

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	204231
Document Title:	Energy Commission Staff Motion to Terminate Proceeding
Description:	N/A
Filer:	Muoi-Lynn Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	4/16/2015 4:42:33 PM
Docketed Date:	4/16/2015



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

***APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

Docket No. 11-AFC-02

ENERGY COMMISSION STAFF MOTION TO TERMINATE PROCEEDING

BACKGROUND

In April 2013, Applicant filed its request that the Hidden Hills licensing proceeding be suspended. The Energy Commission issued an order suspending the proceeding on April 4, 2013, ordering Commission staff (Staff) and other parties to cease work on the application. The suspension order assigned Applicant the duty to “file and serve quarterly status reports” to “ascertain whether the Applicant is making progress in developing the project.” (April 4, 2013, Order Suspending Proceedings.) The Order stated that the “suspension shall expire April 3, 2014.”

Applicant filed three quarterly reports during the suspension period. These reports contained absolutely no substantive information regarding the progress of the project, or reasons to continue suspension, with vague statements such as “Applicant continues to review the project and results of previously performed studies to determine a course of action that would allow for the project to reinitiate permitting activities.” (See, e.g., October 1, 2013, Applicant’s Status Report; January 1, 2014, Applicant’s Status Report; April 1, 2014, Applicant’s Status Report.) The only information of any substance was the statement in the first report that Applicant had withdrawn the project’s interconnection request with the California ISO, and would require “an alternative path to provide for transmission deliverability.” (October 1, 2013, Applicant’s Status Report.)

After providing an opportunity for public comment, the Energy Commission filed an order extending the suspension for one year on May 6, 2014. The Order again required Applicant to file and serve quarterly status reports. It acknowledged Staff’s filing requesting more detailed and substantive information regarding the progress of the project; while it did not incorporate such information details into the Order, the Order

stated that the information requested by Staff “would be of interest to the Committee.”
(*Ibid.*)

Since the 2014 Order was issued, Applicant has continued to file quarterly status reports that are single-page pro-forma statements devoid of substantive or useful information regarding the status of the project, or of activities relevant to its status. For example, there has been no information in the status reports regarding efforts to establish a transmission path, no information on alternative transmission line routes, no information on efforts to secure a power purchase agreement with a utility, no information on interconnection status with Cal ISO, and no information concerning the recent efforts by Inyo County to develop a plan for renewable energy that assesses the suitability of the project site for development. The Staff’s information requests were ignored. The final suspension date of April 3, 2015, passed with no timely re-application for suspension; such was filed late on April 7, 2015. The request itself contains no new or useful information.

In other words, the singular substantive piece of information that could be found in Applicant’s status reports is that Applicant has withdrawn its request for transmission with the Cal ISO. This single piece of information is not evidence that Applicant is diligently pursuing or making progress regarding its application; on the contrary, it suggests dormancy or abandonment.

THE HIDDEN HILLS APPLICATION SHOULD BE TERMINATED.

Commission regulations provide that “any party may, based on the applicant’s failure to pursue an application or notice with due diligence, file a motion to terminate the . . . application proceeding.” (Cal. Code Regs., tit. 20, §1720.2, subd. (a).) Applicant has not with due diligence pursued its application, and has failed to execute even the most minimal duties the Committee’s suspension orders have required for the proceeding to be continued. The information it has provided provides no evidence that it has pursued its application with due diligence. It follows that the full Commission should terminate the Hidden Hills proceeding. (Cal. Code Regs., tit. 20, § 1720.2, subd. (b) [requiring action to terminate a proceeding to be by “full commission”].)

Applicant’s failure to meaningfully fulfill its status report requirements, and failure to timely file a renewed request for suspension, are by themselves sufficient basis for terminating the proceeding. However, there is an additional reason that supports termination beyond “failure to pursue with due diligence.” That reason is the recent adoption by Inyo County of a Renewable Energy Plan (General Plan Amendment No. 2013-02). The general plan amendment (Amendment) was the product of Inyo County’s participation in the Desert Renewable Energy Conservation Plan, and was

financed with grant funding from the Energy Commission to do comprehensive planning on the county level for renewable energy development. (Inyo Co. Resolution No. 2015-26, March 24, 2015, p.2.) The Amendment is the product of extensive public outreach, consultation with public agencies, consultation with Native American tribes, and a full-blown environmental impact report process that considered extensive project alternatives. (*Id.*, pp. 2-11.)

The Amendment creates several “solar energy development areas,” or “SEDAs.” The SEDA for Charleston View—the proposed site of the Hidden Hills project--requires any future solar project at the Hidden Hills site to be photovoltaic, and to be no more than 2400 acres in size (compared to the proposed project’s 3277 acres). (*Id.*, Exh. 5, Table 3-1, p.7.) The Amendment thus addresses, and largely avoids, the significant adverse environmental impacts identified by Staff in the Final Staff Assessment (FSA) for the project: potential impacts on local wells resulting from the need to pump relatively large quantities of groundwater from a declining aquifer for the project; potential impacts on local springs (and sensitive local habitat) from such water pumping; potential noise and visual impacts on local residents near the project site; significant visual resources impacts from 750-foot “power towers”; significant impacts to Native American cultural resources, including the use and significance of local lands that would be occupied and visually dominated by the project; potentially significant impacts to birds from solar flux burn and heat damage.

Inyo County is an intervenor in the Hidden Hills proceeding, and its new plan for renewables that may be situated in the county is informed by the impacts discussed in the FSA, and the need to reduce or avoid them. In fact, the county contributed importantly to the FSA’s assessment. The project would not be, and cannot be, consistent with the county’s plan, which leaves room for solar projects better suited for the Hidden Hills site. The county, local residents, intervenors, environmental groups, and the federal Bureau of Land Management (which administers adjacent federal lands) are currently left uncertain as to whether the county’s newly adopted plan for photovoltaic solar development is controlling, or whether the Energy Commission will ultimately override that plan to license Applicant’s project.¹ In this context, Applicant’s failure to comply with even the most basic duties of its suspension orders, and respond with substantive information about project progress, are factors the Commission should consider before, once again, renewing suspension for a project that would have high adverse impacts if located at the proposed site.


¹ The Energy Commission may make “override findings” for nonconformity with local ordinances (Pub. Resources Code, § 25525) or for significant adverse impacts that cannot be avoided or mitigated. (Cal. Code Regs, tit. 14, § 15093.) Staff has not recommended override findings in its FSA.

