

Section 5.0 Other CEQA Considerations

This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant environmental effects of the proposed project, (2) significant irreversible environmental changes that would result from implementation of the proposed project, (3) growth-inducing impacts of the proposed project; (4) the wasteful, inefficient, and unnecessary energy use caused by a project. Each of these topics is further discussed below.

5.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that an environmental impact report discuss any significant impacts associated with the project.

Section 3.0, *Environmental Analysis*, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The Executive Summary includes Table ES-1, which summarizes the impacts, mitigation measures, and levels of significance before and after mitigation.

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the proposed project on various aspects of the environment are discussed in detail in Chapter 3. Based on the analysis within this EIR all significant environmental impacts can be mitigated to less than significant level except for aesthetic impacts.

The project would introduce industrial electrical equipment and visual elements to the landscape, and would contribute considerable to the significant cumulative impact, adversely impacting the visual quality of the Lucerne Valley.

5.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point), uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely), and/or irreversible damage that could

result from any potential environmental accidents associated with the project. The proposed project would not result in an unusually high demand for nonrenewable resources. The proposed project would provide a clean, renewable energy source. The proposed project would implement many state and local goals and policies directed at moving away from reliance on fossil fuels and encouraging renewable energy. These goals and policies are identified in Chapter 3.0 of this EIR. Moreover, the land proposed for the solar energy facility is subject to a long-term lease agreement. Under the agreement, the applicant is required to restore the land to its pre-project state at the end of the project term.

5.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establish an essential public service or provide new access to an area).
- Fosters economic expansion or growth (e.g., change revenue base, expand employment).
- Fosters population growth (e.g., construct additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(d) requires that an EIR "discuss the ways" a project could be growth inducing and to "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or

cumulatively.” However, the CEQA Guidelines do not require that an EIR predict (or speculate), specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

REMOVAL OF A BARRIER TO GROWTH

Several types of projects can induce population growth by removing obstacles that prevent growth. An example of this type of project would be the expansion of a wastewater treatment plant, which would accommodate additional sewer connections within a service area and therefore would allow future construction and growth.

The project applicant proposes to construct and operate the Ord Mountain Solar and Energy Storage Project on approximately 484 acres to produce approximately 160,000 MWhs of renewable energy annually. The proposed solar and energy storage project would be a 60-MW alternating current, photovoltaic solar energy facility with associated on-site substation, inverters, fencing, roads, and SCADA system.

The proposed solar and energy storage project would include a 60-MW alternating current maximum capacity, 4-hour energy storage (battery) system. The proposed solar and energy storage project also would include a 220-kV overhead gen-tie line, which would extend approximately 0.6 mile southwest to Southern California Edison’s proposed Calcite Substation, near the existing high-voltage transmission corridor.

SCE proposes to construct and operate the Calcite Substation on an approximately 75-acre parcel of land on the west and east sides of State Route 247, directly north of Haynes Road, in San Bernardino County. The Calcite Substation facilities would comprise approximately 7 acres, with another 4 acres dedicated to drainage and access.

The Calcite Substation project would include two loop-in transmission lines of approximately 2,500 feet each (5,000 feet total) connecting the existing Lugo-Pisgah No. 1 220-kV transmission lines to the new Calcite Substation. The Calcite Substation project would include two new fiber-optic cables to provide telecommunications and 12-kV distribution lines to provide power for lighting at the substation along the same approximately 0.5-mile route. The Calcite Substation project would develop access roads to facilitate construction and maintenance for the substation and transmission connections. The Calcite Substation is a necessary infrastructure improvement to allow the proposed solar and energy storage project to connect to the grid.

Calcite Substation would not by itself induce growth, because it would not be supplying power related to growth for any particular development, either directly or indirectly, but rather it would supply power to existing SCE customers and would service existing demand. Since Calcite

Substation is designed as a generation collector station and not as a load serving substation, it would only accommodate additional generation interconnections in the area that are approved by local land use authorities. Calcite Substation would not be needed without the construction of new transmission level generation in the Lucerne Valley area.

The CAISO's interconnection queue lists generation facilities that are requesting access to California's transmission system. Calcite Substation has been developed in order to accommodate the interconnection of the Ord Mountain Solar and Energy Storage Project. While Calcite Substation may not induce growth, it could accommodate the development of renewable projects in the Lucerne Valley area, because it would serve as an access point to SCE's transmission grid. For example, the Sienna Solar project is also currently proposed in Lucerne Valley and, similar to the Ord Mountain Solar project, is reliant on the development of the Calcite Substation to be a viable project.

