

Pat Gunsolley

From: Bill Helmer [amargosa23@gmail.com]
Sent: Monday, August 09, 2010 8:12 PM
To: ARKy@qnet.com; Cash93514@msn.com; bbrown@usamedia.tv; Marty Fortney; director@lonepinechamber.org; Joshua Hart; Pat Gunsolley
Cc: Dave Moose; bppt.ta@suddenlinkmail.com
Subject: letter from Big Pine Paiute Tribe to Board concerning Renewable Energy Ordinance
Attachments: letter to BOS from BPPT--energy ordinance--8-9-10.pdf

Board of Supervisors, Planning Director, Assistant Clerk of the Board:

On behalf of Chairperson Moose, I am attaching a scanned letter from him regarding the proposed Renewable Energy Ordinance. Due to scheduling conflicts, it may not be possible for a Tribal Council member or tribal staff to attend the public hearing tomorrow. A hard copy of the letter will be sent to the Board.

Thank you,

Bill Helmer
Tribal Historic Preservation Officer
Big Pine Paiute Tribe of the Owens Valley



BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY
Big Pine Paiute Indian Reservation

Virgil "Dave" Moose, Tribal Chairman

*E-mail: dmoose@cebridge.net • P.O. Box 700 • 825 South Main Street • Big Pine, Ca 93513
Office No. (760) 938-2003 • Fax No. (760) 938-2942*

August 9, 2010

Inyo County Board of Supervisors
PO Box N
224 North Edwards St.
Independence, California 93526

RE: Inyo County Renewable Energy Ordinance

Dear Board of Supervisors:

The Big Pine Paiute Tribe of the Owens Valley (Tribe) would like to thank the Board of Supervisors for extending the public comment period to ensure that their constituents have had the opportunity to share their views regarding the Inyo County Renewable Energy Ordinance (Ordinance). The Tribe understands that this Ordinance shall "support, encourage and regulate the development of solar and wind resources for the generation and transmission" of energy in Inyo County and would like to submit the following comments for your consideration.

The Tribe supports the development of renewable energy projects and understands the need to enact an ordinance in order to ensure the responsible utilization of the natural resources in the County of Inyo. However, the Tribe does not support the utilization of natural resources for economic development at the expense of environmental and cultural protection. Parts of the declarations, i.e., Section 1.I, and the ambiguous definition of the Environment need clarification so that the protection of the ecological and cultural diversity of the County is emphasized.

Although the Tribe supports renewable energy, we also are of the opinion that such development must be conducted in a careful and intelligent manner. As the Ordinance states on page 1:

E. Potential adverse impacts resulting from the development of the County's solar and wind resources may include, but are not limited to, the following:

1. During construction, there will be an increase in air pollution and noise and impacts to vegetation, wildlife, public trust resources and/or archaeological sites due to ground disturbance and vegetation removal. Wear-and-tear on County roads will increase due to the delivery of construction materials. Due to new construction workers, demand for already scarce housing will increase, as will the demand for domestic water and sewage disposal, health and emergency services and law enforcement services.
2. Following construction, the disturbance of large areas of land will impact native vegetation, wildlife and habitat, including sensitive plants, wildlife and air quality, as well as disrupting ranching, animal husbandry, other agricultural activities, access, and other existing land uses. Due to the use of water for cooling and other operational purposes, the County's water resources may be depleted which may affect vegetation, wildlife and habitat. Scenic views may be blocked or degraded, which may affect the attractiveness of the County for tourism. Wind generation will impact wildlife, including birds. Other impacts may result, including, but not limited to, light and glare, noise, and increased demand for housing, utilities, and public services.

The Ordinance also states on page one that the "County has a responsibility to exercise its full authority to protect the health, safety and welfare of its citizens and to protect the County's environment, including its public trust resources, by requiring that the adverse impacts of the development of the County's solar and wind resources to generate and transmit clean, renewable electric energy are avoided or acceptably mitigated."

The proposed Inyo County Renewable Energy Ordinance provides guidelines for renewable energy permits, renewable energy impact determinations, and renewable energy development agreements for projects in Inyo County. The main purpose of the Ordinance is to encourage Renewable Energy Development Agreements. In this Ordinance, the Planning Commission has input for renewable energy permits and renewable energy impact determinations, but not Development Agreements. Instead, after the Planning Commission's recommendation regarding a Development Agreement, the Board of Supervisors make the final decision after a public hearing; the public does not have to pay for an appeal to the Board because the Board makes the final decision as part of the process.

