



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Planning Department

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MEMORANDUM

DATE: October 2, 2003

TO: Honorable Board of Supervisors

FROM: Robert C. Johnson, Planning Director

RE: Proposed Wind Energy Policies

The proposed Riverside County Integrated Project (RCIP) General Plan (General Plan) includes certain policies that may affect the development of Wind Energy Conversion Systems (WECS) in certain, specific areas of the County. The County did not receive any comments on these proposed policies in response to circulation of the Draft Environmental Impact Report (Draft EIR) for the proposed General Plan. For this reason, the Final EIR does not address the potential environmental impacts of the proposed policies.

The Board conducted a hearing on the proposed General Plan on March 13, 2003. At that hearing, the Board received testimony regarding the proposed WECS policies. The Board also received correspondence proposing changes to the WECS policies to allow WECS development in this area. The purpose of this memorandum is to address the issues raised in this testimony.

“Exhibit I, Final Changes to the RCIP General Plan No. 618 ” includes the following two policies:

WCVAP 2.3 Except in the area designated Public Facilities on Edom Hill; prohibit the placement of commercial wind turbine arrays east of Indian Avenue, north of Pierson Boulevard, and south of Highway 111.

WCVAP 2.5 Prohibit the location of wind turbines within the Santa Rosa and San Jacinto Mountains National Monument.

These policies would extend existing zones that limit development of Wind Energy Conversion Systems (WECS) in the San Gorgonio Wind Energy Policy Area of the Western Coachella Valley Area Plan. WCVAP 2.3 address two separate locations. The primary area of interest, however, is the approximately 3,460 acres south of Highway 111, and within the Santa Rosa and San Jacinto Mountains National Monument (“action area”). The action area is of primary interest because it lies with an area rated as having “excellent” wind energy potential. The areas affected by WCVAP 2.3 that are north of Pierson Boulevard and east of Indian Avenue, on the other hand, are largely outside of the excellent wind energy area, and do not require extensive examination in the context of this staff report.

POTENTIAL ISSUES OF CONCERN:

- Commenters suggested that prohibiting WECS in the areas governed by the Policies will negatively impact the County's energy resources.
- Commenters further suggested that by precluding development of wind energy, the Policies will increase reliance on fossil fuels, thereby adversely affecting air quality.

RECOMMENDATIONS:

1. ADOPT a finding with regard to the impact of Policies WCVAP 2.3 and WCVAP 2.5. As explained below, staff concludes there is no evidence that these policies will have a potential for substantial adverse impacts on energy resources or air quality. Staff therefore recommends that the Board find that the impact of these policies will be insignificant.
2. APPROVE Policies WCVAP 2.3 and WCVAP 2.5 based upon the conclusions and findings indicated below.

CONCLUSIONS:

1. The proposed policies are consistent with all elements of the Riverside County Comprehensive General Plan and the Western Coachella Valley Plan.
2. The proposed policies are compatible with the present and future logical development of wind energy resources of Riverside County and with land uses adjacent to and near such wind energy development.
3. The proposed policies promote the public health, safety and welfare.
4. The proposed policies will not significantly affect the development of wind energy resources in the County.
5. The proposed policies will not lead to direct or indirect significant adverse air quality impacts, or direct or indirect impacts to other resources.

FINDINGS:

1. Protection of scenic and visual resources of the County of Riverside are recognized by the Comprehensive General Plan by Scenic Highways Land Use Standards, Energy Resources Land Use Standards, Open Space and Conservation Land Use Standards, and by the following proposed General Plan Policies: Land Use Element Policy 4.1 (requiring projects to be designed to "visually enhance and not degrade" surrounding

areas); Land Use Element Policy 8.1 (providing for “permanent preservation of open space lands that contain important . . . scenic . . . values”); Land Use Element Policy 13.1 (“Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public”); Land Use Element Policy (“Identify and conserve the skylines, view corridors, and outstanding scenic vistas within the County”); Land Use Element Policies 22.1 through 22.5 (involving protections of scenic resources along scenic highways).

2. Utilization of wind energy resources of Riverside County is a recognized and acceptable land use within Riverside County since 1982 when the initial general plan and zoning regulations for wind energy were adopted by the Board of Supervisors, and subsequently included within the Comprehensive General Plan in 1984, the Draft Updated Western Coachella Valley Area Plan (pp. 23-24), and within the following policies in the draft RCIP in 2003: Land Use Policies 15.1 to 15.14 (establishing limitations on WECS development to minimize impacts related to visual resources, noise, etc.); Open Space Policy 10.1 (“Provide for orderly and efficient wind energy development in a manner that maximizes benefits and minimizes detrimental effects to residents, bird migration, and the environment of the County”); Open Space Policy 10.2 (requiring continued implementation of the Wind Implementation Monitoring Program).
3. Mountainous areas have been identified by EIR/EIS No. 158 (San Gorgonio Wind Resource Study) as among the most visually critical areas in San Gorgonio Pass.
4. The Comprehensive General Plan designates I-10 and Highway 111 as eligible state scenic highways.
5. No wind turbines currently exist within the action area affected by the Policies. Approval of the Policies will not require removal of wind turbines. The practical effect of approving the Policies will be to preserve the status quo – i.e., to maintain the existing environmental setting, consisting of the absence of WECS in this particular area.
6. Some areas affected by the Policies have high wind energy potential.
7. The San Gorgonio Pass area contains approximately 35,000 acres of land with “excellent” wind potential and that is not constrained by environmental or land use limitations.
8. Wind energy harnessed from the entire San Gorgonio Pass provides less than 1% of California’s energy supply.
9. California’s energy supply consists of a diverse array of sources, 27.4% of which

(excluding wind energy) is renewable.

