



Cathreen Richards
Inyo County Planning Department
P.O. Drawer L
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January 13, 2015

RE: REGPA Program Environmental Impact Report

Submitted via email: crichards@inyocounty.us

Dear Ms. Richards,

Thank you for the opportunity to comment on the Renewable Energy General Plan Amendment PEIR and for granting a comment period extension. We greatly appreciate the extra time to thoughtfully comment on this important public process. The Eastern Sierra's iconic landscapes within Inyo County comprise unparalleled recreational opportunities, world-renowned cultural resources, and many rare and sensitive plant and animal species. Friends of the Inyo's comments represent a local and regional membership of over 600 and thousands of supporters and volunteers who care about the landscapes and values of the Eastern Sierra. We advocate for the protection of public lands from large-scale energy development (>20mw), which includes the impact to public land viewsapes, natural resources, and recreation opportunities. We support a small-scale renewable energy plan and greatly appreciate the incorporation of comments made during the scoping process. We believe there is need and opportunity for renewable energy development in Inyo County, provided it is sited in the proper locations, having the least potential impact on our natural and cultural resources, recreational opportunities, viewsapes, and other values important to residents and the tourism industry.

Friends of the Inyo is actively involved in renewable energy issues in the Eastern Sierra including the Desert Renewable Energy Conservation Plan (DRECP). We hope the planning commission will use the DRECP to help inform siting decisions and strongly encourage collaboration and consultation with state and federal government so that the County can use existing data and the Best Available Science on species habitats and distribution, land use patterns and other scientific and cultural information. It is of particular concern that we have not seen the County more involved in the development of the Development Focus Areas and Conservation planning within DRECP. We feel the County needs to do a better job of integrating information within the DRECP into its own renewable energy planning, including the use of the conservation reserve design and biological information. We hope the County will also provide its own comments on the draft DRECP as they

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1

Caring for the Eastern Sierra's Public Lands

relate to the local issues represented in Inyo County. There is also an opportunity to add more protections to public lands within Inyo County. We hope the County sees the economic benefit of continuing to seek permanent protections, such as the addition of National Conservation Lands (NCLs), to our public lands. We feel the REGPA should align with the DRECP in their goals of adding conservation lands within Inyo County.

General comments on the PEIR

Friends of the Inyo does not support the preferred alternative as described in the PEIR. We ask the planning commission to modify the alternatives in order to craft a NEW alternative “PV only, least development and previously disturbed lands”, which will guide siting to small “pilot” projects on industrial or agricultural lands and address the multitude of recreational and biological conflicts embedded within the current alternatives. In the case of disturbed lands, this needs to be an *analysis* of disturbed lands beyond the description of “brownfields, mines, landfills, and Owens Lake, and properties requested for consideration by private property owners” (ES-3). Although Owens Lake is an engineered landscape, to lump it under disturbed lands is somewhat misleading.

The current alternatives do not balance the resources and values so important to the residents and visitors of this County. The components for a better alternative are there, but are spread out within several different alternatives. We did not wish to oppose this environmental report all together, but intend to offer suggestions on how to improve it, eliminating some SEDAs, while continuing to review the potential of others. In most cases, SEDAs require further site-specific surveys, given the lack of cultural and biological information presented in the PEIR.

We have concerns about the accuracy of some information presented within the PEIR. For example, the prehistoric significance map (4.5) is incorrect. It may be useful to consult the Big Pine-Piute Tribe regarding this information. Consultants and specialists best come from local sources and should have qualifications, which are distinctly defined within the PEIR. An acceptable place to insert such definitions would be within the mitigation measures paragraph of each section.

We would like to see clarity on the renewable energy development described on LADWP lands. Currently there is insufficient information in the PEIR to adequately assess the development of solar on DWP lands. Some of the SEDAs occur on DWP property and the PEIR needs considerable revision to explain the relationship of DWP to the County, the 1991 Long Term Water Agreement, and how development of proposed SEDAs on DWP lands will move forward if the amendment is passed. The lack of economic benefit to the County from renewable energy if projects are sited on DWP should be made as transparent to the public as possible.

We also have a concern with future expansion of transmission lines, and would like to see any renewable energy development use existing available transmission. This is a central argument to supporting small-scale (<20mw) solar development. We recommend the REGPA first focus on the proper siting of <20mw projects, not new energy corridors and transmission infrastructure. Please make sure the PEIR includes transmission in Cumulative Effects (5-1) and addresses adjacent transmission lines in Nevada.

The PEIR describes impacts to biological resources, in particular, special species. The PEIR does its legal job of addressing the biological opinion with mitigation measures, but does not go far enough to protect impacts to these species or describe the management and monitoring component that is essential to species' recovery. In many cases, the mitigation measures are not biologically realistic. In fact, some SEDAs as having unacceptable impacts to migratory birds, golden eagles, bighorn sheep, the Mohave Ground Squirrel (herein referred to as MGS), a California Endangered Species, and other animal species. It is important for the County to examine how the DRECP is addressing MGS habitat. Both the state and the federal government have made considerable efforts to exclude MGS habitat, and the County's PEIR seems to have overlooked this. In addition, not only special status plants, but ALL locally and regionally rare plants need addressing in development plans. A major omission from the PEIR is a discussion of the plant and ecological communities found within each SEDA. Within the site-specific comments below, we reference these plants and ecological communities and ask you to refer also to species specific comments found within the California Native Plant Society (CNPS) comment letter.

