Appendix C

BACKGROUND REPORT: RENEWABLE ENERGY GENERAL PLAN AMENDMENT

County of Inyo

Background Report: Renewable Energy General Plan Amendment

Prepared by the Inyo County Planning Department
October 22, 2013

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List of Acronyms

ACEC	Area of Critical Environmental Concern
BLM	United States Bureau of Land Management
CAISO	California Independent System Operator
CalWEA	California Wind Energy Association
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
CREZ	Competitive Renewable Energy Zones
CTPG	California Transmission Planning Group
DFA	Development Focus Areas
DOE	Department of Energy
DRECP	Desert Renewable Energy Conservation Plan
DWMA	Desert Wildlife Management Area
DWP	Los Angeles Department of Water and Power
ED	Economic Development
EIR	Environmental Impact Report
GIS	Geographic Information System
ICC	Inyo County Code
LADWP	Los Angeles Department of Water and Power
LLC	Limited Liability Company
LU	Land Use
MOU	Memorandum of Understanding
NAWS	Naval Weapons Station
NREL	National Renewable Energy Laboratory
OCTS	Opportunities and Constraints Technical Study
PEIR	Program Environmental Impact Report
PEIS	Programmatic Environmental Impact Statement
PILT	Payment in Lieu of Taxes
PSU	Public Services and Facilities
PV	Photovoltaic
RDSBC	Rural Desert Southwest Brownfields Coalition
REAT	Renewable Energy Action Team
REDA	Renewable Energy Development Areas
REGPA	Renewable Energy General Plan Amendment
RETI	Renewable energy Transmission Initiative
ROW	Right of Way
RPS	Renewable Portfolio Standard
SCE	Southern California Edison
SEZ	Solar Energy Zone
SSTI	Southwest Solar Transformation Initiative
WWEC	West-Wide Energy Corridor

1. Introduction

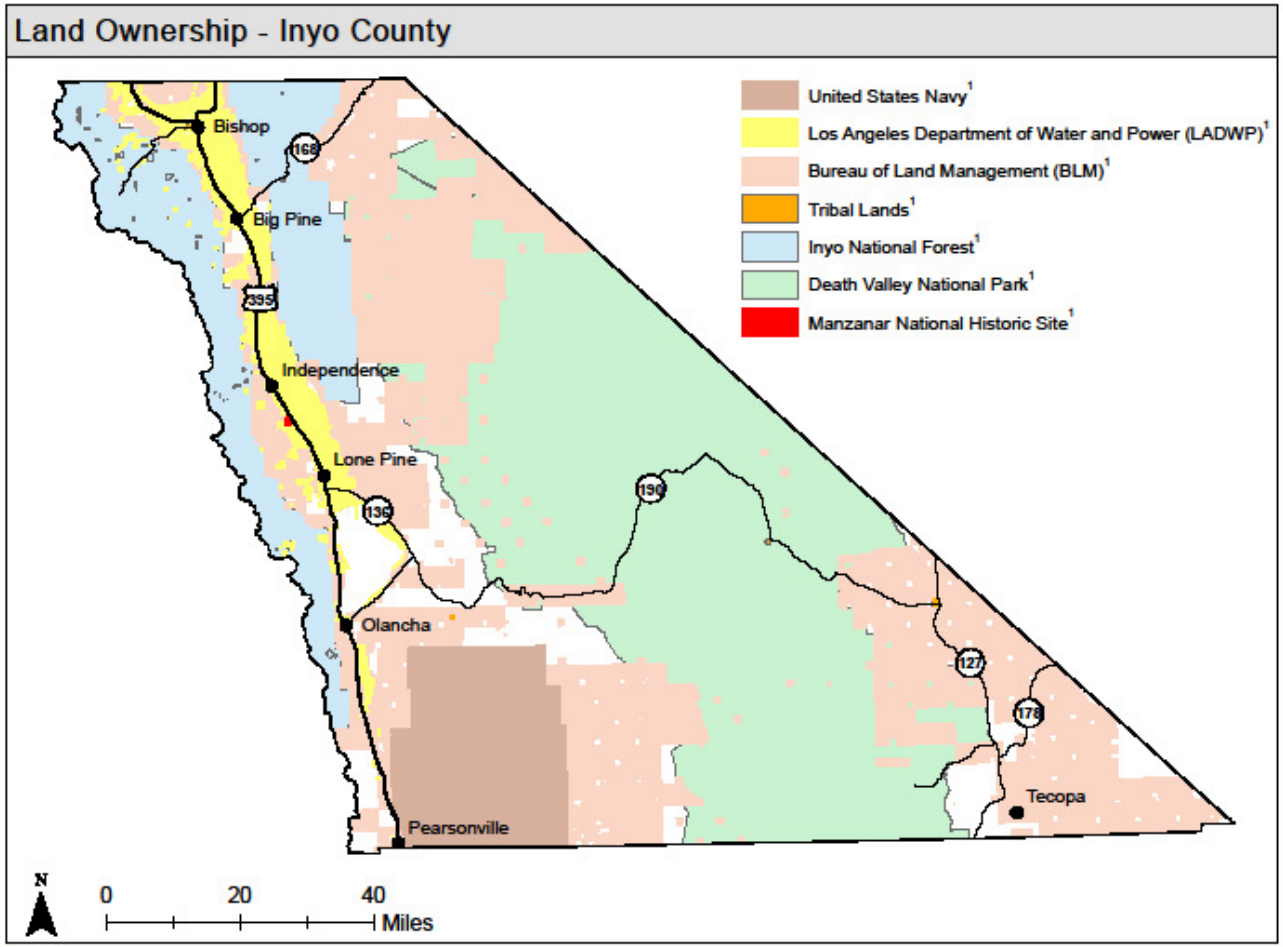
This background report has been prepared to give an overview of Inyo County's current and previous efforts to include policies for renewable energy development in its General Plan. It includes a summary of work regarding renewable energy development done by many other agencies, organizations and jurisdictions that the County finds important to consider in the development of General Plan policy. It also provides a foundation for potential criteria that can be incorporated into any effort by the County to identify areas that may be appropriate for renewable energy development. This body of work will be shared with stakeholder groups and the general public for their input. Once the County has received comment and updated the work in this background report, per stakeholder/public comment, it will be further refined. This refinement will include an Opportunities and Constraints Technical Study (OCTS) that will provide more detailed criteria to identify Renewable Energy Development Areas (REDAs) based not only on the results of the OCTS analysis, but also on the background report and stakeholder/public input. What is learned from this process will be used to develop policy and the REDAs. The areas identified as potential REDAs will be the subject of a Programmatic Environmental Impact Report (PEIR) that, along with draft policy, will include outreach for additional public input.

This work is being done through a grant from the California Energy Commission (CEC) that was authorized by AB 113 Perez, and consists of funds from the Renewable Resource Trust Fund. These funds were made available to the County because of its participation in the Desert Renewable Energy Conservation Plan (DRECP). The DRECP was established in May 2010, by an agreement between the California Department of Fish and Wildlife (CDFW), the CEC, US Bureau of Land Management (BLM), and the US Department of Fish and Wildlife Service (USFWS) to guide renewable energy development in tandem with a multispecies conservation plan for the Mojave and Colorado Desert regions. Counties located within the DRECP area were also invited to participate in the DRECP efforts. Inyo County has been active in the DRECP since its inception and in March 2013 entered into a Memorandum of Understanding (MOU) with the CEC. The MOU provides the framework for a cooperative relationship between the CEC and Inyo County that focuses on effective planning and promotion of renewable energy development (Appendix A). To further these efforts, the County is updating its General Plan with policies designed to facilitate the development of eligible renewable energy resources. The County will focus primarily on solar and wind in its Renewable Energy General Plan Amendment (REGPA), as geothermal and hydro-electric generation is already adequately addressed in the General Plan and the Zoning Code.

2. Inyo County

Inyo County is best described as rural. With approximately 10,200-square miles of land and 18,456 people (2010 Census) it has an approximate 1.8 persons-per-square-mile population density. Most of the land in Inyo County is held in public ownership, less than 2-percent of County land is privately owned (Map 1: Land Ownership Inyo County). The County has only one incorporated city (City of Bishop). Most of the County's population lives in Bishop or in the areas just surrounding it. The rest of the County's population lives in small towns scattered throughout, but with most located on the Highway-395 corridor located in the Owens Valley.

Map 1: Land Ownership in Inyo County



Lying on the east side of the Sierra Nevada, the County has a high-desert climate, caused by the rain shadow effect of the Sierra. These climates are marked by very hot summers and very cold winters – both predominately dry. The County is part of the basin and range province that extends across most of the western United States. The basin and range province was created by faulting in the earth's crust that caused uplifting, down-dropping, and stretching of the land. The County's extreme landscape caused by these geologic forces includes the highest point in the 48-contiguous states of the United States (Mt. Whitney at 14,505-feet) and the lowest point (Bad Water Basin in Death Valley at 282-feet below sea level). Inyo County has a rich history of mining and agricultural activities (primarily cattle ranching).

3. The County's Interest and Commitment to Renewable Energy

Inyo County has a long history of renewable energy development, beginning with the construction of the Los Angeles aqueduct. In 1908, the Division Creek hydroelectric power plant was constructed followed by the Cottonwood Creek hydroelectric power plant. Both were built for the purpose of providing the electricity needed in the construction the Los Angeles aqueduct. Subsequent dams and power plants were built along the aqueduct system and are still producing electricity today. The Southern California Edison Company also has several dams and power plants along Bishop Creek that produce hydro-electricity.

Inyo County added Title 19 to its Code in 1973 to guide the development of geothermal resources within its borders. The County also has language in its General Plan encouraging the development of geothermal resources. These geothermal resources were tapped in 1987, when the Coso Geothermal Power generation facility was built. It consists of four power plants that have produced up to 270-Megawatts of electricity.

More recently, the County has been active in the large scale planning for renewable energy development throughout the desert southwest by involvement in the DRECP, The California Transmission Planning Group (CTPG), and the Renewable Energy Transmission Initiative (RETI). The County's involvement in these groups and initiatives is to promote better land use and transmission opportunities for responsible renewable energy development in Inyo County. In 2010 the County adopted Title 21: the Inyo County Renewable Energy Ordinance (Appendix B). The Renewable Energy Ordinance was developed to encourage and guide the development of solar and wind resources in the County. Also in 2010, the County wrote, and in 2011, adopted a Renewable Energy General Plan Amendment (REGPA). It was challenged by environmental groups, though, and the County did not have the funds necessary to try to defend it in court; and therefore, it was subsequently rescinded. Because of the County's involvement in the DRECP, funding has become available to revisit the REGPA and conduct additional environmental evaluation of it, effectively continuing the County's legacy of interest and commitment to renewable energy development.

4. Economic Potential

Inyo County's economy has historically relied on natural resources as its base. This includes cattle ranching to supply miners with food during the gold rush, mining a wide variety of minerals found in the County, sheepherding, orchard and vegetable crops; and tourist based

activities that take advantage of the unique landscapes and wildlife the County has to offer, such as camping, hiking, fishing, and hunting. In more recent times, the County has had to rely more on tourist based activities and services, as well as, government and land management as its main economic drivers. Renewable energy development has also played a role in the County's economy, with the Coso Geothermal Power Plant and several hydroelectric generating facilities.

Additional renewable energy development has the potential to add to the County's economic base. With both solar and wind facilities, an initial boost to the local economy can happen during construction in the form of an increase in the labor force that requires goods and services, land sales and the use of local materials. In the long term, it can provide higher property and sales tax revenues; the continued use of local materials; and the provision of long term jobs (more so with wind than solar) that can, in turn, cause a permanent increase in the procurement of local goods and services. The County is also well positioned, with an above average potential to provide renewable energy generation, to help the State meet the 33-percent renewables goal and the entire country become more energy self-reliant.

5. Why a General Plan Amendment

In California, State law mandates that every City and County adopt a comprehensive, long-term General Plan. The general plans are a set of policies and programs that form the blueprint for development throughout a community. General Plans are the basis for land use decisions made by elected and appointed officials, such as the Board of Supervisors and the Planning Commission. General Plans also provide the policy framework to develop local zoning ordinances and maps. California law also requires that each General Plan provide for seven mandatory elements, they are: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. A jurisdiction may also include additional elements. Inyo County's General Plan has the optional elements of Government and Economic Development.

In 2002, the State of California passed Senate Bill 1078 the California Renewables Portfolio Standard (RPS). Originally, the RPS required that investor-owned utilities, electric service providers, and community choice aggregators procure 20-percent of electricity from eligible renewable energy resources by 2017. In 2006 the RPS was accelerated under Senate Bill 107 to meet the 20-percent goal by 2010, and in 2011 it was expanded under Senate Bill 2 to require 33-percent by 2020. It is one of the most ambitious renewable energy standards in the country and recently Governor Jerry Brown stated that he thought it is possible to reach a 40-percent RPS, opening the possibility to make it even more ambitious.

In light of the RPS, interest in renewable energy generation grew in Inyo County making it apparent to County staff and officials that structure and guidance would be required to ensure that potential development is conducted in a manner consistent with the County's overall goals for development. These policies can set the limits of where, when, how, and even if, renewable energy generation facilities will be built; and, can include provisions for actual sites identified in the County that are appropriate for renewable energy development; what specific factors must be met before development can commence; under what conditions a facility can be built; and,

requirements for the termination of a facility. Without General Plan policy direction these factors have to be considered on a case by case basis - if at all.

6. Inyo County Code (ICC) Title 21: The Renewable Energy Ordinance

Noncommercial, small scale, photovoltaic (PV) systems for solar energy production are allowed in all Inyo County zoning districts and require building, electrical permits and California Environmental Quality Act (CEQA) review. To encourage these small scale, private, PV systems the County has created an expedited permitting process. In the case of noncommercial wind energy generation, the County has included in its zoning code: Chapter 18.79 Regulation of Small Wind Energy Systems. ICC 18.79 includes development standards applied to small wind energy systems and a requirement that a Conditional Use Permit, which requires Planning Commission approval with a public hearing, as well as CEQA review, are necessary for all applications to build them. The stricter requirements applying to noncommercial wind energy systems are primarily derived from aesthetic, noise, and safety concerns.

ICC Title 21 (Appendix B) provides standards for commercial scale wind and solar energy development. Under ICC 21, the construction of any commercial solar thermal, photovoltaic, or wind energy power plant, or an electric transmission line associated with these types of power plants, requires the developer to either obtain a renewable energy permit or renewable energy impact determination or enter into a renewable energy development agreement with the County, and each choice is subject to CEQA review. Which one a developer uses is generally based on the size and type of facility that is being constructed. For smaller scale projects a renewable energy permit can be appropriate. The permit must be approved by the Planning Commission, which requires a public hearing. The specific development standards attached to a renewable energy permit are decided on a case by case basis and can address the same requirements found in the rest of the County's zoning code such as noise, light and glare, height, setbacks, and distance between structures.

Large scale commercial facilities that are required to obtain approval from the California Energy Commission or the California Public Utilities Commission prior to construction are exempt from the County's requirement to obtain a renewable energy permit. They are, however, required to obtain a renewable energy impact determination. The purpose of the renewable energy impact determination is to ensure that the development standards and/or mitigation measures that would otherwise be addressed in a renewable energy permit are to the extent possible, incorporated into any approval of the facility granted by a state or federal agency.

The last option, a renewable energy development agreement, is designed to encourage and support the development of renewable energy projects. These exempt developers from the requirement of obtaining a renewable energy permit or renewable energy impact determination and, instead, are tailored to each project and developer through negotiations with the County. The process for entering into a renewable energy development agreement with the County are specified in ICC Title 20 – Development Agreements. All commercial scale renewable energy developments, per ICC 21, must also be consistent with the County's General Plan.

7. 2011 REGPA

After the adoption of ICC-Title 21 (August 2010) County staff began work on an update to the General Plan to provide policy direction for commercial scale renewable energy generation development. The REGPA was completed in April, 2011. Its development was based on outreach to local, regional, State, Tribal and national stakeholders, government agencies, and the interested public. As part of this update, a General Plan Land Use Designation Overlay was created that identified where renewable energy projects, specifically solar and wind, might be developed. These areas were identified as places appropriate for further review for potential development, and were not pre-selected sites for development. The areas were identified with criteria that were based on site specific studies, environmental review, and permitting requirements pursuant to the Renewable Energy Ordinance and other applicable State, federal, and local laws. The update to the General Plan consisted of additions to the language in the Land Use, Public Services and Facilities, Economic Development, Conservation and Open Space, and Public Safety Elements. The updates focused on: identifying the appropriate means to develop renewable wind and solar energy resources, provided that social, economic, and environmental impacts are minimized; offsetting costs to the County and lost economic development potential, and mitigation of economic effects; working to protect military readiness, and; considering conversions of lands utilized for agriculture, mining, and recreation. Much of this previous work has been included in this report to help provide a foundation for the update.

8. Update – REGPA 2013

Under California State Planning guidance, the General Plan is where a community develops its visions, goals and policies for land use and development. Inyo County is still committed to updating its General Plan with policies for renewable energy development. By doing so, the County hopes to provide the proper structure and guidance for potential development and keep it consistent with overall vision of the County that was adopted through a thorough public process and expressed in the General Plan. Overall, the County and its citizens are in support of renewable energy development as long as it is conducted in a manner that does not interfere with the other goals and visions for the County. Providing for the realization and coordination of the varying interests in the County, as they relate to renewable energy development, is a primary goal of the REGPA.

9. Renewable Energy Development Areas (REDA)

As part of the REGPA the County will identify REDAs that may be appropriate for renewable energy development exploration. They are envisioned to be areas viable for renewable energy development, based on criteria developed within the confines of: energy generation ability, proximity to transmission, the presence of biological and cultural attributes, socio-economic factors, and visual resources, and refined by public input. Identifying sites in this way will help to direct potential developers to areas that are appropriate, and out of areas that are not. It will also keep costs to developers down by preventing time lost to looking at sites that are inadequate or unacceptable. The Programmatic Environmental Impact Report (PEIR) will provide the opportunity to partially, or in some cases fully, conduct environmental reviews on the REDAs.

10. Criteria for REDA

The County developed a set of criteria for identifying areas that may be viable for renewable energy development during the 2011 REGPA process. These areas were identified as the Renewable Energy Land Use Designation Overlay. Along with public input, there are factors that have to be considered and included as criteria as the County moves forward with this current update and the development of the new or modified REDA. It is essential to identify areas that have the capacity to generate enough energy to make their development financially feasible; therefore, the criteria should include areas with the highest potential for renewable energy generation. These areas must also be close enough to existing transmission corridors to export energy without the huge expense and environmental disruption of new transmission lines. It is also vital to minimize disturbance to critical habitats of plants and animals and from important historic and cultural sites as well as the landscapes and vistas that make Inyo County unique.

11. Solar Energy Generation

The two primary types of solar power generation technologies are photovoltaic (PV) panel systems and solar thermal trough or tower systems. A typical solar thermal power plant uses hundreds of mirrors to concentrate sunlight for boiling liquid to produce steam that spins a turbine. Solar thermal facilities have potential visual impacts from use of mirrors, and require intensive water use to cool turbines. PV panels consist of a series of cells made from a semiconductor, usually silicon, which frees electrons to create an electric current. PV facilities cover a lot of land, over one hundred acres for large-scale projects generating more than twenty megawatts of electricity, raising concerns related to habitat and agricultural lands, cultural, historical, and visual resources among other possible impacts.


Photovoltaic Panels


Solar Thermal Power Plant

12. Wind Energy Generation

Wind energy producing projects vary in size, from a few wind turbines (distributed wind systems) serving individual customers or operating either at substations or at the end of a utility's distribution system, to large arrays of wind turbines (wind farms) designed for providing large scale electricity production. Wind farms vary in generating capacity anywhere from five to more than several hundred megawatts and may consist of a few to several thousand wind turbines of the same or different sizes/models. The turbines are mounted on towers and often are placed in linear arrays along ridge tops, or sited in uniform patterns on flat or hilly terrain. Potential impacts related to wind energy production include the


Wind Turbines

noise emitted by the wind turbines; the possibility of birds and bats flying into the turbines; and, visual impacts of the turbines on the landscape.

13. The County's Solar and Wind Potential

All of the southwest United States has been identified as having exceptional solar energy generation potential and many in the country are looking to the southwest for opportunities to develop solar energy. Wind energy generation potential is more scattered. In California, there are areas with superb wind energy potential, but not in large area expanses like solar. Based on work done for the Department of Energy (DOE) by the National Renewable Energy Laboratory (NREL), Inyo County, like the rest of the southwest US, has excellent solar energy generation potential and good to excellent wind energy generation potential in several specific locations. The information regarding the County's renewable energy generation potential will serve as a base for the REDA development.

