



DEPARTMENT OF FISH AND GAME

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August 10, 2010

Inyo County Board of Supervisors
P.O. Box N
Independence, CA 93526

Sent via fax to: 760.878.2241

Subject: Board of Supervisor Consideration/Approval of an Ordinance that Supports, Encourages and Regulates the Development of Renewable Energy in Inyo County

Dear Board of Supervisors,

The Inyo County Planning Department, County Administrator and County Counsel requested, via an agenda request, the Board of Supervisors consider an ordinance that adds Title 21, "Renewable Energy Development" to the Inyo County Code, amend Title 2, Section 2.40.070 of the County Code and add Section 20.08.120 to Title 20 of the County Code. These additions/changes to the County Code, in support of renewable energy, are consistent with Assembly Bill (AB) 45 approved by Governor Schwarzenegger in October 2009.

AB 45 authorizes counties to adopt an ordinance that provides for the installation of small wind energy systems outside of urban areas, but within county jurisdiction and to establish a process for the issuance of a conditional use permit for these systems. Such permits can be subject to installation conditions, but not conditions that include more restrictive system specific aspects. AB 45 allows counties to exercise flexibility in crafting such regulations and the Department is pleased Inyo County is working through a transparent public process to adopt this ordinance.

The Inyo County ordinance proposal, dated July 23, 2010, includes in Section 1 support of responsible natural resource development and utilization (i.e., solar and wind energy), including 'large scale development' of those resources, and resulting potential adverse impacts. The Department concurs, based on similar on-going natural resource development projects throughout the State, that these project types may, and often do, result in short-term, long-term, temporary and permanent impacts to State resources. The Department is pleased the ordinance includes recognition of the County's responsibility to protect the environment and public trust resources and to assure that potential impacts resulting from renewable energy projects are avoided or acceptably mitigated.

It is the recommendation of the Inyo County Planning Department, County Administrator and County Counsel that Board of Supervisors approval/adoption of the proposed ordinance is followed by a filing for a Notice of Exemption under CEQA. While the Department may concur that ordinance approval is exempt under Title 14, we request that additional information be provided to support the statement of exemption under CEQA (*i.e.*, rationale, identification of appropriate CEQA Guideline Section).

Last, it's unclear the relationship between the proposed ordinance and the map titled, "Land Use Element Diagram 32, Renewable Energy Land Use Designation Overlay". The agenda request to the Board of Supervisors states, under Summary Discussion, that the map is not being approved as part of the ordinance. However, it appears that the map was taken from a document that's not referenced. The map then, out of context, gives the impression that either areas have been selected for renewable energy projects or that project proponents will be directed to these areas. The Department understands that the map is provided for 'context and input' but would suggest that its inclusion is premature and lends itself to unnecessary speculation.

Thank you for the opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Ms. Debra Hawk, Environmental Scientist, at (760) 872-1126.

Sincerely,



Brad Henderson
Acting Deputy Regional Manager

cc:

Chron