


## 14 – Comité Cívico Del Valle

	<p><b>COMITÉ CÍVICO DEL VALLE</b> INFORMED PEOPLE BUILD HEALTHY COMMUNITIES <a href="http://www.ccvhealth.org">www.ccvhealth.org</a></p>
<p><b>RECEIVED</b> FEB 24 2015 IMPERIAL COUNTY PLANNING &amp; DEVELOPMENT SERVICES</p>	
<p>February 25, 2015</p>	
<p>Jim Minnick <a href="mailto:jimminnick@co.imperial.ca.us">jimminnick@co.imperial.ca.us</a> Planning and Development Services Director Imperial County Planning Department 940 Main Street El Centro CA 92243</p>	
<p>Subject: Imperial County General Plan Update RE: Renewable Energy and Transmission Element Update (the "Update")</p>	
<p><b>Introduction:</b></p>	
<p>Comite Civico is an environmental justice organization that focuses on land use, air quality and health in low income communities. Comite Civico represents disadvantaged communities that have not had a meaningful voice in decisions that affect their environment. Comite Civico submits these comments to discuss issues regarding public engagement as well as climate change and environmental justice issues which should have been included in the Update, and were not.</p>	<p>Comment 14-1</p>
<p>Renewable Energy is a promising alternative to fossil fuel-based energy and important to mitigate the impacts of climate change, but its development can require complex set of environment tradeoffs. The recent increase in renewable energy systems especially large installations, underscores the urgency of understanding their environmental interactions. These large-scale renewable developments include impacts on biodiversity, water use and consumption, soils and human health. They have led to land-use and land-cover change, and land-atmosphere interactions. Construction of renewable energy projects are known to result in emissions of ozone precursors, carbon monoxide(CO), sulfur dioxide(SO<sub>2</sub>), particulate matter (PM<sub>10</sub>,PM<sub>2.5</sub>), hydrogen sulfide (H<sub>2</sub>S) and other harmful pollutants. Many portions of the plan area include communities already vulnerable due to air quality impacts. It is important that the affected public, and particularly low-income and minority communities, be made aware of these tradeoffs, and given the chance to have their voice heard.</p>	<p>Comment 14-2</p>
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### Public Process

The Update process has not included Environmental & Climate Justice or community capacity building, and accordingly, there has been very little public participation. The California Environmental Protection Agency (EPA) identifies community capacity building as efforts to engage disadvantaged population to help them better identify and meet the needs of their areas. It includes building on existing skills, providing education on issues and processes and helping them communicate effectively in the public realm. At any level capacity building refers to ensuring Imperial County is responsive and accountable to all stakeholders, that officials are informed about issues of concern for their communities, and that communities are aware and informed of issues affecting them.

Community Capacity building also makes sure that affected residents have the opportunity to participate in decisions that impact their health, and that low income and minority population have equal access and influence in the land use decision-making process through such methods as bilingual notices and conducting information meeting with interpreters.

The Governor's Office of Planning and Research 2003 General Plan Guidelines ([http://opr.ca.gov/docs/General\\_Plan\\_Guidelines\\_2003.pdf](http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf)) provides recommendations regarding public engagement for environmental justice communities. These include: scheduling public meetings on key issues affecting the public at times and locations most convenient to community members, providing child care, and building community partnerships. It is key that translation and interpretation services are provided at public meetings on issues affecting populations whose primary language is not English. All communication should be done in all of the major languages spoken in the community. This includes any advertising and written background materials. If some documents are infeasible to translate in their entirety, the planning agency should consider translating an executive summary in the major languages spoken in the community. Translation time should not be taken from participants' time limits for comments.

Comment  
14-3

### Environmental Justice Analysis

Imperial County should identify those communities most vulnerable to environmental hazards through the Cal-Enviro Screen 2.0 (OEHHA) (<http://oehha.ca.gov/ej/ces2.html>), or other model before adopting a General Plan update that will affect these communities. The County should ensure that low-income and minority populations understand the effect of the project and the potential for adverse pollution. The development of any large-scale facility pose hazards to air quality, such hazards include the release of soil-borne pathogens, increases in air particulate matter (including PM2.5 and the contamination of water sheds ) (reservoirs). Additionally, there are potential impacts from *Coccidioides immitis*, a fungus causing Valley Fever in humans in areas where surface soil contains traces of chemical and radioactive contaminants (eg. Radionuclotides, agrochemical residue), increase Aeolian transport resulting from soil disturbances increases contaminant concentrations in airborne dust.