Any additional generated power transmitted via Calcite to the grid would be distributed to existing customers to service the existing demand projections in SCE's service area. Therefore, the Calcite Substation would not result in a surplus or increase in available electricity that would encourage growth. Rather, it satisfies existing demand projections and supports implementation of the state-mandated move from fossil fuel-based electricity generation to renewable energy generation for electricity.

The proposed infrastructure enhancements and upgrades would be designed to accommodate the proposed project. These improvements would not remove any impediments that currently inhibit growth. Obstacles to population growth in the region surrounding the project site are primarily due to feasibility of development, economic constraints, permitting, and other development restrictions and regulations promulgated by local agencies. Neither the Ord Mountain Solar and Energy Storage project nor the Calcite Substation project would modify land use or zoning designations, and therefore would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the proposed project and because the proposed project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies' development restrictions.

ECONOMIC GROWTH

The project site is currently vacant; therefore, no economic activities occur on-site. The proposed project would be considered growth-inducing if growth resulted from direct and indirect employment needed to construct, operate, and maintain the proposed project site, and/or if growth resulted from the additional electrical power that would be generated and collected by the proposed project. Construction would be performed by independent contractors hired by the

developer for the Ord Mountain Solar and Energy Storage Project portion of the project and by either SCE construction crews or SCE contractors for the Calcite Substation portion of the project. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment.

Calcite Substation operation and maintenance would be accomplished by current SCE employees and would therefore not create new jobs. The Ord Mountain Solar and Energy Storage Project would not be staffed, and operations and maintenance inspections would be undertaken by existing staff providing similar services for facilities in the region. Accordingly, neither of the two projects would result in an increase in employment during operation and maintenance or increase demand for new housing.

POPULATION GROWTH

CEQA requires the consideration of the potential direct and indirect growth-inducing impacts of a proposed project. Implementation of the proposed project would not induce the construction of new homes and thereby result in direct residential growth.

In some cases, direct population growth can be created through the introduction of new businesses. However, direct population growth associated with the proposed project is not forecast to occur because the community has a need for employment and most of the jobs created are forecast to be filled by local residents. Additionally, operation of the transmission, subtransmission, distribution, and telecommunications lines would be controlled remotely through SCE control systems and manually in the field as required. Such operation and maintenance activities would be conducted by current SCE personnel, and the Calcite Substation would not require the hiring of any additional operations personnel. Further, the project would not involve any infrastructure improvements that would induce growth. Therefore, the project would not substantially induce population growth.

ESTABLISHMENT OF A PRECEDENT-SETTING ACTION

The proposed Ord Mountain Solar and Energy Storage includes a Conditional Use Permit to construct the photovoltaic solar energy facility and an Environmental Impact Report to evaluate project impacts. Neither of these actions are considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions. In addition, development of Calcite Substation would be consistent with SCE's existing obligation to accommodate new generation interconnection requests within its service territory. Therefore, approval of the project would not set precedent.

ENCROACHMENT ON OPEN SPACE

The Ord Mountain Solar and Energy Storage site totals approximately 484 acres. Except for an abandoned residential structure, the site is vacant and has a level surface. The area surrounding the proposed project site is characterized by rural desert terrain modified by power lines, roads, fallow agricultural fields, and scattered residences. The surrounding area is also dominated by the SR 247 transportation corridor running north–south just to the west of the proposed solar and energy storage site and east of the proposed Calcite Substation site. In addition to electrical and transportation infrastructure, there are 32 single-family rural residential structures located within 0.5 mile of the proposed project boundary.

According to Table OS-1 in the San Bernardino County General Plan, the open space category into which the project site falls is a “Managed Production of Resource.” Therefore, the proposed project site can be considered a type of open space. However, the project does not permanently convert existing agricultural uses for nonagricultural uses. Additionally, with the issuance of a Conditional Use Permit, the project would be consistent with the County’s Development Code. Because the project would be consistent with the Development Code, it would also be consistent with the General Plan land use designation.

5.4 ENERGY CONSERVATION

Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the California legislature adopted AB 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct state responses to energy emergencies, and—perhaps most importantly—promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created Appendix F of the CEQA Guidelines.

ENVIRONMENTAL SETTING

Southern California Edison provides electrical services in San Bernardino County through state-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, the state’s electrical system has become more reliant on renewable energy sources, including cogeneration, wind

energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, generation of electricity is usually not tied to the location of the fuel source and can be delivered over great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatts. One MW provides enough energy to power 1,000 average California homes per day. Net generation refers to the gross amount of energy produced by a unit, minus the amount of energy the unit consumes. Generation is typically measured in MWh, kilowatt-hours (kWh), or gigawatt-hours (GWh).

