

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RE:** Approval of model Memorandum of Understanding agreement related to the Desert Renewable Energy Conservation Plan (DRECP) and Executive Director authority to use model MOU to enter into agreements with counties in the DRECP Planning Area.

**WHEREAS**, on November 17, 2008, the Governor of the State of California issued Executive Order S-14-08 establishing a state policy goal of producing 33 percent of California's electrical needs with renewable energy resources by 2020, and whereas this order was subsequently codified as part of a 33 percent Renewables Portfolio Standard (RPS) pursuant to Senate Bill X1-2 (Stats. 2011, 1<sup>st</sup> Ex. Sess, Ch. 1) in 2011; and

**WHEREAS**, concurrent with Executive Order S-14-08, the Energy Commission worked with several state and federal agencies to establish a cooperative relationship to achieve shared renewable energy policy goals, including, among other things, to ensure that RPS-related energy projects under review satisfy all applicable state and federal laws, regulations, and policies, and to develop the DRECP, a multispecies desert energy conservation plan in the Mojave and Colorado Desert Regions of California; and

**WHEREAS**, the California Department of Fish and Game, the Energy Commission, the Bureau of Land Management, and the United States Fish and Wildlife Service 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). In the Planning Agreement, the agencies committed to work together to develop the DRECP.

**WHEREAS**, Energy Commission staff has developed a model Memorandum of Understanding agreement (Model MOU) for entering into MOU agreements with the following counties within the DRECP Planning Area: Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego (DRECP counties). The Model MOU was created to form a cooperative relationship between the Energy Commission and DRECP counties 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 to the agreement, 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 counties; and

**WHEREAS**, the Model MOU may also be used to help determine a qualified county's funding eligibility under section 25619 of the Public Resources Code, which authorizes the Energy Commission to provide up to seven million dollars (\$7,000,000) in grants to qualified counties, including counties within the DRECP Planning Area, for the development or revision of rules and policies 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; and

**WHEREAS**, under section 25619(b)(1)-(2) of the Public Resources Code the Energy Commission may award a grant to a qualified county within the DRECP Planning Area 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; and

**WHEREAS**, under section 25619(a) of the Public Resources Code, the qualified counties within the DRECP Planning Area include Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego; and

**WHEREAS**, the Energy Commission has authority pursuant to Public Resources Code Sections 25218, subds. (d)-(e), 25219, 25302, 25324, and 25500, et seq., to enter into a memorandum of understanding agreement with each of the DRECP counties to further the purposes and goals of the DRECP, and may utilize the Model MOU for this purpose; and

**WHEREAS**, Energy Commission staff, in developing the Model MOU, has consulted with the DRECP counties in an effort to ensure the Model MOU includes provisions that are both reasonable and appropriate for the Energy Commission and the individual counties, and in an effort to expedite the use and availability of the Model MOU for signature by all the counties; and

**WHEREAS**, the Energy Commission has reviewed the Model MOU proposed by staff and finds that the MOU's use for entering into individual agreements with the DRECP counties would further the purposes and goals of the DRECP and could also help in determining a qualified county's funding eligibility under section 25619 of the Public Resources Code; and

**THEREFORE BE IT RESOLVED**, that the Energy Commission hereby approves the Model MOU and directs the Executive Director, or his designee, to use the Model MOU to enter into individual agreements between the Energy Commission and each of the DRECP counties, subject to the following conditions:

1. The Executive Director shall not make any substantive changes to the Model MOU when entering into agreements with individual DRECP counties;
2. If necessary, the Executive Director may make minor, non-substantive changes to the Model MOU when entering into agreements with individual counties; and
3. If a county requests that substantive changes be made to the Model MOU, the Executive Director, if he agrees with the proposed changes to the Model MOU, will direct Energy Commission staff to bring the proposed changes to the Model MOU to a business meeting for consideration and approval by the Energy Commission.

### CERTIFICATION

The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on December 12, 2012.

AYE:

NAY:

ABSENT:

ABSTAIN:

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Harriet Kallemeyn,  
Secretariat

