

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

544



**FROM:** Transportation and Land Management Agency

**SUBMITTAL DATE:**  
February 20, 2014

**SUBJECT:** Application for California Energy Commission Grant Funding PON-13-504 – Renewable Energy and Conservation Planning Grants. 4<sup>th</sup>/4<sup>th</sup> [\$25,000]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve and authorize the Chairman of the Board to sign the attached Memorandum of Understanding (MOU) regarding participation in the development of the Desert Renewable Energy Conservation Plan (DRECP), and;
2. Approve Resolution Number 2014-064 Approving Application to the California Energy Commission for Grant Funding Under PON-13-504, and;
3. Designate the Director of TLMA and/or his designee to apply for the grant funding and to prepare and execute any necessary forms associated with the grant application process, and;
4. Approve and direct the Auditor-Controller to make the budget adjustments in the amount of \$25,000 for the purpose of funding preparation of the grant application, as represented in Schedule "A"

Continued on Page 2

Juan C. Perez, Director  
Transportation and Land  
Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 25,000	\$ 0	\$ 25,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 25,000	\$ 0	\$ 25,000	\$ 0	

**SOURCE OF FUNDS:** General Fund Contingency

**Budget Adjustment:** Yes

**For Fiscal Year:** FY13/14

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Denise C. Harden

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

FISCAL PROCEDURES APPROVED  
 RAUL ANGULO, CPA, AUDITOR-CONTROLLER  
 BY:   
 A Departmental Concurrent

FORM APPROVED COUNTY COUNSEL  
 BY:   
 TIFFANY N. NORTH  
 DATE: 2/27/14

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

3-27

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Application for California Energy Commission Grant Funding PON-13-504 – Renewable  
Energy and Conservation Planning Grants. 4th/4th [\$25,000]**

**DATE: February 20, 2014**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary**

The California Energy Commission (CEC) has issued a Program Opportunity Notice (PON-13-504) for Renewable Energy and Conservation Planning Grants. PON-13-504 is directed at qualified counties that are, or have the potential for, developing interest in eligible renewable energy resources. The maximum award per grant application is \$700,000. The CEC will only accept one application per county, which is limited to the following counties: Fresno, Kern, Kings, Madera, Merced, Riverside, San Diego, San Joaquin, Stanislaus, and Tulare. Consistent with the purpose of the PON, the County's grant application would be for \$700,000 for the purpose of developing opportunity and constraint mapping to assist in establishing renewable energy resources located near the Salton Sea. Such opportunity and constraint mapping will facilitate the appropriate location of renewable energy resources and their associated electric transmission facilities. The mapping may assist in streamlining the environmental review and processing of permits for renewable energy projects in that area. The grant funding will also be used to prepare an amendment to the General Plan, for the Board's consideration, to identify these mapped areas as appropriate for renewable energy resource development and promote their use as such.

As part of the grant application process the County is required to enter into an MOU with the CEC regarding participation in the development of the DRECP. The DRECP is a multiagency conservation and planning document intended to guide renewable energy project siting in the California deserts and provide for the conservation and management of certain species and habitats that may be affected by those projects. Agreeing to participate in the development of the DRECP does not require that the County ultimately adopt and become a signatory to the DRECP. Additionally, a Board resolution (Resolution No. 2014-064) is needed to comply with another component of the grant application process, by identifying designees/agents who can act on the Board's behalf, with respect to conducting negotiations as well as execution and submission of appropriate documentation relative to the grant process.

Finally, County staff is seeking \$25,000 from General Fund Contingency for consultant costs commissioned by EDA for grant preparation and for related staff time and costs. Grant Management Associates (GMA), a firm recently secured by EDA to prepare a different CEC grant application for the County for Electric Charging Stations, has advised that they can complete the PON-13-504 grant application within the tight deadline required by the CEC. The grant application deadline is March 24, 2014. GMA is readily familiar with the CEC's grant application process and use of GMA will best position the County in the competitive grant process for the highest award possible of \$700,000.