Once cultural sites, plant and animal communities, and the natural character of the land are destroyed or greatly impacted by industrial developments, it is difficult or impossible to restore such degraded ecosystems. Public involvement is essential for the proper planning of renewable energy projects in Inyo County. However, in the name of streamlining the process, this Ordinance specifically excludes Planning Commission involvement regarding Development Agreements, and it also removes an annual review of Renewable Energy Development Agreements. Thus, this exclusion removes at least one public hearing before the Planning Commission and CEQA review of a Renewable Energy Development Agreement, and possibly another public hearing per the annual review of the Development Agreement. The Tribe suggests that a good renewable energy project will not be hampered by giving the public a chance to be informed and give input about projects which could have significant impacts on the land and the community. *Lessening* democracy in Inyo County is not the way to achieve properly planned projects. A public hearing before the Planning Commission and a possible public hearing if recommended after the annual review of a Development Agreement cannot conceivably discourage developers to enter into Renewable Energy Development Agreements with Inyo County.

In summary, the Big Pine Paiute Tribe recommends that the Inyo County Renewable Energy Ordinance keep the standard Planning Commission role for Development Agreements and retain the standard annual review provisions for Development Agreements. Although there are opportunities for public hearings at Board of Supervisors meetings, cutting out Planning Commission review of Development Agreements will severely curtail public -- and thus tribal -- review of these extremely important Agreements. The Ordinance will still encourage and streamline the renewable energy development process in Inyo County with these public review provisions left intact. In fact, the ordinance will be greatly strengthened by more, not less, public participation.

The Tribe would like to thank Planning Director Josh Hart for initiating consultation with the Tribe regarding the proposed General Plan Amendment for the Renewable Energy Land Use Designation Overlay. Consultation is still ongoing for this proposed Amendment.

Sincerely,

A handwritten signature in black ink that reads "Virgil Moose". The signature is written in a cursive style with a large, sweeping initial "V".

Virgil Moose
Tribal Chairperson

Pat Gunsolley

From: Steven McLaughlin & Jan Bowers [spmjeb@qnet.com]
Sent: Thursday, August 05, 2010 8:44 AM
To: Pat Gunsolley
Subject: Comment to Board on Renewable Energy Ordinance

Attachments: BOS.Renewable Energy Ordinance.Letter.August 5 2010.rtf; ATT31911.txt



BOS.Renewable ATT31911.txt (256
Energy Ordinance... B)

Dear Patricia Gunsolley,

I would like to attend next Tuesday's meeting of the Board of Supervisors, but must be out of town. I would therefore like to submit the attached letter to the Board with my comments on the proposed Ordinance on Renewable Energy Development.

Thank you.

Steve McLaughlin
Big Pine

Steven P. McLaughlin and Janice E. Bowers
P.O. Box 819
Big Pine, CA 93513
Phone: 760-938-3140
Email: spmjeb@gnet.com

August 5, 2010

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

Re: Proposed Ordinance to Encourage and Regulate Development of Renewable Energy Resources.

I will not be in town at your next meeting, August 10, when you will discuss and possibly vote on the above proposed Ordinance, so I would like to express my concerns in this written comment.

I have read the proposed Ordinance twice, and am still very confused. It is not clear to me what determines whether a renewable energy project would require a "renewable energy development agreement", a "renewable energy permit", or a "renewable energy impact determination". The distinction is critical, since the Planning Commission is circumvented in the first but not in the last two.

The purpose of the Ordinance seems to be to short-circuit environmental review of such projects by exempting them from provisions of CEQA. The statement that "adoption of the Ordinance does not have a potential for causing significant effect on the environment ..." seems clearly arbitrary to me.

Solar energy development, *in general*, clearly has potential advantages to the county, state, and nation. But whether the costs exceed the benefits of any *particular* project should be carefully and thoroughly evaluated. Consider the potential impacts of a large solar thermal project in the desert in the eastern part of the County. *If* the development included wet-cooling, the project would require large amounts of water, probably pumped from the aquifer, which could easily have significant environmental impacts. That aquifer supports sensitive habitats in Ash Meadows and along the Amargosa River, which contain many threatened and endangered species of plants and animals. Exempting such a project from CEQA review seems inadvisable, irresponsible, and possibly illegal.

Policy makers are increasingly suggesting that renewable energy projects be sited on "brown fields", i.e., disturbed or degraded lands, whenever possible. Recent studies show that there are sufficient brown-field sites available to meet our needs for renewable energy. An Ordinance that promoted development of renewable energy on such lands within the County could truly promote economic development while protecting our environment.

I want to make it clear that I do not oppose development of solar power. On the contrary, we have made a personal commitment to renewable energy by installing a 4.4 kw solar-voltaic system at our home near Big Pine. The system went in last October, and more than half way through the summer we have produced nearly 2,500 kwh more than what we have consumed. We have become net producers of electricity, and thus part of the solution rather than the problem. We used a local contractor to install the system, contributing directly to our local economy.