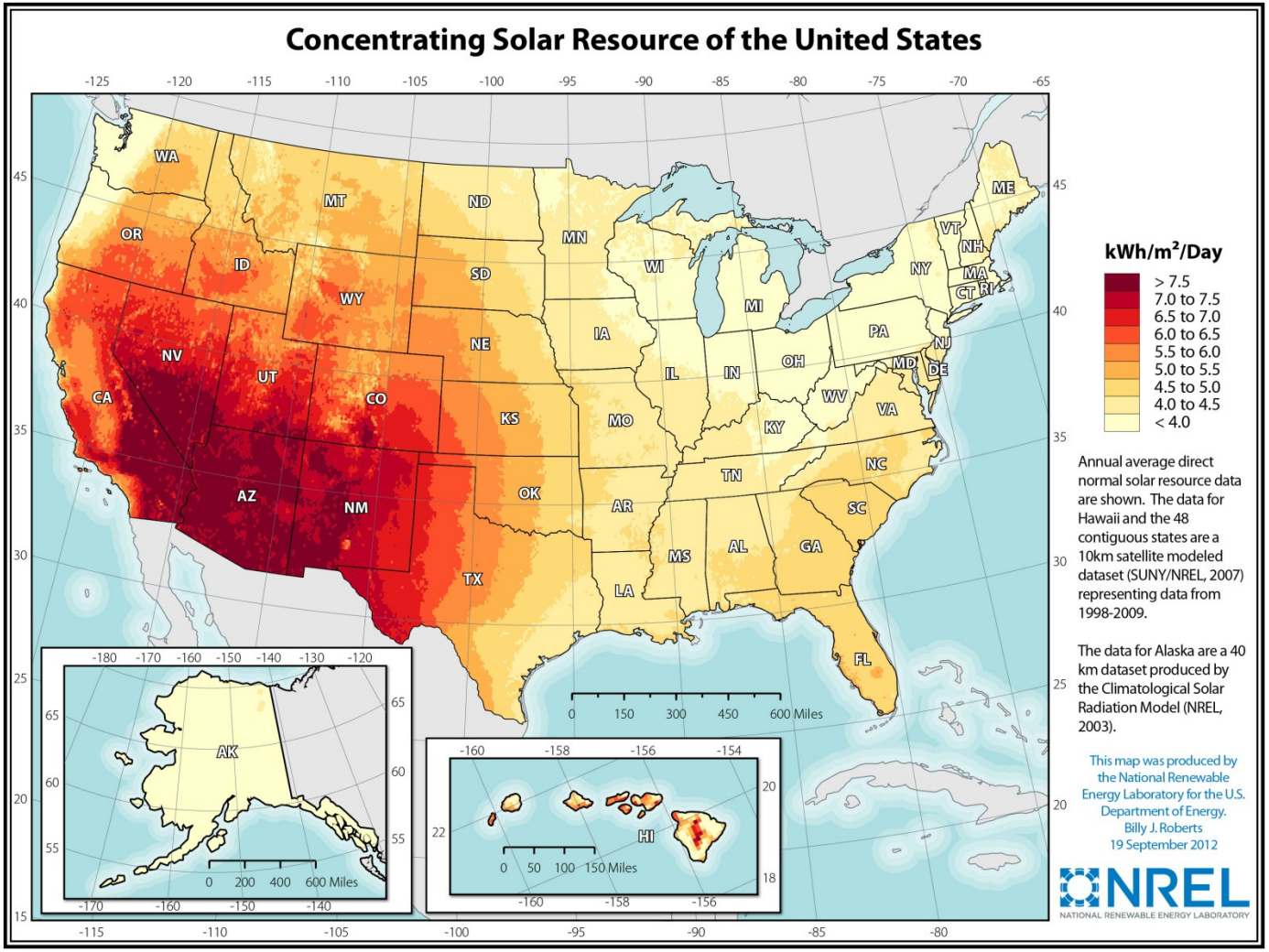
14. Criteria for REDAs: Solar Potential Maps and Evaluations

NREL, under the sponsorship of DOE, created the Concentrating Solar Resource of the United States Map (Map 2: Concentrating Solar Resources of the United States). This map illustrates the potential solar generation resources across the US, expressed in kilowatt hours-per square meter-per day (kWh/m^2/Day). The map was produced with a satellite radiation model developed by the State University of New York/Albany's Richard Perez along with NREL, and other universities working for DOE. The model used to create the map takes hourly radiance images from geostationary weather satellites, daily snow cover data, and monthly averages of atmospheric water vapor, trace gases, and the amount of aerosols in the atmosphere, to calculate the hourly total insolation (sun and sky) falling on a horizontal surface (for more information about the map, please see: http://www.nrel.gov/gis/solar.html). DOE/NREL allows the use of this data in the form of ready-made maps as well as the use of Geographic Information Systems (GIS) shapefiles. The shapefiles allow the data to be shown at scales, which can include only specific areas (Map 3: Concentrating Solar Resources, Inyo County). This map illustrates that most of Inyo County is covered by areas with the highest kWh/m^2/Day - over 7.5.

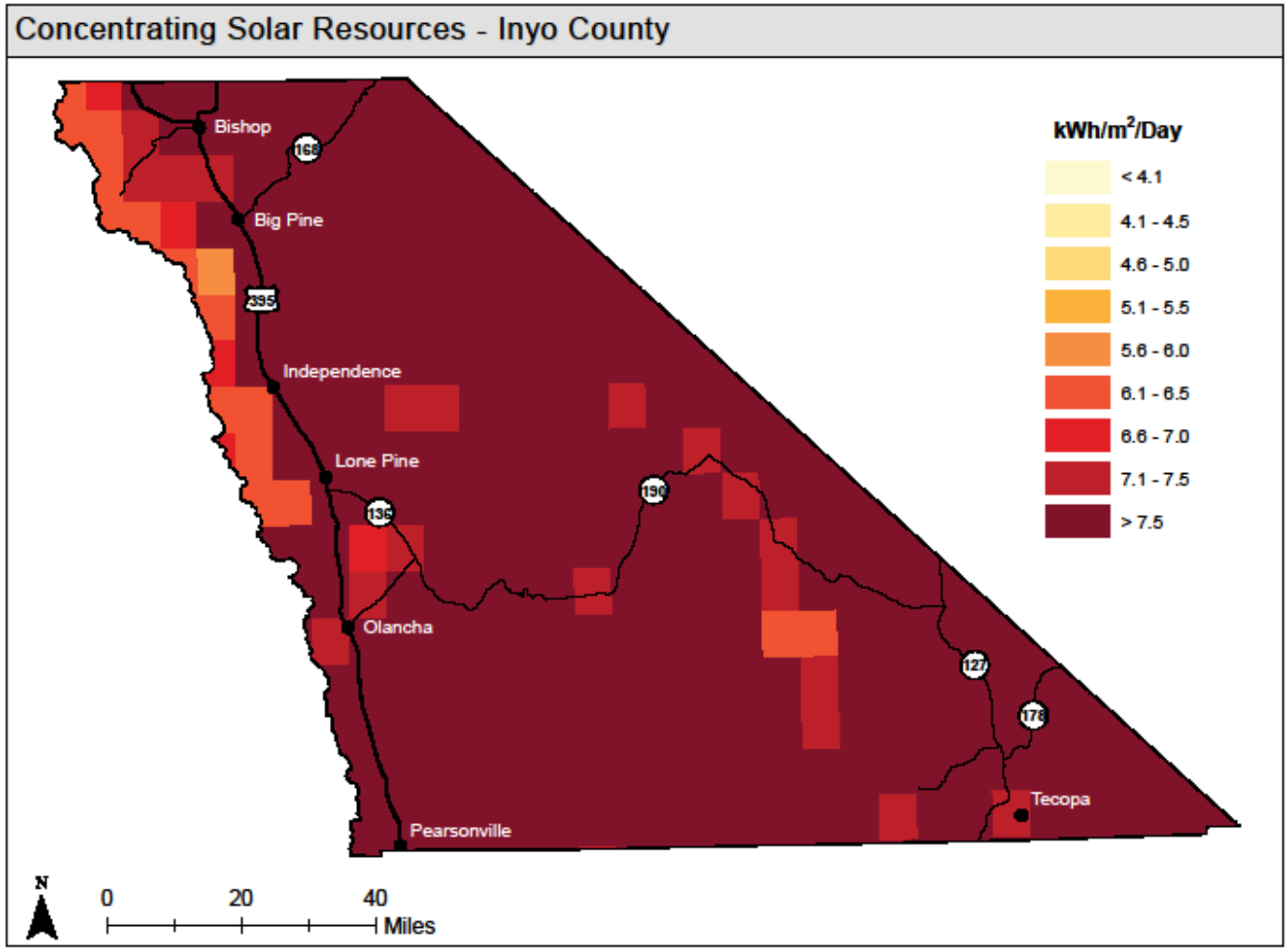
14.1 Solar Rooftop

Inyo County was also a participant in the Southwest Solar Transformation Initiative (SSTI). The SSTI was another DOE funded project. It focused on rooftop solar generation potential with the idea that there is quite a bit of usable area for solar energy generation available on the already built environment. The SSTI group provided the County with an evaluation of its ability to generate solar energy from the County's rooftops. It found that the County could potentially produce 47,398,000 kilowatt-hours (kWh), over a 5-year period, or enough power production, over 5-years, for 4,067 homes from its existing rooftops (SSTI Inyo County Roadmap, please see: http://www.solarroadmap.com/national/california/inyo-county-ca/).

Map 2: Concentrating Solar Resources of the United States



Map 3: Concentrating Solar Resources, Inyo County



Source: NREL (http://www.nrel.gov) - 2012

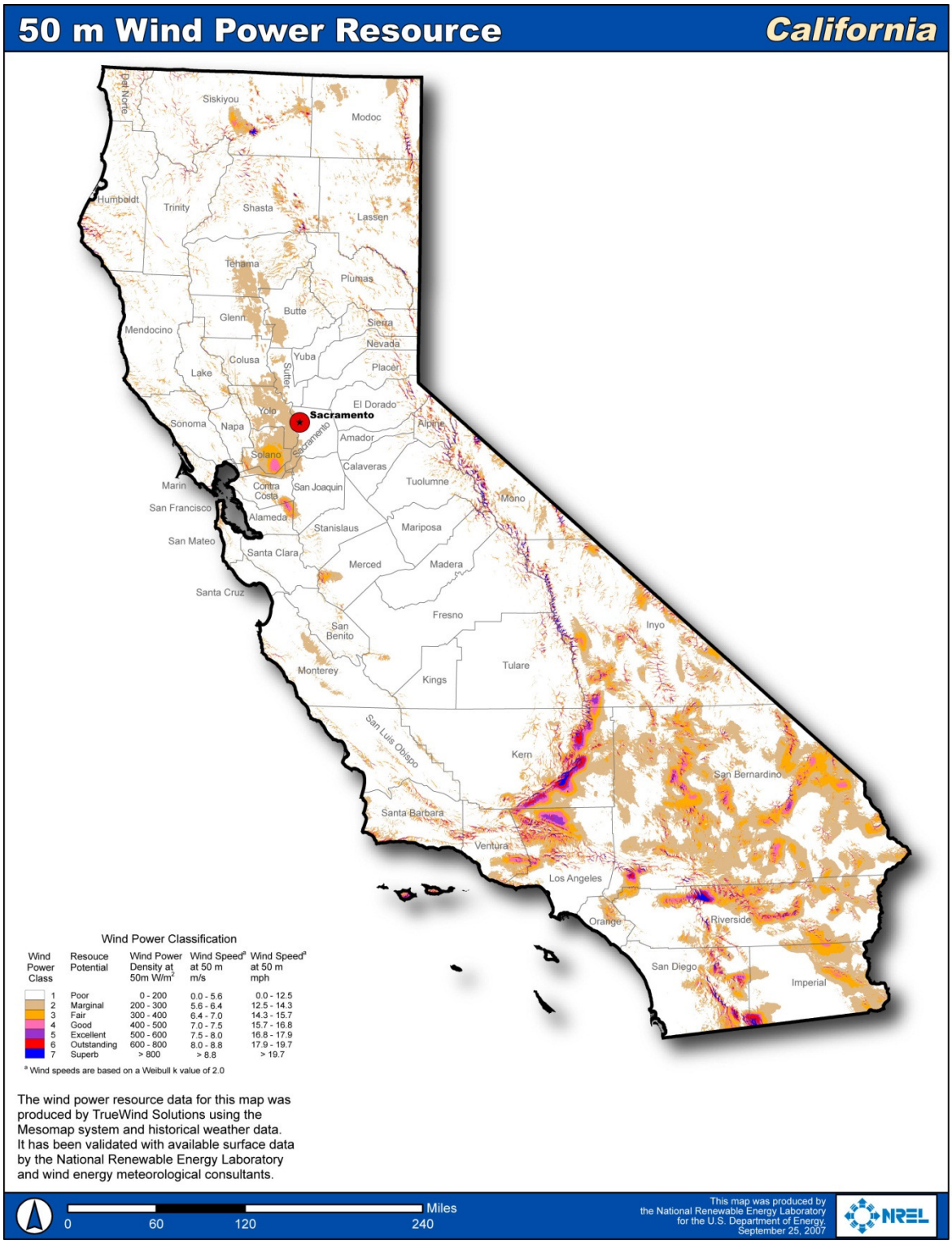
The SSTI work, like the DOE/NREL Solar Resource Program, provided the County with invaluable information that emphasized its vast solar energy generation potential. Although most rooftop solar energy generation potential in Inyo County would come from residential resources that are already encouraged in the General Plan and allowed in all zoning districts, the County may still consider solar rooftop energy potential as it develops renewable energy policy.

15. Criteria for REDAs: Wind Potential Maps and Evaluations

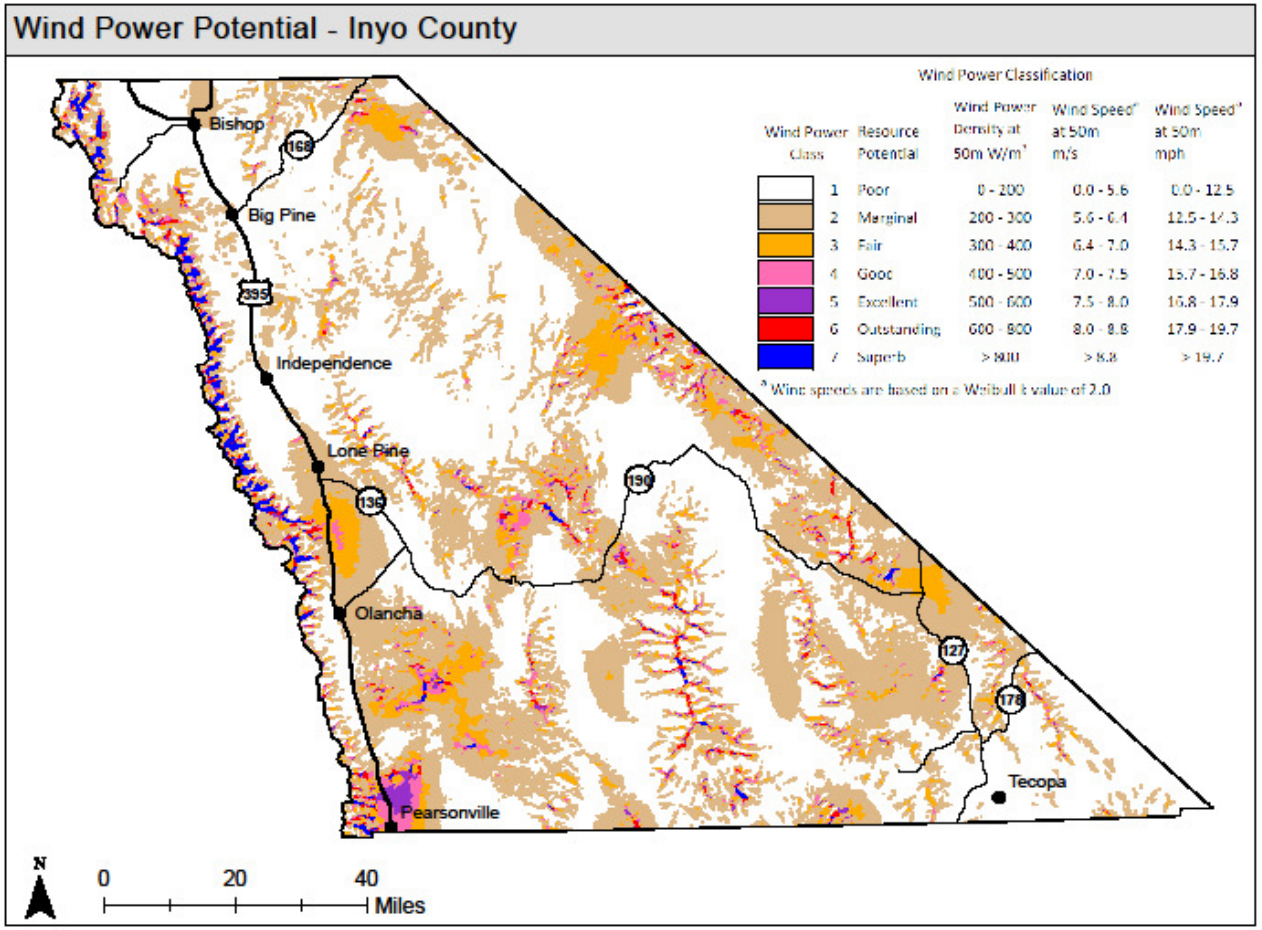
Wind energy generation potential in Inyo County is not as remarkable as solar, there is, however, still real potential. The 50m Wind Power Resource Map of California, produced by DOE/NREL, illustrates wind power potential across the state (Map 4: Wind Power Resource Map of California). This map was developed with information from the wind resource assessment of the US. It was created for DOE in 1986 by the Pacific Northwest Laboratory. The wind resource assessment is based on surface wind data, coastal marine area data and upper-air data, where applicable. In data-sparse areas, three qualitative indicators of wind speed or power were used when applicable, they are: topographic/ meteorological indicators (e.g. gorges, mountain summits, sheltered valleys); wind deformed vegetation; and eolian landforms (e.g. playas, sand dunes). The data was evaluated at a regional level to produce 12 regional wind resource assessments. The regional assessments were then incorporated into the national wind resource assessment (for more information about this map, please see: http://www.windpoweringamerica.gov/maps_template.asp?stateab=ca). DOE/NREL, as they do with the solar data, allows access to the GIS shapefiles, so that the data can be shown varying scales. The 50m Wind Power Resource Map of Inyo County shows that there are sizable areas in Inyo County with 'excellent' wind power potential and small pockets of area with 'outstanding' to 'superb' potential (Map 5: 50m Wind Power Resource Map of Inyo County).

Through the DRECP efforts, a scenario for wind energy resources was developed by the California Wind Energy Association (CalWEA). The CalWEA work evaluates areas within the DRECP for wind energy development potential. The areas are broken into three categories: Wind Development Focus Areas (Wind-DFA), these areas have the highest wind resource potential, are within 10-miles of existing transmission corridors and do not overlap with BLM Areas of Critical Environmental Concern (ACEC) or Desert Wildlife Management Areas (DWMA); Neutral Areas, these include areas of lower quality (but still commercially viable) wind resources and high-quality wind resources located in ACECs and DWMAs, all within 10-miles of existing transmission corridors; and, Reserve Design Areas that are areas within the DRECP where wind energy development is basically prohibited. They also categorized these area definitions further with Phase 1 and Phase 2 distinctions. A map produced by CalWEA shows these areas within the DRECP boundary (Map 6: CalWEA Priority Wind Resource Areas). The map shows that the area of Inyo County included in the DRECP does have sections identified as Priority Wind Resource Areas. These areas are found mostly in the Owens Valley, south of Fish Springs to Pearsonville (minus Owens Dry Lake), as well as, a small area east of Trona. There are also Neutral areas that surround the DFAs. This map shows that there is wind energy development potential in Inyo County and within the confines of the DRECP.

Map 4: Wind Power Resource Map of California

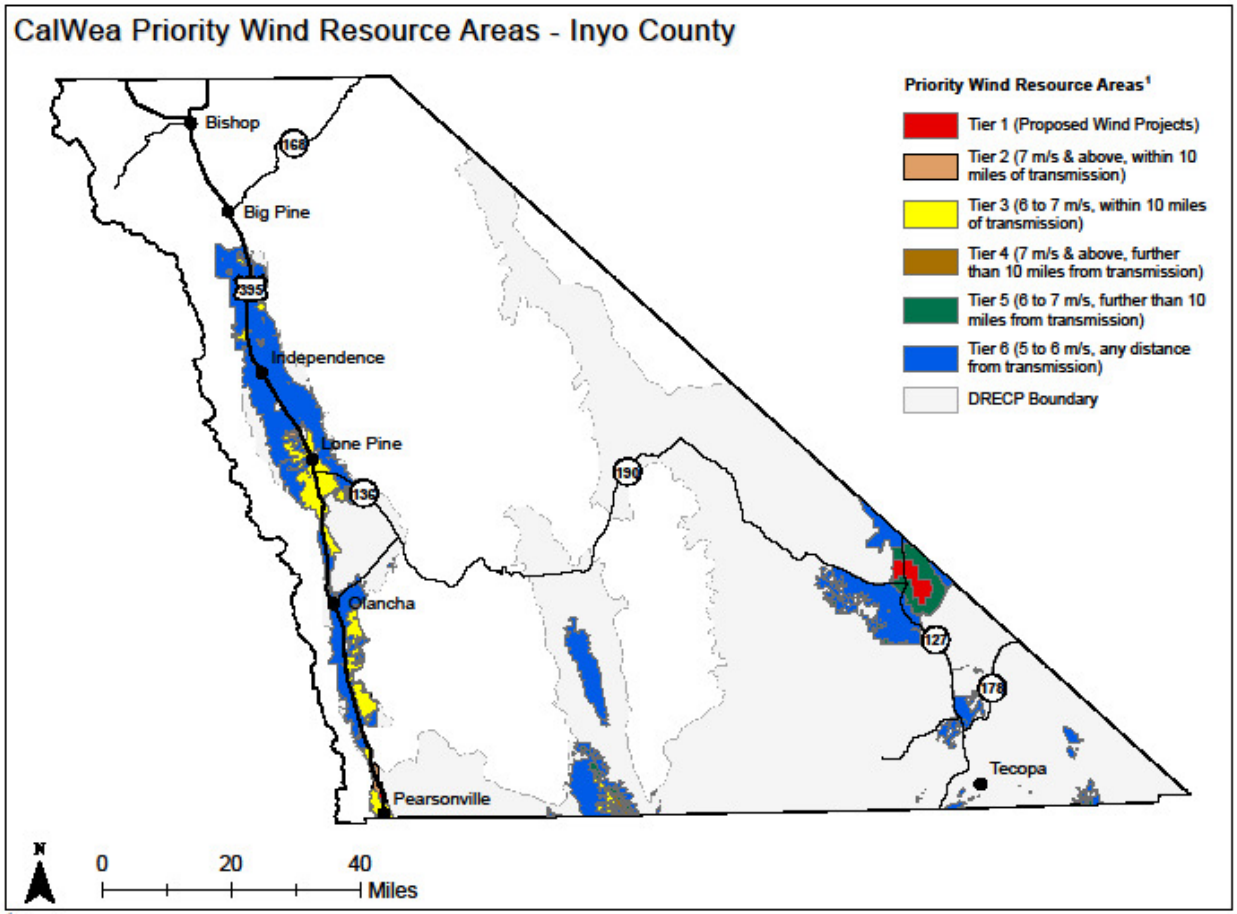


Map 5: 50m Wind Power Resource Map of Inyo County



[1] NREL (http://www.nrel.gov/) - 2007

Map 6: CalWEA Priority Wind Resource Areas



[1] Priority Wind Resource Areas - CAlifornia Wind Energy Association - March 4, 2013

16. Criteria for REDAs: Transmission

Several planning efforts have been dedicated to the evaluation of the current transmission line capabilities and necessary upgrades that may be required to carry additional electricity that would be generated by renewable energy resources based on the State's RPS. The potential to develop renewable energy resources in specific areas will be dependent on transmission capacity as it is pointless to generate energy that cannot be delivered. The County is using these resources to help identify appropriate areas for renewable energy development (Map 7: Existing Power Plants & Transmission Lines).

