a) it be relieved of its obligations to make its annual “Shared Costs” payment required by the JOA it developed (because the funds were needed to fund operation of the new modular courthouse); and, (b) that it would not terminate the JOA (thereby returning the Historic Courthouse to the County and relieving the Judicial Council of the need to make annual the annual “Shared Costs” payments) unless the County purchased the Judicial Council’s “equity interest” in the Historic Courthouse. The so-called “equity interest” amount was subsequently determined to be \$197,200 dollars based on reconciling appraisals funded by the County and the Judicial Council. This Judicial Council imposed conundrum precluded the County from being able to simply make the Clay Street parcel available with a simple \$1 per year lease, and the Judicial Council simply returning its share of the Historic Courthouse to the County.

The County does not concur in the Judicial Council’s premise that it has or must be reimbursed for any “equity interest” in the Historic Courthouse. Nevertheless, the County recognizes the need for new Court facilities in Independence, and continues to endeavor to support accomplishing this objective in the face of incredible bureaucratic hurdles while being mindful of the County’s fiscal interests. The proposed lease being presented for consideration by your Board today resolves the Judicial Council’s self-imposed dilemma by having the Judicial Council suspend provisions of the JOA and carry its “equity interest” *on paper* where it will be paid down by crediting the actual costs the Judicial Council would annually pay the County had the JOA not been suspended. The buy-down will also be facilitated by the Judicial Council crediting the County for the negotiated value of the ground lease (\$10,000 per year) until such time as the “Equity Reduction” is accomplished at which time the Judicial Council will have the option to buy the property or continuing paying a lease cost of \$1 per year. Exhibit C to the lease demonstrates how this paper buy-down of “equity interest” may look based on current cost projections. As indicated, the Judicial Council’s “equity interest” is projected to be paid down five to six years after the Court moves into the new modular courthouse, at which time the JOA will be terminated. Until the JOA is terminated and the entire Historic Courthouse reverts to the County, the lease provides the County the right to occupy the space currently designated as the Court Exclusive Area.

Legal Note: This transaction is authorized by Government Code section 25365, provided that the Board finds the subject property is not required for County use and the Board approves the transaction by a four-fifths’ vote. Pursuant to subdivision (c) of section 25365, a notice of the County’s intended action regarding this property was published on September 27th. Also, the Judicial Council agreed that it would be the lead agency for purposes of any CEQA review associated with the lease (and the County is thus a responsible agency). As lead agency, the Judicial Council determined that the project was “exempt” from CEQA review and filed a Notice of Exemption accordingly after approving it. Thus, no action by the County is required under CEQA.

ALTERNATIVES:

Your Board could direct staff to negotiate different lease terms, or your Board could direct staff to prepare and enter into a standard County ground lease with the Judicial Council for the previously offered \$1 per year; leaving the Judicial Council to figure out how to deal with its own contradictory prerequisites of needing to stop paying annual “Shared Costs” but retaining the JOA unless it is paid for its “equity interest.” Neither alternative is being recommended as it would delay and maybe eliminate construction of new Court facilities in Independence. Your Board could also direct the preparation of a \$1 per year standard ground lease and

purchase the Judicial Council's "equity interest" for \$197,200 but this is not recommended because there exists no strong justification as the legitimacy of the equity interest concept.

OTHER AGENCY INVOLVEMENT:

This is between the County of Inyo and the Judicial Council of California (who is also the lead agency for CEQA as noted above). It is proposed in conjunction with and MOU between the County and the Superior Court to maintain and provide the Court access to the Historic Courtroom and Judges Chambers, without Judicial Council oversight, and without compensation to the County for reserving this space.

FINANCING:

The "Equity Reduction" concept set forth in the lease will result in a loss of revenue to the County equal to what the Judicial Council would otherwise pay the County for "Shared Costs" under the terms of the JOA and other agreements to provide services in the Court Exclusive Area which are otherwise the responsibility of the Judicial Council. In Fiscal year 2014-2015, this revenue amounted to approximately \$20,000. However, if the JOA were terminated, and the entire Courthouse reverted to the County, this revenue would also cease to be paid.

| <u>APPROVALS</u> | |
|-------------------------|---|
| 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: <u>yes</u> Date <u>9/29/16</u> |
| 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: 09/27/16
 (The Original plus 20 copies of this document are required)

**LEASE AGREEMENT BY AND BETWEEN THE COUNTY OF INYO
AND THE JUDICIAL COUNCIL OF CALIFORNIA
FOR COUNTY PROPERTY TO BE USED
FOR CONSTRUCTION AND OPERATION OF
THE NEW INDEPENDENCE COURTHOUSE**

THIS LEASE AGREEMENT (“**Lease**”), made effective as of _____ 1, 2016, is between the County of Inyo, a political subdivision of the State of California (“**County**”), and the Judicial Council of California (“**Judicial Council**”), collectively referred to as the “Parties” or individually as a “Party.”

- A. Pursuant to a request by the Superior Court of California, the County of Inyo (the “**Court**”), the Judicial Council has agreed to relocate court operations from the Historic Courthouse in Independence, California located at 168 North Edwards Street (“**Historic Courthouse**”) to a modular facility (“**New Courthouse**”) to be located on the Property (defined in section 3 below) adjacent to the Jail (defined in section 3 below); and
- B. The County is willing to lease a portion of the Property to the Judicial Council as more fully described in section 3 below and Exhibit “B” attached hereto subject to the terms and conditions of this Lease; and
- C. The Court’s occupancy of the Historic Courthouse and obligations related thereto are governed by a “Joint Occupancy Agreement between the Judicial Council of California, Administrative Office of the Courts and Inyo County” dated April 25, 2008 (“**JOA**”), which provides, among other things, for the payment by the Judicial Council of its share of the cost of operating and maintaining that facility; and
- D. The Parties have established the value of the Judicial Council’s equity interest in the Historic Courthouse as defined and used in the JOA (the “**Equity Interest**”) to be One Hundred Ninety-seven Thousand Two Hundred Dollars (\$197,200) based on the formula set out in the JOA: thirty four percent of the Five Hundred Eighty Thousand Dollar (\$580,000) fair market value of the Historic Courthouse building (FMV x 34%);¹ and
- E. The Parties acknowledge and agree that the fair market value of the rights granted to the Judicial Council under this Lease is approximately equal to the

¹ The term “Equity Interest” is used to describe the Judicial Council’s real property interest in the Historic Courthouse; it does not indicate that the County agrees with the Judicial Council’s position that the Judicial Council has an ownership interest in the Historic Courthouse.

value of the Judicial Council's Equity Interest in the Historic Courthouse and the other consideration provided; and

- F. The Parties intend to suspend certain Historic Courthouse JOA obligations upon the execution of this Lease with suspension of the rest upon commencement of operation in the New Courthouse, and to terminate the JOA when the Equity Interest is fully extinguished; and
- G. The County currently has a propane tank on the Property, which the Judicial Council will relocate to a nearby location acceptable to the County at a cost of approximately \$2,000 (the "**Tank Relocation**"); and
- H. The primary consideration for the rights granted to the Judicial Council under this Lease will be the Equity Interest in the Historic Courthouse, which will be transferred by the Judicial Council to the County over time as set forth in subsection B of section 5 below. For future guidance, a chart illustrating hypothetically how the amount of Equity Interest being transferred annually could be derived in accordance with subsection B of section 5 is attached hereto as Exhibit "C" and incorporated herein by this reference. Additional consideration for the rights granted to the Judicial Council under this Lease will be the County's occupation and use of the Court Exclusive-Use Area in the Historic Courthouse as defined in the JOA following commencement of Court operations in the New Courthouse as set forth in subsection D of section 5 below.

NOW, THEREFORE, for valuable consideration receipt of which is recognized and received, the Parties agree to the terms and conditions of this Lease.

1. INCORPORATION OF RECITALS.

The Recitals set forth in Paragraphs A through H are incorporated into this Lease by this reference and are true and correct statements of the Parties' intents and purposes.

2. ADMINISTRATION.

This Lease shall be administered on behalf of the County by the Director, Inyo County Department of Public Works ("**County Lease Administrator**"), and on behalf of the Judicial Council by its Associate Facilities Analyst, as their respective authorized representatives to administer this Lease. The contact information for the authorized representatives is set forth in Section 30.

3. LEASED PREMISES.

The County is the record owner of that certain undeveloped parcel of real property located in the State of California, County of Inyo, Town of Independence, adjacent to the Inyo County Jail (the “**Jail**”), on Clay Street between the Independence Road Shop and the County Jail (the “**Property**”). The Property is more particularly described in Exhibit “A” incorporated herein by this reference. The County hereby leases to the Judicial Council, and the Judicial Council leases from the County, that portion of the Property generally described as follows: approximately 1.115 acres of unimproved land as shown on the map attached hereto as Exhibit “B” and incorporated herein by this reference as though set forth fully, (the “**Leased Premises**”).

4. TERM.

This Lease will be effective upon the date of its full execution, but its term will commence on the first day of the first month thereafter (the “**Commencement Date**”) and continue for a period of thirty (30) years (the “**Term**”). There shall be no extension of the Term nor early termination except as provided in sections 8 and 9 below.

5. CONSIDERATION; SUSPENSION OF JOA; OPTION TO PURCHASE.

A. Consideration for this Lease will be (i) the Judicial Council’s Equity Interest in the Historic Courthouse until such time as that Equity Interest is reduced to zero and extinguished pursuant to subsection B below and then rent payable at the rate of \$1.00 per year in arrears, and (ii) the County’s right to occupy and use the area in the Historic Courthouse described as Court Exclusive-Use Area in the JOA following commencement of Court operations in the New Courthouse (the “**Equity Reduction Commencement Date**”) pursuant to subsection C below.

B. Equity Reduction.

(i) Starting as of the Equity Reduction Commencement Date, the Judicial Council will transfer to the County its Equity Interest in the Historic Courthouse in the following amounts:

(a) The Judicial Council’s 34% share of the actual cost of operating and maintaining the Historic Courthouse (“**Shared Costs**” as defined in the JOA), deferred maintenance projects, capital improvement projects, and debt service on a courthouse photovoltaic system (collectively, the “**Shared O&M Costs**”). The Parties acknowledge and agree that the first year’s accounting of the Shared O&M Costs will include the Judicial Council’s unpaid 34% share of the photovoltaic debt service for fiscal years 2014-15 and

2015-16, and each year or partial year thereafter until the Equity Reduction Commencement Date. Examples of such agreed-upon costs are shown on the attached Exhibit "C." The list of deferred maintenance projects shown on Exhibit "C" may be modified by the County from time to time.

(b) 100% of the actual cost of facility-related Court Exclusive-Use Area Operation costs of the sort previously identified and billed through the expired Memorandum of Understanding between the Judicial Council and the County, dated May 23, 2008, for "Court Facility Services Relating To Historic Independence Superior Court Facility" (the "**Court EUA Costs**").

(c) An additional \$10,000 per year (partial years to be pro-rated) which the Parties agree represents negotiated additional annual rent for the Leased Premises. The Parties acknowledge and agree that this \$10,000 additional rent is payable only in the form of reduction of the Equity Interest and not cash and that this obligation is deemed complete and fully extinguished immediately when the Equity Interest is reduced to zero pursuant to this section.

- (ii) Within 90 days after the end of the fiscal year in which the Equity Reduction Commencement Date occurs and each fiscal year thereafter until the Judicial Council's Equity Interest in the Historic Courthouse is reduced to zero, the County will provide to the Judicial Council an accounting of the County's actual incurred costs described in subsections (a) and (b) of subsection (i) above and the pro-rated share of the annual rent described in subsection (c) of subsection (i) above. The accounting will include reasonable supporting documentation of any such costs.
- (iii) For purposes of calculating the first annual amount by which the value of the Judicial Council's Equity Interest will be reduced, the Parties agree that the amount will include all Shared O&M Costs and Court EUA Costs incurred on and after the Equity Reduction Commencement Date. Any Shared O&M Costs or Court EUA Costs incurred before the Equity Reduction Commencement Date shall be payable by the Judicial Council under the process and procedure in place immediately preceding the Equity Reduction Commencement Date. However, the Parties agree that to the extent Shared O&M Costs and Court EUA Costs incurred prior to the Commencement Date and between the Commencement Date and the Equity Reduction Commencement Date remain unpaid as of the

Equity Reduction Commencement Date, an amount equal to such unpaid costs will be deducted from the Judicial Council's Equity Interest in the first annual amount by which the value of the Equity Interest will be reduced. The Parties further agree that the amount of the first year's equity reduction will be reduced by the actual costs incurred by the Judicial Council for the Tank Relocation up to \$2,000 as described below in section 11(C).

- (iv) Within 60 days of receiving the fiscal year end accounting described above, the Judicial Council shall acknowledge, in writing, its receipt and acceptance of the accounting, or notify the County of any disagreement or need for additional documentation. If no written notice is received by the County within this 60-day period, the accounting shall be deemed accepted. If notice of a disagreement or need for additional information is provided within this 60-day period, then the Parties will meet and confer in person, by e-mail or telephone, within 30 days to reasonably resolve the disagreement and mutually concur in the previous year's accounting. In the event of any dispute relating to this section, the Parties will comply with the dispute resolution provisions of section 11 of the JOA subject to the terms of this Lease. In addition to the fiscal year-end accounting, the County may, at its discretion, provide the Judicial Council with quarterly accounting statements adhering to the same content requirements and procedures.
- (v) At such time that the value of the Judicial Council's Equity Interest in the Historic Courthouse is reduced to zero pursuant to this section 5, the Judicial Council will record in the official records of the County of Inyo a Termination of Joint Occupancy Agreement in substantially the same form as that which is attached hereto as Exhibit "D" (the "**Termination**"), forever extinguishing the Judicial Council's Equity Interest in the Historic Courthouse.

C. Starting as of the Commencement Date, operation of the following sections of the JOA will be suspended:

- (i) Section 3.2 and all of its subsections;
- (ii) Section 4 and all of its subsections except to the extent of any obligations of the Judicial Council accrued, but not yet invoiced or paid on or before the Commencement Date, and audit rights set forth in section 4.4 as applied with respect to any obligations of the

- Judicial Council that accrued on or before the Commencement Date; and
- (iii) Section 5.1 and all of its subsections.

Starting as of the date the Court has commenced operations in the New Courthouse, operation of all sections of the JOA not already suspended by this section will be deemed suspended, and, as provided in subsection B above, the JOA will be forever terminated and extinguished upon recordation of the Termination.

D. As further consideration for this Lease, the County shall have the right to occupy and use rent-free the Court Exclusive-Use Area (as defined in the JOA) in the Historic Courthouse after the Judicial Council has delivered written notice of the Equity Reduction Commencement Date which the Parties hereby agree will occur on or before the 90th day after the date of issuance of the certificate of occupancy for the New Courthouse.

E. The Parties acknowledge and agree that (i) the County is willing to sell the Leased Premises to the State of California for \$1.00 after the Termination is recorded; (ii) the State of California cannot agree to purchase, or to an option to purchase the Leased Premises without prior authorization by the Judicial Council, the State Department of Finance, the Legislature, and the Governor; and (iii) no such authorization has been obtained or is currently being sought. If such authorization is sought and obtained, the Parties agree to work together in good faith to complete such a purchase and sale of the Leased Premises.

6. DELIVERY OF POSSESSION.

Delivery of possession shall be deemed completed as of the date of execution of this instrument. The Judicial Council represents and warrants that the Judicial Council has examined the Leased Premises, and that as of the effective date of the Lease, the Leased Premises are safe and clear of debris.

7. QUIET POSSESSION; AMBIENT NOISE.

A. The County covenants and agrees that the Judicial Council, conditioned upon compliance with all the terms and conditions of this Lease, may lawfully, peacefully, and quietly have, hold, use, occupy, and enjoy the Leased Premises and each part thereof during the Term of this Lease without hindrance or interruption by the County.

B. The Judicial Council and Court acknowledge and accept that the New Courthouse will be located adjacent to the County's Independence Road Shop (the "**Road Shop**"), and that because of the nature of the work at the Road Shop, loud noises

that can be heard at the Leased Premises currently are and will continue to be produced regularly. The County will conduct its operations at the Road Shop in compliance with all applicable laws, ordinances, and regulations including those related to sound and noise, and make a good faith effort to avoid unnecessary noise during Court business hours. The Judicial Council and Court acknowledge and accept that loud noise from the Road Shop is and will be unavoidable, and the Court accepts sole responsibility for implementing any noise abatement measures within the New Courthouse that it deems necessary.

8. TERMINATION.

This Lease shall terminate upon the expiration of the Term, unless sooner terminated in accordance with the following provisions.

A. Default. In the event the Judicial Council or the County defaults on any material term or condition of the Lease, and fails to cure such default within thirty (30) days after receipt of written notice from the non-defaulting Party specifying the default, the non-defaulting Party may terminate this Lease by giving the defaulting Party written notice of such termination, which specifies the date of termination; but if the default is such that it is capable of being cured, but cannot be completely cured within the thirty (30) day period, the defaulting Party will not have defaulted if the defaulting Party begins to cure within the thirty (30) day period and diligently performs the cure to completion.

B. Abandonment. If the Judicial Council abandons or vacates the Leased Premises, the County may at its option terminate the Lease and regain possession of the Leased Premises in the manner prescribed by law, or continue the Lease in full force and effect, as long as the County does not terminate the Judicial Council's right to possession of the Leased Premises, and the County may enforce all its rights and remedies pursuant to the Lease for the Term.

C. Sale to the State. If the County sells the Leased Premises to the State of California after the Termination is recorded, pursuant to section 5(E) above, then this Lease shall terminate upon and concurrently with the transfer of fee title to the Property from the County to the State.

D. Failure to Commence Operations in New Courthouse. In the event that Court operations in the New Courthouse have not commenced within thirty-six (36) months after the Commencement Date, then the County may terminate this Lease with ninety (90) days' written notice to the Judicial Council.

9. HOLDING OVER.

If the Judicial Council remains in possession of the Leased Premises with the

consent of the County, either expressed or implied, after the expiration of the Term, the Judicial Council's tenancy shall be deemed to be a tenancy from year to year on the same terms and conditions as are set forth in the Lease, and such tenancy may be terminated upon at least one year's prior written notice of such termination served by either the Judicial Council or the County to the other Party in the manner prescribed by law.

10. USE.

A. It is the purpose of this Lease to allow the Judicial Council and Court to construct and operate a modular courthouse of approximately 8,000 square feet on the Leased Premises to be used by the Court as one or more hearing rooms, court offices, or other compatible uses, along with necessary parking, utilities, and facilities. The Leased Premises shall be used only for that purpose.

B. The Judicial Council shall not permit the Leased Premises or any part thereof to be used for, and the Judicial Council shall not engage in, any activities on the Leased Premises which constitutes or results in any of the following:

- (i) An activity that is offensive, noisy, or dangerous that would increase the County's insurance costs for the Leased Premises;
- (ii) A public or private nuisance;
- (iii) A violation of law;
- (iv) Any purpose or in any manner that would obstruct, interfere with, or infringe on, the rights of occupants or owners of adjoining property, including adjoining County facilities;
- (v) The committing of any waste, injury, or damage to the Leased Premises; or
- (vi) A commercial enterprise, other than vending machines or coffee service unless expressly authorized in writing by the County.

