

Attachment D

Comments Received Post Planning Commission Hearing March 4, 2015

March 5, 2015

Inyo County Board of Supervisors
168 N. Edwards St.
Independence, CA 93526

To the Inyo County Board of Supervisors:

We are a coalition of Inyo County residents and organizations that have been active in the Renewable Energy General Plan Amendment (REGPA) process, and are writing to express our support for the recommendations put forward by the Inyo County Planning Commission on March 4th. The adoption of the commercial-scale only alternative, the photovoltaic only alternative, the removal of Charleston View Solar Energy Development Area (SEDA) and Chicago Valley SEDA, and the reduction in size of Rose Valley SEDA, Pearsonville SEDA, and Owens Lake SEDA all reflect an important forward-looking stance toward utility-scale solar.

The County should be applauded for engaging in genuine citizen participation throughout the process of developing the latest incarnation of the REGPA. Planning Staff provided numerous venues in which citizens could provide input on the direction of utility-scale solar energy policy in Inyo County, and the people responded by speaking up, writing letters, and signing petitions. While the dominant trend around the desert has been to build more and more industrial-scale solar energy facilities, Inyo County residents expressed a desire for a different path: one based on development which moves forward in harmony with the landscape, at a scale appropriate to the size of our communities.

The Planning Commission made a bold decision on Wednesday. After an exhaustive planning effort and hearing extensive public input, they recommended to the Board that Inyo County declare itself a place for community-sized solar energy. Inyo County now has an historic opportunity: to preserve our irreplaceable landscapes, to protect our water, air, and ecosystems, to maintain a vibrant tourist economy, and to keep communities developing in a way that provides benefit to community members. By making Inyo County a place for small photovoltaic facilities, rather than industrial-scale solar, the Board of Supervisors can take leadership at a state-wide level, demonstrating that community members and planners can work together to find solutions which contribute to lowering the carbon intensity of our energy system.

We encourage you to vote to adopt the recommendations of the Planning Commission. Thank you for your efforts to find a renewable energy plan which is appropriate for Inyo County.

Sincerely,

The Members and Boards of Directors of:

Amargosa Conservancy, Shoshone, CA
Friends of the Inyo, Bishop, CA
Owens Valley Committee, Bishop, CA
Shoshone Museum, Shoshone, CA



BISHOP TRIBAL COUNCIL

March 5, 2015

Cathreen Richards
Senior Planner
Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, CA 93526

Dear Ms. Richards,

I have received your letter of January 20, 2015 regarding the 45 comment period under SB -18 and government Code Section 65352 regarding the proposed Inyo County Renewable Energy Plan Amendment (REGPA). As indicated in your letter we understand this action is scheduled for approval by the Inyo County Board of Supervisors as early as late March of this year.

I have requested a government-to-government consultation meeting between representative members of the Inyo Board of Supervisors on this subject (correspondence dated 1/8/15, and 3/5/15) (attached) to your elected leadership on this subject. While we appreciate the recent written response (1/29/15) from your department and welcome the opportunity to include your staff in our subsequent government-to-government consultations with your board; we currently await a response from your board identifying a time mutually acceptable to both governments, where representatives from your board can meet with representatives of our Tribal Council prior to action being taken by the County to approve the amendment.

As a federally recognized tribal government located in the State of California we appreciate your notice for written comment under SB -18 and government Code Section 65352. Until our a meeting as described above can occur, we can only address the same issues as expressed our comments as submitted to your office under REGPA PEIR process (7/10/14; 1/8/15; 1/14/15), that has been attached to this letter for resubmittal within the 45 day comment period.

Again, we appreciate your efforts to reach out to our tribal government and any efforts that your office can provide facilitating consultation between our elected leaderships on this proposed action. If you have any questions regarding this correspondence please feel free to contact our Tribal Administrator, Mr. Mervin Hess or our Environmental Director, Mr. Brian Adkins at 760-873-3584. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerald Howard', is written over a light blue horizontal line.