16.1 The Renewable Energy Transmission Initiative (RETI)

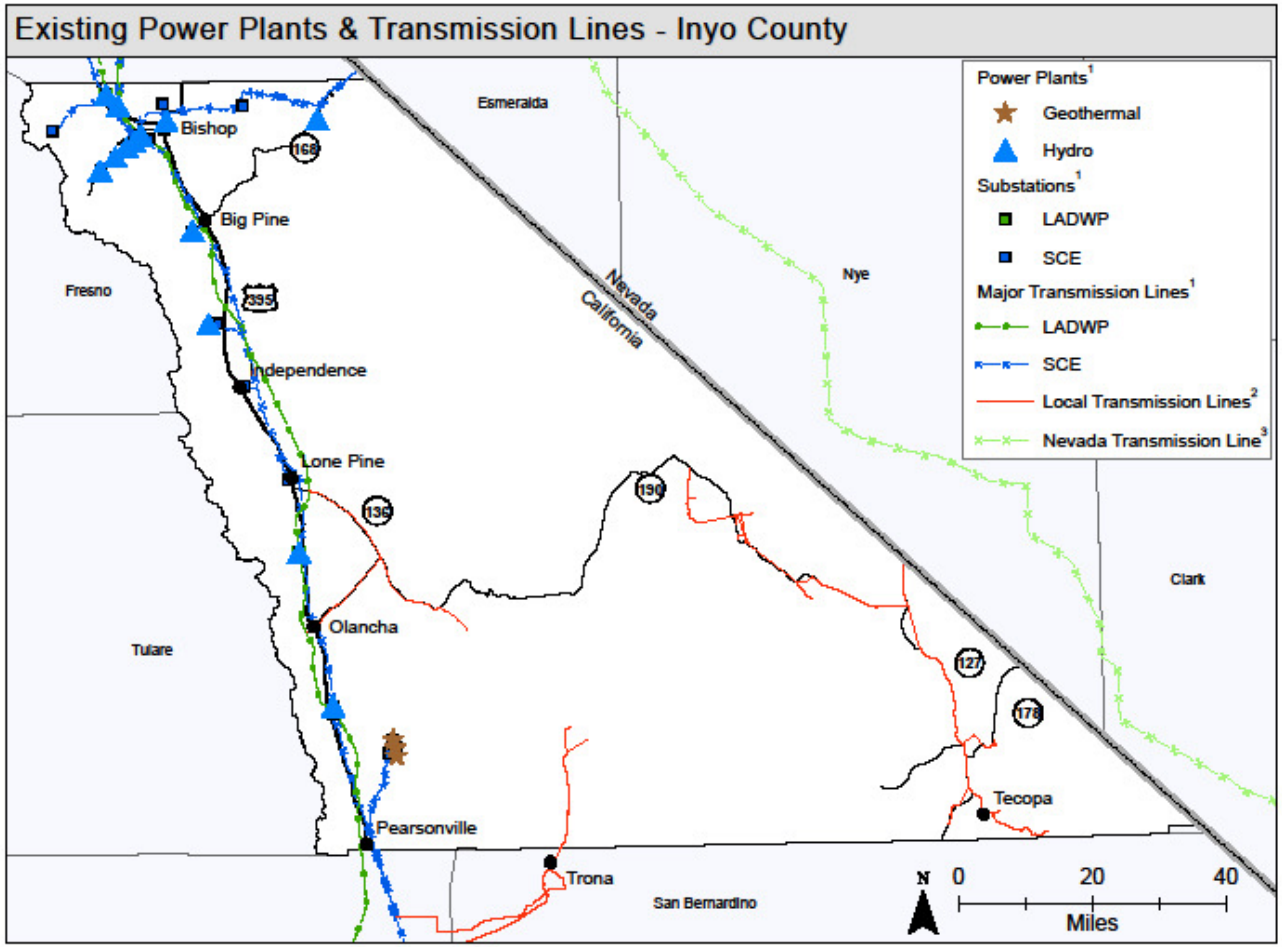
The RETI was coordinated by a committee that included staff from the California Public Utilities Commission (CPUC); the CEC, the California Independent System Operator; Northern California Power Agency; Southern California Public Power Authority; and, the Sacramento Municipal Utility District. This group, through a series of studies, evaluated transmission projects that would be needed to accommodate the RPS goals, support future energy policy, and facilitate transmission corridor designation and transmission and generation (power plant) siting and permitting. It assessed areas identified as Competitive Renewable Energy Zones (CREZ) in California. These areas were selected based on their ability to provide significant electricity to California consumers by the year 2020, while also being cost effective and having low impacts on the environment. The transmission plans developed by the RETI used the CREZs for development areas to base their evaluations (Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties).

Competitive Renewable Energy Zones (CREZ) areas were identified within the RETI with goals and criteria including:

- Minimize area needed to collect and transmit energy
- Minimize proximity to protected areas
- Minimize disruption of wildlife and species of special significance
    - Significant species frequency
    - Wildlife corridors
    - Important bird areas
- Maximize utilization of previously disturbed lands
    - Disturbed area sites (previously developed, including resource extraction)
- Expected generation capacity and annual energy potential
- Transmission rights of way
- Transmission availability and resource capacity
    - Engineering feasibility

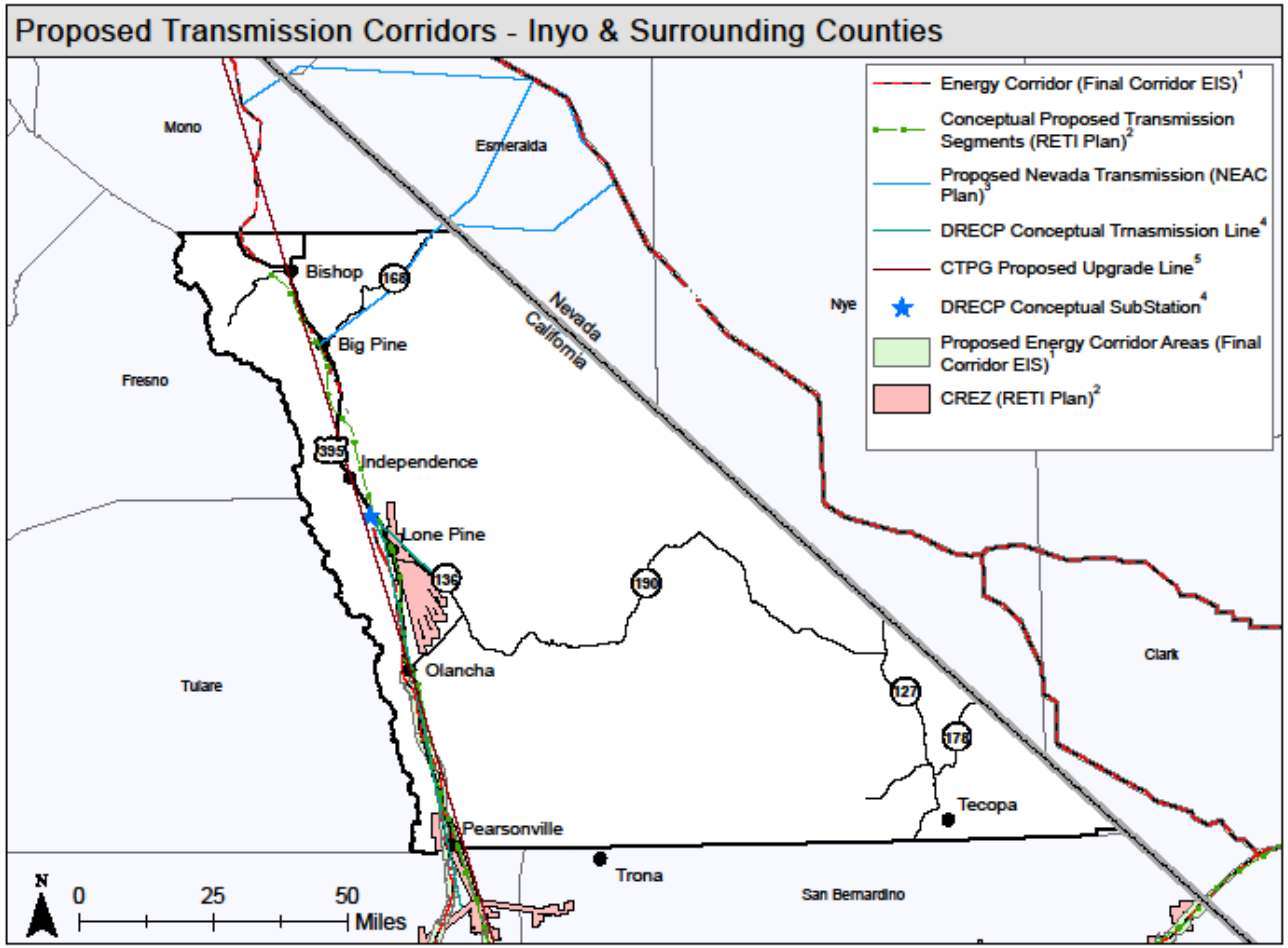
The CREZ were also given an economic ranking that was determined based on the value of all resources located within each CREZ, relative to their size and limitations (Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties).

Map 7: Existing Power Plants & Transmission Lines



[1] California Energy Commission - 2013
[2] Visual Survey - October 2013
[3] Final Corridor EIS (http://corridoreis.anl.gov//eis/fmap/index.cfm)

Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties



[1] Final Corridor EIS: http://corridoreis.anl.gov//eis/fmap/index.cfm
[2] RETI Plan: http://www.energy.ca.gov/reti/documents/ - 2010
[3] NEAC Plan: http://energy.nv.gov/Programs/Nevada_Energy_Assistance_Corporation/ - February 2012
[4] DRECP Transmission Technical Group Transmission Report - December 2012
[5] California Transmission Planning Group (CTPG) (http://www.ctpg.us/plan-development) - 2012

16.2 California Transmission Planning Group (CTPG)

The CTPG also studied the State's current transmission capacity as it relates to renewable energy. The CTPG evaluated existing transmission for potential additional delivery capacity and for transmission reliability. Their work focused on the large scale movement of electricity and did not provide mapped areas, but instead, a list of priority transmission projects. The CTPG did not identify transmission upgrades in Inyo County as high or medium potential upgrades (these are based on projects already approved, or in the planning stage, and convenience for large scale and interstate transmission), although they did identify potential need for additional capacity on current transmission lines that run through the Owens Valley if additional electricity is imported from northern California the Pacific North West or Northern Nevada.

16.3 Solar Programmatic Environmental Impact Statement (PEIS)

PEIS was an effort by the Bureau of Land Management (BLM) and DOE to study the availability of BLM land for solar development and transmission projects. The geographic scope of the PEIS for the BLM includes all BLM-administered lands in a six-state study area: Arizona, California, Colorado, Nevada, New Mexico, and Utah. The scope of the impact analysis included an assessment of the potential environmental, social, and economic impacts of utility-scale solar facilities and the required transmission connections from these facilities to the existing electricity transmission grid and other associated infrastructure such as roads over an approximately 20-year time frame (until about 2030). The PEIS also evaluated BLM land for right-of-way (ROW) access for transmission facilities to make private solar energy development possible on private land. This work identified some BLM land located in Inyo County as available for solar energy ROW authorizations.

The BLM's PEIS work was based on the development of Solar Energy Zones (SEZ). The SEZs are defined areas where the BLM may prioritize and facilitate utility-scale production of solar energy and associated transmission infrastructure development. SEZs are relatively large areas that provide highly suitable locations for utility-scale solar development: locations where solar development is economically and technically feasible, where there is good potential for connecting new electricity-generating plants to the transmission distribution system, and where there is generally low resource conflict. ROWs for utility-scale solar energy development in SEZs will be given priority over all other ROWs. In the final PEIS BLM identified two SEZs in California that are located in Imperial and Riverside counties – none were established in Inyo County. County leaders were disappointed with this result as the County has maintained a high level of interest in renewable energy development and welcomed SEZs within it boundary. The County appealed the BLMs decision to exclude SEZ in Inyo County based on arguments that:

- The decision was inconsistent with the need identified in the PEIS to provide for utility scale solar energy development on public land, provide flexibility to the solar industry to consider a variety of solar energy projects, optimize existing transmission infrastructure and corridors, and meet projected demand for solar energy development;
- BLM's plans were inconsistent with County plans and policies and therefore the results were detrimental to the citizens of Inyo County; and,

- Many lands were excluded based on the BLM's land category of Special Recreation Management Areas (SMRA) and BLM was not able to provide a satisfactory definition for the SMRA designation.

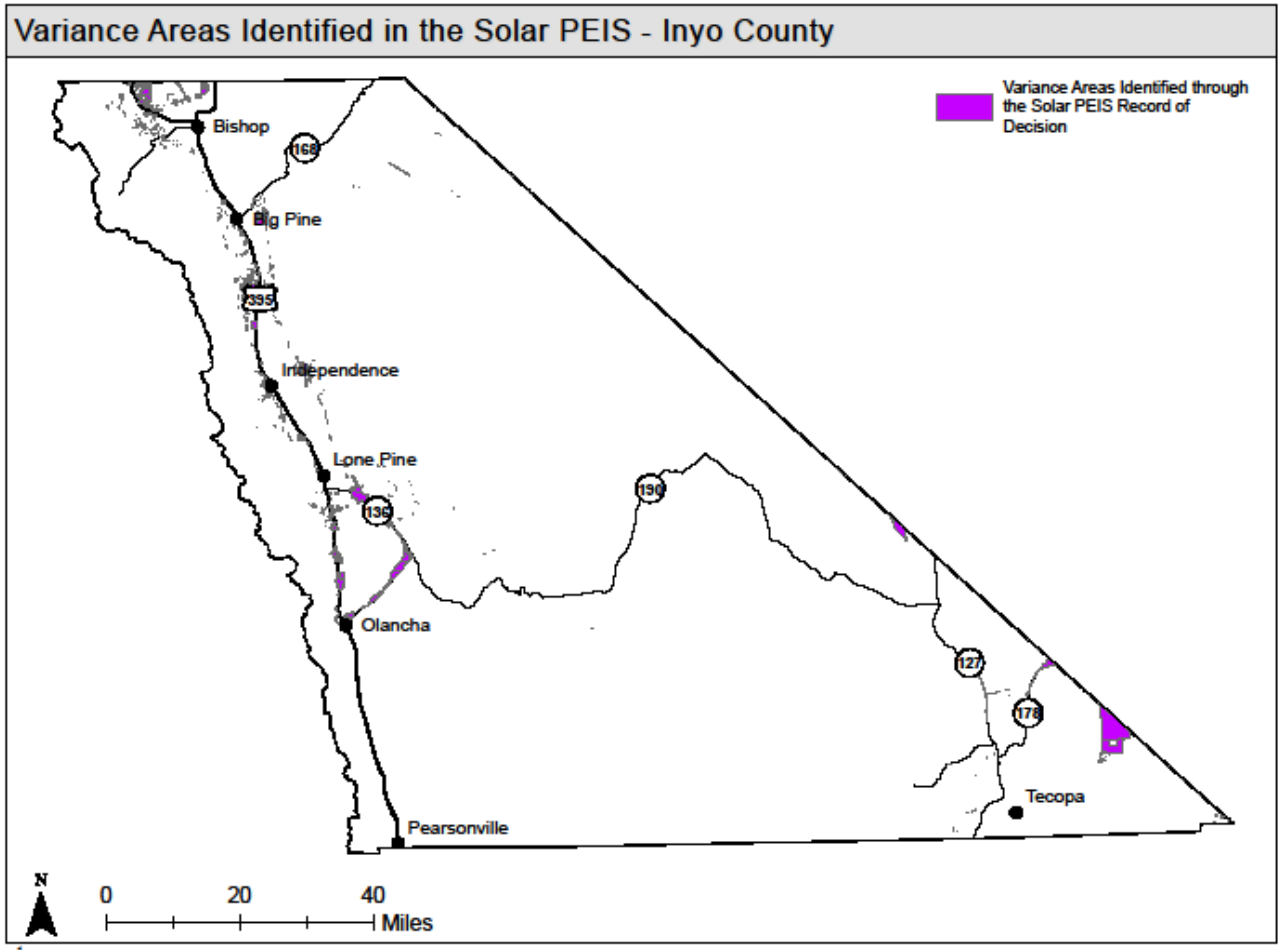
BLM contended that their planning efforts did meet the objectives set forth in the PEIS, which were based on numerous federal orders and mandates and that BLM's work was consistent with officially approved or adopted resource-related plans of Indian tribes, other Federal agencies, and State and local governments to the extent that the resource-related plans agreed with the Federal Land Policy Management Act of 1976 and other the Federal laws and regulations they were operating under; and, further explained that a SRMA is an administrative unit where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance, and/or distinctiveness, especially as compared to other areas used for recreation and were excluded due to their recreational value. The BLM also advised the County that it could petition BLM for new or expanded solar energy zones in or in proximity to Inyo County and that future efforts to identify priority areas for solar energy development would be most appropriately conducted at the state or field office level as an individual land use planning effort, or as part of an ongoing land use plan revision. The BLM also encouraged the County to participate in the DRECP work, which it has been doing since the DRECP work began.

The PEIS identified the lands that were proposed to be excluded from the SEZ and areas that might have development potential, but would require a variance. Exclusion areas are public lands to be avoided due to potential resource conflicts; to be reserved for other public uses; and, to keep lands that are not well suited for utility-scale solar energy development out of the SEZs. Variance areas are those areas that have been identified as possibly appropriate for development, but would require a variance from the BLM prior to any construction. The variance areas are the only areas identified in the PEIS for potential solar energy development in Inyo County. (Map 9: BLM Variance Areas).

16.4 DRECP Transmission Planning

The DRECP is a regional planning effort that focuses on the areas of the Colorado and Mojave deserts located in California. As part of the DRECP planning process, an analysis of transmission needs was conducted. This analysis focused on the areas defined in the DRECP process as Development Focus Areas (DFA) and evaluated what the transmission needs would be to develop within them. These areas were selected based on their ability to provide high-quality renewable energy resources; their access to existing or planned transmission and other supporting infrastructure; and, where impacts to wildlife and natural communities could be appropriately managed and mitigated. Six alternatives were examined (five included area within Inyo County). In each of these five alternatives, the conceptual transmission upgrades likely to be required to serve the conceptual DFAs, are: a new substation located, roughly, between Independence and Lone Pine and a new substation located near Ridgecrest, both serving a new transmission line that extends between them; and, a new transmission line extending from the new substation located between Independence and Lone Pine to the Keeler area (Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties).

Map 9: BLM Variance Areas



[1] Final Solar PEIS Data (http://solareis.anl.gov/maps/gis/index.cfm) - October 2012

16.5 The West-Wide Energy Corridor Programmatic Environmental Impact Statement (WWEC-PEIS)

The Bureau of Land Management and the U.S. Departments of Energy, Agriculture, and Defense, as part of their work to implement Section 368 of the Energy Policy Act of 2005, prepared a Programmatic Environmental Impact Statement (PEIS) for Energy Corridors in Eleven Western States. The PEIS identifies energy corridors to facilitate future siting of oil, gas, and hydrogen pipelines, as well as renewable energy development projects and electricity transmission and distribution facilities on federal lands in the West to meet the region's increasing energy demands while mitigating potential harmful effects to the environment. The PEIS identified corridors through the Owens and Rose Valleys roughly following existing transmission lines, as well as along the County's eastern boundary with Nevada (Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties).