11. ALTERATIONS AND IMPROVEMENTS.

A. The County hereby consents to placement, construction, and installation of the following alterations, installations, additions, and improvements on the Leased Premises, which will be installed by the Judicial Council at no cost or expense to the County: the New Courthouse consisting of a modular courthouse of approximately 8,000 square feet, all necessary excavations and foundations needed to support the modular, a parking lot and one or more paved walkways to service the courthouse and parking lot, and all necessary utilities including all necessary excavations from existing

utility service runs needed to operate the New Courthouse and related facilities (collectively, the “**Improvements**”). Landscaping may be installed in the discretion of the Judicial Council. Other than these Improvements, the Judicial Council shall make no alterations or improvements to, in, or on the Leased Premises without the prior written consent of the County (“**Additional Improvements**”). The Judicial Council will coordinate with the County regarding the construction schedule and changes to it, and will coordinate with the County regarding construction activities that may disrupt normal operation of the County facilities adjacent to the Leased Premises including, but not limited to, the Jail. The County acknowledges and agrees that this Lease does not give any of the County Parties (defined below) any rights of access to any of the Improvements or any Additional Improvements constructed or installed by the Judicial Council on the Premises including, but not limited to, the New Courthouse.

B. In the event that the New Courthouse is ready for delivery and installation on the Leased Premises before completion of the Improvements, the County shall provide the Judicial Council with space at the Independence Landfill located on Dump Road, Independence, California, for the limited purpose of temporary storage of the New Courthouse prior to its installation for a period not to exceed 16 weeks. The Judicial Council’s occupancy and use of this temporary storage space shall be subject to all terms and conditions of this Lease except section 2 – Term. The Judicial Council understands that the space provided by the County for storage of the New Courthouse will not be guarded nor otherwise protected by any security system and that the County is not undertaking any responsibility to protect or insure the New Courthouse against any risk of theft, vandalism, damage, or any other harm. The Judicial Council shall hold the County free and harmless from any liability for such harm that may occur.

C. The Tank Relocation will be completed by the Judicial Council at no cost to the County. The cost to the Judicial Council of the Tank Relocation, up to \$2,000, will be deducted from the Year 1 Equity Reduction Calculation described in Section 5.B. and Exhibit “C” upon the Judicial Council’s providing documentation of costs. The Tank Relocation will be completed pursuant to plans and drawings prepared by the Judicial Council and approved by the County and will be completed prior to the Court occupying the New Courthouse.

D. Should either the Judicial Council or the County obtain funding to construct a prisoner walkway between the County Jail and New Courthouse, the Parties will cooperate with each other in order to allow the construction of said walkway.

12. OWNERSHIP OF IMPROVEMENTS; SURRENDER.

A. All of the Improvements and any Additional Improvements including the New Courthouse installed by the Judicial Council with the approval of the County in accordance with Section 11 shall remain and be the property of the Judicial Council for

the Term of the Lease. The Improvements and any Additional Improvements made by the Judicial Council, including the New Courthouse, other than removable personal property, such as furniture and equipment, shall remain the property of the Judicial Council unless otherwise agreed in writing by the Judicial Council and the County.

B. Upon termination of this Lease, if disposition of the Judicial Council's structures or improvements is to a party or parties other than the County, the Judicial Council shall ensure that the Improvements and any Additional Improvements are removed from the Leased Premises within a reasonable period and that the Leased Premises are restored by the Judicial Council to the condition in which it was immediately prior to the Judicial Council's occupancy at its sole cost and expense. Any damage occasioned by the installation or removal of the Judicial Council's personal property by the Judicial Council, Court or their respective agents shall be the full and total obligation of the Judicial Council.

13. REPAIRS AND MAINTENANCE.

The Judicial Council and not the County shall be solely responsible, at its own expense, for keeping the Leased Premises, including the Improvements and Additional Improvements if any, placed on the Leased Premises during the Term of this Lease, in good order, condition, and repair, and free of unreasonable safety hazards other than that caused by reasonable and ordinary wear and tear.

14. UTILITIES AND OTHER SERVICES.

The Judicial Council shall be responsible for procuring and paying the costs of all utilities, water, sewage, and trash removal services to or at the Leased Premises. To the extent the County can lawfully grant utility rights of way over, on, or under the Leased Premises, the County will grant to the Judicial Council all necessary rights of way and easements for the Judicial Council to install utilities to serve the Judicial Council's structures and facilities. The County, for itself, will not charge any fee under this Lease for the granting of such rights of way or easements. However, the County does reserve the right to condition the grant of any such right of way or easement upon the Judicial Council's payment of any fee or cost imposed upon the County by another entity for the grant of such easement or right of way.

15. INSURANCE.

A. County Insurance. The Judicial Council acknowledges and accepts that the County does not maintain commercial insurance coverage for property, general liability, or motor vehicle claims, but instead self-insures.

B. Judicial Council Insurance. The County acknowledges and accepts that the Judicial Council does not maintain commercial insurance coverage for property, general liability, or motor vehicle claims, but instead self-insures.

C. Third-Party Contractor Insurance. The Judicial Council will require each of its contractors and subcontractors that performs work on or to the Leased Premises to: (i) obtain and maintain insurance of the type and with coverage amounts that are usual and customary to the type of business or exposures related to the work being performed on the Leased Premises; (ii) name the County, the Judicial Council, and Court and their respective elected officials, judicial officers, officers, directors, employees, and agents as additional insureds by specific endorsement to their general liability policies; (iii) provide a waiver of subrogation in favor of both Parties with respect to any property insurance policies; and (iv) provide to the Parties a 30-day notice of cancellation or material change in any insurance coverage required hereunder. Unless the Parties otherwise agree, all such contractors and subcontractors must indemnify, defend, and hold harmless the Parties and the Court and their respective elected officials, judicial officers, officers, directors, employees, and agents from and against all claims, demands, liabilities, damages, attorney fees, costs, expenses, and losses arising from the performance by the contractors or subcontractors under their contracts including all costs to repair any damage to any County property, and neither Party waives any right of recovery or subrogation against the other in respect of its contractual arrangements with the contractors or subcontractors.

16. WASTE.

The Judicial Council shall give prompt notice to the County of any damages to the Leased Premises and shall not commit, or suffer to be committed, any waste or injury, or allow any public or private nuisance on the Leased Premises.

17. HAZARDOUS WASTE LIMITATION.

The Judicial Council 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 the Judicial Council, its agents, employees, contractors, or invitees, except, with the prior written consent of the County (which the County shall not unreasonably withhold or delay as long as the Judicial Council demonstrates to the County's reasonable satisfaction that such Hazardous Material is necessary or useful to the Judicial Council'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) provided, however, that the Judicial Council and Court may use those quantities of common chemicals and other materials customarily used in the construction, operation, and maintenance of the improvements planned for the proposed use of the Leased Premises. If the Judicial Council breaches the obligations

stated in the preceding sentence, or if the presence of Hazardous Material on the property caused or permitted by the Judicial Council results in contamination of the Leased Premises, or if contamination of the Leased Premises by Hazardous Material otherwise occurs for which the Judicial Council is found liable by a state or federal court of competent jurisdiction, then the Judicial Council's rights and responsibilities shall be as provided by applicable federal, state, and local laws and regulations. The County represents, warrants, and agrees (A) that neither the County nor, to the County's knowledge, any third party has used, generated, stored, or disposed of, or permitted the use, generation, storage, or disposal of, any Hazardous Material on, under, about or within the Property in violation of any law or regulation, and (B) that the County will not, and will not permit any third party to, use, generate, store, or dispose of any Hazardous Material on, under, about, or within the Property in violation of any law or regulation. The County agrees to defend, indemnify, and hold harmless the Judicial Council, Court, and their respective officers, judicial officers, directors, employees, and agents against any and all losses, liabilities, claims, and/or costs (including reasonable attorney's fees and costs) arising from any breach of the County's representation and warranty contained in this section. 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 a federal or state court, of competent jurisdiction, the County shall immediately notify the Judicial Council and the Judicial Council will provide the County the opportunity to enter the property to conduct all monitoring or cleanup work. In the event that the Judicial Council is responsible for any monitoring or cleanup work on the Leased Premises after termination of the Lease, the Judicial Council shall have the right to enter the Leased Premises for performance of such obligation.

18. INDEMNIFICATION.

A. Indemnification Obligation. Each Party is a public entity and is responsible for and obligated to fully defend any litigation arising from its own willful or negligent conduct without indemnification from the other in association with this Lease. The Judicial Council will not seek indemnification from and will defend the County in association with any third party claims arising from this Lease and the County will not seek indemnification from and will defend the Judicial Council in association with any claims arising from work/services it performs under this Lease.

B. Survival of Indemnification. This section 18 will survive the expiration or earlier termination of this Lease until all claims against the Judicial Council or the County involving any of the indemnified matters are either concluded or fully, finally, and absolutely barred by the applicable statutes of limitations.

C. Waiver of Subrogation Concerning Physical Damage. The County and the Judicial Council and their respective insurers (if at any time applicable) hereby

mutually waive their respective rights of recovery against one another for losses, costs, and liabilities related to physical damage to the Property, the Leased Premises, or any business personal property.

19. RIGHT OF ENTRY.

The County's Lease Administrator or the Administrator's authorized representative shall have the right to enter the Leased Premises but not the New Courthouse in the following situations:

A. In emergencies;

B. To make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or show the Leased Premises to prospective or actual purchasers, financing institution representatives, tenants, workmen, contractors, or duly authorized representatives of regulatory agencies;

C. After the Judicial Council has abandoned or vacated the Leased Premises;
or

D. Pursuant to court order.

Except in cases of emergency, or as necessary to comply with court order, or after the Judicial Council has abandoned or vacated the Leased Premises, such entry shall be (a) during normal business hours after reasonable prior notice, usually 25 hours in advance, to the Judicial Council and Court or (b) at such other times as the Judicial Council and Court consents to entry.

20. CERTIFICATION.

Within fifteen (15) business days after receipt of a proposed written certification from the County, the Judicial Council shall execute and deliver to the County a certification stating that (a) the unmodified Lease is in full force and effect, and (b) acknowledging that there are not, to the Judicial Council's knowledge, any uncured defaults on the part of the County hereunder, and no events or conditions then in existence which, with the passage of time or notice or both, would constitute a default on the part of the County, or specifying such defaults, events, or conditions, if any are claimed. The Judicial Council's failure to deliver the certification within the required time period shall be deemed to be the Judicial Council's acknowledgment the facts required to be certified by this Paragraph are true and correct.

21. SUBORDINATION.

The Judicial Council agrees that the Lease, and the Judicial Council's leasehold interest in the Lease, are and shall be subject and subordinate to any lien, mortgage, trust deed, or like encumbrance heretofore or hereafter placed upon the Leased Premises by the County to secure the payment of monies loaned, interest thereon, or other obligations.

22. ASSIGNMENT AND SUBLEASE.

The Judicial Council agrees to not assign this Lease or sublet the Leased Premises in part, or encumber its leasehold estate, or any interest therein, or permit the same to be occupied by another, either voluntarily or by operation of law, without first obtaining the written consent of the County. Any such assignment or sublease shall not release the Judicial Council from liability hereunder, and any assignee or sublessee shall expressly assume all the Judicial Council's obligations hereunder.

23. MECHANIC'S LIEN AND OTHER ENCUMBRANCES.

The Judicial Council agrees to keep the Leased Premises free from all mechanic's liens or other liens of like nature or encumbrances arising or resulting from the Judicial Council's actions, including, without limitation, having work done or materials furnished upon the Leased Premises.

24. COMPLIANCE WITH LAW.

The Judicial Council shall, at its sole cost, comply with all applicable requirements of all County, State, and Federal ordinances, laws, and regulations now in force, or which may hereafter be in force, pertaining to the use of Leased Premises, and shall faithfully observe and obey all applicable County, State, and Federal ordinances, laws, and regulations now in force, or which hereafter may be in force. If the Judicial Council's failure to obey and comply with any of these applicable laws, ordinances, or regulations results in any assessment of fines, penalties, or damages against the County, the Judicial Council will pay such civil penalty, fines, or assessments and any costs the County incurs in defending or adjudicating such violations caused by the Judicial Council's failure to obey and comply with any applicable laws, ordinances, or regulations.

25. TAXES, ASSESSMENTS, AND FEES.

In accordance with Revenue and Taxation Code section 107.6, the Judicial Council is hereby advised that this Lease may create a possessory interest subject to property taxation and that, if such an interest is created, the Judicial Council is solely responsible for the payment of all property taxes levied on that interest. The Judicial Council shall pay any and all taxes, assessments, and other charges of whatsoever character which are lawfully assessed or levied upon the Judicial Council's interest in or right to use the

Leased Premises or improvements thereon as may be created by this Lease in accordance with applicable State and Federal laws and regulations. The Judicial Council shall also pay all applicable license or permit fees that may be necessary, or which may be required by law, for the conduct of its operations at the Leased Premises to the extent specifically authorized by section 54999 et seq. of the California Government Code or other relevant and applicable law.

26. WAIVER.

The waiver by the County of any breach of any provision of the Lease shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or a different provision of the Lease. No breach of any Lease provision shall be deemed to be waived by the County except by express written waiver executed by the County.

27. FORCE MAJEURE.

If either Party hereto shall be delayed or prevented from their performance of any act required hereunder by acts of God, restrictive governmental laws or regulations, strikes, civil disorders, or other causes not involving the fault and beyond the control of the Party, obligated performance of such act shall be waived for the period of the delay.

28. GOVERNING LAW.

This Lease shall be interpreted and enforced in accordance with the statutory and decisional law of the State of California. In the event of a dispute between the parties as to the language of this Lease or the construction or meaning of any term hereof, this Lease shall be deemed to have been drafted by the Parties in equal parts so that no presumption or inference concerning its terms or interpretation may be construed against any Party to this Lease.

29. TIME.

Time is expressly declared to be of the essence in the Lease.

30. NOTICES.

Any notice required by the Lease or applicable law to be given or served on the Judicial Council or the County by the other Party may be given or served either by personal delivery (including delivery by an overnight courier service which obtains confirmation of receipt) to the County's Lease Administrator or the Judicial Council's Lease Associate Facilities Analyst or by depositing the notice in the United States Mail, postage prepaid, to the address of each Party as given below:

County: Director of Public Works
County of Inyo
168 North Edwards Street, P.O. Box Q
Independence, CA 93526
Telephone: 760-878-0214

Judicial Council: Judicial Council of California
Real Estate and Facilities Management
Attn: Associate Facilities Analyst
455 Golden Gate Avenue, 8th floor
San Francisco, CA 94102-3688
Telephone: 415-865-4068
Fax: 415-865-4694

With a copy to: Judicial Council of California
Real Estate and Facilities Management
Attn: Manager, Real Estate
455 Golden Gate Avenue, 8th floor
San Francisco, CA 94102-3688
Telephone: 415-865-4048
Fax: 415-865-4694

In addition, all notices relating to termination of the Lease or an alleged breach or default by the Judicial Council must also be sent to:

Judicial Council of California
Branch Accounting and Procurement
Attention: Manager, Contracts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Telephone: 415-865-7989
Fax: 415-865-4326

All notices and correspondence to the Judicial Council must reference the address of the Premises and the name of the entity occupying the Premises.

31. ADDITIONAL TERMS AND CONDITIONS.

There are no additional terms and conditions of this Lease.

32. AMENDMENT.

The Lease may be amended only by a written document signed by all Parties hereto.

33. ENTIRE AGREEMENT.

The Lease contains the entire agreement between the parties hereto and supersedes all previous agreements between the Parties with respect to the subject matter of the Lease.

[SIGNATURES TO IMMEDIATELY FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals this day of _____, 2016.

COUNTY: COUNTY OF INYO

JUDICIAL COUNCIL OF CALIFORNIA

By: _____
Name: _____
Title: CHAIRPERSON, BOARD OF SUPERVISORS
Date: _____

By: _____
Name: Martin Hoshino
Title: Administrative Director
Date: _____

APPROVED AS TO FORM AND CONTENT:

APPROVED AS TO FORM:
Judicial Council of California,
Legal Services

COUNTY'S LEASE ADMINISTRATOR

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Leslie G. Miessner
Title: Supervising Attorney
Date: _____

APPROVED AS TO FORM AND LEGALITY:
COUNTY OF INYO,
OFFICE OF THE COUNTY COUNSEL

By: _____
Name: Marshall Rudolph
Title: Inyo County Counsel
Date: _____

APPROVED AS TO ACCOUNTING FORM AND CONTENT:

COUNTY AUDITOR-CONTROLLER

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO INSURANCE AND
RISK MANAGEMENT:

COUNTY RISK MANAGER

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

PARCEL 1 OF LLA 2016-05

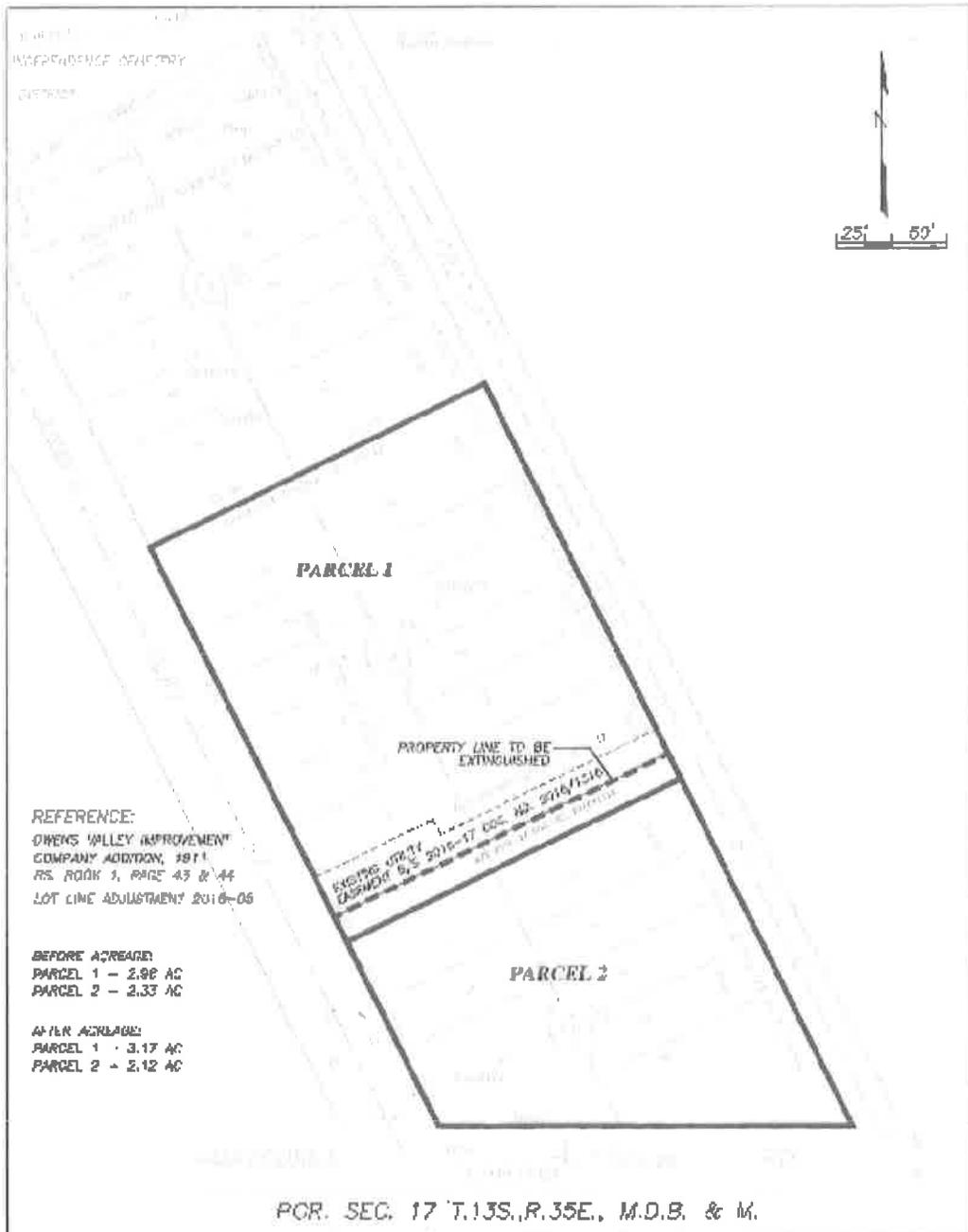
BLOCK 57 OF THE OWENS VALLEY IMPROVEMENT CO. ADDITION TO THE TOWN OF INDEPENDENCE RECORDED IN BK. 1, PG. 43, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, SECTION 17, TOWNSHIP 13 SOUTH, RANGE 35 EAST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF INYO, STATE OF CALIFORNIA, AS DEPICTED AS PARCEL 1 ON PAGE A-2 OF THIS EXHIBIT A;

TOGETHER WITH THE NORTH 26 FEET OF BLOCK 58 OF SAID ADDITION TO THE TOWN OF INDEPENDENCE.