We wish to remind Inyo County that the governor's clean energy plan places a higher priority on distributed rather than industrial scale development. The PEIR should also update the Board of Supervisors intent for renewable energy development, now that new members have been appointed. The language of a 250 mw cap needs to be refined to a 250 mw total cap for all existing, current, and pending projects (this requires specific language on permitted and constructed projects), plus any under the REGPA.

SEDA Specific Comments

CHARLESTON VIEW

The energy industry, Inyo County, and the DRECP have all targeted the Charleston View area for renewable energy development. There is widespread opposition to such development by local communities, exemplified by the Hidden Hills project and recent public meetings for REGPA and DRECP. The areas around Shoshone and Tecopa have irreplaceable cultural sites and history tied to the Old Spanish Trail. The National Park Service opposes development in this area. These significant historical and cultural areas are extremely important to the vitality of these small

communities and provide an economic driver for the area. Another key concern with development in this area is the strain on already stressed water resources. A recent study by Hydrogeologist Andy Zdon examining water resources in the Amargosa River Basin shows the hydrology and groundwater recharge of Charleston View inextricably linked to the Amargosa River and its spring sources¹. The flow (above and below ground) of the river is highly sensitive to groundwater changes. The groundwater in this basin, including the adjacent Parhump Valley, is already overdrawn and will not support any type of renewable energy development. The small spring systems, tied to groundwater recharge, within the nearly 1,000 square mile basin, are lifelines for desert wildlife. Another past study done by the Sierra Nevada Aquatic Research Laboratory documented the diverse and localized regional desert invertebrate fauna of the Amargosa River and its vulnerability to changes in flow regime². The PEIR also does not contain an evaluation of down-watershed impacts. Such impacts will be significant for endangered species such as the Amargosa Vole.

Secondly, plant surveys were completed during the proposed Hidden Hills project development in 2010, 2011, and 2012. Seven species of rare plants were found within this SEDA during these survey efforts. The area contains many rare plant species, including 17 special status species confined to the Nopah Range (see CNPS comments). The SEDA comprises a Priority 1 Tortoise Connectivity Zone, meaning it is essential to the survival of the species. The southwest corner extending into California valley is a bizarre addition to this SEDA, as it is within NCLs under the DRECP. This area is also adjacent to the Nopah Range Wilderness Area and has no existing transmission infrastructure. With 15 residents at the Tecopa public meeting, all opposed to this SEDA, we hope the County is getting the message that Charleston View is the wrong place for any type of solar development.

CHICAGO VALLEY

This SEDA is within the DRECP's NCLs preferred alternative. This valley contains pristine honey mesquite bosque (woodland) habitat, which should remain intact and unaltered. Boques occur at low points in the desert where water drains and cultural artifacts are often found. Mesquite was a staple food for the first residents of this area. The low elevation wash systems provide important habitat for many desert species. The drainage feeds resting springs, with known Least Bells Vireo and Pupfish habitat. Much of the area has not been surveyed for rare plants, but four rare plant species are known to occur within the SEDA boundary (see CNPS comments). The public lands in this area are designated as Limited Use Class. Groundwater in the basin is limited and there is only enough electrical transmission

¹ Zdon, Andy. June 2014. 2014 State of the Basin Report: Amargosa River Basin Inyo and San Bernardino Counties, California and Nye County Nevada. The Nature Conservancy, San Francisco, CA.

² Herbst, D.B., Bogan, M.T., Kane, J.M. 2006. Macroinvertebrate Monitoring for the Amargosa River: Baseline Data, the Effects of Floods on Habitats and Communities, and a Regional Faunal Perspective. Sierra Nevada Aquatic Research Laboratory, Mammoth Lakes, CA.

for the few scattered residences in the area. The area contains known desert tortoise and golden eagle nesting and foraging habitat. Golden eagles nest in numerous locations in surrounding mountain ranges and likely utilize Chicago Valley for foraging. The area also provides intermountain habitat for bighorn sheep. Finally, residents and visitors to this area express concern that development in this valley will impact the views of the Nopah Mountains.

LAWS

The northwest corner of Laws may be ideal for one or more small-scale (<20mw) projects. This being said, site-specific surveys will need to be done to determine the best location with the least amount of impacts to native vegetation, wildlife, cultural resources (currently unknown), and views along Highways 6 and 395. Site locations must exclude agricultural lands and irrigation leases mandated under the Inyo County/Los Angeles Long-term Water Agreement. There are considerable areas within this SEDA that contain rare plants, alluvial fans, and BLM land to the east. These areas should be eliminated. Laws will also require dust control measures, which should be listed as a cumulative impact, as it impacts air quality. Dust generation will occur both during construction and after project completion.

