

1.0 INTRODUCTION

1.1 OVERVIEW

The County of Inyo (County) prepared this Program Environmental Impact Report (PEIR) in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, as amended, and County requirements for the proposed Renewable Energy General Plan Amendment (REGPA). The REGPA is the proposed project addressed in this PEIR. The REGPA involves identifying new and modified goals, policies, and implementation measures for addressing solar energy development in the Inyo County General Plan (Inyo County 2001, as amended). Other forms of renewable energy development (such as wind) are not addressed by the proposed REGPA. This REGPA is intended to help achieve coordinated solar energy development in the County by creating a vision for landholders, and solar energy developers and investors in the County while taking into account regional policies and plans, as well as the development goals and policies of the County. The REGPA is intended to regulate solar energy development by focusing potential development in identified Solar Energy Development Areas (SEDAs) and capping energy production levels and associated acreage footprints of individual solar energy projects.

For purposes of analysis, the County has identified eight areas that may be appropriate for solar energy development projects, called SEDAs, and the Owens Valley Study Area (OVSA). Potential solar projects in the OVSA will be considered in a subsequent planning process, separate from the REGPA, which will identify a set of criteria for identifying and mapping areas appropriate within the OVSA for solar energy development. Still, limitations on the size of projects and transmission policies pertaining to the OVSA are established in the REGPA. This PEIR analyzes potential environmental impacts from implementation of the REGPA and from potential solar energy development in the proposed SEDAs and the OVSA from an overall program perspective — not from an individual project perspective. Therefore, before an individual solar project could be approved within a SEDA, project-specific analysis would need to be performed and the scope of applicable environmental review determined.

This PEIR is an informational document to inform decision-makers and the public of the potential environmental consequences of approving the proposed REGPA. This PEIR contains mitigation measures designed to help avoid or minimize significant environmental impacts from future development under the REGPA. A detailed description of the proposed project and project alternatives are contained in Section 3.0 and Section 6.0, respectively.

1.2 PURPOSE AND LEGAL AUTHORITY

In accordance with the CEQA of 1970 (Public Resources Code [PRC] Section 21000 et seq.), if a lead agency determines that there is substantial evidence in light of the whole record that a project may have a significant effect on the environment, the agency must prepare an Environmental Impact Report (EIR) (State CEQA Guidelines Section 15064(a)(1)). The purpose of an EIR is to inform public agency decision-makers and the general public of the potentially significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121(a)). This PEIR provides the foundational CEQA compliance documentation upon

which the County’s, responsible agencies’, and all other applicable agencies’ future considerations of proposed projects and their related desirous permits, approvals, and other grants of authority (collectively, “approvals”) shall be based.

This PEIR complies with all criteria, standards and procedures of CEQA, and the State CEQA Guidelines (California Administrative Code 15000 et seq.). This document has been prepared as a program-level EIR pursuant to Section 15168 of the State CEQA Guidelines to document the environmental impacts of solar energy development within the County. The contents of this PEIR represent the independent judgment of the County (State CEQA Guidelines Section 15050). Subsequent, proposed solar energy projects over 20 megawatts (MW) would be examined in the light of this PEIR to determine whether any additional environmental document must be prepared. (State CEQA Guidelines Section 15168(c)). Solar energy projects 20 MW or less may be exempt from further CEQA analysis, unless an event specified in PRC Section 21166 occurs, in which case a Supplemental EIR or other CEQA document may be required. These determinations will be made for potential projects pursuant to Inyo County Code (ICC) Title 21 and the State CEQA Guidelines.

Subsequently proposed individual solar energy projects 20 MW and greater, which are located within the SEDAs described in this PEIR and which are consistent with the REGPA, will undergo project specific analysis and will be examined in light of this PEIR to determine whether any additional environmental document must be prepared (State CEQA Guidelines Section 15168(c)) and, if so, the scope of the environmental document. Feasible mitigation measures and alternatives developed in this PEIR shall be incorporated into subsequent actions under the REGPA. Any future solar energy development that is proposed to be sited outside of the SEDAs (community scale, and/or distributed generation projects) has not been analyzed in this PEIR and would require separate environmental review under CEQA.

1.3 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The public agency with the greatest responsibility for carrying out or approving the project or the first public agency to make a discretionary decision to proceed with a proposed project should ordinarily act as the “lead agency” pursuant to State CEQA Guidelines Section 15051(b)(1). The County of Inyo is the lead agency and is responsible for ensuring that this PEIR satisfies the procedural and substantive requirements of CEQA. The County is also responsible for considering and certifying the adequacy and completeness of the PEIR prior to making any decision regarding the proposed project.

In addition to the lead agency, other agencies are involved in the CEQA process. Section 15386 of the State CEQA Guidelines defines “trustee agency” as a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. In addition, under Section 15381 of the State CEQA Guidelines, “responsible agencies” are those agencies other than the lead agency having discretionary approval over one or more actions involved with development of the project.