EXCEPTING THEREFROM AN EASEMENT FOR UTILITY PURPOSES RECORDED IN THE OFFICE OF THE INYO COUNTY RECORDER DOCUMENT NUMBER 2016-0001316-00.

CONTAINING 3.17 ACRES MORE OR LESS.

END OF DESCRIPTION



REFERENCE:
 OWENS VALLEY IMPROVEMENT
 COMPANY ADDITION, 1971
 RS. BOOK 1, PAGE 43 & 44
 LOT LINE ADJUSTMENT 2010-05

BEFORE ACRES:
 PARCEL 1 - 2.98 AC
 PARCEL 2 - 2.33 AC

AFTER ACRES:
 PARCEL 1 - 3.17 AC
 PARCEL 2 - 2.12 AC

PCR. SEC. 17 T.13S. R.35E., M.D.B. & M.

| | | | | |
|---|--|------------------------|------------------|-------------|
| INYO COUNTY PUBLIC WORKS 168 N. Edwards, P.O. Drawer 3 Independence, CA 93526 (760) 878-0231 | LOT LINE ADJUSTMENT 2010-05 | | | |
| | <table border="1"> <tr> <td data-bbox="836 1638 990 1680">Date: JUNE 17, 2018</td> <td data-bbox="990 1638 1153 1680">Drawn By: CRB</td> <td data-bbox="1153 1638 1266 1680">PAGE 1 OF 1</td> </tr> </table> | Date: JUNE 17, 2018 | Drawn By: CRB | PAGE 1 OF 1 |
| Date: JUNE 17, 2018 | Drawn By: CRB | PAGE 1 OF 1 | | |

EXHIBIT "B"

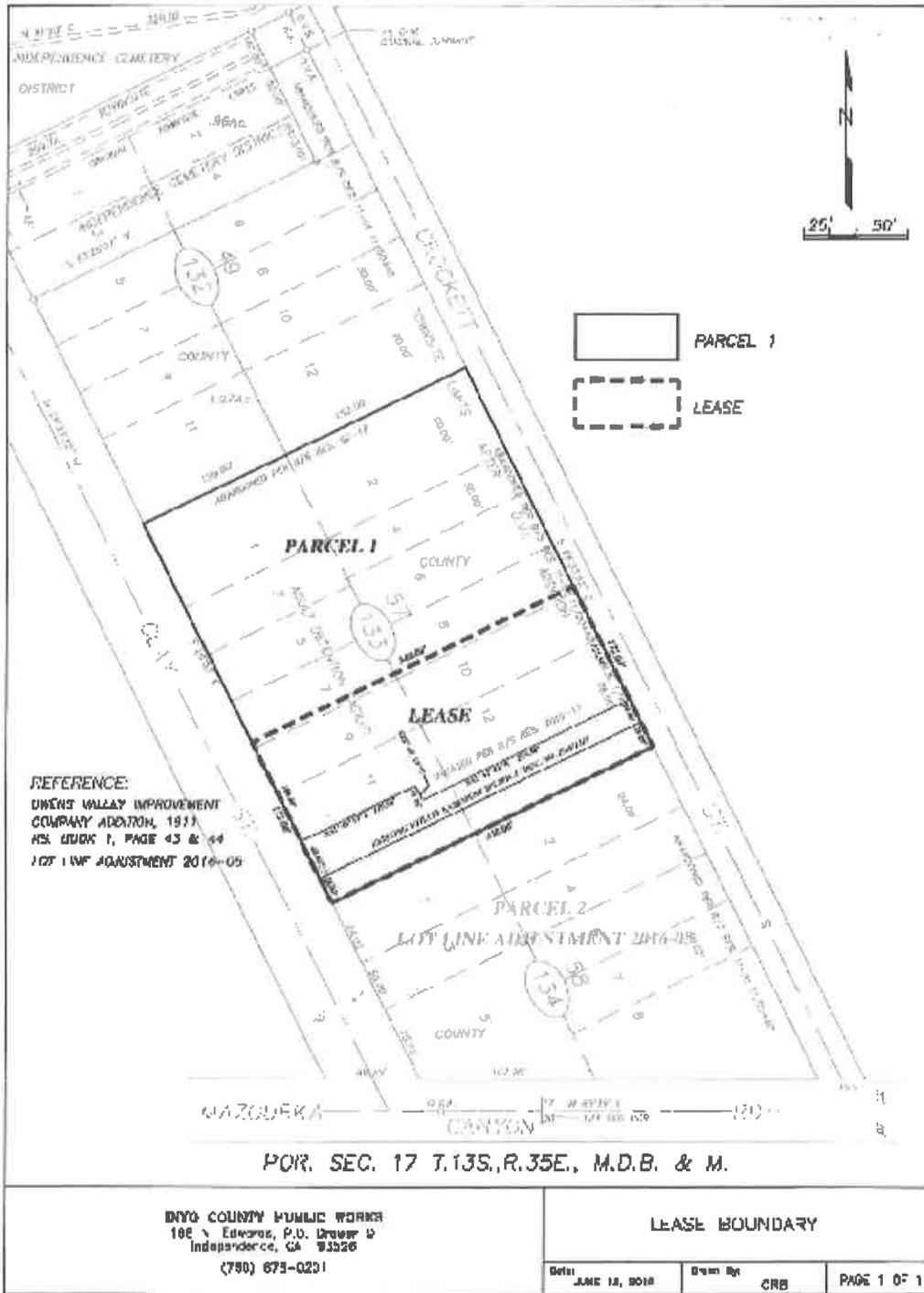
THE LEASED PREMISES

THAT PORTION OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 35 EAST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF INYO, STATE OF CALIFORNIA AS DEPICTED AS "LEASE" ON PAGE B-2 OF THIS EXHIBIT B, MORE PARTICULARLY DESCRIBED AS:

THE SOUTH 172 FEET OF PARCEL 1 OF LOT LINE ADJUSTMENT RECORDED IN THE OFFICE OF THE INYO COUNTY RECORDER.

EXCEPTING THEREFROM AN EASEMENT FOR UTILITY PURPOSES RECORDED IN THE OFFICE OF THE INYO COUNTY RECORDER DOCUMENT NUMBER 2016-0001316-00.

END OF DESCRIPTION



REFERENCE:
 UMBEL VALLEY IMPROVEMENT
 COMPANY ADDITION, 1911
 H.S. BOOK 1, PAGE 43 & 44
 LOT LINE ADJUSTMENT 2016-05

POB. SEC. 17 T.13S, R.35E., M.D.B. & M.

INDY COUNTY PUBLIC WORKS
 100 N. Edwards, P.O. Drawer 4
 Indianapolis, IN 46226
 (781) 675-0231

LEASE BOUNDARY

| | | |
|---------------------|---------------|-------------|
| Date: JUNE 18, 2018 | Drawn By: CRB | PAGE 1 OF 1 |
|---------------------|---------------|-------------|

EXHIBIT "C"

Lease Agreement re Property to be Used
For Construction and Operation of Independence Courthouse
Exhibit "C"

**Hypothetical Calculation of Annual Amount
of Equity Interest Being Transferred/Reduced**

Total Judicial Council of California Equity Value

\$197,200

| Known Costs | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 |
|--|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 34% of Actual Costs (estimates based on actual 2014-2015 Shared Costs, with 2% annual escalator, for projection purposes only)* | \$19,716 | \$20,110 | \$20,513 | \$20,923 | \$21,341 | \$21,768 | \$22,203 | \$22,647 | \$23,100 | \$23,562 |
| Annual Debt Service of Photovoltaic System** | \$10,389 | \$3,463 | \$3,463 | \$3,463 | \$3,463 | \$3,463 | \$3,463 | \$3,463 | \$3,463 | \$3,463 |
| Negotiated Annual Rent for Jail Adjacent Parcel* | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 | \$10,000 |
| Cumulative Cost | \$40,105 | \$73,677 | \$107,652 | \$142,038 | \$176,842 | \$212,072 | \$247,738 | \$283,848 | \$320,411 | \$357,436 |

* For the purposes of determining Equity Reduction amounts, Actual Costs applied to the Equity Reduction will represent 34% the County's actual costs of utilities, maintenance and improvements for the Historic Courthouse including deferred maintenance. Actual Costs are intended to comprise all Shared Costs, including Excess Costs, contemplated in the JOA, as well as those facility-related Court Exclusive Area Operation costs previously identified and billed through the MOU between the Judicial Council and the County, dated May 23, 2008, for "Court Facility Services Relating To Historic Independence Superior Court Facility."

** Photovoltaic system debt services costs are separated from Shared Costs for clarity. The costs are based on 19.8% of the Courthouse/Annex/HHS photovoltaic system share (28.6%) of the total photovoltaic system debt service costs of \$74,100.32. Year 1 costs will include Judicial Council's share of debt services costs incurred by County in FY 2014-2015, FY 2015-2016 and until the Equity Reduction Start date, if not previously paid.

For the purposes of this lease, and projecting but not limiting deferred maintenance and improvement costs that could be included in the calculation of Actual Costs, the following Deferred Maintenance and Capital Improvement projects (and their estimated costs) which may be undertaken at the Historic Courthouse by the County in its sole discretion, are being identified. If these or similar projects are implemented by the County, in its sole discretion, 34% of actual costs of the project(s) will be credited toward Equity Reduction as part of Actual Costs in the applicable year. These projects include, but are not limited to the following. Year 1 Actual Costs will include any demonstrable Deferred Maintenance and Capital Improvement costs incurred by the County but not paid by the Judicial Council prior to the Equity Reduction Start Date.

| Agreed-Upon Deferred Maintenance/Capital Improvement Projects | | |
|---|--------------------|------------------|
| include but not limited to: | Est. Cost | 34% |
| Courthouse Exterior Paint | \$130,000 | \$44,200 |
| Window Replacement | \$104,000 | \$35,360 |
| Replace Waste and Potable Water Lines | \$164,000 | \$55,760 |
| Replace Floor Coverings | \$107,540 | \$36,564 |
| Roof Replacement | \$101,400 | \$34,476 |
| Install Refrigerated Air Conditioning | \$406,000 | \$138,040 |
| Cumulative Cost | \$1,012,940 | \$344,400 |

EXHIBIT "D"

FORM OF TERMINATION OF JOINT OCCUPANCY AGREEMENT

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

STATE OF CALIFORNIA
c/o Judicial Council of California
Real Estate and Facilities Management
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Attn: Manager, Real Estate

OFFICIAL STATE BUSINESS – EXEMPT FROM RECORDING FEES PURSUANT TO GOVT. CODE SECTION 27383 AND DOCUMENTARY TRANSFER TAX PURSUANT TO REVENUE AND TAXATION CODE SECTION 11922.

APN(S): 02-054-13; County of Inyo

TERMINATION OF JOINT OCCUPANCY AGREEMENT AND QUITCLAIM DEED

This Termination of Joint Occupancy Agreement and Quitclaim Deed ("**Termination**") is made and entered into this _____ day of _____, 20__, by and between the Judicial Council of California ("**Judicial Council**"), and the County of Inyo ("**County**"). The Judicial Council and the County each constitute a "**Party**" and collectively constitute the "**Parties**" to this Termination.

RECITALS

A. On April 25, 2008, the County and the Judicial Council entered into a Transfer Agreement For The Transfer of Responsibility For Court Facility (the "**Transfer Agreement**"). Under the Transfer Agreement, the County transferred to the Judicial Council responsibility for funding and operation of the Independence Superior Court, which is located in a building on certain real property in the City of Independence, the County of Inyo, State of California and having a street address of 168 North Edwards Street (as more completely described in the Transfer Agreement, the "**Real Property**"). The legal description of the Real Property is attached to this Termination as **Attachment 1**.

B. Under the Transfer Agreement, the Judicial Council and the County also entered into a Joint Occupancy Agreement dated April 25, 2008 ("**JOA**"), setting forth the parties' respective rights and obligations with respect to the shared occupancy and use of the Real Property.

C. To memorialize the parties' respective rights and duties under the JOA, the parties signed a Memorandum of Joint Occupancy Agreement ("**Memorandum**"), which was recorded in the Official Records of the County as Instrument No. 2008-0001547-00.

D. The JOA has now been terminated by the County and the Judicial Council, forever extinguishing the Judicial Council's real property interest ("equity interest") in the Real Property, and is no longer of any force or effect, except for the terms of the JOA that expressly survive the termination of the JOA.

E. The County and the Judicial Council now wish to record this Termination to memorialize the termination of the JOA and the Memorandum.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Judicial Council do hereby agree as follows:

1. The JOA and the Memorandum are terminated, and are no longer of any force or effect, except for those terms of the JOA that the Parties have expressly agreed in writing will survive the termination of the JOA.
2. The Judicial Council hereby remises, releases, and forever quitclaims to the County the Real Property described in Attachment 1.
3. This Termination is to be recorded in the Official Records of the County with respect to the Real Property, whereupon the Memorandum will automatically be removed as an encumbrance on the title to the Real Property.

IN WITNESS WHEREOF, this Termination has been executed as of the day and year first above written.

APPROVED AS TO FORM:

JUDICIAL COUNCIL OF CALIFORNIA,

Judicial Council of California,
Legal Services

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Date: _____

Date: _____

**COUNTY OF INYO, a political subdivision
of the State of California**

By: _____

Name: _____

Title: Chair, Board of Supervisors

Date: _____

Attachment 1 to Termination of Joint Occupancy

Legal Description

LOTS 9, 10, 11, AND 12 IN BLOCK 15; AND LOTS 1 THROUGH 12 INCLUSIVE IN BLOCK 22 AND THOSE PORTIONS OF CENTER STREET AND LILY STREET, AS VACATED APRIL 6, 1976 BY RESOLUTION NO. 76-37 RECORDED APRIL 12, 1976 IN BOOK 217 PAGE 93 OF OFFICIAL RECORDS AND VACATED NOVEMBER 12, 1919 BY RESOLUTION RECORDED NOVEMBER 14, 1919 IN BOOK "B" PAGE 72 OF MISCELLANEOUS RECORDS WHICH WOULD PASS BY A CONVEYANCE OF SAID LOTS, IN THE TOWN OF INDEPENDENCE, COUNTY OF INYO, STATE OF CALIFORNIA, AS SAID LOTS AND BLOCKS ARE SHOWN ON THE MAP OF SAID TOWN ON FILE IN BOOK 1 PAGE 1 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID INYO COUNTY.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

22

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Memorandum of Understanding Between the County of Inyo and Inyo County Superior Court Regarding the Disposition and Use of the Historic Courtroom Post Termination of the Joint Occupancy Agreement for the Historic Courtroom in Independence

DEPARTMENTAL RECOMMENDATION:

Following consideration and approval of a lease for property on which to construct a new Courthouse in Independence, request your Board approve the Memorandum of Understanding Between the County of Inyo and Inyo County Superior Court Regarding the Disposition and Use of the Historic Courtroom Post Termination of the Joint Occupancy Agreement for the Historic Courtroom in Independence, and authorize the County Administrator to sign.

SUMMARY DISCUSSION:

Background

The Trial Court Facilities Act of 2002 required the transfer of courthouses, offices and other facilities used by the Inyo County Superior Court from Inyo County to the Judicial Council of California, Administrative Office of the Courts by December 31, 2009. Previously, the County was responsible for providing funding for – and maintaining facilities, owned or leased by the County – for Inyo County Superior Court operations. As a result of the Trial Court Facilities Act, Inyo County was required to transfer 34% (or 6,916 square feet) of space in the Historic Courthouse in Independence to the Judicial Council for continued use by the Superior Court. This transfer was accomplished through the Transfer Agreement Between the Judicial Council of California and The County of Inyo for the Transfer of Responsibility for Court Facility, executed on April 24, 2008. Simultaneously, the County executed a related Joint Occupancy Agreement Between the Judicial Council of California, Administrative Office of the Courts, and the County of Inyo (JOA) that governs the Court's and the County's joint occupancy of the Historic Courthouse, and the respective obligations of the County and Judicial Council relative to this joint occupancy. As a result of these agreements, the Judicial Council was granted the right to exclusively use areas totaling 34% of the space in the Historic Courthouse, plus a prorated share of interior *common areas*. The County retained control of 64% of the Historic Courthouse space, and thus was and remains the managing party of the property.

As part of the Transfer Agreement, the County was, and continues to be, obligated to pay the Judicial Council an annual County Facilities Payment of \$39,808 (plus statutorily provided adjustments) that was based on the County's historic expenditures in funding and operating the Historic Courthouse on behalf of the Superior Court prior to the transfer of this responsibility to the State of California through the Trial Court Facilities Act. However, the accompanying Joint Occupancy Agreement also provides that the Judicial Council must annually reimburse the County for *shared costs* associated with the County's management of *common areas* (interior and exterior, and including utilities costs) in the Historic Courthouse.

While a splendid and monumental building, the Historic Courthouse is generally agreed to be inadequate for Court operations by modern standards, and the Judicial Council has determined the cost of improvements, as well as the requirements of its JOA with the County, to be prohibitive to upgrading the Court's facilities in the Historic Courthouse. In fact, in July 2008, the Judicial Council identified the replacement of the Historic Courthouse with a "New Independence Courthouse Project" as one of 41 courthouses in the State designated as a "Critical Need" project, making it eligible for priority construction using SB 1407 approved bond financing. However, on April 29, 2011, the Judicial Council voted to construct the new bond-financed courthouse for the Inyo County Superior Court in Bishop – which, while identified as a "High Need" project, was not among the 41 most "Critical Need" projects – instead of Independence; blurring the distinctions by now referring to the project as the "Inyo Project."

Previously, in an effort to secure construction of the new courthouse on March 17, 2009, the Board of Supervisors sent a letter to the Judicial Council pledging to provide the State with County-owned land adjacent to the Sheriff's Administrative Center and the County Jail (known as the Clay Street parcel) for no or nominal cost.