Suspension orders understandably set low reporting requirements for project applicants, and Applicant is hardly alone in filing terse status reports with little or no information. This may be appropriate for many projects where the proceeding has been suspended, particularly where the reason for the delay is the pursuit of a power purchase agreement. But the Hidden Hills project is an anomaly in this sense: the FSA identifies significant unavoidable impacts from its development; there are transmission issues that are pertinent to project feasibility; Inyo County has been engaged in a planning process for renewable energy that includes the project site. In other words, the suspension order for Hidden Hills should not be considered a purely proforma requirement that could be satisfied with a proforma single-paragraph, or even single-sentence response, repeated as an empty incantation in each status report. Parties, the public, agencies, and the Energy Commission itself benefit from knowing what is going on with a controversial project with multiple complex issues, including project feasibility and an FSA identifying significant unavoidable adverse impacts. In these circumstances, the duty to file status reports with actual information must be taken seriously, and applicants required to be diligent in complying. Where there is no diligence, and no evidence of active pursuit of the project, termination is appropriate.

In the unique circumstances described above, termination of the Hidden Hills project for failure to pursue an application with due diligence is appropriate under Section 1720.2.

Date: April 16, 2015

Respectfully Submitted,


Richard C. Ratliff
Staff Counsel IV
California Energy Commission

RESOLUTION NO. 2015-26

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING
THE PROGRAM ENVIRONMENTAL IMPACT REPORT,
ADOPTING MITIGATION MEASURES, ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM
MAKING CERTAIN FINDINGS OF FACT, ADOPTING A
STATEMENT OF OVERRIDING CONSIDERATIONS AND
APPROVING GENERAL PLAN AMENDMENT NO. 2013-02/INYO
COUNTY (RENEWABLE ENERGY)**

WHEREAS, California Government Code Section 65300 et seq. states: Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, Government Code Section 65302 indicates that the General Plan shall include seven elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety; and

WHEREAS, Inyo County supports and encourages the responsible utilization of its natural resources, including the development of its solar resources for the generation and transmission of clean, renewable electric energy; and

WHEREAS, Inyo County encourages the increased use of solar radiation to generate and transmit clean, renewable electric energy as a benefit not only to the citizens of Inyo County, but also to citizens of California and the United States; and

WHEREAS, On August 17th, 2010 Inyo County adopted Ordinance No.1158-Inyo County Renewable Energy Ordinance, Title 21, to encourage and regulate the development of renewable energy resources within Inyo County; and

WHEREAS, on April 26, 2011 Inyo County adopted Resolution 2011-17 approving the Renewable Energy General Plan Amendment (GPA) 2010-03; and

WHEREAS, On May 26, 2011, the Sierra Club and the Center for Biological Diversity initiated litigation in Inyo County Superior Court against the County to set aside approval of the GPA based upon allegations that an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) should have been prepared to approve the GPA; and

WHEREAS, on September 6, 2011 Inyo County adopted Resolution 2011-36 rescinding Renewable Energy GPA 2010-03, due to lack of funding to defend itself against the litigation brought forth; and

WHEREAS, Inyo County has been active in the Desert Renewable Conservation Plan (DRECP) since its inception in May 2010, which is an agreement between the California Department of Fish and Wildlife (CDFW), the California Energy Commission (CEC), US Bureau of Land Management (BLM), and the US Department of Fish and Wildlife Service (USFWS) to guide renewable energy development in tandem with a multispecies conservation plan for the Mojave and Colorado Desert regions; and

WHEREAS, due to the County's involvement in the DRECP, the County entered into a Memorandum of Understanding with the CEC in March 2013 that provides the framework for a cooperative relationship between the CEC and Inyo County that focuses on effective planning and promotion of renewable energy development; and

WHEREAS, due to the County's Memorandum of Understanding with the CEC, the County was able to apply for grant funding to do planning work for renewable energy development; and

WHEREAS, on July 15, 2013 the County was awarded grant funding to develop a Renewable Energy GPA and conduct a Program EIR on it; and

WHEREAS, in July 2013 the County entered into a contract with the CEC to prepare a Renewable Energy GPA and conduct a Program EIR on it; and

WHEREAS, pursuant to Senate Bill 18 (SB18) and Government Code Section 65352.3, on September 17, 2013 the County requested a list of appropriate native American contacts from the California Native American Heritage Commission (NAHC) from whom to request consultation regarding the Renewable Energy General Plan Amendment GPA; and

WHEREAS, the NAHC transmitted a list of Native American contacts to the County on October 7, 2013 for purposes of SB18 consultation regarding the Renewable Energy GPA; and

WHEREAS, on October 22, 2013 the County sent letters initiating Native American Consultation pursuant to the California Government Code Sections 65040.2, 65092, 65351, 65352.3, 65352.4, 65562.5, with the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, and the Lone Pine Paiute Shoshone; and

WHEREAS, the Big Pine Band of the Owens Valley requested consultation; and

WHEREAS, County staff and the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer scheduled a consultation for January 8, 2014; and

WHEREAS, on January 7, 2014 the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer informed County staff that the Tribal Board wished to cancel the consultation; and

WHEREAS, County staff and the Big Pine Band of the Owens Valley's Tribal Historic Preservation Officer scheduled a consultation for February 13, 2014; and

WHEREAS, on February 13, 2014 County staff and the Fourth District Supervisor met with the Big Pine Band of the Owens Valley for consultation; and

WHEREAS, on February 19, 2014 the Big Pine Paiute Tribe of the Owens Valley provided a letter to County staff outlining the consultation discussion and their concerns regarding the work done on the County's Draft Inyo County Renewable Energy GPA; and

WHEREAS, on February 21, 2014 County staff responded to the Big Pine Paiute Tribe of the Owens Valley requesting further consultation and requested that the tribe provide the County with dates and times in early to mid-March for tribal members to work with county staff on mapping areas of tribal significance; and

WHEREAS, on March 24, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley requesting a consultation meeting on March 28, 2014; and

WHEREAS, County staff declined this request due to the inability to meet based on the timing for the request; and

WHEREAS, on April 2, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley asking for a consultation meeting prior to April 9, 2014, which County staff declined based again on the short notice of the request; and