The Ordinance, as written, is unclear, lacks the correct focus, and in fact has considerable potential for harm to our environment, and I urge you to reject it.

Respectfully,

Steven P. McLaughlin

Steven P. McLaughlin

Draft Schedule
Renewable Energy General Plan Amendment
Prepared by Inyo County Planning Department
August 10, 2010

<i>Approximate Date</i>	<i>Milestone</i>
August 3	Public Hearing for Ordinance
August 10	Continued Public Hearing for Ordinance
August 17	Ordinance Enactment
Late August – Mid-September	Draft General Plan Amendment Available Public Outreach Meetings with interested local, State, and federal agencies Meetings with other interested parties One public meeting
September 22	Planning Commission Hearing
October 12	Board Hearing

Summary of Outreach and Development of the Proposed Renewable Energy General Plan Overlay Designation

Prepared by Inyo County Planning Department

August 10, 2010

July 28, 2009 – Board approves correspondence to California Energy Commission (CEC) representatives expressing concern about Renewable Energy Transmission Initiative (RETI), and in particular the maps prepared for the effort.

August 24 – Meeting between Inyo County representatives and CEC staff - CEC staff suggest that Inyo County identify areas appropriate for renewable energy development.

October 6 – Item presented to the Board with correspondence and a graphic identifying areas for renewable energy development - these include Deep Spings, Fish Lake Valley, Owens Valley, Owens Lake, Rose Valley, Pearsonville, China Lake, Trona, Death Valley Junction, and Charleston View - criteria utilized to identify these areas include low slope and access to transmission. Amongst other direction provided during the Board discussion, areas were suggested to be added to the graphic in the Panamint Valley, Centennial Flat, and Laws, the Owens Valley area was suggested to be deleted.

October 20 – Updated correspondence and a graphic were presented to the Board incorporating the changes directed on October 6. These were authorized and transmitted to Representative McKeon and Senator Boxer, and representatives the California State Association of Counties (CSAC) and the Regional Council of Rural Counties (RCRC), and the CEC, the Bureau of Land Management (BLM), United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the Desert Renewable Energy Conservation Plan (DRECP).

November 16 – staff transmits correspondence with the graphic attached to representatives of the CEC, RCRC, CSAC, BLM, USFWS, and CDFG.

November 19 – staff presents a paper, including the graphic, to one of the RETI subgroups describing the renewable energy potential in the County.

March 2, 2010 – staff transmits correspondence with the graphic attached to Governor Schwarzenegger and representatives of RCRC, CSAC, BLM, CEC, CDFG, USFWS, and BLM.

May 3 – staff requests list of local tribes for consultation from Native American Heritage Commission.

May 24 – staff transmits consultation requests to local tribes.

June 1 – staff transmits the graphic to representatives of the BLM.

June 9 – staff transmits the graphic to representatives of Senator Feinstein.

June 15 – staff transmits the graphic to representatives of the BLM.

June 22 – staff transmits the graphic to representatives of the BLM.

June 30 – staff announces pending ordinance review to Owens Lake Planning Committee.

July 23 – staff transmits courtesy notice regarding the ordinance to other interested parties, including the Los Angeles Department of Water and Power, BLM, the Forest Service, the Governor's office, DRECP, Public Utilities Commission, the State Lands Commission, neighboring counties, and local tribes.

Jelly
~~August~~ 28 – staff provides graphic to representative of Senator Boxer.

**California Office**

1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812
www.defenders.org

August 10, 2010

Richard Cervantes, Chairman
Inyo County Board of Supervisors
Board of Supervisors Room
County Administration Center
224 North Edwards
Independence, CA 93526

Sent via fax to: 760-878-2241

Re: Board of Supervisors Meeting of 8/10/2010 – Proposed renewable energy ordinance for the County of Inyo

Dear Chairman Cervantes:

Defenders of Wildlife request that our comments on the proposal to establish an ordinance regarding renewable energy development within the County of Inyo be considered public comment and accepted at the Board of Supervisors meeting that will take place this morning beginning at approximately 9 a.m. Although we are unable to attend the Board of Supervisors Meeting in person to express our concerns about this proposed ordinance, we are tracking the issue closely and encourage thoughtful and open deliberation before the Board votes to adopt the ordinance as proposed.