10. The development of WECS entails significant adverse environmental impacts to air quality, visual resources, wildlife, and ambient noise.
11. The extension of the WECS-exclusion zone will not significantly affect California's energy supply. The Policies will not result in a reduction in wind energy generation. Rather, the policies will reduce the inventory of land potentially available for wind-energy development. This reduction in the inventory of land potentially available for such development is insignificant.
12. No evidence suggests that the extension of the WECS-exclusion zone will encourage or otherwise increase reliance on polluting energy sources.
13. The extension of the WECS-exclusion zone will not significantly affect regional air quality.
14. The extension of the WECS-exclusion zone will beneficially affect the County's visual resources in the San Gorgonio Pass.
15. The extension of the WECS-exclusion zone will beneficially affect the environment by avoiding the adverse impacts associated with the development of WECS.
16. No other development has been proposed in this area. Adoption of the Policies will not result in any effect on the extent to which the area is suitable for development for other purposes.

REVIEW OF THE PROPOSED POLICIES:

1) Wind-Energy Resources in the San Gorgonio Pass Area of the Western Coachella Valley Area Plan

The San Gorgonio Pass area extends west of Indian Avenue to the foothills north and west, south to the City of Palm Springs, and west through the Interstate 10 corridor between the San Jacinto and San Gorgonio Mountains. (Draft Western Coachella Valley Area Plan ("WCVAP"), at pp. 23-24.) The portions of this geographic feature within the Western Coachella Valley Area Plan are generally characterized by large expanses of open desert and mountainous terrain, along with isolated pockets of development. (WCVAP, at p. 9.) The area is known for its prevailing westerly winds.

In the early 1980's, the California Energy Commission recognized the "San Gorgonio Wind Resource Area's" potential for wind-generated electrical power due to its average annual wind speeds of 15-17 mph. (Draft Environmental Impact Report / Environmental Impact

Statement #158, San Gorgonio Wind Resource Study (March 1982) (“Wind Study”), at p. I-1; see also Draft Environmental Impact Report No. 193, Western Coachella Valley Plan (April 1985), at p. 187.) Other experts have since indicated that the wind speeds in some areas can average as high as 20 and 21 mph. (Letter from Richard Simon, Meteorologist, dated December 22, 2000 (Simon Letter).) To study this resource, the County and the U.S. Bureau of Land Management (BLM) prepared the Wind Study in March 1982. This study was followed by preparation of three Wind Implementation Monitoring Plans (WIMP I, II, and III). WIMPs implemented general plan wind energy policies, studied the ongoing effects of wind energy development, and addressed wind energy development impacts in a series of reports generated between 1985 and 1989.

When the County began its study of wind energy resources in the San Gorgonio Pass area in the early 80's, little wind energy development existed in Riverside County and in the San Gorgonio Pass area. In the years since, development of WECS proceeded at a constant and rapid pace characterized by one commentator as “ragweed growth.” (Wind Implementation Monitoring Program, Phase II (August 1986) (“WIMP II”), at p. B-24.) In 1990, the greatest number of commercial WECS in the United States existed in Riverside County, estimated at the time at over 4,200. Since 1990 the redevelopment, or “repowering”, of various WECS arrays has reduced that number to approximately 3,000. This decline represents fewer but generally larger WECS. WIMP II and III, however, also predicted a decline in new WECS development in the San Gorgonio Pass after the growth the industry enjoyed in the 80's. (WIMP II, at p. B-24; Wind Implementation Monitoring Program, Phase III (January 1988) (“WIMP III”), at p. C-12.) This prediction, which has been realized in recent years, was based on the financial outlook for the industry as well as the understanding that WECS permitting could not continue at “its previously explosive” pace without decimating other values and resources in the area. (WIMP II, at p. B-24; WIMP III, at p. C-12.)

