



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** County Administrator/Planning Department/County Counsel

**FOR THE BOARD MEETING OF:** October 15, 2013

**SUBJECT:** Draft Environmental Impact Report for the City of Los Angeles Department of Water and Power's Proposed Southern Owens Valley Solar Ranch Project

**DEPARTMENTAL RECOMMENDATION:** Review draft correspondence to the City of Los Angeles Department of Water and Power regarding the Draft Environmental Impact Report for the Proposed Southern Owens Valley Solar Ranch Project and authorize the Chair to sign.

**SUMMARY DISCUSSION:** Approximately three years ago, in October 2010, the City of Los Angeles Department of Water and Power (DWP) issued a Notice of Preparation (NOP) of Environmental Impact Report (EIR) for a proposed "Southern Owens Valley Solar Ranch" in the vicinity of Lone Pine. Two potential locations for the project were identified: (1) one south of Lone Pine adjacent to the north shore of Owens Lake and (2) the other east of Lone Pine on the east bank of the Owens River north of the Narrow Gage Road. The County provided input in response to the NOP on November 12, 2010<sup>1</sup>.

After the County provided its input, County and DWP staff worked to address areas of concern, but progress on the EIR slowed. DWP subsequently informed County staff that an alternate site was being considered further north towards Independence, north of Manzanar-Reward Road and east of the Owens River. Earlier this year, the County and DWP staff reengaged to develop a Term Sheet for a Memorandum of Understanding (MOU) to address relevant issues, which was approved by the Board on August 6, 2013. The Term Sheet is not an MOU and by approval of the Term Sheet, the Board did not commit the County to enter into an MOU. In developing the Term Sheet, staff estimated direct County costs due to the project at approximately \$6.3 million. County staff is working with DWP to develop the MOU based on the Term Sheet. Once completed, the MOU will be submitted to the Board for consideration.

DWP released a Draft EIR earlier in September to evaluate the project. According to the Notice of Availability, the review period for the Draft EIR is scheduled to close on October 18, 2013. DWP staff has indicated that the review period will be extended to November 2, 2013.

***Summary Project Description***

The proposal involves development of a 200 megawatt (MW) solar energy facility using photovoltaic (PV) panel modules on approximately 1,200 acres of City of Los Angeles land in the southern Owens Valley, approximately six miles southeast of Independence, ten miles north of Lone Pine, and 1.5 miles east of the Owens River. Primary elements include the solar panel arrays, supporting electrical equipment, on-site electrical collection cabling, an on-site electrical substation, improvement of a portion of Manzanar Reward Road, on-site roadways, and a maintenance building. The substation would connect with DWP's adjacent Inyo-Rinaldi 230 kilovolt alternating current transmission line.

<sup>1</sup> Refer to <http://inyoplanning.org/projects.htm> for information regarding the project, including the County's previous correspondence and the Term Sheet, and a link to the Draft EIR.

### ***Draft EIR***

The Draft EIR indicates that the overall purpose of the project is to provide 200 MW of electrical power generated through a solar PV installation to help meet broader goals related to increasing the use of sustainable renewable energy resources and decreasing greenhouse gas and air pollutant emissions. The following issue areas are evaluated: Aesthetics/Visual Resources; Hydrology and Water Quality; Agricultural and Forestry Resources; Land Use; Air Quality; Noise; Biological Resources; Population and Housing; Cultural and Paleontological Resources; Public Services; Geology, Soils, and Mineral Resources; Recreation; Greenhouse Gas Emissions; Traffic and Transportation; Hazards and Hazardous Materials; and, Utilities and Service Systems. According to the Draft EIR, best management practices and/or mitigation measures are identified to preclude potentially significant impacts. No unavoidable significant project-specific or cumulative or growth-inducing impacts are identified.

The Draft EIR evaluates the following alternatives:

- Alternative 1: Energy Conservation
- Alternative 2: Additional Local Distributed Solar Generation
- Alternative 3: Alternative Location Outside the Owens Valley
- Alternative 4: Alternative Area of the Owens Valley
- Alternative 5: Alternative Location East of the Lower Owens River
- Alternative 6: Reconfiguration of the Proposed Project Facilities
- Alternative 7: Concentrating Solar Technology
- Alternative 8: No Project

Of these, Alternative Nos. 1 and 2 are considered infeasible, and Alternative Nos. 3 may not be achievable due to limited property availability elsewhere. The proposed project is identified as the environmentally superior alternative.