WHEREAS, on April 9, 2014 County staff sent a letter to the Big Pine Paiute Tribe of the Owens Valley requesting a consultation meeting on April 24, 2014; and

WHEREAS, on May 21, 2014 County staff received a letter from the Big Pine Paiute Tribe of the Owens Valley requesting County staff work with the Tribe to schedule a consultation; and

WHEREAS, on May 28, 2014 County staff responded to the Big Pine Paiute Tribe of the Owens Valley and suggested either June 8, 2014 or June 16, 2014 to meet with the Tribe for consultation; and

WHEREAS, on June 4, 2014 the Tribal Historic Preservation Officer confirmed by email, that the Tribe was available to meet for consultation on June 9, 2014; and

WHEREAS, on June 9, 2014 County staff and the Fourth District Supervisor met with the Tribe and discussed the Renewable Energy GPA, with subjects that included utility scale facilities, distributed generation and the Tribes' concerns about the Program EIR adequately analyzing potential impacts; and

WHEREAS, on July 10, 2014 County staff received a letter from the Big Pine Tribe requesting additional consultation, specifically for issues the Tribe provided in the scoping comments for the Draft Program EIR (PEIR), that included: PEIR must adequately analyze significant impacts and cumulative impacts, small scale renewable energy solar facility alternative, Solar Energy Development Areas do not meet the County's own criteria for utility scale solar development, and comments previously provided regarding the Laws, Owens Lake, Owens Valley, Rose Valley and Charleston View proposed Solar Energy Development Areas; and

WHEREAS, during August, September and October, 2014 County staff worked with the Tribal Historic Preservation Officer to schedule additional consultations; and

WHEREAS, a consultation was scheduled for November 6, 2014 with County staff and the Fourth District Supervisor; and

WHEREAS, County staff prepared responses to the issues raised in the letter from the Tribe dated July 10, 2014 and read them at the November 6, 2014 consultation; and

WHEREAS, on December 11, 2014 County staff and the Fourth District Supervisor met with the Tribe in consultation and discussed the Program EIR with regard to comments the Tribe had on it; and

WHEREAS, in a letter dated January 7, 2015 the Timbisha Shoshone Tribe of Death Valley requested that consultation opportunity be provided if a project were to be planned within or near an area of their tribal territories; and

WHEREAS, on January 29, 2015 the County sent a letter to the Timbisha Shoshone Tribe stating that the County would be happy to meet with the Tribe about any future project near Timbisha Shoshone territories and was available to meet with the Tribe to discuss the current proposed Renewable Energy General Plan Amendment and provided information on how to schedule; and

WHEREAS, in a letter dated January 8, 2015 the Bishop Tribal Council provided comments on the Renewable Energy General Plan Amendment and requested a meeting to engage in consultations; and

WHEREAS, on January 29, 2015 the County sent a letter to the Bishop Tribal Council stating that staff would be happy to meet with them to discuss the Renewable Energy General Plan Amendment and to please contact staff to schedule a time; and

WHEREAS, on January 20, 2015, as specified by SB18, per Government Code Section 65352, the County notified the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, and the Lone Pine Paiute Shoshone that the County was preparing to bring GPA No. 2013-02/Inyo County(Renewable Energy) for adoption in late March 2015, and thereby opened

a 45-day comment period upon receipt of the notification and informed the Tribes that on-going consultations could continue through the adoption process; and

WHEREAS, on March 3, 2015 the Inyo County Board of Supervisors invited the tribe to attend the Board of Supervisors meeting March 17, 2015 to publically discuss GPA No. 2013-02/Inyo County(Renewable Energy); and

WHEREAS, on March 4, 2015 County staff sent the Big Pine Paiute Tribe of the Owens Valley a letter encouraging continued to consultation with County staff on the Renewable Energy General Plan Amendment; and

WHEREAS, in a letter dated March 13, 2015 the Big Pine Paiute Tribe of the Owens Valley requested further consultation, but also stated they did not have a time where enough Tribal Council members would be available prior to the Board Hearing scheduled and publically noticed for March 24, 2015 and that a Board of Supervisors meeting was inappropriate for consultations; and

WHEREAS, on March 17, 2014 the County included an item on the Board Agenda for the Tribe to discuss GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, the Tribal Council of the Big Pine Tribe of the Owens Valley, through the Inyo County Fourth District Supervisor respectfully declined to attend the Board meeting; and

WHEREAS, in a letter received on March 16, 2015 the Bishop Tribal Council stated that they are waiting for the County Board of Supervisors to schedule a consultation with the Tribal Council prior to a Board Hearing on GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, there was insufficient time to schedule a consultation prior to the scheduled and publically noticed Board Hearing on March 24, 2015; and

WHEREAS, the County has in good faith provided for consultations pursuant to the provisions of SB-18; and

WHEREAS, in August and September 2013 County staff prepared a Background Report covering the work done prior to and for the 2011 Renewable Energy GPA, including draft policy concepts and criteria that might be used to identify Renewable Energy Development Areas; and

WHEREAS, in August and September 2013 County staff prepared a stakeholder and interest parties list and invited people to be involved in the planning process for the Renewable Energy GPA; and

WHEREAS, on November 12, 2013 County staff conducted a public meeting in concert with the Desert Renewable Energy Planning Group and introduced the Renewable Energy GPA project; and

WHEREAS, between November 12 and 14, 2013 County staff conducted seven stakeholder meetings to introduce the Renewable Energy GPA and allow people to vote on whether they agreed or disagreed with the criteria that staff identified for developing Renewable Energy Development Areas and whether or not they agreed or disagreed with the basic policy concepts that staff presented; and

WHEREAS, between December 3 and 5, 2013 County staff conducted three public meetings, one each in Independence, Bishop and Tecopa and introduced the Renewable Energy GPA and allowed people to vote on whether they agreed or disagreed with the criteria that staff identified for developing Renewable Energy Development Areas and whether or not they agreed or disagreed with the basic policy concepts that staff presented; and

WHEREAS, the majority of stakeholders and the attending public were in favor of the criteria that staff developed for identifying Renewable Energy Development Areas and with the basic policy concepts that staff presented; and

WHEREAS, in October 2013 HELIX Environmental Planning prepared an Opportunities and Constraints Technical Study that identified areas in Inyo County by levels of constraints that might be appropriate for renewable energy development and areas that are not appropriate for renewable energy development; and

