Section 5.0
Other CEQA Considerations

This section addresses those topics requiring evaluation under California Environmental Quality Act (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) the growth-inducing impacts of the proposed project; (2) significant environmental effects of the proposed project; (3) significant irreversible environmental changes that would result from implementation of the proposed project; and (4) energy conservation. Each of these topics is discussed below.

GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the CEQA Guidelines 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, etc.).
- 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 Daggett Solar Power Facility on approximately 3,500 acres to produce approximately 650 megawatts (MW) of renewable energy and include up to 450 MW of battery storage capacity to replace the non-operating Coolwater Generating Station, a 626 MW natural gas-fired power plant. The project would use existing electrical transmission infrastructure to deliver renewable energy to the electric grid.

Development of the project would not remove any impediments that currently inhibit growth. Obstacles to population growth in the region surrounding the project site are primarily due to the feasibility of development, demand and economic constraints, General Plans and zoning and other development restrictions and regulations promulgated by local agencies. The project would not modify land use or zoning designations and therefore would not foster growth, remove direct growth constraints or add a direct stimulus to growth.

ECONOMIC GROWTH

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 and/or if growth resulted from the additional electrical power that would be generated by the proposed project. Construction would be performed by independent contractors hired by the developer for the Daggett Solar Power Facility. In general, construction workers would be hired from the

local labor pool or nearby urban areas. If contract workers are employed, they would not cause growth in the area due to the short-term and temporary nature of their employment.

The project would include an operations and maintenance building that would be staffed with full- and part-time employees such as a plant manager, maintenance manager, solar technicians and environmental specialists. In addition, operations would be monitored remotely via a supervisory control and data acquisition (SCADA) system. Operation of the project would not result in an increase in employment that would require the construction of new housing.

POPULATION GROWTH

CEQA requires the consideration of potential direct and indirect growth-inducing impacts of a proposed project. Implementation of the proposed project would not induce the construction of new homes that would 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 County residents.

In California, new energy facilities are responsive to growth due to state and federal regulations and do not in and of themselves induce growth.

Therefore, the project would not substantially induce population growth.

ESTABLISHMENT OF A PRECEDENT-SETTING ACTION

The project applicant seeks six separate Conditional Use Permits (CUPs) to construct a renewable energy generation facility. Approval of the CUPs would not be considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as other renewable energy facilities have received approval of CUPs and have operated in the immediate vicinity and within the region, and several other similar projects are currently in the planning and environmental review stage seeking similar approvals. Therefore, approval of the project would not set precedent.

ENCROACHMENT ON OPEN SPACE

The project site totals approximately 3,500 acres. The project area consists of a mix of industrial sites, disturbed land associated with residential and agricultural uses, and lightly disturbed desert scrub areas. Agricultural areas consist of active and fallow agricultural fields and orchards with

disturbed saltbush scrub, ornamental tamarisk windrows, and ruderal vegetation adjacent to the fields.

The County General Plan (2007) designates the project site with the following land uses: Regional Industrial (IR), Rural Living (RL and RL-5), Resource Conservation (RC), and Agricultural (AG). Of these land uses, 74 percent of the project site is designated as RC. The RC designation is intended to provide open space and recreational activities, single-family homes on very large parcels, and similar compatible uses. Although the designation is intended to provide open space and recreational activities, it is not considered open space. Therefore, the project would not result in the loss of open space. Additionally, with the issuance of CUPs, 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.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

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

Chapter 3, 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, significant and unavoidable impacts would be limited to impacts on air quality during the project construction phase.

The project is located in a nonattainment area for multiple pollutants and construction would exceed air quality thresholds for PM_{10} and $PM_{2.5}$. In addition, the project is not consistent with the Western Mojave Desert Air Quality Management Plan and construction of the project would delay attainment of Mojave Desert Air Quality Management District (MDAQMD) air quality goals. The project will result in a temporary cumulatively considerable increase in nonattainment pollutants, adversely impacting air quality.