### ***Staff Analysis***

Staff shared a preliminary assessment of the Draft EIR with the Board of Supervisors on October 1, 2013. Based on the Board's feedback, staff has prepared a summary assessment (Attachment 2). Based on this evaluation, staff has prepared draft correspondence for the Board's consideration (Attachment 1). Primary issues raised include aesthetics, the Long-term Water Agreement, the Lower Owens River Project, recreation, and housing. As noted in Attachment 1, since LADWP and the County have not entered into an MOU regarding the project, by and large, the proposed comments on the project were prepared without consideration of the terms of the potential MOU.

As discussed on October 1, with the exception of the Sheriff's costs, staff believes that the previous cost estimate of \$6.3 million on County programs and infrastructure remains relatively accurate. Staff understands that the Sheriff is working on refining estimated costs to the Department.

**ALTERNATIVES:** The Board may consider not submitting comments regarding the Draft EIR and/or ceasing work on the MOU. These alternatives are not recommended as the project has the potential to impact the County, and the MOU provides an opportunity to address financial impacts to the County.

**OTHER AGENCY INVOLVEMENT:** The County Administrator and Planning Director, in coordination with County Counsel, are overseeing the overall County response to the project and coordinating with DWP. All

County departments are participating in the identification and documentation of potential impacts to the County. Other agencies, organizations, and persons will also be participating in the environmental review process, such as Caltrans, the California Department of Fish and Wildlife, local tribes, other local agencies, etc.

**FINANCING:** General funds are utilized to support staff's efforts in monitoring DWP's activities. Funding for portions of the socioeconomic work has been from the Natural Resource Development budget (010204). Direct County costs anticipated due to construction and operation of the project are expected to be addressed in the MOU as outlined in the Term Sheet.

<b><u>APPROVALS</u></b>	
<b>COUNTY COUNSEL:</b>	<b>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS</b> <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  <div style="text-align: right;">Approved: _____ Date _____</div>
<b>AUDITOR/CONTROLLER:</b>	<b>ACCOUNTING/FINANCE AND RELATED ITEMS</b> <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  <div style="text-align: right;">Approved: _____ Date _____</div>
<b>PERSONNEL DIRECTOR:</b>	<b>PERSONNEL AND RELATED ITEMS</b> <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  <div style="text-align: right;">Approved: _____ Date _____</div>

**DEPARTMENT HEAD SIGNATURE:**

*(Not to be signed until all approvals are received)  
(The Original plus 20 copies of this document are required)*



Date: 10/9/13

**Attachments**

1. Draft Correspondence
2. Staff Assessment

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](mailto:kcarunchio@inyocounty.us).

Sincerely,

Linda Arcularius, Chair  
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. 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 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 DEIR 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 is 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), 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.
11. Public Services and Utilities – we recognize that the Term Sheet for our MOU addresses potential direct impacts to public services and utilities 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.
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.

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 and over the Los Angeles Aqueduct; 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.

## **Attachment 2 – Inyo County Staff Assessment of Draft Environmental Impact Report**

### **City of Los Angeles Department of Water and Power Southern Owens Valley Solar Ranch Project (SCH No. 2010091094)**

**October 15, 2013**

The following is an analysis of the City of Los Angeles Department of Water and Power's (DWP) Draft Environmental Impact Report (EIR) for the Southern Owens Valley Solar Ranch Project prepared by Inyo County staff for consideration by the Board of Supervisors at its October 15, 2013 meeting. The Board of Supervisors and the City of Los Angeles Board of Water and Power Commissioners approved a Term Sheet (attached) to address County-related issues on August 6, 2013.

1. **County Renewable Energy Ordinance.** The County adopted Ordinance No. 1158 regarding renewable energy on August 17, 2010 (Inyo County Code Title 21).<sup>1</sup> This Ordinance encourages and regulates renewable energy development, such as that proposed by DWP, and requires that DWP obtain either a Renewable Energy Permit from or enter into a Renewable Energy Development Agreement with the County prior to commencing construction of the proposed project. The County's response to the Notice of Preparation (NOP) indicated that DWP should review the Ordinance and submit an application. The County and DWP have agreed to a Term Sheet to develop a Memorandum of Understanding (MOU) for the project. The Term Sheet addresses various issues required by Title 21, but not others as described below. The Draft EIR states that DWP is not subject to the permitting requirement of the Inyo County Renewable Energy Code (refer to page 4-176). No application has been submitted, and the Term Sheet includes a provision that the County will not request or require any project-related permits.
2. **County General Plan.** The County's response to the NOP indicates that the project is inconsistent with the Land Use Designation [i.e., Natural Resources (NR)] for the sites previously being considered, which is the same designation for the proposed site analyzed in the Draft EIR. The previously considered sites and the currently proposed site are zoned Open Space with a 40-acre minimum (OS-40), which does not permit the project. The Draft EIR indicates that DWP is exempt from the County's building requirements, zoning, and General Plan (refer to page 4-176), and then indicates that the project would not create a significant conflict with applicable land use plans, policies, or regulations adopted for avoiding or mitigating an environmental effect (refer to page 4-177). The potential environmental effects germane to the County of the project resulting from the inconsistencies with the County's General Plan and zoning are addressed below.
3. **Population and Housing.** According to the County's response to the NOP, the project could temporarily increase the population of the southern Owens Valley by up to almost 700 people. The Draft EIR analyzes population increases based on the maximum number of workers, i.e., 353, but does not include families that might reside with the workers, and

