

# Dust-up brewing over DWP's new solar project

Supervisors approve term sheet 4-1 over objections vote is premature and sets stage for acquiescing to city

By Darcy Ellis  
Editor

An axiom based on common wisdom suggests a frog thrown into a pot of boiling water will jump right back out, while a frog placed in a pot of tepid water that's slowly heated will stay put to end up boiled alive.

"I would suggest we are getting boiled," Daniel Pritchett told the Inyo County Board of Supervisors Tuesday, joining a vocal contingent of fellow residents, environmentalists, Tribal representatives and a National Park Service official in asking the county to oppose the Los Angeles Department of Water and Power's latest, proposed project – a solar ranch consisting of approximately 1 million photovoltaic panels and associated structures on 1,200 DWP-owned acres of desert east of the Owens River between Independence and Lone Pine.

The project is a resurrected and reconfigured version of the Southern Owens Valley Solar Ranch that DWP had proposed building adjacent to the north shore of Owens Lake in 2010.

Pritchett went on to suggest that not only are the people and resources of Inyo County being subject to a slow boil, but the Board of Supervisors – through its pattern of acquiescing to DWP – is helping to keep the burner lit.

The board was not faced with supporting or opposing the project on Tuesday. Rather, the supervisors were asked to consider approving a non-binding term sheet that contains 15 provisions for either DWP or the county as the project moves forward. The term sheet, which both the Board of Supervisors and L.A. Board of Water and Power Commissioners approved independently on Tuesday, will be used as the basis for a Memorandum of Understanding that, if also approved, will be legally binding.

If the county signs the MOU – and it can choose not to – it promises not to challenge L.A.'s project upon release of the Final Environmental Impact Report in exchange for various economic benefits, not the least of which are 10 new local jobs.

Part of the problem, according to Supervisor Jeff Griffiths and several audience members, is that the county will be asked to sign the MOU before the comment period for the Draft EIR has even

See TERMS, page 3

## TERMS

Continued from front page

closed – in essence, asked to forfeit its right to challenge a project before knowing its full scope or how the public really feels about it. In fact, the draft EIR had yet to be released Tuesday when the board voted on the term sheet, resulting in Griffiths' lone dissenting vote.

"I don't think it would hurt to wait" until the Draft EIR is out, Griffiths said.

### The project

According to DWP, the project would be built in four phases from 2014-19 for a total of 200 megawatts of solar panels, as well as transformers, collection systems, substations, a control building, access roads and security systems. At its peak, the project would have 350 workers in the area.

Attorney Greg James, filling in at County Counsel's Office, noted the project will require clearing the 1,200-acre site. Certainly 1,200 acres devoid of vegetation will have "tremendous environmental and air quality impacts," he said. As such, DWP plans to drill two groundwater wells – one pumped at "no more than" 180 acre-feet per year during construction for dust control, the other at "no more than" 10 a.f. per year for long-term dust control and maintenance.

James pointed out the City of L.A., as a government entity, is exempt from county zoning and building ordinances, as well as the strictures of the Inyo County General Plan.

"There's no question (this project) is not consistent with the current General Plan," he said.

The city does have to follow the California Environmental Quality Act, hence the production of a draft and final EIR.

### The terms

The term sheet resulted from "negotiations" between City of L.A. and county staff over the past several months, CAO Kevin Carunchio said. Essentially, he explained, DWP staff came forward to let the county know the solar project had been resurrected, a draft EIR was in the works and that DWP wanted to address county concerns early on in the process.

Chief among those concerns, Carunchio explained, are the estimated \$6 million in impacts to county resources expected to result over the next 25 years. According to Carunchio, in addition to the increased demand for law enforcement services, the influx of hundreds of workers will put stress on housing – possibly displacing residents, temporarily elevating costs and resulting in a boom-bust development cycle.

The county will not see any additional property tax from the project, nor any sales and use tax, which will go to the City of L.A. where the energy produced will actually be used.

A number of terms were offered by DWP in the way of mitigation for those impacts, including a one-time payment of \$4.5 million to "offset project-related costs" and a \$2 million "economic development loan" with which the county can make improvements to area campgrounds and invest in housing opportunities.

DWP will also expand its Feed-in Tariff program to 10 megawatts so that renewable electricity generators – homeowners, business owners, lessees and the county – can sell the renewable energy they generate at a long-term fixed rate. The city will also "make commercially reasonable efforts" to negotiate energy-efficiency contracts with local schools, to the economic benefit of the schools.

DWP also offered to bring at least 10 Inyo County residents on as trainees during construction with the goal of providing them long-term employment.

The utility also agreed to fix up and maintain Manzanar Reward Road.

Carunchio and the board agreed the benefits to the county sound hard to pass up, particularly the economic boost from the increased FIT program, 10 DWP-wage-paying jobs and a temporary workforce of 300-plus making DWP wages.