16.6 California Independent System Operator (CAISO)

CAISO is a nonprofit, public benefit, corporation serving as the independent grid operator that manages the flow of electricity across the high-voltage, long-distance power lines that make up 80-percent of California's and a small part of Nevada's power grid. As part of their responsibility for power transmission, CAISO develops a yearly transmission plan. These plans are based on studies of electricity needs in low to high use period scenarios, transmission of electricity from out-of-state sources and renewable resources. The latest of these plans 2012-2013 identifies the transmission corridors held by Inyo County's two electricity providers Southern California Edison (SCE) and the Los Angeles Department of Water and Power (LADWP). The SCE transmission line service area that includes Inyo County is referred to as North of Lugo. It spans south to north serving San Bernardino, Kern, Inyo and Mono Counties and has ties into LADWP lines. The CAISO modeling identified various reliability concerns on the North of Lugo system. The proposed fixes are minor and do not include upgrades or increases in capacity to the system. SCE has no plans or proposals to generate or purchase power from locations that would require upgrades to the transmission lines that run through Inyo County. SCE also has transmission lines in the area identified as East of Lugo. This is a major transmission line that connects California, Nevada and Arizona. Upgrades to a 35-mile section of this line were approved for increased capacity from Ivanpah to El Dorado. This line also serves as the tie into Valley Electric facilities between Nevada and California. Although not mentioned in the CAISO plan, this line may provide the potential in the future for additional transmission to southeast Inyo County.

16.7 Nevada Conceptual Transmission Plan

The Nevada transmission plan was developed through a collaboration of utility companies in the State of Nevada to upgrade the State's transmission system to serve renewable energy zones (established through work conducted by Nevada Renewable Energy Transmission Access Advisory Committee). Nevada's plan includes a potential western route that could serve as a transmission section for linking northern and southern California. This conceptual line would run from northeast California to the Amargosa Valley in southwest Nevada. The expanded transmission capacity in Nevada would help Nevada energy developers get electricity to California markets. It might also create potential opportunities for local transmission lines to branch off of it allowing for renewable energy generated in Inyo County to be delivered to

southern California and Nevada markets Nevada (Map 8: Proposed Transmission Corridors – Inyo and Surrounding Counties).

16.8 LADWP

LADWP has transmission lines that run along the east side of the Owens Valley, beginning in the Owens River Gorge and continuing into the San Fernando Valley. According to LADWP's Southern Owens Valley Solar Ranch EIR, 2013, LADWP has transmission availability on this line and has a proposal for a solar project adjacent to it. This solar project will use most of the rest of the existing capacity on the LADWP line. Recently, LADWP was approved for an upgrade at its Barren Ridge transfer station that will increase the capability to move electricity from the Barren Ridge area into southern California, and opens the potential to increase capacity from the north to Barren Ridge if the lines into the Owens Valley and from the Owens Valley to Barren Ridge are ever upgraded.

16.9 Local Lines

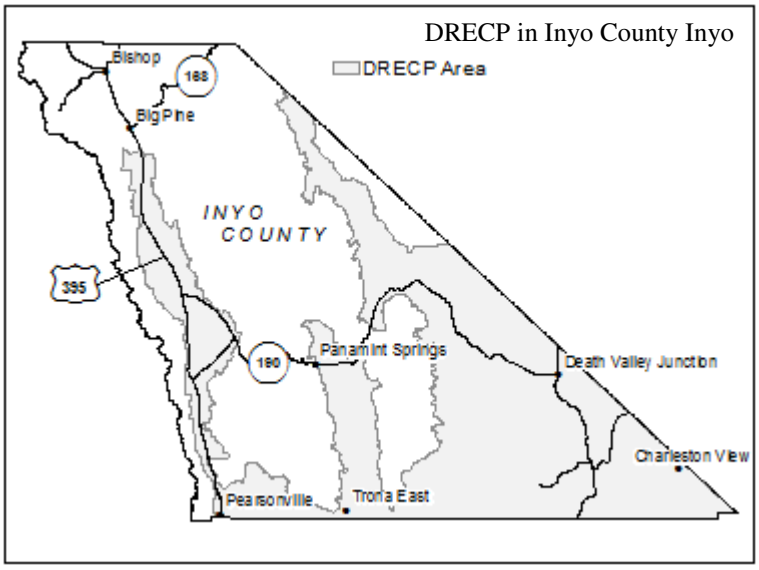
Local lines can be found throughout Inyo County. Although these lines are far from each other and serve specific, isolated, areas, they have the potential to be upgraded or to have new higher capacity transmission located in their ROWs that could ultimately serve renewable energy generation facilities. These lines run from main lines, including but not limited to: Deep Springs, Panamint, Darwin, Death Valley Junction and Tecopa (Map 7: Existing Power Plants & Transmission Lines).

16.10 Transmission Summary

The County will include the transmission information in identifying the REDAs. It will incorporate the mapping elements from the RETI, DRECP, the WWEC-PEIS and the Solar PEIS, as well as the information contained in the other studies and plans that indicated there are no current plans for upgrading transmission in Inyo County in the near future. The County's General Plan also provides direction through policies to consider the visual and environmental impacts associated with the placement of regional conveyance corridors (including utilities) and further encourages the co-location of such facilities. Staff will use this policy direction to identify REDAs close to existing regional transmission lines so that future needs for additional capacity could be met by co-locating in already established utility ROWs. Staff will also include areas that could be reached by local transmission lines that are close or convenient, based on ROW availability with minimal impacts.

17. Criteria for REDAs: Desert Renewable Energy Conservation Plan (DRECP)

The DRECP is a regional planning effort that focuses on the areas of the Colorado and Mojave deserts located in California. The DRECP boundary encompasses approximately 35,292 square miles of the southeast portion of California stretching from the US-Mexico Border up into Inyo County. Within Inyo County, the DRECP area covers 4,668 square miles of the county or roughly 46% of the land area. The western flank of the DRECP area includes the Owens Valley and extends from the southern boundary of Inyo County near Pearsonville to approximately 5-miles south of Big Pine and is bordered on the west by the Sierra Nevada Mountains and on the

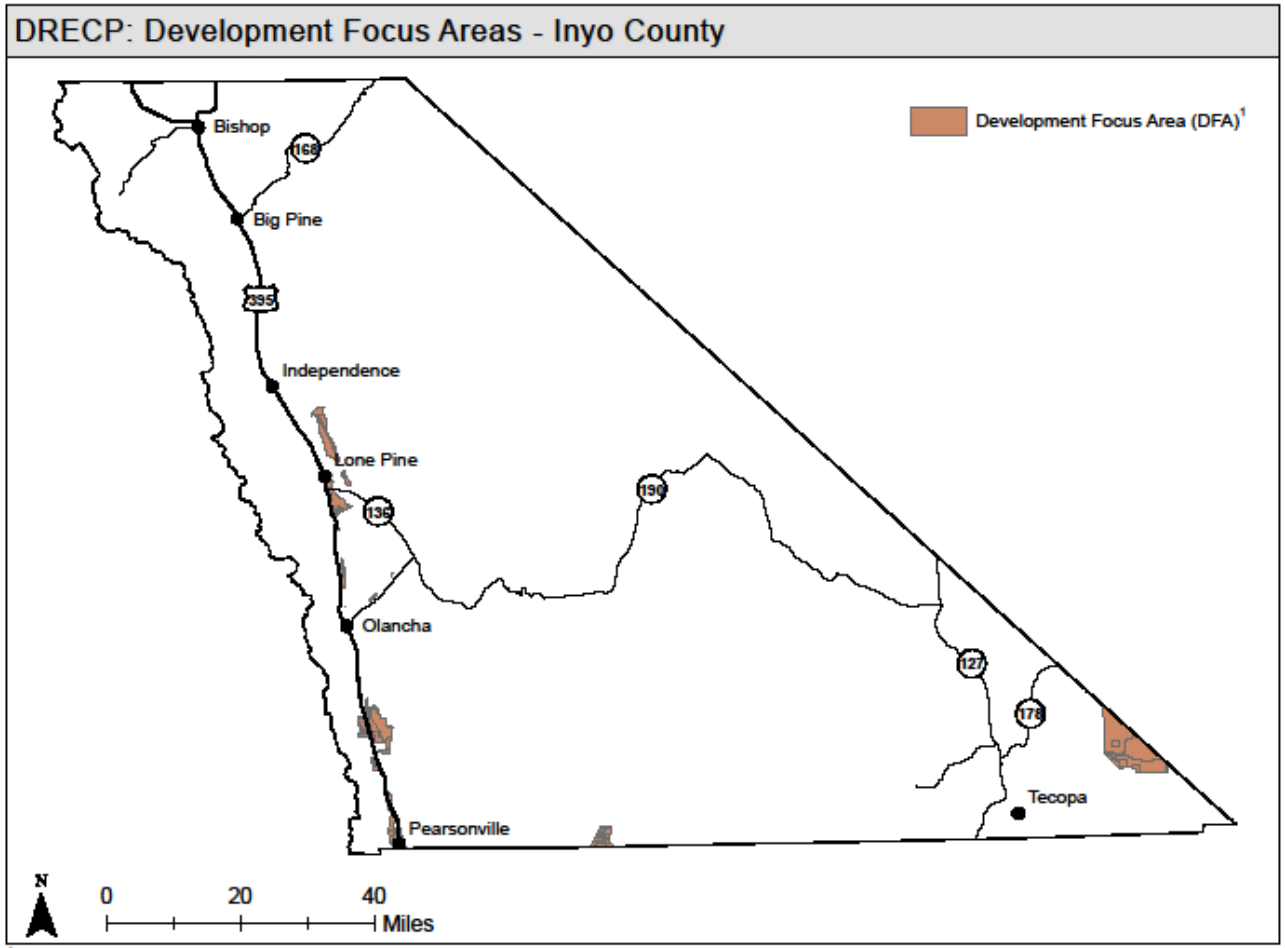


east by the Inyo Mountains. The DRECP encompasses portions of the China Lake Naval Weapons Center including the Coso Basin. The middle flank of the DRECP occupies the Panamint Valley and extends from the Inyo County boundary near Trona to approximately 3-miles south of Hunter Mountain and is bordered on the west by the Argus Range and on the east by the Panamint Range. The eastern flank of the DRECP area covers much of the southeast portion of Inyo County including portions of Pahrump Valley, Chicago Valley, and Death Valley. A large portion of the eastern flank lies within the Death Valley National Park. This portion of the DRECP is bordered on the west by the Panamint Range and on the east by the Grapevine Mountains. The northern terminus of this portion ends at the California-Nevada border near Last Chance Canyon California.

The DRECP was established in reaction to federal and state legislation enacted to promote renewable energy development, while providing for the conservation and management of plant and wildlife communities. The DRECP includes the development of solar thermal, utility-scale solar photovoltaic (PV), wind, and other forms of renewable energy and associated infrastructure such as electric transmission lines necessary for renewable energy development. It was prepared by a collaboration of state and federal agencies, with input from local governments, environmental organizations, industry, and other interested parties.

A Renewable Energy Action Team (REAT) was assembled to be responsible for the development of the DRECP by a state executive order to streamline permit review and issuance time for renewable energy projects and to recommend avoidance measures or alternatives when appropriate. The REAT developed Solar Study Areas that were identified as potential areas for utility-scale solar development. These areas were identified based on a number of criteria, including quality of solar resources, suitable slope, proximity to roads and transmission, acreage, and the conservation value of the land. Following further study, the areas were further refined to be available for projects capable of producing 10-megawatts, or more, of electricity for distribution. When the final DRECP is completed, it is expected to provide binding, long-term endangered species permit assurances while facilitating the review and approval of compatible renewable energy projects. Currently the DRECP is in review with seven alternatives being considered. Staff will include areas identified as appropriate for development with the DRECP mapping information (Map 10: Draft DRECP Development Focus Areas, based on the seven alternatives).

Map 10: Draft DRECP Development Focus Areas, based on the seven alternatives



[1] DRECP Alternatives 1-6 (http://www.drecp.org/documents/docs/alternatives_eval/GIS_data_files/Shapefiles_by_Alternative/) - 2012

18. Criteria for REDAs: Slope

The placement of solar energy generating facilities requires a relatively flat terrain. Parabolic trough systems require a terrain with less than 2-percent slope; a 1-percent slope is ideal. Photo Voltaic panels are best located on terrains with slopes less than five-percent. The requirements for solar energy generation systems regarding slope optimize the systems' ability to capture the sun's solar radiation at varying angles throughout the day. The BLM used a less than 5-percent slope in the analysis for the PEIS. County staff repeated the use of less than 5-percent slope for the REDA criteria (Map 11: Inyo County Areas with Slopes less than 5-percent).

19. Criteria for REDAs: Degraded Land

Degraded land is land that has previously been developed or disturbed in one form or another. This can include anything from abandoned housing to old mining sites. Degraded land can be a valuable asset for redevelopment, and depending on the specific conditions of the sites, is considered throughout many of the studies regarding renewable energy development, as land to consider for development.

19.1 Brownfields

The Rural Desert Southwest Brownfields Coalition (RDSBC) was established in 2011 and is made up of five counties: four from Nevada, Nye, Esmeralda, Lincoln, and White Pine; and, Inyo County, in California. The RDSBC Counties' work focused on opportunities for renewable energy development, energy efficient technologies, and other "clean economy" projects. Currently two properties have been identified in Inyo County for potential brownfield redevelopment and one is potentially appropriate for renewable energy development. It is approximately100-acres of predominantly vacant land and is located on the west bank of the Owens Dry Lake, approximately ten-miles south of Lone Pine. Originally, the site was used by PPG Industries Bartlett Plant (PPG) as a salt extraction facility, until it ceased operation in 1958. Redevelopment ideas for the PPG Plant site have included a renewable energy project (Map 12: Inyo County Degraded Land). The RDSBC funding includes Phase I and Phase II assessments of the sites identified. As work with the RDSBC continues, additional sites within Inyo County may be identified as possible locations for renewable energy development.

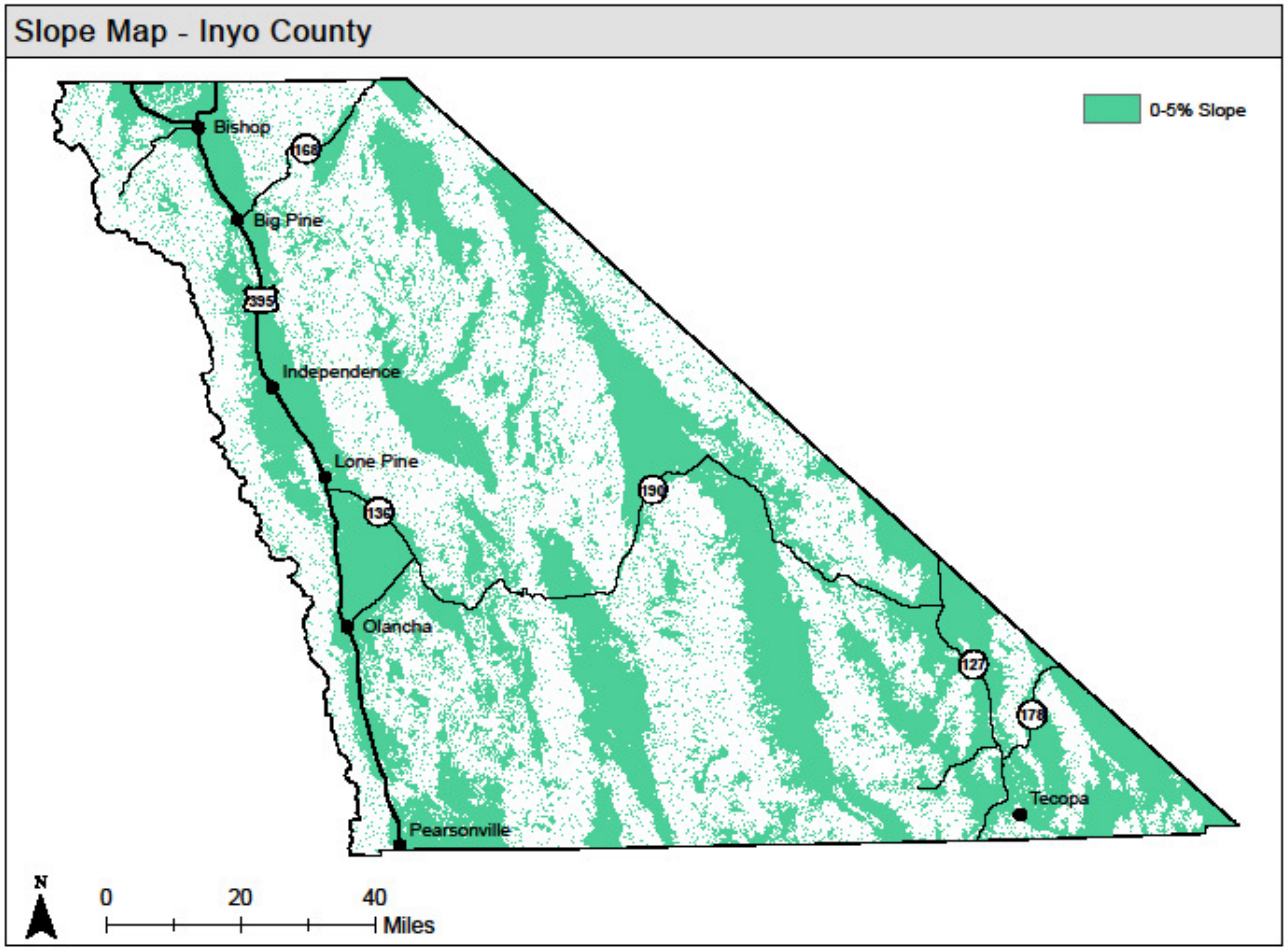
19.2 Mines

There are numerous abandoned mine sites throughout Inyo County. Many of these sites are on BLM, National Forest and National Park lands. As the REGPA work continues, staff will further evaluate abandoned mines and borrow pits sites that might have the potential for renewable energy redevelopment (Map 12: Inyo County Degraded Land).

19.3 Landfills

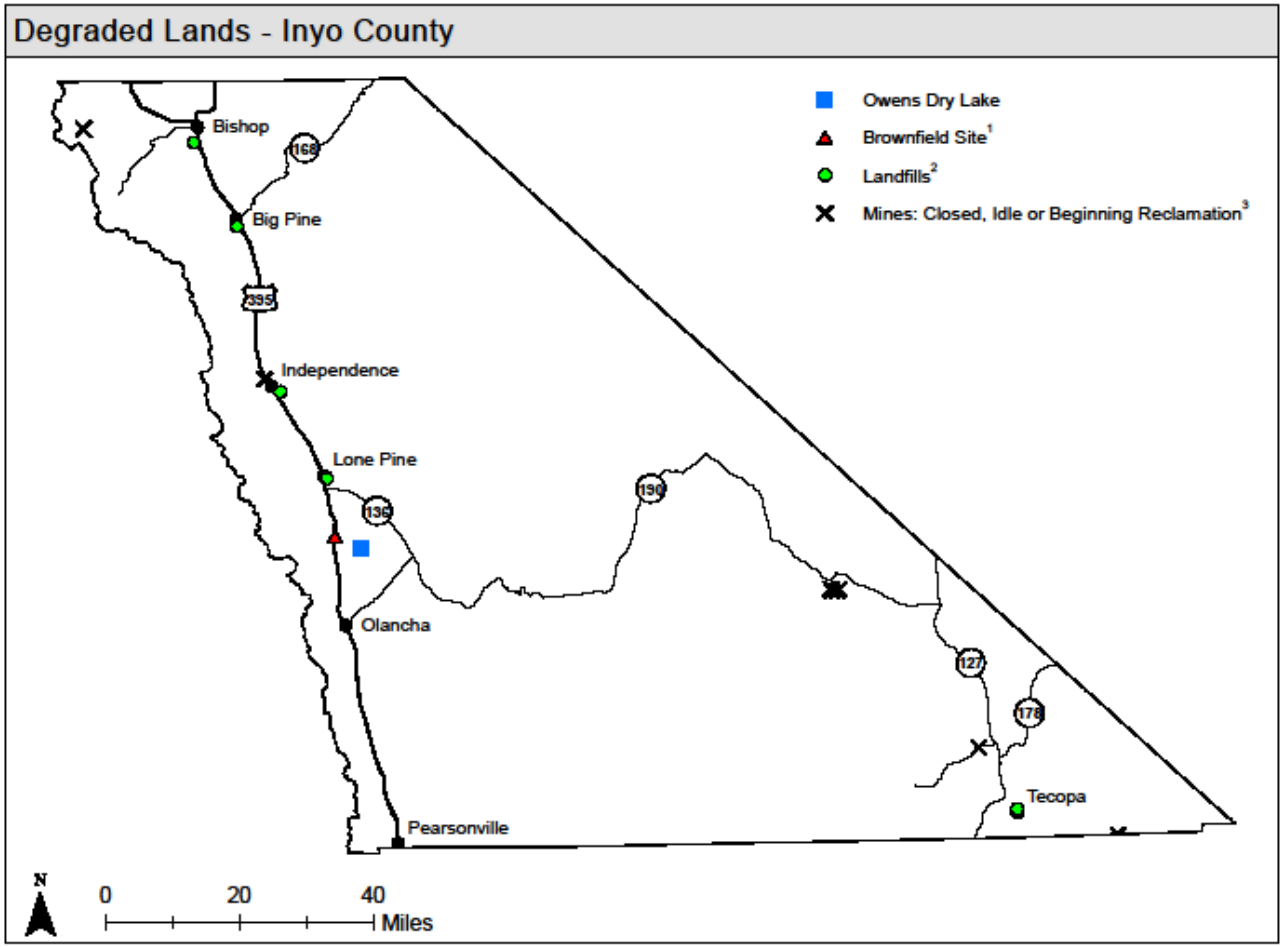
Landfills within Inyo County were identified during the 2011 REGPA as places that may be appropriate for renewable energy development. They are located throughout the County and could be redeveloped as they become full, or in areas that are currently taken out of service. There are landfills that service, and are located, near each of the County's communities (Map 12: Inyo County Degraded Land).