Comment  
14-4

Comment  
14-5

Comment  
14-6

Although transmission lines are essential for transporting energy, the construction of extensive transmission line networks have both long-and short-term ecological effects, including displacement of wildlife, removal of vegetative cover (agriculture land) and degradation of habitat quality. The degree of degradation may depend on land use history, topography, and physical features of the sites, as well as productivity and vegetation types.

Comment  
14-7

One of the biggest challenges to the deployment of energy and transmission facilities will be anticipating reductions in water resources in areas that are already water-stressed by drought. Reduction in water availability will have consequences for both geothermal facility operation and for photovoltaic farms and may lead to dust deposition on mirrors or panels along with fugitive dust. It would be wise to use already degraded lands for the development of renewable energy such as brownfields, landfills, mine sites and other types of contaminated lands rather than removing agriculture or disturbing native vegetation. If these lands are removed the County should require construction and operation practices that minimize impacts of water, biodiversity and air through construction and operation practices.

Comment  
14-8

#### Climate Change

The Update also fails to set forth solutions regarding how it will lessen the impact of climate change. Climate Change presents new challenges for managing natural resources and protecting biodiversity, placing desert ecosystems and endangered species at risk. Climate Change affects social development factors such as poverty and is particularly evident in disadvantaged communities such as Imperial County. Because climate change does not affect everyone equally, the adverse impacts of climate change are expected to disproportionately affect those who are socially and economically disadvantaged, including the poor, the elderly, children, traditional societies, agricultural workers and rural populations (OEHHA).

Comment  
14-9

While reducing the risk of climate change, by building large scale renewable energy projects in Imperial County, Imperial County should also provide benefits and consider supplemental strategies such as surcharges to force emissions reductions in this highly impacted area and "community benefit" funds to support those communities in Imperial County that will disproportionately bear the climate change burden. Currently state wide, community based efforts are leading the charge in putting forth equitable climate change planning initiatives, and planners would do well to partner with community based organizations doing "climate justice" work through consultation, and funding and/or other resource allocation. This will encourage agencies and local Imperial County officials to improve education, outreach, and collaboration with communities. Communities need to be involved in our energy and climate policies and agencies need to work with people from those communities in order to get the message out and encourage dialogue about what needs to be done to improve those communities, while moving California forward towards addressing climate change with our renewable energy resources.

Comment  
14-10



## Conclusion

In conclusion, Comite Civico respectfully asks:

- |   |                  |
|---|------------------|
| • Imperial County to provide equal access to minority or low-income communities to participate in and influence the land use decision process. The Update process so far has not included adequate public notice, disclosure or real community outreach hence, participation has been poor. Transparency and comprehensive planning efforts are lacking.  | Comment<br>14-11 |
| • Environmental impacts be addressed properly with regards to land use and air quality.   | Comment<br>14-12 |
| • Climate Change impacts be addressed to meet the needs of economically stressed Imperial County  | Comment<br>14-13 |
| • Community Benefits be clearly delineated as part of the plan and a nexus be made between existing land use, proposed land use and demonstration of a community benefit. Community benefits must be properly allocated by Imperial County for projects that provide a benefit to disadvantaged communities, through the California Global Warming Solutions Act of 2006 (AB32) and Greenhouse Gas-Reduction Investments to Benefit Disadvantaged Communities (SB535) | Comment<br>14-14 |
| • The Update must not utilize any fertile or marginal agriculture land and it must not displace farmworker.   | Comment<br>14-15 |
| • The Update should mitigate these impacts through programs that bring benefits to displaced farmworkers.   | Comment<br>14-16 |

Sincerely,

  
Luis Olmedo  
Executive Director

Cc(via e-mail)  
Imperial County District 1 John Renison, Chairman of the Board  
Imperial County District 2 Jesus "Jack" Terrazas  
Imperial County District 3 Mike Kelley  
Imperial County District 4 Ryan Kelley  
Imperial County District 5 Ray Castillo  
Imperial County Andy Horne  
California Energy Commission Pablo Gutierrez  
California Energy Commission Dale Rundquist

## **Response to Comment Letter #14: Comité Cívico Del Valle**

Comment 14-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have provided responses to your specific comments below.

