

**General Plan Amendment No. 2010-03/Inyo County
(Renewable Solar and Wind Energy)
Comment Summary and Responses
January 6, 2011 Public Comment Meeting for the Mitigated Negative
Declaration/Initial Study
Inyo County Board of Supervisors' Chambers, Independence, CA, 7 p.m.**

On January 6, 2011, the County held a courtesy public comment meeting regarding the Mitigated Negative Declaration/Initial Study (MND/IS) for General Plan Amendment No. 2010-03 (Renewable Solar and Wind Energy). The following numbered items summarize the comments provided by members of the public at the meeting. Following each numbered item, responses are provided in italics text.

1. If indirect impacts are expected, shouldn't an Environmental Impact Report (EIR) be prepared?

Based on California Environmental Quality Act (CEQA) Guidelines Section 15070, a public agency shall prepare an MND when the IS identifies potentially significant effects, but revisions to the plans or proposal would avoid the effects or mitigate the effect to a point where clearly no significant effects would occur. As indicated on page 1 the MND/IS, the proposed GPA will not directly result in any significant physical change to the environment. Future renewable wind and solar energy projects may result in potentially significant indirect environmental impacts. With mitigation, such potential adverse environmental impacts are not expected to exceed thresholds of significance, either individually or cumulatively. Possible mitigation measures for individual projects are described in the MND/IS. Mitigation measures, such as those described, will be implemented as deemed necessary based on site-specific studies for individual projects. Therefore, the IS indicates that no significant impacts would occur, and no EIR is required.

2. If an EIR will be prepared for individual projects, when will cumulative impacts be analyzed?

The MND/IS evaluates potential cumulative impacts on page 27. As indicated, the proposed GPA works to enhance and protect the quality of the County's environment, and will not result in direct impacts on the physical environment. Development of individual projects may have the potential to result in significant indirect impacts. As discussed throughout the MND/IS, the Inyo County General Plan addresses potential issues, and identifies goals, policies, and implementation measures to minimize those impacts. The proposed GPA is intended to compliment the General Plan and other renewable energy planning efforts and address renewable wind and solar energy development comprehensively to avoid, minimize, and eliminate potential impacts. The proposed GPA requires that site-specific studies and appropriate environmental review be conducted to minimize environmental, social, and economic impacts. Cumulative

impacts will be evaluated for any specific individual projects in relation to other known projects in the potential area of impact, including but not limited to renewable energy projects. No significant direct or indirect project-specific or cumulative impacts on the environment or human beings are anticipated due to the GPA, provided that mitigation is developed based on site-specific studies and applied to individual future renewable energy projects to preclude impact. Compliance with Best Management Practices (BMP), the Inyo County General Plan, the Renewable Energy Ordinance, and other relevant local, State, and federal rules, regulations, policies, and procedures will work to ensure less than significant impacts.

3. In regards to proposed Land Use Implementation Measure No. 10, how will compensation be evaluated? For example, who will pay? What if the a project is denied due to aesthetic impacts?

The intent of proposed Land Use Implementation Measure No. 10 is to provide a means for the County to recoup the opportunity cost of not developing renewable energy resources. One possible path to recoup such costs is through the Payment in-lieu of Taxes (PILT) program. The intent of the Measure is to provide policy direction to recoup lost revenue and precluded economic development, if deemed appropriate. Based on the comments received, this Measure has been modified to clarify its flexibility.

4. I am concerned about potential cumulative impacts on wildlife. What if all of the proposed Overlay is developed?

The proposed GPA is not intended to encourage development of all of the Overlay areas, and effectively restricts renewable solar and wind energy development relative to the existing General Plan. The proposed Overlay provides direction for potential developers about where to study the feasibility of development, rather than under the current General Plan which provides little direction, as well as assurances for the community and other stakeholders about where wind and solar energy development may be considered. Renewable energy development may only occur within the Overlay based on site-specific studies and appropriate environmental review and permitting. It is anticipated that at most only a small fraction of the Overlay will be developed.

5. What were the criteria utilized to develop the Overlay areas?

The criteria utilized to develop the Overlay are described on pages 6 and 7 of the MND/IS. As indicated, through the County's renewable energy planning efforts, areas where renewable wind and solar energy development might and might not be appropriate were developed and mapped based on a variety of criteria and public input. Criteria utilized at the beginning of the process included (1) areas with known interest in renewable wind and solar energy development; (2) proximity to transmission and electrical conveyance facilities, and (3) appropriate terrain. Through an extensive public engagement effort, the maps were refined and updated iteratively. The General Plan Land Use Designation Overlay maps now show areas where it may be appropriate to

develop renewable wind and solar energy projects based on a more comprehensive set of criteria. Refer also to the Resolution and Attachment No. 8.

6. The criteria utilized to develop the Overlay areas are not true criteria.

The comment seems to imply that the criteria utilized in development of the Overlay should be rigid and quantitative, such as criteria commonly utilized for scientific investigations. As discussed under Response to Public Comment No. 5, criteria were utilized in beginning development of the Overlay, and the Overlay was refined through the public process, and now incorporates a variety of criteria and public input. This type of public engagement is typical and encouraged in the planning process, and criteria for planning purposes tend to be less rigid and incorporate more qualitative thresholds than strictly scientific investigations. Note that according to Dictionary.com, the definition of a criterion is “a standard of judgment or criticism; a rule or principle for evaluating or testing something”. The criteria utilized to develop the Overlay are described under the response to Comment No. 5, and are consistent with this common definition.