The proposed project would have a beneficial impact on energy resources by providing 60 MW of renewable energy and furthering California's Renewables Portfolio Standard goals of achieving 33 percent renewable energy by 2020 and 50 percent by 2030.

REGULATORY FRAMEWORK

FEDERAL

FEDERAL ENERGY REGULATORY COMMISSION

The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the transmission and sales of electricity, natural gas, and oil in interstate commerce, licensing of hydroelectric projects, and oversight of related environmental matters. The setting and enforcing of interstate transmission sales is also regulated by FERC.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

In addition to setting increased Corporate Average Fuel Economy standards for motor vehicles, the Energy Independence and Security Act of 2007 (EISA) includes other provisions related to energy efficiency, including the Renewable Fuel Standard (Section 202), appliance and lighting efficiency standards (Sections 301–325), and building energy efficiency standards (Sections 411–441).

Under EISA, the Renewable Fuel Standard (RFS) program was expanded in several key ways that lay the foundation for achieving significant reductions of greenhouse gas emissions from the use of renewable fuels, reducing imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector. The updated program is referred to as RFS2, and it increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022, as well as expanded the program to include diesel fuel. RFS2 also established new categories of renewable fuel and set separate volume requirements for each one. Furthermore, it required the EPA to apply life-cycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces (EPA 2018).

Additional provisions of the EISA address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, and the creation of “green jobs.”

STATE

TITLE 20 AND TITLE 24, CALIFORNIA CODE OF REGULATIONS

New buildings constructed in California must comply with the standards contained in Title 20, Public Utilities and Energy, and Title 24, Building Standards Code, of the California Code of Regulations. These efficiency standards apply to new construction of both residential and nonresidential buildings, and they regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. The building efficiency standards are enforced through the local building permit process. Local government agencies may adopt and enforce energy standards for new buildings, provided these standards meet or exceed those provided in Title 24 guidelines.

CALIFORNIA GREEN BUILDING STANDARDS CODE

On August 1, 2009, the California Building Standards Commission’s California Green Building Standards Code (known as CALGreen) went into effect. This code is the country’s first statewide green building standards code. Originally a voluntary standard, aspects of CALGreen became mandatory in the 2010 code. The 2010 version of CALGreen took effect on January 1, 2011, and instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings, state-owned buildings, schools, and hospitals. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and nonresidential buildings. Local jurisdictions must enforce the minimum mandatory requirements and may also adopt the Green Building Standards with amendments for stricter requirements. Updates were added to CALGreen on July 1, 2012 and involve clarification of the difference between mandatory and voluntary provisions regarding nonresidential additions and alterations. Additional updates associated with regulations of nonresidential buildings went into effect on January 1, 2014.

ASSEMBLY BILL 1575, WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

The Warren-Alquist Act gives statutory authority to the CEC as California’s principal energy policy and planning organization. The CEC regulates energy resources by encouraging and coordinating research into energy supply and demand problems to reduce the rate of growth of energy consumption.

SENATE BILL X1 2

On April 12, 2011, Governor Jerry Brown signed Senate Bill X1 2 in the First Extraordinary Session. The bill expands California’s Renewables Portfolio Standard by establishing a goal of 20 percent

of the total electricity sold to retail customers in California per year by December 31, 2013; 25 percent by December 31, 2016; and 33 percent by December 31, 2020, and in subsequent years. Under the bill, a renewable electrical generation facility is one that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 MW or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current and that meets other specified requirements with respect to its location. In addition to the retail sellers covered by SB 107, SB X1 2 adds local publicly owned electric utilities to the RPS. The statute also requires that the governing boards for local publicly owned electric utilities establish the same targets, and the governing boards would be responsible for ensuring compliance with these targets. The California Public Utilities Commission is responsible for enforcement of the RPS for retail sellers, while the CEC and the California Air Resources Board enforce the requirements for local publicly owned electric utilities.

CEQA GUIDELINES APPENDIX F

Appendix F of the CEQA Guidelines outlines what information should be included in an EIR regarding energy conservation where considered applicable or relevant. This appendix includes a list of energy impact possibilities and potential conservation measures and the goals of wise and efficient use of energy during development and operations.

LOCAL

SAN BERNARDINO COUNTY GENERAL PLAN

The County's General Plan Conservation Element includes the following goals and policies related to energy conservation:

CONSERVATION ELEMENT

GOAL CO 8 The County will minimize energy consumption and promote safe energy extraction, uses and systems to benefit local regional and global environmental goals.