Comment 14-2: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have provided responses to your specific comments below.

Comment 14-3: The County has engaged the public regarding the proposed Project through a robust community outreach program. The County held seven (7) community meetings in Niland, Calipatria, Brawley, El Centro, Salton City, Ocotillo, and Calexico to allow the public to provide their input on the proposed Project. The County also held four (4) stakeholder's meetings with the Technical Advisory Group (TAG) to allow those interested in the proposed Project to provide their input. Meetings were also held with local Native American Tribes, the NAVFAC staff and a citizen group focused on environmental justice. The County Planning & Development Services Department acting as the CEQA Lead Agency distributed the "Notice of Preparation (NOP)" for the preparation of the PEIR through the State Clearinghouse for review and comment. The NOP was publicly noticed in English in the IV Press on July 20, 2014 and in Spanish in the Adelante newspaper on July 18, 2014. The NOP was circulated by the State Clearinghouse from Monday, July 21 through August 22, 2014. The County also held an "Informational Item" at the Environmental Evaluation Committee meeting and a public "Scoping Meeting" on August 14, 2014. The purpose of the two public hearings was to allow the public to provide input on the proposed Project. The proposed draft Renewable Energy Overlay Zone Map was available for public review at these two meetings.

Comment 14-4: As described in Section 4.3.4 of the Draft EIR, implementation of mitigation measure AQ-1a combined with the 0.5-mile buffer around all urban areas for the overlay zones would prevent disproportionate concentrations of low-income and/or minority populations from being exposed to pollutant concentrations or high levels of PM<sub>10</sub> and PM<sub>2.5</sub> during construction and operation of the proposed Project. Similarly, implementation of mitigation measures developed for other environmental categories combined with the 0.5-mile buffer around all urban areas for the overlay zones would prevent disproportionate concentrations of low-income and/or minority populations from being impacted from other issues.

Comment 14-5: The Draft PEIR analyzed potential impacts associated with air quality, including PM<sub>2.5</sub>, and determined that implementation of mitigation measures AQ-1a through AQ-1e would reduce impacts to a level less than significant. Implementation of mitigation measures AQ-1a through AQ-1e would also reduce impacts associated with soil borne pathogens and potential contamination of watersheds to a level less than significant.

Comment 14-6: Section 4.3.4 of the Draft EIR documented that the proposed Project would not result in impacts associated with valley fever by stating the following:

"...The incidence rate of Valley Fever in Imperial County is low (4.8 cases per 100,000 population in 2012), and the County's average annual incidence rate is low as well (1.1 to 2.0 per 100,000 population). Furthermore, none of the documented cases of Valley Fever have been linked to construction of existing renewable energy facilities that were

developed in Imperial County. Therefore, the potential for the proposed Project to result in new cases of Valley Fever is very low and would be reduced to a level less than significant through implementation of dust control measures described in mitigation measure AQ-1a..."

Comment 14-7: Proponents of future transmission lines constructed in Imperial County would be required to analyze potential environmental impacts and corresponding mitigation measures to reduce those impacts to a level less than significant during the project's required environmental review phase. This future environmental review would be conducted by the agencies who hold the principal responsibility for these facilities.

Comment 14-8: As described in Section 4.17.4 of the Draft PEIR, the proposed Project would be implemented on a "project-by-project" basis based on County approval of individual renewable energy projects. Consequently, estimates of water supply are not known at this time; however, the proposed Project would be limited to development of future renewable energy facilities and would not construct residential, commercial, or other uses that would require substantial amounts of water supply or generate substantial amounts of waste water. Permanent water resources needed for the proposed Project would be limited to domestic use within operations and maintenance buildings, solar panel washing, and fire protection services. It is not anticipated that these permanent water service needs would impact water supply within Imperial County.

