



## BOARD OF SUPERVISORS COUNTY OF INYO

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October 15, 2013

Ms. Nadia Parker  
Environmental Planning and Assessment  
City of Los Angeles Department of Water and Power  
111 North Hope Street, Room 1044  
Los Angeles, CA 90012

**Re: Draft Environmental Impact Report for the City of Los Angeles Department of Water and Power Southern Owens Valley Solar Ranch Project (SCH No. 2010091094)**

Ms. Parker,

On behalf of the Inyo County Board of Supervisors, thank you for the opportunity to comment on the above-referenced Draft Environmental Impact Report (EIR). We appreciate the City's consideration of the comments the Board of Supervisors submitted in response to the Notice of Preparation. As you know, we have agreed in principle through a Term Sheet to work together with the City to develop a Memorandum of Understanding (MOU) to address important issues to the County resulting from this project, and we are looking forward to working with the City to completing the MOU in the near future to work to reduce impacts to the County from the project.

Inyo County has consistently supported appropriate renewable energy development that benefits our citizens, meets clean energy goals, and minimizes potential impacts to our environment. As stewards of the land, culture, and economy in the Owens Valley in cooperation with the City, we have prepared the following comments regarding the Draft EIR for the City's consideration. Please note that because LADWP and the County have not entered into the MOU, the comments by and large have been prepared without consideration of the terms of the potential MOU. We believe that these issues can be addressed to benefit the City, the County, other parties, and the environment to make this project a success.

Thank you again for the opportunity to comment on the Draft EIR. We look forward to working with the City to resolve the important issues raised in the attachment and develop the MOU as expeditiously as possible. If you have any questions, please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 or at kcarunchio@inyocounty.us.

Sincerely,

Supervisor Linda Arcularius, Chairperson  
Inyo County Board of Supervisors

cc: Board of Supervisors  
County Departments  
The Honorable Mayor Garcetti, City of Los Angeles  
City of Los Angeles Water and Power Commissioners  
Ron Nichols, DWP General Manager

## Attachment – Specific Comments

1. New Project Location – we are concerned that the Draft Environmental Impact Report (EIR) analyzes a project site that was not identified in the Notice of Preparation (NOP). This effectively precluded meaningful public scoping of the current project site.
2. Project Description – we are alarmed that no decommissioning and/or reclamation plan is presented in the EIR. Due to the size of the project, potential for invasive species, and extensive time it takes for native vegetation to recolonize denuded areas, if the project is decommissioned the results could include intensive dust emissions, invasive species invasions, significant derelict equipment, and other associated effects. Regarding the site after decommissioning and dismantling of the solar facility, the project description only states that “...the Project site would then be available to accommodate other uses consistent with ownership and applicable land management plans.” We recommend that a decommissioning plan be prepared and attached to the EIR for inspection, analysis, and comment. Since the existing vegetation on the 1,200 acre project site will be removed during construction, such a plan should include provisions for revegetating the project site with native vegetation. Also, the EIR should describe and evaluate the City’s interconnection process, including the project’s status in the interconnection queue and related feasibility issues.
3. Aesthetics – the Draft EIR indicates that impacts to aesthetics will be less than significant and that no mitigation is required. We believe that this conclusion is not supported by substantial evidence. Numerous residents in the project vicinity and management at the Manzanar National Historic Site have testified that the project will significantly impact sensitive viewsheds. Also, the Draft EIR fails to analyze a key-observation point from the Inyo Mountains as requested in the County’s response to the NOP – several trails and other opportunities for viewing the dramatic scenery of the area are located in the Inyo Mountains, and due to the proximity to the project site, these views could be significantly impacted. Vistas of the river and mountain from the bluffs along the newly designated Lower Owens River Trail, described in the Preferred Lower Owens River Recreation Use Plan (LORP RUP), will be affected, but this viewshed was not analyzed in the EIR. We are particularly alarmed by the potential for the project’s visual effects to degrade visitor experience and impact our tourist economy. Mitigation measures should be evaluated to address these concerns, including screening (such as landscaping and trees). We are also concerned about impacts to dark skies, and recommend that mitigation be required based on the design elements referenced in the Draft EIR for lighting to ensure proper implementation.
4. Agricultural and Forestry Resources – we are concerned that the project has the potential to exacerbate invasive species invasion (particularly weeds) and vectors (particularly mosquitoes) in the area. The DEIR states that weed management plan will be prepared—but such a plan is not analyzed in the DEIR. Given the importance of this potential adverse impact, we recommend that a weed management plan be included in the EIR. The Term Sheet developed for the Memorandum of Understanding (MOU) between the County and the City includes resources to offset costs to the County from these issues. We suggest that the Draft EIR include mitigation measures to work to preclude invasive species invasions and control mosquitos. As mentioned previously, a decommissioning/reclamation plan should be developed which should include provisions to avoid the incursion of invasive species if the project ceases operation.
5. Air Quality – we are extremely concerned that the lack of a decommissioning/reclamation plan has the potential to result in a failure to limit dust emissions from the site if project operations terminate. We are also concerned that the DEIR states that a Dust Abatement Plan for dust avoidance during construction and operation will be developed—but such a plan is not analyzed in the DEIR. Given the severity of this potential impact, we recommend that a Dust Abatement Plan be included in the EIR.

