

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF MARCH 11, 2009 SPECIAL MEETING

COMMISSIONERS:

WILLIAM STOLL	FIRST DISTRICT (CHAIR)	Inyo County Planning Commission
CYNTHIA LITTLE	SECOND DISTRICT	Post Office Drawer L
SAM WASSON	THIRD DISTRICT (VICE-CHAIR)	Independence, CA 93526
RICHARD WHITE	FOURTH DISTRICT	(760) 878-0263 / (760) 872-2706
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STAFF:

DOUG WILSON	ACTING-INTERIM PLANNING DIRECTOR
TED PEDERSEN	PUBLIC WORKS DIRECTOR
KEVIN CARUNCHIO	COUNTY ADMINISTRATOR
SHARON BIRMINGHAM	PLANNING COMMISSION SECRETARY
TANDA GRETZ	SENIOR PLANNER
JOSHUA HART	SENIOR PLANNER
ADENA FANSLER	ASSOCIATE PLANNER

The Inyo County Planning Commission met in special session on Wednesday, March 11, 2009, in the Board of Supervisor's Room, Administrative Center in Independence, California. Chair Stoll opened the meeting at 9:12 a.m.

ITEM 1: ROLL CALL - Commissioners: William Stoll, Paul Payne, Sam Wasson, Cynthia Little, and Richard White.

Also present were: Doug Wilson, Acting-Interim Planning Director; Randy Keller, Assistant County Counsel; Tanda Gretz, Senior Planner; and Secretary, Sharon Birmingham.

Absent: Kevin Carunchio, County Administrator.
Ted Pedersen, Public Works Director
Josh Hart, Senior Planner
Adena Fansler, Associate Planner

ITEM 2: PUBLIC COMMENT PERIOD – Opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

ITEM 3: CONDITIONAL USE PERMIT #2007-03/COSO OPERATING COMPANY, LLC (“COSO HAY RANCH WATER EXTRACTION & DELIVERY SYSTEM”) (Public Hearing and Action Item) – The proposed project involves pumping water from two existing wells at Coso's Hay Ranch property in Rose Valley (adjacent to and east of Highway 395, just north of Coso Junction, and a half mile south of Dunmovin) for injection into their geothermal field located within the China Lake Naval Air Weapons Center (CLNAWS). Water will be withdrawn from the wells at an average rate of 3,000 gallons per minute (gpm), or approximately 4,800 acre-feet per year. The water will be piped from the Hay Ranch property to the geothermal facility, a distance of 9 miles. The water pipeline will consist of a 20-inch diameter steel pipe, which will be buried for most of its length, and which will follow the general path of

existing roads and associated rights of way. The Conditional Use Permit (CUP) is proposed for a period of 30 years.

Interim Acting Planning Director, Doug Wilson, presented the order of presentation from Staff for the proposed project.

Assistant County Counsel, Randy Keller, advised the Commission on their role for this project. Mr. Keller also requested that the following documents be received into evidence:

- Exhibit 1: Staff Report & Comment Letters received through March 4, 2009
- Exhibit 2: Email from Jennifer Duncan dated March 10, 2009 to include 2 attachments
- Exhibit 3: Email from Gary Arnold to Tanda Gretz dated March 9, 2009
- Exhibit 4: Correspondence from California Waterfowl dated March 9, 2009
- Exhibit 5: Email from Gary Arnold to Tanda Gretz dated March 9, 2009 re: comment from Jo Anne Van Tilburg
- Exhibit 6: Comment from Matt Kingsley to include publication by Karl Gawell
- Exhibit 7: Comment from Lloyd Kehus dated March 10, 2009
- Exhibit 8: Comment from Far Western dated March 10, 2009
- Exhibit 9: Comment from Jim Bilyeu dated March 10, 2009
- Exhibit 10: Coso Presentation dated March 11, 2009
- Exhibit 11: Comments from Sara Sally Manning
- Exhibit 12: Comments from California Native Plant Society dated March 5, 2009
- Exhibit 13: Correspondence to Gary Arnold from Andrew Zdon dated March 5, 2009
- Exhibit 14: Comments from the California Native Plant Society dated March 4, 2009
- Exhibit 15: Comments from Best Best & Krieger dated March 4, 2009
- Exhibit 16: Comments from Bishop Tribal Council dated February 26, 2009
- Exhibit 17: Comments from Gary Arnold dated March 4, 2009
- Exhibit 18: Comment from California Waterfowl dated March 9, 2009
- Exhibit 19: Supplemental Comments from Andrew Zdon dated March 5, 2009
- Exhibit 20: Comment from Jeff & Vicki Davis dated March 11, 2009
- Exhibit 21: Correspondence from Coso Operating Company, LLC dated March 2, 2009 to Mr. Davis
- Exhibit 22: Comment from Kenneth Lloyd dated March 9, 2009

Interim Acting Planning Director, Doug Wilson, presented the Staff Report to the Commission.