While no trustee agencies or responsible agencies are responsible for approvals associated with adoption of the REGPA, implementation of proposed future solar energy projects under the

REGPA will require permits and approvals from lead, trustee, and responsible agencies, which may include the following:

- California Department of Conservation
- California Department of Fish and Wildlife
- City of Los Angeles Department of Water and Power
- County of Inyo
- Native American Heritage Commission
- Regional Water Quality Control Board
- State Water Resources Control Board
- US Army Corps of Engineers
- US Department of the Interior Bureau of Land Management
- US Fish and Wildlife Service

1.4 ENVIRONMENTAL REVIEW PROCESS

The preparation, review, and certification process for the PEIR involves the following steps:

Notice of Preparation

In accordance with Section 15082 of the State CEQA Guidelines, the County posted a Notice of Preparation (NOP) of a PEIR for the project on June 11, 2014. The NOP identified the County as the lead agency, and the notice was distributed to the public, potentially interested local, state, and federal agencies including the responsible and trustee agencies, and the State Clearinghouse to solicit comments on the proposed project. A public comment period on the NOP ended on July 10, 2014.

Before the close of the public comment period, the County conducted two public scoping sessions for the proposed project, hosted at the locations identified below:

- June 16, 2014; 5:00 pm; Olancho Fire Station; 689 Shop Street; Olancho, CA
- June 18, 2014; 5:00 pm; Trona Golf Course; 82700 Trona Road; Trona, CA

In addition, prior to the close of the public comment period, the County conducted three public scoping meetings for the proposed project, hosted at locations identified below:

- June 24, 2014; 6:00 pm; Statham Hall; 138 N. Jackson Street; Lone Pine, CA
- June 25, 2014; 6:00 pm; Bishop City Hall Auditorium; 377 West Line Street; Bishop, CA
- June 26, 2014; 6:00 pm; Tecopa Community Center; 405 Tecopa Hot Springs Road; Tecopa, CA

Altogether, these meetings were attended by 62 agency representatives and community members. At each meeting, County staff provided an overview of the proposed project and potential environmental impacts, as identified in the NOP. Participants were then provided an opportunity to ask questions to clarify their understanding of the project description, and to provide comments regarding potential environmental impacts, content of the REGPA, and the current and subsequent CEQA processes associated with the REGPA. Comments received during the NOP were considered by the County and incorporated into the PEIR as appropriate.

A copy of the NOP, list of NOP recipients, and the comments received from interested parties are included in Appendix A.

Draft Program Environmental Impact Report

This document is the Draft PEIR. It was prepared with assistance from a consulting firm pursuant to a contract with the County, as the lead agency, consistent with Section 15084 of the State CEQA Guidelines. The Draft PEIR contains a description of the project and its environmental setting, potential impacts as a result of the project, prescribed measures to reduce or mitigate for impacts found to be significant, and an analysis of reasonable alternatives to the project. Following the release of the Draft PEIR for public review and comment, the County will file the Notice of Completion (NOC) with the Governor’s Office of Planning and Research and the 45-day public review and comment period of the PEIR will begin.

Public Notice/Public Review

The principal objectives of CEQA are that: (1) the environmental review process provides for public participation; and (2) the environmental document serves as an informational document to inform members of the general public and the County as the decision-maker of the physical impacts associated with a proposed project. Concurrent with the NOC, the County will provide public notice that the Draft PEIR is available for public review and will solicit comments on the PEIR from the public, agencies, organizations, and other interested parties. The Draft PEIR will be available for review and comment by the public and interested jurisdictions, agencies and organizations for a period of 45 days. Written comments on this Draft PEIR may be submitted to Ms. Cathreen Richards, Senior Planner, by:

Mail: Inyo County Planning Department
Attention: Ms. Cathreen Richards, Senior Planner
P.O. Drawer L
Independence, CA 93526
Phone: (760) 878-0263
Email: crichards@inyocounty.us

Final Program Environmental Impact Report and Public Hearing Process

Following the public review period, comments received on the Draft PEIR will be considered and a Final PEIR will be prepared which will address the written comments received on the Draft PEIR during the public review period. The Inyo County Planning Commission and Board of Supervisors will review and consider the Final PEIR before making their decisions to approve, revise, and/or deny the proposed REGPA. Decisions on the Final PEIR and the REGPA by the Planning Commission and the Board of Supervisors will be made following public hearings, during which additional public input will be heard.

Prior to approving the REGPA, the County, as the lead agency, will prepare written findings of fact for each significant environmental impact identified in the PEIR. For each significant impact, the lead agency must: (1) determine if the proposed project has been changed to avoid or substantially lessen the magnitude of the impact; (2) find that changes to the proposed project are within another agency’s jurisdiction, and such changes have been or should be adopted; and

(3) find that specific economic, social, or other considerations make mitigation measures or proposed project alternatives infeasible. The findings of fact must be based on substantial evidence in the Final PEIR, the administrative record, and the conclusions required by CEQA.