Policy CO 8.1 Maximize the beneficial effects and minimize the adverse effects associated with the siting of major energy facilities. The County will site energy facilities equitably in order to minimize net energy use and consumption of natural resources and avoid inappropriately burdening certain communities. Energy planning should conserve energy and reduce peak load demands, reduce natural resource consumption, minimize environmental impacts, and treat local communities fairly in providing energy efficiency programs and locating energy facilities.

- Policy CO 8.2* Conserve energy and minimize peak load demands through the efficient production, distribution and use of energy.
- Policy CO 8.3* Assist in efforts to develop alternative energy technologies that have minimum adverse effect on the environment and explore and promote newer opportunities for the use of alternative energy sources.
- GOAL D/CO 2** Encourage utilization of renewable energy resources.

THRESHOLDS OF SIGNIFICANCE

According to Appendix F of the CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy, including decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. The proposed project would help achieve this goal because it would develop a renewable source of power, helping to offset the use of nonrenewable resources and contribute to an overall reduction in the use of nonrenewable resources currently used to generate electricity.

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and include mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. Based on State CEQA Guidelines Appendix F, the project may have a significant adverse impact if:

- The project results in the wasteful and inefficient use of nonrenewable resources during construction or decommissioning of the project.
- The project's operation and maintenance results in a wasteful and inefficient use of nonrenewable resources.

PROJECT IMPACTS AND MITIGATION

ENERGY WASTE

Impact 5.4-1 Project implementation would not use fuel or energy in a wasteful manner. Impacts would be less than significant.

According to CEQA Guidelines Appendix F, the goal of conserving energy implies the wise and efficient use of energy, including decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. The proposed project itself would help achieve this goal because it would develop a renewable source

of power, helping to offset the use of nonrenewable resources and contribute to an overall reduction in the use of nonrenewable resources currently used to generate electricity.

Both the Ord Mountain Energy and Solar Project and Calcite Substation would require construction, operation and maintenance, and decommissioning, all of which would involve the use of combustion engines for workers traveling to and from the site, and as part of the equipment on the site.

The Ord Mountain Energy and Solar Project would include a maximum of 250 workers during the construction and decommissioning phases. Fewer workers are anticipated the Calcite Substation construction. The workers would arrive at the beginning of the workday and depart at the end. No unnecessary wasting of fuel would result from construction and decommissioning workers traveling to and from the site. Similarly, delivery vehicles would transport materials and components directly to the site, and the associated vehicles would return directly to their originating facility. Additional heavy machinery and generators would be required on-site to install and to eventually dismantle the facility. Construction equipment would be the most efficient available and operated only when necessary to reduce the cost of project construction. Construction would be accomplished over a 10-month period, and decommissioning would be achieved in a similar time frame. Since project construction and decommissioning activities represent a necessary, short-term expenditure of nonrenewable energy to achieve a new source of renewable solar energy that would generate electricity for approximately 20 years, the associated energy use is not considered wasteful.

The Ord Mountain Energy and Solar Project operation would not include any on-site workers, except for during maintenance and repair activities, if necessary. The elimination of manually operated on-site systems avoids the unnecessary or wasteful use of fuel necessitated by frequent travel to and from the site. Operation of the Calcite Substation would also not require any permanent on-site workers. Existing SCE staff would be responsible for inspecting and repairing electrical equipment.

On-site systems would be powered during the day with a feed from the facility, thereby using renewable energy. The power necessary during the nighttime would be a very small fraction of the power generated and would not be considered wasteful. Overall the project would have a net benefit on energy consumption by producing a renewable source of energy and reducing reliance on natural gas and oil.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACT

Impact 5.4-2 The proposed project, combined with other related cumulative projects, would not develop land uses and patterns that cause wasteful, inefficient, and unnecessary consumption of energy, nor would it construct new or retrofitted buildings that would have excessive energy requirements for daily operation. Impacts would be less than significant.

Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential energy consumption impacts and identify necessary mitigation measures, where appropriate. All projects would be required to adhere to federal, state, and local requirements for energy efficiency, including the Title 24 standards. In addition, the project would be evaluated against the County’s GHG screening thresholds for compliance with San Bernardino County’s GHG reduction plan.

As noted above, the proposed Ord Mountain Solar and Energy Storage project and Calcite Substation would not result in significant energy consumption impacts and would not be considered inefficient, wasteful, or unnecessary. The proposed project would have a beneficial impact on energy resources by providing 60 MW of renewable energy and furthering California’s Renewables Portfolio Standard. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Mitigation Measures: None required.

Level of Significance: Less than significant.