



BOARD OF SUPERVISORS COUNTY OF INYO

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January 17, 2012

Supplement to the Draft Solar Energy PEIS
Argonne National Laboratory
9700 S. Cass Avenue – EVS/240
Argonne, IL 60439

Re: Comments on Supplement to the Draft PEIS for Solar Energy
Development in Six Southwestern States

Dear Gentlemen/women:

Inyo County has reviewed the Supplement to the Draft PEIS for Solar Energy Development in Six Southwestern States, and would like to take this opportunity to make the following comments on the document. We have previously requested coordination with the BLM to address and resolve inconsistencies with the Inyo County General Plan and approved policies pursuant with 43 CFR 1610.3-1(f) and we have not received a response; we reiterate this request.

Inyo County has commented a number of times on the fact that there are no Solar Energy Zones (SEZ) identified or planned for areas within the County. The County is, therefore, particularly supportive of comments within the Supplement that document provisions for added solar development opportunities. Specifically, the County supports:

- BLM's Efforts to Identify New SEZs: Section 2.2.2.2.5 notes that the "BLM intends to identify new SEZs and/or expand existing SEZs on an as-needed basis. The BLM has already initiated efforts to identify new SEZs in the states of California, Arizona, Nevada, and Colorado through ongoing state-based efforts..."
- Variance Process for Development Outside SEZs: Section 2.2.2.3.1 details a variance process which would allow utility-scale solar development outside of SEZs or other exclusion areas.

The County is supportive of both of the above-noted efforts, as they provide a way for areas within the County to be included as identified SEZ development zones, or, alternatively, provide a way for solar development to take place within the County, lacking any SEZ-identified zones through the PEIS process.

Also significant and important to the County – and which the County has commented on previously – is the fact that the Supplement notes that "the modified program alternative (BLM Preferred Alternative) emphasizes and incentivizes development within SEZs and proposes a collaborative process to identify additional SEZs" (p. 2-14). Inyo County looks forward to taking an active role with BLM in identifying additional new SEZ areas in the County.

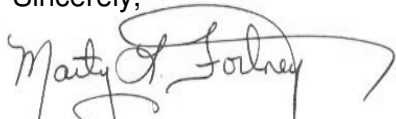
There is one section of the PEIS that is particularly troubling. Large portions of Inyo County are proposed for exclusion from solar development. These areas include lands that surround Pearsonville and Trona, and land within Rose Valley, Panamint Valley and Centennial Flat. Inyo County has identified each of these areas as having excellent potential for solar development. Excluding these areas from such development is directly contrary to specific policies of the County's General Plan, its fundamental planning document.

(Refer to the following Inyo County General Plan references: Goal ED-4, Goal Gov-10, Policy Gov-10.1)¹ County staff has communicated its concerns to the BLM, but BLM staff has been unable to explain why these areas are given Special Recreation Management Area designations, nor has it explained what criteria qualify areas with this designation for exclusion. This is vital information to the County, so that staff can identify ways to achieve consistency between BLM and County plans.

It is the County's position that finalizing the PEIS as currently proposed would be a direct violation of the BLM's duty to coordinate its planning efforts with Inyo County's planning documents, as directed by 43 CFR 1610.3-1 (c),(d) and (e). It is the County's understanding that BLM staff must identify where there are inconsistencies between federal and local plans, ensure that the plans are as consistent as possible, consult with the local government, in this case Inyo County, regarding the inconsistencies and the means to resolve those inconsistencies, and if consistency cannot be achieved, explain in the management plan how the inconsistencies were addressed and why they could not be resolved. Inyo County cannot support a plan that excludes large areas of the County from beneficial development, particularly where the necessity of that exclusion is unexplained.

Inyo County appreciates the opportunity to comment on the PEIS, but expects to engage directly with BLM staff for an explanation as to why these portions of the County are completely excluded from reasonable solar development. Until such coordination occurs, the County believes adoption of the PEIS would be unlawful.

Sincerely,



Supervisor Marty Fortney, Chairperson
Inyo County Board of Supervisors

cc: Greg Miller, Renewable Energy Program Mgr., BLM California Desert District
Clare Laufenberg Gallardo, California Energy Commission
Board of Supervisors, Inyo County
Kevin Carunchio, County CAO
Randy Keller, County Counsel
Joshua Hart, Inyo County Planning Director

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