WHEREAS, on February 14, 2014 the County provided notice in the Inyo Register for a public meeting to take public comment on Draft GPA No. 2013-02/Inyo County (Renewable Energy) to be held on February 26, 2014; and

WHEREAS, county staff presented a staff report that contained the information and recommendations developed to date to the Inyo County Planning Commission and asked for input and direction to take to the Board of Supervisors so that they could provide direction on the preparation of a project description for the Program Environmental Impact Report; and

WHEREAS, on February 26, 2014 the Inyo County Planning Commission took public comment and thirty-four people provided verbal comments at the meeting that spanned 3-hours, 70 written comments were also received; and

WHEREAS, most of the public comments verbal and written were in opposition to the Draft Renewable Energy Development Areas, especially with regard to the area in the Draft Owens Valley Renewable Energy Development Area; and

WHEREAS, on February 26, 2014 the Inyo County Planning Commission

recommended that staff take the Draft Renewable Energy GPA, as presented to them, to Board of Supervisors for input and with suggestions to: 1) go with the Draft Less Intensive Alternative and 2) to remove the Centennial Flat/Darwin Renewable Energy Development Area from the Draft Preferred Alternative; and

WHEREAS, on March 18, 2014 County staff held a workshop with the Inyo County Board of Supervisors to provide clarity on the planning process and where in that process staff was currently working from; and

WHEREAS, on March 18, 2014 the Inyo County Board of Supervisors took public comment from forty-two people who provided comments similar to those given at the Planning Commission meeting on February 26, 2014; and

WHEREAS, on March 29, 2014 the County provided notice in the Inyo Register for a public meeting on Draft GPA No. 2013-02/Inyo County (Renewable Energy) to be held on April 1, 2014; and

WHEREAS, on April 1, 2014 presented the information as recommended by the Planning Commission on February 26, 2014; and

WHEREAS, on April 1, 2014 the Inyo County Board of Supervisors took public comment from twenty-nine people of whom the majority expressed support of the Planning Commission's suggestion to use the Less Intense alternative as provided for by staff; and

WHEREAS, on April 1, 2014 the Inyo County Board of Supervisors provided staff direction to: (1) use the Less Intense Alternative and Megawatt Caps; (2) remove the Owens Valley REDA and create the Owens Valley Study Area (to be subject to a finer level of constraints analysis); (3) impose a 250-megawatt cap on the Western Region of the County (inclusive of Owens Valley) that includes the REDAs encompassing Laws, Owens Lake, Rose Valley and Pearsonville; (4) within the Owens Valley, consider a 250 megawatts cap on solar development (the size of the cap was based on existing transmission availability); (5) add community-scale solar; (6) work with property owners in Chicago Valley to define a REDA and megawatt cap; (7) add acreage caps in addition to the megawatt caps; (8) not include wind energy development in the REGPA; and, (9) rename the REDAs "Solar Energy Development Areas" (SEDAs) since the REGPA would considered solar energy; and

WHEREAS, on May 6, 2014, the Inyo County Board of Supervisors held an additional meeting to approve the modifications made by staff based on the direction received from the Board during the April 1, 2014 meeting; and

WHEREAS, on May 6, 2014 the Inyo County Board of Supervisors took public comment from ten people of whom the majority expressed support of the Less Intense alternative; and

WHEREAS, on May 6, 2014 County staff was provided with direction from the Inyo County Board of Supervisors to proceed with a project description based on the direction provided on April 1, 2014 with three changes: (a) the re-inclusion of the strip identified as Centennial Flats located along the Owens Lake into the Owens Lake Solar Energy Development Area, (b) a clarification to include land next to the Los Angeles Aqueduct and (c) with a correction to the acreage for the Sandy Valley Solar Energy Development Area from 100 acres to 600 acres; and

WHEREAS, a project description was prepared based on the Board's direction provided on May 6, 2014 and a Notice of Preparation was submitted to the California State Clearinghouse on June 10, 2014 and to government agencies, special service districts, organizations, Tribes and individuals with an interest in, or jurisdiction, over the project were notified; and

WHEREAS, on June 10, 2014 the County provided notice in the Inyo Register announcing the dates, times and places for scoping meetings and sessions to be held between June 16 and June 27, 2014; and

WHEREAS, three scoping meetings, and two scoping sessions were held between June 16 and June 27, 2014 in Lone Pine, Bishop, Tecopa, Olancho and Trona and sixty-two agency and members of the public attended and County staff took comments; and

WHEREAS, County staff received twenty-two comment letters; and

WHEREAS, the project description was further refined based on public comment collected during the scoping meetings, sessions and provided for in written correspondence; and

WHEREAS, on November 5, 2014 a Notice of Completion (NOC) and Availability for the Draft PEIR was transmitted to the California State Clearinghouse for distribution for review; and

WHEREAS, a public notice was published in the Inyo Register on November 4, 2014 announcing the NOC, and was sent by US Mail and emailed to interested parties, stakeholders, agencies, organizations and Tribes; and

WHEREAS, on November 4, 2014 the County provided notice in the Inyo Register announcing three public meetings would be held on December 2, 3, and 4, 2014 in Bishop, Lone Pine and Tecopa to take public comments on the Draft PEIR; and

WHEREAS, the forty-five day comment period required by the provisions of CEQA for EIRs was scheduled to end on December 19, 2014; and

WHEREAS, the County received multiple comments requesting and extension of the comment period deadline; and

WHEREAS, on December 8, 2014 staff transmitted a notice to the State Clearinghouse stating the comment period for the Draft Program EIR would be extended to January 14, 2015; and

WHEREAS, on December 12, 2014 the County provided notice in the Inyo Register and by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public that the comment period for the Draft PEIR would end on January 14, 2015, providing for a 71-day total comment period; and

WHEREAS, on November 14, 2014 the County provided notice in the Inyo Register announcing the Planning Commission would hold a public hearing on December 3, 2014 to take public comments on the Draft PEIR; and

WHEREAS, the Planning Commission held a public hearing on December 3, 2014 and received public comments from four people that included: appreciation for the time extension; concerns for Mojave Ground Squirrel, water fowl, wildlife corridors and desert tortoise; concerns for viewsheds, cultural/tribal and biological impacts; and a question about what the Program EIR was studying; and