Tanda Gretz, Senior Planner, presented an overview of the proposed project to inform the Commission on the Background and History components. Ms. Gretz informed the Commission regarding the safeguards from potential impacts that a water transfer might have on the economy and environment of Inyo County. Ms. Gretz also mentioned the regulatory control Inyo County has over Coso.

Laurie McClenaghan-Heeter, Project Manager for MHA/RMT (Consultant), presented the Commission with various information to include background information about MHA/RMT. Ms. Heeter reported that the effects of geothermal is their specialty.

Ms. Heeter went on to explain the overview of the Environmental Impact Report process for the proposed project. She further explained that the comments received were addressed by topic and key issues. Clarification was provided on many of the comments that were received.

Jill Hazlip, Principle Geochemist for MHA/RMT gave the Commission an overview of the description of the Coso Hot Springs to include a brief history and changes in the hot springs. Commissioner Payne inquired as to the data collection by the military and how often.

Ms. Hazlip indicated that the military collects data typically twice a year.

Chair Stoll inquired as to the existence of data prior to the 1980's.

Ms. Hazlip reported that there was no data collection however there is observations and data available that is collected from the deposits.

Galen Kenoyer, Senior Hydrologist for MHA/RMT presented an analysis of the proposed project. Mr. Kenoyer indicated that there were extensive studies, pumping test, and models created.

Chair Stoll inquired as to monitoring of private wells and the method used.

Mr. Kenoyer reported that there was monitoring and it was performed manually.

Chris Ellis, Site Manager for Coso Geothermal Company, LLC reported that the monitoring would be continuous.

Mr. Kenoyer reported that as data is collected through monitoring the model will change and need to be updated to improve the accuracy of the model.

Commissioner Little inquired as to the maximum drawdown.

Mr. Kenoyer responded to the maximum drawdown being approximately 4 inches.

Mr. Kenoyer also informed the Commission of the fluctuation that occurs seasonally at Little Lake.

Commissioner Payne inquired as to the calculation including evaporation.

Mr. Kenoyer responded that evaporation is included in the calculation.

Commissioner Stoll inquired as to the determination of the placement of the monitoring wells.

Mr. Kenoyer responded to the placement of the monitoring wells being spacious [?]to the area.

Commissioner Wasson inquired as to the access to the wells.

Mr. Kenoyer responded to the access to the wells, as permission would need to be obtained.

Chair Stoll inquired as to the monitoring of the wells and who would be responsible.

Mr. Kenoyer indicated that the County of Inyo Water Department would most likely be responsible for the monitoring of the wells.

Randy Keller, Assistant County Counsel, informed the Commission that there is flexibility in setup of the monitoring wells and that the Water Department would be evaluating the data collected by the Coso experts.

Commissioner Little inquired as to the depth of the monitoring wells.

Mr. Kenoyer responded to the depth of the monitoring wells being 600-700 feet at the Hay Ranch. Mr. Kenoyer also believes that the model is conservative.

Commissioner Little inquired as to the effects of plants and animals to the triggers on the monitoring wells.

Mr. Kenoyer responded to the effects of plants and animals as not being effected to the triggers on the monitoring wells.

Chair Stoll took a short recess at 11:05 a.m.

Chair Stoll reconvened the meeting at 11:25 a.m.

Dennis Matthews, informed the Commission as to the proposed project and the effects of the vegetation.

Tania Treis, MHA/RMT, informed the Commission as to the vegetation not being dependent and the species being drought tolerant.

Ms. Treis informed the Commission that for the Cultural Resources section of the EIR, it was mostly relied upon the BLM EAS and spoke on the measures that have been put in place for avoidance and compensation as to the vegetation in the area that could be disturbed.

Commissioner Payne inquired as to the plant being binary.

Bob Harrington, Director of the Inyo County Water Department, spoke to the Commission on the Hydrological impacts and mitigation measures. Mr. Harrington explained to the Commission the Water Budget. Mr. Harrington also discussed the input of data into the model to allow the model to generate an answer.

Commissioner Wasson inquired as to the length of time it would take to re-calibrate the model.

Mr. Harrington responded that it could be a difficult process, it could be anywhere from 6-12 months.

Commissioner White inquired that if based on the calibration and if triggers need to be changed, does it require action by the Planning Commission.

Randy Keller, Assistant County Counsel, responded that it would need to be addressed by the Inyo County Water Department.