Despite the decline in development of WECS in the San Gorgonio Pass, the highest concentration of commercial wind development in the County remains in this area. (WCVAP, at p. 9.) Moreover, San Gorgonio Pass currently contains the second highest concentration of WECS projects in the state, and accounts for the second highest energy output from WECS facilities. (American Wind Energy Association (AWEA), Major California Wind Energy Resource Areas and Wind Energy Projects (2002) (“Wind Energy Projects”), <<http://www.awea.org/projects/california.html>>.) There are 21 existing WECS projects in the San Gorgonio Pass area accounting for 32 percent of the state’s total wind energy production, at 588 of the state’s 1822.3 MW potential installed capacity. (*Ibid.*)

2) **Visual Resources in the San Gorgonio Pass**

As noted above, the expanded WECS-exclusion area lies within the San Gorgonio Pass. The area is characterized by the following features:

Bordered by the San Bernardino and San Jacinto Mountains; small town urban

uses, San Gorgonio River; large-lot rural residential and agricultural uses; desert and hillside vegetation.

(General Plan Draft Program Environmental Impact Report, Riverside County (July 9, 2002) (“General Plan Draft EIR”), at p. 4.4-3.)

The area is described in the Wind Study as the San Gorgonio Pass Visual Unit (unit). The major focal point of this unit is San Jacinto Peak, with San Gorgonio Peak also figuring prominently. (Wind Implementation Monitoring Program, Phase I (August 1985) (“WIMPI”), at p. 2.) The Wind Study maps the slopes within the action area as “especially low visual absorptive capacity” or “VAC.” This means that disturbances to the land (such as wind turbines and related improvements) within this area tend to be highly visible. This low VAC is largely due to sparse vegetation, surfaces that are largely monochrome and evenly textured, highly erodible soils, soils that show significant color contrasts when disturbed. Another factor contributing to a low VAC is the fact that the viewshed is seen by a high number of people traveling I-10, which is the major route between southern California and Arizona. Visual “vulnerability” increases when there are high scenic values, low visual absorptive capacity, and high visibility (meaning there are many viewers).

The valley sides of the San Gorgonio Pass Area, which comprise roughly 40% (1,300 acres) of the expanded area are deemed “critical (easily degraded by development)” because of the area is an “important transitional point and focal view,” has “especially low visual absorptive capacity” and high visibility. The portion of the action area on the valley floor (approximately 60% or 1,760 acres) is designated “less critical (could accommodate some development without landscape degradation).” (Environmental Assessment # 38147, Wind Energy Ordinance No. 348 Amendment Regarding Scenic Resource Protection (“EA”), at p. 9.)

Areas in the San Gorgonio Pass area that are located on flat terrain on the valley floor, which were described above as “less critical,” can still be very important to the visual character of the area. This depends largely on where such areas of flat terrain are located. If flat terrain areas are located in the foreground of important viewsheds or in high traffic areas, the blanket designation “less critical” may not be appropriate. Studies of existing WECS development on flat terrain indicate that this development can have a significant impact on visual resources in the area. For example the Whitewater Floodplain site, located on flat terrain between I-10 and Highway 111, is considered to have a major visual impact on aesthetics due to its placement between two major travel arteries. (WIMP II, at p. B-14.) Moreover, analysis in WIMPS III indicated that motion in the foreground of an important viewshed will draw the eye and detract from the visual appeal of the area. (WIMP III, at p. C-7.)

A number of important viewsheds and noted scenic resources occur within or near the expanded WECS-exclusion area. A distinctive and visually important ridge line, called “Fingal’s Finger,” is located within the proposed restriction area, approximately one-half mile

south I-10 and Cottonwood Road. The Nature Conservancy's 160-acre "Oasis de los Osos" Preserve, which encompasses Lamb Creek, is also located within the project area, approximately one-quarter mile west of the Snow Creek residential development. Also, portions of the Morongo Indian Reservation lie off-site to the west and the San Jacinto Wilderness within the San Bernardino National Forest lies along most of the northern project boundary. The Pacific Crest National Scenic Trail, well-known for its scenic vistas, also runs along the eastern boundary of the action area. The aesthetic values of these unique features will be protected by this WECS prohibition. (EA, at pp. 9-10.)

The California desert is a recreational resort area that attracts substantial numbers of tourists and travelers. The tourism industry brings nearly \$200 million a year to the Palm Springs/Coachella Valley region (wind energy tours being a recognized, but very small, portion of this amount). Desert area residents in the past have expressed concerns regarding obstructions of scenic vistas or views open to the public, including views of surrounding mountains. The proposed WECS restrictions will help protect the aesthetic values of the surrounding natural resources. (EA, at p. 10.)

The community of Snow Creek is also designated a "unique community" in the General Plan. (WCVAP, at p. 11.) A important aspect of this community is the natural topography and unique landforms. These features create the character and identity of this community and must be respected in the pattern of development. Land Use Compatibility, as discussed in the General Plan, seeks to achieve this end and minimize the impacts certain uses have on adjacent areas. This has been traditionally accomplished by providing separation between sensitive uses and uses whose by-products may include noise, excessive traffic, odors, dust, or vibrations. (Draft General Plan, p. LU-24.)

