

## 5.7 LAND USE

This section describes existing and planned land uses within the Genesis Solar Energy Project (the Project) area and on surrounding properties within one mile of the facility site and within 0.25-mile on both sides of the Project's transmission line, referred to in the following discussion as the Project area. The discussion addresses affected environment, environmental impacts, and applicable land use planning goals, policies, and designations as they relate to land use.

### 5.7.1 Affected Environment

#### 5.7.1.1 Overview

The Project area is located in eastern Riverside County, California. Expansive, primarily undeveloped desert and mountainous areas characterize much of eastern Riverside County. The Project is proposed for construction on largely undisturbed desert land managed by the Bureau of Land Management (BLM). There are no existing structures within the Project area. The Project site is situated entirely on BLM administered land, between the Palen-McCoy Wilderness and Interstate 10 (I-10). Photographs of the site in its current condition are presented in Section 5.10 Visual Resources, and an aerial view of the Project area is provided as Figure 5.10-19.

The site is relatively flat, with elevations ranging from approximately 400 feet above mean sea level (amsl) at the northwest corner to 370 feet amsl in the southeastern portion.

I-10 and State Routes 78 (SR-78) and 177 (SR-177) are the primary highways near the Project area. A single four wheel drive road runs north-south through the westernmost portion of the Project area, providing access into the Palen-McCoy Wilderness. Small airports and airstrips are located at Blythe, Desert Center, and Julian Hinds, but there are no regularly scheduled passenger flights into these airports. Please refer to Section 5.11, Traffic and Transportation for additional information on airports and highways.

The nearest populated area is Blythe, about 25 miles to the east of the Project. Blythe also includes within its incorporated boundaries, though discontinuous with the rest of the area, two state prisons, Chuckwalla Valley and Ironwood. This dual prison facility is located about nine miles to the south of the Project. Population and demographic trends are discussed in more detail in Section 5.8, Socioeconomics.

According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), no lands designated as containing Prime farmland or Farmland of Statewide Importance are present within the Project site (FMMP, 2009). The nearest farmland of Statewide Importance, which is also Prime Farmland, is approximately 15 miles to the east of the Project, in Blythe. The Project area lies outside of the FMMP survey area.

Aerial photographs and BLM mining claim records indicate an iron mining operation was once in operation at the northern end of the road, but the claim has since been closed and the BLM is not aware of any current activity of any type at that location (BLM, 2009a).

#### 5.7.1.2 Plans and Policies

##### Bureau of Land Management Plans and Policies

The Project would be located wholly within federally owned lands administered by the BLM under the guidance of the California Desert Conservation Area (CDCA) Plan (BLM, 1980). The CDCA is a 25

million acre expanse of land in southern California designated by Congress in 1976 through the Federal Land Policy and Management Act (FLPMA). In 2002, the BLM completed a Plan amendment to the CDCA Plan called the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) which amends the CDCA Plan regarding biological resources, especially the endangered desert tortoise, as well as public access to BLM lands in the study area (BLM, 2002). The BLM administers about 10 million acres of the California Desert based on a Multiple Use Classification system, which is based on a suite of compatible, planned land uses and conservation of sensitive land resources. According to the CDCA Environmental Impact Statement (EIS), “Public lands are assigned a Multiple Use Class according to the allowable level of multiple use, as follows:

- Class C (Controlled Use) designation is the most restrictive, and is assigned to wilderness with minimal levels of multiple use.
- Class L (Limited Use) lands are managed to provide lower-intensity, carefully controlled multiple use of resources while ensuring that sensitive values are not significantly diminished.
- Class M (Moderate Use) lands are managed to provide for a wider variety of uses such as mining, livestock grazing, recreation, utilities and energy development, while conserving desert resources and mitigating damages permitted uses may cause.
- Class I (Intensive Use) provides for concentrated uses of lands and resources to meet human needs.”

The Project site lies in Multiple Use Class M, under both the CDCA Plan and the NECO Amendment. In addition to the brief description above, Class M areas are managed to achieve a balance between higher-intensity use and the protection of public land. This designation accommodates mining, livestock grazing, energy and utility development, and recreational uses, provided impacts generated by those activities are mitigated. Class M management is designed to conserve desert resources and mitigate damage to those resources which permitted uses may cause. According to the multiple use class guidelines, solar electrical generation facilities may be allowed in Class M in accordance with Federal, State, and local laws.

Designated utility corridors were established as part of the CDCA Plan, as well as through the proposed West-Wide Energy Corridor. The utility corridors were established to encourage joint use of common utility corridors for various linear projects, and avoid sensitive wilderness and cultural resources whenever possible. In the project vicinity, these two utility corridors largely overlap. The Project’s transmission line would connect with the Blythe Energy Transmission Line, which is currently under construction within CDCA utility corridor K. The Multiple Use Classes and utility corridors in the Project area are illustrated in Figure 5.7-1.