WHEREAS, the County's Natural Resources Advisory Committee held a meeting on December 18, 2014 to provide recommendations including: the area allowed for development is confusing and staff should show graphically how much area within the Solar Energy Development Areas there is for development based on the caps provided in the proposed GPA; add a policy for no new transmission lines in the Owens Valley; a preference for solar projects that do not require the clearing of natural brush and plants; and include additional community input at the onset of zoning amendment request process; and

WHEREAS, the County received sixty-five written comments on the Draft Program EIR and has provided responses to them in the Final Program Environmental Impact Report Volume I; and

WHEREAS, the Draft Program EIR evaluated all of the required area issues of: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems and the additional issue area of Socioeconomics; and

WHEREAS, based on the analysis provided in the Draft Program EIR the project will: (1) have less than significant impacts on the issue areas of Land Use and Planning Population and Housing, Recreation, Utilities and Services Systems; (2) have Less than Significant Impacts After Mitigation on the issues of Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services,

Socioeconomics, and Transportation; and (3) have Significant and Unavoidable impacts on the issue areas of Aesthetics, Biological Resources, and Cultural Resources; and

WHEREAS, the County has prepared project Findings pursuant to CEQA Guidelines Section 15091 (Exhibit 1); and

WHEREAS, the County has prepared a Statement of Overriding Conditions (Exhibit 1) for the issue areas with Significant and Unavoidable impacts pursuant to CEQA Guidelines Section 15093; and

WHEREAS, the County has prepared a Final Program Environmental Impact Report consisting of Volume I and Volume II; and

WHEREAS, the County has prepared an errata sheet to respond to comments from the Planning Commission March 4, 2015 hearing and correct minor errors found in the Final Program EIR; and

WHEREAS, the Final Program Environmental Impact Report includes a Mitigation, Monitoring and Reporting Program in Section E of Volume I (Exhibit 2); and

WHEREAS, the Inyo County Planning Department will be the custodian of the Final Program Environmental Impact Report and all other project related materials; and

WHEREAS, on January 26, 2015 as specified by Government Code Section 65352, the County notified organizations by US Mail and e-mail that GPA 2013-02/Inyo County (Renewable Energy) would be presented to the County's Board of Supervisors for approval in mid to late March 2015 and thereby opened 45-day comment period; and

WHEREAS, on February 20, 2015 the County provided notice by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public and provided notice in the Inyo Register announcing the Planning Commission would hold a public hearing on March 4, 2015 to take public comments on GPA 2013-02/Inyo County (Renewable Energy) and the Final Program EIR; and

WHEREAS, on March 4, 2015 the Planning Commission held a public hearing; received a presentation from staff and received public comments from nine people that included: comments supporting the revised Solar Energy Development Areas maps that support Mojave ground squirrel; support for the Photo Voltaic only alternative; support for Commercial Scale only alternative; concerns about groundwater, potential development in Charleston View and Chicago Valley; concerns about the impacts of solar development on tourism; concerns about inconsistencies of the megawatt caps; and

WHEREAS, on March 4, 2015 the Inyo County Planning Commission provided a recommendation to the Board of Supervisors to certify the Program EIR and adopt GPA 2013-02/Inyo County (Renewable Energy) as staff presented it and with the recommended modifications presented by staff and with the additional recommendations

to: (1) use the Solar Photo Voltaic only alternative; (2) use the Commercial Scale only alternative (20 megawatts or less); (3) modify the Rose Valley and Pearsonville Solar Energy Development Areas to reflect the Desert Renewable Energy Conservation Plan Development Focus Area boundaries as presented by staff; (4) modify the Owens Lake Solar Energy Development Area, by aligning the southern boundary at Highway-190, as presented by staff; (5) eliminate the Chicago Valley and Charleston View Solar Energy Development Areas; (6) avoid Areas of Critical Environmental Concern (ACEC) and National Landscape Conservation System lands (NLCS); and, (7) emphasized keeping the staff recommendation to remove policies supporting Development Focus Areas and Variance lands as identified in the Desert Renewable Energy Conservation Plan; and

WHEREAS, on March 13, 2015 the County provided notice by US Mail and e-mail to organizations, jurisdictions, stakeholders and the interested public and provided notice in the Inyo Register announcing the Inyo County Board of Supervisors would conduct a public hearing and consider GPA 2013-02/Inyo County (Renewable Energy); and

WHEREAS, on March 24, 2015 the Inyo County Board of Supervisors conducted a public hearing on GPA No. 2013-02/Inyo County (Renewable Energy); and

WHEREAS, during the public hearing on March 24, 2015, this Board heard public comments concerning GPA 2013-02 /Inyo County (Renewable Energy); and

WHEREAS, Exhibit 3 hereto summarizes the public comments presented during the March 24, 2015 public hearing and provides responses to the comments; and

WHEREAS, following the receipt of the public comments on March 24, 2015, certain amendments to GPA 2013-02 /Inyo County (Renewable Energy) were adopted by the Board of Supervisors. These amendments and changes are summarized in Exhibit L to the public hearing record. Exhibit L is Exhibit 4 hereto; and

WHEREAS, Inyo County has conducted a thorough public process with stakeholder representatives including but not limited to: renewable energy developers, power companies, federal, state and local agencies, the U.S. military, environmental groups, local Tribes, property owners and citizens of Inyo County, to influence the development of solar renewable energy General Plan Policy and created mapped Solar Energy Development Areas that identify places which may be appropriate for solar renewable energy development; and

WHEREAS, Inyo County has prepared an update to its General Plan that amends the Government; Land Use; Public Services and Facilities; Economic Development; Conservation/Open space; and Public Safety General Plan Elements with policies directing appropriate solar renewable energy development; and

WHEREAS, Inyo County has created General Plan policies for solar renewable energy development that establishes guidance for: identifying and defining appropriate

scales and sizes of solar facilities; providing mapped Solar Energy Development Areas and a table of development caps for allowed acreages for each Solar Energy Development Area and a megawatt cap for each Solar Energy Group; providing that social, cultural, visual, economic, and environmental impacts are minimized; requiring reclamation at the termination of solar facilities; minimizing water consumption; working to protect military readiness; and, discouraging conversions of lands utilized for agriculture, mining, and recreation; encouraging solar renewable energy facilities to site on previously disturbed areas; siting and screening solar renewable energy facilities to minimize significant impacts to the visual environment, including light and glare; minimizing impacts to accessing recreational opportunities; minimizing noise from solar renewable energy development; and