Furthermore, impacts to groundwater supplies are considered significant and unavoidable given unknown future water pumping scenarios involving potential water rights transfer from the west to the east side of the Calico-Newberry Fault, which divides the Lower Mojave Valley Subbasin. If 100 percent of the production rights were exercised or transferred to the easterly basin, an

additional 7,657 AFY could be pumped (7,682 minus 25 for the project), which may result in a further 0.9 feet per year decline in the easterly subbasin water level. Although unlikely due to economic disincentives, impacts are conservatively assumed to be significant and unavoidable because the County could not compel any actions by the Watermaster to adjust Free Production Allowance (FPA) or take other actions to address declining groundwater levels east of the Calico Fault.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126.2(c) 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), use 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 result in irreversible damage from any potential environmental accidents associated with the project.

The proposed project would not result in an unusually high demand for nonrenewable resources. The project would be a clean, renewable energy source. It would implement many state and local goals and policies directed at moving away from a reliance on fossil fuels and encouraging renewable energy. After the usable/permitted life of the project is over, the facility would be decommissioned and restored to its pre-development condition. A Closure, Revegetation, and Rehabilitation Plan will be prepared, all aboveground structures will be removed, and most of project materials will be recycled or sold as scrap. Shrubs and other plants will be revegetated by re-seeding following decommissioning.

ENERGY CONSERVATION

In 1975, largely in response to the oil crisis of the 1970s, the California legislature adopted Assembly Bill (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 California Natural Resources Agency created Appendix F of the CEQA Guidelines.

ENVIRONMENTAL SETTING

Southern California Edison (SCE) provides electrical services in San Bernardino County through State-regulated public utility contracts. Over the past 15 years, electricity generation in the state 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 (MW). One megawatt 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 megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

REGULATORY FRAMEWORK

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

In 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, instituting mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings, State-owned buildings, schools, and hospitals. A supplement to CALGreen was released on July 1, 2018, to amend the previous 2016 update.

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

Senate Bill (SB) X1-2 (2011) expands California's Renewables Portfolio Standard (RPS) by establishing a goal that 33 percent of the total electricity sold to retail customers in California come from renewable sources by December 31, 2020. 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 of 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 California Energy Commission 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 the information that 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, as well as the goal of wise and efficient use of energy during project 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:

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.

IMPACT ANALYSIS AND MITIGATION MEASURES

THRESHOLDS FOR DETERMINATION OF SIGNIFICANCE

A project would result in a significant impact if:

- Construction or operation of the project would result in the wasteful, unnecessary, or inefficient use of energy resources.

CEQA Guidelines Appendix F requires an analysis of short-term operations (i.e., construction) and long-term operations. Long-term operational energy use and consumption associated with the project includes fuel consumption by vehicles, electricity and natural gas consumption by employees, and energy consumption related to water delivery.

PROJECT IMPACTS AND MITIGATION

ENERGY WASTE

Impact 5.0-1	**The project would not result in the wasteful, unnecessary, or inefficient use of energy resources. Impacts would be less than significant.**

ENERGY GENERATION

The proposed project would have a beneficial impact on energy resources by providing up to 650 MW of renewable energy and furthering California's RPS goals of achieving 33 percent renewable energy by 2020 and 50 percent by 2030. The power generated would be added to the state's electricity grid, with the intent that it would allow an overall reduction in use of fossil-fueled power plants and their greenhouse gas (GHG) emissions.

ENERGY USAGE

In order to ensure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. According to CEQA Guidelines Appendix F, the goal of conserving energy implies the wise and efficient use of energy, including 1 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 amount of nonrenewable resources currently used to generate electricity.

Resources that would be consumed as a result of project implementation include water, electricity, and fossil fuels during construction and operation. Additionally, construction would require the manufacture of new materials. Some of these materials would not be recyclable at the end of the proposed project's lifetime, and the energy required for their production would also reduce the amount of available natural resources. However, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources.

No increases in inefficiencies or unnecessary energy consumption are expected to occur as a direct or indirect consequence of the proposed project.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 5.0-2	**The proposed project, combined with other related cumulative projects would not develop land use 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 project 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 650 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.