We offer the following comments on the proposed ordinance by subject:

1. **County authority and jurisdiction:** The County of Inyo generally has no jurisdiction over renewable energy projects located on federal land. Thus, its authority for permitting or authorizing renewable energy projects would be for facilities on private land for which the California Energy Commission does not have jurisdiction under California law. Such facilities would include those using photovoltaic technology and solar-thermal technology under 50 MW in output capacity. The ordinance should clearly state which lands within the county it would apply to.
2. **California Environmental Quality Act (CEQA) exemption:** The proposed ordinance would allow the Board of Supervisors to enter into an agreement with a renewable energy project proponent which would be the equivalent of an authorization to proceed and not subject to CEQA provisions. We recommend that the “public trust resources” referred to in the proposed ordinance be identified and a determination made regarding jurisdiction of the County over such resources. We raise this issue because natural and cultural resources located on private land are subject to California law and regulation, and certain wildlife and plants are subject to regulations of the U.S. Fish and Wildlife Service if they are afforded protection under the Endangered Species Act. Implementation and enforcement of California laws and regulations addressing public trust such as streambeds, threatened and endangered species, and fully protected species, are delegated to the California Department

National Headquarters

1130 17th Street, N.W.

Washington, D.C. 20036-4604

tel 202.682.9400 | fax 202.682.1331

of Fish and Game. We are not aware that such responsibilities have been delegated to the County of Inyo, or any other local jurisdiction in California. We recommend that the Board clearly identify the public trust environmental resources occurring within the County of Inyo and, in coordination with the California Department of Fish and Game, identify those resources for which the County of Inyo has jurisdiction.

We strongly urge the Board to consider the ramifications for assuming expertise in matters potentially affecting California public trust resources, and especially those addressed through California laws and regulations. After reading the proposed ordinance, we are unclear about the intent of the County of Inyo with regard to ultimately complying with the provisions of CEQA for proposed permitting or otherwise approving a renewable energy project proposal. CEQA compliance procedures under the proposed ordinance for permits, development agreements, or issuance of environmental impact determinations should be more clearly stated in the ordinance.

3. **Renewable Energy Land Use Designation Overlay:** Accompanying the proposed ordinance is a map of proposed renewable energy land use designations. It is our understanding that the provisions of the proposed ordinance would apply within the various designated areas. The authority of the County of Inyo to permit or otherwise regulate renewable energy facilities within the proposed designated areas should be clearly defined. Many of these large areas are comprised of large amounts of Federal land under the jurisdiction of the federal Bureau of Land Management for which the County of Inyo has no apparent jurisdiction.

Furthermore, many of the proposed designated areas involve lands having high environmental values due to their remoteness, scenic quality, and intact biological communities, some of which contain habitats supporting species that are at risk, such as the threatened Mohave Ground Squirrel. Proposed designated areas within the range of the Mohave Ground Squirrel include Rose Valley, Centennial Flat and Trona. The Panamint Valley area contains highly sensitive cultural resources, high scenic values and provides habitat connectivity between the Argus, Panamint and Slate Ranges for species such as the Desert Bighorn.

The Death Valley Junction area contains habitat supporting known populations of the federally endangered Amargosa Niterwort and Ash Meadows Gumplant. The Bureau of Land Management has established an Area of Critical Environmental Concern in this area in support of protection of these listed species and their habitat within Carson Slough. The highly scenic lands to the west and south of Death Valley Junction are part of the gateway to Death Valley National Park.

The environmental suitability of the proposed areas for renewable energy development needs to be reconsidered for many of the areas. We urge the County of Inyo to participate as a stakeholder in the Desert Renewable Energy Conservation Plan (DRECP) development for lands within Inyo County that are within the planning area boundary. The draft independent science advisor's report for the DRECP has been published and will be the subject of a meeting of the stakeholders on August 11, 2010 in Ontario, California.

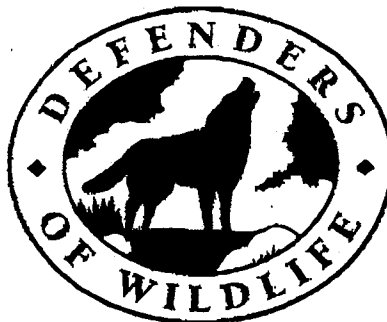
Proposed renewable energy designation areas outside the DRECP boundary, and especially those located in Fish Lake Valley, Deep Springs Valley, should be reconsidered because they area comprised almost entirely of federal lands. Furthermore, the Department of the Interior and the Department of Energy have not identified any of the proposed Inyo County areas as Solar Energy Study Areas.

Thank you for the opportunity to provide comments on the proposed renewable energy ordinance. Please contact me if you have any questions about the issues raised in our letter or if I can provide any assistance to you and the Board of Supervisors regarding this matter.