Gerald Howard,
Chairman,
Bishop Paiute Tribe

Attached: REGPA comments

PAIUTE PROFESSIONAL BUILDING • 50 TU SU LANE • BISHOP, CA 93514
PHONE (760) 873-3584 • FAX (760) 873-4143



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

January 20, 2015

Dale Chad Delgado, Chairperson
Bishop Paiute Tribe
50 Tu Su Lane
Bishop, CA 93514

**RE: Senate Bill 18 - Government Code Section 65352
Inyo County Renewable Energy General Plan Amendment - GPA #2013-02/Renewable Energy**

Mr. Delgado:

The Inyo County Planning Department has prepared a DRAFT update to the General Plan to include policies addressing solar energy development and is scheduling approval of it for late March 2015.

As specified by Senate Bill 18 and per Government Code Section 65352, the County is hereby notifying the tribe of this action and thereby opening a 45-day comment period upon receipt of this notification.

Thank you. If you have any questions, please phone me at (760) 878-0447 or email me at crichards@inyocounty.us.

Sincerely,

Cathreen Richards
Senior Planner

C. To C. Amador



BISHOP TRIBAL COUNCIL

July 10, 2014

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526
Att: Cathreen Richards, Senior Planner

RE: Notice of Preparation (NOP) – Program Environmental Impact Report – General Plan Amendment
2013-02/Inyo County Renewable Energy

- 1) As a federally recognized tribal government located in Inyo County that includes much of aboriginal homeland we appreciate the opportunity to comment on this proposed general plan amendment regarding renewable energy development.
- 2) As hydroelectric and wind energy are not included in the amendment the renewable energy title of the amendment should be changed to solar energy.
- 3) Similar to addressing surficial disturbance from a mining project, the PEIR should fully address the environmental impact of projects that may exist after decommissioning. In particular it should specify specific mitigation goals that need to be achieved to reclaim disturbed land after completion of a project. This analysis should include a detailed inventory of soil and vegetation conditions before project disturbance. The environmental review should take into account the effect of long lasting soil erosion, air pollution, invasive weed issues that could potentially exist long after the project is completed should reclamation plans not be strictly enforced by the county.
- 4) The environmental analysis should include an analysis of cumulative effects
- 5) The definition of Community Scale projects state that they shall only generate electricity for the use of specified communities and only import energy as a part of a net metering plan. However it does not give a limit or proportion of the total power generated that can be exported. As the

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amendment allows community scale projects to be constructed outside of a RGPA there would exist a potential incentive for developers to submit proposals to site these projects in environmentally sensitive areas outside RGPAs for generation for reasons other than community scale projects.

- 6) New economic development policy. The cumulative economic and social impacts should be thoroughly evaluated for this proposed new policy.
- 7) Based on unique habitat, visual and cultural resources all Utility scale solar development should be excluded from all areas within the Owens Valley and Deep Rose areas as these impacts cannot be reduced or mitigated.

If you have any questions please contact our Environmental Management Office at 760-873-3584 x 237.

Sincerely,

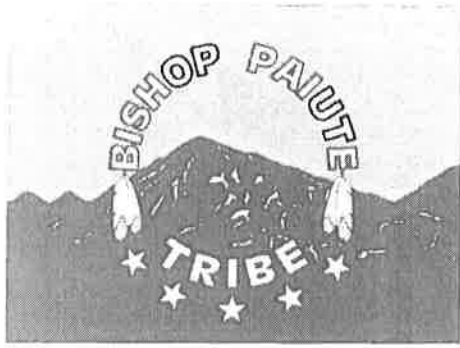


Dale Delgado Jr.

Tribal Chairman, Bishop Paiute Tribe

Attachment:

Comments draft DEIR Solar Ranch Project



BISHOP TRIBAL COUNCIL

January 8, 2015

Inyo County Board of Supervisors
PO Box N
Independence, CA 93526

Sent via regular mail and email

RE: Draft Program attic Environmental Impact Report – Inyo County Renewable Energy General Plan Amendment (REGPRA)- Request for comment deadline extension and government-to-government consultation

Dear County of Inyo Board of Supervisors;

It has come to our attention that the above referenced document currently out for public review has included a shift in scope that has grown to include impacts to a larger area than originally described. On behalf of our tribal government, I have concerns that the proposed shift in county land use policy currently being studied may lead to permitting and even encourage dramatic changes in land use over a large area of our aboriginal homeland which we hold in common with other local tribal governments.