After the Judicial Council abandoned the "New Independence Courthouse Project" in favor of building a new Courthouse in Bishop, and recognizing that the Inyo County Superior Court was still in need of better facilities to conduct its operations in Independence (as well as the inherent challenges associated with actually implementing the Judicial Council's JOA for the Historic Courthouse), the Board of Supervisors sent another letter to the Judicial Council, on August 16, 2011, reiterating its willingness to make the Clay Street parcel available to the Judicial Council for "no or nominal cost" – this time to facilitate construction of a modular courthouse project on the property. Negotiations between the County and Judicial Council to make land available for a new Independence Courthouse (first for the New Independence Courthouse Project" and then for a modular courthouse project) , though sale or lease to the Judicial Council, have been occurring – on and off – ever since.

The County's offer to provide land to the Judicial Council to construct a new courthouse in Independence at a "nominal cost" was predicated on the understanding that once the new courthouse was constructed, (a) the Superior Court would vacate the Historic Courthouse, (b) the JOA would be terminated, and (c) the entire Historic Courthouse would revert to, and for the use of, the County of Inyo. Subsequently, however, lease negotiations were complicated by the Judicial Council insisting on two prerequisites seemingly at cross purposes with its own interests and the needs of the local Court:

- 1) The Judicial Council indicated that, once constructed, funding for operating the new modular courthouse in Independence would rely on the County's County Facilities Payment (\$39,808) as well as redirecting the Judicial Council's annual "Shared Costs" payments to the County required by the JOA for the Historic Courthouse. Initially, this did not pose an issue, since it was presumed that, once the new modular courthouse was constructed, the JOA would be terminated; the portions of the Historic Courthouse used by the Court would be returned to the County; and, the Judicial Council's annual "Shared Costs" payments to Inyo County would cease. However, . . .
- 2) The Judicial Council also insisted that, prior to terminating the JOA and returning the entire Historic Courthouse to Inyo County, the County would have to pay the Judicial Council for its "equity interest" in the Historic Courthouse (e.g., 34% of its fair market value); never mind that the County had been required by law to give the Judicial Council, without compensation, use of 34% of the Historic Courthouse. (Note: The County has, and continues to take the position that the Judicial Council's basis for claiming an equity interest in the Historic Courthouse that must be re-purchased by the County is

specious and without any statutory justification. Nevertheless, the demand created an impediment to property negotiations that had to be addressed if a new modular courthouse was to be developed for Independence).

In effect, the Judicial Council's position was that, in order to fund the new Independence Courthouse, the Judicial Council had be relieved of its obligation to pay the County for annual "Shared Costs" required by the JOA (not a problem) but that the Judicial Council could not, or would not, terminate the JOA unless the County purchased the Judicial Council's claimed and so-called "equity interest" in the Historic Courthouse (ultimately valued at \$197,200).

The lease agreement presented for consideration by your Board earlier today resolves the Judicial Council's self-imposed dilemma, albeit in a much more complicated manner than the County simply giving the Judicial Council land for a new modular courthouse, and regaining unencumbered use of its Historic Courthouse.

The MOU

The MOU being presented here resolves another dilemma created through the demands of the Judicial Council described above. Present since the earliest discussions of a new Independence courthouse have been the expressed reasonable and understandable desires of the Judges of the Inyo County Superior Court that, once the much needed new courthouse was constructed, the Historic Courtroom and Judges Chambers be retained and preserved and available to the Court for ceremonial purposes as well as, possibly, occasional trials. However, under the Trial Court Facilities Act, the Court's right to use this space was vested in the Transfer Agreement and JOA between the County and the Judicial Council.

The Judicial Council's insistence that funding to maintain the JOA (e.g., annual "Shared Costs" payments to the County) is necessary, and must be redirected to fund operation of the new Independence courthouse, meant the Judicial Council was unwilling to maintain the JOA for the Court's use of the Historic Courthouse as desired by the local Judges. And, even though the Judicial Council claimed it needed funds paid to the County under the JOA to operate the new courthouse, the Judicial Council was also unwilling or unable to simply terminate the JOA because it took the position that the County had to pay it for its so-called "equity interest" in the Historic Courthouse. (This position also resulted in the Judicial Council precluding itself from accepting a simple one-dollar per year County ground lease for developing a new Courthouse and leaving the JOA and "equity interest" demands for later resolution.)

Against this backdrop, and drawing on the longstanding and strong local relationship maintained by Inyo County and the Superior Court, staff developed and proposes the attached MOU as a means of meeting the expressed desire of the Inyo County Superior Court to see the Historic Courtroom and Judges Chambers preserved and made available to the Court for ceremonial and, possible, operational needs. It does so in a manner that does not involve the Judicial Council, or the encumbrances of the Trial Court Facilities Act, or the related Joint Occupancy Agreement for the Historic Courthouse in Independence. Having used the preceding portions of this Agenda Request to describe the need and background for this MOU, the MOU itself relatively simple and straightforward.

ALTERNATIVES:

Your Board could choose not to approve the MOU, or to modify its terms. The JOA will not be terminated, and the County will not regain full title and unfettered use of the entire Historic Courthouse, until it has satisfied the Judicial Council's requirement that the County to compensate the Judicial Council for its so-called equity

interest in 34% of the Historic Courthouse valued at \$197,200. Although this MOU will, in effect, reserve for the Superior Court over 27% (1,904+ square feet) of space the Judicial Council is currently entitled to use in the Historic Courthouse pursuant to the JOA, the so-called equity interest value has not been reduced proportionately (by \$53,244).

OTHER AGENCY INVOLVEMENT:

This MOU is between the County of Inyo and Inyo County Superior Court and not the Judicial Council of California. However, the MOU is proposed in conjunction with negotiations between the County and Judicial Council for a ground lease on which construct a new courthouse in Independence and the associated suspension and, eventual termination of the JOA.

FINANCING:

There is no cost associated with approval of this MOU, however, it does impose an opportunity cost on the County in that (1) the County is agreeing to reserve use the Historic Courtroom and Judge’s Chambers and an adjacent office and, by not fully utilizing this space, could incur costs for facility space elsewhere it would not otherwise need; and (2) the County, in compensating the Judicial Council for its so-called equity interest in the Historic Courthouse as a condition of regaining use of the Courthouse, is not being credited for the portion of the space it will re-acquire but – by virtue of this MOU – have limited use of.

These opportunity costs notwithstanding, the MOU is recommended for approval because it is the right thing to do: it speaks to the longstanding and strong and continuing partnership between the County of Inyo and the Inyo County Superior Court, and the County’s as well as the community’s reverence for its history and one of the most iconic structures in the County.

The MOU preserves the County ability to impose charges for prolonged, non-ceremonial use of the Courtroom, and may be terminated by the County or the Court by providing the other party with 60-days written notice.

| <u>APPROVALS</u> | |
|-------------------------|--|
| COUNTY COUNSEL: | <p>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i></p> <p style="text-align: right;">Approved: <u></u> Date <u>9/29/16</u></p> |
| AUDITOR/CONTROLLER: | <p>ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i></p> <p style="text-align: right;">Approved: _____ Date _____</p> |
| PERSONNEL DIRECTOR: | <p>PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i></p> <p style="text-align: right;">Approved: _____ Date _____</p> |

DEPARTMENT HEAD SIGNATURE:

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



Date: 09-26-2014

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF INYO AND THE INYO COUNTY SUPERIOR COURT
REGARDING THE DISPOSITION AND USE OF THE HISTORIC COURTROOM POST
TERMINATION OF THE JOINT OCCUPANCY AGREEMENT FOR THE HISTORIC
COURTHOUSE IN INDEPENDENCE**

This Memorandum of Understanding (MOU) is entered into _____, 2016, by and between the County of Inyo, a California Political Subdivision (“the County”) and the Inyo County Superior Court, a California State Superior Court (“the Court”) to memorialize the County’s intentions regarding the disposition and use of the Historic Courtroom and Judge’s Chambers including the office adjacent thereto in the Historic Courthouse in Independence, California, if the Joint Occupancy Agreement (“the JOA”), dated April 25, 2008, between the Judicial Council of California, Administrative Office of the Courts (“the Judicial Council”) and Inyo County is ever suspended or terminated in a manner that results in the County regaining possession and full use of the entire Historic Courthouse. The County and the Court may be referred to jointly in this MOU as “the parties.”

WHEREAS, the JOA between the County and the Judicial Council generally governs the parties’ joint occupancy of the Historic Courthouse and their respective obligations related thereto; and,

WHEREAS, the JOA permitted the Court to use 34% of the Inyo County Historic Courthouse, of which the Historic Courtroom and Judge’s Chambers, exclusive of the adjacent office, account for 1,904 square-feet, or 27.5% of the 6,916 square-feet assigned to the Court’s exclusive use; and,

WHEREAS, should the JOA ever be terminated and, as a result, the Court’s share of space in the Historic Courthouse be transferred to the County and the Judicial Council be relieved its obligations and authorities under the JOA, both the County and the Court desire that the Historic Courtroom remain relatively unchanged and available for traditional uses to the Inyo County Board of Supervisors, the Court, and the community; and,

WHEREAS, in connection with Court plans to relocates its operations to a new courthouse and thereby cease using its space in the Historic Courthouse, the Judicial Council is requiring that the County compensate the Judicial Council for the value of the Judicial Council’s so-called “equity interest,” which has been stipulated as One Hundred Ninety-seven Thousand Two Hundred Dollars (\$197,200) based on the formula set out in the JOA, which amount is equal to thirty-four percent of the

Five Hundred Eighty Thousand Dollar (\$580,000) fair market value (FMV) of the Historic Courthouse building (FMV x 34%); and,

WHEREAS, maintaining the historic nature of the Courtroom and Judge's Chambers is in the public interest.

NOW THEREFORE, the parties agree:

1. The recitals set forth above are incorporated herein by this reference as though set forth fully.
2. Following termination of the JOA between the County and the Judicial Council, the cost for maintaining the Historic Courthouse, including the Historic courtroom and Judge's Chambers, shall be borne solely by the County without support from the Judicial Council or the Court.
3. Even though County will, as a prerequisite to regaining possession and full use of the entire Historic Courthouse, have compensated the Judicial Council for the value of the Judicial Council's equity interest and the County will have no further legal obligation to provide the Court with use of the Historic Courtroom or Judge's Chambers, the County intends upon suspension or termination of the JOA:
 - a. To maintain the Historic Courtroom and Judge's Chambers as currently configured; leaving these areas of the Historic Courthouse relatively unaltered except for what may be required for routine facility maintenance and preservation, energy efficiency, and/or public health and safety; and,
 - b. To make the Historic Courtroom and Judge's Chambers including the adjacent office available to the Court (as well as to the County itself and the community) for occasional ceremonial and other purposes deemed appropriate by the County (but not including regular court operations, which will have been relocated to a new courthouse as noted above).

4. The Court's use of the Historic Courtroom and Judge's Chambers shall be subject to availability and County approval, which shall not be unreasonably withheld, and subject to terms and conditions established by the County.

5. Ceremonial use of the Historic Courtroom and Judge's Chambers by the Court shall be without charge to the Court. The County reserves the right to negotiate and impose reasonable charges for any other uses.

6. Nothing in this MOU shall be construed to supersede or limit the Judicial Council's obligations to pay or credit the County for costs specified in the JOA or in subsequent lease agreements between the County and Judicial Council for land on which to construct a new Court facilities.

7. This MOU may be terminated at-will and without cause by either party providing sixty-days (60-days) written notice to the other party.

This MOU is entered into on the date first written above.

COUNTY OF INYO

INYO COUNTY SUPERIOR COURT

By _____

Kevin D. Carunchio
County Administrator

By _____

Dean T. Stout
Presiding Judge



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

23

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING: October 4, 2016

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Gully Washer Emergency" that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.

SUMMARY DISCUSSION: During your August 6, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Gully Washer Emergency, which was a result of flooding in the central, southern and southeastern portion of Inyo County during the month of July. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a biweekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

| | |
|---------------------|--|
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____ |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> 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: 09-29-16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 24

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County.

SUMMARY DISCUSSION: During your January 28, 2014 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Land of EVEN Less Water Emergency, that is a result of severe and extreme drought conditions that exist in the County. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the resolution be considered on a biweekly basis.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

| APPROVALS | |
|---------------------|--|
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____ |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> 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: 09-29-16



AGENDA REQUEST FORM
 BOARD OF SUPERVISORS
 COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 25

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

SUMMARY DISCUSSION: During your October 27, 2015 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Death Valley Down But Not Out Emergency that is a result of flooding in the central, south and southeastern portion of Inyo County. Since the circumstances and conditions relating to this emergency persist, the recommendation is that the emergency be continued on a biweekly basis, until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

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

DEPARTMENT HEAD SIGNATURE:
 (Not to be signed until all approvals are received) _____ Date: 09-29-16
 (The Original plus 20 copies of this document are required)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

26

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: CLERK OF THE BOARD
By: Darcy Ellis, Assistant to the Clerk of the Board

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: Request approval of the minutes of the Board of Supervisors regular meetings of September 6, 2016, September 13, 2016, and September 20, 2016.

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 <i>(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.)</i> |
| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____ |
| PERSONNEL DIRECTOR: | PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> 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: 09-29-16



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

27

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for 1:30
 Closed Session
 Informational

FROM: Water Department

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: Formation of a Groundwater Sustainability Agency in Owens Valley

DEPARTMENTAL RECOMMENDATION:

Staff requests your Board conduct a workshop and provide direction to staff concerning formation of a groundwater sustainability agency in Owens Valley.

SUMMARY DISCUSSION:

The Sustainable Groundwater Management Act of 2014 (SGMA) requires that local agencies for groundwater sustainability agencies (GSAs) in all medium and high priority groundwater basins by June 30, 2017, or be subject to state intervention into local groundwater management. The Owens Valley Groundwater Basin is a medium groundwater basin. The attached staff report describes the requirements of SGMA with emphasis on GSA formation, discusses circumstances specific to the Owens Valley Groundwater Basin, and proposes a sequence of activities aimed at formation of a GSA for the Owens Valley Groundwater Basin. Staff requests direction concerning preparations for forming a GSA.

Attachments:

- Water Department staff report
- CDWR groundwater sustainability agency frequently asked questions
- CDWR GSA formation notification guidelines for local agencies
- Presentation slides

OTHER AGENCY INVOLVEMENT:

Local agencies in Inyo and Mono counties; federal, tribal, state, local, and private water stakeholders.

FINANCING:

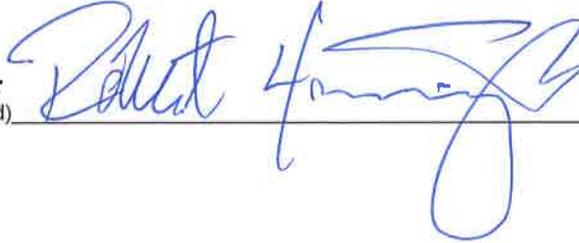
N/A

APPROVALS

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| COUNTY COUNSEL: | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> |
| N/A | Approved: _____ Date: _____ |
| AUDITOR/CONTROLLER: | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> |
| N/A | Approved: _____ Date: _____ |

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| PERSONNEL DIRECTOR: N/A | 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: 9/23/16



(760) 878-0001
FAX: (760) 878-2552

EMAIL: mail@inyowater.org
WEB: <http://www.inyowater.org>

P.O. Box 337
135 South Jackson Street
Independence, CA 93526

**COUNTY OF INYO
WATER DEPARTMENT**

October 4, 2016

STAFF REPORT

TO: Board of Supervisors
FROM: Water Department
SUBJECT: Formation of a groundwater sustainability agency for the Owens Valley
Groundwater Basin

Introduction

The Sustainable Groundwater Management Act of 2014 (SGMA) requires that local agencies develop and implement plans to manage groundwater sustainably. Under SGMA, sustainability is defined as management and use of groundwater in a manner that does not cause undesirable results, where undesirable results are (California Water Code (CWC) §10721):

1. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.
2. Significant and unreasonable reduction of groundwater storage.
3. Significant and unreasonable seawater intrusion.
4. Significant and unreasonable degraded water quality.
5. Significant and unreasonable land subsidence that substantially interferes with surface land uses.

6. Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of surface water.

Groundwater management under SGMA is implemented at the scale of individual groundwater basins. California's groundwater basins are defined in the Department of Water Resources' (DWR) publication "California's Groundwater Bulletin 118-Update 2003." SGMA requires that local agencies form groundwater sustainability agencies (GSAs) in high and medium priority groundwater basins by June 30, 2017. GSAs are responsible for developing and implementing groundwater sustainability plans (GSPs). A GSP (or multiple GSPs) must be in place that covers the entirety of each medium and high priority basin by January 31, 2022, unless the basin is in a condition of critical overdraft, in which case the GSP must be established by January 31, 2020. When forming GSAs and developing GSPs, GSAs must consider the interests of all beneficial uses and users of groundwater. If there is not a GSA or GSAs established that entirely covers a basin by June 30, 2017, or a GSP is not in place by January 31, 2020 or 2022, the State Water Resources Control Board becomes involved in managing the basin, which would have a number of negative consequences described below.

There are 515 groundwater basins in California, 127 of which are medium or high priority. The Owens Valley Groundwater Basin (OVGB) is a medium priority basin; therefore, local agencies in the Basin must form a GSA or multiple GSAs such that the entire basin is covered by a GSA (Figure 1). DWR prioritized groundwater basins on the basis of overlying population; projected growth of overlying population; public supply wells; total wells; overlying irrigated acreage; reliance on groundwater as the primary source of water; impacts on the groundwater (including overdraft, subsidence, saline intrusion, and other water quality degradation); and any other information determined to be relevant by DWR (CWC §10933). Future basin prioritizations will additionally consider adverse impacts to local habitat and local stream flows.

The OVGB includes Chalfant, Hammil, and Benton valleys and extends to the Nevada-California border in Benton Valley (Figure 1). Inyo County submitted a request to DWR to subdivide the OVGB into a Mono subbasin that consists of Chalfant, Hammil, and Benton valleys, and an Inyo subbasin consisting of Owens and Round Valleys. DWR has denied this request, and instead, at the request of the California Department of Fish and Wildlife, is adding a Fish Slough subbasin to the OVGB.

This staff report describes the requirements of SGMA for GSA formation, discusses circumstances specific to the OVGB, and proposes a sequence of activities aimed at formation of a GSA for the OVGB.

SGMA process for forming a GSA

GSAs are formed by a local agency or group of local agencies notifying DWR of their decision to become a GSA. A local agency is defined in SGMA as a "local public agency that has water supply, water management, or land use responsibilities within a groundwater basin" (CWC §10721). Local agencies include cities, counties, water districts, irrigation districts, water

replenishment districts, and other such California public agencies. A single local agency can decide to become a GSA, or a combination of local agencies can decide to form a GSA by using either a joint powers authority (JPA), a memorandum of agreement (MOA), or other legal agreement. Within the OVGB, local agencies that could form a GSA are Inyo and Mono counties, the Tri Valley Groundwater Management District, City of Bishop, and numerous community service districts. Among these local agencies, there could be a single GSA preparing a single GSP for the basin, multiple GSAs preparing a single GSP, or multiple GSAs preparing multiple GSPs. If there are multiple GSAs in the basin, their boundaries may not overlap. If there are multiple GSPs in a basin, SGMA requires that there be coordination agreements between the GSPs to establish that the plans are compatible with each other.