Sincerely,



Kim Delfino
California Program Director



FAX TRANSMISSION

**Defenders of Wildlife
 1303 J Street, Suite 270
 Sacramento, CA 95814
 www.defenders.org**

Date: 8/10/10

To: Richard Cervantes

Fax: 760-878-2241

Company: _____

Phone: _____

From: Kim Delfino

Fax: (916) 313-5812
Phone: (916) 313-5800 x _____

Number of pages to follow: 3

COMMENTS:

Comment letter on
 Proposed renewable energy
 ordinance for the County of Inyo.

The document accompanying this telecopy transmission contains information from the sender, which is confidential and/or privileged. This information is intended to be for the use of the individual or entity name on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited, and may constitute an invasion of privacy of the intended recipient. If you have received this telecopy in error, please notify us by telephone (collect) immediately so that we can arrange for the destruction of the communication or for retrieval of the original document at no cost to you.

Mark Bagley
Sierra Club Range of Light Group
P.O. Box 1431
Bishop, CA 93515

August 10, 2010

Inyo County Board of Supervisors
P.O. Box N
224 North Edwards St.
Independence, CA 93526

SUBJECT: Inyo County Renewable Energy Ordinance

Dear Board of Supervisors:

The Sierra Club Range of Light Group thanks the Board of Supervisors for extending the public comment period on the Inyo County Renewable Energy Ordinance (Ordinance), providing us more of an opportunity to review the proposal. The Range of Light Group supports the benefits of clean, renewable energy as stated in the proposed Ordinance. We concur with the County's concern that large scale development of solar and wind resources to generate and transmit electricity has the potential for adverse impacts to the environment, to public services such as roads, health and emergency services and law enforcement services, as well as increasing demand for scarce housing, domestic water and sewage disposal.

We understand the need for the Ordinance to ensure responsible development of Inyo County's natural resources. We understand the purpose of the Ordinance is to "support, encourage and regulate the development of solar and wind resources for the generation and transmission" of energy in Inyo County and to encourage Renewable Energy Development Agreements between developers and the County. In consideration of the proposed Ordinance, The Sierra Club Range of Light Group submits the following comments for your consideration.

The proposed Ordinance provides for renewable energy permits, renewable energy impact determinations, or renewable energy development agreements for solar thermal, photovoltaic, or wind energy powerplant projects in Inyo County. It appears that the Ordinance encourages renewable energy development agreements. In the proposed Ordinance, the Planning Commission has authority for renewable energy permits and renewable energy impact determinations, but not for development agreements. The proposed Ordinance states that "the County Planning Commission will not be involved in the consideration, approval or review of such agreements" (21.08.100). We believe that removing the Planning Commission from the development agreement process does a disservice to the citizens of Inyo County. We recommend that the Planning Commission retain its role in reviewing and advising the Board of Supervisors on development agreements, including the proposed renewable energy development agreements.

Sierra Club Range of Light Group Comments
Re: Inyo County Renewable Energy Ordinance
August 10, 2010

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We do not have a problem with the Board assuming the approval authority and being the review and processing agency for compliance with the California Environmental Quality Act (CEQA), but we believe the addition of the Planning Commission in a review and recommendation role will enhance the public review process, provide the Board with a carefully considered recommendation, and will not unduly hamper or delay a responsible energy project. The Sierra Club Range of Light Group recommends that the Inyo County Renewable Energy Ordinance include a Planning Commission role for review of development agreements and recommendation to the Board of Supervisors. The proposed Ordinance would still encourage and streamline the renewable energy development process with the Planning Commission in an advisory role. We believe that including the Planning Commission in the development agreement process would strengthened the Ordinance by having more, not less, public participation.

In a response to comments at the Aug. 3rd Board of Supervisors meeting, the Aug. 10th Board Agenda Request from the Planning Department/County Administrator/County Counsel states (page 2) that "there will be ample opportunity for public involvement" in the process for entering into renewable energy development agreements, "including environmental review (and related public meetings)", etc. We believe, however, that it is critical that to the extent renewable energy development agreements would be intended to vest rights in a project proponent to proceed with a certain level or intensity of development (precluding options for a lesser intensity), environmental documentation must be completed and considered prior to entering into a development agreement for energy production and siting. See *Sundstrom v. County of Mendocino* (1988), 202 Cal App 3d 296, 307 (environmental effects must be determined at a point in the planning process where genuine flexibility remains). We strongly urge that CEQA documentation be completed prior to the County becoming committed to a project. See *Residents Ad Hoc Committee v. Bd. of Trustees* (1979), 89 Cal App 3d 274, 284; *Citizens for Responsible Government v. City of Albany* (1997), 56 Cal App 4th 1199, 1219 (after a city approves a development agreement, environmental review of subsequent discretionary actions consistent with the agreement would have comparatively limited value).