This comment warns that conversion of agricultural land to renewable energy uses would impact water resources. However, renewable energy facilities use dramatically less water than agricultural production. Consequently, conversion of farmland would actually reduce water consumption and provide relief to areas already water-stressed by drought.

Comment 14-9: The Draft PEIR describes how the proposed Project would reduce climate change in Section 4.7.4 by stating the following:

"...Introduction of renewable energy facilities under the proposed Project would displace power currently produced by carbon-based fuels that would otherwise be used to meet regional demand for electricity. As documented in the Draft EIR/EIS prepared for the DRECP, estimates prepared by the California Public Utilities Commission (CPUC) project that by 2020, the marginal power plant would consist of a new combined-cycle combustion turbine 95 percent of the time or a new combustion turbine 5 percent of the time. Based on this ratio, GHG emissions associated with marginal power production are 830 pounds CO<sub>2</sub>e per megawatt hour (MWh). Additionally, USEPA estimates presented in the DRECP EIR/EIS project that baseline GHG emissions for marginal power in California would be more than 990 pounds CO<sub>2</sub>e per MWh. (DRECP EIR/EIS 2014, IV.3-9).

Electricity generated by future renewable energy facilities developed under the proposed Project would displace GHG emissions currently produced by carbon-based fuels. Using the conservative estimate of GHG emissions for marginal power plants developed by the CPUC, future solar and wind facilities would eliminate a minimum of 830 pounds CO<sub>2</sub>e per MWh. Similarly, future geothermal energy facilities developed under the proposed Project would displace approximately 520 pounds CO<sub>2</sub>e per MWh. The displacement of CO<sub>2</sub>e for geothermal production would be reduced by 310 pounds

CO<sub>2</sub>e per MWh due to the CO<sub>2</sub> that occurs naturally in geothermal steam released by operations at a geothermal plant (DRECP EIR/EIS 2014, IV.3-9). Consequently, displacement of power currently produced by carbon-based fuels by development of future renewable energy facilities would offset GHG emissions generated during construction, operation, and decommissioning of future renewable energy facilities and reduce impacts to a level less than significant. No mitigation measures would be required...”

Comment 14-10: The supplemental strategies described in this comments are beyond the scope of the proposed Project.

Comment 14-11: As described in response to comment 14-3 above, the County has engaged the public for the proposed Project through a robust community outreach program. The County held seven (7) community meetings in Niland, Calipatria, Brawley, El Centro, Salton City, Ocotillo and Calexico to allow the public to provide their input on the proposed Project. The County also held four (4) stakeholder’s meetings with the Technical Advisory Group (TAG) to allow those interested in the proposed Project to provide their input. Meetings were also held with local Native American Tribes, the NAVFAC staff and a citizen group focused on environmental justice. The County Planning & Development Services Department acting as the CEQA Lead Agency distributed the NOP for the preparation of the PEIR through the State Clearinghouse for review and comment. The NOP was publicly noticed in English in the IV Press on July 20, 2014 and in Spanish in the Adelante newspaper on July 18, 2014. The NOP was circulated by the State Clearinghouse from Monday, July 21 through August 22, 2014. The County also held an “Informational Item” at the Environmental Evaluation Committee meeting and a public “Scoping Meeting” on August 14, 2014. The purpose of the two public hearings was to allow the public to provide input on the proposed Project. The proposed draft Renewable Energy Overlay Zone Map was available for public review at these two meetings.

Comment 14-12: The Draft PEIR analyzed potential impacts related to air quality and determined that implementation of mitigation measures AQ-1a through AQ-2b would reduce impacts to a level less than significant. The Draft PEIR also analyzed potential impacts related to land use and determined that the proposed Project would not physically divide a community or conflict with any applicable land use plan, and implementation of mitigation measures BIO-1a through BIO-4 would reduce impacts related to conflicts with any applicable habitat management plan to a level less than significant. Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts on environmental resources during the project’s required environmental review phase. The environmental review of future renewable energy facilities developed under the proposed Project would allow for site-specific analysis based on project design to determine whether projects would result in significant impacts and if mitigation measures presented in the Final PEIR, and possibly additional project specific mitigation measures, would reduce those impacts to a level less than significant.