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<sup>1</sup> Refer to <http://inyoplanning.org/RenewableNewPage.htm> for a copy of the Ordinance.

indicates that cumulative projects are too distant or programmatic in nature to contribute to significant effects (refer to pages 4-196 through 4-200). The Term Sheet addresses worker housing by providing an Economic Development Loan that may be utilized for housing and/or other economic development. DWP has also been responsive to the County's concerns by spreading construction over several years to minimize peak construction activity and associated workers. However, the Draft EIR fails to provide specifics about worker housing, including potential impacts to County campgrounds.

4. **Relationships With Other Plans, Projects And Agreements.** The County's response to the NOP indicated that the EIR should evaluate long-term land use compatibility and relationships with other plans and agreements. The Draft EIR does not directly provide a land use compatibility analysis. The Draft EIR indicates that the project site is located entirely outside the boundary of the Lower Owens River Plan (LORP) management area and a minimum of one mile from the river itself, and therefore does not create conflicts with the LORP (page 4-177). However, the LORP EIR indicates that the project is within the LORP boundaries (refer to Figure 1-1 of the Final EIR for the LORP). The project could also potentially increase LORP costs borne by the County.
5. **Public Services.** The County's response to the NOP included detailed requests for analyzing potential impacts to public services. The Draft EIR appears generally responsive and indicates that potential impacts will be less than significant because construction workers will be dispersed, temporary, and will generally not bring their families (refer to pages 4-209 through 4-212). County staff had estimated potential costs to be incurred by the County at approximately \$6.3 million. County staff was asked to update its estimates; with the exception of the Sheriff, no significant changes have been reported. The Sheriff is working on updating costs to the Department.

While staff does not necessarily agree with the Draft EIR's conclusions, public service costs are addressed by the Term Sheet, although the increased Sheriff costs were not considered during preliminary negotiations. The Term Sheet also includes a provision for a MOU with Inyo County schools. However, not all costs to the County are offset, such as a potential reduction in tourism from the project's aesthetics impacts.

6. **Infrastructure and Utilities.** The County's response to the NOP requested analysis of potential impacts to infrastructure and utilities. Similar to public services, the draft EIR indicates that existing infrastructure and utilities can accommodate the project's construction workers, and that minimal to no long-term impacts are expected (refer to 4-205 through 4-212). The Draft EIR indicates that project will result in minimal construction waste and little long-term waste that can be accommodated by existing landfills. The Term Sheet provides for offsetting County costs for infrastructure and facilities. Staff recommends that the EIR quantify waste generation, including by type and diversion.
7. **Hydrology, Water Supplies and Water Quality.** The County's response to the NOP requested a detailed analysis of potential impacts to hydrology, water supplies, and water quality. The Draft EIR evaluates hydrology and water quality (refer to pages 4-164