WHEREAS, GPA 2013-02/Inyo County Renewable Energy is a policy document that directs the responsible development of renewable solar energy projects within Inyo County, a large geographic area; and therefore a Program EIR has been submitted pursuant to CEQA, the CEQA Guidelines, and in particular CEQA Guidelines Section 15168, and the Inyo County CEQA procedures; and

WHEREAS, this Board does hereby find and declare the certification of the Program EIR prepared for GPA 2013-02/Inyo County (Renewable Energy) is in the public interest; and

WHEREAS, this Board does hereby find and declare adoption of GPA 2013-02/Inyo County (Renewable Energy) to be in the public interest; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comments and input received at the March 24, 2015 public hearing, including the staff report for the project, this Inyo County Board of Supervisors makes the following findings regarding GPA 2013-02/Inyo County (Renewable Energy) and hereby finds that:

- 1.) The proposed GPA 2013-02/Inyo County (Renewable Energy) is a policy document that directs the responsible development of renewable solar energy projects within Inyo County, a large geographic area; and therefore a Program EIR has been submitted pursuant to the CEQA, the CEQA Guidelines, and in particular CEQA Guidelines Section 15168.
- 2.) Pursuant to CEQA Guidelines Section 15090, the Final EIR has been completed in compliance with CEQA, the Final EIR has been presented to this Board of Supervisors which has reviewed and considered the information contained in the Final EIR, and the Final EIR reflects the County's independent judgment and analysis.
- 3.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the Goals and Policies of the Inyo County General Plan.

- 4.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the purposes and intent of Title 18 (Zoning Ordinance) of the Inyo County Code.
- 5.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) is consistent with the purposes and intent of Title 21 (The Renewable Energy Ordinance) of the Inyo County Code.
- 6.) Based on substantial evidence in the record, proposed GPA 2013-02/Inyo County (Renewable Energy) complies with California Government Code Section 65300 et seq. (i.e., the State's regulations for the General Plan).

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby: (1) certify the Program EIR prepared for GPA No. 2013-02/Inyo County (Renewable Energy), pursuant to CEQA, (2) adopt each of the Mitigation Measures identified in the Program EIR, (3) adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit 2 hereto, (4) make the Findings of Fact and adopts the Statement of Overriding Considerations set forth in Exhibit 1 hereto, and (5) approve GPA No. 2013-02/Inyo County (Renewable Energy) (GPA No. 2013-02/Inyo County (Renewable Energy as amended by the actions of this Board is Exhibit 5 hereto) based on all of the information in the public record and in consideration of the recommendation of the Planning Commission.

PASSED AND ADOPTED THIS 24TH DAY OF MARCH, 2015 BY THE FOLLOWING VOTE OF THE INYO COUNTY BOARD OF SUPERVISORS:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Inyo County Board of Supervisors

ATTEST:

Clerk of the Board

By _____
Pat Gunsolley, Assistant

Exhibit 1 – CEQA Findings

Exhibit 2 – Mitigation Monitoring and Reporting Program

Exhibit 3 – Errata #3

Exhibit 4 – Exhibit L Adopted Amendments to the REGPA

Exhibit 5 - GPA No. 2013-02/Inyo County (Renewable Energy) including Table 3-1

**Exhibit 5:
GPA No. 2013-02/Inyo County (Renewable Energy)
with Table 3-1 and SEDA Diagrams 32-32h**

**FINAL REGPA
AS ADOPTED BY THE BOARD OF SUPERVISORS
PUBLIC HEARING MARCH 24, 2015**

Government Element

New Government Element Policy

- Policy Gov-2.3: Public Involvement: The County shall provide the opportunity for the public to engage in the planning process at the onset of any renewable energy solar facility project and for all other large or potentially controversial projects applied for in the County.
- Policy GOV-2.4: The County shall require that renewable energy solar facility developers notify local residents and/or landowners by direct mailings or other appropriate means announcing projects at the time an application is submitted.

Land Use Element

New Land Use Definitions

Renewable Energy Solar Facility

Any electric transmission line or photovoltaic (PV) power plant to be constructed in Inyo County. A renewable energy solar facility does not include small scale renewable energy solar facilities or a pilot or proof of a concept power plant.

Utility Scale Renewable Energy Solar Facility (more than 20 megawatts)

A renewable energy solar facility that produces more than 20 megawatts (MW) of electricity for off-site use, consumption and/or sale, including all equipment and accessory structures related to the facility, including but not limited to PV panels, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, appurtenant energy storage facilities and other accessory structures.

Commercial Scale Renewable Energy Solar Facility (20 megawatts or less)

A renewable energy solar facility that produces 20 MW or less of electricity for off-site use, consumption and/or sale.

Community Scale Renewable Energy Solar Facility (36 acres or less)

A renewable energy solar facility that uses renewable solar resources to generate energy for a specific community's use and located near the community it serves.

Small Scale Renewable Energy Solar Facility

A facility that uses renewable solar resources to generate energy for on-site use such as roof-top or ground mounted PV panels.

New Land Use Policies

- Policy LU-1.17: Utility Scale (more than 20 MW) and Commercial Scale Renewable Energy Solar Facilities (20 MW or less). The County shall consider utility scale and commercial scale renewable energy solar facilities within SEDA overlays or outside of SEDAs if the facility is proposed to be located over or along the Los Angeles Aqueduct. Within SEDAs or over or along the Los Angeles Aqueduct, the County may consider utility scale and commercial scale renewable energy solar facilities within any zoning district under Title 18 of the ICC and pursuant to ICC Title 21. Based on site-specific studies and appropriate environmental review, the County may process utility scale and commercial scale renewable energy solar facilities within the SEDA, or over and along the Los Angeles Aqueduct, pursuant to ICC Title 21. Potential social, economic, visual and environmental impacts from utility scale and commercial scale renewable energy solar facilities must be avoided, minimized, or mitigated to an acceptable level. Appurtenant transmission and storage facilities and related infrastructure may be constructed and operated within any Land Use Designation and any zoning district under Title 18 of the ICC and in accordance with the standards set forth by CEQA. Development standards, including minimum parcel size, may be specified in a Renewable Energy Permit or Renewable Energy Development Agreement in lieu of the standards specified herein, as permitted by ICC Title 21.
- Policy LU-1.18: Community Scale Renewable Energy Solar Development. The County shall consider community scale renewable energy solar facilities in and outside of a SEDA and within any zoning district under Title 18 of the ICC and pursuant to ICC Title 21. Community scale renewable energy solar facilities shall only generate electricity for the use of specified communities and may only export energy as part of a net-metering plan. Potential social, economic, visual and environmental impacts from community scale solar energy facilities must be avoided, minimized, or mitigated to an acceptable level. Development standards, including minimum parcel size, may be specified in a Renewable Energy Permit or Renewable Energy Development Agreement in lieu of the standards specified herein, as permitted by ICC Title 21.

