

MINUTES

County of Inyo Board of Supervisors

SPECIAL MEETING

March 24, 2015

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 10:00 a.m., Tuesday, March 24, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

- Pledge Supervisor Totheroh led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. There was no one from the public wishing to address the Board.
- Resol. #2015-26/
REGPA EIR and
Approval The Chairperson opened the public hearing at 10:05 a.m., to consider General Plan Amendment (GPA) No. 2013-02/Inyo County Renewable Energy. The individual Board Members made opening remarks. Cathreen Richards, Senior Planner, provided copies of additional and corrected correspondence regarding the project, and went on to review the staff report and recommendations in detail and at length. At the conclusion of her report, Ms. Richards requested that the staff report, all attachments and exhibits to the report, her presentation, and the additional and corrected correspondence be entered into the record and it was marked as Exhibit A. Mr. Robert Edgerton of Helix Environmental Planning, reviewed the PEIR and at the conclusion of his presentation, County Counsel requested that his presentation be entered into the record and it was marked as Exhibit B. County Counsel went on to enter the PEIR into the record and it was marked Exhibit C. Ms. Richards went on to report on the Planning Commission's presentation, which was marked as Exhibit D. Supervisor Pucci requested that a letter he received after the information for today's meeting had been distributed, from the Bishop Tribal Council be included in the record and it was marked Exhibit E.
- Recess/
Reconvene The Chairperson recessed the special meeting at 11:00 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.

The Board heard from Stephen Scow, an attorney representing the Wiley Trust who requested that his August 16, 2014 letter be entered in the record. The Planning Director confirmed that the document was a part of the staff report and entered as a part of Exhibit A. County Counsel requested that a second copy of the letter be entered into the record and it was marked Exhibit F. The Board heard from Jonathan Penman Broadsplan from the Death Valley National Park who commended the County for recognizing the value of the Park's international dark night skies designation and the value of the view sheds of Manzanar and the Old Spanish National Historic Trail in the REGPA. Mr. Steve Nelson of the BLM Bishop Field Office, addressed the Board to comment on the County's efforts with regard to the REGPA and to say they will take a hard look at the County's final decision in relation to the DRECP. In response to a call for speakers who were authorized to speak for their Tribes, Ms. Sally Manning, Environmental Director for the Big Pine Paiute Tribe, addressed the Tribes activities concerning the REGPA, questioning the County's consultation with the Tribe. She said that she wants to make sure the Board understands the Tribe still has many concerns about the REGPA, and went on to provide her explanation of the concerns. She said that the Tribe feels that consultation regarding this REGPA has not formally concluded, therefore it is premature to proceed with adopting the Plan. She said the Tribe requests that consultation resume as needed for the REGPA. She said that County staff has consistently rejected the Tribes suggestions concerning their alternatives to mitigate their concerns, even though some of them were similar to the recommendations made to the Board by the Planning Commission. She reviewed the Tribes requests for the Board to not approve the REGPA. County Counsel requested clarification by asking if "is it fair today to consider us engaging in consultation with you through this process since you've appeared now on behalf of the tribe?" Ms. Manning

responded “if you are asking if the Tribe considers this a consultation meeting, no that is supposed to be government to government, leaders to leaders. This is just reiterating the letter that was sent to you all dated March 13th, I think it was.”

The Board went on to hear from the following members of the public:

Gary Barkley, Charleston View Resident, he presented the Board with a petition of the residents addressing the issues that are important to the people of Charleston View and ask that the Board support the Planning Commissions recommendations. He also said there is concern with the solar overlay for the area. Counsel requested that the Petition be entered into the record and it was marked as Exhibit G.

Patrick Donnelly, Executive Director of the Amargosa Conservancy and resident of Shoshone, who addressed those people who have traveled to today’s meeting who want to voice their opinion about the vision they have for their community. He went on to address the unintended consequences for the 20 megawatt cap. He said that the people he represents have changed their mind on the 20 megawatt cap because of the unintended consequences. He went on to address other community concerns including groundwater protection and the need to protect the area for the development of eco-tourism and not industrialization.

Sally Miller, Wilderness Society, noting that during the process to develop the REGPA several of the large track’s targeted for development have been removed and there has been a determination that there should be no wind energy development in the County. She said there are a few tweaks they would like to see and noted a couple of those items. She said the first is the 20 megawatt cap which they think is poor planning and there would be unintended consequences and not having the cap will give the County much more flexibility to find suitable places for renewable energy projects. An other issue of concern is protecting ground squirrel connectivity.