- through 4-171), and identifies best management practices (BMP) and mitigation measures to preclude significant impacts. The primary groundwater use identified is during construction for dust control; the analysis indicates a less-than-significant effect. No streams or rivers are identified for the site. The Draft EIR does not address the applicability of the Long-term Water Agreement (LTWA); staff believes that the LTWA applies. Also, given the propensity for flash flooding on the site, staff recommends that further analysis of this issue be included. Further clarification to several issues has been recommended by the Water Department. The Term Sheet does include limitations on pumping of on-site wells.
8. **Aesthetics/Visual Resources.** The County's response to the NOP included a request for review of aesthetics/visual resources. The Draft EIR evaluates potential aesthetic impacts from a number of locations (refer to pages 4-9 through 4-25). The County had requested that an analysis be undertaken from the Inyo Mountains, which is not included. The Draft EIR indicates that potential aesthetics/visual effects will be less than significant. This conclusion is not supported by the facts provided in the Draft EIR, and mitigation measures should be identified, such as landscaping, trees, and limitations on lighting.
  9. **Cultural Resources.** The Draft EIR indicates potential impacts to cultural resources can be reduced to less than significant levels (refer to pages 4-107 through 4-113). In regards to archaeological resources, over 50 sites are identified, and the project has been designed to avoid as many sites as practicable. Comments have been received by the Board of Supervisors regarding potential impacts to cultural landscapes, including related to the National Historic Site at Manzanar. Given that the project is inconsistent with the County General Plan, DWP should undertake consultation with local Native American tribes pursuant to Senate Bill 18 (Government Code Section 65352.3).
  10. **Traffic and Transportation.** The County's response to the NOP suggested analysis of traffic and transportation issues. The Draft EIR evaluates potential impacts on transportation systems and indicates that impacts will be less than significant, including with BMPs (refer to pages 4-226 through 4-231). The Term Sheet addresses potential impacts to Manzanar Reward Road. Staff believes that analysis is generally sufficient, but suggests verification of trip generation estimates and consideration of ridesharing and transit programs. Also, localized traffic issues from workers travelling to the site are not addressed.
  11. **Hazardous Materials and Hazards.** The County's response to the NOP requested an analysis of hazards and hazardous materials. The Draft evaluates these issues (pages 4-146 through 4-150) and identifies less than significant impacts. Staff believes that the analyses are adequate.
  12. **Grazing and Agriculture.** The County's response to the NOP requested an analysis of potential impacts to grazing and agriculture. The Draft EIR evaluates such impacts on pages 4-50 through 4-51, and predicts less than significant impacts because the site is infrequently utilized for such purposes. Although water supply for agricultural purposes is not specifically addressed, staff is unaware of any such use on or near the site that

- might be impacted. The Agricultural Commissioner has expressed concern about invasive species and vectors.
13. **Air Quality.** The County's response to the NOP requested an analysis of potential air quality impacts, particularly regarding dust. The Draft EIR evaluates such issues on pages 4-66 through 4-70 and 4-140 through 4-141, and predicts less-than-significant impacts. Staff is concerned about a lack of decommissioning plan and the potential for dust emissions if the project site is not restored.
  14. **Socioeconomic Impacts.** The County's response to the NOP requested an in-depth analysis of potential socioeconomic impacts. County and DWP staff worked extensively to estimate potential impacts and address these issues. The Term Sheet includes numerous provisions in response, including direct payments, a loan for housing and/or other economic development, expansion of the Feed-in-Tariff program in the County to provide for balanced economic growth, local hiring, cooperation with schools, and maintenance of Manzanar Reward Road. However, the project's aesthetic impacts and potential related impacts to tourism, particularly regarding the Manzanar Historic Site, are not addressed.
  15. **Recreation.** The County's response to the NOP requested analysis of impacts to recreation. The Draft EIR evaluates such potential impacts and identifies less than significant impacts (refer to pages 4-215 through 4-218). Staff generally agrees with the analysis, although suggests more analysis of potential recreation impacts in the nearby Inyo Mountains and County campgrounds. The Term Sheet includes an Economic Development Loan to provide for possible improvements to County campgrounds.
  16. **Mineral Resources/Mining.** The County's response to the NOP requested an analysis of potential impacts to mineral resources. The Draft EIR evaluates such impacts on page 4-132 and identifies less-than-significant impacts. Staff believes this analysis is adequate.
  17. **Noise.** The Draft EIR evaluates potential noise impacts and identifies less than significant impacts (refer to pages 4-184 through 4-189). Staff believes the analysis is adequate.
  18. **Biological Resources.** The County's response to the NOP requested that potential impacts to biological resources be evaluated. The Draft EIR evaluates potential impacts and identifies less than significant effects with BMPs and mitigation (refer to pages 4-88 through 4-94). Staff is concerned that habitat conservation may be required to offset potential impacts, particularly due to wetlands (and like habitats) and special status plant species; if conservation easements or land acquisitions are required, this could significantly impact the County's private land base.
  19. **Removal of Facilities.** The County's response to the NOP indicated that the EIR should address a plan for the removal of project facilities as such facilities become non-operational and describe a plan for remediation/restoration of the project site following the removal of facilities. These issues are not addressed by the Draft EIR.