Map 11: Inyo County Areas with Slopes less than 5-percent



SOURCE: Hillshade from USGS 30-Meter National Elevation Data

Map 12: Inyo County Degraded Land



[1] Brownfields Grant (http://www.inyoplanning.org/BrownfieldGrant.htm)
[2] Inyo County Solid Waste (http://www.inyocountysolidwaste.com/maps.html)
[3] BLM Mineral Resource Data System (MRDS) (http://www.landscape.blm.gov/ArcGIS/rest/services/CBR_2010/CBRMBR_DV_Recreation/MapServer/77) - 2010

19.4 LADWP - Type-A vegetation management areas and Southern Owens Valley Solar Ranch – Area Narrowing Study, Area I

As part of the Long Term Water Agreement entered into by Inyo County and the LADWP a study of vegetation communities was conducted. These vegetation communities were categorized into five management categories based on plant water use requirements. Type-A management areas are described under the water agreement as non-groundwater dependent and were considered as areas to be explored for renewable energy development early in the process. As LADWP seriously began exploring its properties in the Owens Valley for potential sites for solar energy development it included areas with Vegetation Type-A criteria and then expanded its criteria to include many other factors, including but not limited to: sensitive wildlife and plant communities; sensitive visual and cultural resources; wetland, riparian areas and springs; flood hazard areas; and, distance to transmission (Map 13: Type-A vegetation management areas and Southern Owens Valley Solar Ranch – Area Narrowing Study, Area I). This work effectively eliminated the northern area of the Owens Valley, roughly everything north of Independence.

19.5 Owens Dry Lake

The Owens Dry Lake is approximately 110-square-miles in size and, historically, it was the terminus of the Owens River. The Owens River and other area streams that fed Owens Lake were diverted by LADWP into the Los Angeles Aqueduct, which was completed in 1913. As a result of these water diversions, Owens Lake was predominately dry by 1930. The exposed lakebed became a major source of airborne dust in the Owens Valley. Due to the effects on air quality from the lake dust, the Great Basin Unified Air Pollution Control District mandated that the LADWP implement dust control measures. In 2009 the LADWP Board announced that they would be pursuing a solar demonstration project on a part of the dry lake bed that would also serve as a dust control measure. The LADWP has completed (2013) a Mitigated Negative Declaration on the solar demonstration project and plans to proceed with it, although there is currently no set date for the start of construction (Map 14: Solar Demonstration Project).

20. Criteria for REDAs: Property Owner Requests

During the 2011 REGPA process several people requested that the County include their property in the Renewable Energy General Plan Overlay. The County also realized that it too, had property that may be appropriate to be included in the overlay. These additional properties have been incorporated as part of the 2013 REDA evaluations.

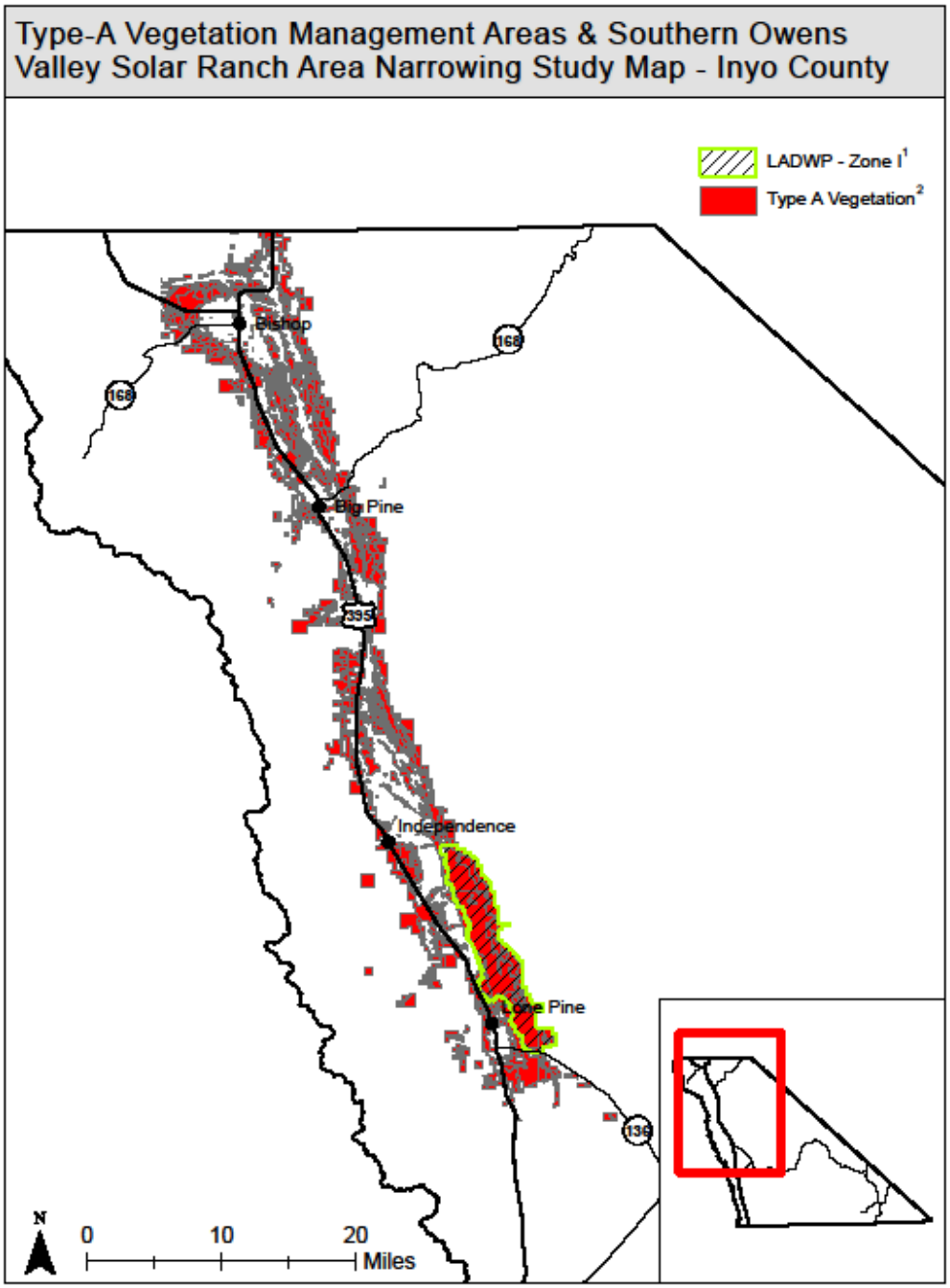
20.1 County Property Surrounding Darwin

Inyo County owns land that surrounds the community of Darwin. During the 2011 REGPA process of identifying Renewable Energy Overlay Areas this property was included as viable for renewable energy development as it is flat, currently unused, and near local transmission lines (Map 15: 2011 REGPA Areas to Include).

20.2 Chicago Valley, Tecopa, Panamint and Laws

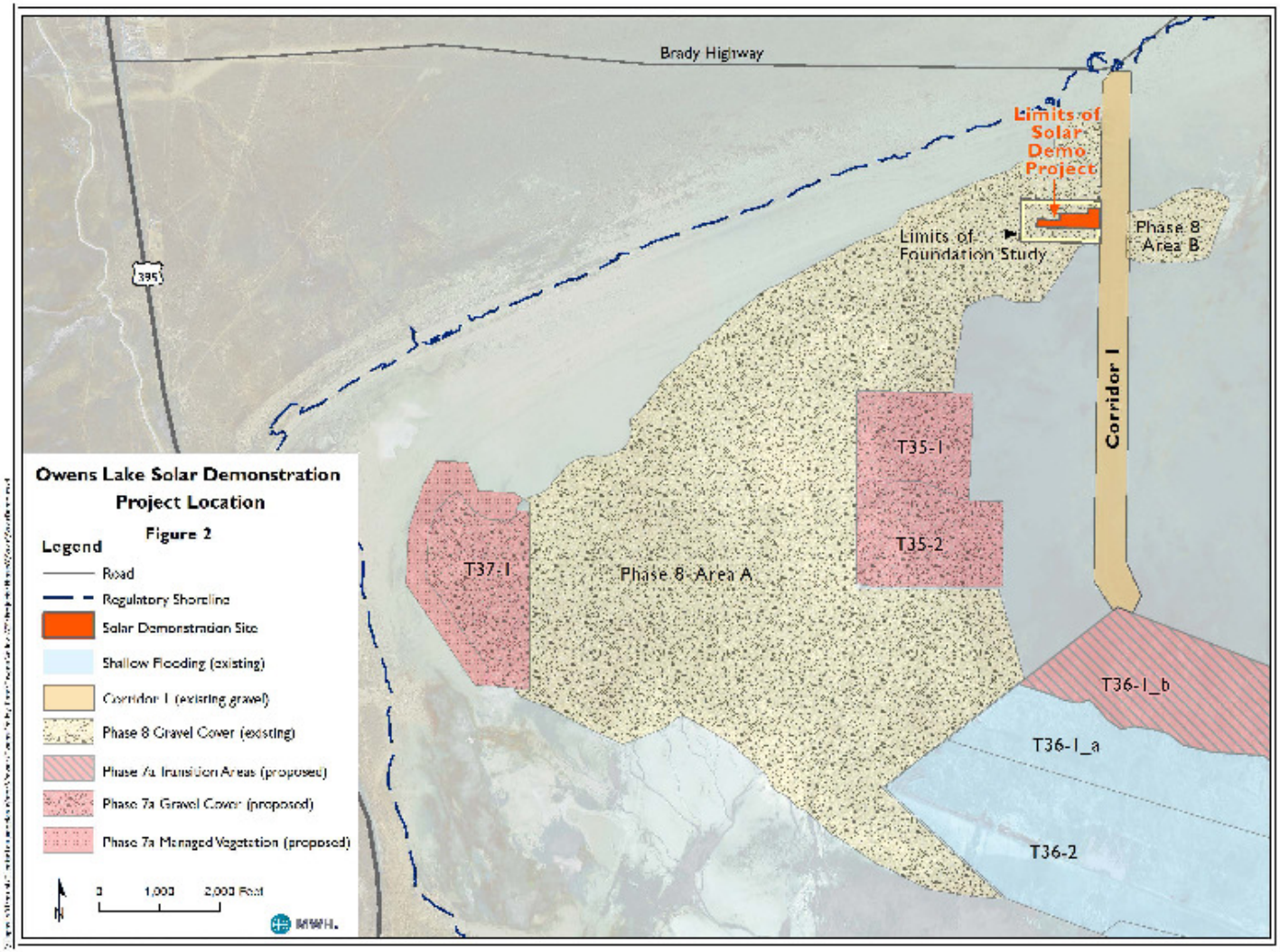
Also during the 2011 REGPA process property owners in the Chicago Valley, Panamint, and Tecopa areas requested that land they owned be included in the Renewable Energy Overlay

Map 13: Type-A vegetation management areas and Southern Owens Valley Solar Ranch, Area Narrowing Study, Area I

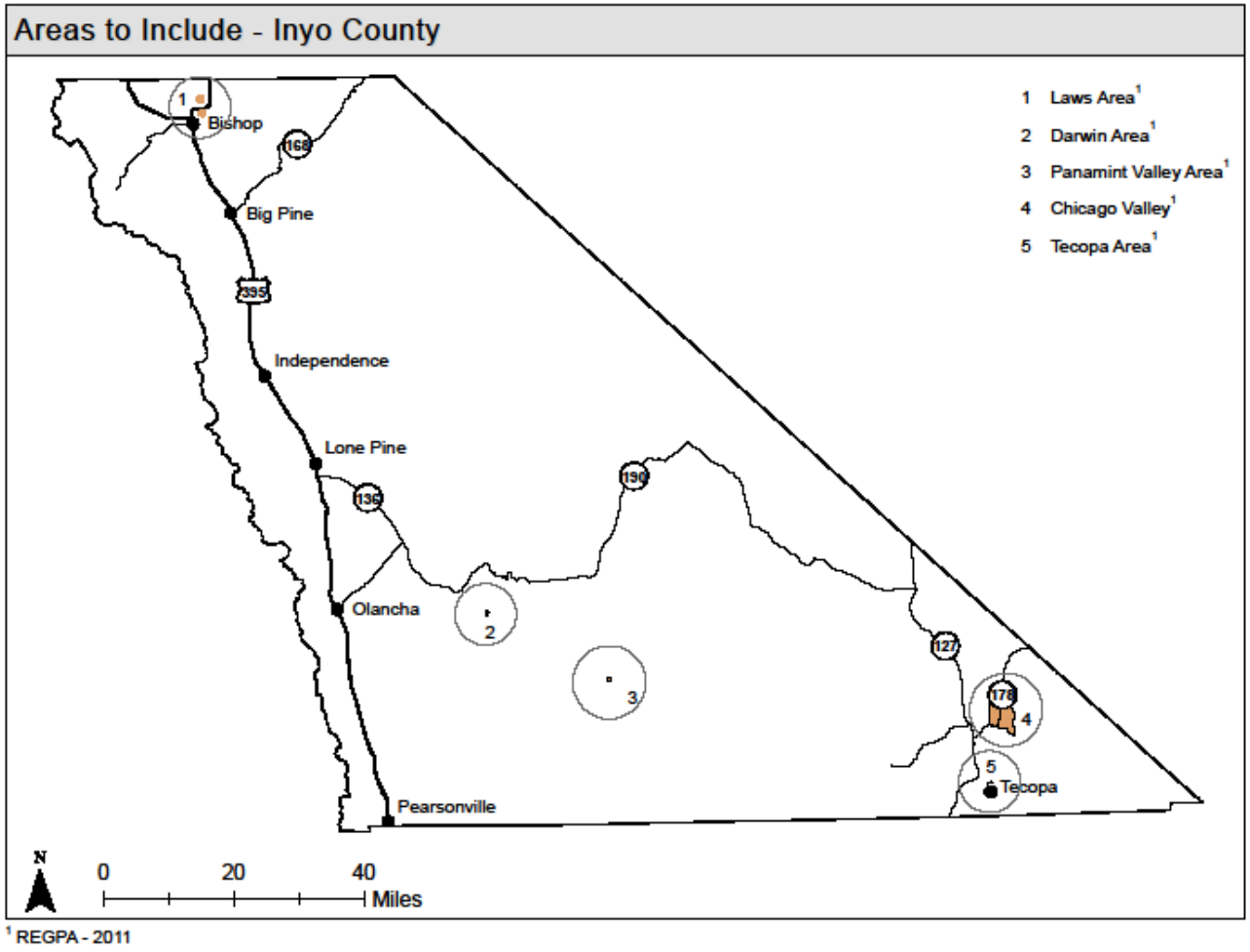


[1] Southern Owens Valley Solar Ranch: Area Narrowing Study - July 2013
[2] Long Term Water Agreement between Inyo County and LADWP - Mapping file updated 2011

Map 14: Solar Demonstration Project



Map 15: 2011 REGPA Areas to Include



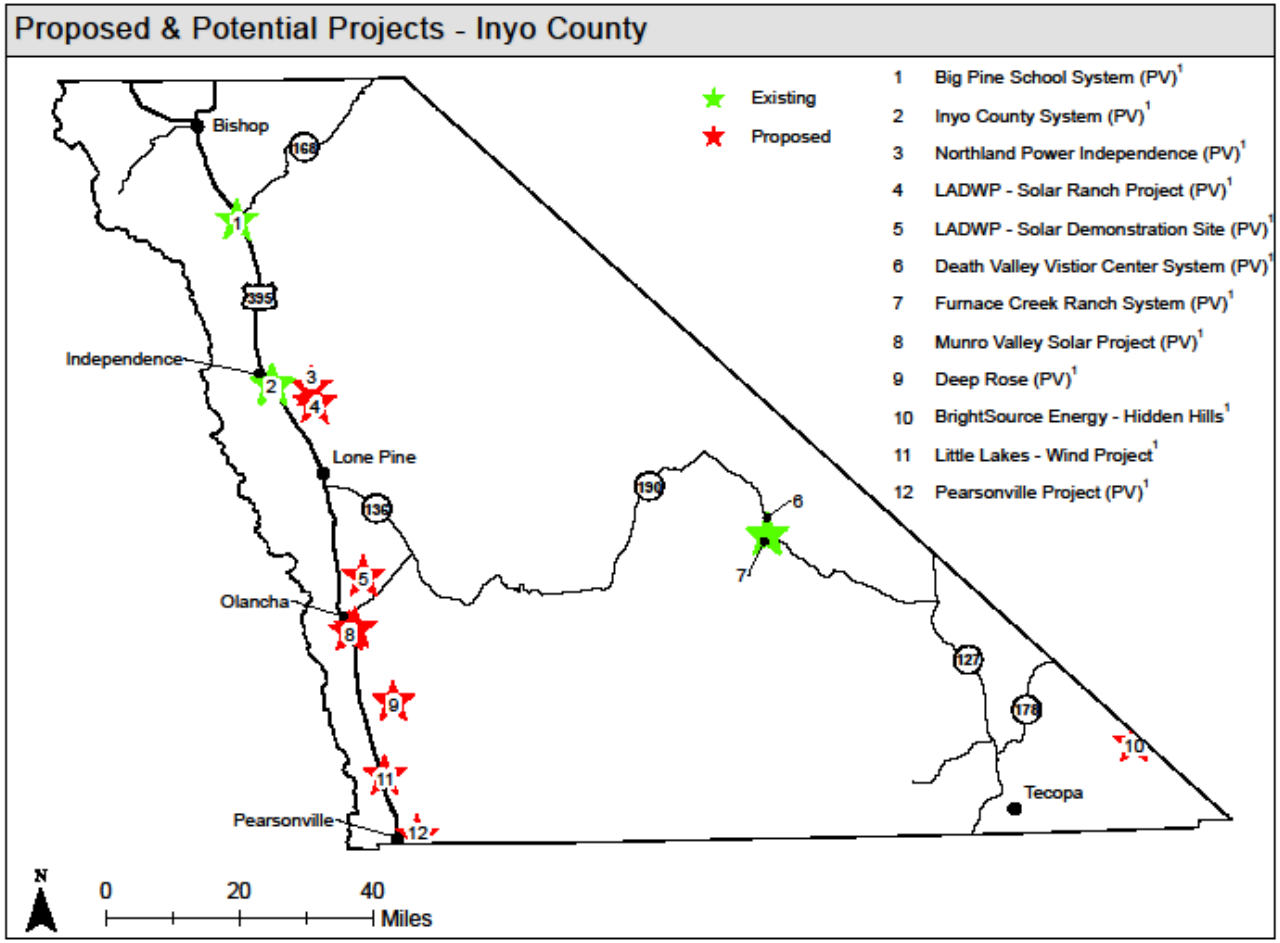
with the hope that they could someday develop it. In Laws several areas owned by various agencies were also identified as being disturbed and subsequently it was suggested to include them as well (Map 15: 2011 REGPA - Areas to Include).

20.3 Criteria for REDAs: Proposed and Potential Projects

Currently there are several proposed projects and projects that developers have discussed with staff, but have not yet submitted applications, as well as, some recently completed projects. These areas will be considered for inclusion in the REDAs. From north to south, these projects and proposals include:

- the Big Pine School recently completed a solar rooftop parking structure;
- Inyo County is presently finishing a solar rooftop parking structure at the Annex building in Independence and a ground mounted photovoltaic system has been completed at the jail;
- Northland Power, Independence LLC is currently waiting to begin an EIR to develop a 200-megawatt solar photovoltaic facility off Mazourka Canyon Road near Independence;
- LADWP Southern Owens Valley Solar Ranch, a 200-megawatt facility to be located off Manzanar Reward Road, is currently in EIR review and comment period;
- LADWP Solar Demonstration Project on the Owens Dry Lake, completed the CEQA process in June 2013;
- Xanterra's Furnace Creek Resort located in Death Valley installed a Photo Voltaic system that provides the electricity for all of its facilities, including the historic the Inn at Furnace Creek, the Ranch at Furnace Creek, Furnace Creek Golf Course, employee offices and housing;
- Death Valley National Park Visitor Center installed Photo Voltaic for use at all the park's facilities;
- Munro Valley Solar LLC applied for a 4-megawatt solar voltaic project in Olancha, currently staff is working with them on a development agreement;
- Bright Source Energy, Hidden Hills, applied for a 500-megawatt Solar Thermal Power Plant project on approximately 3,500 acres in Charleston View, the County had come to an agreement with the applicant to address mitigation measures, but in April 2013 Bright Source suspended their application with the CEC and with the County in June 2013, the project is on hold indefinitely;
- Little Lakes North and South, a wind energy developer has erected meteorological towers to test for the viability of wind energy resources in the area;
- Coso Junction/Deep Rose a solar developer has expressed an interest in property located near the Deep Rose geothermal exploration area and near Coso Junction; and,
- in Pearsonville, a solar developer has expressed an interest in property located on the east side of Highway-395 for solar development, no applications for a project have been submitted (Map 16: Proposed and Potential Projects).

Map 16: Proposed and Potential Projects



[1] Inyo County Planning Department (http://inyoplanning.org/index.htm) - October 2013

21. Areas to be Considered for Exclusion from REDAs

There are several current land uses, conditions and/or specific landscape characteristics that will need to be carefully examined during the REDA development process. Ultimately, some of these areas will need to be considered for exclusion from the REDAs.

21.1 Areas of Critical Environmental Concern (ACEC) and Desert Wildlife Management Areas (DWMA)

ACECs are areas defined by the BLM as having more than locally significant qualities, which give it special worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to any similar resource;

- have qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change;
- has been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of Federal Land Management and Practices Act;
- has qualities which warrant highlighting in order to satisfy public or management concerns about safety and public welfare; and/or
- poses a significant threat to human life and safety or to property.