In a related development, our tribal government and members of the local community are currently being asked to comment by February 23 on the Desert Renewable Energy Conservation Plan (DRECP) a regional planning effort addressing renewable energy development overlapping lands addressed in Inyo County REGPRA. It is unclear, and is of great concern, on why Inyo County is proposing to amend their General Plan to have the potential to encourage more area to be zoned, and land use to be potentially changed and developed, for large renewable energy projects above that which is being proposed and accommodated for by the DRECP plans. These renewable energy areas seem to offer little benefit to local economy and are large in scale that could potentially exploit and change the character and have negative impacts on the environment of the valley.

Based on the above reasoning, and to enable our tribal government to give meaningful attention to this matter, I respectfully request that your comment deadline currently set for January 14, 2015, to be extended until a point in time where appropriate government-to-government consultation, including face-to-face meetings can occur between elected officials of the County of Inyo and the federally recognized government of the Bishop Paiute Tribe.

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PHONE (760) 873-3584 • FAX (760) 873-4143

On behalf of the Bishop Paiute Tribe I extend my invitation to engage in a government- to government consultation between representatives members of the Inyo County Board of Supervisors and our Tribal Council so that questions and concerns may be addressed regarding this proposed policy. Please feel free to contact me or if I am not available, our Tribal Administrator Mervin Hess at 760-873-3584 at your earliest convenience so that we can discuss details on how this meeting can be arranged as soon as possible.

Respectfully,



Gerald Howard
Chairman, Bishop Paiute Tribe

CC: Mervin Hess, Tribal Administrator
Tribal Environmental Protection Agency – Bishop Paiute Tribe
Tribal Historic Preservation Office – Bishop Paiute Tribe
Honorable Tribal Council
Inyo County Planning Department



INYO COUNTY PLANNING DEPARTMENT
 P.O. DRAWER L
 168 N. EDWARDS STREET
 INDEPENDENCE, CA 93526

**RETURN RECEIPT
 REQUESTED**

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Dale Chad Delgado, Chairperson
 Bishop Paiute Tribe
 50 Tu Su Lane
 Bishop, CA 93514



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RECEIVED

Bishop Paiute Tribe

JAN 23 2013

BY: _____



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BISHOP TRIBAL COUNCIL

ENVIRONMENTAL MANAGEMENT OFFICE

January 14, 2014

Joshua Hart, Planning Director

Inyo County Planning Department
P. O. Drawer L
168 N. Edwards Street
Independence, California 93526

inyoplanning@inyocounty.us
inyoplanning@inyocounty.us

RE: Comments on draft PEIR - County of Inyo REGPRA – (comment deadline 1/14/15)

Dear Mr. Hart,

In addition to the Tribe's recent written request for deadline extension, comment and request for government to government consultation submitted electronically on 1/13/14 and by mail on today's date I am transmitting comments from the Bishop Paiute Tribe's Environmental Protection Agency (TEPA)~ a governmental agency of the Bishop Paiute Tribal government. I request to that these comments be added and addressed in the current effort to complete a PEIR for the project. These comments are being submitted both electronically and in writing.

The during the process of the PEIR the scope of alternatives and the development areas has changed. The current PEIR REGPRA is inadequate as a full range of alternatives of permitted development activity is not presented. Specifically it does not include a restrictive alternatives that permits development of solar energy projects only on "currently developed land". It is unacceptable to our TEPA that the "least alternative" being examined incorporates "previously disturbed land", as lands meeting this definition this could potentially add to be a large area as currently defined, and some of the areas are currently being restored.

The addition of a restrictive alternative would be similar to the "previously disturbed lands" alternative but instead be narrowly limited to small project projects only on lands that meet strict definitions of "currently developed" with the intention that only intensively developed lands such as those currently paved, and developed, such as currently existing parking lots, commercial and residential structures in areas currently zoned for such uses. Projects permitted would be limited to small parking lot solar and rooftop solar systems on currently paved and developed lands, for on-site use only with express restriction on off-site transmission. Through the alternative addition of this currently developed lands alternative could have an effect of encouraging

The residents and governments of Owens Valley already have made a large contribution to federal and state renewable energy mandates through years of allowing extensive exploitation of hydroelectric and geothermal power sources and should now stand together to address land intensive solar farm projects that could threaten to damage the character and environment of the Owens Valley. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Adkins', with a long horizontal stroke extending to the right.