### **Solar Energy Study Areas and Solar Energy Zones**

On June 29, 2009, Secretary of the Interior Salazar and Senator Harry Reid announced a “fast-track” initiatives program for solar energy development in six western states. This program is intended to “identify appropriate Interior-managed lands that have excellent solar energy potential and limited conflicts with wildlife, other natural resources or land users.” New renewable energy coordination offices would fast-track renewable energy proposals on BLM lands by expediting the application process for renewable energy generation projects.

The Solar Energy Programmatic EIS (PEIS) – an ongoing Department of Energy project – has identified and is evaluating 24 solar energy study areas on the BLM lands in six western states. In-depth analysis of the PEIS of these areas will analyze alternatives that could facilitate environmentally

responsible solar energy development, as well as evaluate environmental effects of solar energy technologies that are ready for deployment at utility-scale (DOE, 2009).

### **Areas of Critical Environmental Concern**

Under the CDCA, the BLM designated locations that have special management needs as Areas of Critical Environmental Concern (ACEC). These areas typically feature important habitat for sensitive species, include significant cultural resources, are particularly scenic in character, or are areas hazardous to human life and property. While the designation of an ACEC itself does not necessarily change the management or use of public land, projects proposed within ACECs may be subject to unique or additional mitigation measures designed to protect the sensitive resources present (BLM, 1980). ACECs nearest to the Project site are described here and illustrated in Figure 5.7-2.

The Palen Dry Lake ACEC is 3,632 acres in size and is managed as a Multiple Use Class M for the protection of prehistoric resources (BLM, 1980). This ACEC is near the Project Area on the southwestern corner.

The Chuckwalla Valley Dune Thicket ACEC is 2,273 acres in size and lies about 2.3 miles to the southeast of the Project area. This ACEC is managed as Multiple Use Class M, for wildlife habitat, specifically that of the desert tortoise (BLM, 1980).

The Mule Mountains ACEC is 4,092 acres in size and lies about 12 miles to the southeast of the Project area. This ACEC bears dual Multiple Use Class designations, M and L, and was established to manage prehistoric resources (BLM, 1980).

### **Wilderness Areas**

In addition to ACECs, the BLM administers Wilderness Areas in the vicinity of the Project. The BLM administers the following Wilderness Areas within the Project vicinity: Little Chuckwalla Mountains, Chuckwalla Mountains, and Palen/McCoy. Wilderness Areas are illustrated in Figure 5.7-2. None of the Project elements would be within any wilderness areas, but it is possible the Project facility could be seen by recreationists from within the Wilderness Areas (see Section 5.10, Visual Resources for additional information on scenic effects).

### **Recreation Opportunities**

The Ford Dry Lake OHV Limited Use Area is bounded by I-10 to the south, SR-177 to the west, U.S. Route 62 to the north, and Rice-Midland Road to the east. Motorized access was limited to established routes with the passage of the Northern and Eastern Colorado Desert Plan Amendment to the CDCA Plan in 2002. The OHV area offers no amenities such as water or day use facilities.

An area within the Chuckwalla Mountains Wilderness offers backcountry camping, where discrete campsites are not established and there are no amenities. The camping area lies approximately 15 miles to the west of the Project and is accessible via Corn Springs Road (BLM, 2009b).

### **Riverside County Plans and Policies**

#### **Zoning and Land Use**

As stated above, the Project area – including the linear facilities – lies entirely on BLM administered lands and is therefore not subject to Riverside County zoning or land use regulations. However, it should be noted the proposed access road and transmission line would be routed near private parcels which are zoned Controlled Development Areas (W-2-10) and Natural Assets (N-A) and the land use designation Open Space Rural (OS-RUR) (County of Riverside, 2000 and 2003). Energy

generation facilities are not addressed in these zones or land use designations, though the rural nature of the Project area would likely be considered suitable for such use by the County, were non-Federal land to become involved in the Project.

### **Land Ownership**

As described, most of the land in the vicinity of the Project is managed by the BLM. A few private parcels exist near the Project ROW and the linear corridor. Figure 5.7-3 shows the land ownership around the main ROW and Figure 5.7-4 shows the land ownership near the transmission line. The information shown in these figures was derived from the Riverside County Assessor's database.

### **5.7.2 Environmental Impacts**

The land use impact evaluation focuses on the following issues: 1) the conformity of the Project with local land use plans, ordinances and policies; and 2) the potential for the Project to have direct, indirect, and/or cumulative land use conflicts with existing and planned uses.