**Impact on Citizens and Businesses**

Recognition of renewable energy resources in the County General Plan would provide for greater certainty for investments in renewable energy development. The potential revenue streams from renewable energy sources around the Salton Sea are anticipated to be a source of funding contributing towards an environmental restoration strategy for the Salton Sea, that would otherwise pose great environmental threats to public health.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

## SCHEDULE "A"

Decrease appropriations: 10000-1109000000-581000	Appropriation for contingency	\$25,000
Increase appropriations: 10000-3120100000-525440	Professional services	\$25,000

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**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE CALIFORNIA ENERGY COMMISSION,**  
**AND**  
**THE COUNTY OF RIVERSIDE**  
**REGARDING**  
**PARTICIPATION IN**  
**THE DEVELOPMENT OF**  
**THE DESERT RENEWABLE ENERGY CONSERVATION PLAN**

**FEBRUARY 2014**

## I. INTRODUCTION AND BACKGROUND

The Governor of the State of California issued Executive Order S-14-08 (November 17, 2008) establishing a state policy goal of producing 33 percent of California's electrical needs with renewable energy resources by 2020. The Governor and Legislature subsequently enacted Senate Bill 2 (1x) to establish the 33 percent renewable energy standard in statute, effective December 10, 2011. The Renewable Portfolio Standards (RPS) energy projects, including wind, solar, and geothermal, also contribute to achieving the state's climate change goals of reducing greenhouse gases to 1990 levels by 2020 and to 80 percent of 1990 emissions levels by 2050, making the success and expansion of RPS energy generation a key priority for California's economic and environmental future.

Concurrent with the Governor's Executive Order S-14-08, several state and federal agencies created an inter-agency cooperative effort known as the Renewable Energy Action Team (REAT) through the "Memorandum of Understanding Between the California Energy Commission and the California Department of Fish and Game Regarding the Establishment of the Renewable Energy Action Team" (November 17, 2008). In the Memorandum of Understanding, the California Department of Fish and Game (CDFG), the California Energy Commission (CEC), the Bureau of Land Management (BLM), and the United States Fish and Wildlife Service (USFWS) (REAT Agencies) committed to a cooperative relationship to achieve shared energy policy goals. The County of Riverside is not a REAT agency.

The REAT agencies subsequently entered into the "Planning Agreement by and among California Department of Fish and Game, California Energy Commission, United States Bureau of Land Management, and United States Fish and Wildlife Service for the Desert Renewable Energy Conservation Plan" (May 2010) (hereinafter referred to as "Planning Agreement"). In the Planning Agreement, the REAT agencies committed to work together to develop the Desert Renewable Energy Conservation Plan (DRECP), a multispecies desert energy conservation plan in the Mojave and Colorado Desert Regions. Upon completion, the DRECP will guide solar and other qualified RPS energy project siting in the DRECP Planning Area and ensure the conservation of California's natural resources in the Planning Area. The goals of the DRECP, as provided in Section 2.3 of the Planning Agreement, include the following:

- Provide for the long-term conservation and management of Covered Species within the Planning Area;
- Preserve, restore, and enhance natural communities and ecosystems that support Covered Species within the Planning Area;
- Build on the Competitive Renewable Energy Zones identified by the Renewable Energy Transmission Initiative;
- Further identify the most appropriate locations within the Planning Area for the development of utility-scale renewable energy projects, taking into account potential impacts to threatened and endangered species and sensitive natural communities;

- Provide a means to implement Covered Activities in a manner that complies with the Natural Community Conservation Planning Act (NCCPA), Federal Endangered Species Act (FESA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and other relevant laws;
- Provide a basis for the issuance of Take Authorizations allowing the lawful Take of Covered Species incidental to Covered Activities;
- Provide for issuance of Take permits for other species that are not currently listed but which may be listed in the future;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for Covered Activities within the Planning Area;
- Provide a framework for a more efficient process by which proposed renewable energy projects within the Planning Area may obtain regulatory authorizations and which results in greater conservation values than a project-by-project, species-by-species review would have;
- Provide durable and reliable regulatory assurances, as appropriate, under the NCCPA and the FESA for Covered Activities that occur within the Planning Area; and
- Identify and incorporate climate change adaptation research, management objectives, and/or policies into the final plan document.

Under section 25619 of the Public Resources Code, the Energy Commission may provide up to seven million dollars (\$7,000,000) in grants to qualified counties for the development or revision of rules and policies, including, but not limited to, general plan elements, zoning ordinances, and a natural community conservation plan as a plan participant, that facilitate the development of eligible renewable energy resources, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources. For counties within the DRECP Planning Area, the Energy Commission may award a grant to a county only if the county has signed the Planning Agreement as a "plan participant" as defined by California Fish and Game code section 2805(j)(1) or the county enters into a memorandum of understanding with the Energy Commission in which the county agrees to participate in the development of the DRECP for the purpose of ensuring that the DRECP can achieve the goals set forth in the Planning Agreement in a manner that is consistent with the applicable policies of the county.