6. Biological Resources – we are concerned that that if habitat conservation and/or land acquisition is required to offset potential impacts to biological resources, such actions could significantly impact the County’s remaining private land base. Although no such action is contemplated in the Draft EIR, we recognize that it could occur as a result of consultation with other responsible and trustee agencies. As is stated in the DEIR, less than two percent of the County remains in private ownership, a statistic that continues to shrink due to land acquisitions by the City and others. Impacts from these actions include incremental erosion of the County’s tax base and related service/infrastructure impacts, as well as lost opportunity costs. These potential impacts are exacerbated in this case due to the lack of taxes that will accrue to the County and other public agencies in the County. If conservation and land acquisitions result from the project, then the cumulative impacts of the project in light of past City land acquisitions and ongoing acquisition of conservation easements and private lands by other parties within the County must be disclosed.
7. Cultural Resources – the Draft EIR indicates that cultural resources impacts will be less than significant with mitigation. The DEIR does not address the potential impacts of the project on cultural landscapes. We share the concerns of local tribes and management of the Manzanar National Historic Site that the project has the potential to impact cultural landscapes, and request that the EIR address this issue. Also, given that the project is inconsistent with the County General Plan, and the City does not propose to submit a General Plan Amendment application to the County, the City should undertake consultation with local Native American tribes pursuant to Senate Bill 18 (Government Code Section 65352.3).
8. Hydrology and Water Quality – the Draft EIR does not address the applicability of the Long-term Water Agreement (LTWA) to the siting of the two groundwater wells that will be constructed for the project. We believe that the LTWA applies to the siting of these wells and the applicability of the LTWA should be addressed by the EIR. We are also concerned about Lower Owens River Project (LORP)-related fiscal implications and several other aspects of the analysis, as discussed below.
  - The proposed groundwater wells and groundwater pumping appear to be subject to the LTWA. The LTWA (p. 6) provides that “The goals and principles of [the LTWA] shall apply primarily within Owens Valley, but shall be applied as appropriate to activities of the Department within Inyo County.” The LTWA incorporates Technical Group processes for installation and operational management of new wells, and designation of new management areas for new wells located outside of existing management areas. We are not aware of any conditions that would exempt the proposed wells and pumping from the LTWA.
  - The County is committed to implementation of the LORP jointly with the City through the LORP Post-Implementation Funding Agreement. Contrary to statements in the Draft EIR for the Solar Ranch, the project is located within the general LORP boundary shown in Figure 1-1 of the LORP Final EIR. The project potentially could increase LORP shared costs for LORP operations and maintenance, habitat monitoring, adaptive management, and control of noxious weeds. Although the project does not directly interfere with the LORP river corridor, the project potentially could be a seed source for noxious weeds that would negatively affect the LORP, either by infestation of the project site with noxious weeds or from vehicular traffic associated with the project traveling across the LORP area. If the Solar Ranch affects LORP costs in any way, the County may be fiscally impacted unless the County is indemnified against any additional costs due to the project. Additionally, the County should be indemnified for any costs resulting from legal challenges should the project result in failure of the LORP to reach its goals.