Inyo County has about 20 identified ACECs within its boundary. The BLM has an additional designation for its lands: the Desert Wildlife Management Areas (DWMA). BLM land located Inyo County has one DWMA, the Mojave Ground Squirrel Management Area. This DWMA includes an area in the southwest section of the county from west of Pearsonville north to and surrounding Haiwee, and east to, and surrounding Darwin, and an area in the south center of the County that surrounds Homewood Canyon and Valley Wells (Map 17: ACEC and Mojave Ground Squirrel Management Area).

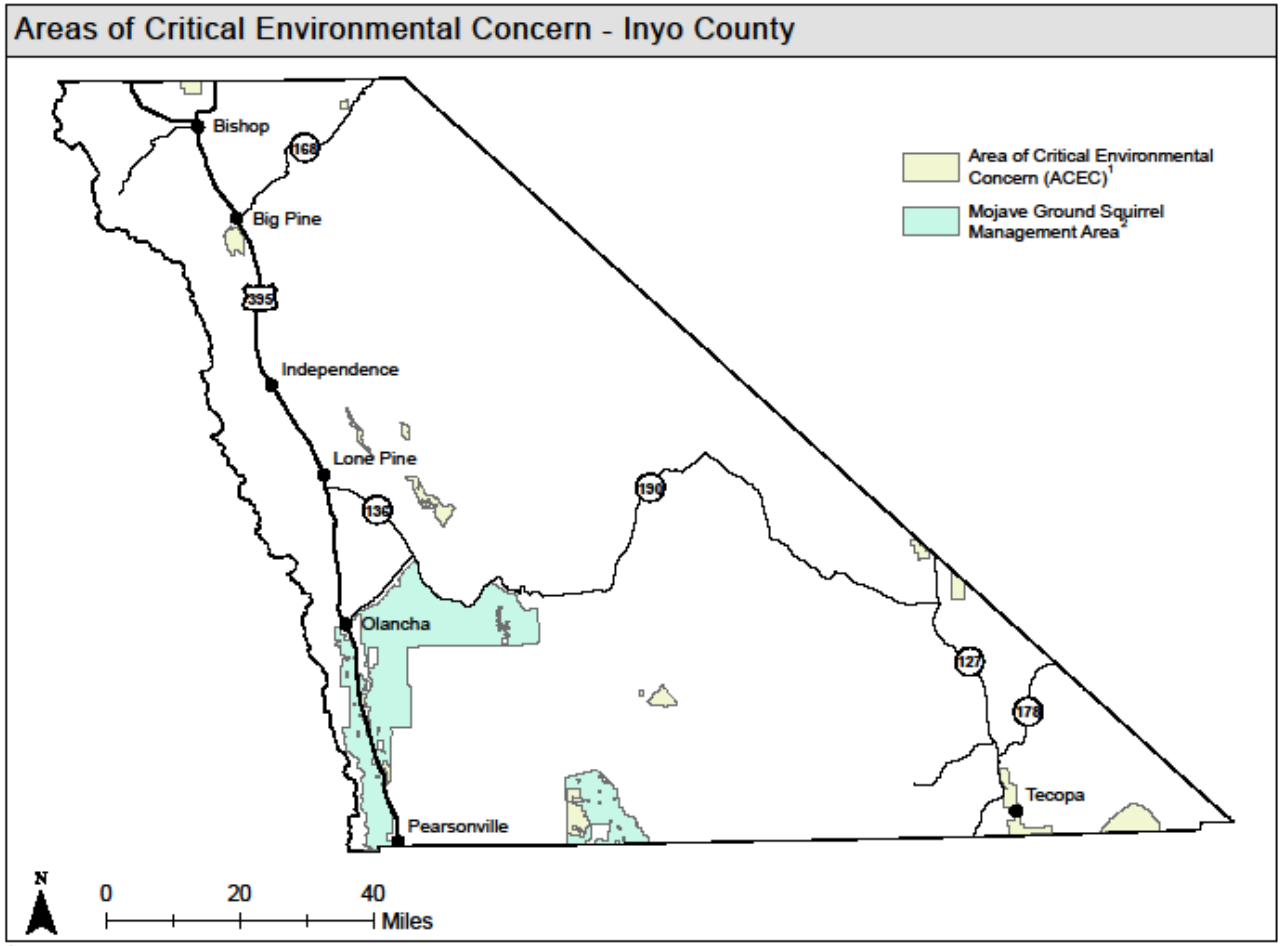
21.2 Wilderness Areas

Four federal agencies administer the US Wilderness areas: the US Forest Service; National Park Service; BLM and the US Fish and Wildlife Service. Much of the land in Inyo County is designated as Wilderness Area with an approximate total of 6,278-sq.mi., or approx. 61% of the County's total land area (approx. 10,200-sq.mi.) (Map 18: Wilderness Areas).

21.3 Sensitive Species

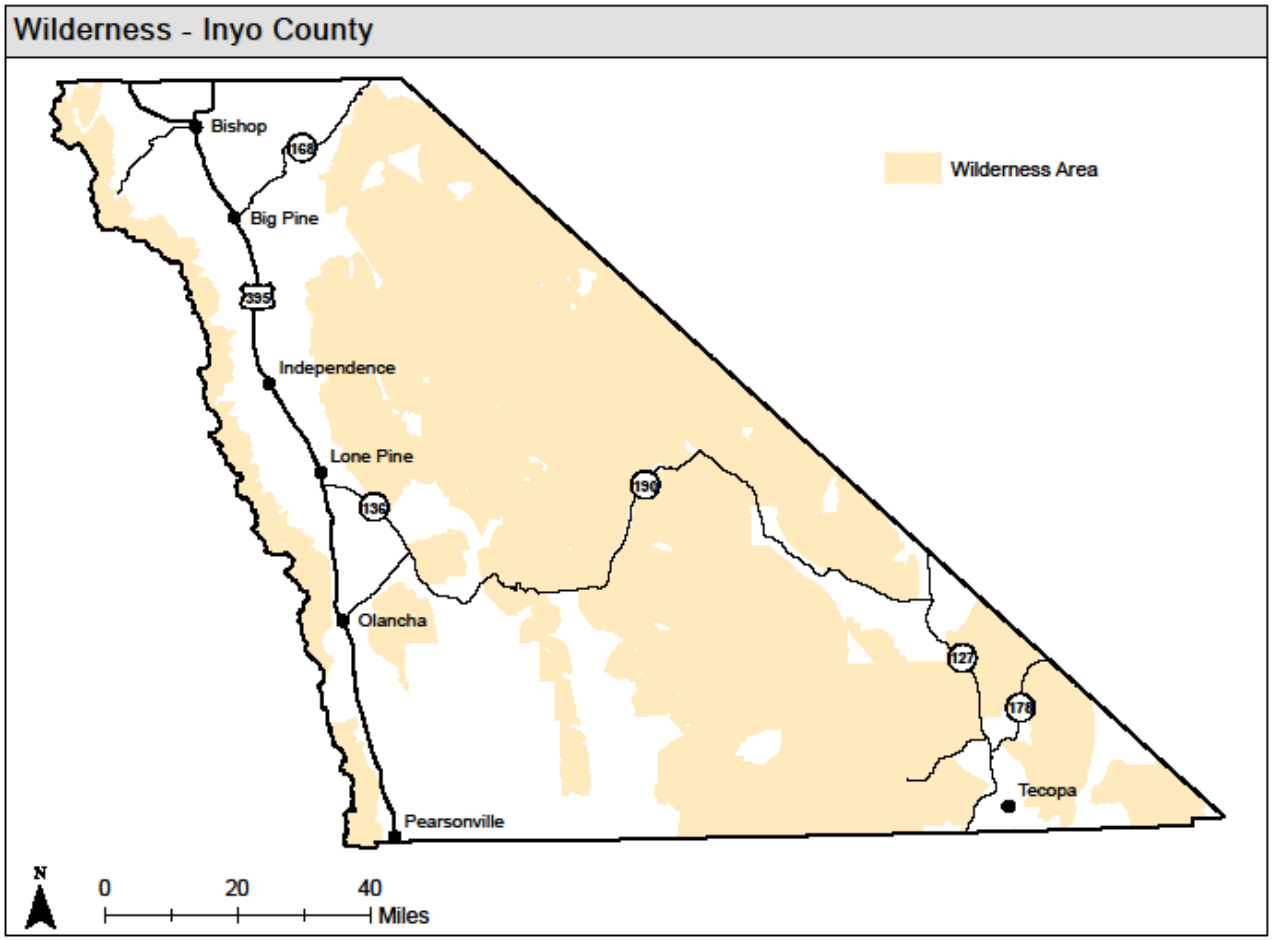
Scattered throughout Inyo County are areas that may accommodate rare, endangered, and sensitive plant and animal species. The California Department of Fish and Wildlife, Wild Life and Habitat Program, created and maintains a database of critical species, the California Natural Diversity Database (CNDDB). CNDDB (2006 database was used for this report) provides data on Federal and State listed species by category of legal status. Inyo County has several species identified in the CNDDB as endangered or threatened on both the Federal and State lists. An Endangered Species is any species that is in danger of extinction throughout all or a significant portion of its range and a Threatened Species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Federal Endangered Species Act of 1973 (Act) describes these two categories as

Map 17: ACEC and Mojave Ground Squirrel Management Area



[1] BLM (www.blm.gov/nv/st/en/fo/lvfo/blm.../lvfo.../acec_information.htmlCachedSimilar)
[2] BLM (http://www.doi.gov/index.cfm)

Map 18: Wilderness Areas



those of declining species of plants and animals that need the Act's protections. The California definitions mean basically the same thing as the Federal. There are 9 federally listed endangered and 7 federally listed threatened species and 12 California listed endangered and 7 California listed threatened species in Inyo County, 8 of the total listed species are found on both the federal and state lists. Staff plans to leave these areas out of the REDAs (Map 19: Federal and State Listed Endangered and Threatened Species).

21.4 Military interests: China Lake Naval Air Weapons Station (NAWS) and Military Flight Zones

During the 2011 REGPA planning efforts, staff from the China Lake NAWS, alerted planning staff to their desire to keep the base out of the Renewable Energy Overlay Areas. They also informed staff that wind turbines have a disruptive effect on the radar systems that their test pilots rely on for flying aircraft and the heat from solar thermal power plants can also have a negative effect on the safety of military test pilots. Due to these factors, staff took China Lake NAWS out of the Renewable Energy Overlay Areas and made note of height limitations for wind energy systems and solar thermal facilities. These same factors will be addressed in the current REDA mapping exercise (Map 20: China Lake and Military Operations Overlay).

21.5 Tribal Land

There are five Tribes in Inyo County with Tribal land, they are: Bishop Paiute Tribe, Big Pine Band of Owens Valley, Fort Independence Community of Paiute, Lone Pine Paiute-Shoshone and the Timbisha Shoshone. All of the Tribal land is governed by the tribes and the County has no jurisdiction over it. Any renewable energy development that may occur on tribal land will be at the tribes' discretion. As in the 2011 REGPA work, if a tribe wants to have their land included in the REDAs, they may do so. Otherwise, all tribal land will be left out of the REDAs (Map 1: Land Ownership Inyo County).

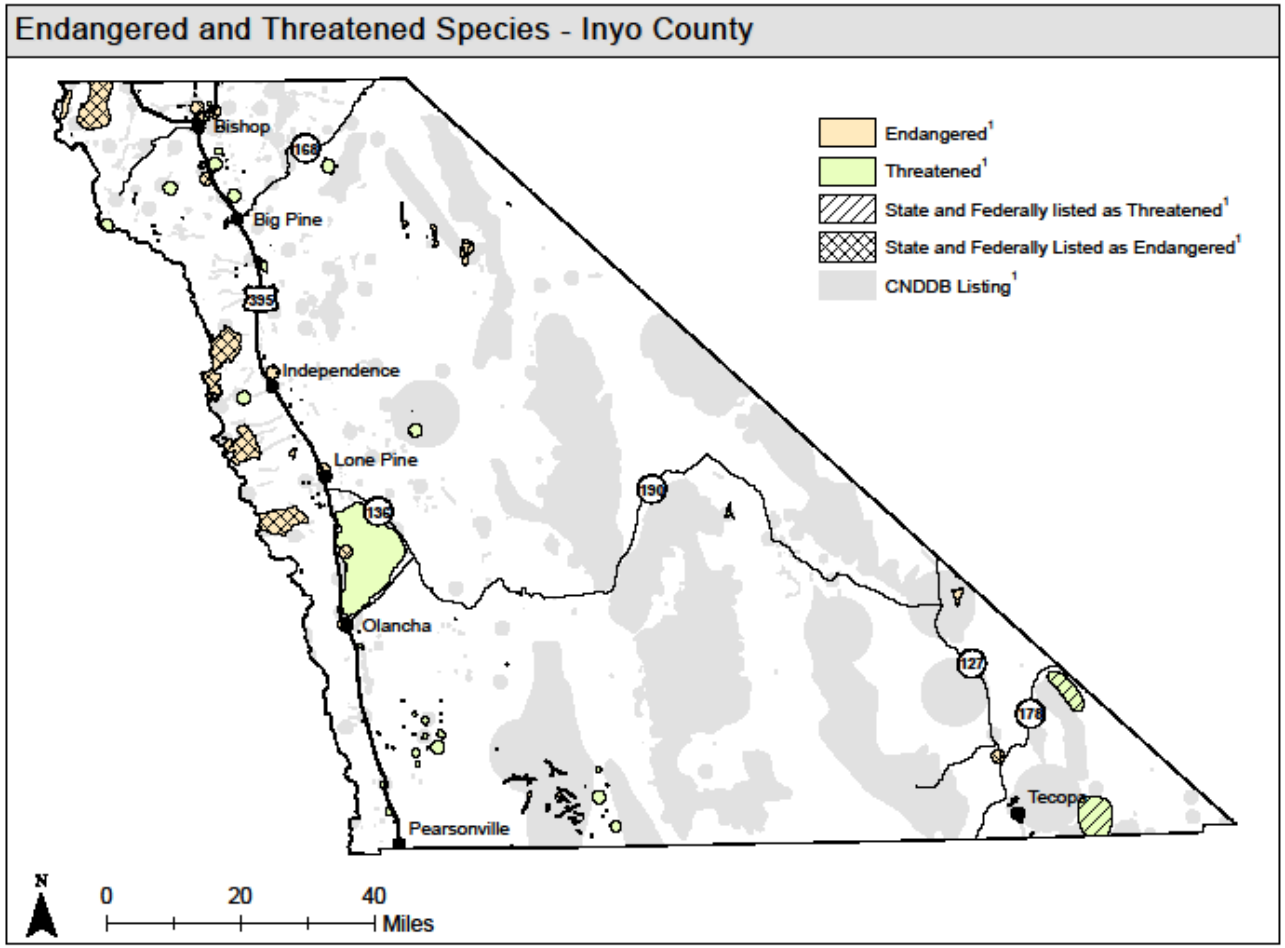
21.6 Cultural and Historic Resources

Inyo County has an abundance of cultural and historic resources. The Paiute and Shoshone people lived in Inyo County and the areas surrounding it, long before Euro-Americas settled there. Their legacy can be found throughout the County in the form of burial grounds, artifacts and landscapes with cultural significance. Early Euro-American settlement also left important historic resources throughout Inyo County, from mining, ranching and railroad artifacts to old cabins and buildings. Cultural and historic resources are difficult to identify at a large scale. Once the REDAs are identified they will be further refined with cultural and historic resource information gathered during the environmental review process. The County's General Plan presently includes policies designed to protect its cultural and historic resources. These include Cultural Resources CUL-1.3 Protection of Cultural Resources: Preserve and protect key resources that have contributed to the social, political, and economic history and prehistory of the area, unless overriding circumstances are warranted.

21.7 Scenic Resources

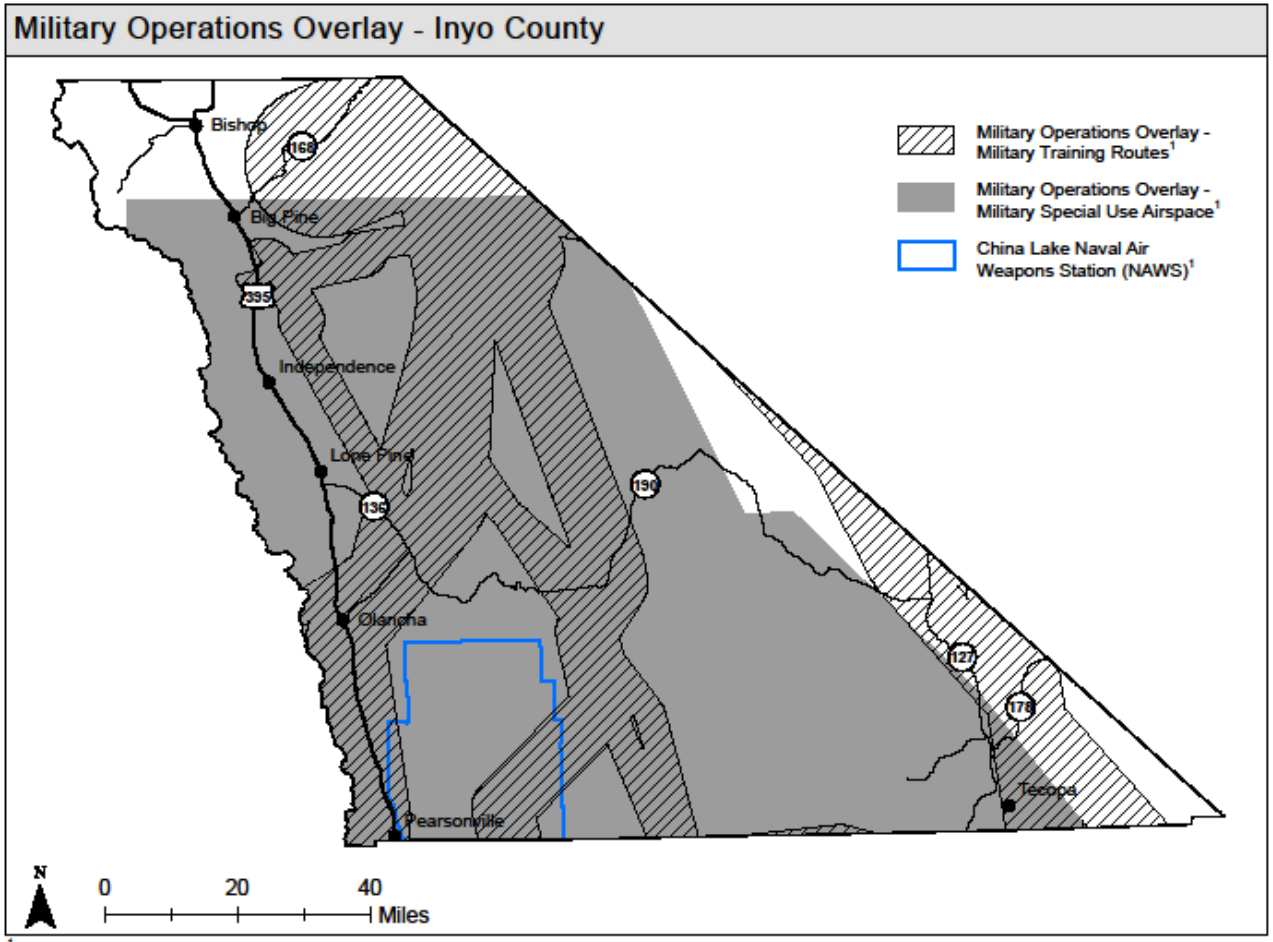
Inyo County is a land of scenic beauty. It is hard to find a place in the County without a view of a dramatic landscape feature. Because of the County's unparalleled opportunity to scenic beauty

Map 19: Federal and State Listed Endangered and Threatened Species



[1] CNDDB Database (http://www.dfg.ca.gov/biogeodata/cnddb/) - 2006

Map 20: China Lake and Military Operations Overlay



there are several policies and strategies in place to preserve them. The USFS has a program designed to preserve air quality in areas with scenic, recreational, historic or natural value. This program, called the Prevention of Significant Deterioration, has an area identified along the western edge of Inyo County in the John Muir Wilderness. There are also several scenic byway designations from BLM and the State of California. These designations were created to help people find the best roads for auto touring and to encourage the preservation of these scenic resources. During the 2011 REGPA process, staff also eliminated everything west of Highway-395 and north of the Rock Creek area (south of Lone Pine) from the overlay areas due to public comment regarding the view shed to the Sierra. Staff plans to leave this area out in the 2013 REGPA REDAs, as well (Map 21: Scenic Vistas and Highways).