Also within the San Gorgonio Pass area, Highway 62 is a state-designated scenic highway. Interstate 10, Highways 111, 62, and 74, Whitewater Canyon Road, Snow Creek Road, and Pierson Boulevard are all listed as scenic corridors in the existing Western Coachella Valley Plan. (EA, at p. 8; see also Draft WCVAP, Figure 8.) In particular, Interstate 10 is noted in the General Plan as "afford[ing] a view of desert wilderness" and providing a link to San Bernardino County's system of scenic routes. (EA, at p. 8.) The proposed General Plan amendment, with much of the action area affected by the ordinance amendment known to be visually critical and sensitive, will serve to protect scenic corridors from the impacts of wind turbine development. Current restrictions already limit commercial WECS development within one-quarter mile of the scenic highways in the area. (*Id.* at p. 9.)

On October 24, 2000, the President of the United States signed legislation creating the Santa Rosa and San Jacinto Mountains National Monument. (Pub. L. No. 106-351.) The new national monument encompasses approximately 272,000 acres with lands administered by a variety of governmental and private entities within central Riverside County. Congress, when it acted to create the national monument, recognized the magnificent vistas in this area as a picturesque backdrop for the Coachella Valley communities and as support for an abundance

of recreational opportunities important to the regional economy. The expanded area for this General Plan amendment is within a portion of this national monument. Indeed, the action area is almost entirely included within the boundaries of the national monument. The national monument's boundaries within the area encompassed by WCVAP 2.3 include, on the north the Union Pacific Railroad and I-10, on the east Highway 111 and on the west the "Fingal's Finger" mountain ridge, including the Snow Creek Cove area.

3) Impact of WECS Development

a. Impact of WECS on Visual Resources

The siting of WECS gives rise to various environmental concerns, including impacts to scenic viewsheds, nearby residents, and migratory birds. WECS towers interfere with viewsheds in a number of ways. First, if viewed in the foreground, WECS can dominate and overpower natural landforms. (WIMP I, at pp. 10-14.) Second, arrays of WECS can result in "visual clutter." (Wind Study, at p. VI-35; WIMP I, at p. 14 ("[a] great range of variety containing vivid visual elements may produce an extraordinary landscape if unified, or the scene may be a disorderly clutter if there is no unity".)) Third, the movement of WECS blades can capture the attention of viewers, and lead eyes away from natural views. (AR WIMP I, at p. 11 ("[a]ny motion – in this case the flash of spinning WECS blades – will powerfully attract and hold the observer's attention"); WIMP III, at pp. C-1, C-4 (noting that while the towers of the WECS are completely visible, "the eye and mind ignore them, overwhelmed by the visual attraction of moving white blades".)) There can also be a substantial cumulative impact if several WECS arrays are located within the same viewshed. (WIMP I, at p. 37; WIMP II, at p. B-19.)

b. Other Environmental Impacts of WECS Development

In addition to the burdens on visual resources, the Wind Study identified a number of other environmental impacts caused by WECS-development. Development can disturb or destroy specialized desert habitats, vegetation, and wildlife. (Wind Study, at pp. Summary 7-8; *see also* letter from John Rotenberry, Director, University of California, Riverside Natural Reserve System, to the Riverside County Planning Department (September 10, 2001) (discussing how WECS development near Snow Creek would interfere with the wildlife preserve at Oasis de los Osos).) For example, "[s]ignificant micro-climatic changes will likely be induced over an area extending many miles downwind from the wind energy development area itself." (Final Wind Study, at p. I-112.) Further, because the Coachella Valley Fringe-Toed Lizard generally are found 3 to 12 inches below the surface, "even shallow excavation or compaction from overland vehicular travel may kill some lizards." (Coachella Valley Fringe-Toed Lizard Habitat Conservation Plan (June 1985), at p. IV-3.)

WECS development can also result in significant impacts to air quality. As the Study explained, "[i]ncreased air emissions would result from three different source categories: (1)

operation of construction equipment and construction worker commute; (2) wind-generated fugitive dust from areawide disturbance of soils; and (3) long-term operation and maintenance activities. . . . The combination of vehicles and wind-generated fugitive dust is likely to significantly impact particulate levels in the regional airshed.” (Wind Study, at p. Summary-8.)

The noise generated by windmill turbines may affect nearby residents; and spinning wind turbine blades have been known to injure migratory birds. (WCVAP pp. 23-24.) WIMP I, II, and III, which followed the Wind Study, identified impacts to scenic resources as a major concern and recommended mitigation including, WECS setbacks and cohesive design schemes. (Wind Study, at pp. VI-40 to VI-43; WIMP I, at pp. 17-19.) In addition to the existing setback and other various WECS siting and design criteria, Amended General Plan Policy WCVAP 2.3 would extend an existing zone in which WECS are prohibited to better protect valuable scenic resources described above.

4) Impacts from Precluding WECS in areas Designated by Amended General Plan Policies WCVAP 2.3 and 2.5

a. Impacts to Energy Resources

As described above, the proposed expanded WECS-exclusion zone will prohibit all WECS development within the action area. The County received no comments on this issue during the period the County circulated the General Plan Draft EIR for public review. For this reason, the Final EIR does not address this issue.