Approximately 1,800 acres of land would be converted to industrial use for the duration of the Project life. Supporting infrastructure, such as wells, roads, and support buildings, would be installed or constructed, and the land area covered with solar energy collection troughs. As a result, land occupied by the Project would no longer be available for activities such as mining, other energy development facilities, or wildlife conservation. Current BLM land use policy has reduced or prohibited recreation and grazing activities within the area covered by the facility footprint. Therefore, these activities would not be affected by the Project.

Because of the amount of surface disturbance involved, a right-of-way (ROW) for a solar power generation facility effectively precludes other uses of the lands and resources subject to the ROW for at least the term of the ROW and may extend to the time needed to reclaim the lands disturbed. An amendment to the CDCA Plan would be required for all solar power generation facilities, including the Genesis Solar Energy Project.

The Project's access road and transmission line, whose routes coincide for most of their length, would travel from the southeast corner of the Project area to the existing BLM access road near Wiley's Well Rest Area and the Blythe Energy Project Transmission Line (BEPTL), respectively.

Because limited OHV use is already allowed along most of the proposed and alternative route segments, new access roads near the transmission line route are not expected to contribute to additional OHV access in the Project area.

Temporary and permanent land surface disturbance of the various Project elements are addressed in Table 3.2-2.

### **5.7.3 Mitigation Measures**

No significant impacts to land use would result from the construction and operation of the Project; therefore, no mitigation measures are required.

### **5.7.4 Significant Unavoidable Adverse Impacts**

There would be no significant unavoidable impacts to land use as a result of Project construction or operation.

### 5.7.5 Cumulative Impacts

It is anticipated a number of large solar projects will be developed within the region and if constructed, these projects could result in cumulative impacts to the region.

Similar to the Genesis Project, most of the large solar energy projects in Table 5.1-1 would require grading and infrastructure development over several thousand acres. Because the land underlying these projects would be dedicated to the production of solar energy, other land use activities such as grazing, recreation, and mineral or other energy extraction would be excluded. Should all or even several of the applied-for solar projects listed in Table 5.1-1 be approved and constructed, a large percentage of the land within the footprint of said facilities would be converted to industrial use and rendered unavailable for other activities or uses for the lifetime of the solar energy projects, which is estimated at 30 to 50 years.

A list of the projects that could be consider as reasonably foreseeable for the purposes of assessing potential cumulative impacts is presented in Table 5.1-1.

With the exception of potential high voltage transmission line development, impacts from non-solar energy projects in the Project area are not expected to contribute to overall cumulative impacts in the region. It is conceivable that wind energy, mineral extraction, grazing, or recreation—if otherwise permitted by BLM—could occur on parcels adjacent to the Project site. However, the potential for land development in the Project area is naturally limited. Factors include remote location, climate, lack of potable water supply, habitat requirements, and other Federal, State, and local land use laws and zoning restrictions.

### 5.7.6 Applicable Laws, Ordinances, Regulations and Standards (LORS)

This section addresses potentially applicable LORS related to land use. Table 5.7-1 summarizes the applicable Federal, State, and local LORS and additional discussion is provided below. The Project will comply with the applicable Federal, State, and local LORS.

**Table 5.7-1. LORS Applicable to Land Use**

LORS	Requirements	Administering Agency	Where Discussed in AFC
<b>Federal:</b>			
Federal Land Policy and Management Act	Project must be compatible with the designated land use specified in the CDCA and NECO	BLM	Section 5.7.1.2
<b>State:</b>			
California Public Resources Code Section 25500 et seq.	Gives CEC the authority to certify proposed power facility sites, supersede local land use regulations, and be the lead agency for CEQA documents.	CEC	Section 5.7.6.2
California Code of Regulations, Title 20, Sections 1701 et seq., 1752, and Appendix B	Establishes CEC procedures, documentation, and required environmental and other findings for siting of electrical energy generating facilities.	CEC	Section 5.7.6.2
<b>Local:</b>			
None Applicable			

### **5.7.6.1 Federal Authorities and Administering Agencies**

The Project lies completely within lands administered by the Palm Springs-South Coast Field Office of the BLM. BLM lands are managed for recreation, open space, resource extraction including mineral, oil and gas extraction, as well as for scenic and cultural values. Administering land for energy development and transmission has become a key role of the BLM, especially in the southwestern states, where solar and wind energy resources are strong.

In 1999, The Wildlands Conservancy (TWC) organization arranged the purchase of 437,000 acres of “checkerboard” parcels throughout San Bernardino, Riverside, and Imperial Counties from the Catellus Development Corporation and donated them to the BLM and National Park Service. Recent calls by Government officials have been made to preserve these lands with a National Monument designation. The nearest parcel of the so-called Catellus lands is approximately 20 miles to the northwest, and is completely within Joshua Tree National Park (TWC, 2009).