Brian Adkins
Environmental Director
Bishop Paiute Tribe

CC: Honorable Tribal Council – Bishop Paiute Tribe
Bishop Paiute Tribe Environmental Protection Agency
Tribal Historic Preservation Office – Bishop Paiute Tribe
File

ENVIRONMENTAL MANAGEMENT OFFICE

January 14, 2014

Joshua Hart, Planning Director

Inyo County Planning Department
P. O. Drawer L
168 N. Edwards Street
Independence, California 93526

inyoplanning@inyocounty.us
inyoplanning@inyocounty.us

RE: Comments on draft PEIR – County of Inyo REGPRA – (comment deadline 1/14/15)

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existing landowners of currently intensively paved and developed land to pursue rooftop and carport solar as an electricity alternative to current grid transmission sources while at the same time protecting the environmentally and scenic open lands from the effects of large land used intensive development generation projects and off site transmission.

The residents and governments of Owens Valley already have made a large contribution to federal and state renewable energy mandates through years of allowing extensive exploitation of hydroelectric and geothermal power sources and should now stand together to address land intensive solar farm projects that could threaten to damage the character and environment of the Owens Valley. Thank you.

Sincerely,

Brian Adkins
Environmental Director
Bishop Paiute Tribe

CC: Honorable Tribal Council – Bishop Paiute Tribe
Bishop Paiute Tribe Environmental Protection Agency
Tribal Historic Preservation Office – Bishop Paiute Tribe
File



BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY

Big Pine Paiute Indian Reservation

P.O. Box 700 · 825 SOUTH MAIN STREET · BIG PINE, CA 93513
(760) 938-2003 · FAX (760) 938-2942

www.bigpinepaiute.org

March 13, 2015

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

Subject: SB 18 Consultation Inyo County Renewable Energy General Plan Amendment –
GPA #2013-02/Renewable Energy

Dear Supervisor Kingsley and Board Members:

At the end of February and beginning of March, staff of Inyo County Planning Department sent staff of the Big Pine Paiute Tribe of the Owens Valley (Tribe) a number of emailed notices, and as a result of the correspondence, on March 3, 2015, the Tribe became aware that substantive wording changes have been made to Inyo County GPA #2013-02/Renewable Energy. In addition, the Tribe received a letter from you dated March 3, 2015, which suggests Inyo County would consider resuming SB 18 Consultation.

The Tribe is encouraged not only by changes made to the wording of GPA #2013-02 but also by the Inyo County Planning Commission's March 4, 2015, recommendations to the Board of Supervisors calling for an alternative with fewer adverse environmental impacts. In contrast, the Tribe is concerned with comments made in a letter dated March 4, 2015, authored by the Inyo County Planning Director. In his letter, Mr. Joshua Hart stated, "*To date Tribal representatives have not provided guidance on how the County can minimize potential impacts to such resources while considering the feasibility of approving renewable energy projects designed to meet State and federal renewable energy goals.*" The Tribe reviewed its correspondence records and found at least 15 letters written to Inyo County since discussions of accommodating renewable energy projects in Inyo County began in 2010 (see attached list of correspondence). The Tribe has been consistent in requesting that, in its planning for renewable energy projects, Inyo County preserve cultural landscapes, environmental resources, and irreplaceable scenic values of the Tribe's ancestral territory. The Tribe has discussed with Inyo County officials project alternatives designed to avoid impacts to resources and has provided county staff with information.