- Policy LU-1.19: Renewable Energy Solar Development in the OVSA. Renewable Energy Solar Development in the OVSA will be subject to a set of criteria identified through further planning efforts for identifying and mapping areas appropriate within the OVSA for solar energy development, and pursuant to ICC Title 21.
- Policy LU-1.20: The County does not support new transmission in or through Inyo County above what is necessary for the megawatt cap placed on each Solar Development Group.
- Policy LU-1.21: The County does not support renewable energy solar development projects other than those that use PV technologies.

New Land Use Implementation Measures

1. The County shall coordinate with the Department of Defense, the United States Navy China Lake, and Edwards Air Force Base personnel on the siting of renewable energy solar facilities in a manner that does not significantly impact military readiness. Issues to be addressed in the coordination include: activities that produce electromagnetic and frequency spectrum interference, light and glare, dust and smoke, heat generation and the effects on military equipment testing and operations, including proposed development heights, personnel training, and flight activities.
2. The County shall coordinate with agencies managing lands within the County's boundary to avoid, minimize, or mitigate potential impacts from renewable energy solar facilities to an acceptable level as determined by the County.
3. The County shall work with utilities and renewable energy solar facility Developers to encourage collocation of transmission and intertie facilities.
4. The County shall encourage renewable energy solar facility development projects (a) on disturbed lands such as solid waste and wastewater treatment facilities, brownfields, including abandoned mine sites, and (b) commercial scale renewable energy solar facilities instead of utility scale renewable energy solar facilities.
5. The County shall encourage the development of small scale, community scale, and commercial scale renewable energy solar facilities.
6. The County shall encourage utilization of State Trust Lands for renewable energy solar facility development and/or mitigation from such development through land trades or other mechanisms.

Economic Development Element

New Economic Development Policies

- Policy ED-4.4: Offset the Cost to the County for Service Provision. Renewable energy solar facility development shall be required to provide the means to offset the costs to the County, including but not limited to, the cost of infrastructure improvements and County services, and lost economic development potential. Economic impacts from renewable energy solar facility development identified by the County shall be mitigated or offset.
- Policy ED-4.5: Employ and Train Local Labor. The County shall encourage renewable energy solar facility developers to employ the local labor force, during development and for long-term facility maintenance and provide educational and training opportunities, as practicable.
- Policy ED-4.6: Compensation to Local Communities. The County shall encourage renewable solar energy developers to provide compensation in the form of reduced rates for communities impacted by development.
- Policy ED-4.7: Provide Transient Housing. The County shall encourage renewable solar energy developers to help provide transient housing during the construction of solar energy facilities to minimize impacts to tourist accommodations.

Housing Element

- No change.

Circulation Element

- No change.

Conservation/Open Space Element

Modified Existing Agricultural Resources Policy

Policy AG-1.3: Conversion of Agricultural Land. Discourage conversions of productive agricultural lands for urban development, and encourage avoidance of the use of productive agricultural lands for renewable energy solar facility development.

New Cultural Resources Policy

Policy CUL-1.6: Protect Cultural Resources. The County shall require renewable energy solar facility developers recognize the Old Spanish Trail as a cultural resource and ensure that it and its immediate surroundings in the Charleston View SEDA are preserved and protected.

New Mineral and Energy Resources Definitions:

Community Scale Renewable Energy Solar Facility (36 acres or less)

A renewable energy solar facility that uses renewable solar resources to generate energy for a specific community's use and located near the community it serves.

Commercial Scale Renewable Energy Solar Facility (20 megawatts or less)

A renewable energy solar facility that produces 20 MW or less of electricity for off-site use, consumption and/or sale.

Small Scale Renewable Energy Solar Facility

A facility that uses renewable solar resources to generate energy for on-site use such as roof-top or ground mounted photovoltaic panels.

Solar Energy

Energy that is generated through the conversion of the sun's radiation into electricity.

Solar Energy Development Areas (SEDA)

General Plan Overlay Areas identified by the County, at a landscape scale, as potentially appropriate, for renewable solar energy development.

Utility Scale Renewable Energy Solar Facility

A renewable energy solar facility that produces more than 20 MW of electricity for off-site use, consumption and/or sale, including all equipment and accessory structures related to the facility, including but not limited to solar PV panels, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, and other accessory structures.

Sustainable Water Use

The use of water for a renewable energy solar facility will not exceed the annual rate of replacement of that water so that groundwater mining is avoided and so that adverse impacts to biological resources (including wildlife) due to hydrological impacts caused by water use are avoided.

New Mineral and Energy Resources Goal

- Goal MER-2: Avoid, Minimize, Mitigate. Ensure that renewable energy solar facility development is conducted appropriately to avoid, minimize, or mitigate the impacts from such development on the social, economic, visual, and environmental resources of the County.

New Mineral and Energy Resources Policies

- Policy MER-2.1: Encourage Small Scale. The County shall continue to encourage small scale renewable energy solar facilities, such as roof-top and ground mounted solar; commercial scale; and community scale renewable energy solar facilities that serve specific communities.
- Policy MER-2.2: Solar Energy Development Areas (SEDA). The County shall maintain a Land Use Diagram of areas where utility scale and commercial scale solar facilities may be appropriate (SEDA Map).
- Policy MER-2.3: SEDA Land Inventory. As illustrated on Table 3-1, the total acreage that may be developed for utility and commercial scale renewable energy solar facilities within each SEDA is capped; and, the amount of megawatts that may be generated within each Solar Energy Group is capped (small scale and community scale solar energy facilities are excluded from the caps).

Table 3-1: Total Allowable Developable Acreage per Solar Energy Development Area and Total Allowed Megawatt Development per Solar Energy Group.