22. Public Input – REDA Criteria

This section will be completed after the public and stakeholder meetings

23. The 2011 REGPA

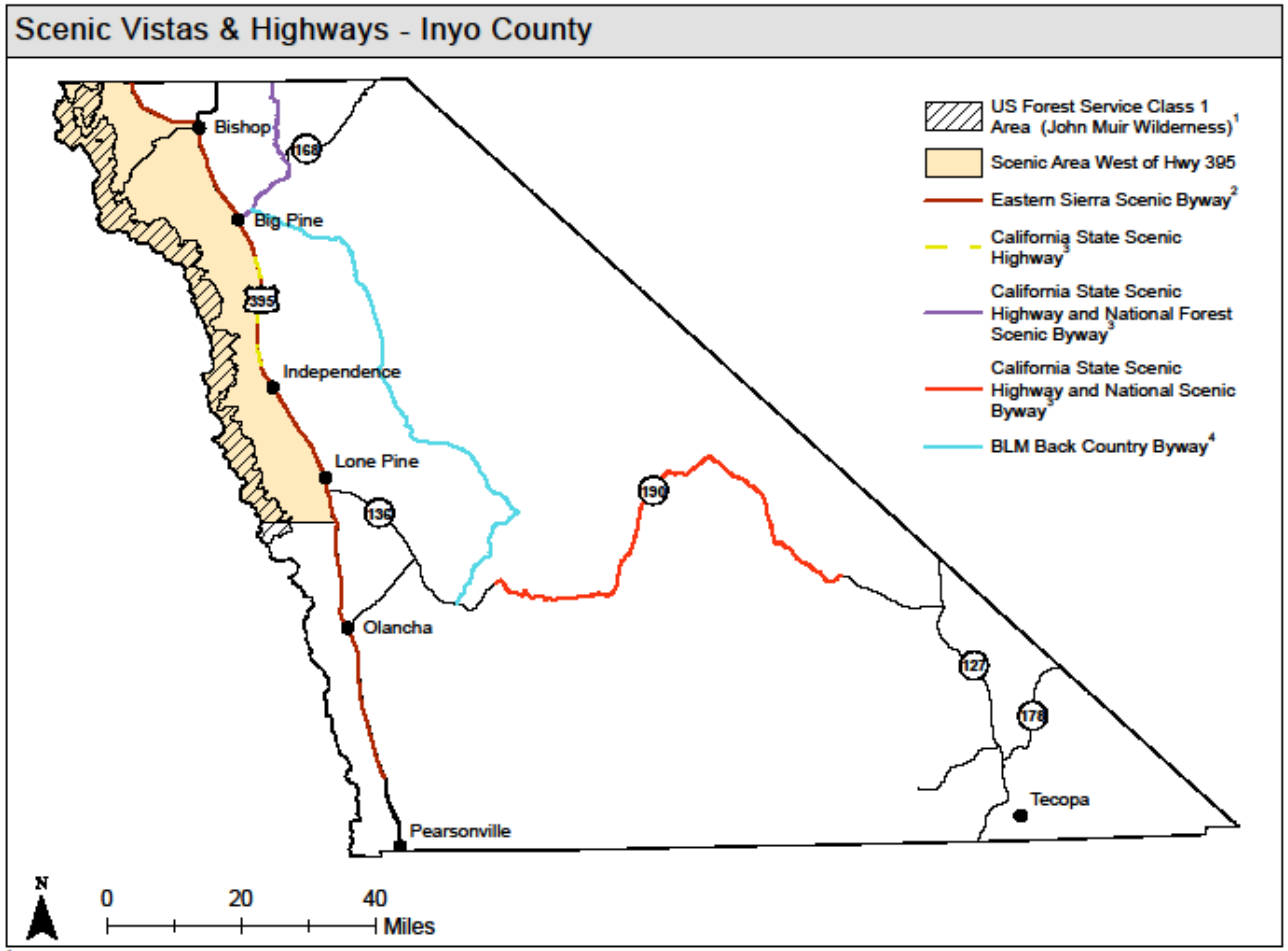
While staff developed the 2011 REGPA, it was determined that small scale wind and solar energy development for individual homes and businesses are already adequately addressed by existing County regulations. These include building permit requirements for solar installations intended primarily for on-site energy consumption and Inyo County Code (ICC) Chapter 18.79 (Regulation of Small Wind Energy Conversion Systems). Staff further determined that General Plan policies were not necessary for small scale development and 2011 REGPA was written for commercial scale solar and wind energy development. The 2011 REGPA updated the: Land Use, Public Services and Facilities, Economic Development, Conservation and Open Space and Public Safety elements. A review and reevaluation of the 2011 policies will be conducted as part of the 2013 process. New information collected from the REDA identification, and the stakeholder/public outreach processes will be used to develop new and/or updated General Plan policies. The 2011 REGPA General Plan changes included:

- Government Element
  No change

- Land Use Element
  - New definition:
    <u>Solar or Wind Renewable Energy Facility</u>. Any electric transmission line, solar thermal powerplant, photovoltaic powerplant, or wind energy powerplant to be constructed in Inyo County. A Facility does not include a "solar energy system," a small wind energy conversion system or a windmill that does not generate electricity, or a pilot or proof of concept powerplant.

  - New Land Use policy:
    <u>Policy LU-1.17 (Solar and Wind Renewable Energy Development)</u> – The County shall consider Solar or Wind Energy facilities within areas with a Renewable Energy Land Use Designation Overlay and in any zoning district under Title 18 of the Inyo County Code. Based on site-specific studies and appropriate environmental review, the County

Map 21: Scenic Vistas and Highway



[1] United States EPA: http://www.epa.gov/region9/air/maps/ca_clss1.html - 2011
[2] Coalition for Unified Recreation in the Eastern Sierra (CURES): http://www.easternsierrabyway.com/
[3] CA Department of Transportation: http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm - 2013
[4] BLM Back Country Byway: http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/byways/blm_back_country_byways.html

may process Solar or Wind Renewable Energy Facilities within the Overlay pursuant to Inyo County Code Title 21. Potential social, economic, and environmental impacts from Solar or Wind Renewable Energy Facilities must be minimized to the extent feasible. Appurtenant transmission facilities and related infrastructure may be constructed and operated within any Land Use Designation and any zoning district under Title 18 of the Inyo County Code, provided that the facilities they connect operate under valid approval and are the subject of appropriate environmental review.

- New Land Use Implementation Measures:
  1. The County shall coordinate with the Department of Defense to work to site renewable energy facilities in a manner that does not significantly impact military readiness. Issues to be addressed in the coordination include radar, light and glare, heat generation, equipment testing and operations, personnel training, and flight activities.

  2. The County shall consider seeking compensation for the loss of revenues from potential renewable energy facilities that are not developed due to potential impacts on military readiness, special status species, and aesthetics, and/or other barriers to development of appropriate renewable energy facilities. Methods of compensation include but are not limited to Payment-in-lieu of Taxes (PILT) or similar programs.

  3. The County shall work with utilities and renewable energy developers to encourage collocation of transmission and intertie facilities.
  4. The County shall encourage renewable energy development on disturbed lands.

- Public Services and Facilities Element
  - New Public Services and Facilities policy:
  <u>Policy PSU-10.5 (Encourage Renewable Energy Development)</u> – The County shall encourage appropriate development of renewable energy resources, provided that social, economic, and environmental impacts are minimized.

- Economic Development Element
  - New Economic Development policy:
  <u>Policy ED-4.4 (Renewable Energy Development Beneficial to the Local Economy)</u> – Renewable energy development shall provide means to offset costs to the County and lost economic development potential. If potential economic impacts from renewable energy development are identified by the County, commensurate mitigation and/or offsets shall be required.

- Housing Element
  No change

- Circulation Element

- *No change*

- Conservation/Open Space Element
    - Modified existing Agricultural Resources policy:

Policy AG-1.3 (Conversion of Agricultural Land) – Discourage conversions of productive agricultural lands for urban development, and encourage avoidance of productive agricultural lands for renewable energy development.

    - New Mineral and Energy Resources goal:

Goal MER-1 – Encourage appropriate renewable energy development and minimize impacts from such development to the social, economic, and environmental resources of the County.

    - New Mineral and Energy Resources policies:
        1. *Policy MER-2.1 (Large-scale Renewable Energy Development Areas) – The County shall maintain a Land Use Diagram of areas where Solar or Wind Renewable Energy Facilities may be appropriate.*
        2. *Policy MER-2.2 (Minimize Impacts) – The County shall work with renewable energy developers and other agencies to minimize impacts from renewable energy development.*

    - New Mineral and Energy Resources Implementation Measures:

1. Review proposals for renewable energy development and work to minimize potential impacts to the County's social, economic, and environmental resources, in cooperation with other local, regional, State, out-of-State, and federal agencies.
2. Collect and disseminate strategies to minimize impacts from Renewable Energy Facilities.
3. Periodically review, and as necessary update, the Solar and Wind Renewable Energy Land Use Designation Overlay.

    - New Water Resources policy:

Policy WR-3.5 (Sustainable Renewable Energy Development) – The County shall encourage renewable energy development to incorporate measures to minimize water consumption and use of potable water.

    - New Visual Resources policy:

Policy VIS-1.8 (Renewable Energy Development) – The County shall encourage siting and screening to minimize significant changes to the visual environment from renewable energy development, including minimizing light and glare, to the extent possible.

    - New Recreation Implementation Measure:

Work with developers and other agencies to minimize impacts to recreational access from renewable energy development.

- Public Safety Element
    - New Air Quality Implementation Measure:
    Support appropriate efforts to combine air quality improvements with other social, cultural, and environmental goals, including renewable energy development.

    - New Noise Implementation Measure:
    Work with developers and other agencies to minimize noise from renewable energy development.

24. Summary

Inyo County has excellent solar energy generation potential and scattered good-excellent wind energy generation potential. Due to this high potential there has been increased interest in the development of these resources in the County over the past several years. In reaction to this interest the County adopted a Renewable Energy General Plan Amendment in 2011, but subsequently had to rescind it do to threatened litigation. Along with the remarkable potential for wind and solar energy generation, comes many variables regarding where the most appropriate areas for this develop is. As the County revisits a Renewable Energy General Plan Amendment it will have to take into account:

- the areas with the highest energy generation potential;
- availability of transmission;
- a multitude of studies and plans conducted by other jurisdictions and groups;
- land with the right slope and development characteristics;
- avoiding critical habitats, military concerns, tribal lands, cultural and historic resources; and scenic resources; and,
- the public's vision and goals.

The County is still committed to completing a Renewable Energy General Plan Amendment, as under California State Planning guidance, the General Plan is where a community develops its visions, goals and policies for land use and development.

25. Resources

Bureau of Land Management, Area of Critical Environmental Concern, and Desert Wildlife Management Area, information available at: http://webservices.itcs.umich.edu/drupal/recd/?q=node/31

Bureau of Land Management Director's Protest Resolution Report: Programmatic Land Use Plan Amendments for Solar Energy Development in Six Southwestern States, available at: http://solareis.anl.gov/documents/docs/Solar_PEIS_BLM_Protest_Resolution_Report.pdf

Bureau of Land Management, Solar Programmatic Environmental Impact Statement, available at: http://solareis.anl.gov/

California Department of Fish and Wildlife: California Natural Diversity Data Base, available at: http://www.dfg.ca.gov/biogeodata/cnddb/

California Independent System Operator – 2012-2013 Transmission Plan, available at: http://www.caiso.com/planning/Pages/TransmissionPlanning/2012-2013TransmissionPlanningProcess.aspx

California Transmission Planning Group, information available at: http://www.ctpg.us/

Clark, Morrison, Radar, Nancy. 2012. Proposed DRECP Scenario for Wind Energy Resources. The California Wind Energy Association.

County of Inyo and the City of Los Angeles, Long Term Water Agreement, available at: http://www.inyowater.org/documents/governing-documents/water-agreement/

County of Inyo: Expedited permit process for photovoltaic systems, available at: http://www.inyoplanning.org/documents/ExpeditedPermitProcessforPhotovoltaicPVSystems.pdf

County of Inyo – Inyo County Code: Chapter 18.79 Regulation of Small Wind Energy Systems, available at: http://www.qcode.us/codes/inyocounty/

County of Inyo: Renewable Energy General Plan Amendment 2011, available at: http://www.inyoplanning.org/projects/2011-REGPA.htm

County of Inyo – Inyo County Code: Title 20 Development Agreements, available at: http://www.qcode.us/codes/inyocounty/

Desert Renewable Energy Conservation Plan: information available at: http://www.drecp.org/

Desert Renewable Energy Conservation Plan: Appendix A Transmission Technical Group Report, available at: http://www.drecp.org/documents/docs/alternatives_eval/Appendices/Appendix_A_TTG_Report.pdf

Owens Lake Demonstration Project, information available at: https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-fr-envirt-repo?_adf.ctrl-state=18u2iymv4s_4&_afrLoop=302853499764715&_afrWindowMode=0&_afrWindowId=o92km4ukt_1#%40%3F_afrWindowId%3Do92km4ukt_1%26_afrLoop%3D302853499764715%26_afrWindowMode%3D0%26_adf.ctrl-state%3Do92km4ukt_29

Pacific Northwest Laboratory. 1986. Wind Energy Resource Atlas of the United States.

Perez Et Al. 2002. The State University of New York/Albany Satellite Radiation Model.

Renewable Energy Development Institute, information available at: http://www.redinet.org/

Renewable Energy Transmission Initiative, information available at: http://www.energy.ca.gov/reti/documents/

Rural Southwest Brownfields Coalition – Inyo county, information available at: http://www.rdsbc.org/counties/inyo-county/

Senate Bill 107, available at: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_107&sess=0506&house=B&author=simitian

Senate Bill 1078, available at: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1078&sess=0102&house=B&author=sher

Senate Bill 2, available at: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sbx1_2&sess=PREV&house=B&author=simitian

Solar Programmatic Environmental Impact Statement available at: http://solareis.anl.gov/documents/fpeis/

Southern Owens Valley Solar Ranch Environmental Impact Report, available at: https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-fr-envirt-repo?_adf.ctrl-state=18u2iymv4s_4&_afrLoop=302853499764715&_afrWindowMode=0&_afrWindowId=o92km4ukt_1#%40%3F_afrWindowId%3Do92km4ukt_1%26_afrLoop%3D302853499764715%26_afrWindowMode%3D0%26_adf.ctrl-state%3Do92km4ukt_29

Southwest Solar Transformation Initiative – Inyo County Road Map, available at:
http://www.solarroadmap.com/national/california/inyo-county-ca/

State of Nevada, Renewable Energy Conceptual Transmission Plan, available at:
https://www.nvenergy.com/company/rates/filings/IRP/NPC_IRP/images/vol_17.pdf

West-Wide Energy Corridor Programmatic Environmental Impact Statement, available at:http://corridoreis.anl.gov/eis/index.cfm

26. Appendices

- Appendix A: Memorandum of Understanding California Energy Commission and Inyo County.
- Appendix B: Inyo County Title 21, the Inyo County Renewable Energy Ordinance.

Appendix A

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CALIFORNIA ENERGY COMMISSION,

AND

THE COUNTY OF INYO

REGARDING

PARTICIPATION AND ENGAGEMENT IN

THE DEVELOPMENT OF

THE DESERT RENEWABLE ENERGY CONSERVATION PLAN

MARCH 2013

Attachment 1

I. INTRODUCTION AND BACKGROUND

California has a history of establishing energy policies that promote renewable electricity generation. In 2008, the California Air Resources Board (CARB) adopted the Assembly Bill 32 (AB 32) Scoping Plan, which contains the main strategies California will use to reduce the greenhouse gas (GHG) emissions that cause climate change. The measures in the Scoping Plan will reduce California's GHG emissions to 1990 levels by 2020 and 80 percent of 1990 emissions levels by 2050. As indicated in the Scoping Plan, increasing electricity generation from renewable energy resources will yield significant GHG reductions and contribute to the 2020 and 2050 GHG reduction goals.

To implement the renewable energy strategies in the AB 32 Scoping Plan, then Governor of the State of California, Arnold Schwarzenegger, issued Executive Order S-14-08 (November 17, 2008) establishing a state policy goal of producing 33 percent of California's electrical needs with renewable energy resources by 2020 and directed state agencies to streamline regulatory processes and minimize environmental impacts associated with this development. The Governor and Legislature subsequently enacted Senate Bill 2 (1x) to establish the 33 percent renewable energy standard in statute, effective December 10, 2011. The Renewables Portfolio Standards (RPS) energy projects, including wind, solar, and geothermal, also contribute to achieving the state's climate change goals of reducing greenhouse gases to 1990 levels by 2020 and to 80 percent of 1990 emissions levels by 2050, making the success and expansion of RPS energy generation a key priority for California's economic and environmental future.

Concurrent with the Governor's Executive Order S-14-08, several state and federal agencies created an inter-agency cooperative effort known as the Renewable Energy Action Team (REAT) through the "Memorandum of Understanding Between the California Energy Commission and the California Department of Fish and Game Regarding the Establishment of the Renewable Energy Action Team" (November 17, 2008). In the Memorandum of Understanding, the California Department of Fish and Game (CDFG), the California Energy Commission (CEC), the Bureau of Land Management (BLM), and the United States Fish and Wildlife Service (USFWS) (REAT Agencies) committed to a cooperative relationship to achieve shared energy policy goals. The REAT has a primary mission to streamline and accelerate the permitting processes for renewable energy projects, while contributing to the conservation of special-status species and natural communities at the ecosystem scale.

The REAT agencies subsequently entered into the "Planning Agreement by and among California Department of Fish and Game, California Energy Commission, United States Bureau of Land Management, and United States Fish and Wildlife Service for the Desert Renewable Energy Conservation Plan" (May 2010). In the Planning Agreement, the REAT agencies committed to work together to develop the Desert Renewable Energy Conservation Plan (DRECP), a multispecies desert energy conservation plan in the Mojave and Colorado Desert Regions. The DRECP will guide solar and other qualified RPS energy project siting in the DRECP Planning Area and ensure the

conservation of California's natural resources in the Planning Area. The goals of the DRECP, as provided in Section 2.3 of the Planning Agreement, include the following:

A. Provide for the long-term conservation and management of Covered Species within the Planning Area;

B. Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the Planning Area;

C. Build on the Competitive Renewable Energy Zones identified by the Renewable Energy Transmission Initiative;

D. Further identify the most appropriate locations within the Planning Area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities;

E. Provide a means to implement Covered Activities in a manner that complies with the Natural Community Conservation Planning Act (NCCPA), Federal Endangered Species Act (FESA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and other relevant laws;

F. Provide a basis for the issuance of Take Authorizations allowing the lawful Take of Covered Species incidental to Covered Activities;

G. Provide for issuance of Take permits for other species that are not currently listed but which may be listed in the future;

H. Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Planning Area;

I. Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have;

J. Provide durable and reliable regulatory assurances, as appropriate, under the NCCPA and the FESA for Covered Activities that occur within the Planning Area; and

K. Identify and incorporate climate change adaptation research, management objectives, and/or policies into the final plan document.

Under section 25619 of the Public Resources Code, the Energy Commission may provide up to seven million dollars ($7,000,000) in grants to qualified counties for the development or revision of rules and policies, including, but not limited to, general plan elements, zoning ordinances, and a natural community conservation plan as a plan participant, that facilitate the development of eligible renewable energy resources, and

their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources. For counties within the DRECP Planning Area, the Energy Commission may award a grant to a county only if the county has signed the Planning Agreement as a "plan participant" as defined by California Fish and Game code section 2805(j)(1) or the county enters into a memorandum of understanding with the Energy Commission in which the county agrees to participate in the development of the DRECP for the purpose of ensuring that the DRECP can achieve the goals set forth in the Planning Agreement in a manner that is consistent with the applicable policies of the county.

Inyo County (County) historically has provided renewable energy production facilities for the benefit of California, and continues to do so to the present day. Under the County's General Plan, the County encourages the development of energy resources on both public and private lands within the bounds of economic reason and sound environmental health. The County's goals and policies include the following concepts.

a. Encourage the sound development of any and all energy resources, including, but not limited to geothermal, wind, biomass, and solar.

b. Encourage the use of peer-reviewed science in the assessment of impacts related to energy resource development.

c. Encourage the development of adequate utility corridors necessary for the transmission of newly generated energy.

d. Encourage maintaining energy opportunities on state and federal lands. Encourage treating renewable energy sources as natural resources. For projects subject to County planning and environmental jurisdiction, consider, account for, and mitigate ecological, cultural, economic, and social impacts, as well as benefits, from development of renewable energy resources. Consider developing County environmental and zoning permitting processes to ensure efficient permitting of renewable energy projects while mitigating negative impacts to County services and citizens, with a goal to ensuring that citizens of the County benefit from renewable energy development in the County.

e. Recognize that, with more than 98 percent of the land area of Inyo County owned by the federal, state, and city governments, the economic viability of the County is inextricably tied to operational decisions made on public lands. Support federal and state land dispositions and acquisitions, including land adjustments and exchanges, that benefit the citizens of the County.

f. Support continued and improved access to state and federal lands within the County, continued provision of public recreational facilities on state and federal lands, and multi-use management of state and federal lands where applicable.

The DRECP Planning Area contains lands within the County and under the County's jurisdiction. The construction across the state of RPS generation projects and the electric transmission projects needed to deliver RPS energy to load centers may affect these lands; and in many cases, the lands may provide appropriate sites for such projects. The County supports responsible renewable energy development on lands in the County under its jurisdiction and by this MOU seeks to engage more formally in the development of the DRECP in a way that is consistent with County goals and policies. The County may also develop or revise County rules and policies that will facilitate the development and permitting of renewable energy resources and associated transmission facilities and, for that reason, may apply for a grant under section 25619 of the Public Resources Code.

II. PARTIES

This Memorandum of Understanding (MOU) is entered into by and between the Energy Commission and the County of Inyo.

III. PURPOSE

The purpose of this MOU is to form a cooperative relationship between the Parties to effectively plan for and promote renewable energy development in California in a way that advances California's renewable energy development initiatives and the renewable energy policies of the Parties and to develop and implement the DRECP in a manner that is consistent with the planning goals set forth in the Planning Agreement and with the applicable policies of the County. The County's participation in the DRECP planning effort will enhance the development and implementation of the DRECP through the sharing of comprehensive environmental baseline data, environmental analyses, impact assessments, and potentially through the identification of renewable energy development and conservation and mitigation opportunities in the County. The Energy Commission and the County expect that the County's participation in the DRECP planning effort will also inform its development or revision of County rules and policies pertaining to renewable energy and lead to rules and policies that complement the DRECP.

