

5.0 OTHER CEQA CONSIDERATIONS

This section describes the other statutorily required topics including growth inducing impacts, significant and unavoidable impacts, significant irreversible environmental changes, and mandatory findings of significance. It also provides a discussion of energy conservation as required by Section 15126.4 of the CEQA Guidelines.

5.1 GROWTH INDUCING IMPACTS

Section 15126.2(d) of the CEQA Guidelines requires that an EIR evaluate the growth inducing impacts of a proposed action:

Discuss the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Growth inducing impacts can occur when development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional development in the project area. Also included in this category are projects that would remove physical obstacles to population growth, such as the construction of a new roadway into an undeveloped area or a wastewater treatment plant with excess capacity to serve additional new development. Construction of these types of infrastructure projects cannot be considered isolated from the immediate development that they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area (such as a new residential community that requires additional commercial uses to support residents). The growth inducing potential of a project could also be considered significant if it fosters growth in excess of what is assumed in the local master plans and land use plans, or in projections made by regional planning agencies.

The proposed project would result in the installation of solar panels and related infrastructure for a period of 35 years on approximately 1,191 acres (total project site area) located in the western area of the City of Lancaster. Once in operation, the proposed project would require minimal services, would employ approximately six employees for onsite maintenance and operation activities, and would generate minimal traffic. Because it would not involve any extension of services beyond those necessary to serve the proposed project and would have a small number of employees (anticipated to come from the local area), the proposed project would not foster population growth or housing demand in the area.

The proposed project responds to the State's need for renewable energy to meet its Renewable Portfolio Standard. Under the Renewable Portfolio Standard, California's original goal was to increase the amount of electricity generated from renewable energy resources to 20 percent by 2010. Legislation passed in 2011 increased that goal to 33 percent by 2020. Currently, California receives almost 20 percent of its electricity from biomass, geothermal, small hydro, wind, and solar sources. The power generated by the proposed project would be added to the State's electricity grid, with the intent that it would displace fossil-fuel power plants and their associated greenhouse gas emissions and augment existing supplies rather than add electricity generation capacity that relieves an existing constraint to Statewide growth.

The key obstacles to population growth in this area are limited water supply, limited access, lack of sewer services. The proposed project would not increase the water supply available to other properties in the vicinity or provide sewer service, nor would it result in improved access. Therefore, it would not remove key obstacles to population growth in the area.

Although currently undeveloped, lands directly to the north and northeast of the site have previously been approved and developed for rural residential style development. No aspect of the proposed project would either directly or indirectly hasten the eventual development of those areas.

5.1.1 Increased Power Generation

While the proposed project would contribute to energy supply, which indirectly supports population growth, the development of the proposed project is responding to the State's need for renewable energy to meet its Renewable Portfolio Standards while at the same time increase sources of renewable energy being produced locally in the City of Lancaster. Unlike a gas-fired power plant, the proposed project is not being developed as a source of base load power in response to growth in demand for electricity. The power generated would be added to the State's electricity grid, with the intent that it would allow for an overall reduction in power use by SCE or LADWP customers, as well as, reduce the use of fossil-fueled power plants and their greenhouse gas emissions.

City of Lancaster planning documents permit and anticipate a certain level of growth and energy use growth. As a result, the purpose of the City General Plan and Land Use Ordinance is to address this growth. It is this anticipated growth that drives energy production projects, not vice versa. The project would supply energy to accommodate and support existing City of Lancaster and SCE and/or LADWP customers energy demands, but it would not foster any new growth, because (1) the additional energy would be used to ease the burdens of meeting existing energy demands; (2) the energy would be used to support existing energy demands; and (3) the factors affecting growth are so diverse that any potential connection between additional energy production and growth would necessarily be too speculative and tenuous to merit extensive analysis.

5.1.2 Increased Transmission Capacity

The development of the proposed project would require sPower to connect to SCE and/or LADWP transmission lines in order to carry the power to the electricity grid. This connection is described in detail in Section 2, Project Description. The connection will require that the City of

Lancaster allow sPower to install additional transmission lines thereby adding a limited amount of additional transmission capacity.

SCE and LADWP are investor-owned utilities, regulated by the CPUC. The utility's transmission system is operated by the California Independent System Operator (CAISO) under regulations established by the Federal Energy Regulatory Commission. When an electricity generator requests use of SCE and LADWP's transmission facilities, SCE and LADWPP are required to provide access after completion of power flow and cost studies. The CPUC evaluates each SCE and LADWP project to ensure that its need and costs are justified and appropriate, and that financial effects on California electricity ratepayers are appropriate.

Long-term planning accommodates projected growth in demand within the relative service areas. Therefore, while some excess transmission capacity may result from the transmission upgrades connecting the proposed project to the "grid," this capacity is very limited and not expected to be large enough to induce the development of other large solar projects in the region.

5.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS

CEQA Guidelines Section 15126(b) requires an EIR to "describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."

Section 3.0 of this EIR provides a description of the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where possible. After implementation of the recommended mitigation measures, all of the potentially significant impacts associated with the proposed project would be reduced to a less than significant level.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126.2(c) describes irreversible environmental changes as follows:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Buildout of the proposed project would result in the temporary conversion of parcels previously not used but zoned for development purposes to solar energy production and transmission.

Development of the project site would irretrievably commit building materials and energy to the construction and maintenance of the solar energy facility, gen-tie routes, and infrastructure

proposed upon project buildout. Renewable, nonrenewable, and limited resources that would likely be consumed as part of the development of the proposed project would include, but are not limited to, oil, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Energy would also be irreversibly consumed, both as part of the construction but not during operation.