We understand that the proposed Ordinance requires projects to be consistent with the General Plan. We also understand that the County envisions a separate process for amending the General Plan to include a "Renewable Energy Land Use Designation Overlay" that would set forth areas in the county appropriate for renewable energy development. We appreciate the County providing a draft copy of the overlay map as part of the process for consideration of the proposed Ordinance. Any plan amendment that would facilitate the carrying out of private projects that could result in a physical change in the environment would require CEQA compliance through environmental documentation. See *Bozung v. LAFCO* (1975), 13 Cal 3d 263, 277-281. Any general plan amendment that will allow specific areas to be developed for uses not previously set out in the Plan or that sets new development policies likely to have foreseeable effects on the physical environment requires environmental documentation before enactment. See *City of Carmel By the Sea v. Bd. of Sup. of Monterey*


Sierra Club Range of Light Group Comments
Re: Inyo County Renewable Energy Ordinance
August 10, 2010

page 3 of 3

County (1986), 183 Cal. App. 3d 229 (agency must prepare EIR before City rezones property to achieve consistency with LUP).

We appreciate your consideration of our comments and your concern for encouraging responsible renewable energy development in Inyo County.

Sincerely,



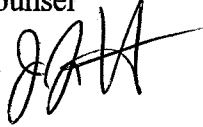
Mark Bagley
for the Sierra Club Range of Light Group



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@inyocounty.us

MEMO

DATE: August 10, 2010
TO: Inyo County Board of Supervisors
CC: County Administrative Officer and Counsel
FROM: Joshua Hart, AICP, Planning Director 
RE: Correspondence Regarding Renewable Energy Ordinance

The following email was received from Wano Urbonas, a representative of the Friends of the Inyo. Responses to the substantive issues raised are addressed below. The numbering corresponds to the numbering in the email.

1. As indicated in the ordinance, Section 15061(B)(3) of the CEQA Guidelines provides that where it can be seen with certainty that an activity will not have a significant effect on the environment, the activity is not subject to CEQA. The adoption of this ordinance does not have a significant effect on the environment since it only establishes reasonable regulation of certain projects in a manner that protects the health, safety and welfare of the County's citizens and protects the County's environment, including its public trust resources. The ordinance does not approve the construction of any project that may have a significant effect on the environment. Before any project that is subject to this ordinance can be approved or constructed, there will have to be compliance with CEQA with regard to such project. In compliance with CEQA, a Notice of Exemption will be filed, if the ordinance is approved.
2. Under the ordinance, the renewable energy development agreement is one of three options for reviewing wind and solar energy projects. As indicated under Section 3 of the ordinance, Subsection 21.04.030(B) in proposed to be added to the County Code encouraging developers to enter into such agreements. It is anticipated that all parties will benefit from such a process. Review of potential environmental impacts (as well as other pertinent issues, such as development standards, economic effects, etc.) will be incorporated into the renewable energy development agreement. The process for renewable energy impact determinations is anticipated for projects that are not subject to the County's permitting procedures.
3. Under the ordinance, the Board of Supervisors would be the decision maker for renewable energy development agreements, as is currently the process. As part of this agreement, the Board would review environmental documents and make CEQA determinations, which is the same as the current process for development agreements. Environmental documents would still be prepared by professionals prior to public review, and staff would provide recommendations regarding such documents to the Board. The difference that is proposed is that the Planning

Commission would not make recommendations to the Board for the renewable energy development agreement or the related CEQA clearance.

Thank you. If you have any questions, please call me at (760) 878-0268 or email me at jhart@inyocounty.us.

Joshua Hart

From: Wano Urbonas [wano@friendsoftheinyo.org]
Sent: Thursday, August 05, 2010 9:55 AM
To: Joshua Hart; 'Stacy Corless'
Subject: Renewable Energy draft Ordinance comments

Good morning Josh.

I read over the draft Ordinance again last night (after the meeting), and I have to say, the language is fairly confusing. These points below are specific items that I believe need to be addressed:

1. Exemption from CEQA: I don't believe that Inyo County can come to this conclusion without actually performing an environmental assessment of it's potential activities and ramifications. I interpret the Ordinance as saying that future actions on behalf of Inyo County will not have a significant impact on the quality of the environment. If that is the case, then I ask myself, why is the County drafting this Ordinance? The logical answer is that there are economic benefits that can be produced through sound renewable energy projects. Sounds good to me, but the Ordinance goes on and defines the environment as including the economy. Now I'm confused again, as the Ordinance says that there will not be a significant impact. I believe that the legal language has produced an unclear message, and that the Ordinance should not sidestep CEQA, but embrace it and ensure due diligence.