Mr. Harrington continued his presentation to include the recommendation by the Inyo County Water Commission.

Chair Stoll recessed at 12: 50 p.m. for lunch.

Chair Stoll reconvened the meeting at 2:19 p.m.

Chair Stoll opened the public hearing at 2:20 p.m.

Jim Pagano, CEO of Terra-Gen Power, LLC gave the Commission an overview of the project to include the Mitigation Measure Plan and explained the benefits of the proposed project. Mr. Pagano informed the Commission of Coso Operating Company, LLC and presented a brief background of the company as Terra-Gen Power, LLC, owns Coso. Mr. Pagano explained that to consider the alternative of conversion to an air-cool facility it would not be feasible, and is economically not viable. Mr. Pagano is in support of the proposed project.

Commissioner Payne inquired as to the heat source as injection increased in pressure.

Chris Ellis, Manager for Coso Operating Company, LLC, indicated that the loss in temperature has not occurred in the last 20 years and maintains at approximately 600 degrees Fahrenheit. Mr. Ellis also indicated that the effects of pre-heating fluids were very small.

Dennis Williams, PhD, President of GeoScience, spoke on the Hydrology Model, the Groundwater Model and the Mitigation Measure Plan. Mr. Williams informed the Commission that the Hydrology Model was conservative and the flow of water has to balance. The monitoring of the 20 wells will refine the model for further accuracy.

Commissioner Payne inquired as to when the triggers would activate and who would be notified.

Mr. Williams indicated that the County would be evaluating the wells and triggers.

Gary Arnold, Attorney and Member of Little Lake Ranch, LLC, spoke in opposition to the proposed project. Mr. Arnold indicated that the EIR did not specify the beginning level of water for the trigger on the monitoring wells. Mr. Arnold pointed out that if the trigger is activated it does not stop the pumping it is only discretionary judgment by the County Water Department. Also, Mr. Arnold noted that new reports have recently come in that have not been subject to review and/or comment by the public. The review of wildlife was only for the winter in 2007 and that there was never an inventory prepared of plants or animals. Mr. Arnold indicated that the report by Sally Manning was inadequate as there was no study on vegetation or wildlife. Mr. Arnold also reported that the data was changing by the applicant and the county. The only real objective of Coso is to increase production and the impacts are unknown. Mr. Arnold indicated that any reduction is significant, and that not a single biological study that wildlife, vegetation can survive the loss and stress. Mr. Arnold indicated to the Commission that the EIR is deficient in regards to the alternatives, as the air cool technology has been used around the world where there is no water available-examples were given. Also, Mr. Arnold reported that the project was mis-engineered, as the design was defective and if it were designed correctly it would work.

Commissioner Payne inquired as to some of the examples used, and if there were gauges on the lake.

Mr. Arnold responded as to no gauges being on the lake.

Commissioner Payne inquired as to the number of wells.

Mr. Arnold indicated that there were 2 pumping wells that pump on a regular basis and 2 pumping wells that do not pump on a regular basis.

Larry Todd, Superintendent of Lone Pine Unified School District, spoke in support of the proposed project.

Eleanor Jackson, Native American, reported that there was no proof of impacts on vegetation. She also requested to have the monitoring include all of the springs on the China Lake Navy Base as it is all connected.

Jeff Davis, Portuguese Bench, had concerns with the water quality and the water table. Mr. Davis has 2 artesian wells, which may no longer flow. Mr. Davis requested that the water tables be included in the MMP due to the isotope test.

Scott Kemp, of Kemp Ranch, spoke in support of the proposed project. Mr. Kemp has BLM permits, which surround the Coso property, and has not had cattle due the 1987-1992 drought. Mr. Kemp informed the Commission that he observed alfalfa being grown on the ranch for years and was on the Water Commission and no one said a word.

Ted Schade, representative from Great Basin Air Pollution Control District (GPAPC), shared that he had no concerns with the project.

Chair Stoll recessed for a short break at 4:00 p.m.

Chair Stoll reconvened the meeting to include the public hearing at 4:15 p.m.

Joanna Rummer, Superintendent for Sierra Sands Unified School District, spoke in support of the proposed project.

Steve McLaughlin, representative from the California Native Plant Society, presented his qualifications to the Commission and indicated specific species that may be threatened. Mr. McLaughlin informed the Commission that the Hydro MMP lacked details and the baseline was an unknown to include the length of time for re-calibration of the model.

Mary Allen, resident of Bishop, spoke in opposition to the proposed project.

Bruce Ivey, businessman, does not want to have all of the water taken from the Rose Valley Basin.

Rex Allen, chairman of the water commission but spoke as a private citizen, requested that the alternative of dry cooling be utilized for the proposed project.