A local agency is required to submit the following information to DWR in order to complete the GSA formation notification requirements of CWC §10723.8(a):

1. Information that shows the GSA formation notification was submitted to DWR within 30 days of the decision to become or form a GSA.
2. A map and narrative indicating (1) the local agency's service area boundaries, (2) the boundaries of the basin or portion of the basin the agency intends to manage, and (3) the other agencies managing or proposing to manage groundwater within the basin.
3. A copy of the resolution forming the new agency.
4. A copy of any new bylaws, ordinances, or new authorities developed by the local agency.
5. A list of the interested parties developed pursuant to CWC §10723.2 and a detailed explanation how the GSA will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs.

Before deciding to become a groundwater sustainability agency, and after publication of notice pursuant to California Government Code §6066, the local agency or agencies forming a GSA are required to hold a public hearing in the county or counties overlying the basin.

The GSA formation notice will be reviewed for completeness by DWR staff and, if complete, will within 15 days be posted on DWR's GSA web site. Local agencies will have an opportunity to provide additional information, if applicable, to make a GSA formation notice complete. The decision to become a GSA will take effect if no other local agency has filed a GSA formation notice for all or a portion of the same area of a basin within 90-days of the initial posted notice. If two or more local agencies separately decide to become GSAs in the same area of a basin then no exclusive GSA for that area will be designated by DWR until the overlap is resolved. It is important for local agencies to work closely to coordinate GSA formation notifications to avoid overlapping areas. Once overlaps are resolved, the local agency or agencies will be identified by DWR as the exclusive GSA or GSAs for the area(s) described in its notice. As of

September 15, 2016, no formation notices have been posted for the Owen Valley Groundwater Basin.

Counties have a special role in SGMA. If there are areas within a medium or high priority groundwater basin that are not covered by a GSA, SGMA presumes that the county will be the GSA for that unmanaged area. In this event, the county is required to provide notification to DWR that it will act as the GSA for the unmanaged area as described above, or the county notifies DWR that it will not be the GSA for the area. If a county notifies DWR that it will not be the GSA for an unmanaged area, or unmanaged areas exist and the county has given no notice by June 30, 2017, then a number of state intervention actions are triggered that are described below (“State Intervention”).

SGMA identifies certain local agencies as “*the exclusive local agency within their statutory boundaries*” for the purpose of forming GSAs (CWC §10723(c)). These agencies are water management agencies that were formed through special legislation specifically forming the agency (special act districts). In the event of overlapping GSA formation notifications, these exclusive agencies would be deemed the GSA, unless they opt out of that role. The Mono County Tri Valley Groundwater Management District (TVGMD) is such an agency. As of August 16, 2016, TVGMD has neither submitted a formation notice nor opted out of being the GSA within their boundaries (shown on Figure 1).

SGMA exempts adjudicated areas from the requirement to form GSAs and develop GSPs, and provides that any groundwater basin or portion of a groundwater basin managed under the Inyo/Los Angeles Long Term Water Agreement (LTWA) is considered adjudicated (CWC §10720.8(c)). Los Angeles’s groundwater pumping is exempt from SGMA because it is managed pursuant to the LTWA. Figure 1 shows Los Angeles-owned land in Inyo County.

A further murky question is whether LADWP could act as a GSA in Owens Valley. Los Angeles’s jurisdiction, i.e., the city limits, does not extend to Inyo County; however, it could certainly be argued that Los Angeles has “*water supply, water management, or land use responsibilities within*” Owens Valley and thus could participate as a local agency in a GSA. Local agencies can become GSAs outside of their jurisdiction, but cannot impose fees outside of their boundaries. Whether LADWP is a GSA board member, associate member, or interested party, the GSA/GSP framework needs to include coordination between the adjudicated groundwater management on LADWP land and groundwater management under SGMA in the non-adjudicated portion of the basin.

Mutual water companies may participate in GSAs. Mutual water companies are private not-for-profit organizations that are organized under California Corporations Code §14300, regulated under the US EPA Safe Drinking Water Act, and report to Local Agency Formation Commissions (LAFCO’s). SGMA provides (CWC § 10723.6(b)):

A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency if the local agencies

approve through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity.

SGMA limits GSA membership to local public agencies and water corporations regulated by the Public Utilities Commission. This limitation is a challenge to public agencies that need to represent non-public agency interests in groundwater management; however, several mechanisms exist that allow non-public agency participation in the GSA/GSP process. Five options are discussed below.

1. Delegate Voting to Non-Public Agencies. GSA members may provide or delegate voting power to representatives from groups who are not local public agencies. Both the Sacramento Groundwater Authority and Sacramento Central Groundwater Authority (SCGA) represent examples of this option. In both cases, the JPAs were drafted and signed by local cities and counties. However, in both cases the cities and counties delegated governing board seats to irrigation districts, private water purveyors and investor owned utilities and various other representatives such as an “agricultural interest” representative and a “conservation landowners” representative etc. Additionally, the SCGA requires non-member governing board representatives to contribute funding to the agency.
2. Associate Membership Arrangement. GSAs may also involve non-local public agencies without delegating member’s voting powers by opting for an associate membership arrangement. Under this option, a GSA’s formation agreement could designate specific representatives, or provide the governing board the authority to designate associate representatives. For example, in the recently-formed Indian Wells Valley Groundwater Authority, of which Inyo County is a member, the US Navy and US Bureau of Land Management are participating as non-voting associate members. In Owens Valley, associate membership status may be desirable for various agencies such as US Bureau of Land Management, US Forest Service, LADWP, California Department of Fish and Wildlife, or California State Lands Commission.
3. Form a New Public Agency. Individuals that do not have public agency status may decide they would like to form a public agency in order to form or participate in a GSA. Once an entity becomes a local agency, it would then be eligible for GSA membership under SGMA. Parties could also explore the potential to become a local agency by creating a new general act or special act district. A general act district is created by following the rules set forth in various provisions of the Water Code or Government Code. A special act district is created through legislation passed by the state legislature. Once a new district is created through a general act or special act process, the district may then elect to be a GSA. Theoretically a similar approach might involve incorporation of unincorporated communities. Given the complexities associated with forming new local public agencies, this is probably not a practical means for Owens Valley individuals and entities to participate in the GSA process.

4. Legal Voting Arrangement. Parties could also seek to establish a legal agreement with a GSA governing board member such as a county, with voting power in a GSA overlying their basin. Under this agreement, parties could stipulate that the governing board member may vote only after adopting the recommendation of the non-public agency that is a party to the agreement.
5. Advisory committees. GSAs can form advisory committees, where stakeholders may participate in the preparation and administration of a GSP through committees set up for that purpose. In the Indian Wells Valley Groundwater Basin, the local agencies have formed a JPA for the purpose of becoming the GSA for the basin. A number of interested stakeholders (agriculture, environmental, business, water purveyor) will have an opportunity to participate in the preparation of the GSP through a committee that will be responsible for overseeing such activities. Currently, two committees are planned – a sustainability plan policy advisory committee and a technical advisory committee. Although decision making authority will reside in the GSA board, stakeholders have direct involvement in the development of the GSP.

SGMA provides for federal, tribal, and private participation in the preparation of GSPs. Concerning federal and tribal participation, CWC §10720.3 provides:

The federal government or any federally recognized Indian tribe, appreciating the shared interest in assuring the sustainability of groundwater resources, may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan or groundwater management plan under this part through a joint powers authority or other agreement with local agencies in the basin. A participating tribe shall be eligible to participate fully in planning, financing, and management under this part, including eligibility for grants and technical assistance, if any exercise of regulatory authority, enforcement, or imposition and collection of fees is pursuant to the tribe's independent authority and not pursuant to authority granted to a groundwater sustainability agency under this part.

Note that this provision pertains to participation in preparation and administration of GSPs, but is silent on federal and tribal entities participating in GSAs.

GSA powers and authorities

GSAs are responsible for developing and implementing GSPs. To fulfill these responsibilities, SGMA provides GSAs a number of powers and authorities. These powers and authorities take effect when the GSA has adopted and submitted a GSP. These powers allow GSAs to conduct investigations for various purposes; require registration of groundwater extraction facilities; require installation of meters on wells at the owner/operator's expense; require annual reporting of groundwater extraction; require reporting of surface water used for groundwater recharge; acquire property (including water rights); import, store, or treat water; provide a

program for fallowing agricultural land; impose spacing requirements on new wells; regulate, limit, or suspend groundwater extraction; limit construction, enlargement, or reactivation of groundwater wells; transfer groundwater pumping allocations; impose fees on groundwater permits, extraction, or other regulated activity to fund a GSP. GSAs may also impose fees to fund the preparation of a GSP.

De minimis groundwater users are users that use for domestic purposes less than 2 acre-feet per year. De minimis users are exempt from reporting requirements and metering requirements. De minimis uses are also exempt from fees if de minimis users are not regulated under a GSP.

State intervention

The State Water Resources Control Board (SWRCB) may declare a medium or high priority basin to be in probationary status if after June 30, 2017, none of the following has occurred (CWC §10735.2(a)):

A local agency has decided to become a GSA that intends to develop a GSP for the entire basin.

A collection of local agencies has formed a GSA or prepared agreements to develop one or more GSPs that will collectively serve as a GSP for the entire basin.

A local agency has submitted an alternative that has been approved or is pending approval pursuant to CWC §10733.6.

If the SWRCB designates a basin as a probationary basin, a local agency or groundwater sustainability agency shall have 180 days to remedy the deficiency, and may provide additional time to remedy the deficiency if it finds that a local agency is making substantial progress toward remedying the deficiency. The SWRCB may develop and impose an interim plan for the probationary basin if, in consultation with DWR, it determines that a local agency has not remedied the deficiency that resulted in designating the basin as a probationary basin. Imposition of an interim plan would subject local agencies and their groundwater users to a number of onerous requirements such as restrictions on groundwater pumping, monitoring and reporting requirements, reporting of groundwater extraction, and payment of fees to the SWRCB for their costs in implementing an interim plan. State intervention may be triggered at a later time if no GSP is developed by 2022, if a GSP is not implemented, or if a GSP is deemed inadequate by the SWRCB in consultation with DWR.

Forming a GSA in the Owens Valley Groundwater Basin

Figure 1 shows the boundaries of the OVGB. The OVGB is a large basin – 1,030 square miles - with a number of jurisdictional, legal, and water management considerations specific to the basin. Considerations relevant to GSA formation in the OVGB are:

- SGMA exempts lands managed under the Inyo/Los Angeles Long Term Water Agreement from the requirement for a GSA and GSP, but because of LADWP's extensive land and water rights holdings in the basin, the GSA formed to satisfy SGMA in the non-LADWP portions of the basin needs a meaningful mechanism for interacting with LADWP and groundwater management under the LTWA. SGMA does not have clear requirements or guidance for how GSAs interact or cooperate with adjudicated areas in basins that are partially adjudicated. In order to integrate water management throughout the basin, it may be desirable to have LADWP participate in a GSA in some capacity.
- The TVGMD is deemed the exclusive local agency for GSA formation within their jurisdiction, which includes nearly the entire Mono County portion of the basin, including most of the proposed Fish Slough subbasin (Figure 1). TVGMD may opt out of their presumed role as GSA, but is as yet undecided as to whether it will do so. Small portions of the basin along the base of the White Mountains are outside of TVGMD's boundaries, and a small portion of the proposed Fish Slough subbasin is in Inyo County.
- The Swall Meadow portion of the basin is in Mono County and not within TVGMD's boundaries. Local agencies are generally, but not completely, restricted to acting as GSA within their jurisdictional boundaries. If Inyo County was to act as GSA for this portion of the basin, an agreement between Inyo and Mono counties would be necessary so that the residents of Swall Meadow are fairly represented and the GSA could exercise the authorities of SGMA outside of Inyo County.
- Groundwater management issues are different in the Tri Valley and Owens Valley portion of the basin. In Owens Valley, LADWP is the largest groundwater pumper, using groundwater from both export to Los Angeles and for use in Owens Valley. Other entities in Owens Valley use groundwater for domestic and municipal use, habitat development, water bottling, and agriculture. In Owens Valley, most agriculture groundwater use is for LADWP leases and such pumping is regulated by the LTWA. In the Tri Valley, the majority of groundwater use is for agriculture, with some additional domestic use. Although DWR has rejected Inyo County's request to subdivide the OVGB into an Owens Valley subbasin and a Tri Valley subbasin, the SGMA framework allows that different GSAs could manage each subbasin with separate GSPs, regardless of whether the basin was subdivided into two subbasins. Alternatively, a single GSA for the entire basin might avoid some redundant effort involved in forming two GSAs and two GSPs.
- There are diverse interests and perspectives on water issues in the OVGB, including irrigators, tribes, state and federal land management agencies, LADWP, domestic well owners, community water providers, environmental organizations, city and county governments, and industrial groundwater users. SGMA requires that the interests of all beneficial users be considered. The Water Department has been working with a

facilitator provided by DWR to develop an assessment of OVGB stakeholders to assist the County in conducting an open and inclusive GSA formation process.

- DWR plans to include Fish Slough as a subbasin in the OVGB when DWR revises groundwater basin boundaries later this fall. Fish Slough was identified as a separate groundwater basin in the 1975 and 1980 editions of DWR Bulletin 118, but was dropped from the 2003 edition. Boundary of the proposed Fish Slough subbasin is located such that the new subbasin is mostly in Mono County within the TVGMD's boundaries, but the southern-most portion of the subbasin is in Inyo County. Considering that groundwater development is negligible in the Fish Slough subbasin, no SGMA regulatory activities will be necessary within the subbasin. Effects on Fish Slough from groundwater extraction in Laws and the Tri Valley area will need to be evaluated as part of the planning process.

- LADWP is actively planning to supply dust control efforts on the Owens Lake playa by pumping groundwater from California State Lands Commission (CSLC) land. LADWP conducts their Owens Lake dust control activities on CSLC land through lease agreements between LADWP and CSLC, and any future groundwater pumping by LADWP would occur through a lease agreement. Inyo County and LADWP currently have a dispute over whether LADWP pumping on Owens Lake would be subject to the LTWA, with the County arguing that the LTWA regulates such pumping and LADWP arguing that such pumping is not part of the LTWA. It appears that if such pumping is not subject to the LTWA, it would be subject to SGMA. Because the proposed pumping is from state land, the authority of a GSA to regulate activities on state land must be considered. State agencies are required to "*consider the policies of [SGMA], and any groundwater sustainability plans adopted pursuant to [SGMA], when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent*" (CWC §10720.9), "*a state or local agency that extracts groundwater shall be subject to a fee imposed under [SGMA] to the same extent as any nongovernmental entity*" (CWC §10726.8(d)), and SGMA "*does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state. State agencies and departments shall work cooperatively with a local agency on a voluntary basis*" (CWC §10726.8(d)). It appears probable that any future pumping by LADWP at Owens Lake that is not regulated by the LTWA would be subject to regulation through a GSP, and that the CSLC could make compliance with an adopted GSP part of their lease requirements.

Recommendations

Recommended structure of GSA. Assuming that TVGMD decides to be a stand-alone GSA for their region, a working model to move forward with is for TVGMD to submit a notice to form a GSA for their region; for the Owens Valley portion of the basin, Inyo County determines with Bishop and other local agencies whether the GSA will be solely the County or a JPA including multiple agencies (consider non-voting associate membership for federal, tribal, and Los

Angeles entities); Inyo and Mono counties develop an MOU to include the Swall Meadow area in the Owens Valley GSA boundary; Owens Valley GSA should develop planning, technical, and funding/financial advisory committees; TVGMD and the GSA for Owens Valley would then agree to develop a single plan for the whole basin; Inyo County then administers a state grant to prepare a single GSP for the basin. In the event that TVGMD (or Mono County) desired to partner with other agencies to form a single GSA for the whole basin, the above structure would be modified to include TVGMD in a multi-agency GSA. At a minimum, regardless of how the timeline given below plays out, if no multi-agency agreements are settled on, Inyo County should submit a notice to DWR of its intent to be a GSA for the Inyo County portion of the basin in time to comply with the June 30, 2017 deadline.

This recommendation is a conservative yet proactive approach to developing a GSA, but alternatives exist. The GSA board could have non-local-agency voting members, as described earlier, but such a board composition cedes considerable governmental authorities provided by SGMA to non-governmental (and perhaps non-democratic) entities. Additionally, SGMA holds local agencies accountable for failures to comply with SGMA, and there is no clear way to share that accountability with non-governmental agencies. Including representatives of special interests and non-local agencies on advisory committees, as recommended above, provides a voice for special interests and non-local agencies without ceding the authorities and responsibilities that SGMA provides to counties. Another alternative would be to simply let the June 30, 2017 deadline pass without applying to be a GSA, and then notify DWR that the County intends to be the GSA for any unmanaged areas in the Inyo County portion of the basin. This approach would be less cooperatively structured and may lead to future conflicts that would be better resolved through an engaged public process described above.

Timeline. It is recommended that your Board direct the Water Department to proceed with efforts to have a GSA or GSAs in place for the OVGB by June 30, 2017. In order to have a GSA or GSAs in place to cover the entire basin by June 30, 2017, the following schedule is recommended:

Fall, 2016 – Confer with other local agency staff in OVGB to discuss and examine feasible GSA structures. It is urgent TVGMD that decide whether they want to opt out of being the GSA for their region, be the exclusive GSA for their region, or join with other local agencies in a GSA for the entire OVGB. If TVGMD exercises their right to be the exclusive GSA in their region, Inyo County should proceed with forming a GSA for the remainder of the basin, contingent on resolving with Mono County how to include Swall Meadow. Also, the City of Bishop's desires for GSA participation need to be determined. If staff can identify a consensus GSA structure among the local agencies, and present that to the governing Boards of participating local agencies. Any multi-agency GSA should be formed through a JPA rather than an MOU, so that the resulting GSA will have all of the contracting, employment, property acquisition, and legal abilities that accompany the formation of a JPA. Other activities that should be undertaken this fall are assembly of a list of interested parties and identification of beneficial users of groundwater in basin.

Fall-Winter, 2016 – Hold public meetings to inform the public about SGMA and the options for forming a GSA, and to get comments and opinions from the public. Report these meetings back to the governing boards of the involved local agencies.

January-February, 2017 – Prepare an explanation of how the GSA(s) will consider the interests of all beneficial uses and users of groundwater. Prepare necessary agreements and maps to form GSA(s), and get approval from Boards. Boards adopt resolutions to form GSA(s). In the event that local agencies have not been able to reach agreement on a GSA structure that covers the entire basin, Inyo County should consider applying to be the GSA for the Inyo County portion of the basin.

February-March, 2017 – Hold public hearing and submit required material to DWR to form a GSA.