Comment 14-13: As described in response to comment 14-9, the proposed Project would reduce climate change by displacing power currently produced by carbon-based fuels that would otherwise be used to meet regional demand for electricity. However, additional strategies to address the needs of the economically stressed within Imperial County are beyond the scope of the proposed Project.

Comment 14-14: As described in response to comment 14-9, the proposed Project would reduce climate change by displacing power currently produced by carbon-based fuels that would otherwise be used to meet regional demand for electricity, which would benefit all residents within Imperial County. The

additional strategies presented in this comment are beyond the scope of future renewable energy facilities to be developed under the proposed Project.

Comment 14-15: Implementation of mitigation measure AG-1a: Payment of Agricultural and Other Benefit Fees includes measures to reduce impacts on fertile and marginal agricultural land and displaced agricultural workers to a level less than significant. Impacts on Prime Farmland from future renewable energy facilities would be reduced to a level of significance by one of the four options:

- “Option 1: The project proponent of a future renewable energy facility shall procure Agricultural Conservation Easements on a “two-to-one” basis on land of equal size, of equal quality farmland, outside of the development footprint. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits; or
- Option 2: The project proponent of a future renewable energy facility shall pay an “Agricultural In-Lieu Mitigation Fee” in the amount of 30 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation, and enhancement of agricultural lands within Imperial County; or
- Option 3: The project proponent of a future renewable energy facility and County enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that ~~is~~ (1) is consistent with Board Resolution 2012-005; and (2) ~~the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation, and enhancement of agricultural lands within Imperial County, and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the future renewable energy project and other recipients of the future renewable energy project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of local economy for the purpose of off-setting jobs displaced by the future renewable energy project;~~ or
- Option 4: The project proponent of a future renewable energy facility must revise their ~~Renewable Energy~~ Conditional Use Permit Application/Site Plan to avoid Prime Farmland...”

Furthermore, mitigation measures AG-1a provides direction for how mitigation fees would need to be used. The following uses would benefit displaced agricultural workers:

“...The Agricultural Business Development Category, such as funding for agricultural commodity processing plants and energy plants that use agricultural products, which was identified as the greatest job creator category would receive 50 percent of the funds;



The Research & Development Category, such as funding for development of new high-yield or water-efficient crops, new water conservation techniques, new technology to improve yields in existing crops, and partial funding for an endowment to support an agricultural research specialist, would receive 20% of the funds. Improved water conservation and efficient crop production keeps more farmland in production during drought cycles therefore supports job creation and maintenance;

The Agricultural Stewardship Category, such as programs that bring fields back into production, implement soil reclamation, and improve existing fields to improve crop yields, would receive 20%. Increase production of crops again leads to more agricultural jobs to prepare and harvest the fields; and

The Education/Scholarship Category, such as matching funds for scholarships awarded by agricultural organizations for agricultural studies, student loans, Future Farmers of America and 4-H loans, would receive 10%. Training the next generation of farmers to continue and expand farming operations will also support agricultural job creation...”

Future renewable energy projects would also need to provide other benefits as identified in Resolution 2012-05 and detailed in the Economic Impact Analysis (EIA), Fiscal Impact Analysis (FIA), Employment (Jobs) Impact Analysis (JIA) prepared pursuant to mitigation measure AG-1c. These benefits would also address possible or perceived socioeconomic impacts associated with future renewable energy projects, such as loss of agricultural jobs. Future Development Agreements may require the County to grant the funds only to applicants with programs that can demonstrate they are likely to generate an equal number of agricultural jobs when combined with job creation from the future renewable energy facility and other recipients of the future renewable energy project’s benefit fees.

Comment 14-16: As described in response to comment 14-15 above, mitigation measure AG-1a: Payment of Agricultural and Other Benefit Fees includes numerous programs to provide benefits to displaced farm workers.