The DRECP Planning Area contains extensive lands within Riverside County and under the County's jurisdiction. The construction across the state of RPS generation projects and the electric transmission projects needed to deliver RPS energy to load centers may affect these lands; and in many cases, the lands may provide appropriate sites for such projects.

The County supports responsible renewable energy development on lands in the County under its jurisdiction so long as the County does not disproportionately bear the burden of renewable energy production, and such development occurs in an environmentally and fiscally responsible manner consistent with the County's General Plan. By this MOU, the County seeks to participate more formally in the development of

the DRECP in a way that is consistent with County policies and public needs. The County could also choose to develop or revise County rules and policies that will facilitate the development and permitting of renewable energy resources and associated transmission facilities and, for that reason, may apply for a grant under section 25619 of the Public Resources Code.

## **II. PARTIES**

This Memorandum of Understanding (MOU) is entered into by and between the Energy Commission and the County of Riverside (collectively, Parties).

## **III. PURPOSE**

The purpose of this MOU is to form a cooperative relationship between the Parties to effectively plan for and promote renewable energy development in California in a way that advances California's renewable energy development initiatives and the renewable energy policies of the Parties and to develop and implement the DRECP in a manner that is consistent with the planning goals set forth in the Planning Agreement and with the applicable policies of the County. The County's participation in the DRECP planning effort will enhance the development and implementation of the DRECP through the sharing of comprehensive environmental baseline data, environmental analyses, impact assessments, renewable energy development, conservation and mitigation opportunities throughout the County. The Energy Commission and the County anticipate that the County's participation in the DRECP planning effort could also inform its development or revision of County rules and policies pertaining to renewable energy and lead to rules and policies that complement the DRECP, provided that the County is under no obligation to adopt or amend any specific rule or policy.

## **IV. AUTHORITY TO ENTER INTO THIS MEMORANDUM OF UNDERSTANDING**

California Energy Commission Authority: Public Resources Code Sections 25218, subds. (d)-(e), 25219, 25302, 25324, and 25500 et seq.

County Authority: Public Resources Code Section 21000, et seq. (CEQA).

## **V. PRINCIPLES OF AGREEMENT**

With available funding and staffing the Parties mutually agree to:

- A. Participate in DRECP meetings, review draft DRECP documents and information, and provide advice and input about accomplishing DRECP planning goals in a

manner that is consistent with the County's rules and policies regarding lands within its jurisdiction.

- B. Coordinate, share, and/or combine resources and data in conducting environmental and resource analyses to assist in the development of the DRECP, to the extent appropriate and allowed by law.
- C. Apprise each other, as far in advance as practicable, of any significant actions or issues that pertain to the development of the DRECP or the implementation of the DRECP on lands within the jurisdiction of the County, to the extent appropriate and allowed by law.
- D. Share documents and information related to the preparation of the DRECP, to the extent appropriate and allowed by law.
- E. Provide Geographical Information Systems (GIS) staff, technical expertise, data and products where appropriate to assist in the development or implementation of the DRECP.
- F. Work together on the development of additional renewable energy resources in California's Mojave and Colorado Desert Regions, including identifying, as far in advance as practicable, those geographic areas and technical and environmental features that merit heightened consideration so that renewable energy project and transmission line development is consistent with both the DRECP's planning goals and the County's rules and policies for lands under its jurisdiction in the DRECP Planning Area.

## **VI. GENERAL PROVISIONS**

- A. Nothing in this MOU is intended to or shall be construed to limit or affect in any way the authority or legal responsibilities of the Energy Commission or the County, including those related to land use decisions. Consistent with this principle, nothing in this MOU is intended or shall be construed to require either party to adopt or amend any existing rule, law, ordinance, policy, regulation, standard or plan, including any existing habitat conservation plan, or become a signatory to any agreement.
- B. Nothing in this MOU binds the Energy Commission or the County to perform any action that is beyond its legal authority.
- C. Nothing in this MOU requires the Energy Commission or the County to assume any financial obligation, or to expend any funds, in excess of available appropriations authorized by law. This MOU does not constitute or imply approval by the Energy Commission of any grant funds under section 25619 of the Public Resources Code or any other law, nor does it constitute or imply



application by the County for a grant. Any activities that involve the transfer of money, services, or property between or among the Parties will require execution of separate agreements or contracts.