- Page 4-151 (Owens River) – the Owens River is poorly described. The Draft EIR states that 6-9 cubic feet per second (cfs) flows onto the Owens Lake bed from the river. This statement is accurate, but omits the fact that there is required to be at least 40 cfs into the river at the aqueduct intake and maintained throughout the reach between the intake and the pump back station at the lake. In the section of the river immediately west of the project, the river flows at 40-50 cfs, with managed seasonal habitat flows of up to 200 cfs released from the intake – considerably larger than the 6-9 cfs discussed in the Draft EIR.
- Page 4-152 (Owens River) – the Draft EIR identifies a number of floods that have “severely damaged the Los Angeles Aqueduct.” Probably more relevant to the project site are events in 1969 and 1983 where high runoff has exceeded the capacity of the aqueduct and excess flows have been released from the intake to the river. Releases during June 1969 and August 1983 averaged 625 cfs and 212 cfs respectively. These releases potentially could affect the project site.
- Page 4-155 (Project Site Drainage) – concerning water movement on the site, the Draft EIR assumes that sheet flow “simply infiltrates into the ground.” The fine grained soils in some areas of that part of the valley have slow infiltration rates, so there are parts of the site where currently water ponds for long periods to time after winter precipitation. These areas are small playas, visible as light colored patches in Draft EIR Figure 4.10-2.
- Page 4-160 (Groundwater and Wells) – this discussion could be improved substantially by focusing on information relevant to the site, e.g., aquifer and well characteristics of the Independence-Oak and Symmes-Shepherd well fields. Citing the average well depth in the South Lahontan Region is uninformative.
- Pages 4-165 – 4-167 (Groundwater Use) – the Draft EIR estimates that during the 5.5 year construction period, the project will use 240 million gallons (736 acre-feet) of local groundwater, for an average annual use of 134 acre feet per year (AFY) and a peak annual use of 190 AFY. The Draft EIR provides an estimate of drawdown resulting from operating the two supply wells for a total of 190 AFY for the construction period, and concludes that drawdown 1,000 feet from either well would be about 2 feet at the end of the construction period. The Draft EIR does not provide details as to how drawdown is calculated, but it appears to be a fairly standard application of well hydraulic calculations and the results seem reasonable. Nevertheless, the analysis should be conducted by the Technical Group according to LTWA Section VI and the pumping managed according to LTWA Section V.
- The Draft EIR does not address the potential for flash flooding on the site. Due to the proximity to the Inyo Mountains and that flash flooding does occasionally occur in the project vicinity (as happened this summer), we suggest that this issue be addressed.

9. Land Use and Planning—the Draft EIR notes that the proposed project is inconsistent with the County’s General Planning and with the zoning of the project site. As noted in the Draft EIR (page 4-176), under the California Environmental Quality Act, if a project is inconsistent with a General Plan or zoning ordinance, the project would have a significant impact on land use; however the Draft EIR concludes that the project will not have a significant impact on land use. This conclusion should be explained. Also, the Draft EIR (page 4-176) states that under California Government Code section 53090, LADWP is exempt for county building and zoning ordinances and county general plans. Section 53090 does not exempt LADWP from county general plans. Although LADWP may be immune from the County’s building and zoning ordinances, with respect to compliance with the County’s General Plan, under Government Code section 65402(b), there is an argument that LADWP may not acquire real property, dispose of any real property, construct a public building or structure in the County until the location, purpose and extent of the project has been submitted to and reported on the County’s Planning Commission. The EIR should discuss this requirement.

Section 4.11.3 of the Draft EIR discusses the various plans, ordinances, agreements, etc. that are applicable to the proposed project; however, the LTWA between the County and LADWP is not included in this section. The EIR should discuss the LTWA in this section.

10. Population and Housing – we are concerned about potential impacts to the County’s housing supply and transient accommodations. The Draft EIR indicates that sufficient housing is available in nearby communities to accommodate project workers. Since the Draft EIR only addresses project workers, and does not account for any associated family members that might reside with the workers, we believe that the potential impact to our communities is underestimated. Furthermore, we believe that workers and their families will displace tourists in our campgrounds, hotels, and motels with associated impacts to our tourist-oriented economy. We therefore request that the analysis be augmented to address these issues and that mitigation measures be considered to offset impacts. Such mitigation could include campground improvements, improving mobile-home parks, developing short-term housing near the County Jail in Independence and providing for infrastructure for long-term reuse, temporarily occupying and improving the Winnedumah Hotel in Independence or other vacant accommodations, and infill development of multi-family housing on City property within existing townsites.
11. Public Services and Utilities – we recognize that the Term Sheet for our MOU begins to address potential direct impacts to public services and utilities, particularly to Sheriff services, that might result due to the project. Absent an MOU, impacts to County services, utilities, and infrastructure would be significant.

As you may know, the County is responsible for diverting waste in compliance with State law. Much of the waste generated in the County is due to City operations, and we are concerned that the EIR gives provides little detail regarding such issues. Therefore, we request the following additional quantified information:

- Expected waste generated that will be landfilled during preconstruction/construction.
- Expected waste volumes generated on a yearly basis during operations.
- Expected waste volumes during closure.
- Waste volumes defined by Municipal Solid Waste, Construction & Demolition Materials, Recyclable Materials, and Green Waste.
- How the City expects to meet the State’s 50-percent diversion requirements with this project.