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February 25, 2015

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**Re: Comments on the Draft Program Environmental Impact Report  
for the Renewable Energy and Transmission Element in  
Imperial County (SCH #2014071062)**

Dear Mr. Minnick:

We are writing on behalf of California Unions for Reliable Energy ("CURE") with regard to Imperial County's ("County") Draft Program Environmental Impact Report ("PEIR") for the Renewable Energy and Transmission Element ("RETE") update, SCH No. 2014071062 ("Project"). CURE is a coalition of unions whose members help solve California's energy problems by building, maintaining, and operating renewable energy power plants. CURE's comments are intended to strengthen the environmental review process and ensure a real choice between viable alternatives that balance renewable energy development with the protection of the environment. Based on these concerns, CURE has a strong interest in ensuring projects comply with the California Environmental Quality Act ("CEQA"), as well as applicable federal, state, and local regulations. As set forth below, we recommend that the County revise its findings to reflect that the Project's impacts to the various resource areas are potentially significant, that the extent of the impacts cannot be known at this time and that future, individual projects must undergo project-level environmental review when individual project-level details are known.

Comment  
15-1

We commend the County for recognizing that the PEIR provides only a "framework" for the review and approval of subsequent renewable energy projects

Comment  
15-2

2123-140cv

February 25, 2015

Page 2

in the County.<sup>1</sup> As with most program level environmental analyses, details of subsequent individual projects are either unknown or entirely speculative at the time the programmatic EIR is prepared. For that reason, subsequent individual projects require project-specific analyses in order to ensure that all potentially significant impacts are fully analyzed under CEQA.<sup>2</sup> CEQA Guidelines Section 15145 expressly states that when a lead agency finds that a particular impact is too speculative for evaluation, the lead agency should note the impact is too speculative for evaluation and then terminate discussion of the impact.<sup>3</sup> Moreover, the lead agency's determination whether a project has significant effect on the environment must be based on substantial evidence in light of the whole record.<sup>4</sup> In this case, the County made numerous impact findings regarding future, unknown projects, despite lacking adequate individual project-level details that were necessary for meaningfully evaluating those subsequent projects' impacts to environmental resources.

Comment  
15-2  
(continued)

The County recognizes throughout the PEIR the absence of project-level details necessary to adequately evaluate impacts from subsequent individual renewable energy projects. For example, the PEIR acknowledges that, because "[t]he proposed Project . . . does not contain specific development proposals, impacts that may occur during construction and operation of future renewable energy facilities are speculative and cannot be accurately determined at this stage of the planning process."<sup>5</sup> In another section of the PEIR, it concludes that the level of emissions would vary on a "project-by-project" basis based on the individual project's characteristics.<sup>6</sup> Nevertheless, despite clearly insufficient details necessary to adequately evaluate future individual renewable energy project impacts, the County made numerous findings on future, unknown projects throughout the PEIR. These findings fail to adhere to CEQA Guidelines Section 15064 because they are not supported by substantial evidence. The insertion of "cookie-cutter" mitigation measures also are invalid because there is no evidence regarding whether the measures will reduce potential impacts is to less than significant. The County cannot determine at this stage of the planning process

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<sup>1</sup> See Imperial County's Draft Program Environmental Impact Report for the Renewable Energy and Transmission Element update (hereinafter, "Draft PEIR"), p. ES-1, available at: <http://icpds.com/?pid=4284>.

<sup>2</sup> CEQA Guidelines, §15168(c)(1).

<sup>3</sup> CEQA Guidelines, §15145.

<sup>4</sup> Pub. Res. Code, § 21082.2(a); *see also* CEQA Guidelines, §15064.

<sup>5</sup> Draft PEIR, p. 4.5-19.

<sup>6</sup> *Id.* at 4.7-10.

2123-140cv

February 25, 2015

Page 3

whether mitigation measures would be effective at reducing individual project-level impacts, since the location, design, and size of subsequent individual renewable energy projects and their potentially significant impacts remain mostly unknown at the programmatic level. Accordingly, we recommend that all portions of the PEIR where the County has made significance findings be revised to indicate that the impacts are potentially significant, that the extent of the impacts cannot be known at this time and that future, individual projects must undergo project-level environmental review when individual project-level details are known.