If the County elects to proceed with the proposed project and the REGPA would result in significant impacts, a “statement of overriding considerations” must be prepared. A statement of overriding considerations explains why the lead agency determines that the benefits of the project outweigh the unavoidable environmental impact of the project.

Mitigation Monitoring and Reporting Program

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a reporting or monitoring plan for those measures which it has adopted, or made a condition of the project approval in order to mitigate or avoid significant effects on the environment (Sections 21081.6 and 21081.7 of the State CEQA Guidelines). The reporting or monitoring plan must be designed to ensure compliance during project implementation. The required Mitigation Monitoring and Reporting Program for the REGPA is included as Appendix B.

1.5 SCOPE AND ORGANIZATION OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

According to Section 15168(a) of the State CEQA Guidelines, a PEIR may be prepared on a series of actions that can be characterized as one large project and are related either:

(1) geographically; (2) as logical parts of the chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The scope of an EIR is determined in terms of what is reasonably feasible, in light of the magnitude of the project being evaluated, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151, 15204(a)). This PEIR provides quantitative and qualitative evaluations to the level feasible, without undue speculation, as to the potential environmental impacts as a result of implementing the REGPA. This document contains a framework of mitigation measures for subsequent, site-specific environmental review documents as individual solar energy projects are designed, proposed, undergo additional environmental analysis and CEQA review, and proceed through the decision-making process.

Sections 15120 through 15132 of the State CEQA Guidelines present the required content for Draft and Final EIRs. A Draft EIR must include a brief summary of the proposed actions and its consequences, a description of the proposed project, a description of the environmental setting, an environmental impact analysis, mitigation measures proposed to minimize the significant effects, alternatives to the proposed project, significant irreversible environmental changes, limitations on the discussion of the impact, effects found not to be significant, organizations and persons consulted, and cumulative impacts.

In accordance with CEQA requirements, this Draft PEIR: (1) identifies the potential significant effects of the proposed project on the environment and indicates the manner in which those significant effects can be mitigated or avoided; (2) identifies any unavoidable adverse impacts that cannot be mitigated; and (3) analyzes reasonable alternatives to the project. Although this PEIR does not control the final decision by the County on the project, the County, as lead agency, must consider the information in this PEIR and respond to each significant effect identified in this PEIR.

The scope of this PEIR is based, in part, on the NOP prepared for the proposed project, public comments received in response to the NOP, and comments submitted at the public scoping meeting. This Draft PEIR is organized in the following sections:

Executive Summary

Consistent with Section 15123 of the State CEQA Guidelines, this section provides a brief summary of the proposed project, and identifies environmental impacts and mitigation measures through a summary matrix.

Section 1.0 – Introduction

This section provides an overview that describes the intended use of the PEIR (State CEQA Guidelines Section 15124(d)), as well as the environmental review process.

Section 2.0 – Project Location and Setting

This section includes a description of the physical environmental conditions in the vicinity of the project as they existed at the time the NOP was published, consistent with Section 15125 of the State CEQA Guidelines.

Section 3.0 – Project Description

This section provides a detailed description of the proposed project and project objectives, as well as background information and the project location, consistent with Section 15124 of the State CEQA Guidelines.

Section 4.0 – Environmental Impacts and Mitigation Measures

This section contains a comprehensive analysis of impacts to each environmental factor evaluated in this PEIR, and the appropriate, feasible measures to minimize or mitigate those impacts, consistent with Section 15126 of the State CEQA Guidelines.

Section 5.0 – Other CEQA Considerations

This section evaluates cumulative impacts resulting from the combination of the proposed project together with other projects causing related impacts, consistent with Section 15130 of the State CEQA Guidelines.

Consistent with Section 15126.2 of the State CEQA Guidelines, this section includes discussions of significant irreversible environmental changes that would be involved in the proposed action if implemented, as well as unavoidable significant environmental effects, including those that can be mitigated, but not reduced to a level of less than significant. It also includes a discussion of the ways the proposed project could foster economic or population growth, or the construction of additional housing in the surrounding environment.

Section 6.0 – Project Alternatives

Consistent with Section 15126.6 of the State CEQA Guidelines, this section evaluates a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. A total of five alternatives to the proposed project are evaluated in this section of the PEIR:

1. No Project Alternative
2. Solar Photovoltaic (PV) Only Alternative (no solar thermal)
3. Distributed Generation Only Alternative (less than 20 MW)
4. Reduced SEDA Alternative (elimination of the Laws, Rose Valley, Pearsonville, and Chicago Valley SEDAs, and an increase in the megawatts allowed in the Charleston View SEDA)
5. Solar Energy Development on Previously Disturbed Lands Only Alternative

Section 7.0 – References

This section lists the resources and references cited throughout the document, including individuals and agencies contacted in preparation of this document.

Section 8.0 – Report Preparers

This section lists the individuals and agencies that assisted in the preparation of the PEIR by name, title, and company or agency affiliation.

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