Susan Sorrells, Shoshone Resident, agreed that there would be unintended consequences with the 20 megawatt cap. She went on to address concerns with the Tecopa/Shoshone/Charleston View community, to echo the remarks made by Patrick Donnelly, concerning protecting financial sustainability and the development of eco-tourism and not industrialization in the area.

Stephanie Dashiell, Defenders of Wildlife, said they support the photo voltaic technology only alternative and is pleased that wind energy will not be allowed within Inyo County. She went on to address groundwater management to minimize use and prevent extraction that is greater than the annual recharge. She said that with regard to the SEDA, development should only be occurring on disturbed lands, and support Mojave ground squirrel connectivity habitat. She also said they do not support the 20 megawatt cap on projects because in most or nearly all the proposed SEDA’s there are sufficient lands in a degraded or fragmented condition to support projects greater than 20 megawatts and its seems unreasonable and arbitrary to establish the cap.

Chris Ellis, General Manger of Coso Operating Company, who agreed that the 20 megawatt cap would be limiting and the unintended consequences would likely result in additional disturbed lands beyond what people are seeing. Also to update the Board on a proposal that they made to the California Independent System Operator to connect their Dixie Valley transmission line that comes from northern Nevada and ties into the substation in Bishop to Indy’s energy line. He said there would be no impact on Inyo County from a visual standpoint, and what it does is provide some additional reliability in the event that some of the connectivity was lost and it potentially allows for an upgrade on the transmission line should that ever come to pass. He said that he believes that every project should stand on its own. He submitted a copy of the proposal and it was marked as Exhibit H.

Earl Wilson, Lone Pine Resident, provided some information from 2010 wherein there was 5,000 megawatt assigned to the Owens Valley to help the state meet its renewable energy goals. He supported using Rose Valley as a location for renewable energy development. He went on to address Charleston View, saying there are already four developments in the area and noting the importance of protecting the groundwater.

Amy Noel, Owner and Manager of Tecopa Hot Springs Resort, who supported protecting the rustic nature of the area and not allow energy development in their area.

Jan Ruegual, supported no solar development in the southeastern portion of the County and supported roof-top solar in Tecopa.

Cindy Kamler, Eastern Sierra Wildlife Care, who opposed solar development because of its impact on the wildlife.

Ryan Thomas, Executive Director of the Tecopa Hot Springs Conservancy, said that the technology being considered is old technology. He said that these types of plants are already being abandoned and supported home-based solar.

Jora Fogg, Friends of the Inyo, said that in light of new information they rescind their position on the 20 megawatt cap. She said they have a clearer idea of the impacts that a lot of small 20 megawatt projects are going to have, especially the burden it will put on public lands. They support siting on already disturbed lands. She provided additional considerations for the Board which are some of their own suggestions and many of those recommended by the Planning Commission, which included support of the photo voltaic only, support for the modified Rose Valley and Pearsonville SEDA's, support for ground squirrel connectivity on the west side of U.S. 395, support for modifying the Owens Lake SEDA, support for elimination of the Chicago Valley SEDA, and asking the Board to listen to the people from the area on their opposition of the Charleston View SEDA.

Stephen Scow, Charleston View Land Owner, who spoke on behalf of the Mary Wiley Trust which is a primary land owner that would be affected by the smaller 20 megawatt cap. He said they agree with the comments made asking that the 20 megawatt cap be removed. He went on to talk about water, referring back to studies for the Bright Source Project which showed that the project would not degrade the water table. He suggested that instead of making projects totally water neutral, let them use some water because it is appropriate because any land owner would be allowed to use water.

Brian Atkins, Environmental Director, Bishop Paiute Tribe, commented regarding recent correspondence sent to the Board requesting government to government consultation. He said they sent a letter on March 8, requesting consultation and they recently sent another letter on March 16, and they received a letter back from the Planning Department where in staff is available. He said the Tribe appreciates staff's willingness to brief the Tribe on the situation, but the original request wanted to meet with at least one or two members of the Board of Supervisors to discuss the REGPA, offering to help facilitate that meeting between the Tribe and members of the Board of Supervisors.

Kevin Emmerich, co-founder of the group Basin and Range Watch. He said the group has been tracking renewable energy projects on a large scale in the desert for about six years. He addressed his concerns with areas like Charleston View, supporting eco-tourism, saying that this type of development would be inconsistent with the area. He supported the 20 megawatt cap saying and suggested that maybe the County could reduce that cap even more.

Suzi Dennett, Death Valley Chamber of Commerce, addressed the Board to support no solar development in the area and to urge protection of eco-tourism. She supported the use of rooftop solar.

Ethel Messer, Shoshone Resident, who lives in Chicago Valley, supported the decision to remove Chicago Valley SEDA and supported removing Charleston View also. She also supported rooftop solar.