Comment  
15-2  
(continued)

With respect to aesthetic and visual resources, we agree with the County's determination that "project-specific impacts to eligible scenic vistas or state scenic highways cannot be determined at this time."<sup>7</sup> Without project-specific information, such as the precise location, the type, and the size of individual projects, it is not possible for the public or decision makers to meaningfully evaluate future project-level impacts to aesthetic resources. The County also improperly incorporated a series of mitigation measures and erroneously concluded that despite these mitigation measures, impacts to aesthetic and visual resources "would remain significant and unavoidable."<sup>8</sup> This finding is entirely unsupported by substantial evidence because, as the County itself admits, impacts to visual and aesthetic resources cannot be determined at this planning stage. Therefore, all future individual renewable energy projects proposed in the County will necessitate project-specific analysis regarding impacts to and feasible mitigation for potentially significant impacts to aesthetic and visual resources.

Comment  
15-3

We agree with the PEIR's statement that the construction of renewable energy facilities associated with the Project would have the *potential* to convert "important farmland" to non-agricultural use.<sup>9</sup> The County correctly concluded that "construction-related conversions that may occur at any one time are *speculative* and cannot be accurately determined at this stage of the planning process."<sup>10</sup> The PEIR reaffirms this conclusion, admitting that "it is not possible to quantitatively analyze the level of agricultural impacts" at the program level.<sup>11</sup> Despite these conclusions, the County purports to find that future individual renewable energy projects will have a significant impact on agricultural resources. Since it is not possible to quantitatively analyze the level of agricultural impacts from subsequent

Comment  
15-4

<sup>7</sup> Draft PEIR, p. 4.1-12.

<sup>8</sup> *Id.* at 4.1-12 through 4.1-14.

<sup>9</sup> *Id.* at 4.2-5 (emphasis added).

<sup>10</sup> *Id.* at 4.2-6 (emphasis added).

<sup>11</sup> *Id.*

2123-140cv

February 25, 2015

Page 4

individual renewable energy projects, the County's finding that future individual renewable energy projects will have a significant impact on agricultural resources is not supported by substantial evidence and invalid as a matter of law. Until individual project-specific details are known, CEQA prohibits the County from speculating on individual project-level impacts to agricultural resources.

Comment  
15-4  
(continued)

We agree with the County's acknowledgement in the PEIR that construction of renewable energy facilities associated with the proposed Project would: (1) generate emissions of PM<sub>10</sub>, PM<sub>2.5</sub> and ozone which would contribute to the existing designations of nonattainment for these pollutants; (2) that construction of renewable energy facilities would also result in emissions of other criteria pollutants that could change their attainment status within Imperial County; and (3) that emissions of these criteria pollutants would result from site preparation activities, site grading, vehicles driving on unpaved surfaces and roadways, exhaust from vehicles transporting construction materials and personnel, and emissions from heavy-duty construction equipment.<sup>12</sup> We further agree with the PEIR's acknowledgement that construction emissions would "vary based on the number and types of heavy-duty vehicles and equipment in use, the intensity of construction activities, the number of construction personnel involved, and the length of time over which these construction activities would occur."<sup>13</sup> Finally, we agree with the County that "estimates of future criteria pollutant emissions for comparison to ICAPCD standards cannot be calculated at this time."<sup>14</sup> Since the Project "only identifies locations suitable for renewable energy facilities and does not contain specific development proposals," construction-related emissions that may occur at any one time are "speculative and cannot be accurately determined at this stage of the planning process." Consequently, we agree with the County that "it is not possible to quantitatively analyze whether the proposed Project would violate established ICAPCD standards."<sup>15</sup>

Comment  
15-5

The County also correctly assessed that the construction of subsequent individual renewable energy projects have the potential to exacerbate existing nonattainment designations within the County. The County also correctly indicated that estimates of future criteria pollutant emitted during project operation for comparison to the Imperial County Air Pollution Control District ("ICAPCD")

<sup>12</sup> Draft PEIR, p. 4.3-9.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 4.3-10.