In March 2003, after the County published the Final EIR, the Board conducted hearings on the General Plan. During the course of these hearings, the County received testimony on the Policies. In particular, one commenter stated limiting the development of WECS in this area will impact air quality because energy that could have been generated by wind, will instead probably be generated by fossil fuel sources, which can have greater air quality impacts than WECS development.

Staff recognizes the area’s high wind energy potential. There is no evidence in the record, however, that limiting WECS development here will have significant air quality impacts.

First, very little of the action area would actually be suitable for WECS development, even absent the proposed policy change. WECS are already prohibited, for example, on approximately 40% (1,280 acres) of the affected area. (EA, at p. 45.) Of the 2,180 acres remaining in the action area, 1,220 acres have slopes of 25% or greater. (*Ibid.*) Mountainous areas are also generally unsuitable for WECS due to the potential for impacts to scenic resources. Thus, only approximately 960 acres of potentially developable land is actually affected within the action area.

Second, the bulk of the expanded area that is not mountainous, is within the San Gorgonio River floodplain, wherein additional land use constraints apply. Also, floodplains within the expanded area are predominately located in the foreground of important landscape features, such as Fingal's Finger, and would impact these viewsheds. Floodplain areas are also largely located along scenic highways and major thoroughfares, such as I-10, which makes them highly visible to a large number of people. Most importantly, the proposed expanded area in which WECS will be prohibited represents only a small fraction of the total area within the San Gorgonio Pass region available for wind energy development. (*Ibid.*)

Considering the constraints discussed above, the area excluded from WECS development is, at 960 acres, quite small, particularly compared to the total San Gorgonio Pass area. Indeed, the San Gorgonio Pass Area contains over 35,000 acres, excluding areas constrained by land use conflicts, environmental concerns, or prohibitions contained in Ordinance 348, that are available for commercial WECS development. (EA, at p. 45.)

In addition, approval of the Policies will not result in a reduction in the amount of energy generated by wind resources. At present, the area subject to the Policies does not contain WECS, and thus generates no energy.

Under CEQA, the proper focus of environmental review is the potential effect of the project on the existing, physical environment. Where a proposed project will not have an impact on that existing setting, then no impact will occur. (CEQA Guidelines, § 15125; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.)

In this case, the effect of the Policies is to prohibit a particular use within a particular area. The use -- the development of wind energy -- has both environmental benefits (in the form of the exploitation of a renewable energy source) and environmental costs (primarily in the form of visual impacts, but also with respect to other resources).

The Policies will not, however, result in any reduction in the actual amount of energy currently being generated via wind power. No WECS are present within the area. Thus, the impact is merely theoretical at this time: precluding the development of wind power within a particular area.

The Policies could have an impact on natural resources if they precluded harvesting this resource at some point in the future. For example, under the CEQA Guidelines, an agency must consider whether a project would convert farmland to another use. (CEQA Guidelines, Appendix G, ¶ II.) Similarly, the agency must consider whether a proposed project would result in the loss of availability of an important mineral resource. (CEQA Guidelines, Appendix G, ¶ X.)

In this case, however, the Policies will not result in converting the area to another use. Nor will the policies result in the loss of availability of an energy resource. The resource –

wind power – will remain. As a matter of legislative discretion, the Policies will preclude development of that resource within a particular area. Nothing would affect the County’s discretion, however, to revise that policy in the future. The wind resource will remain available for harvesting at such time as the County revises its policies to allow this activity within this area. Moreover, as explained above, the unavailability of this particular area for wind energy development is not considered significant.

The current circumstances resemble those at issue in *Marin Municipal Water District v. KG Land California Corporation* (1991) 235 Cal.App.3d 1652. In that case, a water district adopted a moratorium on water hookups in order to deal with drought conditions. As the Court observed, “[t]he question which immediately springs to mind is how a moratorium of this type, which by its very nature will maintain the status quo rather than foster development, might result in *any* adverse change in physical conditions existing in the area, let alone one which is substantial.” (235 Cal.App.3d at p. 1661 fn. 4.) The EIR for the project concluded that the potential secondary effects of the moratorium were too speculative to allow for detailed analysis, and the Court went on to uphold the EIR’s approach. (Id. at pp. 1660-1663.) Similarly, in *Silveira v. Las Gallinas Valley Sanitary Dist.* (1997) 54 Cal.App.4th 980, a sewer district was concerned that possible residential development on an open parcel adjacent to its sewer treatment plant would be affected by plant odors. The district adopted a negative declaration and condemned the parcel to serve as an odor buffer. The landowners sued, arguing the record contained evidence that project would exacerbate a regional shortage in affordable housing by withdrawing the property from the inventory of parcels designated for such uses, and would be inconsistent with applicable land-use plans. The Court rejected these arguments, noting that the district’s acquisition of “will produce no change in the current use of the land.” (54 Cal.App.4th at p. 993.)

The same conclusion is appropriate here. Adoption of the policies will not affect the physical condition of the area subject to those Policies. In the words of the *Silveira* Court, adoption of the Policies “will produce no change in the current use of the land.”