The Tribe has several concerns that should be addressed prior to the Board of Supervisors adopting the Renewable Energy General Plan Amendment (REGPA) and certifying an EIR. The Tribe **strongly recommends the Board reject a REGPA that requires overriding consideration due to**

List of Letters from Big Pine Paiute Tribe to Inyo County regarding resource issues and renewable energy development and the need and desire to engage in Government to Government Consultation on this important matter:

	Date	To/From	Subject
1	8/9/2010	Inyo County Board of Supervisors/Virgil Moose Tribal Chair	Comments on Inyo County Renewable Energy Ordinance [Title 21]
2	12/9/2010	Josh Hart Planning Director/ Virgil Moose Tribal Chair	Comments on the draft Preliminary General Plan Amendment: Renewable Energy (Wind and Solar) Overlay Areas
3	1/24/2011	Josh Hart Planning Director/ Virgil Moose Tribal Chair	Comments on the Initial Study of Environmental Impact and a Draft Mitigated Negative Declaration of Environmental Impact for the General Plan Amendment No. 2010-03 (Renewable Solar and Wind Energy, Inyo County)
4	1/24/2011	Inyo County Board of Supervisors/Virgil Moose Tribal Chair	Request for Government to Government Consultation meeting (per SB 18) regarding the proposed General Plan Amendment No. 20 10-03 (Renewable Solar and Wind Energy)
5	3/29/2011	Inyo County Board of Supervisors/Virgil Moose Tribal Chair	Response to Denial of Government to Government Consultation meeting (per SB 18) regarding the proposed General Plan Amendment No. 20 10-03 (Renewable Solar and Wind Energy)
6	4/15/2011	Inyo County Board of Supervisors/Virgil Moose Tribal Chair	Second refusal of the Inyo County Board of Supervisors to consult with the Big Pine Paiute Tribe regarding the proposed General Plan Amendment No. 20 10-03 (Renewable Solar and Wind Energy)
7	4/29/2013	Nolan Bobroff Planning Coordinator/Virgil Moose Tribal Chair	Scoping Comments for the Northland Power Independence, LLC Solar Project Development and General Plan Amendment No. 2012-05
8	2/19/2014	Planning Commission/Jaqueline Gutierrez Tribal Vice Chair	Request for continued Government to Government Consultation (per SB 18) on the draft Renewable Energy General Plan Amendment (REGPA) (GPA 2013-02) and comments on the draft REGPA
9	3/20/2014	Inyo County Board of Supervisors/Genevieve Jones Tribal Chair	Request for continued Government to Government Consultation (per SB 18) on the draft Renewable Energy General Plan Amendment (REGPA) (GPA 2013-02) and comments on the draft REGPA
10	3/31/2014	Inyo County Board of Supervisors/Genevieve Jones Tribal Chair	Request for a date for continued Government to Government Consultation (per SB 18) on the draft Renewable Energy General Plan Amendment (REGPA)

Cathreen Richards

From: Joshua Hart
Sent: Tuesday, March 17, 2015 8:22 AM
To: Cathreen Richards
Subject: FW: Sierra Nevada Conservancy and REGPA

Fyi

Josh

From: Stroud, Danna@SNC [mailto:Danna.Stroud@sierranevada.ca.gov]
Sent: Tuesday, March 17, 2015 6:50 AM
To: Matt Kingsley; Mark Tillemans; Jeff Griffiths; supervisor.pucci@gmail.com; Dan Totheroh
Cc: Bear, Julie@SNC; Kevin Carunchio; Joshua Hart
Subject: Sierra Nevada Conservancy and REGPA

Greetings Honorable Supervisors....

The Sierra Nevada Conservancy would like provide some clarification to recent statements in the Inyo Register attributed to us in relation to Inyo County's ongoing REGPA process and discussions. In the March 7, 2015 issue of the Inyo Register, it was stated that the Sierra Nevada Conservancy had issued a press release supporting the recent action of the Inyo County Planning Commission and its recommendation for limiting solar projects to 20mw production in Inyo County. This is incorrect – the Sierra Nevada Conservancy did not issue a press release on this issue and has not previously provided any public statements or positions on this very important issue as it is outside the prevue of our agency.

We appreciate the complexity and serious nature of this issue and did not want the misuse of our agency's name to interfere in any way with your upcoming decision-making process. The Inyo Register did publish a correction in their March 12, 2015 but we wanted to provide this clarification for you.

Please let us know if you have any questions regarding this issue. As always, thank you for your ongoing service to Inyo County and your support of the Sierra Nevada Conservancy's efforts.

Best regards....

Danna Stroud

Mt. Whitney Area Representative
Sierra Nevada Conservancy