<sup>15</sup> *Id.*

2123-140cv



February 25, 2015  
Page 5

standards cannot be calculated at this time.<sup>16</sup> Since the level of emissions would vary on a “project-by-project” basis, impacts to air quality from future individual renewable energy projects are now unknown and cannot be known at this stage of the planning process. Accordingly, potential impacts to ambient air quality are entirely speculative at the program level and therefore must be analyzed in future EIR’s at the project-specific level. The County should revise its findings to state that impacts to ambient air quality are potentially significant, that the extent of the impacts cannot be known at this time and that future, individual projects must undergo project-level environmental review when individual project-level details are known.

Comment  
15-5  
(continued)

We also agree with the County that construction would potentially create objectionable odors but that these impacts cannot be evaluated at this time due to lack of sufficient detail at the individual project-level.<sup>17</sup> The County found operation of future energy facilities, except for geothermal energy facilities, would not be anticipated to generate objectionable odors.<sup>18</sup> Under CEQA however, the County must provide substantial evidence to support what the agency “anticipates” individual project-level impacts might be. Therefore, without more, the County’s finding that other (non-geothermal) projects would not generate objectionable odors is unsupported by substantial evidence.

Comment  
15-6

Finally, the County makes a finding that the implementation of the proposed Project would not generate cumulatively considerable air quality emissions and thus cumulative impacts would be less than significant.<sup>19</sup> The County rationalizes this finding by explaining that “[d]ue to the long duration that both foreseeable projects within the County and facilities to be developed under the proposed Project would be spread across, it is unlikely that high levels of construction emissions would occur at once.”<sup>20</sup> The County’s speculation that high levels of construction emissions occurring at once would be “unlikely” fails to meet the substantial evidence standard under CEQA. The County proposes to no mitigation restricting the simultaneous development of multiple projects. For this reason, among others, the County lacks substantial evidence to support its conclusion that cumulative impacts from subsequent individual renewable energy projects would not be significant. Since the PEIR already admits that construction-related emissions that

Comment  
15-7

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<sup>16</sup> *Id.*

<sup>17</sup> Draft PEIR, p. 4.3-14.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 4.3-15.

<sup>20</sup> *Id.*

2123-140cv

February 25, 2015  
Page 6

may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process, the County does not know and cannot know at this time the cumulative impacts from future individual projects. The County should revise its findings to state that cumulative impacts are potentially significant, that the extent of the impacts cannot be known at this time and that future, individual projects must undergo project-level environmental review when individual project-level details are known.

Comment  
15-7  
(continued)

We agree with the County that construction of renewable energy facilities associated with the Project would generate greenhouse gas ("GHG") emissions. Site preparation activities, site grading, exhaust from vehicles transporting construction materials and personnel, and emissions from heavy-duty construction equipment would generate an unknown quantity of GHG emissions. The County correctly acknowledges that construction emissions would vary based on the number and types of heavy-duty vehicles and equipment in use, the intensity of construction activities, the number of construction personnel involved, and the length of time over which these construction activities would occur.<sup>21</sup> Furthermore, GHG emissions during construction increases with the greater level of intensity of each of these factors; factors which the County acknowledges is unknown at the programmatic level.<sup>22</sup> Nevertheless, the County erroneously concludes that because development of future renewable energy facilities under the Project would displace power currently produced by carbon-based fuels, and because the Project would not conflict with any applicable plan, policy, or regulation adopted for reducing the emissions of GHGs, impacts would be "less than significant."<sup>23</sup> The County also incorrectly found that mitigation measures were not required to address GHG impacts based on this same rationale. These findings are entirely speculative and not supported by substantial evidence. There is no evidence in the record, such as power purchase agreements or evidence indicating a replacement of fossil fuel based facilities with renewable energy facilities, which support the County's finding. Likewise, the County's finding that cumulative GHG impacts from the Project would also be less than significant is not supported by substantial evidence. The type of energy project (e.g., wind, solar, geothermal etc...), location, size, and construction equipment to be used when constructing future renewable energy projects are unknown and cannot be known at this time.

Comment  
15-8

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<sup>21</sup> Draft PEIR, p. 4.7-9.

<sup>22</sup> *Id.* at 4.7-10 ("... construction related emissions that may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process.").

<sup>23</sup> *Id.* at 4.7-9.

2123-140cv