2. Purpose B: The option to enter into a mutually agreeable renewable energy development agreement, in lieu of applying for the issuance of a R.E. impact determination, or a R.E. permit---so if one is not obtaining a permit, and not being issued a R.E. impact determination, then the R.E. impacts have not been determined. Shaky ground at best. It leaves me with the question, so who does need to apply for a R.E. impact determination? (and I'm NEPA-review certified). This message needs to be clarified, so the general public understands the rationale, the purpose, the need and the actual process.

3. Having the Board of Supervisors reviewing compliance with CEQA makes little sense. Having worked with tri-county environmental health departments, Supervisors have neither the time nor expertise to adequately review CEQA, and it requires more than a legal review.

Environmental professionals need to review air science, hydrology, biology, chemistry and other environmental sciences, then hook up with County engineers and County Planning folks to "plan accordingly".

Today's newspaper article was really poor, and only gave the further impression that a developer wants to fastrack the normal process, and doesn't have time for planners and the normal public process.

I hope that these comments will help Inyo County realize its goal of an environmentally-sound Renewable Energy development program. Please share my comments as part of your public records proceedings, and with the appropriate parties prior to your August 10th hearing.

Thank you.

Sincerely,

Wayne "Wano" Urbonas, Conservation Director and Inyo County resident Friends of the Inyo
(760) 920-8108

MT. WHITNEY-AURORA GOLD EXPLORATION COMPANY RECEIVED

138 E. BUSH ST.
P. O. BOX 664
760-876-4251

AUG 10 2010

INYO CO. PERSONNEL

10:45 by Sue DK

BOARD OF SUPERVISORS	COUNTY OF INYO P. O. BOX N	Josh Hart, Planning Director Linda Arcularius, Board Member
	INDEPENDENCE, CALIFORNIA 93526	Susan Cash, “ Beverly Brown “
	760-878-2241	Marty Fortney ” Richard Cervantes “ Kevin Caruchio, Board Clerk Patricia Gunsolley, Ass't Clerk

PUBLIC COMMENT PURSUANT TO THE FOLLOWING:

The proposed Renewable Energy Ordinance receiving public comment until August 10, 2010, @ 11:00 am, on Tuesday @ the Board of Supervisors meeting, the county administrative center in Independence, California, and

Specific attention is directed to Mr. Josh Hart, Inyo County Director of Planning @ 1-760-878-0263, and,

the ensuing public comments are respectfully submitted to a.) the Planning Department and b.) the Inyo County Board of supervisors for their additional consideration and review for incorporation into the proposed ordinance and said same are submitted by Mr. Ron V. Bennett, (Board Chairman & 1963 Electrical Engineer), and Mr. Gene David Mathern, (MBA, 1972) President/CEO of Mt. Whitney Aurora Gold exploration Company, and

Business of the Company, Herein, Mt. Whitney-Aurora Gold-established in 1992- has been engaged in the business of locating commercial mineral deposits, historical artifacts, natural resources, renewable energy prospects, and potential national and international funding resources and the capitalization procedures thereto, and,

While it may not be totally true, we are given to understand that this new ordinance is prompted by the City of Los Angeles Department of Water and Power's Integrated Power Plan until 2020, and

said same is on the internet under LAPowerPlan.org, and is currently requesting public dialog concerning its' own hydro-electric, solar, and wind renewable energy projects, and

We have been advised by legal counsel to format our response-comments in such a manner as to be

acceptable for inclusion as an exhibit, within the framework of the following:

1.) Economic Stimulus Funding In a supporting role, relevant to additional funding capability from federal sources, which can follow up with the additional economic stimulus funding for pilot programs(s), that have the creative capability to go national in scope, thus providing a strategy and measure of hope in desperate economic times, and

In the process illustrate what can be accomplished on the individual county level when government and the private sector come together for the common good, and

2.) expanding the county tax revenue base: by refocusing attention on existing and future areas that have and could provide an additional basis for generating income to the county's general fund, and

Basic Proposal and Recommendation: Herein, we are asking and recommending that 1.) hydroelectric and 2.) geothermal power be added to Section 1, Part A of the proposed new ordinance, and 3.) federal-county land use, joint ventures, under states rights, and

Long Range Planning: Herein, please be advised that we are looking at the long range future so as to insure that county government has the capability and opportunity to participate in 1) the ownership and 2) the proceeds from selected electrical power generating projects being contemplated and/or projected into the future and,

3.) National Standard Guideline: In this regard, please be advised that this ordinance will be a standard sand guideline to follow in coming years, and