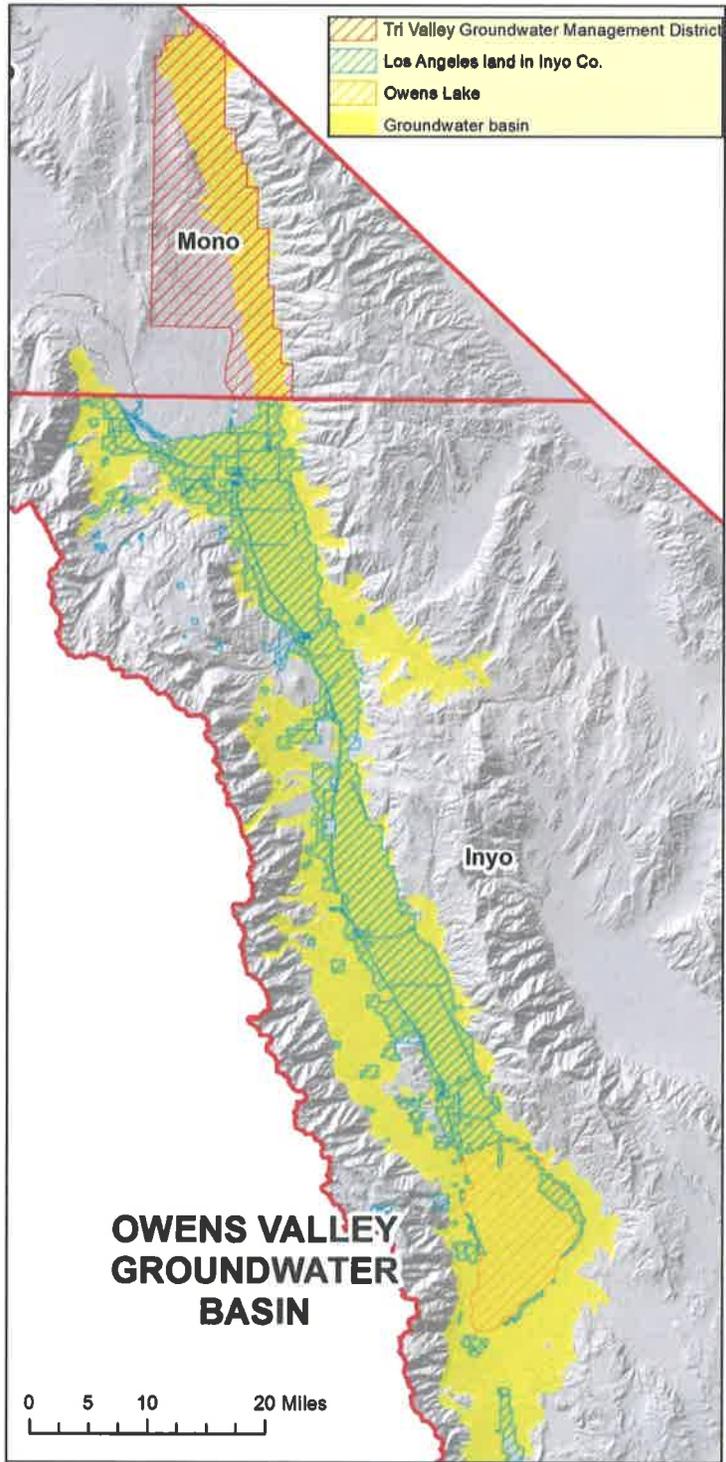


Figure 1. Owens Valley Groundwater Basin, with county boundaries, LADWP land in Inyo County, and Tri Valley Groundwater Management District boundaries shown.



GROUNDWATER SUSTAINABILITY AGENCY FREQUENTLY ASKED QUESTIONS

The 2014 Sustainable Groundwater Management Act (SGMA) requires the formation of groundwater sustainability agencies (GSAs) in high- and medium-priority groundwater basins and subbasins (basins) by June 30, 2017, in order to meet California Water Code requirements. The following responses to select frequently asked questions are intended to provide general guidance on GSA formation and are subject to change. This information incorporates the 2015 legislative changes to SGMA made by Senate Bill 13 and Assembly Bill 617. As discussed in this document, formation of a GSA is not necessary if a local agency plans to submit an Alternative Plan for an entire basin by January 1, 2017. Additional information about GSAs and the requirement to develop groundwater sustainability plans (GSPs) by 2020 or 2022, or Alternative Plans by 2017, is available on DWR's Sustainable Groundwater Management website included here: <http://water.ca.gov/groundwater/sgm/index.cfm>.

1. Are low- and very-low priority basins subject to the same GSA requirements and SGMA timelines as high- and medium-priority basins?

No. Low- and very-low priority basins are not required to form GSAs and develop GSPs, but local agencies in those basins are encouraged and authorized to do so, especially if they are highly-dependent upon groundwater. Intervention by the State Water Resources Control Board (State Board) does not apply to a basin designated as low- or very-low priority. Local agencies in low- and very-low priority basins can form GSAs and develop GSPs on their own schedule or can update existing (or prepare new) groundwater management plans. A map showing the priority ranking of California's 515 groundwater basins and subbasins is included as Figure 1. *Water Code References: §10720.7, §10723 et seq., §10750 et seq.*

2. Which local agencies are eligible to be GSAs?

Any local public agency that has water supply, water management, or land use responsibilities in a basin can decide to become a GSA. A single local agency can decide to become a GSA, or a combination of local agencies can decide to form a GSA by using either a joint powers authority (JPA), a memorandum of agreement (MOA), or other legal agreement. As discussed in this document, a local agency that submits a GSA formation notice to DWR will not become an exclusive GSA for the portion of a basin within its service area until the conditions of the Water Code are met. *Water Code References: §10721, §10723, §10723.6, §10723.8, §10726.8*

3. Upon deciding to become or form a GSA, what information must a local agency submit in order to have a complete GSA formation notice?

Within 30 days of deciding to become or form a GSA, the local agency or combination of local agencies shall inform DWR of its decision and its intent to undertake sustainable groundwater management. The notification shall contain all the information provided in Water Code §10723.8(a), which includes a description of the portion of the basin the local agency(s) intends to manage. The GSA formation notice will be reviewed for completeness by DWR staff and, if complete, will be posted on DWR's GSA

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Formation Table and included on DWR's GSA Interactive Map. Local agencies will have an opportunity to provide additional information, if applicable, to make a GSA formation notice complete. Additional information about GSAs and what constitutes a completeness review is available on DWR's GSA website: <http://water.ca.gov/groundwater/sgm/gsa.cfm>. *Water Code References: §10721, §10723 et seq.*

4. When does the decision to become a GSA take effect?

The decision to become a GSA will take effect if no other local agency has filed a GSA formation notice for all or a portion of the same area of a basin within 90-days of the initial posted notice, or if existing GSA overlap has been resolved and all applicable Water Code requirements have been met. Once these conditions have been met, the local agency, which has decided to become a GSA, will be identified by DWR as the exclusive GSA for the area described in its notice. DWR will be tracking GSA formation overlap and will recognize exclusive GSAs on its GSA Formation Table. Multiple local agencies or GSAs may, through a JPA or other legal agreement, combine their overlapping service areas to form a single GSA area – the roles and responsibilities of each local agency within the GSA area would be defined in the legal agreement. *Water Code References: §10723(c), §10723(d), §10723.8, §10726.8(b)*

5. What is an exclusive GSA?

An exclusive GSA is a local agency that has submitted its GSA formation notice to DWR and has not incurred, or has resolved, any service area overlap with another local agency that also intends to be a GSA. Only exclusive GSAs can coordinate to develop a GSP for a groundwater basin and submit that GSP to DWR for review. *Water Code References: §10723(c), §10723(d), §10723.8, §10726.8(b)*

6. What is GSA service area overlap and how is it created?

Service area overlap occurs when two or more local agencies decide to claim the same area of a basin (within 90 days of the initial posted notice) for the purposes of forming a GSA. GSA service area overlap may present as jurisdictional boundaries that do not align like adjoining puzzle pieces or service areas that are completely embedded, one within another (see Figure 2). If two or more local agencies separately decide to become GSAs in all or a portion of the same area of a basin (within an active 90-day period) then no exclusive GSA for that area will be designated by DWR until the overlap is resolved. Local agencies are strongly encouraged to collaborate and coordinate their GSA formation efforts prior to submitting a notice to DWR.

As shown on Figure 2, one instance of overlapping GSA service areas might include the jurisdictional boundaries of a city (GSA-1) and an irrigation district (GSA-2) – each local agency has its own legal boundaries within a basin, but some portions of those boundaries may not align seamlessly. A case of embedded service areas could include the jurisdictional boundaries of a county (GSA-1) and an irrigation district (GSA-2) – the county might have land use authority over the entire basin, but an irrigation district could have jurisdiction within the basin, too. As stated in Water Code §10723.8(c), where there is overlap in areas proposed to be managed by local agencies, *the local agencies shall seek to reach agreement to resolve the overlap to allow prompt designation of a GSA. Water Code References: §10723 et seq.*

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7. How is GSA overlap resolved?

GSA overlap can be resolved by withdrawal or modification of a posted GSA formation notice(s) to eliminate any overlap in the area(s) proposed to be managed. A GSA may withdraw from managing a basin by notifying DWR in writing of its intent to withdraw. According to Water Code §10723.8(c), *if agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted.* Material changes include, but are not limited to, significant GSA boundary changes made by a single local agency, and coordination by legal agreement to combine the boundaries of multiple local agencies or GSAs to form a common GSA area. In such cases, a public hearing and the process of filing a new GSA formation notice with DWR is again required, which will trigger a new 90-day period for that modified portion of the basin described in the notice. A GSA will not be recognized by DWR as an exclusive GSA until overlap in a basin is resolved. *Water Code References: §10723 et seq.*

8. Must the exclusive local agencies listed in Water Code §10723(c) file a GSA formation notice?

Yes. SGMA identifies 15 exclusive local agencies created by statute to manage groundwater within their respective statutory boundaries; however, these exclusive local agencies must still decide to become GSAs. The exclusive local agencies must follow the same public notification process as all other local agencies, although the decision to become a GSA will take effect immediately, as no other local agency can decide to become a GSA in those areas unless one of the exclusive local agencies opts out of its presumed role. *Water Code References: §10723(c), §10723.8*

9. Can a local agency form a GSA for a portion of a basin located outside its service area boundaries?

A local agency may make the decision to become a GSA for an entire basin, but that agency would not be the “exclusive” GSA for any portion of the basin beyond its service area boundaries. Furthermore, a local agency is not authorized to impose fees or regulatory requirements on activities outside the boundaries of the local agency. This regulatory limitation could make implementation of a basin’s groundwater sustainability program problematic and achievement of a basin’s sustainability goal unattainable. Because service area is not defined in SGMA, DWR will rely upon a local agency to define its service area in its GSA formation notice, which is part of Water Code §10723.8(a). *Water Code References: §10723 et seq., §10726.8*

10. If GSA overlap has not been resolved by June 30, 2017, will the county be presumed to be the GSA in the disputed area?

No. Water Code §10724(a) states, *in the event that there is an area within a high- or medium-priority basin that is not within the management area of a GSA, the county within which that unmanaged area lies will be presumed to be the GSA for that area.* An “unmanaged area” as used in Water Code §10724(a) is an area of a basin that has not yet had (or will not have) a local agency file a GSA formation notice with DWR – or, it is an area of a basin that is not within the service area of another GSA-eligible local agency. Water Code §10724 does not give the county exclusive authority to be the GSA in a basin if

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other local agencies (possibly including the county) have also declared their intent to sustainably manage groundwater but have not yet resolved their service area overlap.

In the unmanaged areas where the county is presumed to be the GSA because no other local agency has formed a GSA, the county must still follow the same public notification procedures described in §10723(b) and submit to DWR, prior to June 30, 2017, the information listed in §10723.8(a).

Alternatively, the county can notify DWR in writing that it will not be the GSA for those unmanaged areas and those unmanaged areas shall be subject to groundwater extraction reporting on July 1, 2017, in accordance with Part 5.2 of Division 2 of the Water Code, and could be subject to State Board intervention. *Water Code References: §1529.5, §5200 et seq., §10723 et seq., §10724 et seq., §10735.2*

11. What happens if an entire basin is not covered by an exclusive GSA(s) by June 30, 2017?

Water Code §10735.2(a) says the State Board, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin after June 30, 2017, if a local agency or a collection of local agencies has not decided to become a GSA(s) and develop a GSP(s) for the entire basin – or if a local agency has not submitted an Alternative Plan for the entire basin. If multiple local agencies have decided to become GSAs in a basin, but those decisions *have not taken effect* due to unresolved service area overlap, then those disputed areas would be considered unmanaged areas for the purposes of groundwater extraction reporting, as no exclusive GSA(s) for the entire basin has been established. The local agencies involved in the GSA formation dispute *shall seek to reach agreement to allow prompt designation of a GSA*, and the State Board could intervene if necessary. The groundwater extraction reporting requirements for unmanaged areas of a basin begin on July 1, 2017, and are described in Part 5.2 of Division 2 of the Water Code, commencing with §5200. The State Board’s schedule of fees to recover costs associated with its intervention role is described in Water Code §1529.5. *Water Code References: §1529.5, §5200 et seq., §10723 et seq., §10724*

12. Can GSAs in a basin change or restructure after June 30, 2017?

Yes. While this scenario is not specifically addressed in SGMA, there is no reason why a basin’s governance structure cannot adapt to either changing conditions or changing roles and responsibilities when developing and implementing a GSP. A clear and legally-concise explanation of a basin’s GSA governance structure will be required as part of the GSP in order to determine if the basin’s sustainability goal can be reached and its groundwater sustainability program can be implemented. If the governance structure in a basin needs to be modified, then a GSA would need to withdraw from managing its portion of a basin by notifying DWR in writing. As part of the annual reporting requirements for GSAs, the modified GSA governance structure would need to be explained and the legal agreement that coordinates GSAs in a basin would need to be updated, if necessary. In high- and medium-priority basins, if an exclusive GSA opted out of its management role and no other local agency was able to take its place following the GSA formation process, the basin could be subject to intervention by the State Board. *Water Code References: §10723 et seq., §10728, §10728.2, §10733 et seq., §10735.2*

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13. Must a GSA be formed if a local agency wants to prepare and submit an Alternative Plan, as described in Water Code §10733.6?

No, but a local agency, including the exclusive local agencies identified in SGMA, must be able to prepare an Alternative Plan for the *entire* basin and submit that Alternative Plan to DWR for review by January 1, 2017. Conversely, if so desired, a GSA can be formed in a basin and that GSA can submit an Alternative Plan rather than a GSP. *Water Code References: §10723(c), §10733.6*

14. What happens if the boundaries of my basin are modified and my basin is reprioritized as a medium- or high-priority basin?

If the priority of a basin changes from low or very-low to medium or high then a local agency(s) shall have two years from the date of reprioritization to either establish an exclusive GSA(s) or submit an Alternative Plan. An exclusive GSA(s) shall have five years from the date of reprioritization to develop and submit a GSP(s) to DWR for review. Revised basin boundaries will be published in DWR's Bulletin 118 in January 2017 and reprioritization of those new basins will be completed soon after. *Water Code References: §10722 et seq., §10933, §12924*

15. Must a GSA be formed if portions of a basin are not adjudicated?

Yes. If there are areas of a high- or medium-priority basin that are not part of an adjudicated action listed Water Code §10720.8, then a GSA should be formed in those areas by June 30, 2017. The response to this question does not address Alternative Plans where management pursuant to an adjudicated action could be used as an Alternative Plan submittal. The GSP emergency regulations will be adopted by June 1, 2016, which will provide additional GSP and Alternative Plan details. *Water Code References: §10720.8, §10721, §10727 et seq., §10733.2, §10733.6, §10735 et seq.*

16. Must a local agency exclude federal and tribal lands from its service area when forming a GSA?

No, federal lands and tribal lands need not be excluded from a local agency's GSA area if a local agency has jurisdiction in those areas; however, those areas are not subject to SGMA. But, a local agency in its GSA formation notice shall explain how it will consider the interests of the federal government and California Native American tribes when forming a GSA and developing a GSP. DWR strongly recommends that local agencies communicate with federal and tribal representatives prior to deciding to become a GSA. As stated in Water Code §10720.3, *the federal government or any federally recognized Indian tribe, appreciating the shared interest in assuring the sustainability of groundwater resources, may voluntarily agree to participate in the preparation or administration of a GSP or groundwater management plan through a JPA or other agreement with local agencies in the basin.* *Water Code References: §10720.3, §10723.2, §10723.8*

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17. What are the stakeholder outreach responsibilities for local agencies and GSAs?

Some public outreach requirements in SGMA are prescriptive but others are left to the discretion of the exclusive GSAs recognized in a basin. DWR strongly recommends that GSAs engage a broad range of stakeholders, both within a basin and from the larger hydrologic region if necessary, prior to making local decisions to help build trust and promote public acceptance and support. At a minimum, before deciding to become a GSA and after publication of notice pursuant to Government Code §6066, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin. In its GSA formation notification to DWR, the local agency(s) shall include a list of interested parties developed pursuant to Water Code §10723.2, identify the beneficial uses and users of groundwater within a basin, and provide an explanation of how their interests will be considered in the development, operation, and implementation of the GSA and GSP. GSAs are encouraged to appoint and consult with an advisory committee consisting of interested parties and to facilitate the active involvement of diverse social, cultural, and economic elements of the population within the basin prior to and during the development and implementation of a GSP. *Water Code References: §10723 et seq., §10727.8, §10728.4, §10733 et seq.*

18. How can private entities participate in a GSA and help develop and implement a GSP?

Only local agencies can become or form a GSA, but a water corporation or a mutual water company may participate in a GSA through a MOA or other legal agreement – how the legal agreement is structured to allow participation by private water entities is left up to the GSA to determine. However, as stated in Water Code §10723.6(b), the authority provided to a private water entity through such a legal agreement does not confer any additional powers to that nongovernmental entity. A private water entity could be part of a GSA, but it would not receive any of the powers provided to a GSA. Also, as described in Water Code §10726.5, a GSA may enter into written agreements and funding arrangements with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan. *Water Code References: §10723.6, §10725 et seq., §10726.5*

19. When does a GSA get the powers and authorities defined in SGMA?

An exclusive GSA will receive the powers and authorities defined in SGMA when it submits an adopted GSP or Alternative Plan to DWR. As stated in Water Code §10725, a GSA may exercise any of the powers described in Chapter 5, in addition to, and not as a limitation on, any existing authority, if the GSA adopts and submits to DWR a GSP or an Alternative Plan. If GSAs develop multiple GSPs for a basin, the submission to DWR shall not occur until the entire basin is covered by GSPs. When the entire basin is covered by GSPs, the GSAs shall jointly submit the following: the GSPs; an explanation of how the GSPs implemented together satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire basin; and a copy of the coordination agreement between the GSAs that implements the GSPs for the entire basin. *Water Code References: §10725 et seq., §10733.4, §10733.6*

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To learn more about GSA formation and for water management planning tools, please visit DWR's GSA website: <http://water.ca.gov/groundwater/sgm/gsa.cfm>. Additional questions related to GSAs and DWR's role in posting complete GSA formation notices may be directed to Mark Nordberg at (916) 651-9673 or Mark.Nordberg@water.ca.gov, or by contacting one of DWR's Region Offices at http://water.ca.gov/irwm/resources/rc_finder.cfm.