In sum, the enactment of the Policies will not affect actual use of the land, and will not substantially limit the WECS land use potential of the region. For the reasons described above, the land use alterations associated with the General Plan amendment are considered less than significant. The relative importance of this area for WECS development in light of existing and potential WECS development not only in the San Geronio Pass Area and the County but in southern California and throughout the state is minimal.

b. GE’s Pending WECS Application

As noted above, precluding WECS in the limited areas described by the proposed General Plan amendment does not create a significant effect on energy resources. There is only one application to construct WECS in the action area, submitted by Enron (now GE Wind Energy (“GE”). GE’s application for a commercial WECS permit (WCS00099) and Change

of Zone No. 6429 would be inconsistent with the proposed Policies.

i) GE's Project

The project associated with WCS00099 proposes a zone change to the W-E zone and the development of a WECS array of up to 22 wind turbines at heights greater than 300 feet. (EA, at p. 30-31.) GE characterized its project as a 33 MW project, though the application estimated power output at 19 MW. (Letter from Brian Condon, Arnold & Porter, to the Riverside County Planning Department, September 14, 2001 ("Condon Letter"), at p. 7; Commercial WECS Permit, WCS00099, February 17, 1999.) The AWEA, moreover, estimated project capacity at 23.25 MW. (AWEA, Major California Wind Energy Resource Areas and Wind Energy Projects (2002) ("Wind Energy Projects 2000").)

The WCS00099 project, initially submitted in January 1999, encountered serious public controversy and has been redesigned at least three times. On September 6, 2001, the Planning Department completed an initial study pursuant to EA No. 37552 and determined that an EIR for this project should be prepared. A Notice of Preparation was issued on September 12, 2001 (SCH# 2001091052). The WCS00099 project was determined to have potentially significant impacts in the area of aesthetics, biological resources, cultural resources, geology/soils, hazards & hazardous materials, hydrology/water quality, land use & planning, noise, recreation, transportation (bike trails), and utilities. Precluding GE's proposed WECS development is the only concrete and direct effect of the General Plan amendment. This impact is discussed in detail below. Other potential impacts are indirect, speculative, and at this point, not reasonably foreseeable.

ii) Impact of the Policies on Potential Energy Resources

According to the California Energy Commission's 2002 Net System Power Calculation Report (attached hereto as Attachment A), California's total supply of energy in 2002 was 31,112.3 megawatts.¹ Approximately 1.3%, or 404.8 megawatts, of that supply consisted of wind energy generated throughout California. Using AWEA's estimations, GE's proposed WECS development in the action area would *potentially* contribute 23.25 MWs, or approximately 5%, of the entire state's wind energy. (Wind Energy Projects 2000.) According to the AWEA, the San Geronio Pass area supplies roughly one-third of the state's wind energy. The entire San Geronio Pass, therefore, supplies less than one-half of one percent of the state's total energy supply. Comparing GE's potential contribution to the state's *total* energy supply of over 31,112.3 MWs, therefore, the contribution of WECS development on the affected parcels of land is negligible.

¹ Energy values are presents in Gigawatt-Hours (GWh). GWh can be converted to megawatts (MWs) by dividing the number of GWhs by 8,760, then multiplying by 1,000. This staff report uses MW values to facilitate comparisons.

Even viewed in the context of just San Geronio Pass, with its potential installed capacity of 588 MWs, GE's proposed project would contribute approximately 3%.

The staff is aware of an expert opinion that the area in the vicinity of Snow Creek contains particularly high quality wind resources. (Simon Letter.) Even assuming this to be true, however, in light the area's negligible potential contribution to the state's overall power supply, the high quality of the wind potential on that particular parcel does not alter the staff's conclusion that the potential energy impact of the proposed policies is less than significant.

The only direct impact from precluding the development of WECS in the expanded area, and in particular, GE's proposed WECS development, are economic impacts to GE. Economic and social impacts of a proposed project, by themselves, "shall *not* be treated as significant effects on the environment [under CEQA]." (CEQA Guidelines, § 15131, subd. (a) (emphasis added), 15382; see also Pub. Resources Code, §§ 21100, subd. (d), 21151, 21080, subd. (e).) As one court commented, CEQA was "not designed to protect against the . . . decline in commercial value of property[.]" (*Hecton v. People of the State of California* (2d Dist. 1976) 58 Cal.App.3d 653, 656 [130 Cal.Rptr. 230].) "[T]here must be a physical change resulting from the project directly or indirectly before CEQA will apply." Thus, if a proposed project may cause economic and social consequences, but no significant environmental impacts, CEQA does not require that an EIR be prepared.