BLM must consult with the U.S. Fish and Wildlife Service (USFWS) for Project adverse impacts to wildlife under Section 7 of the Endangered Species Act. Please refer to Section 5.3, Biology for further discussion.

### **5.7.6.2 State Authorities and Administering Agencies**

#### **California Public Resources Code**

The California Public Resources Code (PRC) establishes the CEC as the certifying authority for solar energy generation projects 50 megawatts or larger in California, and as the lead agency under CEQA for environmental review in accordance with provisions of the Warren-Alquist State Energy Resources Conservation and Development Act (Warren-Alquist Act) codified in Section 25000 *et seq.* of the PRC.

The Warren-Alquist Act further provides in PRC Section 25519(c) that “The Commission shall be the lead agency as provided in Section 21165 [of the California Environmental Quality Act] for all projects that require certification pursuant to this chapter....” PRC Section 25523(a) also requires the CEC to prepare a written decision that includes measures to protect environmental quality and public health and safety. Thus, this AFC supports compliance with applicable State LORS relative to land use and environmental decisions.

#### **California Code of Regulations Title 20**

Title 20, Public Utilities and Energy provides guidance for actions to be taken by the CEC in the review of applications for facilities within the jurisdiction of the CEC. Included are the requirements for public noticing, environmental, and other information required to be submitted with all applications, and the required public safety, environmental, and other findings to be made by the CEC in order to approve an application.

### **5.7.6.3 Local Authorities and Administering Agencies**

There are no local (county or city) entities with jurisdiction over the Project area, and therefore none are discussed here.

### **5.7.6.4 Compliance with Land Use LORS**

Through this document and the EIS that will be produced by the BLM, the Project would be in compliance with LORS regarding land use.

### 5.7.7 Involved Agencies and Agency Contacts

Agencies and agency contacts relative to land use are provided in Table 5.7-2.

**Table 5.7-2. Involved Agencies and Agency Contacts**

Agency/Address	Contact/Telephone	Permits/Reason for Involvement
Bureau of Land Management 1201 Bird Center Drive Palm Springs, CA 92262	Greg Hill Planning & Environmental Coordinator 760-833-7140	Information on land use, management, and permitting.
	Claude Kirby Realty Specialist 760-833-7150	Information on utility corridors and ROW grants.

### 5.7.8 Permits Required and Permit Schedule

Agency-required permits and permit schedule related to land use are summarized in Table 5.7-3.

**Table 5.7-3. Permits Required and Permit Schedule**

Permit/Approval Required	Time for Processing
Bureau of Land Management, ROW Grant for solar energy project and associated transmission line	1 to 2 years for processing and approval.

### 5.7.9 References

BLM, 1980. *The California Desert Conservation Area Plan 1980 as Amended*.

[http://www.ca.blm.gov/pdfs/cdd\\_pdfs/CA\\_Desert\\_.pdf](http://www.ca.blm.gov/pdfs/cdd_pdfs/CA_Desert_.pdf).

BLM, 2002. *Proposed Northern and Eastern Colorado Desert Coordinated Management Plan and Final Environmental Impact Statement*. Issued jointly by the BLM and the California Department of Fish and Game.

BLM, 2009a. Bureau of Land Management, 2009. Personal Communication, Greg Hill, Planning and Environmental Coordinator with Andrea Slusser, Tetra Tech EC. July 29, 2009.

BLM, 2009b. Bureau of Land Management, 2009. Personal Communication, Cheryl Martinez, Geologist, with Andrea Slusser, Tetra Tech EC. July 29, 2009.

County of Riverside, 2000. Zoning Ordinance of Riverside County (Ordinance No. 348). On-line [http://www.rctlma.org/planning/content/zoning/ordnance/ord348\\_zones.html](http://www.rctlma.org/planning/content/zoning/ordnance/ord348_zones.html). Accessed July 29, 2009.

County of Riverside, 2003. General Plan Land Use Element. On-line [http://www.rctlma.org/genplan/content/gp/chapter03.html#TOC2\\_4](http://www.rctlma.org/genplan/content/gp/chapter03.html#TOC2_4). Accessed July 29, 2009.

DOE, 2009. Department of Energy Solar Energy Development Programmatic EIS website: <http://www.solareis.anl.gov/index.cfm>. Accessed August 3, 2009.

FMMP, 2009. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring website, [http://redirect.conservation.ca.gov/DLRP/fmmp/county\\_info\\_results.asp](http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp), accessed July 24, 2009.

The Wildlands Conservancy, 2009. The Wildlands Conservancy website [http://www.wildlandsconservancy.org/projects\\_cal.html](http://www.wildlandsconservancy.org/projects_cal.html). Accessed July 27, 2009.