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FIGURE 1: GROUNDWATER BASIN PRIORITY RANKING

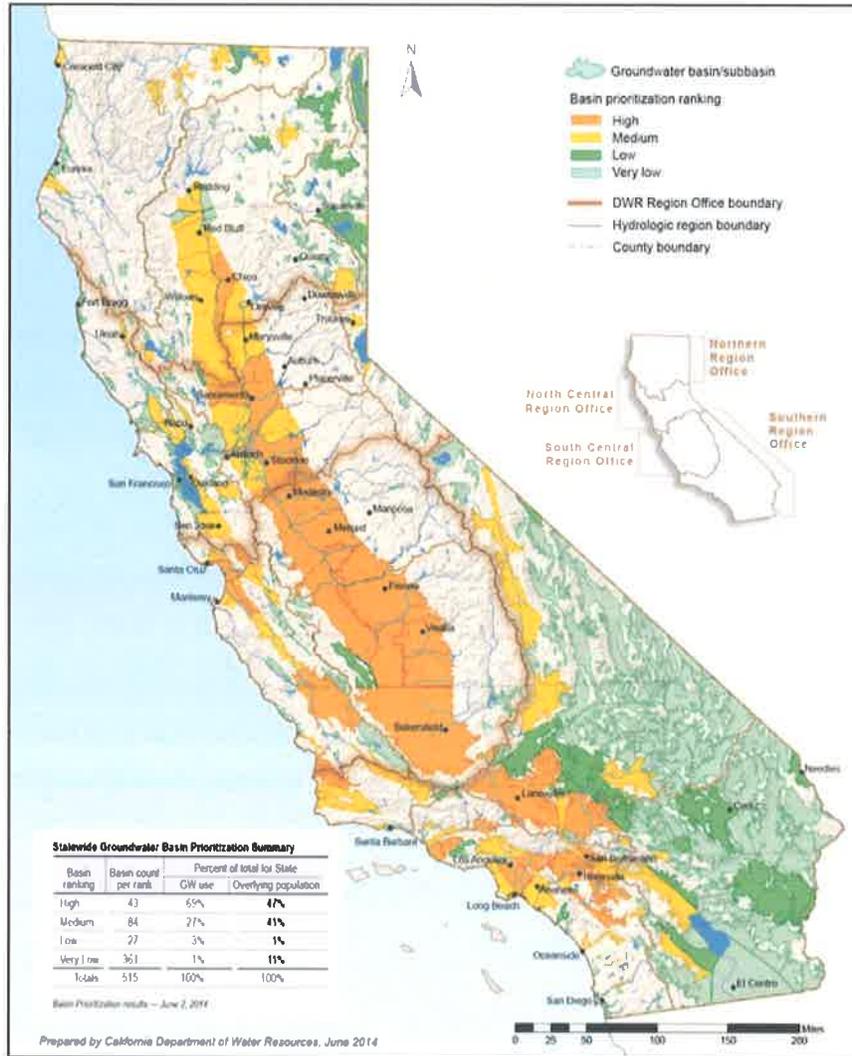
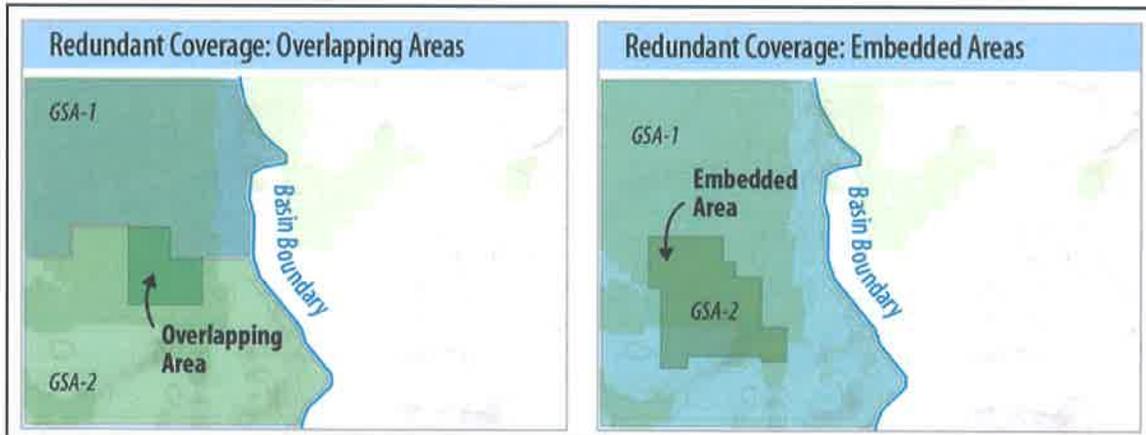


FIGURE 2: EXAMPLES OF GSA FORMATION OVERLAP





ACTIONS FOR LOCAL AGENCIES TO FOLLOW WHEN DECIDING TO BECOME OR FORM A GROUNDWATER SUSTAINABILITY AGENCY (GSA)

INTRODUCTION

The 2014 Sustainable Groundwater Management Act (SGMA) established a framework of priorities and requirements to help local agencies sustainably manage groundwater within a basin or subbasin. SGMA provides a basic minimum standard for outreach and notification regarding the formation of a groundwater sustainability agency (GSA). The information in this document highlights the requirements that must be followed pursuant to California Water Code (Water Code) Section 10723 *et seq.* in order to become or form a GSA. This document incorporates the amendments made to SGMA by Senate Bill (SB) 13 in September 2015.

Pursuant to Water Code Section 10723(a), any local agency or combination of local agencies overlying a groundwater basin or subbasin may decide to become a GSA for that basin or subbasin. A GSA is formed by using either a joint powers agreement (JPA), a memorandum of agreement (MOA), or other legal agreement, and the Department of Water Resources (DWR or department) must be notified after the GSA has been formed. The definitions for GSA and local agency, as defined in Water Code Section 10721, are as follows:

“Groundwater sustainability agency” means one or more local agencies that implement the provisions of this part [Part 2.74]. For purposes of imposing fees pursuant to Chapter 8 (commencing with [Water Code] Section 10730) or taking action to enforce a groundwater sustainability plan, “groundwater sustainability agency” also means each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action.

“Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

SUMMARY OF INFORMATION REQUIRED TO BE SUBMITTED TO DWR

A local agency is required to submit the following information to DWR in order to complete the GSA formation notification requirements of Water Code Section 10723.8(a). A notice of GSA formation will not be determined to be complete unless all information is submitted.

- Information that clearly shows the GSA formation notification was submitted to DWR within 30 days of the decision to become or form a GSA.
- A map and narrative indicating (1) the local agency’s service area boundaries, (2) the boundaries of the basin or portion of the basin the agency intends to manage, and (3) the other agencies managing or proposing to manage groundwater within the basin. *Please include a hard-copy map and GIS shape files.*
- A copy of the resolution forming the new agency.
- A copy of any new bylaws, ordinances, or new authorities developed by the local agency.
- A list of the interested parties developed pursuant to Water Code Section 10723.2 and a detailed explanation how the GSA will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs.

A representative of the local agency deciding to become a GSA, or a designated representative from the group of local agencies forming a GSA, shall include a statement in the notification to DWR that all applicable information in Water Code Section 10723.8(a) has been provided in the notification.

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

While not specifically required by Water Code Section 10723.8(a), the local agency submitting the GSA formation notification may wish to include a copy of the Government Code Section 6066 notice, as well as evidence or a statement demonstrating that a public hearing in accordance with Water Code Section 10723(b) was held in the county or counties overlying the basin.

GSA INFORMATION FOR LOCAL AGENCIES

The GSA formation notification requirements are located in Division 6 of the Water Code, Part 2.74, Chapter 4, Section 10723 *et seq.* The language in this document reflects the amendments made to SGMA by SB 13 which becomes law on January 1, 2016. DWR will review pre-SB 13 notifications for completeness and will retroactively address any GSA overlap and local agency service area issues pursuant to the process outlined in Attachment A.

The following Internet links provide the relevant SGMA legislation text:

- Summary of SGMA Legislation Text:
http://www.opr.ca.gov/docs/2014_Sustainable_Groundwater_Management_Legislation_092914.pdf
- Senate Bill 13 Text:
http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB13

The Water Code mandates that all local agencies are required to notify DWR within 30 days of deciding to become or form a GSA and submit in that notification specific information. The “exclusive” local agencies listed in Water Code Section 10723(c)(1), which are agencies created by statute to manage groundwater within their statutory boundaries, must also follow the notification requirements before they become GSAs.

Additional information related to a local agency’s decision to form a GSA is welcomed and will help demonstrate to DWR, the State Water Resources Control Board (SWRCB), and other local agencies that a proposed GSA has the long-term technical, managerial, and financial capabilities to sustainably manage basin-wide groundwater resources and prepare a groundwater sustainability plan (GSP) or coordinated GSP for an entire groundwater basin.

Pursuant to Water Code Section 10723.8(b), DWR shall post all complete notices it receives on its Internet Web site within 15 days of receipt. The list of GSA notifications received by DWR, an interactive map of the proposed GSA areas, and other helpful interactive planning maps are located on DWR’s Sustainable Groundwater Management Web site at the following Internet links:

- GSA Formation Table: http://www.water.ca.gov/groundwater/sgm/gsa_table.cfm.
- GSA Interactive Map: http://water.ca.gov/groundwater/sgm/gsa_map.cfm.
- Water Management Planning Tool: <http://water.ca.gov/groundwater/boundaries.cfm>
- Basin Boundaries Assessment Tool: <http://water.ca.gov/groundwater/sgm/bbat.cfm>

FORMING A GSA AND LOCAL AGENCY NOTIFICATION REQUIREMENTS

The following information summarizes the GSA formation and public notification steps identified in SGMA. Relevant Water Code sections are included.

Step 1: Decision to Form a GSA

The first step in the GSA formation process is public notification that a local agency is either (1) deciding to become a GSA or (2) deciding to form a GSA together with other local agencies. Water Code Section 10723(b) requires that a local agency or group of local agencies hold a public hearing in the county or counties overlying the groundwater basin. The relevant Water Code sections are included below.

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

WATER CODE SECTION 10723

- (a) *Except as provided in subdivision (c), any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.*
- (b) *Before deciding to become a groundwater sustainability agency, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin.*
- (c) *[Includes list of 15 "exclusive" local agencies – these agencies do not become a GSA until they submit a notification of GSA formation to DWR].*

GOVERNMENT CODE SECTION 6066

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

Step 2: Consideration of Interests of Beneficial Uses and Users of Groundwater

Water Code Section 10723.2 requires GSAs to consider the interests of all beneficial uses and users of groundwater. Additional sections of the Water Code require that this information be submitted as part of the GSA formation notification to DWR by a local agency(s). The relevant Water Code sections are included below.

WATER CODE SECTION 10723.2

The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to all of the following:

- (a) *Holders of overlying groundwater rights, including:*
 - (1) *Agricultural users.*
 - (2) *Domestic Well owners.*
- (b) *Municipal well operators.*
- (c) *Public water systems.*
- (d) *Local land use planning agencies.*
- (e) *Environmental users of groundwater.*
- (f) *Surface water users, if there is a hydrologic connection between surface and groundwater bodies.*
- (g) *The federal government, including, but not limited to, the military and managers of federal lands.*
- (h) *California Native American Tribes.*
- (i) *Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.*
- (j) *Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.*

GSAs are encouraged to engage additional stakeholders in order to develop the necessary relationships and expertise needed to develop and implement GSPs. Pursuant to Water Code Section 10727.8, *"The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan."*

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

Step 3: Submittal of GSA Formation Information to DWR

A local agency or group of local agencies must notify DWR and document the process it chose to take in deciding to become or form a GSA. The GSA formation notification requirements are described in Water Code Section 10723.8(a). The requirement for DWR to post complete GSA notifications is included in the Water Code references below. DWR will not post notifications on its Internet Web site that are determined to be incomplete.

WATER CODE SECTION 10723.8

- (a) *Within 30 days of deciding to become or form a groundwater sustainability agency, the local agency or combination of local agencies shall inform the department of its decision and its intent to undertake sustainable groundwater management. The notification shall include the following information, as applicable:*
- (1) *The service area boundaries, the boundaries of the basin or portion of the basin the agency intends to manage pursuant to this part, and the other agencies managing or proposing to manage groundwater within the basin.*
 - (2) *A copy of the resolution forming the new agency.*
 - (3) *A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.*
 - (4) *A list of interested parties developed pursuant to Section 10723.2 and an explanation of how their interests will be considered in the development and operation of the groundwater sustainability agency and the development and implementation of the agency's sustainability plan.*
- (b) *The department shall post all complete notices received under this section on its Internet Web site within 15 days of receipt.*

GSA TIMELINE – OVERLAPPING AREAS AND SERVICE AREAS WITHIN A BASIN

The deadline for GSA formation in high- and medium-priority groundwater basins and subbasins is June 30, 2017. A local agency that decides to become a GSA within its service area, or a group of local agencies that decides to form a GSA within their combined service areas, does not effectively become a GSA unless the provisions of Water Code 10723.8(c) and (d) are also met – these provisions address overlapping GSAs and management within a service area. If multiple local agencies form separate GSAs in a basin or subbasin within a 90-day period, and if any of those proposed GSAs result in an overlap in the areas proposed to be managed, then none of the local agencies will become the GSA unless the overlap is resolved, which could require making a material change to the existing notification(s). The relevant Water Code sections are included below.

WATER CODE SECTION 10723.8

- (c) *The decision to become a groundwater sustainability agency shall take effect 90 days after the department posts notice under subdivision (b) if no other local agency submits a notification under subdivision (a) of its intent to undertake groundwater management in all or a portion of the same area. If another notification is filed within the 90-day period, the decision shall not take effect unless the other notification is withdrawn or modified to eliminate any overlap in the areas proposed to be managed. The local agencies shall seek to reach agreement to allow prompt designation of a groundwater sustainability agency. If agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted under subdivision (a) and the department shall post notice under subdivision (b).*
- (d) *Except as provided in subdivisions (e) and (f), after the decision to be a groundwater sustainability agency takes effect, the groundwater sustainability agency shall be presumed to be the exclusive groundwater sustainability agency within the area of the basin within the service area of the local agency that the local agency is managing as described in the notice.*

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

CONDITIONS FOR DETERMINING A GSA NOTIFICATION INCOMPLETE

A GSA formation notification will be determined to be incomplete if (1) the local agency does not certify the notification as complete and (2) the provisions of Water Code Section 10723.8 are not clearly addressed. An incomplete notification will not be posted on DWR's Internet Web site and DWR staff will inform local agencies of the reason(s) for not posting. Local agencies will be given the opportunity to provide additional information.

Examples of what could deem a GSA notification to be incomplete include, but are not limited to, the following:

- Informing DWR of the decision to become a GSA more than 30 days after the decision was made in accordance with the required public hearing process.
- An incomplete map or insufficient information that clearly defines the local agency's service area boundaries with respect to the area of the basin or subbasin proposed to be managed as a GSA.
- No copy of a resolution or legal agreement forming the new agency.
- No copy of any new bylaws, ordinances, or new authorities adopted, if applicable.
- An incomplete list of interested parties developed pursuant to Water Code Section 10723.2.
- Submitting a GSA formation notification for a basin or portion of a basin where a local agency is already presumed to be the GSA.
- Deciding to become or form a GSA for an area that is outside the service area boundary of the local agency(s) forming the GSA.
- Forming a GSA outside the boundaries of a basin or subbasin defined in DWR's Bulletin 118.

Questions related to GSA notifications can be directed to DWR by contacting Mark Nordberg at Mark.Nordberg@water.ca.gov or calling 916-651-9673. Information is also located on DWR's GSA webpage at: <http://water.ca.gov/groundwater/sgm/gsa.cfm>.

Please e-mail your GSA formation notification and GIS shape files, and/or send via postal mail a hardcopy, to the following DWR staff:

Mark Nordberg, GSA Project Manager
Sustainable Groundwater Management Program
California Department of Water Resources
901 P Street, Room 213-B
P.O. Box 942836
Sacramento, CA 94236

DWR Region Office Groundwater Contact
<http://water.ca.gov/groundwater/gwinfo/contacts.cfm>
Bill Ehorn, Northern Region
Bill Brewster, North Central Region
Dane Mathis, South Central Region
Tim Ross, Southern Region



ATTACHMENT A
**PROCESS FOR REVIEWING COMPLETE GSA NOTIFICATIONS –
ADDRESSING OVERLAPPING GSAS AND SERVICE AREA BOUNDARIES**

Note: The amendments to SGMA provided by Senate Bill 13 will be retroactively applied to GSA formation notifications already submitted to DWR.

1. DWR receives a GSA formation notification (notification) from a local agency(s).
2. DWR reviews the notification for completeness.
 - a. If incomplete, the local agency(s) is contacted and the notification is not posted. DWR informs the local agency(s) of the reason(s) for being determined incomplete.
 - b. If complete, the notification is posted on DWR's GSA Formation Table within 15 days.
3. Complete GSA notifications are posted with (1) the posting date and (2) a date that indicates the posting-date-plus-90-calendar-days. This is the active 90-day period.
 - a. The GSA area submitted with the notification is included on DWR's GSA Interactive Map after DWR Region Office staff determines the suitability of the GIS shape files. The area included as a shape file must match the area depicted in the notification.
4. If no other local agency(s) submits a notification within the 90-day period in all or a portion of the same basin area, the local agency(s) that submitted the notification will become the "presumed" GSA for the area claimed within the service area of the local agency(s).
 - a. Status as "presumed" GSA will be indicated on the GSA Formation Table and the area claimed by the GSA will be distinctly colored on the GSA Interactive Map.
 - b. If any other local agency(s) submits a notification for all or a portion of an area managed by a "presumed" GSA, DWR will determine that notification to be incomplete and will contact that local agency(s).
5. If another local agency(s) submits a complete notification within an active 90-day period, and that notification results in an overlap in all or a portion of the same area of an existing notification, then:
 - a. The notification will be included on the GSA Formation Table with a posting date.
 - b. The column with the posting-date-plus-90-days date for all affected notifications will be replaced with "overlap" to indicate a GSA formation overlap.
 - c. The GIS shape files on the GSA Interactive Map for all affected notifications will be labeled with a color that clearly indicates GSA formation overlap.
6. All local agencies that are affected by overlapping notifications will remain in overlap status until the conditions stated in Water Code Section 10723.8(c) are met.
 - a. "Presumed" designation of a GSA will not proceed unless conflicting notifications are withdrawn or modified to eliminate any overlap in the areas proposed to be managed.
7. If agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted in accordance with Water Code Section 10723.8(a) and the notification will be reviewed and posted by DWR as described in this process.
 - a. A material change includes, but is not limited to: a GSA boundary revision; a change of local agencies forming the GSA; or a consolidation of local agencies or proposed GSAs through a JPA or MOA or other legal agreement.
8. If overlapping GSA formation notifications exist in a basin after June 30, 2017, then that basin is subject to probationary status by the SWRCB per Water Code Section 10735.2. In addition, the groundwater extraction reporting requirements in Water Code Section 5202 *et seq.* apply to the portions of that basin where local agencies have not been determined "presumed" GSAs.