However, it was item no. 12 on the term sheet – a provision saying the county will not challenge DWP's Final EIR or even support any challenge to the project at that stage – that gave some of the supervisors pause and aroused protest from audience members, who urged the county not to accept the aforementioned terms from DWP in exchange for their silence.

And according to those audience members, there's a lot the county should want to speak up about.

### The concerns

Les Inafuku, superintendent of Manzanar National Historic Site, said at the very least, having a large-scale solar facility within the Manzanar viewshed would have "an irreversible negative impact on the cultural landscape." Having the landscape remain as it was during the internment of Japanese Americans during World War II is critical to Manzanar's mission of preserving the site as a "reminder of the fragility of American civil liberties." He noted Manzanar attracts an average of 82,000 visitors a year who contribute \$8.4 million to the local economy. They don't come to Manzanar to look out over 1 million solar panels.

The Nissei second-generation Japanese Americans who were interned at Manzanar as children, "are very distressed," Inafuku said. "They can't conceive of the camp where they

spent their (youth) having that view to the east."

Sally Manning, environmental director for the Big Pine Paiute Tribe, presented a list of 15 concerns – presumably one for each provision on the term sheet. In general, she said, the tribe objects to DWP's "relentless, one-way extraction of resources" at the expense of the environment. Manning urged the county to not give DWP the "greenlight" to proceed without regard to the impacts its project will cause.

Proffering the boiling frog metaphor, Pritchett noted the previous Aqueduct Group Manager was once quoted as saying residents had DWP to thank for the undeveloped, wide open spaces. Now – in an act akin to turning up the heat on that burner – "they're starting industrializing the landscape."

He urged the board to say no to the project until DWP has solar panels on every roof in L.A. A project like this, he said, "should be a last resort." And as far as not commenting on the Final EIR in exchange for economic benefit, "I think it's crazy that we are just giving away the store ... we should be working with the Park Service and Forest Service and collectively fighting this."

April Zrelak, air quality coordinator for the Lone Pine Paiute Shoshone Environmental Department, agreed.

"You're taking yourselves out of this fight by signing this" and putting the burden on other entities for fear of losing in court, she said.

### The board

Supervisor Mark Tillemans said he was open to a discussion on just what the costs associated with a court battle would be. But he, and the rest of the board, reiterated throughout the discussion that approving the term sheet should not be construed as an endorsement of DWP's project.

James pointed out that nothing in the term sheet precludes the county from commenting during the draft EIR phase. "Although DWP would probably prefer you didn't."

Both Carunchio and Supervisor Linda Arcularius noted several times that the county is not bound by anything in the term sheet. Yet they also noted that it was important the board approve the term sheet Tuesday rather than postpone the vote until after the draft EIR was released, as a sign of good faith for DWP, whose Board of Water and Power Commissioners approved the same term sheet that afternoon.

At one point Griffiths suggested at least striking provision No. 12 from the document, but was told that since the Water and Power Commissioners approved the term sheet as is, approving an altered version could ruffle feathers and jeopardize the production of an MOU.

The same reason was given for not postponing the vote.

When Griffiths asked what the harm would be in waiting until the Draft EIR is released, James said, "only how DWP feels about, but as supervisors you will know what the project is."

Griffiths said being able to look at the Draft EIR first would "increase his comfort level ... I would not be willing to sign an MOU if there's tremendous opposition from the public."

But again, Arcularius noted the vote before them was only for a term sheet; the decision on the MOU would come later.

And between the draft and final EIRs, DWP has the opportunity to address shortcomings and if other parties are still unhappy, she said, those parties can object.

Arcularius said waiting for the Draft EIR was "predisposing" it was going to hear "extraordinary" comments and "predisposing" there would be something unacceptable in the Final EIR.

Supervisor Matt Kingsley said if the board didn't approve the term sheet, it wouldn't have the future opportunity to sign the MOU and reap the economic benefits listed in the term sheet. He said he heard the concerns expressed but was not considering the approval of an environmental document – only leaving a door open that could benefit residents.

Supervisor Rick Pucci – admitting the comments about Manzanar struck a chord – reached the same conclusion about leaving options open for the county, but also agreed that at this juncture, he doesn't even know what DWP's project looks like.

"I don't know if I like this project, but I'd like the right to say I don't like this project," he said.

The last word ended up going to resident Bill Helmer, who, like Griffiths, thought the board should at least wait to consider the term sheet until the draft EIR is released.

"Why not wait ... unless you feel bullied by DWP?" he said. "I see no sane reason not to wait."

The county will proceed on two simultaneous tracks. Carunchio said with an MOU hopefully in the works, staff will nevertheless be working on a contingency plan: comments for the Draft EIR in the event the MOU is not approved. He suggested a "third track": meeting with local Tribal leaders and other parties to have a serious discussion about partnering-up in the event the county decides not to enter into the MOU with DWP in order to oppose the solar ranch project.

"This is the kind of the project that if we choose not to support it, we could use all the friends we could get," he said.