Kenny Lloyd, resident of Bishop, and member of the California Waterfowl Association recommended that if a trigger is activated that all pumping should be ceased, and is in support of the proposed project.

David Tanksley, local contractor, commended Coso Operating Company, LLC for a great presentation and spoke in support of the proposed project.

Bob Prendergast, representative of Los Angeles Department of Water and Power, requested a deletion from the EIR of a subjective statement.

Wilfred Nabahe, citizen from District 5, informed the Commission that the idea of alfalfa was not an issue and did not apply. Mr. Nabahe indicated that the groundwater resource was already depleted. Also, comments from Terragen/Coso were inconsistent with the comments given to the Water Commission. Mr. Nabahe also commented on only one 1979 Memorandum of Understanding (MOA) being referenced however, there were 2. The Cultural Resource problem is that it has been desecrated of a historical place. The 1979 MOA is a different document than referenced in the CEQA document. Mr. Nabahe informed the Commission of the requirements set under the 2005 act and the economic impact of royalty payments.

Brenda Burnett, representative from the Kerncrest Audubon Society, was in agreement with Gary Arnold's comments and Steve McLaughlin's comments. Ms. Burnett informed the Commission that the new data had not been subject to public scrutiny and was a violation of CEQA.

Colleen Brock, Coso Operating Company employee and private citizen spoke in support of the proposed project.

Charity Schiller, attorney for Coso Operating Company, clarified some issues that were commented on by various speakers for the Commission. Relating to EIR Issues, on page 3-4-16 is a list of plant species and wildlife. A Mandatory Element on C4-16 thru C4-18; if maximum levels are reached pumping ceases. As to legal issues, the EIR is adequate as Coso Operating Company took additional studies, obtained more information requested by the Inyo County Water Commission. The Capacity objective of the Geothermal Plant is listed on page 15 of the Staff Report. The project description has nothing new, existing geothermal development activities have permits and approvals. Letters have been sent to Little Lake to install early monitoring. The Davis Ranch has already been protected.

Dennis Williams, PhD, President of GeoScience, informed the Commission that the Davis Ranch at Portuguese Bench will be included in the MMP and that the historical water level measurements can be correlated with existing data to give a 6 months baseline and recommended that it should be as high as possible to stress the system.

Commissioner White inquired as to the continuous monitoring by Coso.

Chris Ellis, manager of Coso Operating Company, LLC, responded if they can obtain permission on all wells.

Chair Stoll closed the public hearing at 6:00 p.m.

Commissioner White requested that the MMP clarify notification of private homeowner or well owner to be able to contact the Water Department for resolution.

Chair Stoll re-opened the public hearing at 6:15 p.m.

Bob Harrington, Director of the Inyo County Water Department, explained the two levels of triggers for the monitoring wells.

Chair Stoll closed the public hearing at 6:20 p.m.

The Commission held a discussion.

MOTION: Moved by Commissioner Payne and seconded by Commissioner White to adopt the Resolution proposed in the Planning Commission Staff Report, which adopts the Final Environmental Impact Report (FEIR), certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied and approves Conditional Use Permit 2007-03/Coso Operating Company, LLC, as amended by the Commission as follows:

- Mitigation Measure Hydrology-2 is modified by inserting the following before the second-to-last sentence in that mitigation measure: “Any well owner experiencing an impact to his or her well may contact the Inyo County Water Department which will evaluate whether the impact results from the project. The Inyo County Water Department will direct appropriate action of the applicant.”
- Mitigation Measure Hydrology-3 is modified by adding the following to the first paragraph in that mitigation measure: “Applicant shall install a flow meter or meters at Davis Spring on Portuguese Bench and shall monitor flow from that spring. The Davis Spring is entitled to all of the mitigation measures included in Hydrology-2.”
- Mitigation Measure Hydrology-4 is modified by replacing the first sentence with the following: “Applicant shall be allowed to pump 3,000 acre feet a year for the first year after initiation of pumping or until the groundwater model is recalibrated, whichever is later. Thereafter, the applicant shall be allowed to pump at the full proposed pumping rate. All such pumping is allowed until a time when and if the predicted groundwater drawdown trigger levels are exceeded at two or more of the designated Rose Valley monitoring points by at least 0.25 feet, or if a maximum acceptable drawdown level is exceeded at any monitoring point.”

The Motion passed unanimously.

ADJOURNMENT - There being no further business, Chair Stoll adjourned the meeting at 6:30 p.m. to reconvene in regular session on Wednesday, March 25, 2009 at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Prepared by:

Sharon M. Birmingham

Sharon M. Birmingham,
Secretary To
Inyo County Planning Commission