In *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004 [100 Cal.Rptr.2d 413], petitioners, based on a series of assumptions, argued that Borders Books would cause existing downtown bookstores and other downtown businesses to close, thus leading to the deterioration of the downtown area. (*Id.*, at p. 1021.) The Court of Appeal rejected this argument and, with respect to whether petitioners' alleged social and economic impacts, the court held that CEQA addresses physical changes in the environment, and that under CEQA, "economic and social changes are not, in themselves, significant effects on the environment." (*Id.*, at p. 1019.) The court reasoned that, under CEQA, "the question is not whether a project will affect particular persons, but whether it will affect the environment of persons in general." (*Ibid.*) The court went on to clarify that economic and social changes may be addressed under CEQA if they will produce changes in the physical environment and may be considered with respect to the determination whether physical changes will be significant. (*Ibid.*) Alleged impacts on air quality are not enough to transform the economic impact of the amendment on GE into a direct and significant effect on the environment.

c. Air Quality Impacts

It has been further argued that precluding WECS development in the areas affected by the Policies will increase reliance on fossil fuels, and thereby adversely affect air quality. Evidence does not support that argument.

i) Air Quality Setting

The expanded WECS-exclusion area is within a non-attainment portion of the Southeast Desert Air Basin (SEDAB) due to pollution levels that exceed federal standards for oxidants and particulate. (EA, at p. 13.) The main source of oxidant pollutants is the South Coast Air Basin (SCAB) located to the west. Air currents transport pollutants from SCAB into SEDAB via the San Gorgonio Pass. Further east of the Pass, air quality (in terms of transported pollutants) improves markedly. The second significant pollutant, particulate (also referred to as “PM 10” meaning particulate of 10 microns in size) arises primarily from blowsand. The region is generally prone to high blows and hazards due to the combination of low precipitation levels, high heat, poor vegetation cover, chronic high winds, erosion, and soil types (silts and sands). The primary man-made sources of blows and generation are mining and farming operations, fires, and off-road travel.

ii) It is Uncertain Whether WECS Provide Air Quality Benefits

The record reflects uncertainty as to any possible air quality improvements to be gained from WECS development. The South Coast Air Quality Management District (“SCAQMD”) commented in the Wind Study that “[t]o the extent that this project would allow reduced use of oil and gas utility boilers in the Basin, general air quality in the SCAB and downwind in the SEDAB will be marginally improved.” (Final Wind Study, at p. 1-36 (emphasis added).) In other words, only *if* the use of WECS allows reduced use of fossil fuels could air quality be expected to improve. The SCAQMD did not indicate the proportion of fossil fuel usage that has been reduced by WECS, or if such a reduction has occurred at all. (*Ibid.*) Recognizing this uncertainty, the Study noted that “[n]o attempt to quantify the amount of improvement [in air quality] has been made as it is not possible to determine what generating facilities will be effected; the time of day; or year when these facilities will be shut down; or projected meteorology at this undetermined time which will effect the rate of transport and other essential factors.” (*Id.* at p. 1-99.) Thus, there was no indication at that time that WECS would actually reduce reliance on fossil fuels or improve air quality.

iii) There are Other Sites Available for WECS Development

Even assuming that energy not harvested in the action area must be “replaced,” ample opportunities for WECS development exist in other areas within the San Gorgonio Pass. As noted above, the Wind Study found that approximately 35,000 acres of unconstrained land was available for WECS development. Moreover, a project by Mark Technologies is currently under development in the San Gorgonio area with a potential capacity of 40.3 MW. (Wind Energy Projects.) Thus, due to the large amount of land within San Gorgonio pass that could be developed with WECS, and the fact that another project outside of the action area is pending, the staff concludes that other opportunities exist within the San Gorgonio area for development of WECS.

Even if a WECS developer chose not to locate a project in San Gorgonio, however, California is host to many other productive wind-energy resource areas. AWEA data, for

example, suggests that Altamont Pass, Pacheco Pass, Solano County, and Tehachapi are each highly productive wind-energy regions. (Wind Energy Projects.) Indeed, AWEA's data further indicates that there are nearly 400 MW of potential capacity are planned for development in California, in areas other than San Geronio. (*Ibid.*) Thus, evidence indicates that the exclusion of WECS from the action area will not significantly retard the development of wind energy in California generally, or in San Geronio Pass in particular.

iv) California's Energy Includes a Diverse Supply of Non-Polluting Sources

Current evidence also does not support the assumption that non-WECS energy must, or even will likely, come from polluting sources. California's energy supply is highly diversified. A large percentage of its power, in fact, comes from non-polluting and renewable sources. According to the California Energy Commission, nearly 20% of California's power, for example, comes from hydro-power facilities. (Attachment A.) Another approximately 15% is nuclear, and biomass, geothermal and solar power provide an additional 8%. Thus, approximately 43% of the California's energy supply is composed of non-air polluting sources, compared to 1.3% of total contributions from wind power. Based on this diversity in California's energy supply there is no reason to believe that "replacement" energy would necessarily come from a polluting source. The argument that the exclusion of WECS development from the action area, therefore, is without basis.

v) Speculation

To fairly assess the argument that WECS exclusion in the action area will lead to decreased air quality, the County would need to know, among other things:

- the exact engineered capacity of potential projects within the action area, which depends on the future decisions of potential project proponents
- how the engineered capacity of WECS projects translates into actual energy output, which varies considerably depending on weather patterns²
- whether a replacement source would indeed be necessary, which depends on future market conditions, weather, and energy-efficiency technology

² For example, the American Wind Energy Association presents data in terms of "Installed & Projected MW" but this does not translate into actual energy production. (Wind Energy Projects.) Indeed, while the AWEA reports 1,832.2 MW of installed capacity in California, the California Energy Commission reported that wind energy contributed only approximately 404.8 MW to the state's total power supply. Compare Wind Energy Projects, with California Energy Commission's 2002 Net System Power Calculation Report (Attachment A).