IV. AUTHORITY TO ENTER INTO THIS MEMORANDUM OF UNDERSTANDING

California Energy Commission Authority: Public Resources Code Sections 25218, subds. (d)-(e), 25219, 25302, 25324, and 25500 et seq.

County Authority: Government Code Section 65000 et seq. (Planning and Zoning).

V. PRINCIPLES OF AGREEMENT

The Parties mutually agree to:

A. Participate in DRECP meetings, review draft DRECP documents and information, and provide advice and input about accomplishing DRECP planning goals in a manner that is consistent with the County's rules and policies regarding lands within its jurisdiction.

B. Coordinate, share, and/or combine resources and data in conducting environmental and resource analyses to assist in the development of the DRECP, to the extent appropriate and allowed by law.

C. Apprise each other, as far in advance as practicable, of any significant actions or issues that pertain to the development of the DRECP or the implementation of the DRECP on lands within the jurisdiction of the County.

D. Share documents and information related to the preparation of the DRECP, to the extent appropriate and allowed by law.

E. Provide Geographical Information Systems (GIS) staff, technical expertise, data and products where appropriate to assist in the development or implementation of the DRECP.

F. Work together on the development of additional renewable energy resources in California's Mojave and Colorado Desert Regions, including identifying, as far in advance as practicable, those geographic areas and technical and environmental features that merit heightened consideration so that renewable energy project and transmission line development is consistent with both the DRECP's planning goals and the County's rules and policies for lands under its jurisdiction in the DRECP Planning Area.

VI. GENERAL PROVISIONS

A. Nothing in this MOU is intended to or shall be construed to limit or affect in any way the authority or legal responsibilities of the Energy Commission or the County, including those related to land use decisions.

B. Nothing in this MOU binds the Energy Commission or the County to perform any action that is beyond its legal authority.

C. Nothing in this MOU requires the Energy Commission or the County to assume any financial obligation, or to expend any funds, in excess of available appropriations authorized by law. This MOU does not constitute or imply approval by the Energy Commission of any grant funds under section 25619 of the Public Resources Code or any other law, nor does it constitute or imply application by the County for a grant. Any activities that involve the transfer of

money, services, or property between or among the Parties will require execution of separate agreements or contracts.

D. Nothing in this MOU is intended to or shall be construed to restrict any Party from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

E. Any information furnished between the Parties under this MOU is potentially subject to the California Public Records Act, Gov. Code § 6250, et seq. (CPRA). The Parties agree to consult one another prior to transferring potentially privileged or exempt documents and to cooperate in good faith to assert all such privileges and exemptions permitted by the CPRA.

F. All cooperative work under the provisions of this MOU will be accomplished without discrimination against any employee because of race, sex, creed, color, or national origin.

G. If any legal issue arises under this MOU, California law shall apply.

H. Any loss, damage or injury suffered by any Party in connection with the performance of this MOU will be borne exclusively by it.

I. Amendments or supplements to this MOU may be proposed by the Energy Commission or the County and shall become effective upon written approval of both Parties.

J. Either the Energy Commission or the County may terminate this MOU thirty (30) days after providing written notification of termination to the other Party.

K. This MOU shall become effective as of the later date shown below on the signatures page. This MOU may be executed in one or more counterparts, each of which will be considered an original document.

L. This MOU shall remain in effect for three (3) years after the effective date of this MOU.

M. This MOU is intended only to reflect the mutual understanding of the Parties. It is not a contract for acquisition of supplies or services; it is not legally enforceable; and it does not create any legal obligation of either of the Parties or create any private right or cause of action for or by any person or entity.

VII. CONTACTS

The primary points of contact for carrying out the provisions of this Memorandum of Understanding are:

- California Energy Commission: Roger Johnson, Deputy Director of the Siting, Transmission, Environmental Protection Division

- County: Joshua Hart, Planning Director

VIII. APPROVALS

COUNTY OF INYO

By: _____ Date: _____
Linda Arcularius
Chairperson of the Board of Supervisors

CALIFORNIA ENERGY COMMISSION

By: _____ Date: _____
Robert P. Oglesby
Executive Director

Appendix B

Chapter 21.04 TITLE, AUTHORITY AND PURPOSE

21.04.010 Title.

This title shall be known as the Inyo County Renewable Energy Ordinance. (Ord. 1158 § 3, 2010.)

21.04.020 Authority.

Article XI, Section 7 of the California Constitution empowers Inyo County ("county") to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. The county's police powers extend to all lands within the county. The police powers of the county of Inyo include:

A. Protection of the environment of Inyo County, including biological and other natural resources, aesthetics, recreational attractiveness and availability, traditional social activities and values of the citizens of the county, housing, public services, utilities, and economic potential within the county;

B. Traditional authority over the use of land within the county, where such authority is not preempted by federal or state law;

C. The public trust doctrine under which the county is empowered to exercise its police power to protect natural resources such as streams, lakes, marshlands, tidelands, wildlife and other resources. (Ord. 1158 § 3, 2010.)

21.04.030 Purpose.

A. It is in the public interest to support, encourage and regulate the development of solar and wind resources for the generation and transmission of clean, renewable electric energy. By this title, the county intends to: (1) support and encourage the responsible development of its solar and wind resources to generate and transmit clean, renewable electric energy while protecting the health, safety and welfare of its citizens and its environment, including its public trust resources, by requiring that the adverse impacts of such development are avoided or acceptably mitigated; (2) recover the county's costs of increased services resulting from such development; and (3) ensure that the citizens of Inyo County equitably share in the benefits resulting from the use of such resources.

B. To support, encourage and facilitate the responsible utilization of its solar and wind resources for the generation and transmission of clean, renewable electric energy, the county encourages potential developers of such resources to work with the county and to enter into a mutually agreeable renewable energy development agreement in lieu of applying for the issuance of a renewable energy impact determination or a renewable energy permit. (Ord. 1158 § 3, 2010.)

Chapter 21.08 DEFINITIONS

21.08.010 Environment.

For the purposes of this title, the term "environment" includes the ecological environment of the county as well as the social, aesthetic and economic environment of the county. Impacts upon the quality of life within the county are considered environmental impacts. Therefore, the definition of environment is not limited by and may be broader than environmental considerations under the California Environmental Quality Act or the National Environmental Policy Act. (Ord. 1158 § 3, 2010.)

21.08.020 Electric transmission line.

"Electric transmission line" means any electric powerline within Inyo County carrying power from a photovoltaic, solar thermal or wind energy powerplant located within or outside Inyo County to a point of junction with an interconnected transmission system. "Electric transmission line" does not include any replacement on the existing site of existing electric powerlines with electric powerlines equivalent to such existing electric powerlines or the placement of new or additional conductors, insulators, or accessories related to such electric powerlines on supporting structures in existence on the effective date of the ordinance codified in this title or certified pursuant to this title. (Ord. 1158 § 3, 2010.)

21.08.030 Facility.

"Facility" means any electric transmission line, solar thermal powerplant, photovoltaic powerplant, or wind energy powerplant to be constructed in Inyo County. A facility does not include a "solar energy system" or a pilot or proof of concept powerplant. (Ord. 1158 § 3, 2010.)

21.08.040 Mitigation.

"Mitigation" refers to mitigation of adverse environmental impacts and includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 1158 § 3, 2010.)

21.08.050 Modification of an existing facility.

"Modification of an existing facility" is an increase in the electric generating capacity of an existing facility or electric transmission line by ten percent or more. (Ord. 1158 § 3, 2010.)

21.08.060 Person.

"Person" means any natural person and any corporation, partnership, association, public entity and any other entity with legal existence under California law. "Person" also includes any city, county, public district or agency, the state or any department or agency thereof, and the United States and any department or agency thereof. (Ord. 1158 § 3, 2010.)

21.08.070 Photovoltaic powerplant.

"Photovoltaic powerplant" means an electrical generating facility in which the total energy output is from the direct conversion of solar energy into electricity and which transmits a portion of the electrical energy off the site of the facility. The definition of a "photovoltaic powerplant" does not include a "solar energy system." (Ord. 1158 § 3, 2010.)

21.08.080 Pilot or proof of concept powerplant.

"Pilot or proof of concept powerplant" is a powerplant with a capacity of five megawatts or less that is designed and constructed to test the feasibility of constructing and operating larger capacity facilities. (Ord. 1158 § 3, 2010.)

21.08.090 Public trust resources.

"Resources protected by the public trust doctrine" are as defined by statute and the courts. Such resources include tidelands, navigable bodies of water, tributaries to navigable bodies of water, wildlife and wildlife habitat. (Ord. 1158 § 3, 2010.)

21.08.100 Renewable energy development agreement.

"Renewable energy development agreement" means an agreement for the development of a facility entered into by the county and a developer of a facility in lieu of a renewable energy permit or a renewable energy impact determination. A renewable energy development agreement shall be processed in the same manner as a development agreement described in Title 20 of this code except that the county planning commission will not be involved in the consideration, approval or review of such agreements, nor will the planning commission be the county agency for the purpose of California Environmental Quality Act review and processing for such projects. Further, a renewable energy development agreement may be exempted from the annual review provisions of Title 20, Section 20.08.050 if the renewable energy development agreement contains the enforcement provisions set forth in Sections 21.24.010 to 21.24.080 of this title. The county planning director is the point of contact regarding a renewable energy development agreement. Renewable energy development agreements must include a reclamation plan, acceptable financial assurances, be consistent with the county general plan, be approved by the board of supervisors, which will be the review and processing agency for compliance with the

California Environmental Quality Act, and must include provisions acknowledging that the agreement is enforceable by injunctive relief contractual remedies and other remedies provided by law and equity. (Ord. 1158 § 3, 2010.

21.08.110 Small wind energy conversion system.

"Small wind energy conversion system" is as defined in Section 18.79.040 of this code. As defined in that section, a small wind energy conversion system means a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a small wind energy conversion system if it supplies electrical power solely for on-site use; however, a facility shall also be considered a small wind energy conversion system if it is located on a parcel that also receives electrical power supplied by a utility company and any excess electrical power generated by the small wind energy conversion system not then needed for on-site use, is used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use. No net revenue to the owners shall be produced by such excess electrical power generation. (Ord. 1158 § 3, 2010.)

21.08.120 Solar energy system.

"Solar energy system" has the same meaning as set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the California Civil Code and as used in Section 65850.5 of the California Government Code. (Ord. 1158 § 3, 2010.)

21.08.130 Solar thermal powerplant.

"Solar thermal powerplant" means an electrical generating facility in which a portion of the total energy output is from solar energy converted to heat to produce electricity and which transmits a portion of the electrical energy off the site of the facility. The definition of a solar thermal powerplant does not include a "solar energy system." (Ord. 1158 § 3, 2010.)

21.08.140 Wind energy powerplant.

"Wind energy powerplant" means an electrical generating facility that converts wind energy into electricity which is transmitted off the site of the facility. A wind energy powerplant does not include a small wind energy conversion system or windmills that do not generate electricity. (Ord. 1158 § 3, 2010.)

Chapter 21.16 GENERAL PROVISIONS

21.16.010 Renewable energy permit.

Any person who proposes to construct a facility within the county or modify an existing facility within the county shall, prior to the commencement of construction or modification, first apply for and obtain from the county planning commission a renewable energy permit, unless

specifically exempted from such requirements by this title or by state or federal law. (Ord. 1158 § 3, 2010.)

21.16.020 Renewable energy impact determination.

Any person who proposes to construct a facility within the county or modify an existing facility within the county who is not subject to a renewable energy permit issued by the county for the facility, shall, prior to the commencement of construction or modification, first apply for and obtain from the county planning commission, a renewable energy impact determination that identifies environmental and other impacts expected to result from such project and mitigation for those impacts. As part of its analysis, the county planning commission shall determine whether the project is consistent with the county general plan. The goal of the renewable energy impact determination is to ensure that mitigation measures that would otherwise be addressed in a renewable energy permit and/or renewable energy development agreement that are identified pursuant to the renewable energy impact determination are, to the extent possible, incorporated into any approval of the facility granted by a state or federal agency. (Ord. 1158 § 3, 2010.)

21.16.030 Exemptions.

Any person applying for a renewable energy permit need not apply for a renewable energy impact determination. Any person who has a renewable energy development agreement with the county for the construction or modification of a facility need not apply for a renewable energy impact determination or a renewable energy permit for the facility that is the subject of the renewable energy development agreement. (Ord. 1158 § 3, 2010.)

21.16.040 Applications.

An application for a renewable energy impact determination or a renewable energy permit shall be filed and processed in the same manner as land use and conditional use permit applications submitted to the county as provided in Sections 18.81.160 to 18.81.300 of this code. (Ord. 1158 § 3, 2010.)

21.16.050 Application fees.

An applicant for a renewable energy impact determination and/or permit shall pay fees and costs to the county planning department as provided in Chapter 3.60 of this code. The fee for either a renewable energy impact determination or a renewable energy permit shall be equal to the fee charged for a conditional use permit. (Ord. 1158 § 3, 2010.)

21.16.060 Application processing procedures.

Upon completion of the county's environmental review process and the filing of all required documents, a noticed public hearing will be scheduled and conducted by the county planning commission to consider issuance of a renewable energy impact determination or to consider issuance of a renewable energy permit. Such a hearing will be scheduled and conducted in accordance with this title and Chapter 18.81 of this code. (Ord. 1158 § 3, 2010.)

21.16.070 Appeals.

Appeals of an action by the county planning department or the county planning commission shall be in conformance with the procedures described in Sections 18.81.270 to 18.81.300 of this code. (Ord. 1158 § 3, 2010.)

Chapter 21.20 MINIMUM REQUIREMENTS FOR RENEWABLE ENERGY IMPACT DETERMINATIONS AND RENEWABLE ENERGY PERMITS

21.20.010 Mitigation measures.

As a condition to the issuance of a renewable energy impact determination or a renewable energy permit, the county planning commission may, in the case of a renewable energy impact determination, incorporate, and in the case of a renewable energy permit, impose such reasonable and feasible mitigation measures as it finds to be necessary to protect the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and to ensure that the county and its citizens do not bear an undue financial burden from the project. (Ord. 1158 § 3, 2010.)

21.20.020 Development standards.

In lieu of imposing the standards and procedures set forth in Title 18 concerning: (1) permitted, conditional, and/or accessory uses related to a facility and its accessory uses and structures; (2) distance between buildings; (3) height, density and intensity; (4) light and glare; (5) noise; and (6) wireless communications facilities directly related to the facility, with regard to renewable energy development agreements, the county board of supervisors shall incorporate, and with regard to renewable energy permits, the county planning commission shall impose, such standards as are deemed appropriate and may incorporate or impose such other standards and mitigation measures as are deemed necessary. Except for those exceptions specified in the preceding sentence, any facility for which a renewable energy development agreement or a renewable energy permit is required shall, to the extent allowed by law, be governed by the standards and/or procedures in Title 18. (Ord. 1158 § 3, 2010.)

21.20.030 Reclamation plan.

Any person who submits an application for a renewable energy impact determination or a renewable energy permit shall, at the time of the submission of the application, submit a plan for reclamation/revegetation of the site of the facility once the facility is decommissioned or otherwise ceases to be operational. The reclamation plan shall be based upon the character of the surrounding area and such characteristics of the property as type of native vegetation, soil type, habitat, climate, water resources, and the existence of public trust resources. Reclamation plans issued pursuant to this chapter shall run with the land affected thereby and shall be binding on all successors, heirs and assigns of the applicant.

In the case of the issuance of a renewable energy impact determination, the county planning commission shall incorporate into the determination, and in the case of a renewable energy permit, shall impose as a condition of approval, a plan for the reclamation/revegetation of the site of the facility at the time that the facility is decommissioned, or otherwise ceases to be operational, and shall establish site-specific criteria for evaluating and monitoring compliance with the approved reclamation plan. (Ord. 1158 § 3, 2010.)

21.20.040 Financial assurances.

As a condition to the approval of a renewable energy permit, in order to ensure that reclamation will proceed and be accomplished in accordance with an approved reclamation plan, the county planning commission shall require financial assurances from the applicant as provided herein:

A. Financial assurances may take the form of surety bonds, irrevocable letters of credit, trust funds or other mechanisms.

B. Public agencies may satisfy financial assurance requirements by using "pledges of revenue" or "budget set aside" as acceptable financial assurances mechanisms.

C. The financial assurances shall remain in effect for the duration of the operation and any additional period until reclamation is completed.

D. Financial assurances shall be sufficient to cover the costs of fully implementing the reclamation plan.

E. The financial assurances shall be made payable to Inyo County and any other affected public agency. However, if a facility has received approval of its financial assurances from a public agency other than the county, the county shall deem those financial assurances adequate for purposes of this section, or shall credit them toward fulfillment of financial assurances required by this section, if they are made payable to the public agency, the county, and otherwise meet the requirements of this title.

F. If a permitted facility is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the county until new financial assurances are secured from the new owner and have been approved by the county.

G. The release of financial assurances shall be with the concurrence of all agencies named on the financial assurance. The criteria for release of financial assurances, or part of the financial assurances, shall be made part of the reclamation plan. In no case shall the financial assurance be released until reclamation has been completed.

H. The amount of financial assurances shall be reviewed annually, or as deemed necessary, by the county planning commission and adjusted, if required, to ensure that the assurances are sufficient to cover the costs of fully implementing the reclamation plan. (Ord. 1158 § 3, 2010.)

21.20.050 Term of permit.

Each applicant for a renewable energy permit pursuant to this title shall specify in the application the duration or term of the permit requested. The county planning commission shall determine the term of the permit if it grants the permit. (Ord. 1158 § 3, 2010.)

21.20.060 Consistency with the Inyo County general plan.

Prior to the issuance of renewable energy impact determination or the granting of a renewable energy permit, the Inyo County planning commission must find that the proposed facility is consistent with the Inyo County general plan. Prior to entering into a renewable energy development agreement, the county board of supervisors must find that the proposed facility is consistent with the Inyo County general plan. (Ord. 1158 § 3, 2010.)

21.20.070 Health, safety and welfare of the county's citizens.

Prior to the issuance of a renewable energy impact determination or the granting of a renewable energy permit, the county planning commission must find that, through the imposition of mitigation measures, the approval of a reclamation plan, the receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the permit, the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded. (Ord. 1158 § 3, 2010.)

Chapter 21.24 ENFORCEMENT

21.24.010 Prohibition.

No person shall construct a facility without first obtaining a renewable energy development agreement, a renewable energy permit or a renewable energy impact determination and no person shall operate a facility in violation of a renewable energy permit or renewable energy development agreement. (Ord. 1158 § 3, 2010.)

21.24.020 Notice.

Where it appears to the county planning department that a facility is in violation of any condition of a renewable energy development agreement, a renewable energy permit, an approved reclamation plan or any applicable statute, regulation or ordinance, the planning department shall serve formal notice to the facility operator and/or owner stating the nature of the violation and the specified time frame to correct the violation before an order is issued. (Ord. 1158 § 3, 2010.)

21.24.030 Timing of remedy.

The time within which the facility operator and/or owner must commence correction of the violation shall be sooner than sixty days from the notice of violation. (Ord. 1158 § 3, 2010.)

21.24.040 Order.

An order shall be issued if the facility operator and/or owner fails to comply with the notice within the specified time limit. Not sooner than thirty days after the date of the order, a hearing shall be held by the county planning director or designee, for which at least ten days' written notice has been given to the facility operator and/or owner. The order shall not take effect until after the hearing. (Ord. 1158 § 3, 2010.)

21.24.050 Failure to comply.

Failure to comply with the order shall be subject to an order setting administrative penalties and permit modification or revocation. Penalties shall be assessed from the date of original noncompliance. (Ord. 1158 § 3, 2010.)

21.24.060 Penalty.

In determining the amount of administrative penalty, the county shall take into consideration the nature, circumstances, extent and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and any other matters as justice may require. (Ord. 1158 § 3, 2010.)

21.24.070 Payment of penalty.

Orders setting administrative penalties and revoking or modifying the determination or permit shall become effective upon issuance thereof. Payment of penalties shall be made to the planning department unless the affected facility operator and/or owner files an appeal with the county board of supervisors within ten days of the issuance of such administrative penalties. If after the hearing, the board affirms an order setting administrative penalties, the facility operator and/or owner shall pay the administrative penalties set by the board's order within thirty days of the service of that order. A permit modification or revocation shall become effective thirty days after the board's order. (Ord. 1158 § 3, 2010.)

21.24.080 Enforcement authority.

The provisions of this chapter shall be enforced by the county planning director or designated appointee. Violations of Section 21.24.010 or other provision of the chapter may be prosecuted by the Inyo County district attorney. (Ord. 1158 § 3, 2010.)

21.24.090 Additional remedies.

Notwithstanding the foregoing, a violation of this chapter may be enforced by the county by the use of any legal or equitable remedy available to the county. (Ord. 1158 § 3, 2010.)

Chapter 21.28 SEVERABILITY

21.28.010 Severability.

If any section, subsection, sentence, clause, or phrase of this title, as applied to any person, is for any reason held to be illegal, invalid, unconstitutional, or outside the jurisdiction and/or the police powers of the county of Inyo, as determined by any court of competent jurisdiction, such decision shall not affect the validity of this title as to other persons. If any section, subsection, sentence, clause, or phrase of this title is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. This title, and each section, subsection, sentence, clause or phrase hereof, would have been enacted irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, unconstitutional, or outside the jurisdiction and/or police powers of the county of Inyo as to certain entities or persons. (Ord. 1158 § 3, 2010.)