Solar Energy Group	Solar Energy Development Area	Total Allowable Capacity (MW)	Total Allowable Developable Area (acres)
Western*	Laws		120
	Owens Lake		1,500
	Rose Valley		600
	Pearsonville		600
	Owens Valley Study Area		1,500
	Western Solar Energy Group Total	250	1,500
Southern	Trona		600
	Southern Solar Energy Group Total	100	600
Eastern	Charleston View		2,400
	Sandy Valley		600
	Eastern Solar Energy Group Total	500	3,000
MW = megawatts *The Western Solar Energy Group includes four Solar Energy Development Areas (SEDAs) – Laws, Owens Lake, Rose Valley, and Pearsonville – and the Owens Valley Study Area which is not a SEDA. The Owens Valley Study Area has been identified for potential development equaling the total allowable capacity for the Western Solar Energy Group. The SEDAs or Owens Valley, or a combination may be developed to not exceed the total allowable capacity of 250 megawatts based on transmission availability or 1,500-acres.			

- Policy MER-2.6: Avoid, Minimize, or Mitigate Impacts. The County shall work with renewable energy solar developers and other agencies to avoid, minimize, or mitigate impacts to the social, economic, visual, and environmental resources of the County from renewable energy solar facility development.
- Policy MER-2.7: Dust Control. The County shall work with renewable energy solar developers to ensure that dust creation during the construction and operations of a renewable energy solar facility are avoided to the extent practicable.
- Policy MER-2.8: Reclamation Planning. The County shall work with renewable energy solar facility developers to provide and implement a reclamation plan to return the site of each project to pre-project conditions or another appropriate state (i.e., native, reuse, etc.). The reclamation plan shall include financial assurances, such as bonding, for the cost of decommissioning, reclaiming and re-vegetating (if required) each renewable energy solar facility including removal of all equipment and accessory structures related to the facility, including but not limited to PV panels, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, appurtenant energy storage facilities and other accessory structures.

- Policy MER-2.9: Renewable Energy Solar Facility Development along the Los Angeles Aqueduct. The County shall encourage the use of land over and along the Los Angeles Aqueduct for renewable energy solar facility development. These areas may not be included in the SEDA, but are subject to the Western Solar Energy Group cap on the total megawatts that may be produced with the Western Solar Energy Group.
- Policy MER-2.10: Protect Vegetation. The County shall require that renewable energy solar facility developers use mowing and/or other methods that do not include ground scraping during the construction and/or operation of solar facility developments (access roads and infrastructure are excluded from this requirement).

New Mineral and Energy Resources Implementation Measures

1. Continue the Expedited Permitting Process for small scale Photovoltaic Systems and continue providing how-to information for small scale renewable energy solar facilities.
2. Create and maintain a SEDA Overlay land use diagram and an inventory of the lands included in it.
3. Create and maintain a SEDA table of acreage caps and megawatt caps for Solar Energy Groups, for utility scale and commercial scale renewable energy solar facility development.
4. Review renewable energy solar facility proposals for ways to avoid, minimize or mitigate the potential impacts to the County's social, economic, visual and environmental resources, in consultation with other local, regional, state, out-of-state and federal agencies, local Tribes, and Inyo County citizens.
5. Collect and disseminate strategies to avoid, minimize or mitigate impacts from renewable energy solar facilities.
6. Periodically review, and as necessary update, the SEDA Overlay and Table.
7. Work with applicants to maintain pre-project vegetation during the construction and operation of renewable energy solar facilities and/ or to plant new native, low-water-use vegetation, or agriculture crops as dust control measures.
8. Encourage the use of new materials and technologies as they evolve for dust control measures.
9. Encourage the exploration and feasibility of on-site energy storage including potential adverse impacts.

10. Review and approve reclamation plans and financial assurances at the onset of renewable energy solar facility development projects and oversee the full implementation of reclamation plans at the decommissioning and termination of renewable energy solar facilities.
11. Encourage development of energy storage technologies to maximize efficient renewable solar energy generation.
12. Encourage mitigation for renewable energy solar facility projects to be located on public lands, and particularly in designated wilderness areas.
13. Encourage development that maximizes the amount of megawatts on each SEDA to reduce the number of facilities throughout the County, while not exceeding megawatt caps per Solar Development Group.

New Water Resources Policy

- Policy WR-3.5: Sustainable Renewable Energy Solar Development. The County shall require renewable energy solar facility development to incorporate measures to minimize water consumption and use of potable water and encourage the use of reclaimed water and/or practices that do not require water during construction, the life of the facility, and during reclamation.
- Policy WR-3.6: Sustainable Water Practices. Renewable energy solar facility development proposed in the Laws and Sandy Valley SEDAs shall be required to show that the proposed project will be water sustainable.
- Policy WR-3.7: Charleston View. Projects proposed in Charleston View shall be water sustainable and shall require project applicants to purchase and retire water rights along the same flow path for the water that will be used for the project (construction and maintenance) at a minimum of a 1 to 1 ratio.

New Visual Resources Policies

- Policy VIS-1.8: Renewable Energy Solar Development, Light and Glare, Night Skies. The County shall encourage siting, orientation and screening to avoid, minimize or mitigate significant changes to the visual environment from renewable energy solar facility development during construction and operations including avoiding or minimizing light and glare, and impacts inconsistent with Death Valley National Park's International Night Skies designation.

- Policy VIS-1.9: Economic Impacts from lost Visual Resources. The County shall balance renewable energy solar facility development opportunities with the potential loss of tourist based economic opportunities from impacts to visual resources.
- Policy VIS-1.10: Old Spanish Trail Highway. Provide for setbacks, siting, orientation, screening and buffers, on a project by project basis, to avoid impacts to views of the Old Spanish Trial Highway located in the Charleston View SEDA.

New Visual Resources or Economic Development Implementation Measure

1. Work with applicants, economists, and visual resource experts to develop a standardized method to quantify economic impacts from lost visual resources due to renewable energy solar facility development to the County's tourist economy.

New Recreation Implementation Measures

1. Work with developers and other agencies to minimize impacts to recreational access resulting from renewable energy solar facility development.
2. Work with renewable energy solar facility developers to provide educational recreation opportunities based on renewable energy solar development.

Public Safety Element

New Air Quality Implementation Measure

1. Support appropriate efforts to combine air quality improvements with other social, cultural, and environmental goals, including renewable energy solar facility development.

New Noise Implementation Measure

1. Work with developers and other agencies to minimize noise from renewable energy solar facility development.