- the market conditions and technical feasibility of various replacement options
- the polluting potential of the various replacement options, which varies depending on the energy source chosen by the energy project proponent
- the precise location of replacement energy sources and that location’s prevailing meteorological conditions, which depends on the decisions of future energy project proponents and weather

Each of the factors listed above are dynamic, and depend upon knowledge of future conditions and the outcome of private decision-making. CEQA, however, does not require “crystal ball” inquiry in the preparation of environmental documents. (*Towards Responsibility in Planning v. City Council of the City of San Jose* (1988) 200 Cal.App.3d 671, 681; *Resident’s Ad Hoc Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286.) Indeed, “when the nature of future development is nonspecific and uncertain, an EIR need not engage in ‘sheer speculation’ as to future environmental consequences.” (*Marin Municipal Water District v. KG Land California Corporation* (1991) 235 Cal.App.3d 1652, 1662; *see also Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 395-96 (noting that “where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences”).) When confronted with speculative possibilities, the CEQA Guidelines instruct lead agencies to note the speculative nature of the impact, and end the discussion there. (CEQA Guidelines, § 15145 (stating that “[i]f, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact”).)

The discussion of the amount of wind energy that might be prevented from development, and the degree of increased air pollution as a result, is speculative. Based on available information, however, there is no indication that the extension of current WECS-exclusion zones will significantly affect the development of wind energy in California. Similarly, there is no evidence that excluding WECS development in the action area will lead to an increased reliance on polluting sources of energy, thereby decreasing air quality. On the contrary, all of the evidence indicates that ample opportunities exist throughout California, and within the San Geronio Pass, for the development of WECS, despite the proposed policies.

vi) Air Quality Policies in the General Plan Will Protect Air Quality

While the adverse air quality impacts of prohibiting WECS development in the action area are less than significant, the staff appreciates public apprehension regarding air quality. It is useful, therefore, to point out that the Draft General Plan, in addition to the Policies here at issue, also includes a number of policies that are designed to protect the region’s air quality. Air Quality Policy 4.5, for example, would require stationary pollution sources to prevent the release of toxic pollutants design features, operating procedures, preventative maintenance,

operator training, and emergency response planning. Air Quality Policy 4.6, moreover, would require stationary air pollution sources to comply with all applicable air district rules and control measures. Finally, any exceedance of allowable emissions will have to be mitigated, pursuant to Air Quality Policy 4.7. Thus, even if non-WECS power generation will be required to “replace” the energy not being produced in the action area, General Plan policies will ensure that air impacts are minimized.

5) Policy Determination Balancing Competing Interests and Resources

Recognizing that the construction of WECS has serious impacts to scenic and other resources, the County has included several County-wide WECS policies in the revised Draft General Plan. (See, e.g., Open Space Policy 10.1 (“Provide for orderly and efficient wind energy development in a manner that maximizes benefits and minimizes detrimental effects to the residents, bird migration, and the environment of the County”), Open Space Policy 10.2 (“Continue to implement the County’s Wind Implementation Monitoring Program”).) The County has also proposed policies to guide development of WECS within the San Geronio Pass area and established the San Geronio Pass Wind Energy Policy Area. These policies reflect an effort to balance competing interests in WECS development and visual resources.

The San Geronio Pass Wind Energy Policies, in the Riverside Comprehensive General Plan, suggested a number of WECS-free zones, including setbacks near the Pacific Crest Trail alignment, the Devil’s Garden Park area, scenic highways, and other key viewpoints, such as views of San Jacinto Mountains. (San Geronio Pass Wind Energy Policies (February 1990), at pp. 144-46; Riverside Comprehensive General Plan (1994) at p. 410.) For example, WCVAP 2.2 “[p]rohibits wind turbines in the area immediately west and north of the County’s Devil’s Garden Park area.” This amendment to the San Geronio Pass Wind Energy Policies would create two additional WECS-free zones.

As discussed above, these exclusions are not expected to significantly affect the state’s power supply or air quality. Moreover, exclusion of WECS development in these areas will preserve significant viewsheds, and avoid other adverse environmental impacts associated with WECS development. Balancing the negligible adverse impact to energy resources against the substantial beneficial impact to viewsheds and other environmental resources in the WECS-exclusion areas, the staff finds that the enactment of these policies would produce an overall environmental benefit.

Attachments

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