Also, to ensure adequate in-County disposal capacity exists for residual waste generated by the construction and operation of the project, the County requests the City provide it with 20-year leases for City-owned solid waste facilities instead of the current five-year lease periods, which lead to permitting issues for both the City and the County and needless work for both our agencies.

12. Recreation – as discussed above, we are concerned about the project’s potential to displace visitors from our campgrounds. We believe that the Draft EIR underestimates this potential impact substantially and should be augmented accordingly. Without a plan for housing, there will be an impact on campgrounds near the site, thereby impacting recreation during the five-year construction period. This should be reconsidered and readdressed.

A LORP RUP was developed to facilitate an increase in recreation while protecting the recovering ecosystem, accommodating the concerns of area ranchers, and minimizing user effects on LADWP’s operations. The EIR does not adequately address the impact that an influx of workers might have on LORP recreation goals, nor does it analyze impacts relative to the LORP RUP.

The entire western boundary of the Proposed Project Study Envelope is within 1.4 miles of the LORP river-riparian corridor, and as close as 0.7 miles. Workers will drive daily through the LORP along Manzanar Reward Road on their way to and from the worksite.

The unimproved roads and trails in the LORP, which branch off Manzanar Reward Road, are some of the most out-of-the-way travel segments in the LORP area, and probably accommodate less traffic than anywhere else in the LORP. This will likely change as construction workers and their families become more familiar with the LORP area and the project site and seek out recreational opportunities near the river. East of the river, the road (Owens River Trail) is sandy, loose, and fragile, and degrades with even a moderate increase in traffic. We expect an increase in erosion and enlarged blowouts around dust pits and mud holes, and new shortcut connectors forming (or use of closed sections). Increased Off-Highway Vehicle use is likely. During public meetings on the LORP RUP, area ranchers expressed concerns that the trail in its current condition cannot accommodate much more traffic without some form of improvement.

Conflict between recreation, ranching, and LADWP operations would be minimized by installing signs, cattle guards, and gates where needed and by improving some roads. The LORP RUP anticipates hardening the eastside road and the LORP Trail in areas prone to erosion. An influx of users in this area prior to implementation of the protective improvements to range and roads described in the LORP RUP could result in the County needing to expend more resources than anticipated to implement the LORP RUP. The EIR should address the effect that hundreds of new workers and their families will have on the LORP and LORP area roads and trails, in relation to the LORP RUP, and consider improvements described in the LORP RUP as mitigation.

13. Transportation/Circulation – we request that the project’s construction-related trip generation estimates be revisited to ensure that the analysis is appropriate. Given the number of workers at the site during peak periods and the lack of ride-sharing and transit programs, we believe that the number of peak hour trips may be understated. We also concerned that traffic impacts in our neighborhoods during construction are not addressed; significant localized traffic increases on street segments and related impacts to our rural character could result due to the potential influx in workers and their families, especially if such workers congregate in campgrounds, RV parks, and other group living arrangements.
14. Cumulative Impacts – CEQA requires analysis of cumulative impacts based on reasonably foreseeable past, present, and future projects. The Draft EIR fails to embrace this concept, utilizing a list approach that ignores other renewable energy planning and the history behind the City’s land ownership in the Owens Valley. In light of the City’s water export activities and associated impacts to the County, the EIR should be cognizant of the long-term cumulative effects of the City’s resource extraction.

Of particular concern is the lack of recognition of the numerous renewable planning efforts related to development of solar energy generation facilities and transmission upgrades to accommodate additional development in the Owens Valley. These include the City’s own planning with the Owens Lake Master Plan/Project and consideration of renewable energy development on the Lake, the Renewable Energy Transmission Initiative, the Desert Renewable Energy Conservation Plan, Nevada’s Transmission Initiative Routing Study, the Solar Programmatic Environmental Impact Statement (PEIS), the West-wide Energy Corridor PEIS, and the County’s renewable energy planning. The EIR should evaluate potential cumulative impacts within the context of the scenarios being considered in these planning efforts.

15. Alternatives – CEQA requires analysis of a reasonable range of alternatives that would reduce environmental impacts. We believe that the alternatives analysis is inadequate, particularly given the project’s potential aesthetic impacts. Therefore, we request that additional alternatives to the project site be considered, including solar energy development at Owens Lake (thus working to minimize dust emissions and other benefits) and over the Los Angeles Aqueduct (thus reducing evaporation and saving water); we believe that these alternatives have the potential to significantly reduce potential impacts to visual resources. Also, as requested in our response to the NOP, we believe that alternatives should be included for housing.