- D. Nothing in this MOU is intended to or shall be construed to restrict any Party from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
- E. Any information furnished between the Parties under this MOU is potentially subject to the California Public Records Act, Gov. Code § 6250, et seq. (CPRA). The Parties agree to consult one another prior to transferring potentially privileged or exempt documents and to cooperate in good faith to assert all such privileges and exemptions permitted by the CPRA.
- F. All cooperative work under the provisions of this MOU will be accomplished without discrimination against any employee because of race, sex, creed, color, or national origin.
- G. If any legal issue arises under this MOU, California law shall apply.
- H. Any loss, damage or injury suffered by any Party in connection with the performance of this MOU will be borne exclusively by it.
- I. Amendments or supplements to this MOU may be proposed by the Energy Commission or the County and shall become effective upon written approval of both Parties.
- J. Either the Energy Commission or the County may terminate this MOU thirty (30) days after providing written notification of termination to the other Party.
- K. This MOU shall become effective as of the later date shown below on the signatures page. This MOU may be executed in one or more counterparts, each of which will be considered an original document.
- L. This MOU shall remain in effect for three (3) years after the effective date of this MOU.
- M. This MOU is intended only to reflect the mutual understanding of the Parties. It is not a contract for acquisition of supplies or services; it is not legally enforceable; and it does not create any legal obligation of either of the Parties or create any private right or cause of action for or by any person or entity.

**VII. CONTACTS**

The primary points of contact for carrying out the provisions of this Memorandum of Understanding are:

- California Energy Commission: Roger Johnson
- County: Juan Perez, TLMA Director

**VIII. APPROVALS**

COUNTY OF RIVERSIDE

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Jeff Stone  
Chairman, Board of Supervisors

CALIFORNIA ENERGY COMMISSION

By:  \_\_\_\_\_ Dated: 2-20-14  
Robert P. Oglesby  
Executive Director

FOR APPROVED COUNTY COUNSEL  
BY:  \_\_\_\_\_ DATE: 2/27/14  
TIFFANY

2  
3 RESOLUTION NO. 2014-064

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE APPROVING  
5 APPLICATION TO THE CALIFORNIA ENERGY COMMISSION FOR GRANT FUNDING UNDER PON-13-  
6 504 - RENEWABLE ENERGY AND CONSERVATION PLANNING GRANT

7  
8 WHEREAS, the California Energy Commission (CEC) has issued a Program Opportunity Notice for  
9 Renewable Energy and Conservation Planning Grants (PON-13-504); and

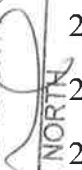
10 WHEREAS, the County of Riverside intends to apply for funding of \$700,000 under PON-13-504 for the  
11 purpose of developing Opportunity and Constraint mapping to guide current efforts to establish the eligible  
12 renewable energy resources located near the Salton Sea, thereby creating greater certainty for investments in  
13 renewable energy development countywide, and expanding the diversity, capacity and transmission of new energy  
14 supplies; and

15 WHEREAS, it is anticipated that the County General Plan will be amended to identify these mapped areas  
16 are appropriate for renewable energy resource development and to promote their use as such; and

17 WHEREAS, America’s renewable energy powerhouse at the Salton Sea (located in Riverside and Imperial  
18 Counties) offers renewable energy sources estimated to eventually provide up to 2000 megawatts of geothermal  
19 baseload energy plus other renewable generation opportunities such as solar, wind, solar gradient, biofuels, mineral  
20 extraction and other developing green technologies to assist load-serving utilities in meeting California’s renewable  
21 portfolio standard requirements; and

22 WHEREAS, revenue streams from renewable energy sources around the Salton Sea are anticipated to  
23 become a source of funding for an aggressive economic and environmental restoration strategy for this region that  
24 would otherwise pose great environmental threats to the health of humans, wildlife and the economy of Riverside  
25 County; and

26 WHEREAS, private sector entities interested in investing in renewable energy development in Riverside  
27 County and beyond seek reduced barriers to development and greater certainty when committing to partner with the  
28

FORM APPROVED COUNTY COUNSEL  
BY:  TIFANY N. NORTH  
2/27/14

1 public sector, and this grant will support a regional conservation plan that will streamline, standardize and create  
2 predictable processes for endangered species permits, creating greater regulatory and economic certainty for the  
3 renewable energy industry in Riverside County.

4           NOW THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of  
5 Supervisors of the County of Riverside, in regular session assembled on February 25, 2014, that it approves the  
6 application for grant funds under PON 13-504 from the California Energy Commission in the amount of \$700,000  
7 and designates its Director of Transportation and Land Management and his designee the Director of the Economic  
8 Development Agency, as agent to conduct all negotiations, execute and submit all documents including, but not  
9 limited to, applications, agreements, and payment requests, which may be necessary for the completion of the  
10 project(s) resulting from this solicitation.