



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 9:00 a.m. Closed Session Informational

FROM: Inyo County Planning Commission

FOR THE BOARD MEETING OF: May 6, 2009

SUBJECT: Conditional Use permit #2007-03/Coso ("Hay Ranch Water Extraction & Delivery Project")

DEPARTMENTAL RECOMMENDATION:

- 1.) Hold a public hearing, de novo, regarding the appeal of the Planning Commission's adoption and certification of the Final Environmental Impact Report (FEIR) for, and approving, Conditional Use Permit #2007-03/Coso Operating Company LLC.
- 2.) Uphold the Planning Commission's decision by adopting the attached Resolution, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying and Adopting the Final Environmental Impact Report for and Approving Conditional Use Permit #2007-03/Coso Operating Company, LLC"

SUMMARY DISCUSSION:

This Conditional Use Permit application was approved by the Planning Commission on March 11, 2009. On March 23, 2009, that decision was appealed to your Board by Little Lake Ranch, LLC. Please refer to the attached staff report prepared for the Planning Commission, which contains staff's more detailed analysis of the project.

The applicants for this project are asking for a 30-year CUP in order to pump groundwater from two existing wells on their Hay Ranch property, transport it via a nine-mile long pipeline from the Rose Valley groundwater basin to the Coso groundwater basin, where it will then be injected into injection wells at the geothermal plant. The proposed pumping rate is 4,800 acre-feet per year, although the Planning Commission decreased the pumping rate for the FIRST year of pumping to 3,000 acre-feet when they approved the project on March 11, 2009. The Planning Commission also modified the Mitigation & Monitoring Plan by requiring monitoring of the Davis spring on Portuguese Bench and modified Mitigation Measure #2 so that potentially affected well owners could contact the County Water Department for analysis and corrective action.

The project is recommended for approval only with mitigation incorporated, as studies show significant impacts likely to result from project pumping without mitigation. Mitigation has been developed in the form of an intensive groundwater monitoring program, which uses an array of 20 monitoring wells located all around Rose Valley. This monitoring program is designed to provide an "early warning" system of data and feedback on any groundwater drawdowns before they can develop to a point where they could cause significant impacts. The County has proposed extensive controls through the mitigation & monitoring program in order to ensure that there will be no significant effect to the environment, particularly including the habitat at Little Lake, and Coso, through the CUP permitting process, is legally bound by those conditions, which include stopping pumping should that become necessary. Analysis of the mitigation &

monitoring plan can be found on pages 8 – 10 of the Planning Commission staff report. The “standard of protection,” or threshold of significance for the project, has been set as a 10% reduction of the groundwater flow available to Little Lake, which is about a 3.5 inch lowering of the groundwater table at the northern end of the lake (see page 7 of the Planning Commission staff report, and page C4-5 of the DEIR for more background on this issue).

The Planning Commission approved this project 5-0.

ALTERNATIVES:

- Do NOT approve the requested actions.
- Return to staff with direction

OTHER AGENCY INVOLVEMENT:

Inyo County Water Department.

FINANCING:

No direct impact.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

_____ Date: _____

Attachments:

- 1.) Appeal letter
- 2.) Planning Commission staff report packet, dated March 11, 2009
- 3.) Evidence received at Planning Commission hearing, with additional hardcopy of MHA slide presentation
- 4.) Comment letters to Board of Supervisors
- 5.) Board Resolution

- 6.) Draft EIR & Final EIR (submitted previously to Supervisors, with copies available in all County libraries, at the Planning Department office, and on the Planning Department website at www.inyoplanning.org)