OWENS LAKE

The PEIR needs to acknowledge the lakebed as state land under public trust for aesthetics and recreational values. It also includes a conservation area for MGS, and a proposed ACEC under the DRECP in the southeast section. The northern boundary of the SEDA has known cultural artifact sites, a conflict that would halt any project work done in this area. The Southeast canyons within the SEDA boundary contain paleontological sites. Portions of the lake contain alkaline salt grass meadows, which should be properly described and mapped within the REGPA. We recommend this rare Inyo County ecosystem not be altered. Owens Lake is an Important Bird Area with hundreds of thousands of individuals using the lake for migration and breeding³. Given the negative relationship between birds and solar facilities, there is significant potential for negative impacts to birds if development is to occur here. Wildlife at Owens Lake is considered part of California's Public Trust law as a result of the 1983 Mono Lake California Supreme Court Decision. This decision ruled that wildlife is a public trust and must be balanced with human needs. We recommend proceeding with extreme caution with this SEDA and consulting the Report on the Owens Lake Master Plan Collaboration⁴, which details the lake's resources. There is an error on the SEDA map: The town of Keeler is placed in the middle of the lake, instead of just south of Hwy 136. Finally, any development occurring on the lake needs to be within existing transmission capacity and capped at 20mw.

³ Herbst, D.B., Prather, M. Owens Lake: From Dust Bowl to Mosaic of Saltwater Habitats. LAKELINE magazine of the North American Lake Management Society (Fall 2014). pages 34-38.

⁴ Report on the Owens Lake Master Plan Collaboration. October 2013. Prepared by the Owens Lake Master Planning Committee. Available at: <https://owenslakebed.pubspsvr.com/default.aspx>.

PEARSONVILLE

Although this SEDA has been refined, it still needs modification to its current boundaries. All public lands within this SEDA are still within potential MGS habitat and offer no buffer with the designated conservation area. The Indian Wells Valley is occupied by MGS. There are multiple records from the California Natural Diversity Database for MGS within the northern section. The area is also known Desert Tortoise habitat and Desert Bighorn habitat connectivity between the South Sierra and Coso Range. We suggest modifying existing boundaries, as some private lands within this area may be the most suitable for <20mw projects. Due to the large acreage of previously disturbed private land within this area we recommend avoiding development on all public lands within this SEDA.

ROSE VALLEY

This is a large and complex SEDA with unacceptable impacts to natural resources. Firstly, we have concerns about the available groundwater within this SEDA. Geothermal to the east already extracts significant amounts of groundwater and water is not available from Haiwee reservoir. The area also falls almost entirely within a MGS conservation area, and the northern portion contains active breeding sites for Swainson's Hawk. Regardless of planned mitigation measures, solar or any other development should not occur in special species habitat. The west side of the SEDA impacts the Portuguese Bench, a burial site, while the east side impacts Coso Hot Springs, a ceremonial site. We urge County planners to reevaluate the mapping of Joshua Tree woodlands within Rose Valley. The Rose Valley SEDA boundary also contains an ACEC and is a DRECP interagency plan wide Priority Conservation Area. ACECs have special site-specific management prescriptions in order to protect a particular resource. Most resources managed through ACEC designation will be negatively impacted by development or other disturbances and cannot be effectively mitigated. ACECs and conservation areas are the wrong places to site energy development.

SANDY VALLEY

The southwest portion of Sandy Valley may support small scale PV solar within its center pivot alfalfa fields, provided the water rights within these agricultural lands are released, as groundwater in this area is already in a state of decline due to agricultural uses. However, transmission is currently very far from this SEDA. The northern section of Sandy Valley is managed by the BLM and contains many rare and unique plant species according to the tables within the PEIR. We ask that the BLM land be eliminated from the SEDA. These lands are not as suitable for small-scale development as the private lands to the south.

TRONA

This area has previously disturbed lands, lakebed mining sites, and industrial infrastructure. A portion of this area may be one of the best locations within the REGPA for a PV solar facility provided it is capped at 20mw and comprehensive

surveys are completed beforehand. The DRECP appears to have missed the site potential at Trona within their preferred alternative, and we urge the County to provide comments and ask questions as to why the Inyo County portion of Trona was not included under the DRECP.

In conclusion, we urge the County to move with progressive caution in developing renewable energy, utilizing new science, and making room for the fast changing technology of the industry. This may require revisiting the objectives outlined in section 4.2 of the PEIR and refining them to realistically address all the biological, cultural, and social resource values of our County. We appreciate all the hard work the planning team has put into the revision of the REGPA, and we look forward to working with you all to continue to identify appropriate locations for small scale renewable energy projects, while simultaneously protecting our County's desert habitats, preserving our viewsapes, and furthering our recreation-based economy.

Sincerely,

/s/ Jora Fogg
Preservation Coordinator
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