Sydney Quinn, Big Pine Resident, addressed the Board to support rooftop solar and the need to make sure it is included in the State mandates, support the removal of the 20 megawatt cap because of the unintended consequences, support protecting the water resources, support photo voltaic only, support wildlife connectivity, supported avoiding the ACEC and the NLCS lands, would like to see the County more active in energy conservation.

Dave Wagner, Independence Resident, supported rooftop solar, questioned the unintended consequences, saying that he does not believe the checkerboard issue would come to pass in Inyo County.

John Rotthgib, Darwin Resident, supported rooftop solar, saying that industrial solar generation is a thing of the past. He also urged the Board to make sure that reclamation plans are in place for projects that could be abandoned in the future.

Larry Krause, opposed solar development in Charleston View area, and expressed concern with water use in the area.

Andrew Morin who supported the removal of the Owens Valley SEDA, stated he recommended the Board say that Inyo County is against industrial solar in the Owens Valley, support photo voltaic only, he supported keeping the 20 megawatt cap, he suggested that a limit on transmission should be adopted, and supported rooftop solar.

The Chairperson closed the public hearing at 12:35 p.m.

Recess
Reconvene

The Chairperson recessed the special meeting at 12:35 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.

The Board and staff went on to discuss and deliberate the proposed REGPA in detail and at length. The Planning Director, Josh Hart, provided the Board with copies of two of the maps which several of the speakers had addressed which were of the Draft Trona SEDA and the Adjusted Rose Valley/Olancho SEDA. County Counsel asked that even though the maps were duplicative that they be entered into the record and they were marked as Exhibit I. A second set of maps of Exhibit I were duplicated and provided to the Board and at the request of County Counsel were marked as Exhibit J. The Board Members commented on the REGPA process and went on to review and discuss with staff the various recommendations which had been made, including exclusion of the Chicago Valley and Charleston View SEDAs, using disturbed lands in Trona and Rose Valley, the unintended consequences of the 20 megawatt cap, Mojave ground squirrel connectivity, capping transmission, photo voltaic only, community scale development, Laws SEDA, Owens Lake SEDA, the DRECP, Owens Valley study areas, the Sandy Valley SEDA, Pearsonville alternative, projects being required to be water neutral, and the possibility of developing area specific plans for the southeastern portion of the County and/or Charleston View. Mr. Steven Scow representing the Mary Wiley Trust, addressed the Charleston View SEDA and provided the Board with a copy of a map that shows private ownership in the area and a map showing where the Hidden Hills Project was sited and the maps were entered into the record and marked as Exhibit K. The Board and staff continued to discuss the recommendations in detail, at length and in specific terms with regard to certain changes. Staff reviewed and denoted each of the specific items the Board wanted included and it the list that was developed was entered into the record and marked as Exhibit L.

The Chairperson recessed the Special Meeting at 3:50 p.m., to reconvene in open session at 4:05 p.m., with the Board and staff continuing their discussions regarding the REGPA and how the Board wanted to proceed with the approval process. The Chairperson closed the public hearing at 4:25 p.m.

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to direct Staff to modify the Final Program Environmental Impact Report, the Mitigation, Monitoring, and Reporting Program, the Findings of Fact, the Statement of Overriding Considerations, and General Plan Amendment No. 2013-02/Inyo County Renewable Energy, in accordance with the direction of the Board and as identified in Exhibit L. Motion carried unanimously.

On a motion by Supervisor Totheroh and a second by Supervisor Griffiths, Resolution No. 2015-26 titled: "A Resolution of The Board of Supervisors of the County of Inyo, State of California, Certifying the Program Environmental Impact Report and Making Certain Findings with Respect to and Approving, General Plan Amendment No. 2013-02/Inyo County Renewable Energy" is approved, as modified to comply with the Board's direction and which Resolution adopts the following amended as necessary to comply with the Board's direction:

1. Certifies that the Final Program Environmental Impact Report (PEIR) was prepared in compliance with the California Environmental Quality Act (CEQA), was presented to and considered by the Board and that the FEIR reflects the independent judgment of the Board;
2. Adopts each of the mitigation measures identified in the Program FEIR;
3. Adopts a Mitigation Monitoring and Reporting Program;

4. Makes Findings of Fact as required by CEQA;
5. Adopts a Statement of Overriding Considerations; and
6. Approves the General Plan Amendment No. 2013-02/Inyo County Renewable Energy:
motion unanimously passed and adopted.

Adjournment

The Chairperson adjourned the Special Meeting at 4:30 p.m.

Chairperson, Inyo County Board of Supervisor

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

by _____
Patricia Gunsolley, Assistant