20. **Alternatives.** The County's response to the NOP requested that the EIR evaluate a range of alternatives to reduce identified impacts, particularly for worker housing issues. The EIR evaluates a number of alternatives, but fails to include alternatives for worker housing. Other alternatives should also be addressed to reduce aesthetic impacts, such as emplacing solar panels over the aqueduct and developing solar on Owens Lake.
21. **Project Description.** The project description lacks an evaluation of the queue for interconnection and related feasibility of the project.
22. **Cumulative Impacts.** The Draft EIR indicates that potential for further solar development in the Owens Valley is limited by transmission capacity. However, numerous plans and studies have been conducted for upgraded transmission, and thus, this project could be the first of many such projects in the Owens Valley.
23. **Change in Project Location.** The change in project location between the NOP and Draft EIR failed to provide the public meaningful input into the EIR's scoping.

**TERM SHEET FOR PROPOSED MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER AND  
THE COUNTY OF INYO**

**SOUTHERN OWENS VALLEY SOLAR RANCH**

Once there is agreement on the term sheet, the agreed upon terms would become the basis of a "Memorandum of Understanding" between the County and LADWP to be signed by both parties prior to the close of the public comment period for the DEIR prepared by LADWP on the project. This draft MOU term sheet is non-binding and neither party is obligated to negotiate or agree to any particular term herein or enter into any agreement whatsoever, unless and until a final, binding agreement is approved by the governing bodies of both parties.

1. Commitment by LADWP to make a one-time payment to the County in the amount of \$4.5 million to offset project-related costs within 30 days after commencement of construction of the project. LADWP and the County recognize that the County may incur costs in support of the project in a variety of the County's service areas, including but not limited to those related to public health, safety, and welfare, transportation, communications and libraries.
2. Commitment by LADWP to, within 60 days of the execution of this MOU, to memorialize with the County the terms of an agreement to provide a one-time Economic Development Loan to the County in the amount of \$2.0 million so that the County can improve and/or develop County campgrounds and local community housing stock, or other community benefits that could be used to promote job and business development, under reasonable terms and conditions of loan mutually satisfactory to both parties. The essential terms and conditions of the loan will be identified in the MOU, however, the memorialized Economic Loan Agreement is subject to further approval of LADWP's governance authority.
3. Commitment by LADWP to expand the "feed in tariff" program in the Owens Valley to a total of 10 megawatts so that public and private entities may participate in directly selling LADWP electricity at a long-term fixed rate (LADWP will consider including lessees of the City of Los Angeles). The FIT will be located and built based on the ability of the distribution circuits to transport the incremental energy. LADWP will make its best efforts to execute the expansion solar project agreements no later than the commencement of construction. LADWP will work with Inyo County to register the project job sites as Inyo County. The essential terms and conditions of the Inyo County FIT Expansion Program

will be identified in the MOU, however, the memorialized Inyo County FIT Expansion Program is subject to further approval of LADWP's governance authority.

4. Commitment by LADWP that it will temporarily undertake the following responsibilities of the County:
  - LADWP will pave the Manzanar Reward Road from the Owens River to the project site before commencing construction of the project; and
  - During the time when the project is being constructed, LADWP will maintain the Manzanar Reward Road from Highway 395 to the project site (including the bridge/culvert crossing the Owens River) in accordance with County standards.
  - The project will be a long-term energy generation site, thus, LADWP has no plans to decommission the project; however, if after the project is constructed, LADWP retrofits, makes other major changes to, or decommissions the project, LADWP will maintain the Manzanar Reward Road during the period of such work.
5. Local Hiring – LADWP shall commit to offer a separate utility pre-craft trainee (UPCT) hiring book for Owens Valley. LADWP shall commit to add at least ten local employees to UPCT program during the project construction period with the goal to develop long-term permanent LADWP employment.
6. MOU with Inyo County Schools – Prior to commencement of the construction, LADWP shall make commercially reasonable efforts to negotiate and establish an Energy Efficiency MOU with the Inyo County School Districts. The MOU will include programs to improve energy efficiency, energy monitoring, building energy usage, and other related systems.
7. Description of the project.
8. Site map of the project.
9. The two groundwater wells to be constructed by LADWP and used during project construction and operation will not be connected to the Los Angeles Aqueduct or to the Owens River and the water pumped from the wells will only be used on the project site and the total annual amount of groundwater pumping from the two wells are not expected to exceed 190 acre feet during construction, and 10 acre feet during long-term operations.
10. In consideration of the commitments by LADWP in the MOU, the County will not request or require LADWP to obtain any project-related permits, including but not limited to building, grading, zoning, land use, or general or specific plan permits or actions (including but not limited to any under the Title 21 Renewable Energy Development Ordinance), and the County will not seek any other exactions, fees or processes except as may be specifically set forth in the final MOU.