Formation of a Groundwater Sustainability Agency in the Owens Valley Groundwater Basin

SGMA overview

**Formation of groundwater sustainability agencies
Owens Valley considerations
Recommendations**



County of Inyo Board of Supervisors meeting, October 4, 2016

SGMA Goal: Sustainable Management of California's Groundwater Resources

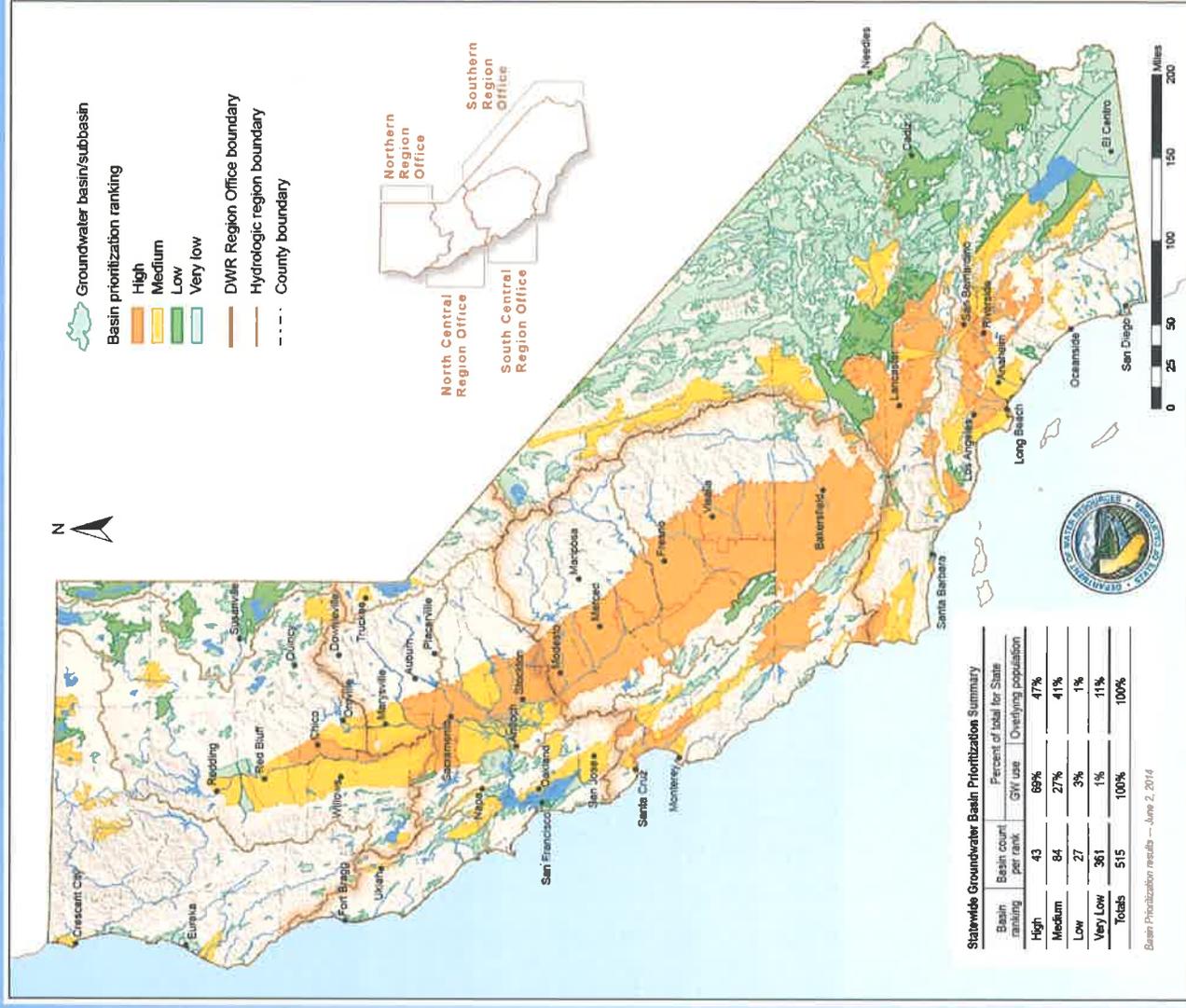
The goal of SGMA is to achieve sustainable groundwater management in California. The legislation defines “sustainable groundwater management” as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing an “undesirable result,” which is defined as any of the following effects occurring throughout the basin:

- Chronic lowering of groundwater levels
- Significant and unreasonable reductions in groundwater storage
- Significant and unreasonable seawater intrusion
- Significant and unreasonable degradation of water quality
- Significant and unreasonable land subsidence
- Surface water depletions that have adverse impacts on beneficial uses of surface water

SGMA Overview:

- Groundwater basins are the geographic management unit.
- In medium and high priority basins:
- Local agencies form groundwater sustainability agencies, develop groundwater sustainability plans, and implement plans to manage groundwater

- If local agencies fail to form groundwater sustainability agencies, or develop and implement groundwater sustainability plans, State Water Resources Control Board implements interim plan



LOIA (list of initializations and acronyms)

DWR – California Department of Water Resources.

GSA – Groundwater sustainability agency. Local agency undertaking groundwater management.

GSP- Groundwater sustainability plan. A plan adopted by a GSA to manage groundwater.

GW – Groundwater.

LA/LADWP – Los Angeles/Los Angeles Dept. of Water and Power

SGMA – Sustainable Groundwater Management Act. The new groundwater law.

SWRCB – State Water Resources Control Board.

TVGWMD – Tri Valley Groundwater Management District.

Groundwater Legislation Timeline



Options for GSA formation

Formed by local agencies (cities, counties, water districts, etc.)

Single or multiple GSAs; single or multiple GSPs:

- A single GSP covering the entire basin developed and implemented by one GSA.
- A single GSP covering the entire basin developed and implemented by multiple GSAs.
- Multiple GSPs implemented by multiple GSAs and coordinated through a single coordination agreement that covers the entire basin.

Associate membership, delegated voting, or committee membership provides for non-local agency representation.

Required for a local agency to apply to become a GSA:

Before deciding to become a groundwater sustainability agency, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin.

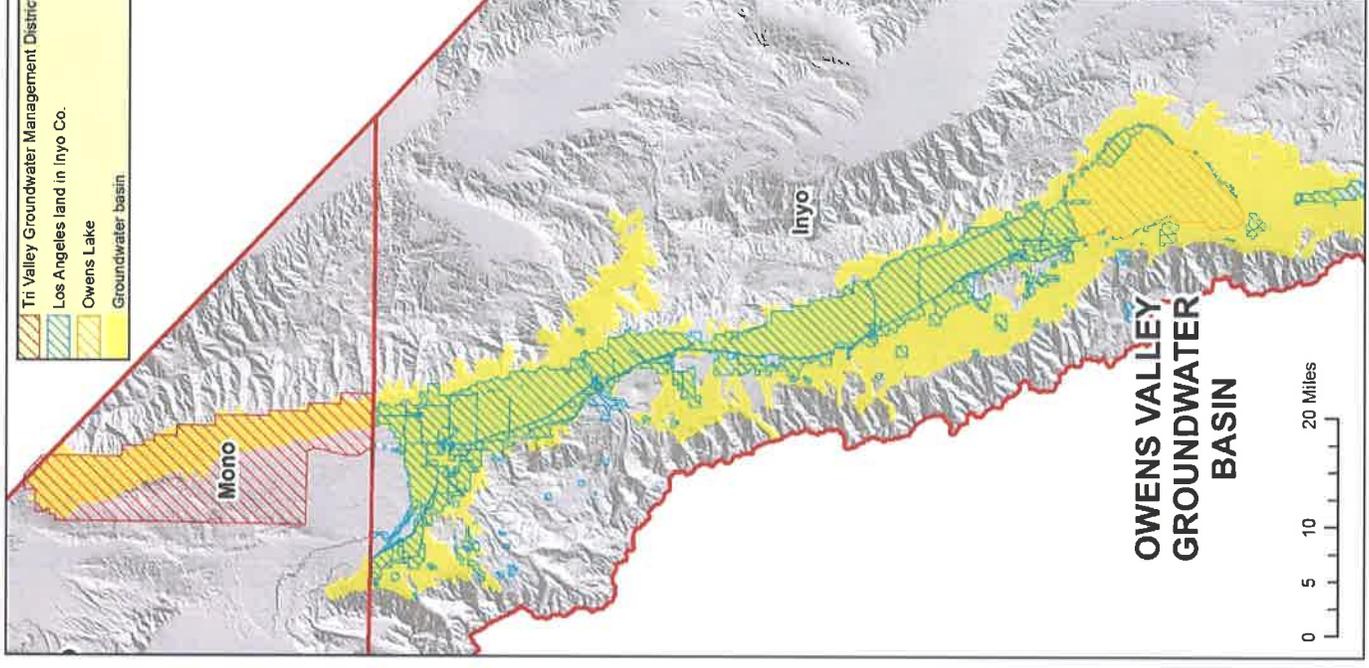
A local agency is required to submit the following information to DWR in order to complete the GSA formation notification requirements:

- Information that shows the GSA formation notification was submitted to DWR within 30 days of the decision to become or form a GSA.
- A map and narrative indicating (1) the local agency's service area boundaries, (2) the boundaries of the basin or portion of the basin the agency intends to manage, and (3) the other agencies managing or proposing to manage groundwater within the basin.
- A copy of the resolution forming the new agency.
- A copy of any new bylaws, ordinances, or new authorities developed by the local agency.
- A list of the interested parties developed pursuant to CWC §10723.2 and a detailed explanation how the GSA will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs.

Once DWR deems that the required materials have been submitted, DWR posts the material on its web site. If no overlapping applications are received within 90 days, the applicant becomes the exclusive GSA; if there is an overlapping application, the applicants must resolve the conflicting overlap.

Owens Valley Groundwater Basin

- Basin extends from Haiwee Res. through Tri Valleys to Nevada.
- DWR intends adding Fish Slough subbasin.
- LA land in Inyo is treated as adjudicated: no plan required.
- SGMA has no authority over federal and tribal land.
- CSDs are eligible local agencies; numerous in OVGB.
- GSA &GSP required for remainder of basin.
- Tri Valley GW Management District is exclusive GSA for their area unless they opt out.
- Swall Meadow is in Mono and not within TVGMD area.
- Owens Lake
 - LA plans to develop gw for dust control through leases from CSLC.
 - Suspended dispute between over LTWA applicability to Owens Lake.
 - SGMA/GSP applicability to CSLC lease to municipality to pump gw.



Recommended GSA structure

- TVGMD elects to be a stand-alone GSA for their region;
- For the Owens Valley portion of the basin, Inyo County determines with Bishop and the CSDs whether the GSA will be solely the County or a JPA including multiple agencies (consider non-voting associate membership for federal, tribal, and Los Angeles entities);
- Inyo and Mono counties develop an MOU to include the Swall Meadow area in the Owens Valley GSA boundary;
- Owens Valley GSA develops planning, technical, and funding/financial advisory committees;
- TVGMD and the GSA for Owens Valley agree to develop a single plan for the whole basin;
- Inyo County administers a state grant to prepare a single GSP for the basin.

In the event that TVGMD desires to partner with other agencies to form a single GSA for the whole basin, the above structure would be modified to include TVGMD in a multi-agency GSA.

If no multi-agency agreements are settled on, Inyo County should submit a notice to DWR of its intent to be a GSA for the Inyo County portion of the basin.

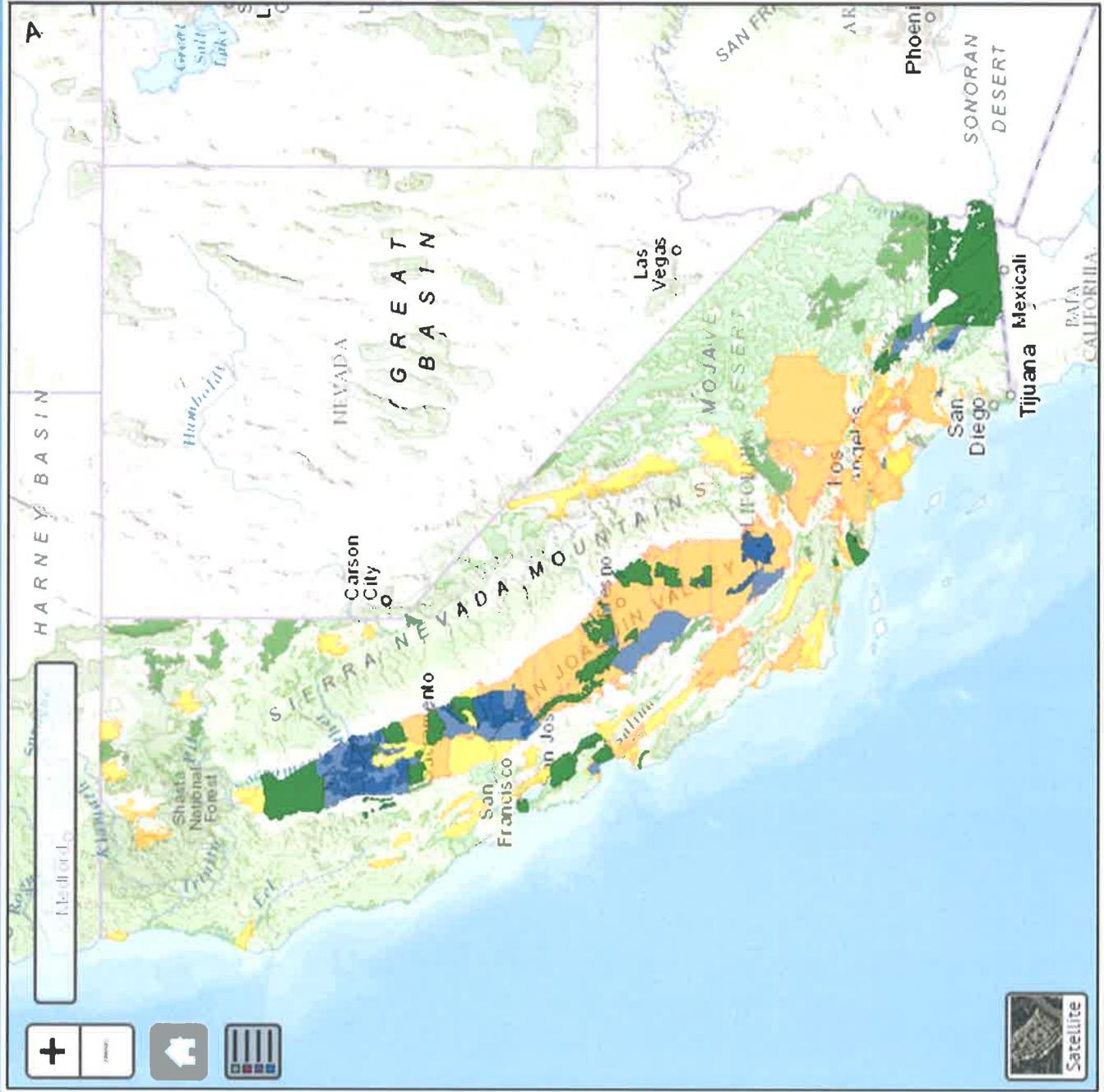
Timeline

Fall, 2016 – Confer with other local agency staff in OVGB to discuss and examine feasible GSA structures. Other activities that should be undertaken this fall are assembly of a list of interested parties and identification of beneficial users of groundwater in basin.

Fall-Winter, 2016 – Hold public meetings to inform the public about SGMA and the options for forming a GSA, and to get comments and opinions from the public. Report these meetings back to the governing boards of the involved local agencies.

January-February, 2017 – Prepare an explanation of how the GSA(s) will consider the interests of all beneficial uses and users of groundwater. Prepare necessary agreements and maps to form GSA(s), and get approval from Boards. Boards adopt resolutions to form GSA(s).

February-March, 2017 – Hold public hearing and submit required material to DWR to form a GSA.



Statewide GSA formation status
(as of September 19, 2016)

Basin Priority

- Pale green — v. low
- Green — low
- Yellow — medium
- Orange — high

GSA Application Status

- Blue — applied to be GSA
- Dark Blue — overlapping apps.
- Dark green — exclusive GSA



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

28

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Planning Department

FOR THE BOARD MEETING OF: October 4, 2016

SUBJECT: City of Los Angeles Department of Water and Power Notice of Intent to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project

DEPARTMENTAL RECOMMENDATION: Review the Notice of Intent to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project and potentially direct staff to prepare correspondence in regards thereto and authorize the Chair to sign.

SUMMARY DISCUSSION: The City of Los Angeles Department of Water and Power (DWP) has issued a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project (see attached). The Initial Study identifies potentially significant effects regarding biological and cultural resources.¹ Staff has reviewed the Initial Study and has not identified any issues warranting a response.

OTHER AGENCY INVOLVEMENT: DWP; Water and Public Works Departments; others involved in permitting.

ALTERNATIVES: The Board could direct staff to prepare correspondence for the Chair's signature identifying issues regarding the NOI. Comments are due October 7.

FINANCING: General funds have been utilized to analyze this DWP project. No long-term financial effects are anticipated.

APPROVALS

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

¹ Refer to ladwp.com under About Us > Finances & Reports > Reports > Environmental Reports.

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

A handwritten signature in blue ink, appearing to read "James H. ...", is written over a horizontal line.

Date: 9/23/16

Attachment: NOI

Los Angeles



Department of Water & Power

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
MICHAEL F. FLEMING
CHRISTINA E. NOONAN
BARBARA E. MOSCHOS, *Secretary*

MARCIE L. EDWARDS
General Manager



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Date: September 6, 2016

To: Agencies, Organizations, and Interested Parties

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project

The City of Los Angeles Department of Water and Power (LADWP) prepared an Initial Study for the Haiwee Power Plant Penstock Replacement Project. Based on the information contained in the Initial Study, LADWP intends to adopt a Mitigated Negative Declaration for the project under the California Environmental Quality Act (CEQA). LADWP is the CEQA Lead Agency for the project.

Project Location: The Haiwee Power Plant is located in the Owens Valley, off U.S. Route 395 (Hwy 395) at 1800 South Haiwee Loop Road, Inyo County, California; just south of the town of Olancho and approximately 35 miles south of Lone Pine, California. The project site is located on the Haiwee Reservoirs and Coso Junction 7.5 minute U.S. Geological Survey (USGS) quadrangles and the latitude/longitude of the north end of the project area is 36.1354°N/-117.9534°W (North American Datum 1983 UTM Zone 11N). The project site is accessed from Hwy 395 via Haiwee Reservoir Road at the north near the dam or Los Angeles Aqueduct road off Hwy 395 south of the Power Plant.

Project Description: LADWP operates the existing Haiwee Power Plant Penstock for the conveyance of water from South Haiwee Reservoir to the Haiwee Power Plant as part of the overall Los Angeles Aqueduct System. Due to a partial collapse of the penstock in 1984, and decades of corrosion and pitting, normal operation of the penstock does not meet current day design standards. The proposed project is the replacement of approximately 10,000 feet of existing pipe to allow the safe transmission of water from South Haiwee Reservoir to the Haiwee Power Plant.

Environmental Effects: The Initial Study describes potentially significant impacts of the proposed project on biological and cultural resources, and land use as related to protection of biological and cultural resources. Mitigation measures have been defined to reduce impacts to less than significant levels. Other effects found to be less than significant are also described in the Initial Study.

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

111 N. Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles, CA 90051-5700
Telephone: (213) 367-4211 www.LADWP.com

Hazardous Waste Disclosure

Per Section 15087 (c)(6) of the CEQA Guidelines, the proposed project is not on any of the lists enumerated under Section 65962.5 of the California Government Code.

Public Review of the Initial Study: The public review period commences on September 8, 2016 and concludes on October 7, 2016 at 5:00 pm. A copy of the Initial Study is posted at www.ladwp.com/envnotices. Copies of the Initial Study are also available for review at the following locations:

LADWP
111 North Hope Street, Room 1044
Los Angeles, CA 90012

LADWP
300 Mandich Street
Bishop, CA 93514

Lone Pine Library
127 Bush Street
Lone Pine, CA 93545

Public Comments: During the public review period, written comments concerning the adequacy of the Initial Study may be submitted. Comments must be submitted by October 7, 2016. Please submit your comments to the following address:

Los Angeles Department of Water and Power
111 North Hope Street, Room 1044
Los Angeles, California 90012
Attn: Ms. Julie Van Wagner

If you require additional information, please contact Ms. Van Wagner at Julie.VanWagner@ladwp.com or (213) 367-5295.

Sincerely,



Charles C. Holloway
Manager of Environmental Planning and Assessment