7. The southern Owens Valley Overlay is inconsistent with certain land use plans [i.e., the Long-term Water Agreement (LTWA)].

The proposed Overlays in the Owens Valley include a note that areas are restricted by the LTWA and that vegetation areas will need to be taken into account prior to development. Wind and solar renewable energy development may be consistent with the LTWA, based on site-specific studies. Although intensive renewable energy development may or may not be inconsistent with Type E Vegetation, less-intensive development (particularly for current wind technologies) may be consistent.

8. In the Land Use and Planning Section, the MND/IS does not address the LTWA or the Owens Valley Land Management Plan (OVLMP).

As indicated on pages 20 and 21 of the MND/IS, the project is expected to be consistent with applicable land use plans. The proposed GPA is consistent with the LTWA and OVLMP.

9. The proposed Land Use Overlays should include existing and proposed transmission, land use, slope, seeps, springs, and wetlands.

Staff chose to not include these characteristics on the Overlay maps to reduce their complexity and minimize confusion. Exhibits prepared for the Renewable Energy Transmission Initiative (RETI) provide much of this information, and can be viewed at <http://www.energy.ca.gov/reti/index.html>. Staff also has provided such maps upon request, if the information is available.

10. The southern Owens Valley Overlay should exclude LTWA mitigation areas.

Refer to the response to Comment No. 7. Mitigation areas may be compatible with certain types of renewable energy development.

11. Areas of relatively undisturbed native vegetation should be excluded from the Overlay.

The proposal provides for site-specific studies to determine the appropriateness of any future renewable energy projects. Disturbance of common vegetation types may be deemed acceptable, even if undisturbed.

12. Joshua Tree forests in Centennial Flat and Darwin may pose barriers to renewable energy development.

The proposal provides for site-specific studies to determine the appropriateness of any future renewable energy projects. Potential development in Centennial Flat and/or Darwin may be designed to avoid or minimize any impacts to any sensitive habitats that may exist there.

13. Type A Farmland exists in the Owens Valley, but isn't being farmed. Policy AG-1.3 should prohibit conversions of potentially productive agricultural land.

Type A Farmland is not typically evaluated under CEQA. As indicated on page 11 of the MND/IS, no Prime or Unique Farmland, or Farmland of Statewide Importance, exists in the County, and no impacts to Farmland will occur. The proposed draft Policy AG-1.3 encourages avoidance of productive agricultural lands for renewable energy development. In conjunction with other General Plan policies, programs, and implementation measures, this proposed policy is adequate to ensure that agricultural resources are appropriately protected during review of potential future renewable energy projects.

14. How would conversion of grazing land be mitigated?

The exact mitigation measures for any future renewable energy projects would be developed based on site-specific studies. Potential mitigation measures include avoidance, relocation, and compensation.

15. The terms 'minimize' and 'significant' should be defined.

According to CEQA Guidelines Section 15382, a significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions with the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. According to CEQA Guidelines Section 15370(b), mitigation includes minimizing impacts by limiting the degree or magnitude of the action and its implementation.

16. Additional analysis is needed to prove that impacts will be reduced to less than significant levels. A review of other recent renewable energy projects (e.g., Ivanpah and Panoche Valley) reveals that such projects have significant unavoidable impacts.

Evaluating specific impacts of potential future projects would require a substantial degree of speculation. CEQA Guidelines Section 15145 discourages speculation. Any future renewable energy projects will be evaluated for tiering from the General Plan EIR and the MND/IS per CEQA Guidelines Section 15152. If such projects do not qualify for tiering, such as projects involving significant environmental effects not analyzed, additional environmental analysis will be required.

17. The area between Highway 190 and the Owens Lakebed in the Centennial Flat/Darwin Overlay should be excluded due to sensitive habitat there.

Sensitive habitats were not identified in the referenced area in any of the data provided in developing the Overlay. If projects are proposed in the referenced area, site-specific studies will be required to minimize any potentially significant impacts.

18. Lighting should be addressed in the GPA.

Existing Conservation-Open Space Policy VIS-1.6 addresses light and glare. Based on the comment, proposed Policy VIS-1.8 has been modified to include specific references to light and glare.

19. The schedule is unrealistic.

The County initiated the GPA in the spring of 2010, and has complied with all required time limit specifications.

20. Qualified historic structures or features should be addressed.

The MND/IS addresses cultural resources, including historic resources, on pages 14 and 15. As indicated and required by existing policies and regulations and the proposed GPA, site-specific studies will be required to address and mitigate potential indirect impacts to cultural resources. Existing goals, policies, and implementation measures in the Conservation/Open Space Element related to Cultural Resources (refer to Chapter 8.7) are adequate to properly protect historic resources in regards to renewable energy development, and no additional amendments are necessary.