4.) Inyo County's Leading Role: We see it as being essential for Inyo County government to take a commanding and leading role in formulating policy, which is what this ordinance is designed to do, but also to include the utilization of natural resource capability, co-incidental with county and federal lands, as exemplified by medium height (i. e. up to 100 ft.) power generating dams on private lands which border and/or touch federal lands, with specific attention being drawn to those waters coming out of the Eastern Sierra Nevada Mountains, and

5.) Federal-State Economic Land Use: Let us not forget the direct possibility of future joint venture projects with the 1.) Department of Agriculture- U.S. Forest service and 2.) U. S. Department of the Interior-Bureau of Land Management and

6.) Proposed Projects : These could include an \$80 to \$100 million dollar dam north of Independence and above the fish hatchery; and the potential for both A.) wind farms and solar array projects on U. S. Forest Service Lands, such as "the Santa Rita Flat Plateau(17 miles north up Mazurka Canyon Road from Independence at 6800 foot elevation, 12800 acres of land, 20 square miles), and above Barrel Springs, also outside of Independence, and

6) Destroying the Owens Valley's scenic beauty where in the City of L. A. DWP proposes "eye sore projects" which clutter the landscape, and, this is especially applicable to wind generating

systems, that would have a destructive effect on the Owens Valley Floor; and

Herein, I draw your attention to the Independence/Conway Ranch Land Exchange with the Bureau of Land Management and Mr. Dwight McNaughton, and

Herein, 200+ acres of land located upon the Conway Ranch in Mono County was exchanged for 1600 acres of land, commencing at Mazourka Canyon Road, and southward towards the Manzanar-Reward Road near the WWII Manzanar Relocation Center, and

Special Note: Please be advised that the previous DWP Manager S. David Freeman made reference to contemplated projects, beginning at Mazourka Canyon Road and southward. However, he did not elaborate, and under (acceptable litigation) please be advised, that the land within the Inyo National Forest, upon the Santa Rita Plateau could easily offset any future potential eye sore development upon Mr. Dwight McNaughton's land; and

7.) CAPITALITION FOR INYO COUNTY ECONOMIC DEVELOPMENT

Be it known that this ordinance is historic and far reaching, in its' potential positive effects to generate cash income into the General Fund; and

This is alluded to within the framework of items G., H., and I., and in this regard a missing item remains, and this is to the additional financial mechanics which practically implement the content of the aforementioned G., H., and I., and

This is as follows:

1. Existing scene-- Inyo County government is currently receiving upwards to \$6 million annually from the motion picture industry, in the form of fees, etc., and therefore the precedent has already been set to both continue and expand those financial actions which A.) put Inyo county government into a commanding position respective to the utilization its' natural resources, and B.) the implementation of those measures which bring about a sharing of benefits to both county governments and it's citizenry, and C.) being in the right place at the right time to bring pressure to bear upon federal lands, and their usage within the county; and
2. Payment in Lieu of Taxes- Herein, this federal annual sum is diminishing to county government as public lands are taken out of commercial use for responsible development; and
3. State rights vs. Federal Rights are a major issue when considering the fact that county government is being asked to do more and more, with less and less, and

Therefore, while this list could go on and on, it would contain those items that we are already familiar with, and so let us look into some of the ways and means for county government to insure it's economic survival, and

8.) CALIFORNIA ECONOMIC DEVELOPMENT BONDS

Herein, Inyo County can take a dramatic lead in state affairs and upwards into the Federal Government arena, by issuing California-Inyo County Economic Development Bonds; and

In this regard, there are both domestic and foreign sources which will gladly function as a collateral underwriting guarantor, for both small, in the \$20 million dollar range, and \$100 million, and

Herein, Lloyds of London can be approached, as can numerous foreign banks so s to offset financial risks in a downturn economy, and in general all costs should run no more than 2% of the face value , with another 1% added as the cost of doing business, for a total of 3%, or \$3 million dollars on a \$100 Million Dollar Economic Development Bond Issue. and


MINORITY SHAREHOLDERS RIGHTS- Wherein, Inyo county government provided funding, as little as a 5% stock ownership position insures a strong financial and legal position, and

Special Note: Please be advised that there exists tax benefits for investing in renewable energy resources, as well as positioning both the county and DWP, to receive additional stimulus funding, under a joint venture arrangement; and this is potentially a strong possibility when and if the 2 (two) J.V. partners petition the appropriate federal agencies, for special consideration(s), under "A National Pilot Program" of state, county, private unity and cooperation, and

In conclusion, remember that the Owens Dry Lake is California State property, and any development thereon allows for Inyo county to benefit in a measurable manner, exceeding 5% ownership, thus providing millions of dollars income to county government, as we move forward into the 21st century.



Ron V. Bennett
Chairman of the Board,
MWAG-Exploration Company



Gene David Mathern
President/CEO,
MWAG-Exploration Company