5.4 MANDATORY FINDINGS OF SIGNIFICANCE

Public Resources Code Section 21083 requires lead agencies to make a finding of a “significant effect on the environment” if one or more of the following conditions exist:

1. A proposed project has the potential to degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The possible effects of a project are individually limited but cumulatively considerable.
3. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Finding No. 1: The proposed project would not have the potential to significantly affect biological or cultural resources.

Three special-status wildlife species were observed on the project site or gen-tie routes during the 2014 surveys: burrowing owl, American badger, and loggerhead shrike. Additionally, the project site includes potentially suitable habitat for other common and special-status species. Other special-status wildlife species with the potential to occur on the project site include: coast horned lizard, ferruginous hawk, Swainson's hawk, and mountain plover. Specifically, the mountain plover has been documented adjacent to Gen-tie Route 6. Implementation of recommended Mitigation Measures BIO-1 through BIO-12 as discussed in Section 3.4, Biological Resources, would be sufficient to protect these species and their habitat. The mitigation measures would also be sufficient to protect other wildlife found in the project site and would reduce potential impacts to less than significant levels with mitigation.

Though the project would not be located in areas of high historical or archaeological sensitivity, implementation of recommended Mitigation Measures CR-1 through CR-4 as discussed in Section 3.5, Cultural Resources, to protect potential historical, archaeological, and paleontological resources would be sufficient to reduce impacts to less than significant levels. Therefore, potential impacts under this criterion would be reduced to less than significant levels with mitigation.

Finding No. 2: The proposed project would not have cumulatively considerable impacts.

As discussed in the individual resource sections, the combined impact resulting from construction and operation of the proposed project in combination with the related projects would not be cumulatively significant. The proposed project's impacts would be reduced to a less than significant level by project design characteristics or by implementing mitigation

measures. The mitigation measures prescribed in each respective section would render the proposed project's impacts less than cumulatively considerable.

Finding No. 3: The proposed project would not cause substantial adverse effects on human beings.

The proposed project would not directly or indirectly cause substantial adverse impacts on human beings. Air quality, hazardous materials, and/or noise would have the only potential impacts through which the proposed project could have a substantial effect on human beings. However, all potential impacts of the proposed project related to air quality, hazards, and noise are identified as less than significant or less than significant with mitigation. As appropriate, each section identifies mitigation measures to reduce significant impacts associated with these resource areas. In addition, the proposed project would remain subject to applicable local, state, and federal regulations intended to avoid adverse effects on humans. The proposed project would comply with all required regulatory/legal requirements, and project-specific conditions of approval, and would therefore result in less than significant impacts on humans.

5.5 ENERGY CONSERVATION

Public Resources Code Section 21100(b)(3) requires 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 State 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 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. Appendix F is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. For the reasons set forth below, this Draft EIR concludes that the proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy, will not cause the need for additional natural gas or electrical energy producing facilities, and, therefore, would not create a significant impact on energy resources.

The proposed project would have a beneficial impact on energy resources by providing 150 MW of renewable energy and furthering California's Renewable Portfolio Standard of 33 percent for renewable energy within its total energy profile.

According to Appendix F of the CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy, including (1) decreasing overall per capita energy consumption, (2) decreasing reliance on natural gas and oil, and (3) 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 of nonrenewable resources currently used to generate electricity. In addition, Section 3.3, Air Quality and Greenhouse Gases describes effects on climate change

and greenhouse gas emissions that would be caused by implementation of the proposed project, including a discussion on the effects of the projects on energy resources.

Construction Phase

The EPA regulates non-road diesel engines. The EPA has no formal fuel economy standards for non-road (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emissions standards (Tier 1) for all new non-road diesel engines greater than 37 kilowatts (50 hp). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing NOx emissions from these engines by 30 percent. The EPA has since adopted more stringent emission standards for NOx, hydrocarbons, and particulate matter from new non-road diesel engines. This program includes the first set of standards for non-road diesel engines less than 37 kW. It also phases in more stringent Tier 2 emission standards from 2001 to 2006 for all engine sizes and adds yet more stringent Tier 3 standards for engines between 37 and 560 kW (50 and 750 hp) from 2006 to 2008. These standards will further reduce non-road diesel engine emissions by 60 percent for NOx and 40 percent for PM from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Non-road Diesel Rule. This rule, which took effect in 2008 and will be fully phased in by 2014, will cut emissions from non-road diesel engines by more than 90 percent. These emission standards are intended to promote advanced clean technologies for non-road diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

Construction activities associated with the proposed project would result in the consumption of petroleum-based fuels. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the State. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Operations Phase

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. The fuel economy standard for new passenger cars has been 27.5 miles per gallon since 1990. The fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon since 1996. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined on the basis of each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States.

Minimal daily vehicular fuel consumption would occur as the result of the six employees and the intermittent vehicular travel for cleaning of the panels two times per year. As such, it would be expected that vehicular fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar land use in the region.

The California Renewable Portfolio Standard legislation enacted in 2002 (Senate Bill 1078), and accelerated in 2006, required investor owned utilities of electricity to obtain 20 percent of their supply of electricity from renewable energy sources, such as solar, by 2010. On April 12, 2011, Governor Brown signed Senate Bill 2X, requiring California retail electric providers, including municipal utilities, to procure 33 percent of their retail energy sales from eligible renewable sources by 2020.

The proposed project helps achieve this goal by delivering power generated directly to the high voltage transmission system pursuant to the terms of a power purchase agreement to be negotiated with a utility buyer. The proposed project would generate 150 MW of renewable energy from the operation of the solar facility.